

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

Friday, April 12, 1963

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

Prayer by the Rev. Mr. Anson R. Williams of Augusta.

The journal of the previous session was read and approved.

Mr. Wellman of Bangor, on behalf of Mr. Dennett of Kittery, presented the following Joint Resolution and moved its adoption:

WHEREAS, this Legislature has been deeply shocked to learn of the tragic loss of the USS Thresher; now, therefore, be it

RESOLVED, that this Legislature on behalf of the people of the State of Maine express its profound sympathy to the families and relatives of those who gave their lives in the service of their country (H. P. 1047)

Was received out of order by unanimous consent, read and adopted and, on motion of Mr. Wellman of Bangor, sent forthwith to the Senate.

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

Report of the Committee on Claims reporting "Ought not to pass" on Resolve Providing Funds for the Emergency Medical Care of George C. Abbott, Jr. (S. P. 240) (L. D. 614)

Report of the Committee on Transportation reporting same on Bill "An Act Authorizing Permanent Registration Plates for Fleet Operated Vehicles" (S. P. 285) (L. D. 799)

Report of same Committee reporting same on Bill "An Act relating to Safety Requirements for Operation of Certain Motor Vehicles" (S. P. 438) (L. D. 1181)

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 Legal Affairs on Bill "An Act Increasing Fee for Solemnization of Marriages"

(S. P. 63) (L. D. 113) reporting same in a new draft (S. P. 565) (L. D. 1509) under title of "An Act Repealing Fee for Solemnization of Marriages" and that it "Ought to pass"

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

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

Ought to Pass

Report of the Committee on Public Utilities reporting "Ought to pass" on Bill "An Act relating to Crossing Railroad Right-of-Way by Water Utility" (S. P. 396) (L. D. 1099)

Report of same Committee reporting same on Bill "An Act relating to Transportation of Household Goods for Hire by a Common Carrier" (S. P. 455) (L. D. 1282)

Report of the Committee on Transportation reporting same on Bill "An Act relating to Temporary Registration Permits for Certain Motor Vehicles and Special Permits for Other Vehicles" (S. P. 440) (L. D. 1183)

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

In the House, Reports were read and accepted in concurrence, the Bills read twice and assigned the next legislative day.

Divided Report Tabled and Assigned

Majority Report of the Committee on State Government reporting "Ought not to pass" on Bill "An Act relating to Salaries Fixed by Governor and Council" (S. P. 462) (L. D. 1289)

Report was signed by the following members:

Messrs. WHITTAKER of Penobscot
LOVELL of York
— of the Senate.

Messrs. THAANUM of Winthrop
BERRY of Cape Elizabeth
DOSTIE of Lewiston
CARTIER of Biddeford
— of the House.

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

Report was signed by the following members:

Mrs. CHRISTIE of Aroostook
— of the Senate.
Messrs. DENNETT of Kittery
BERMAN of Houlton
SMITH of Strong
— of the House.

Came from the Senate with the Minority Report accepted and the Bill indefinitely postponed.

In the House: Reports were read.

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

Mr. BERRY: Mr. Speaker, I move acceptance of the Majority "Ought not to pass" Report.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Berry, moves acceptance of the Majority "Ought not to pass" Report.

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

Mr. SMITH: Mr. Speaker, I would ask that this matter be tabled until the next legislative day.

Thereupon, the Reports and Bill were tabled pending the motion of Mr. Berry of Cape Elizabeth, to accept the Majority "Ought not to pass" Report and specially assigned for Tuesday, April 16.

Non-Concurrent Matter Tabled and Assigned

Bill "An Act relating to Purchase of Lands by Atlantic Sea Run Salmon Commission" (H. P. 63) (L. D. 87) which was passed to be engrossed as amended by Committee Amendment "A" in the House on March 26.

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

In the House:

The House voted to recede and concur with the Senate.

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

Mr. WELLMAN: Mr. Speaker, out of order, I would like to ask that we reconsider our action on item 9, Filing Number S-134 relates to a completely different bill.

The SPEAKER: The gentleman from Bangor, Mr. Wellman, moves that the House reconsider its action

whereby the House receded from its former action and concurred with the Senate relative to Bill "An Act relating to Purchase of Lands by Atlantic Sea Run Salmon Commission." Is this the pleasure of the House?

The motion prevailed.

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

Mr. WELLMAN: Mr. Speaker, I move this lie on the table until the next legislative day.

Thereupon, the Bill and accompanying Papers were tabled pending receding and concurring and specially assigned for Tuesday, April 16.

Non-Concurrent Matter

Bill "An Act Clarifying the Inland Fish and Game Laws" (H. P. 1022) (L. D. 1478) which was passed to be engrossed in the House on March 29.

Came from the Senate passed to be engrossed as amended by Senate Amendments "B" and "C" in non-concurrence.

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

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

The SPEAKER: The Speaker is very pleased this morning to recognize in the balcony of the House, sixty-five pupils from the D. A. Dean Junior High School of Leeds, accompanied by their Principal, Mr. Tripp and three teachers. These young people are the special guests of Representative Ricker of Wales.

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

Non-Concurrent Matter

Resolve Providing Increases in Retirement Allowances for Certain Retired Fish and Game Wardens

(S. P. 255) (L. D. 629) which was recommitted to the Committee on Retirements and Pensions in non-concurrence in the House on April 5.

Came from the Senate with that body voting to insist on its former action whereby the Resolve was passed to be engrossed as amended by Senate Amendment "A", and asking for a Committee of Conference.

In the House:

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

Mr. O'LEARY: Mr. Speaker, I move that we recede and concur.

The SPEAKER: The gentleman from Mexico, Mr. O'Leary, moves that the House recede from its former action and concur with the Senate.

The question before the House is the motion of the gentleman from Mexico, Mr. O'Leary, that the House recede from its former action of recommitting item 11 and concur with the Senate in adopting the Majority "Ought to pass" Report.

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

Mr. JONES: Mr. Speaker, I yield.

The SPEAKER: Is the House ready for the question?

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

Mr. WADE: Mr. Speaker, I rise to a point of information. I notice here on my Advance Journal that the Senate is asking for a Committee of Conference. Now if the motion of the gentleman from Mexico is successful, does that rule out this committee of conference request?

The SPEAKER: It does not. For the gentleman's information, it does not.

Mr. WADE: Thank you.

The SPEAKER: Is it the pleasure of the House to recede from its former action whereby this Resolve, the Report was referred back to the Committee on Retirements, and concur with the Senate in adopting the Majority "Ought to pass" Report?

The motion prevailed, and the Resolve read once.

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

SENATE AMENDMENT "A" to S. P. 255, L. D. 629, Resolve, Providing Increases in Retirement Allowances for Certain Retired Fish and Game Wardens.

Amend said Resolve by adding at the end, before the Statement of Facts, the following: ' ; and be it further

Funds.

Resolved: That the moneys necessary to carry out the purposes of this resolve shall be charged to the funds of the Department of Inland Fisheries and Game.'

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

Mr. WADE: Mr. Speaker, with apologies to you, sir, and to the members of the House, I am still very much confused here. It was my understanding with the answer to my request for information, that with the Committee of Conference requested, that we would defer the first reading of the Bill. I am in error evidently?

The SPEAKER: For the information of the gentleman, the House having accepted the Majority "Ought to pass" Report, the gentleman now may object to the Senate Amendment. A motion is in order to recommit.

Mr. WADE: Recommit the bill, sir, or recommit the amendment?

The SPEAKER: Recommit the Resolve that we have before us.

Mr. WADE: Then I so move, Mr. Speaker.

The SPEAKER: The gentleman from Skowhegan, Mr. Wade, now moves that the House recommit the Resolve to the Committee on Retirements and Pensions in non-concurrence.

The SPEAKER: The Chair recognizes the gentleman from Oakfield, Mr. Prince.

Mr. PRINCE: Mr. Speaker, this bill was recommitted to the Committee on Retirements and Pensions, and we couldn't seem to make any changes in it, so I don't think that anything would be accomplished by recommitting it again. The living conditions of these old wardens haven't changed any since the last time we were up here. It seems that the opposition to the passage of this bill is more interested in

where the proceeds will come from than as to the merits of the bill. The amendment to this bill calls for the payments of such to come from the Inland Fish and Game Department. This department exists on dedicated revenue but these men served in this department, and why should they not be taken care of by this department?

We passed a law here last Tuesday, April ninth, putting a price on the tagging of deer. This estimated revenue would give to the department approximately \$12,000 more each year. In less than three years this item alone would take care of the whole fifteen-year expectancy of this bill. It is my opinion that these men served faithfully in this department until forced to retire for various reasons, mostly over age. They served faithfully as long as they could do their work to the satisfaction of the department, then had to give way to younger men as is common in this age in all types of occupation where the seniority system is in vogue.

I have been told that some of these men are in such financial condition that they do not need this increase in pension. This I am in no position to deny, but agree that they must have something other than the meager pension that they are receiving from the state to live on; otherwise, they would have starved long ago and would be of no concern to us now. I do not believe that we should try to discriminate as to who should or should not receive a raise. One thing I am sure that all of those that I know or from whom I have heard are in very strained circumstances, little short of penury.

Just stop and consider, fellow legislators, that we have unflinchingly raised the salaries of some of our department heads, and done it without a quiver. Why should we try to save money at the expense of these, our loyal old public servants, whose case is one of necessity and not to be considered as a bonus. These old wardens are mostly in want. All I ask is that in the name of humanity we go along and grant them this small raise in their pensions that they may enjoy themselves in the twilight of their lives.

The SPEAKER: The Chair would inform the gentleman and the House that this Resolve has not been re-committed to the Committee, as there is no record of it having been re-committed.

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

Mr. WADE: Mr. Speaker, Ladies and Gentlemen of the House: I am reluctant this Friday morning, particularly this special Friday, to go into any lengthy debate because, in substance, I concur very heartily with my good friend, Representative Prince from Oakfield. My point has been, and still is, that the men are entitled, as he has so emotionally outlined, to some consideration. My specific point is the fact that these funds are going to come from a department that, in my opinion, is not sufficiently financed to stand the amount of \$33,429 in the current year.

To refresh some of your memories, ladies and gentlemen, may I say that the last fish and game license increase was in the year of 1956. At that time, by legislative action, we raised the fishing and hunting license fee fifty cents each or \$1.00 on the combination. Now since that time, ladies and gentlemen, the entire income from the increase of that license-raising has been exhausted with the exception of \$12,000 in salary increases. Therefore, you have a self-sufficient department, and I wish that many other departments could stand up and say that they too are self-sufficient. We have a self-sufficient department that is going along very nicely, but now if you read the material that is on your desks, we find here this \$33,000 item, we find another amendment which will bring Caribou into Baxter State Park for another fee to be taken from Fish and Game funds, and so on and so forth. They are going to try and take away all of the funds from a dedicated department.

Now I will predict, ladies and gentlemen, and I will direct this more particularly to you, who may want to come back to the 102nd Legislature, that by this type of action, you are going to be faced with the necessary increase in your fishing and hunting fees two years from now. As a matter of fact, Mr.

Speaker, if it wasn't so late, I would like to amend this so that these men could get what they are entitled to and amend the bill by adding an increase in fishing and hunting licenses as effective of this session. That is my only objection. I am particularly interested in the department — necessarily so. You can't just sit down after a long affiliation and then say to heck with it, let it go. I don't think that is the point. I agree with my good friend, Mr. Prince, certainly these men should have consideration, but are there no other funds at the state level? Certainly there must be some avenues that could be opened rather than depress this department which is going along so nicely without asking one nickel from the legislature, with the exception of that \$1500 which we get for search of lost persons. Other than that, it is a self-sufficient department, and I am sure that you will all agree with me, that we wish that there were many other departments who could stand up and say, we too are self-sufficient. That is my point, Mr. Speaker. Thank you, ladies and gentlemen.

The SPEAKER: The question before the House is the motion of the gentleman from Skowhegan, Mr. Wade, that this matter be recommended to the Committee on Retirements and Pensions.

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

Mr. HARDY: Mr. Speaker, at present the Fish and Game Department publishes two magazines a year from their dedicated funds, I suppose it costs them somewhere in the vicinity of \$10,000 or \$12,000. I have no particular argument with this process at all. In fact, I think it is a very healthy and good program. However, it has been brought to my attention that there is a possibility that this magazine will be expanded to produce four more issues a year, making a total of six possibly. Now I wonder, has anybody got any idea what that is going to take out of the dedicated revenues from the Fish and Game Department?

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

Mr. O'LEARY: Mr. Speaker, here the other day, we just saved the Fish and Game Department approximately \$10,000 a year, and I don't believe this increase in the pensions will cost much more than that, if any. By adding this 25 cent fee to the hunter that shoots a deer, and we shoot roughly around 40,000 a year, I believe that this will pay for their pensions. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Brooks, Mr. Wood.

Mr. WOOD: Mr. Speaker, we voted here in the House the other day to recommit this; it was held up in the other body, but during our last meeting on Retirements and Pensions, we discussed this bill and unanimously decided that if it were recommitted, there would be no change in opinion. We felt that the Department of Fish and Game could easily take care of this without hurting their budget, at least for the next two years. At that time if they feel that they are being pushed too hard for funds, they can come back the next session and ask for some relief, either through grants or raise in licenses. I don't believe that in that time, they can be hurt very much if this bill were passed. I go along with it.

The SPEAKER: Is the House ready for the question?

Mr. Wade of Skowhegan was granted permission to speak a third time.

Mr. WADE: Mr. Speaker, I would move that we reconsider the action to recede and concur.

The SPEAKER: For the information of the gentleman, the Resolve has had one reading. We are about to adopt Senate Amendment "A". The gentleman has moved to recommit.

If the gentleman from Skowhegan, Mr. Wade's motion to recommit prevails, then he may ask for a Committee of Conference. The gentleman may proceed.

Mr. WADE: Mr. Speaker, then I would now move, sir, that we concur with the Senate and ask for a Committee of Conference.

The SPEAKER: The pending motion is to recommit. Does the gen-

tleman care to withdraw that motion to recommit?

Mr. WADE: I will do so.

The SPEAKER: Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: Now the question before the House is the adoption of Senate Amendment "A."

Mr. WADE: Am I speaking to that motion?

The SPEAKER: The gentleman may debate the motion.

Mr. WADE: I would now move, sir, that we concur with the Senate and have a committee of conference.

The SPEAKER: We must adopt Senate Amendment "A" to be able to concur with the Senate.

Mr. WADE: Then I move that Senate Amendment "A" be indefinitely postponed.

The SPEAKER: The gentleman from Skowhegan, Mr. Wade, moves that Senate Amendment "A" be indefinitely postponed. Is this the pleasure of the House?

The Chair recognizes the gentleman from Millinocket, Mr. Crommett.

Mr. CROMMETT: I ask for a division.

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

Mr. JALBERT: Mr. Speaker, I would like to ask one question. What assurance do we have if we put this new program in operation, what assurance do we have that the Fish and Game Department which now operates under dedicated funds will not come up two years from now or four years from now and raid the general fund? I would like that question answered before I vote.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, poses a question through the Chair to any member who may answer if he desires.

The question before the House is the motion of the gentleman from Skowhegan, Mr. Wade, that Senate Amendment "A" be indefinitely postponed. All those in favor will say aye; those opposed, no.

A viva voce vote being doubted

by the Chair, a division of the House was had.

Sixty-four having voted in the affirmative and forty-five having voted in the negative, the motion prevailed.

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

Mr. WADE: Mr. Speaker, Ladies and Gentlemen of the House: Am I now in order to have this recommitment to a Committee of Conference?

The SPEAKER: The gentleman from Skowhegan, Mr. Wade, now moves that the House recommit Resolve, Providing Increases in Retirement Allowances for Certain Retired Fish and Game Wardens, Senate Paper 255, Legislative Document 629. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair now understands that the gentleman from Skowhegan, Mr. Wade, moves that the House insist on its former action and join in a Committee of Conference. Is this the pleasure of the House?

The motion prevailed.

Non-Concurrent Matter

Bill "An Act to Authorize a Bond Issue for Purchase of Voting Machines for Resale to Municipalities" (H. P. 97) (L. D. 141) on which the House voted to adhere on April 9 to its former action whereby the Bill was indefinitely postponed.

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

Messrs. BROOKS of Cumberland
STITHAM of Somerset
FARRIS of Kennebec

In the House: On motion of Mr. Rust of York, the House voted to insist and join in a Committee of Conference.

From the Senate: The following Communication: (S. P. 568)

STATE OF MAINE
DEPARTMENT OF STATE
Augusta

April 9, 1963

To the Members of the
House and Senate
of the 101st Legislature
State House
Augusta, Maine

Dear Members:

I am submitting herewith a concurrent Resolution from the State of Utah in accordance with the request of the Secretary of State, Lamont F. Toronto.

Very truly yours,

(Signed)

PAUL A. MacDONALD
Secretary of State

Came from the Senate read and with accompanying Resolution ordered placed on file.

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

The following Communication:

THE SENATE OF MAINE
Augusta

April 9, 1963

Hon. Harvey R. Pease
Clerk of the
House of Representatives
101st Legislature

Sir:

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

Bill, An Act Limiting the Amount of Salary of Certain State Officers (H. P. 830) (L. D. 1217)

Senators:

WHITTAKER of Penobscot
LOVELL of York
BROOKS of Cumberland

Respectfully yours,

(Signed)

CHESTER T. WINSLOW
Secretary of the Senate

The Communication was read and ordered placed on file.

Orders

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

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to study the law governing motor carriers of property for hire (R. S., c. 48, Sec. 19-32) to determine whether it should provide for regulation of contract carriers, and for the regulation of carriers over irregular routes in the same manner as common carriers; and be it further

ORDERED, that the committee report the results of its study to the 102nd Legislature. (H. P. 1048)

The Order received passage and was sent up for concurrence.

On motion of Mr. Crommett of Millinocket, it was

ORDERED, that Walter H. Birt of East Millinocket be appointed to serve as Honorary Page for today.

The SPEAKER: Walter H. Birt is the son of Representative Birt of East Millinocket. Walter is a student at the Schenck High School in East Millinocket. Will the Sergeant-at-Arms please retire to the rear of the Hall and escort the young gentleman to his position as Honorary Page for the day.

Thereupon, the Sergeant-at-Arms escorted Walter H. Birt to the well of the Hall of the House to serve as Honorary Page for the day. (Applause)

**House Reports of Committees
Leave to Withdraw**

Mr. Berman from the Committee on Constitutional Amendments and Legislative Reapportionment on Resolve Proposing an Amendment to the Constitution Permitting the People to Determine the Question of Whether a Constitutional Convention Shall be Called (H. P. 433) (L. D. 638) reported Leave to Withdraw.

Mr. Pease from same Committee reported same on Resolve Proposing an Amendment to the Constitution Increasing Limitation of Number of Representatives from One City from Seven to Twelve (H. P. 199) (L. D. 263)

Mr. Turner from the Committee on Highways reported same on Bill "An Act relating to Improvement of Town Ways to Ski Areas" (H. P. 805) (L. D. 1192)

Mrs. White from the Committee on Legal Affairs reported same on

Bill "An Act to Provide an Examination Fee and Increase Certain Renewal Fees for Electricians' Licenses" (H. P. 664) (L. D. 920)

Mr. Hammond from the Committee on Towns and Counties reported same on Bill "An Act Increasing Temporary Loans of Washington County" (H. P. 260) (L. D. 329)

Reports were read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Bragdon from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Resolve Appropriating Funds for Improvements at Indian Reservation at Pleasant Point (H. P. 90) (L. D. 134)

Mr. Humphrey from same Committee reported same on Resolve Appropriating Funds to Match Federal Funds to Study Chemical and Physical Quality of Water in Maine (H. P. 525) (L. D. 742)

Mr. Minsky from same Committee reported same on Resolve Appropriating Funds to Construct Warehouse in Eastport (H. P. 180) (L. D. 249)

Mr. Pease from the Committee on Judiciary reported same on Bill "An Act Increasing Certain Fees to Registers of Deeds" (H. P. 913) (L. D. 1320)

Mr. Gilbert from the Committee on Legal Affairs reported same on Bill "An Act Requiring Safeguards for Public Beaches" (H. P. 61) (L. D. 85)

Same gentleman from same Committee reported same on Bill "An Act Requiring Registers of Deeds to Record from Originals Only" (H. P. 230) (L. D. 318) which was recommitted.

Mr. Wellman from same Committee reported same on Bill "An Act Providing for Registration of Land Surveyors" (H. P. 157) (L. D. 208) which was recommitted.

Mr. Wood from the Committee on Retirements and Pensions reported same on Resolve to Provide Retirement Credit for Seth A. Whitcomb of Readfield (H. P. 396) (L. D. 595)

Mr. MacPhail from the Committee on Towns and Counties reported same on Bill "An Act relating to Duties of County Commissioners Concerning Bridle Paths and Trails

in the Unorganized Territory" (H. P. 849) (L. D. 1236)

Reports were read and accepted and sent up for concurrence.

Covered by Other Legislation

Mr. Pease from the Committee on Constitutional Amendments and Legislative Reapportionment reported "Ought not to pass" on Resolve Relating to Apportionment of Representatives from Penobscot County" (H. P. 573) (L. D. 811), as it is covered by other legislation.

Report was read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Draft Printed

Mr. Gilbert from the Committee on Legal Affairs on Bill "An Act Prohibiting Throwing of Rocks at any Public or Private Transportation Conveyance" (H. P. 870) (L. D. 1257) reported same in a new draft (H. P. 1046) (L. D. 1516) under same title and that it "Ought to pass"

Report was read and accepted, the New Draft read twice and assigned the next legislative day.

Ought to Pass Printed Bills

Mr. Nadeau from the Committee on Highways reported "Ought to pass" on Resolve Authorizing a Review of Maine Highway User Tax Study (H. P. 369) (L. D. 542)

Mr. Berman from the Committee on Judiciary reported same on Bill "An Act Providing for the Driver License Compact" (H. P. 464) (L. D. 668)

Mr. Tyndale from the Committee on Public Utilities reported same on Bill "An Act Creating a Sewer District in the Town of Berwick" (H. P. 497) (L. D. 699)

Same gentleman from same Committee reported same on Bill "An Act to Extend the Charter of the Eliot Water District" (H. P. 998) (L. D. 1446)

Reports were read and accepted, the Bills read twice, Resolve read once, and assigned the next legislative day.

Ought to Pass with Committee Amendment

Mr. Bragdon from the Committee on Appropriations and Financial Af-

fairs on Bill "An Act Appropriating Funds for Employment of Necessary Staff and Other Operating Expenses at Northeastern Maine Vocational Institute" (H. P. 174) (L. D. 243) 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. 174, L. D. 243, Bill, "An Act Appropriating Funds for Employment of Necessary Staff and Other Operating Expenses at Northeastern Maine Vocational Institute."

Amend said Bill in the 24th line by striking out the figure "\$322,128" and inserting in place thereof the figure '\$250,000'; and by striking out in the 25th line the figure "\$387,161" and inserting in place thereof the figure '\$270,500'

Further amend said Bill by striking out all of the schedule, before the emergency clause, and inserting in place thereof the following:

	1963-64	1964-65
Personal Services		
(26) \$125,850		(27) \$134,316
All Other		
109,504		127,929
Capital Expenditures		
14,646		8,255
Total		
\$250,000		\$270,500'

Committee Amendment "A" was adopted and the Bill assigned for third reading the next legislative day.

Mr. Bragdon from the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds to the Unorganized Territory Capital Working Fund" (H. P. 961) (L. D. 1400) 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. 961, L. D. 1400, Bill, "An

Act Appropriating Funds to the Unorganized Territory Capital Working Fund."

Amend said Bill in the 4th line from the end by striking out the figure "\$50,000" and inserting in place thereof the figure '\$45,000'

Committee Amendment "A" was adopted and the Bill assigned for third reading the next legislative day.

Recommended

Mrs. Smith from the Committee on Appropriations and Financial Affairs on Bill "An Act relating to Deficiency Appropriation for State Treasury" (H. P. 264) (L. D. 358) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read.

On motion of Mrs. Smith of Falmouth, the Report and Bill were recommended to the Committee on Appropriations and Financial Affairs and sent up for concurrence.

Mr. Brewer from the Committee on Claims on Resolve Reimbursing Bay Ferry Corporation for Loss of Its Business (H. P. 92) (L. D. 136) 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. 92, L. D. 136, Resolve, Reimbursing Bay Ferry Corporation for Loss of Its Business.

Amend said Resolve by striking out in the 2nd line the figure "\$20,000" and inserting in place thereof the figure '\$10,000'

Committee Amendment "A" was adopted and the Resolve assigned for second reading the next legislative day.

Mr. Rust from the Committee on Judiciary on Bill "An Act Authorizing Certain Minors to Contract and Discharge for Life and Health Insurance" (H. P. 659) (L. D. 915) 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. 659, L. D. 915, Bill, "An Act Authorizing Certain Minors to Contract and Discharge for Life and Health Insurance."

Amend said Bill in the 25th line by striking out the underlined amount "\$3,000" and inserting in place thereof the underlined amount '\$1,000'

Committee Amendment "A" was adopted and the Bill assigned for third reading the next legislative day.

Mr. Smith from the Committee on Judiciary on Bill "An Act relating to Penalty for Furnishing Liquor to Minors and Others" (H. P. 463) (L. D. 667) 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. 463, L. D. 667, Bill, "An Act Relating to Penalty for Furnishing Liquor to Minors and Others"

Amend said Bill by striking out in the 11th line the underlined words "less than \$50 nor"

Further amend said bill in the 11th line by striking out the underlined figures "\$500" and inserting in place thereof the underlined figures '\$200'

Committee Amendment "A" was adopted and the Bill assigned for third reading the next legislative day.

Tabled and Assigned

Mr. Foster from the Committee on Legal Affairs on Bill "An Act relating to Registration of Sanitarians" (H. P. 833) (L. D. 1220) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read.

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

Mr. BERRY: Mr. Speaker, I would move that the Report and

Bill be indefinitely postponed, and I should like to speak to this motion.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Berry, moves that item 27, Bill "An Act relating to Registration of Sanitarians," House Paper 833, Legislative Document 1220, that the Report and Bill be indefinitely postponed, and the gentleman may proceed.

Mr. BERRY: Mr. Speaker, Members of the House: This is, to steal a phrase, a chestnut that has been before this body in previous sessions; and its ambiguity is its real danger. I am not going to say that we are setting up empires because I don't think we are setting up empires. We are certainly providing for a new group of people to ride herd on, in an indefinite manner and in an indefinite field. And I would just like to quote from Section 2 of Section 159-C and this is what the law would provide: "Any person who on or before January 1, 1964 has been employed as a practicing sanitarian or in related fields, may, 'without examination,' be considered for registration," etc. I would like to have a member of the Legal Affairs Committee, on which it was my privilege to serve two years ago when we considered it carefully — I repeat, a member of the Legal Affairs Committee, explain this, what it provides for, what a sanitarian is and the need for it.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Berry, poses a question through the Chair to any member of the Legal Affairs Committee to answer his question, and they may do so if they wish.

The Chair recognizes the gentleman from Bangor, Mr. Wellman.

Mr. WELLMAN: I move this item lie on the table until the next legislative day.

Thereupon, the Report and Bill were tabled pending the motion of Mr. Berry of Cape Elizabeth that the Report and Bill be indefinitely postponed and specially assigned for Tuesday, April 16.

Tabled and Assigned

Mr. Gilbert from the Committee on Legal Affairs on Bill "An Act relating to Work on Shade and Orna-

mental Trees" (H. P. 240) (L. D. 308) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read.

(On motion of Mr. Harrington of Dexter, tabled pending acceptance of the Committee Report and specially assigned for Friday, April 19.)

Mrs. Kilroy from the Committee on Municipal Affairs on Bill "An Act relating to Number of Names Required on Petitions for Nomination to Public Office in City of Biddeford" (H. P. 547) (L. D. 763) 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. 547, L. D. 763, Bill, "An Act Relating to Number of Names Required on Petitions for Nomination to Public Office in City of Biddeford."

Amend said Bill by striking out everything after the amending clause and inserting in place thereof the following: "Candidates for the following offices shall present a petition of at least the following number of names of enrolled members of the political party requesting such nomination: for mayor, member of the school board or police commissioner, 125; for councilman councilman-at-large, 50; for ward councilman, 25; for warden or ward clerk, 25 20."

Committee Amendment "A" was adopted and the Bill assigned for third reading the next legislative day.

Mr. MacGregor from the Committee on Municipal Affairs on Bill "An Act to Grant a Charter to the City of Brunswick" (H. P. 343) (L. D. 556) 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. 343, L. D. 556, Bill, "An Act to Grant a Charter to the City of Brunswick."

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

Further amend said Bill by striking out all of that part designated "Article VI." and inserting in place thereof the following:

ARTICLE VI.

Tax Administration

Sec. 601. Assessor. The city assessor shall have such powers, including the power to make abatements, and be subject to such liabilities and duties as are prescribed for assessors under the laws of the State.

Sec. 602. Board of assessment review. There shall be a board of assessment review, consisting of 3 regular members and one alternate, none of whom shall be elected officials of the city. Members shall be appointed for terms of 3 years, except that of those regular members first appointed, one shall be appointed for a term of 2 years, and one for one year. The alternate shall act only in the absence of one of the regular members. If a member of such board shall cease to be a resident of the city, his office shall become immediately vacant. The board shall elect annually a chairman and a Secretary from its own membership.

Sec. 603. Powers and duties. The board of assessment review shall have the power to review, on complaint of property owners, the assessments made by the city assessor, and in pursuance thereof may administer oaths, hold hearings, take testimony and adopt procedural regulations.

Sec. 604. Basis for complaint. No complaint shall be considered by the board of assessment review unless there shall have been:

I. Compliance by the complainant with the provisions of chapter 91-A, section 34, of the Revised Statutes of 1954, and

II. Denial of an abatement by the city assessor after application therefor under chapter 91-A, Section 48, of the Revised Statutes of 1954.

Sec. 605. Hearings on complaints. Complaints to the board of assessment review shall be in writing and hearings shall be held upon

complaints within 30 days of receiving the same. The attendance and testimony of the city assessor shall be required at all hearings. Within 10 days thereafter the de-Complaints to the board of assessment review shall be certified by the Secretary of the board to the complaint and to the city assessor, who shall make such abatement as the board may have recommended.

Sec. 606. Appeal. Appeal from the determination of the board of assessment review may be taken by the taxpayer to the county commissioners or to the Superior Court in accordance with chapter 91-A, Sections 50 to 55, of the Revised Statutes of 1954. The determination of the board of assessment review shall not be admissible in evidence in a hearing before the county commissioners or the Superior Court.

Further amend said Bill by striking out all of the first sentence of the Referendum, including the headline, 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 Town of Brunswick, at a special meeting called and held for the purpose not later than 45 days after the effective date of this act.'

Tabled and Assigned

Mr. Wellman from the Committee on Municipal Affairs on Bill "An Act relating to a Tax Assessor for City of Bath and Amending Payment of Bonds by City of Bath" (H. P. 543) (L. D. 760) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read.

(On motion of Mr. Drake of Bath, tabled pending acceptance of the Committee Report and specially assigned for Friday, April 19.)

Mr. Laughton from the Committee on Transportation on Bill "An Act relating to Registration Fee for Semi-Trailers" (H. P. 886) (L. D. 1271) 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. 886, L. D. 1271, Bill, "An Act Relating to Registration Fee for Semi-trailers."

Amend said Bill by adding at the end the following new section:

'Sec. 3. Effective date. This act shall take effect on January 1, 1968 provided all of the other New England states have adopted similar legislation. The Secretary of State shall determine when the other New England states have so adopted similar legislation.'

Committee Amendment "A" was adopted and the Bill assigned for third reading the next legislative day.

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Resolve Appropriating Funds for Use of Capitol Park Snow Dump (H. P. 179) (L. D. 248)

Report was signed by the following members:

Messrs. EDMUNDS of Aroostook
PORTEOUS of Cumberland
CAMPBELL of Kennebec
— of the Senate.

Messrs. JALBERT of Lewiston
BRAGDON of Perham
PIERCE of Bucksport
MINSKY of Bangor
EDWARDS of Raymond

Mrs. SMITH of Falmouth
— of the House.

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

Report was signed by the following member:

Mr. HUMPHREY of Augusta
— of the House.

Reports were read.

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

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass"

(on Bill "An Act to Reimburse Town of Warren for Cost of Municipal Services Provided for the State" (H. P. 623) (L. D. 879)

Report was signed by the following members:

Messrs. EDMUNDS of Aroostook
PORTEOUS of Cumberland
CAMPBELL of Kennebec
— of the Senate.

Messrs. JALBERT of Lewiston
BRAGDON of Perham
PIERCE of Bucksport
MINSKY of Bangor

Mrs. SMITH of Falmouth
Mr. EDWARDS of Raymond
— of the House.

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

Report was signed by the following member:

Mr. HUMPHREY of Augusta
— of the House.

Reports were read.

On motion of Mrs. Smith of Falmouth, the Majority "Ought not to pass" Report was accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Education on Bill "An Act relating to the Educational Foundation Program Allowances" (H. P. 862) (L. D. 1249) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. SNOW of Jonesboro
EASTON of Winterport
McGEE of Auburn
CURTIS of Bowdoinham
TREWORGY of Gorham
BRADEEN of Waterboro
— of the House.

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

Report was signed by the following members:

Messrs. BROOKS of Cumberland
WHITTAKER of Penobscot
HICHBORN of Piscataquis
— of the Senate.

Mr. LEVESQUE
— of Madawaska
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Winterport, Mr. Easton.

Mr. EASTON: Mr. Speaker, I move acceptance of the Majority Report and beg leave to speak briefly on the motion.

The SPEAKER: The gentleman may proceed.

Mr. EASTON: Mr. Speaker, since we are talking about a reasonable degree of money, it seems fair that this bill should be very briefly discussed before we proceed with work on it. This type of bill has become a biennial occurrence in the Legislature. A similar bill has passed all legislatures since the enactment of the original Sinclair Act. You will notice that *mirabile dictu* one hundred percent of the Education Committee voted that this bill ought to pass. This is not the common occurrence in the Education Committee.

The only point in issue is the amendment, but before we get to the amendment, perhaps briefly I should mention what this bill does. In a word, this bill increases the so-called foundation program allowance upon which all subsidies are figured. The purpose of this biennial increase is to retain at the same percentage the state's share of school costs. It had been in the neighborhood of 21 percent; this bill will permit it to stay at 21 percent. The cost for this biennium without the amendment will be in the neighborhood of \$600,000 plus or minus ten or twelve. The cost for the next biennium without the amendment will be in the neighborhood of one and one quarter million dollars.

Now as to the amendment. In a word, the amendment merely eliminates the so-called footnotes. These footnotes are penalties imposed on our smaller towns if they are not in administrative districts. For example, any town not in a district which has an elementary enrollment of less than 201, suffers a penalty in its foundation program allowance of from \$50 to \$60 per pupil. For secondary schools, if any town has a high school of less than 300 pupils, it suffers a penalty of from \$110 to \$185 per pupil on its foundation program allowance. The func-

tion of the amendment is to eliminate this discrimination. I might also point out that this amendment in no way affects the allowance and subsidy of the School Administrative Districts.

Now the purpose of the amendment is obviously to eliminate discrimination, but I would like to point out something interesting. The criterion for a School Administrative District in the Sinclair Act is primarily size; i.e., if you can produce 300 resident high school pupils and more than one town, you can go to the School District Commission and probably be approved as a District. If you cannot produce 300 students then you can't be a District without special act of the Legislature. What is the result then? We have, I believe, twenty-four School Administrative Districts in the State of Maine. Of these, thirteen have been formed by special act of the Legislature. In other words, more than one-half of our existing districts do not meet, or did not meet at any rate, the requirement laid down in the original law. Yet these footnotes do not apply to School Administrative Districts regardless of their size, even though more than half of the Dis-

tricts probably do not meet the size requirements. These footnotes are very much like the small print in a contract. They take away what the big print gives you. I suggest that they are, yes, an abomination. I request that this Majority Report be accepted.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Winterport, Mr. Easton, that the Majority "Ought to pass" as amended by Committee Amendment "A" Report be accepted. Is this the pleasure of the House?

The motion prevailed, and the Bill was read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 862, L. D. 1249, Bill, "An Act Relating to the Educational Foundation Program Allowances."

Amend said Bill in that part designated "Sec. 237-D," of section 2 by striking out all of Table I, including footnotes (1) and (2), and inserting in place thereof the following:

TABLE I

Size of School Administrative Unit Based on Average Daily Membership	Elementary Schools	Secondary Schools
	Grades Sub-primary to 8	
1 - 25	\$3,000 + 120 per pupil (1)	\$6,500 + \$145 per pupil (2)
1 - 25	\$3,000 + \$140 per pupil	\$9,000 + \$300 per pupil
26 - 50	\$235 \$250 per pupil (1)	\$390 \$470 per pupil (2)
51 - 100	\$230 \$240 per pupil (1)	\$385 \$465 per pupil (2)
101 - 200	\$220 \$235 per pupil (1)	\$375 \$435 per pupil (2)
201 - 300	\$215 \$230 per pupil	\$370 \$430 per pupil (2)
301 - 500	\$215 \$230 per pupil	\$255 \$390 per pupil
501 - 800	\$210 \$225 per pupil	\$340 \$380 per pupil
801 and over	\$210 \$225 per pupil	\$210 \$350 per pupil.

(1) Elementary footnotes shall apply to these units which operate schools. Compute all administrative units, except school administrative districts, at \$170 per pupil if within 10 miles of a school operated in a neighboring administrative unit by the nearest suitable highway.

(2) Secondary school footnotes shall apply to those units which operate schools. If within 15 miles of

a school operated in a neighboring administrative unit by the nearest suitable highway, compute all administrative units except school administrative districts as follows:

At \$255 per pupil if 100 or fewer average daily membership.

At \$275 per pupil if 101 to 200 average daily membership,

At \$290 per pupil if 201 to 300 average daily membership.'

Committee Amendment "A" was adopted and the Bill assigned for third reading the next legislative day.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act Increasing Fees of Bail Commissioners" (H. P. 735) (L. D. 1064)

Report was signed by the following members:

- Messrs. **ATHERTON** of Penobscot
- STITHAM** of Somerset
- Mrs. **SPOUL** of Lincoln
- of the Senate.
- Messrs. **BOISSONNEAU**
- of Westbrook
- GILBERT** of Eddington
- Mrs. **WHITE** of Guilford
- of the House.

Minority Report of same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

- Messrs. **COTE** of Lewiston
- COPE** of Portland
- WELLMAN** of Bangor
- of the House.

Reports were read.

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

Divided Report

Majority Report of the Committee on Municipal Affairs reporting "Ought not to pass" on Bill "An Act relating to Annual Municipal Reports" (H. P. 676) (L. D. 932)

Report was signed by the following members:

- Mr. **CRAM** of Cumberland
- of the Senate.
- Messrs. **WELLMAN** of Bangor
- DUDLEY** of Enfield
- HARDY** of Hope
- Mrs. **LINCOLN** of Bethel
- Mr. **CHOATE** of Windsor
- of the House.

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

Report was signed by the following members:

- Messrs. **JACQUES** of Androscoggin
- CYR** of Aroostook
- of the Senate.
- Mrs. **KILROY** of Portland
- of the House.

Reports were read.

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

**Divided Report
Tabled and Assigned**

Report "A" of the Committee on Legal Affairs reporting "Ought to pass" on Bill "An Act Repealing Laws Permitting and Prohibiting Certain Business on Sunday and Holidays" (H. P. 600) (L. D. 859)

Report was signed by the following members:

- Mr. **STITHAM** of Somerset
- of the Senate.
- Mrs. **WHITE** of Guilford
- Messrs. **GILBERT** of Eddington
- COPE** of Portland
- BOISSONNEAU**
- of Westbrook
- of the House.

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

Report was signed by the following members:

- Mrs. **SPOUL** of Lincoln
- Mr. **ATHERTON** of Penobscot
- of the Senate.

- Messrs. **COTE** of Lewiston
- WELLMAN** of Bangor
- FOSTER** of Mechanic Falls
- of the House.

Reports were read.

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

Mr. WELLMAN: Mr. Speaker, Ladies and Gentlemen of the House: My friend from Eddington will shortly make a motion. Before he makes that motion, I would like to explain what we are trying to do. This, as you know, is a very controversial area. The Legal Affairs Committee had eight bills dealing with this subject. Now this particular bill that we have before us now is what we in the Legal Affairs Committee have termed, 'the wide-open bill.' This repeals all laws which have to do with Sunday and holiday closing. It means that

stores could be open at any time on those days.

Now we have made this a five to five report. I think some of the people who have signed on both sides, do so from convictions. I think others have signed so that we could have an evenly divided report and let the debate on this bill help the Legal Affairs Committee in making its decision. Of course if this bill is accepted in both bodies, that will end it. If it is not, however, we feel that your debate will assist us in what to do with the other bills that are in the committee. Thank you.

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

Mr. GILBERT: Mr. Speaker, I move that this item lie on the table until Tuesday next.

Thereupon, the Reports and Bill were tabled pending acceptance of either Report and specially assigned for Tuesday, April 16.

Order Out of Order

From the Senate: The following Order:

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Tuesday, April 16. (S. P. 571)

Came from the Senate today read and passed.

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

Passed to Be Engrossed

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

Bill "An Act relating to Group Credit Insurance" (S. P. 447) (L. D. 1276)

Bill "An Act relating to Employment of Females in Certain Occupations" (H. P. 469) (L. D. 673)

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 Eating Places" (H. P. 638) (L. D. 894)

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

(On motion of Mr. Cressey of North Berwick, tabled pending passage to be engrossed and specially assigned for Thursday, April 18.)

Third Reader Tabled and Assigned

Bill "An Act relating to Closed Time on Deer in Certain Counties" (H. P. 1033) (L. D. 1497)

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

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

Mr. SMITH: Mr. Speaker, in regard to this item, I would ask that this be tabled until Thursday, April 18 pending passage to be engrossed.

The SPEAKER: The gentleman from Strong, Mr. Smith, moves this item 5 be tabled pending passage to be engrossed and specially assigned for Thursday, April 18.

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

Mr. ANDERSON: Mr. Speaker, I move for a division on the motion.

The SPEAKER: A division has been requested. The Chair recognizes the gentleman from Mexico, Mr. O'Leary.

Mr. O'LEARY: Mr. Speaker, am I out of order to offer an amendment?

The SPEAKER: The gentleman may not debate the tabling motion, the gentleman may debate the time. A tabling motion is the pending motion.

A division has been requested as to whether this matter will be tabled until Thursday, April 18. Those in favor of the tabling motion will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Forty-four having voted in the affirmative and fifty-one having voted in the negative, the tabling motion did not prevail.

Mr. O'Leary of Mexico offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 1033, L. D. 1497, Bill, "An Act Relating to Closed Time on Deer in Certain Counties."

Amend said Bill in the 21st, 22nd and 23rd lines by striking out the underlined words and punctuation "Farmington; thence northwesterly along Route 4 to Rangeley; thence westerly along Route 16 to"

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

Mr. ANDERSON: Mr. Speaker, I would like to move the indefinite postponement of this amendment and speak to the motion.

The SPEAKER: The gentleman may proceed.

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House I am sure that you are all sick and tired of seeing this bill come back into the House. It has gone to the Committee twice for redraft, and we have given it much deliberation.

In this sprawling state it is almost impossible to satisfy all localities, but we believed with this new four-zone system that we had satisfied most localities. I don't possibly see how we can do any better and I certainly hope that this amendment is indefinitely postponed, and the bill accepted in the original draft. Thank you.

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

Mr. JONES: Mr. Speaker, Ladies and Gentlemen of the House: I rise in mixed emotions relative to this bill, and I am rather hesitant to take issue with my good colleague, Mr. Anderson of Ellsworth. I think the Committee worked hard in trying to come up with a zoning deer season which would be acceptable to all. However, in their attempt to do this, they created one zone which I think is extremely unfair, it is very unfair; and therefore, I think it would be in order for us all to have a little better look at this zoning which has been committed on this bill at this time. Therefore, I move that the bill be tabled until the next legislative day.

The SPEAKER: The matter is still before the House, the gentleman has debated his tabling motion.

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

Mr. SCOTT: Mr. Speaker, I move this matter be tabled until the next legislative day.

The SPEAKER: The gentleman from Wilton, Mr. Scott, moves that this bill be tabled pending the adoption of House Amendment "A" and be specially assigned for Tuesday, April 16.

Mr. ANDERSON: I move a division on the 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 the count.

A division of the House was had.

Fifty-nine having voted in the affirmative and forty-two having voted in the negative, the tabling motion did prevail.

Bill "An Act Prohibiting Employment of Funeral Directors by Cemeteries" (H. P. 1043) (L. D. 1510)

Bill "An Act relating to Binders on Pulpwood, Logs or Bolts Hauled in Motor Vehicles" (H. P. 1045) (L. D. 1512)

Resolve Increasing Retirement Benefit of Irving W. Small of Mil-bridge (S. P. 256) (L. D. 630)

Resolve Appropriating Moneys for Spruce Budworm Control (H. P. 89) (L. D. 133)

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 Bills

Bill "An Act Providing for a Council-Manager Form of Government for Town of Gorham" (H. P. 161) (L. D. 223)

Bill "An Act Increasing Compensation of Members of State Personnel Board" (H. P. 685) (L. D. 941)

Were 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.

Third Reader Tabled and Assigned

Resolve Providing for Purchase of Fifty Copies of "Historic Hallowell" (H. P. 178) (L. D. 247)

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

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

Mr. GIFFORD: Mr. Speaker, I move this matter be tabled until Tuesday, April 16.

Mr. WELLMAN of Bangor: Mr. Speaker, I request a division.

The SPEAKER: The gentleman from Manchester, Mr. Gifford, moves this resolve be tabled pending passage to be engrossed and be specially assigned for Tuesday, April 16. A division has been requested.

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

A division of the House was had. Sixty-eight having voted in the affirmative and thirteen in the negative, the tabling motion did prevail.

Bill "An Act relating to Definition of Industrial Project under Maine Industrial Building Authority Act" (H. P. 104) (L. D. 148)

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

Passed to Be Enacted

An Act relating to the Organization of the Maine State Guard (S. P. 85) (L. D. 192)

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

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

An Act relating to Qualifications for Voting on Indian Reservations (S. P. 449) (L. D. 1278)

An Act relating to Definition of and Educational Assistance for Orphans of Veterans (S. P. 466) (L. D. 1293)

An Act relating to Interference with or Destruction of Transit Points and Monuments (S. P. 474) (L. D. 1326)

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 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 Engrossed Bills as truly and strictly engrossed.

(On motion of Mr. Pease of Wasscasset, tabled pending passage to be enacted and specially assigned for Tuesday, April 16.)

An Act to Extend Contracts for School Conveyance from Three to Five Years (H. P. 637) (L. D. 893)

An Act Providing an Additional Reporter for Industrial Accident Commission (H. P. 683) (L. D. 939)

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)

An Act relating to Income from Ministerial and School Fund in Determining Educational Foundation Program Allowance (H. P. 762) (L. D. 1116)

An Act Prohibiting Sale or Purchase of Military Decorations (H. P. 859) (L. D. 1246)

An Act relating to Expenditures from Unorganized Territory Capital Working Fund (H. P. 863) (L. D. 1250)

Finally Passed

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)

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

The Chair appointed the following conferees on the part of the House on the disagreeing action of the two branches on H. P. No. 97, L. D. No. 141, Bill "An Act to Authorize a Bond Issue for Purchase of Voting Machines for Resale to Municipalities":

Messrs. VILES of Anson
BINNETTE of Old Town
WILLIAMS of Hodgdon

The Chair appointed the following conferees on the part of the House on the disagreeing action of the two branches on S. P. 255, L. D. 629, Resolve Providing Increases in Retirement Allowances for Certain Retired Fish and Game Wardens.

Messrs. WADE of Skowhegan
JALBERT of Lewiston
ROSS of Brownville

Orders of the Day

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

Bill "An Act relating to Inspection of Motor Vehicles." (S. P. 39) (L. D. 32) — In Senate Engrossed with Committee Amendment "A" (Filing S-72) — House Amendments (Filing H-153, H-172, H-173)

Tabled — March 29, by Mr. Birt of East Millinocket.

Pending — Passage to be Engrossed.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, I would like to have this recommitted on the advice of the Chairman of the Transportation Committee, I would like to have it recommitted to the Committee on Transportation.

Thereupon, the Bill and accompanying papers were recommitted to the Committee on Transportation in non-concurrence and sent up for concurrence.

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

HOUSE REPORT — Ought to pass in New Draft under New Title of "An Act relating to Allocating Moneys from Organized Township's Fund for Managing Public Reserved Lots in Plantations." (H. P. 1037) (L. D. 1503) — Committee on Natural Resources on Bill "An Act Repealing Law Allocating Moneys from Organized Township's Fund for Managing Public Reserved Lots in Plantations." (H. P. 163) (L. D. 212) — (Recommitted Bill.)

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

Pending — Acceptance of Report.

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

Mr. VILES: Mr. Speaker, this new draft is contrary to L. D. 212 which I introduced, and I would like to give a brief resume of how these lots received their identity.

The general court of Massachusetts passed an act in 1786 for the sale of eastern lands in Maine by lottery and reserved four lots of 320 acres each in each township for the benefit of schools and the ministry. Two years later, a Massachusetts Act provided that in the disposition of all public lands, four lots of 320 acres each be reserved for these purposes; first, the first settled minister; second, for the ministry; third, for the support of the common schools in that township; fourth, for the future disposition of the state.

Under the Act of separation, Maine continued to carry out these provisions which I feel is important. Maine then enacted a law for preservation of 1,000 acres, instead of four lots of 320 acres each; and in 1831, Maine enacted a law providing that the income from any lands reserved for the benefit of the minister and the ministry should be provided for support of the primary schools. This was contingent on the consent of Massachusetts which was given in 1832.

Now, Ladies and Gentlemen of the House, this has been a brief resume of how these lots received their identity. As you will note, they were intended from the beginning to be assets for our schools, and I personally feel that until just recently they have been treated with the highest respect, highest degree of attention and respect by a joint management consisting of the assessors of the organized plantations and the Forest Commissioner. And I certainly would hope that this arrangement might continue, and that this body would look well at L. D. 212 before they cast a ballot.

I would also like to mention just a few facts on what has happened in the past two years. Under the present laws, the Commissioner of Education, and he is a very good friend of mine, and I respect him highly, Commissioner Wilkins, he has had the sole managership with the respect that he could spend

this \$30,000 in any manner in which he saw fit. And as I mentioned to you in my opening remarks, the original intention of the management of these lots, and the funds, were meant to be by joint management between the local assessors in organized territories; and I emphasize organized, because there are two different townships involved, organized and unorganized, and I certainly don't quarrel with the unorganized, because that is a state function. But until two years ago, our local assessors, and I am sure that many of you agree with me in home rule, that they have this responsibility and I certainly believe that they have done a tremendous job in carrying it out. Now the history of what happens when a plantation becomes a town, is this: As soon as this ceases to be a plantation, a town is awarded a public lot under the sole disposition of the selectmen or town manager form of government, whichever possesses, and this certainly is contrary to the Constitution, that it revert back to the people who have the responsibility to see that it is carried out. Now I know of plenty of instances where the local assessors and selectmen in these towns have acquired these lots and have done a tremendous job; they have left the funds intact, and they are still using them for school funds.

And I would also call your attention to the fact that in plantations, until this bill was enacted a few years ago, the funds that were derived from the trust fund, the interest so to speak, has been able to provide the necessary appropriation for their local schools, and I think as I progress in my remarks, you will perhaps understand my position. There are many plantations now that since the bill went into effect have to appropriate money from general funds in order to carry out their functions, and they certainly are disturbed in my area, and right they should be, because this is a function that belongs necessarily to the local assessors. And I certainly don't appreciate taking the position here today with many members on the Natural Resources Committee. They are my friends,

and I understand their position, but I too have been involved in the forestry profession for some twenty years, also with town and local government, and I know exactly what it means when legislation of this type is imposed upon the people back home. Naturally they resent it, when it hurts, and this certainly does hurt in times like these when we are looking for all the dollars we can get for our schools, and I think it is time that Forestry stood on their two feet, and if they don't have the money, then they should appropriate it either through a subsidy from sale of stumpage, which I heartily propose, I proposed it to the Committee, or perhaps they can find it in some other fund. Now I think many of you will recall about two weeks ago there was an article appeared in the Portland Press Herald that the Appropriations Committee, and they certainly have my respect, they found that there was \$200,000 had been lying idle. It has been building up since 1947 at the rate as I recall of about \$25,000 a year which was by statute, and certainly I cannot quarrel with the Commissioner, it was his duty to set it aside and he did it, but he did agree to pass back \$150,000 of this to the general fund, which leaves him at the time \$50,000.

Now the money that I am speaking about isn't a big sum of money. Under the present new draft it calls for ten percent of the interest of the trust funds that are dedicated for schools, which means about \$3,000. This proposal was offered to me after the first hearing, and I thought it over. My convictions were still the same. If I feel that I had been wrong, I would have withdrawn my bill. My convictions are still the same. I think it is still a function of local government, and I for one, as many of you know, would do anything within my power as a Member of the 101st Legislature to see that they have the responsibility to exercise these powers.

I would also call your attention to the fact that the unorganized and the organized funds have been lumped into one general fund, which

is approximately \$30,000 in the past biennium. \$10,000 of this comes from the unorganized public lots, and again I don't quarrel with it because it is a state function, and it is their responsibility and they should administer it; but the other \$20,000 for the past biennium, the other \$10,000 comes from local towns. These public lots are their assets, they belong to these towns and they should have them. The argument that the committee presented to me when I introduced the bill was, that this was a forestry program to help public lots produce more revenue. Now I certainly agree with reforestation or whatever you want to call it, but not to the point where a public lot might contribute for twenty years or more without receiving any benefit. Now the argument that they are giving us, if we spend money to improve the forest management you will receive more return. In the past two years Aroostook County had 23 plantations with public lots. Now only four of these received any attention at all as far as expenditures for marking trees. Franklin County had four lots and only one received any attention for marking trees; Hancock County has two and received no attention; Oxford County has two and one received attention; Penobscot has six and one received attention. When I say attention, I am speaking of marking trees, which is supposed to be the better practices of reforestation today. Piscataquis County had six plantations with public lots and just one received any attention. My own particular county of Somerset, and perhaps I sound selfish, but I am not intending my remarks to be that way, but we have not received any attention, and perhaps this is where the loudest holler comes, but nevertheless it is the record. Washington County had five and only two of these received any attention.

In brief, ladies and gentlemen, this means that nine plantations out of fifty-one in the State of Maine received any attention for marking trees under the present forestry program; and once again I repeat, this has been subsidized I feel from edu-

cational funds. It is very obvious that a small percent in the next years will receive any attention at all, there is not money enough to go around. If you are going into forestry and you are going to practice good forest practice then you need money to do it, and I certainly agree with the Commissioner, but under the present program these funds are not sufficient to carry out a good program on approximately forty public lots in the State of Maine with a thousand acres each.

I would also realize that I am in no position because of the rules of this House, to offer any amendments or such, but I would certainly hope that out of this membership, perhaps somebody might be a little sympathetic and when the proper time comes, might do just that. Thank you.

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

Mr. EWER: Mr. Speaker, I would like to address a question through the Chair of the gentleman from Anson, Mr. Viles. Are we discussing L. D. 212 or the New Draft, L. D. 1503? I understood the gentleman to refer to L. D. 212.

The SPEAKER: The gentleman from Bangor, Mr. Ewer, poses a question through the Chair of the gentleman from Anson, Mr. Viles, who may answer if he wishes.

Mr. VILES: Mr. Speaker, Ladies and Gentlemen of the House: My remarks were certainly intended to be in reference to the New Draft, but in order to elaborate, I had to go back to the original L. D. 212 which I introduced.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I am a Member, as you know, of the Committee that heard this bill, and it was the unanimous report, this New Draft was the unanimous report of the Committee, and it is quite simple; it won't take me long to tell you how we felt about it.

These are school lots set up, and some of them, like the gentleman who just spoke, Mr. Viles, in his area no doubt, the selectmen there

no doubt do a very good job in taking care of their school lots, but in some areas where the selectmen change yearly or nearly yearly, these lots are being very poorly cared for. Now the new draft cuts the amount that the state gets from 15 percent down to 10 percent, this is for managing these lots and trying to see that they are preserved and properly cut. And no doubt, like I say, in his area they are doing a good job, but the state as a whole, the committee felt as though they should have something so that they could properly manage these and spread this money out so they could get continuous use from it, and in some places they are not even getting the stumpage to return to the school funds that they should, that it was intended. That was the committee's stand. Thank you.

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

Mr. WILLIAMS: Mr. Speaker and Members: I hate to discuss with my good friend and seatmate, Mr. Viles, but nevertheless I must defend the position of the Natural Resources Committee.

We had two hearings, this was recommitted to the Committee, and this second draft is almost identical with the first one except that it cuts the percentage down from 15 percent to 10 percent. Now you people understand that we are talking about interest, we aren't talking about the actual from year to year money they get from this stumpage. It doesn't go right direct to the town, it goes into this fund, which over in the Forestry office amounts to I could tell you exactly, but it is over a million dollars, and then that is invested by the Treasurer of the State for the benefit of these towns, and then pro-rated back to the towns. Well this original bill said that 15 percent of that interest, instead of turning them back all the interest, the Forest Commissioner was authorized to take 15 percent of that interest and use it to do some forestry practice on these lots. Some of these lots hadn't been marked out and the lines run for years, and there were all sorts of people operating

on them and I would go along with a good deal of what Mr. Viles has told you, because his territory gets part in the total amount that this thing would cost, probably the most in the state, and I have a lot of those towns myself, and probably Representative Gallant and I from Aroostook have most of the rest of them.

Aroostook County contributes about half of this fund, it is something like a million dollars, and Aroostook County puts in \$450,000, but it isn't too enormous for each one of these towns. I won't burden you with reading a lot of this stuff, but just take one of my own towns, for instance. I have Cary. Understand this is 15 percent and has been cut down by one-third in this new draft, but their contribution was \$10.93, not a tremendous sum, and then I have some that contributed \$147; and there is a few of them that contributed more than \$200. This program has only been in effect for two years, and it is obvious that no matter how good they were, they couldn't get all over the state in two years. We had a re-hearing of this thing, and we had the educational people over there, and they agreed that it was a good thing. The sale of forest products in the last year of this thing has increased by — if my memory serves me right — something like \$2,000.

And to just give you an idea of what they do, here is a request that came into the office just the other day from Township 17, Range 11, that is part of the Allagash Plantation. They were asked to advertise 2,000 cords of pulpwood and 100,000 feet of cedar. They guaranteed the stumpage by the Great Northern Paper Company and required them to give a bond. The area must be selectively cut, scale receipts must be given and inspection during operation. They have another operation on another one of these. There are four towns make up the Allagash, Town 16, Range 10, they are advertising there 100,000 feet of cedar, and on another Allagash Plantation, Town 16, Range 11, they are asking for extension of cutting permits for a gentleman by the name of Louis Pelletier. Now

this whole thing, these public lots, adds up to 43,586 total acres; they represent about 40,000 acres of public lots, and they are scattered all over the state. Now personally there hasn't been anything done in my towns, but sometime or other we might be interested and get some of this when the signs come right for them to have need of something, but the Forest Commissioner thinks he is performing a good job, and the educational people go along with him, and we thought this new draft was a sort of compromise. I wouldn't think that anybody would get hurt too bad at this 10 percent, and the unanimous report of the Natural Resources Committee is that it should be continued at least for two more years.

The SPEAKER: The Chair will interrupt debate for just a moment in order to recognize in the balcony of the House a group of seventh and eighth grade students from the schools of Vinalhaven and Northhaven, with their Superintendent Stevenson and Mrs. Stevenson, and Mr. Small their teacher. These are the special guests of Representative Maddox of Vinalhaven and, on behalf of the House, the Chair extends to you young ladies and gentlemen, a warm and cordial welcome, and we trust that you will enjoy and profit by your visit with us here this morning. (Applause)

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

Mr. VILES: Mr. Speaker, o n c e again I will repeat, this isn't easy to stand here and debate with my good friend from Hodgdon, Mr. Williams or Mr. Dudley from Enfield; I have a tremendous amount of respect for both of them.

However, I would call your attention again that as far as my feeling goes, I have the same feelings for the little town of Cary, who has only contributed \$10.00 to the fund as I would for the same Township Allagash Plantation 17, Range 11, which contributed ten times as much. I would also call your attention that I don't quarrel with the State Education Department, this is their function to handle it in the

unorganized towns. If they want to do it, it is perfectly alright with me. It is a state function, and I have no quarrel with them at all, and I don't want to, but in the unorganized towns it certainly is the responsibility by statute of the Forest Commissioner and the local assessors.

I would also pose a question of the gentleman from Enfield, Mr. Dudley, from his statement in the respect that one plantation overcut. I am aware of this. It wasn't in my county, it was down in one of the other counties, but certainly if anyone is guilty of overcutting, it is the Forest Commissioner with the assessors. Now again, I would remind you, the only opposition at the first hearing was the Forest Commissioner, and this point was brought out, so if he wants to be critical, then he should assume his part of the responsibility, and I am certain that either he or his predecessor would recognize this.

I don't want to belabor the point any more. I have some other arguments that I could present to this body, and I don't want to do it! I know what the funds were used for, and I am sure that if any of you people wish, you ask me in the hall and I will tell you; if you go to the Legislative Finance Officer, you can find out; or you can find out through the Forest Commissioner. I am strictly opposed to creating jobs for anybody in the State of Maine for the sake of making the job. I think with that, ladies and gentlemen, I will close.

The SPEAKER: The pending matter before the House is the acceptance or rejection of the "Ought to pass" in New Draft Report.

The Chair recognizes the gentleman from Glenburn, Mr. Cookson.

Mr. COOKSON: Mr. Speaker, I would move that this matter be tabled until one week from today.

The SPEAKER: The gentleman from Glenburn, Mr. Cookson, moves that the "Ought to pass" Report in New Draft and Bill "An Act relating to Allocating Moneys f r o m Organized Township's Fund for Managing Public Reserved Lots in Plantations," House Paper 1037, Legisla-

tive Document 1503 and accompanying papers be tabled until Friday, April 19. Is this the pleasure of the House?

The motion prevailed.

On motion of Mr. Wellman of Bangor,

Adjourned until Tuesday, April 16, at nine-thirty o'clock in the morning.