

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

Wednesday, May 4, 1955

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

Prayer by the Rev. Mr. Benjamin Tibbetts of the Advent Christian Church of Waterville.

The journal of the previous session was read and approved.

Papers from the Senate

From the Senate: The following Order:

ORDERED, the House concurring, that the Joint Standing Committee of Appropriations and Financial Affairs be authorized and directed to report a Bill which will provide that the Treasurer of State may invest temporary state funds in bonds, notes, certificates of indebtedness or other obligations of the United States which mature not more than 24 months from the date of investment (S. P. 562)

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

Senate Reports of Committees

Ought Not to Pass

Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act Creating the Maine Board of Auctioneers" (S. P. 414) (L. D. 1184)

Came from the Senate read and accepted.

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

Ought to Pass

Report of the Committee on Inland Fisheries and Game reporting "Ought to pass" on Bill "An Act relating to Bartlett's Island as a Game Preserve" (S. P. 30) (L. D. 19)

Report of the Committee on Judiciary reporting same on Bill "An Act relating to Corporate Mergers" (S. P. 404) (L. D. 1118)

Report of the Committee on Labor reporting same on Bill "An Act to Require Public Buildings to be Safely Constructed" (S. P. 420) (L. D. 1171)

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

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

Ought to Pass with Committee Amendment

Report of the Committee on Judiciary on Bill "An Act to Correct Errors and Inconsistencies in the Public Laws" (S. P. 481) (L. D. 1350) 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. 481, L. D. 1350, Bill "An Act to Correct Errors and Inconsistencies in the Public Laws."

Amend said Bill by striking out all of "Sec. 34" and "Sec. 35".

Further amend said Bill by renumbering "Sec. 36" to "Sec. 39", inclusive, to read "Sec. 34" to "Sec. 37", inclusive.

Further amend said Bill by striking out all of "Sec. 40" thereof.

Further amend said Bill by renumbering "Sec. 41" to "Sec. 55", inclusive, to read "Sec. 38" to "Sec. 52", inclusive.

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

"Sec. 53. R. S., c. 116, Sec. 5. amended. The 3rd, 4th and 5th sentences of section 5 of chapter 116 of the revised statutes are hereby repealed and the following sentences enacted in place thereof:

'Summonses for those so elected shall be prepared by said Commissioners and mailed by registered mail, postage prepaid, to each person selected at his regular place of abode. A returned registered receipt shall be sufficient evidence that the person or persons so selected have received the above-named summons. Additional jurors may in like man-

ner be drawn and summoned at any time during a term of court by direction of the presiding justice, and they may be summoned to attend at such time as the court may direct.'

Sec. 54. R. S., c. 149, Sec. 41, Amended. Section 41 of chapter 149 of the revised statutes is hereby amended to read as follows:

'Sec. 41. Removal of convicts to State Prison; clothing for convict. When a convict is sentenced to confinement in the State Prison, such clerk of courts shall make out a warrant under seal of the court, directed to the warden of the prison **sheriff of said county**, requiring him to cause such convict, without needless delay, to be removed from the county jail to the State Prison; the warden and all sheriffs and jailkeepers shall strictly obey its directions; and the clerk, as soon as may be, shall deliver such warrant to the sheriff of the county, and he shall forthwith deliver it **and the convict** to said warden. The sheriff shall provide the convict with comfortable clothing in which to be removed to the State Prison.'

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

Report of the Committee on Towns and Counties on Bill "An Act relating to Pensions for Dependents of Sheriffs and Deputy Sheriffs" (S. P. 471) (L. D. 1314) 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. 471, L. D. 1314, Bill "An Act relating to Pensions for Dependents of Sheriffs and Deputy Sheriffs."

Amend said Bill by adding after the underlined word and punctuation "duty," in the 5th line thereof, the following underlined words and

punctuation: 'except while engaged in the duty of serving civil process.'

Further amend said Bill by adding after the underlined word and punctuation "duty," in the 5th line of Section 2 thereof, the following underlined words and punctuation: 'except while engaged in the duty of serving civil process.'

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

The SPEAKER: For what purpose does the gentleman from Lewiston, Mr. Malenfant, arise?

Mr. MALENFANT: Mr. Speaker, to table this bill. Is it in order?

The SPEAKER: To what bill does the gentleman refer?

Mr. MALENFANT: To L. D. 1314, Mr. Speaker.

The SPEAKER: The Chair will state that the House has just assigned the Bill for third reading tomorrow, and it would be possible to table it tomorrow. Would that suit the gentleman's convenience?

Mr. MALENFANT: Yes, Mr. Speaker.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act relating to Incurable Insanity as a Cause for which a Divorce may be Granted" (S. P. 79) (L. D. 178)

Report was signed by the following members:

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

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

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

Report was signed by the following members:

Mr. SILSBY of Hancock
— of the Senate.

Messrs. NEEDHAM of Orono
EARLES of South Portland
MacDONALD of Rumford
— of the House.

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

In the House: The Reports were read.

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

Mr. MCGLAUFFLIN: Mr. Speaker and Members of the House: Divorce for the cause of insanity has been adopted by 28 states and the District of Columbia. Before starting my argument on this case, I wish to tell you what the bill provides. It provides that in case a person is committed to the insane asylum and has been there continuously for a period of five years, and if after that the Court having heard the testimony of experts on insanity finds from the evidence that that person can never be cured, then in that case the spouse of the one that is in the insane asylum may, if he or she sees fit, apply for a divorce from the insane person. If it is a husband who seeks the divorce he must still support this wife if he is able to as long as she lives. If he obtains a divorce, he can get no part of her property whatsoever. There are many cases where a man or woman is placed in a very difficult position to have their spouse left in the insane asylum with no prospect of ever returning. I recall a case of a man in Portland, a comparatively young man, perhaps 45 at the time I first knew him, his wife had been in the insane asylum for twenty years with no prospect of ever returning. He could not get a divorce. When this matter came up in the Senate when I served in the Senate, I had a letter from a man who stated that his wife was in the insane asylum and had been for some ten or fifteen years. They had some children and he felt that he ought to have the opportunity to marry again so that the wife could help take care of the children. I have had letters from women who felt that it was a great hardship for them to be left with the care of children when they could get no help from their husband. I know of no greater happiness than that experienced by a married couple who love each other, who sacrifice for each other, who confide in each other, who work, play and pray together. This, I know. I know of no greater loneliness than comes to a man who has lost his beloved wife,

and he comes home day after day only to find that she is not there. This I also know. The relation of a man and wife is a contract, the contract consists of a promise for a promise, and each party vows that they will stand by each other as long as they live, but unfortunately there are many men and some women who break that contract. When a man who has vowed that he would love, care for and protect his wife, abuses her instead, or neglects to support her, or goes chasing some other woman, or the woman herself is interested in some other man or makes life impossible because of her nagging, then the Courts step in and they say that the public is interested in this matter and that it is not well to have those people compelled to live together, and therefore they decree divorces for quite a number of different reasons.

It is also the law that if you enter into a contract with another man and he breaks his contract, the Court will allow you to renege on your contract too. In other words, if one party breaks the contract whether it is voluntary or involuntary, the law will not compel you to carry out your part of the contract. If it is impossible for one party to carry out his part, then the law will also allow you to withdraw from your part of the contract. I think that is equally true in the case of incurable insanity. The wife, if it be a wife, is there at no fault of her own, but she is unable to carry out her part of the contract to take care of the home, to confide with him, to keep him company, to do anything that she is pledged to do, it is not her fault, but she cannot carry out her part of the contract. Equally true if it is a woman and the husband is in the asylum. There are two objections raised that were presented against passing the bill this time. The first is pure prejudice. It has no ground on which to stand whatsoever, it is merely prejudice on the part of people. They say oh, well, this party might sometime recover even if all the doctors say she never could. I want to say in that connection, if a woman has been in an insane asylum for five years or more, and she found that her husband no longer wanted her, why under Heaven would she ever want to

go back to live with the man that had gone back on her, there could be no happiness in that home. The other objection is some people belong to some Church that does not believe in divorce on any ground but adultery. I cannot ask a person who finds that this is contrary to his principle to vote with me on this question because I have stated in this House many times, that a man should not go back on his principles to please anybody, but the majority of the men and women in this House are fair-minded people who look at the situation and see whether it is not just plain common sense to give these people, probably few in number, an opportunity to get some real happiness out of life instead of being condemned forever to a single life.

I think this bill is a reasonable bill. I think that we should pass it. I hope you will go along with me and support the majority report of the Committee. Thank you.

The SPEAKER: The Chair would inquire of the gentleman from Portland, Mr. McGlaufflin, if he cares to make a motion. There is no motion before the House.

Mr. MCGLAUFLIN: Mr. Speaker, I move acceptance of the majority report.

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

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

Mr. EARLES: Mr. Speaker, with the indulgence of the House, I would like this matter to be tabled unassigned so that it may be taken off the table with flexibility rather than specifically assigned.

The SPEAKER: The gentleman from South Portland, Mr. Earles, moves that the two Reports and Bill "An Act relating to Incurable Insanity as a Cause for which a Divorce May be Granted", Senate Paper 79, Legislative Document 178, lie on the table pending the motion of the gentleman from Portland, Mr. McGlaufflin, that the Majority "Ought to pass" Report be accepted.

As many as are in favor will indicate by saying aye; those opposed, no.

A viva voce vote being doubted,

A division of the House was had.

Fifty having voted in the affirmative and sixty having voted in the negative, the motion did not prevail.

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

Mr. NEEDHAM: Mr. Speaker and Members of the House: Our divorce laws have never included the ground that is set forth in this bill and a similar bill has been proposed at prior sessions of this Legislature and has been defeated. Divorce has generally been granted to one party because of the wrongdoing and misconduct of the other party and never because of a condition such as sickness of one of the parties and that is what this bill would do. It would permit a divorce to be granted where one of the parties has become mentally ill and it seems to me that this would not be the right thing to do. It would be a departure from what our divorce laws have been.

Insanity is a form of sickness. It is something which occurs subsequent to the marriage and it is not a matter of wrong-doing and should not be treated as such. When a thing like this happens, it is a great misfortune in the family. It is an affliction, a tragedy, and it seems that if this law was passed, it would be possible in addition to such a tragedy or affliction to add a stigma to the mentally ill person by permitting such person to become a divorced person through no fault of his or her own.

Furthermore, it seems to me that under such a law, it could become in many instances a battle for the experts to decide and those here probably know that in legal cases, as in other matters, if you have sufficient money to employ them, experts can be readily found and they can easily testify one way or the other and it seems that this is not going to be a good thing.

Also, it seems to me that for the good of this country and it has been for the good of this country and every other country that marriage should mean something and the marriage vows should mean something and under this law it means that when one person subsequent to the marriage becomes

mentally ill and has to be put in an institution that the other party, who could, in certain cases, be a contributory cause of such mental illness, is permitted to obtain a divorce. In this way aren't you, in effect, permitting a person to throw these marriage vows out of the window? It has been said that marriage is a contract. It is a contract and it is supposed to be lived up to and marriage brings not only great advantages, pleasure, but it also brings responsibilities, tragedies, difficulties of many kinds. It is a common occurrence and it affects the lives of practically all people. There are few families, if any, who go through life without their ups and downs, and it seems to me that if marriage is a contract, it must be accepted not only as to its benefits but as to its responsibilities.

And there is the matter of loyalty involved. If one party becomes sick or disabled, some serious illness is involved and the other party sticks by the ill party, great respect is held for that party in the community.

Now, I do not believe that if this law is passed that many married people of either sex are going to take advantage of it in many cases. There are a few cases that it will be taken advantage of but I do not believe that the law should be passed for the few that would take advantage of such a law. I believe that some people are primarily interested only in their own welfare. That becomes paramount. It is more important than the family, the members of the family, or anything else. They must have what they want regardless and I think that this law encourages such a thing.

Now, as far as prejudice is concerned, it does not seem to me that it is prejudice to believe that the marriage vows should mean what they are and neither was it prejudice in my mind that prior legislatures refused to pass such a law. Thank you.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Hancock.

Mr. HANCOCK: Mr. Speaker and Members of the House: As a signer of the majority report, "Ought to

pass", I voted with the gentleman from South Portland (Mr. Earles) to table in case anyone wanted to look the law over more closely.

I believe that the law, as written, certainly affords all of the protection in the world. I have full confidence in our courts and in our medical profession to believe that this law would never be abused. The words "provided that the court finds that the insanity of the libelee is incurable beyond a reasonable doubt" seems to me to sufficiently supply there that the courts of our State certainly are not going to listen to some second-rate medical man. If our courts and judges can not tell under a commitment case that the truth is being told then they should not be on our bench and I am positive that we have no such gentlemen on our bench today.

In every matter of these cases that might arise, certainly there will be no libel for divorce, in matters of loyalty. Certainly there are husbands and there are wives who would stick with their spouses but picture yourself, a young couple in their twenties, if one is committed and it is found that he or she will be incurably insane for the rest of his life, where does that leave the other young person? I believe that it is only morally fair that this law be enacted. This law, I believe, as the gentleman from Portland stated, is in effect in twenty-eight states and in the Virgin Islands.

The safeguards are in the law. The law was a part of the Maine law, I believe, in 1907. It was repealed in 1913. We did have it once in this State. For the simple reason that other legislatures have not wanted to pass it is no reason why we should not give it a lot of consideration today. Therefore, I will go along with the motion of the gentleman from Portland (Mr. McGlaulin) to accept the majority report.

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

Mr. SANFORD: Mr. Speaker and Members of the House: I can not believe that many people in this House could go along with this bill. I am positive that if my mate was in the hospital, in the insane hospital, I could not even have the least idea of ever getting a divorce and

I know that it would be the same the other way.

Speaking about a young person, twenty years old, and one of them goes wrong, I still can not see why this bill would right the wrong. If he or she loved each other, and in most of the cases of course they do, I am going to tell you, if this went through and she could marry in five years or he could marry in five years, he never would forget the other one. I really think it is a bad bill, and I believe that if this bill went through there would not be but a short time before somebody would be putting a bill in here that if anyone was totally disabled they too could get a divorce from each other. There is no end to it. I believe that it is wrong. I believe that any church that believes in no divorces is absolutely right too. I wish more churches believed that way.

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

Mr. QUINN: Mr. Speaker and Ladies and Gentlemen of the Legislature: This is a very important piece of legislation and it deserves your considered and thoughtful reflection. You can not read a newspaper anywhere today but they refer to the morals of the nation weakening. That we are not the kind of a nation that our forefathers knew. That we have become weak, sotted, lacking in backbone of the high moral type of the founders of our nation.

To me, this particular act is lowering the moral standards or an attempt to lower the moral standards of the State of Maine. The law of divorce has considered and set forth various reasons for divorce, considering that when two people get married, they get married for better or for worse and if they live up to their vow of marriage they will stick to each other to the end and they will not let any selfish, individual, personal interest enter into that solemn, sacred pledge which they gave and which they some day will answer to. If we believe in the hereafter, we also should believe that our actions on this earth will have some bearing and some effect on that. This is a very important piece of legislation.

Now, it is recognized by the law that people that become married under our laws sometimes cannot get along together. Either one or the other has done something that is a strict violation of their marriage vows. They either have become indigent and cannot support their wife whom they once loved and the children they have brought into this world and whom they are responsible for, consequently, the law has recognized that and they say: Yes, if they won't and it becomes necessary for the public to support those children there can be a grounds for divorce for non-support. That is because one or the other of the parties has fallen down on their part of the contract, a very important part.

Another one is desertion where one or the other of the parties to the contract has quit and left his wife or her husband or their children, and broken up that family unit so important to democracy and so important to this country. The family unit where children know a father and a mother and have respect and love for their father and their mother and vice versa.

Now, it appears to me another grounds for divorce which is recognized is, of course, intoxication, where one party or the other becomes so imbibed with the use of intoxicating liquor that they cannot properly carry on their family unit and that responsibility because they become abusive both to their wife or husband and their children and their family and so much so that the law recognizes that and this again is a failure on the part of one or the other that they are responsible for. And the same thing is true of extreme cruelty, where one or the other violently strikes and abuses physically the other. Or cruel and abusive treatment, where it may not be a physical abuse but a mental abuse where they should be loving each other the love has gone out the window and the situation has become one of cruel and abusive treatment. Now the law has recognized these as grounds of divorce and rightly so because they are caused by the failure on the part of one or the other party of the marriage vows. Now in this particular case you are asked to extend the

grounds of divorce to include disease, and where is it going to end? This is a mental disease you are asked to make a grounds of divorce, something that the parties of the contract have no effect or control over. Mental disease can come to any of us, and we never know when it comes, and I hope the Lord will not afflict any of us with it, but it comes and it is there, so is physical disease. Now if you make mental disease a grounds for divorce, why not look at the physical angle of it and make cancer grounds for divorce. They are in the same category, or tuberculosis a ground for divorce. You are getting into something that the parties of the contract did nothing themselves voluntarily to make the grounds. If you recognize and adopt insanity as a further grounds for divorce, you are weakening our moral standards and you are opening the door to something that has no limit if you make disease a grounds for divorce, and I very strongly urge upon you for the good of our State to continue on under the same law we have now and not extend it and thereby weaken our moral fibre of the State of Maine. We have always stood in the light and eyes of the people outside our State as people that had very strong spiritual background, and let us continue to be that way.

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

Mr. WILLEY: Mr. Speaker and Members of the House: I think this is a very bad bill, and I move indefinite postponement of the bill and both reports.

The SPEAKER: The gentleman from Ellsworth, Mr. Willey, moves that the two Reports and Bill "An Act relating to Incurable Insanity as a Cause for which a Divorce May Be Granted", Senate Paper 79, Legislative Document 178, be indefinitely postponed.

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

Mr. MALENFANT: Mr. Speaker, is it in order to speak on the bill?

The SPEAKER: It certainly is, the gentleman may proceed.

Mr. MALENFANT: Mr. Speaker and Members of the House: I am very sorry to disagree with the gentleman from Portland, Mr. McGlaulin. I respect his opinion. I was talking with a Judge of the Superior Court one day and he says it takes different opinions to make good government. Now some members of this House might say well, Malenfant is not married why does he not sit down. It is true. But I am here to protect the married people just like the single people. Now this bill might be very dangerous. There is no medical man, no specialist in this whole world that can prove to us that a person in the State Hospital will never get well. Only God himself knows if a woman or a man is going to get well or not. I know a man in Lewiston who spent twenty years in the State Hospital, he is out today and he is working in one of the biggest hotels in the State of Maine, and he is doing a good job. What is going to happen if we pass this bill? If a man enters the State Hospital we will say four years and he happens to be on the road of recovery, his wife might try to fix that up, I mean to make up a hard luck story to keep him there more than five years in order to get her divorce. And it would be the same thing for a man. And if a man or woman patient is on the road of recovery, if the other party asked for the divorce it is enough to delay their recovery and never get well, and I hope the motion of the gentleman from Portland, Mr. McGlaulin, my good friend, does not prevail.

The SPEAKER: The Chair recognizes the gentlewoman from West Paris, Mrs. Mann.

Mrs. MANN: Mr. Speaker and Members of the House: I want to go along with my distinguished colleague the gentleman from Portland, Mr. McGlaulin, and say that I think this bill is a good bill. There is no one who believes in the sanctity of the marriage contract any more than I do, I believe that it should hold until as we say death do us part, and I certainly have always lived up to that myself. I may be prejudiced a little bit because I have known some cases personally where a lack of this law has proved a very great hardship on the lives of some other

people. I know of one case especially of a young couple that I knew, a very young couple who were married in their early twenties and shortly after the marriage, about a year, the wife became hopelessly insane, and she is still in Augusta. The young man was very faithful in visiting her for a long, long time, ten years or I do not know but what fifteen. When he found she really was completely and hopelessly insane, he decided that he would like to marry again and have a normal home which I think is every young man's privilege, but he could not do that in this State, so he was forced to leave the State and go to another State where there is a law providing that you can be divorced and be remarried, and he is now living the last I knew very happily with his new wife and I think it is a good solution, and I think we should have this law. It seems to me that there are the proper safeguards to the law, and it also seems to me that when a person has been committed to a mental institution and it has been proved beyond doubt that they will never recover, it seems to me that they are legally dead. I shall always feel that way, and I think in that case a person has a right to a divorce and a normal married life to another person, so I will go along with the gentleman from Portland, Mr. McGlaufflin, my good friend and colleague, and I will say I think this bill is a bill that should pass.

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

Mr. CIANCHETTE: Mr. Speaker and Members of the House: There has been a lot of talk here about divorce for reasons that persons want to be remarried. I am familiar with one case I believe that one of the couple had been in the insane asylum I believe for more than thirty years. The man involved in that case is not anxious or has no desire to be remarried. He feels that he is obligated to his wife. In his position, his case, he would only like to be allowed to do business. He is a carpenter by trade who has built many small homes in our town, and he finds himself in a position that he cannot give clear deed to those properties of them and now finds that he

cannot give clear deed to those properties because his wife is unable to sign papers. I believe that this bill should be carried in order to facilitate those actions of a man that is in that position, and I hope the motion to indefinitely postpone does not prevail.

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

Mr. CHILDS: Mr. Speaker, through the Chair I would like to ask one of the members of the Judiciary Committee an interpretation of this law in reference to the five years. I am of the opinion they are probably referring to five continuous years but it does not say so. The way it is written here it says for a period of five years, does that mean there could be an interim between those years, and when you have reached a five year period that a doctor could declare that the libelee was incurably insane and you would have grounds for a divorce?

The SPEAKER: The gentleman from Portland, Mr. Childs, addresses a question through the Chair to any member of the Judiciary Committee who may answer if he so chooses.

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

Mr. McGLAUFLIN: Mr. Speaker, I can only say that particular point was not discussed, but it was assumed that that was the intention that it should be five continuous years.

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

Mr. CHILDS: Mr. Speaker and Members of the House and Brother Attorneys: I would be very much in doubt what the Court's interpretation would be of the legislative wording here, The legislative wording does not say "continuous" and I doubt very much if the Court would be in a position to take it upon themselves to say what the intent of the Legislature was unless it was ambiguous. The word "continuous" is left out.

The SPEAKER: The gentleman from Portland, Mr. McGlaufflin, may reply if he chooses.

Mr. McGLAUFLIN: Mr. Speaker and Members of the House: I would

be very glad to have the word "continuous" put in there by an amendment if that would please the gentleman.

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

Mr. MCCLUSKEY: Mr. Speaker and Members of the House: I think there is one thing that has not been brought out here and that is the reason many people are in mental institutions. It is caused in a great many cases by their mates, and I think under this bill there would be more of them, so I hope that the motion of the gentleman from Portland, Mr. McGlaulin, does not prevail.

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

Mr. DUDLEY: Mr. Speaker, I have heard it said that this is a sickness. That I believe and I believe most members of this House also believe it, and during my long terms in office in our town I have seen many people, at least several cases go to the insane asylum, and many return. In at least one case over twelve years ago, over twelve years in the insane asylum, the patient returned to raise one of the better families in town. Then I have seen several cases go to the sanatorium. I do not recall any returning. We also have cancer cases and most of those are fatal. As I see this as another sickness, I do not feel as though I should go along with this bill, and also I remember once a gangster said: "All men can be bought at a price". I do not know as I would go along that far, but I think we are putting a lot of trust in lawyers and doctors in view of what this gangster said, so many can be bought at a price. Therefore, I would like to go along with my good friend the gentleman from Ellsworth, Mr. Willey, in indefinitely postponing this bill.

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

Mr. FOSTER: Mr. Speaker and Ladies and Gentlemen of the House: I do not propose to debate this matter. I have but one observation to make, and that is simply this, that with this great and scientific age of ours, who are we to say

but what some day in the near future there will be a great serum or a great treatment that is going to restore all of our people in our State Hospitals to full and complete minds so that they are whole again and can return again to their homes, and what would the tragedy be if they were to return to their homes and asked their spouse that had divorced them, what happened to the contract we made, a promise for a promise. I kept my promise, what have you done with yours?

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

Mr. CHARLES: Mr. Speaker, I move the previous question.

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

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

A sufficient number arose.

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

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

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

Mr. FAY: To support the measure, Mr. Speaker.

The SPEAKER: The Chair will state that when the main question has been authorized, the gentleman may debate as to whether or not the main question shall be put now. He can not debate the merits of the main question. If the gentleman wishes to be in a position to debate further the issue before the House, he should vote against having the previous question put now.

All those in favor of the main question being put now will indicate by saying aye; those opposed, no.

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

The SPEAKER: The question before the House is on the motion of

the gentleman from Ellsworth, Mr. Willey, that the two Reports and Bill "An Act relating to Incurable Insanity as a Cause for which a Divorce May Be Granted, Senate Paper 79, Legislative Document 178, be indefinitely postponed.

For what purpose does the gentleman from Medway, Mr. Potter, arise?

Mr. POTTER: Mr. Speaker, when the vote is taken, I request a division.

The SPEAKER: The gentleman from Medway, Mr. Potter, has requested a division.

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

A division of the House was had.

Eighty-five having voted in the affirmative and twenty-eight having voted in the negative, the motion prevailed and the two Reports and Bill were indefinitely postponed in non-concurrence and sent up for concurrence.

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

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

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

Orders

Mr. Stanley of Hampden presented the following Order and moved its passage:

ORDERED, the Senate concurring, that the Legislative Research Committee be and hereby is directed to study the question of county salaries and prepare a list of current salaries of all county officials, county attorneys, and Judges and Records of the several municipal courts. This list to be prepared together with information as to work loads, hours of service, fees and

other remuneration which would be of assistance in determining the existence of inequities, if any.

The study, with such recommendations as the Research Committee may be pleased to make, shall be submitted to the 98th Legislature. (H. P. 1234)

The Order was read and passed and sent up for concurrence.

On motion of Mr. Cianchette of Pittsfield, it was

ORDERED, that Mr. MacDonald of Rumford be excused from attendance for the duration of his illness.

On motion of Mr. Seaward of Kittery, it was

ORDERED, that Mr. Kimball of Dayton be excused from attendance for the duration of his illness,

AND BE IT FURTHER ORDERED, that Mr. Call of Cumberland be excused from attendance this week because of death in the family.

Mr. Dunn of Poland presented the following Order and moved its passage.

WHEREAS, the House is informed of the birth of a daughter on April 30, 1955 to Representative Frank M. Bowie of Durham;

AND WHEREAS, the Members of the House are much pleased and wish to extend their heartiest congratulations to Mr. and Mrs. Frank M. Bowie;

BE IT ORDERED, that the baby girl be named Betsy Almeda Bowie, and that the Clerk of the House be directed to sent to Mr. Bowie of Durham an attested copy of this Order.

The Order was read and passed.

The SPEAKER pro tem: At an appropriate time, the House will have the happy father acknowledge this personally.

(Mr. Haughn of Bridgton was granted unanimous consent to address the House off the record)

The SPEAKER pro tem: The Chair notes the presence in the balcony of the House of thirty-two pupils of the Problems of Democracy Class of Rockland High School

accompanied by their teacher, Mr. James Grant.

It gives the Chair great personal pleasure on behalf of the House to welcome you here to our session, and the Chair hopes that it will be very educational to you and that your future lives will be influenced somewhat by it. (Applause)

House Reports of Committees Ought Not to Pass

Mr. Ferguson from the Committee on Highways reported "Ought not to pass" on Resolve to Construct Portions of Pequawket Trail, Cumberland County (H. P. 891) (L. D. 999)

Report was read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Baldwin, Mr. Sanborn.

Mr. SANBORN: Mr. Speaker and Members of the House: I move that Item 1 be laid on the table and be specially assigned for next Tuesday, May 10.

The SPEAKER pro tem: The gentleman from Baldwin, Mr. Sanborn, moves that the Report and Resolve lie on the table pending acceptance of the Committee Report and be specially assigned for Tuesday, May 10. Is this the pleasure of the House?

(Cries of "No".)

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

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

The SPEAKER pro tem: Is it now the pleasure of the House that the Committee Report be accepted?

The Chair recognizes the gentleman from Baldwin, Mr. Sanborn.

Mr. SANBORN: Mr. Speaker, I would like permission to address the House.

The SPEAKER pro tem: The gentleman may proceed.

Mr. SANBORN: Mr. Speaker, in regard to this resolve I will say that this is one of the main routes from Canada to the southern part of Maine. Now the people in Canada spend, according to the Publicity Bureau, approximately twenty million dollars each year. Now let's assume that the sales tax on that would be 2 per cent. That is a sum of \$400,000 revenue for the State of

Maine. Of course, if this was spent for gasoline, however, it would be four million; or for some other things that have taxes on them. Now I assume that on some articles they pay for there is no sales tax. But I do assume that probably the amount of revenue brought in to the State of Maine from the Canadians would be approximately \$400,000.00 in one year.

Now this road, the State's share would be \$129,000.00. Now this road has six bad turns on it; three of them practically are right angle turns. This road is narrow and it is dangerous to meet traffic. Now the Canadians, 90 per cent of the traffic on this road is Canadians. We advertise our State by spending thousands and thousands of dollars each year. Now what is a better way to advertise your State than to show them when they do come in that they have a decent road to ride over so that they will be willing to come again? Now, if you will notice on the map of Canada, they have dirt roads leading into Maine whereas they have a good road that leads into the State of New Hampshire. Now these Canadians come in to the State of New Hampshire down Route 16. Our idea is to get them from Route 16 over to Route 25, or Route 5 and 113. Now we do not want to lose traffic to New Hampshire and Massachusetts. We have old Orchard Beach which is one of the finest beaches in the world but at the same time we do not have a monopoly on our beaches. They have Hampton Beach and other beaches in New Hampshire. They have Revere Beach in the section down around Buzzards Bay, Cape Cod. I understand the plan is that Massachusetts is trying to get this Canadian trade and they are planning to build super highways. New Hampshire is also planning to build some improved road to get that traffic. We have this traffic, if we can hold it and increase it that is what I believe the State of Maine wishes to do.

Another thing, if you get the traffic continuing down Route 16 in New Hampshire and there are these beaches in Massachusetts and New Hampshire you will find it harder to get your traffic back into Maine than it is to hold it. Now with this

improved road I have no doubt that the revenue spent by Canadians would jump from 20 million dollars a year to 25 or 30 million dollars a year.

All right, that would be an increase to our State probably of approximately \$100,000.00 a year. That is enough to pay for this section of road in 2 years, their extra revenue. If you want to figure the entire revenue, it would pay for this road 3 or 4 times in one year. Now what is a better investment than when you can get your money back in, we will say, four years? I just wanted the House to know the facts of this case. Now I know how the Highway Committee feels, they haven't any money. They feel it is a good road but why put it out if they haven't got any money. Well, of course, we know there is money to build roads but it depends on what they are doing. But I want to give you an idea of the importance of this road and it is not very often that you will find a road that is not only inter-state but international. That is you can get some other country, you might say, to bring in revenue to pay for the building of your road. I do not know where else you would find a road you could do that. Thank you. I am not making any motion.

The SPEAKER pro tem: The Chair recognizes the gentleman from Brownfield, Mr. Olpe.

Mr. OLPE: Mr. Speaker and Ladies and Gentlemen of the House: I have a bill that is contingent upon this one and it has been tabled until this coming Friday. It is a continuation of the same road and as the gentleman from Baldwin, Mr. Sanborn, has pointed out, it is highly imperative that something be done to correct the danger for the people who travel this road. For those who are not familiar with the contour of it, it has been expressed and agreed upon by the Highway Commission that the sight distances are very dangerous and the original survey when they planned their accelerated program, the standards were very low and they did not take sight distances into consideration. However, they feel differently about it today.

Now, a road such as this is heavily travelled and we do get interna-

tional business from it. It has been estimated that 150,000 Canadians frequent the Old Orchard Beach area every year and we have approximately \$15,000,000 now at stake. Now, that kind of revenue is something that should not be passed over.

Those who have experienced or seen the Canadians, how they drive especially when they are in a hurry to get to their vacation, they do drive excessively and at an excessive speed and this road, having its many turns and hills and banks is just like a scenic railway. It is narrow and it has a high ground and it should be rebuilt and considering that I have a bill to be taken from the table Friday, I move that we reconsider our previous action and allow the resolve to be tabled. Thank you.

The SPEAKER pro tem: The gentleman from Brownfield, Mr. Olpe, moves that the two Reports and Resolve to Construct Portions of Pequawket Trail, Cumberland County, House Paper 891, Legislative Document 999, lie on the table unassigned. Is this the pleasure of the House?

(Cries of "No")

The SPEAKER pro tem: All those in favor will signify by saying aye; those opposed, no.

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

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

Mr. Albert from the Committee on Retirements and Pensions reported "Ought not to pass" on Resolve Providing for State Pension for Theresa Bolduc of Lewiston (H. P. 315)

Same gentleman from same Committee reported same on Resolve Providing for State Pension for Mrs. Aurore Auclair of Lewiston (H. P. 317)

Same gentleman from same Committee reported same on resolve Providing for State Pension for John B. Herrick of Penobscot (H. P. 322)

Same gentleman from same Committee reported same on Resolve Providing for State Pension for Sylvia Price of Orland (H. P. 323)

Same gentleman from same Committee reported same on Resolve

Providing for State Pension for Leverett Carter of Swan's Island (H. P. 608)

Same gentleman from same Committee reported same on Resolve Providing for State Pension for Edmund C. Ryder of Brownville (H. P. 682)

Same gentleman from same Committee reported same on Resolve Providing for State Pension for Clarence A. Lanpher of Winterport (H. P. 790)

Same gentleman from same Committee reported same on Resolve Providing for State Pension for Mattie C. Abbott of Union (H. P. 793)

Reports were read and accepted and sent up for concurrence.

Ought to Pass with Committee Amendment

Mr. Alden from the Committee on Claims on Resolve in favor of Cecil A. York, North Windham, for Damage by Escapees from State School for Boys (H. P. 702) (L. D. 770) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Resolve read once.

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

COMMITTEE AMENDMENT "A" to H. P. 702, L. D. 770, Resolve in Favor of Cecil A. York, North Windham, for Damage by Escapees from State School for Boys.

Amend said Resolve by striking out in the 2nd line thereof the figure "\$1080" and inserting in place thereof the figure '\$765'.

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

Passed to Be Engrossed

Bill "An Act relating to Admittance of and Charges for Patients at State Sanatoriums" (S. P. 212) (L. D. 553)

Bill "An Act relating to the Taking of Quahogs" (H. P. 166) (L. D. 157)

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 Rev-

enue to General Fund" (H. P. 1229) (L. D. 1512)

Resolve in favor of Caribou Armory Project (S. P. 33) (L. D. 28)

Resolve Providing for Survey of Railroad Crossings on College Avenue and Front Street in City of Waterville (S. P. 554) (L. D. 1503)

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

Tabled and Assigned

Resolve Granting Master Plumber's License to Ernest L. Douglass of Bangor (H. P. 925) (L. D. 1033)

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

The SPEAKER pro tem: The Chair recognizes the gentleman from North Haven, Mr. Baird.

Mr. BAIRD: Mr. Speaker, I would like to have this matter tabled until tomorrow for the purpose of an amendment.

The SPEAKER pro tem: The gentleman from North Haven, Mr. Baird, moves that the Resolve lie on the table pending third reading and be specially assigned for tomorrow, Thursday, May 5. Is this the pleasure of the House?

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

Third Reader

Tabled and Assigned

Resolve to Simplify the Open Water Fishing Laws by Counties (H. P. 1220) (L. D. 1499)

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

Mr. Olpe of Brownfield offered House Amendment "C" and moved its adoption.

House Amendment "C" was read by the clerk as follows:

HOUSE AMENDMENT "C" to H. P. 1220, L. D. 1499, Resolve to Simplify the Open Water Fishing Laws by Counties.

Amend said Resolve, under the caption **Oxford County**, by striking out the figure "10" in the 1st line of the 2nd paragraph and inserting in place thereof the figure '15'

House Amendment "C" was adopted.

Mr. Ferguson of Hanover then offered House Amendment "F" and moved its adoption.

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

HOUSE AMENDMENT "F" to H. P. 1220, L. D. 1499, Resolve to Simplify the Open Water Fishing Laws by Counties.

Amend said Resolve, under the caption **Oxford County** by adding after the paragraph relating to Halls Pond, Paris, the following paragraph:

'Howard's Lake. Fly fishing and trolling only. Inlet brook at Morrison's Lodge, closed from 50 feet below foot bridge at red stakes for ½ mile up-stream.'

Further amend said Resolve, under the caption "Oxford County", by striking out all of the paragraph relating to Magalloway River, Big and tributaries and inserting in place thereof the following paragraph:

'Magalloway River, Big. From Sept. 15th to Sept. 30th one fish per person between Aziscohos Lake and Parmachenee Dam. North of Parmachenee Lake, fly fishing only from Sept. 1st to Sept. 30th. Daily limit one fish. Tributaries above Aziscohos Dam open to fly fishing only. Tributaries from Aziscohos Dam to the New Hampshire Line, namely: Meadow Brook, Bennett Brook, Town Hall Brook and Clark Brook, closed.'

Further amend said Resolve, under the caption "Oxford County", by striking out all of the paragraph relating to Pond-In-The-River, Upton and Township C and inserting in place thereof the following paragraph:

'Pond-in-the-River. From September 15th to September 30th it is open to fly fishing only with a daily bag limit of one fish per person.'

Further amend said Resolve, under the caption "Oxford County", by striking out all of the paragraph relating to Rapid River and inserting in place thereof the following paragraph:

'Rapid River, between Lower Richardson and Umbagog Lakes. From September 15th to September 30th it is open to fly fishing only with a daily bag limit of one fish per person.'

House Amendment "F" was adopted.

Mr. Knight of Searsmont offered

House Amendment "D" and moved its adoption.

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

HOUSE AMENDMENT "D" to H. P. 1220, L. D. 1499, Resolve to Simplify the Open Water Fishing Laws by Counties.

Amend said Resolve, under the caption **Waldo County**, by striking out the figure "10" in the 1st line of the 2nd paragraph and inserting in place thereof the figure '15'

House Amendment "D" was adopted.

Mr. Dudley of Enfield offered House Amendment "B" and moved its adoption.

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

HOUSE AMENDMENT "B" to H. P. 1220, L. D. 1499, Resolve to Simplify the Open Water Fishing Laws by Counties.

Amend said Resolve, under the caption **Penobscot County**, by striking out the figure "10" in the 1st line of the 2nd paragraph and inserting in place thereof the figure '15'

House Amendment "B" was adopted.

Mr. Edwards of Raymond offered House Amendment "E" and moved its adoption.

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

HOUSE AMENDMENT "E" to H. P. 1220, L. D. 1499, Resolve to Simplify the Open Water Fishing Laws by Counties.

Amend said Resolve by striking out the last sentence of the next to last paragraph under the caption "Cumberland County" and inserting in place thereof the following: 'Jordan River from where the Portland Pipe Line crosses said river to the hatchery dam closed to all fishing.'

House Amendment "E" was adopted.

The SPEAKER pro tem: For what purpose does the gentleman from North Haven, Mr. Baird, arise?

Mr. BAIRD: Mr. Speaker, I wonder if I could table this bill. It seems as though Knox County would be the only county left with a 10-12 limit and I would like to table it so I can get an amendment ready for it.

The SPEAKER pro tem: The gentleman from North Haven, Mr.

Baird, moves that this Resolve be tabled pending second reading and be specially assigned for tomorrow. Is this the pleasure of the House?

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

The SPEAKER pro tem: For what purpose does the gentleman from Baldwin, Mr. Sanborn, arise?

Mr. BALDWIN: Mr. Speaker, I have an amendment that I would like to add to that. Shall I wait until tomorrow?

The SPEAKER pro tem: The Chair would state that it would be perfectly proper for the gentleman to wait until tomorrow when an opportunity will be available then.

Mr. BALDWIN: Thank you, Mr. Speaker.

The SPEAKER pro tem: The Chair notes the presence in the balcony of the House, sixteen pupils from the Eighth Grade of the Baldwin Consolidated School accompanied by their teacher, Mrs. Ida Ward.

It is with a great deal of pleasure on behalf of the House for the Chair to extend to you a hearty welcome and the Chair hopes that your stay here will prove profitable. (Applause)

Third Reader

Tabled and Assigned

Resolve to Simplify the Ice Fishing Laws by Counties (H. P. 1221) (L. D. 1500)

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

Mrs. Thomas of Anson offered House Amendment "F" and moved its adoption.

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

HOUSE AMENDMENT "F" to H. P. 1221, L. D. 1500, Resolve to Simplify the Ice Fishing Laws by Counties.

Amend said Resolve by striking out under the caption "Somerset County" the part that relates to Embden Lake, Great, Embden.

Further amend said Resolve by adding under the caption "Somerset County" after the paragraph starting "Attean Pond" the following:

Embden Lake, Great, Embden: Open on Thursday and Sunday of

each week for all fish during February, March and April.

House Amendment "F" was adopted.

Mr. Olpe of Brownfield offered House Amendment "D" and moved its adoption.

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

HOUSE AMENDMENT "D" to H. P. 1221, L. D. 1500, Resolve to Simplify the Ice Fishing Laws by Counties.

Amend said Resolve, under the caption **Oxford County**, by striking out the figure "10" in the 1st line of the 1st paragraph and inserting in place thereof the figure '15'

House Amendment "D" was adopted.

Mr. Dudley of Enfield offered House Amendment "B" and moved its adoption.

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

HOUSE AMENDMENT "B" to H. P. 1221, L. D. 1500, Resolve to Simplify the Ice Fishing Laws by Counties.

Amend said Resolve, under the caption **PENOBSCOT COUNTY**, by striking out the figure "10" in the 1st line of the 1st paragraph and inserting in place thereof the figure '15'

House Amendment "B" was adopted.

Mr. Knight of Searsmont offered House Amendment "C" and moved its adoption.

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

HOUSE AMENDMENT "C" to H. P. 1221, L. D. 1500, Resolve to Simplify the Ice Fishing Laws by Counties.

Amend said Resolve, under the caption **Waldo County**, by striking out the figure "10" in the 1st line of the 1st paragraph and inserting in place thereof the figure '15'

House Amendment "C" was adopted.

The SPEAKER pro tem: For what purpose does the gentleman from North Haven, Mr. Baird, arise?

Mr. BAIRD: Mr. Speaker, I would like to table this L. D. 1500 for the same reason.

The SPEAKER pro tem: The gentleman from North Haven, Mr.

Baird, moves that this Resolve lie on the table pending second reading and be specially assigned for tomorrow, Thursday, May 5. Is this the pleasure of the House?

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

Resolve for the Reappropriation of Unexpended Special Resolve Road Appropriations (H. P. 1232) (L. D. 1518)

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

Resolve Designating New Bridge at Guilford as "Guilford Memorial Bridge" (H. P. 1233)

Was reported by the Committee on Bills in the Third Reading, read the second time, passed to be engrossed without reference to a Committee and sent to the Senate.

Amended Bills

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)

Bill "An Act relating to 'Antique Auto' Plates" (S. P. 472) (L. D. 1315)

Bill "An Act relating to the Issuance of Operators' Licenses from Date of Birth with Notification" (H. P. 30) (L. D. 40)

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.

Amended in Non-Concurrence

Bill "An Act relating to Instruction in High Schools on American Freedoms (S. P. 110) (L. D. 271)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by House Amendment "A" in non-concurrence and sent up for concurrence.

Finally Passed Constitutional Amendment

Resolve Proposing an Amendment to the Constitution Extending Pardon Powers of Governor and Council

to Offenses of Juvenile Delinquency (S. P. 429) (L. D. 1188)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being a Constitutional Amendment and a two-thirds vote of the House being necessary, a division was had. 95 voted in favor of same and none against, and accordingly the Resolve was finally passed, 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 Rockland, Mr. Stilphen, 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 Rockland, Mr. Stilphen, for presiding and is glad to note that there were school children from the City of Rockland here this morning while he was presiding.

Enactor

Passed Over Temporarily

An Act relating to Directors of Corporations (S. P. 269) (L. D. 700)

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

(On motion of Mr. Sanford of Dover-Foxcroft, passed over temporarily pending passage to be enacted.)

Enactor

Tabled

An Act Changing Name of Madawaska Training School to Fort Kent State Normal School (S. P. 342) (L. D. 951)

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

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, in view of a request from my constituents, I would like to table Item 3 until tomorrow.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, moves that this Bill be tabled pending passage to be enacted and be specially assigned for tomorrow. Is this the pleasure of the House?

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

Passed to Be Enacted

An Act relating to Board of Registration, Public Library Committee and Town Clerk in Caribou (S. P. 350) (L. D. 959)

An Act relating to Wards and Their Boundaries in the City of Eastport (S. P. 375) (L. D. 1071)

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

An Act relating to Public School Adult Education (S. P. 537) (L. D. 1463)

An Act Repealing Licenses for Stores to Sell Milk (H. P. 1) (L. D. 1)

An Act Creating an Airfield Zoning Ordinance for the Unorganized Territory of Aroostook County (H. P. 279) (L. D. 263)

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 relating to Kindling Out-of-Door Fires on Land (H. P. 1079) (L. D. 1262)

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

(On motion of Mr. Bragdon of Perham, tabled pending passage to be enacted.)

Enactor Tabled

An Act relating to Taxation of Telephone and Telegraph Companies (H. P. 1205) (L. D. 1471)

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.)

An Act relating to School Age in Public Schools (H. P. 1207) (L. D. 1476)

An Act relating to Collection of Excise Taxes in Unorganized Territory (H. P. 1214) (L. D. 1491)

An Act relating to the Public Debt

Amortization Fund in City of Waterville (H. P. 1215) (L. D. 1492)

Finally Passed

Resolve Designating Route No. 182 as a State Highway (S. P. 488) (L. D. 1357)

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

The SPEAKER: Returning to Item 2, which was passed over temporarily pending passage to be enacted on motion of the gentleman from Dover-Foxcroft, Mr. Sanford, An Act relating to Directors of Corporations, Senate Paper 269, Legislative Document 700.

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

Mr. SANFORD: Mr. Speaker and Members of the House: This bill would let anyone without any thought whatever be a director of a corporation. Myself, personally, I think it is very bad. I think that anybody to be a director should at least own some stock in the corporation. I for one, and I think probably that most of us feel the same, that we would not want to invest in a corporation with a bunch of directors that did not have interest enough in the corporation to at least own some stock in that corporation. Therefore, I move that we indefinitely postpone this item with all accompanying papers.

The SPEAKER: The gentleman from Dover-Foxcroft, Mr. Sanford, moves that An Act relating to Directors of Corporations, Senate Paper 269, Legislative Document 700, be indefinitely postponed.

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

Mr. HAUGHN: Mr. Speaker and Members of the House: I will concur with the gentleman from Dover-Foxcroft (Mr. Sanford) on this due to the fact that directors of a corporation if they did not own stock and had self-interest in it, it would appear to me that they could flood a board of directors with what I would call just straw directors and the protection of the stockholders would not be to the best in-

terests. So I hope that his motion at this time will prevail.

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

Mr. BROWNE: Mr. Speaker and Members of the House: As a matter of explanation only, the directors, of course, are elected by the stockholders and in the majority of circumstances;—I suppose many of us have employed agents to do our bidding for us and they, of course, being subject to our will, being employed by us—I think it would make little difference actually in the type of work that a director might do if he owned three shares of stock at \$10.00 or something or whether he owned none. I think that as a matter of principle—I do not believe this to be objectionable. I have no brief for the bill but I would like to explain the thinking of the committee on it.

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

Mr. WADE: Mr. Speaker, I would like to concur with the gentleman from Dover-Foxcroft, Mr. Sanford, for a number of reasons.

First: Doing away with the direct stock ownership requirements for directors contributes further to the already extensive separation of ownership and management in corporations. It is recognized generally that the extent of ownership of a corporation that a director has is at least one measure of his responsibility in the operation of that corporation. Furthermore, in the case of large corporations, particularly those whose stock is traded on the larger stock exchanges, the matter of the holdings of directors is a matter of real public interest and changes in such ownership are published regularly. It is considered essential that it be a matter of public knowledge. So even though this might apply to some smaller corporations, I do not see any necessity of going along with this trend of separating ownership and management.

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

Mr. TOTMAN: Mr. Speaker and Members of the House: I think you are all well aware of the dilemma

facing one of our largest industries in the State of Maine because an out of state speculator by gaining control of a majority share of the stock now threatens that corporation with being cannibalized and raided. It seems to me that the dilemma that that corporation finds itself in might have been avoided if the directors had personally owned more stock as State of Maine residents. I realize, to speak quite truthfully and frankly to the House, because I do not believe in distorted testimony, that a director may be a director and still own a very small qualifying number of shares of stock. In some corporations, it reaches a low of one share.

As a matter of general principle, however, you have heard speakers say that many directors' interest is in direct proportion to their investment in the corporation. And I think that even a token investment should be required and consequently I will agree with the gentleman from Dover-Foxcroft, Mr. Sanford, that this bill is certainly not in the best interests of promoting interest by directors in corporations. I concur and move that it be indefinitely postponed.

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

Mr. ANDERSON: Mr. Speaker and Members of the House: I think most of what I might have said has already been said but I certainly do want to go along with the motion to indefinitely postpone the bill. I am sure that I would not want to be a large stockholder in a corporation and then find that the corporation itself was being operated by members who do not even own stock. I think if they do not own stock I am quite sure that they are not going to have too much interest in the corporations of which they may be a director.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Hancock.

Mr. HANCOCK: Mr. Speaker and Members of the House: I would like to have this lie on the table until tomorrow.

(Cries of "No")

The SPEAKER: The gentleman from York, Mr. Hancock, moves

that An Act relating to Directors of Corporations, Senate Paper 269, Legislative Document 700, lie on the table pending the motion of the gentleman from Dover-Foxcroft, Mr. Sanford, for indefinite postponement, and be specially assigned for tomorrow, Thursday, May 5.

All those in favor will so indicate by saying aye; those opposed, no.

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

The SPEAKER: The question now before the House is on the motion of the gentleman from Dover-Foxcroft, Mr. Sanford, that the Bill be indefinitely postponed.

As many as are in favor of the motion to indefinitely postpone will kindly indicate their preference 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.

Orders of the Day

The SPEAKER: Under Orders of the Day, the Chair lays before the House the first tabled and today assigned matter, Bill "An Act relating to Approval and Accreditation of Secondary Schools", House Paper 343, Legislative Document 422, tabled on April 29 by the gentleman from Portland, Mr. Roundy, pending third reading and the Chair recognizes that gentleman.

Mr. ROUNDY: Mr. Speaker, I had in mind the matter of introducing a House amendment. I do not intend to do so and I move that we proceed to the third reading.

The SPEAKER: The gentleman from Portland, Mr. Roundy, moves that the Bill be now given its third reading. Is this the pleasure of the House?

The motion prevailed and the Bill was then 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 second tabled and today assigned matter, Senate Report "Ought to pass" in New Draft, Senate Paper 551, Legislative Document 1489, of the Committee on Judiciary on Bill "An Act relating to Hospitalization of the Mentally Ill", Senate Paper 480, Legislative

Document 1349, tabled on April 29 by the gentleman from Lewiston, Mr. Malenfant, pending acceptance. (Engrossed in Senate)

The Chair recognizes that gentleman.

Mr. MALENFANT: Mr. Speaker and Members of the House: I move that this bill be retabled pending a ruling from the Justices of the Supreme Judicial Court, unassigned.

The SPEAKER: The Chair would state that the Chair is informed that the Supreme Judicial Court is meeting in Augusta Tuesday of next week, and if this matter were tabled and specially assigned, it might assist by not interfering with matters being taken from the table under the order introduced yesterday.

Would the gentleman from Lewiston, Mr. Malenfant, care to assign it for Wednesday of next week?

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

The SPEAKER: The gentleman from Lewiston, Mr. Malenfant, moves that the Report and Bill lie on the table pending acceptance of the Report and be specially assigned for Wednesday of next week, May 11. Is this the pleasure of the House?

The motion prevailed and the Report and Bill were so tabled and assigned.

The SPEAKER: The Chair lays before the House the third tabled and today assigned matter, House Order requesting Opinion of Justices of the Supreme Judicial Court as to constitutionality of proposed Bill "An Act relating to the Hospitalization of the Mentally Ill", Senate Paper 551, Legislative Document 1489, tabled May 3 under the Rules, pending passage.

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

Mr. EARLES: Mr. Speaker and Ladies and Gentlemen of the House: I think, perhaps, I should give a very brief explanation for the origin of this order. There was a bill before the Judiciary Committee, Legislative Document 1349, relating to the hospitalization of the mentally ill. Subsequent to that time, a redraft of that bill, namely the one that is subject to this order 1489, came into being. Some of us scru-

tinized this thing and we became disturbed over the question of unconstitutionality of specifically, or primarily, section 103-A, which related to hospitalization in emergency instances and simply it is that a person should be placed in a mental institution for thirty - five days for observation. There is no procedure established for any hearing. Normally there is a hearing and an adjudication before municipal officers, a probate judge, or something of that nature and the medical authorities come in and make their recommendations. There was a case determined in 147 Maine 302, captioned Francis H. Sleeper, Appellant, and in this instance the court held that the statute, which was basically similar to the one that we have in this new draft, that the statute authorizing the commitment of one alleged to be insane for observation and treatment for a preliminary period not exceeding thirty-five days without hearing, without notice, without any provision being made in the act for allowing him within such period to institute any proceedings to test the necessity of his commitment is unconstitutional. And in the course of looking the material up for a matter which we previously discussed, I ran across a recent adjudication in a similar situation in the Harvard Law Review of January, 1955. So, I am bringing it up to date and contemporaneous. In that instance, the situation was somewhat similar. The relatives sought admission of their daughter to a state mental institution and this was a case in Missouri and in that state there is no provision for investigation and a hearing during any course of the commitment and in that case the court held there again that it was unconstitutional and was contrary to the Fourteenth Amendment, namely that of due process of law entitling a person to be heard upon the charge.

I move at this time, the passage of this order.

The SPEAKER: The gentleman from South Portland, Mr. Earles, moves that this Order receive passage. Is this the pleasure of the House?

The motion prevailed and the Order received passage.

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

Mr. WADE: Mr. Speaker, to request unanimous consent to address the House briefly.

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

(Off Record Remarks by the Speaker)

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

Senate Report of Committee Out of Order Ought to Pass

Report of the Committee on Appropriations and Financial Affairs under authority of Joint Order (S. P. 562) reporting Bill "An Act relating to Investment of Temporary State Funds" (S. P. 567) with the recommendation that this Bill "Ought to pass"

Came from the Senate with the Bill given its several readings under suspension of the rules and passed to be engrossed.

In the House, on motion of Mr. Jacobs of Auburn, the Bill was given its three several readings under suspension of the rules.

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

Mr. JACOBS: Mr. Speaker, to clarify this in simple words, we have already passed this bill and it has been signed by the Governor. But this has come back here with an emergency clause because the Treasurer has money to invest and it would earn for the State about \$8,000 in the next six months.

Thereupon, under suspension of the rules, the Bill was passed to be engrossed in concurrence.

Mr. Wade of Auburn was granted unanimous consent to address the House.

Mr. WADE: Mr. Speaker and

Members of the House: It is a very real and unusual pleasure for me to call the attention of the House this morning to the presence with us of Mr. and Mrs. Willis A. Trafton, Sr., parents of our Speaker. They are in the rear of the House with Mrs. Willis A. Trafton, Jr. (Applause)

The SPEAKER: I know that I speak for my father and mother in thanking the members for this welcome.

The SPEAKER: The Clerk will read any notices not on the notice sheet.

(Off Record Remarks by Mr. Tottman of Bangor)

On motion of Mr. Childs of Portland,

Recessed until three o'clock Eastern Standard Time, this afternoon.

**After Recess
3:00 P.M. E.S.T.**

The House was called to order by the Speaker.

(Off Record Remarks by Mrs. Mann of Paris)

On motion of the gentleman from Greenville, Mr. Anderson, the House voted to take from the table the seventeenth 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 Liquor Control on Bill "An Act relating to Hours of Sale of Liquor", House Paper 840, Legislative Document 930, tabled on April 14 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: Before I make a motion I think perhaps I should say that both sides of the issue have come to a point of agreeing and in view of the fact that I believe they have, I am going to make a motion that both Reports and the Bill be indefinitely postponed.

The SPEAKER: The gentleman from Greenville, Mr. Anderson, moves that both Reports and Bill

be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed and both Reports and Bill were indefinitely postponed and sent up for concurrence.

On motion of the gentleman from Rangeley, Mr. Harnden, the House voted to take from the table the fiftieth tabled and unassigned matter, House Divided Report, Majority "Ought to pass" and Minority "Ought not to pass" of the Committee on Claims on Resolve in favor of Chester Fredericks of Norridgewock, House Paper 183, Legislative Document 1457, tabled on April 29 by that gentleman pending the motion of the gentleman from Greenville, Mr. Anderson, to accept the Majority Report.

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

Mr. HARNDEN: Mr. Speaker and Members of the House: The law regarding claims for damage done by deer reads as follows: "No claims for crop or orchard damage by deer or other protected animals or birds shall be paid by the State from any source or funds." Once we start paying these claims it could be very expensive, and I hate to see the door opened at this time. Therefore I hope that the motion of the gentleman from Greenville, Mr. Anderson, does not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Greenville, Mr. Anderson, that the Majority "Ought to pass" Report be accepted.

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

Mr. POTTER: Mr. Speaker and Members of the House: In regard to these claims, it so happens that I was a member of the Claims Committee in 1951, and that particular year we had 12,194 claims, they not all came before the Legislature, but that was the total number of claims filed which were paid. The wardens spent 15,130 hours investigating these claims and travelled a distance of 131,042 miles. The total cost of these claims was \$67,690. This is really a considerable sum to pay for crop damage. The agricultural interests and the fish and game interests got togeth-

er and in a spirit of compromise it was agreed and the present law was passed whereby that if deer were destroying the crops, the owner of the crops or his assistant could shoot the deer and claim the deer and use it as meat for himself and his family. Under this particular law, this claimant had the right to shoot the deer. Also he was furnished or could have been furnished at no expense to him crop repellents. He saw fit to put in a claim rather than shooting the deer. If this is opened up and this law, which the 1951 Legislature passed, is flaunted in the face of the agricultural interests, and of the fish and game interests, it could very well happen at another session we would be faced with an equal number of claims costing an equal amount of money. I do not think we should follow precedent whereby we should pay any of these claims, and I move indefinite postponement of the resolve and accompanying papers.

The SPEAKER: The gentleman from Medway, Mr. Potter, moves that the two Reports and Resolve be indefinitely postponed. Is this the pleasure of the House?

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

Mr. ANDERSON: Mr. Speaker and Members of the House: I have been well informed as to what is going to happen, but I think I might as well tell you the reason why I signed the "Ought to pass" report on this measure, and at the outset I might as well say that sympathy had a lot to do with it, and I am not at all ashamed that sympathy does enter into the matter. I would like to say this, that I cannot see that there is going to be any great reduction in mileage or hours spent by the wardens investigating possible claims. If damage is being done the warden is called, he must come and do what he possibly can himself to prevent further damage. I would say that if he must come and if he does come then he still is going to travel some miles. Further, with reference to the actual bill itself, I want to say that at least one deer was killed and it seems that there must have been another one there. The only amount of money that is being

asked for in this claim is not for crop damage actually, the amount of money involved is to cover the cost of the fertilizer and the seed beans that were used in planting the bean crop. I am not sure how much he got off of the particular acreage, I think probably Mrs. Thomas, the gentlewoman from Anson, may be able to tell you that. I do not think there is any more that I have to say on the matter, I think that is the reason that I signed the "Ought to pass" report, and as I say, I have been well informed as to what is going to happen to the bill, I still say that it should pass, and I do not worry about future Legislatures taking care of themselves.

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

Mrs. THOMAS: Mr. Speaker and Members of the House: I took this bill and presented it because the Game Warden in Oakland had suggested to Mr. Fredericks that he see his Representative, and he did and I presented the bill and I hope that it passes.

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

Mr. McGLAULIN: Mr. Speaker and Members of the House: I do not know anything about this bill, but the argument put up by the gentleman from Medway, Mr. Potter, that this was going to open the door to innumerable cases does not appear to me as being very sound because some particular case may require special consideration. If this is such a case it ought to pass.

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

Mr. CURTIS: Mr. Speaker and Members of the House: I do not see anything unfair about the State paying a claim for crop damage. Now I have a number of cattle and I live in a town area, and if these cattle get out at night and eat up someone's garden, why I have no redress but to pay and I do not try to evade the issue. The fact is that I have paid so many of them that I do not turn them out at night when we are asleep for fear that they do get out and eat up some-

one's garden. Now those gardens are planted for a purpose, and if my cattle eat them up I think they have a perfect right to present a claim. Now the State of Maine is getting a large revenue from these deer, and these wild animals, and if some one particular farmer feeds them, which we do, and if they just go ahead and eat grass or such things we do not care, but when they go out and destroy a man's crops, their just merely asking for the fertilizer and the seed beans is only a small part of what that crop might be. I think it is only fair that he should be reimbursed, and I am not unmindful of the thinking of the 1951 Legislature, but I think their thinking was wrong, and I think that two wrongs do not make a right. Inasmuch as the State is getting large revenues from these deer I believe that they should stand in the same position as private citizens and be willing to stand what damage that they do.

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

Mr. PIKE: Mr. Speaker and Members of the House: At the noon recess I was talking with Mrs. Pike back home in Oxford County, and it seems that apparently I am feeding five very fat deer on a new clover field right back of the House, and if this Mr. Fredericks gets pay I think I shall have to put a bill in next session.

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

Mr. POTTER: Mr. Speaker, the argument of my good friend the gentleman from Bowdoinham, Mr. Curtis, in regard to his cattle will hardly hold water, because I do not think that Mr. Curtis would go along giving the owner of the damaged crops permission to shoot his cattle, and then pay damages too, which is what this claim actually does,—gives permission to shoot the deer and then they ask for damages in addition.

The SPEAKER: The Chair recognizes the gentleman from Benton, Mr. Woodworth.

Mr. WOODWORTH: Mr. Speaker, through the Chair I would like to ask the gentleman from Medway, Mr. Potter, if he thinks all us

farmers have to do at night is stand out there and shoot deer.

The SPEAKER: The gentleman from Benton, Mr. Woodworth, addresses a question through the Chair to the gentleman from Medway, Mr. Potter, who may answer if he so chooses.

Mr. POTTER: Mr. Speaker, a farmer probably has other things to do, but I think he could well use the meat and perhaps as in the case of the potato farmer in Aroostook County during the past year he would be glad to get meat that cheaply.

The SPEAKER: The Chair recognizes the gentleman from Limestone, Mr. Getchell.

Mr. GETCHELL: Mr. Speaker, I am a farmer or have been all my life and I have had quite a lot of damage from deer, and I suppose I have a right to shoot them, but before I could shoot them I would have to find them and the damage is almost always done then.

The SPEAKER: The Chair recognizes the gentleman from Benton, Mr. Woodworth.

Mr. WOODWORTH: Mr. Speaker, through the Chair, I would like to answer the gentleman from Medway, Mr. Potter. If we got ten cents an hour while we were looking for these deer nights, we certainly could buy better beef.

The SPEAKER: The question before the House is on the motion of the gentleman from Medway, Mr. Potter, that the two Reports and Bill be indefinitely postponed.

The Chair recognizes the gentleman from Madison, Mr. Cote.

Mr. COTE: Mr. Speaker and Ladies and Gentlemen of the House: Before this is taken to a vote, as a point of information, I would like to repeat that in this claim they do not ask for crop damage. They ask merely for the fertilizer and the cost of the seed.

The SPEAKER: The question before the House is on the motion of the gentleman from Medway, Mr. Potter, that the two Reports and Resolve in favor of Chester Fredericks of Norridgewock, House Paper 183, Legislative Document 1457, be indefinitely postponed.

The Chair recognizes the gentleman from Medway, Mr. Potter. For

what purpose does the gentleman rise?

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

The SPEAKER: The gentleman from Medway, Mr. Potter, has requested a division.

All those in favor of the indefinite postponement of the two Reports and Resolve will kindly rise and remain standing until the monitors have made and returned the count. A division of the House was had.

Fifty-seven having voted in the affirmative and forty - two having voted in the negative, the motion prevailed and the two Reports and Bill were indefinitely postponed and sent up for concurrence.

The SPEAKER: The Chair will request the monitors to kindly return the count of the members in their seats.

The monitors reported that 104 members were present.

The SPEAKER: It is proposed to take up out of order and under suspension of the rules an Emergency Enactor at this time.

Passed to Be Enacted Emergency Measure Out of Order

The following Bill on its passage to be enacted was taken up out of order and under suspension of the rules:

An Act relating to Investment of Temporary State Funds (S. P. 567)

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. 114 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.

On motion of Mr. Childs of Portland, by unanimous consent, ordered sent forthwith to the Senate.

The SPEAKER: At this time, if there is no objection, the Clerk will read certain notices. The Chair hears no objection.

The SPEAKER: The Chair requests the Sergeant-at-Arms to kindly escort the gentleman from Bridg-

ton, Mr. Haughn, to the rostrum for the purpose of presiding as Speaker pro tem.

(Off Record Remarks)

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

On motion of Mr. Stanley of Bangor, the House voted to take from the table the fifty-sixth tabled and unassigned matter, Bill "An Act relating to Licensing of Oil Burner Installers and Servicemen", House Paper 1074, Legislative Document 1269, tabled on May 3 by that gentleman pending third reading.

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

Mr. QUINN: Mr. Speaker, I move the adoption of the amendment to this bill which is covered by filing number 388.

The SPEAKER pro tem: Does the gentleman present the amendment?

Mr. QUINN: Well, I believe it has already been distributed. It is filing number 388.

The SPEAKER pro tem: The Chair would inform the gentleman from Bangor, Mr. Quinn, that that amendment was adopted April 29, as Committee Amendment "A" to the Bill.

The Bill is now in order for third reading.

Mr. QUINN: I am sorry, Mr. Speaker. May I beg to be excused. The matter I have in mind is fifty-five. I will check the amendment on that.

Thereupon, on motion of the gentleman from Bangor, Mr. Stanley, the Bill was given its third reading, passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

On motion of Mr. Shaw of Bangor, the House voted to take from the table the forty-third tabled and unassigned matter, An Act relating to Trespass on Certain Buildings, House Paper 599, Legislative Document 655, tabled on April 27 by that gentleman pending passage to be enacted.

On further motion of the same gentleman, under suspension of the

rules, the House voted to reconsider its action of April 19 whereby the Bill was passed to be engrossed.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bingham, Mr. Shaw.

Mr. SHAW: Mr. Speaker, for the purposes of clarification and the possible misinterpretation of the Bill as amended, I now present House Amendment "A" after consulting with the Senate Chairman of this Committee and move its adoption.

The SPEAKER pro tem: The Chair understands that the gentleman from Bingham, Mr. Shaw, moves that under suspension of the rules, the House reconsider its action of April 15 whereby it adopted Committee Amendment "A". Is this the pleasure of the House?

The Chair recognizes the gentleman from Bingham, Mr. Shaw.

Mr. SHAW: Mr. Speaker, perhaps I should have clarified myself a little on that. The House Amendment was proposed as House Amendment "A" to Committee Amendment "A".

The SPEAKER pro tem: The Chair would inform the gentleman from Bingham, Mr. Shaw, that an amendment can only be amended after its adoption has been reconsidered.

Mr. SHAW: Mr. Speaker, then I would move reconsideration of the amendment.

The SPEAKER pro tem: The question before the House is on the motion of the gentleman from Bingham, Mr. Shaw, that the House reconsider under suspension of the rules the adoption of Committee Amendment "A" on April 15. Is this the pleasure of the House?

The motion prevailed.

Mr. Shaw of Bingham then offered House Amendment "A" to Committee Amendment "A".

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

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H. P. 599, L. D. 655, Bill "An Act relating to Trespass on Certain Buildings".

Amend said Amendment by striking out all of the 1st paragraph and inserting in place thereof the following paragraph:

Amend said Bill by striking out

the underlined word "other" in the 5th line and inserting in place thereof the underlined word "locked"

The SPEAKER pro tem: This amendment not having been reproduced will lie on the table pending reproduction under the rules.

On motion of Mr. McCluskey of Warren, the House voted to take from the table the fifty-third tabled and unassigned matter, House Divided Report, Report A "Ought to pass" and Report B "Ought not to pass" of the Committee on Public Utilities on Bill "An Act to Promote Safety on Common Carriers by Railroad", House Paper 1150, Legislative Document 1365, tabled on April 29 by that gentleman pending the motion of the gentleman from Portage Lake, Mr. Cook, to accept Report "B".

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

Mr. MCCLUSKEY: Mr. Speaker, I just want to state that I tabled this matter last Friday because a deadline had been set for adjournment at one o'clock and there was little time left for debate.

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

Mr. OSBORNE: Mr. Speaker and Members of the House: I will be very brief because we have started on this bill several times and several times it has been tabled and retabled.

I only hope as I have said at least twice before that the motion of the gentleman from Portage Lake, Mr. Cook, to accept Report "B" does not prevail and beyond that, I will say nothing at this time, leaving the floor free for anyone else who cares to comment on this bill.

The SPEAKER pro tem: The Chair recognizes the gentleman from Waterville, Mr. Bernier.

Mr. BERNIER: Mr. Speaker, Ladies and Gentlemen of the House: I think it is now in order for myself as a signer of Report "B" the "Ought not to pass" report to clarify my position on this matter.

In summary our, or at least my position was that this was a feather-bedding make work Bill, the fact that it was more properly an ex-

cess crew Bill than a full crew Bill. I think the one point throughout the entire hearing which convinced me most of the validity of my position was the fact that the proponents of the Bill, to my recollection, never once mentioned a single accident which could have been averted by, the addition of one man to the crew on freight trains of over 50 cars in length.

Now this Bill would actually provide for full crews, or so-called full crews, in several different situations. Most of these situations are already adequately and fully covered in a substantially equivalent manner to that already provided in the Bill by rules and regulations of both the Maine Central Railroad and the Bangor and Aroostook Railroad. The bone of dissension is that provision in the Bill which would provide for a crew of six men on freight trains of more than 50 cars in length rather than the five men presently carried on freight trains of over 50 cars in length.

Now the proponents of this Bill justify this Bill as a safety measure. Constitutionally the only jurisdiction really the Legislature has for the passage of this bill is as a safety measure. Now it is my feeling at least that the proponents of this Bill have the burden of showing that a safety hazard exists and that the addition of one man to freight trains of over 50 cars in length would to a reasonable degree avert, or cure or remedy the safety hazard.

I feel that if you bring the provisions of this Bill into the context of the railroading context and break down the typical situations to which this Bill applies, it will be readily apparent that this Bill does not provide for safety or for the protection of property or life and limb.

At present, freight trains of over 50 cars in length carry an engineer, a fireman and a forward brakeman in the cab of the locomotive. And they also carry a conductor and a flagman in the caboose.

While the freight train is in operation the proponents of this Bill have not brought forward any particular function or any particular purpose which this additional brakeman would perform in the course of the operation of the train. The oper-

ation is already adequately covered by the engineer, observation is performed both in the caboose and up forward by the five men presently manning the train. They have not adduced a single reason or single fact which the additional brakeman would perform throughout the course of the operation of the train. All the justifications for this measure which I have heard relate to the stoppage of the train or after something has occurred to the train or a stoppage of the train.

Now in the case of an ordinary stoppage where the engineer or the conductor of the train anticipates or apprehends some defect, some possible defective hot-box or something of that sort, what happens is this — if the conductor has knowledge of the probable location of the defective hot-box or of the hot box trouble, the train is stopped, the flagman in the caboose walks down the train a certain length with his various signals and protects the rear end of the train from any train operating in the same direction in which the stopped train is operating. There is no necessity on a single track for the forward part of the train to be covered due to various rules and regulations prevailing on railroads every train has priority of direction or as the saying goes "the engineer owns the iron in the direction in which he is travelling". Under the rules and regulations there is no possibility of any train coming in the opposite direction.

Now, in so far as safety is concerned, in so far as any collision is concerned with any other engine or any other train on the tracks, the situation is fully covered by the one flagman proceeding to the rear of the train after any stoppage. However, in very infrequent instances where there is a double track and where the train intends to cross over to the opposite double track, in such an instance, the fireman in the cab, does proceed forward of the train to protect it from on-coming trains on the opposite track; that is extremely infrequently done and again in such situations there is adequate protection from collision with on-coming trains. The only other instances which have been brought to my attention which might constitute safety hazards are these:

First, the maintenance and repair of hot-boxes while en route. It has been maintained that it is a very arduous task to change these hot-boxes and so on. I think that their argument is not a safety argument in the first place and in the second place on the Maine Central Railroad, hot-boxes are not changed en route; on the Bangor and Aroostook Railroad they are, but it is a one-man operation and it is done by the conductor, and while it is being done there is adequate protection of both the rear end and the front end of the train from collision with other vehicles properly on the tracks. Now another situation which has been brought to my attention has been that of coupling long freight trains. It has been said that it is somewhat dangerous for an engineer to attempt to back in and couple with a series of box cars a considerable distance back of him, he cannot judge the distance from his vantage point. However under present operating conditions on both the Bangor and Aroostook Railroad and the Maine Central Railroad, both the engineer and the conductor are provided with walkie-talkies and it is relatively easy for the conductor to direct the engineer to back up 75 feet or a 100 feet or to direct his motions in backing in and coupling with the trains to the rear. Another situation which has been brought to my attention is this, grade crossings. I do not know exactly what connection an additional brakeman on a train has with grade crossings; however, mention has been made in debate here in the House of the Waterville grade crossing and of the time which elapses while you await the passage of a train. I am sure the train would not go any faster if there was an extra brakeman on it and if the train was stopped for some reason due to either a derailment or due to some type of defect which the train men were attempting to cure, the addition of a brakeman would not provide for any greater safety.

I believe if you turn over in your own mind rather carefully these situations which I have pointed out, it would be rather difficult for you to find any safety feature in this Bill in the addition

of one trainman or brakeman to the crew of the train. Now it was at least my position and I believe the position of a number of the other signers of the "Ought not to pass" report that this was an affair which could be and should be fully disposed of and fully treated by mutual negotiations between labor and management. However, you have heard the argument here on the floor of the House and I have heard it in the halls and I heard it also at the hearings that the brotherhoods were too weak and also that the railroads would not abide by the crew regulations once agreed to. Now I think that a casual study of two booklets which I have in hand here would dispel this argument rather quickly. I have in hand here one book entitled "Bangor and Aroostook Railroad Company Rules and Rates of Pay for Conductors, Trainmen and Yardmen" and I have a similar one for the Maine Central Railroad. As I told you before, these rule books are—permit me to add one thought before I go on. These rule books comprise a compilation of many negotiated contracts between the brotherhoods and the railroads. Every bit of it represents negotiations between the brotherhoods and the railroads. Each of them contains several provisions as to crews in various situations. I think it might be in order for me to read one of them just to give you an idea how they go. Agreement between the Bangor and Aroostook Railroad Company and the Brotherhood of Railroad Trainmen made at Bangor, Maine, April 8, 1953, with reference to Article 35, Article 42 and Article 70 of the working agreement dated May 4, 1951.

Article 42: "Understanding as to the application of Article 42 in the operation of self-propelled road-way equipment. Spurring rail test car to be manned by not less than one conductor and one trainman. Mail train to be manned by not less than one conductor and one trainman when operating outside yard or switching limits" and so on. Now I might go back to the original rule 42. Article 42 is entitled "Full Crews". Section B thereof provides the following: "The following local trains will be furnished with three brakemen" and the numbers of the particular trains

were given and the season of the year or the length of the year within which these trains shall be provided with the number of brakemen as designated. I think that this amply shows that both the union and management have and can get together and mutually agree to the number of crews necessary on particular types of trains or particular types of vehicles using the track.

Now it was mentioned also in argument the last time which this Bill was tabled that the railroads would not abide by these agreements once they were on the books. Now I feel that that is a rather thin argument. All these rules are contractual rules. There are remedies and penalties provided for the enforcement of every single one of them. There are special National boards of mediation set up for the railroads alone, and any railroad man and any person from management would readily, I believe, tell you that these things are fully enforceable. I think that a rather glorious commentary upon the juncture we have arrived at here in the United States in our labor-management relations was provided at the hearing. The railroads were represented by a considerable number from their own management; the brotherhoods were represented by a considerable number of legislative agents from the various brotherhoods. Both proponents and opponents presented their case very dispassionately with reason, neither of the proponents seemed to in any way expect or anticipate any type of reprisals because of the fact that labor might be here in full force or management might be here in full force. They were brothers in the full sense of the word, and they presented their case, as I said, very reasonably. And I think it indicates the maturity at which both have arrived and again I think it indicates that both are competent to handle this situation through mutual negotiations of their own. The Federal Government has a rule and it can be found in Title 45 Section 40 of the United States Code annotated, which provides that after any accident or any railroad accident a thorough investigation shall be made and the report rendered to the Interstate Commerce Commission and

in some cases the reports will be published. This provision has been on the books since 1910. The gentleman from Portage Lake, Mr. Cook, read off to you the first day this was considered, a very similar rule which exists on our statute books here in Maine. The rule we have here in Maine does have more teeth in it, it provides not only for the investigation, but it gives the jurisdiction to the Public Utilities Commission to issue or render orders which will cope with or remedy the situation.

Now I would like to read to you a short section of a book by Professor Harold D. Koontz entitled *Government Control of Business*. Now this book was a text book which I used while I was at Colby taking a course in the *Economics of Government Regulation*. I think that on this point which I just mentioned it is rather persuasive. "Since 1910, the Interstate Commerce Commission has had power to require complete reports on railroad accidents. There must be made on every accident causing serious injury to persons or loss of property. The law requires every railroad to specify an officer who is responsible for making a report disclosing both the nature and the believed causes of any accident. In addition, the Commission may investigate such accidents itself and make reports and recommendations for remedial action. As the result of being able to obtain such complete data on accidents, the Commission has been able to make orders appropriate to safety requirements. Moreover, the railroads themselves, being forced to make a complete investigation, have found this requirement a valuable aid in removing causes of accidents. The enviable accident record of railroads is compelling evidence of the wisdom of such research into the nature and causes of railroad mishaps and methods of averting them."

Now I would like to read a few statistics just to substantiate the point which was made in this book. On the Bangor and Aroostook Railroad throughout the course of the year 1954 there were only 16 injuries among an average of 1,219 employees. The ratio of injuries per million man hours on the Bangor and Aroostook Railroad for the

same year was 5.24. There were no fatalities. The ratio of injuries per million man hours on the Maine Central Railroad was 6.88, again there were no fatalities on that railroad. Reports of the Interstate Commerce Commission have established that the railroads are by far the safest of all forms of transportation. The latest ICC figures show, for example, that on a passenger mile basis, railroads are four times safer than buses, and nearly nine times safer than scheduled airplanes. Now the State of New York has on its books a full crew law which is identical, at least in effect, if not in words, with the full crew provision proposed by this Bill which we are presently discussing. And statistics show that the railroads' safety record is as good or better in states adjoining New York where there are no such make-work laws than in New York where the laws require unneeded crew members. I am being rather lengthy here but, however, I think it might be interesting to quote from this text book on the full-crew laws:

"While the states or the federal government may supervise manning of trains, prescription of an arbitrary minimum is likely to constitute unwise interference with railroad management, with the result that efficiency of operation is impaired. As is generally known by students of transportation, too often agitation for full-crew laws has come from labor groups interested in creating additional employment."

Now in summary, I would like to point out that I do not believe that the proponents of this measure have carried their burden of showing that a safety hazard exists and that this proposed Bill would remedy that hazard to a reasonable degree.

I would like in closing to lay the ghost of a rumor which has been making the rounds, which I have heard at least several times and that is to the effect that the Boston and Maine Railroad on its operations north into Maine is now compelled or has to drop off a man, the inference being that the Boston and Maine Railroad either on its own hook has six men on the train or that Massachusetts has a full-crew law. That is not, I am told by reliable sources, true at all. In fact,

the reverse would be true were Maine to enact this law. If Maine were to enact this law the Boston and Maine Railroad upon entry to Maine would have to add an additional man and upon leaving Maine would have to drop off a man. I would like to, in closing, make one inquiry. I told you at the commencement that this law would provide for one additional man to the number of men presently carried upon freight trains of over 50 cars in length. In other words that this law would propose that six men be carried; actually this is not true to the letter of the law, although it is true in terms of the intent of the proponents. I would like at this point to inquire since the law omits mention of a fireman which is essential, how the proponents of this Bill attempt to remedy this situation which I am sure they intend to remedy somehow?

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

Mr. MCGLAUFLIN: Mr. Speaker and Members of the House: I am not a railroad man, but I have been traveling on the train from Portland to Augusta time and time again this winter and I have talked with conductors and motormen and at least one other train man on this subject. They say that they do have a contract as I stated twice before this House, but the railroad does not carry out this contract. Now the gentleman that just spoke said there had been no accidents, and it is evidently because of that fact that the railroad companies cut down the number of men and any prospect of getting the Industrial Accident Commission to do anything about it until they have had an accident is exceedingly remote, but do not think for a moment because they have not had an accident that they may not have one. I recall one of the airlines that was boasting that they never had an accident and a short time after I read where they had a very disastrous accident. I just want to mention also that in that recent train derailment between Augusta and Waterville that stirred up so much contention in this House, Conductor Neilson told me that he

had to leave the train and he walked all the way to Waterville, and Brakeman Monehan told me that he had to leave the train and walk all the way to Augusta. Now both the conductor and the brakeman just in that case had to leave that train loaded with passengers when surely the conductor should have been on hand. If they had had an extra man, that man could have been sent in place of the conductor. As I stated a moment ago, I am not a railroad man, but the request of these men for this bill seems reasonable to me, and I am against the acceptance of Report "B". I think Report "A" should be accepted and the measure passed.

The SPEAKER pro tem: The Chair recognizes the gentleman from Orono, Mr. Needham.

Mr. NEEDHAM: Mr. Speaker and Members of the House: I have no personal knowledge of railroad matters. I observed that there was an evenly divided report on this bill. I happen to know a railroad man for whom I have a great deal of respect, and I got in touch with him and asked him to let me know what this bill was all about, and I would like to read the letter he sent me: "April 19, 1955. Dear Mr. Needham: 'Here are the facts you asked me for yesterday. The question was brought up at the hearing on our bill, if the proper method of handling manpower questions was not thru negotiations, instead of law.

"On the B. and A., we have tried this. As a result, we have lost the third brakeman, on about one third of our local trains.

"The Maine Central has kept only one job. That is why we ask for a law requiring a third man on local trains.

"On double track it is necessary in crossing over to the other track for work to flag protection both ways, this leaves with the brakeman, the conductor alone.

"When switching with one man flagging the third man can be used to advantage in riding cars, cutting off cars, throwing switches etc., at a real saving of time.

"On long run thru freights, I must admit there are times when a third brakeman will do nothing much but

ride and that is also true of a train where there are two brakemen, but when things go wrong, the third man will pay for himself.

"A train of 110 cars is a mile in length and when one gets to 180 or so, with slack in couplings averaging eight inches per car, the shocks on the rear end are at times terrific.

"With a conductor up ahead, as he must be at times, and the flagman alone on the rear end, it is possible that he might be knocked out or crippled by slack action in the train (We recently had a conductor's arm broken by this slack running out) two men on the rear are safer.

"If the radio is being used communication between trouble spots and the engine is possible, but there are spots where radio fades out, and one can never know when radio will fail mechanically.

"Then too, on double track, any emergency stop calls for flag protection on both tracks. The third brakeman will be very essential for this.

"The need for a flagman in addition to one or more brakemen in passenger service is even more important.

"In cases of wreck, the conductor has to get names and addresses of all passengers, and injuries if any. That is quite a job for one man to do, with all the confusion that exists, and his other duties, besides. If the brakeman is busy with a drunk or otherwise engaged and the need for flag protection arises, it could lead to trouble, if he had to drop everything to go flagging as the rules require.

"In 1914, the so-called 5 per cent rate case gave the railroads an extra 5 per cent increase in rates to cover the expense of this flagman and that 5 per cent has been carried along ever since.

"The figures as given by the roads are mostly guesswork, and allow nothing for possible savings in overtime, damages, etc.

"In the 1920's the percentage of the dollar paid in wages was about 72-78, in 1954, it was about 48-54 cents, in spite of wages being about three times greater. Jobs, in that time, have been cut from one half to two-thirds of what they were then, due to bigger engine power, curtailment

of branch lines, consolidation of service extending the length of runs.

"Engine crews are paid higher rates for larger engines, conductors and brakemen get the same rates whether the train has one car or 200. With Diesel power the railroads' savings are tremendous. One dollar in fuel oil is equal to ten dollars in coal, and the cost of maintenance is much less for diesels. Three diesel units will do the work of six steam locomotives or even more under certain conditions.

Very truly yours"

It seems to me Mr. Speaker and Members of the House that if these facts are so, and I realize there is a great conflict as to the facts in this case, that there is considerable merit in this bill.

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

Mr. POTTER: Mr. Speaker and Members of the House: I think I understood my colleague the gentleman from Waterville, Mr. Bernier, to mention the fact that the fireman could flag ahead. Under the rules of the I.C.C. on a moving train the fireman is not allowed to go out flagging. Furthermore, I would like to concur with my good friend the gentleman from Orono, Mr. Needham, who mentioned the take-up when a long train stops. I have been in the caboose of trains no longer than 75 cars, and when the slack was taken up chairs and anything not fastened down tight sometimes went the whole length of the caboose. You do not realize the shock that you get when you take up one of those long trains. Furthermore, I would like to mention a happening that took place when the frost was going out about a month ago. I happened to be going from here home on the train. About four miles south of Waterville the block signals failed to work. We found out afterwards it was due to broken rails. The trainman had to walk to the rear of the train with a flag. The baggage man who was to handle the baggage and get it ready to unload at the next station had to walk ahead into Waterville. We were about an hour and a half late into Waterville as the records of the Maine Central will show if you looked them up. Under these conditions I think it

would have been very well in case anything had gone wrong and we had a broken rail at the time to have had a third man there on the train along to help out.

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen of the House: I happened to be a railroad man in my younger days. I fired a locomotive seven years and I was an engineer for a number of years on one of the roads in Maine and then I left voluntarily and went on the Canadian Pacific where I was an engineer there. Now I think perhaps if we understood a little bit what happens, that we could better decide what we want to do with this bill. On railroads it does not matter which way they are running, either north or south or east or west, there is one direction which is called the "superior direction". It happens to be on this railroad, the Maine Central, the superior direction is south or west. Now all trains running on schedule that is scheduled by the time table are superior running south, and all trains running north or east are inferior. Now if a train is running south and becomes stopped for any reason, why one flagman going out to the rear, it would not be necessary as a rule to go out in front because they are superior. But if they are running the other way, it is necessary if they are stopped to flag both ways, both from the rear and from the head end from the rules, and the standard rules of the United States and all railroads. Now you can see where if this train running in the inferior direction happened to have one of those occurrences which happen, and they become stopped for some reason, and one of the great reasons where they do become stopped is what the railroad man calls a "hot box", and that is the journal on one of the wheels, starts burning, and then they have to stop because there is great danger of running it off and wrecking the train, and as soon as it is noted why the train has to stop no matter where they are. The man on the rear has to go out and flag. Now the rules were and I presume they are now, when I was

railroading, you can not depend on the block signals, that you shall not, they are put there for an extra safety, but you must not expect that they are going to protect you, because they are only a mechanical device and something could happen to them, so regardless of block signals to the rear and to the front, it does not hinder the conductor's duty to send back a flagman or the engineer's duty to send out one on the head end. Then what happens? We have a long train and no one is there but the conductor, to load himself up with a pail about as big as one of these waste baskets filled with this dope they call it which is grease and packing, a new journal and a jack. He staggers up there and he has to jack up the journal, take out this damaged bearing, put in a new one, and he has to carry this bearing too with him, and re-pack the box. Now I think this measure, from a railroad's standpoint, is not only safety but is efficiency, because I can remember a great many times when we tied up the whole system for half or three-quarters of an hour and maybe more by doing this very thing. There were not many miles of double track when I was railroading on the railroad that I rail-roaded on, but I can see where with a double track it would be even worse because you would have to flag the other one as well.

Now as far as passenger trains are concerned, I do not know too much about them, because I never got into that high class of passenger train service, I was always in the freight service, but I believe it is the practice, or it was at that time, that if there are five or six passenger cars they carry the third man anyway, so I do not think that will be any expense. I do believe there is a great need of more help. Perhaps 50 cars is not quite enough, it may be too small, but surely the great trains they are hauling today of 80, 90, 100 and 120 cars surely three men are not too much for efficiency and for safety.

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

Mr. OSBORNE: Mr. Speaker and Members of the House: In listen-

ing to the arguments presented by the gentleman from Waterville, Mr. Bernier, the thought occurred to me that you might be somewhat confused on this issue in that I feel that there might have been an inference that this bill would provide sizable increases in the crews on the railroad. This is not true. I do not know that that was the intent in the gentleman's speech. In fact, in almost all instances the clauses of the bill if you look them over and are familiar with railroading unless I am badly misinformed, I am no rail-roader, are just the equivalent of the present situation. In other words, this is to prevent further reduction in crews. It does affect primarily the crew of freight trains of more than 50 cars. Uncoupling may be aided by Walkie-Talkies, that is the cutting out of cars and breaking up of trains, and I can see where they would be of great assistance but you cannot uncouple them with the Walkie-Talkies, in other words, you would have to have some manual assistance along with the Walkie-Talkies, the Walkie-Talkies will only expedite the breaking up of the trains. Now we speak of rule books and negotiations. I want you to know that the rule books for one railroad do not necessarily apply to the rules for another railroad. Some railroads in this State have been a little more considerate of crews than some of the others apparently. I did like one statement if I did not misunderstand it, a book written by an alleged expert on railroads wherein it says the railroads are being forced, forced, into making provisions to prevent accidents. If I understood that correctly, I think that the man probably was an authority on railroads. If you feel that there is any possibility that this is establishing a precedent here in the State of Maine, I would refer you to the last section in this bill which will be repealed, which is the present Statute, and I quote it: "Brakemen: No train of passenger cars moved by steam shall be run without one trusty and skillful brakeman to every two cars." Now under this bill that would be repealed. I do not feel that this is any great increase in the crew members. I feel that it is more a safety measure to preserve primarily what we have

and bring back a little that we did have.

The SPEAKER pro tem: The Chair recognizes the gentleman from Waterville, Mr. Bernier.

Mr. BERNIER: Mr. Speaker and Members of the House: I hesitate very much to prolong this debate. However, I would like to correct a few statements or at least make a few observations on a few statements which were made.

First, today is the very first time I have heard the argument made that this law is to prevent further reductions of crews on freight trains, and I would like if any member of this House has any knowledge as to when the last reduction was made on trains of any length, to so state it, especially whether this has been made within the last ten, fifteen or twenty years. Secondly, I would like to state in response to one gentleman's statement on the change of hot boxes on the Maine Central Railroad, I would like to state again that no longer are hot boxes or hot journals changed en route on the Maine Central Railroad. It might have been done once upon a time but it is not now done. Thirdly, I would like for the benefit of the gentleman from Fairfield, Mr. Osborne, to read the passage which he was referring to again, and I do not think that the word "force" is used, but I doubt if the inference which he was attempting to draw out of these words is present. If I am not too hasty I have a feeling that he meant because of this act which is now on the Federal law, that the railroads were being forced to make investigations and as a result were being forced to make improvements. I think the implication is definitely somewhat different. "As a result of being able to obtain such complete data on accidents, the Commission has been able to orders appropriate to safety requirements. Moreover, the railroads themselves are being forced to make a complete investigation, have found this requirement a valuable aid in removing causes of accidents." I think the context within which this is used indicates that the railroads through their own choice and as a result of their own pursuit of safety, have complied with or have brought in remedies

which would obviate further safety hazards.

I would like to make another remark in behalf of the gentleman from Portland, Mr. McGlaufflin. He mentioned again the Kennebec Siding accident. I think that there is one thing extremely revealing in reading a perusal of this report. This was a passenger train and I have forgotten the number of men which there are supposed to be on a passenger train, but they are substantially more than on a freight train. There were a fair amount of train men or railroad men on this passenger train. I think it is extremely significant that only three men, and I hope I am not criticizing anybody, but only three men attempted or did any positive affirmative thing, or took any positive affirmative action to either protect the train, and they properly did protect the train from trains coming from the rear, or did anything to help the passengers. Now there were many more train men there. Now there is another point which is being constantly referred to and that is the length of the train, as many of these trains are over a mile in length. I would like again to read another passage from this book which indicates that the policy of breaking the trains down in length actually increases the safety hazard. In other words, the length of trains to some degree, possibly a small degree, lessens the safety hazard. "Studies have indicated that the increased hazard of more trains at grade crossings, and the increased exposure of more train men to other railroad accidents which vary directly with the number of trains, would more than offset any doubtful reduction of accidents attributable to long trains," and various studies are cited in the footnotes. Thank you.

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

Mr. FULLER: Mr. Speaker, I move the previous question.

The SPEAKER pro tem: The gentleman from South Portland, Mr. Fuller, 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 kindly rise and stand in their places until the monitors have made and returned the count.

A sufficient number arose.

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

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

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

The SPEAKER pro tem: The question before the House is on the motion of the gentleman from Portage Lake, Mr. Cook, that Report "B" "Ought not to pass" on Bill "An Act to Promote Safety on Common Carriers by Railroad", House Paper 1150, Legislative Document 1365, be accepted.

For what purpose does the gentleman from Bowdoinham, Mr. Curtis, arise?

Mr. CURTIS: Mr. Speaker, I do not know because I was out whether a division has been asked. If it has not, I move a division.

The SPEAKER pro tem: The gentleman from Bowdoinham, Mr. Curtis, requests a division.

All those in favor of the acceptance of Report "B" will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

Thereupon, on motion of Mr. Osborne of Fairfield, Report "A" "Ought to pass" was accepted.

The Bill was then given its two several readings and assigned for third reading the next legislative day.

(Mr. Childs of Portland was granted unanimous consent to address the House off the record.)

The SPEAKER pro tem: The Chair recognizes the gentleman from Newport, Mr. Carter.

Mr. CARTER: Mr. Speaker, I

would like to take Item 59 from the table.

The SPEAKER pro tem: The Chair will recognize the gentleman from Portland, Mr. Roundy, to make that motion.

Mr. ROUNDY: Mr. Speaker, I made the motion for tabling for the benefit of the gentleman from Newport, Mr. Carter, and I think his motion is quite in order.

The SPEAKER pro tem: The gentleman from Portland, Mr. Roundy, moves to take from the table the 59th tabled and unassigned matter, House Joint Order, House Paper 1217, recalling to the House from the legislative files Report of the Committee on Claims reporting "Ought not to pass" on Resolve to Reimburse the Town of Stetson for Aid Extended to Carlton Johnson, House Paper 809, Legislative Document 846, tabled on May 3 by that gentleman pending further consideration, passed in the House and indefinitely postponed in the Senate. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER pro tem: The Chair now recognizes the gentleman from Newport, Mr. Carter.

Mr. CARTER: Mr. Speaker, I move that we insist on our former action.

The SPEAKER pro tem: The Chair will inquire if the gentleman also wishes to request a committee of conference.

Mr. CARTER: Mr. Speaker, I do not think it is necessary, Mr. Speaker. Pardon me, I will ask for a committee of conference.

The SPEAKER pro tem: The gentleman from Newport, Mr. Carter, moves that the House insist on its former action and request a committee of conference. Is this the pleasure of the House?

The motion prevailed.

On motion of the gentlewoman from Rockland, Miss Lawry, the House voted to take from the table the twenty-eighth tabled and unassigned matter, An Act Providing for Compensation for Members of the Board of Education of the City of Rockland, Senate Paper 423, Legislative Document 1169, tabled on April 21 by that gentlewoman pending further consideration, enacted

in the House, indefinitely postponed in the Senate.

Thereupon, on further motion of the same gentlewoman, the House voted to recede and concur with the Senate.

On motion of the gentleman from Bangor, Mr. Stanley, the House voted to take from the table the fifty - fifth tabled and unassigned matter, Bill "An Act Revising the Law relating to Licensing of Electricians", House Paper 487, Legislative Document 532, tabled on May 3 by that gentleman pending passage to be engrossed.

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

Mr. QUINN: Mr. Speaker and Ladies and Gentlemen of the House: I now move that House Amendment "A", filing number 403, be adopted.

The SPEAKER pro tem: Does the gentleman wish to offer an amendment?

Mr. QUINN: Mr. Speaker, it was my intention on rising to offer House Amendment "A" and in offering this amendment it is changing the phrase "this chapter" to "chapter 82-A". When this bill was originally drafted, Chapter 82-A, was a potential law, it is about to become law, so that the reference to this chapter would not be a correct reference and the amendment takes care of the Chapter 82-A. I move its adoption.

The SPEAKER pro tem: The gentleman from Bangor, Mr. Quinn, offers House Amendment "A", and moves its adoption. The Clerk will read the amendment.

The CLERK: Which has been reproduced and distributed under filing number 403.

The SPEAKER pro tem: The Chair will state that House Amendment "A" appears to be an amendment to the Committee Amendment.

Does the gentleman wish to move under suspension of the rules that the House reconsider its action whereby it adopted Committee Amendment "A"?

Mr. QUINN: Yes, Mr. Speaker.

The SPEAKER pro tem: The gentleman from Bangor, Mr. Quinn, moves that under suspension of the rules the House reconsider its action of April 29 whereby it adopted

Committee Amendment "A". Is this the pleasure of the House?

The motion prevailed.

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

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

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H. P. 487, L. D. 532, Bill "An Act Revising the Law Relating to Licensing of Electricians."

Amend said Amendment by striking out, in the last 2 lines thereof, the underlined words "this chapter" and inserting in place thereof the underlined words 'chapter 82-A'

House Amendment "A" to Committee Amendment "A" was adopted.

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

On motion of Mr. Childs of Portland, the House voted to take from the table the fifty-fourth tabled and unassigned matter, An Act Relating to Excise Tax on Aircraft, House Paper 123, Legislative Document 126, tabled on May 3 by that gentleman pending further consideration. (Enacted and recalled from Governor by Joint Order.)

The SPEAKER pro tem: For what purpose does the gentleman from Friendship, Mr. Winchenpaw, arise?

Mr. WINCHENPAW: Mr. Speaker, I wanted to speak on the bill. That was my bill.

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

Mr. CHILDS: Mr. Speaker, I tabled this matter for the convenience of the gentleman from Friendship, Mr. Winchenpaw.

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

Mr. WINCHENPAW: Mr. Speaker and Members of the House: Maybe a slight explanation is necessary. This bill was passed as an emer-

agency enactor and at the time the bill was drawn up the emergency seemed necessary. Then the bill was re-written in the committee and the Governor felt that the emergency clause no longer covered the contents of the bill. So, it was recalled from the Governor's office and I move now that we reconsider our action whereby we passed this as an emergency measure.

The SPEAKER pro tem: Under suspension of the rules, the gentleman from Friendship, Mr. Winchenpaw, moves that the House reconsider its action whereby it passed the bill to be enacted on April 14. Is this the pleasure of the House?

The motion prevailed.

On further motion of the same gentleman, under suspension of the rules the House voted to reconsider its action whereby it passed the Bill to be engrossed as amended by Committee Amendment "A" on April 5.

Thereupon, Mr. Winchenpaw of Friendship offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" TO H. P. 123, L. D. 126, Bill "An Act relating to Excise Tax on Aircraft."

Amend said Bill by striking out all of the Emergency Preamble.

Further amend said Bill by striking out all of the Emergency Clause at the end.

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

At this point, Speaker Trafton returned to the rostrum.

Thereupon, the Sergeant-at-Arms conducted the gentleman from Bridgton, Mr. Haughn, 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 Bridgton, Mr. Haughn. The Chair also feels that it should observe that the gentleman has a charm in getting things off the table. (Applause)

(Mr. Haughn of Bridgton was granted unanimous consent to address the House off the record.)

House at Ease

Called to order by the Speaker.

The SPEAKER: The Clerk has a notice not on the printed notices.

On motion of the gentleman from Bangor, Mr. Quinn, the House voted to take from the table the fifty-second tabled and unassigned matter, Bill "An Act relating to Size of Fish and Number and Weight of Catch", Senate Paper 550, Legislative Document 1488.

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

On motion of Mr. Childs of Portland,

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