

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and First
Legislature*

OF THE

STATE OF MAINE

1963

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Friday, May 3, 1963

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

Prayer by the Rev. Mr. Joseph I. Craig of Hallowell.

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 Revised Qualifications for Electors (S. P. 536) (L. D. 1457)

Came from the Senate read and accepted.

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

**Ought to Pass with
Committee Amendment**

Report of the Committee on Appropriations and Financial Affairs on Resolve Appropriating Moneys for Support of the Civil Air Patrol Program (S. P. 31) (L. D. 25) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 31, L. D. 25, Resolve, Appropriating Moneys for Support of the Civil Air Patrol Program.

Amend said Resolve in the 2nd line by striking out the figure "\$12,500" and inserting in place thereof the figure "\$5,000"; and by striking out the figure "\$12,500" in the 3rd line and inserting in place thereof the figure "\$5,000"

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

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Increasing Salaries of Justices of Supreme Judicial Court and Superior Court" (S. P. 221) (L. D. 606) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 221, L. D. 606, Bill, "An Act Increasing Salaries of Justices of Supreme Judicial Court and Superior Court."

Amend said Bill in the 6th line of section 1 by striking out the underlined figure "\$18,000" and inserting in place thereof the underlined figure "\$17,000"; and by striking out in the 8th line the underlined figure "\$19,000" and inserting in place thereof the underlined figure "\$18,000"

Further amend said Bill by striking out in the 6th line of section 2 the underlined figure "\$17,500" and inserting in place thereof the underlined figure "\$16,500"

Further amend said Bill by striking out in the 2nd line of section 3 the figure "\$50,000" and inserting in place thereof the figure "\$37,500"; and by striking out in the 3rd line the figure "\$60,000" and inserting in place thereof the figure "\$45,000"

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

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Increasing Salary of Official Court Reporters" (S. P. 228) (L. D. 609) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 228, L. D. 609, Bill, "An Act Increasing Salary of Official Court Reporters."

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

Further amend said Bill in the next to the last line by striking out the underlined figure "\$9,500" and inserting in place thereof the underlined figure '\$8,500'

Further amend said Bill by adding at the end thereof a new section, as follows:

'Sec. 2. Appropriation. There is appropriated from the General Fund the sum of \$9,167 for the fiscal year ending June 30, 1964 and the sum of \$11,000 for the fiscal year ending June 30, 1965 to carry out the purposes of this act.'

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

Report of the Committee on Health and Institutional Services on Bill "An Act relating to Adoption of Ordinances by Penobscot Tribe of Indians" (S. P. 246) (L. D. 620) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 246, L. D. 620, Bill, "An Act Relating to Adoption of Ordinances by Penobscot Tribe of Indians."

Amend said Bill by adding at the end the following sentence: 'Such ordinances, rules and regulations shall be enforced by the constables of the tribe under the super-

vision and direction of said governor and council.'

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

Referred to Committee on Judiciary

Report of the Committee on Constitutional Amendments and Legislative Reapportionment on Resolve Proposing an Amendment to the Constitution to Prohibit the Unreasonable Interception of Telephone, Telegraph and Other Electronic Communications (S. P. 532) (L. D. 1443) reporting that it be referred to the Committee on Judiciary.

Came from the Senate with the Report read and accepted and the Resolve referred to the Committee on Judiciary.

In the House, the Report was read and accepted in concurrence and the Resolve referred to the Committee on Judiciary in concurrence.

Non-Concurrent Matter

Bill "An Act Providing for the Vehicle Equipment Safety Compact" (H. P. 465) (L. D. 669) which was passed to be engrossed as amended by Committee Amendment "A" in the House on April 26.

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

In the House: The House voted to recede and concur with the Senate.

Non-Concurrent Matter

Bill "An Act Providing for Safety Seat Belts for Automobiles" (H. P. 996) (L. D. 1437) which was indefinitely postponed in non-concurrence in the House on April 2.

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

In the House:

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

Mr. TURNER: Mr. Speaker, I move that we adhere.

The SPEAKER: The gentleman from Auburn, Mr. Turner, moves that the House adhere to its former action.

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

Mr. BREWER: Mr. Speaker, I would like to table this bill until Wednesday, May 8.

Mr. Wellman of Bangor then requested a division on the tabling motion.

The SPEAKER: All those in favor of tabling until Wednesday, May 8, will please rise and remain standing until the monitors have made and returned the count.

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

The SPEAKER: The question now before the House is the motion of the gentleman from Auburn, Mr. Turner, that the House adhere.

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

Mr. BREWER: Mr. Speaker, I now move that we recede and concur.

Thereupon, on a viva voce vote, the motion to recede and concur did not prevail and the House voted to adhere to its former action.

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

The following Communication:

THE SENATE OF MAINE

Augusta

May 2, 1963

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

Sir:

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

Bill, "An Act to Appropriate Monies for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June

30, 1964 and June 30, 1965" (S. P. 549) (L. D. 1481)

Senators:

EDMUNDS of Aroostook
PORTEOUS of Cumberland
CAMPBELL of Kennebec

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

Bill, "An Act Providing for Area Directional Sign on Maine Turnpike for Rumford" (S. P. 360) (L. D. 1026)

Senators:

WYMAN of Washington
COLE of Waldo
FERGUSON of Oxford
Respectfully,

(Signed)

CHESTER T. WINSLOW
Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:

THE SENATE OF MAINE

Augusta

May 2, 1963

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

Sir:

The President of the Senate today appointed the following conferees from the Senate to join with House members in a Conference on the disagreeing action of the two bodies on:

Joint Order, Senate Paper 590.

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.

Senators:

LOVELL of York
NOYES of Franklin
COUTURE of Androscoggin
Respectfully,

(Signed)

CHESTER T. WINSLOW
Secretary of the Senate

The Communication was read and ordered placed on file.

ORDERS

On motion of Mr. Mendes of Topsham, it was

ORDERED, that Mr. Childs of Portland be excused from attendance today because of business.

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 Greater Portland Chamber of Commerce in cooperation with the Westbrook, South Portland and Portland fire departments, be it

ORDERED that the Greater Portland Chamber of Commerce be commended by the Maine House of Representatives for this achievement made possible by many dedicated citizens and various cooperating news media. And be it further

ORDERED that a copy of this order be sent to the Chairman of the Fire Prevention Committee of the Greater Portland Chamber of Commerce.

The Order received passage.

On motion of Mr. Anderson of Orono, it was

ORDERED, that Robert Townsend of Old Town be appointed to serve as Honorary Page for today.

The SPEAKER: The Sergeant-at-Arms will retire to the rear of the Hall of the House and escort Mr. Townsend to his position as Honorary Page for the day. For the information of the House, Robert Townsend is the grandson of Representative Binnette of Old Town. (Applause)

Thereupon, Robert Townsend was escorted to the well of the Hall of the House by the Sergeant-at-Arms to serve as Honorary Page for the day.

House Reports of Committees Leave to Withdraw Covered by Other Legislation

Mr. Crommett from the Committee on Towns and Counties reported "Ought not to pass" on Bill "An Act relating to Compensation of Spe-

cial Deputy Sheriffs" (H. P. 796) (L. D. 1149), as it is covered by other legislation.

Mr. MacPhail from same Committee reported same on Bill "An Act Increasing Compensation of Full-time Deputy Sheriffs" (H. P. 259) (L. D. 328), as it is covered by other legislation.

Mr. Wight from same Committee reported same on Bill "An Act relating to Payment to Sheriffs for Attendance upon the Courts" (H. P. 139) (L. D. 182), as it is covered by other legislation.

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Drafts Printed

Mr. Albair from the Committee on Taxation on Bill "An Act relating to the Taxation of House Trailers" (H. P. 884) (L. D. 1269) reported same in a new draft (H. P. 1083) (L. D. 1550) under same title and that it "Ought to pass"

Mr. Jones from same Committee on Bill "An Act relating to Disposition of Part of Tax on Pari Mutuel Pools on Running Horse Racing" (H. P. 753) (L. D. 1082) reported same in a new draft (H. P. 1084) (L. D. 1551) under same title and that it "Ought to pass"

Mrs. Shaw from the Committee on Towns and Counties on Bill "An Act relating to Certain Per Diem Fees of Deputy Sheriffs" (H. P. 136) (L. D. 179) reported same in a new draft (H. P. 1082) (L. D. 1549) under title of "An Act relating to Compensation of and Per Diem Fees of Deputy Sheriffs" and that it "Ought to pass"

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

Divided Report Tabled and Assigned

Majority Report of the Committee on Public Utilities reporting "Ought not to pass" on Bill "An Act Providing for Rules and Regulations by Public Utilities Commission Concerning Safety and Shelter for Railroad Employees" (H. P. 881) (L. D. 1266)

Report was signed by the following members:

Mrs. HARRINGTON of Penobscot
Mr. PHILBRICK of Penobscot
— of the Senate.

Messrs. RAND of Yarmouth
PHILBRICK of Augusta
PITTS of Harrison
WELCH of Chapman
— of the House.

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

Report was signed by the following members:

Mr. BOISVERT of Androscoggin
— of the Senate.

Messrs. TYNDALE
of Kennebunkport
TAYLOR of South Portland
PLANTE
of Old Orchard Beach
— of the House.

Reports were read.

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

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: I understand that there is going to be an amendment attached to this bill. In view of this situation, I would appreciate someone making a motion in that regard.

Thereupon, on motion of Mr. Pease of Wiscasset, tabled pending acceptance of either report and specially assigned for Tuesday, May 7.

The SPEAKER: The Chair at this time would like to appoint the committee to care for the program of the Mock Session. The gentleman from Vinalhaven, Mr. Maddox, has been the chairman of this committee for some time and he has agreed to do so again. The gentleman from Peru, Mrs. Vaughn; the gentleman from Southwest Harbor, Mr. Benson; the gentleman from Bath, Mr. Drake; the gentleman from Hope, Mr. Hardy. The time is set for the last week in May for the presentation. The final date to be set. The entire House may be prepared to be drafted to serve with this committee, and this committee also would welcome suggestions from any member.

Passed to Be Engrossed

Bill "An Act relating to the Dispensing of Flammable Liquids" (S. P. 556) (L. D. 1492)

Bill "An Act Appropriating Funds for Certain Equipment for Maine Vocational Technical Institute" (S. P. 582) (L. D. 1535)

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)

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

Third Reader Tabled and Assigned

Bill "An Act Exempting from Sales Tax Act of Meals Served by Certain Institutions and Homes Licensed by Department of Health and Welfare" (H. P. 949) (L. D. 1383)

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

(On motion of Mr. Bragdon of Perham, tabled pending passage to be engrossed and specially assigned for Wednesday, May 15.)

Third Reader Tabled and Assigned

Bill "An Act Requiring Persons Seventy-five Years of Age to Take Biennial Examination for Motor Vehicle Driver's License" (H. P. 974) (L. D. 1302)

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

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

Mr. KENT: Mr. Speaker, Ladies and Gentlemen of the House: I appeared against this bill when it was heard in committee. My reason for doing this was because the present law now on your statutes requires a person to take an examination when they reach the age of 75, again when they are age 80 and each year thereafter. Now they were perfectly willing that after they were 80 that this should go to two years; however, I believe that

if they were willing after the age of 80 to go two years that certainly they should be willing to leave the present law as it stands from 75 to 80. I believe that in another session that this has got back so they take this test every time when they renew their license from seventy-five on, the next session you would be back here to have it down to seventy. A good many of these people when they get to that age they are very nervous about taking these examinations because they feel that they are just going to be turned down anyway, and they don't sometimes do the job they are capable of doing. I believe that the present law is sufficient to take care of this situation at the present time. I would move at this time indefinite postponement of this bill.

The SPEAKER: The question now before the House is the motion of the gentleman from Benton, Mr. Kent, that item 5 be indefinitely postponed.

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

Mr. FINLEY: Mr. Speaker, I move that item 5, L. D. 1302 be tabled until Wednesday, May 8.

The SPEAKER: The gentleman from Washington, Mr. Finley, moves that item 5 be tabled until May 8.

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

Eighty having voted in the affirmative and twenty-four having voted in the negative, the tabling motion did prevail.

Thereupon, the Bill was tabled pending the motion of Mr. Kent of Benton to indefinitely postpone and specially assigned for Wednesday, May 8.

Passed to Be Engrossed

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)

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

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

Mr. VILES: Mr. Speaker, I would move that item 6, L. D. 1503 be tabled until Wednesday, May 8.

Mr. Gallant of Eagle Lake 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.

Fifty-nine having voted in the affirmative and sixty-three having voted in the negative, the tabling motion did not prevail.

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

Bill "An Act Clarifying the Labeling of Packaged Food" (H. P. 1076) (L. D. 1543)

Bill "An Act relating to Apportionment to Municipalities of Tax on Telephone and Telegraph Companies" (H. P. 1077) (L. D. 1544)

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

Third Reader Tabled and Assigned

Bill "An Act relating to Junk Motor Vehicles as Public Nuisances" (H. P. 1078) (L. D. 1545)

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

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

Mr. BRAGDON: Mr. Speaker and Members of the House: Relative to item 9, this is a redraft and it just recently appeared on our desks. I looked at it yesterday, and I recognized that it has the unanimous report of the Committee on Taxation, and I am somewhat reluctant to attempt to do what I am going to do. I am going to take a chance and move the indefinite postponement of this bill.

Obviously, it is aimed at the elimination of unsightly vehicles. However, I feel that they have hastily gone farther in this direction than we would want to attempt to do at

this time. If you read the act, you will see that they have substituted in the place of automobile junkyards as a public nuisance, a n y place where one or more junk vehicles is located. Now that c a n mean anywhere the way this law is written unless I am mistaken. I also checked with an attorney friend of mine and got some free information as to what the penalty would be, and he advises me that it could be from \$200 to \$1,000 under this act.

There are occasions, I believe, when it is necessary to leave one or more vehicles that isn't operational. It may be that you may think that you are going to get it fixed up and you are going to run it again or it may be that you have got an old truck that you want to take the motor out thinking you can put it in another one or something like that. It seems to me that this is a rather drastic way of attempting to accomplish this elimination of these unsightly vehicles over the state.

Now granted, I would like to see it done, but I think we have gone too far. I think that if anybody feels that this could be amended to remove some of these objections that I have pointed out to you, all well and good. However, with these remarks, I stand on my motion to indefinitely postpone.

The SPEAKER: The question before the House is the motion of the gentleman from Perham, Mr. Bragdon, that item 9 be indefinitely postponed.

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

Mr. WATERMAN: Mr. Speaker, Ladies and Gentlemen of the House: This is different than the original bill that was presented to the Taxation Committee. However, under that particular document, it seemed that we would not be able to accomplish what the purpose and intent was and that was to get these old vehicles out of sight. If you assess an excise tax on them, you cannot do that because you wouldn't be using them on the highways. You couldn't tax them for personal property because you would have to tax them for their real value and I think about the most that you could expect to glean from a tax

standpoint would be in the neighborhood of—probably the most would be around sixty to sixty-five cents on one of these vehicles, because they have no value.

But the purpose of the original bill was to have something that would cause an individual who had one of these situations of two or more to move them from being in a place in view along our public highways and get them out of sight. About the only way that the Taxation Committee could find to do this was to put them under this nuisance law.

However, if something can be done to this to perhaps make it a little bit better for the gentleman from Perham, Mr. Bragdon, why I would be more than happy to sit down with him and see what could be worked out. But the present motion before the House is the motion to indefinitely postpone and when the vote is taken on that, I would ask for a division. If that motion does not prevail, then I will make another motion. Thank you.

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

Mr. JONES: Mr. Speaker, I move that this be tabled until the next legislative day.

Thereupon, the Bill was tabled pending the motion of Mr. Bragdon from Perham to indefinitely postpone and specially assigned for Tuesday, May 7.

Third Reader Tabled and Assigned

Bill "An Act relating to Tax Exemption of Property of Veterans Not Located in Place of Residence" (H. P. 1079) (L. D. 1546)

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

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

Mr. KENT: Mr. Speaker, Ladies and Gentlemen of the House: When any of these bills come up in regards to assessment and perhaps maybe loss of revenues to towns or municipalities, I am very interested. I haven't had a chance to compare this in regard to the present law as to its effectiveness of

loss in valuation or otherwise, and I would appreciate it if someone would table this until the next legislative day.

Thereupon, on motion of Mr. Wellman, tabled pending passage to be engrossed and specially assigned for Tuesday, May 7.

Third Reader Tabled and Assigned

Bill "An Act relating to Certificates for Teaching" (H. P. 1080) (L. D. 1547)

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 Thursday, May 9.)

Amended Bills Tabled and Assigned

Bill "An Act relating to Work on Shade and Ornamental Trees" (H. P. 240) (L. D. 308)

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

Mr. Oberg of Bridgton offered House Amendment "B" and moved its adoption.

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

HOUSE AMENDMENT "B" to H. P. 240, L. D. 308, Bill, "An Act Relating to Work on Shade and Ornamental Trees."

Amend said Bill in that part designated "**Sec. 66-C.**" of section 1 by striking out in the 5th and 6th lines the underlined words "**liability insurance and property damage insurance**" and inserting in place thereof the following underlined words "**financial responsibility**"

House Amendment "B" was adopted.

Mr. Waterman of Auburn offered House Amendment "C" and moved its adoption.

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

HOUSE AMENDMENT "C" to H. P. 240, L. D. 308, Bill, "An Act Relating to Work on Shade and Ornamental Trees."

Amend said Bill in that part of section 1 designated "**Sec. 66-D.**" by adding at the end the following new subsection:

'V. General contractor. General contractors.'

(On motion of Mr. Wellman of Bangor, on a viva voce vote, tabled pending adoption of House Amendment "C" and specially assigned for Tuesday, May 7.)

Third Reader Tabled and Assigned

Bill "An Act relating to Minimum Salaries for Teachers" (H. P. 634) (L. D. 890)

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

(On motion of Mr. Treworgy of Gorham, tabled pending passage to be engrossed and specially assigned for Friday, May 10.)

Passed to Be Engrossed

Bill "An Act relating to Release of Spouse's Right by Descent" (H. P. 775) (L. D. 1129)

Resolve Proposing an Amendment to the Constitution Eliminating the Requirement that the Governor Communicate Pardons to the Legislature (H. P. 987) (L. D. 1430)

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)

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)

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)

(Later Reconsidered)

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)

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 as amended by Committee Amendment "A" and sent to the Senate.

Bill "An Act relating to Expenses of Fish and Game Advisory Council" (S. P. 362) (L. D. 1028)

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

Bill "An Act Providing Certain Fees to Registers of Deeds" (H. P. 913) (L. D. 1320)

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

Passed to Be Enacted Emergency Measure

An Act to Authorize Town of Woodville to Provide Electricity for Municipal Use (H. P. 258) (L. D. 327)

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

Emergency Measure Tabled and Assigned

An Act Revising the Laws Relating to Litter (H. P. 1055) (L. D. 1522)

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

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: This Legislative Document 1522, Section 30, it seems quite broad, and I had a question I would like to ask a member of the Committee. Is any provision made for those people that may have done something like this by accident? That is my only question.

The SPEAKER: The gentleman from Enfield, Mr. Dudley, poses a

question through the Chair to any member who may answer if he chooses, relative to item 2.

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

Mr. WELLMAN: Mr. Speaker, in answer to the question of the gentleman from Enfield, Mr. Dudley, I would say that that would be a matter of discussion for the court to decide at the time they would take it under advisement.

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

Mr. COTE: Mr. Speaker, I would like to answer that question further. It says here it shall be prima-facie evidence that the throwing, placing or depositing was done by the driver of such motor vehicle if he is on the road. So not only that it doesn't provide for accidental dropping of things, it also makes the driver of your automobile the one responsible if any litter is thrown on the road. I was the only one to sign the Minority Report, "Ought not to pass." My reason for signing "Ought not to pass" is that every law enforcement officer in the state, including wardens of the Department of Inland Fisheries and Game, wardens of the Department of Sea and Shore Fisheries, Foresters of the Forestry Department; and Liquor Inspectors of the State Liquor Commission, shall have authority to enforce sections 28-A to 30. It makes practically every law enforcement officer in the state and adds all these other officers into this thing, and it makes it almost a Gestapo state. That was why I was against this litter bill.

I know that the Governor's Committee who works on these bills to try and stop littering on our highways, have worked very hard; but I feel in this instance they have been a little bit over zealous in some of their work. For that reason, I would like to move this bill be indefinitely postponed.

The SPEAKER: The question before the House now is the motion of the gentleman from Lewiston, Mr. Cote, that item 2 be indefinitely postponed.

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

Mr. WELLMAN: Mr. Speaker, I would quite strenuously oppose the motion of the gentleman from Lewiston. You probably have all read and heard of the efforts of various citizens' groups throughout the state to solve some of the litter problem which is defacing the State of Maine. This bill is an attempt to try to correct that problem. Now we have heard vigorous debate here in this body concerning returnable bottles; we have just had a bill about single automobiles that was just tabled recently. Yes, every law enforcement officer is included because it was felt that it was necessary to have every law enforcement officer in his various field of work, whether it be a fish and game officer or whether it be a forestry officer, attempt to try and stop this defacing of the State of Maine. It is an emergency bill because we have got to get at this problem immediately. We can't keep putting it off and putting it off.

It does make it prima-facie evidence that an operator of a car is deemed to have thrown the matter out of the car. The portion to which Mr. Dudley referred however though was the first sentence of the section where it says no person shall put or place or cause to be put or placed, deposited or thrown upon. That is a slightly different point.

If any of you have travelled about our state, whether it be through the woods or along our highways and byways, I feel that you will support me in actively and strongly attempting to reduce this problem, this litter problem which is defacing the face of our fair state. Thank you.

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

Mr. COTE: Mr. Speaker, I hate to oppose my good friend from Bangor, Mr. Wellman, but this bill goes even further than this. It even goes into your cities and towns and it says here any square, lane, alley, or public bathing place, etc., so it invades the privacy of your home towns or your cities where your highway departments are engaged in cleaning up your cities. I realize the purpose of the bill; I like its

intent, the \$100 fine, etc., but I don't think that we should go this far the same way as this other bill that was just tabled a short while ago where it says one vehicle being an evidence. I don't think this bill should go as far as it does in that. So, therefore, I still maintain that we should indefinitely postpone the bill.

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

Mr. JALBERT: Mr. Speaker, on this measure I am happy to oppose the gentleman, my good friend from Bangor, Mr. Wellman. I would just like to quote one example and I would like to have this answered if it is to be in the form of a question. I am driving with Mr. Wellman, I am sitting in the back seat, I accidentally drop something out of the car, Mr. Wellman gets arrested and I go scot free. Is that the way I understand it?

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

Mr. WELLMAN: In answer to the question of the gentleman from Lewiston, a matter is prima facie evidence means that it is on the surface would appear that the operator of the car was the person guilty. That may be rebutted by evidence to show that the person in the back seat was the person who performed the crime in which he mentions.

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

Mr. BERRY: Mr. Speaker, Members of the House: I am sure the gentleman from Lewiston, that he would never allow the gentleman from Bangor to go on trial and he would insist on standing in his place.

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

Mr. JALBERT: What would then be the — again an inquiry to the gentleman from Bangor, Mr. Wellman, what would then be the end results if you stated that I accidentally dropped something out of the car?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, poses a question through the Chair to the

gentleman from Bangor, Mr. Wellman, who may answer if he chooses.

Mr. WELLMAN: Again in answer to the gentleman from Lewiston, this would become a matter of fact to be proved in the court.

The SPEAKER: The Chair recognizes the gentleman from Lisbon, Mr. Karkos.

Mr. KARKOS: Mr. Speaker, I would like to ask a question also. I travel probably over 20,000 miles every year; as I go along, I see a lot of these trucks and with the wind blowing and they litter up the roads. How about that there? They don't deliberately do it, but I was wondering if there is any provision to take care of that even under the present law. I would like to ask that question through the Chair.

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

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

Mr. WELLMAN: Mr. Speaker, in answer to the question of the gentleman from Lisbon, if my memory serves me correctly, the trucks are supposed to have covers on them. Maybe this will make these covers a little more secure.

The SPEAKER: The Chair recognizes the gentleman from Lisbon, Mr. Karkos.

Mr. KARKOS: Mr. Speaker, I would like to ask another question. As I come up here about every day, I follow some of these trucks transporting chickens. How about those feathers that are showering us? A lot of times, we have to pass the trucks because the wind is blowing and we get these feathers.

The SPEAKER: The gentleman from Lisbon, Mr. Karkos, poses another question to any member who may answer if he chooses.

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

Mr. WELLMAN: I think in regard to all of these questions, I think we must remember the basic problem that we are after and the reasonableness of the courts in enforcing this law. Now I would suspect that if it was a common prac-

tice and chicken feathers were definitely contaminating an area, they would and they should be prosecuted. Now if one feather flew off one chicken, I don't think anybody is going to go to court and be fined \$100.

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

Mr. MCGEE: Mr. Speaker, Ladies and Gentlemen of the House: There is a little more to this bill than having fun over it, although it is good to have a little humor once in a while. But I think that we can safely trust the judges in our courts and respect their judgment on these matters and we all want to prevent litter on the highways. I don't think there will be any harm in this bill or any misuse of it.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Lewiston, Mr. Cote, that item 2, Bill "An Act Revising the Laws relating to Litter," House Paper 1055, Legislative Document 1522, be indefinitely postponed. The Chair will order a division.

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.

Eighteen having voted in the affirmative and ninety-four having voted in the negative, the motion to indefinitely postpone did not prevail.

Thereupon, on motion of Mr. Wellman of Bangor and on a viva voce vote, tabled pending passage to be enacted and specially assigned for Tuesday, May 7.

Passed to Be Enacted

An Act relating to Redistribution of Axle Loads on Commercial Vehicles (S. P. 577) (L. D. 1530)

An Act to Provide for a Civil Service Commission for Town of Kittery (H. P. 478) (L. D. 681)

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

**Enactor
Tabled and Assigned**

An Act relating to Joint Committee Between George Stevens Academy and Nearby Towns (H. P. 1062) (L. D. 1524)

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

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

Mr. ANDERSON: I would like to table item 5, L. D. 1524 until Tuesday next May 7, and I would like to speak briefly on the time of the tabling motion.

The SPEAKER: The gentleman may proceed.

Mr. ANDERSON: The date May 7 was set because a conflict has arisen in Blue Hill, and those interested would like to investigate over the weekend. I will appreciate the courtesy of the House in going along with the motion. Thank you.

Thereupon, on a viva voce vote the Bill was tabled pending passage to be enacted and specially assigned for Tuesday, May 7.

Orders of the Day

The following paper from the Senate was taken up out of order:

From the Senate: The following Order:

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Tuesday, May 7th, 1963. (S. P. 591)

Came from the Senate today read and passed.

In the House, the Order received passage in concurrence.

The SPEAKER: The Chair at this time is pleased to recognize in the gallery of the House 51 students with four faculty members and their principal, Mr. Randlett, from the Islesboro Junior and Senior High School. These young folk came over by way of the Governor Muskie Ferry this morning to visit the State Legislature.

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

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

Mr. RUST: Mr. Speaker, in relation to item 18 on page 5 of today's calendar, which was passed to be engrossed, I would now move that the House suspend the rules for the purpose of reconsideration, because a technical amendment is necessary to this before engrossment.

Thereupon, the House voted to reconsider its action of earlier in today's session whereby the following Resolve was passed to be engrossed as amended.

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)

On further motion of the same gentleman, the Resolve was tabled pending passage to be engrossed and specially assigned for Tuesday, May 7.

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

HOUSE MAJORITY REPORT (7) — Ought not to pass — Minority Report (3) — Ought to pass in New Draft (H. P. 1067) (L. D. 1532) — Committee on Education on Bill "An Act Providing for State Support of Education Foundation Program and the Financing Thereof." (H. P. 899) (L. D. 1307)

Tabled — April 26, by Mr. Mendes of Topsham.

Pending — Acceptance of Either Report.

On motion of Mr. Wellman of Bangor, retabled pending acceptance of either report and specially assigned for Wednesday, May 15.

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

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

Tabled — April 26, by Mrs. Smith of Falmouth.

Pending — Passage to be Engrossed.

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

Mr. COULTHARD: Mr. Speaker, Ladies and Gentlemen of the House: I move indefinite postponement of this bill and would like to speak briefly to my motion.

Due to the fact that our county budget was presented to the various towns and cities for their approval and no mention of this bill or any other supplemental bills were mentioned, I feel in all fairness to our towns and cities that this bill and others like it be postponed indefinitely and I so move.

The SPEAKER: The gentleman from Scarborough, Mr. Coulthard, moves this bill be indefinitely postponed.

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

Mr. PRINCE: I move this item lie on the table until next Tuesday.

The SPEAKER: The gentleman from Harpswell, Mr. Prince, moves this bill be tabled until Tuesday next.

Mr. BERRY of Cape Elizabeth: Mr. Speaker I request a division.

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

A division of the House was had.

Fifteen having voted in the affirmative and eighty-one having voted in the negative, the tabling motion did not prevail.

Thereupon, the Bill was indefinitely postponed on a viva voce vote in non-concurrence and sent up for concurrence.

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

Bill "An Act to Authorize Cumberland County to Raise Money for Court House Capital Improvements."

(S. P. 283) (L. D. 797) — Committee Amendment "A" (Filing S-93)

Tabled — April 26, by Mrs. Smith of Falmouth.

Pending — Third Reading.

On motion of Mr. Berry of Cape Elizabeth, the Bill was indefinitely postponed on a viva voce vote in non-concurrence and sent up for concurrence.

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

SENATE REPORT — Ought to pass with Committee Amendment "A" (Filing S-140) Committee on Towns and Counties on Bill "An Act Increasing Salary of Superior Court Messenger of Cumberland County." (S. P. 404) (L. D. 1107)

Tabled — April 26, by Mrs. Smith of Falmouth.

Pending — Acceptance of Report.

On motion of Mrs. Smith of Falmouth, the Report and Bill were indefinitely postponed on a viva voce vote in non-concurrence and sent up for concurrence.

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

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

Tabled — April 30, by Mr. Cartier of Biddeford.

Pending — Passage to be Engrossed.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Cartier.

Mr. CARTIER: Mr. Speaker, I move that this item lay upon the table until the next legislative day.

The SPEAKER: The gentleman from Biddeford, Mr. Cartier, moves this bill be tabled until the next legislative day. Is this the pleasure of the House?

(Cries of "No")

All those in favor say yes; those opposed, no.

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

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Cartier.

Mr. CARTIER: Mr. Speaker, Ladies and Gentlemen of the House: I have kept my eye on this particular piece of legislation for some time. It laid on the table in the Senate for approximately two months, mainly because they didn't want to bring it and its obnoxious provisions onto this Floor.

What it does in effect is change the process by which an individual studying law is eligible to take the bar examination. Under the present

statutory laws as it now stands on the books, an individual can receive his bar examination through one of two channels; he can either study law in a law school for three years or study law in an attorney's office for a like period. The present law eliminates the three year reading of law in law offices. I think that we should be more concerned with opening doors of opportunities rather than closing them and I move the indefinite postponement of this bill.

The SPEAKER: The gentleman from Biddeford, Mr. Cartier, moves the indefinite postponement of this bill.

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

Mr. RUST: Mr. Speaker, I arise in opposition to my friend from Biddeford, Mr. Cartier, the gentleman from Biddeford, because the provisions of this bill are really necessary under today's conditions.

There has been a provision in the law relating to the admission of attorneys to the bar that a person could study in a law office and then take the bar exams and, if he passed, he could be admitted to the bar. But as a practical matter, this has not been done for a good many years and those few individuals who have sought to seek training in a law office and then take the bar have found that they have completely wasted their time by studying in the law office, because they have not been able to successfully meet the bar exams.

Now at the present time we do have a law school here in the State of Maine where a person can get good, competent, legal training and as a result of which he would have no difficulty in passing our bar exams. And this is one of the main reasons that this bill was brought out unanimously from the Committee on Judiciary. The provisions that Mr. Cartier speaks of or the opportunity for a person to study in a law office are not realistic under today's conditions and today's opportunities to obtain an education in the law field here in the State of Maine, and I hope his motion to indefinitely postpone does not prevail.

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

Mr. MCGEE: Mr. Speaker, I would like to ask through the Chair, does this allow students through correspondence schools to be admitted to the bar?

The SPEAKER: The gentleman from Auburn, Mr. McGee, poses a question through the Chair to the gentleman from York, Mr. Rust, who may answer if he wishes.

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

Mr. MINSKY: Mr. Speaker, my recollection in answer to that question would be that correspondence courses were never satisfactory for admission to the bar. It had to either be reading in an office or law school, but a correspondence course was not satisfactory.

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

Mr. WILLIAMS: Mr. Speaker and Members: I am no lawyer so far as that part of it goes, but it seems to me dimly back a ways I can see a form of Abraham Lincoln reading law by the light of his fireplace, and he did pretty well by reading law, and I think I would have to go along with Mr. Cartier, the gentleman from Biddeford. This thing has been on the books for quite a while and I can see no reason for taking off reading at the present time, and personally I would rather be sentenced to three years in Thomaston than I would three years to reading law in a lawyer's office, but if someone wants to do it, I can see no reason for saying no to them.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, I would like to endorse this motion to indefinitely postpone, and I have good reasons. We have a very able Congressman I understand that through reading law was able to pass the bar and one of the best lawyers that ever came from our neighborhood now serves the state and is in one of our higher courts, and he also went through the reading, and by the admission of one of the former speakers in opposi-

tion to the bill that they hadn't been let in lately, that is probably well and true, but if they don't let them in anyway, why slam the door in their face? I am still willing that people should have a chance to read law and I hope the motion does prevail.

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

Mr. RUST: Mr. Speaker, I would sympathize with the gentleman from Hodgdon, Mr. Williams and the gentleman from Enfield, Mr. Dudley. I too struggled with this particular problem for a considerable period of time before I say that I consented to see the light in the merits of this particular piece of legislation. And I stand here in all sincerity this morning and in all humility and say to you that it is not fair and it is not reasonable to hold out to anybody the hope that he could study in a law office today and pass the State of Maine bar exams. It is just not a realistic position and when you hold that hope out and some of these individuals do do this work, believe me, they are just wasting their time and they would be much better off to make the effort to go to the City of Portland and attend the law school and work part time or go to one of the metropolitan areas and work through a night course in law school. They would be doing themselves more justice in the long run.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Calais, Mr. Davis.

Mr. DAVIS: Mr. Speaker, I would just like to add a word to this. I am in favor of the motion to indefinitely postpone because I studied law or read law in a lawyer's office in Calais, and it was thirteen years ago that I did that. I don't believe that conditions have changed so much that a person who really had it in his mind to be a lawyer couldn't today go into a law office and read law and study law and be able to pass the bar exams.

I have seen — I remember when I took the bar exams there were about fifty of us took the exams, and I think about thirty passed and twenty didn't, and the most of those

I believe who didn't pass the exam were those who had studied in law schools or those who had law degrees; so it isn't necessarily the type of education you get, but it is the application that you put into whatever it is you are doing. So I think if there is anybody who would still like to take a chance at studying law in a lawyer's office, I think he should be given that opportunity.

The SPEAKER: The Chair recognizes the gentleman from Lisbon, Mr. Karkos.

Mr. KARKOS: Mr. Speaker, I too want to support the motion to indefinitely postpone this. I think we should keep open the door of opportunity for all those students, whether they are rich or poor. The rich students naturally can go to universities, but there are others that can get an education in a lawyer's office. We have a distinguished gentleman sitting right here who is a judge of a certain court. He studied law in a law office. I can't see any reason to have a statute like that on the books. They still have to take the bar examination and if they are admitted, good for them. Thank you.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Biddeford, Mr. Cartier, that Bill "An Act relating to the Admission of Attorneys to the Bar of the State of Maine," Senate Paper 62, L. D. 112 be indefinitely postponed. The Chair will order a division.

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

A division of the House was had.

Eighty-six having voted in the affirmative and twenty-three having voted in the negative, the motion prevailed, the Bill was indefinitely postponed in non-concurrence and sent up for concurrence.

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

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)

Tabled — April 30, by Mr. Cartier of Biddeford.

Pending — Passage to be Engrossed.

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

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: I understand that there is an amendment forthcoming on this L. D. and I would appreciate a motion to table until next Wednesday.

Thereupon, on motion of Mr. Wellman of Bangor, the Bill was tabled pending passage to be engrossed and specially assigned for Wednesday, May 8.

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

SENATE REPORT "A" (5) — Ought not to pass — Report "B" (3) — Ought to pass — Committee on Retirements and Pensions on Bill "An Act relating to Application of Federal Social Security to Teachers." (S. P. 67) (L. D. 117) — In Senate Report "A" Ought not to pass Accepted.

Tabled — May 2, by Mr. Crommett of Millinocket.

Pending — Acceptance of Either Report.

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

Mr. CROMMETT: Mr. Speaker, I offer House Amendment "A" and move its adoption.

The SPEAKER: The Chair would inform the gentleman that we must read the report and have the readings before amendments are in order. Does the gentleman wish to move as to which report shall be accepted? Report "A" is "Ought not to pass" and Report "B" is "Ought to pass."

Mr. CROMMETT: I move Report "B."

The SPEAKER: The gentleman from Millinocket, Mr. Crommett, moves that the House accept Report "B". Is that the pleasure of the House?

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

Mr. JONES: Mr. Speaker, Gentlemen and Gentlemen of the House: It was only a short time ago when we had a similar bill here rela-

tive to the superintendents working along with the Social Security Program the same as this one here would give the teachers. We have a retirement system in the state for these people which I think is adequate, and I move that we accept the "Ought not to pass" Report.

The SPEAKER: The motion of precedence is the motion of the gentleman from Millinocket, Mr. Crommett, to accept the "Ought to pass" Report.

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

Mr. BIRT: Mr. Speaker, this was gone into quite extensively I believe by the Legislative Research Committee of the 100th Legislature, and at that time I would read the last sentence only, and it said: At the present time, however, the Committee does not feel it is desirable to permit the State of Maine employees to receive Federal Social Security benefits and therefore recommend that the Legislature take no action towards obtaining Social Security coverage for members of the Maine State Retirement System.

And it would seem from the investigation that they made that the motion — that the action to pass this amendment would be inconsistent with this thinking, and I hope the motion to accept Report "B" is defeated.

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

Mrs. HENDRICKS: Mr. Speaker and Members of the House: I agree with the previous speaker, because this is the same feeling that the Committee got when we heard this bill, so I also support Report "A."

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

Mr. BRAGDON: Mr. Speaker, I rise to ask a question of any member of the Committee on Retirements and Pensions who would care to answer. I have not had opportunity to look at this bill, and my question is, is it the intent of the bill that Social Security would be substituted for State Retirement? I'll leave it there.

The SPEAKER: The gentleman from Perham, Mr. Bragdon, poses

a question through the Chair of any member of the Committee on Retirements and Pensions who may answer if he chooses.

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

Mr. GUSTAFSON: Mr. Speaker and Fellow Members: The purpose of it is not to substitute, but it is in addition to. The way it works is that any group of teachers in any city or town or district may request that they be given the right to have Social Security, and then the governing body, whoever it is, may grant them that right; but of course there is one thing about it, that if over fifty percent want it, then everybody has to have it. That is the way it works. There is no cost to the State whatsoever. It has got to be voted in by the town fathers, whoever they are, and they pay the costs.

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

Mr. BRAGDON: Mr. Speaker, I asked this question more or less to bring out possibly a little thinking of my own, and I asked it because of the fact that we are now aware that we are now paying some \$8,000,000 each biennium to our state retirement system for teachers. I am aware this is a good retirement system. I just suggest that we might sometime, somewhere in the future, we might consider possibly substituting this rather than — with a Social Security provision. I realize this is probably a difficult move to make and I don't think we are going to do it now, but I think that we might well have it in mind.

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

Mr. MINSKY: Mr. Speaker, I think that our retirement system that we now currently have is an adequate one, and if it is not adequate I think that the inadequacies should be corrected in the retirement system on a state-wide basis.

I also would remind you that there would be considerable cost involved to the communities who must match the payments made by the teachers to the program, so there is a cost. I think we have

argued the thing out quite well a week ago and the attitude of the House was fairly obvious in the superintendents' bill, and I would move indefinite postponement of the bill and all accompanying papers.

The SPEAKER: The question now before the House is the motion of the gentleman from Bangor, Mr. Minsky, that the Bill and both Reports be indefinitely postponed.

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

Mr. HUTCHINS: Mr. Speaker, I would also suggest that most teachers have the opportunity during summer vacation to get onto Social Security if they so desire. It wouldn't seem necessary that they be put on by this bill.

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

Mr. MacLEOD: Mr. Speaker and Members of the House: I could not resist this opportunity to stand up on one of those rare occasions when I am in agreement with the gentleman from Bangor, Mr. Minsky.

I attended this hearing, and from what I could hear from the different teacher groups who were there, including a group from my own home town, the majority of the teachers present were against this themselves, and I would just like to point out to you people here this morning that a teacher that is making \$5,000 a year and retires with what you would call a normal tenure of service, would be getting about \$2,500 a year pension. If that teacher also comes under Social Security and is married, he would get under this bill \$2,400 a year, which would bring the total retirement up to \$4,900 retirement on a \$5,000 salary, and I think that the present system is adequate.

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

Mr. CROMMETT: Mr. Speaker, may I speak as to why I would like to offer this amendment?

The SPEAKER: The gentleman may discuss the bill and the reason for his amendment.

Mr. CROMMETT: Mr. Speaker, Ladies and Gentlemen of the House: I am mindful of the courtesy shown me by this House when I asked to

have this bill recommitted to the Committee on Retirements and Pensions. I have no fault to find with the decision of the committee under the circumstances. I have taken this matter up with the Department of the Attorney General and the amendment is their recommendation. Furthermore, the firemen of Millinocket were given to understand this document, L. D. 117 with the amendment "A" carries the blessing of the administration. As this is permissive rather than mandatory legislation, I would urge the acceptance of Report "B".

The SPEAKER: The question before the House is the motion of the gentleman from Bangor, Mr. Minsky, that both Reports and the Bill "An Act relating to Application of Federal Social Security to Teachers," Legislative Document 117, Senate Paper 67, be indefinitely postponed.

All those in favor will say yes, those opposed, no.

The motion to indefinitely postpone prevailed on a viva voce vote, the Bill was indefinitely postponed in non-concurrence and sent up for concurrence.

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

Bill "An Act relating to Permit to Operate Certain Farm Trucks." (H. P. 857) (L. D. 1244) — In House Engrossed with House "A" (H-276) — In Senate Engrossed without Amendment in Non-concurrence.

Tabled — May 2, by Mr. Bragdon of Perham.

Pending — Further Consideration.

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

Mr. COULTHARD: Mr. Speaker, I move we recede and concur, and I would like permission to read into the record a ruling that I received from the Attorney General's Office on this bill.

This is a letter from the office of the Attorney General: "Dear Mr. Coulthard: In regard to L. D. 1244, 'An Act relating to Permit to Operate Certain Farm Trucks,' it is my opinion that the above L. D. will in no way affect the provisions of Chapter 22, Section 13 relating

to farm trucks. That section allows farm trucks to operate on that part of a way adjoining the premises of the owner of such truck with no registration. This is true whether the truck is loaded or not. L. D. 1244 extends the area within which an unladen farm truck may be operated. It further specifies a special permit for a limited time and over specified routes. It also limits such use to farm purposes. However, it would in no way repeal or adversely affect the provisions of Section 13 relative to farm trucks. Very truly yours, George C. West, Deputy Attorney General." Thank you.

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

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

HOUSE MAJORITY REPORT (8) — Ought not to pass — MINORITY REPORT (2) — Ought to pass — Committee on Health and Institutional Services on Bill "An Act Providing Funds for Treatment, Care and Rehabilitation of Alcoholics." (H. P. 937) (L. D. 1371)

Tabled — May 2, by Mr. Waterman of Auburn.

Pending — Acceptance of Either Report.

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

Mr. WATERMAN: Mr. Speaker, Ladies and Gentlemen of the House: This bill came out of the Committee with an eight to two Majority "Ought not to pass" and Minority "Ought to pass". The reason that the committee signed the bill out that way, as I understand, was that the original bill was a little bit vague as to who would be recipients of these funds for rehabilitation, and the committee was somewhat dubious in thinking that perhaps a person who might have imbibed a little bit too freely sometime during his life and then had tapered off a little, might fall and break a leg or something like that, and he would receive treatment for that broken leg under this act if it were passed.

However, since that time I have had an amendment drawn, and if

the Minority Report is accepted, I will present this amendment. I have been to the most of the members on the committee and they favor the bill as it would be amended, if accepted, and I have been to the Attorney General's Office and he has assured me that with the amendment the recipients would be only alcoholics; so at this time I move acceptance of the Minority "Ought to pass" Report.

The SPEAKER: The gentleman from Auburn, Mr. Waterman, moves the acceptance of the Minority "Ought to pass" Committee Report. Is that the pleasure of the House? (Cries of "No")

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

Sixty-two having voted in the affirmative and forty having voted in the negative, the motion did prevail, the Minority "Ought to pass" Report was accepted and the Bill read twice.

Mr. Waterman of Auburn offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 937, L. D. 1371, Bill, "An Act Providing Funds for Treatment, Care and Rehabilitation of Alcoholics."

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

"R. S., c. 61, Sec. 14-A, additional. Chapter 61 of the Revised Statutes is amended by adding a new section 14-A, to read as follows:

"Sec. 14-A. Funds for treatment of alcoholics. Necessary funds for the hospital and clinic treatment and care of alcoholism shall be made available from current liquor revenue.

Necessary funds for direct medical and psychiatric treatment and physical rehabilitation of indigent and medically indigent cases of alcoholism shall be appropriated directly from liquor revenue, and shall be established as a fund from which expenditures under this section shall be paid. No expenditures under this section shall be made for conditions which are not directly related to,

associated with, or a part of the condition of chronic alcoholism.

These funds shall be appropriated to the Department of Health and Welfare which shall promulgate necessary rules and regulations for their expenditure.

Expenses incurred by the Department of Health and Welfare in any of its divisions for this type of care, or by the Department of Mental Health and Corrections shall be a proper charge against this appropriation.

Hospitals and clinics providing this type of care shall be reimbursed by the Department of Health and Welfare on the basis of individual application and billing, and on the basis of an accepted reimbursable cost formula.

There is appropriated the sum of \$50,000 for the purposes of this section."

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

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

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

Tabled — May 2, by Mr. Berry of Cape Elizabeth.

Pending — Passage to be Engrossed.

Mr. Berry of Cape Elizabeth offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 301, L. D. 409, Bill, "An Act Providing for the Formation of Sanitary Districts."

Amend said Bill by striking out all of that part designated paragraph "E." of subsection VII of section 3 as follows:

"E. Article , To choose (number) of trustees to represent the municipality on the board of trustees of the (name) Sanitary District. At any such town meeting or city election trustees shall be chosen to represent the municipality in the manner provided in section 7."

Further amend said Bill by striking out all of the 2nd underlined sentence of section 4 and inserting

in place thereof the following underlined sentence:

'If the commission finds from the returns that a majority of the residents within each of the municipalities involved, voting on each of the articles or questions submitted to them, have voted in the affirmative, and the municipal officers have named the necessary trustees and the names thereof to represent each municipality, and that all other steps in the formation of the proposed sanitary district are in order and in conformity with law, the Water Improvement Commission shall make a finding to that effect and record the same upon its records.'

Further amend said Bill by striking out all of the first underlined sentence of section 6 and inserting in place thereof the following underlined sentence:

'All of the affairs of a sanitary district shall be managed by a board of trustees which shall consist of not less than 3 nor more than 6 members, the exact number to be determined as set forth in section 3.'

Further amend said Bill by striking out all of the first underlined sentence of section 7 and inserting in place thereof the following underlined sentence:

'Trustees shall be appointed by the municipal officers of each municipality notwithstanding any other provision in any municipal charter to the contrary.'

Further amend said Bill by striking out all of the 3rd underlined sentence of section 7, which includes the table, and inserting in place thereof the following:

'The terms shall be determined by lot in accordance with the following table:

Total number of Trustees	TERM		
	1 yr.	2 yrs.	3 yrs.
3	1	1	1
4	1	1	2
5	1	2	2
6	2	2	2

Further amend said Bill by striking out all of the 5th underlined sentence of section 7 and inserting in place thereof the following underlined sentence:

'The trustees shall serve their terms as determined at the organizational meeting.'

Further amend said Bill by striking out all of the 6th underlined sentence of section 7.

Further amend said Bill by striking out the first underlined sentence of the 3rd paragraph from the end of section 7 and inserting in place thereof the following underlined sentence:

'At the expiration of the terms so determined the vacancy shall be filled for a term of 3 years and the trustees shall notify the municipal officers of the municipalities within the sanitary district, 30 days before the expiration of said term, of the fact that a vacancy will occur so that the municipal officers and the respective municipalities may appoint a trustee or trustees, to fill the vacancy that will occur.'

Further amend said Bill by striking out all of the first underlined sentence of the next to the last paragraph of section 7 and inserting in place thereof the following underlined sentence:

'When a vacancy on the board of trustees occurs by reason of death, resignation or otherwise, the municipal officers of a municipality that the trustee represented shall fill the vacancy by appointing a trustee from the municipality to serve the remaining term of the trustee who has vacated his office.'

Further amend said Bill by adding after section 7 a new section to read as follows:

'Sec. 8. Reimbursement of costs to municipalities. Any municipality or municipalities which fall within a sanitary district formed under this act shall be entitled to reimbursement from said sanitary district when the sanitary district is in a position to reimburse said costs. The term "costs" as used in this section shall include but shall not be limited to the following cost of preparation of an engineering study or studies; legal costs with relation to the application and presentation of any application for the formation of a sanitary district; other engineering costs that may not be included in a study; costs for financial advice; administrative expense and such other expense as may be necessary or incident to the action of any municipality under this act.'

Further amend said Bill by striking out all of section 14 and in-

serting in place thereof the following:

“Sec. 14. Appeal. If any person sustaining damages by any taking by a sanitary district under section 13 shall not agree with such district upon the sum to be paid therefor, either party may, by complaint filed in the Superior Court in the county where the land is located, proceed under the Maine rules of civil procedure to bring an action against the other to have the damages assessed for any taking. The court shall determine the same by a verdict of its jury or if all parties agree, by the court without a jury, or by a referee or referees, and shall render judgment for just compensation with interest where such is due, and for costs in favor of the parties entitled thereto.”

Further amend said Bill by striking out all of subsections I and II

of section 24 and inserting in place thereof the following:

‘I. Current operating expenses. To pay the current expenses of operating and maintaining the sewerage, drainage and treatment system of the district, which shall include proper depreciation charges;

II. Payment of interest. To provide for the payment of interest on the indebtedness created by the district;’

House Amendment “A” was adopted.

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

On motion of Mr. Wellman of Bangor,

Adjourned until Tuesday, May 7, at ten o'clock in the morning.