

# 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**

Thursday, May 5, 1955

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

Prayer by the Rev. Fr. Arthur Cloutier of Mount Merici Academy, Waterville.

The journal of the previous session was read and approved.

**Papers from the Senate**

From the Senate: The following Order:

WHEREAS, the Joint Legislative Committee on Education of the 97th Legislature has become increasingly aware of the amount of research, work and time which Mr. Bion F. Jose, Town Manager of the Town of Milo, has devoted to the matter of a school subsidy plan, it is the purpose of this Joint Order to express to Mr. Jose appreciation for the unusual effort which he has expended with the help and approval of the Town of Milo in this unselfish and public spirited work covering a period of many months; and

WHEREAS, Mr. Jose has on various occasions contacted educational leaders among the citizens of the State of Maine, as well as the Department of Education, members of the State Board of Education and the Education Committee of the 97th Legislature in this work to insure that all phases of the complicated subject have complete consideration, it becomes increasingly evident that Mr. Jose has made a very real contribution to all of the citizens of the State of Maine and to public school education; now, therefore,

BE IT ORDERED, the House concurring, that this 97th Legislature hereby expresses its deep appreciation to Mr. Jose for his most unusual effort in this matter and the Secretary of the Senate is hereby instructed to send a copy of this Joint Order to Mr. Bion F. Jose of Milo, Maine (S. P. 566)

Came from the Senate read and passed.

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

**Senate Reports of Committees  
Leave to Withdraw**

Report of the Committee on Claims on Resolve in favor of Jim Adams, Inc., of Bangor (S. P. 421) (L. D. 1170) reporting Leave to Withdraw.

Came from the Senate, read and accepted.

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

**Ought Not to Pass**

Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act relating to Payments by Northport Village Corporation to Town of Northport" (S. P. 164) (L. D. 358)

Report of the Committee on Retirements and Pensions reporting same on Resolve Providing for an Increase in State Pension for Eunice Brackett of Clinton (S. P. 197)

Came from the Senate read and accepted.

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

**Ought to Pass  
in New Draft**

Report of the Committee on Claims on Resolve Providing for Refund for Tobacco Tax Stamps (S. P. 519) (L. D. 1414) reporting same in a new draft (S. P. 565) (L. D. 1520) under same title and that it "Ought to pass"

Report of the Committee on Highways on Bill "An Act Repealing Obsolete Highway Laws" (S. P. 115) (L. D. 278) reporting same in a new draft (S. P. 564) (L. D. 1521) under title of "An Act Repealing Obsolete Highway Laws and Clarifying Project Completion Dates" and that it "Ought to pass"

Report of the Committee on Labor on Bill "An Act relating to the Reorganization of the State Board of Arbitration and Conciliation" (S. P. 161) (L. D. 355) reporting same in a new draft (S. P. 559) (L. D. 1515) under same title and that it "Ought to pass"

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

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

### Ought to Pass With Committee Amendment

Report of the Committee on Judiciary on Bill "An Act Providing for Pocket Supplements to the Revised Statutes" (S. P. 406) (L. D. 1120) 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. 406, L. D. 1120, Bill "An Act Providing for Pocket Supplements to the Revised Statutes."

Amend said Bill by adding after the Title thereof the following Emergency preamble:

**'Emergency preamble.** Whereas, acts of the Legislature do not become effective until 90 days after adjournment; and

Whereas, the following legislation is vitally necessary in order to provide the public and the courts with the laws of the 97th Legislature enacted at the regular session thereof, and the decisions of the Supreme Judicial Court since the revision of 1954; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine, and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Further amend said Bill by striking out all of Sec. 2 thereof and inserting in place thereof the following:

**'Sec. 2. Appropriation.** There is hereby appropriated from the general fund the sum of \$10,000 to carry out the purposes of this act. Such appropriation shall not lapse but shall remain a continuing carrying account until the purposes of this act have been accomplished.'

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

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

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

Report of the Committee on Judiciary on Resolve to Purchase Additional Sets of the Revised Statutes of 1954 (S. P. 407) (L. D. 1121) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

**COMMITTEE AMENDMENT "A"** to S. P. 407, L. D. 1121, Resolve to Purchase Additional Sets of the Revised Statutes of 1954.

Amend said Resolve by striking out the period at the end of the 1st paragraph thereof and inserting in place thereof the following:  
'; and be it further

**Resolved:** That this appropriation shall not lapse but shall remain a continuing carrying account until the purposes of this resolve have been accomplished.'

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

### Ought to Pass Amended in Senate

Report of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act Revising the Laws on Civil Defense and Public Safety" (S. P. 159) (L. D. 353)

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

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

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

SENATE AMENDMENT "A" to S. P. 159, L. D. 353, Bill "An Act Revising the Laws on Civil Defense and Public Safety."

Amend said Bill by striking out all of Section 1 thereof.

Further amend said Bill in Section 2 by striking out the following underlined words and punctuation: "or during authorized alerts, including partial or full mobilization"

Further amend said Bill in Sec. 3 by striking out in the last paragraph the underlined words and punctuation: "or during authorized alerts, including partial or full mobilization"

Further amend said Bill by striking out all of Section 4 thereof.

Further amend said Bill in Section 7 by striking out all of that part designated "Sec. 19-A" and inserting in place thereof the following underlined paragraph:

"Sec. 19-A. Penalty. Every officer of a political subdivision of this State who, having administrative responsibilities under the provisions of this chapter, willfully violates any of the provisions of this chapter shall be punished by a fine of \$20."

Further amend said Bill by renumbering Sections 2, 3, 5, 6 and 7 to be Sections 1, 2, 3, 4 and 5, respectively.

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

#### **Ought to Pass with Committee Amendment Amended in Senate**

Report of the Committee on Legal Affairs on Bill "An Act Creating the MacMahan Island Village Corporation" (S. P. 253) (L. D. 694) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" and Senate 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. 253, L. D. 694, Bill "An

Act Creating the MacMahan Island Village Corporation." (Emergency)

Amend said Bill by striking out the underlined figures "75%" in the headnote of section 5 and inserting in place thereof the underlined figures '60%'

Further amend said Bill by striking out the figures "75%" in the next to last line of section 5 and inserting in place thereof the figures '60%'

Committee Amendment "A" was adopted in concurrence.

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

SENATE AMENDMENT "A" to S. P. 253, L. D. 694, Bill "An Act Creating the MacMahan Island Village Corporation."

Amend said Bill by striking out the Title and inserting in place thereof the following Title: 'An Act Relating to Payments by Town of Georgetown for MacMahan Island.'

Further amend said Bill by striking out the Emergency Preamble.

Further amend said Bill by striking out everything after the Enacting Clause and inserting in place thereof the following:

**Payments to MacMahan Island.** Each year, commencing in the year 1956, the town of Georgetown shall expend 40% of the taxes collected from the inhabitants and estates on MacMahan Island in said Georgetown for municipal purposes on said Island for the benefit of the inhabitants and estates thereon; such purposes to be the creation and maintenance of municipal fire protection, the building and maintaining of bridges, roads, sidewalks, floats and landings, the furnishing of public lighting and insect control and the removal of refuse.

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

#### **Ought to Pass with Committee Amendment In Senate**

#### **Committee Amendment Indefinitely Postponed Senate Amendment Adopted**

Report of the Committee on Labor on Bill "An Act Amending the Maine Employment Security Law as to Disqualifications for Benefits" (S. P. 412) (L. D. 1181) reporting

"Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted, Committee Amendment "A" indefinitely postponed, and the Bill passed to be engrossed as amended by Senate 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. 412, L. D. 1181, Bill "An Act Amending the Maine Employment Security Law as to Disqualifications for Benefits."

Amend said Bill in the 12th line by inserting before the underlined figure and word "**10 weeks**" the underlined words and figure '**not less than 5 nor more than**'

Further amend said Bill in the 7th line of Sec. 2 by inserting before the underlined figure and word "**10 weeks**" the underlined words and figure '**not less than 5 nor more than**'

Further amend said Bill by striking out all of sections 4 and 5.

Further amend said Bill in the next to last line by striking out the underlined figure "**\$400**" and inserting in place thereof the underlined figure '**\$300**'

Further amend said Bill by renumbering "**Sec. 6.**" to be '**Sec. 4.**'

Thereupon, Committee Amendment "A" was indefinitely postponed in concurrence.

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

SENATE AMENDMENT "A" to S. P. 412, L. D. 1181, Bill "An Act Amending the Maine Employment Security Law as to Disqualifications for Benefits."

Amend said Bill in the 12th and 13th lines by striking out the underlined figure and words "**10 weeks in addition to the waiting period**" and inserting in place thereof the underlined words '**not less than 7 nor more than 14 weeks in addition to the waiting period of one week**'

Further amend said Bill in the 7th line of Sec. 2 by striking out the underlined figure and word "**10 weeks**" and inserting in place thereof the underlined words '**for not less than 7 nor more than 14 weeks**

**in addition to the waiting period of one week'**

Further amend said Bill by striking out all of Sections 4 and 5.

Further amend said Bill in the next to the last line by striking out the underlined figure "**\$400**" and inserting in place thereof the underlined figure '**\$300**'

Further amend said Bill by renumbering "**Sec. 6.**" to be '**Sec. 4.**'

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

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**Ought to Pass with  
Committee Amendment  
In Senate  
Indefinitely Postponed**

Report of the Committee on Inland Fisheries and Game on Bill "An Act relating to Open Season on Deer Throughout the State" (S. P. 324) (L. D. 890) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate indefinitely postponed.

In the House: The Report was read.

On motion of Mr. Harnden of Rangeley, the House voted to concur with the Senate in the indefinite postponement of the Report and Bill.

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**Divided Report**

Majority Report of the Committee on Transportation reporting "Ought to pass" on Bill "An Act relating to Weight of Commercial Vehicles" (S. P. 452) (L. D. 1271)

Report was signed by the following members:

Messrs. COLE of Waldo  
WYMAN of Washington  
HALL of York  
— of the Senate.  
Messrs. JACQUES of Lewiston  
MADORE of Van Buren  
PALMETER of  
Meddybemps  
ALLEN of Chelsea  
GREENE of Belfast  
FINEMORE of  
Bridgewater  
— of the House.

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

Report was signed by the following member:

Mr. TOTMAN of Bangor  
— of the House.

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

In the House: Reports were read.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I move that we accept the "Ought to pass" Report.

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

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

Mr. WALSH: Mr. Speaker and Members of the House: Probably a great number of us have been lobbied by railroad men and lobbied by truck owners but I do not believe that any of us have been lobbied by the tax payers, of which we are members. With the condition of our highways such as they are and increasing this weight to 60,000 pounds, what is going to happen to the highways which we have? I believe that this bill is just some 1, 2, 3, 4 maybe 6 years in advance of when it should be put in. The highways that we have and the condition that they are in and what we are able to do for them in the next four to six years, it seems to me that we are making a very, very foolish move here to increase the weight and the length of our trucks to further deplete the highways which we now have in the poor condition that they are in. For that reason, I hope that we do not go along with the majority report but will go along with the minority report or even the indefinite postponement of this bill and I so move.

The SPEAKER: The gentleman from Brunswick, Mr. Walsh, moves that the two Reports and Bill be indefinitely postponed.

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

Mr. TOTMAN: Mr. Speaker and Members of the House: As the sole

signer of the minority report, the lamb rises to the slaughter of the wolves. I realize that when one member of a committee takes a position opposite the rest of the members of his committee, the chances of proving that nine men are wrong and one man is right are very, very remote.

I was warned last night by my opposition and I am quite frankly looking forward to this debate with a great deal of pleasure because I feel that for once I do think I am right and I do think nine men are wrong.

I believe that the previous speaker, the gentleman from Brunswick, Mr. Walsh, has more or less said without a great deal of oratory that possibly this House should look upon this bill not so much as that age-old fight between two large systems of transportation but as a situation that says: Who will stand up and be counted in behalf of the 80 per cent of the vehicles that use the highways, namely you and I, the motorists? I know and fully recognize that the proponents of the bill will practically prove to you this morning, strange as it may be and difficult as it is for me to imagine, that the type truck that they propose to carry this additional weight is almost better for the highways than the present trucks. You will be even led to believe that if we keep on adding axles every five tons conceivably we could go on infinitum and not hurt the highways.

Frankly regardless of how you camouflage it, dress it up, make it more palatable to the people who are worried about the roads, I think that the gentleman from Brunswick, Mr. Walsh, is 100 per cent right, when all is said and done you and I as motorists will end up paying for damage, if there is any damage, and I say that it has to be proven, I recognize, but there are some of us who feel that without a great deal of engineering gymnastics, heavy vehicles do cause most of the damage.

I do not believe in statistics because I think they confuse. I think that figures do not lie but as I say, liars can figure. So, on my own initiative I checked with the Motor Vehicle Registration this morning

to get the exact figures from the horse's mouth, so to speak, and it might interest you to know that this bill which is concerned primarily with allowing the top bracket of heavy-weight trucks to go even higher, at the latest official count, there were 62,000 trucks in the State of Maine, only 923 of which fell within the 42,000 to 50,000 category. So for round figures, let's say out of 330,000 vehicles registered in the State of Maine annually, we are discussing legislation here for approximately 1,000 vehicles. To me that seems somewhat disproportionate. It seems entirely unbalanced. It seems that someone in this House, and a great many of us, should stand up on behalf of the motorist.

I would also like to make it very clear that regardless of how well this package is presented, regardless of fancy ribbons and regardless of the nice attractive dress and garb it is presented in, the fact remains that this bill, by using your own common sense, will benefit by and large out of state truckers and not intra-state truckers. And how do I arrive at that statement? Because of the very simple fact that with a 50,000 pound limit in Maine now, most truckers have a certain type vehicle that will run under that weight limit. In order to take advantage of this bill, if it were passed, they would be required to buy a new type of vehicle, which quite obviously is expensive. Out of state truckers have those new type vehicles. If this bill were passed, they would be allowed to come into Maine and go out without paying any license fee and the intra-state trucker, to be fair, eventually would probably switch to the better type vehicle, the heavier type vehicle. But let's be honest about it, at least for a year or two the chief benefit will go to out of state truckers. I do not believe that the opposition, in all fairness, would deny that fact.

Some of you may wonder why one man stands up to oppose legislation particularly when these people will get up and tell you that it will benefit Aroostook County immeasurably. It will assist Aroostook County to get potatoes to market at lower cost. I ask you honestly, do you believe that if this bill were passed to allow heavier trucks, do you

honestly believe that the truckers would reduce their rates? My limited experience, admittedly, has proven to me that whenever people come to this Legislature and ask for special class legislation, they promise that cheaper cost will benefit various industries in the state but by and large the price remains on a straight, flat level and the man who got the legislation through took the benefits himself directly.

I think it might interest this House to know that if this bill passes, the corporations for which I work and am employed by would benefit immeasurably. There are two corporations with which I am connected who ship a total, between dry chemicals and liquid chemicals, of 40,000 tons per year, in round figures, to various farm yards and paper mills in the State of Maine via truck. It would definitely enable the truckers, who truck this material for us, to deliver the goods at a lower cost to them but I am very proud of the truckers who are so involved when I asked them, quite straightforwardly and honestly: Do you think that increasing the weight of this truck allowance in view of the situation of the Maine roads, particularly this spring, will assist and help our State highway system? And the answer was: Obviously it would help us cost-wise but frankly it will not help the Maine roads.

As the gentleman from Brunswick, Mr. Walsh, has pointed out, this bill has very strong proponents on both sides. I wish to assure you, ladies and gentlemen of the House, that my chief objection to the bill is simply that I do not think at this time our state highways are in condition in the midst of our debate to try to find more money to build them up and we have yet to settle on how we are going to find the money to improve our highways, I think it is a very poor time to even consider legislation that has any possible question of adding weight, total weight, to our highways.

May I summarize my feeling by reading the last paragraph of an editorial in one of our leading daily newspapers. It says, and I quote: "There is also this thought which may impress some members of the Legislature, road building is growing



more expensive year by year because highways must now be constructed to hold up these huge vehicles at all seasons of the year. It must be obvious that it will cost more to build roads capable of standing up under weights of thirty tons than if the twenty-five ton limit were maintained. When this bill comes up for debate, we would like to see someone arise in the House and ask its members if they wish to legislate more damage to our highways."

Ladies and gentlemen, I would like, if the motion has not been made, that this bill be indefinitely postponed.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Brunswick, Mr. Walsh, that both Reports and Bill be indefinitely postponed.

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

Mr. OSBORNE: Mr. Speaker and Members of the House: I am very familiar with the distribution of loads, both on highways and otherwise. I am familiar with the fact that with more axles, you do get a better distribution of your total load. It has some effect on the bending moment of bridge beams, it has some effect on the compressive load that is placed upon the highways but I want to tell you that no matter where you put it, a ton weighs a ton. I would ask you to think of a heavy roller, a road roller, that has a very good distribution but if you watch one on a soft pavement such as our black top pavements, going along, you can see what it does to the road with its perfect distribution compressing it down and sending up a wave ahead of the roller where it has cracked it behind.

I have looked back over the record. I find that the truckers have brought up something similar to this almost every session for a long time. It keeps coming up, something like a bride's first home-cooked meal. I would say that it is my belief that there is no millennium in what they evidently want. But I think the gentleman from Brunswick, Mr. Walsh, certainly brought out a good point: If you want to do something for the taxpayers, you want to go along with

him on indefinite postponement of this bill. I think it is very dangerous and very detrimental to our highways. We have a peculiar climatic condition here wherein we have heavy frosts, very much different than some of the southern states and these heavy trucks, as I said before, a ton weighs a ton no matter where you put it, and they cannot help but cause damage.

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

Mr. WINCHENPAW: Mr. Speaker and Ladies and Gentlemen of the House: I would just like to go on record in favoring indefinite postponement of this bill and as my good friend, the gentleman from Brunswick, Mr. Walsh, has stated, there is an old saying that be not the first to take up the new or the last to put away the old. I firmly believe that this is too soon to take up the new. I hope that this bill is indefinitely postponed.

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

Mr. JACOBS: Mr. Speaker, in regard to this item. There is another angle that I would like to have you consider. Last week, the Appropriations Committee with the Highway Committee passed out a bill recommending the expenditure of \$200,000 to build a scale in Kittery to take care of the overweight of the trucks which pass through that territory. Now if you pass this bill allowing 60,000 pounds on a truck, you are going to decrease your income from this source. Estimated as the law now stands the State will benefit by some \$300,000. If you add to the weight and make it 60,000 pounds, you are going to decrease your income.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I do not believe the truckers are asking the tax payers to pay their way. In answer to the remarks by my good friend, the gentleman from Brunswick, Mr. Walsh, I would like to read just one little item. For the year 1951 the trucks in the United States alone paid more road taxes to the amount of \$1,480,000,000. This

amount was more money than was spent in the whole United States for the construction of state highways. I think that would answer as to who pays the way.

For another thing, this 10,000 pounds. No one has told you what is going to happen to this 10,000 pounds over-weight yet. This 10,000 pounds over-weight is going to be added by another axle and later there will be an amendment put to this, if it passes, to make brakes on all axles which will make it a safety measure.

But I am very astonished that my good friend, the gentleman from Bangor, Mr. Totman, has not mentioned that because he is very much in favor of safety and this is really a safety measure. We even had the agreement with the Highway Department that this load, 10,000 pounds more to an extra axle, which I might say at the present time each axle is allowed 16,000 pounds, which with this four-axle truck would be 64,000 pounds, but they are only asking for 60,000 pounds. In other words, under the uniform law, it is estimated 16,000 pounds an axle and they are going 4,000 pounds under that. And as I stated, the Highway Department felt that this was easier on the highways than two present laws that are already on the books, one of those being the 48,000 pounds on a three axle truck with the known distance between axles of sixteen to eighteen feet, the sixteen feet being the trucks that are used in highway construction and the eighteen feet, the ones being used by woods products hauled to and from the mill. The Highway Department agreed on that. They also agreed that they could use the money coming in.

I notice my good friend, the gentleman from Bangor, Mr. Totman, and also my good friend, the gentleman from Auburn, Mr. Jacobs, mentioned the amount this would bring in. I do not believe that anyone at the present time can say how much this will bring into the State, because the tractors hauling these vans are the ones who are going to license. In Maine, there are probably going to be two or three thousand licensed the first year due to the fact that these out of state

trucks are coming in to leave their load in Portland or at the scales, as has been mentioned at Kittery, and they will be hooked on by our tractors.

When they say that this is going to benefit only the out of state trucks, I disagree very much because the out of state trucks come as far as Portland or Kittery and usually are hooked on by one of our tractors, owned by one of our truckers within the State of Maine and put on Public Utility plates, which also brings money into the state, and they are taken from there by one of our State of Maine owned trucks. Therefore, there will be some three or four thousand tractors licensed under this more than there will be vans, I might say vans to haul it, because tractors are where the license fee goes on.

Now, in our committee, the Transportation Committee, this bill and another companion bill were given more consideration than any bill was given this year. I believe we had more proponents and not as many opponents as any bill that was presented to us this year. Practically the only opponents we had were mostly railroads and I do disagree very much that the price and the cost of hauling will be reduced any.

I might mention here, that we notice in Aroostook County, of course I will have to speak well of Aroostook County because that is my county, when potatoes this year went up to \$8.00 and \$8.50 per barrel, it was almost impossible to sell a carload of potatoes to go by rail because the price being so uncertain they were afraid that they would not reach the market in time. But there was no trouble at all to sell a truck load of potatoes because they would come right in with cash and buy a truck load of potatoes and again I say that if we could have got a few more trucks with 10,000 more pounds of potatoes in them, it would have brought Aroostook County in a whole lot more money that I believe they deserve.

Now, I know that a lot are going to speak on how much damage this does to the roads. I believe that a good example of how much damage our heavy trucks do to our roads is right up on the road from Macwahoc to Houlton. There is a road that

cost the State Highway, I am not exact on figures, some \$40,000 a mile to be built. Now, we have had two or three years of this heavy truck hauling not only on the potato trucks, freight trucks but also on pulp trucks. I would go so far as to say that it is one of the most used roads in our State for pulp wood and I almost would say that there is not anyone who could say who travels over that road almost steadily that that road is hurt one bit. I do not believe they could say that it is hurt as much as a road that costs \$100,000 where other vehicles are used more. A tandem truck was taken into consideration in this bill, a four axle truck, where it hits a small pot hole some two feet across, it drives over it. It does not enter into it. There isn't a thump. That can be noticed if anyone wishes to go on the highway and listen to a truck hit, they will note that a tandem truck hardly makes a sound when it hits a pot hole on the road unless it is a four or five foot pot hole, which we have very few of in our State. Therefore, I say that the 10,000 pounds being added here I do not believe that anybody should have any fear of its damaging our roads as much, not more, but as much. You can go into the woods today, you can take a ten wheel truck, and when a ten wheel truck hits a soft place on the woods road they will drive over it, where a dual axle truck will drop right through it, they will be stuck. That goes to show you, and I believe that anyone who has been in the woods, worked in the woods, will tell you the same identical thing. Therefore, I do not think that these people here who are stating that this does much more damage to the road, I do not think they have had the experience. I do not mean to say that to criticize them but I think they are taking someone else's word quite a lot for this because it is very unfair to say that a four axle truck with 60,000 pounds on is going to do more damage than a three axle truck with 50,000 pounds, or 10,000 less. That is not even giving the truck a fair show and I believe that if anyone wants to go to the Highway Department at any time they will show them a scale that they have made up—I should

probably have had it reproduced and put on your desks—it will show on that scale how much less damage and how much less weight will be on our roads and bridges under this L.D. 1271 as compared with laws that are already on our books and I hope that the members of the House do not go along with the motion to indefinitely postpone.

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

Mr. PIKE: Mr. Speaker and Ladies and Gentlemen: Many of us older fellows in the House can remember when the gentleman from Brunswick, Mr. Walsh, was one of the greatest football players of Notre Dame. At that time I admired him greatly and I have ever since. I think his judgment is very sound and I want to go along with him.

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

Mr. KNIGHT: Mr. Speaker and Members of the House: With my dubious concern as to the damage which might be incurred by these three axle trucks, I am concerned with industry in Maine and I arise at this time to speak for the poultry industry of Waldo County.

In the City of Belfast, we have two processing plants producing 25,000 broilers a day. We have a processing plant in Union which is processing 15,000 birds a day. We have a plant in the Town of Morrill processing 12,000 birds a day. These, ladies and gentlemen, are perishable products. They must be moved to the market immediately. It is the wish of this industry that their trucks be given the privilege of going to a 60,000 load limit.

I think many of our products in Maine which are perishable, which must take advantage of a good market for quick shipment, should be given consideration. This bill is very worthy, it is very worthwhile and from my point if another 10,000 pounds will make Route 3 any worse than it is now I will eat it and I trust that the motion of the gentleman from Brunswick (Mr. Walsh) does not prevail.

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen: In hearing both sides of this thing and having been a member of the Transportation Committee last session, I just wonder where this thing is going to end. They started in the last session in wanting 55,000. And all they wanted it put in for then was to truck gravel. There was a great deal of opposition but of course there was much for it, the truckers were for it, of course. And I can see why they would be because I am a trucker myself although I do not get into those weights. And they got that through.

Now, they are after 10,000 more. Just where is it going to end? Now, when a man will get up here and say that the extra weight does not make any difference in the road why he just has not looked too seriously at the situation or he knows better when he says it. I am going to talk a little about facts and not theories.

There was a piece of road built on Route 24 from Gardiner down through Brunswick a number of years ago. It cost about fifteen or sixteen thousand dollars per mile. There was another road built which cost \$55,000 a mile and I have the figures. Now, since that \$55,000 a mile road has been built, it has been patronized by heavy trucks and it has been hot topped once and some of it has been rebuilt. A piece that was built about twelve or fifteen years ago has been hot topped since. It has all begun humping now so that every time you go over it you sound like you were riding in the buggy on a train, where it goes, you have heard them, clickety-click, clickety-click, clickety-click and that is the way it goes because those things, because of this heavy weight it does not matter how many axles you have got on it, it starts humping. It goes like this, clickety-click, and now it has got to be rebuilt. Now, you take a trip down over 24 where these heavy trucks don't go, an \$18,000 a mile road and you will have a nice ride. It won't be clickety-click and it won't be humpety-bump.

Now the facts of the case are regardless of what you are trying to do, and my good friend, the gentleman from Searsmont, Mr. Knight,

I think he is sincere, but he says you get out more freight and all this and that. Well, I do not know whether he has ever trucked any or not. If you want to get out more freight, you do just like the railroad does, you put on another truck and these trucks that are trucking in here, they tell about it is not going to cost any more. I wonder if you ever considered what has happened to our reciprocity. When we started reciprocity, we had about 400 trucks domiciled in Maine and some two or three thousand outside of Maine. Today, there are 9,000 trucks coming in here without paying any registration and only 541 domiciled in Maine. Now, I am in that class of 541. But I never leave Maine. My insurance company has me set up so I can not get more than 50 miles away from home or else they will increase my rates and I have no reason to go. I do not know how many out of this 541, but I am going to say that there are not more than 250 that go outside of Maine and these other ones which are domiciled in other states are coming in here without paying anything extra and why, in the name of common sense, we want to give them 10,000 more pounds to stave our roads up when we are not getting anything more for it is just more than I can see.

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

Mr. SANFORD: Mr. Speaker and Members of the House: I just looked up this bill and I find that it goes from 43 to 45, or 45 to 50, one or the other, anyway it increases the length. I have been in the trucking business too. Now, that trucking business was a wheelbarrow trucking from the warehouse into the store. Of course, a wheelbarrow is not too long over all and if anyone wanted to pass me with another wheelbarrow or any other vehicle, I let them do it. I wasn't going too fast and they did do it but I have quite a time getting by these trucks as they are at the present time with their length and that is the thing that I am opposed to. I think that I would have a more difficult time getting by them if they allow them to go to this 45 or 50 foot length.

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

Mr. STILPHEN: Mr. Speaker and Ladies and Gentlemen of the House: We should always think of industry and I think we should think of the taxpayer also. The trucking industry in the State of Maine today is a big business. The road construction in the State of Maine is big business. We have been asked in this Legislature, we are being asked in our cities and towns throughout the State of Maine all the time to build bigger and better highways and to spend more money for them.

Now, if we are not going to utilize those highways to full advantage and let industry use them and let them haul loads that will not hurt those highways because they are so constructed and the specifications are higher each and every time that a new set comes out.

Now, one of the previous gentlemen has spoken of the fact that if you can not haul all the load on one truck, put on another one. Now, I ask you in all fairness if two trucks going over a road won't break it up more than one? They do not think of the angle of the trucking men when they add better equipment, heavier equipment, safer equipment, they do not think of the fact and they do not tell you on the floor of this House that they then are sacrificing pay loads which they can haul.

They put on these good diesel trucks, tractors, that will haul a load over our highways at forty or forty-five miles an hour and they are no hazard when they come on a hill. They will go up a hill and keep out of the way of the traffic. There is no congestion. When they have that equipment, it necessarily has to be heavier and when the gross weight of the load that is being hauled over our highways is figured, the weight of the vehicle is subtracted from the over-all load. Therefore, the trucking industry suffers because they do not realize the revenue which they should.

They also tell about the highways—I do not think they have at that—I am amazed that they did not tell you that two or four years ago the Highway Commission was opposed to this. They are not opposed to it.

The greatest parade of opponents were naturally the competitors of the trucking industry.

Now, I leave this thought with you that those particular men have an interest in industry; they have their own industry to protect but in all fairness, why at this moment should they be so concerned with the highways? Why should they be so concerned with the welfare of the travelling public in the State of Maine, when from throughout the length and breadth of this great State of ours, the most hazardous, the places that I have to slow down the most are the railroad crossings.

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

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

Mr. CHARLES: Mr. Speaker and Members of the House: I have a very serious interest in this bill and I want to speak in favor of it. First of all, I have had many communications from our wholesalers all over the State, wholesale distributors of groceries and other products and they tell me that with a larger load distribution that they can have better distribution. And by having better distribution, they can better serve their customers.

I also want to state where I am connected with the Maine Civil Defense organization in a time of emergency, we are going to pray that we have the quickest and largest amount of distribution that we possibly can get, and with this type of vehicle and the load suggested, we can depend on quick and large distribution during any emergency.

I certainly hope that the motion to indefinitely postpone does not prevail and I move at this time for 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 kindly rise and remain standing until the monitors have made and returned the count.

Forty-eight members 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? It is debatable only as to whether the main question shall be put now.

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

Mr. TOTMAN: Mr. Speaker, this is the first time that I have ever tried to attempt this question: Shall the main question be put now? If I am in order, although I am opposed to the measure, I would like to state quite frankly that I think it is not fair that the question be put now because I know that there are many other opponents who would still like to speak.

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

Mr. CHARLES: Mr. Speaker, I move that we reconsider the action taken in favor of the gentleman from Bangor (Mr. Totman).

The SPEAKER: Does the Chair understand that the gentleman wishes to suggest to the members that they vote down the previous question?

Mr. CHARLES: Yes, Mr. Speaker.

The SPEAKER: The question before the House is: Shall the main question be put now? All those in favor of the main question being put now will signify by saying aye; those opposed, no.

A viva voce vote being taken, the main question was not ordered.

The SPEAKER: Further debate is in order.

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

Mr. REED: Mr. Speaker and Members of the House: I am heartily in favor of this bill for various reasons. There was a chart that was submitted to the hearing prepared by the Bridge Division of the State Highway Commission and at that time it showed on the chart very clearly that the effects of this increase, recognizing the tandem

principle, would have a less adverse effect upon bridges than the present weights allowable under the 1951 law. I think that if you folks could see that, it would have a great deal of bearing on your thoughts regarding this increase. It is simply recognizing the principle of the tandem axle which imparts the weight very evenly over the road.

Now, reference was made to a roller. Well, I contend that the roller that was referred to is a single axle affair whereas if you had two axles and two rollers and distributed the weight with the percentage of increase, it would have less effect upon that surface. Many other states, I haven't got the number of them, already recognize the tandem axle. It is also significant regarding the safety factor that by having the tandem axle with the brakes and adding the 10,000 additional pounds you increase your braking capacity at least 33 1-3 per cent. That factor alone should be given a lot of consideration in making up your mind on how to vote on this.

I think it is a very fair bill. I am as interested as anybody in the roads. Of course, anyone in Aroostook is, over the highways there and the severe winter conditions that we have, but after talking it over with many of the folks up there, some at first did not think the thing was right but after the tandem axle principle was explained they seemed to feel that this was a good bill and a reasonable allowance to grant the people in the trucking industry. It also will help the potato industry by allowing a little greater weight to be carried and I think you have got those things to consider when you make up your minds.

I therefore hope that the motion to indefinitely postpone does not prevail.

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

Mr. OSBORNE: Mr. Speaker, we have gone from Fort Fairfield to Fairfield, and there is a difference of opinion. I dislike to disagree with my good friend, the gentleman from Fort Fairfield (Mr. Reed), but I do want to point out that the road roller, at least any one that I have

ever seen, is a two axle affair. You have a pilot roller in front and a big roller behind and I also would like to point out that according to this bill, if you will read it, you will find that the load per axle is increased from 16,000 pounds to 18,000 pounds and that is a ton in anybody's language.

Now, speaking of the advantages of these big, heavy trucks and what they would bring into the State, I would like to state and I doubt very much if anyone would disagree with me, if it was not for the passenger cars, we would not be providing these trucks with the road bed they have because they alone, whatever they bring in, would never provide the road bed they have. It is the passenger cars that provide by far the majority of this road bed and we should safeguard it. If we are speaking of aiding employment if this bill should pass and I trust it won't, for every five trucks you would eliminate one truck now together with its driver which creates more unemployment.

Regardless of how you may feel about tandem axles, and, as I said before, I am familiar with them, you nevertheless are increasing your load on the roads and a road when it has frost coming out of it, the fracture may not be as pronounced in any one spot, but it will be over a wider spread area. I feel very definitely that as we increase the load limits, we are doing an increasing amount of damage to our roads. We have reached a millennium now, I hope. If you get behind a string of these highway freight cars, how many of you feel that you would like to increase the size of them a little further, and make it a little more difficult for them to stop in case of an emergency, to make a little more load that they have got to take up, make it a little further for you to get around them. After all, the taxpayers are helping provide this road bed. We should safeguard it and I do not feel that, if you weigh the advantage to the truckers over the disadvantage to the taxpayers, there is any value in this bill and I hope that the motion of the gentleman from Brunswick, Mr. Walsh, still prevails.

The SPEAKER: The Chair recog-

nizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker and Members of the House: Some twenty years ago, trucks bearing my name used to push off for the State of Maine. Subsequently, I got into smoother employment but I advocate now and I have always advocated better roads in Maine, not one cent a gallon roads, not thirty million dollar bond issue roads but roads capable of carrying the load and until we have such roads, I believe that the load on our roads is adequate at present.

The SPEAKER: The Chair recognizes the gentleman from Chapman, Mr. Foss.

Mr. FOSS: Mr. Speaker and Ladies and Gentlemen: I wish to make one observation that I personally have seen roads completely destroyed by overloads. In our town, we have quite a lot of gravel and in building the Air Base at Presque Isle, this gravel was trucked over one of our state aid roads. Before this happened, this piece of state aid road was as good as any state aid road in the State. These loads of gravel that were trucked was done by the large contractors with probably every one of the trucks over loaded, excessive, because they hauled, I think, from six to eight yards of gravel. What they did to that road was they simply drove it into the ground. The sides of the fields along that road bulged up at least two rods away from it and the road was driven down in places at least eighteen inches until the United States Government had to rebuild that road. That is just a personal observation.

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

Mr. ALLEN: Mr. Speaker and Members of the House: As a signer of the majority report, I wish to defend my actions on that. At the committee hearing, as has been stated previously, there was very much interest, I think more than any other bill that the Transportation Committee had to listen to. And the proponents were more in number, I believe, in arguments than the opponents and the opponents of the bill were primarily of

the competitive interest, namely the railroads.

Now, this bill in my estimation is not designed to hurt the railroads or put them out of business. We know that they do have their problems in keeping up with the times today. I thoroughly believe that this measure would be something to help the growth of the State of Maine. That it is something to help industry and that all industry in the State of Maine is in favor of this.

Now some industries were represented here. To me there is hardly any single thing more important to the industry of the State of Maine than transportation. It seems that whatever product we manufacture has to be transported into the State as a raw material and transported out of the State again as a manufactured material.

This bill, as far as hurting the highways, I have had quite a bit of experience with that. I own some ten wheel trucks. I do not own any four axle trucks as this bill provides for the extra weight for four axle trucks. That, of necessity, would have to be a semi-trailer or trailer. By extending the length of these trailers by three and a half feet, that is all that this bill proposes to do and adding one extra axle and distributing the load in such a manner that it would not damage the highways primarily, we felt it would be a great help to the industry of the State of Maine and as far as hurting any of the truckers of the State of Maine, the truckers were in favor of it, very much in favor of it. It has been stated that this bill would benefit the out of state truckers mostly and I think it has been pointed out by the gentleman from Bridgewater, Mr. Fine-more, that the Maine truckers probably will hook onto these trailers with their own tractors and that is where the revenue is derived, chiefly from the tractor, itself.

There is a bill to increase the rate that the trucks will pay for their license fees, for this. That, in itself, would bring in extra revenue to the State of Maine. Along with the increased trucking possibly the more Use Fuel Tax on diesel fuel and the gasoline tax. I believe that the gasoline and fuel consumption of the trucks along with their registration

fees really bring in a good portion of the revenue for the State and I think that they can more than take care of their part for the use of the highways.

Now it has been pointed out that employment will be decreased because of this. That argument was brought up in the committee by a representative of the Truck Drivers Union I believe. The organized truck drivers have a representative, who appeared before us and brought that point up but they did not object to it whatever, because they really felt that whatever was good for the State of Maine industry was going to increase their benefits to themselves and they were willing to take that chance that there would be one less truck driver used for every five, or anything like that. They went on record as being very much in favor of it.

In regard to a roller, a road roller. I have had a little experience with those too. A roller is designed expressly for depressing the highways and rolling something firmly into place. Well, I do not think that we can compare that with the trucks, what happens to the trucks. Now, if we were to compare the two axle roller with a four axle truck, I think it would bear out that the extra distribution of weight over the extra axles would certainly more than take care of any indicated damage.

I think this bill does increase the over-all length of the vehicles by five feet. However, the previous bills, or the present law, I should say, allows them to exclude the tail gate. This is five feet, including the tail gate and a foot and a half off for the tail gate only increases the length of the vehicle by three feet.

Another point, I would like to bring out, if you are passing vehicles of this type, a long truck, would you rather pass four of them or three of them? That point has been brought out. Truck lanes are being built whether or not we increase the load limit, these truck lanes are being built on the hills anyway so this can not be used as an excuse for building truck lanes. I sincerely hope that the motion of the gentleman from Brunswick, Mr. Walsh, does not prevail.



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

Mr. REED: Mr. Speaker, I am trying to think of an example as far as the pressure on the surface is concerned. I have come up with the thought of a sharp jackknife. If you press that against the palm of your hand and if you press it hard enough, you are liable to cut into it but if you file that point down and then press it, you are spreading it over the surface and I do not think you will do near as much damage to the surface. I thought that that might have some bearing.

As far as the potato industry, another factor that we are trying to work on is to expand our markets. Now, there is a great amount of trucking from Florida along the east coast, back and forth, north and south, and many of these truckers come into Maine a little late in the season to pick up potatoes and we have often asked them why they don't come up earlier. Most of them are equipped with tandem trailers and because the Maine law is not recognizing the tandem principle the load would be so light that they clean up all the other areas before they come up into Maine. Therefore, we feel that this increased allowance, and we point out once again, the chart distributed by the Bridge Division regarding the effect on the roads, that this slight increase is bound to have some effect on the potato industry because with more trucks coming in they have got to go and contact more markets. We feel that it is a definite advantage to the potato industry that this bill pass.

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen of the House: There has been a great deal of theory here and I do not know much about theory. I would just like to stick to facts. Now in the Transportation Committee the last session, I asked several of the proponents of this measure. I said: Now, as far as cost is concerned, this extra weight will not haul any cheaper that is so far as the cost of the truck is concerned. And they said: "No." I said: "Well, will it

haul it any cheaper than the cost of maintenance?" And they said: "No." I said: "Then only what you are doing is saving labor." And they said: "Yes." Now, I have got that from several, not only one but several, and they all admitted that that was what the prime reason was that they wanted was the saving of men.

Now, here yesterday in this House you voted and rightfully so I think to cause the railroads to put on more men. Today, you are asked to vote for something that you know, if you know anything about roads, looked into them, regardless of what may be said, use your own judgment, go out and look at them, look at the roads this spring. Our secondary roads are in worse shape than I have ever seen them due to the heavy loads they have cracked through the winter. It being more or less of an open winter down through this part of the country it has cracked the black top up and the water has got underneath and froze and then when the ice expanded, it stove them all to pieces. And that is due to heavy loads and nothing else.

Now, are we going to put a lot of men out of a job just to save a few dollars for someone that is running trucks? I do not believe we will.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore, and would inquire how many times the gentleman has spoken before.

Mr. FINEMORE: Once, Mr. Speaker.

The SPEAKER: The gentleman may proceed.

Mr. FINEMORE: Thank you just the same, Mr. Speaker. Once was the motion.

Mr. Speaker and Members of the House: I try to stick to the facts and I think that everyone who has been here the last two sessions will agree with me. My good friend, and I say good friend because I hesitate opposing him, the gentleman from Bowdoinham, Mr. Curtis, has stated that they have a 55,000 pound law. There is no law on the statutes of the State of Maine that exceeds 50,000 pounds. We have a law for wood products of 48,000 pounds. He mentioned that two years ago and

some one else mentioned the same thing, I can not remember who, I believe it was the gentleman from Fairfield, Mr. Osborne, that this same bill had been before the House before. That is very untrue. Two years ago, the only bill we had before the Transportation Committee was a tolerance bill and if this tolerance bill had passed, it would have been 55,000 pounds without any income to the State. That would have just been an additional ten per cent. The same bill was before our committee this year and it was brought out "Ought not to pass."

Now my good friend, the gentleman from Waterford, Mr. Pike, has mentioned that the gentleman from Brunswick, Mr. Walsh, was a football player at Notre Dame and so on and so forth. I agree with that and I admire him very much and I admire reading about him in sports but I do believe that a man like myself who has never gone to college, who has never played football yet who has been in the woods business since he was thirteen years old and handled trucks almost as long should know and understand the trucking as well as anyone.

Now, the Great Eastern had a man here before our Committee. I would like to have you bear this in mind. This would go along with the extra length, more trucks on the road and so on and so forth. The Great Eastern had a man before our committee who stated that if this law was passed, their trucks would make 510 less trips from Lincoln to Brewer. If that is not a benefit to our roads, if that is not a benefit to the people who travel on our roads, why I do not know what is.

Another thing they mentioned is labor. I would like to have some of the people here who are representing the railroads and I have no gripe against the railroad whatsoever, but it would do you good to know that in the United States alone the Truckers Association, that does not mean individual truckers, the Truckers Association employs 6,143,000 workers, which is five times as many as the railroads. And I think that right there alone in itself is a good example.

The gentleman from Chapman, Mr. Foss, out of my own county, Aroostook County, has mentioned

his road being torn up by heavy loads. I will agree with him very much but I think if the gentleman will remember that that was all two axle trucks, with very, very few three axle trucks being used, and that road was torn up with the understanding that it would be repaired by the federal government and that almost all of those trucks, I would go as far as to say that 90 per cent of those trucks were always overloaded and were not being bothered by the State Police.

Another thing I would like to bring out, I do not know of anything in our United States that is increasing more than the trucking industry. From 1942 to 1952, a matter of ten years, they went from 4,500,000 trucks licensed under the Trucking Association and that do trucking business in the United States to 9,500,000 or a little over double the amount in ten years.

And again I would like to mention the fact that someone mentioned here that our roads are much better than they were ten years ago. We have a road now that will stand 60,000 pounds much better than 32,000 pounds ten years ago.

Another thing, in answer to the gentleman from Fairfield, Mr. Osborne, he said a while ago that he had a lot of experience in roads, a lot of experience in loads, a lot of experience in distributing loads. I will agree, maybe he has, but he has very little experience on this bill. I do not believe he has even read the bill. I had not ought to say that but a few minutes ago he said that they were raising the weight per wheel to 18,000 pounds. I will agree but he did not read the bill. The bill says two or more axles less than ten feet apart. We do not have too many trucks on the roads, especially tandems, with wheels less than ten feet apart. To increase them to 18,000 pounds. Then, to finish reading it, it says: "pounds imparted to the road surface from either axle or 32,000 pounds for any two-axle truck." There is no increase whatsoever. At the present time, any two axle truck that is on the road, of ten feet or over, can haul 32,000 pounds and that is under the present law and it has been there for years back, I would say well over ten years.

The only reason that this 18,000 was put in I believe it does need explaining, it was because there are several buses coming into the State of Maine now, Trailways, their load is distributed so that they have to have 18,000 pounds to the rear axles. And that is the only thing that it is on there for. There isn't any other truck that benefits, as I understand it. If I am wrong, why I apologize, but I understand that that is the only reason it was put on.

I do not feel that this load weight, that is increased 10,000 pounds, would hurt our roads one single bit. I notice my good friend from Bowdoinham, Mr. Curtis, mentioned that they had an open winter here. Well, we had an open winter in Aroostook too, open to the fact that in Caribou alone they had the heaviest recorded snow fall ever in the history of Caribou. It was 187 inches. I believe you can figure that that is a little over 15 feet. And I believe that anyone who lives in Aroostook County would tell you that this year we have far better roads from the time you leave Augusta—I will change that a little, excuse me. The people who were here two years ago and travelled back and forth I believe will tell you that there are far better roads from Augusta as far as Bridgewater anyway than there ever were before. I know, I have travelled it; I know that I have cut my time down considerable and it is somewhat easier on the car. Excuse me, ladies and gentlemen, my good friend, the gentleman from Bangor, Mr. Totman, is trying to rib me a little.

The SPEAKER: The Chair would remind the gentleman from Bangor, Mr. Totman, that interrupting a speaker is out of order.

Mr. FINEMORE: That is all right, Mr. Speaker. We understand each other very well.

Ladies and Gentlemen of the House, I will stop here. I think I have spoken plenty on this bill but I do hope the motion of the gentleman from Brunswick, Mr. Walsh, does not prevail.

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

Mr. WALSH: Mr. Speaker, I will be very brief but I think two or three things should be pointed out

and perhaps one question answered, what relation is football to a truck? Weight shift on hills and I will readily agree that the distribution of the additional wheels will help but it does not completely counteract the weight shifting of a load on hills, up and down. I haven't practiced engineering since I finished it at Notre Dame but I believe that basic principle still exists.

Now, I pretty well recognize the value of the trucks, the absolute necessity of trucking to the economy of the whole United States as well as to the State of Maine. But I still say this and it is my only point of issue on this thing: Our highways are not in condition to handle this additional load. If they were, I would be the first one in God's world to vote this additional weight to the trucks because I know what it means to the trucking industry. It is merely that I do not think that our highways can handle them and I am firmly convinced of that matter. Many states have similar bills. I will also say that it is just not true that the states that have similar bills have much better highways.

Word was mentioned of the additional length of the tail gate, only a foot and a half to three feet. Isn't that still a part of the truck?

Distribution of weight has been mentioned. What part is football? Well, I just ask you, have you ever been up against a person that is six feet four and weighs two hundred and seventy-five pounds, each hand of which is about the size of a ten pound or fifteen pound Swift's Premium ham and on that hand he has a piece of sole leather from the heel of his shoe taped on with old black bicycle tape. He does not have to make any other move with a portion of his body than to get the heel of that hand and rap you just as hard as he can in any part of the anatomy that he will hit and he usually tries to hit your head. If weight distribution has much to do with that when he picks on one my size, if weight distribution has much to do with that, you can put the point of the pencil here and so forth, but I think I know a little bit about weight distribution on a football field. Maybe I do not know too much about it on the highways but it still is a fact that

as you go up the hills and down the hills, of which we have many here, the impact of that weight is going to fall at a certain point and will not be evenly distributed all over that truck.

I am sorry to have taken so long in answering the question and rising the second time. I am really sincere on the thing, and thanks very much for the opportunity of getting up the second time.

The SPEAKER: The Chair would inquire how many times the gentleman from Fairfield, Mr. Osborne, has spoken on this issue.

Mr. OSBORNE: Mr. Speaker, I also have only spoken once.

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

Mr. OSBORNE: Mr. Speaker and Members of the House: I would just like the opportunity to answer the gentleman from Bridgewater, Mr. Finemore. To put his mind at ease, to tell him that I have read the bill.

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

Mr. JACQUES: Mr. Speaker and Members of the House: As a member of the Transportation Committee, I would like to tell you who appeared in front of our committee favoring this bill: Boston-Rockland Express Company, Sanborn Express, Fox & Ginn, St. Johnsbury, Hemingway, Roy Brothers, Saunders Brothers, Stowell McGreggor, Alger Brothers, Border Express, Representative Reed of Fort Fairfield, Maine Petroleum Industries, Linwood Hand—Aroostook Potato Growers, Eastern Corporation, L. Page—Teamsters Union, Maine Truck Owners Association and General Foods.

This group of speakers together with many more did not speak but they appeared before the Transportation Committee endorsing this bill.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Courtois.

Mr. COURTOIS: Mr. Speaker and Ladies and Gentlemen of the House: It seems that everyone is talking about what the loads can do but I will say this that I know that in the part of the State that I come

from that we have very few outside of the super-highway which is a newly built road, that I can remember, and I am going on fifty-one this month. Now, all they have done is re-top some of the roads that we have and we have had for years.

Now, it is not in two years time that they have been able to offset the difference of opinion of two years ago. I say this, because unfortunately in the past month due to the job that I have I have been travelling back and forth home more or less every day. I have a Buick and you know that those things do not cost but very little to run. In other words, the gasoline flows through them. They figure they do not cost anything but unless someone pushes them, they have to burn gasoline but I have to pay for part of the upkeep of the roads. I have to pay, the same as everyone else, in order to maintain a car on the road. So, the only ones that appeared, like the gentleman from Lewiston, Mr. Jacques, brought out, were truckers. And I happen to have a good friend of mine that will probably take me up when I get home tonight that I am appearing against the truckers. I do not. I believe that it is a wonderful thing, even the company that I represent and the shop where they do business with a great deal of truckers and it would be a lot of help to us too. But I say this, I am driving down through and from Saco into Portland I know that the roads have not been rebuilt. I was not too familiar with the roads after I left Portland, but after getting on 201 I have noticed in my travelling that my car started to jump and hitting the road so I wish to agree with the gentleman from Bowdoinham, Mr. Curtis, because I have happened to go by him a couple of times coming down here and I thought that the front wheels of my car were out of line and there was something wrong. I took it in to the Buick people to have them balance it over again and they told me that there was nothing wrong with my car but that the underneath surface of that road, although there has been a new surface on it, it is still crumbling and it can not take care of the additional load being done now.

Until such time as the State provides new roads to take care of the larger trucks, I do not think that we as tax payers should have the privilege of having to ride behind them the way they do now.

One gentleman brought up the fact that it is easier to go by them but if you try to drive from Portland into Augusta and get behind those things, you have got a hard time to go by because there are only about three places out there that you can really go by at, well, a decent rate of speed. I will not tell you how fast because there might be some State Police here but I will say this that most of the places that you happen to get them on the hills, there are only two places that I know of from Brunswick to Augusta that they can pull out of line and let you go by. They are very courteous, they are good, but if they have not got the room, they are not going to get in the ditch in order to be gentlemen. They can not. But I know that I have been observing all the way down here that the roads underneath the surfaces, a great deal of the roads that I have seen, have just been resurfaced over and over again and there is nothing underneath to substantiate that load.

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

Mr. BIBBER: Mr. Speaker, I would like to ask a question through the Chair of any member of the Transportation Committee. Was there any opposition to this bill from the Highway Department?

The SPEAKER: The gentleman from Kennebunkport, Mr. Bibber, addresses a question through the Chair to any member of the Transportation Committee.

The gentleman from Bridgewater, Mr. Finemore may answer if he chooses.

Mr. FINEMORE: Mr. Speaker, in answer to the question of the gentleman from Kennebunkport, Mr. Bibber, there was not any opposition to this bill. They admitted that it was a far better bill than the bill that was passed two years ago for forest products. Excuse me, I will change that a little. There was no opposition, as far as opposition is concerned. They did bring in a chart showing the difference in the

damage to the road of 50,000 pounds and 60,000 pounds but it still is less than the law that is already on there for 48,000 pounds. I will leave it that way. Thank you.

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

Mr. CIANCHETTE: Mr. Speaker, there are just a couple of points that I would like to make here in regard to some of the statements that have been made this morning.

It has been mentioned that the heavy trucks are the primary cause of breaking up of highway surfaces. I would point out to you the airport in the town of Pittsfield that has never since it has been paved had heavy trucking upon it as you can well imagine. I will point out to you that that pavement is sadly broken up. That certainly was not caused by heavy trucking. That breaking up was caused by the elements and if that can all be laid to trucks, please point out to me why that pavement should be breaking up, a seven or eight inch hot top pavement.

One more point is the fact that the existing statutes, I believe, would point in favor of this bill. The statutes call for a two axle truck limitations of 32,000 pounds, three axle trucks, 48,000 pounds, truck with semi-trailer with three axles 50,000 pounds. Now they are asking for 60,000 pounds with a truck and trailer with two axles. I certainly do not believe that the additional 10,000 pounds, when distributed over the extra axle is going to have any harmful effect on our highways.

The SPEAKER: The Chair recognizes the gentleman from Bremen, Mr. Hilton.

Mr. HILTON: Mr. Speaker and Members of the House: I think at this time that I should acquaint you with the facts down in Lincoln County. We have number one highway down in Lincoln County that is a disgrace to the State of Maine. There are stretches along the road when at times this spring you could count as many as nine lights at mud holes at intervals between Damariscotta and Wiscasset and I feel that to preserve this road, I shall have to vote against this bill

and go along with the gentleman from Brunswick, Mr. Walsh, on indefinite postponement until such a time as we do get funds to fix up Route 1 in Lincoln County.

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

Mr. TOTMAN: Mr. Speaker and Members of the House: I certainly am not trying to speak again because I think the subject has been very well covered. However, I think it is only fair that when a state department has the backbone to present their opinions as to what legislation will or will not do either in taxation or revenue or in this case the roads, that the story, as closely as possible, as accurately as possible, should be passed on to this House. Our assistant floor leader, the gentleman from Kennebunkport, Mr. Bibber, has asked, I think a very fair and very pertinent question. If I recall, he asked what was the position of the State Highway Commission. As House Chairman of the Committee on Transportation, I will in all fairness try to state their position and that position is this: They did not feel, as a State Department, that they should inject their opinions favoring or opposing the bill. That would not be warranted. And I do not think that my opponents will disagree with me that they very emphatically phrased their feelings this way. (Off record remarks) They said: If the Legislature decides to increase the amount of weight that trucks may be allowed to carry, of the three bills that the Transportation Committee has before it, they would prefer to see L. D. 1271, the one that is being debated this morning, pass.

Now, do I make myself clear? If the Legislature decides to increase weights, this bill of the other two bills is the preferable one. If I have not stated the true facts, I stand to be corrected.

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

Mr. STILPHEN: Mr. Speaker, may I ask through the Chair a question of the gentleman from Bangor, Mr. Totman?

The SPEAKER: The gentleman may state his question.

Mr. STILPHEN: Mr. Speaker, I would like to ask if after the hearing, this public hearing, if the Highway Commission and the Transportation Committee of this Legislature didn't sit down and go over these bills and come up finally with this one bill that they would go along with?

The SPEAKER: The gentleman from Rockland, Mr. Stilphen, addresses a question through the Chair to the gentleman from Bangor, Mr. Totman, who may answer if he chooses.

Mr. TOTMAN: Mr. Speaker and Members of the House: I know that my answer is not going to be the answer that the gentleman from Rockland, Mr. Stilphen, expects and I am truly sorry because the truth of the matter is that the Committee and the Highway Department did not sit down together after the hearings. I think what he really wanted me to answer, and I will be glad to stick my neck out and answer it, is that this bill does represent the preference if we are going to increase the weight. This is a bill that the State Highway Commission asked the Transportation Committee to introduce in behalf of the Highway Commission, presuming that if a bill was to go through they would prefer this particular bill. Is that a fair answer?

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

Mr. ALBERT: Mr. Speaker and Members of the House: In the year 1949-1950, the American Trucking Association down in New Jersey built a model piece of highway and that piece of highway was used for testing purposes for two years. During the tests that were conducted under the supervision of the American Trucking Association, they came up with much valuable information. Some of this information reflects directly on this bill and in their report of the year 1951, they stated that 60,000 pounds on a dual axle trailer was less harmful than 50,000 pounds on a single axle job.

All that you are being asked to do in this bill is to reduce the amount of damage on the highways and it is simple arithmetic that is, if 50,000 pounds is carried on two axles, certainly you have a distri-

bution of 25,000 pounds or 12½ tons per axle. But if you are asked to distribute 60,000 pounds on three axles, it is very evident that you are reducing the weight per axle to 20,000 pounds or ten tons.

The SPEAKER: Is the House ready for the question?

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

Mr. MALENFANT: Mr. Speaker and Ladies and Gentlemen of the House: After you have heard many good speakers who graduated from college I hesitate to get up because I only graduated from Jack-of-All-Trades Academy.

Now, I am very much against this bill because the trucking concerns are already a nuisance in the business district of the city. The very same heavy load that you see on the state road you see them in the business district of the city. Go by Lewiston. You are going to see five or six trucks with heavy loads waiting at the gates of the Bates Mill for their turn to unload. They park one side of their truck on the sidewalk in order to leave space enough for another car to go by. Every time you see them parked on the sidewalk, you see the curbing drop down half an inch. They destroy our streets and sidewalks just as fast as we can build them. So I hope the motion of the gentleman from Brunswick (Mr. Walsh) prevails.

Mr. Allen of Chelsea requested a division.

The SPEAKER: The question before the House is on the motion of the gentleman from Brunswick, Mr. Walsh, that the two Reports and Bill "An Act relating to Weight of Commercial Vehicles", Senate Paper 452, Legislative Document 1271, be indefinitely postponed.

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.

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

Thereupon, the motion to accept the Majority "Ought to pass" Re-

port prevailed, and the Bill was given its two several readings.

Mr. Finemore of Bridgewater then offered House Amendment "A" and moved its adoption.

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

House Amendment "A" was read P. 452, L. D. 1271, Bill "An Act relating to Weight of Commercial Vehicles."

Amend said Bill by striking out all of the 19th, 20th and 21st lines of Sec. 2 and inserting in place thereof the following:

'Distance in feet between the extremes of any group of axles

Maximum load in pounds carried on any group of axles **3 axle vehicles; 4 or more axle vehicles with brakes on the wheels of all axles'**

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

(Off Record Remarks by the Speaker)

#### Non-Concurrent Matter

Bill "An Act relating to Fees of Bail Commissioners" (H. P. 484) (L. D. 529) which was recommitted to the Committee on Judiciary in the House on March 8.

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

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

SENATE AMENDMENT "A" to H. P. 484, L. D. 529, Bill "An Act relating to Fees of Bail Commissioners."

Amend said Bill by striking out all after the enacting clause and inserting in place thereof the following:

**"R. S., c. 126, Sec. 35, amended.** The last sentence of the 1st paragraph of section 35 of chapter 126 of the revised statutes is hereby amended to read as follows:

'Such bail commissioner shall receive not exceeding the sum of \$5 in each case in which bail is so taken, the same to be paid by the person so admitted to bail; but the person admitted to bail shall not be

required to pay any other fees or charges to any officer for services connected with the giving of such bail: provided, however, that if a bail commissioner takes bail after 8:00 P.M. and prior to 8:00 A.M. of the following day he shall be permitted to receive a charge of up to \$10 for the occasion of taking such bail, but said charge shall not be in addition to the charge in each case otherwise authorized in this section but shall be inclusive of such charge or charges.”

Thereupon the House voted to recede and concur with the Senate.

The Bill was given its third reading.

Senate Amendment “A” was adopted and the Bill was passed to be engrossed as amended by Senate Amendment “A” in concurrence.

#### Non-Concurrent Matter

Bill “An Act relating to Standard Time” (H. P. 596) (L. D. 652) which was passed to be engrossed in the House on May 3.

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

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

SENATE AMENDMENT “A” to H. P. 596, L. D. 652, Bill “An Act relating to Standard Time.”

Amend said Bill by inserting before the headnote in the 12th line thereof the following: ‘Sec. 1.’

Further amend said Bill by striking out the underlined words “Standard Eastern Time” in the 3rd and 4th lines from the end thereof and inserting in place thereof the underlined words ‘Eastern Standard Time’

Further amend said Bill by adding at the end thereof, before the Emergency Clause, the following section:

“Sec. 2. R. S., c. 61, Sec. 27, amended. The 1st paragraph of section 27 of chapter 61 of the revised statutes is hereby amended to read as follows:

‘No liquor shall be sold in this State on Sundays or on the day of holding a general election or statewide primary and no licensee by himself, clerk, servant or agent

shall between the hours of midnight and 6 A.M. sell or deliver any liquors, except no liquors shall be sold or delivered on Saturdays after 11:45 P.M.; provided, however, that liquor may be sold on January 1st of any year from midnight to 2 A. M. unless January 1st falls on Sunday; provided further, however, that the commission by rule and regulation may set hours for sale which will give effect to daylight saving time during times when the same is in effect. No licensee shall permit the consumption of liquors on his premises on Sundays or after 15 minutes past the hours prohibited for sale thereof, except by bona fide guests in their rooms. No liquor shall be sold in this State on May 30 prior to 12 noon Eastern standard time. The hours of selling or delivering above referred to shall be United States Eastern Standard Time.’”

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

Mr. HANCOCK: Mr. Speaker, I now move that we recede from our action whereby we passed this bill to be enacted and passed this bill to be engrossed.

The SPEAKER: The Chair understands that the gentleman from York, Mr. Hancock, moves that the House reconsider its action whereby on May 3 this Bill was passed to be engrossed. Is this the pleasure of the House?

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

Mrs. CHRISTIE: Mr. Speaker, if it is in order, I would like to move the indefinite postponement of Senate Amendment “A”.

The SPEAKER: The Chair would state that Senate Amendment “A” is not before the House at this point.

Is it the pleasure of the House to reconsider?

The motion prevailed.

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

Mr. HANCOCK: Mr. Speaker, I now move that we concur with the Senate in the adoption of Senate Amendment “A”.

The SPEAKER: The gentleman from York, Mr. Hancock, moves that the House concur with the Sen-



ate in the adoption of Senate Amendment "A".

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

Mrs. CHRISTIE: Mr. Speaker and Members of the House: I see no reason why we should make any exception in this bill. It seems all right as it is. That this time, making this legal time, should apply to everyone equally and I feel that the Senate Amendment is not necessary and I move its indefinite postponement.

The SPEAKER: The gentleman from Presque Isle, Mrs. Christie, moves that Senate Amendment "A" be indefinitely postponed. Is this the pleasure of the House?

(Cries of "No")

The SPEAKER: All those in favor of the indefinite postponement of Senate Amendment "A" will signify by saying aye; those opposed to indefinite postponement by saying no.

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

The SPEAKER: The question before the House is on the motion of the gentleman from York, Mr. Hancock, that Senate Amendment "A" to Bill "An Act relating to Standard Time", House Paper 596, Legislative Document 652, be adopted.

As many as are in favor of the adoption of Senate Amendment "A" will signify by saying aye; those opposed, no.

A viva voce vote being taken, the motion prevailed and Senate Amendment "A" was adopted in concurrence.

Thereupon, Mr. Hancock of York offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 596, L. D. 652, Bill "An Act relating to Standard Time."

Amend said Bill by striking out the underlined period and single quotation mark at the end of the last paragraph before the Emergency Clause and inserting in place thereof the following underlined words and punctuation:

"and said time shall be known as 'Eastern Daylight Saving Time.' "

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

#### Non-Concurrent Matter Tabled

Bill "An Act Increasing Salary of County Attorney of Franklin County" (H. P. 945) (L. D. 1048) which was passed to be engrossed in the House on April 29.

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

In the House:

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

Mr. CHILDS: Mr. Speaker, for the purpose of offering an amendment for clarification, I move that this matter lie upon the table pending further consideration.

The SPEAKER: The gentleman from Portland, Mr. Childs, moves that the Bill with accompanying papers lie on the table pending further consideration. Is this the pleasure of the House?

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

#### Non-Concurrent Matter Tabled

Bill "An Act Increasing Salaries of County Officials of Penobscot County" (H. P. 1226) (L. D. 1507) which was passed to be engrossed in the House on April 29.

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

In the House:

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

(Conference at rostrum)

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Stanley.

Mr. STANLEY: Mr. Speaker, I move that this item lie upon the table pending the drafting of a new amendment.

The SPEAKER: The gentleman from Hampden, Mr. Stanley, moves that the Bill with accompanying papers lie on the table pending further consideration. Is this the pleasure of the House?

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

#### Non-Concurrent Matter

An Act Providing for the Uniform Trust Receipts Act (S. P. 438) (L. D. 1211) which was passed to be enacted in the House on May 3, and passed to be engrossed as amended by Committee Amendment "A" in concurrence on April 27.

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

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

SENATE AMENDMENT "A" to S. P. 438, L. D. 1211, Bill "An Act Providing for the Uniform Trust Receipts Act."

Amend said Bill by striking out, in the 3rd line of subsection V of Sec. 13, the underlined word "along" and inserting in place thereof the underlined word 'alone'

The House then voted to recede and concur with the Senate.

#### Non-Concurrent Matter

Bill "An Act to Incorporate the Town of Harpswell Neck" (H. P. 282) (L. D. 266) which was passed to be engrossed as amended by Committee Amendment "A" in the House on April 29.

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

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

SENATE AMENDMENT "A" to H. P. 282, L. D. 266, Bill "An Act to Incorporate the Town of Harpswell Neck."

Amend said Bill by striking out all of "Sec. 6" and inserting in place thereof the following section:

'Sec. 6. Town records. The books and papers and records of the town

of Harpswell shall be retained by said town of Harpswell but the town of Harpswell Neck shall have access to the same.'

On motion of Mr. Stanley of Hampden, the House voted to recede and concur with the Senate.

#### Non-Concurrent Matter

An Act relating to Delivery of Motor Vehicles Sold by State on Bids (H. P. 488) (L. D. 533) which was passed to be enacted in the House on April 6, and passed to be engrossed as amended by Committee Amendment "A" on March 30.

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

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

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H. P. 488, L. D. 533, Bill "An Act Relating to Delivery of Motor Vehicles Sold by State on Bids."

Amend said Amendment by striking out in the 6th and 7th lines thereof the underlined words "and shall be delivered to such purchaser within 14 days after such bid has been accepted by the State."

Further amend said Amendment by inserting before the underlined words "This section" in the 7th line thereof the following underlined sentence: 'Specific terms of delivery and terms of interim usage prior to delivery shall be stated to the prospective purchasers prior to the time that the State accepts any bid, and such terms shall be complied with by agents or employees of the State having control of the disposition of such motor vehicle or vehicles after any such bids have been accepted.'

On motion of Mr. Edwards of Raymond, the House voted to recede and concur with the Senate.

#### Non-Concurrent Matter

Resolve Designating Road from Fort Kent to Allagash Plantation as a State Road (H. P. 889) (L. D. 997) on which the House accepted the Majority "Ought not to pass" Report of the Committee on April 28.

Came from the Senate with the Minority "Ought to pass" Report of the Committee accepted and the Resolve passed to be engrossed in non-concurrence.

In the House: On motion of Mr. Martin of Eagle Lake, the House voted to recede and concur with the Senate.

Thereupon, the Resolve was given its first reading and, under suspension of the rules, was read the second time and passed to be engrossed in concurrence.

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

Resolve Providing for Construction of a Substitute Road in Howland (H. P. 356) (L. D. 394) which was indefinitely postponed in the House on April 7.

Came from the Senate with that body voting to insist on its former action whereby the Resolve was passed to be engrossed, and asking for a Committee of Conference.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Charleston, Mr. Rich.

Mr. RICH: Mr. Speaker, I move that we recede and concur with the Senate on the "Ought to pass" Report.

The SPEAKER: The gentleman from Charleston, Mr. Rich, moves that the House recede from its former action whereby on April 7 the Resolve was indefinitely postponed.

The Chair recognizes the gentleman from Mount Desert, Mr. Reynolds.

Mr. REYNOLDS: Mr. Speaker and Members of this House: On your legislative record of April 7, which is on page 903, it is at the very bottom of the page, you will notice that the gentleman from Charleston, Mr. Rich, stated and I quote: "Well now Howland has a road problem. Please look at your map again and you will see a road number 116 going north from Howland along the west banks of the Penobscot. About half a mile above the village there is a fairly large stream flowing into the Penobscot requiring a rather large bridge," I repeat, "requiring a rather large bridge," . . . "further up the river", about two miles, "there is another bridge." So much for that part.

On Page 904, very near the bottom, the same gentleman from Charleston, Mr. Rich, and I quote: "I brought forth the argument that this road would eliminate two bridges and would be cheaper for the county and the state. Their reply was that I would have to get an enabling act through the Legislature authorizing them to do so, hence L. D. 394."

I think, if the gentleman from Charleston, Mr. Rich, would inquire from the County Commissioners in Penobscot, that at least one of these bridges, the large one that he mentioned, cannot be discontinued. Therefore, this road cannot be discontinued as there is a family living on the road. That is the information I have gathered. Since that is the case, I fail to see how this can be a substitute road.

The SPEAKER: The pending question is on the motion of the gentleman from Charleston, Mr. Rich, that the House recede from its former action in indefinitely postponing this Resolve on April 7.

The Chair recognizes the gentleman from Charleston, Mr. Rich.

Mr. RICH: Mr. Speaker and Members of the House: I have found that the citizens of Howland very much desire this Resolve. I have found the County Commissioners unanimously in favor of this resolve. Our Legislative Committee passed it unanimously. They were convinced that it is a good resolve. I will admit the statement of my friend, the gentleman from Mount Desert, Mr. Reynolds, that there is a house across the bridge, across the first bridge on this part that we hope to eliminate. That is a problem for the citizens of Howland, particularly the Selectmen to arrange for, and I have their assurance that it will not be a difficult problem.

I believe that we have some good men who have considered this thing thoroughly, our County Commissioners, our Selectmen of Howland, Mr. Weymouth of the Planning Department of the Highway Division and our Legislative Committee. Therefore, in spite of the objections of my friend, the gentleman from Mount Desert, Mr. Reynolds, I still believe it is a good bill and worthy of passage. Thank you.

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen of the House: I have been quite concerned with this bill and it does set up a little different procedure inasmuch as the money will come from the bridge construction that is, in sort of a way. There will have to be two bridges constructed and I got in touch with the Chief Engineer of the Highway Department and asked him for the figures and what his thinking was, and he said it would save the State some \$18,000, that the only change was and it seems to be the only opposition was taking this bridge money and putting it on the highways, but inasmuch as it would save the State considerable and everybody, it would build a piece of road that would not be flooded every time there is excessive rain, that it looked to him like a very good bill, and I wish to go along with the bill and ask for a division when the vote is taken.

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

Mr. FERGUSON: Mr. Speaker and Members of the House: I want to state the position of the Committee on Highways on this. We felt that this is an enabling act whereas the road is going to be built or the transfer of funds to be made under the joint board, the Highway Commission, the County Commissioners and the Town of Howland. We felt that further action on their part would have to take place before the road would be built. Now I believe and I think that is the position that the Committee on Highways took that if the people of Howland and the County Commissioners of Penobscot County and the State Highway boys want to go on with this project it is their business. I really do not see anything wrong with it, and I hope the motion of the gentleman from Charleston, Mr. Rich, prevails, that we recede and concur with the Senate.

The SPEAKER: The Chair will restate the motion. The question before the House is on the motion of the gentleman from Charleston, Mr. Rich, that the House recede and

concur with the Senate on Resolve Providing for Construction of a Substitute Road in Howland, House Paper 356, Legislative Document 394.

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

Mr. COOK: Mr. Speaker and Members of the House: At the request of several in the area of Howland, I went up and took a look at this particular thing in question, and I went up and looked at this bridge. They speak of two bridges; actually one is a culvert, rather than a bridge. The bridge in question as told by a gentleman who has been trucking over that bridge with some heavy lumber loads that the bridge is more than adequate to handle these heavy loads of lumber that go over it. There is a piece just beyond the bridge on the north end of the bridge that has been washing out, and it was the opinion of the gentleman that I spoke to at that time about all that would be necessary at that particular juncture there would be to shore up the side of that with perhaps some railroad ties or something or other and that would eliminate this washing out on the north end of that bridge. There seems to be looking at it, little question that the bridge itself would have to be replaced for no more traffic than that handles. It would seem to me that this resolve that is before us or enabling act would be merely a circumvention of this bridge act. I believe there would be serious question as to whether any bridge would have to be provided to make this road in better condition and to take care of the situation, and it is a very short little bridge, I would guess perhaps 25 feet in length. It requires a one-way passage with traffic of no greater count than 60 per day which I understand is the largest estimate of traffic on that road, and that would be just in the one particular short season, that one way traffic for that little short space of 25 feet or so would certainly not be a factor that should be considered to any great degree in replacing that bridge.

The SPEAKER: The Chair is informed of the presence in the balcony of the House of twenty-five

members of the Maine History Class of Washington State Teachers College of Machias, under the supervision of their instructor, Mr. Herbert Thibodeau.

On behalf of the House, the Chair extends to you a cordial welcome, and regrets that the House will be recessing shortly until probably around two o'clock but your presence with us is a pleasure. (Applause)

The SPEAKER: The pending question is on the motion of the gentleman from Charleston, Mr. Rich, that the House recede and concur.

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

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

The SPEAKER: The gentleman from Hanover, Mr. Ferguson, requests a division.

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

Mr. CIANCHETTE: Mr. Speaker, I hope that the motion of the gentleman does not prevail in that this thing might go to a Committee of Conference if his motion does not prevail.

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

Mr. QUINN: Mr. Speaker and Ladies and Gentlemen of the House: This area that Mr. Rich, the gentleman from Charleston, is interested in is in Penobscot County and I am familiar with the situation there, and his plan would greatly improve the road condition in that area. It would place the road on higher land where they would not continually have the difficulty of high water flowing out over it causing a terrific expense for maintenance, and I would go along with his proposition to recede and concur with the Senate.

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

Mr. ALLEN: Mr. Speaker and Members of the House: I opposed this when it was in the House on April 7 because I was against the principle of coming in and starting a new special resolve and taxing the construction fund of the High-

way Commission. However, I think this bill is not exactly a special resolve, it is more of an enabling act, and if there is more information that should be brought out or presented personally I would favor that Committee of Conference and possibly be in favor of the gentleman from Charleston, Mr. Rich, at that time.

The SPEAKER: The question before the House is on the motion of the gentleman from Charleston, Mr. Rich, that the House recede and concur with the Senate on Resolve Providing for Construction of a Substitute Road in Howland, House Paper 356, Legislative Document 394.

As many as are in favor of the House receding and concurring will kindly rise and remain standing in their places until the monitors have made and returned the count.

A division of the House was had.

Sixty having voted in the affirmative and thirty-six having voted in the negative, the motion prevailed.

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

Mr. RICH: Mr. Speaker, to ask if it would be permissible to have this Resolve have its second reading at this time?

The SPEAKER: The Chair will state that the Resolve was ready for final passage when the motion for indefinite postponement was made. It will be necessary to re-engross it and it will come back from that process for final passage.

From the Senate: The following Communication:

STATE OF MAINE  
SENATE CHAMBER  
OFFICE OF THE SECRETARY

May 4, 1955

Honorable Harvey R. Pease  
Clerk of the House of Representatives

Ninety-seventh Legislature

Sir:

The President of the Senate today appointed the following conferees on the part of the Senate on the disagreeing action of the two branches of the Legislature on the following bills:

Bill "An Act relating to Pensions for Dependents of Deceased Policemen of City of Lewiston" (S. P. 163) (L. D. 357)

Senators:

WOODCOCK of Penobscot  
MARTIN of Kennebec  
LESSARD of Androscoggin

Bill "An Act relating to Pensions for Dependents of Deceased Firemen of City of Lewiston" (S. P. 413) (L. D. 1176)

Senators:

WOODCOCK of Penobscot  
MARTIN of Kennebec  
LESSARD of Androscoggin

Respectfully,

(Signed) CHESTER T. WINSLOW  
Secretary of the Senate

The Communication was read and ordered placed on file.

On motion of Mr. Childs of Portland,

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

#### After Recess

1:00 P.M., E.S.T.

The House was called to order by the Speaker.

The SPEAKER: The Chair requests the Sergeant-at-Arms, to escort the Honorable Gentlewoman from Presque Isle, Mrs. Christie, to the rostrum for the purpose of presiding as Speaker pro tem.

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

(Off Record Remarks by Mr. Cote of Lewiston)

#### Orders

Mr. Totman of Bangor presented the following Order and moved its passage.

WHEREAS, public interest and participation in highway safety is a recognized goal; and

WHEREAS, the last appointed Governor's Committee on Highway Safety created and encouraged the focus of public attention on the problems of reducing traffic fatalities within the State of Maine; and

WHEREAS, the Governor has indicated his interest in the highway safety problem and his intention of reconstituting the Governor's Committee on Highway Safety; now, therefore,

BE IT ORDERED, the Senate concurring, that the Legislature hereby heartily supports such reconstitution of the Governor's Highway Safety Committee at the earliest possible date; and suggests to the Governor that upon reappointment of that Committee he address a statewide appeal for participation and membership of all those interested in Highway Safety. (H. P. 1238)

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

Mr. TOTMAN: Madam Speaker and Members of the House: I think the order is more or less self-explanatory but in case there is any doubt I will state quite briefly that as you may be aware there was under Governor Cross an appointed committee on highway safety and at the President's last highway safety conference in Washington, D. C., the states were urged to continue and to expand any efforts on the parts of the citizens in trying to reduce highway fatalities. I have talked with Governor Muskie and, as the order states, he is interested in reinstating this committee and I think it would certainly help if the Legislature would go on record as showing an interest in the matter.

I move the passage of the order.

The SPEAKER pro tem: The gentleman from Bangor, Mr. Totman, moves that the order be passed. Is this the pleasure of the House?

The motion prevailed and the Order received passage and was sent up for concurrence.

#### House Reports of Committees Leave to Withdraw

Mr. Harnden from the Committee on Inland Fisheries and Game on Bill "An Act relating to Open Season on Deer" (H. P. 469) (L. D. 514) reported Leave to Withdraw.

Mr. Stanley from the Committee on Towns and Counties reported same on Bill "An Act to Authorize the Treasurer and County Commissioners of Washington County to

procure a Loan, and Issue Bonds of Said County Therefor for the Purpose of Adding to the Present Court House" (H. P. 1183) (L. D. 1434)

Reports were read and accepted and sent up for concurrence.

#### **Ought Not to Pass**

Mr. Carter from the Committee on Highways reported "Ought not to pass" on Resolve Constructing Part of Route 5 in York County (H. P. 888) (L. D. 996)

Mr. Higgins from same Committee reported same on Resolve to Rebuild Part of Highway Route 7 (H. P. 1164) (L. D. 1393)

Mr. Ross from the Committee on Inland Fisheries and Game reported same on Bill "An Act relating to Removal of Bear Bounty in Oxford County" (H. P. 592) (L. D. 648)

Mr. Lindsay from the Committee on Retirements and Pensions reported same on Resolve Providing for State Pension for Kathleen Whitehouse of Weeks Mills (H. P. 215) which was recommitted.

Mr. Hilton from the Committee on Towns and Counties reported same on Bill "An Act Amending Charter of the Yorkshire Municipal Court" (H. P. 767) (L. D. 843) which was recommitted.

Reports were read and accepted and sent up for concurrence.

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

##### **Passed to Be Engrossed**

Mr. Ferguson from the Committee on Highways on Bill "An Act to Authorize the Construction of a Bridge Across Jonesport Reach" (H. P. 705) (L. D. 773) reported same in a new draft (H. P. 1237) (L. D. 1527) under same title and that it "Ought to pass"

Report was read.

On motion of Mr. Stanwood of Steuben, the "Ought to pass" in New Draft Report was accepted and the Bill read twice.

On further motion of the same gentleman, under suspension of the rules, the Bill was given its third reading, passed to be engrossed and sent to the Senate.

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

Mr. Foster from the Committee on Legal Affairs on Bill "An Act to Provide for the Appointment of a Board of Commissioners for the Police and Fire Departments of the City of Saco" (H. P. 1107) (L. D. 1298) reported same in new draft (H. P. 1236) (L. D. 1526) under title of "An Act relating to the Appointment of the Fire Chief and the Chief of Police of the City of Saco" and that it "Ought to pass"

Mr. Quinn from same Committee on Bill "An Act relating to Definition of Schoolhouses in Laws Relating to Boilers and Unfired Steam Pressure Vessels" (H. P. 727) (L. D. 764) which was recommitted, reported same in a second new draft (H. P. 1235) (L. D. 1525) under title of "An Act relating to Boilers and Unfired Steam Pressure Vessels" (same title as original bill, H. P. 21, L. D. 36) and that it "Ought to pass"

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

#### **Ought to Pass Printed Bill**

Mr. Bragdon from the Committee on Legal Affairs reported "Ought to pass" on Bill "An Act relating to Licensing of Auctioneers" (H. P. 749) (L. D. 830)

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

#### **Passed to Be Engrossed Amended Bill**

Bill "An Act relating to Bartlett's Island as a Game Preserve" (S. P. 30) (L. D. 19)

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

Mr. Ross of Brownville then offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to S. P. 30, L. D. 19, Bill "An Act relating to Bartlett's Island as a Game Preserve."

Amend said Bill by striking out all of sections 1 and 2 and inserting in place thereof the following:

**"R. S., c. 37, Sec. 149, amended.** Section 149 of chapter 37 of the revised statutes is hereby amended by inserting in alphabetical order the following paragraph:

**'Bartlett's Island: No person shall at any time hunt, pursue, shoot at or kill any wild bird or animal on Bartlett's Island, in the county of Hancock.' "**

House Amendment "A" was adopted.

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

### **Passed to be Engrossed**

Bill "An Act relating to Corporate Mergers" (S. P. 404) (L. D. 1118)

Bill "An Act to Require Public Buildings to be Safely Constructed" (S. P. 420) (L. D. 1171)

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

### **Third Reader Indefinitely Postponed**

Bill "An Act to Promote Safety on Common Carriers by Railroad" (H. P. 1150) (L. D. 1365)

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

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

Mr. COOK: Madam Speaker, I move indefinite postponement of this Bill and its accompanying papers.

The SPEAKER pro tem: The gentleman from Portage Lake, Mr. Cook, moves that the Bill be indefinitely postponed. Is this the pleasure of the House?

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

Mr. BROWNE: Madam Speaker and Members of the House: I rise in support of the motion of the gentleman from Portage Lake, Mr. Cook, and for the following reasons: The proponents attempt to sell this on the ground that it is necessary for reasons of safety and yet they have not presented any evidence to substantiate such a claim.

Secondly, this is a problem which should properly be adjusted between labor and management and regardless of all that has been said, there is no evidence that would warrant the conclusion that labor and management can not adjust such matters by and between themselves. But rather I gathered from all the testimony offered that they were quite mature and progressive in the matter of labor-management adjustment.

Thirdly, I object to our injecting ourselves into the labor-management field in an area such as this, which not only should but can be adjusted by contract. It has not been shown that this legislation was sponsored because of the impossibility of labor and management to adjust the same to their mutual satisfaction. It has not been shown that there is a desire on the part of management to cut down on their labor force. Naturally, if they were to double the crews on all trains, there would be less work for any one man but this bill has been presented as a safety measure and the proponents have failed to show how and why it is needed for this purpose.

Fourthly, the safety record of the railroads is excellent.

Fifth, the railroads are amply regulated in their operations by the Interstate Commerce Commission and the Public Utilities Commission.

Sixth, I would object strenuously to this body telling me how many men to employ unless there was valid justification for it and when no safety problems were involved.

Now, these observations are deducted from the testimony offered here in yesterday's debate and as a result of them, I heartily concur with the motion of the gentleman from Portage Lake, Mr. Cook, in indefinitely postponing this bill.

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

Mr. SHAW: Madam Speaker and Members of the House: My district is not vitally concerned with railway problems and I am not too familiar with their method of operation. Yesterday, I voted for the acceptance of Report B relative to this measure. Today, I will vote in favor of the indefinite postponement in conjunction with the motion of the gentleman



man from Portage Lake, Mr. Cook. For in contrast to the learned gentleman from Orono, Mr. Needham, I am informed by a former railway employee that there is no need for additional crew members as it may apply particularly to freight trains. I am quite convinced that if there is a high incidence of bodily injury and property damage due to the lack of a sufficient crew, that the railways would voluntarily add additional crew members.

Certainly from a financial standpoint, it would be to their best interest to eliminate such hazards. Accidents involving bodily injury and property damage usually prove quite expensive for those who are liable.

I would take the stand that we can not or at least we should not dictate to the railways to the extent of saying: You do not know your own business well enough to know what is best for you. So the 97th Legislature is going to set you straight on this matter, put on an additional crew member or members for you need them whether you know it or not. Legislation of this sort could be a never-ending process for tomorrow you may be asked to decide how many men shall perform specific jobs in certain types of industrial employment or perhaps, shall a flag man be stationed at the rear of some large interstate transport truck. I sincerely believe that this matter should be settled by the railway and their employees and it is not a problem, in my mind, for this legislative body to settle, and I would heartily concur with the motion of the gentleman from Portage Lake, Mr. Cook, for the indefinite postponement of this measure.

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

Mr. OSBORNE: Madam Speaker and Members of the House: This measure was quite thoroughly discussed yesterday. I have no doubt you are all quite familiar with it. I can not believe that this group would be so inconsistent as to do one thing one day and another the next. (Laughter) I trust that you would not, at least. We have quite a consistent group here as a whole, in fact, it would seem that the

opposition to this bill is quite consistently located in certain spots.

I want to say that I have not been approached by lobbyists from either side since yesterday and I feel just the same as I did when I stood up yesterday. I hope that the motion of the gentleman from Portage Lake, Mr. Cook, does not prevail.

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

Mr. HAUGHN: Madam Speaker and Members of the House: Of course yesterday you realize that I was in a position where I could not speak on this bill and I arise as an opponent to the indefinite postponement of this bill with all due regard and respect to those who are proponents of it and I would like to read at this time a little exhibit in reply to some of the statements that were made here right at the present time evidently crying poverty for the railroads and I quote: "1914 the Interstate Commerce Commission upon request granted the railroads a five per cent increase in freight rates to cover cost of full crews, hours of service and other such laws. This rate case became known as the Five Per Cent Case. This increase has never been rescinded and is still part of the basic rate structure. The revenue derived from this increase provides more than enough money to cover all costs of such safety laws."

Therefore, in regard to imposing a burden upon the railroads, the I.C.C. stated that only a relatively small part of the increase was made necessary as a result of hours of service of full crews and other such safety laws. Therefore, I would assume, and really believe in my own mind, that at this time they are not spending the amount of money that they would try to impart they are to maintain a full crew and to comply with the safety factors which I personally believe exist at the present time. And when I hear some of these gentlemen speak to the effect they have after reading this exhibit I do not believe that they jell together very good and will lead me to believe that they are not informed fully enough on this question.

We came out of the committee with a split decision, as you know

from our report, and I, for one, would like to defend my position as the reason why I came out with Report A and that was due to the fact that hearing the full evidence presented by both sides, very ably and completely, that I think we are much better informed through actual experience and hearing the testimony than those only hearing through hearsay and through those who would try to apply their own personal feelings.

Therefore, at this time, I hope that this motion of indefinite postponement will not prevail and yesterday's decision will be rendered the same.

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

Mr. MARTIN: Madam Speaker and Ladies and Gentlemen of the House: I find myself to be very comfortable in the company of the honorable, learned and esteemed gentleman from Fairfield, Mr. Osborne, in that I too can not conceive of such a fantastic thing as this House reversing its decision overnight and I am sure that no lobbyist had anything to do with it and I hope sincerely that the motion to indefinitely postpone does not prevail.

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

Mr. BRAGDON: Madam Speaker and Members of the House: I was opposed yesterday to this Legislature entering into the field of dictating to any industry the number of employees that they should put on to do their business. I am not one of them who is going to change my position and I hope that the motion of the gentleman from Portage Lake, Mr. Cook, does prevail.

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

Mr. REED: Madam Speaker and Members of the House: I also concur with the feeling that this is a problem between labor and management and hardly one that should be settled here in the Legislature. We are all interested in safety, of course, but I hesitate to legislate and tell a company how many men they had to put on to perform a job, especially in view of the fact of the

excellent safety record of the railroads in this country.

Yesterday, reference was made to the well-publicized accident at the Kennebec Siding. I have been informed, I may be wrong, but I have been informed that at the time of that accident the train was manned by one more crew member than would be required under this bill. So it hardly seems to me that this bill would be sound if it would not correct something of that nature that took place so I hope that the motion of my colleague, the gentleman from Portage Lake, Mr. Cook, prevails.

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

Mr. QUINN: Madam Speaker, I admit that I have been lobbied. I have been lobbied by both sides and I told the lobbyists that I had not made up my mind whether I was going to support the bill or oppose the bill. I read the bill and I said I was going to listen to the debate here yesterday and I was going to formulate my opinion on what I thought was best for Maine. I listened to the debate and supported Amendment B. I did not speak on the bill but now I speak on it and I feel that there was no evidence presented here that would tend to support in any measure the necessity for adding to the expense of running our railroads in the State. Therefore, I feel that it is not for the best interests of the people of Maine that a railroad company be compelled because their union wants it so to put on extra help. If they are not needed they should not be on there.

Now, I want to go along with the gentleman from Portage Lake, Mr. Cook, from Aroostook County and support his motion for indefinite postponement.

The SPEAKER pro tem: The Chair recognizes the gentleman from Fort Kent, Mr. Cyr.

Mr. CYR: Madam Speaker and Members of the House: As was said yesterday by many, I do not know a thing about railroads except walking the ties. While I was home a week ago, Sunday, a delegation of workmen that work on the railroad came to my house and showed me the good points that I had not

observed in this measure and as a signer of Report A I am in favor of this measure and I hope that the motion of the gentleman from Portage Lake, Mr. Cook, does not prevail.

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

Mr. McCLUSKEY: Thank you, Madam Speaker. Madam Speaker and Members of the House: I agree with the gentleman from Bridgton, Mr. Haughn, that we are not well acquainted with this bill. We do not know enough about it. In the arguments yesterday there were three things brought out as I remember it in favor of this bill.

One was that it would add safety, the other was it would take some of the work load from the present members of the train crews, and the third that it would prevent railroad management from decreasing any train crews. If I am wrong, I stand to be corrected.

This is a serious matter. What we are doing here if we pass this is telling the railroad management how many men they must hire. We are entering into labor-management trouble.

Now, since this bill has been sponsored by the labor group, the union, what has been brought out to show that this would add any safety? It has not been brought out by not having an extra man that any accidents have occurred. It has been brought out that this will increase the train crew and they would be able to have more men and relieve some of the work load of the present members. That is true and if they had two more men or ten more men that would be that much better.

On the third thing, there was not anything brought out that the railroad management contemplated reducing any crew as far as I could find out from the arguments here.

Now, it has been suggested that train crews under the present set-up were overworked. Well, nothing was brought out here to show that. And true, my good friend, the gentleman from Bowdoinham, Mr. Curtis, brought out the point that when he worked, I think it was for the Canadian Pacific, that a train man had to walk down the length of the

train with a bundle of waste and a jack and a journal to fix a hot box. Well, that is part of their job, isn't it? That is the way I look at it. The only time that the train men really work outside of observation is when the train is stopped. That is either caused by mechanical failure or a regular stop at a station. So it seems to me that we are stepping rather widely if we pass this bill. It seems to me that it is properly a matter between management and labor and I can not see where we, with so little information about this bill, can competently judge it and I am sure that if the management of railroad asked any one of us individually this afternoon how many men ought to be on a certain train, I do not believe that we could tell them. I certainly go along with the gentleman from Portage Lake, Mr. Cook.

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

Mr. CHILDS: Madam Speaker, I would like to propose a question through the Chair to any member of the Public Utilities Committee, that question being whether any member of the Public Utilities Commission appeared at the hearing and expressed whether such legislation was necessary or not.

The SPEAKER pro tem: The gentleman from Portland, Mr. Childs, addresses a question through the Chair to any member of the Public Utilities Committee. The gentleman from Fairfield, Mr. Osborne, may answer if he so chooses.

Mr. OSBORNE: Madam Speaker and Members of the House: I trust that I will be corrected if I am in error. It is my recollection that the Public Utilities Commission had a member present at the time this was discussed in committee. I do not recall that he spoke either for or against the measure.

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

Mr. BERNIER: Madam Speaker and Ladies and Gentlemen of the House: In response to the question of the gentleman from Portland, Mr. Childs, I would like to concur with the gentleman from Fairfield, Mr. Osborne, that a member of the Public Utilities Commission was

present and he specifically stated that the Commission took no position upon the bill.

However, at a subsequent meeting, during the course of discussion upon the report on the Kennebec Siding accident, a member of our Committee asked the Commissioner whether as a result of the investigation the addition of a crew member was indicated. Without hesitation, the Commissioner said: "No." However, when he became aware that the question was somewhat politically loaded, he became rather silent. Thank you.

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

Mr. CURTIS: Madam Speaker and Ladies and Gentlemen: Inasmuch as when I commenced railroading I was not of an age to vote, the railroads were my first love and I have a great feeling of respect and interest in them. I just want to present a few facts that I learned over the years of my connection with the railroad.

Of course, the railroads are in the free enterprise business and they have bills to meet and they have interest to pay on their bonds and perhaps they do become too one-sided in regard to money making rather than sometimes what is best for the people they employ. It has been my observation over the years that every advance for safety in the railroads, or practically every I had better say, has been caused by force. The gentleman from Fairfield (Mr. Osborne) mentioned something of reading in a book about forcing the railroads to do things. Now I think that any railroad man who has spent twenty-five or thirty years with the railroads will tell you that it has been his experience that every safety measure, or practically every safety measure, has been by force. The automatic coupler and the moving of things away from the tracks so a man could ride the side of a car rather than be crushed off have all been caused by some force. Sometimes it has been the force of the men themselves into an association. Now, undoubtedly, the men could force this thing upon the railroad but there would be a strike and a lot of trouble. And every time you see a car go by with all these

safety measures on, you can just say to yourself, there were anywhere from one to a dozen men killed before that safety measure was put on.

Now, I believe that this would be a safety measure to have these extra men and I do not think that the railroads although they are interested in and have to pay dividends, I do not think it would hurt them.

When I began to railroad, we had the smaller engines and we used to haul twenty-two loads. That was a train. And we had to have an engineer, and a fireman, a head brakeman, a flagman and a conductor. They bought larger engines and their load was thirty-five. As time went on they got larger engines and built around some grades and the load was sixty.

And when I quit railroading, we used to haul a hundred cars and that was the load. Well, now, surely, they were making a lot more money and yet they never offered to put on any more men.

The thing that has been mentioned by my good friend, the gentleman from Warren, Mr. McCluskey, that it is the job of the conductor to carry down the jack and all those things to fix the hot box. It is not his job. And it is not his job to flag but it has to be done under existing conditions today because a train has to be flagged. You can not depend, you are not supposed to depend, the rules say that you must not depend on the block signal system to protect you but as an added precaution, you must flag.

Now, I just kind of hate to mention this because so much has been said about the Augusta wreck. Now, I, being interested in railroads, I have talked around with the men in regard to that wreck who were on the job and knew something about it. Until a few years ago, one or two, when there was a rain or any dangerous thing happened, they sent a man out, a maintenance man, over the roads in his little putt-putt car, to see how the road was but for some reason that policy was discontinued. If that policy had been followed that night of that rain, there would not have been any wreck over here. When we say that the railroads will not take chances

to save money, we just have never worked on the railroad. I trust that this motion to indefinitely postpone does not prevail.

The SPEAKER pro tem: The Chair recognizes the gentleman from Durham, Mr. Bowie.

Mr. BOWIE: Madam Speaker, I would like to get this show on the road so I move the previous question, please.

The SPEAKER pro tem: The gentleman from Durham, Mr. Bowie, 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 make it manifest by rising and remaining standing 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?

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

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

The SPEAKER pro tem: Does the gentleman from Bath, Mr. Couture, wish a division on the pending question or on the main question?

Mr. COUTURE: On the main question, please, Madam Speaker.

The SPEAKER pro tem: All those in favor of the main question being put now will say aye; those opposed, no.

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

The SPEAKER pro tem: The question before is on the motion of the gentleman from Portage Lake, Mr. Cook, that Item 4, Bill "An Act to Promote Safety on Common Carriers by Railroad", House Paper 1150, Legislative Document 1365, be indefinitely postponed.

The gentleman from Bath, Mr. Couture, has requested a division.

All those in favor will please rise and remain standing until the moni-

tors have made and returned the count.

A division of the House was had. Sixty-eight having voted in the affirmative and forty-nine having voted in the negative, the motion prevailed and the Bill was indefinitely postponed and sent up for concurrence.

### Amended Bills

Bill "An Act relating to Pensions for Dependents of Sheriffs and Deputy Sheriffs" (S. P. 471) (L. D. 1314)

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

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

Mr. MALENFANT: Madam Speaker and Ladies and Gentlemen of the House: I move that this bill and accompanying papers be indefinitely postponed. My reason for this is that if you pass this bill the county will have to set aside a big sum of money. There is no appropriation in the budget for this matter. If the county set aside this sum of money in case some of the deputy sheriffs got killed or the sheriff himself, they will have to charge more tax to the city and town to make up for it. This money will lay there dead. If no accident happens, if nobody gets killed, the county will not be able to use that money for some other things. They will have to leave that appropriation aside.

If some of the deputy sheriffs or the sheriff himself are going to get killed, his children are already protected by the State Aid to Dependent Children. So I move that the House supports my motion.

Madam Speaker, when the vote is taken I request a division.

The SPEAKER pro tem: The gentleman from Lewiston, Mr. Malenfant, moves that the Bill be indefinitely postponed.

The Chair recognizes the gentleman from Hampden, Mr. Stanley.

Mr. STANLEY: Madam Speaker and Members of the House: I am not too well prepared to speak on this matter. However, I was in the committee when this matter came before us. It is a matter that protects the widow and children of a sheriff or a deputy sheriff who may be killed in the line of duty. And that happens not too frequently. If you

will note in this bill you will see that the maximum amount is not too great. It would be around \$1,000 a year. It is one-half of the pay which the sheriff or deputy sheriff was receiving at the time that he may have been killed. At any rate, it would be not less than \$1,000. So the amount to the county would never be too great. I think over a period of, we will say, around ten years there have only been two deputy sheriffs who were killed in the line of duty.

We would be doing no more for these officers than is presently being done for all the municipal police and your state police who have the same protection. I feel that a deputy sheriff who goes out, not because he wants to go, he goes because you send him out. He is doing the job that you want done, protecting you and the public, and if he is killed, this is the least that we can do for his widow and his children. Certainly we do not want to do as the gentleman from Lewiston, Mr. Malenfant, has suggested, put them on to charity. Their children deserve a better life than that.

Therefore, I hope that the gentleman's motion does not prevail.

The SPEAKER pro tem: The question before the House is on the motion of the gentleman from Lewiston, Mr. Malenfant, that Bill "An Act relating to Pensions for Dependents of Sheriffs and Deputy Sheriffs," Senate Paper 471, Legislative Document 1314, be indefinitely postponed.

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

Mr. COUTURE: Madam Speaker and Members of the House: This is a similar bill that was filed for the policemen and the firemen of the City of Lewiston. You will note on your calendar that you have a bill pending now for the policemen of the city to be under the Maine State Retirement Fund. I know the policemen are not covered I know in many cities under this. The only ones who are covered now at this time are those under the Maine State Retirement plan which are the State Police and Firemen in the State, so I certainly want to go along favoring the motion of the gentleman from Lewiston, Mr. Malenfant, for that purpose. I am referring

mine back to the next session of the Legislature just last week I think which we had a conference on yesterday, and I certainly can not go along with this one where the other one went by. Right now we have a bill for the policemen of all the cities of the State which can maybe be covered under the Maine State Retirement Plan but they are not at this time.

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

Mr. WOODWORTH: Madam Speaker and Members of the House: The committee put a lot of thought on this bill and we felt that the counties could be covered by a small amount of insurance. The premiums would not be too great where it was something that would not happen too often. If a deputy sheriff is killed, he gets as dead as anybody and his children and widow should be taken care of. I hope that the motion does not prevail.

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

Mr. CIANCHETTE: Madam Speaker, I would like to concur with the two gentlemen from the committee who have spoken, saying that this was given very serious consideration. There has been a Committee amendment added to the bill and in answer to the gentleman from Lewiston, Mr. Couture, it must be remembered that deputy sheriffs for the greater part do not come under a salary. Therefore, I do not know how they would ever possibly come under the Maine State Retirement System. I hope that the motion of the gentleman from Lewiston, Mr. Malenfant, does not prevail.

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

Mr. COUTURE: Madam Speaker and Members of the House: I agree with the gentleman from Pittsfield, Mr. Cianchette. I have not mentioned anything about the sheriff's department. I said that the remark was made that there were similar bills to cover the police departments in different cities which are not covered at this time. We have a bill now on the table.

I also want to say at this time that the sheriff department's job is

nothing but a political job and before they run for their jobs, the head sheriff, they know what the job is. It means that the deputies appointed by the sheriff before they receive the appointment and accept the appointment they also know where they stand. I certainly go along with the gentleman from Lewiston, Mr. Malenfant.

The SPEAKER pro tem: The Chair recognizes the gentleman from Freeport, Mr. Crockett.

Mr. CROCKETT: Madam Speaker and Members of the House: It seems to me that my constituents from Lewiston are very much interested in this bill. I wonder why they oppose it. Is it because we happen to have a Republican sheriff in Androscoggin County? If that is the fact, why there are other counties that have Republican and some Democratic sheriffs. I do not know why they oppose on that ground because we do have a Republican sheriff in Androscoggin County.

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

Mr. ALLEN: Madam Speaker and Members of the House: I wish to take exception to the gentleman from Lewiston, Mr. Couture, where he mentions the sheriffs know before they run for that office and it is a political office, the conditions of the job, and possibly they should not provide pensions for their wives. I would like to point out that regardless of how a sheriff or deputy sheriff got his position and regardless of how he got killed, his family would suffer just as much. It seems to me that this is the least that we could do for men who have given their lives for the service which they are performing.

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

Mr. QUINN: Madam Speaker and Ladies and Gentlemen: As I have told you before I have had considerable experience in prosecution, having been county attorney ten years but in all the time within my recollection in Penobscot County, I only know of one deputy sheriff who was killed in the performance of his duty.

It just happens that he did not leave a lot of small children to sup-

port. He was a very fine man. A man who performed his duty to the nth degree and was highly regarded by everyone in the community. The incident was a situation where a man who had a long criminal record and had been hunted for all over the State was located in a woods shack back off the main road. He and another deputy were ordered—and these deputies are part-time mostly and they do not run for office, they are appointed by the sheriff—he and the other deputy were ordered to go to that hut in the woods and apprehend and take that man back. That was their sworn duty. They went there. They found the man. He came out of the shack. He had left his hat and coat in the shack and he asked the deputies if they would not wait for just a moment while he went back into the shack to get his hat and his coat. They were obliging. He did not come out. This deputy, who was the most courageous of the two, went to the shack. The moment he stepped into the door, he was shot on the spot, killed instantly. The other deputy went for assistance. The criminal fled. He was later apprehended. But if it so happened that that man, doing his duty for the people of Penobscot County and the State of Maine, had been shot dead and left a lot of minor children and did not have the means to take care of them, he, having been killed in the performance of his duty, his wife, his widow, and his dependents would not have been taken care of. I hope that you do not support the motion of indefinite postponement, but support the bill itself.

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

Mr. COURTOIS: Madam Speaker and Members of the House: I happen to come from a county where we have a Democratic sheriff and a great number of the deputies are friends of mine. I do not agree with the gentleman from Lewiston, Mr. Malenfant, where he seems to term everything in dollars and cents. There is a certain amount of obligation which we have to public servants regardless of whether they are elected as Republicans or Democrats or even if they are Socialists. We still have to accept them if the

people have voted them so. So I feel this way, that in this case here, you have brought up the point of dependent children. We do not want any public official—and I know, you have seen a bill that I have got in the City of Saco that just went through where by some political maneuvering in the past Legislature the bill was made out whereby our Chief of Police, the Chief of the Fire Department were the only two men at the mercy of the Board of Aldermen and the Mayor. The rest of the men had a permanent job for life. And in this one I am trying to rectify that. I feel that these sheriffs and deputy sheriffs in the performance of their duty, if they are killed, they are entitled to have every consideration that this Legislature can give them and I hope that the motion of the gentleman from Lewiston, Mr. Malenfant, does not prevail.

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

Mr. MARTIN: Madam Speaker and Members of the House: I have previously almost always supported the gentleman from Lewiston, Mr. Malenfant, because I felt that he was a sincere representative of the people. Also because he is a member of my party and also because, like myself, he is somewhat handicapped by the use of the English language. But when he comes out and opposes a bill which proposes to right the desserts of orphans and widows then I have to oppose him.

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

The Chair recognizes the gentleman from Bremen, Mr. Hilton.

Mr. HILTON: Madam Speaker, as a member of the committee that reported this bill out, I can see no harm in it even for the smaller counties. It is very rarely that a deputy sheriff or a sheriff gets killed in the line of duty and the counties can, if they so desire, take out insurance to protect themselves against it. I hope that the motion of the gentleman from Lewiston, Mr. Malenfant, does not prevail.

The SPEAKER pro tem: The Chair recognizes the gentleman from Mount Vernon, Mr. Wadleigh.

Mr. WADLEIGH: Madam Speaker and Members of the House: As a

member of the Towns and Counties Committee we voted favorably on this bill and I want to go along in favor of the bill.

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

Mr. BROWNE: Madam Speaker, it would seem that the House has made up its mind and therefore I would like to move the previous question.

The SPEAKER pro tem: The gentleman from Bangor, Mr. Browne, 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 Lewiston, Mr. Malenfant, that Bill "An Act relating to Pensions for Dependents of Sheriffs and Deputy Sheriffs," Senate Paper 471, Legislative Document 1314, be indefinitely postponed in non-concurrence.

The gentleman from Bath, Mr. Couture, has requested a division.

All of those in favor of the motion of the gentleman from Lewiston, Mr. Malenfant, for indefinite postponement will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Two having voted in the affirmative and one hundred and nine having voted in the negative, the motion did not prevail.

Thereupon the Bill was given its third reading, passed to be engrossed as amended by Committee



Amendment "A" and sent to the Senate.

Bill "An Act to Correct Errors and Inconsistencies in the Public Laws" (S. P. 481) (L. D. 1350)

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

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

At this point, Speaker Trafton returned to the rostrum.

Thereupon, the Sergeant-at Arms conducted the gentlewoman from Presque Isle, Mrs. Christie, to her seat on the floor, amid the applause of the House and Speaker Trafton resumed the Chair.

The SPEAKER: The Chair wishes to thank the gentlewoman from Presque Isle, Mrs. Christie, and hopes that she will be able to do it again this session.

#### Passed to be Enacted

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

An Act Creating a Sewer System for Town of Winthrop (H. P. 155) (L. D. 155)

An Act relating to the Printing of the Blood Type of the Operator on the Operator's License (H. P. 403) (L. D. 420)

An Act relating to Salary of the Recorder of Waldo County Municipal Court (H. P. 632) (L. D. 672)

An Act relating to Sales of Milk by Producers to Dealers by Bulk Tank (H. P. 862) (L. D. 974)

An Act relating to Protected Birds (H. P. 898) (L. D. 1006)

An Act relating to Political Causes (H. P. 1146) (L. D. 1361)

An Act Increasing Salaries of Members of Board of Registration of Voters of City of Bath (H. P. 1198) (L. D. 1467)

An Act relating to the Duties and Authority of the Commissioner of Finance and Administration (H. P. 1218) (L. D. 1494)

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 and Assigned

An Act relating to Deception as to Retail Prices of Motor Fuel (H. P. 1219) (L. D. 1495)

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

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

Mr. BIBBER: Mr. Speaker, I would like to table Item 11, An Act relating to Deception as to Retail Prices of Motor Fuel, and definitely assign it for tomorrow for the purpose of an amendment.

The SPEAKER: The gentleman from Kennebunkport, Mr. Bibber, 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.

An Act relating to Splash Guards for Motor Vehicles (H. P. 1224) (L. D. 1498)

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

#### Orders of the Day

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

Mr. SANFORD: Mr. Speaker, I would like to ask if L. D. 700 is in possession of the House.

The SPEAKER: The Chair will state that it is.

Mr. SANFORD: Mr. Speaker, I move that we reconsider our action of yesterday whereby we indefinitely postponed this L. D. 700.

The SPEAKER: The gentleman from Dover-Foxcroft, Mr. Sanford, moves that the House reconsider its action of yesterday whereby it indefinitely postponed An Act relating to Directors of Corporations, Senate Paper 269, Legislative Document 700.

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

Mr. HAUGHN: Mr. Speaker, am I in order at this time to speak on this reconsideration?

The SPEAKER: The Chair would state debate is in order.

Mr. HAUGHN: Mr. Speaker and Members of the House: It appears to me that this amendment which I have on my desk here is really ridiculous. It seems as though we put through quite a majority vote on this particular bill yesterday and this is worse than what we defeated. So I hope at this time that reconsideration will not prevail.

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

Mr. ANDERSON: Mr. Speaker, I would just like to disagree with my good colleague, the gentleman from Piscataquis County, Mr. Sanford, but I can not for the life of me see any purpose gained in this amendment. I am sorry but I cannot agree with him. I hope that we do not reconsider our action of yesterday.

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

Mr. FULLER: Mr. Speaker, we killed this bill yesterday and I think that it ought to remain dead and I can see no reason for reconsideration.

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

Mr. CHILDS: Mr. Speaker, I would like to ask through the Chair of the gentleman from Dover-Foxcroft, Mr. Sanford, if he proposes to have this amendment adopted if it is reconsidered and what the amendment means.

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

Mr. SANFORD: Mr. Speaker, I have not read it over too carefully but it is right before the whole of you and I am quite sure that some of you probably understand it better than I do. Why don't we vote on the thing, anyway? (Laughter)

The SPEAKER: The question before the House is on the motion of the gentleman from Dover-Foxcroft, Mr. Sanford, that the House recon-

sider its action of yesterday whereby it indefinitely postponed An Act relating to Directors of Corporations, Senate Paper 269, Legislative Document 700. Is this the pleasure of the House?

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

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

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

The SPEAKER: As many as are in favor of the motion of the gentleman from Dover-Foxcroft, that the House reconsider its action whereby An Act relating to Directors of Corporations was indefinitely postponed will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Eight having voted in the affirmative and seventy-one having voted in the negative, the motion did not prevail.

The SPEAKER: Under Orders of the Day, the Chair lays before the House the first tabled and today assigned matter, Resolve Granting Master Plumber's License to Ernest L. Douglass of Bangor, House Paper 925, Legislative Document 1033, tabled on May 4 by the gentleman from North Haven, Mr. Baird, pending second reading and the Chair recognizes that gentleman.

Thereupon, that gentleman offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 925, L. D. 1033, Resolve Granting Master Plumber's License to Ernest L. Douglass of Bangor.

Amend said Resolve in the last line by striking out the figure "\$15" and inserting in place thereof the figure "\$20"

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

Mr. BAIRD: Mr. Speaker and Members of the House: Actually, I am opposed to granting a license to this gentleman in this way because I feel that there are a lot of older plumbers that probably come under this same category and where-

as I was not here Tuesday for the debate and so forth, I am not going to do any more about it but I do feel that Mr. Douglass should pay as much for his license as I did for mine and that is my purpose in presenting this amendment. Thank you.

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

The SPEAKER: The Chair lays before the House the second tabled and today assigned matter, Resolve to Simplify the Open Water Fishing Laws by Counties, House Paper 1220, Legislative Document 1499, tabled on May 4 by the gentleman from North Haven, Mr. Baird, pending second reading and the Chair recognizes that gentleman.

Thereupon, that gentleman offered House Amendment "H" and moved its adoption.

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

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

Amend said Resolve under the caption "Knox County" by striking out the figure "10" in the first line of the 2nd paragraph and inserting in place thereof the figure '15'

House Amendment "H" was then adopted.

Mr. Finemore of Bridgewater offered House Amendment "A" and moved its adoption.

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

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

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

Thereupon, House Amendment "A" was adopted.

Mr. Sanborn of Baldwin then offered House Amendment "G" and moved its adoption.

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

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

Amend said Resolve, under the caption **Cumberland 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 "G" was adopted.

Mr. Fuller of China offered House Amendment "I" and moved its adoption.

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

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

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

House Amendment "I" was then adopted.

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

Mr. WADE: Mr. Speaker, I note the absence of the gentleman from Lewiston, Mr. Dumais, who had submitted House Amendment "J" and if I may, on his behalf, I will offer it and move its adoption.

The SPEAKER: The Chair would state that it might be better if the gentleman tabled this matter until tomorrow.

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

The SPEAKER: The gentleman from Auburn, Mr. Wade, moves that the Resolve with accompanying papers lie on the table pending second reading and be specially assigned for tomorrow, Friday, May 6. Is this the pleasure of the House?

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

The SPEAKER: The Chair lays before the House the third tabled and today assigned matter, Resolve to Simplify the Ice Fishing Laws by Counties, House Paper 1221, Legislative Document 1500, tabled on May 4 by the gentleman from North Haven, Mr. Baird, pending second

reading and the Chair recognizes that gentleman.

Thereupon, that gentleman offered House Amendment "G" and moved its adoption.

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

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

Amend said Resolve under the caption "Knox 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 "G" was then adopted.

Mr. Fuller of China offered House Amendment "H" and moved its adoption.

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

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

Amend said Resolve under the caption "Kennebec 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 "H" was adopted.

Mr. Finemore of Bridgewater then offered House Amendment "A" and moved its adoption.

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

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

Amend said Resolve, under the caption AROOSTOOK 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 "A" was then adopted.

Mr. Dumais of Lewiston offered House Amendment "I" and moved its adoption.

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

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

Amend said Resolve under the caption "Androscoggin 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 "I" was then adopted.

Mr. Sanborn of Baldwin offered House Amendment "E" and moved its adoption.

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

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

Amend said Resolve, under the caption Cumberland 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 "E" was adopted.

Thereupon, on motion of Mr. Wade of Auburn, the Resolve with accompanying papers was tabled pending second reading and specially assigned for tomorrow, Friday, May 6.

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

(Conference at Rostrum)

The SPEAKER: Continuing under Orders of the Day.

On motion of the gentleman from Caribou, Mr. Briggs, the House voted to take from the table the forty-fifth tabled and unassigned matter, House Report, "Ought not to pass" of the Committee on Natural Resources on Bill "An Act Providing for Clean Waters in Maine," House Paper 1153, Legislative Document 1372, tabled on April 29, by that gentleman, pending acceptance.

Thereupon, the same gentleman moved that the Bill be substituted for the "Ought not to pass" Report of the Committee.

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

Mr. BRIGGS: Mr. Speaker and Ladies and Gentlemen of the House: It is my impression that many of you folks who might otherwise favor some positive and forthright legislation which would start now to abate the very bad water pollution

problem in our state, many have been hesitant to endorse the Clean Waters Act because of your concern over the new and extensive authority granted under this act, to the present Water Improvement Commission. Hopeful that I may relieve your concern, I have prepared an amendment which declares the intent of this legislature, and which I would offer as House Amendment "A" in the event my motion to substitute the bill for the report is accepted.

I will read that amendment:

"It is the intent of the legislature that the chapter provide a means for gradual, progressive abatement of the pollution problem and that the Water Improvement Commission exercise with moderation the authority and discretion invested in it to the end that no person or municipality suffer grave or irreparable damage."

It occurs to me that three courses of action are available to us at this time.

1. We can accept a good, proven, and forthright law which will start now to get the job done in an honest and objective manner.

2. We can accept a halfway measure which will only slightly strengthen the present dawdling classification type law.

3. We can accept the time-worn impose of a legislative study upon a subject which has just recently been studied to an extent unlikely to be achieved by an interim study committee.

The first course of action is most appealing to me, and I feel that it is to many of you folks as well. Public interest in the Clean Water Act was, I believe amply demonstrated at the public hearings on this question when several hundred persons traveled at their own expense from every corner of our state to observe the proceedings and to give testimony.

It is a little bit ironical in the light of this, to note that the bill which received such overwhelming public support now receives the unanimous Ought Not to Pass stamp of the committee, while one testified for by a public utility official, and two lobbyists, received a unanimous Ought to Pass report from the same committee.

It was a pleasure for me to appear before this Committee on Natural Resources briefly in executive session to answer some of their questions, and also later to talk with some of the members of the committee privately. My impression from this is that various of the members are admittedly completely confused on the subject after listening to so much conflicting testimony. They say that this thing is more complex than a fisherman's gear. Like reels, for example, there is the click reel, the multiplying reel, the Kentucky reel, and the Virginia reel, but the most complicated reel I ever saw was the one had by one of the honorable legislators returning home from the Governor's ball at 4:00 a.m. in the morning!

Many of my friends and I have been conscious of and concerned with the creeping paralysis of water pollution for seventeen years. In this time we have watched many beautiful God given water deteriorate from their natural beauty to a degree of filth that a self-respecting rat would scarcely tolerate.

Our observations and studies throughout this period have led us to believe that this condition was more often than not produced by a selfish few and could have, in all cases, been at least partially prevented were it not for the loopholes and frailties of existing laws.

It is our further conclusion that a well healed legal staff can beat the rap under the present setup, and so far they have been more than just a little successful in keeping our waters dirty. These green vested gents in the Hickey Freeman suits are really good. They have to be to convince everyone that they are all for cleaning up the rivers, while at the same time opposing every instrument which is presented to accomplish this very feat. God himself, in all His infinite wisdom and circumspection, could not design a pollution abatement bill which they would approve. I will be the last one to say that these fellows do not deserve every thousand that they get to help keep our state dirty for another generation.

As long as the industries and the municipalities continue to face this problem with legal talent instead of

with engineering talent, progress in pollution abatement will be slow. It will also remain slow so far as industries are concerned as long as they continue to devote their efforts primarily toward how much they can profit from their waste treatment, rather than primarily how much they can do to keep their wastes out of the public's waters.

Much of the testimony of the opponents to the Clean Waters Act was grossly exaggerated. Rather extensive studies have failed to reveal any state which has accomplished much in the way of water conservation before a ground swell of public sentiment caused a good, forceful law to be put on its statute books. I invite the opposition to furnish proof to the contrary! We have not yet found any state with a good, forthright law which has caused any interference whatsoever with the good, orderly progress of its industries, and, moreover, any which has been caused to close or to move away. I invite the opposition to furnish proof to the contrary! In the many states, and thousands of towns and cities which have been required by the laws of their state to construct sewage treatment works, we have been able to find none upon which has been placed an unrealistic, or impossible financial burden. I invite the opposition to furnish proof to the contrary!

Industry and the municipalities who have taken the trouble to obtain the facts know these things, of course. They know too, that we do not expect any miracles of accomplishment from them under the Clean Waters Act. They know too, however, that when this law is enacted, and the Water Improvement Commission establishes that it is feasible for them to do so, they will have to spend some of their profits to abate their nuisance on order of this Commission. Of course, they will still have recourse of appeal to the courts in the event they feel action by the Commission to be unfair. Perhaps they feel that it would be more difficult to impress the courts with their tales of woe, than it is to impress some of their political friends.

I would like to read into the record, for the benefit of many of you who may not have read it, an edi-

torial from the Lewiston Sun written by an honest and courageous gentleman, with thirty years experience in this field.

This is from **The Lewiston Sun**, Saturday, April 16, 1955, entitled "Pollution is Important" and I quote:

"The fact that the legislative Natural Resources Committee at Augusta set a record this week in two days of hearings on a number of anti-pollution bills testifies to the importance of the subject.

"Among its many attractions Maine has, without doubt, some of the dirtiest rivers in the country. It has by far the most polluted rivers in New England. The waste matter carried by the Androscoggin and Kennebec rivers, to select only these two, is equal to that discharged by a population of millions of people. All of which points up to the fact that most of the pollution is not due to what we commonly call sewage, but industrial wastes from the State's big paper and pulp mills.

"So there is no question that a serious problem exists, that its solution does not require the construction of expensive municipal sewage-treatment plants, and that the remedy lies in abatement on the part of industries dumping waste matter into streams and rivers.

"Here, to advance a step, we get to the conflicting philosophies represented at the hearing. We have, on the one side, many groups and organizations of sincere, dedicated people, like the fish and game associations, who insist that pollution is a nuisance, and furthermore an economic handicap, that should be and can be stopped.

"On the other hand, we have industrialists, utility representatives, and municipal spokesmen who, while they admit our rivers are badly polluted, look upon this as a necessary evil. It is their tacit contention that the rivers were put there as a handy facility in carrying off industrial and other waste. And they propose to do nothing about it except study a subject that has already been studied to death.

"The economic interests involved go much farther, moreover, than their claim of a vested right in us-

ing Maine's rivers as industrial sewers. They say that if the rivers are cleaned up the State would be unattractive to new industry, that existing industries would not expand, that business here will stagnate, that the clean-up will cost "hundreds of millions", and to quote the most extreme spokesman, that anti - pollution enforcement 'would spell. . . the disintegration and eventual death of most existing industries'.

"That is pure poppycock, and the industry spokesmen know it. Other States have cleaned up their rivers, and profited by it. And what others have done, Maine can do. Here is a subject upon which the Legislature should vote with courage and foresight, unless it wishes Maine to retain its disgraceful reputation as a wholesale polluter of rivers and streams."

Now, ladies and gentlemen, it has come to my attention that retaliation against the courageous editorial effort of this gentleman was instantaneous and vindictive from one of the principal opponents of the Clean Waters Act. This, I assure you, is just another of many similar instances which is testimony of the way in which the vested interests seek to keep the situation under their complete control. I would like to quote from a booklet entitled "Shame of our Streams", distributed by the West Virginia State Water Commission and first published in a series of articles in the Charleston Virginia Gazette. Their classification troubles were similar to those with which we are burdened under our present law. Under a paragraph entitled "Polluted Streams of State Aptly Named 'Running Sores'" I quote:

"Other nearby streams are dead or dying from pollution and are rated class C by the West Virginia Water Commission. These include sections of Elk, Coal, Gauley and nearly all of Pocatalico River.

"The commission describes class C streams thus:

" 'Unsatisfactory source of water supply; unsuitable as fish habitat and recreational water. Toxic substances, oil or tars present at any time; free mineral acidity present frequently; taste and odor-producing substance present frequently.'

"And West Virginia's putrid class C rivers will remain that way until the citizens of this state become tired of living in their own filth, and until the Water Commission has unchallenged authority to compel municipalities, coal operators and industries to treat their wastes."

I would like to read from the Maine Statutes a typically evasive section of our present law.

In Section 14 deposit of potatoes into streams and so forth, in duty of Water Improvement Commission: "no person, firm, corporation or federal agency shall deposit or cause to be deposited potatoes or any part or parts thereof except the potato pulp resulting from the manufacture of potato starch into any stream, pond, lake or other body or water course or on the ice" . . . and so on and so on. In other words they can not dump anything in there, no one can put any potatoes or any parts thereof but the industry grinding up the potatoes can, not only does it not say they cannot put it in, it specifically says they can.

I would like to quote from a paper published by the National Federation of Sewage Works Associations entitled, "It Takes Money To Do the Job, But It's Worth It."

"The investment of a municipality in its sewage collection and treatment system may be anywhere from about \$30 to \$150 per capita. Of this, the sewage collection system accounts for the major part, since sewage treatment plant costs are generally in the range of about \$3 to \$25 per capita. To the fixed charges represented by this investment must be added the cost of operating and maintaining the facilities so that they will continuously give the service for which they are designed. Such operating charges will amount to about 30 cents to \$1.50 per capita per year, depending again upon the type of treatment plant that is required and upon other local conditions.

"We are concerned here only with the cost of sewage treatment service (not sewage collection), and it will be best for our purpose to capitalize the fixed and operating charges on an annual basis. If this is done for a typical one-family residence, the total cost for sewage

treatment service is found to vary in the range of \$3 to \$15 per year.

"Suppose we settle upon a figure of 75 cents per month, or \$9.00 per year, as a representative price tag for the average American family. I am confident that this amount is sufficiently high to cover sewage treatment costs in at least 90 per cent of our cities and towns that now provide sewage treatment. So much for this aspect of that part of the stream pollution problem for which municipal sewage is responsible."

They discuss the costs of treating industrial wastes and the paragraph on that is an example, it says: "An Illinois distillery, for instance, spent a million dollars for a plant to recover cattle feed and other products from wastes that previously had been discharged to the river. When the installation paid for itself in 18 months it became evident that the elimination of this source of pollution not only cost nothing, but also that it brought additional profit to the industry."

There is a great deal more but time forbids the use of it.

I would like to quote from the Sport Fishing Institute Bulletin. This is a little publication done on a very high level, beautifully, and sent out gratis by all of the tackle manufacturers combined who have organized. They felt that they have been having a lot of the cake and that they might just as well try to pay for some of it so they have employed this very able gentleman to direct the Sport Fishing Institute which spends a lot of its time disseminating information to all parts of the world, United States and Canada particularly. In the May 1955 issue of the Sport Fishing Institute Bulletin the lead title is entitled pollution. From the first paragraph and I quote: "Another big fishing season is on hand. Chances are you are planning a trip to some angling water. Before going, be sure to check on whether or not the waters to be visited are polluted. You can get the dope from the U. S. Public Health Service or from local State Health Departments. If there is pollution, go elsewhere. But, be sure to let folks know why you decided to do so. If

the waters are polluted, you will probably find poor accommodations, poor meals, and unprogressive local folks. People who tolerate pollution aren't inclined to be progressive."

A little further down it speaks about the Federal Government Bills which are attempting to contribute something to the National Pollution Control picture.

"Some of the bills' enemies", I am quoting, "want the Federal Government (and State governments, too) out of the pollution business. They are hiding behind the states rights' theme and similar dodges but the bare facts show that under the 1948 Act the program has been one of State-Federal cooperation in all phases. The truth of the matter is that it costs money to treat those foul wastes which ruin fishing, prohibit swimming, and turn our waterways into stinking sewers. It has been proved that waste treatment is good business in the long run. It makes sure that those precious health-giving water supplies safely reach the people who drink them. Many industries and municipalities have learned this and are doing something about it. But there are always diehards. In this instance, if the 'Do-nothings' win, you will lose."

You may well ask, what will we get for the money expended on pollution abatement. The answer is, a very great deal. I am afraid this aspect is more often than not completely ignored.

1. Most important perhaps will be the protection of public health by the elimination of disease hazards associated with the normal uses of water. The reduction of rat and fly populations.

2. Money would be saved in municipal water purification, besides reducing the constant menace thereto.

3. Similar savings would result in industrial water treatment plants.

4. New industry would be more interested in a location near our population centers where an abundant supply of clean water was available for their processing.

5. Restoration of land and real estate values would be enormous in our towns and cities and along our river valleys.

6. Return of this state's vast and valuable shell fish industry would



furnish employment to many persons.

7. Commercial fishing could again regain part of its long lost eminence in this state.

8. Restoration of the Atlantic Salmon and other sport fishing can be depended upon to bring vast amounts of new money into our state.

9. Boating, picnicking, camping, and swimming and other pleasant uses by our own people and by a great and expanding recreational trade will furnish many tangible benefits.

10. Many other tangible and intangible aesthetic benefits are almost too numerous to mention.

There is another way to view this situation—one that is something of a reflection on the integrity of our society. It seems to me that the damage we have wrought upon the natural waters of our state stands as a debt against nature, for which we are obligated both legally and morally. We have a right to the sane and intelligent use of our streams, forests, mineral deposits and other natural resources, but when we misuse these things we incur an unavoidable and incontestable debt. For stream pollution we pay high interest in the form of hazards to health, economic damages, sacrifice of natural beauty and recreational enjoyment, and in moral satisfaction. This debt can be discharged now at modest cost. The longer it remains unpaid, the higher mounts the rate of interest.

My candid opinion results in the position that the new draft of "An Act Amending Laws on Water Pollution Control" contains little more than a pious restatement of present procedures and will not accomplish our hopeful missions in our day.

With every ounce of influence at my command, I hope that I may convince you as I stand here humble before your judgment, that the Act to Make Maine Waters Clean will produce nothing other than that which will be of just a and lasting benefit to all the people of our great State. I have no selfish personal motives whatsoever—I have only Maine in my heart.

In closing I hope it would be timely for me to add: "Old Soldiers

never die, they just fade away" and Old Rivers never die either, they just smell that way. Thank you very much. (Applause)

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Stanley.

Mr. STANLEY: Mr. Speaker and Members of the House: I wish to go along with the gentleman from Caribou, Mr. Briggs, and substitute the bill for the Committee's report. In doing so, I am mindful of the very fine industries that we have in this State, particularly located on our rivers, and I am particularly interested in the Penobscot River. We have some of the finest industries in the Country. The products that go from those industries are nationally known and probably many of them internationally known.

There are many towns and cities that are wholly and entirely dependent upon those industries for their income and employment of their citizens. There are the salaries of practically everybody in some of the communities which come directly or indirectly from those great industries that we have.

I am also mindful of the tremendous amount of good that they do otherwise other than in a financial way. They help to build some of the finest schools that we have in our County. Also the gymnasiums, athletic fields and swimming pools. They contribute greatly toward many of our charities. Many of the great things they do probably are unknown or unadvertised. But what about our rivers that the rest of the people in communities who do not have these industries may enjoy. Are we to leave them as open sewers for the discharging of waste, or are we going to start doing something towards cleaning them up. It seems ridiculous to me living on one of the most beautiful rivers in our Country and a river flowing the full length of our town, that we have to take our children at least twenty-five miles away before they can enjoy swimming. That is for the few who can afford to take them away. The other poorer youngsters will go bathing in the very dirty river which is not good for their health. If you want to see an example of that you should be on the Brewer Bridge almost any

warm day and note the number of people who are hitch-hiking to Green Lake so that they may swim.

I think some time ago, maybe a long time ago I read somewhere and I think it was in one of Shakespeare's books a statement that: "The old order changes, making room for the new" and I think it is time here now that the old order change and that we do make room for the new. We are very fortunate in the State of Maine to have a man of the caliber of our gentleman from Caribou, Mr. Briggs, who has devoted his life to the study of conservation and helping with clean waters. I think that we should go along with him on the substituting of this bill for the report.

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

Mr. ROUNDY: Mr. Speaker, it has been a good deal of a question in my mind whether I should keep silent or not at this time. I am not inclined to advertise dramatic experiences, but as I have sat here listening to the gentleman from Caribou, Mr. Briggs, it is my conclusion that I must say a few words that are to me a valid explanation of a very difficult experience in my own life.

In the beginning of the year 1929, I had living two splendid sons. Before the year of 1929 was over, I had only one, for during the month of September my chief duty was to sit by the bedside of the younger of these two sons as he fought a sturdy battle for his life and while I cannot offer actual proof, it has been my sincere belief and this has been also others that have been intimately concerned in the event, that the cause of his death was from an infection that came from swimming in polluted waters in the Connecticut Valley. I certainly am real anxious, I have been ever since the beginning of this session, to see to it that we took some positive, real steps in the way of starting out to solve this great problem. There are some things that are more precious than the money involved, and in my judgment this is one of them.

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

Mr. MCGLAUFFLIN: Mr. Speaker and Members of the House: I do not claim to be any authority on pollution, but I think that the remarks that we have just heard from the gentleman from Caribou, Mr. Briggs, are splendid, and I do not like the idea of this Legislature passing without doing anything, and with the amendment that he proposed, it seems to me that it is perfectly reasonable. I think myself that the industries at least many of them want pollution removed. It should not be so difficult as to put them out of business. Therefore, I think that it has got to be done gradually using common sense as they go along, but the amendment that the gentleman from Caribou, Mr. Briggs, proposes to put in here if the bill is substituted for the report looks to me to be entirely reasonable, and I certainly feel that this Legislature should take some step to do something at this time.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I know, without a doubt, that something has got to be done for pollution. I was showing some pictures around through the House today of fish that were killed over one week end within seven or eight miles from my home and there were thousands of them killed, and the State Geologist proved they were killed by starch. Up in our County we are bothered more or less when we have a dry year, and two years ago this summer it was so dry that the St. John River and the Aroostook River only ran two days a week, and that makes it pretty hard on us in those communities.

I do not believe that we should push them too fast to reach a goal of pollution, probably in the near future of two years, but I do believe that we should take a step forward at this time, and I believe with this amendment presented by the gentleman from Caribou, Mr. Briggs, and in agreement with the statements made by the gentleman from Portland, Mr. McGlaufflin, I

hope that the motion to substitute the bill for the report prevails.

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

Mr. WINCHENPAW: Mr. Speaker and Members of the House: I could not help thinking as I sat here a few minutes ago when we were working on a resolve to simplify ice fishing by counties and a resolve to simplify open water fishing by counties, and the amendment said strike out the word ten and put in fifteen, and strike out the word ten and put in fifteen. I think it is time we provided some place for those fish to go before we can catch them, so I am very much in favor of the motion made by the gentleman from Caribou, Mr. Briggs.

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: I hate to oppose all these other speakers and I hate to oppose this bill that if it were possible to accomplish what its proponents claim might make the waters in Maine run clear. I also do not like to be placed in the position of being a champion of pollution which I do not think I am. However, I feel it my duty to point out certain aspects of this bill to you members. Now we of the Natural Resources Committee have put in a lot of time and effort into investigating pollution. We also investigated the effect of the clean waters bill on industry and municipalities, and through industry, its effect on the jobs of every man and woman who work along the rivers of Maine. Now industry uses tremendous amounts of water. For example, it takes 320,000 gallons of water to make one ton of synthetic rubber. It takes 65,000 gallons of water to make one ton of steel, and it takes about 25,000 gallons of water to make a ton of paper. All of this water is not necessarily polluted.

Now in Maine we have two major sources of pollution, they are municipal sewage and pulp mill liquor. Municipal sewage perhaps could be abated if the towns and cities had money to erect disposal

plants. Most towns do not have money to erect disposal plants for their money has to go for roads and schools, and the State has no money to put in to help them. It has been said that the pulp companies are standing still, and this in my opinion is not so. They are doing a tremendous amount of research, perhaps not for the sake of Maine or for the sake of clean waters, but for their own survival. Engineers at present know of no economic way to dispose of sulphide liquor. For instance on the Androscoggin, the Brown Company are using some of their waste in a product called "Perforol" which has a limited demand. They also spent three or four hundred thousand dollars in experimenting on lagoons, which may help, but are not a cure. On the Penobscot the Great Northern has developed another angle. This company is now in the process of completing an expansion program at an expenditure of fifty-three million dollars. When in full operation as a result of the expansion, the company will be obliged to add approximately four hundred men to its payrolls at the Millinocket and East Millinocket mills. In addition, the expanded woods operations necessary to supply the additional raw materials will require the employment of approximately fifteen hundred more employees in those departments. Consequently, in addition to the substantial boost already given the economy of the State of Maine by this expenditure of fifty-three million dollars, including over \$600,000 as sales tax to the State, it will result in adding approximately nineteen hundred men to the payroll of this company. This large expenditure and the creation of all these new jobs has been brought about by the development by that company of a new chemi-ground wood process which has reduced the volume of waste liquor to be sewered at the rate of fifty to one; the amount sewered being approximately fifty gallons per ton as against twenty-five hundred gallons per ton on the sulphite process.

I would like to read you some notes I copied from a book which is in the Library called the University of Pennsylvania Law Review. Now this bill we have before us is

the Pennsylvania bill which this article is talking about. This article was a summary of this pollution law to date. It says: "On May 3, 1854 a special committee from the City of Philadelphia reported that the water of the Schuylkill River was of such extraordinary quality that filtration was unnecessary. Now by 1937 this same water was unusable due to coal acid waste and the Pennsylvania Pollution Law was passed. In this river there was little municipal sewage. In September 1951 the upper reaches of the Schuylkill were running clear once more, but the cost to the State of Pennsylvania was \$35,000,000 and the lower half of the Schuylkill is awaiting help from the United States Engineers for completion. Further progress depends on enforcement, public opinion and financial aid. In Pennsylvania pulp mill waste is a comparatively minor source of pollution, and this State gives grants in aid up to fifty per cent of the cost of municipal disposal plants."

In summary, it said the Pennsylvania clean waters program has received national attention in respect to reclamation of certain water courses. Pollution, however, is not an evil which can be ended overnight. There are conflicting economic interests, excessive financial burdens and unsolved engineering problems. The task of the Water Improvement Commission must be to advance such a program by determining which interests have valid claims and by calling for Legislative and Judicial aid where needed.

Now when the Indians possessed Maine they had beautiful forests, they had numberless game and fish and they had unpolluted waters. A few hundred of them got a precarious living off these natural resources and lived in squalor beside the clean river. Things have changed since then and I submit to you that the people of Maine are much better off than the Indians. Those of you at the hearing heard it said that the Penobscot was the fourth most polluted river in New England, and yet the City of Bangor takes its drinking water from the river, and the Fish and Game

Department have a Salmon Restoration Program, dams, not pollution being the limiting factor. The Androscoggin is said to be the most polluted river in New England. Yet although it smells bad at times, not a single death along the river can be directly attributed to pollution. I ask you: Can that be so bad? The Natural Resources Committee listened twelve and a half hours to so-called facts from both sides, and we came out with a unanimous "Ought not to pass" report. Now personally I have served on the Natural Resources Committee since it started out three sessions ago. I read and studied pollution until I was black in the face. I think clean waters have come a long way since the days of the old Sanitary Water Board. I have faith in the classification of waters and I would hate to see all we have accomplished thrown out of the window. I do not believe that the State of Maine is ready for this bill. I now move the indefinite postponement of the bill and the amendment and I would ask when the vote comes it be a roll call vote. Thank you.

The SPEAKER: The gentleman from Hodgdon, Mr. Williams, moves that the Report and Bill "An Act Providing for Clean Waters in Maine", House Paper 1153, Legislative Document 1372, be indefinitely postponed.

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

Mr. TOTMAN: Mr. Speaker and Members of the House: I personally am in sympathy with the sentiments of the gentleman from Caribou, Mr. Briggs. I had not planned to speak on the bill, but now that we have got the City of Bangor's water in here someone has got to say something. That is one of the longest-standing jokes in Penobscot County, and you probably all know I presume that we have had more water districts voted down in Bangor than a cat has nine lives. The City of Bangor, and I am not speaking with any great pride today, I am speaking with somewhat shame and humbleness, does take its drinking water so-called from the Penobscot River above the first dam in the Penobscot River at Bangor. To that

water is added enough chemicals, and I speak with personal knowledge, that it has gotten to the point where the spring water companies of Bangor are doing a land office business. That is statistically true. And I think it is very significant that while some of the municipalities of Maine opposed the bill before us because it would cost so much for sewage disposal systems, somewhere, somehow, someone forgot to point out that a city such as Bangor would be money ahead to back pollution and spend fifty per cent in cleaning up their source of supply, namely the Penobscot River, than to spend one hundred per cent and have to go to some lake or some pond ten or twenty miles away. Now I sincerely believe that there are more angles, long range angles and benefit to be had from rivers as sources of drinking water than perhaps some of you realize. Are we all blind to the fact that the State of New York has had terrific droughts and other eastern Atlantic states have had terrific droughts the past few summers and had to curtail the use of city water? Those cities who call upon rivers for drinking water have not had those droughts, and perhaps it would be cheaper in the long run to clean up our rivers and look to them for drinking water and city water than to call upon lakes and ponds whose water table when it falls too low must be cut off as a source of drinking water. I regret that the gentleman had to refer to Bangor's source of drinking water. It is not a source of pride, and I think perhaps if the bill of the gentleman from Caribou, Mr. Briggs, did pass, we might be more proud of our source of supply of drinking water in Bangor.

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

Mr. VALLEY: Mr. Speaker and Members of the House: I am not for pollution, but let us face this problem realistically.

I am definitely opposed to L. D. number 1372, the Briggs bill, and very briefly will tell you why. You are all aware of the catastrophe we sustained in Sanford recently. Our one and only real industry, employing 4,000 men and women

ceased operations and we became, over night, a town of some 15,000 people with no jobs and no payroll. If you have any imagination at all, you can easily visualize the economic implications of this loss to the community of Sanford. We have been somewhat discouraged, but we are not licked. We are making every effort to rehabilitate ourselves, and to induce new industries to come to Sanford and utilize the manufacturing facilities we have and our available labor market. And that brings me to the Briggs bill. Please, I beg you, do not raise any more obstacles for us to hurdle. We have enough of them facing us now.

I have been very interested to read the Briggs bill, which is somewhat long and complicated. Unless you have read it carefully and deliberated over its many provisions, you have no conception of its many implications. I will not take the time to discuss them all.

There is one point, however, I should like to emphasize. A reading of the document leaves me with one outstanding conclusion: The Briggs bill places fish and aquatic life and recreation way above the economic welfare of our people. Industrial development and expansion, jobs and payrolls must yield, under this bill, to fish life and recreation. This approach is made clear by a reading of the definitions in Section 2, especially the definitions of "Industrial waste", and "Pollution"; by a reading of the public policy statement in Section 3; and by a reading of the provisions of Sections 17 and 18.

Ladies and Gentlemen, let us be serious, this really is a fish and recreation bill. There is no question about that.

At this point, it seems wise to remind the members of this House the importance of industry to the economy of our State. Income from agriculture amounts to \$212,000,000 annually — from the tourist trade \$195,000,000 annually, the industrial payroll to men and women of this State amounts to \$340,000,000 annually.

Down my way, right now, the people unfortunately, have plenty of time for fishing and recreation but

they are not very happy. They do not feel very secure. Their homes and their stores are not worth too much on the market. I think I am accurately reflecting the sentiment of the large majority of the people of Sanford when I say to you if we could find one or more industries which would come to Sanford and put our people back to work we would welcome them with open arms even though they had to discharge industrial waste into the waters in order to operate.

I hope your action on this bill will be such as not to further discourage us; as not to make our cross heavier; as not to make our task more difficult. Those of us who attended the hearing heard the representative of the St. Regis Paper Company tell of the expansion plans of that company in Bucksport. He also pointed out that if the company was discouraged by legislation of this type, they would expand elsewhere, and I believe he said it was Florida. This brings to us again in New England the old southern competition, and this is made more indelible in my mind by an article which I read in last week's *Time Magazine*, entitled "Political Scents." "In Brewton, Alabama, the Brewton Standard polled its readers to find out whether they favored the proposed construction of a local paper mill, and announced that 3,936 had voted to smell; only 11 not to smell."

In conclusion I believe there is only one thing to do with L. D. 1372, that is, to kill it quickly and with as little pain as possible.

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

Mr. HANSON: Mr. Speaker and Members of the House: If you will pardon me for being a little hoarse, but I feel duty bound to rise in opposition to this bill. We are now discussing a subject which, in my opinion, deserves our most careful and considerate attention.

At the outset, I am impressed by the fact that our Committee on Natural Resources has reported unanimously "Ought not to pass" on this document. That action was taken after two days of hearings on all of the pollution bills—said to be the

longest hearing in the history of this legislature. We certainly cannot hope, at this stage of our session, to review and re-hash all of the evidence and material and data which our Committee heard and had before it. It seems to me, as a matter of common sense that on a subject so complicated and so controversial, we must go along with the unanimous judgment of the members of our Committee. To do otherwise would be foolhardy.

I am intensely interested in the economic development of our State. I am not so fortunate as to know all of the answers to the many problems involved in trying to increase the speed of our industrial development and expansion.

However, I am firm in my conviction on one point, at least. And that is that L. D. 1372, the Briggs Bill, if enacted by this Legislature, would be a tremendous barrier to our plans for industrial expansion. Not only would it make it extremely difficult to interest new industries in coming to Maine, it would also, I believe, discourage the industries we now have from spending money to modernize their existing plants or to expand them. Why am I convinced on this point? The answer is very simple. First: if you will examine the provisions of Sec. 3 of the Briggs Bill on Page 3 you will see there a statement of public policy, so-called, which we would make, by law, every industry a public nuisance, which has to use water in its manufacturing process and discharges any substances in the water inimical or injurious to animal or aquatic life or to the use of such water for recreation. You read this section carefully, and tell me how you would go about to interest a new industry in coming to Maine, an industry which has to use water in its manufacturing process. How would you invite them to come to this State and spend their money in setting up a manufacturing plant when under this law they would be a public nuisance, an outlaw, as soon as they started to turn the wheels? How far do you think you would get? Personally, I would rather try to sell air conditioning to the Eskimos.

Then on this same point, if you will read Section 18 on page 7 of the

Bill you will see that while the Commission is given authority to order the discontinuance of the discharge of industrial waste into the waters of the State, yet if the commission does not so order, that discharge is still stated to be unlawful and a nuisance. There are numerous other real objections to this Bill, which I will not take the time to discuss.

It seems clear to me that this Bill would erect around the borders of the State of Maine something similar to the Great Wall of China over which few industries would ever make the grade, or care to make the attempt.

The amendment proposed by Mr. Briggs, which has been reproduced under Filing No. 364, does not begin to remove the many objections to the Bill. The Bill provides the 7 man commission with a carload of power of TNT and the amendment begs the commission to use it in small doses. The question is, what is a small dose? What is "grave and irreparable injury"? It is what a commission of 7 men say it is. This amendment seems to me similar to giving a young boy a stiletto and at the same time asking him not to keep it too sharp, so that if he does use it on anyone they will not suffer grave or irreparable injury.

Now I have heard it said that some members of this House, while they agree that this is not a good bill, intend nevertheless to vote as a courtesy to the gentleman from Caribou because he has worked so hard for his Bill. I have a great deal of respect for the sponsor of this Bill and admiration for the great amount of effort he has put into his sponsorship. In my opinion, ladies and gentlemen, this is no place and no time for gestures of courtesy. This matter of pollution control is vastly too important to all of us, to our economic welfare and to our industrial picture, present and future, to be obscured and confused at this stage with votes of courtesy.

Bringing it back to the local affairs in 1953 I was the newly elected Mayor of the City of Gardiner and the pollution Bills which were before the 96th Legislature appeared to be as though that they would be creat-

ing such a hardship that I wrote to Washington and asked for one of the federal engineers to visit us when possible. It was fortunate at that time that there was one of their engineers in the southern part of the state and he called upon us within the week's time.

We have a small city of a little less than 7,000 people. We find that through a survey of our sewers that it would cost the City of Gardiner with a sewer disposal unit and a proper sewerage system setup to work with this would cost the city over 2 million dollars.

We are fortunate enough to be on tide waters so therefore there is a possibility that the Government would pay 50 per cent. This engineer said at the time it is possible that if the state really wants this cleaned up that the Legislature will vote to take care of a certain percentage. That leaves the balance to the municipalities. I am not too happy to say this but nevertheless our own city is within approximately 80 per cent of their debt limit. This would be absolutely an impossibility.

And in closing I would like to leave this thought. I would like to see every lady and gentleman in this House vote on this issue as to his or her best judgment and conscience. I feel that we will do justice to ourselves and to our people. I thank you.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen: I had not intended to speak upon this measure. I was a member of the Bowlers and Pollution Committee as it is called at times, The Natural Resources Committee, that held the long hearing. And as a result of the long hearing and as a result of some trips this winter and of some study of the question this winter, I have no solution to offer to you and I do not wish to attempt to influence your vote one way or the other. It is your decision and it is an important decision.

The only thing that I arise for at this time is the possibility that I might be able to answer what was described as a challenge. I believe that the challenge was made for

anyone to produce evidence that any industry anywhere had ever been driven from any state as a result of an anti-pollution law. Now I have not with me evidence that would be accepted in Court but I think I could get it if it was necessary. I will give it to you not as evidence but as information which I have received.

There is in Lincoln now a Specialty Woolen Mill operating, employing, I believe, 300 people, that came from Philadelphia; and the reason it left Philadelphia, it is a small company as such companies go, according to my information is that they were presented with a Bill of \$12,500.00 as their share of clearing up pollution in some river there. What it was I do not know. The fact is that it would cost them \$12,500.00 and they were thinking of going out of business because they could not afford it. It is a small business.

And the owner of the business, whose name is Fox, happened to be fishing in Maine with a Maine man who was interested in bringing industry to Maine and told him his problem. The Maine man said: "You are up here fishing on this beautiful lake, the sun shining, once in a while you get a bite, you are enjoying yourself, if you were to come to Maine, you not only would not have to spend that \$12,500.00 or go out of business which you are contemplating, but you would be right in the backyard where you did not have to take a 200 or 300 mile trip to enjoy these many lakes that we do have unpolluted". And as a result the company did move to Lincoln and is now operating there and that is my answer, such as it may be, to the challenge.

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

Mr. COUTURE: Mr. Speaker, Ladies and Gentlemen of the House: I feel I would be derelict in my duty if I did not stand up and support the Briggs Bill. I am going to say that I come from Bath where there are two large industries there and that neither one of them have scared me or have even attempted to tell me how to vote and I am glad that I can say this today.

I am against pollution and some of my reasons I have got written down here. First of all, what causes pollution? The greatest factors are the dumping of industrial waste into our rivers and the dumping of raw sewage into our rivers and streams. If these two factors could be eliminated we can in Maine realize millions of dollars and our rivers and streams would become our greatest assets.

The chief effects of industrial waste deposits aside from being extremely destructive to receiving waters are their oxygen-robbing qualities. This slows down the natural purification rate so that the disease menace of added human sewage is spread over a wide area for lengths of time before being made harmless. Therefore the health hazard is in effect expanded and fortified by industrial castoffs and that is a legal practice in Maine.

We have 10 per cent of the population in New England, 7 per cent of the industries, but we lead in the shameful possession of 40 per cent of the total industrial pollution load released untreated to the waterways of the New England group.

Contrary to the belief that salt water purifies, it does in fact detoxify filth much slower than fresh water because salt water has less oxygen content to work with. It would alarm the average person if he could take the bacteria count along our beaches after a bad storm. Because of the turmoil caused by these storms a lot of the waste matter lying on the ocean floor is stirred up and becomes dislodged with the results that our beaches become a haven for this waste.

It is common knowledge that polio thrives on this waste. It would be interesting to know how much effect this condition has on our polio epidemics that break out every year.

It is almost impossible for any one of us to conceive the direct bearing on our fish life in our waters. Just last year the Fish and Game Department asked for \$345,000.00 for hatchery construction. We could do more with just 5 per cent of this amount if we took care of our



waste materials. All our rivers and streams would then become natural hatcheries and the fish would have a chance to survive in their natural habitat, a condition that cannot exist today.

Of course it is easy to condemn pollution and I could talk on indefinitely on its bad effects and the need for remedies but idle words will never accomplish the needed results. We have had too many negative approaches and it is time for action.

I believe that L. D. 1372, An Act Providing for Clean Waters in Maine, is the only action we can take if we are sincere in cleaning up pollution. I hope we go along and substitute the Bill for the report.

The SPEAKER: The Chair recognizes the gentleman from Durham, Mr. Bowie.

Mr. BOWIE: Mr. Speaker, Ladies and Gentlemen of the House: I hesitate to speak on this Bill because I haven't made any speech and I might end up talking about polluted milk. But nevertheless two of the towns I represent flow broadside to the Androscoggin River and I happen to be below Lewiston and Auburn on the Androscoggin River and I resent the idea of using the good Androscoggin River as an open sewer and an easy way out to get rid of this material.

I call your attention to, we have heard a lot about industries moving out of Maine in regards to the hardship it will cause them, I talked with the attorney for the Dupont Company a short time ago and they were in Maine looking for a place to settle down. There is no knowing how large this particular factory would have been had they established here; however, they found a spot they wanted and it happened to be in my town, the town of Durham, and it just so happened the one drawback was that they needed plenty of fresh water. On testing the Androscoggin River they found that definitely was out so there we have lost an industry that may have been a very great asset to the State of Maine.

I also call your attention to another industry in the State of Maine

that to me is nearly the model industry, the S. D. Warren Co. in Windham, Maine, and I cannot say enough good about this Company. I know people who work there, I know the public relations there are there; I also happen to know that they take the so-called waste that most of the folks dump in the river and store it up, and they have taken that waste and as a matter of fact used it to make a profit for that company.

Now when they talk about these pulp and paper companies having to dump their waste in the river, it is a lot of hog wash as far as I am concerned, it is just the easy way out. The sooner they are forced to do something about it the sooner they will be able to make that waste profitable to them and certainly to the State of Maine.

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

Mr. MCCLUSKEY: Mr. Speaker, I would like to ask the gentleman from Caribou, Mr. Briggs, one question just for clarification. On page 3 of this document, section 6, this has to do with sewerage, the length of time after receiving the notice, that is the notice to stop polluting the river and so forth, within which the discharge of the sewage shall be discontinued shall be stated in the notice and shall in no case exceed two years. And I am wondering if his amendment changes that length of time, that seems like a short length of time for these cities and towns to do this.

The SPEAKER: The gentleman from Warren, Mr. McCluskey, addresses a question through the Chair to the gentleman from Caribou, Mr. Briggs, who may answer if he so chooses.

Mr. BRIGGS: Mr. Speaker, in answer to the gentleman, thank you for asking that question. I am very happy to point out that this is not a two year barrier as such. What it does mean is that upon such time as the commission should see fit, if they should do so to order a municipality to abate their pollution, that there would be a two year time limit after the commission ordered them to abate.

Now I am not exactly sure if that answered your question.

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

Mr. McCLUSKEY: Mr. Speaker, I think it does and then it remains two years, after they tell them to stop then they have two years in which to rectify this problem.

Mr. BRIGGS: Mr. Speaker, Yes, that is right.

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

Mr. WADE: Mr. Speaker and Members of the House: I plan to go along with the unanimous report of the Natural Resources Committee. I dislike very much to do this following the splendid speech of my colleague and friend the gentleman from Caribou, Mr. Briggs. Some of the reasons why I am going to do that have been set forth by other speakers such as the House Chairman of the Natural Resources Committee and others. There are two other reasons why I am going to vote that way and I am going to take them, oddly enough, from the speech of the gentleman from Caribou, Mr. Briggs.

The first one is the fact that, as he has said, progress in this matter is going to be slow. And second, because, as he says, this matter will only be corrected when there has developed a ground swell demand from the people for the correction of this matter. As far as I can judge from my constituents in Auburn, and we are on the Androscoggin which as has been said is the dirtiest river in New England, but as far as I can judge from my constituents this ground swell demand has not yet developed.

The SPEAKER: The Chair recognizes the gentleman from Winthrop, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker and Members of the House, it is my feeling that until there are laws on the statutes which compel many of the contributors to the pollution problem to plan for the eventual abatement of their contribution neither the municipalities nor the industries will make any great effort to solve the problem. I think that this Bill with certain alterations will make them face the issue and start planning.

I hope the pending motion does not prevail.

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

Mr. EARLES: Mr. Speaker and Members of the House: I realize to speak in a debate is pretty much like a wheel, the bigger the spoke the greater the tire, and I also fully realize that perhaps the only one that has a real inside information on something is the doctor or the sheriff or the surgeon, but I would like to make two or three observations.

Initially when I heard of this subject matter I was told this modern Attila, this Visigoth was coming out of the north, out of Aroostook County and breathing fire and was going to destroy industry and going to devastate the farmlands. And then I became acquainted with him and became friendly with him and I became very much respectful of his moral integrity and his reasoning integrity. And I watched the thing go along and I was interested to note that not once from the time of the early part of the session until to date, until this moment, did he ask me to speak on the subject, nor did he ask me to vote on the subject for him. There was no question of a courtesy vote. I will admit in passing with a certain amount of pride that I was asked to speak for the opposition.

Now there are a couple of observations, as I said before, that I would like to make that I just happened to jot down in the course of this debate. Great emphasis was placed on the fact that we should uphold the unanimous "Ought not to pass" report of the Natural Resources Committee. Perhaps the idea being to break a precedent. As I recall there have been several reports unanimous, either "Ought not" or "Ought to pass" in previous weeks in which this House has dumped it over. And not so many moments ago, we reconsidered our vote on a particular subject and reversed our field. So the precedent does not hold water certainly in that respect.

I think the reference in the introductory sections of this Act as to nuisance is playing upon the seman-

tics of the word, the emotional impact of the word, and trying to divert one's attention from the actual meaning of the Act.

Then also I would like to reflect a moment upon the hearing that was held, that lengthy epoch-making hearing. I was very interested in the technique. Here we have eight or nine Bills and practically all the opposition unanimously when they spoke they come up and they say well, according to paragraph 1 there is, well the first so many sentences they are all right, but we find something here that we object to. It is repugnant to our thinking and so forth. And it goes along down through the various sections of the Act and pretty soon all you have left is the L. D. number, and that was reflected several times during the course of the afternoon.

I feel that if the opponents of the Bill were sincere in their protestations that something should be done that out of the eight or nine Bills there would have been some, very modest perhaps, but yet some affirmative action taken. There was one bill as I recall, and I may be incorrect, but I recall one bill came out "Ought to pass" but did they increase, did they take into consideration the impact of the citizenry of the State and their interest in the subject? No. The most you can say for them is that they maintained the status quo if not less.

Now reference is made to the Schuylkill River, reference made to a law a gentleman remarked about that. A few weeks ago I spoke briefly at a college and in the course of the discussion a professor who came from Pennsylvania just dipped into the conversation and gratingly remarked that he came from Pennsylvania, that the Schuylkill River was so, as he more or less characterized it, had been so thick with mud and waste you could almost make cakes of it, now it was clear and you could fish in the thing.

I think that it would be well to shut up with this, I have made my few remarks and I appreciate your attention and consideration. I hope that you will give the gentleman from Caribou, Mr. Briggs, the consideration that he and his pres-

entation and the bill deserve. Thank you.

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

Mr. BAIRD: Mr. Speaker and Members of the House: I just want to say that I think we are very fortunate in Knox County not to have this pollution that has been mentioned and I want to say that I think this Bill of the gentleman from Caribou, Mr. Briggs, is a good one and I intend to support it. Thank you.

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

Mr. FERGUSON: Mr. Speaker and Members of the House: I did not intend to speak on this bill either one way or the other but two years ago I was a member of the Natural Resources Committee and at that time we felt that we were doing a very good job in setting up classification for streams that were being so effectively used in other states.

I do not know if the older members or the members who served here two years ago are familiar with the Act. Some of the new members perhaps have not gotten into the matter. The classification sets up class A, B, C, and D of the rivers and streams in the State. And the law reads now that we are not to lower the standards of any of those streams. I believe that we have gone a long ways. Perhaps some of the laws have been neglected and that is not our fault, the members of the committee as we set up the laws. I think it is the work of the State Police, municipal officers and so forth. I happen to live on the banks of the Androscoggin River in my town. I own considerable property there, in the town of Hanover both on the river bank and away from the river bank on the lake. I get much concerned sometimes with conditions in the river and I have a feeling that the river could be cleaned up to some degree. But certainly not to go as far as the Briggs Bill.

We are forever looking for new industries in our State. In South Paris, in Oxford County, we have just about completed a new fac-

tory which will cost in the vicinity of three million dollars with an annual payroll of \$4,500,000.00 per year. It will employ 250 people. I am sure that this company would not have considered if we had laws of this type of the Briggs Bill on the books coming into our county or state to establish their factory and spend this type of money.

How many municipalities can spend this type of money that this Bill calls for to clean up in two years? I was talking to a group of engineers here a little while ago who had made a survey of the City of Augusta and a sewage disposal plant. The estimate is not high, it is \$1,600,000.00 for a city the size of Augusta. I am sure what we would have to do if this bill L. D. 1372, would become a law we would have to move away from the banks of the river. It is certainly, something that I do not want to go along with.

One of our proponents of the bill spoke here about polio reports. I happen to be connected with the National Foundation and this is one of the things that we checked. I personally checked with the National Foundation and that is not so about Maine. In fact Maine's cases of polio have been reduced about 30 per cent over the last three years.

I do not want to go into this any further, but I certainly hope that the motion of the gentleman from Hodgdon, Mr. Williams, will prevail and I certainly will go along with him on the indefinite postponement of this Bill.

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

Mr. WILLEY: Mr. Speaker and Members of the House: I am opposed to the Briggs Bill, L. D. 1372, and will definitely vote against it. My opposition is based in part on the fact that this Bill would set up a Commission form of government to preside over the economic life of the State of Maine.

Under this Bill, seven men and one of them a department head would be given complete and absolute control over the industries of this State which have to utilize waters in their manufacturing process, as well as control over the municipi-

palities of this state in so far as sewage disposal is concerned and the tremendous financial problems that it involves.

So far as I am concerned, I have no difficulty in making my decision. My decision is that the economic life of the State of Maine is too important to be turned over to the control of a commission of seven men. The welfare of our municipalities and the tremendous financial problems involved in the sewage treatment and disposal are too important to turn over to the control of a commission of seven men.

These problems are of such magnitude that they should be kept under the immediate control of the Legislature. That is where they belong. That is where they now are. Under our present classification law, we have control over these problems. We are doing the classifying and we should continue to do so.

The problem of pollution control involves the public interest. It is our job and responsibility to determine the public interest all along the line. We should never delegate that responsibility. If and when the time comes that we have to make a choice between some of our industries and payrolls, on the one hand, and fish and swimming and boating on some of our rivers, then it is the legislature that should make that choice, and not a commission of seven men.

I, therefore, hope the indefinite postponement motion by the gentleman from Hodgdon, Mr. Williams, prevails.

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

Mr. CATES: Mr. Speaker and Ladies and Gentlemen of the House: I can see that the hour is getting late, but I am not going to move the previous question at this time because I feel that I would be very much amiss if I did not state my stand on this matter right now. I plan on going along with my good friend the gentleman from Caribou, Mr. Briggs.

And just as a matter of observation, I know that we have an economic problem down in Washington County. But every time that I

drive through the City of Rumford I am awfully glad that I live in Washington County. I have listened to a lot of these pollution measures, both in the corridor and around, and I personally feel that now is the time to start to do something. Thank you.

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

Mr. OLPE: Mr. Speaker and Members of the House: I too am in favor of the Briggs Bill, I think it has a great deal of merit. I believe the creed of all of us is that cleanliness is next to Godliness, and it is about time that we did something about it.

It seems to be the sentiment of many people here that the industries will move out of state if they have to clean up the waters. I personally doubt it. At a recent banquet, given by the Councilors, if I remember correctly, our Governor mentioned that we should not be afraid of ruining industries and he personally felt that way. He cited an example of the flourishing ice business we used to have here in the State and since then we have gained many more industries to our great advantage.

I hope that the motion of the gentleman from Caribou, Mr. Briggs, prevails.

The SPEAKER: The Chair recognizes the gentleman from Baileyville, Mr. Brown.

Mr. BROWN: Mr. Speaker and Members of the House: I am opposed to this so-called Briggs Bill. We have in the St. Croix Paper Company, the only chief industry in Washington County. This plant was built 50 years ago and 50 years ago the logical place to dump their waste was in the rivers.

I was talking to the manager of this Company last week and he told me they would need at least 10 years to complete a plan to take care of this waste.

This Company causes the employment of approximately 1500 people with a payroll of from 90 to 100 thousand dollars a week. And I do not believe you will find anyone in Washington County who wants to swap this payroll for either a swim-

ming pool or to catch a few salmon. Possibly this water smells but I hope the Bill is buried because in Washington County we prefer the smell to the loss of our payroll. Thank you.

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

Mr. BRIGGS: Mr. Speaker, Ladies and Gentlemen of the House: The hour is late and the discussion has been lengthy and I certainly am not going to labor the issue at this point. I have prepared here quite a little opportunity for remarks in reply to some of the statements that have been made. About the only appropriate thing that I can think of to say to a lot of these remarks right now is "gee whiz". It certainly is difficult for a fellow like me to understand how difficult it seems to be for some of you folks to understand the benefits which will be received if an Act such as this one we are considering is passed.

I have had experience in this thing, not that I am an expert on it because I am not, but I have had political experience and practice in the study of the problem in a great many ways, all of them related more or less to this subject. I think that while I certainly do respect the opinions of all of these folks, I do not agree that respect has no place here. I cannot respect some of their judgments and I do believe in my heart, and I think that many of you do believe, that if we pass this Act we will have reason to be thankful that we had the courage and the fortitude to face this issue now. I move the previous question.

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

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

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

The SPEAKER: The question now before the House is on the motion of the gentleman from Hodgdon, Mr. Williams, that House Report "Ought not to pass" of the Committee on Natural Resources and Bill "An Act Providing for Clean Waters in Maine", House Paper 1153, Legislative Document 1372, be indefinitely postponed.

The Chair would like to inquire from the gentleman from Hodgdon, Mr. Williams, whether in view of the lateness of the hour he still wishes a roll call vote.

Mr. WILLIAMS: Mr. Speaker, I would like to ask the gentleman from Caribou, Mr. Briggs, whether he would have a roll call vote.

The SPEAKER: The gentleman from Hodgdon, Mr. Williams, addresses a question through the Chair to the gentleman from Caribou, Mr. Briggs, who may answer if he chooses.

Mr. BRIGGS: Mr. Speaker, that is a long way to pass the buck, but I would prefer that the vote be taken as originally stated, by the yeas and nays.

The SPEAKER: The gentleman from Hodgdon, Mr. Williams, has requested a yeas and nays vote. The yeas and nays must be taken if one-fifth of the members present desire it. All those desiring that the vote be taken by the yeas and nays will kindly rise and remain standing until the monitors have made and returned the count.

Thirty-eight members arose.

The SPEAKER: Thirty-eight members having signified their desire for the yeas and nays to be taken, the yeas and nays are ordered.

The question before the House is on the motion of the gentleman from Hodgdon, Mr. Williams, that House Report "Ought not to pass" of the Committee on Natural Resources and Bill "An Act Providing for Clean Waters in Maine", House

Paper 1153, Legislative Document 1372, be indefinitely postponed.

All those in favor of the indefinite postponement of this Report and Bill will, when the Clerk calls his or her name, answer yes; all those opposed to the indefinite postponement will answer no.

The Clerk will call the roll.

#### Roll Call

YEA — Alden, Allen, Anderson, Babineau, Beal, Bean, Bernier, Bibber, Blanchard, Brewster, Brown, Baileyville; Carter, Etna; Carter, Newport; Caswell, Charles, Childs, Cianchette, Cole, Cook, Cormier, Cote, Lewiston; Couture, Lewiston; Coyne, Crockett, Davis, Westbrook; Dostie, Edgar, Edwards, Evans, Fay, Ferguson, Files, Flynn, Foster, Fuller, So. Portland; Getchell, Gilmartin, Hancock, Hanson, Harnden, Hatfield, Haughn, Henry, Higgins, Jennings, Jones, Lamb, Latno, Letourneau, Lindsay, Lord, Mann, Martin, Eagle Lake; Martin, W. Gardiner; McCluskey, Michaud, Nadeau, Needham, Palmeto, Pierce, Pike, Porell, Quinn, Roberts, Brooklyn; Ross, Bath; Sanborn, Seaward, Shaw, Skolfield, Stanwood, Staples, Storm, Tarbox, Thomas, Valley, Wade, Wadleigh, Walls, Walsh, Willey, Williams, Woodworth.

NAY — Albert, Baird, Bowie, Briggs, Brockway, Browne, Bangor; Call, Cates, Christie, Couture, Bath; Curtis, Cyr, Davis, Calais; Dicker, Dudley, Dunn, Duquette, Earles, Foss, Gardner, Greenleaf, Jacobs, Lawry, Maxwell, McGlaflin, Olpe, Osborne, Reed, Reynolds, Rich, Roberts, Dexter; Rogerson, Ross, Brownville; Roundy, Sanford, Soule, Stanley, Bangor; Stanley, Hampden; Stilphen, Totman, Walter, Winchenpaw.

ABSENT — Anthoine, Bragdon, Cote, Madison; Courtois, Denbow, Dumais, Elwell, Finemore, Fuller, China; Greene, Hilton, Howard, Jack, Jacques, Kimball, Kinch, Knight, Libby, MacDonald, Madore, Malenfant, Potter, Pullen, Sansoucy, Whiting.

Yes 32; No 42; Absent 25.

#### House at Ease

Called to order by the Speaker. Eighty-two having voted in the affirmative, and forty-two having

voted in the negative, twenty-five being absent, the motion prevailed and the Report and Bill were indefinitely postponed and sent up for concurrence.

The SPEAKER: The Chair would inquire for what purpose the gentleman from Caribou, Mr. Briggs, arises?

Mr. BRIGGS: Mr. Speaker, I am requesting that I be allowed to rise on a point of privilege.

The SPEAKER: The gentleman may state his point of privilege.

Mr. BRIGGS: Mr. Speaker, I merely want to thank all of the

members of this House for taking this matter into such careful consideration and giving it so much of their time. Thank you very much. (Applause)

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(Off Record Remarks by the Speaker)

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On motion of Mr. Childs of Portland,

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