

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Seventh Legislature

OF THE

STATE OF MAINE

1955

DAILY KENNEBEC JOURNAL
Augusta, Maine

HOUSE

Thursday, April 14, 1955

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

Prayer by the Rev. Mr. George Bovill of Congregational Church, Ellsworth.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. McGlaufflin. For what purpose does the gentleman rise?

Mr. McGLAUFLIN: Mr. Speaker, I ask unanimous consent to address the House very briefly.

The SPEAKER: The Chair will request the gentleman to kindly defer until immediately after the journal.

Thereupon, the journal of the previous session was read and approved.

Mr. McGlaufflin of Portland was granted unanimous consent to address the House.

Mr. McGLAUFLIN: Mr. Speaker, today will take place the funeral of Honorable John E. Nelson, who was formerly the Congressman from the Second District and who served for a period of ten years. He was the father of the present Congressman from that district. He was an able Congressman and a fine citizen. I suggest that the House pay tribute to him by rising in silence for thirty seconds.

The SPEAKER: It is so ordered.

Thereupon, the members rose in silent tribute.

Papers from the Senate

From the Senate:

Bill "An Act relating to the Authority of the County Commissioners of Penobscot County to Convey an Easement in Land" (S. P. 531) (L. D. 1456)

Came from the Senate received by unanimous consent and referred to the Committee on Natural Resources.

In the House, received by unanimous consent and referred to the Committee on Natural Resources in concurrence.

Senate Reports of Committees Leave to Withdraw

Report of the Committee on Business Legislation on Bill "An Act relating to the Establishment of a Fund for Fire Fighters" (S. P. 75) (L. D. 167) reporting Leave to Withdraw.

Report of the Committee on Liquor Control reporting same on Bill "An Act relating to the Purchase of Liquor by Minors" (S. P. 497) (L. D. 1380)

Report of the Committee on Public Utilities reporting same on Bill "An Act Repealing the Laws on Street Railroads" (S. P. 99) (L. D. 230)

Report of the Committee on Towns and Counties reporting same on Bill "An Act relating to Transfer of Mount Chase Plantation to Aroostook County" (S. P. 499) (L. D. 1382)

Report of same Committee reporting same on Bill "An Act relating to Transfer of Town of Patten to Aroostook County" (S. P. 500) (L. D. 1383)

Report of same Committee reporting same on Bill "An Act relating to Transfer of Town of Stacyville to Aroostook County" (S. P. 501) (L. D. 1384)

Came from the Senate read and accepted.

In the House, the Reports were read and accepted in concurrence.

Ought Not to Pass

Report of the Committee on Business Legislation reporting "Ought not to pass" on Bill "An Act relating to Unfair Retail Sales of Motor Fuel" (S. P. 391) (L. D. 1105)

Came from the Senate read and accepted.

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

Ought to Pass in New Draft

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act to Appropriate Monies for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1956 and June 30, 1957" (S. P. 52) (L. D. 42) reporting same in a new draft (S. P. 529) (L. D. 1444) under same title and that it "Ought to pass"

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

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

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

Mr. TOTMAN: Mr. Speaker, I just want to raise a point of inquiry on this bill that we just passed. It appears to me that this is the budget and I would like to ask a member of the Appropriations Committee if they plan to discuss this budget by item.

The SPEAKER: The gentleman from Bangor, Mr. Totman, addresses a question through the Chair to any member of the Appropriations Committee, inquiring whether the Appropriations Committee intends to discuss this budget appropriation bill item by item. Any member may answer if he so chooses.

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

Mr. JACOBS: Mr. Speaker, we have discussed this budget the last six or eight weeks in the Committee and we have followed the Governor's budget recommendations to the Legislature. It has passed the other body to be engrossed unless there is someone in this House who wants to open it up for discussion, that is all well and good. We feel that we have done a good job, we have balanced the budget as far as the budget is concerned. We have a supplementary budget coming along later for consideration. If anyone here wants to open it up, it is their privilege.

Thereupon, the Bill was given its two several readings and assigned for third reading tomorrow.

Ought to Pass

Report of the Committee on Inland Fisheries and Game reporting "Ought to pass" on Bill "An Act Excluding Outboard Motors from Jurisdiction of Public Utilities Commission" (S. P. 182) (L. D. 434)

Report of the Committee on Judiciary reporting same on Bill "An Act relating to Rights and Stock Options of Stockholders" (S. P. 372) (L. D. 1068)

Report of same Committee reporting same on Bill "An Act relating

to Registers of Probate Pro Tempore" (S. P. 430) (L. D. 1189)

Report of same Committee reporting same on Bill "An Act to Create a Central Register of Attorneys" (S. P. 484) (L. D. 1353)

Report of the Committee on Labor reporting same on Bill "An Act to Amend the Workmen's Compensation Act" (S. P. 221) (L. D. 562)

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

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

Ought to Pass with Committee Amendment

Report of the Committee on Judiciary on Bill "An Act relating to Criminal Appeal Cases in Cumberland County" (S. P. 491) (L. D. 1358) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 491, L. D. 1358, Bill "An Act relating to Criminal Appeal Cases in Cumberland County."

Amend said Bill by inserting after the Title thereof an Emergency Preamble to read as follows:

Emergency preamble. Whereas, the criminal dockets of the courts of Cumberland County are congested; and

Whereas, it is necessary that all pending litigation may be administered and acted upon in an orderly, efficient and prompt manner; and

Whereas, the following legislation is wholly necessary to aid in adjudicating pending litigation for the benefit of the litigants; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preser-

vation of the public peace, health and safety; now, therefore,'

Further amend said Bill by adding at the end thereof an Emergency Clause to read as follows:

'Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.'

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

Divided Report Tabled and Assigned

Majority Report of the Committee on Inland Fisheries and Game reporting "Ought to pass" on Bill "An Act relating to Bounty on Bears" (S. P. 245) (L. D. 678)

Report was signed by the following members:

Messrs. HALL of York
CARPENTER of Somerset
HILLMAN of Penobscot
— of the Senate.
Messrs. DUDLEY of Enfield
ROSS of Brownville
HARNDEN of Rangeley
REYNOLDS of
Mount Desert
— of the House.

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

Report was signed by the following members:

Messrs. BRIGGS of Caribou
GARDNER of Hartland
POTTER of Medway
— of the House.

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

In the House: Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Medway, Mr. Potter.

Mr. POTTER: Mr. Speaker and Members of the House: The gentleman from Enfield, Mr. Dudley, has informed me that he would like to speak in regard to this measure, but that he had a hard day yesterday with his pollution bill and did not get out of here until around ten-thirty last night. I see he is not here today. I ask that this matter be tabled and be specially assigned

for Tuesday pending acceptance of either report.

The SPEAKER: The gentleman from Medway, Mr. Potter, moves that the two Reports of the Committee on Inland Fisheries and Game on Bill "An Act relating to Bounty on Bears," Senate Paper 245, Legislative Document 678, lie on the table pending acceptance of either report and be specially assigned for Tuesday, April 19. Is this the pleasure of the House?

The motion prevailed and the two Reports and Bill were so tabled and assigned.

Non-Concurrent Matter

Report of the Committee on Claims reporting "Ought not to pass" on Resolve in favor of Gordon M. Andrews (H. P. 874) which was accepted in the House on April 8.

Came from the Senate with the Report and Resolve recommitted to the Committee on Claims in non-concurrence.

In the House: On motion of the gentleman from Dover-Foxcroft, Mr. Sanford, the House voted to recede and concur with the Senate.

Non-Concurrent Matter

An Act relating to Apothecaries and the Sale of Poisons (H. P. 1080) (L. D. 1263) which was passed to be enacted in the House on April 8, and passed to be engrossed on April 1.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

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

SENATE AMENDMENT "A" to H. P. 1080, L. D. 1263, Bill "An Act relating to Apothecaries and the Sale of Poisons."

Amend said Bill by adding after the underlined word "Laws" and before the underlined comma, in the 8th line thereof, the underlined words 'in effect on the effective date of this act'

On motion of Mr. Childs of Portland, the House voted to recede and concur with the Senate.

Non-Concurrent Matter

An Act relating to the Appointment of Conservators (S. P. 503) (L. D. 1385) which was passed to be enacted in the House on April 6, and passed to be engrossed on April 1.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

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

SENATE AMENDMENT "A" to S. P. 503, L. D. 1385, Bill "An Act relating to the Appointment of Conservators."

Amend said Bill by striking out all of the 2nd paragraph thereof and inserting in place thereof the following:

Sec. 245. Aid may be paid to a guardian or conservator. When a relative with whom a child is living is found by the Department to be incapable of taking care of his money, payment shall be made only to a legally appointed guardian or conservator of such relative and, notwithstanding the provisions of section 9 of chapter 158 in the matter of infirmities of age or physical disability to manage his estate with prudence and understanding, the probate court may appoint any suitable person as a conservator.

On motion of Mr. Childs of Portland, the House voted to recede and concur with the Senate.

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

The SPEAKER: The Chair will request the Sergeant-at-Arms to escort the gentleman from Bremen, Mr. Hilton, to the rostrum for the purpose of presiding as Speaker pro tem.

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

House Reports of Committees Leave to Withdraw

Mr. Dudley from the Committee on Inland Fisheries and Game on Bill "An Act relating to Hunting of

Raccoons" (H. P. 1159) (L. D. 1377) reported Leave to Withdraw.

Mr. Gardner from same Committee reported same on Resolve Regulating Fishing in Aroostook River in Aroostook County (H. P. 1125) (L. D. 1323)

Mr. Brown from the Committee on Labor reported same on Bill "An Act relating to the Payment of Benefits Under Employment Security Law" (H. P. 543) (L. D. 600) as it is covered by other legislation.

Mr. Jones from same Committee reported same on Bill "An Act Amending the Maine Employment Security Law as to Employers Experience Rating Record" (H. P. 994) (L. D. 1142)

Mr. Walls from same Committee reported same on Bill "An Act Amending the Maine Employment Security Law as to Reciprocal Benefit Arrangements" (H. P. 997) (L. D. 1145)

Reports were read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Gardner from the Committee on Inland Fisheries and Game reported "Ought not to pass" on Resolve Regulating Fishing for White Perch in Morrill Pond, Somerset County (H. P. 148) (L. D. 148) as it is covered by other legislation.

Mr. Potter from same Committee reported same on Bill "An Act relating to Bounty on Foxes in Washington County" (H. P. 1103) (L. D. 1293)

Same gentleman from same Committee reported same on Resolve Regulating Fishing in West Branch of Penobscot River (H. P. 149) (L. D. 149) as it is covered by other legislation.

Mr. Needham from the Committee on Judiciary reported same on Bill "An Act to Clarify Provision for Child, Etc. Omitted in Will" (H. P. 482) (L. D. 527) which was re-committed.

Same gentleman from same Committee reported same on Bill "An Act Defining the Word 'Owner' Under the Motor Vehicle Law" (H. P. 666) (L. D. 742) as it is covered by other legislation.

Same gentleman from same Committee reported same on Bill "An Act relating to Parking Meter

Fines" (H. P. 908) (L. D. 1016) which was recommitted.

Reports were read and accepted and sent up for concurrence.

Tabled and Assigned

Mr. Willey from the Committee on Taxation reported "Ought not to pass" on Bill "An Act Providing for a State Income Tax" (H. P. 1151) (L. D. 1366)

Report was read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Winslow, Mr. Dostie.

Mr. DOSTIE: Mr. Speaker I would like to lay this matter on the table until April 19 as the gentleman from Waterville, Mr. Bernier, is not in his seat this morning.

The SPEAKER pro tem: The gentleman from Winslow, Mr. Dostie, moves that the Report with accompanying papers lie on the table pending acceptance and be specially assigned for Tuesday, April 19. Is this the pleasure of the House?

The motion prevailed and the Report with accompanying papers was so tabled and assigned.

Ought to Pass in New Draft Printed Bills

Mr. Osborne from the Committee on Public Utilities on Bill "An Act relating to Advice of Public Utilities Commission to Towns Concerning Water and Sewerage Systems" (H. P. 755) (L. D. 836) reported same in a new draft (H. P. 1197) (L. D. 1466) under same title and that it "Ought to pass"

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

Tabled and Assigned

Mr. Cianchette from the Committee on Towns and Counties on Bill "An Act to Increase the Salaries of Members of the Boards of Registration of Voters" (H. P. 801) (L. D. 875) reported same in a new draft (H. P. 1198) (L. D. 1467) under title of "An Act Increasing Salaries of Members of Board of Registration of Voters of City of Bath" and that it "Ought to pass"

Report was read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Portage Lake, Mr. Cook.

Mr. COOK: Mr. Speaker, I request that this item be laid on the table until Wednesday, next, as I see that neither of the gentlemen from Bath are in their seats at the present time.

The SPEAKER pro tem: The gentleman from Portage Lake, Mr. Cook, moves that the Report with accompanying papers lie on the table pending acceptance and be specially assigned for Wednesday, April 20. Is this the pleasure of the House?

The motion prevailed and the Report with accompanying papers was so tabled and assigned.

Ought to Pass Printed Bills

Mr. Harnden from the Committee on Inland Fisheries and Game reported "Ought to pass" on Bill "An Act relating to the Hunting of Wild Turkeys" (H. P. 1104) (L. D. 1295)

Mr. Ross from same Committee reported same on Resolve Closing Little Jim Pond in Franklin and Somerset Counties to Fishing Except Fly Fishing (H. P. 260) (L. D. 244)

Mr. Winchenpaw from the Committee on Labor reported same on Bill "An Act relating to Additional Contributions by Employers Under Employment Security Law" (H. P. 963) (L. D. 1089)

Mr. Haughn from the Committee on Public Utilities reported same on Bill "An Act Amending the Charter of the Saco Sanitary District" (H. P. 929) (L. D. 1058)

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

Ought to Pass with Committee Amendment

Mr. Pike from the Committee on Business Legislation on Bill "An Act relating to Real Estate Brokers and Salesmen" (H. P. 179) (L. D. 186) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 179, L. D. 186, Bill "An Act relating to Real Estate Brokers and Salesmen."

Amend said bill by indicating the striking out of the last underlined word, "otherwise" in sub-section III, by drawing a line through the said underlined word "otherwise" and inserting in place therefor the following underlined words '**other valuable consideration**'

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

Tabled

Mr. Dudley from the Committee on Inland Fisheries and Game on Bill "An Act relating to Protected Birds" (H. P. 898) (L. D. 1006) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 898, L. D. 1006, Bill "An Act relating to Protected Birds."

Amend said Bill by striking out all of the 5th line thereof and the underlined word "**kingfisher**" in the 6th line and inserting in place thereof the following: '**civil great-horned owl, kingfishers, and cormorants or shag, and the European starling**'

On motion of Mr. Dudley of Enfield, the Bill with accompanying papers was tabled pending adoption of Committee Amendment "A" and unassigned.

Tabled

Mr. Browne from the Committee on Judiciary on Bill "An Act relating to Joint Ownership Re Inheritance Tax Law and Joint Bank Accounts" (H. P. 912) (L. D. 1020) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read.

The SPEAKER pro tem: Is it the pleasure of the House to accept the report of the Committee?

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

Mr. BROWNE: Mr. Speaker and Members of the House: There is another bill which concerns itself with

the same subject matter as is considered here. Therefore, I move that this matter be tabled and unassigned until such time as we can determine what action is to be taken on the other bill.

The SPEAKER pro tem: The gentleman from Bangor, Mr. Browne, moves that the Report with accompanying papers lie on the table pending acceptance and be unassigned. Is this the pleasure of the House?

The motion prevailed and the Report with accompanying papers was so tabled.

Mr. Cook from the Committee on Public Utilities on Bill "An Act Creating the Eagle Lake Water and Sewer District" (H. P. 1111) (L. D. 1302) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 1111, L. D. 1302, Bill "An Act Creating the Eagle Lake Water and Sewer District."

Amend said Bill by adding at the end of Section 3 thereof the following:

'Provided, however, nothing herein contained shall be construed as authorizing said district to take by right of eminent domain any of the property or facilities of any other public service corporation used for or acquired for future use by the owner thereof in the performance of a public duty, unless expressly authorized thereto herein or by subsequent act of the legislature.'

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

Mr. Skolfield from the Committee on Public Utilities on Bill "An Act to Incorporate the New Gloucester Water District" (H. P. 930) (L. D. 1059) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 930, L. D. 1059, Bill "An

Act to Incorporate the New Gloucester Water District."

Amend said Bill in Sec. 11. by striking out in the 14th and 15th lines the words "necessary in the judgment of the trustees thereof" and inserting in place thereof the following 'not exceeding \$100,000'

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

Tabled and Assigned

Mr. Stanley from the Committee on Towns and Counties on Bill "An Act relating to Salary of the Recorder and to Clerk Hire in Waldo County Municipal Court" (H. P. 632) (L. D. 672) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 632, L. D. 672, Bill "An Act relating to Salary of the Recorder and to Clerk Hire in Waldo County Municipal Court."

Amend said Bill by striking out in the Title thereof the words "and to Clerk Hire in" and inserting in place thereof the word 'of'

Further amend said Bill by striking out, in the 6th line, the underlined figure "\$2,000" and inserting in place thereof the underlined figure '\$1,000'

Further amend said Bill by striking out, in the 7th and 8th lines, the underlined words and punctuation 'with \$1,000 additional for clerk hire.'

Committee Amendment "A" was adopted.

(On motion of Mr. Knight of Sears-mont, the Bill with accompanying papers was tabled pending assignment for third reading and specially assigned for Friday, April 22.)

Divided Report Tabled and Assigned

Majority Report of the Committee on Appropriations and Financial Affairs on Bill "An Act to Create the Department of Industry and Commerce and to Amend the Laws Relating to the Department of Labor and Industry and Maine Development Commission to Conform There-

to" (H. P. 514) (L. D. 620) reporting same in a new draft (H. P. 1196) (L. D. 1465) under title of "An Act to Create the Department of Development of Industry and Commerce" and that it "Ought to pass"

Report was signed by the following members:

Messrs. COLLINS of Aroostook
SINCLAIR of Somerset
CHAPMAN of Cumberland
—of the Senate.

Messrs. BEAN of Winterport
CATES of East Machias
STANLEY of Bangor
ROGERSON of Houlton
EDWARDS of Raymond
—of the House.

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

Report was signed by the following members:

Messrs. JACOBS of Auburn
HENRY of North Yarmouth
—of the House.

Reports were read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bucksport, Mr. Pierce.

Mr. PIERCE: Mr. Speaker, I move the acceptance of the minority report.

The SPEAKER pro tem: The gentleman from Bucksport, Mr. Pierce, moves that the minority report "Ought not to pass" be accepted.

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

Mr. CHILDS: Mr. Speaker, it comes to my attention that one of the gentlemen of the House, the gentleman from Bath, Mr. Ross, who is very interested in this bill and who spoke on the bill before the committee both times it was presented has found it necessary to leave town on some very important business. I think in courtesy to the gentleman from Bath, Mr. Ross, whom I know would want to speak on this bill at this time, it should lie on the table and therefore I move that this matter lie upon the table and be specially assigned for next Tuesday.

The SPEAKER pro tem: The gentleman from Portland, Mr. Childs, moves that the two Reports with accompanying papers lie on the

table pending the motion of the gentleman from Bucksport, Mr. Pierce, that the minority "Ought not to pass" Report be accepted and be specially assigned for Tuesday, April 19. Is this the pleasure of the House?

The motion prevailed and the two reports with accompanying papers were so tabled and assigned.

Divided Report Recommitted

Majority Report of the Committee on Education reporting "Ought not to pass" on Bill "An Act to Supplement Loans by Maine School Building Authority" (H. P. 346) (L. D. 385)

Report was signed by the following members:

Messrs. DOW of Lincoln
CRABTREE of Aroostook
— of the Senate.

Messrs. FULLER of South Portland
CARTER of Newport
KNIGHT of Searsmont
EVANS of Cornish

Miss CORMIER of Rumford
— of the House.

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

Report was signed by the following members:

Mr. FULLER of Oxford
— of the Senate.

Mrs. MANN of Paris

Mr. ROUNDY of Portland
— of the House.

Reports were read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Hanover, Mr. Ferguson.

Mr. FERGUSON: Mr. Speaker and Members of the House: House Paper 346, L. D. 385. I have taken this matter up with the Chairman of the Committee on Education, House Chairman, for the purpose of recommitting this bill for a new draft. He has agreed to take it back into committee and introduce a new draft. Therefore, I move that this item 26, L. D. 385, be recommitted to the Committee on Education.

The SPEAKER pro tem: The gentleman from Hanover, Mr. Ferguson, moves that the two Reports with accompanying papers be re-

committed to the Committee on Education. Is this the pleasure of the House?

The motion prevailed and the two Reports and Bill were recommitted to the Committee on Education and sent up for concurrence.

Divided Report Tabled and Assigned

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Resolve Proposing an Amendment to the Constitution Changing the Tenure of Office of Sheriffs to Four-Year Terms (H. P. 834) (L. D. 925)

Report was signed by the following members:

Messrs. REID of Kennebec
WEEKS of Cumberland
SILSBY of Hancock
— of the Senate.

Messrs. DAVIS of Calais
NEEDHAM of Orono
McGLAUFILIN of Portland
BROWNE of Bangor
HANCOCK of York
— of the House.

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

Report was signed by the following member:

Mr. EARLES of South Portland
— of the House.

Reports were read.

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

Mr. EARLES: Mr. Speaker, as the sole mover that this bill "Ought to pass," I would like to have the pleasure of laying the bill on the table and have it specifically assigned a week from this Thursday, pending acceptance of either report if I may.

The SPEAKER pro tem: The gentleman from South Portland, Mr. Earles, moves that the two Reports and Bill lie on the table pending acceptance of either report and be specially assigned for Thursday, April 21. Is this the pleasure of the House?

The motion prevailed and the two Reports and Bill were so tabled and assigned.

Divided Report

Report "A" of the Committee on Liquor Control reporting "Ought to pass" on Bill "An Act relating to Hours of Sale of Liquor" (H. P. 838) (L. D. 928)

Report was signed by the following members:

Mr. BOUCHER of Androscoggin
—of the Senate.

Messrs. PIERCE of Bucksport
CHARLES of Portland
DOSTIE of Winslow
COTE of Lewiston

— of the House.

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

Report was signed by the following members:

Messrs. CARPENTER of Somerset
CRABTREE of Aroostook
— of the Senate.

Mr. ANTHOINE of Windham
Mrs. CHRISTIE of Presque Isle
Mr. RICH of Charleston
— of the House.

Reports were read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Presque Isle, Mrs. Christie.

Mrs. CHRISTIE: Mr. Speaker and Members of the House: I move the acceptance of Report "B".

The SPEAKER pro tem: The gentleman from Presque Isle, Mrs. Christie, moves the acceptance of Report "B" "Ought not to pass". Is this the pleasure of the House?

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

Mr. CHARLES: Mr. Speaker, I rise probably to recognize the fact that I would like to have this bill recommitted to the committee for consideration of a committee amendment which might seem satisfactory to all concerned.

The SPEAKER pro tem: The Chair would inquire if the gentleman wishes to make that motion?

Mr. CHARLES: Yes, Mr. Speaker.

The SPEAKER pro tem: The gentleman from Portland, Mr. Charles, moves that the two Reports and Bill be recommitted to the Committee on Liquor Control.

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

Mr. CHILDS: Mr. Speaker, through the Chair I would like to ask the gentleman from Portland, Mr. Charles, if it would not be possible that his amendment could be put on as a House amendment and therefore save the time in sending it back to the committee and holding another committee hearing on it?

The SPEAKER pro tem: The gentleman from Portland, Mr. Childs, addresses a question through the Chair to the gentleman from Portland, Mr. Charles. The gentleman from Portland, Mr. Charles, may answer if he desires.

Mr. CHARLES: Mr. Speaker, the Committee is having a meeting the first of next week and I would appreciate it if we could have that little time element there in our favor so that the committee could decide what to do. I would rather not throw it open to the House. Let the committee decide; it might be better that way.

The SPEAKER pro tem: The question before the House is on the motion of the gentleman from Portland, Mr. Charles, that the two reports and bill be recommitted to the Committee.

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

Mrs. CHRISTIE: Mr. Speaker, if the members of the House will look over that bill I think they will find that there is nothing in it to warrant passing the bill. It is simply a bill which would allow the places that sell liquor to be open at the close of voting on election days. It seems to me that we have a law now which requires that the liquor places should be closed on election day and it seems to me that that is a good law and I do not see why we should make any changes in it.

The SPEAKER pro tem: The Chair recognizes the gentleman from Lewiston, Mr. Cote.

Mr. COTE: Mr. Speaker and Members of the House: This bill only calls that the liquor places, hotels and beer serving parlors shall be open after the polls close. At the hearing, it was brought out that we are penalizing many, many people who are salesmen who travel through our State and it is not their

election day, it is ours. It was felt that it would be a boon to the State for them especially after the polls closed, when the voting was all finished and so forth, and I do not think that it would create any hardship on anyone if we did open up the cocktail lounges and dispensing places of liquor after the polls were closed.

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

Mr. CHILDS: Mr. Speaker, through the Chair, I would like to ask the gentleman from Portland Mr. Charles, if he is willing to tell the House at this time what he has in mind for a committee amendment?

The SPEAKER pro tem: The gentleman from Portland, Mr. Childs, addresses a question through the Chair to the gentleman from Portland, Mr. Charles, which he may answer if he so desires.

Mr. CHARLES: Mr. Speaker, I want to thank the majority floor leader for asking the question because it is a pleasure to reply. My purpose was to refer the matter back to the people at local option and let the people decide whether they want this thing to be done or not.

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

Mr. MCGLAUFLIN: Mr. Speaker, I think these are questions which we should decide for ourselves. That is what we are sent up here for, not to send them back to the people. I certainly oppose any such amendment.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker and Members of the House: I agree very much with the gentlewoman from Presque Isle, Mrs. Christie. I have had quite some experience on election day since 1941 and I believe we can very well do without liquor on that day. It is only one or two days every two years. I would like to go along with the gentlewoman from Presque Isle, Mrs. Christie, and see that it is taken up right here rather than prolong legislation of these items.

The SPEAKER pro tem: The question before the House is on the motion of the gentleman from Portland, Mr. Charles, that Report "A" "Ought to pass" and Report "B" "Ought not to pass" of the Committee on Liquor Control on Bill "An Act relating to Hours of Sale of Liquor", House Paper 838, Legislative Document 928, with accompanying papers be recommitted to the Committee.

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

Mr. HAUGHN: Mr. Speaker, I request a division on the vote.

The SPEAKER pro tem: The gentleman from Bridgton, Mr. Haughn, requests a division.

All those in favor of recommitting the two Reports and the Bill will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Sixteen having voted in the affirmative and ninety-one having voted in the negative, the motion did not prevail.

The SPEAKER pro tem: The question now before the House is on the motion of the gentlewoman from Presque Isle, Mrs. Christie, that Report "B" "Ought not to pass" be accepted. Is this the pleasure of the House?

The motion prevailed and Report "B" "Ought not to pass" was accepted and sent up for concurrence.

The SPEAKER pro tem: The Chair at this time calls to the attention of the House that in the balcony of the House there is a group of seventeen students from the American Government Class, Westbrook Junior College, Portland, accompanied by Mr. Gregor MacFarlan; also forty pupils from Warren, Grade 8, and Government Class from the High School; also thirteen students from the 7th and 8th Grades of Cushing Elementary School, accompanied by their teacher, Mrs. Burton.

On behalf of the House, the Chair extends to you a welcome and hopes that you may get some pleasure and benefit from your visit here. (Applause)

At this point Speaker Trafton returned to the rostrum and assumed the Chair.

The SPEAKER: The Chair wishes to thank the gentleman from Bremen, Mr. Hilton, for presiding this morning as Speaker pro tem and requests the Sergeant-at-Arms to escort him back to his seat by way of the seat of the gentleman from Bridgton, Mr. Haughn. (Applause)

Thereupon, the gentleman from Bremen, Mr. Hilton, was escorted by the Sergeant-at-Arms to the seat of the gentleman from Bridgton, Mr. Haughn.

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

Mr. HAUGHN: Mr. Speaker, it appears that we are having pro tem speakers up there not corresponding with our Clerk and I do not think it is right and I would at this time like to present another little flower for a well done and deserved job of our colleague here and give him a flower again this morning and I hope the restaurant downstairs keeps a supply on hand so I can bring one up each morning.

The SPEAKER: The Chair believes the House so orders. (Applause)

The gentleman from Bremen, Mr. Hilton, then returned to his seat.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Fuller. For what purpose does the gentleman rise?

Mr. FULLER: To ask unanimous consent to address the House very briefly off the record.

Thereupon, Mr. Fuller was granted unanimous consent to address the House off the record.

(Off Record Remarks by Mr. Fuller)

The SPEAKER: The gentleman from Bridgton, Mr. Haughn, may rise to a point of privilege if he so chooses off the record.

(Off Record Remarks by Mr. Haughn)

The SPEAKER: The Chair would like to call to the attention of the Members of the House that there is with us this morning a rather unusual guest, Mr. Heinrich Rust, a German Exchange Student from Northern Germany near Hanover.

He is sponsored by the National Grange and has been with us in this country almost a year, living with Mr. Donald Piper at Monmouth.

On behalf of the House, the Chair wishes to extend to him a most cordial welcome. The House is glad that he can see it attempting to make laws of Maine this morning. (Applause)

The SPEAKER: The House is continuing under House Reports, Item 29.

Divided Report Tabled

Majority Report of the Committee on Liquor Control reporting "Ought not to pass" on Bill "An Act relating to Hours of Sale of Liquor" (H. P. 840) (L. D. 930)

Report was signed by the following members:

Messrs. CARPENTER of Somerset
CRABTREE of Aroostook
— of the Senate.

Messrs. ANTHOINE of Windham
RICH of Charleston
Mrs. CHRISTIE of Presque Isle
Mr. CHARLES of Portland
— of the House.

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

Report was signed by the following members:

Mr. BOUCHER of Androscoggin
— of the Senate.

Messrs. PIERCE of Bucksport
DOSTIE of Winslow
COTE of Lewiston
— of the House.

Reports were read.

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

Mr. ANDERSON: Mr. Speaker and Members of the House: I have been asked to place this matter on the table in view of the fact that there is a similar bill in the Committee on Liquor Control. I do want to say, however, before I make the motion that even though I do make the motion I am not going along with the amendment that I see is attached to this bill.

I now make the motion that both reports lie on the table.

The SPEAKER: The gentleman from Greenville, Mr. Anderson, moves that the two Reports with accompanying papers lie on the table pending acceptance of either report. Is this the pleasure of the House?

The motion prevailed and the two Reports with accompanying papers were so tabled.

Divided Report Recommitted

Majority Report of the Committee on Taxation reporting "Ought not to pass" on Bill "An Act Creating a State School Building Fund and Providing Moneys Therefor" (H. P. 1015) (L. D. 1167)

Report was signed by the following members:

Messrs. LOW of Knox
CUMMINGS of Sagadahoc
ALBEE of Cumberland
— of the Senate.

Messrs. WILLEY of Ellsworth
WALSH of Brunswick
HANSON of Gardiner
SEAWARD of Kittery
SANFORD of
Dover-Foxcroft
— of the House.

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

Report was signed by the following members:

Messrs. REED of Fort Fairfield
DUQUETTE of Biddeford
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Brooks, Mr. Elwell.

Mr. ELWELL: Mr. Speaker and Members of the House: This is one of the most important bills that will come before this Legislature. This bill could underwrite to one degree or another the construction of sixty million dollars worth of school houses in the next twenty years. I hope that we can move very slowly and very thoughtfully on it. I frankly admit that I am not properly prepared this morning to defend this bill. There have been several important developments in the last few days, in fact, even since the

committee voted on this measure that would affect it seriously. I have talked with three members of the committee and two of the three whom I have talked with have told me within the last two hours that they might vote differently in view of information that is available to them now. The third was undecided.

Unknown to me a question of constitutionality has been raised against this bill, and I can say here now that this bill was drafted in the Attorney General's office and they have assured me that this is absolutely unfounded.

Another development that would affect this bill is an increase in the cigarette tax. A penny increase in the cigarette tax will mean that the tax will be a total of twenty-seven per cent on cigarettes. One of the chief arguments, in fact the only argument, against my bill was that it would place a twenty per cent tax on a small segment of the tobacco industry. If the increase in the cigarette tax goes through and this one does not, you would be reversing this argument and you would be placing a twenty-seven per cent tax on cigarettes and none on tobacco products, because my bill would propose a twenty per cent tax to support this school house construction.

Now, do not misunderstand me because I would favor the increase in the cigarette tax but if only one person out of every ten were to switch from smoking cigarettes to pipe tobacco, you would lose enough revenue to support this bill.

Another development which has been called to my attention by studying the laws in some of our neighboring states, I find that the State of New Hampshire pays the lowest subsidy percentage-wise to the towns of any state in the nation. I have also discovered that the State of New Hampshire subsidizes school house construction even more than I propose to do in this bill. I have also discovered that in the last two weeks the State of New Hampshire courts ruled unconstitutional a law that would place a tax on certain tobacco products and not on others. I do not say that that would apply to the State of Maine as far as our constitution goes but the prin-

ciple is certainly there. I have discussed this matter with several members of the Taxation Committee this morning, including the House Chairman, and asked him if he would be agreeable to returning this bill to committee for reconsideration and he assured me that he was and, Mr. Speaker, I so move that this bill be returned to committee.

The SPEAKER: The gentleman from Brooks, Mr. Elwell, moves that the two Reports and Bill be recommitted to the Committee on Taxation. Is this the pleasure of the House?

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

Mr. TOTMAN: Mr. Speaker and Members of the House: I agree with the gentleman from Brooks, Mr. Elwell, that this is indeed, on the face of it, a very important bill but I am reluctant to perhaps be in the position of using his bill to enter a protest on a matter of general principle. It appears to me that as each day goes by we all of us, and I frankly am probably as guilty as the rest of you, I have one bill on the table unassigned. If we ever get to the end of the calendar day, I will take it off. But it seems to me as each day goes by, we are putting more and more bills on the table, we are procrastinating the day of decision. We all individually believe that we can somehow save these bills by postponing the day of discussion before the House and I think it is equally serious to recommit these bills unless there is a more mass demand by the committee.

I just want to say that I have no particular objection to whatever is in this bill but I sincerely urge the members of the House to start to be a little bit critical, a little bit cautious of this procrastination continuing to recommit bills and table bills because if we don't watch out we are going to be here until the Fourth of July.

The SPEAKER: The question before the House is on the motion of the gentleman from Brooks, Mr. Elwell, that the two Reports and Bill "An Act Creating a State School Building Fund and Providing Monies Therefor", House Paper 1015, Legislative Document 1167, be re-committed to the Committee on Tax-

ation. Is this the pleasure of the House?

As many as are in favor of the matter being recommitted will indicate by saying aye; those opposed, no.

A viva voce vote being taken, the motion prevailed and the two Reports with accompanying papers were recommitted to the Committee on Taxation and sent up for concurrence.

Passed to Be Engrossed

Bill "An Act relating to Clerk Hire in the Office of the Recorder of the Portland Municipal Court" (S. P. 81) (L. D. 170)

Bill "An Act Increasing Salary of the Recorder of the South Portland Municipal Court" (S. P. 357) (L. D. 966)

Bill "An Act relating to Appointment of Collector and Assessors of Taxes and City Treasurer of City of Eastport" (S. P. 376) (L. D. 1072)

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

Third Reading Tabled

Bill "An Act Amending the Financial Responsibility Law" (S. P. 408) (L. D. 1183)

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

The SPEAKER: The Chair recognizes the gentleman from Mechanic Falls, Mr. Foster.

Mr. FOSTER: Mr. Speaker, this item is the one that I spoke about yesterday and I deferred making a motion to table it just to expedite matters. I do not know whether this is the proper time to make that motion. I so move.

The SPEAKER: The gentleman from Mechanic Falls, Mr. Foster, moves that Item 4, lie on the table pending third reading and be unassigned. Is this the pleasure of the House?

The motion prevailed and the Bill was so tabled.

Bill "An Act relating to Payments Received by State from Portland Terminal Company" (S. P. 530) (L. D. 1445)

Bill "An Act relating to Audit of Counties" (S. P. 533) (L. D. 1447)

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

Third Reader Tabled

Bill "An Act relating to Disposition of County Fees in Kennebec County" (S. P. 534) (L. D. 1448)

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

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

Mr. ANDERSON: Mr. Speaker and Members of the House: I believe I have an amendment to this bill. Before I offer the amendment, I would like to say that while one of the officers who had submitted his estimates to the county commissioners has now apparently changed his mind, the county commissioners themselves have not changed their minds and would like to see this affect Piscataquis County. I therefore offer House Amendment "A" to Legislative Document 1448 and move its adoption.

The SPEAKER: The Chair would request the gentleman from Greenville, Mr. Anderson, to kindly approach the rostrum.

(Conference at rostrum)

The SPEAKER: The gentleman from Greenville, Mr. Anderson, moves that House Amendment "A" be adopted.

The Chair recognizes the gentleman from Greenville, Mr. Anderson.

Mr. ANDERSON: Mr. Speaker, I move that this matter lie on the table pending the adoption of House Amendment "A".

The SPEAKER: The gentleman from Greenville, Mr. Anderson, moves that the Bill lie on the table pending adoption of House Amendment "A".

The Clerk will read House Amendment "A".

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

HOUSE AMENDMENT "A" to S. P. 534, L. D. 1448, Bill "An Act relating to Disposition of County Fees in Kennebec County"

Amend said Bill by adding to the Title the words 'and Piscataquis County'

Further amend said Bill by inserting at the beginning of the 1st line the underlined abbreviation and figure 'Sec. 1.'

Further amend said Bill by adding at the end thereof the following section:

"R. S., c. 89, Sec. 258, additional. Chapter 89 of the revised statutes is hereby amended by adding thereto a new section, to be numbered 258, to read as follows:

'Fees in Piscataquis County.

Sec. 258. Fees in Piscataquis County. All fees and charges of whatever nature, except charges for the publication of notices required by law, which may be payable to any county officer of Piscataquis county, shall be payable to the treasurer of Piscataquis county for the use and benefit of the county.'

The SPEAKER: The question before the House is on the motion of the gentleman from Greenville, Mr. Anderson, that this Bill lie on the table pending adoption of House Amendment "A". Is this the pleasure of the House?

The motion prevailed and the Bill with accompanying papers was so tabled.

Bill "An Act Increasing Salaries of Certain Officers of Lincoln County" (H. P. 125) (L. D. 128)

Bill "An Act relating to Compensation of Councillors of Town of Van Buren" (H. P. 236) (L. D. 215)

Bill "An Act relating to the Salary of the County Attorney of Hancock County" (H. P. 459) (L. D. 494)

Bill "An Act to Increase the Salary of the Judge of Western Hancock Municipal Court" (H. P. 857) (L. D. 943)

Bill "An Act Increasing the Salaries of the Judge and Recorder of Ellsworth Municipal Court" (H. P. 949) (L. D. 1052)

Bill "An Act Increasing Salary of County Treasurer of Hancock County" (H. P. 1083) (L. D. 1244)

Bill "An Act Providing for a Contingent Account for Androscooggin County" (H. P. 1139) (L. D. 1336)

Bill "An Act to Provide Fire Protection for Milton Township, Oxford County" (H. P. 1170) (L. D. 1405)

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

Third Reader

Tabled and Assigned

Bill "An Act relating to Membership on State Soil Conservation Committee" (H. P. 1193) (L. D. 1460)

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

(On motion of Mr. Woodworth of Benton, tabled pending third reading and specially assigned for Thursday, April 21).

Bill "An Act relating to Change of Purposes of Domestic Mutual Insurance Companies" (H. P. 1194) (L. D. 1461)

Resolve to Reimburse the City of South Portland for Support of Margaret Dawson (S. P. 215) (L. D. 556)

Resolve in favor of Chester Fredricks of Norridgewock (H. P. 183) (L. D. 1457)

Resolve in favor of the Town of Plymouth (H. P. 653) (L. D. 730)

Resolve in favor of Marcus Mitchell, of Temple (H. P. 872) (L. D. 1458)

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

Amended Bills

Bill "An Act relating to the Salaries of the County Commissioners of Cumberland County" (S. P. 83) (L. D. 172)

Bill "An Act relating to Wharf in Long Lake at Naples" (S. P. 206) (L. D. 500)

Bill "An Act relating to the Practice of Physical Therapy in the State of Maine" (S. P. 326) (L. D. 902)

Bill "An Act relating to Liens for Inheritance Taxes and Fixing a Period of Limitations Therefor" (S. P. 410) (L. D. 1174)

Bill "An Act to Incorporate the Orono-Veazie Water District" (H. P. 1156) (L. D. 1374)

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

Passed to Be Enacted Emergency Measure

An Act relating to the Closing of County Offices on Saturday (H. P. 79) (L. D. 76)

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. 110 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 Excise Tax on Aircraft (H. P. 123) (L. D. 126)

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

Passed to Be Enacted

An Act relating to Hunting of Woodcock (S. P. 183) (L. D. 435)

An Act Increasing Salary of the Recorder of the Augusta Municipal Court (S. P. 198) (L. D. 448)

An Act relating to Charges for Publication of Notices in Waldo County (S. P. 233) (L. D. 569)

An Act relating to Payments to Kennebec Law Library (S. P. 261) (L. D. 639)

An Act relating to Regulation of Boats and Canoes by Department of Inland Fisheries and Game (S. P. 295) (L. D. 804)

An Act Increasing the Salary of the Judge of the Gardiner Municipal Court (S. P. 355) (L. D. 964)

An Act Increasing the Salary of the Recorder of the Gardiner Municipal Court (S. P. 356) (L. D. 965)

An Act relating to Compensation of Members of Advisory Committee on Budget (S. P. 365) (L. D. 1061)

An Act relating to Expenses of Persons Committed to State Prison for Safe-keeping (S. P. 392) (L. D. 1106)

An Act relating to Discharge in Bankruptcy Re Financial Responsibility Law (S. P. 409) (L. D. 1173)

An Act Modifying and Clarifying the Rule Against Perpetuities (S. P. 411) (L. D. 1175)

An Act relating to Burial Expenses Under Old Age Assistance Laws (S. P. 419) (L. D. 1180)

An Act Providing for Compensation for Members of the Board of Education of the City of Rockland (S. P. 423) (L. D. 1169)

An Act Providing for an Inter-leader Compact (S. P. 448) (L. D. 1240)

An Act relating to Kennel License Fees (S. P. 467) (L. D. 1310)

An Act relating to the Keeping of Records by Persons in the Business of Selling Dogs (S. P. 468) (L. D. 1311)

An Act relating to Examination of Dog Shelters (S. P. 470) (L. D. 1313)

An Act Amending the Charter of the Lewiston Gas Light Company (S. P. 492) (L. D. 1359)

An Act relating to Academy Contracts (S. P. 516) (L. D. 1409)

An Act relating to Amending Declaration or Pleading Anew After Demurrer (H. P. 360) (L. D. 398)

An Act Creating the Pittsfield Utilities District (H. P. 499) (L. D. 550)

An Act relating to Special Mobile Equipment Under Motor Vehicle Laws (H. P. 652) (L. D. 729)

An Act relating to Excise Tax on Malt Liquor (H. P. 672) (L. D. 748)

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

The SPEAKER: With respect to these first twenty-five items of Enactors, the Chair will inquire if any member wishes to take up one of them?

The Chair recognizes the gentleman from West Gardiner, Mr. Martin.

Mr. MARTIN: Mr. Speaker, I think that the worthy ladies and gentlemen of this House wish to be

fair and impartial and therefore I would hope that one of them would make an amendment with reference to Item 3 and the amendment might read: "and other Senators." (Laughter)

The SPEAKER: The first twenty-five enactors will be taken up at this time, enacted as a group and then the House will proceed to the next twenty-five.

Is there any member who wishes to table any one of the first twenty-five enactors or have it considered singly?

Thereupon, the Bills were passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Defining Boundaries of Jefferson and Whitefield Game Preserve (H. P. 740) (L. D. 821)

An Act relating to Restrictions on Turnpikes (H. P. 752) (L. D. 833)

An Act relating to Salaries of the Judge, Clerk and Clerk Hire of the Auburn Municipal Court (H. P. 803) (L. D. 877)

An Act Exempting Foreign Charitable Corporations from Certain Fees (H. P. 855) (L. D. 941)

An Act relating to Payments in Knox County Law Library (H. P. 858) (L. D. 944)

An Act relative to the Number of Employees Under Group Accident and Sickness Insurance Policies (H. P. 868) (L. D. 980)

An Act relating to Open Season on Deer in Towns of Deer Isle and Stonington (H. P. 897) (L. D. 1005)

An Act relating to Bonds to Towns for License to Build Fish Weirs (H. P. 938) (L. D. 1041)

An Act to Permit Counties to Use Surplus Funds (H. P. 946) (L. D. 1049)

An Act relating to Salary of the Recorder and Clerk Hire of the Lewiston Municipal Court (H. P. 1022) (L. D. 1162)

An Act relating to Procedure in Cruelty to Animals Laws (H. P. 1030) (L. D. 1202)

An Act relating to Service of Process on Nonresidents in Motor Vehicle Laws (H. P. 1042) (L. D. 1217)

An Act Changing Name of Rumford and Mexico Water District to

Rumford Water District (H. P. 1047) (L. D. 1222)

An Act Increasing the Salary of the Judge of Western Oxford Municipal Court (H. P. 1051) (L. D. 1226)

An Act Amending the Charter of the City of Calais (H. P. 1071) (L. D. 1266)

An Act to Grant a Charter to the Town of Brunswick (H. P. 1075) (L. D. 1270)

An Act relating to Number of Employees under Group Life Insurance Policies (H. P. 1094) (L. D. 1277)

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

Enactor

Tabled and Assigned

An Act relating to Election of Chairman of State Committees of Political Parties (H. P. 1128) (L. D. 1326)

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

(On motion of Mr. Childs of Portland, tabled pending passage to be enacted and specially assigned for Friday, April 15.)

An Act Amending the Laws on Registration of Pediatricists (H. P. 1135) (L. D. 1333)

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

Enactor

Tabled Until Later Today

An Act relating to Open Season on Otter and Fisher (H. P. 1161) (L. D. 1387)

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

(On motion of Mr. Childs of Portland, tabled pending passage to be enacted and assigned for later in today's session.)

The SPEAKER: With respect to Items 26 through 45, the Chair will inquire if any member wishes to table one of those items before they are passed to be enacted?

Thereupon, Mr. Childs of Portland moved with reference to Items 43 and 45.

The Bills, with the exception of Items 43 and 45 were then passed to be enacted, signed by the Speaker and sent to the Senate.

Finally Passed

Resolve Regulating Fishing for Black Bass Through the Ice in Knox County (S. P. 312) (L. D. 851)

Resolve Authorizing Commissioner of Institutional Service to Convey to Portland Water District a Right-of-Way for a Pipeline from the Falmouth Shore to Mackworth Island in Portland Harbor, Casco Bay (S. P. 505) (L. D. 1386)

Resolve Regulating Ice Fishing in Broken Bridge Pond, Oxford County (S. P. 520) (L. D. 1415)

Resolve Regulating Fishing in Chain of Ponds in Chain of Ponds Township, County of Franklin (H. P. 473) (L. D. 518)

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

Resolve on Final Passage Tabled and Assigned

Resolve Regulating Fishing in All River Tributaries at Sebago Lake (H. P. 743) (L. D. 824)

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

(On motion of Mr. Edwards of Raymond, tabled pending final passage and specially assigned for Friday, April 15.)

Resolve Prohibiting Use of Fish as Bait in Certain Lakes in Aroostook County (H. P. 782) (L. D. 865)

Resolve Regulating Taking of Alewives from Dennysville River, Washington County (H. P. 1172) (L. D. 1410)

Resolve Authorizing the Forest Commissioner to Cut Certain Growth on Route 17 (H. P. 1174) (L. D. 1412)

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

The SPEAKER: With respect to these resolves, Items 46 through 53, the Chair will inquire if any member wishes one of them tabled or passed over at this time?

Thereupon, Mr. Edwards of Raymond moved with respect to Item 50.

The Resolves with the exception of Item 50 were finally passed, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act relating to Moving Motor Vehicles Seized on Attachment (S. P. 432) (L. D. 1191)

An Act relating to Death Benefits Paid by Fraternal Beneficiary Societies on Account of Children (S. P. 511) (L. D. 1401)

An Act Increasing Salaries of Certain Officers in Washington County (H. P. 169) (L. D. 160)

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

Enactor

Tabled and Assigned

An Act to Incorporate the "Mutual Finance Co." (H. P. 427) (L. D. 473)

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

(On motion of Miss Cormier of Rumford, tabled pending passage to be enacted and specially assigned for Thursday, April 21.)

Enactor

Tabled and Assigned

An Act to Incorporate the Equitable Loan Co. (H. P. 479) (L. D. 524)

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

(On motion of Miss Cormier of Rumford, tabled pending passage to be enacted and specially assigned for Thursday, April 21)

Enactor

Tabled and Assigned

An Act to Incorporate the State Finance Co. (H. P. 430) (L. D. 525)

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

(On motion of Mr. Knight of Searsmont, tabled pending passage to be enacted and specially assigned for Thursday, April 21.)

Enactor

Tabled and Assigned

An Act to Incorporate the Beacon Finance Company (H. P. 485) (L. D. 530)

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

(On motion of Mr. Knight of Searsmont, tabled pending passage to be enacted and specially assigned for Thursday, April 21.)

An Act relating to Tuition of Students Living on Chebeague Island, Cumberland County (H. P. 527) (L. D. 586)

An Act relating to Hunting for Raccoons at Night (H. P. 535) (L. D. 592)

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

Enactor

Tabled and Assigned

An Act to Incorporate the Time Finance Corporation of Maine (H. P. 706) (L. D. 774)

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

(On motion of Mr. Knight of Searsmont, tabled pending passage to be enacted and specially assigned for Thursday, April 21.)

Enactor

Tabled and Assigned

An Act to Incorporate Auto Finance Co. (H. P. 827) (L. D. 919)

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

(On motion of Mr. Knight of Searsmont, tabled pending passage to be enacted and specially assigned for Thursday, April 21.)

Enactor

Tabled and Assigned

An Act to Incorporate the "Portland Thrift Company" (H. P. 828) (L. D. 920)

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

(On motion of Mr. Knight of Searsmont, tabled pending passage to be enacted and specially assigned for Thursday, April 21.)

An Act Prohibiting Certain Forms of Dividend Life Insurance (H. P. 1177) (L. D. 1417)

An Act relating to Making Insurance by Stock Companies (H. P. 1178) (L. D. 1418)

Finally Passed

Resolve Regulating Ice Fishing in Twitchell Pond, Oxford County (S. P. 283) (L. D. 795)

Resolve Appropriating Money for the Preparation of Educational Materials on Maine for Schools (S. P. 457) (L. D. 1287)

Resolve relating to Night Fishing for Smelts in Long Lake, Aroostook County (H. P. 478) (L. D. 523)

Resolve Closing Alewife Pond in Kennebunk to Ice Fishing (H. P. 536) (L. D. 593)

Resolve in favor of Helen M. Madsen of Portland (H. P. 1171) (L. D. 1406)

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

The SPEAKER: With respect to Items 54 through 72, the Chair will inquire if any member wishes to table or pass over an item at this time.

Thereupon, Miss Cormier of Rumford moved with respect to Items 57 and 58; Mr. Knight of Sears-mont moved with respect to Items 59, 60, 63, 64, and 65.

The SPEAKER: The Chair recognizes the gentleman from Sears-mont, Mr. Knight.

Mr. KNIGHT: Mr. Speaker, may I explain my action in doing this?

The SPEAKER: The Chair will request the gentleman to kindly defer.

Thereupon, with the exception of Items 57, 58, 59, 60, 63, 64, and 65, the Bills were passed to be enacted, the Resolves finally passed, signed by the Speaker and sent to the Senate.

Item 45, which was tabled until later today on motion of the gentleman from Portland, Mr. Childs.

An Act relating to Open Season on Otter and Fisher (H. P. 1161) (L. D. 1387)

The SPEAKER: The Chair recognizes the gentleman from Topsham, Mr. Jack.

Mr. JACK: Mr. Speaker and Ladies and Gentlemen of the House: I am very much interested in game and the conservation of game. 170

years ago there were fifty million buffalo on the plains of this United States. The government hired men and furnished them with ammunition to shoot them off. At the last of it, they were only taking the tongues from these beautiful animals and leaving the carcasses to rot upon the plains. The government for a number of years has tried to save these beautiful animals; there are about 500 left. We had thousands of elk in the State of Maine which have vanished. We had thousands of carrier pigeons which have vanished. The moose and the bear are the only two large animals that we have got left. There are about 1500 moose left. The sage hen has passed out of existence and the great writers who have heard of that beautiful bird for years. We start in too late to conserve this stuff. Our bear, the largest animal at the present time outside of our moose, this State of Maine last year paid the trappers and the hunters \$8,000 to kill them off. They paid \$640 for investigation on bounties. We are right in the same category as we were back in that beautiful herd of buffalo.

We have a bill before us, members, Item 45, relating to open season on otter and fisher. It came out with a pamphlet from the Fish and Game Department that they were so thick feed was getting scarce. Their main feed was porcupine. Well, members, just stop and think of that. They want to kill the fisher off because the porcupines are getting scarce. The Great Northern claims today that two million dollars worth of lumber is spoiled by the porcupines each year. They are a menace to dogs; they are a menace to gardens. They bore right through there. The brunt of the corn damage that your porcupines cause is in these gardens. This little animal, the fisher, I hunted for fifty-five years. I never have seen one yet in the State of Maine or elsewhere. They are a little animal that weighs about five to eight pounds. They harm nothing only for their own food. That food is practically squirrels if they can get them, otherwise it is porcupine. If they get scarce, they will eat rabbits and some birds. They have young

ones once in two years, a litter of from two to four so they can not increase too fast. They wanted to take this law off them I think around twelve years ago for one month and nearly cleaned them out. It is an animal that walks around, they run in a circle, you find their tracks in the snow, you set your trap there and in a week or so they are coming back to that same circle.

They also got out a pamphlet that the rabbits were too thick in the north, that they were eating feed in the yards of the deer. Now, if that isn't a funny coincidence. A six foot rabbit running around gnawing the cedar off of the trees. Now a rabbit has a home of a quarter of a mile in radius. If that feed gets scarce, he pays no rent, he moves over again and has good feed.

Now, they are trying in every way to clean up our game in the north. At the present time with this State's population of 930,000, we have licensed trappers of 1124, organized trappers of 662. It has gotten so that there is little game left in the north and these trappers come down here and they tell us that they have got to be taken care of. They tell the Fish and Game they are getting too thick. Consequently, the poor little fisher, the hides today are worth about twenty-five bucks. The male fisher is worth about five. Now, if they are too thick, ladies and gentlemen, let's have them trap them and bring them down where there are plenty of porcupines and help conserve these corn crops and the other things in this part of the State. They are just as easy to trap in a box trap as a rabbit.

I hope that you will consider this and also on the otter. The otter is a gentleman of the fur family, an animal that has been trained. Possibly you have seen pictures of this animal or seen him at the Sportsmen's Show in Boston. It is one of the slickest animals there are, a rugged, fighting animal, which play just like children. They run and slide on the ice just as a kid does. I hope you all will be in a position to help preserve these animals and see that this bill does not pass. I thank you.

The SPEAKER: The Chair recognizes the gentleman from Medway, Mr. Potter.

Mr. POTTER: Mr. Speaker and Members of the House: Your Fish and Game Committee spent a great deal of time studying this bill. In fact, if you will notice, it came out in new draft because we had so many amendments it was impossible to put them all on the original bill. We consulted the biologists, we consulted the trappers, we consulted the Fish and Game Wardens, we consulted men who have spent a great deal of time in the woods and they are not interested either in trapping or our fish and game. They are simply men who spend their time in the woods and know what is going on.

At the present time, the northern area of the State of Maine has the greatest fisher population of any area in North America. For a good many years the fisher there have been protected. We had an open season a few years ago but the trappers didn't bother very much with fisher, they caught very few, they were more interested in catching beaver which were higher in price at that time. The population is getting so large now that already this year there have been seventy-two fishers caught by accident by men trapping for bobcat. Two weeks ago, I happened to be on a radio program with Al Nugent who has a camp at Chamberlain Lakes. He said up there that he had given up trapping bobcat because there were so many fisher they got in his traps and he did not like to destroy the fisher when he was not allowed to keep them.

Now, this fisher feeds on porcupine while he has porcupine. When he does not have porcupine, then he feeds on game birds. He feeds on a partridge or a woodcock. He has got to feed and in the northern areas they have become so thick that they have no more porcupine and they are feeding on lamb, deer and on partridge. They are starting in to.

Now, we do not want the fisher to spread into our southern areas. The fisher is an animal, I think perhaps the gentleman from Topsham, Mr. Jack, said he had never

seen one. They are very sly but the larger ones weigh around thirty pounds. If they spread into our farming areas, they would be far more damaging to our poultry and to our small livestock, little lambs, than coons or foxes have ever been. Their home is in the North Woods and as long as we keep them there, they are a nice animal and we do not want to deplete the supply yet we do not want them to get too thick.

This bill should not really concern the southern part of the State. As you will notice, if you will read the bill, it takes in an area north of the Appalachian Trail and west of Route 11. The bill was written up particularly in that manner so that we would not be trapping fisher where the population was not too large. The bill is also written up so that at any time in any part of this area if the Commissioner thinks that too many are being trapped then with the approval of its Advisory Council, he can close the area. It is good protection. It also asks for a fifty cent stamping fee on each hide taken. Now, the fifty cent fee is not a revenue-producing measure. It is simply a measure whereby the Department will know how many fisher are being caught. If they are catching too many, the Commissioner can automatically close the season. It is a two-year law. We want to see how it will work out. The trappers have asked for it. The woodsmen have asked for it and I believe it is a good law. We have done a lot of study on fisher. Mel Coulter of the University of Maine, who is probably the greatest authority on fisher in the United States has recommended portions of this law and helped your committee in drafting the time of year when they should be trapped.

I hope that the members of this House will see fit to go along with the work that your Inland Fish and Game Committee has done. I move "Ought to pass" on this motion and ask for a division.

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

Mr. KNIGHT: Mr. Speaker and Members of the House: If I understood my good friend, the gentleman

from Medway (Mr. Potter) correctly that the dietary requirements of the fisher are porcupine, I think the farmers of Waldo County would welcome an invasion of these beasts there.

The SPEAKER: The Chair recognizes the gentleman from Topsham, Mr. Jack.

Mr. JACK: Mr. Speaker and Ladies and Gentlemen: My good friend, the gentleman from Medway, Mr. Potter, says that these fisher are eating the woodcock and the partridge. The land where these fisher are located, as he specifies himself, is not a woodcock cover and I doubt if he could find a woodcock in that territory unless it is open. He also says that the trappers favor this bill; why shouldn't they? The woodsmen favor it; I do not know why. They do not harm trees or anything. If it was the porcupines they were favoring, I would admit that they were right. I do not think the argument on this bill is too sound on the points that he brought out.

The SPEAKER: The question before the House is on the passage to be enacted of Item 45, An Act relating to Open Season on Otter and Fisher.

The Chair recognizes the gentleman from Portage Lake, Mr. Cook.

Mr. COOK: Mr. Speaker, I would like to address a question to the gentleman from Medway, Mr. Potter, through the Chair if I may.

The SPEAKER: The gentleman may state his question.

Mr. COOK: Mr. Speaker, in the bill it mentions in the first sentence, I believe, "The open season on otter shall be during the month of November and from January 1 to February 28, inclusive, of each year." I was wondering if he thinks there is any conflict between that and the two-year provision down below. In other words, can it go beyond two years without another bill or what?

The SPEAKER: The gentleman from Portage Lake, Mr. Cook, addresses a question through the Chair to either the gentleman from Medway, Mr. Potter, or the gentleman from Topsham, Mr. Jack. Either gentleman may answer if he so chooses.

Mr. POTTER: Mr. Speaker, I do not think there is any conflict in the two bills. The Director of Legislative Research helped us go over this very thoroughly so that the bill would state just what we wished it to state. I think there is no conflict or anything wrong with the bill as it is written.

The SPEAKER: The question before the House is on the passage to be enacted of An Act relating to Open Season on Otter and Fisher, House Paper 1161, Legislative Document 1387.

The Chair recognizes the gentleman from Rangeley, Mr. Harnden.

Mr. HARNDEN: Mr. Speaker and Members of the House: I think our game biologists have given this fisher thing a lot of study and they tell us that they have increased greatly in certain areas and the area which they recommend to open up is a comparatively small area in the northern section and I think they should listen to them when it comes to a thing of this kind.

The SPEAKER: For what purpose does the gentleman from Topsham, Mr. Jack, rise?

Mr. JACK: Mr. Speaker, I would like to have this—

The SPEAKER: For what purpose does the gentleman rise?

Mr. JACK: Mr. Speaker, well, to indefinitely postpone this bill.

The SPEAKER: The gentleman from Topsham, Mr. Jack, moves that An Act relating to Open Season on Otter and Fisher, House Paper 1161, Legislative Document 1387, be indefinitely postponed.

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

Mr. CHILDS: Mr. Speaker, I request a division on that motion.

The SPEAKER: The gentleman from Portland, Mr. Childs, has requested a division.

As many as are in favor of indefinite postponement from further consideration of An Act relating to Open Season on Otter and Fisher, House Paper 1161, Legislative Document 1387, will kindly rise and remain standing in their places until the monitors have made and returned the count.

A division of the House was had.

Thirty-three having voted in the affirmative and fifty-four having

voted in the negative, the motion did not prevail.

The SPEAKER: The Chair would state that yesterday, at the request of the gentleman from Cumberland, Mr. Call, Rule 22 with respect to voting as present was read by the Clerk of the House. The Chair thinks that perhaps nothing more need be said.

This Bill having had its three several readings in the House and having been passed to be engrossed and having had its two several readings in the Senate and having been passed to be engrossed and the Committee on Engrossed Bills having reported that it is truly and strictly engrossed, is it now the pleasure of the House that it be passed to be enacted?

The Bill will be passed to be enacted. It will be signed by the Speaker and sent to the Senate.

The SPEAKER: At this time, is there objection to the Clerk reading a notice out of order? The Chair hears none and the Clerk will read one notice out of order.

Orders of the Day

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Jennings.

Mr. JENNINGS: Mr. Speaker, I rise to ask reconsideration of a bill.

The SPEAKER: The motion to reconsider is in order. With respect to what bill does the gentleman wish to make a motion?

Mr. JENNINGS: Mr. Speaker, with respect to House Paper 651.

The SPEAKER: The Chair would state that that report is in possession of the House, and the gentleman may make his motion.

Mr. JENNINGS: Mr. Speaker, I move that we reconsider our vote here in the House that we took yesterday and bring it back in the House.

The SPEAKER: The gentleman from Strong, Mr. Jennings, moves that the House reconsider its action whereby yesterday it accepted the Majority "Ought not to pass" Report of the Committee on Highways on Bill "An Act relating to Terms of Office and Salaries of the State Highway Commission", House Paper 651, Legislative Document 728.

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

Mr. CHILDS: Mr. Speaker, through the Chair, I would like to ask the gentleman from Strong whether he voted on the motion yesterday, yes, which was the prevailing motion on the acceptance of the Majority "Ought not to pass" Report or whether he voted no, if he cares to answer.

The SPEAKER: The gentleman from Portland, Mr. Childs, addresses a question through the Chair to the gentleman from Strong, Mr. Jennings, who may answer if he so chooses.

Mr. JENNINGS: I so choose, Mr. Speaker. I voted yes on the "Ought not to pass" report.

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

Mr. McGLAULIN: Mr. Speaker and Members of the House: I think this is much ado about nothing. I want to point out to you why I am opposed to such reconsideration. In the first place, 58 persons voted against the bill. It requires a constitutional amendment—let me see if I am right, does it require a constitutional amendment Mr. Speaker?

The SPEAKER: The Chair would state for the information of the gentleman from Portland, Mr. McGlaulin, the bill is "An Act relating to Term of Office and Salaries of the State Highway Commission". It is not a constitutional resolve.

Mr. McGLAULIN: All right, Mr. Speaker. Some years ago there was a bill introduced that a member of the Supreme Court if he took a case against the State of Maine after he was retired, that he would lose his pension. It was aimed at Justice Pattangall. He came before the Judiciary Committee and pointed out that it was unconstitutional for them to pass such a measure for the reason that while he was an Active Justice the State of Maine had said to him, "If you will retire at this time, you can have your pension for life." That was a contract, and under the constitution you cannot break a contract by an enactment of law. The Judiciary Committee decided that that was unconstitutional, that you could not deprive that man of his pension by enacting

a law in this Legislature. To me, this is a similar case. The Act is evidently aimed at Mr. Stevens. Mr. Stevens was employed in a good position. The State practically said to him: If you give up that position and take a seven-year term on this Commission we will give you that appointment, and he accepted. In my opinion, he can force the State of Maine to pay him for the seven-year term unless he is ousted for cause. I think it is just wasting time to reconsider this measure and have it back and forth here for another two weeks. I am against reconsideration.

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

Mr. CALL: Mr. Speaker and Members of the House: Much ado about nothing. The gentleman from Portland, my good friend, Mr. McGlaulin, has just said that they, perhaps Mr. Stevens in person, could sue or demand payment for the rest of his unexpired term of office if he was released from his duties. At the start of the session I took time to go to Mr. Slosberg's office to see about reapportionment. I was vitally interested in the future. In 1961 reapportionment after the federal census is taken, should come up onto the floor of this House again, and the counties be reapportioned according to the population. I was told by Mr. Slosberg that I had no right to dictate to any future body that comes into this house. I can make a law but the next session of the Legislature any member could have that law that I made revoked if he could get it passed on the floor of this House and the other branch.

The reason that three or four of us got together and wanted to bring back onto the floor of this House this bill, is the simple fact that the other bill we felt it was not given justice by the majority of the people on the floor exercising their right to vote. That is why I asked the Speaker to have the Clerk read Rule 22, that while you are on the floor of this House you must exercise your rights either yea or nay. Now I do not want to take up a lot of time this morning giving you something that you already know.

We feel that if Mr. Stevens does a good job that Mr. Stevens will be retained. He does not have to have a seven-year appointment to prove it, all he has to do is serve as he is serving now and when his appointment comes up again I feel sure whoever is Governor of the State of Maine would not remove him. Now as far as being asked to take over and brought over to the job that he now has, that was done by the late Governor Cross who was in office the last year—excuse me, I beg your pardon and I apologize to Mr. Cross.

The SPEAKER: The Chair would state the phrase "the late" is often used to refer to a person deceased.

Mr. CALL: I understand, excuse me, Mr. Speaker. I hope my apology is taken. That is why we feel this morning after careful consideration on this floor by the members that you will act either one way or the other. I hope that you will go along with us.

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

Mr. CHILDS: Mr. Speaker and Members of the House: I also find it necessary to go along with the gentleman from Portland, Mr. McGlaulin. I certainly believe that this House does not want to pass legislation which would later be declared unconstitutional. I respect the opinion of Mr. Slosberg, but I also respect the opinion of the Supreme Court of this State. I think this matter was given a full hearing yesterday. All the facts were brought out and nothing more can be added. As far as giving one the right to exercise their franchise to vote in this House, they had that right. If they did not care to take advantage of it, that is not within our province. There is no way that you can force one to vote in this House. Under Rule 22 it states that everybody shall vote, but you certainly cannot make them. If they care to sit there in their seats they cannot be forced to vote. I certainly feel we are going to be wasting the time of this House if we reconsider this matter. I am of the opinion it was given a full hearing and was completely disposed of.

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen: I am rather grieved that this question takes a personal issue. I do not think a personal issue of anyone enters into this thing whatever. I think that the thing was not properly done yesterday and it is simple to have it done, and I am not a lawyer as the leader of the House is, but I wonder just what the word "shall" means. It does not mean "may" in my dictionary and my limited education of law, and when it says they shall vote it does not mean they may vote, it means they shall, unless excused. Now I would be very happy as a member of this House to excuse anyone that did not want to stand up and be counted on anything because I could draw my own conclusions what the trouble was, so I think this does not enter into it I think we should for the satisfaction of all concerned, and the people back home, stand up here and be counted, and if we do not want to be counted, to so state, and get out of the picture, and I hope that personalities do not enter into this thing whatsoever because I do not feel it does enter into it whatever.

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

Mr. MCGLAULIN: Mr. Speaker, I just want to say that I agree with Mr. Childs, the gentleman from Portland, that there is not any law constitutional or otherwise that can compel you to vote if you do not want to. The rule says you shall vote, but it is like having a law with no penalty, what are you going to do about it. One other word on this point. This Commissioner has an appointment for seven years. Almos: everybody that mentioned him yesterday said that he was a good Commissioner. It was pointed out also that he can be removed for cause at any time. Why should we change this provision of the law that he should serve for seven years when everything is going along smoothly? You have got a competent Commissioner, you have not any reason at all to shorten his term. This is just an attempt on the

part of a few people who do not like Mr. Stevens because he is kind of curt sometimes, and I certainly think that we should not reconsider this vote.

The SPEAKER: The Chair recognizes the gentleman from Hanover, Mr. Ferguson.

Mr. FERGUSON: Mr. Speaker and Members of the House: I think that my good friend the gentleman from Portland, Mr. McGlaufflin, has covered everything pretty well, but you know, members who were here in the 96th Legislature, that this job or position was created by that body, and created for seven years. When you get into personalities I do think that sometimes we are getting into personalities because I am a little bit suspicious of so many bills that came before this body on this very same question. We have not many more, I think one or two offices, that are administrative, that are appointed for seven years. If you take your Senate-House Register you can see that running down over the names that we sometimes have got to go out of the state to get people to fill those positions. With the scarcity of highly trained engineers, not only the State but private industry are reaching out to outside the State for people to serve in state departments. I feel and I think that this question was given a thorough airing yesterday, nobody was shut off, everybody had a right to vote, and I hope the motion to reconsider this bill does not prevail.

The SPEAKER: The Chair recognizes the gentleman from New Sharon, Mr. Caswell.

Mr. CASWELL: Mr. Speaker, yesterday I will admit that this bill was fully and exhaustively and perhaps exhaustingly debated yesterday, but there are one or two things that have not been brought out. One member yesterday I remember stated that we should not legislate for one man. I would not fully subscribe to that because I think in this matter we are legislating for the whole State. Another member gave some directions to the new members. Now I would like to point out that if my memory serves me correctly, that the 95th Legislature not only passed an act referring only to one man, but it was an act that required a constitutional amend-

ment, and that also was passed. If I am in error in that I will stand corrected, but I think that is so.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: One point here would appear to me as to whether or not we have the right—I would not say as to whether or not we have a right to legislate Mr. Stevens out of office, but it would appear evident to me that this Legislature definitely has the right to change the term of office in this act from seven to three years.

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

Mr. DENBOW: Mr. Speaker and Members of the House: I want to say a few words on this matter, and while I have every respect for the judgment of my good friend the gentleman from Portland, Mr. McGlaufflin, and the gentleman from Portland, Mr. Childs, I have been informed by the Attorney General's office that there is absolutely nothing wrong as far as the constitutionality of this goes, only this morning. I think the mention of such a thing is simply meant to throw mud in the eyes of some of the people. I would like to see it voted on again and I firmly believe that this is not attempted to affect particularly any one man. It is not a matter of personalities and it should not be. When the gentleman from Portland, Mr. McGlaufflin, says that only a few people are interested, I leave that to your own judgment by the folks that voted yesterday. I hope it is revoted.

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

Mr. CHILDS: Mr. Speaker and Members of the House: So there will be no question this time on whether all vote and how they care to vote on it, I request a roll call vote on it, and I am of the opinion that those who vote that this be reconsidered are doing nothing but putting the job of the Chairman of the Highway Commission back into politics.

The SPEAKER: The gentleman from Portland, Mr. Childs, has requested a roll call. The Chair would

inquire whether he requests a roll call at this time or when the vote is eventually to be taken?

Mr. CHILDS: Mr. Speaker, when the vote is taken for the reconsideration.

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

Miss CORMIER: Mr. Speaker and Members of the House: I had no intention whatsoever of speaking on this, but I do not like to be made a scapegoat. If this is not a personal matter; if this is merely to change from seven to three years, then I do not see that it would harm the State of Maine one bit if at the end of the term of this gentleman with whom we have entered into a contract we change from seven to three, then we would be saying that this is not aimed at any one person, but that we wish to change the seven to three. I ask you personally, if you were taken from one job and hired for a job to serve at a certain amount of money for seven years, would you like someone to come down here to the Legislature and legislate you out of a job? That was the only interest that I have. I think there is a sense of fair play. The gentleman involved has said no to me several times and I felt that I was right when he said no, and perhaps I am not any keener about him than some of the other members, but I feel that there is definitely an item of fair play in here, and I think that we should ask ourselves "How would I like to be treated if I were in this position?" I think that that is the crux of the matter and that is what we should decide this morning. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Jennings.

Mr. JENNINGS: Mr. Speaker and Members of the House: I would like to make it clear my reason for making this motion. We in the House should, as far as we can, work harmoniously together, and yesterday some in the House felt that we did not receive a fair vote. My only reason for asking for this was to clarify and to know that we all had the expression of the vote. I am heartily in favor of the way that I voted

yesterday and the majority voted yesterday. I have full faith in our Highway Commission and in our highway program. This highway program has to be a long range program, and I have been greatly interested from the beginning of the session. My only thought now is to make it clear why I asked for this reconsideration is to clarify the feelings of some that thought we did not get a fair vote.

The SPEAKER: The Chair recognizes the gentleman from Brooks, Mr. Elwell.

Mr. ELWELL: Mr. Speaker and Members of the House: I agree with the gentlewoman from Rumford, Miss Cormier, that certainly we should consider ethics here to the utmost degree. However, I think if it is a matter of ethics that we should certainly look into it from that standpoint, and I would say that it would be a poor rule that did not work both ways. Now if you looked at your bill down in part of the section that is crossed out, it says that in setting the salary of the Chairman of the Highway Commission that sets the salary at \$12,000 a year and then it says that each member of the Commission except the Chairman shall receive his actual expenses incurred in the performance of his official duties while away from home. Now just for a point of clarification on this particular thing, I would like to ask the House Chairman of the Highway Committee through the Chair, if I may, does the Chairman of the State Highway Commission have an expense account?

The SPEAKER: The gentleman from Brooks, Mr. Elwell, addresses a question through the Chair to the gentleman from Hanover, Mr. Ferguson, who may answer if he so chooses.

Mr. FERGUSON: Mr. Speaker, I cannot answer that one. I have not checked on the expense accounts, I am sorry.

The SPEAKER: The Chair recognizes the gentleman from Brooks, Mr. Elwell.

Mr. ELWELL: Mr. Speaker, I will say that that statement appeared in print in the papers last summer that the Chairman of the Commission did have an expense

account, and I have not heard it refuted.

Now I would like to say further on the matter of ethics. I have had occasion as you people may know, to go before the Highway Committee at least six times in the course of my serving in this seat. Perhaps it might be a little more pertinent to say at this time that if anybody thinks that I might be prejudiced, that if it were not for this particular issue that you people voted on yesterday, I would not be in this seat, and if you continue in the action that you took yesterday, you certainly will help me in coming back. But this particular matter that I am vitally concerned with is the problem as it affects the rural people of our State, and I have had occasion to go before the Highway Committee at least six times, and the third time I went before them, this is what I said. I said: "You people of the Committee will remember that I have come to you three times to change a law, and in no one of the three cases did I have any quarrel with the law as it was written, as it had been followed by previous highway commissions and is as currently interpreted by the present Attorney General of the State of Maine." You heard the Chairman of the Highway Committee in the House yesterday agree with me that the Attorney General interpreted the law contrary to the policy which the gentleman from Cornish, Mr. Evans, explained was the policy of the present Highway Commission. Now we are getting down to ethics and people's rights under the law. Now in these three bills that I put in, where the rural people whom I represent and see were injured and quite concerned, as a matter of fact to the point where many of you know they changed the course of an election, in all three of these cases, the Committee has concurred in my belief. Twice they reported bills out favorably that I presented, and yesterday you heard one debated where they agreed and the bill is placed on the table due to technical reasons. Here again the reason why it is on the table and was not reported out favorably was because it just did not want to bring

this point into focus. Now what I say is this, that if the Commission can get around these laws and crawl through these small loopholes, are we not getting down to a pretty fine point of ethics when we say that these rules shall not apply here? And I say that these people whom I represent back in the rural districts are quite concerned, and I think that their rights are very vital and their future is very vital to the welfare of the State of Maine, and I think that when these issues come up that there is no better thing that we can do than to resolve them on the Statutes of the State, and on the Constitution and even back further than the State Constitution, the Federal Constitution. The very preamble to that Federal Constitution says: "We hold these truths to be self evident, that all men are created equal, and endowed by their Creator with certain unalienable rights" and that amongst these are "life, liberty and the pursuit of happiness." Now I say that those rights are as inherent to the people who live in the small towns as they are to the Chairman of the Maine State Highway Commission.

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

Mr. MALENFANT: Mr. Speaker and Members of the House: I am very much interested in this matter because I have a bill that I am going to bring before you similar to this case to cut down the term of office of one of our city officials. At least a three year term is long enough for any state or city official. With a long term in office they become too much independent, they do not give us good service, and I hope the motion of the gentleman from Strong, Mr. Jennings, prevails.

The SPEAKER: The Chair would state that the question before the House is on the motion of the gentleman from Strong, Mr. Jennings, that the House reconsider its action of yesterday whereby it accepted the Majority "Ought not to pass" Report of the Committee on Highways on Bill "An Act relating to Terms of Office and Salaries of the State Highway Commission", House Paper 651, Legislative Document 728.

The Chair recognizes the gentleman from Warren, Mr. McCluskey.

Mr. McCLUSKEY: Mr. Speaker and Members of the House: As a matter of clarification, if you will look at your bill L.D. 728, it states in there that under the present regulations that the Commissioner may be removed for cause by the Governor or Council, and it seems to me with a Democratic Governor and a Republican Council if they have cause they have the power to remove him.

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

Mr. CHILDS: Mr. Speaker, I have a great deal of faith in the thinking of this House and I certainly think the members of this House know what the true issue is here, and therefore I do not even feel it is necessary to carry through my motion for a roll call vote. I sincerely believe a division will effectively take care of the matter. Unless somebody else desires, I will withdraw my motion for the roll call vote and not take up your time with it.

The SPEAKER: The gentleman from Portland, Mr. Childs, withdraws his request for a roll call vote, and now requests a division.

The question before the House is on the motion of the gentleman from Strong, Mr. Jennings, that the House reconsider its action of yesterday whereby it accepted the Majority "Ought not to pass" Report of the Committee on Highways on Bill "An Act relating to Terms of Office and Salaries of the State Highway Commission", House Paper 651, Legislative Document 728.

The gentleman from Portland, Mr. Childs, has requested a division.

As many as are in favor of the reconsideration of the action taken by the House yesterday will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Forty-nine having voted in the affirmative and sixty-two having voted in the negative, the motion to reconsider did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Bangor,

Mr. Totman. For what purpose does the gentleman rise?

Mr. TOTMAN: Mr. Speaker, I arise to request permission to take up out of order a bill which lies on the unassigned calendar.

The SPEAKER: Does the Chair hear objection to the request of the gentleman from Bangor, Mr. Totman, to take up an unassigned matter on the table at this time under unanimous consent? The Chair hears no objection and the gentleman may state his motion.

Mr. TOTMAN: Mr. Speaker, I move that we now take from the table Item 20, Bill "An Act relating to Checking Speed of Motor Vehicles by Electrical Devices" and that the matter be acted upon. Is it in order to speak to that motion?

The SPEAKER: The gentleman from Bangor, Mr. Totman, moves that Item 20, Bill "An Act relating to Checking Speed of Motor Vehicles by Electrical Devices", House Paper 109, Legislative Document 117, tabled on April 8 by that gentleman pending the motion of the gentleman from Bremen, Mr. Hilton, that it be indefinitely postponed be now taken from the table. Is this the pleasure of the House?

The motion prevailed.

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

Mr. TOTMAN: Mr. Speaker and Members of the House: I will be very brief. Earlier this morning I made a statement which I am afraid some might misinterpret regarding another gentleman in this House who attempted to recommit a bill. I sincerely want this House to know that my statement had nothing to do with the political party of any member in this House, it had nothing to do with the content of the bill and was one hundred per cent related simply to my comments trying to expedite this Legislature. I further suggested that I felt that if I made that motion I should be willing to follow through myself and help to clean up the calendar, and only out of fairness to that gentleman, I am glad to see he is still here in the House, I am going to take my so-called "pet" off the table and I am going to throw it at your mercy and I am simply going to say that this bill was introduced

at the request of the State Police and it has never been my intention to introduce in this House a measure that the House of Representatives does not want. It is up to you whether you do or do not want it, and I now move that the motion of the gentleman from Bremen, Mr. Hilton, be voted upon.

The SPEAKER: The Chair would state that the motion of the gentleman from Bremen, Mr. Hilton, who moved indefinite postponement, may be affected by the absence of that gentleman at this time.

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

Mr. TOTMAN: Mr. Speaker, I think I know how the gentleman from Bremen, Mr. Hilton, feels and I will take my chances.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Osborne.

Mr. OSBORNE: Mr. Speaker, inasmuch as the gentleman from Bremen, Mr. Hilton, had asked me to retable another item for him, I would like to table this only until tomorrow.

The SPEAKER: The gentleman from Fairfield, Mr. Osborne, moves that this matter lie on the table pending the motion of the gentleman from Bremen, Mr. Hilton, to indefinitely postpone and be specially assigned for tomorrow, April 15. Is this the pleasure of the House?

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

The SPEAKER: Under Orders of the Day, the Chair lays before the House the first item of unfinished business, House Report "Ought not to pass" of the Committee on Taxation on Bill "An Act relating to Exemption of Sales Taxes on Certain Items Pertaining to the Maine Maritime Academy," House Paper 765, Legislative Document 841, tabled on April 1 by the gentleman from Portland, Mr. Charles, pending acceptance.

The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Sanford.

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

The SPEAKER: The Chair lays before the House the second item of unfinished business, House Report "Ought not to pass" of the Committee on Highways on Bill "An Act relating to the Administration of the Highway Commission," House Paper 876, Legislative Document 984, tabled on April 5 by the gentleman from Hodgdon, Mr. Williams, pending acceptance and the Chair recognizes that gentleman.

Mr. WILLIAMS: Mr. Speaker, I would like to say a few words on this bill and make a motion.

The SPEAKER: The gentleman's remarks are in order.

Mr. WILLIAMS: Mr. Speaker and Members of the House: When I came down here this winter, I found there was widespread opposition to the set-up and policies of the State Highway Commission. You did not need to travel around these corridors long to find that out. Now my reason for introducing this bill was to put the Highway Department back exactly where it started from. I purposely left it open to amendment so that this body in its wisdom could perhaps come up with a Highway set-up that would have more of the loyalty and support from the taxpayers which any program must have if it is to meet with success. Right now we have the ultimate in confusion as everyone who has ever attended a Highway caucus well knows. Through bitter experience each one of us has learned to distrust the promises and figures put out by the Highway Commission. There has hardly been a week this winter when a revised figure has not been brought out, and I am reliably told that they are undergoing a major operation over there now. Heaven help the patient.

So far this body has shown a complete lack of faith in the will or the ability of the Highway Commission to plan or carry out a road program which is satisfactory to the Legislature or the people back home. During the last year we have seen the \$27,000,000 bond issue go out of the window, also force accounts. The small contractors are in hard sledding owing to the contracts not having been broken down in small enough lots for their ability.

ty to handle, and they are the only ones who produce real competition. Formerly we were getting our roads twenty per cent under estimates. Now they are thirty per cent over estimates. Among other things you have groups coming in here and pleading for the improvement of an impossible piece of road when we all know they do not stand any more chance of passage than a celluloid dog chasing an asbestos cat through Hell. Now we have seen one bond issue go, and another one is hanging on by an eyelash. It is my opinion that if this bill fails the one cent gas tax dies with it because the rural members of this Legislature are not going to vote to buy a blind pig. They are not going to vote blank checks to anyone and then go home and face their selectmen and constituents. This one is political dynamite.

Now what I propose is just this, a three man commission composed of three free and equal men, one from each Congressional District, each one standing four square on his own feet, each one having a free and equal vote. I would also propose an administrator who would be just that and who could handle the details. This would not be such a drastic change, and the present personnel could in most cases fit into the picture. Now the Highway Committee did not see fit to go along with me for which I am sorry, but that does not make the facts any less true. Unless we can get some honest plans, some honest price tags, some plans which we have confidence in, we are going to leave this place with the same old roads, the same old taxes and the same old confusion. Now, Mr. Speaker, I would move that the bill be substituted for the report and I would ask for a division.

The SPEAKER: The gentleman from Hodgdon, Mr. Williams, moves that the Bill be substituted for the "Ought not to pass" Report of the Committee on Highways.

The Chair recognizes the gentleman from Hanover, Mr. Ferguson.

Mr. FERGUSON: Mr. Speaker and Members of the House: I do not believe we can blame the present Commission for something that happened prior to the time of his

taking over, or the present Commissioner. I have had much dealings with highway problems as have most of the people here. Being the Chairman of the Board in my town I had to come down here on several occasions, before the present Commission, bringing a body of people with me who I thought had a little weight and get something through that we were not entitled to. Considering the matter and looking at the Statutes I found out that the Commissioner was right and that I was wrong. I think we are very fortunate to have a man of the present Commissioner's ability and integrity in that department. He is a full time Commissioner. He is available any time of the night and day, and to me he is doing a good job as an administrator. His personality, that is one thing. His ability to administrate is another, and I think the sooner that we agree that politics have been eliminated from that office the better off we will be, and I think very soon the State at large, particularly so the small communities, will benefit a great deal more by having a full-time administrator in that job. As you know, prior to this full-time administrator, the Commission used to come in on Tuesday, they would leave Wednesday afternoon. If you were lucky you would get in to see them. If you were not, you had to wait until the next week. The department was left without any head of the Highway Department, and I certainly hope that—I am getting ahead of myself—if the motion for indefinite postponement of this bill is in order now I would like to make that motion.

The SPEAKER: The Chair would state that a motion for indefinite postponement of the matter is in order if the gentleman cares to make the motion.

Mr. FERGUSON: I move that we indefinitely postpone Item 2, House Paper 876, L. D. 984.

The SPEAKER: The gentleman from Hanover, Mr. Ferguson, moves that House Report "Ought not to pass" of the Committee on Highways on Bill "An Act relating to the Administration of the Highway Commission", House Paper 876, Legislative Document 984, be indefinitely postponed.

The Chair recognizes the gentleman from Hanover, Mr. Ferguson.

Mr. FERGUSON: Mr. Speaker, I ask for a division.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Cianchette.

Mr. CIANCHETTE: Mr. Speaker and Members of the House: I want to say to you that I have enjoyed being in this session of the Legislature and I presume from the vote I took and my stand this morning on a previous question that it will be my last, but I will agree with the members on some points here that the Highway Commission is quite arbitrary in some of their policies. I, as most of you know, have many dealings with the Highway Commission and am very interested in highway problems. I believe that the problems that are confronting the small towns and the action taken by the Commission prior to this time have been detrimental to those towns, but I do believe that that is a small part of the over-all program. It is a very small part. I believe that in the long run over a period of time that the small towns are going to benefit from some of these decisions. Some of the actions that have been taken may be corrected. I would like to mention too that it has been pointed out here this morning that the \$27,000,000 program is fast being depleted. I would like to say that from my experience and knowledge of these affairs that the \$27,000,000 program was defeated prior to this present administration. I think there have been many changes for the better within the present administration, and I hope that you will go along with the motion of the gentleman from Hanover, Mr. Ferguson.

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

Mr. TOTMAN: Mr. Speaker and Members of the House: I feel that in fairness again to the present administration versus the past administration, we may consider it the Devil but we have got to give the Devil its due. I stood in this House last session with no small amount of displeasure as a member of the Transportation Committee, when that Committee had a bill before it proposing that the weight laws of

this State, which are designed primarily to protect our roads from having a hole punched in them by one special group, I thought the bill was class legislation, I felt the bill was extremely discriminatory toward the average motorist. In an attempt to make a better decision I asked the State Highway Commission for their opinion. I could not get an opinion. I could not get advice. I am glad to say in contrast to that very weak attitude of last session, and this is a fact that is on print for all of us to see, that the Transportation Committee, and I am speaking as House Chairman, has received for the first time in my three years of legislation, in black and white, the results of each and every special request for change in weight law bills that appear before my Committee. There is absolutely no vacillating on what those bills will do, and while I must agree in some respect with the comments made here this morning, I repeat, I give the present administration in contrast to the past administration credit for at least having the backbone to take a stand on what is best for the State of Maine highways.

The SPEAKER: The Chair recognizes the gentleman from Portage Lake, Mr. Cook.

Mr. COOK: Mr. Speaker and Members of the House: I have been in the past somewhat critical of the Highway situation, but I do wish at this time to get up and confirm some remarks that have been made by my colleague, the gentleman from Pittsfield, Mr. Cianchette. I feel that there has been a definite improvement in the past year as regards many of the policies on the part of the Highway Commission. I think, however, there is a great deal of substance to many of the points that were made by my colleague, the gentleman from Hodgdon, Mr. Williams, but I think that in deciding this particular thing we should not decide it with any point in mind or any thinking in our minds that everything has been all bad as far as this present administration of the Highway Commission is concerned. Maybe we have some differences, and possibly we could feel that the organizational end of it could be somewhat dif-

ferent, but I do not think we should do it on the basis of condemnation of what has been done by the present Commission.

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

Mr. McGLAUFLIN: Mr. Speaker, I just wish to say that I am definitely for indefinite postponement of this bill.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Osborne.

Mr. OSBORNE: Mr. Speaker and Members of the House: I rise to speak rather indirectly upon this bill, somewhat in respect to my late friend, Mr. Call, the gentleman from Cumberland. I am neither a lawyer or attorney, in fact I do not believe I could even qualify as a privy councillor, but I was somewhat disturbed by two members of the legal fraternity here interpreting "shall" as "may" and it is my feeling that it was not their intent to encourage non-voting by members of this body. However, I do feel that they left a question in the minds of some and it might be detrimental in the future. In fact it might boomerang and create some dissension. I would greatly appreciate an expression from one of them upon this matter, because I feel that it is important that in most items that we vote either one way or the other.

The SPEAKER: The gentleman from Fairfield, Mr. Osborne, addresses a question through the Chair to either the gentleman from Portland, Mr. Childs, or the gentleman from Portland, Mr. McGlaufflin. Either gentleman may answer if he so chooses.

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

Mr. CHILDS: Mr. Speaker, I can only answer the question in regard to what my opinion is on the matter. I do not believe there is any satisfactory way to enforce House Rule 22. In case of a roll call vote if a member at that time refuses to vote, he may be disciplined by the House. I may or may not be correct.

The SPEAKER: The Chair recognizes the gentleman from Hodgdon, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker, I well realize that everyone in this House is going to vote as they think best for their own interests, but I would like to point out just for the record that it took just about nine months for the present Highway Commission policy to change my own district from a Republican stronghold to one which the present Governor carried wholly except one town. Now I do not claim to know much about politics and about prestige and that sort of thing, but I do assure you I do know a lot about what my own people want. I believe they want a Highway Commission they have confidence in and whose decisions have the earmarks of sound judgment based on facts and the need of the State and not on the snap judgment of one man who is perhaps ill advised, but from whom there is no appeal. A lot of people around here are like an ostrich, they have got their head buried in the sand. They had better pull it out and take a good long look back home. Most people in this State do not know a thing about political maneuvers and they do not give a tinkers damn about the prestige of the Republican Party, but they do need a Highway set-up that will give them adequate roads at a reasonable price and one they have confidence in; a thing which they have not got now. Thank you.

Mr. SPEAKER: The Chair recognizes the gentleman from Brooks, Mr. Elwell.

Mr. ELWELL: Mr. Speaker and Members of the House: I do not care to speak on this bill in general, but I would just like to clarify one point which was brought out by the gentleman from Pittsfield, Mr. Cianchette. He said that he conceded that the small towns were hurt, but they only represented a small portion of the problem, and that is the one point in the whole discussion that I would like to take issue with, and here I think the gentleman is very definitely wrong. The small towns of the State of Maine are the backbone of the State, and I think that our Highway Department should consider that state government is merely an association of those towns, and that

the Highway Commission, the Highway Department, should consider themselves as a partner in the towns' problems. I want to show you just how much this state aid road program, for example, means to the individual towns. Your accelerated program, you have heard different speakers say in the past, yields somewhere around 130 miles of road in the state aid and state highway system. Did you know that \$1,800,000 returned to the towns by the State Highway Department last year yielded 140 miles of road in the state aid system? That money was matched by the towns on a local level and contributed that much to our state road program. That is how important the small town angle is in this picture. Further than that let me say, that it has been said that the problem rests with previous Commissions. Now we heard an issue argued on the floor here day before yesterday on the matter of anticipation, and it was brought out that in 1953 when the Commission changed, that the policy of the previous Commission was reversed and there was a net loss of half a million dollars worth of highway construction in the rural towns by rural funds. I know Mr. Cianchette, the gentleman from Pittsfield, is aware of that too, and that would have yielded—mind you now we are concerned about this 130 miles of road being built in the state in the accelerated program, we have been told we need 170, that first fifteen months, that reversal in the policy curtailed around 35 miles of state aid road construction. Now as I said before, I do not care to speak on this bill in general, but I do think for the matter of the record, that we do not want to be confused on this point, and in considering any kind of a highway program, do not sell the relationship between the State Highway Department and the small towns short.

The SPEAKER: The Chair recognizes the gentleman from East Machias, Mr. Cates.

Mr. CATES: Mr. Speaker and Members of the House: I do not care to discuss this matter in general like my good friend, the gen-

tleman from Brooks, Mr. Elwell, and I think everything has been said, and I am getting hungry and I move the previous question.

The SPEAKER: The gentleman from East Machias, Mr. Cates, moves the previous question. In order for the Chair to entertain the motion for the previous question, it requires the consent of one-third of the members present.

All those in favor of the Chair entertaining the motion for the previous question will rise and stand in their places until the monitors have made and returned the count.

A sufficient number arose.

The SPEAKER: Obviously more than one-third of the members present having arisen, the motion for the previous question is entertained.

The question now before the House is: Shall the main question be put now? All those in favor will say aye; those opposed, no.

A viva voce vote being taken, the main question was ordered.

The SPEAKER: The question before the House now is on the motion of the gentleman from Hanover, Mr. Ferguson, that House Report "Ought not to pass" of the Committee on Highways on Bill "An Act relating to the Administration of the Highway Commission", House Paper 876, Legislative Document 984, be indefinitely postponed.

As many as are in favor of the indefinite postponement of the Report and Bill will kindly rise and remain standing in their places until the monitors have made and returned the count.

A division of the House was had.

Eighty having voted in the affirmative and twenty-one having voted in the negative, the motion prevailed and the Report and Bill were indefinitely postponed and sent up for concurrence.

The SPEAKER: At this time, the Chair will request the Clerk to read any notices that may not be printed.

On motion of Mr. Childs of Portland,

Adjourned until nine-thirty o'clock tomorrow morning.