

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

# 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

Thursday, October 31, 1957

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

Prayer by the Rev. Mr. Alton E. Maxell of Augusta.

The journal of the previous session was read and approved.

### Orders Tabled for Later in Today's Session

Mr. Bragdon of Perham presented the following order and moved its passage:

ORDERED, the Senate concurring, that the Highway Commission be directed to prepare a map of Maine similar in design and scale as the present Highway Commission road map of the State, clearly showing town and county lines and present existing highways; also clearly showing the location of the Federal Interstate Highway as presently contemplated by the Commission. Also on this map shall be clearly shown presently contemplated construction on the interstate system for the years 1958, 1959, 1960 and 1961. That this map show large scale sections of the Portland-Yarmouth-Falmouth area; also the Augusta, Waterville and Bangor areas. That this map be prepared with as much speed as is reasonably possible but, in any event, by the time of the convening of the next special session of the Legislature, and that it be printed in such quantities that it will be readily available to the members of the Legislature and to interested citizens of the State. (H. P. 1121)

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

Mr. BRAGDON: If it is permissible, I would like to speak briefly on the order, Mr. Speaker.

The SPEAKER: The gentleman may proceed.

Mr. BRAGDON: Mr. Speaker, I feel that one of the things on this highway situation that we lack most of all is to take the public into our confidence. I think that once we do that I have no worry about the decisions when they know the absolute facts, I have no worry but

what they will solve this thing properly. They are not going to discriminate against one section of the state or anything of the kind. Just lack of information state-wide is one of our greatest difficulties of this whole situation.

Just as an example of that, after the broadcast the other day or the state-wide broadcast on television that came out, in my section of the state for the next two or three days nothing else was discussed but the federal highway system and what are the plans. Everybody on the street and in the offices were asking the same questions. I went into the office of the Chamber of Commerce in the town of Caribou. They maintain a full time office there in the museum, keep a young fellow there all the time. People were coming in there, and they didn't have a single map that they could show anybody that was asking these questions anything. I contend that if you are travelling in a strange country that you will be sure to get where you want to go if you have got a good highway map than you will if you ask the cop that you meet or the farmer that you see as you go through. He may direct you to where you can go a little ways, but you go a few miles and then you are going to be in doubt as to where he told you to turn.

I believe that a map of this type would give the people a lot of the information that they are asking for and you will notice if you carefully read the order I am not asking them to present what are their known plans, I am asking them to give us what their thinking is of today. That may change tomorrow, but all I am asking for, tell us what you are thinking, where is it going to go. They tell me maybe today it is through one corner of this town, maybe tomorrow, surveys or public sentiment, it will be through the other corner of the town. That's all right, and I would like to have asked that this map be made available before these research meetings are called. I hesitated to do that because I wondered if time was available, so I hesitated to do that, but if it is possible and this order is accepted, I hope that the Highway Commission will attempt to get that out before the

people of the state before these meetings are called.

My thinking on that is if people in a certain section have the information showing them the present thinking, they can study it over, they can talk it over in their Rotary Clubs or Lions Clubs or their Chambers of Commerce and they can get the thinking of the people in that area. If they know that it is presently planned that this is to be done, they can come before this Research Committee informed. They haven't got to take somebody's word that this is what it is going to be and they get down there and they found it was a half truth or not even a half truth. It is automatic, it is the thinking today that the Highway Commission is doing, that is what we want to know. When we know that then we are prepared to tell them — come in before these meetings, tell them whether we think that thinking is sound. They haven't necessarily got to agree with us, but at least we know what they are thinking and we can tell them what we are thinking. And a thoroughly informed public I believe is going to solve this question better than anything else.

The SPEAKER: The Chair recognizes the gentleman from Greenville, Mr. Harris.

Mr. HARRIS: Mr. Speaker and Members of the House: I am wondering what this order would do to land values if the Highway Commission had to come out three or four years ahead what they are contemplating and where that would go, how much land values would increase in certain areas, how much more it would cost the state to acquire that land. And also I would like to have an idea how much it would cost to have this map made up and printed.

The SPEAKER: Does the gentleman address those questions to any particular individual?

The Chair recognizes the gentleman from Brunswick, Mr. Walsh, whom the Chair presumes rises to answer those questions.

Mr. WALSH: Partially, and also to direct a question if I may through the Chair to the gentleman from Perham, Mr. Bragdon.

The SPEAKER: Would the gentleman defer his question until we get

the questions of the gentleman from Greenville, Mr. Harris, answered.

Mr. WALSH: Be glad to, sir.

The SPEAKER: The gentleman from Greenville, Mr. Harris, has directed two questions through the Chair to anyone who may care to answer.

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

Mr. BRAGDON: Mr. Speaker, I am not going to attempt to answer, but I would like to comment as far as land values, your guess is as good as mine, of course. My thinking in regard to the expense is that it should not be any worse possibly than some other mistakes, if this would be a mistake, that have been made in the past. But in line with the expense let me say that I am informed by a member of the Highway Commission that this Research Committee is — already plans are being made to have a map available to them at the time they meet. Probably not of this type, probably a larger scale map with several sections showing the different sections of this highway, perhaps not state-wide, maybe this is only going to be the sections that are already approved, surveyed and the contracts let. But this thing, I want to take in the whole section. But to get—in commenting on this question, I am getting off a little bit on a tangent, is that if such a map has been prepared it probably hasn't gone to the stage yet where they might well incorporate some of the thinking of this order in the preparation of that map at no great expense, and I don't think that any of you would feel that once the original map has been prepared, that the expense of printing some copies for some interested citizens of Maine and the members of the Legislature should be a prohibitive expense.

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

Mr. WALSH: Mr. Speaker and Ladies and Gentlemen of the House: If I interpret the order that was passed referring things to the Legislative Research Committee correctly, it seems to me that they are going to do everything that this order, this recent order now presented would do. Furthermore, each

one of us were mailed — at least it is my understanding that each member of the Legislature was mailed, a map with a sufficiency rating map of all roads, highways in the State of Maine where there was proposed new construction and reconstruction. Why should we put the State Highway Commission and take funds from the Highway Commission to again reproduce the same thing that we already have? And if we want to study the location of the highways or the roads within a metropolitan area we have that in a sufficiency rating map in exactly the way they propose to go ahead on construction and reconstruction, and I believe there was a statement in the paper by the Highway Commissioner that their stand did not change since December of 1956. This book was put out since that time and it seems to me that it would accomplish the purpose.

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen of the House: In answer to one of the questions of the gentleman from Greenville, Mr. Harris, I do not believe it would increase the land values as far as the state is concerned because there are laws in the statute whereby the State can take land at a reasonable value by eminent domain, so whether we know now or later on, where it is going or not I don't know. Survey has been made over some land that I have got and I am sure it hasn't increased that a bit. Once the road is built, then perhaps the land value adjacent to the road might be increased, but as far as this order would have anything to do if it was adopted with increasing the land value, the state has to take the remedy provided for that by eminent domain law.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Ervin.

Mr. ERVIN: Mr. Speaker and Ladies and Gentlemen of the House: I would like to direct a question through the Chair to the gentleman from Brunswick, Mr. Walsh. I think we are all familiar with the efficiency rating map that he has spoken about. I am not sure in my

own mind that that map, however, shows the exact location proposed for the interstate highway on that map. I would like to direct a question, is or does the map show the location generally for the interstate highway from Kittery to Houlton?

The SPEAKER: The gentleman from Houlton, Mr. Ervin, has directed a question through the Chair to the gentleman from Brunswick, Mr. Walsh, who may answer if he chooses.

Mr. WALSH: Mr. Speaker, the only thing I can say in answer to that question is this, that I don't believe that — I am certain that all of it is not included in that map. I am equally certain that last reports and what I have been told that there isn't any map that could be drawn up that would show it because nothing has been approved by the Federal Bureau of Public Roads as yet, and they have to approve something before you can definitely state where the road is going to go. Whether the State Highway Commission since we have met in this session or since we adjourned in the last session has sent their recommendation of where this road should go, I cannot positively state, but it is my understanding that they have not sent their definite recommendations to all sections of the interstate highway system.

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

Mr. JALBERT: Mr. Speaker and Members of the House: If my memory serves me correctly at the very beginning of the last session all such orders, and it is somewhat wide in scope at least to me, I can't even remember fifteen words on it now, were immediately tabled and reproduced. I now move that this order be tabled, reproduced and taken up later on in the day's session.

The SPEAKER: The question before the House is the motion of the gentleman from Lewiston, Mr. Jalbert, that this Order be tabled and reproduced and specially assigned for later in today's session.

Thereupon the Order was tabled on a viva voce vote.

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

On motion of Mr. Hatfield of Orrington, it was

ORDERED, that Mrs. Harriman of Lovell and Mr. Beyer of Cape Elizabeth be excused from attendance today because of business, and that Mr. Sanborn of Baldwin be excused from attendance because of illness.

On motion of Mrs. Smith of Falmouth, it was

ORDERED, that Mrs. Knapp of Yarmouth be excused from attendance today because of business.

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

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

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

#### **Passed to Be Enacted Emergency Measure**

An Act to Create the Maine Industrial Building Authority (S. P. 620) (L. D. 1614)

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. 121 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.

#### **Enactor Tabled Until Later in Today's Session**

An Act to Correct Errors and Inconsistencies in the Public Laws (S. P. 621) (L. D. 1615)

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

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

Mr. TARBOX: Mr. Speaker and Members of the House: I notice in this bill Section 95, registration and operators' license fee. I am not an attorney so I don't know whether this is constitutional or not, but it is refreshing to note that the powers that be now are declaring the increases in license and registration fees to be of unlimited duration instead of "for the calendar year 1958" as written originally.

We have all heard of the man who built a better "mouse trap". In this case that man got caught in his own trap. We are now asked in Section 95 to save further "red faces" by enacting this as an emergency measure. It is a bold declaration that these leaders do not give a darn for the wishes of the people of Maine. Does anyone in the House deny that a great majority of the voters of Maine are opposed to the auto tax increase for '58 and any other year or years? I have no doubt in my mind that the people of Maine will make themselves heard at the special election in March 1958. Also Section 95 may give rise to legal questions in view of the referendum. I think if the emergency measure does affect the referendum the Governor has set in March of 1958, we should do away with the emergency measure.

The SPEAKER: The question before the House is the passage for enactment of this Bill.

The Chair recognizes the gentleman from Southport, Mr. Rankin.

Mr. RANKIN: Mr. Speaker, on the tenth day of March I believe it is, a referendum will be put before the people as to whether or not they favor the one dollar increase in the drivers' license, the one dollar increase in passenger car registration plates, and the seven per cent increase in all trucks. I too am not a lawyer, and I would like to ask the question of any member through the Chair, as to whether if the people of the State of Maine should reject the increase in drivers' licenses, in passenger car registrations and in trucks up to 26,000 pounds, whether this particular section 95 could in anyway

nullify the results of the referendum?

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

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

Mr. TEVANIAN: Mr. Speaker, in answer to the gentleman's question, this section merely states and takes into consideration that on March 10 there is going to be a special referendum on the increase in operators' licenses and registration fees, and all this section does is state that on whatever the law is on June 1, 1958, if it is rejected by the electorate, then it will remain as is, if the electorate seeks to increase the cost of licenses, then it will become effective on June 1, 1958 and will remain that way until such time as the Legislature should take some other action. This is merely legislation with a little foresight in the future, that's all it is. If the electorate says it remains two dollars for a license and no increase in registration fees, then that is what Section 22, Section 60 will mean to be on June 1, 1958, and that will be the fees to be charged. But if the electorate says we want these increased rates then that will be the law on June 1, 1958 and it will stay in effect until such time as the Legislature takes further action. This section incidentally does not become effective, if you will read the section, until June 1, 1958.

The SPEAKER: Does the gentleman consider his question answered?

Mr. RANKIN: I wish to thank the gentleman from Portland, Mr. Tevanian, for his information.

The SPEAKER: The Chair will convey the gentleman's thanks to the gentleman from Portland.

The Chair recognizes the gentleman from Falmouth, Mrs. Smith.

Mrs. SMITH: Mr. Speaker, may I ask a question of the gentleman from Portland, Mr. Tevanian, purely for clarification. This is my understanding, I wish you would correct me if I am wrong. The bill would do exactly what you have said without the emergency preamble — without the last part of the bill, but if that is put in, it then

prevents the people from ever having another referendum on that question, isn't that true?

The SPEAKER: The gentlewoman from Falmouth, Mrs. Smith, has addressed a question to the gentleman from Portland, Mr. Tevanian, who may answer if he chooses.

Mr. TEVANIAN: Mr. Speaker, I don't know if I completely understand the question.

The SPEAKER: Would the gentleman like the question to be repeated?

Mr. TEVANIAN: I think I understand it. We have a specific constitutional method in which we have referendums. I can't now state it, but nothing in any act can stop a referendum when the constitutional procedure or the statutory requirements are met. All this does is set forth on September 1, 1958 the law as the electorate wishes it to be after the special election in March, that's all. It's as simple as that.

The SPEAKER: Does the gentleman consider her question answered?

Mrs. SMITH: No, because I think it — I can't find the bill right at this moment, but I think the last paragraph precludes any further referendum on that subject.

The SPEAKER: Does the gentleman from Portland, Mr. Tevanian, have further answer?

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

Mr. CHILDS: Mr. Speaker, the answer to Mrs. Smith's question is yes.

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

Mr. TARBOX: Mr. Speaker, the only thing — I don't mind the Section 95 too much if they would leave the emergency clause out. We met here yesterday and they commenced talking about the emergency clause making things unconstitutional. Well now if this emergency clause is going to take away the privilege of the people to have a referendum, I certainly am against the emergency clause being on there.

The SPEAKER: The Chair recognizes the gentlewoman from Falmouth, Mrs. Smith.

Mrs. SMITH: Mr. Speaker, that is the point I wish to bring out,

that you understood that if you allowed this to go through with this preamble on it, you preclude the people from again asking for a referendum. I do not take issue particularly with it but I think you ought to understand it if that is true.

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

Mr. TEVANIAN: Mr. Speaker, as I understand the law, the referendum is now—has to be met in March because of the Governor's ruling on the signatures on the petition. This specific section is specifically exempted from the emergency clause by the section itself. It says the provisions of this section shall become effective June 1, 1958. If in March the electorate votes for an increase in the drivers' licenses, then on June 1 this section will become effective with the three dollar driver's license, but if the electorate votes no, then the law on June 1, 1958, this section will become effective with a two dollar license, and the electorate as far as voting again at referendum, I don't know the procedure, but as long as you follow the constitutional and the statutory requirements you can always have referendum.

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

Mr. JALBERT: Mr. Speaker, with due deference to my friend from Portland, Parliamentarian Childs, the answer to Mrs. Smith's question is no. And I will elaborate on it, I won't just say no and sit down. Number one, this is a clarification, the referendum is March 10. If the people say no, everything is out the window anyway. If the people say yes, the law is in effect, and it will not stop any group to start again circulating petitions initiating a referendum, filing them through the Secretary of State's office and then initiating another referendum. The answer, Mrs. Smith, is no.

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

Mr. CHILDS: Mr. Speaker, generally speaking, what the gentleman from Lewiston, Mr. Jalbert, said is correct, all matters can be put on referendum during that ninety day

period, but this particular matter which is an emergency matter is signed by the Governor and becomes a law immediately, and the answer to Mrs. Smith's question is yes.

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

Mr. JALBERT: Mr. Speaker, the answer to Mrs. Smith is still no because, even though this law goes into effect, the referendum law is—this law is not yet in effect, so that the entire law, that is the law as it stands now, this only sets it off that there will be from 1958 on, '59, '60 and '61, so that the law now that we have already passed the Governor called for a referendum. After we vote on it, as I stated before if it is no, the whole thing goes out the window. If it is yes, it then becomes a law and then the '59, '60, '61 deal follows. But then again, as I said, it does not preclude anyone from initiating another referendum. Mrs. Smith, no.

The SPEAKER: The Chair recognizes the gentlewoman from Falmouth, Mrs. Smith.

Mrs. SMITH: Mr. Speaker, would Mr. Jalbert through the Chair be kind enough to tell me why we have the emergency preamble on it?

The SPEAKER: The gentlewoman from Falmouth, Mrs. Smith, has addressed a question through the Chair to the gentleman from Lewiston, Mr. Jalbert, who may answer if he chooses.

Mr. JALBERT: Simply a matter of mechanics.

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

Mr. CHILDS: Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER: Does the inquiry pertain to the matter now before the House?

Mr. CHILDS: Yes, it does.

The SPEAKER: The gentleman may state his inquiry.

Mr. CHILDS: Mr. Speaker, I ask the Chair to rule on the question that Mrs. Smith asked.

The SPEAKER: The Chair does not understand the gentleman's question.

Mr. CHILDS: Mr. Speaker, Mrs. Smith has asked a question whether this matter would become law



now or whether it would be subject to referendum. Possibly it is not a parliamentary inquiry, but I move this matter lie on the table temporarily and get an opinion from the Attorney General's office.

The SPEAKER: The question now before the House is the motion of the gentleman from Portland, Mr. Childs, that this Bill "An Act to Correct Errors and Inconsistencies in the Public Laws," Senate Paper 621, Legislative Document 1615, be tabled specially assigned for later in today's session pending passage for enactment. Is this the pleasure of the House?

Thereupon the Bill was so tabled on a viva voce vote.

#### **Passed to Be Enacted Emergency Measure**

An Act Clarifying Probation Procedure under Probation and Parole Law (S. P. 623) (L. D. 1621)

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. 121 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 Speed of Motor Vehicles (S. P. 624) (L. D. 1625)

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 Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### **Emergency Measure**

An Act Imposing a Tax on the Unorganized Territory within the Maine Forestry District for Spruce Budworm Control (H. P. 1114) (L. D. 1620)

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 4 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

An Act relating to Municipal Zoning Boards of Appeal (H. P. 1116) (L. D. 1632)

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

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

Mr. BRODERICK: Mr. Speaker and Members of the House: I am sorry to say that item 6, L. D. 1632, relative to its emergency preamble may be unconstitutional. I would like to premise my remarks by saying that the blame, if blame there be, must be borne I suppose by the Judiciary Committee for allowing this bill to go as far as it has gone. In any event, it might have been brought about by the complete atmosphere of haste within which this special session has been operated. There are certain bills which you can pass with an emergency preamble, and there are others which you cannot. It is set forth in the constitution of the State of Maine I believe under Article IV, Section 16. This particular bill is one which has raised a question in the minds of the members of the Judiciary Committee as to the constitutionality of the emergency preamble. I believe perhaps it would be a little better to look a little foolish now than very foolish later on. So with the endorsement of the entire Judiciary Committee, I would move at this time that the House reconsider its action whereby this bill was passed to be engrossed for purposes of introducing an amendment whereby the emergency preamble will be stricken from this bill.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. Broderick, that the House reconsider its action whereby it passed this Bill to be engrossed.

Is this the pleasure of the House?  
The motion prevailed.

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

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

HOUSE 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 Emergency Preamble and the Emergency Clause.

House Amendment "A" was adopted on a viva voce vote and the Bill passed to be engrossed as amended by House Amendment "A" in non-concurrence and sent forthwith to the Senate.

#### **Passed to Be Enacted Emergency Measure**

An Act relating to Definition of School Buses (H. P. 1117) (L. D. 1624)

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. 118 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.

#### **Enactor Tabled Until Later in Today's Session**

An Act relating to Penalties on Maine Turnpike (H. P. 1118) (L. D. 1626)

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

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

Mr. BRODERICK: Mr. Speaker and Members of the House: For the same reasons which I set forth relative to L. D. 1632, I now move that the House reconsider its action whereby it passed L. D. 1626 to be engrossed. I might point out here that I do not believe that this is going to delay us any considerable length of time inasmuch as the

mechanics of these bills I understand are still functioning and it will only be a matter of perhaps thirty minutes to an hour at the most, but it is something I believe that has to be done.

The SPEAKER: The question before the House is the motion of the gentleman from Portland, Mr. Broderick, that the House reconsider its action whereby it passed this Bill to be engrossed. Will those who favor the reconsideration of the engrossment of this Bill please say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. BRODERICK: Mr. Speaker, the emergency preamble on this particular bill was in the form of an amendment which is Committee Amendment "A" to House Paper 1118, L. D. 1626. I now move that Committee Amendment "A" to House Paper 1118, L. D. 1626 be indefinitely postponed.

The SPEAKER: The Chair understands that the gentleman from Portland, Mr. Broderick, now moves that the House reconsider its action whereby it adopted Committee Amendment "A". Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The gentleman from Portland, Mr. Broderick, now moves that Committee Amendment "A" be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed.

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

Mr. TEVANIAN: Mr. Speaker, I would now move that this item lie upon the table until later on in the day to have an opportunity to prepare an amendment.

The SPEAKER: The question before the House is the motion of the gentleman from Portland, Mr. Tevanian, that this matter be tabled and specially assigned for later in today's session pending engrossment. Will those who favor the motion please say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed.

### **Passed to Be Enacted Emergency Measure**

An Act relating to Revocation and Suspension of Licenses Under Sea and Shore Fisheries Law (H. P. 1119) (L. D. 1628)

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 Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

### **Finally Passed Emergency Measure**

Resolve Appropriating Moneys for Spruce Budworm Control (H. P. 1113) (L. D. 1619)

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

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

Mr. BREWER: Mr. Speaker, Ladies and Gentlemen of the House: This Legislative Document 1619, A Resolve Appropriating Moneys for Spruce Budworm Control, was drawn up for presentation here before a January session had become necessary. There is no immediate urgency for the appropriation of this sum in view of the later consideration that is possible. The item that you are being asked to appropriate is for a sum of \$112,500, and I believe that more deliberation and pertinent information is necessary before such an expenditure is sanctioned by this body.

We are all interested in the preservation of our natural resources. I think I can stand on my record on that. We are very much interested in preserving our natural resources. But there is considerable question as to whether or not the mass spraying of DDT on forest lands does more harm than good. Leading experts in the field of forestry research have proved beyond a doubt that the use of DDT often results in killing off more beneficial insects than those that are harmful. A leading United States chemical corporation has stopped

the production of DDT and other insecticides, and other firms are considering doing the same. The president of the firm stopping production has stated, and I quote: "Such programs as the recent tri-state mass spraying may well create more problems than they solve. Widespread use of poison", he added, "is upsetting the balance of predator-parasite insects and could cause heretofore unimportant insects to increase."

"The effects upon animal life", he emphasizes, "can be permanent, while those upon insect life are only temporary."

I would say to you the landowners are not all in favor of this program. There will be no spray program this winter whether or not the resolve is passed immediately. You don't have your spray program in the winter. It won't be until May or June. There will be plenty of time for the proponents and opponents to further investigate and attempt to reach a proper conclusion, one that is best for the interests of the State of Maine. No harm will be done to either group or to our resources by this delay. I would suggest even that this is a good time to make haste slowly and I therefore ask that Legislative Document 1619 and all its accompanying papers be tabled and specifically assigned for the convening of the next special session or the next recessed session of this session, whichever should occur first.

The SPEAKER: The Chair would advise the gentleman from Perham, Mr. Bragdon, that a motion to table is not debatable except for time of assignment.

Mr. BRAGDON: May I make a motion to table to later in the day?

The SPEAKER: The Chair will have to rule the gentleman out of order unless he intends to debate the time of assignment.

Mr. BRAGDON: Mr. Speaker, I would like to table this until later in the day, and I —

The SPEAKER: There is a tabling motion already before the House, Mr. Bragdon.

Mr. BRAGDON: May I attempt then to speak to the timing of that tabling motion?

The SPEAKER: If the gentleman wishes, he may debate the time of assignment with the gentleman from Caribou, Mr. Brewer. Before the gentleman attempts any such move, the Chair would have to advise the House and the gentleman from Caribou, Mr. Brewer, that an assignment of time to the next special session is not in order because at the end of this special session unless we recess to a time certain, all matters on the table automatically die. If the gentleman wishes to pursue his assignment to a recessed session of this session he may do so, with no assurance that there will be a recessed session of this session.

Mr. BREWER: Mr. Speaker, I so wish.

The SPEAKER: The Chair now understands the motion to be that this item be tabled and specially assigned to a recessed session of this session if any. If the gentleman from Perham, Mr. Bragdon, wishes to debate the time of assignment now he may do so.

Mr. BRAGDON: Mr. Speaker, I believe that the assignment for tabling is wrong. I was not prepared really to defend myself on this thing. I feel that the time is important. I have talked with members of the Forest Department. This matter came up before the Appropriations Committee. The Forestry boys, the landowners were in there and the Fish and Game Commissioner, and I have since talked with the Forest Commissioner's office and I have a great deal of confidence in their judgment, and I also have a great deal of — very high opinion for the particular landowner who I know objects to this thing, but I do feel that —

Mr. BREWER: Point of order, Mr. Speaker.

The SPEAKER: The gentleman from Caribou, Mr. Brewer, rises to a point of order. The gentleman may state his point of order.

Mr. BREWER: Mr. Speaker, I believe that debate is in progress and I don't believe under the rules that that is permissible.

The SPEAKER: The Chair will agree with the gentleman from Caribou, Mr. Brewer, and rule the gen-

tleman from Perham, Mr. Bragdon out of order.

Mr. BRAGDON: I believe that it is important that this matter be considered, I would like if possible to attempt to table it until later in the day.

The SPEAKER: The question before the House is on the motion of the gentleman from Caribou, Mr. Brewer, that this item be tabled to the day of convening of a recessed session of this session if any. Is the House ready for the question? The Chair is going to order a division.

Will those who favor the motion to table this bill until the day of convening of a recessed session of this session if any, please rise and remain standing until the monitors have made and returned the count, and the Chair would advise the House before the vote is taken that if there is no recessed session of this session, and if this motion prevails, the bill if placed on the table will automatically die at the end of this session. Will all those who favor the motion to table please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Forty-two having voted in the affirmative and seventy-seven having voted in the negative, the motion did not prevail.

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

Mr. BRAGDON: Mr. Speaker, I move this matter have passage.

The SPEAKER: The question before the House is the motion of the gentleman from Perham, Mr. Bragdon, that this resolve be finally passed. Is this the pleasure of the House? It is a vote —

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

Mr. ROLLINS: Mr. Speaker, isn't that act an emergency?

The SPEAKER: The gentleman is correct, the Chair is in error.

The Chair recognizes the gentleman from Southport, Mr. Rankin.

Mr. RANKIN: Thank you, Mr. Speaker. I have taken no sides on this issue, but I believe that because we represent all the people of the State of Maine we should not act in any haste. I don't believe the average member of this House

wants to go home and get his or her deer and leave neglected problems that are in front of us now. Now I don't know, Mr. Speaker, at this time, whether I am in order in saying anything about this bill or not.

The SPEAKER: The gentleman is in order.

Mr. RANKIN: Thank you sir. I don't come from Spruce Budworm country. Apparently there is no emergency, and I can't see why at this time when the spraying will not begin until May why we have to act in haste. It has been said that the Forestry Department and the landowners are very much for this, but we of the Legislature of the State of Maine are here to act for the welfare of all the people. I shall repeat again, I have no quarrel with either side and I believe that before we should pass this legislation in haste we should give serious consideration as to its importance at the present time.

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

Mrs. BURNHAM: Mr. Speaker, at the Committee hearings that we held, the head of our Commission stated there were not very many planes of sufficient size to do the spraying necessary. That is the reason, I understand, for the emergency preamble, because the contract for that spraying needs to be placed at quite a length of time ahead of the time of the spraying, and the spraying, he stated, could only be done effectively for one week during May, and as I stated the planes are in demand because the Province of New Brunswick is also doing the same spraying at this time. That was the reason given at the Committee hearing.

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

Mr. HANSON: Mr. Speaker and Ladies and Gentlemen of the House: We had a companion bill, I guess it was the same bill, before the Committee on Taxation and it was brought out at that time in order to obtain, as the gentlewoman from Kittery, Mrs. Burnham stated, the proper equipment and they can purchase their spraying materials at a less cost by contracting for them before the first of the year if pos-

sible. Now there may be one thing that members of the House did not understand and that is the figure has been brought out \$112,500 that it would cost the state. That is thirty-seven and one-half per cent of the total cost of the \$300,000. The thirty-seven and one-half per cent would be paid by the private landowners and all before our Committee of the landowners excepting one were in accord with this and felt that it should definitely be done. Also on the financial end of it, the Federal Forest Pest Control Act will also provide twenty-five per cent by a federal grant.

With the millions of dollars that are involved in the spraying of this tract of land which would control these pests for the present time anyway, it seemed as though it was a very minimum amount of money to be expended by the state. It came out of the Taxation Committee unanimously that it ought to pass, and the landowners had a self-imposed tax of one and one-quarter mills of which they were perfectly happy to pay. I believe there are others on the Taxation Committee that may have something to say. I certainly hope that this bill passes.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I guess I am not sure whether we are talking on the bill that came before Taxation or the one that came before Appropriations. There were two companion bills, and they covered practically the same subject matter. One taxed the landowners and one provided an appropriation by the state, but they are pretty well tied together, and I would like to call your attention to the fact that the Appropriations Committee reported unanimously on the one covering the other part of the program. I concur rather heartily with all that has been said in regard to the emergency after hearing the story from the Forestry Commissioner, and I also would like to enlarge a little bit on the Spruce Budworm thing.

I am old enough so that I can remember the devastation that occurred around 1916 or 1918 I guess.

The thing built up the — the Spruce Bud Moth built up in the state at that time so that it destroyed in a great many areas—I am only familiar with the area that I live in, but the damage was terrific at that time. This infestation has come in from Canada. These moths came in with the wind, they have had lots of trouble in Canada. Canada has spent probably in the neighborhood of \$5,000,000 in the last year, the Province of New Brunswick alone, in spraying. They must believe it is the right program. We don't have to agree with them of course, but that is just their thinking. At the time that I speak of probably no control methods were known, and this thing built up to the point that it practically destroyed all of our fir and much of our spruce.

And I would like further to point out to you that if you look at the effect on the economy of the state from this area, supposing this is the right method, and I have got a lot of confidence in our forestry boys and the scientists and this thing has been tried out on the west coast and been very successful in controlling this pest. Supposing we neglect this spraying in this particular area, we are only talking of \$300,000, supposing we neglect to do this and we find that we are wrong. Just stop and think that if you consider that forty per cent of our economy is tied up directly in the woods products or the pulp and fir and pine in the state, the fir and spruce are the ones that would be affected by this, but think of what a blow it would be to our pulp industry, our wood industry state-wide, our neglect of this particular area which has been bothering the forestry boys and they fear it may spread to other areas of the state, I hope you won't look upon this as a selfish thing. If we don't stop it in that area next winter when you come down here you may be asking for an appropriation of millions of dollars to protect where it spreads.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Call.

Mr. CALL: Mr. Speaker, I would like to ask a question of the gentleman from Gardiner, Mr. Hanson,

if I could. He said this was all agreed to except by one landowner. I would like to ask him if he could tell us—is this land owned by individuals or is it owned by corporations, this three hundred thousand acres of land?

The SPEAKER: The gentleman from Cumberland, Mr. Call, has addressed a question through the Chair to the gentleman from Gardiner, Mr. Hanson, who may answer if he chooses.

Mr. HANSON: Mr. Speaker, I would be very glad to answer. I believe this is owned by corporations and a very few small private owners.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Call.

Mr. CALL: Mr. Speaker, being a man that is getting along in years and a lifelong resident of the State of Maine, that is a question I wanted to bring out before this House. I am not aware of the budworm, I have been a lifelong hunter and been in the woods all my life, well aware and own property myself, timberlands, that one word corporation is the thing that gets me. If they are so interested in their own individual property I can not see why they can't take the means to provide the spraying themselves.

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

Mr. BESSE: Mr. Speaker, it is unfortunate that so many questions come before this body for decision, having so little information. Two weeks ago the Committees on Appropriations, Taxation and Natural Resources were asked to come in here and were presented this whole story by the Commissioner of Forestry and the members of his department, and they set forth I think very clearly what the problem is and their answers to the solution of it. That has already been brought out here. Roughly the idea is to spray three hundred thousand acres with a solution of one pound of DDT and a gallon of oil. It is no amateur's work to do such a job and it must be done by people who know their business, and that is why the people in the department

want to place the contracts before the first of the year.

In answer to the question of the gentleman from Cumberland, Mr. Call, there are some ten million acres in the so-called forestry district. There are six million six hundred thousand in the organized townships. The forestry district is a group set up, the land is principally owned by large owners, and the forestry district is set up and they pay a four and three-quarters mills tax, I believe it is, for fire prevention only in the forestry district. These people have agreed to tax themselves one and one-half mills to spray their part of it. There are also six million six hundred thousand acres, as I said before, in the organized towns. The state has no way of taxing those people directly to get at this particular problem. The only way it can be done is through the sales tax.

There are the small landowners, there are the recreation people and then there is the other value to the tourist trade, because it would be no asset to this state to have the forests defoliated along our highways when the summer people come here, so I think that we all have a stake in this thing. The landowners are paying half, the general public half, and in this the large owners are also paying a part that will be collected through the sales tax because the big paper companies and the others also pay a sales tax, so that they will be contributing somewhat more than their half of the money, and I think it is only fair that the farm woodlot owner should contribute somewhat because this is insurance for all intents and purposes, trying to kill the budworm where it is before it spreads over to these other areas.

For instance, the Great Northern Paper Company, which owns millions of acres up in the forestry district, can lose a few thousand acres without bothering them very much, but some of these small people could be destroyed if they lost their forest. I think it is a very serious question and should be settled on the recommendation of the department and the specialists in this line of thing, and I think if we put our judgment above theirs, I think we should think it over very

carefully before we do put our judgment above theirs. I hope that the resolve passes. The tax bill is already passed.

(Mr. Childs of Portland replaced the Speaker at rostrum temporarily.)

The SPEAKER pro tem: The Chair recognizes the gentleman from Bethel, Mr. Saunders.

Mr. SAUNDERS: Mr. Speaker, about two weeks before this session, the entire Natural Resources Committee, with the Appropriations Committee and Taxation Committee, all the landowners in that section and many other interested people were asked to meet here in Augusta. Several of the Natural Resources Committee people were there, some were not. However, they all had invitations, and this was brought out at the meeting. The federal government is contributing twenty-five per cent of the \$300,000. They had a man at this meeting who has been working very closely with our state department of Forestry. On the west coast he stated there that the thing had got very seriously out of hand and that it was only in the past few years that they had managed to control it, and that was the reason for holding the meeting because they wanted to realize that this might get worse, that where it only encompasses a few thousand acres now, it could very well affect the economy of our whole state. So perhaps there hasn't been time for everybody to get the full facts behind this thing, but I assure you at that meeting the landowners and all interested people were behind it one hundred per cent, and they felt certainly that it should be done as soon as possible.

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

Mr. RANCOURT: Mr. Speaker, I believe this body has enough information now to base its opinions on and base its vote on. Therefore, I move the question.

The SPEAKER pro tem: All those in favor of this Resolve being finally passed will kindly rise and remain standing until the monitors have taken the count.

Mr. STANLEY of Bangor: Mr. Speaker?

The SPEAKER pro tem: For what purpose does the gentleman rise?

Mr. STANLEY: Just a question of parliamentary procedure. The gentleman asked that there be no further debate, and wouldn't the question be put as to whether we wanted to vote on the original question?

The SPEAKER pro tem: The gentleman did not move the previous question.

A division of the House was had. Ninety-nine voted in favor of and fourteen voted against.

The SPEAKER pro tem: Ninety-nine having voted in the affirmative and fourteen having voted in the negative, the Resolve fails passage.

Mr. FULLER: Mr. Speaker.

The SPEAKER pro tem: The Chair recognizes the gentleman from South Portland, Mr. Fuller. For what purpose does the gentleman rise?

Mr. FULLER: Mr. Speaker, I would like to change my vote.

The SPEAKER pro tem: The vote was taken by division, therefore the vote was not recorded and cannot be changed.

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

Mr. ROSS: Mr. Speaker, the elected membership now is 149. What is the two-thirds of that officially please?

The SPEAKER pro tem: 100 votes is the official two-thirds required.

(Mr. Ross approached the rostrum)

Mr. ROSS: Mr. Speaker, I request a roll call vote on this question.

The SPEAKER pro tem: The gentleman from Bath, Mr. Ross, requests a roll call vote. All those desiring a roll call vote will kindly rise and remain standing until the monitors have taken a count. Obviously more than one-fifth desiring a roll call vote, a roll call vote is in order.

(Speaker Edgar returned to the rostrum)

The SPEAKER: For what purpose does the gentleman arise?

Mrs. CHRISTIE: To ask the Speaker to state the question again.

The SPEAKER: The Chair would advise the gentleman from Presque Isle, Mrs. Christie, and the

entire House that the question now before the House is the question of the final passage of Resolve Appropriating Moneys for Spruce Budworm Control, House Paper 1113, Legislative Document 1619.

For what purpose does the gentleman arise?

Mrs. CHRISTIE: To ask that this be clarified because I thought I was voting for this resolve and the Chair declared that the resolve was lost and I wanted to get it straightened out so we would know.

The SPEAKER: The Chair will advise the House that the resolve is not lost and that the roll call vote about to be taken will determine whether or not this resolve receives final passage.

Is there anyone who does not understand the question? The question is on the final passage of this resolve, yes or no. Those in favor of the final passage of this resolve will answer "yes" when the Clerk calls their name. Those opposed to the final passage will say "no."

For what purpose does the gentleman arise?

Mr. FRAZIER of Lee: Point of parliamentary procedure.

The SPEAKER: Does it pertain to the matter now before the House?

Mr. FRAZIER: It does.

The SPEAKER: The gentleman may state his question.

Mr. FRAZIER: Can we take a roll call vote without first a reconsideration of the bill? The bill was voted for and lost as I understand it. Shouldn't we reconsider before the roll call vote? The vote was announced as the bill having been defeated.

The SPEAKER: The Chair must rule that the request for a roll call vote was seasonably received.

Mr. FRAZIER: Thank you.

## ROLL CALL

YEA — Allen, Andrews, Babineau, Bartlett, Bean, Winterport; Beane, Augusta; Besse, Blanchard, Bragdon, Brewster, Brockway, Broderick, Brown, Ellsworth; Browne, Bangor; Bruce, Burnham, Carey, Carter, Etna; Caswell, Childs, Christie, Cole, Cormier, Cote, Coyne, Crockett, Cyr, Davis, Calais; Davis, Westbrook; Dostie, Duquette, Earles, Edgerly, Edwards, Elwell, Emerson,



Emery, Emmons, Ervin, Farmer, Flynn, Frazier, Frost, Fuller, Gallant, Graves, Hancock, Hanson, Harrington, Harris, Hatch, Hatfield, Hathaway, Haughn, Heald, Hendricks, Hendsbee, Hickey, Higgins, Hilton, Hughes, Hutchinson, Jacques, Jalbert, Jewell, Jones, Karkos, Kelly, Lane, Leathers, Lindsay, Mann, Mathieson, Maynard, Miller, Morrill, Morway, Nadeau, Needham, Pierce, Plante, Porell, Prue, Quinn, Rancourt, Rankin, Rich, Roberts, Ross, Bath; Ross, Brownville; Rowe, Madawaska; Roy, Saunders, Shaw, Shepard, Smith, Falmouth; Smith, Portland; Stilphen, Storm, Tevanian, Thackeray, Turner, Violette, Wade, Walker, Walsh, Walter, Warren, Webber, Wheaton, Whiting, Winchenpaw, Wood.

**NAY** — Brewer, Call, Carter, Newport; Couture, Bath; Couture, Lewiston; Dudley, Dumais, Jack, Johnson, Libby, Rollins, Stanley, Tarbox, Vaughan.

**ABSENT** — Anthoine, Beyer, Carville, Curtis, Day, Denbow, Desmarais, Foss, Hanscomb, Harriman, Hersey, Hoyt, Kinch, Knapp, LaCasce, Latno, Letourneau, Maxwell, Rowe, Limerick; Sanborn, Williams.

**YEA**, 113; **NAY**, 14; **ABSENT**, 21.

The **SPEAKER**: One hundred thirteen having voted in the affirmative, fourteen in the negative, with twenty-one absentees, the Resolve is finally passed.

Thereupon, the Resolve was signed by the Speaker and sent to the Senate.

#### Passed to Be Enacted

An Act relating to Area Directional Signs (S. P. 634) (L. D. 1631)

An Act relating to the Maine Industrial Building Authority (S. P. 642) (L. D. 1636)

#### Finally Passed

Resolve in favor of Armory Project for Battery D, 703rd Anti-Aircraft Battalion (H. P. 1120) (L. D. 1629)

Were 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.

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

An Act relating to Measuring Speed of Motor Vehicles by Radar (S. P. 626) (L. D. 1623) which was passed to be enacted in the House on October 30, and passed to be engrossed as amended by Committee Amendment "A" on October 30.

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

In the House: The House voted to recede and concur.

#### Indefinitely Postponed

From the Senate: The following Order:

**ORDERED**, the House concurring, that the Reference of Bills Committee of this Legislature is directed to meet at the State House at least ten (10) days prior to the convening date of the next Special Session. They shall give notice to each member of the Legislature of the date and their meeting place. Each member of the House and Senate shall be privileged to present to the Reference Committee any bill or resolve that the member wishes to have considered at the Special Session. The Committee shall consider the request and if, in its opinion, the bill is a proper one for Special Session consideration, then the Committee shall have the bill printed and available on the convening date.

At the date of convening, the Reference Committee shall report its recommendations to the Legislature via Joint Order or otherwise for such action as the Legislature may wish to take.

Nothing in this Order, directly or indirectly, shall in any way serve to deny to any member of the Legislature his rights and privileges with respect to the introduction of bills.

The intent of this Order is to accomplish such preparatory work as may reasonably permit a Special Session to start its formal hearings and debates as soon as may be after the convening date.

Similarly, nothing in this Order shall in any way restrict the Governor with respect to such items as the Governor may wish to present

in his Message to the Special Session (S. P. 643)

Came from the Senate read and passed.

In the House, the Order was read.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Ervin.

Mr. ERVIN: Mr. Speaker, this order in my judgment seems to be a little ambiguous. They say in the first paragraph each member of the House shall be privileged to present to the Reference Committee any bill or resolve that the member wishes to have considered at the Special Session. The Committee shall consider the request and if, in its opinion, the bill is a proper one for Special Session consideration, then the Committee shall have the bill printed and available on the convening date. Now it appears to me that that precludes the judgment of this House whether or not they are capable of deciding for themselves what bills shall be introduced at the next special session. However, down in the third paragraph it says: Nothing in this Order, directly or indirectly, shall in any way serve to deny to any member of the Legislature his rights and privileges with respect to the introduction of bills. Now it seems ambiguous to me that you say one thing in the first paragraph and you say an opposite thing in the third paragraph. For this reason I can't go along with this order and I move its indefinite postponement.

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

Mr. ROSS: Mr. Speaker, the purpose of this order was to please more legislators than evidently were pleased at this session. There was a great deal of talk that just a few people were suggesting all of the subjects that would be brought up. If this order were passed then any legislator could have their bills considered in advance, but of course nevertheless and notwithstanding you still could present bills here under unanimous consent the way we have now. This would be helpful to those legislators who want to get their bills in but they are not in the Governor's message and they say how in the world can I do it. If this

were put in you could go before the Reference of Bills Committee and have your bills heard with equal rights with anybody else. I certainly think this would please the legislators who were disturbed this time.

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

Mr. WALSH: Mr. Speaker, I want to highly concur with the words of the gentleman from Bath, Mr. Ross. I will just explain to the members of the House this one thing, it does not, as he stated, restrict you or prevent you from presenting any bill or resolve. It certainly does do just one thing in particular that is all important, and that is speed up the work of any special session, to make a special session last days instead of weeks. If you wait until after the resolve is passed and then have the bill printed, then have your public hearing, then have your Committee action and report back here to the House, would add days and days onto the length of your special session. By doing it in this manner it cuts down that time tremendously and I hope that the motion of the gentleman from Houlton, Mr. Ervin, does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Ervin.

Mr. ERVIN: Mr. Speaker, I think that we are all realizing the time element in any special session, whether it be now or in January, and I for one am just as anxious to get home to my business as the next fellow. Originally when the Committee of Reference was appointed, it was appointed only to refer bills to committees and their proper places. It was not appointed to screen bills and decide whether or not the bills should be introduced or not, and I think it is the prerogative of this House that they decide whether or not a bill is good enough to be introduced.

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

Mr. JALBERT: Mr. Speaker, I would like to ask a question of either the gentleman from Bath, Mr. Ross, or the gentleman from Brunswick, Mr. Walsh, would this stop bills as I understood Mr. Ross

to state, that it wouldn't stop anyone from presenting a bill by unanimous consent, it wouldn't stop anyone from presenting a bill before the cloture rule went on, if we should recess the cloture rule would be on still at the special session. If we adjourn the cloture rule is off.

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

Mr. ROSS: Mr. Speaker, this order most certainly would not preclude any member of this legislature from submitting a bill. A new cloture order would have to be enacted at the next special session of course, and at that time if the House decided they wanted to open it wide up, all they have to do is vote against that cloture order. Now if you defeat this though, then your pet projects and so forth won't be considered at all unless you defeat the cloture order. And so this in my mind would just help those people that want to submit their bills.

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

Mr. MAYNARD: Mr. Speaker, there is one thing that disturbs me somewhere down about six or seven lines, the Committee shall consider the request if, and in its opinion, the bill is a proper one, and so on. Is that not delegating our powers to a special group? And I might ask some of our legal friends if that could not be termed unconstitutional?

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

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

Mr. ROSS: Mr. Speaker, at the present time we have no Committee, so three or four of the leaders of this legislature had to determine whether the bills that were suggested by various and sundry groups throughout the state were proper ones to submit before this legislature. This is just to give it to some committee. Now if the Committee decides that your bill is not a proper one, you still can come before

the assembled House and convince the House that it is a proper one. This is as I said, the only reason this was drawn up was to please certain people who were angry this time because they said who in the world is running that, just a bunch of "bohunks" are doing all the work. And we just wanted to please people and if it doesn't please you vote it down, but I hope you do not vote it down.

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

Mr. WINCHENPAW: Mr. Speaker, since I am one of those persons that had a bill left over from last session, I would like to ask just one more question or state a question. If this Committee should turn down this bill that I turned in—one more question, have I to appear before that Committee in person or can I mail them a bill? I mean I have that bill left over from last session and a friend of mine was in yesterday wanting me to get it in, and he is very anxious that it go in at the next special session. Now if I send that bill to that Committee or bring it to them myself and they turn it down, is there anything to hinder me from bringing that same bill in here and trying to get it in by unanimous consent?

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

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

Mr. ROSS: Mr. Speaker, I thought I made that point clear. The question of the gentleman from Friendship, Mr. Winchenpaw, consisted of two parts I believe. The first part the answer is you certainly may bring that bill in in person and explain it to the Committee. The second question, if the Committee turns it down, you most certainly can present it to the Legislature yourself when we are assembled here.

The SPEAKER: The Chair recognizes the gentleman from Southport, Mr. Rankin.

Mr. RANKIN: Mr. Speaker, I have one question first. If a bill is turned down would the individual sponsoring that bill have to bring it in

after the cloture order is passed? Would it require unanimous consent?

The SPEAKER: The Chair will not undertake to interpret the effect of this order, but if there is anyone in the House who wishes to answer the question directed through the Chair by the gentleman from Southport, Mr. Rankin, he may do so if he chooses.

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

Mr. ROSS: Until you enact a cloture order you have no cloture order. So if you bring a bill in and we have no cloture order it goes through the regular procedure. If we enact a cloture order, then you would have to have unanimous consent.

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

Mr. CHILDS: Mr. Speaker, the gentleman from Bath, Mr. Ross, has said that this Committee will only consider—will consider these requests and if in their opinion it is a proper one, that they will be considered in a special session, which would mean that the bill would have to go through the regular mechanics anyway. It then went on to say that if the Committee did not consider it as a proper one that the members could introduce it during the session anyway before any cloture order goes into effect. Now actually, if this is true, then this isn't going to accomplish anything or mean anything at all, because if a member presents it to the Committee, the member who is presenting it to the Committee, he thinks it is important for the special session, he thinks it should serve a purpose. Now if he thinks that, he is going to try to convince the House anyway that we should let other bills go in, and that matter could be debated at the time we debate when the cloture rule goes into effect. So therefore I don't think this order means anything. I move it be indefinitely postponed.

The SPEAKER: The question before the House is the motion of the gentleman from Portland, Mr. Childs, that this order be indefinitely postponed in non-concurrence.

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

Mr. BRAGDON: Mr. Speaker, in listening to the arguments of the gentleman from Portland, Mr. Childs, I agree with it that we can do anything either by unanimous consent or if we don't wish to pass a cloture order. I would—I notice one thing and I would just like to point it out, I assume you may all see it anyway, but let me point it out as I see it. If we wish to keep the means of presenting bills to this next session within our own hands, don't forget that a cloture order in either branch of this Legislature will bar us. If we want to keep this open I think we should turn this order down.

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

Mr. MAYNARD: Mr. Speaker and Members of the House: I still don't like the phrase "a proper one". Upon what basis will these judgments be made? Now I feel that we sometimes tend to delegate too much of our prerogative. I certainly don't want to present any bill to any screening committee, I want to present it to the House if I present a bill, and therefore I concur with the gentleman who wishes to indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the gentleman from Southport, Mr. Rankin.

Mr. RANKIN: Mr. Speaker, there seems to be coming into our Legislative Branch of the government the urge for speed, emergency measure after emergency measure. I don't believe in it. Perhaps I am old fashioned. I feel as many of us do that the session of January is because we operated at too high a speed last winter and spring. Now I shall never vote for this order because I believe it is undemocratic. If I have a bill that the people of my district think should be presented, I would not want to tell them if it were turned down by the Committee that their bill was turned down by a small group of people in the legislature rather than by the joint action of the House and Senate.

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

Mr. WADE: Mr. Speaker, as I read this order, it looks to me as though someone had made a sincere

effort to see that bills that would obviously come before the next special session would get a good early start. However, it doesn't appear that it is being very well received and I suggest we get to the question.

The SPEAKER: Did the Chair understand the gentleman to move the previous question?

Mr. WADE: I don't want to cut off debate on it.

The SPEAKER: Is the House ready for the question?

(Cries of "Yes")

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

The SPEAKER: The question before the House is the motion of the gentleman from Portland, Mr. Childs, that this order be indefinitely postponed. A division has been requested. Will those who favor the motion to indefinitely postpone this order please rise and remain standing until the monitors have made and returned the count.

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.

On motion of the gentleman from Portland, Mr. Tevanian, the House voted to take from the table Bill "An Act relating to Penalties on Maine Turnpike" H. P. 1118, L. D. 1626, tabled earlier in the day by that gentleman.

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

Mr. TEVANIAN: Mr. Speaker, I would now present House Amendment "A" to L. D. 1626, filing 633. I would like to state that this is one-half of the Committee Amendment to this bill which was inadvertently indefinitely postponed by my colleague, Mr. Broderick from Portland, when he made his motion to indefinitely postpone the Committee Amendment, he had forgotten that this other half of the amendment was contained therein.

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

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

Amend said Bill by striking out of Sec. 19 in said Bill "\$50" and inserting in place thereof "\$20".

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

Mrs. BURNHAM: Mr. Speaker, I rise for the purpose of asking a question please. Would this amendment as presented allow someone with plenty of money to send in his twenty dollars and not have to appear in court?

The SPEAKER: The gentlewoman from Kittery, Mrs. Burnham, has addressed a question through the Chair to the gentleman from Portland, Mr. Tevanian, who may answer if he chooses.

Mr. TEVANIAN: Mrs. Burnham, this amendment does not allow that, that is already provided for in the law. People may plead to misdemeanors by posting bail and then allowing the bail to forfeit, they may plead by attorney and there is nothing to stop them by pleading through mail and just sending in their money. This amendment does not provide it, the law already provides for that.

Mrs. BURNHAM: Thank you, that is the point that I wish to bring out, that someone with plenty of money can get a lawyer and send in twenty dollars. He would think the second time before he sent in the fifty dollars. I am against this amendment.

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

Mrs. CHRISTIE: Mr. Speaker, in view of increasing accidents on the turnpike, it seems to me that there should be something as a deterrent, and I feel that fifty dollars would be a better deterrent than twenty dollars, and so I move the indefinite postponement of this amendment.

The SPEAKER: The question now before the House is the motion of the gentlewoman from Presque Isle, Mrs. Christie, that House Amendment "A" be indefinitely postponed.

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

Mr. QUINN: Mr. Speaker and Ladies and Gentlemen of the House: The general motor vehicle statute on our highways, our public highways, provides a maximum of three

hundred dollars, and it leaves with the magistrates, the trial justices of the municipal court the exercise of their discretion, what fine should be attached to each case on the merits of the case. Now the same thing would be true of this. This bill provides for a fine, the bill itself, provides for a fine not exceeding fifty dollars, so if there is a violation on the turnpike it would give the magistrate up to the limit of fifty dollars to levy what he considers a reasonable fine according to the violation. Now it appeals to me—I was going to oppose the amendment but now I want to support the pending motion to indefinitely postpone it because I think any magistrate should have the tools to work with adequately to apply the proper penalty for the particular violation. Therefore, I urge you to give our magistrates the right to exercise his jurisdiction up to a limit of fifty dollars by indefinitely postponing this amendment.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. Emmons.

Mr. EMMONS: Mr. Speaker, I think I can explain this a little bit coming from a town where this question is a very important one since our change in the matter of allowing municipal courts to assess fines and costs. That change enabled violators of traffic regulations on the turnpike to get out from under for ten dollars because in our present law there is a limitation on the turnpike fines for traffic violations, that is for traffic violations on the turnpike of ten dollars. Prior to a change which became effective in August the municipal court judges could assess a fine and costs, and the fine on turnpike violations was limited to ten dollars but they could assess costs of five or six or seven, whatever the costs might be, and normally it was five dollars, so that in the Kennebunk municipal court for the last two or three months traffic violators on the turnpike have been getting out for ten dollars where prior to that they got out for fifteen only. Whether the amount should be here, but if you indefinitely postpone this and do nothing at all your turnpike violators are limited to a ten dollar fine

because the municipal judges can no longer assess costs.

The SPEAKER: The Chair owes an apology to the gentleman from Kennebunk, Mr. Emmons, the Chair was not paying too strict attention at the moment, but as the Chair understands it, the gentleman from Kennebunk, Mr. Emmons, made the statement that this motion now before the House changes the law. That is not the case. The motion before the House is to indefinitely postpone this amendment.

Mr. EMMONS: Mr. Speaker and Members of the House: I was in error, I thought this would cut out any change in the law.

The SPEAKER: The question before the House is the motion of the—the Chair recognizes the gentleman from Bangor, Mr. Browne.

Mr. BROWNE: Mr. Speaker and Ladies and Gentlemen: I would point out that this amendment is an attempt to do just what we had already done before we reconsidered the whole problem. The Committee Amendment was to the effect reducing the amount from fifty to twenty. The amendment also included the emergency clause which had to be removed, and therefore in removing the amendment we had to replace this figure of twenty which was deleted with the abolition of the amendment. To recap very quickly the hearing. The original amount requested was fifty dollars. The turnpike—representatives of the Turnpike Authority, were present at the hearing and testified that they would be much more satisfied with a less amount, and that is the reason that we came up with the twenty dollar figure. It was only an attempt to comply with their requests.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Call.

Mr. CALL: Mr. Speaker, I would like to ask a question through the Chair. Point of clarification to you attorneys, I would like to know why this particular stretch of road has just a limited amount on a fine of ten dollars when it is under the jurisdiction of the state police? I would like to know why this doesn't have the same laws that our other roads have as the gentleman from Bangor, Mr. Quinn, has already said up to a fine of three

hundred dollars? Why they are allowed to have just a small fine. To us laymen I would like to have that answered.

The SPEAKER: The gentleman from Cumberland, Mr. Call, has directed a question through the Chair to anyone who may answer if he chooses.

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

Mr. TEVANIAN: Mr. Speaker, in 1941 this body created the Turnpike Authority and they gave the Turnpike Authority the right to set the maximum speed limit and base the amount of fine which I believe was ten dollars because it is exempted from our regular highway system by an act of this body in 1941. May I continue on the question?

The SPEAKER: The gentleman may continue.

Mr. TEVANIAN: Now you may ask why we did not go along with the fifty dollar fine on the turnpike. When you take into consideration that speeding on our highways are subject to a greater fine, I believe the figure is one hundred dollars, but I am not in a position to debate it. In the first place they have upped the speed limit to seventy miles an hour and they have a policy which is rigidly enforced that any person who drives a motor vehicle over eighty miles an hour shall and they do suspend his license one day for every mile in excess of seventy miles an hour. In other words, any man who is brought before a magistrate or a court, who has gone eighty miles an hour or more, he shall pay a minimum of the twenty dollar fine under my amendment and his license shall be suspended for a period of ten days. Now we feel in Judiciary that that is quite a punishment, quite a deterrent to have your license automatically revoked. On hearing they are always revoked. I feel that that is a greater deterrent than any other factor.

Another reason that the Committee decided that they wouldn't go along with the fifty dollars is there is some question of the legality of any fine whatsoever for violations of speed on the Maine Turnpike under our present statutes, and for that reason we felt that a twenty dollar

charge on the turnpike in view of the automatic revocation of license in accordance with the speed was a stiff enough penalty and a good enough deterrent.

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

Mr. QUINN: Mr. Speaker, this Turnpike Authority is more or less of a private corporation, it is not a public highway, but when these violations occur they come into our courts, our public courts where our magistrates must exercise their jurisdiction and discretion. Now they have that maximum speed of seventy miles an hour on the turnpike, and brother when you are going seventy miles an hour you are going. And when they only arrest someone when they are going over eighty, it appeals to me that we have some—we should give some thought to the people of the State of Maine who are using this turnpike, for their safety and security, and we ought to give the magistrate who is going to exercise his jurisdiction a little more latitude that a twenty dollar fine if a case comes in that would warrant a higher fine. I feel fifty dollars is not high enough, that there might be circumstances where a magistrate would feel warranted in giving a great deal more but he couldn't because the law would prevent it. Therefore, I feel that in order to have justice properly applied to this turnpike and to safeguard the public, that the fifty dollar limit should at least be on that bill, and therefore I urge you to vote down this amendment to reduce it to twenty dollars.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Hendricks.

Mrs. HENDRICKS: Mr. Speaker, I feel that severe offenses demand maximum fines and I hope that this amendment does not pass.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentlewoman from Presque Isle, Mrs. Christie, that House Amendment "A" be indefinitely postpone. Will those who favor the indefinite postponement of House Amendment "A" please say aye; those opposed, no.

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

The SPEAKER: The question now before the House is on the adoption of House Amendment "A". Is it now the pleasure of the House that House Amendment "A" shall be adopted? The Chair will order a division. Will those who favor the adoption of House Amendment "A" please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Seventy having voted in the affirmative and forty having voted in the negative, House Amendment "A" was adopted.

Thereupon, under suspension of the rules, Bill "An Act relating to Penalties on Maine Turnpike", H. P. 1118, L. D. 1626, was passed to be engrossed as amended by House Amendment "A" in non-concurrence and sent to the Senate.

On motion of the gentleman from Lewiston, Mr. Jalbert, the House voted to take from the table Joint Order relative to the Highway Commission, H. P. 1121, tabled earlier by that gentleman.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Information from the Highway Commission tells us that the time on the printing of these maps would be approximately eight weeks. They have to be sent out of the state and then be pictured down to size, and the cost would be about ten thousand dollars. It is just my opinion that it might possibly delay the work of the Research Committee wherein it concerns this program. I shall not make a motion. Also before I sit down, I am one of the guilty parties in where it concerns parliamentary procedure. I think our affable Clerk and likewise our Speaker and likewise our Reporter and his staff have been submitted to a tremendous two and one-half hour barrage, would I then be in order to submit a verbal order that we give them a round of applause. (Applause)

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I think you can rest easy, you can soon make up your minds that you can go home, if there is any of you thinking about the time of getting that deer, the time is near.

I think that I have a good order here, a good idea. Many people that I talked with this morning agreed with me wholeheartedly. I was naive enough to believe that there was money enough over there in the Highway Commission to provide this type of information for the people of the State of Maine. The word comes back to me that if we pass such an order as this we have got to provide the money. I know of no reasonable way except by collection and I don't believe I want to try that this morning. I would say that I hope that when the Research Committee meets that they won't be told that they have these maps and they provide an investigation that they have got to provide the money. I sure hope that won't happen, but in view of the fact that we have got to provide the money to get these maps I will now move that this order be withdrawn.

The SPEAKER: The gentleman from Perham, Mr. Bragdon, now requests permission to withdraw his order. Is this the pleasure of the House?

The motion prevailed.

(Off Record notice)

The SPEAKER: The Chair recognizes the gentlewoman from Falmouth, Mrs. Smith.

Mrs. SMITH: Mr. Speaker, I am not sure whether a comment on this order would be out of order now or not.

The gentlewoman from Falmouth, Mrs. Smith, was granted unanimous consent to address the House.

Mrs. SMITH: Mr. Speaker, I would like to call this to your attention, that this order although I did not see it until it came in this morning and had no part of it, goes to the very heart of this matter, and it does ask the Highway Commission to clearly tell the people of the State



of Maine what they will get in the way of interstate construction in the next four years. I do hope sincerely that the Legislative Research Committee will make them clearly define this because it has not been defined and there will be very little true interstate as I understand it. This money will be almost all used up in urban funds, and therefore I believe a great many people thought they were buying a throughway across the state.

#### (Off Record Remarks)

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

Mr. ROSS: Mr. Speaker, I move we recess until 1:30.

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

Mr. CHILDS: Mr. Speaker, before we recess I would like to make an inquiry for the purpose of expediting matters. The omnibus bill which I believe I have on the table, assuming that the emergency is taken off, will it have to be reengrossed?

The SPEAKER: The Chair is informed that the mechanics would require it, yes.

Mr. CHILDS: Should I take it off the table now rather than wait, to expedite matters?

The SPEAKER: The motion before the House is the motion to recess until 1:30. The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker, if this will expedite things I certainly will withdraw that motion.

The SPEAKER: The motion to recess is withdrawn. The Chair now recognizes the gentleman from Portland, Mr. Childs.

Mr. CHILDS: Mr. Speaker, I believe it would be a good idea to take it off now. It may mean that we would get out of here an hour or two earlier. The reason that I put it upon the table, requested it be put on the table, was because Mrs. Smith had asked a question and I said the answer was yes, and Mr. Jalbert said the answer was no. We didn't find it necessary to go to the Attorney General's office, we both read the Constitution and

we have come to an agreement. He has agreed that the answer is no and I have agreed that the answer is yes. Possibly I misunderstood the question or possibly Mr. Jalbert misunderstood the question. I thought the question that Mrs. Smith asked was that if this was passed as an emergency, would it preclude a referendum? Technically speaking I say the answer is yes, and I state the reasons why. The reasons why it precludes a referendum at that time is because it immediately becomes law. Even though the law doesn't take effect for some other time, it at that time becomes law. Mr. Jalbert says that the question was something otherwise and possibly it was. He says it does not preclude a referendum because the people at any time can initiate legislation, which I certainly agree with him. But legislation that is initiated can only be presented to the next regular session of the legislature, and by that it would mean that this would go into a law for some time and the only legislation that would be initiated is legislation to repeal the matters which we had already passed upon. Therefore, Mr. Jalbert is correct, and I feel I am correct.

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

Mr. JALBERT: Mr. Speaker, the question posed by Mrs. Smith was would it preclude any further referendum. Mr. Childs said yes. The Constitution of Maine and Mr. Jalbert say no. Any measure thus proposed by electors the number of which shall not be less than ten per cent of the total vote for Governor cast at the last gubernatorial election preceding the filing of such petition unless enacted without change by the legislature at the session at which it is presented shall be submitted to the electors together with any amended forms, substitute or recommendation of the legislature, and in such manner that the people can choose between competing measures or reject both. In plain language any further request for a referendum whether it is to enact a law or reject a law can certainly be entertained by initiating legislation, which I stated when

I made my remarks. If the legislature rejects such a proposal then initiative measure by petition automatically refers it back to the people, and I refer my good friend from Portland, Mr. Childs, to the Taft-Barlow bill when it was passed in both branches of the legislature, then it went to the people.

The SPEAKER: The Chair recognizes the gentlewoman from Falmouth, Mrs. Smith.

Mrs. SMITH: Mr. Speaker, I hope the House recognizes the position I am in between these two gentlemen, but the question was asked in the sense that Mr. Childs has answered it, it was not asked because I have any particular interest in this except that I think as we vote here in the House we ought to know what we are voting, and this is a controversial issue. Now I am inclined to accept the opinion of the gentleman from Portland, Mr. Childs. However, if he is wrong, and the gentleman from Lewiston, Mr. Jalbert, is right, why is the emergency preamble necessary? We ought to understand that. It wasn't put on there just to add a few words I am sure.

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

Mr. TEVANIAN: Mr. Speaker, in my judgment, both Mr. Childs and Mr. Jalbert are incorrect. This legislature passed a bill at the last session. That bill was held in abeyance by the referendum which was passed—by the petitions that were submitted to the Secretary of the State in accord with the Constitution. Therefore, this bill cannot be law until it is approved by the people, and all this Section 95 says, that after the referendum if the people have rejected what we passed at the last session, if they reject it, that is the end of it, there is nothing more. But if the people do approve it, then on June 1, 1958 the increases in the motor vehicles, the increases in licenses will take place on that date, and the reason that this bill has an emergency preamble is primarily for the other sections contained in the omnibus bill. It is already the law, only held in abeyance until such time as the people act upon it and the people can-

not act upon this bill after March 10 again any more than they can on any other bill that they don't initiate petitions to hold our action in abeyance, any more than any other bill. I think that both gentlemen are wrong in their analysis of it.

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

Mr. CHILDS: Mr. Speaker, possibly I will sit down and let Mr. Jalbert answer him because I haven't the slightest idea what he said.

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

Mr. JALBERT: Mr. Speaker, I was merely going to comment that for once my good friend from Portland, Mr. Childs and I would be in absolute accord. This parliamentary beef stew started out between Dana and I and I can hardly see where Casper should move in on it.

The SPEAKER: The Chair recognizes the gentleman from Southport, Mr. Rankin.

Mr. RANKIN: Mr. Speaker, I believe a great many of you are somewhat confused as to what we are talking about and for those who are uncertain, is is Legislative Document 1615, it is called an omnibus bill, an Act to Correct Errors and Inconsistencies in the Public Laws. The entire bill as I understand it is as usual one of the emergencies. Everything in it is an emergency, and I wonder whether we dare vote without an opinion from the Attorney General on something that could be very serious in its consequences on Section 95 which is the last section of the bill or on something which may be very minor, I don't know.

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

Mr. BRAGDON: Mr. Speaker, I didn't intend to come into this but I can't resist. My father who had some experience in politics all his life had one rule that I well remember, he told it to me many times, it was this. When in doubt, vote no. I am thoroughly in doubt and I am going to vote no on this.

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

Mr. HANSON: Mr. Speaker, this question was in my mind as well and I think the gentleman from Portland, Mr. Tevanian, has expressed it very clearly because I checked yesterday in the Attorney General's office and I believe under the law that was passed at the last session if the raising had gone through the law would have been in effect just for the year 1958, but as the petitions were out and they will be voting March 1, I think that Mr. Tevanian has explained it exactly as it was explained to me in the Attorney General's office yesterday.

The SPEAKER: The Chair recognizes the gentlewoman from Falmouth, Mrs. Smith.

Mrs. SMITH: Mr. Speaker, I am sorry to confuse the issue, and I think the issue Mr. Hanson speaks of is clear, we understand that part of it. Now if I can ask one more question it might clear this up. Do I understand, Mr. Tevanian, that this emergency preamble is on there because it had to be for the whole bill, not just for that, and if we take it off we take it off all of them, and that is the reason for it?

The SPEAKER: The gentlewoman from Falmouth, Mrs. Smith, has addressed a question through the Chair to the gentleman from Portland, Mr. Tevanian, who may answer if he chooses.

Mr. TEVANIAN: Mr. Speaker, the only way I can answer that, the emergency preamble was on for the major part of the bill where there were inconsistencies and obvious error. There was nothing done to change the substance of the law. We were very careful in Committee that no substance of law was affected, merely to take care of inconsistencies and errors which were necessary to some of these departments to operate. As far as the Section 95 of which you speak, it would be unconstitutional to move upon that before March 10 because they have followed and this law would not become in effect until June 1, 1958 and it spells it out in that section. It is the bill as a whole that will be in effect, but this section is specifically excluded.

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

Mr. WINCHENPAW: Mr. Speaker, I am like the gentleman from Gardiner, Mr. Hanson, I was one of those who voted against this increase last year and I was much interested in the referendum, and yesterday some of us got the idea that this was a trick or a scheme to prevent the people from voting on that thing in March. Well I convinced myself now that whether the emergency is on there or not, there is nothing the matter with the bill and I think in order to speed up the legislature we should go ahead and pass that bill as it is.

The SPEAKER: The question before the House is on the passage for enactment of this Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws", Senate Paper 621, Legislative Document 1615. Is the House ready for the question? Is it now the pleasure of the House that this Bill shall be passed to be enacted?

This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 108 voted in favor of same and 4 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The gentlewoman from Kittery, Mrs. Burnham, was granted unanimous consent to address the House.

Mrs. BURNHAM: Mr. Speaker, I would like to have the members take back to their constituency the idea that it would be a very fine thing to send more lawyers to the House, then we won't have, the next session, a bill of this sort come before us.

On motion of Mr. Ross of Bath,  
Recessed until 2:00 o'clock.

After Recess  
2:00 P.M.

The House was called to order by the Speaker.

#### Passed to Be Enacted

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, passed to be en-

acted, signed by the Speaker and sent to the Senate.

The gentleman from Friendship, Mr. Winchenpaw, was granted unanimous consent to address the House briefly.

Mr. WINCHENPAW: Mr. Speaker, this morning we had an order that came in here from the Senate and there was a little misunderstanding on the part of some of us, and I would like to inquire through the Chair if the Clerk was able to have that order returned from the Senate.

The SPEAKER: The Chair will advise the gentleman from Friendship that the Clerk was able to secure the order at the request of a member of the House.

Mr. WINCHENPAW: Mr. Speaker, due to the fact of the misunderstanding I now move that that order be reconsidered.

The SPEAKER: The Chair will request the Clerk to read the order to which the gentleman refers.

(The Order, Senate Paper 643, relative to the Reference of Bills Committee, was read by the Clerk)

The SPEAKER: The question before the House is the motion of the gentleman from Friendship, Mr. Winchenpaw, that the House reconsider its action whereby this Order was indefinitely postponed.

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen of the House: I think perhaps where a great many of us felt about this bill as a majority did, was down there where it says the Committee shall consider the request and if in its opinion that it is a proper one, then they would—. It would seem by those words that some of us felt it was giving them a little too much authority. Now after looking this over and talking with other members, I feel that perhaps our fears were unfounded. In fact it seems to me what this is intended to do and would do would correct what some of us feel has been a little too much work by a very small majority. Perhaps so few of us you could hardly call it a majority. Now going before the Reference Committee instead of having these decided as some of us feel it was decided by one or two

in this session, this would go before our regular reference of bills which is made up of men that we have already put our confidence in by electing them to positions in both branches of the legislature and also from both parties. As you all know it is the President of the Senate ex-officio and also two Senators, and in the House the Speaker ex-officio, and the House Leader and one from the majority party and one from the minority party, it would seem that seven would be able to do a good job and would expedite, that is what this is all about, this special session. It wouldn't hinder anyone as it was already stated from bringing a bill in even after the cloture rule by unanimous consent.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Ervin.

Mr. ERVIN: I was rising to a point of order. Are we speaking on the order or are we speaking on the move to reconsider, that was the only thing I was questioning.

The SPEAKER: The Chair must rule that a motion to reconsider opens the entire matter to debate. The question before the House is the motion of the gentleman from Friendship, Mr. Winchenpaw, that the House reconsider its action whereby it indefinitely postponed this order. Is the House ready for the question?

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

A viva voce vote being doubted,

A division of the House was had.

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

### Recess

After recess the House was called to order by the Speaker.

### Passed to Be Enacted

An Act relating to Municipal Zoning Boards of Appeal (H. P. 1116) (L. D. 1632)

An Act relating to Penalties on Maine Turnpike (H. P. 1118) (L. D. 1626)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be en-

acted, signed by the Speaker and sent to the Senate.

### Recess

The House was called to order by the Speaker.

Mr. Ross of Bath presented the following Order and moves its passage:

**ORDERED**, that the Legislative Research Committee be authorized to use the hall of the House for all public hearings it deems necessary.

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

Mr. **ROSS**: Mr. Speaker, I present this order at this time because as you know the Legislative Research Committee has been directed to hold public hearings relative to the overall highway program. The first one of these will be Tuesday, November 12, at 1:30 p.m. It would seem that this is of sufficient statewide importance to warrant the use of the House and it certainly is a legislative matter. It has been suggested that we might use room 228 downstairs and perhaps we will do that because this order is just permissive. But there are several reasons why we might not want to do that. As far as the Committee is concerned it would be easier to use 228, but for the spectators it certainly is more comfortable here, the air is a lot better here, it doesn't get as smoky and the acoustics are a great deal better, so that is the reason for presenting the order. I present it at this time, it may seem that I am presenting it late but I have just verified that date with the persons who are concerned at the hearing so I have to bring it up now.

Thereupon, the Order received passage.

At this point, 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.

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

Mr. **CHILDS**: Mr. Speaker, I move that a committee be appointed for the purpose of informing the Senate that we have completed our necessary duties and we are ready to adjourn without day.

The **SPEAKER**: For that task the Chair will appoint the gentleman from Bath, Mr. Ross, who will proceed to discharge his duty.

Subsequently Mr. Ross reported he had conveyed the message with which he was charged.

### Paper from the Senate (Out of Order)

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 His Excellency, the Governor, and inform him that both branches of the Legislature have acted on all matters before them, and are ready to receive any further communications he may be pleased to make. (S. P. 644)

Came from the Senate read and passed, with the following members appointed on its part: Mr. Wyman of Washington, Mr. Carpenter of Somerset, Mr. Farley of York.

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

Thereupon, the Chair appointed as members of the committee on the part of the House: Mr. Ross of Bath, Mr. Childs of Portland, Mr. Vaughan of Hallowell, Mr. Hutchinson of Carthage, Mr. Walter of Waldoboro, Mr. Elwell of Brooks, Mrs. Hendricks of Portland.

Subsequently, Mr. Ross for the Committee reported that the Committee had delivered the message with which it was charged.

### House at Ease

Called to order by the Speaker.

Thereupon, His Excellency Edmund S. Muskie, Governor, entered the Hall of the House of Representatives amid applause, the members rising, and the Governor addressed the House as follows:

### The Message

Mr. Speaker and Members of the House:

I herewith submit a tabulation of the results of this first Special Session of the 98th Legislature:

Acts approved: 15

Resolves approved: 4

Vetoed presented: none

I would like to take this opportunity to express my appreciation for your expeditious and responsible disposition of the various matters which have been placed before you. The people of Maine have reason to be grateful to you for your grasp of the problems and for the action which you have taken with respect to them.

As you know, if certain legislation, particularly that dealing with certain powers of the Industrial Building Authority, is to take effect with a minimum of delay, it would be necessary for you to adjourn finally at this time. If you should choose to so adjourn, for that reason, I take this opportunity to advise you that I shall call another special session to convene in Jan-

uary, 1958, for the purpose of considering amendments to the Sinclair Law in accordance with my message to you at the beginning of this session.

May I say, in closing, that it has been refreshing to have the corridors buzzing with activity again. As you disperse to once again take up your private pursuits, Mrs. Muskie and I join in wishing you Godspeed.

Governor Muskie then retired amid the applause of the House, the members rising.

The SPEAKER: The Chair recognizes the youngest oldest member of the House, the gentleman from Dexter, Mr. Roberts.

Mr. ROBERTS: Mr. Speaker, the purpose of this special session having been accomplished, I now move we adjourn without day.

The SPEAKER: The gentleman from Dexter, Mr. Roberts, moves that the House now adjourn without day at 3:37 P.M. Is this the pleasure of the House?

The motion prevailed and the House so adjourned.