

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

Thursday, May 2, 1963

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

Prayer by the Rev. Mr. L. O. Diplock of St. Paul's Episcopal Church, Brunswick.

The journal of yesterday was read and approved.

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

Report of the Committee on Constitutional Amendments and Legislative Reapportionment reporting "Ought not to pass" on Resolve Proposing an Amendment to the Constitution to Provide for Election of Members of Executive Council (S. P. 271) (L. D. 785)

Report of the Committee on Legal Affairs reporting same on Bill "An Act to Authorize School Administrative District No. 17 to Take a Schoolhouse Lot by Condemnation in the Towns of Norway and Paris" (S. P. 551) (L. D. 1483)

Came from the Senate read and accepted.

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

Ought to Pass in New Draft

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds for Certain Equipment for Maine Vocational Technical Institute" (S. P. 264) (L. D. 778) reporting same in a new draft (S. P. 582) (L. D. 1535) under same title and that it "Ought to pass"

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

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

Ought to Pass

Report of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act relating to the Dispensing of Flammable Liquids" (S. P. 556) (L. D. 1492)

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

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

**Ought to Pass with
Committee Amendment
Amended in Senate**

Report of the Committee on Inland Fisheries and Game on Bill "An Act relating to Expenses of Advisory Council and Its Approval of Expenditures of Fish and Game Funds" (S. P. 362) (L. D. 1028) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 362, L. D. 1028, Bill, "An Act Relating to Expenses of Advisory Council and Its Approval of Expenditures of Fish and Game Funds."

Amend said Bill in the title by inserting after the words "Expenses of" the words "Fish and Game" and by striking out after the words "Advisory Council" the words "and Its Approval of Expenditures of Fish and Game Funds"

Further amend said Bill in the first line by striking out the abbreviation and figure "Sec. 1."

Further amend said Bill by striking out all of the 6th line and inserting in place thereof the following:

"not to exceed \$500 \$1,500 for each fiscal year."

Further amend said Bill by striking out all of section 2.

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

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S. P. 362, L. D. 1028, Bill, "An Act Relating to Expenses of Advisory Council and Its Approval of

Expenditures of Fish and Game Funds.”

Amend said Amendment by striking out in the next to the last line the underlined figure “\$1,500” and inserting in place thereof the underlined figure “\$2,000”

Senate Amendment “A” to Committee Amendment “A” was adopted in concurrence.

Committee Amendment “A” as amended by Senate Amendment “A” thereto was adopted in concurrence and the Bill assigned for third reading tomorrow.

Divided Report Tabled and Assigned

Report “A” of the Committee on Retirements and Pensions reporting “Ought not to pass” on Bill “An Act relating to Application of Federal Social Security to Teachers” (S. P. 67) (L. D. 117), which was recommitted.

Report was signed by the following members:

Mrs. SPROUL of Lincoln
Messrs. ATHERTON of Penobscot
BOISVERT of Androscoggin
— of the Senate.
Mrs. LINCOLN of Bethel
Mrs. HENDRICKS of Portland
— of the House.

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

Report was signed by the following members:

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

Came from the Senate with Report “A” accepted.

In the House: Reports were read.

(On motion of Mr. Crommett of Millinocket, tabled pending acceptance of either Report and specially assigned for tomorrow.)

Non-Concurrent Matter

Bill “An Act Revising Laws Relating to Elevators” (S. P. 181) (L. D. 430) which was indefinitely postponed in non-concurrence in the House on April 26.

Came from the Senate with that body voting to insist on its former

action whereby the Bill was passed to be engrossed as amended by Committee Amendment “A”, and asking for a Committee of Conference.

In the House:

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

Mr. WILLIAMS, Mr. Speaker, I move we adhere.

The SPEAKER, The gentleman from Hodgdon, Mr. Williams, moves that the House adhere to its former action. Is this the pleasure of the House?

The motion prevailed.

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

Mr. EWER: Mr. Speaker, I move that we reconsider the action that was just taken on L. D. 480.

Thereupon, on a viva voce vote, the motion to reconsider did not prevail.

Non-Concurrent Matter Tabled and Assigned

Bill “An Act relating to Permit to Operate Certain Farm Trucks” (H. P. 857) (L. D. 1244) which was passed to be engrossed as amended by House Amendment “A” in the House on April 26.

Came from the Senate with House Amendment “A” indefinitely postponed and the Bill passed to be engrossed without Amendment in non-concurrence.

In the House: On motion of Mr. Bragdon of Perham, tabled pending further consideration and specially assigned for tomorrow.

Non-Concurrent Matter

An Act Increasing Amount of Wages Exempt from Trustee Process (H. P. 234) (L. D. 302) which was passed to be enacted in the House on April 19 and passed to be engrossed on March 26.

Came from the Senate indefinitely postponed in non-concurrence.

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

Orders

On the part of the House, the Speaker appointed the following Con-

ferrees to the Joint Conference Committee on the disagreeing action of the two branches on Bill "An Act Prohibiting the Use of Live Birds and Animals for Certain Purposes," House Paper 1038, Legislative Document 1505:

Messrs. WELLMAN of Bangor
COPE of Portland
RANKIN of Southport

On the part of the House, the Speaker appointed the following Conferees to the Joint Conference Committee on the disagreeing action of the two branches on Bill "An Act relating to Salaries Fixed by Governor and Council," Senate Paper 462, Legislative Document 1289:

Messrs. DENNETT of Kittery
SMITH of Strong
BERMAN of Houlton

On the part of the House, the Speaker appointed the following Conferees to the Joint Conference Committee on the disagreeing action of the two branches on Bill "An Act relating to Penalty for Furnishing Liquor to Certain Persons," Senate Paper 328, Legislative Document 993:

Messrs. CHAPMAN of Norway
MEISNER
of Dover-Foxcroft
ANDERSON of Ellsworth

On the part of the House, the Speaker appointed the following Conferees to the Joint Conference Committee on the disagreeing action of the two branches on Bill "An Act relating to Operation of Retail Store and Restaurant Prior to Application to Sell Malt Liquor," House Paper 826, Legislative Document 1213:

Messrs. CHAPMAN of Norway
MacGREGOR of Eastport
CHILDS of Portland

On the part of the House, the Speaker appointed the following Conferees to the Joint Conference Committee on the disagreeing action of the two branches on Bill "An Act relating to Requirements, Appointment and Term of Adjutant General," House Paper 250, Legislative Document 319:

Messrs. GILBERT of Eddington
DENNETT of Kittery
BENSON
of Southwest Harbor

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

House Reports of Committees Ought Not to Pass

Mr. Smith from the Committee on Constitutional Amendments and Legislative Reapportionment reported "Ought not to pass" on Resolve Proposing an Amendment to the Constitution Changing the Tenure of Office of Sheriff to Four-Year Terms (H. P. 364) (L. D. 537)

Mr. Jones from the Committee on Taxation reported same on Bill "An Act Exempting Certain Elderly Persons from Real Estate Taxes" (H. P. 950) (L. D. 1384)

Mr. Waterman from same Committee reported same on Bill "An Act relating to Taxation of Business of Raising Domestic Fowl Exclusively for Meat Purposes" (H. P. 842) (L. D. 1229) which was recommitted.

Same gentleman from same Committee reported same on Bill "An Act relating to Distribution of State Tax in Unorganized Territory" (H. P. 952) (L. D. 1386)

Mr. Wood from same Committee reported same on Bill "An Act Exempting Nonprofit Organizations from the Sales Tax" (H. P. 946) (L. D. 1380)

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Drafts Printed

Mr. Coulthard from the Committee on Agriculture on Bill "An Act Clarifying the Labeling of Canned Food" (H. P. 1050) (L. D. 1517) reported same in a new draft (H. P. 1076) (L. D. 1543) under title of "An Act Clarifying the Labeling of Packaged Food" and that it "Ought to pass"

Mr. Jones from the Committee on Taxation on Bill "An Act relating to Apportionment to Municipalities of Tax on Telephone and Telegraph

Companies" (H. P. 694) (L. D. 950) reported same in a new draft (H. P. 1077) (L. D. 1544) under same title and that it "Ought to pass"

Same gentleman from same Committee on Bill "An Act relating to Taxation of Junk Motor Vehicles" (H. P. 947) (L. D. 1381) reported same in a new draft (H. P. 1078) (L. D. 1545) under title of "An Act relating to Junk Motor Vehicles as Public Nuisances" and that it "Ought to pass"

Mr. Wood from same Committee on Bill "An Act relating to Tax Exemption of Property of Veterans Not Located in Place of Residence" (H. P. 693) (L. D. 949) reported same in a new draft (H. P. 1079) (L. D. 1546) under same title and that it "Ought to pass"

Reports were read and accepted, the New Drafts read twice and tomorrow assigned.

Ought to Pass Printed Bills

Mr. Brown from the Committee on Taxation reported "Ought to pass" on Bill "An Act Exempting from Sales Tax Sales of Meals Served by Certain Institutions and Homes Licensed by Department of Health and Welfare" (H. P. 949) (L. D. 1383)

Mr. Cottrell from same Committee reported same on Bill "An Act relating to Refund of Excise Taxes on Malt Beverages Sold to Maine Army National Guard Training Site" (H. P. 875) (L. D. 1379)

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

Ought to Pass with Committee Amendment

Mr. Berman from the Committee on Constitutional Amendments and Legislative Reapportionment on Resolve Proposing an Amendment to the Constitution Relative to Examination of Returns for Senators and to Provide for Election of Senators to Fill Vacancies (H. P. 990) (L. D. 1433) 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. 990, L. D. 1433, Resolve, Proposing an Amendment to the Constitution Relative to Examination of Returns for Senators and to Provide for Election of Senators to Fill Vacancies.

Amend said Resolve in the Referendum by striking out in the 7th, 8th and 9th lines the words "or special state-wide election on the Tuesday following the first Monday of November following the passage of this resolve"

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

Mr. Pease from the Committee on Constitutional Amendments and Legislative Reapportionment on Resolve Proposing an Amendment to the Constitution Eliminating the Requirement that the Governor Communicate Pardons to the Legislature (H. P. 987) (L. D. 1430) 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. 987, L. D. 1430, Resolve, Proposing an Amendment to the Constitution Eliminating the Requirement that the Governor Communicate Pardons to the Legislature.

Amend said Resolve in the Referendum by striking out in the 7th, 8th and 9th lines the words "or special state-wide election on the Tuesday following the first Monday of November following the passage of this resolve"

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

Mr. Smith from the Committee on Constitutional Amendments and Legislative Reapportionment on Resolve Proposing an Amendment to the Constitution Clarifying Provisions Governing Assumption of Office of Governor by the President of the Senate or the Speaker of the House (H. P. 992) (L. D. 1435) 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. 992, L. D. 1435, Resolve, Proposing an Amendment to the Constitution Clarifying Provisions Governing Assumption of Office of Governor by the President of the Senate or the Speaker of the House.

Amend said Resolve by adding at the end thereof the following:

‘Form of Question and date when amendment shall be voted upon.

Resolved: That the aldermen of cities, the selectmen of towns and the assessors of the several plantations of this State are empowered and directed to notify the inhabitants of their respective cities, towns and plantations to meet in the manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of Senators and Representatives at the next general election in the month of November, to give in their votes upon the amendment proposed in the foregoing resolution, and the question shall be:

“Shall the Constitution be amended as proposed by a resolution of the Legislature Clarifying Provisions Governing Assumption of Office of Governor by the President of the Senate or the Speaker of the House?”

The inhabitants of said cities, towns and plantations shall vote by ballot on said question, and shall indicate by a cross or check mark placed against the words “Yes” or “No” their opinion of the same. The ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the office of the Secretary of State in the same manner as votes for Governor and Members of the Legislature, and the Governor and Council shall count the same, and if it shall appear that a majority of the inhabitants voting on the question are in favor of the amendment, the Governor shall forthwith make known the fact by his proclamation, and the amendment shall thereupon, as of

the date of said proclamation, become a part of the Constitution.

Secretary of State shall prepare ballots.

Resolved: That the Secretary of State shall prepare and furnish to the several cities, towns and plantations ballots and blank returns in conformity with the foregoing resolve, accompanied by a copy thereof.

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

Mr. Viles from the Committee on Constitutional Amendments and Legislative Reapportionment on Resolve Proposing an Amendment to the Constitution Eliminating Requirements Relating to Warrants for Public Money and Publication of Receipts and Expenditures (H. P. 991) (L. D. 1434) 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. 991, L. D. 1434, Resolve, Proposing an Amendment to the Constitution Eliminating Requirements Relating to Warrants for Public Money and Publication of Receipts and Expenditures.

Amend said Resolve in the Referendum by striking out in the 7th, 8th and 9th lines the words “or special state-wide election on the Tuesday following the first Monday of November following the passage of this resolve”

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

Mr. Watkins from the Committee on Constitutional Amendments and Legislative Reapportionment on Resolve Proposing an Amendment to the Constitution to Provide for Taking Oaths of Senators and Representatives in Absence of Governor and Council (H. P. 988) (L. D. 1431) 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. 988, L. D. 1431, Resolve, Proposing an Amendment to the Constitution to Provide for Taking Oaths of Senators and Representatives in Absence of Governor and Council.

Amend said Resolve in the Referendum by striking out in the 7th, 8th and 9th lines the words "or special state-wide election on the Tuesday following the first Monday of November following the passage of this resolve"

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

Divided Report

Majority Report of the Committee on Constitutional Amendments and Legislative Reapportionment reporting "Ought not to pass" on Resolve Proposing an Amendment to the Constitution Changing the Date of the General Election (H. P. 2) (L. D. 8)

Report was signed by the following members:

Messrs. PORTEOUS of Cumberland
EDMUNDS of Arroostook
NOYES of Franklin
FARRIS of Kennebec
— of the Senate.

Messrs. SMITH of Strong
PLANTE
of Old Orchard Beach
COTTRELL of Portland
SMITH of Bar Harbor
WATKINS of Windham
VILES of Anson
PEASE of Wiscasset
— of the House.

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

Report was signed by the following members:

Mr. JACQUES of Androscoggin
— of the Senate.

Messrs. DENNETT of Kittery
BERMAN of Houlton
CARTIER of Biddeford
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Belgrade, Mr. Sahagian.

Mr. SAHAGIAN: Mr. Speaker, Ladies and Gentlemen of the House: I move that the House accept the Majority "Ought not to pass" Report, and I would like to explain my reasons for proposing this amendment.

The SPEAKER: The gentleman may proceed.

Mr. SAHAGIAN: I proposed this amendment to our Constitution because I believe in changing the date of our election from September to November, we made a mistake. For 140 years, we held our general election in September and the eyes of the entire country were focused upon us. Newspapers, magazines, television, radio, columnists, commentators and politicians all talked and wrote about the Maine election during, before and after.

Some years ago they coined a slogan that brought hundreds of thousands of dollars worth of free advertising and publicity, "As Maine Goes, So Goes the Nation." Ladies and Gentlemen of the House, it matters not that the slogan had little or no effect on the elections that followed, but the important thing was Maine was constantly mentioned.

Why do you think that the tobacco companies and breweries spend millions and millions of dollars to advertise over and over again their brands, their cigarettes and beer? I will tell you. It is to keep the brand name constantly in the public mind. We are asked to appropriate hundreds of thousands of dollars of the taxpayers' hard-earned money for the Department of Economic Development to advertise Maine. While at the same time, we throw away a million dollars worth of free advertising and publicity when we changed the election to November.

You probably all watched television on last November 6 and the early hours of November 7. How many times did you hear Maine mentioned on a national network? To the best of my recollection, Maine was mentioned just twice all evening on NBC. And one of those times was when a Maine serviceman stationed in Texas sent a telegram to National Broadcasting Company and asked them what hap-

pened in Maine. In the days when we had the first election in the nation, they speculated on the outcome, reported the outcome, and analyzed the outcome after it was all over. People heard about us; were curious. They came up to see us. While here, they spent their money among us and everyone profited. That was good for our economy without any advertising.

I had hoped that by means of this resolve, Maine would get back some of the free advertising and publicity we had lost in 1957 when we voted to change the election day from September to November. I would have fought for this Resolve for changing back to September if I stood alone, but I must bow to a force, none of us have any control, the federal government.

Only about ten days ago, I discovered that the Congress of the United States had enacted a law which reads as follows: "United States Code, Annotated, Title 2, Section 7, Time of Election. The Tuesday next after the first Monday in November in every even numbered year is established as the day for the election in each of the states and territories of the United States, of representatives and delegates to the Congress commencing on the third day of January next thereafter. This section shall not apply to any state that has not yet changed its date of election and whose Constitution must be amended in order to effect the change in the day of the election of the state officers in said state." This was later amended to include the United States Senators. So you can see the mistake we made in 1957 was not only fatal, but irrevocable.

Inasmuch as we are required to elect a Representative to Congress and our United States Senators in November, it would be foolish to hold two elections in one year; and so I bow to the inevitable, with sadness and with regret. I move for the indefinite postponement of this resolve. Thank you.

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

The motion prevailed. Sent up for concurrence.

Divided Report

Majority Report of the Committee on Education on Bill "An Act relating to Minimum Salaries for Teachers" (H. P. 634) (L. D. 890) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

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

Messrs. MCGEE of Auburn
LEVESQUE of Madawaska
TREWORGY of Gorham
— of the House.

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

Report was signed by the following members:

Messrs. EASTON of Winterport
SNOW of Jonesboro
CURTIS of Bowdoinham
BRADEEN of Waterboro
— of the House.

Reports were read.

On motion of Mr. Treworgy of Gorham, the Majority "Ought to pass" Report was accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 634, L. D. 890, Bill, "An Act relating to Minimum Salaries for Teachers."

Amend said Bill by striking out all of the underlined 3rd paragraph from the end which reads as follows: "**Nothing in this section shall affect the salary of a person who is teaching by virtue of a conditional certificate.**"

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

Divided Report Tabled and Assigned

Majority Report of the Committee on Health and Institutional Services reporting "Ought not to pass" on Bill "An Act Providing Funds for Treatment, Care and Rehabil-

itation of Alcoholics" (H. P. 937) (L. D. 1371)

Report was signed by the following members:

Messrs. HINDS of Cumberland
WHITTAKER of Penobscot
COUTURE of Androscoggin
— of the Senate.

Messrs. CRESSEY of North Berwick
ROSS of Augusta
BALDIC of Waterville
HOBBS of Alfred
HANSON of Gardiner
— of the House.

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

Report was signed by the following members:

Mrs. HENDRICKS of Portland
Mr. RICKER of Wales
— of the House.

Reports were read.

(On motion of Mr. Waterman of Auburn and on a viva voce vote, tabled pending acceptance of either Report and specially assigned for tomorrow.)

Divided Report

Majority Report of the Committee on Labor reporting "Ought not to pass" on Bill "An Act Revising the Workmen's Compensation Act" (H. P. 928) (L. D. 1362)

Report was signed by the following members:

Messrs. HINDS of Cumberland
JOHNSON of Somerset
— of the Senate.

Messrs. PRINCE of Oakfield
GIFFORD of Manchester
MENDES of Topsham
DUNN of Denmark
BROWN of South Portland
— of the House.

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

Report was signed by the following members:

Mr. COUTURE of Androscoggin
— of the Senate.
Mr. EWER of Bangor
— of the House.

Reports were read.

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

Mr. EWER: Mr. Speaker, Ladies and Gentlemen of the House: When I introduced this L. D. 1362, it was not with any feeling on my part that it would ever receive passage. I introduced it for one purpose, to present to the people and the members of the Legislature an ideal type of workmen's compensation bill which I knew was altogether too far in the future for the state at the present time. There are several things in it, and one thing particularly which I think we need to have changed in our Workmen's Compensation Act. That is the 500-week period for total disability. While I realize that the national passage of Social Security has made some difference to those injured persons who are covered by Social Security, there are certain cases and I am very glad that they are not too frequent where a young man just coming under Social Security, just starting out his working career but not having the five-year coverage, which is necessary for total disability payments, will be left at the end of the 500-week total disability payments to be supported by the town in which he lives for the rest of his life. This is one part of the Workmen's Compensation bill as it presently exists which I think must be changed in order to put the bill as it should be.

I now move acceptance of the Majority Report of the Committee on Labor, "Ought not to pass," on L. D. 1362.

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

Divided Report

Report "A" of the Committee on Education on Bill "An Act relating to Certificates for Teaching" (H. P. 24) (L. D. 48) which was recommitted, reporting same in a new draft (H. P. 1080) (L. D. 1547) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. EASTON of Winterport
SNOW of Jonesboro
BRADEEN of Waterboro

CURTIS of Bowdoinham
TREWORY of Gorham
— of the House.

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

Report was signed by the following members:

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

Messrs. McGEE of Auburn
LEVESQUE of Madawaska
— of the House.

Reports were read.

On motion of Mr. Snow of Jonesboro, Report "A", "Ought to pass" was accepted, the New Draft read twice and tomorrow assigned.

Third Reader Tabled and Assigned

Bill "An Act Providing for the Formation of Sanitary Districts" (H. P. 301) (L. D. 409)

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

(On motion of Mr. Berry of Cape Elizabeth, tabled pending passage to be engrossed and specially assigned for tomorrow.)

Third Reader Tabled and Assigned

Bill "An Act to Authorize the Issuance of Bonds in the Amount of Seven Million Dollars on Behalf of the State of Maine to Build State Highways" (H. P. 1072) (L. D. 1537)

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

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

Mr. HARDY: Mr. Speaker, I move this be tabled until one week from today.

Mr. Drake of Bath then requested a division on the tabling motion.

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

A division of the House was had.

Sixty-eight having voted in the affirmative and thirty-four having voted in the negative, the tabling motion did prevail.

Thereupon, the Bill was tabled pending passage to be engrossed and specially assigned for Thursday, May 9.

Passed to Be Engrossed

Bill "An Act relating to Travel Allowance for Jurors" (H. P. 1073) (L. D. 1538)

Resolve to Reimburse Beatrice Pitcher of Steuben for Well Damage by Highway Construction (S. P. 243) (L. D. 617)

Resolve Granting to the State Park and Recreation Commission the Power to Acquire by Eminent Domain Land at West Quoddy Head (H. P. 979) (L. D. 1418)

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

Finally Passed Emergency Measure

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

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. 114 voted in favor of same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

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

An Act Providing for a Cumulative Reserve Fund for City of Portland (S. P. 540) (L. D. 1465)

An Act Providing for Area Directional Sign for Bethel on Maine Turnpike (H. P. 101) (L. D. 145)

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

An Act relating to Elections in the City of Biddeford (H. P. 1060) (L. D. 1526)

An Act Providing for Disposal of Unnecessary Buildings and Appurtenances Belonging to State of Maine (H. P. 1063) (L. D. 1529)

Finally Passed

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

Resolve Providing State Pension for Guy C. Brown of Portland (H. P. 1042) (L. D. 1513)

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

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

Mr. KENT: Mr. Speaker, Ladies and Gentlemen of the House: With regard to item three on page three, I wish to move for reconsideration and speak on my reason.

The SPEAKER: The Chair understands that the gentleman from Benton, Mr. Kent, moves that the House reconsider its action whereby it accepted the "Ought not to pass" report as of today on Bill "An Act relating to Taxation of Business of Raising Domestic Fowl Exclusively for Meat Purposes," House Paper 842, Legislative Document 1229.

The gentleman may continue.

Mr. KENT: Mr. Speaker, Ladies and Gentlemen of the House: This bill which I presented, "An Act relating to Taxation of Business of Raising Domestic Fowl Exclusively for Meat Purposes," as you will note, this was recommitted. Now the reason that this bill was presented in the first place was because of the fact that in the present law on taxation of broilers, there is the clause that you must use half value. Now the assessors of the towns go out and we tax all personal property as best as we can on an equal basis, but we come to the taxation of broilers and the first thing we run into, we have to take half of this value.

Now this original bill which we presented would have put one cent per square foot on capacity. Now the Taxation Committee has in-

formed me on this that they feel that it is an excise tax and didn't approve of it. It was recommitted and I had a chance to meet with the committee, and the amendment which I want to propose was to just eliminate this half value so that we could go out and use the broiler industry as we do cattle and any other type of personal property which we assess. I believe that this is only fair.

Now there is one company who this year has fourteen towns lined up for court cases. As you probably will recall, that I mentioned here about a week ago that I wasn't present because I was in court and that was why I was in court because of this taxation of broilers in the Town of Benton. Now we were fortunate in this court case. We won our case because they couldn't prove that we had used any discrimination in ratio. Each year this department in Orono comes out with what the average broiler is worth. Then you are supposed to take the ratio which the state sets up in your town and use as a ratio. So the first thing you do if they say a broiler is worth 52 cents or a broiler is worth 60 cents, you take and you cut it right in half and then you use your ratio to that, but yet you go out and you take cattle and stores and all the other personal property that you have and you put your ratio on the average value.

Now my purpose for reconsideration this morning is because I believe and I know that all the assessors all over this whole State of Maine, because you had not even one assessor come in and oppose this. It was the assessors that came in and supported this as proponents in the committee. They do not want to go out and discriminate to all other properties that they assess. They want to assess the broiler industry the same as they do any other industry. To show you that the dairy industry certainly if anyone was going to be picked out to use a half value, certainly it is your dairy industry.

A piece I have in my hand out of the paper from the Bowdoin College study, it says, Maine's Agriculture Builds a Revolution. It

also states in one little paragraph the number of Maine farms declined by 26 per cent between 1954 and 1959. Now we only ask as assessors as we go out that this half value be deleted so that we may use the same ratio that we tax all other property. Therefore, I would move reconsideration on this so that we may substitute the Bill for the Report and put an amendment into this thing to leave it as we tax all other personal property. That is my reason for reconsideration here this morning, ladies and gentlemen.

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

Mr. WATERMAN: Mr. Speaker, Ladies and Gentlemen of the House: It is true that this bill was heard before the Taxation Committee, and it came out the first time the same position that it is now in, unanimous "Ought not to pass." It was recommitted and we took it up again in committee. The gentleman from Benton, Mr. Kent, came in and did speak with us more on it. However, we, in our deliberations, felt that—we were told that the reason for this half value was that these birds are in and out of these broiler houses and they are there not much more than twelve weeks and there are portions of the year when the house is empty, but this tax still is on birds. We couldn't see where we would be alleviating many of the problems if it were changed, so we left it as it presently is and reported it out the same as it was the first time. I would move that when the vote is taken on reconsideration, it would be by division.

The SPEAKER: Is the House ready for the question? The gentleman from Benton, Mr. Kent, moves that the House reconsider its action whereby it adopted the "Ought not to pass" Report on Bill "An Act relating to Taxation of Business of Raising Domestic Fowl Exclusively for Meat Purposes," House Paper 842, Legislative Document 1229. Those in favor of reconsideration, will please rise and remain standing until the monitors have made and returned the count.

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

Mr. PLANTE: Mr. Speaker, I move this item be tabled pending reconsideration until the next legislative day.

On a viva voce vote, the tabling motion did not prevail.

Thereupon, a division of the House was had on the motion to reconsider.

Forty-three having voted in the affirmative and fifty-nine having voted in the negative, the motion to reconsider did not prevail.

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

Mr. PIERCE: Mr. Speaker, I will ask if L. D. 732 is in possession of the House?

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

Mr. PIERCE: Mr. Speaker, this particular bill introduced by the gentleman from Augusta, Mr. Philbrick, pertains to fire prevention. The original wording of the bill was incorrect in many, many aspects. I have prepared a redraft. With the consensus of opinion of the Appropriations Committee of both bodies, I respectfully request that this Bill and the Redraft be recommitted to Appropriations. I have conferred rather than to waste time in debate here, we could do it much quicker and cheaper. I therefore move that we recommit.

Mrs. SMITH of Falmouth: Mr. Speaker?

The SPEAKER: For what purpose does the gentlewoman arise?

Mrs. SMITH: To speak on the recommittal.

The SPEAKER: We are in the position now of a motion to reconsider.

Mr. PIERCE: To recommit, Mr. Speaker, I apologize.

The SPEAKER: Reconsideration of our action would come first, for the information of the gentleman. The gentleman from Bucksport, Mr. Pierce, moves that the House reconsider its action of yesterday whereby it accepted the "Ought not to pass" Report on Bill "An Act Directing Review of the Fire Pre-

vention Laws," House Paper 472, Legislative Document 732.

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

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

Orders of the Day

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

Bill "An Act relating to Definition of 'Hotel' Under Liquor Law." (H. P. 299) (L. D. 393)—In House Engrossed with House "A" (Filing H-146)—In Senate Indefinitely Postponed in Nonconcurrence.

Tabled—April 26, by Mr. Rust of York.

Pending—Further Consideration.

On motion of Mr. Rust of York, the House voted to further insist on its former action.

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

HOUSE JOINT ORDER Re Study of Efficiency of Department of Economic Development.

Tabled—April 26, by Mr. Plante of Old Orchard Beach.

Pending—Passage.

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

Mr. PLANTE: Mr. Speaker, Ladies and Gentlemen of the House: Since the introduction of this order, much additional and reliable information has been brought to our attention. Accordingly, a new order more specific and more clearly defined is being prepared and will be submitted for your consideration within the immediate future. Such being the case, I move that this order be withdrawn at this time.

Thereupon, the Order was withdrawn.

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

HOUSE REPORT—Ought to pass with Committee Amendment "A" (Filing H-235)—Committee on Municipal Affairs on Bill "An Act relating to a Tax Assessor for City of Bath and Amending Payment of

Bonds by City of Bath." (H. P. 543) (L. D. 760)

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

Pending—Acceptance of Report.

On motion of Mr. Drake of Bath, retabled pending acceptance of the Report and specially assigned for Wednesday, May 8.

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

HOUSE JOINT ORDER RE Judiciary Committee Directed to Report Out a Bill Governing the Procedure on Search and Seizure.

Tabled—April 30, by Mr. Rust of York.

Pending—Passage. (Ordered Reproduced.) (H. P. 1081)

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Knight.

Mr. KNIGHT: Mr. Speaker, Ladies and Gentlemen of the House: The subject of search and seizure has best been summarized by Justice Lehman of the Court of Appeals of New York, when he said: "Suggestions that courts should not hamper public officers by restricting them to the use of lawful methods seem to many of our citizens in accord with practical common sense. Our boasted guarantees of liberty, it would seem, are so precious that they must be kept for special occasions and not subjected to the wear and tear of daily use. Not so may the courts treat these guarantees. In a court of law no argument based on expediency can ever justify a lawless invasion of a legal right."

This order will allow the Judiciary Committee to review our statutes on search and seizure. Should the committee find that any of our Statutes are in contradiction with the Supreme Court of the United States, the Judiciary Committee can then offer suggestions in the form of a bill bringing our Statutes in line with the rulings of the United States Supreme Court. I move that this order pass.

The SPEAKER: The gentleman from Rockland, Mr. Knight, now moves that this order receive passage. Is it the pleasure of the

House that this Joint Order receive passage and be sent up for concurrence?

The motion prevailed.

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

Bill "An Act relating to the Department of Economic Development Advisory Council." (S. P. 578) (L. D. 1533)—In Senate Referred to Committee on Industrial and Recreational Development.

Tabled—April 30, by Mr. Plante of Old Orchard Beach.

Pending—Reference.

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

Mr. PLANTE: Mr. Speaker, I would like to inquire through the Chair if I am right in assuming that before this bill can be introduced and referred to a committee, that if one-tenth of this House refuses, this bill cannot be introduced?

The SPEAKER: It has been received by the Senate and is before the House.

Mr. PLANTE: So that if one-tenth or ten percent of the House refuses to accept it — they cannot at this time. Thank you.

Thereupon, the Bill was referred to the Committee on Industrial and Recreational Development in concurrence.

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

HOUSE REPORT—Leave to Withdraw—Committee on Judiciary on Bill "An Act relating to Mortgages." (H. P. 56) (L. D. 79)

Tabled—April 30, by Mr. Smith of Bar Harbor.

Pending—Acceptance of Report.

Thereupon, the Report was accepted and sent up for concurrence.

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

HOUSE REPORT—Ought not to pass—Committee on Judiciary on Bill "An Act to Facilitate Proof of No Motor Vehicle Operator's License." (H. P. 772) (L. D. 1126)

Tabled—April 30, by Mr. Mendes of Topsham.

Pending—Acceptance of Report.

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

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

HOUSE REPORT—Ought to pass with Committee Amendment "A" (Filing H-305)—Committee on Judiciary on Bill "An Act relating to Release of Spouse's Right by Descent." (H. P. 775) (L. D. 1129)

Tabled—April 30, by Mr. Curtis of Bowdoinham.

Pending—Acceptance of Report.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen: I wish to voice my appreciation to the House for letting me table this so that I might make a study of it, which I have, and I now move to accept the "Ought to pass" Committee Report.

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. 775, L. D. 1129, Bill, "An Act Relating to Release of Spouse's Right of Descent."

Amend said Bill in the last line by striking out the underlined words "warranty covenants" and inserting in place thereof the underlined words "covenants or warranty"

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

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

Bill "An Act Increasing the Salary of the Commissioner of Labor and Industry." (S. P. 302) (L. D. 875) — Committee Amendment "A" (Filing S-104)

Tabled—April 30, by Mr. Ewer of Bangor.

Pending—Passage to be Engrossed.

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

Mr. EWER: Mr. Speaker and Members of the House: It requires really a tremendous amount of nerve on the part of a freshman Member to run up against my good friend from Kittery, Mr. Dennett, in regard to this salary of the Commissioner of Labor and Industry, but since I have become accustomed to receiving my lumps almost daily, I am going ahead with it nevertheless.

I offer for your acceptance, House Amendment "B" to Committee Amendment "A" to L. D. 875, "An Act Increasing the Salary of the Commissioner of Labor and Industry," and move its passage.

The SPEAKER: For the information of the gentleman from Bangor, Mr. Ewer, he must move the rules be suspended in order that the House may reconsider the adoption of Committee Amendment "A" on April 26.

Mr. EWER: I so move.

The SPEAKER: The gentleman from Bangor, Mr. Ewer, moves the suspension of the rules. Is it the pleasure of the House that the rules be suspended?

(Cries of "No")

Those in favor will say yes; those opposed, no.

The motion failed on a viva voce vote.

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

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

SENATE JOINT ORDER relative to Legislative Research Committee to Study Disposition of Unclaimed Property Act. (S. P. 572)

Tabled—April 18, by Mr. Wellman of Bangor.

Pending—Passage

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

Mr. WELLMAN: Mr. Speaker, Ladies and Gentlemen of the House: I think it is only fair to explain the manner of the handling of these

Legislative Research Orders. As you know, a large number of these orders have come into the House and as you can also imagine, it is impossible for the Legislative Research Committee to deal with all of these orders in the interim session. For that reason, the orders which originate in this House have been tabled in the other body. The orders which have originated in the other body will be tabled in this House and will be ironed out at the latter part of the session. This seems a fair and equitable way to handle this so that we can give the consideration to all that shall be eventually introduced.

I will be unable to make a motion, which the gentleman from Kennebunkport will shortly make, but you will note that we will try to keep these orders all together on the table so that you may easily have reference to them, and the same will be true of the other body. Thank you.

Thereupon, on motion of Mr. Tynedale of Kennebunkport, the Order was tabled pending passage in concurrence and unassigned.

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

HOUSE REPORT—Ought to pass with Committee Amendment "A" (Filing H-232)—Committee on Legal Affairs on Bill "An Act relating to Work on Shade and Ornamental Trees." (H. P. 240) (L. D. 308)

Tabled—April 25, by Mr. Jameson of Bangor.

Pending — Acceptance of Report.

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

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

COMMITTEE AMENDMENT "A" to H. P. 240, L. D. 308, Bill, "An Act relating to Work on Shade and Ornamental Trees."

Amend said Bill in the 4th line of that part designated "Sec. 66-G." of section 1 by striking out the underlined figure "2" and inserting in place thereof the underlined figure '5'

Further amend said Bill by striking out all of that part designated "Sec. 66-O." of section 1 and in-

serting in place thereof the following underlined section:

'Sec. 66-O. Appeal. A person whose license has been suspended or revoked may secure review thereof through chapter 20-A.'

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

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

Bill "An Act relating to Eligibility of Trustees as Directors of Trust Companies." (H. P. 657) (L. D. 913)—S (Filing S-176) In Senate Engrossed as Amended in non-concurrence.

Tabled—April 26, by Mr. Rust of York.

Pending — Further Consideration.

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

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

HOUSE REPORT—Ought not to pass as covered by other Legislation—Committee on Labor on Bill "An Act Repealing Certain Portions of the Employment Security Law." (H. P. 1) (L. D. 7)

Tabled—April 26, by Mr. Jalbert of Lewiston.

Pending—Acceptance of Report.

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

Mr. CURTIS: Mr. Speaker, I move we table this for one week from today.

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

Mr. CURTIS: Mr. Speaker, I ask for a division.

The SPEAKER: The gentleman requests a division. The Chair is doubted. All those in favor of tabling until one week from today, please rise and remain standing in your places 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-six having voted in the negative, the tabling motion did prevail and the Bill was specially assigned for Thursday, May 9.

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

HOUSE JOINT ORDER—ORDERED, the Senate concurring, that Bill, "An Act relating to a Net Income Tax Law for the State of Maine" (H. P. 945) (L. D. 1295) be recalled from the Legislative Files to the House for the purpose of further consideration.

Tabled—May 1, by Mr. Wellman of Bangor.

Pending—Passage.

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

Mr. WELLMAN: Mr. Speaker, I move the indefinite postponement of this Order.

The SPEAKER: The gentleman from Bangor, Mr. Wellman, moves that the order be indefinitely postponed.

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

Mr. ALBAIR: Mr. Speaker, I would support the motion of the gentleman from Bangor, Mr. Wellman, to indefinitely postpone this order and, when the vote is taken, I request it be taken by the yeas and nays.

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

Mr. CHILDS: Mr. Speaker and Members of the House: I introduced this order yesterday, not for the purpose of having action taken on the income tax bill at this time, but as I told you yesterday, and I still feel the same today and have felt the whole session, that they are attempting to back all of us into a sales tax. I feel at the present time that a sales tax proposition is not going to be successful in this House. I feel that we are going to end up in a committee of conference, not on current budget, but also the method that it is going to be paid for. The only reason that I wanted this bill brought back is so when I go into a committee of conference on taxation, they will have some other form of taxation other than the sales tax by itself.

This net income tax is probably the most flexible form of taxation in existence. If this budget is cut

somewhat, this net income tax bill can be reduced from a five percent to a two percent. It is based strictly on the ability to pay. If this was dropped to a two percent, it would mean that the average person in the State of Maine would only be paying ten or fifteen dollars on the net income tax.

I wholeheartedly admit that this bill does get at insurance companies, it does get at banks, and it gets at people with large incomes. Those are the people who can raise the largest voice and the loudest voice. I still think we should take into consideration the small man on the street and the man who only makes \$3500 or \$4,000 a year. He is the one that we should try and protect because he does not have the voice that others do.

Now I undoubtedly know that I am certainly not in a position to now table this because I have discussed it, but in the best interest of the State of Maine and in the best interest of this Legislature and to expedite matters through the Chair—and I am certainly willing to give control of this bill to the major party, through the Chair I would request the gentleman from Caribou, Mr. Albair, to table this bill unassigned.

The SPEAKER: The gentleman from Portland, Mr. Childs, now moves that item 5, a House Joint Order relative to House Paper 945, Legislative Document 1295, be tabled unassigned.

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

Sixty-seven having voted in the affirmative and fifty-four having voted in the negative, the tabling motion did prevail.

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

HOUSE MAJORITY REPORT (9)
—Ought not to pass—MINORITY (1)—Ought to pass—Committee on Public Utilities on Bill "An Act to Regulate Sewer Utilities." (H. P. 487) (L. D. 689)

Tabled—May 1, by Mr. Wellman of Bangor.

Pending—Acceptance of Either Report.

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

Mr. BERRY: Mr. Speaker, I move that the House accept the "Ought to pass" Report, and I would like to speak briefly to this motion.

The SPEAKER: The gentleman may proceed.

Mr. BERRY: Mr. Speaker, this is an item which was referred to the Legislative Research Committee at the instigation of the former Chairman of the Public Utilities Commission, Mr. Sumner Pike of Lubec. From his experience with the Public Utilities Commission, he had recognized that a problem had developed through the years for which there had been no satisfactory solution. Very briefly, the problem was this. When the Public Utilities Commission was formed in 1915, the utilities which were defined as utilities did not include sewer operations because in those days sewers were not the important item or recognized to be the important item which they are today.

Through the years there have developed individual practices by the various sewer systems. These practices include the sale of securities, the regulation of rates and the formation of rules and regulations. None of these have ever been codified or made uniform. One of the results of this is that the individual sewer user's only source of appeal is to the local people who run the sewer systems. There have been instances in the state where this has very definitely resulted in inequities, and the latest of which has come to the attention of all of us has been in the Town of Winthrop where there has been considerable dissatisfaction with the method of determining the rates and the method of payments being assessed against the sewer users.

Now the purpose of this bill is to make these procedures uniform and put them under the jurisdiction of the Public Utilities Commission as are now electric systems, telephone systems, water systems and other utilities. It would seem to be very definitely in the public interest to have a law such as this on the books. It will, as its primary purpose, have the protection of the

individual ratepayer as its objective, and as such the Legislative Research Committee felt that it would be very much worthwhile legislation.

The SPEAKER: The Chair recognizes the gentleman from Winthrop, Mr. Thaanum.

Mr. THAANUM: Mr. Speaker, Ladies and Gentlemen of the House: I want to rise in support of the motion of the gentleman from Cape Elizabeth, Mr. Berry, in regard to this bill. I think it is a good bill.

I served in this House with the gentleman from Lubec, Mr. Pike, at the last session of the Legislature, and I have a great respect for Sumner Pike's opinions in matters of this kind. I would say this to you, ladies and gentlemen, that I am much disturbed by the formation of districts in our towns and cities, that to me are taking away from the towns and cities the rights that they normally had in their open town meetings. School districts, water districts, sewer districts, after they are formed, your town and city has little or nothing to say about the operation of these districts. They are handled entirely by trustees and in many instances the trustees are appointed by your city councils and your board of selectmen, and I feel that this is a good bill because it gets some control over the operation of these districts. I believe as your water districts, that your sewer districts should come within the jurisdiction of your Public Utilities Commission. I ask you to think this over seriously and vote according to your own good conscience. I thank you.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I would like to concur with what has already been said on this bill. The Legislative Research Committee did give it thorough study and felt that there was need for such legislation. I hope you will go along with the motion.

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

Mr. RUST: Mr. Speaker, I am very happy this morning to rise

and support the previous speakers on this particular bill, because there is a definite need for this type of legislation here in the State of Maine.

There are a considerable number of so-called sewer districts who have no control on them by anyone, and the public is the one that is getting the lumps in this particular case. Some of these sewer districts file their rates with the Public Utilities but the Public Utilities has no control over them. Some of these sewer districts have their bonds approved by the Public Utilities. Some of them have their other circumstances controlled by the Public Utilities. There is no rhyme nor reason to the sewer district situation in the State of Maine, and where the problem is going to become ever increasing because of the urgency upon the cities and towns in the state to create new sewer districts, this is the time to start regulating these agencies so we can start getting some uniformity amongst them and so that the public will be fully protected in all instances.

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

Mr. JALBERT: Mr. Speaker and Members of the House: It is my understanding that the Maine Municipal Association is opposed to this piece of legislation. It is my understanding that the Water Improvement Commission is opposed to this legislation, and I know from a vote taken by our own Board of Public Works in Lewiston that they are opposed to this piece of legislation.

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

Mr. RANKIN: Mr. Speaker, as some of you know I have had a passing interest in sewer districts, and I would like to ask of anyone in the House on the Committee on Public Utilities as to why the vote came out nine to one "Ought not to pass"?

The SPEAKER: The gentleman from Southport, Mr. Rankin, poses a question through the Chair to any member of the Public Utili-

ties Committee who may answer if they choose.

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

Mr. BERRY: Mr. Speaker, I am not a member of the Public Utilities Committee, but the gentleman from Lewiston, Mr. Jalbert, has brought up some points which I would like to mention. First, an amendment will be prepared and submitted to the House if this passes today which will remove from the jurisdiction of the Public Utilities Commission any town or city which operates a sewer system, and this would include the City of Lewiston. There are one or two other minor changes which will be taken care of in this amendment.

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

Mr. JALBERT: Mr. Speaker, I move to table this item until Tuesday.

Mr. BERRY: I request a division on the tabling motion.

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

Mr. JALBERT: I move the indefinite postponement of this bill.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, now moves the indefinite postponement of the Bill and both Reports.

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

Mr. BERRY: Mr. Speaker, I request a division on this motion.

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

Mr. BERNARD: Mr. Speaker, I think the question was asked why the Committee come out with such a report. I happened to be at the meeting and I thought that I would give a report why I think it came out with such a report. Now there were a hundred people at that hearing and there was only one man in favor of that bill that stood up when they asked for a stand-up vote, there were the Public Utilities Commissioners and Mr. Berry, nobody else. Everybody was opposed against this bill.

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

Mr. PEASE: Mr. Speaker, I rise to ask a parliamentary question. Do we not have a motion to table before us?

The SPEAKER: The gentleman changed his tabling motion to indefinite postponement.

Mr. PEASE: I misunderstood. I didn't hear him withdraw his tabling motion.

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

Mr. JALBERT: Mr. Speaker, I withdraw my tabling motion and move that the bill be indefinitely postponed.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, withdraws his tabling motion and moves that the Reports and Bill be indefinitely postponed. Is the House ready for the question? A division has been requested. All those in favor of the indefinite postponement of Bill "An Act to Regulate Sewer Utilities," L. D. 689, and both Reports will rise and remain standing in your places until the monitors have made and returned the count.

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

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

Mr. CHAPMAN: Mr. Speaker, I would like to move that this matter lie on the table until Tuesday next.

The SPEAKER: The gentleman from Norway, Mr. Chapman, now moves this matter be tabled and specially assigned for Tuesday, May 7.

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

Mr. BERRY: Mr. Speaker, I request a division on that motion.

The SPEAKER: A division on the motion has been requested. All those in favor of tabling this matter until Tuesday next will rise and remain standing in your places until the monitors have made and returned the count.

A division of the House was had. Seventy having voted in the affirmative and fifty-four having voted in the negative, the tabling motion did prevail, and the Reports and Bill were tabled until Tuesday, May 7.

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

HOUSE REPORT—Ought not to pass—Committee on Judiciary on Bill "An Act Increasing Certain Fees to Registers of Deeds." (H. P. 913) (L. D. 1320)—In House Report Accepted. In Senate Engrossed with Senate Amendment "A" (Filing S-172) in Non-concurrence.

Tabled—May 1, by Mr. Jalbert of Lewiston.

Pending—His motion to Indefinitely Postpone Report and Bill.

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

Mr. SMITH: Mr. Speaker, before we vote on this matter, I think it might be helpful to the Members if I gave an explanation of the history of the bill, bringing it up to the point where it now stands on the calendar.

This L. D. 1320 originally was filed and heard by the Judiciary Committee, and the bill proposed an increase in certain specified fees under Chapter 89 of the Revised Statutes, The Report of the Committee was unanimous "Ought not to pass", its view being that those particular fees named were not — should not be increased at this time. The House accepted the "Ought not to pass" Report and the bill went over to the other body, where the Bill was substituted for the Report and an amendment attached. The amendment, in effect, removed entirely the bill in its original form and substituted a very simple statement, namely that registers of deeds may charge reasonable fees to be set by the County Commissioners for copies and abstract fees. The present law has no provision for charges by the registry of deeds for this particular service.

The bill therefore now comes back to this House with the proposal from the other body that this

very slight change in our present law be adopted and that reasonable fees be charged for abstracts of deeds and copies of deeds. I can see no particular reason why a reasonable fee should not be charged, and in fact for many years I have personally ordered copies of deeds and abstracts of deeds and paid a reasonable charge. This merely places in the Statutes authority for the register to make these reasonable charges. I offer that as an explanation and if there are certain towns or certain individuals getting copies and abstracts of deeds without charge, why it seems to me it is somewhat illogical for that service to be rendered without charge.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Certainly I would not question the sincerity of the last speaker nor the member of the other branch who sponsored this bill. My only thinking was yesterday in tabling the thing that I wanted to find out from my register of deeds, his — our register of deeds at home, his opinion in Androscoggin County of this measure. A few years ago he sponsored, through me, a bill — he asked me to present a bill that would raise the fees. Now he tells me that the register of deeds' association have not discussed this at all, and for the moment it might be wise not to entertain this measure.

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

Mr. CROCKETT: Mr. Speaker, Ladies and Gentlemen: However my name is attached to this bill what little I know about the register of deeds will fill several books, but I am thinking of the attorneys and I will go along with the attorneys.

The **SPEAKER**: The question before the House is the motion of the gentleman from Lewiston, Mr. Jalbert, that the Report and Bill be indefinitely postponed.

Mr. RUST of York: Mr. Speaker, I request a division.

The **SPEAKER**: A division has been requested. All those in favor

of the motion to indefinitely postpone will rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Twelve having voted in the affirmative and eighty-eight having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Smith of Bar Harbor, the House voted to recede and concur with the Senate, and the Bill was read twice.

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

SENATE AMENDMENT "A" to H. P. 913, L. D. 1320, Bill, "An Act Increasing Certain Fees to Registers of Deeds."

Amend said Bill in the Title by striking out the word "Increasing" and inserting in place thereof the word "Providing"

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

"R. S., c. 89, Sec. 216, amended. Section 216 of chapter 89 of the Revised Statutes, as amended, is further amended by inserting before the last paragraph, a new paragraph, as follows:

'Making abstracts and copies from the records, a reasonable fee as determined by the county commissioners.'"

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

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

Bill "An Act relating to Allocating Moneys from Organized Township's Fund for Managing Public Reserved Lots in Plantations." (H. P. 1037) (L. D. 1503)—Read Twice. House Amendment "A" Read (Filing H-275)

Tabled—May 1, by Mr. Wellman of Bangor.

Pending — Adoption of House Amendment "A".

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Gallant.

Mr. GALLANT: Mr. Speaker, I would move the indefinite postponement of House Amendment "A" and I wish to ask for a division.

The SPEAKER: The gentleman from Eagle Lake, Mr. Gallant, moves the indefinite postponement of House Amendment "A" and requests a division.

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

Mr. VILES: Mr. Speaker, I would withdraw my motion on House Amendment "A" and state briefly why.

The SPEAKER: The gentleman from Anson, Mr. Viles, withdraws House Amendment "A." The gentleman may proceed.

Mr. VILES: Mr. Speaker, this amendment would do exactly in essence what the new draft would do, that is it would tax persons to pay for something that they don't receive and that is exactly what I didn't want to do.

Thereupon, the Bill was assigned for third reading tomorrow.

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

AN ACT Providing Access Roads to Ski Areas Open to General Public. (S. P. 570) (L. D. 1515)—Engrossed in both Branches.

Tabled—April 1, by Mr. Scott of Wilton.

Pending—Motion of Mrs. Lincoln of Bethel to Indefinitely Postpone.

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

Mr. SCOTT: Mr. Speaker, Ladies and Gentlemen: I appreciate the courtesy given to me yesterday to table this bill L. D. 1515 until today so that an amendment could be prepared to eliminate the objection raised by the gentleman from Wiscasset, Mr. Pease. This amendment is in the process and there has not been quite time enough to get it out, and I hope someone will come to my rescue and table this until next week.

On motion of Mr. Pease of Wiscasset, tabled pending the motion of the gentlewoman from Bethel, Mrs. Lincoln, to indefinitely postpone, and specially assigned for Wednesday, May 8.

On motion of Mr. Pease of Wiscasset, the House voted to take from the table the following matter which was recalled from Legislative File by Joint Order:

HOUSE REPORT—Ought not to pass—Committee on State Government on Bill "An Act relating to Publications Printed or Published by the State." (H. P. 252) (L. D. 321)

On further motion of the same gentleman, the House voted to suspend the rules in order that the House might reconsider its action of February 7 whereby the "Ought not to pass" Report was accepted.

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

Mr. PEASE: Mr. Speaker, I now move we reconsider our action whereby the House accepted the "Ought not to pass" Committee report.

The SPEAKER: The gentleman from Wiscasset, Mr. Pease, moves the House reconsider its action of February 7 whereby the "Ought not to pass" Committee Report was accepted. Is this the pleasure of the House?

On motion of Mr. Dennett of Kittery, the Report and Bill were tabled pending the motion of Mr. Pease of Wiscasset to reconsider and specially assigned for Tuesday, May 7.

On motion of Mr. Curtis of Bowdoinham, the House voted to take from the table the second tabled and unassigned matter:

HOUSE REPORT—Ought to pass in New Draft—Committee on Transportation—on Bill "An Act Requiring Persons Seventy-Five Years of Age to take Biennial Examination for Motor Vehicle Driver's License." (H. P. 516) (L. D. 718)—New Draft (H. P. 974) (L. D. 1302)

Tabled—February 20, by Mr. Curtis of Bowdoinham.

Pending—Acceptance of Report.

Thereupon, the "Ought to pass" in New Draft Report was accepted, the New Draft read twice and tomorrow assigned.

Order Out of Order

From the Senate: The following Order:

ORDERED, the House concurring, that there be no session scheduled for Saturday, July 20th, 1963, in order that interested members of both branches may go to central Maine areas to view the eclipse of the sun, scheduled for that date. (S. P. 590)

Came from the Senate, today read and passed and ordered sent forthwith.

In the House:

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

Mr. PEASE: Mr. Speaker, I move this Order be indefinitely postponed, that the House insist on its action and send the paper forthwith to the Senate and ask for a committee of conference.

The SPEAKER: The Chair understands that the gentleman from Wiscasset, Mr. Pease, moves that this Order be indefinitely postponed.

Mr. Wellman of Bangor then requested a division on the motion to indefinitely postpone.

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

Mr. MacLEOD: Mr. Speaker and Members of the House: I was talking with some people from the DED last night and they tell me they have changed their minds on the date. It is going to be August 5th.

The SPEAKER: Those in favor of indefinite postponement will say aye; those opposed, no.

The Chair recognizes the gentleman from Rockland, Mr. Knight.

Mr. KNIGHT: I move this item lie on the table unassigned.

The SPEAKER: The gentleman from Rockland, Mr. Knight, moves that this paper be laid on the table unassigned. Is that the pleasure of the House? All those in favor will say aye; those opposed, no.

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

The SPEAKER: Now is it the pleasure of the House that this paper be indefinitely postponed?

The motion prevailed.

The SPEAKER: The Chair now understands that the gentleman

from Wiscasset, Mr. Pease, moves that the House insist and ask for a Committee of Conference. Is that the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair will appoint the gentleman from Wiscasset, Mr. Pease; the gentleman

from Brewer, Mr. MacLeod; and the gentleman from Winterport, Mr. Easton.

On motion of Mr. Wellman of Bangor,

Adjourned until nine o'clock tomorrow morning.