

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

Wednesday, March 15, 1967

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

Prayer by the Rev. Mr. William Ricker of Wales.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate:

Bill "An Act Establishing a State Board of Election Recounts" (S. P. 555) (L. D. 1450)

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. Creating the Short Form Deeds Act" (S. P. 537) (L. D. 1442)

Bill "An Act relating to Highway Advertising Control" (S. P. 542) (L. D. 1443)

Bill "An Act to Correct Errors and Inconsistencies in the Public Laws" (S. P. 543) (L. D. 1444)

Bill "An Act to Provide Alternative Method of Appeal from Municipal Assessment on Real Estate" (S. P. 547) (L. D. 1445)

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 relating to Fair Minimum Wages for Construction of Public Improvements by State of Maine" (S. P. 548) (L. D. 1446)

Came from the Senate referred to the Committee on Labor.

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

From the Senate:

Bill "An Act Providing for the Registration of Land Surveyors" (S. P. 550) (L. D. 1447)

Bill "An Act Revising the Laws Relating to Dentists and Dental Hygienists" (S. P. 551) (L. D. 1448)

Bill "An Act relating to Pensions for Members of the Lewiston Police Department, Lewiston Fire Department and Their Beneficiaries" (S. P. 566) (L. D. 1436)

Bill "An Act relating to Retirement Benefits for Policemen and Firemen of the Lewiston Police and Fire Departments Under the State Retirement System" (S. P. 568) (L. D. 1438)

Bill "An Act relating to Clarification of Resident Requirements for Candidates for Aldermen in City of Lewiston" (S. P. 570) (L. D. 1440)

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

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

The SPEAKER: Is there objection to taking up a matter of state import at this time? The Chair hears none and the Chair recognizes in the rear of the Hall of the House, and this of course is Maine Potato Day at the State Legislature, in the rear of the Hall of the House is the Maine Potato Queen, Miss Jean Leighton of Limestone, and Maine Potato Industry Living Trade-Mark, Brenda Baker of Augusta.

The Chair would request the gentleman from Limestone, Mr. Noyes, to escort these fine ladies to the rostrum to speak briefly to this body this morning.

Thereupon, Representative Noyes escorted the Misses Jean Leighton and Brenda Baker to the rostrum, amid the applause of the House.

Miss BRENDA BAKER: Good morning. On behalf of the Maine Potato Industry, it is our pleasure to present you all with samples of our delicious Maine potatoes. We hope you will all enjoy them and share them with your family. I think they will last until you get back home.

As Brenda Baker, the Living Trademark of the Maine Potato Commission, I travel throughout the country representing our fine potato growers here in the State of Maine. My travels have taken me down to Georgia, Washington, New York. Tomorrow morning I go to to Cleveland, Ohio for four

days. It has certainly been my pleasure to represent the people of this State of Maine and to promote your fine products. Thank you very much. (Applause)

The SPEAKER: On behalf of the House, the Chair thanks these gracious ladies for bringing the message of the Potato Industry to this body this morning.

Thereupon, Mr. Noyes escorted Jean Leighton and Brenda Baker from the Hall of the House.

From the Senate:

Bill "An Act relating to Conservation of Natural and Watershed Resources in Municipalities" (S. P. 553) (L. D. 1449)

Came from the Senate referred to the Committee on Natural Resources.

In the House, referred to the Committee on Natural Resources in concurrence.

From the Senate:

Bill "An Act to Create an Inter-departmental Board on Mental Retardation and an Advisory Council on Mental Retardation" (S. P. 556) (L. D. 1451)

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 relating to Line Budgets for All Counties" (S. P. 567) (L. D. 1437)

Bill "An Act Increasing the Salaries of Certain County Officials in Androscoggin County" (S. P. 569) (L. D. 1439)

Bill "An Act relating to Expenditure of Assessments for Fire Protection Tax in Certain Townships" (S. P. 571) (L. D. 1441)

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 Leave to Withdraw

Report of the Committee on Indian Affairs on Bill "An Act Providing for Review of Laws Relat-

ing to Maine's Indian Tribes" (S. P. 139) (L. D. 634) reporting Leave to Withdraw.

Came from the Senate read and accepted.

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

Covered by Other Legislation

Report of the Committee on Transportation reporting Leave to Withdraw on Bill "An Act Clarifying Law Relating to Failure of School Bus Operator to Stop at Railroad Crossing" (S. P. 289) (L. D. 669), as covered by other legislation.

Came from the Senate read and accepted.

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

Ought Not to Pass

Report of the Committee on Transportation reporting "Ought not to pass" on Bill "An Act Revising the Laws on School Bus Operators" (S. P. 224) (L. D. 550)

Came from the Senate read and accepted.

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

Ought to Pass

Report of the Committee on Education reporting "Ought to pass" on Bill "An Act relating to School Administrative District's Borrowing for Investment Purposes" (S. P. 258) (L. D. 638)

Report of the Committee on Liquor Control reporting same on Bill "An Act relating to Part-time Liquor Licenses" (S. P. 304) (L. D. 743)

Report of the Committee on Taxation reporting same on Bill "An Act relating to Gasoline Distributors, Importers and Exporters" (S. P. 127) (L. D. 256)

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

In the House, the Reports were read and accepted in concurrence, the Bills read twice and tomorrow assigned.

Non-Concurrent Matter

Bill "An Act Authorizing the Commissioner of Health and Welfare to Accept Federal Funds and Commodities" (H. P. 890) (L. D.

1304) which was referred to the Committee on Health and Institutional Services in the House on March 2.

Came from the Senate referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

In the House: On motion of Mr. Bragdon of Perham, the House voted to recede and concur with the Senate.

Non-Concurrent Matter

Bill "An Act relating to a Compact for Education" (H. P. 55) (L. D. 80) which was passed to be engrossed as amended by Committee Amendment "A" in the House on March 8.

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

In the House: On motion of Mrs. Hanson of Lebanon, the House voted to recede and concur with the Senate.

Petitions, Bills and Resolves Requiring Reference

The following Bills, approved by a majority of the Committee on Reference of Bills for appearance on House Calendar, less than one tenth of the members present objecting, were received and referred to the following committees:

Appropriations and Financial Affairs

Bill "An Act Providing Hospital Insurance Benefits under Social Security Act for State Employees" (H. P. 1065) (Presented by Mr. Birt of East Millinocket)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act Revising the Motor Vehicle Dealer Registration Law" (H. P. 1066) (Presented by Mr. Roy of Winslow)

(Ordered Printed)

Sent up for concurrence.

Orders

On motion of Mr. Foster of Mechanic Falls, it was

ORDERED, that Theresa Pickard of Edward Little High School in Auburn, Martha Myrand of the Lewiston High School, Claire Beggin of St. Dominic's High School in Lewiston, Judith Baird of Mechanic Falls High School, Donna Labbe of Livermore Falls High School and Sheila Leonard of Lisbon Falls High School be appointed to serve as Honorary Pages for today.

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

Mr. TANGUAY: Mr. Speaker and Members of the House: As Chairman of the Androscoggin County Day Committee and in behalf of the Androscoggin County Delegation I wish to welcome each and everyone of you to Androscoggin County Day. To us the Androscoggin River has provided the backbone of our regional growth, in economic activity, and population. During the hunting, lumbering, and farming stages of our growth, the Androscoggin was a means of transportation. Then with the development of water power, the points of large falls in the watercourse, became the sites for industrial plants, and consequently for cities and larger towns.

Textiles, shoes, paper, apples, poultry, industrial automatic machinery, electronic devices, plastics, beverages, tungsten, and many other products which are now being manufactured in Androscoggin County. For young people, who want to work and live in Maine, we have hundreds of job opportunities in our industrial Androscoggin County, waiting for them.

In closing, I sincerely hope that you will all enjoy our Androscoggin County Day festivities, prepared by the Androscoggin County Delegation. Thank you.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: It is my pleasant duty as a Representative from Lewiston, not only

to be proud of Androscoggin County but to direct your attention to the display of products manufactured in the City of Lewiston.

Bates Manufacturing Company, employing approximately 2500, continues to be the city's largest employer. Its products, and particularly its bedspreads and cotton yard goods, are known and valued throughout the United States. Bates is continually developing new lines of diversified products and new opportunities for its employees.

Hillcrest Poultry Company is a fully integrated poultry producing processing industry. Products, including fresh-packed and frozen, are sold under the label: "Maine's Best from Hillcrest." The products are sold throughout Eastern United States and to the Armed Forces.

American Philip Elmet Corporation. From Philip Elmet, an old Lewiston corporation employing approximately one hundred craftsmen, the nation's manufacturers receive the finest in quality molybdenum and tungsten products as well as plated wire.

Knapp Brothers Shoe Manufacturing Company is solidly established and happy in its Lewiston operation. It supplies workers throughout the nation with the finest in quality working shoes.

West Point Pepperell Company, another old stable, quality manufacturer, speaks for itself for its sheets, pillowcases, its cotton goods enjoy the confidence of consumers throughout America.

Paragon Glass Company, just completing the construction of a new 30,000 square foot building, has developed into the largest Christmas ornament bulb company in the United States. Little by little Paragon's attractive products are entering more and more homes throughout the world.

Geiger Brothers has made history through its witty and accurate Almanac and Ray Geiger continues to sell the attractions of Lewiston through his radio and TV appearances.

Bell Manufacturing Company, manufacturers who sell fine garments, insist on the world's finest labels and these are supplied by Bell Manufacturing Company in Lewiston.

Paine Incense Company, a unique organization in Androscoggin County, sends the fragrance for which Maine is famous in packaged balsam fir pillows and incense throughout the United States.

Ward Brothers Fur Manufacturing Company, manufacturers of the nation's finest fur hats nationally sold through stores such as Saks, Fifth Avenue, have captured the interest of sportsmen everywhere, since the hats were dramatized on the TV program the "Price is Right."

There are many more other products being manufactured also in our city which are too numerous to mention at this time.

In closing, in behalf of the manufacturers of the City of Lewiston, we the Representatives of Lewiston, invite you to view the wonderful exhibits of their products located in the rotunda. And may I add that I am proud to have shared in the observance of Androscoggin County Day. Lewiston is proud of its contribution to the economy of Androscoggin County and our State of Maine. Thank you.

Mr. Snowe of Auburn was granted unanimous consent to address the House.

Mr. SNOWE: Mr. Speaker and Members of the House: On behalf of the City of Auburn, I would like to welcome you to Androscoggin Day.

We have on display in the Rotunda a few products of Auburn's many industries. I'll name them: Clark Shoe Company, Inc., Bonan Footwear Company, Inc., Quinco Fabrics, Inc., General Electric Company, Falcon Rule Company, and Wallingford Orchards. Incidentally, you may help yourself to apples on the Wallingford's display after the session.

Mr. Hunter of Durham was granted unanimous consent to address the House.

Mr. HUNTER: Mr. Speaker and Ladies and Gentlemen of the House: You've heard about Androscoggin County cities but we have some country places also in Androscoggin County, twelve towns to be exact. Well known as the "Industrial Heart of Maine," the products you see displayed here today will attest to the variety not only of the industrial products but many of the farm commodities which are grown, processed and shipped throughout our country area.

The favorable geographic location of Androscoggin County farms and the easy access to the important roads and highways, plus the large local market make farming profitable and pleasant. But, not to be outdone in the industrial field, the town and country areas boast of many small but reliable manufacturing plants, each dedicated to the welfare of their chosen community and to their employees who in turn are jealous of the tradition and reputation established throughout the country bearing the trademark, "Old fashioned Yankee quality."

Here in the rotunda today you will see some products from the Lisbon area, such as the Bradco Manufacturing Company there that makes chairs and furniture and things like that. You will also see on display this new company that has recently come to Lisbon and expended two and a half million dollars on a new facility that will produce multi-layer printed circuits for use in computers and guidance systems, and things like that, whose total employment will be 500 before too long.

Now I also would like to salute the Fedco Farm Service Company and the Maine Horse Supply Company of Greene, and a paper company out in Mechanic Falls that gave us this sample of things to wipe your nose on, I think, that you'll find on your desks.

But the agricultural products of this area are many and varied. Right in the City of Lewiston there's the Bell Farm that produces potatoes that they ship all over every place, and our orchards up through Livermore Falls ship

apples all over the world, and these apples you have on your desks today come from the Berry Hill Orchards and the Prince Orchards of Turner, Wallingford's in Auburn, and the Ricker Orchards in Turner.

However, the finest product that we have in Androscoggin County is its people. The good people of Androscoggin County have learned to live together with mutual respect for each other's racial cultures, traditions, and ethnic activities. Americans of Yankee heritage, Americans of Slavic and German descent, Americans of the Jewish Faith, and Americans of the French-Canadian ancestry all live, work and play together in Androscoggin County, and the daily friendly contact between all of our people has created an atmosphere of peace and harmony that's essential to the County and the happiness of all the people. (Applause)

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

Mr. JALBERT: Mr. Speaker and Members of the House: I guess as impresario I knew exactly what I was doing when I set off George as the anchor man.

My topic, in conclusion, is to talk about something that is very dear to all of us and certainly dear to my own heart, and that is the excellent triple-A product that we have in Androscoggin County located in a hamlet called Auburn, known as the Central Maine Vocational Technical Institute.

This school was started in 1964, with 46 day students and 134 evening adult students. 1965 with 104 day students, 214 evening adult students. 144 day students in 1966; in 1967 with 167 evening students and 267 to 444, or 243 to 600 for 1967 and '68.

The courses run from auto mechanics to building construction, industrial electricity, architectural drafting, machine drafting, graphic arts, printing, machine tool instrumentation, foremanship and supervision.

I say this not only because of my strong feeling towards voca-

tional education wherever it is located, but if you are in Androscoggin County and near Auburn, it would afford you a great treat to really see what I say is one of the finest vocational schools in the country, as directed by Arnold McKenney of Auburn.

I could stand for a great deal of time talking about vocational training. If any of you feel at any time that you don't know how you would vote wherein it concerns vocational training, be it anywhere from Kittery to Fort Kent, just visit this school and you'll come back with a strong feeling for it in your heart.

I thank you, Mr. Speaker and members of the House for giving us this time to sponsor Androscoggin Day. I would thank all those who participated in the program, and all those who made it possible. I would have to particularly thank the Chairman of the arrangements, Representative Roland Tanguay, who worked very very diligently with me in this program. So that to thank you very much we are showing you, as Aroostook County says — what is done in the County — we are now showing you what we do in the County — Androscoggin County.

I would like to invite all of you at 1:30 this afternoon — we'll have ceremonies under the rotunda at 1:30 sharp at which time the Governor, his Excellency Kenneth M. Curtis, President of the Senate, Joseph B. Campbell, and our Speaker David Kennedy will be in attendance.

Mr. Levesque of Madawaska was granted unanimous consent to address the House.

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I am not going to try to duplicate the beautiful oratory from Androscoggin County this morning. Only a point that I would like to bring to the attention of this august body is that machining the Androscoggin County Day, we had wonderful representation and beautiful representation from the County. I think at this particular juncture I would like to yield to Androscoggin County for one day, the County.

Mr. Harnois of Westbrook was granted unanimous consent to address the House.

Mr. HARNOIS: Mr. Speaker and Ladies and Gentlemen of the House: Whenever people are introduced before this House, we in the last rows never have a chance to even have a glimpse of them. I would like to suggest that a mirror be placed above the rostrum, close to the ceiling of the House, so that when people are introduced we may at least get a glimpse of them.

House Reports of Committees Leave to Withdraw

Mr. Jewell from the Committee on Transportation on Bill "An Act relating to Color of Motor Vehicle Operators' Licenses Issued to Persons under 21 Years of Age" (H. P. 819) (L. D. 1195) reported Leave to Withdraw.

Mr. Pendergast from same Committee reported same on Bill "An Act Permitting Sheriffs to Issue Permits to Motor Vehicle Owners for Operation to Motor Vehicle Inspection Stations" (H. P. 820) (L. D. 1196)

Reports were read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Champagne from the Committee on Inland Fisheries and Game reported "Ought not to pass" on Bill "An Act Providing for Life Preservers for Canoes Operated on Inland Waters of the State" (H. P. 38) (L. D. 58)

Mr. Lewin from same Committee reported same on Bill "An Act relating to Hunting Deer with Bow and Arrow in Northern Zone" (H. P. 187) (L. D. 276)

Reports were read and accepted and sent up for concurrence.

Covered by Other Legislation

Mr. Gaudreau from same Committee reported same on Bill "An Act Establishing a State-wide Open Season on Deer" (H. P. 32) (L. D. 52), as covered by other legislation.

Report was read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Drafts Printed

Mr. Robinson from the Committee on Taxation on Bill "An Act relating to Trade-in Credit for Vehicles under Sales Tax" (H. P. 163) (L. D. 226) reported same in a new draft (H. P. 1067) (L. D. 1468) under title of "An Act relating to Exchange of Vehicles Between Dealers under Sales Tax Law" and that it "Ought to pass"

Mr Crosby from the Committee on Transportation on Bill "An Act Revising the Law Relating to School Buses" (H. P. 336) (L. D. 470) reported same in a new draft (H. P. 1068) (L. D. 1469) under same title and that it "Ought to pass"

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

Ought to Pass Printed Bills

Mr. Champagne from the Committee on Inland Fisheries and Game reported "Ought to pass" on Bill "An Act Prohibiting Hunting Deer with Certain Firearms" (H. P. 31) (L. D. 51)

Mr. Gaudreau from same Committee reported same on Resolve Regulating Ice Fishing in Certain Waters in Tomhegan, T. 1, R. 2, Somerset County (H. P. 361) (L. D. 508)

Mr Haynes from same Committee reported same on Resolve Closing to Fishing that Portion of the Thoroughfare, So Called, Between Nesowadnehunk (Sourdnhunk) Lake and Outlet Dam, Piscataquis County (H. P. 362) (L. D. 509)

Same gentleman from same Committee reported same on Resolve Establishing Bag Limit of Trout on Little Nesowadnehunk (Sourdnhunk) Lake, Piscataquis County (H. P. 503) (L. D. 716)

Mr. Lewin from same Committee reported same on Bill "An Act Regulating the Daily Limit of Certain Fish Taken from Inland Waters of the State" (H. P. 317) (L. D. 451)

Same gentleman from same Committee reported same on Resolve Regulating Fishing, Wassookeag Lake, Penobscot County (H. P. 504) (L. D. 717)

Mr. Thompson from same Committee reported same on Bill "An Act relating to Muskrat Trapping Season in Franklin County" (H. P. 316) (L. D. 450)

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

Ought to Pass with Committee Amendment

Mr. Littlefield from the Committee on Industrial and Recreational Development on Bill "An Act relating to Construction, Maintenance of Boat Facilities, Public Access and Marking the Waters" (H. P. 60) (L. D. 85) 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. 60, L. D. 85, Bill, "An Act Relating to Construction, Maintenance of Boat Facilities, Public Access and Marking the Waters."

Amend said Bill by striking out all of the 2nd underlined paragraph of section 1 (same in L. D. 85) and inserting in place thereof the following:

'In carrying out the purposes of this chapter, the Park and Recreation Commission, its authorized agents and employees, may enter upon any lands, waters and premises in the State for the purpose of making surveys and examinations as it may deem necessary or convenient in the discharge of its duties, and such entry shall not be deemed a trespass.'

Further amend said Bill by inserting after section 1 the following section:

Sec. 2. R. S., T. 38, § 321-A, additional. Title 38 of the Revised Statutes is amended by adding a new section 321-A, to read as follows:

§ 321-A. Powers

In carrying out the purposes of this subchapter, the Park and Recreation Commission shall have and exercise the following powers and authority:

1. Exercise police supervision. To exercise police supervision over public facilities acquired, con-

structed and maintained pursuant to this subchapter in the same manner and to the same extent that said commission may exercise police supervision over state parks and memorials under Title 12, section 602, subsection 5.

2. Establish rules and regulations. To establish such rules and regulations as it deems necessary:

A. For the protection and preservation of public facilities acquired, constructed and maintained pursuant to this subchapter;

B. For the protection and safety of the public; and,

C. For observances of the conditions and restrictions expressed in deeds of trust or otherwise, of any such public facilities.'

Further amend said Bill by striking out in the first line of section 2 the underlined abbreviation and figure "Sec. 2." and inserting in place thereof the underlined abbreviation and figure 'Sec. 3.' (same in L. D. 85)

Further amend said Bill by striking out all of the amending clause and headnote of section 3 and inserting in place thereof the following (same in L. D. 85):

'Sec. 4. R. S., T. 33, § 325 — 328, additional. Title 38 of the Revised Statutes is amended by adding 4 new sections, to read as follows:

Further amend said Bill by inserting before the emergency clause the following new sections: § 326. Violation of rules and regulations

Whoever violates any of the rules and regulations or any notices posted by the Park and Recreation Commission in conformity with this subchapter or who willfully mutilates, defaces or destroys any monument or marker lawfully erected within the borders of said public facilities shall be punished by a fine of not more than \$50 and costs or by imprisonment for not more than 30 days, or by both.

§ 327. District and Superior Courts have concurrent jurisdiction

The District Court and the Superior Court shall have concurrent jurisdiction in all prosecutions under any provision of this chapter. Any person arrested as a violator of said chapter may be taken be-

fore the District Court in the division where the offense was committed, or in any adjoining division. Jurisdiction in such cases is granted to the District Court to be exercised in the same manner as if the offense had been committed in that division.

§ 328. Real estate acquired subject to Mill Act

All real estate acquired under this subchapter shall be and remain subject to flowage under the Mill Act, so called, or under any special charter heretofore or hereafter granted by this State, notwithstanding title thereto may be in the State.'

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 the Saco River" (S. P. 187) (L. D. 422)

Bill "An Act to Limit Fishing Lobster Traps on Trawls in Certain Waters" (H. P. 241) (L. D. 349)

Bill "An Act Controlling the Marketing, Grading and Labeling of Maple Products" (H. P. 340) (L. D. 488)

Bill "An Act relating to Fishing for Bass in Sheepscot River and Tributaries, Lincoln County" (H. P. 500) (L. D. 713)

Bill "An Act relating to Time of Terms of the Superior Court in Sagadahoc County" (H. P. 694) (L. D. 975)

Resolve Appropriating Moneys for Search of Lost Persons in the Woodlands of the State (S. P. 209) (L. D. 548)

Resolve relating to Treatment of Portion of New Meadows Lake to Eliminate Aquatic Growth (H. P. 546) (L. D. 778)

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

Amended Bills

Bill "An Act Appropriating Funds to Promote Travel to the State of Maine in Connection with the 1967 World Exhibition in Canada" (S. P. 102) (L. D. 173)

Bill "An Act relating to Assistant County Attorneys" (H. P. 33) (L. D. 53)

Bill "An Act Increasing Membership from Five to Seven in City Council and Board of Education of City of South Portland" (H. P. 112) (L. D. 139)

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.

Third Reader Amended

Bill "An Act to Clarify the Charter of the City of South Portland" (H. P. 113) (L. D. 140)

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

Mr. Hinds of South Portland offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 113, L. D. 140, Bill, "An Act to Clarify the Charter of the City of South Portland."

Amend said Bill by adding at the end the following:

'Sec 6. Effective Date. Section 5 of this Act shall take effect January 1, 1968.'

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

Bill "An Act Prohibiting the Obtaining of Transportation on Ski Lift without Payment" (H. P. 506) (L. D. 719)

Bill "An Act relating to Death Caused by Violation of Law by Operator of Motor Vehicle" (H. P. 508) (L. D. 721)

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.

Orders of the Day

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

HOUSE REPORT — Ought Not to Pass — Committee on Transportation on Bill "An Act Regulating the Use of Winterized Tires on Motor Vehicles" (H. P. 435) (L. D. 599)

Tabled—March 7, by Mr. Waltz of Waldoboro.

Pending—Acceptance.

On motion of Mr. Waltz of Waldoboro, the "Ought Not to pass" Report was accepted and sent up for concurrence.

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

HOUSE REPORT — Ought to Pass — Committee on Business Legislation on Bill "An Act relating to Fees for Handling Insurance Papers by Those Who Loan on Property" (H. P. 470) (L. D. 683)

Tabled—March 7, by Mr. Scott of Wilton.

Pending—Acceptance.

On motion of Mr. Scott of Wilton, the "Ought to pass" Report was accepted, the Bill read twice and tomorrow assigned.

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

Bill "An Act relating to Licensing of Premises for Dancing Purposes" (S. P. 83) (L. D. 164) (In Senate, passed to be engrossed as amended by Committee Amendment "A") (S-8)

Tabled—March 8, by Mr. Birt of East Millinocket.

Pending—Passage to be engrossed.

On motion of Mr. Birt of East Millinocket, retabled pending passage to be engrossed and specially assigned for Friday, March 31.

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

Bill "An Act Appropriating Moneys for Spruce Budworm Control" (H. P. 22) (L. D. 43)

Tabled—March 8, by Mr. Jalbert of Lewiston.

Pending — Adoption House Amendment "A" (H-57)

The SPEAKER: The Chair recognizes the gentleman from Camden, Mr. Haynes.

Mr. HAYNES: Mr. Speaker and Members of the House: I would like to speak on this amendment. This amendment would provide \$20,000 from the general fund to go to the Department of Inland Fisheries and Game to be matched by \$20,000 to be provided by landowners.

It is my considered opinion that the responsibility for protection of wildlife in Maine belongs with the Department of Inland Fisheries and Game. I would not like to see the funds for research go to the Pesticides Board because it is not a research agency, it is a regulatory body and it is not set up to do research. The Fish and Game Department should do the research and then ask the Pesticides Board to establish regulations based on that research.

It will be recalled that the Fish and Game Department did the research work at Sebago Lake when the Fishery there was jeopardized. When the results of this research were apparent, the Fish and Game Department was not afraid to stand up and be counted. The people of the State of Maine, as well as this Legislature, should be proud of that effort. The Fish and Game Department received National recognition for honesty and courage in that particular research work. The Sebago situation has improved today because of it. Within the past month the Fish and Game Department research and investigation at Worthley Pond in Peru resulted in request to the Pesticides Board for regulations. The Board declared it a critical area for DDT and banned its use.

The Fish and Game Department intends to put a fishery biologist and a game biologist full time on a proposed spruce budworm spray area for a five year period following the spraying. That is the reason for the request for the \$20,000 for research work. With the additional \$20,000 from the landowners it is hoped to match this total of \$40,000 with a similar Federal grant which will make a grand total of \$80,000 to do this

work. The Department will also hire entomological help from the University of Maine as needed.

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

Mr. CROMMETT: Mr. Speaker and Ladies and Gentlemen of the House: I haven't any prepared remarks the same as the gentleman from Camden, Mr. Haynes, eulogizing the Department of Inland Fisheries and Game. We have a bill that is coming before us for money to be expended by the Pesticides Control Board. It is my hope that this amendment will not be passed because I firmly believe that any research on this particular issue should go before the Pesticide Control Board.

The SPEAKER: The pending question is the adoption of House Amendment "A".

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

Mr. BRAGDON: Mr. Speaker and Members of the House: At the time that L. D. 43, an Act to appropriate money from the general fund for spruce budworm control, was heard before the Appropriations and Financial Affairs Committee, Commissioner Speers of Inland Fisheries and Game was before that committee, and at that time he presented to the Appropriations Committee an amendment which is nearly identical to the one which the House now has under consideration. It did provide for \$40,000 for a study by the Fish and Game Department. The Appropriations Committee gave Mr. Speers' request very careful consideration and looked into all angles of the matter, and then voted, without a dissenting vote, not to accept his recommendations for a study by the Fish and Game Department.

In looking into the facts of the matter, we found that Maine forest spray operations have been a matter of study in Maine for the past thirteen years. State Fish and Game biologists, Maine and U. S. Forest Service entomologists and the Conservation Foundation, have reported on these studies. It has been shown that maximum control of the budworm has been achieved without severe lasting adverse ef-

fects on aquatic insects or game fish. There has been no evidence of damage to birds or game animals. Parasitism of the spruce budworm has not been reduced. As a result of the Maine Forest Service reputation for carefully supervised, well-run control projects, a committee of the National Academy of Sciences observed the 1961 operation as a part of their studies toward establishing recommendations for aerial spraying.

Of course the committee was also aware that the University of Maine is currently spending about \$10,000 annually on research designed to determine the influence of applied insecticides on the natural plant and animal life. This work is directed by Dr. John Dimond, Professor of Entomology.

The committee also knew that the Federal Pest Control Board has to approve the use of all pesticide control substances before a company which originates them can put them on the market. In this instance, DDT was no exception.

Also, it was known to them that the Conservation Foundation in Washington, D. C., expended \$6,000 studying the effects of the last forest spray program conducted in Maine in 1964. It was further known to the committee that there is, as has already been stated, a "ban DDT" bill before this Legislature.

There is also, as you and I are well aware, and the Committee was also, such a bill before the Congress. I submit to you whether or not if we should appropriate \$40,000 for a study of this bill and either one of these bills pass, we might appear slightly ridiculous, for certainly we would be studying the results of an insecticide, an insecticide which we could no longer use.

Ladies and gentlemen of the House, I now move the indefinite postponement of this amendment and I hope you will go along with the unanimous findings of the Appropriations Committee in this matter. I would say at this point, however, that if it is the feeling of this House that you wish to expend money for a study you might give consideration to the fact

that the University of Maine under the State law is set up for just such research as we are talking about. It would seem that they might give broader consideration to the wishes of all interested State Departments, namely: Forestry, Inland Fisheries and Game, Sea and Shore Fisheries, Parks and Recreation, and lastly, Agriculture which may be the most involved in this problem of all. Presumably such a study might be handled through our own Research Committee who might well look to the University of Maine as a medium to conduct such research.

I hope you will go along with the indefinite postponement of this amendment which is now before us. When the vote is taken, I will request a division.

The SPEAKER: The Chair recognizes the gentlewoman from York, Mrs. Fuller.

Mrs. FULLER: Mr. Speaker and Members of the House: I oppose this amendment to raise \$40,000 from the State and landowners for a study of the effects of DDT. Anyone with any knowledge of the agricultural chemical business knows, with all the hue and cry that has been raised, both our federal government and industry have already spent tremendous sums in the past years studying the effects. A study on the scale proposed here can add little to the knowledge that is already available. It would be a waste of everyone's time and money.

As for the bill itself, it does create a dilemma for me who is also a conservationist. Although there may be some kill of wildlife, they will return with the normal ecology and you face the alternative that wildlife as it is known would probably disappear altogether if the woods are destroyed by the spruce budworm, as well as losing a valuable crop.

I vote somewhat reluctantly on the bill, but adding an amendment to spend money on a needless study doesn't make it any more palatable to me. It adds insult to injury. I hope that we indefinitely postpone the amendment.

The SPEAKER: The question now before the House is the indefinite postponement of H o u s e

Amendment "A" to Bill "An Act Appropriating Moneys for Spruce Budworm Control," and a vote has been requested. The Chair will open the vote. If you wish to indefinitely postpone House Amendment "A" you will vote yes; if you oppose its indefinite postponement, you will vote no.

A vote of the House was had.

111 having voted in the affirmative and 23 having voted in the negative, House Amendment "A" was indefinitely postponed.

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

Mr. HENNESSEY: Mr. Speaker, I would like to table this until next week for further study because I have got a few things that came in this morning on the mail and I would like to have a chance to go over it.

The SPEAKER: The gentleman from West Bath, Mr. Hennessey, now moves that this matter be tabled pending passage to be engrossed.

Thereupon, Mr. Bragdon of Perham asked for a division on the tabling motion.

The SPEAKER: A division has been requested. Those in favor of this matter being tabled pending passage to be engrossed will vote yes; those opposed will vote no; and the Chair will open the vote.

A vote of the House was had.

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

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would like to assure the gentleman from West Bath, Mr. Hennessey, and all that I have talked to both sides, the parties involved in this thing, and subsequently during the session a program will be set forth that will straighten out the situation in its entirety. In the meantime I feel the urgency of this measure.

The SPEAKER: Is it now the pleasure of the House that this

Bill be passed to be engrossed as amended?

Mr. Hinds of South Portland asked for a division.

The SPEAKER: A division has been requested on the passage to be engrossed of Bill "An Act Appropriating Moneys for Spruce Budworm Control," House Paper 22, L. D. 43. All those in favor of its passage to be engrossed will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was had.

104 having voted in the affirmative and 25 having voted in the negative, the motion prevailed and the Bill was passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

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

HOUSE REPORT — Ought Not to Pass — Committee on Judiciary on Bill "An Act relating to Implied Consent to Inspection, Search and Seizure Under Sea and Shore Fisheries Law" (H. P. 268) (L. D. 389)

Tabled — March 8, by Mr. Maddox of Vinalhaven.

Pending — Acceptance.

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

Mr. MADDUX: Mr. Speaker and Ladies and Gentlemen of the House: The passage of this bill would put an instrument in the hands of the law enforcement department of the Sea and Shore Fisheries that would be of great value to them. However, there is serious doubt as to its constitutionality. The Department has been in communication with the Attorney General's office and in order that they may make use of their findings I would like to have this bill referred back again to the Committee that the Department may see if possible if it can be reissued in a new draft.

The SPEAKER: The question now before the House is that this matter be recommitted to the Committee on Judiciary.

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

Mr. QUINN: Mr. Speaker, I have patiently waited on this matter since I originally reported to the House in behalf of the Judiciary Committee. Now I feel it is my duty to inform the members concerning this bill in order that they may know what the bill is all about and the attitude of the Judiciary Committee concerning it, in order that they may properly vote on the bill.

As you know, the Committee of Judiciary consists of ten attorneys of this Legislature. Many of them with long trial experience, four of them former judges, several of them former county attorneys, one of them a former United States District Attorney. I point this out to you to show to you that those men are men of experience, they have tried cases, they know what evidence is and they know what the enforcing authorities have a right to do in obtaining evidence and presenting it to the courts.

Now this bill is a departmental bill. It is a bill from the office of Commissioner Greene, and Commissioner Greene states that the defense attorneys in recent years have increasingly questioned the legality of present methods of obtaining evidence by coastal wardens in fishery law violation cases. It further states that his department is charged with enforcing these laws and that these laws are different from those of other agencies. He states we have to have material evidence. Now mind you, these are cases involving our criminal law in which prosecution is required beyond a reasonable doubt. He says we have to have material evidence rather than a casual observation. Thank the Lord they do have to have that kind of evidence. This evidence has to be measured or counted in the courts.

When we came here to the Legislature and started our duties, we took two oaths. We took an oath to sustain and support the Constitution of the United States of America and we took an oath to sustain and support the Constitution of the State of Maine, and it is the opinion of the Judiciary Committee that this bill is an attempt to circumvent both the

Constitution of the State of Maine and the Federal Constitution. Now I point out to you this bill provides implied consent of the applicant to inspect, search and seizure. "Whoever applies for any license or permit issued by the commissioner, by the act of such application alone, consents to the inspection and search of all his boats, vehicles and buildings used in connection with the business, act or activity covered by the license or permit applied for and the seizure of contraband and evidence therein found as more fully set forth in section 4555."

And 4555 provides: "Whoever applies for any license or permit issued by the commissioner, by the act of applying for such license or permit alone, consents to the boarding of all his boats, the inspection and search of all his boats, vehicles and buildings used in the business, act or activities regulated by the license or permit applied for, by any coastal warden in uniform, or any other game warden, sheriff or police officer in uniform authorized to enforce the laws and regulations relating to sea and shore fisheries, and consents to the seizure of any contraband as defined in section 4552 therein found and the seizure of any evidence of the violation of any law or regulation pertaining to sea or shore fisheries therein found."

And further it provides: "Whoever engages in any business, act or activity regulated under chapters 401 to 419, by the act of engaging in said business, act or activity alone, consents to the boarding of all his boats, the inspection and search of all his boats, vehicles and buildings used in such business, act or activity in like manner and consents to the seizure of any contraband or evidence therein found in like manner."

Now the Committee feels that this is an infringement of the Bill of Rights of the individual as guaranteed to him by the Constitution of the United States and by the Constitution of the State of Maine. The Constitution of the United States, Amendment 12, and if you will recall, the first ten

amendments to the Constitution is known as the Bill of Rights, reserve to the people, that provision is: The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures,

Now that's just what the Commissioner of Sea and Shore Fisheries is attempting to do. He is attempting to violate individuals' rights. What for? In order to get evidence to prosecute and convict an individual if he suspects that individual is doing something wrong. Now the Constitution of the United States provides further that if an enforcing officer has reason to believe that an individual is violating the law, he may go before a proper court and obtain a warrant, a search warrant, to go and search these things in an orderly manner, but before getting that warrant he has to swear under oath what his evidence is to suspect that that individual is violating the law. He can't do it on mere suspicion, which they want to do under this act.

The warrant shall issue, but upon probable cause; probable cause, not suspicion, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized. Now you see under the Constitution, he has to have some information before he can swear out a warrant, but they don't want to go to the bother of going to a court and get a warrant, they want you to give them the right under this act to do as they please with any individual that they suspect, not to whom they have probable cause, but to whom they suspect, and possibly go to Tom, Dick or Harry's boat and maybe they will find something there that they can bring Tom, Dick or Harry into court with. Now I don't think you want any such a thing to happen to your fellow citizens of this state. As a matter of fact, you have already sworn to uphold this Constitution.

Now the Constitution of the State of Maine provides, and you can refer to your little book on the Constitution of Maine on Page 4, Section 5: "The people shall be

secure in their persons, houses, papers and possessions from all unreasonable searches and seizures." Now they don't say you can go ahead and if you suspect somebody you can go into his house; a man's house is his castle; always has been so, and we want it to remain so.

Now a little here and a little therein allowing these things; one agency gets it and another agency gets it and the first thing you know you will have no Bill of Rights, they are fast being absorbed, but as long as you stick to the line and require them to conform to the Constitution — by the way, you can't pass a law that is in violation of the Constitution, it would be unconstitutional. Now the Constitution of Maine further provides for that warrant. When they have probable cause they can go before a court and get the warrant to go out and examine the person's property, but before doing it, no warrant to search any place, or seize any person or thing, shall issue without a special designation of the place to be searched, and the person or thing to be seized nor without probable cause — supported by oath or affirmation.

Now Members of the House, the Committee, as I described it previously, has given very careful consideration to the request of the Commissioner of Sea and Shore Fisheries and to the rights of the citizens of the State of Maine, and they have unanimously come in here with a report "Ought not to pass" on this bill, and I hope you will support the Committee. I would call for a division.

The SPEAKER: The question before the House is the motion to recommit.

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

Mr. PRINCE: Mr. Speaker and Members of the House: I hold a great deal of respect for the members of the Judiciary Committee. I would like to remind the members of the House that boats are boarded by the Coast Guard without warrants, and I believe that the Members of the House should be reminded of the fact

that the drafting of this bill was for the intent to curb the short lobster market.

Now the lobster industry to the State of Maine represents fifteen to twenty million dollars annually. Ninety - two percent of the legal lobsters caught in the State of Maine annually were short lobsters the year before, so that is the key, that is the key to the success of the lobster industry, and it is my belief that the Commissioner of Sea and Shore Fisheries injected this piece of legislation to see if they could not curb the short lobster business that goes on with several of our lobster fishermen. Sometimes a lobster fisherman may have a bushel of illegal lobsters in his fish house and welcomes a warden aboard his boat, whereas if the warden had the privilege of searching this fish house he might catch a great many thousands of lobsters annually. I believe the intent of the bill is good, good for the lobster industry, and it seems as though it could be amended to be effective. Thank you.

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

Mr. BRENNAN: Mr. Speaker and Ladies and Gentlemen of the House: I rise in support of the remarks of the very distinguished and able gentleman, Mr. Quinn from Bangor. I would oppose the motion to recommit this bill. Everybody seems to want to do their police work now on an implied consent basis. Nursing home inspectors, state, local and county police in driving while under the influence cases — and now the Sea and Shore Fisheries people.

In this bill the proponents do not want to limit themselves to the inspection of the boats, but they would like to go further, to inspect any buildings used in the fishing business. This could mean the very home of a lobster man. I ask you, what will the police want next? Implied consent to search an insurance man's office? A real estate man's office? A lawyer's office? Or a doctor's office? All on a debatable legal theory that these people need a license

to practice or work in their respective occupations.

I agree that it would make police work much easier, but it would also move us closer to a police state. Is this what we want? I submit that the Fathers of the Constitution showed great wisdom when they provided for search warrants to be issued by impartial judicial officers before buildings and homes can be searched. Thank you.

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

Mrs. CARSWELL: Mr. Speaker and Members of the House: I feel that I would be remiss, seeing that the motion is to recommit this bill. I have sat here since 1957 and today I am just hearing echoes of words that were spoken many many times in previous sessions. I think that it would be a grave error to return this bill to committee and I think that the bill ought not to pass, because it comes up time and time again, and I think that the Judiciary Committee certainly scrutinizes and tries to pass the bills out as best possible, and this has come out every time with that report.

The SPEAKER: Is the House ready for the question? The question is on the motion of the gentleman from Vinalhaven, Mr. Mad-dox, to recommit Bill "An Act relating to Implied Consent To Inspection, Search and Seizure Under Sea and Shore Fisheries Law," House Paper 268, L. D. 389. All those in favor of recommitting will say aye; those opposed, no.

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

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

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

HOUSE REPORT — Ought Not to Pass — Committee on Inland Fisheries and Game on Bill "An Act relating to a Closed Season on Wild Hares and Rabbits in York County" (H. P. 219) (L. D. 309)

Tabled — March 8, by Mr. Bedard of Saco.

Pending — Acceptance.

On motion of Mr. Harriman of Hollis, retabled pending acceptance and specially assigned for Wednesday, March 22.

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

HOUSE REPORT—Ought to Pass in New Draft—Committee on State Government—on Bill “An Act relating to Parking Facilities for Handicapped Persons” (H. P. 42) (L. D. 61)—New Draft (H. P. 1062) (L. D. 1388)

Tabled—March 14, by Mr. Watts of Machias.

Pending—Acceptance.

Report was read and accepted, the New Draft read twice and tomorrow assigned.

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

Bill “An Act relating to Audits for Judiciary and Legislature” (S. P. 71) (L. D. 153) (In Senate passed to be engrossed.)

Tabled—March 14, by Mr. Williams of Hodgdon.

Pending—Passage to be engrossed.

Mr. Williams of Hodgdon offered House Amendment “A” and moved its adoption.

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

HOUSE AMENDMENT “A” to S. P. 71, L. D. 153, Bill, “An

Act Relating to Audits for Judiciary and Legislature.”

Amend said Bill in the Title by striking out the words “and Legislature” and inserting in place thereof the following punctuation and words ‘, Legislature and Executive’

Further amend said Bill in the 6th line (5th line of L. D. 153) by striking out the underlined words and punctuation “judiciary and the Legislature,” and inserting in place thereof the underlined words and punctuation ‘**judiciary, the Legislature and the Executive Department of the Governor,**’

Further amend said Bill in the last line (same in L. D. 153) by striking out the underlined words “**judiciary and the Legislature**” and inserting in place thereof the underlined words and punctuation ‘**judiciary, the Legislature and the Executive Department of the Governor**’

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

‘**Sec. 3. Effective date.** Any audit under this Act shall be performed in the first instance for the fiscal year ending June 30, 1965.’

On motion of Mr. Martin of Eagle Lake, tabled pending adoption of House Amendment “A” and tomorrow assigned.

On motion of Mr. Benson of Southwest Harbor,

Adjourned until ten o'clock tomorrow morning.