

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

Wednesday, April 10, 1957

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

Prayer by the Rev. Mr. David Dunkin of the First Baptist Church, Sedgwick.

The journal of the previous session was read and approved.

Papers from the Senate

From the Senate: The following Order:

ORDERED, the House concurring, that (H. P. 108) (L. D. 146) Bill, "An Act Increasing the Bounty on Bobcat" be recalled to the Senate from the Legislative files (S. P. 519)

Came from the Senate read and passed.

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

Senate Reports of Committees Ought Not to Pass

Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to Right to Vote of Civilian Employees Resident at Togus" (S. P. 130) (L. D. 268)

Report of the Committee on State Government reporting same on Bill "An Act relating to Organization and Duties of Maine Mining Bureau" (S. P. 438) (L. D. 1235)

Report of the Committee on Towns and Counties reporting same on Bill "An Act relating to Sessions of Boards of Registration" (S. P. 268) (L. D. 704)

Came from the Senate read and accepted.

In the House, the Reports were read and accepted in concurrence.

Ought to Pass

Report of the Committee on Welfare reporting "Ought to pass" on Bill "An Act relating to Eligibility for Old Age Assistance" (S. P. 414) (L. D. 1147)

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.

Ought to Pass with Committee Amendment

Report of the Committee on Claims on Resolve in favor of Francis J. Arnold of Providence, Rhode Island (S. P. 191) (L. D. 537) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 191, L. D. 537, Resolve, in Favor of Francis J. Arnold of Providence, Rhode Island.

Amend said Resolve by striking out in the 2nd line in said Resolve "general fund" and inserting in place thereof 'unappropriated surplus of the general fund.'

Committee Amendment "A" was adopted in concurrence and the Resolve assigned for second reading tomorrow.

Orders

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

Mr. TOTMAN: Mr. Speaker, under suspension of the rules and by unanimous consent, I request permission to address the House briefly on the record.

The SPEAKER: The gentleman from Bangor, Mr. Totman, requests under suspension of the rules that he be allowed to address the House briefly. Is there objection? The Chair hears none and the gentleman may proceed.

Mr. TOTMAN: Mr. Speaker, Ladies and Gentlemen of the House: We have today on our calendar, probably for the first time this session, one of the lengthiest Committee Reports of either Leave to Withdraw or Ought Not to Pass, which amounts to roughly forty-odd items.

I think it might be of mutual benefit, particularly to those of you who

are serving your first term, if I could summarize very sketchily, four possible procedures that can be taken particularly on Ought not to pass Reports. As we all know, the first and most obvious is to accept the Report. Admittedly, many of us seeing our pet bills come out ought not to pass, are very reluctant to accept the Report, and I am certainly in sympathy with that because I have been in the same position myself many times.

The next step is to protect that pet bill by tabling it either unassigned or assigned. I think probably the most significant comment I could make this morning, and I make it not in any way trying to persuade you to give up any of your rights, because I would be the first to admit and impress that any Member of this House has the right to table unassigned to the very last day he so desires. That is absolutely your right, and in some cases it is absolutely necessary.

However, for those of you who sincerely wish a short reprieve in order to gather some last defensive measures and last defensive arguments, I believe that you would be doing a considerable service to the business of this House and Legislature, if you could see your way clear to assigning a date. As a matter of personal policy during four terms in this House, it is very seldom that I have ever tabled a bill unassigned.

The third course, and I think a very commendable course, to promote the progress of business, if you do not agree with the Committee Report, is to debate it when it is read, right now, when it is read. You may or may not win your point, but at least you have the satisfaction of trying to protect your bill with the least amount of impeding the wheels of progress.

Then the fourth or fifth and last course, if you are convinced that your bill is destined to eventual death, and you feel that the time might as well be now as later, is to make some comments that you feel this bill had merits, etc., however, you do accept the Report of the Committee.

I want to emphasize that these various courses are entirely in or-

der, and I want to emphasize that speaking solely as Floor Leader for the majority party, there is absolutely no feeling on the part of myself as Majority Floor Leader that you should alter your personal convictions as to what you wish to do with your bills. However, you can help this legislature by perhaps making a decision today, that if we put it on the table unassigned, I can assure you from past experience, as we get into May or the last of April tempers will be shorter and patience begins to falter in the House, and the chances of upsetting or altering a Committee Report are much less than they are now.

I appreciate your attention and seriously hope that you will give some of these alternative measures, other than to table unassigned, your serious consideration. Thank you.

Mr. Jalbert presented the following Order and moved its passage:

ORDERED, the Senate concurring, that the Legislative Research Committee be, and hereby is, requested to study the desirability of creating a district court system integrating the activities of the present municipal court and trial justice systems; and be it further

ORDERED, that the Legislative Research Committee report the results of its findings to the 99th Legislature.

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

Mr. **JALBERT**: Mr. Speaker and Members of the House: I had a bill that was to be heard today before the Judiciary Committee which would call for a district court in Androscoggin County. This proposal was studied by the Judicial Council with some recommendations, but nothing too definite. The Maine Municipal Association, I understand, is taking it under advisement. The Androscoggin Bar Association met and felt that it should be on a state-wide basis if this was to be entertained. Certainly I did not know the geographical setup nor did I have the time to look into it on a state-wide basis, although I knew something of it in my County. I listened to all points of discussion. I asked and have been granted permission to withdraw the

bill that should be heard today before the Judiciary Committee, and therefore, introduced this Order which would allow all the groups concerned to make a study of the problem and report to the ninety-ninth session of the Legislature. I hope the Order receives passage.

The SPEAKER: The motion before the House is the motion of the gentleman from Lewiston, Mr. Jalbert, that the Order just read by the Clerk shall receive passage. Is this the pleasure of the House?

The motion prevailed.

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

House Reports of Committees Leave to Withdraw

Mr. Jack from the Committee on Claims on Resolve to Reimburse Chester Sargent of Bridgewater (H. P. 263) reported Leave to Withdraw.

Mr. Hancock from the Committee on Judiciary reported same on Bill "An Act relating to Appointment of Trial Justices" (H. P. 363) (L. D. 493)

Mr. Cote from the Committee on Legal Affairs reported same on Bill "An Act Increasing Compensation of Aldermen of the City of Lewiston" (H. P. 816) (L. D. 1159)

Mr. Flynn from the Committee on Retirements and Pensions reported same on Bill "An Act relating to Service Retirement for State Liquor Inspectors" (H. P. 756) (L. D. 1070)

Mr. Lindsay from same Committee reported same on Resolve Increasing State Pension for Lynwood R. Bowden of Penobscot (H. P. 625) (L. D. 872)

Mr. Shaw from same Committee reported same on Resolve Granting a Pension to Katharine M. Rolfe of Bridgton (H. P. 233) (L. D. 326)

Mr. Hanson from the Committee on Taxation reported same on Bill "An Act Exempting Packaging Materials Used by Custom Manufacturers from Sales Tax" (H. P. 401) (L. D. 531)

Mr. Walsh from same Committee reported same on Bill "An Act Ex-

empting Motor Vehicles of Military Personnel in Maine from Excise Taxes" (H. P. 912) (L. D. 1297)

Reports were read and accepted and sent up for concurrence.

Ought Not to Pass Tabled and Assigned

Mr. Hutchinson from the Committee on Claims reported "Ought not to pass" on Resolve to Reimburse Town of Caribou for Aid to Alphee Ouellette (H. P. 681) (L. D. 970)

Report was read.

(On motion of Mr. Brewer of Caribou, the Report with accompanying papers was tabled pending acceptance of the Report and specially assigned for Friday, April 12.)

Mr. Shaw from the Committee on Claims reported "Ought not to pass" on Resolve to Reimburse Town of Chapman for Supplies Furnished Sherman McGlinchey (H. P. 701) (L. D. 1008)

Same gentleman from same Committee reported same on Resolve to Reimburse Town of Chapman for Supplies Furnished George Henderson (H. P. 702) (L. D. 1009)

Mr. Hancock from the Committee on Judiciary reported same on Bill "An Act Repealing Law Permitting Waiver of Indictment" (H. P. 771) (L. D. 1104)

Mr. Tevanian from same Committee reported same on Bill "An Act relating to Duties of Town Clerks Concerning Vital Statistics" (H. P. 218) (L. D. 302)

Mr. Childs from the Committee on Legal Affairs reported same on Bill "An Act relating to Municipal Officers in the City of Lewiston" (H. P. 817) (L. D. 1160)

Reports were read and accepted and sent up for concurrence.

Bill Substituted for Report

Mr. Childs from the Committee on Legal Affairs reported "Ought not to pass" on Bill "An Act relating to Quinellas at Harness Race Meets" (H. P. 818) (L. D. 1161)

Report was read.

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

Mr. JALBERT: Mr. Speaker, one day after the hearing on this piece of legislation, I started to receive

from all over the country replies in that it concerns this measure that I had proposed.

The bill involves restricting Quinellas at our race meets in Maine to one per day. For explanation, I might state that a Quinella is—and there might be some who are better qualified to explain it than I am, but I will do my best to do it—if you buy a ticket on a Quinella, it means that say in any one race they have five, six, seven or eight horses, you buy a ticket numbered one and two or three and four or five and seven, should the combination of the ticket come in, if your ticket is numbered two and four, if the two horse comes in first and the four horse comes in second, you collect as you would on a daily double ticket. If the four horse comes in first and the two horse comes in second, you collect also.

It certainly is understandable what can easily happen in a five horse race when two of the horses or—because four of the horses are involved in it. It gives in my opinion and in the opinion of many, the feeling that possibly some of our race meets as was stated at the hearing,—I didn't say it, it was one of the opponents who said it—sometimes that—he was questioned by one of the members of the Legal Affairs Committee and informed the Legal Affairs Committee that he might be confusing his question. What he meant to say is the horse that was supposed to win.

Now I am not—I don't wear a halo, I am not adverse to going to the horses and watching a horse race. I haven't wagered for the last two years on them because of one, a promise I made for one year for personal reasons, and then the second year when the promise and the pledge was over, I found myself enjoying watching them as much as I did before enjoy watching them and betting on them, but I am for good horse racing, and the purpose that I presented this bill is because of the fact that I felt it was definitely hurting the racing game.

This morning before coming to Augusta, I met a man who was formerly associated with the racing game, a good sound businessman in my community, whose father was

one of the greatest drivers in the game, and unsolicited, he said to me: "I hope you make out well with your bill to outlaw the Quinellas, that is, they would rather have one per meet. As a matter of fact there should be no Quinellas at all." He certainly is well versed on the subject and told me that it was definitely hurting the racing game, the harness racing game. They do not have Quinellas as I understand it, at the flat racing, that is, at the runners at Scarborough. I do not know about that situation because I have never been to Scarborough.

Now I would like to read to you, this is a form letter that I wrote asking questions of the various racing commissions, and in this questionnaire, the three and four questions are to the point. The third question is, "What is the practice relating to daily doubles and Quinellas? (Please quote or enclose law or rule and regulation governing these?)" Obtain from Supervisor—that is their answer. Four, "Are the numbers of daily doubles or Quinellas limited in any racing day or meet? (Yes or No) If Yes, please indicate limitation." This is the reply from the Ontario Racing Commission: They allow one each day. One daily double, one Quinella. And I submitted these to the Committee yesterday for their consideration in executive session because I have them all, I have even got the envelopes, and I have got them all helter skelter, both some for, and some against.

The California Horse Racing Board, one daily double, one Quinella. The Colorado Racing Commission, no. If "yes", please indicate limitation. Their answer to that is "no". Matter of fact, they don't have daily doubles. The Delaware Harness Racing Commission, one daily double, no Quinellas. I happen to know that they had Quinellas and outlawed them recently. The Florida State Racing Commission, only one daily double permitted. In Florida they have harness racing, flat racing, dog racing, jai alai and everything else. They allow only one daily double permitted on each race program. Quinellas permitted in greyhound racing and jai alai.

The Illinois Racing Commission, Quinellas not used, only one daily double per day. The Kentucky Racing Commission, daily double, no Quinella. The Louisiana State Racing Commission, daily double first and second race, no Quinella. The Massachusetts Racing Commission, you will note that only one daily double is permitted during any single race day. Quinellas are not permitted, with the "not" underlined.

The Nebraska State Racing Commission, daily double, yes, Quinella not prohibited but not used. The Racing and Athletic Commission in Rhode Island, one daily double per day, no Quinellas. The Ohio State Racing Commission, one daily double permitted only on first and second race. Quinellas not permitted. The New York State Racing Commission, daily double, one; Quinellas, no. The New Mexico State Racing Commission, daily doubles, yes; Quinellas, no. The New Hampshire Racing Commission, only one daily double permitted during any single day and it shall be on the first and second race. There is no Quinella betting. The New Jersey Racing Commission, one daily double, and all other forms of this type of wagering including Quinellas prohibited.

I have one here from Nevada that I just got this morning. Nevada, one race on daily doubles, first and second race, Quinellas every day, and it is fair to assume that all you have got to do in Nevada is roll out of bed and you get hit with a slot machine.

I feel on this bill very, very strongly. I know of several instances in my community and elsewhere when people who are waitresses, people who cannot afford to bet, will take a gamble on that Quinella particularly when it involves two horses in one race because the pay-off might be large. As I stated before, I am not adverse to gambling, but I don't want to have it brought into the kitchen.

I know that the argument will be that some on the Committee have told me that it could have been left to the discretion of the Racing Commission. It has been left to the discretion of the Racing Com-

mission, and the answer was the last three weeks of racing last year in Cumberland there was Quinella betting on every race, on every heat of every racing day with oftentimes five horses participating. Now this form of gambling is bad. It is bad to a point where it is going to eventually, if it continues, ruin harness racing in Maine. The birthplace of harness racing was here in Maine. Now I know that we can be different in Maine, but I don't think we want to be different in so far as gambling is concerned to the extent we want to throw everything in.

I have a lot of respect for Reports of Committees. I have talked to members of the Committee who have told me they had no particular interest at all, they knew nothing about racing. I know there are some on the Committee and justifiably so, that do possibly know more about it than I do, particularly due to the fact that they are—one particularly is a great lover of horses. I have a lot of respect for his opinion.

I am very sincere about this thing. My strongest case are the letters that I wrote. The questions were not asked in a way that it would have to be a "yes". The case is very clear. They have and don't like and prohibit Quinella betting in some places and don't even have daily double racing. This bill calls for the daily double and this bill calls for one Quinella per race day. I certainly hope and I now move that the bill be substituted for the Report.

The SPEAKER: The motion before the House is on the motion of the gentleman from Lewiston, Mr. Jalbert, that with respect to item fifteen, Bill "An Act relating to Quinellas at Harness Race Meets" the bill be substituted for the Report.

The Chair recognizes the gentleman from Bridgton, Mr. Haughn.

Mr. HAUGHN: Mr. Speaker and Members of the House: I want to concur with the remarks of my colleague and friend, the gentleman from Lewiston, Mr. Jalbert, because it has been brought to my attention that there were two operators on this track who own horses and run horses who were definitely opposed

to this procedure of running Quinellas every race as they have been doing. They do not definitely say they can prove that there was a wrong and injustice done, but in their minds there is, and they cannot be quoted publicly because they would be barred and ruled off the track for exposure.

I personally intend to follow this thing through a little farther beyond what the scope of this is for possible investigation at some little later date. And if our Commission is not functioning as what the legislative intent meant it to be to run racing right, and go into the extent of gambling which they are now doing, then I certainly hope that the motion of the gentleman from Lewiston. Mr. Jalbert, will prevail.

It appears to me too that some Members of the Committee the same as myself, in talking over this particular bill together last night, they did not even know what Quinella meant. I didn't know until two days ago, but when I found out what it meant, it is just a legalized lottery in my estimation. I hope the motion of Mr. Jalbert, the gentleman from Lewiston, does prevail.

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

Mr. CHILDS: Mr. Speaker and Members of the House: Whereas my father is the owner of six or seven trotting horses, the Committee has delegated me to be the expert on racing. I shall not try to compete with the gentleman from Lewiston, Mr. Jalbert, on the merits of Quinellas. I only say the gentleman and I have a different issue which we are debating. The gentleman from Lewiston, Mr. Jalbert, is debating whether Quinellas are good or bad for harness racing. As far as I am concerned and the Members of the Committee were concerned, we believe the issue here is whether this was an administrative act.

First of all, the Legislature creates a body for a specific purpose. Here they create a Commission. On the Commission it is the duty of the Governor to appoint men who are qualified and who know the racing business. Of course those appointments have to be confirmed by the Council. It is their job to protect the public and to protect harness

racing. It is their job to determine what is best for harness racing. Now I wholeheartedly agree with the gentleman from Lewiston, Mr. Jalbert, that Quinellas every single race is bad for racing and it is bad for the public, but it is the opinion of the Committee it is the function of the Commission itself, and the Legislature should not as a matter of fact go into the rights of a Commission. Even though we have a right to do it, we set them up for specific purposes. If we are going to start passing rules and regulations pertaining to each and every Commission, our law books will be covered and we would have no need for a Commission, the Legislature itself would be one. So I can only say the thinking of the Committee was this is something that should be handled by the Commission. If the Commissioners are not doing the job that they should do, the Legislature should not infringe there, it is up to the Governor to appoint men who are qualified and who will do the job that they should. So therefore, I move that this bill and its accompanying papers be indefinitely postponed.

The SPEAKER: The motion before the House now is the motion of the gentleman from Portland, Mr. Childs, that L. D. 1161, Bill "An Act relating to Quinellas at Harness Race Meets" and all accompanying papers be indefinitely postponed.

The Chair recognizes the gentleman from Union, Mr. Heald.

Mr. HEALD: Mr. Speaker, I would like to concur that the bill be indefinitely postponed. I feel that these Quinellas are essential to the agricultural fairs. I have an example of my own fair last year, after some bad rainy weather, we ran three Quinellas and the added revenue pulled us out of the fire.

As the gentleman from Portland, Mr. Childs, pointed out, we—the people appoint the Commission and it is the Commission's duty, they are the people that understand the situation, it is their duty to govern this Quinella business and I don't believe they will go along with Quinellas for every race. However, I don't agree that Quinellas are bad for the public or bad for racing. I think that they are the type of bet

that the small better enjoys, and that the reason some of the larger tracks in some of the more popular areas have outlawed so many Quinellas is purely a money reason because the Quinella is designed more for the inexperienced betters, the less professional betters, the two-dollar betters the same as we have here in Maine and the same as we have at our agricultural fairs.

I note from my own experience, that to prohibit us from having lawful Quinellas would work a hardship on our program that is already having a pretty tough time.

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

Mr. JALBERT: Mr. Speaker, the gentleman from Union, Mr. Heald, mentioned the fact that the Quinella is aimed more at the inexperienced better, and that is the reason that they are helpful to them. I am aware of the fact that at Union they had bad weather. One other way they could have done it, they do it at other fairs, they do it all the time, was just instead of having eight heats, they could step the program up to ten or eleven or twelve. I don't think that the agricultural fair enters into this thing. I don't think that harness racing was meant to necessarily make the agricultural fairs live or vice versa. I think both are divorced.

In so far as the Quinella being to help out the—being set up to help out the inexperienced better, I might remind the gentleman from Union, Mr. Heald, or anyone, that if they go to a race track they can see six, seven, eight or ten two dollar windows. You can buy a two dollar ticket to win, to place or to show. And I am sure and certain that if there is a five horse race and you buy a ticket to show, you stand a great deal better shot than if you are hooked into a daily double and you have got to sometimes fight the barn, the horse, the driver and everything else. That is what was said at the hearing when the remark was made that nobody gets hurt out of these things, only the public. As stated very aptly in the Bangor News: "Let the public be damned". It is the old adage. As far as helping the agricultural fairs,

I understand there is a bill before this House—before the Committee that is going to receive favorable report, stepping up their take to seventeen per cent, which gives them half of one per cent which will be most helpful to them.

Now the motion of the gentleman from Portland, Mr. Childs, to place all papers in file thirteen, means this: If you want to bring Quinella racing into your kitchen, vote for his motion; if you want clean racing, vote against his motion, and I will move to substitute the bill for the report.

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

Mr. CHILDS: Mr. Speaker, I believe the gentleman from Lewiston, Mr. Jalbert, has certainly done me a great injustice. That is not the purpose of my motion at all, and my theory is not that I am in favor of Quinella racing. My theory is in State Government and how State Government operates, and I think the gentleman would be willing and if he would tell the Members of the House in all the letters that he received from all the different Commissions, if he has inquired, he will find out that the elimination of Quinellas or the running of daily doubles is rules and regulations by the Commission, and those are why those Commissions are appointed for that specific purpose, and the Legislature—is not an act of Legislature to pass rules and regulations. These men are experts or supposedly experts. They are men who the Governor is of the opinion are qualified. Now if these men aren't qualified, I think the gentleman should go to somebody else and possibly can find some men who will run it properly, but I certainly don't think the Legislature should take a part in passing rules and regulations.

The SPEAKER: The Chair recognizes the gentleman from Bridgton, Mr. Haughn.

Mr. HAUGHN: Mr. Speaker, I think the purpose and intent of all is real serious, but I do believe that if the Commission is not performing the duty according to what the wishes of the law and pattern set up by the Legislature, then I certainly say this bill is necessary, and when

the vote is taken I request that it be taken by a division.

The SPEAKER: The motion before the House is the motion of the gentleman from Portland, Mr. Childs, that Bill "An Act relating to Quinellas at Harness Race Meets" House Paper 818, Legislative Document 1161, and all accompanying papers be indefinitely postponed. Is the House ready for the question?

Will all those who favor the motion of the gentleman from Portland, Mr. Childs, for the indefinite postponement of Bill "An Act relating to Quinellas at Harness Race Meets", please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Sixty-three having voted in the affirmative and sixty-five having voted in the negative, the motion did not prevail.

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

Mr. JALBERT: Mr. Speaker, I now move to substitute the Bill for the Report.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves that the Bill now be substituted for the Report. Is this the pleasure of the House?

The motion prevailed, the Bill was read twice and tomorrow assigned.

The SPEAKER: At this time the Chair would like to recognize the presence in the gallery of the House of the Maine History Class from Freeport Junior High School accompanied by Mr. Cousins and Mrs. Webber. On behalf of the House, the Chair extends to you ladies and gentleman a most cordial welcome and we hope that you will enjoy and profit by your visit with us today.

(Off Record remarks)

Mr. Desmarais from the Committee on Retirements and Pensions reported "Ought not to pass" on Resolve in favor of Nellie K. Freeman of Acton (H. P. 79) (L. D. 105)

Report was read and accepted and sent up for concurrence.

Tabled

Mr. Desmarais from the Committee on Retirements and Pensions reported "Ought not to pass" on Resolve in favor of Mabelle K. Toole of Bangor (H. P. 389) (L. D. 520)

Report was read.

(On motion of Mr. Quinn of Bangor, the Report with accompanying papers was tabled pending acceptance of the Report and unassigned.)

Tabled and Assigned

Mr. Flynn from the Committee on Retirements and Pensions reported "Ought not to pass" on Resolve Providing for State Pension for Samuel Hanson of Baring (H. P. 822) (L. D. 1165)

Report was read.

(On motion of Mr. Davis of Calais, the Report with accompanying papers was tabled pending acceptance of the Report and specially assigned for Tuesday, April 23.)

Mr. Jewell from the Committee on Retirements and Pensions reported "Ought not to pass" on Resolve Granting a Pension to Hubert E. Redding, South Berwick (H. P. 388) (L. D. 519)

Report was read and accepted and sent up for concurrence.

Tabled and Assigned

Mr. Lindsay from the Committee on Retirements and Pensions reported "Ought not to pass" on Resolve Providing for an Increase in State Pension for Viola Michaud of Soldier Pond (H. P. 725) (L. D. 1029)

Report was read.

(On motion of Mr. Gallant of Eagle Lake, the Report with accompanying papers was tabled pending acceptance of the Report and specially assigned for Tuesday next.)

Mr. Lindsay from the Committee on Retirements and Pensions reported "Ought not to pass" on Resolve Providing for State Pension for Herbert Chase of Burnham (H. P. 827) (L. D. 1169)

Same gentleman from same Committee reported same on Resolve Providing for State Pension for Lillian F. Ready of Brewer (H. P. 758) (L. D. 1072)

Mr. Shaw from same Committee reported same on Resolve Providing for a State Pension for Philip Anderson of Portland (H. P. 622) (L. D. 869)

Mr. Brown from the Committee on Taxation reported same on Bill "An Act Exempting Persons Sixty Years of Age from Poll Tax" (H. P. 243) (L. D. 336)

Reports were read and accepted and sent up for concurrence.

Bill Substituted for Report

Mr. Brown from the Committee on Taxation reported "Ought not to pass" on Bill "An Act relating to Excise Taxes on Motor Vehicles of Those Who Reside on Veterans Administration Facility, Togus" (H. P. 925) (L. D. 1314)

Report was read.

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

Mr. ALLEN: Mr. Speaker and Members of the House: We, in Chelsea, are proud that the Veterans Administration Facilities lie within the corporate limits of the Town of Chelsea. However, there is a law that anybody residing—any civilian employees residing on the Veterans Administration Facility cannot be a resident. Therefore, they are not subject to the taxes of the Town of Chelsea, and when it comes to pay the excise tax they must pay it somewhere, they probably go to the City of Augusta. I don't know how the City of Augusta or other places might—by what authority they collect that tax, but they do anyway, so it has been our feeling that the Town of Chelsea is being robbed so to speak.

We have a small town with a population of about two thousand opposed to Augusta of some twenty thousand. Now these people spend money in Augusta and the City of Augusta in general benefits by the money they spend. We don't have facilities for that so we don't object to that, but we do feel that they should be allowed and should pay their excise tax on their motor vehicles to the Town of Chelsea, so I move we substitute the bill for the Report.

The SPEAKER: The motion before the House is the motion of the gentleman from Chelsea, Mr. Allen, that relating to item twenty-five, Bill "An Act relating to Excise Taxes on Motor Vehicles of Those Who Reside on Veterans Administration Facility, Togus," that the Bill be substituted for the "Ought not to pass" Report.

The Chair recognizes the gentleman from Gardiner, Mr. Hanson.

Mr. HANSON: Mr. Speaker, in defense of the Committee, I was trying to find the document here, but in defense of the Committee in the decision that they made on that, I believe that besides the gentleman from Chelsea, Mr. Allen, appearing before the Committee, I believe the gentleman from Augusta, Mr. Carey, appeared before the Committee and he claimed that—if I remember right, he claimed that the residents or a part of the land that is used by the Veterans Administration also came from a part of Augusta, and that he felt they should have the privilege of paying their excise tax where they saw fit.

I think possibly this is a question that could be settled much more satisfactorily between the communities themselves than by the Legislature. I hope that the motion does not prevail.

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

Mr. ALLEN: Mr. Speaker, in answer to that question that was brought up about part of the Veterans Administration being in Augusta, I thought I had cleared that at the Committee. The land owned by the Veterans Administration does extend into Augusta and they own various pieces of land I guess in Windsor and other places, but the part that is in Augusta is a small portion and is entirely uninhabited. The inhabited part lies within the Town of Chelsea, and for that reason if that wasn't a reservation and set off that way, anybody residing there naturally would pay their excise tax to the Town of Chelsea, but by a quirk in the law that says they don't gain a residence in Chelsea, why the Town is cheated out of it

by the City of Augusta taking it up when they can get it.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Carey.

Mr. CAREY: Mr. Speaker and Members of the House: I would like to point out just briefly that we are dealing with a military installation. The personnel who live at this installation maintain their residences all over the country. I talked with one gentleman the other evening whose residence is in Florida, and he licenses his automobile in Florida and pays his excise tax there.

Having lived on military installations quite frequently the last few years, I have never known of any such instance where any legislation prevailed upon any person residing on a military installation to pay their excise tax in any particular place. They usually to my knowledge, pay their excise tax wherever they vote, and at our Government installation here at Togus, we have people whose residences are all over the country. I do not feel that we should confine them to paying their taxes in any particular place, seeing that this would be something completely unusual.

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

Mr. CURTIS: Mr. Speaker, I want to go on record of favoring the motion of the gentleman from Chelsea, Mr. Allen, because it looks to be the only sensible thing to do, from small towns or from any town for that matter. I know that this excise tax is a big thing for towns. I don't know how my town or any other towns of which I am acquainted with their financial affairs, could operate and do the job they are doing for roads without this excise tax. Now this excise tax, most of the towns for a number of years have been putting it right on the roads, and I think that is where it should be. In fact I would be in favor of a law that would say they all had to put it on the roads rather than use it otherwise, because it is a tax coming from the automobile owner and he has been pretty well banged over the head everywhere, and I think any money that comes from him should be put on

the roads for his use if it comes from that particular area.

I can't see any reason why Augusta without having any inhabitants there, would want the excise tax put here in Augusta, it would be beyond all sense and reason to me, or all fairness and justice. Now if there was someone residing there and the bill is substituted for the Report, we might table it and strike out the words and say where a man resides he should pay his excise tax, because I think of military or non-military we are getting away from the idea of what excise taxes are for and what they should be used for.

The SPEAKER: The Chair will state that the motion before the House is the motion of the gentleman from Chelsea, Mr. Allen, that with respect to item twenty-five, the Bill be substituted for the "Ought not to Pass" Report.

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

Mr. QUINN: Mr. Speaker, I would like to stand and oppose the motion to substitute the bill for the Report. There is a distinction between residence and domicile. Domicile is where a person has his home; residence is where he temporarily is. The state law relative to payment of the excise tax provides that a person will pay it at his residence, meaning his domicile, the place where he makes his home, where he has a voting residence, etc. Now just because a few of our soldiers are unfortunate enough physically or mentally to have to be hospitalized and taken from their domicile or their residence and have a temporary residence in Togus, is no reason why their excise tax shouldn't be paid in the community where their home is, where they reside. They are in Togus from all of the communities in the State of Maine, and there is no reason why their community at home should not have the benefit of the excise tax, and there is no reason in the world why the Town of Chelsea merely because they are there receiving medical attention and treatment, should have that excise tax. It belongs to the home where these soldiers came from in the State of Maine.

Mr. ALLEN: Mr. Speaker?

The SPEAKER: The Chair would remind the gentleman that he has already spoken twice to the item. In order to speak a third time he must have the consent of the House.

Mr. ALLEN: I request unanimous consent to clear up a point that has been brought up.

The SPEAKER: Unanimous consent is not necessary, but it requires the consent of a simple majority. Will all those in favor of permitting the gentleman from Chelsea, Mr. Allen, to speak a third time to the Bill please say aye, those opposed, no.

A viva voce vote being taken consent was granted.

Mr. ALLEN: Mr. Speaker, I think the issue might be confused a little here in their saying that soldiers or veterans going to that hospital would be involved. This merely aims at the residents who live on the reservation, the civilian employees who have to live on the reservation because of the nature of their work, they might be doctors or nurses or engineers, who have to be near the hospital to take care of the patients. There are quite a few homes on the reservation, which if that wasn't reserved, that reservation would be in Chelsea. Thank you.

The SPEAKER: The gentleman from Chelsea, Mr. Allen, moves that with respect to item twenty-five, the Bill "An Act relating to Excise Taxes on Motor Vehicles of Those Who Reside on Veterans Administration Facility, Togus", House Paper 925, Legislative Document 1314, be substituted for the "Ought not to pass" Report. Is the House ready for the question?

Will all those who favor substituting the Bill for the Report please say aye, those opposed, no.

A viva voce vote being taken the motion prevailed and the Bill was substituted for the "Ought not to pass" Report, the Bill read twice, and tomorrow assigned.

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

Mr. CURTIS: Mr. Speaker, I would like to table that Bill until Tuesday next.

The SPEAKER: The Chair would advise the gentleman from Bow-

doinham, Mr. Curtis, that since the Bill has been assigned for third reading tomorrow, he should defer his tabling motion until that time tomorrow.

Tabled and Assigned

Mr. Cyr from the Committee on Taxation reported "Ought not to pass" on Bill "An Act Assessing a Poll Tax on Females" (H. P. 242) (L. D. 335)

Report was read.

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

Mr. SMITH: Mr. Speaker, House Paper 242, Legislative Document 335, I wish to lay on the table until May 1, Wednesday.

The SPEAKER: With respect to item 26, the gentleman from Portland, Mr. Smith, moves that this bill be tabled and specially assigned for May 1 pending acceptance of the Committee Report. Is this the pleasure of the House? The Chair hears objection.

Will all those who favor the motion to table and assign for May 1 please say aye, those opposed, no.

A viva voce vote was taken and the Chair being in doubt ordered a division.

A division of the House was had.

Twenty-eight having voted in the affirmative and seventy-eight having voted in the negative, the motion did not prevail.

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

Mr. TOTMAN: Mr. Speaker, I would like to make a second motion if it is in order. I would like to explain to the gentleman from Portland, Mr. Smith, who just made the motion, that I think the House perhaps opposed his motion for May 1 from the psychological shock of the date. I was one of those who felt that perhaps it was too discouraging to think of tabling until next month. However, I would be willing to make the motion now out of courtesy to the gentleman from Portland, Mr. Smith, that this bill be tabled and specially assigned for Tuesday, April 16.

The SPEAKER: With respect to item twenty-six, Bill "An Act Assessing a Poll Tax on Females",

the gentleman from Bangor, Mr. Totman, now moves that this Bill be tabled and specially assigned for April 16.

Will all those who favor this tabling motion please say aye, those opposed, no.

A viva voce vote being taken the motion prevailed and the Bill was so tabled.

Mr. Cyr from the Committee on Taxation reported "Ought not to pass" on Bill "An Act relating to Taxing of Land in Unorganized Territory" (H. P. 911) (L. D. 1296)

Mr. Farmer from same Committee reported same on Bill "An Act relating to Taxation of Certain Personal Property Where Found" (H. P. 189) (L. D. 252)

Reports were read and accepted and sent up for concurrence.

Mr. Rollins from the Committee on Taxation reported "Ought not to pass" on Bill "An Act Exempting Water Sold for Home Consumption from Sales Tax" (H. P. 143) (L. D. 186), as it is covered by other legislation.

Report was read.

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

Mr. COUTURE: Mr. Speaker and Members of the House: It is with great reluctance this morning that I rise to allow my bill to die a natural death, but I see that it is covered by other legislation and after hearing our able floor leader this morning, I think that he made a lot of sense in speaking. We can table these bills, but I think that a lot of them will just clutter up the calendar, and I am willing to go along with his thoughts and hope that in the other legislation in which this is covered that it will do the same thing as I intended it to do. I don't particularly care whether it is my measure or anybody's else measure if it will do the same as this bill I presented to the legislature would do. Thank you very much.

Report was accepted and sent up for concurrence.

The SPEAKER: At this time the Chair would like to recognize the

presence in the gallery of the House of a group of history students from Lisbon Grammar School under the escort of their Principal, Mr. Philip Ross. On behalf of the House, the Chair extends to you ladies and gentlemen a most cordial welcome and we hope that you will enjoy and profit by your visit with us today. (Applause)

Tabled and Assigned

Mr. Rollins from the Committee on Taxation reported "Ought not to pass" on Bill "An Act Exempting Sales of American Flag from Sales Tax" (H. P. 402) (L. D. 532)

Report was read.

(On motion of Mr. Plante of Old Orchard Beach, the Report with accompanying papers was tabled pending acceptance of the Report and specially assigned for Tuesday, April 16.)

Mr. Walsh from the Committee on Taxation reported "Ought not to pass" on Bill "An Act Exempting Animal Welfare Societies from Sales Tax" (H. P. 293) (L. D. 389)

Same gentleman from same Committee reported same on Bill "An Act Repealing the Poll Tax" (H. P. 553) (L. D. 780), as it is covered by other legislation.

Mr. Hendsbee from the Committee on Towns and Counties reported same on Bill "An Act Increasing Compensation of Members of Boards of Registration" (H. P. 845) (L. D. 1199), as it is covered by other legislation.

Reports were read and accepted and sent up for concurrence.

Tabled and Assigned

Mr. Leathers from the Committee on Towns and Counties reported "Ought not to pass" on Bill "An Act Authorizing Bond Issue for Cumberland County for Capital Expenditures for Civil Defense" (H. P. 333) (L. D. 418)

Report was read.

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

Mr. EARLES: Mr. Speaker, with respect to item thirty-four, in order that I may communicate the wisdom of Towns and Counties Committee to the County Commissioners of

Cumberland County, I respectfully request permission that this bill be placed on the table and specifically assigned for Tuesday, April 16.

The SPEAKER: With respect to item thirty-four, Bill "An Act Authorizing Bond Issue for Cumberland County for Capital Expenditures for Civil Defense", the gentleman from South Portland, Mr. Earles, now moves that this item be tabled and specially assigned for Tuesday, April 16, pending acceptance of the Committee Report. Is this the pleasure of the House?

The motion prevailed and the Report and Bill were so tabled.

Tabled and Assigned

Mr. Prue from the Committee on Towns and Counties reported "Ought not to pass" on Bill "An Act relating to the Appointment of Deputies by County Sheriff" (H. P. 731) (L. D. 1035)

Report was read.

(On motion of Mrs. Mann of Paris, the Report with accompanying papers was tabled pending acceptance of the Report and specially assigned for Friday, April 12.)

Mr. Webber from the Committee on Towns and Counties reported "Ought not to pass" on Bill "An Act relating to Towns' Responsibility for Fences Around Cemeteries" (H. P. 729) (L. D. 1033)

Report was read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Draft Printed

Mr. Quinn from the Committee on Legal Affairs on Bill "An Act to Provide a Representative-Manager Form of Government for the Town of Lincoln, County of Penobscot" (H. P. 642) (L. D. 909) reported same in a new draft (H. P. 1044) (L. D. 1483) under title of "An Act Amending the Charter of the Town of Lincoln" and that it "Ought to pass"

Mr. Ervin from the Committee on Towns and Counties on Bill "An Act relating to Requests for Secret Balloting at Town Meetings" (H. P. 914) (L. D. 1275) reported same in a new draft (H. P. 1042) (L. D. 1481) under same title and that it "Ought to pass"

Mr. Beyer from the Committee on Transportation on Bill "An Act Regulating Motor Vehicles at Traffic Circles" (H. P. 732) (L. D. 1036) reported same in a new draft (H. P. 1043) (L. D. 1482) under title of "An Act Regulating Motor Vehicles at Traffic Circles or Rotary Intersections" 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. Broderick from the Committee on Judiciary reported "Ought to pass" on Bill "An Act Repealing the Incorporation of the Master, Wardens and Members of Freeport Lodge" (H. P. 367) (L. D. 497)

Mr. Browne from same Committee reported same on Bill "An Act relating to Disposition of Trust Income Earned During Period of Administration" (H. P. 543) (L. D. 770)

Mr. Childs from the Committee on Legal Affairs reported same on Bill "An Act to Create the Westbrook Parking Authority" (H. P. 428) (L. D. 604)

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

Tabled

Mr. Hathaway from the Committee on Legal Affairs reported "Ought to pass" on Bill "An Act relating to Pari Mutuel Horse Racing and the Stipend Fund" (H. P. 748) (L. D. 1062)

Report was read.

(On motion of Mr. Tarbox of Gouldsboro, the Report with accompanying papers was tabled pending acceptance of the Report and unassigned.)

Tabled and Assigned

Mr. Brown from the Committee on Taxation reported "Ought to pass" on Bill "An Act relating to Time of Applications for Refunds of Gasoline Tax" (H. P. 913) (L. D. 1299)

Report was read.

(On motion of Mr. Hughes of St. Albans, the Report with accompany-

ing papers was tabled pending acceptance of the Report and specially assigned for Friday, April 12.)

Mr. Hanson from the Committee on Taxation reported "Ought to pass" on Bill "An Act relating to Time for Requesting Tax Exemptions by Veterans' Widows" (H. P. 885) (L. D. 1253)

Report was read and accepted, the Bill read twice and tomorrow assigned.

Tabled and Assigned

Mr. Ervin from the Committee on Towns and Counties reported "Ought to pass" on Bill "An Act Increasing Compensation of Boards of Registration in Cities" (H. P. 645) (L. D. 912)

Report was read.

(On motion of Mr. Rancourt of Lewiston, the Report with accompanying papers was tabled pending acceptance of the Report and specially assigned for Tuesday, April 16.)

Ought to Pass With Committee Amendment

Mr. Gallant from the Committee on Claims on Resolve in favor of Donald LaPierre of Westbrook (H. P. 694) (L. D. 1480) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Resolve read once.

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

COMMITTEE AMENDMENT "A" to H. P. 694, L. D. 1480, Resolve in favor of Donald LaPierre of Westbrook.

Amend said Resolve by striking out in the 2nd line thereof the words "general fund" and inserting in place thereof the words "unappropriated surplus of the general fund".

Further amend said Resolve by striking out in the 2nd line in said Resolve the figures "\$177" and inserting in place thereof the figures '\$150'.

Committee Amendment "A" was adopted and the Resolve assigned for second reading tomorrow.

Tabled and Assigned

Mr. Hanson from the Committee on Taxation on Bill "An Act Imposing a Tax on Dry Beans" (H. P. 486) (L. D. 730) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read.

(On motion of Mr. Hilton of Anson, the Report with accompanying papers was tabled pending acceptance of the Report and specially assigned for Wednesday, April 17.)

Divided Report Tabled and Assigned

Majority Report of the Committee on Natural Resources reporting "Ought to pass" on Resolve Authorizing the Forest Commissioner to Convey Loon Island to Mrs. Anna Fowler and Julius Peterson (H. P. 140) (L. D. 178)

Report was signed by the following members:

Messrs. BUTLER of Franklin
FERGUSON of Oxford
FARLEY of York

— of the Senate.

Messrs. WILLIAMS of Hodgdon
MORRILL of Harrison
HEALD of Union
JALBERT of Lewiston

— of the House.

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

Report was signed by the following members:

Messrs. BREWER of Caribou
SAUNDERS of Bethel
Mrs. BURNHAM of Kittery

— of the House.

Reports were read.

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

Mr. JONES: Mr. Speaker and Ladies and Gentlemen of the House: I move the Majority Report be accepted.

The SPEAKER: The gentleman from South Portland, Mr. Jones, moves that the Majority "Ought to Pass" Report be accepted. Is this the pleasure of the House?

The Chair recognizes the gentleman from Caribou, Mr. Brewer.

Mr. BREWER: Mr. Speaker, may I speak briefly and address the House on this matter?

The SPEAKER: The gentleman may proceed.

Mr. BREWER: Mr. Speaker and Members of the House: I would like to explain why I signed this Report "Ought not to Pass". I am opposed in principle to giving away islands, giving away or selling, islands in the great ponds of the State, to people who have no more than squatters' rights, and I would like to make my stand clear on it.

The State of Maine is a recreational area. We can establish dangerous precedents by selling or giving away islands in our great ponds or off coasts because you deprive some people of the privileges of using those islands, and because of the principle involved, and not because of the personalities or the people involved in it, although they have nothing better than squatters' rights, I did oppose the bill.

The SPEAKER: The motion before the House is the motion of the gentleman from South Portland, Mr. Jones, that the House accept the Majority "Ought to Pass" Report.

The Chair recognizes the gentleman from Harrison, Mr. Morrill.

Mr. MORRILL: Mr. Speaker, as one that signed the "Ought to Pass" Report, I would like to make a few comments on this island.

The family in question has had land on this island since the early 1900's. They have been on the island almost as long. They have been paying taxes on this island since 1926 according to the records on the town books of Gray. The only reason that this article came in was in transferring this property to some of the younger members of the family, they could not trace the deeds, that is why this bill came in. I think that where they have been paying taxes for practically thirty years, they should be allowed the island.

Also, I think it would be depriving the Town of Gray of taxes if we took this island away from them. I am in favor of the Majority Report being accepted.

The SPEAKER: The Chair recognizes the gentlewoman from Kittery, Mrs. Burnham.

Mrs. BURNHAM: Mr. Speaker, I signed the Minority Report for the same reason partly that the gentleman from Caribou, Mr. Brewer, stated, and also the reason that I had in particular was that we are not depriving these people of any civil rights. I think this is a short cut to giving them a clear title, and I think they have recourse in the courts and they should obtain that right in that way.

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

Mr. CHILDS: Mr. Speaker, may I inquire from any Member of the Committee if they checked the Forestry Department records and whether they found out that the State had any interest in this land or not?

The SPEAKER: The gentleman from Portland, Mr. Childs, addresses a question through the Chair to any Member of the Natural Resources Committee. Any Member of that Committee may answer if he so chooses.

The Chair recognizes the gentleman from Harrison, Mr. Morrill.

Mr. MORRILL: Would the gentleman from Portland, Mr. Childs, state that question again please?

The SPEAKER: Would the gentleman repeat his question please?

Mr. CHILDS: Mr. Speaker, I can't remember the year, but prior to I think it was 1933 or 1930 the State at that time was selling islands in the great ponds to individuals. Now what I want to know is did the record show prior to this year whether these people who are now living on this island had made any purchase?

Mr. MORRILL: I think the ruling the gentleman from Portland, Mr. Childs, speaks of, dates back to 1913, but the people were on this island at that time but they were not paying taxes according to the Town of Gray. They started paying taxes in 1926 and have been paying taxes ever since.

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

Mr. TEVANIAN: Mr. Speaker, I would like to inquire of any Member of the Committee whether or not these people have paid any consideration for this island to anybody?

The SPEAKER: The gentleman from Portland, Mr. Tevanian, addresses a question through the Chair to any Member of the Natural Resources Committee who may answer if he so chooses.

The Chair recognizes the gentleman from Bethel, Mr. Saunders.

Mr. SAUNDERS: Mr. Speaker, this island prior to 1913—

The SPEAKER: Is the gentleman planning to answer the question?

Mr. SAUNDERS: Yes sir.

The SPEAKER: The gentleman may proceed.

Mr. SAUNDERS: The question was asked if they had title, is that correct?

The SPEAKER: Would the gentleman restate his question?

Mr. TEVANIAN: Mr. Speaker, my question is whether or not these people have paid a consideration to anybody for the title to this property?

Mr. SAUNDERS: The answer is no. These people did not have a deed prior to 1913, and as far as the records show, no evidence—at that time at the hearing, no evidence was certainly brought in to show that they had paid any amount of money. They just went on the island, they took possession by squatters' rights only, and then they went on until 1930 I believe and started paying taxes from that date on. That was the reason that I signed the Minority Report because the State of Maine has so very few islands left, and we felt in the minority, that if the State was going to continue to give away islands, certainly we would not have any in a very short time.

In previous meetings and hearings, we did not give away any islands. Several have come before the Committee, and so that is the reason we felt that they did not have title to the land, they just went on as squatters' rights, took the property, and in 1930 started to pay taxes.

The SPEAKER: Does that answer the question to the satisfaction of the gentleman from Portland?

Mr. TEVANIAN: Yes, Mr. Speaker. I would now inquire of any Member of the Committee whether or not they have any deed purporting to convey title to these people?

The SPEAKER: The gentleman from Portland, Mr. Tevanian, addresses a question through the Chair to any Member of the Natural Resources Committee who may answer.

The Chair recognizes the gentleman from Harrison, Mr. Morrill.

Mr. MORRILL: Mr. Speaker, is the question: "Did they have a deed?"

The SPEAKER: Would the gentleman from Portland restate the question please?

Mr. TEVANIAN: That is my question, whether or not they purport to have any deed conveying to them title?

Mr. MORRILL: There are deeds back in 1946 I believe that were transferred in the family, but they can't go back beyond that deed. I think these people in the case of squatters' rights, they own considerable land on the shore of this lake, have since the early 1900's, and they assumed that they owned the island because they built a cottage on it, and the Town of Gray did not include the island in their taxes until 1926.

The SPEAKER: Does that answer the question to the gentleman's satisfaction?

The Chair recognizes the same gentleman.

Mr. TEVANIAN: Mr. Speaker, obviously there are some substantial rights here involved, and I for one do not want to use my discretion and judgment without further study of the matter.

I would now move that this matter be tabled to one week from today.

The SPEAKER: The gentleman from Portland, Mr. Tevanian, with respect to item forty-nine, Resolve Authorizing the Forest Commissioner to Convey Loon Island to Mrs. Anna Fowler and Julius Peterson, House Paper 140, Legislative Document 178, now moves that this item be tabled and specially assigned for Wednesday, April 17, pending the motion of the gentleman from South Portland, Mr. Jones, for acceptance of the "Ought to Pass"

Report. Is this the pleasure of the House?

The motion prevailed and the Reports with accompanying papers were so tabled.

The SPEAKER: At this time the Chair would like to recognize the presence in the gallery of the House of the Freshman Class from Norridgewock Junior High School accompanied by Mr. Hatfield.

On behalf of the House the Chair extends to you ladies and gentlemen a most sincere and hearty welcome and we hope that you will enjoy and profit by your visit with us today. (Applause)

Passed to Be Engrossed

Bill "An Act relating to Benefits of Social Security Extending to Employees of National Guard" (S. P. 399) (L. D. 1095)

Bill "An Act relating to Certain Expenses of Town Assessors" (H. P. 194) (L. D. 257)

Bill "An Act relating to Fees of Town Clerks" (H. P. 248) (L. D. 309)

Bill "An Act relating to Fees to Town Clerks for Certified Copies of Election Check Lists" (H. P. 249) (L. D. 310)

Bill "An Act relating to Statement of Contributions and Expenses by Certain Municipal Candidates" (H. P. 250) (L. D. 311)

Bill "An Act Repealing Obsolete Laws Relating to Industrial or Mechanical Drawing and Manual Training" (H. P. 267) (L. D. 363)

Bill "An Act Increasing Salary of Recorder of Eastport Municipal Court" (H. P. 395) (L. D. 514)

Bill "An Act relating to the Employment of a Physician by Municipalities" (H. P. 630) (L. D. 891)

Bill "An Act relating to Town Representation on Community School Committee" (H. P. 683) (L. D. 972)

Bill "An Act relating to Suspension of Penalties Pending Appeal of Order of Water Improvement Commission" (H. P. 722) (L. D. 1026)

Bill "An Act relating to Furnishing Forest Tree Seedlings by Forest Commissioner" (H. P. 787) (L. D. 1120)

Bill "An Act to Exclude Town of Cooper, Washington County, from

Maine Forestry District" (H. P. 821) (L. D. 1164)

Bill "An Act relating to Pledging Securities by Banking Institutions in which State Funds are Deposited" (H. P. 893) (L. D. 1279)

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 Bank Deposits or Loan and Building Shares in Two or More Names" (H. P. 918) (L. D. 1308)

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

(On motion of Mr. Quinn of Bangor, tabled pending third reading and specially assigned for Thursday, April 11.)

Resolve in favor of Town of Sebec for Aid Furnished State Paupers (S. P. 415) (L. D. 1148)

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

Amended Bills

Bill "An Act to Provide Fire Protection for Township 17, Range 5, Aroostook County" (H. P. 81) (L. D. 107)

Bill "An Act Increasing the Salary of the County Attorney of York County" (H. P. 192) (L. D. 255)

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.

The SPEAKER: At this time the Chair would like to recognize the presence in the gallery of the House, a group of eighth grade students from Levant accompanied by their teachers, Mrs. Bemis and Mrs. Gordon, and the School Committee. On behalf of the House the Chair extends to you ladies and gentlemen a most cordial and hearty welcome. We hope you will enjoy and profit by your visit today. (Applause)

Passed to Be Enacted

An Act relating to Purpose and Aid for Driver Education (S. P. 278) (L. D. 737)

An Act relating to Payments to Kennebec Law Library (S. P. 299) (L. D. 796)

An Act to Incorporate the North-eastern Corporation (S. P. 322) (L. D. 818)

An Act Transferring Portland Junior College to the University of Maine (S. P. 323) (L. D. 819)

An Act relating to Sale of Unused School Buildings in Unorganized Territory (S. P. 353) (L. D. 959)

An Act relating to Approval of Institutions Granting Associate Degrees (S. P. 354) (L. D. 960)

An Act Increasing Surety Bond for Treasurer of State (S. P. 401) (L. D. 1097)

An Act relating to Employment Offices (S. P. 513) (L. D. 1440)

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

An Act to Amend the Charter of the City of Hallowell re Nominations and Elections (H. P. 225) (L. D. 320)

An Act relating to Filing Date of Annual Statement of Insurance Companies (H. P. 592) (L. D. 841)

An Act relating to Children Resident at Private Tax-Exempt Institutions (H. P. 598) (L. D. 845)

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

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

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

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

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

An Act relating to Group Life Insurance (H. P. 1033) (L. D. 1448)

An Act to Increase the Purposes and Powers of Continental Mills (H. P. 1034) (L. D. 1449)

Finally Passed

Resolve Authorizing Department of Inland Fisheries and Game to Acquire Certain Lands and Water Rights in the Towns of Pembroke and Charlotte (S. P. 373) (L. D. 996)

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

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, Bills passed to be enacted, Resolves finally passed, all 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, Resolve Regulating Fishing in Moose River, Piscataquis County, House Paper 122, Legislative Document 160, tabled on March 26 by the gentleman from Greenville, Mr. Harris, pending further consideration, and the Chair recognizes that gentleman.

Mr. HARRIS: Mr. Speaker and Members of the House: As you all know this measure has been passed to be engrossed by the House, but the branch on the other side accepted the minority report. This measure came out of the Fish and Game Committee with a majority report "Ought to pass" eight to two. The opposition that was given at the hearing on these bills was given by one of the members of the department, one of the biologists, and his reason was a scientific reason. The rest of the testimony was from the social and economic side.

There seems to be a misunderstanding between the people that asked these measures to be introduced and the department, so I am trying to arrange a meeting be-

tween the department and these people, and therefore I ask that this measure be tabled unassigned.

The SPEAKER: With respect to Item number one, Resolve Regulating Fishing in Moose River, Piscataquis County, House Paper 122, Legislative Document 160, the gentleman from Greenville, Mr. Harris, moves that this item be retabled unassigned pending further consideration. Is this the pleasure of the House?

The motion prevailed and the Resolve with accompanying papers was retabled pending further consideration and unassigned.

The SPEAKER: The Chair recognizes at this time the gentleman from Bangor, Mr. Browne.

Mr. BROWNE: Mr. Speaker, I would inquire as to whether or not the House has in its possession Legislative Document 797, "An Act Amending the Rules of Descent"?

The SPEAKER: The Chair will advise the gentleman that the House does have that document in its possession.

Mr. BROWNE: I now move that we reconsider our action of yesterday whereby we passed this bill to be engrossed.

The SPEAKER: The gentleman from Bangor, Mr. Browne, with respect to Legislative Document 797, Bill "An Act Amending the Rules of Descent" now moves that the House reconsider its action of yesterday whereby this bill was passed to be engrossed. Is there objection? The motion prevailed.

Mr. BROWNE: I now move that this matter be placed upon the table unassigned for the purpose of preparing an amendment.

The SPEAKER: The gentleman from Bangor, Mr. Browne, with respect to Bill "An Act Amending the Rules of Descent" now moves that this item be tabled unassigned pending passage to be engrossed. Is this the pleasure of the House?

The motion prevailed and the Bill was tabled pending passage to be engrossed and unassigned.

The SPEAKER: Under Orders of the Day the Chair now lays before the House the second tabled and today assigned matter, Resolve Regulating Fishing in Kennebec River,

Somerset and Piscataquis Counties, House Paper 121, Legislative Document 159, tabled on March 26 by the gentleman from Greenville, Mr. Harris, pending further consideration, and the Chair recognizes that same gentleman.

Mr. HARRIS: Mr. Speaker, I would like to lay that on the table for the same reason given for Item one, unassigned.

The SPEAKER: With respect to Item number two, Resolve Regulating Fishing in Kennebec River, Somerset and Piscataquis Counties, House Paper 121, Legislative Document 159, the gentleman from Greenville, Mr. Harris, moves that it be retabled unassigned pending further consideration. Is this the pleasure of the House?

The motion prevailed and the Resolve with accompanying papers was retabled pending further consideration and unassigned.

The SPEAKER: Under Orders of the Day the Chair now lays before the House the third tabled and today assigned matter, Resolve Regulating Fishing in Kokadjo, Piscataquis County, House Paper 123, Legislative Document 161, tabled on March 26 by the gentleman from Greenville, Mr. Harris, pending further consideration, and the Chair recognizes that gentleman.

Mr. HARRIS: Mr. Speaker, this is the same type of a measure and I also make the same motion.

The SPEAKER: With respect to Item number three, Resolve Regulating Fishing in Kokadjo, Piscataquis County, the gentleman from Greenville, Mr. Harris, moves that it be retabled unassigned pending further consideration. Is this the pleasure of the House?

The motion prevailed and the Resolve with accompanying papers was retabled pending further consideration and unassigned.

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 "Ought not to pass" and Minority "Ought to pass" of the Committee on Liquor Control on Bill "An Act relating to Merchandise Maintained by Retail Store Licensees", House Paper 478, Legis-

lative Document 670, tabled on March 26 by the gentleman from Winslow, Mr. Dostie, pending acceptance of either report, and the Chair recognizes that gentleman.

Mr. DOSTIE: Mr. Speaker and Members of the House: I have now served my third term on Liquor Control, and we have had this bill in that Committee three times. At the start it was five hundred on groceries, it went up to seven fifty, now it is a thousand dollars. I feel, to help the small businessmen in the State, I think a thousand dollars is plenty for a small business if you want to keep these people in business, so I will now move for the Majority Report "Ought not to pass".

The SPEAKER: With respect to Item number four, on Bill "An Act Relating to Merchandise Maintained by Retail Store Licensees", House Paper 478, Legislative Document 670, the gentleman from Winslow, Mr. Dostie, moves the acceptance of the Majority "Ought not to pass" Report.

The Chair recognizes the gentleman from Freeport, Mr. Crockett.

Mr. CROCKETT: Mr. Speaker and Members of the House: I also was one of the members of this Committee that signed the Majority Report "Ought not to pass". We now have in our statutes a law that has proved very, very satisfactory.

Some time ago all the merchandise you had to have, compatible merchandise, was five hundred dollars. They changed it, this Legislature changed it from five hundred to seven hundred and fifty dollars. Then again they turned around and changed it to a thousand dollars, which is on our books today. And, I say, as a citizen of the State of Maine, that is adequate enough. This bill is to put the little fellow out of business. That I can't see because our country is made up of small merchants, and the small merchant it is up to you and I to protect.

Now, compatible merchandise means groceries and things comparable, tobacco and so on and so forth. Now, what has been excluded, a thousand dollars wouldn't include these items, it wouldn't include sporting goods, sewing materials, children's toys, jewelries, toil-

et articles and so on and so forth. So, I think we have done a pretty good job the way we are going along now. Before, a man could have gasoline and that has been excluded. If he had a gasoline station and if he had a few dollars worth of tobacco, cigars and cigarettes he could get a beer license, but under our present law as we have it today, I say it is adequate enough and let us stick with it.

The SPEAKER: The motion before the House is the motion of the gentleman from Winslow, Mr. Dostie, that the Majority "Ought not to pass" Report be accepted. Is this the pleasure of the House?

The motion prevailed and the 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, Senate Divided Report, Majority "Ought to pass" Minority "Ought not to pass" of the Committee on Inland Fisheries and Game on Resolve Regulating Fishing in Cupsuptic River and Tributaries, Oxford County, Senate Paper 98, Legislative Document 228, tabled on March 26 by the gentlewoman from Rumford, Miss Cormier, pending acceptance of either report, and the Chair recognizes that gentlewoman.

Miss CORMIER: Mr. Speaker and Members of the House: I was prepared this morning to dispose of this bill one way or the other, but the members of the Committee have tabled items one, two and three on today's assigned agenda because they feel that they would like to have the people concerned and the department get together. And this is one of those bills, and consequently, in order that they may all be discussed at the same time, I would now move that they be retabled unassigned, assuring you that they will be taken off as soon as possible.

The SPEAKER: With respect to item number five, Resolve Regulating Fishing in Cupsuptic River and Tributaries, Oxford County, Senate Paper 98, Legislative Document 228, the gentlewoman from Rumford, Miss Cormier, moves that this item be retabled unassigned pending ac-

ceptance of either report. Is this the pleasure of the House?

The motion prevailed and the Report with accompanying papers was retabled pending acceptance of either report and unassigned.

The SPEAKER: Under Orders of the Day the Chair now lays before the House the sixth tabled and today assigned matter, Resolve Regulating Fishing in Tributaries of Chain of Ponds, Franklin County, House Paper 357, Legislative Document 487, tabled on March 21 by the gentleman from Eustis, Mr. Carville, pending further consideration. (In the Senate the Minority "Ought not to pass" Report was accepted.) (In the House the Majority "Ought to pass" Report was accepted and the Resolve passed to be engrossed.)

The Chair recognizes the gentleman from Eustis, Mr. Carville.

Mr. CARVILLE: Mr. Speaker, Ladies and Gentlemen of the House: I move that the House insist upon its former action and ask for a committee of conference.

The SPEAKER: The gentleman from Eustis, Mr. Carville, moves that the House insist upon its former action whereby it accepted the "Ought to pass" Report and the Resolve was passed to be engrossed. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The gentleman from Eustis, Mr. Carville, now requests the appointment of a committee of conference. The Chair will appoint that committee at tomorrow's session.

The SPEAKER: Under Orders of the Day the Chair now lays before the House the seventh tabled and today assigned matter, House Report Ought to pass of the Committee on Taxation on Bill "An Act relating to Taxation of Domestic Fowl," House Paper 190, Legislative Document 253, tabled on April 2 by the gentleman from Belfast, Mr. Rollins, pending acceptance of the "Ought to pass" Report, and the Chair recognizes that gentleman.

Mr. ROLLINS: Mr. Speaker, I now move the acceptance of the "Ought to pass" Report, and that the Bill be given its first and second readings. And at that time I will wish to re-

table it for an amendment which we have been preparing.

The SPEAKER: The gentleman from Belfast, Mr. Rollins, with respect to item number seven, Bill "An Act relating to Taxation of Domestic Fowl", House Paper 190, Legislative Document 253, moves that the House accept the "Ought to pass" Committee Report. Is this the pleasure of the House?

The motion prevailed and the Bill was given its first and second readings.

Thereupon, on further motion of the same gentleman, the Bill was retabled pending assignment for third reading and unassigned.

The SPEAKER: Under Orders of the Day the Chair now lays before the House the eighth tabled and today assigned matter, Bill, "An Act relating to Working on Trees," House Paper 479, Legislative Document 671, tabled on April 2 by the gentleman from Perham, Mr. Bragdon, pending third reading, and the Chair recognizes that gentleman.

Mr. BRAGDON: Mr. Speaker and Ladies and Gentlemen of the House: When I first saw this bill, a bill to license tree trimmers, I looked upon it as superfluous legislation. I still think that perhaps it is. However, we license someone to cut our hair and trim our toenails, and we license someone to fill the cavities in our teeth and to mend our broken limbs and broken bodies, so perhaps we should accord the same courtesy to the lordly elm and oak.

Mr. Speaker, I am not going to make a motion on this matter because I am afraid that if I did that it is possible the lady from Patten, Mrs. Harrington, or the lady from Lovell, Mrs. Harriman, or the lady from Portland, Mrs. Hendricks, might possibly get up and read Joyce Kilmer's poem and then I would feel like a heel and I would probably vote against my own motion.

The SPEAKER: The Chair would remind the gentleman that there is a motion pending.

Mr. BRAGDON: Perhaps next year, Mr. Speaker and Ladies and Gentlemen of the House, that is if we have annual sessions, someone will think to license the sheep shear-

ers and the lawn trimmers and the hedge trimmers, and then we will have pretty well covered the whole field.

The SPEAKER: The Chair recognizes the gentleman from Hodgdon, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker, I don't claim to be much of a tree trimmer but I would like to make a few explanations on this bill. The men that trim the trees are already licensed, I think it costs them ten dollars per year to have their license, and they have been licensed for quite a few years.

But, all this bill attempted to do, there have been people coming into the State and soliciting jobs for removing trees that is sometimes double or treble the cost. Since this Dutch Elm Disease started, they are kind of fly-by-night people, and they will come in and suggest to someone that their tree has the Dutch Elm Disease when as a matter of fact it is perfectly healthy, and ask a considerable sum to remove the tree. And, all this bill attempts to do is limit those people, it doesn't affect the man in the State of Maine that buys his license, he operates just the same as he always did. But, it will prevent, we hope, some of these people coming in from out of State, that operate more in the southern part of the State, and soliciting these jobs for removing these trees, and while they may be qualified to cut a tree down, all right enough, they cut trees down there is no need of cutting, and ask about twice the price.

The SPEAKER: The Chair recognizes the gentleman from Bridgton, Mr. Haughn.

Mr. HAUGHN: Mr. Speaker, I was the one that introduced this bill. At the time of the public hearing the Commission was represented, tree surgeons were represented, various tree organizations throughout the State were represented, and I think a very fair and impartial hearing was given on this bill. There was no opposition on this bill but plenty for the bill. And, as the gentleman from Hodgdon, Mr. Williams, has expressed, that this is the present statute. The only change in the bill is to provide for licensed men to prevent gouging on the public

which has been done and been proven. So I see no reason why, with our job here in this legislature to protect the interests of the public in general, and that is all this bill simply does, it does not change the present statute except to make those come out in the open and expose the gouging which has been done.

The SPEAKER: The Chair understands the gentleman from Bridgton, Mr. Haughn, moves third reading of the Bill.

Thereupon, the Bill "An Act relating to Working on Trees" (H. P. 479) (L. D. 671) was given its third reading, passed to be engrossed and sent to the Senate.

The SPEAKER: Under Orders of the Day the Chair now lays before the House the ninth tabled and today assigned matter, House Report "Ought not to pass" of the Committee on Judiciary on Bill "An Act relating to Penalty for Driving Under the Influence of Intoxicating Liquors", House Paper 744, Legislative Document 1058, tabled on April 4 by the gentleman from Waldoboro, Mr. Walter, pending acceptance of the Report, and the Chair recognizes that gentleman.

Mr. WALTER: Mr. Speaker and Members of the House: I wish to substitute the bill for the report. People who are interested in highway safety believe this act to increase the penalty for drunken driving has a great deal of merit. I have the highest respect for the attorneys who serve on the Judiciary Committee, and when this report was made that the bill ought not to pass, I understand the principal objection was that said fines shall not be suspended. Therefore, Mr. Speaker and Members of the House, I have prepared House Amendment "A" to delete this part of the bill. And, if we decide to substitute the bill for the report I shall offer this amendment after the bill has had its first and second readings.

Now, this is not a party issue, it is not a wet or dry issue, it is a highway safety measure. I happen to be Chairman of the Lincoln County Chapter on the Governor's Highway Safety Committee, and also a member of the State Legis-

lative Committee, and I find that the majority of the members believe that something must be done about drinking and driving on our highways.

With this amendment I have prepared, the only thing this bill does is to increase the fine from one hundred to two hundred dollars. This will not solve the problem of drunken driving but it will help, and act as a deterrent to those who drink and drive on our highways.

I have on my desk several letters from the chiefs of police of the cities and towns of this State favoring this legislation, and there are many organizations of large membership that favor this bill. I have a letter here of endorsement from the State Sheriffs Association, of which fourteen of the sixteen county sheriffs went on record favoring the increase in fines.

We have one judge in this State who is now handing out two hundred dollar fines in every case of drunken driving, and I have his signed statement here that the number of drunken driving cases appearing in his court has decreased. I have a signed statement from another judge in this State who says that he feels the minimum fine should be increased to two hundred dollars to bring it in line with the penalty of night hunting. I ask the members of this House that if a two hundred dollar fine for night hunting is a proper fine, why should we not have a two hundred dollar fine for drunken driving.

Now, it is true that some members, attorneys, and judges have objected to this bill, and the principal objection is the non-suspendable part. And for that reason I have had the amendment prepared.

With the many letters and support I have from county attorneys, judges, and law enforcement officers, I feel that this is a good piece of legislation and is a step in the right direction to reduce accidents on our highways.

The records from the State Police Office show that in 1956 from the accidents investigated, there were eleven hundred and forty-three cases where the driver had been drinking, and of the total number investigated, this will be around

one in every seven accidents. In the last eight years the number of cases of drinking and driving has doubled on our highways.

There is no question in my mind that the majority of the people who elected us to this office would ask us to vote in favor of this legislation if they had an opportunity to do so. And, I as one wish to carry out the wishes of the majority in this respect and try to reduce highway accidents in this State.

The SPEAKER: With respect to item number nine, Bill "An Act relating to Penalty for Driving Under the Influence of Intoxicating Liquors", the gentleman from Wal-doboro, Mr. Walter, moves that the bill be substituted for the "Ought not to pass" Report.

The Chair recognizes the gentleman from Auburn, Mr. Walker.

Mr. WALKER: Mr. Speaker and Members of the House: As a member of the Judiciary Committee, it is my privilege to explain to you some of the reasons why the Committee unanimously reported out L. D. 1058 "Ought not to pass".

We now have a law that provides for a minimum fine of one hundred dollars up to one thousand dollars, with loss of license for two years in case of a conviction. Almost without exception, everyone that appeared before the Committee agreed that the proposed bill should be amended so as to leave the discretion to the presiding judge. If the bill was amended to restore the discretion to the court the only remaining feature would be to increase the minimum fine from one hundred dollars to two hundred. It has been argued that the shrinking dollar has in effect reduced the penalty. I submit that this is not the whole story. If our wages and income have gone up I would also suggest that living expenses and taxes have likewise increased. This leaves the wage earner in a great many instances with less surplus cash than in previous years. I therefore suggest that the families of the wrongdoer would most often suffer.

In some jurisdictions the courts have frequently caused the fine to be levied in the amount of two hundred dollars or more, this is gen-

erally in keeping with a bad local situation.

I have discussed this matter with many municipal court judges in various areas throughout the State. Almost without exception they are not in favor of the passage of this bill.

I would like to read to you an article that appeared in the Portland Press Herald, or at least a portion of it, on the date of April 7, 1957. The headline reads as follows: "It's License Suspension That Hurts, Not Fines, Say Local Area Judges On Drunken Driving." It starts off as follows: "How do Portland area Municipal Court judges feel about the bill before the Legislature to double the minimum \$100 fine on first offense convictions for drunken driving?"

"Three of them see eye-to-eye on the subject, but not with the proposal.

"Judge Sidney W. Wernick of Portland has his doubts about how effective the proposed \$200 minimum would prove as a deterrent.

"Judge Seward R. Thompson of South Portland doesn't think any fine by itself will curb drunken driving.

"And Judge Harris R. Bullerwell of Westbrook feels the present law, permitting fines of \$100 to \$1,000 for the first offense, is sufficient. . .

"Judge Bullerwell believes that the present minimum should remain at \$100 because it can be a greater burden to some individuals as \$1,000 is to some others. . .

"Judge Wernick had this to say about the subject, further speaking. 'As for fines being weakened by inflation, I am not sure that is true in Portland. While I am no authority on the subject, I would say that wages have not kept pace with the rise in the cost of living. If that is so, it could well be true that the same fine as that imposed 20 years ago might hurt even more today.'"

With regards to certain judges using their discretion as to the levying of the fine, I think that courts should have the intestinal fortitude to examine the situation thoroughly, and if a fine in excess of one hundred dollars should be assessed then it is up to the judge, who is put there for that very purpose, to

levy the proper and appropriate fine.

For those reasons I would urge you to accept the unanimous "Ought not to pass" Report.

The SPEAKER: The Chair will restate the motion. The motion before the House is the motion of the gentleman from Waldoboro, Mr. Walter, that the Bill be substituted for the "Ought not to pass" Report.

The Chair recognizes the gentleman from Presque Isle, Mrs. Christie.

Mrs. CHRISTIE: Mr. Speaker and Members of the House: I am also an associate member of the Governor's Highway Safety Committee, but first I am a citizen who is very much concerned about accidents on our highways, and it seems to me that an additional one hundred dollars to the minimum fine might be a deterrent to some people. Some people might think three times instead of twice before they would think of driving under the influence if they realized that they had to pay two hundred dollars rather than one hundred dollars, and so I am in favor of Mr. Walter's motion.

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

Mr. TEVANIAN: Mr. Speaker and Members of the Ninety-eighth Legislature: I believe that before we can intelligently vote upon this subject we should understand the present law.

We have probably one of the easiest drunken driving statutes to convict under of any state in the Union. Our law says, "Whoever operates or attempts to operate a motor vehicle, if at all under the influence. . . ." Therefore, our drunken driving statute is a misnomer, it is driving at all under the influence. It doesn't require that you be intoxicated or even close. If any one of your faculties and locomotions are at all affected by alcohol, then you are guilty under this statute.

Now, this statute also contains a provision that the minimum fine shall be one hundred dollars, the maximum fine one thousand dollars. It also contains a provision for stiffer penalties for a second of-

fense and even stiffer penalties for a third offense. The second half of this statute contains in it a felony statute for those people who operate a motor vehicle when it is of a high and aggravated nature.

Therefore, I take the position that the vehicle is there to properly eliminate from our highways the menaces of drunken driving. I also feel that if you adopt a minimum of two hundred dollars you will be in effect causing juries, and I can cite instances, causing juries to be a little more merciful in their decisions. They then let sympathy rule rather than the law on the subject.

As far as being a deterrent, I cannot possibly see how the stiffening of fines can act as a deterrent to our highway accidents. Back a few years ago in England they used to cut off a person's hand for forging a check. This did not work, people still forged checks and still do. And I submit, that we in the State of Maine have the vehicle which is at the disposal of every single judge of the municipal courts, trial justice, the justices of the Superior Court, so that they are in a position to adequately punish any offender, and when we take away from our judges that amount of discretion that they have always had, then we are substituting our judgment as legislators for the judicial branch. I feel that they deserve to have their discretion used in these matters. Thank you.

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

Mr. HENDSBEE: Mr. Speaker, as a member of the Governor's Highway Safety Committee, along with about eighteen hundred others, who have given of their own time, at our own expense, we have come down here and tried to formulate some laws which we feel will be effective.

Not long ago here on the House floor we passed a law to make it illegal to carry a naked scythe. We didn't include the scythe of old Father Time in that bill. He is still going around cutting them down. I, for one, am very much concerned about this bill, although I will agree that the fines are not the answer,

but they are going to be something for them to think about.

Now we have pictures by the State Police and we have all kinds of evidence. I don't believe anybody wants to be in favor of a drunken driver, but here is the place to make the laws, and now, I believe, is the time to do it. And, we have got to get started off on the right foot, because I believe if we remove the cause we are going to destroy the effect.

And, I have talked with many, many law officers on this subject, and although they feel that we ought to have the same kind of law they have in New Hampshire, whereby you surrender your license immediately on conviction, you have the right of an appeal, and pending your appeal your license is suspended. If you win your case it is restored, if not, why you are adjudged and pay your full penalty.

Now I want to go along with Mr. Walters and substitute the bill for the report with the amendment, because I believe, Ladies and Gentlemen, that it reacts to many of us members of the Governor's Highway Safety Committee somewhat the same as if you stepped on a garden rake and it flies up and hits you in the teeth.

Here is a bill that we have worked on for some time. We have an unfavorable report, so therefore, I do go on record as in favor of substituting the bill for the report with the amendment as offered.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from York, Mr. Hancock.

Mr. HANCOCK: Just a word, Mr. Speaker. I want to assure everyone in this House that the members of the Judiciary Committee are just as interested in highway safety as anyone else in the State of Maine. I myself am sponsoring a couple of the highway safety bills. It is simply that in our minds this bill is not a deterrent to highway safety, and I can only concur with my brothers of the Committee on that basis.

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

Mr. TOTMAN: Mr. Speaker and Members of the House: I feel it necessary to make one comment on this bill as an individual who has

been consistently, ever since being a member of this House in '51, interested in highway safety, long before the Governor's Committee on Highway Safety was formed.

I think it should be pointed out to the members of the House, and not with any reflection upon any commission or judicial bodies, that with all due deference to our commissions we heard argued early this morning, on either racing or whatever we have for commissions, this legislature is the only place in the State of Maine where an indication of policy is an order of the highest degree.

It seems to me that from a psychological standpoint, if we do not indicate to our various commissions and bodies how we feel on subjects, if we do not indicate that we are sufficiently concerned to take steps to change present laws, those bodies may feel that we are not sufficiently concerned to recommend a change. And, solely from the standpoint of the psychology of indicating that we do feel concerned about this drunken driving situation, I feel there is merit in at least raising the minimum fines as a deterrent, I feel it would be a deterrent to anyone before they would step in the car and say, well, I will take my chances on one hundred dollars. Two hundred dollars is certainly a greater deterrent.

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

Mr. TEVANIAN: Mr. Speaker, I now make a motion that this bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The motion now before the House is the motion of the gentleman from Portland, Mr. Tevanian, that Bill "An Act relating to Penalty for Driving Under the Influence of Intoxicating Liquors" together with its accompanying papers be indefinitely postponed.

The Chair recognizes the gentlewoman from Presque Isle, Mrs. Christie.

Mrs. CHRISTIE: Mr. Speaker, I ask that there be a division of the House.

The SPEAKER: The gentlewoman from Presque Isle, Mrs. Christie, requests a division. Is the House ready for the question?

The motion is for indefinite postponement of the Bill "An Act relating to Penalty for Driving Under the Influence of Intoxicating Liquors", House Paper 744, Legislative Document 1058, and its accompanying papers.

Will those who favor the indefinite postponement of this Bill please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Fifty-six having voted in the affirmative and fifty-five having voted in the negative, the motion prevailed and the Bill and its accompanying papers were indefinitely postponed and sent up for concurrence.

The SPEAKER: Under Orders of the Day the Chair now lays before the House the tenth tabled and today assigned matter, Bill "An Act Creating the Lake Christopher Game Management Area, Oxford County", House Paper 504, Legislative Document 714, tabled on April 5 by the gentleman from Bethel, Mr. Saunders, pending further consideration. (Enacted in the House.) (Engrossed in the Senate as amended by Senate Amendment "A" in non-concurrence.)

The Chair recognizes the gentleman from Bethel, Mr. Saunders.

Mr. SAUNDERS: Mr. Speaker and Members of the House: This bill before the House was enacted by this body and then sent to the Senate. The Senate added the amendment and I want to explain the amendment to tell you why I am going to insist on the action that I do.

This area is concerning the wildlife game management area around the Lake Christopher and Bryant Pond area. This June there is going to be a school workshop for teachers on conservation education. This is the first time that the State of Maine has ever done anything in the line of conservation in this manner, and we certainly feel that this is a big step in the conservation of our natural resources in the State of Maine.

The proposed game management area comprises around fifteen hundred acres. It includes a portion of

land which the Conservation Education Foundation owns, also several other pieces of land which have been given and are under the control of the Conservation Education Group.

The amendment to the bill was this, that a line be established one-quarter of a mile from the shore of so-called South Pond. Now, the reason that this was set up for natural boundaries is very evident. It is hard to enforce for our law enforcement officers when they have a line drawn through the woods. We tried to set it up for natural boundaries such as the railroad, two shores of the pond, a road, something that is definite, something that cannot be construed any other way than to mean a very positive line. The amendment says one-quarter of a mile from the South Pond shore. This means that you would have to spot and blaze a line, or put up a fence in the game management area. Under the set-up, the Commissioner may declare open season or closed season for hunting.

Now, if we have teachers and students in the woods studying conservation, which they will be this June and maybe this fall, we are not sure, then certainly we do not want others in this area taking shots at deer and the bullets may go into the area and possibly injure some people.

The quarter of a mile amendment would take the area probably several hundred feet into the land that the Conservation Education Group now controls. Therefore, we do not feel that this amendment is not a good amendment. We passed this bill and felt that it certainly was a wonderful thing for the State of Maine, and therefore, I am going to insist that we do not approve this amendment, and I would like to ask for a committee of conference.

The SPEAKER: The gentleman from Bethel, Mr. Saunders, moves that the House insist on its previous action whereby this Bill "An Act Creating the Lake Christopher Game Management Area, Oxford County", House Paper 504, Legislative Document 714, was passed to be enacted, and the gentleman requests a

committee of conference. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair will appoint the committee of conference during tomorrow's session.

The SPEAKER: At this time the Chair would like to recognize the presence in the gallery of the House of a group of sixty-five eighth grade students from the Hampden Consolidated School, accompanied by Mrs. Patterson, Mrs. Nickerson and Mr. Libby. On behalf of the House the Chair extends to you young ladies and gentlemen a most hearty and cordial welcome, and we hope that you will enjoy and profit by your visit here today. (Applause)

The SPEAKER: Under Orders of the Day the Chair now lays before the House the eleventh tabled and today assigned matter, Bill "An Act relating to Use of Moneys Received Under Sardine Tax Law" House Paper 516, Legislative Document 726, tabled on April 9 by the gentleman from Ellsworth, Mr. Brown, pending further consideration. (In the House this bill was passed to be engrossed.) (In the Senate engrossed as amended by Senate Amendment "A".)

Thereupon, on motion of the gentleman from Ellsworth, Mr. Brown, the House voted to recede and concur.

On motion of the gentleman from Eustis, Mr. Carville, the House voted to take from the table the eleventh tabled and unassigned matter, Resolve Providing Funds for Conservation Education, Senate Paper 332, Legislative Document 898, tabled on March 20 by that gentleman pending final passage.

Finally Passed Emergency Measure

Resolve Providing Funds for Conservation Education (S. P. 332) (L. D. 898)

This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 106 voted in favor of same and none against, and accordingly the Resolve

was finally passed, signed by the Speaker and sent to the Senate.

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

On motion of the gentlewoman from Kittery, Mrs. Burnham, the House voted to take from the table the thirty-sixth tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Natural Resources on Resolve Authorizing Forest Commissioner to Convey Certain Land in Augusta to City of Augusta, House Paper 754, Legislative Document 1068, tabled on April 9 by that gentlewoman pending acceptance of Report.

The SPEAKER: The gentlewoman may proceed.

Mrs. BURNHAM: I would now move to return this to Committee as there was an error in the report.

The SPEAKER: The gentlewoman from Kittery, Mrs. Burnham, moves that Resolve Authorizing Forest Commissioner to Convey Certain Land in Augusta to City of Augusta, be recommitted to the Committee on Natural Resources.

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

Mr. TOTMAN: Mr. Speaker, as a matter of procedure, may I pose a question through the Chair to the lady from Kittery, Mrs. Burnham?

The SPEAKER: The gentleman from Bangor, Mr. Totman, desires to ask a question through the Chair of the gentlewoman from Kittery, Mrs. Burnham, who may answer if she chooses.

Mr. TOTMAN: I would like to ask through the Chair if on this motion to recommit, if Mrs. Burnham, the gentlewoman from Kittery, has consulted the Committee Chairman and has the concurrence of the Committee Chairman for recommitment.

The SPEAKER: The gentlewoman may answer the question if she so wishes.

Mrs. BURNHAM: I have, and refer to Mr. Williams if he cares to answer.

The SPEAKER: Does that answer the question to the gentleman's satisfaction?

The motion before the House is that Resolve Authorizing Forest Commissioner to Convey Certain

Land in Augusta to City of Augusta, House Paper 754, Legislative Document 1068, be recommitted to the Committee on Natural Resources. Is this the pleasure of the House?

The motion prevailed and the Resolve was recommitted to the Committee on Natural Resources and sent up for concurrence.

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

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

Mr. RANCOURT: Mr. Speaker, you set me right whether I am in order or not. Under Reports of Committees under "Ought to pass", item number forty-six Bill "An Act Increasing Compensation of Boards of Registration in Cities" which I have just had tabled, the reason for tabling was to get information, a point that I wanted cleared that I have now been cleared on, so if it is in order I would like to have that vote to table rescinded. Is that in order?

The SPEAKER: The Chair understands that the gentleman assigned a specific date when he tabled this measure. The Chair would like to explain to the gentleman that certain members of the House who were here at the time you assigned it, may have left the House in reliance upon that assignment date, and a motion to take the bill off the table at any time other than that assigned is not in order.

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

Mr. DUDLEY: I would like to inquire if the House has in their possession a recalled resolve, House Paper 614, Legislative Document 861.

The SPEAKER: That is in possession of the House.

Mr. DUDLEY: I would now like to recommit it back to the Committee on Natural Resources, as I have talked with a large majority on the Committee and they have agreed to take it back and reconsider it. Thank you.

The SPEAKER: The Chair understands the gentleman from Enfield, Mr. Dudley, moves that under suspension of the rules the House now

reconsider its action whereby it accepted the "Ought not to pass" Committee Report on Resolve Authorizing Attorney General to Investigate Title to Certain Island in B. Pond, Piscataquis County. Is it the pleasure of the House that we reconsider our action whereby we accepted the "Ought not to pass" Committee Report?

The motion prevailed.

Thereupon, on further motion of the same gentleman, the Resolve was recommitted to the Committee on Natural Resources and sent up for concurrence.

On motion of the gentleman from Hodgdon, Mr. Williams, the House voted to take from the table the thirty-third tabled and unassigned matter, An Act relating to Motor Vehicles Emerging from Alley, Driveway or Building, House Paper 633, Legislative Document 748, tabled on April 5 by that gentleman pending passage to be enacted.

On further motion of the same gentleman, the Act was passed to be enacted, signed by the Speaker and sent to the Senate.

On motion of the gentleman from Portland, Mr. Tevanian, the House voted to take from the table the thirty-fifth tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Towns and Counties on Bill "An Act relating to Closing of County Offices on Saturday", House Paper 453, Legislative Document 628, tabled on April 9 by that gentleman pending acceptance of Report.

On further motion of the same gentleman the "Ought not to pass" Report was accepted and sent up for concurrence.

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

The Clerk will read any notices he may have in his possession.

(Notice read)

(Off record remarks)

On motion of Mr. Harris of Greenville,

Adjourned until nine-thirty o'clock tomorrow morning.