

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*Ninety-Eighth Legislature*

OF THE

STATE OF MAINE

VOLUME I

1957

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

## HOUSE

Tuesday, April 23, 1957

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

Prayer by the Rev. Mr. Milton E. Smith, Methodist Church, Hampden Highlands.

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

The Journal of the previous session was read and approved.

### Papers from the Senate Senate Reports of Committees Leave to Withdraw

Report of the Committee on Inland Fisheries and Game on Resolve Opening Chub Pond, Somerset County, to Ice Fishing (S. P. 368) (L. D. 991) reporting Leave to Withdraw.

Report of the Committee on Retirements and Pensions reporting same on Resolve Providing for State Pension for Vertine E. Ellis, St. Albans (S. P. 220) (L. D. 564)

Report of same Committee reporting same on Resolve State Pension for Alec Reynolds, of Houlton (S. P. 312) (L. D. 809)

Came from the Senate read and accepted.

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

### Ought Not to Pass

Report of the Committee on Inland Fisheries and Game reporting "Ought not to pass" on Bill "An Act relating to Open Season on Moose" (S. P. 445) (L. D. 1264)

Report of same Committee reporting same on Bill "An Act relating to Closed Season on Partridge" (S. P. 501) (L. D. 1415)

Report of the Committee on Public Utilities reporting same on Bill "An Act Authorizing Rules and Regulations of Public Utilities Commission for Safety and Health of Employees" (S. P. 421) (L. D. 1180)

Came from the Senate read and accepted.

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

### Ought to Pass in New Draft

Report of the Committee on Transportation on Bill "An Act relating to Definition of Way under Motor Vehicle Laws" (S. P. 140) (L. D. 272) reporting same in a new draft (S. P. 530) (L. D. 1497) under title of "An Act relating to Crimes Committed on the Maine Turnpike" and that it "Ought to pass"

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 New Draft read twice and tomorrow assigned.

### Ought to Pass

Report of the Committee on Natural Resources reporting "Ought to pass" on Bill "An Act Revising the Law Relating to Peaceful Uses of Atomic Energy" (S. P. 478) (L. D. 1383)

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 Judiciary on Bill "An Act Creating an Interstate Compact on Mental Health" (S. P. 127) (L. D. 340) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 127, L. D. 340, Bill, "An Act Creating an Interstate Compact on Mental Health."

Amend said Bill by striking out all of section 2 and inserting in place thereof the following:

"Sec. 2. R. S., c. 27, § 116, amended. Section 116 of chapter 27 of the

Revised Statutes is hereby amended to read as follows:

**'Sec. 116. Transfer of insane persons from out of the state institutions.** The Commissioner may, upon the request of a competent authority of a state other than Maine, or of the District of Columbia, which is not a member of the Interstate Compact on Mental Health, grant authorization for the transfer of an insane patient directly to a Maine State Hospital, provided that said patient has a settlement in a Maine municipality acknowledged by the municipal officers thereof resided in the State of Maine for a period of one year; that said patient is currently confined in a recognized state institution for the care of the insane as the result of proceedings considered legal by that state; that a duly certified copy of the original commitment proceedings and a copy of the patient's case history is supplied; that if, after investigation, the Commissioner shall deem such a transfer justifiable; and that all expenses incident to such a transfer be borne by the agency requesting same. When the Commissioner has authorized such a transfer, the Superintendent of the State Hospital designated by him shall receive the patient as having been regularly committed to said Hospital under the laws of this State.'

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

Report of the Committee on Liquor Control on Bill "An Act to Clarify Certain Liquor Laws" (S. P. 409) (L. D. 1142) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 409, L. D. 1142, Bill, "An Act to Clarify Certain Liquor Laws."

Amend said Bill by inserting aft-

er "Sec. 3", a new section, as follows:

**"Sec. 3-A. R. S., c. 61, § 13, amended.** The last sentence of section 13 of chapter 61 of the Revised Statutes is hereby repealed, as follows: 'At any time the total working capital exceeds the amount necessary to provide for a turnover of stock approximately 2 times annually, the governor and council upon recommendation of the commissioner of finance and administration may authorize the return of such excess to the general fund of the state.'"

Further amend said Bill by striking out the figure "3rd" in the 1st line of "Sec. 8" and inserting in place thereof the figure '4th'.

Further amend said Bill by striking out the underlined words "period of" in the 7th line of "Sec. 9" and inserting in place thereof the underlined words 'period not exceeding'.

Further amend said Bill by inserting after "Sec. 13", a new section, as follows:

**"Sec. 13-A. R. S., c. 61, § 57, amended.** Section 57 of chapter 61 of the Revised Statutes is hereby amended by inserting after the 1st sentence of the 2nd paragraph, 2 new sentences, as follows:

**'The 10-day period for appeal shall commence on the effective date of any suspension or revocation of a license, and, in the case of refusal of the Commission to issue license, on the day when the Commission sends by registered or certified mail notice to the applicant at the address of his business given in his application for license. Filing appeal in the Superior Court shall stop the running of the limitation period.'**

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

From the Senate: The following Communication:

STATE OF MAINE  
SENATE CHAMBER  
OFFICE OF THE SECRETARY

April 19, 1957

Honorable Harvey R. Pease  
Clerk of the House of Representatives  
Ninety-eighth Legislature  
Sir:

The President of the Senate today appointed the following Conferees on

the part of the Senate on the disagreeing action of the two branches of the Legislature on Bill "An Act Establishing Columbus Day as a Legal Holiday" (S. P. 411) (L. D. 1144)

Senators:

BOUCHER of Androscoggin  
CARPENTER of Somerset  
MARTIN of Kennebec

Respectfully,

(Signed) CHESTER T. WINSLOW  
Secretary of the  
Senate

In the House, the Communication was read and ordered placed on file.

The SPEAKER: At this time the Chair would like to recognize the presence in the gallery of the House of six Girl Scouts of Troop one from Rockland, accompanied by Mrs. Barnard, Mrs. Boucher and Mrs. Stilphen. On behalf of the House, the Chair extends to you ladies a most cordial and hearty welcome and we hope that you will enjoy your visit with us today. (Applause)

The SPEAKER: At this time the Chair would like to indulge in the pleasure of introducing to the House a young man who is accompanying your Speaker on the rostrum this morning, who back in 1954 was the Speaker of the House in the Hi "Y" model Legislature. This gentleman is now a student at the University of Maine and has been sent to Augusta this week to observe the Legislature in action.

It gives the Chair a great deal of pleasure to introduce to the House, Mr. Richard Salisbury of Bar Harbor. (Applause)

#### Orders

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

On motion of Mrs. Smith of Fal-mouth, it was

ORDERED, that Mr. Brewer of Caribou be excused from attendance this week because of his attendance at a conference of the New

England Interstate Water Pollution Control Commission as a Commissioner from Maine.

#### House Reports of Committees Ought Not to Pass Tabled

Mr. Carville from the Committee on Inland Fisheries and Game reported "Ought not to pass" on Bill "An Act relating to Fishing and Hunting Licenses for Nonresident Students in Maine Colleges" (H. P. 919) (L. D. 1309)

Report was read.

(On motion of Mr. Beane of Augusta, tabled pending acceptance of Committee Report and unassigned.)

Mr. Dudley from the Committee on Inland Fisheries and Game reported "Ought not to pass" on Resolve Opening Aroostook River, Aroostook County, to Ice Fishing (H. P. 899) (L. D. 1285)

Mrs. Harriman from same Committee reported same on Resolve Closing All Waters of Cumberland County to Bass Fishing (H. P. 770) (L. D. 1103)

Mr. Bruce from the Committee on Legal Affairs reported same on Bill "An Act relating to Explosives and Inflammable Liquids" (H. P. 32) (L. D. 45)

Reports were read and accepted and sent up for concurrence.

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

Mr. Childs from the Committee on Legal Affairs on Bill "An Act relating to Retirement of Members of Portland Police Department not under State Retirement System" (H. P. 751) (L. D. 1065) reported same in a new draft (H. P. 1057) (L. D. 1512) under title of "An Act relating to Retirement of Members of Portland Police and Fire Department not under State Retirement System" and that it "Ought to pass"

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

#### Ought to Pass Printed Bills

Mr. Bartlett from the Committee on Inland Fisheries and Game reported "Ought to pass" on Bill "An Act Repealing Certain Limitations

in Hunting with Bow and Arrow" (H. P. 898) (L. D. 1284)

Mr. Coyne from the Committee on Public Health reported same on Bill "An Act relating to Aid to Public and Private Hospitals" (H. P. 382) (L. D. 511)

Mr. Ross from the Committee on State Government reported same on Bill "An Act relating to Duties of the Aeronautics Commission" (H. P. 1040) (L. D. 1473)

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

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

Mr. Childs from the Committee on Legal Affairs on Bill "An Act Licensing Pin Ball Machines" (H. P. 904) (L. D. 1290) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 904, L. D. 1290, Bill, "An Act Licensing Pin Ball Machines."

Amend said Bill in "Sec. 68-B" by striking out the underlined words "shall mean any ball machine" in the 2nd and 3rd lines and inserting in place thereof the following underlined words 'shall be only those machines nominally denominated as such'

Further amend said Bill in "Sec. 68-B" by adding after the underlined word "reward" in the last line, the following underlined words 'except free replays'

Further amend said Bill in "Sec. 68-C" by striking out in the 2nd line the underlined words and figure "\$10 for each machine kept in or on the premises or location" and inserting in place thereof the following underlined words and figure '\$5 for each premise on which such machine or machines shall be located'

Further amend said Bill in "Sec. 68-F" by adding after the underlined word "premises" in the last line the following underlined words 'except when accompanied by parent or guardian'

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

Mrs. Smith from the Committee on Legal Affairs on Bill "An Act to Incorporate The Northport School District in Northport" (H. P. 749) (L. D. 1063) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 749, L. D. 1063, Bill, "An Act to Incorporate the Northport School District in Northport."

Amend said Bill by striking out the first sentence of the Emergency Clause and Referendum at the end thereof, and inserting in place thereof the following sentence: 'In view of the emergency cited in the preamble, this act shall take effect when approved, only for the purpose of permitting its submission to the legal voters of the territory embraced within the limits of said district present and voting at a special town meeting called and held for the purpose, such special meeting to be held not later than 30 days after the effective date of this act.'

Further amend said Bill in the Emergency Clause by striking out the period at the end of the next to last paragraph of the Bill and inserting in place thereof the following words and punctuation: '; but failure of approval of this act by the necessary percentage of voters at such special town meeting shall not prevent a 2nd meeting held either within 30 days of the first special town meeting or at the annual town meeting in March, 1958.'

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

#### **Divided Report Tabled and Assigned**

Majority Report of the Committee on Public Health reporting "Ought to pass" on Bill "An Act relating to Certificates Issued by Board of Commissioners of Pharmacy" (H. P. 788) (L. D. 1121)

Report was signed by the following members:

Mrs. LORD of Cumberland

Messrs. BRIGGS of Aroostook

ST. PIERRE

of Androscoggin

- of the Senate.

Mrs. KNAPP of Yarmouth

Messrs. EMERSON of Millinocket

ROWE of Limerick

COYNE of Waterville

- of the House.

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

Report was signed by the following members:

Mr. CURTIS of Bowdoinham

Mrs. HARRINGTON of Patten

Mrs. HENDRICKS of Portland

- of the House.

Reports were read.

(On motion of Mr. Emerson of Millinocket, tabled pending acceptance of either report and specially assigned for tomorrow.)

#### **Divided Report Tabled and Assigned**

Majority Report of the Committee on Public Health on Bill "An Act Revising Law Relating to Pharmacists" (H. P. 951) (L. D. 1352) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Mr. BRIGGS of Aroostook

Mrs. LORD of Cumberland

Mr. ST. PIERRE

of Androscoggin

- of the Senate.

Mrs. KNAPP of Yarmouth

Messrs. EMERSON of Millinocket

ROWE of Limerick

COYNE of Waterville

- of the House.

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

Report was signed by the following members:

Mr. CURTIS of Bowdoinham

Mrs. HARRINGTON of Patten

Mrs. HENDRICKS of Portland

- of the House.

Reports were read.

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

Mr. CURTIS: Mr. Speaker, on item twelve we are making an across-the-board survey of the pharmacists in this area to see how they feel on these things and we want to have a little more time. So we would like to table this and assign it for a week from today.

The SPEAKER: With respect to item twelve, Bill "An Act Revising Law Relating to Pharmacists", the gentleman from Bowdoinham, Mr. Curtis, now moves that this item be tabled and specially assigned for one week from today, April 30, pending acceptance of either Report.

Is this the pleasure of the House?

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

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

Bill "An Act Revising the Potato Tax Law" (H. P. 917) (L. D. 1307)

Bill "An Act relating to Police Department and Pension System for Employees of City of Westbrook" (H. P. 1016) (L. D. 1446)

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

#### **Indefinitely Postponed**

Resolve in favor of Chester Fredricks of Norridgewock (H. P. 596) (L. D. 1273)

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

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

Mr. CHILDS: Mr. Speaker and Members of the House: It is with a great deal of reluctance that I rise on a measure which just the last day of the legislature has been debated and passed on by this House. The reason that I do primarily is because I certainly feel very, very strong about this matter, and I know that many Members of the House were absent last Friday.

This Resolve is a deer claim. In 1951 the Legislature in their wisdom determined that deer claims would no longer be honored. The amount on this particular claim is one hundred and seventy-five dollars. Now as far as I am concerned,

I wouldn't care if it was a dollar and seventy-five cents or seventeen thousand dollars. The thing that is before us is the issue.

The proponents of this measure say that this is a case that has extenuating circumstances. Now, every deer claim has extenuating circumstances, and every time damage is done by deer it is a hardship on the people who are involved, but it is my opinion that once the legislature has decided that they shall no longer honor deer claims that we should stand by that decision. If we are going to repeal that particular law, we should do it, but as far as passing one individual resolve and allowing one deer claim, we are not only letting the next session of the legislature in for a lot of headaches, but it also is lending criticism to the legislatures which have preceded us.

If this deer claim passes, you can rest assured that in the next session of the legislature there will be more than a thousand of them, and we will be here until the middle of July and August. And as we honor this particular claim, I certainly think we should pass an order allowing all deer claims to be introduced to the legislature notwithstanding the cloture rule, because if we are going to be fair to one of them, then we should consider each and every one of them.

Now it is my hope that this thing will not pass this morning, and I shall at this time move the indefinite postponement of this Resolve and all its accompanying papers.

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

Mr. ROSS: Mr. Speaker and Members of the House: In supporting the motion of the gentleman from Portland, Mr. Childs, I would like to make a few comments.

Sometimes it is most difficult to separate logic from sentiment. Too often our actions are governed by our feelings rather than by common sense, but now there are many persons in this House who honestly feel that pensions such as this should be granted.

Now since their feelings are sincere, I certainly respect them, but if we grant this one we certainly in all fairness should grant all

types such as this. And consequently we must consider the overall financial impact upon our State. But my remarks this morning are directed towards another group. In matters such as this, it is all too easy for we, who sit here in the House of Representatives, to say: "What difference does it make, the Senate will kill it anyway," and to say to ourselves: "Let's show that we are good fellows and pass it here in the House." This is always a great temptation. It is always a temptation to do the popular thing. My remarks are not to influence anybody who honestly feels that this Resolve should have passage, but to any others I say: "Let's face up to our responsibilities even though by our good nature and soft hearts we genuinely feel sorry for the gentleman from Norridgewock, Mr. Fredericks." I hereby support the motion of the gentleman from Portland, Mr. Childs.

The SPEAKER: The Chair recognizes the gentlewoman from Lovell, Mrs. Harriman.

Mrs. HARRIMAN: Mr. Speaker, I must admit that last Friday I was greatly impressed by the defense of the Resolve put up by the gentleman from Biddeford, Mr. Hickey, but over the week end studying this Resolve and knowing how closely it was linked with my Committee, I would at this time like to read this paper:

"In August, 1954, Chester Fredericks reported to the Fish and Game Department that deer were doing damage to his bean crop. Following the report, a warden called on Mr. Fredericks, and left repellents (blood meal, rags, twine, and Zip) to be used in preventing further damage to his beans. It is understood that Mr. Fredericks, or his employee, shot at least one deer, as was his right under the current State law.

In 1955 Mr. Fredericks submitted a claim to the 97th Legislature, in the amount of \$175.00, to reimburse him for damage done by deer. This claim was rejected, however, by the Claims Committee of the 97th Legislature.

Mr. Fredericks submitted the same claim to the 98th Legislature, and a majority of this year's Claims



Committee have reported it "Ought not to pass."

The current laws, pertaining to crop damage, were enacted by the 95th Legislature, in 1951. Prior to 1951, crop damage payments had been allowed. While claims totaled approximately four thousand dollars (\$4,000) annually in the 1930's, they had increased to upwards of fifty thousand dollars (\$50,000) in the late 1940's. In addition to the actual crop damage payments, the Fish and Game Department incurred other expenses for warden mileage, and the salary of a special inspector in handling several hundred claims each year.

In the late 1940's it became increasingly apparent that in spite of a greater annual deer kill, farmers and orchardists were suffering more deer damage, and the most effective means of preventing damage was to permit the taking of the deer actually causing that damage; hence, the 1951 legislation, which provided that farmers and orchardists could take or kill deer, night or day, on land owned or occupied by them, where substantial damage was being done by deer to fruit trees or crops. It further provides that a certificate shall be issued by the Game Warden to the person who kills such deer, entitling said person to the ownership of the carcass, or carcasses.

Most Maine farmers recognize the fact that some damage from deer and other wild animals is inevitable, and the majority seem willing to make their small contribution, in the knowledge that the deer herd contributes substantially to the economy of the State.

It hardly seems reasonable, nor fair, to single out one person to pay a claim of this nature, when others have had claims denied, and many others could present claims for damage, if encouraged to do so.

The passage of this resolve will open the door to the presentation of hundreds of small claims annually. It would serve only to bring about a return to past procedure, which has been proven unsatisfactory, unbusinesslike, and unworkable."

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

Mr. TEVANIAN: Mr. Speaker, I rise in opposition to the motion of the gentleman from Portland, Mr. Childs, and I think it very important, before we vote on this matter, to look at the history of the deer claims.

Primarily that bill was passed, as I understand it, in 1951, because of the large amounts of money that were expended by the Inland Fish and Game Department in the payment of automobile damage by deer. In 1951 the legislature passed an act that they would no longer honor these claims. But back in our history we have a statute that says that towns will not be reimbursed for monies expended on paupers unless the claim is made within ninety days. That also is on our books. Yet annually, we reimburse towns who do not file within the ninety days because there are circumstances which warrant that payment.

Now in this particular matter, as I understand it, Mr. Fredericks went to the game wardens, he went there with his problem. He was told: "There is nothing more we can do about it. Go out and shoot the deer that are destroying your crops." He was not capable of handling the situation alone. The people—the game wardens, who in my opinion are responsible for the safety as far as relates to the deer law, they failed to act when the man was in need, and as a result, it is my understanding that the majority of his loss was suffered after he had complained and after they told him: "There is nothing further that we can do."

And I want you to bear in mind that in 1955 and '56 this legislature has expended one hundred and ten thousand, five hundred and ninety-three dollars and ten cents for damages by skunks, raccoons, stray and abandoned dogs, porcupines, bear bounty, livestock and poultry. And I submit that it is the absolute prerogative of this legislature, when there are unusual circumstances, to reimburse any of its citizens for out-of-pocket expenditures for any damages in which the State could have avoided as in this particular instance. Thank you.

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

Mr. CHILDS: Mr. Speaker, I only rise for one purpose, and that is to thank my colleague the gentleman from Portland, Mr. Tevanian, for pointing out what the issue here is. He said we should look at the history of this deer claim. I say if we look at the history of this deer claim, we have got to look at the history of all the deer claims. When the vote is taken I request a division.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I know nothing about the justice of this claim, but if the situation here is that the gentleman from Norridgewock, Mr. Fredericks, has three strikes against him because we have established a policy that we will not consider a claim of a certain type, I am definitely against that. I feel that it is the prerogative of this legislature to consider any claim absolutely on its merits regardless of any rules or anything that may have been set up against it; it strictly should be considered on its merits, if there are circumstances that will arise where this very thing should be desirable. I don't know a thing about this claim, but if it is a just claim, I would be for it.

The SPEAKER: The motion before the House is the motion of the gentleman from Portland, Mr. Childs, that Resolve in Favor of Chester Fredericks of Norridgewock be indefinitely postponed.

The Chair recognizes the gentleman from Topsham, Mr. Jack.

Mr. JACK: Mr. Speaker and Members of the House: This same bill appeared before our Committee two years ago and it was turned down unanimously. We figured when the bill came back this time why there was no cause for it to be—after careful consideration that there was no cause for it to be passed. I want to go along with the gentleman from Portland, Mr. Childs.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Dexter, Mr. Roberts.

Mr. ROBERTS: Mr. Speaker and Members of the House: We all know

that deer are the property of the State of Maine. I just want to make one comment: If any of my stock destroys the crop of any of my neighbors, I am responsible and liable for payment.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Hickey.

Mr. HICKEY: Mr. Speaker and Ladies and Gentlemen of the 98th Legislature: On Friday last you had the courage of your convictions and you stood up and was counted, and the Resolve passed. Now, as representatives elected by the people of the State of Maine, are you now going to be called upon to show a dissent at this present time? I think myself, and I know that you all feel the same ladies and gentlemen, that this is a just and honest Resolve introduced by a good American citizen who had had his whole year's work destroyed by animals like deer and so forth. So I ask one and all to stand up and be counted in a democratic way opposing the motion of the gentleman from Portland, Mr. Childs. Thank you.

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

Mr. FULLER: Mr. Speaker, may I ask the Chair what the vote of the Committee was on this Resolve?

The SPEAKER: A question is addressed through the Chair to any Member of the Claims Committee who may answer. The gentleman would like to know what the vote of the Committee was. Will some Member of the Claims Committee please advise the gentleman?

The Chair is informed the vote of the Committee was five to four "Ought not to pass". Is the House ready for the question?

The Chair recognizes the gentleman from Biddeford, Mr. Hickey.

Mr. HICKEY: Mr. Speaker, I would like to go to work and ask through the Chair what the vote was last Friday on this Resolve, the motion?

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

Mr. ROSS: Mr. Speaker, in answer to that last question, I can give you an unofficial tabulation which I kept myself, it was fifty-

four in favor of the motion of the gentleman from Biddeford, Mr. Hickey, and forty-nine opposed to it. And at that time the gentleman moved "Ought to pass". Fifty-four favored the "Ought to pass", forty-nine opposed. A hundred and three only voted.

The SPEAKER: The motion before the House is the motion for the indefinite postponement of Resolve in Favor of Chester Fredericks of Norridgewock. House Paper 596, Legislative Document 1273. The gentleman from Portland, Mr. Childs, has requested a division.

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

A division of the House was had.

Eighty-eight having voted in the affirmative and forty-seven having voted in the negative, the motion prevailed and the Resolve was indefinitely postponed and sent up for concurrence.

#### Amended Bills

Bill "An Act relating to Mortgage Loans by Savings Banks" (S. P. 406) (L. D. 1139)

Bill "An Act to Incorporate the North Yarmouth Water District" (S. P. 472) (L. D. 1351)

Bill "An Act relating to the Winthrop Sewer System" (H. P. 232) (L. D. 325)

Bill "An Act relating to the Disposition of Fines in Certain Motor Vehicle Violations" (H. P. 537) (L. D. 764)

Bill "An Act to Create the Falmouth Sewer District" (H. P. 669) (L. D. 950)

Bill "An Act to Create the South Freeport Sewer District" (H. P. 829) (L. D. 1171)

Bill "An Act to Create the Cape Elizabeth Sewer District" (H. P. 856) (L. D. 1219)

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

#### Third Reader Tabled

Bill "An Act relating to Initial Motor Vehicle Number Plates" (H. P. 957) (L. D. 1358)

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

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

Mr. JACQUES: Mr. Speaker, I was very much surprised to see this bill coming out of Committee as an "Ought to pass" Report. At our Committee hearing we had numerous people that appeared before the Committee opposing the bill, especially department heads and your law enforcement agency.

I have a letter here from our Lewiston Police Department which had contacted me to oppose this bill. "This question has received consideration at some time or another by various law enforcement agencies throughout the Country, and it has in most instances met with disapproval with police officers all over the Country. In my opinion, the issuance of such plates to any special group would open the door to similar requests and would make the job of identifying motor vehicles more difficult. It seems to me registration plates were originally intended for the purpose of identifying the motor vehicle and not to be used as an identifying emblem, so as to simplify the control and identification of this vehicle and any deviation from this original purpose would tend to confuse and make more difficult the work of law enforcement agencies. Yours truly, Roland Amnott, Chief of Police." Also, this would mean if this bill goes through, this would mean maybe a turning back of tens of thousands of plates back to the State which would mean an additional cost of expense of the State Department.

Now this plate would mean they want to charge an extra five dollars apiece. Now nobody knows how many plates would be paying five dollars if this bill would go through. The departments are against it, and I move at this time to indefinitely postpone it with the accompanying papers.

The SPEAKER: The motion before the House is the motion of the gentleman from Lewiston, Mr. Jacques, that Bill "An Act relating to Initial Motor Vehicle Number Plates" be indefinitely postponed.

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

Mr. HAUGHN: Mr. Speaker, whereas there is before the Committee another bill of similar nature, the ham operators' license plates which report has not come out of Committee as yet, I would move that this be tabled unassigned until that bill reaches us.

The SPEAKER: The motion now before the House is the motion of the gentleman from Bridgton, Mr. Haughn, that Bill "An Act relating to Initial Motor Vehicle Number Plates" be tabled unassigned pending the motion of the gentleman from Lewiston, Mr. Jacques, that it be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed and the Bill was so tabled and unassigned.

Bill "An Act Creating the Mars Hill Utility District" (H. P. 985) (L. D. 1409)

Was 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 of a group of sixteen members of the Future Business Leaders of America Club from Bangor High School, accompanied by Mrs. Dorothy Coiley and Mr. Donald Drosel. On behalf of the House the Chair extends to you ladies and gentlemen a most hearty and cordial welcome, and we hope that you will enjoy and profit by your visit with us today. (Applause)

#### Passed to Be Enacted

An Act relating to Payments by Town of Georgetown for MacMahan Island (S. P. 132) (L. D. 270)

An Act relating to Vacations for Members of the Lewiston Police Department (S. P. 205) (L. D. 550)

An Act relating to Uniforms for Members of the Police Department

of the City of Lewiston (S. P. 206) (L. D. 551)

An Act Pertaining to Retirement Benefits for Members of the Lewiston Police Department not under the Maine State Retirement System (S. P. 212) (L. D. 557)

An Act to Authorize the State of Maine to Enter Into a Compact with the States of Vermont and New Hampshire to Establish a Tri-State Regional Medical Needs Board (S. P. 256) (L. D. 694)

An Act relating to Unlicensed Dogs (S. P. 474) (L. D. 1380)

An Act relating to Pensions for Widows and Children of Deceased Policemen of the City of Lewiston (S. P. 523) (L. D. 1485)

An Act relating to Amount Recovered in Actions for Injuries Causing Immediate Death (H. P. 777) (L. D. 1110)

An Act relating to Granting Mining Rights by Forest Commissioner (H. P. 786) (L. D. 1119)

An Act relating to Removal of Persons from Indian Tribal Reservations (H. P. 799) (L. D. 1131)

An Act to Exclude Town of Cooper, Washington County, from Maine Forestry District (H. P. 821) (L. D. 1164)

An Act relating to Duties of Animal Husbandry Specialist (H. P. 963) (L. D. 1364)

An Act relating to Damages Done by Dogs and Wild Animals (H. P. 979) (L. D. 1403)

#### Finally Passed

Resolve to Reimburse the Town of Houlton for Pauper Supplies (S. P. 293) (L. D. 1488)

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

Resolve Giving Recognition to the Eastern Orthodox Church as a Major Faith in Maine (H. P. 1046) (L. D. 1487)

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, House Report "Ought not to pass" of the Committee on Retirements and Pensions on Resolve Providing for State Pension for Samuel Hanson of Baring, House Paper 822, Legislative Document 1165, tabled on April 10 by the gentleman from Calais, Mr. Davis, pending acceptance of report.

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

The SPEAKER: Under Orders of the Day the Chair lays before the House the second tabled and today assigned matter, House Divided Report, Majority "Ought to pass" as amended by Committee Amendment "A" and Minority Report "Ought not to pass" of the Committee on Claims, on Resolve in favor of Maynard Lindsay of Harrington, House Paper 407, Legislative Document 584, tabled on April 12 by the gentleman from Bangor, Mr. Totman, pending acceptance of either report.

The Chair recognizes the gentleman from Columbia Falls, Mr. Hathaway.

Mr. HATHAWAY: Mr. Speaker, I move that we accept the majority "Ought to pass" Report.

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

Mr. SHAW: Mr. Speaker and Members of the House: I want to substantiate my stand as a signer of the Minority "Ought not to pass" Report. And I think in order that you have reasonable grounds to consider this piece of legislation that you must have the information pertaining to the issue. And so with your indulgence I will give you some of the history of the case.

Maynard Lindsey was an employee of the Maine State Police, in the capacity of a trooper, on January 22, 1948. On that date while attempting to apprehend a berserk person he was shot in the left arm and received a bullet wound to the left upper arm, a compound fracture of the humerus, the upper bone of the arm, and injury to the radial nerve. The bullet then entered the chest wall and lodged in soft tissue about opposite the first lumbar vertebra across the back.

On February 4, 1948, an order was introduced in the council and it was ordered that the chief of the State Police "be and hereby is authorized to continue the salary of Trooper Maynard Lindsey, while he is recovering from a bullet wound received in line of duty." This order was read and passed by the council and by the Governor approved on February 4, 1948. Trooper Lindsey received his full salary during his period of disability and a period of total disability is recorded in his behalf of 54½ weeks for the period between the day he was injured, January 22, 1948, the date of the accident, to and including February 13, 1949. On February 13, 1949, the trooper had recovered sufficiently to return to duty. I checked with the present chief of the State Police to find out whether or not Trooper Lindsey, as a result of his injury, had been impaired in the pursuit of his duties, or obstructed as far as possible promotion was concerned and I was informed that he had not been impaired from the standpoint of his injury as far as performance of duty and advancement recognition was concerned. I then inquired as to his status at the time he was injured and it was determined that he was a trooper at that time. And I was also informed that he made reasonable progress with the department from a promotional standpoint, inasmuch as he was later promoted to sergeant and in due course of time to lieutenant, the position that he holds in this enforcement organization at this time.

As in all such cases the state, as an assenting employer under the terms of the workman's compensation act, assumed the full liability in regard to medical services rendered to this victim, which totaled \$4623.80.

Now, I would like to read to you an excerpt from a letter received by the assistant attorney general in regard to Maynard Lindsey, and the letter is dated July 25, 1949, and the letterhead bears the inscription, S. S. Silsby, M. D., 11 Ohio Street, Bangor, Maine. And I will read that letter to you.

"Dear Sir: Doctor Allan Woodcock said you wanted a report on

Mr. Lindsey, as to the percentage of his disability. On July 22, 1949, Dr. Woodcock and I examined Mr. Lindsey at the Eastern Maine General Hospital. Examination: fractured humerus is firmly united in good alignment. Several of the screws in plate can be felt but are doing no harm. Shoulder motion is normal. There is a 1½ inch atrophy of the upper arm. Motion of the elbow is limited in extension about 25 degrees, flexion of the elbow is normal, there is a two inch atrophy of the forearm, shrinkage of the forearm, and several small operative scars, which are healthy and non-adherent, rotation of the forearm is normal, the wrist is held in hyper-extension and he is able only to flex the wrist about 180 degrees. His grip is excellent. The chest wall has a long healthy scar, and in my opinion there is no disability." This by the way is in reference to the chest wound. He stated there was no disability after the bullet had gone through the arm and entered the chest. He goes on to say. "I would estimate Mr. Lindsey's permanent disability of left arm approximately 30 per cent."

Bear that in mind, 30 per cent permanent impairment to the left arm. And it is signed "Very truly yours, Samuel S. Silsby, M. D."

With this report in mind, Maynard Lindsey's case was heard before the Industrial Accident Commission and he was awarded specific compensation in the following amount: Seventy-five weeks for 50 per cent permanent impairment to left arm, 50 per cent, not 30 per cent. It is indicative by this settlement that this trooper received preferential treatment again in this instance, because the degree of disability was exceeded by 20 per cent of that estimated by the doctor who treated him. Seventy-five weeks compensation at that time resulted in the total amount of \$1,575, which was paid to the trooper in one lump sum. Now, had Trooper Lindsey at the onset of this accident been an employee of an independent employer and sustained injuries of equal consequence this is what would have happened. He would have received compensation at the rate of \$21.00 per week for 54½ weeks. Remember, he received \$50.00 a week by an order of

Governor and Council. And this would have been for the period of his disability, \$21.00 a week for fifty-four and one-half weeks. At the end of that time had he been favorably accepted before the Industrial Accident Commission to the extent of their allotting him a 50 per cent permanent impairment, in spite of the fact that a doctor well qualified to estimate his impairment had estimated the impairment at 30 per cent, he would have received the sum of \$1,575, but from that amount of \$1,575 which Trooper Lindsey received in one lump sum, had he been an individual working for an independent employer, there would have been deducted 21 times 54½ and he would have received the sum of \$430.

There is every indication that this Trooper received extreme preferential treatment. I think we have an issue before us today which has greater magnitude than meets the eye. If we are to upset the decision of the Industrial Accident Commission in this instance in regard to an injured State employee, what course of action do you propose to take in the future? Remember there are 6,000 State employees. And if we can't settle with them under the terms of the Industrial Accident Commission then we better establish an interim committee to serve when this legislature is not in session. And I can assure you that they will be real busy.

Now, one other point I would like to make in regard to Trooper Lindsey, to indicate to you that he has never received any maltreatment as far as the State of Maine is concerned, is the fact that on May 3, 1956 he was eligible for retirement at the age of 46 or 47, and I am not sure which, at the rate of \$50 per week for life, and he is either 46 or 47 years old.

In view of the dangerous precedent that could be set by such legislation as this I would sincerely hope that the motion of the gentleman from Columbia Falls, Mr. Hathaway, does not prevail. In fact I will now move the indefinite postponement of the Bill and all accompanying papers.

The SPEAKER: The motion now before the House is the motion of the gentleman from Bingham, Mr.

Shaw, for the indefinite postponement of Resolve in favor of Maynard Lindsey of Harrington.

Mr. SHAW: Mr. Speaker, I request a division.

The SPEAKER: The gentleman from Bingham, Mr. Shaw, requests a division. Is the House ready for the question?

The Chair recognizes the gentleman from Old Orchard Beach, Mr. Plante.

Mr. PLANTE: Mr. Speaker, if the gentleman from Bingham, Mr. Shaw would be kind enough, through the Chair I would like to ask him a question. Is this gentleman currently employed by the State Police or is he receiving revenue from some other source?

The SPEAKER: The gentleman from Old Orchard Beach, Mr. Plante, is asking a question through the Chair of the gentleman from Bingham, Mr. Shaw, who may answer if he so chooses.

Mr. SHAW: Trooper Lindsey is now a lieutenant in our State Police force, and was eligible for retirement on May 3, I believe it was, of 1956.

The SPEAKER: The Chair recognizes the gentleman from Columbia Falls, Mr. Hathaway.

Mr. HATHAWAY: Mr. Speaker, I arise for a point of information. May we discuss it before this motion comes to a vote?

The SPEAKER: Oh, very definitely.

Mr. HATHAWAY: Well, what the gentleman from Bingham, Mr. Shaw, has said is true. It is just a question of whether the amount given by the Accident Commission of \$1,000 sufficiently repays a man for the suffering he goes through. And also it must be understood that this 30 per cent impairment is not only for those few weeks but for the rest of his life. His arm has never been the same. His chest bone did heal. Now the gentleman wants to retire, and he feels that the amount he can get wouldn't be sufficient to keep him going on the work he would like to do, like lobster fishing and so forth he is unable to do in the condition that his arm is in. That is why he has asked for an amount to substantiate

what his retirement will be so that he can make a living.

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

Mr. SHAW: Mr. Speaker, I am not sure as to whether or not that started out as a question. But I would say this in regard to the permanent impairment. First of all he is entitled to a pension of \$50 a week for the rest of his life. And I can assure you that he will undoubtedly qualify for Social Security benefits if his health remains as good as it is today. And I would also state this. Had this been the instance of an independent employee and independent employer, not subsidized by State tax, he would have received \$3,150 from the independent employer had he lost his arm, had it been severed and he no longer had the use of it. In this instance the Trooper received \$4,300.

The SPEAKER: The motion before the House is the motion of the gentleman from Bingham, Mr. Shaw.

The Chair recognizes the gentleman from Columbia Falls, Mr. Hathaway.

Mr. HATHAWAY: Mr. Speaker, \$4300 certainly he received, but that was during the time when he was laid up with this thing, when the man almost died. He didn't expect to get to the hospital at the time. He was involved in a real bad shooting where three other people were killed. And if that \$4300 you figure is sufficient to repay a man for what he went through during that year and a half or so, then he has been sufficiently repaid.

The SPEAKER: The Chair recognizes the gentleman from Carthage, Mr. Hutchinson.

Mr. HUTCHINSON: Mr. Speaker and Ladies and Gentlemen of the House: As a signer of the Majority "Ought to pass" Report I feel that I ought to make a few remarks in support of the stand that we who signed that majority report took. The mass of statistics which you have just heard is entirely true. But irregardless of the fact that Maynard Lindsey did receive full pay during his enforced action from the force, he still has to live out the balance of his life expectancy of ap-

proximately 25 years, with an admitted disability of approximately 30 per cent, for which he has received absolutely nothing.

This allowance of only \$2,500, when \$10,000 was asked for, divided by the number of weeks for each week remaining in his normal life expectancy is approximately \$2 per week. I wonder how many of you would like receive a bullet in your body and be 25 or 30 per cent impaired for the balance of your life of approximately 25 years for the sum of \$2 per week. I trust the motion of the gentleman from Bingham, Mr. Shaw, does not prevail.

The SPEAKER: The Chair recognizes the gentlemen from Bingham, Mr. Shaw.

Mr. SHAW: I wonder how many of you would like to receive \$50 a week for the rest of your life at the age of 46?

The SPEAKER: Is the gentleman addressing that question to any specific person?

Mr. SHAW: Anyone can answer. We can have a verbal recognition on it if you wish.

The SPEAKER: The motion before the House is the motion of the gentleman from Bingham, Mr. Shaw, that Resolve in favor of Maynard Lindsey of Harrington. House Paper 407, Legislative Document 584, and both reports be indefinitely postponed, and the gentleman from Bingham has requested a division. Is the House ready for the question?

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

A division of the House was had.

One hundred and five having voted in the affirmative and eighteen having voted in the negative, the motion prevailed and the Resolve and all 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 third tabled and today assigned matter, Bill "An Act relating to Repairs of Roads in Unorganized Territory and Deorganized Towns", House Paper 599, Legis-

lative Document 846, tabled on April 16 by the gentleman from New Sharon, Mr. Caswell, pending first reading, and the Chair recognizes that gentleman.

Thereupon, on motion of the gentleman from New Sharon, Mr. Caswell, the Bill was given its first and second readings and assigned for third reading tomorrow.

The SPEAKER: Under Orders of the Day the Chair now lays before the House the fourth tabled and today assigned matter, House Divided Report, Report "A" "Ought to pass" and Report "B" "Ought not to pass" of the Committee on Transportation on Bill "An Act Prohibiting Motor Vehicles with Excessive Horsepower on Maine Highways", House Paper 455, Legislative Document 630, tabled on April 18 by the gentleman from Bangor, Mr. Totman, pending acceptance of either report, and the Chair recognizes that gentleman.

Mr. TOTMAN: Mr. Speaker, I move that Committee Report "A" "Ought to pass" be accepted.

The SPEAKER: The motion before the House is the motion of the gentleman from Bangor, Mr. Totman, that the House accept Report "A", the "Ought to pass" Report.

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

Mr. BEYER: Mr. Speaker and Members of the House: Some of you might like to hear a little bit about what went on in the Committee hearing on this bill.

I believe I speak for the rest of the signers of the "Ought not to pass" Report, that we are all interested in highway safety as I know you are. But most of us who did sign the "Ought not to pass" Report did not feel that horsepower is certainly not necessary for speed and in many cases it is not connected with it. By that I mean we all are familiar with the foreign car in this country, which due to different gear ratios can well outrun any American made car. But this is not the only reason we oppose this bill. There are some factors with regard to horsepower that are both economical and involve safety factors. For example, with a car



with high horsepower and a lower gear ratio you can keep down the cost of your fuel consumption, which with the price of gasoline what it is these days is not an unimportant factor. Secondly, with lower engine speeds and gear ratio you can lengthen the life of your car. Now, the reason that some horsepower can be a safety factor, as you know, on many of our Maine roads we have to all meet the problem of passing other cars. Sometimes when a split decision is necessary to get up and go and get by the car there it is important to have high horsepower and good speed.

Now we all know the horsepower is not directly involved but it also has something to do with the driver's responsibility and inclination. Some of us have seen cars of even twenty years old exceeding the speed limit by several miles an hour. At the same time we have seen other drivers with a brand new car proceeding well within the speed limit. So, for those reasons and others which the members of the committee considered on the "Ought not to pass" Report, I now move for the indefinite postponement of this bill together with accompanying papers.

The SPEAKER: The motion now before the House is the motion of the gentleman from Cape Elizabeth, Mr. Beyer, that Bill "An Act Prohibiting Motor Vehicles with Excessive Horsepower on Maine Highways" and both reports be indefinitely postponed.

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

Mr. HAUGHN: Mr. Speaker, in all due respect and regards for my colleague and friend from Bangor, Mr. Totman, he proved to me you don't have to have this horsepower to exceed the speed limits. I think he recalls the moment in which he proved it, because I was going along the Maine turnpike at the required speed, and I thought I was standing still.

Not only that but I think the problem here conforms to one problem, that we can regulate what is on the highway, but until it comes on the highway I do not believe it is a legislative problem. We are dealing in a Federal problem, we are

dealing into private enterprise and business, and I will wholeheartedly support the motion of the gentleman from Cape Elizabeth, Mr. Beyer.

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

Mr. JALBERT: Mr. Speaker, I rode to Augusta this morning with a gentleman from the other branch who drives a '57 Coupe de ville Caddy, and they don't exactly stand still. Mr. Haughn passed us as if we were standing still.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I hope you will excuse me for taking up your time twice this forenoon, but I have one question that seems to me rather pertinent and I don't have the answer, and I would be glad to throw it out for the answer if anybody wishes to answer it. It is briefly this. How many cars at the present time are there in use in Maine, I will say approximately, that would come under this ban, if any? And if there are any are we going to have to trade them in for half of what they are worth? They generally keep on running them until they wear them out.

The SPEAKER: The gentleman from Perham, Mr. Bragdon, addresses a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Lewiston, Mr. Jacques.

Mr. JACQUES: Mr. Speaker, I understand that there are two cars in this State right now with over 275 horsepower.

The SPEAKER: Does that answer the gentleman satisfactorily? The motion before the House is the motion of the gentleman from Cape Elizabeth, Mr. Beyer, that Bill "An Act Prohibiting Motor Vehicles with Excessive Horsepower on Maine Highways" and both reports be indefinitely postponed. Is the House ready for the question?

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

Mr. TOTMAN: Mr. Speaker and Members of the House: I must apologize to the House, I think perhaps I could be accused of baiting my opponents. And frankly I am a lit-

tle bit perplexed this moment. I was curious to see if the House is in a mood to listen to any serious debate upon this question, because believe me I have spent many nights assembling the data here which is simply statements from national publications, the Congressional record, which very clearly and definitely will answer many questions that my opponents have brought out. However, I recognize that this bill is not one of the major pieces of legislation despite the fact that it is intended to save lives. It is not one of the major pieces of legislation this session, and therefore I am reluctant to go into considerable explanation which I have prepared.

I would like to say this, that the Committee very kindly and fairly split the report in order that if any member wished to hear debate on the question it could be made. However, at this time I will bide my peace unless someone indicates that they would like to hear some of the very astounding statements by Congressional investigation as to what the real truth is on this so-called horsepower race.

The SPEAKER: Is the House ready for the question? The motion before the House is the motion of the gentleman from Cape Elizabeth, Mr. Beyer, that Bill "An Act Prohibiting Motor Vehicles with Excessive Horsepower on Maine Highways", House Paper 455, Legislative Document 630, be indefinitely postponed. Will all those who favor the indefinite postponement of this Bill and both reports please say aye; those opposed, no.

A viva voce vote being taken the motion prevailed and the Bill and 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 fifth tabled and today assigned matter, House Divided Report, Majority "Ought to pass" and Minority "Ought not to pass", of the Committee on Legal Affairs on Resolve Granting Master Plumber's License to Vernon M. Hooper of Castine, House Paper 686, Legislative Document 975, tabled on April 18 by the gentleman from North Haven, Mr. Baird, pending

acceptance of either report, and the Chair recognizes that gentleman.

Mr. BAIRD: Mr. Speaker, we have had two bills before this House this morning that seemed to be founded on sympathy for somebody, and I sympathize with Mr. Hooper in a way, but he has never gone to take an examination to see whether he can qualify for this license. He has repeatedly defied the State law and ignored the suggestions at first of the plumbing inspector, and the inspector changed from suggestions to demands and still he ignored them. He was convicted in Ellsworth Court of three violations. One of the violations was that he didn't even bother to secure a local permit, which is very easily obtained. There is no trouble in getting a permit. The permit can be secured in the name of the owner of the home.

When this court case came up two of the charges were filed because he promised to try for a license, and this is the way he has tried for his license and I think this is an improper way to do it. It is going to be unfair to all other master plumbers who have gone to the great expense and trouble of obtaining a master plumber's license. I move indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: With respect to item number five, Resolve Granting Master Plumber's License to Vernon M. Hooper of Castine, the gentleman from North Haven, Mr. Baird, now moves that this Resolve and both reports be indefinitely postponed.

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

Mr. QUINN: Mr. Speaker, in order that the House have the facts in this case, as a member of the Committee I will recite to them what occurred relative to this Resolve.

This man who is applying for this permit lives in Castine, and at the time the bill was heard there was a great number of folks in that area that came there and told what an excellent job of plumbing this man was doing in that rural area. That he was serving all the needs of the Town of Castine, including the Maritime Academy, for their requirements, which are more or less

simple in a rural town, for plumbing work. That there is no master plumber living within a respectable distance of the area. That they would either have to go to Ellsworth or Bangor to have a master plumber come there to do their ordinary plumbing, to meet their ordinary plumbing requirements. There was a great deal of support for the man before the Committee.

Appearing before this Committee in opposition was one of the inspectors, the man who had made the complaint, and who had had him arrested for plumbing without the regular required State license as a master plumber. And that man on being questioned by the Committee admitted that Mr. Hooper's work was O.K. There was nothing wrong with the work that he performed in the plumbing activity. And the only reason he made the complaint was the fact that the man did not have a license. The reason Mr. Hooper gave for not applying and taking the examination was the fact that he didn't have very much formal education, that he couldn't write very well. And that one of the requirements for obtaining this license was that he be able to write and answer the questions in writing in taking the examination. Apparently the man can manually do the work required of a plumber, but felt that he was unable to perform the written requirements of the examination.

After hearing all the facts before the Committee, and particularly the fact that the State Inspector said the man's plumbing work was good, and considering also the fact that in small areas such as Castine master plumbers are not available and it is very expensive to get them there, and if this man was doing a good job in his area and serving his people as they claimed he was, the Committee voted 9 to 1 to give him the license.

The SPEAKER: The motion before the House is the motion of the gentleman from North Haven, Mr. Baird, that Resolve Granting Master Plumber's License to Vernon M. Hooper of Castine be indefinitely postponed.

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

Mr. CURTIS: Mr. Speaker and

Ladies and Gentlemen of the House: There seems to me to be a case of misunderstanding perhaps to some of the members, and I would like to give a little of my experience in regard to this.

Prior to 1953, when the legislation affecting master plumber's licenses was enacted, a provision was granted by the Sanitary Engineering Division to grant master plumber's licenses to master plumbers who were qualified as master plumbers without reference to an examination. That would be an oral examination to make sure they knew how. Now, I did not avail myself of this provision and evidently neither did Mr. Hooper. But since that time and even now I am serving as a plumbing inspector, which means that plumbing installations in my area must meet with my approval to be acceptable in that part of the State. And I feel that I am doing a good job as such, at least I have been appointed over and over for a number of years.

Now I am not sure that I could now pass the article phases of the questions without some study, and if I couldn't write I am sure I couldn't pass it. I feel that with Mr. Hooper's experience as a plumber he should be granted a license as such, regardless of the technical questions required at this time by the Plumbers Examination Board.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Milo, Mr. Brockway.

Mr. BROCKWAY: Mr. Speaker, we have by law set up an examining board to examine plumbers for master plumbers' licenses. I don't know this gentleman, Mr. Hooper, but I have been told by a gentleman in my town who is on the Board of Examiners that he believes, and I concur with him wholeheartedly, if we are going to have this examining board they should give the examinations to those who have master plumbers' licenses and they should pass it.

I know of several gentlemen in my town who, when this law came into effect, did considerable studying and went to considerable expense to qualify so they could pass the license. And I am sure the people on this Examining Board, all being

human beings, if this gentleman was asking this body for a license without an examination, I am sure that if he can do good work, that they would be very lenient as far as written examination goes. And I am definitely opposed to setting up a commission of any kind and then this body telling them what to do.

The SPEAKER: The Chair recognizes the gentleman from North Haven, Mr. Baird.

Mr. BAIRD: Mr. Speaker, I know from experience that the State Plumbing Inspector will help a man to get his license. He will coach him in these questions and help him in every way he can, and I do know that they give consideration for your years of plumbing and the type of work you have been doing. And this man does do good work in some cases, but I can quote from this folder I have here of one case where he defied the law in the installation of a septic tank at the lighthouse at Castine. He installed a 250 gallon septic tank, and the law clearly says that none smaller than 500 gallons will be used, and the drainage from this tank contaminates the cottage of Thomas Wallace just below. That was one of the things that brought this to a head down there and forced the local master plumber, and there are master plumbers, there is one in Castine, that is a misstatement, I have that right here in this file. I don't have a doubt if this man will go and take his examination, and as long as he does good work will be able to work and have his master plumber's license, but I think this short cut here in the House is the improper way to do it, and I think it is just going to lead to trouble.

We had one of these two years ago and the circumstances were very much different, and I did go along at that time. But I do hope you will go along with me and indefinitely postpone this piece of legislation.

The SPEAKER: The Chair recognizes the gentlewoman from Fal-mouth, Mrs. Smith.

Mrs. SMITH: Mr. Speaker, I would like to say a few words about this. I would like to say that the Committee felt also that this is quite a problem when you have to bypass the State Board. But I do think you

folks ought to recognize that you have only two categories under that Board, a journeyman who cannot do any work unless he works under a master plumber, and the master plumber. And the master plumber requirements are high enough so that anyone having that license should be able to lay out the plumbing and so forth in the new State office building over here. Now we have no category in between. And we do have these small towns that cannot send out and get a master plumber. And the people from Castine are highly desirous of having this man have a license. And those are the circumstances that we had to consider in bringing out an "Ought to pass" Report.

It is perfectly obvious, I think, that this man would probably not be able to pass the test, as all these tests in this category whether they be plumbers or accountants or anyone else, they are quite technical, and he obviously is not capable of passing that test. And it would seem only fair to the residents of Castine to give this gentleman a plumber's license. I would not recommend it perhaps as a precedent, but I do think it is an unusual case.

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

Mr. FULLER: Mr. Speaker and Members of the House: I didn't intend to get into this argument, but it does bring out a point here which is pertinent I believe. It is possibly true that this man does good work. We just had a man down at North Haven who was teaching without a teaching certificate, and everybody admitted there that he was doing good work. Long before that he was practicing medicine without a license and he did very delicate operations and everybody commended him, even the doctor's profession. And probably he will turn up doing something else, but the fact is that he didn't have a license to practice medicine and he had to stop. Neither did he have a license to teach school and he had to stop. Now it is questionable whether or not they could replace that man as a teacher at North Haven. And yet he didn't have a license to teach and he had to leave North Haven.

And I say if we are going to have

plumbing laws and rules and regulations we should either live up to them or change them so that if we feel that this man should have a license we should change the law so that he can get one. Otherwise I think we should live up to them.

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

Mr. MILLER: Mr. Speaker, I want to go along with the remarks of the gentleman from South Portland, Mr. Fuller. I wasn't going to get up on the floor in regard to this, but I feel this is a very important bill that we have here today, and I feel that the passage of this bill by this legislature to overrule the Board of Plumbing Examiners would be a bad move on the part of the State legislators. And I want to go on record as being in favor of indefinitely postponing this measure.

The SPEAKER: Is the House ready for the question? The motion before the House is the motion of the gentleman from North Haven, Mr. Baird, that Resolve Granting Master Plumber's License to Vernon M. Hooper of Castine, House Paper 686, Legislative Document 975, and both reports be indefinitely postponed.

Will those who favor the indefinite postponement of this Resolve please say aye; those opposed, no.

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

The SPEAKER: Will all those who favor the indefinite postponement of this Resolve please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Seventy-three having voted in the affirmative and fifty-seven having voted in the negative, the motion prevailed and the Resolve and all accompanying papers were indefinitely postponed and sent up for concurrence.

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

On motion of the gentleman from Bangor, Mr. Stanley, the House voted to take from the table the twenty-first tabled and unassigned matter,

Bill "An Act Exempting Bunkering Oil from Sales Tax", Senate Paper 358, Legislative Document 964, tabled on April 5 by that gentleman pending passage to be engrossed.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. STANLEY: Mr. Speaker, as a rule I am in favor of all exemptions from the sales tax. I will not speak on this right now. I will move that it be passed to be engrossed.

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

The motion prevailed and the Bill was passed to be engrossed and sent to the Senate.

On motion of the gentleman from Harrison, Mr. Morrill, the House voted to take from the table the sixty-eighth tabled and unassigned matter, Bill "An Act relating to Killing of Dogs Chasing Livestock or Poultry", House Paper 990, Legislative Document 1419, tabled on April 19 by that gentleman pending passage to be engrossed.

Thereupon, on motion of the same gentleman, the Bill, having had its three several readings in the House and the Committee on Bills in the Third Reading having reported that no further verbal amendments were necessary, was passed to be engrossed and sent to the Senate.

On motion of the gentleman from Bangor, Mr. Stanley, the House voted to take from the table the forty-third tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Labor on Bill "An Act relating to Limited Medical Services Under Workmen's Compensation Act", House Paper 747, Legislative Document 1061, tabled on April 16 by that gentleman pending acceptance of report.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. STANLEY: Mr. Speaker, I would now move that it be recommended to the Committee on Labor after discussing it with the House Chairman of the Labor Committee.

The SPEAKER: With respect to Bill "An Act relating to Limited

Medical Services Under Workmen's Compensation Act", the gentleman from Bangor, Mr. Stanley, now moves that this Bill be recommitted to the Committee on Labor. Is this the pleasure of the House?

The motion prevailed and the Bill was recommitted to the Committee on Labor and sent up for concurrence.

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

Mr. BEAN: Mr. Speaker and Members of the House: Again this morning we have placed on the desks of the members the number four addendum to the Bills requiring appropriations from the general fund and from the unappropriated surplus for the period from April 12 to April 19, and also those having adjustments to the original tabulation and the addendas one to three.

(Off record remarks)

The gentleman from Chelsea, Mr. Allen, was granted unanimous consent to address the House.

Mr. ALLEN: I probably should apologize for taking up your time this morning, but since we have debated at length on issues that I feel are not as pertinent as the one I wish to remark on, I probably shouldn't apologize at all.

This has to do with the Sinclair Bill, the Jacobs' Report. Last week in the meeting of several members of this Legislature, at which a very lively discussion was held on the Sinclair Bill, I raised a question that was in my mind and I know I raised it in several other minds, which has not been answered fully, publicly at this time. However, I did look into it to a great extent, and I found out that my question could be answered very favorably to the Report. I would like to state my question, and that was: In the section of the Bill that provides for aid to schoolbuilding construction it provides that the State will subsidize school building construction about the same way that they now subsidize that community for their regular school aid, and the question I raised was how can we in this legislature pass a bill which will

say to the towns that they are going to be subsidized in school construction and not provide the money for doing it.

It looked to me at that time like a pretty big problem, that the next legislature might have to come on and dig up some three million dollars a year, and if we appropriated a sales tax in this session, where is the next session going to go to get the money. Well, I was sincere in that question, but in talking to Senator Sinclair, I find out that it is answered in this way. In passing the sales tax which will create some better than eight million dollars a year, the majority of that it is hoped would be spent for capital improvement on a supplemental budget, and the appropriations this year from that—on that supplemental budget probably will be in the majority nonrecurring, so the chances are that the next legislature would have a large percentage of that eight million or eight and a half million dollars left over to use for this purpose. That removed my objections to anything in the Jacobs' Bill, and I think it is a good point. Thank you.

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

The gentleman from Milo, Mr. Brockway, was granted unanimous consent to address the House.

Mr. BROCKWAY: Mr. Speaker and Members of the House: Earlier in today's session on page four of your calendar, item thirteen under Bills in the Third Reading, we voted to indefinitely postpone that Resolve. I have been sitting here and thinking it over, the different things said in debate for this indefinite postponement.

One gentleman I believe made the remark that it would be a terrific financial impact on the State. I would like to ask who is the State? I believe it is all of the people in the State including those that are engaged in agriculture. If that is so—

The SPEAKER: The House will be in order. Will the gentleman kindly inform the Chair which item it is he is referring to?

Mr. BROCKWAY: I am referring to House Paper 596, Legislative Doc-

ument 1273. I am not necessarily referring to this—

The SPEAKER: What is the title of the bill?

Mr. BROCKWAY: Item t h r e e, page four. If my opinion is correct that all the people make up the State of Maine and this would be an impact on the State, it is certainly my opinion that if we don't allow these claims that we are passing this impact along to the people that are engaged in agriculture in the State. I want to make that point clear, the way of my thinking.

It was brought out too that in lieu of a crop a fellow might raise, he could kill this deer that are doing the damage and have the deer for compensation. That is said—I believe there are people here that believe deer has a great value. Well, that may be true, but a deer to me in hot weather would have no value whatever killed in hot weather and no place to cool it, no way to take care of it, but I did vote for the indefinite postponement of this because I didn't want to be one

of those to help disrupt the schedule, and there is always different things that enter into this. We have no way of knowing when a claim like this is presented whether or not if the beans would have been taken care of whether or not there would have been a financial loss if the deer hadn't gotten into the beans. There is one thing you can think of. And it was brought out also that this was a year's work for the man. Of course raising beans isn't a year's work for anybody, and that is another reason why I voted for the indefinite postponement. But my main reason for rising is to point out to this group that the farmers are getting the whole impact of this damage. It is financial impact to the group that is engaged in agriculture in the State and not the whole State. Thank you.

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On motion of Mr. Jack of Tops-  
ham,

Adjourned until nine-thirty o'clock  
tomorrow morning.