

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, April 23, 1959

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

Prayer by Maurice Knowles, Courier of the Senate.

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 Transportation reporting "Ought not to pass" on Bill "An Act relating to Bumpers on Commercial Vehicles" (S. P. 396) (L. D. 1140)

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 Judiciary on Bill "An Act relating to Common Trust Funds for Hospitals" (S. P. 376) (L. D. 1103) reporting same in a new draft (S. P. 462) (L. D. 1315) under title of "An Act relating to Investment of Certain Charitable Trust Funds" and that it "Ought to pass".

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

In the House, the Report was read and accepted in concurrence, the New Draft read twice and tomorrow assigned.

Ought to Pass with Committee Amendment

Report of the Committee on Public Utilities on Bill "An Act to Incorporate the East Boothbay Water District" (S. P. 319) (L. D. 881) 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. 319, L. D. 881, Bill, "An Act to Incorporate the East Boothbay Water District."

Amend said Bill by striking out the period at the end of Section 2 and adding the following: 'except Adams, Wylie and Knickerbocker Ponds either directly or through existing or future facilities of the Town of Boothbay Harbor Water System. Nothing in this charter shall be construed to mean that the district shall have the right to purchase water from the Town of Boothbay Harbor Water System at the borderline of the district, unless the district and the water system so contract.'

Further amend said Bill in section 3 by inserting, after the word "hold" in the 2nd line, the words: 'within the area covered by the district'

Further amend said Bill in the 3rd paragraph of section 6 by inserting after the word "Following" in the 9th line, the words: 'the appointment of the new trustees at'

Further amend said Bill in section 9 by adding at the end the following sentence: "The expression "Town of Boothbay Harbor Water System," wherever used in this charter, shall be held to refer to the water system now operated by the Inhabitants of the Town of Boothbay Harbor and its Board of Water Commissioners."

Further amend said Bill in section 11 by striking out the period at the end of the first paragraph and adding the following: 'at any one time outstanding; but bonds, notes or other evidences of indebtedness of the district which have matured or otherwise become payable and for the payment of which adequate funds have been provided by depositing such funds with a paying or disbursing agent named in such bonds, notes or other evidences of indebtedness in trust for such purpose shall not be considered to be outstanding.'

Further amend said Bill in section 13 by striking out all of subsection III and inserting in place thereof the following: 'III. To provide each year a sum equal to not less than 1% nor more than 5% of the entire indebtedness created by the district other than serial bonds

and notes, which sum shall be turned into a sinking fund and there kept to provide for the extinguishment of said indebtedness, or if serial bonds or notes are issued, to pay the principal of such bonds and notes payable in such year. The money set aside for the sinking fund shall be devoted to the retirement of the obligations of the district or invested in such securities as savings banks or fiduciaries or trustees in this State are now or hereafter allowed to hold.'

Further amend said Bill in subsection IV of section 13 by striking out the period at the end and adding the following: 'or used for such other purposes of the district as the trustees may determine.'

Further amend said Bill by inserting before the last paragraph the following paragraph:

'For the purpose of said elections, any registered voters of the Town of Boothbay Harbor, who reside within the small area of the northeast corner of Boothbay Harbor, which lies within the area of said district, may register for said elections and vote at the voting places of said Town of Boothbay.'

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

Report of the Committee on Sea and Shore Fisheries on Resolve Opening Waters in Lincoln County to Taking of Salt Water Smelts (S. P. 311) (L. D. 857) 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. 311, L. D. 857, Resolve, Opening Waters in Lincoln County to Taking of Salt Water Smelts.

Amend said Resolve by adding after subsection 3 the following

blocked subsection. '4. No smelts shall be taken above Fish Stream Bridge at Damariscotta Mills.'

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

Orders

On motion of Mr. Ervin of Houlton, it was

ORDERED, that Miss Kathy Whittier of Portland be appointed to serve as Honorary Page for today.

The SPEAKER: The Chair would inform the House that Miss Whittier is the grandniece of Representative Bragdon from Perham.

Thereupon, the Sergeant-at-Arms conducted the Honorary Page to her place in the well of the House. (Applause)

On motion of Mr. Haughn of Bridgton, it was

ORDERED, that Robert Underwood of Bridgton be appointed to serve as Honorary Page for today.

Thereupon, the Sergeant-at-Arms conducted the Honorary Page to his place in the well of the House. (Applause)

On motion of Mr. Lowery of Brunswick, it was

ORDERED, that Bertrand Lacharite, Jr. of Brunswick be appointed to serve as Honorary Page for today.

The SPEAKER: The Chair will introduce to the House this particular Honorary Page on my right. It was a tough fight but we got you there, young fellow. (Applause)

On motion of Mr. Brown of Ellsworth, it was

ORDERED, that Miss Nora Walsh and George Edward Walsh of Verona be appointed to serve as Honorary Pages for today.

The SPEAKER: The Chair would inform the House that these two Honorary Pages are the youngsters of Representative Walsh of Verona.

Thereupon, the Sergeant-at-Arms conducted the Honorary Pages to their places in the well of the House. (Applause)

On motion of Mr. Plante of Old Orchard Beach, it was

ORDERED, that Mr. Pitts of Harrison be excused from attendance this week because of illness.

On motion of Mr. Winchenpaw of Friendship, it was

ORDERED, that Thomas Hardy of Hope be appointed to serve as Honorary Page for today.

Thereupon, the Sergeant-at-Arms conducted the Honorary Page to his place in the well of the House. (Applause)

The SPEAKER: The House is proceeding under Orders. The Chair recognizes the gentleman from Berwick, Mr. Mathews.

Mr. MATHEWS: Mr. Speaker, regarding L. D. 1317, An Act to Create the Berwick Water and Sewerage District, I would move that we reconsider our action on this bill where it was passed to be engrossed.

The SPEAKER: With respect to this Bill, the gentleman from Berwick, Mr. Mathews, moves that the House reconsider its action whereby yesterday this bill was passed to be engrossed. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair recognizes the gentleman from Berwick, Mr. Mathews.

Mr. MATHEWS: Mr. Speaker, I now present an amendment to this bill. When the bill came out in redraft there was a paragraph which was omitted, and this amendment, filing 252, puts that paragraph back into the bill.

Thereupon, Mr. Mathews of Berwick offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 931, L. D. 1317, Bill, "An Act to Create the Berwick Water and Sewerage District."

Amend said Bill in section 3 by adding at the end the following paragraph:

'The said district, for the purposes of its incorporation, is authorized to take and hold for public uses, by purchase, lease or the exercise of eminent domain or otherwise, any land or real estate or ease-

ment therein necessary, convenient and proper to accomplish the aforementioned powers and purposes of this act; and all such property, wherever the same shall be located, shall be exempt from taxation. Nothing herein contained shall be construed as authorizing said district to take by right of eminent domain any of the property or facilities of any other public service corporation or district used or acquired for future use by the owner thereof in the performance of a public duty, unless expressly authorized by subsequent act of the Legislature. Property shall be acquired by exercise of right of eminent domain when necessary as provided by the Revised Statutes of 1954, chapter 52, sections 23 to 27 and chapter 96, section 129.'

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

Mr. HAUGHN: Mr. Speaker and Members of the House: As House Chairman of the Public Utilities Committee, we went over this very thoroughly, and I have just seen this on my desk this morning, and I would like the privilege of studying this and taking it up with the committee temporarily, and would request that this be laid on the table and specially assigned for tomorrow.

The SPEAKER: The gentleman from Bridgton, Mr. Haughn, moves that the Bill be tabled and specially assigned for tomorrow pending adoption of House Amendment "A". Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: At this time the Chair would recognize the presence in the gallery of the House of fourteen girl scouts, Troop No. 70 from Fairfield, accompanied by their Leader, Mrs. Sarah Libby. On behalf of the House, the Chair extends to you young ladies a most cordial and hearty welcome and we hope you will enjoy and profit by your visit here today. (Applause)

House Reports of Committees Inexpedient Legislation

Mr. Letourneau from the Committee on Labor on Bill "An Act re-

lating to Unlawful Discrimination Against Race, Color, Age or Ancestry" (H. P. 160) (L. D. 254) reported that legislation inexpedient at present time and recommends that subject matter be considered by Legislative Research Committee.

Report was read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Brown from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Resolve Appropriating Moneys for Regional Television Films to Promote the Recreational Industry" (H. P. 339) (L. D. 499)

Mr. Edwards from same Committee reported same on Resolve Appropriating Moneys for Development of Lone Mountain Jumping Hill, Oxford County (H. P. 710) (L. D. 1015)

Reports were read and accepted and sent up for concurrence.

Tabled and Assigned

Mr. Stanley from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act Creating a Committee to Study Effects of St. Lawrence Seaway on Economy of Maine" (H. P. 784) (L. D. 1116)

Report was read.

(On motion of Mr. Rowe of Madawaska, tabled pending acceptance of Report and specially assigned for Thursday, April 30.

Mr. Dostie from the Committee on Liquor Control reported "Ought not to pass" on Bill "An Act relating to Sale of Liquor in Hotels" (H. P. 880) (L. D. 1254)

Mr. Hanson from the Committee on Welfare reported same on Bill "An Act relating to Requisites for Old Age Assistance" (H. P. 52) (L. D. 72)

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Drafts Printed

Mr. Treworgy from the Committee on Labor on Bill "An Act relating to Definition of Occupational Diseases" (H. P. 904) (L. D. 1273) reported same in a new draft (H.

P. 939) (L. D. 1326) under title of "An Act Designating Certain Dermatitides Diseases as Occupational Diseases" and that it "Ought to pass"

Mr. Winchenpaw from same Committee on Bill "An Act relating to Chiropractic Treatment under Workmen's Compensation Law" (H. P. 647) (L. D. 938) reported same in a new draft (H. P. 940) (L. D. 1327) under same title and that it "Ought to pass"

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

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.

Mr. Brown from the Committee on Legal Affairs on Bill "An Act Amending the Charter of the City of Augusta" (H. P. 759) (L. D. 1077) reported "Ought to pass" in a new draft (H. P. 936) (L. D. 1323) under same title and that it "Ought to pass"

Mr. Linnell from same Committee on Bill "An Act relating to Definition of Itinerant Vendors" (H. P. 653) (L. D. 945) reported same in new draft (H. P. 937) (L. D. 1324) under title of "An Act relating to Itinerant Vendors" and that it "Ought to pass"

Mr. Dostie from the Committee on Liquor Control on Bill "An Act relating to Lighting in All Places Licensed to Sell Liquor to be Consumed on the Premises" (H. P. 660) (L. D. 952) reported same in a new draft (H. P. 938) (L. D. 1325) under same title and that it "Ought to pass"

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

Ought to Pass Printed Bill

Mr. Frazier from the Committee on Education reported "Ought to pass" on Bill "An Act Clarifying Laws Relating to Secondary Schools" (H. P. 281) (L. D. 412)

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

Ought to Pass with Committee Amendment

Mr. Edwards from the Committee on Appropriations and Financial Affairs on Resolve Creating a Tax Policy Advisory Committee (H. P. 131) (L. D. 189) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Resolve read once.

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

COMMITTEE AMENDMENT "A" to H. P. 131, L. D. 189, Resolve Creating a Tax Policy Advisory Committee.

Amend said Resolve in the last paragraph, before the emergency clause, by striking out the words, "the purposes of this resolve have been accomplished" in the last 2 lines and inserting in place thereof the words and figures 'June 30, 1961.'

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

Mr. Hardy from the Committee on Labor on Bill "An Act Increasing Burial Expenses under Workmen's Compensation Act" (H. P. 862) (L. D. 1230) 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. 862, L. D. 1230, Bill, "An Act Increasing Burial Expenses Under Workmen's Compensation Act."

Amend said Bill in the 6th line by striking out the underlined figure "\$600" and inserting in place thereof the underlined figure "\$450"

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

Mr. Kellam from the Committee on Legal Affairs on Bill "An Act Providing for Civil Service for the Old Orchard Beach Police Department" (H. P. 899) (L. D. 1268) 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. 899, L. D. 1268, Bill, "An Act Providing for Civil Service for the Old Orchard Beach Police Department."

Amend said Bill in the next to the last line of section 3 by inserting after the underlined word "all" the underlined word 'such'.

Further amend said Bill in the next to the last line of section 8 by striking out the underlined word "not".

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

The SPEAKER: At this time the Chair would recognize the presence in the gallery of the House of a group of American History students from Thomaston High School, accompanied by Francis Leary and Clarence Woodbury. On behalf of the House, the Chair extends to you ladies and gentlemen a hearty and cordial welcome, and we hope you will enjoy and profit by your visit here today. (Applause)

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Bill "An Act Providing Moneys for Construction of Patient Building at Western Maine Sanatorium." (H. P. 599) (L. D. 859)

Report was signed by the following members:

Messrs. ROGERSON of Aroostook
DUQUETTE of York
PIERCE of Hancock
— of the Senate.

Messrs. STANLEY of Bangor
BRAGDON of Perham
BROWN of Ellsworth
EDWARDS of Raymond
Mrs. SMITH of Falmouth
Mr. DAVIS of Calais
— of the House.

Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following member:

Mr. JACQUES of Lewiston
— of the House.

Reports were read.

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

Mr. HAUGHN: Mr. Speaker and Members of the House: Pending acceptance of either Report, I move that this bill be tabled and specially assigned for Wednesday next.

The SPEAKER: The gentleman from Bridgton, Mr. Haughn, moves that both reports be tabled and specially assigned for Wednesday next pending acceptance of either Report. Is this the pleasure of the House?

(Cries of "No")

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

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

Thirty-six having voted in the affirmative and fifty-nine having voted in the negative, the motion did not prevail.

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

Mr. JACQUES: Mr. Speaker, seeing that this bill did not lie on the table, we are not prepared for it. Three of our counties were going to meet to discuss this bill, and now I — could I pick that up tomorrow, Mr. Speaker? Could I bring that back?

The SPEAKER: The Chair did not understand.

Mr. JACQUES: Could I bring that bill back tomorrow? Could the Clerk hold it until tomorrow?

The SPEAKER: Would the gentleman approach the rostrum?

(Conference at rostrum)

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

Mr. JACQUES: Mr. Speaker, could I move that we accept the Majority Report.

The SPEAKER: Does the gentleman wish to explain his motion?

Mr. JACQUES: So I could reconsider this bill tomorrow.

The SPEAKER: The Chair understands the gentleman from Lewiston, Mr. Jacques, is serving notice that he will move reconsideration of this matter tomorrow, and now moves that the House accept the Majority "Ought not to pass" Re-

port. Is this the pleasure of the House?

The motion prevailed.

Divided Report Tabled and Assigned

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Bill "An Act Providing Funds to Construct a Sanatorium at Lewiston" (H. P. 707) (L. D. 1012)

Report was signed by the following members:

Messrs. ROGERSON of Aroostook
DUQUETTE of York
PIERCE of Hancock
— of the Senate.

Messrs. STANLEY of Bangor
EDWARDS of Raymond
Mrs. SMITH of Falmouth
Messrs. BROWN of Ellsworth
BRAGDON of Perham
DAVIS of Calais
— of the House.

Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following member:

Mr. JACQUES of Lewiston
— of the House.

Reports were read.

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

Mr. JACQUES: Mr. Speaker, I would like to see this bill — I would like to say that we have three counties that are meeting on this certain bill to discuss this and see what we are going to do with it, so I would like to move that we table this and assign it for next Wednesday.

The SPEAKER: The gentleman from Lewiston, Mr. Jacques, moves that both reports be tabled and specially assigned for Wednesday, April 29, pending acceptance of either report. Is this the pleasure of the House?

(Cries of "No")

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

A viva voce vote being taken, the motion prevailed.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act relating to Elections and Board of Finance in City of Lewiston" (H. P. 762) (L. D. 1080)

Report was signed by the following members:

Messrs. MARTIN of Kennebec

CHARLES of Cumberland
— of the Senate.

Messrs. HUTCHINSON of Carthage

COTE of Lewiston

LINNELL of South Portland

BROWN of Cape Elizabeth

GOOD of Sebago

TRUMBULL of Fryeburg

— of the House.

Minority Report of same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Mr. MacDONALD of Oxford

— of the Senate.

Mr. KELLAM of Portland

— of the House.

Reports were read.

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

Mr. COUTURE: Mr. Speaker and Members of the House: This piece of legislation has been highly recommended by the people of the City of Lewiston. Maybe some of you are not aware of the present Board of Finance that we have in the City of Lewiston but there is no doubt in my mind that you have read about it lately in the Lewiston papers of the actions taken on different boards and the elected bodies of the City of Lewiston.

As a member of the City Council in Lewiston, they have requested this bill to be introduced at this legislature with a referendum that they will have a chance to go to the polls and amend their charter of back in 1939, which they lived with the present one since that time.

Certainly the power of the Board of Finance in the City of Lewiston is difficult to overrule, even through the power of the people that are

elected, your mayor, your councilors, they are a board that is appointed by an elected mayor for one year, that he does elect a member on that Board of Finance for the period of five years. The Board of Finance is formed of five members, one outgoing member per year.

They have the full authority of all the hiring, set salaries, appoint men as different department heads, full authority on purchasing, full authority on selling. In other words, the full power of controlling and running the expenditure accounts of the City of Lewiston.

In the past, possibly also you have read that in the newspaper, they have even closed their doors to the Council in their own meetings, thrown citizens out of their own public meetings, and passed behind closed doors at times and expended accounts that even the taxpayers of our city could not even raise our voice to it.

When we pass resolves to the taxpayer of the city in the budgeting days in the city, of course, the Council has the final saying in closing the budget of the appropriations of the year. By power that is given to the City Council that is elected by the people of that City, automatically they have tied up all wages and appropriations in that budget that the Council cannot do anything about it, neither talk about it or recommend.

Maybe you have also read in the paper about the City Council in the City of Lewiston just a few weeks ago asking a joint meeting with the Board of Finance to discuss appropriations of \$192,000 in wages on the highway account, which all listed on the highway account after they have crossed off materials and other purchasing accounts to be able to operate and pay these wages. They practically rejected the Council to meet and talk this matter over with them, finally succeeding by some of them even opposing meeting the Council in a tax that was going to lean to the people of \$192,000 on wages alone. That would be impossible to have any material to do that work. Possibly you read in the paper then that they rescinded their action, requested to the Council a \$46,000 ap-

propriation for materials because already the public works department has run out of money to even purchase a gallon of tar to be able to keep the men going with \$192,000 of appropriation on salaries alone. They have requested the Council back after rejecting the Council to meet with them, they requested the Council to appropriate \$46,000 back in the budget to be able to buy materials to keep these people working so they can spend that amount of money on salaries. Even at that time we had to struggle and fight to be able to make them understand. They turned around and they practically ignored the Council until they were notified by the public works that the public works were forced to lay off men because they didn't have any more material to keep them at work. Then they realized that the Council was right, there was nothing else they could do because the entire public works in the City of Lewiston was going to come to a halt with no material at all.

I haven't introduced this piece of legislature as a bill of my own, I can assure you that. I have been in the Council in the City of Lewiston for the past seven years. It is a demand of the people, of course, the amendment has to come to the legislature. Possibly you say every two years Lewiston has piles of bills against the charter of their own city here. They don't pass but they keep coming back because it is a demand. Although the representatives of that city that serve at this Maine Legislature, after being defeated in trying to get a change in their charter are reelected to come back here with the same request. If the people of that city were opposed to these present pieces of legislation that we introduce here, certainly in the elections to be reelected here they would be defeated. I think that all of you can understand that part.

For the past four sessions here I have had pieces of legislation to change the charter of the City of Lewiston and amend it the way that the taxpayer and the people in that area want it. It was always defeated. They always reelect me to bring back another one.

The feeling of the people of the City of Lewiston is at this time that if the Board of Finance is going to have that authority to control everything under expenditures of the City, have full control of the taxpayers' money, that at least the people should have their voice to elect those that they want to give them control.

How many of you here would like to run a business and then have your manager appointed in for five years and cannot even be removed by yourself, even though he would control and run your business and spend your money, that that man is there, period, for five years without your voice because you have vote for one man that you didn't have, you didn't know at any time what man he was going to put there, but take a chance? That is the way our charter reads. And then the people have to live with him. Well, now they feel that if we have to live with the Board of Finance and their authority that they have now, we demand our voice to elect them in office.

I remember back in the Committee hearing that they took the room downstairs because they expected half of the City of Lewiston to be present. Who was present? A handful, the same handful as usual. And possibly if the hearing would have been arranged somehow that they would have completed two bills together because there was some part of them that came up for one piece of legislation more than the other, but happened to be there and opposed these two pieces of legislation in that same hearing that same day, for although the majority over there of the people of the City of Lewiston were so small they are not worthy talking about. They are the same people that have been here for four sessions in a row opposing their charter.

I have here introduced bills in every session but they have reelected me. I have introduced pieces of legislation against their charter under their request and still I went back on the City Council, still they vote me back here. Are the people against the amendments that we introduce in this legislature? If they

are, why do they elect me for? They know that I am going to come up here with their requests.

Well, I am not going to take any more of your time, but at this time I move that the Minority Report, as amended, will be accepted.

The SPEAKER: The gentleman from Lewiston, Mr. Couture, moves that the House accept the Minority Report as amended by Committee Amendment "A".

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

Mr. GOOD: Mr. Speaker and Ladies and Gentlemen of the House: I rise in opposition to the motion of the gentleman from Lewiston, Mr. Couture, that the Minority Report be accepted.

You will notice that this is a divided report, eight of the Committee voting that it ought not to pass and two voting that it ought to pass. One of the representatives from Lewiston, the gentleman from Lewiston, Mr. Cote, you will note has voted "Ought not to pass."

This would reduce the number on the Finance Board from five to three. Now, there is a provision in the charter today in Lewiston that the minority party have a representation on the Finance Board. I will read it to you: "Not more than three members of the Board of Finance of any department board of five shall be registered in the same political party at the time of appointment."

Now, if this bill is passed as presented, you will have an election of three to the Finance Board and the chances are that they will all be of one political party. I believe in a two-party system and believe that on this powerful board that there should be a representation of the two parties.

I am in sympathy with the feeling of the gentleman from Lewiston, Mr. Couture, for this bill and admire his great effort that he has rendered for that great City of Lewiston. But there wasn't a great representation at this hearing, and we don't feel that the citizens of Lewiston are ready for this particular change at this time. Furthermore, you will note on your House docket today on Page 8 at the top of the page, Item 2, there is in before this House a bill to

revise the charter of Lewiston, and that does away with the Finance Board, so apparently there is a great difference of opinion in Lewiston as to what should be done at this particular time.

Now, there were quite a few people who spoke at the Committee in opposition to this particular bill. One of those that spoke in opposition to it was the head of the League of Women Voters in Lewiston. Now, she stated they they had gone on record as opposed to this particular bill, and they felt at this particular time that the financial situation of Lewiston was satisfactory and that the present Finance Board was one of great integrity. Therefore, no particular change should be made at this particular time. Others who spoke in opposition to the passage of this bill was Mr. Russell Costello, Chairman of the Board of Lewiston Chamber of Commerce, and also a judge spoke in opposition to this bill. Therefore, I hope that the House does not pass the motion as made by the gentleman from Lewiston, Mr. Couture.

The SPEAKER: Is the House ready for the question?

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

Mr. COUTURE: Mr. Speaker and Members of the House: I know this is a two-party system in the City of Lewiston. What I would like to remind the Members of the House is that also we have a non-partisan election. What tells me that they will not elect Republicans? We elect Republican Councils. They have elected Republican Councils in two different wards in the past three years. In Lewiston they are in the habit of going to the polls and vote for the people that represent them, the people that they want. Last year they elected a Council in Ward 4, a Republican against a Democrat, and it is one of the large wards in the City of Lewiston.

Whoever is going to be a candidate for the Board of Finance, they will vote for his qualifications to serve. I, as a Councilor have done more than this, I have highly recommended the Mayor of our city to appoint a member on a board in the City of Lewiston as a Repub-

lican, by his qualifications. I have lived in Lewiston since 1939 under a non-partisan election. It is the privilege of the people to go to the polls and elect the Republican members of the Board of Finance that they wish. There is no two columns on the ballot in the City of Lewiston. There is no specifications on the ballot whether a candidate is a Republican or a Democrat. You don't have to cross the center line either to vote for a Republican or a Democrat. It is a non-partisan election, and I agree with the gentlemen of the Legal Affairs that they are serving now in the minority and the majority. The majority on three and the minority on two. What tells me there will not be three Republicans on the Board of Finance? What tells me there will not be three Democrats? What tells me there will not be two, or one, either one party or the other? What I am trying to tell you now is that I still feel that if it is the wish of the people of the City of Lewiston, when this bill goes to them at the next election with the referendum that is attached on it, that certainly that if they don't want this piece of legislation and if they don't want their Board of Finance to be elected, they will vote against it. But if it is the wish of the majority of the people of Lewiston, they will vote for it.

I repeat again, I am not trying to pass this piece of legislation behind the backs of the people of the City of Lewiston. They are the ones that are going to approve it or they are the ones that are going to reject it. It is their vote that is going to make it as much as it was their vote that accepted the charter back in 1939, and I think they should have the privilege of any amendment that they want in the charter that they accepted on a referendum similar that this bill has called for. I will ask for a division.

The SPEAKER: A division has been requested. The question before the House is the motion of the gentleman from Lewiston, Mr. Couture, that the House accept the Minority Report "Ought to pass" as amended by Committee Amendment "A" on Bill, "An Act relat-

ing to Elections and Board of Finance in City of Lewiston," House Paper 762, Legislative Document 1080.

Will all those who favor acceptance of the Minority "Ought to pass" Report please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Three having voted in the affirmative and ninety-two in the negative, the motion did not prevail.

Thereupon, the Majority "Ought not to pass" Report was accepted and sent up for concurrence.

The SPEAKER: At this time the Chair would request the Sergeant-at-Arms to escort the gentleman from Stonington, Mr. Shepard, to the rostrum for the purpose of presiding as Speaker pro tem.

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

Divided Report Tabled and Assigned

Report "A" of the Committee on Legal Affairs reporting "Ought to pass" on Bill "An Act relating to Retirement of Members of Portland Police and Fire Departments not under Retirement System" (H. P. 74) (L. D. 112)

Report was signed by the following members:

Messrs. MacDONALD of Oxford
CHARLES of Cumberland
— of the Senate.
Messrs. KELLAM of Portland
COTE of Lewiston
TRUMBULL of Fryeburg
— of the House.

Report "B" of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Mr. MARTIN of Kennebec
— of the Senate.
Messrs. LINNELL
— of South Portland
BROWN of Cape Elizabeth
HUTCHINSON of Carthage
GOOD of Sebago
— of the House.

Reports were read.

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

Mr. MILLER: Mr. Speaker, I move we accept the Report "A" "Ought to pass."

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

Mr. GOOD: Mr. Speaker, I dislike very much to table a bill. However, I notice that for Tuesday, April 28, there are only two items there tabled, and I am going to move, and I will guarantee to take it up at that particular time, if I don't have any opposition that is, in taking it up at that time, I move that item 19 be tabled and specially assigned to Tuesday, April 28, pending acceptance of either Report.

The SPEAKER pro tem: The question now before the House is the motion of the gentleman from Sebago, Mr. Good, that both reports be tabled and specially assigned for Tuesday, April 28, pending the motion of the gentleman from Portland, Mr. Miller to accept Report "A".

Is this the pleasure of the House? (Cries of "No")

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

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

Forty-nine having voted in the affirmative and forty-three having voted in the negative, the motion did prevail.

Passed to Be Engrossed

Bill "An Act relating to Amounts for State Scholarships for Normal Schools and Teachers' Colleges" (S. P. 148) (L. D. 369)

Bill "An Act Permitting the Town of Freeport to Provide Educational Scholarships" (S. P. 459) (L. D. 1311)

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 to Appropriate Monies for the Expenditures of State

Government and for Other Purposes for the Fiscal Years Ending June 30, 1960 and June 30, 1961" (S. P. 461) (L. D. 1313)

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

(On motion of Mr. Stanley of Bangor, tabled pending passage to be engrossed and unassigned.)

Bill "An Act relating to Tolls on Bridge Across Jonesport Reach" (H. P. 190) (L. D. 282)

Bill "An Act Increasing Compensation of Aldermen and Members of Various Boards of City of Lewiston" (H. P. 935) (L. D. 1321)

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

Resolve Proposing an Amendment to the Constitution to Permit Voting by Civilians Residing on Federal Property (S. P. 71) (L. D. 121)

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

(On motion of Mr. Earles of South Portland, tabled pending passage to be engrossed and specially assigned for Thursday, April 30)

Amended Bills

Bill "An Act relating to Employment of Teachers" (S. P. 110) (L. D. 260)

Bill "An Act relating to Taxation of Domestic Fowl" (S. P. 122) (L. D. 272)

Bill "An Act Providing for Forest Rehabilitation" (S. P. 127) (L. D. 322)

Bill "An Act relating to Training of Firemen" (S. P. 131) (L. D. 326)

Bill "An Act relating to Lands Needed by the State" (S. P. 280) (L. D. 742)

Bill "An Act to Create the Washington County Development Authority" (S. P. 417) (L. D. 1201)

Bill "An Act to Repeal the Charter of the Cousins and Littlejohns Islands Village Corporation" (H. P. 168) (L. D. 242)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be en-

grossed as amended by Committee Amendment "A" and sent to the Senate.

Bill "An Act Revising the Laws Relating to Water Improvement Commission" (H. P. 561) (L. D. 794)

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

On motion of Mr. Williams of Hodgdon, the House voted to reconsider its action whereby it adopted Committee Amendment "A".

Thereupon, Mr. Williams of Hodgdon offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H. P. 561, L. D. 794, Bill, "An Act Revising the Laws Relating to Water Improvement Commission."

Amend said Amendment in the 4th line by adding after the stricken out word "hereunder" the underlined words "under this section or section 9"

House Amendment "A" to Committee Amendment "A" was adopted in non-concurrence.

Committee Amendment "A" as amended by House Amendment "A" was adopted, the Bill passed to be engrossed in non-concurrence and sent up for concurrence.

Bill "An Act to Incorporate the Town of Wiscasset School District" (H. P. 918) (L. D. 1296)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

Passed to Be Enacted

An Act Changing the Date of Labor Day to the Second Monday in September (S. P. 74) (L. D. 124)

An Act Increasing Number of Metal Examiners in Somerset County (S. P. 106) (L. D. 224)

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

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

Enactor Tabled

An Act relating to Automobile Travel by State Employees (S. P. 408) (L. D. 1176)

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

(On motion of Mr. Stanley of Bangor, tabled pending passage to be enacted and unassigned.)

An Act relating to Suspension of Motor Vehicle Licenses for Speeding (H. P. 292) (L. D. 439)

An Act to Clarify Appointments under Charter of City of Augusta (H. P. 760) (L. D. 1099)

An Act Providing Subsidy to Driver Education (H. P. 872) (L. D. 1246)

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

Enactor Tabled and Assigned

An Act relating to Hours, Vacations and Sick Pay for County Personnel (H. P. 922) (L. D. 1304)

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

(On motion of Mr. Emmons of Kennebunk, tabled pending passage to be enacted and specially assigned for Tuesday, April 28.)

An Act relating to Municipal Records (H. P. 923) (L. D. 1305)

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.

At this point, Speaker Edgar returned to the rostrum.

SPEAKER EDGAR: The Chair would take this opportunity to thank the gentleman from Stonington, Mr. Shepard, for an excellent job.

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

Orders of the Day

The SPEAKER: Under Orders of the Day, the Chair lays before the House the first item of unfinished business, House Divided Report, Majority "Ought not to pass" and Minority "Ought to pass" of the Committee on State Government on Resolve Proposing an Amendment to the Constitution Providing for Annual Legislative Sessions, House Paper 849, Legislative Document 1212, tabled on April 16 by the gentlewoman from Rumford, Miss Cormier, pending acceptance of either report.

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

Mr. JALBERT: Mr. Speaker and Members of the House: There are reams of literature that could be brought forth, and records that could be brought forth where it concerns this piece of legislation. I have reproduced the legislative sessions in other states, these have been distributed on your desks.

It is to be noted that when the State of Maine became a state in 1820 we were operating on the system of annual sessions. In 1880 the legislature in its wisdom sent to the people a proposal to go into the biennial system. This was adopted. In 1951 there remained only five states in our Union that were operating on the annual session system. If you will look at your charts, it is therefore a fact that since 1951 twelve other states have gone back into the annual session field in some form or other, be it budgetary or part budgetary, part special and private bills, or straight annual sessions. It is also to be noted, and this is a record of the State of Maine sessions, beginning in 1820, from 1820 to 1882 where this system of annual sessions was in effect, the legislators were called for five special sessions. The records also show that since 1883 to date there have been 24 special sessions that have been called for.

The thought behind this is certainly not that one would want to come here every year and stay here month in and month out. I feel that the biggest weapon that the opposition has is, as has been stated to me: "I cannot come here every year." I will return to that argument in a few moments.

My thinking is that if we went into annual sessions, that is, if we referred this constitutional amendment back to the people and they accepted it and we would convene annually, it would mean what is sorely needed in our State, and that is the complete revision of our rules, our legislative rules. It would provide that proposed legislation be filed before the convening of sessions and relating to introduction of matters during the session, not over two weeks, as is done in Connecticut, would without question substantially shorten any legislative session. It would provide a rule change as provided that only bills and resolves that receive a favorable report of a committee should be reported and others should be killed in committee unless called back to the House on introduction by a petition, it would save considerable time and expense. It would not in any way interfere with the rights of any member to have his bill considered provided the majority wished to consider it.

These are suggested rules that we could entertain. It would provide a change in the rules that provided a bill favorably reported should, without action, immediately go to its readings, and that the bill or resolve would be open for debate and amendment only at the time of its third reading. It would not only save time but avoid having several debates upon the same matter. I think that is one of the soundest rules, I think it should be put into effect in any event. It would provide for practice of extending courtesy in tabling, the practice of extending courtesy in tabling contributes substantially to inefficient handling of legislative business. If the tabling motion was abolished and when consideration of the matter was opposed and the matter went to a Committee on Rules, the business of the branches would be expedited. The Committee on Rules should have the authority to assign a time and pick any special conditions under which a matter should be considered, and a matter only referred back to the Committee on Rules by a majority vote.

Some states either adjourn for four to six weeks in February or

early March, or the legislature meets only once a week in order to give committees time to hold their hearings and prepare their reports and also the Appropriations Committee time to report on the budget. Such systems are in effect, as I understand it, in Connecticut and New Jersey.

Now, going into the thinking of some that, "Well, I cannot come here every year." Let us look at the thinking of others who can come here every year for certain periods of time. Certainly all of you walking towards the State House this morning, or riding in this beautiful weather, could certainly feel the effect of possible early adjournment to be home to do your planting and your various chores. It would seem to me that we could well follow the pattern that is now being invoked yearly by other states.

I contacted the State of Vermont yesterday. I was informed that their sessions, and they are operating on a biennial basis, are lengthening all the time. They even go into July, and a strong point in favor of this measure that I was told yesterday is this: That they know they are walking into a definitely very late adjournment, they knew they were unless something was done at this session as they are now in session as we are. So that the information that I get is that they are going to adjourn sometime next month and a resolution has already been passed that they will reconvene on January 12 of next year.

I have an amendment that I would put in after the third reading of this bill, should it have passage. It reads thusly: "at which the Legislature shall consider only bills which supplement appropriations made for the fiscal year in which the budget session is held, make appropriations for the succeeding fiscal year, provide for necessary revenues therefor and such acts, resolves and resolutions as shall be filed by the Clerk of the House and the Secretary of the Senate, respectively, prior to the convening of such budget session."

Now, I feel that this would eventually prove to bring about definite better government, it would

very definitely bring about better legislation, and I can go so far as to say that it would eventually prove to be an economy measure.

The Representative on my left, the gentleman from Bangor, Mr. Stanley, introduced, passed and now I believe it is signed by the Governor, a measure eliminating the Budget Committee. This will allow quicker action by the Appropriations Committee in future sessions because the departmental heads can be called in by the Governor and their budgets can be discussed. It will stop one major thing, that is our sitting around here or standing around or riding back and forth to our homes for four to five to six weeks at the beginning of the session.

There is no reason at all why a major part of our legislation should not be prepared in advance. There is absolutely no reason at all why the Appropriations Committee could not shorten its arduous work by getting down to business earlier than they do, and it certainly is not a reflection on that Committee. I know how difficult their task is because I am a four-time member of that Committee. I know what they are faced with now, afternoon and evening sessions and then debating on the floor of the House.

This also would allow people who have measures as close to them, as a measure that I might have that is close to me, from watching the clock. An example of it was yesterday when I picked up the calendar. I saw where the balanced budget bill was going to be before us, I didn't feel it would be touched yesterday. In looking it over I said I won't be hurt too badly there, it only calls for \$104,000,000 and nine out of ten it will go under the gavel today anyway. Today there was no debating on it, justifiably so, pending engrossment, it was tabled by the Chairman of the Committee. Then I ran into zones on deer, draggers and everything else, and the measures that were presented by these people were fine measures and they wanted them debated, just as this fraternity house bill was debated, justifiably so. But one then is caught with the effect of having worked for some two or three hours in the

corridors, bringing back in those that you think are for you and possibly trying to chase those that are against you out of here, watching the clock and feeling that whose feelings am I going to hurt. I think that many, many measures that go under that gavel are not debated at times because of the fact, well, I don't want to hurt anyone's feelings, I don't want to take too much time. I am talking about split reports or "Ought to pass" reports or things that could well, and certainly should be debated.

It is not my intention to take up too much time. I will rest my case for now and possibly pick it up later on in the debate.

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

Mr. HAUGHN: Mr. Speaker and Members of the House: I know one thing, by me speaking on this particular bill, there is no partisan flavor as far as I am concerned because I certainly spoke on behalf of this bill two years ago. I am certainly in favor of bills of this type and legislation of this type, and I realize that we have a great deal of pressure on us in our private business, and serving in legislature is very difficult and rather a hard task for all of us to accomplish along with our every day affairs. But at the same time, we are not only sent here to take care of the measures needed for the people to conduct the affairs of their state, we are also sent up here to seriously consider procedures and occasionally, I think it is good work to take a look at some of the things we do and see if our machinery is modern, up to date and in good working order.

Now, in the first place, I feel reasonably sure that none of you would run your business on a two-year basis. In fact, I have an idea that most of the businessmen in this House probably require a monthly profit and loss statement and make their decisions in a week. It might be all right to set up a two-year advance program, or even a twenty-year advance program, but when you get right down to cold, hard facts, you want to look at the money side of your business

very closely and as often as you can.

Now, we are the ones who are to determine the financial condition or the financial affairs of the State of Maine. At the present time we are able to do it only once every two years. Unfortunately, our financial position sometimes has to be encompassed even up to thirty or thirty-six months, and with today's world we are in most cases guessing, as many of you well know.

Certainly in the last twelve months, and in some cases even the first twelve months, I feel that proper, sound budget techniques require our looking at the budget every year.

I have no more desire to come up here every year than you do, except that I feel the responsibility of my position weighs heavily enough upon me so that I must very seriously consider the mechanics of what we do. I am sure that you would not run your business on a two-year basis, and I am sure you would not even run your own household on a two-year basis.

In fact, back in 1957 the newspapers came out with an item with a very prominent title: "Governor Muskie and the G.O.P. embarrassed by too much money." It certainly did not give a bipartisan flavor to that headline, but it certainly showed the need and desires for changes.

As you also realize and know, that this is not a partisan measure, this is one for the people's needs, for the needs of state government, and I certainly will concur in most remarks that were made by the gentleman from Lewiston, Mr. Jalbert, and will say once again, that the sacrifices we do make are severe and great in behalf of the people, but that is our responsibility and our job to do. In order to do so, we should certainly look at this budget once every year and not once every two years, and give full debate and consideration in these fast changing times to the Federal Government and your State Government and trying to keep up with the times as they exist, and at this time I would move for the passage

of the "Ought to pass" Report of the Committee.

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

Mr. WADE: Mr. Speaker and Members of the House: I would like to speak to this issue as an individual and as House Chairman of the Committee on State Government. The proposed amendment to the Constitution, as has been said, is not a party issue. The divided report was signed along party lines simply because the individuals on the Committee felt that way about it. But I know that many of the people who spoke as proponents of the measure are Republican members of this House.

I would like to list my reasons for opposing the acceptance of this amendment. First, although the bill says that the budget session in the even numbered years shall consider only appropriation bills for the succeeding fiscal year, revenue bills therefor, and such acts, resolves and resolutions or motions as may be necessary to provide for the expenses and conduct of the budget session; it is well known that such limitations would be quickly removed. In fact, the amendment referred to by the gentleman from Lewiston, Mr. Jalbert, indicates that the scope of the session of the even numbered year would be extended immediately.

We are justified in assuming that these so-called budget sessions would soon be expanded to the approximate length of our present biennial sessions. This would be undesirable for a number of reasons. First, it would be inevitable that the legislative expense would be increased. Second, department efficiency would be reduced. I think we all recognize that during the session of the legislature, department heads and top department personnel are more or less at the beck and call of the legislature, and rightly so. We need them and we expect them to make themselves available to us for all kinds of information in preparing bills and attending hearings and so forth. However, the time that those departments heads and top department personnel devote to the legislature is just that much time that

they cannot devote to the administration of their departments.

I believe that four months or so every two years is a considerable saving of our administrative talent compared with even three months every year.

Third, it is contended, as the gentleman from Lewiston, Mr. Jalbert, indicated, that many able legislators who will make the sacrifice of coming here once in two years would not be willing to devote even a slightly shorter length of time on two consecutive years.

Reference has been made to special sessions that have been held fairly frequently over the years, and many people feel that when they are needed these special sessions do a specific job promptly, efficiently and economically.

Extensive rule changes have been referred to, and I am sure that our rules are susceptible of improvement, but I don't feel that rule changes as such have any bearing on this resolve.

Prior filing has been referred to, and if and when this Legislature decides it wants to, it can inaugurate a system of early filing under our present biennial system.

For these reasons, I now move that this resolve and both reports be indefinitely postponed.

The SPEAKER: The question now before the House is the motion of the gentleman from Auburn, Mr. Wade, that both reports be indefinitely postponed.

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

Mr. HAUGHN: Mr. Speaker and Members of the House: I am very happy to hear the honorable gentleman from Auburn, Mr. Wade, say economy. I am certain that three special sessions in the 98th Legislature was certainly no economy measure, because the cost of individual sessions such as that increase over anything which is already set up in an operation for a normal session.

You must realize we were called back here in the 97th Legislature for one special session. And when you stop and consider the cost of those special sessions, getting things lined up, setting it back up in operation after adjournment of our

regular session, that costs a lot of additional money for those particular things which we would dispense of if we had regular annual sessions.

Mr. Speaker, I won't lengthen debate, when the vote is taken I request a roll call.

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

Mr. ROLLINS: Mr. Speaker, I rise in opposition to the motion before the House. I rise in support of this legislation.

Sixteen years about, ago, I presented a bill to this legislature and tried to get the legislature to change the Constitution to convene some time in November, that was when our election was in September, to convene in November, set up the committees, and then recess until January, and in that interim have your Appropriations Committee working and have your bills filed, but it was of no avail.

This bill will act in that manner in presenting bills ahead and shorten the session by a whole lot. As the gentleman from Lewiston, Mr. Jalbert, said, we will bug around here for six or eight weeks before we really get anything to really put our teeth into. Here we are now in our sixteenth week and we haven't got our teeth into much, and we are flogging around trying to find a program, after sixteen weeks in this House.

As far as the partisan part of it, I would refer to those who have presented this same legislation or like legislation. Back in 1949 L. D. 373 was presented by Arnold Brown, a Republican from Woodland. In 1951, Legislative Document 693 was presented by the same gentleman, Arnold Brown from Woodland, a Republican. In 1953 the same legislation was presented by Phillip Chapman, a Republican. In 1955, Legislative Document 1138 was represented by Raymond Greenleaf, a Republican. And in 1957, Legislative Document 1210 was presented by George Curtis, another Republican. To my memory, this is the first time that a Democrat has ever presented this legislation, so I can't see that we could call it partisan legislation, and I hope that the motion of the gentleman from

Auburn, Mr. Wade, does not prevail.

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

Miss CORMIER: Mr. Speaker and Ladies and Gentlemen of the House: Without lengthening the debate, I would just like to inject one thought before you finally make your minds up as to how you are going to vote on this bill.

I think that one consideration that bears out the need for annual sessions is the Sinclair Law enacted two years ago. I think that if we had annual sessions, it would be much easier for these districts that are forming to have recourse to the legislature. I am referring particularly to those that cannot consolidate under the Sinclair Law. We have had at this session better than a dozen which did not conform to the law and had to have special attention by this Legislature. In many instances they have had to hurry their deliberations in order to get in under the wire before we adjourned. We even had to amend another bill in order to get one district in. I feel that if we had annual sessions these people could give more careful consideration to their issues locally, knowing that it would not be two years but just one year before they could come to us.

I also feel that as far as computing the subsidy it would be advantageous to have annual sessions. If this subsidy were computed each year then it would take into consideration the rising cost of education as well as rising enrollments in our various towns, and consequently it would be a more accurate picture. The local communities would not have to share as large a burden as they do now, because it is computed now on the biennium preceding the one in which we are in session. The Jacob's Study recommended that the computation be on an annual basis.

I think that state government is growing to such proportions that it definitely is pointing to the time when we will be forced to have annual sessions, and I think that we should give very careful consideration to all of these items before we decide to vote for indefi-

nite postponement. I certainly would oppose that motion.

The SPEAKER: Is the House ready for the question?

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

Mr. JALBERT: Mr. Speaker, I would like very briefly to comment on the comments of my good friend, the gentleman from Auburn, Mr. Wade.

Wherein it concerned the amendment, I submitted to the Committee, not the amendment in its written form, but I submitted to the Committee at the hearing that I would like to have such an amendment on the bill. The bill was reported out without the amendment so that I would propose it if the bill should pass at its third reading.

Wherein it concerns a comment of the departmental heads, it is my belief that the legislative bodies are supreme, and I think, and I number a great many of them as my personal friends among the departmental heads, I want to have them a little bit alerted, and I think this might be a vehicle through which we could do it. By the same token, I do not intend now, or anytime that I am serving in this body, to be in any way at all dictated to by any departmental head. I believe we went through that a few years ago. The gentleman in question quickly removed himself from the scene, and he was one and still is one of our better departmental heads and he still is saddled with that sad experience that he had a few years ago.

The gentleman from Auburn, Mr. Wade, comments that there are many legislators who cannot come here every year. True, there are also many legislators who cannot come here even every two years or every year as we go along now, until deep in May, until practically June, there are many, many members who can come here until April 25th or April 15th or even April 1st. If we have to look at the record, and again I am quoting from computed records out of the State Library, back in 1937, I could start with 1820, I will go to 1937, April 21st. In 1940, special sessions, we had one of them that lasted quite a while. 1941, April 26. 1943, April

29, 1945, April 21, 1947, May 14, 1951, May 21, 1955, May 21, 1957, May 30. Now, I know that several members are affected by such a very definite late adjournment.

The State of New York, for instance, the largest state in the Union, there were 8,215 bills presented at their last session. 1,202 were passed into law and they adjourned on March 27.

As my colleague, the gentlewoman from Rumford, stated, we must go with the times. I think the trend nationally is toward annual sessions. I certainly hope that the motion of the gentleman from Auburn, Mr. Wade, does not prevail.

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

Mr. LINNELL: Mr. Speaker and Members of the House: In view of some of the most enlightening statements presented by both sides this morning and, at least my own difficulty, in absorbing and properly evaluating them, I would now move that this matter be tabled until Tuesday next, pending the motion of the gentleman from Auburn, Mr. Wade.

The SPEAKER: The question now before the House is the motion of the gentleman from South Portland, Mr. Linnell, that both reports be tabled and specially assigned for Tuesday next. Will those who favor the tabling motion 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 Auburn, Mr. Wade, that both reports be indefinitely postponed.

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

Mr. PIKE: Mr. Speaker and Members of the House: I just have two small points. That as a former small department head here, I must confess that I found the legislative period stimulating. It meant a little more work but it did help steam up the work of my department and I am rather inclined to think they did better when they had somebody breathing at times down their neck.

I can't help but be persuaded that this resolve is in the direction

of better government. The resolve, when coupled with what seemed to me very desirable changes in rules, although that is too complicated for me to comment on, seemed really to be worth the extra cost in increased efficiency of perhaps the legislature itself and of the other money spending and money raising parts of our government. I hope the motion does not prevail.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Auburn, Mr. Wade, that both reports be indefinitely postponed. A roll call has been requested. For the Chair to order a roll call the Chair must have an expression of desire for a roll call on the part of one-fifth of the members present.

Will those who desire a roll call please rise and remain standing until the monitors have made and returned the count.

A sufficient number did not arise.

The SPEAKER: Obviously less than one-fifth having arisen, a roll call is not in order. The Chair will order a division.

The question before the House is the motion of the gentleman from Auburn, Mr. Wade, that both reports be indefinitely postponed on Resolve Proposing an Amendment to the Constitution Providing for Annual Legislative Sessions, House Paper 849, Legislative Document 1212. Will those who favor the motion to indefinitely postpone both reports please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

Thereupon, on motion of Mr. Haughn of Bridgton, the Minority "Ought to pass" Report was accepted, the Resolve given its first reading and tomorrow assigned.

The SPEAKER: The Chair now lays before the House item number two under unfinished business, Senate Divided Report, Majority "Ought to pass" and Minority "Ought not to pass" of the Committee on State Government on Bill "An Act relating to Duties of the

Clerk of the House of Representatives," Senate Paper 419, Legislative Document 1203, tabled on April 17 by the gentleman from Lewiston, Mr. Jalbert, pending the motion of the gentleman from Old Orchard Beach, Mr. Plante, to indefinitely postpone both reports.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I had an amendment prepared for this bill. It has been reproduced. It is a lengthy amendment, it is rather complicated. I have spoken to the members of the State Government Committee so that they can study the amendment. A public hearing does not necessarily have to be called. They are still operating in any event. I spoke to all of them this morning and all of them concurred with me. I now move that this bill and its papers be recommitted to the Committee on State Government.

The SPEAKER: The question before the House now is the motion of the gentleman from Lewiston, Mr. Jalbert, that the bill and both reports be recommitted to the Committee on State Government.

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

Mr. STANLEY: Mr. Speaker and Ladies and Gentlemen of the House: My good friend, the gentleman from Lewiston, Mr. Jalbert, has asked that this bill and his amendment be recommitted to the Committee on State Government, and he tells us that it is with their blessing that it go back.

A moment ago the gentleman was speaking about hastening the activities of the legislature. This is one way not to do that. The bill to which I am speaking at the present moment is a bill which the Committee on State Government has already gone over. We have their report with a divided report from the Committee. It just is a simple little thing which changes a few of the duties of the Clerk of the House. And I would say to you now that we, as legislators, and the people of the State of Maine are very fortunate to have the gentleman that we have and have had for several years as Clerk of the House. He has done an outstanding

job and, as I said before the Committee and as I have said here before, that we come to the legislature to discuss ideas and not personalities.

The ideas which are written into this bill are ideas which several of us have felt should be in there just to protect our present Clerk of the House and succeeding clerks. We have no reason to dislike the Clerk of the House, do we? And then we have no reason to dislike those who will come later on. There is nothing personal in the bill whatsoever, it would help this Clerk and any clerk who might succeed him.

From the time I have come down here, the stories that I have heard of people dropping typewriters out the windows, and chairs and desks, and being carted away to Wiscasset have disgusted me. I don't believe anything of that type has ever happened, I don't believe that it ever will happen. But what the bill calls for is an inventory of the items which we have for our legislature, and I am sure that any Clerk of the House would love to have that because when stories start going around that there are items missing, you have proof positive that they are still here.

The amendment which the gentleman from Lewiston, Mr. Jalbert, is proposing has to do with the pay of the Clerk of the House. To my mind it has nothing to do with this particular item of which we are talking. I guess, in the vernacular of this House, it would not be germane to the question. If there is to be a bill for an increase in pay, I am sure that we could find a way to bring it in, but I don't think that it has anything to do with this particular question and it would be just something, as lots of people say, to bring a red herring across the bill of which we are speaking.

I would be very much opposed to recommending the bill to the Committee, and I would hope that the House would go along with me on that.

The SPEAKER: Is the House ready for the question?

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would assure the gentleman from Bangor, Mr. Stanley, that I am for the bill. It is an important bill by his own admission. Comments have been made, this whole situation has been thrashed about, not only in the halls of the legislature, but from Kittery to Fort Kent. And my sole reason, and I assure the gentleman from Bangor, Mr. Stanley, that the point is germane, the amendment that I have proposed, and that need not be the amendment that the Committee would report, due to the fact that the Committee is still in session, and the House Chairman and other members of the Committee have told me that they would entertain it in their deliberations.

I didn't want to take the responsibility of this whole situation upon my own shoulders and, for that reason and that reason only, I suggested that the bill be recommitted. And I certainly hope that my motion prevails.

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

Mr. STANLEY: Mr. Speaker, I would remind the gentleman beside me, Mr. Jalbert, and the House that he knew that this bill was going in before it was presented to the Committee. He came to me and told me what a fine thing it was and how he was all in favor of it, and that I had been trying to do this for six sessions and I think it should go through. The gentleman, if he had wanted to put an amendment on it at that time, had every opportunity to. We had a hearing, and what he is trying to do now, I just can't comprehend. I think we should go ahead and pass the bill which he is in favor of and forget the amendment.

Mr. JALBERT: Mr. Speaker.

The SPEAKER: The Chair must remind the gentleman that he has spoken twice.

Mr. JALBERT: I know that. I will ask for unanimous consent to address the House. As a matter of fact, I am in order in speaking, this is a motion to recommit and I am in order to speak fifteen times if I so wish.

The SPEAKER: The gentleman does not need unanimous consent to speak a third time, it is merely a matter of the majority consent of the House. Is there objection to the gentleman speaking again? The Chair hears none and the gentleman may proceed. The Chair will restate the motion. Will those who favor granting the gentleman permission to speak again please say aye; those opposed, no.

A viva voce vote being taken, permission was granted Mr. Jalbert of Lewiston to speak a third time on the motion before the House.

Mr. JALBERT: Mr. Chairman, I want to apologize for having lost my equilibrium. This has been a long fought battle with me, and certainly if personalities were to be involved, I will tell the membership of this House that with my classic agreements and my classic, and really classic disagreements with the present Clerk, I think maybe I have learned a little something. I repeat myself. This is a very important bill, the amendment is germane, it will take the Committee a very short time to study the amendment and I would like to have it come from them. That is why I cleared with the Committee, cleared with my own party membership, and for the last time, I won't get up again I assure you, I hope the motion does prevail.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Woodstock, Mr. Whitman.

Mr. WHITMAN: Mr. Speaker and Members of the House: I would like to say that I have been concerned with this bill. In fact, I had the pleasure of sitting in on the original discussion and the original drafting of this bill.

The other day, supposedly, we started out to debate this bill, and before I had my two cents worth we had the bill tabled. Now, I think I would like to get my two cents worth in at this time because the future of this bill seems to be quite in doubt.

I would like to say that in drafting this bill the people that discussed it and drafted it, it was not the intent of anyone at that session to cast any reflection in any

manner upon the integrity of our esteemed Clerk. In fact, it was in the interest of protecting that integrity and the integrity of the legislature itself, for that matter, that this bill was presented.

No one knows better than we here today that efficiency in government is a national by-word, and we ourselves have instituted several measures to insure economy and proper spending and, therefore, we should not be the pot that calls the kettle black, and I say that we should keep our accounts as orderly and as efficiently as any branch of government.

We of the legislature have the unique privilege of not falling under the code of state government. This code of state government requires every other department of the government to submit to annual audit and subject to review. I would not propose that the legislature would submit to any such annual audit, but the fact still remains that we are using the taxpayers' dollars here, and I, for one, would like to be able to account for every penny, even if only to myself. Now, I ask you, how can we do this without any inventory of all the property that we purchase and use up or otherwise dispose of in this process of legislation.

This is simply a good business procedure. We all know that no business could carry on without inventories and bookkeeping. I say that we should, of all people, keep our bookkeeping up to date and be able to account for every penny of this money. We shouldn't have any skeletons in our closet while we go poking around in other people's closets.

Now, in regards to this House Amendment which has been distributed before you, if you would all take a look at it, I think you will find that what the gentleman from Lewiston, Mr. Jalbert, has said is not quite true. He does say that the amendment is lengthy, I will agree to that point, that it is lengthy. But as for being complicated, I think if you will all glance at it, I can see where there is nothing very complicated about it. It is pure and simple, an amendment to raise the salary of the

Clerk of the House which, I believe, is not germane to the bill. I am not saying that I would oppose a raise to our esteemed Clerk, however, I think it should be introduced as separate legislation. To me, it is quite obvious that this is a devious method to kill the bill that has been presented before you.

Now, we, the members of the sponsoring group, feel that we have done our duty. We have realized an idea whereby we could institute a change to perhaps increase the efficiency of the working of the legislature. We feel now that we have done our part in bringing this to your attention and we are very desirous of having your opinions expressed on this one point and one point alone, in the result of your votes and, for that reason, I now move the previous question.

The SPEAKER: The gentleman from Woodstock, Mr. Whitman, has moved the previous question. For the Chair to entertain the motion for the previous question the Chair must receive the authorization of one-third of the members of the House.

Will those who favor the Chair entertaining the motion for the previous question please rise and remain standing until the monitors have made and returned the count.

A sufficient number did not arise.

The SPEAKER: Less than one-third having arisen, the Chair is not authorized to entertain the motion for the previous question.

The Chair recognizes the gentleman from Pittsfield, Mr. Baxter.

Mr. BAXTER: Mr. Speaker, there seems to be some question as to whether or not the amendment to this L. D. is or is not germane. I would like to inquire whether it would be in order for the Chair to rule on this question.

The SPEAKER: The Chair will not rule on the germaneness of the amendment until the amendment is before the House.

Is the House ready for the question? The question before the House is the motion of the gentleman from Lewiston, Mr. Jalbert, that the Bill, "An Act relating to Duties of the Clerk of the House of Representatives," Senate Paper 419, Legislative Document 1203, and both re-

ports be recommitted to the Committee on State Government. Will those who favor the motion to recommit please say aye; those opposed, no.

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

Fifty-two having voted in the affirmative and sixty-six in the negative, the motion to recommit did not prevail.

The SPEAKER: The question now before the House is the motion of the gentleman from Old Orchard Beach, Mr. Plante, that both reports be indefinitely postponed.

The Chair recognizes that gentleman.

Mr. PLANTE: Mr. Speaker, to expedite matters and to enable the gentleman from Lewiston, Mr. Jalbert, to present his amendment, I will withdraw my motion temporarily.

The SPEAKER: The gentleman from Old Orchard Beach, Mr. Plante, withdraws his motion that both reports be indefinitely postponed. The Chair now awaits a motion.

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

Mr. STANLEY: Mr. Speaker, I move that we accept the Committee's "Ought to pass" Report.

The SPEAKER: The gentleman from Bangor, Mr. Stanley, moves that the House accept the Majority "Ought to pass" Report. The Chair recognizes the gentleman from Bridgton, Mr. Haughn.

Mr. HAUGHN: Mr. Speaker and Members of the House: I did not intend to inject myself into this, but I am forced to to a certain degree now to bring about what our Honorable Clerk's position is as far as economy and savings to the legislature.

As you know, I introduced an order here to get a book out to you people, a joint order, which was accepted and passed, for a so-called salary book. You have been waiting through red tape, through delays, and these are strictly legislative problems, not department problems, and through those delays it has cost the State \$641 to have those books printed, which under the direction of our Clerk and with the assistance of the

Controller's Office, we probably could have had them done for a couple hundred dollars and expedited and had them a couple of weeks after we placed the order. Now, we waited two months and the word used by the Purchasing Department was that that this type of printing was "trash". And if that is trash to you and the expense is that to you, and you want economy in government savings and to expedite a matter, I think you better leave the purchasing right in the hands of what we are doing now, because I think he has done a wonderful job in saving, expediting, giving us what we need when we need it, not when they get around conveniently from other departments to give it to us. And on top of that, you must remember that there is other stuff that is concerned in this because there are those who would like to place in the hands of department heads legislative problems. These are problems concerning us and us alone, not department heads. And if we start placing legislative problems in the hands of personnel and department heads, you are then giving up your own prerogative to decide your own measures on what you would like to do here. And if you want to consider those facts, I am sure you will not accept the motion as made by the gentleman from Bangor, Mr. Stanley.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Treworgy.

Mr. TREWORGY: Mr. Speaker and Members of the House: Under Chapter 10, Section 7, as it now reads, the Clerk of the House has the right to buy, swap or horse trade for equipment, supplies and so forth from any source he sees fit, wholesale, retail or otherwise. The first proposed change would specify that such equipment and so forth, should be purchased through that business organization called the State Bureau of Purchases. The final disposal of surplus or obsolete material is now left somewhat up in the air. It seems to me that this property should finally go to the continuing property records section of the Bureau of Public Improvements. After all, what one group may consider as

surplus or obsolete material, may well be prime material to some other group. And last, it would seem a good business practice to maintain a perpetual inventory of all legislative property. L. D. 1203 also covers this point.

Now, these suggested changes, as covered by this bill, are in no way intended to reflect any discredit on the activities of the present very competent Clerk of the House.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Bangor, Mr. Stanley, that the House accept the Majority "Ought to pass" Report on Bill "An Act relating to Duties of the Clerk of the House of Representatives," Senate Paper 419, Legislative Document 1203.

Will those who favor the acceptance of the "Ought to pass" Report please say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed.

Thereupon, the Bill was given its first and second readings and tomorrow assigned.

The SPEAKER: The Chair now lays before the House item number three of unfinished business, Bill "An Act relating to Duties and Powers of Department of Labor and Industry," House Paper 209, Legislative Document 300, tabled on April 17 by the gentleman from Friendship, Mr. Winchenpaw, pending the motion of the gentleman from Auburn, Mr. Turner, that the bill be indefinitely postponed.

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

Mr. WINCHENPAW: Mr. Speaker and Ladies and Gentlemen of the House: I came here this morning prepared to debate this bill, but I see that the gentleman from Auburn, Mr. Turner, is not here and I believe that he wants an opportunity to defend his motion, and in the spirit of fair play I would like to have this tabled until tomorrow.

The SPEAKER: The gentleman from Friendship, Mr. Winchenpaw, moves that the bill be tabled and specially assigned for tomorrow, pending the motion of the gentleman from Auburn, Mr. Turner, that the bill be indefinitely postponed.

Is this the pleasure of the House?
The motion prevailed and the Bill was so tabled.

The SPEAKER: The Chair now lays before the House item number four under unfinished business, House Divided Report, Majority "Ought to pass" and Minority "Ought not to pass" of the Committee on Inland Fisheries and Game on Bill, "An Act relating to Open Season for Fishing on Brooks and Streams in Cumberland County," House Paper 240, Legislative Document 351, tabled on April 21 by the gentleman from Bridgton, Mr. Haughn, pending the motion of the gentleman from Cape Elizabeth, Mr. Brown, that the House accept the Majority "Ought to pass" Report.

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

Mr. HAUGHN: Mr. Speaker and Members of the House: I have an amendment to offer. I will wait until the third reading and I now move the motion of the gentleman from Cape Elizabeth, Mr. Brown, be accepted.

The SPEAKER: The question before the House is the motion of the gentleman from Cape Elizabeth, Mr. Brown, that the House accept the Majority "Ought to pass" Report. Is this the pleasure of the House?

The motion prevailed.

Thereupon, the Bill was given its first and second readings.

The SPEAKER: Does the gentleman from Bridgton care to offer his amendment at this point?

Mr. HAUGHN: Mr. Speaker and Members of the House: Under Filing 233, I offer House Amendment "A" to L. D. 351 and move its adoption.

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

HOUSE AMENDMENT "A" to H. P. 240, L. D. 351, Bill, "An Act Relating to Open Season for Fishing on Brooks and Streams in Cumberland County."

Amend said Bill by adding at the end before the single quotation mark, the following underlined sentence:

'This subsection shall not apply to smelt fishing.'

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

The SPEAKER: The Chair now lays before the House item number five under unfinished business, House Report, "Ought not to pass" of the Committee on Legal Affairs on Bill, "An Act relating to Municipal Zoning Boards of Appeal," House Paper 444, Legislative Document 650, tabled on April 21 by the gentleman from Auburn, Mr. Berman, pending acceptance of the Report.

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

Mr. EARLES: Mr. Speaker and Ladies and Gentlemen: Prefatory to making a motion, I wish to thank the gentleman from Auburn, Mr. Berman, who was kind enough to table this in my absence.

Relative to this particular subject matter, I suppose that generally it is a virtue to persevere when you present a bill, but sometimes perseverance can cause a person to be perverse and perhaps lacking somewhat in objectivity.

For those that fail to recollect, this bill came out of the Committee on Legal Affairs unanimously "Ought not to pass," and they were kind enough to accept a suggestion or request that it be recommitted, and the Committee uniformly was consistent and reported it out again "Ought not to pass." I feel in view of that fact, in view of the fact that the Committee has been kind enough to act as pallbearers for this particular piece of legislation, although I feel that there is justification for the bill, I feel that I should accede to their decision, and in view of that fact, I would move you that the pending document, L. D. 650, the Report and accompanying papers be indefinitely postponed.

The SPEAKER: The Chair would suggest to the gentleman if he would merely accept the "Ought not to pass" Report the results would be the same, if that is agreeable with the gentleman.

Mr. EARLES: Mr. Speaker, in reply I would say that as a matter

of personal preference, I would prefer the acceptance of my motion.

The SPEAKER: The question before the House is the motion of the gentleman from South Portland, Mr. Earles, that the Committee Report be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed and the Bill with accompanying papers was indefinitely postponed and sent up for concurrence.

The SPEAKER: The Chair now lays before the House item number six of unfinished business, House Report, "Ought not to pass" of the Committee on Towns and Counties on Bill, "An Act relating to Clerk Hire, Rental and Expenses of Waterville Municipal Court," House Paper 525, Legislative Document 760, tabled on April 21 by the gentleman from Winslow, Mr. Dostie, pending acceptance of the Report.

The Chair recognizes the gentleman from Waterville, Mr. Lane.

Mr. LANE: Mr. Speaker, Ladies and Gentlemen: This bill was presented by my good friend, the gentleman from Waterville, Mr. Coyne, and this bill calls for the County to pay for rental and clerk hire to the City of Waterville. We talked it over with the County Commissioner through the Kennebec County delegation and we didn't think it was a fair bill because the County does not pay any rental to the other cities in Kennebec County and they do not pay for clerk hire to the other cities in Kennebec County, so we decided unanimously that this was not a good bill. We had another caucus on the same bill and we wanted to put an amendment on the same bill. We all approved unanimously this House Amendment "A". Now, Mr. Speaker and Ladies and Gentlemen: I move that we substitute the bill for the Committee Report in order that I can put in this House Amendment "A".

The SPEAKER: The question before the House is the motion of the gentleman from Waterville, Mr. Lane, that the Bill be substituted for the "Ought not to pass" Report. Is this the pleasure of the House?

The motion prevailed and the Bill given its first and second readings.

Thereupon, Mr. Lane of Waterville offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 525, L. D. 760, Bill, "An Act Relating to Clerk Hire, Rental and Expenses of Waterville Municipal Court."

Amend said Bill by striking out all of the Title and inserting in place thereof the following Title: 'An Act Increasing Salaries of Judge and Recorder of Waterville Municipal Court.'

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

"Sec. 1. P. & S. L., 1897, c. 325 § 3, amended. Section 3 of chapter 325 of the private and special laws of 1897, as last amended by section 58 of chapter 160 of the private and special laws of 1957, is further amended to read as follows:

'Sec. 3. Judge, salary; clerical assistance. Said court (Waterville Municipal) shall consist of one judge, to be appointed in the manner and for the term provided by the Constitution, who shall be a member of the bar in Kennebec County, who shall reside during his continuance in office in said City of Waterville, and who shall receive from the County of Kennebec, in monthly payment, an annual salary of ~~\$3,200~~ \$3,700, which shall be in full for all fees pertaining to his office; and he shall have the authority to employ such clerical assistance as is necessary, and the city shall pay therefor.'

"Sec. 2. P. & S. L., 1897, c. 325, § 8, amended. The 2nd sentence of section 8 of chapter 325 of the private and special laws of 1897, as last amended by section 59 of chapter 160 of the private and special laws of 1957, is further amended to read as follows:

'The recorder (Waterville Municipal Court) shall receive from the treasurer of the County of Kennebec, in monthly payments, an annual salary of ~~\$1,200~~ \$1,600, which shall be in full for all fees pertaining to his office.'

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

The SPEAKER: The Chair now lays before the House item number seven of unfinished business, House Divided Report, Majority "Ought not to pass" and Minority "Ought to pass" of the Committee on Labor on Bill "An Act relating to Disqualification of Benefit Under Employment Security Law," House Paper 775, Legislative Document 1073, tabled on April 21 by the gentleman from Auburn, Mr. Wade, pending the motion of the gentleman from Orono, Mr. Treworgy, to accept the Majority "Ought not to pass" Report.

The Chair recognizes the gentleman from Orono, Mr. Treworgy.

Mr. TREWORGY: Mr. Speaker, the sponsor of this bill, the gentleman from Bridgton, Mr. Haughn, has presented a proposed amendment under filing 235. Since this would completely rewrite the present bill as written, I would now move that the present bill and its proposed amendment be recommitted to the Labor Committee for further consideration.

The SPEAKER: The gentleman from Orono, Mr. Treworgy, now moves that the Report and accompanying papers be recommitted to the Committee on Labor. Is this the pleasure of the House?

The motion prevailed and the Bill with accompanying papers was recommitted to the Committee on Labor and sent up for concurrence.

The SPEAKER: The Chair now lays before the House the first tabled and today assigned matter, House Joint Order directing the Legislative Research Committee to Study Personnel Law, tabled on April 9 by the gentleman from Bridgton, Mr. Haughn, pending passage; and the Chair recognizes that gentleman.

Mr. HAUGHN: Mr. Speaker and Members of the House: As you know, I presented this Legislative Research Order, it is a House Joint Order. Quite some time ago it was placed upon your desks, and at this time I now move that that Order receive passage.

The SPEAKER: The gentleman from Bridgton, Mr. Haughn, now moves that House Joint Order directing the Legislative Research Committee to Study Personnel Law

be passed. Is this the pleasure of the House?

The motion prevailed. Sent up for concurrence.

The SPEAKER: The Chair now lays before the House item number two under tabled and today assigned matters, House Report, "Ought not to pass" of the Committee on Legal Affairs on Bill "An Act Revising Charter of the City of Lewiston," House Paper 879, Legislative Document 1253, tabled on April 16 by the gentleman from Lewiston, Mr. Dumais, pending acceptance of the Report; and the Chair recognizes that gentleman.

Mr. DUMAIS: Mr. Speaker and Members of the House: My aim in substituting the bill for the "Ought not to pass" Report is this: You have heard this morning of quite a few things that happened in Lewiston.

In the past few years we in Lewiston had an election where eight to one they voted in favor of a change in the charter. When the bill came up for hearing before the Legal Affairs Committee, there were not more than ten or twelve persons against this bill. There were practically as many who were in favor of this bill, although it came out unanimous "Ought not to pass."

The editorial in the Lewiston paper naturally condemned this bill. They have condemned anything that will go directly to the people. It is not my belief that what we ask, with sixty-two commissioners telling each other what they shall do, is a solution to any good government. Lewiston is not a big enough city to have sixty-two commissioners. In the new charter that I have bought it brings the power back to the Board of Aldermen and one commissioner per commission, and it is my belief that this brings the government closer to the people and it makes for better government, it is simpler. If you are in Lewiston today and you want to have an appropriation or anything like that, there is a reactionary chain that you have to go through. Therefore, I move to substitute the bill for the report.

The SPEAKER: The question before the House is the motion of the gentleman from Lewiston, Mr. Du-

mais, that the bill be substituted for the report.

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

Mr. JACQUES: Mr. Speaker and Members of the House: I have been on the City Council for the past six years and the people of Lewiston have been after us, and I can vouch for other people that have talked to me about wanting a change in our present city charter. We have everything happen under this charter right now, and I think that the City of Lewiston should deserve the right to see if they should have a change in their charter or not, and this bill does have a referendum clause on it, and Mr. Speaker, I would like to say that I am holding on the table right now unassigned a bill, that this bill now contains the same thing as the bill that I have on the table at present, so I would think that let home rule, let the people of the City of Lewiston vote on this bill, and if they want it, don't worry, they will come out and vote for it, and believe me, they will.

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

Mr. GOOD: Mr. Speaker, this bill was before the Legal Affairs Committee, and the Committee did come out unanimous "Ought not to pass". There are quite a few changes here to be made in the Lewiston charter. Now you have the present Lewiston charter of which I have a copy, dated March 6, 1939. As you know there have been a great many amendments made to this particular charter, but I think it is in pretty good order at this particular time. Now they may wish to amend it from year to year, which is their prerogative of course, but this proposed change here is a new charter running some twenty-three pages of changes. Now some of the old charter is left in here. I could spend a considerable length of time on pointing out the changes and the parts of the charter which are brought forward. Section 1, the City of Lewiston incorporated is the same as in the old charter. Section 2 is the same as in the old charter. Section 4. The Board of Control shall hold one regular monthly meeting open to the public. There is a change.

Article 2, Section 1, here is a change. An election shall be held on the first Monday in December biennially. Down on Page 3, Section 8, is a new paragraph. Term of office and elected officials. The term of office of elected officials shall commence on the first day of January following their election and shall terminate on the thirty-first day of December following the next regular election. Page 4, Section 1, is the same as in the present charter. Section 2 is the same as in the present charter. I will skip over some pages. Page 10, Article 8, Board of Controls, that's new. It replaces the Board of Finance. On Page 11, Article 9, Joint Boards. This is new. Replaces Board of Finance.

Now this is going to be submitted to the voters in Lewiston, and here is what they are going to vote on. Shall the Act entitled: "An Act to Revise the Charter of the City of Lewiston" passed by the 99th Legislature be adopted? Now I am sure they won't know what they are voting on in the entire amount. Therefore, if they wish to amend the charter, I would suggest that they do it a bit at a time so that the people will know what is being done in each instance. Therefore, I hope that the motion now before the House does not prevail.

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

Mr. COUTURE: Mr. Speaker and Members of the House: Finally the word of a member of the Legal Affairs spoke out for itself that to amend the charter a little at a time. People of the City of Lewiston have expressed their hopes for a change in the charter as it was told to you here, but a change in the charter a little at a time as it is suggested now, it was also suggested to you that party lines are on it. I know that this time again that it is not the practically same words. I agree with that, but it still boils down to the City of Lewiston. Who lives in the City of Lewiston? Who is the Legislature to deprive the City of Lewiston from a demand of a referendum on a change of government? Who are the representatives in this Legislature to control the vote in the City of Lewiston, what

they want in the majority? Is the people of the City of Lewiston don't know what they do when they go into the polls? Is the people of the City of Lewiston will go in there and vote for something that they don't know what they are voting about? It has already been advertised enough on the newspaper which they are opposed to any changes in the charter for one reason, because it is a democratic city, and I am not ashamed of it! And the republican has full control of it, and they don't want to lose their hold. As it was mentioned here previously on another bill that the minority probably will not be represented, partly asking party lines to be used to defeat the demand of a democratic city because the majority is on the republican side in this House of Representatives. I am a Democrat and I'm proud of it, as much as possibly somebody else is a republican and proud of it also. That's their privilege and it is the privilege of the people of the City of Lewiston to be democrat or republican if they want to. But at least in the second largest city in the State and the biggest stronghold of the democrats, when they have a local election, what do they have to do? Run their elections on a non-partisan election. I am not patting the republicans on the back any more than I am patting the democrats, but although it should be the freedom of the people to pick the government they want. I for one don't believe much in this proposed charter right now, but although the feeling that I have to a change in the demand of the people of the City of Lewiston I am forced to go along because their word is anything at all will be better than what we have now! It is controlled by a handful in our city. Newspapers if you want it, and that's the way that I feel. You read your newspaper of Lewiston and any item that is brought out by a democrat to represent a democrat city, they will bury him. I know, they have used it on me before, and they even used it on me yesterday. But I am not afraid of it. They are alone in our city, but what else can they do, it is a republican paper. I am not here to hide anything. I know certainly that this piece of legislation will be defeated, I know before

I stand up on my feet here. It will be defeated on the basis of a party line, and at this time the wishes of the people of the City of Lewiston which they claim anything at all is better than what we have now, I will support the motion of the gentleman from Lewiston, Mr. Dumais.

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

Mr. JACQUES: Mr. Speaker, I got up to answer Mr. Good, the gentleman from Sebago, when he says let's amend the charter. The charter has been amended 131 times, Mr. Speaker. What the Charter was meant for in 1939 cannot do any good for the City of Lewiston any more, and that is the reason that we have this new charter, and at once the whole delegation was in agreement with this charter, but they have changed their minds since then.

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

Mr. TRUMBULL: Mr. Speaker, when the vote is taken, I ask for a division.

The SPEAKER: A division has been requested. The question before the House is the motion of the gentleman from Lewiston, Mr. Dumais, that Bill "An Act Revising the Charter of the City of Lewiston" House Paper 879, Legislative Document 1253, be substituted for the "Ought not to pass" Report of the Committee on Legal Affairs.

Will those who favor substituting the bill for the report, please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Twenty-eight having voted in the affirmative and fifty having voted in the negative, the motion did not prevail.

Thereupon, the "Ought not to pass" Report was accepted and sent up for concurrence.

The SPEAKER: The Chair now lays before the House the third tabled and today assigned matter, An Act to Prohibit Excessive Noise from Mufflers on Motor Vehicles,

House Paper 417, Legislative Document 601, tabled on April 17 by the gentleman from Bath, Mr. Mayo, pending passage to be enacted, and the Chair recognizes that gentleman.

Mr. MAYO: Mr. Speaker and Members of the House: I tabled this bill on April 17 at the request of one of my constituents, and since then I have talked with my constituent, I have talked with the gentleman from Farmingdale, Mr. Weston, who is the sponsor of this piece of legislation, I have talked with Paul MacDonald who has helped to work this piece of legislation out, and we have found that Section 41-A at the bottom of the bill is going to be very hard to enforce. That section was taken verbatim from the code of the California law, and as lawyers have told me the California law is quite different from the Maine law as far as certain types of process serving and convictions. Therefore, it would be hard to enforce. So with the permission of the sponsor of the bill, I have proposed an amendment, filing No. 243. I would move that this amendment be adopted.

The SPEAKER: The Chair would advise the gentleman that the proper procedure is first to move suspension of the rules which will require a two-thirds vote in order that the passage for engrossment may be reconsidered which will be another motion, and if those motions prevail, then it will be in order to introduce the amendment.

Mr. MAYO: I so move, Mr. Speaker.

The SPEAKER: The Chair understands that the gentleman from Bath, Mr. Mayo, moves that the rules be suspended so that a motion for reconsideration may be made. Will those who favor suspending the rules please say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed.

The SPEAKER: The Chair now understands the gentleman from Bath, Mr. Mayo, moves that the House reconsider its action whereby it passed to be engrossed this bill on April 10. Is it the pleasure of the House to reconsider?

The motion prevailed.

Thereupon, Mr. Mayo of Bath offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 417, L. D. 601, Bill, "An Act to Prohibit Excessive Noise from Mufflers on Motor Vehicles."

Amend said Bill in section 3 by striking out all of that part designated "Sec. 41-A" and inserting in place thereof the following:

"Sec. 41-A. Mufflers; prevention of noise. No person shall operate a motor vehicle on any way unless the same be equipped at all times with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise. No such muffler or exhaust system shall be equipped with a cut-out, by-pass or similar device. No person shall operate a motor vehicle the exhaust system of which has been modified so as to amplify or increase the noise emitted by the motor of such vehicle above that emitted by the muffler originally installed on the vehicle and such original muffler shall comply with all of the requirements of this section."

House Amendment "A" was adopted in non-concurrence, the Bill passed to be engrossed as amended by House Amendment "A" in non-concurrence and sent up for concurrence.

The SPEAKER: The Chair now lays before the House the fourth tabled and today assigned matter, House Report "Ought to pass" of the Committee on Taxation on Bill "An Act to Tax Highway Equipment Brought into the State After April First," House Paper 675, Legislative Document 967, tabled on April 17 by the gentleman from Pittsfield, Mr. Baxter, pending acceptance of the Report, and the Chair recognizes that gentleman.

Mr. BAXTER: Mr. Speaker, this L. D. was tabled pending review by the Attorney General's Department, and I received a memorandum from an Assistant Attorney General giving his opinion that the L. D. is contrary to Section 8 of Article 9 of the Maine Constitution and Article 14 of the United States Constitution. This ruling is now in

question and the Attorney General himself is now reviewing the matter and he has not completed his review, and for that reason, I would like to retable this act until Wednesday, April 29.

The SPEAKER: The gentleman from Pittsfield, Mr. Baxter, moves that the "Ought to pass" Report be tabled and specially assigned for Wednesday, April 29, pending acceptance. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair now lays before the House the fifth tabled and today assigned matter, House Divided Report, Majority "Ought to pass" and Minority "Ought not to pass" of the Committee on Inland Fisheries and Game on Resolve Opening Sand Pond, Oxford County to Ice Fishing, House Paper 494, Legislative Document 707, tabled on April 21 by the gentleman from Gorham, Mr. Sanborn, pending acceptance of either report.

The Chair recognizes the gentleman from Fryeburg, Mr. Trumbull.

Mr. TRUMBULL: Mr. Speaker and Ladies and Gentlemen of the House: This particular pond is located in the Town of Denmark. Within a radius of five miles of this pond there are twenty-one ponds, eighteen of those are now open to ice fishing. I have been requested by the citizens of Denmark to oppose opening this, their feeling being that those who enjoy ice fishing certainly have ample opportunity with the eighteen ponds already open. I therefore ask that this Resolve and both Reports now be indefinitely postponed.

The SPEAKER: The gentleman from Fryeburg, Mr. Trumbull, moves that both Reports be indefinitely postponed. The Chair recognizes the gentleman from Bridgton, Mr. Haughn.

Mr. HAUGHN: Mr. Speaker and Members of the House: This to me is going to be a joyous vacation because I understand there are those in my own delegation who will—might possibly appear against these bills, but I will submit to this body, that this bill was heard before the Fish and Game Committee. It came out the first time unanimous

"Ought not to pass". Through further evidence and with the permission of this House, I recommitted this bill back to the Fish and Game Committee who after receiving that further information reversed their decision and came out with a majority "Ought to pass" decision.

Now not to take issue to the statements just said by my good colleague and friend Mr. Trumbull, the gentleman from Fryeburg, I will say that there is one man in particular who he speaks solely for, a man by the name of Mr. Arthur Buckle of Denmark who hates winter ice fishing, who definitely is a raccoon hunter and a cat hunter, he loves it, but he don't like to see any ice fishing. In other words, he would like people to only enjoy the sports that he enjoys and deny them their rights to enjoy waters which belong to the people of the State of Maine. I submitted to that Committee the affidavit and support of the Saco Valley Fish and Game Club numbering fifty in number at present; a petition signed by roughly eighty to ninety people within the towns of Denmark, Bridgton and Sebago and which this town is bounded by. Now if we are going to deny the people the right to have the use of their waters for the sake of one or two people, I think we are acting in the wrong direction, and the report of the Committee after submitting further evidence and they reversed their decision, should be ample proof to this House that that point must have certainly been proven. It is taking care of a little minority and a few summer people who would like to have this pond closed to winter ice fishing. There is one man on this particular pond, and I might say the next item coming up, the next report on item six, concerns this same bill because Sand Pond and Hancock Pond are joined together by a small dugway or a little small inlet, so whoever fishes in one pond is certainly in the other.

I might tell this body what is in that pond. We have brook trout, square tails, we have brown trout, small-mouth bass, large - mouth bass, yellow perch, chain pickerel, hornpout, bullheads, eels, white suckers, minnows, common shiners and gold shiners and fallfish chubs

and pumpkinseed sunfish. Now that's quite a variety of fish in one little pond. It has been assured me by the Department of Inland Fisheries and Game, they take no stand on this issue except to state that by opening this to ice fishing during the months of February and March it will certainly do no harm to the pond, it will certainly help the pond as far as killing off undesirable fish in there. So on the basis of this and the report of the Committee, which has been a favorable report, and supported by the Fish and Game Club of Sebago, Denmark and Bridgton, takes in quite an area, and with the petition submitted signed by all those other people besides, I certainly hope the motion of the gentleman does not prevail and request a division when the vote is so taken.

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

Mr. GOOD: Mr. Speaker, this pond is located in Oxford County. I rise in opposition to the opening of it to ice fishing in the winter. I will tell you my reason why in a moment — well, I'll tell you the reason why right now. This is one of the only good bass fishing lakes in the area. Now they like to keep one lake in the area for bass fishing in the summer, when our summer visitors can go fishing and get some bass. Now Sebago Lake becomes very rough at times during the year, and if you could get out there of course you could catch fish on Sebago, but when it is rough, you can't get out there, so the guides — some of the guides have approached me who are in business, and they like to be able to take the sports that they are guiding up on Hancock Pond and catch some bass. Now it is a nice bass pond. Now there are plenty of places to go ice fishing in the area. I have here a Maine Inland Ice Fishing Law dated 1957. I am not going to read all the places where you can go ice fishing in the winter, because there are close to a hundred of them here, but in the vicinity of this particular lake, you can go — I'll read some of them to you, you can go ice fishing in the winter. Boston Pond in Denmark, where this particular lake is

located; Bryant's Pond in Hiram, Chapin Pond in Porter, Clemmen's Pond in Little Hiram, Beaver Pond in Denmark, Grange Pond in Denmark, Horseshoe Pond in Denmark. The fact is there is practically a pond here one for each fisherman in the winter, and the reason for not opening it up to ice fishing in the winter would be so that the people who leave so much money here in the summer would come back again so they could leave a little more.

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

Mr. HAUGHN: Mr. Speaker, I want to congratulate my good friend the gentleman from Sebago, Mr. Good, for his admission to this body that he wants a private sanctuary for guides and special summer guests. I appreciate his helping me in that respect to bring out that point. I might say there is one gentleman that has twelve camps on this pond, he is definitely for opening this pond. I personally have two camps on this pond; I don't go over in the wintertime, I do not ice fish it but I certainly am for opening it to allow the public and the people in general to have the privilege of the use of their waters. These type of people who do their fishing are people who earn their livelihood in the summer months and do not have time to go fishing, so therefore they are being deprived of a little enjoyment within their own community, and to express the desires of my good friend once again from Sebago, Mr. Good, that they have ample supply of lakes and ponds, I wish he would describe some of those lakes and ponds, what they are and what they look like and what is available to be caught in them. I might say too that any good fisherman knows that you do not catch bass through the ice in the winter time. If you do it is a miracle, and the one or two that might be caught certainly would never destroy or harm that body, because contained within this report it says here on Sand Pond that it indicates an additional population of adult fish and it is a good habitat for small-mouth and large-mouth bass, and I will concede it is a good bass pond, but you do not catch

bass through the ice in the winter-time because they do not bite, and any good fisherman knows that, and as I say once again, I have property there. I am not afraid to allow the people to come in and enjoy the privilege of the waters when they have time to enjoy them just for the sake of allowing it open in the summer months for out of state guests and for a few guides who make their livelihood because they make it, and they have so many places, Sebago Lake, so many places all over the State of Maine which they enjoy those privileges and want to deny the local people the right to the use of their own waters.

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

Mr. DUDLEY: Mr. Speaker, as a member that signed this report "Ought to pass", I would like to make just a very few comments, and when I heard it referred to here a few minutes ago, ice fishing in the winter, up where I come from, we only ice fish in the winter. The other thing is about the only way I ever knew of a bass being caught, and I do a lot of ice fishing, in the wintertime I have known it to be done by gill nets, and that is illegal anyhow, and I don't believe they can be caught by hook and line in the winter. It would be a very rare case if they were. I saw no reason why this shouldn't pass. I signed the "Ought to pass" Report and hope it is accepted as such.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Fryeburg, Mr. Trumbull, that both reports on Resolve Opening Sand Pond, Oxford County to Ice Fishing, House Paper 494, Legislative Document 707, be indefinitely postponed. A division has been requested.

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

A division of the House was had.

Thirty-seven having voted in the affirmative and fifty-six having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Haughn of Bridgton, the "Ought to pass" Report was accepted, the Resolve read once and tomorrow assigned.

The SPEAKER: The Chair now lays before the House the sixth tabled and today assigned matter, House Divided Report, Majority "Ought to pass" and Minority "Ought not to pass" of the Committee on Inland Fisheries and Game on Resolve Opening Hancock Pond, Oxford and Cumberland Counties to Ice Fishing," House Paper 493, Legislative Document 706, tabled on April 21 by the gentleman from Bridgton, Mr. Haughn, pending acceptance of either Report, and the Chair recognizes that gentleman.

Mr. HAUGHN: Mr. Speaker and Members of the House: This same bill is a duplicate of Sand Pond, they join together and the same conditions prevail, and I would move adoption of the "Ought to pass" Report.

The SPEAKER: The gentleman from Bridgton, Mr. Haughn, moves that the House accept the Majority "Ought to pass" Report. Is this the pleasure of the House?

The motion prevailed, the Resolve was read once and tomorrow assigned.

The SPEAKER: The Chair now lays before the House the seventh tabled and today assigned matter, Bill "An Act Providing Mandatory Jail Sentence for Second Offense of Driving Under the Influence," Senate Paper 329, Legislative Document 905, tabled on April 21 by the gentleman from Bangor, Mr. Cousins, pending passage to be engrossed; and the Chair recognizes that gentleman.

Mr. COUSINS: Mr. Speaker and Ladies and Gentlemen of the House: The law as it is now as concerns drunken driving says that the Court can impose not less than three months nor more than eleven months jail sentence and they impose a fine as well. There is no provision in the law right now for a mandatory sentence. The bill, Legislative Document 905 comes in and it adds the words 'which jail sentence shall not be suspended' which

would mean it would be mandatory that the Court impose not less than three months jail sentence and they could not suspend the thing.

The first amendment came in and it cut that three months' period to a ten day period, which would mean that you would have a mandatory jail sentence of ten days. I thought that that was a little rough on some of the people in the State of Maine who might already have at least one conviction for drunken driving in that they get one more and they have to go to jail, no question about it, the Judge could not suspend it. I am against taking discretion away from a Judge, and what I proposed to do with an amendment which I prepared or which I had prepared, was to have the act apply only to those convictions coming after the effective date of the act. In other words, we would put people on notice that this was coming up.

I got into a tremendous discussion this morning in the corridor with five attorneys including a county attorney, and they completely confused me, in that I now question my own amendment in that it may ruin the provisions of the bill as it is. They have convinced me that I don't want the bill at all. The Court is now applying their own discretion to the cases and generally speaking they are giving three months' sentences. This would bring it down to a ten day mandatory sentence. You all can think of many, many instances where the use of discretion on the part of the Judge would be a very fine thing. I think we would be better off not having the bill at all, and therefore I move that the bill and its accompanying papers be indefinitely postponed.

The SPEAKER: The question before the House is the motion of the gentleman from Bangor, Mr. Cousins, that the bill be indefinitely postponed.

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

Mr. HEALY: Mr. Speaker, I move we adjourn until tomorrow at 1:00 p.m.

The SPEAKER: The question now before the House is the motion of the gentleman from Portland, Mr.

Healy, that the House now adjourn and reconvene at 1:00 p.m. tomorrow. This motion is not debatable.

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

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

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

Mr. EARLES: Mr. Speaker, Ladies and Gentlemen of the House: In this instance, as you may easily determine, you people individually are both judge and jury as to whether or not you want to accept this piece of legislation. This bill, as the gentleman from Bangor, Mr. Cousins, has indicated, originally, taking the original act, would insert a mandatory jail sentence, and the next provision that existed was that the suspension which prior to this insertion was not less than three months and not more than eleven months, we felt that if we accepted the mandatory provision and left in the three months to eleven months, that it would be far too severe, so the Committee Amendment that resulted therefrom, namely, that there should be a mandatory jail suspension upon conviction of a second or subsequent offense, that mandatory suspension should be only for ten days.

Apparently amongst attorneys, amongst members of the Court, there is a difference of opinion as to whether or not in the matter of jail sentence it should be entirely discretionary or not. There are some Magistrates with the existing law will jail for a second or subsequent offense of drunken driving. There are a number of others who will not do so. It was felt that the drunken driving problem, with the incident of serious damage to life, in fact in many instances the extinction of life, the misery that it causes to the families, the loss of property and revenue to the family as a result of the damaging of the vehicle or property and the killing of individuals, warranted this legislation. Kindly bear in mind that notwithstanding a previous vote, we do have a biennial session, and one aspect of it is that if legislation as placed on the books is determined

to be inadvisable, unworkable, too severe, in other words legislation that should be susceptible to change, the change may be made at a subsequent legislature. We also had before us a bill which the gentleman from Cumberland had in which was very severe and related to the matter of speeding, and he wanted licenses pulled as I recall. In fact I guess actually he was interested in jail sentencing on the proving of being found guilty of speeding ten miles beyond the maximum and legal speed limit. We felt in that instance in the matter of speeding alone that the bill was too severe, and as you may recall, we amended Section 1 which took out that aspect of the bill and left only the recording feature with relationship to the abstract being submitted for violations from the Magistrate to the Secretary of State's office.

So I leave it entirely up to you as individuals, on the basis of your own experience with the frequency and severity of drunken driving occurrences in your respective communities, with the incidents of known deaths that result from drunken driving, to determine whether or not you wish to pass this legislation, because it is you and the citizens at large in the State that in the final analysis will be indirectly or conceivably directly affected. I think that is the only fair way to state the proposition. Thank you.

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

Mrs. CHRISTIE: Mr. Speaker and Members of the House: It seems to me when approximately sixty-six people were killed last year on the highways because of drinking and driving that we should attempt in some way to curb such accidents. We have an increase in accidents this year over last year for the same period. I don't know how many of those are due to drinking-driving, but I do feel that this bill might be a deterrent and for that reason I favor it, and I hope that we will not vote to defeat this bill.

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

Mr. CURTIS: Mr. Speaker, I would like to ask the gentleman from South Portland through the Chair if this bill was passed and the ten days mandatory sentence was given to me as a drunken driver, could the Judge give me more if he felt my case deserved more or would it be just simply the ten days?

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

Mr. EARLES: Through the Chair I wish to thank the gentleman from Bowdoinham because it indicates that perhaps there was an aspect that I did not explain. As I said or endeavored to say before, if the wording as the law is currently on the books, if the Judge in his discretion decided to give a jail sentence so to speak, then his giving, the time of his giving was between three months and three years, and we felt that if we put in a mandatory jail sentence that that three months, a minimum of three months and a maximum of three years was far too extreme, far too severe. Therefore, we brought the minimum and the maximum down from three months to three years to ten days as a minimum and a maximum of eleven months, and I hope that answers the question. If not, it's my fault.

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

Mr. COUSINS: Mr. Speaker, I am going to make this very short. I agree with everything that the gentleman from South Portland has said regarding bringing it before this body for determination. It should be — this bill should be argued and should be considered seriously. We are not taking a small step. However, I don't want you to lose sight of the fact that if you kill this bill, there are still going to be jail sentences for drunken driving. The Judge will have discretion within the period of three months to eleven months for sentencing people, but he can if special circumstances warrant, suspend the sentence.

Now the drive that we have had on our traffic safety has resulted in increased severity of sentences as to drunken driving. Our Judges generally speaking all over the State are getting tough, are cracking down under the existing law, and I have convinced myself thoroughly that we just don't need this mandatory ten day sentence. For one thing I think it would be very natural for a Judge instead of giving a guy a longer sentence to give him ten days, you would be reducing the time that people would be in jail. You could very well end up with people not being convicted when they should be convicted because of the fact that the Judge has to send them to jail. I don't like the bill now, and I hope that the motion to indefinitely postpone does prevail.

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

Mr. EMMONS: Mr. Speaker and Members of the House: There may be more severity and more jail sentences given out in some parts of the State, but certainly the municipal courts in York County are not now giving jail sentences.

The Committee, in discussing this, felt that a mandatory jail sentence would have a very definite effect on the matter of drunken driving and would be a very definite deterrent.

Since the hearing and because partly of the amendment which was first proposed, I have talked with three different municipal court judges who are all very definitely in favor of this mandatory ten day possibility. I can't speak for Cumberland or other counties but I know what they do in York County.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: Earlier, I think, I felt inclined to go along with this law but I am beginning to have my doubts. There is a question that I would like to ask of the gentleman from Portland possibly. Would this leave anything under the law that would prevent, we'll say, minors, being subject to this?

The SPEAKER: The gentleman from Perham, Mr. Bragdon, has addressed a question through the Chair to the gentleman from South Portland, Mr. Earles, who may answer if he chooses.

Mr. EARLES: I was thinking as the gentleman from Perham asked the question, and if he would have no objection I would like to have him restate it.

The SPEAKER: Would the gentleman from Perham restate the question?

Mr. BRAGDON: The thought that I had in my mind, if we passed this law as is, there would be no exceptions to anyone, including minors, they would all be subject to this jail sentence. Is that correct? Or is there some other exception under the law that would make minors exempt to this mandatory jail sentence?

Mr. EARLES: May I say this, and perhaps it is a little obscure: As currently on the books, minors in the category of juveniles are handled in an entirely different category, and it is more or less in the manner and form of an intimate family session and with no publicity. The only exception thereto is in the case of speeding violations. And in addition thereto, I may say that we have before our Committee, it is still in Committee and being considered, two bills that relate to the problem of the juvenile or the minor. And these proposed sections relating thereto, and in two different documents, have built into them safeguards which I feel would protect them from what some would feel the "severity" of this as focused upon adults.

The SPEAKER: Is the House ready for the question?

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen: I don't think that this bill is worth anything. It is worth just something to keep people from driving under the influence. Now, goodness knows we don't want anybody put in jail. It is always reluctant for any judge to put anybody in jail for anything like this, I can well agree that he hates to do it.

Now, as I see this bill, it might, and it would, I believe, be of great

use as sort of a warning to me that if I do take alcoholic beverages I shall not drive. That is what we are going to vote on, I believe, do we want this, do we want to keep people from driving because they are not fit to drive? Now, if I am careless enough of your life as well as my own to go out after I have taken alcoholic beverages, then I surely ought to be punished for it. But knowing that I will be punished for it I probably will not do it. And I feel that a great many more would feel the same thing. This bill is merely a warning that if you do do it you are going to get punished for it and you better not hope to get away with it.

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

Mrs. CHRISTIE: When the vote is taken I ask for a division.

The SPEAKER: A division has been requested. Is the House now ready for the question? The question before the House is the motion of the gentleman from Bangor, Mr. Cousins, that Bill, "An Act Providing Mandatory Jail Sentence for Second Offense of Driving Under the Influence," Senate Paper 329, Legislative Document 905, be indefinitely postponed.

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

A division of the House was had.

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

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

Mr. COUSINS: Mr. Speaker, I have an amendment prepared, and I am not going to offer it. The only reason I am commenting is that I have been questioned on it. I don't dare offer it because I think that the amendment as it is written has more effect than I intended and it might foul up the entire second offense procedure. That comes from this conference that I was talking about this morning with all of these attorneys. Therefore, I do not plan to offer the amendment.

The SPEAKER: The question now is on the passage for engrossment of this bill.

Thereupon, the Bill was passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

Mr. Stanley of Bangor was given unanimous consent to address the House.

Mr. STANLEY: Mr. Speaker, the House would like to take this opportunity to thank the Speaker for his excellent services this morning. (Applause)

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

Mr. DUDLEY: Mr. Speaker, may we have some explanation on this blue sheet where we convene Friday afternoon, from some member of the House or someone. I know that there is an awful lot here that don't intend without explanation to hang around here all tomorrow forenoon and wait until one o'clock without some explanation of this. Thank you.

The SPEAKER: The Chair would advise the gentleman from Enfield, Mr. Dudley, and the rest of the House, that the only reason the session is being held in the afternoon tomorrow, and it will be the last time that we will hold an afternoon session that I can foresee, is because of the large coffee party that is being given for Mrs. Clauson tomorrow morning. It was felt by some of the people in the House that if the House was in session tomorrow morning, they would feel duty bound to be here rather than there, and they had hoped that they could be there because of the importance of the occasion for Mrs. Clauson.

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

Mr. JALBERT: Mr. Speaker, I was wondering, just to throw it out for the thinking of the House if possibly we couldn't meet tomorrow morning, we are going to be here or close by here at eight thirty, and probably the last coffee wouldn't be over until about eleven anyway, and the ladies and the people that wanted to go could go.

The SPEAKER: The motion that the Chair will entertain is a motion to adjourn with a specific time mentioned, and in the case of a motion to adjourn with a specific time mentioned, the time of reconvening is debatable.

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

Mr. JALBERT: Mr. Speaker, I move that we adjourn until eight-thirty tomorrow morning.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, now moves that the House adjourn and reconvene at eight-thirty tomorrow morning. The time of reconvening is debatable.

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

Mr. WADE: Mr. Speaker, I raise a question about the sizable number of people who live within good commuting distance and whether it would be a considerable inconvenience for them to be here by that time. But I would like a full expression from the House on this matter because it does seem as

though if we can have a session tomorrow morning—

The SPEAKER: The gentleman can debate only the time of reconvening.

Mr. WADE: Mr. Speaker, I will say it is too early and that we should do it an hour later.

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

Mr. JALBERT: Mr. Speaker, I am assuring you that as far as the time is concerned, the gentleman from Auburn, Mr. Wade, says it is too early. He stays within a stone's throw of here and some of us have to travel thirty or better miles.

The SPEAKER: The question before the House is the question of reconvening at eight-thirty tomorrow morning.

Will all those who favor now adjourning and reconvening at eight-thirty tomorrow morning please say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed, and the House adjourned until eight-thirty o'clock tomorrow morning.