

MAINE STATE LEGISLATURE

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



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

LEGISLATIVE RECORD

OF THE

Ninety-Ninth Legislature

OF THE

STATE OF MAINE

VOLUME II

1959
and
SPECIAL SESSION
1960

DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

HOUSE

Thursday, May 21, 1959

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

Prayer by the Rev. Mr. James Waugh of Hallowell.

The journal of yesterday was read and approved.

Papers from the Senate Senate Reports of Committees Ought to Pass in New Draft

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Creating a Permanent Committee on Aging" (S. P. 266) (L. D. 728) reporting same in a new draft (S. P. 492) (L. D. 1370) under title of "An Act Re-activating the State Committee on Aging" 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

Report of the Committee on Inland Fisheries and Game reporting "Ought to pass" on Resolve Opening Portland Lake in Aroostook County to Ice Fishing for Salmon and Trout" (S. P. 114) (L. D. 264)

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

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

Ought to Pass with Committee Amendment Amended in Senate

Report of the Committee on Highways on Bill "An Act relating to Outdoor Advertising Devices on the Interstate System" (S. P. 401) (L. D. 1169) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 401, L. D. 1169, Bill, "An Act Relating to Outdoor Advertising Devices on the Interstate System."

Amend said Bill in section 2 by striking out the first 3 lines and inserting in place thereof the following:

'Sec. 2. R. S., c. 23, Sec. 147-A-147-F, **additional**. Chapter 23 of the Revised Statutes is amended by adding 6 new sections to be numbered 147-A to 147-F, to read as follows:

Further amend said Bill in section 2 by striking out the last 8 lines of subsection II of that part designated "Sec. 147-A" and inserting in place thereof the following: **'but excluding supports, and no sign that displays any trade name which refers to or identifies any service rendered or product sold, or otherwise handled, may be permitted unless the name of the advertising activity is displayed as conspicuously as such trade name. Signs located not more than 50 feet from the building wherein the activity is being conducted and advertising activities being conducted upon the real property where the sign is located are excepted from the provisions of this subsection.'**

Further amend said Bill in section 2 by inserting before the period at the end of paragraph D of subsection III of that part designated "Sec. 147-A." the following: **'and no other sign concerning such activity or place shall be permitted within any other informational site within 12 air miles of the first site except as permitted under paragraph E'**

Further amend said Bill in section 2 by striking out the last 4 lines of paragraph E of subsection III of that part designated "Sec. 147-A." and inserting in place thereof the following: **'camping, deemed to be in the specific interest of the traveling public, lodging, eating and vehicle service and repair may be permitted on the informational signs if the activity or place concerned is located within 12 air miles from the informational signs. For the purposes of the standards of this**

section, a trade name is deemed to be information in the specific interest of the traveling public only if it identifies or characterizes such a place or identifies vehicle service, equipment, parts, accessories, fuels, oils or lubricants being offered for sale at such a place. Signs displaying any other trade name may not be permitted.'

Further amend said Bill in section 2 by adding at the end of that part designated "Sec. 147-A." a new paragraph H, to read as follows:

'H. The commission is authorized to make and enforce orders and regulations for the enforcement of this section and to establish such fees for the panels as may be reasonable to erect and maintain the same.'

Further amend said Bill in that part of section 2 designated "Sec. 147-B." by inserting in the 5th line after the underlined words "state law" the underlined words 'or municipal ordinance'

Further amend said Bill in section 2 by striking out the single quotation mark at the end of that part designated "Sec. 147-D." and adding the following sections:

"Sec. 147-E. Regulations, Regulations under sections 147-A to 147-F shall supersede all advertising regulations under municipal ordinances except those ordinances which are more restrictive than the provisions of said sections.

Sec. 147-F. Application. Section 147-A shall not apply in the area contiguous to the interstate system, including ramps and interchanges, which is within the urban areas of municipalities as defined by the State Highway Commission as of January 1, 1960.'

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

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S. P. 401, L. D. 1169, Bill, "An Act Relating to Outdoor Advertising Devices on the Interstate System".

Amend said Amendment by striking out all of lines 6 to 16 inclusive and inserting in place thereof the following:

"Further amend said Bill in section 2 by striking out all of subsection II of that part designated

'Sec. 147-A' and inserting in place thereof the following:

'II. On premise signs. Signs which advertise the sale or lease of property or activity being conducted upon the real property where the signs are located. Not more than one such sign advertising the sale or lease of the same property may be permitted which is visible to traffic proceeding in any one direction on any portion of the interstate system, including ramps and interchange areas. Not more than one such sign advertising activities being conducted upon the real property where the sign is located which is visible to traffic proceeding in any one direction on any portion of the interstate system, including ramps and interchange areas, may be permitted more than 50 feet from the building, structure or permanently emplaced fixture where the goods advertised are sold or the business or profession advertised is carried on. No sign shall exceed 20 feet in length, width or height, or 150 square feet in area, including border and trim, but excluding supports, and no sign that displays any trade name which refers to or identifies any service rendered or product sold, or otherwise handled, may be permitted unless the name of the advertised activity is displayed as conspicuously as such trade name; except that the provisions of this sentence shall not apply to signs located not more than 50 feet from the building, structure or permanently emplaced fixture where the goods advertised are sold or the business or profession advertised, is carried on.'

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

Committee Amendment "A" as amended by Senate Amendment "A" thereto was adopted in concurrence and the Bill assigned for third reading tomorrow.

Report of the Committee on Judiciary on Bill "An Act to Correct Errors and Inconsistencies in the Public Laws" (S. P. 403) (L. D. 1171) 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" and Senate Amendments "A" and "B".

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

Committee Amendment "A" (L. D. 1381) was read by the Clerk and adopted in concurrence.

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

SENATE AMENDMENT "A" to S. P. 403, L. D. 1171, Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws."

Amend said Bill by adding at the end thereof the following sections:

"Sec. 62. P & S. L., 1925, c. 95, Sec. 2, amended. Section 2 of chapter 95 of the private and special laws of 1925 is amended to read as follows:

'Sec. 2. Source of supply. The said district for effecting and carrying out the purposes of its incorporation, is hereby authorized to take, hold, divert, use and distribute water from the Penobscot River or from any well or wells, natural or artificial, or by purchase from any town, city, corporation or district.'

Sec. 63. P. & S. L., 1925, c. 95, Sec. 3, amended. Section 3 of chapter 95 of the private and special laws of 1925 is amended to read as follows:

'Sec. 3. Right of eminent domain conferred. The said district, for the purposes of its incorporation, is hereby authorized to take and hold, as for public uses, by purchase or otherwise, any land or interest therein or water rights necessary for erecting and maintaining dams, for flowage, for power for pumping its water supply through its mains, for reservoirs, for wells, for preserving the purity of the water and water shed, for laying and maintaining aqueducts and other structures for taking, distributing and disposing of water and for rights of way or roadways, to its sources of supply, dams, power stations, reservoirs, mains, aqueducts, structures and lands.'

Senate Amendment "A" was adopted in concurrence.

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

SENATE AMENDMENT "B" to S. P. 403, L. D. 1171, Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws."

Amend said Bill by adding after that part designated "**Sec. 29.**" the following sections:

"Sec. 29-A. R. S., c. 41, Sec 195-D, amended. The last sentence of the first paragraph of section 195-D of chapter 41 of the Revised Statutes, as enacted by section 1 of chapter 286 of the public laws of 1959, is amended to read as follows:

'Vocational rehabilitation services enumerated in section 195-B, **subsection VI, paragraphs D to L**, shall be provided at public cost only to those handicapped individuals who are found by the director to require financial assistance with respect thereto.'

Sec. 29-B. R. S., c. 41. Secs. 195-L, amended. Section 195-L of chapter 41 of the Revised Statutes, as enacted by section 1 of chapter 286 of the public laws of 1959, is amended to read as follows:

'Sec. 195-L. Cost of administration. Any cost of administering sections 195 A to 195 O **section 195-J** shall be paid from funds received from federal sources in accordance with the agreement made under section 195-J.'

Senate Amendment "B" was adopted in concurrence and the Bill assigned for third reading tomorrow.

Report of the Committee on Inland Fisheries and Game on Bill "An Act to Revise the Inland Fish and Game Laws" (S. P. 205) (L. D. 544), which was recommitted, reporting "Ought to pass" as amended by Committee Amendments "A" and "B".

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 205, L. D. 544, Bill, "An Act to Revise the Inland Fish and Game Laws."

Amend said Bill by inserting after section 5, a new section 5-A, to read as follows:

"Sec. 5-A. R. S., c. 37, Sec. 45, amended. The first 2 paragraphs of section 45 of chapter 37 of the Revised Statutes, as revised, are amended to read as follows:

'No person shall take, catch, kill or have in possession more than 10 fish of the salmon, trout, togue or black bass species in the Counties of Franklin and Somerset during any one day of any open season, from any or all of the rivers, streams, brooks, lakes and ponds in said counties, and which 10 fish shall not exceed a total weight of 7½ pounds in all, unless the last fish caught increases the combined weight thereof to more than 7½ pounds, except as provided for by rules and regulations of the department under section 9.

No person shall take, catch, kill or have in possession more than 15 fish of the salmon, trout, togue or black bass species in the Counties of Aroostook, Androscoggin, Cumberland, Hancock, Kennebec, Knox, Lincoln, Oxford, Penobscot, Piscataquis, Sagadahoc, Waldo, Washington and York during any one day of any open season, from any or all of the rivers, streams, brooks, lakes and ponds in said counties, and which 15 fish shall not exceed a total weight of 7½ pounds in all, unless the last fish caught increases the combined weight hereof to more than 7½ pounds, except as provided for by rules and regulations of the department under section 9.

No person shall take, catch or kill in any one day or have in possession at any time more than 7½ pounds in the aggregate of the trout, salmon, togue and black bass species unless the last fish caught increases the combined weight to more than 7½ pounds.'

Further amend said Bill in section 8 by striking out the single quotation mark at the end and adding the following underlined paragraph:

"Notwithstanding the provisions of this section paraplegics may hunt from motor vehicles which remain stationary."

Further amend said Bill in section 16 by inserting before the peri-

od at the end the underlined words **'or bow and arrow'**

Committee Amendment "A" was adopted in concurrence.

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

COMMITTEE AMENDMENT "B" to S. P. 205, L. D. 544, Bill, "An Act to Revise the Inland Fish and Game Laws."

Amend said Bill by inserting after section 14, the following section:

"Sec. 14-A. R. S., c. 37, Sec. 108, repealed and replaced. Section 108 of chapter 37 of the Revised Statutes, as revised, is repealed and the following enacted in place thereof:

'Sec. 108. Open season. There shall be an annual open season during the month of October in Zone 1 as described in section 91 for the purpose of hunting deer with bow and arrow only. Except that on the Island of Islesboro in Waldo county there shall be an open season for hunting deer with bow and arrow during the months of October and November. Providing, during the month of October any person hunting deer on Islesboro shall be licensed as provided in section 109. During the month of November any person hunting deer on Islesboro shall be licensed in accordance with the provisions of section 73.

There shall be an annual open season from October 1 to October 26 in Zone 2 as described in section 91 for the purpose of hunting deer with bow and arrow only.

There shall be an annual open season from October 1 to October 14 in Zone 3 as described in section 91 for the purpose of hunting deer with bow and arrow only.'

Further amend said Bill in section 15, by striking out all of the last 5 lines and inserting in place thereof the following: "thereafter, both days inclusive during the month of October of each calendar year in Zone 1, from October 1 to October 26 in Zone 2, and from October 1 to October 14 in Zone 3."

Further amend said Bill by adding at the end a new section to read as follows:

'Sec. 19. Effective date. Section 14-A and 15 of this act shall become effective January 1, 1960.'

Committee Amendment "B" was adopted in concurrence and the Bill

assigned for third reading tomorrow.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act Establishing Columbus Day as a Legal Holiday" (S. P. 416) (L. D. 1200)

Report was signed by the following members:

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

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

Report was signed by the following members:

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

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

In the House: Reports were read.

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

Mr. TRUMBULL: Mr. Speaker, I would like to move the indefinite postponement of this bill and all accompanying papers, and speak briefly.

The SPEAKER: The Chair understands the gentleman moves that both Reports be indefinitely postponed in non-concurrence. The gentleman may proceed.

Mr. TRUMBULL: Mr. Speaker and Members of the House: If you will read L. D. 1200 you will observe the holidays listed there are what we would call group holidays or holidays affecting special events in the history of our country. Patriot's Day, Memorial Day, Independence Day, Labor Day and Veterans Day. The only exception to that list of legal holidays is Christmas, which certainly we all recognize as the day of the birth of our Lord,

and I can see no reason whatever that we should want to elevate Columbus on the same plane as the birth of the Lord. I also believe that there are plenty of holidays at the present time. If you wish to compare it with other states, we certainly have the same number that other states have. Columbus Day is celebrated in the schools by special exercises by the pupils, and you will notice that it is listed into the other paid holidays, it starts in with a school and bank holiday but would soon spread to industry for another paid holiday. Those are the reasons for the Majority Committee Report "Ought not to pass."

The SPEAKER: The question before the House is the motion of the gentleman from Fryeburg, Mr. Trumbull, that both Reports be indefinitely postponed. The Chair recognizes the gentleman from Rumford, Mr. Aliberti.

Mr. ALIBERTI: Mr. Speaker and Ladies and Gentlemen of the House: I hope that this motion of the gentleman from Fryeburg, Mr. Trumbull, will not prevail. Legislative Document 1200 will mean that making Columbus Day a legal holiday which is already by special exercises brought out by my colleague from Fryeburg a school holiday, it will also make it a bank holiday and a Court holiday. All the other New England states recognize the legalization of Columbus Day.

Now my interest in this bill is very genuine and sincere, I can assure all of you. I am very happy to state that I am an American of Italian ancestry and very, very proud of my heritage. By passing this act into law, we will be paying tribute to that great Italian mariner and explorer whose trials and tribulations during his lifetime were quite similar to our every day problems, for who among us having had dreams and visions as this mariner had, and the tremendous obstacles in our every day lives that we must overcome, and then the realization that when all seemed dark and hopeless, to have a helping hand stretched out, and financial assistance probably to carry out your dream and your vision. The mutiny and hardships of those surrounding us to offer temptations

to soul and mind, and finally the glory of success and the feeling of accomplishment. I am sure all of us have experienced situations similar to these.

The passage of this bill would be a tribute to the thousands of Americans of Italian extraction in the State of Maine who are also proud of their heritage. I hope that this House, which consists of many nationalities, the melting pot of the world, will see fit to go along with the bill and against the motion of the gentleman from Fryeburg to indefinitely postpone.

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

Mr. GOOD: Mr. Speaker, it is with a great deal of reluctance that I rise in opposition to my good friend the gentleman from Rumford, Mr. Aliberti, and in favor of the motion of the gentleman from Fryeburg, Mr. Trumbull, that this bill and all its accompanying papers be indefinitely postponed.

I have always been a great admirer as I know many of you have of Christopher Columbus, and Christopher Columbus along with the great many other early explorers was always a thrilling subject to study and to dream about. It is true that Columbus did make four voyages across the unknown waters and was perhaps the foremost explorer of his time.

However, this bill L. D. 1200 applies to three categories, one being a legal holiday for schools. Now in the present law you do have a provision for making Columbus Day a legal holiday, and I will quote from the law, and that is Chapter 41, Section 151, where is cited the school holidays, and I quote: "In addition to the foregoing, New Year's Day, January 1, Washington's Birthday, February 22, Columbus Day, October 12, shall upon vote of the superintending school committee of any town be observed by teachers and pupils of the public schools of said town by an exercise appropriate thereto" and so on and so forth. Therefore, there is a provision in the law at this particular time if the schools wish to observe Columbus Day, they may do so. In other words, our educational institutions have recognized the great

contribution that this great explorer has made to the world. This bill would also add another bank holiday. Well that might affect other business institutions. For instance, let's take the automobile dealers, say that they are operating, we have already passed a bill saying they can't sell automobiles on Sunday. Now this would almost prohibit them from financing automobiles on another day because as has been stated in this assembly, you can't sell an automobile unless you get it financed so the bank is closed and it would be difficult to finance the deal. And the third category to which this applies is the Courts. Now here are the legal holidays on Courts already. No Court shall be held on Sunday or any day designated for the annual Thanksgiving, or for the choice of presidential electors, New Year's Day, January 1, Washington's Birthday, February 22, the 19th day of April, the 30th day of May, the 4th of July, the first Monday of September, the day of the state-wide primary election, the day of the state election, the day of any special state-wide election, Veterans Day, November 11, Christmas Day, and then we are going to add Columbus Day to it, it is going to make it almost impossible for any of us to get convicted in Court. So it is with a great deal of reluctance that I hope the House will go along with the motion that is presently before this body that this bill and all its accompanying papers be indefinitely postponed.

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

Mr. PIKE: Mr. Speaker, I should like to speak briefly against the motion to indefinitely postpone and for the proposal embodied in the bill. I often wonder whether we realize how much we owe to these early Italians. In the fifteenth century that place was broken up into a lot of city states and a good many of the sensible boys just got out. One of them, Christopher Columbus discovered this continent. Another one, Amerigo Vespucci gave his name to both of these continents. Two more of them, Giovanni Sebastiano Caboto, known to us as John Sebastian Cabot really dis-

covered, as far as the record is concerned, the northern part of North America, and gave England its title, as far as it got it, to that part of North America, and from that title the United States got the title to most of its original thirteen colonies. They were great people. They still are. In honoring one of them, I think perhaps we honor all of them. I hope that the motion does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Cyr.

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

The SPEAKER: A division has been requested. 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 Bill "An Act Establishing Columbus Day as a Legal Holiday," Senate Paper 416, Legislative Document 1200, be indefinitely postponed. Will all 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-six having voted in the affirmative and fifty-eight having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Alberti of Rumford, the Minority "Ought to pass" Report was accepted in concurrence, the Bill read twice and tomorrow assigned.

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

Non-Concurrent Matter

Bill "An Act relating to Local Option for Sale of Wine and Spirits in Clubs" (H. P. 424) (L. D. 608) which was passed to be engrossed as amended by Committee Amendment "A" in the House on April 29.

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

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

Non-Concurrent Matter

Bill "An Act to Authorize the County Commissioners of Cumberland County to Issue Bonds for Construction of a County Jail" (S. P. 264) (L. D. 677) which was passed Amendment "C" as amended by House Amendment "B", and House Amendment "C" as amended by House Amendment "A" thereto, and House Amendment "D" in non-concurrence in the House on May 13.

Came from the Senate with House Amendment "B" and House Amendment "C" as amended by House Amendment "A" thereto indefinitely postponed and the Bill passed to be engrossed as amended by House Amendment "D" in non-concurrence.

In the House: On motion of Mr. Miller of Portland, the House voted to insist and request a Committee of Conference.

Non-Concurrent Matter

Report of the Committee on Towns and Counties on Bill "An Act relating to Effective Date for Salary Increase for County Officers and Judges and Recorders of Municipal Courts" (H. P. 869) (L. D. 1237), which was recommitted, reporting "Ought to pass" as amended by Committee Amendment "A" which Report and Bill were indefinitely postponed in the House on May 19.

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

In the House:

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

Mr. ERVIN: Mr. Speaker, I move we adhere.

The SPEAKER: The gentleman from Houlton, Mr. Ervin, moves that the House adhere. The Chair recognizes the gentleman from Kennebunk, Mr. Emmons.

Mr. EMMONS: Mr. Speaker, I move that we insist and request a Committee of Conference.

The SPEAKER: The question now before the House is the mo-

tion of the gentleman from Kennebunk, Mr. Emmons, that the House insist and request a Committee of Conference. 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 a group of pupils from Hallowell accompanied by Mrs. Ann Blake, their teacher. On behalf of the House, the Chair wants to welcome all you young ladies and gentlemen and we hope you will enjoy your visit with us here today. (Applause)

Non-Concurrent Matter

Bill "An Act relating to Chiropractic Treatment under Workmen's Compensation Law" (H. P. 940) (L. D. 1327) which was passed to be engrossed in the House on May 5.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mr. MILLER: Mr. Speaker and Members of the House: This is a bill that came out of Committee ten to nothing "ought to pass." It had considerable study in Committee and I feel that there may be some justification for a conference, so therefore I move we insist and request a Committee of Conference.

The SPEAKER: The gentleman from Portland, Mr. Miller, moves that the House insist and request a Committee of Conference.

The Chair recognizes the gentleman from Kittery, Mr. Dennett.

Mr. DENNETT: Mr. Speaker, I move that we recede and concur.

The SPEAKER: The question now before the House is the motion of the gentleman from Kittery, Mr. Dennett, that the House recede and concur.

The Chair recognizes the gentleman from Moscow, Mr. Cahill.

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

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

A division of the House was had. Sixty-seven having voted in the affirmative and forty-one having voted in the negative, the motion to recede and concur did prevail.

Non-Concurrent Matter

Resolve in favor of Wild Acres Turkey Farm of Standish (H. P. 184) (L. D. 277) which was passed to be engrossed in the House on April 22.

Came from the Senate indefinitely postponed in non-concurrence.

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

Non-Concurrent Matter

Joint Order relative to Recalling Bills not Reported Out of Committee by May 19 (H. P. 968) which was passed in the House on May 15.

Came from the Senate indefinitely postponed in non-concurrence.

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

House Report of Committee Divided Report Tabled

Majority Report of the Committee on Education reporting "Ought not to pass" on Bill "An Act to Create a School Administrative District in the Town of Cape Elizabeth" (H. P. 685) (L. D. 985)

Report was signed by the following members:

Messrs. BATES of Penobscot
DOW of Lincoln
— of the Senate.

Messrs. FRAZIER of Lee
MATHIESON of Montville
ROWE of Madawaska

Miss CORMIER of Rumford

Mr. ERVIN of Houlton
— of the House.

Minority Report of same Committee on same Bill reporting same in a new draft (H. P. 971) (L. D. 1380) under title of "An Act to Create a School Administrative District in the Town of Cape Elizabeth and a School Administrative District in the Town of Scarborough" and that it "Ought to pass"

Report was signed by the following members:

Mr. COFFIN of Cumberland
— of the Senate.

Mr. CLARK of Scarborough
Mrs. HANSON of Lebanon
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Clark.

Mr. CLARK: Mr. Speaker, since L. D. 1360 which has a great deal of bearing on this matter and also L. D. 12 which is now tabled unassigned, it would make a great deal of difference on the action taken on L. D. 12 and also this L. D. 985, I move this be tabled unassigned until 1360 has come out of the Committee on Appropriations and Financial Affairs.

The SPEAKER: The gentleman from Scarborough, Mr. Clark, moves that both Reports be tabled unassigned pending acceptance of either Report. Is this the pleasure of the House?

The motion prevailed and the Reports were so tabled.

The SPEAKER: At this time, the Chair would appoint to the Committee of Conference on the disagreeing action of the two branches on L. D. 1237, Bill "An Act relating to Effective Date for Salary Increase for County Officers and Judges and Recorders of Municipal Courts," on the part of the House the following conferees, the gentleman from Rockland, Mr. Knight, the gentleman from Kennebunk, Mr. Emmons, and the gentleman from Houlton, Mr. Ervin.

Passed to Be Engrossed

Bill "An Act Amending the Maine Housing Authorities Act" (H. P. 967) (L. D. 1373)

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

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

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

HOUSE AMENDMENT "A" to H. P. 967, L. D. 1373, Bill, "An Act Amending the Maine Housing Authorities Act."

Amend said Bill in the 12th, 13th and 14th lines by indicating the striking out of the words and punc-

tuation "after referendum duly held thereon, and a majority of the voters voting, having voted in favor thereof," by drawing a line through said words and punctuation as follows: "after referendum duly held thereon, and a majority of the voters voting, having voted in favor thereof."

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

Mr. DESMARAIS: Mr. Speaker, I would like to ask a question through the Chair of the gentleman from Portland, Mr. Miller, for what reason does this amendment cross out the referendum for the majority of the voters in this bill?

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

Mr. MILLER: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the question of the gentleman from Sanford, Mr. Desmarais, the purpose of this amendment is, and I was hoping that this morning we wouldn't get into too lengthy a debate in regard to this, but this does entail a little bit of explaining.

In 1957 as a member of the 98th Legislature I submitted some amendments to the Maine Housing Authorities Act. The bill that I presented went in at the very beginning of the session, as a matter of fact I believe it was number seven or in that area which meant that it was one of the very first bills to be presented to the 98th Legislature. On May 29 we adjourned two years ago. On May 24 the bill came out of committee and it had further been amended and although we were very displeased with one of the amendments that was inserted in the bill that was drafted and accepted by the 98th Legislature, we went along knowing that as it was late in the session it was quite obvious that we might lose the entire bill. Our purpose in the 98th Legislature was to eliminate a cut-off date which had expired the act as of 1951. That was amended to 1961, and along with that amendment which was accepted was this "after referendum duly held thereon, and

a majority of the voters voting, having voted in favor thereof.” Now the Maine Housing Authorities Act has been on the books and one of the laws of the State of Maine since the year 1949. Each year there have been attempts by private interests to tamper with this bill in order that it would create a hardship in the event a municipality wanted to use it. The Maine Housing Authorities Act is permissive legislation. The State of Maine says that no municipality, that you have to do this or you have to do that, it merely puts into the record some legislation which gives the town authority, it is home rule, your city government or your town selectmen and so forth the power to apply for federal funds to be used in public housing in the event that it is needed. The only time it can be acquired is by the authorization of your local government, but in order for the local government to be able to acquire these funds, this enabling legislation must be on the statutes.

Now this particular amendment that I am trying to delete here in my mind, if you all studied the original bill that was presented this session, and I will go into that in a few seconds, this is a referendum which is attached to this bill mainly because of the situation in Portland. I don't believe that any other town or city would ever be involved in this type of a matter. But the City of Portland has been involved. We have been involved since 1951. Our people in Portland are confused citizens, they are tired, and they have been abused. This gimmick here does nothing but to say in the event our local government ever did see fit to go into public housing, to say that anytime you want to use any public housing you must have a referendum vote of the people.

Now in the City of Portland as you all know, we have what is known as the master plan, which has been set up by the Planning Board of the City of Portland, and we know, just as any other city would know that went into this type of a field, and we know that this could be put on one referendum. But there has been some doubt in the minds of the Corporation Coun-

sel of Portland and the City Council, as to whether they would be right or whether they could operate under this referendum. Now the Corporation Counsel, Mr. Shur of Portland, I will mention his name because he has given me the authority to use it, has told me that he would rather see this referendum feature out of this bill. Mr. Casey Ireland, who is an attorney for the Federal Housing Authority in New York City, also advised me two years ago when this was put in that it was a bad amendment, so I hope, ladies and gentlemen, that I have put my point across.

There is one explanation I do want to make this morning. I notice that this bill has come out from Judiciary. Now the beginning of the year I put in a bill, Legislative Document 106, which was rather a lengthy document, consisted of fifteen pages, and why the bill did not come out in its entirety I will never know. But I do know this, that two years ago a legal question came up within the Judiciary Committee itself as to whether you could amend a bill after the expiration date had expired. This question was raised by two gentlemen whom I know that you are all well acquainted with, a member of the Governor's Council today, Senator Silsby, and a former member of the Maine State Senate, Mr. Butler of Farmington.

Now there has been some difference of opinion with many other lawyers in regard to this, so when I submitted this bill at the beginning of the year, I submitted it with the purpose of repealing Chapter 93 and rewriting the entire law in order that if this question did come up it would not prolong a situation where the need might be immediate. But seeing that there is no hope of getting this entire bill through this session, I hope that you will go along with my amendment to take out this referendum and just let us accomplish one thing in this session of the Legislature, at least we are taking out the cut-off date. Thank you.

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

Mr. EARLES: Mr. Speaker and Ladies and Gentlemen: You have

often heard the phrase, I didn't intend to get up and say anything. Well actually I didn't, but I feel in view of the rather extensive projection of the viewpoint of the gentleman from Portland with reference to this particular amendment, that I perhaps should make one or two remarks.

This bill in essence came up before the Judiciary Committee of which I was a member two years ago, and it came in early in the session, but there was a redraft, there was dissatisfaction with it from the people who were sponsoring it, they couldn't be quite satisfied, and two members of the Committee who came from the same municipality as the then sponsor and the current sponsor were allocated or requested that they assist him and there was a transmission back and forth between this city and some city outside the state with people interested and involved in the thing, and in the final analysis when the bill came out we thought that it was what everyone wanted. Apparently it was not.

Now with reference to this particular bill, this of course, the amendment is a redraft to a document which as the gentleman from Portland states was an entire re-writing of the statutory act entitled the Maine Housing Authorities Act, with a couple of changes which he now is seeking to accomplish through the purpose of an amendment. It was the feeling of the committee that it was not necessary to have this several page multi-paragraph redraft. We consulted with attorneys other than amongst ourselves who are acquainted with such subject matter and felt that and discovered and satisfied ourselves that the procedure that we adopted, namely the simple redraft in which the termination date was eliminated was the simplest, least obscure way of handling the matter. The Committee, as far as I know, has no objection to the submittal of House Amendment "A". I think you should know that this matter of referendum as it stands on the books currently as I understand it, if for example in the City of Portland they were to seek public housing, then there wouldn't be one gen-

eral referendum, but there would be a referendum question propounded and voted upon for each particular project established, and that is the reason as I understand it for the amendment as you have it before you which is filing 408. Bear in mind that this would only relate to cities, because the process in towns is handled at an annual meeting of the town.

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

Mr. DESMARAIS: Mr. Speaker and Members of the House: This amendment to amend the Maine Housing Authorities Act from the way I interpret the bill is to cover the whole State of Maine. It says here by striking out the words and punctuation: "after referendum duly held thereon, and a majority of the voters voting, having voted in favor thereof," and I don't believe that the whole State of Maine should be affected by a bill that is only going to affect Portland at this time, and I move for the indefinite postponement of this amendment.

The SPEAKER: The question now before the House is the motion of the gentleman from Sanford, Mr. Desmarais, that House Amendment "A" be indefinitely postponed. The Chair will order a division. Will those who favor the indefinite postponement of House Amendment "A" please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Fifty-eight having voted in the affirmative and forty-seven having voted in the negative, the motion did prevail.

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

The SPEAKER: At this time the Chair would recognize the presence in the gallery of the House of thirty-five History Class students from Lisbon High School accompanied by their teacher, Mrs. Elizabeth Gilman. The Chair extends, on behalf of the House, a most cordial and hearty welcome and we hope you will enjoy and profit by your visit here today. (Applause)

Bill "An Act to Construct a Bridge between Lubec and Campobello Island" (H. P. 970) (L. D. 1379)

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

Amended Bills

Bill "An Act relating to Number and Compensation of Special Deputy Sheriffs in Cumberland County" (S. P. 183) (L. D. 426)

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.

Third Reader Tabled and Assigned

Bill "An Act to Authorize the Construction of Housing for the University of Maine and the Issuance of not Exceeding \$8,195,000 Bonds of the State of Maine for the Financing Thereof" (H. P. 108) (L. D. 181)

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

On motion of Mr. Frazier of Lee, tabled pending passage to be engrossed and specially assigned for tomorrow.

Bill "An Act relating to Certain Per Diem Fees of Deputy Sheriffs" (S. P. 482) (L. D. 1353)

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

The SPEAKER: At this time the Chair would recognize the presence in the gallery of the House of a group of sixty students from Bridgton High School, under the direction of their Principal, Mr. Clifford Tinkham. They are here as the guests of Representative Haughn of Bridgton. On behalf of the House, the Chair extends to you ladies and gentlemen a most cordial and hearty welcome and we hope you will enjoy and profit by your visit here today. (Applause)

Passed to Be Enacted

An Act relating to Reapportionment of School Directors of School Administrative Districts (S. P. 345) (L. D. 972)

An Act relating to Augmenting of Stored Water (S. P. 467) (L. D. 1363)

An Act to Reactivate the State Committee on Educational Television (S. P. 493) (L. D. 1371)

An Act Regulating Certain Insurance Sold in Connection with Credit Transactions (H. P. 947) (L. D. 1343)

Finally Passed

Resolve relating to Non-lapsing Moneys for Construction of Eastport - Perry Causeway - Dam (H. P. 884) (L. D. 1258)

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

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

Thereupon, the Sergeant-at-Arms escorted the gentleman from Sebago, Mr. Good to the rostrum to serve as Speaker pro tem amid the applause of the House and Speaker Edgar retired from the Hall.

Orders of the Day

The SPEAKER pro tem: The Chair lays before the House the first tabled and today assigned matter, Bill "An Act to Appropriate Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1960 and June 30, 1961," Senate Paper 461, Legislative Document 1313, tabled on May 19 by the gentleman from Lewiston, Mr. Jacques, pending adoption of House Amendment "A" to Senate Amendment "A".

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

Thereupon, on motion of that gentleman, the Bill was retabled unassigned pending adoption of House Amendment "A" to Senate Amendment "A".

The SPEAKER pro tem: We are awaiting a paper from the Senate. The House may be at ease.

House at Ease

Called to order by the Speaker pro tem.

The gentleman from Lubec, Mr. Pike, was granted unanimous consent to address the House.

Mr. PIKE: Mr. Speaker, there is a law passed in 1945 which sets up the Maine State Authority covering the Quoddy power situation. By an unfortunate oversight it was not recognized that that law expired by limitation this summer, I believe the 21st of July. The senior Senator from Washington County thought he had arranged for it but apparently forgot it. At this time I would ask unanimous consent of the House to receive a bill extending that law.

The SPEAKER pro tem: Is it now the pleasure of the House to take up out of order and under suspension of the rules a paper from the Senate? Does the Chair hear objection? The Chair hears none.

Paper from the Senate

The following paper from the Senate was taken up out of order under suspension of the rules:

Bill "An Act to Extend the Rights, Powers and Privileges of the Passamaquoddy District Authority" (S. P. 498)

Came from the Senate received by unanimous consent and under suspension of the rules passed to be engrossed without reference to a Committee.

In the House the Bill was received by unanimous consent and on motion of Mr. Pike of Lubec, was given its three several readings under suspension of the rules and passed to be engrossed without reference to a Committee in concurrence.

On further motion of that gentleman, the Bill was ordered printed.

—————

On motion of Mr. Wade of Auburn,

Adjourned until nine o'clock tomorrow morning.