

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*Ninety-Eighth Legislature*

OF THE

STATE OF MAINE

VOLUME I

1957

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

### HOUSE

Tuesday, April 2, 1957

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

Prayer by the Rev. Mr. Alan Keith of the Nazarene Church, Livermore Falls.

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

The journal of the previous session was read and approved.

#### Papers from the Senate

From the Senate: The following communication: (S. P. 508)

Portsmouth, N. H.  
March 1, 1957

To the Honorable Senate and House of Representatives of the Ninety-eighth Legislature:

We have the honor to present the ninth Biennial Report of the Maine-New Hampshire Interstate Bridge Authority.

This biennial report is presented in accordance with an Act of the State of Maine, Chapter 18, Article VI, Private and Special Laws of 1937, and an Act of the State of New Hampshire, Chapter 4, Special Session 1936.

Respectfully submitted,

(Signed) DAVID H. STEVENS,  
Chairman

The Maine-New Hampshire Interstate Bridge Authority

Came from the Senate read and ordered placed on file.

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

From the Senate:

Bill "An Act relating to Closed Season on Partridge" (S. P. 501) (L. D. 1415)

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

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

From the Senate:

Bill "An Act relating to Development and Promotion in Aroostook County" (S. P. 502) (L. D. 1416)

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 Labor on Bill "An Act relating to Hours of Opening and Closing Barber Shops" (S. P. 305) (L. D. 802) reporting Leave to Withdraw.

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 Judiciary reporting "Ought not to pass" on Bill "An Act Authorizing a Mobile Unit for Registering Voters in Municipalities" (S. P. 126) (L. D. 269)

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 State Government reporting "Ought to pass" on Bill "An Act Designating Department of Education as State Agency for Surplus Property" (S. P. 423) (L. D. 1182)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed.

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

#### Refer to Committee

Report of the Committee on Judiciary on Resolve Providing for Judicial Review of Certain Criminal Judgments (S. P. 257) (L. D. 695) reporting that it be referred to the Committee on Appropriations and Financial Affairs.

Came from the Senate with the Report read and accepted and the Resolve referred to the Committee

on Appropriations and Financial Affairs.

In the House, the Report was read and accepted and the Resolve referred to the Committee on Appropriations and Financial Affairs in concurrence.

Report of the Committee on State Government, acting by authority of Joint Order (S. P. 61) reporting a Bill (S. P. 504) (L. D. 1417) under title of "An Act Revising and Relating to State Personnel Laws" and that it be referred to the Committee on State Government.

Report of same Committee, acting by authority of Joint Order (S. P. 61) reporting a Bill (S. P. 505) (L. D. 1418) under title of "An Act Directing Review of Settlement Laws" and that it be referred to the Committee on State Government.

Came from the Senate with the Reports read and accepted and the Bills referred to the Committee on State Government.

In the House, the Reports were read and accepted and the Bills referred to the Committee on State Government in concurrence.

#### **Non-Concurrent Matter Tabled**

Bill "An Act Creating the Maine Motor Vehicle Financial Security Act" (H. P. 987) (L. D. 1411) which was referred to the Committee on Transportation in the House on March 26.

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

In the House: On motion of Mr. Stilphen of Rockland, tabled pending further consideration and unassigned.

#### **Non-Concurrent Matter**

Bill "An Act to Incorporate the Farrar-Brown Finance Company" (H. P. 590) (L. D. 839) which was passed to be engrossed in the House on March 13.

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

In the House: On motion of Mr. Childs of Portland, the House voted to recede and concur.

#### **Petitions, Bills and Resolves Requiring Reference**

The following 14 Bills and Resolves (transmitted by the Director of Legislative Research pursuant to Joint Order H. P. 43) were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

##### **Agriculture**

Bill "An Act relating to Premiums to Commercial Poultry Growers" (H. P. 1019) (Presented by Mr. Elwell of Brooks)  
(Ordered Printed)

Bill "An Act relating to Inspection of Slaughterhouses" (H. P. 1020) (Presented by Mr. Lane of Waterville)  
(750 copies Ordered Printed)

Bill, "An Act relating to Price Controls on Milk" (H. P. 1021) (Presented by Mr. Violette of Van Buren)  
(1,000 copies Ordered Printed)

Sent up for concurrence.

#### **Appropriations and Financial Affairs Tabled and Assigned**

Bill "An Act Creating an Advisory Committee on Poultry within Department of Agriculture" (H. P. 1022) (Presented by Mr. Elwell of Brooks)

(On motion of Mr. Elwell of Brooks, tabled pending reference, ordered printed and specially assigned for Thursday, April 4.)

Bill "An Act Increasing Salary of Members of the Legislature" (H. P. 1023) (Presented by Mr. Pierce of Bucksport)  
(Ordered Printed)

Resolve Appropriating Moneys for Construction of an Airport in Washington County (H. P. 1024) (Presented by Mr. Davis of Calais)  
(Ordered Printed)

Sent up for concurrence.

##### **Legal Affairs**

Bill "An Act Creating Portland Parking Authority" (H. P. 1025) (Presented by Mr. Childs of Portland)  
(Ordered Printed)

Sent up for concurrence.

### Natural Resources

Bill "An Act relating to Portland University" (H. P. 1026) (Presented by Mr. Childs of Portland)  
(Ordered Printed)  
Sent up for concurrence.

### Public Utilities

Bill "An Act relating to Proposed Change of Rates by Public Utility and Suspension Pending Hearing" (H. P. 1027) (Presented by Mr. Wade of Auburn)  
(1,000 copies Ordered Printed)

Bill "An Act relating to Reasonable and Just Charges by Public Utilities" (H. P. 1028) (Presented by same gentleman)  
(1,000 copies Ordered Printed)  
Sent up for concurrence.

### Taxation

Bill "An Act Decreasing the Tax on Gasoline" (H. P. 1029) (Presented by Mr. Tarbox of Gouldsboro)  
(1,000 copies Ordered Printed)  
Sent up for concurrence.

### Towns and Counties

Bill "An Act to Authorize Washington County to Procure Loans and Issue Bonds to Construct an Airport" (H. P. 1030) (Presented by Mr. Davis of Calais)  
(Ordered Printed)

Bill "An Act Increasing Salaries of County Officers in Androscoggin County" (H. P. 1031) (Presented by Mr. Jacques of Lewiston)  
(Ordered Printed)

Bill "An Act to Create a Board of Harbor Commissioners for Penobscot Bay and River" (H. P. 1032) (Presented by Mr. Rollins of Belfast)  
(Ordered Printed)  
Sent up for concurrence.

The SPEAKER: At this time the Chair would request the Sergeant-at-Arms to escort the gentlewoman from Rumford, Miss Cormier, to the rostrum to serve as Speaker pro tem.

Thereupon, Miss Cormier assumed the Chair as Speaker pro tem amid the applause of the House and Speaker Edgar retired from the Hall.

### Orders

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

On motion of Mrs. Smith of Falmouth, it was

ORDERED, that Mr. Johnson of Stockholm be excused from attendance for the duration of his illness, and that Mr. Kinch of Livermore Falls be excused from attendance this week because of business emergency.

On motion of Mr. Tarbox of Gouldsboro, it was

ORDERED, that Rev. Margaret Hendrichsen, Pastor of several Methodist churches in the vicinity of Sullivan and the author of the book Seven Steeples, be invited to officiate as Chaplain of the House on Friday, May 10, 1957.

### House Reports of Committees Leave to Withdraw

Miss Cormier from the Committee on Education on Bill "An Act Revising the Law Relating to Aid for Driver Education" (H. P. 268) (L. D. 364) reported Leave to Withdraw, as it is covered by other legislation.

Mr. Besse from the Committee on Taxation reported same on Bill "An Act Imposing a Tax on Poultry Producers for Promotional Purposes" (H. P. 628) (L. D. 895)

Mr. Hanson from same Committee reported same on Joint Resolution Memorializing Congress to Propose an Amendment to the United States Constitution Relative to Taxes on Incomes, Inheritances and Gifts (H. P. 882) (L. D. 1250)

Reports were read and accepted and sent up for concurrence.

### Ought Not to Pass

Mr. Turner from the Committee on Highways reported "Ought not to pass" on Resolve Authorizing State Highway Commission to Study Desirability of a Bridge Across the Androscoggin River (H. P. 68) (L. D. 95)

Report was read.

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

Mr. JALBERT: Madam Speaker and Members of the House: This bill concerns the congestions that exist between Lewiston and Auburn, the third bridge. I think that the people who travel in that area, and we certainly want you to, are aware of the fact that we have a problem.

A few years ago the bill was passed before this House after a survey was made, but before the election it was noted that the survey on the Lewiston side had not been made exactly as they would wish, so we who helped to not only sponsor the bill but work on the bill, asked the people to kill it for that reason because it involved two and a half million dollars.

Now the Chambers of Commerce of both Lewiston and Auburn and interested citizens had several meetings and asked me to present a bill to ask for a survey. This was done and the hearing was held, and the need is very acute and we realize it. The price tag of a survey is somewhat heavy, the report of the Committee was "Ought not to pass" although I don't think that is necessarily a barometer to go by. One has, as we all know, the right to table a matter or take issue with a Committee if they wish. However, in this instance, the House Chairman of the Committee, the gentleman from Auburn, Mr. Turner, has been in constant touch with me, and explained the whole situation. I see it his way and I move that the "Ought not to pass" Report be accepted.

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

Mr. Rich from the Committee on Liquor Control reported "Ought not to pass" on Bill "An Act Providing Penalty for Sale of Liquor to Certain Persons" (H. P. 666) (L. D. 947)

Same gentleman from same Committee reported same on Bill "An Act relating to Sunday Sale of Liquor in Hotels" (H. P. 717) (L. D. 1025)

Mr. Cyr from the Committee on Taxation reported same on Bill "An Act relating to Claims Against the State for Taxes Lost to Municipalities by Exemption" (H. P. 644) (L. D. 911)

Reports were read and accepted and sent up for concurrence.

#### **Ought to Pass in New Draft New Draft Printed**

Mr. Wade from the Committee on Business Legislation on Bill "An Act Providing a Definition of Group Life Insurance" (H. P. 637) (L. D. 904) reported same in a new draft (H. P. 1033) (L. D. 1448) under title of "An Act relating to Group Life Insurance" and that it "Ought to pass"

Mr. Browne from the Committee on Judiciary on Bill "An Act to Increase the Purposes and Powers of Continental Mills and to Authorize it to Acquire the Assets of Continental Mills Co." (H. P. 181) (L. D. 244) reported same in a new draft (H. P. 1034) (L. D. 1449) under title of "An Act to Increase the Purposes and Powers of Continental Mills" 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. Carter from the Committee on Education reported "Ought to pass" on Bill "An Act relating to Children Resident at Private Tax-Exempt Institutions" (H. P. 598) (L. D. 845)

Mr. Brown from the Committee on Taxation reported same on Bill "An Act relating to Use of Moneys Received under Sardine Tax Law" (H. P. 516) (L. D. 726)

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

#### **Tabled and Assigned**

Mr. Hanson from the Committee on Taxation reported "Ought to pass" on Bill "An Act relating to Taxation of Domestic Fowl" (H. P. 190) (L. D. 253)

Report was read.

(On motion of Mr. Rollins of Belfast, tabled pending acceptance of Committee Report and specially assigned for Wednesday, April 10.)

#### **Ought to Be Adopted Indefinitely Postponed**

Mr. Cyr from the Committee on Taxation on Joint Resolution Memo-

rializing Congress to Oppose Further Increases in Federal Gasoline Tax (H. P. 728) (L. D. 1032) reported that it "Ought to be adopted"

Report was read.

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

Mr. CHILDS: Madam Speaker and Members of the House: Generally I am opposed to memorials to Congress anyway, but this particular Memorial I am certainly opposed to. Here is a Memorial which we are sending to Congress and saying the State of Maine is opposed to further increases in the Federal Gasoline Tax. In other words, we are saying that we are not interested in Federal Aid to our highway system.

First of all we have no idea what the terms would be. If there was a further increase in our gasoline tax it could mean State participation possibly on a nine to ten basis. And making such a broad statement, sending it to Congress and saying that we are opposed to a further increase in the gasoline tax, I think we would be using very bad judgment on our part. I therefore move that this matter be indefinitely postponed.

The SPEAKER pro tem: The Chair recognizes the gentleman from South Portland, Mr. Fuller.

Mr. FULLER: Madam Speaker and Members of the House: I want to go along with the gentleman from Portland, Mr. Childs, in that we had several memorials to Congress and in some cases later we have been sorry that we sent them. I remember a few years back we sent a memorial to Congress and the very next session of the Legislature we spent time and effort trying to get the first memorial rescinded. I certainly don't believe in memorials. After all, we elect our congressmen, we should have faith in them, and I don't think that a memorial to Congress is the proper way to handle this situation, and I hope that the motion of the gentleman from Portland, Mr. Childs, prevails.

The SPEAKER pro tem: The Chair recognizes the gentleman from Chelsea, Mr. Allen.

Mr. ALLEN: Madam Speaker and Members of the House: I introduced this Memorial, and in doing so it was my feeling that the Federal Government is already coming into the tax field too far on the state level. In other words, all the tax that the Federal Government collects does not come back to the states, much of it is retained there in various forms and there is a lot of red tape added to it. Therefore, the states do suffer. Whereas, the State of Maine relies principally upon the gasoline tax to build and maintain their highways, and if this money was left entirely for the State of Maine, the State would be better off than they would to get Federal Aid in the first place.

Therefore, I believe that the State of Maine, or any other state as far as that goes, would benefit far more by collecting their own gasoline tax and not having to have some of it go into our Federal Government and then a portion of it funnel back with restrictions and a lot of red tape to it. Therefore, I hope that the motion does not prevail.

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

Mr. CHILDS: Madam Speaker and Members of the House: The gentleman has made a good point in some respects. Possibly there are times that the Federal Tax came on and we sent money to Congress and we received a lesser amount back. That is the very reason that we elect our Congressmen and Senators, they are the ones that should make those decisions. And, if they are of the opinion that a certain Federal Tax is going on a matched fund basis, in the long run that will be detrimental to us, then they should vote against it.

But for us just to send a very broad statement down saying we are opposed to a further increase in the Federal Tax, I believe would be a bad mistake on our part. I hope that my motion prevails and when the vote is taken I request a division.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bowdoinham, Mr. Curtis.

Mr. CURTIS: Madam Speaker, Ladies and Gentleman of the House:

As far as memorializing Congress I don't know too much about it and it probably wouldn't do any good except to give our feeling here, and I can see no harm. The great Congress of the United States wouldn't be hurt by knowing how we feel.

Now, if you look over the gas tax, what they have done for us, they started out and got up to five cents by 1940, then they went to one and one-half cents making six and a half in '47. In '51 they went to eight cents adding 2 cents or a cent and a half. In '55 they went to seven cents. Now, we have a three cent tax, making ten cents Federal Tax with our other tax, which they are taking as they took out of this State last year seven millions of dollars. I haven't found out just yet how much they are going to put back, but when they did have the tax last year they took out some five million, eight hundred thousand and they gave us back something over four million. It seems to have a way of shaking off there for some other things besides roads.

Now, I am willing to pay a gas tax if it is going for the roads in the State of Maine, but as long as it is going to shake off up there in Washington and go heavens knows where, maybe over to India or somewhere else, I am against it. I can see no harm whatsoever in letting the Congress know the State of Maine does not favor any more gas tax. If we want any more why we put it on ourselves and build our own roads. If they put it on let them channel it back on the roads like we do.

The SPEAKER pro tem: The Chair recognizes the gentleman from Belfast, Mr. Rollins.

Mr. ROLLINS: Madam Speaker, being a member of the Taxation Committee who was not present when this was put out, if I had been present I would have expressed my views then. It would have been a divided report as far as I am concerned.

I follow the line of the gentleman from South Portland, Mr. Fuller, and also the gentleman from Portland, Mr. Childs, I am absolutely against memorials to Congress. We haven't had very good luck with them, and especially when we have

a divided memorial, which we apparently are going to have in this House this morning. If we had one hundred per cent of this House voting for a memorial to Congress it might be worth while, but I think each individual member of this House that feels that they should stop the Congress from putting more tax on could very easily transmit that news to their respective representatives and senators who are there to look after the interests of the State of Maine. I hope that the motion of the gentleman from Portland, Mr. Childs, prevails.

The SPEAKER pro tem: The Chair recognizes the gentleman from Brunswick, Mr. Walsh.

Mr. WALSH: Madam Speaker, Ladies and Gentleman of the House: I am another member of the Taxation Committee who was not present at the time of the executive session, and if I had been there I would have filed a minority report if I had been the only one that signed the report, that this Memorial ought not to pass.

I see no sense in memorializing Congress on something like this when we have refused memorials to Congress on something that is much more urgently needed than this measure here. I certainly want to go along with the gentleman from Portland, Mr. Childs, on his motion that this be indefinitely postponed.

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

Mr. ROSS: Madam Speaker, I wonder how many members of this House received this Memorial in the mail last week. It is a Memorial from the General Assembly of Georgia requesting the impeachment of six members of the United States Supreme Court. When I looked at that I realized that the State of Georgia was motivated sincerely by their beliefs on segregation, that is so. But I thought that that was certainly a ridiculous step for any legislature to take, and I still feel the same way whether it is on gas tax, whether it is on income tax or what it is on, and I certainly also hope that the motion of the gentleman from Portland, Mr. Childs, prevails.

The SPEAKER pro tem: The question before the House is on the motion of the gentleman from Portland, Mr. Childs, that the Committee Re-



port "Ought to be adopted" on Joint Resolution Memorializing Congress to Oppose Further Increases in Federal Gasoline Tax, House Paper 728, Legislative Document 1032, be indefinitely postponed. The gentleman has also asked for a division.

As many as are in favor of the indefinite postponement will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

One hundred and fourteen having voted in the affirmative and seven in the negative, the Report with all accompanying papers was indefinitely postponed and sent up for concurrence.

#### **Ought to Pass with Committee Amendment**

Mr. Shepard from the Committee on Business Legislation on Bill "An Act relating to Filing Date of Annual Statement of Insurance Companies" (H. P. 592) (L. D. 841) 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. 592, L. D. 841, Bill, "An Act Relating to Filing Date of Annual Statement of Insurance Companies."

Amend said Bill by striking out the underlined word "**The**" at the beginning of the 4th line and inserting in place thereof the underlined words and punctuation '**Except in the case of life insurance companies, the**'

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

Mr. Fuller from the Committee on Education on Bill "An Act relating to Superintending School Committee of Town of Cumberland" (H. P. 410) (L. D. 587) 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. 410, L. D. 587, Bill, "An Act Relating to Superintending School

Committee of Town of Cumberland."

Amend said Bill by striking out the 2nd paragraph and inserting in place thereof the following paragraph:

"The school committee first chosen shall designate by lot a member to hold office for one year, 2 members to hold office for 2 years and 2 members to hold office for 3 years; and they shall certify such designation to the town clerk to be by him recorded; and thereafter the members shall be chosen by ballot at the annual meeting of the town of Cumberland to hold office for 3 years."

Further amend said Bill by striking out in the 3rd line of the referendum the words "or special"

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

Mr. Besse from the Committee on Taxation on Bill "An Act relating to Taxation Exemption of Certain Property of Veterans" (H. P. 97) (L. D. 127) 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. 97, L. D. 127, Bill, "An Act Relating to Taxation Exemption of Certain Property of Veterans."

Amend said Bill in the 7th line by inserting after the word and punctuation "exempt," the underlined words and punctuation '**excepting property conveyed between husband and wife,**'

Further amend said Bill in the 10th, 11th and 12th lines by striking out all the underlined words and punctuation and inserting in place thereof an underlined period.

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

#### **Passed to Be Engrossed**

Bill "An Act Empowering the Supreme Judicial Court of Maine to Prescribe Rules" (S. P. 178) (L. D. 457)

Bill "An Act Repealing Certain Duty of Liquor Commission" (S. P. 181) (L. D. 460)

Bill "An Act relating to Claims Against Estates of Decedents" (S. P. 237) (L. D. 638)

Bill "An Act to Incorporate the Liberty Loan Corporation of Bangor" (S. P. 363) (L. D. 986)

Bill "An Act to Incorporate Liberty Loan Corporation of Cumberland" (S. P. 364) (L. D. 987)

Bill "An Act to Incorporate Liberty Loan Corporation of Caribou" (S. P. 365) (L. D. 988)

Bill "An Act to Incorporate the Liberty Loan Corporation of Auburn" (S. P. 366) (L. D. 989)

Bill "An Act to Incorporate the Liberty Loan Corporation of Augusta" (S. P. 367) (L. D. 990)

Bill "An Act relating to Delivery of Absent Voting and Physical Incapacity Voting Ballots" (H. P. 130) (L. D. 168)

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 Working on Trees" (H. P. 479) (L. D. 671)

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

(On motion of Mr. Bragdon of Perham, tabled pending third reading and specially assigned for Wednesday, April 10.)

Bill "An Act relating to Disorderly Conduct" (H. P. 611) (L. D. 858)

Bill "An Act to Increase Borrowing Capacity of Town of Van Buren School District" (H. P. 691) (L. D. 978)

Bill "An Act relating to Binding of Logs, Lumber and Timber" (H. P. 762) (L. D. 1044)

Bill "An Act to Amend the Charter of the West Branch Driving and Reservoir Dam Company" (H. P. 785) (L. D. 1118)

Bill "An Act Amending the Charter of the City of Brewer" (H. P. 880) (L. D. 1248)

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**

Resolve Regulating Fishing in Certain Waters in Piscataquis County (S. P. 497) (L. D. 1378)

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

(On motion of Mr. Baird of North Haven, tabled pending passage to be engrossed and unassigned.)

Resolve Authorizing a Right of Way for a Pipeline over Land of State School for Boys (H. P. 480) (L. D. 672)

Resolve Authorizing Arthur W. Bushey and Alice Bushey, both of Waterville, John Tibbetts, Archie Leeman and Oscar Bradstreet, all of Palermo, to Sue the State of Maine (H. P. 612) (L. D. 859)

Resolve Authorizing Aeronautics Commission to Determine State Needs for Airports (H. P. 688) (L. D. 977)

Resolve Creating an Advisory Committee on Education (H. P. 727) (L. D. 1031)

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 Applications for Liquor Licenses" (S. P. 261) (L. D. 700)

Bill "An Act relating to Authority of Public Utilities Commission over Construction of Water Supply Systems" (S. P. 285) (L. D. 744)

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 Tabled and Assigned**

Bill "An Act Amending the Charter of the City of Bath" (H. P. 836) (L. D. 1192)

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

(On motion of Mr. Ross of Bath, tabled pending third reading and specially assigned for tomorrow, April 3.)

### Third Reader Tabled and Assigned

Resolve Directing Boxing Commission to Change Decision on Rocky Marciano Case (H. P. 765) (L. D. 1047)

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

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

Mr. QUINN: Madam Speaker, the title to this Resolve reads: "Directing Boxing Commission to Change Decision on Rocky Marciano Case". The Legal Affairs Committee when it considered the case, was one hundred per cent opposed to directing any Commission to change a decision made after hearing. During the hearing before the Committee it developed that the members of the Commission had changed from the time the decision was made, and the present members did not feel that they had authority to change or even consider changing a decision made by the personnel of the previous board.

And in view of that fact, filing 128 amending the body of the bill is Committee Amendment "A". The words in the body of the bill were, "to be authorized and directed". The amendment strikes out from the body of the bill the words, "and directed" leaving merely the word, "authorized" and adds the words, "at their discretion", so it merely enables the Boxing Commission to consider the matter and use their own discretion as to what action they are taking.

Now I rise because I feel the title to this particular bill should have an amendment. The word: "Directing" should be taken out of the title because it is misleading under the circumstances. Therefore, I move that this matter lay on the table until Thursday, April 4, in order that the title may be adequately amended.

Thereupon, the Resolve was so tabled pending third reading and specially assigned for Thursday, April 4.

Resolve Designating East Deering Expressway as Charles J. Loring, Jr. Memorial Highway (H. P. 805) (L. D. 1136)

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

At this point, Speaker Edgar returned to the rostrum.

SPEAKER EDGAR: The Chair would like to thank very much the gentlewoman from Rumford, Miss Cormier, for her excellent services as Speaker pro tem.

Thereupon, the Sergeant-at-Arms conducted the gentlewoman from Rumford, Miss Cormier, to her seat on the Floor, amid the applause of the House, and Speaker Edgar resumed the Chair.

### Passed to Be Enacted Emergency Measure

An Act to Amend and Supplement the Charter of the Rockland Port District and the Charter of the City of Rockland (H. P. 960) (L. D. 1319)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had, 125 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

### Passed to Be Enacted

An Act relating to Registration of Podiatrists (S. P. 86) (L. D. 196)

An Act Increasing Price Adjustment Maximum for Support of Debtors in Jail (S. P. 267) (L. D. 705)

An Act relating to the Appointment of the State Humane Agents (H. P. 392) (L. D. 523)

An Act to Change the Name of the Town of North Kennebunkport, York County, to Arundel (H. P. 576) (L. D. 886)

An Act relating to the Disposition of Fees of the Auburn Municipal Court (H. P. 577) (L. D. 887)

An Act relating to Partial Closing of Banks on Saturdays (H. P. 589) (L. D. 838)

An Act relating to Duties of and Reimbursement for the Reporter of Decisions (H. P. 609) (L. D. 856)

An Act relating to Applications for Aid to the Blind (H. P. 675) (L. D. 956)

An Act relating to Adjustment of Losses by Certain Nonresident Insurance Adjusters (H. P. 679) (L. D. 968)

An Act Relating to Installation of Certain Gas Burning Appliances (H. P. 959) (L. D. 1318)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

#### Orders of the Day

The SPEAKER: Under Orders of the Day, the Chair lays before the House the first tabled and today assigned matter, Bill "An Act relating to Weight of Commercial Vehicles", Senate Paper 352, Legislative Document 930, tabled on March 26 by the gentleman from Bangor, Mr. Totman, pending assignment for third reading, and the Chair recognizes that gentleman.

Mr. TOTMAN: Mr. Speaker, in moving that this bill now be given its third reading I would like to add very briefly one or two remarks inasmuch as apparently there was considerable misunderstanding on the part of many as to the reason for tabling the bill. This is an important piece of legislation. It did appear before the Transportation Committee. It was agreed by the joint Chairman of the Transportation Committee that this bill and a companion bill relating to fees would be kept together. The sole purpose of tabling this bill was to allow the fee bill to be recommitted to the Committee, and therefore I now move, with that objective gained, that the bill be given its third reading.

The SPEAKER: The Chair understands that the gentleman from Bangor, Mr. Totman, moves that under suspension of the rules this Bill be given its third reading without assignment for third reading.

Thereupon, the Bill was given its third reading.

The SPEAKER: This Bill, having had its three several readings in the

House and the Committee on Bills in the Third Reading having reported no further verbal amendments necessary, is it now the pleasure of the House that this Bill shall be passed to be engrossed?

The Chair recognizes the gentleman from Calais, Mr. Davis.

Mr. DAVIS: Mr. Speaker, I move to table this measure unassigned.

The SPEAKER: The gentleman from Calais, Mr. Davis, moves that Item one, Bill "An Act relating to Weight of Commercial Vehicles", Senate Paper 352, Legislative Document 930, be tabled unassigned pending passage to be engrossed. Is this the pleasure of the House?

All those in favor will please say aye; those opposed, no.

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

The SPEAKER: This Bill, having had its three several readings and the Committee on Bills in the Third Reading having reported no further verbal amendments necessary, is it now the pleasure of the House that this Bill be passed to be engrossed?

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

Mr. QUINN: Mr. Speaker, I would like to ask of the Chairman of the Transportation Committee a matter relative to the bill. I notice the last sentence in the bill. This is a bill that increases the weight on trucks the limit, as I understand it, from 50,000 to 60,000, and also provides for additional axles. Now, when you increase the load and increase the weight you are increasing the slowness with which you can stop and keep a vehicle under control. And I note the last sentence of this bill reads as follows: "All trucks with 4 or more axles shall have adequate brakes on all axles."

I would like to get some information as to why the 4 is in there, why it doesn't apply to all the axles of a truck, that they shouldn't have adequate brakes.

The SPEAKER: The gentleman from Bangor, Mr. Quinn, asks the question through the Chair of the Chairman of the Transportation Committee, the gentleman from Bangor, Mr. Totman, who may answer if he chooses.

Mr. TOTMAN: Mr. Speaker and Members of the House: I am not

completely certain I understand the question of the gentleman from Bangor, Mr. Quinn, because I believe the sentence is fairly clear that all trucks with 4 or more axles shall have adequate brakes on all axles. That sentence was included by the Members of the Committee as a Committee Amendment to guarantee the intent for highway safety that the trucks would be adequately braked.

Now, if there is a further question I would be glad to answer. I apologize for not catching the full intent of his question.

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

Mr. QUINN: Mr. Speaker, I still don't understand why the 4 is in there. Why shouldn't it be adequate brakes on all axles of these trucks?

The SPEAKER: Is the gentleman asking another question of the Chairman of the Committee?

Mr. QUINN: Yes.

The SPEAKER: The gentleman from Bangor, Mr. Quinn, is asking another question of the gentleman from Bangor, Mr. Totman, who may answer if he chooses.

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

Mr. BEYER: Mr. Speaker, I believe I have the answer to the question of the gentleman from Bangor, Mr. Quinn. We discussed that point as to why all trucks shouldn't have brakes on the wheels of all axles. However, it came to our attention on the Transportation Committee that some number of vehicles have dollies, actually what is called a dolly. And when the truck is empty it rides high off the ground, and when it is heavy that dolly keeps itself upon the pavement. But those dollies do not have brakes and that is an axle. And we do not feel at this time that we wanted to take up such an important matter as to outlaw all those dollies used by the lumbering industry.

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

Mr. QUINN: Mr. Speaker, I do believe now that if it is merely dollies, that dollies could be excepted as such, knowing what dollies are, but I do feel that the security

on our highways, particularly by these large trucks that are going to carry such additional large loads, should be given adequate consideration as to their braking capacity. And, to look into that particular item I ask this matter might be placed on the table.

The SPEAKER: The gentleman from Bangor, Mr. Quinn, with respect to Item 1, Bill "An Act relating to Weight of Commercial Vehicles", Senate Paper 352, Legislative Document 930, moves that it be tabled unassigned pending passage to be engrossed. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: Under Orders of the Day the Chair lays before the House the second tabled and today assigned matter, Senate Report "Ought to pass" as amended by Committee Amendment "A", of the Committee on Inland Fisheries and Game on Resolve Regulating Fishing for White Perch in Certain Counties, Senate Paper 198, Legislative Document 543, tabled on March 27 by the gentleman from St. Albans, Mr. Hughes, pending acceptance of the Committee Report in concurrence, and the Chair recognizes that gentleman.

Mr. HUGHES: Mr. Speaker and Members of the House: I move that House Amendment "A" to Committee Amendment "A" to Senate Paper 198, Legislative Document 543, be accepted.

The SPEAKER: Will the gentleman defer his motion until the Committee Report and the first reading of the Resolve have been dispensed with.

Is it the pleasure of the House to accept the "Ought to pass" Committee Report?

Thereupon the "Ought to pass" Committee Report was accepted and the Resolve given its first reading.

The SPEAKER: The Clerk will read Committee Amendment "A".

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

COMMITTEE AMENDMENT "A" to S. P. 198, L. D. 543, Resolve, Regulating Fishing for White Perch in Certain Counties.

Amend said Resolve by striking out the period at the end and in-

serting in place thereof the following:

‘; except that there shall be a bag limit of 25 white or yellow perch in Kennebec and Somerset counties and Boyd Lake in Piscataquis county, with no length or weight limits.’

The SPEAKER: The Chair now understands that the gentleman from St. Albans, Mr. Hughes, now presents House Amendment “A” to Committee Amendment “A”.

The Clerk will read House Amendment “A”.

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

HOUSE AMENDMENT “A” to COMMITTEE AMENDMENT “A” to S. P. 198, L. D. 543, Resolve Regulating Fishing for White Perch in Certain Counties.

Amend said Amendment by striking out from the third from the last line thereof the words “or yellow”.

House Amendment “A” to Committee Amendment “A” was adopted.

Thereupon, Committee Amendment “A” as amended by House Amendment “A” was adopted, and the Resolve assigned for second reading tomorrow.

The SPEAKER: Under Orders of the Day the Chair now lays before the House the third tabled and today assigned matter, House Report Leave to Withdraw of the Committee on Inland Fisheries and Game on Bill “An Act relating to Closed Time on Deer in Franklin County,” House Paper 6, Legislative Document 5, tabled on March 27 by the gentleman from Carthage, Mr. Hutchinson, pending acceptance of the Committee Report, and the Chair recognizes that gentleman.

Thereupon, on motion of Mr. Hutchinson of Carthage, the Leave to Withdraw Committee Report was accepted and sent up for concurrence.

The SPEAKER: Under Orders of the Day the Chair now lays before the House the fourth tabled and today assigned matter, House Divided Report, Majority Report “Ought not to pass” and Minority Report “Ought to pass” of the Committee on Transportation on Bill “An Act

relating to Petition for Special License After Convictions for Operating Motor Vehicle Under the Influence”, House Paper 556, Legislative Document 783, tabled on March 27 by the gentleman from Bangor, Mr. Totman, pending his motion to accept the Majority “Ought not to pass” Report, and the Chair recognizes that gentleman.

Thereupon, on motion of Mr. Totman of Bangor, the “Ought not to pass” Report was accepted and sent up for concurrence.

The SPEAKER: Under Orders of the Day the Chair now lays before the House the fifth tabled and today assigned matter, Resolve Authorizing State Highway Commission to Study Desirability of Bridge Across Saco River, House Paper 460, Legislative Document 653, tabled on March 27 by the gentleman from Old Orchard Beach, Mr. Plante, pending second reading, and the Chair recognizes that gentleman.

Thereupon, on motion of Mr. Plante of Old Orchard Beach, the Resolve was given its second reading.

On further motion of the same gentleman the Resolve was tabled and specially assigned for Tuesday, April 9, pending passage to be engrossed.

The SPEAKER: The Chair now lays before the House the sixth tabled and today assigned matter, House Divided Report, Report “A” reporting “Ought to pass” and Report “B” reporting “Ought not to pass”, of the Committee on Judiciary on Bill “An Act relating to the Appointment of Clerks of the Judicial Courts by the Chief Justice of the Supreme Judicial Court”, House Paper 322, Legislative Document 439, tabled on March 28 by the gentleman from Kennebunk, Mr. Emmons, pending acceptance of either report and the Chair recognizes that gentleman.

Mr. EMMONS: Mr. Speaker, I move the acceptance of Committee Report “A” “Ought to pass” and I would like to speak briefly on the motion.

The SPEAKER: The gentleman may proceed.

Mr. EMMONS: Mr. Speaker and Ladies and Gentlemen of the House:

This is a bill which simply changes the method of selecting the Clerks of Court. They are now elected, and this change would make them appointed by the Chief Justice of the Supreme Judicial Court.

I understand I am a lamb being led to slaughter, but I think this is a good bill. There was no opposition at the hearing, and I would like to say that having been a Clerk of Courts for ten years and also not affected in any way by this bill, because I would not be a candidate for election, I would not be a candidate for appointment. I think I can speak without bias, and practically all of the Clerks of Court in the State are in favor of this. In fact I know of none who are not. As far as we are concerned it is a nonpartisan measure because there are certainly two Clerks of Courts who are democrats.

A Clerk is part of the judicial system. He is the right hand of your Superior Court Justice whenever he comes to hold a term of Court. He is an administrative officer. Speaking from my own experience, I would say that it takes at least three years for a Clerk of Courts to know too much about what he is doing, and from that point on he learns every year. It is a job which is a specialty job in which the continuity of the office is very important. I suggest that this takes this out of politics rather than putting it into politics because I know of no Superior Court Judge who, after being appointed, in his duties as a judge is political, and I think that the Chief Justice could be assured—you could be assured that he would appoint if it became necessary, a good, able Clerk of Courts. And also if any Clerk was not doing his job, the Chief Justice would certainly hear from it very shortly from the Superior Court Justices as they travelled into that county for a term of court.

For that reason, I have presented this bill and I move that the Committee Report "A" be accepted, "Ought to pass".

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

Mr. TEVANIAN: Mr. Speaker and Members of the House: I feel it

my duty to arise in opposition to the motion of the gentleman from Kennebunk, Mr. Emmons. It is my feeling that the advocates of this drastic change in the method of selecting our Clerks of Court and attempting to take away from the citizens of Maine, their right and privilege to select, or rather elect, its own Clerk of Courts, and give that power to the Chief Justice of the Supreme Court, they intimate that the Maine electorate is not sufficiently qualified to gauge the ability, the characteristics, the personalities and integrity of the various candidates. This I submit is not accurate.

Our system of popular election has been very successful for over one hundred years. As a matter of fact, it was originally appointment by the Governor subject to Council confirmation. The record proves that over the years that our system of electing the clerks has been very successful, and I object and am opposed to any authoritarian restraint on the duty, privilege and responsibility of government by popular elections, where the need of such restraint is not proven over and beyond the normal yardstick of measurement generally necessary by this body. Therefore, I do not believe this issue is resolved as to whether or not the Chief Justice or the voter is the more capable of selecting the Clerk of Courts. But do the citizens of Maine want to have their judgment substituted for the judgment of the Chief Justice? I submit they do not.

Historically in this State, and every state in the country, and in our Federal Courts, the majority of the judges have been selected or elected through political activity. In short, and particularly in Maine, our judges own their tenure to past political activities. This I do not believe anyone will deny. However, they have been appointed, they have been removed from political activities and have been free from all political pressures, but this bill we are now discussing would make them subject to political pressure from sixteen counties within the State. This I want to avoid and this we should all strive to avoid. Let us continue as we have done in the

past, to keep the judicial free from political activity and political pressure, to keep the judicial separate from other branches of government and let us continue to allow the people of our State to elect the Clerks, thereby maintaining in the electorate the highest possible amount of voter interest so as not to create voter inertia and apathy any more than now exists. I thank you.

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

Mr. EARLES: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of the gentleman from Portland, Mr. Tevanian. I agree with him that by removing the Clerks of Court from voter participation, that in effect, you are striking at the very heart of county participation by the voters. If, as the gentleman from Kennebunk, Mr. Emmons, indicates, the Clerk of the respective courts is a Court Officer, and functions within the framework of judicial government, you may also apply that to the Sheriff's Department, they are elected. Certainly the Sheriffs function in a sphere that requires accurate knowledge, and they acquire that in the course of their term of office. They have personnel that are experienced when they come into office. The sheriffs serve writs, the sheriffs conduct public sales, and then we go next to the matter of the Registrar of Deeds, the Registrar of Probate, they also are elected.

Now as to the hearing, the proponents of the measure were the people concerned. There was no opposition, that is true, but I would like to bring to your attention the fact that in other states, in a great many of the other states, the Clerk of Courts are elected. In fairness to the contention of the gentleman from Kennebunk, Mr. Emmons, I will admit that there are some states, a few, in which the Clerks are appointed, but in running a check down through a number of the states, it shows that Arizona elects, Indiana elects, Iowa elects, Illinois elects, Ohio elects, Washington elects, Utah elects, and I could go on, Pennsylvania and Massachusetts, Connecticut and New Hampshire appoint not by the Chief Jus-

tice, but by the Justice of the Superior Court.

I think particularly pertinent to this is the fact of the decision of New Jersey. The Chief Justice of the New Jersey Court, Chief Justice Vanderbilt, is recognized through the entire country as an authority on modern government, of modern judicial systems, and a few years ago, through the efforts of the Chief Justice Vanderbilt, New Jersey refurbished its laws, rewrote its constitution, and as a result of that rewriting of its constitution, the Clerks of Court were elected for a term of five years. Also were the Surrogates who are the judges of the probate court, and the sheriff. So the preponderance of experience in the states of the United States is that the Clerks of Court should be elected.

It seems to me as the gentleman from Portland, Mr. Tevanian, indicated, if you place the Clerks of Court at the appointment decision of the Chief Justice, you will have to establish a swinging door to the office of the Chief Justice with sixteen counties to have ultimately new Clerks of Court. I feel that the Clerks of Court should remain as they are now, an elective office with that added voter participation.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker and Members of the House: I am a great believer in home rule; always have been and always will be. They have taken too much away from us already. Now I have in my hand a letter, and the heading is: "Supreme Judicial and Superior Courts, Kennebec County, Augusta, Maine," signed on the bottom of it is: "Respectfully yours, Harold C. Fuller, Clerk of County Commissioners". Well now I leave with you, the County Commissioners have a court once a month, sometimes oftener, special sessions. The most of our small counties have a court twice in a year. Who is the Clerk of the County Commissioners? He is the same man as the Clerk of Courts in all our towns, and I believe that we will be remiss. I go along with the gentleman from Portland, Mr. Tevanian, one hundred per cent. You are pushing the judgeship back into politics and pressure, where we



want them to be immune from all outside influence. I trust that the motion before the House does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. Walsh.

Mr. WALSH: Mr. Speaker and Ladies and Gentlemen of the House: I certainly want to concur with the gentleman from Belfast, Mr. Rollins, the gentleman from South Portland, Mr. Earles, and the gentleman from Portland, Mr. Tevastian. I feel certain that the present Chief Justice does not want to be placed in this position or any Chief Justice would want to be placed in such a position, and I certainly hope that the motion of the gentleman from Kennebunk, Mr. Emmons, does not prevail, and I request a division when the vote is taken.

The SPEAKER: The question before the House is the motion of the gentleman from Kennebunk, Mr. Emmons, that the House accept the "Ought to pass" Report on "Bill An Act relating to the Appointment of the Clerks of the Judicial Courts by the Chief Justice of the Supreme Judicial Court". The gentleman from Brunswick, Mr. Walsh, has requested a division.

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

Mr. BROWNE: Mr. Speaker and Ladies and Gentlemen: I signed the "Ought to pass" Report and I think I would like to explain the position of those—at least myself, and I believe the position of the individuals who signed the same.

First of all, I cannot draw an analogy between the Clerks of Courts and the Sheriffs Department. I think they are entirely separate, their duties, their activities, their responsibilities, and the scope of their authority. Clerk, by its name, is merely an administrative officer who has the responsibility of filing the papers and doing that work, receiving processes, which are presented to the Court for its attention. It is not inconsistent with that that its employer, the one to whom it is primarily responsible, the Court, in carrying out its functions, should have the authority to appoint such individual, such employee.

Secondly, I was motivated by the fact that there was no opposition,

and thirdly by the fact that the present Clerks Association was represented and apparently was unanimous in their opinion that this should be an appointive office. I have no personal reasons. I am sometimes surprised and enlightened possibly by the arguments which are presented on the floor of the House. I don't think this was a political issue in the Committee. If it was, republicans and democrats alike joined in Committee Report "B". I don't know what the disposition, I guess on Committee Report "A" they were all Republicans, but certainly in my mind the thought of politics didn't influence my decision. I shall vote for Committee Report "A".

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

Mr. CHILDS: Mr. Speaker and Members of the House: Just in order that there will be no confusion whether we are voting on Report "A" or Report "B", I shall move that this bill and its accompanying papers be indefinitely postponed.

The SPEAKER: The question now before the House is the motion of the gentleman from Portland, Mr. Childs, that Bill "An Act relating to the Appointment of Clerks of the Judicial Courts by the Chief Justice of the Supreme Judicial Court" House Paper 322, Legislative Document 439 and all accompanying papers be indefinitely postponed. Will those who favor indefinite postponement of this bill please say aye, those opposed, no.

A viva voce vote being taken, the motion prevailed and the Bill with all accompanying papers was indefinitely postponed and sent up for concurrence.

The SPEAKER: Under Orders of the Day the Chair now lays before the House the seventh tabled and today assigned matter, Bill "An Act relating to Motor Vehicles Emerging from Alley, Driveway or Building", House Paper 633, Legislative Document 748, tabled on March 28 by the gentleman from Perham, Mr. Bragdon, pending passage to be enacted, and the Chair recognizes that gentleman.

Mr. BRAGDON: Mr. Speaker, I yield to the gentleman from Ban-

gor, Mr. Quinn, who, I believe, has an amendment on this bill.

The SPEAKER: The Chair is advised that the gentleman from Perham cannot yield, but the gentleman from Bangor, Mr. Quinn, may be recognized in his own right if the gentleman from Perham, Mr. Bragdon, does not wish to speak.

Mr. BRAGDON: Mr. Speaker, my situation is that I wish to offer an amendment. However, two amendments, I understand, have been prepared for this bill, Amendment "A" and Amendment "B". My position was that I am certainly willing to allow Amendment "A" to be presented first; however, if it is in order I will ask to present Amendment "B".

The SPEAKER: The Chair understands the gentleman from Perham, Mr. Bragdon, now moves that under suspension of the rules the House reconsider its action whereby the Bill "An Act relating to Motor Vehicles Emerging from Alley, Driveway or Building," House Paper 633, Legislative Document 748, was passed to be engrossed on February 20. Is this the pleasure of the House?

The motion prevailed.

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

Mr. QUINN: Mr. Speaker, may I inquire of the Clerk what the filing number is of the amendment which I offered.

The SPEAKER: The Chair is advised that the number is 133.

Mr. QUINN: Mr. Speaker and Ladies and Gentlemen of the House: I don't seem to have it but I will explain there are two places in the second sentence of this particular bill that refers to "intersection", and I am offering Amendment Filing 133 to delete "intersection" where it is referred to in the fourth and sixth lines and have the words "public way" inserted in their place, because that appears to be the intent of the bill.

The SPEAKER: The gentleman from Bangor, Mr. Quinn, presents House Amendment "A".

The Clerk will read the Amendment.

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

HOUSE AMENDMENT "A" to H. P. 633, L. D. 748, Bill, "An Act Relating to Motor Vehicles Emerging from Alley, Driveway or Building."

Amend said Bill by striking out the underlined word "intersection" in the 6th and 4th lines from the end thereof, and inserting in place thereof the underlined words 'public way'

House Amendment "A" was adopted.

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

Mr. BRAGDON: I now offer House Amendment "B" and move its adoption, but I would like the privilege of speaking briefly on both the bill and the amendment.

The SPEAKER: The Clerk will read the amendment.

House Amendment "B" was read by the Clerk as Follows.

HOUSE AMENDMENT "B" to H. P. 633, L. D. 748, Bill, "An Act Relating to Motor Vehicles Emerging from Alley, Driveway or Building."

Amend said Bill by striking out in the 5th and 4th lines from the end thereof, the underlined words "sound his horn and"

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

Mr. BRAGDON: Mr. Speaker and Members of the House: Evidently it is the intention of this bill to take care of a situation where the driver of a car is approaching a public way from a building or alleyway where the view is pretty much obstructed on account of it being close to the sidewalk. I concur in the purposes of the bill, it is good. It says that the driver shall yield the right-of-way to a pedestrian on the sidewalk, sound his horn and then proceed cautiously. I think that is good.

But, if you will read the bill I think you will agree with me, that in tying it in or as it ties in with the general law in regards to approaching public ways, that it takes in a whole lot more territory than we would wish it to. If you will read it I think you will agree with me that it says, "Any driver of a car approaching any public way from any private way shall observe these rules." I submit to you that in the morning when you get up and leave

your own driveway your neighbor on your left is asleep, you blow your horn; in the afternoon possibly the nice lady on the right has just got the baby to bed and put him out on the porch, again you blow your horn. You leave the church, the super market, the schools, the drive-in theatre, and a hundred others, you approach a public way from a private way, again you blow your horn. Ladies and Gentlemen of the House, I hope you will give this amendment serious consideration.

The SPEAKER: The question before the House is the motion of the gentleman from Perham, Mr. Bragdon, that House Amendment "B" shall be adopted. Is this the pleasure of the House?

The motion prevailed and House Amendment "B" was adopted.

Thereupon, the Bill, having had its three several readings and the Committee on Bills in the Third Reading having reported no further verbal amendments necessary, was passed to be engrossed as amended by House Amendment "A" and House Amendment "B" and sent to the Senate.

The SPEAKER: The House is proceeding under Orders of the Day.

On motion of the gentleman from Cumberland, Mr. Call, the House voted to take from the table the sixteenth tabled and unassigned matter, Senate Report "Ought to pass" of the Committee on State Government on Bill "An Act relating to the Appointment of a Temporary Deputy Commissioner", Senate Paper 375, Legislative Document 998, tabled on March 21 by that gentleman pending acceptance in concurrence.

On further motion of the same gentleman, the Report and Bill were recommitted to the Committee on State Government in non-concurrence and sent up for concurrence.

On motion of the gentleman from Bangor, Mr. Quinn, the House voted to take from the table the twenty-fourth tabled and unassigned matter, Bill "An Act relating to Maturity Date of Bonds of Jay School District", Senate Paper 327, Legislative Document 823, tabled on

March 27 by that gentleman pending third reading.

On further motion of the same gentleman, the Bill was given its third reading, passed to be engrossed and sent to the Senate.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, I would like to reconsider our action of March 28 whereby we accepted the "Ought not to pass" Report on a Resolve Authorizing Attorney General to Investigate Title to Certain Island in B. Pond, Piscataquis County, House Paper 614, Legislative Document 861. I would like to reconsider it for the purpose of sending it to the Appropriations Committee for further consideration.

The SPEAKER: Did the gentleman request the Clerk of the House at any time to retain possession of the papers involved?

Mr. DUDLEY: No.

The SPEAKER: The Chair is advised that those papers are not in the possession of the House, and for that reason the motion is not in order.

Mr. DUDLEY: Can the Clerk of the House get them in his possession or can I ask him to have them in his possession the next legislative day?

The SPEAKER: The House may be at ease and the Clerk will attempt to secure possession of the papers in question.

#### House at Ease

The SPEAKER: The House will be in order.

The House is proceeding under Orders of the Day.

(Off record remarks)

Under suspension of the rules and out of order the gentleman from Enfield, Mr. Dudley, presented the following Order and moved its passage:

ORDERED, the Senate concurring, that Resolve Authorizing Attorney General to Investigate Title to Certain Island in B. Pond, Piscataquis County (H. P. 614) (L. D. 861) be recalled from the Legisla-

tive Files to the House for the purpose of reconsideration. (H. P. 1035)

The Order received passage and was sent up for concurrence.

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(Off record remarks)

The SPEAKER: The House is proceeding under Orders of the Day.

The gentleman from Winterport, Mr. Bean, was granted unanimous consent to address the House.

Mr. BEAN: Mr. Speaker and Members of the House: Last week when the first lists of bills carrying appropriations were placed on your desks, a statement was made that other lists would be presented as fast as they were received.

This morning a supplementary list has been placed upon the desks of the members listing bills carrying appropriations from March 20 through March 28, both from the General Fund and the Unappropriated Surplus. On the opposite side is a list of bills that adjustments have been made since the first list was presented on bills carrying appropriations, either increased or re-

duced. This is for the members to study and other lists will be presented as they are received.

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The gentlewoman from Portland, Mrs. Hendricks, was granted unanimous consent to address the House.

Mrs. HENDRICKS: With respect to Item four on today's blue sheet, I would like to say that I hope every member of the House will make a special effort to attend the showing of this film on mental illness. I think that the members will find it quite revealing. It has been made possible by Governor Leader of Pennsylvania, and, as I said before, I think the members will find it quite revealing and it will be an evening well spent. Thank you.

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The SPEAKER: The House is proceeding under Orders of the Day.

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(Off record remarks)

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On motion of Mr. Flynn of South Berwick,

Adjourned until nine-thirty o'clock tomorrow morning.