

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and First
Legislature*

OF THE

STATE OF MAINE

1963

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Tuesday, May 7, 1963

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

Prayer by the Rev. Mr. Paul E. Keirstead of Gardiner.

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

The journal of the previous session was read and approved.

The SPEAKER: The Speaker is very pleased this morning to recognize in the gallery of the House pupils from the eighth grade of Notre Dame School, Waterville, accompanied by Reverend Mother St. Claire and Mother Stella; and drivers, Mrs. Raymond Michaud, Mrs. Arthur Jacques, Mrs. Alice Drouin, and Miss Grace Letourneau.

This group, who are the special guests of Representative Baldic of Waterville, includes: Norma Ackley, Linda Bouchard, Constance Bouthot, Susan Cote, Betty Doucette, Lucienne Drouin, Louise Dubois, Juliana Gorneau, Regina Hallee, Carmen Jacques, Marcia King, Linda Poulin and Vickie Proulx.

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

**Papers from the Senate
Senate Reports of Committees
Ought to Pass in New Draft**

Report of the Committee on Legal Affairs on Bill "An Act relating to Use of Credit Cards" (S. P. 38) (L. D. 31) reporting same in a new draft (S. P. 587) (L. D. 1540) under same title and that it "Ought to pass"

Report of the Committee on Transportation on Bill "An Act relating to Inspection of Motor Vehicles" (S. P. 39) (L. D. 32) which was recommitted, reporting same in a new draft (S. P. 586) (L. D. 1541) under same title and that it "Ought to pass"

Came from the Senate with the Reports read and accepted and the New Drafts passed to be engrossed.

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

the New Drafts read twice and tomorrow assigned.

Ought to Pass

Report of the Committee on Taxation reporting "Ought to pass" on Bill "An Act relating to Taxpayers Furnishing List of Property to Assessors" (S. P. 434) (L. D. 1177)

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**

Report of the Committee on Constitutional Amendments and Legislative Reapportionment on Resolve Proposing an Amendment to the Constitution Relating to Authority of Governor as Commander in Chief (S. P. 528) (L. D. 1449) 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. 528, L. D. 1449, Resolve, Proposing an Amendment to the Constitution Relating to Authority of Governor as Commander in Chief.

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 in concurrence and the Resolve assigned for second reading tomorrow.

Tabled and Assigned

Report of the Committee on Constitutional Amendments and Legislative Reapportionment on Resolve Proposing an Amendment to the Constitution Designating Procedure

for Determining the Election of Governor (S. P. 530) (L. D. 1451) 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.

(On motion of Mr. Childs of Portland, tabled pending acceptance of the Committee Report and specially assigned for Tuesday, May 14.)

Divided Report

Majority Report of the Committee on Constitutional Amendments and Legislative Reapportionment on Resolve Proposing an Amendment to the Constitution Pledging Credit of State for Guaranteed Loans for Recreational Purposes (S. P. 100) (L. D. 237) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. PORTEOUS of Cumberland
FARRIS of Kennebec
JACQUES of Androscoggin
EDMUNDS of Arostook
NOYES of Franklin
— of the Senate.

Messrs. PEASE of Wiscasset
WATKINS of Windham
COTTRELL of Portland
PLANTE
of Old Orchard Beach
SMITH of Strong
CARTIER of Biddeford
— of the House.

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

Report was signed by the following members:

Messrs. VILES of Anson
SMITH of Bar Harbor
DENNETT of Kittery
BERMAN of Houlton
— of the House.

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

In the House: Reports were read.

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

Mr. BERMAN: Mr. Speaker, boiled down to its essence, my colleagues Mr. Dennett, Mr. Smith of Bar Harbor, Mr. Viles, and myself felt that the credit of the State of Maine should not be pledged as the guarantee for loans regarding recreational purposes because we felt that these loans are more speculative than industrial business loans. For that very simple reason, I now move acceptance of the Minority "Ought not to pass" Report.

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

Non-Concurrent Matter

Bill "An Act Increasing Minimum Wages and Revising the Minimum Wage Law" (S. P. 183) (L. D. 482) which was passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A" in non-concurrence in the House on April 25.

Came from the Senate with that body voting to adhere to its former action whereby the Bill was passed to be engrossed as amended by Senate Amendment "A".

In the House: On motion of Mr. Wellman of Bangor, the House voted to insist and request a Committee of Conference.

Non-Concurrent Matter

Bill "An Act relating to Eating Places" (H. P. 638) (L. D. 894) which was indefinitely postponed in the House on May 1.

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

In the House:

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

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

The SPEAKER: The gentleman from Lewiston, Mr. Cote, moves that the House adhere.

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

Mrs. HENDRICKS: Mr. Speaker, I request a division, and I would like to speak briefly on the matter.

The SPEAKER: The gentlewoman may proceed.

Mrs. HENDRICKS: Mr. Speaker and Members of the House: This legislative document is of great concern to the Health and Welfare Department. There is an increase of 25 percent in licensing activity; therefore there is an increase in travel cost, postage, and many other things. So it is not realistic to think that the Department can get along without this bill, so I request a division on the motion.

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

Mrs. SMITH: Mr. Speaker, I move we recede and concur, and I ask for a division.

The SPEAKER: The question before the House now is the motion of the gentlewoman from Falmouth, Mrs. Smith, that the House recede and concur.

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

Mr. BERRY: Mr. Speaker, the amendments which have been offered in the other body and are now before us if we recede and concur in my opinion make this now an acceptable document. I would hope that it would pass.

The SPEAKER: Is the House ready for the question? The question before the House now is the motion of the gentlewoman from Falmouth, Mrs. Smith, that the House recede from its former action and concur with the Senate. Is that the pleasure of the House?

Mr. Cote of Lewiston then requested a division on the motion.

The SPEAKER: A division has been requested. All those in favor of receding from our former action and concurring with the Senate, will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Eighty-three having voted in the affirmative and thirty having voted in the negative, the motion to recede and concur did prevail.

On motion of the gentlewoman from Falmouth, Mrs. Smith, House

Rule 25 was suspended for the remainder of today's session in order to permit smoking.

Orders

On motion of Mr. Mendes of Topsham, it was

ORDERED, that Mr. Jameson of Bangor be excused from attendance today because of business.

On motion of Mr. Berman of Houlton, it was

ORDERED, that Carmen Jacques and Linda Bouchard of Waterville be appointed to serve as Honorary Pages for today.

The SPEAKER: The Sergeant-at-Arms will retire to the rear of the Hall of the House and escort the Honorary Pages to their positions.

Thereupon, the Misses Carmen Jacques and Linda Bouchard of Waterville were escorted to the well of the Hall of the House by the Sergeant-at-Arms to serve as Honorary Pages for the day. (Applause)

House Reports of Committees Leave to Withdraw

Mr. Pierce from the Committee on Appropriations and Financial Affairs on Bill "An Act Directing a Study of Liquor Laws by Legislative Research Committee" (H. P. 175) (L. D. 244) reported Leave to Withdraw.

Mr. Smith from the Committee on Judiciary reported same on Bill "An Act relating to Operation of a Motor Vehicle While under the Influence of Intoxicating Liquor or Drug" (H. P. 924) (L. D. 1358)

Reports were read and accepted and sent up for concurrence.

Covered by Other Legislation

Mr. Jalbert from the Committee on Appropriations and Financial Affairs reported same on Resolve in favor of a State Park on Rangeley Lake (H. P. 322) (L. D. 449), as it is covered by other legislation.

Mr. Minsky from same Committee reported same on Bill "An Act Providing for Development of State Parks and the Issuance of not Exceeding One Million Five Hundred Thousand Dollars of State of Maine Bonds for the Financing Thereof" (H. P. 563) (L. D. 803), as it is covered by other legislation.

Reports were read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Minsky from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act Appropriating Funds for Dam Across Little River, Washington County" (H. P. 87) (L. D. 131)

Report was read and accepted and sent up for concurrence.

Bill Substituted for Report

Mr. Pierce from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act Appropriating Monneys for Maine Civil War Commission" (H. P. 408) (L. D. 561)

Report was read.

The SPEAKER: The Chair recognizes the gentleman from Vinalhaven, Mr. Maddox.

Mr. MADDUX: Mr. Speaker, Ladies and Gentlemen of the House: I rise to object to the acceptance of the "Ought not to pass" Report. In '58, the National Congress passed an act incorporating the National Civil War Centennial Commission. Pursuant to that order, the governors of the individual states issued orders similar forming state centennial commissions. This commission was formed in the 99th Legislature and the members of the House appointed by the then Speaker, the Honorable Joseph Edgar; and Senate members appointed by the then President, the Honorable John H. Reed; civilian members appointed by our late Governor Clauson. The life of this Commission was to parallel the 100th anniversary of the Civil War, otherwise five years from '61 to '65, inclusive. Since then, the Commission has been active in cooperating with the other states. The National Commission has had five national assemblies and the sixth one will be held in May in Boston, and our Governor is invited. The governors of all fifty states are invited, and it would be too bad for Maine not to take a part in that particular observance.

We have functioned as well as possible with this small amount of funds at our command. It is a

worthy and an honorable commission on which to serve. Maine is not one of the states that has large battlefield parks to attract tourists as some of our southern states do; and those other states where large amounts have been appropriated, commemorations have been a means of attracting many, many hundreds of thousands of people to those areas. Maine has nothing but memories, a few tattered flags in the foyer of the State House, and thousands of moss-grown tombstones in the cemeteries of the state. But from the conflict which was tearing our nation apart 100 years ago, a great man arose in response to the need of the time and welded this nation into what we are today.

The tools with which Abraham Lincoln worked were the men of the various northern states who sacrificed all that they had to give that this nation might endure. The men of Maine played a proud part in furnishing him the tools that he needed to work with. We pause here each February for a few minutes of reverence and speeches in memory of that great man, and that sacrifice of Maine citizens made it possible that we do so. A few minutes ago, we paused here to pay our respects to our National Flag. The fact that we are able to do so is because these men of Maine 100 years ago gave freely of all that they had to give, and the amount of money that this bill calls for, that we may continue throughout the rest of the existence of the National Commission to take our rightful part with them, is a very small amount and I think that this House, ladies and gentlemen, will be remiss and in fact it would be ashamed on July 3 at Gettysburg when the governors of the states rededicate the monuments on those fields of the men who died there and at Little Round Top where a former Governor of Maine, at that time a Colonel in the Army of the northern forces, commanded the 20th Maine Infantry and turned the tide that eventually resulted in the recession of the confederate army from the State of Pennsylvania, if we do not have Maine representation there, I for one, would be very ashamed. Ladies and gentlemen, as

much as I admire the work that has gone into the preparation of this Report, although it came out "Ought not to pass," I have got to ask you to reject that report, and I now move for the first and second reading of the bill.

The SPEAKER: The Chair understands that the gentleman from Vinalhaven, Mr. Maddox, moves that the House substitute the Bill for the Report. Is that the pleasure of the House? All those in favor, please say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed.

Thereupon, the Bill was substituted for the "Ought not to pass" Report, read twice and assigned for third reading tomorrow.

Tabled and Assigned

Mr. Smith from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act relating to the Assessment of Towns in Aid to Dependent Children Grants" (H. P. 788) (L. D. 1141)

Report was read.

(On motion of Mr. Plante of Old Orchard Beach, tabled pending acceptance of the Committee Report and specially assigned for Thursday, May 9.)

Mr. Rust from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act relating to Penalty for Operation of Motor Vehicles by Unlicensed Persons" (H. P. 50) (L. D. 73)

Mr. Smith from same Committee reported same on Bill "An Act relating to Forgery of Motor Vehicle Registration Certificates, Inspection Stickers and Operator's Licenses" (H. P. 222) (L. D. 291)

Mr. Boissonneau from the Committee on Legal Affairs reported same on Bill "An Act Exempting Hardware Stores from Sunday Closing Law" (H. P. 663) (L. D. 919)

Mr. Gilbert from same Committee reported same on Bill "An Act Providing Local Option to Prohibit Operations of Business on Sunday and Certain Holidays" (H. P. 599) (L. D. 858)

Same gentleman from same Committee reported same on Bill "An Act Exempting Roadside Stands

Selling Farm Fertilizer and Seed from Sunday Closing Law" (H. P. 662) (L. D. 918)

Reports were read and accepted and sent up for concurrence.

Ought to Pass Printed Bills

Mr. Bragdon from the Committee on Appropriations and Financial Affairs reported "Ought to pass" on Resolve in favor of Macwahoc Plantation for School Construction Aid (H. P. 523) (L. D. 740)

Mr. Edwards from same Committee reported same on Resolve Appropriating Funds for the Block House at Fort Kent (H. P. 141) (L. D. 193)

Mr. Humphrey from same Committee reported same on Bill "An Act Providing for Repair and Maintenance of State-owned Dam on Dead River, Androscoggin County" (H. P. 17) (L. D. 42)

Reports were read and accepted, the Bill read twice, Resolves read once and tomorrow assigned.

Tabled and Assigned

Mr. Humphrey from the Committee on Appropriations and Financial Affairs reported "Ought to pass" on Resolve Providing Funds to the Washington County Development Authority for Development of Recreational Areas (H. P. 565) (L. D. 804)

Report was read.

(On motion of Mrs. Smith of Fal-mouth, tabled pending acceptance of the Committee Report and specially assigned for Tuesday, May 14.)

Mr. Minsky from the Committee on Appropriations and Financial Affairs reported "Ought to pass" on Bill "An Act Appropriating Funds to Aid in Dredging the Kennebunk River Harbor" (H. P. 18) (L. D. 43)

Mr. Pierce from same Committee reported same on Resolve Appropriating Funds for Development of Owl's Head Lighthouse Area (H. P. 181) (L. D. 250)

Mrs. Smith from same Committee reported same on Bill "An Act Authorizing the Construction of Self-Liquidating Student Dining Facilities for the Maine Maritime Academy

and the Issuance of Not Exceeding \$475,000 Bonds of the State of Maine for the Financing Thereof" (H. P. 357) (L. D. 531)

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

Ought to Pass with Committee Amendment

Mr. Jalbert from the Committee on Appropriations and Financial Affairs on Resolve for Development of Revenue-Producing Park Facilities on Mt. Battie (H. P. 414) (L. D. 567) 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. 414, L. D. 567, Resolve, for Development of Revenue-Producing Park Facilities on Mt. Battie.

Amend said Resolve in the first paragraph by striking out the figure "\$170,000" and inserting in place thereof the figure '\$156,000'

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

Mr. Thornton from the Committee on Judiciary on Bill "An Act Establishing the Uniform Commercial Code" (H. P. 79) (L. D. 95) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

Committee Amendment "A," being Legislative Document 1552, was read and adopted, and the Bill assigned for third reading tomorrow.

The SPEAKER: The Chair is pleased at this time to recognize in the gallery of the House, thirty-five students from the eighth grade of St. Athanasius School of Rumford, accompanied by Sister Mary Xavier and Sister Augustine.

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

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act Prohibiting Operation of Business on Sunday and Certain Holidays" (H. P. 598) (L. D. 857)

Report was signed by the following members:

Mr. STITHAM of Somerset
Mrs. SPROUL of Lincoln
Mr. ATHERTON of Penobscot
— of the Senate.

Messrs. COPE of Portland
COTE of Lewiston
Mrs. WHITE of Guilford
Messrs. BOISSONNEAU

— of Westbrook
FOSTER of Mechanic Falls
WELLMAN of Bangor
— of the House.

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

Report was signed by the following member:

Mr. GILBERT of Eddington
— of the House.

Reports were read.

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

Mr. WELLMAN: Mr. Speaker, I move we accept the Majority "Ought not to pass" Report.

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

The Chair recognizes the gentleman from Eddington, Mr. Gilbert.

Mr. GILBERT: Mr. Speaker, Members of the House: This problem of Sunday business as you can see by the next two items on the calendar is a rather complicated one, and I would like to explain briefly what it is.

There were seven bills filed, and I would like to call them by the names of the gentlemen that filed them, in no disrespect to them but just to have them easily. There were two bills filed by the gentleman from Portland, Mr. Childs. They can be found on the bottom of page three and top of page four of the present calendar. These bills only added exemptions to the existing law. Now the existing law has

in it a local option, and this is what has caused the trouble between towns that either voted it down or did not have an opportunity to vote on it and thereby remained closed, where neighboring towns, on the other hand, voted in favor of opening up. The existing law did go to the Maine Supreme Court and was upheld. However, at the committee hearings on all of these bills, it was agreed by everyone that the local option is not good.

Now there were three bills filed by the gentleman from Windsor, Mr. Choate. One has already been disposed of in this House which would open everything up. This is the one that would close everything down, and the third bill of Mr. Choate's, the gentleman from Windsor, is found on the bottom of page three of this calendar which would give local option. Again, let me say why we thought that that should not pass by local option is because of the difficulty under the present bill.

This leaves then the three remaining bills, the one that is now before us and the next two items. The one before us is the gentleman from Windsor, Mr. Choate's bill, to close everything down. The next one, item 23, is the gentleman from Eastport, Mr. MacGregor's bill; and the next one, item 24, is the gentleman from Strong, Mr. Smith's bill.

Now I submit that these Sunday business bills are nothing more than a regulation of business. We sometimes get emotionally involved in them, which, at least by the Court's decision, we should not. All it is is regulating business. It is my feeling that our form of government is a government of laws and not of men. So, therefore, it is my strong feeling that any such laws that regulate business and the way that people make their living should be equal on all people.

Now the first Choate bill that was killed here in the House would have made it equal on all people in the state, irrespective of who they were and what they did. It would be up to the individual persons whether they wanted to do business on Sunday. Similarly, this bill, item 22, makes it equal for

everyone in the state because it closes everyone up. Now the next item, item 23 and I will debate further on it when we reach it, in my opinion, is not an equal bill. It pulls out of the air, if you please, certain criteria of who can do business on Sunday and who cannot. This, I submit, is not equal.

I hope that when you consider the motion before you to accept the Majority Report on this, that you will keep in mind this fact of whether you want everyone treated equally or whether you want to select certain people and say you can do business on Sunday and certain others, you cannot. Thank you.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Bangor, Mr. Wellman, that the House accept the Majority "Ought not to pass" Report. Is that the pleasure of the House?

The motion prevailed. The Majority "Ought not to pass" Report was accepted and sent up for concurrence.

The SPEAKER: The Chair is delighted again this morning to recognize in the gallery, grades seven and eight of the Phippsburg School, accompanied by their principal, Mr. Turcotte; Mr. Burns and Mrs. Pye.

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

Divided Report Tabled and Assigned

Majority Report of the Committee on Legal Affairs on Bill "An Act relating to Operating Business on Sunday and Certain Holidays" (H. P. 930) (L. D. 1364) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Mrs. SPROUL of Lincoln
Mr. ATHERTON of Penobscot
— of the Senate.
Messrs. COTE of Lewiston
BOISSONNEAU
of Westbrook
FOSTER of Mechanic Falls

COPE of Portland
WELLMAN of Bangor
— of the House.

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

Report was signed by the following members:

Mr. STITHAM of Somerset
— of the Senate.

Mrs. WHITE of Guilford
Mr. GILBERT of Eddington
— of the House.

Reports were read.

(On motion of Mr. Wellman of Bangor, tabled pending acceptance of either Report and specially assigned for Thursday, May 9.)

Divided Report Tabled and Assigned

Majority Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act relating to Operating Business on the Lord's Day and Certain Holidays" (H. P. 931) (L. D. 1365)

Report was signed by the following members:

Mr. STITHAM of Somerset
Mrs. SPROUL of Lincoln
Mr. ATHERTON of Penobscot
— of the Senate.

Messrs. COPE of Portland
COTE of Lewiston
WELLMAN of Bangor
BOISSONNEAU

of Westbrook
Mrs. FOSTER of Mechanic Falls
WHITE of Guilford
— of the House.

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

Report was signed by the following member:

Mr. GILBERT of Eddington
— of the House.

Reports were read.

(On motion of Mr. Wellman of Bangor, tabled pending acceptance of either Report and specially assigned for Thursday, May 9.)

Third Reader Tabled and Assigned

Bill "An Act relating to Compensation of and Per Diem Fees of Deputy Sheriffs" (H. P. 1082) (L. D. 1549)

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

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

Passed to Be Engrossed

Bill "An Act relating to the Taxation of House Trailers" (H. P. 1083) (L. D. 1550)

Bill "An Act relating to Disposition of Part of Tax on Pari Mutuel Pools on Running Horse Racing" (H. P. 1084) (L. D. 1551)

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

Amended Bills

Bill "An Act Increasing Salaries of Justices of Supreme Judicial Court and Superior Court" (S. P. 221) (L. D. 606)

Bill "An Act Increasing Salary of Official Court Reporters" (S. P. 228) (L. D. 609)

Bill "An Act relating to Adoption of Ordinances by Penobscot Tribe of Indians" (S. P. 246) (L. D. 620)

Resolve Appropriating Moneys for Support of the Civil Air Patrol Program (S. P. 31) (L. D. 25)

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

Third Reader Tabled and Assigned

Bill "An Act Providing Funds for Treatment, Care and Rehabilitation of Alcoholics" (H. P. 937) (L. D. 1371)

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

The SPEAKER: The Chair recognizes the gentleman from Fal-mouth, Mrs. Smith.

Mrs. SMITH: Mr. Speaker and Members of the House: I have just noticed this bill and I note that originally this bill came in without a price tag on it saying that the funds should come from the liquor

money which of course all revenues from liquor go to the general fund. I see now that we have an amendment for \$50,000 on it. I also would like to ask if I may, through the Chair, how does this tie in with our other alcoholic rehabilitation programs, whether this is an addition to it or just what type of a program this is.

The SPEAKER: The gentlewoman from Falmouth, Mrs. Smith, poses a question through the Chair to anyone who may answer if he chooses.

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

Mr. WATERMAN: Mr. Speaker, this is not in addition to the present program, but it just specifies that this amount of money from current liquor revenues shall be used for this purpose of rehabilitating alcoholics.

Thereupon, on motion of Mrs. Smith of Falmouth, tabled pending passage to be engrossed and specially assigned for tomorrow.

Passed to Be Enacted Emergency Measure

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

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

Passed to Be Enacted

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

Was 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 Motor Vehicle Registration Plates (S. P. 569) (L. D. 1514)

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

(On motion of Mr. Smith of Bar Harbor, tabled pending passage to be enacted and specially assigned for Tuesday, May 14.)

An Act to Reconstitute School Administrative District No. 17 (H. P. 272) (L. D. 366)

Was 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 Eligibility of Trustees as Directors of Trust Companies (H. P. 657) (L. D. 913)

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

(On motion of Mr. Gill of South Portland, tabled pending passage to be enacted and specially assigned for Tuesday, May 14.)

Enactor

Tabled and Assigned

An Act relating to Notice to Town of Settlement When Persons Found Destitute (H. P. 783) (L. D. 1136)

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

(On motion of Mr. Smith of Strong, tabled pending passage to be enacted and specially assigned for Wednesday, May 15.)

Passed to Be Enacted

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

Finally Passed

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

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

Orders of the Day

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

Bill "An Act Transferring Duties of Commissioner of Agriculture Relating to Shellfish to Commissioner of Sea and Shore Fisheries and Revising Laws Thereto." (S.P. 554) (L. D. 1489)—Engrossed in Senate—Indefinitely Postponed in House.

Tabled—April 30, by Mr. Young of Gouldsboro.

Pending—His Motion to Reconsider.

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

Seventy-five having voted in the affirmative and sixteen having voted in the negative, the motion to reconsider did prevail.

The SPEAKER: The question now before the House is the motion to indefinitely postpone this bill.

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

Mr. YOUNG: Mr. Speaker, I have to speak against this motion. I am opposed to the motion to indefinitely postpone this bill, L.D. 1489. The Commissioner of Sea and Shore Fisheries and the Commissioner of Agriculture, they appeared at the Committee on State Government and presented testimony in favor of passage of this bill. There was no opposition at the hearing and there has been no one since that time expressed themselves as being opposed.

As you know now, the Commissioners of Agriculture and Sea and Shore Fisheries do this function together, and it is kind of duplication of services. The Sea and Shore Fisheries has the boats and the equipment to carry out — they have to get water samples and the Agriculture Department couldn't do that and the closed areas that are open in the clam flats especially, a water sample has to be carried on all the time and there is a certain time of the year that some of these flats that are closed in the summertime, they can be opened in the winter, and since 1947 there has been about \$350,000 of clams available for reasonable operation areas. And the informa-

tion has to be gathered at different times and the Sea and Shore Fisheries has the only boats and equipment to get the samples, so I am in favor of it.

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

Mr. CROCKETT: In regard to this legislation that we are working on now, it seems to me that the Sea and Shore Fisheries is where this bill belongs. They are equipped, which you have heard, with the proper equipment to operate and anything that grows above ground I'll go along with Agriculture having the say of it, but anything that is under the water I say the Sea and Shore Fisheries should have control of this proposition here.

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

Mr. RANKIN: Mr. Speaker, as you all know at the present time pollution has become an increasing problem. Now certainly no one wants to eat clams taken from a polluted flat. At the present time the authority over these flats is split between the Department of Agriculture of Maine and the Department of Sea and Shore Fisheries of Maine. In other words, when the Sea and Shore Fisheries gather the information on whether or not a flat is polluted, the Department of Agriculture transmits that information to the United States Bureau of Public Health. The United States Public Health, if the information is detrimental to the health of people, transmits a message back to the Department of Agriculture; the Department of Agriculture of Maine then informs the Department of Sea and Shore Fisheries, and then the Sea and Shore Fisheries Department closes the flat that is being polluted.

Now this bill transfers the duties from the Department of Agriculture to the Department of Sea and Shore Fisheries. Both the Commissioner of Sea and Shore Fisheries, Mr. Green, and the Commissioner of Agriculture, Mr. Newdick, approve of this measure, and I trust it will receive your support.

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

Mr. COULTHARD: Mr. Speaker, Ladies and Gentlemen of the House: I have no quarrel with the remarks that have been made on the Floor this morning. My only point is that the Agriculture Department has been handling this because they have the Food Inspection Division within their Department. We also have — they handle sardines. Well that's not a vegetable either, so I maintain that if the Sea and Shore Fisheries want to take over the inspection of the clams, that they could take over the sardines also. My only point in my debate was the fact that it is going to cost \$50,000 to create a new division within the Sea and Shore Fisheries Department which is being handled by the Agriculture Department.

I will grant you that there was no opposition, because it was understood by both the Departments, but my only point was in trying to save a dollar. I have no quarrel with reconsidering the action taken before, but what is going to happen to this bill? It will go to the appropriations table in the Senate and in the wee hours of the session here it will be killed and some of you will have to get up and talk on it, and as my good friend from Auburn, Mr. Turner, he will probably kill it in the wee hours of the session anyway. Thank you.

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

Mr. RANKIN: Mr. Speaker, Ladies and Gentlemen: I don't consider it our responsibility to worry as to what action the other House will take. We are here to enact or defeat legislation on its merits, not on an action of some other body.

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker, I fail to find in 1489 where there is any appropriation requested or called for.

I might point out that the closing of the clam flats, the authority to do this, rests solely with the

Sea and Shore Fisheries Department, and it is a duplication of effort rather than an additional expense which is trying to be overcome here. If the Public Health Department and Pure Food and Drug Administration can deal directly with the Sea and Shore Fisheries Department, contaminated flats can be closed sooner and flats which become free of bacterial count can be opened much sooner, and I think that it is a bill which will help and aid some of our clam diggers in the State of Maine to open additional flats and also to get flats closed before they do get too bad.

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

Mr. COULTHARD: Mr. Speaker, Ladies and Gentlemen: I apparently didn't finish my remarks. I would like to support the motion of the gentleman from Gouldsboro, Mr. Young, that we do reconsider, and I have stated my reasons for trying to defeat the bill in the first place. It was a matter of money. Thank you.

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

Mrs. SMITH: Mr. Speaker, I just want to tell the House as regardless of the fact that the bill has no price tag on it, it will have to have a price tag of \$50,000 per year on it to create the department in the Sea and Shore Fisheries.

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

Mr. YOUNG: Mr. Speaker, as far as the appropriation goes on this bill, I don't think it is that much, but anyway, they could take part of that out of Agriculture because Agriculture wouldn't have to perform this part of the function, and I just wanted to add that the United States Public Health Service has been making intensive and continued review of state-controlled programs, and they have expressed great concern over the divided responsibility within our state. It says: although the Department of Agriculture has been responsible for the certification program, we have been —

the Sea and Shore Fisheries have been required to assist them in gathering the data and enforcing the closed areas.

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

Mr. JALBERT: Mr. Speaker, I would like to ask a question to anyone who may answer if they choose, if this is going to cost the Sea and Shore Fisheries Department \$50,000 each year, is it now costing the Department of Agriculture \$50,000 each year?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, poses a question through the Chair of anyone who may answer if he chooses.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I have been a little reluctant to get into this discussion. However, I did this morning purposely discuss the matter with the Commissioner of Agriculture and also with Ronnie Green, the Commissioner of Sea and Shore Fisheries. Mr. Newdick assured me that they never have had sufficient funds to do a proper job on this thing and he is completely in agreement that the thing should be transferred to Sea and Shore Fisheries.

However, I am convinced — I am in favor of this move, but I am convinced, in answer perhaps to the question of the gentleman from Lewiston, Mr. Jalbert, that a cost will be placed on this transfer as it goes to the appropriations table. Probably \$20,000 in the first year and \$25,000 thereafter, so I think the figures — this I did get from Mr. Green, and I think that the figures that have been given as to cost probably are very near correct.

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

Mrs. SMITH: Mr. Speaker, merely to clear up this situation, I have no interest in the bill whatsoever. However, I have had this checked out and the word that I got back — I had the Budget Office check this out. We had a note from Ronnie Green, Com-

missioner of Sea and Shore Fisheries, which I loaned to my friend across the aisle, it was either \$25,000 in each year of the biennium or \$50,000 in each year of the biennium. I am not sure which \$50,000 it was. There has never been an appropriation for it in Agriculture; he has asked for it, but he has had money in a division of inspection, and it has been considered that he could do this along with his other work and he has. This is only for your information, but there will be a price tag. There has not been a price tag in Agriculture.

Thereupon, on motion of Mr. Jalbert of Lewiston, the Bill was tabled pending the motion to indefinitely postpone and specially assigned for tomorrow, May 8.

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

SENATE REPORT—Ought to pass in New Draft (S. P. 553) (L. D. 1490)—Committee on Agriculture on Bill "An Act to Create Water Conservation Districts and to Expand Powers of Soil Conservation Districts." (S. P. 45) (L. D. 125) (Filing S-155)

Tabled—May 1, by Mr. Choate of Windsor.

Pending—Acceptance of Report. On motion of Mr. Mower of Bangor, retabled pending acceptance of Report and specially assigned for Wednesday, May 8.

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

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

Tabled—May 1, by Mr. Pease of Wiscasset.

Pending—Passage to be enacted. On motion of Mr. Pease of Wiscasset, the House voted to suspend the rules and to reconsider its action of April 19 whereby this Bill was passed to be engrossed.

Thereupon, Mr. Pease of Wiscasset offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to S. P. 561, L. D. 1501, Bill, "An Act to Permit Towns to Choose Single Assessors and to Permit Certain Cities and Towns to Create Boards of Assessment Review."

Amend said Bill in section 3 by adding after the underlined word and punctuation "assessors." in the 8th line the following underlined sentence:

'In towns where the legislative body is the town meeting, the determination shall be effective only if the total number of votes cast for and against the determination equals or exceeds 10% of the total vote for all candidates for Governor in the town at the next previous gubernatorial election.'

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

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

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

Tabled—May 2, by Mr. Chapman of Norway.

Pending—Motion of Mr. Berry of Cape Elizabeth to Accept Minority Ought to pass Report.

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

Mr. CHAPMAN: Mr. Speaker, Ladies and Gentlemen: I move we indefinitely postpone this bill.

The SPEAKER: The question before the House is the motion of the gentleman from Norway, Mr. Chapman, that the Reports and bill be indefinitely postponed.

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

Mr. BERRY: Mr. Speaker, I wish to speak against the motion of the gentleman from Norway, Mr. Chapman. The debate which we had briefly last week in the

House I think sets forth the benefits of this bill.

I would like to make the additional comment at this stage of the game that the opposition to the bill comes solely from the people who are running the sewer districts, the trustees of the districts, and those municipal officials who do not wish to see any body over this group. There is no opposition from anybody else. I think that our responsibility today, ladies and gentlemen of the House, is to the person who pays the bill, and the issue is just exactly as simple as that. We are going to find as the years go by, and history has proved it up to now since the war, that the cost of construction of sewer systems is becoming almost prohibitive, and it has resulted in the deferral of very necessary sewer construction work in some of our Maine communities.

To whom can the rate payer turn if he is dissatisfied with these high bills? He can turn to no one, except the court, and it seems extremely unfair to give these rate payers absolutely no person to whom they can turn when they feel they are being discriminated against. The way our sewer districts operate now in the State of Maine, the sewer trustees themselves alone set the rates and are the judge and executioner. This is very definitely an unfair arrangement, and this bill would put them under the Public Utilities Commission for the purposes of rates, issuance of securities and the determination of their proper operating expenses. When we see sewer bills going up towards \$100 per year per customer, this indeed, ladies and gentlemen, becomes a very, very important matter. I certainly hope that this motion will be defeated, and if it is, I shall offer an amendment to the bill which will remove certain features in the bill which we have found to be objectionable and I feel the bill at that stage will accomplish what the Legislative Research Committee recommended, the establishment of proper regulation of sewer operations.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Friday, I attempted to table this measure because I wanted to check with our people at home, directly the Director of Public Works and his Department. It is my understanding now that the amendment would satisfy at least our people at home and in the cities involved, so I hope the motion to indefinitely postpone does not prevail in order for the gentleman from Cape Elizabeth, Mr. Berry, to submit his amendment which will meet with approval at least in our area.

The SPEAKER: Is the House ready for the question?

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

Mr. CURTIS: Mr. Speaker, I trust the motion for indefinite postponement does not prevail. A great many of our towns are finding themselves in the position where they have got to put in sewer systems, and I am sure that this measure would be helpful to them.

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

Mr. KENT: Mr. Speaker, I am a little concerned over this bill. We are in the process of putting a sewer district into operation in our area, and I am wondering that due to the financial difficulty that we are having at the present time in getting enough funds to do this job, how, if the Public Utilities Commission had control, that we would be able to set this up so that we would not hurt the people in the outlying areas who would not be having — would not have the benefit of the sewer system. Now if the Public Utilities Commission sets a fee, it may very readily be that the remainder of this fund will have to be raised by taxation. Therefore, people which may never get any use of it whatsoever may be forced to pay for the ones who are receiving the benefit of it, so I must support the motion of the gentleman from Norway, Mr. Chapman, to indefinitely postpone this bill.

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

Mr. ROSS: Mr. Speaker, in 1957 the P.U.C. sponsored and it was enacted, Section 13, Chapter 44. This section deals with municipal sewers and drains and so forth, and the P.U.C. are now on record as being opposed to having any control over sewer districts. Their primary function is to stand between the individual and private public utilities that are permitted a profit, such as telephone, power and so forth. They do not feel that any function where no profit is involved that they should be involved in. The money requested for this was some \$41,000 to administer this bill is entirely too low. The current shortage of qualified sanitary engineers is quite evident, and I heartily support the motion to indefinitely postpone.

Mr. Baldic of Waterville asked for a division.

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

Mr. MacLEOD: Mr. Speaker, I find in looking up this bill that I had a note that I wrote there evidently several months ago to oppose it, and the name of my city manager underneath it, so I assume that he is against this bill; but I wonder why this bill is any different or provides for anything any different than what is currently being provided for water districts which come under the Public Utilities Commission.

I can recall a few years ago in my home town where we had a water district where there was some unfair rates being charged in certain areas and some people appealed to the P.U.C. and got this straightened out, and if they could not have appealed to the P.U.C. they would have had no other recourse because this is a — these districts are separate from the rest of your local government and have their separate powers. So I would like to have someone who was on this Committee explain to me why, if the water districts are currently being controlled by the P.U.C. why shouldn't also the sewer districts be controlled?

The SPEAKER: The gentleman from Brewer, Mr. MacLeod, poses a question through the Chair to any Member who may answer if he wishes.

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

Mr. BERRY: Mr. Speaker, once again I am not a member of the Public Utilities Committee, but the gentleman from Brewer, Mr. MacLeod, has asked a very good question and there is no answer to it. There is absolutely no reason why the operations of the sewer systems shouldn't be under the P.U.C. just the same as the water district operations are.

To answer my good friend from Benton, Mr. Kent, may I say this, that the fears which he has that the Commission would set rates which would be inequitable to the rural dweller are exactly the fears that we are trying to allay, because the trustees of the Benton Sewer District can set the rates which would hurt the rural dweller, and the rural dweller can appeal to no one. This is the very root of the matter.

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

Mr. TAYLOR: Mr. Speaker, as a member of the Public Utilities Committee that heard this bill, the reason the majority voted "Ought not to pass" was because of the major concern of the Municipal Association of this State that felt that it was an imposition to the various towns and communities to have added regulation by the Public Utilities Commission of local sewer districts. Now water districts, in many cases, cover numerous communities. Sewerage Districts are almost invariably local issues within a given township or city and, non-profit, it was felt that they should not be under the jurisdiction of the Public Utilities Commission.

Also, after further conversation with the officials of my city, South Portland, I have learned that they were definitely against this type of supervision as their rates and conditions varied somewhat by

communities, and that the Public Utilities Commission, in most cases, would be unable under the present law to regulate in hardly any way the rate structure offered by a given locality or community, because the present law of the Public Utilities Commission is such that showing cause and financial reports warranting the necessity of a certain rate structure in order to meet the expenses of the district, the Public Utilities Commission have no alternative but to rubber stamp those rates if the financial report so warrants. And I am in favor of indefinite postponement of this bill as a result.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Norway, Mr. Chapman, that the Reports and Bill "An Act to Regulate Sewer Utilities," Legislative Document 689, be indefinitely postponed.

A division has been requested. All those in favor of the indefinite postponement of both Reports and the Bill will please rise and remain standing until the monitors have made and returned the count.

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

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

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

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) — Report Accepted in both Branches. Recalled from Legislative Files by Joint Order, Rules Suspended.

Tabled—May 2, by Mr. Dennett of Kittery.

Pending—Motion of Mr. Pease of Wiscasset to Reconsider.

Thereupon, the House voted to reconsider its action of February 7 whereby the "Ought not to pass" report was accepted.

On motion of Mr. Pease of Wiscasset, the Report and Bill were committed to the Committee on Appropriations and Financial Affairs in non-concurrence and sent up for concurrence.

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

HOUSE MAJORITY REPORT (6) — Ought Not to Pass — Minority Report (4) — Ought to Pass — Committee on Public Utilities 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)

Tabled — May 3 by Mr. Pease of Wiscasset.

Pending—Acceptance of Either Report.

On motion of Mr. Pease of Wiscasset, a division of the House being had, and 62 having voted in the affirmative and 49 in the negative, the Reports and Bill were retabled pending acceptance of either Report and specially assigned for Thursday, May 9.

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

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

Tabled—May 3, by Mr. Jones of Farmington,

Pending—Motion of Mr. Bragdon of Perham to Indefinitely Postpone.

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

Mr. BRAGDON: Mr. Speaker, I wish to withdraw my motion to indefinitely postpone.

The SPEAKER: The gentleman from Perham, Mr. Bragdon, withdraws his motion.

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

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

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

Tabled—May 3, by Mr. Wellman of Bangor.

Pending—Passage to be Engrossed.

Mr. Prince of Oakfield offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H.P. 1079, L.D. 1546, Bill, "An Act Relating to Tax Exemption of Property of Veterans Not Located in Place of Residence."

Amend said Bill in the Title by striking out the words "Not Located in Place of Residence"

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

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

"Sec. 2. R.S., c. 91-A, §10, sub-§III, ¶ D-1, additional. Sub-section III of section 10 of chapter 91-A of the Revised Statutes, as enacted by section 1 of chapter 399 of the public laws of 1955 and as amended, is further amended by adding a new paragraph D-1, as follows:

'D-1. The exemption provided in paragraphs C and D shall be limited to the real estate which the person to whom the exemption is granted maintains as his home, together with the land and buildings appurtenant thereto.'

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

Mr. PRINCE: Mr. Speaker, Members of the House: I rise in defense of this piece of legislation which I introduced formerly under L. D. 949. I wish to explain that this bill is not meant to damage our tax structure as it now exists, or will it create any great hardships upon the towns where this situation does exist. This has been en-

tirely investigated for any loopholes that might permit abuse of our veterans exemption bills as they now stand, and we have found nothing that would be unfair to the cities, towns or the veterans themselves. I actually feel that it was good forethought on the part of the gentleman from Benton, my very good friend, Mr. Kent, to have the gentleman from Bangor, Mr. Wellman table this bill until he was satisfied as to what the contents of the bill really were.

In several parts of the state we have veterans that have homes or places of abode in places other than where they are compelled to reside the greater part of the year, and as the law now stands they have no rights to exemption unless they are registered as voters in the city or town where the property is located. This is a discrimination to the veteran whose conditions do not comply with the present law. Many different kinds of conditions bring about this necessity, as we all must recognize the age at which this exemption takes place or is granted, leaves the great majority of us in a not too good a position to choose what we wish to do. Many are living with relatives because they do not have the necessary income to live apart or to maintain another home during the entire year. Many have been compelled to sell their homes in order to make ends meet but have managed to retain a summer home that is probably not suitable for year 'round abode. Others rent apartments where they may possibly have part time employment and move back to their summer homes when the weather makes it possible.

I suppose that I could run on with different reasons why this bill should be passed, but I fear it would not change the minds of any of our assembly as most of the legislators here are familiar with the situations of the old vets in their communities. What I ask is that it be made more satisfactory to the over-age veterans that are to be helped by this piece of legislation if it is adopted. As you all know, the ranks of the

veterans of World War I are becoming depleted at an astonishing rate of speed and the time is not far off when the present generation will not be called upon to consider their needs. The Grand Army of the Republic had a far higher percentage of veterans than we have at the present time including veterans of all our wars and they managed nicely until the last old vet was laid away. I believe that we can do as well in this age as they did in the past. We have here in the House some very capable speakers that are themselves veterans. I hope that some of them will bolster my poor attempt at oratory by taking up the torch for this very honorable cause. Thank you.

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

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

Mr. DRAKE: Mr. Speaker, I move that this bill and all its accompanying papers be indefinitely postponed, and I request a division.

The SPEAKER: The gentleman's motion not being in order, a motion to amend has precedence.

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

Mr. CHILDS: Mr. Speaker, I believe that I would like to have whoever prepared this amendment explain to me just what they mean by maintaining a home and what the difference is between maintaining a home and a residence. I am afraid that they are confusing domicile with residence. If this amendment passes, we are going right back to what the original law was, and the bill would have no effect whatsoever.

The SPEAKER: The Chair recognizes the gentleman from Winterport, Mr. Easton.

Mr. EASTON: Mr. Speaker, this is the amendment of my good friend, Representative Prince, but I hope that the language is self-explanatory. In some of our smaller towns with extremely low valuations, under existing law, it is possible for a veteran who is claiming his exemption to own two or three residences all of

which because — pardon me, two or three houses, or homes, all of which, because of the low valuation, are exempt. One would have a valuation of \$1,000, the next one would have a valuation of \$1,000 and the third one might have a valuation of \$750. He'd live in one, his son would live in another and he would rent the third one to a stranger; all three under the present law would be exempt. This proposed amendment limits the exemption provided by existing law to real estate in which the eligible veteran maintains his own home so we have two requirements; one, existing law that he owns the real estate, and two, if this amendment passes, that he live there. Have I answered the question?

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

Mr. CHILDS: Mr. Speaker, I can understand where as the gentleman said that would cause some hardships in the very few towns which have this particular low valuation and still we are talking about a \$3,500 valuation, which was the original intent of the law, but the intent of this bill was to take care of a situation where a man wants to live in Augusta and he does not own any property here, but he has a small camp possibly in Belgrade and which he rented but did not maintain as his home, and therefore he would lose that exemption. I know of numerous situations which have come up since the law was changed two years ago where particularly veterans' widows who live maybe with their son or their daughter and they had a piece of property in an adjoining town or close by and the property there was exempt from taxation and their budget was so close, they were only living on a veteran's pension, and when the law was changed it took away that exemption they had in the town and they therefore became forced to pay the taxes. Now that was what this bill was to take care of. Now I believe that this amendment would destroy the purpose of that because they therefore would not be maintaining the place which they are renting as a home

and therefore they would not be eligible and that was the purpose of this bill.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Humphrey.

Mr. HUMPHREY: Mr. Speaker, this bill L. D. 1546 only explains the intent of the law out as Mr. Childs, the gentleman from Portland, has stated. There is one person here in Augusta that has been a mailman for thirty-odd years, and he has always rented in Augusta, and he wants to keep his voting residence here in Augusta, which I hope he will, so — and they are entitled to one exemption, and he owns a cottage out at Three Mile Pond, and where they are entitled to one exemption, I don't know anything wrong with this bill where it entitles them to take that exemption wherever they choose, and I think the amendment spoils the intent of the bill as my seatmate has said, so I move indefinite postponement of the amendment at this time.

The SPEAKER: The gentleman from Augusta, Mr. Humphrey, moves that House Amendment "A" be indefinitely postponed.

The Chair recognizes the gentleman from Winterport, Mr. Easton.

Mr. EASTON: Mr. Speaker, I had no intention of getting mixed up in this, but I think we are all suffering under somewhat of a misunderstanding. You will notice that the amendment also changes the title, so we are dealing with two entirely separate matters, both dealing with veterans' exemptions, but the existing bill deals with the matter of the veteran who rents and has a cottage somewhere. The amendment deals with an entirely different matter of the veteran who owns three pieces of real estate or more than one piece of real estate in the same town. They are totally unrelated except insofar as they deal with veterans' exemptions, so I believe this is the reason the confusion has arisen.

Thereupon, on motion of Mr. Childs of Portland, the Bill was tabled pending the motion of Mr. Humphrey of Augusta that House Amendment "A" be indefinitely postponed, and specially assigned for tomorrow, May 8.

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

Bill "An Act relating to Work on Shade and Ornamental Trees." (H. P. 240) (L. D. 308)—Amendments (Committee "A" H-232) (House "B" H-322) (House "C" H-325)—House "C" Read.

Tabled—May 3, by Mr. Wellman of Bangor.

Pending—Adoption of House Amendment "C."

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

Mr. WATERMAN: I wish to withdraw my amendment, House Amendment "C," Filing H-325 at this time in hope that House Amendment "D," Filing Number H-326 would be presented when the gentleman under whose name it was filed is present here in the House, and that House Amendment "D" would be adopted at a future date. Until the gentleman from Bangor, Mr. Jameson, is here, I would hope that someone might move to table this item.

The SPEAKER: The gentleman from Auburn, Mr. Waterman, withdraws House Amendment "C."

On motion of Mr. Wellman of Bangor, retabled pending passage to be engrossed and specially assigned for Thursday, May 9.

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

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)—(C. "A" H-316)—Passage to be Engrossed. Reconsidered.

Tabled—May 3, by Mr. Rust of York.

Pending—Passage to be Engrossed.

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

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: The Attorney General's Department has found it necessary to place a technical amendment on this piece of legislation. It has been prepared under Filing Number H-333,

and I now present it and move its adoption.

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

HOUSE 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 by striking out all of that part designated "Section 4." and inserting in place thereof the following:

"Section. 4. No money drawn except upon appropriation. No money shall be drawn from the treasury; but by warrants from the Governor and Council, and except in consequence of appropriations or allocations authorized made by law, and a regular statement and account of the receipts and expenditures of all public money, shall be published at the commencement of the biennial session of the Legislature."

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

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

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

Tabled—May 3, by Mr. Anderson of Ellsworth.

Pending—Passage to be Enacted.

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

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

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

Tabled—May 3, by Mr. Wellman of Bangor.

Pending—Passage to be Enacted.

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. 118 voted in favor of same and 7 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The SPEAKER: The House is proceeding under Orders of the Day.

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

Mr. CHILDS: Mr. Speaker, I would like to inquire if the Clerk has in his possession L. D. 1178, "An Act Adjusting Salary for the Supreme Judicial Court Messenger in Cumberland County?"

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

Mr. CHILDS: Mr. Speaker, I now move we reconsider our action whereby this matter was indefinitely postponed on last Friday.

The SPEAKER: The gentleman from Portland, Mr. Childs, now moves that the House reconsider its action whereby this bill was indefinitely postponed on Friday last, May 3, "An Act Adjusting Salary for the Supreme Judicial Court Messenger in Cumberland County." Is it the pleasure of the House to reconsider?

Mr. Oberg of Bridgton then requested a division on the motion to reconsider.

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

Mr. CHILDS: Mr. Speaker, I had originally made a motion to reconsider and I was going to table it because there was going to be a delegation meeting, but apparently it is not the desire of some that we reconsider, so I will now have to discuss this bill without taking it up with the delegation.

This is a bill, adjusting the salary for the Supreme Judicial Court Messenger in Cumberland County. At the present time, the Supreme Judicial Court Messenger receives \$35 a week. This salary was set in 1929. He has not received any increase since 1929. It is a job which

goes on for which he works five days a week, eight hours a day. He is a messenger for our Supreme Court Judge Walter Tapley and our Supreme Court Judge Francis Sullivan. Not only is he the messenger for the two Judges, but he also acts as the Court Crier in our Supreme Judicial Courtroom and he also acts as the Court Officer.

It was my understanding that when this matter was brought up Friday—unfortunately I was not able to be here, that it was the contention of those that were opposed to it, that they were opposed to it because they felt that the County Commissioners should adjust the county officers' salaries. Now I agree with them that generally that is probably true, but certainly this man is not considered in a true sense as a county officer. He is appointed by the court and all his duties and functions are delegated by the court. The county commissioners have no authority over this man whatsoever. Possibly it is unfortunate that the salary does come out of the county budget, but that happens to be the system that we are now working under, and that is the way the law reads as it is now on the books. I ask all of you if \$30 or \$35 a week is a fair salary for anybody in this day and age. This salary was set in 1929, and he has not received an increase since then.

Also, it was the contention, I understand, that the county commissioners were supposedly opposed to this bill. I will read you a copy of a letter that was sent to the Honorable Marguerite Smith in reference to two bills, there will be another one which I will ask reconsideration in a few minutes, and this is from Arthur Charles, Chairman of the County Commissioners. Before I read it, it was the contention that the County Commissioners did not support this bill before the Committee on Towns and Counties, which they did not support as it was not in their budget. Now it is not unusual nor is it the general practice to put in the county budget bills which affect separate statutes on our books which relate to court-appointed officers, and that is just the case that was done here and what has

been done in the past. Now after it came to the attention of the county commissioners that this bill had been defeated, they sent Mrs. Smith a letter, and I shall read a copy of it. It said: "The folks around the courthouse have been commenting that the County Commissioners were responsible for the defeat of salary increases for certain county officials, and I thought perhaps it might be a good idea for me to advise you of the matter and to submit an enclosure for your inspection.

"Our Board did not include salary increases in its original budget. However, at the hearing held before the towns and cities on our budget estimates, I emphatically said that the County Commissioners would gladly approve the salary increases if the County had the money to do so. The only way in which we could comply with the increase would be through an increased appropriation to cover it and if the Committee saw fit to do so, and the Legislature approved, we would comply.

"In my previous letter to you, I reported that a sum of \$10,000 was added to our budget for each year but without specified allocation, and that I would want a letter from the Committee to clear up any misunderstanding. I received such a letter dated April 10, 1963 from Senator J. Hollis Wyman, Chairman of Towns and Counties and I submit a copy of that letter for your inspection.

"Since the funds have been specified in this category we have adjustments beginning in 1964 and our Board of County Commissioners cannot be unjustly criticized for being responsible for the bill's being killed in the House.

"I do hope that you will take this matter under consideration should there be a committee or conference to resolve the matter."

Now a copy of the letter that was sent to Arthur Charles from Senator Hollis Wyman, and he pointed out in his allocations for the year 1964, the Committee on Towns and Counties increased the budget in Cumberland County by \$10,000. So by increasing the

amount allocated to the County Extension Association from \$16,000 to \$17,000. Two, by increasing the amount allocated to Advertising from \$2,000 to \$5,000. Three, by including a new account, Micro-filming of Records, in the amount of \$6,000. Four, by increasing the amount allocated to Wage Adjustments from \$5,000 to \$8,000. So therefore the wage adjustments have been taken care of for beginning 1964, and it is my understanding there is an amendment that will take care so that these wage adjustments will not go into effect until 1964. Therefore, the matter has been taken care of by the county committee. I hope that my motion to reconsider will prevail.

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

Mrs. HENDRICKS: Mr. Speaker and Members of the House: I feel that this matter is much clearer to me now, so I certainly will vote in favor of the L. D.

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

Mrs. SMITH: Mr. Speaker and Members of the House: I had hoped that this matter would not have to come before the whole House. It is true I had this last letter of which the last paragraph I cannot understand and I was in hopes that we would take it up in the delegation meeting this noon. I have the previous letter also of Mr. Charles. I will also call to your attention that the letter that he encloses was of April 10 and this particular letter is as of May 3. All this information this delegation could have had as of April 10. I had previously had a copy of the letter from Senator Wyman on April 10 or about that date. I also had a letter previous to that from Mr. Charles saying that they had taken no action as to salary increases and had told the committees so. A moment ago, I tried to find that letter. I cannot, but I do have it in my possession.

This matter was never taken before the Cumberland delegation in any way. It was put in by certain parties in the delegation, and

passed without any of us knowing that the increase was in the budget up until we picked up the newspaper. Now I ask the Representative from Portland, Mr. Childs, to let this go back to the Senate and let us have our delegation meeting and then take care of it. I hope you will go along with the indefinite postponement of reconsideration and then we will see if we can have a delegation meeting and straighten this out.

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

Mrs. HENDRICKS: Mr. Speaker, may we table the motion to reconsider?

The SPEAKER: The gentlewoman may offer the motion if you assign a time.

Mrs. HENDRICKS: I move that we table the motion to reconsider until tomorrow.

The SPEAKER: The gentlewoman from Portland, Mrs. Hendricks, moves that the reconsidering motion of the gentleman from Portland, Mr. Childs, be tabled until tomorrow.

Mr. Coulthard of Scarborough then requested a division on the tabling motion.

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

A division of the House was had.

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

Thereupon, the motion to reconsider was tabled and specially assigned for tomorrow.

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

Mr. CHILDS: Mr. Speaker, may I inquire if the Clerk has in his possession L. D. 1107, Bill "An Act Increasing Salary of Superior Court Messenger of Cumberland County."

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

Mr. CHILDS: Mr. Speaker, I now move that we reconsider our action whereby this matter was indefinitely postponed last Friday.

The SPEAKER: The gentleman from Portland, Mr. Childs, now moves that the House reconsider its action whereby it indefinitely postponed Bill "An Act Increasing Salary of Superior Court Messenger of Cumberland County," on May 3.

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

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

Thereupon, the motion to reconsider was tabled until tomorrow.

Mr. Cote of Lewiston presented the following Order out of order by unanimous consent and moved its passage:

WHEREAS, the members of the House have learned that today is the birthday of Mr. Jalbert of Lewiston,

BE IT ORDERED, that the members extend to Mr. Jalbert their best wishes not only for today but for the entire year.

(Applause)

(Off Record Remarks)

On motion of Mr. Tyndale of Kennebunkport.

Adjourned until nine o'clock tomorrow morning.