

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Special Sessions

OF THE

Ninety-Eighth Legislature

OF THE

STATE OF MAINE

October 28, 1957

January 13, 1958

May 6, 1958

DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

HOUSE

Wednesday, October 30, 1957

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

Prayer by the Rev. Mr. Horace Colpitts of Augusta.

The journal of yesterday was read and approved.

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

Mr. ROSS: Mr. Speaker, I ask unanimous consent that all matters acted on this morning requiring Senate action or passed to be engrossed be sent to the Senate forthwith.

The SPEAKER: Is there objection? The Chair hears none and it is so ordered.

Messages and Documents

The following Communication: (H. P. 1122)

STATE OF MAINE
AERONAUTICS COMMISSION

October 29, 1957

TO: The 98th Legislature in Special Session.

The Maine Aeronautics Commission hereby submits its survey of the need for an area airport for the Augusta - Waterville and surrounding metropolitan area, pursuant to H. P. 1066, L. D. 1524 which resolved that the results of a study and survey be submitted to any special session of the 98th Legislature.

Respectfully yours,

GRIDLEY W. TARBELL

(Signed) Gridley W. Tarbell, Chairman
Maine Aeronautics Commission

The Communication was read and ordered placed on file, and sent up for concurrence.

Orders

The gentleman from Freeport, Mr. Crockett, was granted unanimous consent to address the House.

Mr. CROCKETT: Mr. Speaker and Ladies and Gentlemen: Yesterday I rose to get through a bill that I personally think should have some

attention because in my own way of thinking it is an injustice to other fraternal organizations in the State of Maine. I ask for the privilege which I didn't have yesterday to present this bill. This is a bill that interests every citizen in the State of Maine, and I believe and I do pray that you give me the courtesy today notwithstanding the cloture rule to present this bill. I thank you.

The SPEAKER: The Clerk will read the title of the bill.

The CLERK: Bill "An Act relating to Definition of Club under Liquor Laws."

The SPEAKER: Is there objection to the introduction of this bill notwithstanding the cloture order? The Chair hears no objection. It is admitted.

Is it now the pleasure of the House that this bill be referred to the Committee on Liquor Control, be printed and sent up for concurrence?

The motion prevailed.

On motion of Mr. Ross of Bath, sent to the printer forthwith.

On motion of Mr. Brewer of Caribou, it was

ORDERED, the Senate concurring, that the Legislative Research Committee be and hereby is directed to study the question of whether or not daylight saving time in the state should be extended to cover the entire year.

The Committee shall report on its findings and such recommendations as it may wish to make at the next special session or at any recessed session of this special session. (H. P. 1124)

On motion of Mr. Davis of Westbrook, it was

ORDERED, that Mr. Porell of Westbrook be excused from attendance today because of business.

On motion of Mrs. Smith of Falmouth, it was

ORDERED, that Mr. Maxwell of Winthrop be excused from attendance because of illness.

The SPEAKER: The Chair recognizes the presence in the House of the gentleman from Madison, Mr.

Hendsbee, and the gentleman from Brunswick, Mr. Letourneau, and will instruct the Clerk to record their presence at this session.

**House Reports of Committees
Ought to Pass
Printed Bills**

Mr. Bean from the Committee on Appropriations and Financial Affairs reported "Ought to pass" on Resolve relating to Passamaquoddy Trust Funds for Housing (H. P. 1112) (L. D. 1618)

Mr. Edwards from same Committee reported same on Resolve Appropriating Moneys for Spruce Budworm Control (H. P. 1113) (L. D. 1619)

Mr. Tarbox from the Committee on Sea and Shore Fisheries reported same on Bill "An Act relating to Revocation and Suspension of Licenses under Sea and Shore Fisheries Law" (H. P. 1119) (L. D. 1628)

Reports were read and accepted, the Bill was given its three several readings under suspension of the rules, the Resolves were given their two several readings under suspension of the rules, all passed to be engrossed and sent to the Senate.

**Ought to Pass
with Committee Amendment
Tabled**

Mr. Bragdon from the Committee on Appropriations and Financial Affairs on Bill "An Act Clarifying Administrative Procedure for Ferry Service for North Haven, Vinalhaven, Islesboro and Swan's Island" (H. P. 1111) (L. D. 1616) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: This is the administrative bill which particularly pays attention to the procedural methods of the ferry service insofar as the establishment of this service, the operation and the tolls. The bill is not yet complete. There are many other very complicated changes that must be made, they must be studied and re-

viewed by the Attorney General's Department, the Department of Finance and so forth. The survey must be made first anyway so there is no immediate need for this legislation. It could be perfectly well handled at the next special session, so I now am going to move that this bill be tabled pending acceptance of the Committee Report, and I am not going to move that it be taken off the table at this special session.

The SPEAKER: The question before the House is the motion of the gentleman from Bath, Mr. Ross, that this bill be tabled pending acceptance of the Committee Report. Is this the pleasure of the House?

The motion prevailed.

Mr. Duquette from the Committee on Appropriations and Financial Affairs on Resolve in favor of Armory Project for Battery D, 703rd Anti-Aircraft Battalion (H. P. 1120) (L. D. 1629) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Resolve read once.

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

COMMITTEE AMENDMENT "A" to H. P. 1120, L. D. 1629, Resolve, in Favor of Armory Project for Battery D, 703rd Anti-Aircraft Battalion.

Amend said Resolve by striking out all of the last paragraph, before the Statement of Facts, and inserting in place thereof the following:

"The moneys appropriated by this resolve shall not lapse but shall remain a continuing carrying account until June 30, 1959."

Committee Amendment "A" was adopted and, under suspension of the rules, the Resolve was given its second reading, passed to be engrossed as amended and sent to the Senate.

Mr. Broderick from the Committee on Judiciary on Bill "An Act relating to Definition of School Buses" (H. P. 1117) (L. D. 1624) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 1117, L. D. 1624, Bill, "An Act Relating to Definition of School Buses."

Amend said Bill by striking out everything after the enacting clause and inserting in place thereof the following:

"R. S., c. 22, § 48, amended. The 1st sentence of section 48 of chapter 22 of the Revised Statutes, as amended by section 1 of chapter 85 of the public laws of 1955, is hereby repealed and the following enacted in place thereof:

'The term "school bus" includes every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of children to or from school, or to or from any school activities at a school regularly attended by such children, or privately owned and operated for compensation for the transportation of children to or from school or to or from any school activities at a school regularly attended by such children; school as used in this sentence shall mean either a private or public school.'

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved."

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

Mr. HAUGHN: Mr. Speaker and Members of the House: I am certainly not objecting to this amendment, because I certainly feel it is a good one, but there is a question which arises in my mind as to the actual meaning of this and maybe somebody here may be able to give the answer. While driving in this morning we passed a particular privately owned bus picking up public passengers as well as school students. This bus was not so marked as a school bus. I would like to know if this bill in any way deletes whereby that the law be not abided by if you should pass a school bus without being marked as such under this particular amendment. Maybe somebody can give that answer to clarify that point.

The SPEAKER: The gentleman from Bridgton, Mr. Haughn, ad-

dresses a question through the Chair to anyone who cares to answer.

The Chair recognizes the gentleman from Portland, Mr. Broderick.

Mr. BRODERICK: Mr. Speaker, I am not exactly sure I know what the gentleman's question was, but there is another section of the statute which calls for posting on the bus both in the rear and the front stating that it is a school bus, and without that it would not come under the definition of school buses for purposes of violation of this section of the statute which is that section which provides that you shall not pass a school bus.

The SPEAKER: Does the gentleman consider his question answered?

Mr. HAUGHN: I do, Mr. Speaker.

The SPEAKER: The question now before the House is shall Committee Amendment "A" be adopted?

The motion prevailed and, under suspension of the rules, the Bill was given its third reading, passed to be engrossed as amended and sent to the Senate.

Mr. Browne from the Committee on Judiciary on Bill "An Act relating to Penalties on Maine Turnpike" (H. P. 1118) (L. D. 1626) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 1118, L. D. 1626, Bill "An Act Relating to Penalties on Maine Turnpike."

Amend said Bill by inserting after the Title thereof, the following Emergency Preamble:

'Emergency preamble. Whereas, Chapter 69 of the Private and Special Laws of 1941 which created the Maine Turnpike Authority provided that the Authority may make rules and regulations with reference to motor vehicles over the Turnpike: and

Whereas, such Chapter 69 provided that any violation of the rules and regulations would be a misdemeanor and would be punishable by a fine of not exceeding \$10; and

Whereas, it is necessary that violations on the Maine Turnpike

be punishable as nearly as possible in conformity with violations on Maine's highway system; and

Whereas, the following legislation is essential to bring about such conformity and provide that the courts may impose a penalty more nearly in keeping with severity of the offense; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Further amend said Bill by inserting before the Summary Statement, the following Emergency Clause:

'Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.'

Further amend said Bill by striking out of Sec. 19 in said Bill "\$50" and inserting thereof '\$20.'

Committee Amendment "A" was adopted and, under suspension of the rules the Bill was given its third reading, passed to be engrossed as amended and sent to the Senate.

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

Mr. Earles from the Committee on Judiciary on Bill "An Act relating to Municipal Zoning Boards of Appeal" (H. P. 1116) (L. D. 1632) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 1116, L. D. 1632, Bill, "An Act Relating to Municipal Zoning Boards of Appeal."

Amend said Bill by striking out all of the blocked paragraph and inserting in place thereof a new subparagraph 1A to read as follows: "Municipalities of 5000 or more inhabitants may by ordinance provide for a board of appeals consisting

of 5 or 7 members and one associate member. The terms of office of members shall not exceed 5 years and initial appointments shall be such that the terms of office of no more than 2 members shall expire in any single year."

Committee Amendment "A" was adopted and, under suspension of the rules, the Bill was given its third reading, passed to be engrossed as amended and sent to the Senate.

Mr. Hanson from the Committee on Taxation on Bill "An Act Imposing a Tax on the Unorganized Territory within the Maine Forestry District for Spruce Budworm Control" (H. P. 1114) (L. D. 1620) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 1114, L. D. 1620, Bill, "An Act Imposing a Tax on the Unorganized Territory Within the Maine Forestry District for Spruce Budworm Control."

Amend said Bill by inserting after the Title, the following Emergency Preamble:

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment; and

Whereas, a severe outbreak of spruce budworm has developed in the forests of northern Maine, threatening the destruction of one of Maine's outstanding natural resources; and

Whereas, the following legislation is vitally necessary to control this outbreak so as to save thousands of acres of Maine forests within the unorganized territory located in the Maine Forestry District; and

Whereas, in the judgment of the Legislature these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it'

Further amend said Bill by inserting before the Summary Statement, the following Emergency Clause:

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.

Committee Amendment "A" was adopted and, under suspension of the rules, the Bill was given its third reading, passed to be engrossed as amended and sent to the Senate.

The gentleman from Bowdoinham, Mr. Curtis, was granted unanimous consent to address the House.

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen of the House: As you know in the 97th Legislature a certain amount of money was appropriated to have the government surveyed which was made, and the survey was presented to this 98th, and many of the things were adopted which seemed well. There was also adopted—this survey recommended the increase in pay for state employees of nine per cent. Your legislature in their wisdom granted a four and one-half per cent increase as of July 1, and set ahead the other four and one-half for next July. I don't know just exactly why they did this, I presume they had good and sufficient reasons, perhaps because they did not know just how the finances of the state would be.

But we all do know we are having great difficulty to keep our employees in the state, and as you look over this book which gives their salaries you can easily see why. They range way down so low, and the fact is that a great many times they have to be stepped up into their higher position. As you know, there are three steps in the pay scale, and sometimes they have to be stepped up from one to two and from two to three in order to keep them, because as you know in the state's business which is one of the largest businesses in the state, and the same is true of your business, it costs a lot of money to train your employees, and once they are trained and they go off and leave you, why it is just so much money that has to be expended again. And in order to keep these people here that we have and are doing a good job

because this is a big business, and we do have the money. I have checked with the Treasury Department and the Department of Finance and Control, and as of June 30 we had in the surplus \$12,300,000. Now that was actual surplus. Then as of July 1 the three per cent sales tax came in which brings in a very large amount of money, much more than fifty per cent over the two because you dropped it from nineteen to fourteen and that brings in a tremendous amount of money, I think more than we really expected it would, so we have sufficient funds.

Now if we should make this raise as of January 1 instead of July 1 it would only cost the state \$300,000. That is about the amount of money our sales tax is bringing in every ten days.

Mr. Speaker, I wish to present, regardless of the cloture rule, by unanimous consent a bill to correct this.

The SPEAKER: The Clerk will read the title of the bill.

The CLERK: Resolve Appropriating Monies to Effectuate Salary Plan for State Employees.

The SPEAKER: Does the Chair hear objection to the acceptance of this Resolve notwithstanding the cloture order?

The Chair hears none and the Resolve is introduced.

The Chair understands the gentleman from Bowdoinham, Mr. Curtis, moves that this Resolve be referred to the Committee on Appropriations and Financial Affairs, printed and sent up for concurrence. Is this the pleasure of the House?

The motion prevailed.

On further motion of the same gentleman, sent forthwith to the printers.

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

Mr. CHILDS: May I inquire from the Clerk whether the matter we just took up is still in the hands of the House?

The SPEAKER: The Chair is advised that it is still in the hands of the House.

Mr. CHILDS: Mr. Speaker, I move this matter lie upon the table pending further action.

The SPEAKER: The Chair will have to rule that there is nothing to table because the resolve has already been referred to Committee.

Mr. CHILDS: Mr. Speaker, I therefore move that we reconsider our action whereby this matter was referred to the Committee on Appropriations.

The SPEAKER: The gentleman from Portland, Mr. Childs, moves that the House reconsider its action whereby it referred to the Appropriations Committee the resolve just presented by the gentleman from Bowdoinham, Mr. Curtis. Will all those who favor the motion for reconsideration 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. Childs.

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

The SPEAKER: The gentleman from Portland, Mr. Childs, requests a division on the question of reconsideration. Will those who—

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

Mr. PLANTE: Mr. Speaker, point of inquiry. I am wondering if we are just being nice guys or I am wondering if these bills being introduced must also have the unanimous consent of the other body.

The SPEAKER: That does require the unanimous consent of the other body.

The question before the House is reconsideration of the resolve presented by the gentleman from Bowdoinham, Mr. Curtis. Mr. Childs has requested a division. Will those who favor the motion to reconsider our action whereby this matter was referred to the Committee on Appropriations please rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Forty-seven having voted in the affirmative and seventy-six having voted in the negative, the motion did not prevail.

The SPEAKER: At this time the Chair would like to recognize the presence in the gallery of the House of a group of government and speech

class students from Milo High School accompanied by their Principal and Mrs. Joseph Reardon. On behalf of the House the Chair extends to you ladies and gentlemen a most hearty and cordial welcome and we are happy to have you with us. (Applause)

Papers from the Senate (Out of Order)

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

Senate Reports of Committees Ought to Pass

Report of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act relating to Speed of Motor Vehicles" (S. P. 624) (L. D. 1625)

Report of the Committee on Legal Affairs reporting same on Bill "An Act relating to Castle Hill-Chapman-Mapleton Community School District" (S. P. 627) (L. D. 1630)

Came from the Senate with the Reports read and accepted and the Bills passed to be engrossed.

In the House, Reports were read and accepted in concurrence, the Bills given their three several readings under suspension of the rules and passed to be engrossed in concurrence.

Ought to Pass with Committee Amendment

Report of the Committee on Appropriations and Financial Affairs on Resolve Authorizing Preliminary Surveys of Ferry Service for North Haven, Vinalhaven, Islesboro and Swan's Island, and Operational Expenses of Advisory Committee (S. P. 622) (L. D. 1617) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 622, L. D. 1617, Resolve, Authorizing Preliminary Surveys of

Ferry Service for North Haven, Vinalhaven, Islesboro and Swan's Island, and Operational Expenses of Advisory Committee.

Amend said Resolve by striking out the period at the end, before the emergency clause, and inserting in place thereof the following:

‘; and be it further

Resolved: That the \$35,000 appropriated under the provisions of this resolve shall be returned to the general fund whenever moneys are available from the sale of bonds under the provisions of Chapter 190 of the Private and Special Laws of 1957.’

Committee Amendment “A” was adopted in concurrence and, under suspension of the rules, the Resolve was given its second reading and passed to be engrossed as amended in concurrence.

Report of the Committee on Education on Bill “An Act Providing for Payment of the 1957 Education Subsidies to Municipalities” (S. P. 628) (L. D. 1622) reporting “Ought to pass” as amended by Committee Amendment “A” submitted therewith.

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

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

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

COMMITTEE AMENDMENT “A” to S. P. 628, L. D. 1622, Bill “An Act Providing for Payment of the 1957 Education Subsidies to Municipalities.”

Amend said Bill by inserting after “Sec. 3”, 3 new sections to be numbered 3-A, 3-B, and 3-C, to read as follows:

Sec. 3-A. Unpaid tuition charges. The Treasurer of the State shall withhold from the amount set forth after each named municipality such an amount as the Commissioner of Education shall report to him as representing unpaid tuition charges owed by that municipality on September 1, 1957, plus interest thereon, at the rate of 6% annually, computed from the first day of September 1957, and the Treasurer shall

pay the amount so withheld to the treasurer of the receiving city, town, plantation, academy, institute or seminary as is provided by the Revised Statutes of 1954, chapter 41, section 108, as amended.

Sec. 3-B. Lease payments due Maine School Building Authority. The Treasurer of State shall withhold from the amount set forth after each named municipality, or from the amounts payable to a community school district because of its interest in the subsidies of its member towns, such an amount, representing lease payments due the Maine School Building Authority, as the municipal officers or board of trustees in a written application to the Commissioner of Education, shall have requested be deducted from school money due the municipality or community school district and be paid directly to the trustee of the Maine School Building Authority. The Treasurer shall pay such amounts directly to the trustee of the Maine School Building Authority as is provided by Revised Statutes of 1954, chapter 41, section 242, as amended by public laws of 1957, chapter 300.

Sec. 3-C. Delinquent lease payments. The Treasurer of State shall withhold from the amount set forth after each named municipality such an amount as the Commissioner of Education shall report to him as representing delinquent lease payments to the Maine School Building Authority. The Treasurer shall pay the amount withheld directly to the Maine School Building Authority as is provided by the Revised Statutes of 1954, chapter 41, section 249, as amended.’

Committee Amendment “A” was adopted in concurrence and, under suspension of the rules, the Bill was given its third reading and passed to be engrossed as amended in concurrence.

Report of the Committee on Highways on Bill “An Act relating to Area Directional Signs” (S. P. 634) (L. D. 1631) reporting “Ought to pass” as amended by Committee Amendment “A” submitted therewith.

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

amended by Committee Amendment "A".

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

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

COMMITTEE AMENDMENT "A" to S. P. 634, L. D. 1631, Bill, "An Act Relating to Area Directional Signs."

Amend said Bill by striking out all of subsection IX of that part designated "Sec. 149-A" and inserting in place thereof the following underlined subsection:

'IX. Arnold Highway to Quebec, Routes 201-201A.'

Committee Amendment "A" was adopted in concurrence and, under suspension of the rules, the Bill was given its third reading and passed to be engrossed as amended in concurrence.

Report of the Committee on Judiciary on Bill "An Act relating to Measuring Speed of Motor Vehicles by Radar" (S. P. 626) (L. D. 1623) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 626, L. D. 1623, Bill, "An Act Relating to Measuring Speed of Motor Vehicles by Radar."

Amend said Bill by striking out all of the first paragraph of Sec. 113-A and inserting in place thereof the following:

"Sec. 113-A. Speed measured by radar. The speed of any motor vehicle may be measured by the use of radar or any other electronic device which measures speed by radio-micro waves or otherwise. The results of such measurement shall be accepted as prima facie evidence of the speed of such motor vehicle in any court in criminal proceedings where the speed of the motor vehicle is at issue provided that signs, bearing the words "Speed Measured by Radar," shall appear on any high-

way not more than one mile and not less than ¼ mile from approaching traffic where radar or other electronic device is being used.

Committee Amendment "A" was adopted in concurrence and, under suspension of the rules, the Bill was given its third reading and passed to be engrossed as amended in concurrence.

Report of the Committee on Retirements and Pensions on Bill "An Act relating to Contribution and Eligibility of Survivor Benefits and Membership of Certain Teachers under Maine State Retirement Law" (S. P. 625) (L. D. 1627) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 625, L. D. 1627, Bill "An Act Relating to Contributions and Eligibility of Survivor Benefits and Membership of Certain Teachers under Maine State Retirement Law."

Amend said Bill by inserting before the enacting clause, the following:

'Emergency preamble. Whereas, it would be highly difficult to collect retroactive deductions for the Survivor Benefit Plan for the period July 1, 1957 to the legally effective date of the act, August 28, 1957; and

Whereas, a so-called limitation or savings clause was omitted on one of the amendments to the law enacted at the regular session; and

Whereas, an obvious inequity exists in the present language of the Survivor Benefit section of the law with respect to the number of months of service a member must have to be eligible for such protection; and

Whereas, it is highly probable that without this emergency preamble laws enacted at the first special session of the 98th Legislature might

not become effective until 90 days following the contemplated second special session of the Legislature; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Further amend said Bill by adding at the end thereof, the following:

'Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.'

Committee Amendment "A" was adopted in concurrence and, under suspension of the rules, the Bill was given its third reading and passed to be engrossed as amended in concurrence.

Report of the Committee on Judiciary on Bill "An Act Clarifying Probation Procedure under Probation and Parole Law" (S. P. 623) (L. D. 1621) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 623, L. D. 1621, Bill, "An Act Clarifying Probation Procedure Under Probation and Parole Law."

Amend said Bill in subsection I of that part designated "Sec. 6" of section 2 by striking out the underlined figure "4" before the underlined word "years" in the 2nd line and inserting in place thereof the underlined figure '2'.

Further amend said Bill in subsection II of that part designated "Sec. 6" of section 2 by striking out the underlined figure and word "4 years" in the 2nd line and inserting in place thereof the underlined figure and word '2 years'.

Committee Amendment "A" was adopted in concurrence.

Mr. Tevanian of Portland offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to S. P. 623, L. D. 1621, Bill, "An Act Clarifying Probation Procedure Under Probation and Parole Law."

Amend said Bill in the 2nd line of the last paragraph of section 3 of the Bill by indicating the striking out of the figure "4" by drawing a line through said figure and inserting immediately after said stricken out figure the underlined figure '2'

House Amendment "A" was adopted in non-concurrence and, under suspension of the rules, the Bill was given its third reading and passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" in non-concurrence and sent up for concurrence.

Orders of the Day

The SPEAKER: The Chair now lays before the House the first tabled and today assigned matter, Senate Joint Order relative to Public Hearings on Federal Interstate Highway planning and construction, Senate Paper 631, tabled on October 29 by the gentleman from Perham, Mr. Bragdon, pending passage, and the Chair recognizes that gentleman.

Mr. BRAGDON: Mr. Speaker and Members of the House: As you are well aware, I had an amendment prepared that is on your desks that I intended to propose to attach to this Senate Order. If you read the amendment, it is filing 607, you will get my thinking in having this drawn up. I feel that this Senate Order is good, that it probably will accomplish what we might wish to, but I had the feeling that unless—I will read the amendment—you have it there anyway. The intention of the amendment was to attempt to suspend more or less the acquisition of rights of way and so forth on the interstate system, feeling that unless this was done that by the time this order could have been acted on by the time of the next special session, most of the effec-

tiveness of the Senate Order would have been—perhaps it would be too late.

I feel now convinced that this amendment to this order would be declared unconstitutional, and inasmuch as I feel that the Senate Order is going to accomplish a lot, I don't wish to take the chance of jeopardizing that Senate Order and losing the whole thing. I assure you my intention was sincere, and I appreciate the offers of support from many of you members of the House. I hope you understand my position in this thing. I feel like a man on a one way street perhaps, I might have come to the end of it, but my feeling was sincere and I hoped that this might accomplish something. Further, it would have given us here in the House a chance to express ourselves perhaps a little more on this matter than we may now do, but I do feel—I think perhaps I was prompted in drawing this up by feeling that there was a demand state-wide for frank and open discussion of this whole interstate program. Granted probably that any of us could get all that information perhaps if we went to the Highway Commission, but we have had reports, perhaps many of them conflicting, and I do hope that out of this, if this Senate Order does go through, I hope that a thorough investigation will be conducted state-wide. I feel that a lot of good perhaps will come out of this publicity this thing has had.

I have a great deal of confidence in aroused public opinion. I think that perhaps out of it we will come nearer to doing this enormous job of constructing this federal system in the way that it should be done. I have a great deal of confidence. I don't think perhaps we all think we are experts on those things, and maybe we aren't, but we all have ideas on the general way that this federal system should be constructed, and I certainly hope that hearings will be held before this Committee and the thing will be laid out on the table. I think the time has come that that should be done. If that is done I have accomplished everything that I hoped to do, and I want to thank all of you for your offers of support.

The SPEAKER: Does the Chair understand the gentleman from Perham, Mr. Bragdon, to move passage of the order?

Mr. BRAGDON: I do.

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

Mr. JALBERT: Mr. Speaker, I feel that the gentleman from Perham, Mr. Bragdon, and others, should be commended for their sincerity and hard work concerning this project. The matter now lies squarely in the hands of the Legislative Research Committee which is made up of a good cross section of our state. I feel that the Research Committee will handle it judiciously. I feel that it is their duty to call in all the parties concerned, record and print their testimony, make up their report and submit that report to us at the obvious special session in January. I hope the order has passage.

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

Mrs. CHRISTIE: Mr. Speaker and Members of the House: It is my feeling that I shouldn't leave this session without expressing the wishes of the people of my area. I have had very strong appeals from many people in Presque Isle in regard to this matter. They are very much disturbed at the way this highway program has been set up and feel that something should be done about it, and I feel that it seems unreasonable that the survey as set up now should be carried through because it seems to me that this area between Augusta and Bangor is a vital area and that there should be something done about it. I also feel that the Research Committee has the power and ability to do something constructive about this, but I feel that something should be done and I just wanted to express myself to that effect.

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

Mr. BEAN: Mr. Speaker and Members of the House: I too want to go along with the gentleman from Perham, Mr. Bragdon, in the decision he has made, but I sincerely hope that in view of all the con-

troversy that we have had, and in my travels over the state, which I do a great deal, I have found a great deal of misunderstanding in the minds of the people, and I sincerely hope that from here in all branches of government will keep closer to the people thereby promoting better public relations because the better public relations we can have between government and the people who in the final analysis pay the bill, the better system of government and the better satisfaction we are going to have.

The SPEAKER: The question before the House is on the motion of the gentleman from Perham, Mr. Bragdon, that Senate Joint Order relative to Public Hearings on Federal Interstate Highway planning and construction now receive passage in concurrence. Is this the pleasure of the House?

The motion prevailed.

(Off record remarks)

On motion of Mr. Ross of Bath,
Recessed until 11:30 A.M.

Recess

After Recess, the House was called to order by the Speaker.

The SPEAKER: Is it the pleasure of the House at this time to take up papers from the Senate?

**Papers from the Senate
Senate Report of Committee
Ought to Pass
with Committee Amendment
Amended in Senate**

Report of the Committee on Judiciary on Bill "An Act to Correct Errors and Inconsistencies in the Public Laws" (S. P. 621) (L. D. 1615) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

Committee Amendment "A", having been printed in the form of Legislative Document 1633, was read by

the Clerk and adopted in concurrence.

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

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S. P. 621, L. D. 1615, Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws."

Amend said Amendment in that part designated "Sec. 79-A" by striking out the first underlined sentence of the blocked paragraph and inserting in place thereof the following underlined sentence: '**On an appeal in writing to the board of appeals, it shall affirm, modify or set aside the decision appealed from according to the terms of the pertinent ordinance.**'

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

Committee Amendment "A" as amended by Senate Amendment "A" was adopted and, under suspension of the rules, the Bill was given its third reading and passed to be engrossed as amended by Committee Amendment "A" as amended by Senate Amendment "A" in concurrence.

From the Senate: The following Order:

ORDERED, the House concurring, that under the authority and direction provided in Chapter 153 of the Resolves of 1957, the Legislative Research Committee be and hereby is specifically directed to include in the report provided for in the above resolve, the subject of maximum limits required as security and as proof of financial responsibility for bodily injury liability under the financial responsibility law and its relation to the Public Laws of 1957, Chapter 188 (S. P. 635)

Came from the Senate read and passed.

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

On motion of Mr. Ross of Bath,
Recessed until 1:30 P.M.

After Recess

1:30 P.M.

The House was called to order by the Speaker.

**Papers from the Senate
Senate Report of Committee
Ought to Pass
with Committee Amendments
Amended in Senate
Tabled**

Report of the Committee on State Government on Bill "An Act to Create the Maine Industrial Building Authority" (S. P. 620) (L. D. 1614) reporting "Ought to pass" as amended by Committee Amendment "A" and Committee Amendment "B".

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 620, L. D. 1614, Bill, "An Act to Create the Maine Industrial Building Authority."

Amend said Bill in subsection VII of that part designated "Sec. 5" of Section 1 by striking out the underlined words "and their commercial departments, banking associations" in the 3rd and 4th lines and inserting in place thereof the underlined word 'banks'

Further amend said Bill by striking out all of subsection IV of that part designated "Sec. 6" of section 1 of said Bill and inserting in place thereof the following:

IV. To sue and be sued in its own name, plead and be impleaded; service of process in any action shall be made by service upon the manager of said authority either in hand or by leaving a copy of the process at the office of the manager;

Further amend said Bill in subsection IX of that part designated "Sec. 6" of section 1 of said Bill by inserting after the underlined words "planning board of the municipality" in the 2nd and 3rd lines, the underlined punctuation and words ', or if there is no planning board, a finding of the municipal officers of the municipality,'

Further amend said Bill in that part designated "Sec. 9" of section

1 of said Bill by inserting after the underlined words "of the" in the 2nd line the underlined word 'proposed'

Further amend said Bill by inserting after the first sentence of that part of section 1 designated "Sec. 10", the following underlined sentence:

'Such insurance premiums shall not be less than one-half of 1% per year nor more than 2% per year of said outstanding principal obligation.'

Further amend said Bill in that part designated "Sec. 13" of section 1 of said Bill by striking out the underlined words "and their commercial departments, banking associations" in the 3rd and 4th lines and inserting in place thereof the underlined word 'banks'

Committee Amendment "A" was adopted in concurrence.

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

COMMITTEE AMENDMENT "B" to S. P. 620, L. D. 1614, Bill, "An Act to Create the Maine Industrial Building Authority."

Amend said Bill by adding at the end of that part designated "Sec. 4" of section 1 of said Bill the following underlined paragraph:

'The authority shall not enter into any contract of insurance where any of the members of the authority or its manager has any interests, direct or indirect, in any firm, partnership, corporation or association which would be a mortgagee, whose loan to a local development corporation is insured by the authority, or has any interest, direct or indirect, in any firm, partnership, corporation or association which would rent, lease or otherwise occupy any premises constructed by a local development corporation where said corporation's mortgage is guaranteed by the authority, or is a director or officer or otherwise associated with any local development corporation, whose mortgage is guaranteed by the authority.'

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

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "B" to S. P. 620, L. D. 1614, Bill, "An Act to Create the Maine Industrial Building Authority."

Amend said Committee Amendment "B" by striking out all of the last paragraph of said Amendment and inserting in place thereof the following underlined paragraph:

"No member of the authority shall participate in any decision on any contract of insurance if he has any interests, direct or indirect, in any firm, partnership, corporation or association which would be a mortgagee, whose loan to a local development corporation is insured by the authority, or if he has any interest, direct or indirect, in any firm, partnership, corporation or association which would rent, lease or otherwise occupy any premises constructed by a local development corporation where said corporation's mortgage is guaranteed by the authority, or if he is a director or officer or otherwise associated with any local development corporation whose mortgage is guaranteed by the authority."

Senate Amendment "A" to Committee Amendment "B" was adopted in concurrence.

Committee Amendment "B" as amended by Senate Amendment "A" was adopted in concurrence.

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

SENATE AMENDMENT "A" to S. P. 620, L. D. 1614, Bill, "An Act to Create the Maine Industrial Building Authority."

Amend said Bill in that part designated "Sec. 15" of section 1 of said Bill by inserting after the underlined words "one time" in the 10th line the underlined word 'outstanding'

Senate Amendment "A" was adopted in concurrence.

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

SENATE AMENDMENT "B" to S. P. 620, L. D. 1614, Bill, "An Act to Create the Maine Industrial Building Authority."

Amend said Bill in that part designated "Sec. 4" of section 1 of said Bill by striking out the underlined words "a majority of members" in the 20th line and inserting in place thereof the underlined words 'all the members of the quorum'

Senate Amendment "B" was adopted in concurrence.

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

SENATE AMENDMENT "C" to S. P. 620, L. D. 1614, Bill, "An Act to Create the Maine Industrial Building Authority."

Amend said Bill in that part designated "Sec. 11" of section 1 by striking out the underlined words "insured mortgages" in the 2nd line and inserting in place thereof the underlined words 'notes and mortgages securing notes'; and by inserting after the underlined word "may" in the 3rd line the underlined words and punctuation 'attach, seize or may'

Senate Amendment "C" was adopted in concurrence.

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

Mr. HAUGHN: Mr. Speaker, where I have not had time to prepare a House amendment to this Industrial Building Authority, it is now in the office of Mr. Slosberg being drafted, I would ask permission of this body to temporarily table this measure until that is available, which should be in about five minutes.

The SPEAKER: Before the Chair entertains the motion of the gentleman from Bridgton, Mr. Haughn, the House may be at ease.

House at Ease

Called to order by the Speaker.

The SPEAKER: The question before the House is the motion of the gentleman from Bridgton, Mr. Haughn, that this Bill be tabled pending assignment for third reading. Is this the pleasure of the House?

The motion prevailed.

Non-Concurrent Matter

Joint Order directing the Legislative Research Committee to study the question of whether or not Daylight Saving Time should be extended to cover the entire year (H. P. 1124) which was passed in the House earlier in the day.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mr. BREWER: Mr. Speaker, I move that the House insist on its former action, and request a Committee of Conference.

The SPEAKER: The question before the House is the motion of the gentleman from Caribou, Mr. Brewer, that the House insist upon its previous action whereby it passed this joint order and the gentleman requests a Committee of Conference.

Will all those who favor the motion to insist please say aye; those opposed, no.

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

On motion of Mr. Ross of Bath, the House voted to recede and concur.

From the Senate: The following Order:

ORDERED, the House concurring, that the Legislative Research Committee be and hereby is directed to study the question of whether or not daylight saving time in the state should be extended to cover the entire year.

The Committee shall report on its findings and such recommendations as it may wish to make at the next regular session. (S. P. 636)

Came from the Senate read and passed.

In the House, read and passed in concurrence.

The gentleman from Buxton, Mr. Bruce, was granted unanimous consent to address the House.

Mr. BRUCE: Mr. Speaker, you have on your desk under filing 608 an amendment which we proposed to offer to the Building Authority bill, and I thought that a word of explanation to those of you who do not already know why we are not going to offer it would be in order at this time.

There was, let us call it, a misunderstanding on the part of some people on the question as to whether or not agricultural products would be included under the constitutional amendment and the bill. A ruling was made that agricultural products

would not be included. For instance, a ruling was made that we could not manufacture cheese, for instance, out of milk. A ruling was made that we could not manufacture potato flakes or potato chips under the bill. However, as an example to show you how this really did not sustain, it was ruled, informally of course, that the manufacture of shoes out of another agricultural product, leather, would come under the bill. However, after the amendment was written, those who made the original ruling perhaps were convinced that they were not as certain that they were right as they had been before that time, and we have decided that most people agree that agricultural products would be included in the bill, and we are therefore, not offering the amendment.

The SPEAKER: The Chair would state that with regard to the matter which has been tabled, there is a pending question that is in the process of solution at the moment, but until we receive that solution to the question, the Chair at this time now is compelled to put the House at ease for exactly one-half hour.

House at Ease

Called to order by the Speaker.

On motion of Mr. Haughn of Bridgton, the House voted to take from the table Bill "An Act to Create the Maine Industrial Building Authority" (S. P. 620) (L. D. 1614), tabled pending assignment for third reading by that gentleman.

Mr. Haughn of Bridgton then offered House Amendment "B" and moved its adoption.

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

HOUSE AMENDMENT "B" to S. P. 620, L. D. 1614, Bill, "An Act to Create the Maine Industrial Building Authority."

Amend said Bill in that part designated "Sec. 4" of section 1 of said Bill by striking out all of the 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th and 16th lines and inserting in place thereof the following underlined lines:

'held to be the performance of essential governmental functions. The authority shall consist of 9 members who are citizens and residents of the State. Four of the members shall be appointed by the Governor, with the advice and consent of the Council, and 2 each shall be appointed by the Speaker of the House and the President of the Senate. The Commissioner of Economic Development shall be ex officio a member of the authority. The term of the regularly appointed members of the authority shall be 4 years, provided that in the initial appointment of members, those members appointed by the Governor, with the advice and consent of the Council, shall be appointed for a term of 1, 2, 3 and 4 years respectively, and of those members appointed by the Speaker of the House and the President of the Senate, one each shall be appointed for a term of 3 and 4 years. A vacancy in the office of an appointive member, other than by expiration, shall be filled in like manner as an original appointment, but only for the remainder of the term of the retiring member. Appointive members may be removed by the appointing authority for cause. The authority shall elect one of its members as chair.'

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

Mr. HAUGHN: Mr. Speaker and Members of the House: This is probably a little unethical and probably a precedent, but nevertheless I feel an issue as big as this in the interest of the state government and the people of the State of Maine, that we should not place this amount of money or appointive powers in the direction of one particular branch. Now we realize we do have three branches, and I feel that each one of those branches having a part of creating and appointing this industrial building authority that we will be better informed as to the functions and the operation of this authority and probably something that is untried and unknown as to what it will create and what it will do, although I am in full agreement that this should be created, but I think we should know and have a working knowledge of this particular department at all times, and by

having full confidence in the Speaker of our House, and in the head of the other unmentionable body that we will be then in a position whereby we can be informed fully from within our own ranks and not be given information in my thinking as in the past in some other things, only that which they wish to have reach our ears, and by having control over this that you will be in a better position to rectify any wrongs, that after this thing is in operation and proves its worth and need, that you will be better informed and know how to act accordingly. This could be a lengthy debate probably and I don't wish it to be because I know the lateness of the hour in this particular session, but I am keenly and deeply interested in this building authority to be set up for the interest and protection of the people and the industry of the state. When the vote is taken I do request a vote by division.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: As you are well aware our government consists of three branches, the Executive, the Judicial and the Legislative. Appointments certainly are the duties of the Executive branch and here in the State of Maine of course we are fortunate to have the safeguard of Council approval. I feel that this would be a definite breach of established procedure that we have.

Also today on your desk there was an amendment filing 627. This was going to handle the same section of the proposed bill in a different way. This said that the Maine Bankers Association, the Maine Savings Bank Association, the Associated Industries of Maine and the Supreme Judicial Court should have a say as to the membership of this group. I felt that this should have been defeated here in the House because I do not feel that minority groups, no matter whom they are, should have anything to do with appointments like this, and the House went along last year with a similar situation when we took the minority groups out of the Board of Education appointments. So fortu-

nately that has been defeated in the other branch, we do not have to act on that, but I think it follows the same line of reasoning and I move that this amendment be indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Brooks, Mr. Elwell.

Mr. ELWELL: Mr. Speaker and Members of the House: I would like to concur in the opinion of the gentleman from Bath, Mr. Ross. I think this amendment violates all of our concepts of good government. I think we would fulfill our obligation here well if we enact this legislation into law and I for one would be very happy to see the responsibility for administering it remain in the proper hands in the executive branch.

The SPEAKER: The question before the House is the motion of the gentleman from Bath, Mr. Ross, that House Amendment "B" to Bill "An Act to Create the Maine Industrial Building Authority" be indefinitely postponed. Will all those who favor the motion to indefinitely postpone House Amendment "B" please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

One hundred and nine having voted in the affirmative and ten having voted in the negative, the motion prevailed.

Thereupon, under suspension of the rules, the Bill was given its third reading.

(Mr. Childs of Portland was granted permission to approach the rostrum.)

The SPEAKER: The question before the House is the passage to be engrossed of this bill as amended by—the Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: I am also aware of the time. I would like to ask for purposes of merely being able to ask a question, that we reconsider our action whereby we passed Senate Amendment "A" to Committee Amendment "B" which was reproduced under filing number 629. My purpose if I am to make a motion is merely to ask a question

from any member of the State Government Committee.

The SPEAKER: The first step that would have to be taken in compliance with the gentleman's request would be the reconsideration of the adoption of Committee Amendment "B" as amended by Senate Amendment "A". If the House should reconsider its action in that respect, it would then be free to act on Senate Amendment "A" to Committee Amendment "B".

Will all those who favor the reconsideration of the House's action whereby it adopted Committee Amendment "B" as amended by Senate Amendment "A" please say aye; those opposed, no.

A viva voce vote being doubted,

A division of the House was had.

Ninety-four having voted in the affirmative and three having voted in the negative, the motion prevailed.

Mr. JALBERT: Mr. Speaker and Members of the House: My question would be that originally the State Government Committee, and I am not taking issue with them on the very splendid job they have done. They reported out the Bill with Committee Amendment "B". The other branch amended that, tempered it down by adopting Senate Amendment "A". I would like to ask any member of the Committee if he would explain the reason why it was tempered down and also explain just exactly if there is anything to this Senate Amendment "A" that it would be on the bill.

The SPEAKER: The gentleman addresses a question through the Chair to anyone who may answer if he so chooses.

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

Mr. WADE: Mr. Speaker and Members of the House: A provision of this kind was not included in the bill that was presented originally to the Committee on State Government. A member of the Committee presented an amendment which went much farther than this does. As you see from filing 629, that matter was considerably watered down and passed by the Senate—adopted by the Senate. It is my feeling that this amendment "B" as adopted by the Senate is not a particularly important amendment. It seems to me

that it merely spells out what a conscientious member of this Authority would do himself if a matter was before the authority on which the member had even a remote interest. In other words, it is common practice with bank boards as you know and insurance boards and other organizations for members of the board to rule themselves out on matters in which they do have an interest, and it seems to me that this merely spells out what would probably be the practice anyway. The Senate adopted it and I for one am prepared to go along with it. I don't think it jeopardizes the constitutionality of the bill or anything of the sort, so I am prepared to go along with it.

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

Mr. ROSS: Mr. Speaker, may I go one step further as a member of the State Government Committee. The bill as submitted—the amendment as submitted by a Committee member was a safeguard. It was to prevent any member of the Authority from entering into a contract with which he had some financial interest himself. Now that amendment was 622, and that amendment said the Authority shall not enter into business, enter into any contract where a member has an interest. Now this does not say that. This just says that no member of the Authority shall participate in a decision, that particular decision that deals with the business that he is associated with.

I don't feel that this amendment is bad. I think it is perfectly all right and I can't believe it will weaken the Authority much.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I religiously attended the hearing yesterday and I can recall the able gentleman from Bath, Mr. Ross, asking the sponsor of the amendment if a minor stockholder would be precluded from serving on the Authority, and if my memory serves me correctly the answer was that the member should not only participate but he should resign from the Authority.

Now if I comprehend correctly from the remarks of both the gentleman from Auburn, Mr. Wade, and the gentleman from Bath, Mr. Ross, just now, and this thing had been tempered down to a point where it merely becomes words or a lollipop amendment, why I am willing to move that the amendment have adoption.

The SPEAKER: The Chair recognizes the gentleman from Brooks, Mr. Elwell.

Mr. ELWELL: Mr. Speaker, as another member of the State Government Committee, it is my opinion that this is a far better amendment which the Senate has adopted than we were able to develop in the State Government Committee yesterday afternoon. I think it is an improvement and it would be far more effective in the case of the Authority, and I certainly would like to see it kept in the bill.

The SPEAKER: The question before the House is as to the adoption of Committee Amendment "B" as amended by Senate Amendment "A". Will those who favor the adoption of Committee Amendment "B" as amended by Senate Amendment "A" please say aye; those opposed, no.

A viva voce vote being taken the motion prevailed and Committee Amendment "B" as amended by Senate Amendment "A" was adopted in concurrence, and the Bill was passed to be engrossed as amended by Committee Amendment "A", Committee Amendment "B" as amended by Senate Amendment "A" thereto, and by Senate Amendments "A", "B" and "C" in concurrence.

The following Communication:

STATE OF MAINE
SENATE CHAMBER

October 30, 1957

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

Sir:

The President of the Senate today appointed the following Senators to serve with members of the House on a Joint Select Committee to review the Sinclair Bill in accordance with Joint Order, H. P. 1115:

Senators: SINCLAIR of Somerset
LOW of Knox
BUTLER of Franklin
Respectfully,

(Signed)

CHESTER T. WINSLOW
Secretary of the Senate

Read and ordered placed on file.

The following Communication:

STATE OF MAINE
SENATE CHAMBER

October 30, 1957

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

Sir:

The Senate today refused to receive by unanimous consent the following bill and resolve:

H. P. 1125, L. D. 1635—Resolve Appropriating Moneys to Effectuate Salary Plan for State Employees. (Emergency)

H. P. 1123, L. D. 1634—An Act Relating to Definition of Club Under Liquor Laws.

Respectfully,

(Signed)

CHESTER T. WINSLOW
Secretary of the Senate

Read and ordered placed on file.

House Order Out Of Order

On motion of Mr. Coyne of Waterville, it was

ORDERED, that the State Aeronautics Commission be directed to furnish twelve (12) mimeographed copies of their Report on the Waterville-Augusta Airport Area Survey submitted to the Legislature, said copies to be placed in the library for library use.

The SPEAKER: The Chair would advise the House at this point that all eighteen of the bills originally presented to this House with the exception of one have now been passed to be engrossed. The one exception is on the table unassigned. We expect to be receiving some enactors very soon, but at this time the Chair will declare the House recessed until such time as you hear the gong ringing.

Recess

Called to order by the Speaker. The following papers from the Senate were taken up out of order and under suspension of the rules:

From the Senate: The following Orders:

ORDERED, the House concurring, that there be paid to the Officers of the Senate and House of Representatives for salaries for this Special Session, the amounts included in lists certified to the State Controller by the Secretary of the Senate and Clerk of the House, respectively, subject to the approval of the Committee on Appropriations and Financial Affairs (S. P. 637)

ORDERED, the House concurring, that there be paid to the Clerks and Clerical Assistants of the Committees the amounts included in lists certified to the State Controller by the several Committee Chairmen, and bearing the approval of the Committee on Appropriations and Financial Affairs (S. P. 638)

ORDERED, the House concurring, that there be paid to the Chaplains of the Senate and House of Representatives for this Special Session, the sum of five dollars (\$5.00) per diem, in accordance with lists certified to the State Controller by the Secretary of the Senate and Clerk of the House, respectively (S. P. 639)

Came from the Senate read and passed.

In the House, the Orders were read and passed in concurrence.

From the Senate: The following Order: (S. P. 641)

ORDERED, the House concurring, that there be recalled from the Engrossing Department to the Senate Bill, "An Act to Create the Maine Industrial Building Authority" (S. P. 620) (L. D. 1614)

Came from the Senate read and passed.

In the House, the Order was read.

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

Mr. CHILDS: Mr. Speaker and Members of the House: Before voting on this order, I would like to give you a very brief explanation of the purpose behind it. As you undoubtedly know, the law court decided on the constitutionality of this

bill and decided on the constitutionality of the substance of it. This bill has an emergency measure on it. I would like to read to you part of the Constitution, which is Article IV, Section 16, in regard to emergency measures. It says: "An emergency bill shall only include such measures as are immediately necessary for the preservation of the public peace, health or safety and shall not include (1) infringement of the right of home rule for municipalities, (2) a franchise or a license to a corporation or an individual to extend longer than one year, and (3)", the matter which we are now concerned with, "a provision for the sale or purchase or renting for more than five years of real estate". In the industrial bill in Section 7, the Authority is given the right to acquire, hold and dispose of real and personal property. Therefore because of this being an emergency measure, there is a serious question now in regard to the constitutionality of it. If this matter was passed as an emergency matter and then got back to the courts by a bill in equity or some other manner, it could be very possible that it would be determined that this was not an emergency, and therefore not only that provision would fail, the whole bill itself would not take effect for ninety days, and that would mean the Governor and others would not be in a position to start immediately attempting to fulfill the contents of this bill. It is a question that could be answered either way, but there are a great many who have done a lot of work on this, and we feel that before this matter finally goes out it should be just as perfect as possible. That is the reason that we are now bringing the bill back and are going to see if we can straighten it out better so it will be a much better bill.

The SPEAKER: The question before the House is the passage in concurrence of this recalled order. Is it the pleasure of the House that this order shall receive passage in concurrence?

The motion prevailed.

Recess

Called to order by the Speaker.

The SPEAKER: Out of order and under suspension of the rules, bills on their passage to be enacted. The Chair would announce to the House that the present elected membership of the House is 149 due to two resignations. There are more than two-thirds in the House at the moment which is required for these emergency enactors.

**Passed to Be Enacted
Emergency Measure**

An Act relating to Contributions and Eligibility of Survivor Benefits and Membership of Certain Teachers under Maine State Retirement Law (S. P. 625) (L. D. 1627)

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. 115 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

An Act relating to Measuring Speed of Motor Vehicles by Radar (S. P. 626) (L. D. 1623)

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. 115 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

An Act relating to Castle Hill-Chapman - Mapleton Community School District (S. P. 627) (L. D. 1630)

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. 115 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

An Act Providing for Payment of the 1957 Education Subsidies to Municipalities (S. P. 628) (L. D. 1622)

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. 116 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

Resolve Authorizing Preliminary Surveys of Ferry Service for North Haven, Vinalhaven, Islesboro and Swan's Island, and Operational Expenses of Advisory Committee (S. P. 622) (L. D. 1617)

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. 120 voted in favor of same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve relating to Passamaquoddy Trust Funds for Housing (H. P. 1112) (L. D. 1618)

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. 120 voted in favor of same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Recess

Called to order by the Speaker.

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

Bill, "An Act to Create the Maine Industrial Building Authority" (S. P. 620) (L. D. 1614) which was

passed to be engrossed earlier in the day as amended by Committee Amendment "A", Committee Amendment "B" as amended by Senate Amendment "A" thereto, and by Senate Amendments "A", "B" and "C" in concurrence; and which was recalled from the Engrossing Department to the Senate by Joint Order.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A", Committee Amendment "B" as amended by Senate Amendment "A" thereto, and by Senate Amendments "A", "B", "C" and "E" in non-concurrence.

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

Mr. CHILDS: Mr. Speaker and Members of the House: As was explained before, there was some question in the minds of some people that possibly the bill as it was written might be unconstitutional. The amendment as it comes to us has taken care of those problems, it is doing nothing else but deleting that part of it which could make the bill unconstitutional.

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

Bill "An Act relating to the Maine Industrial Building Authority" (S. P. 642)

Came from the Senate received by unanimous consent, given its several readings under suspension of the rules and passed to be engrossed without reference to a committee.

In the House, was received by unanimous consent, and given its three several readings under suspension of the rules.

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

Mr. CHILDS: Mr. Speaker, for clarification for some members of the House, this particular bill which has now been brought in includes those parts which were taken out of the other bill, and therefore those particular matters would take effect in ninety days after the session adjourns, and that is the only thing

that bill does is take the parts out which were deleted in the previous bill and now are inserted in this bill.

Thereupon, the Bill was passed to be engrossed without reference to

a committee under suspension of the rules in concurrence.

On motion of Mr. Ross of Bath,

Adjourned until ten o'clock tomorrow morning.