

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*Ninety-Seventh Legislature*

OF THE

STATE OF MAINE

VOLUME II

1955

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

## HOUSE

Tuesday, May 3, 1955

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

Prayer by the Rev. Mr. Edwin C. Meineker of the Carmel Union Congregational Church.

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

The journal of the previous session was read and approved.

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

Report of the Committee on Retirements and Pensions reporting "Ought not to pass" on Resolve Providing for State Pension for Myrtle Kittredge of Hallowell (S. P. 209)

Came from the Senate read and accepted.

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

### Ought to Pass in New Draft

Report of the Committee on Highways on Resolve Providing for Survey of Railroad Crossings on College Avenue in City of Waterville (S. P. 292) (L. D. 802) reporting same in a new draft (S. P. 554) (L. D. 1503) under title of Resolve Providing for Survey of Railroad Crossings on College Avenue and Front Street in City of Waterville and that it "Ought to pass"

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

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

### Ought to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought to pass" on Resolve in favor of Caribou Armory Project (S. P. 33) (L. D. 28)

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

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

the Resolve read once and tomorrow assigned.

### Ought to Pass with Committee Amendment

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Providing for a Record of Veterans of World War II and Korean Campaign by Division of Veterans Affairs" (S. P. 389) (L. D. 1103) 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. 389, L. D. 1103, Bill "An Act Providing for a Record of Veterans of World War II and Korean Campaign by Division of Veterans Affairs."

Amend said Bill by striking out in the 5th line the underlined word "men" and inserting in place thereof the underlined words 'members of the armed services'

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

Report of the Committee on Transportation on Bill "An Act relating to 'Antique Auto' Plates" (S. P. 472) (L. D. 1315) 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. 472, L. D. 1315, Bill "An Act relating to 'Antique Auto' Plates."

Amend said Bill by striking out the underlined figure "\$2.50" in the 18th line and inserting in place thereof the underlined figure '\$5'

Further amend said Bill by striking out the underlined figure "\$2.50" in the last line and inserting in place thereof the underlined figure '\$5'

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

### **Ought to Pass in New Draft**

#### **Recommitted in Senate**

Report of the Committee on Labor on Bill "An Act relating to Medical Services under the Workmen's Compensation Act" (S. P. 205) (L. D. 499) reporting same in a new draft (S. P. 560) (L. D. 1516) under same title and that it "Ought to pass"

Came from the Senate with the Report and Bill recommitted to the Committee on Labor.

In the House, the Report was read.

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

#### **Non-Concurrent Matter**

Resolve in favor of Dr. John D. Denison of Patten (H. P. 526) (L. D. 1510) on which the House accepted the Minority "Ought to pass" Report of the Committee on Claims and passed the Resolve to be engrossed on April 28.

Came from the Senate with the Majority "Ought not to pass" Report accepted in non-concurrence.

In the House: On motion of Mr. Anderson of Greenville, the House voted to recede and concur with the Senate.

#### **Non-Concurrent Matter Tabled**

An Act relating to Excise Tax on Aircraft (H. P. 123) (L. D. 126) which was recalled from the Office of the Governor to the Senate by Joint Order, and which had previously been passed to be enacted in the House on April 14, and passed to be engrossed as amended by Committee Amendment "A" on April 5.

Came from the Senate ordered sent to the House.

In the House:

The SPEAKER: The Chair understands that the gentleman from Friendship, Mr. Winchenpaw, is absent. And the Chair also understands that the gentleman from Portland, Mr. Childs, moves that this Bill lie on the table pending further consideration. Is this the pleasure of the House?

The motion prevailed and the Bill was so tabled.

From the Senate: The following Communication:

#### **STATE OF MAINE SENATE CHAMBER OFFICE OF THE SECRETARY**

April 29, 1955

Honorable Harvey R. Pease  
Clerk of the House of  
Representatives  
Ninety-seventh Legislature  
Sir:

The Governor of the State, having returned to the Senate Bill "An Act relating to Insects and Diseases of Trees." (S. P. 515) (L. D. 1408) with his objections to the same, the Senate proceeded to vote on the question: "Shall the bill become a law notwithstanding the objections of the Governor?"

A Yea and Nay vote was taken, and 28 having voted in the negative and none in the affirmative, the bill failed to become a law.

Respectfully,

(Signed) CHESTER T. WINSLOW  
Secretary of the Senate

The Communication was read and ordered placed on file.

On motion of the gentlewoman from Madawaska, Mrs. Michaud, 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 Fort Fairfield, Mr. Reed, to the rostrum for the purpose of presiding as Speaker pro tem.

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

(Off Record Remarks by Mr. Haughn of Bridgton)

**House Reports of Committees  
Ought to Pass  
Consolidated Resolve**

Mr. Ferguson from the Committee on Highways on the following Resolves:

Resolve Reappropriating Road Resolve Funds in Chesuncook Township (S. P. 244) (L. D. 677).

Resolve in favor of Town of Caribou (S. P. 343) (L. D. 952).

Resolve Reappropriating Road Resolve Funds in Town of Carmel (H. P. 100) (L. D. 108).

Resolve Reappropriating Road Resolve Funds in Town of Boothbay Harbor (H. P. 186) (L. D. 191).

Resolve Reappropriating Road Resolve Funds in Town of Kennebunkport (H. P. 353) (L. D. 391).

Resolve Reappropriating Funds in the Town of Mars Hill (H. P. 354) (L. D. 392).

Resolve Reappropriating Road Resolve Funds in Town of Penobscot (H. P. 468) (L. D. 513).

Resolve Reappropriating Road Resolve Funds in City of Eastport (H. P. 738) (L. D. 819).

reported a Consolidated Resolve (H. P. 1232) (L. D. 1518) under title of Resolve for the Reappropriation of Unexpended Special Resolve Road Appropriations and that it "Ought to pass"

Report was read and accepted, the Resolve read once and tomorrow assigned.

**Divided Report**

Majority Report of the Committee on Legal Affairs reporting "Ought to pass" on Resolve Granting Master Plumber's License to Ernest L. Douglass of Bangor (H. P. 925) (L. D. 1033)

Report was signed by the following members:

Messrs. WOODCOCK of Penobscot  
LESSARD of Androscoggin  
— of the Senate.

Messrs. FOSTER of Mechanic Falls  
MARTIN of Eagle Lake  
CHILDS of Portland  
QUINN of Bangor  
LORD of Augusta

Mrs. THOMAS of Anson

Mr. BRAGDON of Perham  
— of the House.

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

Report was signed by the following member:

Mr. MARTIN of Kennebec  
— of the Senate.

Reports were read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Milo, Mr. Brockway.

Mr. BROCKWAY: Mr. Speaker and Members of the House: I have been approached by several plumbers in my area that oppose this bill and I told them that I would lay their objections, at least, before this House.

This gentleman in question has been in the plumbing business in Bangor, since 1912 according to the Statement of Facts and those boys up in my area, are very settled plumbers, in fact all of the plumbers in my town, and some in the adjoining towns have spoken to me about this, and they believe if we are going to pass a law that requires a man to take an examination as a master plumber, then certainly everybody that holds such a license should be required to take that examination.

I believe that it is really a waste of time for this Legislature to try to legislate one master plumber in the State of Maine. If he is not able to take that examination and pass it, I think we could probably get along without him. Therefore, I move, Mr. Speaker, that we accept the minority "Ought not to pass" report.

The SPEAKER: The gentleman from Milo, Mr. Brockway, moves that the Minority "Ought not to pass" Report be accepted.

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

Mr. FOSTER: Mr. Speaker, I am one of the members of the Legal Affairs Committee that signed the majority report. I did not intend to speak and would not have if the gentleman from Bangor, Mr. Quinn, were here as he is more familiar with the circumstances of this particular case than I am. I do know that we spent a long time in going over it and there was only one dissension here. It was an unusual case which I think is worthy and justifies

consideration. The fellow in question is a man who has been in business, at least, the gentleman who just spoke said forty years. I think he has been or longer and the situation arose apparently some time ago when they passed a law requiring a license and they had what they called the "grandfather clause" on it and so forth, that is if you have been a plumber or in the plumbing for so many years you are entitled to a license and so forth.

This fellow being an owner of a business and perhaps leaning heavily upon his staff, he thought that his name had been sent in. Apparently that is all that is required, to send your name in and affirm the fact that you have been engaged in the plumbing business so many years. It developed that that was not done and consequently he finds himself without that license. Well, after all these years and so many years of not actually using the wrench and everything, the torch and all, it seems only fair that some consideration should be given him and there was not any opposition from any plumber. At least, I have not heard of any. I do not know about the district of the gentleman who just spoke, but I know that there are a lot of plumbers who would like to see this thing passed. I do not know about the new law that he proposes or suggested that we are about to have requiring an examination. But, as I said, I would like to see it passed. I wish that the gentleman from Bangor, Mr. Quinn, was here. He is more familiar with it than I am. I do not even live down in that area but I remember the case well. I am reluctant to ask, this late in the season, for postponement. I wish that we could pass this thing and I think that some consideration should be given to the nine to one vote at the committee hearing after a long time spent in discussing this matter. I thank you.

The SPEAKER pro tem: The question before the House is on the motion of the gentleman from Milo, Mr. Brockway, that the Minority Report "Ought not to pass" of the Committee on Legal Affairs on Resolve Granting Master Plumber's License to Ernest L. Douglass of Bangor, House Paper 925, Legisla-

tive Document 1033, be accepted. Is this the pleasure of the House? (Cries of "No".)

The SPEAKER pro tem: All those in favor of the motion will please say aye; those opposed, no.

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

Thereupon, on motion of Mr. Childs of Portland, the Majority Report "Ought to pass" was accepted.

The Resolve was then given its first reading and assigned for second reading tomorrow.

#### Passed to Be Engrossed

Bill "An Act relating to Pensions for Dependents of Deceased Policemen" (S. P. 117) (L. D. 276)

Bill "An Act relating to the Custody of State Funds" (S. P. 241) (L. D. 674)

Resolve in favor of John J. McDonough of Westbrook (H. P. 96) (L. D. 1511)

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

#### Amended Bills

Bill "An Act to Revise the Laws Relating to Loan and Building Associations" (S. P. 368) (L. D. 1064)

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

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

Mr. WADE: Mr. Speaker and Members of the House: I have been requested by the Banking Department to submit a House Amendment to this item, L. D. 1064. I am not sure that it is ready but if it is I will offer it and move its adoption.

The SPEAKER pro tem: The gentleman from Auburn, Mr. Wade, offers House Amendment "A" and moves its adoption. The Clerk will read House Amendment "A".

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

HOUSE AMENDMENT "A" to S. P. 368, L. D. 1064, Bill "An Act to Revise the Laws Relating to Loan and Building Associations."

Amend said Bill by striking out, in the 4th line thereof, the underlined words "capable of being trans-

ferred" and inserting in place thereof the underlined words 'which may now be mortgaged to such associations'

House Amendment "A" was adopted.

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

### Third Reader Tabled

Bill "An Act Revising the Law Relating to Licensing of Electricians" (H. P. 487) (L. D. 532)

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

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

Mr. STANLEY: Mr. Speaker, due to an error in the drafting of this bill and to give us time to bring in an amendment, I would move that this lie on the table unassigned.

The SPEAKER pro tem: The gentleman from Bangor, Mr. Stanley, moves that the Bill with accompanying papers lie on the table pending passage to be engrossed and be unassigned. Is this the pleasure of the House?

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

Bill "An Act Amending the Maine Employment Security Law as to Advisory Council" (H. P. 671) (L. D. 747)

Bill "An Act Creating a Board of Assessment Review for Town of Brunswick" (H. P. 1000) (L. D. 1148)

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.

### Third Reader Tabled

Bill "An Act relating to Licensing of Oil Burner Installers and Servicemen" (H. P. 1074) (L. D. 1269)

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

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

Mr. STANLEY: Mr. Speaker, once again may I move that this lie on the table unassigned.

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

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

### Passed to Be Enacted Emergency Measure

An Act relating to Legal Obligations of the Town of Eddington School District (S. P. 557)

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. 118 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 Determination of Physical Disability by Department of Education (H. P. 979) (L. D. 1127)

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. 119 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.

### Enactor Tabled

An Act relating to Installations Within Highway Limits (S. P. 93) (L. D. 223)

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

(On motion of Mr. Edwards of Raymond, tabled pending passage to be enacted.)

### Passed to Be Enacted

An Act Increasing Salary of Sheriff of Cumberland County (S. P. 234) (L. D. 570)

An Act relating to Records of Unattended Deaths and Injection of Embalming Fluids Under Medical Examiner's Law (S. P. 399) (L. D. 1113)

An Act Providing for the Uniform Trust Receipts Act (S. P. 438) (L. D. 1211)

An Act relating to Interstate Water Pollution Control (S. P. 450) (L. D. 1242)

An Act relating to Publication of Specimen Ballots (S. P. 464) (L. D. 1308)

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

### Enactor Tabled

An Act Validating Joint Tenancy Deeds (S. P. 483) (L. D. 1352)

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

(On motion of Mr. Davis of Calais, tabled pending passage to be enacted.)

An Act Providing for Group Life Insurance for State Employees and Teachers (S. P. 525) (L. D. 1429)

An Act Clarifying Certain Sea and Shore Fisheries Laws (H. P. 165) (L. D. 156)

An Act relating to Legal Investments of a Town's Sinking Fund (H. P. 173) (L. D. 185)

An Act relating to Construction of Entrances to Highways (H. P. 253) (L. D. 238)

An Act to Clarify Laws Relating to Bang's Disease (H. P. 286) (L. D. 299)

An Act relating to Employment of Minors (H. P. 306) (L. D. 282)

An Act relating to Investment of Municipal Trust Funds (H. P. 408) (L. D. 455)

An Act to Amend the Bracket Schedule in the Sales and Use Tax Law (H. P. 564) (L. D. 612)

An Act relating to Motor Trucks Hauling Wood, Pulpwood, and other Forest Products (H. P. 952) (L. D. 1055)

An Act to Amend the Charter of the City of Bath (H. P. 1045) (L. D. 1220)

An Act relating to Blinker Lights on Plowing and Sanding Units (H. P. 1086) (L. D. 1247)

An Act relating to Rules and Blanks of the Courts of Probate (H. P. 1122) (L. D. 1320)

An Act to Incorporate the Westbrook Sewerage District (H. P. 1211) (L. D. 1482)

### Finally Passed

Resolve Authorizing Kenneth H. Boyington and Ernestine Y. Boyington of South Portland to Sue the State of Maine (S. P. 527) (L. D. 1455)

Resolve Providing for a Fish Screen at the Outlet of China Lake, in the Towns of China and Vassalboro, in the County of Kennebec (S. P. 549) (L. D. 1490)

Resolve in favor of the Richmond, Maine, Camp Grounds of the Church of the Nazarene (H. P. 91) (L. D. 102)

Resolve to Reimburse Town of Washington for Support of Certain State Paupers (H. P. 1192) (L. D. 1459)

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

At this point, Speaker Trafton returned to the rostrum.

Thereupon, the Sergeant-at-Arms conducted the gentleman from Fort Fairfield, Mr. Reed, to his seat on the floor, amid the applause of the House, and Speaker Trafton resumed the Chair.

The SPEAKER: The Chair wishes to thank the gentleman from Fort Fairfield, Mr. Reed.

### Orders of the Day

The SPEAKER: The Chair lays before the House the Special Order of the Day, House Divided Report, Majority Report "Ought to pass" and Minority "Ought not to pass" of the Committees on Appropriations and Financial Affairs and Taxation



jointly by Authority of Joint Order, House Paper 1195, on Bill "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1956 and June 30, 1957, and to Provide Additional Revenue to General Fund", House Paper 1229, Legislative Document 1512, tabled on April 29 by the gentleman from Portland, Mr. Childs, pending acceptance of either report, and the Chair recognizes that gentleman.

Mr. CHILDS: Mr. Speaker, I move that we accept the Majority "Ought to pass" Report.

The SPEAKER: The gentleman from Portland, Mr. Childs, moves that the Majority "Ought to pass" Report be accepted.

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

Mr. JACOBS: Mr. Speaker and Members of the House: A short time ago, last week, a joint order was passed in both branches to have a joint committee meeting of the Appropriations and Taxation Committees to formulate a bill that would take care of those items that were not in the regular budget. You will recall that when Governor Muskie made his budget report at the beginning of the session, he also submitted a supplemental report calling for about ten million dollars.

Discussing this bill before the Appropriations Committee, we felt that we could not go along with that supplemental bill. Consequently, a new draft was made by the committee suggesting that we appropriate three million dollars to take care of those items that were not in the regular budget which were necessary, at that time and at this time. Consequently, this joint committee was appointed and had a session. You have before you this morning this bill which was placed on your desks last Friday, House Paper 1229, outlining the amounts necessary to make the business of the State that were not in the regular budget. The regular budget, as you know, has been received and passed.

This calls for practically three million dollars. One of the larger numbers in this bill is the school subsidy bill of about a million and a half. The subsidy bill was not in-

cluded in the regular budget. It is the law of the State of Maine that this subsidy be paid and money raised for that purpose. Back along in several sessions which I have attended that subsidy has not been up to 100 per cent parity, all the way from 85 to 95. If you do not have 100 per cent parity, all the towns and little cities in the State have to be deprived of a certain amount of subsidy to run the schools. It makes it perplexing for them and embarrassing not to have money enough according to law. Consequently, in this new supplemental budget, this amount has been placed. Also in this supplemental budget, the institutions are recognized, their needs and along with these two, several minor amounts are necessary for the State to function properly in a financial way. Consequently this is about three million dollars, as far as the appropriations are concerned.

The Committee on Taxation suggested and it is in this bill several avenues for taxation. You can read them, I will not bother to do that, they are right before you. In substance, a one cent tax on cigarettes, a raise on liquors and wines, an increase on the corporation taxes and so forth, which, in essence, would be about three million dollars to take care of these appropriations I have just mentioned.

It was the thought of the committee to submit two reports, "A" and "B", but in discussing the subject quite thoroughly we felt that one was sufficient because "B", if it was submitted, would have to carry a major tax which we would not agree to. Consequently the vote of the committee on this bill and the tax bill included, was 17 to 3. The members of the minority party objected to this feeling that they should have a bill of their own. We gave them the opportunity to present a bill but up to this time we have not seen any. Consequently, what you have before you is the supplemental bill, amounts necessary to carry on the State's business and a tax suitable to take care of it. You have probably all considered, as well as we did, that this is not an ideal tax proposition but it was the best we could do under the circumstances and I hope to rec-

commend, Mr. Speaker, that this majority report be accepted.

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

Miss CORMIER: Mr. Speaker and Members of the House: I am very sorry that I must rise this morning to take issue with the procedure of two of our joint standing committees. It is the privilege of every member of this House to introduce a bill, to have his bill heard at a public hearing, to expect a report from the committee either favorable or unfavorable and it is also his privilege to discuss that bill on the floor of this House. If that privilege were taken away from any one of you or from me, we would be indignant and rightfully so. We would rise in opposition and again rightfully so and yet this is just the kind of treatment that has been accorded to our Governor.

In presenting his supplemental budget in his Inaugural Address, the Governor made it very clear that this could be financed by two ways but that he remained open-minded and if this Legislature wished to present any other form of revenue measure which would take care of the supplemental budget, he would be very nappy to go along with it.

During the deliberations of the Committee on Appropriations and also the Joint Committee, with Taxation, the Governor has made several changes in his original bill. He has concurred with the committee in many ways on many items. These facts can not be known to the members of this Legislature or to the citizens of the State unless his bill has an opportunity to come to this floor and be debated just as any other bill that we have introduced during this session.

There were two ultimatums delivered to the Governor. One was that his bill could come out if it had a tax measure attached to it. Yet, the two tax measures that were introduced by the members of the minority party at the request of the Governor to support the supplemental budget were not permitted to remain in committee. They were rushed out of committee. We were not permitted to table them in the House, they were rushed right along. Consequently, we have no measure

now which we can attach to the supplemental bill.

Then, they agreed to that. They saw the logic of it and the committee said to the Governor: Report your bill out without any tax measure. As we analyze that second ultimatum we find that the joint order that was passed in this House and in the Senate specially required that a tax measure or methods of financing the budget accompany the bill. Therefore, if the Governor's supplemental budget came out without a tax measure, on a point of order which could be raised by any member of either body, the bill would automatically be dead because it would not carry the specific recommendations of the order. I feel that this treatment is unfair. I feel that it is unjust—

The SPEAKER: The Chair would like to remind the gentlewoman from Rumford, Miss Cormier, that criticizing the motives of members of the Legislature and committees is out of order. The Chair has been hesitant but does wish to remind the gentlewoman to that effect.

Miss CORMIER: I am sorry, Mr. Speaker, and I apologize.

I would now move that this item lie on the table until we have an opportunity to present the supplemental budget before this Legislature so that it may be debated along with the other.

The SPEAKER: The gentlewoman from Rumford, Miss Cormier, moves that the two Reports and Bill "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1956 and June 30, 1957, and to Provide Additional Revenue to General Fund," House Paper 1229, Legislative Document 1512, and accompanying papers lie on the table, pending the motion of the gentleman from Portland, Mr. Childs, that the Majority "Ought to pass" Report be accepted.

For what purpose does the gentleman from Portland, Mr. Childs, arise?

Mr. CHILDS: Mr. Speaker, I request unanimous consent to address the House.

The SPEAKER: The Chair does not recognize the gentleman from

Portland, Mr. Childs, for that purpose.

For what purpose does the gentleman from Portland, Mr. Childs, rise?

Mr. CHILDS: Mr. Speaker, to request a division on the tabling motion.

The SPEAKER: The question before the House is on the motion of the gentleman from Rumford, Miss Cormier, that the two Reports and accompanying papers lie on the table pending the motion of the gentleman from Portland, Mr. Childs, that the Majority "Ought to pass" Report be accepted.

The gentleman from Portland, Mr. Childs, requests a division.

As many as are in favor of the matter being tabled 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.

Fifty-seven voted in the affirmative and fifty-six voted in the negative.

The SPEAKER: For what purpose does the gentleman from Portland, Mr. Childs, arise?

Mr. CHILDS: Mr. Speaker, I rise for the purpose of requesting a roll call vote.

The SPEAKER: The gentleman from Portland, Mr. Childs, requests a yea and nay vote. The yeas and nays must be taken if one-fifth of the members present desire it. All those desiring that the vote be taken by the yeas and nays will kindly rise and remain standing in their places until the monitors have made and returned the count.

Forty-eight members arose.

The SPEAKER: Forty-eight members having arisen and forty-eight being more than one-fifth of the members present, the yeas and nays are ordered.

The pages will distribute the tally sheets.

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(Off Record Remarks by the Speaker)

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The SPEAKER: The Chair is informed that there are in the balcony of the House fifty Eighth Grade students from the Newport Elementary School, accompanied by their Principal, Mr. Moulton, and

their chaperones, Mrs. Brown, Mrs. Titcomb, Mrs. Colby, and Mrs. Colfer.

On behalf of the House, the Chair extends to you a hearty and cordial welcome and hopes that you will learn from your visit with us and enjoy it. (Applause)

The House may be at ease pending the distribution.

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### House at Ease

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Called to order by the Speaker.

The SPEAKER: The pending question is on the motion of the gentleman from Rumford, Miss Cormier, that the two Reports and Bill "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1956 and June 30, 1957, and to Provide Additional Revenue to General Fund", House Paper 1229, Legislative Document 1512, with accompanying papers lie on the table pending the motion of the gentleman from Portland, Mr. Childs, that the Majority "Ought to pass" Report be accepted.

A yea and nay vote has been ordered. When the Clerk calls a member's name, if he wishes the matter to lie on the table he will say yes; if he wishes the matter to be considered further at this time, he will say no. The Clerk will call the roll.

### Roll Call

YEA — Albert, Allen, Babineau, Beal, Bernier, Bowie, Christie, Cianchette, Cook, Cormier, Cote, Lewiston; Couture, Bath; Couture, Lewiston; Coyne, Cyr, Davis, Westbrook; Denbow, Dostie, Dudley, Dumais, Duquette, Edwards, Elwell, Finemore, Flynn, Fuller, China; Getchell, Gilmartin, Hilton, Jacques, Jones, Kimball, Kinch, Lamb, Latno, Letourneau, Lindsay, Malenfant, Martin, Eagle Lake; McCluskey, Nadeau, Osborne, Palmeter, Pierce, Porell, Reynolds, Rich, Roberts, Brooklin; Roberts, Dexter; Ross, Bath; Sansoucy, Valley, Walls, Walsh, Whiting, Williams, Woodworth.

NAY—Anderson, Anthoine, Bean, Bibber, Blanchard, Brewster, Briggs, Brockway, Brown, Baileyville; Browne, Bangor; Carter, Etna; Car-

ter, Newport; Caswell, Cates, Charles, Childs, Cole, Crockett, Curtis, Davis, Calais; Dunn, Earles, Edgar, Evans, Fay, Ferguson, Files, Foss, Foster, Fuller, So. Portland; Greenleaf, Hanson, Harnden, Hatfield, Haughn, Henry, Howard, Jack, Jacobs, Jennings, Knight, Lawry, Libby, Lord, Mann, Martin, W. Gardiner; Maxwell, McGlaufflin, Michaud, Needham, Olpe, Pike, Pullen, Reed, Ross, Brownville; Roundy, Sanborn, Sanford, Seaward, Skolfield, Soule, Stanley, Bangor; Stanley, Hampden; Stanwood, Staples, Stilphen, Storm, Tarbox, Thomas, Totman, Wade, Walter, Willey, Winchenpaw.

ABSENT—Alden, Baird, Bragdon, Call, Cole, Madison; Courtois, Dick-er, Gardner, Greene, Hancock, Higgins, MacDonald, Madore, Potter, Quinn, Rogerson, Shaw, Wadleigh.

Yes 57; No 74; Absent 18.

The SPEAKER: Fifty-seven having voted in the affirmative, seventy-four having voted in the negative, eighteen being absent, the motion does not prevail.

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

Mr. CHILDS: Mr. Speaker, I believe at this time, that it is necessary to answer certain allegations made by the previous speaker.

The first thing that I would like to point out is the reference that was made that both measures proposed by the Democratic Party as far as revenue is concerned were now dead. On page 10 of your House Advance Journal, Item 26, is your House Divided Report on Bill "An Act Increasing and Amending the Sales and Use Tax", tabled the 19th day of April by the gentleman from Brunswick, Mr. Walsh, so therefore that bill is still alive.

I would also like to point out that the Governor could adequately have presented his supplemental program in a B report under a joint House order. He could have reported it with the revenue or without the revenue.

I would also like to point out that this order went through practically ten days ago. This bill was tabled last Friday. Without any problem at all, the only thing that was necessary for the Democrats to do this

morning was to offer an amendment to the Bill which is before us now, putting their supplemental budget in the amendment and the same thing would have been accomplished. It seems to me that the Democrats do not even care to go into the merits of the measure. Their only purpose in attempting to table that this morning, knowing that there was adequate time to prepare it, they felt quite sure that I was opposed to the tabling and therefore they could discuss the discourtesy on my part again and not even go into the merits of the matter. I feel that they had ample opportunity to present their side of the picture. Assuming this matter is passed today, it will come up for its third reading tomorrow and they again would have an opportunity to put an amendment on it in proposing their side of the problem. They have had at least three occasions to do it and yet they refused on all occasions and I hope that the majority report "Ought to pass" will be accepted.

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

Miss CORMIER: Mr. Speaker, immediately following my remarks, I was told by a member of my party that that tax bill was on the table. That was my error. I did not do it to mislead and I apologize. However, as far as the measure before us now and the idea of putting on an amendment, the only thing that any member of this House or the other body would have to do would be to raise a point of order, we are told by a parliamentarian, and if there is no tax measure with it then the bill would automatically die. Also, if the tax measure is on the table, it is impossible for us now to attach it to any bill. And consequently I still feel that it is unfair.

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

Mr. SANFORD: Mr. Speaker and Members of the House: I would like to go over this just a little bit. We spent a lot of time in the committee getting this package together. It has been told some and I will

repeat some but I would like to make it a little more clear. Now, on the cigarette tax a one cent increase per package of twenty will bring in \$1,250,000. Now we have not had any objection and did not have any objection to that tax much except the fellows that got out these machines where they put in the cigarettes and you drop in your coins and take out the package. Now, if the price does change, they will have to fix the machines. I understand that it costs thirty to forty dollars apiece to fix them. But, nevertheless, we did not guarantee this body or anyone else that I know of guaranteed that when they put those machines in, that the price would stay stable. Now, a manufacturer might change his price and still the fellow would have to change his machine. So I see no great objection to that so far as we are concerned.

The next one is liquor and wines and that will bring in a million dollars increase in revenue. Now, that does not go up any more than fifteen cents a bottle on any item, I am told and I think that is correct. We are lower than Massachusetts now. We are higher than New Hampshire. I understand that New Hampshire now is just waiting to see what we are going to do and if we put the price of liquor up a little I understand that they have some idea of putting their's up.

Casual sales of automobiles we estimate would bring in \$200,000. It has been estimated by automobile dealers that we are way under on that, that it will bring in much more than that. That is a sale, I think you all know, that if I sold my car to you, and I am not a dealer, at the present time, I believe you can make three sales and you are considered still not a dealer and you do not have to pay the State sales tax of two per cent. I have always believed that that should have been in; it should have been in the first place. I can see no reason why you or I should be exempt from the two per cent tax any more than we would be if we buy from a dealer.

Now, the other tax is the corporation franchise tax. That is just doubled, which does not mean too much. If you are incorporated for

\$50,000, I believe the tax at the present time is \$5.00. If this goes through, it will be \$10.00. A \$100,000 corporation would pay \$10.00 at the present time, I believe, and if this goes through it would be, naturally, \$20.00. I can not see anything too much wrong with this. I have talked with a lot of people on this and they see no trouble. They think that if we need money, we had better get it out of something that is absolutely not necessary to any of us, especially liquor and cigarettes, we can get along without them, probably won't. I think that this takes in practically everything that the Governor wanted except the \$2,000,000 that he wanted for capital investment, a sum set up for that. Some do not believe in that; I personally do not believe in that. I think we have done a fairly good job for the last number of years on that score by taking surplus and putting it into capital investment. I picked out ten years on that and for ten years we have spent \$23,000,000, a little over \$23,000,000, on this alone which would average a little over \$2,000,000 and this present year, right now, it looks as if they are going to take out six and a half million out of that surplus. That again would be above the two million average. They figure that we will have an eight and a half million dollar surplus at the end of this present year, and they figure taking out two and a half, which will still leave two million surplus. Myself, personally, with the time and effort that the committees have put on this, I honestly believe that this is a very good bill and I hope that it passes.

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

Mr. REED: Mr. Speaker and Members of the House: I was happy to endorse this joint order and the majority report because I feel that the tax question, which I have worked with, is tailored to adequately finance the appropriation requirements, which are the result of an exhaustive study by the Appropriations Committee. Our taxation program has been labelled piece-meal and patch work but I believe that a careful analysis of the package will clearly indicate that it is not that. It is simply a

readjustment of the present taxes. I contend that it is a sound program. It is easy enough to stand here and say it is sound but why is it sound? Well, one of the major reasons is that the major portion of it is not on the necessities of life. Some may argue that they are not luxuries but certainly nobody can argue, I do not believe, that they are necessities and on your cigarette tax, on which a lot of emphasis has been placed, I would like to report that in Canada, their federal tax alone is eighteen cents per package and some of the provinces have additional taxes over and above that. In the Province of New Brunswick, cigarettes are selling for thirty-seven cents a package and I am told that this price does not cut down the per capita consumption of Canadian smokers. I believe that it is a fair and equitable tax; it is fair to all. I know that in talking about taxes most people say: "Put it on the luxury items. Put it on liquor. Put it on cigarettes and things that people do not absolutely have to have." And that is why I am very happy to endorse this bill as a fine plan. It raises enough money to finance the important parts of the program that the Appropriations Committee has reported out that "Ought to pass." It raises enough; it does not raise too much. That is why I say that it is adequately tailored to handle this program and finance it very adequately.

Another reason is that the total budget would have been raised about twelve per cent by the addition of these taxes and it seems as though that is an adequate amount to raise it for one biennium. I certainly concur that it is a fine, sound program, to continue a fine, sound fiscal program for the State of Maine, one that we can be pleased to go back to our constituents, tell them what we have done. I think it is fair to all concerned and will really do the job and I move the acceptance of the Majority "Ought to pass" report.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. Walsh.

Mr. WALSH: Mr. Speaker and Members of the House: In signing the minority report, I feel that I should rise to at least explain to

you some of the reasons for my signing that report. Our present Governor was elected by quite a majority. Very obviously that majority was given to him by members of the Republican Party. There are several members, if not many members, sitting right here in this House who voted for our present Governor. They have told me so. Yet, an administration bill was held in the committee and was not allowed to be placed up here before you so you could even see what it contains, also that we may be allowed to debate upon it. That was my first reason because in my opinion, that is not fair.

Much has been said about this tax measure. I just want to remind you of a few things.

The financing of this plan is not an adjustment of the tax setup. It actually means a tax increase in several categories and these to be imposed without a public hearing on such measures. Is it good business to levy an additional tax on cigarettes, a product already standing too large a percentage of this State's tax burden and at the same time to exempt the other products of the tobacco industry? Are such discrimination and such practices sound policy or fair? These measures did not have a public hearing as most measures do. Let's just pause long enough to consider some of the things that were in the administrative supplemental budget bill.

One of them was the long-range building program and that is one of the major items that has been completely ignored. And I might say that as far as the joint order was concerned requesting the Taxation and the Appropriations Committees to sit down, it was really a lawyers' paradise and any lawyer can take it and will admit the same thing. Now, this long-range building program was completely ignored, yet they acknowledged the needs but they refused to shoulder the entire responsibility. Just pause briefly to mentally weigh these facts we must face at the University of Maine, alone. There is, and apparently will be a very substantial increase in the number of young people of this State applying for admission to our

State University. Are we to sit here and do nothing to help our State institutions plan for the future? And by so doing force them to adopt the policy of refusing admission to some of our youngsters because of lack of facilities or personnel? Tuition fees in our State University are already one of the highest in the entire United States. To start planning and setting aside funds now is none too soon if we are to be prepared to meet these needs. How can we in one breath ignore these facts and then in the next breath say we must do all we possibly can to keep our youth in Maine? How can we hope to expand in the field of electronics or in any other field unless we are willing to help our State University meet the minimum needs of the present and of the future? It certainly is not progress, let alone sound policy to force our State University to have to deny a college education to many able young men and women of this State because of the lack of staff, plant and facilities. Our Teachers Colleges face a similar problem.

As the birth rate continues to increase and the problems of education in all its phases increase, isn't it logical to believe that the problems of our already overcrowded and understaffed institutions will also increase? How are we to answer that?

Those are just some of the reasons that I signed the minority report. Those are just some of the reasons why I feel that this has been an entirely unfair and unjustified move. Those are just some of the reasons why I hope that this present bill before us is not adopted.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I do not oppose the supplemental budget in so far as the suggested expenditures are concerned. The major items for education, old age assistance and other welfare programs, institutional services including Augusta and Pownal, the Development Commission or Department of Development, and the University of Maine are all sub-

jects that have been discussed over and over again. In my opinion, the services provided by these appropriations are deemed necessary by the majority of our citizens for the continued welfare of our State.

Nevertheless, I am opposed to the method of taxation which has been suggested to obtain the needed revenues. I neither wish nor intend to be an obstructionist, but I feel that I have the right to express my views on this most important subject. The program before us now was adopted at a Republican House caucus held on April 12th. This was the only caucus or session which I have missed this year, due to a most important business conference in New York. For that reason, I was unable to express my opinions at that time. Since I did not agree to the proposition, I do not feel that I am violating any trust or reversing any stand.

Before coming to the Legislature, I was of the opinion that the tobacco tax should be reinstated. A great many people with whom I talked felt the same way. Nevertheless, I was willing to be shown and inquired into the situation from persons well qualified in legislative procedure. Their explanation convinced me that it was an unfair tax because, it was selective or class taxation; it was imposed at random upon one commodity; it was a tax of diminishing returns; and by decreasing sales, it caused undue hardship to an industry.

Having been convinced of these facts, I was certainly surprised to find that part of this suggested program imposed an additional tax on cigarettes which fall into a similar category. This is certainly selective taxation and with a two cent differential between Maine and our nearest State, the industry will surely suffer. Although not as much as in the case of tobacco, nevertheless, total sales will undoubtedly decrease. This is surely not fair and neither is it equitable to single out one group of persons regardless of their ability to pay and make them responsible for a major part of any additional general fund expenditures. In my opinion, this is the major weakness of the program.

I believe that piecemeal taxation in itself is not unsound, if applied

fairly. Our taxes, as has been mentioned, are not derived from any one source, but from many. A proportionate increase on any of these which would not hurt a minority group would be justifiable. But herein lies the difficulty. If we are going to be honest with the people of our State, we must first ask the question: Which tax is the fairest for the average person? Not, which taxes can we get away with? It would appear to me that this latter approach was used in reference to two of these items, the corporation franchise tax and the cigarette tax. If this is not so, why do we not propose increasing rates on public utilities, insurance companies, wild land, horse racing, or put back the Sales Tax on the full cost of new automobiles?

The increase on liquor and wine is reasonable in my opinion. Although already carrying a heavy burden, these items are strictly luxury items. Furthermore, since the industry is State operated, if sales fall off, no individual business will suffer. The casual sales of automobiles is also a proper case for taxation.

There are many persons more competent than I to determine whether or not an additional \$400,000 in Sales Tax should be estimated for the next biennium. Certainly we do not want to impose additional taxes for the sole purpose of building up surpluses. Nevertheless, department estimates have already been substantially increased and since we are proposing no capital improvement plan, we must remain on the conservative side to take care of unforeseen emergencies.

There may be further questions on other parts of the plan, but the main problem still rests with the cigarette tax increase. We could do it and we could get away with it, but is it fair to have one-third of the people, regardless of income, pay one-half the cost? If the services are needed, why shouldn't everyone pay his proportionate share? Under this present scheme, a great many people, even in the higher income brackets, would be paying not one cent for these state-wide necessities.

To attack a program without a solution is certainly nonconstructive. If we must have piecemeal

taxation, let's substitute something for the cigarette tax increase. The most logical thing, in my opinion, would be to revive the Sales Tax on the original cost of new automobiles. If this is impossible, there may be other alternatives. I understand that our present Sales Tax revenues will approximate \$1,000,000 more than we anticipated. This money could be used. It would mean giving back to the people of our State in future services revenues paid by them which were not currently needed. Since the expenditure of these funds for operating expenses would only temporarily postpone additional taxation, this is not usually considered sound financing.

There are at least two other possibilities,—a one-half cent increase on our present Sales Tax, or the adoption of Governor Muskie's program on a compromise thereon. As a Representative from Sagadahoc County, where they have always despised the Sales Tax, I stated at the beginning of this session that I would not favor an increase in the Sales Tax if any other method could be found but I maintain that the one cent or a proportion of a cent increase in the Sales Tax with the exemptions enumerated would be an entirely different situation. It will be said that it is not wise to reduce the base of this tax. In theory, I agree with that proposition. I believe that the tax originally should have been one per cent across the board. Nevertheless, by popular demand, certain exemptions had to be made. In reality, this has proven to be more equitable for the average person. In line with this, an increase of one cent, with the above exemptions, would not hurt persons in the lower income brackets who can ill afford to pay more. It may also be said that such a plan is a modified form of income tax. Even so, to this extent, I am definitely inclined to favor such an idea. To assist those less fortunate than others, the bare necessities of life should not be taxed. Everyone should pay his proportionate share, but this does not prevail when two families of vastly different incomes pay a like amount of tax on the same amounts of food, clothing, water and fuel.



I may well be accused of not cooperating with the team. Unfortunately, my ideas of teamwork go far beyond one political segment. Not only do we represent our parties, but we represent the people of the State of Maine. I am certainly a novice when it comes to political maneuvering; nevertheless, with very few exceptions, even our most experienced Legislators are faced with a new and entirely different situation today. We who are Republicans have a Chief Executive of another party. In my opinion, he is and should be the captain of this team. It is all right to have party lines on certain basic issues. Each side has specific reasons for their stands thereon. But when it comes to the major items that affect all of our people, it would seem to me that the least we can do is show a spirit of cooperation.

Some people seem to dislike the term 'compromise', but, without it, many disputes could never be settled. We, as Republicans, having more strength, are fighting our Governor's program right down the line, even though many people have admitted that parts of it were basically sound. In my opinion, we would add dignity to our present position, if we could now work out a tax program which would be substantially approved by both parties.

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

Mr. CATES: Mr. Speaker and Ladies and Gentlemen of the House: I have lived with this problem since the first of January. Two years ago I lived with it for four months, and it is quite a serious matter. We are discussing at the present time the supplemental budget but I would like for just a second to go back to the balanced budget for the benefit of those perhaps who have forgotten. You will note that in the balanced budget institutional services were taken care of to the extent of \$14,700,000 for the biennium, and that is a minimum of ten per cent more than was allocated in the preceding biennium. Education for the biennium was provided with a total of \$15,134,000 not including the University of Maine, and for those who are so concerned about the Univer-

sity of Maine, I might add that for this biennium the Appropriations Committee saw fit to appropriate over \$3,500,000 for that one institution alone in the balanced budget. Another one was Health and Welfare, one of our bigger institutions, and the balanced budget takes care of them to the extent of over \$15,000,000 for the biennium. It seems to me that they were pretty well taken care of in the balanced budget. This new supplemental budget, as has already been pointed out, takes care of your educational subsidy formula to the extent of 100 per cent. Institutional services are provided with an additional \$399,000 in the first year and \$424,000 in the second year of the biennium, and that will make possible the addition of sixty-eight needed employees at the Augusta State Hospital, including attendants, psychiatrists, et cetera. It will provide an additional 70 employees in the first year of the biennium and 78 in the second year of the biennium for Pownal State School. It will provide for seven additional guards as well as a business manager for the State Prison. I think that the supplemental budget has fairly well taken care of everything that might possibly have slipped by us in the balanced budget. And there are only four or five minor differences between the Governor's supplemental request and those which we have before us at this time. He expressed a desire for \$100,000 additional for the industrial development, and another appropriation of \$61,000 a year for the Port of Portland Authority for which we have set up \$24,000 and \$26,000 for the first year and \$52,000 in the second year for vocational rehabilitation which is in another legislative document and which is left to the Legislature to decide. And the matter of an inspector in the Division of Markets, and also the Governor's addition of \$25,000 for the Water Improvement Commission. Examination of all these items reveals how closely this bill actually follows along the lines of the thinking of the Governor. We put in considerable time in the joint session with the Taxation Committee from which you have heard already and I will

not go into that part of it. I just want you to know how I feel about this thing having as I said before lived with it for so long a time, and I hope that the Majority "Ought to pass" report will be accepted.

The SPEAKER: The Chair at this time would like to call attention to the presence in the balcony of the House of ninety-eight students from the Pattangall Junior High School of Rumford, Maine, Social Studies accompanied by Mr. Hillman, Mrs. Caliendo, Miss Poland and Mrs. Gogan.

Also a Girl Scout Troop from Pittsfield under the leadership of Mrs. Dorothy Shorey, Mrs. Ruth Paradis, Mrs. Ruth Parker and Mrs. Louise Susi.

On behalf of the House, the Chair extends to you a hearty and cordial welcome. (Applause)

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentleman of the House: The charge that politics were involved in this bill has been raised not once but two or three times. I do not believe that politics should enter into this thing, meaning politics in quotes, but I would call your attention to the yeas and nays that we just took and you probably have the sheet before you as I do, I have been scanning it, and I do not know every member of this House or his affiliations with party, but going over this sheet it strikes me very strongly that the members of the minority party were practically unanimous in voting a certain way. Now if that is not politics I do not know what it is. On the other hand, there were several Republicans who voted with them, and the point that I am making now without going into detail on the bill, is that if this bill is a political bill, it is the Democrats who made it a political bill.

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

Mr. EDWARDS: Mr. Speaker and Members of the House: I would like to say at this time that this being my first year as a member of the

Appropriations Committee, I have enjoyed being on it, I have enjoyed working with the other members of the Committee, I have learned much, and I realize that perhaps there is much more to be learned.

In regard to the balanced budget and some remarks made by a previous speaker, I would like to state that that budget called for current services. It was our hope, all those members signing with me on the "Ought not to pass" report, that the supplementary budget, L. D. 43 would be reported out in new draft so that each one in the House would know what the feeling was of those with the Governor in his new redraft along with the package deal. It has been stated that the Governor would have liked to have had the \$2,000,000 capital outlay reserve placed and passed by this Legislature. There seems to be a need of this, and I would like to state from a few things that were given to us in Committee at the time of the hearing, that the surplus estimate has fluctuated from a deficit of \$198,000 plus to an alltime high of \$8,391,000 plus. The deficit came about as I understand in 1951, and at that session the sales tax was passed, and it was not known exactly just how much it would bring in. It was estimated, but that is all we had. Now along with that the State Property Tax was assessed which threw into the surplus account \$5,576,000 plus. Thus we had an unknown amount from the sales tax plus the State Property Tax. Today, after three years of assessing the Sales Tax, it can be more accurately estimated how much that will bring in, and we no longer have the State Property Tax. I might also add and I think I am right, that the Governor in his estimates upped the revenue \$700,000 and in this package it has been upped again \$400,000 which also means \$1,100,000 which would have a tendency to cut the surplus in two years from now. I would like to also quote again from information given to us at our hearing in regard to this that in the 94th Legislative Session there was requested \$4,769,000 plus for capital improvements, and the Legislature appro-

apropriated \$1,468,000 plus, leaving unfilled needs of \$3,300,000 plus. The 95th Legislature requested funds of \$5,201,000 plus and the Legislature appropriated \$1,328,000 plus, leaving unfilled needs of \$3,873,000. The 96th Legislature requested \$16,739,000 plus and the Legislature appropriated \$6,903,000 plus leaving a need of \$9,836,000 for capital improvements. Does this not show a need for a reserve fund for capital improvements? The Governor also requested \$30,662,000 and \$14,922,000 for the next biennium for Civil Defense. He felt that this was needed for that work. In regard to vocational rehabilitation it was felt that this should be put in the new supplementary redraft, although there is another bill for it. The Bureau of Purchases which has requested \$6,056 for 1955 and 1956 and \$6,264 for 1956 and 1957, this was to employ someone to check the purchases that were delivered to the different institutions and stored. I will state two instances that were given to me. One was a load of tomatoes that were bought, never looked at and were stored, and when they came to use them they all had to be thrown away. Another case was where an institution purchased through the Bureau of Purchases a load of flour, there was not ample storage for the flour and half of that was wasted. So it seems to me that here is one chance in which you could more than save your \$6,000. The Water Improvement Commission, there was a difference there of around \$25,000. The added money was to complete the work of that Commission in the next two years. Then there was an increase in the Maine Development Commission which would have been in the supplementary revised bill of L. D. 43, of \$170,440 for the first year of the biennium and \$178,598 for the second. Then they come down to the other difference which is the Maine Port Authority. The package is given \$24,000 and the Governor still felt that we should need \$61,000 and I might quote to you from letters given to the Committee that made up the Governor's budget last fall. Maine Port Authority, this is used for not only one port, but for all the ports in the State of Maine, and the \$61,000 will be spent in the

following manner: 1. A representative stationed in New York, the cost of such man based on accurate information would be as follows: Salary \$12,000, Secretarial expense \$3,100, rent \$2,400 and travel \$6,000. 2. A man to travel through the State of Maine, another in the New England States particularly in New Hampshire and Vermont in an effort to get available cargoes to ship through Maine ports at a cost of approximately a salary of \$10,500, travel \$5,000. 3. Advertising and publicity \$2,500. 4. Western representative, large cargoes, especially foreign cargoes come from the central part of the United States and could be possibly shipped through Maine ports. The cost of this representative's salary would be \$7,500 and the travel \$5,000. 5. Engineering and coast development, a report from Eastport to Portland is the potential place from which water-borne cargo can be received or shipped. A careful survey should be made to determine just what can best be done to increase shipping to and from all these port points. It is figured that the minimum charge for work of this kind is \$5,000 per year. 6. General promotion of the over-all picture of the cost of \$5,000. This brings a total figure of approximately \$61,000. This figure is very conservative when compared with the promotion expenditures made by the competing ports. The following is a list of the amounts spent by the state and the municipalities in the development of ports which are in direct competition with Maine ports. The port of Boston, expenditure, \$60,000. I might say that the Boston expenditure by the Commonwealth is low because Boston has a very substantial net income from its own facilities. Port of New York, expenditure \$500,000; Philadelphia \$335,000, Hampden Roads \$430,000; Charleston \$130,000; Savannah \$138,000, and New Orleans \$680,000. Without the money he requested, the Director of the Maine Port Authority would be confined to their present duties of running the Maine Port pier and thus being non-competitive, stationed with privately owned terminals. Those are the main differences between what we would have liked to have reported out under L. D. 43 in new draft and this

package document. Naturally I could not sign the "Ought to pass" report with this without those in it, and also due to the fact that there was not enough money to cover the needs as we see it. To me it would seem only fair that the Governor and our L. D. 43 in new draft should receive equal treatment on the floor of this House.

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

Mr. JACOBS: Mr. Speaker, reference has been made here on the floor of the House that this Committee, the joint committee of Appropriations and Taxation were discourteous to the Governor. I want to say here in behalf of those members of the Committee, that as far as I can see and understand, we meant no discourtesy whatsoever, but a difference of opinion seemed to prevail on this particular bill, and that is why this bill was put out "Ought to pass" by seventeen in favor and three against, and I move the previous question.

The SPEAKER: The gentleman from Auburn, Mr. Jacobs, 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? The matter is debatable but only as to the question of whether the main question will be put now or whether further debate on the main issue may be continued.

As many as are in favor of the main question being put now will rise and remain standing in their places until the monitors have made and returned the count.

Sixty-eight having voted in the affirmative and twenty having voted in the negative, the main question was ordered.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. Childs, that the Majority "Ought to pass" Report of the Committees on Appropriations and Financial Affairs and Taxation jointly on Bill "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1956 and June 30, 1957, and to Provide Additional Revenue to General Fund," House Paper 1229, Legislative Document 1512, be accepted.

The Chair recognizes the gentleman from Kennebunkport, Mr. Bibber.

Mr. BIBBER: Mr. Speaker, I move that when the vote is taken it be taken by the yeas and nays.

The SPEAKER: The gentleman from Kennebunkport, Mr. Bibber, requests a ye and nay vote. The yeas and nays must be taken if one-fifth of the members present desire it. All those desiring that the vote be taken by the yeas and nays will kindly rise and remain standing in their places until the monitors have made and returned the count.

A sufficient number arose.

The SPEAKER: Obviously more than one-fifth of the members present having arisen, the yeas and nays are ordered.

The question before the House is on the motion of the gentleman from Portland, Mr. Childs, that the Majority "Ought to pass" Report be accepted.

All those in favor of the Majority "Ought to pass" Report being accepted will when the Clerk calls their names answer yes; those opposed will answer no.

The Clerk will call the roll.

### Roll Call

YEA — Allen, Anderson, Anthonio, Bean, Bibber, Blanchard, Bowie, Brewster, Brockway, Brown, Baileyville; Browne, Bangor; Carter, Etna; Carter, Newport; Caswell, Cates, Charles, Childs, Christie, Cole, Crockett, Curtis; Davis, Calais; Dunn, Earles, Edgar, Evans, Fay, Ferguson, Files, Finemore, Foss, Foster; Fuller, China; Fuller, So. Portland; Getchell, Greenleaf, Hanson, Harnden, Hatfield, Haughn, Henry, Hilton, Howard,

Jack, Jacobs, Jennings, Jones, Kimball, Knight, Lawry Libby, Lindsay, Lord, Mann, Martin, W. Gardiner; Maxwell, McCluskey, McGlaulin, Michaud, Needham, Olpe, Osborne, Pierce, Pike, Potter, Pullen, Reed, Rich; Roberts, Brooklyn; Roberts, Dexter; Ross, Brownville; Roundy, Sanborn, Sanford, Seaward, Skolfield, Soule; Stanley, Bangor; Stanley, Hampden; Staples, Stilphen, Storm, Tarbox, Thomas, Totman, Wade, Walter, Whiting, Willey, Williams, Winchenpaw, Woodworth.

NAY — Alden, Babineau, Beal, Bernier, Cianchette, Cook, Cormier; Cote, Lewiston; Cote, Madison; Courtois; Couture, Bath; Couture, Lewiston; Coyne, Cyr; Davis, Westbrook; Denbow, Dostie, Dudley, Dumais, Duquette, Edwards, Elwell, Flynn, Gilmartin, Jacques, Kinch, Lamb, Latno, Letourneau, Malenfant; Martin, Eagle Lake; Nadeau, Palmeter, Porell, Reynolds; Ross, Bath; Sansoucy, Stanwood, Valley, Walls, Walsh.

ABSENT—Albert, Baird, Bragdon, Briggs, Call, Dicker, Gardner, Greene, Hancock, Higgins, MacDonald, Madore, Quinn, Rogerson, Shaw, Wadleigh.

Yes 92; No 41; Absent 16.

The SPEAKER: Ninety-two having voted in the affirmative, forty-one having voted in the negative, sixteen being absent, the motion prevailed and the Majority Report "Ought to pass" was accepted.

The Bill was then given its two several readings and assigned for third reading tomorrow.

(Off Record Remarks by the Speaker)

The SPEAKER: The Chair lays before the House the first tabled and today assigned matter, Senate Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Bill "An Act relating to Admittance of and Charges for Patients at State Sanatoriums," Senate Paper 212, Legislative Document 553, tabled on April 28 by the gentleman from Kennebunkport, Mr. Bibber, pending acceptance, and the Chair recognizes that gentleman.

Mr. BIBBER: Mr. Speaker and Members of the House: Fully realiz-

ing the length that we have endured with appropriations this morning, I would like to take just a few minutes and speak very briefly on L. D. 553, which is an "Act Relating to Admittance of and Charges for Patients at the State Sanatoriums." Two aspects appear to be of importance, and these are: the purpose, and the cost. Fully realizing the duties and the problems that your Appropriations Committee has had, and trying to be economy minded, I feel that they have lost the purpose of the bill. The purpose is clear cut and embodies an attempt to expedite the control of tuberculosis. It is believed that this bill will accomplish the following: Will encourage victims to accept earlier treatment when their chances of recovery are greatest and the cure will take less time. It will encourage patients to accept treatment for necessary periods and discourage leaving our state sanatoriums against medical advice before the arrest of the disease. It will protect the healthy population by segregating persons with active disease and thereby preventing unnecessary exposures to infection and the development of new cases. It will preclude the necessity of deserving citizens having to make the choice of accepting pauperism or the risk of progressive illness. Each of these purposes is a positive step resulting in health benefit to both the patient and the general public. Each of these purposes also has a positive effect on the state's economy, and I shall briefly outline them. The earlier a patient is placed under treatment the earlier the recovery. The average cost per patient day is \$10.45. According to the latest figures of 1953 and 1954, the average per patient day costs were paid as follows: The patient paid 4.8 per cent and the state 95.2 per cent. Now under the patient's cost that 4.8 per cent is included in the amount paid by the towns, the amount paid by the patient personally, and a federal grant. It is cheaper for the state to pay all the expenses for an early case than part of the expense for the long-term patient as it now does. Each patient who walks out of the sanatoria against medical advice without having accomplished arrest

of his disease wastes much of the state's money, for whether a free or a paying patient, the state bears the greater part of the expense. Thus, the investment the state has made in the patient is lost. Each patient with active tuberculosis is a potential spreader of the disease to other people. As his disease progresses, his ability to infect others increases also. It is cheaper for the state to encourage early hospitalization and control spread of the disease, for, by so doing, new cases which would have to be treated later at a greater expense to the state, will be prevented. Self-respecting persons, who have always made their way, do not like to accept charity or pauperism. Consequently, those with pride but who have not been able to put aside the large sums required to finance tuberculosis treatment are prone to delay hospitalization under our present regulations. Thus, when they must stop work and seek treatment, income ceases and the state must therefore assume the costs anyway, but for a longer period with reduced charges for total rehabilitation of the patient. In considering these things, it must be borne in mind that unlike so many other problems, tuberculosis is a communicable and infectious disease, but it can be controlled. It is to the public's benefit not just individual benefit, that indicated measures therefor be taken. Also it must be remembered that the state is already expending large sums on tuberculosis control apart from maintaining our sanatoriums. By creating a financial barrier, which this "Ought not to pass" report does do, the efforts and benefits achieved through case findings, public health nursing, health education and other aspects of public health are neglected, and a financial loss to the state in many instances. The total figure of \$53,494 has been given as the State's revenue or shall I say the collection from tuberculosis patients, towns and federal government. This is not a true figure, as the cost of collections are not deducted. This amount represents 4.8 per cent of the annual total cost of maintaining our sanatoriums. Now we do have a problem in our state. Many of you who are

on the Institutional Committee and on the Public Health Committee and those of you who have made tours through our state institutions realize the very serious TB problems that we do have. This bill would eliminate the charge made by the state so that everyone would be taken in and the total cost borne by the state. Your total expenditures at all sanatoriums are \$1,114,633 of which the state pays 95.2 per cent, and as I have said the patient, cities and towns and the federal government paid 4.8 per cent. This bill would eliminate the charges made to the towns and the patient. Some might ask what would be our federal grant loss? I might say that it is insignificant, \$1,188. Mr. Speaker, I therefore move that the bill be substituted for the report.

The SPEAKER: The gentleman from Kennebunkport, Mr. Bibber, moves that Bill "An Act relating to Admittance of and Charges for Patients at State Sanatoriums", Senate Paper 212, Legislative Document 553, be substituted for the "Ought not to pass" Report of the Committee on Appropriations and Financial Affairs.

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

Mr. CURTIS: Mr. Speaker and Members of the House: I wish to rise in support of the motion of the gentleman from Kennebunkport, Mr. Bibber. I made an exhaustive study not only from a financial standpoint which he has covered very thoroughly, but from a health standpoint. I could tell you here and furnish you proof of quite a few people who have died from tuberculosis which in my opinion there was no need of them dying, who were not able to go to the sanatorium and pay for it themselves and who did not know that under certain provisions and certain rules and regulations and red tape they could get there without paying for it themselves. I think we all realize what a serious thing this thing is, tuberculosis, and we all realize that when we were young people, a fellow like myself, when a person got TB they usually screened in the porch and set him out in a chair and put a shawl around his shoulders and let him sit there and die

after a few months. It used to be thought and quite reasonably so, because no effort was made to save them to any great extent, that they were stricken with death the minute they got tuberculosis. Now we have found that it is a curable disease, if taken early it is almost 90 per cent curable and perhaps more, so the whole thing seems to be to get them to where they can have the proper care for a while at least, and I think this is a good bill and I trust that the bill will be substituted for the report.

The SPEAKER: The Chair recognizes the gentleman from North Yarmouth, Mr. Henry.

Mr. HENRY: Mr. Speaker and Members of the House: I think the boys have made out a very good case, but I would just like to correct one impression of the gentleman from Kennebunkport, Mr. Bibber, that the Committee did not understand the purpose of the bill. They certainly did, and they are in full accord with the purposes of the bill, but they do not believe that the bill will accomplish the purpose. The reason that tubercular patients do not go to the sanatoriums is not because of the state charge, it is because largely of fear of the sanatorium, and fear of it being known amongst their friends that they do have TB. I fully agree with the necessity of treating tubercular patients, but we do not believe that this bill will aid along that line.

The SPEAKER: Before recognizing the gentleman from Warren, Mr. McCluskey, the Chair would request the Sergeant-at-Arms to escort the gentleman from Fort Fairfield, Mr. Reed, to the rostrum for the purpose of presiding as Speaker pro tem.

The House may be at ease.

#### House at Ease

Called to order by the Speaker.

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

The SPEAKER pro tem: The Chair recognizes the gentleman from Warren, Mr. McCluskey.

Mr. McCLUSKEY: Mr. Speaker and Members of the House: We have just passed Legislative Document 1512, the supplemental budget, which has forty-seven items in it or thereabouts. They range anywhere from a few hundred dollars up to \$1,400,000. We accepted the Appropriations Committee's judgment on all these items without questioning them at all so I think that we should accept their judgment on many more items that are coming up that have been tabled and especially this one and I hope that the motion of the gentleman from Kennebunkport (Mr. Bibber) does not prevail.

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

Mr. MALENFANT: Mr. Speaker and Members of the House: I am a little bit mixed up on this bill. Through the Chair, I would like to ask the gentleman from Kennebunkport, Mr. Bibber, if his motion means that if a patient can not pay for himself, the city will have to pay \$2.00 a week, or not.

The SPEAKER pro tem: The gentleman from Lewiston, Mr. Malenfant, addresses a question through the Chair to the gentleman from Kennebunkport, Mr. Bibber, who may answer if he chooses.

Mr. BIBBER: Mr. Speaker, I will try to answer the gentleman's question to the best of my ability. I believe that this sum of \$53,000 is to be absorbed by the State and there will be no charges made to the town or to the patient. And also, while I am on my feet, I would like to answer the gentleman from North Yarmouth, that the elimination fee system for treatment at State Tuberculosis Hospitals is not a new or untried innovation. Many states now use this system and such as ours are considering using it.

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

Mr. MALENFANT: Mr. Speaker and Members of the House: Since I am one of the municipal officers in Lewiston, we send many poor, unfortunate people to the State Sanatoria. A good many can not pay

for themselves. The city pays \$2.00 a week for them. That makes a patient feel bad, he feels that he is on the city welfare or the welfare of the town. If he gets well enough to come back to the city or town, a good many claim that he has been under welfare. I agree that when they send a patient to the State Sanatorium if he cannot pay for himself they ought not to charge the city for it. If that is what the gentleman from Kennebunkport, Mr. Bibber means, I move his motion prevails.

The SPEAKER pro tem: The Chair will inquire if there is any further discussion. If not, the question before the House is on the motion of the gentleman from Kennebunkport, Mr. Bibber, that Bill "An Act relating to Admittance of and Charges for Patients at State Sanatoriums", Senate Paper 212, Legislative Document 553, be substituted for the "Ought not to pass" Report of the Committee on Appropriations and Financial Affairs.

The Chair recognizes the gentleman from Kennebunkport, Mr. Bibber.

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

The SPEAKER pro tem: The gentleman from Kennebunkport, Mr. Bibber, requests a division.

As many as are in favor of the motion that the Bill be substituted for the Report 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.

Fifty-eight having voted in the affirmative and twenty having voted in the negative, the motion prevailed, and the Bill was substituted for the Report in non-concurrence.

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

The SPEAKER pro tem: The Chair lays before the House the second tabled and today assigned matter, House Joint Order, House Paper 1217, relative to Recalling to the House from the Legislative Files "Ought not to pass" Report of Committee on Claims on Resolve to Reimburse the Town of Stetson for Aid Extended to Carlton Johnson, House

Paper 809, Legislative Document 846, tabled on April 28 by the gentleman from Newport, Mr. Carter, pending further consideration, which Order was passed in the House and indefinitely postponed in the Senate.

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

Mr. ROUNDY: For my seat mate on the left, the gentleman from Newport, Mr. Carter, he having to be absent at this moment, I move that this be tabled for the session tomorrow morning.

The SPEAKER pro tem: The gentleman from Portland, Mr. Roundy, moves that the House Joint Order be tabled pending further consideration and be specially assigned for consideration tomorrow. Is this the pleasure of the House?

The motion prevailed and the House Joint Order was so tabled and assigned.

The SPEAKER pro tem: The Chair lays before the House the third tabled and today assigned matter, House Divided Report, Majority "Ought to pass" and Minority "Ought not to pass" of the Committee on Claims on Resolve to Reimburse George H. Morong, of Portland, House Paper 520, Legislative Document 583, tabled on April 29 by the gentleman from Portland, Mr. McGlaufflin, pending acceptance of either report, and the Chair recognizes that gentleman.

Mr. MCGLAUFLIN: Mr. Speaker, I move the acceptance of the Majority "Ought to pass" Report.

The SPEAKER pro tem: The gentleman from Portland, Mr. McGlaufflin, moves that the Majority "Ought to pass" Report be accepted.

The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker and Members of the House: I know all the old members are waiting to hear this argument between my good friend, the gentleman from Portland, Mr. McGlaufflin, and me and I wish to thank him for tabling this resolve until this morning.

As most of you members do not know, this resolve has been before several Legislatures and was always killed and it has come back again this year. I would like to say



that the gentleman from Portland, Mr. McGlaulin, dies hard as you know according to the number of years he has lived. I would like to say first that this is a divided report, six on the majority report "Ought to pass" and four on the minority report "Ought not to pass". This resolve came into the House several weeks ago with a unanimous "Ought not to pass" report. Since that time there has not been any further information received on this resolve but in courtesy to the gentleman from Portland, Mr. McGlaulin, and me and they believing that we should have a debate, they have brought it out in a divided report and apparently that divided report is against me. I mean that all in good fun because the committee has done very well on this resolve. I think that the Claims Committee is as fair a committee as we have in the House.

First off, this resolve, to those who are not familiar, is a resolve, is a claim, I should say, against the State due to the fact that George Morong of Portland, some years ago started to help the Indians of the Passamaquoddy and the Penobscot Tribes. I would like to add at this time that I do not believe that the tribes need too much help because the State takes out of taxation, yours and mine, over one dollar for each and every Indian per day living within the State of Maine and belonging to the tribes of the Penobscot and the Passamaquoddy Indians. I believe that when George Morong started this, I know my good friend, the gentleman from Portland, Mr. McGlaulin, is going to say that he started it with permission of Governor Payne and his council at that time, which is very true. I agree with that statement. But at no time did the council or the Governor say that they would reimburse George Morong for any part of the money that he spent. And I do say here and I believe it beyond a doubt, that the report that he made to the Governor and council was very much padded because this work of his was only in operation some six months, in other words, lacking two days of being six months. And he claimed that he had expended \$4,043, of which I would

just like to read a few items—I will hurry through this as I know everybody is hungry. Just for example, he claimed that during this time he spent \$378 for telephone expense, \$1030 for travel, automobile travel, \$1035 for meals, \$950 for shop work, which no doubt probably is right; the shop work is probably right, \$25 for photographs and so on. But just as a reminder, \$378 was reported as the expense for telephone calls for this length of time. So I believe that all of the members of the committee and all of the members of previous Legislatures have felt that this was a very much padded account.

Another thing I believe is that when George Morong entered into this, he entered into it with the idea of making money, which is, beyond a doubt, a true statement. And I do believe that if he had made money, and I think you will agree with me, that he would very reluctantly have turned it over to the State of Maine. After starting this business and finding that he had lost money, I believe it very unfair to ask the State of Maine to return his money. I would like to add here again in closing that there was a petition which was presented in past Legislatures to the effect that the tribe, the Passamaquoddy Tribe, had a petition circulated within their tribe and signed by the leading members of their tribe asking the Governor and council to ask that this George Morong stay away from their reservations and do no further transactions with them, that they were very capable of taking care of themselves.

At this time, I would like to make a motion for indefinite postponement of this resolve and the reports.

The SPEAKER pro tem: The gentleman from Bridgewater, Mr. Finemore, moves that the two Reports and Resolve be indefinitely postponed.

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

Mr. McGLAULIN: Mr. Speaker and Members of the House: My good friend, the gentleman from Bridgewater (Mr. Finemore), and we are good friends, has just been aching to get a chance to debate

with me something on the floor of this House. I accept that challenge and he is going to have his wish right now. I introduced this bill and I can assure you that I would not support any bill that I did not believe in. I want to give you a little bit of the history of this case. During Governor Payne's administration, Mr. Morong went to the Governor and talked with him and made a proposition of what he thought would be a great help to the Indians of Passamaquoddy and Old Town. They talked the matter over and the Governor gave him to believe that if he would go down there and carry out his plan that he would be reimbursed for the same. I want to say to you that as a law, it is the law of implied contracts that if you go to work for a man who never hired you at all, but he knows that you expect pay and you allow him to work without stopping him, the law will imply a contract and compel you to pay. Now in this case he thought he was working for the State of Maine when he got the assurance from Governor Payne that he would be taken care of. He introduced a bill or somebody introduced a bill for him in which he made a claim not only for his services but for what he had paid out. Two years ago the Committee put out a favorable report to pay him nothing for his services, but to pay him for what he had paid out after his talk with Governor Payne which amount the Committee found to be \$1200. Two years ago some enemies of Mr. Morong sent in a petition to the Committee against paying him anything, and that petition as I recall it had about twenty or twenty-two names on it signed by Indians who could not read nor write many of them, and I saw the paper myself and it was signed in the same handwriting for most of those signatures. It was fraud from start to finish. That measure passed this House. It went to the other body and there one influential Senator who had become prejudiced because of some statements that had been made outside the hearing, succeeded in defeating the bill in the Senate. This year, I will not say I favored this bill two years ago, this year I introduced the bill because from the

evidence I had I felt that he should be paid what he paid out. I attended the hearing on this bill; my brother from Bridgewater, (Mr. Finemore) was not there. He did not hear the evidence. I did. I learned in that hearing some of the things that Mr. Morong had done to help the Indians, with the full expectation that he was going to be reimbursed at least for what he paid out. A few days later I talked with the Senator that presided at that hearing and he told me that the Committee had passed that measure favorably, and I so reported to Mr. Morong's attorney. You can imagine my surprise when a few days later came into this House the bill "Ought not to pass". A little bit later the real Chairman of that Claims Committee requested me — I did not request him, he requested me, to have that bill sent back for he felt that an injustice had been done. That bill went back with the result of the report that you have here before you today, six for and four against. I have been told that there were certain letters introduced to that Committee after the hearing that were derogatory of the character of Mr. Morong, and that may have had some influence with the Committee, but I want to tell you that any such document maligning the character of a man who was setting up a claim would be wholly irrelevant in any court in this country. There was no opportunity to meet the charge whatever it was, there was no opportunity for cross examination by the Committee or by anybody else, and if those letters or letter had any influence on the Committee it was because the Committee would be unable to think logically or else they knew nothing about the law of evidence.

Now let me tell you what Mr. Morong did. This money he paid out of his own pocket after he had talked with Governor Payne. He had established a baseball team, something they never had before, he taught the young Indians to play ball. He supplied games for the children; he bought machinery to help them build their canoes; he bought machinery to help them make their baskets; he went out and established market places for

them to market their wares, and he spent all this money out. Here is one little evidence, a letter that I want to read to you. "St. Anne Church, Perry, Maine, dated February 13, 1954. Mr. G. H. Morong, 116 High Street, Portland Maine. Dear Mr. Morong: This is to acknowledge receipt of the following shipped equipment: four card tables, one pingpong set, one punching bag and platform, one toy pool table, please give me sincere thanks, . . ." That was only a part. In addition to that at the Passamaquoddy Tribe he help raise funds to establish a gymnasium. He also solicited funds and helped contribute funds that built some additional buildings for the Indians. At the hearing this year, I heard Indian after Indian tell the amount of good that he had done. This little statement that I read is only a very small part of the equipment that was furnished to those Indians. You may recall if you look back in history just a little, that the Indians were once a strong, proud people. The settlers came to Maine and they crowded them out, if they bought land from the Indians they cheated them unmercifully. The white people had more and more that kept coming in and for years, many years there was war between the whites and the Indians. Finally the whites having better odds and being more of them, totally annihilated the Indians, so that for many years practically all the Indians have been those stationed at Old Town, Passamaquoddy and I think there was one other place where a few resided.

I want you to get this picture. Those Indians were counted, they had no right to vote, they could not hold office, they were looked down on and despised, they became practically hopeless. They became lazy, they had no ambition, nothing to look forward to whatsoever. I want to state my objection to one other thing. In conquering the Indians one of the great outrages of the white people was the destruction of their buildings at Norridgewock, and one of the most atrocious things that was done that we find in American History was when they killed that Catholic Saint who was

trying to lift up those Indians, teach them some religion, give them some hope in life, and they murdered him without any good reason whatsoever. Now when you take people who are crushed, trodden upon, despised, poor, many who cannot read and write today, the Catholic Church has helped them some, more than anybody else, when a man comes in and starts young men playing baseball, one of the greatest things to build up morale in young men that was ever invented, when he helps the children, when he helps them to make up products and present them for the market, he is building up the morale of that people which is one of the noblest works that any man can perform. This man Morong ought to be given a medal rather than treated with contempt and throw his just claim out of the window just because some few people are prejudiced against the Indians as I understand my good friend is. Somebody has forwarded me a picture of the Indian team, they have uniforms, they have—you cannot see it very well, but it is a nice picture of the team. They have bats and balls and masks, and if you should look at that picture along, you would see that that man Morong did a marvelous job. I heard some of the letters of comments on what he did. One was from Frederick Allen, he told what a splendid job Morong had done. Another was a judge of some court who was familiar with the facts, he praised him for his work. The Indians themselves at that hearing repeated over and again what a lot of good he had done. Is say to you, ladies and gentlemen of this House, this is a just resolve, it should be paid. I expect you to vote against indefinite postponement and pass this resolve.

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

Mr. CASWELL: Mr. Speaker and Ladies and Gentlemen of the House: There is just one statement I wish to make, perhaps a little preliminary. I heard this bill when it was proposed four years ago. The proponents and opponents have decreased somewhat in that time apparently so far from what I have

heard, but there are still both proponents and opponents. I heard it again two years ago. I think that there was not much difference, I think that the proponents and opponents were about evenly divided at that time, and there were more of them. During those two sessions I was rather inclined to believe that Mr. Morong perhaps in his first bill had charged too much, perhaps that the bill ought to be scaled down somewhat, but finally two years ago as the gentleman from Portland, Mr. McGlaulin, has said, it was passed in the House. Now I just want to warn you people who will be here at the next session, that you had better go along with the gentleman from Portland, Mr. McGlaulin, because it will come up at the next session and on succeeding sessions if we do not get rid of it now, and if there is anything any more tiresome than to hear a bill rehearsed session after session, the same arguments presented, I do not know what it is. I am going along with the gentleman from Portland, Mr. McGlaulin.

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

Mr. POTTER: Mr. Speaker and Members of the House: I hesitate to debate this issue with my good friend the gentleman from Portland, Mr. McGlaulin. However, it so happened that I was on one of the Committees that studied this matter quite thoroughly. Our first reaction was that the bill ought to pass, but on giving it more consideration we decided it should not, we decided the bill was greatly padded. For instance we have auto expense, two trips from Portland to the reservation \$130. Then we go along and we have hour expense again \$100. Then we have visiting with Ed Talberth at the hotel, meals and telephone expense \$75.00. Now you have got to visit quite a while at a hotel for your meals and telephone expense to come to \$75.00. Then in the same month we have telephone expense added in again \$68.00. Auto expense \$50.00 in connection with Old Town, formulating program. It seems that this bill has been greatly padded, and until—this by the way, is the record from the hearing held before

the Governor and his Council. As the gentleman from New Sharon, Mr. Caswell, has said, it has been before the Governor and Council and been before the House, this time he got probably the most popular man in the Cumberland County delegation to present it, hoping it would go by and be passed, and I think we should go along with past Legislatures and accept the "Ought not to pass" report.

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

Mr. ROUNDY: Mr. Speaker, I am not going to take any time because I think that the gentleman from Portland, Mr. McGlaulin, has stated the facts as I understand them so well that it would do harm rather than good to try to add anything further. I do want to have it clearly in the minds of us all, however, that the \$4,000 item that the gentleman from Bridgewater, Mr. Finemore, spoke of, is not what we are considering, but \$1200 is the amount in the bill. I have known Mr. Morong these years and have talked with him often about the excellent service that he has done for the Indians, and the wholehearted and I think self-giving way in which he has given of himself in their behalf, and it is my judgment that it would be perfectly wonderful if the Indians in the State of Maine had more friends like Mr. Morong.

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

Mr. ANDERSON: Mr. Speaker and Members of the House: I have seen measures in this Legislature as many as four times in four different Legislatures, and by their appearing on four different occasions, I do not believe on any occasion ever changed my opinion. Being one of those who signed the "Ought not to pass" report, I think probably I ought to say a few words. However I am going to limit my words because this is a debate between the gentleman from Portland, Mr. McGlaulin, and the gentleman from Bridgewater, Mr. Finemore. I do want to say that I am suspicious of anyone who presents a bill for \$4,000 when it is obviously padded, and then later when it is found that

that bill cannot be passed by the Legislature, has one introduced at a lower amount, hoping that possibly that amount can be paid. When I first came to know Mr. Morong was by way of the Saturday Evening Post. I read the article long before I ever heard any discussion on the floor of the House or anywhere in the halls of the Legislature. I still have not changed my mind. I do not think that the bill ought to pass, and I am going along with the motion to indefinitely postpone this bill.

The SPEAKER pro tem: The Chair recognizes the gentleman from Saco, Mr. Couture.

Mr. COUTURE: Mr. Speaker and Members of the House: I happen to be one of the members that did not change my opinion on signing the "Ought not to pass" report. I feel the same way as the gentleman from Greenville, Mr. Anderson, about anyone who puts in a bill and then starts to slice it down. When they do that there must be something the matter with it, either their conscience is bothering them or they feel that if they cannot take the whole hog they will take whatever part they can get. In this particular case here if you will look at your second item on the table, the same committee went down "Ought not to pass" report unanimously on the claim of a town which really could use the money of \$144.00 and because of some reason that they had not complied with the state laws. In this case here, the only one I think that Mr. Morong had to contend with was the Governor and his Council. If they could not see fit to pay him for whatever services he had rendered to the state or recommended to the Legislature to do the same, why should the third Legislature after this bill was introduced, or the third one in sequence, have to go out and take the \$1200 which they say now is the final amount they will take? I believe this way, that probably if this Legislature which I hope the motion to indefinitely postpone will prevail, we would probably have it down to \$600 in the next Legislature.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I apologize for having to speak again, but I would like to correct the gentleman from Portland, Mr. McGlaufflin, on some things he has said, then I will sit down peaceably. He said that members of the Council promised him money. The members of the Council, several of them I will say, and one definitely who is a very fine member of the Council and a very good Christian man, said that at no time did they ever promise any reimbursement whatsoever to George Morong. I would like to say one other thing, that I did not know that the gentleman from Portland was an expert on handwriting on which he has made a statement which I doubt very much because I read the petition and probably read it and had it in my possession longer than anyone else. Another thing I would like to say, the gentleman from Portland, Mr. McGlaufflin, mentioned about the baseball team. As long ago as 1926 I had the opportunity of playing baseball against the baseball team at Princeton, and let me tell you they sure gave us a shellacking, and I do not think they needed anyone to come in or do at this present time need anyone to come in to show them how to play baseball. One other thing, he says I am prejudiced against the Indians. I wish it was possible to have some of the Indians from my locality here and say that I was prejudiced against them. I believe that anyone from my district can say I have done more for Indians, I would say far more for Indians and looked after more Indian children to see that they got clothes and were taken care of far more than George Morong ever has, and I am not asking for reimbursement from the State. Another thing that the gentleman from Portland, Mr. McGlaufflin, stated, and I believe you will remember it, he said that George Morong admitted that he had only spent or to that effect \$1200 of his own money, but I have in my possession here a letter dated December 17, 1951, where he was asking for reimbursement of over \$4,000 from the state which has been cut down now to \$1200, and which the gentleman from Portland, Mr.

McGlaulin, admitted, all he spent was \$1200. That does not hardly seem fair.

I do not feel qualified to debate against the gentleman from Portland, Mr. McGlaulin, because I am not a lawyer, but I do think that it is very unjust and very unfair with as many good claims and as many good resolves that we have in this House to go to work and pay a resolve of \$1200 that shows from its use and shows on the letters that have been written to the Governor and Council that it is a very unfair claim. I will apologize to the gentleman from Portland, Mr. McGlaulin, and I will agree on one thing he has said, I did not attend the hearing because the day of that hearing was the day the Transportation Committee had a public hearing in this House on probably the most important bill to Aroostook County that will be here this year and I did not feel that I should leave and attend another hearing at that time because it would have been unfair to my County, but I did appear before the executive hearing but believe any member of that Committee will tell you that I just presented letters and evidence, I did not try in any way, shape or form to do anything to hurt the case at that time, just to show them the things that were presented in the past two years, and I apologize to the gentleman from Portland, Mr. McGlaulin, for that. Thank you very much and I hope you will go along with the indefinite postponement of this resolve.

The SPEAKER pro tem: Is the House ready for the question? For what purpose does the gentleman arise?

Mr. McGLAULIN: I rise to answer the charges, Mr. Speaker.

The SPEAKER pro tem: Does the gentleman claim personal privilege?

Mr. McGLAULIN: Mr. Speaker, I have spoken but once, I have the right to speak twice.

The SPEAKER pro tem: It is the understanding of the Chair and the Clerk that the gentleman has spoken twice.

(Cries of "No")

The SPEAKER pro tem: The

Chair corrects. Is there any objection to the gentleman from Portland, Mr. McGlaulin, addressing the House? The Chair hears none and the gentleman may proceed.

Mr. McGLAULIN: Mr. Speaker and Ladies and Gentlemen of the House: I want to correct the gentleman from Bridgewater, Mr. Finemore, when he said that I said the Council authorized that. If you will look at the stenographic record you will see I did not say any such a thing. I said that Governor Payne, I did not mention the Council, and as to his point about this money paid out, Mr. Morong has been helping the Indians for years and long before this bill was put in at all or before he talked with the Governor, he paid out many, many dollars for the Indians out of his own pocket, and when he put that bill in the first time he thought he ought to be repaid for that as well as for what he paid out after he had talked to the Governor. Mr. Morong deserves every cent of this \$1200, and I expect you to give it to him.

The SPEAKER pro tem: Is the House ready for the question?

The question before the House is on the motion of the gentleman from Bridgewater, Mr. Finemore, that the two Reports and Resolve to Reimburse George H. Morong of Portland, House Paper 520, Legislative Document 583, be indefinitely postponed.

All those in favor of the motion 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.

Seventy-three having voted in the affirmative and twenty-five having voted in the negative, the motion prevailed and the two Reports and Resolve were indefinitely postponed and sent up for concurrence.

The SPEAKER pro tem: The Clerk will read the notices.

On motion of Mr. Bibber of Kennebunkport,

Recessed until one-thirty o'clock in the afternoon, Eastern Standard Time.

**After Recess**  
**1:30 P.M., E.S.T.**

Speaker Trafton assumed the Chair and called the House to order.

The SPEAKER: The Chair at this time wishes to thank again the gentleman from Fort Fairfield, Mr. Reed, for presiding so capably this morning.

The SPEAKER: The Chair lays before the House the fourth tabled and today assigned matter, Bill "An Act Increasing Certain County Salaries in Androscoggin County", House Paper 1050, Legislative Document 1225, tabled on April 29 by the gentleman from Lewiston, Mr. Du-mais, pending third reading.

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

The SPEAKER: The Chair lays before the House the fifth tabled and today assigned matter, Senate Report "Ought not to pass" of the Committee on Education on Bill "An Act relating to Instruction in High Schools on American Freedoms", Senate Paper 110, Legislative Document 271, tabled on April 29 by the gentlewoman from Rumford, Miss Cormier, pending the motion of the gentleman from Rockland, Mr. Stilphen, to substitute the Bill for the Report. In the Senate the Bill was substituted for the Report and Engrossed.

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

Mr. FULLER: Mr. Speaker, I move the indefinite postponement of this bill and as Chairman of the Education Committee, I would like to say a few words regarding the bill.

We want it definitely understood, and I am sure that I can speak not only for myself but for the committee that we have nothing against the bill or nothing against what they are trying to promulgate. We believe that we all want to have freedom of thought but what are freedoms?

Before that, I want to say that I have the highest regard and respect for the sponsors of the bill

and I think their motives are very sincere. I would like to read in our brand new Revised Statutes what it says on freedoms and when I am all through if these are not freedoms, we on the Education Committee do not know what freedoms are. It goes on under Chapter 41, Section 11, Part VII, it starts off by giving the fact that four years of English or English shall be the basic language in all schools and then it says: "provided further that American history and civil government, including the constitution of the United States and the declaration of independence, the importance of voting and the privileges and responsibilities of citizenship, shall be taught in all schools of elementary and secondary grades, both public and private, and that American history and civil government shall be required for graduation from all elementary schools, both public and private."

Now, if those are not freedoms, we just do not know what are freedoms. This bill just says "relating to instruction in high schools on American freedoms". It does not spell out "freedoms" in any way. We feel that the Revised Statutes as they are written spell out American freedoms very well, much better than this bill and we just can not see why all the fuss about the bill because we feel that it is just not necessary.

We have two bills, one has already been signed by the Governor relating to the teaching of the industrial and natural resources of Maine. That has already been signed by the Governor. They have another bill that has already been enacted in the House and it is all ready to be enacted in the other body. It is setting up a fund to furnish material on Maine. There is another bill before us on the accreditation of high schools, and in that accreditation, it says one year of American history is required for graduation. The thing that I think goes much more deeply than anything that has been said is the fact that it takes one more thing away from the local level and places it on the state level and gives the State one more thing to dictate back to the local level. I think it is undemocratic in that I believe that we

should keep our schools as well as everything in so far as possible right back on the local level. If you are on the school board, and some of you are, you know that you do not like to be dictated to on every little thing that you do by the State. And this is just one more thing that the State is going to dictate to you on and tell you what you should teach in every grade from the first grade right through. So I am going to leave that with you. If you want another bill, another law on the books which is not as good as the one already there, it is perfectly all right with me.

The SPEAKER: The gentleman from South Portland, Mr. Fuller, moves that the Report and Bill be indefinitely postponed, which is the pending question.

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

Mr. ROUNDY: Mr. Speaker, I think the Chairman of the House Committee on Education has very clearly indicated the very appreciative thought and attitude which we had in our committee in considering this matter and that the bill on the statute books as he has read it did seem to us very adequately to cover this matter in question. I do want to point out this one fact, which seems to me the difference between the two. In other words, the law which is already on the statutes provides American history and civil government shall be required for graduation from all elementary schools, both public and private. In other words, it covers a larger number, the present law does, than the bill which is presented to us because the bill as presented to us does definitely select the last two years in high school when these teachings shall be given. I agree too with the Chairman of our Committee of the House that the matter of taking away from the local school committees the decision in the courses when these teachings shall be given is one that our Committee was very loath to do. Thank you very much.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. Edgar.

Mr. EDGAR: Mr. Speaker, may I address a question through the

Chair to the Chairman of the Education Committee. I was not at the public hearing on this bill and I was just wondering if the Chairman of the Education Committee could tell us what plan, what suggested outline was proposed by the sponsor of this bill over and above what the statutes already cover. I presume the sponsor of this bill had some definite idea or course of study in mind and I was just wondering if the sponsor's idea went beyond the statutes or whether it came only within the existing statutes.

The SPEAKER: The gentleman from Bar Harbor, Mr. Edgar, addresses a question through the Chair to the gentleman from South Portland, Mr. Fuller, who may answer if he so chooses.

Mr. FULLER: Mr. Speaker, I do not know as I can answer that question. As I remember it, the bill was presented to us with — I can not remember that they had any plan outside of teaching American freedoms. I might say that there was more opposition to the bill than there ever has been on anything else. The Maine Superintendents Association has gone on record as opposing it because it spells nothing out and I will say that we did not realize that this law was on the books until we got the bill before our Committee and began studying it like all of you people do in your committees. We began looking around and we thought that that must be on the books at least I knew that we had to have Maine history and government and so I began to look around and I found this chapter. If you want to read it for yourselves, you may. It is Volume 2, page 159, and that is not in legal terms. You can all find it and read it and it is very plain. It spells out all of those American freedoms like the right of voting, the rights and privileges of being a citizen, the Constitution of the United States and, as I have said before, if those are not freedoms I just do not know and the Committee does not know what they are.

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

Mr. ROUNDY: Mr. Speaker, in just one particular, the bill goes



further than that. The bill includes the Constitution of the United States, the law includes both the Constitution and the Declaration of Independence.

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

Mr. STILPHEN: Mr. Speaker and Ladies and Gentlemen of the House: I wish to have no argument with the august body of the Education Committee this afternoon but I am amazed to find men of their caliber that would argue over anything that they say does not really amount to anything. They say to you that this is an instruction on American freedoms only. If you will read the bill through and find where it says "including the Constitution of the United States and of the State of Maine", I want to know if that is in the already existing statutes. I think that they will agree that nowhere in the statutes is the Constitution of the State of Maine mentioned and I think that this is one of the primary reasons for this bill.

Today, I can think of no better way to start than to start all our children at school, no matter whether it is in the primary school, the elementary or secondary or whereabouts. Somewhere along the line, I think that all the youth of today should be more and better acquainted with not only the Constitution of the United States and the things which it stands for but also the Constitution of the State of Maine. I am sure that many of us did not have the opportunity to study the Constitution of the State of Maine in our early days and I would say again if we had, many of us would know more about it today. Many times this winter, I have been asked to send copies of the Constitution of the State of Maine back to my constituents back home and I think it is a fine place to start teaching that and if that is the only thing that this bill does in addition to what is already in the existing statutes, I say it is a good bill and I hope that the motion does not prevail.

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

Mr. McCLUSKEY: Mr. Speaker and Members of the House: I agree with the gentleman from Rockland, Mr. Stilphen, and I would like to read in part a letter received from the sub-master of Thornton Academy. He says: "The course is desperately needed for a number of reasons. You and your fellow legislators must, through your day to day experiences, realize the ever increasing problems of our national, state, and local governments.

"If we are to believe in the proposition that our government is: of and by the people, then to face our complex problems, our students must have a good foundation in social sciences. There is an appalling lack of understanding on the part of high school graduates to the science of democratic government. Now adults will be quick to criticize and say, 'We took care of that when I was in high school in United States History.' Might we respectfully remind adults, whether they be twenty-five or sixty-five, of the momentous events that have been added to American History since their days of classroom study. The American history teacher of today cannot spend sufficient time on the technical aspects of government or on new problems that come up every day.

"As our society becomes more complex, it is the duty of the schools to spend an ever increasing amount of time on social studies. . . .

"In the interests of good-government. . . .

Very truly yours,

(Signed) Donald M. Russell,  
Submaster  
Thornton Academy."

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

Mrs. FILES: Mr. Speaker and Members of the House: I believe that any bill that will help our young people to be better educated and better informed about the problems of our state and government is very essential. Therefore, I can see where this bill would do no harm and to me it is an opportunity of having our children or our young people better informed when

they leave high school. I have an amendment here which I would like to submit at the proper time.

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

Mr. COUTURE: Mr. Speaker and Members of the House: The problems of democracy is now an elective course in the senior year in some Maine high schools. All this bill would do is raise the present elective course in problems of democracy to the status of a required subject and modernize its contents by requiring a study of the foundations rather than the problems of our way of life and also the constitutional foundations on which our freedoms rest. In a spot check in a well-populated area the high schools in that area showed that two-thirds of the high school students do not take the elective problems of democracy and the situation is worse in small schools. Very few now receive any further instruction in Americanism beyond the scant history course and it is doubtful if even this history course is required of all high school students in actual practice. There is an urgent need for more instruction in Americanism and this bill when passed will meet that urgent need.

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

Mr. CHARLES: Mr. Speaker and Members of the House: There apparently is a need for study of our State of Maine Constitution and the procedure of our legislative activities. Just yesterday morning, our majority House Leader, the gentleman from Portland, Mr. Childs, telephoned me and asked me if I would forego an engagement at the Scarborough High School. He had another appointment and he desired me to take his place. I completed that engagement and I spoke before the Scarborough High School seniors, who are required in their study of American Democracy to learn just how the State Legislature operates and something about our Maine Constitution. I spent forty-five minutes with them and I could see that they needed the type of information they received. I think that we notice every day in our balcony that

there is an interest in our colleges and high schools for the experience and education in state activities especially the operations that we do right here in the Maine Legislature. Therefore, as I said before, it is apparent that our high school seniors need that kind of education that is proposed in this bill. I certainly hope that the motion for indefinite postponement does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. Edgar.

Mr. EDGAR: Mr. Speaker and Members of the House: I just can not reconcile in my own mind some of the statements made by the gentleman from South Portland, Mr. Fuller, with the pressure, if you want to use that word, that has been put on me by the teachers back home in favor of this bill. Either the statutes do not cover the intent of this bill or the schools in my town are not doing what the statutes say that they should do. But the teachers in my particular town are very much behind and in favor of this bill. I do not know whether it is a commentary on the history course in the Bar Harbor high school or whether it is an argument in favor of this bill but very recently I had occasion to be talking to a young girl who is a junior, I believe, in our school and it just happened that I had a pencil in my hand and on the pencil was printed the name "Ticonderoga". She picked up that pencil off the counter in the store where she worked and where I was a customer and started to try to pronounce the name "Ticonderoga" and did not get beyond the second syllable. Then she dropped the pencil down and she said: "Where do you suppose they ever got a name like that for a pencil?" I said: "Has that name no significance for you. Don't you know what it means?" "No, I never heard of it before in my life", she said. Well, now, I was shocked. And as I say, if the purposes intended by this bill would rectify a situation like that, I am certainly all for it.

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

Mr. FULLER: Mr. Speaker, I would admit, I probably would be

the first one to admit, that maybe our schools do need to teach more problems in democracy and more about citizenship. The gentleman from Rockland, Mr. Stilphen, mentioned the Maine Constitution. It says right here in the Revised Statutes again and I will read once more: "that American history and civil government". I do not know how you could teach civil government without teaching the Constitution of Maine. I think that the gentleman from Bar Harbor (Mr. Edgar) is right. They are not probably living up to the present law. The law that is on the books certainly is better than this one which does not spell out American freedoms at all.

The SPEAKER: The question before the House is on the motion of the gentleman from South Portland, Mr. Fuller, that Senate Report "Ought not to pass" of the Committee on Education on Bill "An Act relating to Instruction in High Schools on American Freedoms", Senate Paper 110, Legislative Document 271, be indefinitely postponed.

The Chair recognizes the gentleman from Rockland, Mr. Stilphen.

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

The SPEAKER: 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. Forty-four having voted in the affirmative and fifty-five having voted in the negative, the motion did not prevail.

The SPEAKER: The pending question is on the motion of the gentleman from Rockland, Mr. Stilphen, that the Bill be substituted for the Report in concurrence. Is this the pleasure of the House?

The motion prevailed.

Thereupon, the Bill was given its two several readings.

Thereupon, Mrs. Files of Portland offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to S. P. 110, L. D. 271, Bill "An Act relating to Instruction in High Schools on American Freedoms."

Amend said Bill by inserting before the headnote in the 1st line thereof, the following: 'Sec. 1.'

Further amend said Bill by adding at the end thereof, before the period and single quotation mark, the following underlined words: 'which course of study shall be required for graduation from all free public high schools'

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

'Sec. 2. Effective date. The provisions of this act shall become effective for the school year commencing in September, 1956.'

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

#### Report of Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Clarify the Liquor Laws" (S. P. 254) (L. D. 685) reporting:

(1) That the House concur with the Senate in the indefinite postponement of House Amendment "A".

(2) That the House adopt House Amendment "B" submitted herewith.

(3) That the Senate adopt House Amendment "B".

(4) That both branches pass the Bill to be engrossed as amended by Committee Amendment "A" and House Amendment "B".

(Signed)

Messrs. PIERCE of Bucksport

RICH of Charleston

Mrs. CHRISTIE of Presque Isle

— Committee on part of House.

Messrs. CRABTREE of Aroostook

CARPENTER of Somerset

BOUCHER of Androscoggin

— Committee on part of Senate.

Report was read.

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

HOUSE AMENDMENT "B" to S. P. 254, L. D. 685, Bill "An Act to Clarify the Liquor Laws."

Amend said Bill in "Sec. 10" by adding at the end thereof the following underlined sentence:

'No merchandise shall be considered to be reasonable compatible with a

stock of malt liquor, for the purpose of licensing a retail store, which consists of gasoline and oil; used or new cars, parts or accessories; clothing; hardware; paints or building materials; electric appliances or equipment; or household furniture or furnishings or such other items of stock as may be equally incompatible in nature.'

Thereupon, the Report was accepted.

The House then voted to recede and concur with the Senate in the indefinite postponement of House Amendment "A".

House Amendment "B" was then adopted.

The Bill was then passed to be engrossed as amended by Committee Amendment "A" and House Amendment "B" and sent to the Senate.

The SPEAKER: The Chair lays before the House the sixth tabled and today assigned matter, Bill "An Act relating to Rules and Regulations of the Department of Inland Fisheries and Game", Senate Paper 180, Legislative Document 432, tabled on April 29 by the gentleman from Bangor, Mr. Quinn, pending the motion of the gentleman from Portage Lake, Mr. Cook, to indefinitely postpone. In the Senate, the Bill was engrossed.

The pending question is on the motion of the gentleman from Portage Lake, Mr. Cook, that the Bill with accompanying papers be indefinitely postponed.

As many as are in favor of the indefinite postponement of the Bill will indicate by saying aye; those opposed, no.

A viva voce vote being taken, the motion prevailed and the Bill was indefinitely postponed in non-concurrence and sent up for concurrence.

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

Bill "An Act Amending the Charter of the Gardiner Water District" (S. P. 563)

Came from the Senate received by unanimous consent and referred to the Committee on Public Utilities.

In the House: The Bill was received by unanimous consent.

On motion of Mr. Hanson of Gardiner, the Bill was referred to the Committee on Public Utilities in concurrence.

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

Mr. EARLES: Mr. Speaker, I have an order and I move its passage. If it is consistent with the procedure of the House, I would like to speak briefly on it.

The SPEAKER: The gentleman from South Portland, Mr. Earles, presents an order out of order and under suspension of the rules. The Clerk will read the order.

### Order Out of Order

WHEREAS, a bill has been introduced into the Senate and is now pending in the House and it is important that the Legislature be informed as to the constitutionality of the proposed bill, and

WHEREAS it appears to the House of Representatives of the Ninety-Seventh Legislature that it presents important questions of law and the occasion is a solemn one;

NOW, THEREFORE, BE IT ORDERED, That in accordance with the provisions of the Constitution of the State, the Justices of the Supreme Judicial Court are hereby respectfully requested to give this Legislature their opinion on the following question:

Has the Legislature the right and authority under the Constitution of Maine to enact a law according to the terms of the following bill? S. P. 551, L. D. 1489, An Act Relating to the Hospitalization of the Mentally Ill.

The SPEAKER: Under the rules of the House, an order of this nature requesting an opinion of the Supreme Court can not be acted upon until the following day after its introduction.

The gentleman from South Portland, Mr. Earles, may speak however to the order if he so wishes at this time.

Mr. EARLES: Mr. Speaker, in view of what the Chair has said, I think I should wait until tomorrow to make remarks upon the order. Thank you.

Mr. Ross of Brownville was granted unanimous consent to address the House.

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I am a little hesitant in getting up at this late date to make the request that I am about to make but the town manager of the Town of Guilford, which is one of the towns that I represent, called me up last Thursday and they are just completing over the Piscataquis River a very fine bridge. In their excitement and enthusiasm on getting this new bridge they neglected to make any plans to name the bridge or to dedicate it. In the meantime I have contacted the members of the Highway Committee and I have their unanimous approval of the resolve which I hope to introduce here. This is a very short resolve and there is no money involved in it at all. And at this time I would ask unanimous consent to introduce the resolve.

The SPEAKER: The gentleman from Brownville, Mr. Ross, requests unanimous consent to introduce a resolve. The Clerk will read the title.

The CLERK: Resolve Designating New Bridge at Guilford as "Guilford Memorial Bridge."

The SPEAKER: Does the Chair hear objection to the reception of this resolve notwithstanding the closure order? The Chair hears none and the resolve is received.

Thereupon, on further motion of Mr. Ross of Brownville, under suspension of the rules, the Resolve (H. P. 1233) was given its first reading without reference to a committee, and assigned for second reading tomorrow.

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

Mr. Cook of Portage Lake was granted unanimous consent to address the House.

Mr. COOK: Mr. Speaker and Ladies and Gentlemen of the House: I am probably sticking my neck out by being so presumptuous as to say what I have to say to you today but be that as it may. I am, however, reminded of a plaque that hangs in the office of one of the greatest research geniuses of our time, Dr. Vannevar Bush. It reads

as follows, "BEHOLD THE TURTLE, HE ONLY MAKES PROGRESS WHEN HIS NECK IS OUT."

I rise at this time because it seems virtually impossible for me to suppress a strong feeling that someone should point out and urge that we should resist the great pressure that is placed upon us to be done and get out of here because of our own personal affairs and the beautiful weather. This pressure naturally gets much stronger as each day passes but should we not try to carefully analyze what we have accomplished here to date and what we will accomplish in these remaining days? We have considered in the past 17 weeks the more minor issues before us and in these closing hours we have, for the most part, our major decisions yet to be made. It does seem that if we have spent hours in debating and discussing such things as bears and "whether the term of office of some department head should be 4 years or 7 years" or "some particular part of a city charter should be changed", that we could certainly be leaving ourselves "wide open" to being criticized as irrational, irresponsible or, at the very least having a poor sense of values if we hurry over these major problems that still lie ahead of us, without giving them the time and consideration they deserve. It is with some degree of personal sacrifice that each one of us is here. This is not the type of service that is productive of personal gain, so it should almost be unnecessary to say that each of us came here with the hope that we might be able to contribute something, in our small way, to make this a better state in which to live and work.

I would like to say a few words as regards state finance.

Incidentally I want to say that I agree with everything Governor Muskie has said. However, I do want to make it very clear that I am referring to his expressed ideas of 1949, not 1955. And to explain what I mean let me read from the Legislative Record of 1949. He spoke as follows on Page 1238: "Now if you will remember two years ago when we ended the session without granting the stupendous increases and new

tax revenues that were asked, we were told that we had cut department appropriations to the bone and that undoubtedly in the ensuing two years we would be asked to return in special session to raise new revenues.

"Now it seems to me that for departments that were cut to the bone two years ago, three to four hundred thousand dollars is an awful lot of squeezing. Now I cannot say that much more such squeezing can be realized, but I do say that is sufficient evidence for us to conclude that such a possibility exists."

The Governor continues as follows: "Another point I would like to bring to your attention is the apparently traditional policy of underestimating the State's revenues. If you will remember another chart which was presented in this House at the time of the tax conference, you will remember that it showed over a period of at least fifteen years a recurring surplus year after year without exception for a period of fifteen years. You remember that two years ago we were told that we had appropriated not only all anticipated revenues but all of the then-existing unappropriated surplus, and yet on the first day of January last, we found ourselves with a six million dollar surplus.

He continues as follows: "Now, to me, that indicates a policy of perhaps deliberately, and perhaps soundly, underestimating revenues. If that is true, and if we can really rely upon the experience of the past fifteen years, we may validly conclude that there will be additional funds available because of a present underestimate of anticipated revenues.

"Now because of those considerations, we of the Democratic Party in this House feel that present services can be financed on a slightly expanded basis and that some new services can be provided without any new taxes. We are further convinced that if additional services which are meritorious cannot be provided for within such revenues the people of Maine are not willing to pay new taxes to provide for them."

Now to turn to another page for more remarks from the then Minority Floor Leader. He says on Page

890: "I think if we are realistic, we will come to this conclusion among others: That the State could use more money; but, in reaching that conclusion, we must not forget that that new money can only come from thousands of our people who themselves can also use more money. These new state funds which we seek to create do not come out of a vacuum, they do not come from some painless source; they come from the pocketbooks of our hardworking citizens throughout the state; and I think I can say that our people work as hard, if not harder, for their dollars than any other people in the country.

He continues: "I would like to say something about the growth of state spending in the last two years. I think we should bear that in mind when we are considering the possibility of expanding that spending.

"It is a matter of record that in our Highway Department the State's spending in the last six years has increased about one hundred per cent. It is also a matter of record that state spending out of the general fund has increased over sixty per cent in the last six years. It is a matter of record that the estimated revenue for the next two years is five million dollars in excess of what has been spent in the State out of the general fund in the last two years. Now those are facts which I take from the records of our State. I have not manufactured them, I have given them to you because I think you should consider them seriously before you consider adding additional spending.

He continues: "Now it strikes me that when there has been such a growth of spending in such a short time we can prove with validity that there is room for economy."

On yet another page the same gentleman remarks as follows: (Page 1556) "Now we have heard a lot from time to time about the necessity for broadening the tax base and eliminating our patchwork system of taxation, and everytime I hear that description 'patchwork taxation' I think of the story of a balding friend of mine who went to his barber to get some hair restorer. He took it home, and a few days later he came back. The barber says 'How are you making

out with that hair restorer'? 'Fine,' he said, 'I had two bald patches before and I have just one now.'"

Now ladies and gentlemen, I am simply astounded at how appropriate today are these words spoken six years ago.

As regards economy may I suggest that we give proper consideration to a bill that will come before us to provide for an independent survey of the entire state government. In this regard may I quote in part from an editorial in last Thursday's Portland Press Herald entitled "MAINE REPUBLICANS HAVE CHANCE TO PROVE THEY FAVOR ECONOMY."

It goes as follows: "If the Republicans are genuinely in favor of economy, if they want to save the state from the horrors of a higher sales tax for longer than the next two years, they must show it in other ways than trimming the Governor's budget. If the Republicans are in favor of economy in government over the long pull, there is a way they can so demonstrate. All they have to do is make certain that the present Legislature appropriates the \$35,000 asked by Governor Muskie to survey the efficiency of State Government.

"It is possible that a professional survey could result in saving Maine hundreds of thousands of dollars annually. It is possible that such savings could preclude the necessity of raising the Maine Sales Tax for many years."

I believe that this proposed survey of all of our state departments in conjunction with the line budgeting program, which is now a law, will help to eliminate these ever recurring surpluses by forcing the spending departments not to overestimate what their expenditures will be and by forcing those departments who bring in revenue from under-estimating what their departments will bring in. The line budgeting program will, by law, forbid any department or department head in our state government from using any funds for any activity, be they personal services, contractual services, or commodities that have been allocated to a specific purpose.

I would like to prophesy that if we pass L. D. 1233 which provides

for a study of all phases of state government that that, in conjunction with line budgeting, which we have already passed, will produce not only a better and more efficient government but will enable us to finance this entire program of spending without any additional tax burden. We should certainly give due consideration to the fact that we are living in an expanding economy and that this will result in constantly increasing revenues to the State under its present tax structure and it should be only under the pressure of extreme necessity that we should even consider increasing rates of taxation.

May I state further that it is the belief of many, and I am among them, that the Highway Department which represents over 37 per cent of state spending, could be greatly benefited by a close scrutiny of its methods and procedures and such scrutiny could very well result in enormous savings to the taxpayer. I have been led to understand by the Governor that this proposed survey could accomplish this very thing if one or more persons with a strong interest in seeing that such was done should be appointed to the assisting committees provided for in this bill and he has assured me that such a person or persons will be appointed.

May I suggest that we give a great deal of thought to the results of the Highway order that we passed last week. Let us ask ourselves if we might not be selling our independence of thought and action for a mere pittance. Is there not some other way that we can accomplish the professed aims of this order? Would it not be possible to achieve the same end by allowing the Highway Commission to use a part of their money for so-called distress situations on a reasonably scientific basis of selection. They are now, I believe, in the process of setting up a system known as "sufficiency rating" which would classify all state and state aid highways on a scientific basis. I am told that to try to comply with the order presented to them last week they are tremendously handicapped because at the moment they cannot accurately estimate the cost of the projects,

that they will be forced to submit to the Highway Committee because the latest survey that is available on these matters was made in 1948, seven years ago.

Therefore, are we not facing just exactly the same sort of thing in this order, as was the case when the ACCELERATED HIGHWAY PROGRAM was sold, only worse, because more time has elapsed since the survey? Could we not rather have the Highway Commission set aside a part of their money in a fund known as the State Aid Improvement Fund, which fund, if you will notice on page 28 of the Budget Document, has no fund allocated to it for the next biennium? The Highway Commission could then, after it completes setting up its sufficiency rating program, certainly more intelligently and equitably spend such money. I hope that we will seriously consider this before taking a last minute plunge into something we may all of us regret. It cost the state a half a million dollars additional in the Town Road Improvement Fund to get rid of the practice of allowing \$150,000 of special resolves so let us consider what it may cost if we get back into it on an even grander scale.

Ladies and Gentlemen, I thank you for your courtesy in giving me this time to get some things off my chest and I do beg your forgiveness for speaking so long and taking so much of your time but I did feel the tremendous urge to suggest that we not give in too much to the great pressure to get home and consequently not to give the proper time and consideration to these major problems that lie ahead of us.

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(Off Record Remarks by the Speaker)

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On motion of the gentleman from Lewiston, Mr. Cote, the House voted to take from the table the twenty-third tabled and unassigned matter Bill "An Act relating to Standard Time", House Paper 596, Legislative Document 652, tabled on April 15 by that gentleman pending passage to be engrossed.

Thereupon, on further motion of the same gentleman, the Bill was passed to be engrossed and sent to the Senate.

On motion of the gentleman from Portland, Mr. Childs, the House voted to take from the table the thirty-ninth tabled and unassigned matter, House Divided Report, Majority "Ought not to pass" and Minority "Ought to pass" as amended by Committee Amendment "A" of the Committee on Transportation on Bill "An Act relating to the Issuance of Operator's Licenses from Date of Birth with Notification", House Paper 30, Legislative Document 40, tabled on April 22 by that gentleman pending acceptance of either report.

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

Mr. ANDERSON: Mr. Speaker and Members of the House: At the outset I want to say I appreciate the courtesy extended to me by the gentleman from Bangor, Mr. Totman, while I was on my first trip to Boston and by the gentleman from Portland, Mr. Childs, on my second trip.

If you would refer to Legislative Document number 40, which of course is one of the most important measures before this Legislature, having been introduced by myself, it must be, you will note that the bill will call for the issuance of operators' licenses on date of birth with notification. My first interest in this measure came about by my own work in that the work that I supervise and do myself, I make an effort at times to spread the work over an even period during the month so that the monthly report will not come on one date and I am fortunate in being employed by a company that does just that type of work. And the reason for the introduction of this bill is for the same reason. I get utterly disgusted in seeing the tremendous long lines of applicants on the last two or three days of the year when I visit those places in which they issue the licenses.

I am going to give a list of the various states and in the list there is one territory that now have this law in effect. The states of Alabama, Arizona, the Canal Zone, Colorado, Delaware, Idaho, Iowa, Michigan, Montana, New Hampshire, North Carolina, Ohio, Oregon, Vermont, Washington and Wyom-



ing. In addition to that there are three states that issue the license during the month of the birth of the licensee and those states are: Indiana, Oklahoma and Virginia. And further in connection with issuing on the date of birth, I might say, that the current session of the Massachusetts Legislature has enacted part of this bill in one branch of the Legislature. I am not able to ascertain the present status of the Massachusetts law but it is my understanding that the current law in Massachusetts is that the licenses shall be issued one year from the expiration date. In connection with that, there are currently the States of California, District of Columbia, Louisiana, Missouri, South Dakota, Utah and Wisconsin whose operators' licenses expire one year from date of issuance.

The most peculiar one that I have run across and which seems to follow along the same line is the State of Kentucky. The license is issued for two years. Those from A to K expire on one August and those from L to Z on the following August. And I note that the method of issuing licenses over a period of years has extended to one of the near-by provinces, the province of British Columbia issues its licenses to expire a year from the date of birth.

Now, I know that there are others who want to speak on this and I think that I have said enough right now. But before I do sit down, I will move that the minority report be accepted.

The SPEAKER: The gentleman from Greenville, Mr. Anderson, moves that the Minority Report "Ought to pass" as amended by Committee Amendment "A" be accepted.

(Mr. Totman of Bangor was granted unanimous consent to address the House off the record)

The SPEAKER: The question before the House is on the motion of the gentleman from Greenville, Mr. Anderson, that the Minority Report "Ought to pass" as amended by Committee Amendment "A" of the Committee on Transportation on Bill "An Act relating to the Issuance of Operators' Licenses from Date of

Birth with Notification", House Paper 30, Legislative Document 40, be accepted.

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

Mr. HAUGHN: Mr. Speaker and Members of the House: I just bring to the attention of the gentleman from Greenville, Mr. Anderson, that the Massachusetts license is issued from the date of issuance for a period of two years and I think it would be well for the State of Maine if they would follow a similar practice because due to the fact that the amount of money involved for a single year will be no greater for a period of two years and I think that should be given some consideration.

Thereupon, the Minority Report "Ought to pass" as amended by Committee Amendment "A" was accepted.

#### House at Ease

Called to order by the Speaker. Thereupon, the Bill was given its two several readings.

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

COMMITTEE AMENDMENT "A" to H. P. 30, L. D. 40, Bill "An Act relating to the Issuance of Operator's Licenses From Date of Birth with Notification."

Amend said Bill by adding at the end thereof the following underlined paragraph:

'Fees for renewal licenses during the transition period or for new licenses issued after December 31, 1955 shall be as follows:

Up to 12 months duration	\$2.00
In excess of 12 months, up to 15 months duration	2.50
In excess of 15 months, up to 18 months duration	3.00
In excess of 18 months, up to 21 months duration	3.50
In excess of 21 months, up to 24 months duration	4.00'

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

On motion of Mr. Cates of East Machias, the House voted to take from the table the sixth tabled and unassigned matter, Bill "An Act re-

lating to the Taking of Quahogs", House Paper 166, Legislative Document 157, tabled on March 30 by that gentleman pending first reading.

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

Mr. CATES: Mr. Speaker and Ladies and Gentlemen of the House: There has been a wide divergence of opinion as to what would happen if this two-inch clam law was repealed. It was tabled by me quite a long time ago, I can not remember when, due to the fact that a lot of the people in the industry wanted to know if there was going to be any money appropriated for the Department of Sea and Shore Fisheries for a clam management program. I feel quite well assured since the supplemental bill went through the House this morning that there will be \$60,000 available to that department for a clam management program and with that money they would be in a good position to handle the clam industry regardless of whether there was a two-inch law or not.

So, Mr. Speaker, I will now move first reading of the bill.

The SPEAKER: The gentleman from East Machias, Mr. Cates, moves that the Bill be now given its first reading. Is this the pleasure of the House?

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

On motion of the gentleman from Caribou, Mr. Briggs, the House voted to take from the table the forty-fourth tabled and unassigned matter, House Report "Ought to pass" of the Committee on Agriculture on Bill "An Act Providing for a Bounty on Porcupines", House Paper 1158, Legislative Document 1376, tabled on April 26 by that gentleman pending acceptance.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Briggs.

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

The SPEAKER: The gentleman from Caribou, Mr. Briggs, moves

that the Report and Bill be recommitted to the Committee on Agriculture. Is this the pleasure of the House?

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

Mr. ELWELL: Mr. Speaker, am I under the hammer or not?

The SPEAKER: The Chair would state that the gentleman is within the sound of the gavel.

Mr. ELWELL: Mr. Speaker and Members of the House: As the sponsor of this bill and a member of the Agriculture Committee, and the Chairman of the sub-committee appointed to meet with the Commissioner of Agriculture to discuss a possible committee amendment to this bill, I would like to concur with the gentleman from Caribou, Mr. Briggs, in recommitting the bill to the committee inasmuch as the bill was reported out prematurely by our otherwise very efficient clerk.

Thereupon, the motion prevailed and the Report and Bill were re-committed to the Committee on Agriculture and sent up for concurrence.

On motion of the gentleman from Portland, Mr. Childs, the House voted to take from the table the thirty-eighth tabled and unassigned matter, An Act relating to Salary of Judge of Probate in Cumberland County, Senate Paper 277, Legislative Document 707, tabled on April 21 by that gentleman pending passage to be enacted.

On further motion of the same gentleman, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

On motion of the gentleman from Portland, Mr. Childs, the House voted to take from the table the fifty-second tabled and unassigned matter, Bill "An Act relating to Overweight of Motor Vehicles", House Paper 1212, Legislative Document 1483, tabled on April 27 by that gentleman pending passage to be engrossed.

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

Mr. TOTMAN: Mr. Speaker and Members of the House: This bill was tabled because I believe there

was some confusion by one of the department heads as to the application of a change of three words in the entire bill. I think that the department head has now been satisfied that the change does not defer the bill throughout its entirety but simply to one paragraph and I understand that he is satisfied as it now stands and I therefore move that it be passed to be engrossed.

The SPEAKER: The gentleman from Bangor, Mr. Totman, moves that Bill "An Act relating to Overweight of Motor Vehicles", House Paper 1212, Legislative Document 1483, which is a new draft of House Paper 1115, Legislative Document 1294, be passed to be engrossed. Is this the pleasure of the House?

The motion prevailed and the Bill was passed to be engrossed and sent to the Senate.

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

Mr. JACK: Mr. Speaker, I would like to take number forty-two off at this time and later speak in its favor.

The SPEAKER: The gentleman from Topsham, Mr. Jack, moves that the forty-second tabled and unassigned matter, Bill "An Act relating to Transportation of Fish, Game and Fur-bearing Animals by Aircraft", House Paper 778, Legislative Document 861, tabled on April 26 by the gentleman from Portland, Mr. Childs, in the absence of the gentleman from Topsham, Mr. Jack, and on his behalf, be taken from the table. Is this the pleasure of the House?

The motion prevailed.

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

Mr. JACK: Mr. Speaker, I made a mistake in the number. It is number forty. I beg your pardon.

The SPEAKER: Item 42, Bill "An Act relating to Transportation of Fish, Game and Fur-bearing Animals by Aircraft" was taken from the table by mistake. Is it the pleasure of the House that it go back on the table?

(Cries of "No")

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

Mr. JACK: Mr. Speaker, I will still speak on my own bill, Pipe Lines, if I can, number forty, if I could please.

The SPEAKER: The Chair will state that Item forty-two has just been taken from the table.

The Chair recognizes the gentleman from Winthrop, Mr. Maxwell, who, the Chair hopes, will move that the matter be retabled.

Mr. MAXWELL: I will make that motion, Mr. Speaker.

The SPEAKER: The gentleman from Winthrop, Mr. Maxwell, moves that Bill "An Act relating to Transportation of Fish, Game and Fur-bearing Animals by Aircraft", House Paper 778, Legislative Document 861, be retabled pending further consideration. Is this the pleasure of the House?

The motion prevailed and the Bill was so tabled.

On motion of the gentleman from Topsham, Mr. Jack, the House voted to take from the table the fortieth tabled and unassigned matter, House Report, "Ought not to pass" of the Committee on Highways on Bill "An Act relating to the Relocation of Water Pipes in State and State Aid Highways", House Paper 877, Legislative Document 985, tabled on April 22 by that gentleman pending acceptance.

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

Mr. JACK: Mr. Speaker and Ladies and Gentlemen of the House: Amendment Filing No. 400 was presented to you this morning. Speaking on this matter of water or water pipes I want to speak briefly. To begin with, water is a necessity of life. Extensions of water lines in the small districts as it expands it has made towns, and it has made villages and it has made cities. The buildings and manufacturers and people follow the water. Water is the resource of taking care of sewerage, the resource of maintaining fire insurance, fire protection. Also gives the people pure water which they can bank on which once every week is examined by the State

Board of Health so that you know you are getting pure water. The water districts of the State of Maine—some of your utilities are very small, a matter of 25 or 50 takers, they are maintained and governed wholly by the Public Utilities Commission, even as far as maintaining of a system and expansion of a system. No district can expand without the consent of the Public Utilities Commission unless there is a guarantee of ten per cent relative to that district. They are also governed by an increase of expense, we have to go to the Public Utilities and get a permit to issue a bond issue, also we have to get a permit to increase the rates. We are governed wholly by them, non-profit utilities. The cost that would be applied to these small districts where these highways go through digging up the pipes should not be maintained by these districts. The expense sometimes is enormous, which might put them out of business, which would cause a new rate, or another bond issue which a lot of the small districts could not stand. As these roads go across the state, take the housing proposition, the Highway Department pays for the demolishing of these houses, they pay a reasonable amount. If it is in the country and is a small country house, somebody will move it and put it on foundation and pay for it. They go through a village and they tear down any amount of buildings, 60 per cent of it is paid for by the federal and 40 by the state. I figure that if the Highway Department should pay for abolishing of buildings and things like that which is above ground, the enormous cost of moving pipes and hydrants and maintaining them and replacing them back is far superior to the cost of the small district than it would be to move a house. I hope you people will realize what this might mean to some of the small districts, it is a necessity of life in having water around home that you know is pure, and you will go along with this bill and see that it passes so that a small district will not have to stand this moving expense.

The SPEAKER: Does the Chair understand that the gentleman from

Topsham, Mr. Jack, moves to substitute the Bill for the "Ought not to pass" Report of the Committee?

Mr. JACK: No, Mr. Speaker. I hoped that this order that was given today would proceed and be passed, order 400, the amended order.

The SPEAKER: The Chair would state that the Bill is not before the House. The House has before it an "Ought not to pass" report of the Committee on Highways. For the amendment to be in order for consideration, it is necessary for the House to substitute the bill for the "Ought not to pass" report. Is that the gentleman's motion?

Mr. JACK: Yes, Mr. Speaker.

The SPEAKER: The gentleman from Topsham, Mr. Jack, moves that Bill "An Act relating to the Relocation of Water Pipes in State and State Aid Highways", House Paper 877, Legislative Document 985, 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: We spent a great deal of time on this bill in our Committee, and we had a lot of proponents and a lot of opponents to the bill. Inasmuch as any water district laying a new line has to receive from the Highway Commission or a town or municipality a permit to lay their water lines, we feel that after letting the water district use the highways and the streets that this would not be a fair bill, it would amount to a great deal of money that the taxpayers would have to pay, so after listening to the remarks of the gentleman from Topsham, Mr. Jack, I am very much in sympathy with some of these small and larger water districts where they have got to come in and remove their water lines in case of a construction program going on. I think that the Highway Department is very cooperative in digging up the lines for them and at times making new ditches where they can transfer their lines to out of the restricted area or the area where the construction is going on. We are very much opposed to this bill, I think you know it came out unanimously "Ought not to pass" and I

hope that you people will go along and accept the "Ought not to pass" report of the Committee.

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

Mr. HAUGHN: Mr. Speaker and Members of the House: I think there are a lot more like myself a little bit confused over this bill. We do not fully understand the full meaning of it. The interpretation I just received in listening to the two gentlemen just previously speaking, is the Highway Department could rip up a road and therefore destroy these pipes and it would come back as a burden on the ownership of that water district. I would like to be enlightened a little more on this because I personally am a little confused as to just what they are trying to arrive at, whether the municipalities will have to pay for it or whether the Highway will or whether or not it will be the private water districts.

The SPEAKER: The Chair recognizes the gentleman from Chelsea, Mr. Allen.

Mr. ALLEN: Mr. Speaker and Members of the House: I would like to speak in favor of the Highway Committee's report. I have had a few experiences with this sort of thing, and as I understand it the water mains and pipes are under city streets and highways and are not something that is entirely owned by the water companies, they are permitted to be there. In other words, the State of Maine actually owns the highways and they just suffer these things to be there. Therefore, when it is necessary to build a new street or highway, I do not think that the Highway Department should be forced to pay for water mains and the sewers and things like that. Take a case along the same lines of the telephone companies and the power companies whenever a street is widened and the poles have to be set back, then the power companies and the telephone companies do have to move those poles at their own expense. I can see the point of the gentleman from Topsham, Mr. Jack, on these small water companies, and they do have a problem, but the problem would also be very great for the Highway Department if they

had to take care of these extra expenses of moving water lines.

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

Mr. JACK: Mr. Speaker and Ladies and Gentlemen of the House: I appreciate the remarks the previous speaker has just given, but pipes have been laid in one section down there where they are going through fifty-five years ago, town owned roads. Granted they put the pipes on the outside of the road, it has gone through solid ledge for about three-quarters of a mile, and the expense of relocating those pipes would cost around \$30,000 for a small industry. I cannot think why that should come back, that will require another bond issue, it will require another rate granted, and then the entire amount of cost of the extra cost for the district would be taken care of by just the takers in that locality. Now that is not hardly fair to the small community takers of water to have to stand that extra expense of around \$30,000 or \$35,000, no question about it, and I think the State is in a great deal better condition to pay for it than the small community. The pipes were put in there in good faith, it was paid for and the pipes have been cleaned several times and they are absolutely all right, cast iron pipe. That street down there that would not occur to the telephone company or the Central Maine Power Company, their lines are all above ground and it is not but a terrible small cost to move poles and I cannot see any comparison between the telephone and the Central Maine Power with the water pipes. Thank you.

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

Mr. CURTIS: Mr. Speaker and Members of the House: This question seems to revolve all around a great many questions of what is the most equitable way to take care of this expense. Streets do have to be widened, roads are changed, and people have to have water. Now in one of the towns that I represent, the Town of Richmond, took their water out of the Kennebec River, and if you know what the Kenne-

bec River is like, you will know what the water is like, in fact it is about only fit to wash cars with and hardly fit to wash your feet in, and a year or so ago an ambitious young man who knew something about water had located a main stream over in Dresden, and he took over this utility, and he has put in water now where it is perfectly pure and everyone can drink water from their own tap. He is struggling along, and I think the town is backing it up. They have increased their rates just about all that they think they can stand, and I can imagine just what would happen if they widened the road in Richmond and they had to dig up some of these pipes and it would cost thousands of dollars, it would just mean they would probably go back to the old fish water and they could not continue. It would look to me that it would be a more equitable way to go along with the bill of the gentleman from Topsham, Mr. Jack, and let this cost be spread out to all the people through the Highway Department rather than it would to saddle it on some small utility, and a great many of these utilities are owned and operated by the towns and it would just simply put them out of business if they were saddled with a great expense. While we all recognize it would be a cost to the Highway Commission, after all it is the consumer who pays all the bills, and it would be a more equitable way and a better way I believe for the progress of this State that the bill be substituted for the report.

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

Mr. FERGUSON: Mr. Speaker and Members of the House: We also had the good will of the water companies in considering this bill. You know this bill, if it should become a law, could create quite a hardship on the water districts inasmuch as the Highway Commission and the municipalities could refuse the right to any water district to locate their lines on the streets and the highways. Before they can locate their lines they have got to apply for a permit to do this work. It could be very well that the

Highway Commission felt that they were costing a lot of money, and this will run into quite a lot of money, if somebody else was paying the bills generally, so that the water companies perhaps would be demanding new pipes and so forth, where it had been in use for a good many years. I can see if this bill became a law it could create a hardship rather than by being a benefit to the water districts, therefore I hope that the "Ought not to pass" report is accepted.

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

Mr. SANFORD: Mr. Speaker, I would like to get a little information. Are we on item 40 or 42?

The SPEAKER: If the gentleman is unaware, the House is considering item 40, and the motion of the gentleman from Topsham, Mr. Jack, that Bill "An Act relating to the Relocation of Water Pipes in State and State Aid Highways", House Paper 877, Legislative Document 985, be substituted for the "Ought not to pass" Report of the Committee.

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

Mr. CIANCHETTE: Mr. Speaker and Members of the House: I am very familiar with the problems the gentleman from Topsham, Mr. Jack, pointed out, and am very much in sympathy with him. However, in looking this bill over and the amendment which I had seen before, I am afraid that the amendment still does not make the necessary protection for the Highway Commission and for the State of Maine. It could involve a lot of technicalities in the future. There might even be plans made by companies knowing that new highways were to be built in a certain area to put in pipe, temporary pipes more or less in order that the Highway Commission might have to relocate those pipes at a future date in the proper manner. I do not say that that would be done but under the bill as I read it with the amendment it would be possible. I wish that there might be some way to take care of these particular cases that the gentleman from Topsham, Mr. Jack, is pointing out. There have been other cases within the State and there

probably will be more, and I do feel that possibly there might be something worked out to alleviate these troubles, but I am afraid that under the terms of this bill and the amendment that it would not get at just those points, it is going to open the door to much other consideration and it will open the door to all the utilities who as has been mentioned are only granted rights within the highway limits that are paid for by highway users. I say again that I am in sympathy with the movement of the gentleman from Topsham, Mr. Jack, and hope there may be some other means of combatting it, but I shall certainly under this bill and amendment go along with the indefinite postponement.

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

Mr. CASWELL: Mr. Speaker, it seems to me that there might be very easily some effort worked out there, if these are only isolated cases. The one that the gentleman from Topsham, Mr. Jack, mentioned is one, and possibly someone else has in mind some other here. It would seem to me if those were particularly hardship cases that a bill introduced into Claims would have the support of the Highway Commission or possibly a bill coming before Highways. Where there is a real case of hardship, it would seem to me that they would be probably willing to help out the small community in such a matter, and if these are merely isolated cases, it would seem hardly worthwhile to enact a law simply to care for such isolated cases.

The SPEAKER: The Chair recognizes the gentleman from Chelsea, Mr. Allen.

Mr. ALLEN: Mr. Speaker and Members of the House: As the gentleman from Topsham, Mr. Jack, mentioned, a section of pipe was laid through ledge sometime probably before the highway became a State or a State Aid Highway, that it might be only fair if this thing was amended in such a way that any pipe that was laid in the ground before a highway became designated State or State Aid Highway, then the State would be obligated to replace that, but if a pipe was laid in the ground

after it had become a State or State Aid Highway and with a permit from the State then it would not come under it. It is just a suggestion.

The SPEAKER: The pending question is on the motion of the gentleman from Topsham, Mr. Jack, that Bill "An Act relating to the Relocation of Water Pipes in State and State Aid Highways", House Paper 877, Legislative Document 985, be substituted for the "Ought not to pass" Report of the Committee on Highways.

As many as are in favor of the Bill being substituted for the Report will indicate by saying aye; those opposed by saying no.

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

The SPEAKER: At this time, the Chair would remind members of the House again that in debate reference should not be made to another member of the Legislature by merely Mr. Jones or Mr. Doe, Mr. Smith. If a member is going to refer to another member of the House, remember the rules of courtesy, "the gentleman from so and so", or the very extravagant language of Reed's, "the gallant and learned gentleman from so and so".

The SPEAKER: Is it the pleasure of the House to accept the "Ought not to pass" Report of the Committee on Highways on Bill "An Act relating to the Relocation of Water Pipes in State and State Aid Highways", House Paper 877, Legislative Document 985?

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

On motion of Mrs. Thomas of Anson, the House voted to take from the table the twenty-fourth tabled and unassigned matter, An Act relating to Election of Chairmen of State Committees of Political Parties, House Paper 1128, Legislative Document 1326, tabled on April 15 by that gentlewoman pending passage to be enacted.

The SPEAKER: The Chair recognizes the gentlewoman from Anson, Mrs. Thomas.

Mrs. THOMAS: Mr. Speaker, under suspension of the rules, I move that we reconsider our action where-

by this bill was passed to be engrossed. I now offer House Amendment "A" and move its adoption.

The SPEAKER: With respect to Item 24, An Act relating to Election of Chairmen of State Committees of Political Parties, House Paper 1128, Legislative Document 1326, the gentlewoman from Anson, Mrs. Thomas, moves that under suspension of the rules, the House reconsider its action whereby on April 6 of this year this Bill was passed to be engrossed. Is this the pleasure of the House?

The motion prevailed.

Thereupon, Mrs. Thomas of Anson offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 1128, L. D. 1326, Bill "An Act Relating to Election of Chairmen of State Committees of Political Parties."

Amend said Bill by striking out the last sentence thereof and inserting in place thereof the following underlined sentence:

**'The chairman of the State Committee may be chosen from within or without the membership of the State Committee and shall be chosen as soon as possible after the 15th day of May next following the state convention.'**

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

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

Mr. CHILDS: Mr. Speaker, out of order I present an order and after the order is read I request permission to make a few brief remarks with reference to it.

The SPEAKER: The gentleman from Portland, Mr. Childs, presents an order out of order and under suspension of the rules. The Clerk will read the order, out of order, if there is no objection. The Chair hears no objection.

The Order was read by the Clerk as follows:

### Order Out of Order Tabled

ORDERED, that all unassigned matters on the table at the time of the passage of this order shall be taken from the table and laid before the House by the Speaker following the disposition of matters especially assigned for that day, and

BE IT FURTHER ORDERED, that after the passage of this order all matters tabled without assignment shall stand assigned for the next succeeding legislative day unless sooner taken from the table.

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

Mr. CHILDS: Mr. Speaker, this is in a way a change in our House rules and without question it would be most unfair if the order received passage right at this moment. But I do think that the members should be aware that the order is here and it will receive passage probably in the very near future. So I trust that those who have matters on the unassigned table and are first to come up will take it into consideration and it will be not necessary for them to ask permission to retable it.

So, I therefore move that this order lie upon the table pending passage.

The SPEAKER: The gentleman from Portland, Mr. Childs, moves that the Order lie upon the table pending passage. Is this the pleasure of the House?

The motion prevailed and the Order was so tabled.

Mr. Walsh of Brunswick was granted unanimous consent to address the House.

Mr. WALSH: Mr. Speaker, I am a firm believer that the State of Maine belongs to the taxpayers and not to any political party, whether it is mine or yours. And I deeply appreciate every opportunity that I have had here as a freshman of being associated with each and every one of you in committee and out, whether you have always agreed with me or whether you have not. I was known merely as Adam Walsh before I came up here and I hope to be known merely as Adam Walsh



after I leave. I am a firm believer in the words of Oliver Wendell Holmes when he said: "Crow little when you are winning, smile gently while in luck. Own up, pay up, and shut up when defeated," are the words of a true sportsman. I hope to be one. (Applause)

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The SPEAKER: The House is proceeding under Orders of the Day. Does any member wish to take from the table —

The Chair recognizes the gentleman from Kennebunkport, Mr. Bibber.

Mr. BIBBER: Mr. Speaker, I was waiting to see if anyone took anything more from the table. If not, I was going to present a motion for adjournment.

The SPEAKER: The Chair would inquire again, is there any member of the House who would like to take an item from the table at this time? The House has whittled away some, the sun is shining nicely out doors

and it is going to be higher in the heavens each day in the future.

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The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Bibber.

Mr. BIBBER: Mr. Speaker, I move that we adjourn until nine o'clock Eastern Standard Time or ten o'clock Daylight Saving Time tomorrow morning.

The SPEAKER: Before that motion is put, the Clerk will read the notices. There are no notices not on the printed list.

The Chair would state that the postponement of the date of the Mock Session to Thursday, May 12, is not due to any delinquency on the part of the committee with respect to the Mock Session but it was at the request of the Speaker.

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Thereupon, on motion of Mr. Bibber of Kennebunkport,

Adjourned until nine o'clock Eastern Standard Time tomorrow morning.