

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and First
Legislature*

OF THE

STATE OF MAINE

1963

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Tuesday, April 30, 1963

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

Prayer by the Rev. Mr. Fabian Onderovsky of SS Cyril and Methodius Church, Lisbon Falls.

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

The journal of the previous session was read and approved.

Papers from the Senate Tabled and Assigned

From the Senate:

Bill "An Act relating to the Department of Economic Development Advisory Council" (S. P. 578) (L. D. 1533)

Came from the Senate referred to the Committee on Industrial and Recreational Development.

In the House, the Report was read.

(On motion of Mr. Plante of Old Orchard Beach, tabled pending reference and specially assigned for tomorrow.)

Tabled and Assigned

From the Senate: The following Order:

ORDERED, the House concurring, that the Legislative Research Committee is directed to study the transportation needs of the State for the purpose of developing and coordinating overall long-range transportation improvement programs; and be it further

ORDERED, that the Committee report the results of its study to the 102nd Legislature (S. P. 580)

Came from the Senate read and passed.

In the House, the Order was read.

(On motion of Mr. Wellman of Bangor, tabled pending passage in concurrence and specially assigned for Wednesday, May 15.)

Senate Reports of Committees Ought Not to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Bill "An Act Providing for a Sur-

vey of Maine's Transportation Needs" (S. P. 7) (L. D. 16)

Came from the Senate read and accepted.

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

Non-Concurrent Matter

Report of the Committee on Claims reporting "Ought not to pass" on Resolve in favor of Newtuck Corporation of Portland (H. P. 421) (L. D. 574) which was accepted in the House on April 10.

Came from the Senate with the Report and Resolve committed to the Committee on Judiciary in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act relating to Closed Time on Deer in Certain Counties" (H. P. 1033) (L. D. 1497) which was passed to be engrossed in the House on April 24.

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

In the House:

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

Mr. SMITH: Mr. Speaker, I move that this bill L. D. 1497 be indefinitely postponed, and I would like to speak on the matter.

The SPEAKER: The gentleman may proceed. He is in order.

Mr. SMITH: Mr. Speaker, the proposed bill would increase the length of the open season on deer in all the area lying between the Appalachian Trail and Route 2. This would not be good game management. Any change that is made should be for the purpose of improving, or at least maintaining, the deer hunting we now have. You can't do this by lengthening the season.

The present zone line in Franklin County, the Appalachian Trail, is a natural one. Conditions north of it are different enough to warrant an earlier season. And if up there they have deer enough and a small number of hunters so their deer herd can stand 45 days of hunting,

by all means let them have it. South of the Trail, this has proven altogether different. It is giving too long a season. It is too hard on our deer herd. Franklin County is one of the most advertised and easily accessible counties in the state.

Up until 1960, all of Franklin County had a 40-day season. Opening October 21, it was hunted hard. So hard that in a typical year, 38 percent of all deer shot in Franklin County were taken home by out-of-state hunters. Compare this with the average for the whole state which is 23 percent.

In 1959 the inspection stations in Strong tagged 193 deer. Now biologists in Michigan, Minnesota and Maine all agree that hunters may take up to 20 or 25 percent of the deer herd without risking depletion. If this number of deer, 193, is to represent a safe kill of twenty to twenty-five percent of the herd, it figures that at the beginning of the 1959 season, there should have been at least 750 deer within a radius of 5 miles of the village of Strong. But those that hunt that area and those that are well acquainted with it, say that we have less than half of that now. Obviously then, with a 40-day season, we were over-shooting our deer herd. The pressure of the deer herd was relieved somewhat in 1960 by this 30-day season. But even now the hunting is relatively poor.

Maine has the longest season of any northern deer state. As the pressure on the deer herd increased, other states have found it necessary to shorten their season. The pressure on the Maine deer herd is increasing, and it is very doubtful that Maine can long endure to provide 40 to 45 days of good deer hunting for 170,000 residents, and an unlimited number of non-resident hunters.

Certainly this is no time to think of or to consider increasing and in lengthening the deer season.

I know I have spoken of just one little town in the State of Maine, but friends this is a problem up our way and if this new bill goes through creating these four zones and bringing the line as it will right straight through the middle of our town, I know that we will have the

problem such as many other towns will have. And yet it is a tremendous problem in our area, an area where people do love to come and hunt.

We had very little or no problem back before the biologists and the then Commissioner Cobb brought in this new idea of the three zones. This idea may not have been the best, but it has certainly worked at least in part. I think the very act of changing this will just create more of a dilemma and we will have constant change from legislature to legislature from time to time to come.

I wish we could see our way clear to leave it as it is, at least for a couple more years, and indefinitely postpone this bill.

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

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I hate to take exception to the remarks made by my good friend Mr. Smith from Strong, but I think he is all wrong on this. The Department, the Fish and Game Committee and the biologists all approved of this new setup, this four zoning system. We worked hard on this particular deer bill. It has been back for redraft twice, and I should certainly hope that the House will go along with the good judgment of the committee, the department and the biologists. I certainly hope that his motion to indefinitely postpone is soundly defeated. I move that we adhere to our former action.

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

Mr. BENSON: Mr. Speaker, my good friend from Strong, Mr. Smith, and I seem to be natural opponents on the deer situation. The recommendation of the Inland Fish and Game Committee as outlined in L. D. 1497 has been put together with the complete blessing of the Inland Fish and Game Department. I am sure that these good people are not fathering a recommendation which would in any way hurt the deer herd and I am sure that the recommendation of the four districts as it is now set forth is in the best interest of deer conserva-

tion. I would urge you to support this recommendation. Thank you.

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

Mr. SCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I do not wish to belabor this proposition. I imagine we could spend more time on it than we have spent already on the current services budget. However, I would like to point out to you members that the Fish and Game Department, I have contacted them personally and they would be very happy to leave the present three-zone system in effect. According to the game wardens in Franklin County that I have talked to, this would be a reasonable proposition. I am very happy to go along with my good friend Mr. Smith for indefinite postponement. I hope you will favor us with this courtesy. Thank you.

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

Mr. ROSS: Mr. Speaker, nobody has belabored this deer situation any more than I have. In fact, I have earned the nickname of "No-Zone Ross." But at the present time, I am inclined to go along with the map as it stands. My good friend Mr. Smith from Strong is wrong in one respect. In the zone that I am in, we opened last time on October 15; now we open October 21 under the new setup. Now I can't see where it is a longer season. The way I figure, it has cut us six days. I earnestly hope that the motion to indefinitely postpone is defeated. I think now time is getting short, and strange as it may seem, I am leaning over in favor of the Inland Fish and Game Department.

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

Mr. WADE: Mr. Speaker, I am not going to belabor the point the same as my good friend the gentleman from Brownville has just said. I would be repetitious, I am quite sure, to go into debate at any length on this particular bill. As I said here a week ago, this bill had two individual hearings; it was re-committed to the committee; re-drafted twice; and to the best of

my knowledge from the last hearing relative to the deer bill so-called, we seemed to be in complete accord with the Department of Inland Fisheries and Game. And when I say Department, I don't select a game warden from one area; I take the Department as a unit. We were in accord with the sporting camp proprietors and in accord with the state sportsmen so-called at a general level, with this small one little exception which did not come out in the hearing but has come on since that time. So, Mr. Speaker, to bring this thing to a conclusion, I would move that we recede and concur with the Senate.

The SPEAKER: The question before the House and the motion of precedence is the motion of the gentleman from Strong, Mr. Smith, that the House indefinitely postpone Bill "An Act relating to Closed Time on Deer in Certain Counties," House Paper 1033, Legislative Document 1497.

Mr. Anderson of Ellsworth 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. Twenty-four having voted in the affirmative and ninety-eight having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Wade of Skowhegan, the House voted to recede and concur with the Senate.

Non-Concurrent Matter

An Act Providing for Area Directional Sign on Maine Turnpike for Andover-Rumford Area (S. P. 360) (L. D. 1026) which was passed to be enacted in the House on April 16 and passed to be engrossed as amended by Committee Amendment "A" on April 10.

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

In the House:

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

Mr. ROSS: Mr. Speaker, I move this amendment be indefinitely postponed. As a member of the Highway Committee, we have been trying to cut down on the wording on these directional signs, and this one has practically written a book. I move it be indefinitely postponed.

The SPEAKER: Does the gentleman move to indefinitely postpone the Bill and the amendments or the Senate Amendment?

Mr. ROSS: The Senate Amendment.

Thereupon, on motion of Mr. Ross of Brownville, the House voted to insist on its former action and request a Committee of Conference.

Orders

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

Tabled and Assigned

Mr. Knight of Rockland presented the following Order and moved its passage:

Whereas, serious doubt has been cast on the validity of certain statutes governing the procedure on search and seizure in Maine by the case of Mapp v. U. S. (367 U. S. 643); now, therefore be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Judiciary is directed to report out a bill which will assure the compliance of the State's statutory provisions on search and seizure with the Mapp decision.

(On motion of Mr. Rust of York, the Order was tabled pending passage, ordered reproduced and specially assigned for tomorrow.)

Mrs. Hendricks of Portland presented the following Order and moved its passage:

WHEREAS, The Greater Portland Chamber of Commerce has received the U. S. Chamber of Commerce's National top fire safety award Monday in a ceremony in Washington, D. C., for the excellent program of Fire Prevention attained by the Portland Fire Department, be it

ORDERED, that Portland fire chief, Carl P. Johnson, and his department be commended by the

Maine House of Representatives for this achievement and that a copy of this order be sent to the Portland Chamber of Commerce and the Portland Fire Department.

The Order received passage.

Mr. Hanson of Gardiner presented the following Order and moved its passage:

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to study the problems of air pollution within the State; and be it further

ORDERED, that the committee report the results of its study to the 102nd Legislature. (H. P. 1069)

The Order received passage and was sent up for concurrence.

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

Mr. YOUNG: Mr. Speaker, I would like to inquire if Bill "An Act Transferring Duties of Commissioner of Agriculture Relating to Shellfish to Commissioner of Sea and Shore Fisheries and Revising Laws Thereto," Senate Paper 554, Legislative Document 1489, is in possession of the House?

The SPEAKER: The Chair would inform the gentleman that the paper is in the possession of the House.

Mr. YOUNG: I would like to move that we reconsider our action whereby this was indefinitely postponed, and I would like to table my motion for one week.

The SPEAKER: The gentleman from Gouldsboro, Mr. Young, moves that the House reconsider its action whereby Legislative Document 1489 was indefinitely postponed on April 26.

Is it the pleasure of the House to reconsider its action?

The motion prevailed.

The SPEAKER: Is it now the pleasure of the House that this matter be tabled until one week from today?

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

Mr. COULTHARD: Mr. Speaker, I would like to address a question to the Speaker if I may. It is my understanding, sir, that the motion to reconsider was to be tabled by

my good friend from Gouldsboro, Mr. Young.

The SPEAKER: The gentleman is correct.

Thereupon, the Bill was tabled pending the motion of Mr. Young of Gouldsboro to reconsider the action on April 26 whereby the Bill was indefinitely postponed and specially assigned for Tuesday, May 7.

The SPEAKER: The Speaker at this time is pleased to recognize in the gallery of the House, twenty-five students from Winslow, Garand Street School, accompanied by their Principal, Mr. Audet. They are guests of Representative Roy of Winslow.

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)

On motion of Mr. Mendes of Topsham, it was

ORDERED, that Mr. Taylor of South Portland be excused from attendance for the duration of his illness, and that Mr. Jones of Farmington be excused from attendance for the duration of his illness.

The SPEAKER: At this time, the Chair would request the Sergeant-at-Arms to escort 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 Tabled and Assigned

Mr. Knight from the Committee on Judiciary on Bill "An Act relating to Mortgages" (H. P. 56) (L. D. 79) reported Leave to Withdraw.

Report was read.

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

Mr. Pease from the Committee on Judiciary reported Leave to Withdraw on Bill "An Act relating to

Public Hearing for Validity of Act of Town Meeting" (H. P. 776) (L. D. 1130)

Report was read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Bragdon from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act to Authorize the Issuance of Bonds in the Amount of One Million Two Hundred Fifty Thousand Dollars on Behalf of the State for the Purpose of Relocating the Boys Training Center at Quoddy Village" (H. P. 963) (L. D. 1402)

Report was read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Gouldsboro, Mr. Young.

Mr. YOUNG: Mr. Speaker, I would like to table item three for one week from today.

The SPEAKER pro tem: The gentleman from Gouldsboro moves that item three be tabled for one week from today. Is that the pleasure of the House?

(Cries of "No")

The SPEAKER pro tem: The Chair is in doubt and will request a division on the tabling motion. All those in favor of the tabling motion, will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

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

Tabled and Assigned

Mr. Knight from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act to Facilitate Proof of No Motor Vehicle Operator's License" (H. P. 772) (L. D. 1126)

Report was read.

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

Mr. Thornton from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act relating to

Foreclosure of Bonds for Deed and Contracts for Sale of Real Estate” (H. P. 774) (L. D. 1128)

Report was read and accepted and sent up for concurrence.

**Ought to Pass
Printed Bills**

Mr. Pease from the Committee on Judiciary reported “Ought to pass” on Bill “An Act Providing for Review of Laws of Forestry Department” (H. P. 53) (L. D. 76)

Mr. Smith from same Committee reported same on Bill “An Act relating to Liberation of Convicts Unable to Pay Fine or Costs” (H. P. 915) (L. D. 1349)

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

**Ought to Pass with
Committee Amendment**

Mrs. Smith from the Committee on Appropriations and Financial Affairs on Bill “An Act Appropriating Funds for Teaching and Maintenance Positions at Maine Vocational Technical Institute” (H. P. 562) (L. D. 802) 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. 562, L. D. 802, Bill, “An Act Appropriating Funds for Teaching and Maintenance Positions at Maine Vocational Technical Institute.”

Amend said Bill by striking out all of the breakdown which appears before the emergency clause and inserting in place thereof the following:

‘1963-64 1964-65

MAINE VOCATIONAL TECHNICAL INSTITUTE

Personal Services
(8) \$33,800 (8) \$33,800’

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

Tabled and Assigned

Mr. Smith from the Committee on Judiciary on Bill “An Act relating

to Release of Spouse’s Right by Descent” (H. P. 775) (L. D. 1129) reported “Ought to pass” as amended by Committee Amendment “A” submitted therewith.

Report was read.

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

Mr. Thornton from the Committee on Judiciary on Resolve Authorizing Clarkeson Engineering Company to Bring Civil Action Against State of Maine (H. P. 293) (L. D. 387) reported “Ought to pass” as amended by Committee Amendment “A” submitted therewith.

Report was read and accepted and the Resolve read once.

Committee Amendment “A” was read by the Clerk as follows:

COMMITTEE AMENDMENT “A” to H. P. 293, L. D. 387, Resolve, Authorizing Clarkeson Engineering Company to Bring Civil Action Against State of Maine.

Amend said Resolve by striking out all of the last sentence and inserting in place thereof the following sentence: ‘Hearing thereon shall be before 3 Justices of the Superior Court, without a jury, said justices to be assigned by the Chief Justice of the Supreme Judicial Court.’

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

**Third Reader
Tabled and Assigned**

Bill “An Act relating to the Admission of Attorneys to the Bar of the State of Maine” (S. P. 62) (L. D. 112)

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

(On motion of Mr. Cartier of Biddeford, tabled pending passage to be engrossed and specially assigned for Friday, May 3.)

**Passed to Be Engrossed
Third Reader Amended**

Bill “An Act Classifying Certain Tidal Waters in Hancock County” (H. P. 346) (L. D. 501)

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

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 H. P. 346, L. D. 501, Bill, "An Act Classifying Certain Tidal Waters in Hancock County."

Amend said Bill under the caption "**Bar Harbor**" by striking out in subsection II the underlined designation "**Class SB-1**" and inserting in place thereof the underlined designation '**Class SC**'

Further amend said Bill under the caption "**Ellsworth**" by striking out in subsection I the underlined designation "**Class SB-1**" and inserting in place thereof the underlined designation '**Class SC**'

Further amend said Bill under the caption "**Gouldsboro**" by striking out in subsection II the underlined designation "**Class SB-2**" and inserting in place thereof the underlined designation '**Class SC**'; and by striking out in subsection III the underlined designation "**Class SA**" and inserting in place thereof the underlined designation '**Class SC**'; and by striking out in subsection VI the underlined designation "**Class SC**'

Further amend said Bill under the caption "**Lamoine**" by striking out in subsection II the underlined designation "**Class SB-1**" and inserting in place thereof the underlined designation '**Class SC**'

Further amend said Bill under the caption "**Mt. Desert**" by striking out in subsection II the underlined designation "**Class SB-1**" and inserting in place thereof the underlined designation '**Class SC**'

Further amend said Bill under the caption "**Southwest Harbor**" by striking out in subsection I the underlined designation "**Class SB-1**" and inserting in place thereof the underlined designation '**Class SC**'

Further amend said Bill under the caption "**Swans Island**" by striking out in subsection I the underlined designation "**Class SB-1**;" and inserting in place thereof the underlined designation '**Class SC**'

Further amend said Bill under the caption "**Tremont**" by striking out in subsection I the underlined designation "**Class SB-1**" and in-

serting in place thereof the underlined designation '**Class SC**'

Further amend said Bill under the caption "**Trenton**" by striking out in subsection I the underlined designation "**Class SB-1**" and inserting in place thereof the underlined designation '**Class SC**'

Further amend said Bill under the caption "**Winter Harbor**" by striking out in subsection I the underlined designation "**Class SB-1**" and inserting in place thereof the underlined designation '**Class SC**'

Further amend said Bill in the last paragraph by striking out all of said last underlined paragraph which also includes paragraphs A to E and inserting in place thereof the following:

"A municipality, sewer district, person, firm, corporation or other legal entity shall not be deemed subject to penalty under this chapter at any time prior to October 1, 1979 with respect to any of said classifications if by such time he or it, with regard to facilities designed to achieve compliance with the applicable classification shall have completed all the steps required to be then completed by the following schedule:

A. Preliminary plans and engineer's estimates shall be completed and submitted to the Water Improvement Commission on or before October 1, 1973.

B. Arrangements for administration and financing shall be completed on or before October 1, 1976.

C. Detailed engineering and final plan formulation shall be completed on or before January 1, 1977.

D. Detailed plans and specifications shall be approved by the Water Improvement Commission and construction begun prior to October 1, 1978.

E. Construction shall be completed on or before October 1, 1979."

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

Third Reader Tabled and Assigned

Bill "An Act to Increase the Term of Office of the Mayor, City Council, Board of Police and Board

of Education, Warden and Ward Clerk for the City of Biddeford" (H. P. 546) (L. D. 762)

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

(On motion of Mr. Cartier of Biddeford, tabled pending passage to be engrossed and specially assigned for Friday, May 3.)

Bill "An Act Authorizing Insurance Commissioner to Regulate Exits in Certain Buildings" (H. P. 1054) (L. D. 1521)

Resolve Relating to Research and Experimental Work in Relation to the Culture of Sugar Beets in Maine (S. P. 559) (L. D. 1499)

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

**Third Reader
Amended**

Resolve Authorizing the Disposal of Western Maine Sanatorium (H. P. 401) (L. D. 600)

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

Mr. Hammond of Paris offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 401, L. D. 600, Resolve, Authorizing the Disposal of Western Maine Sanatorium.

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

Further amend said Resolve by striking out the period at the end of the 19th line and inserting in place thereof the following:

‘ and be it further

Resolved: That this resolve shall become effective June 1, 1965.’

House Amendment "A" was adopted.

The SPEAKER pro tem: The Chair recognizes the gentleman from Lewiston, Mr. Bussiere.

Mr. BUSSIERE: Mr. Speaker, I wish to table this bill for one week.

Mr. Wellman of Bangor then requested a division.

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

A division of the House was had. Thirty-seven having voted in the affirmative and sixty-four having voted in the negative, the tabling motion did not prevail.

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

Mr. CURTIS: Mr. Speaker, I move indefinite postponement of House Paper 401, Legislative Document 600.

The SPEAKER pro tem: The Chair understands that the gentleman from Bowdoinham, Mr. Curtis, moves the indefinite postponement of item 6.

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

Mr. WELLMAN: Mr. Speaker and Ladies and Gentlemen of the House: This bill was introduced to remove a facility which has been on the state budget and on state finances for some two sessions. This bill was heard before the State Government Committee, and received, as you will remember, an unfavorable report. At the request of the gentleman from Paris, Mr. Hammond, and after many conferences concerning this bill, it was decided that what we would do is to put an amendment on it having this law take effect in two years. This means that if this legislature, if the executive in the rest of this session—the rest of this two-year period or the next legislature shall find a use for these facilities, it shall still be available to us. If, at that time, no reasonable use has been found for this property, it may be disposed of. May I further indicate to you the cost of keeping on ice this facility is costing in the vicinity of \$30,000 a year. I think this is a fair, reasonable approach to the disposal of property that apparently holds no use for the state. I would urge you to vote against the motion to indefinitely postpone.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I concur wholeheartedly with the remarks of the gentleman from Bangor, Mr. Wellman. I would further add that for many of you who have not seen the facilities at Hebron, the expenditure of a sum of money to make sure that we have exhausted all possibilities of the state not utilizing these grounds be entertained. It is as beautiful a spot as you would want to see in Maine, and if we can nurture a program and succeed, as the gentleman from Bangor, Mr. Wellman has said, \$30,000 expended might be a very, very small pittance compared to what it would be if it weren't put to some purpose. I hope the motion to indefinitely postpone does not prevail so that this amendment can be introduced which would allow us to hang onto this, or as the gentleman from Bangor, Mr. Wellman said, keep it on ice for the next two years.

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

Mr. MCGEE: Mr. Speaker, this facility at Hebron is very close to my territory and to the constituents that I represent. I am interested in it. It is a very valuable piece of property. If we make a sale of it, we can't get 20 cents on the dollar. Now there is some return from the cost of maintaining that and sales of products there. Probably with a little more business administration, we could get more out of it. I think the amendment is a fair and just way to settle this question. And there is a movement on foot in the very early stages to use that property. I would like to support the amendment. I hope the motion to indefinitely postpone does not prevail.

The SPEAKER pro tem: The Chair recognizes the gentleman from Lewiston, Mr. Bussiere.

Mr. BUSSIÈRE: Mr. Speaker, the way I understand this bill it calls for the disposal of the Western Maine Sanatorium, and I understand that when it was left to the state, there are many many in here that know very well that this Sanatorium is not to be sold. I

arise in favor of the motion that was made by the gentleman from Bowdoinham, Mr. Curtis, for indefinite postponement of this bill.

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

Mr. CURTIS: May I ask through the Chair of the gentleman from Bangor, Mr. Wellman, if this amendment which he says — has it been prepared and has it gone through or something? I have never heard of it yet. Would he please explain.

The SPEAKER pro tem: The gentleman from Bowdoinham, Mr. Curtis, has asked a question of the gentleman from Bangor, Mr. Wellman, through the Chair relative to a certain amendment. The gentleman from Bangor may answer if he chooses.

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

Mr. JALBERT: The amendment is prepared, is on our desks and will be introduced as soon as we hope we defeat the motion to indefinitely postpone.

The SPEAKER pro tem: If the gentleman from Lewiston has reference to House Amendment "A," that has been read and has been adopted this morning. Does that answer the question of the gentleman from Bowdoinham, Mr. Curtis?

Mr. CURTIS: It does. Now Mr. Speaker, since this thing has come out in the light, I ask to withdraw my motion to indefinitely postpone.

The SPEAKER pro tem: The gentleman from Bowdoinham, Mr. Curtis, now wishes to withdraw his motion to indefinitely postpone. The question before the House is on passage to be engrossed.

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

Amended Bills

Third Reader

Tabled and Assigned

Bill "An Act Increasing the Salary of the Commissioner of Labor and Industry" (S. P. 302) (L. D. 875)

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

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

Bill "An Act to Clarify Granting of Water Pipe Location Permits" (S. P. 432) (L. D. 1175)

Bill "An Act relating to Disposal of Certain Real Property by Directors of School Administrative Districts" (H. P. 724) (L. D. 1053)

Resolve Appropriating Moneys for Stocking Baxter State Park with Caribou (S. P. 137) (L. D. 414)

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

Bill "An Act Increasing Salary of Forest Commissioner" (S. P. 374) (L. D. 1040)

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

Passed to Be Enacted

An Act to Incorporate the Calais Water District (S. P. 165) (L. D. 441)

An Act relating to Registration of Motor Vehicles Required to be Registered in Another State by Maine Residents (S. P. 345) (L. D. 1010)

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

An Act Providing for the New England Health Services and Facilities Compact (H. P. 906) (L. D. 1314)

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.

Orders of the Day

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

Bill "An Act relating to Appointment of Chief Engineer of Fire De-

partment of City of Westbrook." (H. P. 394) (L. D. 583) — Amendments (Filing H-162 & Filing S-148) — Receding and Concurring Reconsidered.

Tabled — April 23, by Mr. Wellman of Bangor.

Pending — Motion to Recede and Concur.

The SPEAKER pro tem: The Chair recognizes the gentleman from Westbrook, Mr. Boissonneau.

Mr. BOISSONNEAU: Mr. Speaker, I now move indefinite postponement of this act and I would like to speak a little on it.

This being a local bill, I am not going to speak too long on it, ladies and gentlemen of the House. I will explain our reason for indefinitely postponing this measure.

The City Council passed an ordinance the early part of the month on public safety, and it is their contention now that this act is not to the best interest of the city, so that I hope that the members of this House will go along with me and indefinitely postpone this matter.

The SPEAKER pro tem: The pending question is the motion of the gentleman from Westbrook, Mr. Boissonneau, that this bill and accompanying papers be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed. Sent up for concurrence.

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

SENATE REPORT — Leave to Withdraw — Committee on Taxation on Bill "An Act relating to Annual Excise Tax on Railroads." (S. P. 463) (L. D. 1290)

Tabled — April 24, by Mr. Rust of York.

Pending — Acceptance of Report.

Thereupon, the Committee Report was accepted in concurrence.

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

HOUSE REPORT — Ought to pass with Committee Amendment "A" (Filing H-194) — Committee on Education on Bill "An Act to Recon-

stitute School Administrative District No. 17." (H. P. 272) (L. D. 366) — In House Report and Bill Indefinitely Postponed — In Senate Engrossed as Amended.

Tabled — April 24, by Mr. Hammond of Paris.

Pending — Further Consideration.

On motion of Mr. Chapman of Norway, the House voted to recede and concur with the Senate in the acceptance of the "Ought to pass" Report, and the Bill was read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 272, L. D. 366, Bill, "An Act to Reconstitute School Administrative District No. 17."

Amend said Bill by striking out all of the 9th, 10th, 11th and 12th lines of section 1 and inserting in place thereof the following:

'Statutes, as amended. The proceedings taken in the town meetings'

Further amend said Bill in the last line of section 2 by inserting after the word "district" the following words and punctuation:

'with regard to the issuance of capital outlay bonds, or any borrowing in anticipation of the sale thereof, or the preparation, presentation and acceptance of any school budget or any borrowing for current operating expenses.'

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

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

HOUSE MAJORITY REPORT (8) — Ought to pass in New Draft (H. P. 1065) (L. D. 1531 — MINORITY REPORT (2) — Ought to pass with Committee "A" (Filing H-295) — Committee on State Government on Bill "An Act relating to Mileage and Expenses for Members of Legislature." (H. P. 613) (L. D. 848)

Tabled — April 25 by Mr. Dennett of Kittery.

Pending — Acceptance of Either Report.

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

Mr. DENNETT: Mr. Speaker, I move the acceptance of the Major-

ity "Ought to pass" Report of the Committee.

The SPEAKER pro tem: The gentleman from Kittery, Mr. Dennett, moves the acceptance of the Majority "Ought to pass" in New Draft Report.

The Chair recognizes the gentleman from Lewiston, Mr. Dostie.

Mr. DOSTIE: Mr. Speaker and Members of the House: I am sure that it is the intent of all of us to come in this or any session to do the proper things. I am a member of the State Government Committee who signed the report that would give the next membership of the Legislature a straight \$8.00 per day expense. I am not an orator, but I will attempt to explain my position.

The Majority calls for \$5.00 per day expense and \$7.00 per day not to exceed four days for room rent. I have always felt, unless I was on my second honeymoon, that \$7.00 per day room rent is a lot of money. I am certain that many here pay \$8.00 to \$12.00 per week for a full week for a room in or around Augusta. We can't all afford to live in the Augusta House or a high-priced motel. Besides this argument I feel generally that a straight \$8.00 per day would settle things all around without criticism or temptation being placed in our way. Mr. Speaker, I move that the Minority Report be accepted and I request a division.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I would like to make it very plain and distinct what this new draft of this bill seeks to accomplish. The gentleman from Lewiston, Mr. Dostie, has been fundamentally correct in his explanation. First, it gives to each and every member of the Legislature \$5.00 a day for expenses, expenses presumably in the line of meals, breakfast, lunch and dinner. These expenses do not have to be accounted for by the Members of the Legislature. It is a straight \$5.00. Now to those Members who are travelling at a distance, and I know many of the members do, it

gives to them an allowance of up to \$7.00 per night for lodging while in Augusta attending the session of the Legislature. Now these expenses do have to be accounted for. If a person is at a hotel or motel or a private room they merely have to produce a receipt of their lodging. Now I know in my particular instance, and I think many are in like position, I pay \$10.00 a week for a room in Augusta. That \$10.00 would be reimbursed upon voucher. Now there are perhaps some that stay in hotels. There are perhaps instances where some may pay more than \$7.00 a night, but they would be limited to that \$7.00.

Now what I principally think is the fair position on this bill, it recognizes the fact that a good portion of our membership travels at a considerable distance to attend the session here in Augusta. Heretofore, actually these members who travel at a distance have been a little bit at a disadvantage. Their costs were far more than the members who live quite handy to Augusta and were able to go to their own homes at night. I will agree that the member who is travelling even from nearby does have expenses. He has expenses principally for food, and this bill attempts to satisfy them and give them a just reimbursement for their expenses. It also tries to be fair to those who are from a distance and are compelled to stay overnight in Augusta during the session. I think this bill in every instance is fair, just and equitable to all of the membership of the Legislature, and I sincerely trust that you will accept the Majority "Ought to pass" Report of the Committee.

The SPEAKER pro tem: The Chair at this time will interrupt debate for the purpose of recognizing persons in the gallery. At this time the Chair is happy on behalf of the House to recognize in the gallery Mrs. DeVitt and the Waterville Debating Team, who were the State winners. They won the Shamrock Tournament at Thornton Academy in Saco. On the affirmative team was Evelyn Clark and Charles Rancourt and on the negative team

were Katrina Jagels and Joseph Labbe.

On behalf of the House the Chair welcomes you people here today and we hope that you will profit and enjoy your experience here. (Applause)

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

Mr. RANKIN: Mr. Speaker, through the Chair, I would like to ask a question of the gentleman from Kittery, Mr. Dennett. I live approximately forty miles from this city. May I be allowed \$7.00 a night for my room, or is there a limitation as to mileage?

The SPEAKER pro tem: The gentleman from Southport, Mr. Rankin, has asked a question through the Chair of the gentleman from Kittery, Mr. Dennett, who may answer if he chooses and the Chair recognizes that gentleman.

Mr. DENNETT: Mr. Speaker, in answer to the question by the gentleman from Southport, Mr. Rankin, I would say he is limited simply to \$7.00 a night if he chooses to stay here in Augusta, that he would be reimbursed up to \$7.00 for each night that he stays in Augusta upon the approval of his voucher.

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

Mr. ROSS: Mr. Speaker, I am one of those unfortunate individuals that travels a long ways, but ten days ago I stood on the Floor of this House and I fought an increase in ADC aid which amounted to a few hundred dollars. Now I can't in due respect to my own conscience, I can't stand up here today and support a raise for the Legislature which will amount in the biennium I believe to some \$188,000 after I just fought to knock off \$3,600. Any way you look at it, whether it is an expense account or whatever you call it, it is a raise for the Legislature, and I just can't—in all respect to my conscience, I just can't go along with it. Now if I should run again and get elected, I would be raising my own salary, and I am opposed to it.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I am not going to get up and say that I hate to oppose my friend, the gentleman from Kittery, Mr. Dennett, because I love it, and I know he loves to get up and oppose me, as I love to have him get up and be with me, as I love to get up and be with him, so this argument, "I hate to oppose my friend" that's really for the real birds, not for me.

Now back a few years ago we increased the — there was sort of a proposal that would give an increase to the membership. I believe it was for a sum of I think \$600, and after a great deal of wrangling, and I think the membership both far and near is entitled to some emoluments, we finally settled on the mileage proposition, and I was one of those who at the time was staying here — now I am going home, a short distance. Now I felt that the membership that lives a long way away should receive more than we did, if it was only in mileage. I don't care whether they would spend it or they wouldn't spend it, I felt they should get more. Now the time has come when it would possibly be a little bit more in the favor of the person that might live a little nearer to the Augusta House where it favored them a few years ago; this is why I would support the gentleman from Lewiston, Mr. Dostie's position.

Also, I say this. The gentleman from Kittery, Mr. Dennett, said to us that he had a room that costs him \$10.00 a week. I just wonder whether or not if a motel room or at the hotel here would cost about \$7.00 a night, I just wonder whether or not we would not be criticized if the word got around that somebody got a room for \$8.00 a week, somebody for \$10.00 a week, somebody for \$12.00 a week, but somebody else putting his bill in of some \$56.00 a week is being discounted in half, because bear in mind that that won't pay the whole fee, \$28.00 just lets you off the hook if you are in a hotel or a motel. Either you get out of it or you pay for half of it, and I don't

think that anybody else should be entitled to get \$28.00 with the room rent up against Mr. Dennett's \$10.00. In other words, I am with Mr. Dennett in principle, although I am not with him on the bill.

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

Mr. CURTIS: Mr. Speaker, I would like to ask through the Chair of the gentleman from Kittery, Mr. Dennett, my good friend, if this bill considers the forgotten man, which seems to me there is a forgotten man. The gentleman from Lewiston, the gentleman from Southport and my good seatmate and myself, it seems we are the forgotten men as I heard it explained, and are we? We don't stay here nights, but we do drive home. Now if I was working for the State, what I drive coming up here I would get \$18.00 for without this new raise, so I would get about \$24.00. But working as a Legislator I get \$2.50. Is there anything in this bill or going to be anything whereby those that are going home are going to get an increase in mileage, or have we got to stay here?

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

Mr. DENNETT: Mr. Speaker, in answer to the gentleman from Bowdoinham, Mr. Curtis, I would say that he, as a commuter to his home, is not entirely forgotten by the body of this bill, as this bill also increases his mileage to 9 cents a mile once a week, one way, instead of the 5 cents as is now in force.

The SPEAKER pro tem: Is the House ready for the question?

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

Mr. BERMAN: Mr. Speaker, as a signer of the Majority "Ought to pass" Report in new draft along with the gentleman from Kittery, Mr. Dennett, I submit that this new draft is a sensible compromise from the present situation, which is really implausible, on a straight across-the-board \$8.00 a day. Now this is a difficult problem I realize, and I do believe that a compromise is in order, and the best compromise

is the one which has been suggested by the gentleman from Kittery, Mr. Dennett.

Mr. Anderson of Ellsworth requested a division.

The SPEAKER pro tem: A division has been requested.

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

Mr. PLANTE: Mr. Speaker, I rise to a point of order. I understand the gentleman from Lewiston, Mr. Dostie, had moved to accept the Minority Report.

The SPEAKER pro tem: When the matter came before the House the gentleman from Kittery, Mr. Dennett, moved that the Majority Report be accepted, and that is the pending question. All those in favor of the motion of the gentleman from Kittery, Mr. Dennett, to accept the Majority "Ought to pass" in New Draft Report on Bill "An Act relating to Mileage and Expenses for Members of Legislature," House Paper 1065, L. D. 1531 will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Eighty-two having voted in the affirmative and forty-one having voted in the negative, the motion prevailed, the Majority Report was accepted, the New Draft read twice and tomorrow assigned.

At this point, Speaker Kennedy returned to the rostrum.

SPEAKER KENNEDY: The Chair thanks the gentleman from York, Mr. Rust, for the efficient manner in which he has performed as Speaker pro tem.

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

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

SENATE REPORT — Ought to Pass in New Draft (S. P. 577) (L. D. 1530) — Committee on Transportation on Bill "An Act relating to Redistribution of Axle Loads on

Commercial Vehicles." (S. P. 206) (L. D. 516)

Tabled — April 26, by Mr. Minsky of Bangor.

Pending — Acceptance.

The SPEAKER: The Chair recognizes the gentleman from Chapman, Mr. Welch.

Mr. WELCH: Mr. Speaker, I move the indefinite postponement of this Report and Bill and would like to speak on that motion.

The SPEAKER: The gentleman may proceed.

Mr. WELCH: Mr. Speaker, a week ago, L. D. 1530 was distributed to us bearing the date April 23rd. At that time I thought perhaps I would be the only one opposing this bill, and I oppose it because it appears to me to be the best example of bad legislation.

As this problem was explained to me some time ago, the general contractor on a construction site had been having problems where his trucks were loaded with power shovel and he wanted an exemption for his trucks on the construction site. Since this was expensive both to the contractor and to the State of Maine indirectly, I favored this exemption. But when this bill appeared on my desk it contained an exemption for everyone. Now this would amend a section of Chapter 22, this is our motor vehicle law, this regulates everything from white canes to teams meeting on the road. By the very nature of these laws, they prohibit the doing of certain acts. You shall not pass at an intersection, or speed, or drive to the left, but this law, the amendment to the existing axle load law, would permit a person to weasel out of a violation by giving an excuse.

Now to show what a change this is, if a person passes at an intersection, an officer doesn't give him a chance to turn around and drive down that road again to see if he can do it right. And the same with driving under the influence, he doesn't give you twenty-four hours to sober up. But the argument is, here we are picked up for minor infractions being a few pounds overweight, somewhere the limit must be drawn, and here it is

certain pounds or tonnage. In other sections of the motor vehicle law we have a limit on alcohol content in the blood, and these are the maximum limits. These laws are designed to protect the lives and property in the State of Maine.

I look back at the history of this axle load law and it was originally enacted with a title "An Act Limiting the Weights, Lengths, Widths and Heights of Motor Vehicles." Under that title, this Legislature adopted the axle load law. At first it appeared to me if they were—anyone were interested in repealing this law, they should give it equal dignity and give the bill a descriptive title to repeal the law, but now the bill is before us which simply repeals the penalty. It was my first impression that the proponents of this measure were trying to do indirectly what they couldn't do directly. This bill seems to be part of the tactics. But there is another element which enters in. To receive federal money, we are required to limit axle loads. At this time, our state axle loads exceed the federal loads because of grandfather clauses. The federal act requires that with the axle loads we provide no leniency, no percentage overweight. Now here is an attempt to exceed the state axle loads, to exceed federal axle loads, merely by repealing the penalty and allowing these truck drivers to redistribute the loads.

I don't know what the original intent of the law was. That was put on the books many years ago when I was in high school. I was not at the hearing then to know why they enacted the law, and I don't know now why they want to repeal the law; but I will say this is bad legislation, this is the wrong way to repeal a law, and we are walking on thin ice when we skirt around federal requirements. And for those reasons, I move indefinite postponement of this bill.

The SPEAKER: The gentleman from Chapman, Mr. Welch, moves the indefinite postponement of the Report and Bill.

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

Mr. GIFFORD: Mr. Speaker, Ladies and Gentlemen of the House:

L. D. 1530 is simply a bill to allow truck operators, whoever they may be, pulpwood haulers, dump truck operators, common carriers, farmers or whoever else, a reasonable chance to correct a much more involved problem than the gentleman who previously spoke would have you believe. Because of the nature of the cargo of logs, bolts, gravel, general freight and so forth, it is extremely difficult to load a truck so that the axle weight distribution is perfectly in accordance with the law. This is true whether it is a two-axle truck, three, four or five-axle one. Cargoes of this nature have a tendency to shift in transit, even if they are perfectly loaded in the beginning.

On some cargoes it is even possible for the load to shift merely upon the application of the brakes. In the wintertime it is possible for a truck to pick up two or three thousand pounds of ice and snow which has been thrown up onto the axles and wheels. The driver has no way of knowing how much snow he is picking up or where on the truck he is picking it up, until he is on scales.

Now the dump truck operator has no intention of overloading his axles, and I am sure if he knew he were doing so he would shift the cargo. All this bill allows him to do is this: after his truck is put on the scales and he discovers the particular axle that is overloaded, he may shift the weight so that none of the axles are overweight. It in no way permits an increase in the total vehicle weight. I feel it is only fair that these operators have this chance to move the load after they have discovered the violation and I certainly hope that the motion to indefinitely postpone does not prevail.

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

Mr. SMITH: Mr. Speaker, I cannot agree with the gentleman from Chapman, Mr. Welch, in regard to this bill. This particular draft is only four lines long, very easily to read and to understand. It says when an officer determines that a vehicle which is within the gross maximum weight limits is in viola-

tion of the axle weight limits, he shall permit the operator to redistribute the load before proceeding, and if it then conforms to the axle weight limits of this chapter, no penalty for such violation shall be imposed.

This is not an attempt or would not give many truck drivers, if any, a chance to weasel, I don't think that is the intent of this bill at all; neither does it repeal penalties. It only gives, as the gentleman from Manchester, Mr. Gifford has said, a chance for the driver to redistribute his load if he finds that that is necessary. A gentleman in my area who hauls lumber over the main roads wrote to me in regard to this and gave a little statement about his own condition. He says this: This is one of those things that can be expensive to the operator who is not intentionally doing wrong. Twice in the last twelve months one of our truck drivers has been summoned to the Yorkshire Court for over the axle violation. In both instances the gross was well under the limit. We, as a small operator, intend to do right, but do not have access to weighing scales to correct us before going out on the highway. If this Legislative Document is made into law, it would take care of situations such as that and give this small operator a chance to redistribute his load at the place of weighing. I think it is one of the finest bills that has come before this Legislature. I hope the motion to indefinitely postpone does not prevail.

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

Mr. HARRINGTON: Mr. Speaker and Members of the House: This is a subject which we should give serious consideration because as the roads are being built and as trucks are leaving Maine for other states, it is very, very serious and very, very discouraging to load a truck in Maine and wonder when it hits the scales in Kittery how much it is going to cost you, because we can all be aware of how much we put on the truck, but it would not be in the power of the small operators and the small shippers to know how much is on each axle, and it has been a very serious

thing and it certainly is detrimental to people coming to Maine for a lot of things, because many of the things we ship are not piled in like bricks, they have different shapes and it is very easy to trip the axle so that one is heavier than it should be, and I certainly hope that the motion to indefinitely postpone this does not prevail.

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

Mrs. HENDRICKS: Mr. Speaker and Members of the House: I agree with the previous speakers who are in favor of this bill, having been in the trucking business for many years, although I am not now, I realize what a racket goes on in this fining business, particularly when a man loads his truck at the legal limits and all of a sudden he gets up to the scales and finds out that one axle is overloaded. This is not fair, and somebody is going to have to absorb the cost and it will certainly be the farmers and the other shippers.

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

Mr. BUSSIERE: Mr. Speaker, being a member of the Transportation Committee and having spent so much time on that bill, I think it is a very good bill, and I request a division when the vote is taken.

The SPEAKER: A division has been requested.

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

Mr. PEASE: I think perhaps I am arising against unsurmountable odds, Mr. Speaker and Ladies and Gentlemen of the House, but I think it only fair to perhaps make an analogy between what is being done by this piece of legislation and some other situations which might exist.

I wonder how many of us would be in favor of a law on our books which says on the one hand that we shall have our automobiles inspected semi-annually and in the same law it says but if you don't have an inspection sticker on your car or you don't have it inspected and you are apprehended by an officer, that there is no penalty, all

that shall happen to you is that you shall be directed to an inspection station. It seems to me the evil that the inspection law was passed to take care of is the putting on the highway of an unsafe vehicle. It seems to me in this situation that the — and I think this is true, the evil as it were, which the Legislature saw fit to attempt to regulate, was the use on the highway of vehicles that were damaging our highways, and the Legislature in its wisdom saw fit, after various studies were made, to determine that not only the gross weight of the vehicle, but the weight that a particular wheel, tire or axle transferred to the highway was the thing that did the damage.

Now it appears to me that what we are in effect saying is that to those few truckers who may use questionable ethics or tactics, you load your trucks any way you please, you do the damage to our highways, if we catch you, we will make you reload. The damage to our highways has been done, just the same as the damage may have been done by the uninspected vehicle if it is put on the highway. This I think we might relate to the speeding violation that we have in our statutes. Sure, it will be a violation if you speed, but there is no penalty, we just tell you to slow down. This I think can be related to every type of traffic law that we have.

I am not sure technically whether this piece of legislation, although I have listened to what has been said this morning, will comply with the federal law governing the use of the interstate highways. Granted, we don't repeal the penalty for operating a vehicle that is overloaded axle-weight-wise, but in effect, we do the same thing by saying that they can operate until they are apprehended. They can do the damage until we find out they are doing it. I think that I would have to concur with the motion to indefinitely postpone this legislation.

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

Mr. MOWER: Mr. Speaker, I think this bill is a good common-

sense bill. There are some commodities you load into a truck and you can load them on a level and have them right, and in the matter of moving or transportation your driver has no control over the load and it can shift from side to side according to your road. If you are coming off from a dirt road or a cross road that is rounding, some commodities will shift. If your gross weight is within the limits, and the load shifts in transportation, I don't think the driver is in violation, and I would hope indefinite postponement would be defeated.

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

Mr. FINLEY: Mr. Speaker, Ladies and Gentlemen of the House: As Chairman of the Transportation Committee, I would like to give you a slight resume of what occurred during the hearing. The proponents of the bill discussed it fully and there was no opposition other than two representatives of the railroads at the time.

Now it has been brought out here that we may be in violation with the United States Department of Commerce. I would like to read you that the Bureau of Public Roads, a federal organization with the responsibility of constructing and supervising the federal interstate highway system, has approved the wording and intent of this bill and they state that it will not in any way violate the interstate act of 1956. It goes on to state — I'll just read a couple of stanzas here, it is the view of this office that should L. D. 516 which is now the new draft of 1530 be amended by the substitution of the following language which you submitted, the enactment and approval of the bill would be compatible with section 127 "When an officer determines that a vehicle which is within the gross maximum weight limits is in violation of the axle weight limits he shall permit the operator to redistribute the load before proceeding, and if it then conforms to the axle weight limits of this chapter, no penalty for such violation shall be imposed." Mr. Speaker, the Committee on Transportation after due

deliberations voted unanimously an "Ought to pass" Report and we also felt that the — feeling that the industry which had contributed so much to the economy of the state should have our endorsement. I hope the motion to indefinitely postpone fails.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Treworgy.

Mr. TREWORGY: Mr. Speaker, Ladies and Gentlemen of the House: This piece of legislation is designed to correct present inequities in our overweight laws. There is no intention in this bill to avoid any fines or penalties for illegal operation of trucks. It is merely an attempt to give the truck operator, particularly the small operator who cannot afford to purchase his own scale which may run as much as \$9,000, a chance to shift his load and avoid a harsh penalty for something he cannot control.

Now two years ago, the Legislature passed a law allowing judges to exercise discretion in cases involving axle overweight. However, to date the judges in the State of Maine are not exercising this discretion and are still arbitrarily using the mandatory fine laws.

There is no problem in regard to the gross weight. This bill does not affect gross weight, but merely axle weights. It would allow a truck operator, after he drives on the scale and finds out for the first time that a particular axle is overweight, to move the load or axle so that there is no violation. This is already done in many states as an administrative matter by the state police, but in Maine the state police feel that they would rather have a law spelling it out. The state police are not opposed to this piece of legislation.

Obviously, one court in Berwick is extremely interested in this bill as it produces a large amount of revenue for that particular court. The day when courts are surviving on fines is over, or at least it should be over. The intent is to protect our highways and not to make money.

This law would affect all types of trucking: pulpwood, gravel, common-contract carriers, potato carriers, private carriers, and even the

egg industry. It is impossible to load a truck load of eggs even though you are not in violation on gross weight, there are times when you find that you are overloaded on one axle. Under the terms of this bill, it would enable you to shift your load and then if you were not in violation on your gross weight, you would not be fined. I am opposed to the indefinite postponement.

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

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of the motion of the gentleman from Chapman, Mr. Welch, to indefinitely postpone this bill, and I heartily endorse every statement that that gentleman made.

This particular piece of legislation is a little bit more serious than it would appear on the surface. On our books at the present time, we have what is known as axle weight limits as far as trucks are concerned. These axle weight limits are put here for a very good purpose. That is to prevent overweight on the axle and the pounding of your highways. That is what you do when you have an overweight on the axle. It pounds the highways. This is what pounds the highways to pieces quicker than anything else — overweight on your axle.

Now this bill here proposes to circumvent that law, the axle weight law. If you can't meet it head-on, you flank it and you circle it. This particular piece of legislation will go right around your axle weight laws and you might just as well repeal them off the statutes because they won't mean a thing. That is one of the things about this bill that disturbs me. If the axle weight limits aren't any good and they ought to be repealed, then they should be repealed directly and not indirectly as this bill proposes to do.

Now some of the speakers here this morning have given you the idea that this bill will affect the farmer, the pulpwood hauler, etc. Now I would have to disagree with that because there is no question in my mind that this is a

big-truckers' bill and I mean a big-truckers' bill. Last year there were approximately 1100 violations of the axle weight law. Approximately 1,000 of these occurred at the weigh-in scale in Kittery, Maine. That is your long distance truckers going through the State of Maine and coming into the State of Maine. This is not your farmer, this is not your pulpwood hauler, because throughout the rest of the state there were only 100 cases in that category.

The second point I would like to make is that if these axle weight limits are repealed or if the people are allowed to circumvent the axle weight law, there will be very little inducement on the trucking industry to try to keep their weights within those allowed under the present law as far as axles are concerned. Instead of having 1100 violations as we had last year, it will probably double and triple, because these boys will just pile down the highways because they know if they get caught from violation, all they have got to do is shift the load. It doesn't cost them a cent, and they can go merrily on their way.

Now there has been some reference that this is a money-making bill. Some people may look at it that way, but it comes from the enforcement of the existing laws that are on the books. These are the axle weight laws that require specific fines. If you are so many pounds over your axle weight, the fines are all set on a scale and the court has no discretion.

Now to show you that this is a big problem, the weigh-in scale at Kittery as I have indicated to you had approximately 1,000 over the axle weight violations last year. Now the County of York paid to the state last year in the fines that belong to the state because the state fines from motor vehicle violations are prorated between the county and the state on all motor vehicle violations. The county gets \$5 from each violation and the State Highway Department gets the rest of the money. Now last year, the County of York paid to the state for violations of fish and game

laws, for violations of sea and shore fisheries laws, and for violations of the trucking laws, \$97,000, most of which came from the violations of the trucking industry. In the year 1961, it was \$107,000, most of which came from the violations of the trucking industry. From those figures, you can see that this bill is important to the through-truckers, the long distance truckers.

In addition to that, if this law is repealed in effect as I feel it will be, not only will the State Highway Department lose a substantial amount of revenue, but so will the County of York in the support of its court system. If the County of York loses money in the support of its court system, that means that every city and town in the County of York is going to pay more county taxes. I would have to oppose this bill just on that particular point alone, but there are many more on which it should be opposed. We often hear the phrase bad legislation. This in my opinion is a classic example of bad legislation. If we have a problem, let's face it forthrightly and repeal the over-the-axle weight limits; not go around the side and bypass it. I certainly hope that the motion of the gentleman from Chapman, Mr. Welch, that this bill be indefinitely postponed does prevail.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Chapman, Mr. Welch, that the Report and Bill "An Act relating to Redistribution of Axle Loads on Commercial Vehicles," Senate Paper 577, Legislative Document 1530 be indefinitely postponed.

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.

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

Thereupon, the "Ought to pass" in New Draft Report was accepted

in concurrence, the New Draft read twice and tomorrow assigned.

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

HOUSE JOINT ORDER in Re Legislative Research Committee to Study Subject Matter of Bill "An Act Providing State Scholarships for Education." (H. P. 898) (L. D. 1305) to Report Results of its Study to the 102nd Legislature. (H. P. 1070)

Tabled—April 26, by Mr. Smith of Strong.

Pending—Passage.

On motion of Mr. Smith of Strong, the Joint Order received passage and was sent up for concurrence.

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

HOUSE JOINT ORDER in Re Legislative Research Committee to Study Subject Matter of Bill "An Act relating to Tuition for Pupils Attending Secondary Schools Outside of Residence." (H. P. 202) (L. D. 271) to Report Results of its Study to the 102nd Legislature. (H. P. 1071)

Tabled—April 26, by Mr. Smith of Strong.

Pending—Passage.

On motion of Mr. Smith of Strong, the Joint Order received passage and was sent up for concurrence.

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

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

Tabled—April 26, by Mr. Wellman of Bangor.

Pending—Passage to be Enacted.

On motion of Mr. Gill of South Portland, retabled pending passage to be enacted and specially assigned for Wednesday, May 8.

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

Bill "An Act relating to Power of Eminent Domain of Maine State

Park and Recreation Commission." (S. P. 542) (L. D. 1468)—House "A" (Filing H-220), Adoption House "A" reconsidered.

Tabled—April 26, by Mr. Wellman of Bangor.

Pending—Adoption House Amendment "A."

Mr. Wellman of Bangor offered House Amendment "B" to House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "B" to HOUSE AMENDMENT "A" to S. P. 542, L. D. 1468, Bill, "An Act Relating to Power of Eminent Domain of Maine State Park and Recreation Commission."

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

subject to proviso hereinafter set forth and with like consent'

Further amend said Amendment by striking out the 23rd line and inserting in place thereof the following:

'exceed 200 acres, nor shall it be exercised to take any'

House Amendment "B" to House Amendment "A" was adopted.

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

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

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

Tabled — April 26, by Mr. Brewer of Bath.

Pending — Final Passage.

On motion of Mr. Brewer of Bath, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

On motion of Mr. Wellman of Bangor,

Adjourned until nine-thirty o'clock tomorrow morning.