

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth  
Legislature*

OF THE

STATE OF MAINE

1969

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Wednesday, February 19, 1969

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

Prayer by the Rev. Mr. Charles D. Kinney of Union.

The journal of yesterday was read and approved.

**Papers from the Senate**

From the Senate: The following Communication: (S. P. 256)

STATE OF MAINE  
LEGISLATIVE RESEARCH  
COMMITTEE

February 18, 1969

To the Members of  
the 104th Legislature:

The Legislative Research Committee is pleased to transmit herewith a study on the Desirability of Integrating Activities of the Probate Court of Maine into the Superior Court pursuant to a directive of the 103rd Legislature.

This report, which was contractually studied for the Committee, under the authority of the Legislature, contains the findings and recommendations of the Legislative Research Committee as developed by The Institute of Judicial Administration of New York, N. Y.

The Committee sincerely hopes the information developed herein and implementing legislation to follow will prove of great benefit to the Members of the Legislature and the people of the State of Maine.

Respectfully submitted;  
(Signed)

KENNETH P. MACLEOD,  
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. 257)

STATE OF MAINE  
LEGISLATIVE RESEARCH  
COMMITTEE

February 18, 1969

To the Members of  
the 104th Legislature:

As Chairman of the Legislative Research Committee of the 103rd Maine Legislature it is with great pride and pleasure that I present a cumulation of findings and recommendations that we as a Committee have developed on our assigned subjects during the past biennium.

This, the second of three volumes, designated as Legislative Research Committee publication 104-20 (Vol. II), combines in a single publication the findings and recommendations developed in nine specific areas of study which are individually reported in committee publications numbered 104-11 through 104-19.

On behalf of the Committee and myself, I would like to take this opportunity to extend our grateful appreciation to Horace A. Hildreth, Jr., formerly our Committee Chairman, to Roger V. Snow, Jr., a former member of the Committee and to Frederick W. Kneeland, the former Legislative Finance Officer, each of whom resigned during the interim after having so faithfully served this Committee.

I also extend, on behalf of the entire Committee, our sincere gratitude and appreciation to the Committee, staff, to the news media and to the many private citizens, organizations and employees of the State, without whose endless cooperation and dedicated service the Committee could not have reached its conclusions.

The members of the Committee further wish to express their appreciation for being chosen to participate in these assignments and sincerely hope the reports contained herein will prove of benefit to the Members of the Legislature and the people of the State of Maine.

Respectfully submitted,  
(Signed)

KENNETH P. MACLEOD,  
Chairman,

Legislative Research Committee  
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.

**Senate Reports of Committees Ought to Pass**

Report of the Committee on Highways reporting "Ought to pass" on Bill "An Act relating to Definition of Valuation in Reimbursement to Towns for Snow Removal" (S. P. 126) (L. D. 388)

Report of the Committee on Judiciary reporting same on Bill "An Act to Clarify the Law Relating to Measuring Devices of Speed of Motor Vehicles" (S. P. 130) (L. D. 392)

Report of same Committee reporting same on Bill "An Act relating to Appointment of Clerk Pro Tempore of the Judicial Court" (S. P. 139) (L. D. 421)

Report of same Committee reporting same on Bill "An Act relating to Trial Terms of the Superior Court" (S. P. 143) (L. D. 425)

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 relating to Credit Card Crimes" (H. P. 563) (L. D. 744) which was referred to the Committee on Judiciary in the House on February 11.

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

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

**Messages and Documents**

The following Communication:

STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA

February 19, 1969

The Honorable Bertha W. Johnson  
Clerk of the House of Representatives

State House  
Augusta, Maine

Dear Mrs. Johnson:

Today, in accordance with my Constitutional duty, I am submitting a message on Conservation and Economic Development.

It contains proposals which supplement those in my Budget Message delivered to the 104th Legislature on January 9, 1969.

Sincerely,

(Signed)

KENNETH M. CURTIS  
Governor

The Communication was read and with accompanying message 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:

**Appropriations and Financial Affairs**

Bill "An Act Appropriating Funds to Operate the Board of Pesticides Control" (H. P. 676) (Presented by Mr. Chick of Monmouth)

Resolve Providing for Purchase of Copies of History of Sanford (H. P. 677) (Presented by Mr. Gauthier of Sanford)

(Ordered Printed)

Sent up for concurrence.

**Business Legislation**

Bill "An Act relating to Exempted Transactions and Definition of Dealer under Dealers in Securities Law" (H. P. 678) (Presented by Mr. Clark of Jefferson)

Bill "An Act relating to Allocation of Bank Stock Tax" (H. P. 679) (Presented by same gentleman)

Bill "An Act relating to Realty Subdivisions" (H. P. 680) (Presented by Mr. Jalbert of Lewiston)

(Ordered Printed)

Sent up for concurrence.

**Claims**

Resolve to Reimburse Norman E. Dudley of Waite for Well Damage Caused by Road Construction and Highway Maintenance (H. P. 681) (Presented by Mr. Mills of Eastport)

(Ordered Printed)

Sent up for concurrence.

**Education**

Bill "An Act relating to Conferring Degrees by Thomas College" (H. P. 682) (Presented by Mr. Carey of Waterville)

Bill "An Act relating to Location of Schools and Size of School Projects" (H. P. 683) (Presented by Mr. Carrier of Westbrook)

(Ordered Printed)  
Sent up for concurrence.

**Election Laws**

Bill "An Act relating to Political Committees and Political Advertising" (H. P. 684) (Presented by Mr. Jalbert of Lewiston)

(Ordered Printed)  
Sent up for concurrence.

**Health and Institutional Services**

Bill "An Act relating to Septic Tank and Cesspool Cleaners" (H. P. 685) (Presented by Mr. Jalbert of Lewiston)

Bill "An Act relating to Tuberculosis Sanatoriums" (H. P. 686) (Presented by same gentleman)

Bill "An Act relating to Welfare Assistance" (H. P. 687) (Presented by Mrs. Wheeler of Portland)

(Ordered Printed)  
Sent up for concurrence.

**Inland Fisheries and Game**

Bill "An Act relating to Hunting Licenses" (H. P. 688) (Presented by Mr. Lewin of Augusta)

(Ordered Printed)  
Sent up for concurrence.

**Judiciary**

Bill "An Act relating to Violations of Law Authorizing Work-Release from County Jails" (H. P. 689) (Presented by Mr. Lund of Augusta)

Bill "An Act relating to Jurisdiction of Probate Court in Adoption Cases" (H. P. 690) (Presented by Mr. Nadeau of Biddeford)

(Ordered Printed)  
Sent up for concurrence.

**Labor**

Bill "An Act relating to Compensation of the Panel of Mediators" (H. P. 691) (Presented by Mr. Bedard of Saco)

Bill "An Act relating to Minimum Hour and Wage Standards for Firefighting Personnel of the

Auburn Fire Department" (H. P. 692) (Presented by Mr. Emery of Auburn by request)

Bill "An Act to Exempt Seamen from the Payment of Overtime Wages" (H. P. 693) (Presented by Mr. Kelley of Southport)

Bill "An Act relating to Weekly Benefits for Total Unemployment under Employment Security Law" (H. P. 694) (Presented by Mr. Tyndale of Kennebunkport)

(Ordered Printed)  
Sent up for concurrence.

**Legal Affairs**

Bill "An Act to Amend the Charter of the City of Saco" (H. P. 695) (Presented by Mr. Bedard of Saco)

Bill "An Act relating to Minimum Speed under the Motor Vehicle Laws" (H. P. 696) (Presented by Mrs. Boudreau of Portland)

Bill "An Act relating to Sick Leave under Lewiston City Charter" (H. P. 697) (Presented by Mr. Jalbert of Lewiston)

Bill "An Act relating to Enacting Building Codes by Municipalities" (H. P. 698) (Presented by Mr. McNally of Ellsworth)

Bill "An Act Providing for the Observance of Certain Legal Holidays on Monday" (H. P. 699) (Presented by Mr. Ross of Bath)

(Ordered Printed)  
Sent up for concurrence.

**Liquor Control**

Bill "An Act relating to Definition of Hotel under Liquor Law" (H. P. 700) (Presented by Mr. Carey of Waterville)

Bill "An Act relating to Fee for Certificate of Approval to Sell Malt Liquor" (H. P. 701) (Presented by Mr. Hichens of Eliot)

Bill "An Act Concerning the Liquor Laws" (H. P. 702) (Presented by Mr. Kelley of Southport)

Bill "An Act relating to Amount of Liquor that may be Imported into State for Personal Use" (H. P. 703) (Presented by Mr. Noyes of Limestone)

(Ordered Printed)  
Sent up for concurrence.

**Natural Resources**

Bill "An Act to Prevent the Pollution of the Waters of China

Lake" (H. P. 704) (Presented by Mr. Carey of Waterville)  
(Ordered Printed)  
Sent up for concurrence.

#### Public Utilities

Bill "An Act to Expand the Purposes of the Portland Water District to Authorize it to Engage in Treatment and Disposal of Sewage (H. P. 705) (Presented by Mr. D'Alfonso of Portland)

Bill "An Act Amending the Sanford Sewerage District" (H. P. 706) (Presented by Mr. Gauthier of Sanford)

Bill "An Act relating to a Change in the Exemptions Allowed in the Plumbing Laws" (H. P. 707) (Presented by Mr. Jalbert of Lewiston)  
(Ordered Printed)  
Sent up for concurrence.

#### Retirements and Pensions

Resolve to Permit Mrs. Harriet McCroary of Winthrop Use of Her Out-of-State Credits to Obtain a Retirement Allowance (H. P. 708) (Presented by Mr. Chick of Monmouth)

(Ordered Printed)  
Sent up for concurrence.

#### Sea and Shore Fisheries

Bill "An Act relating to Regulating American Sea Run Smelts" (H. P. 709) (Presented by Mr. Hichens of Eliot)

(Ordered Printed)  
Sent up for concurrence.

#### State Government

Bill "An Act relating to State Historian" (H. P. 710) (Presented by Mr. Jalbert of Lewiston)

Bill "An Act relating to Reorganization and Revision of Public Rehabilitation Services" (H. P. 711) (Presented by Mr. Rideout of Manchester)

Resolve Proposing an Amendment to the Constitution Granting Home Rule Powers to Municipal Corporations (H. P. 712) (Presented by same gentleman)

(Ordered Printed)  
Sent up for concurrence.

#### Taxation

Bill "An Act Exempting Jet and Turbo Jet Fuels from the Sales and Use Tax" (H. P. 713) (Presented by Mr. Norris of Brewer)

(Ordered Printed)  
Sent up for concurrence.

#### Orders

On motion of Mr. Waxman of Portland, it was

ORDERED, that Kevin Thorton of Portland be appointed to serve as Honorary Page for today.

On motion of Mrs. Morgan of South Portland, it was

ORDERED, that James McKusick and Robert Kilroy of Cape Elizabeth be appointed to serve as Honorary Pages for today.

On motion of Mr. Emery of Auburn, the House reconsidered its action of yesterday whereby it accepted Report "B" "Ought not to pass" on Bill "An Act relating to List and Salaries of Employees of School Department of City of Auburn," House Paper 268, L. D. 344.

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

Mr. EMERY: Mr. Speaker and Members of the House: L. D. 344 was designed to give the Councilmen of Auburn an easier means by which they could use to determine if their school department was overpaid in relation to other school departments in the state. It would further supplement the Auburn City Charter's Article VII, Section 3, that states that a councilman may have access to "other financial information as may be required by the council."

If you will bear with me a moment I will explain why I believe "A" Report should be accepted.

In the past, the Auburn Council has had, at the expense of the taxpayer, to go to Court to procure this information. This bill was designed to put an end to the controversy. With the amendment added, this bill will give the taxpayer and voters of Auburn an opportunity to decide what and how much financial information the elected representatives on the Auburn City Council may receive from the School Department. I also would put this information in the same classification with that received by this distinguished legislative body concerning State employees. Thank you.

The SPEAKER: The Chair assumes that the gentleman from Auburn, Mr. Emery, moves that the House accept Report "A" or "Ought to pass" Report with Committee Amendment "A". Is this the pleasure of the House?

The motion prevailed.

The Bill was then given its two several readings. Committee Amendment "A" (H-37) was read by the Clerk and adopted, and the Bill assigned for third reading tomorrow.

**House Reports of Committees  
Ought Not to Pass  
Tabled and Assigned**

Mr. Berman from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act relating to Mental Illness as a Ground for Divorce" (H. P. 471) (L. D. 625)

Report was read.

(On motion of Mr. Noyes of Limestone, tabled pending acceptance and specially assigned for tomorrow.)

Mr. Danton from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act relating to Petition for Subpoena to Clerk of Courts" (H. P. 332) (L. D. 441)

Mr. Moreshead from same Committee reported same on Bill "An Act Revising the Uniform Reciprocal Enforcement of Support Act" (H. P. 236) (L. D. 306)

Mr. Wight from the Committee on Towns and Counties reported same on Bill "An Act relating to Records of Federal or State Moneys Participated in by Political Divisions" (H. P. 79) (L. D. 79)

Mr. Carey from the Committee on Transportation reported same on Bill "An Act Permitting Use of Blue Lights on Motor Vehicles Operated by Constables" (H. P. 399) (L. D. 509)

Reports were read and accepted and sent up for concurrence.

**Ought to Pass  
Printed Bills**

Mr. Binnette from the Committee on Health and Institutional Services reported "Ought to pass" on Bill "An Act relating to Minor

Children Committed to State Custody" (H. P. 324) (L. D. 411)

Mrs. White from same committee reported same on Bill "An Act Permitting the Commitment of Girls from Stevens Training Center to Half-Way House" (H. P. 429) (L. D. 553)

Mr. Heselton from the Committee on Judiciary reported same on Bill "An Act to Make Ballot Tampering a Felony" (H. P. 467) (L. D. 604)

Mr. Hewes from same Committee reported same on Bill "An Act relating to the Transportation of Prisoners to and from Court and Between Institutions by Order of Court" (H. P. 466) (L. D. 603)

Mr. Crommett from the Committee on Towns and Counties reported same on Bill "An Act relating to Fire Protection for Township 8, S. D." (H. P. 200) (L. D. 247)

Mr. Keyte from the Committee on Transportation reported same on Bill "An Act Increasing Fee for Motor Vehicle Duplicate Licenses" (H. P. 304) (L. D. 380)

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

**Ought to Pass with  
Committee Amendment**

Mr. Allen from the Committee on Education on Bill "An Act Providing Full Reimbursement for High School Diploma Programs in Maine's General Adult Evening Schools" (H. P. 215) (L. D. 265) reported "Ought to pass" as amended by Committee Amendment "A" (H-38) submitted therewith.

Same gentleman from same Committee on Bill "An Act relating to Use of School Buildings" (H. P. 269) (L. D. 345) reported "Ought to pass" as amended by Committee Amendment "A" (H-39) submitted therewith.

Mr. Richardson from same Committee on Bill "An Act relating to Sick Leave for Teachers Assistants and Aides" (H. P. 221) (L. D. 271) reported "Ought to pass" as amended by Committee Amendment "A" (H-40) submitted therewith.

Mr. Lewin from the Committee on Inland Fisheries and Game on Bill "An Act relating to Taking Smelts for Bait Purposes" (H. P. 235) (L. D. 291) reported "Ought to pass" amended by Committee Amendment "A" (H-41) submitted therewith.

Mr. Porter from same Committee on Bill "An Act relating to Revocation of Certain Licenses under Fish and Game Laws" (H. P. 93) (L. D. 102) reported "Ought to pass" as amended by Committee Amendment "A" (H-42) submitted therewith.

Mr. Cox from the Committee on Legal Affairs on Bill "An Act Reestablishing the Town Line between the Town of Jay, Franklin County, and the Town of Canton, Oxford County" (H. P. 238) (L. D. 293) reported "Ought to pass" as amended by Committee Amendment "A" (H-43) submitted therewith.

Mr. Cushing from same Committee on Bill "An Act to Clarify the Watercraft Registration and Safety Law" (H. P. 118) (L. D. 134) reported "Ought to pass" as amended by Committee Amendment "A" (H-44) submitted therewith.

Mr. Shaw from same Committee on Bill "An Act Permitting Transfer of Property to Monument Lodge Association." (H. P. 341) (L. D. 449) reported "Ought to pass" as amended by Committee Amendment "A" (H-45) submitted therewith.

Mrs. Wheeler from same Committee on Bill "An Act to Grant a New Charter to the Town of Rumford" (H. P. 96) (L. D. 119) reported "Ought to pass" as amended by Committee Amendment "A" (H-46) submitted therewith.

Reports were read and accepted and the Bills read twice. Committee Amendment "A" to each was read by the Clerk and adopted, and tomorrow assigned for third reading of the Bills.

**Divided Report**

Majority Report of the Committee on Election Laws reporting "Ought to pass" on Bill "An Act to Encourage the Use of Electronic

Voting Systems by Municipalities" (H. P. 382) (L. D. 491)

Report was signed by the following members:

- Mr. KATZ of Kennebec — of the Senate.
- Messrs. MacPHAIL of Owls Head
- PORTER of Lincoln
- HENLEY of Norway
- Mrs. BOUDREAU of Portland
- Mrs. GIROUX of Waterville
- Messrs. CARTER of Winslow
- VINCENT of Portland — of the House.

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

Report was signed by the following members:

- Messrs. ANDERSON of Hancock
- LETOURNEAU of York — of the Senate.

Reports were read.

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

**Divided Report**

Majority Report of the Committee on Inland Fisheries and Game reporting "Ought not to pass" on Bill "An Act relating to Open Season for Fishing in Brooks and Streams" (H. P. 142) (L. D. 164)

Report was signed by the following members:

- Messrs. HOFFSES of Knox
- ANDERSON of Hancock — of the Senate.
- Messrs. LEWIN of Augusta
- THOMPSON of Belfast
- PORTER of Lincoln
- KELLEY of Southport — of the House.

Minority Report of same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

- Mr. MARTIN of Piscataquis — of the Senate.
- Messrs. GAUDREAU of Lewiston
- ROCHELEAU of Auburn
- BOURGOIN of Fort Kent — of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. Porter.



Mr. PORTER: Mr. Speaker, I move that the House accept the Majority "Ought not to pass" Report and I would speak on the motion.

The SPEAKER: The gentleman from Lincoln, Mr. Porter, moves that the House accept the Majority "Ought not to pass" Report. The gentleman may proceed.

Mr. PORTER: Mr. Speaker, Ladies and Gentlemen: Under L. D. 164, the fishing season in the brooks and streams of Maine would be extended one full month. The Committee amended the original bill, shortened it from September 30th until September 15th. If this is accepted, instead of closing on August 15th, our brooks and streams would be closing on September 15th. If I thought for a minute that the fishing was improving in Maine, I might be tempted to vote for this bill. It happens that I believe the fishing is not improving in Maine. Only last term we shortened the bag limit because the fishing is not improving.

Those seasons in which there is a great deal of rainfall and our brooks are high and cool, probably this extra month would make no great difference, but I would remind this House of the condition last summer when day after day after day the sun shown in all of its brilliance, and the water kept getting warmer and warmer and warmer. Last summer week after week after week we had no rainfall and the waters in these brooks and streams got lower and lower and lower. Every trout in a brook or stream in the State of Maine on the 15th of August last fall was in a spring hole. Undoubtedly the predators did take a lot of those trout; Mink, Otter, Coons, Kingfishers, Fish Hawks, Blue Herons probably fed on those trout, but wasn't it a wonderful thing that man, the world's greatest predator, was not allowed to catch those fish? Those trout are the seed stock for coming generations of trout, and if they had been caught, future generations of trout would not have been available. I am thoroughly convinced that those trout must be protected.

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

Mr. BOURGOIN: Mr. Speaker and Members of the House: As a signer of the ought to pass report I wish to give my views on the report that we had from the biologist from the Department of Inland Fish and Game. We are paying him substantial wages to find out the conditions of our brooks and streams and their report was whether we fish from August 15th to September 15th which would be a month later. In the spring there is six percent of the trout left in the stream. If we don't fish them after August 15th, the predators pick up those trout and in the spring there is still six percent of the fish in the stream, so the predators are harvesting the trout instead of the legal fishermen in the State of Maine. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. Porter.

Mr. PORTER: Mr. Speaker, I agree that the biologists can count the fish in the stream in the fall and tell exactly how many fish there are there; I agree that the biologists using those same gadgets can count the fish in the spring and tell how many fish survived. It doesn't take a great mathematician to subtract those two figures and find out how many trout were winter killed, but there is one question that the biologists have not answered and I believe cannot answer, and I think it is very vital in this subject. They cannot answer how many of those trout had a chance to spawn before they were winter killed. If they had spawned, our next generation of trout would be available, and we don't know whether they have spawned or not.

However, you tell me how many trout were caught in this extra month and I can tell you exactly how many trout will not have a chance to spawn. Every one of them that is caught cannot reproduce. Only those that are left can reproduce, and I am for saving those few seed trout.

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

Mr. CORSON: Mr. Speaker, as the sponsor of this bill, I would like to comment briefly on it.

I originally put this bill in on the advice of biologists from the Department of Fish and Game, and I believed then that it was a good bill. I do not believe so now, for since I have introduced this bill I have had occasion to inquire of men who have done a great deal of fishing or hunting, men who have been around the woods quite a bit and have seen the streams and have seen what a dry season can do to these streams, and I think it is quite obvious what low water can mean to the fish population. Therefore, I would like to recommend that we accept the Majority Report, "Ought not to pass."

The SPEAKER: The pending question is the motion of the gentleman from Lincoln, Mr. Porter, that the House accept the Majority "Ought not to pass" Report on Bill "An Act relating to Open Season for Fishing in Brooks and Streams," House Paper 142, L. D. 164. The Chair will order a vote. All those in favor of accepting the Majority "Ought not to pass" Report will vote yes, those opposed will vote no, and the Chair opens the vote.

A vote of the House was taken. 113 having voted in the affirmative and 18 having voted in the negative, the motion did prevail.

Sent up for concurrence.

#### Passed to Be Engrossed

Bill "An Act relating to Delegation of Authority to Director of Bureau of Corrections under New England Interstate Corrections Compact" (S. P. 125) (L. D. 387)

Bill "An Act relating to Confering Degrees by Unity College" (H. P. 214) (L. D. 264)

Bill "An Act Permitting Partial Payments at Times other than August and December for Operation of Regional Vocational Technical Centers" (H. P. 216) (L. D. 266)

Bill "An Act relating to Expiration and Renewals of Certificates of Registration for Land Surveyors" (H. P. 237) (L. D. 292)

Bill "An Act relating to Closed Time on Gray Squirrels" (H. P. 282) (L. D. 358)

Bill "An Act relating to Operating Watercraft so as to Molest Wildlife" (H. P. 283) (L. D. 359)

Bill "An Act relating to Holding Property by Cumberland Farmers' Club" (H. P. 286) (L. D. 362)

Bill "An Act relating to Maintenance of Paupers by Certain Plantations" (H. P. 297) (L. D. 373)

Bill "An Act Eliminating Boards of Visitors for State Institutions and Creating Committee on Corrections" (H. P. 303) (L. D. 379)

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

#### Third Reader Tabled and Assigned

Bill "An Act relating to Issuance of Temporary Notes by Hospital Administrative District No. 1 in Penobscot County" (H. P. 342) (L. D. 450)

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

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

Resolve Appropriating Funds for the Perambulation of the Maine-New Hampshire Boundary Line (S. P. 29) (L. D. 87)

Resolve Authorizing Flowage Rights to Arthur C. Shute and Emma L. Shute of Sebago on State Highway No. 126 in East Sebago (H. P. 198) (L. D. 245)

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

#### Amended Bills

Bill "An Act relating to Trailers Being Securely Fastened" (H. P. 51) (L. D. 52)

Bill "An Act relating to Operation of Motorcycles While Learning to Drive" (H. P. 128) (L. D. 144)

Bill "An Act relating to Headlights and Mirrors on Motorcycles and Motor Driven Cycles" (H. P. 155) (L. D. 181)

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:

SENATE REPORT — Ought to pass — Committee on Highways on Bill "An Act relating to Weight Tolerance on Building or Construction Materials" (S. P. 78) (L. D. 240) (In Senate, Report and Bill Recommended to Committee on Highways)

Tabled — February 12, by Mr. Shaw of Chelsea.

Pending — Acceptance in non-concurrence.

Thereupon, Report and Bill re-committed to the Committee on Highways in concurrence.

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

HOUSE MAJORITY REPORT (7)—Ought to pass—Committee on State Government on Resolve Proposing an Amendment to the Constitution Repealing the Provisions Which Establish the Treasurer of State as a Constitutional Officer (H. P. 14) (L. D. 14)—MINORITY REPORT (3)—Ought not to pass.

Tabled — February 13, by Mr. Rideout of Manchester.

Pending — Acceptance of either Report.

Mr. Rideout of Manchester moved the acceptance of the Majority "Ought to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker, I would like to speak in opposition to this motion.

The SPEAKER: The gentleman may proceed.

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I am opposed to L. D. 14 and I ask you to join me for two basic reasons. The first is that I formed certain judgments from the great publicity given the im-

portance of this office, the Treasurer, by the opposition party when the taxpayers were told that one Mr. Eben Elwell, was in effect the saviour of the treasury of the State of Maine. They said that he was not only saving money but was actually making money for the State. We all know that state funds are currently at an all time low, so I just don't see how I could be a party to doing away with a job that can make some money for the State.

Since being elected to this body and appointed to the State Government Committee, I have listened diligently in hearings and in my humble way done my homework, and so after hearing the arguments on this bill I have come to the conclusion that L. D. 14 would eliminate two checks and balances. It may be an over simplification, but as I see it, the Treasurer takes in the money and the Controller pays it out. Without collusion under the present system we have an accounting check. Finally, but in my opinion far from the least, the Treasurer is an appointee of the Legislature. If this bill passes, the Executive will be taking over another constitutional office, and when the Governor's Commissioner of Finance or one of his employees handles the duties of the Treasurer, what has happened to our check and balance between the Legislature and the Executive Department? Again I ask you to reject the Majority Report. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Belgrade, Mr. Sahagian.

Mr. SAHAGIAN: Mr. Speaker, I rise today to comment briefly on the bill now before you to abolish the State Treasurer office. The State Treasurer's Office, my comments are only this, that the office of State Treasurer is simply a bookkeeping department which should be incorporated into the Department of Accounting and Control. Ladies and Gentlemen, my purpose in introducing this bill is to help in some small way to build economy into State Government. This we can do if you will join me in supporting the motion made by the gentleman from Man-

chester, Mr. Rideout, in accepting the Majority "Ought to pass" Report. Thank you.

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

Mr. MARSTALLER: Mr. Speaker and Ladies and Gentlemen of the House: This being my first speech before this body, I am reminded of the advice the Deacon gave to a new Minister. He said: "Stand up so they can see you, speak up so they can hear you, and sit down so they can love you."

I've listened to the pros and cons on this issue in the State Government Committee, and I tried to do some homework on the outside. I visited the Treasurer's Office, I have talked to the Auditor, I have talked to a number of people about this bill. It seems obvious that the Treasurer does have a function. Now this function could be taken over by the Department of Finance. We are told that it would save some money, but in my inquiry, I haven't really come up with this saving. It would seem that if the personnel in the Treasurer's Office and the function of the Treasurer was taken over by the Department of Finance, this would probably mean an addition to the Department of Finance, and therefore any alleged saving would go down the drain. It probably would mean that we might even add a couple of people to the Department of Finance. It wouldn't be the first time that we exchanged one job for two or two jobs for one.

The State Auditor seems to feel that we need to have a check and balance in this department, and I agree with Mr. Donaghy that we need to do this and, by just abolishing the Treasurer's Office, we will lose this check and balance.

Also, if we follow this thinking to its conclusion and say that we do not need a check over a department, we have many other departments in this state that are quite self-sufficient and they would say, well, we don't need the check of the Legislature or we do not need some other check, and they would say that they could handle both their incoming and outgoing funds as well as the Department of Fi-

nance. I hope you will vote no on this motion, and I ask a division of the House.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I rise in support of the motion made by the gentleman from Manchester, Mr. Rideout.

When the rain falls, it falls on both the just and the unjust. If we seek economies in State Government, unfortunately many times the rain must fall upon our friends. For many, many years the position of the constitutional office of State Treasurer has long been regarded as a superfluity of Government. I do not under any circumstances wish to go into any personalities. I think in every instance we have had fine men as Treasurer of the State of Maine.

However, I still regard this office as superfluous. It involves a number of thousands of dollars which eventually by dispensing with this office could be saved for the people of the State of Maine. I believe very strongly the hour has come when we must consider some degree of economy. I firmly believe that this can be effected without impairing the operation of State Government in the least.

Unfortunately, I am forced to reject the argument of my colleague on the Committee of State Government, Mr. Marsteller. I no doubt feel that he feels very strongly toward the retention of this office, and I feel opposite. I feel that now the time has come for the Legislature to speak and to attempt to effect some economies. I do not think that we are impairing in the least our system of checks and balances. I would remind everyone that this is a Constitutional Amendment and it must be further acted upon, and I would ask you this morning to go along with the motion made by the gentleman from Manchester, Mr. Rideout, in accepting the Majority Report.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Manchester, Mr. Rideout, that the House accept

the Majority "Ought to pass" Report on Resolve Proposing an Amendment to the Constitution Repealing the Provisions Which Establish the Treasurer of State as a Constitutional Officer, House Paper 14, L. D. 14. The Chair will order a vote. All of those in favor of accepting the Majority "Ought to pass" Report will vote yes, and those opposed will vote no, and the Chair opens the vote.

A vote of the House was taken.

98 having voted in the affirmative and 31 having voted in the negative, the motion did prevail, and the Resolve was read once and tomorrow assigned for second reading.

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

HOUSE JOINT ORDER reissuing in a Corporate or Company Name Specially Designed Number Plates (H. P. 714)

Tabled—February 18, by Mr. Ross of Bath

Pending—Passage.

The Joint Order received passage and was sent up for concurrence.

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

HOUSE REPORT—"Ought not to pass"—Committee on Education on Bill "An Act Permitting John F. Kennedy College to Award Degrees" (H. P. 114) (L. D. 130)

Tabled—February 18, by Mr. Richardson of Stonington.

Pending—Acceptance.

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

Mr. BOURGOÏN: Mr. Speaker and Members of the House: I wish to call to your attention that there is a need for this small college on the St. John River. The State College does not have a course in liberal arts. This small college does not cost the State one cent, where we are asked for a very high budget for the University of the State of Maine. It is very discouraging to the people that start those small colleges that they cannot get even a small moral support from the State at no expense. Thank you.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: This morning I will be brief speaking as a Representative in the area on the John F. Kennedy College and I am not going to try to circumvent the action taken by the Committee which is a unanimous "Ought not to pass" Report, but only to remind the members of the House that there was distributed on your desks this morning a resume provided by the college for your reading if you so desire.

Another comment that I would like to make, as Mr. Bourgoïn, the Representative from Fort Kent stated, this type of college is very much needed in our State, although the time is not now to try to grant a degree by the college because of the hardship that they are having financially and otherwise. As Mr. Bourgoïn has pointed out, this type of school is costing the State of Maine no dollars and cents, and the students that have attended the college, whether day students or night students, have reported to me that the amount of education that they have received from the John F. Kennedy College was absolutely outstanding for that type of school.

Now granted, the time may not be right for the State to grant degrees or authorize John F. Kennedy College to grant degrees, and I will buy that Committee Report which is unanimous, the time may not be just right, but only to point out the fact that there is a need for this type of college, and I think we should encourage this type of college and help them to prosper for years to come, and then maybe we can see by their progress and their financial well standing that they can provide this type of service to students that will attend these colleges. Thank you.

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

Mr. ROSS: Mr. Speaker, I would just like to pose one question through the Chair to the gentleman from Madawaska, Mr. Levesque. Who was it that actually prepared the statement that he mentioned?

The SPEAKER: The gentleman from Bath, Mr. Ross, poses a question through the Chair to the gentleman from Madawaska, Mr. Levesque, who may answer if he so desires. The Chair recognizes that gentleman.

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: In answer to the question by the gentleman from Bath, Mr. Ross, the statement was prepared by the President of the College and the Directors of the College.

The SPEAKER: The Chair would inform the House that no motion being before the House relative to the "Ought not to pass" Report, is it now the pleasure of the House to accept the Committee Report?

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

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

HOUSE REPORT—Ought to pass in New Draft—Committee on Education on Bill "An Act relating to Expanding the Community School of Boothbay-Boothbay Harbor School District to Include Grades Kindergarten Through Grade 6" (H. P. 217) (L. D. 267)—New Draft under Title "An Act Amending the Charter of Boothbay-Boothbay Harbor Community School District" (H. P. 655) (L. D. 806)

Tabled — February 18, by Mr. Benson of Southwest Harbor.

Pending—Acceptance.

The "Ought to pass" Committee Report was accepted, the New Draft read twice and tomorrow assigned for third reading.

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

An Act Requiring Reconstructed Public Buildings be Made Ac-

cessible to the Physically Handicapped (S. P. 100) (L. D. 310)

Tabled — February 18, by Mr. Birt of East Millinocket.

Pending—Passage to be enacted.

On motion of Mr. Birt of East Millinocket, retabled pending passage to be enacted and specially assigned for Tuesday, February 25.

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

An Act relating to the Transportation of Refuse (H. P. 248) (L. D. 303)

Tabled—February 18, by Mr. Benson of Southwest Harbor.

Pending—Passage to be enacted.

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

Mr. MacPhail of Owls Head was granted unanimous consent to address the House.

Mr. MacPHAIL: Mr. Speaker, I received this morning a personal letter from Mrs. Grevis Payson, a part of which she requests be read to the House.

"To the members of the 104th Maine Legislature: The beautiful flowers from the members of the 104th, the Knox County delegation, and the comforting messages received from so many of you are deeply appreciated by all of us. Grevis so enjoyed his association with you, and his sincere desire was to be of service to the district which he represented. Our sincere thanks to you, Signed: Irene Payson."

(Off Record Remarks)

On motion of Mr. Carter of Winslow,

Adjourned until one-thirty o'clock tomorrow afternoon.