

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and First Legislature

OF THE

STATE OF MAINE

VOLUME II

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and

SPECIAL SESSION

JAN. 6 - JAN. 17, 1964

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Monday, May 27, 1963

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

Prayer by the Rev. Mr. George Whittier of Augusta.

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

The journal of the previous session was read and approved.

Papers from the Senate Conference Committees Report

Report of the Committees of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Claims of Municipalities Against State for Taxes Lost from Veterans Property Tax Exemptions" (S. P. 339) (L. D. 1004) reporting that the House recede and concur with the Senate and accept the Committee Report "Ought to pass", and pass the Bill to be engrossed in concurrence.

(Signed)

WYMAN of Washington
BROWN of Hancock
COLE of Waldo

— Committee on part of Senate.

ALBAIR of Caribou
JONES of Farmington
DENNETT of Kittery

— Committee on part of House.

Came from the Senate read and accepted.

In the House, the Report was read and accepted. The House receded from its action whereby the Report and Bill were indefinitely postponed and concurred with the Senate in acceptance of the Report.

The Bill was read twice and tomorrow assigned.

Tabled

From the Senate: The following Order:

ORDERED, the House concurring, that the Legislative Research Committee is directed to study the feasibility of combining those municipalities not included in school administrative districts, into such districts; and be it further

ORDERED, that the Committee report the results of its study to the 102nd Legislature. (S. P. 604)

Came from the Senate read and passed.

In the House, the Order was read.

(On motion of Mr. Wellman of Bangor, tabled pending passage in concurrence and unassigned.)

Senate Reports of Committees Leave to Withdraw

Report of the Committee on Judiciary on Resolve Proposing an Amendment to the Constitution to Prohibit the Unreasonable Interception of Telephone, Telegraph and Other Electronic Communications (S. P. 532) (L. D. 1443) reporting Leave to Withdraw.

Came from the Senate read and accepted.

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

Non-Concurrent Matter

Bill "An Act relating to Transfer of Certain Land by the State to the City of Portland" (S. P. 217) (L. D. 526) on which the House accepted the Majority "Ought not to pass" Report of the Committee on State Government in non-concurrence on May 23.

Came from the Senate with that body voting to insist on its former action whereby the Bill was passed to be engrossed, and asking for a Committee of Conference, with the following Conferees appointed on its part:

Messrs. BROOKS of Cumberland
WHITTAKER of Penobscot
CAMPBELL of Kennebec

In the House: On motion of Mr. Dennett of Kittery, the House voted to adhere to its former action.

Non-Concurrent Matter

Bill "An Act relating to Transfer of Certain Land to the State by the City of Portland" (S. P. 218) (L. D. 527) which was indefinitely postponed in non-concurrence in the House on May 23.

Came from the Senate with that body voting to insist on its former action whereby the Bill was passed to be engrossed and asking for a Committee of Conference, with the following conferees appointed on its part:

Messrs. BROOKS of Cumberland
WHITTAKER of Penobscot
CAMPBELL of Kennebec

In the House:

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

Mr. JALBERT: Mr. Speaker, I move we adhere.

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

Mr. Libby of Portland then requested a division.

The SPEAKER: A division has been requested on the motion to adhere.

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

Mr. COTTRELL: Mr. Speaker, am I in order to make a motion to recede and concur?

The SPEAKER: You certainly are, sir; the motion to recede and concur has priority. Does the gentleman make the motion?

Mr. COTTRELL: I would like to make that motion, sir.

The SPEAKER: To inform the gentleman from Portland, Mr. Cottrell, the motion to recede and concur would apply to the Minority Report. Is that the motion the gentleman wishes to have entertained?

Mr. COTTRELL: Mr. Speaker, this may be a parliamentary inquiry. I thought the motion that I was making was to — I guess you are right, sir.

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

Mr. LIBBY: Mr. Speaker, I move to insist and join in a committee of conference.

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

Mr. JONES: Mr. Speaker, I would move for indefinite postponement of this and all of its papers.

The SPEAKER: The motion to recede and concur in accepting the Minority Report has precedence over the other motions. The next is to insist, the next is indefinite postponement. Is the House ready for the question?

The Chair recognizes the gentleman from Kittery, Mr. Dennett.

Mr. DENNETT: Mr. Speaker, I think this action that we are taking in here today is merely prolonging the agony on this bill. This bill was well debated the other

day. As a matter of fact, it reached the point particularly in the newspapers where a great deal of ridicule was attached to it with several proposed amendments. I feel at this time this session is drawing to a close and we certainly should not go into this business of bouncing these things back and forth on which there is absolutely no hope of any passage, nor is there any area in which to compromise. I sincerely hope that this motion will be defeated so that before we get done with the motions, we can adhere and go on with other business. I ask for a division on the motion.

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

Mr. MCGEE: Mr. Speaker, just to clear matters a little mite, if this land that we are speaking about transferring to the City of Portland is land which was included in the original grant for the boys school down there which was called then a reform school, and now it is under a different name, the State of Maine don't own any land there. It is only granted them for use by the City of Portland as long as it was a reform school. So we ought to take that into consideration. We can't give away something we don't own. If it was something we bought since, of course, we could.

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

Mr. COTTRELL: Mr. Speaker, may I withdraw my motion to recede and concur?

The SPEAKER: Does the gentleman wish to withdraw his motion to recede and concur?

Mr. COTTRELL: And now, Mr. Speaker, may I speak on the motion to insist?

The SPEAKER: The gentleman may continue.

Mr. COTTRELL: Mr. Speaker, Ladies and Gentlemen of the House: I am not too coherent in speaking when I am prepared. Today I am not prepared at all, but I do feel that I must speak. It has been said that we debated this very thoroughly the other day, and I can

agree that we did debate it quite thoroughly. But I also must suggest that in debating this issue at the State Government Committee hearing, on the whole matter of transportation, it was debated for practically one whole afternoon. Now I think that this matter of transportation is one of our most serious problems. It affects all of us, probably in every city and village. In my own city, for instance, last summer in trying to get by rail to Detroit, we found that the only place that we could get information was from the South Station in Boston. When we call up for air transportation from Portland today, we call Boston, just to get information. We know that our railroad transportation, our passenger transportation in this great, whole state of ours is practically done.

Now it seems to me that this matter could at least be given over to a committee of conference at this time to see what they might come up with. As I understand the situation, the City of Portland has invested four million dollars in an airport. They are now netting \$25,000 a year, and it is their proposition to give this airport, which has instrument landing, which is probably one of the best-equipped commercial airports in the state, in the largest city of the state; they wish to give it to the state for one dollar. Now, in other words, the state invests one dollar, they immediately gain \$25,000 a year. Now the Portland Airport may be a permanent airport, who knows? I don't think anyone knows. We heard at this committee hearing that maybe the best way to handle our air transport problem was to divide the state into three regional airports. Another suggestion was four regional airports. Another suggestion was to do what they do in many other states, to have federal trunk lines subsidies and develop feeder lines off of that.

Now, I say that the problem is not solved, this transportation problem, and I ask this. What harm would it be for the State of Maine to put up one dollar and buy a four million dollar develop-

ment in a field of endeavor which is so important to the state, and hold it for a couple of years? Hold it; if that doesn't become one of the best airports in the state, I think then as you go on with a different plan I think that the City of Portland will have acres of land there for one dollar which they can make a profit on. Now I think that this should be considered a little more thoroughly than we have already considered, and I hope that we can join in a committee of conference, and see if we can't thoroughly discuss this thing in the conference committee and bring out more light on the subject before we drop it. Thank you.

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

Mr. DENNETT: Mr. Speaker, I must oppose the motion made by the gentleman from Portland, Mr. Cottrell. Of course he's right when he says that it only involves a dollar. That's correct. It only involves a dollar today, but \$5,000,000 plus tomorrow or the next day. We did, as he also stated, have quite a long hearing on the matter. There was proponent after proponent, but even by the proponents' own admission, they could not see how the state taking over this airport would increase services to the people of the Portland area because it was admitted there at that hearing that all the traffic that was available was now covered by air service out of Portland. They would gladly, apparently, run more air service if there were more passengers available. There were just not the passengers available. I feel very strongly as I also felt the other day that this is just a five million dollar boondoggle and it's something that the State of Maine should not be saddled with. I hope that you will oppose the motion of the gentleman to insist because frankly I don't think there is anything to insist about. Again I reiterate, there is no area in which to compromise.

The SPEAKER: Is the House ready for the question?

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

Mr. LIBBY: Mr. Speaker, I do not mean to take any more time, but I must answer Mr. Dennett from Kittery. I don't know how he knows or anyone knows how much money will need to be spent on this airport, \$5,000,000, who knows? I will say this, that now that they are going to leave the boys' school where it is, there seems to be a plan that we must extend one of the runways. The federal government wants this done and are ready and willing to pay their share. The City of Portland cannot pay theirs. Now as it stands today, the federal government pays fifty percent, the state twenty-five and the city twenty-five, and the city is not ready, it cannot, come up with its twenty-five percent. Therefore, the airport is going to slowly go down hill and from a first-class airport, we are going to end up — this is the gateway airport of the state — we are going to end up with one that we are not going to be very proud of. This, we can't help.

Now this airport serves more than Portland. It serves a great area, certainly all of the southern part of the state, and without it, I think you certainly would miss this even up north. So, it is a very necessary link.

Now one more thing. Mr. Dennett spoke of all these amendments, I have yet to see anyone make a move for the adoption of any of these amendments. Therefore, until they are adopted and until the motion is made, I will not consider that they even exist. Ladies and gentlemen, I certainly hope that you will allow this joining in a committee of conference and let them figure out the problems that we have here. Thank you very much.

The SPEAKER: Is the House ready for the question?

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

Mr. TREWORGY: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you not to take lightly this matter of disregarding this bill. Transportation in the State of Maine is a very serious problem. We have seen the railroads depleted to the point where their

rail traffic, passenger traffic is virtually non-existent. If you have talked with any potential new industries who look with favor on coming into the State of Maine, one of the very questions that they first ask, is, what are the air transportation facilities, what are available? This Portland airport does now serve a very large area in central and southern Maine. Without this facility expanding, we are seriously handicapped in our efforts to attract new industry and to service existing industry in central and southern Maine. The Portland airport is within one hour's travel by car of the very large percentage of the industrial heart of the State of Maine. I urge you to join in a committee of conference.

The SPEAKER: Is the House ready for the question?

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

Mr. CHILDS: Mr. Speaker and Members of the House: I am not going to debate the issues of the Portland airport at this time. I would only like to bring one matter to your attention. I realize it is getting late in the session, and we certainly feel that we would like to conclude matters and return to our homes; but also I would like to bring this thought to your mind that I certainly believe in parliamentary courtesy between the branches. The other branch has requested a committee of conference. I think that we should go along with a committee of conference. Some day, the shoe may be on the other foot.

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

Mr. JALBERT: Mr. Speaker, I am sure that the gentleman from Portland, Mr. Childs, has been around these halls long enough to possibly have mentioned also in his remarks, although I know that he forgot to mention in his remarks that possibly the gentleman from Gorham, Mr. Treworgy and the gentleman from Portland, Mr. Cottrell, his neighbor, are not aware of the fact that in our joining a committee of conference that from this branch will be three

members who are definitely opposed to this project. I know that that slipped Mr. Childs' mind from Portland.

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

Mr. CHILDS: Mr. Speaker, that certainly did not slip my mind, and may I say this, that we never know whether there is room for compromise or not until we try.

The SPEAKER: Is the House ready for the question? The question before the House relative to Bill "An Act relating to Transfer of Certain Land to the State by the City of Portland," Senate Paper 218, L. D. 527, is the motion of the gentleman from Portland, Mr. Libby, that the House insist on its former action and join a Committee of Conference. A division has been requested. All those in favor of insisting, will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Forty-six having voted in the affirmative and fifty-three having voted in the negative, the motion to insist did not prevail.

Thereupon, on motion of Mr. Jalbert of Lewiston, the House voted to adhere.

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

Tabled and Assigned

From the Senate: The following Order:

ORDERED, the House concurring, that the following be recalled from the Governor's Office to the Senate: Bill, "An Act relating to Work on Shade and Ornamental Trees, (H. P. 240) (L. D. 308), and Bill, "An Act relating to Election Returns" (H. P. 1058) (L. D. 1523) (S. P. 610)

Came from the Senate read and passed.

In the House, the Order was read.

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

Mr. JAMESON: Mr. Speaker, I would like to have this Order set

aside until tomorrow, the next legislative day.

The SPEAKER: The gentleman from Bangor, Mr. Jameson, moves that this Order be tabled until tomorrow. Is that the pleasure of the House?

Mr. Wellman of Bangor then requested a division.

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

A division of the House was had. Sixty-eight having voted in the affirmative and thirty having voted in the negative, the tabling motion did prevail.

Thereupon, the Order was tabled pending passage in concurrence and specially assigned for tomorrow.

Orders

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

WHEREAS this House has learned that one of its members celebrated his birthday anniversary on a date the Legislature was not in session, and

WHEREAS rules were not suspended to permit such celebration, Now, therefore, be it

ORDERED: That this House express its congratulations to the gentleman from Bangor, Mr. Minsky on the passage of his birthday anniversary on last Saturday, May 25;

And be it further

ORDERED: That the same gentleman be instructed by this House to never again have a birthday celebration in the odd-numbered years while he is a member of this House, except on days when the Legislature is in session. (Applause)

The Order received passage.

(Off Record Remarks)

On motion of Mr. Mendes of Topsham, it was

ORDERED, that Mr. Curtis of Bowdoinham be excused from attendance this week because of busi-

ness; and that Mr. Blouin of Sanford be excused from attendance this week because of business.

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

Mr. PEASE: Mr. Speaker, would I be in order to ask if the House has in its possession Legislative Document 913, House Paper 656, Bill "An Act relating to Eligibility of Trustees, Executors, and Administrators as Directors of Trust Companies"?

The SPEAKER: For the information of the gentleman, the paper is in the possession of the House.

Mr. PEASE: Would I now be in order to ask that the House reconsider its action of May 24 whereby it receded and concurred with the Senate in indefinitely postponing this bill?

The SPEAKER: The gentleman is in order.

Mr. PEASE: I would so move.

The SPEAKER: The gentleman from Wiscasset, Mr. Pease, moves that the House reconsider its action whereby on May 24 it receded and concurred with the Senate in indefinitely postponing this bill.

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

Mr. WELLMAN: Mr. Speaker, as many of you know, I have had an interest in this bill. The people who have been upset by this bill have met with the originators of this document and feel that certain amendments will be acceptable to them and also acceptable to the people who are slightly disturbed by the bill. I hope that you will move to reconsider and that these amendments will be offered tomorrow.

The SPEAKER: The question before the House is the motion of the gentleman from Wiscasset, Mr. Pease, that the House reconsider its action whereby it receded and concurred.

The motion prevailed.

Thereupon, on motion of Mr. Pease of Wiscasset, the Bill was tabled pending receding and concurring and specially assigned for tomorrow.

House Reports of Committees Leave to Withdraw

Mr. Curtis from the Committee on Education on Bill "An Act relating to Tuition and Conveyance to Other than Public Schools in Another State" (H. P. 631) (L. D. 887) reported Leave to Withdraw.

Report was read and accepted and sent up for concurrence.

Leave to Withdraw Covered by Other Legislation

Mr. Crommett from the Committee on Towns and Counties on Bill "An Act Increasing Salary of Deputy Register of Deeds of Cumberland County" (H. P. 704) (L. D. 960) reported Leave to Withdraw, as covered by other legislation.

Report was read and accepted and sent up for concurrence.

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

Mr. JALBERT: Mr. Speaker, wherein it concerns items 3 through 12, they being identical, I move that they be accepted as recorded.

Thereupon, Items 3 through 12, being identical reports, were accepted without further reading.

Mr. Hammond from the Committee on Towns and Counties on Bill "An Act Increasing Salaries of Sheriff, Register of Deeds and Register of Probate of Kennebec County" (H. P. 619) (L. D. 854) reported Leave to Withdraw, as covered by other legislation.

Same gentleman from same Committee reported same on Bill "An Act Increasing Salary of Judge of Probate of York County" (H. P. 852) (L. D. 1239)

Mr. MacPhail from same Committee reported same on Bill "An Act Increasing Salaries of Certain County Officials of Franklin County" (H. P. 617) (L. D. 852)

Mr. Philbrick from same Committee reported same on Bill "An Act Increasing Salaries of Clerk of Courts, Sheriff and County Treasurer of Washington County" (H. P. 615) (L. D. 850)

Same gentleman from same Committee reported same on Bill "An Act Increasing Salaries of Judge

and Recorder of Town of Lincoln Municipal Court" (H. P. 706) (L. D. 962)

Mr. Poirier from same Committee reported same on Bill "An Act Increasing Salary of Sheriff of Aroostook County" (H. P. 795) (L. D. 1148)

Mrs. Shaw from same Committee reported same on Bill "An Act Increasing Salary of Clerk of Courts of Kennebec County" (H. P. 618) (L. D. 853)

Same member from same Committee reported same on Bill "An Act Increasing Salaries of Clerk of Courts, Register of Deeds and Treasurer of Sagadahoc County" (H. P. 699) (L. D. 955)

Mr. Wight from same Committee reported same on Bill "An Act Increasing Salaries of County Officials of Knox County" (H. P. 701) (L. D. 957)

Same gentleman from same Committee reported same on Bill "An Act Increasing Salaries of Clerk of Courts and Judge of Probate of Somerset County" (H. P. 703) (L. D. 959)

Reports were accepted and sent up for concurrence.

Ought to Pass

With Committee Amendment

Mr. Poirier from the Committee on Towns and Counties on Bill "An Act Increasing Salaries of Jury Commissioners of Lincoln County" (H. P. 169) (L. D. 218) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 169, L. D. 218, Bill, "An Act Increasing Salaries of Jury Commissioners of Lincoln County."

Amend said Bill in the 8th line by striking out the underlined figure "\$100", and inserting in place thereof the underlined figure '\$75'

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

Passed to Be Engrossed

Bill "An Act Appropriating Funds to Aid in Dredging Carver's Har-

bor, Town of Vinalhaven" (H. P. 319) (L. D. 446)

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

Tabled and Assigned

Bill "An Act relating to the Assessment of Towns in Aid to Dependent Children Grants" (H. P. 788) (L. D. 1141)

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

Mr. Plante of Old Orchard Beach offered House Amendment "B" and moved its adoption.

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

HOUSE AMENDMENT "B" to H. P. 788, L. D. 1141, Bill, "An Act Relating to the Assessment of Towns in Aid to Dependent Children Grants."

Amend said Bill by striking out the underlined abbreviation and figure "Sec. 1." at the beginning of the first line.

Further amend said Bill by striking out in the 7th, 8th, 9th and 10th lines the underlined punctuation and words " , provided, however, that such municipality shall be assessed only on the money payment with respect to such child and not for medical care or any type of remedial care in behalf of such dependent child"

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

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

Mr. BRAGDON: Mr. Speaker, I question whether this is the amendment that I expected was going to be presented on this bill, and for the purpose of having a chance to discuss it with the gentleman from Old Orchard Beach, I would move that it be tabled pending acceptance of this amendment for tomorrow.

Mr. PLANTE: of Old Orchard Beach: Mr. Speaker, may I answer his inquiry first?

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

Mr. PLANTE: The gentleman inquired through the Chair, I understand?

Mr. BRAGDON: Mr. Speaker, I made a motion that this be tabled until tomorrow.

The SPEAKER: The gentleman now moves that this be tabled until the next legislative day pending the adoption of House Amendment "B." Is that the pleasure of the House?

The motion prevailed.

Third Reader Tabled and Assigned

Bill "An Act Reactivating the State Committee on Children and Youth" (H. P. 1098) (L. D. 1574)

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

(On motion of Mr. MacLeod of Brewer, tabled pending passage to be engrossed and specially assigned for Wednesday, May 29.)

Resolve Providing Funds for Public Landing at Islesford, Hancock County (H. P. 177) (L. D. 246)

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

Amended Bills

Bill "An Act Revising the Administrative Code" (H. P. 922) (L. D. 1356)

Resolve Discharging Town of Liberty from Part of the Indebtedness to Maine School District Commission for Preparation of Agreement for Dissolution of School Administrative District No. 3 (S. P. 278) (L. D. 792)

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

Third Reader Tabled and Assigned

Bill "An Act relating to Operation of Retail Store and Restaurant Prior to Application to Sell Malt Liquor" (H. P. 826) (L. D. 1213)

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

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

Mr. KENT: Mr. Speaker, I would like to have those amendments read on that. I don't seem to be able to find them.

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

Mr. WELLMAN: Mr. Speaker, I move that this item lie on the table until tomorrow.

Thereupon, the Bill with accompanying papers was tabled pending passage to be engrossed and specially assigned for tomorrow.

Orders of the Day

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

Bill "An Act relating to Definition of 'Hotel' Under Liquor Law." (H. P. 299) (L. D. 393)—In House Bill Substituted for ONTP Report, Engrossed with House "B" (H-345) — Senate Receded from Indefinite Postponement, Adopted House "A" (H-146), Indefinitely Postponed House "B," and Adopted Senate "A" (S-239).

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

Pending—Further Consideration.

The SPEAKER: Is it the pleasure of the House to recede from its former action and concur with the Senate?

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

Mr. TREWORGY: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to call your attention to Senate Amendment "A" that was adopted in the Senate. If you don't have it in front of you, I would like to take the liberty of reading it, it is very brief. It would further amend said bill by adding to the end of the new section: "Sec. 2. Limitation. This act shall not apply to premises for which a hotel liquor license was issued in 1963 prior to the effective date of this act."

This would in effect make the act apply only to hotels applying for liquor licenses after 1963. In other words, as I understand this, any hotel which now has a liquor

license or which had a liquor license issued in the year 1963 is protected from the effect of this act and would never have to comply with the act. This is my understanding. I would stand to be corrected if this is incorrect. I just wish you would understand the amendment before we take any further action on this bill.

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

Mr. WELLMAN: Mr. Speaker, I am unqualified to answer the question the gentleman has posed, and the sponsor of the bill is absent. I do not know the date of his return. Perhaps some other member of the House having news of this bill would care to put it on the table for a day or two.

Thereupon, on motion of Mr. Pierce of Bucksport, the Bill and accompanying papers were tabled pending further consideration and specially assigned for tomorrow.

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

HOUSE REPORT—Ought to Pass in New Draft (H. P. 1097) (L. D. 1573)—Committee on Industrial and Recreational Development on Bill “An Act Providing for Public Facilities for Boats.” (H. P. 32) (L. D. 56)

Tabled—May 24, by Mr. Plante of Old Orchard Beach.

Pending—Acceptance.

On motion of Mr. Gilbert of Edgington, retabled pending acceptance of the Committee Report and specially assigned for Wednesday, May 29.

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

HOUSE MAJORITY REPORT (7) —Ought not to Pass—MINORITY REPORT (3)—Ought to pass With Committee Amendment “A” (H-391)—Committee on Appropriations and Financial Affairs on Bill “An Act to Provide Funds for Evaluating Existing Commercial Waterfront Facilities and Feasibility of Additional Facilities at Maine Ports.” (H. P. 318) (L. D. 445)

Tabled—May 24, by Mr. Jalbert of Lewiston.

Pending—Motion of Mrs. Smith of Falmouth to Accept Majority ONTP Report.

On motion of Mr. Jalbert of Lewiston, retabled pending the motion of Mrs. Smith of Falmouth to accept the Majority “Ought not to pass” Report and specially assigned for tomorrow.

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

Bill “An Act relating to Right of Electric Power Companies to Take Lands for Lines by Right of Eminent Domain.” (S. P. 395) (L. D. 1098)

Tabled—May 24, by Mr. Tyndale of Kennebunkport.

Pending — Passage to be Engrossed.

Mr. Tyndale of Kennebunkport offered House Amendment “A” and moved its adoption.

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

HOUSE AMENDMENT “A” to S. P. 395, L. D. 1098, Bill, “An Act Relating to Right of Electric Power Companies to Take Lands for Lines by Right of Eminent Domain.”

Amend said Bill by striking out in the 17th, 18th, 19th, 20th and 21st lines the underlined words “except that the Public Utilities Commission may authorize a location less than 100 feet from an inhabited dwelling when it shall find upon evidence submitted by the utility that such location is required by public convenience and necessity”

On motion of Mr. Levesque of Madawaska, tabled pending the adoption of House Amendment “A” and specially assigned for Tuesday, May 28.

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

Bill “An Act to Increase the Salaries of Certain Department Heads Elected by the Legislature.” (S. P. 548) (L. D. 1480)

Tabled—May 24, by Mr. Tyndale of Kennebunkport.

Pending — Passage to be Engrossed.

Mr. Tyndale of Kennebunkport offered House Amendment "B" and moved its adoption.

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

HOUSE AMENDMENT "B" to S. P. 548, L. D. 1480, "An Act to Increase the Salaries of Certain Department Heads Elected by the Legislature."

Amend said Bill by adding after the enacting clause the following:

Sec. 1. R. S., c. 18, Sec. 1, amended. The 2nd paragraph of section 1 of chapter 18 of the Revised Statutes, as amended, is further amended to read as follows:

'The Treasurer of State shall receive an annual salary of \$7,500 \$8,500. He shall receive no other fee, emolument or perquisite.'

(There is appropriated from the General Fund the sum of \$834 for the fiscal year ending June 30, 1964 and the sum of \$1,000 for the fiscal year ending June 30, 1965 to carry out the purposes of this section.)"

Further amend said Bill by renumbering sections 1 to 3 to be sections 2 to 4.

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

Mr. TYNDALE: Mr. Speaker and Members of the House: In reference to this item, you will note that it calls for an increase in the salary of the Treasurer of the State. We have accorded some increases in salary for other department heads including part-time men, and the State Treasurer was not included or did not come out of committee.

The State Treasurer as the fiscal officer of the State of Maine holds one of the most, if not the most, responsible positions in state government. He is the custodian of all state funds. Nearly one-half billion dollars passed through his cash book last year. He handles all the state bank accounts.

The State Treasurer is the Chairman of the Investment Committee of the State Retirement Committee which has assets of over \$70,000,000. He is also the investing officer of all other trust funds such as Lands Reserved for Public Uses,

assets over two million, and numerous other state trusts. Much of his time is spent in this work investing, selling and reinvesting their funds in various securities.

The Treasurer issues all bonds authorized by the Legislature. This work covers preparing the bonds, a very exacting procedure, finding a purchaser, delivering and collecting payments. \$14,700,000 of various issues have been prepared and sold in the past two years, over \$54,000,000 the past ten years, which gives an idea of the magnitude of this one phase of the Treasurer's duties.

The Treasurer has many other duties, such as escheated property, distribution of certain taxes and numerous other responsibilities. A new activity was added by the 100th Legislature. He will be Treasurer of the new Municipal Court System, taking over the work in this respect formerly handled by sixteen county treasurers.

The State Treasurer more than pays his way. Through his investments of temporary surplus cash during the past biennium, he produced an income to the state of \$2,405,313.91.

The Treasurer's salary at present is \$7,500.00. Many other state employees with nowhere near his responsibilities are receiving a much larger salary. He has received no raise in four years. I trust that you will adopt this amendment.

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

Mr. BERRY: Mr. Speaker, Members of the House: I rise reluctantly to oppose this amendment. The State Government Committee heard, I believe, identically the information which has been given just now by the good gentleman from Kennebunkport, Mr. Tyndale. So far this House has seen fit to stand behind the State Government Committee in the stand it has taken on various salaries. It certainly is not the Committee's wish to drag out into the public light all the details of its thinking, but I feel you would understand when I say that we feel that the salary here is an adequate one with all factors being considered, and I would urge

the House to defeat this amendment, and I do move its indefinite postponement.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Berry, moves the indefinite postponement of House Amendment "B".

The Chair recognizes the gentleman from Farmington Mr. Jones.

Mr. JONES: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to my good last colleague from Cape Elizabeth, Mr. Berry, and in support of the motion made by my colleague, Mr. Tyndale on the adoption of this amendment, in which there would be an increase in salary to our State Treasurer, because the amount of salary received by our Treasurer is much, much less than many of our lower than department heads within our state government, and then on top of that the fact that through his wisdom and knowledgeable manner in handling the funds of the state, he really saves the state many times his salary, so I would move to go along with my colleague, Mr. Tyndale.

The SPEAKER: The Chair recognizes the gentleman from Madison, Mr. Hendsbee.

Mr. HENDSBEE: Mr. Speaker, Ladies and Gentlemen of the House: I must oppose the motion of the gentleman from Cape Elizabeth, Mr. Berry. It would seem to me that over a number of years this same discussion has come up. For some reason or other our State Treasurer always seems to be overlooked when the raises are passed out.

I recall this six years ago and four years ago and now again. It has been pointed out to you by the gentleman from Kennebunkport, Mr. Tyndale, the responsibility that is included in this position, and that is absolutely true. We do figure that this man has one of the most responsible positions that can be held. He has worked for the state for I believe more than sixteen years. We have men now who are holding very prominent jobs in the state who have been here not nearly half as long as this gentleman has. I surely hope that this man is not being penalized because he happens to come from Madison, but I am

sure, ladies and gentlemen, that a man who has a record that has been given us by our State Treasurer of the money that he has saved for our state, is well worthy of our consideration, and for the small amount of money that we are asking for, and that is all I have to say gentlemen and ladies on this particular question. I have spoken on it many years ago and I feel the same way and I have no reluctance whatever in speaking on it.

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

Mr. BERRY: Mr. Speaker and Members of the House. I very reluctantly rise again, but I feel that all the facts should be brought out.

There have been no new facts presented to warrant this raise, and may I just remind this House that this person or the individual holding the office at the present time sought this office at the hands of the Legislature. He was elected by the Legislature and knew what the salary was, and I will repeat once again, that no new facts have been brought out to warrant this increase.

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

Mr. TYNDALE: Mr. Speaker, I realize that these are not new facts that were brought before this House before, but by the same token I believe that this man holds a responsible position in the state government and he should be recognized to some extent for the efforts that he has accomplished during the past several years particularly in the investing field. It is not very easy to find a man with this breadth of experience, and I certainly would recommend this thought to you, that you have this position, you were the men that elected him to this position, and certainly the responsibilities of this job have to be recognized, and I believe that he is under a bond of half a million dollars. This man is a man of high integrity and a man well respected throughout state government and I certainly think he is entitled to this small raise, and

when the vote is taken I request a division.

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

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I have the greatest respect for Honorable Frank Carpenter, the Treasurer of the State, but I think we should go along with the findings of the Committee. I heartily concur with the gentleman from Cape Elizabeth, Mr. Berry.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Cape Elizabeth, Mr. Berry, that House Amendment "B" be indefinitely postponed and a division has been requested. All those in favor of the indefinite postponement of House Amendment "B" 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.

Fifty-one having voted in the affirmative and forty-one having voted in the negative, the motion did prevail.

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

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

HOUSE AMENDMENT "A" to S. P. 548, L. D. 1480, Bill, "An Act to Increase the Salaries of Certain Department Heads Elected by the Legislature."

Amend said Bill by adding at the end the following new section:

"Sec. 4. R. S., c. 32, Sec. 1, amended. The 3rd sentence of section 1 of chapter 32 of the Revised Statutes, as last amended by section 10 of chapter 361 of the public laws of 1959, is further amended to read as follows:

'He (Commissioner of Agriculture) shall receive an annual salary of \$10,000 \$11,000.'

(There is appropriated from the General Fund the sum of \$834 for the fiscal year ending June 30, 1964 and \$1,000 for the fiscal year ending June 30, 1965 to carry out the purposes of this section.)"

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

Mr. DENNETT: Mr. Speaker and Members of the House: I do not rise in opposition to this amendment, I merely rise to clarify what might seem to be an ambiguous situation.

This bill when reported out of the Committee on State Government, granted no raise to the Commissioner of Agriculture. Now I believe you are entitled to know the reason why. The Commissioner of Agriculture terminates his services with the State of Maine, I believe before the next biennium. It was felt by the Committee that inasmuch as a new Commissioner of Agriculture would be in here less than two years hence, it didn't seem proper to grant a raise at this time so that the new man who had no experience would benefit by the salary that the old man left off with. I think that perhaps in time, and I believe we have an Order in for it and some of these salary scales will be gone over and perhaps a very bad situation will be rectified. But in the meantime, a great number, after the bill had been passed out, a great number of men interested in agriculture in the State of Maine approached various members of the Committee pleading for this present Commissioner of Agriculture, particularly potato farmers in Aroostook County who set forth that the present Commissioner of Agriculture had invoked a seed potato program in this state which was really fantastic. It was very beneficial to them. Perhaps if they had appeared before the Committee at the time, the Committee Report might have been different, but that is the reason why the Commissioner of Agriculture was not included in a raise in this general pay bill, and I again state at this time, I have no opposition to this amendment.

The SPEAKER: Is the House ready for the question?

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

Mr. PEASE: Mr. Speaker, I think it would be inconsistent if I did not oppose the amendment as it has just been presented after I

voted against the amendment presented by the gentleman from Kennebunkport, Mr. Tyndale. It would seem to me that the gentleman from Kennebunkport presented many arguments with relation to an increase in the salary of the Treasurer of State, and we have just heard arguments presented in favor of granting an increase to the Commissioner of Agriculture. I think again the Committee heard this, the determination was made, and for that reason, I move that this amendment be indefinitely postponed.

The SPEAKER: The question before the House now is the motion of the gentleman from Wiscasset, Mr. Pease, that House Amendment "A" be indefinitely postponed. Is that the pleasure of the House?

(Cries of "No")

The SPEAKER: All those in favor will please say yes; those opposed, no.

A viva voce vote being taken, the motion to indefinitely postpone House Amendment "A" did prevail.

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

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

Bill "An Act relating to Excise Taxes on Motor Vehicles Paid by Members of Penobscot Tribe of Indians." (S. P. 599) (L. D. 1566)—House Amendment "A" Read (H-390)

Tabled—May 24, by Mr. Wellman of Bangor.

Pending — Adoption of House Amendment "A".

The SPEAKER: The Chair recognizes the gentleman from Glenburn, Mr. Cookson.

Mr. COOKSON: Mr. Speaker, Ladies and Gentlemen of the House: This Amendment "A" which was filed Friday, I can't seem to make it out other than it is going to kill the whole bill. I don't think that it is anything good at all. If I am wrong, I stand to be corrected on that, but I would move for the indefinite postponement of this Amendment "A" to this bill, and move for the passage of Legislative Document 1566.

The SPEAKER: The gentleman from Glenburn, Mr. Cookson, now moves the indefinite postponement of House Amendment "A" to Legislative Document 1566.

The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker, May I ask that this be tabled until tomorrow?

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, moves that item 6 be retabled until the next legislative day. All those in favor will please say yes; those opposed, no.

A viva voce vote being taken, the tabling motion did prevail.

Thereupon, the Bill was tabled pending the motion of Mr. Cookson of Glenburn to indefinitely postpone House Amendment "A" and specially assigned for tomorrow.

(Off Record Remarks)

On motion of Mr. Henry of North Yarmouth,

Adjourned until nine o'clock tomorrow morning.