

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Third
Legislature*

OF THE

STATE OF MAINE

1967

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Thursday, February 9, 1967

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

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

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate: The following Order:

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Tuesday, February 14, at ten o'clock in the morning. (S. P. 294)

Came from the Senate read and passed.

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

From the Senate: The following Communication: (S. P. 252)

Senate Chamber
Augusta Maine

February 6, 1967

To the Honorable Senate and House of Representatives of the One Hundred and Third Legislature

Transmitted herewith is the "Report on Seasonal Employment Study."

This report is being submitted in accordance with the Interim Study Committee authorized by the One Hundred and Second Legislature.

Respectfully,

(Signed)

JOSEPH A. D'ALFONSO
Chairman

Came from the Senate read and with accompanying Reports ordered placed on file.

In the House, the Communication was read.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. D'Alfonso.

Mr. D'ALFONSO: Mr. Speaker and Members of the House: Because of the minority report addressed to this Interim Committee Report on seasonal employment, and because of the nature of the

minority report, I am compelled to answer the gross and unwarranted insult of the majority report. The minority report is rather unique and somewhat unprecedented. The essence of the minority report is spelled out in a very simple statement, that the committee was not qualified nor truly representative.

I am most concerned to think that a committee of one has seen fit to wait until the majority report had been submitted and then to sit as a committee of one and attack the majority report.

The majority committee was given an assignment as representatives of the people of the State of Maine. We did not stop to consider whether or not we had in past experiences or formal education prepared ourselves to sit as authorities pertaining to the question of seasonal employment. We accepted our assignment, and we did so with the knowledge that we would do the best possible job in compiling information pertinent to the order that was passed by the Legislature. This we did do, and as a result we submitted five recommendations. Before submitting the majority report we held three committee hearings — I should say public hearings — at which time we informed the public as all committees do, as to exactly what our committee was trying to gather for information. The first committee hearing was held in Belfast, the minority report was written by the former Senator from Belfast, we made trips to Belfast, we instructed the committee and its representatives to fully advertise the committee hearing, to send out invitations to all people interested in what we were looking for. That committee hearing—public hearing—was for all intents and purposes unattended. And yet, the person who submitted the minority report and who subsequently only sat with the committee on two occasions, saw fit to grossly attack the majority report; and as a result of this gross undertaking, I must submit to you that the minority report on the majority report became an opinionated one and self-indulgent with grammatical verbosity and you can read

this for yourself and you will find out for yourself that this is exactly what it amounts to.

Instead of coming up with specific recommendations that would be better recommendations than the majority report, the minority report includes within it attacks on the Secretary of Labor, Willard Wirtz, attacks on people in Presque Isle who had petitioned the committee to include as a recommendation that the employment of school-age children in that sensitive area was not in the best interest and welfare of the education of the children. We did this, but the minority report saw fit to think that we were remiss in not adhering to the wishes of the public which we serve. The minority report in general wished to state that all of the recommendations of the majority report were specious. Well, I wholeheartedly agree with the right of anyone to disagree with anything, but I also wholeheartedly wish to impress upon you that I do not think it in good taste to be disagreeable, and that is exactly what this report was, disagreeable.

Furthermore, to point out the erroneous aspects of this minority report in attacking the fifth recommendation, the minority report went on to state that the present statutes include something that the people are now receiving under Unemployment Compensation. Let me report to you that this is not so, the minority report said that unemployed people are now entitled to a maximum of two-thirds of the average weekly wage based on the average weekly wage for the State of Maine. This is not so. All I would have the minority report try to do is to check Title 26, Section 1191, subsection II, and he would find that he was wrong and that his attack was related to the Workmen's Compensation Laws, Title 39, Section 54. So, all in all, I felt it most urgent that I should stand up and defend the majority report and to let this House know that in the future it would not be in good taste for someone who sits on a committee to write the minority report that in, and by itself, would become simply disagreeable.

The SPEAKER: Is it now the pleasure of the House that the accompanying report be placed on file in concurrence? The chair recognizes the gentleman from Cumberland, Mr. Richardson.

Mr. RICHARDSON: I would inquire of the Chair if it would be appropriate or in order for me to place this matter on the table pending the acceptance and placing on file of this report?

The SPEAKER: The gentleman is in order.

Thereupon, on motion of same gentleman, tabled with accompanying Report pending being ordered placed on file in concurrence and assigned the next legislative day.

From the Senate: The following Communication: (S. P. 253)

SENATE CHAMBER
Augusta, Maine

February 6, 1967

To the Honorable Senate and House of Representatives of the One Hundred and Third Legislature

Transmitted herewith is the "Report of the Maine Interim Fish and Game Committee".

This report is being submitted in accordance with the Interim Study Committee authorized by the One Hundred and Second Legislature.

Respectfully,

(Signed)

GLEN H. MANUEL
Chairman

Came from the Senate read and with accompanying Report ordered placed on file.

In the House, the Communication was read and with accompanying Report ordered placed on file in concurrence.

From the Senate: The following Communication: (S. P. 291)

STATE OF MAINE
Bureau of Public Improvements
Augusta, Maine

February 7, 1967

To the Senate and House of Representatives of the One Hundred and Third Legislature

In accordance with the provisions of Title 5, Section 1742,

Maine Revised Statutes Annotated, we are submitting herewith the "Requests for Capital Improvements" for the fiscal years 1966-67.

Respectfully,

(Signed) NIRAN C. BATES
State Director
of Public Improvements

Came from the Senate read and with accompanying Report ordered placed on file.

In the House, the Communication was read and with accompanying Report ordered placed on file in concurrence.

From the Senate: The following Communication: (S. P. 292)

January 30, 1967

To the Honorable Senate and House of Representatives of the 103rd Legislature

Transmitted herewith is the first biennial report of the Maine State Commission on the Arts and the Humanities. This report is submitted in compliance with Chapter 15, title 27, of the Revised Statutes.

This document is the result of an intensive six-months survey of the arts and humanities in the state. It contains a survey report and future plans for the encouragement and stimulation of public interest in the cultural heritage and programs of our state.

Other states are deeply interested in what Maine is doing in the field and the report was prepared in a format suitable to represent Maine in the other forty-nine states and Canada. We hope it will indicate by its content and its very appearance that the arts and humanities are an integral part of the life of our state.

Requests for copies of the report have come from all sixteen Maine counties and the Commission will attempt to supply copies of the report as a permanent reference to institutions, organiza-

tions and governmental agencies in all parts of the state.

Respectfully submitted:

The Maine State
Commission on the
Arts and the
Humanities

Edward Y. Blewett,
Chairman
Richard D. Collins,

Executive Director
(Signed) RICHARD D. COLLINS

Came from the Senate read and with accompanying Report ordered placed on file.

In the House, the Communication was read and with accompanying report ordered placed on file in concurrence.

From the Senate: The following Communication: (S. P. 293)

MAINE STATE LIBRARY
Augusta, Maine

To the Senate and House of Representatives
State of Maine:

In accordance with the provisions of Title 27, section 5, of the Revised Statutes, the report of the Maine State Library for the period July 1, 1964, to June 30, 1966, is herewith submitted.

(Signed)

RUTH A. HAZELTON
Librarian

Came from the Senate read and with accompanying Report ordered placed on file.

In the House, the Communication was read and with accompanying Report ordered placed on file in concurrence.

From the Senate:

Bill "An Act relating to Non-lapsing Funds for Development of Swan Island" (S. P. 242) (L. D. 602)

Resolve to Provide Funds to Convert Ferry Terminal at North Haven (S. P. 243) (L. D. 603)

Came from the Senate referred to the Committee on Appropriations and Financial Affairs.

In the House, referred to the Committee on Appropriations and Financial Affairs in concurrence.

From the Senate:
 Bill "An Act Revising the Laws Relating to Barbers and Schools of Barbering" (S. P. 247) (L. D. 607)

Came from the Senate referred to the Committee on Education.

In the House, referred to the Committee on Education in concurrence.

From the Senate:
 Bill "An Act Prohibiting Signing Name of Another Upon Absentee Ballot Applications" (S. P. 244) (L. D. 604)

Came from the Senate referred to the Committee on Election Laws.

In the House, referred to the Committee on Election Laws in concurrence.

From the Senate:
 Bill "An Act relating to Enforcement Duties of Inland Fish and Game Wardens" (S. P. 245) (L. D. 605)

Came from the Senate referred to the Committee on Inland Fisheries and Game.

In the House, referred to the Committee on Inland Fisheries and Game in concurrence.

From the Senate:
 Bill "An Act relating to Possession of Dogs or Hunting Gear by Persons Employed in Forest Operations" (S. P. 248) (L. D. 608)

Came from the Senate referred to the Committee on Legal Affairs.

In the House, referred to the Committee on Legal Affairs in concurrence.

From the Senate:
 Bill "An Act relating to Religious Faith of Foster and Adoptive Homes" (S. P. 246) (L. D. 606)

Came from the Senate referred to the Committee on Judiciary.

In the House, referred to the Committee on Judiciary in concurrence.

From the Senate:
 Bill "An Act Increasing Salary of Commissioner of Inland Fisheries and Game" (S. P. 249) (L. D. 609)

Bill "An Act relating to Method of Fixing Salary of Commissioner of Inland Fisheries and Game" (S. P. 250) (L. D. 610)

Came from the Senate referred to the Committee on State Government.

In the House, referred to the Committee on State Government in concurrence.

From the Senate:
 Bill "An Act to Authorize Cumberland County to Raise Money for Court House Capital Improvements" (S. P. 251) (L. D. 611)

Came from the Senate referred to the Committee on Towns and Counties.

In the House, referred to the Committee on Towns and Counties in concurrence.

Senate Reports of Committees Ought to Pass

Report of the Committee on Business Legislation reporting "Ought to pass" on Bill "An Act relating to Bylaws of Trust Companies" (S. P. 79) (L. D. 160)

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 assigned the next legislative day.

Ought to Pass with Senate Amendment

Report of the Committee on Business Legislation reporting "Ought to pass" on Bill "An Act relating to Sale of Negotiable Checks and Money Orders" (S. P. 77) (L. D. 158)

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

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

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

SENATE AMENDMENT "A" to S. P. 77, L. D. 158, Bill, "An Act Relating to Sale of Negotiable Checks and Money Orders."

Amend said Bill in the 6th line (5th line of L. D. 158) by inserting after the underlined word "direct-

ly' the underlined words 'or indirectly'

Further amend said Bill by inserting after the 2nd underlined paragraph, the following underlined paragraph:

'Any person filing the maximum bond and paying the maximum annual license fee may issue to a new agent a temporary certificate in a form approved by the commissioner. Such temporary certificate shall authorize the new agent to act until the commissioner grants a certificate or refuses such certificate. The principal, on or before the 15th day of each month, shall file with the commissioner a statement listing the names and business addresses, together with such other information as the commissioner may require, of new agents appointed during the previous calendar month.'

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

Non-Concurrent Matter

Bill "An Act relating to Compensation and Allowances for Members of the Indian Tribes at the Legislature" (H. P. 89) (L. D. 186) which was referred to the Committee on Appropriations and Financial Affairs in the House on January 18.

Came from the Senate referred to the Committee on Indian Affairs in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act Regulating Secondary Mortgage Loans" (H. P. 92) (L. D. 187) which was referred to the Committee on Business Legislation in the House on January 18.

Came from the Senate referred to the Committee on Judiciary in non-concurrence.

In the House: On motion of Mr. Cote of Lewiston, the House voted to insist on its former action whereby the Bill was referred to the Committee on Business Legislation. (Later Reconsidered)

Non-Concurrent Matter

Bill "An Act relating to Rights and Privileges of Members of the Indian Tribes at the Legislature" (H. P. 117) (L. D. 188) which was referred to the Committee on State Government in the House on January 18.

Came from the Senate referred to the Committee on Indian Affairs in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act relating to Specially Designed Motor Vehicle Number Plates for Indian Agents and Commissioner of Indian Affairs" (H. P. 118) (L. D. 144) which was referred to the Committee on State Government in the House on January 18.

Came from the Senate referred to the Committee on Indian Affairs in non-concurrence.

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

The following Communication:

The Senate of Maine
Augusta, Maine

February 7, 1967

Hon. Bertha W. Johnson
Clerk of the House of Representatives

State House, Augusta, Maine.
Dear Mrs. Johnson,

The President of the Senate today appointed the following Senators to serve with members of the House on a Committee to obtain a portrait of Margaret Chase Smith and arrange suitable exercises in honor of the occasion of placing it in the halls of the Capitol:

Senator MILLS of Franklin
Senator SPROUL of Lincoln

Respectfully,

(Signed) JERROLD B. SPEERS
Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:

The Senate of Maine
 Augusta, Maine
 February 2, 1967

Hon. Bertha W. Johnson
 Clerk of the House of Representatives
 103rd Legislature

Dear Mrs. Johnson,

The President of the Senate today appointed the following Senators as members of the newly created Joint Select Committee on Indian Affairs:

Senators: BECKETT

of Washington
 CURTIS of Penobscot
 NORRIS of Oxford

Respectfully,

(Signed) JERROLD B. SPEERS
 Secretary of the Senate

The Communication was read and ordered placed on file.

**Petitions, Bills and Resolves
 Requiring Reference**

The following Bills and Resolves were received, and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Agriculture

Bill "An Act to Create a State-wide Milk Marketing and Producer Pool" (H. P. 569) (Presented by Mr. Hanson of Solon)
 (Ordered Printed)
 Sent up for concurrence.

**Appropriations and Financial
 Affairs**

Bill "An Act to Authorize a Bond Issue for Purchase of Voting Machines for Resale to Municipalities" (H. P. 570) (Presented by Mr. Ross of Bath and Mrs. Wheeler of Portland)
 (Ordered Printed)
 Sent up for concurrence.

Business Legislation

Bill "An Act Amending the Charter of Development Credit Corporation of Maine" (H. P. 571) (Presented by Mr. Lewin of Augusta)
 (Ordered Printed)
 Bill "An Act relating to Licensing of Insurance Companies" (H. P. 572) (Presented by Mr. Soulas of Bangor)
 (Ordered Printed)

Bill "An Act relating to Guaranty Requirements of Domestic Mutual Insurance Companies and Capital Stock Requirements of Domestic Stock Insurance Companies" (H. P. 573) (Presented by same gentleman)

(Ordered Printed)
 Sent up for concurrence.

Education

Bill "An Act to Validate Proceedings Authorizing the Issuance of Bonds or Notes by School Administrative District No. 57" (H. P. 574) (Presented by Mr. Carroll of Limerick)

(Ordered Printed)

Bill "An Act to Revise Minimum Salaries for Teachers Providing Incentive for Professional Training" (H. P. 575) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act Exempting the Use of Lake View Plantation's State Valuation in Computing State Aid to School Administrative District No. 41" (H. P. 576) (Presented by Mr. Trašk of Milo)

(Ordered Printed)

Sent up for concurrence.

Election Laws

Bill "An Act relating to Opening and Closing Time for Polls" (H. P. 577) (Presented by Mrs. White of Guilford)

(Ordered Printed)

Sent up for concurrence.

Inland Fisheries and Game

Bill "An Act relating to Closed Time on Rabbits in Penobscot County" (H. P. 578) (Presented by Mr. Cookson of Glenburn)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act Permitting Courts to Impose a Sentence of Litter-Gathering Labor for Persons Convicted of Littering" (H. P. 579) (Presented by Mrs. Baker of Orington)

(Ordered Printed)

Bill "An Act to Prohibit Unauthorized Throwing or Distributing of Handbills in or upon Vehicles" (H. P. 580) (Presented by same member)

(Ordered Printed)

Bill "An Act Prohibiting Bull-fights" (H. P. 581) (Presented by same member)

(Ordered Printed)

Bill "An Act to Correct Errors and Inconsistencies in Uniform Commercial Code and to Amend Certain Statutes to Conform There-to" (H. P. 582) (Presented by Mr. Brennan of Portland)

(Ordered Printed)

Bill "An Act Establishing the Maine Planning Commission on Criminal Law Administration" (H. P. 583) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act Providing for Regulating Water Well Construction and Pump Installation" (H. P. 584) (Presented by Mr. Brown of Augusta)

(Ordered Printed)

Bill "An Act relating to Eminent Domain under Urban Renewal Proceedings" (H. P. 585) (Presented by Mr. Darey of Livermore Falls)

(Ordered Printed)

Bill "An Act Making Juvenile Hearings Involving Alleged Crimes under Title 17 Open to Public" (H. P. 586) (Presented by Mr. Lewin of Augusta)

(Ordered Printed)

Bill "An Act Taking Jurisdiction of Alleged Homicides from the Juvenile Courts" (H. P. 587) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act relating to Publication of Foreclosure Notices" (H. P. 588) (Presented by Mr. Sawyer of Brunswick)

(Ordered Printed)

Bill "An Act relating to Custody of Children in Divorce Actions" (H. P. 589) (Presented by Mrs. Wheeler of Portland)

(Ordered Printed)

Resolve Providing for a Study of the Juvenile Offender Law (H. P. 591) (Presented by Mr. Lewin of Augusta)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act Excluding Real Estate Brokers and Salesmen from Employment Security Law" (H. P. 592) (Presented by Mr. Brown of Augusta)

(Ordered Printed)

Bill "An Act relating to Qualifications for Locomotive Engineer" (H. P. 593) (Presented by Mr. Trask of Milo)

(Ordered Printed)

Sent up for concurrence.

Liquor Control

Bill "An Act relating to Hours of Sales of Liquor" (H. P. 594) (Presented by Mr. Evans of Freedom)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act to Create the Solon Water District" (H. P. 595) (Presented by Mr. Hanson of Solon)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act Increasing Salary of Treasurer of State" (H. P. 596) (Presented by Mr. Lewin of Augusta)

(Ordered Printed)

Bill "An Act relating to Municipal Expenses in District Courts" (H. P. 597) (Presented by Mr. Philbrook of South Portland)

(Ordered Printed)

Bill "An Act relating to Term of Office of Members of the State Liquor Commission" (H. P. 598) (Presented by Mr. Rackliff of Easton)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act relating to Exemption of Property Taxes of Post of the American Veterans of World War II" (H. P. 599) (Presented by Mr. Brennan of Portland)

(Ordered Printed)

Bill "An Act Exempting from Excise Tax and Registration, Motor Vehicles Used in Driver Education by Private Schools" (H. P. 600) (Presented by Mr. Cookson of Glenburn)

(Ordered Printed)

Bill "An Act relating to Sale from a Distributor to Another of Cigarettes Stamped with Indicia of Another State" (H. P. 601) (Presented by Mr. Hewes of Cape Elizabeth)

(Ordered Printed)

Sent up for concurrence.

Orders

On motion of Mr. Scribner of Portland, the House voted to reconsider its action of earlier in the day whereby it voted to insist on its former action whereby Bill "An Act Regulating Secondary Mortgage Loans," House Paper 92, L. D. 187, was referred to the Committee on Business Legislation in non-concurrence.

On motion of Mr. Cote of Lewiston, tabled pending further consideration and specially assigned the next legislative day.

Mr. Healy of Portland was granted unanimous consent to address the House.

Mr. HEALY: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I am somewhat intrigued on this item 13, "An Act Prohibiting Bullfights." I would like to see a bill that would prohibit throwing the "bull." (Laughter) Thank you.

House Reports of Committees Ought to Pass Printed Bill

Mr. Minkowsky from the Committee on Claims reported "Ought to pass" on Resolve to Reimburse Town of Hanover for Aid Extended Floyd Merrill (H. P. 130) (L. D. 194)

Report was read and accepted, the Resolve read once and assigned the next legislative day.

Divided Report

Majority Report of the Committee on Legal Affairs on Bill "An Act relating to Citizenship Requirement for Municipal Assessors" (H. P. 37) (L. D. 57) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Mr. GOOD of Cumberland
Mrs. SPROUL of Lincoln
Mr. STERN of Penobscot
— of the Senate.
Mrs. WHEELER of Portland
Messrs. CONLEY of Portland
BELIVEAU of Rumford
— of the House.

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

Report was signed by the following members:

Mr. SHAW of Chelsea
Mrs. BAKER of Orrington
Messrs. CUSHING of Bucksport
RICHARDSON
— of Stonington
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker, I move the adoption of the Minority Report.

The SPEAKER: The gentleman from Orrington, Mrs. Baker, moves the acceptance of the Minority Report.

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

Mr. ROSS: Mr. Speaker, in speaking against this motion, I have heard that there were some persons who were aware of this legislation who suspected that it would only benefit the City of Bath. I will admit that that is how I first heard of the problem, but I assure you if it had not been of state-wide significance I would never have sponsored it.

Now certainly we do have a problem here, and it is going to get worse. We just don't have enough qualified appraisers and assessors. Our schools and colleges are not teaching these courses, but in one of our neighboring cities in Canada, they are doing just this. The University of New Brunswick in Fredericton has an excellent course. The problem is definitely known also by our State Tax Assessor, Mr. Ernest Johnson. Not only does he support the legislation, but he suggested and drafted the amendment.

Now probably since the Committee discussed this, which may have been a week ago, we took legislative action that should give even greater incentive to the passage and at least keep this bill alive. Last week we passed a Joint Order in the House at the suggestion of the gentleman from China, Mr. Farrington, that a committee be set up to study the feasibility of

establishing qualifications, certifications and examinations of property tax assessors. Now if the standards are set where they should be, we will never be able to hire these people because they just are not available until we train them ourselves. It is only with legislation such as this that this would at all be possible, and I certainly hope the motion does not prevail.

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

Mr. CONLEY: Mr. Speaker and Ladies and Gentlemen of the House: I concur with the gentleman from Bath, Mr. Ross, and I would like to state that this bill being heard before the Legal Affairs Committee received no opponents at the hearing. I would like to say simply that this is enabling legislation which would give the town or cities the right to hire a tax assessor other than being a citizen of the United States.

I would also like to inform this House and the members of it that an inquiry was made through the Attorney General's Office as to the legality of doing this, and he informed me that since 1957 the tax assessors were not included within the state law. At that time legislation was passed that didn't include them, so taking them off or eliminating them brings no problem or no great problems upon the taxpayers of the state. I would suggest that the law does not state that one has to be a non-citizen of this country to be hired as a tax assessor and therefore presents no great problem to any municipality and I concur with the gentleman from Bath and hope that the acceptance of the minority report is defeated, and when the vote is taken I urge that it be taken by a division.

The SPEAKER: The Chair recognizes the gentleman from Solon, Mr. Hanson.

Mr. HANSON: Mr. Speaker, I do not particularly have any position on this bill other than two questions that do come to mind. One is that in a number of municipalities the assessors are elected by the population, by the citizens, and a question of constitutionality

does come to mind, is this constitutional? Can a non-citizen of the Country be elected to a public office? And two, the further question is: is there anything now in the statutes which precludes the hiring of these people from other countries to act in conjunction with the elected or appointed assessors? In other words, could they not be hired on a salaried basis and perform the work and yet be under the jurisdiction of citizens of this Country?

The SPEAKER: The gentleman from Solon, Mr. Hanson, poses a question through the Chair to anyone who cares to answer.

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

Mr. CONLEY: Mr. Speaker, in answer to question number one, I will say that it is constitutional. We have received word from the Attorney General's Office as to that effect. Question number two, I believe that they can be hired rather than be elected. It is, as I say, enabling legislation.

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

Mr. ROSS: Mr. Speaker, I would endeavor to answer question number two, could not an assistant be hired from out of the country? Yes, that is correct, but more and more throughout our state we are having permanent tax assessors, and a permanent tax assessor is considered a municipal officer, and when you are considered a municipal officer, you cannot, you must be a citizen of the United States, so this just relieves that requirement.

The SPEAKER: The Chair recognizes the gentleman from Chelsea, Mr. Shaw.

Mr. SHAW: Mr. Speaker, as has already been mentioned, a great many of our assessors are elected in the towns, and I don't believe in setting a precedent by allowing aliens to qualify for elective office in the State of Maine without also qualifying them for further benefits such as an obligation under the draft law to help protect this Country. Thank you.

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

Mr. RICHARDSON: Mr. Speaker, I would assume that in view of the fact that every assessor and every town officer has to take an oath which swears allegiance to the Constitution of the United States as well as to the Constitution of the State of Maine that an out-of-state and out-of-country citizen would have rather a difficult time qualifying under this law. This is my main objection to it. I feel that you should be a citizen of the State of Maine to be an elected official of any town or city in this state.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. McMANN.

Mr McMANN: Mr. Speaker, I sat through city government meetings listening to what Brother Ross has talked about. The City of Bath has expended \$55,000 to date for maps and hiring this survey. I listened last week to a member of the Tax Assessor's Department in Bath and they asked him all kinds of people, different places, they even asked him if he would take the job and he said "I'm not interested." and he says: "I cannot tell you one person in the State of Maine that you can hire unless you cover the whole thing with gold." He says: "We do not have them and there is no place to study in this Country" and he says: "You will have to go somewhere else to find them." Thank you.

Mr. Ross of Bath was granted permission to address the House a third time.

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: Since this is our first Divided Report, and really our first debated bill, I think I should just go into it a little bit more in detail as I explained before the Legal Affairs Committee so you will have some idea what we are talking about.

The specific question before us today was brought home to me by a situation which arose last summer in the City of Bath. We had always had three local part-time assessors. Recently, a full time professional was authorized. Fourteen persons were interviewed,

only two of whom who had any formal appraisal training. One of these proved to be extremely well qualified. Everyone was most enthused. He wanted to come to Bath and we wanted him.

On the surface, all looked serene. Both parties were in complete agreement as to salary, working conditions and so forth. Furthermore, as an added qualification, he was almost a neighbor. He lived and worked in Frederickton, New Brunswick. Here, unfortunately was the rub. Our statutes say that a municipal officeholder must be a citizen, a resident and over 21. Still, we didn't believe this would cause any trouble because we did not think that this position fell into that category.

However, we wanted to be certain of our position so we contacted our State Tax Assessor, Mr. Ernest Johnson. I believe he had a ruling from the Attorney General that assessors fell within the law and we could not hire such a person until a change was made. We offered to let him come in another capacity in the hope such a change would be forthcoming. Naturally, he was unwilling to accept these terms. When I appraised the situation, I thought of the state-wide scope and certainly not just the local viewpoint. I discovered that Mr. Johnson was also concerned and would support a change in the general law.

Industry, of course, hires persons who are not citizens. Teachers to whom we trust the education of our children can come from without the country. Many doctors entrusted with our very lives now even come from different continents. However, we can't even hire an assessor from our neighbor, New Brunswick.

From an educator's point of view, this should point up a very definite need. There are no places within our state teaching assessing. The only good courses anywhere near are at the University of New Brunswick. Here is an excellent opportunity for specialty training which could be utilized right here in our state. Properly trained graduates could remain and work at excellent salaries right here in

Maine This, of course, is something we are always striving for. Until we have enough of our own people — properly trained, I believe that for the good of all communities, there is a real need for legislation such as this. Thank you.

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

Mr. BRAGDON: Mr. Speaker, this is completely new to me to think that we've got to go out of the State to hire our elected officials. I recognize that we have to go for our pulp cutters and our potato pickers; however, it seems to me a sad commentary on the conditions of our education system, or the whole State of Maine, that we admit that we've got to go out for our elected officials. Until I know more about this bill I certainly shall vote with the minority report of the committee.

The SPEAKER: The Chair recognizes the gentlewoman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker, it may be that this bill was not tailor-made for one instance—for one community, or municipality within our State, but we heard no demand from any other quarter. The only request seemed to come from the Bath area. Now, it seems to me wrong that we should pass a law that would affect the state-wide, to fit one situation.

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

Mr. FARRINGTON: Mr. Speaker, I would like to move that this be tabled until the next legislative day.

The SPEAKER: The gentleman from China, Mr. Farrington, moves that this matter be tabled until the next legislative day pending the motion of the gentlewoman from Orrington, Mrs. Baker, that the minority report be accepted. All those in favor will say aye.

Mr. RICHARDSON of Stonington: Mr. Speaker?

The SPEAKER: For what purpose does the gentleman arise?

Mr. RICHARDSON: To request a division on the gentleman's motion.

The SPEAKER: The question is the tabling of this matter until the next legislative day, pending the motion of the gentlewoman from Orrington, Mrs. Baker, that the minority report be accepted. A vote has been requested. All those in favor of the tabling motion will vote "yes," those opposed to the tabling motion will vote "no," and the Chair will open the vote.

Thereupon, the members having voted, the Clerk took a total.

36 having voted in the affirmative and 94 having voted in the negative, the tabling motion did not prevail.

The SPEAKER: The question before the House is the acceptance of the minority report. Is the House ready for the question? The pending question is the acceptance of the minority report. The Chair will order a vote. The Chair will open the vote. The question before the House is the motion of the gentlewoman from Orrington, Mrs. Baker, that the Minority "Ought not to pass" Report be accepted. The Chair will open the vote. All those in favor of accepting the Minority "Ought not to pass" Report will vote "yes". Those opposed will vote in the negative. Have all voted? The Chair will close the vote.

Thereupon, the members having voted, the Clerk took a total.

75 having voted in the affirmative and 56 having voted in the negative, the Minority "Ought not to pass" Report was accepted. Sent up for concurrence.

Passed to Be Engrossed

Bill "An Act to Transfer Funds from the Unappropriated Surplus to the Maine Forestry District" (H. P. 21) (L. D. 42)

Bill "An Act relating to Waiver of Blood Test in Premarital Medical Examinations by District Court Judges" (H. P. 151) (L. D. 215)

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

Tabled and Assigned

Resolve Designating Certain Portions of the Interstate System at Kittery as "The Piscataqua River Bridge" (S. P. 46) (L. D. 36)

Was reported by the Committee on Bills in the Third Reading.

(On motion of Mr. Carroll of Limerick, tabled pending second reading and assigned the next legislative day.)

Amended Bills

Bill "An Act relating to Proceedings Pending at Time of Repeal of a Statute" (H. P. 34) (L. D. 54)

Bill "An Act relating to Industrial and Vocational Training in State Institutions" (H. P. 96) (L. D. 124)

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

**Passed to Be Enacted
Emergency Measure**

An Act relating to Appropriations to the Maine Industrial and Recreational Finance Approval Board (S. P. 44) (L. D. 34)

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 total was taken. 130 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 relating to Membership in Advisory Committee of Highway Safety and Change of Name of Executive Secretary (S. P. 12) (L. D. 18)

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.

Orders of the Day

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

SENATE JOINT ORDER relative to Establishing a Probate Court Revision Committee (S. P. 254)

Tabled — February 8, by Mr. Ross of Bath.

Pending — Passage in concurrence.

Thereupon, the Joint Order was passed in concurrence.

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

Resolve Proposing a Constitutional Amendment Repealing the Offices of Judges and Registers of Probate as Constitutional Officers. (S. P. 238) (L. D. 563)

Tabled—February 8, by Mr. Dennett of Kittery.

Pending—Motion of Mr. Quinn of Bangor to Refer to Committee on Judiciary in non-concurrence.

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

Mr. QUINN: Mr. Speaker and Members of the House: I now withdraw my motion for the referral to the Judiciary Committee, in view of the fact that this is a Constitutional Amendment.

The SPEAKER: The gentleman from Bangor, Mr. Quinn, requests that he be allowed to withdraw his motion to refer this to the Committee on Judiciary. Is this the pleasure of the House?

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

Mr. BERMAN: Mr. Speaker and Members of the House: We probably have spent our first \$4,000 for a report, the details of which are probably reasonably well known. Now in the interest of perhaps saving time and money and as a convenience to the public, I suggest that on these bills referring to judges and registers of probate, some of which are going to State Government and some of which are going to the Committee on Judiciary, that we at least hold joint hearings with both committees.

The SPEAKER: The gentleman from Bangor, Mr. Quinn, requests permission to withdraw his motion that this matter be referred to the

Committee on Judiciary. Is there objection? The Chair hears none.

Thereupon the Resolve was referred to the Committee on State Government in concurrence.

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

Bill "An Act to Allow the State of Maine to Arbitrate Disputes in Contracts." (H. P. 517)

Tabled—February 8, by Mr. McNally of Ellsworth.

Pending—Reference.

On motion of Mr. McNally of Ellsworth, referred to the Committee on Legal Affairs, ordered printed and sent up for concurrence.

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

Resolve relating to Treatment of Portion of New Meadows Lake to Eliminate Aquatic Growth. (H. P. 546)

Tabled—February 8 by Mr. Lowery of Brunswick.

Pending—Reference.

On motion of Mr. Lowery of Brunswick, referred to the Committee on Sea and Shore Fisheries, ordered printed and sent up for concurrence.

(Off Record Remarks)

On motion of Mr. Bragdon of Perham, the House voted to take from the table the first tabled and unassigned matter:

Resolve Authorizing the Disposal of Northern Maine Sanatorium. (S. P. 239) (L. D. 564)

Tabled — February 8, by Mr. Bragdon of Perham.

Pending — Reference in concurrence.

On further motion of the same gentleman, referred to the Committee on Appropriations and Financial Affairs in non-concurrence and sent up for concurrence.

(Off Record Remarks)

Mr. Dennett of Kittery was granted unanimous consent to address the House.

Mr. DENNETT: Mr. Speaker and Members of the House: I arise this morning on what I consider a solemn occasion. It is my intention to reveal to this House what has been a rather well kept secret and no doubt it will come as a surprise to a great many members of this House. There is one person who has been for nine long years in possession of this secret and at no time has he attempted to reveal it either in writing, verbally or even by facial expression. Since this secret as such is now in possession of others, I think it is time that here and now it be proclaimed to all interested persons.

This afternoon I consider it an honor, a privilege, and a pleasure to extend on behalf of this House and its staff, the congratulations and felicitations to our Speaker, the Honorable David Kennedy, on the occasion of his birthday, another milestone in his life which will occur on February the 11th. Now February the 11th isn't Valentine's Day, but it is quite close to it. So I will consider that this is a valentine from the members of the House and its staff to our Speaker. And now, Mr. Speaker, I move that this House do now adjourn until February the 14th at ten o'clock in the morning. (Applause)

Whereupon, the House stood adjourned until Tuesday, February 14, at ten o'clock in the morning.