

# 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**

Tuesday, April 7, 1959

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

Prayer by the Rev. Mr. Earnest E. Eells of the Congregational Church, Sebago.

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

The journal of the previous session was read and approved.

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

Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to Tax Appeals" (S. P. 190) (L. D. 486)

Came from the Senate read and accepted.

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

**Ought to Pass in New Draft**

Report of the Committee on Highways on Bill "An Act relating to Maintenance of Guide-posts by Municipalities" (S. P. 327) (L. D. 903) reporting same in a new draft (S. P. 442) (L. D. 1289) under same title and that it "Ought to pass"

Report of the Committee on Towns and Counties on Bill "An Act Increasing Salaries of Jury Commissioners" (S. P. 182) (L. D. 425) reporting same in a new draft (S. P. 441) (L. D. 1288) under same title and that it "Ought to pass"

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

In the House, the Reports were read and accepted in concurrence, the New Drafts read twice and tomorrow assigned.

**Ought to Pass**

Report of the Committee on Towns and Counties reporting "Ought to pass" on Bill "An Act relating to Appointment of Special Deputy Sheriffs" (S. P. 145) (L. D. 340)

Report of same Committee reporting same on Bill "An Act relating to Duty of Full-Time Municipal Health Officers Concerning Tuberculosis" (S. P. 340) (L. D. 916)

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

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

**Tabled and Assigned**

Report of the Committee on Towns and Counties reporting "Ought to pass" on Bill "An Act Providing for County Bond Issue for Capital Improvements in Androscoggin County" (S. P. 424) (L. D. 1220)

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

In the House, the Report was read.

(On motion of Mr. Dumais of Lewiston, tabled pending acceptance of the Committee Report and specially assigned for Thursday, April 16.)

**Ought to Pass with  
Committee Amendment**

Report of the Committee on Retirements and Pensions on Resolve in favor of a Survivor Benefit Allowance for Otelia M. Race of Guilford (S. P. 293) (L. D. 817) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 293, L. D. 817, Resolve in Favor of a Survivor Benefit Allowance for Otelia M. Race of Guilford.

Amend said Resolve by adding at the end thereof the following sentence:

"The Maine State Retirement System shall retain \$250 of the amount Mr. Race paid into the system on account of out-of-state service, covering the 3½ years credit hereby granted, and the balance of the amount shall be refunded to Otelia M. Race."

Committee Amendment "A" was adopted and the Resolve assigned for second reading tomorrow.

### Non-Concurrent Matter

An Act relating to Definition of Tavern under Liquor Laws (H. P. 695) (L. D. 995) which was passed to be enacted in the House on April 1, and passed to be engrossed on March 25.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mr. CARON: Mr. Speaker, I move we insist on our former action.

The SPEAKER: The gentleman from Biddeford, Mr. Caron, moves that the House insist on its former action whereby it passed this bill to be engrossed.

The Chair recognizes the gentleman from Presque Isle, Mrs. Christie.

Mrs. CHRISTIE: Mr. Speaker, if it is in order, I move that we recede and concur with the Senate.

The SPEAKER: The question now before the House is the motion of the gentlewoman from Presque Isle, Mrs. Christie, that the House recede and concur.

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

Mr. CARON: Mr. Speaker, in order to give me time to speak to my constituents, I would like to table this until next Tuesday.

The SPEAKER: With respect to this bill, the gentleman from Biddeford, Mr. Caron, moves that the bill and all accompanying papers be tabled and specially assigned for Tuesday next pending the motion of the gentlewoman from Presque Isle, Mrs. Christie, that the House recede and concur. 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 doubted, a division of the House was had.

Fifty-seven having voted in the affirmative and sixty-one having voted in the negative, the motion did not prevail.

The SPEAKER: The question now before the House is the motion of the gentlewoman from Presque Isle, Mrs. Christie, that the House recede and concur.

Will those who favor the motion to recede and concur, please say aye; those opposed, no.

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

The SPEAKER: The question now before the House is the motion of the gentleman from Biddeford, Mr. Caron, that the House insist.

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

A viva voce vote being taken, the motion prevailed.

### (Off Record Remarks)

The SPEAKER: At this time the Chair would recognize the presence in the gallery of the House of a group of elementary students from South Gardiner accompanied by their instructor, R. B. Cates. Also in the gallery of the House a group of students from the Winthrop Street School for Girls in Hallowell, accompanied by Mrs. Frances Marr. On behalf of the House, the Chair extends to you young ladies and gentlemen a most hearty and cordial welcome, and we hope you will enjoy and profit by your visit here today. (Applause)

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

### Orders

On motion of Mr. Edwards of Stockton Springs, it was

ORDERED, that Mr. Edgerly of Sangerville be excused from attendance for the week because of illness.

On motion of Mr. Walsh of Verona, it was

ORDERED, that the following members of the Committee on Highways be excused from Legislative sessions on Tuesday and Wednesday, while attending to their strenuous duties of inspection of bridges and open spaces between river banks at Belfast, Beals and Lubec, together with an invited inspection of the Cutler Naval Base at Cutler:

Messrs. TURNER of Auburn  
CARTER of Etna

GRAVES of Mount Desert  
CROCKETT of Freeport  
DENNISON  
of East Machias  
NADEAU of Biddeford  
PRUE of Ashland

Mr. Wade of Auburn presented the following Order, moved its passage and requested the Speaker to read the Order.

The Order was read by the Speaker as follows:

WHEREAS, the members of the House of Representatives have learned by an announcement in the press that their Veteran Clerk is about to leave the army of the un-enjoyed,

WHEREAS, the members of the House wish to extend to their Clerk their sincere congratulations and best wishes for happiness to the future Mrs. Pease:

NOW THEREFORE BE IT ORDERED, that —

The House congratulate Pease  
We hope his wife he will please  
If she keeps him in line  
All will be fine  
And the House may now be at ease. (Applause, members rising)

The SPEAKER: The Chair will declare the Order unanimously passed.

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

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

#### House Reports of Committees Leave to Withdraw

Mr. Graves from the Committee on Highways on Bill "An Act relating to Maintenance of Portland-South Portland Bridge" (H. P. 191) (L. D. 283) reported Leave to Withdraw.

Mr. Nadeau from same Committee reported same on Bill "An Act to Authorize County Commissioners of Cumberland County to Issue Bonds for Portland Bridge Repairs" (H. P. 430) (L. D. 636)

Mr. Rankin from the Committee on Sea and Shore Fisheries reported

same on Resolve Opening Brooks and Rivers in Lincoln County to Taking of Salt Water Smelts (H. P. 565) (L. D. 798)

Reports were read and accepted and sent up for concurrence.

#### Ought Not to Pass

Mr. Berman from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act Creating a Uniform Municipal Court System" (H. P. 811) (L. D. 1149)

Mr. Cox from same Committee reported same on Bill "An Act to Establish the Kittery Municipal Court" (H. P. 791) (L. D. 1123)

Mr. Knight from same Committee reported same on Bill "An Act Revising the Charter of the Yorkshire Municipal Court" (H. P. 859) (L. D. 1227)

Reports were read and accepted and sent up for concurrence.

#### Tabled and Assigned

Mr. Young from the Committee on Sea and Shore Fisheries reported "Ought not to pass" on Bill "An Act Regulating the Use of Otter or Beam Trawls" (H. P. 405) (L. D. 589)

Report was read.

(On motion of Mr. Knight of Rockland, tabled pending acceptance of the Committee Report and specially assigned for tomorrow.)

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

Mr. Crockett from the Committee on Highways on Bill "An Act Prohibiting Certain Lights Along Highways" (H. P. 390) (L. D. 573) reported same in a new draft (H. P. 914) (L. D. 1290) under same title and that it "Ought to pass"

Mr. Dennison from same Committee on Bill "An Act relating to Maintenance of Wire Bridge in Town of New Portland, Somerset County" (H. P. 688) (L. D. 988) reported same in a new draft (H. P. 915) (L. D. 1291) under title of "An Act relating to Maintenance and Rehabilitation of Wire Bridge in Town of New Portland, Somerset County" and that it "Ought to pass".

Reports were read and accepted, the New Drafts read twice and tomorrow assigned.

### Ought to Pass Printed Bills

Mr. Shepard from the Committee on Business Legislation reported "Ought to pass" on Bill "An Act relating to Formation and Operation of Mutual Trust Investment Companies under Supervision of Bank Commissioner" (H. P. 740) (L. D. 1059)

Mr. Berman from the Committee on Judiciary reported same on Bill "An Act relating to Penalty for Violation of Laws Regulating Operation of Motor Vehicles at Grade Crossings" (H. P. 721) (L. D. 1026)

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

### Tabled and Assigned

Mr. Cox from the Committee on Judiciary reported "Ought to pass" on Bill "An Act relating to Discrimination at Places of Public Resort or Amusement" (H. P. 560) (L. D. 846)

Report was read.

(On motion of Mr. Earles of South Portland, tabled pending acceptance of the Committee Report and specially assigned for Wednesday, April 15.)

Mr. Cox from the Committee on Judiciary reported "Ought to pass" on Bill "An Act relating to Petition for Support of Wife or Minor Children" (H. P. 877) (L. D. 1251)

Mr. Cote from the Committee on Legal Affairs reported same on Bill "An Act to Provide Pensions for Widows and Children of Deceased Public Works Employees of City of Lewiston" (H. P. 764) (L. D. 1082)

Mrs. Christie from the Committee on Liquor Control reported same on Bill "An Act relating to Penalty for Furnishing Liquor to Certain Persons" (H. P. 592) (L. D. 838)

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

### Ought to Pass with Committee Amendment

Mr. Good from the Committee on Legal Affairs on Bill "An Act Increasing Number of Members of School Board in North Berwick" (H. P. 523) (L. D. 758) 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. 523, L. D. 758, Bill, "An Act Increasing Number of Members of School Board in North Berwick."

Amend said Bill by striking out all of the emergency preamble.

Further amend said Bill by striking out in the 4th and 5th lines of section 1 the following words and punctuation:

" , and shall fill vacancies arising therein at each subsequent annual meeting".

Further amend said Bill by adding at the end of section 1 the following new sentence:

'A vote of a majority of the full membership of the committee shall be required for the purpose of conducting business and exercising the powers of the committee and for all other purposes.'

Further amend said Bill by striking out all of the Referendum Clause.

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 the South Portland Park and Recreation Commission" (H. P. 422) (L. D. 606) 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. 422, L. D. 606, Bill "An Act Relating to the South Portland Park and Recreation Commission."

Amend said Bill by striking out all of section 1 and inserting in place thereof the following:

"Sec. 1. P. & S. L., 1933, c. 55, Art. 12, § 5, amended. Section 5 of article 12 of chapter 55 of the private and special laws of 1933, as enacted by chapter 61 of the private and special laws of 1945, is amended to read as follows:

'Sec. 5. Authority to purchase property. For the purposes afore-

said, upon requisition by the commission, the purchasing agent shall purchase equipment and necessary materials and supplies for recreation and park purposes, and acquire lands, water areas, buildings and other property by gift, purchase, devise, lease or license, in trust or otherwise, in the name of the City of South Portland, but shall not pledge the credit of the city in any manner whatever. All expenditures shall be made only from the fund herein established **appropriations made for said commission by said city.**'

**Sec. 1-A. P.&S.L., 1933, c. 55, Art. 12, § 6, amended.** Section 6 of article 12 of chapter 55 of the private and special laws of 1933, as enacted by chapter 61 of the private and special laws of 1945, is amended to read as follows:

**'Sec. 6. Eminent domain.** Upon request of the commission in writing, directed to the municipal officers, describing the land to be taken, and the names of the owners thereof, so far as they may be known, the city council may direct such municipal officers to take such land for public parks, playgrounds and recreational purposes by the right of eminent domain. Said municipal officers, when so directed, shall proceed in accordance with the provisions of sections 5, 6 and 7 of chapter 84 of the Revised Statutes of 1944, except that the request of the commission herein provided, shall be in lieu of the petition of at least 30 of the tax-paying citizens as provided in said section 5. All damages awarded or finally determined on appeal shall be paid by the treasurer of the City of South Portland from the fund provided for in this act **said appropriations**, but if such **fund appropriations** shall not be sufficient to pay all of such damages, then any balance shall be paid from the treasury of the City of South Portland.'

**Sec. 1-B. P. & S. L., 1933, c. 55, Art. 12, § 7, repealed.** Section 7 of article 12 of chapter 55 of the private and special laws of 1933, as enacted by chapter 61 of the private and special laws of 1945, and as amended by chapter 46 of the private and special laws of 1949, is repealed.'

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

Mr. Trumbull from the Committee on Legal Affairs on Bill "An Act Increasing Members of Planning Board of City of Belfast" (H. P. 845) (L. D. 1208) 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. 845, L. D. 1208, Bill, "An Act Increasing Members of Planning Board of City of Belfast."

Amend said Bill by striking out the single quotation mark at the end and adding the following underlined sentence:

**"The city council may for each regularly elected member of the city planning board appoint one alternate member to serve during its pleasure as a member of the board in the absence of the regularly elected member, but in no case longer than the remainder of his unexpired term."**

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

Mr. Danes from the Committee on Sea and Shore Fisheries on Bill "An Act Repealing the Two Inch Clam Law" (H. P. 177) (L. D. 248), 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. 177, L. D. 248, Bill, "An Act Repealing the Two Inch Clam Law."

Amend said Bill by inserting the following underlined words at the end of Sec. 92, **'Provision of this Act, not to become effective until June 1, 1960, in order that municipalities may have an opportunity to take action in the interest of good conversation, at their annual 1960 town meetings, as provided in Chapter 38, Section 49.'**

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

Mr. CALL: Mr. Speaker, I would call the attention of the Clerk to the third line of the Amendment, the last word, I think it should be conservation rather than conversation.

The SPEAKER pro tem: The Chair is informed that this is an exact copy of the Amendment that was put in the Clerk's office. Without objection by verbal amendment the Clerk will correct the Amendment.

Mr. CALL: I yield to Mr. Rankin.

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

Mr. RANKIN: Mr. Speaker, the word should be conservation.

The SPEAKER pro tem: Is there objection to the Clerk making the correction? The Chair hears none.

Thereupon, Committee Amendment "A" was adopted as corrected and the Bill assigned for third reading tomorrow.

#### Passed to Be Engrossed

Bill "An Act relating to Interstate Compact on Welfare Services" (H. P. 205) (L. D. 296)

Bill "An Act relating to Valuation of Inter Vivos Transfers of Property for Inheritance Tax Purposes" (H. P. 243) (L. D. 354)

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

#### Third Reader Tabled

Bill "An Act relating to Excise Tax on House Trailers" (H. P. 255) (L. D. 366)

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

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

Mr. COUSINS: Mr. Speaker, I move that this item lie upon the table and the reason is this. We have another bill in the Taxation Committee which may affect the passage of this measure, and until we have considered that bill, I think it wise that this be tabled indefinitely.

The SPEAKER pro tem: The gentleman from Bangor, Mr. Cousins, moves that this matter be tabled pending passage to be engrossed and unassigned. Is this the pleasure of the House?

The motion prevailed.

#### Third Reader Tabled and Assigned

Bill "An Act relating to Tax Collector's Warrant" (H. P. 293) (L. D. 440)

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

(On motion of Mr. Jalbert of Lewiston, tabled pending passage to be engrossed and specially assigned for tomorrow.)

#### Third Reader Tabled and Assigned

Bill "An Act relating to Jurisdiction over Offshore Waters and Submerged Lands" (H. P. 642) (L. D. 933)

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

(On motion of Mr. Plante of Old Orchard Beach, tabled pending third reading and specially assigned for tomorrow.)

Bill "An Act relating to Legislative Jurisdiction Over Federal Lands within the State" (H. P. 643) (L. D. 934)

Bill "An Act Exempting Lambs under One Year Old from Taxation" (H. P. 672) (L. D. 964)

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

#### Third Reader Tabled and Assigned

Bill "An Act relating to Parking in Municipalities" (H. P. 860) (L. D. 1228)

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

(On motion of Mr. Brockway of Milo, tabled pending passage to be engrossed and specially assigned for tomorrow.)

Resolve Prohibiting Use and Possession of Live Fish as Bait in Auburn Lake, Androscoggin County (H. P. 495) (L. D. 708)



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

At this point, Speaker Edgar returned to the rostrum.

**SPEAKER EDGAR:** The Chair would like to take this opportunity to thank the gentleman from Ellsworth, Mr. Brown, very much for his excellent services as Speaker pro tem.

Thereupon, the Sergeant-at-Arms conducted the gentleman from Ellsworth, Mr. Brown, to his seat on the Floor, amid the applause of the House, and Speaker Edgar resumed the Chair.

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

An Act relating to Quinellas at Harness Race Meets (H. P. 70) (L. D. 108)

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. 130 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.

#### **Passed to Be Enacted**

An Act relating to County Appropriations to Promote Counties (S. P. 299) (L. D. 823)

An Act relating to Cost of Snow Removal on the Interstate System (S. P. 400) (L. D. 1168)

An Act relating to Employment of City Personnel in City of Lewiston (H. P. 521) (L. D. 756)

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

#### **Enactor Tabled and Assigned**

An Act relating to License Fees in Fire Prevention Laws (H. P. 657) (L. D. 949)

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

(On motion of Miss Cormier of Rumford, tabled pending passage for enactment and specially assigned for Tuesday, April 14.)

An Act relating to Sick Leave for Members of Fire Department of City of Lewiston (H. P. 761) (L. D. 1079)

An Act relating to Crossing of Public Ways by Railroads (H. P. 766) (L. D. 1084)

An Act relating to Indexing of Plans of Townships (H. P. 775) (L. D. 1093)

An Act Amending the Charter of the Bowdoinham Water District (H. P. 795) (L. D. 1127)

#### **Finally Passed**

Resolve relating to Ferry Terminals at Islesboro and Lincolnville (S. P. 367) (L. D. 1050)

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 now lays before the House the first tabled and today assigned matter, House Report "Ought not to pass" of the Committee on Legal Affairs on Bill "An Act to Repeal the Charter of the Cousins and Littlejohns Islands Village Corporation", House Paper 168, Legislative Document 242, tabled on March 26 by the gentlewoman from Yarmouth, Mrs. Knapp, pending acceptance of the Committee Report; and the Chair recognizes that gentlewoman.

**Mrs. KNAPP:** Mr. Speaker, in reference to this bill, I move it be recommitted to the Committee on Legal Affairs, and I have cleared it with the Chairmen.

Thereupon, the Bill with accompanying papers was recommitted to the Committee on Legal Affairs and sent up for concurrence.

The **SPEAKER:** The Chair now lays before the House the second tabled and today assigned matter, An Act relating to Distribution and Sale of Publications Depicting Crime and Torture, Senate Paper 249, Legislative Document 632, tabled on April 1 by the gentleman from Sid-

ney, Mr. Bacon, pending passage to be enacted, and the Chair recognizes that gentleman.

Thereupon, on motion of that gentleman, the House voted to suspend the rules and to reconsider its action whereby the Bill was passed to be engrossed on March 12.

Mr. Bacon of Sidney then offered House Amendment "B" and moved its adoption.

The SPEAKER: Does the gentleman wish to speak to the amendment?

Mr. BACON: Yes.

The SPEAKER: The gentleman may proceed.

Mr. BACON: Mr. Speaker, under the first section of the amendment striking out "or of physical torture of human beings", if this was not struck out, it would not be within the law to sell illustrations of routine comic books, bible pictures of torture and history pictures of war and the guillotine. On the second part of the amendment is an error in the amendment which in the first line where it says "striking out the last 3 lines", that should be the last 2 lines, which changes the last two lines from "know" to "should know".

The SPEAKER: Would the gentleman from Sidney, Mr. Bacon, please approach the rostrum?

(Conference at rostrum)

The SPEAKER: The Chair recognizes the gentleman from Sidney, Mr. Bacon.

Mr. BACON: Mr. Speaker, I would like to state that I am in error and that the amendment is correct as written.

The SPEAKER: The amendment is correct. The Clerk will read House Amendment "B".

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

HOUSE AMENDMENT "B" to S. P. 249, L. D. 632, Bill "An Act Relating to Distribution and Sale of Publications Depicting Crime and Torture."

Amend said Bill in the 12th line by indicating the striking out of the words and punctuation "or of physical torture of human beings," by drawing a line through said words and punctuation as follows: ~~or of physical torture of human beings,~~

Further amend said Bill by striking out the last 3 lines and inserting

in place thereof the following: "than \$50. Under this section it shall be necessary to prove that the defendant knows or should know of the offensive picture contained in the literature involved."

The SPEAKER: The Chair recognizes the gentleman from Sebago, Mr. Good.

Mr. GOOD: Mr. Speaker, we are talking about Legislative Document 632. This amendment — this bill as you have it on your desks is the way that it came out of the Legal Affairs Committee recommending that it ought to pass by a unanimous vote. You will notice down to the bottom of L. D. 632 that there is stricken out from that bill the words: "Under this section it shall be necessary to prove that the defendant knows of the offensive picture contained in the literature involved". Now that is a big change in the original law as on the books today, and is the change that the Legal Affairs Committee is proposing. The final judgment of course will be decided by you ladies and gentlemen of this House.

Let us see what we are talking about here. I checked Webster's Collegiate Dictionary for a definition of some of the words as used in the law which is on the books today, and they are as follows:

Masochism, now that is the law that is on the books today, it prohibits the sale of anything depicting masochism. And the definition is abnormal sexual passion in which one finds pleasure in abuse and cruelty from his or her associate; hence, any pleasure in being abused or dominated.

Another word used in the original bill which is on the books today is sadism, a sexual perversion in which gratification is obtained by torture to the loved one.

I could go on. Bestiality, defined as below the dignity of reason or of humanity, sensual, degradingly carnal.

Now, we on the Committee realize that our retailers in this great State of Maine today are a cross-section of the State, and they would not wish to sell anything from their stores which would tear down the moral of our young people or our older people.

Now, this amendment weakens even the original bill. I talked with the County Attorney in Cumberland County, Arthur Chapman, about this change that the Committee has recommended, and he states that today it is almost impossible to enforce the present law since it states: "It is necessary to prove that the defendant knows of the offensive pictures." That is what we have stricken out. Now, this amendment is going to put back in, "That he knows or should know." Therefore, I was opposed to that change because it puts it back just where the law is at this particular time. And furthermore, this amendment is going to strike out what is already in the law, it wants to strike out now "All physical torture of human beings." So, if this amendment is passed it will weaken your present law.

Now, this is not a matter of great importance and this House can make the decisions that they see fit to do so. However, if we are going to have the law on the books, they should have something which is enforceable. And you may run into a situation at a later time when the county attorney of your county would like to enforce the law as it is written.

Now, this amendment would strike out "Torture of human beings." I don't often buy this type of magazine, but this type of magazine which I am holding up here at this particular time can be bought on your newsstands in the State of Maine. I would say that this was perhaps not terrible, but it is an example depicting torture of human beings, showing a partially nude female being approached by somebody with a dagger, with someone in the background with another dagger waiting to kill somebody else.

We would like to have this law on the books so if the county attorney wished to enforce the sale of something worse than this, that he could do so.

Here is another magazine depicting bestiality by a beast standing over some partially nude woman. This is not being prohibited for sale in the State of Maine apparently today, but there might be something worse that the county attorney would like to strike from the stands. And

there is something worse inside of these books, I will assure you.

Now, they say that the news dealers don't know what they are selling, but I didn't find these in the front of the store, I found them in the rear of the store. They didn't get there by their own volition. The person that put them out there had knowledge of what was in them, didn't want them out front where they could be seen, so he put them in the rear of the store, so he does have knowledge of what is in these particular magazines.

I didn't find in the back of the store the Ladies Home Journal or the Wall Street Journal. Those were all out front. Or the Saturday Evening Post. We would like to divert the reading of our people, if possible, to the American Boy, Saturday Evening Post, Time Magazine and other things that I think perhaps would add to the mental and moral growth of the people of this great State. I am not saying that they are going to go to ruination because they read a dozen or so of these, but I do say that they would be better off if they didn't read any. Therefore, I would oppose the adoption of the proposed amendment.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. Aliberti.

Mr. ALIBERTI: Mr. Speaker and Gentlemen of the House: L. D. 632 makes the wholesaler of newspapers and magazines legally responsible, responsible for every publication distributed by him or members under his employ. And because it would be physically impossible for them to examine and scrutinize by reading every page of the hundreds of magazines that pass through their establishments, they would still be held legally responsible even though they would not be aware of the offensive section of the publication involved. Such a law is a far cry from the intended purposes of this act, for at best it only prevents the sale of a publication in a small area, while it continues to be sold throughout the rest of the country. In many cases this act will boomerang, for the adverse publicity will create curiosity and desire for people to buy out of curiosity, for when you tell the buying public that you forbid them to buy an article that

is restricted or condemned, then you create a bootleg market for the item.

The effect of this act, in a moral sense, could also be quite disastrous. Let us assume that the wholesaler of publications under the terms of this act, who has proven to be an outstanding citizen in his community, a member of his school board perhaps, a town officer who would be brought to court for an innocent violation of the above act, and now he would be looked down upon in his community, his reputation degraded.

Let us also for a moment consider the effect on the retail storekeeper, it is physically impossible for him to know the contents of every publication he sells, but according to this act, he would be held responsible. It has been stated the newsstand is not the place to develop the mind of a twelve-year-old, and even though the newsstand cannot offer reasons why publications suitable for children should not be sold, it is most unfortunate to state that the seller does not sell them to children.

This law brings up the question of censorship, which makes the distributor and the retailer the censors, a job that either distributor or retailer are the least qualified to handle. For the censorship restrictions that would have to be imposed by these two categories would not agree with the thoughts of those who enforce the law.

There are many distributors today who continually refuse to deal with regional associations, who continue to plead their cases to local distributors, but once their reputation for promoting publications of a shady character have been established, then most legitimate distributors will shy away from them.

The answer to this problem does not lie at the state level, but at the national level. There is no one in this chamber who despises the use of indecent literature, pictures, and horror stories depicting crime, any more than I, and if I could actually believe that this act would eliminate such a procedure without punishing the innocent, then I would stand before you and ask that you vote for this bill, but because I am convinced that this L. D.

632 will not accomplish this, I now move that this act and all its accompanying papers be indefinitely postponed.

The SPEAKER: The Chair must advise the gentleman from Rumford that under the priority of motions, a motion to amend takes priority over a motion to indefinitely postpone, so the gentleman's motion is not in order. The question still before the House is on the adoption of House Amendment "B".

The Chair recognizes the gentleman from Kennebunk, Mr. Emons.

Mr. EMMONS: Mr. Speaker and Members of the House: I am speaking as my individual opinion. It seems to me that the answer to this is really this: We have this statute on the books now. The main thing about it is that it is not now enforceable, it is very difficult to prove that a defendant would know about this. Now, it seems to me that if you are going to have a statute on the books, you ought to have it enforceable, either to not adopt this amendment or repeal the whole statute. Now, I think that we should not adopt the amendment, that we should make that statute, which we now have on the books, enforceable.

The SPEAKER: The Chair recognizes the gentlewoman from Yarmouth, Mrs. Knapp.

Mrs. KNAPP: Mr. Speaker and Members of the House: I am very much opposed to this amendment. We used to have a store and when the magazines came in we certainly weeded them out, and I know they can be. As far as the bootlegging, certainly the children won't do any bootlegging, and it is the children that get hold of these magazines. Now, they tell about what a job it is, I worked in Robert's Pharmacy in Lisbon Falls, and Mr. Lawrence never allowed his magazines to go out in the front of the store until they were all looked over, and I don't think it would be any more trouble, that was a busy little store, and it wouldn't be any more trouble for some of the other storekeepers than it was him. I am very much opposed to the amendment.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Presque Isle, Mrs. Christie.

Mrs. CHRISTIE: Mr. Speaker and Members of the House: The argument that there would be bootlegging, to me, is not a good argument, because would we allow the sale of opium and heroin and marijuana because of bootlegging? I feel that if we can do anything to make it any easier to control juvenile delinquency that we should do it. And I am sure that these magazines that are being sold in some places would contribute to such juvenile delinquency. I feel that this amendment is not a good amendment because it would weaken the law it has been said, and I am opposed to the amendment. I hope that it does not pass.

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

Mr. PLANTE: Mr. Speaker and Ladies and Gentleman of the House: At the outset may I point out that I am against publications depicting abnormal delights and cruelties, maladjustment of sexual life or degradedly carnal qualities. However, I would like to ask the gentleman from Sebago, Mr. Good, through the Chair, if during the publications of religious periodicals if a picture depicting the crucifixion would be outlawed by this law?

The SPEAKER: The gentleman from Old Orchard Beach, Mr. Plante, addresses a question through the Chair to the gentleman from Sebago, Mr. Good, who may answer if he chooses.

Mr. GOOD: Mr. Speaker, I am sure that a picture depicting the crucifixion would not be outlawed.

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 of the gentleman from Kennebunk, Mr. Emmons. As I understand it, Mr. Emmons, the way the law is on the statute books right now isn't enforceable. I am just asking this question for clarification. The amendment would make it enforceable?

The SPEAKER: The gentleman from Cumberland, Mr. Call, addresses a question through the Chair to the gentleman from Kennebunk,

Mr. Emmons, who may answer if he chooses.

Mr. EMMONS: Mr. Speaker, without being too certain, I would say that the big difficulty with the law as it is on the books now is that the last two lines of the present law which says, "Under this section it shall be necessary to prove that the defendant knows of the offensive picture contained in the literature involved." Now, that is a very difficult thing to prove in a court of law that the defendant knows. That is taken out by the bill itself. This amendment puts it back in, it says "knows or should know." Well, I think "should know" is practically the difficulty. That is why I suggest that it is unenforceable, and I believe the gentleman from Sebago, Mr. Good, said that in speaking to the County Attorney of Cumberland County, the County Attorney said that because of that it is now very difficult to enforce.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Rowe.

Mr. ROWE: Mr. Speaker and Members of the House: I think we should really take a very close look at this bill, and just one of the questions that bothers me, I would like to ask it of any member of the Committee here. Just what effect would this bill have, for instance, on the books, let's say, a doctor of psychiatry might have in his possession which might contain illustrations and might contain a treatment of both sadism, masochism and sexual perversion?

The SPEAKER: The gentleman from Madawaska, Mr. Rowe, addresses a question through the Chair to any member of the Legal Affairs Committee.

The Chair recognizes the gentleman from Sebago, Mr. Good.

Mr. GOOD: Well, I would answer that question by saying this: You have the law today on the books which contains those exact same words that you have mentioned. If they had wanted to have permitted the sale of that type of book, it could have been done under your existing law. This proposed change in the existing law is not aimed at scientific or medical books. It is aimed at these pulp magazines that are being sold throughout the State

which are not of an educational value. Thank you.

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

Mrs. HENDRICKS: Mr. Speaker and Members of the House: I am in favor of this bill but I am opposed to the amendment. I figure that this bill could be very workable without the amendment, and I think that our courts are fair enough to take care of it in a manner so that it wouldn't harm anybody that wasn't guilty.

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

Mr. EARLES: Mr. Speaker and Ladies and Gentlemen of the House: By way of background for this discussion which occurred this morning on this particular L. D., I think it might not be inadvisable to mention that two years ago this subject matter came before the Judiciary Committee, and if we had read everything that was given us we wouldn't have had a chance to read any of the legislative documents. I might say that in support of the bill, the primary support of the bill, there was a gentleman from Portland who was the State Advisor for Demolay, and he had spent considerable time in evaluating this problem. Because of his work with young men he became very much concerned with this problem. There were several other people that actively appeared in support of the bill that was put on the statute books at the last session. I might say that there was one single opponent at that time and he was a distributor. He recognized that there was a problem. And if I recall, at that time we did give some recognition of the enforceability of it, with the idea being that if it was not found enforceable that it would be amended so that it would be enforceable.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Sidney, Mr. Bacon, that the House do adopt House Amendment "B".

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

Mrs. CHRISTIE: Mr. Speaker, I ask for a division.

The SPEAKER: A division has been requested. Will all those who favor the motion to adopt House Amendment "B" to Bill "An Act relating to Distribution and Sale of Publications Depicting Crime and Torture", Senate Paper 249, Legislative Document 632, please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

One having voted in the affirmative and one hundred and nineteen in the negative, the motion did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. Aliberti.

Mr. ALIBERTI: Mr. Speaker, I now move that this bill and all the accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Rumford, Mr. Aliberti, moves that this Bill now be indefinitely postponed. Will all those who favor the motion to indefinitely postpone please say aye; those opposed, no.

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

Thereupon, the Bill was passed to be engrossed and sent to the Senate.

The SPEAKER: The Chair now lays before the House item number three under tabled and today assigned matters, Bill "An Act to Authorize the County Commissioners of Cumberland County to Issue Bonds for Construction of a Jail", Senate Paper 264, Legislative Document 677, tabled on April 3 by the gentleman from South Portland, Mr. Earles, pending adoption of House Amendment "A"; and the Chair recognizes that gentleman.

Mr. EARLES: Mr. Speaker and Ladies and Gentlemen of the House: In view of the fact that there is not complete unanimity on the subject of eminent domain and its application in Cumberland County, not only relating to item three but other items that will subsequently come before this body, I now move that L. D. 677 and the pending question of the adoption of House Amendment "A" be tabled unassigned.

The SPEAKER: The gentleman from South Portland, Mr. Earles,

moves that Bill, "An Act to Authorize the County Commissioners of Cumberland County to Issue Bonds for Construction of a Jail" be tabled unassigned pending the adoption of House Amendment "A". Is this the pleasure of the House?

(Cries of "No")

The SPEAKER: Will those who favor the motion to table please say aye; those opposed, no.

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

Mr. Jacques of Lewiston was granted unanimous consent to address the House.

Mr. JACQUES: Mr. Speaker and Members of the House: At this time I would extend to you a cordial invitation to attend the final hockey game of our season which will be played at our new arena, The Central Maine Youth Center, in my home City of Lewiston. The contest is scheduled for Sunday at 2:00 P.M., April 12. We, the citizens of Lewiston and officials of The Youth Center, will be honored by your presence at this time in our City, justly called the finest kind of its type in the East. And we ask you to join us to witness a thrilling hockey game between The Bates Fabrics and a fast team of experts from Canada.

Those of you who plan to attend kindly leave your name at the Speaker's Office and I shall see that the tickets will be available to you. I most certainly hope that you will be able to make it and join us in closing our most successful hockey season at the new arena. And I would say, Mr. Speaker, that these tickets are available to you for free. (Applause)

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

The Chair recognizes the gentleman from Raymond, Mr. Edwards.

Mr. EDWARDS: Mr. Speaker, I would like to inquire if the House is in possession of L. D. 1047, An Act Relating to Certification by Automobile Dealers of Mileage of Used Motor Vehicles.

The SPEAKER: The Chair would advise the gentleman from Raymond that the House is in possession of that document.

Mr. EDWARDS: At this time I would like to make a motion that we reconsider our action whereby we indefinitely postponed this bill.

The SPEAKER: The question before the House now is the motion of the gentleman from Raymond, Mr. Edwards, that the House reconsider its action whereby it indefinitely postponed Bill, "An Act Relating to Certification by Automobile Dealers of Mileage of Used Motor Vehicles" on April 3, Friday of last week.

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

Mr. DUDLEY: Mr. Speaker, I am still opposed to this reconsideration because I think we all opened our books and studied this very carefully only the last legislative day, and I am sure that if you look at it very closely you will see that it doesn't take in enough people, it only says certain people can't do such and such. Now, a bill of this nature is no good on any statute. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Raymond, Mr. Edwards.

Mr. EDWARDS: Mr. Speaker, I was one who voted to indefinitely postpone this bill, but this morning it has been brought to my attention that there are several in the House who are interested in offering an amendment which perhaps might be more acceptable to the House, and it is my feeling that they should have that opportunity. That is my reason for asking that it be reconsidered.

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Shepard.

Mr. SHEPARD: Mr. Speaker and Ladies and Gentlemen of the House: It is with reluctance that I oppose the gentleman from Enfield, Mr. Dudley, we usually get along pretty good on most every issue, but we seem to see different on this particular thing. In his debate last Friday, I recall that he felt that it would cause additional work to the Secretary of State's Department, and this, as you understand the merits of the bill, is not necessarily so.

Most of you, I believe, are familiar with the fact that there is now forwarded to the Secretary of State's office a notice of sale by the dealer. On this notice is contained such in-

formation already as the make, year and model, style, color, engine number, serial number, weight and horsepower, the name of the purchaser, address, sold by, and his address, and date, and so forth. And to this particular slip would be added one more box which would give the mileage of the motor vehicle being sold or being traded. It certainly won't cause a big amount of additional work to the dealer to fill in the mileage. This particular slip is on file with the Secretary of State. It is already being done.

Should you or I, as a purchaser, wish to verify the mileage, we would come to the Secretary of State's office or write in regarding this particular vehicle and he would return the information of the mileage as on file.

The gentleman from Raymond, Mr. Edwards, mentioned an amendment which is true. The Automobile Dealers Association, if we vote to reconsider, will offer an amendment which will correct the situation or the objections that the gentleman from Enfield, Mr. Dudley, has. I certainly hope that you will go along with the motion to reconsider. Thank you.

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

Mr. HAUGHN: Mr. Speaker, I know that if I had an amendment I would like to prepare and offer I would like it to be given thought and consideration, so I would like to support the motion of the gentleman from Raymond, Mr. Edwards, and hope that the House will give that courtesy to a fellow Legislator to have the amendment heard and see what it is. Then if it is not acceptable we can reject it then, but I do hope the House will go along with the motion of Mr. Edwards.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Knight.

Mr. KNIGHT: Mr. Speaker, I have a question I would like to put to the Chair. Has this question been reconsidered previously?

The SPEAKER: The Chair would advise the gentleman that it has not been reconsidered previously.

Is the House ready for the question? The question before the House is the motion of the gentleman from Raymond, Mr. Edwards, that the House reconsider its action whereby it indefinitely postponed on April 3, Bill "An Act Relating to Certification by Automobile Dealers of Mileage of Used Motor Vehicles," Senate Paper 364, Legislative Document 1047.

The Chair recognizes the gentleman from Stonington, Mr. Shepard.

Mr. SHEPARD: Mr. Speaker, I would request a division.

The SPEAKER: A division has been requested. Will all those who favor the motion to reconsider please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

Thereupon, the Bill was given its third reading and, on motion of Mr. Shepard of Stonington, was tabled pending passage to be engrossed and specially assigned for Thursday, April 9.

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

On motion of Mr. Williams of Hodgdon,

Adjourned until ten o'clock tomorrow morning.