

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Eighth Legislature

OF THE

STATE OF MAINE

VOLUME II

1957

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Wednesday, May 29, 1957

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

Prayer by the Rev. Mr. Dwain Evans of Augusta.

The journal of the previous session was read and approved.

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Authorize the Construction of a Bridge Across the Passagassawaukeag River at Belfast" (H. P. 997) (L. D. 1425) reporting that the House recede from its action whereby it passed the Bill to be engrossed, and substitute for the Bill, Resolve Authorizing Survey for Bridge Across Passagassawaukeag River, (H. P. 1108) (L. D. 1610) submitted with this Report, and pass said Resolve to be engrossed; that the Senate recede from its action whereby it indefinitely postponed the Bill, concur with the House in substituting for the Bill and pass to be engrossed in concurrence with the House, the Resolve. (Signed)

ROLLINS of Belfast
GRAVES of Mount Desert
SANBORN of Baldwin
— Committee on
part of House.

PARKER of Piscataquis
DAVIS of Cumberland
FERGUSON of Oxford
— Committee on
part of Senate.

Report was read and accepted, and the House voted to recede from its action whereby it passed the Bill to be engrossed.

The House further voted to substitute Resolve Authorizing Survey for Bridge Across Passagassawaukeag River for the Bill.

Thereupon the Resolve was given its first reading, and under suspension of the rules was given its second reading.

On motion of Mr. Rollins of Belfast, under suspension of the rules, the Resolve was passed to be engrossed and sent forthwith to the Senate.

From the Senate: The following Communication:

STATE OF MAINE
SENATE CHAMBER
OFFICE OF THE SECRETARY

May 28, 1957

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

The Senate today voted to adhere to its former action whereby it voted earlier in today's session to indefinitely postpone Bill "An Act relating to Purchase of Milk for Redistribution in Maine" (H. P. 309) (L. D. 426)

Respectfully,

(Signed) CHESTER T. WINSLOW
Secretary of the Senate

The Communication was read and ordered placed on file.

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

**House Reports of Committees
Ought Not to Pass**

Mr. Bean from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Resolve for Construction of a Home Economics-Science Laboratory Building at Farmington State Teachers' College (H. P. 525) (L. D. 753)

Report was read.

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

Mr. BREWER: Mr. Speaker, Ladies and Gentlemen of the House: I move the Resolve be substituted for the Report.

The SPEAKER: The question before the House is the motion of the gentleman from Caribou, Mr. Brewer, that the Resolve be substituted for the "Ought not to pass" Report in non-concurrence.

Will those who favor the motion to substitute the Resolve for the Report in non-concurrence, please say aye; those opposed, no.

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

The SPEAKER: The Chair recognizes the gentleman from Fryeburg, Mr. LaCasce.

Mr. LaCASCE: Mr. Speaker, I move this item be laid on the table until a little later in the day.

The SPEAKER: The question before the House is the motion of the gentleman from Fryeburg, Mr. LaCasce, that the Report be tabled and specially assigned for later in the day pending acceptance. Will those who favor the tabling motion please say aye; those opposed, no.

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

Thereupon, the "Ought not to pass" Report was accepted in concurrence.

Special Reports

Mr. Totman for the Committee on Transportation on House Order, passed April 9, 1957, on preliminary survey for a more detailed study of the gasoline pricing situation between the gasoline price zones of the State of Maine reported that the preliminary survey has been made and that a detailed study is not recommended at this time.

Report was read and accepted and ordered placed on file.

Mr. Totman for the Committees on Transportation and on Highways on Joint Order (H. P. 849) relating to study of the desirability of inquest procedures to follow fatal highway accidents reported that legislation at this time is not recommended.

Report was read and accepted and sent up for concurrence.

Passed to Be Engrossed

Bill "An Act to Increase Salaries of Justices of Supreme Judicial Court and Superior Court" (H. P. 1103) (L. D. 1608)

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

Third Reader

Tabled Until

Later in Today's Session

Bill "An Act Increasing Salaries of Various Department Heads and

Commissions" (H. P. 1104) (L. D. 1609)

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

Mr. Rollins of Belfast offered House Amendment "B" and moved its adoption.

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

HOUSE AMENDMENT "B" to H. P. 1104, L. D. 1609, Bill, "An Act Increasing Salaries of Various Department Heads and Commissions."

Amend said Bill in "Sec. 3" by striking out the last 2 paragraphs and inserting in place thereof the following paragraphs:

"The Treasurer of State shall receive an annual salary of \$3,000 \$7,000. ; he He shall receive no other fee, emolument or perquisite."

(There is hereby appropriated from the general fund the sum of \$1,000 for the fiscal year ending June 30, 1958 and \$1,000 for the fiscal year ending June 30, 1959 to carry out the purposes of this section.)"

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

Mr. ROLLINS: Mr. Speaker, this amendment will increase the Treasurer's salary to \$7,000, he would be then the lowest paid department head in the State of Maine. There are many department heads who are part time, two days a week maybe, that are getting more money than he is. He is under a \$150,000 bond and the present bill L. D. 1097 when enacted will place him under a \$500,000 bond. He has great responsibilities. He has been in the office long enough to have the contacts and the know-how to handle investments, and as I reiterated yesterday in the past biennium he made for the State of Maine by investments in short term government bonds \$1,170,318.14. It is a very responsible position and I feel that he is very much underpaid. At the present salary raise which is in this bill, his deputy will receive \$7,200.44, and I believe that he is entitled to this increase and I hope the House will go along with it.

The SPEAKER: The question before the House is the motion of the

gentleman from Belfast, Mr. Rollins, that the House adopt House Amendment "B".

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

Mr. STANLEY: Mr. Speaker, in discussing these salary increases the Appropriations Committee did not take in consideration any particular person in any particular job. We studied the job itself, the person who was filling that job was not considered. I think in the P.A.S. Plan they had an increase for all department heads and probably they had much better knowledge of all of the departments than the Committee itself had. The Committee felt that they were doing the right thing in increasing them all the same amount. With that thinking in mind, I would move indefinite postponement of this amendment.

The SPEAKER: The question now before the House is the motion of the gentleman from Bangor, Mr. Stanley, that the House indefinitely postpone House Amendment "B".

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

Mr. QUINN: Mr. Speaker and Ladies and Gentlemen of the House: I have known this loyal employee for many years. He is a most efficient and dependable employee, and he has been working for the State of Maine and doing a wonderful job in saving the State money in our bond transactions, he knows the bond markets, he knows the bond contacts and he is saving the State a lot of money, and it is ridiculous to think that he is working as the Treasurer of the State of Maine at a salary which at the present time is \$2,000 less than the other department heads. I want to urge that we vote against this indefinite postponement and support the motion of the gentleman from Belfast, Mr. Rollins, and give this loyal worker, our State Treasurer, a salary that he really deserves.

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

Mr. BEYER: Mr. Speaker, I would like to address a question through the Chair to the gentleman from Bangor, Mr. Stanley. Isn't it true that House Amendment "B"

would only give the State Treasurer a \$250 raise over that contemplated by the twelve and one-half per cent?

The SPEAKER: The Gentleman from Cape Elizabeth, Mr. Beyer, addresses a question through the Chair to the gentleman from Bangor, Mr. Stanley, who may answer if he chooses.

Mr. STANLEY: The gentleman is correct, yes.

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

Mr. BEYER: Mr. Speaker, in that case I certainly hope that we support the motion of the gentleman from Belfast, Mr. Rollins.

The SPEAKER: The Chair recognizes the gentleman from Fryeburg, Mr. LaCasce.

Mr. LaCASCE: Mr. Speaker, I would like to support the proposition presented by the gentleman from Belfast, Mr. Rollins, simply as a matter of fair play. We have had a man who has been in that position for some years and we are keeping him on the lower scale than the other heads of the departments and when we have to hire a new man, undoubtedly the salary will have to come up and I think we should bring it up for him.

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

Mr. CURTIS: Mr. Speaker, I would like to ask a question through the Chair of the gentleman from Bangor, Mr. Stanley, if this twelve and one-half per cent won't be applied to all these salaries as shown by L. D. 1608?

The SPEAKER: The gentleman from Bowdoinham, Mr. Curtis, has addressed a question through the Chair to the gentleman from Bangor, Mr. Stanley, who may answer if he so chooses.

Mr. STANLEY: On L. D. 1608, which is increasing the salaries of the Justices of the Supreme Judicial Court and Superior Court, the twelve and one-half per cent does not apply on that particular one.

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

Mr. CURTIS: I would like to ask the gentleman if it does apply on 1609?

The SPEAKER: The gentleman has addressed another question to the gentleman from Bangor who may answer if he chooses.

Mr. STANLEY: The twelve and one-half per cent does apply on 1609.

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen: I want to bring this out because the gentleman from Cape Elizabeth, Mr. Beyer, made it appear that all he was going to get was \$250, and that he would get twelve and one-half per cent. Now all the others are getting twelve and one-half per cent which just makes me wonder why this particular case was singled out. Is it something personal? Why is it? Why should everybody else be given money to jingle and this man, or this—not particular man, but this particular office just cut out of the picture, I just can't understand it. I can't understand the thinking.

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

Mr. JALBERT: Mr. Speaker and Members of the House: A few years ago there appeared on a referendum question a proposition that would have the Treasurer of our state, the present Treasurer, work on a six-year appointment basis. I took it upon myself to go to the authorities with influence in my community. There were twelve amendments, referendum questions. One of the twelve was his. Our community voted some seven to one in favor of his six-year appointment. I don't have any question that the present Treasurer of State is a splendid individual. He is a personal friend of mine. Other departmental heads are personal friends of mine as well as other members of the House, and speaking of fair play, if we are going to treat all of them on a twelve and one-half per cent basis, I can hardly see the fairness of stepping another departmental head \$250 which would give him \$1,000. I have stood up here and spoken in favor of the sales tax from two to three per cent. I spoke in favor of registration fees and license fees, and I am not going back home and have somebody say what did you do out

there outside of vote the Treasurer of the State a thousand dollar increase. I am not going to get hit with that one. I am going to get hit with everything else but that one.

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

Mr. ROLLINS: Mr. Speaker and Members of the House: The reason for this is that most every one of the department heads are \$8,000. Twelve and one-half per cent increase gives them another thousand dollars. There are some at \$10,000 who with the twelve and one-half per cent will receive \$1,250. Owing to the fact that the Treasurer's salary was only \$6,000, he only gets \$750. Why shouldn't he have a thousand dollar raise as well as the others? Each and every department head has a thousand dollar raise and two or three of them have \$1,250. I hope the motion before the House does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Winterport, Mr. Bean.

Mr. BEAN: Mr. Speaker and Ladies and Gentlemen of the House: As stated by our colleague on the Committee, the gentleman from Bangor, Mr. Stanley, the Appropriations Committee in discussing this salary increase did not take into consideration the individual office holders. We did come up with a twelve and one-half per cent increase straight across the board for each and every one of them regardless of what their basic salaries might be. To single out one and increase his salary from twelve and one-half per cent to sixteen and two-thirds per cent does not seem quite fair to me and I want to support the motion of my colleague from Bangor, Mr. Stanley, for indefinite postponement of this amendment.

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen: I don't get the thinking of the gentleman from Winterport, Mr. Bean. He says it would increase this sixteen and one-half, this would, but as I understand the thing he isn't getting this increase, these other fellows are getting this increase of one thou-

sand dollars and then they are getting twelve and one-half per cent on top of that, where in this particular case they are only asking twelve and one-half per cent of his present salary.

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

Mr. STANLEY: Mr. Speaker and Ladies and Gentlemen: I think that we should point out that we spent \$6,000 for a P.A.S. survey of all positions in the state office and all people who work for the state. They came back with their recommendations which I think are better than anything we could do here in this assembly. The recommendation which they made was an increase for all department heads and more than the Appropriations Committee recommended. The increase for the Treasurer of the State was recommended in the survey plan from \$6,000 to \$7,000. Those people who are now receiving \$8,000 the recommended increase was to \$9,600. We cut down all of the recommendations to a twelve and one-half per cent as I have mentioned before, and I think that in doing that that we were being fair with all of the department heads, and I think to single out one particular one would be an injustice to all the department heads.

The SPEAKER: The Chair recognizes the gentleman from Montville, Mr. Mathieson.

Mr. MATHIESON: Mr. Speaker, I would like to ask a question as to why a man in the department that is deputy is getting more than the head of the department, if anyone can tell me.

The SPEAKER: The gentleman from Montville, Mr. Mathieson, has addressed a question through the Chair to anyone who may answer if he chooses.

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

Mr. STANLEY: Mr. Speaker, in answer to the gentleman's question, I would say that the department—the Treasurer of the State, although he handles a great deal of money and he has to be bonded because of that fact, I think the feeling was that the job is not a too important job. In fact it was only a few sessions ago that the job was abolished and then for some unknown rea-

son it came back again, and I think the people who actually do the work in the department probably deserve to get the pay that goes along with it. The job itself as far as I can find out is not a too important job.

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

Mr. ROLLINS: Mr. Speaker and Members of the House: In correcting the gentleman from Bangor, Mr. Stanley, figures on the recommending of his annual salary by the P.A.S. Report, he says the \$8,000 ones would get ninety-six hundred dollars. I see the attorney general the recommendation of the P.A.S. was to \$12,000. I see the Commissioner of Agriculture was to \$12,000. I see the Forest Commissioner \$12,000. I see the Commissioner of Education \$12,000, a fifty per cent raise, and the gentleman from Bangor, Mr. Stanley, thought that P.A. S. job was a good job, but I do say, as he has reiterated, the Treasurer's job some years ago in my memory was not much of a job, but neither did they make any money for the State of Maine. They just had a job to come in here once a week or so and sign the bills, and the present Treasurer for the past few years has put his entire time on it and a man that is handling one-eighth of a point on a million dollars of bonds has got to be on the ball and know what he is doing and work fast, and he can't be down town somewheres or off on another job. He has no other occupation. The law allows him to have no other occupation or no other remuneration, and I feel that the figure itself, where he has made in moving and turning over bonds of over a million dollars in the last biennium, is certainly worth some consideration, and I feel that he deserves the thousand dollar raise the same as the other department heads are getting even by the Appropriations Committee not going along with the recommended salary increases.

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

Mr. STANLEY: Mr. Speaker, I would like to thank the gentleman from Belfast, Mr. Rollins, for the correction, but I think in making

the correction he has made my point more strongly. I said that those who now receive \$8,000, the P.A.S. Plan recommended \$9,600. I think for the most part they did, but in recommending \$12,000 for some of them and we giving them only one thousand dollar increases, which means that we cut them down three thousand dollars, we cut the Treasurer of the State down \$250, so if you would like to figure backwards, we cut some of them a great deal more than we cut the salary of the Treasurer.

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

Mr. MILLER: Mr. Speaker and Ladies and Gentlemen of the House: Yesterday morning on the floor of this House I made a few snide remarks in regard to pay increases for state employees. At this time I want to humbly apologize to the Appropriations Committee for the remarks that I made. On checking following the session I found out that I was very wrong. And further checking I have found that our Appropriations Committee has done a tremendous job and I think that they should be complimented on the job that they have done, and I hope that we as members of this House go along with the indefinite postponement of any amendments to this bill.

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

Mr. CURTIS: Mr. Speaker, I just can't understand the feeling about what the gentleman from Bangor, Mr. Stanley, has said about the Treasurer being such an unimportant job. Now I will admit that I am very fond of the gentle sex but the Treasurer is the boy that sends the checks, so what's the matter with the Treasurer?

The SPEAKER: Is the House ready for the question?

Mr. ROLLINS: I would ask for a division.

The SPEAKER: A division has been requested. The question before the House is the motion of the gentleman from Bangor, Mr. Stanley, that the House indefinitely postpone House Amendment "B". Will those who favor the motion to indefinite-

ly postpone this amendment please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Seventy-nine having voted in the affirmative and forty-seven having voted in the negative, the motion prevailed.

The SPEAKER: The Chair recognizes the gentleman from Clinton, Mr. Besse.

Mr. BESSE: Mr. Speaker and Members of the House: You will recall yesterday that when—I am a little ahead of the game. I now offer House Amendment "C" to L. D. 1609.

The SPEAKER: The gentleman from Clinton, Mr. Besse, offers House Amendment "C" and moves its adoption.

The Clerk will read House Amendment "C".

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

HOUSE AMENDMENT "C" to H. P. 1104, L. D. 1609, Bill "An Act Increasing Salaries of Various Department Heads and Commissions".

Amend said Bill in Sections 1, 2, 4, 5, 6, 11, 14, 17 and 18 by striking out the underlined figure "\$9,000" and inserting in place thereof the underlined figure "\$8,400"; and by striking out the figure "\$1,000" wherever it appears in said sections and inserting in place thereof the figure "\$400".

Further amend said Bill in Sections 3 and 9 by striking out the underlined figure "\$6,000" and inserting in place thereof the underlined figure "\$6,300"; and by striking out the figure "\$750" wherever it appears in said sections and inserting in place thereof the figure "\$300".

Further amend said Bill in Section 7 by striking out the underlined figure "\$4,500" in the 3rd line and inserting in place thereof the underlined figure "\$4,200".

Further amend said Bill in Section 8 by striking out the underlined figure "\$9,000" in the 5th line and inserting in place thereof the underlined figure "\$8,400"; and by striking out the underlined figure "\$8,450" in the 6th line and inserting in place thereof the underlined figure "\$7,875".

Further amend said Bill in Section 10 by striking out the underlined figure "\$9,000" in the 4th line and inserting in place thereof the underlined figure '\$8,400'; and by striking out the underlined figure "\$8,450" in the 5th line and inserting in place thereof the underlined figure '\$7,875'; and by striking out the figure "\$2,900" wherever it appears in said section and inserting in place thereof the figure '\$1,150'.

Further amend said Bill in section 12 by striking out the underlined figure "\$11,250" in the 4th line and inserting in place thereof the underlined figure '\$10,500'; and by striking out the underlined figure '\$7,500' in the 5th line and inserting in place thereof the underlined figure '\$7,000'.

Further amend said Bill in Section 13 by striking out the underlined figure "\$7,500" in the 4th line and inserting in place thereof the underlined figure '\$7,000'; and by striking out the figure "\$417" wherever it appears in said section and inserting in place thereof the figure '\$333'.

Further amend said Bill in Section 15 by striking out the underlined figure "\$11,250" in the 6th line and inserting in place thereof the underlined figure '\$10,500'; and by striking out the figure "\$1,250" wherever it appears in said section and inserting in place thereof the figure '\$500'.

Further amend said Bill in Section 16 by striking out the underlined figure "\$10,125" in the 3rd line and inserting in place thereof the underlined figure '\$9,450'; and by striking out the underlined figure "\$9,575" in the 4th line and inserting in place thereof the underlined figure '\$8,925'; and by striking out the figure "\$3,275" wherever it appears in said section and inserting in place thereof the figure '\$1,300'.

Further amend said Bill in Section 19 by striking out the underlined figure "\$7,875" in the 4th line and inserting in place thereof the underlined figure '\$7,350'; and by striking out the underlined figure "\$5,625" in the 5th line and inserting in place thereof the underlined figure '\$5,250'.

The SPEAKER: The Chair recognizes the gentleman from Clinton, Mr. Besse.

Mr. BESSE: Mr. Speaker and Members of the House: You will recall that yesterday when this bill was before us that there was a motion to have it indefinitely postponed and I asked that it be tabled for this amendment. I think from what has gone on this morning that probably the question is already settled, but having started I would like to finish it now. I do not propose to make any great argument on this amendment. I have tried to influence no one to vote for it, and as far as I am concerned personally it doesn't matter too much. I must say though that I am not adverse to saving money for the taxpayers of the state if it is possible. I feel that generally the taxpayers have had a pretty rough deal from this legislature.

Yesterday morning when these papers came on our desks there was some grumbling. Some of the people at least thought that the increase was out of proportion and unreasonable, and that was my reason for suggesting this amendment. I realize that the Appropriations Committee had already made a compromise, so my thought was to offer a further compromise from twelve and one-half per cent to five, and therefore that puts before this body three choices, one for an increase of twelve and one-half per cent, another for an increase of five per cent or none. My only thought is to give the people a chance to express themselves. I request that the vote be taken by a division.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I would like to see the House go along with this amendment. After the way we have voted in this House for assistance to the aged, to the blind and all these worthy causes of welfare, we have got to go home, and perhaps soon, and discuss with these people why we couldn't be more liberal. I don't want to have to answer the question: "Where did you get the money to pay these department heads so much money?" I think they are entitled to a raise, maybe

a small one, and this will give them one. But I think if we are consistent in our voting in view of how we used our welfare cases, that we should consider this amendment very carefully. Thank you.

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

Mrs. HARRIMAN: Mr. Speaker, I think it would do well to remind us what happened last night to our increase in the average state employee when we vote.

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

Mr. TOTMAN: Mr. Speaker and Members of the House: I sincerely hope in this twelfth hour of our legislative proceedings in view of the fact that we have deliberately come back here in daylight hours rather than try to rush the legislature through last week end, that we will not act in a spiteful manner.

I am not trying to read anything into the remarks of the gentlewoman from Lovell, Mrs. Harriman. I appreciate her sentiments. I too have my own personal reservations about what happened last night. I sincerely hope we will judge each issue on its individual merits and not get into a retaliatory mood, and I sincerely want to back up the Appropriations Committee after all their study, they have certainly defended their positions admirably here, and repeatedly, and I hope that we will not be spiteful today and say because one department looks as though it might get a cut, let's cut the other departments.

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

Mr. ALLEN: Mr. Speaker and Members of the House: I rise in opposition to the adoption of the amendment. I would like to point out in the case of department heads it is quite a bit different than employees although we have gone along with employee raises. Now I am very much in favor and I think that we should have possibly done more, but in the case of department heads the financial condition of the state is reflected in that the department heads have accepted their responsibility and operated the state

within the money that they had to operate on and have turned over substantial amounts into the unappropriated surplus which gives us money for construction. Therefore, we are paying not for labors or services, but more for responsibility. Now the department heads in the State of Maine have accepted their responsibility and I believe they have done a fine job and should be rewarded.

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

Mr. WALSH: Mr. Speaker and Ladies and Gentlemen of the House: I think the gentleman from Bangor, Mr. Totman, made an excellent point that might be passed over lightly if not emphasized somewhat. We must realize it is over twenty weeks we have been sitting here and debating these issues and arguing them back and forth and we have had fine general relationship with one another. I am not speaking between parties, I mean everybody, back and forth. And during those twenty weeks we built a foundation for our entire legislative program and we knew what we were pouring into that foundation during those twenty or twenty-two weeks. And here at this twelfth hour we are starting to whittle at the foundation of the structure. Now I say if we whittle on the structure and decide we want to make a closet out of what was previously a bath room or something of that nature, fine and dandy, but when we start whittling at the foundation of the structure of our twenty-two weeks work at the twelfth hour, it seems to me that we are travelling along the wrong line.

I have said before and I say again that the hardest working Committee that we have in the legislature is the Appropriations Committee, with all due respect to the Judiciary Committee. I too think they have done a wonderful job. I too found occasions to differ in opinion with them, but again I say the Appropriations Committee and all of us were building this foundation through these twenty-two weeks of work. We knew what was being poured in there. I hope that we don't

start whittling away the foundation at this last and twelfth hour.

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

Mr. HANCOCK: Mr. Speaker, I would concur wholeheartedly with the remarks of the gentleman from Brunswick, Mr. Walsh, even though a member of the Judiciary Committee, and I move that this amendment be indefinitely postponed.

The SPEAKER: The question now before the House is the motion of the gentleman from York, Mr. Hancock, that House Amendment "C" be indefinitely postponed.

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen: I cannot go entirely along with the thinking of my good friend the gentleman from Brunswick, Mr. Walsh, that we have been building this thing over twenty-two weeks. In looking over this L. D. 1609 why its been way up in the top of the pyramid. We haven't been building it, we brought it down at this twelfth hour, and I think we can commit suicide in the twelfth hour just as well as we can in the first hour, and I think when this thing is so seriously—this rock or brick or whatever you call it in this foundation, to keep it back and put in sixteen hundred odd numbers ahead of it, I think it still requires even after the twelfth hour some consideration and some thought.

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

Mr. ROSS: Mr. Speaker, I would like to ask a question of the gentlewoman from Lovell, Mrs. Harriman. Remarks can be interpreted differently. When she said last night that we took a very firm stand in our unanimous support of thirteen and one-half per cent for state employees, I gathered that she meant that to be consistent we should do approximately the same for department heads. If she meant that I concur, and I would like to know if that is what she meant in that remark.

The SPEAKER: The gentleman from Bath, Mr. Ross, has addressed a question through the Chair to

the gentlewoman from Lovell, Mrs. Harriman, who may answer if she chooses.

Mrs. HARRIMAN: I would be happy to answer. My feelings last night were that we had worked very hard to do something for the average employee of the State of Maine, and I felt last night and I still feel that we have failed. We can endorse this with the hope that it will receive the same treatment as the previous L. D. did, but I think we have very little hope or very little thought that it will. However, I will withdraw my remarks if that will help.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from York, Mr. Hancock, that the House indefinitely postpone House Amendment "C". The gentleman from Clinton, Mr. Besse, has requested a division.

Will those who favor the motion to indefinitely postpone this amendment please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Ninety-two having voted in the affirmative and thirty-three having voted in the negative, the motion to indefinitely postpone did prevail.

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

Mr. PLANTE: Mr. Speaker and Members of the House: If I am in order I would now like to move that this be tabled until later in the day.

The SPEAKER: The question before the House now is the motion of the gentleman from Old Orchard Beach, Mr. Plante, that Bill "An Act Increasing Salaries of Various Department Heads and Commissions" be tabled and specially assigned for later in the day pending passage to be engrossed.

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

Mr. TOTMAN: Mr. Speaker, I request a division please.

The SPEAKER: A division has been requested. Will those who favor the motion to table this Bill and assign it for later in the day pending passage to be engrossed please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Six having voted in the affirmative and one hundred and ten having voted in the negative the tabling motion did not prevail.

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

Mr. BRAGDON: Mr. Speaker, I find myself in a rather unique position. May I approach the rostrum?

The SPEAKER: The gentleman may approach the rostrum.

(Conference at Rostrum)

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

Mr. BRAGDON: Mr. Speaker, I find myself in a rather unique position. I hoped to get recognized ahead of the gentleman from Old Orchard Beach, Mr. Plante, but I failed and what I have to say to you is that there is another amendment which is not now ready to be offered to this bill which is now before us and if you see fit to go along with a motion to table which I am now going to make, I assure you that as soon as this amendment is ready, the bill will come off the table immediately.

Mr. DUDLEY: Mr. Speaker?

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley, but must remind him that the motion is not debatable.

Mr. DUDLEY: I just want to ask a question through the Chair. What is the amendment. Might we know what the amendment is?

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

Mr. TOTMAN: Mr. Speaker, I am glad to answer the gentleman's question because I think he is entitled to an answer. This amendment would affect the composition and future control of the Clerk's office in this House.

The SPEAKER: The question before the House is the motion of the gentleman from Perham, Mr. Bragdon, that the House table and specially assign for later in the day Bill "An Act Increasing Salaries of Various Department Heads and Commissions", House Paper 1104, Legislative Document 1609, pending passage to be engrossed.

Will those who favor the tabling motion please say aye; those opposed, no.

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

Passed to Be Enacted Emergency Measure

An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1958 and June 30, 1959 (S. P. 591) (L. D. 1594)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 132 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure Tabled Until

Later in Today's Session

An Act Increasing Sales Tax (H. P. 986) (L. D. 1410)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

(On motion of Mr. Stilphen of Rockland, tabled on a viva voce vote pending passage to be enacted and specially assigned for later in today's session.)

Emergency Measure

An Act to Appropriate Monies for Capital Improvements and Construction of State Government for the Fiscal Years Ending June 30, 1958 and June 30, 1959 (S. P. 598) (L. D. 1603)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentleman from Fryeburg, Mr. LaCasce.

Mr. LaCASCE: Mr. Speaker and Members of the House: I realize that I am a little late in saying anything about this bill. I attended several meetings of the Appropriations Committee and have a very high regard for that Committee. However, I think that that committee sometimes was put under a handicap. They were judging on appropriations and also judging policy

of the different departments. I have an idea that the trouble over the appropriation for Pownall might have been avoided if we had had the advice of the Welfare Committee before them. Possibly on some of these items in this bill would have been different if they had had the advice of the Education Committee.

In looking over this bill there is an item for an athletic field at Aroostook State Teachers' College. True it is only \$20,000. I don't imagine there are three people in the House who know what the lay of the land is there. I know that the Education Committee doesn't because that field was under snow when we were up there. But \$20,000 can build quite an athletic field for a school which has fewer than fifty men in the school. A little farther along we have Washington State Teachers' College, men's dormitory, \$178,174, men's dormitory for fifty students. Personally I should doubt if they would ever have twenty-five men occupying a dormitory at Washington State Teachers' College. They have a few men there now but most of the men are married men and living off campus. Also under the same there is an item, the House Director's apartment, \$12,750, and I think that that item there is for a woman who simply lives in the dormitory and checks the girls in and out. And I think there are several members of the Committee who will agree with me that there is a great deal of dissatisfaction in that school due to the fact that they were being treated like prep school youngsters instead of college youngsters. They didn't have a place where the students could meet socially. In fact I would much prefer to see \$12,750 put into a place where the students could meet socially rather than an apartment for a matron. A little farther along on page eight of this same document there is an item for the education for Aroostook State Teachers' College, a multi-purpose building, \$468,631. When we were up there Aroostook State Teachers' College had one hundred and nine students. Personally I think that if Fort Kent and Washington State were discontinued and we had one teachers college in that part of the state it would be a good move, but

if we are to have all three of them, I can't see any sense in putting nearly half a million dollars into a building for that school. Also we have a little farther along Fort Kent State Normal School, \$365,000 for an education and administration building. This year they had fifty-five students in the school when we were up there. I think that possibly that school could be increased to possibly a hundred. Possibly the Commissioner of Education can make something out of the school, but to invest that much money in it in the next biennium doesn't seem right to me.

Another thing right along that same line, previously I asked that item number two be tabled and that was voted down, on the Resolve for the Construction of a Home Economics Laboratory at Farmington State Teachers' College. That is a building there which is absolutely needed, and that we voted it ought not to pass, and I hate to see these here voted to pass in this Legislative Document 1603. Now I don't know that there is anything we can do about it at this time.

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

Mrs. BURNHAM: Mr. Speaker, I would like to ask a question to any member of the Appropriations Committee, I would like to know how far the P.A.S. Report recommendations were followed in making these specific recommendations?

The SPEAKER: The gentlewoman from Kittery, Mrs. Burnham, has addressed a question through the Chair to any member.

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

Mr. STANLEY: Mr. Speaker, the P.A.S. recommendations were on salary only, it had nothing to do with the capital building. If I might proceed?

The SPEAKER: The gentleman may proceed.

Mr. STANLEY: In defending the position of the Committee on L. D. 1603, I don't feel quite as sure of myself as I have been on some of the other issues. I will have to agree with the gentleman from Fryeburg, Mr. LaCasce, particularly in his fine comments for the Committee. On the capital improvements

we had before us a list of items which all the departments, education department, the institutions and all departments of the state had made recommendations as to what they would like to have for buildings, what they thought were necessary. The Bureau of Public Improvements headed by Niran Bates went to all of these departments and determined as best he could what the priority of each item might be in the minds of each department. He listed those items in ten categories, taking the first million, second million, up to the tenth million and he used the priorities given him by the department heads and then in his own best judgment what he thought were the best priorities or those that should have the highest priority. We went over those recommendations and came up with L. D. 1603. As you note in the first section, section A, and it is substantially the same as recommended by the Governor, Section B are recommendations of the Appropriations Committee, and those take up nearly the amount of two million dollars which we set aside as a capital reserve. It would be my thought that in the B section of this bill, that the buildings would be built according to the plans of the Bureau of Public Improvements and with the advice and consent of the Governor and Council. We listed these particular buildings in the order that the Bureau of Public Improvements had listed them. If there are changes, I think it is within the discretion of the Governor and Council to make changes in the order of preference.

As I said at the beginning, I don't feel as sure of myself in making these recommendations as I have on some of the other points, but I do feel that Mr. Bates from the Bureau of Public Improvements has done an excellent job in picking out these particular buildings and in meeting with all of the departments to determine what they felt were the direst needs and those that could be put off until later. I think the amount of the buildings which are listed in section B could be changed in some ways and I am sure that if the Governor and Council feel that there are buildings that should

come ahead of these that they probably would make those recommendations. I think that is about all I can say on this particular thing.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Miss Cormier.

Miss CORMIER: Mr. Speaker and Members of the House: I am not at all disturbed by these figures and recommendations of the Committee on Appropriations and Financial Affairs. I think that perhaps the reason that we have had such poor attendance in these schools in the northern part of the state is due to the fact that our facilities have been so poor and so inadequate. I believe sincerely that if we are going to keep these schools open and certainly it has been the intent of this legislature that they should remain open, that certainly we should have the proper facilities, and I don't think that this is spending money foolishly. I think it is money well invested. If Fort Kent, if Aroostook State Normal is to attract young men and young women into the teaching profession and into other fields of endeavor in the educational field certainly we have to have something to offer them, and I certainly feel that this is good business on the part of the Committee on Appropriations and Financial Affairs.

I am disturbed, however, about the home economics building at Farmington State. I definitely feel that that perhaps is a mistake, but as we go along we know that we can't have everything all at once. I think that we have progressed very well this session in capital improvements for education, and I certainly would hope that they would remain as is.

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

Mr. MAYNARD: Mr. Speaker and Members of the House: As you folks will remember a few I guess months ago, we talked about the possibility of closing Fort Kent, and even the possibility of closing Washington State Teachers College. Of course the object of that was to save the state this about a million and a quarter in capital improvements and concentrating that money on

the three remaining colleges, thus giving the boys and girls a better general facility. However, since it is the will of the legislature to keep these places open, I think that the Appropriations Committee has done a wonderful job in doing what they have done. I too feel very sorry that the Home Economics and Science building in Farmington cannot be built at this time. I think it is really of top priority, but that is only my opinion.

There is one other building that I am sorry about too, and that is the million dollar class room building at Gorham. Of course that is a tough one I know, but those two buildings have got to come some day if we are going to really build those two places up. However, I don't see how Fort Kent, Washington State or Aroostook Teachers can go on as they are now, and I think these appropriations are very well done, and I would like to congratulate that committee if I may.

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

Mr. ROSS: Mr. Speaker, I have a question I would like to pose to the gentleman from Bangor, Mr. Stanley. In this L. D. if you include both section A and section B for the next two years it is approximately \$13,100,000. My question is, how many capital improvement dollars in total were requested by the various departments and agencies.

The SPEAKER: The gentleman from Bath, Mr. Ross, has addressed a question through the Chair to the gentleman from Bangor, Mr. Stanley, who may answer if he chooses.

Mr. STANLEY: Mr. Speaker, the total amount requested by the Departments was some \$28,000,000.

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

Mrs. CHRISTIE: Mr. Speaker and Members of the House: It seems to me that we should think a little bit about the problem we have in bringing teachers into the field of education. We have had a great problem in this field and I feel that until we do something to make the places of training a little more attractive, we are going to have a problem. I feel that if we do some of these things which are provided

for in this bill, we will have more attractive campuses to which the young people will be more interested in coming.

As far as Aroostook State Teachers College is concerned, it has been twenty-four years since they have had a major capital improvement on that campus. They are limited for space even now with the rather small enrollment, but there is prospect of increased enrollment, there has been increased enrollment in the last few years and I believe there will be a greater increase if we give them an attractive campus to which to come and I am very much in favor of keeping this.

The SPEAKER: The Chair recognizes the gentleman from Gouldsboro, Mr. Tarbox.

Mr. TARBOX: Mr. Speaker, I would like to stick up for Washington State Teachers College so-called now. I happen to have a daughter that graduated from the last normal school there and the first teachers college there who is teaching in the State of Maine right now. She has been offered more money elsewhere, some people say she is crazy for not going, but she loves Maine. I think if you took those schools and the percentages of students graduated, you would find the percentages from those schools down there stay in the State of Maine more than the larger schools, and as far as this dormitory or this House Director's apartment, I have a daughter that graduated from the University of Maine. She had to report in and report out there. I think it is a very fine thing when the girls do report in and out, and I never had any trouble when I went after her to get her to come home with me, and I was perfectly satisfied that they didn't let her out after twelve o'clock with somebody else, so I hope this bill passes.

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

Mr. FRAZIER: Mr. Speaker, I want to stand to approve the obtaining of all of the money that has been allocated for education. I think in this morning's K. J. was the crux of the matter and I would like to read a portion of an article that appeared on page one. "The wildest college scramble in Maine educa-

tional history is about over for another year. Heaving huge sighs of relief, admissions directors at Maine's four leading colleges are putting up the 'all sold out' shingles. Bates, Bowdoin, Colby and the University of Maine were deluged with nearly 7,000 applications for admission to the freshman class, a record. But the schools can accommodate only 1,850 students." That means that more than 5,000 applications to our Maine colleges this year must try elsewhere for their education. Possibly if we can improve the other colleges within the state there will be an opportunity for them to reside and continue their education there.

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

Mr. WALSH: Mr. Speaker, it has been partially pointed out what I want to bring to your attention. We will have an increase of sixty per cent in the number of youngsters in the State of Maine that are seeking a college education in these next ten years. Sixty per cent. And if we don't start doing something now toward the capital improvements where are we going to be five and ten years from now? I don't like to continue—not that I dislike doing it, but throwing bouquets to the Appropriations Committee, but if my pencil is correct, I think they cut the requests ninety-four per cent. In other words, they are granting just six per cent of the requests. That is a pretty good saving when we realize what we are going to be faced with in the next ten or fifteen years in the educational field alone, let alone in any other field. Those are the only points I wanted to bring to you.

The SPEAKER: Is the House ready for the question? The Chair did not understand that the gentleman from Fryeburg, Mr. LaCasce, made a motion of any kind, is that correct?

Mr. LaCASCE: I don't know of any motion I can make.

The SPEAKER: The pending question is the passage for enactment of Bill "An Act to Appropriate Moneys for Capital Improvements and Construction of State Government for the Fiscal Years Ending

June 30, 1958 and June 30, 1959, Senate Paper 598, Legislative Document 1603.

This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 126 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

Mr. BREWER: Mr. Speaker, I rise to ask a question of the Chair. Would it be proper at this time or is it permissible to reconsider our action on the resolve on the Farmington Home Economics Building?

The SPEAKER: The Chair will advise the gentleman that under an order which has been passed in this House each of the last three or four legislative days, reconsideration is not in order unless it is moved within one hour and thirty minutes after the matter has been considered, and yesterday the order cut the time down to thirty minutes. The desire to reconsider is not in order.

The SPEAKER: At this time the Chair would request the Sergeant-at-Arms to escort the gentleman from Bangor, Mr. Totman, to the rostrum, to serve as Speaker pro tem.

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

Passed to Be Enacted

An Act relating to Construction Reserve Fund in Department of Finance and Administration (S. P. 442) (L. D. 1260)

An Act to Correct Errors and Inconsistencies in the Public Laws (S. P. 477) (L. D. 1389)

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

**Enactor
Passed Over Temporarily**

An Act Creating a State Administered Probation and Parole Law (S. P. 552) (L. D. 1542)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

At the request of Mr. Carey of Augusta, passed over temporarily.

An Act to Increase the Salary of Judge of Western Somerset Municipal Court (H. P. 22) (L. D. 27)

An Act relating to Definition of Redevelopment Project under Slum Clearance and Redevelopment Authority Law (H. P. 136) (L. D. 174)

An Act relating to Facilities Furnished by Public Utilities for Rate Fixing Purposes (H. P. 186) (L. D. 249)

An Act relating to Repossession of Property Subject to Conditional Sales Agreement (H. P. 418) (L. D. 595)

An Act relating to Disqualifications for Benefits under Employment Security Law (H. P. 781) (L. D. 1114)

An Act relating to Compensation of Medical Examiners for View and Autopsy (H. P. 954) (L. D. 1355)

An Act relating to Premiums to Commercial Poultry Growers (H. P. 1019) (L. D. 1453)

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

**Enactor
Passed Over Temporarily**

An Act relating to Coercive Practices in Trade or Commerce (H. P. 1069) (L. D. 1529)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

At the request of Mr. Hancock of York, passed over temporarily.

**Enactor
Passed Over Temporarily**

An Act relating to Cutting of Christmas Trees (H. P. 1091) (L. D. 1585)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

At the request of Mr. Mathieson of Montville, passed over temporarily.

An Act Amending the Maine Housing Authorities Act (H. P. 1098) (L. D. 1598)

Finally Passed

Resolve Appropriating Moneys for Science Laboratories at Portland Junior College (S. P. 275) (L. D. 734)

Resolve Appropriating Moneys for Construction of Eastport - Perry Causeway (H. P. 807) (L. D. 1151)

Passed to Be Enacted

An Act relating to Compensation for Total Incapacity under Workmen's Compensation Act (S. P. 319) (L. D. 815)

An Act relating to Registration Fees for Farm Trucks (S. P. 349) (L. D. 929)

An Act relating to State Tax Assessor's Records under Blueberry Tax Law (S. P. 439) (L. D. 1236)

An Act Creating Office of Hearing Examiner under Liquor Law (S. P. 558) (L. D. 1553)

An Act relating to Salaries of County Attorneys and Assistant County Attorneys (S. P. 572) (L. D. 1575)

An Act Classifying a Portion of Saco River (S. P. 609)

An Act relating to Policy of the Milk Commission (H. P. 304) (L. D. 421)

An Act relating to the Licensing of Trading Stamps (H. P. 831) (L. D. 1187)

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.

**Enactor
Passed Over Temporarily**

An Act Refunding Gasoline and Use Fuel Taxes to Local Transit Operators (H. P. 953) (L. D. 1354)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

At the request of Mr. Farmer of Wiscasset, passed over temporarily.

An Act relating to Arbitration Pursuant to Collective Bargaining Contracts (H. P. 1099) (L. D. 1599)

Finally Passed

Resolve Authorizing Jim Adams, Inc. to Sue the State of Maine (S. P. 578) (L. D. 1579)

Resolve Authorizing the State of Maine to Convey Certain Land in Bangor (S. P. 604) (L. D. 1606)

Resolve Authorizing Aeronautics Commission to Conduct an Augusta-Waterville Airport Survey (H. P. 1066) (L. D. 1524)

Resolve Providing Funds for the Training of Firemen (H. P. 636) (L. D. 903)

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

Enactor Tabled Until Later in Today's Session

An Act Creating a State Administered Probation and Parole Law (S. P. 552) (L. D. 1542), item 5, which was passed over temporarily.

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

Mr. CAREY: Mr. Speaker, I move item five be tabled until later in today's session.

The SPEAKER pro tem: The gentleman from Augusta, Mr. Carey, moves that this item be tabled until later in today's session. Will all those who favor the tabling motion please say aye; those opposed, no.

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

Enactor Indefinitely Postponed

An Act relating to Coercive Practices in Trade or Commerce (H. P. 1069) (L. D. 1529), item 13, which was passed over temporarily.

The SPEAKER pro tem: The Chair recognizes the gentleman from York, Mr. Hancock.

Mr. HANCOCK: Mr. Speaker and Ladies and Gentlemen: This is the coercive practices in trade or commerce bill which I have been some-

what interested in in the sense of the wordage of the bill itself. This morning I had occasion to ask the Assistant Attorney General his opinion, and he referred me to Section 43 of Chapter 137 of our present statutes which I shall read. It is under the title Monopolies and Profiteering, and the Section is Contracts in restraint of trade: "Every contract, combination in the form of trusts or otherwise, or conspiracy, in restraint of trade or commerce in this state is declared to be illegal. Whoever shall make any such contract or engage in any such combination or conspiracy shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 6 months, or by both such fine and imprisonment." Now in his opinion and in mine this statute which we have on our books, if those persons who are troubled by whatever their troubles may be, would use this particular statute, it is a workable law that we already have. Now this bill before us states: "No person engaged in any trade or commerce shall in any way, directly or indirectly, interfere with, restrain or coerce any dealer or seller except as otherwise provided by law or contract," the inference being that by contract you can do something illegal in effect. The sections in our statute 137, Sections 43, 44, 45, 46, 47 all relate to and I will read the titles to the sections: "Contracts in restraint of trade.", "Conspiring to monopolize trade.", "Damages.", "Profiteering in necessities of life." and that includes fuels and that sort of thing, "Profiteering in rents.", and Section 48: "Attorney general to investigate.", and upon a petition or initiative by fifty citizens he may investigate any such misdoings in any particular industry. And because of the fact that I think we have a workable statute on our books at the present time, this would be more wordage in our statutes which would be in conflict with the present law, I would now move to indefinitely postpone item thirteen.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from York, Mr. Hancock, that item thirteen,

“An Act relating to Coercive Practices in Trade or Commerce” be indefinitely postponed.

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

Mr. SAUNDERS: Mr. Speaker and Ladies and Gentlemen of the House: Certainly at this late hour it is not my intention to debate this issue. This bill came out as a majority report from your Business Legislation Committee. In the past few weeks we have had a chance to see our committees in operation and certainly it is my opinion that these committees handled most situations the best that they knew how. I believe this new draft that came out of the Business Legislation Committee was a combination of the minds which for the betterment of the State of Maine decided that this was a good bill. My good friend, Mr. Hancock of York, has stated that we already have a bill on our statutes. It may be so, but also I don't believe there are very many prosecutions under this law, and certainly we have had many cases in the past few years and even this year where certain practices in trade have not been for the common small business man of the state. Therefore, I hope the motion of the gentleman does not prevail.

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

Mr. HAUGHN: Mr. Speaker and Members of the House: I will not repeat certain phrases made about the legal profession on the floor this morning that have been made prior in this House but I do want to say this. It seems to me that any time a legal question comes up we hear from the legal mind and not the laymen's mind, and they can apply in their thinking what they want to accomplish up to a certain point, but from a laymen's viewpoint they view this thing where it will cover the overall picture, and I think sometimes a layman's viewpoint is equal in a decision as to a legal mind because it has been so proven a good many times in this House and throughout the state. And when they come up to kill a bill which leaves the loopholes which are still in the present statute evidently for legal action so they can apply it to

use in particular cases which they may be defending or prosecuting, then I think it is time to take it upon ourselves to bring up to date a statute which I think has not been effective sufficient enough, and I certainly hope the motion of the gentleman from York, Mr. Hancock, does not prevail, and we protect the people in general throughout the state.

The SPEAKER pro tem: The Chair would remind the House that the gentleman from York, is Mr. Hancock. The Chair recognizes the gentleman from York, Mr. Hancock.

Mr. HANCOCK: Mr. Speaker, with regard to my name and town it is just possible that I might move to Hancock County and run for the House in the next session.

In regard to the remarks of the gentleman from Bridgton, Mr. Haughn, I will not apologize for being an attorney. I believe that I have as much right to stand here and object to a particular bill even though I am an attorney. I would say this, that this matter with regard to our present statute, I have not looked into before. It was called to my attention by a member of the other branch who asked me to check with the Attorney General on it which I did. Now I have no personal interest in this particular subject matter whatsoever, prosecuting or defending, and I know that there have been remarks made with relation to attorneys on this floor before in this session. Frankly, my remarks this morning were an attempt to enlighten the members of the House more than to involve them in any legal interpretation. If I have failed to do so, then vote against me. But the coercive practice act which is here before us is under Chapter 130, crimes against the person. The Chapter which I referred to 137, is relating to monopolies and profiteering and discriminating against persons. I simply believe that the present law, if used, is a workable law and if the proponents of the bill would read Sections 43, 44, 45, 46, 47 and 48 of Chapter 137 of our present law, I think that they will find that this matter is quite well covered.

The SPEAKER pro tem: The Chair recognizes the gentleman from Wilton, Mr. Blanchard.

Mr. BLANCHARD: Mr. Speaker, Members of the House: I would like to concur with the remarks of the gentleman from York, Mr. Hancock. This bill came out of the Business Legislation of which I am a member unanimously "Ought not to pass". This bill is a new draft of L. D. 1328 which referred only to the gasoline business. Now it covers all trade and commerce. As far as I see, there was no evidence that coercion was being used in the state. Some general statements were made but certainly not conclusive. This new bill covers all business but the groups now to be covered had no notice of the bill and no opportunity to be heard. I sincerely hope the motion to indefinitely postpone prevails.

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

Mr. BROWNE: Mr. Speaker and Members of the House: I rise in support of the motion of the gentleman from York, Mr. Hancock. I am at a loss to interpret section 37 as it appears in this Legislative Document we are considering this morning, and in view of the fact of the laws already on our books which seem to cover this same subject matter, I rise to support the motion for indefinite postponement.

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

Mr. FULLER: Mr. Speaker, I also would like to concur with the gentleman from York, Mr. Hancock, and I am not a lawyer. I think that this bill is a vicious bill. This country is based on free enterprise and competition, and this just sets up another control and I am against controls when they go this far. I believe that this bill is not necessary and I hope that we will indefinitely postpone it.

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

Mr. TEVANIAN: Mr. Speaker, I don't take a position on this bill at the moment one way or the other, but I do rise to defend the legal profession. I think that in many instances on the floor of this House

ulterior motives have been attached to what we attorneys are thinking and what we are working for.

I want to assure every member of this House that we in the legal profession are a member of an honorable profession. We have no ulterior motives. We are only here to serve the people as we best think they should be served. I served on the Judiciary Committee and each and every attorney that served with me I found to be a gentleman of the highest character and the greatest integrity, and every single attorney I have met in this legislature I have the same high regard for. And I can assure you that I don't believe we are here with any ulterior motives, we are here to serve the people, and when educators speak for education we do not make any such charges, or when the agricultural industry speak on their behalf, we do not make such charges, and I for one am deeply hurt that this stigma of ulterior motives is attached to a profession that I think is a noble profession. Thank you.

The SPEAKER pro tem: The Chair would take this opportunity before continuing to point out to the members, that we do operate in this House under rules of order, Reed's Rules of Order, that do prohibit attributing ulterior motives to any member's action.

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

Mr. SAUNDERS: Mr. Speaker and Ladies and Gentlemen: As I mentioned earlier it is not my purpose to debate this question any longer. However, I would like to ask one question of any member of the legal profession or the Judiciary Committee or anybody, do they know or how many times have we had any prosecutions under our present law which is on the books?

The SPEAKER pro tem: The gentleman from Bethel, Mr. Saunders, has addressed a question through the Chair to any member who may answer if he wishes.

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

Mr. HANCOCK: Mr. Speaker, I am in no position to answer the question. I honestly do not know. I would only suggest that the gentle-

man inquire of the Attorney General's Department.

The SPEAKER pro tem: Is the House ready for the question?

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

Mr. HAUGHN: Mr. Speaker and Members of the House: I was sorry to hear that they felt anybody had any ulterior motives in regard to casting any reflections on members of this House. It was never my intent or my thought to do so. We are talking of the legal profession thinking one way, a layman's mind thinking of another. We do not discredit that profession, the attorneys, because I think it is an honorable one, I will definitely agree. I do not think it is the intent of anybody who has spoken at any time in this House to cast reflection against an individual member regardless of his profession because whatever they may be in, I believe they are all honorable and just. We are defending the position as we say of a layman in thinking differently from the minds of an attorney or legal mind, and I think we sometimes, as I once before said, have proven that we are just as qualified sometimes, and I was casting no reflection on any member of this House in that thinking.

The SPEAKER pro tem: The Chair recognizes the gentleman from St. Albans, Mr. Hughes.

Mr. HUGHES: Mr. Speaker, merely to correct a statement and for no other purpose, made by the gentleman from Wilton, Mr. Blanchard, he stated that this was a redraft from L. D. 1328 which came out of the Committee unanimous "Ought not to pass". It was a redraft of 1328 which came out of the Committee Majority "Ought to pass". That is merely to set the record straight. I have no other remarks.

The SPEAKER pro tem: Is the House ready for the question?

The question before the House is the motion of the gentleman from York, Mr. Hancock, that this Bill, "An Act relating to Coercive Practices in Trade or Commerce", House Paper 1069, Legislative Document 1529, be indefinitely postponed.

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

The SPEAKER pro tem: The gentleman from South Portland, Mr. Fuller, has requested a division.

All those who are in favor of the motion to indefinitely postpone this Bill 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 thirty-eight having voted in the negative, the motion did prevail, the Bill was indefinitely postponed and sent up for concurrence.

Enactor Indefinitely Postponed

An Act relating to Cutting of Christmas Trees (H. P. 1091) (L. D. 1585), item 14, which was passed over temporarily.

The SPEAKER pro tem: The Chair recognizes the gentleman from Montville, Mr. Mathieson.

Mr. MATHIESON: Mr. Speaker and Members of the Legislature: This bill might be very well classed with the one we just had. The only effective part of it would be in regard to the possible detection of persons stealing Christmas trees. The main object would seem to be to detect persons stealing Christmas trees. Now the only way that the matter could be corrected would be through a process of trespass, and a person trespassing would have to be caught in the act. A mere trying to pick up somebody on the highway by means of inspecting loads of Christmas trees or a few bundles of Christmas trees or what not to my mind would be very ineffective. If a person was intent on stealing Christmas trees he certainly would protect himself with bills of sale which would be hard for anyone to prove wrong, and if the industry needs a bill to advertise and to build up the matter of Christmas tree production in this state, I don't believe this bill is going to be very effective.

Furthermore, the industry itself and those that are interested and those I have talked with seem to be skeptical. It was simply the purpose of certain buyers to start this organization and when it was started in the first place there were seven buyers and eight—rather sev-

en buyers and one grower that made this move. Since that time I do not think the association has developed very strongly, and at that time it wasn't unanimous at all in regard to putting this bill before the legislature, and I think they could come up with a far better bill, one which would help the industry a great deal more than just this matter of trying to detect somebody stealing trees.

As I say, there is ample law on the books today to take care of trespass and the only way in which you can prove trespass is to find the person trespassing. That can readily be taken care of. In order not to carry this any further, there are a number of things we might go into detail on, I would now move indefinite postponement of this bill and all accompanying papers.

The SPEAKER pro tem: The gentleman from Montville, Mr. Mathieson, has now moved that this bill "An Act relating to Cutting of Christmas Trees" be indefinitely postponed.

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

Mr. BROCKWAY: Mr. Speaker and Members of the House: It is not my intent to take up a lot of time on this bill. I would like to say this bill is a bill that is approved by the Maine Christmas Tree Association. I was asked to introduce it by them. Also that it went to the Committee on Judiciary and they spent a great deal of time in trying to write a bill that was a good bill and I believe it is. This has been amended so that it eliminates people cutting and transporting their own trees. There seemed to be quite a lot of objection to that, it has been amended to take care of that, and this may not be as the gentleman has said, the best bill, but I believe it is the start of a good bill and that it should pass, and I hope the motion for indefinite postponement does not prevail, and I request a division.

The SPEAKER pro tem: The Chair recognizes the gentleman from Gouldsboro, Mr. Tarbox.

Mr. TARBOX: Mr. Speaker, we allowed the sardine packers to tax themselves and also to license themselves. You allowed the blueberry

packers and growers to do the same. I think we should allow this industry to try to help themselves and this is a starting point so I hope we do not indefinitely postpone.

The SPEAKER pro tem: The Chair recognizes the gentleman from Friendship, Mr. Winchenpaw.

Mr. WINCHENPAW: Mr. Speaker and Members of the House: I was the one that started out opposing this bill, and this is a strange bill, and I probably worked on it as hard as anyone. Yesterday I took it to the Attorney General's office. Yesterday I took it to the Forest Commissioner's office. I don't know what to say about this bill. I don't want to be accused of upholding pilferers of Christmas trees or anything like that, and that seems to be what some people say. Some people say if you vote against this bill you favor pilfering of Christmas trees. Now I am not sure whether this is going to help the industry or not. There is one part in it I don't like very well, and it is a hundred dollar fine if you don't send in that yearly report. The Forest Commissioner tells me that he will never enforce that, but if we put it on the books he could enforce it. Now that seems to be very serious objection, and I thought that someone was going to make an amendment to take out that part where it was a hundred dollar fine if you didn't report that you had cut two hundred bundles of Christmas trees. I know the Christmas Tree Association say they want this bill, but whether those few men that belong to that association should have control of the industry or not is a question in my mind.

The SPEAKER pro tem: Is the House ready for the question? The question before the House is the motion of the gentleman from Montville, Mr. Mathieson, that Bill "An Act relating to Cutting of Christmas Trees", House Paper 1091, Legislative Document 1585, be indefinitely postponed and the gentleman from Milo, Mr. Brockway, has requested a division.

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.

Sixty-five having voted in the affirmative and thirty-nine having voted in the negative, the motion did prevail, the Bill was indefinitely postponed and sent up for concurrence.

Enactor
Indefinitely Postponed

An Act Refunding Gasoline and Use Fuel Taxes to Local Transit Operators (H. P. 953) (L. D. 1354), item 26 which was passed over temporarily.

The SPEAKER pro tem: The Chair recognizes the gentleman from Wicasset, Mr. Farmer.

Mr. FARMER: Mr. Speaker, I rise in opposition to the enactment of this measure which would refund the gasoline tax to the local bus companies. This bill came out of the Taxation Committee with a Majority "Ought not to pass" Report of eight to two I believe. We on the Committee who signed the majority report thought that this would be setting a precedent the results of which would be totally unforeseen at the moment.

As I understand it, no group has been granted an exemption from the gasoline tax such as this for over thirty years in this state. Our town school busses in the municipalities even have to pay this gasoline tax. There is no telling how far this could go. A taxi to a small town is just as important as a bus company is to a larger city, and if we are going to exempt the bus companies there is just as much reason for us to exempt these small taxis that are also having an equally tough time. This is nothing more than a direct subsidy to private business, a subsidy that will cost the state about \$65,000 a year and of this \$65,000 our two largest companies in the state will derive over two-thirds of the benefit. They will get something in the neighborhood of \$45,000 a year, only two companies.

Although we all on the Taxation Committee are in deep sympathy with the bus companies and realize that they do have a problem, we thought that this is not the way to solve it. This is primarily a local problem and if a subsidy is due to the bus companies it certainly should come from the municipalities

involved and not from the state. On the state level we have already passed two measures in this House for relief of the bus companies this year. We have passed a measure to make it possible for the towns and cities to exempt them from the excise taxes and we have passed a measure cutting down their registration fees. As it is now a bus has to pay \$2.50 per seat on a registration fee for all seats over seven I believe. We have eliminated this \$2.50 charge and I think in view of these two measures that we have already passed this is certainly all that we should do on the state level. I therefore move the indefinite postponement of this bill and all accompanying papers and request a division.

The SPEAKER pro tem: The gentleman from Wicasset, Mr. Farmer, now moves that this bill be indefinitely postponed and has requested a division.

The Chair recognizes the gentleman from Ellsworth, Mr. Brown.

Mr. BROWN: Mr. Speaker, I would like to ask a question through the Chair. As a member of the Taxation Committee I would like to have the Clerk read the Committee Report.

The SPEAKER pro tem: The Chair will request the Clerk in due course to read the Committee Report.

The Committee Report was read by the Clerk.

The SPEAKER pro tem: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Beyer.

Mr. BEYER: Mr. Speaker and Ladies and Gentlemen: I rise again not to debate the original points made on this bill which were well covered before. You all remember those, that this bus transportation in Maine is a sick industry and that it has been considered above others to be one closely connected with the public convenience and necessity, that it provides the only method of transportation for many of our industrial workers, and that for those of us who live in the towns it provides a second car when we with the only family car must be away from home a great deal, and that it provides school bus transportation and others which might possibly be excessive of a private con-

tractor, in excess of the cost of a private contractor. But I do rise to rebut some of the things which you have heard in opposition to this bill, and that is that the state contributes to some of the roads which are in these municipalities. I would like to point out to you that there are many ways in our towns and cities over which these busses travel that the state never contributes anything by way of support or state aid money to. Now we agree many of us that this is not the complete answer to the bus problem in this state, but it is the best one that has been devised so far and it is desperately needed short of municipal ownership of management and management of these bus companies which has proved very inefficient in other municipalities outside of this state.

Again I would like to say that from the point of view of the towns surrounding our cities to which bus transportation is made available, we think the combination of these towns as well as the cities makes it a state problem and that therefore when you vote you should keep that in mind also, and I hope that the motion to indefinitely postpone does not prevail.

The SPEAKER pro tem: The Chair recognizes the gentleman from Clinton, Mr. Besse.

Mr. BESSE: Mr. Speaker and Members of the House: I was also on the Committee of Taxation and one statement that has been made here is this, that these busses are a necessity. In the information that was presented to our Committee, the gentlemen who appeared were asked about that very thing, and they made the statement that they were necessary, so they were asked about increasing the fares a nickel. They said if the fares were increased a nickel the patronage stopped, so that doesn't indicate to me that they are very necessary.

This same problem came up in one city with which I have some acquaintance and I know that the businessmen were asked to meet with the Chamber of Commerce to see if they would subsidize the local bus company. They met and they decided not to do it. The operator of the bus company told them that he didn't want to be subsidized, that

he was tired of running empty busses and he wanted to be relieved of those runs which were not patronized. A hearing was held by the Public Utilities Commission and he was relieved from those runs, and as far as I know he is making it alright. In other words, he is operating those busses which are used and he has taken off the runs which were not patronized.

It seems to me what we are being asked to do in this case is to subsidize busses which no one wants to use. In other words, those runs which are patronized pay for themselves and those runs in which the bus is empty do not, and they are asking us to pay for those runs which do not pay their way, and therefore I think the solution to this thing is to take those runs off. We have already voted two bills as the gentleman from Wiscasset, Mr. Farmer, said. The three bills that were presented on the excise tax, of course that is a local tax, we felt that if the towns or cities saw fit to relieve the bus companies from that charge they should be free to do so, and then the registration was changed. That amounted to some ten or twelve or fifteen thousand dollars I think to the state, I have the figures here somewhere—no, twenty-four thousand. Then we come to this one which is sixty-four or sixty-five thousand. Now we are trying to get money for our highways. Do you people think that the state should forego this sixty-five thousand dollars of highway money? Do you think that the state should subsidize the local service? Do you think the country people should be taxed to provide busses in the city? I don't think so, and I would like to go along with the indefinite postponement of this bill.

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

Mr. JALBERT: Mr. Speaker and Members of the House: When this bill was first presented, I was in opposition to it. In our community bus service was stopped on Sunday and I received many phone calls and received many letters from people who objected to that curtailment of service. I consulted with members of the cloth of the various faiths and they told me that in quite a

number of instances in view of the fact that the many thousands of people in our communities in our area who did not have any other transportation but the bus service, it was noticeably hurting at times the services. Some of our people now, if you would come into our community on Sunday, go to their services in taxis and admit that they cannot afford it but they want to go to the church service.

What changed my mind is that the sponsors of this measure told me that should this pass, which would be a relief to them, that they would have Sunday bus service at least on a trial basis between the hours of six in the morning until one in the afternoon which means the church service times. The gentleman from Cape Elizabeth, Mr. Beyer, rightfully made the statement that this industry, this utility business, is sick, it is mighty sick. Insofar as those communities who do not have bus services, it is to be kept in mind that some of us, including myself, when the Jacobs bill came up, fully realized that eventually as the program equalled itself, the communities the larger cities would be helping the smaller communities and I wholeheartedly concurred with that because the smaller communities in turn help our shopping districts. If it is to be called a door opener, the door could be quickly shut by other actions of this or of the other body.

Much has been said concerning this. I don't know as I can add more to it, but for relief to us in our communities that have this service, I urge the House sincerely not to vote for the indefinite postponement and I hope the motion will not prevail.

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

Mr. CAREY: Mr. Speaker, I will not argue here the value of local bus service. That has been pointed out prior to this. I would only say that I consider it of great value to the city of Augusta and apparently other municipalities in the state agree. This bill is concerned only and confined completely to local bus lines. That is, bus lines which use the city streets of the cities concerned. Now the method of the con-

finement in this order is thusly; in accordance with our internal revenue tax laws certain fares require a ten per cent federal transportation tax. The fares which require this tax are those over thirty-five cents for a one-way trip. Now the only bus lines that would be benefited by this legislation would be those whose businesses are at least sixty per cent of the tax exempt business, that is sixty per cent of their business would be from business which is composed of fares under thirty-five cents per trip. That confines it strictly to the local level. I would point out that the municipal governments in Auburn, Lewiston, Portland, South Portland and Westbrook have passed orders for endorsement of this legislation. Waterville and Augusta are in the same category. It is true that services can be curtailed. In most of the cities having this problem services have been curtailed to practically a point of extinction. I would point out that when these bus lines are lost the complete tax revenue is lost and also the service. I hope the motion for indefinite postponement does not prevail.

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

Mr. BRODERICK: Mr. Speaker and Members of the House: Very briefly, because I don't want to prolong this debate, the word subsidization has been used here. This bill actually is closer to what would be an exemption for these local bus lines in the form of a refund rather than a subsidization. If you consider, for instance, the Portland Transit Company in the City of Portland, over ninety per cent of their travel is done on city streets, and not on your state ways or county ways. Perhaps that would clarify what the problem is. This is a city problem, and certainly the citizens of your larger cities in the state are just as much a segment of the population of the State of Maine as the citizens living in our rural communities. The problem is acute. I believe that the bus lines do need this relief. I certainly hope you will give it consideration and do not go along with the motion to indefinitely postpone this bill.

The SPEAKER pro tem: Is the House ready for the question?

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

Mr. CURTIS: Mr. Speaker, I agree with the gentleman from Portland, Mr. Broderick, that this is a city proposition as far as the help would be to the city, but I would remind the House that the country has to pay for it as well, and inasmuch as there are three people living in the country to about one in the city in our state, this revenue is coming a great deal from these country people. And inasmuch as the gentleman from Augusta, Mr. Carey, did state the thing as it is that thirty-five cents of the fare will not come under that, that further works against the country people who want to go out away from the city and thirty-five cents, why they get nothing more out of it. To me this is just simply taking money out of taxation where somebody else has to put it in, and it looks so unfair that I want to go along with the gentleman from Wiscasset, Mr. Farmer, for indefinite postponement.

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

Mr. HICKEY: Mr. Speaker, I would like to speak on this matter. The simple reason is in talking about this bus situation, I have been told, which hasn't been thoroughly explained to me, but I have just been told here about three days ago that they are waiting for this bill to be passed before they will negotiate a contract with the local union in Portland, Maine so they would know whether they would give them the increase in wages that they are now negotiating. I don't know whether this is true or not, but that has been called to my attention.

Now in regard to this bus situation and subsidies so-called, I would like to find out from any member of the proponents or opponents rather, of this measure, would any of these transport companies give up their charter at the present time under the losing—so-called losing patronage, would they sell it or give it up if they had to? I would like to ask the proponents of the measure, or the opponent.

The SPEAKER pro tem: The gentleman from Biddeford, Mr. Hickey, has addressed a question through the Chair to any person who may answer if they wish.

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

Mr. HANSON: Mr. Speaker, I think I can answer the gentleman's question this way, that it was inferred before the Committee that there possibly might be a change made. Now whether those franchises would be sold or not I couldn't say, but I do know of one company in particular which would definitely go out of business unless relief was given. Does that answer your question?

The SPEAKER pro tem: Is the gentleman satisfied with his answer? Is the House ready for the question? The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, might I ask one question through the Chair to any member of the Taxation Committee. How much longer is it supposed that this would keep them in business by doing away with the tax on gasoline?

The SPEAKER pro tem: The gentleman from Enfield, Mr. Dudley, has asked a question through the Chair of any member of the Taxation Committee who may answer if he wishes.

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

Mr. WALSH: Mr. Speaker, the proponents of this measure themselves do not know how long it might keep them alive. I believe that answer is correct.

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

Mr. SMITH: Mr. Speaker, I get up to support my colleague from Wiscasset, Mr. Farmer, for the simple reason in Portland these city busses take in a large considerable amount of money on sight-seeing trips to Sebago Lake, chartered busses which they don't stay on the bus line, so I will go along with the gentleman from Wiscasset to indefinitely postpone.

The SPEAKER pro tem: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Plante.

Mr. PLANTE: Mr. Speaker and Members of the House: I dislike prolonging the debate, however, one point should be made clear. When the Public Utilities issues a franchise to a particular transit company it is not considered ethical to sell that franchise. Also in answer to the question of the gentleman from Biddeford, Mr. Hickey, all of you should bear in mind that if a company should stop functioning, try to think who would be willing to pick up the tab. There are very few people that could take over transit companies today, and what few that we do have we are lucky to keep.

The SPEAKER pro tem: Is the House ready for the question? The question before the House is the motion of the gentleman from Wiscasset, Mr. Farmer, that this Bill "An Act Refunding Gasoline and Use Fuel Taxes to Local Transit Operators", House Paper 953, Legislative Document 1354, be indefinitely postponed and a division has been requested.

Will those who favor the motion to indefinitely postpone this Bill please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Seventy-one having voted in the affirmative and forty-eight having voted in the negative, the motion did prevail, the Bill was indefinitely postponed and sent up for concurrence.

The SPEAKER pro tem: Is there objection to sending the matters that have been enacted forthwith to the Senate? The Chair hears none and it is so ordered.

On motion of Mr. Ross of Bath, Recessed until two o'clock in the afternoon.

After Recess
2:00 P.M.

Speaker Edgar assumed the Chair and called the House to order.

Orders of the Day

The SPEAKER: Under orders of the day the Chair now lays before the House the first tabled and today assigned matter, House Order amending the rules for appointment

of Clerk of the House, tabled under the rules on May 28 pending passage.

Mr. Ross of Bath offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to HOUSE ORDER, Amending House Rule 1.

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

'And to appoint a Clerk and an Assistant Clerk of the House to fill any vacancy that may occur in said offices while the Legislature is not in session, to serve until the House in session shall elect a Clerk or Assistant Clerk.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen: The order yesterday which was tabled until today gave the Speaker authority to appoint a temporary Clerk. Now this order should have included the Assistant Clerk, Mrs. May Chapman, who has even more service with our state than Mr. Pease. As in my remarks about Mr. Pease, I am sure that the House feels the same way about Mrs. Chapman. We certainly appreciate her ability and the conscientious effort she has shown on behalf of this House, and we hope that she does not retire. But if she does, the Speaker should have the authority to appoint an Assistant Clerk until a new one is elected by the next session of the legislature.

The SPEAKER: The question before the House is the motion of the gentleman from Bath, Mr. Ross, that the House adopt House Amendment "A" to House Order amending the rules for appointment of Clerk of the House. Is it the pleasure of the House that House Amendment "A" to this order shall be adopted?

The motion prevailed.

The SPEAKER: Is it now the pleasure of the House that House Order amending the rules for appointment of Clerk of the House shall be adopted as amended by House Amendment "A"?

The motion prevailed.

The SPEAKER: The Chair now lays before the House item number two under tabled and today assigned matters, House Report "Ought not to pass" of the Committee on Appropriations and Financial Affairs on Bill "An Act Creating the State Institutional Emergency Fund and the Personal Services Reserve Account", House Paper 871, Legislative Document 1239, tabled on May 28 by the gentleman from Bangor, Mr. Totman, pending the motion of the gentleman from Bowdoinham, Mr. Curtis, to substitute the Bill for the Report.

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

Mr. TOTMAN: Mr. Speaker, inasmuch as the companion bill to this item is still in the other branch, I move this be again tabled until later in the day.

The SPEAKER: The question before the House is the motion of the gentleman from Bangor, Mr. Totman, that the "Ought not to pass" report be tabled unassigned pending the motion of the gentleman from Bowdoinham, Mr. Curtis, that the Bill be substituted for the Report. Is this the pleasure of the House?

The motion prevailed and the Report was so tabled.

The SPEAKER: Out of order the Chair will lay before the House Supplement number one of House Advance Journal.

House at Ease

Called to order by the Speaker.

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

Mr. QUINN: Mr. Speaker and Ladies and Gentlemen of the House: In view of the fact that we have been getting supplements to our desks quite rapidly and in order for us to give them a little consideration before taking action, I would ask that we might have about five minutes recess on each item so that we might acquaint ourselves with the matter involved and vote more intelligently.

The SPEAKER: The Chair understands the gentleman from Bangor, Mr. Quinn, moves that the House recess for five minutes in order that

the members may have an opportunity to study the items on supplement number one before we take action on them. Is it the pleasure of the House to recess for five minutes?

The motion prevailed.

Five Minutes Recess

Called to order by the Speaker.

The SPEAKER: Out of order the Chair lays before the House item number nine on the reverse side of Supplement number one under Matters Tabled this Morning and Later Today Assigned, Bill "An Act Increasing Salaries of Various Department Heads and Commissions", House Paper 1104, Legislative Document 1609, tabled this morning by the gentleman from Perham, Mr. Bragdon, pending passage to be engrossed.

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

Mr. TOTMAN: Mr. Speaker and Ladies and Gentlemen of the House: This morning the gentleman from Perham, Mr. Bragdon, tabled this bill in order to offer an amendment. At this time we have learned that the amendment is not going to be presented and therefore I move the bill be passed to be engrossed.

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

Mr. DUDLEY: Mr. Speaker, I notice the gentleman from Bowdoinham, Mr. Curtis, isn't in the House and I would like to have this held up for a few minutes because I see he has an amendment prepared.

The SPEAKER: The question before the House is the motion of the gentleman from Enfield, Mr. Dudley, that item number nine be tabled —. The Chair will advise the House that this particular item is one that the engrossing department is being held up for, and has a very definite bearing on the amount of time we may have to spend here tonight. Pending the motion of the gentleman from Enfield, Mr. Dudley, the House will be at ease while we try to locate the gentleman from Bowdoinham, Mr. Curtis.

House at Ease

Called to order by the Speaker.

The SPEAKER: Does the Chair understand that the gentleman from Enfield, Mr. Dudley, now withdraws his tabling motion?

Mr. DUDLEY: I do.

The SPEAKER: The Chair again lays before the House item number nine, Bill "An Act Increasing Salaries of Various Department Heads and Commissions", tabled by the gentleman from Perham, Mr. Bragdon, pending passage to be engrossed.

Thereupon, Mr. Curtis of Bowdoinham, offered House Amendment "D" and moved its adoption.

The SPEAKER: The gentleman from Bowdoinham, Mr. Curtis, offers House Amendment "D" and moves its adoption. The Chair would inquire of the gentleman from Bowdoinham, Mr. Curtis, as to whether or not this amendment is identical with the one which was offered by another gentleman this morning. The Chair is advised that it is.

The Chair must rule that if this amendment is identical with the one offered this morning by the gentleman from Clinton, Mr. Besse, the amendment is out of order since it has already been acted upon.

Thereupon, the Bill was passed to be engrossed, and under suspension of the rules sent forthwith to the Senate.

The following papers from the Senate were taken up out of order and under suspension of the rules:

**Senate Orders
Out of Order
Tabled Until Later in
Today's Session**

From the Senate: The following Orders:

ORDERED, the House concurring, that the Legislative Research Committee be, and hereby is, directed to study and to report to the 99th Legislature on the privilege of voting for those civilians who reside on federally-owned property in Maine (S. P. 520)

ORDERED, the House concurring, that the Legislative Research Committee be and hereby is directed to study and to report its conclusions and recommendations to the 99th Legislature on the question concerning the freedom of access to

state, county and municipal records and proceedings, whether administrative, judicial or legislative in nature.

The Committee shall particularly concern itself with the freedom of access that may or may not be available to accredited news gathering organizations. (S. P. 521)

ORDERED, the House concurring, that the Legislative Research Committee be, and hereby is, requested to study the problems of municipal sewage disposal with the end in view to create municipal sewage districts under model charters provided for by law; and be it further

ORDERED, that the Legislative Research Committee report the results of its findings to the 99th Legislature (S. P. 596)

Came from the Senate read and passed.

In the House: Orders were read.

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

Mr. TOTMAN: Mr. Speaker and Members of the House: It is my understanding that these orders for the Legislative Research Committee are going to be collected and that there would be some attempt to weed out the ones that were in the scope of the Committee because so many have been passed, it is impossible to take them all up. It appears to me that we should table these three here and have an opportunity to find out what is happening in the other branch to the ones we have sent over, and I would so move at this time that items one, two and three be tabled until later in the day.

Thereupon, the Orders were tabled unassigned pending passage.

**Non-Concurrent Matter
Tabled**

Joint Order relative to Study by Legislative Research Committee of Federal Flood Insurance Program (H. P. 1100) which was passed in the House on May 23.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Walsh of Brunswick, tabled unassigned pending further consideration.

**Non-Concurrent Matter
Tabled**

Joint Order relative to Legislative Research Committee being requested to study laws, policies, etc. of State Liquor Commission (H. P. 1105) which was passed in the House on May 28.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Pierce of Bucksport, tabled unassigned pending further consideration.

**Non-Concurrent Matter
Tabled**

Joint Order relative to Legislative Research Committee being requested to study the desirability and economy of consolidating the State-Owned Cars and Garages under one Agency (H. P. 1107) which was passed in the House on May 28.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Quinn of Bangor, tabled unassigned pending further consideration.

**Senate Reports of Committees
Ought to Pass in New Draft
Indefinitely Postponed**

Report of the Committee on Retirements and Pensions on Bill "An Act relating to Service Retirement under State Retirement System" (S. P. 184) (L. D. 463) which was re-committed, reporting a Resolve (S. P. 611) (L. D. 1611) under title of "Resolve in favor of Irving W. Small of Milbridge" and that it "Ought to pass"

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

In the House:

The SPEAKER: The Chair will declare a recess of ten minutes and will ask the floor leaders and assistant floor leaders of both parties to meet with the Speaker in the Speaker's office.

Recess

Called to order by the Speaker.

The SPEAKER: The matter before the House is item seven at the top of the reverse side of supplement number one. The Chair must rule that the Resolve in favor of Irving W. Small of Milbridge is not

germane to the original bill. The original bill was a general law relating to service retirement under state retirement system. The new resolve is a private pension resolve, and for that reason the Chair rules that the resolve is not germane to the original bill. Is it now the pleasure of the House that this Resolve be indefinitely postponed?

The motion prevailed.

Ought to Pass in New Draft

Report of the Committee on Retirements and Pensions on Resolve in favor of Arthur Payson, of Brooks (S. P. 219) (L. D. 563) reporting same in a new draft (S. P. 612) (L. D. 1612) under title of Resolve in favor of Arthur O. Payson of Brooks and that it "Ought to pass"

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

In the House: Report was read and accepted in concurrence and the New Draft read once.

Under suspension of the rules, the New Draft was given its second reading, passed to be engrossed and sent forthwith to the Senate.

On motion of Mr. Ross of Bath, by unanimous consent, the following matters, upon which action was taken this morning, were sent forthwith to the Senate:

An Act relating to Cutting of Christmas Trees (H. P. 1091) (L. D. 1585)

An Act relating to Coercive Practices in Trade or Commerce (H. P. 1069) (L. D. 1529)

From the Senate: The following Communication:

STATE OF MAINE
SENATE CHAMBER
OFFICE OF THE SECRETARY

May 28, 1957

Hon. Harvey R. Pease
Clerk of the House of Representatives

98th 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 relating to Sale of Certain Beverages to Minors" (H. P. 381) (L. D. 510)

Senators:

LESSARD of Androscoggin
FOURNIER of York
WYMAN of Washington

Respectfully,

(Signed) CHESTER T. WINSLOW
Secretary of the Senate

The Communication was read and ordered placed on file.

The SPEAKER: Under Orders of the Day the Chair now lays before the House item number three under tabled and today assigned matters on the regular printed calendar, House Divided Report, Report "A" reporting "Ought to pass" and Report "B" reporting "Ought not to pass" of the Committee on Legal Affairs on Bill "An Act relating to Hours for Public Dance Halls", House Paper 227, Legislative Document 322, tabled on May 28 by the gentleman from Portland, Mr. Childs, pending the motion of the gentleman from Bridgton, Mr. Haughn, that both reports be indefinitely postponed.

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

Mr. BREWER: Mr. Speaker, as our majority floor leader did the other day in order to save any embarrassment to the gentleman from Portland, Mr. Childs, the companion measure has not been acted upon as yet, although I think they are proceeding with it, I move this item be tabled until later in the day.

The SPEAKER: The question before the House is the motion of the gentleman from Caribou, Mr. Brewer, that this item be tabled unassigned pending the motion of the gentleman from Bridgton, Mr. Haughn, that both Reports be indefinitely postponed. Is this the pleasure of the House?

(Cries of "No")

Will those who favor the tabling motion please say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed and the Reports were so tabled.

The SPEAKER: The Chair now lays before the House item number four under tabled and today as-

signed matters, Bill "An Act relating to Area Directional Signs on Turnpikes" (S. P. 340) (L. D. 919) tabled on May 28 by the gentleman from Buxton, Mr. Bruce, pending adoption of House Amendment "A".

The Chair recognizes the gentleman from Palmyra, Mr. Emery.

Mr. EMERY: Mr. Speaker, I now move that House Amendment "A" filing 573 be indefinitely postponed.

The SPEAKER: The gentleman from Palmyra, Mr. Emery, moves that House Amendment "A" which had previously been offered by the same gentleman now be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed.

Mr. Emery of Palmyra offered House Amendment "A" to Senate Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to SENATE AMENDMENT "A" to S. P. 340, L. D. 919, Bill "An Act Relating to Area Directional Signs on Turnpikes."

Amend said Amendment by adding at the end of that part designated "Sec. 149-A" a new paragraph to read as follows:

'In the absence of a specific recreational area, the State Highway Commission on the state constructed and maintained interstate system and the Maine Turnpike Authority on the highways constructed by said Authority may erect, situated near an exit, suitable signs at the exit designating motel, hotel and restaurant areas.'

House Amendment "A" to Senate Amendment "A" was adopted.

Senate Amendment "A" (filing 582) was read by the Clerk.

Senate Amendment "A" as amended by House Amendment "A" was adopted.

Under suspension of the rules, the Bill was given its third reading, passed to be engrossed as amended in non-concurrence and sent forthwith to the Senate.

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

Mrs. BURNHAM: Mr. Speaker and Members of the House: I have had these few remarks that I wish to make on my mind for some little time. I have a new understanding of the work that the proponents of the Maine Turnpike Authority must have gone through in order to get that wonderful road that we have from the southern part of our state to Augusta, and at this time I would like to mention so that we may have on the record my opinion of their foresight and wisdom. I think that they had the best interests of our state at heart, and I remember well the kindly, courteous gentleman, Mr. Seaward, who started out with very little encouragement for that turnpike authority. His wisdom as he talked of the matter became more and more apparent and I think at this time that those of us who come from southern York County can best appreciate the work that they have done, and I would like to have it on the record here that we do appreciate that work and for his successor who carried the work from Portland on to Augusta, Mr. Varney. I am sorry that our session is ending, you can call that sarcasm if you like, but I have been glad to contribute to the support of the Authority to the tune of eighty-eight dollars.

The SPEAKER: The Chair now lays before the House item number ten on the reverse side of Supplement number one under Matters Tabled this Morning and Later Today Assigned, Bill "An Act Increasing Sales Tax" House Paper 986, Legislative Document 1410, tabled this morning by the gentleman from Rockland, Mr. Stilphen, pending passage to be enacted.

Thereupon, Mr. Stilphen of Rockland moved that the Bill be passed to be enacted.

**Passed to Be Enacted
Emergency Measure**

An Act Increasing Sales Tax (H. P. 986) (L. D. 1410)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being

necessary, a division was had. 114 voted in favor of same and 7 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and under suspension of the rules sent forthwith to the Senate.

The SPEAKER: The Chair now lays before the House item number eleven on the reverse side of Supplement number one, Bill "An Act Creating a State Administered Probation and Parole Law" Senate Paper 552, Legislative Document 1542, tabled this morning by the gentleman from Augusta, Mr. Carey, pending passage to be enacted.

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

Mr. CAREY: Mr. Speaker, I fear that my tabling action of this morning may have been misunderstood so I would like to speak briefly on this. I found that we had a Kennebec County situation which applied to this bill, and a couple of members of our Kennebec County delegation wanted to get this cleared up. Therefore, I tabled the action this morning. I have been questioned several times about the motive for this, and it is not opposition, because I have been and am a proponent of this order very strongly, and now I move that this be passed to be enacted.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and under suspension of the rules sent forthwith to the Senate.

The gentleman from Bangor, Mr. Browne, was granted unanimous consent to address the House.

Mr. BROWNE: Mr. Speaker and Members of the House: Two years ago the 97th Legislature revised the taxation laws as they related to municipalities. The 97th Legislature also in its wisdom placed into the legislative records a copy of the work sheets of the State Tax Assessor and his Advisory Committee, which Committee was responsible for the preparation of that revision. Now the value of that decision to place those work sheets into the records has been borne out on two separate occasions, in that the Court I am informed has referred to those work sheets in making a determination with re-

spect to the tax law or the revision which we passed two years ago.

Now the reason for introducing the work sheets into the record is that the courts must interpret the new law or interpret the revision as new law when a question is raised unless the work sheets are made a part of the record, and whereas the revision was an attempt to codify the law rather than to make new laws, it is important that such work sheets be included.

Now I have gone into this in some detail because we are faced with a similar problem now. This legislature under L. D. 437, An Act Revising the General Laws Relating to Municipalities, has revised and codified these laws, and because I believe that such work sheets would aid the Judges and the Courts, if a question of interpretation or con-

struction was to arise, I therefore move that a copy of the work sheets of the Attorney General and his Advisory Committee prepared in connection with Review of General Statutes of Towns pursuant to Chapter 214, Private and Special Laws, 1955, be made a part of the Legislative Record of this House, and I offer such a copy at this time.

The SPEAKER: The question before the House is the motion of the gentleman from Bangor, Mr. Browne, that a copy of the work sheets of the Attorney General's Department prepared in connection with Review of General Statutes of Towns pursuant to Chapter 214, Private and Special Laws of 1955 be made a part of the Legislative Record of the House. Is it the pleasure of the House?

The motion prevailed.

REVIEW OF GENERAL STATUTES OF TOWNS

Report of the Attorney General

Pursuant To

Chapter 214 Private and Special Laws—1955

Contents:

Chapter 214 Private and Special Laws—1955.

Introduction.

Worksheets of R. S. 1954 Chapter 91 showing all changes made and explanation of them.

Private and Special Laws—1955

Chapter 214

AN ACT Directing Review of General Statutes of Towns.

Be it enacted by the People of the State of Maine, as follows :

Sec. 1. Review of general statutes of towns authorized. The Attorney General is authorized, during the fiscal years commencing July 1, 1955 and terminating June 30, 1957, to study the present general provisions of the statutes relating to municipalities and in particular Chapter 91 of the Revised Statutes, and to report to the next regular session of the Legislature such changes and amendments as may appear to be necessary or desirable to consolidate and complete such statutes so as to eliminate archaic and contradictory provisions now found in the law and to make such statutes more readily understandable and useful to the municipalities and persons affected thereby. For this purpose the Attorney General may employ such technical and clerical assistance as he may find necessary.

Sec. 2. Advisory Committee. The Attorney General is further authorized to appoint an Advisory Committee of not more than 12 persons representing municipalities to consult with him and

advise during the progress of such study; the members of such Committee to be paid necessary expenses actually incurred in attending such meetings as shall be called by the Attorney General.

Sec. 3. Appropriation. There is hereby appropriated from the unappropriated surplus of the general fund of the State the sum of \$13,500 to carry out the purposes of this Act, and said sum shall not lapse but shall remain as a carrying account until the purposes of this Act have been accomplished.

Introduction

To the members of the 98th Legislature.

Gentlemen:

Chapter 214 of the Private and Special Laws of 1955, AN ACT Directing Review of General Statutes of Towns authorized the Attorney General to study the present general provisions of the statutes relating to municipalities and in particular Ch. 91 of the Revised Statutes, and to report to the next regular session of the Legislature the amendments necessary to eliminate archaic and contradictory provisions now found in the law. The proposed redraft of Ch. 91 as found in L. D. 437 should be considered as part of this report of the Attorney General, since it embodies the changes which appear to be necessary to accomplish the prescribed purpose.

The worksheets found in this report explain the changes that were made in Ch. 91 in the preparation of L. D. 437. They also include an explanation of the reorganization of Ch. 91 by designating the new section numbers to which provisions of the old sections were reallocated. Other related chapters were also considered in making this study, and where it was necessary to do so changes were made in them to conform with the changes in Ch. 91. These will be found on pages 38-42 of L. D. 437.

The Act authorized the Attorney General to employ necessary technical and clerical assistance. In September 1955, Orville T. Ranger of Fairfield, a member of the Maine Bar, was appointed as a special Assistant Attorney General to prepare the review, and an Advisory Committee was appointed to guide his progress as authorized by the Act.

The members of the Advisory Committee were as follows: Elden H. Shute of Waldoboro, Harold L. Gray of Dover-Foxcroft, Francis W. Sullivan of Cape Elizabeth, Fred M. Berry of Augusta, Robert L. Browne of Bangor, Joseph Coupal of Bangor, Ernest H. Johnson of Monmouth, David M. Peat of Gardiner, Barnett I. Shur of Portland, Frank G. Chapman of Gardiner, and James G. Frost of Gardiner.

Eight meetings of the Advisory Committee were held between December 13, 1955 and December 13, 1956 for the purpose of reviewing the progress of the work. Representing municipal officials and others concerned with the administration of municipal law, attorneys charged with the responsibility of its interpretation, and state officials interested in its workability at the state level, the Committee ably performed the task of thoroughly reviewing the voluminous material and added valuable advice from several viewpoints. The Committee served conscientiously and without pay which indicated its wholehearted interest in obtaining the best result possible.

The objective of this study was to redraft the law so that it would be understandable and workable without making any major substantive changes. At the same time, where the law was silent, recognition of the actual practice of municipalities over the years was given great consideration. For example, it has been the practice of some municipalities to pay their clerks a salary instead of the fees which they receive for recording documents and issuing licenses, etc. On this point, the law is silent. However, this situation is recognized by the last sentence of Sec. 48 on page 28 of L. D. 437 as follows: "A municipality may provide for a salary to be paid to the clerk as full compensation, in which case the fees accrue to the municipality." In cases where the present law lacked provisions of procedure, they were added. For example, in Ch. 91 Sec. 96 the law stated, "In a municipality having a city or town engineer no plat shall be approved under the provisions of section 94 until the engineer has had opportunity to report thereon in regard to grades, feasibility of drainage and sewerage, and character of road surfacing." There was no time limit expressed, and thus an engineer by failing to report could prevent or seriously delay the approval of a plat which was adequate in every respect. The new law provides that approval or disapproval of the plat must be made within 30 days after it is submitted for review. See Sec. 61 V A (5) on page 35 of L. D. 437. On the other hand, the fact that municipalities in general do not abide by certain portions of the law did not prevent their

retention. For example, the provisions with respect to perambulation of boundary lines, though probably not regularly observed, were restated more clearly and retained in L. D. 437. Obsolete sections of Ch. 91 were deleted. See Secs. 113-115, for example.

Following is an outline of some of the problems encountered in this study:

1. **Lack of organization.** The various sections, and the language of which they were composed, followed no consistent pattern.

(Note that Secs. 1-11 of L. D. 437 are composed of material from Secs. 1, 86, 177, etc. of Ch. 91. For a good example of the inconsistent pattern of an individual section, see Sec. 102.)

2. **Archaic and inconsistent language.** Much of the wording of the ancient statutes was retained in Ch. 91. Compared with modern rules of good English usage for statutory drafting, the language was substandard.

(See Sec. 111 of Ch. 91 and compare it with NS 12 II E on page 10 of L. D. 437. "Shall be construed" and "shall be deemed" are among the stilted phrases considered taboo by modern rules unless an actual **fiction** is intended. The second sentence of Sec. 111 should read, "The term 'at cost' means without financial profit." "Shall" in this report has been used only in its mandatory sense.)

3. **Incorrect punctuation.** Many sections were poorly paragraphed and improperly punctuated. (See Sec. 86 IX for a long sentence indiscriminately punctuated with commas and semicolons where shorter sentences with less punctuation would have been easier to read and understand.)

4. **Unnecessary repetition.** Clauses and phrases were repeated over and over which tended to confuse the reader.

(See in Secs. 89, 90, and 91 the needless repetition of "such revision, codification and compilation.")

5. **Redundancy.** Many words meaning the same thing, or included in a broader word already used, were found.

(See in Sec. 88 "changes, alterations, modifications, additions and substitutions" and also in the same section, "errors, inconsistencies, repetitions and ambiguities.")

6. **Lack of conciseness.** Single thoughts followed by several conditions were split into several sections where a section with subsections would have been proper.

(See Secs. 88-92, 124-129, and 136-141.)

7. **Unworkable provisions.** Some sections were found containing procedures which proved unworkable as a practical matter.

(Sec. 86 IX contained a reference to the appeal procedure of Ch. 91 Sec. 34. Ch. 91 Sec. 34, in part, refers to Ch. 89 Sec. 42. Both of these sections refer to the appeal procedure for persons aggrieved by the estimate of damages allowed for land taken for a town way, and do not present the petitioner with a clear-cut method of approach.

Ch. 91 Sec. 175 places the responsibility for perambulating town lines on the oldest town. A younger town, which wishes its boundary lines perambulated as required by law, is left in a helpless position should an adjoining older town refuse to initiate proceedings.)

These problems were solved by grouping like sections together; substituting clear sentences for stilted language; using shorter sentences and correspondingly less punctuation; avoiding unnecessary repetition by using one general word which included other necessary smaller words; organizing several small sections containing subsidiary provisions into one section with subsections; and substituting workable provisions for those which were unworkable.

Following are 3 recommendations for future legislation to be considered as applying to Ch. 91:

1. **Plantation Form of Government.**

I. A plantation is an interim form of government which has indefinite powers but which, as a practical matter, exercises the powers of a town without statutory authority.

II. The only advantage which a plantation has is outlined in Ch. 94 Sec. 25, as amended by P. L. 1955, Ch. 87, and reads as follows:

“Plantations having a population of 200 or more and a valuation of at least \$250,000 shall support the paupers therein, in the same manner that towns now do, and the expenses therefor shall not be charged to the state.”

- III. Is the plantation form of government necessary today?
- A. Maine is the only state retaining the plantation as a form of government.
 - B. Although Ch. 101 ostensibly sets forth the law with regard to plantations, their powers are indefinite because provisions regarding them are scattered throughout the statutes, and because by the rules of construction in Ch. 10 Sec. 22, the word “towns” includes plantations unless otherwise expressed or implied. It is very difficult to tell in most instances when the word “town” is used whether there is a possible exclusion of plantations by implication.
 - C. Most plantations exercise town powers where it is to their advantage to do so, and at the same time take advantage of their name “plantation” when it is to their benefit.
- IV. What problems would arise should the Legislature decide to declare all plantations to be towns?
- A. The advantage which plantations now enjoy under Ch. 94 Sec. 25, could be retained by changing the word “plantation” to “town.” However, since 49 towns, now required to support their paupers, have a population of under 200, a state valuation of under \$250,000, or a combination of both, it might be wise to establish different figures of population or valuation. There seems to be no valid reason why a town of less than 200 population or less than \$250,000 state valuation is required to support its paupers when a plantation in exactly the same circumstances is not.
 - B. Present assessors of plantations would be declared selectmen and assessors for the remainder of their terms. This would be a change in title only since they now have the same duties as do selectmen.
 - C. Where the name of a plantation is the same as that of a town already existing, with the exception of the word “plantation,” it would have to be changed when it became a town; e.g. Lincoln Plantation when it becomes a town cannot become the Town of Lincoln since one already exists.
 - D. The name “plantation” throughout the statutes could then be eliminated or changed to “town” or “municipality” according to the sense of the statute. Other like problems could be easily ironed out and Ch. 101 on Plantations eliminated. A new section should then be

added to Ch. 91, as revised, outlining the procedure for an unorganized area to follow in order to be incorporated as a town.

- V. What advantage would there be in eliminating the plantation form of government?
- A. The fact that plantations are now generally exercising the powers of towns without statutory authority would be recognized and the problem solved.
 - B. The advantage with regard to pauper law would be retained and extended to those towns now deserving its benefit.
 - C. The confusion with respect to plantation powers would be eliminated, and the broader powers of towns could be legitimately exercised.
 - D. A single workable provision for incorporating an unorganized area would be gained.
 - E. An archaic form of government having little or no validity today would be abolished.

2. **Powers of Municipalities.**

I. Some consideration might well be given to the possible creation of a new section allowing municipalities to act jointly in solving municipal problems as follows:

A. "A municipality may act jointly with other municipalities in performing any of the operations which it is authorized by law to perform in its single capacity. Municipalities may contract with each other to carry out these operations providing that the contract contains specific agreements with regard to the following:

- (1) Sharing of uses, powers, duties, costs, and profits.
- (2) Division of ownership of any property involved.
- (3) Disposition of jointly owned property when the contract terminates.

Any contract between municipalities may be terminated by a party to it at the end of the taxable year provided the terminating party issues notice to that effect to all parties to the contract, not less than 60 days prior to the end of the taxable year."

3. **Removal of a Municipal Official.**

I. At present, the statutes do not provide for the removal of a municipal official who has shown by his actions that his continuation in office is a detriment to the community. *State v. McLellan*, 117

Me. 73, provides the answer which would be easy to find if enacted into the statutes somewhat as follows:

A. "A municipal official may be removed from office as follows:

- (1) On receipt of a written complaint specifying the charges of which the official is accused, signed by any 3 voters, the municipal officers shall hold a public hearing on reasonable notice to the interested parties.
- (2) The municipal officers shall hear all the evidence given under oath for and against the charges made, and shall determine whether each charge is true or false.
- (3) After making the separate adjudication on each charge, the municipal officers shall then determine whether the adjudication is sufficient to indicate that the continuation in office of the official complained against will be detrimental to the municipality. If this determination is in the affirmative, the municipal officers shall declare the office vacant, and shall call for a special election to fill the vacancy."

II. An appeal procedure would not be needed, since the ousted official could always test the action of the municipal officers by bringing an information in the nature of quo warranto.

The worksheets in this report give a complete explanation of the changes made and the reasons for them. Because of the changes in form and language, small letters were inserted so as to allow the new order to be described. The explanation "a-b, c-d, b-c becomes NS 14 III." means the material from a to b, followed by the material from c to d, and that from b to c becomes subsection III of new section 14.

A great deal of time, thought, and effort have been expended by both the Advisory Committee and Mr. Ranger in preparing L. D. 437 and this report for legislative approval, and it is our earnest hope that you will find it worthy of enactment.

Respectfully submitted,

FRANK F. HARDING,
Attorney General

New Section Cross-Reference Index

This index shows the old section origin of new section material. The letter "N" following an old section number indicates the reference is in the **Note:** following that old section. If there is a comma between the old section number and the "N," the reference is to both the old section and the **Note:** following it.

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WORK SHEETS

Revised Statutes of 1954

Chapter 91

General Provisions Relating to Towns

Sections 1- 48.	Town Meetings. Officers.
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1 **Sec. 1. Towns, corporations.** The ~~inhabitants residents of each town~~
2 **a municipality** are a body corporate ~~capable of suing and being sued~~
3 **which may sue and be sued, and of appointing attorneys, and agents and**
4 **adopt a seal.**

Comment:

This becomes NS 2. NS 1 is definition section.

- Line 1 "Inhabitants" changed to "residents" to conform to Ch. 91-A on Taxation.
- Line 2. "Town" changed to "municipality" to include cities and towns.
- Line 3. "Agents" deleted. Power to appoint attorney includes agent. Confusion as to general "town agent" eliminated, since there is no such position.
- Line 4. "Adopt a seal" added to express the implied power of a municipality to adopt a seal.

1 **Sec. 2. Meetings called by warrant.** (a) ~~Every~~ Each town
 2 meeting (b) except ~~in the cases mentioned in the 2 following sec-~~
 3 ~~tions as follows:~~ (c) shall be called by a warrant. **The warrant shall**
 4 **be signed by a majority of the selectmen, (d)**

Comment:

a-b, c-d, b-c become NS 30.

- Line 1. "Every" changed to "Each" for uniformity. Balance of section restated to be used as head paragraph for NS 30.

1 **Sec. 3. First meeting; when no officers, called on application to**
 2 **justice of the peace.** (a) The first town meeting shall be called ~~and~~
 3 ~~notified~~ in the manner ~~prescribed~~ **provided** in the act of incorporation,
 4 ~~and if no mode is therein prescribed, by any justice of the peace in~~
 5 ~~the same county~~ (b) When a town, once organized, is ~~destitute of~~
 6 ~~officers without selectmen,~~ a meeting may be called **on application to**
 7 **any such by a justice of the peace in the county for his warrant for**
 8 **the purpose, made in writing by on the written petition of any 3**
 9 ~~inhabitants thereof voters.~~ (c) ~~When, by~~ **If, for any reason, of death,**

IO ~~removal or resignation~~ a majority of the selectmen do not remain in
 II office, a majority of those remaining ~~in office~~ may call a town meeting. (d)

Comment:

a-b becomes NS 30 I. b-c becomes NS 30 III. c-d becomes NS 30 II.

a-b. Restated. Lines 4-5 deleted as unnecessary, since the act of incorporation should properly provide a method of calling the first meeting.

b-c. Reworded for clarity.

c-d. "Death, removal or resignation" changed to "any reason." Unnecessary to tie the reason to death, removal or resignation.

I **Sec. 4. Selectmen refusing, meeting how called; articles inserted**
 2 **in warrant.** (a) If the selectmen unreasonably refuse to call a town
 3 meeting, (b) ~~of any number of legal voters therein, not less than equal~~
 4 **to at least 10% of the voters registered in the town biennial state at**
 5 **the last gubernatorial election, then last past** but in no case less than
 6 ~~10, so registered voters~~ (c) ~~may apply in writing on the written petition~~
 7 (d) ~~to it may be called by a justice of the peace in the county who may~~
 8 ~~issue his warrant for calling such meeting~~ (e) ~~When of any number of~~
 9 ~~legal voters not less than equal to at least 10% of the voters registered~~
 10 ~~in the town biennial state at the last gubernatorial election, then last~~
 11 ~~past but in no case less than 10, so registered voters~~ (f) ~~request the~~
 12 ~~selectmen in writing to~~ **On the written petition** (g) **the selectmen shall**
 13 **insert a particular article in a warrant, they shall insert it in the**
 14 **next warrant issued or shall call a special meeting for** ~~the its considera-~~
 15 **tion. thereof** (h)

Comment:

a-b, d-e, c-d, b-c become NS 30 IV. f-g, e-f, g-h become NS 32.

a-b. No change.

- d-e. Deleted part covered by NS 30.
- c-d. Restated.
- b-c. Restated. "Gubernatorial" substituted for "biennial" for uniformity. Gubernatorial used because election might be for more than 2 years in the future.
- f-g. Reworded to "written petition" for uniformity.
- e-f. Reworded for uniformity with b-c.
- g-h. Restated.

1 **Sec. 5. Form of warrant.** (a) ~~In either case, the warrant described~~
 2 ~~in section 2~~ It shall specify the time and place ~~at which~~ of the meeting.
 3 (b) ~~It shall be held; and state~~ in distinct articles ~~shall state~~ the
 4 business to be acted upon at ~~such~~ the meeting~~s~~, and no other business
 5 ~~shall may be there acted upon. (e)~~

Comment:

a-b becomes NS 3I I. b-c becomes NS 3I II.

Lines 1-5. Restated. Note that in line 5 "shall" has been replaced by the correct word, "may." The clause "no other business shall be there acted upon" means **it is a duty not to act upon other business** since "shall" means it is a duty and "shall not" means it is a duty not. The word "may" means you have the power and you have the permission, and "may not" means you have neither the power nor the permission, which is **considerably stronger**. Thus "no other business may be acted upon" means **you have neither the power nor the permission to act on other business**. This is a technical point which is observed by present day statutory draftsmen.

Note:

Insert as NS 31:

“The warrant for calling any town meeting shall meet the following requirements:”

1 **Sec. 6. Warrant, how directed.** ~~The warrant described in section 2~~
2 ~~may~~ It shall be directed to any town constable, of the town or to any
3 person resident by name, directing ordering him to warn and notify all
4 persons qualified to voters at such meeting to assemble at the time and
5 place appointed.

Comment:

This becomes NS 31 III.

Line 3. “Person” changed to “resident” as being more proper.

Balance of section merely restated.

1 **Sec. 7. Notice; return.** (a) ~~The meeting provided for in section 2~~
2 shall be notified posted by the person to whom the warrant it is directed
3 by posting (b) An attested copy thereof (c) in some public and conspicuous,
4 public place in said the town at least 7 days before the meeting, unless
5 the town has appointed by vote in legal meeting adopted a different mode
6 method of notification, which any town may do (d) ~~In either case~~ The
7 person who notifies the meeting shall make his return on the warrant
8 stating the manner of notice and the time when it was given.

Comment:

b-c, a-b, c-d become NS 31 IV. d-e becomes NS 31 V.

b-c. No change.

a-b. Restated for form.

c-d. Restated. Note “at least 7 days before” not exactly “7 days before” the meeting. In line 5, “appointed by vote in legal meeting” changed to

“adopted.” Complete chapter has been written with the assumption whatever a municipality is given the power to do, it may do only through the legal action of its **legislative body**, unless the law **specifically** provides otherwise.

d-e. No change.

1 **Sec. 8. Sections 4, 5, 6 and 7 applicable to cities and towns.**
 2 ~~Sections 4, 5, 6 and 7 apply to cities and the municipal officers of~~
 3 ~~cities the same as to towns and the selectmen of towns, and when any~~
 4 ~~meeting thus provided for in cities, and in towns with more than 1~~
 5 ~~voting precinct, it shall be by warrants posted in each ward in cities~~
 6 ~~and in each voting precinct in towns.~~

Comment:

Deleted. Ambiguous.

Substitute the following :

“Sec. 59. Warrant for city election. Each city election shall be called by a warrant. The warrant shall meet the requirements listed in section 31. An attested copy shall be posted in a conspicuous, public place in each ward.”

This seems to be the gist of Sec. 8.

1 **Sec. 9. Village corporation meetings.** (a) the meetings of ~~any~~ village
 2 corporation may be notified by ~~the person to whom the warrant is directed~~
 3 ~~by posting having an attested copies copy of the warrant posted in 2 or~~
 4 ~~more public and conspicuous, public places within the corporation cor-~~
 5 ~~porate limits at least 7 days before the meeting, instead of in the~~
 6 manner provided by ~~the act creating such corporation; its charter.~~ (b)
 7 ~~provided that such corporation shall first, at a legal meeting, designate~~

8 ~~at what and how many places such notices shall be posted~~ Where its
 9 legislative body has so provided, (c)

Comment:

b-c, a-b become NS 33.

b-c. This has been made the first part of the sentence since it is a condition precedent which must be observed before a village corporation may use this section. Since a town need not specify the places in which an attested copy of the warrant must be posted, it should not be necessary for a village corporation to do so where it is governed by the words "conspicuous, public place" as is a town.

a-b. Reworded more simply. Note that posting in 2 places in line 3 reduced to "a" place to conform to town meeting posting requirements. In line 5, "at least" added to show that warrant must be posted "at least 7 days before" **not exactly** "7 days before" the meeting.

1 **Sec. 10. Errors in records, tax lists and returns.** (a) When
 2 omissions or errors exist in ~~the records or tax lists of a town~~
 3 **municipal or school district records, or in returns of warrants for**
 4 ~~meetings thereof~~ they shall be ~~amended or corrected~~ under oath (b)
 5 ~~according to the fact, while in or after he ceases to be whether or~~
 6 ~~not he remains~~ in office. (c) by the ~~officer~~ **person** whose duty it was to
 7 make them correctly, (d) ~~If the an original town meeting~~ warrant is
 8 lost or destroyed, the return ~~or an amendment of it~~ may be made ~~or~~
 9 ~~amended upon a copy thereof of it.~~ (e)

Comment:

a-b, c-d, b-c become NS 57 I. d-e becomes NS 57 I A.

Lines 1-9. Restated more simply adding "town meeting" in line 7 to make certain the warrant intended.

Note:

Insert as NS 57:

“The following provisions apply to municipal records:”

This serves as a heading for the provisions governing municipal records.

1 **Sec. 11. Who are legal voters.** ~~Every~~ Each person qualified to vote
2 for Governor ~~senators and representatives~~ in the town in which he re-
3 sides may vote in the election of all town ~~officers~~ **officials** and in
4 all ~~the town~~ affairs. ~~thereof~~

Comment:

This becomes NS 34 I.

- Line 1. “Each” used for uniformity.
- Line 2. “Senators and representatives” not needed since ability to vote for Governor includes ability to vote for them.
- Line 3. “Officials” substituted for “officers,” since “officers” used in this chapter to indicate municipal officers such as selectmen of towns, mayor and aldermen of cities.

Note:

Insert as NS 34.

“The following provisions apply to all town meetings:”

1 **Sec. 12. Annual meetings; treasurers and collectors not to be**
2 **selectmen or assessors but may be same person.** (a) ~~Annual town meetings~~
3 ~~shall be held in March and the voters shall then choose by a majority~~
4 ~~vote a clerk, 3, 5 or 7 inhabitants of the town to be selectmen and~~
5 ~~overseers of the poor, when other overseers are not chosen, 3 or more~~
6 ~~assessors, 2 or more fence viewers, a treasurer, surveyors of lumber,~~
7 ~~sealers of leather, measurers of wood and bark, constables, collectors~~

8 of taxes and other usual town officers, all of whom shall be sworn
 9 (b) before entering upon the discharge of their official duties assuming
 10 the duties of office. (c) selectmen, assessors and overseers of the
 11 poor elected in any town, and assessors elected in any plantation (d)
 12 If no person is so designated, the board shall organize by electing by
 13 ballot one of their members to be a chairman from its own membership, (e)
 14 In the event that Where no one of the members receives a majority of the
 15 votes, cast for chairman the town or plantation clerk shall determine
 16 the chairman by lot. the member who shall be chairman (f) Provided,
 17 however, that A towns and plantations may, in electing any such these
 18 officials, designate one of them as first, second and so on to the
 19 number to be elected, and in such towns and plantations the person or
 20 persons elected as 1st selectman, 1st assessor and 1st overseer of the
 21 poor shall be chairman of said respective the boards. (g)
 22 In a towns of over more than 4,000 inhabitants population, according
 23 to the last decennial census of the United States, the candidates receiving
 24 the greatest number of votes for any of the above mentioned offices shall
 25 be deemed elected to such offices election shall be by plurality. In a
 26 town of less than 4,000 population, election shall be by majority. (h)
 27 Treasurers and tax collectors of towns shall may not be selectmen
 28 or assessors until they have completed their duties as treasurers and
 29 collectors and had a final settlement with the town. (i) The treasurer
 30 and tax collector of taxes of cities and towns a municipality may be one
 31 and the same person. (j)

Comment:

d-e, b-c, e-f become NS 36 IV C (1). f-g becomes NS 36 IV C. g-h becomes
 NS 36 I. h-i becomes NS 36 VI. i-j becomes NS 36 VI A.

- Lines 2-3. Reallocated to NS 35.
 Lines 4-5. Reallocated to NS 36 III A and NS 36 IV.
 Lines 6-8. Deleted. Those officials which must be elected by ballot retained in NS 35. In line 8 provision requiring all officials to be sworn covered by NS 36 VII.
- b-c. Restated.
 c-d. Deleted. Unnecessary.
- Lines 18-19. Reworded omitting "2nd and so on to the number to be elected" since the important designation is chairman of the board.
- g-h. "Inhabitants" changed to "population" for accuracy. "Decennial census of the United States" is correct name for census. Balance restated more simply, adding provision for towns of less than 4,000 population for clarity.
- h-i. Note **again** we have a substitution of "may" for "shall" in line 27 to show that treasurers and tax collectors have **neither power nor permission** to be selectmen or assessors rather than showing, as does the present statute, that it is **their duty not** to be selectmen or assessors which is not what the section was intended to mean.
- i-j. This statement is retained to show that Legislature has sanctioned what might be thought an incompatible situation.

Note:

After NS 36 I, insert the following :

"II. The appointment of any town official or deputy shall be in writing and shall be signed by the appointing party."

This is added to specify how appointment shall be made and is followed by :

"III. In order to hold a municipal office, a person must be a citizen of the United States, a resident of the State and at least 21 years of age.

A. In order to hold the office of selectman, a person must be a voter in the town in which he is elected."

This establishes qualifications for municipal officials, and is followed by :

"IV. The following provisions apply to selectmen, assessors and overseers :

A. A town may determine at a meeting held at least 30 days before the annual meeting whether 3, 5, or 7 shall be elected to each board and their terms of office.

1. Once the determination has been made, it shall stand until revoked at a meeting held at least 30 days before the annual meeting.

2. If a town fails to fix the number, 3 shall be elected. If a town fails to fix the term, it shall be for one year.

B. When others have not been elected, the selectmen shall serve as assessors and overseers of the poor."

This defines how the municipality determines the number of these officials and their term of office. Added as a clear statement of present law and also provides for failure of town to make a decision on this matter.

1 **Sec. 13. Compensation of town officers.** Any town may, by majority
2 ~~vote at its annual town meeting, fix the compensation of its selectmen,~~
3 ~~assessors and overseers of the poor, allowing such sums as may be com-~~
4 ~~mensurate with the duties of the officers. In the event a~~ If the town
5 fails to fix the compensation of ~~its selectmen, assessors or overseers~~
6 ~~of the poor these officials~~ at its annual meeting, ~~then such officers~~
7 they shall be paid on a per diem basis, and in such an event such officers
8 shall be paid the sum of \$5 \$10 each per day for every day actually and
9 necessarily employed in the service of the town.

Comment:

This becomes NS 36 IV D.

Lines 1-4. Deleted, unnecessary.

Lines 4-9. Restated. Note increase to \$10 in line 8.

1 **Sec. 14. Elections for 3 years.** ~~Any town electing 3 selectmen,~~
 2 ~~3 overseers of the poor and 3 assessors may, if the electors present~~
 3 ~~vote to do so, elect 1 member of each board to hold office for 1 year,~~
 4 ~~one for 2 years and one for 3 years, and at each annual meeting there-~~
 5 ~~after 1 member of each of the said board shall be elected for a term~~
 6 ~~of 3 years; towns electing more than 3 selectmen, 3 overseers of the~~
 7 ~~poor and 3 assessors may by vote determine how many of each of said~~
 8 ~~boards shall be elected annually and the tenure of their office.~~

Comment:

Provisions reallocated to NS 36 IV.

1 **Sec. 15. Officers chosen by ballot.** (a) moderator, ~~town~~ clerk,
 2 selectmen, assessors, overseers of the poor, treasurer, and school
 3 committee. (b) **Each town shall hold an annual meeting in March, at which**
 4 **time the following town officials** shall be elected by ballot; (c) ~~and~~
 5 ~~the Other said officers town officials~~ may be elected by ballot or, if
 6 not so elected, they shall be appointed by the selectmen. (d)

Comment:

b-c, a-b, c-d become NS 35.

b-c. "Each town shall hold an annual meeting in March at which time the following town officials. . ." reallocated from Sec. 12, lines 2-3.

a-b. No change.

c-d. "Officials" used for uniformity.

1 **Sec. 16. Town manager form of government.** (a) ~~Any town at the annual~~
2 ~~town meeting or at a special town meeting, provided an appropriate article~~
3 ~~has been inserted in the warrant for such meeting may vote to employ a~~
4 ~~adopt the town manager form of government at a meeting held at least 60~~
5 ~~days before the annual meeting.~~ (b) ~~or to form~~ **A town may join a union**
6 ~~with one or more of other contributing towns in the employment of for the~~
7 ~~purpose of employing a town manager.~~ (c) ~~and or may delegate that power~~
8 ~~to the selectmen.~~ (d) ~~the right to~~ **The town may fix the compensation of**
9 ~~such town the manager~~ (e) ~~In every case where a union is formed for the~~
10 ~~purpose of employing a town manager~~ (f) ~~the compensation for said town~~
11 ~~amount to be paid to the manager shall be paid by the several their towns.~~
12 (g) ~~in said union in such proportions as may be decided by shall determine~~
13 (h) ~~The selectmen of such each towns~~ (i) ~~and each of said towns is~~
14 ~~authorized to raise by taxation the necessary money therefor~~ (j) **A vote**
15 **of a town to employ a** ~~Once adopted, the town manager form of government~~
16 ~~for itself and not in union with one or more other towns shall persist in~~
17 ~~full force remains effective until revoked at any legal special town meet-~~
18 ~~ing held at least 60 days before the any annual town meeting.~~ (k)

Comment:

a-b becomes NS 4I. b-c becomes NS 43. d-e, c-d become NS 4I V, h-i,
g-h, f-g become NS 43 II. j-k becomes NS 4I III.

a-b. Deleted part unnecessary. "At a meeting held at least 60 days before
the annual meeting." added to allow town to decide on offices
of manager and to allow selectmen time to hire manager to
start the municipal year.

b-c. Restated for uniformity and reallocated to NS 43 on unions.

d-e, & c-d. Restated making it clear town may fix the compensation or
delegate power to do so.

h-i, g-h, & f-g. Duty of selectmen to determine amount their town to pay manager in town union. Restated changing "proportions" in line 12 to "amount to be paid" in line 11.

j-k. Restated more simply.

1 **Sec. 17. Unions organized.** (a) ~~The manager elected by any such town~~
2 ~~or union of towns shall be manager of the municipal and prudential affairs~~
3 ~~of said town or of each of the several towns comprising such union, and~~
4 ~~as such manager shall perform, for each of said towns, the duties herein-~~
5 ~~after specified~~ (b) ~~Any town entering into such a union may withdraw~~
6 ~~therefrom the union by vote at any legal special town meeting held at~~
7 ~~least 90 days before any the annual town meeting.~~ (c) ~~Said The with-~~
8 ~~drawal shall not becomes effective until 60 days after at the end of the~~
9 ~~municipal year in which the action is taken.~~ (d) ~~After the meeting, the~~
10 ~~clerk shall send forthwith a written notice of such intention to with-~~
11 ~~draw shall have been given~~ to the selectmen of each of the other towns
12 ~~comprising such in the union advising them of the vote to withdraw.~~ (e)

Comment:

b-c becomes NS 43 III. c-d becomes NS 43 III B. d-e becomes NS 43 III A.

a-b. Deleted. Meaningless.

b-c. Restated.

c-d. "At the end of the municipal year in which the action is taken." added to require town to stay in union till end of municipal year to prevent possible difficulties and special town meetings.

d-e. Restated to make it duty of clerk to advise of withdrawal so that responsibility is definite.

1 **Sec. 18. Powers and duties of town manager.** (a) ~~Town~~ **The managers**
2 shall be chosen **by the selectmen** on the basis of ~~their~~ **his** executive and

3 administrative qualifications. ~~by the selectmen of a town voting to~~
 4 ~~employ a town manager (b) or by a~~ In a town union, the joint board com-
 5 posed of the selectmen of the several from each towns may select the
 6 manager and may remove him for cause. ~~comprising a union for the purposes~~
 7 ~~of sections 16 to 19, inclusive (c) In which a joint board, the select-~~
 8 men of each town shall cast collectively a single vote. (d) ~~A town The~~
 9 manager, ~~shall be the~~ as administrative head of the town government, ~~of~~
 10 ~~the town, or of each of the several towns comprising a town union, and~~
 11 ~~shall be~~ is responsible to the selectmen of each town for the administration
 12 of all departments of each said town over which the selectmen of towns have
 13 control. (e) ~~and~~ Where not otherwise provided by the town, his powers and
 14 duties ~~where not otherwise provided, shall be generally~~ are as follows:

15 (f) ~~I~~ To see that the laws and ordinances are is enforced.

16 (g) ~~II~~ To act as purchasing agent for all town departments except
 17 the school departments. (h) ~~and to be~~ submitted to bids. (i) ~~any~~
 18 purchases involving more than \$100 (j) ~~if~~ The selectmen ~~or the joint~~
 19 ~~board shall so order; may require.~~

20 (k) ~~III~~ To attend the meetings of the selectmen, except when his
 21 removal is being considered, and ~~recommend for adoption such~~
 22 ~~measures as he may deem expedient; to make recommendations for the~~
 23 ~~more efficient operation of the town government.~~

24 (l) ~~IV~~ To keep the selectmen and the citizens residents of said
 25 the town ~~or towns fully advised informed~~ as to the its financial
 26 conditions. ~~of said town or towns;~~

27 (m) ~~V~~ To perform ~~in each~~ At the time of adoption, the town ~~or~~
 28 towns such other duties as may determine be prescribed for him by
 29 the selectmen which offices the manager is to hold, or may dele-
 30 gate that power to the selectmen. (n) ~~including the duties or any~~

31 ~~part of the duties of the town treasurer, the road commissioner or~~
32 ~~commissioners, the tax collector and the overseers of the poor; any~~
33 ~~other provisions of statute to the contrary notwithstanding (o) A~~
34 ~~manager may not be a moderator, selectman, assessor, or member of the~~
35 ~~school committee. (p)~~

Comment:

a-b becomes NS 41 IV. b-c becomes NS 43 I. c-d becomes NS 43 I A. d-e becomes NS 42. e-f becomes NS 42 I. f-g becomes NS 42 I A. g-h becomes NS 42 I B. j-k, i-j, h-i become NS 42 I B (1). k-l becomes NS 42 I C. l-m becomes NS 42 I D. m-n becomes NS 41 I. o-p becomes NS 41 I A.

- a-b. Restated.
- b-c. Restated bringing in the “for clause” from Sec. 19, on removal of manager, and reallocated to bring union provisions into same section.
- c-d. No change.
- d-e. Restated more simply.
- e-f. “Where not otherwise provided by the town,” added in line 13. If this control is removed from the town, the voter has no way of determining whether the town will be getting a true town manager even if it adopts the manager form.
- Lines 15-26. Restated for form.
- m-n. Changed to allow town to specify offices manager may hold **if it desires to do so**. Control of office selection should remain with legislative body. Administrative control, however, properly remains with selectmen.
- n-o. Deleted. o-p lists the offices which a manager may not hold. Those not listed he may hold.

o-p. This specifies offices which are incompatible, influential, or unduly demanding on a town manager. Other offices possible for manager to hold are left to town's discretion.

Note:

Insert as NS 4I I B:

“When a town has determined the offices which its manager is to hold, the selectmen shall appoint him annually to each of those offices.”

Followed by NS 4I II:

“Changes in the original determination of the offices which the manager is to hold may be made at a meeting held at least 60 days before the annual meeting.”

This is added to allow town to retain control of offices manager is to hold, and supplements m-n. NS 4I I B eliminates doubt as to whether annual appointment is necessary.

1 ~~Sec. 19. Removal. Any town The manager elected under the provisions~~
2 ~~of sections 16 to 19, inclusive may be removed from his said office~~
3 ~~for cause by the selectmen, of any town by which he is employed or by~~
4 ~~the joint board aforesaid in case his employment is by a town union~~

Comment:

This becomes NS 4I VI.

Lines 1-2. Deleted portion unnecessary.

Line 4. Deleted union provision reallocated to NS 43 I.

1 ~~Sec. 20. Road commissioner; removal; exception. (a) Each town shall~~
2 ~~hereafter, at its annual meeting, elect by majority vote a road com-~~
3 ~~missioner, who shall hold his office for If a town fails to fix the~~
4 ~~term, it shall be for of one year. from the date of his election; (b)~~

5 except that any town may, at its option, by vote at such meeting pursuant
 6 to an appropriate article in the warrant calling the same, instruct the
 7 selectmen to appoint such road commissioner, in which case the selectmen
 8 shall appoint as heretofore; (c) and except further, that any town may,
 9 at its option, by vote at such meeting pursuant to an appropriate article
 10 in the warrant calling the same, fix and the term of office, of said road
 11 commissioner at a longer period which may not to exceed 3 years. (d)
 12 Any town may determine at a meeting held at least 30 days before the
 13 annual meeting its option, elect not whether one or more than 3 road
 14 commissioners shall be chosen (e) or require their appointment as afore-
 15 said, whose powers and duties shall be the same as prescribed for a
 16 single commissioner (f) Any road commissioner appointed by the select-
 17 men may be removed from office for cause by the selectmen. for inefficiency
 18 or other cause (g) Upon written complaint made against any road commis-
 19 sioner by 10 taxable inhabitants of the town, the county commissioners,
 20 after notice to such road commissioner, shall hold a public hearing
 21 thereon within 10 days from the filing of the complaint, and if the charges
 22 are sustained remove said road commissioner forthwith. (h) Selectmen may
 23 act as road commissioners. (i) This section shall not apply to cities
 24 and towns which choose road commissioners under special acts of the
 25 legislature. (j)

Comment:

a-b becomes last sentence of NS 36 V A (2). d-e, c-d become NS 36 V A.

f-g becomes NS 36 V B. h-i becomes NS 36 V C.

a-b. Election of town officials covered by NS 35 and NS 37. Added provision covers failure of town to fix a term for road commissioner.

- b-c. Deleted. Covered by NS 35 which states that certain officials shall be elected at town meeting, and those not elected shall be appointed.
- d-e. Revised adding the 30-day provision same as in NS 36 IV A.
- c-d. Deleted part unnecessary. No action may be taken without proper article in warrant.
- g-h. Deleted. This provision is unnecessary. Selectmen may remove road commissioner for cause. If removal provision needed, it should be general and pertain to all town officials.
- i-j. Deleted. Unnecessary. Special act is superior.

Note:

Add as first part of NS 36 V A (2).

“If a town fails to fix the number, 1 shall be chosen.”

This is followed by the sentence in lines 3 and 4. This provision is for uniformity with provisions covering selectmen, and also to provide for failure of town to act.

Insert as NS 36 V A (1).

“Once the determination has been made, it shall stand until revoked at a meeting held at least 30 days before the annual meeting.”

This is a uniform provision in line with the same type of determination in the case of selectmen in NS 36 IV A (1).

1 **Sec. 21. Vacancies in office of road commissioner. If a person**
 2 ~~elected or appointed as road commissioner fails to qualify within 7~~
 3 ~~days after appointment, the office shall be deemed vacant and shall~~
 4 ~~be filled by the selectmen by appointment and in the event of a~~
 5 ~~vacancy caused by death or otherwise, the selectmen shall appoint some~~

6 competent person to fill out the unexpired term, who shall qualify and
7 perform the duties of said office.

Comment:

Deleted. Covered by NS 53 as follows:

“A vacancy in a municipal office may occur by the following means: . . . failure to qualify for the office within 10 days after written demand by the municipal officers, . . .” See also NS 53 I.

1 **Sec. 22. Vacancies in offices.** ~~If, after the choice of any officer~~
2 ~~not required to be chosen by ballot~~ **When there is a vacancy in any such**
3 **town office other than that of selectman, assessor, or school committee,**
4 **the municipal officers selectmen may fill such vacancies by the written**
5 **appointment of proper a qualified persons to fill the vacancy. who shall**
6 **be summoned by the constable to appear and take the oath of office pro-**
7 **vided in section 37, subject to the penalties provided in section 38.**
8 ~~Such appointment and oath shall be recorded as in case of a choice by~~
9 ~~the town. No person shall be so appointed without his consent.~~

Comment:

This becomes NS 53 I.

Lines 1-3. Deleted portion changed to include only selectman, assessor and school committee, since these officers carry widest discretionary powers, and since vacancy in office of school committee covered by Ch. 41 Sec. 46.

Lines 4-5. “Written appointment” covered by NS 36 II.

Line 5. Use of words “a qualified person” indicates appointee must qualify in the same way as if chosen in usual manner.

Lines 6-9. Deleted portions already covered by NS 36 VII. Consent provision unnecessary.

Note:

Add as NS 53 II:

“When there is a vacancy in the office of selectman or assessor, the selectmen may call a town meeting to elect a qualified person to fill the vacancy.”

This is permissive on the part of the selectmen to allow discretion as to necessity for calling special election.

1 **Sec. 23. Presiding officer in meeting.** (a) ~~During by calling for~~
2 the election of a moderator, ~~at a town meeting~~ (b) The clerk, shall
3 ~~preside; when he is absent or in his absence from any such meeting,~~
4 ~~either of the selectmen a selectman or of the assessors, and if neither~~
5 ~~of those is present, any constable, may shall do all open the meeting~~
6 ~~duties of clerk in~~ (c) receiving and counting the votes for moderator,
7 **and swearing in the moderator.** (d) **In the absence of the clerk,** the
8 moderator ~~may call on the voters to give in their ballots for~~ shall
9 **appoint and swear in a temporary clerk. pro tempore, who shall be sworn**
10 ~~by the moderator or by a justice of the peace.~~ (e)

Comment:

- b-c, a-b, c-d become NS 34 II. d-e becomes NS 34 IV A.
- b-c. Reworded for simplicity, omitting references to absence of various officials as being unnecessary.
- a-b. Restated.
- c-d. Restated. “And swearing in the moderator” reallocated from Sec. 44.
- d-e. Moderator given power to appoint a temporary clerk which is more simple and expeditious than requiring his election. Note in line 9 the word

“temporary” has been substituted for “pro tempore,” since the meaning is the same and English is preferred where it can be used.

1 **Sec. 24. Clerk sworn.** (a) ~~The town clerk before entering on the~~
 2 ~~duties of his office shall be sworn before the moderator or a justice~~
 3 ~~of the peace, truly to record accurately all the votes passed in that~~
 4 ~~and other of town meetings, (b) during the ensuing year and until another~~
 5 clerk is ~~chosen~~ elected and sworn in his stead. (c) and faithfully to
 6 discharge faithfully all the other duties of his office, (d)

Comment:

a-b, c-d, b-c become NS 36 VII B.

a-b. Deleted portions covered by NS 36 VII.

c-d. Restated.

b-c. Restated.

The only reason this section is included in the redraft is to show that the clerk is sworn to discharge his duties faithfully until another is qualified in his place.

1 **Sec. 25. Discharges of soldiers and sailors.** (a) ~~The Honorable~~
 2 ~~discharge or release papers of soldiers and sailors veterans who~~
 3 ~~served in of the armed forces of the United States of America, in time~~
 4 ~~of war or insurrection and have been honorably discharged therefrom or~~
 5 ~~released from active duty therein, may be recorded with the clerk of the~~
 6 ~~town of the holder's residence in books kept for the purpose, upon pay-~~
 7 ~~ment of a fee of 25c. for each discharge or release so recorded (b)~~
 8 ~~The clerk shall prepare and keep an index of the papers so recorded (c)~~
 9 ~~and A copies copy of such papers a document if attested by him the clerk~~
 10 ~~shall be admitted as sufficient is prima facie evidence thereof its~~
 11 ~~whenever they are otherwise competent existence and validity. (d)~~

Comment:

a-b becomes NS 48 I I. c-d becomes NS 48 I I (1).

Lines 1-3. Reworded and placed in NS 48 as one of the things clerk shall record.

Lines 3-7. Deleted portion limits recording to papers of those who served in war time. Since draft is continuing, discharge is equally important now.

b-c. Unnecessary. Clerk will index this as other records.

c-d. Reworded for form and accuracy.

1 **Sec. 26. Deputy town clerks; duties; tenure.** (a) The treasurer
2 and clerk of ~~any town~~ municipality may each appoint in writing a ~~citizen~~
3 ~~thereof~~ qualified person as his deputy. (b) The deputy shall serve at the
4 will of the appointing official. ~~who He~~ may in the clerk's absence per-
5 form all any of the duties of said office with the same effect as if
6 ~~done~~ prescribed by the clerk; appointing official. (c) the appointment
7 may be made in writing as follows: (d)
8 "I hereby appoint to perform the duties of town clerk as
9 set forth in section 26, of chapter 91, of the revised statutes, in
10 the town of, during my absence from the clerk's office.
11, clerk of the town of" (e)
12 In case of the clerk's absence, death, resignation or removal from
13 office without having made such appointment If the clerk fails to do so,
14 the municipal officers may appoint a ~~citizen~~ deputy clerk to fill said
15 office act who shall perform all the duties of the clerk during his
16 absence. (f) or in case of his death, resignation or removal from
17 office, until a clerk is elected (g) The appointment may be made in
18 writing, as follows:

19 "I (or we,) hereby appoint to perform the duties of town
 20 clerk, in the town of, during the clerk's absence from his office,
 21 or until a clerk is elected., clerk, or municipal officers,
 22 of the town of" (h)

23 Before assuming the duties of office, said the deputy or person
 24 appointed by the municipal officers shall be sworn faithfully to perform
 25 the duties of his office before he enters thereon and the fact of his
 26 oath recorded as provided in subsection VII of section 36. (i)

27 The clerk may also appoint in writing a citizen thereof one or more
 28 assistants who in his absence may so far act as deputy clerk as to
 29 receive and only for the purpose of recording chattel mortgages and
 30 other papers documents and make issuing certified copies of the
 31 records in the clerk's his office. (j)

Comment:

a-b becomes NS 50. b-c becomes NS 50 II. e-f becomes NS 50 IV. h-i becomes NS 50 I. i-j becomes NS 51.

a-b. "Treasurer" in line 1 reallocated from Sec. 31 which allows treasurer to appoint deputy.

b-c. Revised to give appointing official power to remove his deputy and to allow deputy to act though appointing official present.

c-d, & d-e. Deleted. Unnecessary. NS 36 II requires deputy to be appointed in writing.

Lines 12-17. Reworded more simply with same effect.

g-h. Same comment as c-d.

h-i. Restated to make procedure definite.

i-j. Restated.

Note:

After NS 51, add the following:

I. Before assuming the duties of office, an assistant clerk shall be sworn and the fact of his oath recorded as provided in subsection VII of section 36.

II. The assistant clerk shall serve at the will of the clerk.

III. The clerk and the surety on his bond are liable for all acts and omissions of his assistant."

These provisions are added to make procedure uniform and definite.

1 **Sec. 27. Clerk to give bond.** (a) ~~Any town municipality may by~~
 2 ~~vote require that the its clerk shall, within 30 days after his election,~~
 3 ~~give a to be bonded (b) to the inhabitants of his town in such sum as~~
 4 ~~the municipal officers shall determine, conditioned for the faithful~~
 5 ~~performance of the before assuming the duties of his office. (c) Such~~
 6 ~~bond shall be furnished in the same form and manner as the treasurer's~~
 7 ~~bond required by according to section 30 44, (d) and the provisions of~~
 8 ~~that section regarding failure to furnish the bond on request shall~~
 9 ~~apply to clerks (e) When a corporate surety bond for the clerk is~~
 10 ~~furnished, the cost shall be paid by the town (f) The clerk shall be~~
 11 ~~liable under his bond for the acts of his deputies. (g)~~

Comment:

a-b, c-d, b-c become NS 47.

Line 2. 30-day provision changed to "before assuming the duties of office," for uniformity.

Lines 3-7. Deleted portions are covered by NS 44 outlining provisions for treasurer's bond.

- d-e. Failure to furnish bond on request covered by vacancy provisions in NS 53. "Failure to qualify for office within 10 days after written demand" creates vacancy in office.
- e-f. Covered by NS 44 IV.
- f-g. Covered by NS 50 III. "The appointing official and the surety on his bond are liable for all acts and omissions of his deputy."

1 **Sec. 28. Fees of town clerks.** (a) ~~The clerks of cities and towns~~
 2 shall ~~receive~~ charge for his services according to the following fee
 3 schedule: (b)

4 ~~For~~ Recording the following: (c) Assignment or ~~release~~ discharge of
 5 a mortgage or other ~~document instrument~~ given as security, 50c. ~~for the~~
 6 ~~payment of money or the performance of an obligation~~ (d) or certificate
 7 of discharge Release of an attachment, 50c. (e) ~~provided, however, that~~
 8 ~~any~~ When an ~~executed~~ assignment of an instrument which is attached there-
 9 to or made a part thereof of the mortgage or other such instrument and
 10 ~~executed before record and before it is received for recording, with~~
 11 ~~such instrument shall not be subject to this provision~~ no extra fee is
 12 required. (f)

13 ~~For~~ Entering in the margin of a record the release of an attachment
 14 or a the discharge of the a mortgage or other ~~document instrument~~ given
 15 as security, 25c. ~~for the payment of money or the performance of an~~
 16 ~~obligation, or attachment~~ (g) to The marginal release or discharge shall
 17 be signed by the person ~~discharging~~ making it. 25c (h)

18 ~~For entering and~~ Recording intentions of marriage intentions giving
 19 certificate of same and issuing a marriage license, \$2. (i)

20 ~~For recording~~ Certificates of partnership, 50c. (j) Certificate of
 21 withdrawal of a partner, 50c. (k) ~~and~~ Certificate of a persons engaging
 22 in trade under a name, style, or designation other than his own, 50c. (l)

23 ~~For a~~ Issuing the following: (m) Certificate of birth, marriage, or
24 death, 50c. (n)

25 ~~For receiving, recording and returning the facts A birth, marriage, or~~
26 ~~death, as required by sections 378, 380, 391, 392, 393, 396, and 402 to~~
27 ~~403, inclusive of chapter 25, 25c. (o) and sections 83 to 86, inclusive,~~
28 ~~of chapter 1 of the public laws of 1933, to be recorded, 25c for each~~
29 ~~birth, marriage or death, to be This shall be paid by the city or town~~
30 ~~municipality. (p)~~

31 ~~For every birth, marriage or death collected and recorded under the~~
32 ~~provisions of section 402 to chapter 25, 25c, to be paid by the city~~
33 ~~or town. (q)~~

34 ~~For each Administration of an oath, recorded by him 20c. to be This~~
35 ~~shall be paid by the city or town municipality. (r)~~

36 ~~For receiving and recording Affidavit correcting record of birth,~~
37 ~~marriage, or death and forwarding copy under the provisions of as required~~
38 ~~by section 400 of chapter 25, 50c. to be This shall be paid by the city~~
39 ~~or town municipality. (s)~~

40 ~~For each record transcribed, certified and transmitted to the~~
41 ~~registrar of vital statistics, as required by sections 84 and 85 of~~
42 ~~chapter 1 of the public laws of 1933, not exceeding 5c as may be agreed~~
43 ~~upon between the clerk and the municipal officers. (t)~~

44 ~~For reporting to treasurer of state names of persons dying and names~~
45 ~~of next of kin, 25c, to be paid by the state. (u)~~

46 ~~For recording License for cultivation of clams cultivation and or any~~
47 ~~assignment thereof of it, 50c. (v)~~

48 ~~For recording~~ Petition for enforcement of a lien on monumental works,
49 50c. (w)

50 ~~The clerks shall receive for receiving and recording Any other~~

51 instrument ~~by law~~ entitled to be recorded, including any ~~executed~~
 52 assignment attached ~~thereto~~ or made a part ~~thereof~~ it ~~and executed~~
 53 before ~~record and received with such instrument~~ it is received for
 54 recording, the sum of \$1.50 for the first 500 words, and the sum of
 55 50c for each additional 100 words or fraction part thereof. ~~in excess~~
 56 ~~of 500 words;~~ (x) provided, however If the clerk is furnished a copy of
 57 the instrument ~~such copy to be~~ suitable for filing or photostating
 58 for ~~in~~ the town records, the fee ~~therefor shall be~~ is \$1. (y)
 59 For preparing and issuing Burial permits, 25c. undertakers' vouchers
 60 and memoranda necessary for the office and for filing such memoranda,
 61 25c. to be paid on issuing the burial permit. (z)
 62 The above fees shall be paid when the instrument is offered for
 63 record.

Comment:

a-b becomes NS 48. b-c becomes NS 48 I. c-d becomes NS 48 I D. d-e becomes
 NS 48 I E. e-f becomes NS 48 I D (1). f-g becomes NS 48 IV. g-h becomes NS
 48 IV A. h-i becomes NS 48 II. i-j becomes NS 48 I F. j-k becomes NS 48
 I G. k-l becomes NS 48 I H. l-m becomes NS 48 III. m-n becomes NS 48 III
 A. n-o becomes NS 48 I B. o-p becomes NS 48 I B (1). q-r becomes NS 48
 I A and I A (1). r-s becomes NS 48 I C and I C (1). u-v becomes NS 48 I K.
 v-w becomes NS 48 I J. w-x becomes NS 48 I L. x-y becomes NS 48 I L (1).
 y-z becomes NS 48 III B.

Lines 1-68. Reworded for clarity of form and language.

h-i. Reworded. Marriage intentions are recorded. Marriage license
 is issued.

n-o. Reworded. Fee is for recording. Receiving and returning are
 incidental. Not all of Secs. 378-403 should be included.

- o-p. Deleted. Secs. 83-86 of Ch. 1 of P. L. 1933 became ineffective in 1937. They had to do with completing birth, marriage, and death records in Vital Statistics Division.
- p-q. Provisions reallocated to NS 48 I B. See n-o, line 26.
- s-t. Same comment as o-p.
- t-u. Deleted. Became obsolete in 1933. Under old law, clerk was required to advise State Treasurer of deaths of those having estates valued at over \$500 in his judgment. For purpose of discovery for estate tax.
- x-y. "Photostating" included to eliminate confusion as to procedure and fee for recording photostat.
- y-z. "Burial permit" is undertaker's voucher. Balance of deleted. portion is unnecessary.

Lines 62-63. Deleted. Unnecessary.

1 **Sec. 29. Expenses of town clerks.** (a) the reasonable ~~and necessary~~
2 ~~traveling~~ expenses of its clerks of cities and towns and of their
3 ~~employees deputy clerk while~~ incurred in attending the annual meetings
4 of the Maine Municipal Association and the Maine Town and City Clerks'
5 Association. (b) ~~certified upon vouchers approved by the municipal~~
6 ~~officers~~ (c) shall be paid by pay (d) the treasurer of the city or
7 town Each municipality (e)

Comment:

d-e, c-d, a-b become NS 49.
Lines 1-7. Reworded more simply.

1 **Sec. 30. Treasurer to give corporate bond; vacancy; approval;**
2 **personal bond; premium.** (a) ~~The treasurer of a town~~ before entering
3 ~~upon his official~~ assuming the duties of office: (b) ~~The treasurer~~

4 shall give a corporate surety bond to the inhabitants of his town
5 municipality with such sureties and for such sum as shall be designated
6 by the municipal officers subject to the following provisions, (c)
7 not exceeding, however It need not be for more than twice the amount of
8 the taxes to be collected during the municipal year. for which he is
9 treasurer (d) It shall be conditioned for on the his faithful discharge
10 of all the duties and obligations of his office. (e) If such bond is not
11 furnished and delivered to the municipal officers within 10 days after
12 written demand by the municipal officers on the treasurer therefor,
13 the office of treasurer shall be deemed vacant, and the town or planta-
14 tion, at any meeting of its inhabitants legally called, may elect a
15 treasurer to fill the vacancy, or the municipal officers may fill the
16 vacancy by written appointment which shall be recorded by the clerk in
17 the town records; provided, however, that the treasurer (f) It may be
18 furnish a corporate surety bond signed by or an individuals surety bond.
19 (g) If such it is an individuals surety bond, the surety submit to shall
20 provide the municipal officers with a detailed sworn statement as to
21 their of his personal financial ability. which shall be found acceptable
22 by the municipal officers (h) The municipal officers shall be are the
23 sole judges of the sufficiency of such the bond and sureties. (i) Such
24 bond After its approval and acceptance by the municipal officers, the
25 bond shall be recorded by the clerk. (j) and such The record shall be is
26 prima facie evidence of the contents of such the bond. (k) but a Failure
27 to so record the bond shall be is no defense in to any action upon such
28 bond it. (l) Any town or plantation may lawfully vote, at its annual
29 meeting, to raise money to be expended by its treasurer, under the direc-
30 tion of its municipal officers, for the purpose of purchasing from any

31 ~~surety company authorized to do business as aforesaid, the bond required~~
 32 ~~by this section.~~ (m)

Comment:

b-c, a-b become NS 44. c-d becomes NS 44 III. d-e becomes NS 44 I. f-g becomes NS 44 II. g-h becomes NS 44 II A. h-i becomes NS 44 V. i-j becomes NS 44 VI. j-k becomes NS 44 VI A. k-l becomes NS 44 VI B.

Lines 1-10. Reworded for uniformity of language and form.
 e-f. Deleted. The gist of this has been reworded, made general in application, and reallocated to NS 53.
 Lines 17-26. Reworded for better form.
 l-m. Deleted. Unnecessary. Where municipality required to pay for bond, power to raise money for so doing is implied. NS 44 IV reads: "The bond shall be paid for by the municipality."

1 **Sec. 31. Deputy town treasurers.** ~~The treasurer of any town or~~
 2 ~~plantation may appoint a citizen thereof as his deputy during his~~
 3 ~~temporary absence or other temporary disability. The appointment~~
 4 ~~shall be in writing and be recorded. It may be in the form following:~~
 5 "I, hereby appoint to perform the duties of
 6 town treasurer of the town of, during the treasurer's temporary
 7 absence from his office.
 8 Treasurer."

Comment:

Deleted.
 Lines 1-3. Covered by NS 50.
 Lines 3-8. Covered by NS 36 II.

1 **Sec. 32. Treasurer responsible.** ~~The treasurer of any town~~
 2 ~~appointing official and the sureties surety upon his official bond~~

3 are ~~responsible~~ liable for all acts and omissions of his deputy. ~~in~~
4 such office.

Comment:

This becomes NS 50 III.
Restated more simply.

1 **Sec. 33. Treasurer to deposit receipts.** ~~The treasurer~~ He of every
2 town shall maintain ~~in the name of the town~~ a bank account in the name of
3 the municipality ~~in which~~ for the deposit of cash receipts. ~~shall be~~
4 deposited. Deposits shall be made by the treasurer at least twice each
5 month. ~~The provisions of the preceding sentence shall not apply to cash~~
6 balances until such balances shall. When the cash balance in his possession
7 exceeds \$100, he shall deposit it in the bank within 10 days.

Comment:

This becomes NS 45 III.

Lines 1-3. Restated for form.

Lines 4-6. Deleted. Unworkable. Requirement of depositing twice each month
presupposes a constant balance of more than \$100 which is
impossible.

Lines 6-7. This provision was substituted because it is workable.

1 **Sec. 34. Treasurer to render account quarterly.** (a) The
2 treasurer of a city or town has the following powers and duties: (b)
3 He shall disburse money only on the authority of a warrants drawn ~~there-~~
4 for the purpose by the municipal officers. (c) ~~Provided, however, that~~
5 ~~when a special act of the legislature provides a different method of~~
6 ~~authorizing expenditures in any city or town, the treasurer of such city~~
7 ~~or town shall disburse money in accordance with the provisions of such~~

8 ~~special act~~ (d) ~~Every treasurer~~ Upon request, he shall render an
 9 account of the finances of ~~his town~~ the municipality and exhibit ~~all books~~
 10 ~~and accounts pertaining to his office~~ official records to the municipal
 11 officers thereof or to any committee appointed by ~~it~~ them to examine ~~said~~
 12 the accounts, ~~when required~~; and ~~such~~ The municipal officers shall ex-
 13 amine ~~such~~ the treasurer's accounts ~~as often~~ as at least once ~~in every~~
 14 3 months. (e)

Comment:

- a-b becomes NS 45. b-c becomes NS 45 I. d-e becomes NS 45 II.
- a-b, & b-c. Restated for form.
- c-d. Deleted. Unnecessary. Special act superior to general law in an instance such as this anyway.
- d-e. Restated for uniformity of form and language.

1 **Sec. 35. In case of vacancy, municipal officers may appoint**
 2 **treasurer. In case of death, resignation, removal or other permanent**
 3 **disability of a treasurer of a town or plantation, the municipal officers**
 4 **may appoint a citizen thereof to be treasurer until his successor is**
 5 **elected and qualified. Such appointment shall be in writing and be**
 6 **recorded. It may be in the form following:**
 7 "We, the municipal officers of the town of, hereby appoint
 8 treasurer of said town until his successor is elected and
 9 qualified."

Comment:

Lines 1-5. Deleted. Covered by NS 53 I as follows:
 "When there is a vacancy in a town office, . . . the selectmen may appoint a qualified person to fill the vacancy."

Lines 5-9. Deleted. Covered by NS 36 II. If form is needed, should apply to all officials.

1 **Sec. 36. Treasurer so appointed sworn and to give bond.** ~~Before~~
 2 ~~such appointee provided for in the preceding section enters upon his~~
 3 ~~official duties, he shall be sworn and give bond to the town for the~~
 4 ~~faithful performance thereof in such sum and with such sureties as~~
 5 ~~the municipal officers order.~~

Comment:

Deleted. Already covered by NS 53 III.

1 **Sec. 37. Officers chosen to take oath.** (a) ~~After town meeting,~~
 2 ~~the town clerk or any 2 selectmen shall issue forthwith a warrant directed~~
 3 ~~to a constable make a list of containing the names of all persons~~
 4 ~~chosen into for office of whom an oath is required who have not been~~
 5 ~~sworn, and deliver it to a constable with a warrant to him directed;~~ (b)
 6 ~~and he~~ **The constable shall, within 3 days thereafter** ~~summon forthwith~~
 7 ~~each person therein the named persons to appear before the town clerk~~
 8 ~~within 7 days from the time of notice, to take such the oath of office.~~
 9 (c) ~~and at the end of 10 days after receiving his warrant~~ **The constable**
 10 ~~shall make his return forthwith it or forfeit \$6 to the town;~~ **clerk.** (d)
 11 ~~and~~ **The town shall allow him pay the constable** a reasonable compensation
 12 for his services. (e)

Comment:

a-b becomes NS 36 VII C. b-c, c-d, d-e become NS 36 VII C (1)-(3), respectively.

a-b. "Any two selectmen" deleted from line 2 as being indefinite. Duty should be positive. Deleted portion of line 4 necessary since all municipal officials required to be sworn.

- b-c. "Forthwith" is sufficient without 3-day time limit.
- c-d. "Forthwith" better than 10-day provision. The \$6 penalty is unnecessary.
- d-e. Restated.

1 **Sec. 38. Refusing to take oath.** ~~Every person so notified as~~
2 ~~provided in section 37, neglecting to take such oath within said 7~~
3 ~~days, except officers for whose neglect a different penalty is provided,~~
4 ~~forfeits \$5, 2/3 to the town and 1/3 to the prosecutor.~~

Comment:

This section deleted. The \$5 penalty would not make Sec. 37 enforceable since official could forfeit the \$5 and continue to neglect to take the oath. NS 53 provides for vacancy if official fails to qualify within 10 days after written request by the selectmen.

1 **Sec. 39. Records of oaths in office of town clerks.** A record by
2 the town clerk that a ~~town officer person was duly sworn by the moderator~~
3 ~~in open town meeting in the presence of the clerk for a stated municipal~~
4 ~~town office shall be is sufficient evidence that such officer he was~~
5 ~~legally sworn for said the office. and The recording of the entire oath~~
6 ~~shall need not be required recorded.~~

Comment:

This becomes NS 36 VII E.

Lines 1-6. This section is restated and broadened so that the record of the clerk that an official was sworn by anyone qualified to administer an oath is sufficient evidence.

1 **Sec. 40. Town or parish officer; record; clerk may record his**
2 **own election.** (a) Before assuming the duties of office, ~~Any a town or~~
3 ~~parish officer official or deputy may shall be sworn by the moderator~~

4 in open town meeting, ~~by the town or parish~~ clerk, or by any other
 5 person authorized by law to administer an oath. (b) ~~who shall give to the~~
 6 ~~officer sworn, except when sworn~~ Unless the oath is administered in the
 7 presence of ~~such the~~ clerk, the person who administers it shall give the
 8 official or deputy sworn a certificate of the oath administered which
 9 he shall return to ~~such the~~ clerk to be filed for filing. In either
 10 case The clerk certificate shall ~~record state~~ the name of the officer
 11 official or deputy sworn, and of his office, ~~by whom sworn~~ the name of
 12 the person who administered the oath, and the time of taking date when
 13 the oath was taken, and returning the certificate (c) ~~Any town, school~~
 14 ~~district, parish or corporation~~ The clerk elected to any office and sworn
 15 may shall record the election or appointment of each official or deputy,
 16 including his own, election, the fact that he was sworn and when and by
 17 whom and the other information specified in paragraph A. (d) ~~The record~~
 18 ~~herein required shall be sufficient evidence that such officer was sworn.~~
 19 ~~If any officer fails to return such certificate or any clerk to record such~~
 20 ~~oath within 10 days, he forfeits \$5~~ (e)

Comment:

- a-b becomes NS 36 VII. b-c becomes NS 36 VII A. c-d becomes NS 36 VII D.
- a-b. Restated omitting reference to “parish” officials.
- b-c. Restated more simply. Lines 10-13 reworded to outline content of the certificate. In line 13, date of returning the certificate deleted as being unnecessary, since NS 36 VII C requires those who have not been sworn to appear before clerk.
- c-d. Deleted portion unnecessary. “Elected to any office” confused meaning of c-d. The required information, which it is the duty of the clerk to record, is contained in NS 36 VII A. and D.

d-e. Deleted since already covered by NS 36 VII E. Penalty provision useless. Provision made in NS 53 for failure to qualify for office within 10 days after written demand.

1 **Sec. 41. Vacancies in town offices.** ~~When by reason of~~ A vacancy
2 in a municipal office may occur by the following means: nonacceptance,
3 resignation, death, removal, ~~insanity~~ permanent disability or other
4 incompetency, of a person chosen to a town office failure to qualify
5 for the office within 10 days after written demand by the municipal
6 officers, or failure of the municipality to elect a person to office.
7 except as provided in sections 21, 22 and 35, there is a vacancy or
8 want of officers, the town may choose new officers; and they shall be
9 sworn, if an oath is required, and have the same powers as if elected
10 at the annual meeting. The meeting for choice of such new officers may
11 be called by the person or persons legally elected and qualified as
12 selectman or selectmen although less than a full board.

Comment:

This becomes NS 53.

Lines 1-6. Revised adding "failure to qualify . . ." provision from Sec. 30, "permanent disability" from Sec. 35, and "failure . . . to elect" from Sec. 77 to make a general vacancy provision.

Lines 7-10. Deleted Unnecessary.

Line 9. Oath provided for in NS 36 VII.

Lines 10-12. Deleted. Covered by NS 30 II.

1 **Sec. 42. Reports by sworn officers not verified.** ~~Town or A~~
2 municipal ~~officers~~ official who ~~have~~ has been ~~duty~~ sworn to the faith-
3 ful performance of ~~their~~ his duty ~~shall~~ need not be required to make

4 ~~oath swear or affirm~~ to any report, account, or statement to be filed
5 with any of the state departments.

Comment:

This becomes NS 54.
Restated more simply.

1 **Sec. 43. Neglect of official duty.** ~~Every town officer~~ **A municipal**
2 **official** who neglects or refuses to perform any duty of office lawfully
3 ~~required of him forfeits not exceeding \$20 for every such neglect shall~~
4 **be punished by a fine of not more than \$100 for each offense**, when no
5 other penalty is provided. ~~to~~ **The fine shall be recovered in an action**
6 **of debt in the name and on complaint** to the use of the ~~town~~ **municipality.**
7 ~~by the treasurer thereof~~

Comment:

This becomes NS 55.

Lines 1-7. Reworded for uniformity of form and language. Note that
 this has been changed from a civil to a criminal action.
 This language is a duplication of that used in the penalty
 section for the violation of a municipal ordinance. (Next
 to last paragraph of NS 3.)

1 **Sec. 44. Moderator first chosen; duties.** (a) ~~At every town meet-~~
2 ~~ing a moderator shall be first chosen~~ **As soon as he has been elected and**
3 ~~sworn, by a justice of the peace or by the person presiding at the meet-~~
4 ~~ing when he is chosen~~ **Said the moderator shall regulate the business of**
5 **preside at the meeting.** (b) ~~and~~ **When a vote declared by him the moderator**
6 **is immediately after such declaration questioned by at least 7 or more**
7 **voters, he shall make it certain by polling the voters or in such other**

8 way by a method as the meeting directs directed by the legislative
9 body. (c)

Comment:

a-b becomes NS 34 III. b-c becomes NS 34 III C.

a-b. Deleted portions covered in NS 34 II. Note that oath of moderator to be administered by person presiding at the meeting when he is elected.

b-c. Restated for uniformity.

1 **Sec. 45. Moderator obeyed.** No A person shall may not speak in town
2 meeting before leave is obtained of he is recognized by the moderator,
3 nor when any other person is speaking; and all shall be silent at the
4 his command. of the moderator or forfeit to the town \$1 for every breach
5 of such order

Comment:

This becomes NS 34 III A.

Line 1. Note use of "may" replacing "shall." Here again the word "may" used in the negative shows the greater strength, since it says "no person has the power or permission to speak" until recognized.

Line 2. "Recognized" substituted for "leave" as being better usage.

Line 3. Deleted part unnecessary since moderator will not recognize one person when another person is speaking.

Line 4. The \$1 forfeit is eliminated as being useless.

1 **Sec. 46. Powers of moderator.** If any person, after notice from a
2 command for order by the moderator, persists in disorderly conducting
3 himself in a disorderly manner, during a town meeting the moderator
4 may direct him to withdraw from leave the meeting; and by his refusal

5 ~~If he refuses to leave, he forfeits \$3 to the town; and the moderator may~~
6 ~~cause have him to be removed from the meeting by a constable and detained~~
7 ~~in confinement confined for 3 hours until unless the meeting is sooner~~
8 ~~dissolved or adjourned.~~

Comment:

This becomes NS 34 III A (1).

Lines 1-8. Restated more simply.

Line 5. \$3 forfeit eliminated as being useless. Removal power in lines 5-8 is workable and sufficient to overcome difficulty of a disorderly meeting.

1 ~~Sec. 47. Sections 1-46 inapplicable to state elections. Town~~
2 ~~meetings for the choice of governor, senators, and representatives~~
3 ~~shall be as the constitution directs; and the foregoing sections are~~
4 ~~not applicable to them.~~

Comment:

Deleted. Unnecessary.

1 ~~Sec. 48. Folded votes not received; votes not examined. (a) The~~
2 ~~person presiding at a meeting for the choice of town officers moderator~~
3 ~~shall not receive any folded vote nor permit any person before the poll~~
4 ~~is closed (b) without the consent of the voter. (c) to examine his the~~
5 ~~ballot of another on penalty of \$20 (d)~~

Comment:

a-b, c-d, b-c become NS 34 III B.

a-b. In line 2 deleted portion properly replaced by "moderator." In line 3 "shall not" is proper since it expressed a negative duty. It is the **duty** of the moderator **not to accept** a folded vote.

c-d. Restated, omitting \$20 penalty as unnecessary.

b-c. No change.

1 **Sec. 49. Provisions accepted by town at legal meeting. (a)**
2 **When any town (b) ~~may at any legal meeting called by a warrant contain-~~**
3 **ing an article for the purpose held at least 30 days before the annual**
4 **meeting, (c) accepts the provisions of this sections ~~49 to 63, inclusive,~~**
5 **(d) ~~and when so accepted, all the following provisions apply to the~~**
6 **elections ~~for of all town officers officials now~~ required by law section**
7 **35 to be chosen elected by ballot, shall thereafter, except as provided**
8 **in section 55, be in accordance with the provisions herein provided**
9 **except the moderator, who shall be chosen elected as ~~now~~ provided by law**
10 **in subsection II of section 34. (e)**

Comment:

a-b, c-d, b-c, d-e become NS 37.

b-c. 30-day provision added because that provision already contained in Sec. 55, lines 16 and 21 and in Sec. 50, line 12. It is needed here since at the time the section is accepted the town must also designate whether other officials than those required by law are to be elected by secret ballot.

Lines 1-10. Restated for form and clarity.

1 **Sec. 50. Voters to determine what officers elected by ballot;**
2 **changes. (a) ~~When any town so accepts~~ At the time of acceptance, the**
3 **provisions of said sections ~~49 to 63, inclusive, it the town shall at the~~**
4 **same time or meeting determine, by a separate article in the warrant,**
5 **what officers which other officials if any, ~~not now~~ required by law are**
6 **to be chosen elected by ballot shall be chosen in the manner herein ~~pro-~~**
7 **vided according to this section, and may determine the number and terms**

8 of selectmen, assessors, and overseers according to subsection IV of
9 section 36. (b) ~~All such matters shall be stated in the warrant calling~~
10 ~~such meeting.~~ (c) No change ~~shall~~ ~~may~~ be thereafter made thereafter in the
11 officers to be chosen by ballot designation, ~~or in the~~ number, or terms
12 thereof town officials, except at a meeting held at least 30 days before
13 ~~any~~ the annual town election meeting. (d)

Comment:

a-b becomes NS 37 I. c-d becomes NS 37 I A.

- a-b. Restated. Reference to warrant in line 4 requires town to use 2 articles in the warrant for better notification of action to be taken. In line 5, "and may determine the number and terms of selectmen, assessors, and overseers according to subsection IV of section 36" is taken from Sec. 55, lines 15-18.
- b-c. Deleted unnecessary.
- c-d. In line 10 is another instance where "may" properly replaces "shall" to indicate **lack of power and permission** rather than lack of duty.

1 **Sec. 51. Opening and closing of polls.** (a) ~~All~~ The warrants for
2 a town meetings for the election of ~~officers~~ ~~officials~~ ~~as herein provided~~
3 shall specify the times of opening and closing the polls, and the time
4 ~~when the same may be closed;~~ but the polls which shall be kept open at
5 least 4 consecutive hours. (b) ~~and~~ **Except as otherwise provided by this**
6 **section,** the method of voting and the conduct of elections shall be as
7 **in governed by the laws pertaining to gubernatorial elections.** (c)

Comment:

a-b becomes NS 37 II. b-c becomes NS 37 IX.

- a-b. Restated for form. "Consecutive" added for clarity in line 5.

b-c. Reworded adding the gist of Sec. 63, lines 2-3 which mean that law regulating gubernatorial elections pertains where this law is silent.

1 **Sec. 52. Nomination of candidates.** (a) ~~The nominations for can-~~
2 ~~didates any office may shall be made at a caucus or by nomination papers~~
3 ~~signed in the aggregate for each candidate by a number of qualified voters~~
4 ~~of said town not less in number than one for every 50 equal to at least~~
5 ~~2% of the voters who have registered in the town at for the last pre-~~
6 ~~ceding state gubernatorial election, in said town; but the voters so sign-~~
7 ~~ing shall in no case be less than 25. in number (b) Each voter who sign-~~
8 ~~ing signs such a nomination paper shall add to his signature his place of~~
9 ~~residence with the street and number, thereof, if any; and each voter He~~
10 may subscribe only to as many nomination papers for each office as there
11 are ~~members vacancies to be elected thereto and no more filled.~~ (c)

Comment:

a-b becomes NS 37 III. b-c becomes NS 37 III A.

a-b. Caucus provisions eliminated. Citizens caucus of this type has never been defined and is often confused with political caucus. In line 4, "one for every 50" reworded to "2%." In line 6, "gubernatorial" substituted for uniformity.

b-c. Restated more clearly.

1 **Sec. 53. Certificates of caucus nominations.** ~~All certificates~~
2 ~~of caucus nominations shall be signed by the chairman and secretary of~~
3 ~~the caucus. Such certificates and Nomination papers shall besides con-~~
4 ~~taining specify the names of the candidates, specify as to each candidate~~
5 ~~and the office for which he is nominated.~~

Comment:

This becomes first part of NS 37 III B.

Lines 1-3. Caucus provisions deleted. Serve no useful purpose. Two or three people could use caucus to nominate a candidate without any expression of popular opinion whatsoever.

Lines 3-5. Restated more simply.

1 **Sec. 54. Filing of certificates of nomination and nomination**
 2 **papers.** (a) ~~Certificates of nomination~~ They shall be filed with the
 3 ~~town clerk of said town at least 8 days previous to the day of election~~
 4 ~~and nomination papers shall be so filed at least 6 days previous on or~~
 5 ~~before the 14th day next prior to the day of election. unless the town~~
 6 ~~shall by vote establish a different filing date.~~ (b) ~~The certificates of~~
 7 ~~nomination and~~ A nomination papers being so filed and being in conformity
 8 ~~which conforms with the provisions of said this sections 49 to 63,~~
 9 ~~inclusive, shall be deemed to be~~ is valid unless a written objection
 10 ~~thereto is duly made in writing to it is made to the selectmen on or~~
 11 ~~before the 12th day next prior to the day of election.~~ (c) ~~Such~~ Objections
 12 ~~or questions~~ arising in the case of nominations shall be ~~considered deter-~~
 13 ~~mined~~ by the selectmen, ~~of said town~~ and their decision ~~of a majority of~~
 14 ~~the selectmen shall be~~ is final. (d) ~~In case such~~ When an objection is
 15 made, notice shall ~~forthwith~~ be delivered **immediately** by the clerk to the
 16 candidates affected ~~thereby~~ by it. (e) ~~All certificates of nomination~~
 17 ~~and nomination papers~~ When filed, they shall be ~~open under proper regula-~~
 18 ~~tions made available by the clerk to public inspection under proper~~
 19 ~~protective regulations. and~~ The town clerk shall ~~preserve~~ **keep** the same
 20 ~~them~~ in his office for ~~not less than + year~~ **6 months.** (f)

Comment:

a-b becomes 2nd sentence of NS 37 III B. b-c becomes NS 37 III C. c-d becomes NS 37 III C (2). d-e becomes NS 37 III C (1). e-f becomes last part of NS 37 III B.

- a-b. Certificates of nomination provisions deleted in accordance with changes made in Secs. 52-53. Filing period changed to 14 days next prior to election day to allow time for making objections and printing of ballots. In lines 5-6 the deleted part is unnecessary with 14-day provision.
- b-c. The 12-day provision is added to eliminate last minute objection to nomination which might ruin the effectiveness of the 14-day filing period by causing a last minute change in the ballot which could not be corrected in time for the meeting.
- c-d. Restated.
- d-e. Restated.
- e-f. Restated. In line 20, time for retaining nomination papers decreased to 6 months, because present law only requires ballots to be retained 6 months.

1 **Sec. 55. Ballots; number elected determined by voters; names on**
 2 **ballot; questions submitted.** (a) ~~All Ballots, specimen ballots, and~~
 3 **instruction cards for use in elections under the provisions of sections**
 4 **49 to 63, inclusive shall be prepared by the town clerk according to**
 5 **the following provisions:** (b) ~~Every general ballot or~~ **The ballot intended**
 6 **for the use of all voters, which shall be printed in accordance with the**
 7 **provisions of said sections 49 to 63, inclusive shall contain the names**
 8 **of all properly nominated candidates whose nominations for any offices**
 9 **specified in the ballot have been duly made** (c) **and It shall contain**
 10 **no other names. (d) The names of candidates for each office shall be**

11 arranged under the ~~proper designation of the~~ office designation in
12 alphabetical order ~~according to~~ by surnames. (e) ~~but candidates for~~
13 ~~selectmen, assessors and overseers of the poor respectively shall be~~
14 ~~named and designated in the ballot in as many groups as the town shall by~~
15 ~~vote have determined there are to be individuals on any such board.~~ (f) ~~At~~
16 ~~a meeting held at least 30 days before any annual town election, the voters~~
17 ~~may determine by majority vote whether to elect 3, 5 or 7 selectmen,~~
18 ~~assessors or overseers of the poor, respectively, and may designate them~~
19 ~~as 1st, 2nd and so on to the number to be elected and the one elected as~~
20 ~~1st selectman shall be chairman. No change shall be made thereafter except at~~
21 ~~a meeting held at least 30 days before any annual town election.~~ (g)
22 ~~Provided that if the town shall have fixed the number and term of such~~
23 ~~officers under the provisions of section 14, the ballot shall conform~~
24 ~~thereto. Without such determination 3 shall be elected.~~ (h) ~~The candidate~~
25 ~~or candidates having the largest number or votes shall be declared elected.~~ (i)
26 ~~There shall be left~~ At the end of the list of candidates for each dif-
27 ~~ferent office, there shall be left as many blank spaces as there are~~
28 ~~persons to be elected to such office vacancies to be filled, in which the~~
29 ~~a voter may insert the name of any person not printed on the ballot for whom~~
30 ~~he desires to vote, as candidate to such office.~~ (j) ~~Whenever~~ Any question
31 ~~required by statute to be~~ is submitted to the a vote of the people of the
32 ~~town, in accordance with a statute providing for such submission, such~~
33 ~~question shall be printed upon the ballot after below the list of candi-~~
34 ~~dates.~~ (k) ~~The ballots~~ A square shall be so printed (l) as to give each
35 ~~so that a voter a clear opportunity to~~ may designate his choice clearly by
36 ~~a cross mark (X) or a check mark (√).~~ (m) ~~in a square~~ at the right of
37 ~~the name and designation of each candidate, and 2 squares shall be printed~~
38 ~~at the right of any question submitted with "yes" above one and "no" above~~

39 ~~the other, (n) his choice of candidates and his answer to the question~~
 40 ~~submitted, and in the ballot may be printed such words as will aid the voter~~
 41 ~~to do this (o) Words of explanation such as "Vote for one," and "vote~~
 42 ~~for 3," "Vote yes, or no," may be printed on the ballot. and the like~~
 43 Before distribution, the ballots shall be ~~so~~ folded in marked creases ~~as~~
 44 to measure, when folded, ~~not less than from 4½ nor more than to 5 inches in~~
 45 ~~width wide and not less than from 6 nor more than to 13½ inches in length~~
 46 long. On the back and outside, when folded, shall be printed "Official
 47 Ballot for the Town of,," and the date of election, and ~~the signature~~
 48 ~~or~~ a facsimile of the signature of the ~~town~~ clerk (q)

Comment:

a-b becomes NS 37 IV. b-c, d-e, c-d become NS 37 IV A. i-j becomes NS 37
 IV B. j-k becomes NS 37 IV C. k-l, m-n, l-m become NS 37 IV D. o-p be-
 comes NS 37 IV E. p-q becomes NS 37 IV F.

- a-b. Provisions for ballots, specimen ballots, and instruction cards grouped under NS 37 IV.
- b-c. Restated more simply.
- d-e. Restated more simply.
- c-d. No change.
- e-f. Deleted unnecessary.
- f-g. Covered by NS 37 I.
- g-h. Deleted. Covered by NS 37 I.
- h-i. Deleted. Covered by NS 37 VIII.
- i-j. Restated.
- j-k. Restated.
- k-l, m-n, & l-m. Revised specifying that squares shall be printed on the ballot in the proper place and manner to allow voter clear choice.

- o-p. Restated more clearly.
- p-q. Restated more simply for uniform terminology.

1 **Sec. 56. Record of number of ballots preserved.** (a) ~~All ballots~~
 2 ~~required by sections 49 to 63, inclusive, when~~ The printed ballots shall
 3 be folded as therein provided and fastened together packaged in convenient
 4 ~~numbers in packages, books or blocks in such manner so that each ballot~~
 5 they may be detached and removed separately. (b) **At least 75 ballots for**
 6 **each 50 registered voters shall be printed and furnished,** and a record of
 7 the number of ballots printed and furnished shall be kept and preserved by
 8 the town clerk. (c)

Comment:

- b-c, a-b become NS 37 IV G.
- b-c. "At least 75 ballots for each 50 registered voters shall be printed and furnished, and . . ." is reallocated from Sec. 57.
- a-b. Restated more simply.

1 **Sec. 57. Number of ballots prepared.** ~~There shall be provided for~~
 2 ~~every election held under the provisions of sections 49 to 63, inclusive,~~
 3 ~~such general ballots of not less than 75 for each 50 and fraction of 50~~
 4 ~~registered voters therein.~~

Comment:

This section has been restated and reallocated to NS 37 IV G.

1 **Sec. 58. Town clerk to prepare cards of instruction and specimen**
 2 **ballots.** (a) ~~The town clerk shall provide full Complete~~ instructions
 3 ~~for the guidance of to guide voters at elections held under the pro-~~
 4 ~~visions of sections 49 to 63, inclusive, as to in obtaining ballots, as~~

5 ~~to the manner of and marking them ballots and the method of obtaining~~
6 ~~assistance and as to obtaining new ballots in place of those accidentally~~
7 ~~spoiled; (b) and shall cause the same be printed (c) together with and~~
8 ~~a copies copy of sections 22 40, 93, and 107 of chapter 5 (d) to be~~
9 ~~printed in clear type on separate each cards, to be called cards of~~
10 ~~instruction card. (e) He shall also cause to be Ten or more specimen~~
11 ~~ballots printed on tinted paper of a distinctive color and without the~~
12 ~~indorsements, endorsement of the clerk to or more copies of the form~~
13 ~~of the ballot provided for such election, which shall be called specimen~~
14 ~~ballots and shall be furnished provided. with the other ballots provided~~
15 ~~therefor (f)~~

Comment:

a-b, c-d, d-e become NS 37 IV I. e-f becomes NS 37 IV H.

Lines 2-10. Restated more simply, eliminating unnecessary words in lines 5-7 since line 2 requires complete instructions and lines 4-5 specify "in obtaining and marking ballots." In line 8, Sec. "22" deleted. It refers only to city and state elections.

e-f. "Tinted paper" in line 11 changed to "paper of a distinctive color" to show that specimen ballot must be easily separable from regular ballot.

1 **Sec. 59. Town clerk to post list of candidates 4 days prior to**
2 **election.** (a) At least 4 days prior to ~~an~~ the election, ~~held under the~~
3 ~~provisions of sections 49 to 63, inclusive~~ the town clerk shall ~~cause~~
4 ~~to be conspicuously~~ have posted in one or more **conspicuous**, public places
5 a **specimen ballot** or a printed list, (b) containing the names and
6 ~~residences of all candidates to be voted for in such town and any office~~

7 designation ~~as provided in section 53 of each candidate.~~ (c) substantially
8 in the form of a ~~general ballot, to be so used therein~~ (d)

Comment:

a-b, c-d, b-c become NS 37 V.

a-b. Restated changing "conspicuously posted" in line 4 to "conspicuous, public places" for uniformity with requirements for posting warrants. Note that this section has been changed slightly to allow a specimen ballot or a printed list to be posted in the alternative. This saves having list printed especially when specimen ballot is sufficient.

c-d. Restated.

b-c. Requirement that residence of candidate be included in printed list deleted as unnecessary. Thus specimen ballot may be used, since it does not contain that information.

1 **Sec. 60. Ballots, cards of instruction, etc., put up in sealed**
2 **packages.** The ballots ~~together with the~~ and specimen ballots ~~and~~
3 ~~cards of instruction printed by the town clerk as provided in sections~~
4 ~~49 to 63, inclusive,~~ shall be packed by him in sealed packages with
5 marks on the outside ~~designating~~ **specifying** the number of ballots of
6 each ~~kind~~ enclosed.

Comment:

This becomes NS 37 IV J.

Lines 1-6. Restated eliminating instruction cards in line 3. No need for them to be packed in sealed packages.

1 **Sec. 61. Ballot clerks.** Before the opening of the polls, ~~as~~
2 ~~required under the provisions of sections 49 to 63, inclusive~~ the

3 selectmen shall appoint the necessary number of ballot clerks. ~~and in~~
4 ~~case of~~ **When there are** vacancies after the opening of the polls, the
5 moderator shall ~~fill the same.~~ **appoint replacements.** The ballot clerks
6 shall be sworn ~~and have charge of the ballots and shall furnish them to~~
7 ~~the voters in the manner hereinafter provided before assuming their~~
8 **duties.**

Comment:

This becomes NS 37 VI.

Lines 1-5. Restated.

Lines 5-7. Deleted portions covered by "before assuming their duties," since there is no positive statement as to how ballot clerks have charge of ballots and furnish them to voters as would be expected by the "hereinafter provided" in line 7. Duties of ballot clerks would be covered by NS 37 IX which states that the law pertaining to gubernatorial elections governs where this section is silent.

1 **Sec. 62. Delivery of ballots at voting places; not delivered**
2 **until moderator chosen; ballot clerks furnished with duplicate check**
3 **list.** (a) ~~On election day, The town clerk shall~~ before the opening
4 of the polls, the clerk shall ~~on the day of an election as provided~~
5 ~~for in sections 49 to 63, inclusive~~ deliver the ballots to the ballot
6 clerks (b) ~~who~~ **The ballot clerks shall give a receipt therefor to**
7 **the clerk for the ballot received by them. The clerk which receipt**
8 **shall keep the receipt be kept in the clerk's his office for 6 months.**
9 (c) ~~Before the opening of the polls, the town clerk shall cause the~~
10 ~~cards of and shall post an instructions card to be posted at or in each~~
11 ~~voting shelf or compartment provided for the marking of the ballots and~~

12 ~~not less than at least 3 such instruction cards and not less than 5~~
 13 ~~specimen ballots to be posted in or about the voting room outside the~~
 14 ~~guardrails. (d) No ballots prepared under said sections 49 to 63, in-~~
 15 ~~clusive, shall may be delivered to voters until the moderator shall have~~
 16 ~~been chosen in the manner now provided by law has been elected. (e)~~
 17 A duplicate **check** list of the qualified voters shall be prepared **by the**
 18 **selectmen** for the use of the ballot clerks ~~and all~~ **The** provisions of
 19 **law relative pertaining to the preparation, furnishing, use and pre-**
 20 **servation of check lists shall apply equally to such duplicate check**
 21 **lists. (f)**

Comment:

a-b, c-d become NS 37 VI A. b-c becomes NS 37 VI B. d-e becomes NS 37 VI C. e-f becomes NS 37 VI D.

- a-b. Restated for accuracy.
- c-d. Restated more simply.
- b-c. Restated providing 6 month period for retention of receipts to correspond with period for keeping ballots and nomination papers.
- d-e. Restated. Election of moderator condition precedent to delivery of ballots to clerks.
- e-f. Duty of **selectmen** to provide duplicate check list. This makes definite the responsibility.

1 **Sec. 63. Officers elected by plurality vote; procedure in case**
 2 **of a tie; ballots preserved. (a) Except as provided in sections 49**
 3 **to 63, inclusive, the election shall be conducted as provided by law. (b)**
 4 **All officers voted for in the manner as provided in sections 49 to 63,**
 5 **inclusive Election shall be elected by a plurality vote. In case of**

6 failure to elect any officer or officers so voted for by reason of a
7 tie vote, the meeting shall be adjourned to a day certain, when such
8 officer or officers shall be chosen as herein provided ballots shall
9 again be cast for the candidates tied for the office in question. (c)
10 The person presiding at a meeting for the choice of town officers and the
11 submission of questions, in pursuance of sections 49 to 63, inclusive,
12 shall After the ballot clerks have counting and tabulation counted and
13 tabulated of the votes cast, the moderator shall deliver all the ballots
14 east to the clerk who shall seal them in a suitable package or packages
15 and preserve keep them safely in his office for 6 months. for the pur-
16 poses of the following section (d)

Comment:

- b-c becomes NS 37 VIII. c-d becomes NS 37 VII.
- a-b. Deleted. The meaning from these lines is apparently that where these sections are silent the law pertaining to gubernatorial elections applies. This has been expressed in NS 37 IX.
- b-c. Reworded to make certain that only tied candidates may be voted for at runoff election. The "as herein provided" in line 8 refers to **nothing** in Secs. 49-63 with regard to runoff elections.
- c-d. Restated more simply with "the moderator" being substituted for the expression in line 10.

1 **Sec. 64. Inspection of ballots.** (a) Upon written application by
2 of any candidate for any municipal office within 3 days after the result
3 of a city election is declared or the result of a town an election
4 under the provisions of sections 49 to 63, inclusive, 37 is has been
5 declared, the clerk of such city or town shall permit any candidate him
6 or his agent to inspect the ballots east at any such municipal election

7 after the same have been returned to him, under such reasonable proper
8 protective regulations. ~~or restrictions consistent with the right of~~
9 inspection as will secure every ballot from loss, injury or change in any
10 respect. (b) ~~Such~~ The inspection shall be permitted only after written
11 notice ~~in a city by said~~ the clerk to the ward officers who signed the
12 election returns ~~of said election in a city, and in a town or to the~~
13 ~~person who presided at the meeting~~ moderator in a town, (c) ~~and in all~~
14 instances after written notice by said clerk to the other contesting
15 candidates, sufficient to enable them to be present in person or by
16 agent at said inspection. (d) After each inspection the packages shall
17 be ~~again~~ sealed again by the clerk and the fact and date of inspection
18 noted on the package them. (e) ~~No such examination of the ballots~~
19 ~~shall be made without reasonable notice~~ (f) and to all candidates upon
20 the ballot for the offices specified in the application, as to which such
21 errors are alleged to have occurred stating when and where such examina-
22 tion will be made the time and place of the inspection and affording such
23 candidates them a reasonable opportunity to be present and heard in
24 person or by counsel. ~~at such examination and be heard in relation~~
25 thereto (g) ~~Said~~ The inspection of ballots shall be held not later
26 than 5 days after the written application ~~for an inspection of said~~
27 ballots has been is received by the said city or town clerk. (h)

Comment:

- a-b becomes NS 38. b-c, f-g becomes NS 38 I. d-e becomes NS 38 III. g-h becomes NS 38 II.
- a-b. Restated more simply. "Proper protective regulations" in lines 7-8 covers deleted provisions of lines 8-10.
- b-c. Restated with the word "moderator" being used in line 13 for uniformity.

- f-g. Restated deleting portions of lines 20-21 which are unnecessary since ballot inspection is a matter of **right**, and no errors need be alleged to have occurred as far as can be determined from this section.
- c-d. Deleted since a repetition of lines 18-24.
- d-e. Restated more simply.
- g-h. Restated.

1 **Sec. 65. Recount proceedings.** (a) ~~Whenever A any~~ candidate for any
 2 municipal office **who has first inspected the ballots according to section**
 3 **38 may obtain** ~~shall desire~~ a recount of the votes cast for ~~the particular~~
 4 ~~that office, for which he was a candidate~~ (b) He shall (c) within 3 days
 5 from the date of ~~said the~~ ballot inspection. (d) file a sworn petition
 6 with the clerk ~~of said municipality~~ (e) ~~setting forth the particular~~ **The**
 7 **petition shall state** the office for which he was a candidate, and ~~the~~
 8 **reason for the recount based** ~~state~~ on his own knowledge or on informa-
 9 tion and belief. ~~that because of the closeness of the vote, or a~~
 10 ~~mistake in counting of the ballots or in the return of the ward officers,~~
 11 ~~or fraud committed before or during said election, or any other cause,~~
 12 ~~he would like a recount of all the ballots cast in said municipality~~
 13 ~~for the office for which he was a candidate~~ (f)

Comment:

- a-b becomes NS 39. b-c, d-e, c-d become NS 39 I. e-f becomes NS 39 I A.
- a-b. "Who has first inspected the ballots, etc." was inserted because present law requires that ballot inspection take place before recount may be held.
- b-c, d-e, & c-d. No change.

e-t. Restated. Deleted part unnecessary, since it appears from “or any other cause” in line 11 that the recount is a matter of right without respect to the merit of the reason.

1 **Sec. 66. Date of recount.** (a) ~~Upon the filing of said~~ **When the**
 2 **petition has been filed, said** the clerk shall ~~fix set a date~~ **set a date** forthwith
 3 **a date** not more than 5 days after ~~the filing date of filing for said~~
 4 **the recount hearing, and** He shall ~~call a meeting of~~ **notify** the municipal
 5 officers, ~~to consider said recount, and shall notify~~ the petitioner, and
 6 ~~all the~~ opposing candidates of the ~~date of hearing date.~~ (b) At ~~said~~
 7 **the hearing the said** clerk shall sort and count the ~~ballots votes~~ under
 8 the supervision of the municipal officers. (c) ~~In the examination of~~
 9 ~~ballots upon application as provided in the preceding section~~ The
 10 municipal officers ~~upon in~~ making corrected returns may, in their dis-
 11 cretion, accept such facts as the candidates ~~involved shall~~ agreed upon
 12 **at the ballot inspection.** (d)

Comment:

a-b becomes NS 39 II. b-c becomes NS 39 III. c-d becomes NS 39 III A.
 Lines 1-12. Restated for clarity.

1 **Sec. 67. Displaying of ballots.** (a) ~~At said hearing~~ The petitioner
 2 or his opponents may have all ballots in any way involved in the election
 3 (b) displayed for counting or inspection. ~~including absentee and~~
 4 ~~physical incapacity ballots~~ (c) and all applications, certifications
 5 ~~and envelopes and other papers~~ **records** required by law to be kept in
 6 connection with absentee or incapacity ballots. (d) Upon request ab-
 7 sentee or incapacity ballots may be segregated from other ballots. (e)

Comment:

a-b, c-d, b-c, d-e become NS 39 III B.

a-b. No change.

c-d. "Records" sufficient to cover deleted portions.

b-c. "All ballots" in line 2 includes absentee and other ballots which eliminates the need for the deleted portions.

1 **Sec. 68. Witnesses and evidence; fees.** (a) Witnesses may be
2 called by the ~~parties~~ candidates and may be sworn by any municipal
3 officer. (b) A record shall be kept if requested by any ~~party in~~
4 ~~interest.~~ candidate. (c) ~~The Witness fees of witnesses~~ shall be paid
5 by the ~~city~~ municipality if authorized by the municipal officers. (d)

Comment:

a-b, c-d, b-c become NS 39 III C.

a-b. "Candidates" substituted for "parties" for uniformity with rest of
Secs. 64-70.

c-d. "City" changed to "municipality" for uniformity.

b-c. "Candidate" used for uniformity.

1 **Sec. 69. Certification of elected candidate.** (a) Within 24 hours
2 after the determination of the results of a contested election, the
3 municipal officers shall certify the results of their count to the
4 respective candidates involved, and shall issue a certificate of
5 election to the candidate whom they find to have been elected. This
6 certificate of election ~~will supersede and nullify any previous~~
7 ~~certificate that may have been issued previously. in this particular contest.~~
8 (b) ~~For the purposes of this section, If, during the recount, any~~
9 ~~candidate or candidates shall concede the election is conceded to the~~
10 ~~remaining~~ a candidate by a signed statement signed by the other interested
11 candidates and ~~or statements~~ addressed to the municipal officers, during

12 ~~the course of the recount, the municipal officers they shall issue a~~
13 ~~certificate of election to the party candidate whose election is conceded.~~
14 ~~(c) Nothing contained in sections 64 to 70, inclusive, shall effect~~
15 ~~the jurisdiction of the superior court or any justice thereof to~~
16 ~~entertain proceedings under the provisions of sections 84 to 88, inclu-~~
17 ~~sive, of chapter 5. (d)~~

Comment:

- a-b becomes NS 39 IV. b-c becomes NS 39 III D.
- a-b. Restate. Note in lines 5-7 that last certificate issued **automatically supersedes** a previous certificate, without qualification.
- b-c. Restated for clarity to show that **all** interested candidates must concede before a certificate of election may be issued to the remaining candidate.
- c-d. Deleted. Unnecessary because Sec. 84 of Ch. 5 specifically states that one holding a certificate of election may be proceeded against.

1 ~~Sec. 70. Application of sections 64-70. The provisions of sections~~
2 ~~64 to 70, inclusive, shall so far as is applicable apply to elections~~
3 ~~conducted pursuant to the provisions of sections 49 to 63, inclusive.~~

Comment:

Deleted because NS 38 specifically includes only elections conducted under the secret ballot provisions of NS 37 and city elections.

1 ~~Sec. 71. Police officers. The selectmen of towns municipal~~
2 ~~officers may appoint for not more than one year, remove, and shall~~
3 ~~control, and fix the compensation of police officers, when the~~
4 ~~municipality has not provided otherwise under subsection II of sec-~~
5 ~~tion 4. Such appointment shall be in writing, signed by a majority~~
6 ~~of the selectmen and recorded by the town clerk, and shall be for such~~
7 ~~time not exceeding 1 year as the selectmen shall determine.~~

Comment:

This becomes NS 52.

Line 2. "For not more than one year" taken from line 7.

Line 3. "When the town has not provided otherwise under subsection II of Sec. 4." added to avoid conflict.

Lines 5-6. Deleted. Covered by NS 36 II and VII.

1 **Sec. 72. Powers; removal.** A police officers ~~appointed under the~~
2 ~~provisions of section 71 shall severally have~~ has all the powers of a
3 constable in criminal matters within the limits of the ~~town~~ municipality.
4 ~~and may be removed by the selectmen when they shall deem that the interests~~
5 ~~of the town require such removal.~~

Comment:

This becomes NS 52 I.

Restated.

Lines 4-5. Removal provided for in NS 52.

1 **Sec. 73. Special constables.** ~~Mayors and selectmen shall appoint~~
2 ~~special constables to arrest and prosecute all tramps in their respec-~~
3 ~~tive municipalities.~~

Comment:

Deleted. Obsolete.

1 **Sec. 74. Wards in cities, change or alteration in limits of.**
2 ~~No~~ When a change has been made by ~~the~~ a city government in the limits
3 of ~~any city ward, shall be it becomes~~ valid ~~unless as soon as it is~~
4 approved by a majority of the legal votes cast at the next city election.
5 ~~of city officers, held next after such action of said council; and~~
6 ~~warrants for such ward meetings shall contain an article for that purpose.~~

Comment:

This becomes NS 60.

Lines 1-4. Restated more simply.

Lines 5-6. NS 59 requires warrant to state business to be acted upon.

1 **Sec. 75. Assessors and subordinate officers; term.** (a) ~~The~~
 2 Assessors and ~~subordinate officers of cities~~ their assistants (b) ~~when~~
 3 ~~unless their city charters do not otherwise~~ provides otherwise. (c)
 4 shall be chosen ~~annually~~ on the 2nd Monday of March ~~annually, or as~~
 5 ~~soon after as practicable, and hold their offices to serve for one year~~
 6 ~~therefrom~~ and until others are chosen and qualified in their ~~places~~
 7 ~~stead,~~ (d)

Comment:

a-b, c-d, b-c become NS 58 I A.

Lines 1-7. Restated for simplicity and form.

Note:

Add as NS 58:

“The following miscellaneous provisions apply to the choice and terms of various city officials.”

1 **Sec. 76. Additional assistant assessors in cities.** In addition
 2 to the ~~number of~~ assistant assessors ~~elected or appointed~~ chosen under
 3 ~~provisions of any~~ city charter, the municipal officers of cities may
 4 authorize the assessors of their respective cities to appoint such
 5 ~~number of~~ assistants assessors as public ~~exigency~~ necessity requires,
 6 ~~The employment of such assistant assessors shall not extend beyond the~~
 7 ~~period of to serve during~~ the municipal year ~~during~~ in which they are
 8 appointed.

Comment:

This becomes NS 58 I B.
Lines 1-8. Restated more simply.

1 **Sec. 77. Vacancies in office of constable in cities.** ~~If in any~~
2 ~~city~~ When a vacancy occurs in the office of constable, ~~either through~~
3 ~~the failure of a duly elected or appointed constable to qualify by fil-~~
4 ~~ing his bond within 30 days after his election or appointment, or~~
5 ~~through the death, resignation or removal of a qualified constable, or~~
6 ~~through the failure of any ward or precinct to elect its allotted num-~~
7 ~~ber of constables~~ the municipal officers may fill such vacancy by
8 appointing a qualified person to fill the vacancy constable whose term
9 of office shall expire at the same time as it would if he had been
10 elected at the preceding annual city election for the remainder of the
11 term.

Comment:

This becomes NS 58 II.
Lines 1-II. Restated more simply. NS 53 lists the means by which a vacancy
may occur, so deleted parts of lines 2-7 are not needed.

1 **Sec. 78. Wardens and clerks in cities; term.** (a) at the ~~annual~~
2 ~~regular~~ election ~~for the choice of mayor and aldermen in cities~~ ~~municipal~~
3 ~~officers.~~ (b) ~~the electors in~~ for each ward shall be elected by
4 ~~written~~ secret ballot ~~elect~~ (c) A warden and clerk (d) ~~who~~ They shall
5 ~~enter on~~ assume their duties of office on the Monday following their
6 election. (e) ~~and~~ They shall hold their offices for one year ~~therefrom~~
7 and until others are chosen and qualified in their ~~places~~ ~~stead.~~ (f)

Comment:

c-d, b-c, a-b become NS 58 III A. d-e becomes NS 58 III A (1). e-f becomes NS 58 III A (2).

Lines 1-7. Restated for form and language. "Regular" substituted for "annual" in line 1 because some cities have biennial elections.

1 **Sec. 79. Mayor has deciding vote in choice of officers; appointees**
 2 **of mayor and aldermen.** (a) In the election of any ~~city officers official~~
 3 by ~~ballot in~~ the board of aldermen or ~~in convention of jointly~~ by the
 4 aldermen and common council in which the mayor has a right to give a
 5 deciding vote, if ~~the~~ candidates have ~~each half of the ballots cast,~~
 6 **an equal number of votes** he shall determine ~~and declare~~ which of them is
 7 elected. (b) Whenever appointments to office ~~are directed or authorized~~
 8 to ~~may~~ be made by the ~~mayor and aldermen of cities municipal officers,~~
 9 they ~~may~~ shall be made by the mayor with the consent of the aldermen,
 10 and ~~such officers~~ may be removed by the mayor. (c)

Comment:

a-b becomes NS 58 IV A. b-c becomes NS 58 V A.

Lines 1-10. Restated for form and language.

1 **Sec. 80. Town officers not to act when pecuniarily interested.**
 2 (a) ~~No member any official of a city government or selectman of a~~
 3 town municipality shall in either board of such government or in any
 4 board of selectmen his official position (b) the vote by (c) on any
 5 question in which he is ~~pecuniarily interested directly or indirectly~~
 6 has a direct or an indirect pecuniary interest is void. (d) ~~and in~~
 7 which his vote may Where it would be decisive; (e) ~~and no action of~~
 8 such government or board taken by means of such vote is legal. (f)

Comment:

d-e, b-c, a-b, c-d become NS 56 I.

Lines 2-8. Restated for clarity and form. The gist of this section is that the **decisive** vote of any official on a question affecting his personal financial situation is **void**. Whether he votes is **immaterial**; whether his vote counts is **material**. The deleted portion e-f is superfluous, since it goes without saying that if a vote is **void** it is **no vote**, and no action can be taken legally where there is no vote.

Note:

Add as NS 56:

“Certain proceedings of municipalities and municipal officials are void and actionable according to the following provisions:”

1 **Sec. 81. Interests in municipal contracts prohibited.** (a) ~~No member~~
2 of a city ~~government official shall be interested, directly or indirectly~~
3 ~~who has a direct or an indirect pecuniary interest in it~~ (b) ~~in any A~~
4 contract ~~entered into made by such government a city while he is a~~
5 ~~member thereof; during the term~~ (c) ~~and contracts made in violation~~
6 ~~hereof are is void.~~ (d)

Comment:

b-c, a-b, c-d become NS 56 II.

Lines 1-6. Restated for clarity and form. The gist of this section is that certain contracts are **void** because of pecuniary interest. It is the **consequence** of the pecuniary interest that is material.

1 **Sec. 82. Enforcement of sections 80 and 81.** The Supreme Judicial
2 Court in equity or the Superior Court in equity ~~by writ of injunc-~~

3 tion or otherwise may restrain proceedings in any town municipality
4 in violation of the provisions of the ~~a~~ preceding this sections, upon
5 the application of at least 10 or more taxable citizens residents.

Comment:

This becomes NS 56 III.
Restated for simplicity and uniformity of language.

1 **Sec. 83. Town reports; distribution; pauper assistance; contents.**
2 ~~(a) Persons charged with the expenditure of the money~~ The officers of a
3 ~~town~~ each municipality shall at least 3 days before the day of the annual
4 ~~meeting, make a full and detailed written or printed~~ publish annually a
5 ~~complete~~ report subject to the following provisions: (b) ~~written in~~
6 ~~ink or~~ It shall be printed on paper of not less than at least 50 pound
7 ~~basis weight with ink~~ and bound in the size measuring not less than 6
8 inches wide by 9 inches long nor more than 8½ inches wide by 11 inches
9 long. (c) It shall contain a record of all their financial transactions
10 in behalf of the town municipality during the last municipal year,
11 ~~immediately preceding, with a full account of the including an itemized~~
12 ~~list of receipts and disbursements during that period, and indicating~~
13 to whom and for what purpose each item of the same amount was paid. (d)
14 ~~with a statement in detail~~ It shall contain a detailed statement of the
15 ~~indebtedness assets and resources liabilities of the town; municipality~~
16 including a list of all unpaid taxes which have been committed to the
17 ~~treasurer or collector for collection, giving the names of all delinquent~~
18 taxpayers and the amount due from each; (e) ~~except that~~ The names of those
19 persons receiving pauper assistance shall may not be printed unless any
20 ~~town municipality~~ at its annual town meeting shall votes to include such
21 ~~names them in its next annual report.~~ (f) ~~Provided~~ A town municipality
22 may at a regular annual town meeting vote to waive the printing in its

23 annual ~~printed town~~ report ~~an~~ of the itemized list of receipts and dis-
 24 bursements ~~said vote to stand~~ which is effective until revoked. ~~at a~~
 25 ~~regular annual town meeting.~~ (g) ~~Such town~~ Copies of the reports, if
 26 ~~printed in sufficient number~~ shall be deposited in the municipal office,
 27 ~~of the selectmen or a convenient place of business,~~ for distribution to
 28 the legally qualified voters of such town at least 3 days before such
 29 the annual meeting. ~~if the selectmen have no such office, then such~~
 30 reports in like manner shall be deposited in a convenient place of business
 31 in such town for distribution; (h) Copies of such the reports (i) shall
 32 be kept deposited in the municipal office, ~~of the said selectmen, or if~~
 33 they have no such office or usual place of business, with or in the office
 34 of the town clerk, with proper vouchers for the disbursements reported,
 35 where such reports and vouchers and (j) and all the books of the town
 36 municipal records (k) shall be open to the inspection of voters during
 37 the usual hours of business hours, ~~to the inspection of voters;~~ (l)
 38 and If any town officer municipal official refuses or neglects to perform
 39 any duty requirement of required by this section, ~~or refuses to allow any~~
 40 voter to examine such reports, vouchers and town books he shall be pun-
 41 ished by a fine of \$50 for each refusal or neglect offense. (m)

42 ~~Such town report~~ It shall include contain the statement that the com-
 43 plete postaudit report is on file at the municipal office and the follow-
 44 ing excerpts from the last audit that report :

45 (n) ~~I Letter of transmittal~~ Name and address of the auditor.

46 (o) ~~II Auditor's comments and suggestions for improving the financial~~
 47 administration.

48 (p) ~~III Comparative balance sheet.~~

49 ~~IV Statement that complete report is on file in town office.~~

50 (q) Comparative operating statement of available funds and expenditures.

51 (r) The complete report of the audit made as provided by section 145
 52 shall be deposited in the office of the selectmen. (s)

Comment:

a-b becomes NS 40. b-c becomes NS 40 I. c-d becomes NS 40 II. d-e becomes NS 40 III. e-f becomes NS 40 V. f-g becomes NS 40 II A. g-h becomes NS 40 VI. h-i, j-k, i-j, k-l become NS 40 VII. l-m becomes last paragraph of NS 40. m-n becomes NS 40 IV. n-o, o-p, p-q, q-r become NS 40 IV A-D, respectively.

- a-b. Municipal officers made responsible for publishing annual report since deleted portion of line 2 is indefinite.
- b-c. "Nor more than 8½ inches wide by 11 inches long." inserted to allow reports to be made up in the 8½ inches by 11 inches size which is popular today, or any other size between 6" X 9" and 8½" X 11".
- d-e. Restated.
- e-f. Note another instance where "may not" expresses the correct meaning as a condition precedent.
- f-g. Restated.
- g-h. Restated.
- m-n. This provision reallocated from line 49.
- n-o, o-p, & q-r. Revised adding q-r to give better financial picture of town to voter.
- r-s. Reallocated to NS 26 V.

1 **Sec. 84. Record of persons moving into and from towns and plan-**
 2 **tations. Towns and plantations may at any regular meeting, by a vote**
 3 **thereof, require their assessors of taxes to keep a record, with the date**

4 thereof as near as practicable, of all persons moving into and from their
 5 respective towns and plantations during each year, and on the 1st day of
 6 May make a return of the same to the clerk thereof, who shall record the
 7 same in a book to be kept for such purpose, and shall furnish copies of
 8 such records upon payment of a reasonable fee.

Comment:

Deleted. Unnecessary.

1 **Sec. 85. Notice of election of town treasurer.** When a town
 2 treasurer is ~~elected~~ chosen and qualified, the clerk shall ~~communicate~~
 3 send his name to the State Treasurer. ~~of state; and no city, town or~~
 4 ~~plantation shall receive any money from~~ The State Treasurer of state
 5 shall not send money to any municipality until the name of its treasurer
 6 has been ~~so communicated.~~ received by him.

Comment:

This becomes NS 46.

Lines 1-6. Restated for form and language.

1 **Sec. 85-A. Deductions from employees' salaries.** (a) ~~The treasurer~~
 2 ~~He of any municipality is authorized to~~ may make deductions ~~of any~~
 3 ~~nature from employees' salaries~~ the salary of a municipal employee (b)
 4 ~~on~~ gives him the written ~~authorization~~ authority to do so. (c) ~~of each~~
 5 ~~individual when the employee involved.~~ (d) ~~The treasurer is authorized~~
 6 ~~to~~ and pay (e) ~~over~~ to the proper payee, (f) the ~~amounts so~~ money
 7 deducted (g)

Comment:

a-b, d-e, f-g, e-f, c-d, b-c become NS 45 IV.

Lines 1-7. Restated for form.

Note:

Add to this section the following:

“The authority of the treasurer to make a deduction continues until it is revoked in writing by the employee, or until the reason for the deduction is known by the treasurer to no longer exist.”

This makes definite the period during which the treasurer has this authority.

1 **Sec. 86. By-laws and ordinances.** ~~Towns, cities and village corporations~~
 2 **A municipality may make by-laws or enact police power ordinances not**
 3 ~~inconsistent with law, and enforce them by suitable penalties for the~~
 4 ~~following purposes: and with the limitations following:~~

Comment:

This becomes NS 3.

Line 1. Reworded for uniformity of terms. Village corporations eliminated since their ordinance power should come from their charter to avoid conflict with town ordinances.

Lines 2-3. “Enact” used instead of “make.” “By-laws” eliminated since “ordinance” sufficient to cover all. “Police power” added to indicate type of ordinance as distinguished from administrative ordinances in NS 4. “Not inconsistent with law” eliminated since ordinance power must conform to state and federal constitutions, state law and test of “reasonableness” under case law.

Line 3. Penalty provision placed as next to last paragraph of NS 3.

Line 4. Deleted portion redundant. Ordinance power clearly limited by the language of this section as rewritten and the following subsections. After this section heading, the ordinances are separated into the following classifications: I. General.

II. Public ways and other public property. III. Vehicles.
IV. Buildings, structures, trailers, and equipment. V. Commercial.

1 ~~I. For managing their prudential affairs, with penalties of not more~~
2 ~~than \$5 for + offense, subject to the approval of the county commissioners~~
3 ~~or a judge of the superior court.~~

Comment:

Deleted. No one knows what it means. No case construing it. No need for it.
No known ordinances under it.

“The words ‘prudential affairs’ are certainly very indefinite and unsatisfactory, and it might be a very difficult matter in many cases to determine just what is or is not included within the meaning of the expression.

This term was taken from the Massachusetts statute where the same difficulty has been appreciated.” State v. Boardman 93 Me. 73.

Whatever “prudential affairs” means is considered to be included in the term “general welfare” in NS 3 I A.

1 ~~II. For establishing police regulations, for the prevention of crime,~~
2 ~~protection of property and preservation of good order, and to regulate~~
3 ~~the use and manner of the use of bicycles in the streets. Promoting the~~
4 ~~general welfare; . . . providing for the public safety.~~

Comment:

This becomes the first and last parts of NS 3 I A.

Lines 1-3. “Police regulations” deleted. This subsection is a general statement of police power. “Promoting the general welfare,” which includes “prudential affairs” taken from Sec. 86 I, is a general statement following the language of the Federal Constitution. Along with “providing for the public safety,”

it expresses a broad general power which includes "prevention of crime, protection of property, and preservation of good order."

Line 3. Deleted. All vehicles may be regulated under NS 3 II C.
Line 4. After "welfare;" insert "preventing disease and promoting health" taken from Sec. 86 III.

1 ~~III. Respecting . . . preventing infectious~~ diseases and promoting
2 health; . . .

Comment:

This becomes the middle part of NS 3 I A.
Restated.

1 ~~IV. For regulating the going at large of dogs.~~

Comment:

Deleted.

Originally passed in 1855 Ch. 149 as follows:

"Said cities and towns are also hereby authorized to make by-laws or ordinances to regulate the going at large of dogs, swine and cattle within their respective towns and cities, and establishing such fines, penalties, and restrictions as they may deem necessary and proper to enforce the same. Provided, however, that all by-laws and ordinances adopted by virtue of this act, shall not be inconsistent with the laws of this State."

This was many years before the State passed effective licensing and regulatory ordinances. Ch. 100 Secs. 9-28 are adequate today, except that this section could be revised to give towns power to require leashing, if thought desirable. Probably better to let the matter be taken care of in city charters as necessary.

1 V. Respecting the measure and sale of wood, bark and coal brought
2 to market, and teams coming therewith.

Comment:

Deleted. Size of measure now established. No longer any teams bringing these items to town market.

1 VI. ~~Providing establishing for the establishment of street crossings~~
2 ~~crosswalks and safety zones for pedestrians; and restricting or prohibiting~~
3 ~~regulating the crossing of streets by pedestrians traffic except within the~~
4 ~~limits of crossings or zones so established in the public ways.~~

Comment:

Restated. Provisions reallocated to last part of NS 3 II C.

1 VII. (a) ~~For~~ Setting off portions of ~~their streets~~ **its public ways** for
2 sidewalks and ~~for~~ regulating ~~the~~ their use; ~~thereof, and for~~ providing for
3 the removal of snow and ice from ~~such the~~ sidewalks ~~within the limits of~~
4 ~~highways and town ways to such extent as they deem expedient; the penalty~~
5 ~~for violation of such by laws shall apply to~~ by the owner, ~~or~~ occupant,
6 ~~of or agent having charge of the~~ abutting property; ~~or the agent~~
7 ~~having charge thereof, (b) and for planting and preserving trees by the side~~
8 ~~thereof, and (c) Providing for the proper protection and care maintenance~~
9 of public ways ~~parks and squares~~ **other public property.** (d) ~~within the~~
10 ~~same and all monuments, statutes and erections thereon.~~ (e)

Comment:

a-b becomes first part of NS 3 II C. c-d becomes NS 3 II A.

Line 1. "Public ways" substituted for "streets" for uniformity with rest of chapter and also because it is a broader term.

Line 4. Deleted. Unnecessary.

- Line 5. Deleted. Ordinance may apply to owner, occupant, or person in charge and thus penalty applies also.
- Lines 7-8. Provision for protecting trees, b-c, reallocated to NS 3 II B.
- Lines 8-9. Provision for the protection and care of public property reallocated to NS 3 II A.
- d-e. Deleted. Unnecessary. Covered by "public property."

1 **VIII.** (a) ~~Respecting~~ **Providing for** the location, and protection, maintenance,
 2 **and use of monuments, boundary stones, curbstones, steppingstones or horse**
 3 **blocks, trees, lampposts, posts and hydrants, the maintenance and operation**
 4 **of sidewalk tanks and pumps for the sale or distribution of petroleum**
 5 **products for fuel, power and lubrication, supporting posts for any awning,**
 6 **marquee or other temporary or permanent structure over the street or**
 7 **sidewalk, structures, and all other things placed within the limits of**
 8 **on, above, or beneath their roads, ways and streets, public ways and**
 9 **other public property. by municipal authority, and for legitimate**
 10 **municipal purposes; (b) and no such objects placed as aforesaid Trees,**
 11 **structures, and other things if located which exist in accordance with**
 12 **such by laws and municipal ordinances shall be deemed are not defects**
 13 **in such road a public way. or street (c)**

Comment:

- a-b becomes NS 3 II B. b-c becomes NS 3 II B (1).
- Lines 1-2. "Respecting" changed to "providing for" for clarity.
 "Maintenance and use" added to cover "maintenance and operation" in line 3 to allow the regulation of maintenance and use of all objects from which the public might require protection.
- Lines 4-6. Deleted. Covered by "trees, structures and other things."

Line 8. "On, above, and beneath" used to clarify "within the limits."
 "Roads, ways and streets" broadened to "public ways, and other public property" to include the power to regulate things on all public property. Taken from line 9 of Sec. 86 VII.

b-c. Reworded to require more than correct location to be the test for a defect. That is, the structure might be correctly located and still be a defect because of poor condition.

1 **IX.** (a) ~~Relating to Regulating~~ the design, ~~materials of~~ construction
 2 **materials, and** construction (b) **regulating the** alteration, demolition,
 3 maintenance, repair, use, ~~and~~ change of use, (c) of all buildings; ~~and~~
 4 ~~structures or parts thereof;~~ (d) ~~the provision of features for the safety~~
 5 ~~features, of occupants of existing buildings;~~ (e) ~~the provision for the~~
 6 ~~installation of insulating materials, with authority to establish standards~~
 7 ~~of materials used, and to govern the flameproof and fireproof qualities of~~
 8 ~~the same;~~ (f) ~~the provision of light, ventilation, and toilet sanitation~~
 9 facilities (g) ~~in~~ of new buildings and ~~in connection with~~ additions to and
 10 alterations of ~~and additions to~~ existing buildings; (h) **regulating** the
 11 installation, alteration, maintenance, repair, and use of all equipment in
 12 or ~~on or in~~ connection with ~~connected to~~ all buildings; ~~or structures~~
 13 (i) ~~and relating~~ **regulating to** camps ~~or sanitation~~ and parking facilities
 14 for trailers; (j) ~~or house trailers and sanitary regulations pertaining to~~
 15 ~~such camps or parking facilities,~~ (k) ~~including license taxes of said camps~~
 16 ~~or parking facilities;~~ (l) **Ordinances** defining the duties of the ~~inspector~~
 17 ~~of buildings inspector~~ and other ~~city, town and village enforcement~~ officers,
 18 ~~and defining particularly such duties and the rules and regulations by which~~
 19 ~~they shall be governed~~ not ~~inconsistent with~~ contrary to the provisions
 20 sections 10-20 of chapter 97 may be enacted. (m) ~~and issuance of~~ requiring
 21 permits ~~or licenses in connection with~~ and establishing reasonable permit

22 fees for all of the above operations. (n) ~~all~~ The purpose of this sub-
23 section is to promote the health, safety, and general welfare of the public
24 and of the occupants and users of such buildings ~~or~~ and other structures, and
25 of the public, (o) and for protection against catching and spreading of fires
26 and prevention of accidents; (p) and Any building, ~~or~~ structure, ~~or part~~
27 thereof constructed, altered, maintained, repaired ~~or~~ used, and any
28 trailer parking facility, or equipment therein, thereon ~~or~~ in connection
29 therewith installed, altered, maintained, repaired ~~or~~ used existing con-
30 trary to in violation of an a by-law ~~or~~ ordinance adopted under authorized
31 by this authorization subsection is a nuisance;. (q) provided it shall be
32 the duty of the inspector of buildings to withhold permit for any of the
33 above operations in violation of any by law ~~or~~ ordinance enacted hereunder,
34 and (r) An appeal shall lie may be taken from the decision of any order
35 issued by the ~~inspector of buildings~~ inspector, or from his refusal to
36 grant a permit, to the municipal officers and from ~~said~~ the municipal
37 officers to the Superior Court. (s) according to the provisions of section
38 ~~34 of chapter 96; and provided further, that said~~ (t) On an appeal in
39 writing to the municipal officers, they shall at their next meeting have
40 the power to hear and determine appeals affirm, modify, or set aside
41 from the ~~refusal~~ decision of such permits the building inspector according
42 to the terms of the pertinent ordinance, and to They may permit a exceptions
43 to ~~or~~ variations from the terms of such by law ~~or~~ an ordinance in the class
44 of cases ~~or~~ situations where necessary to avoid confiscation, and in accordance
45 provided there is with the principles, conditions and procedure no substantial
46 departure from the intent specified in such of the by laws ~~or~~ ordinance. (u)

Comment:

a-b, g-h, b-c, d-e, f-g, c-d, i-j, h-i, m-n become NS 3 IV A. l-m becomes

NS 3 IV C (3). n-o becomes NS 3 IV E. p-q becomes NS 3 IV E (1). r-s becomes NS 3 IV C (5). t-u becomes the first part of NS 3 IV C (5) a.

- a-b. "Relating to" changed to "Regulating" for clarity.
- g-h. Design, construction materials, and construction of **new** buildings or **changes** in existing buildings **only** may be regulated. Other types of regulation should refer to existing buildings.
- b-c. No change.
- d-e. Shortened to "safety features."
- e-f. Deleted. Covered by "safety features."
- f-g. Power to regulate "light, etc." extended to **all** buildings to conform to "safety features" already allowed by statute to be regulated in **all** buildings.
- c-d. Shortened to "buildings" for convenience. Structures and parts thereof are covered in NS 3 IV C (1).
- i-j. "Parking facilities" covers trailer camps.
- j-k. Deleted. "Sanitary regulations" covered in i-j as restated.
- h-i. Restated.
- k-l. Deleted. Permit provisions included in m-n as restated.
- m-n. Restated.
- l-m. Restated.
- n-o. Restated.
- o-p. Deleted. Covered by n-o.
- p-q. Restated more simply.
- q-r. Deleted. Unnecessary.
- r-s. Restated to outline the types of decision made by the building inspector from which an appeal may be taken.

- s-t. Deleted. New simplified appeal procedure written to conform with that used in Ch. 91-A Sec. 51 et seq. on Taxation, for uniformity and workability.
- t-u. Redrafted to outline the time when the appeal shall be considered and the manner in which it may be decided. See complete appeal procedure in NS 3 IV C (5).

Note:

After line 46, insert the following as the balance of NS 3 IV C (5) a :

“They may permit an exception to an ordinance only when the terms of the exception have been specifically set forth by the municipality. The failure of the municipal officers to issue a written notice of their decision, directed to the appellant, within 30 days from the date of filing of the appeal constitutes a denial of the appeal.”

The granting of an **exception** is a very serious thing, since it might be used to inflict irreparable damage to the intent of the ordinance. For this reason, the exception is restricted to those cases meeting specific requirements set forth by the municipality. The provision requiring notice of the decision is added to eliminate the delay and injustice to the appellant caused by failure of the municipal officers to act.

After the above insertion, add NS 3 IV C (5) b as follows :

“b. The appeal to the Superior Court shall be entered at the term first occurring in the county not less than 30 days after the order or decision from which the appeal is taken. Notice of the appeal shall be ordered by the Court in term time or by a justice in vacation, and the appeal shall be tried and determined by the Court without a jury in the manner and with the rights provided by law in other civil cases so heard. The appeal shall be tried at the term to which the notice is returnable unless other-

wise ordered by the Court. Costs may be awarded to the prevailing party by the Court as justice requires.”

This is part of the appeal procedure written to conform with that used in Ch. 91A Sec. 51 et seq. on Taxation.

1 ~~X. (a) For the regulation~~ **Regulating the operation** of all vehicles ~~used therein;~~
2 **in the public ways. (b) and Regulating, or establishing a licensing authority**
3 **which may regulate, the rates of fare, routes, and places of standing places**
4 ~~and by requiring proof of financial responsibility of owners or operators of~~
5 ~~vehicles for hire, except those under the where jurisdiction rests with of~~
6 ~~the Public Utilities Commission; which proof shall be requiring an owner~~
7 ~~or operator of a vehicle for hire to carry a liability insurance policy in~~
8 ~~such amounts and form as shall be satisfactory to the licensing authorities~~
9 ~~authority of the town, city or village corporation as a condition precedent~~
10 ~~to the granting of a licenses to operate. such vehicles, and in any other~~
11 ~~respect; (c) but by laws and ordinances for this purpose shall be published 1~~
12 ~~week at least before they take effect, in some newspaper printed therein, or~~
13 ~~if there is no newspaper printed therein, such by laws and ordinances shall~~
14 ~~be posted at least 1 week before they take effect, in 2 public and conspicuous~~
15 ~~places therein, and published once in some newspaper printed in the county~~
16 ~~in which said town is situated; and penalties for their breach shall not~~
17 ~~exceed \$20 for 1 offense, to be recovered by complaint to the use of such~~
18 ~~city, town or corporation. (d)~~

Comment:

a-b becomes NS 3 III A. b-c becomes NS 3 III B.

Lines 1-10. Restated for clarity and form. “Establishing a licensing authority” added in line 2 to make clear the power to fix rates of fare,

routes, and standing places may be delegated if the legislative body wishes to do so.

- c-d. Publication and posting requirements deleted as being useless. City ordinances get good news coverage. Town ordinances get news coverage and notoriety at town meeting. No valid reason for requiring posting of these as opposed to other ordinances of equal importance.

1 **XI. (a) ~~For protection~~ Protecting of persons and property against from**
 2 **injury by requiring building owners or lessees to install roof guards to**
 3 **prevent from the sliding fall of snow and ice from the roofs of their**
 4 **buildings, but (b) The municipal authorities officers shall notify send**
 5 **a written notice to the owners or lessee of the buildings of who fails**
 6 **to comply with an by laws or ordinances adopted under authorized by**
 7 **this specification, paragraph, and (c) If such the owners or lessee does not**
 8 **comply with them install effective roof guards in within 30 14 days**
 9 **after notice is sent, they he shall be is liable for all injury sustained**
 10 **caused by any person in consequence thereof, his failure to do so, and**
 11 **said authorities, at the expense of their cities, towns or corporations,**
 12 **(d) After the expiration of the 14-day period, the municipal officers**
 13 **may place have the required proper roof guards installed at the expense**
 14 **of the municipality, or other obstructions on the roofs of such build-**
 15 **ings, and the reasonable charges therefor for which may be recovered of**
 16 **such from the owners or lessee by special assessment as provided by**
 17 **section 23 of chapter 97. (e)**

Comment:

a-b becomes NS 3 IV D. b-c becomes NS 3 IV D (1). c-d becomes NS 3 IV D (2).
 d-e becomes NS 3 IV D (3).

- Line 1. "Property" added for broader coverage.
- Line 5. "Written notice" specified for clarity and to allow proof of exact notice given to be easily made.
- Line 8. "14 days" substituted for "30 days" which is too long a period to be effective.
- Lines 16-17. Special assessment provision added to make method of collection positive and workable.

1 ~~XII. Providing for the election of a board of assessors and selectmen~~
 2 ~~to serve for the term of 3 years, a member of such board being elected~~
 3 ~~annually in the manner now prescribed for the election of members of the~~
 4 ~~superintending school committee in towns when the board of assessors or~~
 5 ~~selectmen consists of not more than 3 members.~~

Comment:

Deleted. Covered by NS 36 IV A.

1 ~~XIII. Establishing localities for, and regulating the sale of fresh~~
 2 ~~meat and fish therein, and fixing penalties for breach thereof; provided~~
 3 ~~that this subsection shall only apply to cities.~~

Comment:

Deleted.

Locality may be governed by Ch. 141 Sec. 6-7 if the trade becomes unwholesome, and by zoning ordinances.

"Regulating the sale" broad statement. Inspection ordinances can be passed under NS 3 I . . . "preventing disease and promoting health." Terms of sale not within municipal power to regulate.

No reason if there is a need for this section to restrict it to cities: e.g.

Hallowell 3,500 population, Brunswick 18,000 population. If this power is needed for cities, it should be in their charters.

Passed in 1862, 81 years before strict inspection laws were passed. (See P. L. 1943, Ch. 351.)

1 **XIV.** (a) ~~Establishing and adopting by laws and ordinances~~ Regulating
 2 the purchase and sale of articles ~~usually bought by dealers in old~~
 3 ~~junk and secondhand articles dealers;~~ (b) **Regulating the purchase and**
 4 **sale of junk;** (c) ~~and~~ regulating the pawning of articles with pawnbrokers;
 5 (d) ~~and~~ prescribing conditions to be observed by buyers and sellers,
 6 pawners and pawnbrokers, to prevent or detect the ~~sale or purchase or~~
 7 ~~sale of stolen goods;~~ **property.** (e) ~~and prescribing suitable penalties~~
 8 ~~in such by laws and ordinances; provided that this subsection shall only~~
 9 ~~apply to cities and towns of more than 1,000 inhabitants.~~ (f)

Comment:

a-b, c-d, d-e become NS 3 V A. b-c becomes the first part of NS 3 V B.

a-b. Restated more simply.

c-d. No change.

d-e. "Goods" changed to "property" in line 7. More widely used term.
 Provisions for regulating the purchase and sale of junk inserted
 in NS 3 V B to put junk regulations in one place.

e-f. Restriction to cities and towns having more than 1,000 inhabitants
 deleted on the theory that such ordinances will not be enacted
 where not needed. Penalty provision reallocated to next to last
 paragraph of NS 3.

1 **XV.** (a) ~~For~~ **Regulating and controlling** the business of hawking and
 2 peddling of ~~goods, wares and~~ merchandise at retail. (b) ~~within their~~
 3 ~~limits, for the issuing by their municipal officers of municipal licenses~~

4 ~~and the imposing of license fees therefor.~~ (c)
 5 This subsection paragraph shall does not apply to commercial agents
 6 ~~or other persons selling merchandise by sample, lists, or catalogues or~~
 7 ~~otherwise, goods, wares or merchandise for future delivery; to persons~~
 8 ~~selling fish, or to persons selling farm, dairy, or orchard, fish, and~~
 9 ~~forest products of their own production; and to persons selling bark,~~
 10 ~~wood or forest products, and to persons selling newspapers or and reli-~~
 11 ~~gious literature.~~ (d)

Comment:

a-b becomes NS 3 V C. c-d becomes NS 3 V C (1).

a-b. Restated.

b-c. Deleted. License provisions in NS 3 V E.

c-d. Restated.

1 ~~XVI. For the licensing and conducting~~ **Regulating the operation** of dance
 2 ~~halls, and to provide suitable penalties for violations thereof.~~

Comment:

This becomes NS 3 V D.

Line 1. Restated for uniformity. License provisions in NS 3 V E.

Line 2. Deleted. Penalty provisions at end of Sec. 3.

Note:

After NS 3 V D insert as NS 3 V E the following :

“Ordinances authorized by this subsection may require the person regulated by them to obtain a license for which a reasonable fee may be imposed.”

Section 86 subsections XIV, XV, XVI, and XXI all have license requirements. These were stated in NS V E which pertains to all of them.

After NS 3 V E insert the following paragraphs:

“The municipality shall provide a penalty of not more than \$100 plus costs for the violation of any ordinance authorized by this section. All fines shall be recovered on complaint to the use of the municipality. “The municipal officers are the licensing authority of a municipality, unless otherwise provided by its legislative body or by statute.”

These paragraphs provide a uniform penalty section and licensing authority.

1 **XVII.** (a) ~~For the purposes of~~ Establishing and maintaining a general
 2 system of contributory pensions ~~and retirements~~ for the benefit of ~~their~~
 3 ~~officers its officials agents, servants~~ and employees with necessary
 4 classifications and terms of admission; establishing a boards to administer
 5 ~~such the systems; and providing for complete or partial contributing~~
 6 ~~contribution by the municipality.~~ (b) ~~funds toward the maintenance of~~
 7 ~~such systems and appropriating and raising moneys therefor; provided that~~
 8 (c) Moneys appropriated by any ~~city or town~~ municipality for the operation
 9 of ~~such a pension or retirement~~ system together with ~~any~~ moneys contri-
 10 buted by any person eligible to participate in ~~such the~~ system shall be
 11 administered by ~~the a~~ board created for ~~such that~~ purpose and shall be
 12 kept in a separate fund to be invested and disbursed by ~~said the~~ board. (d)
 13 ~~and provided that cities and towns~~ **A municipality** which establishes such
 14 a systems in accordance with the provisions of this subsection may con-
 15 tract with any insurance company licensed to do business in the State for
 16 the payment of ~~said pensions or retirement~~ benefits. (e) ~~and provided~~
 17 ~~that~~ Any **pension** funds held by a ~~city or town~~ municipality or by a board
 18 established ~~thereby by it shall be~~ **are** exempt from attachment or trustee
 19 process. (f)

Comment:

a-b becomes NS 4 I. c-d becomes NS 4 I A. d-e becomes NS 4 I B. e-f becomes NS 4 I C.

- Line 2. "Retirements" deleted since "pensions" includes payment for services or in compensation. See Black's Law Dictionary, 3rd edition.
- Line 3. "Officers, agents, servants and employees" included in terms "officials and employees."
- Line 5. Makes it clear that contribution by municipality may be total or partial.
- Line 7. Power to raise money in NS 12 I B.
- Line 8. "Municipality" substituted for "city or town" for uniformity.
- Lines 8-19. Reworded for clarity.

Note:

Insert as NS 4:

"A municipality may enact administrative ordinances for the following purposes:"

Note that Sec. 86 is split into two major groups: those exercising police power are in NS 3; those exercising administrative power are in this section, since they require no penalty provisions.

1 ~~XVIII. For promoting the safety and general welfare of the public and of~~
2 ~~the occupants and users of certain existing buildings and parts thereof:~~
3 ~~To~~ (a) Establishing adequate standards for all features of means of
4 egress, fire protection, fire prevention, accident prevention, and structural
5 safety ~~in, on and in connection with of existing buildings or parts thereof~~
6 ~~in which are used habitually or occasionally or regularly for public~~
7 ~~assemblage assembly; (b) including parts of buildings used for other~~

8 occupancies but affecting the parts used for public assemblage as to said
9 features of public safety. (c)

10 ~~To make mandatory compelling the owners to make alterations and improve-~~
11 ~~ments to bring such existing buildings or parts thereof up to said the~~
12 ~~established standards; (d) of safety where such buildings or parts thereof~~
13 ~~are or are to be rented out for use, or used either habitually or occasionally~~
14 ~~for public assemblage with intent of financial gain to an individual, partner-~~
15 ~~ship or corporation; (e) to provide that owners of buildings used in any~~
16 ~~parts thereof for public assemblage where financial gain to an individual,~~
17 ~~partnership or corporation is not involved, or the lessee of any such parts,~~
18 ~~or both parties, may be advised by way of warning in writing, as to said~~
19 ~~features of public safety in connection with such place of public assemblage~~
20 ~~which appear dangerously deficient in comparison with said standards of safety.~~

21 (f) ~~To license all parts requiring the owner or lessee of a buildings used~~
22 ~~or to be used for public assemblage assembly thus which is regulated as to~~
23 ~~safety by by law or an ordinance authorized hereunder by this paragraph~~
24 ~~and where buildings or parts thereof are or are to be rented operated~~
25 ~~out for use, or used either habitually or occasionally for public~~
26 ~~assemblage with intent of financial gain to an individual, partnership~~
27 ~~or corporation; and to assign and collect to obtain a permit for which a~~
28 ~~fees may be imposed for said licenses commensurate with the its size~~
29 ~~or capacity; or other rational feature of the establishment as related~~
30 ~~to safety. (g)~~

31 ~~To make provision for enforcement of such by law or ordinance, includ-~~
32 ~~ing requirements requiring that the owner or tenant lessee of such a~~
33 ~~licensed establishment building shall to file a plans of such establish-~~
34 ~~ment it adequate to showing all of said safety features failure to furnish~~
35 ~~such adequate plans to be sufficient cause as a condition precedent for~~

36 ~~denying or revoking to the issue of such a license; permit or the further~~
 37 ~~use of one already issued. (h) provided that~~ All enforcement officers
 38 ~~designated in said by ordinance shall be given free access at all reason-~~
 39 ~~able hours to all parts of buildings used in any parts thereof for public~~
 40 ~~assemblage; regulated by ordinance. (i) that any buildings or parts thereof~~
 41 ~~used in violation of or without a license required by said by law or~~
 42 ~~ordinance is a nuisance; (j) that appeal from any order issued under said~~
 43 ~~ordinance shall lie to the municipal officers and from said municipal~~
 44 ~~officers to the superior court according to the same procedure provided~~
 45 ~~elsewhere by statute; (k) that any person, firm or corporation, being~~
 46 ~~the owner, agent in principal charge of, or tenant of any part of such~~
 47 ~~building used for public assemblage as controlled by said by law or~~
 48 ~~ordinance, who shall violate any terms thereof, or refuse to obey any~~
 49 ~~order issued thereunder, shall be guilty of a misdemeanor under the~~
 50 ~~jurisdiction of the municipal court. (l)~~

51 "Place of Building used for public assemblage assembly" as used in
 52 this subsection shall mean a room or space in or on any structure which
 53 is used for the congregating or gathering of 100 or more persons for
 54 religious, recreational, educational, political, social or amusement any
 55 purposes, or for the consumption of food or drink, except as herein other-
 56 wise specifically provided. For the purpose of this definition, such
 57 room or space shall include any occupied connecting room or space
 58 in on the same story or stories level, above, or below, where entrance
 59 is which has a common entrance. to the rooms or spaces (m)

Comment:

Lines 3-37 become NS 3 IV B. h-i becomes last part of NS 3 IV C (3). l-m becomes NS 3 IV B (3).

Lines 1-2. Deleted. Provisions reallocated to NS 3 IV E.

- a-b. Restated more simply.
- b-c. Deleted. Unnecessary. Any part which affects the safety of the building is automatically included.
- c-d. Restated. "Improvement" adequately covers necessary changes.
- d-e. Deleted. Purpose should be **to promote public safety** regardless of financial gain of owner.
- e-f. Deleted. Unnecessary. For practical purposes, owner universally warned well in advance. If warning provision specified in ordinance, danger that guilty owner may escape liability if not formally warned.
- f-g. Restated more simply.
- g-h. Restated more simply.
- h-i. Restated.
- i-j. Restated and reallocated to NS 3 IV E (1).
- j-k. Restated and reallocated to NS 3 IV C (5).
- k-l. Deleted. Penalty provision in next to last paragraph of NS 3.
- l-m. Definition simplified by omitting the specific purposes for which a group may gather and substituting "any purpose." The paramount issue is **safety of the public** regardless of the purpose for which it may gather. Definition also made more specific by the words "in or on any structure," since this particular section of the statute is pointed at the prevention of injury from defective or poorly designed structures.

Note:

After "issued" in line 37, insert the following as NS 3 IV B (1) :

"The building inspector shall send a written order to the owner or lessee of a building used for public assembly requiring any conditions which exist

in violation of an ordinance to be corrected within 30 days after the order is sent.”

Followed by (2) :

“After the expiration of the 30-day period, the owner or lessee is liable for all injury caused by his failure to do so, and the building inspector shall order the building vacated.”

These two provisions are adapted from Sec. 86 XI re roof guards to prevent injury from falling snow and ice. They are added to make ordinances authorized by this paragraph enforceable.

After “ordinance” in line 40, insert the following as NS 3 IV C (4) :

“An application for a permit shall be in writing and shall be signed by the applicant and directed to the building inspector. The failure of the building inspector to issue a written notice of his decision, directed to the applicant, within 30 days from the date of filing of the application constitutes a refusal of the permit.”

This provision is added to eliminate the delay and injustice caused by failure of the building inspector to act.

After “entrance” in line 59, insert the following as NS 3 IV C :

“The following provisions apply to paragraphs A. and B. of this subsection :

(1) The provisions pertaining to buildings apply equally to all structures and parts of them.

(2) The building inspector is the licensing authority unless otherwise provided by the municipality.”

Subparagraph (1) is added to indicate the application of laws pertaining to buildings and to eliminate the necessity for using the words “building, structure,

or part thereof” everytime the word “building” is used. Subparagraph (2) is added for uniformity of control, though municipality may provide otherwise where desirable.

1 **XIX.** (a) ~~For a system of rules~~ Establishing regulations for the appoint-
 2 ment, ~~service~~ training, ~~service~~, promotion, demotion, layoff, ~~reinstatement~~
 3 ~~ment~~ suspension, ~~reinstatement~~, and removal of the members of the police
 4 and fire departments, and ~~for establishing~~ a civil service commission to
 5 administer ~~the same~~ these regulations. (b) Chiefs of ~~the fire depart-~~
 6 ~~ments~~ and police departments may be made subject to such ~~rules~~ regulations
 7 ~~if the municipality so votes but only~~ as are other members of ~~such their~~
 8 departments. (c) ~~Nothing herein contained shall be construed to prevent~~
 9 ~~the removal of chiefs of police and fire departments in accordance with~~
 10 ~~the terms of their appointment and in addition to other causes herein~~
 11 ~~stated.~~ (d)

Comment:

a-b becomes NS 4 II. b-c becomes NS 4 II A.

Lines 1-8. Restated more simply.

c-d. Deleted as being unnecessary. Power to establish regulations
 allows terms of appointment and removal of chiefs to be specified.

1 **XX.** ~~For establishing a service charge from time to time upon improved~~
 2 ~~lots of land, with buildings thereon, connected with a municipal sewer~~
 3 ~~system or disposal plant, and against the owner thereof, for the actual~~
 4 ~~use of said system or plant, and said charge shall be no more than the~~
 5 ~~proportionate expense of operating and maintaining said system or plant,~~
 6 ~~and shall be applied thereto.~~

Comment:

Deleted from this chapter. Restated more simply and reallocated to Ch. 96 as Sec. 130-A. See enacting Sec. 18 of this bill. (L. D. 437)

1 ~~XXI. (a) To entertain applications for regulating the establishment~~
 2 ~~and operation of any type of junk yards. (b) give notice thereof, hold~~
 3 ~~hearings thereon, issue licenses or permits therefor, subject to such~~
 4 ~~reasonable restrictions, conditions and limitations as may seem desir-~~
 5 ~~able; to fix the cost and fees that shall be paid by applicants for~~
 6 ~~notice, hearing and license; to provide suitable penalties for viola-~~
 7 ~~tions; and (c) With respect to all other types of junk yard, the fees,~~
 8 ~~cities, towns and village corporations municipalities 139, 141, and 143~~
 9 ~~of chapter 100 shall be permissible and shall be deemed are reasonable. (d)~~

Comment:

a-b becomes last part of NS 3 V B. c-e becomes NS 3 V B (2).

a-b. Restated.

b-c. Deleted. License provisions in NS 3 V E. Penalty provision in next to last paragraph of NS 3.

c-d. Municipal ordinances regulating automobile junk yards governed by Ch. 100 Secs. 138-144. Ordinances regulating other types of junk yard may include the fees, charges, and penalties provided for automobile junk yards.

Note:

After "yard." in line 2 insert as NS 3 V B (1) :

"With respect to automobile junk yards, the provisions of sections 138-144 of chapter 100 apply to any ordinance authorized by this paragraph."

This is inserted to retain the statutory provisions in municipal law regulating automobile junk yards.

1 **XXII.** (a) Authorizing ~~their respective~~ **its municipal or incorporated**
 2 **volunteer fire departments to go to aid another city, town or village**
 3 **corporation within or without this state in extinguishing fires of other**
 4 **municipalities therein; within or outside the State.** (b) ~~and while in the~~
 5 ~~performance of their duties in extending such aid,~~ (c) Members of
 6 such departments shall have the same ~~immunities and privileges and~~
 7 ~~immunities as if performing the same acting within their respective own~~
 8 ~~cities, towns and village corporations municipalities.~~ (d) ~~The words~~
 9 ~~“fire departments” shall mean lawfully organized fire fighting forces,~~
 10 ~~however constituted.~~ (e)

11 Any such city, town or village corporation municipality so aided
 12 hereunder may compensate ~~any city, town or village corporation rendering~~
 13 ~~such aid the aiding municipality, or incorporated volunteer fire department, for~~
 14 ~~the whole or any part of any damage to its property sustained in the~~
 15 ~~course of rendering such aid and may reimburse it in whole or in part for~~
 16 ~~any payments lawfully made to any member of its fire department or to his~~
 17 ~~widow or other dependents on account of injuries or death suffered by~~
 18 ~~him sustained in the course of rendering such aid, or of death resulting~~
 19 ~~from such injuries~~ (f)

Comment:

a-b becomes NS 4 III. c-d becomes NS 4 III A. e-f becomes NS 4 III B.

a-b. “Municipal or incorporated volunteer fire department” spelled out to eliminate need for definition in d-e.

Lines 4 & 11. “Municipality” used for uniformity.

- Line 14. Power to compensate for the whole includes power to compensate for part.
- Line 16. "Lawfully" redundant. Statutes are predicated upon legality without so stating.
- Line 17. "Injuries or death" includes injury, death, or injury followed by death with regard to payments for which reimbursement may be made. Thus deleted portion of lines 18-19 is unnecessary.

1 **Sec. 87. Parking meters and charges; use of revenue.** (a) ~~The legislative~~
 2 ~~body of any city and the inhabitants of any town may install~~ **Providing**
 3 **for the installation, maintenance, and policing of** parking meters on any
 4 ~~street~~ public way or **public** parking area; ~~and~~ establishing reasonable
 5 charges for **metered** parking. ~~to be paid through such meters~~ (b)
 6 The revenue ~~from the use of such~~ **collected from parking** meters shall
 7 ~~be expended~~ **used** to ~~finance the purchase, maintenance~~ **maintain,** and
 8 ~~policing~~ **police** of ~~such~~ the meters; ~~or~~ to **construct and** maintain ~~and~~
 9 ~~improve streets and highways, or public ways;~~ to acquire, construct,
 10 ~~improve~~ maintain, and ~~manage~~ **operate** public parking areas; ~~or for any~~
 11 ~~combination of the foregoing purposes, but and for no other purpose.~~
 12 ~~not expressly authorized herein~~ (c)
 13 **The provisions of this section shall apply to parking meters already**
 14 ~~installed and to those which may be installed hereafter.~~ (d)

Comment:

a-b becomes NS 3 II D. b-c becomes NS 3 II D (1).

Lines 1-12. Reworded for clarity and form.

c-d. Deleted. Unnecessary.

1 **Sec. 88. Grant of power.** (a) ~~Any municipality city or town is~~
 2 ~~empowered may~~ **to** revise, codify, and ~~compile~~ **publish** from time to time

3 ~~and to publish~~ in book or pamphlet form all ~~or part of its~~ ordinances
 4 (b) . . . (c) ~~of such city or town of a general and permanent character~~
 5 ~~and to make such changes, alterations, modifications, additions and~~
 6 ~~substitutions therein as it may deem best to the end that~~ (d) ~~for the~~
 7 ~~purpose of producing~~ a complete, simplified accurate code of such the
 8 ordinances ~~then~~ in force. (e) ~~shall be presented, but with errors,~~
 9 ~~inconsistencies, repetitions and ambiguities therein eliminated.~~ (f)

Comment:

a-b, b-c, d-e become NS 5. b-c comes from Sec. 89. See "Note" below.

a-b. Restated.

Line 3. "Or part of its" added to allow revision and codification of a segment of ordinances.

c-d. Deleted. The gist of these lines is contained in the word "accurate" in line 7.

e-f. Deleted. See "accurate" in line 7.

Note:

After (b) in line 4 add:

. . . "arranged in appropriate classifications excluding the titles, signatures, and other formal parts of the enacting legislation" . . . from Sec. 89.

1 ~~Sec. 89. Arrangement of ordinances. The ordinances in such revision,~~
 2 ~~codification and compilation shall be arranged in appropriate chapters,~~
 3 ~~articles and sections classifications~~ excluding the titles, ~~enacting~~
 4 ~~clauses~~ signatures, ~~attestations~~ and other formal parts of the enacting
 5 legislation.

Comment:

Restated and included as b-c in line 4 of redraft of Sec. 88.

1 **Sec. 90. Repeal of conflicting provisions; title.** (a) ~~Such revision~~
 2 ~~The revised code shall be enacted by one ordinance (b) embracing~~
 3 ~~all ordinances of a general and permanent character preserved as changed~~
 4 ~~or added to and perfected by such revision, codification and compilation~~
 5 ~~and (c) The revised code shall be is a repeal of all ordinances in con-~~
 6 ~~flict with such revision, codification and compilation it, but all~~
 7 ~~ordinances then in force prior to its adoption shall continue in force~~
 8 ~~after such revision, codification and compilation thereafter for the sole~~
 9 ~~purpose of preserving of all vested rights acquired fines, penalties and~~
 10 ~~forfeitures and liabilities incurred and actions therefor under the for-~~
 11 ~~mer provisions. (d) The only title entitled, necessary for such ordinance~~
 12 ~~shall be "An ordinance for revising to revise and codifying and compiling~~
 13 ~~the general ordinances of the City (or Town) of . . ." (e)~~

Comment:

a-b, d-e become NS 5 I. c-d becomes NS 5 II.

a-b. Restated for clarification.

d-e. Restated as last part of a-b.

b-c. Deleted since municipality under NS 5 may revise and codify
 part of its ordinances.

c-d. Restated more simply and clearly.

1 **Sec. 91. Publication in book or pamphlet form.** ~~Such ordinances~~
 2 ~~when so revised, codified, compiled and published in book or pamphlet~~
 3 ~~form by authority of the city or town need not be printed or published~~
 4 ~~in any other manner.~~

Comment:

This section deleted. Adequately covered by Sec. 92 as far as admissibility is concerned. Posting or publication formerly required of certain ordinances no longer necessary.

1 **Sec. 92. Effect of code.** ~~Said code~~ When adopted, the revised code
2 ~~shall have the force and effect of an ordinance regularly enacted with~~
3 ~~the usual prerequisites of becomes law; and shall be admitted is admissible~~
4 ~~in evidence all courts~~ without further proof and shall be as prima facie
5 ~~evidence in all courts of the its existence and regularity of the enact-~~
6 ~~ments of the particular ordinance and of said code validity.~~

Comment:

This becomes NS 5 III.
Lines 1-6. Restated for clarity and uniformity.

Note:

After this section add as NS 5 III A.
“The revision of any ordinance may be adopted only in the manner provided for the original enactment of the ordinance.”

The purpose of this new paragraph is to eliminate any possibility of enacting revised ordinances by a less stringent method than that required for enacting the ordinance itself at this time.

1 **Sec. 93. Planning and zoning powers of municipalities.** (a) ~~The~~
2 ~~legislative body of any city and the inhabitants of any town~~ A municipi-
3 ~~ality may provide for establish a planning board. for the preparation~~
4 ~~by it of coordinated plans for the development of such municipality and~~
5 ~~for their enforcement~~ (b) Appointments to the board shall be made by
6 ~~the municipal officers. (c) For this purpose they may, in such measure~~

7 as is deemed reasonably necessary in the interest of health, safety or
8 the general welfare. The zoning ordinance may regulate and restrict the
9 following: Location and use of buildings, structures and land real estate
10 for trade, industry industrial, commercial, residence residential, or
11 and other purposes; the Construction, height, number of stories, area,
12 and bulk and construction of buildings and other all structures; the
13 Size and width of lots and of yards and other open spaces thereon; of
14 real estate, the density of Population; density, the Setback of buildings
15 structures along streets, parks ways or public waters; property. (d)
16 the subdivision and development of land; and the erection of buildings
17 within the lines of streets, ways or parks shown on an official map or
18 not abutting on approved streets. (e) For the purpose of any such regula-
19 tion they A municipality which has a planning board may adopt enact a
20 zoning plan ordinance dividing the municipality it into zones of such
21 number, shape and extent, and may establish an official map or maps and
22 development plans of the whole or any portion of the area of such munici-
23 pality, as may be deemed best suited to carry out the purpose of this
24 section consistent with the proper development of the municipality. (f)
25 Such regulations may include requirements as to the extent to which and the
26 manner in which streets shall be improved and drainage and utilities
27 shall be installed or assured as a condition precedent to the approval
28 of a plat or subdivision. (g) No A zoning regulation ordinance or
29 amendment thereof shall may be adopted enacted until only after a public
30 hearing has been held thereon by the municipal officers for its considera-
31 tion at least 10 days before it is submitted to the nor except by a 2/3
32 vote in a city of its legislative body. or in a town of a town meeting (h)

33 All such regulations A zoning ordinance shall be worked out drafted
34 as an integral parts of a comprehensive plan for the municipal develop-

35 ment, and promotion of the health, safety, and general welfare of the
 36 residents of such the municipality. (i) ~~and shall be designated~~ Among other
 37 things, it shall be designed to encourage the most appropriate use of land
 38 throughout the municipality; to ~~lessen~~ **promote** traffic accidents and con-
 39 ~~gestion; safety; to secure~~ **provide** safety from fire and other dangers;
 40 ~~elements; to provide adequate light and air; to prevent overcrowding of land~~
 41 ~~and population; real estate; to promote a wholesome and agreeable home~~
 42 ~~environment; to prevent the housing development of in unsanitary areas;~~
 43 ~~for housing purposes; to secure a well articulated~~ **provide** and adequate
 44 street system; to promote ~~a~~ **the** coordinated development of the unbuilt
 45 areas; to encourage the formation of ~~neighborhood or~~ community units; to
 46 ~~secure~~ **provide** an appropriate allotment of land area in new developments
 47 **sufficient** for all the requirements of community life; to conserve
 48 natural resources; ~~or and to facilitate~~ **provide for** the adequate pro-
 49 ~~vision of transportation, water, sewerage and other public utilities~~
 50 ~~services. and~~ **requisites** (j)

51 ~~A building or land~~ Real estate used or to be used by a public ser-
 52 vice corporation may be ~~wholly or partially~~ exempted ~~in part or whole~~
 53 from ~~regulations enacted under the provisions of an ordinance authorized~~
 54 ~~by this section, provided that when upon petition, notice, and public~~
 55 ~~hearing, the Public Utilities Commission after due notice and a public~~
 56 ~~hearing, adjudges such~~ the exemption to be reasonably necessary for
 57 ~~public welfare or the convenience. or welfare of the public~~ (k)

58 ~~Regulations~~ A zoning ordinance enacted under the provisions of this
 59 ~~section shall~~ **does** not apply to structures and ~~the uses thereof~~ existing
 60 at the time ~~they~~ ~~it~~ ~~are~~ is enacted, but **applies to new structures and**
 61 **uses, and shall apply to alterations** changes in structures ~~or~~ and uses
 62 made ~~thereafter~~ afterward. (l)

Comment:

- a-b becomes NS 61 I A. b-c becomes NS 61 I A (1). c-d becomes NS 61 II A (1)-(5). e-f becomes NS 61 II A. g-h becomes NS 61 II C. h-i becomes NS 61 II B. i-j becomes NS 61 II B (1). j-k becomes NS 61 II F. k-l becomes NS 61 II E.
- a-b. "A municipality" used for uniformity. Deleted part unnecessary. Powers and duties of planning board found in Sec. 96.
- b-c. Appointive power given to municipal officers.
- c-d. Health, safety and general welfare provisions reallocated to NS 61 II B. Balance of c-d restated for form.
- d-e. Subdivision of land covered by NS 61 V. Deleted part covered by Sec. 95 on official map. See NS 61 IV A (5).
- e-f. Restated requiring municipality to have planning board before it undertakes enactment of comprehensive zoning.
- f-g. Deleted. Covered by NS 61 V. Deleted portion merely suggestive. Power to regulate subdivision is general which may include provisions based on the deleted portion.
- g-h. Reworded. Note 2/3 deleted. No valid reason for requiring more than a majority vote. Unnecessarily restrictive. Added "10 day" provision to set a minimum time before which public meeting must be held.
- h-i. Restated. Note in line 35, "health, safety, and general welfare" provision added to NS 61 II B. This came from lines 7-8 of this section.
- i-j. Restated positively.
- j-k. "Real estate" includes buildings and land. Balance restated for form.

k-1. Restated for form. Also “new structures and uses” added to complete the thought of this provision.

Note:

Insert as NS 6r II E (1) :

“The changes in structure and use to which a zoning ordinance applies may be defined in the ordinance.”

And 2 :

“The ordinance may provide that a nonconforming use existing at the time the ordinance is enacted be discontinued within a reasonable time.”

These are added to define ordinance power and to make zoning ordinances more enforceable. Ordinances must be reasonable in **all** cases.

Insert as NS 6r II G.

“The State, county, and municipal governments shall act in accordance with a zoning ordinance enacted by a municipality.”

This provision extends the regulation of location of use without detracting from power of State and local governments.

And H :

“Any real estate or personal property existing in violation of an ordinance authorized by this section is a nuisance.”

This makes zoning ordinance enforceable. This provision was originally included in Maine zoning law as well as in present day building code law, but was omitted without any apparent reason when Secs. 93-99 were enacted.

And I :

“The building inspector is the authority for the issue of a building or use permit, unless otherwise provided by the municipality.

1. An application for a building or use permit shall be in writing and shall be signed by the applicant and directed to the building

inspector. The failure of the building inspector to issue a written notice of his decision, directed to the applicant, within 30 days from the date of filing of the application constitutes a refusal of the permit.

2. The building inspector shall be given free access at reasonable hours to all parts of structures regulated by a zoning ordinance.”

This provision outlines the general enforcement procedure.

1 **Sec. 94. Platting approval.** (a) ~~No~~ A register of deeds shall **not**
2 ~~hereafter file or~~ record any plat of a **proposed** subdivision of land lying
3 ~~within any municipality until it shall have~~ **has** been approved by the
4 ~~municipal officers planning board and such the approval entered~~ **noted**
5 ~~on the plat. by the city or town clerk.~~ In a municipality which does
6 **not** have a planning board the municipal officers shall act in its stead for
7 **the purposes of this subsection.** (b) **Approval of a subdivision is**
8 **based on its compliance with municipal ordinances and its general**
9 **reasonableness.** (c) ~~If the legislative body of a city or the inhabi-~~
10 ~~tants of a town so ordain and certify such action to the appropriate~~
11 ~~register of deeds, no subdivision of land in such a manner as to require~~
12 ~~a street or way for access to a lot shall thereafter be filed or~~
13 ~~recorded until a plat of the same shall have been approved by the munici-~~
14 ~~pal officers.~~ (d) ~~If the legislative body of a city or the inhabitants~~
15 ~~of a town having a planning board so ordain and certify such action to~~
16 ~~the appropriate register of deeds, such board shall in their stead pass~~
17 ~~upon plats under the provisions of this section and access ways under~~
18 ~~the provisions of section 95.~~ (e) The ~~filing or~~ recording of a plat
19 without the approval required by this ~~subsection shall be~~ **is** void. (f)
20 ~~Whoever transfers or sells~~ **A person who conveys or agrees or negotiates**

21 to ~~sell convey~~ any land by reference to ~~or exhibition of or by other use~~
 22 ~~of a plat of subdivision of land into 5 or more lots before such plat~~
 23 ~~which has not been approved as provided herein required by this subsection,~~
 24 and recorded by the ~~appropriate proper~~ register of deeds, shall be punished
 25 by a fine of not more than \$200 for each lot ~~so transferred or sold~~
 26 ~~conveyed~~ or agreed ~~or negotiated~~ to be ~~sold conveyed~~. Any municipi-
 27 ~~ality may enjoin such transfer or sale the conveyance or agreement of~~
 28 ~~sale of land within the municipality to convey.~~ (g)

Comment:

a-b becomes NS 6I V A (2). b-c becomes NS 6I V A (3). e-f becomes NS 6I V A (6). f-g becomes NS 6I V A (7).

- a-b. Reworded changing approval powers to planning board. There formerly was a choice by the municipality as to municipal officers or planning board. Should be function of planning board, where there is one, to approve subdivisions.
- b-c. Added to define basis for subdivision approval.
- c-d. Deleted. This is covered by the broader statements preceding it in a-b which restates present law.
- d-e. Deleted. Planning board given power to approve subdivision.
- e-f. Restated omitting "filing" which by itself means nothing.
- f-g. Restated for uniformity with earlier penalty provisions. "5 or more lots" in line 22 is basis for definition in NS 6I V A (1).

Note:

Insert as NS 6I V A (5):

"The failure of the planning board to issue a written notice of its decision, directed to the applicant, within 30 days after a proposed sub-

division has been submitted constitutes its disapproval. An appeal may be taken from the decision of the planning board to the Superior Court as provided in subparagraph 2 of paragraph B of subsection III.”

This provides a time limit within which planning board must act and remedy for failure to do so. Same as building code provisions in NS 3 IV.

1 **Sec. 95. Official maps.** (a) ~~The legislative body of a city or the~~
2 ~~inhabitants of a town~~ **A municipality may establish adopt and amend an**
3 **official map thereof showing the location of the public streets ways**
4 **and parks and of other public property, ways used in common by more than**
5 **2 owners of abutting property, and the boundaries of zones, theretofore**
6 **established and approved subdivisions. The map may include all or part**
7 **of the municipality, and the following provisions apply only to that**
8 **area outlined on the adopted map.** (b) ~~the city or town~~ clerk shall
9 certify ~~the that fact (c) of the adoption of~~ **When the official map has**
10 **been adopted or amended,** (d) to the **proper** register of deeds ~~of the~~
11 ~~county in which such city or town is situated~~ who shall **receive and**
12 **record the same it. The map shall be filed in the office of the clerk.**
13 (e) The lines of ~~public streets ways, and parks~~ **public property, and the**
14 **boundaries of zones thereafter subdivisions established or modified after**
15 **adoption of the official map shall be added to the map and the lines of**
16 **streets, ways and parks thereafter approved under the provisions of sec-**
17 **tion 94 or this section shall by such actions and become parts of the**
18 **official map it. The municipal officers shall prepare the map and keep**
19 **it current.** (f)

20 After the planning board ~~of a municipality shall have~~ **has** adopted a
21 ~~master comprehensive plan, under the provisions of section 96, in a city~~
22 ~~the legislative body and in a town the inhabitants thereof the municipi-~~

23 pality may (g) be placed on the official map. (h) require that the lines
 24 of planned new or modified streets ways parks and public property street
 25 and park extensions and widenings. (i) The placing of any street, park
 26 or line upon the official map shall does not be deemed to constitute the
 27 opening or establishment or modification of any street way or park pub-
 28 lic property, nor the taking or acceptance of any land for street or park
 29 any purposes. (j) No A permit shall be issued for any the building
 30 erection or of any structure (k) except as authorized under the pro-
 31 visions of provided by sections 11 and 17 of chapter 50. (l) or part
 32 thereof on any land to be located between within the mapped lines bound-
 33 aries of any existing or proposed street way or park public property as
 34 shown on the official map may not be issued, (m) except on appeal under
 35 the provisions of section 98. (n)

36 In any municipality having an official map under the provisions of
 37 this section, no pavement A public water facility supply, sewer, or
 38 other public utility, pavement, or other improvement shall may not be
 39 constructed along any street way not shown on such the map. (o) and
 40 the legislative body of a city or the inhabitants of a town may ordain
 41 that (p) no A permit for the erection of any dwelling structure or the
 42 use of land of any other building which requiring requires access from a
 43 street way shall may not be issued, unless a street or way which pro-
 44 vides the required giving access thereto appears on such the map or is
 45 has been approved for such the purpose by the municipal officers. (q)

Comment:

a-b becomes NS 61 IV A. c-d, b-c, d-e become NS 61 IV A (1). e-f becomes
 NS 61 IV A (2). f-g, h-i, g-h become NS 61 IV A (3). i-j becomes NS 61
 IV A (4). j-k, l-m, k-l, p-q, n-o become NS 61 IV A (5).

- a-b. Restated for uniformity of terms. In line 6 “approved subdivisions” is included among things which may appear on official map. Last sentence added to restrict provisions to part of municipality on official map.
- Lines 8-19. Restated for form adding “or modified” in line 14. Municipal officers given duty of preparing adopted map in lines 18-19.
- Lines 20-45. Restated more simply and clearly.

1 **Sec. 96. Duties of planning boards.** (a) ~~Any planning board estab-~~
 2 ~~lished under the provisions of section 93~~ **The board shall consist of 5**
 3 ~~members and two associate members.~~ (b) ~~no one of whom shall be a~~
 4 ~~salaryed~~ **A municipal official officer may not be a member or associate**
 5 ~~member of the board. of the municipality~~ (c) **The terms of office of**
 6 ~~a members is 5 years, shall be such that one term expires each year but~~
 7 **initial appointments shall be made for 1, 2, 3, 4, and 5 years, respectively.**
 8 **The term of office of an associate member is 5 years.** (d)
 9 The ~~planning board of any municipality may~~ shall prepare, and adopt,
 10 and ~~may thereafter~~ amend (e) ~~by a majority vote of the board, after~~ **The**
 11 **board shall hold a public hearing in each case on its tentative proposals,**
 12 **before it adopts the plan or an amendment of it.** (f) ~~a comprehensive master~~
 13 ~~plan showing containing~~ its recommendations for the development of the
 14 municipality. (g) ~~which may include~~ Among other things, **the plan may**
 15 **include the proposed general character, location, use, construction,**
 16 **extent, type of use layout, extent, size, open spaces, and population**
 17 **density and character: of streets, bridges, viaducts, tunnels, grade**
 18 **separations of streets and railroads, parks, parkways, playgrounds, water-**
 19 **way and water front developments, airports, public buildings and other**
 20 **public ways, grounds, places, spaces and property; of utilities and ter-**
 21 **minals, whether publicly or privately owned, for water, light, power,**

22 heat, sanitation, transportation, communication and other purposes; and
23 of community centers, neighborhood units of all real estate, and the pro-
24 posed method for rehabilitated rehabilitating blighted districts and
25 eliminating slum areas; and may include a proposed zoning plan for
26 regulating the location, use, size, construction and open spaces of
27 buildings, the use of land and population density. (h) Once adopted
28 by the board, the master plan upon adoption and as thereafter amended,
29 shall become a public record. It shall be filed in the office of the
30 clerk. (i)

31 In a municipality having a planning board hereafter established
32 After the planning board has adopted a master the plan, as provided in
33 this section, no regulation, an ordinance or official map or zoning or
34 other plan shall authorized by this section may not be enacted, estab-
35 lished adopted, or amended, under the provisions of sections 93 to 95,
36 inclusive, and no plat, street or way shall be approved, under such
37 provisions, until the planning board shall have reported its recommen-
38 dations in regard thereto, and no public building, structure, except as
39 authorized under the provisions of sections 11 and 17 of chapter 50,
40 utility or roadway, or street, way, park or other and public land
41 property shall may not be authorized established or modified in lo-
42 cation or extent, until the planning board has made a careful investiga-
43 tion and shall have reported its pertinent recommendations in regard
44 to the location and extent thereof. This report shall be made only
45 after the board has made a careful investigation and is convinced
46 that the plans or regulations recommended by it will fit in which are
47 consistent with the comprehensive master plan. adopted by it for the
48 development of the municipality. The board shall make its official
49 report at the next meeting of the legislative body which is held not less

50 than 30 days after the proposal has been submitted to the board. (j) ~~In~~
 51 ~~a city, if~~ A proposal which has been disapproved by the board ~~dis-~~
 52 ~~approves any enactment, establishment, amendment, approval or authoriza-~~
 53 ~~tion, such action shall not become effective except~~ may be enacted only
 54 by ~~a the~~ favorable vote of ~~4/5~~ 2/3 vote of the legislative body. (k) ~~If~~
 55 ~~The failure of the board fails to issue its report within 45 days after~~
 56 ~~submission to it of a proposed action, it shall be deemed to have approved~~
 57 ~~such action constitutes approval of the proposal.~~ (l)

58 In a municipality ~~having a city or town which has an engineer, no~~
 59 ~~plat shall be approved under the provisions of section 94 until the~~
 60 ~~engineer has had opportunity to~~ he shall make a report to the planning
 61 board ~~thereon in regard with respect to the grades, feasibility of drain-~~
 62 ~~age, and sewerage, sewerage, and character of road surfacing of a pro-~~
 63 ~~posed subdivision, before it may be approved.~~ (m)

64 In a city not having a planning board the legislative body, and
 65 in a town not having a planning board the inhabitants thereof, may
 66 provide for a zoning committee and authorize it to act in lieu of a
 67 planning board in recommending enactment of a zoning plan as authorized
 68 under the provisions of section 93. (n)

Comment:

a-b becomes NS 61 I A (2). b-c becomes NS 61 I A (4). c-d becomes NS 61 I
 A (3). d-e, f-g become NS 61 I B. e-f becomes NS 61 I B (2). g-h becomes
 NS 61 I B (1). h-i becomes NS 61 I B (3). i-j, k-l, j-k become NS 61 I B (4).
 l-m becomes NS 61 V A (4).

a-b. Two associate members added. This makes for good continuity
 and provides for temporary absences. See NS 61 I A (5).

- b-c. "Salaried official" too broad. Changed to "municipal officer" to allow all but selectmen or mayor and council to be on board.
- c-d. Present law restated more plainly.
- Lines 9-29. Restated more simply. All regulatory terms in lines 14-23 collected and applied to "real estate," a more general term.
- Lines 29-30. Clerk's office made a repository for all public record material.
- i-j. Restated more clearly. Subdivision approval already covered in NS 6I V. Added material in lines 48-50 requires board to make report at a time certain.
- k-l. Provides for failure of board to report. "Approval" used, otherwise board could restrict legislative body without making any report. 45 reduced to 30 days in i-j which should be sufficient.
- j-k. Provides realistic 2/3 figure for **all** municipalities. 4/5 too restrictive and formerly applied **only** to cities. Town not covered at all.
- l-m. Restated.
- m-n. Deleted. This is a poor idea. A zoning plan not backed by the type of information gathered by a planning board in preparing its comprehensive plan might likely be arbitrary and impractical.

Note:

Insert as NS 6I I A (5):

"When a member is unable to act because of interest, physical incapacity, or absence from the State, the chairman of the planning board shall designate an associate member to act in his stead. When there is a permanent vacancy, the municipal officers shall appoint a person to serve for the unexpired term."

And (6) :

“An associate member may attend all meetings of the board and participate in its proceedings, but may vote only when he has been designated by the chairman to act for a member.”

And (7) :

“The board shall elect a chairman and secretary from its own membership.”

These provisions are added for uniformity with board of appeals provisions in NS 61 III (4)-(5) and regional planning board provisions in NS 64 II B-C, and for good workability.

Insert as NS 61 I C :

“A municipality which has a planning board may raise or appropriate money and may contract with the State and Federal Governments for the purpose of the comprehensive planning authorized by this section.”

This is to express a power formerly implied to allow municipalities to obtain State and Federal matching funds.

Insert as D :

“The board may hire personnel and obtain goods and services necessary to its proper function within the limits of appropriations made for the purpose.”

This expresses power of planning board to do its **job**.

Insert as NS 61 II D :

“The planning board shall prepare a zoning map outlining each zone established or modified by the municipality. The map shall be filed in the office of the clerk.”

This makes duty of preparing zoning map definite. Clerk's office repository for public documents.

1 **Sec. 97. Board of appeals.** (a) ~~The legislative body of any city and~~
 2 ~~the inhabitants municipal officers of any town municipality regulating~~
 3 ~~building or use of buildings or land under the provisions of sections~~
 4 ~~93 to 95, inclusive which enacts a zoning ordinance shall by ordinance~~
 5 ~~create appoint a board of appeals. (b) Such ordinance shall specify the~~
 6 ~~number and terms of members, mode of appointment and other details~~
 7 ~~relating to the organization and procedure of such board, and shall provide~~
 8 ~~for one or more associate members to act thereon in place of any member~~
 9 ~~unable to act, due to interest, absence from the state or physical incapa-~~
 10 ~~city. (c) Such ordinance may authorize such board, by vote of not less than~~
 11 ~~a majority of the full membership of its members after a public hearing~~
 12 ~~in each case, to interpret the details of the application of ordinances~~
 13 ~~and regulations enacted under such sections in accordance with general~~
 14 ~~rules set forth in such ordinances or regulations, including the power to~~
 15 ~~determine appeals from the alleged erroneous refusal of building permits~~
 16 ~~and to permit exceptions to or variations from regulations in the classes~~
 17 ~~of cases or situations and in accordance with the principles, conditions~~
 18 ~~and procedure specified therein and so as to grant reasonable use of~~
 19 ~~property where necessary to avoid confiscation and without substantially~~
 20 ~~departing from the intent of plans and regulations made under such sections. (d)~~

Comment:

a-b becomes NS 61 III A.

a-b. Revised to have appeal board appointed by municipal officers.

Lines 5-20. Deleted. The provisions within these lines have been modified considerably by NS 61 III A (1)-(5), which see. The purpose of the new provisions is to provide for uniformity and to relieve a municipality of unnecessary detail. b-c covered by

NS 61 III A (1)-(4), c-d covered by NS 61 III B (1). Uniformity is of particular importance here because otherwise each board could be set up differently which would lead to complete chaos.

1 **Sec. 98. Appeals. Any person aggrieved or taxpayer affected by**
 2 **any decision of a board of appeals or any governing body of a**
 3 **political subdivision which is of the opinion that a decision of a**
 4 **board of appeals is illegal may present to the superior court a**
 5 **verified petition setting forth that the decision is illegal, in**
 6 **whole or in part, and specifying the grounds of the illegality.**
 7 **Such petition shall be presented to the court within 30 days after**
 8 **the decision is filed in the office of the board.**

9 **Upon presentation of such petition the court may allow a writ of**
 10 **certiorari directed to the board of appeals to review such decision**
 11 **of the board. The allowance of the writ shall not stay proceedings**
 12 **upon the decision appealed from but the court may, on application,**
 13 **on notice to the board and on due cause shown, grant a restraining**
 14 **order.**

15 **The board of appeals shall not be required to return the original**
 16 **papers acted upon by it, but it shall be sufficient to return certified**
 17 **or sworn copies thereof or of such portions thereof as may be called**
 18 **for by the writ. The return shall concisely set forth such other**
 19 **facts as may be pertinent and material to show the grounds of the**
 20 **decision appealed from and shall be verified.**

21 **The court shall have exclusive jurisdiction to affirm, modify or**
 22 **set aside the decision brought up for review, in whole or in part,**
 23 **and if need be, to order further proceedings by the board of appeals.**
 24 **The findings of fact of the board, if supported by substantial**
 25 **evidence, shall be accepted by the court as conclusive and no**

26 objection to a decision of the board shall be considered by the court
27 unless such objection shall have been urged before the board or,
28 if it was not so urged, unless there were reasonable grounds for
29 failure to do so.

30 Costs shall not be allowed against the board of appeals unless it
31 appears to the court that it acted with gross negligence, in bad
32 faith or with malice in making the decision appealed from.

Comment:

This appeal procedure abolished. It does not fit the need. "Writ of certiorari" is an extraordinary writ issued by a superior court to an inferior court ordering the inferior court to certify its record to the superior court for examination and review. A municipal board of appeals is not a court of record and thus there is no record to go to the higher court. Consequently there is no adequate right of appeal. To make the board a court of record would be costly and unwieldy. It would also require more of the board than could be reasonably expected.

In lines 24-25, the findings of fact of the board if supported by substantial evidence shall be accepted by the court as conclusive under present law. This is bad because the court has no way of determining whether the facts found by the board are supported by substantial evidence or, indeed, any evidence, since there is no record to back the findings.

For these reasons, a new appeal procedure was drafted according to that used in appeals from building ordinances. Compare NS 6r III B with NS 3 IV C (5).

1 **Sec. 99. Relation to other laws.** In a municipality ~~not having which~~
2 ~~does not have~~ a planning board, an ordinances and regulations previously
3 enacted under ~~the~~ repealed sections 137-144 inclusive of chapter 5 of the
4 revised statutes of 1930 as amended, and ~~repealed~~ sections ~~31 and 32 of~~

5 ~~chapter 27 of the revised statutes of 1930, as amended 93-97 of chapter~~
6 ~~91 of the revised statutes of 1954, shall continue in full force and effect~~
7 ~~remains effective, and may be amended in accordance with the provisions of~~
8 ~~such those sections until said ordinances and regulations it are is repealed~~
9 ~~or superseded by an ordinances regulations under the provisions of~~
10 ~~sections 93 to 98, inclusive authorized by section 61. Upon establish-~~
11 ~~ment of a planning board in such a municipality and In any municipality~~
12 ~~heretofore having which has a planning board, all provisions of an~~
13 ~~ordinances or regulations enacted under such the repealed sections not which~~
14 ~~is inconsistent with the provisions of sections 93 to 98, inclusive 61~~
15 ~~shall continue in full force and effect remains effective; as though~~
16 ~~enacted thereunder and any provisions ordinance which is inconsistent with~~
17 ~~sections 93 to 98, inclusive 61 shall be is void. If the legislative~~
18 ~~body of a city or the inhabitants of a town heretofore having a planning~~
19 ~~board so ordain, such board shall hereafter act as a planning board under~~
20 ~~the provisions of sections 93 to 96, inclusive.~~

Comment:

This becomes NS 62.

Restated to apply to this revision.

1 **Sec. 99-A. Application.** ~~The provisions of sections 93 to 99,~~
2 ~~inclusive, shall apply to A village corporations and the inhabitants~~
3 ~~thereof shall have has the same powers and duties as a municipality~~
4 ~~under said sections 61. as inhabitants of towns. In the event of~~
5 **When there is a conflict between the zoning provisions of a village**
6 **corporation and zoning provisions those of the town municipality of**
7 **which the village corporation it is a part, the zoning provisions of the**

8 ~~village corporation municipality shall prevail. within the geographical~~
9 ~~limits of the village corporation~~

Comment:

This becomes NS 63.

Lines 1-9. Restated making law of municipality superior. Otherwise law passed by a few could govern many having no vote. Court would undoubtedly take a dim view of present law. If a particular village corporation has a problem, it should be solved by a change of charter sanctioned by the Legislature.

1 **Sec. 99-B. Purposes.** (a) ~~The purpose of sections 99 B to 99 G,~~
2 ~~inclusive, shall be to enable municipalities and counties to join in~~
3 ~~the formation of~~ **The commission may be composed of 2 or more member**
4 **municipalities.** (b) ~~regional planning~~ **The commissions whose duty it**
5 **shall be to prepare a coordinated comprehensive regional plan containing**
6 **its recommendations** for the development of ~~a region the area within its~~
7 ~~jurisdiction.~~ (c) ~~taking into account present and future needs, with a~~
8 ~~view~~ **Among other things, it shall be designed toward encouraging encourage**
9 **the most appropriate use of land such as for agriculture, forestry,**
10 **industry, commerce, and housing; residence; the facilitation of to provide**
11 **adequate transportation and communications; to provide for the proper and**
12 ~~economic~~ **location of public utilities and services; to encourage the develop-**
13 **ment of adequate recreational areas; the to promotion promote of good civic**
14 **design; and to encourage the wise and efficient judicious expenditure of**
15 **public funds.** (d) ~~The aforesaid purpose of the plan shall be is made in~~
16 ~~order~~ **to promote the health, safety, morals and general welfare of the**
17 **residents of the region. and its inhabitants** (e)

Comment:

a-b becomes NS 64 I A. b-c becomes NS 64 III C (1). c-d becomes NS 64 III C (3). d-e becomes NS 64 III C (2).

Lines 1-17. This section is completely reorganized, but although there are language changes for uniformity, the meaning is the same.

1 **Sec. 99-C. Formation of regional planning commissions.** (a) ~~Two~~
 2 ~~or more A municipalities municipality having~~ which has a planning boards
 3 ~~may by ordinance or resolution adopted by the respective legislative~~
 4 ~~bodies of said municipalities, become members of join~~ a regional planning
 5 commission for the purpose of regional development. (b)

6 ~~Each municipality which shall become a member of a regional plan-~~
 7 ~~ning commission shall be entitled to 2 representatives on said commission.~~
 8 ~~A municipality with a~~ Where the population of the municipality according
 9 ~~to the last decennial census of the United States is less than over~~
 10 20,000, it is entitled to 2 representatives; 20,000 to ~~but less than~~ 100,000,
 11 ~~shall be entitled to have 3; representatives on said commission, and a~~
 12 ~~municipality with a population of over and more than 100,000, shall be~~
 13 ~~entitled to have 4. representatives on said commission (c) Population~~
 14 ~~as set forth in this section shall be deemed to be determined by the last~~
 15 ~~Federal census. (d) Representatives to a regional planning~~ Appointments
 16 ~~to the commission shall be made by the municipal officers nominated by~~
 17 ~~the planning board of each municipality from the from nominations of~~
 18 ~~residents submitted by the planning board as follows: thereof and shall be~~
 19 ~~appointed by the municipal officers of each municipality (e)~~

20 ~~In any A county or counties~~ in which a regional planning commission
 21 has been formed ~~the county may by resolution of its county commissioners~~
 22 become a member of ~~said regional planning~~ the commission by resolution of
 23 the county commissioners. (f) ~~and shall be~~ A county is entitled to ~~appoint 2~~

24 representatives and one associate representative. (g) ~~on said commission~~
 25 The terms of office of a ~~members representative of a regional planning~~
 26 ~~commission shall be~~ is for 4 years, but initial appointments shall be made
 27 for 2 and 4 years where a member is entitled to 2 representatives; ~~in~~
 28 ~~municipalities entitled to 3 or more representatives, initial appointments~~
 29 ~~shall be for 2, 3, and 4 years where a member is entitled to more than~~
 30 2 representatives. (h) The term of office of an associate representative
 31 is 4 years. (i) ~~Vacancies shall be filled for the remainder of the~~
 32 ~~unexpired term in the same manner as original appointments.~~ (j)

Comment:

a-b becomes NS 64. b-c becomes NS 64 II A (1). d-e becomes NS 64 II A.

e-f and f-g become part of NS 65. g-h, h-i become NS 64 II B.

a-b. Deleted portions unnecessary. All actions of this type are required to be authorized by legislative body.

c-d. Covered by line 9.

e-f, & f-g. County provisions reallocated to NS 65 to eliminate need for constantly repeating "county" after municipality and to keep county provisions together.

h-i. Term of office of associate representative provided.

i-j. Covered by NS 64 II C.

Note:

Insert as NS 64 II A (2):

"Each member is entitled to one associate representative."

This is to provide for appointment of associate to act during temporary absence of regular member.

1 Sec. 99-D. General powers and duties. (a) ~~A regional planning com-~~
2 ~~mission's~~ The powers of the commission shall be is advisory, and shall
3 generally pertains generally to the development of the whole region, within
4 its jurisdiction as a whole or to the solution of a problems which in-
5 volves a combination of 2 or more than one member, municipalities or
6 counties. (b) ~~Nothing in sections 99 B to 99 C, inclusive, shall be~~
7 ~~deemed to reduce or limit any of the powers, duties or obligations of~~
8 ~~planning boards in individual municipalities.~~ (c)

9 The ~~area of~~ jurisdiction of a regional planning commission shall
10 includes the areas of the respective municipalities its members, forming
11 such commission (d) and The jurisdiction of a regional planning commission
12 may include all or part of any county which is a member county of said
13 regional planning as determined by the commission. (e)

14 It shall be the duty of a regional planning commission to prepare
15 a comprehensive master plan for the development of the region within
16 its jurisdiction, (f) including the commission's recommendations Among
17 other things, the commission may make recommendations for the use of land;
18 within the region; for the general location, extent, type of use, and
19 character, and development of highways, major streets public ways, inter-
20 sections, parking lots public property, railroads, aircraft landing areas,
21 waterways and bridges, and other means of transportation, communication
22 public utilities and services; and other purposes; for the development,
23 extent and general location of parks, playgrounds, shore front developments,
24 parkways and other public reservations and recreation areas; for the
25 location, type and character of public buildings, schools, community
26 centers and other public property; and for the improvement, redevelop-
27 ment, rehabilitation, or and conservation of industrial, commercial,
28 residential, business, industrial and other areas. (g)

29 ~~A regional planning~~ The commission may ~~authorize its employees or~~
30 ~~consultants to render~~ assistance ~~any of its members or~~ in solving a local
31 planning problems. ~~to any municipality or county which is a member of~~
32 ~~said regional planning commission~~ (h) The ~~cost of such~~ assistance shall
33 be paid for entirely by the ~~municipality or county member~~ to which the
34 service is rendered. (i) ~~or partly by said municipality or county and~~
35 ~~partly by any gift, grant or contribution which may be available for~~
36 ~~such work~~ (j) Where there has been a contribution to the commission for
37 the purpose, part of the cost of local assistance may be paid from it. (k)
38 ~~Said commission~~ It shall keep a ~~strict~~ accurate account of the cost of
39 such the assistance, and shall provide such ~~municipality or county the~~
40 member with an itemized statement. (l)

Comment:

- a-b becomes NS 64 III A (2). c-d becomes NS 64 III A (1). d-e part of NS 65. f-g becomes NS 64 III C (4). g-h, k-l, h-i become NS 64 III D (3).
- j-k becomes NS 64 III D (3) a.
- a-b. Restated for clarity.
- b-c. Deleted. Unnecessary, since there is no language of limitation of municipal planning board.
- d-e. Revised giving commission power to decide whether all or part of member county to be included. Present law does not specify how this decision is made.
- e-f. Deleted. Already covered by Sec. 99-B lines 4-7.
- Lines 19-26. Deleted portions covered by general words such as "public ways" and "public property."
- j-k. Reworded from i-j for form.

1 **Sec. 99-E. Organization, officers and by-laws.** (a) ~~A regional~~
2 ~~planning~~ The commission shall elect annually ~~from among its members~~ a

3 chairman, vice-chairman, secretary, treasurer, and ~~such~~ other necessary
 4 officers ~~as it deems necessary~~ from its own representatives. (b) Meetings
 5 shall be held at the call of the chairman, and at ~~such~~ other times
 6 determined by ~~as~~ the commission. ~~may determine~~ (c) ~~A commission~~ The
 7 secretary shall keep minutes of ~~its~~ the proceedings of the commission and
 8 ~~such minutes which~~ shall be filed in the office of the commission. and
 9 shall be The minutes are a public record. (d) ~~A~~ The commission may adopt
 10 ~~such~~ by-laws ~~as it deems~~ necessary to the conduct of its business. (e)

Comment:

a-b becomes NS 64 III B (1). b-c becomes NS 64 III B (2). c-d becomes NS
 64 III B (4). d-e becomes part of NS 64 III B (3).

a-b. Secretary and treasurer added as being absolutely necessary.

Lines 4-10. Restated for form.

1 **Sec. 99-F. Finances.** (a) ~~A regional planning~~ The commission shall
 2 prepare an annual budget and shall determine on ~~a~~ reasonable and equit-
 3 able basis the ~~proportion amount of its costs~~ to be borne respectively
 4 paid by each ~~municipality or county which is a member of said commission~~
 5 The amount to be paid by each member shall be certified to its municipal
 6 officers by the commission in sufficient time to allow an appropriation to
 7 be made. (b) ~~A commission~~ It may accept gifts, grants or contributions of
 8 any type from any source ~~private or governmental, toward~~ for its work. (c)
 9 ~~Municipalities or counties are hereby authorized to~~ A member may raise or
 10 appropriate ~~funds money to the use of a regional planning commission and to~~
 11 furnish necessary services for the use of the ~~to a regional planning com-~~
 12 mission. ~~legal or other services which it may deem reasonable~~ (d) The
 13 failure upon the part of any ~~municipality or county~~ a member to appropriate
 14 and pay its proportionate share of the cost amount as determined by ~~a~~

15 ~~regional planning the commission shall constitute a termination terminates~~
 16 ~~of such municipality's or county's its membership. on said commission (e)~~
 17 ~~Municipalities or counties are hereby authorized to enter into A member~~
 18 ~~may contracts with a regional planning the commission for the furnishing of~~
 19 ~~funds or services in connection with the preparation of a comprehensive~~
 20 ~~regional master plan, and any for special planning work to be done by a~~
 21 ~~regional planning the commission for any the member. municipality or county~~
 22 ~~(f) Within the amounts appropriated to it or placed at its disposal by~~
 23 ~~gift, grant or contribution, a regional planning commission It may engage~~
 24 ~~employees hire personnel, contract with professional consultants rent~~
 25 ~~offices, and obtain such other goods or and services as are necessary to~~
 26 ~~it in the carrying out of its proper functions.(g) It may contract with~~
 27 ~~the State and Federal Governments for carrying out the purposes authorized~~
 28 ~~by this section. (h)~~

Comment:

- a-b becomes NS 64 I B. b-c, f-g, g-h become part of NS 64 III B (3). c-d, e-f become NS 64 I C. d-e becomes NS 64 I B (1).
- a-b. Provision for preparation of annual budget and submission of amount to municipal officers is new, and is added to clarify membership procedure. Balance of section restated.
- g-h. This provision is added to allow regional planning commissions to take advantage of State and Federal aid.

1 **Sec. 99-G. Relationship to local planning boards.** (a) ~~A regional~~
 2 ~~planning The commission may assist the county or the planning board of~~
 3 ~~any municipality which is a member of said commission to in carrying out~~
 4 ~~any regional plan or plans developed by said the commission. (b)~~
 5 ~~A regional planning The commission may make recommendations on the~~

6 basis of its plans and studies to any planning board, to the legislative
 7 body of any city and to the selectmen municipal officers of any town within
 8 its region member, to the county commissioners of the county or counties
 9 in which said region is located and to any county, State, or Federal
 10 authorities. (c)

11 ~~Upon completion of a comprehensive master~~ When all or part of the plan
 12 is completed, for the region or any portion of said comprehensive master
 13 plan, a regional planning the commission may file certified copies of said
 14 comprehensive master plan or portion thereof it with the planning board
 15 of any member. municipality (d) Such A municipal planning board may adopt
 16 all or any part of such comprehensive master the regional plan which per-
 17 tains to the area within its jurisdiction as its own master comprehensive
 18 plan, subject to the requirements of section 96 61. (e)

Comment:

a-b becomes NS 64 III C (6). b-c becomes NS 64 III D (1). c-d becomes NS
 64 III C (5). d-e becomes NS 64 III D (2).

Lines 1-18. Restated and reorganized.

b-c. "County" added in line 9 so that commission may advise county,
 though county not a member.

1 **Sec. 100. Money raised for certain purposes.** The voters at a
 2 legal town meeting may raise the necessary sums for the (a) support of
 3 schools and (b) the poor; (c) making and repairing highways, town ways and
 4 bridges; and sprinkling streets; (d) acquiring, improving and repairing
 5 land for use as public parking places for motor and other vehicles; (e)
 6 acquiring by purchase or otherwise suitable sites, or suitable sites and
 7 buildings, or erecting buildings for free public libraries; (f) repair-
 8 ing and constructing buildings for academies, seminaries or institutes

9 with which the town has a contract as provided in section 105 of chapter
 10 41; (g) purchasing and fencing burying grounds; (h) maintaining private
 11 burying grounds established before 1880; (i) purchasing or building and
 12 repairing a hearse and hearsehouse for the exclusive use of its citizens;
 13 (j) for the acquisition and maintenance of public town dumps and for the
 14 providing of public dump facilities, whether said dump facilities be
 15 located within or outside of the geographic limits of said town; (k)
 16 and for other necessary town charges. (l)

Comment:

The parts of this section have been reworded for clarity and form, and re-
 allocated as follows:

- a-b. See NS 12 III A.
- b-c. See NS 12 IV A.
- c-d. See NS 12 II A.
- d-e. See NS 12 II A.
- e-f. See NS 12 III A.
- f-g. See NS 12 III A and 12 VII.
- g-h. See NS 12 II C.
- h-i. See NS 12 II C.
- i-j. See NS 12 IV G.
- j-k. See NS 12 II B.
- k-l. See NS 12 I A and 12 VII.

1 **Sec. 101. Money for qualified appraisers. Cities and towns are**
 2 **authorized to raise and appropriate money to be expended (a) Providing for**
 3 **the hiring of qualified appraisers the revaluation of real estate, personal**
 4 **property and any other taxable property, located in said city or town; (b)**
 5 **provided, however, that such appraisal Any revaluation shall be is subject**

6 ~~to under the control and jurisdiction of the duly qualified municipal~~
 7 ~~assessors of said city or town and that the assessors' whose judgment,~~
 8 ~~as opposed to that to the value of any property appraised hired appraiser,~~
 9 ~~shall be is final. on all assessments (c)~~

Comment:

a-b becomes NS 12 I F. b-c becomes NS 12 I F (1).

Lines 1-9. Restated for clarity and form.

1 **Sec. 102. Other purposes.** Cities and towns may raise money (a)
 2 to procure the writing and publication of their histories, (b) to
 3 assist a local historical society, (c) to celebrate any centennial or
 4 other anniversary of the settlement or incorporation of such city or
 5 town and to publish the proceedings of any such celebration; (d) to aid
 6 in defraying the expenses for Christmas decorations; (e) to defray the
 7 expenses of the observance of Memorial Day, Veterans Day or any other
 8 day set apart for patriotic commemoration, firemen's memorial Sunday
 9 and of Old Home Week; (f) to hire a public nurse; (g) to hire a dental
 10 hygienist; (h) to subsidize a physician to induce him or her to settle
 11 in said town; (i) to aid in the maintenance of a hospital serving the
 12 inhabitants of the town; (j) to provide for a local program or one based
 13 on coordination with the State having to do with the rehabilitation
 14 and employment of persons honorably discharged from the armed forces
 15 of the United States in World War II or the Korean Campaign; (k) to
 16 provide for physical fitness programs in the schools; (l) to erect suit-
 17 able monuments or memorials in memory of the soldiers and sailors who
 18 sacrificed their lives in defense of their country in the war of 1861,
 19 or in World Wars I and II or the Korean Campaign, and a reasonable sum
 20 to secure, grade and care for a lot appropriate for such a monument or

21 memorial. (m) They may also raise money to be expended for exterminating
22 or controlling brown tail and gypsy moths and other insect pests. (n)
23 ~~Cities and towns may appropriate, and individuals and private organiza-~~
24 ~~tions may raise sums of money to be deposited with and expended under~~
25 ~~the direction of the department of health and welfare for dental hygienist~~
26 ~~service, provided said sums are expended in the city or town where~~
27 ~~appropriated or raised.~~ (o) They may also raise money to be expended for
28 the support and maintenance of the chamber of commerce or board of trade.
29 (p) Cities and towns may also raise money for insurance of their officers,
30 agents, servants, fire department or association officers and members,
31 including call or volunteer firemen, against public liability and property
32 damage resulting from the negligent acts of commission or omission of
33 any such personnel while operating motor vehicles owned or rented by
34 any such municipality and in use upon city or town business be it govern-
35 mental, corporate or proprietary. (q) They may also raise money for the
36 support and maintenance of a duly incorporated volunteer fire department.
37 When a town has appropriated a sum not in excess of \$500 for the use of
38 a duly incorporated volunteer fire department within said town, the
39 selectmen may issue their warrant to the town treasurer authorizing him
40 to pay over the amount so appropriated to the treasurer of said volunteer
41 fire department. (r)

Comment:

The parts of this section have been reworded for clarity and form, and re-allocated as follows:

- a-b. See NS 12 V G.
- b-c. See NS 12 V F.
- c-d. See NS 12 VI A.
- d-e. See NS 12 VI C.

- e-f. See NS 12 VI B.
 f-g. See NS 12 IV C.
 g-h. See NS 12 IV D.
 h-i. See NS 12 IV E.
 i-j. See NS 12 IV B.
 j-k. See NS 12 IV H.
 k-l. See NS 12 III C.
 l-m. See NS 12 VI E.
 m-n. See NS 12 IV F.
 n-o. Deleted. Department of Health and Welfare hires hygienists which are "rented out" to small towns. There is no need for this provision.
 o-p. See NS 12 V A.
 q-r. See NS 12 I E.
 p-q. See NS 12 I D.

Note:

After NS 12 VI E, insert the following under NS 12 VII:

- "A. Performing any of the duties required of it by law.
 B. Providing for any operations authorized by law which, by their nature, require the expenditure of money."

These provisions are added to eliminate the necessity of constantly revising NS 12, to recognize that a power to act carries with it the power to raise money to do the act where necessary, and to cover in part the meaning of "other necessary town charges." at the end of Sec. 100, which see.

- 1 **Sec. 103. General public health nursing service; qualifications**
 2. **of nurses. ~~Two or more adjoining towns may unite in employing the~~**
 3 **~~same public health nurse whose duty shall be to carry on a general~~**
 4 **~~public health nursing service. Any program established under the~~**

5 ~~provisions of this section and section 123 shall be carried on according~~
 6 ~~to accepted standards for such service, and shall include bedside~~
 7 ~~care of the sick under plans approved by the director of health in~~
 8 ~~accordance with regulations which may be adopted by the department~~
 9 ~~of health and welfare under the provisions of section 13 of chapter~~
 10 ~~25.~~

11 ~~Nothing in this section nor section 123 shall be construed to~~
 12 ~~prevent contiguous towns, or single towns or cities A municipality may~~
 13 ~~from employing, by itself qualified public health nurses on their own~~
 14 ~~account or in conjunction with other contributing municipalities or pri-~~
 15 ~~vate agencies, who are contributing to the salaries of such a qualified~~
 16 ~~public health nurses in whole or in part, provided the services of such~~
 17 ~~nurses include a to conduct a program equivalent to an acceptable gen-~~
 18 ~~eralized public health program and so organized that there is no duplica-~~
 19 ~~tion of work or travel to the Department of Health and Welfare.~~

Comment:

Lines 12-19 become NS 6.

Lines 1-4. Deleted. Covered by lines 12-14.

Lines 4-10. Deleted. This says nothing because "accepted standards" in line 6 is not defined. Bedside care of the sick and other requirements may be provided for by NS 6 I. Reference to Ch. 25 Sec. 13 adds nothing.

Lines 11-19. Rewritten for clarity and form.

Lines 17-19. "Program acceptable to Department of Health and Welfare" gives municipality a standard to use for setting up its own program even where no contribution by the State is to be made.

1 ~~Sec. 104. Public and private cemeteries. Any town at its annual~~
 2 ~~town meeting may vote and appropriate money to carry on the functions~~

3 of any public or private cemetery corporation which has ceased to
4 operate as such a corporation.

Comment:

Deleted. This is adequately covered by NS 12 II C.

1 **Sec. 105. Bands.** ~~Cities and towns may raise money for the main-~~
2 ~~tenance or employment of Supporting a band an organization of to provide~~
3 music for municipal purposes functions and public celebrations. ~~The~~
4 ~~provisions of this section shall not be in force in any city or town~~
5 ~~unless approved by a majority vote of the qualified voters of such city~~
6 ~~or town at an annual election.~~

Comment:

This becomes NS 12 VI D.

Lines 1-3. Reworded for clarity.

Lines 3-6. Deleted. Unnecessary.

1 **Sec. 106. School bands and organized activities.** ~~Cities and towns~~
2 ~~are authorized to raise and appropriate money to be expended to support~~
3 ~~and maintain Providing for school bands and other forms of organized~~
4 activities conducted under the supervision of the superintending school
5 committee.

Comment:

This becomes NS 12 III B.

Restated for form.

1 **Sec. 107. Graves of soldiers and sailors decorated.** Each ~~and~~
2 ~~every city, town and plantation municipality, by its town or plantation~~
3 ~~direction of its municipal officers, is required shall to decorate annually,~~

4 on May 30th, the graves of veterans of the armed forces of the United
5 States of America with an American flag and ~~such other appropriate~~ floral
6 decorations. ~~as in the opinion of said city, town or plantation officers~~
7 ~~shall be deemed advisable, on Decoration Day, May 30th of each year. Each~~
8 ~~and every said city, town and plantation is empowered to raise by taxation~~
9 ~~a sufficient amount of money to pay for said American flags and other~~
10 ~~floral decorations above mentioned.~~

Comment:

This becomes NS 11.

Lines 1-6. Simplified. Plantation provision reallocated to Ch. 101.

See enacting Sec. 19 of L. D. 437.

Lines 6-10. Deleted. Provisions included in NS 12 VI B.

1 **Sec. 108. Advertising.** (a) **For this purpose, Any city or town may**
2 ~~appropriate any~~ sum not exceeding 2 mills on a dollar based on the
3 local ~~town municipal~~ valuation of the preceding year ~~to may be expended~~
4 ~~appropriated. and used for~~ (b) Advertising ~~the natural~~ its resources
5 ~~advantages and attractions or those of the State. or such city or town~~ (c)

Comment:

b-c becomes NS 12 V B. a-b becomes NS 12 V B(1).

Restated for clarity and form.

1 **Sec. 109. Indebtedness refunded; temporary loan; securities.** (a)
2 ~~Cities and towns A municipality may issue and negotiate their notes,~~
3 ~~bonds or scrip general obligation securities~~ (b) and for any purpose
4 for which ~~the city or town it can~~ may raise money. ~~or incur debt~~ (c)
5 ~~and also for the purpose of funding or refunding or paying in whole all~~
6 ~~or in part of any indebtedness thereof its debt, (d) which has or may~~

7 hereafter become due, including money borrowed in anticipation of taxes
 8 whether overdue or not yet due. (e) No A note, bond or scrip security
 9 duly authorized at a legal town meeting and issued for the purpose of
 10 funding or refunding notes, bonds or scrip or other purported indebted-
 11 ness a debt theretofore outstanding shall be is not invalid by reason
 12 because of any invalidity in the original borrowing. (f)

13 Provided, however, that nothing herein contained shall be construed
 14 to validate the borrowings of a city or town beyond its constitutional
 15 debt limit. (g)

16 Cities and towns A municipality may (h) issue and negotiate their notes
 17 in anticipation of taxes. (i) to an The amount which borrowed shall not
 18 exceed in the aggregate the total tax levy of the preceding municipal
 19 taxable year. (j) for temporary loans borrow money and (k) The notes
 20 shall to be paid during within the taxable year in which they were are made
 21 issued out of from the money raised by taxation during such that current
 22 year. by taxes (l) provided that the vote authorizing such notes states
 23 that they are to be paid out of money so raised. (m)

24 If a city or town votes to issue bonds, notes or certificates of
 25 indebtedness in accordance with the provisions of law (n) The officers
 26 municipal officials authorized to issue the same securities may in the
 27 name of such city or town, make a temporary loan borrow money (o) for a
 28 period of not more than which shall be paid within one year, the total
 29 of which does not exceed the authorized amount of the security issue. (p)
 30 in anticipation of the money to be derived from their sale of such bonds,
 31 notes or certificates of indebtedness and may issue notes therefor; (q)
 32 but The time within which such the securities shall are to become due and
 33 payable shall may not be extended by reason of the making of such temporary
 34 loan beyond the time fixed in the vote authorizing their issue. of such

35 bonds, notes or certificates of indebtedness; (r) and notes issued under
 36 the provisions of this section for a shorter period than one year may
 37 be refunded by the issue of other notes maturing within the required
 38 period; (s) provided, however, that the period from the date of issue of the
 39 original loan and the date of maturity of the refunding loan shall be not
 40 more than one year; and provided further, that no notes shall be refunded
 41 under the provisions of this section except under the authority of such
 42 votes as is required for the original borrowing. (t)

Comment:

a-b, c-d, b-c become NS 14. e-f becomes NS 14 III. g-h, j-k, h-i become NS
 13. i-j becomes NS 13 I. k-l becomes NS 13 II. n-o, p-q, o-p become NS
 14 I. q-r becomes NS 14 II.

- a-b. "Cities and towns" changed to "A municipality." "Notes, bonds or scrip"
 changed to "general obligation securities" to indicate they are backed
 by the full faith and credit of the municipality. See NS 1 for definition.
- c-d. "Funding" added for clarity in line 5.
- b-c. Restated. Line 4 "incur debt" deleted as surplus.
- d-e. Deleted. Borrowing in anticipation covered by lines 16-22.
- e-f. Restated omitting unnecessary material.
- f-g. Deleted. Governed by Maine Constitution.
- g-h. "Cities and towns" changed to "A municipality" for uniformity.
- j-k. Restated.
- h-i. Restated for clarity. Power to issue includes power to negotiate.
- i-j. Restated for clarity. "Taxable year" more accurate here.
- k-l. Restated for clarity.
- l-m. Deleted. Vote need not so state. Money borrowed in anticipation of
 taxes must be paid from taxes. Otherwise would encourage improper pay-
 ment of money so borrowed.

- m-n. Deleted. Unnecessary.
- n-o. "Municipal officials" substituted for "officers." Someone other than the officers might be authorized to issue the securities. "Borrow money" substituted for "make a temporary loan" for clarity.
- p-q. Restated for clarity.
- o-p. "The total of which does not exceed the authorized amount of the security issue." added to place a limit on the borrowing similar to that placed on borrowing in anticipation of taxes.
- q-r. Reworded to make clear that the due date of the securities is not to be extended for any reason. Note the use of the word "may" instead of "shall" in line 33. When used in a negative sentence "may" is stronger and more precise than "shall," since "may not" says "you have neither the power nor permission," but "shall not" only says, "it is your duty not" but does not negate the power.
- r-s. Deleted. Unnecessary. The requirement that the loan shall be for not more than 1 year in line 28 leaves it to the borrower to determine the length of his notes issued or reissued within that period.
- s-t. Deleted. This is not needed. The one year restriction on the loan eliminates necessity for provision covering notes issued.

Note:

Insert the following as NS 14 IV:

"A security may be issued and made payable in installments for not more than a 50-year period."

This provision was reallocated from Ch. 53 Sec. 137 for the purpose of better reference. See also enacting Sec. 8 of L. D. 437.

1 **Sec. 110. Municipal corporations may contract for water, gas and**
 2 **electric light. Municipal corporations may contract** Providing for a

3 supply of water, gas, and electricity ~~light~~ for municipal uses for a
 4 ~~term period~~ of years. ~~upon such terms as may be mutually agreed, from~~
 5 ~~time to time renew the same and may raise money therefor. All such~~
 6 ~~contracts made prior to the 28th day of April, 1903 are confirmed and~~
 7 ~~made valid.~~

Comment:

This becomes NS 12 I G.

Lines 1-4. Restated for clarity and form.

Lines 4-5. Deleted. Where power to contract is given, power to renew is automatic.

Lines 5-7. Deleted. Contracts covered by these provisions are no longer extant.

1 ~~Sec. III. Fuel yards. Any city or town may establish and maintain~~
 2 ~~Providing within its limits a permanent wood, coal and a fuel yard for~~
 3 ~~the purpose of selling at cost wood, coal and fuel to its inhabitants~~
 4 ~~residents The term "at cost," as used herein, shall be construed as mean-~~
 5 ~~ing without financial profit to itself.~~

Comment:

This becomes NS 12 II E.

Line 2. "Providing" includes establishing and maintaining. "Fuel" includes wood, coal and others.

Line 4. "Residents" for uniformity with rest of chapter.

Lines 4-5. Definition of "at cost" included in "without financial profit to itself."

1 ~~Sec. 112. Propagation of fish. (a) Towns may raise by a 2/3 vote~~
 2 ~~at their annual meeting (b) For this purpose, a sum not exceeding~~

3 more than \$500 may be appropriated annually. (c) The money appropriated
 4 shall ~~to be expended spent~~ by the municipal officers thereof or by a
 5 ~~commissioner person elected appointed~~ by them. towns (d) for the propa-
 6 ~~gation Propagating and protection protecting~~ of fish in public waters
 7 located wholly or partially within ~~their its~~ ~~respective limits~~ boundaries.
 8 (e) A ~~written~~ report of the expenditure thereof shall be ~~made~~ submitted
 9 ~~at to the next annual meeting legislative body~~ within one year of the
 10 ~~date of appropriation~~ by the ~~officer or officers~~ person authorized to
 11 ~~expend spend such appropriation the money.~~ (f)

Comment:

d-e becomes NS 12 V E. b-c becomes NS 12 V E (1). c-d becomes NS 12 V E (2).

e-f becomes NS 12 V E (3).

a-b. Deleted. Unnecessarily rigid.

c-d. Restated to allow municipal officers to spend the money or to appoint a
 person to do so to eliminate an office unnecessarily electoral.

e-f. Restated to require a **written** report to be submitted to the legislative
 body to insure better records of the expenditure.

1 **Sec. 113. Doings of towns in suppression of rebellion made valid.**

2 ~~The past acts of towns, in offering, contracting to pay and paying,~~
 3 ~~and in raising and providing means to pay expenses for recruiting~~
 4 ~~for their several quotas, or bounties to or for volunteers, drafted~~
 5 ~~men or substitutes of drafted men, or enrolled men, mustered into~~
 6 ~~or enlisted for the military or naval service of the United States,~~
 7 ~~are valid, provided that such acts have been done at meetings legally~~
 8 ~~called and held in pursuance of warrants therefor, setting forth the~~
 9 ~~purposes upon which such acts were based. All taxes assessed, con-~~
 10 ~~tracts made and notes and orders given by municipal officers in~~
 11 ~~pursuance of votes passed at such meetings are valid.~~

Comment:

Deleted. Obsolete.

1 **Sec. 114. War contracts valid.** ~~Contracts made in pursuance of~~
2 ~~votes passed at such meetings as provided for in section 113 by~~
3 ~~such municipal officers or their agents, with any volunteer, drafted~~
4 ~~man or substitute, or with third persons or associations, for pro-~~
5 ~~viding means to pay bounties to volunteers, drafted men or substitutes~~
6 ~~are valid.~~

Comment:

Deleted. Obsolete.

1 **Sec. 115. Unauthorized war contracts ratified.** ~~Contracts here-~~
2 ~~before made by such municipal officers or by third persons for any~~
3 ~~town, without previous authority, to pay bounties to or for volun-~~
4 ~~teers, drafted men or substitutes, in or enlisted for the military~~
5 ~~or naval service of the United States may be ratified by any town~~
6 ~~at a legal meeting, called and notified as provided in section 113.~~

Comment:

Deleted. Obsolete.

1 **Sec. 116. Meetings to accept legacies and gifts; notice.** ~~Whenever~~
2 ~~the municipal officers of any city or town are notified in writing (a)~~
3 ~~receive written notice by the executors of any will, or by the trustees~~
4 ~~from a prospective donor or his representative created by virtue of the~~
5 ~~terms thereof proposed gift, (b) that a devise or bequest in behalf of~~
6 ~~said city or town has been made upon conditions contained in said will,~~
7 ~~or by any individual, that he intends to make a conditional gift in~~
8 ~~behalf of said city or town; the municipal officers of said city or town~~

9 shall (c) Within 60 days after the municipal officers said notice to
 10 them (d) they shall call a legal meeting of the inhabitants of said
 11 city or town qualified to vote upon city or town affairs; legislative
 12 body, (e) provided, however, that in cities the acceptance of such
 13 devise, bequest or conditional gift may be by vote of the city govern-
 14 ment, instead of by the inhabitants at a special election, if the municip-
 15 al officers so direct. The municipal officers shall give public notice
 16 in their warrants of the objects of said meeting of the inhabitants and
 17 such other notice as they may deem proper. At such meeting, the said
 18 inhabitants or the city government at a regular meeting or at a special
 19 meeting called for that purpose shall vote upon the acceptance of said
 20 devise, bequest or conditional gift, and if a majority of the legal voters
 21 or of the members of the city government present, then and there vote
 22 to accept said devise, bequest or conditional gift, in accordance with
 23 the terms contained in said will and upon the conditions made by the
 24 testator or by said individual, said municipal officers of said city or
 25 town (f) and shall forthwith ten days after the meeting notify send said
 26 executives, trustees or individual, in writing written notice of said
 27 its acceptance by said city or town aforesaid or the nonacceptance
 28 thereof rejection. (g)

Comment:

c-d, a-b, d-e, f-g become NS 20 I.

c-d. Restated.

a-b. Restated. Gift includes one made by any means. "Donor or his representative" takes care of "executors, trustees, individuals, corporations," etc. and saves repeating a long series of words.

d-e. "Legal" deleted. Meeting is required to be a "legal meeting."

- e-f. Deleted. Redundant.
- f-g. Restated adding "10 days" to give time limit on notice.

1 **Sec. 117. Terms of wills or gifts carried out.** (a) ~~Whenever the~~
 2 ~~donor or his representative executors or trustees under any will have has~~
 3 ~~fully discharged completed their duties his part of the agreement respect-~~
 4 ~~ing the payment, delivery or otherwise execution of any devise or bequest~~
 5 ~~conditional gift, to said city or town under the provisions of section 116;~~
 6 ~~(b) or any such individual has made such contemplated conditional gift~~
 7 ~~to said city or town; and said city or town has accepted said devise,~~
 8 ~~bequest or conditional gift, in accordance with the conditions thereto~~
 9 ~~attached, as set forth in the preceding section (c) then said city or~~
 10 ~~town the municipality shall perpetually comply with, and strictly maintain~~
 11 ~~and keep all (d) the conditions and terms upon which said devise, bequest~~
 12 ~~or conditional gift it was made; (e) and any city or town so accepting~~
 13 ~~said devise, bequest or conditional gift and receiving the same, or enjoy-~~
 14 ~~ing the benefits therefrom (f) and may raise money to carry into effect,~~
 15 ~~(g) the requirements and terms upon which said devise, bequest or conditional~~
 16 ~~gift was so accepted and received (h) The provisions of this and the~~
 17 ~~preceding section shall apply only to devises, bequests and gifts devised~~
 18 ~~and bequeathed or given to cities and towns A municipality may accept a~~
 19 ~~conditional gift for any specified municipal, educational benevolent, and~~
 20 ~~charitable religious, or educational purposes. and objects, or for the~~
 21 ~~care, protection, repair and improvement of cemeteries owned by said~~
 22 ~~cities or towns or of cemetery lots owned by individuals (i)~~

Comment:

- a-b, c-d, f-g, d-e become NS 20 II. h-i becomes NS 20.
- a-b. Restated. "Gift" includes one made by any means.

- b-c. Deleted. "Gift" in line 6 cannot be made before acceptance by municipality; it may only be proposed.
- c-d. Restated using "municipality" for uniformity.
- f-g. Restated. No change.
- d-e. Restated more simply.
- h-i. Reworded. "Religious" and "municipal" added to conform to purposes for which a trust fund may be accepted. See NS 19. Deleted parts unnecessary. Purposes are sufficient to cover cemeteries. This usually handled by trust which is covered in Ch. 58 Sec. 14.

Note:

After "made" in line 11 add the following as NS 20 III:

"Unless otherwise specified by its terms, a conditional gift of money may be deposited or invested according to section 21."

This is new and is added to give the power to invest or deposit conditional gift funds not governed by the terms of the gift.

1 **Sec. 118. Money in trust.** ~~Any city or town municipality~~ may
 2 receive money **or other property** ~~by donation or legacy~~ in trust for
 3 **any specified municipal,** benevolent, religious, or educational purposes.
 4 ~~for the erection and maintenance of monuments and for the benefit of~~
 5 ~~public cemeteries and lots therein; provided that the city or town~~
 6 ~~lawfully consents~~

Comment:

This becomes NS 19.

Line 1. "Municipality" for uniformity.

Line 2. "Other property" added to broaden power of acceptance.

- Line 3. "Specified" added to force donor to specify purpose to eliminate possible difficulty where donor leaves trust "for a benevolent purpose." Under this statute, he would have to specify the purpose under one of the above categories. "Municipal" added to make clear power of municipality to accept trust for a municipal purpose not necessarily falling under one of the other categories.
- Line 4. Deleted. Monuments to veterans is a municipal purpose. Other types of monument could be donated by conditional gift.
- Line 5. Deleted. Municipality already allowed to accept trust for cemeteries. Ch. 58 Sec. 14.
- Line 6. Consent of municipality covered by NS 19 I as follows:

"When the municipal officers receive written notice from a prospective donor or his representative of a proposed trust, they shall submit the matter at the next meeting of the legislative body and shall within 10 days after the meeting send written notice of its acceptance or rejection."

This is a provision similar to that for the acceptance of a conditional gift. See NS 20 I.

1 **Sec. 118-A. Investment of trust funds.** (a) ~~Any a city or town~~
 2 ~~municipality holding trust funds~~ may (b) ~~solely~~ for the purposes of ~~the~~
 3 investment. ~~thereof~~ (c) Unless the instrument ~~judgment, decree~~ or order
 4 creating the trust prohibits, (d) treat any 2 or more ~~of such trust funds~~
 5 as a single fund (e) ~~the income therefrom~~ any interest earned or capi-
 6 tal gains realized (f) ~~After adjustment for expenses in the care and~~
 7 ~~deduction of management expenses, thereof~~ (g) ~~to be divided shall be~~
 8 ~~prorated among the various trusts funds. in proportion to the contribu-~~
 9 ~~tion made by each to such fund~~ (h)

Comment:

c-d, a-b, d-e, b-c become NS 19 II A. f-g, e-f, g-h become NS 19 II B.

c-d. "Instrument or order" includes "judgment" and "decree."

a-b. "Municipality" substituted for "city or town" for uniformity.

d-e. No change.

b-c. Restated adding "solely."

f-g. Restated more simply.

e-f. "Interest earned or capital gains realized" substituted for "income" as being more accurate.

g-h. Restated. "Prorated" covers "divided . . . in proportion to the contribution made by each" more concisely.

1 **Sec. 118-B. Donations or gifts of money to city or town.** (a)
 2 ~~Whenever the municipal officers of any city or town are notified in writ-~~
 3 ~~ing by any person that he intends to make a donation or gift of money, in~~
 4 ~~behalf of said city or town, for the purpose of (b) to supplementing~~
 5 ~~one or more a specific appropriations already made, or to reduce the~~
 6 ~~tax assessment, in respect to one or more specific appropriations already~~
 7 ~~made or to reduce the permanent city or town debt. (c) The municipal~~
 8 ~~officers have authority to may accept such a donation or gift of money~~
 9 ~~to the municipality and cause same to be applied for the purpose or pur-~~
 10 ~~poses stated by the donor (d) If prior to the establishment of the tax~~
 11 ~~rate the assessors receive certification written notice from the municip-~~
 12 ~~al officers that such a donation sum has been received and paid in to~~
 13 ~~the treasury municipality for the purpose of reducing the tax commitment~~
 14 ~~assessment, the assessors they shall forthwith credit reduce the one or~~
 15 ~~more specific appropriations it with the money received in that amount~~
 16 ~~in accordance with the instructions of the donor, and thus reduce the~~

17 ~~total commitment before proceeding to~~ establishing the tax rate. (e) ~~The~~
18 ~~word "person" as used in this section shall be construed to import both~~
19 ~~the singular and plural, as the case demands, and shall include corpora-~~
20 ~~tions, companies, societies, associations and charitable, benevolent and~~
21 ~~civic improvement trusts. This section shall not be so construed as to~~
22 ~~exclude cities and towns from accepting donations and gifts of any~~
23 ~~other character.~~ (f)

Comment:

c-d, b-c become NS 22. d-e becomes first part of NS 22 I. See "Note" below.

a-b. Deleted. Written notice unnecessary. This section only requires a meeting of the municipal officers.

c-d. Restated. Deleted portion should be allowed only as a conditional gift.

b-c. Restated. Whole tax assessment is reduced. No assessment with respect to specific appropriation.

d-e. Restated. No necessity for crediting any particular appropriation where purpose is only to reduce tax assessment.

e-f. Deleted. Unnecessary. New section does not limit the donor to "any person" and thus eliminates the need for defining "person."

Note:

After "rate" in line 17 add as the last part of NS 22 I:

"If the tax rate has already been established, the treasurer shall deposit the money in a bank, trust company, or national bank in the State, and withdraw it at the proper time to reduce the tax assessment for the following taxable year."

This is added to cover the alternative situation of receiving a donation too late to reduce the assessment.

1 **Sec. 119. Grants from federal government. ~~The respective cities~~**
 2 **~~and towns of the state of Maine are given full authority, power and~~**
 3 **~~legal capacity to accept title to lands and buildings Purchasing real~~**
 4 **~~estate and personal property from the United States of America Federal~~**
 5 **~~Government or any agency thereof and are authorized and empowered to pay~~**
 6 **~~to the United States of America or any of its agents a sum equal to the~~**
 7 **~~cost of acquisition of said lands and buildings of the United States of~~**
 8 **~~America for municipal purposes.~~**

Comment:

This becomes NS 12 V C.

Lines 1-8. Restated. The gist of this section is the power to purchase real estate from the Federal Government which includes its agencies.

Line 4. “Personal property” added to broaden scope slightly.

Line 8. “Municipal purposes” added to eliminate doubt as to power to purchase for any other purpose.

1 **Sec. 120. Taxation for refunding indebtedness and investment of trust**
 2 **~~funds. Any city or town which has a funded indebtedness may create a sink-~~**
 3 **~~ing fund for the payment and redemption of such indebtedness and may raise~~**
 4 **~~money by taxation for such purpose. City and town officers and officers~~**
 5 **~~of quasi municipal corporations shall hereafter invest all permanent funds~~**
 6 **~~including sinking funds, permanent school funds and money or credits de-~~**
 7 **~~posited with them for perpetual care of lots in cemeteries, in the legal~~**
 8 **~~obligations of the United States of America; the States of Maine, New Hamp-~~**
 9 **~~shire, Vermont, Massachusetts, Rhode Island, Connecticut, New York and~~**
 10 **~~Pennsylvania, and the bonds of the several counties, cities and towns in~~**
 11 **~~the several states above named which are the direct obligation of said~~**

12 counties, cities and towns, and the bonds of water districts located in
 13 the State of Maine, and chartered and organized as quasi municipal corpora-
 14 tions under the laws thereof, which are the direct obligation of said
 15 water districts, and, except sinking funds, may invest any of said funds
 16 in accordance with the laws of the state governing the investment of the
 17 funds of savings banks as enumerated in section 19-F of chapter 59, or
 18 may deposit the same, including sinking funds, on time deposit in banks
 19 or trust companies, organized under the laws of this State or of the
 20 United States, in shares of loan and building associations and savings
 21 and loan associations organized under the laws of this state, and not
 22 otherwise; and (a) Unless otherwise specifically provided by specified in
 23 the terms of the grant or bequest trust instrument, only the annual in-
 24 come from the trust fund only, shall be expended may be spent. in per-
 25 formance of the requirements of the trust (b) Provided that this section
 26 shall not be construed to require any change of investments made prior to
 27 July 7, 1923, or the sale of (c) Any property or securities specifically
 28 bequeathed as a included in the corpus of a trust fund shall be retained
 29 if their retention be approved by the judge of probate for the county in
 30 which said city or town is located or if the terms creating where the
 31 trust instrument so provides. for their retention; (d) but when the
 32 indebtedness for the payment of which a sinking fund is created it was
 33 established is has been refunded. or paid by such city or town by a new
 34 loan (e) Any stocks, bonds or securities assets remaining in said a
 35 sinking fund account, other than its own bonds, may shall be withdrawn
 36 therefrom the account (f) and shall not be regarded as The legislative
 37 body may pledged the assets for payment of the new loan debt unless
 38 afterward returned to the sinking fund or may order them transferred to

39 another account. (g) ~~The provisions hereof shall apply to the investment~~
40 ~~of funds, as provided for in section 15 of chapter 58.~~ (h)

Comment:

a-b becomes NS 19 II D. c-d becomes NS 19 II C. e-f, d-e, f-g become NS 17 IV A (r).

This section was originally several sections. One group covered sinking funds. The other covered trust funds. This section is a synthesis of both groups which explains its present confused condition.

Lines 2-4. The sinking fund provisions have been included under NS 17, 18, and 21 integrating the purposes for which a reserve fund may be established, since a sinking fund is an accumulation of assets for the payment of a debt. The only difference in a sinking fund reserve account and the usual capital reserve account is that the former is a reserve accumulated to pay a debt, and the latter is a reserve accumulated in contemplation of a debt.

Lines 4-21. Restated in NS 21 with the added provision that sinking funds also may be invested as are the funds of savings banks since there seems to be no valid reason why they should not be, especially in view of the fact that **credit reserve funds** which should be invested with great care may be invested under the present law as are the funds of savings banks. See Sec. 164. As far the list of investments in these lines, it is covered completely in the savings bank law, Ch. 59 Sec. 19-I.

a-b. Restated more simply. This provision relates only to **trust funds** and has been placed with the other trust provisions in NS 19 II D.

b-c. Deleted. Unnecessary.

- c-d. Restated deleting necessity for approval of judge of probate for retention of securities since law restricting investment has been in effect long enough to take care of past difficulties. This is a **trust fund** provision and therefore becomes NS 19 II C.
- e-f & d-e. Restated and placed in **sinking fund** account provisions as NS 17 IV A.
- f-g. Same comment as e-f except the power of the legislative body to pledge the securities for payment of the new debt or transfer them to another account is spelled out.
- g-h. Deleted. A reference to NS 21 covering investment of funds will be placed in Ch. 58 Sec. 15 to replace the old reference now appearing there. See enacting Sec. 10 of L. D. 437.

1 **Sec. 121. Use of sinking fund.** ~~Any sinking fund described in~~
 2 ~~section 120 shall be used for no other purposes than those provided for~~
 3 ~~in the preceding section, and Any town officer municipal official who~~
 4 ~~shall uses or appropriate the moneys or securities assets which compose~~
 5 ~~such sinking of any account of the reserve fund in any other manner or~~
 6 ~~for any other purpose other than that provided by the municipality shall~~
 7 ~~be punished by a fine of not more than \$2,000 or by imprisonment for not~~
 8 ~~more than 2 years.~~

Comment:
 This becomes NS 18 IV.

Lines 1-3. Since the provisions for sinking funds have been integrated with reserve accounts, the law stated in lines 1-3 has been

broadened to cover all reserve funds in NS 17, reallocated to NS 18 II, and reworded as follows:

“An expenditure from any account of the fund may be made only for the specific purpose for which the account was established.”

Lines 3-8. Reworded to include **all** reserve accounts and reallocated to NS 18 IV.

1 **Sec. 122. Fund applied according to directions of donor.** ~~The~~
2 ~~city or town, by its officers or agents, shall apply the sinking fund~~
3 ~~described in section 120 or its income in accordance with the written~~
4 ~~directions of the donor or testator, made known at the time when the~~
5 ~~fund was accepted. If the city or town municipality fails to apply the~~
6 ~~fund or its income at the times and for the purposes prescribed in~~
7 ~~said directions comply with the terms of the trust instrument, the~~
8 ~~trust fund reverts to the donor if living; otherwise or to his heirs.~~

Comment:

Lines 5-8 become NS 19 III.

This section originally was written as a **trust fund** provision. The word “**sinking**” was incorrectly placed before the word “**fund**” when the provisions for trust and sinking funds were amalgamated. The reason for this does not appear. See comment on Sec. 120.

Lines 1-5. Deleted. Covered by NS 18 II.

Lines 5-8. Restated more simply as a **trust fund** provision.

1 **Sec. 123. General public health nursing service.** ~~Towns desiring~~
2 ~~to take advantage of the provisions of this section and section 103~~
3 ~~are empowered to appropriate or raise money for the said purposes at~~

4 any annual town meeting, or during the war emergency, at any special
5 town meeting called for the purpose.

6 (a) When a public health nursing program meets the requirements of
7 the Department of Health and Welfare, the State may contribute not exceed-
8 ing more than 50% per year annually on account of for paying the salary
9 and travel expenses of any such the public health nurse, whose qualifica-
10 tions meet the requirements of the department of health and welfare (b)
11 provided that no A State contribution may not be made by the state
12 for services provided for in this section and section 103 where the total
13 population of any town municipality exceeds 6,000 as shown by according
14 to the most recent U. S. last decennial census of the United States. (c)
15 The amount to be paid contribution by of the towns municipality for such
16 salary and travel shall be paid to the State Treasurer of state to be
17 and credited to the public health nursing account of said Department of
18 Health and Welfare. (d) the salary and necessary travel expenses of such the
19 public health nurses. (e) shall be paid pay by (f) the Department of Health and
20 Welfare (g) Whenever the State contributes, to their salary and travel (h)
21 The State's share of the above contributions may be paid from the
22 State appropriation for public health nursing to the Department of Health
23 and Welfare, or from Federal grants to the State when plans are approved
24 by the granting agency. (i)

Comment:

a-b becomes NS 6 I. b-c becomes NS 6 II. c-d, g-h, f-g, e-f, d-e become NS
6 III. h-i becomes NS 6 IV.

Lines 1-5. Deleted. Restriction to annual town meetings or special town
meetings during war emergency eliminated as unnecessary. Power
to raise or appropriate money found in NS 12 IV C.

- a-b & b-c. Restated along with the 2nd paragraph of Sec. 103 to indicate that a municipality may employ a public nurse but is not entitled to State contribution until certain requirements are met.
- Line 14. "Decennial census of the United States" is the proper name for the 10-year federal census.
- Lines 17 & 22. There is no public health nursing account as such. Funds for nurses come from several accounts, such as T. B., polio, etc.

1 **Sec. 124. Recreational purposes.** ~~Any municipality may dedicate~~
 2 ~~and set apart for use as a recreation center or centers as play-~~
 3 ~~grounds, or for any other recreational purpose, any land or buildings~~
 4 ~~or both owned or leased by such municipality and not dedicated or~~
 5 ~~devoted to another public use, and such~~ A municipality is authorized may
 6 ~~to acquire and maintain lands or buildings real estate or both and per-~~
 7 ~~sonal property for said recreational purposes, by gift, purchase or~~
 8 ~~lease; or to construct a building or buildings for said recreational~~
 9 ~~purposes on land dedicated, devoted or acquired as above provided and~~
 10 ~~may establish and conduct a recreational program.~~

Comment:

This becomes NS 7.

- Lines 1-5. Deleted. Dedication to recreational use unnecessary and cumbersome when desirable at later time to use for other purpose.
- Lines 7-9. Deleted portion unnecessary. "Acquire" includes obtaining by any legal means.
- Line 10. This provision reallocated from Sec. 126 lines 7-8.

1 **Sec. 125. When provisions effective.** ~~The provisions of sections~~
 2 ~~124 to 129, inclusive, become effective in any municipality where~~
 3 ~~they have been adopted by the governing body empowered to enact~~

4 ~~ordinances or by laws, through the legal procedures provided by the~~
 5 ~~laws of this state for the enactment of ordinances or by laws, without,~~
 6 ~~however, necessitating preliminary public hearings.~~

Comment:

Deleted as unnecessary. Adoption of these sections in no way adds to, restricts, or detracts from power of municipality.

I ~~Sec. 126. Money raised for recreational purposes. Any municipality~~
 2 ~~adopting the provisions of sections 124 to 129, inclusive, as provided~~
 3 ~~in section 125, is authorized to raise and appropriate money by assess-~~
 4 ~~ment of taxes pursuant to law, and to do any and all acts necessary and~~
 5 ~~convenient for the purpose of acquiring lands and buildings, or erecting~~
 6 ~~buildings, for playgrounds, recreation centers and for other recreational~~
 7 ~~purposes, for the equipment thereof, and for the conducting and administer-~~
 8 ~~ing of a recreational program including the appointment of the necessary~~
 9 ~~personnel; the All powers herein granted exercised under the authority~~
 10 ~~of this section shall be construed as are governmental rather than cor-~~
 11 ~~porate or and not proprietary.~~

Comment:

Lines 9-11 become NS 7 II.

Lines 1-2. Deleted. Adoption of these sections did not add to, restrict, or detract from power of municipality.

Line 3. Power to raise money reallocated to NS 12 V D.

Lines 4-8. Deleted. Unnecessary. Power to conduct program includes power to carry out administrative details.

Lines 9-11. Restated.

I ~~Sec. 127. Property accepted. Any municipality which has adopted~~
 2 ~~the provisions of sections 124 to 129, inclusive, is authorized to~~

3 accept any grant or devise of real estate or any gift or bequest of
 4 money or other personal property or any donation to be applied,
 5 principal or income, for either temporary or permanent use for
 6 recreational purposes authorized in section ~~124~~.

Comment:

Deleted. Power to accept conditional gift or devise already allowed by section 116.

1 **Sec. 128. Union formed.** Two or more municipalities ~~by vote of~~
 2 ~~the governing bodies of each~~ may form a union for the purpose of act
 3 jointly in establishing and conducting a recreational program as set
 4 forth in sections ~~124 to 129, inclusive~~. The municipal governing
 5 bodies and may by contract with each other or agreement provide for the
 6 sharing of costs and for the distribution among the municipalities of the
 7 exercise of powers granted by said sections its operation.

Comment:

This becomes NS 7 I.

Lines 1-7. Restated for clarity and form.

Lines 1-2. "Vote of the governing bodies of each" deleted as unnecessary.
 All powers of municipality are exercised by vote of legislative
 body.

Line 7. "Operation" covers costs, powers, duties, ownership, etc.

1 **Sec. 129. Limitation of repeal.** The provisions of ~~this sections 124~~
 2 ~~to 129, inclusive~~ do not ~~repeal or~~ impair any power now vested by public
 3 or private law special act in any municipality, ~~or park, or~~ recreational
 4 board, or park commission.

Comment:

This becomes NS 7 III.

Lines 1-4. Restated for clarity and form.

Line 3. Only possible power previous to this section would have been by special act. Query need for this section since special act is superior to general law where general law would detract from special act, unless general law specifically abrogates special acts previously enacted.

1 **Sec. 130. Armories provided; places for parade; rent allowed by**
 2 **state. Municipal officers shall provide for each company of authorized**
 3 **state military or naval forces within their towns a suitable armory**
 4 **or place of deposit for the arms, equipment and equipage furnished**
 5 **by the state. They shall also provide a suitable room for the safe-**
 6 **keeping of books, transaction of business and instruction of officers**
 7 **for each regiment, battalion or other unit of authorized state**
 8 **military or naval forces located within their towns; and suitable**
 9 **places for their parade, target practice and drill. A reasonable**
 10 **compensation for rent of such armory, headquarters or place of deposit**
 11 **may be allowed from funds appropriated for such purposes to the town**
 12 **or city furnishing such armory, headquarters or place of deposit.**

Comment:

Deleted. All provisions covered by Ch. 14 Sec. 18.

1 **Sec. 131. Armory construction and repair; powers of military**
 2 **defense commission. The state military defense commission is**
 3 **authorized to order and supervise the construction of buildings to**
 4 **be used as armories for the purpose of the use of the national**

5 guard of the state of Maine, and to repair and improve buildings
 6 donated for that purpose. Whenever a town or any person shall
 7 deed to the state of Maine any lot or lots, or lot or lots and
 8 buildings thereon to be used by the state for the purpose of
 9 constructing an armory, the state military defense commission is
 10 authorized to accept such gift provided sufficient funds are
 11 available to carry out the project.

Comment:

Deleted. All provisions covered by Ch. 14 Secs. 17 and 18.

1 Sec. 132. Reimbursement by state. Any city or town constructing
 2 an armory in compliance with terms of the preceding section shall be
 3 reimbursed by the state, out of any moneys in the treasury not other-
 4 wise appropriated, to an amount equal to $\frac{1}{2}$ of the cost of constructing
 5 such armory building. The reimbursement aforesaid is not to exceed
 6 a total of \$50,000 to any one city or town and shall be made in installments
 7 in the following manner and amounts: when and as each payment falls
 8 due and is payable from the city or town for work performed and material
 9 furnished in accordance with the contract provided for in the preceding
 10 section, such city or town shall be entitled to receive from the state
 11 treasury a sum equal to $\frac{1}{2}$ of such installment then due and payable from
 12 the city or town to the contractor; provided, however, that the state
 13 military defense commission shall have certified in writing to the
 14 treasurer of state that such installment is justly due and payable from
 15 the city or town for work performed and material furnished in conformity
 16 to the aforesaid contract; provided also that the city or town shall have
 17 deposited with the treasurer of state a recorded deed conveying to the
 18 state a good and sufficient title to the armory lot and building; and

19 provided further, that not more than 3 such armories shall be erected
20 during the 2-year term of any legislature.

Comment:

Deleted from this chapter and reallocated to Ch. 14 Sec. 18. See enacting Sec. 4 of this bill. (L. D. 437)

1 **Sec. 133. Armories for exclusive use of national guard.** All
2 armories erected under the provisions of the 2 preceding sections
3 shall be subject to the provisions of section 18 of chapter 14; but
4 nothing herein contained shall be construed to prevent the use of
5 any armory erected under the provisions of said 2 preceding sections
6 for such other purposes, not interfering with its use for military
7 purposes, as the municipal officers may authorize.

Comment:

Deleted. Covered by Ch. 14 Sec. 18.

1 **Sec. 134. Municipalities, power to build or acquire and raise money**
2 **by taxation.** All municipalities in this state are given power and
3 authority to build or acquire by purchase, lease, gift or otherwise
4 suitable armories, drill rooms, stables, headquarters offices and
5 the land necessary therefor and for target ranges for such organizations
6 of the national guard or other authorized state military or naval forces
7 as may be stationed or located therein, and to provide for the maintenance
8 and repair of the same; and all municipalities are authorized and it shall
9 be the duty of the officers thereof to raise money by taxation or other-
10 wise for the purpose of providing suitable armories, drill rooms, stables,
11 headquarters offices and target ranges for such organizations of the
12 national guard or other authorized state military or naval forces as may

13 be stationed and located therein, in such manner as is by law provided for
14 the erection and maintenance of all municipal public buildings and
15 improvements.

Comment:

Deleted from this chapter and reallocated to Ch. 14 Sec. 18. See enacting Sec.
4 of this bill. (L. D. 437)

1 **Sec. 135. Exemption from taxation.** All armories, drill rooms,
2 offices, stables, headquarters offices and target ranges owned by
3 the state or by any municipality, or by any organization of the
4 national guard or other authorized state military or naval forces,
5 and such portion of buildings and lands leased by the state or by
6 any municipality, or by an officer or organization of the national
7 guard or other authorized state military or naval forces, to be
8 used as an armory, drill room, stable, headquarters office, target
9 range or for other military purposes shall be exempt from taxation
10 for all purposes during the period of such ownership or lease and use.

Comment:

Deleted from this chapter and reallocated to Ch. 14 Sec. 18. See enacting
Sec. 4 of this bill. (L. D. 437)

1 **Sec. 136. Harbor or river improvements.** Any municipality in the
2 state, by action of its legislative body, is authorized to negotiate,
3 cooperate . . . and may enter into agreements contract with the United
4 States and this State and Federal Governments in order to satisfy to
5 comply with the conditions requirements imposed by the United States
6 Federal Government in authorizing any project which has been approved
7 by the Governor for the improvement improving of navigation of any

8 harbor ~~or~~ and river navigation and for protection or preventing of
 9 property against damage by floods erosion or by erosion, flood. provided
 10 such project shall have been approved by the governor.

Comment:

This becomes the last part of NS 8. For first part see Sec. 138.

Lines 1-3. Deleted portions unnecessary. "Contract" covers "negotiate . . .
 etc."

Lines 4-10. Restated.

1 **Sec. 137. Joint action by municipalities.** ~~When any such improve-~~
 2 ~~ment or protection project is located within a~~ Two or more municipalities
 3 ~~such municipalities are authorized to undertake~~ may act jointly in
 4 performing any such action as is the operations authorized by this section.
 5 ~~136.~~

Comment:

This becomes NS 8 I.

Lines 1-5. Restated more broadly. Several municipalities might benefit
 from a project not actually located within their boundaries.
 Limitation to location within actual boundaries eliminated.

1 **Sec. 138. Condemnation; appropriation; bonds.** ~~In order to~~
 2 ~~carry out the intent of sections 136 to 141, inclusive, any~~ A municipality
 3 ~~is authorized to~~ may acquire real estate or easements by the condemnation
 4 procedure for town ways as provided in chapter 96, . . . any land, easements
 5 ~~or right of ways required for any such improvement or protection project,~~
 6 and any municipality is authorized to make appropriations and to expend
 7 funds, in the manner provided by law, for any such improvement or pro-

8 ~~tection project, and to issue bonds or other evidences of debt, subject to~~
9 ~~statutory limitations, for any such improvement or protection project.~~

Comment:

This becomes the first part of NS 8. For last part see Sec. 136.
Lines 3-4. Condemnation procedure set forth specifically to eliminate doubt
as to which condemnation procedure is referred to.
Lines 5-9. Deleted. Power to appropriate money reallocated to NS 12 II D.
Power to issue bonds already covered by Sec. 109.

1 **Sec. 139. Federal government not liable for claims or damages.**
2 ~~The governor, with the advice and consent of the council is authorized~~
3 ~~to give assurances that the state will~~ **Make an agreement with the Federal**
4 **Government to hold and save it harmless the United States free from**
5 **resulting claims. or damages resulting from such improvement or protection**
6 ~~project and to enter into an agreement with the federal government for~~
7 ~~such purpose~~

Comment:

This becomes NS 8 II C.
Restated for uniformity and clarity.

1 **Sec. 140. State's share of expense.** (a) When an appropriation has
2 been made **for it** by the Legislature. ~~for such purpose~~ (b) ~~the governor~~
3 ~~with the advice and consent of the council is authorized to~~ (c) Provide
4 for the payment by the State of not more than one-half of the ~~cash~~ con-
5 tribution required by the Federal Government, ~~for any such improvement or~~
6 ~~protection project~~ (d)

Comment:

c-d, a-b become NS 8 II B.

Lines 1-6. Restated for form.

b-c. Deleted. Covered by NS 8 II.

1 **Sec. 141. Investigation.** (a) The Governor, with the advice and
 2 consent of the Council, ~~is authorized to may do the following with regard~~
 3 ~~to such a project:~~ (b) Designate ~~any~~ state agency to make ~~such any~~
 4 investigation ~~as is deemed considered necessary. in connection with any~~
 5 ~~such improvement or protection project~~ (c)

Comment:

a-b becomes NS 8 II. b-c becomes NS 8 II A.
 Restated for clarity and form.

1 **Sec. 142. Annual audit.** (a) ~~Every~~ Each city, town, plantation,
 2 ~~village municipality and quasi-municipal corporation sewer district and~~
 3 ~~school district in the state shall have an annual postaudit made of its~~
 4 accounts ~~annually~~ covering the last complete fiscal year by ~~either~~ the
 5 State Department of Audit or by a qualified public accountants ~~or others,~~
 6 ~~recognized as competent auditors by their training and experience~~ elected
 7 by ballot or, if not so elected, engaged by its officers. (b) ~~Choice of~~
 8 ~~such auditor may be made in accordance with the provisions of section 15.~~ (c)
 9 ~~In case of~~ When there is dissatisfaction with ~~the~~ a postaudit made
 10 by ~~others than the state department of audit~~ a public accountant ~~upon~~
 11 as shown by a petition signed by at least of 10% of the legally qualified
 12 voters of ~~any city, town, plantation municipality or village corporation,~~
 13 but in no case more than 1,000, and filed with the State department of
 14 Auditor, he shall ~~make another order~~ a new postaudit to be made by his
 15 Department, the expense of which shall be paid by the municipality or
 16 village corporation. (d) ~~and the parties making such audits shall have~~

17 ~~access to~~ Whenever a postaudit is being made, all necessary papers, books
 18 ~~and~~ records shall be made available to the auditor. (e)

Comment:

a-b becomes NS 26. c-d becomes NS 26 I. d-e becomes NS 26 II.

a-b. "Each municipality and quasi-municipal corporation" substituted to require annual postaudit of the accounts of all municipal and quasi-municipal corporations. Lines 5-6 partially deleted to require postaudit to be made by qualified public accountant or State Department of Audit. In line 7, "engaged by its officers" added to conform to the usual practice.

b-c. Deleted. Covered by lines 6-7.

c-d. Restated more simply. "But in no case more than 1000" added to make this provision workable in a large city. "The expense of which shall be paid by the municipality or village corporation." taken from Sec. 146. Petition to be filed with the State Auditor to eliminate doubt.

d-e. Reworded so that necessary records shall be made available when any post-audit is being made.

1 **Sec. 143. Accounting system approved by state department of audit.**

2 ~~Cities, towns, plantations and villages~~ Each municipality and each quasi-

3 ~~municipal corporations not under the jurisdiction of the Public Utilities~~

4 **Commission shall adopt use and have installed an adequate a uniform**

5 **accounting system approved by the State Department of Audit; provided**

6 **that accounting systems now in use and approved by the state department**

7 **of audit may be continued**

Comment:

This becomes NS 24.

Lines 2-3. "Municipality and quasi-municipal corporation" substituted for "Cities, towns, plantations and village corporations" to bring the accounting systems of quasi-municipal corporations which are not within the jurisdiction of the PUC under uniform control. Sec. 16 of L. D. 437 requires plantations to use uniform system.
Lines 6-7. Deleted part unnecessary.

1 **Sec. 144. Uniformity; books, forms, etc., supplied.** ~~The accounting~~
2 ~~systems installed in accordance with the provisions of this chapter~~
3 ~~shall be such as will, in the judgment of the state auditor, be most~~
4 ~~effective in securing uniformity of classification in the accounts~~
5 ~~of such cities, towns or village corporations. The state auditor~~
6 ~~may supply approximately at cost to cities, towns and village corpora-~~
7 ~~tions where such accounting systems have been installed such books,~~
8 ~~forms or other supplies as may be required from time to time after~~
9 ~~the original installation of such systems.~~

Comment:

Deleted. Unnecessary. Lines 1-5 taken care of by requirement of adoption of uniform system in NS 24.

Lines 5-9. No longer the practice of State Auditor.

1 **Sec. 145. Audit report.** ~~Upon the completion of an~~ After the
2 ~~postaudit has been completed, under the provisions of sections 142 and~~
3 ~~143 the auditor shall render submit a report to the municipal officers~~
4 ~~trustees, school boards or any other appropriate administrative official~~
5 ~~of the municipality or quasi-municipal corporation and shall send a~~
6 ~~certified copy thereof to the State Auditor, embodying the results of~~
7 ~~his findings, with such suggestions as he may deem advisable for the~~

8 proper administration of the city, town, plantation, village corporation,
9 sewer district or school district

Comment:

This becomes NS 26 III.

Lines 1-6. Restated for uniformity.

Lines 6-9. Deleted. Covered by "Note" below.

Note:

After NS 26 III, add the following:

"A. The report shall contain the following items: (1) Letter of transmittal. (2) Auditor's comments and suggestions for improving the financial administration. (3) Comparative balance sheet. (4) Analysis of surplus. (5) Statement of operations. (6) Statement of cash receipts and disbursements, and bank reconciliation of cash balance. (7) Statement of property valuation, assessment, and collection of taxes. (8) Statement of public debt."

These items outlined for uniform reports to State Auditor.

1 **Sec. 146. Expenses.** The expenses incurred under the provisions of
2 sections 142 to 145, inclusive, shall be paid in the first instance by
3 the state; and the treasurer of state shall issue his warrant requiring
4 the assessors of the cities, town and village corporations concerned to
5 assess a tax to the amount of said expense, and such amounts shall be
6 collected and paid to the treasurer of state in the same manner and
7 subject to the same penalties as state taxes. Any balance due shall be
8 assessed in the succeeding year in the same manner as other state taxes.
9 The state shall be reimbursed for the expenses incurred under the pro-
10 visions of section 142, for school and sewer districts by such districts.

Comment:

Deleted. Procedure unworkable. Substitute the following:

“NS 26 IV. Each municipality and quasi-municipal corporation shall pay the expense of its postaudit.

A. The State Auditor shall certify to the State Treasurer for collection any unpaid balance due the State Department of Audit after a 90-day period from the date of billing has elapsed.”

This is added to conform with present day practice.

1 **Sec. 147. Schedules for uniform reports.** ~~The state department of~~
2 ~~audit may furnish to the qualified public accountant auditing the~~
3 ~~accounts of any city, town, plantation or village corporation in~~
4 ~~accordance with the provisions of section 142, forms so arranged as~~
5 ~~to provide for uniform reports and said department of audit may pre-~~
6 ~~scribe standard forms intended to promote the systematic accounting of~~
7 ~~financial transactions and the publication of same in the report of~~
8 ~~the city, town, plantation or village corporation and it shall be the~~
9 ~~duty of the officers of all cities, towns, plantations and village~~
10 ~~corporations to keep and render to the state department of audit in~~
11 ~~the manner and form prescribed by said department accounts of all~~
12 ~~business transacted. It shall collect from the proper local authorities~~
13 ~~such other information pertaining to municipal affairs as in its judg-~~
14 ~~ment may be of public interest. All accounting and other officials and~~
15 ~~eustodians of public money of cities, towns, plantations or village cor-~~
16 ~~porations shall fill out properly and return promptly to the state~~
17 ~~department of audit all schedules transmitted by it to them.~~

Comment:

Deleted. Unnecessary since municipalities and quasi-municipal corporations not under PUC required by new law to adopt uniform accounting system.

1 **Sec. 148. Systems of municipal accounting investigated.** The State
2 Auditor shall may inquire into the accounting systems of accounting of
3 public funds in all cities, towns and village corporations any municipi-
4 pality or any quasi-municipal corporation not under the jurisdiction of
5 the Public Utilities Commission, and it shall be the duty of all
6 municipal officers shall to furnish information relative thereto per-
7 taining to the system ~~or~~ in such forms as he may prescribe.

Comment:

This becomes NS 25.

Lines 1-7. Reworded to make investigation of accounting systems by State Auditor permissive. Also restated for uniformity with NS 24.

1 **Sec. 149. Statistics of financial affairs of municipalities**
2 **published.** The State Auditor shall publish ~~biennially~~ annually
3 statistics and other information relative pertaining to the financial
4 affairs of cities, towns and village municipalities and quasi-municipal
5 corporations and other information of public interest pertaining to
6 municipal affairs, said part of his report to which may be printed and
7 distributed as a separate document separate from his annual fiscal
8 report. if he believes it to be advisable

Comment:

This becomes NS 29.

Restated for simplicity and uniformity.

Lines 5-6. Deleted parts meaningless.

1 **Sec. 150. Clerical assistants and examiners.** The state auditor
 2 shall employ, subject to the provisions of the personnel law, necessary
 3 clerical assistants and one or more examiners as may be necessary to
 4 carry on the work provided for in sections 142 to 151, inclusive.

Comment:

Deleted. Already covered by Ch. 19 Sec. 2.

1 **Sec. 151. Attendance of witnesses and production of books and**
 2 **documents.** The State Auditor may ~~require the attendance of subpoena~~
 3 witnesses and ~~the production of books and documents records,~~ and may
 4 examine witnesses under oath in all matters arising under ~~the provisions~~
 5 ~~of sections 142 to 151, inclusive 24-26.~~

Comment:

This becomes NS 27.

Restated.

1 **Sec. 152. Violation of §§ 142-151.** Any public official who
 2 violates any of the provisions of sections 142 to 151, inclusive,
 3 or neglects or refuses to perform any duty therein imposed by sec-
 4 tions 24-26 shall be deemed guilty of a misdemeanor and upon conviction
 5 thereof shall be punished by a fine of not more than \$100 and such
 6 conviction shall be deemed cause for his removal from forfeit his office.

Comment:

This becomes NS 28.

Line 4. Secs. 24-26 cover all postaudit provisions for which public officials are to be responsible. Recital of "misdemeanor" not necessary. Misdemeanor is shown by penalty. "Conviction"

unnecessary since defendant has not violated any law until so proven in court.

Line 6. Forfeiture of office made mandatory upon violation to eliminate doubt as to how violator would be otherwise evicted from office.

1 **Sec. 153. Power to issue revenue bonds.** Any city or town municipi-
2 **ality shall have the power to may issue and sell** revenue bonds for the
3 **purchase, acquisition, acquiring, construction, improvement improving,**
4 **extension extending,** or repairing of any revenue-producing public
5 **improvement municipal facility . . . under the following conditions:**

Comment:

This becomes NS 15.

Line 1. "Municipality" substituted for "city or town" for uniformity.

Line 2. "Sell" deleted. Power to issue includes power to sell.

Line 3. "Purchase" and "construction" deleted. "Acquiring" includes by purchase or construction.

Line 5. "Municipal facility" substituted for "public improvement" as being more accurate according to the definition in Sec. 154. "Under the following conditions:" added to take care of referendum provision in Sec. 162. After "facility" add "or for refunding outstanding revenue bonds . . ." from Sec. 160.

1 **Sec. 154. Definitions.** As used in sections 153 to 161, inclusive,
2 **the term "Revenue-producing public improvement municipal facility" shall**
3 **means any water supply or distribution system, any sewerage system or**
4 **sewage disposal or sewerage facility system, or and any automobile park-**
5 **ing facility, for the parking of automobiles, from for the use or services**
6 **of which revenues are money is received by the city or town a municipality.**
7 **in connection with the operation or use thereof**

8 The term "revenue bonds" shall mean bonds secured solely by the
 9 pledge of the whole or part of the revenue from any rent, toll or
 10 charge for the use or services of such revenue producing public
 11 improvement.

Comment:

Lines 1-6. Restated and reallocated to NS I covering definitions.

Lines 8-11. Deleted. This describes one of the characteristics of a revenue bond as found in NS 16 II as follows:

"It creates a lien upon and is payable solely from money received for the use or services of a revenue-producing municipal facility."

1 Sec. 155. Effect of bonds. (a) ~~Revenue bonds issued under the~~
 2 ~~authority of sections 153 to 161, inclusive~~ It shall does not pledge the
 3 credit of nor be create a lien against any real property of the city or
 4 town municipality. nor be a charge against the general revenues of the
 5 city or town (b) but shall be It creates a lien upon and be is payable
 6 solely from the rentals, tolls or charges imposed money received for the
 7 use or services of such a revenue-producing public improvement municipal
 8 facility. (c)

Comment:

a-b becomes NS 16 III. b-c becomes NS 16 II.

Lines 1-2. Deleted portion unnecessary.

Lines 3-4. "Real" deleted before "property," since no lien on personal property of the municipality either, except the income from the facility as expressly provided in NS 16 II. "City or town" changed to "municipality."

Line 4. Deleted. Unnecessary.

b-c. Restated. This shows clearly that property of town or general revenue not liable for payment of revenue bond.

1 **Sec. 156. Use of money.** All money received by a municipality from
 2 ~~the issue and its sale of revenue bonds shall be used applied solely for~~
 3 ~~the purchase, acquisition, construction, improvement, extension or repair~~
 4 ~~of a revenue producing public improvement as defined in section 154~~
 5 ~~purpose specified in the vote authorizing its issue.~~

Comment:

This becomes NS 16 IV.

Lines 1-5. Restated. Purposes for which bonds may be issued already covered by NS 15. Money to be spent for that purpose specified by the vote of the people.

1 **Sec. 157. Bonds negotiable and tax free.** Revenue bonds issued
 2 ~~under the authority of sections 153 to 161, inclusive, shall be~~
 3 ~~negotiable and tax free in the same manner and to the same extent~~
 4 ~~as any other bonds issued by any city or town in accordance with~~
 5 ~~the provisions of the statutes of the state.~~

Comment:

This becomes NS 16 I.

Lines 1-5. Reworded as follows:

“It is governed by the negotiable instruments law of the State and may be negotiable or non-negotiable.”

This is taken from the law pertaining to the issue of school building authority revenue bonds. Ch. 14 Sec. 250.

Line 3. Provisions about “tax free” deleted. Covered by Ch. 91-A Sec. 10 I D.

Note:

Insert as NS 16:

“A revenue bond has the following characteristics:”

This is to provide a heading for a series of sentences descriptive of a revenue bond.

- 1 **Sec. 158. Procedure.** (a) ~~Any city or town providing for the~~
 2 ~~issue and sale of revenue bonds shall follow the same procedure as~~
 3 ~~required by law for the issue and sale of other bonds except that the~~
 4 ~~order, ordinance or resolve~~ The ballot submitted to the voters to
 5 ~~authorizing~~ authorize the issue ~~and sale~~ of revenue bonds shall state:
 6 the following: (b)
- 7 I. The purpose for which the ~~revenue~~ bonds are to be issued;
 8 (c) II. The ~~maximum~~ principal amount of the bonds ~~to be issued;~~
 9 ~~issue.~~
- 10 (d) III. The ~~rate or rates of interest or the maximum rate or rates~~
 11 ~~of interest the bonds shall are to bear;~~
- 12 (e) IV. The maximum period within which the bonds ~~shall are to ma-~~
 13 ~~ture;~~
- 14 (f) V. The amount ~~or percentage~~ of annual ~~rentals, tolls or charges~~
 15 ~~income from the facility which are~~ is pledged for the payment of
 16 interest and the ~~retirement amortization~~ of principal on the revenue
 17 bonds to be issued. ~~and shall pledge such annual revenues for the~~
 18 ~~payment of the principal and interest of such bonds;~~
- 19 (g) VI. ~~That the bonds are not general obligations of the city or~~
 20 ~~town and that no property or revenues of the city or town shall~~
 21 ~~be pledged to the payment thereof or the interest thereon, except~~
 22 ~~the rents, tolls or charges for the use or services of the revenue~~
 23 ~~producing public improvement to be purchased, acquired, constructed,~~

24 ~~improved, extended or repaired from the proceeds of the revenue~~
 25 ~~bonds to be issued, and that (h) No tax shall in any event may be~~
 26 ~~levied for the payment of the interest or amortization of principal.~~
 27 ~~of such bonds;~~
 28 (i) ~~VII. That the bonds shall constitute a lien against the rents, tolls~~
 29 ~~or charges for the use or services of the revenue producing public~~
 30 ~~improvement which are specifically pledged under the order, ordinance~~
 31 ~~or resolve authorizing the issuance of the bonds;~~
 32 (j) ~~VIII. The form and wording of the bonds to be issued;~~
 33 (k) ~~IX. The conditions under which additional revenue bonds may be~~
 34 ~~issued in connection with for the same public improvement municipal~~
 35 ~~facility. (l)~~

Comment:

a-b becomes NS 15 I A. b-c, c-d, d-e, e-f, f-g, k-l become NS 15 I A (1)-(6), respectively. h-i becomes NS 16 V.

- a-b. Restated to require these matters to be decided by ballot. Under Sec. 163 referendum required and ballot enables the proper count to be made.
- Line 8. "Principal" amount leaves municipality power to issue more bonds at a later date if it desires to do so.
- Line 14. "Or percentage" added to allow either stated amount or percentage to be pledged.
- Line 15. "Income" covers "rentals, tolls or charges."
- Lines 17-18. Partially deleted. Ballot specifies amount which is pledged in line 15.
- g-h. Deleted. Law provides for this already. See NS 16. No need to so stipulate on the ballot.

- h-i. Restated and reallocated to NS 16 V as one of the characteristics of a revenue bond.
- i-j. Deleted. Provided for by NS 16 II.
- j-k. Deleted. Form and wording of bond not important where legislative body governs the content such as maximum rate of interest, maturity date, etc.
- k-l. Restated.

1 **Sec. 159. Redemption.** (a) ~~The order, ordinance or resolve may provide that any or all of the bonds to be issued~~ may be called for redemption prior to maturity. (b) ~~The under conditions under which to be fixed in the terms of the order, ordinance or resolve.~~ (c)

Comment:

b-c, a-b become NS 15 I A (7).
 Restated for form and clarity. Note this does not mean municipality has to provide for redemption prior to maturity.

1 **Sec. 160. New revenue bonds.** ~~Any city or town may issue new revenue bonds to provide funds . . . or for the payment of any refunding outstanding revenue bonds . . . which were issued for the purposes for which the issuance of revenue bonds is authorized by sections 153 to 161, inclusive.~~

Comment:

This becomes part of NS 15.
 Restated and added to purposes for which revenue bonds may be issued as outlined in Sec. 153.

1 **Sec. 161. Default.** (a) If there ~~be is~~ any default in the payment of interest ~~or the amortization of principal, of or the interest upon~~

3 ~~any of said revenue bonds~~ any court having jurisdiction may, in any
 4 proper action, ~~may~~ appoint a receiver to **do the following under its**
 5 **direction:** (b) ~~administer and~~ Operate the public improvement facility ~~on~~
 6 ~~behalf of for the city or town municipality. under the direction of said~~
 7 ~~court and by and with the approval of said court~~ (c) ~~to~~ Fix and charge
 8 rates and collect ~~revenues~~ **money** sufficient to provide for the payment of
 9 ~~any bonds or other operating expenses and outstanding obligations out-~~
 10 ~~standing against said of the public improvement facility. and for the~~
 11 ~~payment of operating expenses and~~ (d) ~~to~~ Apply the ~~revenues~~ **money**
 12 ~~received, after payment of operating expenses, of said public improvement~~
 13 ~~in conformity with according to the provisions of sections 153 to 161,~~
 14 ~~inclusive, and the order, ordinance or resolve conditions specified in~~
 15 ~~the vote providing for authorizing the issuance of said such bonds~~
 16 ~~issue.~~ (e)

Comment:

- a-b becomes NS 16 VI. b-c, c-d, d-e become NS 16 VI A-C, respectively.
- a-b. Restated for uniformity of form and language.
- b-c. "Operate" includes "administer." Deleted portion unnecessary.
- c-d. Restated more simply.
- d-e. "After payment of operating expenses" added to require their payment first. Lines 12-14 partially deleted. Only provisions respecting payment of income in Secs. 153-161 are found in Sec. 158 which requires the **vote** authorizing the issue to state the amount pledged to bond principal and interest, maximum rate of interest, maturity date, etc. This is provided for in lines 14-16.

1 **Sec. 162. Referendum. No bonds shall be issued and sold in any**
 2 **city under the provisions of sections 153 to 161, inclusive, until**
 3 **When the proposition has been approved by ballot of a majority of the**

4 legal voters present and voting at any regular or special city election
5 so vote or in any town until an article in such town warrant so providing
6 shall have been adopted at an annual or special town meeting; provided
7 that and the total number of votes cast for and against the issuance of
8 such bonds at such meeting equals or exceeds is at least 20% of the total
9 vote for all candidates for Governor cast in said city or town the
10 municipality at the next previous last gubernatorial election.

Comment:

This becomes NS 15 I.

The provisions of this section create conditions precedent which must be fulfilled before revenue bonds may be issued. Therefore it was set up as a condition to the power to issue and placed at the beginning of the new section.

Line 3. "Ballot" added to enable proper count to be made and to provide place on which pertinent facts could be stated.

Line 4. "Voters" are "legal voters." "Present and voting" not needed.

Lines 4-6. "At any city election or town meeting" covers regular and special elections or town meetings.

Lines 7-10. Restated more simply.

1 **Sec. 163. Annual town appropriation; limitation; credit reserve**
2 **account.** (a) ~~Any town may annually appropriate money for the purpose~~
3 ~~of Providing a reserve of borrowing power which can may be applied~~
4 ~~in periods of financial stringency or depression emergency to assist~~
5 ~~in carrying forward continuing its normal expenditures of the town~~
6 ~~operation without increase increasing in the tax rate. thereof~~ (b)
7 ~~Such appropriations shall be made in the same manner as other appropria-~~

8 ~~tions, but no such~~ The annual appropriation for this purpose shall in
 9 ~~any case may not exceed 5% of the total amount to be raised by current~~
 10 ~~tax levy commitment. for the municipal financial year exclusive of state~~
 11 ~~and county taxes and overlay~~ (c) Such appropriation shall be covered
 12 ~~by the tax rate of the town for the year, and shall be carried upon~~
 13 ~~the books of the town as a separate item, to be known as the credit~~
 14 ~~reserve account.~~ (d)

Comment:

- a-b becomes NS 17 III A. b-c becomes NS 17 III A (1).
- a-b. Deleted portions covered by NS 17. In line 3 "borrowing power" deleted. Sec. 163 indicates borrowing power was not the purpose for which this account was established. The purpose was to provide a reserve which might be tapped in an emergency.
- b-c. Restated.
- Line 7. Deleted as being unnecessary.
- Lines 10-11. The deleted portions are unnecessary since there is no state tax at the present time and the amount calculated by using the 5% figure would not vary greatly with the inclusion of county taxes.
- c-d. Deleted. NS 17 provides for credit reserves to be carried in a separate account.

1 **Sec. 164. Investment of funds.** ~~The funds credited to the credit~~
 2 ~~reserve account shall be invested by the treasurer of the town in securi-~~
 3 ~~ties which are legal investments for savings banks or in bonds or other~~
 4 ~~evidences of indebtedness of the federal government, or bonds of any~~
 5 ~~federal agency, the interest and principal of which have been guaranteed~~
 6 ~~by the federal government. The total of the funds invested in the afore-~~

7 mentioned issues of the federal government or its agencies shall be at no
8 time less than 10% nor more than 30% of the municipal credit reserve fund.

Comment:

Deleted.

Lines 1-6. Credit reserve account as part of integrated reserve fund governed by provisions of NS 17-18 may be **deposited** in savings banks as well as **invested** according to the law governing investments of savings banks funds. See NS 21. The deposit provisions slightly broaden this section, since it may be desirable to deposit a small amount of money in a bank where long term investment is not feasible.

Lines 6-8. Deleted as having questionable value.

1 **Sec. 165. Treasurer of town to develop formula; duties. Annually**
2 **at the beginning of the fiscal year, the treasurer of the town which**
3 **has established such a credit reserve account shall develop the**
4 **following formula according to the financial records of the town:**

5 **I. Assessed values. Assessed values in the previous year less**
6 **the average assessed values of the 2 preceding years prior thereto**
7 **times the tax rate of the previous year.**

8 **(Plus or minus)\$**

9 **II. Per cent taxes collected. Per cent of the previous year's**
10 **taxes commitment actually collected in the previous year, less the**
11 **average per cent of taxes committed in the 2 preceding years**
12 **prior thereto which were actually collected within each of the**
13 **respective years, times the assessed taxes of the previous year.**

14 **(Taxes as used herein shall not include excise taxes.)**

15 **(Plus or minus)\$**

16 III. Welfare expenditures. The welfare expenditures of the previous
 17 year subtracted from the average welfare expenditures of the 2
 18 preceding years prior thereto. Welfare expenditures as used herein
 19 shall be held to mean the total expenditures for the relief,
 20 support, maintenance and employment of the poor for the year
 21 referred to, including administration expenses, but deducting
 22 the reimbursements received during the year from individuals,
 23 from towns and from the state, and excluding expenditures of
 24 federal funds, and expenditures of local funds in connection with
 25 grants in aid for public works and work relief projects.
 26 (Plus or minus)\$
 27 Total (Plus or minus)\$

28 If the result of the formula above stated is a plus amount, there
 29 shall be no withdrawal from the credit reserve account. If the
 30 result of the formula is a minus amount, the treasurer of the town
 31 may withdraw from the fund a sum not exceeding the minus amount
 32 produced by the formula and credit the current budget with such item.

Comment :

This formula has been deleted for the following reasons: (1) It is not comprehensive since many other factors than those listed above could cause a financial emergency. (2) Fund could be used when no financial emergency exists if (a) property were revalued downward, (b) large taxpayer paid late, (c) town not reimbursed for support to poor having settlement in other town by town meeting date.

Note:

Insert the following as NS 17 III A (2) :

“When it has been determined by the legislative body that a time of

financial emergency exists, it may order withdrawal from the account of the necessary amount.”

This puts the responsibility on the municipality to first determine that a financial emergency exists and then to determine the amount necessary to meet it.

1 **Sec. 166. Capital reserve funds.** (a) ~~Any town municipality or~~
2 ~~county~~ may establish a ~~capital~~ reserve funds, consisting of one or more
3 accounts, . . . for the financing of all or part of the cost of: following
4 purposes: (b)
5 I. ~~Financing the construction, acquisition or reconstruction or~~
6 ~~acquisition~~ of a specific, or a type of, capital improvement.
7 ~~or the acquisition of a specific item or specific items of equipment;~~ (c) ~~or~~
8 II. ~~Financing the construction, reconstruction or acquisition of a~~
9 ~~type of a specific item, or capital improvement, or the acquisition~~
10 ~~of a type, of capital equipment.~~ (d)

Comment:

a-b becomes NS 17. b-c becomes NS 17 I A. c-d becomes NS 17 II A.

Line 1. “Town” changed to “municipality.” “County deleted. New section drafted for county referring to this section and reallocated to Ch. 89. See enacting Sec. 12 of this bill. (L. D. 437)

Lines 5 & 8. “Acquisition” sufficient to include by purchase or construction.

Note:

After “accounts” in line 3, insert the following:

. . . “by the appropriation of money, or by authorizing the transfer of unencumbered surplus funds at the end of any fiscal year,” . . .

This comes from Sec. 167.

Various reserve funds have been lumped into a single fund having various accounts such as NS 17 I Capital Improvement account, and II Capital equipment account.

1 **Sec. 167. Money paid into or transferred to capital reserve fund.**
2 ~~Any town or county may appropriate . . . by appropriating money to be~~
3 ~~paid into such capital reserve fund or may authorize by authorizing the~~
4 ~~transfer thereto of any part or all of the unencumbered surplus funds~~
5 ~~remaining on hand at the end of any fiscal year, . . .~~

Comment:

This becomes the middle part of NS 17.

Lines 2-5. Restated more simply.

Line 4. “Any part or all” deleted. Power to transfer all funds includes power to transfer part of the funds.

1 **Sec. 168. Trustees of capital reserve fund; deposit of moneys.**
2 ~~(a) The municipal officers or county commissioners as the case may be~~
3 ~~are constituted trustees of such capital the reserve fund. (b) and They~~
4 ~~shall be subject to all the duties and responsibilities imposed by law on~~
5 ~~trustees, and such duties and responsibilities may be enforced by action~~
6 ~~commenced by the town or county as the case may be or by any officer or~~
7 ~~taxpayer thereof. All moneys in said fund shall be either deposited in~~
8 ~~savings banks, trust companies or national banks in this state, the~~
9 ~~deposit in any one bank in no case to exceed \$5,000 or shall be invested~~
10 ~~the fund in whole or in part in the bonds of this state, in bonds of~~
11 ~~municipalities of this state which are purchasable by the treasurer of~~
12 ~~state, or in bonds or other evidences of indebtedness of the federal~~
13 ~~government or in bonds of any federal agency, the interest and principal~~
14 ~~of which have been guaranteed by the federal government according to~~

15 **section 21.** (c) Any interest earned or capital gains realized ~~on the~~
 16 ~~moneys so deposited in any such fund~~ shall accrue to and become part
 17 ~~thereof of the fund. The separate identity of each such fund shall~~
 18 ~~be maintained whether its assets consist of each or investments, or~~
 19 ~~both.~~ (d)

Comment:

a-b becomes NS 18. b-c becomes NS 18 I. c-d becomes first part of NS 18

I A. See "Note" below.

a-b. "County commissioners" taken care of in new section prepared for Ch. 89.
 See enacting Sec. 12 of this bill. (L. D. 437)

b-c. Deleted portions of lines 3-7 unnecessary. Municipal officers as trustees
 are subject to the laws governing trustees. Ten taxpayers suit available,
 Ch. 107 Sec. 4 XIII. Deleted portion of lines 7-14 covered by NS 21.
 Investments broadened to those allowed savings banks in NS 21. Credit
 reserves may be invested as are the funds of savings banks. \$5,000 changed
 in NS 21 to the amount insured by FDIC to cover variation in the amount
 protected.

c-d. Restated. Lines 17-19 deleted, since reserve fund now one fund composed
 of various accounts.

Note:

Insert as the last part of NS 18 I A:

"Unless otherwise ordered by the legislative body, interest and capital
 gains shall be prorated among the various accounts."

This is new and is added to provide for disposition of interest and capital
 gains.

1 **Sec. 169. Expenditures.** An expenditures from any account of each
2 such fund shall may be made only for or in connection with a capital
3 improvement of the specific nature and within the specific purpose for
4 which the particular fund account was established.

Comment:

This becomes NS 18 II.

This section originally applied only to capital reserve funds, but has been restated to include all reserve funds.

1 **Sec. 170. Unexpended balances.** (a) ~~Any town or county may be~~
2 transferred to another capital reserve fund account all or part of: to
3 surplus, (b)

4 I. The unexpended balance remaining in of any account of a capital
5 reserve fund (c) after the completion of the work to be financed there-
6 from and the payment of all costs incurred therefor; or when the
7 purpose for which it was established has been accomplished

8 II. The unexpended balance remaining in any capital reserve fund
9 established for a project which the town or county has decided to
10 or abandoned. in whole or in part (d)

Comment:

b-c, a-b, c-d become NS 18 III.

- b-c. Restated for integration with NS 17 and 18 and broadened to include all reserve accounts.
- a-b. Reworded to allow transfer to another reserve account or to surplus, where not desirable to add to another reserve account.
- c-d. Restated more simply. Note that power to transfer money from a reserve account upon abandonment of purpose enlarged to cover all accounts of

reserve fund. This allows municipality flexibility in keeping funds in account most suitable for its needs.

1 **Sec. 171. Safes and vaults provided.** (a) ~~Cities and towns~~ Each
 2 ~~municipality of more than 1,300 inhabitants~~ shall provide a fireproof
 3 safes or vaults ~~of ample size for the reception and~~ preservation of all
 4 completed record books. ~~of record and registry belonging thereto~~ (b)
 5 ~~Upon the completion of~~ **When any such record book of record and registry**
 6 **is completed**, the clerk ~~of the city or town~~ shall deposit ~~the same~~ it
 7 in ~~such~~ the safe or vault ~~and such books where it shall be kept, in~~
 8 ~~such safe or vault~~ except when required for use. (c)

Comment:

a-b becomes NS 57 II. b-c becomes NS 57 II A.

Restated for form. "1300 inhabitants" deleted as being unreasonably arbitrary.

1 **Sec. 172. Return of books of record and registry.** ~~The clerks of~~
 2 ~~all cities and towns shall, in the month of December in each year,~~
 3 ~~make a return to the clerks of the judicial courts in the several~~
 4 ~~counties, showing the number and nature of such books of record and~~
 5 ~~registry as are in their custody, and where they are kept and~~
 6 ~~deposited; said return shall also show where the books of the~~
 7 ~~municipal officers and treasurer are kept and deposited.~~

Comment:

Deleted. Unnecessary and unworkable.

1 **Sec. 173. Violation of Sec. 171.** ~~Any city or town which neglects~~
 2 ~~to perform the duties prescribed by section 171 shall forfeit for each~~

3 month so neglecting the sum of \$10, $\frac{1}{2}$ to the complainant and $\frac{1}{2}$ to the
4 county in which such city or town is located.

Comment:

Deleted. Unnecessary. Would not bring desired result.

1 **Sec. 174. Attesting of records of city and town clerks by volume.**
2 The records of the city and town clerks in the several cities and
3 towns of 15,000 inhabitants and over may be attested by volume, and
4 it shall be a sufficient attestation of Each document recorded therein
5 is sufficiently attested when each the volume thereof in which it is
6 recorded bears the attestation with the written signature of the clerk,
7 or other person authorized by law to attest such records

Comment:

This becomes NS 57 III.

Lines 2-6. Restated omitting population figure, since this section would
not be used where not necessary.

Line 7. Omitted portion is covered by statute stating that deputy has
the powers of the official he represents. See NS 50 II.

1 **Sec. 175. Perambulation of town lines every 5 years.** (a) Boundary
2 lines between towns municipalities shall be run once every 5 years
3 except as mentioned in accordance with the 2 following sections pro-
4 visions: (b) The municipal officers of the oldest town shall give a
5 10-days' written notice in writing to such the officers of the adjoining
6 towns municipalities advising them of the time and place of meeting
7 for perambulation. (c) and each officer who neglects to notify or attend
8 in person, or by substitute, forfeits \$10, $\frac{2}{3}$ to the town which com-
9 plies with his duty, and $\frac{1}{3}$ to any 2 or more of said officers of the

10 town complying, to be recovered within 2 years after the forfeiture is
 11 incurred; and the proceedings of such officers, (d) After every such
 12 renewal of the ~~boundaries~~ boundary lines, the proceedings of the
 13 municipal officers shall be recorded in their ~~town~~ books of their
 14 municipalities. (e) ~~In cases~~ Where a town municipality adjoins an
 15 ~~unincorporated township~~ unorganized area, the county ~~wherein in which~~
 16 ~~lies such unincorporated township~~ this area is located shall stand in
 17 the same relation as a town municipality for the purposes of perambulat-
 18 ing its boundary lines ~~between the town and the unincorporated townships;~~
 19 and paying its share of the expense of the perambulation. (f) The county
 20 commissioners of such county shall assume and perform the same duties as
 21 are required of municipal officers, for similar purposes; also, for said
 22 purposes of perambulating such lines, said county shall be deemed in the
 23 same relation as the oldest town and shall give the notices hereinbefore
 24 referred to; (g) ~~1/2 of~~ The expenses of such perambulation shall be borne
 25 equally by the county; each municipality. (h) the same rights of appeal
 26 are granted such county as is given to towns for similar purposes (i)

Comment:

a-b becomes NS 9. b-c becomes NS 9 I. d-e becomes NS 9 III. e-f, f-g become NS 9 V. g-h becomes NS 9 IV.

- a-b. "Municipality" substituted for "town."
- b-c. "Oldest town" provision deleted. Unworkable. Younger town could not force older town to perambulate.
- c-d. Deleted. See note below. Provision would not cure the situation if an adjoining municipality refused to perambulate.
- d-e. Restated for clarity and form.

- e-f. "Unorganized area" used to conform to Tax Chapter 91-A. "And paying the expense, etc." added to make clear that where county is involved, it must share the expense.
- Lines 21-24. "Oldest town" provision deleted as unworkable.
- g-h. Restated.
- h-i. Deleted. Unnecessary. Covered by e-f.

Note:

To replace d-c with a workable provision, insert as NS 9 II the following:

"If the officers of any municipality fail to appear in person, or by representative, at the time and place appointed for the required perambulation, the municipality which complies with its duty may perambulate the line and charge the other municipality for one-half the expense incurred."

1 **Sec. 176. Monuments erected at angles; perambulation every 10 years.**
 2 ~~Towns Municipalities~~ which have perambulated ~~or shall perambulate~~ their
 3 boundary lines ~~as by law prescribed and set up~~ erected stone monuments,
 4 which protrude at least 2 feet high above the ground, at all the angles,
 5 and ~~where the lines cross on the edges of~~ highways or ~~on or near the~~
 6 banks of all rivers, bays, lakes or ponds bodies of water which ~~said~~
 7 the boundary lines crosses, or which ~~bound said~~ serve as boundary lines,
 8 are exempt from the duty of perambulating ~~said the~~ lines, except once
 9 every 10 years ~~commencing 10 years~~ from the time that the stone monu-
 10 ments were ~~so~~ first erected.

Comment:

This becomes NS 9 VI.
Lines 1-10. Restated for clarity and form.

Note:

After "erected" in line 10 add:

"This perambulation is for the purpose of inspecting the monuments and replacing those which have been misplaced or destroyed."

The purpose of this addition is to limit the perambulation of lines permanently marked to an inspection for the purpose of maintaining the monuments.

1 **Sec. 177. Disputed town lines; compensation of commissioners.**

2 (a) When a ~~town petitions the superior court, stating that a~~ controversy
 3 respecting a boundary line exists between ~~it and an~~ adjoining town
 4 municipalities, ~~respecting a town line and either may petition the~~
 5 Superior Court stating the facts and ~~praying requesting that it may~~
 6 the line be run. (b) The Court, after due notice to all parties, ~~con-~~
 7 cerned, ~~may~~ shall appoint 3 commissioners. (c) ~~who~~ The commissioners,
 8 ~~shall~~, after giving the interested municipal officers a 10-day written
 9 notice of the time and place of meeting, ~~to all persons interested~~
 10 shall ascertain and determine the lines in dispute and describe them
 11 it by courses and distances. (d) The commissioners shall and make
 12 set and mention in their return suitable monuments and marks temporary
 13 markers for the permanent establishment thereof to indicate the established
 14 line. (e) ~~and~~ The commissioners shall make a duplicate ~~returns~~ report of
 15 their proceedings ~~one of which shall be and returned one copy~~ to the
 16 Court and the other to the office of the Secretary of State. (f) ~~When~~
 17 the report has been accepted by the Court, ~~and such~~ the lines established
 18 by the commissioners shall be deemed becomes in every court and for
 19 every purpose the dividing true lines between such towns for every
 20 municipal purpose, and the Court shall order the interested municipalities
 21 to replace the temporary markers with stone monuments as provided in sub-

22 **section VI of section 9.** (g) The Court ~~may shall~~ allow the commissioners a
23 proper compensation for their services, and issue a warrant ~~of distress~~
24 for its collection from ~~said towns~~ **the interested municipalities** in equal
25 proportions. (h)

Comment:

a-b becomes NS 10. b-c becomes NS 10 I. c-d becomes NS 10 II. d-e becomes NS 10 III. e-f becomes NS 10 IV. f-g becomes NS 10 V. g-h becomes NS 10 VII.

a-b. Wording changed to “when a controversy exists” so that if the court determines a controversy does not actually exist, it need not go any further.

Line 7. “May appoint” changed to “shall appoint” since once a controversy has been found by the court to exist, there is no discretion as to whether commissioners shall be appointed. “May” here means “shall” according to Monmouth v. Leeds, 76 Me. 28.

f-g. Report must be accepted by the court. This provision was included in the original statute enacted in 1832 Ch. 560. This ends controversy over whether a mistake of the commissioners may be rectified by the Court and gives the Court a reason for being included in the dispute at all. The reason for many court cases is thus eliminated. See Bethel v. Albany 65 Me. 200, Winthrop v. Readfield 90 Me. 235, and Fayette v. Readfield 132 Me. 328.

Lines 19-20. “For every municipal purpose” makes it clear that the established line is not binding on the land of a private party for his personal controversy with an adjacent land owner. See Magoon v. Davis 84 Me. 178 and Whitcome v. Dutton 89 Me. 212.

Lines 20-22. The reason for the inserted material is to eliminate any doubt as to the position of the line established by the court. In

line 22 “may” should be “shall.” Commissioners should not be expected to work gratis.

Line 23.

“Of distress” deleted. Warrant may be simply an order to pay which if refused may be followed by a distress warrant.

Note:

Insert as NS 10 VI:

“The expense of erecting stone monuments shall be borne equally by each municipality.”

This makes responsibility clear.

**Senate Order
Out of Order**

From the Senate: The following Order:

ORDERED, the House concurring, that H. P. 527, L. D. 755, "Resolve Appropriating Moneys to Aid Construction of Dormitory at Higgins Classical Institute" be recalled to the Senate from the Legislative Files (S. P. 613)

Came from the Senate read and passed.

In the House: The Order was read and passed in concurrence.

The SPEAKER: The Chair recognizes the gentleman from Wilton, Mr. Blanchard.

Mr. BLANCHARD: Mr. Speaker and Members of the House: I would like to move reconsideration of item twenty-six on page three, An Act Refunding Gasoline and Use Fuel Taxes to Local Transit Operators, L. D. 1354.

The SPEAKER: The question before the House is the motion of the gentleman from Wilton, Mr. Blanchard, that the House reconsider its action whereby this morning it indefinitely postponed Bill "An Act Refunding Gasoline and Use Fuel Taxes to Local Transit Operators", House Paper 953, Legislative Document 1354.

The Chair recognizes the gentleman from Wiscasset, Mr. Farmer.

Mr. FARMER: Mr. Speaker, this matter has been previously debated very aptly twice before us, we have had the regular public hearing on this bill in front of the Taxation Committee in which two of the more prominent lobbyists were in support of that bill and I don't believe any additional information could be given that would change the minds of the House. We had a fairly decisive vote this morning and I certainly hope the motion does not prevail.

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

Mr. SHAW: Mr. Speaker, I want to register my concurrence with the motion of the gentleman from Wilton, Mr. Blanchard. I voted in favor of this measure this morning and had become thoroughly convinced by my illustrious city cousins that there was a great deal of merit in

this measure. Now I am of the opinion that the gas tax is not being taken from the small towns because the gas tax is actually paid in the form of fare by the patrons of the bus companies and they have no other means of transportation and eighty per cent of bus travel is on city streets and not on state highways. I think that one should be mindful of the fact that the residents of the cities contribute in a large measure to the building of highways in my county and in other counties. Now they have a transportation problem, it is certainly evident, and I feel that we should be willing to cooperate in this relief measure. It is important for us to take notice of those who have voiced their support of this measure and I will name a few who have voiced their support of this measure. The Transportation Committee of the New England Governors' Conference, the Governor of the State, every member of the Maine Public Utilities Commission who know the problem and are familiar with it. The other branch which voted seventeen to twelve for passage of the measure, and this measure is absolutely essential to the industrial development of these cities both in retaining their present industry and attracting new industry. I am quite convinced of this by the statement of the Commissioner of the Department of Economic Development.

Now the Lewiston-Auburn Transit Company, for instance, carries some 2,000 passengers per day to and from their places of employment. The Portland busses carry some 6,000 employees each working day to and from their place of employment. Besides that they transport school children, and I did have the figures in regard to the number of scholars that were transported in Portland and also in Lewiston and Auburn and it is quite astounding. I think that there are some 1,500 scholars transported in the Portland area and when the question arises as to whether or not an increase in the rates are justified, I wonder if we shouldn't give some consideration to the problem of the transportation of the scholars. Also I think there is a problem in the Bangor area related to the University of Maine

which undoubtedly you will hear something about.

Now again reverting back to the statement of the Commissioner, Commissioner Clough of the Department of Economic Development. He states that the retention of the local bus companies are absolutely essential to Maine's industrial development. Now again I say I come from a rural community, but I don't believe that there is going to be any great dissension by the residents of the rural communities in regard to the passage of this measure. And again I want to say that I heartily concur with the motion of the gentleman from Wilton, Mr. Blanchard.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: If I felt that the passage of this measure would save the bus companies I might be induced to change my vote. I somehow do not seem to be convinced that it will do that, and I fear that here is an opening wedge for other distressed industries to come in and ask for the same consideration and I hope the motion of the gentleman from Wiscasset, Mr. Farmer, will prevail.

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

Mr. BEYER: Mr. Speaker, I won't prolong this thing too much, but it was said this morning this bill would amount to the country areas subsidizing the cities transportation. Now it has been my opinion that for some time the cities paying these fares and in paying the gas tax has been to a certain extent subsidizing the construction of roads out through my town through the state aid roads and to other rural areas. Also it is certainly unquestionable to know that when a representative of an industry comes to this state as to whether or not he will locate in one of our large cities, that he asks whether or not there is adequate public transportation, and this is an extremely important factor as to whether or not he will. So that when those that say that this is not a state issue, I would ask them to consider a fact that when we are pouring money from

the legislature here into the Department of Development, that that is one of the main issues we are trying to, that it is a state problem as to whether we attract industry, and I do think that the same argument could be said for some of these farm bills that came in here. Now I went along with the farm bill and when they use the argument that they don't use the state roads very much, and that a lot of their fees go into use on the farm lands. The same argument can be used on this side of the bill, that a lot of this gas tax is used for busses that eighty per cent of which travel is inter-city and is not supported by state road money. So I would hope that the move to reconsider prevails.

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

Mr. CHILDS: Mr. Speaker and Members of the House. I rise in opposition on this motion to reconsider. Even though I am from the City of Portland I readily admit that probably for selfish reasons that I should favor this legislation, but I am of the opinion that this is nothing but class legislation, and this is just another exemption which would be put on which will eventually mean there will be another increase in the gasoline tax. The gentleman from Cape Elizabeth, Mr. Beyer, says the situation is no different here as far as we voting along with the farmers on their sales tax exemptions. I agree with him on that particular theory, but I also voted against the exemptions for the farmers.

Now as far as the busses are concerned if they believe that an increase is justified because of the hardship they can appear before the Public Utilities Commission as any other business and request an increase in rates. If we allow this to go through, two years from now they will be back possibly and be asking that they be exempted on sales tax. Why shouldn't taxi cabs who only use city streets and why shouldn't local trucks who only use city streets also receive a rebate? This here is a subsidy. You can name it an exemption or call it anything you want to, it is subsidizing as far as I am concerned a particu-

lar industry or business. If the certain municipalities believe that there are hardship cases and they believe they should be given some relief, then let the City of Portland do it or the City of Bangor or the City of Augusta. If they want to they can do away with their real property tax or personal property tax to give them help. I as a legislator do not feel that this legislation should pass and I hope the motion to reconsider does not prevail and when the vote is taken I request a division.

The SPEAKER: The Chair recognizes the gentleman from Buxton, Mr. Bruce.

Mr. BRUCE: Mr. Speaker and Ladies and Gentlemen: I was very much disturbed this morning when this bill failed of passage for enactment, and I am very much pleased now that we do have an opportunity to reconsider our action of this morning. I represent four small towns, country towns, and I was apprehensive after the vote this morning that the failure of the passage of this bill might have been blamed on the representatives of the smaller towns which I do not think particularly after the remarks of the gentleman from Portland, Mr. Childs, is true. The question was also asked this morning whether or not these bus companies were for sale or whether they were going out of business. That was not adequately answered this morning. Very many of them have folded up their tents and gone out of business and many more will unless some form of relief is given. These bus companies are actually public utilities, under the supervision of the Public Utilities Commission, and we must prolong their death throes as long as possible and this is one way to do it to keep this transportation which is so vitally needed in the cities, and I certainly hope the motion of the gentleman from Wilton, Mr. Blanchard, prevails.

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

Mr. QUINN: Mr. Speaker, I was in a Committee of Conference this morning when this bill was brought up and debated and I am glad the gentleman from Wilton, Mr. Blanchard, has given me an opportunity

now to speak in behalf of the people that I represent as I did when the bill was originally brought on the floor of the House for debate.

This is a very important matter as concerns my community, and I have had many letters from merchants and the Chamber of Commerce urging me to give all the support I can to this particular bill because it is of most value, not to the bus companies, but to the people, the members of the public that have no other means of transportation but these busses. Now in Bangor the busses serve the Bangor-Brewer, Orono-Old Town area, and within a few years three different companies have tried to make a go of those busses, and the company now has all it can do to keep those busses running and we know it because we have had many conferences over there of ways and means of keeping those busses going. Now they serve the people that live in Veazie and Orono and Old Town that go to the mills in Old Town or Bangor and Brewer to work, people that cannot afford to own automobiles and drive automobiles, employees. They also as the gentleman from Bingham, Mr. Shaw, said, they serve students who go to the various schools. Students coming into Bangor and Brewer to high school and to the University of Maine to the college, and those students have no other way of getting to those schools but by these busses.

Now the gentleman from Perham, Mr. Bragdon, feared that we might be subsidizing if we gave this little help to this bus situation. Who are we subsidizing any more than the farmers? What did we do about the farm truck registration? Is that a subsidy? We gave the farmer a special registration on his trucks, half of the fee that other truck drivers have. And this term we allowed them to go not fifteen miles but sixty-five miles with that subsidy. Now we are not asking any more than the farmers are getting when they get that consideration, but when we give them a subsidy we are serving the individual. In this particular case we are serving the public. We want it for the public, the people that come into the towns and want to go from place to place and do not have the means of travel. People that come in by train

and the busses, if they want to go some particular place out of Bangor, they have to go by these busses, they have no cars to go of their own, and it is the public that we serve and desire to serve by this act.

I hope that you will go along and give us this little assistance which doesn't amount to very much that we need in our community and I know other communities in the state need it just as bad where these bus companies are having similar difficulties. I hope you will go along with the motion of the gentleman from Wilton, Mr. Blanchard.

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

Mr. ALLEN: Mr. Speaker and Members of the House: As a legislator from a rural district I have stood here and debated for legislation in favor of the farmers, in favor of the little fellow in small towns. Now it seems to me that it is only fair that I should stand up and give my position for the little fellow in the city, possibly the city dweller. Now I have no bone to pick with the bus companies, if they make a profit that is all well and good, and if they don't that is too bad, I feel sorry for them, but in this day and age with economy rapidly changing, there is nothing that is changing any more than the transportation systems, the automobile, the bus, trucks, air service and so on. So right now we have a situation where there are many little people that cannot afford to buy themselves a car, they can't quite make that step to buy a car and ride in the luxury that some of us do, and yet they do need transportation to get back and forth to work and to church and so forth. So therefore, I think we should do something right in the city, possibly the city dweller, the fellow that lives on the bus line who does need that bus service very, very badly, and we should help them out just a little bit.

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

Mr. RANCOURT: Mr. Speaker, first I want to thank the rural districts and the farmers for coming to the help of the city dwellers, we need it right now. As far as the

state subsidizing the cities and the bus companies, I don't think you can look at it that way. After all, where does the state get most of its income if it isn't from the cities themselves. I don't call it a subsidy, I call it a help to the cities in their transportation problems, a help that they have a right to expect from the state. After all, the cities are a part of the state too and we should have help when we need it. When the state needs help it gets it from the cities and towns. When the cities and towns need help they should get it from the state. It is not subsidizing, it is simply the duty of the state to do this, and the amount that the state forfeits by this is very little compared to the help it will do.

The statement was made whether this would save the bus companies or not. The gentleman was not sure whether it would. If he was sure that it would he would vote for it. Who is sure of anything? But is it not better to vote for reconsideration than go home and see something happen to your transportation system in your cities and then wonder whether you have done right or wrong by voting against it. I am certainly in favor of reconsideration and we need this legislation badly.

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

Mr. BREWER: Mr. Speaker and Ladies and Gentlemen of the House: I would like to concur with the remarks of the gentleman from Portland, Mr. Childs. I feel that if there is a distress situation that it is definitely a public utilities problem. I would like to add to his remarks further and say that if you would increase the fare one cent on a 2,000 passenger deal you would have twenty dollars, on a 6,000 passenger deal you would have sixty dollars. That amount alone would pay more than any exemption of the gas tax would pay and it would still be a good buy for those people that are using those methods of transportation, much better than owning their own private automobile if they cannot afford to, and I hope that the motion of the gentleman from Wilton, Mr. Blanchard, does not prevail.

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen: I was elected to this august body by a rural area, but I didn't come here just to represent that area. I came here to represent the state as a whole, and the cities and all the rural areas and that I hope I do. At least I have tried.

Now as I see this, this problem is just a problem that is happening and has happened all the way along in the progress of our state. Once the railroads were supreme but they had to bow to the trucks. And then we had the street railway and they had to bow to the busses. Now the buses have got to bow to somewhere and to prolong their agony they want us to come in and help them. I wish that we might without penalizing the whole state, but to take this money, some eighty-four thousand dollars out of the highway fund it just looks to me to be too bad. Now everybody that is in the utility trucking business or any utility business runs up against this same problem time and time again. And the only thing they can do is to stand up and say if this business is worth this to you ladies and gentlemen you must pay for it. Now I think that is the position that the bus companies should take. If this is so essential to you as the gentleman from Bangor, Mr. Quinn, says it is to his city, then surely these people will be able to pay for it and surely they will be glad to pay for it, just as they do in the trucking industry.

My good friend from Bangor has told you what they have done for the farming industry and the things that they did about the registration of trucks. In looking over that bill I wonder if he ever read it. I registered a truck for sixty dollars and under this very thing, I got a seven and one-half per cent increase on that it would cost me \$64.20. Under this beautiful bill it gave me so much it is going to cost me sixty-four dollars, a saving of twenty cents, but with that twenty cents I have got to take my truck in and have painted on each side that I am a farm truck. Furthermore than that,

I am limited to sixty-five miles. Now with that extra twenty cents I can go to Timbuktu or anywhere else with my truck, and I don't think you have done so very much when you have given me twenty cents and put me to all of this expense.

Now ladies and gentlemen, let's decide this on its merits. Let's decide that if the people do need this transportation, let them pay for it the same as we do everything else. I hope the motion to reconsider does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Anson, Mr. Hilton.

Mr. HILTON: Mr. Speaker and Members of the House: There has been much said about what the farmers are going to receive from this legislature. I want to make a few points clear. All farmers are not going to benefit under this truck license. I, for one, expect to pay the regular fee, for one reason, I have to travel more than sixty-five miles, I license my truck for more than eighteen thousand pounds, I haul other commodities for other farmers that I change work with and so forth, so I am not going to benefit under that, but others are going to and so the farm industry is benefited to a certain extent.

I voted against this bill this morning. I listened to the arguments pro and con; when members from the cities got up and appeared against it I thought that it was perhaps the right thing to do to vote against it. I also asked for an amendment on the sales tax bill and it went through here very well, but in the Senate they fixed one to suit themselves—

The SPEAKER: The Chair must remind the gentleman that reference to the body at the other end of the hall is not permissible.

Mr. HILTON: Excuse me, Mr. Speaker and Members of the House. I didn't get in that amendment what I intended. I am going to benefit by one item I think. The main item that affects my area was left out. But listening this afternoon, I am going to vote for this exemption on the busses.

The SPEAKER: Is the House ready for the question? The Chair

recognizes the gentleman from Winthrop, Mr. Bean.

Mr. BEAN: Mr. Speaker and Ladies and Gentlemen of the House: As one who was born and reared in the rural sections of Maine and one who has spent many years of his short life working for the interests of those living out in the wide open spaces, being closely connected with one of our national farm organizations as you folks know, which is on record in favor of this from a national angle, I still believe that this is a state-wide problem. We are all interested in getting industry into this state in order that those living in the urban sections as well as those in the rural sections who have the opportunity to work in those plants have an opportunity to get back and forth from their homes to their place of work, and I hope that the motion of the gentleman from Wilton, Mr. Blanchard, does prevail.

The SPEAKER: The Chair recognizes the gentleman from Wiscasset, Mr. Farmer.

Mr. FARMER: Mr. Speaker, at the risk of repetition, I would like to say that I still believe that this is a local problem primarily. I think that most everyone would agree with that. When a local problem becomes too big for a municipality to cope with then it becomes the duty of the state to take that over as evidenced by our aid to education, highways and our bridge to Beal's Island and such things as that; but however, this is a problem that amounts to some sixty-five thousand dollars and it certainly is not too big for the municipalities involved to cope with.

The SPEAKER: The Chair recognizes the gentleman from Clinton, Mr. Besse.

Mr. BESSE: Mr. Speaker and Members of the House: It seems quite evident that something has happened here since this forenoon. We might go back I think to the hearing before the Committee. As I recall, the only people that appeared for the bus companies before the Committee were two gentlemen who live in Augusta and have no connection with bus companies. Apparently they have been working diligently since this morning and in

the process have acquired the support of some of the more eloquent gentlemen of the House in an effort to bury the merits of this measure under eloquent words. I think that is befogging the issue or some such thing the lawyers might call it. Some of the gentlemen who come from the country and think that this bill should be supported, I wonder if they have had instructions from their constituents as to what they should do, or have they been influenced also by people around here.

The gentleman from Bangor, Mr. Quinn, spoke about the bus company running to Old Town. I wonder if he considers the highway from Old Town to Bangor a city street. It certainly is not. I was there in school when that highway was built and it wasn't built by the city. I think that this has been discussed enough, plenty of words have flowed, but I don't think there is much information in addition to what we had this morning, and I would move the previous question.

The SPEAKER: The previous question has been moved. For the Chair to entertain the motion for the previous question the Chair must have the approval of one-third of the members of the House. Will those who favor the Chair's entertaining the motion for the previous question please rise and remain standing until the monitors have made and returned the count.

Obviously more than one-third having risen the Chair is authorized to entertain the motion.

The question now before the House is shall the main question be put now. Will those who favor the Chair's putting the main question now, please say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed.

The SPEAKER: The main question before the House is the motion of the gentleman from Wilton, Mr. Blanchard, that the House reconsider its action of this morning whereby it indefinitely postponed Bill "An Act Refunding Gasoline and Use Fuel Taxes to Local Transit Operators", House Paper 953, Legislative Document 1354. A division has been requested.

Will those who favor the motion for reconsideration please rise and

remain standing until the monitors have made and returned the count.

A division of the House was had.

Sixty having voted in the affirmative and sixty-one having voted in the negative, the motion to reconsider did not prevail.

Thereupon by unanimous consent the papers were sent forthwith to the Senate.

House at Ease

Called to order by the Speaker.

The SPEAKER: Is it the pleasure of the House that Bill "An Act relating to Service Retirement under State Retirement System" be sent forthwith to the Senate? The Chair hears no objection and it is so ordered.

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

Mr. ALLEN: Mr. Speaker and Ladies and Gentlemen of the House: We are a great body here, we have been referred to as several things and I suppose we are several things to several people. We have been referred to as a magnanimous body, as the consistent and inconsistent, and every other thing, but it occurs to me now that we have become sort of a romantic body in view of the recent engagements.

Therefore, Mr. Speaker, I would request permission to approach the rostrum accompanied by the gentleman from Freeport, Mr. Crockett, and the gentleman from Camden, Mr. Libby.

The SPEAKER: The gentleman from Chelsea, Mr. Allen, the gentleman from Camden, Mr. Libby, and the gentleman from Freeport, Mr. Crockett, may all approach the rostrum.

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

Mr. ALLEN: I further request that the Sergeant-at-Arms escort the gentleman from Augusta, Mr. Beane, and the young lady operating the public address system, Miss Elizabeth Lester, to the rostrum.

Thereupon, the Sergeant-at-Arms escorted the gentleman from Augusta, Mr. Beane, and Miss Elizabeth Lester, to the rostrum.

Mr. CROCKETT: Mr. Speaker and Ladies and Gentlemen of the

House: We have been very fortunate this term, this session, to have a beautiful, and I say beautiful, public address system girl. She has been very attentive, and as I understand it, she was very fortunate in meeting my seat mate during this session, by the name of Emery O. Beane, so I didn't know until the other night when I saw the very gracious lady here and she showed me a very nice sparkling ring she had got and she was very much proud of it, and I says "Well, what's this mean" and she says "I'm going to get married!" (laughter). Well, I didn't think it would be quite as sudden, but I understand here this fall they are going to get married and the most of us won't be around here this fall I hope. And it gives me great pleasure to present them, through the generosity from the 98th Legislature to you, Miss Lester, and to you Mr. Beane, and I hope that she will brew some nice coffee. And as I said before to the other people, may all their troubles be "little ones". (Applause)

Thereupon, Miss Lester was presented with a coffee maker by the gentleman from Freeport, Mr. Crockett.

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

Mr. ALLEN: Ladies and Gentlemen of the House: It has been a great pleasure to serve in this legislature with the gentleman from Augusta, Mr. Beane, and be in the same delegation from Kennebec County. It gives me great pleasure to present to Mr. Beane and Miss Lester, this skillet, in appreciation of their efforts here from the members of the House. (Applause)

Thereupon, Mr. Beane and Miss Lester were presented with an electric skillet by the gentleman from Chelsea, Mr. Allen.

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

Mr. LIBBY: Betty, I wish this wedding could have taken place at this session and in this hall so we could all kiss the bride, I know I would. (Laughter)

You have a great responsibility ahead of you that you do not realize, so I present you with this rolling

pin so that you can keep your husband well informed and in order, and roll out the dough. (Applause)

Thereupon, Miss Lester was presented with a rolling pin by the gentleman from Camden, Mr. Libby.

Miss LESTER: We both thank everybody very much.

On motion of Mr. Totman of Bangor,

Recessed until four-thirty this afternoon.

**After Recess
4:30 P.M.**

The House was called to order by the Speaker.

The SPEAKER: Out of order and under suspension of the rules the Chair lays before the House Supplement number two of the advance journal.

Before taking up the items on Supplement two the Clerk will read a Conference Report which appears on the bottom of the page on Supplement two.

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the branches of the Legislature on Resolve Appropriating Moneys to Effectuate Salary Plan for State Employees (H. P. 405) (L. D. 582) reporting that they are unable to agree.

(Signed)

STILPHEN of Rockland

QUINN of Bangor

KNAPP of Yarmouth

— Committee on
part of House.

SINCLAIR of Somerset

DAVIS of Cumberland

LESSARD of Androscoggin

— Committee on
part of Senate.

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

Mr. ALLEN: Mr. Speaker, I would like to address a question, in accepting the report of this Committee does it mean that the whole bill is dead?

The SPEAKER: The Chair will advise the gentleman that the whole matter is dead if no other action is taken. The only other action avail-

able would be to further insist and request a new Committee of Conference.

Mr. ALLEN: Is it possible to recede and concur with the Senate, therefore saving part of it?

The SPEAKER: The Chair is advised that it is possible to recede and concur with the amendments.

Mr. ALLEN: Should the report be accepted first?

The SPEAKER: The report should be accepted first.

The question before the House is the acceptance of the Conference Report. The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, could I approach the rostrum please?

The SPEAKER: The gentleman may approach the rostrum.

(Conference at rostrum)

The SPEAKER: Is it the pleasure of the House to accept the Committee Report?

The motion prevailed.

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

Mr. ALLEN: Mr. Speaker, I move we recede and concur with the Senate.

The SPEAKER: The question before the House is the motion of the gentleman from Chelsea, Mr. Allen, that the House recede and concur. Will those who favor the motion to recede and concur please say aye; those opposed, no.

A viva voce vote being taken, the motion to recede and concur prevailed, and the Resolve and accompanying papers were sent forthwith to the Senate.

The following Enactors were taken up out of order and under suspension of the rules:

Passed to Be Enacted

An Act Revising the General Laws Relating to Municipalities (H. P. 320) (L. D. 437)

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

Enactor
Passed Over Temporarily

An Act relating to Hours of Selling Liquor (H. P. 429) (L. D. 605)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

At the request of Mr. Tevanian of Portland, passed over temporarily.

Enactor
Passed Over Temporarily

An Act relating to Employment of Certain Persons (H. P. 782) (L. D. 1115)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

At the request of Mr. Besse of Clinton, passed over temporarily.

An Act relating to Automobile Travel by State Employees (H. P. 892) (L. D. 1278)

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

An Act Increasing Salary of Members of the Legislature (H. P. 1023) (L. D. 1456)

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

Enactor
Passed Over Temporarily

An Act to Eliminate Discrimination Between Purchasers (H. P. 1070) (L. D. 1530)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

At the request of Mr. Bruce of Buxton, passed over temporarily.

An Act relating to Registration Fees for Motor Buses Used for Transportation of Passengers for Hire (H. P. 1084) (L. D. 1558)

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

Enactor
Passed Over Temporarily

Resolve Authorizing Survey and Plans for a Maine-Quebec Highway (S. P. 235) (L. D. 635)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

At the request of Mr. Brewer of Caribou, passed over temporarily.

(Off Record Remarks)

The SPEAKER: The Clerk will now read a non-concurrent matter which does not appear on any of the printed supplements.

The CLERK: Senate Report of the Committee on Retirements and Pensions on Bill "An Act relating to Service Retirement Under State Retirement System", Senate Paper 184, Legislative Document 463, which was recommitted to the Committee after it had been reported out "Ought to pass" as amended by Committee Amendment "A" and had been passed to be engrossed by both branches and had been passed to be enacted by the House, it was recommitted by the Senate and the House receded and concurred. The present Senate Report on the re-committed bill is that it "Ought to pass" in New Draft under new title "Resolve in favor of Ervin W. Small of Milbridge. This report was accepted in the Senate and the New Draft "Resolve in favor of Ervin W. Small of Milbridge" was passed to be engrossed today. In the House earlier this afternoon the resolve and report was ruled out of order by the Speaker and the House voted to indefinitely postpone the bill.

Now it comes from the Senate with an endorsement on the New Draft: Recommended to the Committee on Retirements and Pensions in non-concurrence.

The SPEAKER: Is it the pleasure of the House to recede from its action of earlier today whereby this report was indefinitely postponed?

(Cries of "No")

The SPEAKER: Will those who favor the motion to recede please say aye; those opposed, no.

A viva voce vote being doubted, A division of the House was had.

Fifty-eight having voted in the affirmative and forty-five having

voted in the negative, the motion to recede did prevail.

The SPEAKER: Is it now the pleasure of the House that this resolve shall be recommitted to the Committee on Retirements and Pensions in concurrence?

The motion prevailed, and under suspension of the rules the Resolve was returned forthwith to the Senate.

Passed to Be Enacted

An Act relating to Hours of Selling Liquor (H. P. 429) (L. D. 605), item 2, which was passed over temporarily.

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

Mr. TEVANIAN: Mr. Speaker and Members of the House: I would now move that this item be indefinitely postponed. I make the motion with a full understanding that I believe it should be indefinitely postponed as now we have one extra hour, or later hour, not one extra hour, actually we have eighteen hours in which we allow the citizens of Maine to drink. During daylight hours those hours are seven o'clock through one o'clock. I think the passage of this bill would be economically advantageous to the vacationland business. I don't think there is a moral issue involved here because if drinking is immoral it is immoral at two o'clock in the afternoon, it is immoral at three o'clock or one o'clock. I have heard reference made here to the problem of drunken driving. Drunken driving is just as dangerous if not more so at two or three in the afternoon as it is at one or two in the morning, and I feel that the retention of this act upon our statutes will definitely be in the best interest to the hotel business, to the tourist business and to all related matters to which we specifically advertise ourselves to be. We advertise ourselves to be Vacationland to the extent that we have Vacationland printed on our license plates. I think that the majority of the people in this state want it, and I think that if there were any way to determine the fact, I think that the tourists who spend time in the State of Maine like it and I think it will have an effect

on our vacation industry if we do not retain this measure. Therefore, I move that we indefinitely postpone this measure.

The SPEAKER: The question before the House now is the motion of the gentleman from Portland, Mr. Tevanian, that the House indefinitely postpone Bill "An Act relating to Hours of Selling Liquor." The Chair recognizes the gentlewoman from Presque Isle, Mrs. Christie.

Mrs. CHRISTIE: Mr. Speaker and Members of the House: We made a very positive decision on this bill night before last I believe, and I hope that the House will still continue to go along with that decision. Thank you.

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

Mr. TEVANIAN: When the vote is taken I would request a division.

The SPEAKER: The question before the House is the motion of the gentleman from Portland, Mr. Tevanian, that the House indefinitely postpone Bill "An Act relating to Hours of Selling Liquor". A division has been requested.

Will those who favor the motion to indefinitely postpone this Bill please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Thirty having voted in the affirmative and ninety-five having voted in the negative, the motion to indefinitely postpone did not prevail.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and by unanimous consent sent forthwith to the Senate.

Enactor Indefinitely Postponed

An Act relating to Employment of Certain Persons (H. P. 782) (L. D. 1115), item 3, which was passed over temporarily.

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

Mr. ALLEN: Mr. Speaker and Members of the House: I have looked this bill over slightly since we acted upon it last. It didn't set too well with me at first, but the bill in itself in the title says age discrimination, and it appears to me

that in the bill just by presenting such a bill is a discrimination against age. It is suggesting that an aged person or a person even over thirty-five years old isn't capable of doing a days work any more. Now I have employed many people and I have found out that a person over thirty-five and a person over forty and even fifty I was tickled to death to hire them because they were better workers than the younger ones. The older people knew how to work, they were brought up in the days when they knew they had to work, so I think that this bill is discriminatory against age. Therefore, I would move that it be indefinitely postponed.

The SPEAKER: The question before the House is the motion of the gentleman from Chelsea, Mr. Allen, that Bill "An Act relating to Employment of Certain Persons" be indefinitely postponed. The Chair recognizes the gentleman from Clinton, Mr. Besse.

Mr. BESSE: Mr. Speaker and Members of the House: May I read this bill, it is very short: "Age discrimination. It shall be unlawful for any person, firm or corporation to refuse to employ, or dismiss from employment, any person between the ages of 35 and 65 because of the age of such person. Any violation of this section shall be punished by a fine of not more than \$25." That I think doesn't mean too much because anyone between those ages, if anyone wants to hire or fire them they can always find that they part their hair on the wrong side or that they don't wear the right kind of clothes or something else, so that it doesn't mean too much in that respect, but it is one of those little things that industrial people do not like, and it is the kind of thing that is passed from one association paper to another, and if it is passed here it will be spread over the country very shortly. And I think Mr. Clough of the Department of Development will find it another anchor on him, and he has plenty of anchors now. I think the bill should be indefinitely postponed and I would ask for a division when the vote is taken.

The SPEAKER: The Chair recognizes the gentleman from Gouldsboro, Mr. Tarbox.

Mr. TARBOX: Mr. Speaker, I employ about eight men that are seventy-five or over. The only way I know they are that age is because we have to fill out all the reports for them, but I don't see why we should make them feel that they were useless, therefore I would go along with the indefinite postponement.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Chelsea, Mr. Allen, that the House indefinitely postpone Bill "An Act relating to Employment of Certain Persons", House Paper 782, Legislative Document 1115. A division has been requested.

Will those who favor the motion to indefinitely postpone this Bill please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

One hundred and four having voted in the affirmative and six having voted in the negative, the motion to indefinitely postpone did prevail. Sent up for concurrence.

Enactor Indefinitely Postponed

An Act to Eliminate Discrimination Between Purchasers (H. P. 1070) (L. D. 1530), item 7, which was passed over temporarily.

The SPEAKER: The Chair recognizes the gentleman from Buxton, Mr. Bruce.

Mr. BRUCE: Mr. Speaker and Ladies and Gentlemen: I move that this bill be indefinitely postponed.

The SPEAKER: The question before the House is the motion of the gentleman from Buxton, Mr. Bruce, that Bill "An Act to Eliminate Discrimination Between Purchasers" be indefinitely postponed.

The Chair recognizes the gentleman from Portland, Mr. Broderick.

Mr. BRODERICK: Mr. Speaker, I would ask that this lay on the table for about thirty minutes.

The SPEAKER: The question now before the House is the motion of the gentleman from Portland, Mr. Broderick, that this bill be tabled unassigned pending the motion of the gentleman from Buxton, Mr. Bruce, that it be indefinitely postponed.

Will those who favor the tabling motion please say aye; those opposed, no.

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

The SPEAKER: The question now before the House is the motion of the gentleman from Buxton, Mr. Bruce, that the bill be indefinitely postponed.

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

Mr. EARLES: Mr. Speaker and Ladies and Gentlemen of the House: I think by this time you have become relatively well acquainted with at least the general theory of this bill, An Act to Eliminate Discrimination between Purchasers. And I think you will recall that this came from the Committee with a substantial endorsement. There were subsequent changes in effort to achieve a meeting of the minds amongst those having diverse viewpoints. And after a rather full airing on two separate occasions this bill was passed to be engrossed. I feel that some think that perhaps this bill is only for the purposes of eliminating or easing a price discrimination problem in the gasoline industry field alone. I think you well might gather that impression because I think we are all conscious of the fact that if we travel the various areas of the state there is a considerable difference in the price of gasoline. I was in Caribou on this last weekend and the price there was forty cents and as I neared Portland in Gray it was twenty-four point nine. I think we should bear in mind that there is no attempt, the bill cannot possibly procure or demand or achieve price control as some have gotten the impression. The purpose of this bill is to permit a free play of competition amongst retailers with the obvious goal of benefiting retailers and in that respect benefiting those persons who purchase from the retailer whether he be a gasoline dispenser, a drug store operator or a grocer, and in substantiation of the claim that others are vitally interested in this problem other than the gasoline people, may I have your indulgence to read a telegram that was addressed to a gentleman in

the other branch, a gentleman from Cumberland County, a gentleman who sat on the business legislation bill.

It was addressed to a person by the name of Senator Charles. It says: "Council of New England State Grocers Associations, Secretary's Meeting, Woodstock, Vermont." This is dated May 27. "Yesterday voted you moral support for baby Robinson-Patman Act before Maine Legislature. Passage will have a powerful effect in eliminating discrimination against small business and serve as a guide for all other New England states fighting a discriminatory evil that is forcing a discouraging large number of small stores to close. Only deeds, not words, imperative now, and Maine as usual can lead the way in such constructive legislation. Signed James L. Mahoney, President". This morning I received a brief telegram from the Woodside Company which is a company of food brokers in South Portland and addressed to me, and incidentally this was not solicited. "We feel bill to prevent discrimination between purchasers should be enacted. South Portland merchants need this law to allow them to continue in business."

Now may I also remind you that in the effort to abate this discrimination between purchasers, the Robinson-Patman Act on the federal level is endeavoring to accomplish that fact. That act currently does not contain the clause "in good faith" that we have heard discussed. In the effort to be imminently conciliatory we have agreed to the inclusion in this particular bill before you of the "in good faith" clause. I feel that this bill deserves passage.

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen: Once again the great gasoline monopoly has reorganized their forces. This time not by oratory and the rules of fair play but by the well tried and oft times successful totalitarian system, if you cannot win them, divide them, referring to the many amendments. Ladies and Gentlemen, I

have no personal interest in this bill except as to how it applies to the general economy of our state. While I do sell a modest amount of gasoline, I am free, white and twenty-one. Since some few years ago I refused to sign the annual lease that was being offered to me by the great gasoline company from which I was buying my gasoline, and they owned the equipment. They said to me, we own this equipment, what are you going to do. I said I can only request that you give me the price which you will take for it and if I can't pay it why you can dig it up and take it with you. They gave me a price and I did buy it, and from that time I have been operating as an independent.

My only interest in this bill is that if some other small retailer might not be forced to make the same decision that I had to, and his equipment might be so much larger and cost so much more that he would be unable to purchase it, and another small business would be lost to one of these vast concentrations of wealth and power. I would ask you ladies and gentlemen in all honesty and sincerity to view with me for a moment the accelerated rate that these great companies of wealth and power are taking over our small businesses. Hundreds of stores, hundreds of all kinds of small businesses are being slowly strangled and going down the drain. Even in the great broiler industry which in the past decade has become one of the major industries in our state is not only slowly but rapidly beginning to disintegrate as a small business unit whereby their combined efforts made them a great industry. First, the money interests who financed this industry and started it, they placed about twenty-five per cent of the financing, and the small operator furnished seventy-five per cent, and they had to hire of course a greater portion of this seventy-five per cent from the banks and give a mortgage on their buildings and on the equipment. And now we find that these great broiler companies have cut the price just right in two, fifty cents, fifty per cent, which means that these fellows cannot, while they may be able to eke out a bare existence, they cannot pay the mortgage. And so what is

happening? They are going to the banks and saying to the banks, this man cannot pay his mortgage, we pick up the tab, and then they own the place and it won't be long until there will be nothing left for them to do but to appeal to you, and you failing them, they can then join the dirge, "Sixteen Tons," and I owe my soul to the company store. I trust, ladies and gentlemen, you will not let this below the belt blow of these countless amendments swerve you from your considered decision whereby you passed this measure yesterday. Thank you.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I have voted against this bill every time it has come up and I don't know but what I have spoken against it. I am not going to attempt to add anything to what has already been said, but I do hope the motion of the gentleman from Buxton, Mr. Bruce, to indefinitely postpone does prevail.

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

Mr. EARLES: Mr. Speaker, I respectfully request a division.

The SPEAKER: A division has been requested. The question before the House is the motion of the gentleman from Buxton, Mr. Bruce, that the House indefinitely postpone Bill "An Act to Eliminate Discrimination Between Purchasers", House Paper 1070, Legislative Document 1530.

Will those who favor the motion to indefinitely postpone this Bill 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 sixty having voted in the negative, the motion prevailed and the Bill was indefinitely postponed and sent up for concurrence.

Enactor Indefinitely Postponed

Resolve Authorizing Survey and Plans for a Maine-Quebec Highway (S. P. 235) (L. D. 635), item 9, which was passed over temporarily.

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

Mr. BREWER: Mr. Speaker and Ladies and Gentlemen of the House: The gentleman from Ashland, Mr. Prue, made a splendid presentation of this matter yesterday. I complimented him on it then and I wish to do so again at this time for the record. The gentleman spoke from his heart on a subject close to his heart, the Maine-Quebec Highway. I also have the greatest respect for George Sawyer of Ashland and I have had his most valuable assistance in conservation measures. It is therefore with reluctance that I oppose the passage of this particular legislation. I feel that this Maine-Quebec highway survey is definitely poor legislation at this particular time. The preliminary survey has shown that the proponents arguments do not hold water. We were all given a Maine-Quebec highway report earlier in the session prepared by the Maine State Highway Commission in cooperation with the United States Department of Commerce, Bureau of Public Roads, dated December 1956. I would like to read in part what they say about one of the items, there is nothing favorable in the report. This pertains to the St. Lawrence Seaway. "The following reasons are given why little traffic will result from the opening of the seaway. 1. Approximately sixty per cent of the potatoes shipped from Maine are moved when the seaway is icebound. 2. Additional handlings involved because of the change of transport media. 3. The lack of distance advantage from many sections of Aroostook shown on the enclosed chart." and the chart and maps were given to you. The preliminary survey or step one did not recommend any further survey or a so-called step two. This L. D. 635 carries a price tag of \$175,000 for the survey alone. That information I received from the sponsor of the bill, and that is a lot of money, \$175,000 for the survey alone.

Now I hear in the corridors well let them have the survey, they will never build the highway anyway, but I ask you if \$175,000 is just something to give away. The road itself carries a \$9,000,000 price tag and

this is no ninety-ten project either. After you buy the road then you have the maintenance problem. This highway is not in need at the present time and has become, to term a phrase coined in the House here, a cahootism item, and a log-rolling item. I do not feel, and I am sure that the gentleman from Ashland, Mr. Prue did not intend or did not participate, in this latter part in any way, shape or manner. Canada is presently constructing a transcontinental highway, and the route number of this highway passing by and touching at northern Maine points is route 51. This highway has been improved to within twenty miles of Fort Kent and this summer we will see more work done. This highway is coming from western Canada, will touch at Fort Kent, will touch again at Madawaska, or the Canadian towns that border there, and then it will join with the Gaspé highway which is another defense highway at Madawaska or Edmundston on the Canadian side, and from there on it will continue down through the Province of New Brunswick. Canada does not contemplate at this time making any major highway junction with the proposed highway that we have here.

I believe that we should not dip into our funds, general or highway, at this time for \$175,000 with which to finance a survey not wanted by the majority of the Commission, the Committee or the population, and entailing \$9,000,000 later on plus maintenance. The return just does not justify the expenditure. It is therefore with reluctance but with a sincere interest in good legislation that I move the indefinite postponement of this resolve and all its accompanying papers.

The SPEAKER: The question now before the House is the motion of the gentleman from Caribou, Mr. Brewer, that the House indefinitely postpone Resolve Authorizing Survey and Plans for Maine-Quebec Highway.

The Chair recognizes the gentleman from Ashland, Mr. Prue.

Mr. PRUE: Mr. Speaker and Ladies and Gentlemen of the House: The first thing I want to do is thank the gentleman from Caribou, Mr. Brewer, for his very kind remarks to me. I also might say that I would

like to thank the rest of my friends in this House.

In answer to one of his questions about the Aroostook County potato crop, he mentioned the sixty per cent, I will talk about the other forty per cent, and I would like to remind the ladies and gentlemen of this House that forty per cent of Aroostook County's potato crop is quite a lot of potatoes. We would have the markets to the west we feel and there is another point that the gentleman from Caribou brought out about the highway going down toward Fort Kent. I feel, and now I am going to talk for myself and not for the fact finding committee, we have no argument with Fort Kent and the highway that is going toward Fort Kent. It is just as good that they have that highway as we have our highway. Our highway we feel will never interfere with their highway. If they want to sit down with us and go over the facts, we can point this out to them.

The \$9,000,000 figure that the gentleman from Caribou, Mr. Brewer used, I have never seen that one. We have two figures. One figure was \$7,000,000 and the other figure was \$8,200,000, and I say it makes no difference which figure we use, you always get what you pay for. The \$8,200,000 road naturally would be better than the other road. I am not going to talk too much more, but I have here statements of the fact finding committee that would bear out some of these things in answer to what he has said, but this is getting late in the day, late in the session, and everybody wants to get home, and I debated it yesterday and the vote was sixty-six to forty-four and I am going to rest my case with this House and I hope the motion does not prevail.

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

Mr. TURNER: Mr. Speaker, I don't remember just how that came out of the Committee, but it ought to have come out unanimous "Ought not to pass". The distance across that country there is around eighty miles right through woods, bogs and mountains, and they estimate \$180,000 for a survey and soundings and one thing another. I wouldn't be sur-

prised if it ran into half a million dollars, and I can't see any point in we have got one fellow from Aroostook who got up here and he isn't interested in any more money for Aroostook. I think they have done pretty well up there in getting a lot of money. We ought to have a little down this way for awhile, and if we can hold them back a little for one term I think we would do pretty good.

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

Mr. WADE: Mr. Speaker and Members of the House: I hadn't intended to get into this particular measure, but I notice that the proposed Canadian terminus of this road is at Daaquam, and I was up there last summer, and it seemed to me that there wasn't much prospect of a particularly substantial highway from Daaquam either due west over toward St. Georges or much up toward Quebec City, and it would seem to me that at the present time we were proposing to build a road that didn't go much of anywhere.

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

Mr. STANLEY: Mr. Speaker, I would like to go along with the gentleman from Caribou, Mr. Brewer, in indefinitely postponing this legislation. I think that we have needs for money which have certainly been brought out to us during the session for highways, certainly lots of highways that could be improved with \$175,000. I don't believe that there is any need for this. The Highway Commission is against it and I wonder what kind of a report we would get back from them with that attitude, so I would certainly go along with the gentleman from Caribou, Mr. Brewer.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Caribou, Mr. Brewer, that the House indefinitely postpone Resolve Authorizing Survey and Plans for a Maine-Quebec Highway, Senate Paper 235, Legislative Document 635. A division has been requested. Will those who favor the motion for 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.

Eighty-eight having voted in the affirmative and twenty-nine having voted in the negative, the motion prevailed and the Bill was indefinitely postponed and sent up for concurrence.

The SPEAKER: Is there objection to sending the last four matters dealt with forthwith to the Senate? The Chair hears none and it is so ordered.

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Resolve Authorizing Study of Proposed Road from Millinocket to Grindstone (H. P. 768) (L. D. 1101) reporting that they are unable to agree.

(Signed)

EMERSON of Millinocket
BROCKWAY of Milo
TURNER of Auburn
— Committee on
part of House.

COLE of Waldo
FERGUSON of Aroostook
SINCLAIR of Somerset
— Committee on
part of Senate.

Report was read and accepted and sent up for concurrence.

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

Mr. DUDLEY: Mr. Speaker, if it wouldn't be out of order I would like to consider item three of which I stepped out for a few minutes, An Act to Employ Certain Persons. We voted so unanimously the other day I didn't think there was any need to be here every minute, and I would like to explain the question in full, item three.

The SPEAKER: Does the Chair understand the gentleman is moving the House reconsider its action?

Mr. DUDLEY: Yes.

The SPEAKER: The Chair will have to rule that since the gentleman was not in the hall of the House at the time the vote was taken, he did not vote on the prevail-

ing side and therefore is not eligible to move reconsideration.

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

Mr. COUTURE: Mr. Speaker and Members of the House: I move we reconsider item three.

The SPEAKER: The Chair would ask the gentleman from Lewiston, Mr. Couture, did he vote on the prevailing side when the action was taken?

Mr. COUTURE: No.

Mr. Carey of Augusta was granted permission to approach the rostrum. (Conference at rostrum)

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

Mr. CAREY: Mr. Speaker, I request a brief informal period here in order to have a few expressions of appreciation.

The SPEAKER: The Chair will declare the Chair hears no objection. The gentleman may proceed.

Mr. CAREY: Would the Sergeant-at-Arms, Mr. Hulbert, the Assistant Sergeant-at-Arms, Mr. Hilton, the Pages, Louis Collins and Edward Harwood, and the Doorkeeper, Mr. Clarence Chase, please come to the rostrum?

Thereupon, those gentlemen were presented with boutonnières amid the applause of the House.

Mr. CAREY: Now would the Sergeant-at-Arms go to the Clerk's office and escort the girls in the Clerk's office and the Reporter's office to the well of the House?

Thereupon, Mr. Ross of Bath presented corsages to Mrs. Edna G. Clement, Secretary to the Clerk; Mrs. Catherine M. Fenderson, Secretary to the Clerk; Mrs. Bertha W. Johnson, Secretary to the Assistant Clerk; Mrs. Regis T. Strout, Legislative Docket Clerk; Mrs. Virginia P. Fellows, Assistant Legislative Docket Clerk; Mrs. Gladys N. Mathews, Journal Copy Clerk; Mrs. Joan S. Gerald, Secretary to the Speaker; Mrs. Greta H. Merrill, Transcribing Clerk and Mrs. Lucille Tilton, Typist, amid the applause of the House.

Mr. CAREY: Representative Beane and Betty please approach the rostrum.

Thereupon, the gentleman from Augusta, Mr. Beane, presented Miss Elizabeth Lester, Public Address Operator, with a corsage.

Mr. CAREY: Now would the ladies of the House come forward please.

The gentlewomen of the House: Miss Cormier of Rumford; Mrs. Christie of Presque Isle; Mrs. Mann of Paris; Mrs. Smith of Falmouth; Mrs. Hatch of Minot; Mrs. Burnham of Kittery; Mrs. Harriman of Lovell; Mrs. Harrington of Patten, Mrs. Hendricks of Portland, and Mrs. Knapp of Yarmouth assembled in the well of the House, amidst the applause of the House, the members rising.

Mr. CAREY: I am sure you would have appreciated it if they had done this once in awhile when you had your bills up.

Now would the assigned gentlemen please come forward: The gentleman from Madawaska, Mr. Rowe; the gentleman from Caribou, Mr. Brewer; the gentleman from Cape Elizabeth, Mr. Beyer; the gentleman from Bangor, Mr. Browne; the gentleman from Portland, Mr. Broderick; the gentleman from Auburn, Mr. Walker; the gentleman from Union, Mr. Heald; the gentleman from Lee, Mr. Frazier; the gentleman from Bingham, Mr. Shaw; and the gentleman from South Portland, Mr. Fuller.

Thereupon, amid the applause of the House, corsages were presented to the lady members of the House by the gentleman members of the House as follows: To Miss Cormier of Rumford by Mr. Rowe of Madawaska; to Mrs. Christie of Presque Isle by Mr. Brewer of Caribou; to Mrs. Mann of Paris by Mr. Fuller of South Portland; to Mrs. Smith of Falmouth by Mr. Browne of Bangor; to Mrs. Hatch of Minot by Mr. Shaw of Bingham; to Mrs. Burnham of Kittery by Mr. Heald of Union; to Mrs. Harriman of Lovell by Mr. Walker of Auburn; to Mrs. Harrington of Patten by Mr. Frazier of Lee; to Mrs. Hendricks of Portland by Mr. Broderick of Portland; to Mrs. Knapp of Yarmouth by Mr. Beyer of Cape Elizabeth.

Mr. CAREY: Speaker Edg ar, would you assist just a moment

please? Mrs. Chapman and Representative Elwell. These two folks are from the same county.

Mr. ELWELL: We are all duly impressed with the efficiency of the Clerk's office, and if you do see anything especially good or praiseworthy, you don't have to look very far before you usually find the reason. In the case of the Clerk's office, it is the Assistant Clerk, and I would like to repeat what the good Mayor has said, she is another member of the Waldo County delegation.

Thereupon, Mrs. E. May Chapman, Assistant Clerk of the House, was presented a corsage by Mr. Elwell of Brooks.

Mr. CAREY: If Representative Totman would step forward please.

Mr. TOTMAN: Would the Clerk please step forward please. Don't worry, Harvey, this is going to be serious. Harvey, I would ask the House to be somewhat serious for a moment because you and I have served together in this House for four sessions, and I have had the pleasure of attending these ceremonies before. I have heard a very unpleasant rumor that this may be one of your last sessions. I want to tell you and I think I am speaking in behalf of the House that it is thanks to you that this House of Representatives is one of the best in the nation, and I sincerely wish you the best in the years ahead.

Thereupon, Harvey R. Pease, Clerk of the House, was presented a camera by Mr. Totman of Bangor amid the applause of the House, the members rising.

Mr. CAREY: Would Representative Walsh step forward please?

Mr. WALSH: Speaker Joe, Ladies and Gentlemen of the House: I stand here before you with a feeling of distinct privilege and honor to address a few brief but deeply sincere and heartfelt remarks, not only for myself but for each and every member in this House. Joe, you have leaned over backwards to be fair, to be just, and to be patient, beyond the line of duty and beyond the military book of rules.

We don't know what you are going to do, Joe, or where fate might take you, but we do know this, that you

have left a lasting memory and a vivid impression on each and every member in this House that they will carry with them forever.

We want you to know Joe, that wherever fate may guide you, or whatever you may choose to do, that you have the sincere good wishes of each and every member of this House, and may God when he showers his blessings of abundance upon you and yours, be everything that you wish. And just a small token of our esteem and high regard in a belief that you will go down in history as one of the most distinguished of our excellent Speakers of the Maine House of Representatives, we want to present you with this small token of our esteem and appreciation for that excellent service.

Thereupon, Joseph T. Edgar, Speaker, was presented with three pieces of luggage amid the applause of the House, the members rising.

SPEAKER EDGAR: I would like to say many things. At the moment I can't. I had a little speech all prepared. I am sorry, I can't give it. In order to make myself feel better—I couldn't feel better, but in order to recover myself a bit and to make all of you look much less serious, I would like to say that this is one time when your Speaker is delighted to be left holding the bag. (applause)

It is only natural as the session draws to a close that I, as many of you undoubtedly are doing, should look back over the months. I look back over the months that we have worked together here. I look even farther back to the days when I met many of you for the first time at your homes and at your places of business, and it did not take me very long to realize completely and wholly and sincerely that were I to be Speaker of this House, I would be dealing with one of the finest groups of people that a man could ever have to deal with. The months that have gone by in this session have done nothing to lessen that belief. In fact the reverse has been true, it has confirmed it more and more.

It has been and is a tremendous privilege for me to know you and to work with you. And when we leave here tonight if I cannot say goodbye to all of you individually, I

want to wish you all the very best, and I pray to heaven that we will meet again sometime soon. Thank you. (Applause, the members rising)

Mr. CAREY: I am sure these expressions of appreciation were greatly appreciated, and I want you folks to know that when you bought your green tickets to the assemblies, you individually contributed to this effort so you all took part. Thank you. (Applause)

The SPEAKER: The Chair recognizes the gentlewoman from Paris, Mrs. Mann.

Mrs. MANN: Mr. Speaker, may I approach the rostrum, and may the gentleman from Bangor, Mr. Totman, also approach the rostrum.

The SPEAKER: You may approach the rostrum and also the gentleman from Bangor, Mr. Totman.

Mrs. MANN: Ladies and Gentlemen of the House and our very, very efficient floor leader of the House: We realize that you have been one of the most important men in our organization this winter. We have all enjoyed working with you very, very much indeed. We appreciate your very wonderful leadership. If we republicans haven't gone with you a hundred per cent, we think we have pretty near ninety-nine per cent, and just as a very slight token of our appreciation of your long suffering patience with all of us, we present you with this very slight token.

Mr. TOTMAN: Thank you very much. (Applause)

The SPEAKER: The Chair recognizes the gentlewoman from Rumford, Miss Cormier.

Miss CORMIER: Mr. Speaker, may I approach the rostrum accompanied by Representative Walsh?

The SPEAKER: The gentlewoman may approach the rostrum and the Chair will request the gentleman from Brunswick, Mr. Walsh, to approach the rostrum.

Miss CORMIER: Adam, we of the minority party are indeed proud of the work that you have done as leader of the Democrats in this 98th Legislature. You have at all times conducted yourself as a gentleman.

You have taken issue but you have always resolved your remarks on the merits and have never gone into personalities. You have been a true leader of the Democrats. You have never coerced us at any time to take any stand that was not in agreement with yours. You have not only been a leader, but you have been a friend, and we of the Democratic party are mighty proud to call you not only leader, but friend.

In appreciation of what you have done for us and the excellent manner in which you have lead us through these many weeks, we wish to present you with this very small token of our esteem and our appreciation. And I know that the esteem that we have for you is shared by the Republican membership of this House as well.

Mr. Walsh: Thank you very, very much. (Applause)

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

Mrs. HENDRICKS: Mr. Speaker, may I approach the rostrum accompanied by Eben Elwell.

The SPEAKER: You may, and the gentleman from Brooks, Mr. Elwell, will do likewise.

Mrs. HENDRICKS: Eben, everything holds true that Lucia said to Adam, and in appreciation of the wonderful work that you have done, we present you with this little token.

Mr. ELWELL: Thank you. (Applause)

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

Mrs. CHRISTIE: Mr. Speaker, may I approach the rostrum accompanied by the gentleman from Bath, Mr. Ross.

The SPEAKER: You may, and the gentleman from Bath, Mr. Ross, will do likewise.

Mrs. CHRISTIE: Rodney, we haven't always agreed on our procedure, I am sure of that, in our action on legislation, but I have always admired you for your fairness and your intent to do the thing that was best for the State of Maine. I am sure you have acted sincerely in all that you have done even

though we haven't always agreed. I am sorry for you that you have to take the granny of the women for the one to present to you this gift, but I am very happy to present to you this gift on behalf of the people of this legislature.

Mr. ROSS: I am delighted to take the granny. (Applause)

The SPEAKER: The House will be in order. It is with sincere regret that the Chair must bring the House back to earth. At this time the Chair would like to thank the members of the House very much for their wonderful attendance today and this afternoon and for staying with us the way you have. The Chair has just been advised that if you will be patient enough to stay with us until we have completed supplement number three which must get to the printers, we will at the end of this supplement recess until eight o'clock, and the Chair has been assured that we will finally adjourn at a relatively reasonable hour this evening. (Applause)

The SPEAKER: Out of order and under suspension of the rules the Clerk will read some enactors on supplement number three.

Passed to Be Enacted

An Act relating to Salaries and Clerk Hire of Certain County Officers (S. P. 574) (L. D. 1577)

An Act to Increase Salaries of Justices of Supreme Judicial Court and Superior Court (H. P. 1103) (L. D. 1608)

Finally Passed

Resolve Authorizing Survey for Bridge Across Passagassawaukeg River (H. P. 1108) (L. D. 1610)

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

Non-Concurrent Matter

Resolve Reimbursing Knox County General Hospital for Certain Aid (S. P. 339) (L. D. 917) which was finally passed in the House on March 28, and passed to be engrossed as amended by Committee Amendment "A" on March 26.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Stilphen of Rockland, the House voted to recede and concur.

Sent forthwith to the Senate.

Non-Concurrent Matter

Resolve Appropriating Moneys to Aid Construction of Dormitory at Higgins Classical Institute (H. P. 527) (L. D. 755) which was recalled to the Senate from the Legislative Files by Joint Order, and which the House receded and concurred in accepting Report "B" of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on May 28.

Came from the Senate passed to be engrossed in non-concurrence.

In the House: On motion of Mr. Rich of Charleston, the House voted to recede and concur.

Sent forthwith to the Senate.

Mr. Shaw of Bingham was granted unanimous consent to address the House.

Mr. SHAW: Mr. Speaker and Ladies and Gentlemen of the House: On April 23 the matter of a resolve in favor of Maynard J. Lindsey, a trooper who was wounded in the line of duty while serving as a member of the state police was debated on the floor of the House. During the course of the debate I mentioned certain figures in relationship to the settlement of his claim. It was later brought to my attention by the Deputy Attorney General that these figures were incorrect, and in all fairness to Trooper Lindsey I would like at this time to make a correction of the record.

I stated at that time that he received fifty-four and a half weeks' pay at the rate of fifty dollars per week, and an award from the Industrial Accident Commission of \$1575. Now these figures were submitted to me by the Deputy Attorney General at that time and I believed them to be correct, and in all fairness to the gentleman from Columbia Falls, Mr. Hathaway, who was the sponsor of this resolve, I want to apologize for those statements. I did go to visit the Deputy Attorney General with Mr. Hathaway and I think he is assured that I did receive those figures from that department as fac-

tual at the time I presented them to the House.

Now along the same line there was some concern as to a statement that I made during that debate, and it troubled the trooper greatly. I stated that there was more to this case than meets the eye. Now there is no intention of any reflection on the part of the trooper. I have every reason to believe that he has served the state honest and faithfully during his long term of service in the capacity as a member of the state police force. And I would say that the intention of that remark was that I felt that it was a serious precedent and I haven't changed my mind in regard to that, but I did want to correct the record at this time. Thank you very much.

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

Mr. HATHAWAY: Mr. Speaker and Ladies and Gentlemen: I appreciate very much the remarks of the gentleman from Bingham. I want to thank him and he is a gentleman. (Applause).

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

Mr. JALBERT: Mr. Speaker, out of order and under suspension of the rules I present an order and move that it be tabled pending reproduction and I will speak on it later this evening.

House Order Out of Order Tabled

The Order was read by the Clerk as follows:

ORDERED, the Senate concurring, that the Legislative Research Committee be directed to study the problem of recruiting and retaining employees in the mental institutions of the State with particular emphasis on Pineland Hospital and Training Center.

The Committee is further directed to report its findings to the 99th Legislative Session or to a Special Session of the 98th Legislature if such be called. (H. P. 1109)

Thereupon, the Order was tabled unassigned pending reproduction and distribution to the members desks.

On motion of Mr. Totman of Bangor,

Recessed until eight-thirty this evening.

After Recess
8:30 P.M.

The House was called to order by the Speaker.

The SPEAKER: At this time the Chair will lay before the House the tabled and unassigned matters which appear on Supplement number one, tabled earlier today, items one, two and three.

Senate Order
Out of Order

ORDERED, the House concurring, that the Legislative Research Committee be, and hereby is, directed to study and to report to the 99th Legislature on the privilege of voting for those civilians who reside on federally-owned property in Maine (S. P. 520)

Came from the Senate read and passed.

In the House:

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

Mr. TOTMAN: Mr. Speaker, on item one I move that we concur with the Senate. I would like to explain that of about twelve or thirteen Legislative Research orders, about half of them have survived. I mention this only because I feel that each branch should make up its own mind whether or not they want the orders. While I will make the motion on these three orders that they receive passage, there is certainly no feeling on my part that this House if they do not wish them to be passed should not debate them and move otherwise.

The SPEAKER: The question before the House is the motion of the gentleman from Bangor, Mr. Totman, that with respect to item number one the House pass this order in concurrence. Is this the pleasure of the House?

The motion prevailed and the Order received passage in concurrence.

Senate Order
Out of Order
Indefinitely Postponed

ORDERED, the House concurring, that the Legislative Research Committee be and hereby is directed to study and to report its conclusions and recommendations to the 99th Legislature on the question concerning the freedom of access to state, county and municipal records and proceedings, whether administrative, judicial or legislative in nature.

The Committee shall particularly concern itself with the freedom of access that may or may not be available to accredited news gathering organizations (S. P. 521)

Came from the Senate read and passed.

In the House:

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

Mr. TOTMAN: Mr. Speaker, I now move that we concur with the Senate and give this order passage.

The SPEAKER: With respect to item number two, the question before the House is the motion of the gentleman from Bangor, Mr. Totman, that the House give the order passage in concurrence.

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

Mr. TEVANIAN: Mr. Speaker, my understanding of the situation is that the Legislative Research Committee has a limited amount of time to study important matters to recommend to the 99th Legislature. Being somewhat familiar with the system of records as kept by state and the counties and the various municipalities, I do not feel that item number two is important enough to tie up the Legislative Research Committee's time and I would now move that this specific item be indefinitely postponed.

The SPEAKER: The question now before the House is the motion of the gentleman from Portland, Mr. Tevanian, that item number two be indefinitely postponed in non-concurrence.

Will those who favor the motion to indefinitely postpone this order in non-concurrence please say *aye*; those opposed, *no*.

A viva voce vote being doubted,

A division of the House was had.

One hundred thirteen having voted in the affirmative and nine having voted in the negative, the motion did prevail, the Order was indefinitely postponed in non-concurrence and sent up for concurrence.

**Senate Order
Out of Order
Indefinitely Postponed**

ORDERED, the House concurring, that the Legislative Research Committee be, and hereby is, requested to study the problems of municipal sewage disposal with the end in view to create municipal sewage districts under model charters provided for by law; and be it further

ORDERED, that the Legislative Research Committee report the results of its findings to the 99th Legislature (S. P. 596)

Came from the Senate read and passed.

In the House:

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

Mr. TOTMAN: Mr. Speaker, without doing injustice to anyone in the House who may consider this a pet project, I still do not foresee where the State of Maine has reached the point for the Legislative Research Committee to consider this sewage disposal as a pending problem. Therefore, I would move that this order be indefinitely postponed.

The SPEAKER: The question now before the House is the motion of the gentleman from Bangor, Mr. Totman, that item number three be indefinitely postponed in non-concurrence. Will those who favor the motion to indefinitely postpone this order please say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed, the Order was indefinitely postponed in non-concurrence and sent up for concurrence.

Mr. Walsh of Brunswick moved that the House remove from the table item number four which appeared on Supplement number one, tabled earlier today.

Non-Concurrent Matter

Joint Order relative to Study by Legislative Research Committee of Federal Flood Insurance Program (H. P. 1100) which was passed in the House on May 23.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mr. WALSH: Mr. Speaker and Ladies and Gentlemen of the House: After conferring with members of the upper branch and the members in the House on the Legislative Research Committee, I feel that we could accomplish the purpose desired in this order without ordering the Legislative Research Committee to do it. I therefore move that we recede and concur.

The SPEAKER: The gentleman from Brunswick, Mr. Walsh, moves that the House recede and concur. Is this the pleasure of the House?

The motion prevailed.

Mr. Pierce of Bucksport moved that the House remove from the table item number five.

Non-Concurrent Matter

Joint Order relative to Legislative Research Committee being requested to study laws, policies, etc. of State Liquor Commission (H. P. 1105) which was passed in the House on May 28.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Bucksport, Mr. Pierce.

Mr. PIERCE: Mr. Speaker, I sincerely believe that the accomplishments, intended by the gentleman from Charleston, Mr. Rich, can be accomplished by other means. Therefore, I move we recede and concur.

The SPEAKER: The gentleman from Bucksport, Mr. Pierce, with respect to item five, moves that the House recede and concur.

Will those who favor the motion to recede and concur please say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed.

Mr. Quinn of Bangor moved that the House remove from the table item number six.

Non-Concurrent Matter

Joint Order relative to Legislative Research Committee being requested to study the desirability and economy of consolidating the State-Owned Cars and Garages under one Agency (H. P. 1107) which was passed in the House on May 28.

In the House:

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

Mr. QUINN: Mr. Speaker and Ladies and Gentlemen of the House: This is a good order, but I move that we recede and concur. (Applause)

The SPEAKER: The question before the House is the motion of the gentleman from Bangor, Mr. Quinn, that the House recede and concur. Is this the pleasure of the House?

The motion prevailed.

On motion of the gentleman from Lewiston, Mr. Jalbert, the House voted to take from the table the following order:

ORDERED, the Senate concurring, that the Legislative Research Committee be directed to study the problem of recruiting and retaining employees in the mental institutions of the State with particular emphasis on Pineland Hospital and Training Center.

The Committee is further directed to report its findings to the 99th Legislative Session or to a Special Session of the 98th Legislature if such be called. (H. P. 1109)

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

Mr. JALBERT: Mr. Speaker and Members of the House: The order is self-explanatory. I think this is the answer to some of the problems that our good ladies had last week and I hope for its passage.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves that this order receive passage. Is the House ready for the question?

Will those who favor the motion that this Order receive passage please say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed and the Order received passage and was sent up for concurrence.

The SPEAKER: Is there objection to any of these matters with which the House just dealt being sent forthwith to the Senate? The Chair hears none and it is so ordered.

The SPEAKER: At this time the Chair would like to request the Sergeant-at-Arms to escort to the rostrum to serve as Speaker pro tem a gentleman who is now in his fourth term in the House and who has never stood on the rostrum and to whom the Speaker will be very happy to turn over the rostrum. The Chair will ask the Sergeant-at-Arms to escort to the rostrum the gentleman from Cumberland, Mr. Call.

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

The SPEAKER pro tem: The gentleman from Bath, Mr. Couture, wishes that the gentleman from Freeport, Mr. Crockett, would recite the Ballad of the Pine Tree State.

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

Mr. CROCKETT: Mr. Speaker pro tem, it was my request earlier in the day that my good friend and colleague from Bath, recite that beautiful poem that he did so very well in the last session of the 97th. My good friend from Bath, Mr. Couture, will do it now, I am pretty sure he will favor us. (Applause)

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

Mr. COUTURE: Mr. Speaker and Ladies and Gentlemen of the 98th Legislature: Give me a few minutes to say how pleased I am to say how wonderful this last six months have been to serve with all you wonderful people. (laughter) I have got to soften this crowd up first. Sincerely, from the bottom of my heart, it has really been a pleasure for me to be in this 98th Legislature, and I will remember every one of you because I think you are all swell people, all you ladies and gentlemen.

This poem that Mr. Crockett has requested me to recite, was written by—as some of the members from the 97th Legislature know—was writ-

ten by a Bath man, and we all love the State of Maine, and I think that he has captured every bit of it in his poem. It goes like this:

Ballad of the Pine Tree State

By Parke Grindell

"Yer ain't seen nawthin', feller,
if yer've never been ter Maine,
There's suthin' 'bout it gits yer,
like the sunshine after rain.

It's the nearest place ter heaven
that yer'd ever want ter know—
Yer can't duplicate the scen'ry
no matter where yer go.

The long hills, n' the mountains,
the valleys, n' the streams,
Yer've never seen such beauty,
unless it's in yer dreams.

Fer instance in the springtime,
when nature spreads its sheen,
N' as far as yer can see
the world's alive with green—

Sorta makes yer want ter go a-fishin'
where the salmon n' the trout
Are a-hankerin' ter have yer go
n' fetch 'em out.

Even then yer ain't seen nawthin'
till summertime comes 'round

N' the days are warm, n' the nights
are short, n' 'bout the only sound
Is the wind a-swishin' thru the pines,
the surf that pounds the shore,

The hounds a-bayin' in the hills—
a pleasant sound—what's more
Yer wake up in the mornin'
n' the meader's wet with dew,

N' yer hear the cock a-crowin'
n' yer feel like crowin' too.
Oh there's suthin' 'bout it gits yer
like a beautiful refrain—

Yer ain't seen nawthin', feller,
if yer've never been ter Maine.

Now take it in the autumn,
there's some that like it best

When the sky is like a poem
when the sun sets in the west,
N' the world's debauched with colors,
scarlet, green n' gold

N' the moon's so red it scares yer,
n' the first hint of the cold

Comes a-creepin' in n' nips yer,
sorta makes yer wanta shout,
N' yer thank God that yer livin'
n' yer git yer rifle out,

N' yer tune 'er up, git ready
fer the pleasantest of thrills,

N' yer off a-fore the sun-up,
a-headin' fer the hills.

I'm gonna tell yer, feller,
there's nawthin' quite so fine,

As a-trampin' on the trails when
the air is charged with wine.

N' the waterways are flashin'
like mirrors in the sun,
N' yer pullin' on yer pipe
n' a-grippin' on yer gun.

N' yer watch the squirrels caper
as they leap from tree ter tree,
N' the geese go by at sundown
a-headin' out ter sea . . .

N' then a-fore yer know it,
winter's on the way,
N' the lakes are frozen solid,
n' the geese have left the bay.

I'm gonna tell yer, feller,
it makes yer feel quite good
When yer larder's filled with vittles,
n' yer woodshed's filled with
wood,

N' the countryside is blanketed
beneath the mounds so white,
N' the stars flash like electric
in the sharpness of the night.

Oh there's suthin' 'bout it gits yer
like a beautiful refrain—

Yer ain't seen nawthin' feller,
if yer've never been ter Maine."
(Applause)

At this point, Speaker Edgar returned to the rostrum.

The SPEAKER: The Chair would like to thank the gentleman from Cumberland, Mr. Call, very much.

Thereupon, the Sergeant-at-Arms conducted the gentleman from Cumberland, Mr. Call, to his seat on the Floor, amid the applause of the House, and Speaker Edgar resumed the Chair.

Veto Message

The Clerk read a Veto Message received from the Executive Department returning without approval An Act Relating to Limitation of Financial Responsibility Law (H. P. 647) (L. D. 916). Full text of the Veto Message is incorporated in the Legislative Record of the Senate for this date on page 2519.

The Veto Message was ordered placed on file.

The SPEAKER: This Bill, having been returned by the Governor together with his objections to the same, the question before the House is, shall this Bill become law notwithstanding the objections of the Governor. In order that this question shall prevail in the affirmative the approval of two-thirds of the House

must be secured. The Constitution of the State of Maine requires that the vote shall be taken by a roll call vote.

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

Mr. WALKER: Mr. Speaker, Ladies and Gentlemen of this House: I would feel that I was remiss in my duty to the members of this House if I did not explain this bill. This particular bill, L. D. 916, is a bill that I have given serious and considerable thought to over a long period of years. I will read to you some of the prepared material in connection with my stand in this matter.

The intent of this bill is to strengthen our present Financial Responsibility Law to the end that more of our drivers will realize their responsibilities to other drivers and property owners.

When the Financial Responsibility law was first passed on July 26, 1941 it was the general intent to bring home to the uninsured driver that if he chose to drive without insurance or some type of evidence of his responsibility that in the event of an accident he would be forced to comply with certain rules and regulations that could result in the suspension of his privilege to license and operate a motor vehicle.

Realizing that in some instances there were unusual circumstances involved so that an uninsured driver would be unjustly penalized, the Legislature, in its wisdom, caused the application of certain limitations to the law. Among those limitations was the provision that the penalties of the law would not apply to the owner of a motor vehicle that was being used without his permission. The provisions were not to apply when the accident was caused by the criminal act of a third person, for which such criminal act the third party was convicted. The provisions were not to apply to the driver that was employed by the State or employed by a company that was required to carry insurance because of being licensed as a public utility or public carrier.

The difficulty arose, however, in the application of limitation in subsection B, which reads as follows:

"To either the owner or licensed operator of a motor vehicle, trailer or semi-trailer involved in an accident when the Secretary shall be satisfied that neither such owner nor operator caused the accident."

As early as 1942 during the month of July, the Secretary of State traveled to various parts of the state in order to conduct hearings to determine who was or was not at fault. These hearings were informal and generally consisted of the petitioner himself making a statement as to why he thought he was not at fault. In a great many instances the third party was not present even though he was notified to appear or to submit a notarized account of his version of the accident.

When a number of our uninsured residents became aware of the fact that they could escape the necessity of posting security simply by requesting a hearing to show that they were not at fault, there followed a deluge of such requests. They became so numerous that the department devised a form letter to facilitate matters. Then it merely became necessary to sign one's name to a request in order to stay the matter.

A backlog of petitions grew to such proportions that the hearings could not be held within the first year following the accident. This resulted in a very unique technical situation. If the Secretary of State or his Deputy found that the petitioner did in fact cause or contribute to the accident he then merely had to file an affidavit to the effect that suit was not pending against him and that a period of one year had elapsed since the accident and he was again excused from posting security.

The reason judgment had not been obtained or suit started was because the petitioner, in most cases, was judgment proof.

An erroneous and mistaken idea prevalent among many people is that uninsured drivers involved in accidents must pay up or forfeit their license or plates. Nothing could be further from the truth.

There are forty-five states that have currently some type of a Financial Responsibility Law. Only seven of these states, however, require that insurance be carried for a period following the first accident, but they all, and I repeat, all require

a proper security to be posted. It has been found that the only way to keep people insured is to take them off the road when they don't pay up. the only alternative is compulsory insurance and the many evils connected with this type of law make it very unattractive.

I would propose that subsection B be amended so that hearings might be eliminated entirely and that in the proper discretion of the office of the Secretary of State, an uninsured driver or owner could be excused from compliance only when it clearly appeared that his vehicle was properly stopped or parked when the accident took place.

As for subsection D it would seem inadvisable to excuse compliance with the Financial Responsibility Law when a driver has demonstrated that he cannot keep his car under proper control. If he cannot avoid trees, rocks, or the back end of trucks he certainly should show evidence of financial responsibility because you or myself might be his next victim.

We are all familiar with repeaters and the bad records that they have compiled over a period of time.

Of a total of forty-five states that have a Financial Responsibility Law in effect, only five have any provision, whatsoever, to excuse compliance with the law. In the forty states if you are involved in an accident and it develops that you are not insured it then becomes mandatory that you shall either settle claims pending against you, furnish a release, or post security as required by the proper designated authority.

Of the remaining five states Maine is the only one and I would like to repeat that, Maine is the only one that holds hearings and waives posting of security pending the hearing. I have received letters from various states relative to their procedure which indicate that the decisions are generally made by the proper designated authority but result very rarely in one being excused from compliance. In cases where the matter has been decided by the courts favorable to the uninsured driver then as a matter of procedure compliance is not re-

quired, and incidentally that is currently the law in Maine.

On Jan. 1, 1957, there were 1,276 hearings pending on petition here in the State of Maine.

During the year 1956 there were 346 hearings scheduled with 353 cases resulting in relief. Most of the petitioners, however, were relieved without hearing. It must be assumed that relief was granted because affidavits were filed, indicating that a suit was not pending.

I do not believe that it was the legislative intent to create such a situation and I, therefore, strongly recommend passage of this bill.

We here in the State of Maine, according to the best authority have seventy-eight per cent of our drivers insured. Our sister State of New Hampshire where they have the strict form of financial responsibility insurance law in effect has an estimated ninety-three per cent of their vehicles insured.

On March 1, 1953, and remember this is only four years ago, the Safety Responsibility Law became effective in the State of Ohio. This was the first time that Ohio motorists were required to report any motor vehicle accident in which they were involved to a state agency. This law was enacted to remove from the highways the financially irresponsible individuals. In other words, it required each individual who had been involved in a motor vehicle accident to show his financial capabilities of paying any claims or judgments which may arise against him as a result of a motor vehicle accident.

The records of the Ohio State Safety Responsibility Division of the Bureau of Motor Vehicles indicate that when the law was first passed in Ohio only three years ago, approximately fifty per cent of the registered motorists in Ohio were carrying liability insurance. Through the efforts of the Safety Responsibility type legislation directly or indirectly, approximately thirty-nine per cent more of the registered drivers in Ohio have obtained liability insurance coverage, and in all probability that small percentage remaining uninsured should not be permitted to drive, and this was taken from a report given by

one of the officials of the Ohio State Motor Vehicle Department.

Now it seems strange to me that the State of Ohio with a financial responsibility law in effect since 1953 has twelve per cent more vehicles insured than we have here in the State of Maine when we passed our financial responsibility law back in 1941, a difference of from three and one-half years to seventeen years.

Last night I objected to the order because I had had an opportunity to see the proposed amendment. The amendment in my opinion did nothing to strengthen the present bill, but instead left the continued discretion in the hands of the Deputy Secretary of State which I submit was the reason for the introduction of this bill in the original instance. Thank you.

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

Mr. CHILDS: Mr. Speaker and Members of the House: As we all undoubtedly know, a veto is a very serious matter, it is in effect the Governor substituting his judgment for the judgment of the members of the Legislature. It is something we certainly should give a lot of consideration to, and because of those reasons I will move that the veto message lie upon the table until later in tonight's session, and in the meantime that the veto message be reproduced and distributed to the desks of the members of the House.

The SPEAKER: The question now before the House is the motion of the gentleman from Portland, Mr. Childs, that the Veto Message be tabled unassigned and be reproduced and distributed to the members desks.

Will those who favor the tabling motion of the gentleman from Portland, Mr. Childs, please say aye; those opposed, no.

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

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

Mr. EARLES: Mr. Speaker and Ladies and Gentlemen of the House: As you will recall last evening, I indicated when we had before us the question of entertaining the possi-

bility of amending this particular bill, that I expressed a personal concern as to some inequities in the proposed bill. I had hoped that we would all have a chance to see the specific amendments and evaluate them and see whether or not they would improve the bill as it is now on its way to be voted for final enactment.

It seems to me that in the effort to obtain complete insurance coverage of all motorists, that injustice is being done. You perhaps may think automatically by reflex perhaps of the uninsured motorist as the irresponsible, the hot-rodder, the inconsiderate, but that is only part of the picture. In the effort to strengthen the law as proposed, to put added teeth in it, to me seems that the teeth are misplaced and thus would cause lockjaw as far as justice is concerned for the uninsured motorist.

An aspect of this proposed law that disturbs me is that in effect it is compulsory insurance without adequate warning to the people, the general breadth and length of the state, that it is in effect compulsory insurance. Normally in the law when negligence is established fault has to be proved. In this instance, with the exception of the instance of the motorist who happens to be lawfully stopped or lawfully in a parked position, except for those two instances the uninsured motorist acknowledgedly not at fault is as a practical matter determined to be at fault. This bill would eliminate the discrimination in the hands of the Secretary of State to relieve a driver who is acknowledged as not being at fault, to give relief to this driver. It requires that financial security be demonstrated, that either a sum of money or a bond be procured and depending upon the amount, the assessed amount determined on the basis of the accident that securing could mean hardship. If it was a substantial accident, several thousand dollars involved, the average citizen would not have either the collateral or the convertible assets to satisfy this security provision, and if he went to obtain a bond from an insurance company, my understanding is that he would not get the bond in X num-

ber of dollars unless he had that same X number of dollars to acquire the bond.

I checked some time ago with an agent in Portland who has been in business for a great number of years, because of a case that I had myself and I was curious as to the use of the bond treatment, and this agent looked at me rather oddly and said "Why I have never written one." And even if the person who is not at fault tries to substantiate his claim by bringing suit, the fact that you attempt to prove that doesn't mean that you are going to have an opportunity to do so at the first term. It may be continued from term to term for various reasons. Some counties do not, as Cumberland County has, have a large number of terms. Or if he attempts to utilize the procedure of obtaining a release, the release in effect can be used as a fulcrum, can be used as a sandbag possibly. Then also by specifying that the driver who is lawfully parked, lawfully stopped position, there is a very affirmative line drawn between a driver in either of those two circumstances, and other drivers who admittedly are not at fault.

Last evening I used the illustration of two drivers approaching from opposite directions, the one going north having insurance and the one going south not having insurance, the one going north veering across the center lane clipping the oncoming car. The uninsured motorist who is hit by the insured is ruled off the road unless he provides both insurance and financial security. There was an indication of those who have one accident, the implication that one accident means that the person is automatically accident prone. I think that any one of us individually or those with friends who have had experience know of instances where there have been so-called unavoidable accidents not resulting from any wantonness, not resulting from any grossness, and those people that you know, maybe yourselves, if they didn't happen to have insurance would be penalized.

If the general public knew and were adequately forewarned that without qualification they had to have insurance, I wouldn't be so concerned, but as it is, I regretfully

must conclude that I would have to vote against the final passage of this bill.

The SPEAKER: The Chair recognizes the gentleman from Baldwin, Mr. Sanborn.

Mr. SANBORN: Mr. Speaker, I would like to ask a question through the Chair to anyone who may answer. Do I understand that if anyone has a car insured or they are insured we will say for property damage and liability, are they covered by this responsibility?

The SPEAKER: The gentleman from Baldwin, Mr. Sanborn, has addressed a question through the Chair to anyone who may answer if he chooses.

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

Mr. WALKER: Mr. Speaker, if I may answer the question propounded by the gentleman from Baldwin. I would like to point out to him that this bill affects only the uninsured driver and then not until after he has become involved in an accident where there is \$150 worth of damage to automobiles or personal injury.

The SPEAKER: The Chair would interrupt at this point to request the House to momentarily lay aside the question before the House to take up an order from the Senate which might involve printing, and we are merely interrupting at this time to expedite matters. The Clerk will read the order.

Senate Order Out of Order

ORDERED, the House concurring, that the Committee on Pensions and Retirements be and hereby is, authorized and directed to report forthwith on a Resolve relating to Irving W. Small of Milbridge (S. P. 616).

Comes from the Senate in that body read and passed.

Thereupon, the Order received passage in concurrence.

House Rule 26 was suspended in order to transact business after nine o'clock P.M.

The SPEAKER: The Chair recognizes the gentleman from Brooks, Mr. Elwell.

Mr. ELWELL: Mr. Speaker and Members of the House: The Gov-

ernor has certain responsibilities under our Constitution, and one of those duties and responsibilities is to study each of the hundreds of bills which we pass on here and square it with his conscience just as you and I have done in this body. If he sees anything in any one of these bills which he thinks is injurious to any of the people of our state, it is not only his right but his duty to point that problem out. He attempted to do this in the case of this bill yesterday, and in as agreeable a manner as I would think would have been possible to the sponsors. That is the reason why this bill was asked to be reconsidered last evening. So in order to fulfill his responsibility, he has followed through here as he has said, reluctantly, with this Veto.

The very fact that of all the bills that have gone across his desk this is the only one that has received the Veto, is in itself significant. The fact that he can't send a bill back here except by veto naturally prevents any amendment.

The proponents of this bill might have argued that certain accidents should not be included under this bill such as the gentleman from Auburn pointed out, a parked car or a car stopped at a traffic signal. Well why just exclude a parked car, why not exclude a car that was hit by a drunken driver for instance? We have made every effort in this legislature so far to consider the so-called little people of our state. This bill would work a hardship on hundreds of innocent people which the figures that were given to you by the gentleman from Auburn, Mr. Walker, would point out.

The Deputy Secretary of State told me only a few minutes ago that seventy per cent of those cases which have been heard were innocent drivers and so ruled. The amendments which were suggested would have taken care of the insurance protection to the traveling public without working the hardship that this bill does work. The gentleman mentioned the amendment which he saw, and I have seen these amendments and I have them here and I would like to read the amendment which would have been added to the bill and let you be the judge as to its result. Section B

which was read I will repeat: "To either the owner or licensed operator of a motor vehicle, trailer or semi-trailer involved in an accident when the Secretary shall be satisfied that neither such owner nor operator caused the accident." The amendment would start: "When the Secretary is so satisfied, he shall relieve the owner or operator of the requirements of subsection 1 of paragraph B." That is the security of the bond of subsection 2, "but the previous provisions of sub-paragraph 2 of paragraph B" which is the insurance, that is the protection to the traveling public which we are trying to get at, "shall apply." I think that this amendment certainly would have strengthened the bill. Unfortunately at the choice of the proponents we did not have a chance to consider these amendments, so we cannot consider them now, and I hope that you will vote "No" on the roll call.

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

Mr. CHILDS: Mr. Speaker, if I am not out of order, I would request that the Chair ask that this Veto Message be reproduced while the matter is under debate. It only takes about three minutes to have it reproduced. Certainly I cannot grasp the whole contents of the Veto Message by having it read to me, and I would like the opportunity to read it, so if I am not out of order I would like to have the Veto Message reproduced at this time.

The SPEAKER: The Chair will rule the gentleman's motion is in order and the Chair will ask if it is the pleasure of the House that this Veto Message be reproduced while debate is going on? Will those who favor this motion please say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I make absolutely no apology for my stand, I merely rise to explain it. Jokingly I might state that I have been reminded today that this was coming and I would find myself in a

position of being a very thin slice of ham between two very beautiful slices of bread. My answer to that is that I have broken all world's records before and I shall attempt to break another one. Sometimes as one member has told me: (French expression). My basis of argument is two-fold. One has been thoroughly explained by the gentleman from Auburn, Mr. Walker, the merits of the case, the merits of the bill. I studied the bill, I asked the gentleman from Auburn many, many questions on it. Unsolicited, I became completely sold on the bill. I too knew of the amendments. I looked at them, I too did not like them. I felt in my layman's way that the amendments were taking the very meat, the very heart out of the piece of legislation. Insofar as explaining it further, as I stated, the situation has been in my opinion thoroughly handled by the proponents on the merits.

The second reason now is principle. When I first came to Augusta at this session I listened and studied religiously both the Governor's inaugural address and his budget message. After deep study I went to his Excellency and I told him that I would like to have him explain some phases of the program to me that I was not thoroughly sold upon. He did; I then told him that I would go right down the line with his program. That I have done. That I shall continue to do if any measures come here before we adjourn that involve the program. The particular measure before us now is absolutely a non-political measure. It is not in our party platform; it has not been discussed within any caucuses or meetings that we have had. I base my argument on principle, going back to my first term and my first few days in the legislature. I have given the advice often times to many members who first came to the halls of this House, because I feel that by accepting the advice that was given to me that I profited by it. I was told back in 1945 when I was a freshman to try not to make up my mind on legislation unless I had studied the measures carefully. However, once I had decided what trend I would take I was told that the best road to travel upon was the

road of consistency by keeping my word.

During my lifetime I have made several mistakes. The one thing I am extremely proud of, as a six term member of this body, is that never once have I said that I would go for or against a piece of legislation, never once have I failed to keep my word. And I don't know of one individual in either branch who does not like a word of praise. I have had several members tell me that they have heard that was my program and they heartily endorsed it. Those words of praise to me I cherish very deeply. It is also by strange coincidence that the only bill that I became sold upon and the only bill that I absolutely and unsolicited pledged my support for happens to be the measure that is now before us. For consistency reasons on a non-political measure I hold to my stand, and because I believe very strongly insofar as this measure is concerned, I will go along with the gentleman from Auburn, Mr. Walker.

The SPEAKER: The Chair recognizes the gentleman from Waldoboro, Mr. Walter.

Mr. WALTER: Mr. Speaker and Members of the House: Last night I listened attentively to the learned gentleman from Auburn, Mr. Walker. I disagreed with him as he proceeded with his arguments in favor of this particular bill and amendment. I did not say anything, but I didn't think much of the bill as it was worded. Now ever since the Financial Responsibility Law became a law in this state I have been quite familiar with it. I have completed over thousands of automobile accident reports. I have completed over hundreds of financial responsibility certificates in the filing, and I feel perhaps I might know a little something about the workings of this bill. Now I must disagree with the gentleman from Auburn, Mr. Walker. I think he is sincere, he knows the insurance business, he knows the workings of the department, but we talked a long time last night and we can go on and talk a long time tonight, and I don't think it is necessary. I think the only thing that we want to consider here under this financial responsibility law is how it is going to work. Now assume that

you have no insurance on your car and you are driving home tonight and you are crowded out of the road and you damage your car \$150 and you don't know who the other driver was. Under the law you are required to make a report to the state police and in return that report goes to the Financial Responsibility Supervisor, Mr. Brown, in the Secretary of States's office. He then when he gets the time, which usually is only a few days, will send you a notice, and on that notice it states that if you did not cause the accident you may file a petition and show cause that you didn't, and therefore be relieved of the requirements of the financial responsibility law. Now that is as simple as it is, and I am satisfied that the present law is working satisfactorily.

Now I will admit, which the gentleman from Auburn, Mr. Walker, has mentioned, that there is a backlog of cases, and that is probably true, but I understand that there is some assistance in the Secretary of State's office and that this backlog is going to be corrected, and if so, that will correct the situation and improve it a great deal.

So in this proposal, the only thing is that is in a lawfully stopped or in a parked position. Now many, many accidents occur where an innocent driver can be involved through no fault of his own, but yet if you went along with Mr. Walker's amendment you would require that innocent person to file proof of financial responsibility. Now I feel that is an injustice and I oppose it, and I think the Governor of the State of Maine has exercised good judgment in his veto of this particular bill.

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

Mr. BROWNE: Mr. Speaker and Members of the House: One might get the impression that only innocent people ever became involved with the financial responsibility law. I submit that this is not the case. Now certainly at this late hour in the day and at this late hour in the session I do not wish to prolong the debate of this matter unnecessarily further. However, there is a question of principle here which I believe we should discuss. At the mo-

ment we have been discussing this from the point of view of the hardship. We have completely lost sight of the principle involved.

Now in discussing this I should like first to review if we may some of the revisions which were made this year by this legislature with reference to the criminal aspects of the operation of a motor vehicle. First of all we have a maximum speed law this year. We have negligent operation of an automobile which causes death. We have strengthened our reckless driving law. We have changed our law with reference to minors operating a vehicle which becomes involved in an accident, and there probably are others, but these, ladies and gentlemen have been done by us, not, I submit, because we wish to inflict additional penalties upon the operators of motor vehicles, not because we wish to inflict additional hardship upon those people who became involved in automobile accidents, but we have consistently said that we recognized that the right to operate a motor vehicle was not an inherent right, but was a privilege, a privilege which carried with it certain limitations. And that would be with reference to the responsibility that the operator owed to other people operating upon the highway while he was in the use of that same highway. And that is the reason that these matters were propounded which I have just mentioned by the Governor's Highway Committee and which this legislature has gone along with and passed.

But now let us turn the ledger over onto the civil liability. What about the responsibility that this same individual owes to another who suffers damage by any action or any collision or accident caused on our highways? I submit we have done nothing. Certainly we have consistently recognized throughout history a right to the individual to be reimbursed for damages caused by another. This problem of the financial responsibility is a serious problem. It is not only serious here in the State of Maine but it is serious throughout the United States and received considerable study by various committees and research studies, and almost consistently they have recommended — strengthen

your financial responsibility law, avoid compulsory insurance. Our experience with compulsory insurance is by what we have learned as to how it has worked in Massachusetts, for example, which was mentioned here on the floor of the House last night, which places the problem of rate making squarely in politics, and they had over two hundred bills this past session with respect to insurance rate making and related matters. I submit that this is something we wish to avoid here. New York has recently enacted a compulsory automobile insurance which they are in hopes to work better than the Massachusetts law although I am informed that they are having their problems. I am also further informed that even with enacting the compulsory automobile insurance they have seen fit to retain their financial responsibility law.

This ladies and gentlemen is a problem. If it is true with reference to the criminal side of the ledger with reference to it being a privilege to place your motor vehicle upon the highway, you owe the responsibility and the liability to those with whom you may collide to be able to pay for any damages you may cause them. This is one of the limitations upon the privilege of us to place our cars and our vehicles upon the highway. If we are not financially able to sustain a considerable loss from our personal income or properties, we must provide for it from outside sources, insurance. That is the reason for strengthening the financial responsibility law. It is not to impose hardships upon the individuals, but it is to protect the vast majority of people who also have a right to enjoy the privileges of the use of our highways. Certainly there may be hardship instances result from it. We cannot deny that, but the overall picture is to protect the general public. I submit that this is a good bill and the most excellent way to handle our problem of the financially irresponsible person now upon our highways.

The SPEAKER: The question before the House is shall this Bill become law notwithstanding the objections of the Governor. The Con-

stitution of the State of Maine provides that the vote on this question shall be taken by a roll call vote.

The Chair will state the question. The question is shall this Bill "An Act Relating to Limitation of Financial Responsibility Law," House Paper 647, Legislative Document 916, become a law notwithstanding the objections of the Governor. If any member wishes to override the Governor's veto and thus have this Bill become law, that member will answer "Yes" when his name is called. Any member who wishes to support the Governor's veto and defeat the bill, will answer "No" when his name is called. Under the Constitution this being a veto, the favorable vote of two-thirds of the members present and voting must be secured for the prevailing of the main question, which is, shall this Bill become law notwithstanding the objections of the Governor.

The Clerk will call the roll.

ROLL CALL

YEA — Baird, Bean, Winterport; Besse, Beyer, Brewster, Brown, Ellsworth; Browne, Bangor; Burnham, Carter, Etna; Carter, Newport; Carville, Childs, Christie, Curtis, Emery, Farmer, Frazier, Fuller, Hancock, Hanscomb, Hatfield, Hathaway, Hughes, Hutchinson, Jack, Jalbert, Jewell, Jones, Karkos, Knapp, LaCasce, Libby, Lindsay, Mathieson, Morrill, Needham, Rankin, Roberts, Rollins, Sanborn, Shaw, Shepard, Smith, Falmouth; Stanley, Stilphen, Storm, Tarbox, Turner, Vaughan, Wade, Walker, Wheaton, Whiting, Wood.

NAY — Allen, Andrews, Anthoine, Babineau, Bartlett, Beane, Augusta; Blanchard, Bragdon, Brewer, Brockway, Broderick, Bruce, Call, Carey, Caswell, Cole, Cormier, Couture, Bath; Couture, Lewiston; Coyne, Crockett, Cyr, Davis, Westbrook; Desmarais, Dostie, Dudley, Dumais, Duquette, Earles, Edgerly, Edwards, Elwell, Emerson, Emmons, Flynn, Foss, Frost, Gallant, Graves, Hanson, Harriman, Harrington, Harris, Hatch, Heald, Hendricks, Hendsbee, Hersey, Hickey, Hilton, Jacques, Johnson, Kelly, Kinch, Lane, Latno, Mann, Maxwell, Maynard, Miller, Morway, Nadeau, Pierce, Plante, Porell, Prue, Rancourt, Rich, Ross,

Bath; Ross, Brownville; Rowe, Limerick; Rowe, Madawaska; Roy, Saunders, Smith, Portland; Tevastian, Thackeray, Totman, Violette, Walsh, Walter, Warren, Webber, Winchenpaw.

ABSENT — Cote, Davis, Calais; Day, Denbow, Ervin, Haughn, Higgins, Hoyt, Leathers, Letourneau, Quinn, Williams.

Yes 54; No 84; Absent 12.

The SPEAKER: Fifty-four having voted in the affirmative and eighty-four having voted in the negative, with twelve absentees, the veto is sustained.

The SPEAKER: At this time the Chair would announce the appointment of two committees. One member of the House to represent the House on the Atlantic States Marine Fisheries Commission. The Chair appoints to that position the gentleman from Gouldsboro, Mr. Tarbox.

At this time the Chair will announce the appointments to serve on the Legislative Research Committee. To that Committee the Chair will appoint the following members of the House:

Messrs.	ROSS of Bath
	MAXWELL of Winthrop
	CHILDS of Portland
	BRAGDON of Perham
Miss	CORMIER of Rumford
	WADE of Auburn
	EMMONS of Kennebunk

The SPEAKER: The Chair would request the Sergeant-at-Arms to escort to the rostrum the gentleman from Bangor, Mr. Totman, to serve as Speaker pro tem.

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

The following paper was taken up out of order and under suspension of the rules:

Senate Report of Committee Ought to Pass

Report of the Committee on Appropriations and Financial Affairs, acting by authority of Joint Order (S. P. 606) reporting a Bill (S. P. 615) (L. D. 1613) under title of "An

Act Making Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1958 and June 30, 1959" 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: On motion of Mr. Hancock of York, the Report was read and accepted in concurrence and the Bill read twice. Under suspension of the rules the Bill was given its third reading.

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

Mr. ROSS: Mr. Speaker, before we pass this document, I believe that a word of explanation is in order, and without usurping any of prerogatives of the Committee who has studied this, I have talked with the Chairman of that Committee and he has explained to me that this Legislative Document we have enacted all of the L. D.'s on there except on page three at the bottom of the page, 1410, An Act Increasing the Sales Tax, and that is to take care of the increase in sales tax for further policing of the delinquent taxpayers. On page four the state police as the law is now, the state police we are allowing an additional twelve and one-half and twelve and one-half each year, and this allows the twenty-five and fifty that you have heard talked about, and under school for the deaf this is extra maintenance because of the new school for the deaf. If there are members of the Appropriations Committee who don't agree with my comments, I wish they would say so now.

The SPEAKER pro tem: The Chair recognizes the gentleman from Winterport, Mr. Bean.

Mr. BEAN: Mr. Speaker, the gentleman from Bath, Mr. Ross, has stated the matter exactly as is, ninety per cent of this bill is for L. D.'s that there was no money provided in the L. D. for, and the others that do not come under L. D.'s are mentioned as the gentleman from Bath, Mr. Ross, has told you.

The SPEAKER pro tem: Is the House ready for the question? The question before the House is, this Bill having received its three sev-

eral readings without reference to a committee, is it now the pleasure of the House that this Bill be passed to be engrossed?

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

The following papers from the Senate were taken up out of order and under suspension of the rules:

Senate Orders Out of Order

ORDERED, the House concurring, that there be prepared after adjournment of the present session, under the direction of the Clerk of the House, a Register of all Bills and Resolves considered by both branches of the Legislature, showing the history and final disposition of each Bill and Resolve, and that there be printed six hundred copies of the same.

The Clerk of the House is hereby authorized to employ the necessary clerical assistance to prepare such Register.

The Clerk shall mail a copy of the Register to each member and officer of the Legislature and the State Library shall receive such number of copies as may be required. (S. P. 607)

Came from the Senate read and passed.

In the House, the Order received passage in concurrence.

ORDERED, the House concurring, that the Members of the Joint Standing Committees on Judiciary and Legal Affairs be given the copies of the Revised Statutes of 1944 that they have used this session. (S. P. 608)

Came from the Senate read and passed.

In the House, the Order received passage in concurrence.

House at Ease

The House was called to order by the Speaker.

Senate Report of Committee Ought to Pass

Report of the Committee on Re-
The House was called to order by authority of Joint Order (S. P. 616) reporting a Resolve (S. P. 614) un-

der title of "Resolve in favor of Irving W. Small of Milbridge" and that it "Ought to pass"

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

In the House: Report was read and accepted in concurrence and under suspension of the rules the Resolve was given its two several readings, passed to be engrossed and sent forthwith to the Senate.

Passed to Be Enacted Emergency Measure

An Act Increasing Salaries of Various Department Heads and Commissions (H. P. 1104) (L. D. 1609)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 117 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent forthwith to the Senate.

Emergency Measure

Resolve Appropriating Moneys to Effectuate Salary Plan for State Employees (H. P. 405) (L. D. 582)

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

Passed to Be Enacted

An Act relating to Area Directional Signs (S. P. 340) (L. D. 919)

Finally Passed

Resolve Appropriating Moneys to Aid Construction of Dormitory at Higgins Classical Institute (H. P. 527) (L. D. 755)

Resolve in favor of Arthur O. Payson of Brooks (S. P. 612) (L. D. 1612)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, Bill passed to be

enacted, Resolves finally passed, all signed by the Speaker and sent forthwith to the Senate.

The SPEAKER: The Chair will request the Sergeant-at-Arms to escort to the rostrum the gentleman from Bangor, Mr. Totman, to serve as Speaker pro tem.

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

**House Orders
Out of Order**

On motion of Mr. Ross of Bath, it was

ORDERED, that the Assistant Clerk of the House be presented with the desk, chair and typewriter used by her in her office the present session.

On motion of Mr. Wade of Auburn, it was

ORDERED, that the Speaker of the House be presented with the desk and chair used by him in his office during the present session.

On motion of Mr. Emmons of Kennebunk, it was

ORDERED, that the Clerk of the House be paid for his services in connection with the preparation and printing of the Register of Bills that he was directed to have prepared by Joint Order (S.P. 607), and for other services to the House of Representatives performed by him above and beyond his statutory duties, the sum of five hundred (\$500) dollars.

On motion of Mr. Elwell of Brooks, it was

ORDERED, that the Clerk of the House be presented with the desk and chairs used by him in his office during the present session.

On motion of Mr. Couture of Bath, it was

ORDERED, that the Clerk of the House mail to each member of the House of Representatives the balance of the Legislative Record not received before final adjournment.

On motion of Mr. Bruce of Buxton, it was

ORDERED, that the Chaplains of the House be paid in accordance with a payroll list submitted by the Clerk of the House.

Mr. Baird of North Haven presented the following Order and moved its passage:

WHEREAS, the two Pages of this House have rendered excellent services to the members of the House of Representatives and this House is extremely appreciative of their efficient work;

NOW, THEREFORE, BE IT ORDERED, that the members of the House extend a special thanks to these boys;

AND BE IT FURTHER ORDERED, that the uniforms procured for them become their property at the end of their terms of office.

The Order received passage.

The SPEAKER pro tem: The Chair recognizes the gentleman from Cumberland, Mr. Call.

Mr. CALL: Mr. Speaker, I request permission to briefly address the House and then I will present an order.

The SPEAKER pro tem: The gentleman from Cumberland, Mr. Call, wishes to present an order and speak briefly to it; the gentleman may proceed.

Mr. CALL: Mr. Speaker, about thirty-one years ago, that would entail about sixteen Speakers who have graced that august platform up there, there entered into this chamber a young man who became a parliamentarian to all those that came after he took over that office. In the light of day I must remind you that I was once a freshman too, and I recall the first order that I put in, for just a lousy water cooler, and this House clobbered me, and of course that august gentleman says: "Don't worry!" I think he had something to do with it because in the afternoon on another order it was passed unanimous by this House.

Over the years he has seen many young fellows come in here and some of them went on to be a Governor of this fair state of ours. Not to take up any further time of yours, I will now present an order

and I will request that the Speaker pro tem act as Clerk ex officio.

Thereupon, the Order was read by the Speaker pro tem as follows:

WHEREAS, the male members of the House have received extra pleasures this year during the hours of waiting for business before and after the sessions and while awaiting committee business by having some of the comforts of home in the new Men's Retiring Room which was used for the first time during this 98th Legislature;

AND WHEREAS, the members fully realize the part our thoughtful Clerk played in the planning and comfort of this room and are most appreciative;

AND WHEREAS, the members as they use this room realize there is something missing from the walls of the room;

NOW, THEREFORE, BE IT ORDERED, that the Clerk of the House be directed to furnish a photograph of suitable size to make the room complete.

The SPEAKER pro tem: The Chair would ask the gentleman from Cumberland, Mr. Call, if he presumed that the gentleman means a photograph of the Clerk.

The Chair recognizes the gentleman from Cumberland, Mr. Call.

Mr. CALL: Mr. Speaker and Members of the House: You must realize right now that we are speaking about the Honorable Judge Harvey R. Pease of Wiscasset, and this House does demand that there shall not be any smaller than thirty by thirty a photograph of himself and I would ask for a division of this House.

The SPEAKER pro tem: Is it the pleasure of the House that this Order receive unanimous passage?

The motion prevailed and the Order received passage.

(Off Record Communication)

House at Ease

The House was called to order by the Speaker.

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act relating to

Sale of Certain Beverages to Minors" (H. P. 381) (L. D. 510) reporting that they are unable to agree.

(Signed)

CHILDS of Portland
BURNHAM of Kittery
FRAZIER of Lee

— Committee on part of House.

LESSARD of Androscoggin
FOURNIER of York
WYMAN of Washington

— Committee on part of Senate.

Report was read.

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

Mr. CHILDS: Mr. Speaker, I move that we reject the Committee of Conference Report and insist and request another Committee of Conference.

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

Mrs. BURNHAM: Mr. Speaker, I hesitate to ask to follow along with Mr. Childs, the gentleman from Portland. I think he has done a wonderful job but it just seemed to me that one thing that we wanted in this House and we had a large vote for, that the Senate could go along with us, and I am just tired of receding to everything that they say. I would like to have a Committee. (Applause)

The SPEAKER: The Chair recognizes the gentleman from Bucksport, Mr. Pierce.

Mr. PIERCE: Mr. Speaker, in view of the seriousness of this matter, I concur with the gentlewoman from Kittery, Mrs. Burnham, in requesting another committee.

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

Mr. CROCKETT: Mr. Speaker and Ladies and Gentlemen of the House: I have served this term on the Liquor Control Committee. This is unusual I know for me to stand up here knowing that I am a connoisseur of beer. (laughter) I am telling you folks here that that is the nearest thing that I have ever drank or seen since prohibition days. We had the same thing under the old Sturgis Act, one-half of

one per cent. It wasn't the beer contents in it. I am no angel, but I am telling you when I was a kid I could go out and spike it, and that is what they can do if they buy it, and it is allowing the kids to drink it. I am in favor of no conference and let the thing go the way it is.

The SPEAKER: The question before the House is the motion of the gentleman from Portland, Mr. Childs, that the House further insist and request another Committee of Conference.

Will those who favor the motion of the gentleman from Portland, Mr. Childs, please say aye, those opposed, no.

A viva voce vote being doubted, A division of the House was had.

One hundred and two having voted in the affirmative and seventeen having voted in the negative, the motion prevailed.

The following members were appointed as Conferees on the part of the House:

Mrs. BURNHAM of Kittery
Messrs. CHILDS of Portland
FRAZIER of Lee

Sent forthwith to the Senate.

Passed to Be Enacted Emergency Measure

An Act Making Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1958 and June 30, 1959 (S. P. 615) (L. D. 1613)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 132 voted in favor of same and 3 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and under suspension of the rules sent forthwith to the Senate.

Finally Passed

Resolve in favor of Irving W. Small of Milbridge (S. P. 614)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, finally passed, signed by the Speaker and under

suspension of the rules sent forthwith to the Senate.

Non-Concurrent Matter

Bill "An Act to Eliminate Discrimination Between Purchasers" (H. P. 1070) (L. D. 1530) which was indefinitely postponed on its passage to be enacted in non-concurrence in the House earlier in the day.

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

In the House:

The SPEAKER: The Chair recognizes the gentleman from Buxton, M. Bruce.

Mr. BRUCE: Mr. Speaker, I move we adhere.

The SPEAKER: The question before the House is the motion of the gentleman from Buxton, Mr. Bruce, that the House adhere.

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

Mr. MORRILL: Mr. Speaker, I move we recede and concur.

The SPEAKER: The gentleman from Harrison, Mr. Morrill, now moves that the House recede and concur.

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

Mr. BAIRD: Mr. Speaker, I wish to support the motion to recede and concur. Previously I wasn't convinced about this bill, but since that time I have checked up on it quite a bit and I feel as if this is a worthy piece of legislation and I want to lend support to it.

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

Mr. TURNER: Mr. Speaker, I would like to ask the gentleman where he got his new information?

The SPEAKER: Does the gentleman from Auburn, Mr. Turner, address that as a question through the Chair?

Mr. TURNER: Yes.

The SPEAKER: The gentleman from Auburn, Mr. Turner, addresses a question through the Chair to the gentleman from North Haven, Mr. Baird, who many answer if he chooses.

Is the House ready for the question? The question before the House is the motion of the gentleman from

Harrison, Mr. Morrill, that with respect to item five, Bill "An Act to Eliminate Discrimination Between Purchasers" that the House recede and concur.

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

Mr. TOTMAN: Mr. Speaker, I would like to ask a point of information. If we recede and concur, does that mean that we will adopt Senate Amendment "B" to Senate Amendment "A" which says: "The provisions of this section shall not apply to the State or its political subdivisions."?

The SPEAKER: If the House recedes and concurs it will agree with whatever action the Senate has taken.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I have personally been somewhat interested in this amendment, in reading it, and I will read the amendment, Senate Amendment "B" to Senate Amendment "A". It reads: "Amend said Amendment by adding at the end thereof the following underlined paragraph: **"The provisions of this section shall not apply to the State or its political subdivisions."**" I am trying to make up in my own mind is this a serious amendment or is it not. I wish somebody would answer it if he would so choose.

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

Mr. CHILDS: Mr. Speaker, possibly the gentleman from South Portland can explain it better than I. If I am wrong in my explanation he can correct me, but I assume this amendment means that the state where they buy stuff on bid could buy matters which would be considered as far as individuals are concerned less than a true and fair competitive price. I assume that is the meaning of this amendment.

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

Mr. EARLES: Yes, you are substantially correct, that the state and its political subdivisions, the towns and municipalities would be exempt.

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

Mr. COUTURE: Mr. Speaker, I would like to go along with that motion of receding and concurring because I had an amendment to this bill and I didn't present it today due to the fact that I had some misinformation on the bill. I feel this is good legislation and that it ought to pass.

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

Mr. BROWNE: Mr. Speaker and Members of the House: Reading over the provisions of this amendment, the thought occurs to me as to what effect this has. What is the necessity for this? Is the State in competition with private enterprise? And if so are they to be eliminated from the same rules and regulations that someone who is striving to make a living is confronted with? I would like this explained, because I seriously question the necessity or the advisability or the reasons behind this amendment.

The SPEAKER: Is the House ready for the question? The question before the — the Chair recognizes the gentleman from Bangor, Mr. Browne.

Mr. BROWNE: Mr. Speaker, I apologize if I didn't make my point direct and clear. I meant to make inquiry to anyone who could enlighten us if possible as to what the purpose is or the necessity or the effect of what this amendment was, if anyone can explain it.

The SPEAKER: The gentleman from Bangor, Mr. Browne, has addressed a question through the Chair to anyone who may answer if he chooses and is able.

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

Mr. EARLES: Mr. Speaker and Ladies and Gentlemen of the House: As is indicative on this sheet of transmittal from the other body, the other body in its eminent wisdom propounded this amendment. The decision was theirs, and I simply am assenting to it.

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

Mr. TURNER: Mr. Speaker, through the Chair I would like to

know what the vote was on this the last time we killed this, I wonder just what the vote was.

The SPEAKER: The gentleman from Auburn, Mr. Turner, has requested information as to the vote last taken on this bill. The Clerk will have to secure the information from his office. The House will be at ease for just a moment while that information is obtained.

House at Ease

Called to order by the Speaker.

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

Mr. TURNER: Mr. Speaker, never mind, let's kill it as it is.

The SPEAKER: Is the House ready for the question?

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

Mr. BRAGDON: Mr. Speaker and Ladies and Gentlemen of the House: Again I oppose this bill. It has been tossed around here and I don't know, this amendment—it has got to the point this isn't even funny to me. We have killed this thing several times and I just can't see the sense of the thing being thrown back at us. I hope the motion to recede and concur does not prevail.

The SPEAKER: The Chair recognizes the gentlewoman from Falmouth, Mrs. Smith.

Mrs. SMITH: Mr. Speaker, I also hope that the motion to recede and concur does not prevail. I have certainly had an open mind on this bill and as a business woman I still object to it. I think it will be very bad for business and I certainly hope that with the kicking around that this got that we do not change our vote.

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

Mr. BRODERICK: Mr. Speaker, may I inquire whether or not a motion to adhere at this time would be in order?

The SPEAKER: The motion to adhere would not be in order since it does not take priority over a motion to recede and concur.

Is the House ready for the question? Will those who favor the motion to recede and concur with the

Senate on Bill "An Act to Eliminate Discrimination Between Purchasers," House Paper 1070, Legislative Document 1530, please say aye; those opposed, no.

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

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

Mr. BRODERICK: Mr. Speaker, I now move that we adhere.

The SPEAKER: The question now before the House is the motion of the gentleman from Portland, Mr. Broderick, that the House adhere. Will those who favor the motion to adhere please say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed.

Non-Concurrent Matter

Bill "An Act Refunding Gasoline and Use Fuel Taxes to Local Transit Operators" (H. P. 953) (L. D. 1354) which was indefinitely postponed on its passage to be enacted in non-concurrence in the House earlier in the day.

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

In the House:

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

Mr. CAREY: Mr. Speaker, I move that we recede and concur.

The SPEAKER: The question before the House is the motion of the gentleman from Augusta, Mr. Carey, that the House recede and concur.

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

Mr. CHILDS: Mr. Speaker and Members of the House: I wish that you would look at the amendment which is now before us, which is filing 603. The only thing that this amendment does is change the number of months as far as the refund of the gasoline tax is concerned. It does not change the bill in one iota, and it might just as well have come back to us changing a period to a comma. And the very same arguments that prevailed this morning or this afternoon I hope will prevail now. I certainly hope that this House

will not at this time recede and concur.

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

Mr. WALSH: Mr. Speaker and Members of the House: I think that everybody in the House knows that I signed the "Ought not to pass" Report and I stood up and voiced objections to this. No one has come to me. I have voted against it each time it has been in here. We all have to give and we all have to take. And the position I am taking at the moment is based upon this: When the upper branch sees fit to send this bill back to us three times, and this is of that vital importance to the State of Maine, then I certainly am not ready to stand up as a stiff poker any longer, as an obstructionist. I am going to change my stand on this bill completely, and I certainly hope that we do go along and reced and concur with the Senate.

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

Mr. MAYNARD: Mr. Speaker and Members of the House: I would just like to say a word for some of the folks who live on the outskirts of our cities who have no automobiles and have no way of getting to their jobs, jobs that pay between thirty and forty dollars a week and sometimes even less, and that is true about my own city. If the bus companies should have to go out of business these people would be in a very bad situation. We not only have that difficulty in our cities, but we have the situation of hundreds of boys and girls riding in the city buses, which are used as school buses. You can imagine what would happen to the situation in Portland as it is now. I realized some of my own compatriots from Portland have voted against this bill, but I would like to have you think about this situation before you do vote, and I hope you can go along for at least the next two years to give these bus companies something of a break.

The SPEAKER: Is the House ready for the question?

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

Mr. CHILDS: Mr. Speaker and Members of the House: I was hoping that we would not get into the merits of this bill again, but apparently we are. So therefore, I would like to submit two questions to any proponent of this measure. Number one, I consider this matter a local problem, and I submit this question to anybody who is from the Cities of Portland, Bangor, Augusta or Waterville. Are these towns who have these buses here, cities where the problems are, have they exempted the buses as far as their personal property tax and their real property tax is concerned?

The SPEAKER: The gentleman from Portland, Mr. Childs, has addressed a question through the Chair to any proponent of this measure who may answer if he chooses.

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

Mr. CAREY: Mr. Speaker, in the City of Augusta these buses serve the City of Augusta, they serve Hallowell, Farmingdale, Gardiner and Randolph. Where they serve so many communities Augusta has not seen fit to go into personal property exemptions. Also, these buses are so near obsolescence that they are of small value. They are not new equipment. The answer is no.

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

Mr. CHILDS: The second question is why shouldn't these businesses apply to the Public Utilities Commission and request an increase in rates as any other business would?

The SPEAKER: The gentleman from Portland, Mr. Childs, addresses another question through the Chair.

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

Mr. CAREY: Mr. Speaker, in the instance of Augusta this has been done. However, this has resulted in a decrease in patronage so that it accomplished no useful purpose.

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

Mr. BEYER: Mr. Speaker, in further answer to the question of the gentleman from Portland, Mr. Childs, it costs now double what it used to, twenty cents to go to my town. And I understand that Biddeford recently has changed over and

now charges double what it used to, from five to ten cents. And there must be similar situations going on throughout the State.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Clinton, Mr. Besse.

Mr. BESSE: Mr. Speaker and Members of the House: I think the gentleman from Augusta, Mr. Carey, has just given us two excellent answers to our problem. One is that the cities have not seen fit to exempt these companies from taxation, and he has also shown that their travel is not entirely on city streets. That is one of the arguments that has been used for this bill. There is very little new information available on this sort of thing, the only thing we can do is review what has already been said to some extent. I would say that at the hearing before the Taxation Committee none of the companies presented a statement of their earnings, no figures at all except that they were hard pressed and were losing money. I think that almost any company, a trucking company or any other company might have come in there and told us the same story. It is one of the traits of Maine people. You find very few companies that are making money when they tell their own story. And you will recall that earlier in the day when we were talking about this that the gentleman from Portland, Mr. Smith, his statement would indicate that he questioned if the companies had told their whole story, because apparently they had business that we didn't hear anything about.

It is also evident from what has been going on here today and back through the previous days, that these companies have plenty of money to hire lawyers and to print booklets and do all these things, and yet they are in dire straits according to their own story.

If these bus companies are to be subsidized now, next year these same cities will be back here asking the State to undertake more of their responsibilities. Next year it may be the fire department or the street department or the garbage collectors or what have you, trying to get their responsibilities and their expense

off onto some larger unit. It is going on all the time in the State and in the Federal Government, our State tries to get the road problem onto the Federal Government, so we are all doing it. And as long as we put up with it we will get it.

Now this bill was reported out of the Taxation Committee with a vote of eight to two "Ought not to pass." Apparently at that time the people who heard the story and were on that committee and they are all solid citizens, agreed that it should not be passed. The circumstances as far as the bill and the conditions are concerned, have not changed since that time. Some of the feelings of the people apparently have changed, and I think it is not difficult to guess why. The tactics used for the passage of this thing, and this amendment that has come to us is an indication of it, it is just a trick. They were hoping that we would accept this amendment without noticing what it was. It is evident the bill cannot stand on its own merits but must depend on the pressure of lobbyists to get their ends. Some members are being reminded of political obligations from previous days. Whatever is said it is still a subsidy by the State for local service, which would cost the Highway Department \$65,000 or more in addition to \$25,000 which they were given under another bill.

I want to talk now to the individuals. Do you believe your constituents wish to spend their money for services which are not wanted or used? Do you believe you should vote to do with their money what they would not do themselves? And can you justify to your constituents the expenditure of their tax money for such a purpose? This is a local problem and it should be settled locally. If one city can handle its problems by curtailing expenses, as I told you previously today, the other cities can do the same way, and that is the way it should be done, in my opinion.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Madawaska, Mr. Rowe.

Mr. ROWE: Mr. Speaker and Members of the House: In answer to the first question that was raised

by the gentleman from Portland, Mr. Childs, I may be very wrong in this, I am just a school teacher, but it seems to me he has raised the point as to why the cities themselves and municipalities haven't initiated action to exempt these transport companies from property tax. I understand that it would be impossible for them at this point to do so because it would require a constitutional amendment and treating a particular kind of property in a preferential sort of manner. I may be very wrong on that, I am not a student of constitutional law.

The SPEAKER: The Chair recognizes the gentleman from Wilton, Mr. Blanchard.

Mr. BLANCHARD: Mr. Speaker and Members of the House: For the record I want to say that I am opposed to this bill even with the amendment that is offered.

The SPEAKER: The Chair recognizes the gentleman from Wiscasset, Mr. Farmer.

Mr. FARMER: Mr. Speaker and Members of the House: As this amendment does absolutely nothing as has been stated before, and it serves no purpose except that it is a vehicle to get this back here, I will not bore you again with my arguments on this bill, it is still the same thing. We have killed this bill in this House twice today, and yet it keeps coming back to us like a vampire. I guess the only way we will ever get rid of it is to bury it about ten feet under and drive a stake through its heart. And therefore, I certainly hope this motion does not prevail.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I have with me the accelerated program figures, and I will read them excluding Androscoggin County, county by county. I don't object to it, I voted for it, and I will do so again regardless of the outcome of this bill. Aroostook County, 3,019,000. Cumberland County, 2,257,000. Franklin, 1,575,000. Hancock, 1,410,000. Kennebec, 1,407,000. Knox, 633,000. Lincoln County, 1,908,000. Oxford, 1,850,000. Penobscot, 2,102,000. Piscataquis, 695,000. Sagadahoc, 990,000. Somerset, 1,860,000. Waldo, 1,720,000. Wash-

ington, 1,010,000. York, 2,004,000. Androscoggin 1,200,000. Lewiston, out of that shuffle not one red penny. Out of the program, concerning the bond issue which will involve some nearly \$100,000,000 with Federal funds, Lewiston, not one red penny. We have consistently voted for these measures. We, according to this program, rate in Androscoggin County twelfth, the City of Lewiston zero. We in Androscoggin County in that it concerns the bond issue that many of us have voted for in the County, rate zero, Lewiston zero. The County of Androscoggin supplies is third on the list. The City of Lewiston is third on the list that supplies the tax money where it involves sales tax or any other type of tax. We have not only voted, but spoken for agriculture amendments in that it concerns the sales tax for purposes that I have stated before, that we appreciate in our urban communities the fact that you people shop in our cities. We are fighting for our life to try to transport by bus people who cannot afford cars and cannot afford taxis. And I am saying nothing against taxis, if I need them and I can afford them I use them. And I urge this House to go along with this measure regardless of the fact that it doesn't change a comma in it, it is a well worthy measure. We can try it for two years. We are not opening any gates that we can't shut two years from now.

The SPEAKER: The question before the House is the motion of the gentleman from Augusta, Mr. Carey, that the House recede and concur.

The Chair recognizes the gentleman from Clinton, Mr. Besse.

Mr. BESSE: I request a vote by division please.

The SPEAKER: A division has been requested. Will those who favor the motion of the gentleman from Augusta, Mr. Carey, to recede and concur with the Senate on Bill "An Act Refunding Gasoline and Use Fuel Taxes to Local Transit Operators", House Paper 953, Legislative Document 1354, 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 seventy-seven having voted in the negative, the motion did not prevail.

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

Mr. CHILDS: Mr. Speaker, I now move that we adhere.

The SPEAKER: The question now before the House is the motion of the gentleman from Portland, Mr. Childs, that the House adhere.

Will those who favor the motion to adhere please say aye; those opposed, no.

A viva voce vote being doubted,

A division of the House was had.

Seventy-five having voted in the affirmative and forty-two having voted in the negative, the motion prevailed.

From the Senate: The following Communication:

STATE OF MAINE
SENATE CHAMBER
OFFICE OF THE SECRETARY

May 29, 1957

Hon. Harvey R. Pease
Clerk of the House of Representatives
98th Legislature

Sir:

The Senate today voted to adhere to its former action on: Bill "An Act relating to Coercive Practices in Trade or Commerce." (H. P. 1069) (L. D. 1529) whereby on May 27th the Bill was passed to be engrossed.

Respectfully,

(Signed) CHESTER T. WINSLOW
Secretary of the Senate

The Communication was read and ordered placed on file.

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on "Resolve Authorizing Forest Resource Survey" (H. P. 588) (L. D. 837) reporting that they are unable to agree.

(Signed)

BREWER of Caribou
CORMIER of Rumford
VAUGHAN of Hallowell

—Committee on part of House

SINCLAIR of Somerset
DAVIS of Cumberland
SILSBY of Hancock

—Committee on part of Senate

Report was read and accepted and under suspension of the rules sent forthwith to the Senate.

House Order
Out of Order

On motion of Mr. Vaughan of Hallowell, it was

ORDERED, the Senate concurring, that the Legislative Research Committee be hereby requested to study our forestry resources problem and further, to utilize all governmental, State and private reports available to them for the purpose of reporting to the 99th Legislature their recommendations for future action in this field (H. P. 1110)

Sent up for concurrence.

The following paper from the Senate was taken up out of order and under suspension of the rules:

ORDERED, the House concurring, that House Paper 831, Legislative Document 1187, Bill "An Act relating to the Licensing of Trading Stamps" be recalled to the Senate from the office of the Governor. (S. P. 618)

Came from the Senate read and passed.

In the House:

A viva voce vote being taken, the Order did not receive passage.

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

Mr. CHILDS: Mr. Speaker, may I have permission to approach the rostrum.

The SPEAKER: The gentleman may approach the rostrum.

(Conference at rostrum)

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

Mr. CHILDS: Mr. Speaker, I move now that we reconsider our action whereby we did not pass the order in relation to the trading stamps and I would like to speak on the motion.

The SPEAKER: The gentleman may proceed.

Mr. CHILDS: Mr. Speaker, the Bill, to the best of my understand-

ing, that went into the Governor's office as is unconstitutional. Therefore, if the matter is not brought back into the House or Senate and amended or something done with the bill, disposed of in one way or another, it without question will mean another veto for us which would mean a veto message and also a vote to either make it a law notwithstanding and so forth, so I think to expedite matters, we should certainly pass this order and dispose of it, therefore I move we reconsider our action whereby we did not pass this order.

The SPEAKER: The question before the House is the motion of the gentleman from Portland, Mr. Childs, that the House reconsider its action whereby it just failed to pass the order in question.

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

Mr. MORRILL: Mr. Speaker, I was just informed that it would take two to three hours to straighten that bill out and so it isn't going to come out of the Senate to go ahead, so we might as well let it go.

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

Mr. CHILDS: Mr. Speaker, that could be very true, but if we do not bring it back it is going to be vetoed, so therefore I hope that the order receives passage.

The SPEAKER: The question before the House is the motion of the gentleman from Portland, Mr. Childs, that the House reconsider its action whereby this Order failed of passage. Will those who favor the motion to reconsider our action please say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed.

On further motion of the gentleman from Portland, Mr. Childs, the Order was passed in concurrence.

The SPEAKER: Is it now the pleasure of the House that under suspension of the rules the last two orders dealt with be sent forthwith to the Senate?

The motion prevailed.

Final Reports

Final reports of the following Joint Standing Committees:
Retirements and Pensions
Appropriations and Financial Affairs

Reports were read and accepted and sent up for concurrence.

Recess

Called to order by the Speaker.

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Increasing Pensions of Elderly Teachers" (H. P. 258) (L. D. 356) reporting that the House recede from its action whereby it passed the Bill to be engrossed as amended by House Amendment "A", indefinitely postpone House Amendment "A", adopt Conference Committee Amendment "A" submitted with this Report, and pass the Bill to be engrossed as amended by Conference Committee Amendment "A"; that the Senate recede from its action whereby it passed the Bill to be engrossed as amended by Committee Amendment "A", House Amendment "A" and Senate Amendment "A", and indefinitely postpone those Amendments, adopt Conference Committee Amendment "A" and pass the bill to be engrossed as amended by Conference Committee Amendment "A".

(Signed)

HATHAWAY of Columbia Falls

CORMIER of Rumford
QUINN of Bangor

—Committee on part of House.

SINCLAIR of Somerset
DAVIS of Cumberland

LESSARD of Androscoggin
—Committee on part of Senate.

Report was read and, on motion of Mr. Fuller of South Portland, the Report was accepted.

(Off Record remarks)

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

Mr. FULLER: Mr. Speaker, I want to thank the gentleman from Columbia Falls, Mr. Hathaway, and all the Members of the Conference

Committee for securing for the elderly teachers fifty dollars more than what the other body had recommended.

The SPEAKER: Is it now the pleasure of the House that the House recede from its action whereby it passed the Bill to be engrossed as amended by House Amendment "A"?

The motion prevailed.

The SPEAKER: Is it now the pleasure of the House to indefinitely postpone House Amendment "A"?

The motion prevailed.

The SPEAKER: Is it now the pleasure of the House to adopt Conference Committee Amendment "A" submitted with the Report?

The Clerk will read Conference Committee Amendment "A".

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

CONFERENCE COMMITTEE AMENDMENT "A" to H. P. 258, L. D. 356, Bill, "An Act Increasing Pensions of Elderly Teachers."

Amend said Bill by inserting at the beginning of the 1st line, before the headnote, 'Sec. 1.'

Further amend said Bill by striking out in the 5th line the underlined figure "\$1,300" and inserting in place thereof the underlined figure '\$1,250'.

Further amend said Bill by striking out in the 7th line the underlined figure "\$1,200" and inserting in place thereof the underlined figure '\$1,150'.

Further amend said Bill by striking out in the 9th line the underlined figure "\$1,100" and inserting in place thereof the underlined figure '\$1,050'.

Further amend said Bill by adding at the end thereof, the following:

'Sec. 2. Appropriation. There is hereby appropriated from the general fund of the State the sum of \$218,000 for the fiscal year ending June 30, 1958 and the sum of \$218,000 for the fiscal year ending June 30, 1959 to carry out the purposes of this act.'

Conference Committee Amendment "A" was adopted, the Bill passed to be engrossed and under suspension of the rules sent forthwith to the Senate.

House at Ease

The following papers from the Senate were taken up out of order and under suspension of the rules:

Non-Concurrent Matter

An Act relating to Hours of Selling Liquor (H. P. 429) (L. D. 605) which was passed to be enacted in the House earlier in the day, and passed to be engrossed on May 28.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mrs. CHRISTIE: Mr. Speaker, I would like first to thank the House for the wonderful vote they have given on this "Hours" bill. The other branch had also given it a favorable vote but this time lacked two of being enough to pass it. I feel that it has been wonderful that the House has gone along as they have, and now I move to adhere.

The SPEAKER: The gentlewoman from Presque Isle, Mrs. Christie, moves that the House adhere. Is this the pleasure of the House?

The motion prevailed.

Non-Concurrent Matter

Resolve Appropriating Moneys for Science Laboratories at Portland Junior College (S. P. 275) (L. D. 734) which was finally passed in the House earlier in the day, and passed to be engrossed as amended by Committee Amendment "A" on May 27.

Came from the Senate indefinitely postponed in non-concurrence.

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

Non-Concurrent Matter

Resolve Reimbursing Liquor Commission for Working Capital for Warehouse Construction (S. P. 361) (L. D. 984) which was finally passed in the House on May 16, and passed to be engrossed on May 13.

Came from the Senate indefinitely postponed in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act relating to the Licensing of Trading Stamps" (H. P.

831) (L. D. 1187) which was passed to be enacted in the House earlier in the day, and passed to be engrossed as amended by Senate Amendment "A" as amended by Senate Amendment "A" thereto on May 28, and subsequently recalled to the Senate from the Office of the Governor by Joint Order.

Came from the Senate indefinitely postponed in non-concurrence.

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

Non-Concurrent Matter

Joint Order requesting the Legislative Research Committee to study our Forestry Resources (H. P. 1110) which was passed in the House earlier in the day.

Came from the Senate indefinitely postponed in non-concurrence.

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

On motion of the gentleman from Bangor, Mr. Totman, the House voted to take from the table the second tabled and today assigned matter, on the printed calendar House Report "Ought not to pass" of the Committee on Appropriations and Financial Affairs on Bill "An Act Creating the State Institutional Emergency Fund and the Personal Services Reserve Account", House Paper 871, Legislative Document 1239, tabled on May 28 by that gentleman pending the motion of the gentleman from Bowdoinham, Mr. Curtis, to substitute the Bill for the "Ought not to pass" Report.

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

Mr. STANLEY: Mr. Speaker, I move that we indefinitely postpone item two and all its accompanying papers.

The SPEAKER: The gentleman from Bangor, Mr. Stanley, moves that the House indefinitely postpone the Committee Report. Is this the pleasure of the House?

The motion prevailed, the Report was indefinitely postponed and sent up for concurrence.

The SPEAKER: The Chair now lays before the House item three on page four of the regular printed cal-

endar, under tabled and today assigned matters, House Divided Report, Report "A" reporting "Ought to pass" and Report "B" reporting "Ought not to pass" of the Committee on Legal Affairs on Bill "An Act relating to Hours for Public Dance Halls", House Paper 227, Legislative Document 322, tabled by the gentleman from Portland, Mr. Childs pending the motion of the gentleman from Bridgton, Mr. Haughn, to indefinitely postpone both reports.

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

Mr. CHILDS: Mr. Speaker and Members of the House: The reason of course that I attempted to keep this matter on the table was that I thought we should be consistent in our laws as far as drinking and dancing were concerned. The measure which would have put drinking back to twelve o'clock has now been defeated, and it means now that lounges and other places will be able to stay open until one. I personally think it is a ridiculous situation that people can go into a place and at twelve o'clock they have to stop dancing and they can sit there and drink until one, even though it does come on the Sabbath Day. We go to the movies on the Sabbath Day, we bowl, go to ball games, and I do not think that dancing is any worse than any of those particular activities. So I know that my chances aren't too good. And another thing which I would like to straighten out for the record, people seem to associate this bill as my bill. As a matter of fact I detest dancing, and actually it is not my bill, it just happened to come before Legal Affairs of which I am Chairman of the Committee. I know that the gentleman from Columbia Falls, Mr. Hathaway, would like to make some comments on this particular bill so I will sit down again and let the gentleman from Columbia Falls take over.

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

Mr. HATHAWAY: Mr. Speaker, Ladies and Gentlemen: I thought that probably the very fine lady from Presque Isle, Mrs. Christie, was going to get up and oppose this, and if she had I might have been

reluctant to get up, because I mean it when I say it, she is a very nice person and I respect her. If everybody in this world was as fine a person as Mrs. Christie is we would not need locks on our doors.

Anyway, so far as the dance hall business is concerned, why I am interested, the summertime is the time for vacationing and pleasure, and Saturday nights in the summertime are the nights that you like to get out a little bit. Now, if we have to stop dancing at twelve o'clock it will be very tough on us young single fellows because we might have to resort to drinking and I don't do that. So, ladies and gentlemen, I am in favor of dancing until one o'clock and I hope that the motion to indefinitely postpone does not prevail.

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

Mr. PLANTE: Mr. Speaker and Members of the House: I would like to concur with the gentleman from Columbia Falls, Mr. Hathaway, and the gentleman from Portland, Mr. Childs. This may seem unusual but I would like to state my reasons why. First of all, the playground of two nations which I represent, the world's finest beach, has one of the finest casinos. There is no drinking allowed there at the Casino. And it so happens that when the Casino does close at twelve o'clock, with the bill having been killed and making drinking legal until one, it is an incentive for those leaving the dancing casino to enter these places. So it would be protecting some of our younger members that attend the dancing if they would stay there until one o'clock. Otherwise, they would leave there, and not desiring to go home at such an early time probably, being vacationers, they would either venture into the cocktail lounge or taverns. So, I would favor this bill because I think it would be far better to have the younger members stay there and dance than to have an incentive of going into other places.

The SPEAKER: Is the House ready for the question?

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

Mrs. CHRISTIE: Mr. Speaker and Members of the House: I think I have already expressed myself on this bill so I won't go any farther.

The SPEAKER: The pending motion is the motion of the gentleman from Bridgton, Mr. Haughn, that both reports on Bill "An Act relating to Hours for Public Dance Halls" be indefinitely postponed.

Will those who favor the motion to indefinitely postpone both reports please say aye; those opposed, no.

A viva voce vote being doubted, A division of the House was had.

Seventy-two having voted in the affirmative and forty-one having voted in the negative, the motion prevailed and the Reports were indefinitely postponed and sent up for concurrence.

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

Mr. MORRILL: Mr. Speaker, I would like to say that this is an agreement that was made in the Governor's office because of wording in the bill, and when I came out I was told it would take too long and then we thought we would let the bill go, but I am told now it can be finished before the other business is finished, so if it is possible I would like to reconsider this bill, Bill "An Act relating to the Licensing of Trading Stamps".

The SPEAKER: The gentleman from Harrison, Mr. Morrill, moves that the House reconsider its action whereby it receded and concurred with the Senate in indefinitely postponing item number four, Bill "An Act relating to the Licensing of Trading Stamps" House Paper 831, Legislative Document 1187.

Will those who favor the motion to reconsider please say aye; those opposed, no.

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

(Off Record remarks
by various Members.)

Called to order by the Speaker.

Passed to Be Enacted

An Act Increasing Pensions of Elderly Teachers (H. P. 258) (L. D. 356)

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

The SPEAKER: The Chair would advise the House that as far as the House knows at the moment, this is the final item that we have to deal with. This statement is subject to correction by the other branch. We have sent a messenger in to inquire whether the other branch has any further matters for consideration.

House at Ease

Called to order by the Speaker.

Senate Order Out of Order

ORDERED, the House concurring, that the Legislative Research Committee be and hereby is, requested to study practices of marketing and pricing of commodities in commerce with particular attention to the impact of such practices which tend to restrict free competition and which adversely affect small businesses.

The Legislative Research Committee shall report the results of its finding to the 99th Legislature. (S. P. 619)

Came from the Senate read and passed.

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

A message came from the Senate borne by Senator Low of that body informing the House that the Senate had transacted all business before it and was ready to adjourn without day.

On motion of Mr. Totman of Bangor, that gentleman was charged with and conveyed a message to the Senate informing that body that the House had acted on all matters before it and was ready to adjourn without day.

The following paper from the Senate was taken up out of order and under suspension of the rules:

From the Senate: The following Order:

ORDERED, the House concurring, that a Committee of three on the part of the Senate, with such as the House may join, be appointed to wait upon the Governor and inform him that both branches of the Legislature have acted on all matters before them and are now ready to receive any communication that he may be pleased to make. (S. P. 620)

Came from the Senate read and passed with the following members appointed on its part:

Messrs. BUTLER of Franklin
LORD of Cumberland
BOUCHER of Androscoggin

In the House: The Order was read and passed in concurrence.

The Speaker appointed the following members on the part of the House:

Messrs. WALSH of Brunswick
ELWELL of Brooks
Miss CORMIER of Rumford
Messrs. TOTMAN of Bangor
ROSS of Bath
BRAGDON of Perham
Mrs. KNAPP of Yarmouth

Subsequently Mr. Walsh, for the Committee, reported that the Committee had delivered the message with which it was charged, and His Excellency, Governor Edmund S. Muskie, accompanied the Committee and delivered the following communication:

GOVERNOR MUSKIE: Mr. Speaker and Members of the House: I herewith submit a tabulation of the results of the 98th Legislature:

Acts Approved: 616
Resolves Approved: 173
Vetoes presented: 1

It is impossible in these last hectic moments to step back and gain the prospective to properly and fully evaluate the results of this legislative session. For the moment I will content myself by saying that I deeply and personally appreciate the constructive atmosphere which has prevailed almost without a break since we began our work together last January. We have explored to the full the possibilities for defining areas of agreement, regardless of party, to the end that we might best serve our State and its future. Strongly held differences of opinion have developed of course, and many

of them will persist, but they have been discussed on a high plane and without rancor or bitterness. All those responsible are to be commended and congratulated.

Mrs. Muskie and I have thoroughly enjoyed our personal associations with each of you. Despite the relief from the pressures of the legislative session which lies ahead, we view your departure with regret that these associations are now to be inevitably scattered to the far corners of the state. We shall always look back upon these months together with genuine pleasure and fond recollections. You have been most kind to us. Good luck, and may God bless you all. (Prolonged Applause, the Members rising)

Thereupon, Governor Muskie retired from the Hall of the House.

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

Mr. ROBERTS: Mr. Speaker and Members of the House: This is my fourth term here that I have served in this legislature, and as usual I have enjoyed being with each and every one of you in as fine a group of people that anyone would care to meet, and hope we will all have the pleasure of again meeting in the not too distant future.

Although with the rest of you I am anxious to go home, I cannot truthfully say that I am happy to make this motion. However, I do make the motion that we now adjourn without day.

The SPEAKER: The gentleman from Dexter, Mr. Roberts, moves that the House adjourn without day. Is this the pleasure of the House?

The motion prevailed and the House adjourned without day at 11:50 p.m., Eastern Daylight Time.