

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Fifth Legislature

OF THE

STATE OF MAINE

1951

**DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE**

HOUSE

Thursday, March 22, 1951.

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

Prayer by the Rev. Mr. Ellis J. Holt of Auburn.

The journal of the previous session was read and approved.

Papers from the Senate Senate Reports of Committees Ought to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought to pass" on Bill "An Act relating to Interest of Madawaska Territory School Fund" (S. P. 291) (L. D. 650)

Report of the same Committee reporting same on Bill "An Act relating to Compensation of Justices of the Supreme Judicial and the Superior Courts Upon Retirement" (S. P. 155) (L. D. 328)

Report of the same Committee reporting same on Bill "An Act relating to Clerical Assistance for Justices of the Supreme Judicial Court" (S. P. 154) (L. D. 329)

Report of the same Committee reporting same on Resolve Appropriating Moneys for Replacement and Conversion of Certain Elevators at the Bangor State Hospital (S. P. 293) (L. D. 652)

Report of the Committee on Education reporting same on Bill "An Act Authorizing the Trustees of the University of Maine to Operate a College of Medicine" (S. P. 268) (L. D. 607)

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

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

Ought to Pass with Committee Amendment

Report of the Committee on Legal Affairs on Bill "An Act relating to the Superintending School Committee of the Town of Houlton" (S. P. 309) (L. D. 660) 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, 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. 309, L. D. 660, Bill "An Act Relating to the Superintending School Committee of the Town of Houlton."

Amend said Bill by adding at the end thereof a new paragraph to read as follows:

Referendum. This act shall take effect 90 days after the adjournment of the legislature, only for the purpose of permitting its submission to the qualified voters of the town of Houlton at the next annual town meeting held not later than 1 year after the effective date of this act. The town clerk shall reduce the subject matter of this act to the following question: "Shall the Act Relating to the Superintending School Committee of the Town of Houlton, passed by the 95th legislature, be accepted?" and the voters shall indicate by a cross or check mark placed over the words "Yes" or "No" their opinion of the same. This act shall take effect for all the purposes hereof immediately upon its acceptance by a majority of the legal voters voting at said meeting. The result of said vote shall be declared by the municipal officers of the town of Houlton and due certificate thereof shall be filed by the town clerk with the secretary of state.

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

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Moneys for Anticipated Overdrafts in the Department of Labor and Industry Due to Insufficient Appropriations" (S. P. 266) (L. D. 605) 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, 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. 266, L. D. 605, Bill "An Act Appropriating Moneys for Anticipated Overdrafts in the Department of Labor and Industry Due to Insufficient Appropriations."

Amend said Bill by striking out in the 16th line the figures "\$3,000" and inserting in place thereof the figures '\$2,000'

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

New Draft—Recommitted

Report of the Committee on Judiciary on Bill "An Act relating to Financing Conditional Sales or Mortgages of Personal Property" (S. P. 239) (L. D. 509) reporting a new draft (S. P. 509) (L. D. 1227) under title of "An Act relating to Time Sales on Motor Vehicles" and that it be printed and recommitted to the Committee on Judiciary.

Came from the Senate with the Report read and accepted and the Bill recommitted to the Committee on Judiciary.

In the House, Report was read and accepted in concurrence, and the Bill recommitted to the Committee on Judiciary in concurrence.

The **SPEAKER**: The Chair at this time will appoint the gentleman from Wayne, Mr. Brown, Speaker pro tem, and the Sergeant-at-Arms will escort the gentleman to the rostrum.

Thereupon, the Sergeant-at-Arms escorted the gentleman from Wayne, Mr. Brown, to the rostrum where he assumed the Chair amid the applause of the House, and Speaker Silsby retired.

On motion of Mrs. Daggett of Ashland, House Rule 25 was suspended for the remainder of today's session in order to permit smoking.

House Reports of Committees Divided Report

Majority Report of the Committee on Inland Fisheries and Game reporting "Ought to pass" on Bill "An Act relating to Fishing and Hunting Licenses for Residents" (H. P. 523) (L. D. 285)

Report was signed by the following members:

Messrs. **WIGHT** of Penobscot
—of the Senate.

PLUMMER of Lisbon
CHASE of Belgrade
BEARCE of Caribou
DENNISON of E. Machias
FRECHETTE of Sanford
WATSON of Jackman

—of the House.

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

Report was signed by the following members:

Messrs. **ELA** of Somerset

SMART of Hancock

—of the Senate.

CARVILLE of Eustis

—of the House.

The House voted to accept the Majority "Ought to pass" Report.

Thereupon, the Bill, having already been printed, was read twice under suspension of the rules and tomorrow assigned for third reading.

Leave to Withdraw

Mr. Maguire from the Committee on Transportation on Bill "An Act relating to Weighing Trucks and Removal of Excess Loads" (H. P. 169) (L. D. 100) reported leave to withdraw.

Mr. Maxwell from the Committee on Welfare reported same on Resolve Providing for State Pension for Caroline R. White of Augusta (H. P. 949)

Reports were read and accepted and sent up for concurrence.

Ought Not to Pass Tabled

Mr. Frechette from the Committee on Inland Fisheries and Game reported "Ought not to pass" on Bill "An Act relating to Fishing Licenses for Boys' and Girls' Camps" (H. P. 1410) (L. D. 1018)

Report was read.

(On motion of Mr. Davis of Harrison, tabled pending acceptance of Committee Report)

Mr. Watson from the Committee on Inland Fisheries and Game reported "Ought not to pass" on Bill "An Act relating to Hunting of Skunks and Raccoons at Night" (H. P. 1223) (L. D. 777)

Mr. Nowell from the Committee on Transportation reported same on Bill "An Act Providing for the Placing of the Names of Owners and Lessees on Commercial Vehicles" (H. P. 1372) (L. D. 962)

Reports were read and accepted and sent up for concurrence.

Tabled

Mr. Travis from the Committee on Transportation reported "Ought not to pass" on Bill "An Act relating to Motor Vehicles Following Fire Apparatus and Crossing Fire Hose" (H. P. 1038) (L. D. 603)

Report was read.

(On motion of Mr. Lacharite of Brunswick, tabled pending acceptance of Committee Report.

Ought to Pass in New Draft Recommended

Mr. Sanborn from the Committee on Business Legislation on Bill "An Act Enlarging the Purposes of Market Square Building Association" (H. P. 678) (L. D. 412) reported same in a new draft (H. P. 1662) (L. D. 1231) under title of "An Act to Incorporate the 'Paris Company'", and that the new draft be referred to the Committee on Legal Affairs.

Report was read and accepted, and the Bill referred to the Committee on Legal Affairs and sent up for concurrence.

Ought to Pass Printed Bills

Mr. Lord from the Committee on Business Legislation reported "Ought to pass" on Bill "An Act relating to Conversion Rights" (H. P. 1626) (L. D. 1170)

Mr. Emerson from the same Committee reported same on Bill "An Act relating to Loan and Building Associations" (H. P. 1514) (L. D. 1120)

Mr. Chase from the Committee on Inland Fisheries and Game reported same on Resolve in favor of Forest Lake Improvement Association (H. P. 1226) (L. D. 780)

Same gentleman from the same Committee reported same on Re-

solve Prohibiting Fishing in Certain Parts of Swan Lake, Waldo County (H. P. 1225) (L. D. 779)

Mr. Dennison from the same Committee reported same on Bill "An Act relating to Closed Season on Deer in Town of Vinalhaven, Knox County" (H. P. 1407) (L. D. 1015)

Mr. Jones from the Committee on Transportation reported same on Bill "An Act Regulating Registration of Vehicles Leased from Federal Government" (H. P. 1490) (L. D. 1097)

Reports were read and accepted and the Bills and Resolves, having already been printed, the Bills were read twice under suspension of the rules, the Resolves read once, and tomorrow assigned.

Ought to Pass with Committee Amendment

Mr. Delahanty from the Committee on Judiciary on Bill "An Act relating to Temporary Judges for Municipal Courts" (H. P. 1011) (L. D. 574) reported "Ought to pass" as amended by Committee Amendment "A".

Report was read and accepted, and the Bill, having already been printed, was read twice under suspension of the rules.

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

COMMITTEE AMENDMENT "A" to H. P. 1011, L. D. 574, Bill "An Act Relating to Temporary Judges for Municipal Courts."

Amend said bill by inserting in the sixth line thereof after the words and punctuation, "before said court," the following underlined words and punctuation 'or the said offices are temporarily vacant.'

Further amend said bill by striking out the middle and second sentence of said bill.

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

Passed to be Engrossed

Bill "An Act relating to Authorized Amount of Endowment for Bridge Academy in the Town of Dresden" (S. P. 318) (L. D. 719)

Bill "An Act relating to State Aid to Towns Maintaining Evening Schools" (S. P. 229) (L. D. 501)

Bill "An Act to Ratify and Confirm the Incorporation of East Edgington Public Hall Company" (H. P. 1051) (L. D. 631)

Resolve Regulating Fishing in Sourdnahunk and Little Sourdnahunk Lakes in the County of Piscataquis (S. P. 233) (L. D. 504)

Resolve Creating a Fund for Scholarships for Vocational and Technical Schools. (H. P. 798) (L. D. 476)

Resolve for the Laying of the County Taxes for the Years Nineteen Hundred Fifty-one and Nineteen Hundred Fifty-two (H. P. 1659) (L. D. 1228)

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

Amended Bill

Bill "An Act to Create a Town Council-Manager Form of Government for the Town of Limestone" (H. P. 1116) (L. D. 703)

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.

At this point Speaker Silsby returned to the rostrum.

The SPEAKER: Mr. Brown, in order that you may remember this occasion, may I present you with this little gavel.

Mr. BROWN of Wayne: Thank you, Mr. Speaker.

Thereupon, Mr. Brown retired to his seat on the floor, amid the applause of the House, and Speaker Silsby resumed the Chair.

Passed to be Enacted Emergency Measure

An Act to Incorporate the Lisbon Water District (H. P. 758) (L. D. 454)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 127 voted in favor of same and none against, and accordingly the Bill was passed

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

Emergency Measure

An Act Relating to Maine Forestry District Taxes (H. P. 1032) (L. D. 587)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 130 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Provide Forest Fire Prevention and Control in Unorganized Areas not in the Maine Forestry District (H. P. 1033) (L. D. 588)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 130 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Incorporate the Town of Orrington School District (H. P. 1118) (L. D. 705)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 130 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Creating the Old Town High School District (H. P. 1207) (L. D. 765)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a divi-

sion was had. 130 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to be Enacted

An Act to Amend the Charter of the City of Waterville to Provide Compensation for Municipal Officers, Board of Aldermen and City Council (H. P. 1055) (L. D. 635)

An Act to Incorporate the Town of Charleston School District (H. P. 1117) (L. D. 704)

An Act Amending the Charter of the Town of Camden (H. P. 1123) (L. D. 710)

An Act to Repeal the Incorporation of Bridgton Centre Village Corporation (H. P. 1182) (L. D. 737)

An Act relating to Pensions to Dependent Survivors of City Employees of the City of Bangor (H. P. 1185) (L. D. 740)

An Act to Create the Van Buren Sewerage District (H. P. 1281) (L. D. 820)

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.

Orders of the Day

The SPEAKER: The Chair lays before the House the first tabled and today assigned matter, Bill "An Act Relating to Teachers' Contracts" (H. P. 1655) (L. D. 1216) tabled on March 20 by the gentleman from Falmouth, Mr. Dow, pending third reading; and the Chair recognizes that gentleman.

Mr. DOW: Mr. Speaker and Members of the House: It is my purpose to move the indefinite postponement of this bill, and in support of that motion I would like to make a few remarks.

I would like to go back, briefly, about ten years, and some may say that that was the Teachers' Tenure Bill, which this is not, but it leads up to this one. Perhaps the time has come to speak of many things anyway, such as Ships and Sealing Wax and Cabbages and Kings and the licensing of cats and so forth.

This is the same old idea of Teachers' Tenure which was introduced in the Senate in 1941 under the title of "An Act Relating to

Higher Standards of Education." The original bill consisted of fifty-one sections. A redraft was shortened to fifteen sections. The bill was sponsored by the Maine Teachers' Association of which Richard B. Kennon was then Executive Secretary. Mr. Kennon stated at the hearing, and I quote: "The only thing that the Maine Teachers' Association wants to do, the only restriction that the Maine Teachers' Association wants to place upon school boards, is to restrict their power to fire good, competent, efficient teachers without cause."

My comment on that is that good, competent, efficient teachers are not fired without cause. They are just not fired.

The committee report was divided, the majority "Ought not to pass" and the minority "Ought to pass." The minority report was accepted in the Senate by a majority of two votes, and sent down for concurrence. After considerable argument, the House, by division vote, accepted the majority "Ought not to pass" report in non-concurrence, and the Senate voted to insist and the Committee of Conference reported "Unable to agree."

This idea has been before us more or less for a long time. In 1949 Legislative Document 400 was introduced under the title of "An Act Relating to Terms of Employment for Teachers." This was a small amendment to existing law, the camel's nose under the tent, but its far-reaching effect was obvious and the Education Committee reported "Ought not to pass." The report was accepted.

Now we have L. D. 1216, and the wording is very ingenious. Let us assume for a minute that this would be April 20th, because that is past the day of April 15th, mentioned in this bill, and for some reason you want to terminate the contract of a teacher, which expires in June. You cannot do that because you haven't given written notice prior to the April 15th of the preceding year, so that is off. You cannot terminate that contract in 1952 because you haven't given notice prior to April 15th of this year, so you have got that teacher, the contract being automatically

extended for one year; you have got that teacher until 1953, whether you want her or not. This may not be Teachers' Tenure but it is a pretty close approach to it.

I move the indefinite postponement of the bill.

The SPEAKER: The gentleman from Falmouth, Mr. Dow, moves the indefinite postponement of Bill "An Act Relating to Teachers' Contracts."

The Chair recognizes the gentleman from Island Falls, Mr. Crabtree.

Mr. CRABTREE: Mr. Speaker, I must take exception to the statement of my good colleague, the gentleman from Falmouth, Mr. Dow, that this approaches tenure. I would like to make it plain that there is another tenure bill which has not yet been reported out of the committee.

A great many years ago a man much wiser than I am said: "Peace of mind is born with the tranquility of order." I think most of we members of this House recognize that in many towns, and perhaps in some cities, there is little order in the process of engaging teachers and handling teachers' contracts. I would like to point out to the members of the House that in the first place there is a probationary period up to three years before any long-term contract may be given to a teacher. After this probationary period, which may be up to three years, a contract from two to five years may be given. I would also like to point out that this very thing maintains in some of our better school systems now. I also should point out that there are school systems in our State which do not bother very much with contracts, if at all.

Fifty years ago teachers were engaged, so I am told, by the term, and sometimes they did not last even a term. By comparison we, in the State of Maine, have done very little for our teachers, and after listening to a great many hearings before our Committee on Education, it seems to me that if our Maine girls and boys are lucky enough to survive any physical damage by going to our normal schools which are in such a horrible state of disrepair, even if the walls haven't fallen in on them, I

believe we ought to give them some little bit of encouragement to stay in our State of Maine. I do not think that I have to point out that a great many of our teachers leave the State of Maine and go to states where they have more protection as well as better money.

Now we are not dealing with the bill which was up for consideration ten years ago. We are dealing with a bill that your Committee on Education has spent a lot of time on, both hearing and amendments and redraft. We believed, and we un-animously believed, that this is a fair bill, a fair bill to the teachers, a fair bill to the supervising school committee, and the superintendents. We ought to do this much. We have not done much for our teachers. Let us not be like the man who hadn't kissed his wife for four years, then shot the man who did. (Laughter). Very seriously, in a great many cases this boils down to a matter of keeping principles above personalities. I know, and I rather think you know, of instances where personalities have most unfortunately come to the top to seethe and boil, and as the result acts done in the heat of such situations resulted not for the betterment of that particular school system, be it large or small.

Let's keep principles above personalities. This bill costs us nothing. This bill does give the teacher a minimum of one year protection. Let's go along and make this gesture to our fine Normal School graduates and show them that we are really interested, to this extent anyway, in protecting them if it is only up to one year. This is not the Tenure Bill.

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

Mr. FULLER: Mr. Speaker and Members of the House: Although I am a lawyer and contracts are part of my business, I am not up too well on teachers' contracts as a specialty, but I would like to call your attention to what happens in some of these cases. A few years ago in the city of Boston they had some fifteen teachers who were employed by the city on a day to day basis of some sort, as substitute teachers, and that had gone on

for some time, and that was part of their policy. None of these teachers had contracts that satisfied them, so after a while a representative of the Educational Department of one of the western states—I am inclined to believe it was Oregon—came on to Boston and he hired the whole fifteen of them any took them back with him to teach in the educational system there.

So what had happened was that the city of Boston had been to the expense of training teachers for the benefit of the other state. Boston never did get the benefit of the time they had put in there because the teachers went to a place where they could obtain more money and more suitable teaching conditions.

Now I cannot say from my own personal knowledge about this bill, whether it is the last word or not, or whether it is a hundred percent what we want or not, but in discussing it there is that question of whether we are going to train teachers for the benefit of some other place just because our local teachers here do not get the protection that they feel they ought to have.

That, I feel, is a very important matter, anything involving teachers' contracts or teachers' tenure either.

I now move the indefinite postponement of this bill.

The SPEAKER: The gentleman from Falmouth, Mr. Dow, moves the indefinite postponement of Bill "An Act Relating to Teachers' Contracts."

The Chair recognizes the gentleman from Cape Elizabeth, Mr. Chase.

Mr. CHASE: Mr. Speaker, this bill is not entirely clear to me. If the purpose of the bill is to give a teacher two or three months' notice before the expiration of the contract, I am for it, but if the purpose of the language of it is, as I feel it may be, to require notice which may run up to a year and two or three months, then I am against it. I should like to know what the intent of the committee is with respect to the time of effective notice.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. Dunham.

Mr. DUNHAM: Mr. Speaker and Members of the House: I am not going back ten years, I am not going back five years, I am not going back to yesterday; I am going to talk as of today.

First, in answer to Mr. Chase's question, the purpose of this bill, as I understand it, is to give the teacher three months' notice that you do not care for her to continue in your schools.

Now we are spending somewhere around a half a million dollars to educate 1218 teachers; we are spending that money at an average cost of around \$360 a year for those people, if they desire—and they do desire—to teach school in other states.

I know what I am talking about. It was my privilege to visit schools in Rhode Island and in Connecticut and even as far west as California, in which the good city of Pasadena gave me a key to their schools, and I found residents of Maine in their schools. I asked them this question: I did not need to ask them this question, because I knew the answer to it. I said, "What are you doing out here? Why aren't you giving of your talent to the boys and girls of the State of Maine?" And they said, "The reason is just this: Two things. Out here we get security; out here we get good salaries."

Now we cannot match the salaries of other states but we can go a little way, we can go a little way in giving these folks security. We are not asking you for a tenure bill. I would not get up here this morning and speak for a tenure bill. We are just asking for this little harmless, continuing contract bill.

I was speaking to a lady this morning in this House who was much concerned about the attitude of her children and the attitude of the teachers who are teaching in the schools, and she wanted to know if I knew the reason for it. I think teachers are reflecting the disinterest that we are taking in not trying to meet some of their demands. I think that they are reflecting the past actions of our Legislature.

Now bear in mind that I am not asking you for a tenure bill for these teachers, I am just asking for a continuing contract if, after a teacher has taught in your schools for three years and they have done a satisfactory job, that the superintending school committee may give them a two to a five-year contract, which will give them some sense of security.

I have heard frequent allusions in the past few days to the young people who sat up here in the gallery. We showed very much concern about them, and rightly so. Let us continue that policy and show some more concern for them. Let us show some concern for the folks into whose hands we put these children and ask of them to bring them up to be good citizens having a knowledge of how to live with other people, how to get along in this world. It is a small thing to ask of you folks, just a continuing contract; and you won't hear me mention tenure. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mr. Dow.

Mr. DOW: Mr. Speaker, the gentleman from Ellsworth, Mr. Dunham, said that the only purpose was to give the teacher three months' notice. If that were the only purpose of this bill I wouldn't say a word; but it does not take a lawyer to interpret the line which says: "Unless a duly-certified teacher receives written notice to the contrary before April 15th of the year preceding the terminal date of the contract, the contract shall be extended automatically and similarly in subsequent years," etc.

If three months' notice was all that was required in this thing I never would have said a word against it. Unfortunately, I do not believe that is true.

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

Mr. FULLER: Mr. Speaker, I think that both of these gentlemen are correct in their thinking to a certain extent. Of course a teacher serves first a three-year probationary period, and any time during that period the school committee can fire that teacher. Of course after she has served a three-year

probationary period the school committee can give her anywhere up to a five-year contract. We will say that a teacher has a five-year contract and it expires in two years. Unless the superintending school committee advises that teacher before April 15th of the year of the expiration of her contract, the contract is automatically continued. That is in cases where a teacher already has a contract for three, four or five years. Now that is harmless, I think you will admit, if you digest it or diagnose it, in that the teacher might be in more or less trouble or the parents might think she was in more or less trouble. I want to say right here: All towns in the State of Maine are not like the town of Falmouth, where teachers never have any troubles. It gives them a year to sort of correct any faults that they may have had or for the superintending school committee and the teacher to get together and iron out any difficulties that they may have had. If, at the end of that year, the difficulties are not ironed out, then they have a perfect right to fire the teacher.

The word "tenure" is not mentioned. This is not tenure, Members. I would agree with Mr. Dow that at this particular time we do not want tenure; but I do think that we owe this much to our teachers. They are underpaid. I know of a case last summer where the Superintendent of Schools of Portland, Oregon, came to Portland, Maine, and he was instructed to employ thirty teachers, and he was authorized to offer them \$3,000 each to teach in the grades in Portland, Oregon. That is what is happening. The teachers are going to all sections of the country where they are getting anywhere from a fifty to a hundred per cent increase in salary. But if we can offer them a little security in this bill, I think that we should do it.

I certainly hope that the motion of the gentleman from Falmouth, Mr. Dow, will not prevail.

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

Mr. WINCHENPAW: Mr. Speaker, I would like to take issue with the gentleman from Falmouth, Mr. Dow,

on just this one point: He mentions that April 15th date. It may be that on April 20th you might want to fire a teacher. Now I maintain that if you have had a teacher for three years in your school system and the school board and the superintendent do not know whether that teacher is doing a good job or not after three years, it seems as though from April 15th to April 20th would be a pretty short period in which to make up their minds.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Bath, Mrs. Moffatt.

Mrs. MOFFATT: Mr. Speaker and Members of the House: I highly approve of the bill which is before us at the present time. I do feel as though our teachers need security. I do not consider it exactly digressing from the point to state now that there is a bill that will be before you pretty soon that will possibly, if it receives favorable action, put the control that you folks want back into your hands.

This bill gives the teacher security. She should have security. Too many of them are losing their jobs through the whims of the superintendents or the school boards.

I hope that the motion of the gentleman from Falmouth (Mr. Dow) will not prevail.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Cape Elizabeth, Mr. Chase.

Mr. CHASE: Mr. Speaker, the argument here seems to turn entirely on the understanding of the "April 15th of the year preceding the terminal date of the contract." The gentleman from Falmouth, Mr. Dow, says that if that is changed to clarify it exactly as Mr. Dunham says the purpose is, he has no objection to the bill. Neither have I. I therefore hope that the bill will not be indefinitely postponed, but that the committee will undertake a clarifying amendment so that the bill may clearly state what they say the purpose of it is.

The SPEAKER: Is the House ready for the question? The question before the House is on the

motion of the gentleman from Falmouth, Mr. Dow, that Bill "An Act Relating to Teachers' Contracts" (H. P. 1655) (L. D. 1216) be indefinitely postponed.

All those in favor of the motion will please say aye; those opposed no.

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

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

Mr. WINCHENPAW: Mr. Speaker, I believe that Mr. Dow's motion was lost. Is that correct?

The SPEAKER: That is correct.

Mr. WINCHENPAW: Mr. Speaker, at this time I would like to move that the bill be recommitted to the Committee on Education for further consideration.

The SPEAKER: The gentleman from Friendship, Mr. Winchenpaw, moves that Bill "An Act Relating to Teachers' Contracts" be recommitted to the Committee on Education. Is this the pleasure of the House?

The motion prevailed, and the bill was recommitted to the Committee on Education and sent up for concurrence.

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

Mr. ROLLINS: Mr. Speaker, I would inquire of the Chair if Legislative Document 817, Bill "An Act Relating to Liens on Insurance Policies for Hospitals" is in possession of the House?

The SPEAKER: The Chair will state that the two reports, with the bill, of the Committee on Judiciary on Bill "An Act Relating to Liens on Insurance Policies for Hospitals" are in possession of the House and that, yesterday, they were indefinitely postponed.

Mr. ROLLINS: Mr. Speaker and Members of the House: I feel that perhaps we were misinformed.

The SPEAKER: The Chair will inquire of the gentleman if he wishes to make a motion?

Mr. ROLLINS: Mr. Speaker, I will move that the House reconsider its action whereby this matter was indefinitely postponed.

The SPEAKER: The gentleman from Greenville, Mr. Rollins, moves that the House reconsider its action

of yesterday whereby it indefinitely postponed the two reports of the Committee on Judiciary on Bill "An Act Relating to Liens on Insurance Policies for Hospitals". Is this the pleasure of the House?

The motion prevailed.

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

Mr. ROLLINS: Mr. Speaker, I now move that this bill be recommitted to the Committee on Judiciary.

The SPEAKER: The gentleman from Greenville, Mr. Rollins, now moves that we recommit Bill "An Act Relating to Liens on Insurance Policies for Hospitals" (S. P. 350) (L. D. 817) to the Committee on Judiciary. Is this the pleasure of the House?

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

Mr. McGLAUFFLIN: Mr. Speaker, I wish to say to the House that it is a sheer waste of the time. You won't get anywhere.

I again move that this be indefinitely postponed.

The SPEAKER: The gentleman from Portland, Mr. McGlaufflin, moves that the two reports, and the bill, be indefinitely postponed.

The Chair recognizes the gentleman from Saco, Mr. Hawkes.

Mr. HAWKES: Mr. Speaker, it seems in my humble opinion that the bill, yesterday, probably had a number of legal technical faults. However, it seemed that the argument was very ably presented, that it had some moral virtue. It would seem to me that it would be entirely possible for the Committee on Judiciary to come out with a bill that is legally acceptable and also morally acceptable.

The SPEAKER: The question before the House is on the recommitment of the bill.

The Chair recognizes the gentleman from Fairfield, Mr. Woodworth.

Mr. WOODWORTH: Mr. Speaker, first of all as to legal entanglements, this bill proposes when a man makes an insurance contract which is payable to "A", the Legislature has the right to pass a law which says that the insurance contract shall be payable to some-

body else, the hospital. The Legislature has no such right.

When a man makes a contract, it creates a right and that right created by a contract is treated in the law just the same as any vested right in real property. That right cannot be taken away by the legislature. There is a constitutional provision which says that the Legislature shall pass no law which impairs the obligation of contracts. While that bill has some moral virtue, the virtues do not run all one way and we can't change that contract no matter how we go about it. If some of the members think there is some legal way to change that contract by legislative act, I think those members had better dig up their own contracts instead of telling the Judiciary Committee to do it. I don't think it can be done.

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

Mr. FINNEGAN: Mr. Speaker and Members of the House: I did not introduce this bill. I am sure that a great many people who listened to the legal technicalities which were invoked just simply to distract and take away from the real object of the bill must have been confused. I certainly, if I had been given an opportunity to speak—I had exhausted my two times—I would have proposed an amendment that would have taken care of everything they suggested. If there is any such intent in the bill that we are taking unfair advantage of the widow or child or something or invading the preferences of a life insurance contract, I certainly would be with the two legal eagles who are fitting now from porch to porch. I can't follow these legal technicalities, they are over my head, but there is a real objective that I think should be recognized in this thing here. Just to repeat what we said yesterday, these are people, victims of automobile accidents, usually, whatever form they are in, they are insured victims. This bill should be confined by whatever amendment it takes to do it to receipts from accident policies. We are not concerned with life insurance policies. We wouldn't dream of invading anybody's life

insurance policy. There is no intent and I don't believe it states that.

I have talked with some of the people who are also in the legal fraternity and they disclaim any such intent or any such statement. I realize that a layman is at a serious disadvantage in discussing legal technicalities with my eminent colleagues from Fairfield and Portland, but, nevertheless, I would like to have them explain to me how in any sense of justice or fairness they can ask the hospital to take a victim from the streets, nurse him for months, bring him back to his family so that he can go out and earn his living and subordinate all their claims to somebody who wants to jump that bill for which he receives compensation, specifically stated for hospital expense, and then deny it to the hospital for which it is paid.

I don't care about legal technicalities; you have to overcome that thing; I will go along with any amendment that will protect this man in his constitutional rights. I am not arguing constitutional matters, I am not arguing legal matters, I would just like to bring before this House that it is a matter of simple justice to the hospital. I could cite you two little hospitals that have been victimized in the past by three or five thousand dollars. The little Mercy Hospital in Portland and a hospital in Lewiston for four thousand dollars by people who received the money, took it for themselves and beat the rap. I mean they did not get the money. There are suits pending in Portland where people have failed, after they received the money for a specific settlement that had to do with the hospitalization, a bill that the insurance companies recognized and paid. Can anybody tell me by any hook or crook or hocus or political fitting around why a hospital isn't entitled to that and has to bear the burden of all this stuff while the widow and children and others are being protected? Cases that have no bearing whatsoever have been cited here. I didn't write the bill. I am simply trying to get before you the real merits of what we are after. The two gentlemen, the two legal eagles here who flit around and give you reasons for not doing something—as a mat-

ter of fact, just simple, ordinary justice will dictate that they should be for it and they should be working out the means whereby the hospitals can protect themselves. They have had this bill in Judiciary, it was tabled for a week, and not one has come forth with how the bill should be adjusted to meet their critical legal technicalities.

So I submit to this House that if we are going to subordinate these things to the wizardry of legal technicalities then I will abide by the decision.

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

Mr. **McGLAUFFLIN**: Mr. Speaker, you can't amend this bill to make it any good. You can't establish a lien, as I pointed out yesterday, logically or fairly. Talk about fair play! There is no fair play to it. Now, yesterday, we voted to indefinitely postpone this bill by a vote of 86 to 24. Did you members know what you were doing? I did, and I think you did. Now, let's kill this thing now, definitely, once and for all. We don't want any such bill.

I still ask for the indefinite postponement of this bill.

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

Mr. **ROLLINS**: Mr. Speaker, I don't know but maybe 85 of those 86 knew what they were doing but I didn't. I think there was some misunderstanding on the explanation of this bill. I voted against the bill to indefinitely postpone it but now I don't see a bit of harm in sending this bill back to committee because I believe there is merit in the bill. Not being a lawyer—I am just a woodsman—I can't compete with these brainy fellows—but it is my opinion that the laws of the State of Maine govern insurance policies. We say that there is a contract made. All right, if there is a contract made, that is all right but there are a lot more contracts going to be made and I believe the insurance policy would be written in conformity to the laws of the State of Maine. Therefore there might be something there that could be worked out for a new contract.

I say I am not a lawyer. I don't know but if that is the case perhaps we aren't doing it today just

for today. This legislation is for the future. We are speaking all the time, every day, about the youth and the future generations and education and don't let them drink beer or anything else. We are making laws, not for today but for tomorrow, and there will be a new contract written tomorrow or the next day and I believe that possibly something can be worked out of this bill and I can see no reason why it should not go back to the committee to be redrafted to take care of a legitimate situation that exists, today.

The SPEAKER: Is the House ready for the question?

The question before the House is on the motion of the gentleman from Greenville, Mr. Rollins, that Bill "An Act Relating to Liens on Insurance Policies for Hospitals" be recommitted to the Committee on Judiciary.

All those in favor of the motion will say aye; those opposed, no.

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

Fifty-nine having voted in the affirmative and fifty-three in the negative, the motion prevailed and the bill and reports were recommitted to the Committee on Judiciary in non-concurrence and sent up for concurrence.

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

Mr. FENN: Mr. Speaker and Members of the House: I would like to make a motion to reconsider our action of yesterday whereby we accepted the "Ought not to pass" report on House Paper 627, Legislative Document 379, Bill "An Act relating to Open Season for Fishing for Black Bass and Pickerel".

This report came out as a split report and several members and I understood that this bill from the committee was to come out with an amendment. Therefore, I would like to move that this bill be recommitted to the Committee on Inland Fisheries and Game.

The SPEAKER: The gentleman from Bath, Mr. Fenn, moves that the House reconsider its action taken yesterday in accepting the "Ought not to pass" report on Bill "An Act relating to Open Season

for Fishing for Black Bass and Pickerel".

Is the House ready for the question?

All those in favor of the motion will say aye; those opposed, no.

A viva voce being doubted,

A division of the House was had. Seventy-four having voted in the affirmative and eighteen in the negative, the motion to reconsider prevailed.

On further motion of the gentleman from Bath, Mr. Fenn, the bill was recommitted to the Committee on Inland Fisheries and Game and sent up for concurrence.

The SPEAKER: The Chair recognizes the gentleman from South Paris, Mr. Stewart.

Mr. STEWART: Mr. Speaker, may I inquire if House Paper 883, Legislative Document 525, entitled Bill "An Act Relating to Joint Operation of Schools" is in the possession of the House?

The SPEAKER: The Chair will inform the gentleman from South Paris, Mr. Stewart, that the House is in possession of the "Ought not to pass" report of the Committee on Education on Bill "An Act Relating to Joint Operation of Schools", which report was accepted yesterday.

The Chair recognizes the gentleman from South Paris, Mr. Stewart.

Mr. STEWART: Mr. Speaker and Members of the House: I move that the House reconsider its action of yesterday whereby it accepted the "Ought not to pass" report of the committee on Legislative Document 525, Bill "An Act Relating to Joint Operation of Schools."

The SPEAKER: The gentleman from South Paris, Mr. Stewart, moves that the House reconsider its action of yesterday whereby it accepted the "Ought not to pass" report of the Committee on Education on Bill "An Act Relating to Joint Operation of Schools". The question before the House is on the reconsideration. Is it the pleasure of the House to reconsider?

The motion prevailed; and on further motion of the gentleman from Bath, Mr. Fenn, the bill was recommitted to the Committee on Education and sent up for concurrence.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Chase.

Mr. CHASE: Mr. Speaker, in order to avoid the necessity of taking from the table the twelfth tabled and unassigned matter, I ask unanimous consent to address the House briefly on the subject involved in that report.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Chase, requests unanimous consent to address the House on the matter of the twelfth tabled and unassigned matter, Special Report of the Committee on Appropriations and Financial Affairs. Is there objection?

The Chair hears no objection and the gentleman may proceed.

Mr. CHASE: Mr. Speaker, it is now hoped that the general budget bill which has been under consideration in the other body may come to us for our consideration early next week. If that does not come about, it is my hope that nevertheless we may proceed to consider the items and recommendations which are in the report which we have before us now on the table.

In anticipation of that possibility, I would suggest that the members of the House, who contemplate amending that bill when it reaches us, should prepare their amendments in advance in order to avoid delay. I suggest, furthermore, that those amendments be made as simple as possible on specific items rather than trying to combine several proposed changes in one amendment.

I hope the House will not consider that reductions cannot be made in the figures recommended even though the conversation so far has generally been on increasing them. I want to point out to the House that it is within our authority in this body to effect reductions. We can abolish whole departments of state government by taking away their appropriation. I think we ought to probe every soft spot in those recommendations to see if reductions can be effected so that at the end we may be sure that this budget is just as sound as the test of a majority vote can make it.

Now, with respect to those amendments, in order to avoid delay and confusion, if those who contemplate offering amendments will speak to me, I shall be very glad to try to reconcile conflicting interests, to consolidate amendments and to help in creating a situation so that the matter may be presented to the House on the most intelligent and efficient basis.

I thank you.

The SPEAKER: The Chair, at this time, notes the presence in the balcony of the Hall of the House of the Portland High School Junior History Class, in charge of Mr. Lawrence Plummer. On behalf of the House, the Chair, at this time, bids you welcome. (Applause)

On motion of the gentlewoman from Bath, Mrs. Moffatt, the House voted to take from the table the fourteenth tabled and unassigned matter, Bill "An Act relating to Her Own Business Program", (H. P. 1233) (L. D. 786) tabled by that gentlewoman on March 14 pending third reading.

The same gentlewoman then offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 1233, L. D. 786, Bill, An Act Relating to Her Own Business Program."

Amend said bill by striking off from the end thereof the following underlined words "is hereby continued within the department of labor and industry", and inserting in place thereof the following underlined words 'shall be continued in the department of education'.

Thereupon, House Amendment "A" was adopted, and the bill was given its third reading, passed to be engrossed as amended and sent to the Senate.

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

If there is no further business to come before the House, the Clerk will read the notices.

On motion of Mr. Chase of Cape Elizabeth,

Adjourned until 10:00 o'clock tomorrow morning.