

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 16, 1963

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

Prayer by the Rev. Mr. Richard Hamilton of the Methodist Church, Bethel.

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

The journal of the previous session was read and approved.

The SPEAKER: The Chair is delighted this morning to recognize in the balcony of the House, forty-five pupils from the seventh and eighth grades of the Greene School, accompanied by their teachers, Mr. Savage and Mr. Lee. These are the special guests of Representative Ricker of Wales.

Also in the balcony of the House, the Speaker is delighted to recognize about forty Girl Scouts, members of Troop 68, Waterville, accompanied by Scout Leader, Ethel Bates. These are the guests of Representatives Baldic and Noel of Waterville.

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

The SPEAKER: The Chair is wondering if the Safety Patrol group is in the balcony. Would you raise your hands if you are present. I am also delighted to recognize this group of thirty-seven from the Honor Safety Patrol from Green Street School, Thomaston, Maine. This trip is sponsored by the Thomaston P.T.A., and their chaperones are Mrs. Erdmana, Mrs. Mayo, Mrs Hilton, and Mr. Richards.

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

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

Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Bill "An Act to Provide Aerial Photos of Maine's Forest Lands in Organized Towns" (S. P. 444) (L. D. 1273)

Report of the Committee on Retirements and Pensions reporting same on Bill "An Act relating to Credit for Military Service under State Retirement Law" (S. P. 334) (L. D. 999) which was recommitteed.

Came from the Senate read and accepted.

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

Ought to Pass with Committee Amendment

Report of the Committee on Public Utilities on Bill "An Act to Correct the Name of Heron Lake Dam Company and Relating to Its Powers" (S. P. 281) (L. D. 795) 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. 281, L. D. 795, Bill, "An Act to Correct the Name of Heron Lake Dam Company and Relating to Its Powers."

Amend said Bill by inserting after the underlined words "water for" in the 9th line the underlined words and punctuation 'flood control.'

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

Divided Report Recommitteed

Majority Report of the Committee on Retirements and Pensions reporting "Ought not to pass" on Bill

“An Act relating to Application of Federal Social Security to Teachers” (S. P. 67) (L. D. 117)

Report was signed by the following members:

- Mr. BOISVERT of Androscoggin
- Mrs. SPROUL of Lincoln
- Mr. ATHERTON of Penobscot
— of the Senate.
- Mrs. LINCOLN of Bethel
- Mr. HENDSBEE of Madison
- Mrs. HENDRICKS of Portland
— of the House.

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

Report was signed by the following members:

- Messrs. GUSTAFSON
of South Portland
- PRINCE of Oakfield
- WOOD of Brooks
— of the House.

Came from the Senate with the Majority Report accepted.

In the House: Reports were read.

On motion of Mr. Crommett of Millinocket, the Reports and Bill were recommitted to the Committee on Retirements and Pensions in non-concurrence and sent up for concurrence.

Non-Concurrent Matter

Bill “An Act relating to Registration of Motor Vehicles Required to be Registered in Another State by Maine Residents” (S. P. 345) (L. D. 1010) which was indefinitely postponed in non-concurrence in the House on April 9.

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

- Messrs. WYMAN of Washington
- BROWN of Hancock
- COLE of Waldo

In the House: On motion of Mr. Plante of Old Orchard Beach, the House voted to insist upon its former action and join in a Committee of Conference.

The Speaker appointed the following conferees on the part of the House:

- Messrs. PLANTE
of Old Orchard Beach

FINLEY of Washington
LINNEKIN of Limington

The SPEAKER: The Speaker is pleased again this morning to recognize in the balcony of the House, thirty-six students from grades four and five of the Cornish Grade School, accompanied by Mrs. Henry, Mrs. Chassie, Mrs. Leavitt, Mrs. Davis and Mr. Whitney; and Mrs. Coates, their teacher. These are the special guests of Representative Linnekin from Limington.

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

Messages and Documents

The following Communications:

STATE OF MAINE

Office of Secretary of State

April 12, 1963

To the Honorable David J. Kennedy, Speaker of the House of Representatives of the One Hundred and First Legislature:

In compliance with the Constitution and laws of the State of Maine, I have the honor to herewith report the return of votes cast for Representative to the Legislature in the Town of Van Buren and the Plantations of Caswell, Cyr and Hamlin at a Special Election held April 8, 1963, according to a review of the returns made by the Governor and Council, to fill the vacancy caused by the resignation of Leo N. Poirier, as follows:

Alphie V. Cyr of Van Buren, 257 votes.

Leon G. Lebel of Van Buren, 609 votes.

Respectfully,

(Signed)

PAUL A. MacDONALD
Secretary of State

STATE OF MAINE

Office of Secretary of State

April 12, 1963

To Harvey R. Pease, Clerk of the House of Representatives of the One Hundred and First Legislature:

In compliance with Section 1 of Chapter 10 of the Revised Statutes,

I hereby certify that in accordance with Section 186 of Chapter 3-A of the Revised Statutes, a Special Election was held in the Town of Van Buren and the Plantations of Caswell, Cyr and Hamlin, on April 8, 1963, for the purpose of electing a Representative to the One Hundred and First Legislature to fill the vacancy caused by the resignation of Leo N. Poirier; that at said election Leon G. Lebel of Van Buren, having received a plurality of all votes cast in said election, as contained in a report submitted to the Governor and Council under date of April 12, 1963, appears to have been elected a Representative to the One Hundred and First Legislature.

IN WITNESS WHEREOF, I have caused the Great Seal of the State to be hereunto affixed this twelfth day of April in the year of our Lord one thousand nine hundred and sixty-three and of the Independence of the United States, the one hundred and eighty-seventh.

(Signed)

PAUL A. MacDONALD

Secretary of State

(SEAL)

The Communications were read and ordered placed on file.

The SPEAKER: The Chair understands that the Representative-elect from Van Buren, Leon G. Lebel, is in the Hall of the House, and the Chair would appoint the gentleman from Old Orchard Beach, Mr. Plante to escort Mr. Lebel to the office of the Governor to take and subscribe to his oath of office.

Thereupon, Mr. Plante of Old Orchard Beach and the Representative-elect of Van Buren, Mr. Lebel, were escorted by the Sergeant-at-Arms to the Governor to take and subscribe to the oaths necessary to qualify him to enter upon the discharge of his duties.

The SPEAKER: The Speaker is pleased this morning also to recognize in the balcony of the House, the Cub Scouts of Pack 115 from Lewiston. Their leaders are Mrs. Barney Parker, Mrs. Peaco, Mrs. Collins, Mrs. Bussell, and Mrs. Campbell.

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

**Petitions, Bills and Resolves
Requiring Reference
Joint Resolution**

The following Joint Resolution presented by Mr. Richardson of Stonington and approved by a majority of the Committee on Reference of Bills for introduction in accordance with Joint Rule 11A:

STATE OF MAINE
IN THE YEAR OF OUR LORD
ONE THOUSAND NINE HUNDRED AND SIXTY-THREE

MEMORIAL

To the Honorable Senate and House of Representatives of the United States of America in Congress Assembled

JOINT RESOLUTION MEMORIALIZING CONGRESS TO PROMPTLY AND FAVORABLY CONSIDER S. 702 AND H. 3965 WHICH WOULD AUTHORIZE THE PROCUREMENT AND DISTRIBUTION OF DOMESTICALLY PRODUCED FISHERY PRODUCTS UNDER THE FOOD FOR PEACE PROGRAM

We, your Memorialists, the Senate and House of Representatives of Maine, in the One Hundred and First Legislative Session assembled, most respectfully present and petition your Honorable Body as follows:

Whereas, the Federal Government has embarked on a program of Food for Peace to facilitate the purchase of domestic food surplus for sale to needy foreign nations; and

Whereas, the use of healthful, high in protein fishery products would contribute to the success of the program; and

Whereas, the development and progress of the fishery resources of the United States requires expanded domestic and foreign markets; and

Whereas, the off-shore fishery resources of the United States are being harvested by foreign powers unconcerned with proper conservation measures and the domestic market

flooded with low cost produced imports; and

Whereas, the fishing industry is one of our nation's greatest present and potential sources of foodstuffs; now, therefore, be it

Resolved: That we, the Memorialists, request and recommend that Congress give prompt and favorable consideration to S. 702, introduced by Senators Magnuson, Bartlett and Kennedy and H. 3965, introduced by Congressman McIntire, bills which would make domestically produced fishery products eligible for procurement and distribution under the Food for Peace program to assist that program and the development of the domestic fishery resources; and be it further

Resolved: That a copy of this Memorial, duly authenticated by the Secretary of State, be immediately transmitted by the Secretary of State to the Honorable Lyndon B. Johnson, Vice President of the United States, and Honorable John McCormack, Speaker of the House of Representatives and to each Senator and Congressman from the State of Maine (H. P. 1049)

The Resolution was read and adopted and sent up for concurrence.

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

Agriculture

Bill "An Act Clarifying the Labeling of Canned Food" (H. P. 1050) (Presented by Mr. Tyndale of Kennebunkport)

(Ordered Printed)

Sent up for concurrence.

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

Orders

Failed of Passage

On motion of Mr. Ross of Brownville, it was

ORDERED, the Senate concurring, that Bill "An Act Providing

for Statewide Open Deer Season in Month of November" (H. P. 39) (L. D. 62) be recalled from the Legislative Files to the House.

The **SPEAKER**: This Order requires a two-thirds vote for passage. It is the pleasure of the House that this Order shall receive passage?

(Cries of "No")

The **SPEAKER**: A division is required for the decision on this matter. All those in favor of the Order will please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

Seventy-three having voted in the affirmative and forty-one having voted in the negative, the Order failed of passage.

On motion of Mr. Mendes of Topsham, it was

ORDERED, that Mr. Jones of Farmington be excused from attendance today because of business.

On motion of Mr. Pitts of Harrison, it was

ORDERED, that Miss Debra Lou Crockett of Whitman, Massachusetts, be appointed to serve as Honorary Page for today.

The **SPEAKER**: Miss Debra Lou Crockett is the youngest granddaughter of Representative Crockett of Freeport.

Thereupon, Miss Debra Lou Crockett was escorted to the well of the Hall of the House by the Assistant Sergeant-at-Arms to serve as Honorary Page for the day. (Applause)

On motion of Mr. Waterman of Auburn, it was

ORDERED, that Miss Christine James of Auburn be appointed to serve as Honorary Page for today.

Thereupon, Miss Christine James of Auburn was escorted to the well of the Hall of the House by the Assistant Sergeant-at-Arms to serve as Honorary Page for the day. (Applause)

On motion of Mr. Karkos of Lisbon, it was

ORDERED, that Rev. Fabian Onderovsky of the SS Cyril and Methodist Church, Lisbon Falls, be in-

vited to officiate as Chaplain of the House on Tuesday, April 30, 1963.

On motion of Mr. Wellman of Bangor, it was

ORDERED, the Senate concurring, that Resolve Granting to the State Park and Recreation Commission the Power to Acquire by Eminent Domain Land at West Quoddy Head (H. P. 979) (L. D. 1418) be recalled from the Legislative Files to the House. (H. P. 1051)

The SPEAKER: The Order is debatable, and this also takes a two-thirds vote.

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

A division of the House was had. Ninety-nine having voted in the affirmative and six having voted in the negative, the Order received passage and was sent up for concurrence.

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

Mr. JALBERT: Mr. Speaker, I rise to a point of parliamentary procedure. On the last action that we took, what is the motion, the last motion that was made, please?

The SPEAKER: The question was the passage of the Order. Two-thirds having voted in favor of the passage of the Order, it received passage.

Mr. JALBERT: It is my understanding now that this measure will be referred again to the Committee of Rules?

The SPEAKER: It will go to the Senate for concurrence.

On motion of Mr. Minsky of Bangor, it was

ORDERED, that Richard and David Wellman of Bangor be appointed to serve as Honorary Pages for today.

The SPEAKER: The Sergeant-at-Arms will retire to the rear of the Hall of the House and escort these two young gentlemen, who are the sons of our Majority Floor Leader, Mr. Wellman, to the well of the Hall of the House to serve as Honorary Pages for the day.

Thereupon, the Sergeant-at-Arms escorted Richard and David Well-

man to the well of the Hall of the House to serve as Honorary Pages for the day. (Applause)

At this point, Mr. Plante of Old Orchard Beach reported that he had discharged the duty with which he was charged and that Representative Leon G. Lebel had taken and subscribed the oaths necessary to qualify him to enter upon the discharge of his duties.

The SPEAKER: The Chair thanks the gentleman from Old Orchard Beach, Mr. Plante, and the Representative from Van Buren will be assigned to Seat 151, and the House welcomes you, sir. (Applause)

Mr. Wellman of Bangor presented the following House Resolution and moved its adoption:

RESOLVED: That Leon G. Lebel of Van Buren is hereby declared duly elected Representative of the One Hundred and First Legislature.

The Resolution was read and adopted.

The SPEAKER: The Chair is pleased this morning to recognize in her seat, the gentlewoman from Portland, Mrs. Hendricks. (Applause)

The Chair recognizes the gentleman from Freeport, Mr. Crockett.

Mr. CROCKETT: Mr. Speaker, a point of information. I would like to know how we are going to address our worthy Representative from Portland, whether we will call her Mrs. Hendricks or will we call her Mrs. Carswell?

The SPEAKER: This being a parliamentary matter, I would confer with the Parliamentarian. For the information of the gentleman from Freeport, Mr. Crockett and also the House, the Parliamentarian has conferred with me relative to this matter and that inasmuch as the gentlewoman from Portland, Mrs. Hendricks was elected as Mrs. Hendricks, we understand that she prefers to continue her legislative experience this session as Mrs. Hendricks, and the Chair would like this confirmed by the gentlewoman.

Mrs. HENDRICKS: Mr. Speaker and Members of the House: For economy reasons inside the rail, it will be Mrs. Hendricks; and outside the rail, Mrs. Carswell. Thank you.

The SPEAKER: I am sure the House is properly informed.

**House Reports of Committees
Leave to Withdraw**

Mr. Treworgy from the Committee on Education on Bill "An Act Revising the Educational Foundation Program Allowance" (H. P. 897) (L. D. 1304) reported Leave to Withdraw.

Report was read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Humphrey from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act to Authorize the Issuance of Bonds in the Amount of One Million Dollars on Behalf of the State for the Purpose of Relocating the Boys Training Center at Hebron" (H. P. 84) (L. D. 128)

Report was read and accepted and sent up for concurrence.

Tabled and Assigned

Mr. Gifford from the Committee on Labor reported "Ought not to pass" on Bill "An Act Amending Certain Provisions of the Employment Security Law" (H. P. 115) (L. D. 159), as it is covered by other legislation.

Report was read.

(On motion of Mr. Jalbert of Lewiston, tabled pending acceptance of the Committee Report and specially assigned for Tuesday, April 23.)

Tabled and Assigned

Mr. Noel from the Committee on Labor reported "Ought not to pass" on Bill "An Act Repealing Certain Portions of the Employment Security Law" (H. P. 1) (L. D. 7), as it is covered by other legislation.

Report was read.

(On motion of Mr. Jalbert of Lewiston, tabled pending acceptance of the Committee Report and specially assigned for Tuesday, April 23.)

**Ought to Pass with
Committee Amendment**

Mrs. Hendricks from the Committee on Health and Institutional Services on Bill "An Act relating to License Fee for Boarding Homes" (H. P. 865) (L. D. 1252) 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. 865, L. D. 1252, Bill, "An Act Relating to License Fee for Boarding Homes."

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

"The fee for such license for boarding homes having 4 or less boarders shall be \$5 and for boarding homes having 5 or more boarders the fee shall be \$10."

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

Mrs. Hendricks from the Committee on Health and Institutional Services on Bill "An Act Providing for the New England Health Services and Facilities Compact" (H. P. 906) (L. D. 1314) 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. 906, L. D. 1314, Bill, "An Act Providing for the New England Health Services and Facilities Compact."

Amend said Bill by inserting at the beginning of the 11th line the underlined abbreviation and figure 'Sec. 1.'

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

'Sec. 2. Appropriation. There is appropriated from the General Fund the sum of \$500 for the fiscal year ending June 30, 1964 and the sum of \$500 for the fiscal year ending June 30, 1965 to carry out the purposes of this act.'

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

Tabled and Assigned

Mr. Mendes from the Committee on Labor on Bill "An Act relating

to Time Limitations for Filing Petitions under Workmen's Compensation Act" (H. P. 294) (L. D. 388) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read.

(On motion of Mr. Childs of Portland, tabled pending acceptance of the Committee Report and specially assigned for tomorrow.)

Mr. Philbrick from the Committee on Public Utilities on Bill "An Act to Create the Waldoboro Sewer District" (H. P. 993) (L. D. 1440) 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. 993, L. D. 1440, Bill, "An Act to Create the Waldoboro Sewer District."

Amend said Bill by inserting 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, disposal of sewage is essential to the health and well-being of the inhabitants of the Town of Waldoboro; and

Whereas, it is imperative that action be taken at the earliest possible time to eliminate any danger to such health and well-being; 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 in section 27 by striking out all of the headline and first sentence and inserting in place thereof the following:

'Emergency clause; referendum; effective date. In view of the emergency cited in the preamble, this act shall take effect when approved, only for the purpose of permitting its submission to the legal voters

of the Town of Waldoboro at a special town meeting called and held for the purpose no later than 90 days after the effective date of this act.'

Further amend said Bill in section 27 by striking out in the 2nd line of the 2nd paragraph the words "annual or"; and by striking out in the 3rd line of the 2nd paragraph the words "in the case of a special meeting"

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

Mr. Pitts from the Committee on Public Utilities on Bill "An Act to Incorporate the Sugarloaf Narrow Gauge Railroad Company" (H. P. 551) (L. D. 766) 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. 551, L. D. 766, Bill, "An Act to Incorporate the Sugarloaf Narrow Gauge Railroad Company."

Amend said Bill by inserting 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, the recreation industry in Maine is an integral part of the economy of the State; and

Whereas, it is vitally necessary that the following legislation become effective as soon as possible to permit the construction in time to service the tourist trade for the winter of 1963-1964; 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 in section 3 by adding after the word "powers" in the first line the words and punctuation 'except the power of eminent domain.'

Further amend said Bill in section 4 by striking out the word "Crockertown" in the 4th line and inserting in place thereof the word "Sugarloaf"

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.'

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

Mr. Rand from the Committee on Public Utilities on Bill "An Act Increasing the Indebtedness of the Veazie Sewer District" (H. P. 1009) (L. D. 1460) 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. 1009, L. D. 1460, Bill, "An Act Increasing the Indebtedness of the Veazie Sewer District."

Amend said Bill in the 20th line by striking out the underlined figure "\$75,000" and inserting in place thereof the underlined figure '\$100,000'

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

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act Revising Certain Fire Laws" (H. P. 665) (L. D. 921)

Report was signed by the following members:

- Mr. STITHAM of Somerset
- Mrs. SPROUL of Lincoln
- Mr. ATHERTON of Penobscot
— of the Senate.
- Mr. COTE of Lewiston
- Mrs. WHITE of Guilford
- Messrs. FOSTER of Mechanic Falls
- COPE of Portland
- BOISSONNEAU
of Westbrook
— of the House

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

Messrs. WELLMAN of Bangor
GILBERT of Eddington
— of the House

Reports were read.

(On motion of Mr. Pierce of Bucksport, tabled pending acceptance of either Report and specially assigned for Thursday, April 18.)

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Natural Resources reporting "Ought to pass" on Bill "An Act Classifying Certain Tidal Waters in Hancock County" (H. P. 346) (L. D. 501)

Report was signed by the following members:

- Messrs. FERGUSON of Oxford
- COLE of Waldo
- REED of Sagadahoc
— of the Senate
- Messrs. SAHAGIAN of Belgrade
- CHOATE of Windsor
- WILLIAMS of Hodgdon
- DUDLEY of Enfield
— of the House

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

Report was signed by the following members:

- Messrs. JEWELL of Monticello
- JAMESON of Bangor
- BURNS of Westbrook
— of the House.

Reports were read.

(On motion of Mr. Williams of Hodgdon, tabled pending acceptance of either Report and specially assigned for Thursday, April 25.)

The SPEAKER: At this time, the Speaker is very pleased to recognize in the balcony of the House, eight boys and girls, delegates from the Hermon High School, accompanied by their teacher, Mr. Carr. These are the guests of Representative Littlefield of Hampden.

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

Passed to Be Engrossed

Bill "An Act relating to Crossing Railroad Right-of-Way by Water Utility" (S. P. 396) (L. D. 1099)

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

**Third Reader
Tabled and Assigned**

Bill "An Act relating to Temporary Registration Permits for Certain Motor Vehicles and Special Permits for Other Vehicles" (S. P. 440) (L. D. 1183)

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

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

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

Bill "An Act Repealing Fee for Solemnization of Marriages" (S. P. 565) (L. D. 1509)

Bill "An Act Providing for the Driver License Compact" (H. P. 464) (L. D. 668)

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
Recommitted**

Bill "An Act Creating a Sewer District in the Town of Berwick" (H. P. 497) (L. D. 699)

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

(On motion of Mr. Tyndale of Kennebunkport, recommitted to the Committee on Public Utilities and sent up for concurrence.)

Bill "An Act to Extend the Charter of the Eliot Water District" (H. P. 998) (L. D. 1446)

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

**Third Reader
Amended**

Bill "An Act Prohibiting Throwing of Rocks at any Public or Private Transportation Conveyance" (H. P. 1046) (L. D. 1516)

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. 1046, L. D. 1516, Bill, "An Act Prohibiting Throwing of Rocks at any Public or Private Transportation Conveyance."

Amend said Bill in the Title by striking out the word "Rocks" and inserting in place thereof the words "Substances or Missiles"

Further amend said Bill in that part designated "Sec. 26-A." by striking out in the headnote the underlined word "rocks" and inserting in place thereof the underlined words 'substances or missiles'

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

Resolve Authorizing a Review of Maine Highway User Tax Study (H. P. 369) (L. D. 542)

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

Amended Bills

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)

Bill "An Act to Grant a Charter to the City of Brunswick" (H. P. 343) (L. D. 556)

Bill "An Act relating to Penalty for Furnishing Liquor to Minors and Others" (H. P. 463) (L. D. 667)

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)

Bill "An Act Authorizing Certain Minors to Contract and Discharge for Life and Health Insurance" (H. P. 659) (L. D. 915)

Bill "An Act relating to the Educational Foundation Program Allowances" (H. P. 862) (L. D. 1249)

Bill "An Act relating to Registration Fee for Semi-trailers" (H. P. 886) (L. D. 1271)

Bill "An Act Appropriating Funds to the Unorganized Territory Capital Working Fund" (H. P. 961) (L. D. 1400)

Resolve Reimbursing Bay Ferry Corporation for Loss of Its Business (H. P. 92) (L. D. 136)

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

**Emergency Measure
Tabled and Assigned**

An Act Providing for Lease by Maine State Park and Recreation Commission to Mt. Blue Ski Corporation (H. P. 1014) (L. D. 1470)

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

(On motion of Mr. Childs of Portland, tabled pending passage to be enacted and specially assigned for tomorrow.)

**Passed to Be Enacted
Emergency Measure**

An Act relating to Temporary Loans by the City of Old Town (H. P. 1032) (L. D. 1496)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 116 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

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

An Act Providing for Area Directional Sign on Maine Turnpike

for Andover-Rumford Area (S. P. 360) (L. D. 1026)

An Act to Provide for Special Deputy Clerks of Court (S. P. 403) (L. D. 1106)

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 Transferring Duties of Commissioner of Agriculture Relating to Shellfish to Commissioner of Sea and Shore Fisheries and Revising Laws Thereto (S. P. 554) (L. D. 1489)

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

(On motion of Mr. Coulthard of Scarborough, tabled pending passage to be enacted and specially assigned for Friday, April 19.)

An Act Providing for Boothbay Harbor Region Area Sign on Maine Turnpike (H. P. 103) (L. D. 147)

An Act Increasing Compensation of Mayor and Councilmen of City of Biddeford (H. P. 124) (L. D. 168)

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 State Budget Estimates (H. P. 320) (L. D. 447)

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

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

Mr. BERMAN: Mr. Speaker with respect to item 9, An Act relating to State Budget Estimates, I would like to pose a question through the Chair to anyone who may care to answer as to what this legislative document will mean if enacted?

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

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

Mr. BRAGDON: Mr. Speaker, I would move this matter lie on the table until tomorrow.

Thereupon, the Bill was tabled pending passage to be enacted and specially assigned for tomorrow.

Enactor

Tabled and Assigned

An Act to Grant a New Charter to the City of South Portland (H. P. 344) (L. D. 529)

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

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

Mr. BROWN: Mr. Speaker, I move that item 10, L. D. 529 lay on the table until Friday next.

The SPEAKER: The gentleman from South Portland, Mr. Brown, moves that item 10, An Act to Grant a New Charter to the City of South Portland, House Paper 344, Legislative Document 529 be tabled until Friday, April 19, pending passage to be enacted. Is this the pleasure of the House?

Mr. Gustafson of South Portland then requested a division on the tabling motion.

The SPEAKER: A division has been requested relative to the tabling of item 10 until Friday, April 19. 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.

Ninety-four having voted in the affirmative and twelve having voted in the negative, the tabling motion did prevail.

An Act Exempting Certain Fraternal Societies from Property Taxes. (H. P. 844) (L. D. 1231)

An Act Increasing Debt Limit of Stonington School District. (H. P. 1008) (L. D. 1459)

Finally Passed

Resolve Reimbursing Certain Municipalities on Account of Property Tax Exemptions of Veterans (S. P. 97) (L. D. 234)

Resolve for Purchase of Copies of "Maine Province and Court Rec-

ords, Volume V" (S. P. 169) (L. D. 468)

Resolve Appropriating Money for Preparation of Court Rules of Criminal Procedure (H. P. 182) (L. D. 251)

Resolve Authorizing Completion and Printing of a Digest of the Opinions of the Law Court (H. P. 183) (L. D. 252)

Resolve to Purchase Fifty Copies of "The History of Augusta" (H. P. 184) (L. D. 253)

Resolve Providing Funds for Research on Marine Vegetation Utilization (H. P. 359) (L. D. 533)

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

The SPEAKER: The Speaker is pleased to recognize in the balcony of the House, a group of Pioneer Girls accompanied by Mrs. Williams and Mrs. Goodale; five from Carmel; fifteen from East Corinth; and these are the special guests of Representative Carter from Etna.

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

Orders of the Day

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

Bill "An Act Adjusting Salary for the Supreme Judicial Court Messenger in Cumberland County." (S. P. 435) (L. D. 1178)

Tabled — April 5, by Mr. Treworgy of Gorham.

Pending — Passage to be Engrossed.

On motion of Mr. Treworgy of Gorham, retabled pending passage to be engrossed and specially assigned for Thursday, April 25.

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

Bill "An Act Adding the Maine Motor Vehicle Dealer Registration Board to the State Agencies Sub-

ject to the Administrative Code.” (S. P. 487) (L. D. 1339)

Tabled—April 5, by Mr. Scott of Wilton.

Pending — Passage to be Engrossed.

On motion of Mr. Scott of Wilton, the Bill was passed to be engrossed and sent to the Senate.

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

Bill “An Act to Revise the Laws Relating to Real Estate Brokers and Salesmen.” (S. P. 552) (L. D. 1484)

Tabled — April 5, by Mr. Denbow of Lubec.

Pending — Passage to be Engrossed.

Thereupon, the Bill was passed to be engrossed and sent to the Senate.

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

Bill “An Act relating to Non-alcoholic Drink Products and Beverages.” (S. P. 469) (L. D. 1346)—House Amendment “A” (Filing H-186)

Tabled — April 5, by Mr. Coulthard of Scarborough.

Pending — Passage to be Engrossed.

Mr. Coulthard of Scarborough offered House Amendment “B” and moved its adoption.

House Amendment “B” was read by the Clerk as follows:

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

Amend said Bill in that part designated “Sec. 277-B.” of section 1 by striking out all of the first underlined sentence of the 2nd paragraph and inserting in place thereof the following underlined sentence:

‘No person manufacturing or bottling any beverage outside of the State for retail sale within the State shall sell or offer to sell the same within the State unless such person shall have made application and secured a license to sell beverages from the commissioner upon the payment of \$15.’

House Amendment “B” was adopted, and the Bill passed to be engrossed as amended by House

Amendments “A” and “B” and sent to the Senate.

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

Bill “An Act Providing Area Directional Sign for Damariscotta-Pemaquid Region.” (S. P. 312) (L. D. 978)

Tabled—April 9, by Mr. Pease of Wiscasset.

Pending — Passage to be Engrossed.

On motion of Mr. Wellman of Bangor, retabled pending passage to be engrossed and specially assigned for Thursday, April 18.

The SPEAKER: The Speaker is pleased to recognize in the balcony, twelve members of the Girl Scout Troop 360 under the direction of Mrs. Meigs of Bucksport.

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

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

Bill “An Act relating to Licensing of Children’s Homes and Defining Day Care Facilities.” (H. P. 860) (L. D. 1247)—House Amendment “A” (Filing H-217)

Tabled—April 9, by Mr. MacLeod of Brewer.

Pending — Passage to be Engrossed.

Mr. MacLeod of Brewer offered House Amendment “B” and moved its adoption.

On motion of Mr. Wellman of Bangor, retabled pending adoption of House Amendment “B” and specially assigned for tomorrow.

The Chair laid before the House the seventh tabled and today assigned matter of Unfinished Business:

Bill “An Act to Authorize Cumberland County to Raise Money for Court House Capital Improvements.” (S. P. 283) (L. D. 797)—In Senate Engrossed with Committee Amendment “A” (Filing S-93)

Tabled—April 9, by Mrs. Smith of Falmouth.

Pending — Third Reading.

On motion of Mrs. Smith of Falmouth, retabled pending third reading and specially assigned for Thursday, April 25.

The Chair laid before the House the eighth tabled and today assigned matter of Unfinished Business:

HOUSE REPORT—Ought not to pass—Committee on Sea and Shore Fisheries on Bill “An Act relating to Taking of Alewives in the St. George River in the Towns of Thomaston, South Thomaston, St. George and Cushing.” (H. P. 398) (L. D. 597)

Tabled—April 9, by Mr. Waltz of Waldoboro.

Pending—Motion of Mr. MacPhail of Owl’s Head that the Bill be Substituted for ONTP Report.

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

Mr. FINLEY: Mr. Speaker, Ladies and Gentlemen of the House: After attending the hearing before the Committee on Sea and Shore Fisheries on Bill “An Act relating to Taking of Alewives in the St. Georges River in the Towns of Thomaston, South Thomaston, St. George and Cushing,” I had not anticipated any opposition to the committee’s “Ought not to pass” Report. However, to my surprise on April 3, the gentleman from Owl’s Head, Mr. MacPhail, opposed the Committee’s Report, and moved that the Bill be substituted for the “Ought not to pass” Report. Since it has been nearly two weeks since the gentleman from Owl’s Head has debated his motion, I feel that I should read verbatim from the proof the remarks during his debate:

“Mr. Speaker, the bill was introduced to correct what I consider a gross inequity. I can give you a slight history briefly of what it is all about. I understand in 1802, I wasn’t there personally, but I am told that at that time there was famine in the town of Warren and somehow they had legislation passed giving them the exclusive right to take alewives from the

Georges River. Now the Georges River starts way down on the coast, about fifteen miles below the Town of Warren. As it moves up inland, it is flanked on both sides by the Towns of St. George, Cushing, South Thomaston and Thomaston before it reaches Warren. In the past years, a hundred years, I am told, although I can’t prove that is a fact, other persons have taken alewives by means of various fish weirs wholly unaware of this existing law.

“It came out of the hearing one gentleman knew of sixty years personally that he had been taking alewives from there and his weirs had been inspected from time to time by the wardens of the Sea and Shore Fisheries, and they were also unaware of this existing regulation. However, this old law was unearthed and a court injunction I understand a couple of years ago or so was brought against those persons in Thomaston and others taking these fish.

“This certainly is monopoly if there ever was such, and this is something I believe in our American way of life today, we sort of frown upon.

“The Town of Warren lets the rights to these alewives to some commercial concern who comes in to bale them up, put them in barrels and ship them away, for what purpose, I don’t know, possibly fertilizer, fish oil or something like this. However, in the past years, the fact that a few of these fish have been taken by the other towns down farther, have not depleted the supply that was available for Warren. And neither will it. You may hear that the opposition to this bill is a conservation measure. Well, if it is conservation, why has it not affected them over the last fifty or hundred years? There’s certainly been plenty then. There is plenty today, and always will be.

“The inequity of this is the fact that the Town of Warren is asking for complete monopoly over this product of the sea, which should be available to the abutting towns of this River, I move the passage of this bill.”

Mr. Speaker, in behalf of my constituents of Warren, I feel that I must challenge many of those statements, and I would like to read a few excerpts from 'Eaton's Annals of Warren.'

"About 1800 the population of this and adjacent towns had so increased and so much disorder, growing out of the eagerness and violent contention for fishing stands, as to induce many of the inhabitants to petition Legislature to make the fishways a town privilege.

"At a town meeting, September, 1801, the representative was instructed to use his endeavors in aid of said petition; and in 1802, an act was passed giving to the town the exclusive right of disposing of said fish, on condition of supplying the inhabitants of Warren living on the river, with alewives, when on hand, to the amount of 500 each, at 20 cents a hundred, of fishing but three days in a week and of choosing a committee to prevent obstructions in the river and other infractions of the law; the proceeds to go into the town treasury and be disposed of as the inhabitants of the town shall from time to time direct.

"The fishery was, accordingly, set in April 1802, to the highest bidder and struck off to Reuben Hall for the sum of \$360. This put an end to a contest for fishing stands and, for a time, produced general satisfaction.

"However, again in 1810, a petition was sent to the Legislature from sundry inhabitants of Cushing and St. George praying for repeal of the law, giving to the town of Warren, the exclusive right of taking the shad and alewives within its limits. But in consequence of an error of the press and in the order of notice, the whole matter was referred to the next legislature; partly, perhaps from the political change which that body underwent in 1812, no strenuous effort was made in support of the petition. And the matter was dismissed.

"Since 1844"—this is 1850—"Since 1844, the fishery has yielded but little income.

"At the March 1857 town meeting, the town voted that its select-

men petition the legislature, and its representatives take all proper measures for obtaining an alteration, of the old fish law, by which the fish wardens, residents in Warren alone, should be given the defining of places where the fish should be caught and other needed powers in regard to the shad and alewife fishery; instead of having the same in conjunction of wardens of towns on the river below to which that right has been surrendered.

"March 1, 1869, there was an article in the warrant to see if the town will abandon its right to the shad and alewife fishery, secure to Warren by law, or act on anything relating thereto, and it was voted that the town take no fish that year. And the same the following year."

Mr. Speaker, ladies and gentlemen of the House, it was the contention of Mr. MacPhail that there have over a hundred years or more been plenty of fish; there are now plenty of fish and always will be. I would like to state that in my comments, in fact in the last thirteen years, the Town of Warren has been trying to build up a depleted fishery industry. I think this can be best brought out from facts in our Town Report of this year. After two years of full abstinence of taking fish, allowing the fish free passageway to their spawning grounds, the first year abstinence the taking of fish, the fish account was credited with \$2,004.05. Their expenditures were \$2,076.30, or an overdraft of \$72.25. That doesn't look as if the fish industry in Warren was thriving. In fact, it hasn't been. They have been trying to build up this industry.

Years ago, referring back to 'Our Annals of Warren,' we find that they had a nice oyster industry, an oyster river. That has become duly depleted. The same would happen to the alewives if permission were granted as Mr. MacPhail wishes it to be.

Mr. Speaker, I hope that the motion of the gentleman from Owl's Head, Mr. MacPhail, to substitute the Bill for the Report does not prevail.

The SPEAKER: The Chair understands that the gentleman's point of reference was to the gentleman from Owl's Head, Mr. MacPhail.

The Chair recognizes the gentleman from Owl's Head, Mr. MacPhail.

Mr. MacPHAIL: Mr. Speaker, this bill, of course, seeks to eliminate a monopoly of long-standing, and as my good friend from Washington, Mr. Finley, saved me the trouble of bringing you up-to-date on the history on this, it will take much less time on my part to what I have to say at the present time.

I have lived in the Town of Warren, and I have seen this alewife industry, as he calls it, not grow because I don't think it is an industry that is going to grow a great deal. The time is very limited for the taking of these fish from that particular place. But the only opposition that I see that they can rake up is that time-worn and hackneyed excuse of conservation. However, these other folks down river in the other towns, as was brought out in the history just given, over the years have been taking these fish. Not to the extent that they have in Warren for the same type of commercial purpose, but the only reason the folks down river want them, there are a few lobstermen who want to take a few for bait.

Now this river down below runs about up to three-quarters of a mile wide. Obviously, there is not going to be too much of a concentrated school of fish in that area of water. However, up in Warren for the last few miles, where the Town is situated, this river narrows down to about 100 or 150 feet, and during high tides, the fish run there, I have seen this river literally teeming with fish; you could almost walk across, and it would seem so and for every one they take, there are countless hundreds of others ready to take their place. I don't believe the idea of conservation enters into it at all. They will never get them all. They never could.

The folks down river in the other four towns simply want to continue to be able to take a few of those for lobster bait, which certainly

will never and never has interfered with any quantity taken by Warren. As far as the industry goes, I don't think this has ever produced over between two and three thousand dollars. For the town the size of Warren, that doesn't actually make so much difference. I would certainly hope that this bill receives passage.

The SPEAKER: The question before the House is the motion of the gentleman from Owl's Head, Mr. MacPhail, that the House substitute the Bill for the "Ought not to pass" Report.

The Chair recognizes the gentleman from Gouldsboro, Mr. Young.

Mr. YOUNG: Mr. Speaker, I have no intent of debating this at any length, but there are three points that I would like to bring up. You have a law that has been on the books for 160 years. Point Number two, we recently had the same type of a bill on the Damariscotta River, and we brought out an "Ought not to pass" Report on that, and that was upheld. And this bill here has the unanimous "Ought not to pass" Report, and I hope the motion of the gentleman from Owl's Head, Mr. MacPhail, does not prevail.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Owl's Head, Mr. MacPhail, that the House substitute the Bill for the "Ought not to pass" Report on Bill "An Act relating to Taking of Alewives in the St. George River in the Towns of Thomaston, South Thomaston, St. George and Cushing," House Paper 398, Legislative Document 597.

Mr. MacPhail of Owl's Head then requested a division.

The SPEAKER: A division has been requested. All those in favor of substituting the Bill for the "Ought not to pass" Report, will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Twelve having voted in the affirmative and one hundred one having voted in the negative, the motion did not prevail.

Thereupon, the Committee "Ought not to pass" Report was

accepted and sent up for concurrence.

The Chair laid before the House the ninth tabled and today assigned matter of Unfinished Business:

Bill "An Act relating to Permit to Operate Certain Farm Trucks." (H. P. 857) (L. D. 1244)

Tabled—April 10, by Mr. Coulthard of Scarborough.

Pending—Second Reading.

On motion of Mr. Coulthard of Scarborough, the Bill was given its second reading and assigned for third reading tomorrow.

The Chair laid before the House the tenth tabled and today assigned matter of Unfinished Business:

HOUSE REPORT—Ought not to pass—Committee on Sea and Shore Fisheries on Bill "An Act relating to Erection of Fish Weirs in Waters Lying Between Towns." (H. P. 829) (L. D. 1216)

Tabled—April 10, by Mr. MacPhail of Owl's Head.

Pending—Acceptance of Report.

On motion of Mr. MacPhail of Owl's Head, the Committee "Ought not to pass" Report was accepted and sent up for concurrence.

The Chair laid before the House the eleventh tabled and today assigned matter of Unfinished Business:

Bill "An Act relating to Power of Eminent Domain of Maine State Park and Recreation Commission." (S. P. 542) (L. D. 1468)—In House Engrossment Reconsidered.

Tabled—April 10, by Mr. Easton of Winterport.

Pending — Adoption of House Amendment "A" (H-220)

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

Mr. WELLMAN: Mr. Speaker, Ladies and Gentlemen: With Mr. Easton's consent and also with the consent of all of the other persons who have been interested in this bill, I would merely like to point out to you that we should now accept the amendment and then wait concurrent action on the Order that we passed this morning. Thereupon, House Amendment

"A" was adopted and, on motion of Mr. Wellman of Bangor, tabled pending passage to be engrossed and specially assigned for Tuesday, April 23.

The Chair laid before the House the twelfth tabled and today assigned matter of Unfinished Business:

AN ACT relating to Sewer Service Charges. (S. P. 331) (L. D. 996)

Tabled—April 10 by Mr. Prince of Harpswell.

Pending—Passage to be Enacted.

On motion of Mr. Prince of Harpswell, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the thirteenth tabled and today assigned matter of Unfinished Business:

HOUSE MAJORITY REPORT (9)—Ought not to pass—Minority Report (1) — Ought to pass with Committee Amendment "A" (H-222)—Committee on Judiciary on Bill "An Act to Create the Office of Public Defender." (H. P. 869) (L. D. 1256)

Tabled — April 10, by Mr. Cote of Lewiston.

Pending — Acceptance of Either Report.

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

Mr. BERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would move acceptance of the Majority "Ought not to pass" Report, and I would speak briefly to that motion.

The SPEAKER: The gentleman may proceed.

Mr. BERMAN: Mr. Speaker, nine members of the Judiciary Committee felt that this bill should not be recommended. The bill is fairly short, but in the first section, it states that any county may join with one or more other counties to establish and maintain the office of public defender to serve the county. The committee felt that this joiner, permissive though it may be, was too loose an arrangement to enact into law.

Secondly, the second provision of the proposed legislation states that this office of public defender should

be appointed by the Governor with the consent of the Council. Now since the bill proposes that this office be paid for with county funds, the committee felt that the appointment should not be made by the Governor and Council.

Thirdly and most important, the duty of the public defender as spelled out in the third section of the bill, is already performed at the present time by appointments by judges of the Superior Court in the serious criminal cases called felonies. In these cases, all the indigent defenders or respondents who wish counsel, are assigned counsel.

Fourth, the bill would call for an office and provide expenses to be paid for by the county for this office of public defender. At the present time, our practice of having the Superior Court justices appoint attorneys to represent indigent respondents in the serious criminal cases is working out perfectly well. For that reason, I hope that the House will give heed to the nine members of the Judiciary Committee who felt that this bill should not pass.

The SPEAKER: The gentleman from Houlton, Mr. Berman, moves that the House accept the Majority "Ought not to pass" Report. Is that the pleasure of the House?

The Chair recognizes the gentleman from Raymond, Mr. Edwards.

Mr. EDWARDS: Mr. Speaker, Members of the House: I want to assure you this morning that this is a good bill. Why do I say that it is a good bill? Because it has a heart. But that heart has been pierced, and today it lays before us breathing its last few breaths of life, and only you and I can restore it.

I have had a lot of encouragement before this bill came to hearing. Many told me, you wait until that committee gets their hands onto that one; there won't be much left of it. Sure enough, they were right. We had a very quiet hearing. A number of questions were asked, and I began to think to myself, this bill is almost human. Why do I say that? Because it wasn't quite perfect. But we have an amendment to correct the errors. Well, the hearing ended, and I left my little bill and walked out of

the room. It was given a thorough examination and put out not much hope.

I would like to point out first of all that this bill does not force anything upon anyone. The first section provides that the county commissioners of a county or a group of counties may establish the office of public defender. The legislation is permissive, and allows the commissioners to determine if such an office is desirable either in their county alone or in combination with other counties. Under this legislation, the annual salary of the public defender would be set by the county commissioners, but the member of the Bar who fills the office would be appointed by the Governor. The office expense of the public defender would also be paid by the county.

Basically, there is only one good reason for the passage of this legislation, and for the creation of such an office in any county that desires to do so. This is the creation of a more uniform standard of justice for the person who is unable to hire a lawyer. I am not a lawyer, but it is my understanding that in those cases where the court names the lawyer to represent a defendant who is unable to hire one, that the court most frequently influence a relatively inexperienced lawyer. I believe that a man is entitled to a representation before the court, and that the lawyer representing him should be both experienced and adequately paid for his time and effort. I believe the defendant who cannot hire a lawyer should be adequately and fairly represented, and urge your support. I ask you to vote against the motion that has been made.

The SPEAKER: Is the House ready for the question?

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

Mr. CHILDS: Mr. Speaker, Members of the House: I would at this time like to comment on the remarks made by the gentleman from Houlton, Mr. Berman in reference to two different items.

Number one, he felt that it was not improper where the county created the office and where the

county also paid the salary, that the appointment should be made by the Governor. May I remind the gentleman and the members of the House, that that is the very system we have now under our municipal court judges and trial justices. They are paid out of county funds.

May I also point out, not only would this bill, I believe, give better representation to those felons who need good representation, it also is a money-saving bill for each and every county. As the gentleman from Raymond pointed out, this is permissive legislation. And before the county commissioners ever enacted this, they would certainly sit down and decide how much money their counties had been spending in the past for hiring attorneys for indigent felons and then make a determination whether they would be better off to have a public defender appointed.

In Cumberland County in the last biennium, \$21,000 was spent for the purpose of hiring attorneys to represent these indigent prisoners. Now if this bill were passed, the county commissioners would certainly find somebody who would be willing to take this as a part-time job, who would probably not get even half of that salary and do a good job, and they would be men who would somewhat be experienced in this particular aspect of the law.

Now the gentleman also commented that this would be a very loose arrangement with counties. I certainly cannot see any merit to that argument whatsoever. If two adjoining counties, such as Washington County and Aroostook want to get together and hire one public defender, this public defender would be representing felons in both Washington and Aroostook Counties, and I cannot see where that would be any problem whatsoever. I also hope that the motion of the gentleman from Houlton, Mr. Berman, will not prevail.

Mr. Anderson of Ellsworth then requested a division on the motion of Mr. Berman of Houlton to accept the Majority "Ought to pass" Report.

The SPEAKER: The Chair recog-

nizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker, with respect to two items which Mr. Childs of Portland has mentioned; mainly, as to the effectiveness of a public defender representing indigent defendants in both Aroostook and Washington Counties, I would suggest to this House that geography alone would make such an arrangement impractical. I would also suggest that the criticism which I levy at this bill with the county paying the salary and expenses and another power appointing the public defender which is the situation at the present time in regards to the municipal court judges and the trial justices, the municipal court judges and trial justices are soon to be a thing of the past. I hope that that will be what will happen to this bill.

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

Mr. JALBERT: Mr. Speaker, in answer to the second phase of the comments of the gentleman from Portland, Mr. Childs and the rebuttal by the gentleman from Houlton, Mr. Berman, I might suggest that the expenses and the court expenses and the jury fees and the trial fees brought about by Superior Court sessions are certainly not a thing of the past. If you will look at the county budgets, they are paid for out of county funds, and the judges that preside are appointed by the Governor. This obviously is merely one thing. As one who, at a later age, went to law school, and for personal reasons, could not finish, my heart was set on being a member of that splendid fraternity, I don't think anyone here likes to go to bat for them any more than I do as a non-lawyer because of my deep feeling of respect for that profession. But every once in a while something comes down here that is strictly lawyer versus layman. This is definitely lawyer versus layman. This bill never should have gone before an all-lawyer committee in the first place. This is a bill that should have gone before State Government Committee. Were it not for the lateness of the session, this is exactly what should happen. This

bill should be referred to the Committee on State Government. Also this is merely a permissive piece of legislation. It is just like county line budgets—if you want it, accept it. If you don't want it, don't. It is the same thing with this measure. I certainly hope the motion of the gentleman from Houlton, Mr. Berman, does not prevail.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Houlton, Mr. Berman, that the House accept the Majority "Ought not to pass" Report on Bill "An Act to Create the Office of Public Defender," House Paper 869, Legislative Document 1256. A division has been requested. All those in favor of accepting the Majority "Ought not to pass" Report, will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Eighty-nine having voted in the affirmative and forty-nine having voted in the negative, the motion prevailed.

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

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

HOUSE REPORT "A" — Ought to pass with Committee Amendment "A" (Filing H-216)—House Report "B"—Ought not to pass—Committee on Public Utilities on Bill "An Act relating to Transportation to Islands in Casco Bay." (H. P. 611) (L. D. 846)

Tabled—April 9, by Mr. Minsky of Bangor.

Pending—Motion of Mr. Prince of Harpswell to Accept "B" ONTP.

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

Mr. BERRY: Mr. Speaker, along with the gentleman from Bangor, Mr. Minsky, it was my privilege to serve on the interim committee which studied the transportation needs for the future of Casco Bay, and in being exposed to the various problems in Casco Bay, I think

we tried to be fairly objective; and the report which was submitted to this body contained of course the recommendations of that committee, and I would just like to read the first paragraph of that report, and this pertains specifically to this piece of legislation: At the outset, the committee is firm and unanimous in its conclusion and recommendation to the 101st Legislature in favor of the adoption without delay of legislation designed to give the Public Utilities Commission jurisdiction over common carriers by water, to the same extent that it presently holds over the operations of common carriers on land. The committee does not believe it has the authority or duty to prepare specific legislation, but strongly recommends the enactment of such a bill be undertaken at this session of the legislature, and so forth.

As much as I dislike to disagree with my good friend from Harpswell, Mr. Prince, I do feel that this would be a very logical and easy step which will eventually unravel this complex problem. We are not giving anybody anything. We are bringing under the control of the commission a utility, a monopoly if you wish, as are all other monopolies in the state. I feel this is good legislation, and I would urge you to vote against the motion of my friend, Mr. Prince.

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

Mr. PRINCE: Mr. Speaker, I hesitate to rise and take issue with my good friend and colleague from Cape Elizabeth, Mr. Berry, but I think the remarks that he has made in reference to Legislative Document 846 are fundamentally unsound.

This Legislative Document 846 deals with boats and vessel transportation in Casco Bay under the direction of the Public Utilities Commission. This bill leads us down into an avenue of class legislation whereby the Public Utilities Commission is asking that this area alone should come under their supervision for safety and control of water traffic in this particular area, Casco Bay. With all the Maine

coastline approximately 2800 miles and with all the transportation vessels carrying cargo and passengers, operating under the general law and Coast Guard supervision, why does this particular area have to be singled out to come under the Public Utilities Commission? This bill is commonly called the monopoly bill, as it has a tendency in reasoning to allow one transportation company operating out of Portland to handle all the water transportation business and making it necessary for anyone else, regardless of size, to apply for a permit, and the P.U.C. may, if it sees fit, issue such permit.

As you know, there are always two thoughts of reasoning in a discriminatory bill of this nature, a public reason and a private reason. The public reason revolves around safety, bulk transportation of petroleum products, inspection, rates and so forth, but the main reason, or the private reason, is to stop or prohibit smaller methods of transportation and drive the business into one transportation company. Any boat line that would offer a good service, would not have to worry about the business of the islands, but at this time, the people are unhappy with the service, and object most violently to this so-called monopoly bill.

Let me speak briefly of safety. As you know, the United States Coast Guard lays down the rules and laws and is constantly checking all vessels to make sure that proper life preservers are aboard all boats; they make sure that the proper fire-fighting equipment is workable at all times; that distress signals, rockets, smoke, buoys and so forth are at hand; telephone systems for local fishermen, who take out fishing parties. They make sure all vessels are recorded and registered in the United States Customs, and they are strict and offer a strict service, far beyond any service that a state could offer, and I ask you, who do you think would bow to whom in this respect, the U. S. Coast Guard or the P.U.C.? Consider, if you will, the beam trawler, dragger, seiner, lobster carrier, lobster fishermen, hook and line fishermen, netters, and many

other types of fishermen who take their daily catches to market. Consider the freedom that they must have to operate. Consider their crews and the miscellaneous freight that they may choose to bring back from Portland: coal, fish gear, rope, grocery items, lumber, and friends that may travel back to the islands with them, with no charge, any more than you would charge to give a friend a ride in your car. Think of the local fishermen who might take out a fishing party for cod, pollock, hake or cusk, one that might be taking out a tuna rod and reel party, or to be a caretaker for a summer visitor on one of the several islands. They never know when they might be called, but by the time they could get a permit, the summer visitor would be back home due to the long lapse of time and approval by the P.U.C. Think of the lobster and clam bakes that a fisherman might be asked to put on for a group that may want a day's outing. Under this bill they would lose this business due to the time element, so if you issue permits to everyone who has a boat and who could not be denied, then you are back to the general law principle; so why try to legislate against it? The unforeseen combinations that pertain to water traffic would create untold turmoil and confusion both to the boat operator in Casco Bay and the P.U.C. Respect the judgment of the island people. They know the situation and the P.U.C. doesn't.

Let me mention a situation that exists on all the islands, and this one is particularly interesting to me because it comes on Chebeague Island which I represent here in the Legislature. On the west side of Chebeague there is a community-owned dock. Operating from this dock is a very nice boat that transports school children to Cousins Island, where a bus picks up these children and transports them to Greeley Institute, a ten minute ride by boat and in a few minutes they are at their school. Compare this with the long trip on the Casco Bay boat to Portland, then have to be transported from Portland to the Town of Cumber-

land, some distance. This boat is licensed and registered in the United States Customs. This boat is well-built, clean and passes all standards of requirements. Consider the great service this boat renders to the people of Chebeague; any day or any hour this boat is ready to go. This service, even though bothersome, is far greater than any other service available: emergency trips to the hospital, special trips of great importance to this island; the island people also use the Casco Bay boat, but there is no reason why they should be deprived of this special service or any other island be deprived of this service. But under this bill where there are only five or six islands that are referred to, the P.U.C. could deny a permit as they would have the Casco Bay Lines service.

Now as far as I am personally concerned, this bill is meaningless. There are 365 islands in Casco Bay, and this bill legislates only for six: Peaks, Long, Cliff, Chebeague, Bailey and the Diamond Islands. These are the islands that the Casco Bay Transportation Company lands and picks up passengers. How about the other 360 islands that could under this bill be freed from the intent of the bill? This is another reason for calling this a monopoly bill, as these islands are all that is left that have docks safe enough to land people, except Bailey Island that is mentioned here, which is in my town and very close to my home, the dock is tumbling down, not safe to land to. Last summer, however, one of the Casco Bay Lines boats docked at Cook's Lobster House, a privately owned floating dock at Bailey Island. Also operating at this dock afloat is an excursion boat, the Vacationer, owned by local interests that make daily trips around the islands, sightseeing trips and fishing parties. Just across the Bailey Island Bridge, where the Casco Bay Line boat landed at Cook's Lobster House, is Orr's Island, one of the larger populated islands and where the Casco Bay Line used to make its last stop. Orr's Island would be free to put up a dock and operate a boat service that would not come under the jurisdiction of this bill, or Great

Island or South Harpswell or Gurnet and several other islands in Casco Bay; so you see here is a complication and there are many, many more. How could the P.U.C. police a condition of this nature? The bill would be more coherent if it stated all the islands in Casco Bay, or from Cape Elizabeth to Cape Small Point. The Coast Guard can take care of the situation and do so very effectively. They make all transportation companies have fire drills; they make sure that life preservers, life boats, pontoon rafts are available according to the size of the vessel, along with the necessary crew to operate said vessel. The entire length of the Maine coast is controlled by the Coast Guard. If the P.U.C. wants to control the six islands in Casco Bay, then let them control all the islands along the Maine coast. Why discriminate against the people of these six islands in Casco Bay? Why should they be the victims of class legislation? The bill would be much stronger if it controlled the transportation companies mentioned in this bill, making sure they offer good service, good docks, safe and clean boats, and not to deprive the freedom of the island people.

My conclusion is this: Don't you think that I would be for anything that would benefit the Casco Bay region? Don't you think I know, or that the island people know more about the situation than somebody from the highlands who make some kind of a survey and become an authority on coastal problems in a few days?

I have known the Casco Bay Steamboat Company all my life. In fact my father and grandfather were among the first men to buy stock in the old Casco Bay and Harpswell Steamboat Company, and gave them the privilege to build their dock and land passengers and freight at Orr's Island. I liked the service of the boat company then, and I would like for this service to continue. I am not opposed to the Casco Bay Lines or anyone pertaining to it, but the people of the islands are bitterly opposed to this discriminatory legislation. Let the freedom of the seas under the federal and general law function as it has

been for the last two hundred years. Don't clutter up our statutes with discriminatory law. Keep the Maine Public Utilities Commission out of the undertow of federal and tidal water affairs. Save the red tape and cut the shackles. Mr. Speaker, I would like to change the motion that I made the other day if possible.

The SPEAKER: The gentleman wishes to withdraw his motion?

Mr. PRINCE: Yes.

The SPEAKER: The gentleman may proceed.

Mr. PRINCE: I would now move that this bill and all of its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Harpswell, Mr. Prince, now moves that the bill and the two reports be indefinitely postponed.

The Chair recognizes the gentlewoman from Portland, Mrs. Hendricks.

Mrs. HENDRICKS: Mr. Speaker and Members of the House: I completely agree with the remarks made by the gentleman from Harpswell, Mr. Prince, and I think that the House would be doing a grave injustice against the islanders if this bill were to pass.

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

Mr. TAYLOR: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Committee that heard the testimony regarding the Casco Bay monopoly bill, I am also the signer of the "Ought not to pass" Report. I strongly feel that this bill will do more damage than it ever will good. By damage, I mean this: that it makes it imperative that the Public Utilities Commission recognize the Casco Bay Lines only, and from past performance, that is the only line within the Casco Bay area that the Public Utilities Commission does recognize. As there are several other carriers in that area, two or three of which have been refused recognition by the Commission, I feel that this bill if signed and placed into law, with one stroke of the pen, will knock out the life savings of all the present independent

carriers in Casco Bay, and they certainly represent a sizeable investment in their particular boating facilities. And with that in mind, I strongly recommend that we join the gentleman from Harpswell, Mr. Prince, in indefinite postponement of this bill.

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

Mr. LIBBY: Mr. Speaker, the most salient point here is that the Casco Bay Lines is required to operate every day in the year, on prosperous days and on very poor days. If their business is not protected, they will be required to go out of business; that is the judgment of many of us in the Portland area. If this should happen, either the City of Portland must take over or the State of Maine, because service to these islands must be guaranteed by someone. Therefore, I hope this bill will pass. Thank you.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I think it might be helpful to remind us all that this report was evenly divided, five to five. I have had many short and long letters opposed to this bill, and not any in favor of it. I am going to support the motion and I hope the motion prevails.

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

Mrs. HENDRICKS: Mr. Speaker and Members of the House: I think that if this bill is passed it will help to squeeze the islanders off the islands and out of their homes, and many of their homes will have to be sold for very little, and I think that perhaps a lot of the property will be bought up by people out of state, and the Maine people will get very little out of it.

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

Mr. GILL: Mr. Speaker, I rise to support the motion of the gentleman from Harpswell, Mr. Prince, and I would like to point that the Casco Bay Lines rates now come under the jurisdiction of the

Public Utilities Commission, and as an example of the protection that the people of this area are receiving, I understand that in order to ship a load of gravel two and one-half miles from the Casco Bay Lines wharf to Forest City Landing costs approximately \$60.00, and I feel that the Public Utilities Commission is not protecting the people.

The SPEAKER: Is the House ready for the question? The pending question is the motion of the gentleman from Harpswell, Mr. Prince, that both Reports and the Bill "An Act Relating to Transportation to Islands in Casco Bay," House 611, Legislative Document 846, be indefinitely postponed.

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

A viva voce vote being taken, the motion did prevail, the Reports and Bill were indefinitely postponed and sent up for concurrence.

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

An Act Revising the Law Relating to Closing-Out Sales." (S. P. 48) (L. D. 98)

Tabled — April 9, by Mr. Ayoob of Fort Fairfield.

Pending — Passage to be Enacted. Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. On motion of Mr. Ayoob of Fort Fairfield, this being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 121 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

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

Tabled—April 9, by Mr. Bussiere of Lewiston.

Pending—Passage to be Enacted.

On motion of Mr. Bussiere of Lewiston, passed to be enacted, signed by the Speaker and sent to the Senate.

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

HOUSE MAJORITY REPORT (8) — Ought not to pass — MINORITY REPORT (2)—Ought to pass — Committee on State Government on Resolve, Authorizing the Disposal of Western Maine Sanatorium. (H. P. 401) (L. D. 600)

Tabled — April 9, by Mr. Hammond of Paris.

Pending—His Motion to Accept Majority ONTP Report.

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

Mr. HAMMOND: Mr. Speaker, I now request permission to withdraw my previous motion of "Ought not to pass" and move for acceptance of the Minority Report pending the addition of an amendment.

The SPEAKER: The Chair understands that the gentleman withdraws his motion to accept the Majority "Ought not to pass" Report.

The gentleman from Paris, Mr. Hammond, now moves that the House accept the Minority "Ought to pass" Report of the Committee.

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

Mr. BERRY: I would like to address a question to the gentleman, has the amendment been prepared?

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Berry, asks a question through the Chair of the gentleman from Paris, Mr. Hammond who may answer if he chooses.

Mr. HAMMOND: Not at the present time. It is my understanding that an amendment is in the process of being prepared.

Thereupon, on motion of Mr. Berry of Cape Elizabeth, the Reports and Bill were tabled pending the motion of Mr. Hammond of Paris to accept the Minority "Ought to pass" Report and specially assigned for Friday, April 19.

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

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

Tabled — April 10, by Mr. Ewer of Bangor.

Pending — Passage to be Enacted.

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

Mr. EWER: Mr. Speaker, 1 a s t week I asked that this matter be tabled until today in order that I could ask a couple of questions in response to the gentleman from Bangor, Mr. Minsky. Having asked those questions and having received eminently satisfactory answers, I now move that this matter be passed to be enacted.

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

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

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

Tabled — April 10, by Mr. Smith of Bar Harbor.

Pending — Passage to be Enacted.

On motion of Mr. Smith of Bar Harbor, passed to be enacted, signed by the Speaker and sent to the Senate.

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

Bill "An Act relating to Purchase of Lands by Atlantic Sea Run Salmon Commission." (H. P. 63) (L. D. 87) — In Senate Engrossed With Committee Amendment "A" (Filing H-132) and Senate Amendment "A" (Filing S-143) in non-concurrence.

Tabled — April 12, by Mr. Wellman of Bangor.

Pending — Receding and concurring.

Mr. Wellman of Bangor withdrew his motion to recede and concur.

Thereupon, on motion of the same gentleman, the House voted to insist and request a Committee of Conference.

The Speaker appointed the following Conferees on the part of the

House on the disagreeing action of the two branches:

Mr. MINSKY of Bangor
Mrs. WHITE of Guilford
Mr. FOSTER of Mechanic Falls

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

SENATE MAJORITY REPORT (6) — Ought not to pass — Minority Report (4) — Ought to pass — Committee on State Government on Bill "An Act relating to Salaries Fixed by Governor and Council." (S. P. 462) (L. D. 1289)

Tabled — April 12, by Mr. Wellman of Bangor.

Pending — Motion of Mr. Berry of Cape Elizabeth to Accept Majority ONTP Report.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I rise in opposition to the motion made by the gentleman from Cape Elizabeth, Mr. Berry, to accept the "Ought not to pass" Report on this bill.

This bill in itself is a simple item. It contains but three lines, and it goes on to say that all salaries fixed by the Governor and Council shall not be increased nor diminished except with the approval of the Legislature.

Now this session has found us in a rather peculiar position. When the 100th Legislature adjourned, they adjourned without making any increases in the salaries of the department heads. It was clearly the intent of that Legislature that the status quo should remain. However, in the interim, between the adjourning of the 100th Legislature and the convening of the 101st, not one increase in salary was made, but rather two, by the Governor and Council, leaving this Legislature in this odd position.

Now as the law stands, the duty of increasing the salaries of department heads is a divided authority. I don't think that it was originally intended to be this way, but somewhere along the line the Legislature surrendered to the Governor and the Council their prerog-

ative of establishing salaries, so consequently we find that the Legislature has under its jurisdiction the salaries of part of the department heads and the Governor and Council the others. Now when we come in and find that salaries have been increased by the Governor and Council of one portion of the department heads, if we don't do something for the others, it causes dissension: it causes a breakdown of the morale, and how are we going to keep ahead of a thing like this as it is presently laid out? This bill is merely to keep the status quo. When this Legislature adjourns we have set certain salaries and we want to go home and be sure that the salaries of the other department heads as set by the Governor and Council remain the same. I think this bill is not only a good bill, it is a wonderful step in the right direction of maintaining a status quo, so that the Legislature in another session won't find itself in the same situation as we found ourselves at the beginning of this session. I certainly hope that the motion by the gentleman from Cape Elizabeth, to accept the "Ought not to pass" Report will not prevail. When the vote is taken, I ask for a division.

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

Mr. BERRY: Mr. Speaker, I think that the passage of this bill is going to shackle the hands of the Governor and Council in handling salary matters for the next two years. I don't think that is the intent of this Legislature. I think that we should have confidence in the Governor. We should have confidence in the Governor's Council to act for the best interests of the State of Maine after this Legislature is adjourned. I don't take the dire outlook that either the Governor or the Council will be spending money unnecessarily. I think quite to the contrary; I think that they are very parsimonious in the handling of state funds. This is repealing the control that the Governor and Council have on all salaries, and I think that is incorrect.

This does not just refer to any particular, it says very plainly, all salaries fixed by the Governor and Council shall remain in the Legislature. We passed a resolve to have this matter studied during the recess, and I think perhaps we can come up with an equitable solution to the problem of the appointive heads of departments which is the real problem. Let no one else suffer though because of this.

I feel that we have got to keep a little flexibility in the conduct of our state affairs, and we cannot have iron-clad rules steadily when the Legislature is not in session. If these were matters that could come up while we were in session, that would be one thing, but much of the business of the state, the hiring and firing of people, takes place during the recess, and I feel that the legislation should stand as it is, and I hope my motion prevails.

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

Mr. DENNETT: Mr. Speaker, I am still in opposition to the motion made by the gentleman from Cape Elizabeth, Mr. Berry. I think the salaries referred to here are salaries of department heads, and I don't know of any other cases, and if there are, I think they are very few and far between of the Governor and Council setting other than department heads, there may possibly be a few others, but if there are I believe that they should remain static also. I feel very strongly from our past experience, and we saw at the end of the last year before the Legislature convened, a lame duck Council increasing pay which was certainly not the intent of the Legislature to see these salaries increased. It is very true we have an order in to study this thing. We can no doubt, after this next Legislative Research Committee makes a study of it, come up with something which is far better, but I still think at least for this interim until they do make a study of it, this bill should become a law so that when the next Legislature, the 102nd comes back in, they won't find themselves faced with another raise that has been made by the

Governor and Council and again find themselves in a very, very awkward position.

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

Mr. BERMAN: Mr. Speaker, I rise in support of my good friend from Kittery, Mr. Dennett. As one of the four signers along with Mr. Dennett of the Committee on State Government of the "Ought to pass" Report, I believe that this is a bill which has the virtues of simplicity, brevity and propriety, and that is something quite difficult to find among the myriad of bills that we have been considering this session.

Now I suggest that if this Legislature has the duty to appropriate the monies to pay these salaries, it certainly should be crystal clear to us that the Legislature should retain the power to fix the salaries.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen: Under the Constitution it says that the bills providing for money must originate in the House. Evidently our forebears thought that the House would be composed of members who would be able to handle this thing without just handing the salaries over to a Governor.

Now a Governor sometimes can be elected by a transitory or just a majority of the people just for the time-being when the rest of the House and the Senate will be composed of different members of from what party the Governor does belong to, and while we respect the Governor no matter what party he comes from, yet I believe that the handling of the salaries should be left in the hands of the Legislature as provided by the Constitution.

Now since I have been a member of this body the heads of departments have got several raises, good ones, and the Governor has got a raise, but if you will look at your so-called "Snoop-Book" you will find that the people doing the work has got a very measly amount of money, and so I am just won-

dering how far we can go with the heads of these departments when the work has to be done by somebody else. I am sure in favor of the passage of this bill.

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

Mr. JALBERT: Mr. Speaker and Members of the House: By the time some of us get through trying to understand the budget book, it takes up so much time that we do not spend the time we should reading the L. D.'s. I have just read this one and it states: salaries fixed by Governor and Council: all salaries fixed by the Governor and Council shall not be increased nor diminished except with the approval of the Legislature.

It is very obvious to me that the intent of this measure would be that we should set the salaries. I don't probably argue with that point, but it doesn't quite spell it out here, and I know that I can't make a motion to table because I am speaking on the measure, and I am not going to make a motion to table, so that this bill could be amended, because I am speaking on the L. D., but I thought I would bring that to the attention of the membership.

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

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I introduced this bill. I think it is a good bill and I don't want to belabor the question any longer. I think the groundwork has been covered by the gentleman from Kittery, Mr. Dennett and the gentleman from Houlton, Mr. Berman, and I certainly hope the measure passes.

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

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

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves this item lie on the table until the next legislative day. Is this the pleasure of the House?

(Cries of "No")

Mr. DENNETT: I request a division.

The SPEAKER: A division has been requested on the tabling motion.

All those in favor of this matter laying on the table and specially assigned until tomorrow will please rise and remain standing until the monitors have made and returned their count?

Mr. JALBERT: Mr. Speaker?

The SPEAKER: For what purpose does the gentleman arise?

Mr. JALBERT: Because of the fact that this — I am not debating the question, I want to withdraw my motion, and I have a right to withdraw my motion. I withdraw my motion, Mr. Speaker.

The SPEAKER: The parliamentarian advises that we are dividing the House.

Mr. JALBERT: Mr. Speaker, I now would move for the purpose of debating my motion that this item lie on the table until Friday.

The SPEAKER: The gentleman has already made a tabling motion and the question is being put. The question will be put and depending on the outcome of the question, the gentleman may be recognized again.

Mr. JALBERT: Mr. Speaker?

The SPEAKER: For what purpose does the gentleman arise?

Mr. JALBERT: I would like to have the parliamentarian read me the rule that says I can't push this over until Friday.

The SPEAKER: The question before the House is on the motion of the gentleman from Lewiston, Mr. Jalbert, to table this matter until tomorrow. 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.

One having voted in the affirmative and one hundred four having voted in the negative, the motion did not prevail.

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

Mr. JALBERT: Mr. Speaker, my reason for attempting to debate the timing or the tabling and with-

drawing was because I thought this bill was up for third reading; there is still time for an amendment and I think it would satisfy everybody, and I do hope now that the motion of the gentleman from Kittery, Mr. Dennett, prevails.

The SPEAKER: The question before the House is the motion of the gentleman from Cape Elizabeth, Mr. Berry, to accept the Majority "Ought not to pass" Report on Bill "An Act relating to Salaries Fixed by Governor and Council," Legislative Document 1239, Senate Paper 462. A division has been requested. All those in favor of the motion to accept the Majority "Ought not to pass" Report will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Twenty-two having voted in the affirmative and one hundred having voted in the negative, the motion did not prevail.

Thereupon, the Minority "Ought to pass" Report was accepted in non-concurrence, the Bill read twice and tomorrow assigned.

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

HOUSE REPORT—Ought to pass with Committee Amendment "A" (Filing H-231)—Committee on Legal Affairs on Bill "An Act relating to Registration of Sanitarians." (H. P. 833) (L. D. 1220)

Tabled—April 12, by Mr. Wellman of Bangor.

Pending—Motion of Mr. Berry of Cape Elizabeth to Indefinitely Postpone Report and Bill.

The SPEAKER: The Chair recognizes the gentleman from Mechanic Falls, Mr. Foster.

Mr. FOSTER: Mr. Speaker, Ladies and Gentlemen of the House: I served on the Legal Affairs Committee that reported this bill out "Ought to pass" with Committee Amendment, and that report was unanimous. After the hearing, I believe that the Committee felt that this would be an attempt to give a status and a classification to a very essential segment in our health departments of towns and counties and the state and so forth.

As of now, those people that perform this function, they do not have to pass any requirements at all. It seems that if they merely demonstrate some qualification or some training or education in the field of sanitation, they become an inspector, sanitation inspector so-called, and we feel that this will be an effort to up-grade these public officers.

As people live closer together, they strain the eating, housing, water, recreational, and waste-disposal facilities of their community more and more. The chances of epidemic disease are vastly increased. Thus a need for increased community health controls is created—a need that can only be met by a staff of trained and disciplined experts. These are the sanitarians and their many colleagues in local, state, and federal government agencies. Because of them, we can rely on the cleanliness of the milk and water we drink, the food we buy, the streets and alleys we use, the schools we attend, the restaurants, swimming pools, and parks we frequent — even the very air we breathe.

The sanitarian is a technical expert in environmental health, trained to detect unsanitary conditions in public places and to take steps to eliminate these hazards to public health. He has the responsibility of interpreting health laws and ordinances and of seeing that they are complied with.

Sanitarians survey streams, reservoirs, ponds, and other bodies of water to guard against pollution. They inspect restaurants and food manufacturing and processing plants to insure that standards of sanitation are being met. They work closely with dairy farmers and dairy plants to keep milk and other dairy products safe.

In addition, sanitarians may inspect sewage and waste-disposal facilities — dumps, incinerators, sewers, and the like — to see that they do not become breeding places for rodents and insects. They may be responsible for insuring safe and sanitary conditions in hotels, motels, rooming and boarding houses, trailer parks, and swimming pools. The sanitarian may run regular tests of the air to make sure

that it is free from excessive amounts of radiation, carbon monoxide, and other dangerous chemicals or particles.

At a higher level the sanitarian is called on to investigate and solve problems in all of these areas, as well as to plan, supervise, and promote environmental health programs. In this work he may ask the assistance of leaders in government, industry, and other community agencies. He also aids in planning and conducting training programs in health practices, and assists in the development of health laws and regulations.

Although a number of specialized sanitarians work for private enterprises such as hospital, industrial, and food sanitarians, for example, the public health sanitarian we are considering in this bill is employed by a public health agency that is almost always a part of government at either the local, state, or national level.

The history of public health sanitation is, in a sense, a very old one. Records of attempts to control the environmental factors affecting health go back thousands of years. We can assume that most people at all times have tried to render harmless those things they felt were a threat to health. But it is only in comparatively recent years that government and industry have developed the efficient public health programs that protect us today.

The job of sanitary inspector originated with the English Public Health Act of 1848. Since then, impelled by discoveries in medicine and the biological sciences, public health sanitation has become a sizable and important profession.

Today sanitarians are the second-largest group of public health workers; only public health nurses exceed them in number. Penetrating into every phase of community life and drawing upon many branches of knowledge, public health sanitarians are indispensable in our modern world.

I hope that the motion to indefinitely postpone by my good friend will not prevail, and I know that I am reflecting the sentiment

of everybody that attended the hearing. There was no opposition to this bill. There were many people in favor of it that came from as far away as Bangor and other sections of the State, and I believe that they are a dedicated class of people and that they should be given recognition; they should be given a status and that in order to qualify for that job there should be some regulations, and as time passes I know there will be an up-grading so that when one now applies for a job and he has a certificate of registration, that that will be in itself an accreditation of his ability to qualify for the job. Thank you.

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

Mr. EWER: Mr. Speaker, I am extremely glad that after such a long wait, to find out what a sanitarian is. There has been a great deal of discussion as to what this title meant, and in view of the statements made by the gentleman from Mechanic Falls, Mr. Foster, in regard to the necessity for this measure, I am a little bit surprised that he has accepted the Committee Amendment "A" which as I read it, calls for those already engaged in this service not having to pass an examination. If the necessity for examination is as great as he has made it out to be, it seems to me that it should apply to everyone regardless of the grandfather clause.

I am also amazed to find the number of public health services which apparently we haven't been getting in the past in the State of Maine. The long list that the gentleman has given, I thought was already taken care of, but I am amazed to find out that apparently we are setting up a new body to give us this service.

I have wondered if the title of sanitarian wasn't being applied to a certain group of people as so many other titles are given to enable a killer of bedbugs to charge \$5.00 an hour for his services rather than \$1.50 or so that he probably gets now. I am glad to find that my suspicions in that matter are false. I hope that the motion

of the gentleman from Cape Elizabeth does prevail.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from South Portland, Mr. Gill.

Mr. GILL: Mr. Speaker, I would like to state at this time that I am quite pleased to see this bill back before us. I would like to remind the members of the 101st Legislature, that this legislative document was present during the 100th Legislature and like all departments becoming aware of your disposition, it was first presented to another committee last session which turned it down completely, but however, and they realizing that there is no point in going back before that committee, has now chosen to come before another group of gentlemen. You will notice that this Thursday, there is tabled a bill which pertains to the increase in the licensing fees for restaurants. This calls for an increase from \$10 to \$20. My question is, is this \$10 to \$20 going to take care of the increase in the status which I imagine eventually will result in an increase in their salaries. For that reason, I would like to concur with the Representative from Cape Elizabeth, Mr. Berry. Thank you.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Falmouth, Mrs. Smith.

Mrs. SMITH: Mr. Speaker and Members of the House: This happens to be a bill that I introduced in the last session. It went to the Committee on Health and Welfare of which Mr. Gill, the gentleman from South Portland, was a member I believe. And it received a unanimous report from that committee, passed this House and passed the Senate and then having had a long history it was recommitted to the Committee on Legal Affairs, from which it came with a divided report. And since it was very late in the session, I myself asked for the indefinite postponement of it on the Floor of this House. This year I brought it back at the request of these people. It has been watered down considerably since the last time.

Your arguments against it were that it would require a college graduate to become a sanitarian. This time the tack seems to be that we are not asking for enough training in order to allow these people to be registered. I would remind you that all of these bills of this type do have a grandfather clause in them, so that is sort of immaterial to it. You certainly would never pass any of this type of legislation without a grandfather clause I don't think.

It is not going to upset me too much if you kill this legislation. It is your choice, and you are the people who are eating in these places. You are the people who are exposed to them. If you do not like the inspections as they are now, and I hear this comment quite often, I hear that these people are not capable of inspecting, I hear some very derogatory remarks about them. This is one of the reasons that they would like the privilege of becoming registered. This will not cost the state money. They will pay for the fee of being registered. There is not even a board in this bill, which I think perhaps we should have, but there is no board in it. The Director of Personnel will set up the questions for them. This is merely a bill to enable these people to upgrade themselves.

It does not require that you be a registered sanitarian to hire out anywhere. You may hire out anywhere you wish but, if you are registered, perhaps a person would rather hire you. Now what you do with this bill is up to you, but if you want to upgrade the restaurant and hotel business in this state, you are going to have to do two things. You are going to have to start having your inspectors have some training and registration. They have done a great deal for themselves. Schools have been held. They have been in from the Federal Bureau of Public Health to give courses. I have participated in those courses, representing the viewpoint of the restaurateur. I also feel that we will have to — this is another bill, but I do think that you will have to upgrade the license fee because many of the smaller places are going out of

business and the amount of money that has been had for this type of personnel, this is paid for by the way by the hotel and restaurant operators, the health inspectors, and that fund has been depleted. You will be into the General Fund. It will not cost extra money. They may get more money in the end. There will be larger restaurants eventually to inspect; and it seems to me that it is time, if we are to be a vacation-traveled state, that we did a little upgrading.

The SPEAKER: The question before the House is the motion of the gentleman from Cape Elizabeth, Mr. Berry, that the Report and Bill be indefinitely postponed.

Mrs. Smith of Falmouth then requested a division.

The SPEAKER: A division has been requested. The question before the House is the motion of the gentleman from Cape Elizabeth, Mr. Berry, that the Report and Bill, "An Act relating to Registration of Sanitarians," House Paper 833, Legislative Document 1220, be indefinitely postponed.

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

A division of the House was had.

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

Sent up for concurrence.

Mrs. Hendricks of Portland was granted unanimous consent to present the following Order out of order:

ORDERED, that the House of Representatives of the 101st session express its sincere congratulations to the newest father among those directly or indirectly associated with the Maine Legislature.

The Members of this House, this day, April 16, 1963, have been informed that Donald C. Hansen is the father of a healthy, lively son, born Thursday night last, April 11, whose name is Burnett.

The Members of this House thereby do extend the best wishes to

Mr. and Mrs. Donald C. Hansen,
and son Burnett.

On motion of Mr. Wellman of
Bangor.

The Order received passage. (Ap-
plause)

Adjourned until nine o'clock to-
morrow morning.