

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, April 2, 1963

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

Prayer by the Rev. Mr. Russell B. Chase of the Methodist Church, Wilton.

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 State Government on Bill "An Act Transferring Division of Geological Survey of Department of Economic Development to the University of Maine" (S. P. 482) (L. D. 1334) reporting Leave to Withdraw.

Report of same Committee reporting same on Bill "An Act Exempting Certain Personnel of Department of Economic Development from Personnel Law" (S. P. 483) (L. D. 1335)

Report of same Committee reporting same on Bill "An Act Transferring Division of Research and Planning of Department of Economic Development to the University of Maine" (S. P. 484) (L. D. 1336)

Report of same Committee reporting same on Bill "An Act Creating a Governor's Committee on Economic Development" (S. P. 485) (L. D. 1337)

Came from the Senate read and accepted.

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

Covered by Other Legislation

Report of the Committee on State Government reporting Leave to Withdraw on Bill "An Act relating to Term of Office of Department Heads Appointed by Governor" (S. P. 399) (L. D. 1102), as it is covered by other legislation.

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 Definition of Group Life Insurance" (S. P. 349) (L. D. 1015)

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

Report of the Committee on Welfare reporting same on Bill "An Act Relieving Children and Certain Relatives of Financial Responsibility in Old Age Assistance, Aid to the Blind and Aid to the Disabled" (S. P. 491) (L. D. 1343)

Came from the Senate read and accepted.

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

Ought to Pass

Report of the Committee on State Government reporting "Ought to pass" on Bill "An Act Adding the Suspension or Revocation of Licenses of Official Inspection Stations to the Administrative Code" (S. P. 459) (L. D. 1286)

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

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

Referred to Committee on Judiciary

Report of the Committee on State Government on Bill "An Act relating to Quorum of Maine Sardine Council" (S. P. 338) (L. D. 1003) reporting that it be referred to the Committee on Judiciary.

Came from the Senate with the Report read and accepted and the Bill referred to the Committee on Judiciary.

In the House, the Report was read and accepted and the Bill referred to the Committee on Judiciary in concurrence.

The SPEAKER: The Speaker is very happy this morning to recognize in the balcony of the House, a group of Camp Fire Girls of the Sa-Ta-Hi group in Portland, accompanied by Mrs. Robert Chute, the

leader. They are the guests of Representative Cope of Portland. Included in this group are Representative Cope's daughter and Marlene Reali, niece of Representative Hendricks.

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 this morning. (Applause)

Ought to Pass with Committee Amendment

Report of the Committee on Municipal Affairs on Bill "An Act to Change the Fiscal Year of City of Lewiston" (S. P. 280) (L. D. 794) 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. 280, L. D. 794, Bill, "An Act to Change the Fiscal Year of City of Lewiston."

Amend said Bill by striking out all of the emergency preamble.

Further amend said Bill by striking out all of the first paragraph of the emergency clause, including the headnote, and inserting in place thereof the following:

'Referendum; effective date; certificate to Secretary of State. This act shall take effect 90 days after adjournment of the Legislature only for the purpose of permitting its submission to the legal voters of the City of Lewiston present and voting at a special election to be called by the municipal officers of the City of Lewiston and held not later than 90 days after adjournment of the Legislature.'

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

Report of the Committee on Municipal Affairs on Bill "An Act re-

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

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

'I. Offices manager to hold. At the time of adoption, the town may **The selectmen shall determine'**

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

Report of the Committee on State Government on Bill "An Act relating to Salary of Commissioner of Education" (S. P. 373) (L. D. 1039) 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 acceptance in concurrence and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to S. P. 373, L. D. 1039, Bill, "An Act Relating to Salary of Commissioner of Education."

Amend said Bill by striking out all of the 6th and 7th lines and inserting in place thereof the following:

'"commissioner," whenever a vacancy occurs and fix his salary, not to exceed \$14,000 \$16,000 per year. The commissioner shall be executive'

Committee Amendment "A" was adopted in concurrence and the Bill

assigned for third reading tomorrow.

Tabled and Assigned

Report of the Committee on State Government on Bill "An Act Increasing Salary of Forest Commissioner" (S. P. 374) (L. D. 1040) 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.

(On motion of Mr. Bragdon of Perham, tabled pending acceptance of the Committee Report and specially assigned for Friday, April 5.)

Divided Report

Majority Report of the Committee on Liquor Control on Bill "An Act relating to Sunday Sales of Liquor by Hotels and Class A Restaurants" (S. P. 6) (L. D. 6) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. KIMBALL of Hancock
JACQUES of Androscoggin
— of the Senate.
Messrs. BERNARD of Sanford
TARDIFF of Lewiston
TOWNSEND of Baileyville
WADE of Skowhegan
Mrs. OAKES of Portland
— of the House.

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

Report was signed by the following members:

Mrs. CHRISTIE of Aroostook
— of the Senate.
Messrs. MEISNER
of Dover-Foxcroft
CHAPMAN of Norway
— of the House.

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

In the House: Reports were read.

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

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

The SPEAKER: The gentleman from Skowhegan, Mr. Wade, moves the acceptance of the Majority "Ought to pass" Report; and the Chair recognizes the gentleman from Bucksport, Mr. Pierce.

Mr. PIERCE: Mr. Speaker, Ladies and Gentlemen: I am opposed to this motion for three reasons. I have patiently covered my main streets of my six representative towns. I have also been to various civic organizations. I have found a predominant request that this bill does not receive passage. Furthermore, in my Appropriations Committee, Commissioner Lloyd Allen testified that that Commission received 200,000 requests for information each year. I asked the Commissioner if among those 200,000 requests, any had asked whether or not Maine sold liquor on Sunday. His answer was "no." I asked him, if among those 200,000 requests, any had refused or any had complained because Maine did not sell liquor on Sunday. His answer was "no." Furthermore, consider well my situation, I wish to vote according to my conscience.

I hold here the Holy Bible. Section 8 of Chapter 20, Exodus says: "Remember the Sabbath Day, to keep it holy." When the vote is taken, I ask for a Roll Call.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Skowhegan, Mr. Wade, that the House accept the "Ought to pass" Report.

A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of those present. All those in favor of a roll call, will please rise and remain standing until the monitors have made and returned the count.

A sufficient number arose.

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

The question before the House is the motion of the gentleman from

Skowhegan, Mr. Wade, that the House accept the Majority "Ought to pass" Report.

Is the House ready for the question?

The Chair recognizes the gentleman from Hampden, Mr. Littlefield.

Mr. LITTLEFIELD: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make a few remarks about this bill.

The SPEAKER: The gentleman may proceed.

Mr. LITTLEFIELD: Mr. Speaker, Ladies and Gentlemen of the House: I think we are going too far with the liberalization of liquor laws in the State of Maine. This bill places the sale of liquor before us on Sunday when traffic on our highways is the heaviest. There will be those who abuse the law and they will be the ones to cause the accidents. You may say I am prejudiced, but two of my good friends have been killed and a couple maimed for life in auto accidents where liquor was involved. So I think I have some reason to object to these bills.

Since the days of Repeal, bills have constantly come before the Legislature to extend the selling time of liquor. This one wants it sold on Sunday afternoons. Are we going to have a bill before the next Legislature to sell liquor all day Sunday, and throw our church day to the four winds?

I have traveled over this country and the Maritime Provinces to some extent. I like to stop ten days or a month in a place and meet the people, go to the grocery store, the barber shop, talk to the man mowing his lawn, and go to a church or grange public supper. If there happens to be a bar in town, I step in there to see the people and talk with them. Do I take a drink? Yes, occasionally, but frankly I had rather meet the people. Seldom in my travels has liquor been served in the eating places that I have stopped off at.

Last spring in St. Petersburg, Florida, one of the great tourist cities of our country, my wife and I had dinner at a different place each day for ten days. Not one of them served liquor. We called at four hotels for winter rates, and none had a bar. At the Al Lang Baseball Field where Casey Stengel

and his New York Mets were playing, there was one beer concession, and the man was shouting his head off to make sales enough for a day's pay. When you tell me that we have to have liquor Sundays to attract tourists, I just don't believe it.

There are many people in Maine who do not want liquor sold on Sundays. They are human beings and deserve a little consideration. I don't think we are stretching tolerance any by preventing the sale of liquor on Sundays. There are six other days you know. I hope that the motion to pass this bill is defeated.

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

Mr. HENDSBEE: Mr. Speaker, a few weeks ago I spoke to the body here in reference to 'Mechanized Murder,' the new film which has recently been released of death on our highways. Up until last night, there had been thirty-seven fatalities on the highways of Maine. Fourteen of them have been directly involved in liquor, and with young people.

Now why I am speaking here this morning is to justify my existence for being here because I believe we owe a certain amount of allegiance to the people who went to the polls and voted for us; particularly myself, coming from a Democratic town. People have come to me and asked me to oppose this measure, and I think I am quite within my rights to speak on it on their behalf. I have been told that this particular measure would contribute much to our tourist business. Now I am wondering just how far-reaching a statement of that sort could be. Well, if you ever do visit the Maritime Provinces and the Province of Prince Edward Island, whose tourist rate has jumped phenomenally in the past few years, where liquor cannot be procured at any time, Sunday or any other day. I have talked with many people down there, and they tell me that that is the way that they like it, and that is the way they are going to keep it, because there is very little trouble. A highway death down there is almost a national calamity, I think probably three or four people in a year.

Now I am just simply asking you folks this morning, when you vote on this measure, to search your minds and consciences and see if you want to be a part of something which could open the door to something which would be most disastrous to our State of Maine. And as a State of Mainer, I am for everything that is good in the State of Maine, and I do not consider that this is good legislation.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I shall vote against this measure, and in so doing, I feel that I am representing an overwhelming majority of the rural district which I represent.

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

Mr. WADE: Just to keep the record straight, ladies and gentlemen, my colleague on my left, Mr. Littlefield, and my county associate Mr. Hendsbee, both made references to the liquor laws in the Maritime Provinces. I strongly suggest to both of them, that they check the liquor laws before they make further statements.

The SPEAKER: Is the House ready for the question? All those in favor of the motion of the gentleman from Skowhegan, Mr. Wade, that the House accept the Majority "Ought to pass" Report on Bill "An Act relating to Sunday Sales of Liquor by Hotels and Class A Restaurants," Senate Paper 6, Legislative Document 6, will answer "yes" when their name is called; those opposed to the motion will answer "no" when their name is called.

The Clerk will call the Roll.

ROLL CALL

YES — Albair, Anderson, Orono; Bedard, Benson, Bernard, Berry, Binnette, Boissonneau, Bourgoin, Brown, South Portland; Burns, Busiere, Cartier, Childs, Cope, Cote, Cottrell, Coulthard, Cressey, Crockett, Dennett, Dostie, Lewiston; Drake, Dunn, Easton, Gallant, Gilbert, Giroux, Hardy, Hendricks, Jalbert, Jameson, Jobin, Kilroy, Knight, Levesque, Libby, Linnekin,

Lowery, MacGregor, MacLeod, MacPhail, Minsky, Nadeau, Noel, Oberg, O'Leary, Osborn, Pease, Pitts, Plante, Poirier, Lewiston; Prince, Harpswell; Rand, Rankin, Rust, Smith, Bar Harbor; Smith, Falmouth; Tyndale, Wade, Wellman.

NO — Anderson, Ellsworth; Ayob, Baldic, Berman, Birt, Boothby, Bragdon, Brewer, Brown, Fairfield; Carter, Chapman, Choate, Crommett, Curtis, Davis, Denbow, Dudley, Edwards, Ewer, Finley, Gifford, Gill, Gustafson, Hammond, Hanson, Harrington, Hawkes, Hendsbee, Henry, Humphrey, Hutchins, Jewell, Jones, Karkos, Kent, Laughton, Lincoln, Littlefield, Mathieson, McGee, Meisner, Mendes, Mower, Norton, Osgood, Philbrick, Pierce, Prince, Oakfield; Reynolds, Richardson, Ricker, Roberts, Ross, Brownville; Ross, Augusta; Sahagian, Scott, Shaw, Smith, Strong; Snow, Susi, Taylor, Thaanum, Thornton, Treworgy, Turner, Vaughn, Viles, Waltz, Waterman, Watkins, White, Guilford; Whitney, Wight, Presque Isle; Williams, Wood, Young.

ABSENT — Blouin, Bradeen, Cookson, Foster, Hobbs, Maddox, Oakes, Tardiff, Townsend, Ward, Welch.

Yes 61; No 76; Absent 11.

The SPEAKER: Sixty-one having voted in the affirmative and seventy-six in the negative with eleven absentees, the Majority "Ought to pass" Report does not prevail. Is it now the pleasure of the House to accept the Minority "Ought not to pass" Report?

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

Mr. RUST: Mr. Speaker, I move that this item lie on the table until one week from tomorrow.

The SPEAKER: The question before the House is the motion of the gentleman from York, Mr. Rust, that this matter be tabled until one week from tomorrow.

Mr. Pierce of Bucksport requested a division on the tabling motion.

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

A division of the House was had. Sixty having voted in the affirmative and seventy-five having voted in the negative, the tabling motion did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Southport, Mr. Rankin.

Mr. RANKIN: Mr. Speaker, I move Legislative Document 6 be laid upon the table until the beginning of the next legislative day.

The SPEAKER: The gentleman from Southport, Mr. Rankin, moves that this item lie upon the table until the next legislative day. Is this the pleasure of the House?

(Cries of "No")

The SPEAKER: All those in favor of this being tabled until the next legislative day, will say aye; those opposed, say no.

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

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

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

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

Non-Concurrent Matter

Report of the Committee on State Government reporting "Ought not to pass" on Bill "An Act Providing for Disposal of Unnecessary Real Estate and Appurtenances Belonging to State of Maine" (H. P. 508) (L. D. 710) which was accepted in the House on March 5.

Came from the Senate recommitted to the Committee on State Government in non-concurrence.

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

Non-Concurrent Matter Tabled and Assigned

Majority Report of the Committee on Election Laws reporting "Ought not to pass" on Bill "An Act Providing for Separate Voting Place

for Connor" (H. P. 728) (L. D. 1057) and Minority Report reporting "Ought to pass" which Reports and Bill were recommitted to the Committee on Election Laws in the House on March 27.

Came from the Senate with the Majority Report accepted in non-concurrence.

In the House:

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

Mr. BERRY: Mr. Speaker, I move that the House recede and concur.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Berry, moves that the House recede and concur.

The Chair recognizes the gentleman from Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker, I move that item seventeen lie on the table until tomorrow.

Thereupon, the Reports and Bill were tabled pending the motion of Mr. Berry of Cape Elizabeth that the House recede and concur with the Senate and specially assigned for tomorrow.

Non-Concurrent Matter

Bill "An Act relating to Establishment of a Personnel Law for Certain Employees of the City of Lewiston" (H. P. 544) (L. D. 801) which was referred to the Committee on Judiciary in the House on January 30.

Came from the Senate referred to the Committee on Municipal Affairs in non-concurrence.

In the House:

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

Mr. JALBERT: Mr. Speaker, on January 29 — this happens to be my measure and the Reference of Bills Committee voted to refer this to the Judiciary Committee. I accepted it then. I checked this out with the gentleman from Bangor, Mr. Wellman, who is House Chairman of the Municipal Affairs Committee. I accepted their decision then, and I accept it now. I move that we insist.

Thereupon, the House voted to insist on its former action.

Non-Concurrent Matter Tabled and Assigned

Majority Report of the Committee on Election Laws reporting "Ought to pass" on Bill "An Act to Authorize a Bond Issue for Purchase of Voting Machines for Resale to Municipalities" (H. P. 97) (L. D. 141) and Minority Report reporting "Ought not to pass" which Reports and Bill were indefinitely postponed in the House on March 5.

Came from the Senate with the Majority Report accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

In the House:

(On motion of Mr. Dennett of Kittery, tabled pending further consideration and specially assigned for Tuesday, April 9.)

Non-Concurrent Matter

Bill "An Act relating to Ballot Inspection and Recount Procedures for Municipal Referendums" (H. P. 727) (L. D. 1056) which was recommended to the Committee on Election Laws in the House on March 6.

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

In the House:

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

Mr. CHILDS: Mr. Speaker, this matter was recommitted to the Committee for the purpose of correcting some of the wording in it. I believe it has been adequately taken care of by this Senate Amendment. Therefore, I move that we now recede and concur with the Senate.

Thereupon, the House voted to recede and concur with the Senate.

Non-Concurrent Matter

Bill "An Act to Create the Bureau of Maine Archives" (H. P. 1011) (L. D. 1462) which was passed to be engrossed in the House on March 19.

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.

Orders

On motion of Mr. Mendes of Topsham, it was

ORDERED, that Mr. Ward of Limestone be excused from attendance this week because of business.

House Reports of Committees Leave to Withdraw

Mr. Baldic from the Committee on Health and Institutional Services on Bill "An Act relating to Definition of Narcotic Drug and Exemptions" (H. P. 31) (L. D. 55) reported Leave to Withdraw.

Mr. Brown from the Committee on Taxation reported same on Bill "An Act relating to Payment of Excise Tax on Farm Tractors" (H. P. 845) (L. D. 1232)

Reports were read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Cressey from the Committee on Health and Institutional Services reported "Ought not to pass" on Bill "An Act Relocating Boys Training Center at Hebron" (H. P. 98) (L. D. 142)

Mr. Ross from same Committee reported same on Bill "An Act relating to Reciprocal Registration for Pharmacists" (H. P. 766) (L. D. 1120)

Mr. Carter from the Committee on Highways reported same on Bill "An Act to Authorize the Issuance of Bonds in the Amount of Fifty Million Dollars on Behalf of the State of Maine to Build State Highways" (H. P. 274) (L. D. 368)

Report was read and accepted and sent up for concurrence.

Tabled and Assigned

Mr. Crockett from the Committee on Highways reported "Ought not to pass" on Bill "An Act relating to Construction of Picnic Areas Along the Maine Turnpike" (H. P. 99) (L. D. 143)

Report was read.

(On motion of Mr. Harrington of Dexter, tabled pending acceptance of the Committee Report and specially assigned for Tuesday, April 9.)

Mr. Drake from the Committee on Highways reported "Ought not to pass" on Resolve Requiring State Highway Commission to Construct Overhead Directional Sign on Interstate Highway in Kittery Indicating "U. S. Route 1, Coastal Areas York to Portland" (H. P. 444) (L. D. 649)

Report was read and accepted and sent up for concurrence.

Tabled and Assigned

Mr. Nadeau from the Committee on Highways reported "Ought not to pass" on Bill "An Act relating to Turnpike Signs Designating Conditions in Maine" (H. P. 100) (L. D. 144)

Report was read.

(On motion of Mrs. Kilroy of Portland, tabled pending acceptance of the Committee Report and specially assigned for Tuesday, April 9.)

Mr. Ross from the Committee on Highways reported "Ought not to pass" on Bill "An Act Providing Free Use of Maine Turnpike by Members of Executive Council and Legislature" (H. P. 102) (L. D. 146)

Mr. Turner from same Committee reported same on Resolve in favor of Town of Pembroke, Washington County (H. P. 207) (L. D. 276)

Reports were read and accepted and sent up for concurrence.

Ought to Pass Printed Bills

Mr. Easton from the Committee on Education reported "Ought to pass" on Bill "An Act relating to Expenditures from Unorganized Territory Capital Working Fund" (H. P. 863) (L. D. 1250)

Mr. Levesque from same Committee reported same on Bill "An Act relating to Income from Ministerial and School Fund in Determining Educational Foundation Program Allowance" (H. P. 762) (L. D. 1116)

Mr. Treworgy from same Committee reported same on Bill "An Act to Extend Contracts for School Conveyance from Three to Five Years" (H. P. 637) (L. D. 893)

Mr. Cressey from the Committee on Health and Institutional Services

reported same on Bill "An Act relating to Licensing of Mortuary Assistants and Rules and Regulations of the Board of Examiners of Funeral Directors and Embalmers" (H. P. 733) (L. D. 1062)

Mr. Drake from the Committee on Highways reported same on Bill "An Act Providing for Boothbay Harbor Region Area Sign on Maine Turnpike" (H. P. 103) (L. D. 147)

Mr. Waterman from the Committee on Taxation reported same on Bill "An Act relating to County Taxes in Places Not Incorporated" (H. P. 689) (L. D. 945)

Mr. Waltz from the Committee on Veterans and Military Affairs reported same on Bill "An Act Prohibiting Sale or Purchase of Military Decorations" (H. P. 859) (L. D. 1246)

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

Referred to 102nd Legislature

Mr. Hobbs from the Committee on Health and Institutional Services on Bill "An Act to Provide for the Control of Air Pollution" (H. P. 732) (L. D. 1061) reported that it be referred to the 102nd Legislature.

Report was read and accepted, the Bill referred to the 102nd Legislature and sent up for concurrence.

Ought to Pass with Committee Amendment

Mr. Hardy from the Committee on Municipal Affairs on Bill "An Act to Provide for a Civil Service Commission for Town of Kittery" (H. P. 478) (L. D. 681) 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. 478, L. D. 681, Bill, "An Act to Provide for a Civil Service Commission for Town of Kittery."

Amend said Bill by striking out all of the first sentence of section 3 and inserting in place thereof the following:

'All appointments to the office of chief of police shall be made by the commission from an eligibility

list made up after the examination of applicants. All applicants must have 5 years or more of satisfactory service in an organized police department.

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

Tabled and Assigned

Mr. Wellman from the Committee on Municipal Affairs on Bill "An Act Repealing Laws Requiring Fences Around Burying Grounds" (H. P. 876) (L. D. 1416) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read.

(On motion of Mr. Birt of East Millinocket, tabled pending acceptance of the Committee Report and specially assigned for Friday, April 5.)

Divided Report

Majority Report of the Committee on Sea and Shore Fisheries reporting "Ought not to pass" on Bill "An Act Repealing the Tax on Quahogs" (H. P. 791) (L. D. 1144)

Report was signed by the following members:

Mr. BREWSTER of York
— of the Senate.

Messrs. LOWERY of Brunswick
MacGREGOR of Eastport
YOUNG of Gouldsboro
MADDOX of Vinalhaven
RANKIN of Southport
RICHARDSON of Stonington
PRINCE of Harpswell
— of the House.

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

Report was signed by the following members:

Messrs. CRAM of Cumberland
REED of Sagadahoc
— of the Senate.

Reports were read.

On motion of Mr. Young of Gouldsboro, the Majority "Ought not to pass" Report was accepted and sent up for concurrence.

Divided Report

Report "A" of the Committee on Industrial and Recreational Development reporting "Ought to pass"

on Bill "An Act Establishing a Division of Foreign Trade in the Department of Economic Development" (H. P. 907) (L. D. 1315)

Report was signed by the following members:

Messrs. LOVELL of York
NOYES of Franklin
KIMBALL of Hancock
— of the Senate.

Mrs. KILROY of Portland
Mr. JOBIN of Rumford
— of the House.

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

Report was signed by the following members:

Messrs. LITTLEFIELD of Hampden
HARDY of Hope
OSGOOD of Corinna
NORTON of Caribou
GILBERT of Eddington
— of the House.

Reports were read.

On motion of Mr. Littlefield of Hampden, Report "B" "Ought not to pass" was accepted and sent up for concurrence.

Passed to Be Engrossed

Bill "An Act relating to Marketing Order under Maine Potato Marketing Act" (S. P. 348) (L. D. 1014)

Bill "An Act relating to Municipal Zoning Hearings" (S. P. 368) (L. D. 1034)

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 Amended Tabled and Assigned

Bill "An Act relating to Non-alcoholic Drink Products and Beverages" (S. P. 469) (L. D. 1346)

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

Mr. Tyndale of Kennebunkport offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to S. P. 469, L. D. 1346, Bill, "An Act Relating to Non-alcoholic Drink Products and Beverages."

Amend said Bill by adding at the end thereof the following sections:

"Sec. 3. R. S., c. 32, Sec. 3, amended. The first sentence of section 3 of chapter 32 of the Revised Statutes, as last amended by section 92 of chapter 417 of the public laws of 1961, is further amended to read as follows:

'The commissioner shall make uniform rules and regulations for carrying out sections 3 to 9, 32 to 38, 142 to 145, 180 to 215, section 228-A, sections 258 to 272, 274 to 276, 276-A to 276-D and 277 to 295 277-A to 277-J.'

Sec. 4. R. S., c. 32, Sec. 4, amended. Section 4 of chapter 32 of the Revised Statutes, as repealed and replaced by section 29 of chapter 378 of the public laws of 1959 and amended by section 93 of chapter 417 of the public laws of 1961, is further amended to read as follows:

'Sec. 4. Hearing in case of violation. When the commissioner becomes cognizant of the violation of any provision of sections 3 to 9, 32 to 38, 142 to 145, 180 to 215, 215-A to 215-J, 216 to 228, 228-A, 229 to 236, 236-A to 236-K, 237 to 247, 258 to 272, 274 to 276, 276-A to 276-D and 277 to 295 277-A to 277-J, he shall cause notice of such fact, stating the date, hour and place of hearing, with a copy of the finding or, in case of a packer of food, a copy of the charge to be preferred, to be given to the person concerned and the person from whom the sample was obtained, and the person whose name appears upon the label, if a resident of the State, who shall be given an opportunity to be heard under such rules and regulations as may be prescribed by the said commissioner. When the hearing relates to the packing of apples, it shall be held in the county where the inspection was made.'

House Amendment "A" was adopted in non-concurrence.

The SPEAKER: The Chair recognizes the gentleman from Wiscasset, Mr. Pease.

Mr. PEASE: Mr. Speaker and Members of the House: I understand we are considering L. D. 1346, Senate Paper 469. In section 1 of the bill, which is section 277b of the law, the second paragraph says "No person shall sell or offer for sale in this State any beverage

manufactured or bottled outside the State, unless such person shall have made application and secured a license to sell beverages from the commissioner on payment of \$15." I have a feeling that what was intended was to reach the wholesaler, but the wording of the bill seems to me to reach the retailer, and it means, as I would understand it, at least the document before me, that any grocery store, any service station or any other store or business that sold non-alcoholic drink products and beverages, i.e. soft drinks, that happened to be bottled outside the State of Maine, would have to be licensed. I seriously question whether this was the intention of the law, and I would ask some member of the Committee that heard this bill, the Committee on Agriculture, if this was their understanding or did they understand it applied only to retailers, or is it not clear?

The SPEAKER: The gentleman from Wiscasset, Mr. Pease, poses a question through the Chair to a member of the Committee on Agriculture who may answer his question if they choose.

The Chair recognizes the gentleman from Scarborough, Mr. Coulthard.

Mr. COULTHARD: Mr. Speaker, we were of the understanding that it applied to wholesalers only.

Thereupon, on motion of Mr. Pease of Wiscasset, the Bill was tabled pending passage to be engrossed and specially assigned for tomorrow.

Bill "An Act relating to Group Accident and Sickness Insurance for Credit Unions" (S. P. 546) (L. D. 1474)

Bill "An Act relating to Group Life Insurance for Credit Unions" (S. P. 547) (L. D. 1475)

Bill "An Act Providing for Life Preservers for Boats for Hire" (H. P. 35) (L. D. 58)

Bill "An Act Providing for Fire Protection for Certain Townships in Franklin County" (H. P. 73) (L. D. 35)

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
Amended**

Bill "An Act Providing for Public Dumps for Jerusalem and Crockertown, Franklin County" (H. P. 74) (L. D. 36)

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

Mr. Hutchins of Kingfield offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 74, L. D. 36, Bill, "An Act Providing for Public Dumps for Jerusalem and Crockertown, Franklin County."

Amend said Bill in the 7th line by striking out the underlined figure "3" and inserting in place thereof the underlined figure '2'

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

Bill "An Act relating to Equipment and Safe Operation of Boats" (H. P. 283) (L. D. 377)

Bill "An Act relating to Territorial Limits, Quorum and Powers of South Freeport Water District" (H. P. 550) (L. D. 765)

Bill "An Act Empowering the Supreme Judicial Court of Maine to Prescribe Rules in Criminal Cases" (H. P. 654) (L. D. 910)

Bill "An Act relating to Duty of State Historian in Submitting Names for Designating Memorial Bridges or Highways" (H. P. 831) (L. D. 1218)

Bill "An Act relating to Fee for Sheriff's Service in Hand and Attachment of Personal Property or Writ of Replevin" (H. P. 848) (L. D. 1235)

Bill "An Act relating to Transmittal to Secretary of State of Court Record of Appeal from Conviction Relative to Motor Vehicles" (H. P. 926) (L. D. 1360)

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
Amended
Tabled and Assigned**

Bill "An Act Authorizing Forest Commissioner to Permit and Regulate Dredging in Great Ponds" (H. P. 1015) (L. D. 1469)

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

Mr. Easton of Winterport offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 1015, L. D. 1469, Bill, "An Act Authorizing Forest Commissioner to Permit and Regulate Dredging in Great Ponds."

Amend said Bill by striking out the single quotation mark at the end and by adding a new paragraph to read as follows:

"No material removed from a great pond shall be placed on the land of an abutting owner without his consent."

House Amendment "A" was adopted.

(On motion of Mr. Levesque of Madawaska, tabled pending passage to be engrossed and specially assigned for Tuesday, April 9.)

Bill "An Act relating to Proceedings in Adoption of Children" (H. P. 1024) (L. D. 1485)

Bill "An Act relating to Archaeological Excavations" (H. P. 1028) (L. D. 1491)

Resolve to Change the Name of Crockertown, Franklin County, to Sugarloaf Township (H. P. 973) (L. D. 1412)

Resolve in favor of Town of Woolwich for Rent of Certain Property Owned by State (H. P. 1026) (L. D. 1487)

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 Third Reader
Tabled and Assigned**

Bill "An Act relating to Services for Locating Deserting Parents and Other Persons Liable for Support of Dependents" (S. P. 490) (L. D. 1342)

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

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

Mr. CHILDS: Mr. Speaker, I would like to inquire from any member of the Committee on Welfare, the purpose of this legislation and why \$10,000 is needed to carry it out?

The SPEAKER: The gentleman from Portland, Mr. Childs, poses a question through the Chair to any member of the Welfare Committee who may answer if he desires.

(On motion of Mr. Birt of East Millinocket, tabled pending passage to be engrossed and specially assigned for tomorrow.)

Amended Bills

Bill "An Act relating to Research Studies to Reduce Morbidity or Mortality in Motor Vehicles" (S. P. 492) (L. D. 1344)

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.

Bill "An Act relating to Appointment of Clerks of Courts and Clerks Pro Tempore" (H. P. 816) (L. D. 1203)

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

Mr. Tyndale of Kennebunkport offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 816, L. D. 1203, Bill, "An Act Relating to Appointment of Clerks of Courts and Clerks Pro Tempore."

Amend said Bill in the Title by inserting after the words "Relating to" the words "Vacancy in the Office of County Commissioner and"

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

Tabled and Assigned

Bill "An Act Increasing Exemption of Veteran's Property from

Taxation" (H. P. 695) (L. D. 951)

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

(On motion of Mr. Chapman of Norway, tabled pending passage to be engrossed and specially assigned for tomorrow.)

Passed to Be Enacted

An Act Prohibiting a General Contractor to Bid Unless Able to Perform Part of Work (S. P. 523) (L. D. 1438)

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

Enactor

Tabled and Assigned

An Act relating to Power of Eminent Domain of Maine State Park and Recreation Commission (S. P. 542) (L. D. 1468)

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

(On motion of Mr. Wellman of Bangor, tabled pending passage to be enacted and specially assigned for Tuesday, April 9.)

An Act to Create the Van Buren Sewer District (H. P. 493) (L. D. 695)

An Act relating to Quorum of Cumberland Water District (H. P. 496) (L. D. 698)

An Act Revising the Savings Bank Law (H. P. 568) (L. D. 878)

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 relating to Rules and Regulations for Length of Duty of Drivers of Vehicles for Hire (H. P. 677) (L. D. 933)

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

(On motion of Mr. Tyndale of Kennebunkport, tabled pending passage to be enacted and specially assigned for Friday, April 5.)

An Act Revising Laws on Dogs in Unorganized Territory (H. P. 798) (L. D. 1185)

An Act relating to Municipal Accounting Systems and Postaudit (H. P. 850) (L. D. 1237)

An Act relating to How Motor Vehicle Number Plates are Fastened (H. P. 858) (L. D. 1245)

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
Indefinitely Postponed

An Act Providing for Safety Seat Belts for Automobiles (H. P. 996) (L. D. 1437)

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

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

Mr. TURNER: Mr. Speaker, Ladies and Gentlemen of the House: I suppose I ought to ask to lay this on the table until some future time, but I don't think she is worth it. This bill calls for all 1964 cars shall have seat belts. That means after August 1 of this year or thereabouts, this joker will be in effect. What is it going to cost the people of the State of Maine? The Appropriations and the Highway Committees had a joint hearing last week on the state police budget. In their request for more state police and more money, they mentioned the increase in car registrations since 1946. There were 305,000 licensed car operators in 1946 as compared with 454,000 in 1961. Also 252,000 resident vehicle registrations as compared with 440,000 in 1961.

Now I wish you would take your pencil in hand and write down 440,000 and multiply that by \$25.00, which would be the minimum price of seat belts if put on by the manufacturer, and this would give you \$11,000,000, and with the turnover of cars say once in three or four or five years, this would make easy figuring, and this joker would cost the people of the State of Maine \$2,000,000 a year. Seems to me this is a lot of money to spend for

something additional to sit on, namely, belts and buckles.

Somebody is going to make a lot of money on this deal, and this money will go out of the State along with our World's Fair deal. We are paying into the D.E.D. account about a million and a half a year to bring money and business into the State, and here we are working against this noble organization. Today, anyone can have seat belts if they want them, happy they can afford them.

This magazine here that was put out by the American Medical Association and dated February 13, 1963, and here is where seat belts were voted by both branches of the Legislature in South Dakota on January 1964, and the Governor vetoed this bill. He said he agreed with the intent of the bill, but believed it unfairly restrictive. I would like to see this bill killed here, and I am afraid our Governor will not veto it, as it calls for about \$11,000,000 over a five-year period. I think the remedy is worse than the disease in this case. My favorite motto is: "A treat instead of a treatment." The automobile manufacturers are getting a treat in this deal; our folks back home the treatment. I move indefinite postponement of this bill and all its literature.

The SPEAKER: The question before the House is the motion of the gentleman from Auburn, Mr. Turner, that item ten, "An Act Providing for Safety Seat Belts for Automobiles," Legislative Document 1437, be indefinitely postponed.

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

Mr. DRAKE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to take exception to the remarks of the gentleman from Auburn, Mr. Turner. Any item of automotive equipment which may save lives, including his, should not be treated as a joke. We are not asking that people be required to use seat belts; we are asking that the automobiles be furnished with them so that people may use them or not use them as they see fit. I am sure that a few years back when the automobile companies in-

stalled directional signals, that might have been termed a joker by some of our good friends. We don't say that the seat belts are going to be the answer to all highway deaths, but certainly the record proves that in many instances they will save lives. Our death-toll record in the State of Maine is not to be taken lightly. I would like to quote a few lines from a report of the Special Subcommittee on Traffic Safety of the Committee on Interstate and Foreign Commerce, before the 85th Congress:

"The subcommittee recognizes that a seat belt cannot save your life in all types of accidents; nevertheless, the evidence submitted to the subcommittee does indicate that on an actuarial basis your chances of survival, and survival with reduced severity of injury, are greatly enhanced if you are wearing a seat belt at the time of the accident."

"The subcommittee was extremely pleased to hear Mr. White and view his movie on automobile crashes." This refers to testimony by Mr. Andrew J. White, director of Motor Vehicle Research, Incorporated, and I am sure you remember that you all received copies of that report. To go on: "Upon the basis of the testimony presented by all witnesses, however, which predominantly favored seat belts, the subcommittee did not find itself in agreement with Mr. White's views. The subcommittee, while recognizing that the seat belt is not completely perfect or a panacea for all traffic accidents, the subcommittee does feel that the seat belt provides such a substantial additional degree of safety to the motorist that the subcommittee does conclude that their use promotes safety."

Further at this hearing, Mr. John O. Moore, director of automotive crash injury research of the Cornell Medical School, had the following to say: "Granting that seat belts under some unique conditions can be cited 'dangerous' as the direct or indirect cause of death or injury, it must be remembered that safety—like law or medicine—works for the majority.

"While some unfortunate few suffer on occasion, vast numbers benefit. Without system there is chaos and anarchy, whether it is in the area of justice, health, or safety.

"The rules and procedures in each of these areas are established by observation of occurrences which are common, rather than exceptional. We do not bypass or ignore the use of a drug or vaccine which may in rare circumstances cause death. We do not reject laws because they sometimes miscarry. We cannot cast aside seat belts because they can be demonstrated to cause harm in some few cases.

"Evidence about the actual performance of seat belts should be weighed, in our opinion, in the light of the entire accident picture."

Ladies and gentlemen of the House, I hope that the motion of the gentleman from Auburn, Mr. Turner, does not prevail.

The SPEAKER: Is the House ready for the question?

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen: I insure hundreds of cars, and I believe perhaps that there has been some good come out of these seat belts, but out of two hundred accidents my company had in one week last winter, I couldn't say that any of them that seat belts did any good.

Now I am sure from what experience that we have had seat belts are good in the front seat and the person beside the driver. Otherwise than that I can't see that they are any particular good. But I don't believe it is the prerogative of this legislature to force everybody to put on seat belts. Now if they do turn out to be a good thing, people will put them on, but to date, no company has ever of their experience, ever said that the seat belts were helpful, and of course insurance companies are always trying for something to lessen the accidents so they won't have to pay the claims. So I would be in favor of the bill as is to indefinitely postpone it or else table it to see if something might be done with it.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: It fends me no end to take a different position than my friend, the gentleman from Bath, Mr. Drake, in this matter. There are some things about this that bother me a great deal. Of course it has already been pointed out in debate that we can require seat belts to be installed in cars, but to require people to use them would be an almost impossible task.

Again, it also has been pointed out that they are available and anybody who wishes a seat belt can have one today. I think I would feel a good deal the same if a bill came before this Legislature requiring all of us or all of the people of the State of Maine to immediately go out and dig a fall-out shelter. They can do that too if they want to. One would be perhaps as effective as the other, we don't know.

You might say that we might attempt to pass a bill that would prohibit anybody purchasing a car that the motor was in the back end. These things all fall in the same category. It seems to me — I find myself reluctant to legislate these things. They are available to all the people, and I shall go along with the gentleman from Auburn, Mr. Turner, when the vote is taken.

The SPEAKER: The Chair recognizes the gentleman from Paris, Mr. Hammond.

Mr. HAMMOND: Mr. Speaker, I believe when this bill was amended it showed the weakness of the bill. As I now understand it, this is not required for children in school buses. If children in school buses do not need seat belts, why do passengers in automobiles?

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

The SPEAKER: A division has been requested. The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of this House: I have a little feeling about this bill myself, and I feel like this, I would want to be the last man

in this House to say that you people couldn't have a seat belt, but I want to be the last man in this House to say you have got to have one.

I think we meet here and aggravate the people with nuisance things like this when we should be tending to business that is much more important.

Now these seat belts may work very nice at a race track, and no doubt these people would use them, but I run a filling station and many, many people come to my place and very seldom I see them with the seat belt in use. Many State cars stop there and they already have them in, and it has been a great expense to the State, and I fail to see anyone using them, at least when they come in my place. I can see as it stands today, if anybody really wants one they can have one. Myself personally, I find them very hard to sit on, and I would like to go along with my good friend, Mr. Turner and see this bill indefinitely postponed.

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

Mr. SMITH: Mr. Speaker and Members of the House: I rise in support of this bill, not in support of the motion to postpone indefinitely. I would like to point out very briefly that a report by a committee of the medical doctors to the Albermarle Maryland Medical Society made this statement published in the report of a sub-committee, United States Congress: "A seat belt is the best safety feature that can be provided at this time and, if worn, will prevent some sixty percent or more of deaths and injuries."

The gentleman from Enfield, Mr. Dudley, remarked that we have more important matters to consider in the Legislature. I can think of nothing more important than an effort to stem the tide of slaughter on our highways.

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the

House: I would like to rise in support of my friend from Bar Harbor, Mr. Smith. If any of you have been touched by the tragedy of the loss of a loved one in an automobile accident, the auto was not equipped with seat belts, I dare to say that perhaps you, like myself, will wonder if those seat belts might have done some good. Thank you.

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

Mr. WATERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I happen to be one of them — I am not sure whether I should say fortunate or unfortunate people, who does not have seat belts. Last November 7th I happened to be in an automobile accident where the vehicle which crashed into my vehicle came in on the left-hand side. Today, I am very thankful that I was not tied to the seat. I realize it takes but a moment to disconnect the seat belt buckle, but that moment that I would have been using to disconnect the buckle, I was using to get away from the door, and I am still here today. Had I been tied to the door I might not have been here today.

Mention has been made to directional signals as possibly being jokers. I am not so sure sometimes but what they still are jokers, because I have followed many automobiles down the highway that were blinking to make either a left or a right turn and they would continue in a straight direction.

Mention has been made regarding health. Well, most of the dairymen who are in this House today are interested in the sale of milk. Most people will recognize that milk is quite a contributing factor to the health of people. Why not pass legislation requiring all people in the state to purchase two or three quarts of milk a day whether they want to drink it or not? They might drink it if they bought it.

A few weeks ago reference was made to I believe Congressman Kyl from Iowa who was quite in favor of seat belts. I happen to have a clipping from a local Iowa newspaper, my wife having come from the State of Iowa, and in this particular

issue it says: "A bill to make seat belts mandatory on all new cars was defeated in committee." I am almost sorry that our committee didn't see fit to do likewise. Thank you.

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

Mr. BREWER: Mr. Speaker, Ladies and Gentlemen of the House: I don't wish to prolong this debate. I will just say that this bill has been recommended by the Governor for highway safety reasons. In answer to Mr. Hammond, the gentleman from South Paris, the original bill — the bill as it is before the House today — was the original bill that was heard before the Committee. The Committee Report came out in a redraft including school busses which was amended out here. So the bill actually is in the same position it was when it was submitted to the committee. I think highway safety is a serious business. If we had bombs falling and bullets whistling around in war-time, we wouldn't take this seriously. I just leave this with you, that since the advent of the automobile, there has been more people killed and injured on our highways than all the wars put together. That should give you serious thought, and you can read clippings and read in the front page everyday about this person and that person being killed or injured. Just March 23rd, in the Kennebec Journal, I wonder how many saw this article, "Auto Rolls Over and Seat Belts Anchor Seven." This happened right out here in Gardiner on the turnpike. The car was completely demolished. The only injury was a slight cut on the head that required five stitches. I think this is a serious bill, and I would hope that the motion of the gentleman from Auburn, Mr. Turner, does not prevail. Thank you.

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

Mr. CHILDS: Mr. Speaker, Members of the House: I'm sorry that I hadn't thought of this matter before, but I know we are in a position now where nothing could be done which would ever place this

on the table, but I would like to ask a question of any member of the legal profession as to their opinion as to whether a person having a seat belt in their car and they are involved in an accident and the seat belt is not being worn, do they have an opinion as to whether that would be considered contributory negligence or not?

The SPEAKER: The Chair recognizes the gentleman from Washington, Mr. Finley.

Mr. FINLEY: Mr. Speaker, Ladies and Gentlemen of the House: I simply want to report that this bill was heard before our Committee on Transportation. It came out of Transportation nine to one in favor of. It was presented and supported by the Safety Committee. At the time of the hearing, there was no opposition. We came out much in favor of the bill, and I hope we still adhere to that position.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Auburn, Mr. Turner, that item ten, "An Act Providing for Safety Seat Belts for Automobiles," House Paper 996, Legislative Document 1437, be indefinitely postponed.

A division has been requested. All those in favor of the motion to indefinitely postpone, will please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

Seventy-five having voted in the affirmative and forty-eight having voted in the negative, the motion to indefinitely postpone did prevail, the Bill was indefinitely postponed in non-concurrence and sent up for concurrence.

Resolve Providing for a Pension for Jennie A. George of Orrington (H. P. 553) (L. D. 768)

Was 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:

HOUSE MAJORITY REPORT (6)—Ought not to pass—MINORITY REPORT (2)—Ought to pass—Committee on Agriculture on Bill "An Act relating to Apportionment of Stipend to Agricultural Societies." (H. P. 892) (L. D. 1414)

Tabled—March 26, by Mr. Gifford of Manchester.

Pending—Motion of Mr. Denbow of Lubec to Accept Majority ONTP Report.

The SPEAKER: The Chair recognizes the gentleman from Manchester, Mr. Gifford.

Mr. GIFFORD: Mr. Speaker, Ladies and Gentlemen of the House: This bill, legislative document 1414, was introduced by me on behalf of constituents who were involved in the operation of a small fair, one which does not conduct pari mutuel racing. It proposes to re-apportion the state stipend with a proposed formula which favors these small fairs. Since it does not propose to increase the size of the stipend, it follows that the proposed formula would be to the disadvantage of the larger fairs which normally do conduct pari mutuel racing. The bill was heard before the Committee on Agriculture with good arguments presented by both sides. It was opposed primarily by representatives of the large fairs and largely with the argument that they could not afford the loss in revenue.

Now of course the proponents were by this measure seeking additional revenue. It was reported out of committee six to two, a divided report, with the majority favoring the "Ought not to pass" Report, and a motion is now before the House by one of the minority signers for acceptance of the majority report.

From the discussions which I have had with various people since introduction of this bill, it has become obvious that there are disagreements among the various agricultural societies sponsoring fairs around our state, that there are dissensions in the ranks of the Maine State Fair Association; and I would suggest now to you that this bill is

more a symptom of these disagreements and of this dissension, than it is a cure for the common financial problems of these societies. It would be my hope that through their Association, these agricultural societies might be able to find common grounds and, if necessary, come before the 102nd Legislature with a common program and a united effort.

At this time, I would like to support the motion of the gentleman from Lubec for acceptance of the Majority "Ought not to pass" Report.

The SPEAKER: The gentleman from Manchester, Mr. Gifford, now moves that the House accept the Majority "Ought not to pass" Report.

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

Mr. JONES: Mr. Speaker, Gentlemen and Gentlemen of the House: Relative to this subject, I don't like to take issue with my good colleague Mr. Gifford. However, I attended the Maine State Fair Convention held in Portland last January at which time the proponents of a measure similar to this was given in long detail at the convention. The pros and cons gave forth. The pros mostly. After which there was a vote taken, and I would assure you that the vote, when taken as to whether or not the Maine State Fair Association would go along in keeping with this idea, was overwhelmingly defeated about five or six to one. Therefore, I think the support of this measure is very weak. Thank you.

The SPEAKER: Is it the pleasure of the House to accept the Majority "Ought not to pass" Report? The motion prevailed.

Sent up for concurrence.

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

HOUSE MAJORITY REPORT (7)
—Ought to pass as amended by Committee Amendment "A" (Filing H-150)—MINORITY REPORT (3)
—Ought not to pass—Committee on Labor on Bill "An Act relating to Minimum Wages for Firemen." (H. P. 227) (L. D. 297)

Tabled—March 26, by Mr. Mendes of Topsham.

Pending—Acceptance of Either Report.

On motion of Mr. Brown of South Portland, the Majority "Ought to pass" Report was accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 227, L. D. 297, Bill, "An Act Relating to Minimum Wages for Firemen."

Amend said Bill by inserting at the beginning of the first line the following underlined abbreviation and figure 'Sec. 1.'

Further amend said Bill by adding at the end thereof the following:

'Sec. 2 Effective Date. This act shall become effective May 1, 1964 unless in any city a majority of the legal voters, present and voting, at any regular election vote against the act and unless in any town an article in a town warrant so providing shall have been voted against at an annual town meeting. The question in appropriate terms may be submitted to the voters at any regular city election by the municipal officers thereof and shall be so submitted upon petition of at least 10 percent of the number of voters voting for the gubernatorial candidates at the last statewide election in that municipality. Such petition shall be filed with the municipal officers at least 30 days before such regular election.'

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

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

Bill "An Act relating to Illegal Manufacture of Liquor." (S. P. 394) (L. D. 1097) (Filing S-74)—In Senate Engrossed as Amended. In House Read the Third Time.

Tabled—March 26, by Mr. Cartier of Biddeford.

Pending—Passage to be Engrossed.

On motion of Mr. Cartier of Biddeford, 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:

HOUSE REPORT—Ought not to pass—Committee on Taxation on Bill "An Act relating to Motor Vehicle Excise Tax." (H. P. 404) (L. D. 603)

Tabled—March 27, by Mr. Smith of Strong.

Pending—Acceptance of Report.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: This bill came out of committee ought not to pass. In a moment, I am going to move that we substitute the bill for the report. Before I do that, I would like to have you know why, and know a little about this bill. Than you will do whatever you wish to do on it.

This bill originated two years ago in the Department of Taxation. They put the bill in the 100th Legislature because of requests from around the state. But after they found out that there were several objections to the bill, they took a neutral stand on it. That stand is still the same today. The Taxation Department is neutral. In the 100th Legislature, the bill was withdrawn because of that. Later it was reconsidered and submitted to the Legislative Research Committee. This Committee studied this bill and it has brought out a report in the black book that all of you have.

They had a fine hearing. I attended the hearing. I wish to read to you just a bit of what they found in the hearing. On page 69 of this black report, this black book that they have put on our desks, you will find this statement: "the question has been raised as to whether it might be more equitable to require the owner of a motor vehicle to pay the excise tax in the town in which the vehicle was kept, rather than in the town in which the owner resides." A definite interest has been expressed by some towns in amending the provisions of section 126, sub-section 3, to require the owner to pay the excise tax in the town where the motor vehicle

is customarily or habitually kept. Opponents such as the truck owners and carriers are strongly opposed to this proposed change, feeling that it would not have the effect of making the law more efficient, nor in any way contribute to strengthening its overall operation. They maintain that if the law is changed, an entirely unnecessary administrative burden will be placed on taxpayers such as themselves who own large fleets of vehicles and stimulate controversy and competition in collecting the tax among the various towns.

This was the one objection that the Research Committee brought out to this bill. Because of this objection, we have gone to the motor vehicle people that have these for-hire carriers and the construction companies, etc., that have their equipment all over the state, and that equipment changes its residence from time to time, and an amendment has been drawn up. Of course, I cannot present this amendment today, but this amendment would take out all the objections that the Research Committee has to this bill. The amendment is on your desks. It is 190. It eliminates these objectionable parts of this bill.

Now this bill in substance, if it is adopted into law, would not become a new thing for Maine. For now the foreign corporations that have their home offices outside of the State of Maine, and yet have equipment within the State of Maine, they now have to pay their excise taxes in the town where their property is customarily kept. This bill would merely provide that those corporations who have their home office within the State of Maine, would do the same thing. Someone has said that probably my little town of Strong is the only town affected by it, but at the hearing, we found that Bucksport, Mexico, Rumford all had men there to speak in favor of this bill. And in many instances over the state, we have received communications in favor of the bill. There were two objections to the bill. One from the Great Northern Paper Company, which pays all of its excise taxes in Millinocket; and one from the Forster

Manufacturing Company which pays all of its excise taxes in Wilton.

I am not well acquainted with the Great Northern, but in the case of the Forster Manufacturing Company, my town garages most all of the trucks of that company. Our town must plow the roads, must keep the highways so that these trucks can leave at four o'clock in the morning and get in at ten or eleven at night. They travel all over the state, and make their headquarters in Strong. Now the headquarters of Forster Manufacturing Company is in Wilton. Wilton seldom ever sees these trucks, and they are not kept there; seldom go over the roads. Yet the town of Wilton gets all the excise tax money and the Town of Strong gets none. We can live with this situation if you choose to turn this down, but we think that there is a matter of right and wrong involved here.

Now possibly you are from a town that would be hurt a little if this bill were to pass. You have a home corporation, a corporation with headquarters in the town. It would be to your advantage maybe not to vote for the bill. However, I submit that the merit of this bill rests in the question of whether it is right or wrong; not in the question of whether a town profits or doesn't profit by this situation that exists.

I leave these remarks with you ladies and gentlemen. I hope I have covered it and explained the bill properly. And if you choose to substitute the bill for the report and let it go to its third reading, this amendment will be attached. If you wish to kill it now, then that is your prerogative.

Mr. Speaker, I move that the Bill, legislative document 603, be substituted for the Report.

The SPEAKER: The gentleman from Strong, Mr. Smith, moves that Bill "An Act relating to Motor Vehicle Excise Tax," be substituted for the "Ought not to pass" Report.

The Chair recognizes the gentleman from Wilton, Mr. Scott.

Mr. SCOTT: Mr. Speaker, Ladies and Gentlemen of this House: I am sorry that I have to take issue with my good friend and seatmate the Rev. Ernest Smith. However, I feel

it necessary to call to your attention a few facts. I will be brief and to the point.

The automobile excise tax law was first adopted in 1929. It has been one of the smoothest, working laws ever adopted by this Legislature. It has worked so well that few amendments have been necessary over the years.

The bill which you have before you, legislative document 603, is to change a law to meet a particular situation. This isn't the first time, as my good friend has told you, that this measure has been before this Legislature. In checking the legislative record of the 100th Legislature, I find that the exact same bill was presented. It was heard by the Taxation Committee, and reported Leave to Withdraw by my good friend, Mr. Waterman. Sometime afterward the bill, being dead, my good friend Mr. Smith was given the opportunity to recall. The reason for this was to assign the matter to the Legislative Research Committee to study the report and report to the 101st Legislature.

In the interest of brevity, I will refer you to the pages Mr. Smith has called your attention to and will not read them again. The last paragraph specifically recommends against the adoption by this Legislature of any proposed change in the provisions of Chapter 91-A, Section 126, Sub-section 3. In view of this and the "Ought not to pass" Committee Report, I move indefinite postponement of legislative document 603.

The SPEAKER: The gentleman from Wilton, Mr. Scott, now moves the indefinite postponement of the Report and the Bill.

Mr. Scott then requested a division on the motion to indefinitely postpone.

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

Mr. O'LEARY: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to this motion of Mr. Scott and I hope as we go on further we will substitute the bill for the report. I live in the Town of Mexico and it is just across the river from Oxford Paper Company. The Oxford Paper Company is incorporated in the State of Maine,

and their home office is in Portland. Now in Mexico, we have a fleet of trucks that operate solely on the streets and highways within our town. Never go near Portland and the same thing happens in the Town of Rumford. I can't see as to how it is fair or just paying the excise taxes in Portland when the whole business is carried on in Rumford and Mexico. I hope that his motion does not prevail.

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

Mr. JONES: Mr. Speaker, Gentlemen and Gentlemen of the House: I arise in mixed emotions here coming from Franklin County with my good colleague, Ernest Smith, and also Mr. Scott, and I have to take issue with my good friend at the north, Mr. Smith. This bill was heard before the Taxation Committee, of which I am a member, and we heard the pros and cons very carefully, and before we came to a decision, we, I believe, all gave it fair thought and so forth before we committed ourselves on an "Ought not to pass" Report coming out. So I move along with my good colleague, Mr. Scott, and the motion of indefinite postponement and I hope it will prevail.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Wilton, Mr. Scott, that this Report and Bill "An Act relating to Motor Vehicle Excise Tax," House Paper 404, Legislative Document 603, be indefinitely postponed.

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

A division of the House was had. Seventy-one having voted in the affirmative and forty-one having voted in the negative, the motion to indefinitely postpone did prevail.

Sent up for concurrence.

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

SENATE REPORT—Ought to pass—Committee on Business Legislation on Bill "An Act Revising the Law Relating to Closing-Out Sales."

(S. P. 48) (L. D. 98)—In Senate Engrossed with Senate Amendments "A," "B" and "C" (Filing S-116, S-110 and S-17)

Tabled — March 29, by Mr MacLeod of Brewer.

Pending—Motion of Mr. Crockett of Freeport to Indefinitely Postpone Report and Bill.

Mr. Crockett of Freeport withdrew his motion to indefinitely postpone and, on further motion of the same gentleman, the House voted to recede and concur with the Senate. Thereupon, the "Ought to pass" Report was accepted in concurrence and the Bill read twice.

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

SENATE AMENDMENT "A" to S. P. 48, L. D. 98, Bill "An Act Revising the Law Relating to Closing-Out Sales."

Amend said Bill in subsection V of that part designated "Sec. 79-A." by striking out in the 3rd and 4th lines the underlined words "no person or persons shall continue the business for which the license was granted and inserting in place thereof the following underlined words 'the person or persons to whom the license was granted shall not continue the business.'

Senate Amendment "A" was adopted in concurrence.

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

SENATE AMENDMENT "B" to S. P. 48, L. D. 98, Bill, "An Act Revising the Law Relating to Closing-Out Sales."

Amend said Bill in the 7th line of subsection II of that part designated "Sec. 79-A.," by striking out the underlined word "and" and inserting in place thereof the following underlined words and punctuation:

'but if such person or persons shall have been in the same business for which said sale is being conducted for less than 2 years of continuous operation in said community, such person or persons shall affirm, in writing and under oath as aforesaid,'

Senate Amendment "B" was adopted in concurrence.

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

SENATE AMENDMENT "C" to S. P. 48, L. D. 98, Bill, "An Act

Revising the Law Relating to Closing-Out Sales.”

Amend said Bill by inserting after the title and before the enacting clause the following emergency preamble:

‘Emergency preamble. Whereas, acts of the Legislature do not become effective until 90 days after adjournment of the Legislature unless enacted as emergencies; and

Whereas, there are numerous closing-out sales at all times throughout the State of Maine; and

Whereas, regulating such sales is in the best interest of the people of the State of Maine; and

Whereas, in order to prevent misleading and harmful practices in such sales to the detriment of the people of the State of Maine the following legislation is vitally necessary; and

Whereas, such legislation should become effective for the spring and summer of 1963; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,’

Further amend said Bill by adding at the end the following emergency clause:

‘Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.’

Senate Amendment “C” was adopted in concurrence and the Bill assigned for third reading tomorrow.

On motion of Mr. Mendes of Topsham,

Adjourned until nine o'clock tomorrow morning.