

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and First  
Legislature*

OF THE

STATE OF MAINE

1963

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

### HOUSE

Wednesday, April 24, 1963

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

Prayer by the Rev. Mr. Douglas Robbins of Augusta.

The journal of yesterday was read and approved.

#### Papers from the Senate Senate Reports of Committees Leave to Withdraw Tabled and Assigned

Report of the Committee on Taxation on Bill "An Act relating to Annual Excise Tax on Railroads" (S. P. 463) (L. D. 1290) reporting Leave to Withdraw.

Came from the Senate read and accepted.

In the House, the Report was read.

(On motion of Mr. Rust of York, tabled pending acceptance of the Committee Report and specially assigned for Tuesday, April 30.)

#### Ought Not to Pass

Report of the Committee on Taxation reporting "Ought not to pass" on Bill "An Act relating to Trade-in-Automotive Replacement Parts under Sales Tax" (S. P. 162) (L. D. 438)

Came from the Senate read and accepted.

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

#### Ought to Pass Amended in Senate

Report of the Committee on Natural Resources on Bill "An Act to Provide Marine or Tidal Water Classifications" (S. P. 82) (L. D. 224) reporting same in a new draft (S. P. 558) (L. D. 1500) under same title and that it "Ought to pass"

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

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

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

SENATE AMENDMENT "A" to S. P. 558, L. D. 1500, Bill "An Act to Provide Marine or Tidal Water Classifications."

Amend said Bill in that part designated "Sec. 2-A." of section 2 by striking out all of the last 5 underlined paragraphs and inserting in place thereof the following underlined paragraphs:

"Class SC, the 3rd highest classification, shall be of such quality as to be satisfactory for recreational boating, fishing and other similar uses except bathing.

Waters of this classification shall be free from scums, slicks, odors and objectionable floating solids, and shall be free from chemicals and other conditions inimical to aquatic life. The dissolved oxygen content of such waters shall not be less than 5 parts per million.

The commission may take such action as may be appropriate for the best interests of the public when it finds that an "SC" classification is temporarily lowered due to abnormal conditions of temperature and flow for that season involved.

Class SD waters, the lowest classification, shall be considered as primarily devoted to the disposal of sewage and industrial wastes without causing a public nuisance as defined in chapter 141, section 6, by the creation of odor producing sludge banks and deposits or other nuisance condition and such waters shall contain dissolved oxygen at all times. During a period of temporary reduction in the dissolved oxygen content in this class water due to abnormal conditions of temperature or flow for the particular season involved, the commission, provided a nuisance condition has not then been created in such water and in the opinion of the commission is not likely to be created during such season, shall take no action to reduce the amount of pollution from any source which is allowed in such class water under normal conditions.

With respect to "SC" and "SD" classifications, the number of coliform bacteria, or amounts of toxic wastes or chemicals discharged into said waters shall be only those amounts which will not, in the determination of the commission, be harmful to the public health."

Senate Amendment "A" was adopted in concurrence.

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

SENATE AMENDMENT "B" to S. P. 558, L. D. 1500, Bill, "An Act to Provide Marine or Tidal Water Classifications."

Amend said Bill in section 3 under the caption "**Portland**" by striking out in that part designated "**IV**" the underlined word "**Tukey**" and inserting in place thereof the underlined words '**Grand Trunk**'

Senate Amendment "B" was adopted in concurrence and the Bill assigned for third reading tomorrow.

**Non-Concurrent Matter**

Bill "An Act to Consolidate the Maine Unitarian Association with Northeast District of the Unitarian Universalist Association" (H. P. 295) (L. D. 389) which was passed to be engrossed in the House on February 13.

Came from the Senate recommitted to the Committee on Legal Affairs in non-concurrence.

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

**Non-Concurrent Matter**

Bill "An Act to Consolidate The Universalist Church of Maine with Northeast District of the Unitarian Universalist Association" (H. P. 296) (L. D. 390) which was passed to be engrossed in the House on February 13.

Came from the Senate recommitted to the Committee on Legal Affairs in non-concurrence.

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

**Non-Concurrent Matter  
Tabled and Assigned**

Report of the Committee on Education on Bill "An Act to Reconstitute School Administrative District No. 17" (H. P. 272) (L. D. 366) reporting "Ought to pass" as amended by Committee Amendment "A" which Report and Bill were indefinitely postponed in the House on April 10.

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

In the House: On motion of Mr. Hammond of Paris, tabled pending further consideration and specially assigned for Tuesday, April 30.

**Non-Concurrent Matter  
Tabled and Assigned**

Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act Increasing Certain Fees to Registers of Deeds" (H. P. 913) (L. D. 1320) which was accepted in the House on April 12.

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

In the House:

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

Mr. SMITH: Mr. Speaker, I move we recede and concur.

The SPEAKER: The gentleman from Bar Harbor, Mr. Smith, moves that the House recede from its former action and concur with the Senate.

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

Mr. PEASE: Mr. Speaker, I move this item lie on the table and be specially assigned for Friday, April 26.

Thereupon, the Report and Bill were tabled pending the motion of Mr. Smith of Bar Harbor that the House recede and concur with the Senate and specially assigned for Friday, April 26.

**Non-Concurrent Matter**

Report of the Committee on Legal Affairs on Bill "An Act relating to Penalty for Furnishing Liquor to Certain Persons" (S. P. 323) (L. D. 993) reporting "Ought to pass" as amended by Committee Amendment "A" which was indefinitely postponed in non-concurrence in the House on April 10.

Came from the Senate with that body voting to insist on its former action whereby the Report was accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" and Senate

Amendment "A", and asking for a Committee of Conference.

In the House: On motion of Mrs. Kilroy of Portland, the House voted to insist on its former action and join in a Committee of Conference.

#### Non-Concurrent Matter

An Act to Establish and Regulate Commercial Driver Education Schools and Instructors (S. P. 478) (L. D. 1330) which was passed to be enacted in the House on April 10 and passed to be engrossed on April 5.

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

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

#### Non-Concurrent Matter Tabled and Assigned

An Act relating to Research Studies to Reduce Morbidity or Mortality in Motor Vehicles (S. P. 492) (L. D. 1344) which was passed to be enacted in the House on April 5 and passed to be engrossed as amended by Committee Amendment "A" on April 2.

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

In the House: On motion of Mr. Birt of East Millinocket, tabled pending further consideration and specially assigned for tomorrow.

#### Orders

Mr. Dennett of Kittery presented the following Order and moved its passage:

ORDERED, the Senate concurring, that there be created an interim joint committee to consist of 2 Senators, to be appointed by the President of the Senate, and 3 Representatives, to be appointed by the Speaker of the House of Representatives to study and report to the 102nd Legislature on the subject matter, Bill: "An Act Transferring Indian Affairs to Governor and Council", Legislative Document No. 1222, introduced at the regular session of the 101st Legislature to determine whether the best interests of the State would be served by

the adoption of such legislation; and be it further

ORDERED, that the members of the committee shall serve without compensation, but shall be reimbursed for their expenses incurred in the performance of their duties under this order; and be it further

ORDERED, that there is appropriated to the committee from the Legislative Appropriation the sum of \$500 to carry out the purposes of this order. (H. P. 1064)

The Order received passage and was sent up for concurrence.

On motion of Mr. Benson of Southwest Harbor, it was

ORDERED, that Mr. Hendsbee of Madison be excused from attendance today and tomorrow because of business.

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

The SPEAKER: At this time the Chair would request the Sergeant-at-Arms to conduct the gentleman from York, Mr. Rust, to the rostrum to serve as Speaker pro tem.

Thereupon, Mr. Rust of York assumed the Chair as Speaker pro tem amid the applause of the House and Speaker Kennedy retired from the Hall.

#### House Reports of Committees Leave to Withdraw Covered by Other Legislation Tabled and Assigned

Mr. MacPhail from the Committee on Towns and Counties on Bill "An Act relating to Travel Allowance for Jurors" (H. P. 138) (L. D. 181) reported Leave to Withdraw, as it is covered by other legislation.

Report was read.

(On motion of Mr. Smith of Bar Harbor, tabled pending acceptance of the Committee Report and specially assigned for tomorrow.)

#### Ought to Pass Printed Bill

Mrs. Lincoln from the Committee on Retirements and Pensions reported "Ought to pass" on Resolve Providing State Pension for Guy C.

Brown of Portland (H. P. 1042) (L. D. 1513)

Report was read and accepted, the Bill read twice and tomorrow assigned.

**Ought to Pass in New Draft  
New Draft Printed**

Mr. Dennett from the Committee on State Government on Bill "An Act Providing for Disposal of Unnecessary Real Estate and Appurtenances Belonging to State of Maine" (H. P. 508) (L. D. 710) which was recommitted, reported same in a new draft (H. P. 1063) (L. D. 1529) under title of "An Act Providing for Disposal of Unnecessary Buildings and Appurtenances Belonging to State of Maine" and that it "Ought to pass"

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

**Ought to Pass with  
Committee Amendment  
"Amendment Indefinitely  
Postponed"**

Mr. McGee from the Committee on Education on Bill "An Act to Create a Mount Desert Island Regional School District" (H. P. 475) (L. D. 678) 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. 475, L. D. 678, Bill, "An Act to Create a Mount Desert Island Regional School District."

Amend said Bill in section 1 by striking out in the 3rd line the punctuation and words, " , Southwest Harbor"

Further amend said Bill in section 5, 3rd paragraph, by striking out in the 9th and 10th lines the punctuation and words "for the Town of Southwest Harbor 2 members;"

Further amend said Bill in section 16 by striking out in the 3rd and 4th lines the punctuation and words "Southwest Harbor"; and by striking out in the 17th and 18th lines the punctuation and words " , Southwest Harbor"; and by strik-

ing out in the 22nd line the figure "4" and inserting in place thereof the figure '3'

Further amend said Bill in section 16, 2nd paragraph, by striking out in the 2nd line the figure "4" and inserting in place thereof the figure '3'; and by striking out in the 4th line the figure "4" and inserting in place thereof the figure '3'

Further amend said Bill in section 16, 3rd paragraph, by striking out in the 4th line the figure "4" and inserting in place thereof the figure '3'

Further amend said Bill in section 16, last paragraph, by striking out in the 3rd line the punctuation and words " , Southwest Harbor"

The SPEAKER pro tem: The Chair recognizes the gentleman from Southwest Harbor, Mr. Benson.

Mr. BENSON: Mr. Speaker, I would like to substitute the bill for the report. I then move that we reconsider our action whereby we accepted the committee report.

The SPEAKER pro tem: The amendment is before the House at this time.

Mr. BENSON: Mr. Speaker, I move indefinite postponement of Committee Amendment "A".

The SPEAKER pro tem: The gentleman from Southwest Harbor, Mr. Benson, moves that Committee Amendment "A" be indefinitely postponed. Is that the pleasure of the House?

The motion prevailed.

Thereupon, the Bill was assigned for third reading tomorrow.

**Divided Report**

Report "A" of the Committee on State Government reporting "Ought to pass" on Bill "An Act Transferring Indian Affairs to Governor and Council" (H. P. 835) (L. D. 1222)

Report was signed by the following members:

Mr. LOVELL of York  
— of the Senate.

Messrs. DENNETT of Kittery  
BERMAN of Houlton  
SMITH of Strong  
DOSTIE of Lewiston  
— of the House.

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

Report was signed by the following members:

Mr. WHITTAKER of Penobscot  
Mrs. CHRISTIE of Aroostook  
— of the Senate.  
Messrs. THAANUM of Winthrop  
BERRY of Cape Elizabeth  
CARTIER of Biddeford  
— of the House.

Reports were read.

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

Mr. DENNETT: Mr. Speaker and Members of the House: This bill was heard before the Committee on State Government some time ago. It was quite a crowded hearing, and consumed considerable time. There was much testimony offered and much of it of a contradictory nature. Your Committee on State Government has struggled with this bill for the past two months and the best that it has been able to come up with is an equally divided report; and I must admit, and I think that I am speaking for the whole committee when I say there were reservations on the part of the signers of both reports.

We do feel that there is a problem here, and a problem which must ultimately be settled. For that reason, and it was the desire of the entire committee that an Order be presented to this House, which was presented to you and you passed a few short moments ago. We are in hopes that through this study that we hope will be made, that we can come up with an answer to a thing which we consider is a very serious problem. In the light of the passage of this Order, I now move acceptance of Report B, the "Ought not to pass" Report.

The SPEAKER pro tem: The Chair recognizes the gentleman from Glenburn, Mr. Cookson.

Mr. COOKSON: Mr. Speaker, I rise to make the motion to accept the Committee's Report A, "Ought to pass." I have been on this reservation recently, and have personally studied some of their problems. The fact that Health and Welfare appears as the name of the form

of government which they are under is most disturbing to them and I don't blame them. There are a great many things going on there that they don't like. Ninety percent of them voted to come out from under this form of government, and I now move that we accept the Committee "A", "Ought to pass" Report.

The SPEAKER pro tem: The Chair recognizes the gentleman from Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: I feel as though I must rise in support of my colleague from Kittery, Mr. Dennett. I think that they have been through quite a proposition, and one visit upon that island isn't enough to thoroughly convince any man. I live across the river from there and I know what it is. I think that this man, Mr. Dennett, was very sincere when he said that there should be a committee appointed to get into that and make a thorough study and not have this problem come before the legislature every two years. Thank you.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from Kittery, Mr. Dennett, that the House accept Report B, "Ought not to pass."

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I too was one with the gentleman from Kittery, Mr. Dennett, who signed the "Ought to pass" Report, and this morning in the light of the Order that has been presented to us, I would concur with him wholeheartedly in the acceptance of the "Ought not to pass" Report.

This study committee that has been ordered by the House is more than just a study in the regular sense of the word. This is an attempt to get down to rock bottom facts. For the last thirty years, studies have been made of this problem, and just an ordinary study would just be prolonging the agony and postponing the hour of decision. But this attempt that this committee is making to get to the bottom of these things—and I am telling

you that there is a tremendous problem up there. This attempt is a real serious honest attempt to solve the Indian problem. It cannot be solved any other way. After two months of studying it in the State Government Committee, this is the best we could come up with. I hope the motion by the gentleman from Kittery, Mr. Dennett, passes.

The SPEAKER pro tem: Is the House ready for the question? The question before the House is the motion of the gentleman from Kittery, Mr. Dennett, that the House accept Report B, "Ought not to pass".

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

A viva voce vote being taken, the motion prevailed.

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

#### Passed to Be Engrossed

Bill "An Act Providing for Bus Taxation Proration and Reciprocity Agreement" (H. P. 839) (L. D. 1226)

Bill "An Act Providing for Compact on Taxation of Motor Fuels Consumed by Interstate Buses" (H. P. 840) (L. D. 1227)

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

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

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed in non-concurrence and sent up for concurrence.

#### Amended Bills

Bill "An Act Revising the Laws Relating to Registration of Physicians and Surgeons, and Medical Education" (S. P. 461) (L. D. 1288)

Bill "An Act Repealing the Town Clam Laws and Authorizing Special Privileges for Cooperating Towns" (H. P. 1034) (L. D. 1498)

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

Bill "An Act relating to Disposition of Convicts and Persons Detained in County Jails Alleged to be Mentally Ill" (S. P. 385) (L. D. 1088)

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

#### Passed to Be Enacted Emergency Measure

An Act to Incorporate The Sugarloaf Narrow Gauge Railroad Company (H. P. 551) (L. D. 766)

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. 111 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.

Mr. Ewer of Bangor was granted unanimous consent to briefly address the House.

Mr. EWER: Mr. Speaker, Ladies and Gentlemen: As an old-time railroad man who fought hard in the battle to maintain passenger service in Maine, I want to say that we are all very pleased with this very slight restoration of passenger service in the State. And speaking for the railroad people of Maine, I wish to say that we all hope that this will grow in width and in length until we do have some passenger service available to us again in Maine. Thank you.

#### Emergency Measure

An Act to Create the Waldoboro Sewer District (H. P. 993) (L. D. 1440)

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



### Emergency Measure

An Act Increasing the Indebtedness of the Veazie Sewer District (H. P. 1009) (L. D. 1460)

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 Quorum of Maine Sardine Council (S. P. 338) (L. D. 1003)

An Act to Update Validation of Street Installations (S. P. 369) (L. D. 1035)

An Act Providing for Trademarks under Potato Tax Law (S. P. 550) (L. D. 1482)

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 to Permit Towns to Choose Single Assessors and to Permit Certain Cities and Towns to Create Boards of Assessment Review (S. P. 561) (L. D. 1501)

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

(On motion of Mr. Pease of Wiscasset, tabled pending passage to be enacted and specially assigned for Wednesday, May 1.)

An Act relating to Hours for Dancing and Entertainment in Public Places (H. P. 297) (L. D. 391)

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

An Act relating to County Taxes in Places not Incorporated (H. P. 689) (L. D. 945)

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.

At this point, Speaker Kennedy returned to the rostrum.

**SPEAKER KENNEDY:** The Chair thanks the gentleman from York, Mr. Rust for serving as Speaker pro tem.

Thereupon, the Sergeant-at-Arms escorted the gentleman from York, Mr. Rust, to his seat on the Floor, amid the applause of the House, and Speaker Kennedy resumed the Chair.

### Orders of the Day

The **SPEAKER:** Item one under Unfinished Business, Bill "An Act to Appropriate Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1964 and June 30, 1965," Senate Paper 549, Legislative Document 1481 — Engrossed in the Senate.

This matter was before the House at the time of adjournment yesterday pending the question passage to be engrossed.

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

**MR. SMITH:** Mr. Speaker, I present House Amendment "K" to L. D. 1481 and move its adoption.

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

**HOUSE AMENDMENT "K" to S. P. 549, L. D. 1481, Bill, "An Act to Appropriate Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1964 and June 30, 1965."**

Amend said Bill under the caption "UNIVERSITY OF MAINE" by striking out the following paragraph:

"Educational Television  
All Other 224,000 298,000"

Further amend said Bill by correcting the totals therein affected by the adoption of this amendment.

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

**MR. SMITH:** Mr. Speaker, Ladies and Gentlemen of the House: In offering this amendment to the current services budget, my desire in so doing is not to prolong this debate, nor is it with any thought that this deletion alone could prevent an increase in taxation. This

amendment is an attempt to take a solid, honest look at a half million dollars earmarked for educational television, and see if we really do want to spend it on this item.

One thing I hope you will all bear in mind, this amendment will not destroy ETV. Some who want to keep this budget intact will tell you that that is what will happen to ETV, but they are wrong. They may even read statements such as one that appeared a little while back in the Brunswick Record entitled "Forewarned," in which we are quoted as saying: "We are going to try to destroy ETV." This editorial was based on a rapid, long-distance telephone conversation in which I voiced my mistrust for this expensive, new, baby toy of the University and the Department of Education.

This amendment only deletes the operating funds for this biennium until the million and a half that they already have for construction can be used, and until the towns can be given a chance to appropriate the necessary funds to buy the necessary equipment. What point is there in loading an already overloaded budget with an item that cannot possibly be used for another two years? The only thing this could possibly do would be to create twenty to twenty-five more \$10,000-a-year jobs for velvet-slipped men whom the poor old taxpayer would have to support two years in advance of necessity.

This item in the budget is not a carry-over of an already existing program as most items in the current services budget are. This item should be in the supplemental budget. It is a new item, but it will continue to grow unless we do something about it now. It might be interesting to know why some of this was slipped into the current services budget and some into the supplemental, and who did it. I can't answer that question.

Some people will probably tell you that we should not amend out this item because it will be going against the vote of the people in the referendum. Let us all be reminded that the people never voted in the ETV program. This was done in special session by the 100th

Legislature. Afterwards a bond issue was necessary for needed construction, and this is what had to go to the people for a vote. It is unjust to say that we know it to be the will of the people that we have ETV. They only authorized a bond issue and that only by the slimmest of margins.

And, by the way, what happened to the million and a half for construction? Almost a year has gone by since the vote and nothing has been constructed yet. And, do you remember how urgent they told us it was two years ago? We just had to have it. We couldn't put it off another month. I know where \$60,394.40 of that construction money has gone. The University of Maine has five persons who operate the non-existing program, and their salaries run from \$8,500 to \$12,000 a year; and the Department of Education has four persons involved in this fantasy, two of which get \$7,228 apiece and the others are clerks. These people may have wasted time on construction, my friends, but they sure didn't waste any time getting friends on the payroll.

The people of Maine are getting increasingly alarmed at the awful future expense of this thing. How can Maine afford this when other states are dropping it for the expenses involved? Look at New York State. WNDT in New York, Channel 13, an educational television station in New York City, has had a lot of help from the Ford Foundation, from commercial networks and stations, from groups and individual donors, but it says here that is not enough. If the people of the New York area can't keep one such educational television station going, something is radically wrong.

I was pleased to read in the Daily News of April 18, an editorial urging us to go slow with ETV spending bringing in the thing that has happened down in New York State.

The Education Board of the City of Portland, 20,000 population, has voted to discontinue educational television. They are admitting that they made a mistake, finding that it is too costly and ineffective. It was started in 1958 as a state-city experiment, and has been serving the

city's 3,000 students in elementary and high schools. One board member commented that "the novelty has worn off," children were losing interest in the program.

I wrote to the Superintendent of Schools in Washington, D. C. about their experience with ETV, and he wrote back. He entitled his remarks, a little paper that he had made up for others that would write in to him for this information, "From Boom to Bust in Educational Television Teaching in One Year." This is what he has to say:

"From boom to bust within a year — this is the history of an experiment in teaching by television in the District of Columbia Public Schools.

"In June of 1954 the school executive published the success story of the Washington, D. C. experience. The title of the article — 'Washington, D. C. is sold on Educational Television teaching' seemed appropriate then. Now it appears we have been oversold." Ladies and gentlemen of the House get this: "At any rate, we are temporarily out of business, bankrupt and in the hands of receivers and forced to consider assets against liabilities.

"A year ago, 34,815 youngsters in 1,014 classes used the television lessons given weekly on a local television station. This year, the takers of the series fell to 12,833.

"Last year we had a commercial sponsor for two of our programs, Freedom Tours, which were lessons in history; and Behind the News, and interesting current events series. This year we have not only lost the sponsor, who furnished air time for the programs, but we have lost the air time made available to us for the past four years by the NBC outlet in Washington, D. C.

"Each year since the schools began teaching by television for elementary classes, we received literally hundreds of spontaneous responses from listeners outside our own classrooms, from adults, children, other teachers. Many times we were called by telephone to receive comments, generally favorable; sometimes critical. But last year, only two letters came in

and only a few telephone messages."

I wrote to the State Department of Education in the State of Oregon, and this is part of their answer. "Our Legislature is now in session. Among other things included is \$120,000 for defraying operational and program costs for state educational television network in broadcasting our programs. There has also been submitted to the Legislature a bill setting up a state educational television and radio authority. Officials of both—" and if there are any members of the State Education Department here this morning, I trust that they will get this — "Officials of both the State System of Higher Education and the State Department of Education do not favor such an authority." I have many other similar statements from other states.

The best thing we could do now is to admit a mistake. Why is it so hard to do that? And if we were to sell our interests for \$1.00 to WCBB, this would probably be the best way out. But if we want to hold on to it, at least we could build with what we have and get ready for an appropriation in the 102nd Legislature, for we will never be ready to operate before then.

At least one member high in the State Department of Education has told me that they pushed ETV too fast, too soon on the heels of the new Sinclair Law. He told me it could well have waited a few years. In the meantime, we have all these audio-visual educational films at the University that any school can get for a couple of dollars, and with only minor expense in equipment our students can receive all the advantages of television; in fact they can receive the very same thing, and also be able to repeat any section or problem they may need repeated. ETV cannot offer this feature. Let's not be pressured into further folly by those who will term it progress, for folly masquerades in the guise of progress now and then.

The SPEAKER: The Chair will interrupt debate for the purpose of recognizing in the gallery of the

House, thirty-eight pupils from the Warren Grade School, accompanied by Mrs. Maxcy, Mrs. Hatch, Mrs. Starrett, Mr. Johnson, and Mr. Jordan, teachers and school committee members. These are the special guests this morning of Representative Finley of Washington.

Also in the gallery of the House, sixty-four pupils from the eighth grade of St. John School, Brunswick, accompanied by Mother Mary Florence and Mother Alma. These are the special guests of Representative Giroux of Brunswick.

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

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: Before we get further into this debate, I would like to bring up one fundamental point which I believe you all will recognize as one to be considered first in this question of ETV. The gentleman from Strong, Mr. Smith says that his amendment is not an attack on ETV. He then proceeds to muster all the arguments at his command against ETV. The Constitution of the State of Maine, Article I, Section 2, reads in part as follows: "All power is inherent in the people; all free governments are founded in their authority." The Legislature is vested with very powerful authority. It exercises that authority in most matters coming before it. Occasionally, a matter coming before it must be, if there is a bond issue involved, referred to the people in whom all power is vested.

This Legislature, two years ago, chose to approve ETV, not by taking money from surplus, but by referring to the people for the authority to borrow. The people in whom all power is vested. People, who gave to this Legislature such authority as it has, voted a margin of some 10,000 votes in a state-wide vote to approve the bond issue for ETV. I do not see how with any validity the gentleman from Strong, Mr. Smith, can say

they were not voting on ETV. Of course they were voting on ETV. That was the issue. The issue was widely circulated in the press. The issue was voted on and approved. It is the tradition of American politics, American government, to abide by the decision of the majority. These people spoke. What more does a politician want? Politicians are all the time saying they are not sure what the people want or they are saying that the people do want this. The only way to find out is to refer it to the people. This issue was referred to the people. The Legislature has been told. The mandate is here from the people. I urge you to respect the moral obligation which lies upon you and carry out what the people have voted. Recognize your obligation as servants of the people and vote to defeat this motion.

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

Mr. MINSKY: Mr. Speaker, Ladies and Gentlemen of the House: I think there are several questions that should be answered concerning this. Number one, the statement has been made to the effect that no construction has been commenced for preparation of educational television. This is not a correct statement. Work has been done, materials have been purchased, land has been cleared, plans are now out for actual bids for the physical construction but preparation for the physical construction has already commenced and has been commenced for some time. And anyone seeing the newspapers of the State of Maine some several months ago, they would have seen pictures which showed the work then being done on educational television.

I would secondly point out to you that in planning the construction of a million and one-half dollar project, it is wise to have people doing something. The judgment has been made to the fact that we are paying people now for educational television, and yet we have no educational television. I am not so naive as to believe that an educational television program or a building or an antenna or cable

is to be constructed without someone supervising it. You have to hire people to plan these things if they are to be done properly. These people have been hired. This is what the salaries are now being paid for. I would hate to think of what the mess would be had we just let it 'grow like Topsy' without people planning and guiding this construction.

I can also inform this House that if current plans and current construction tables are carried out, and there is no reason to doubt that they will be, the educational television station to be operated by the University of Maine will be able to go on the air October 1, 1963. So it will be necessary that there be an appropriation. The reason that the appropriation is smaller for the first of the two years of the biennium, is the fact that we recognize that the first of the two years will be only a nine month broadcasting year rather than a twelve-month broadcasting year. For this reason, the appropriation is less. But present plans do call for the operation by October 1, 1963.

The balance of what I had to say has already been amply covered by the gentleman from Bar Harbor, Mr. Smith. I would simply point out to say that Mr. Smith from Strong has indicated that they only voted on the bond issue. I do not think the people of the State of Maine are too naive to realize that they are voting on a bond issue but not voting for a program. They are not so naive as to think that if you are not building a station, that it is to be operated. I think they knew full well when they voted for the bond issue, there would have to be an appropriation which would follow. I would simply point out that if this were ever missed or anyone felt that this wasn't clear, all they had to do was to read the press releases issued by the gentleman from Strong, Mr. Smith, who continually reminded the people of the yearly appropriation that would be necessary. I do not think the people thought they were voting for a bond issue to build them a station which would lie dormant.

Finally, I will second the comments made by Mr. Smith of Bar Harbor. The people on this have spoken. The reason it is in the current services budget is simply because this is a program that was adopted validly. It was adopted as validly as it was appropriated or set forth by this Legislature. It was adopted by the majority of the people of the State of Maine. It is a program to which this Legislature is committed by the will of the people of the State of Maine, and for this reason, it is only proper that it be included in the current services budget because the people have spoken and said they want this, they have adopted this program, and it certainly is valid if not more valid than any program which we adopted in the 100th session and which we now include in our current services budget. It is here because it must be here because the people have told us that they want it here. Thank you.

The SPEAKER: Is the House ready for the question? The question before the House is the adoption of House Amendment "K."

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

Mr. SMITH: Mr. Speaker, with all due respect to my good friend from Bar Harbor, who is the gentleman from Bar Harbor, Ed Smith, who has said that our statement was an attack on ETV after I got through saying it wasn't, I would like to answer that to this — in this way. I made it quite clear that I am not in favor of the program but that this amendment does not kill the program. I knew there would be somebody that would make the statement that it would, but it will not.

Most of our towns have not voted in any equipment yet. They cannot take advantage of this until after they have had a town meeting, which for most of them will come around next March, and after all their money is appropriated and the equipment is purchased, it will be a year or a year and a half, probably two years in most instances before the advantage of all this construction can be had on the local level. At that time there will be a Legislature in session that will be able to appropriate mon-

ies to carry the program on. This deletion is only to take out of what I said to be an overloaded budget, an unnecessary item.

It is true that I have in days gone by attacked ETV. I have felt and still do that the program is too expensive for our state. I am not alone in this. Many others feel the same way. And it is quite amazing how after we try to make ourselves clear, that these two good gentlemen misconstrue these statements. This will only delete for this biennium this operational money that is not needed. Chapter 247 I believe of the special session gave enough money out of that construction bond issue to take care of all salaries. It lays aside I believe \$100,000 to take care of the salaries necessary for the construction and bringing into being this whole program. Friends, another half million dollars to do this job until the equipment is ready is folly. Those are the only statements in rebuttal I wish to make.

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

Mr. WELLMAN: Mr. Speaker, I would merely like to add a few comments here. In the year 1962-'63 up to 115 schools were participating in various different courses offered under the then available network. These courses have been under preparation — expansion of these courses have been under preparation for the years '63-'64. In one period of three months 62 sets were purchased under the National Defense Education Act.

Let me again remind you that the equipment as far as the school is concerned, is an ordinary television set, one that you would buy for your own house. Perhaps it should be on casters so it can be moved around a little easier, but this is the basic equipment that the school needs to purchase. True, courses must be prepped and the teachers must do a little studying up on what the program itself involves and what will be on the air. From everything that I can gather, both a sizable number of schools, a sizable number of teachers will be ready for ETV this coming

fall, and the system itself will be ready for operation this fall. I would move for the indefinite postponement of this amendment.

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

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen: I rise in support of the motion of the gentleman from Strong, Mr. Smith. I have always been violently opposed to ETV. I think it is a useless medium of education and will produce nothing but an increase in taxes for the already overburdened taxes; and it is my humble opinion, if the vote was taken today, that the people of Maine would overwhelmingly defeat this measure. I certainly hope the House will favor the amendment of Mr. Smith of Strong.

The SPEAKER: May the Chair interrupt debate for just a moment to recognize a group of ladies in the rear of the Hall of the House, they are the Maine Federation of Business and Professional Women, accompanied by Mrs. Mona E. Harris of Auburn, the State President. And in attendance are ladies from the communities of Skowhegan, Augusta, Lewiston, Auburn, Lisbon Falls, Rockland and Bangor. Would you stand and be recognized? (Applause)

On behalf of the House, the Chairs extends to you ladies a warm welcome and we trust that you will enjoy and profit by your visit with us.

The SPEAKER: The debate will continue.

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

Mr. BERMAN: Mr. Speaker—

Mr. JALBERT: Mr. Speaker, I rise to a point of order.

The SPEAKER: The gentleman may state his point.

Mr. JALBERT: Mr. Speaker, under our rules, is the speaker to be recognized the one who rises first and says "Mr. Speaker? first?"

I am not taking issue with you, but it seems to take me a long time to get tuned in, that's all.

The SPEAKER: The Chair will not take exception to the gentleman's point of order, and will recognize the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker, I would agree with my good friend from Bar Harbor, Mr. Smith, that the people of Maine who voted at the referendum decided to take a chance on Educational Television. As a matter of fact, I voted to take a chance on Educational Television. However, I would also agree with my friend, Mr. Smith from Strong, that what this amendment seeks to do this morning is to decide what kind of fuel we are going to use for this Educational TV, high-test or regular. Now I would go along with Mr. Smith's amendment and oppose indefinite postponement of this amendment, and urge this House to make haste slowly.

The SPEAKER: The Chair would recognize the gentleman from Lewiston, Mr. Jalbert, as a special privilege. The gentleman may proceed.

Mr. JALBERT: Mr. Speaker, thank you; and Members of the House: I think I am somewhat being chastised, because I had told the good gentleman from Strong, Mr. Smith, that I would not get up on this debate, but I borrowed his speech and I have been kind of drawn into it. I would like to have him or anyone else turn to page 409 of their Budget Book. Now I quote from his own speech: "This item in the budget is not a carry-over of an already existing program as most items in the Current Service are. This item should be in the supplemental budget. It is a new item." When we set up ETV at the special session, we allocated \$109,972, for operating funds. \$50,972 of this money was spent so that — \$50,972 I mean was carried over and \$50,000 was spent. Now on page 409 it indicates that the request is for \$224,000, the budget recommendation, and the committee recommendation \$224,000 for the first year and \$298,000 for the second year. You will notice if you look at your departmental request it was \$174,000 the first year, they grouped that in with the — brought the

money, the balance brought forward into the request for all other making it a total of \$224,000 which indicates on the committee report.

Now nowhere in this budget book can I see — backing up a little, this was already set up as a current service and nowhere in this budget book, unless I can't read the book, does any item or penny one show in the supplemental budget. And if the gentleman from Strong, Mr. Smith can show me where there is supplemental monies in this book for ETV, I would like to have him do so.

The SPEAKER: Is the House ready for the question?

Mr. ANDERSON: Mr. Speaker, I would request a roll call.

The SPEAKER: A roll call is requested on the question of indefinite postponement of House Amendment "K." For the Chair to order a roll call it must have the expressed desire of one-fifth of the members present. All those in favor of a roll call will please rise and remain standing until the monitors have made and returned the count.

Thirty-five members arose.

The SPEAKER: Thirty-five having voted for a roll call, a roll call is ordered. The Chair will restate the question. The question before the House is the motion of the gentleman from Bangor, Mr. Wellman, that House Amendment "K" to Senate Paper 549, Legislative Document 1481, be indefinitely postponed. All of those who are in favor of indefinite postponement will answer "yes" when their name is called; those opposed to the indefinite postponement will answer "no" when their name is called. The Clerk will call the roll.

#### ROLL CALL

YEA — Albair, Anderson, Orono; Benson, Berry, Boothby, Bradeen, Bragdon, Brewer, Brown, So. Portland; Burns, Carter, Cottrell, Coulthard, Cressey, Crockett, Curtis, Davis, Drake, Dunn, Easton, Edwards, Ewer, Gifford, Gilbert, Gill, Giroux, Hardy, Hawkes, Hendricks, Henry, Humphrey, Hutchins, Jalbert, Jobin, Jones, Kilroy, Libby, Lincoln, Littlefield, Lowery, MacPhail, Mendes, Minsky, Oakes,

Oberg, O'Leary, Osborn, Pierce, Plante, Prince, Harpswell; Rand, Rankin, Ricker, Ross, Augusta; Ross, Brownville; Rust, Shaw, Smith, Bar Harbor; Smith, Falmouth; Susi, Thaanum, Thorton, Townsend, Treworgy, Tyndale, Vaughn, Wade, Ward, Welch, Wellman, White, Guilford; Whitney.

NAY — Anderson, Ellsworth; Baldic, Bedard, Berman, Bernard, Binnette, Birt, Bourgoin, Bussiere, Chapman, Childs, Choate, Cookson, Cote, Crommett, Denbow, Dennett, Dostie, Dudley, Finley, Gallant, Gustafson, Hammond, Harrington, Hobbs, Jamesson, Jewell, Karkos, Kent, Laugh-ton, Lebel, Levesque, Linnekin, MacGregor, MacLeod, Mathieson, McGee, Meisner, Mower, Nadeau, Norton, Osgood, Pease, Philbrick, Pitts, Poirier, Prince, Oakfield; Reynolds, Richardson, Roberts, Roy, Scott, Smith, Strong; Snow, Taylor, Turner, Viles, Waltz, Waterman, Watkins, Wight, Presque Isle; Williams, Wood, Young.

ABSENT — Ayoob, Blouin, Bois-sonneau, Brown, Fairfield; Cartier, Cope, Foster, Hanson, Hendsbee, Knight, Maddox, Noel, Sahagian, Tardiiff.

Yes, 72; No, 64; Absent 14.

The SPEAKER: The Chair will announce the vote. Seventy-two having voted in the affirmative, sixty-four in the negative, and fourteen being absent, the motion to indefinitely postpone House Amendment "K" does prevail.

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

Mr. BERRY: Mr. Speaker, having voted on the prevailing side, I now move reconsideration and hope my motion does not prevail.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Berry, now moves that the House reconsider its action whereby it indefinitely postponed House Amendment "K." All those in favor will say yes; those opposed, no.

The motion failed on a viva voce vote.

The SPEAKER: The Chair at this time would like to recognize in the Hall of the House 28 pupils of the Garrett Schenck School in

Anson, accompanied by their Principal, Mr. Taylor. They are the special guests of Representative Viles of Anson.

Also, 25 students with their teacher, Mrs. Louise Houlton, from the Smithfield Central School. 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)

The SPEAKER: The pending question is passage to be engrossed on item 1.

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

Mr. GIFFORD: Mr. Speaker, I move that the House reconsider its action of April 18 whereby it indefinitely postponed House Amendment "A" to L. D. 1481, and to refresh the Members of the House, this is the amendment continuing the children's home at Bath.

The SPEAKER: The House will be at ease for a moment.

#### House at Ease

Called to order by the Speaker.

The SPEAKER: House Amendment "A" was indefinitely postponed on April 18. In order for the gentleman to reconsider, the rules must be suspended.

Mr. GIFFORD: Mr. Speaker, I move that the rules be suspended in order that my motion may be presented.

The SPEAKER: The gentleman from Manchester, Mr. Gifford, moves that the rules be suspended in order that he may ask for reconsideration.

Mr. Minsky of Bangor requested a division.

The SPEAKER: A division has been requested. The question before the House is the motion of the gentleman from Manchester, Mr. Gifford, that the rules be suspended. All those in favor of the rules being suspended in order to move reconsideration will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Thirty-three voted in the affirmative.



Mrs. HENDRICKS: Mr. Speaker, I would like a roll call.

The SPEAKER: The gentlewoman from Portland, Mrs. Hendricks, requests a roll call. In order for the Chair to order a roll call it must have the expressed desire of one-fifth of the members present. Those who desire a roll call will please rise and remain standing until the monitors have made and returned the count.

Mr. PEASE: Point of inquiry.

The SPEAKER: The gentleman from Wiscasset, Mr. Pease, may make his point of inquiry.

Mr. PEASE: I would inquire if the roll call request is on the suspension of the rules?

The SPEAKER: It is.

24 Members arose, there being 124 Members present and counted.

The SPEAKER: 24 having voted for a roll call and there being 124 present, this being less than one-fifth, a roll call is not ordered. A division has been requested.

Mrs. HENDRICKS: Mr. Speaker, could I have another count on that? May I have another division?

The SPEAKER: The vote has been declared. 124 being present and only 24 expressing a desire for a roll call, it is not ordered.

Mrs. HENDRICKS: Mr. Speaker is it impossible to have another division on that?

The SPEAKER: Would the gentlewoman explain her point please?

Mrs. HENDRICKS: I wanted to have another division on that motion. Just for another count.

The SPEAKER: Does the gentlewoman mean a division relative to suspension of the rules?

Mrs. HENDRICKS: Yes.

The SPEAKER: Yes indeed. Those opposed to the suspension of the rules will now rise and remain standing in their places until the monitors have made and returned the count.

Eighty-two voted in the negative.

The SPEAKER: Thirty-three having voted in the affirmative and eighty-two having voted in the negative, and suspension of the rules requiring a two-thirds vote, the rules are not suspended.

This bill having had its three several readings and the Commit-

tee on Bills in the Third Reading having reported that no further verbal amendments are necessary, is it now the pleasure of the House that it be passed to be engrossed? The Chair will order a division.

All those in favor of this bill's passage to be engrossed, will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Seventy-four having voted in the affirmative and forty-nine having voted in the negative, the Bill was passed to be engrossed and sent to the Senate.

The SPEAKER: The Chair at this time would like to recognize a group from Cumberland and Chebeague. If you are present in the Hall of the House, would you stand and be recognized.

On behalf of the House, the Chair extends to you young folk, a warm welcome, and we trust that you will enjoy and profit by your visit with us this morning. These are the special guests of Representative Prince of Harpswell. (Applause)

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

Bill "An Act relating to Closed Time on Deer in Certain Counties." (H. P. 1033) (L. D. 1497) —Read Third Time. House Amendment "A" Read (Filing H-224)

Tabled—April 12, by Mr. Scott of Wilton.

Pending—Motion of Mr. Anderson of Ellsworth to Indefinitely Postpone House Amendment "A."

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

Mr. SCOTT: Mr. Speaker, I would yield to the gentleman from Mexico, Mr. O'Leary, who I believe wishes to withdraw his Amendment "A," and then I would like to be recognized and offer House Amendment "B."

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

Mr. ANDERSON: I withdraw my motion to indefinitely postpone.

The SPEAKER: The gentleman from Ellsworth, Mr. Anderson, with-

draws his motion for indefinite postponement of House Amendment "A." Is this the pleasure of the House?

The motion prevailed.

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

Mr. O'LEARY: Mr. Speaker, I wish to withdraw my amendment, Amendment "A."

The SPEAKER: The gentleman from Mexico, Mr. O'Leary, requests permission to withdraw House Amendment "A." He withdraws his offering of House Amendment "A."

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

Mr. SCOTT: Mr. Speaker, I offer House Amendment "B," H-270, and move its adoption.

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

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

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

"Sec. 1. R. S., c. 37, Sec. 91, amended. The first 5 paragraphs of section 91 of chapter 37 of the Revised Statutes, as revised, are repealed and the following enacted in place thereof:

'For the purposes of regulating open seasons on deer, the State shall be divided into the following 2 zones:

**Northern Zone:** North and east of line beginning on Route 201 at the Canadian border; thence southeasterly along said Route 201 to Caratunk; thence easterly and northerly along the Appalachian Trail to a point where the Appalachian Trail intersects the Baxter State Park Road; thence southeasterly along Baxter State Park Road to Millinocket; thence southeasterly along Route 157 to Route 2 at Mat-tawamkeag; thence southeasterly along Route 2 to Lincoln; thence easterly along Route 6 to the Canadian border.

**Southern Zone:** All the remaining areas of the State, including the islands along the coast.

There shall be an open season on deer in each calendar year in the zones described above as follows:

**Northern Zone:** October 15th to November 30th.

**Southern Zone:** The 4th Monday in October to the first Saturday in December.'

Sec. 2. R. S., c. 37, Sec. 108, amended. The first sentence of section 108 of chapter 37 of the Revised Statutes, as revised, is amended to read as follows:

'There shall be an annual open season during the month of October from October 1st to October 14th in Zone 1 the Northern Zone as described in section 91 for the purpose of hunting deer with bow and arrow only except that on the Island of Islesboro in Waldo County there shall be an open season for hunting deer with bow and arrow during the months of October and November.

Sec. 3. R. S., c. 37, Sec. 108, amended. The 2nd and 3rd paragraphs of section 108 of chapter 37 of the Revised Statutes, as revised, are amended to read as follows:

'There shall be an annual open season from October 1st to October 25th in Zone 2 as described in section 91 for the purpose of hunting deer with bow and arrow only.

'There shall be an annual open season from October 1st to October 14th when the regular deer season begins in the Southern Zone 3 as described in section 91 for the purpose of hunting deer with bow and arrow only, except that on the Island of Islesboro in Waldo County there shall be an open season for hunting deer with bow and arrow during the months of October and November of each calendar year.'

Sec. 4. R. S., c. 37, Sec. 109, amended. The first sentence of section 109 of chapter 37 of the Revised Statutes, as revised, is amended to read as follows:

'An archery license shall be issued by the commissioner to take deer under sections 108 to 112, the fee for which shall be \$4.25 for hunting deer by residents of this State and \$10.25 for hunting deer by non-residents; except that such archery licenses shall also permit the hunting of such wild birds and

animals which can be legally hunted during the month of October from **October 1st to October 14th** of each calendar year in Zone 1, the **North-ern Zone** and from October 1st to October 26th when the **regular deer season begins** in Zone 2 the **Southern Zone**, and from October 1st to October 14 in Zone 3.'"

The **SPEAKER**: The Chair recognizes the gentleman from Wilton, Mr. Scott.

**MR. SCOTT**: Mr. Speaker, Ladies and Gentlemen of the House: The one issue that I did not intend to become involved in when I came down here to this 101st session of the Legislature was to become involved in the deer zone law. Yet in coming to the rescue of my good friend, Representative Jones, I find myself in the middle of this struggle. Obviously, everyone can't be satisfied with this zoning law. What we must do as legislators is to be as realistic as possible in considering the conservation of the deer herd and, at the same time, accommodate the campowners and the sportsmen. It is with this thought in mind, that I have introduced the two-zone amendment and I urge your favorable consideration.

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

**MR. JONES**: Mr. Speaker, Honorable Gentlemen and Gentlewomen of the House: I rise in support of Mr. Scott's amendment to legislative document 1497, An Act relating to Closed Time on Deer in Certain Counties. The Committee on Inland Fish and Game Department worked diligently and hard in trying to picture the desires of many, many people in the state. In doing so, they came up with four zones, so-called seasons—four zones in the state which produces a problem. Wherever you have zones, you have boundaries and when you have boundaries, you have problems and troubles with the people living on those boundaries. The larger number of zones you have increases the amount of problems that we have within the state. For this reason, this amendment has been created for your approval which would divide the state into two zones, the so-called North and

South. What this amendment calls for is an open season in the Northern zone which is basically the same zone that was created by your legislative committee. The open season there would start October 15 and run through to the end of November. The remaining southern part of the state would fall into zone number two, according to this amendment, with the season starting on the fourth Monday of October and running through until the first Saturday in December, which I think should take care of the needs of the people. It would prevent a congregation of hunters in any one spot and it spreads them out and you have less trouble. I certainly hope that you will go along with this amendment. Thank you.

The **SPEAKER**: The Chair recognizes the gentleman from Brownville, Mr. Ross.

**MR. ROSS**: Mr. Speaker, this state had two zones for many, many years and I have never heard of any complaints. I would dare say it was over twenty years with the two zones. Now I put in a bill for one zone only state-wide and it went under the hammer. Then a couple of weeks ago at the request of some of my cohorts, I put in a recall order, being a neophyte and not knowing that it took a two-thirds vote. Well, seventy-three people voted in favor of that recall which we missed by three votes getting the two-thirds majority. So that should show that the people aren't satisfied with three or four zones. It is getting so that you might as well have a local option bill.

A lot of the people here in the House come from urban areas. They don't know what we put up with in the woods. My wife is afraid to go out and hang up clothes when you have these small zones. The hunting concentration is too severe in the small zones. Now a two-zone start is going to do away with that concentration. From a safety measure alone, I would advocate it. Here is what we are going to end up with. If we stick to these small zones, you are going to end up with the landowners posting their land. Now I put some signs right around my house, but

I have not posted my whole acreage, but if it is going to continue where we have this large concentration, I am sure that I am going to post my land and a lot of other people will do the same thing.

Furthermore, on this one-zone bill that I put in, I got some unexpected support. I am just bringing this out to show you how people feel. The Maine Motel Association appeared before the Committee in favor of a state-wide open season for one reason only. They said that their guests arrive in Maine and they don't know where they can hunt and where they can't hunt. Now recreation is one of our biggest industries, if not the biggest; the way we are losing other industries, we had better cater to it. I say make it easier for the out-of-staters, and two zones is certainly a lot easier for them than four. I move that this amendment be adopted.

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

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I don't like to go into repetition, but I will have to repeat what I said on April 12. I think you folks are tired of seeing this bill come before you. This is the second draft of the bill, and we certainly have tried hard to satisfy all, all localities in the state. This is a big state, and there is such a variation in weather conditions, that it is almost impossible to satisfy everybody. No matter what we come up with, somebody would be dissatisfied.

In this four-zone system, we thought we had satisfied everybody. I certainly don't see how we could do any better. If this Amendment "B" is accepted by this House, there will be a howl go up over the state that will knock the Telstar Satellite right out of the sky. If we have any faith in our committee, in the department, and in our biologists, we will kill this amendment. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Southwest Harbor, Mr. Benson.

Mr. BENSON: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Inland Fish and Game Committee, I would report to you that we spent more time on this one item than we did on any one of the others that we handled this session. We have considered this, reconsidered it, and then considered it again. And working very closely with the Department, it seems that this is the lesser of all the evils. I understand and I am sure that you do, that you are not going to remove all of the evils from all of the sections as far as these good hunters are concerned. But this seems to be the very best that we could do, and that was with the complete approval of the Department. I certainly would hope that this House will go along with the bill as we have now presented it in new draft. Thank you.

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

Mr. VILES: Mr. Speaker, I agree wholeheartedly with what my good friend Mr. Anderson has said on division lines; however, I have discussed the committee bill with many of my constituents. I wouldn't exactly say that they were happy, but at least it was a compromise which the majority would go along.

We have many sporting camps in my area, and the complaint with the old zone was that where it opened on November 1, they were losing many dollars of business from New York. So I would hope that the motion of the gentleman from Wilton would not prevail and that this House would adopt the Committee's Report.

The SPEAKER: The Chair recognizes the gentleman from Kingfield, Mr. Hutchins.

Mr. HUTCHINS: Mr. Speaker, I would be very much in favor of the amendment to make this a two zone season. I think one of the problems that has existed throughout the large part of the state is too many zones. I come from an area that is especially hard hit because of part of our district being just above the Appalachian Trail. At that time, thousands of hunters

flock in there, it is dangerous to hunt. Most deer are shot in the first week or two and then that is the end of the area for them. I think that two zones is much better than four; even three would be better than four, and I agree with Representative Ross, that probably one would still be better, but I am willing to compromise on two and I believe that is the best solution we have come up with yet.

The SPEAKER: The Chair would interrupt debate that he may recognize in the hall of the House, the presence of a group of ladies of the Lincoln County Women's Republican Club. They are at the State House today for the purpose of studying the operations of state government. Will the ladies rise and be recognized.

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

The SPEAKER: The Chair would inform the members of the House that when they are referring to a colleague, they will be very courteous in referring to them as the gentleman from so and so or the former speaker, so and so from such and such a place.

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

Mr. WADE: Mr. Speaker, Ladies and Gentlemen of the House: I have sat here very intently, very much interested since last Thursday. I have listened to the very lengthy debates on immorality. I listened to the very lengthy discussions relative to illegitimacy, I listened to the discussion relative to the state airplane for the administration, and I very frankly have to admit ignorance in all phases of those debates. However, we are now dealing with something that I feel that I am at least reasonably apprised of and perhaps acquainted with. Easter weekend, several members of the Committee of Inland Fisheries and Game attended a conference of wildlife conferees in the City of Portland held at the Eastland Hotel. There were in attendance at this session, some

four hundred club-registered delegates as far east as Newfoundland, taking in the Provinces of Nova Scotia, New Brunswick; Quebec, Ontario; at the state level, from Maine to West Virginia with the exception of the State of Maryland. We listened to the debate, the discussions from these technicians from that broad area.

Now this meeting of wildlife technicians was held in the right place. I am in great sympathy with the throes that the Appropriations and Financial Affairs Committee have found themselves in for the last several days. I can well appreciate the matters that were thrown at them, the charges that were made with innuendoes; and feeling for them as the committee, I have the same general thoughts relative to the Committee on Inland Fisheries and Game. We listened very intently to the gripes that have been referred to here this morning, groups of sporting camp proprietors, motel operators, and hunters from practically every section of the state; and when we concluded after the second redraft we felt that with one or two exceptions, not of people in attendance at the hearing but with one or two exceptions of individuals, that we had come out with a deer bill so-called that would be acceptable to a great majority of sports people and the sporting camp proprietors and those identified in the recreational field, with a bill that would be wholly acceptable. I don't know, Mr. Speaker, ladies and gentlemen, but how much more could be done by the way of effort I sincerely hope that the House Amendment "B" will be indefinitely postponed.

The SPEAKER: Does the gentleman so move?

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

The SPEAKER: The Chair would interrupt debate for a moment to recognize in the balcony of the House, twenty-eight pupils from St. Dominic's School, Portland, accompanied by their teacher, Mrs. Coyne. These are the special guests of Representative Kilroy of Portland.

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 today. (Applause)

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

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

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Denmark, Mr. Dunn.

Mr. DUNN: Mr. Speaker, there is one point in this amendment that bothers me considerably. I do not believe that our section of the state can stand any longer deer season than we have and this increases it by ten or eleven days. I think the southern end of the state, a month's open season is about all that we can stand. That is why I hope this amendment doesn't pass.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Jonesboro, Mr. Snow.

Mr. SNOW: Mr. Speaker, I rise to remind the House that we have two types of hunting in the State of Maine. One, deer hunting and one bird hunting. I hate to stand alone in defense of the bird hunters; nevertheless, we probably spend more money than deer hunters. We keep from two to four dogs. We buy a lot of dog food. We hire a lot of veterinary services. We pay a lot of sales tax. I am not in dispute of this bill as to the zones. I am in dispute of taking a week of the bird hunting season away. The bird hunters that come to my territory spend their money. The greater part of the deer hunters bring a tent and their own food and sometimes their own gasoline. I wish to defend the bird hunters because it is an income to our state and hunting that some of us are interested in. Thank you.

The SPEAKER: Is the House ready for the question?

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

Mr. JONES: Mr. Speaker, in support of this amendment, I would like to call to your attention

a fact that on the present bill as it stands now with the four zones, they have so-called created a central zone which is comprised of about, I'd say probably not more than one-twelfth of the entire state, which encompasses most of Somerset County and practically all of Franklin County, my home area. This being one zone under the present bill as it stands before you without the amendment, would open on October 21st, this line is just above Lewiston-Auburn, the Portland area, where sixty percent of your hunters come from, and as it stands now, we don't have enough deer in this area or in this zone to take care of one-tenth of the hunters that would come there, let alone the impact that will come there as it is now. So far as conservation is concerned, I can hardly go along with the biologists that this is a good thing because we just don't have the deer there. Therefore, we offer this amendment. This amendment would relieve us of this pressure because it would throw the whole southern part of the state open at one time.

Also, I would like to mention that the bill leaves the bow and arrow hunting about the same as it has been, coming up to the open season when the regular deer hunting has opened. Also I mentioned the fact that the open season in the southern part starts on the fourth Monday in October which gives the bird hunters more time. I hope that you will go along with us in accepting this amendment.

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

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Jonesboro, Mr. Snow, has raised to me a very pertinent question, and this is the effect of the proposed two seasons as compared with the proposed four seasons on the bird hunting season. Now I am not sufficiently familiar with either the four zones or the two zones or the bird hunting laws, and I would appreciate it if someone either on the committee or who is familiar with this proposed two zone amendment could explain to

me what the effects of either of these bills will have upon the bird hunting season.

The SPEAKER: The gentleman from York, Mr. Rust, has posed a question through the Chair to anyone who may answer if he chooses.

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

Mr. WADE: Mr. Speaker, first if I may I would answer the gentleman Mr. Snow's question relative to, I assume, the area that he hunts in. And that under the proposed bill would have a November 1 date to December 5 in deference to the bird hunter. Now the amendment would change that date so that the bird hunter would be affected; and I think in response to the gentleman from York, Mr. Rust, the same thing is applicable with the exception of the week in December. In other words, your date would be November 1 to November 30, again, with deference to the bird hunter. Does that answer the question, Mr. Speaker?

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Skowhegan, Mr. Wade, that House Amendment "B" to Bill "An Act relating to Closed Time on Deer in Certain Counties," House Paper 1033, Legislative Document 1497, be indefinitely postponed. A division has been requested. All those in favor of indefinite postponement of House Amendment "B", will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Sixty-five having voted in the affirmative and forty-nine having voted in the negative, the motion did prevail.

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

Mr. SCOTT: Mr. Speaker, is the original bill now debatable?

The SPEAKER: The original bill is debatable.

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

Mr. SCOTT: Mr. Speaker, I recognize that when we employ

game biologists and they come up with a plan, that we should go along with them; and that was why we originally two years ago set up the three zone system. I think that system has worked reasonably well. If we change that to the proposed four zone system, it is going to be devastating to the area of Franklin County, and in talking with the game wardens, they have told me that the deer herd has remained very steady in Franklin County since '47. If we change and get the bulk of the hunters in there, the first of the season is going to change this picture. In view of this, I would move indefinite postponement of L. D. 1497 so that we can remain with the three zone system that is presently in effect.

The SPEAKER: The question now before the House is the motion of the gentleman from Wilton, Mr. Scott, that Bill "An Act relating to Closed Time on Deer in Certain Counties," House Paper 1033, Legislative Document 1497, be indefinitely postponed.

Mr. Wade of Skowhegan requested a division.

The SPEAKER: A division is requested. Is the House ready for the question?

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

Mr. JONES: Mr. Speaker, Honorable Gentlemen and Gentlemen of the House: I rise in support of the motion made by our good colleague, Mr. Scott. In doing so, I call your attention to the statements made by our good colleague, Mr. Wade, from Skowhegan, that we hire these biologists to give us knowledge and information upon which to act. And I think we should act upon what they have advised, and that is under the present law as it stands now without any change. I hope that you will go along with the motion.

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

Mr. WADE: Mr. Speaker, with reference to the gentleman from Farmington, my good friend Mr. Jones, may I say that the biolo-

gists and the chief game warden were thoroughly consulted by your Committee on Inland Fisheries and Game before this bill was released from the committee.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Wilton, Mr. Scott, that item 2 be indefinitely postponed. All those in favor of indefinite postponement will say aye; those opposed, no.

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

Thereupon, 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:

RESOLVE Providing for Purchase of Fifty Copies of "Historic Hallowell." (H. P. 178) (L. D. 247) — Committee Amendment "A" (Filing H-192)

Tabled—April 12, by Mr. Gifford of Manchester.

Pending—Passage to be Engrossed.

Mr. Gifford of Manchester offered House Amendment "A."

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

HOUSE AMENDMENT "A" to H. P. 178, L. D. 247, Resolve, Providing for Purchase of Three Hundred Copies of "Historic Hallowell."

Amend said Resolve by striking out all of the 3rd and 4th lines and inserting in place thereof the following: 'exchanged or distributed at the discretion of the State Librarian; and be it further'

The SPEAKER: Is it now the pleasure of the House that House Amendment "A" be adopted?

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

Mr. BRAGDON: Mr. Speaker, I just now noticed this amendment. I would like to ask a question as to what this does, if anyone wishes to answer.

The SPEAKER: The gentleman

from Perham, Mr. Bragdon, poses a question through the Chair to anyone who may answer if he chooses.

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

Mr. GIFFORD: Mr. Speaker, this amendment is purely a technical amendment. The original bill called for the purchase of 300 copies to be distributed to high schools and junior high schools. The Appropriations Committee reduced the number to 50 but left the distribution unchanged. Obviously 50 copies would not be sufficient to go to all of the high schools, so that this amendment is introduced to change the manner of distribution in line with previous such purchases of historic books and simply requests that they be exchanged or distributed at the discretion of the State Librarian.

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

Mr. BRAGDON: Mr. Speaker, as this answers my question I have no objection.

The SPEAKER: Is it now the pleasure of the House that House Amendment "A" be adopted?

The motion prevailed.

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

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

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

Tabled—April 12, by Mr. Pease of Wiscasset.

Pending—Passage to be Enacted.

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

Mr. PEASE: Mr. Speaker, I move that Legislative Document 1342 be indefinitely postponed.



The SPEAKER: The gentleman from Wiscasset, Mr. Pease, now moves that Legislative Document 1342 be indefinitely postponed.

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

Mr. MacLEOD: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Wiscasset. Why?

The SPEAKER: The gentleman from Brewer, Mr. MacLeod, poses a question through the Chair to the gentleman from Wiscasset, Mr. Pease, who may answer if he chooses.

Mr. PEASE: Mr. Speaker, in answer to the gentleman from Brewer, Mr. MacLeod, I would merely say from the information I now have, this is a bad bill.

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

Mr. MacLEOD: Mr. Speaker and Members of the House: This is a good bill.

The SPEAKER: The question before the House is the motion of the gentleman from Wiscasset, Mr. Pease, that Legislative Document 1342 be indefinitely postponed.

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

Mr. PEASE: Mr. Speaker, I would call to the attention of the gentleman from Brewer, Mr. MacLeod, that why this bill is before us is because of an act that was passed two years ago, Chapter 393 of the Public Laws of 1961, and I note that in Chapter 393 of the Public Laws of 1961 there is a fund appropriated for the second year of the biennium last, 62-63, the sum of \$200,000; and it now appears that because of that act this bill is presumed necessary.

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

Mr. MacLEOD: Mr. Speaker and Members of the House: This is a Health and Welfare bill. The act to which the gentleman from Wiscasset referred that was passed in the last biennium, there was a price tag of \$200,000, but they collected \$160,000; and I maintain that when you can give the Health and Welfare \$200,000 to get back

\$160,000 you are having a pretty good bargain.

The SPEAKER: The Chair recognizes the gentleman from Guilford, Mrs. White.

Mrs. WHITE: Mr. Speaker, I move that Item four L. D. 1342 be tabled until tomorrow, April 25.

Whereupon the Bill was tabled pending the motion of Mr. Pease of Wiscasset that it be indefinitely postponed and specially assigned for tomorrow.

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

AN ACT Continuing the Committee on Aging. (S. P. 384) (L. D. 1087)

Tabled—April 3, by Mrs. Kilroy of Portland.

Pending—Passage to be Enacted.

On motion of Mrs. Kilroy of Portland, retabled pending passage to be enacted and specially assigned for Wednesday, May 1.

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

AN ACT relating to Counsel for Indigent Persons in Criminal Cases. (S. P. 507) (L. D. 1423)

Tabled—April 3, by Mr. Smith of Bar Harbor.

Pending—Passage to be Enacted.

On motion of Mr. Smith of Bar Harbor, the House voted to suspend the Rules and to reconsider its action of March 14 whereby the Bill was passed to be engrossed.

Thereupon, Mr. Smith of Bar Harbor offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to S. P. 507, L. D. 1423, Bill, "An Act Relating to Counsel for Indigent Persons in Criminal Cases."

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

**"Before arraignment, Competent competent defense counsel may shall be assigned by the Superior or District Court unless waived by the accused after being fully advised of his**

**rights by the court**, in any all criminal cases and shall be assigned in all cases punishable by imprisonment for life **charging a felony**, when it appears to the court that the accused has not sufficient means to employ counsel; and the. **The Superior Court** shall order reasonable compensation to be paid to counsel out of the county treasury for such services in the Superior Court. rendered in any case punishable by imprisonment for life, and compensation may be allowed by the court in cases of other felonies, but no compensation shall be allowed counsel for services in lesser cases. **No compensation shall be allowed for such services in the District Court. The Superior or District Court may in criminal cases charging a misdemeanor appoint counsel when it appears to the court that the accused has not sufficient means to employ counsel, but no compensation shall be allowed counsel in such cases.'**"

House Amendment "A" was adopted, and the Bill was passed to be engrossed as amended by House Amendment "A" in non-concurrence and sent up for concurrence.

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

**SENATE REPORT**—Ought to pass with Committee Amendment "A" (Filing S-127)—Committee on Public Utilities—on Bill "An Act to Clarify Granting of Water Pipe Location Permits." (S. P. 432) (L. D. 1175)—In Senate Engrossed as Amended.

Tabled—April 9, by Mr. Knight of Rockland.

Pending—Acceptance of Report.

The **SPEAKER**: The Chair recognizes the gentleman from Freeport, Mr. Crockett.

Mr. **CROCKETT**: Mr. Speaker, through the absence of the gentleman from Rockland, I would move to table the bill until tomorrow.

The **SPEAKER**: Item seven is still before the House. The gentleman has debated his motion prior to his introducing it.

The Chair recognizes the gentleman from Southwest Harbor, Mr. Benson.

Mr. **BENSON**: I move that item seven be tabled until the next Legislative day.

Thereupon, the Bill was tabled pending acceptance of the Committee Report and specially assigned for tomorrow.

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

**HOUSE REPORT**—Ought to pass in New Draft (H. P. 1038) (L. D. 1505)—Committee on Legal Affairs on Bill "An Act Prohibiting the Use of Live Birds and Animals for Certain Purposes." (H. P. 823) (L. D. 1210)

Tabled—April 9, by Mr. Taylor of So. Portland.

Pending—Acceptance of Report.

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

Mr. **TAYLOR**: Mr. Speaker, Ladies and Gentlemen of the House: Due to the fact that certain stipulations were left out of this L. D. 1210 as it came out of committee and by agreement with the officials of the Cruelty to Animals Division of the State and the committee members, I now offer House Amendment, H-272.

Thereupon, on motion of Mr. Taylor of South Portland, the "Ought to pass" Report was accepted and the Bill read twice.

Mr. Taylor of South Portland offered House Amendment "C" and moved its adoption.

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

**HOUSE AMENDMENT "C"** to H. P. 1038, L. D. 1505, Bill, "An Act Prohibiting the Use of Live Birds and Animals for Certain Purposes."

Amend said Bill in the title by striking out the words "and Animals"

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

"**Sec. 9-A. Birds prohibited for certain purposes. It shall be unlawful for any person, firm or cor-**

poration to sell, offer for sale or give away within this State any baby chicks or ducklings 2 weeks old or younger in quantities of less than 6. Whoever violates this section shall be punished by a fine of not more than \$50.' "

House Amendment "C" was adopted and the Bill assigned for third reading tomorrow.

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

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

Tabled—April 9, by Mr. Albair of Caribou.

Pending—Passage to be Enacted.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Albair.

Mr. ALBAIR: Mr. Speaker, I would yield to Representative Tyndale on this matter.

The SPEAKER: The gentleman may speak in his own right, and the Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: I move for suspension of the Rules that we may reconsider our action whereby we passed this bill to be engrossed for the purpose of offering another amendment.

Thereupon, on motion of Mr. Tyndale of Kennebunkport, the House voted to suspend the Rules and to reconsider its action of March 20 whereby this Bill was passed to be engrossed.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker, I now move that we indefinitely postpone Committee Amendment "A," which was House Filing No. H-80.

The SPEAKER: The Chair understands that the gentleman from Kennebunkport, Mr. Tyndale, now moves that the Rules be suspended in order that we may reconsider our action whereby Committee Amendment "A" was adopted on March 5. Is it the pleasure of the House that the Rules be suspended.

The motion prevailed.

Thereupon, on further motion of Mr. Tyndale of Kennebunkport, the

House voted to reconsider its action whereby it adopted Committee Amendment "A" on March 5, and to indefinitely postpone Committee Amendment "A."

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

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

"Such authority shall include the right to make rules and regulations relating to the length of duty of drivers operating any motor vehicle on the highways of this State engaged in common and contract carriage as defined in this chapter. Such rules and regulations shall conform as nearly as practicable to the standards set forth by the Interstate Commerce Commission pertaining to the length of duty of drivers operating motor vehicles in interstate commerce.' "

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Albair.

Mr. ALBAIR: Mr. Speaker, Ladies and Gentlemen of the House: I would like to clarify the legislative intent on L. D. 933 with its amendments. I have had lengthy discussions with Mr. True of the Public Utilities Commission and Mr. Jack Feehan, its General Counsel, and other sponsors of this legislation, and for the record, it is agreed that the intent of this bill is to simplify hours of service, rules and regulations and laws. It exempts I.C.C. regulated carriers from the Maine public utility hours of service regulations. It further allows the Maine Public Utilities Commission to draft its own rules and regulations pertaining to hours of service for authorized carriers that are issued certificates and permits under Chapter 48 of the Maine Revised Statutes. There is no other purpose and no other intent for this bill, and it is further agreed

that these hours of service regulations do not apply to private carriers or carriers exempt from Chapter 48.

I would move the adoption of House Amendment "A".

Thereupon, House Amendment "A" was adopted and the Bill passed to be engrossed as amended by House Amendment "A" in non-concurrence and sent up for concurrence.

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

HOUSE REPORT—Ought to pass with Committee Amendment "A" (Filing H-246)—Committee on Labor on Bill "An Act relating to Time Limitations for Filing Petitions Under Workmen's Compensation Act." (H. P. 294) (L. D. 338)

Tabled—April 16, by Mr. Childs of Portland.

Pending—Acceptance of Report.

The SPEAKER: Is it now the pleasure of the House that the "Ought to pass" Report be accepted?

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

Mr. BERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I have discussed this matter with the gentleman from Portland, Mr. Childs, and I would now move acceptance of this unanimous "Ought to pass" Report.

The SPEAKER: The gentleman from Houlton, Mr. Berman, moves the acceptance of the "Ought to pass" Report. Is this the pleasure of the House?

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

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: I would oppose the motion of the gentleman from Houlton, Mr. Berman, for a very simple reason. We have often heard the expression that you get two bites at the apple, but in this case it would appear to me that they are giving the apple away too.

Under the Workmen's Compensation Act, there is a time limit to bring in a proper claim. Now this bill proposes to waive the time

limit if the employer or the insurance company has knowledge or if the employer or the insurance company is not prejudiced; so for all practical purposes, this bill takes away the time limit completely. So that under these compensation claims and under the insurance policies that the employer buys, there is no time limit to making the claim, the claims could never be settled, and on Workmen's Compensation the number of claims that an individual has pending against him directly relates to the premium that he has to pay. Where these things could be hung up and are unknown, I think it would seriously affect the cost of this type of insurance and, on my part, I would move indefinite postponement of the bill and the accompanying reports. I request a division.

The SPEAKER: The question before the House now is the motion of the gentleman from York, Mr. Rust, that the Report and Bill be indefinitely postponed.

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

Mr. BERMAN: Mr. Speaker, Ladies and Gentlemen of the House: In spite of the comments which my colleague, Mr. Rust, has offered with respect to this bill, there is still the same time limit. If Mr. Rust will examine this bill with Committee Amendment "A" as applied to the present law, the present law sets a time limit of ten years. This legislative document does not change that time limit of ten years. Mr. Rust has mentioned that there would be extra cost to the employer. Now this bill has been very carefully checked out with the Insurance Commissioner of the State of Maine, and the Insurance Commissioner of this state has said that this bill will result in absolutely no extra cost to the insurance companies.

Now certainly we should try to do justice and have mercy, and that is the only purpose of this bill. The tenor of this bill was suggested to me by that excellent public servant, the Chairman of our Industrial Accident Commission, Harold Towle of Bangor. It was suggested for this reason. Under our present

harsh law, harsh in my opinion, there are at least two cases decided where injured workmen suffered serious injuries and did not file within the basic year period because their doctors advised them to sign no papers until their injury was better. Now in at least one of these cases, the doctors were being paid by the insurance company. I offer this as no criticism of the doctors, but only in explanation of a situation. The doctor's first and only concern is to treat the injured worker, and to treat his physical ailments. I suggest that what the doctors said to this injured man made good sense; namely, don't sign any papers until the injury was better. Unfortunately, the court took a position that this good advice which the doctors had given this man, wasn't sound under the existing law, and that the injured workman must file his claim within one year under penalty of just being out of luck.

Now there is a present situation where a man got a chemical in his eye from an industrial accident. This man immediately notified his employer and the insurance company, and this injured workman received medical attention. However, he was an illiterate man, he could neither read nor write; and he didn't file his claim within the basic one-year period because he was hoping his eye would get better. Now as a matter of fact, even after he received this medical treatment, he lost the sight of his eye.

Now the Workmen's Compensation Act in effect at that time spelled out very, very clearly that he would receive compensation for one hundred weeks for the loss of that eye, and in his particular case one hundred weeks would have resulted in a payment to him of \$3500. This was an open and shut case. But here we had a situation of an untutored, illiterate workman who didn't file his claim within the one year. The insurance company and his employer were not prejudiced by it because they rendered him medical attention, they knew about this claim from the very beginning; and when he came

to file after the one-year period expired they said well, we are very sorry for you, you lost your eye; if you had filed within the one year, we would have had to give you \$3500, take care of extracting the bad eye and give you a glass eye; but now you are just out of luck. Now I say that if this bill isn't going to cost the employers of this state and the insurance companies any extra money as determined by the State Insurance Commissioner, we certainly should go along with the unanimous report of the Committee on Labor. And I hope that this House will see fit to vote against the motion to indefinitely postpone this very excellent bill.

The SPEAKER: The Chair recognizes the gentleman from Bridgton, Mr. Oberg.

Mr. OBERG: Mr. Speaker and Ladies and Gentlemen of the House: I rise in support of the gentleman from York, Mr. Rust, to indefinitely postpone this L. D. 388.

It is my belief that there is adequate protection to the injured employee under the present provisions of the act. The law prescribes that a person injured in his employment under the act must notify his employer or his agent of the accident within 30 days of the happening. Then the law provides that he must file a petition or have an agreement for compensation within one year of the date of the accident. The one-year limitation does not apply if the injured employee is unable to do so by reason of any physical or mental incapacity. Now if the injured employee fails by reason of a mistake of fact as to the cause and nature of his injury, he may file for compensation within two years from the date of the accident. The law further provides that no petition of any kind may be filed more than ten years after the accident.

This bill would add a new sentence to the end of Section 33 of the act and would allow a petition to be filed at any time if the injured person proves that the employer had knowledge of the injury or was not prejudiced by lack of proper notice or filing.

What is wrong with the bill? In the first instance, no case would ever be closed. Thirty years after all witnesses are dead—the employer's witnesses are dead, a petition could be filed and there would be no defense available even though a valid defense could have been presented within the present two-year limitation. What excuse is there for such a long delay? The answer is there is none. If a man is injured and wants his compensation, he will ask for it within a reasonable time. Two years is certainly a reasonable time.

The ten-year limitation now in the act may well be removed by this bill. The sentence is added at the end of the section and may well qualify every limitation that precedes it.

How many cases could be brought under the bill should it pass? Cases where the files have been closed under the present law, or perhaps even destroyed, could be brought forward.

For these reasons, I ask your support of the motion to indefinitely postpone, made by the gentleman from York, Mr. Rust.

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

Mr. EWER: Mr. Speaker, as the gentleman from Houlton, Mr. Berman, brought out, this bill received a very careful hearing before the Committee on Labor and a unanimous "Ought to pass" Report. Today the industrial-type of injuries are in some cases taking longer and longer periods of time to show up in their full capacity. In regard to the statement by the gentleman from Anson, Mr. Viles, in regard to witnesses having died, etc., I think there is no company today carrying industrial insurance which doesn't provide for a complete full record of each injury being filed immediately and kept on record for as long a time as necessary. I agree very heartily with the statements made by the gentleman from Houlton, Mr. Berman. I hope that as a member of the Labor Committee and also as a working man all my own life, that the motion to indefinitely

postpone does not prevail. Thank you.

The SPEAKER: Is the House ready for the question?

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

Mr. MacPHAIL: Mr. Speaker, it would seem to me that this would open the door for unlimited racketeering and further abuse of this necessary act, and I wholeheartedly support the motion of the gentleman from York, Mr. Rust, for indefinite postponement.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from York, Mr. Rust, that the Report and Bill "An Act relating to Time Limitations for Filing Petitions Under Workmen's Compensation Act," House Paper 294, Legislative Document 388, be indefinitely postponed.

Mr. Ewer of Bangor then requested a roll call.

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

An insufficient number arose.

The SPEAKER: Obviously, less than one-fifth having arisen, a roll call is not ordered.

Mr. Pierce of Bucksport then requested a division.

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

A division of the House was had.

Sixty-nine having voted in the affirmative and forty-nine having voted in the negative, the motion did prevail.

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

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

Mr. JALBERT: Mr. Speaker, I rise on a point of parliamentary inquiry. After we disposed of the item that we had to dispose of under Rule 28 this morning, should not then automatically item 25 have had precedence? And if so, why not please?

The SPEAKER: For the information of the gentleman, the House is still on Unfinished Business on page six, item ten. The next item of Unfinished Business is item eleven.

On motion of Mr. Wellman of Bangor, the House voted to recess until 1:30 this afternoon.

After Recess  
1:30 P.M.

The House was called to order by the Speaker.

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

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

Tabled—April 16, by Mr. Childs of Portland.

Pending—Passage to be Enacted.

On motion of Mr. Smith of Strong, the House voted to suspend the rules and to reconsider its action of April 5 whereby the Bill was passed to be engrossed.

Mr. Smith of Strong offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 1014, L. D. 1470, Bill, "An Act Providing for Lease by Maine State Park and Recreation Commission to Mt. Blue Ski Corporation."

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

House Amendment "A" was adopted, the Bill passed to be engrossed as amended in non-concurrence and sent up for concurrence.

The Chair laid before the House the twelfth tabled and today as-

signed matter of Unfinished Business:

AN ACT relating to State Budget Estimates. (H. P. 320) (L. L. 447)

Tabled—April 16, by Mr. Bragdon of Perham.

Pending—Passage to be Enacted. Thereupon, the Act 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:

Bill "An Act relating to Licensing of Children's Homes and Defining Day Care Facilities." (H. P. 860) (L. D. 1247)—Read Third Time — House Amendment "A" Adopted (Filing H-217) — House "B" Offered but not read (Filing H-240)

Tabled — April 16, by Mr. Wellman of Bangor.

Pending — Adoption of House Amendment "B".

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

HOUSE AMENDMENT "B" to H. P. 860, L. D. 1247, Bill "An Act Relating to Licensing of Children's Homes and Defining Day Care Facilities."

Amend said Bill in the 7th line by striking out the underlined words and figure "4 or more children" and inserting in place thereof the underlined words and figure 'children from 2 or more families who are'

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

Mr. KENT: Mr. Speaker, this bill originally called for the licensing of homes with four or more children. This amendment has changed this and strikes out—the amendment, filing H-240, House Amendment "B", for your information, and the "four or more children" is stricken out and then the figure "children from two or more families who are in the home" and so on it reads. Now this could be that if a party taking in children had two children from two different families, one from each family, they would have to be licensed, and I certainly don't

think this is the intent of this Legislature to make a boarding home with two children be licensed. Therefore, I move indefinite postponement of House Amendment "B".

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

Mrs. HENDRICKS: Mr. Speaker and Members of the House: I am the sponsor of this bill, and I sponsored it for the Health and Welfare Department, and when I talked with the Commissioner, I didn't like the original bill he gave me, and I set it up the way the bill appeared before the House. Now this amendment I think will create a hardship, and I hope that you will indefinitely postpone it.

The SPEAKER: Is the House ready for the question?

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

Mr. BRAGDON: I would like to pose a question, does this apply to what I would refer to as the board and care program of the Health and Welfare Department, these homes around over the state where they take in these children?

The SPEAKER: The gentleman from Perham, Mr. Bragdon, poses a question through the Chair to anyone who may answer if he chooses.

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

Mr. BIRT: Mr. Speaker, I would like to table this bill until tomorrow.

The SPEAKER: The gentleman from East Millinocket, Mr. Birt, moves that item 13, be tabled until tomorrow pending the motion of the gentleman from Benton, Mr. Kent, to indefinitely postpone House Amendment "B". Is this the pleasure of the House?

(Cries of "No")

Thereupon, the tabling motion failed on a viva voce vote.

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

Mr. MacLEOD: Mr. Speaker, I was the person who originally submitted the amendment we are discussing. If the sponsor of the bill is opposed to this amendment, I certainly will not argue with

her. I put this in at the request of Dr. Fisher, and if she feels as the sponsor of the bill that this shouldn't be in there, then I hope that the motion to indefinitely postpone does prevail.

The SPEAKER: The question before the House is the motion of the gentleman from Benton, Mr. Kent, that House Amendment "B" be indefinitely postponed. All those in favor of the motion to indefinitely postpone will say yes; those opposed, no.

A viva voce vote being taken, the motion did prevail.

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

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

SENATE MAJORITY REPORT (7)—Ought to pass with Committee Amendment "A" (Filing S-100)—MINORITY REPORT (3)—Ought to pass—Committee on Labor on Bill "An Act Revising the Minimum Wage Law." (S. P. 183) (L. D. 482) — In Senate Engrossed with Senate Amendment "A" (Filing S-149)

Tabled—April 17, by Mr. Plante of Old Orchard Beach.

Pending—Motion of Mr. Ewer of Bangor to Accept the Majority Report.

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

Mr. EWER: Mr. Speaker, Ladies and Gentlemen of the House: During the morning session today I won another Purple Heart and wound stripe. I am offering myself as a candidate for still another one for the day. I felt at the time I moved to accept the Majority 7 to 3 "Ought to pass" Report with Committee Amendment "A" that this was a good bill in its form as the committee reported it out, and I once again move the acceptance of the Majority Report.

The SPEAKER: The gentleman from Bangor, Mr. Ewer, moves the acceptance of the Majority "Ought to pass" with Committee Amendment "A" Report.



The Chair recognizes the gentleman from Topsham, Mr. Mendes.

Mr. MENDES: Mr. Speaker, the Majority "Ought to pass" Report is not the intent of this bill. The Majority "Ought to pass" Report would raise the minimum wage from its present \$1.00 to \$1.15. I would like to quote from the presentation that the author of this bill made before our committee. And his opening remarks are: "The purpose of this bill to amend the present minimum wage law does not propose to change the rate presently in effect, which is \$1.00 per hour, nor does it propose any extensive broadening of the coverage." I urge you to defeat this move to accept the Majority Report.

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

Mr. PLANTE: Mr. Speaker, Ladies and Gentlemen of the House: Minimum wage legislation in Maine has had a long, hard and impressive history. Not until 1959 did Maine establish the concept of a minimum wage, a wage adequate to provide the bare necessities of life. The enactment of a minimum wage law was based on a common premise, public concern for those who were easily subject to exploitation. This Committee Amendment "A" takes into consideration the increased cost of living since 1959 coupled with the strong possibility of our adding to an already heavy tax burden.

It is fair, just, mete and reasonable. The issue today is very basic and presents a clear choice between an existing wage and a living wage. When the vote is taken, I request that it be taken by the yeas and nays.

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

Mr. TAYLOR: Mr. Speaker, Ladies and Gentlemen of the House: I am somewhat surprised to see my good colleague from Topsham, Mr. Mendes, rise in opposition to this bill as he is a member of the Labor Committee which reported that phase of the minimum wage out seven to three "Ought to pass."

I feel, as I have always felt, that the people of Maine deserve an increase in the minimum wage. In view of the fact that the cost of living has constantly risen and due to the fact that the federal government, recognizing this fact, on September fifth of this year raised the minimum wages for all people involved in interstate commerce to receive \$1.25 per hour. In view of this federal move, several of our neighboring states have enacted legislation to bring the minimum wage of their state to the \$1.25 minimum effective on or about that date. Those states are Massachusetts, Rhode Island, Connecticut and New York, with pending legislation before the Legislatures of Maine, New Hampshire and Vermont. I certainly believe that it is a step backward if this Legislature fails to give our people a partial minimum wage increase.

Now we are faced here with an increase in budget. We are faced with increases in every phase of our government. How do we expect our lower income group, our low income workers of this state to carry this burden if they are not raised in balance with the increased cost of government? I think it is something that each and every one of us should certainly consider. I wonder how when we go home to face our constituents, if we fail to give our workers an increase in the face of rising costs of government, how will they react to our decision to keep them, deprive them of the ability to meet these rising costs? We must keep our minimum wage in proportion to the cost of our government's increases and the cost of living, and if we failed to do that, we have failed our people in every respect, and I certainly hope that we will accept Mr. Ewer's request that the original bill be accepted. I thank you.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen: I would like to ask a question through the Chair of the gentleman from Topsham, Mr. Mendes, in his previous re-

marks to the minimum wage bill that came before us which was killed in this House, and in his remarks he made the statement that the minimum wage law was coming under other legislation to come before this House at a later date, which I believe might be today. I would like to ask a question if this would be the bill that he referred to in the previous bill of a minimum wage that was discussed in this House?

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, has asked a question through the Chair of the gentleman from Topsham, Mr. Mendes, who may answer if he chooses.

Mr. MENDES: Mr. Speaker, I am not prepared to debate the minimum wage at this time. I merely raised the question of, is this amendment germane to the bill as presented? I don't think it is, and I urge you to defeat this motion.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: In my opinion, it was the opinion of the seven signers of the "Ought to pass" Report with amendment, that we had before us a very—and gave a very lengthy hearing to a bill that we felt on this minimum wage, that we felt was very dangerous to be before you. That bill has since been defeated. We felt that this amendment is apropos to this legislation. We felt that some consideration should be given to up-grading the minimum wage in view of the fact that the minimum wage on the federal level of course is going to change, and in view of the fact that we had no appearances before the Labor Committee this time for exemptions under the minimum wage. In other words, the exemptions under the minimum wage apparently seemed to be in good shape. We thought that this—a consideration to up-grading the minimum wage should be before you, and this is our attempt to have it before you. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I didn't consider my question answered to my liking, if you want to put it that way. The only thing I would like to ask through the Chair now, a question of any member of the Labor Committee, if there is any other bill before this Legislature covering the basic minimum wage law that will appear before us at this session of the Legislature or whether this is the last one that has been processed through the Committee on Labor?

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, asks a question through the Chair to any member of the Labor Committee who may answer if they wish.

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

Mr. BROWN: Mr. Speaker, in regard to upgrading the minimum wage law, in my opinion, for those that wish to do this, this is where they have got to do it.

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

Mr. MacLEOD: Mr. Speaker, I would like to pose a question through the Chair to any member of the Labor Committee, as to whether this bill as amended brings under the minimum wage law any additional occupations, and if so, what?

The SPEAKER: The gentleman from Brewer, Mr. MacLeod, poses a question through the Chair to any member of the Labor Committee who may answer if they choose.

The Chair recognizes the gentleman from Denmark, Mr. Dunn.

Mr. DUNN: Mr. Speaker, the only change, the only parties brought under this minimum wage are nursing homes, and the amendment that goes with the Minority Report eliminates the people employed in domestic service in those homes, but the purpose of the change in the bill was to bring in nursing homes under

the minimum wage. The total effect was very small, and I checked with one nursing home in my district and with one or two exceptions they were all being paid over this minimum wage, so that putting them under that bill does not change them at all.

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

Mr. EWER: Mr. Speaker, in further answer to the question of the gentleman from Brewer, Mr. MacLeod, I would say this, that the majority of the Committee on Labor did not accept Senate Amendment "A" for the simple reason that it did include private nursing homes. We were given figures on the wages paid, the average wages paid in all the nursing homes in Maine. It was a tremendously low figure, it started around 16c an hour in some cases and except for nurses and in one or two cases cooks, there was no employee in a nursing home that came even under the one dollar minimum. For that reason, we felt that these people should be included under the bill and we so arranged the matter in our Majority Report. Thank you.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Bangor, Mr. Ewer, that the House accept the Majority "Ought to pass" with Committee Amendment Report, and the gentleman from Old Orchard Beach, Mr. Plante, requests a roll call. For the Chair to order a roll call it must have the expressed desire of one-fifth of the membership present.

All of those who desire a roll call will please rise and remain standing until the monitors have made and returned the count.

A sufficient number arose.

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

All those in favor of the adoption of the Majority "Ought to pass" Report with Committee Amendment "A" to Bill "An Act Revis-

ing the Minimum Wage Law," Senate Paper 183, Legislative Document 482, will answer "yes" when their names are called; those opposed, will answer "no".

The Clerk will call the roll.

### ROLL CALL

YEA—Albair, Anderson, Ellsworth; Anderson, Orono; Baldic, Bedard, Berman, Bernard, Binnette, Birt, Boissonneau, Boothby, Bourgoin, Bradeen, Brown, So. Portland; Burns, Bussiere, Carter, Cartier, Childs, Choate, Cookson, Cote, Cottrell, Coulthard, Crommett, Davis, Dennett, Dostie, Dudley, Edwards, Ewer, Gallant, Gifford, Gilbert, Gill, Giroux, Gustafson, Hammond, Hanson, Harrington, Hendricks, Hobbs, Humphrey, Jalbert, Jameson, Jobin, Karkos, Kilroy, Laughton, Lebel, Levesque, Linnekin, Littlefield, Lowery, MacGregor, Mathieson, McGee, Mower, Nadeau, Oakes, O'Leary, Osborn, Osgood, Pierce, Pitts, Plante, Poirier, Prince, Harpswell; Prince, Oakfield; Rand, Reynolds, Richardson, Ricker, Roberts, Roy, Rust, Sahagian, Scott, Smith, Strong; Snow, Susi, Taylor, Thaanum, Thornton, Townsend, Treworgy, Turner, Tynedale, Vaughn, Wade, Ward, Waterman, Wellman, Whitney, Young.

NAY—Benson, Berry, Bragdon, Chapman, Cressey, Crockett, Denbow, Drake, Dunn, Easton, Finley, Foster, Hardy, Hawkes, Hutchins, Jewell, Jones, Kent, Libby, Lincoln, MacLeod, MacPhail, Meisner, Mendes, Minsky, Norton, Oberg, Pease, Philbrick, Rankin, Ross, Augusta; Ross, Brownville; Shaw, Smith, Bar Harbor; Smith, Fal-mouth; Viles, Waltz, Watkins, Welch, White, Guilford; Wight, Presque Isle; Williams, Wood.

ABSENT — Ayoob, Blouin, Brewer, Brown, Fairfield; Cope, Curtis, Hendsbee, Henry, Knight, Maddox, Noel, Tardiff.

Yes, 95; No, 43; Absent, 12.

The SPEAKER: Ninety-five having voted in the affirmative, forty-three having voted in the negative, with twelve being absent, the motion to accept the Majority "Ought to pass" with Committee Amend-

ment Report is accepted in non-concurrence.

Thereupon, the Bill was given its first and second readings.

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

COMMITTEE AMENDMENT "A" to S. P. 183, L. D. 482, Bill, "An Act Revising the Minimum Wage Law."

Amend said Bill, in the Title, by inserting after the words "An Act" the words 'Increasing Minimum Wages and'

Further amend said Bill by inserting after section 3, the following:

**'Sec. 3-A. R. S., c. 30, Sec. 132-C, amended.** Section 132-C of chapter 30 of the Revised Statutes, as enacted by chapter 362 of the public laws of 1959 and amended by section 6 of chapter 277 of the public laws of 1961, is further amended to read as follows:

**'Sec. 132-C. Prohibition of employment except as provided for.** By reason of the declaration of policy set forth in section 132-A and in the protection of the industry or business and in the enhancement of public interest, health, safety and welfare, it is declared unlawful for any employer to employ any employee except as otherwise provided in Sections 132-A to 132-J at the rate of less than \$1 \$1.15 per hour.' "

Committee Amendment "A" was adopted.

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

SENATE AMENDMENT "A" to S. P. 183, L. D. 482, Bill, "An Act Revising the Minimum Wage Law."

Amend said Bill by striking out all of the part designated paragraph "D." of section 2 and inserting in place thereof the following:

**"D.** Any individual engaged in the activities of a public-supported nonprofit organization or in a program controlled by an educational nonprofit organization or employed in **domestic service in a private nursing home; or employed in domestic service in a private hospital;**"

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

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

Bill "An Act relating to Out-of-State Credit for Service of Members of Maine State Retirement System." (H. P. 1041) (L. D. 1508)

Tabled—April 10, by Mr. Taylor of So. Portland.

Pending — Passage to be Engrossed.

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

Mr. LIBBY: Mr. Speaker, Ladies and Gentlemen: I first would like to move the indefinite postponement of this bill. Because this bill is pioneering legislation, it has been most difficult to make a final draft that would be satisfactory to all concerned and yet thoroughly accomplish its purpose.

The Committee has unanimously given its approval. However, after very careful consideration, I feel that more time and study is necessary to perfect this bill, particularly from an actuarial standpoint. I wish to thank the Retirements and Pensions Committee for their time and thoughtful help. No Committee of this Legislature could have been more concerned or responsive to its work. I sincerely hope that their advice and hard work will make it possible to draw up a more perfect bill for presentation to the 102nd Legislature and I have prepared an order to that effect, which I will introduce at the proper time. Thank you.

The SPEAKER: The question before the House is the motion of the gentleman from Portland, Mr. Libby, that this Bill be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed. Sent up for concurrence.

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

AN ACT Clarifying the Maine Milk Law. (H. P. 172) (L. D. 241)  
—Engrossed in both Branches.

Tabled—April 10, by Mr. Boothby of Livermore.

Pending—Motion of Mr. Childs of Portland to Reconsider passage to be Engrossed.

The SPEAKER: The Chair recognizes the gentleman from Livermore, Mr. Boothby.

Mr. BOOTHBY: Mr. Speaker, Ladies and Gentlemen of the House: If I understand the legislative procedure correctly, the motion before the House is to reconsider so that an amendment may be attached to this bill. I would be opposed to the amendment, so I would be opposed to the motion to reconsider. I don't want to belabor this issue, but I don't believe that the dairy farmers want this amendment. Thank you.

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

Mr. KENT: Mr. Speaker, I would like to pose a question through the Chair. I understood that there was an amendment to this bill that the word "pasteurized" was added in here and is this in the amendment or is there any amendment at all now?

The SPEAKER: The gentleman from Benton, Mr. Kent, poses a question through the Chair to any member who may answer if he chooses.

The Chair recognizes the gentleman from Livermore, Mr. Boothby.

Mr. BOOTHBY: Mr. Speaker, this bill did have a committee amendment which was passed, and it inserted in the page 2 of the bill the word "pasteurized." This amendment that we are considering today is H-225, and doesn't directly refer — it refers rather to an entirely different chapter of the law. This one that we are about to consider will refer to the Milk Commission law, if that answers the gentleman's question.

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

Mr. CHILDS: Mr. Speaker, I would like to take this opportunity to explain just what this amendment does. Under the present law, the def-

inition of persons, as far as price controls of milk is concerned, is person means any individual, partnership, firm, corporation, association or other unit and the state and all political subdivisions or agencies thereof, except state-owned and operated institutions. This amendment was put on in 1957, and it was put on as the result of a communication from the Research Committee to the Attorney General's Office where at that time we asked for an opinion as to whether the state itself was included under price controls. The memorandum which came back from the Attorney General's Office states as follows: To Samuel Slosberg, Director of Legislative Research, re Milk Control:

"The Legislative Research Committee requests an opinion of the Office of the Attorney General as to whether or not the State of Maine is subject to milk control, so-called, under the provisions of Chapter 33 of the Revised Statutes of 1954.

"More specifically, your question relates to Section 1 of Chapter 33, which defines 'persons' as meaning 'any person, firm, corporation, association or other unit.'

"This office has on two previous occasions given its opinion that this definition does not include the State, and therefore that the State is not subject to the provisions of this law. Those two previous opinions are attached hereto for your information.

"We have not at the present time found any reason to reverse the previous opinions of this office. The case of *Maine vs. Crommett*, 151 Maine 193, which states in part:

"It is the general rule in Maine that the State is not bound by a statute unless expressly named therein, rather strengthens our opinion to the effect that the State is not subject to the provisions of this statute. Signed Frank Harding, Attorney General."

Now as a result of that opinion from the Attorney General's Office, and also because there may have been some confusion as to whether the political subdivisions of the state would be included as far as price controls are concerned, and by political subdivisions, I mean your county, your town and your

city and your schools, the Milk Commission saw fit to amend the law excluding political subdivisions of the state and only referring to institutions which are owned by the state, which means at the present time your town, your city and your county are under price controls, which means that your hot lunch programs in your schools are under milk price controls.

Now to give you an example of what the state institutions pay for milk which are not under price controls, I would like to quote to you from the purchaser's office. Bangor State Hospital in the year 1962 paid for an average of milk 14.9 a quart. The Central Maine Sanatorium paid for milk 17½ cents a quart; Pineland, which receives their milk in one-quart glass containers paid 21 cents a quart; School for the Deaf pays 19½ cents a quart, and the Military Home in Bath pays 20 cents a quart. Now these are state institutions which have to bid for the milk, and you can see that they are paying a lot less for the milk than your cities and towns which purchase milk for their welfare programs, and also for your school programs.

In the City of Portland under price controls, we have to pay 7 cents for a half pint of milk which is 28 cents a quart, and even our teachers' colleges are under price controls. In an inter-departmental memorandum which was sent to me on April 11, I asked them to check the different teachers' colleges and see what they pay for milk because they are under price controls. "We have checked paid bills for the purchasing of milk supplies at the five teachers' colleges and it appears to us that the prices charged reflect minimum prices allowed by the Maine Milk Commission for bulk deliveries. Farmington Teachers' College pays 23½ cents per quart of milk; Gorham pays 21.9 per quart of milk; Washington Teachers' College pays 24 cents for a quart of milk; Fort Kent pays 24.5 cents for a quart of milk; and Aroostook Teachers' College pays 23.5 for milk."

Now my position is this, that if the state is not under price con-

trols, I certainly can see no reason at all why our towns and cities and counties should be under price controls. It would mean that in your hot lunch programs in your schools the children instead of paying 25 cents per week for milk, they probably would be able to purchase it for 15 cents. Now that may not seem like an awful lot of money, but to a family with four or five children who are buying milk in the schools it means a great deal. In the City of Portland alone, the City Purchasing Agent feels that if it had not been for price controls in the City of Portland, that they would have saved \$4,000 in taxes, but as a result of price controls, it cost the taxpayers of the City \$4,000.

I did not quite understand what the objections were to the amendment when the gentleman from Livermore spoke. Certainly this amendment is not going to hurt the farmers; it is not going to hurt the producers at all; it is going to be Maine dealers who will be making their bids for milk, and the Maine dealers will be supplied by the farmers. If anything, it may increase the consumption of milk, but it is certainly going to save your towns and cities money. Therefore, I hope this amendment will be adopted, and the present question is reconsideration, and I hope we will reconsider.

The SPEAKER: The pending question is the motion of the gentleman from Portland, Mr. Childs, that the House reconsider its action whereby this bill was passed to be engrossed.

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

Mr. KENT: Mr. Speaker, I would like to quote one new section from this bill. It says: "It shall be unlawful for any person to sell, offer or expose for sale any milk or cream which has not been handled, processed or packaged in a milk plant operated by a dealer licensed in accordance with section 87-C." Now that practically says that a farmer can't even sell his neighbor a quart of milk, and that is getting things down pretty small, and I think that this whole bill,

we are just as well off without it. The price of milk today which the farmer is receiving is less than it was in 1949 and just the minute you start cutting prices at the retail level it goes back to the producer and you have got less farms operating in the State of Maine today than you ever had and they are decreasing; and only this week there are two auctions this week of herds, and not small herds, large herds, ninety head. The more that we put the clamps on these things, the more you are going to hurt the farmer; and now you have just passed a \$1.15 minimum wage law. What do you think that's going to do to the farmer? Maybe his name is not mentioned in the bill, but you just watch when he goes out and starts hiring help to do his work. I move indefinite postponement of the bill and its accompanying amendment.

The SPEAKER: The motion for indefinite postponement is in order and is of precedence.

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

Mr. MOWER: Mr. Speaker, Ladies and Gentlemen of the House: Perhaps I can clarify one or two of these items. I will say that in regard to what my good friend, Mr. Kent has said, the word "pasteurized" was put in there for the purpose of protecting some of the dealers, it wasn't in there to hurt the farmer. Apparently there has been somebody in the state who has been picking up milk and not even processing it or going through a pasteurization plant and selling it, and that is to do away with him. There is no law today that stops the farmer from selling milk to his neighbor. Any neighbor or anybody in the city can drive out to the farmers and bring their own jug and have it filled at a considerable saving.

In regard to your school program, I will say the school with the hot lunch program, the school is paying the dealer 7 cents, but the federal government reimburses the school at the rate of 4 cents so it is costing the child 3 cents or 15 cents a week. If the school with only the special milk program, the

schools are paying 7 cents and the federal government reimburses them for 3 cents and therefore it costs the child 4 cents or 20 cents a week for the school milk. The institutions of the state have all been coming under bids and if the dealers bid high and the institution has to pay a higher price, I can't see where it has any effect on this bill at all whatever. And as regards to the farmer selling out, not only these two big auctions this week, but one of our biggest Holstein breeders in the state has given up farming and is going to move to Georgia. He has been a pioneer in the Holstein breeding business in the state, and he has given up. And I can say too that regardless of what the farmer is getting for his milk right now, he is going to take less, there is no getting around it. The pressure from the outside milk is being brought to bear and to compete with it, the Maine dairy farmer has certainly got to take a little less price for his milk.

Also as has been advertised, next Tuesday there is being a milk hearing held down in Room 228, partly because of the Milk Commission and partly because of Cumberland Farms coming in here and a jug price is going to be established as well as other prices. And with these in mind, I would hope that this will not be indefinitely postponed.

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

Mr. COULTHARD: Mr. Speaker, Ladies and Gentlemen of the House: Due to the fact that Mr. Mower has brought out that the school lunch programs that Mr. Childs referred to are already being subsidized by the federal government through taxes from you and I, and the farmer and the dealer, I see no call for further subsidizing the school lunch program.

I would also like to say that I believe this amendment probably should have been attached to the other bill which was defeated. And in answer to Mr. Kent, I hope that he will realize that this law

revising the milk program has been gone over quite thoroughly by the Agricultural Committee. We have an amendment that takes in two clauses, one stating that farmers can sell milk at the door to anybody he wishes to sell to in any type of container, hoping that it will be clean and sanitary. Also the law has been changed to help the farmer sell more milk by changing the word "raw" milk to "natural" and I am in hopes that the move to indefinitely postpone the bill will be defeated. Thank you.

The SPEAKER: The Chair understands that the gentleman's point of reference was to the gentleman from Bangor, Mr. Mower, and to the gentleman from Benton, Mr. Kent. Is the House ready for the question?

The Chair recognizes the gentleman from Livermore, Mr. Boothby.

Mr. BOOTHBY: Mr. Speaker, Ladies and Gentlemen of the House: I would be opposed to the move to indefinitely postpone this bill and I would like to tell the Members of this House why. The very last section 87-G-1 of this bill is an injunction provision, and this winter we have heard a lot of talk about milk being shipped into the state from all over New England and perhaps as far west as New York State at least, and I think this injunction procedure applies to the quality of the product. We have our law in our state on quality of milk is much more stringent than that which is required for milk in interstate commerce, and I don't believe we want milk coming into the state that doesn't have quality. If it is going to come in, to my mind, it has still got to have the quality for our children to drink; and I am not a lawyer and don't pretend to be one, but I understand it is possible for someone to get involved with the law the way it has been before and they might get continuances or I don't know the legal terms, but they might continue to do the same thing for perhaps months. That is exact-

ly what we don't want to happen, we want to safeguard the health of our people. Therefore, I would be opposed to the gentleman's motion to indefinitely postpone this bill.

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

Mr. KENT: Mr. Speaker, may I ask if the House is in possession of this amendment which adds the word "pasteurized"?

The SPEAKER: The Clerk has no knowledge of having an amendment.

Mr. KENT: Then why doesn't this law stand as it reads then? I have heard two or three mention the word "pasteurized" has been added.

The SPEAKER: The gentleman from Benton, Mr. Kent, poses a question through the Chair of any member. Does any member of the Agricultural Committee have any information? If so, they may answer if they choose.

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

Mr. COULTHARD: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the gentleman from Benton, Mr. Kent's question, the word "pasteurized" has been deleted from the bill and the word "raw" on page 2 of the bill has been deleted and in place has been put in "natural" as I stated before.

The SPEAKER: The Chair recognizes the gentleman from Livermore, Mr. Boothby, who may answer the question if he chooses.

Mr. BOOTHBY: Mr. Speaker, I have the amendment that was a Committee Amendment "A" to House Paper 172, L. D. 241, Bill "An Act Clarifying the Maine Milk Law" and it is filing H-159 and it has been accepted by the House, I am very sure.

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

Mr. CHILDS: Mr. Speaker, may I first make an inquiry, I believe that I spoke once on the



motion to reconsider, and I am now speaking on the motion to indefinitely postpone, is that correct?

The SPEAKER: That is correct.

Mr. CHILDS: Mr. Speaker, I also hope that the motion to indefinitely postpone this bill does not prevail. That is going a long way around to kill this amendment.

Mr. KENT: Mr. Speaker?

The SPEAKER: For what purpose does the gentleman from Benton, Mr. Kent, arise?

Mr. KENT: I want to ask if this amendment has been accepted by the House. If it has, I will withdraw my motion to indefinitely postpone.

The SPEAKER: Is the gentleman referring to Committee Amendment "A"?

Mr. Kent: Committee Amendment "A", filing H-159.

The SPEAKER: It was adopted on March 27 by the House.

Mr. KENT: I will withdraw my motion to indefinitely postpone.

The SPEAKER: The gentleman from Benton, Mr. Kent, withdraws his motion for indefinite postponement. The pending question is the motion of the gentleman from Portland, Mr. Childs, to reconsider its passage to be engrossed.

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

Mr. CHILDS: Mr. Speaker, I only want to answer the arguments against this and that was apparently the talk about the federal subsidy and therefore the children were not paying too much for milk because of the result of the federal subsidy. I was always under the impression that the federal subsidy grant for hot lunch program was for the benefit of the school children and not for the benefit of the milk dealers.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Denbow.

Mr. DENBOW: Mr. Speaker, I would like to make a few remarks on this bill regarding my opposition to reconsideration. This bill

was brought out with a report as amended in committee with "Ought to pass." However, by the adoption of the amendment we are talking about, you are putting the dairymen in this position. In the first place, there is no reason that a dairyman who is a highly large part of the taxpayers of the state should sell his product to the town for any less money than the electrician should sell his labor, or some other department; they don't take any cut, and this puts him in that position and these large taxpayers— and I would like to oppose the motion to reconsider.

The SPEAKER: The pending question is the motion of the gentleman from Portland, Mr. Childs, that the House reconsider its action whereby this bill was passed to be engrossed as amended on March 29.

Mr. CHILDS: Mr. Speaker, I request a division.

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

A division of the House was had.

The SPEAKER: Thirty-two having voted in the affirmative and ninety-three having voted in the negative—

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

Mr. CHILDS: Mr. Speaker, I request the yeas and nays.

The SPEAKER: The gentleman from Portland, Mr. Childs, requests the yeas and nays. For the Chair to order a roll call it must have the expressed desire of one-fifth of the members present. All those in favor of a roll call will please rise and remain standing in their places until the monitors have made and returned the count.

An insufficient number arose.

The SPEAKER: Obviously, less than one-fifth having arisen, a roll call is not ordered. Thirty-two having voted in the affirmative and—

Mr. KENT: Mr. Speaker?

The SPEAKER: For what purpose does the gentleman arise?

Mr. KENT: I move this be tabled until Tuesday next.

The SPEAKER: The Chair will declare the vote. Thirty-two having

voted in the affirmative and ninety-three having voted in the negative, the motion to reconsider is lost.

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

Mr. KENT: May I address—have unanimous permission to address the House at this time?

The SPEAKER: The gentleman from Benton, Mr. Kent, requests unanimous consent to briefly address the House. Is there objection? The Chair hears none, the gentleman may proceed.

Mr. KENT: Mr. Speaker, the reason why I made the motion, ladies and gentlemen, is because I am still skeptical in regard to one phase of this law and wish to have an opinion of the Attorney General on it in regard to farmers selling milk.

The SPEAKER: Does the gentleman care to make a motion relative to item 16?

Mr. KENT: I would again move that this item be tabled until Tuesday next.

Mr. COULTHARD: Mr. Speaker, I request a division on the tabling motion.

The SPEAKER: The gentleman from Benton, Mr. Kent, moves that Bill "An Act Clarifying the Maine Milk Law," L. D. 241, be tabled until Tuesday next. A division has been requested.

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

A division of the House was had.

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

Thereupon, the Bill having been reported by the Committee on Engrossed Bills as truly and strictly engrossed, was passed to be enacted, signed by the Speaker and sent to the Senate.

The SPEAKER: The House will be in recess for a matter of ten minutes, and will you all return for your official House photographs, and bring in all your seat-mates that you can find.

### After Recess 3:10 P.M.

The House was called to order by the Speaker.

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

Bill "An Act relating to Eating Places." (H. P. 638) (L. D. 894)

Tabled—April 12, by Mr. Cressey of North Berwick.

Pending — Passage to be Engrossed.

The SPEAKER: The Chair recognizes the gentleman from Gardiner, Mr. Hanson.

Mr. HANSON: Mr. Speaker, I move this bill be retabled pending passage to be engrossed and specially assigned for Wednesday, May 1.

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

Mr. LITTLEFIELD: Mr. Speaker, I request a division.

The SPEAKER: A division has been requested on the tabling motion, and the question before the House is the motion of the gentleman from Gardiner, Mr. Hanson, that this matter be tabled until Wednesday, May 1.

Those in favor of tabling until May 1 will rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

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

HOUSE MAJORITY REPORT (8)—Ought not to pass—Minority Report (2)—Ought to pass with Committee Amendment "A" (Filing H-249)—Committee on Legal Affairs on Bill "An Act Revising Certain Fire Laws." (H. P. 665) (L. D. 921)

Tabled—April 16, by Mr. Pierce of Bucksport.

Pending—Acceptance of Either Report.

The SPEAKER: The Chair recognizes the gentleman from Bucksport, Mr. Pierce.

Mr. PIERCE: Mr. Speaker, I move the acceptance of the Majority Report.

The SPEAKER: The gentleman from Bucksport, Mr. Pierce, moves the acceptance of the Majority "Ought not to pass" Report. Is this the pleasure of the House?

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

Mr. WELLMAN: Mr. Speaker, I would oppose the motion of the gentleman from Bucksport. I was a member, one of two, who signed the Minority.

This bill is directly related to L. D. 555 which, as you perhaps know, bears relationship—has to do with the fees which are charged the various electricians. Now this bill is simply a bill giving to the state electrical inspectors the ability to investigate and declare dangerous such electrical installations that are a hazard to the building and a hazard to the community. I hope the motion of the gentleman from Bucksport does not prevail.

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

Mr. GILBERT: Mr. Speaker, I rise in support of the gentleman from Bangor and hope that this motion does not prevail.

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

Mr. COTE: Mr. Speaker, as one of those of the Legal Affairs Committee that voted the "Ought not to pass" Report of this Committee, I would like to say this. If this bill is passed, it gives the authority, the state electrical inspector shall have the right during reasonable hours to enter any building in the state, that is even your own homes, factories. It is a bad bill for everybody around, even for the farmer. It gives him a chance to make an inspection. I go for the safety features of the thing, but the part I don't like is the authority given a department where they are going to be just like policemen going into your own home even without the benefit of a warrant, and I hope the motion to indefi-

nately postpone does prevail — I mean the "Ought not to pass" Report.

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

Mr. GILBERT: Mr. Speaker, in answer to the gentleman from Lewiston, this power is presently in the fire inspectors, this is no different than the fire inspectors have presently under existing law. All this does is say the electrical inspector is going to have the same power as the fire inspector.

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

Mr. FOSTER: Mr. Speaker, as one that signed the Majority Report "Ought not to pass" I would like to review the section for a moment, and say to you that the chief objection which we found in this was in section 29-A. The amendment that was made and has been offered by the Minority Report merely deleted the second half of section 29-A. This section 29-A, which was the most offensive and most unacceptable portion of the bill, provides as has been said that electrical inspectors shall have a right during reasonable hours to enter any building or premises, and as has been said, that includes your own home.

Now I will read on for a moment, but this is one section or one sentence that I think is so vague and uncertain that we should not have them on our laws. What does constitute reasonable hours to enter a person's home? Now is that to be at the discretion of an electrical inspector? If so, he may or may not use good judgment. His discretion may not be the best; he may enter sometime when it would be most offensive to an occupant of a home. And it goes on to say that the electrical equipment contained therein, I don't know what constitutes electrical equipment in a home. We think of electrical appliances and things of that nature. I don't know what would constitute electrical equipment in a home. I suppose that there are people here that could tell me or

advise me on that point, but again, it is vague and uncertain as to what this means or what they can do after they are in your home.

Now it says when it is found to be dangerous to a person or property; well, nobody would want anything dangerous to his personal property existing, but it goes on and says they shall be notified, the corporation or person shall be notified by the Insurance Commissioner and shall, after notice, shall thereupon make changes and repairs required to place such equipment in a safe condition. It doesn't go on to say how much of a notice is given. I can conceive of there being a need for extensive repairs, and it says, shall make change or repairs. Again, this person might be subject to a fine or imprisonment. All of these laws that give an administrative officer the right to go into a home, are laws that should be given careful consideration. I don't think it is right. We all think of a man's home as being his castle, and I don't think the right should be given to anybody, an inspector, electrical or otherwise, to invade that home at anytime at their discretion.

I have in mind a situation that happened, as an example of what might develop and what might happen as a result of anybody's right to enter another person's home under the guise of an inspector—in our Town of Poland there was a man there a year and one-half ago that approached a woman who lived alone in somewhat of an isolated place, a widow of means and he posed as a fire inspector. He gained admittance to her home and preceded her up to the second floor, said he wanted to look at the chimneys, and in his pocket he had some type of a syringe and he put water on the chimney as it led to one of the rooms. He immediately tells her that the chimney is defective and the evidence of it would be by the water coming down the chimney and through the bricks into a room, that he would have to make repairs and improvements. And she thought where he was an

inspector she would let him and he did it. He was there with two other aides and he was there for two hours or an hour and one-half, put a little tar around the chimney, and put some object down the chimney, and he charged her \$400. She was frightened and scared and he used a little pressure tactics. She gave him two checks of \$200 each and of course that is the last she saw of him or of the \$400.

Well, we don't suspect of course that that would happen to a person well advised, they wouldn't let just anybody in to inspect, but people could get into another home under the guise of a so-called inspector and even display to them or show to them a law that admits them. There are so many things that could be offensive. I can't see giving authorization to anybody to enter the home of another, reasonable hours, to do things that are uncertain, undefined, and vague and then subject that person to a fine or imprisonment. I hope that the majority report of our committee of "Ought not to pass" will be accepted by you. Thank you.

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

Mr. CHILDS: Mr. Speaker, I too rise in opposition to this bill for two different reasons. Number one, I see in the bill it may be covered by other legislation, but not in this particular bill that there is no method of appeal from the decision of the electrical inspector; and two, is that the electrical inspector is going to be immune from liability regardless of the damage that he may cause to the owner of a building or premises because of his bad judgment. In other words, he can walk into a building and if he feels that the wiring is defective, he can shut off the wiring and the bill gives him complete immunity regardless of whether he used bad judgment or not. Therefore, I oppose this bill.

The SPEAKER: Is the House ready for the question?

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen: After seeing three lawyers agree on a subject, I believe that I shall be compelled to follow their direction and I shall support that Majority Report.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Bucksport, Mr. Pierce, to accept the Majority "Ought not to pass" Report on Bill "An Act Revising Certain Fire Laws," House Paper 665, Legislative Document 921. All those in favor of accepting the Majority "Ought not to pass" Report, will say aye; those opposed, no.

A viva voce vote being taken, 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 nineteenth tabled and today assigned matter of Unfinished Business:

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

Tabled—April 16, by Mr. Ross of Augusta.

Pending — Passage to be Engrossed.

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

The Chair laid before the House the twentieth 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 16, by Mr. Wellman of Bangor.

Pending — Passage to be Engrossed.

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

The Chair laid before the House the twenty-first tabled and today as-

signed matter of Unfinished Business:

HOUSE JOINT ORDER Relative to the Legislative Research Committee to Study the Problems of Air Pollution within the State. (H. P. 1052)

Tabled—April 17, by Mr. Berry of Cape Elizabeth.

Pending—Passage.

On motion of Mr. Hanson of Gardiner, the House Joint Order was withdrawn.

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

REPORT "A" (5)—Ought to pass with Committee Amendment "A" (Filing H-253) — REPORT "B" — Ought not to pass (5)—Committee on Public Utilities on Bill "An Act Transferring South Portland Sewerage District to City of South Portland." (H. P. 610) (L. D. 845)

Tabled—April 17, by Mr. Tyndale of Kennebunkport.

Pending—Motion of Mr. Taylor of South Portland to Accept Majority Report.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I first would like to acquaint you with what the purpose of this L.D. that is before you is. For all intents and purposes, it transfers a district, a sewerage district to the city or to a city department. Of course, you will recognize that this is quite different than most of those that have been before you in the last few years whereby districts are formed rather than form a department. I would like to make a motion, Mr. Speaker, that this L.D. and all its accompanying papers be indefinitely postponed, and I would like to speak to that motion.

The SPEAKER: The Chair understands that the gentleman from South Portland, Mr. Brown, now moves that both reports and bill be indefinitely postponed. Is this the pleasure of the House?

All those in favor of indefinite postponement, will say aye; those opposed, no—

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: Today I stand before you to make a motion that to some of you, knowing me, seems unusual. I assure you the reason for my making this motion is well founded. This reason being that the people's right to adequately and fairly hear all sides of an issue, this issue in particular, has been abridged.

This legislation that is before us today has never had a public hearing nor has any forum been made available in the confines of the City of South Portland where the issues in this L. D. are understood. The only public hearing that has been held where both sides could be heard on equal footing was held here at Augusta by the joint standing Public Utilities Committee many miles from the City of South Portland by people not familiar with the problems involved. The decision of the Committee, five ought to pass and five ought not to pass.

It is claimed by the proponents that public hearings were held in several parts of the City of South Portland. Let me tell you of these so-called public hearings. They consisted of certain city officials and members of the charter study committee who were all over-selling the proposed City Charter and this proposed sewerage district change, and primarily the proposed new city charter just passed by the 100th Legislature for the people to vote on. Never did these certain city officials include on their forum anybody from the sewerage district. This in spite of the fact that at the 100th Legislative hearing, two of the city council members purported to me, the only member of the South Portland legislative delegation to make the State House in a severe snowstorm, that an adequate opportunity would be available for both sides to present their views if I would not persist in asking the state legislative committee of the 100th Legislature to re-schedule the hearing so that the snowbound South Portland citizens wanting to be heard could give their views. Most of the hearings held that day were re-scheduled as

you members of the 100th will remember.

This very situation of which I speak was brought to the attention of citizens of South Portland in the presence of city council members at three or four different forums by me with the warning that the 101st Legislature might be very critical of the certain city officials if they did not hold a public hearing on this issue. In spite of all these things, the only real public hearing was held right here in the 101st Legislature's Public Utilities Committee hearing room, as I say, far from South Portland and amongst people that were not familiar with the problems on that vote, and that vote was five to five.

I sincerely ask you to vote with me to indefinitely postpone this L. D. and let the good responsible people of South Portland settle their own problems on their home grounds. I sincerely believe that you will never hear of this in Augusta again if the people of South Portland are given an opportunity to hear both sides. This is why I'm asking you to vote with me, I am saying to these certain city officials, do not split your city asunder, give both sides their rightful opportunity to be heard. That is what we stand for, equal opportunity for all to be heard. Thank you.

The SPEAKER: Is the House ready for the question?

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

Mr. GUSTAFSON: Mr. Speaker, I introduced this bill and I am of course violently opposed to the things that Mr. Brown, my friend, has said. Now he is just saying exactly what the bill does. He says he wants the citizens to be heard. That is exactly what the bill does. It goes to referendum. Now who has more right to decide these things than the people of South Portland? I have a feeling that the opponents are afraid of a referendum so they want to kill it here in the House. See, what they are saying is, don't worry about the boys back home, we will kill this thing right here in the House, and that is what they are trying to

do. So, all I am asking is that you pass this measure so that it can go back to the City of South Portland where they will have a referendum and the majority will decide.

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

Mrs. HENDRICKS: Mr. Speaker and Members of the House: I hesitate to get into a battle and take sides, a battle that does not particularly concern my city. But I had a telephone call from the President of the League of Women Voters of South Portland, and we all know the fine work and the studies that the League of Women Voters all over the state do and they are very helpful studies. Now it seems to me that she told me that there was a referendum held in South Portland and the favorable vote was 1,009 yes and 885 no. But I understand that percentage was not the right percentage, so that is why that matter did not pass. Now the League has done a four-year study on this, and this got a favorable passage in the last session. I think that we should send it back to referendum and see if they can't settle it back in South Portland.

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

Mr. TAYLOR: Mr. Speaker, Ladies and Gentlemen of the House: I find it indeed regrettable that an honorable member of our delegation chooses to take it upon himself to deprive the people of my city the right to decide for themselves on an issue that is strictly of local concern.

This is a bill to allow the sewerage district which is now separate to be incorporated into the council form of government of the city of South Portland.

This move is designed to create a much better degree of efficiency by bringing the various departments of our city together under one responsible head, that being the city manager, who must follow this policy laid down by the city council, which is elected by popular vote to govern the affairs of our city.

I believe that it is a well-known fact that the reason a Sewerage

District is formed separate from its municipal form of government is that the borrowing capacity of a municipality may be greatly increased. As it become increasingly necessary to find means for public sewerage disposal throughout our state, the creation of separate sewerage districts are common for the above-stated reason. Yet when a municipality reaches the size and enjoys the prosperity of the City of South Portland, whose borrowing capacity far exceeds its needs, no longer does it become a necessity to have a separate sewerage district, and it is a proven fact that a far greater degree of economy and efficiency can be maintained by having the sewerage district incorporated into the city government, both as to more efficient use of employes and machinery involved plus the fact that the city enjoys a substantially lower rate of interest on borrowed money.

Furthermore, the cities of Portland, Lewiston and Bangor all have their sewerage departments under their city form of government and their figures show a marked decrease in costs of operating their sewerage departments in ratio to those cities that still have a separate sewerage district.

For this reason, and this reason alone, the city council of South Portland, by majority vote, has petitioned this Legislature to grant them the right to bring this issue to referendum in their city that the people of our city might express their wishes in regards to this matter.

In regard to Mr. Brown's statement that the people have not been properly informed as to this measure, I heartily disagree. Because this bill in its form was previously approved by the 100th Legislature. It was printed in thousands of forms and distributed throughout the city. So that there was absolutely no reason that the people of South Portland were not fully informed of what this bill would do, and when it came to referendum and they were asked to vote on this issue, they voted in favor by a fair majority. They were ninety votes short of the re-

quired twenty percent based on the presidential election of that year. If ninety votes had been in the negative, it still would have become the law in South Portland to incorporate the sewerage district. I feel that the City Council have the best interest of the people of our city at heart. The evidence that was produced at this Public Utilities Committee hearing in Augusta, of which I am a member, far outweighed that which was produced as evidence by the district in asking that it be left separate.

Now with such a controversy in our city as to which it shall be, I believe it being a purely local problem, I certainly ask the indulgence of the members of this legislature to allow my people to vote on this and decide as they see fit by local referendum and that their choice be their guiding factor of this bill.

I certainly hope that Mr. Brown's motion for indefinite postponement will be defeated, and that the passage of this bill will be accomplished. I thank you.

The SPEAKER: Once more, the Chair will remind the membership in referring to other members of the House, that it is the gentleman from South Portland, Mr. Brown; it is the gentlewoman from such and such an area.

Is the House ready for the question?

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: In regards to the gentleman from South Portland, Mr. Taylor's remarks, if this had received an equitable or even fairly equitable presentation by both factors through the people of South Portland, I certainly would not be standing before you asking what I am asking for you to do today. It has been brought up that percentages in regards to bond issuing, I would like to point out to you, that in the city's report, that the percentages have been from one and one-half percent up. I don't think that they can do too much better than that. In a more

recent bond issue whereby the city floated money six months apart from the district floating money, I will point out to you that the difference was three tenths of one percent. I also want to remind you that some comparisons have been made and if you had been at the committee hearing where two councillors from our fair city appeared in opposition to this and two councillors appeared in favor of it, where we have four members of the House and one member of the Senate from South Portland, three of those members appeared in opposition to this and only one member was on the committee and one member presented it to the committee. It was very evenly divided and very hotly contested for four hours.

There are many more things that I could add to this. I certainly don't want to do the washing of South Portland's linen here. I want to do it back home. Back home where it can be discussed, where certain figures that have been reported to the people can be accurately reported to them. I want you to bear in mind that the district trustees are elected by popular vote. I certainly hope that the motion to indefinitely postpone does prevail so that we can take this issue back home and discuss it under equal terms. Thank you, ladies and gentlemen.

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

Mr. GILL: Good afternoon, Ladies and Gentlemen of the House: I arise to oppose a great many statements that have been made by a great group of fine gentlemen from South Portland and this madam. First of all, I would like to say I would like to speak for the people of South Portland. We would be glad to invite you down to one of the fastest growing communities in the city and when you come into town just simply ask, how is your sewer system? After all, that is a logical question when you come to our town, especially right now. The majority of the people feel our sewer district under the trustee system has done a very good job. There is a great number



of us that feel this matter is before the legislature because of a personality conflict between the council and the board of trustees of the sewer district. A great number of people feel that if this district becomes a part of the overall operations of the public works department, it will become the poorer department to receive the money. For the simple reason I have recently noted that in our area, a larger metropolitan area, their first suggestion was to cut out a program in the sewer district. We must remember that the only people that are concerned with sewers, are the ones that want them and that don't have them. In our area that of course is the minority of people.

As you have become aware, the council and the legislative delegation are split on this matter. In fact, the contractors of the community are split on this matter. In fact, the people of our community are split on this matter. In fact, some of our families are split on this matter. However, I would like to bring out a few facts in regard to the proposed economies that this purportedly will make for the City of South Portland.

In 1950 our assessed taxes were \$1,115,000. I realize these figures are small for you gentlemen who are used to dealing with these large sums that we do. Of that amount, six per cent of it went for tax use of the sewer district, and during our drive for economy that we have been able to make over the years, we are now spending \$2,799,000 for the assessed amount of taxes in South Portland, and \$110,000 on the sewer district. You will note that our taxes have gone up three times the amount that the sewer district has used and has gone up about thirty-five to forty per cent or we are now using 3.9 per cent of our tax money for our sewers. That is why a great number of us feel that our sewer district has done a fine job, and at this point, I would like to disagree with the

gentleman from South Portland. I feel where our community is so divided on this matter, that it must go back to the community for referendum. Thank you.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from South Portland, Mr. Brown, that both Reports and the Bill "An Act Transferring South Portland Sewerage District to City of South Portland," House Paper 610, Legislative Document 845, be indefinitely postponed. A division has been ordered.

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

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

Thereupon, the "Ought to pass" Report was accepted and the Bill read twice.

Committee Amendment "A" was read by the Clerk as follows: COMMITTEE AMENDMENT "A" to H. P. 610, L. D. 845, Bill, "An Act Transferring South Portland Sewerage District to City of South Portland."

Amend said Bill in the 3rd paragraph of the Referendum by striking out all of the 6th to 12th lines and inserting in place thereof the following: "in said city at the next preceding gubernatorial election. The result of said vote"

Further amend said Bill in the next to the last line of the Referendum by striking out the word "certificates" and inserting in place thereof the word "certificate."

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

On motion of Mr. Wellman of Bangor,

Adjourned until ten o'clock tomorrow morning.