

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and First Legislature*

OF THE

STATE OF MAINE

VOLUME II

MAY 10 - JUNE 22, 1963

and

SPECIAL SESSION

JAN. 6 - JAN. 17, 1964

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Friday, May 17, 1963

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

Prayer by the Rev. Mr. Frederick E. Dougherty of Augusta.

The journal of yesterday was read and approved.

**Paper from the Senate  
Non-Concurrent Matter**

An Act relating to County Taxes in Places not Incorporated (H. P. 689) (L. D. 945) which was passed to be enacted in the House on April 24 and passed to be engrossed on April 3.

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

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

**Orders  
Tabled and Assigned**

Mr. Libby of Portland presented the following Order and moved its passage:

WHEREAS, it appears to the House of Representatives of the One Hundred and First Legislature that the following are important questions of law and that the occasion is a solemn one; and

WHEREAS, there is pending before the House the Bill entitled "An Act Amending the Charter of the City of Portland Relating to Imposition of a General Business and Occupation Tax" (H. P. 1094) (L. D. 1569); and

WHEREAS, the Constitutionality of said Bill has been questioned; and

WHEREAS, it is important that the Legislature be informed as to the constitutionality of said Bill; now, therefore, be it

ORDERED, That the Justices of the Supreme Judicial Court are hereby respectfully requested to give to the House, according to the provisions of the Constitution on this behalf, their opinion on the following questions, to wit:

**Question 1.** May the Legislature grant the right to one municipality to levy a tax by ordinance when such right is not granted at the

same time to all other municipalities in the State?

**Question 2.** If the answer to Question 1 is in the affirmative, may the Legislature grant the right to a municipality to levy a tax upon persons carrying on or exercising within such municipality any trade, business, profession, vocation or commercial activity measured by the gross receipts or gross income from such activities?

**Question 3.** If the answers to the two foregoing Questions are in the affirmative, may the Legislature grant the right to such municipality to determine the rate of such tax upon selected types or classes of those persons subject to it, such tax not to exceed, however, one percent of such gross receipts, in view of the provisions of the Constitution of Maine, Article IX, Section 8?

**Question 4.** If the answers to the first two Questions are in the affirmative, may the Legislature grant the right to a municipality to specify exemptions from such tax?

**Question 5.** If the answer to Question 1 is in the affirmative, would said Bill, if enacted into law and carried out by an ordinance of the City of Portland enacted thereunder, be constitutional?

Pursuant to House Rule 46, the Order was tabled pending passage and specially assigned for Tuesday, May 21.

The following Communication:

"May 16, 1963

Harvey Pease, Clerk  
House of Representatives  
State House  
Augusta, Maine

Dear Mr. Pease:

I hereby submit my resignation as Page for the House of Representatives as of May 17, 1963.

I had planned to work until the end of the Legislative session; however, while I was in Presque Isle this past weekend, I was advised by the President of Presque Isle Country Club that they would be in need of a pro there immediately. When I accepted this job a few months ago, I understood that I would not be expected there until June.

Since this is my employment for this summer, I think it would be advisable to comply with their wishes.

Very truly yours,  
(Signed)

THOMAS W. HAYES  
Thomas W. Hayes"

The Communication was read and ordered placed on file.

On motion of Mr. Coulthard of Scarborough, it was

ORDERED, that the resignation of Thomas W. Hayes as Page be accepted; and be it further

ORDERED, that the Speaker is hereby authorized to appoint an acting Page for the remainder of the session.

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

ORDERED, that the following limerick serve to congratulate Henry Magnuson on the anniversary of his birth, May 19:

Happy Birthday to Cameraman  
Hank,

A newsman both cheerful and lank,  
Good luck and Godspeed,  
And, Harvey, please read  
Without giving the sound plug a  
yank.

(Applause)

#### House Reports of Committees Ought to Pass with Committee Amendment

Mr. Bourgoin from the Committee on Claims on Resolve in favor of Margaret Sinclair of Windham (H. P. 424) (L. D. 577) reported "Ought to pass" as amended by Committee Amendment "A" submitted there-with.

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. 424, L. D. 577, Resolve, in Favor of Margaret Sinclair of Windham.

Amend said Resolve in the 2nd line by striking out the figure "\$7,000" and inserting in place thereof the figure "\$2,000"

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

#### Divided Report Tabled and Assigned

Majority Report of the Committee on Constitutional Amendments and Legislative Reapportionment reporting "Ought not to pass" on Resolve Proposing an Amendment to the Constitution Prohibiting the Levying of a State Tax on Incomes (H. P. 142) (L. D. 330)

Report was signed by the following members:

Messrs. JACQUES of Androscoggin  
FARRIS of Kennebec  
EDMUNDS of Aroostook  
NOYES of Franklin  
— of the Senate.

Messrs. CARTIER of Biddeford  
WATKINS of Windham  
COTTRELL of Portland  
PLANTE

of Old Orchard Beach  
— of the House.

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

Report was signed by the following members:

Mr. PORTEOUS of Cumberland  
— of the Senate.

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

Reports were read.

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

Mr. BERMAN: Mr. Speaker, due to the substantial number of empty seats here this morning, I would hope that someone would table this matter pending acceptance of either report.

Thereupon, on motion of Mr. Plante of Old Orchard Beach, tabled pending acceptance of either Report and specially assigned for Tuesday, May 21.

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.

Passed to Be Engrossed  
Bill "An Act relating to Exempt-

ing from Property Tax Pleasure Boats in the State for Storage" (H. P. 1092) (L. D. 1567)

Was 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 Indefinitely Postponed

Resolve Appropriating Moneys to Promote and Advertise Maine's Ski Business (S. P. 96) (L. D. 233)

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

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

Mr. MacLEOD: Mr. Speaker and Members of the House: Yesterday this House saw fit not to approve cuts of \$1,700,000 off the current services budget. Yesterday this House saw fit to enact into law a bill calling for the expenditures of some \$69,000,000 over the next two years and a bond issue of some \$8,000,000. This was the general highway fund appropriation. Not one word of debate. Not one word of criticism. Not one word of explanation. This measure passed, carrying a total of over \$69,000,000. So I suppose that to stand here this morning and to say that to appropriate \$30,000 to advertise a specific tourist industry will have the same effect as those two bills yesterday. But I feel that this is money being spent by the DED for a segment of our tourist business, perhaps this is going to bring the business into that one hundred and some thousand dollar road that we voted this week to give to the ski industry. I feel this is bad legislation. I feel this is money that should not be appropriated for a specific business such as this. This is strictly nothing more than the government of this state subsidizing one particular business in favor over another. So, I therefore move the indefinite postponement of this measure.

The SPEAKER: The gentleman from Brewer, Mr. MacLeod, now moves the indefinite postponement of item 2, Resolve Appropriating Moneys to Promote and Advertise Maine's Ski Business, Senate Paper 96, Legislative Document 233.

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

Mr. BERRY: Mr. Speaker and Members of the House: I would like to concur with the remarks of my good friend from Brewer, Mr. MacLeod. I think that the funds necessary for this could be found perhaps from the budget of the Department of Economic Development. I also would urge the indefinite postponement of this bill.

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

Mrs. SMITH: Mr. Speaker, I think this again is a matter for the House to decide. It was felt in the committee, by a greater majority of the committee at least, and it was brought out unanimous that this was a segment of the industry that perhaps we should put some extra money into to see if we could upgrade the industry and bring more money into the state. I think that would be up to the House to decide.

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

Mr. LITTLEFIELD: Mr. Speaker, Ladies and Gentlemen of the House: Believe it or not, I am glad to agree and support the motion of my colleague from Brewer, Mr. MacLeod, to indefinitely postpone this matter.

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

Mr. JALBERT: Mr. Speaker, I, as a signer of the unanimous "Ought to pass" Report of the committee, I did it without weakness. If I am going to be weak signing a report, I am going to sign it "Ought not to pass" and be honest with myself. The committee discussed this bill at length. It was felt by the committee that this industry in that area spent a great deal of their own funds, that we are way late in Maine in expending funds for this fast-growing industry, and I am not a skier, and I don't live near the area, and for that reason the committee signed the report unanimous "Ought to pass."

Insofar as the argument is concerned that it could be found in

the present funds of the DED, I assure you that that is not feasible. I am sure that, really seriously, that the gentleman from Cape Elizabeth, Mr. Berry, is fully aware of that. Now just because apparently the DED is under fire is no reason that anything that mentions DED is going to go down the drain, because if that is to be, then let's go back, go to the Reference of Bills Committee and put a bill in to strike out the Department of Economic Development. I think this is a sound piece of legislation. It involves \$30,000, and I think it will pay us back tenfold. I certainly hope that the motion to indefinitely postpone does not prevail. When the vote is taken, I move it be taken by division.

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

Mr. BERRY: Mr. Speaker, Members of the House: I don't relish the statements of the gentleman from Lewiston, that I realize what I am saying and say something differently. The Department of Economic Development has money for advertising. It can direct a portion of this advertising to the ski business. Now those are the facts.

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

Mr. JALBERT: Mr. Speaker, I would like to ask a question through the Chair of the gentleman from Cape Elizabeth, Mr. Berry. Will he spell out the advertising budget of the DED, and tell me exactly the \$30,000 that he wants to strike out.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, poses a question through the Chair of the gentleman from Cape Elizabeth, Mr. Berry, who may answer if he desires.

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

Mr. BERRY: Mr. Speaker, I do not recommend that necessarily \$30,000 be spent promoting the ski business from the Department of Economic Development. I say that in their advertising budget, they can direct some of their money toward the ski business.

The SPEAKER: The Chair recog-

nizes the gentleman from Auburn, Mr. Turner.

Mr. TURNER: Mr. Speaker, I don't know but what I would like to go along with this, if I could get an amendment hitched onto this whereby they would subsidize my pony and horse trading deal. I like saddle horses and trading cows. That business is slipping like the dickens, and I think if I could get a little boost out of the DED, it would help. But I will go along with the indefinite postponement of this.

The SPEAKER: Is the House ready for the question? As many as are 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.

Seventy-nine having voted in the affirmative and twenty-seven having voted in the negative, the motion to indefinitely postpone did prevail.

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

Mr. JALBERT: I move that we reconsider our action whereby we indefinitely postponed this item, and when you vote, vote against my motion.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves that the House reconsider its action whereby it indefinitely postponed item 2, Resolve Appropriating Monies to Promote and Advertise Maine's Ski Business, Senate Paper 96, Legislative Document 233. All those in favor will say aye; those opposed, no.

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

Thereupon, the Resolve was indefinitely postponed in non-concurrence and sent up for concurrence.

### Third Reader Amended Tabled and Assigned

Bill "An Act Revising the Maine Employment Security Laws" (H. P. 778) (L. D. 1151)

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

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

Mr. YOUNG: Mr. Speaker, in regards to item 3, where there are so many vacant seats and this is quite an important bill, I wished that somebody would table it.

Thereupon, on motion of Mr. Wellman of Bangor, tabled pending passage to be engrossed and specially assigned for Tuesday, May 21.

### Order

#### 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 21, 1963. (S. P. 600)

Came from the Senate today read and passed.

In the House, the Order was read and passed in concurrence.

#### Finally Passed Constitutional Amendment

Resolve Proposing an Amendment to the Constitution Designating Procedure for Determining the Election of Governor (S. P. 530) (L. D. 1451)

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

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

Mr. CHILDS: Mr. Speaker, I ask the House to vote against this Constitutional Amendment.

Thereupon, this being a Constitutional Amendment and a two-thirds vote of the House being necessary, a division was had.

The SPEAKER: Eighty having voted in the affirmative and thirty-one having voted in the negative, the Constitutional Amendment has received final passage.

Mr. Childs of Portland then requested a roll call.

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

Thirty members arose.

The SPEAKER: Obviously, 30 having requested a roll call, it is ordered. The question before the House is the final passage of Re-

solve Proposing an Amendment to the Constitution Designating Procedure for Determining the Election of Governor, Senate Paper 530, Legislative Document 1451. All those who are in favor of its final passage will answer "Yes" when their names are called; all those opposed to its final passage will answer "No" when their names are called. The Clerk will call the roll.

#### ROLL CALL

YES — Anderson, Ellsworth; Benson, Berman, Berry, Birt, Boothby, Brewer, Brown, Fairfield; Brown, South Portland; Carter, Chapman, Choate, Cookson, Coulthard, Crockett, Drake, Dunn, Easton, Ewer, Finley, Foster, Gifford, Gilbert, Gill, Gustafson, Hammond, Hanson, Harrington, Hendsbee, Henry, Hobbs, Humphrey, Hutchins, Jewell, Jones, Kent, Laughton, Libby, Lincoln, Littlefield, MacGregor, MacLeod, MacPhail, Maddox, McGee, Meisner, Mendes, Mower, Oberg, Osgood, Philbrick, Pierce, Prince, Harpswell; Rand, Rankin, Richardson, Ricker, Ross, Brownville; Sahagian, Scott, Shaw, Smith, Falmouth; Susi, Taylor, Thaanum, Thornton, Treworgy, Turner, Tyndale, Vaughn, Viles, Wade, Waltz, Ward, Watkins, Wellman, White, Guilford; Whitney, Wight, Presque Isle; Williams, Wood, Young.

NO — Anderson, Orono; Ayoob, Baldic, Bedard, Binnette, Bourgoin, Bussiere, Cartier, Childs, Cote, Cottrell, Crommett, Denbow, Dostie, Dudley, Edwards, Gallant, Giroux, Hendricks, Jalbert, Jobin, Karkos, Kilroy, Levesque, Lowery, Nadeau, O'Leary, Pitts, Plante, Poirier, Prince, Oakfield; Roy, Rust, Snow.

ABSENT — Albair, Bernard, Blouin, Boissonneau, Bradeen, Bragdon, Burns, Cope, Cressey, Curtis, Davis, Dennett, Hardy, Hawkes, Jameson, Knight, Lebel, Linnekin, Mathieson, Minsky, Noel, Norton, Oakes, Osborn, Pease, Reynolds, Roberts, Ross, Augusta; Smith, Bar Harbor; Smith, Strong; Tardiff, Townsend, Waterman, Welch.

Yes, 82; No, 34; Absent, 34.

The SPEAKER: Eighty-two having voted in the affirmative, thirty-four having voted in the negative, and

thirty-four being absent, the Resolve receives final passage.

Thereupon, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Mr. Jalbert of Lewiston was granted unanimous consent to briefly address the House.

Mr. JALBERT: Oh Lord, Oh Lord; how long, how long?

#### Emergency Measure Failed of Enactment

An Act relating to Loans by Washington County (S. P. 592) (L. D. 1556)

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. 97 voted in favor of same and 10 against, and accordingly the Bill failed of enactment and was sent to the Senate.

#### Passed to Be Enacted Emergency Measure

An Act Appropriating Moneys for Maine Civil War Commission (H. P. 408) (L. D. 561)

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

#### Emergency Measure

An Act to Authorize the Municipalities of Detroit, Etna, Plymouth, Dixmont and Stetson to Form a School Administrative District (H. P. 435) (L. D. 640)

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. 106 voted in favor of same and 3 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Emergency Measure

An Act to Incorporate the Baileyville Water District (H. P. 972) (L. D. 1411)

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. 108 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 Classifying Certain Tidal Waters in Hancock County (H. P. 346) (L. D. 501)

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 City of Biddeford (H. P. 546) (L. D. 762)

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.

An Act Declaring Sheriffs to be Policemen for Purposes of Social Security (H. P. 796) (L. D. 1149)

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

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

Mr. CHILDS: Mr. Speaker, I rise first for a parliamentary inquiry. I ask the Chair to rule on the germaneness of the amendment to this bill.

The SPEAKER: The Chair would advise the gentleman that the amendment having been adopted without the question of germaneness being raised, the Chair will rule that the point of order comes too late.

The gentleman may proceed.

Mr. CHILDS: Mr. Speaker and Members of the House: This was a bill in its original form which was before the Judiciary Committee, and the Committee reported it out unanimously "Ought not to pass." Then this particular bill was amended—the bill which was amended had



absolutely nothing to do with the bill which is before the House now. The title of the bill was amended and the contents of the bill was amended. It was therefore brought back before the Legislature in a form which had already been unanimously voted "Ought not to pass" by the Judiciary Committee. I therefore move at this time that this bill and its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Portland, Mr. Childs, moves that item 8 be indefinitely postponed.

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

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to my colleague on the Judiciary Committee, the gentleman from Portland, Mr. Childs. This bill having been amended, the problem of germaneness, if one ever existed, is not now before the House and cannot be questioned.

The purpose of this particular amendment is important. At the present time fifteen of our counties are in a position to take advantage of social security provisions for their Sheriff's Department. Unfortunately, at the time that law went through the County of Kennebec did not take advantage of the opportunity, and this bill here is a vehicle by which the Sheriff's Department of the County of Kennebec will be able to take advantage of that particular provision of the law, and I would support the bill and oppose the motion of indefinite postponement, and when the vote is taken I would request a division.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Portland, Mr. Childs, that "An Act Declaring Sheriffs to be Policemen for Purposes of Social Security," Legislative Document 1149, House Paper 796 be indefinitely postponed. A division has been requested.

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

A division of the House was had.

Thirty-two having voted in the af-

firmative and sixty-seven having voted in the negative, the motion did not prevail.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act relating to Persons Seventy-five Years of Age Taking Examination for Motor Vehicle Driver's License (H. P. 974) (L. D. 1302)

#### Finally Passed

Resolve Appropriating Funds for the Block House at Fort Kent (H. P. 141) (L. D. 193)

Resolve Appropriating Funds for Development of Owl's Head Light-house Area (H. P. 181) (L. D. 250)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, Bill passed to be enacted, Resolves finally passed, all 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 of Unfinished Business:

HOUSE MAJORITY REPORT (8) —Ought not to pass as covered by other Legislation — MINORITY REPORT (2) — Ought to pass with Committee Amendment "A" (H-343) —Committee on Labor on Bill "An Act relating to Partial Unemployment Benefits and Experience Rating Record Under Employment Security Law." (H. P. 372) (L. D. 1259)

Tabled — May 9, by Mr. Wellman of Bangor.

Pending — Acceptance of Either Report.

On motion of Mr. Wellman of Bangor, retabled pending acceptance of either report and specially assigned for Wednesday, May 22.

The SPEAKER: The Chair is delighted this morning to recognize in the balcony of the House 25 pupils of the seventh and eighth grades of Locke Mills, Newry and Greenwood City Schools. Their teachers are with them, Mrs. Haines and Mrs. Morgan.

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

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

HOUSE MAJORITY REPORT (8) — Ought not to pass as covered by other Legislation — MINORITY REPORT (2) — Ought to pass — Committee on Labor on Bill "An Act relating to Disqualification and Claims for Benefit and Employer's Contribution Rate Under Employment Security Law." (H. P. 871) (L. D. 1258)

Tabled — May 9, by Mr. Wellman of Bangor.

Pending — Acceptance of Either Report.

On motion of Mr. Wellman of Bangor, retabled pending acceptance of either report and specially assigned for Wednesday, May 22.

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

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 9, by Mr. Boothby of Livermore.

Pending — Acceptance of Report.

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

Mr. COULTHARD: Mr. Speaker, Ladies and Gentlemen of the House: Your Committee on Agriculture requests that L. D. 125 be recommitted to our committee, and I assure you it will receive swift action and be back for your consideration shortly.

Thereupon, the Report and Bill were recommitted to the Committee on Agriculture in non-concurrence and sent up for concurrence.

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

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

Tabled — May 9, by Mr. Plante of Old Orchard Beach.

Pending — Acceptance of Report.

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

Mr. PLANTE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to move that we substitute the bill for the report if I am in order and I would like to speak on that motion.

The purpose of my moving to substitute the bill for the report is to correct a misunderstanding. This bill initially appeared before the Municipal Affairs Committee and received a unanimous "Ought to pass" Report. For some reason at the request of the proponents, mostly municipal officers, requesting that the \$50,000 that had been requested for what was believed to carry out portions of the original bill, the request that the money not be attached to the bill was overlooked and rightfully the Committee on Municipal Affairs recommitted the bill to Appropriations, and the Appropriations Committee not knowing the details and the original request, rightfully, because there was no need for the \$50,000, reported this bill out unanimous "Ought not to pass." So if I am permitted, after discussing this with appropriate individuals, if I am permitted to substitute the bill for the report, I will submit House Amendment "A", Filing H-350, to delete the money from this act.

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

Mrs. SMITH: Mr. Speaker, I would like to apologize to the Representative from Old Orchard Beach, Mr. Plante. I started over to speak to him once yesterday and then didn't happen to see him.

The Appropriations Committee took this under consideration and we have not been able to get together to act on it because so many things have been going on around here, and I would now hope that someone would table this until next week and then we will see what we can do with it.

Thereupon, on motion of Mr. Plante of Old Orchard Beach, the Report and Bill were tabled pend-

ing the motion of that gentleman to substitute the Bill for the Report, and specially assigned for Friday, May 24.

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

**CONSTITUTIONAL AMENDMENT**  
—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)

Tabled — May 10, by Mr. Birt of East Millinocket.

Pending — Final Passage.

On motion of Mr. Birt of East Millinocket, retabled pending final passage and specially assigned for Wednesday, May 22.

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

An Act relating to Eligibility of Trustees as Directors of Trust Companies. (H. P. 657) (L. D. 913)

Tabled — May 14, by Mr. Childs of Portland.

Pending — Passage to be Enacted.

On motion of Mr. Cartier of Biddeford, retabled pending passage to be enacted and specially assigned for Wednesday, May 22.

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

Bill “An Act relating to Publications Printed or Published by the State.” (H. P. 252) (L. D. 321)

Tabled — May 15, by Mr. Dennett of Kittery.

Pending — Passage to be Engrossed.

On motion of Mr. Berry of Cape Elizabeth, retabled pending passage to be engrossed and specially assigned for Tuesday, May 21.

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

Bill “An Act Appropriating Monies to Provide for Night Pay Differentials for State Employees.” (H. P. 85) (L. D. 129)

Tabled — May 15, by Mr. Anderson of Ellsworth.

Pending — Passage to be Engrossed.

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

Mr. ANDERSON: Mr. Speaker, as the gentleman from Kittery, Mr. Dennett, has an interest in this bill and he is absent today, out of courtesy to him, I would request that one of my colleagues table this until next week.

Thereupon, on motion of Mr. Jalbert of Lewiston, retabled pending passage to be engrossed and specially assigned for Thursday, May 23.

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

Bill “An Act relating to Use of Titles by Unregistered Persons in Practice of Architecture.” (S. P. 113) (L. D. 341)

Tabled — May 15, by Mr. Cope of Portland.

Pending — Passage to be Engrossed.

On motion of Mr. Brown of South Portland, retabled pending passage to be engrossed and specially assigned for Tuesday, May 21.

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

**HOUSE REPORT** — Ought not to pass — Committee on Appropriations and Financial Affairs on Resolve, Providing Funds for Additional Weights and Measures Inspectors. (H. P. 965) (L. D. 1404)

Tabled — May 15, by Mr. Tynedale of Kennebunkport.

Pending — Acceptance of Report.

On motion of Mrs. Shaw of Chelsea, retabled pending acceptance of Committee Report and specially assigned for Tuesday, May 21.

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

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

Tabled May 16, by Mr. Jalbert of Lewiston.

Pending — Motion of Mr. Cookson of Glenburn to Indefinitely Postpone.

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

Mr. PRINCE: Mr. Speaker, I rise for the purpose of asking a question as to the parliamentary law.

The SPEAKER: The gentleman may state his point.

Mr. PRINCE: Providing Mr. Cookson, the gentleman from Glenburn, is willing to withdraw his motion to indefinitely postpone, which would be very helpful, as we would like to have a few days to make an amendment to go with this bill, and if it would be in order to so do, I would like to have one of our legislators—

The SPEAKER: The Chair would inform the gentleman that this may be tabled still pending the motion of the gentleman from Glenburn, Mr. Cookson, to indefinitely postpone.

Thereupon, on motion of Mr. Scott of Wilton, the bill was tabled pending the motion of Mr. Cookson of Glenburn to indefinitely postpone and specially assigned for Wednesday, May 22.

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

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

Tabled — May 9, by Mr. Wellman of Bangor.

Pending — Acceptance of Report.

On motion of Mr. Wellman of Bangor, retabled pending acceptance of the Committee Report and specially assigned for Wednesday, May 22.

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

Bill "An Act relating to Effective Date for Salary Increase for County Officers." (S. P. 543) (L. D. 1467) — In Senate Engrossed with Senate "B" (S-183) — In House Engrossed without Amendment in Non-concurrence. Senate Insisted and Asked Conference. House Insisted and Joined Conference.

Tabled — May 14, by Mr. Jalbert of Lewiston.

Pending — Motion of Mr. Wade of Skowhegan to Indefinitely Postpone.

Mr. Wade of Skowhegan withdrew his motion to indefinitely postpone.

Thereupon, on motion of Mr. Karkos of Lisbon, the Bill and accompanying papers were retabled pending the motion of Mrs. Shaw of Chelsea to reconsider the action of the House whereby on May 14 it receded and concurred and specially assigned for Wednesday, May 22.

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

HOUSE ORDER — Ordered, that under Orders of the Day, on Tuesday, Wednesday and Thursday of each week, after Special Orders, Unfinished Business and Specially Assigned Matters for that day have been disposed of, Unassigned Matters on the Table that are not taken up on motion, shall be taken from the Table and laid before the House by the Speaker in the order in which they appear on the calendar so far as time permits.

Tabled — May 16, Pending Passage under House Rule No. 59.

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

Mr. WELLMAN: Mr. Speaker, I move this be laid on the table unassigned.

The SPEAKER: The gentleman from Bangor, Mr. Wellman, moves this matter be tabled unassigned.

Mr. MacLeod of Brewer requested a division.

Mr. BERRY: Mr. Speaker?

The SPEAKER: For what purpose does the gentleman arise?

Mr. BERRY: To debate the timing of the motion.

The SPEAKER: There has no time been assigned so it is not debatable.

Mr. BERRY: All motions to table must have a time element.

The SPEAKER: We have an unassigned table.

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

Mr. PLANTE: Would a motion to table this until Tuesday take precedence over the motion to table it unassigned?

The SPEAKER: It would.

Mr. PLANTE: I so move that it be tabled until—

The SPEAKER: Would the gentleman defer just a moment? The Chair will correct itself. Under Rule 29 the unassigned motion is the pending question. A division has been requested.

The gentleman from Bangor, Mr. Wellman, moves that this order be tabled unassigned. A division has been requested. All those in favor of the tabling motion will please rise and remain standing in your places until the monitors have made and returned the count.

A division of the House was had.

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

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

Mr. Speaker, I withdraw my request.

The SPEAKER: The gentleman withdraws his request.

Fifty-one having voted in the affirmative and forty-nine having voted in the negative, the motion to table unassigned prevails.

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

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

The SPEAKER: The gentleman from Portland, Mr. Childs, requests a roll call vote. For the Chair to order a roll call it must have the expressed desire of one-fifth of the members present. All those in favor of a roll call vote please rise and be counted.

A sufficient number arose.

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

The question before the House is the motion of the gentleman from Bangor, Mr. Wellman, that this House Order be tabled unassigned. All those in favor of tabling this order unassigned will answer "Yes" when their name is called; all those opposed to tabling unassigned, will answer "No" when their name is called. The Clerk will call the roll.

## ROLL CALL

YES — Berry, Birt, Boothby, Brewer, Brown, Fairfield; Brown, South Portland; Carter, Chapman, Choate, Cookson, Coulthard, Crockett, Curtis, Drake, Dunn, Ewer, Finley, Foster, Gifford, Gilbert, Gill, Gustafson, Hanson, Hendsbee, Henry, Hutchins, Jones, Libby, Lincoln, Littlefield, MacPhail, Maddox, Meisner, Mendes, Mower, Oberg, Osgood, Pierce, Prince, Harpswell; Rand, Rankin, Richardson, Ricker, Ross, Brownville; Rust, Scott, Shaw, Smith, Falmouth; Taylor, Thaenum, Thornton, Treworgy, Tyndale, Vaughn, Wade, Waltz, Ward, Wellman, Whitney, Wight, Presque Isle; Wood, Young.

NO — Anderson, Ellsworth; Anderson, Orono; Ayoob, Baldic, Bedard, Berman, Binnette, Bourgoin, Bussiere, Carter, Childs, Cote, Cottrell, Crommett, Denbow, Dostie, Dudley, Easton, Edwards, Gallant, Giroux, Hammond, Harrington, Hendricks, Hobbs, Humphrey, J Albert, Jewell, Jobin, Karkos, Kent, Kilroy, Laughton, Levesque, Lowery, MacGregor, MacLeod, McGee, Nadeau, O'Leary, Pease, Philbrick, Pitts, Plante, Poirier, Prince, Oakfield; Roy, Sahagian, Smith, Strong; Snow, Susi, Turner, Viles, Watkins, White, Guilford; Williams.

ABSENT — Albair, Benson, Bernard, Blouin, Boissonneau, Bradeen, Bragdon, Burns, Cope, Cressey, Davis, Dennett, Hardy, Hawkes, Jameison, Knight, Lebel, Linnekin, Mathieson, Minsky, Noel, Norton, Oakes, Osborn, Reynolds, Roberts, Ross, Augusta; Smith, Bar Harbor; Tar-diff, Townsend, Waterman, Welch.

Yes, 62; No, 56; Absent, 32.

The SPEAKER: The Chair will declare the vote. Sixty-two having voted in the affirmative, fifty-six having voted in the negative, with thirty-two absentees, the motion to table unassigned prevails.

The SPEAKER: The Chair would like to recognize in the balcony of the House 50 pupils from the 5th, 6th, 7th and 8th grades of the Annie Heald School of Lovell, accompanied by their teachers, Mrs. Cook and Mrs. Harriman. Mrs. Harriman is a

former member of this Maine House. They are the special guests of Representative Dunn of Denmark.

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

The Chair is also pleased to recognize in the balcony of the House a group of 8th grade students from the Stetson Elementary Schools, with their teachers Mrs. Merry, and parents Mrs. Underhill and Mrs. Savage.

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

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

HOUSE REPORT — Ought to pass in New Draft (H. P. 1089) (L. D. 1561) under new title of "An Act to Reorganize the Department of Economic Development." — Committee on Industrial and Recreational Development — on Bill "An Act to Clarify and Revise Laws of Department of Economic Development." (H. P. 834) (L. D. 1221)

Tabled — May 16, by Mr. Sahagian of Belgrade.

Pending — Acceptance of Report.

On motion of Mr. Sahagian of Belgrade, on a viva voce vote, re-tabled pending acceptance of the Committee Report and specially assigned for Wednesday, May 22.

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

Bill "An Act relating to Taxpayers Furnishing List of Property to Assessors." (S. P. 434) (L. D. 1177)

Tabled — May 16, by Mr. Tyndale of Kennebunkport.

Pending — Motion of Mr. Smith of Bar Harbor to Indefinitely Postpone.

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

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: An amendment is now being prepared for this bill, and I would ask somebody to make the motion to table it until next Thursday.

Thereupon, on motion of Mr. Richardson of Stonington, tabled pending the motion of Mr. Smith of Bar Harbor to indefinitely postpone and specially assigned for Thursday, May 23.

On motion of Mr. Wellman of Bangor,

Adjourned until Tuesday, May 21 at ten o'clock in the morning.