

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*Ninety-Ninth Legislature*

OF THE

STATE OF MAINE

1959

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Thursday, March 19, 1959

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

Prayer by Rabbi Morris Bekritsky of Portland.

The journal of yesterday was read and approved.

**Papers from the Senate  
Senate Reports of Committees  
Ought Not to Pass**

Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Joint Order relative to Mileage Allowance for Chaplains (S. P. 146)

Came from the Senate read and accepted.

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

**Ought to Pass**

Report of the Committee on Business Legislation reporting "Ought to pass" on Bill "An Act relating to Nonforfeiture Benefits and Valuation Standards for Life Insurance Policies" (S. P. 270) (L. D. 732)

Report of the Committee on Inland Fisheries and Game reporting same on Bill "An Act relating to Special Dog Training Areas" (S. P. 23) (L. D. 3)

Report of the Committee on State Government reporting same on Bill "An Act relating to Disposition of Funds Received by State Park Commission" (S. P. 281) (L. D. 743)

Report of same Committee reporting same on Resolve Proposing an Amendment to the Constitution to Provide Continuity of Government in Case of Enemy Attack (S. P. 143) (L. D. 338)

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

In the House, Reports were read and accepted in concurrence, the Bills read twice, Resolve read once and tomorrow assigned.

**Ought to Pass with  
Committee Amendment**

Report of the Committee on Taxation on Bill "An Act relating to Apportionment to Municipalities of Tax on Railroad Companies and Tel-

ephone and Telegraph Companies" (S. P. 219) (L. D. 558) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 219, L. D. 558, Bill, "An Act Relating to Apportionment to Municipalities of Tax on Railroad Companies and Telephone and Telegraph Companies."

Amend said Bill by inserting before the single quotation mark in the 6th line the following underlined sentence:

**'Apportionments of less than \$1 under this section shall accrue to the State, and no payment of less than \$1 shall be made to any city or town.'**

Further amend said Bill by inserting before the single quotation mark in the 11th line the following underlined sentence:

**'Apportionments of less than \$1 under this section shall accrue to the State, and no payment of less than \$1 shall be made to any city or town.'**

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

**Non-Concurrent Matter**

Bill "An Act relating to Town Meetings of Sanford" (H. P. 12) (L. D. 21) which was passed to be engrossed as amended by Committee Amendment "A" in the House on March 11.

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 SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Desmarais.

Mr. DESMARAIS: Mr. Speaker, would you permit me to approach the rostrum?

The SPEAKER: The gentleman may approach the rostrum.

**House at Ease**

Called to order by the Speaker. The SPEAKER: With respect to Bill "An Act relating to Town Meetings of Sanford", is it now the pleasure of the House that the House recede and concur?

The motion prevailed.

**Orders**

On motion of Mr. Danes of South Portland, it was

ORDERED, that Barbara and Bernice Jewett of Pittston, twin daughters of Representative Donald C. Jewett, be appointed to serve as Honorary Pages for today.

Thereupon, the Sergeant-at-Arms escorted the Honorary Pages to their seats at the front of the House amid the applause of the House.

Mrs. Dean of Buxton presented the following Order and moved its passage:

WHEREAS, the members of the House have learned that today is the birthday of Mr. Hobbs of Acton, BE IT ORDERED, that the members extend to Mr. Hobbs their congratulations and best wishes for today and the entire year.

The SPEAKER: The Chair will declare this Order unanimously passed. (Applause)

The Chair recognizes the gentleman from Acton, Mr. Hobbs.

MR. HOBBS: Mr. Speaker and Members of the House: I wish to thank you very much for recognizing me on my birthday.

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

On motion of Mr. Danes of South Portland, it was

ORDERED, that Rev. Edward R. Nelson of the Immanuel Baptist Church of Portland be invited to officiate as Chaplain of the House on Thursday, April 9, 1959.

**House Reports of Committees Leave to Withdraw**

Mr. Cote from the Committee on Legal Affairs on Bill "An Act relating to Power to Incur Indebtedness by City of Bath" (H. P. 763) (L. D. 1081) reported Leave to Withdraw.

Report was read and accepted and sent up for concurrence.

**Ought Not to Pass**

Mr. Curtis from the Committee on Claims reported "Ought not to pass" on Resolve in favor of James G. Bicknell (H. P. 614) (L. D. 882)

Report was read and accepted and sent up for concurrence.

**Tabled and Assigned**

Mr. Johnson from the Committee on Claims reported "Ought to pass" on Resolve Providing for Pension of Louise Gagnon of Fairfield (H. P. 363) (L. D. 522)

Report was read.

(On motion of Mr. Lemelin of Fairfield, the Report with accompanying papers was tabled pending acceptance of the Report and specially assigned for Thursday, March 26.)

Mr. Mathews from the Committee on Claims reported "Ought to pass" on Resolve to Reimburse Town of Corinth for Aid to Family of Orris W. McAlpine (H. P. 684) (L. D. 984)

Report was read and accepted and sent up for concurrence.

**Tabled and Assigned**

Mr. Chapman from the Committee on Retirements and Pensions reported "Ought to pass" on Bill "An Act relating to Veterans under Maine State Retirement Law" (H. P. 730) (L. D. 1035)

Report was read.

(On motion of Mr. Lemelin of Fairfield, the Report with accompanying papers was tabled pending acceptance of the Report and specially assigned for Thursday, March 26.)

**Tabled and Assigned**

Mr. Ederly from the Committee on Retirements and Pensions reported same on Resolve Providing for Pensions for Loomis and Emma

Deane of Fort Fairfield (H. P. 625) (L. D. 893)

Report was read.

(On motion of Mr. Edmunds of Fort Fairfield, the Report with accompanying papers was tabled pending acceptance of the Report and specially assigned for Thursday, March 26.)

#### Referred to Committee on

#### Retirements and Pensions

Mr. Hughes from the Committee on Claims on Resolve to Compensate William H. Barker of Waterford for Injuries while Training with National Guard (H. P. 183) (L. D. 276) reported that it be referred to the Committee on Retirements and Pensions.

Report was read and accepted and sent up for concurrence.

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

Mr. Berman from the Committee on County Estimates to which was referred the County Estimates of the several counties reported a Resolve (H. P. 906) (L. D. 1275) under title of "Resolve for Laying of the County Taxes for the Years Nineteen Hundred Fifty-Nine and Nineteen Hundred Sixty" and that it "Ought to pass"

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

#### Ought to Pass Printed Bills

Mr. Kellam from the Committee on Legal Affairs reported "Ought to pass" on Bill "An Act relating to Nursing Home in Town of Madawaska" (H. P. 659) (L. D. 951)

The SPEAKER: At this time the Chair would like to recognize the presence in the gallery of the House of a group of fifth grade pupils from Winthrop, accompanied by their teacher, Mrs. James McCroary. On behalf of the House, the Chair extends to you ladies and gentlemen a most cordial and hearty welcome and we hope that you will enjoy and profit by your visit here today. (Applause)

Mr. Bacon from the Committee on Natural Resources reported same

on Bill "An Act relating to Yearly Timber Cut Reports to Forest Commissioner" (H. P. 725) (L. D. 1030)

Mr. Heald from same Committee reported same on Resolve Naming Maine Mountains the "Longfellow Mountains of Maine" (H. P. 593) (L. D. 839)

Mr. Perry from same Committee reported same on Bill "An Act relating to Disposition of Unorganized Townships Fund" (H. P. 578) (L. D. 825)

Mr. Whitman from same Committee reported same on Resolve Authorizing Commissioner of Inland Fisheries and Game to Convey Certain Land in Fryeburg and Brownfield, Oxford County (H. P. 664) (L. D. 956)

Mr. Dumaine from the Committee on Transportation reported same on Bill "An Act relating to Display of Lights on Motor Vehicles" (H. P. 734) (L. D. 1039)

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

#### Tabled and Assigned

Mr. Hobbs from the Committee on Transportation reported "Ought to pass" on Bill "An Act relating to the Inspection of Motor Vehicles" (H. P. 780) (L. D. 1098)

Report was read.

(On motion of Mr. Curtis of Bowdoinham, the Report with accompanying papers was tabled pending acceptance of the Report and specially assigned for Tuesday, March 24.)

Mr. Lindsay from the Committee on Transportation reported "Ought to pass" on Bill "An Act relating to Yield Signs on Highways" (H. P. 733) (L. D. 1038)

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

#### Ought to Pass with Committee Amendment

Mr. Brown from the Committee on Legal Affairs on Bill "An Act Entitling Blind Persons Accompanied by Guide Dogs to Certain Accommodations" (H. P. 694) (L. D. 994) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 694, L. D. 994, Bill, "An Act Entitling Blind Persons Accompanied by Guide Dogs to Certain Accommodations."

Amend said Bill by striking out in the 7th line the following underlined words and punctuation:

**"second sight or seeing eye, so called."**

Further amend said Bill by striking out the next to last underlined sentence and inserting in place thereof the following underlined sentence:

**"The Management of any such public conveyances, public amusements and places of public accommodations may require a blind owner of a guide dog to show written evidence that his dog has been educated, trained and intended, in fact, to perform such guide service for him; and the foregoing management may also require the owner to muzzle his guide dog while on their respective premises."**

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

Mr. Linnell from the Committee on Legal Affairs on Bill "An Act relating to Management and Powers of the Farmington Village Corporation" (H. P. 357) (L. D. 516), which was recommitted, reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 357, L. D. 516, Bill, "An Act Relating to Management and Powers of the Farmington Village Corporation."

Amend said Bill by inserting after the word "meeting" in the 3rd line from the end the following punctuation and words: "; provided, however, that the total number of votes cast is not less than 100'.

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

Mr. Call from the Committee on Retirements and Pensions on Bill "An Act relating to Survivor Benefits and Budget Estimates under Maine State Retirement System" (H. P. 217) (L. D. 308), which was recommitted, reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 217, L. D. 308, Bill, "An Act Relating to Survivor Benefits and Budget Estimates Under Maine State Retirement System."

Amend said Bill by adding after section 1 thereof, the following:

**"Sec. 1-A. R. S., c. 63-A, § 9, sub-§ 1, ¶ B, sub-¶ 2, amended. Sub-paragraph 2 of paragraph B of subsection I of section 9 of chapter 63-A of the Revised Statutes, as repealed and replaced by section 4 of Chapter 367 of the public laws of 1957, is amended by adding after the first sentence, a new sentence, as follows:**

**'If the member died on or after March 1, 1952 as a result of illness or injury received in line of duty while in the service of the State of Maine, the provisions of divisions (a), (b), (c) or (e) shall be payable if applicable, except that the payments shall begin on the first day of the month following the effective date of this act and shall not be retroactive to the date of death if the death occurred before July 1, 1957.'**"

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

Mr. Dunn from the Committee on Transportation on Bill "An Act relating to Registration of Certain Vehicles Owned by Maine Residents" (H. P. 825) (L. D. 1162) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 825, L. D. 1162, Bill, "An Act Relating to Registration of Cer-

tain Vehicles Owned by Maine Residents.”

Amend said Bill, in the 7th and 8th lines, by striking out the underlined words “an authority to be designated by the Secretary of State” and inserting in place thereof the underlined words ‘the Chief of the State Police’.

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

Mr. Lebel from the Committee on Transportation on Bill “An Act relating to Obstructing Windshields of Motor Vehicles” (H. P. 575) (L. D. 808) reported “Ought to pass” as amended by Committee Amendment “A” submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT “A” to H. P. 575, L. D. 808, Bill, “An Act Relating to Obstructing Windshields of Motor Vehicles.”

Amend said Bill by adding at the end before the period the following underlined punctuation and words ‘or Civil Defense stickers, when placed in the lower left hand corner of the windshield.’

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

#### Divided Report Tabled and Assigned

Majority Report of the Committee on Transportation reporting “Ought to pass” on Bill “An Act relating to Speed of Motor Vehicles” (H. P. 375) (L. D. 533)

Report was signed by the following members:

Messrs. COLE of Waldo  
PARKER of Piscataquis  
DUNN of Kennebec  
— of the Senate.

Messrs. HOBBS of Acton  
LINDSAY of Brewer  
DUMAINE of Readfield  
DUMAIS of Lewiston  
LEBEL of Van Buren  
WALLS of Millinocket  
— of the House.

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

Report was signed by the following member:

Mr. DUNN of Poland  
— of the House.

Reports were read.

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

Mr. CURTIS: Mr. Speaker and Members of the House: When I first read this bill I was amazed, and the more I read it and the more I consider it the more amazed I am, and I am amazed that this should come out as it did. I move that the bill be substituted for the report, and I wish to speak thereto.

The SPEAKER: The Chair would suggest to the gentleman that he has made the wrong motion. If the Chair understands the gentleman correctly, he is opposed to the bill.

Mr. CURTIS: I am.

The SPEAKER: You have moved that the bill be substituted for the report, and the report is “Ought to pass,” rather the Majority Report is “Ought to pass.”

Mr. CURTIS: Mr. Speaker, I move that the Minority Report be accepted.

The SPEAKER: The gentleman moves that the Minority Report be accepted. The gentleman may proceed.

Mr. CURTIS: Mr. Speaker and Members of the House: The only thing this bill will do is to make lawbreakers out of practically everybody that drives an automobile in the State of Maine.

Now, we are spending millions making ourselves financially embarrassed by the amount of money that we are paying out for roads. Now we have some very good roads and we have some very good, fine automobiles with brakes on every wheel, and then to say that we will go back to forty-five miles an hour is just too ridiculous for anything because the people will not do it regardless of whether you pass it or whether you don't.

Now, the big trucks have been running very fast and when we took it up with the proper authorities, why they are down to fifty miles an hour on good roads. On good roads where they are posted at sixty, why automobiles can get by on sixty. You will find if you look over statistics, on our turnpike you will find

that after they increased the speed from sixty to seventy they had less accidents. Now, we are not asking to increase the speed but I think that we should not reduce it this way because people will just not live up to it, that is all there is to it. I don't know of anybody, in fact your trucks won't, there won't be anybody. What you will have to do is that you will have to get several thousand or a hundred thousand policemen to follow every man that is driving along the road to see that he doesn't break the law because it is just too ridiculous for anything.

I now move that we table it until Thursday next.

The SPEAKER: The question before the House is the motion of the gentleman from Bowdoinham, Mr. Curtis, that the bill and both reports be tabled and specially assigned for Thursday next pending the motion of the gentleman from Bowdoinham, Mr. Curtis, that the House accept the "Ought not to pass" Minority Report. Is this the pleasure of the House? Will those who favor the motion to table please say aye; those opposed, no.

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

The SPEAKER: The motion does not prevail. The question now before the House is the motion of the gentleman from Bowdoinham, Mr. Curtis, that the House accept the Minority "Ought not to pass" Report.

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

Mr. EARLES: Mr. Speaker and Ladies and Gentlemen of the House: I appreciate the fact that the gentleman from Bowdoinham, Mr. Curtis, is very interested in rural roads, the drivers on rural roads, trucks and a diversity of subjects, but I feel in this particular instance that he has a misconceived notion.

May I make a couple of preliminary remarks. Although I am the sponsor of this particular piece of legislation, "An Act relating to Speed of Motor Vehicles," it was a piece of legislation that was conceived, nurtured and given life as a result of the current activity of the State Highway Commission, the State Police Department and the

membership of the Executive Group of the Highway Safety Committee.

Those of you who were here two years ago will recall that the question came up about not relying on the prima facie rule, so-called, of forty miles an hour, but establishing a maximum speed limit. Some wanted seventy, some wanted sixty. It was finally determined legislatively that we would set a maximum speed limit of sixty miles an hour in the daytime and fifty-five at night unless otherwise posted. There was also a concept in this legislation established which set up a joint board, the State Highway Department, the Chief of the State Police and the Secretary of State would concur on establishing the speed limits on roads that they felt should be given a speed limit different than the maximum.

Now, with that background, may I refer to the fact sheet "Questions and Answers" to simplify this thing, that has been provided by the Highway Safety Committee. First, they say "What does the bill seek to accomplish?" And they say that the Ninety-Eighth Legislature passed a law which established a maximum speed limit of sixty miles in the daytime, fifty-five at night. It also with power to decrease the speed created the Speed Regulation Board, limit and post the roads accordingly. The ideal arrangement would have been to have every highway in the State signed, in other words, posted. It has been found, however, and this is a matter of practicality, that there were approximately 11,000 miles of unposted, unsigned rural highway in the State. It would cost approximately \$300,000 to erect speed signs on these roads. And under the provisions of the law passed two years ago, the speed limit on such highways is sixty unless otherwise reduced by the Speed Regulation Board and posted accordingly.

In other words, there is a great mass of roads in the State of Maine that wouldn't as a safety matter precaution permit passage by cars on those highways at sixty miles an hour and should be posted at forty-five. But the number of them was so great, the cost of posting them was so great that they decided to reverse the process and establish a maximum of forty-five miles an hour



and to post otherwise up to sixty at the discretion of the Joint Board, so that the idea being that there were fewer roads in the State that would stand traffic at sixty miles an hour. And the reversal of the project simplifies the work of the Joint Board, simplifies the posting, and saves an expenditure, an anticipated expenditure of \$300,000.

I don't wish to pursue this further. I feel that perhaps maybe members of the Transportation Committee may have observations they may wish to make or possibly members of the Executive Committee of the Highway Safety Committee, so with that I will conclude. Thank you.

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen: My particular quarrel with this bill is that it makes supermen out of a few men and it makes imbeciles out of the rest of the citizens of Maine. Now, we do have a law as to drive to endanger. I think that every member of this House does not drive to endanger. They know that there are pieces of road that are safer at sixty miles an hour than another piece of road is at twenty-five miles an hour. And I think that the people of the State of Maine are intelligent people. I don't think they have to be fenced in entirely by a few supermen who think that they know all there is as to road driving and as to other things. Now, I know, you know and we all know that when we go onto a piece of road that is not safe to make sixty miles an hour we will not drive sixty miles an hour. We may not drive forty-five miles an hour because our common sense just tells us not to do it. And we know that if we don't use common sense and do it, why there may be a police officer behind us and he will arrest us for driving to endanger.

We all own automobiles and we all drive, and I think it is time that somewhere along the line that we commence to trust the people of Maine and stop fencing them in with these laws and saying that they don't know enough to drive an automobile. So when the vote is taken I wish that it be taken by division.

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

Mr. DUMAIS: Mr. Speaker and Members of the House: In this Committee this bill was given a very good hearing, and the cost was prohibitive of us going out and posting all these roads. Primarily we know that some of the roads that should be posted maybe are included, but we have posted already over 650 miles of road, and as the gentleman from South Portland has said, it would cost the State to post these other roads, approximately 1100, \$300,000. We didn't feel that we could go out and do that, we didn't feel that the State was in a financial position where it could go forward and do that.

We certainly didn't take what the gentleman from Bowdoinham, Mr. Curtis, said that we were all bug-house or imbeciles or something like that, because we realize that we have some very good drivers in the State, but the cost there and the law states that every road shall be posted; so therefore, we went along with the recommendation of the Highway Commission and the Secretary of State and the Chief of the Maine State Police, thinking that this was the best way for us to bail ourselves out of \$300,000.

I drive as fast as anybody on the road, and I'll admit that sometimes roads are not the roads that they should be, and I probably drive a little too fast, but I want to say now that the cost of posting every road was beyond what this State could carry financially, and that is the reason that we voted in favor of this thing. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Guilford, Mr. Dodge.

Mr. DODGE: Mr. Speaker and Members of the House: I wish all the gentlemen of the House had one of these reports. It is too bad that you don't have them. This is "Analysis of Facts in Fatal Accidents," and there are books that the State Police put out every year that cover every accident, how they happened, the day they happened and everything about them. But I will read you just a little of this about speed. This is of 174 accidents that caused fatalities. Excessive speed

was 11, that is speed over whatever the speed was on the road, whether it was listed at forty-five, sixty or whatever. And then excessive speed for conditions was 24. The two of them together caused 41 fatalities on the road. If we could have these reports we would be more able to come to some conclusion of what causes accidents and what we could do about them.

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

Mrs. CHRISTIE: Mr. Speaker, I have not looked into the law of which this is a part or would be a part, but I am wondering if this actually makes the maximum speed forty-five miles. That is the way it looks in this bill and if that is true, I feel that it is too low. I would like to know from the gentleman from South Portland, Mr. Earles, or from a member of the Committee if this makes the absolute maximum forty-five miles. I don't want to break the law but I am sure I don't want to drive forty-five all the time.

The SPEAKER: The gentlewoman from Presque Isle, Mrs. Christie, has addressed a question through the Chair to any member of the Transportation Committee who may answer if he chooses.

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

Mr. DUMAIS: Mr. Speaker, this act will make the speed limit on any road that is not posted forty-five miles an hour, any road that is not posted. We have 600 and some odd miles posted now. The last Legislature voted a law that the roads shall be posted, the speed shall be posted, and under this present law if the roads are not posted the speed will be forty-five miles an hour.

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

Mrs. CHRISTIE: Mr. Speaker, I would like to table this bill until tomorrow for the purpose perhaps of offering an amendment.

The SPEAKER: The question before the House now is the motion of the gentlewoman from Presque Isle, Mrs. Christie, that the Bill "An Act relating to Speed of Motor Vehicles", House Paper 375, Legislative Document 533, and both Reports be tabled and specially as-

signed for tomorrow pending the motion of the gentleman from Bowdoinham, Mr. Curtis, that the House accept the Minority "Ought not to pass" Report. Is this the pleasure of the House? Will those who favor the tabling motion please say aye; those opposed, no.

A viva voce vote being doubted, a division of the House was had.

Seventy-one having voted in the affirmative and fifty-five having voted in the negative, the motion prevailed and the Bill and accompanying Reports were so tabled.

#### Passed to Be Engrossed

Bill "An Act Providing Ferry Service between Mainland and Islands in Casco Bay, Cumberland County" (S. P. 246) (L. D. 629)

Bill "An Act Changing the Date of Municipal Election in City of Saco" (S. P. 317) (L. D. 879)

Bill "An Act relating to Vacancies in City Council of City of Rockland" (S. P. 337) (L. D. 913)

Bill "An Act to Incorporate the Town of Topsfield" (H. P. 45) (L. D. 65)

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

#### Tabled Temporarily

Bill "An Act relating to Protection of Weirs" (H. P. 366) (L. D. 525)

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

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Pike.

Mr. PIKE: Mr. Speaker, item five and the item eight which is coming up, are companion pieces. I now move that item five be either referred back to Committee or tabled for a moment until I can speak on the two together.

The SPEAKER: The gentleman may make either motion. The Chair would suggest to the gentleman that he table item number five until later in today's session.

Mr. PIKE: I so move.

The SPEAKER: The gentleman from Lubec, Mr. Pike, now moves that Bill "An Act relating to Protection of Weirs" be tabled until later in today's session pending pas-

sage to be engrossed. Is this the pleasure of the House?

The motion prevailed.

Bill "An Act relating to Taking of Tom Cods in Gouldsboro and Steuben" (H. P. 429) (L. D. 635)

Bill "An Act relating to Digging Clams in Kennebunkport, York County" (H. P. 564) (L. D. 797)

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

**Amended Bill  
Recommended**

Bill "An Act relating to Definition of Fish Weirs" (H. P. 367) (L. D. 526)

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

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. PIKE.

Mr. PIKE: Mr. Speaker and Members of the House: Item number eight, Bill "An Act relating to Definition of Fish Weirs", and item number five Bill "An Act relating to Protection of Weirs" are companion pieces. The day of the hearing before the Sea and Shore Fisheries Committee was extremely inclement and the folks from my end of the county who are largely weir-men were not able or at least did not show up. They all tell me that they consider the definition of the weirs, that is item eight, as arbitrary and unreasonable. The remark was made that in an attempt to cure an admittedly troublesome situation on the coast, the measure uses a meat axe to cut out a pimple. Therefore, they consider it bad legislation.

The real trouble, however, is in item number five which is clearly unconstitutional in that it deprives an owner of property without due process of law, the essential part of due process of law being notice and opportunity for hearing by the person who is about to have his property taken away from him. This is not only my opinion, which is worth nothing, not being a lawyer, it apparently is the opinion of legislative draftsmen, of the Commission of Sea and Shore Fisheries and by the draftsman of the bill with whom

I have been in telephone conversation.

There are better methods to cure this admittedly troublesome situation. I would hope that the Committee on Sea and Shore Fisheries would review the whole situation and perhaps accept some suggestions as to a better method of cure. Therefore, I move that item five and item eight be referred back to the Committee on Sea and Shore Fisheries for further consideration.

The SPEAKER: The Chair must advise the gentleman that since item number five is on the table, and the only item before the House at the moment is item number eight, we must deal with them separately.

The Chair understands the gentleman from Lubec, Mr. PIKE, to move that with respect to item number eight, Bill "An Act relating to Definition of Fish Weirs", the Bill be recommitted to the Committee on Sea and Shore Fisheries. Is this the pleasure of the House?

The motion prevailed, the Bill with accompanying papers was recommitted to the Committee on Sea and Shore Fisheries and sent up for concurrence.

Mr. PIKE: Is it now in order to remove—

The SPEAKER: The Chair would advise the gentleman that a motion to remove item number five from the table would be more properly in order after we have dealt with the tabled and assigned matters.

Mr. PIKE: Thank you, Mr. Speaker.

Mr. Caron of Biddeford: Mr. Speaker?

The SPEAKER: For what purpose does the gentleman arise?

Mr. CARON: On the emergency measure, I notice that the Pages have been sent out, and I don't think it will be necessary. As a matter of courtesy to the gentleman from Biddeford, Mr. Lantagne, I would like to make a motion that it be tabled.

The SPEAKER: Would the gentleman defer his motion until the Clerk has laid the matter before the House? Would the gentleman from Biddeford, Mr. Caron, approach the rostrum?

### House at Ease

Called to order by the Speaker.

#### Emergency Measure Tabled and Assigned

An Act Amending the Charter of the City of Biddeford (H. P. 842) (L. D. 1163)

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

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

Mr. CARON: Mr. Speaker, as a courtesy to Representative Lantagne from Biddeford, I would like to table this bill until Tuesday next.

The SPEAKER: The question before the House is the motion of the gentleman from Biddeford, Mr. Caron, that Bill "An Act Amending the Charter of the City of Biddeford" be tabled and specially assigned for Tuesday next pending passage to be enacted.

The Chair must remind the gentleman from Biddeford, Mr. Lantagne, that debate is not in order at this time if the gentleman wishes to debate.

Mr. LANTAGNE: I just want to ask to give me two weeks from today.

The SPEAKER: The motion has already been placed before the House to specially assign it for Tuesday next. The gentleman may debate the time of assignment, if the gentleman would care to speak on the time of assignment.

Mr. LANTAGNE: Mr. Speaker, I would like to assign this bill if it is agreeable to my colleague, Mr. Caron, for two weeks from today.

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

Mr. CARON: Mr. Speaker, this is an emergency measure which concerns the schools —

The SPEAKER: The gentleman may not debate the bill, he must debate only the time of assignment.

Mr. CARON: I want to give the gentleman from Biddeford, my reason why I feel that next Tuesday would be sufficient time. This bill has been thoroughly gone over. This bill incorporates the bill of the gentleman from Biddeford, Mr. Lantagne, and my emergency clause.

To table it two weeks would only offset it for two more weeks. This has been through the House and had three readings and it went through the Senate, and if the gentleman from Biddeford requires a few more days I will change the date if it suits the gentleman to next Thursday, but I would prefer to leave it next Tuesday, but I will give him a few more days if he so requires but I don't think we should give him two weeks.

The SPEAKER: The Chair will inquire of the gentleman from Biddeford, Mr. Lantagne, whether assignment for a week from today would be satisfactory to him?

Mr. LANTAGNE: Mr. Speaker, I feel that I should have those two weeks to prepare anything that it might bring up before the House later.

The SPEAKER: The Chair understands that the gentleman from Auburn, Mr. Wade, moves that Bill "An Act Amending the Charter of the City of Biddeford" now be tabled for later in today's session — the Chair is out of order. The House will have to vote on the motion of the gentleman from Biddeford, Mr. Caron, that this bill be tabled and specially assigned for one week from today.

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

Mr. CARON: Mr. Speaker, with the permission of the House I would like to withdraw my motion to table this one week from today and change my motion to table it until later on in the day.

The SPEAKER: The gentleman from Biddeford, Mr. Caron, would request permission of the House to withdraw his motion that this bill be tabled and specially assigned for one week from today. Is there objection? There is none. The Chair now understands the gentleman from Biddeford, Mr. Caron, moves that this bill be tabled and assigned for later in today's session. Is this the pleasure of the House?

(Cries of "No")

The SPEAKER: Will those who favor the motion to table and assign for later in today's session please say aye; those opposed, no.

On a viva voce vote, the motion did not prevail.

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

Mr. CARON: Mr. Speaker, I would like to make a motion to table this bill for a week from today.

The SPEAKER: The question before the House is the motion of the gentleman from Biddeford, Mr. Caron, that this bill be tabled and specially assigned for one week from today. The time of assignment is debatable.

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

Mr. LANTAGNE: Mr. Speaker, I would like to have it tabled for two weeks. I ask a division.

The SPEAKER: The question before the House is the motion of the gentleman from Biddeford, Mr. Caron, that the bill be tabled and specially assigned for one week from today. A division has been requested.

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

Mr. CARON: Mr. Speaker, as a courtesy to the gentleman from Biddeford, Mr. Lantagne, I will amend my motion to two weeks from today. (Applause)

The SPEAKER: The House will be in order. The Chair understands that the gentleman from Biddeford, Mr. Caron, now withdraws his motion to table this bill and specially assign it for next Thursday. Is there objection? The Chair hears none.

The question now before the House is the motion of the gentleman from Biddeford, Mr. Lantagne, that this bill be tabled and specially assigned for two weeks from today pending passage to be enacted. Is there objection? The Chair hears none. (Applause)

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

Mr. ROLLINS: Mr. Speaker?

The SPEAKER: For what purpose does the gentleman rise?

Mr. ROLLINS: Did not Mr. Caron make that motion?

The SPEAKER: The matter has been disposed of and the Chair has ruled on the motion.

#### Passed to Be Enacted

An Act relating to Audience or Reader Participation in Radio, Television or Newspaper Amusements or Games (S. P. 115) (L. D. 265)

An Act Creating the Portland Coliseum Recreation Center (S. P. 117) (L. D. 267)

An Act relating to Recording of Eminent Domain Proceedings (S. P. 134) (L. D. 329)

An Act relating to Inspection of Hotel Registers by Police Officers (S. P. 212) (L. D. 551)

An Act relating to Time Attachment of Property Continues after Judgment (S. P. 214) (L. D. 553)

An Act Increasing Payments to York County Law Library (H. P. 39) (L. D. 59)

An Act relating to Dragging for Scallops in Bagaduce River and Bay in Hancock County (H. P. 365) (L. D. 524)

An Act relating to Residence of Judge of Eastport Municipal Court (H. P. 395) (L. D. 578)

An Act relating to Residence Requirements in Public Assistance (H. P. 577) (L. D. 810)

#### Finally Passed

Resolve Regulating Bass Fishing in Sebago Lake, Cumberland County (H. P. 288) (L. D. 435)

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.

#### Orders of the Day

The SPEAKER: Under Orders of the Day the Chair lays before the House the first tabled and today assigned matter, Bill, "An Act Requiring Certain Trucks to Carry Flares," House Paper 705, Legislative Document 1005, tabled on March 12 by the gentleman from Hope, Mr. Hardy pending second reading; and the Chair recognizes that gentleman.

Thereupon, on motion of that gentleman, the Bill was retabled and specially assigned for Wednesday, March 25, pending second reading.

The SPEAKER: The Chair now lays before the House item number two, House Divided Report, Majority "Ought to pass" and Minority "Ought not to pass" of the Committee on Transportation on Bill "An Act relating to Operation of Farm Trucks," House Paper 459, Legislative Document 665, tabled on March 12 by the gentleman from Poland,

Mr. Dunn, pending acceptance of either report; and the Chair recognizes that gentleman.

Mr. DUNN: Mr. Speaker and Members of the House: I don't feel that everybody maybe understands this farm bill. Now, previous to 1954 for farm trucks the price was reduced to half price up to 18,000 pounds, permitting farmers to work on their farms for farm use. In the 97th Legislature a bill came into the Committee of which I was a member asking for a fifteen-mile radius on this same farm registration in order for them to travel from one farm to another in performance of their farm operations, as the law at that time was violated every time they crossed the highway from one farm to another. The bill was passed allowing them a fifteen-mile radius. At the last Legislature a bill was enacted to allow them to travel within a radius of sixty-five miles from the main entrance to the farm, which to me seems quite a liberal distance. The same law also stated that farm trucks so registered shall have the name of the town in which the excise tax has been paid printed in four inch letters on the left hand door of the truck.

This document before you, L. D. 665, would give them unlimited distance and the name of the town would not have to be printed on the truck, with the registration costing one-half of what others pay.

We have bills before us in that Committee now asking, hoping that we can stretch the laws a little to affect their particular operations. It seems to me that this particular group is quite well off right now, and I am afraid that if we pass this bill that maybe in the future legislature somebody might want to take that right back to fifteen miles again.

Now, in a recent survey it shows that eighty per cent of the farm trucks travel less than sixty-five miles, making a very small group that this would really affect. In 1956 there were 2,336 farm vehicles registered at an average cost of \$25.43. In 1958 3,770 farm trucks are registered at an average cost of \$28.73. The number of vehicles registered, increased in that short time, was fifty-nine per cent.

Only about one-third of other states allow any consideration to farm trucks, so I feel that if this bill passes it will not only be harmful to the farmers but everybody else.

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

Mr. CALL: Mr. Speaker and Members of the House: My good friend, the gentleman from Poland, Mr. Dunn, and I are very personal friends and this is the first time that we have heartily disagreed on a bill.

This has been talked over considerably by quite a group here in the House and I have got more telephone calls on this bill than any bill that was ever in the House, and it came out of Committee, for the information of the House to remind you, to refresh your memory, eight to two "Ought to pass," eight to two.

Now, we all know that we have a sixty-five mile radius right now, and it said this morning in this yellow sheet, that you probably all got in your mail the same as I did, "Mileage restriction of any kind is a guarantee that many farmers can not use the farm fee. In fairness to all operators of farm trucks who meet all other qualifications, it is our judgment that mileage restrictions are inoperative and hardly within the State's interest to regulate."

Now, Massachusetts, New Hampshire and Vermont all have unlimited restrictions on mileage. I could go on here for a long time, so I make a motion that we accept the "Ought to pass" Report, and I ask for a division.

The SPEAKER: The question now before the House is the motion of the gentleman from Cumberland, Mr. Call, that the House now accept the Majority "Ought to pass" Report.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: As you know, I come from as nearly a farming area that could be considered a farming area, and I am opposed to extending this, and I can give you several reasons why. First of all, after I am seated, I would like to have someone see if

they can make an estimate of how much more this is going to cost the State. This is what I am interested in, the cost. Now, I offer as an illustration, I could be considered a farmer, I have been many times since I have been in Augusta. As a matter of fact, I do have a farm and raise sixteen thousand chickens, I cut quite a lot of lumber and so forth, and I have five trucks. I never have registered under this, but I am afraid this is going to make it worth my while. At least four of these trucks I could register. Now, I have never been considered a farmer before, but I am afraid I could be.

My other question I want to ask is what constitutes a farmer? When he keeps one cow, one pig, sixteen thousand chickens, and I raise a little grain, whereabouts do you draw the line? I am afraid this is going to bring a lot of us in and make us interested because it looks pretty interesting to me.

So, my two questions are — is anyone making an estimate of how much this costs the State, and the other one, what constitutes a farmer? From this point on I think I am a farmer, if they are going to give all this consideration I might as well be a farmer.

The SPEAKER: The Chair would inquire of the gentleman from Enfield whether or not he is addressing those questions to anyone in particular?

Mr. DUDLEY: Any member of the Committee that voted this out "Ought to pass."

The SPEAKER: The gentleman from Enfield, Mr. Dudley, has addressed two questions through the Chair to any member of the Committee who favors the "Ought to pass" Report. Is there any member of the Committee who favored the "Ought to pass" Report who will volunteer to answer the questions of the gentleman from Enfield?

The Chair recognizes the gentleman from Acton, Mr. Hobbs.

Mr. HOBBS: Mr. Speaker and Members of the House: I do not have any exact figures on this matter, but in the past, as I understand it, it has not made any great difference in the amount of money that has come into the Motor Vehicle Department, and the Motor Vehicle Department did not appear in op-

position to this bill. Furthermore, I have a few words that I would like to say in regards to this bill.

The only trucks that come under it are a certain group of trucks, 9,000 to 18,000, and they have to be designated as farm trucks. I point to the fact that the number of trucks that are registered are a small percentage of all trucks that are registered and it appears that it does not reduce the revenue of the Motor Vehicle Department to any great amount. All this measure asks for is to give the farmers the privilege of using these trucks in their business as they need them perhaps to go more than sixty-five miles at some times of the year.

Some of the members think that this is giving too much privilege to the farmers, and to answer this as a farmer I would like to make a few remarks. Ladies and Gentlemen, do you ever stop to think how much you depend on the farmers to produce the food you purchase every day for yourselves and your families? Family operated farms are fast going out of farming. For instance, a short time ago we had 1200 dairy farms operating in this State, and at the present time we have only 800. Most all of the types of farming are declining at about the same rate. Therefore, if there is any industry that could use a little extra privilege at this time it is the farmers of the State of Maine.

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

Mr. ERVIN: It is apparent that there are several questions on this bill that are not going to be answered today, and I would like to table this bill, specially assigned to next Wednesday.

The SPEAKER: The question now before the House is the motion of the gentleman from Houlton, Mr. Ervin, that the Bill, "An Act relating to Operation of Farm Trucks," House Paper 459, Legislative Document 665, and both Reports be tabled and specially assigned for Wednesday next pending the motion of the gentleman from Cumberland, Mr. Call, to accept the Majority "Ought to pass" Report.

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

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

The SPEAKER: The Chair now lays before the House item number three, An Act to Incorporate the Eastport Water District, House Paper 315, Legislative Document 462, tabled on March 13 by the gentleman from Lubec, Mr. Pike, pending passage to be enacted; and the Chair recognizes that gentleman.

Mr. PIKE: Mr. Speaker and Members of the House: I am reliably informed that the folks of Eastport have not yet ironed out their internal differences and I am not so reliably informed that they expect to have them ironed out by this time next week. I therefore move that this item be retabled for consideration a week from today.

The SPEAKER: With respect to Bill "An Act to Incorporate the Eastport Water District," the gentleman from Lubec, Mr. Pike, moves that this bill be retabled and specially assigned for one week from today pending passage to be enacted. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair now lays before the House item number four, Bill "An Act relating to Fees of Registers of Deeds for Mechanical Methods of Recording," House Paper 50, Legislative Document 70, tabled on March 18 by the gentleman from Auburn, Mr. Wade, pending passage to be engrossed; and the Chair recognizes that gentleman.

Mr. WADE: Mr. Speaker and Members of the House: Because it appears that there may be some question as to whether or not the provisions of this L. D. number seventy may be in conflict with fees that are established in other portions of the Revised Statutes, I would ask the indulgence of the House to retable this matter until next Tuesday.

The SPEAKER: The question now before the House is the motion of the gentleman from Auburn, Mr. Wade, that Bill "An Act relating to Fees of Registers of Deeds for Mechanical Methods of Recording," be tabled and specially assigned for

Tuesday next pending passage to be engrossed. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair now lays before the House item number five, Bill "An Act relating to Exemption from Taxation of Veterans Estates," House Paper 180, Legislative Document 251, tabled on March 18 by the gentleman from Lewiston, Mr. Jalbert pending passage to be engrossed.

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

Thereupon, on motion of that gentleman, the Bill and accompanying papers were recommitted to the Committee on Taxation and sent up for concurrence.

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

The Chair now lays before the House, Bill "An Act relating to Protection of Weirs," House Paper 366, Legislative Document 525, tabled earlier in today's session by the gentleman from Lubec, Mr. Pike, pending passage for enactment; and the Chair recognizes that gentleman.

Thereupon, on motion of that gentleman, the Bill and accompanying papers were recommitted to the Committee on Sea and Shore Fisheries and sent up for concurrence.

Mr. Crockett of Freeport was granted unanimous consent to address the House.

Mr. CROCKETT: Mr. Speaker and Members of the House: Since tomorrow is Welcome Back Day, I ask unanimous consent that during the day tomorrow all former members and officers of the House be invited to occupy seats inside the rail. Now, if you have somebody that is here tomorrow for the Welcome Back Day that would like to sit with you, you can provide a chair for him to sit along with you. A lot of them would like to do it and I hope my order prevails.

Thereupon, there being no objection, it was so ordered.

Mr. Curtis of Bowdoinham was granted unanimous consent to address the House.



Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen: We the Members of this Legislature have been granted a great privilege of parking our cars near this building. I drive home every day as several others do. Yesterday when I arrived at quarter of ten there were some twenty-five cars parked in the lot and I couldn't park there. So I went down and parked and put what money in the parking meter that I could put in, but as I was busy the thing ran out so I got a ticket, although they were gracious enough not to make me pay the fifty cents, but said next time I would have to. In talking with the police he told me that he had tagged every one of those thirty-five cars, or twenty-five cars, whichever it was, and this morning there were none so tagged. And yet there was only one place left and that was a hard place to creep into. The reason was that a great many cars, as he and I walked over the lot, were taking double spaces. Now, there could have been parked at least ten or twelve more cars if each legislator had parked his car the way he would park it in most any other parking area, because the policeman would be along to tag him if he didn't. I am just bringing this to your attention

and I trust that we will all park our cars as they should be parked.

Mrs. Smith of Falmouth was granted unanimous consent to address the House.

Mrs. SMITH: Mr. Speaker and Members of the House: The Committee on Leave of Absence has met and would like to request that the Members of the House observe that part of the rules of the House which says, "And no Member shall be absent more than two days without leave of the House, and no Member shall have such leave unless it be reported by the Committee on the Leave of Absence." If you would please report to me a few days in advance, if possible, an order will be drawn and presented by a member of the Committee. This protects you in the event of a roll call, and would make it easier for us to keep some sort of record and we would appreciate it very much.

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

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(Off Record Remarks)

On motion of Mr. Pike of Lubec,

Adjourned until one o'clock tomorrow afternoon.