

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Seventh Legislature

OF THE

STATE OF MAINE

VOLUME II

1955

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Wednesday, May 11, 1955

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

Prayer by the Rev. Mr. Royal Brown of Gardiner.

The journal of the previous session was read and approved.

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

Report of the Committee on Public Utilities reporting "Ought not to pass" on Bill "An Act relating to Operating Motor Trucks for Hire" (S. P. 415) (L. D. 1172)

Came from the Senate read and accepted.

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

**Leave to Withdraw
Resolve Substituted in Senate**

Report of the Committee on Retirements and Pensions on Resolve in favor of Elizabeth J. Stevens, of Augusta (S. P. 257) (L. D. 686) reporting Leave to Withdraw.

Came from the Senate with the Resolve substituted for the Report and passed to be engrossed.

In the House, the Report was read and accepted in non-concurrence and sent up for concurrence.

**Ought to Pass
with Committee Amendment
Report and Bill Indefinitely
Postponed in Senate**

Report of the Committee on Judiciary on Bill "An Act relating to Night Hunting" (S. P. 189) (L. D. 441) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report and Bill 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.

In Senate

**Committee Amendment Indefinitely
Postponed and Amended**

Report of the Committee on Towns and Counties on Bill "An Act relating to Salaries of County Officers of Kennebec County" (S. P. 276) (L. D. 706) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with 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.

Thereupon, the Bill was given its two several readings.

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

COMMITTEE AMENDMENT "A" to S. P. 276, L. D. 706, Bill "An Act relating to Salaries of County Officers of Kennebec County."

Amend said Bill by striking out all of the 2nd paragraph of "Sec. 1" and inserting in place thereof the following:

" 'Kennebec, \$1,250 \$2,000,' "

Further amend said Bill in "Sec. 4" by striking out in the 6th and 7th lines the underlined words "**by a Justice of the Superior Court resident in said county or**"

Committee Amendment "A" was indefinitely postponed in concurrence.

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

SENATE AMENDMENT "A" to S. P. 276, L. D. 706, Bill "An Act relating to Salaries of County Officers of Kennebec County."

Amend said bill by striking out all of the 2nd paragraph of "Sec. 1" and inserting in place thereof the following:

" 'Kennebec, \$1,250 \$1,500, except that the chairman of the board of commissioners shall receive \$1,750,' "

Further amend said Bill in "Sec. 4" by striking out in the 6th and 7th lines the underlined words "**by a Justice of the Superior Court resident in said county or**"

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

Divided Report Tabled and Assigned

Majority Report of the Committee on Business Legislation on Bill "An Act Regulating Automobile Finance Business" (S. P. 493) (L. D. 1378) reporting same in a new draft (S. P. 572) (L. D. 1530) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. CUMMINGS of Sagadahoc
FARRIS of Kennebec
ALBEE of Cumberland
—of the Senate

Messrs. FAY of Portland
KINCH of Livermore Falls
WALTER of Waldoboro
—of the House.

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

Report was signed by the following members:

Messrs. EDGAR of Bar Harbor
WADE of Auburn
PIKE of Waterford
BLANCHARD of Wilton
—of the House.

Came from the Senate with the Reports and Bill indefinitely postponed.

In the House, the Reports were read.

(On motion of Mr. Wade of Auburn, the two Reports with accompanying papers were tabled pending acceptance of either Report and specially assigned for tomorrow.)

Divided Report

Majority Report of the Committee on Inland Fisheries and Game on Bill "An Act relating to the Use of Lights for Lighting Deer" (S. P. 398) (L. D. 1112) reporting same in a new draft (S. P. 570) (L. D. 1523) under title of "An Act relating to the Use of Artificial Lights for Lighting Game" and that it "Ought to pass"

Report was signed by the following members:

Mr. HILLMAN of Penobscot
—of the Senate.

Messrs. BRIGGS of Caribou
POTTER of Medway
HARDEN of Rangeley

ROSS of Brownville
GARDNER of Hartland
—of the House.

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

Report was signed by the following members:

Messrs. CARPENTER of Somerset
HALL of York
—of the Senate.

Messrs. DUDLEY of Enfield
REYNOLDS
of Mount Desert
—of the House.

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

In the House, the Reports were read.

On motion of Mr. Harnden of Rangeley, the Majority Report was accepted in concurrence.

The New Draft was then given its two several readings.

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

Mr. QUINN: Mr. Speaker, I move that this matter be placed on the table.

The SPEAKER: The Chair would inquire of the gentleman from Bangor, Mr. Quinn, whether letting it proceed until tomorrow and then tabling it after it has had its third reading, would be equally acceptable?

Mr. QUINN: Mr. Speaker, that would be very well but I would like to have the members of the House specifically look at this bill. That is all right.

The SPEAKER: The gentleman from Bangor, Mr. Quinn, moves that the Bill with accompanying papers lie on the table pending assignment for third reading. Is this the pleasure of the House?

All those in favor will please indicate by saying yes; those opposed, no.

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

Thereupon, the Bill was assigned for third reading tomorrow.

Divided Report

Report "A" of the Committee on Labor reporting "Ought not to

pass" on Bill "An Act relating to Minimum Wages" (S. P. 485) (L. D. 1354)

Report was signed by the following members:

Mr. HILLMAN of Penobscot
— of the Senate.

Messrs. WINCHENPAW of
Friendship

ROSS of Bath

CALL of Cumberland

BROWN of Baileyville

— of the House.

Report "B" of same Committee on same Bill reporting same in a new draft (S. P. 573) (L. D. 1531) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. FARRIS of Kennebec

ST. PIERRE of

Androscoggin

— of the Senate.

Messrs. LETOURNEAU of Sanford

JONES of Cumberland

WALLS of Millinocket

— of the House.

Came from the Senate with the Reports and Bill indefinitely postponed.

In the House, the Reports were read.

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

Mr. ROSS: Mr. Speaker and Members of the House: Relative to minimum wages, since I come from a city where the average industrial wage is \$1.80 an hour, I certainly cannot argue against the theory of a minimum wage of 75 cents. This certainly is a minimum living wage but this bill does not do that. With all of the exemptions that are contained therein it ends up by just discriminating against a few businesses.

If you would look at the bill in new draft, L. D. 1531, and look at the exemptions contained therein. First, an individual employed in agriculture, an individual employed by the United States or by the state political subdivision thereof, an individual engaged in the activities of a public-supported non-profit organization, an individual engaged in commercial fishing, and individual employed as an outside salesman,

an individual employed as a newsboy, pin-boy, usher or golf caddie, and then to go on, an individual who is enrolled in any educational institution, an apprentice, learner or physically or mentally handicapped person, an individual employed as a switchboard operator.

With all of those exemptions and then in the next Section, Section 132-C, in part 2, it says to determine the amount of deductions allowed an employer for board in excess of 75 cents per meal, lodging, commissions, pension, retirement benefits, old age survivor insurance and other gratuities. Now these other gratuities are to mean things like tips for waitresses. And how in the world anyone is going to determine exactly what a waitress' tips are for the week I do not know because I do not believe that she would ever tell them accurately.

And I maintain that with all these qualifications it does not seem logical to pass this bill and call it a minimum wage bill. I believe sincerely that if you do you will just have the title of the bill. I move that Report "A" be accepted.

The SPEAKER: The gentleman from Bath, Mr. Ross, moves that Report "A" be accepted.

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

Mr. COOK: Mr. Speaker, Members of the House: I wish to concur with the gentleman from Bath (Mr. Ross) very heartily. I think that this bill as it exists is just a subterfuge. If you will remember, both the Republican platforms and the Democratic platforms had a plank in them seeking a minimum wage law.

Now this being a plank in both parties, we must recognize that these planks find their way into our party platforms because of a public demand. A paragraph in the Republican platform reads as follows: "We believe that the Legislature should enact a fair labor relations law and an equitable minimum wage law." And let us remember that the reason for the demand for such a law is the fact that there are so many exemptions under the federal law. So it seems kind of senseless to come along with a state law and have the same sort of exemptions, right down to

the point where the law really does not mean a darned thing.

I would think that we should table this bill and work out some way to amend this bill so as to bring these people under a minimum wage of 75 cents. Surely that is little enough as a minimum wage in this State. I should like to make a motion to table this bill until tomorrow.

(Cries of "No")

The SPEAKER: The gentleman from Portage Lake, Mr. Cook, moves that the two Reports and Bill lie on the table pending the motion of the gentleman from Bath, Mr. Ross, that the Report "A" "Ought not to pass" be accepted.

The tabling motion is not debatable except as to time of assignment. Does the gentleman wish to debate the time?

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Bath, Mr. Ross, that Report "A" "Ought not to pass" be accepted. Is this the pleasure of the House?

The motion prevailed and Report "A" was accepted.

Non-Concurrent Matter

Bill "An Act to Create the Department of Development of Industry and Commerce" (H. P. 1196) (L. D. 1465) which was passed to be engrossed as amended by House Amendments "A", "B", and "C" in the House on April 22.

Came from the Senate passed to be engrossed as amended by Senate Amendments "A" and "B" in non-concurrence

In the House: On motion of Mr. Childs of Portland, the House voted to recede from its action whereby on April 2 the Bill was passed to be engrossed as amended by House Amendments "A", "B" and "C".

On further motion of the same gentleman, the House voted, under suspension of the rules, to reconsider its actions whereby House Amendments "A", "B", and "C" were adopted.

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

Mr. Childs: Mr. Speaker, before I offer this amendment I will state that my only purpose in indefinitely postponing the other House Amendments and offering an amendment now is for the purpose of clarification.

Thereupon, on motion of the same gentleman, House Amendments "A", "B", and "C" were indefinitely postponed.

Senate Amendment "A", which was printed as L. D. 1536, was read by the Clerk.

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

SENATE AMENDMENT "B" to H. P. 1196, L. D. 1465, Bill "An Act to Create the Department of Development of Industry and Commerce."

Amend said Bill by adding at the end thereof the following section:

'Sec. 10. Appropriation. In addition to any sums which may be appropriated by the Legislature for the fiscal years 1955-56 and 1956-57 for the purposes of this Act, there is hereby appropriated from the general fund the sum of \$50,000 for the fiscal year ending June 30, 1956 and \$50,000 for the fiscal year ending June 30, 1957 to carry out the purposes of this Act.'

Thereupon, on motion of Mr. Childs of Portland, Senate Amendment "B" was indefinitely postponed in non-concurrence.

The same gentleman then offered House Amendment "A" to Senate Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to SENATE AMENDMENT "A" to H. P. 1196, L. D. 1465, Bill "An Act to Create the Department of Development of Industry and Commerce."

Amend said Amendment by adding at the end thereof the following section:

'Sec. 10. Appropriation. In addition to any sums which may be appropriated by the Legislature for the fiscal years 1955-56 and 1956-57 for the purposes of this Act, there is hereby appropriated from the gen-

eral fund the sum of \$50,000 for the fiscal year ending June 30, 1956 and \$50,000 for the fiscal year ending June 30, 1957 to carry out the purposes of this Act.'

House at Ease

Called to order by the Speaker.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Childs, that House Amendment "A" to Senate Amendment "A" be adopted.

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

Mr. OSBORNE: Mr. Speaker, I would like to inquire through the Chair, if I may, of the gentleman from Portland, Mr. Childs, what difference is there between filing 521 and 514 other than one coming from the Senate and one coming from the House?

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

Mr. CHILDS: Mr. Speaker, I do not know what the filing numbers are but I assume that you are referring to this: That you have a Senate Amendment which is the same as the House Amendment which has just now been adopted. Is that correct?

Mr. OSBORNE: Yes, Mr. Speaker.

The SPEAKER: The gentleman from Portland, Mr. Childs, may proceed.

Mr. CHILDS: Mr. Speaker, the Senate Amendment was an amendment to the bill which has been repealed all except the title of it. Therefore, the Senate Amendment was just section 10 and there was nothing else before it. The Senate Amendment "A" which was in effect a practically new bill should have been amended by Senate Amendment "B" instead of the bill itself being amended. We are now amending Senate Amendment "A", which is in effect practically a new bill.

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

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Childs, that House Amendment "A" to Senate Amendment "A" be adopted. Is this the pleasure of the House?

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

Mr. OSBORNE: Mr. Speaker and Members of the House: I move that this Bill and accompanying papers be tabled until tomorrow so we will know what we are acting on here.

The SPEAKER: The gentleman from Fairfield, Mr. Osborne, moves that the Bill with accompanying papers lie on the table pending the motion of the gentleman from Portland, Mr. Childs, that House Amendment "A" to Senate Amendment "A" be adopted and be specially assigned for tomorrow.

(Cries of "No")

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

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

Thereupon, House Amendment "A" to Senate Amendment "A" was adopted.

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

The SPEAKER: The Chair is informed that there are in the balcony of the House this morning seventh and eighth grade students from Farrington School in Augusta, Social Studies Classes, accompanied by Mr. Mitchell and Mrs. Johnstone.

On behalf of the House, the Chair extends to you a cordial welcome and hopes your visit will be profitable and enjoyable. (Applause)

Non-Concurrent Matter Tabled

Bill "An Act Revising the Laws on Civil Defense and Public Safety" (S. P. 159) (L. D. 353) which was passed to be engrossed as amended by Senate Amendment "A" as amended by House Amendment "A" thereto in non-concurrence in the House on May 9.

Came from the Senate with House Amendment "A" to Senate Amendment "A" indefinitely postponed. On May 4 was passed to be engrossed as amended by Senate Amendment "A".

In the House:

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

Mr. BROWNE: Mr. Speaker and Members of the House: I hesitate to make this request but there is some misunderstanding and confusion surrounding this measure and to give us an opportunity to further discuss this and to iron out these difficulties if at all possible, I move that this be tabled unassigned.

The SPEAKER: The gentleman from Bangor, Mr. Browne, moves that the Bill with accompanying papers be tabled 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

Bill "An Act relating to Right of Officer to Kill Dogs" (H. P. 411) (L. D. 458) which was passed to be engrossed as amended by Committee Amendment "A" in the House on April 27.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mr. BRIGGS: Mr. Speaker and Ladies and Gentlemen of the House: As the ball said to the pin, this is right down my alley. What really did this bill the whole damage was the title and the committee worked out the problems with the principal opponents to the measure during a public hearing but we forgot to work out the problems of some of the notions held by some of the members in the other branch. The right of an officer to kill dogs should have been amended to read: "The right of a dog to kill officers" and then I do not think that anyone would disagree with it.

I am sure that any of you folks here who are aware of the tremendous slaughter that is done by free-

running dogs to our deer population would be sympathetic with the very simple means which are sought in this slight amendment to make that problem less real. However, notwithstanding that gladly now I move that we recede and concur with the Senate.

The SPEAKER: The gentleman from Caribou, Mr. Briggs, moves that the House recede and concur with the Senate in indefinitely postponing this Bill. Is this the pleasure of the House?

The motion prevailed.

Non-Concurrent Matter

Bill "An Act relating to Equipment of Rail Track Motorcars used by Railroad to Transport Employees" (S. P. 162) (L. D. 356) which was passed to be engrossed in non-concurrence in the House on May 9.

Came from the Senate with that body voting to insist on its former action whereby the Bill was indefinitely postponed, and asking for a Committee of Conference with the following Conferees appointed on its part:

Messrs. FARRIS of Kennebec
HILLMAN of Penobscot
SILSBY of Hancock
—of the House

On motion of Mr. Winchenpaw of Friendship, the House voted to insist and join the Committee of Conference.

The Speaker appointed the following Conferees on the part of the House:

Messrs. WINCHENPAW
—of Friendship
BROWN of Baileyville
LETOURNEAU of Sanford

From the Senate: The following Commuciation:

STATE OF MAINE
SENATE CHAMBER
OFFICE OF THE SECRETARY

May 10, 1955

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

The Senate today voted to insist upon its former action whereby it

accepted the Majority Report "Ought not to pass" from the Committee on Transportation on Bill "An Act relating to the Issuance of Operators' Licenses From Date of Birth with Notification" (H. P. 30) (L. D. 40) and the President appointed the following conferees on the part of the Senate:

Senators:

COLE of Waldo
WYMAN of Washington
HALL of York

The President also today appointed the following conferees on the part of the Senate on the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Directors of Corporations" (S. P. 269) (L. D. 700)

Senators:

WOODCOCK of Penobscot
REID of Kennebec
SILSBY of Hancock

Respectfully,

(Signed) Chester T. Winslow
Secretary of the Senate

The Communication was read and ordered placed on file.

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

Mr. MCGLAUFLIN: Mr. Speaker, I would like to inquire if An Act to Correct Errors and Inconsistencies in the Public Laws, Senate Paper 481, Legislative Document 1350, which the House passed to be enacted yesterday is still in possession of the House?

The SPEAKER: The Chair would state that it is.

Mr. MCGLAUFLIN: Mr. Speaker, I have been informed that it is necessary that this Act be amended. There is some slight error that should be corrected, very simple but very important. I therefore move that we reconsider our action of yesterday whereby we passed that bill to be enacted.

The SPEAKER: The gentleman from Portland, Mr. McGlaufflin, moves that the House reconsider its action of yesterday whereby it passed to be enacted Senate Paper 481, Legislative Document 1350, An Act to Correct Errors and Inconsistencies in the Public Laws. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The gentleman may proceed.

Mr. MCGLAUFLIN: Mr. Speaker, I now move, under suspension of the rules that we reconsider our action whereby we passed the Bill to be engrossed as amended by Committee Amendment "A" on May 5. After such reconsideration I will offer House Amendment "A" and move its adoption.

The SPEAKER: The gentleman from Portland, Mr. McGlaufflin, moves that under suspension of the rules, the House reconsider its action of May 5 whereby this Bill was passed to be engrossed as amended by Committee Amendment "A". Is this the pleasure of the House?

The motion prevailed.

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

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

HOUSE AMENDMENT "A" to S. P. 481, L. D. 1350, Bill "An Act to Correct Errors and Inconsistencies in the Public Laws."

Amend said Bill by striking out all of sections 12 and 13.

Further amend said Bill by renumbering the remaining sections of the Bill in accordance with this amendment.

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

Order Tabled

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

Mr. BOWIE: Mr. Speaker, I present an order and move its passage, and I would like to speak briefly on the order.

The Order was read by the Clerk as follows:

ORDERED, the Senate concurring, that the Attorney General be authorized and directed to study and survey the operation of the Milk Control Law as it applies to the buying and selling of milk. The Attorney General shall collect infor-

mation concerning the application, operation and violations of the law and report to the 98th Legislature.

The Attorney General shall have authority to employ counsel and an investigating staff, and there is hereby allocated from the legislative appropriation a sum not exceeding \$3,000 to defray the expenses of the Attorney General in carrying out this Order.

The Attorney General or his duly authorized agent shall have authority to meet and conduct hearings in any part of the State. The Attorney General or his authorized agent may hold either public or private hearings. At any public hearing, witnesses who testify, whether summoned or not, shall be subject to cross-examination at the will of any interested party or his attorney. In such public hearings, at the request of any interested party or his attorney, common law or statutory rules of evidence shall apply.

In the discharge of any duty herein imposed the Attorney General or his duly authorized agent shall have the authority to administer oaths, issue subpoenas, compel attendance of witnesses and the production of any papers, books, accounts, documents and testimony, and to cause the deposition of witnesses, whether residing within or without the State, to be taken in the manner prescribed by law for taking depositions in civil actions in the Superior Court. Each witness who appears before the Attorney General or his authorized agent by his order, other than a state officer or employee, shall receive for his attendance the fees and mileage provided for witnesses in civil cases in courts of record, which shall be audited and paid upon the presentation of proper vouchers sworn to by such witness and approved by the Attorney General or his authorized agent. (H. P. 1252)

On motion of Mr. Bowie of Durham, the Order was tabled pending passage and ordered reproduced.

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

House Reports of Committees Leave to Withdraw Tabled

Mr. Willey from the Committees on Highways and Taxation jointly on Bill "An Act Increasing the Tax on Gasoline" (H. P. 627) (L. D. 667) reported Leave to Withdraw as it is covered by other legislation.

Report was read.

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

Mr. FERGUSON: Mr. Speaker and Members of the House: I wish to table this matter unassigned as we have another bill similar to this.

The SPEAKER: The gentleman from Hanover, Mr. Ferguson, moves that the Report and Bill be tabled pending acceptance of the Report. Is this the pleasure of the House?

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

Ought Not to Pass

Mr. Nadeau from the Committee on Highways reported "Ought not to pass" on Bill "An Act Designating Seabasticook Bridge as a State Bridge" (H. P. 878) (L. D. 986) as it is covered by other legislation.

Mr. Pullen from same Committee reported same on Resolve relating to Maintenance of Covered Bridge in Brownfield (H. P. 982) (L. D. 1130) as it is covered by other legislation.

Reports were read and accepted and sent up for concurrence.

Ought to Pass with Committee Amendment

Miss Cormier from the Committee on Education on Bill "An Act relating to Apportionment of School Funds on Basis of Pupil Enrollment" (H. P. 292) (L. D. 304) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 292, L. D. 304, Bill "An Act relating to Apportionment of School Funds on Basis Pupil Enrollment".

Amend said Bill by striking out in the 7th line thereof the under-

lined figure "\$15" and inserting in place thereof the underlined figure '\$3.'

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

Divided Report

Majority Report of the Committee on Legal Affairs on Bill "An Act relating to Appeals from Joint Board Decisions" (H. P. 114) (L. D. 122) reporting same in a new draft (H. P. 1250) (L. D. 1543) under title of "An Act relating to Determination of Damages Caused by Taking of Land for Highway Purposes" and that it "Ought to pass"

Report was signed by the following members:

Messrs. MARTIN of Kennebec
LESSARD of Androscoggin
— of the Senate.

Messrs. LORD of Augusta
QUINN of Bangor
FOSTER of Mechanic Falls
MARTIN of Eagle Lake
— of the House.

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

Report was signed by the following members:

Mr. WOODCOCK of Penobscot
— of the Senate.

Mrs. THOMAS of Anson
Messrs. BRAGDON of Perham
CHILDS of Portland
— of the House.

Reports were read.

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

Mr. QUINN: Mr. Speaker and Members of the House: I move the acceptance of the majority "Ought to pass" in new draft report.

The SPEAKER: The gentleman from Bangor, Mr. Quinn, moves that the Majority "Ought to pass" in New Draft Report be accepted.

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

Mr. CHILDS: Mr. Speaker, I move that this Bill with accompanying papers be indefinitely postponed.

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

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

Mr. QUINN: Mr. Speaker and Ladies and Gentlemen of the House: To me this is quite an important matter because it affects the citizens of the State of Maine, the property owners. If you happen to be along the highway where the State wants to change it or make a new highway, or alter it in any way whereby they need some of your property and you cannot agree with them on price, then they take it under a constitutional provision known as "Eminent Domain".

Now "Eminent Domain" under the Constitution of the State of Maine is very short and I will refer to it: "Private property shall not be taken for public uses without just compensation, nor unless the public exigencies require it." Now the procedure whereby your property is taken, it might be your property, it might be any of your property, is that the State Highway Commission, through its agents, goes out and lays out the highway. They take just as much of your property as they want, they have a right to under the law. The matter I am interested in is just compensation under the Constitution. I do not deny the State, the sovereign, has a right to take your land if they need it for public use but I do say that under the Constitution of the State of Maine you have a right in return to receive just compensation.

Now my remarks today are not, I want it understood, in reflection to any members of our Highway Commission or the personnel of the Highway Commission. It is merely on a procedure that we have in the State of Maine of determining just compensation.

Now they go out and they lay out the new highway and they then decide what your damage is and how much they are going to offer you as just compensation. You may agree to take what they offer and you may not agree but if you do not agree then a controversy arises and the moment a controversy arises a legal situation arises whereby you have party and party. One party against the other party. Now they have made an offer to you and you do not feel it is right, say they

offer to give you \$500.00 for the land and you think it is worth \$900.00 or \$1,000.00.

The present procedure is that if you are not satisfied you go before a joint board and who is on the joint board? The three county commissioners in the county where the land lies and the three highway commissioners, your opponents. They make up the joint board that is going to determine just compensation, the people that have already approached you and offered you a price for your land are now going to be on a tribunal before whom you must petition in order to get a just award of damages. To me, that is a very unfair situation. To me, you are going to have a party who is opposed to you in this controversy sit and judge and determine what a just compensation is for the property they have taken away from you. Then, after they make their award, you then have a right to appeal to the Superior Court.

But to me, this intermediate step of going before a tribunal that is composed of the three people who are your opponents because they are the opposing party to the controversy is not giving you a fair, just determination of your claim for just compensation.

Now I do not mean by that that the Highway Commission acting on a joint board is not intentionally being fair to you. But after all anyone working for an employer, in this case the State, is zealous to do as good a job as they can for their employer. And unconsciously they will continue to do that when they sit as a judge on this joint board to hear the evidence to determine what just compensation is. Now on the joint board they again make the determination, you as the other party do not have anything to do about it, all you can do is present your evidence. They make the determination again.

It is true that you can appeal from it but you have to go through all these intermediate steps before you can get into the court on your appeal from their judgment. It makes additional expense to you.

Now this redraft of this law is to this effect. It will eliminate the three members of the Highway Commission on the Board and will

leave just the three county commissioners. So you now, under this set-up that we offer for your acceptance or rejection, have a tribunal that is disinterested because they have not been in the controversy at all up to this time. And that is the kind of a tribunal you want to hear the facts and make a determination as to what just compensation is. You do not want to go and have one of your parties on the joint board to make a further determination.

Now further than that, the courts in our State have held that the Constitution does not expressly define the tribunal. It has left the determination of this question to the implication and judicial construction. The Legislature has in the first instance the right to prescribe the method of fixing the compensation for land taken for public uses, but this section requires that the compensation be just, fixed by a disinterested tribunal. Compensation fixed by an interested tribunal is not just unless agreed to; in other words, the party may waive their rights and agree to it.

Now that is the gist of the matter that the Legal Affairs majority report brings to you for your consideration. We feel that this joint board is not a tribunal that is disinterested and that the people have a right to go before a disinterested board to determine this important question of just compensation.

I think that I have outlined it pretty well so that you understand. By accepting this majority report of the committee I feel we are giving to the people of the State of Maine a tribunal that has not been in the controversy up to this time and is a disinterested tribunal, and under the bill either party, if they feel aggrieved, can appeal from the judgment of the county commissioners to the Superior Court.

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

Mr. MCGLAUFLIN: Mr. Speaker, I think that perhaps the gentleman from Bangor, Mr. Quinn, has answered what I wanted to ask him. I was going to ask him if they do not have the right to appeal to the courts at the present time. I think he said they do, which I think is true.

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

Mr. CHILDS: Mr. Speaker and Members of the House: First I would like to state that the gentleman from Bangor, Mr. Quinn, and I very, very seldom disagree on matters, and on this particular matter I do not disagree with him, he disagrees with me. I agree with him to all extents on the question of theory. There is no question about it that on most matters the same board who makes a judgment should not sit as a board of appeals.

Sometimes it is a question of being practical. Many of you here who are farmers know that you can not always use theory in doing your planting. Many of you who are here who are business men certainly know it is much better on many occasions to be practical rather than go by the book and use theory.

The operation which we are now attempting to dispense with has been in operation for 26 years. To the best of my knowledge, there have been very, very few cases where the parties have not been given fair awards. That was pointed out to the members of the committee and nobody there objected to that.

I think we must keep in consideration that the State has two things to do: First it should take into consideration what fair awards would be on this and also they should take into consideration that they are paying these awards with the taxpayers' money and it is the duty of the Legislature to protect the taxpayers' money just as much as it is to protect the land owners' money in cases of awards.

If the situation went into effect which is now being proposed to you, it would be this. The county commissioners, who have no interest in this whatsoever, would sit as a board and determine what the value of land is. It would be giving away the State's money. Without question, they could not help but be partial. Most of the county commissioners are very friendly with the people in their community. They have direct relations with them at all times and I think without question that where the money is the State's money they might be not

too reluctant about making the awards fairly high. Now that would mean that the State would take it upon themselves to hire four or five lawyers to appeal all of these cases. When you hire lawyers to appeal these cases, the taxpayers are paying for them.

The system has been in effect 26 years and there is nothing wrong with it whatsoever except in a proposition of theory. If there was a change needed, I think we would all be aware of the fact but I think we should be rather careful in making such a radical change as this because in the long run, without question, it is going to cost the taxpayers much more money and I hope my motion to indefinitely postpone prevails.

And one other thing I would like to point out with reference to the appeal, any aggrieved party, as this particular law is now, has a right of appeal and they can appeal to the courts at any time and the final decision is not made by a body which is partial one way or another, it is made by the courts.

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

Mr. QUINN: Mr. Speaker and Members of the House: I had, in originally considering this matter, considered the proposition of doing away with the joint board entirely and appealing from their award directly to the Superior Court. The reason I did not do that was because I realized that there may be some situations where the amount involved is very small and it would be too bad to make anyone go to the expense of having a law suit over a small amount of money. And the chances are rather than to get their just compensation they would forego the ordeal of going to court.

Now I felt that going before the County Commissioners is more or less informal; they already act as the reviewing board for your tax appeals in your local communities. If you are not satisfied with the assessment on your taxes you appeal to the county commissioners so they have had quite a lot of experience in determining values and it does not cost any more money to have

this intermediate hearing before them rather than before the joint board and I do think there is more in this than theory.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. Childs, that the two Reports and Bill "An Act relating to Appeals from Joint Board Decisions", House Paper 114, Legislative Document 122, be indefinitely postponed.

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

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

The SPEAKER: The question now before the House is on the motion of the gentleman from Bangor, Mr. Quinn, that the Majority Report "Ought to pass" in New Draft be accepted. Is this the pleasure of the House?

The motion prevailed.

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

The SPEAKER: For what purpose does the gentleman from West Gardiner, Mr. Martin, arise?

Mr. MARTIN: Mr. Speaker, this elderly gentleman requests permission to ask a question.

The SPEAKER: The gentleman man state his question.

Mr. MARTIN: Mr. Speaker, may it be understood that the gentleman to whom I address the question through the Chair will be given the opportunity—

The SPEAKER: The Chair would inquire to what the gentleman's question pertains?

Mr. MARTIN: Mr. Speaker, it pertains to porcupines.

The SPEAKER: The Chair will state that the gentleman is out of order.

Mr. MARTIN: Thank you, Mr. Speaker.

Divided Report Tabled and Assigned

Majority Report of the Committees on Highways and Taxation jointly on Bill "An Act Increasing the Tax on Gasoline" (H. P. 692) (L. D. 760) reporting same in a new draft (H. P. 1251) (L. D.

1544) under title of "An Act Increasing the Tax on Gasoline and Providing for Additional Construction and Reconstruction of State Aid Highways in Hardship Cases" and that it "Ought to pass"

Report was signed by the following members:

Messrs. PARKER of Piscataquis
LOW of Knox
ALBEE of Cumberland
COLE of Waldo
— of the Senate.

Messrs. FERGUSON of Hanover
CARTER of Etna
DENBOW of Lubec
REED of Fort Fairfield
HANSON of Gardiner
HIGGINS of Scarborough
DUNN of Poland
— of the House.

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

Report was signed by the following members:

Messrs. SANFORD of
Dover-Foxcroft
SEAWARD of Kittery
WALSH of Brunswick
WILLEY of Ellsworth
DUQUETTE of Biddeford
NADEAU of Biddeford
— of the House.

Reports were read.

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

Mr. CURTIS: Mr. Speaker and Members of the House: I move that the Majority "Ought to pass" Report of the Committee be accepted.

The SPEAKER: The gentleman from Bowdoinham, Mr. Curtis, moves that the Majority "Ought to pass" in New Draft Report be accepted.

The Chair recognizes the gentleman from Durham, Mr. Bowie.

Mr. BOWIE: Mr. Speaker, this morning was the first time that we had an opportunity to look at this bill. As soon as I read it, I asked the Legislative Research Committee to draw me up an amendment to it and I would like an opportunity to present this amendment to this bill.

The SPEAKER: The Chair would state that amendments would be in

order tomorrow if the bill is successful on its third reading.

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

Mr. ELWELL: Mr. Speaker and Members of the House: I hate to get into a discussion on this matter because I am afraid that it will revolve back to the question as to when is a pork barrel not a pork barrel? But apparently there are those who believe that the difference lies in the question as to who slices the pork that is in the barrel.

My opinion of this particular bill is, in relation to the highway order that we had the other day, that it is only a bigger and more obnoxious barrel.

First, I would like to refer back to a similar question that we had discussed the other day and that was the matter of anticipation. And here you had a case of where the towns wanted to build these same roads themselves but the present Highway Commission reversed the policy of previous commissions and thereby contributed to the curtailment of nearly a half a million dollars worth of this construction by not allowing those towns to anticipate their state aid funds and to finance them with the town's funds. And it would not have meant a cent's difference in the construction cost to the State under one plan or the other. In the light of this anticipation argument, I should like to read one paragraph from the preamble of the highway order that we had presented the other day.

"Whereas there has become apparent an urgent need for state financing of the reconstruction of certain state aid highways not in the federal road system and of the construction of unimproved sections of such highways lying between improved sections in instances where the public use and safety require such construction or reconstruction and there would be hardship for the town or city involved to provide matching funds for the project."

Now there is my argument in a nutshell for anticipation if you take out the word "hardship" and put in the word "desire". Here these towns wanted to do this themselves and the Commission would not allow them to do it and now we have a

case of hardship and the State is to provide a pork barrel to do that very thing.

I say that the Commission and the Highway Committee are at least inconsistent, although I recognize of course that they are sincere.

Now if you will look at page 59 of the State Controller's Report for last year ending July 1, 1954, you will find an account on page 59 that says: "State aid road improvement fund." In that account there was \$630,738.79 available. And I would like, as a matter of clarification for an unbiased answer to this question, to ask the House Chairman of the Highway Committee, was that money expended under the provisions of Section 47, Chapter 23, of the Highway Statutes and for what purposes?

The SPEAKER: The gentleman from Brooks, Mr. Elwell, addresses a question through the Chair to the House Chairman of the Highway Committee, who may answer if he so chooses.

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

Mr. FERGUSON: Mr. Speaker and Members of the House: I have not got my statutes here with me but I understand he was referring to the town road improvement fund.

Will the gentleman kindly state his question again please.

The SPEAKER: The gentleman may state his question again.

Mr. ELWELL: Mr. Speaker, I refer to the State of Maine Financial Report of the State Controller, page 59, where it says: "State Aid Road Improvement Fund."

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

Mr. FERGUSON: Mr. Speaker and Members of the House: I understand that that balance is the balance used to set up for the second unit of the state aid. It is the ruling of the commission, the last two years, that they did not allow the second unit to be used.

I checked very carefully with a number of towns and while there would be some advantages, there still would not be an advantage to all the towns. I do not know whether that answers the gentleman's question or not.

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

Mr. ELWELL: Mr. Speaker, I am sorry but that does not answer my question. The question that I raised is that in this report we have \$630,000.00 which is in the state aid road improvement fund of which if you will look closely you will find there is a lapsed balance of \$180,468.53. In spite of the fact that also in Chapter 23, Section 132, it says "Unexpended balances non-lapsing, non-transferable". Such an unexpended balance of the general highway fund has been set up for general construction and maintenance of highways and bridges and shall be deemed non-lapsing carrying accounts.

Now, if there is this concern over the condition of these state aid highways, I suggest that that sort of bookkeeping should be looked into. I am certainly concerned about these state aid highways too and I think that we certainly have a lot of them in Maine and we are not spending enough money on them but I think that if we are sincerely interested, we should recognize that we have these statutes set up for the distribution of our state road money and Section 47 that I referred to, with which the House Chairman of the Highway Committee is not familiar, is one of the obsolete laws, which he calls obsolete, which he has recommended, or the committee has recommended that we repeal as an obsolete law. That is Section 47, Chapter 23. That provides for the distribution of funds for the reconstruction of state aid highways.

My contention is that we should do something different here than establishing a pork barrel if we have a sincere desire to help these towns. We should look into the statutes and provide whatever funds that we see fit to raise on a statutory basis.

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

Mr. SANFORD: Mr. Speaker, I would like to state my reasons for signing the minority report. We have been talking about a fifteen million dollar highway program, building program. It has been said that we lack \$1,200,000 for the second year. It is all right for the first year. I would like to tell you that I am in

favor of good roads. I think the gasoline tax as far as we have gone is a good tax. I think any tax can be too high. I believe another cent would be too high. I want to give you the figures for the last ten months, the gasoline tax.

For the last ten months, the gasoline tax, a year ago, it was \$12,341,196. In the last ten months, it is \$13,137,104. That is an increase of a little over nine per cent. I will also give you the figures for the current month. The current month on gasoline a year ago was \$826,606. For the current month this year it is \$1,110,921. That is a tremendous gain. Now for the ten months total revenue, last year, a year ago, the same ten months it was \$25,726,359. For the last ten months, it was \$27,079,877. For the current month a year ago it was \$1,303,742. For this year it was \$1,757,468.

Now, that is what I am basing my position on. Myself, personally, I do not think that we need a one cent increase in the gasoline tax and that is the reason that I took my stand.

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

Mr. FERGUSON: Mr. Speaker and Members of the House: The last available report that we have for the Committee on Highways for revenue was for March 15, 1955 and the picture has not changed enough to make any material changes in the over-all figure.

It is so slight that it was felt that the thirty-five million dollar program that we should not take those figures into consideration. These are the figures from your State Tax Assessor, your Commissioner of the Bureau of Finance and the Highway Commission. I believe these figures to be accurate and they certainly indicate the need for more revenue.

The year ending 1957, we are going to be one million too short of matching federal funds. We have taken into the State Highway system by request of some of these people who are opposing the additional revenue 123 more miles of highways to lighten the load on the municipalities so that it would make it a little easier for them. The cost of snow removal on those highways

that we have taken over is approximately \$75,000. The million that we now want to put in to help the municipalities with their so-called hardship cases I think is very, very good. There is a crying need. Anybody who served on the Committee of Highways, listening to some of the very, very worthy cases where the towns and plantations and so forth could not take care of their highway needs. I think it was quite an issue last fall when our present Governor was claiming that we were not taking care of the highways on a local level, and that there should be more money siphoned from the state level into the small communities for the farmers to get them out of the mud, and that is just one of the things that this one cent increase in gas tax will do. We have also taken over 22 bridges which is going to cost the State \$56,000 the next two years. The surplus account is at a dangerously low mark. This would give us a chance to supplement our surplus or working capital in the next two years where it would be up to a point of around two million dollars. Your Committee on Highways certainly has given this matter a lot of consideration, and I think that it really is a good move, it is a move in the right direction, and I go on record as saying that the people who use the highways should pay for them and relieve the property tax owners of this added taxation that would be placed upon them for building the state aid highways where there is on our statutes that they cannot build without the towns putting up so much money to match the state funds, therefore, I hope that the motion of the majority "Ought to pass" report will be accepted.

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

Mr. EDWARDS: Mr. Speaker and Members of the House: This looks to me like one million dollars worth of bait. I move that this bill be indefinitely postponed and ask for a roll call.

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

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

Mr. CIANCHETTE: Mr. Speaker and Members of the House: I intend to vote against this tax and feel that I should make my stand clear, being in the position that I am in. If this tax were passed, the public would expect miracles to be done as they did under the present so-called accelerated program and it would not come about. This will not solve the problem and until the federal plans are known, we can not resolve this problem. It may be shown within this year that this tax may have to be increased to two cents and a bond issue, or both to do the job. I also do not like the idea of pork barrel funds to sell this program. If the program were sound, it would sell itself and not take something like this to do it.

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

Mr. HARDEN: Mr. Speaker and Members of the House: I have heard a great deal about highway matters during this session and I have yet to be shown any good reason why we do not need more funds with which to rebuild roads. I think that we all agree that we need better highways and the only way that I know of to get them is to be willing to provide the necessary funds. I believe that our roads are wearing out faster than they are being rebuilt. Maintenance costs are very expensive on many of our roads and by rebuilding more of these to meet present day needs we would save many thousands of dollars. I am convinced that unless we provide more revenue, our present highway program will be curtailed. I think that this would be a shame and that it would show poor judgment on our part. I believe that the best way to get additional revenue is by increasing the gas tax. I favor a one cent increase and I am firmly convinced that we should do no less.

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

Mr. ALLEN: Mr. Speaker and Members of the House: I have opposed any special resolve or anything that has looked like a pork barrel to me. In fact, I have opposed them very strenuously, but in looking this over and with the Highway Commission administering it

and leaving it not up to the legislators or a legislative committee to dole out the money, it seems to me that it takes it more or less out of politics. I have a lot of confidence in the Highway Commission and in Stan Weymouth, especially, in the State Aid Division to take care of this but something has been brought to my attention, possibly this bill, if it is passed, should be amended somewhere along the line. This Section 7 provides that the Highway Commission shall spend a million dollars to construct or reconstruct state aid roads and in the statutes themselves, there is on the books a law and an annotation here. I will read the heading of that: "The State Highway Commission is not authorized to construct a state aid highway on its own motion without initiative action on the part of any interested town." So the initiative has to come from the town according to this and somebody should take care probably of redrafting or amending section 7.

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

Mr. McCLUSKEY: Mr. Speaker, I would like to ask a question through the Chair of the Chairman of the Highway Committee, if he would care to answer, or can answer. I think that these hardship cases, I would like to see a list of them. I do not think the members, I have not got a list of these cases and I think it is only fair that everybody in this House should know what we are voting on. I should like to see that list.

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

Mr. FERGUSON: Mr. Speaker and Members of the House: I did not have a list myself until last night and I understand that there are only a few that were printed for the committee. Now, I do not have mine with me there but I am sure that if it is the desire of this Legislature that the Highway Commission would be very, very glad and certainly the committee would go along in promising such a list.

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

Mr. CASWELL: Mr. Speaker and Members of the House: I heartily agree with the gentleman from Warren, Mr. McCluskey. I think I have glanced over that list which one of the members showed me. I think if that list were well distributed it might answer the question of the gentleman from Brooks, Mr. Elwell, as to when is a pork barrel not a pork barrel?

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

Mr. HAUGHN: Mr. Speaker, where there is a question of doubt in the minds of a good many members, I would move that this be laid on the table and be specially assigned for tomorrow.

The SPEAKER: The gentleman from Bridgton, Mr. Haughn, moves that the two Reports and Bill lie on the table pending the motion of the gentleman from Raymond, Mr. Edwards, for indefinite postponement and be specially assigned for tomorrow. The date of special assignment is debatable.

The Chair recognizes the gentleman from Bremen, Mr. Hilton, solely to debate the time of special assignment.

Mr. HILTON: Mr. Speaker, I would just like to say that if this list could be reproduced and let each one of us have one that it would be—

The SPEAKER: Does the gentleman wish to suggest a different time of assignment?

Mr. HILTON: No, Mr. Speaker.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Totman, solely for the same purpose.

Mr. TOTMAN: Mr. Speaker, I would like to debate the time of assignment.

The SPEAKER: The gentleman may proceed.

Mr. TOTMAN: Mr. Speaker, on the basis, would tomorrow be long enough to reproduce the list and have it distributed? I ask that question through the Chair of the Chairman of the House Committee.

The SPEAKER: The gentleman from Bangor, Mr. Totman, address—

es a question through the Chair to the Chairman of the Highway Committee, who may answer if he so chooses.

Mr. FERGUSON: Mr. Speaker and Members of the House: I certainly could not answer that question. I could check with the Highway Department though. It would be a matter of minutes to check to see if they could reproduce if the members decide to have a reproduction of that list.

The SPEAKER: The Chair would request the gentleman to kindly approach the rostrum.

House at Ease

Called to order by the Speaker.

The SPEAKER: The Chair recognizes the gentleman from Hanover, Mr. Ferguson, who may answer the question if he so chooses.

Mr. FERGUSON: Mr. Speaker and Members of the House: I have found out that this can be done for tomorrow, that we could have it printed or reproduced by tomorrow.

The SPEAKER: The question before the House is on the motion of the gentleman from Bridgton, Mr. Haughn, that the two Reports and Bill lie on the table pending the motion of the gentleman from Raymond, Mr. Edwards, for indefinite postponement and be specially assigned for tomorrow.

As many as are in favor of the motion will kindly signify by saying aye; those opposed, no.

A viva voce vote being taken, the motion prevailed and the two Reports and Bill were so tabled and assigned.

The SPEAKER: At this point, the Chair requests the Sergeant-at-Arms to escort the gentleman from East Machias, Mr. Cates, to the rostrum for the purpose of presiding as Speaker pro tem.

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

Passed to Be Engrossed

Bill "An Act relating to Appointment of Special Deputy Sheriffs" (S. P. 250) (L. D. 682)

Bill "An Act relating to Service Roads on Controlled Access Highways" (H. P. 648) (L. D. 725)

Bill "An Act relating to Traffic Officers at Drive-in Theatres" (H. P. 1245) (L. D. 1538)

Bill "An Act relating to Movement of Contractor's Equipment over State Highways" (H. P. 1247) (L. D. 1540)

Bill "An Act relating to Preference to Maine Residents in Certain Contracts" (H. P. 1248) (L. D. 1541)

Resolve Proposing an Amendment to the Constitution to Exempt Rental Agreements with the Maine School Building Authority from the Limitations of Municipal Indebtedness (S. P. 313) (L. D. 852)

Resolve Providing for Splashboard on Waterville-Winslow Bridge (H. P. 1246) (L. D. 1539)

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

Amended Bills

Bill "An Act Amending the Charter of the Gardiner Water District" (S. P. 563) (L. D. 1519)

Resolve Providing for a Recess Committee to Study School Finances and Needs in the State (S. P. 317) (L. D. 886)

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

Bill "An Act relating to Descent of Real Estate in Divorce Cases" (S. P. 38) (L. D. 27)

Bill "An Act relating to Compensation for Members of Mediation Panel" (S. P. 340) (L. D. 949)

Bill "An Act relating to Weight Tolerances for Motor Vehicles Carrying Firewood, Pulpwood, Logs or Bolts" (S. P. 418) (L. D. 1179)

Bill "An Act relating to Real Estate of the Bath Water District" (H. P. 921) (L. D. 1029)

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

Bill "An Act to Revise the Taxation Laws Relating to Towns" (S. P. 127) (L. D. 336)

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

The SPEAKER pro tem: For what reason does the gentleman from Chelsea, Mr. Allen, arise?

Mr. ALLEN: Mr. Speaker, I move to pass over these next three items for a while.

The SPEAKER pro tem: The Chair would request the gentleman to kindly defer a few minutes.

Passed to Be Enacted Emergency Measure

An Act Providing for Pocket Supplements to the Revised Statutes (S. P. 406) (L. D. 1120)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 107 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Enactor Emergency Measure Tabled

An Act relating to Standard Time (H. P. 596) (L. D. 652)

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

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

Mr. CHILDS: Mr. Speaker, I request permission to approach the rostrum.

The SPEAKER pro tem: The Chair will state that the gentleman may.

(Conference at rostrum)

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

Mr. CHILDS: Mr. Speaker, when

this measure was being engrossed, somewhere along the line there was a typographical error. It is necessary to straighten it out and it is going to be re-engrossed with an amendment, so I therefore move that this lie upon the table.

The SPEAKER pro tem: The gentleman from Portland, Mr. Childs, moves that this Bill lie on the table pending passage to be enacted. Is this the pleasure of the House?

The motion prevailed and the Bill was so tabled.

Finally Passed Emergency Measure

Resolve Regulating Fishing in Chain of Ponds in Chain of Ponds Township, County of Franklin (H. P. 1241) (L. D. 1533)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 117 voted in favor of same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act relating to the Salary of the Judge and the Recorder of the Portland Municipal Court (S. P. 84) (L. D. 173)

An Act relating to Compulsory Commitment of Persons Infected with Tuberculosis (S. P. 367) (L. D. 1063)

An Act Amending the Maine Employment Security Law as to Disqualifications for Benefits (S. P. 412) (L. D. 1181)

An Act relating to the Reorganization of the State Board of Arbitration and Conciliation (S. P. 559) (L. D. 1515)

An Act to Incorporate the Maine Fidelity Life Insurance Company (S. P. 571) (L. D. 1524)

An Act relating to Flares, Lanterns and Reflectors for Large Trucks (H. P. 134) (L. D. 135)

An Act relating to Approval and Accreditation of Secondary Schools (H. P. 343) (L. D. 422)

An Act Exempting Towns from the Use Fuel Tax (H. P. 763) (L. D. 839)

An Act relating to Registration Fees for Certain Motor Trucks (H. P. 768) (L. D. 844)

An Act relating to Definition and Duties of "Owner" in Motor Vehicle Laws (H. P. 1187) (L. D. 1450)

Finally Passed

Resolve to Purchase Additional Sets of the Revised Statutes of 1954 (S. P. 407) (L. D. 1121)

Resolve in favor of Dudley Carter of Newport (H. P. 641) (L. D. 718)

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

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

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

Orders of the Day

The SPEAKER pro tem: Under Orders of the Day, the Chair lays before the House, the first tabled and today assigned matter, Senate Report, "Ought to pass" in New Draft, Senate Paper 551, Legislative Document 1489, of the Committee on Judiciary on Bill "An Act relating to Hospitalization of the Mentally Ill", Senate Paper 480, Legislative Document 1349, tabled on May 4, by the gentleman from Lewiston, Mr. Malenfant, pending acceptance, and the Chair recognizes that gentleman.

Mr. MALENFANT: Mr. Speaker, I move this bill lie on the table unassigned pending a decision from the Judge of the Supreme Court.

The SPEAKER pro tem: The Chair understands that the gentleman from Lewiston, Mr. Malenfant, moves that the Report and Bill lie on the table pending acceptance of the Committee Report. Is this the pleasure of the House?

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

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

Mr. MCGLAULIN: Mr. Speaker and Members of the House: The

reason that I asked to address the House just for a moment is that I think it would be unnecessary to table this matter after I have explained the situation. The Chairman of the Judicial Committee, the Senator from Kennebec, Mr. Reid, the Chairman of the House Committee, myself, and a member of the Attorney General's office were invited to meet with the members of the Supreme Court last Monday evening to discuss this matter that had been referred to them. The object of the bill was to try to get emergency cases taken care of speedily and as we looked over—I might go back just a minute. Some prior Legislature had passed an act that the Supreme Court declared to be unconstitutional. The author of this measure thought that he had avoided the errors that were committed in the former bill, it is quite a long bill. We gave it consideration and the idea appealed to the members of the Judiciary Committee, but after we had passed a vote to request an opinion of the Justices of the Supreme Court, I carefully went over the previous decision that was made a few years ago. I myself became convinced that that measure was unconstitutional because it failed to give proper notice to the party that was to be sent to the hospital where the courts had said they should have notice and have an opportunity to object to such procedure.

I therefore requested a member of the Attorney General's Department to report to Mr. Justice Williams that I was convinced that this measure was unconstitutional and therefore I saw no object in my attending the meeting. The only one to attend, as I understand it, was a representative from the Attorney General's Department. At that meeting I am informed the Court suggested that there could be certain amendments made that would take care of this matter. I have some doubts, I do not know whether they have rendered a decision or whether they will render one, but what is proposed now is that we dispose of this case here today, I suggest, indefinitely postpone it or pass it whichever you please, and then in the other body

an amendment will be introduced to try to make the matter constitutional and that that body will again try to get the Supreme Court to pass upon it while they are still here, so that if we pass a measure it will be pretty sure to be constitutional. Now if the gentleman from Lewiston, Mr. Malenfant, will withdraw his motion to table, I will make a motion to indefinitely postpone this bill and let it be taken care of in the other body.

The SPEAKER pro tem: The Chair will state that the matter has already been tabled.

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

Mr. CURTIS: Mr. Speaker, I consider this one of the most vicious bills that ever was presented to this Legislature. —

The SPEAKER pro tem: Will the gentleman kindly defer, please. The matter has been tabled and is not before the House and that precludes any debate.

Mr. CURTIS: Mr. Speaker, I wish to move that we reconsider our action —

The SPEAKER pro tem: The Chair would inform the House that the opinion of the Justices on this bill will be available in a very few hours on this Bill.

On motion of the gentleman from Hampden, Mr. Stanley, the House voted to take from the table the fifty-second tabled and unassigned matter, Bill "An Act Increasing Salaries of County Officials of Penobscot County", House Paper 1226, Legislative Document 1507, tabled on May 5 by that gentleman pending further consideration. (Engrossed in House) (Engrossed as amended by Senate Amendment "A" in Senate)

Thereupon, on motion of that gentleman, the House voted to recede from its former action whereby the Bill was passed to be engrossed.

The same gentleman then offered House Amendment "A" to Senate Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to SENATE AMENDMENT "A" to H. P. 1226, L. D. 1507, Bill "An Act Increasing Salaries of County Officials of Penobscot County."

Amend said Amendment by adding after the underlined word "pay" in the last line of the 2nd paragraph thereof, the underlined punctuation and words 'but shall not apply to the sheriff and deputy sheriffs engaged in the service of civil process'

Further amend said Amendment by adding after the underlined word "pay" in the last line of the last paragraph thereof, the underlined punctuation and words 'but shall not apply to the sheriff and deputy sheriffs engaged in the service of civil process'

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

Senate Amendment "A" as amended by House Amendment "A" thereto was then adopted.

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

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

Mr. HANSON: Mr. Speaker, I would like to remove Item 3, page 8, from the table "An Act relating to Instruction in Schools of Barbering" and present an amendment and speak very briefly on it.

The SPEAKER pro tem: The gentleman from Gardiner, Mr. Hanson, moves to take from the table the third tabled and unassigned matter, Bill "An Act relating to Instruction in Schools of Barbering", House Paper 549, Legislative Document 606, tabled on March 23 by that gentleman pending third reading. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER pro tem: The Chair recognizes the same gentleman.

Mr. HANSON: Mr. Speaker and Members of the House: I would like to present Amendment "A" so that it will correspond with the bill that was enacted yesterday in the House.

The SPEAKER pro tem: The gentleman from Gardiner, Mr. Han-

son, offers House Amendment "A" and moves its adoption. The Clerk will read the amendment.

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

HOUSE AMENDMENT "A" to H. P. 549, L. D. 606, Bill "An Act relating to Instruction in Schools of Barbering."

Amend said Bill by striking out, in the 10th line, the stricken out figure "1,000" and the underlined figure "1,500" and inserting in place thereof the figure "1,000"

Further amend said Bill, in the 11th line, by striking out the stricken out figure "3" and the underlined figure "9" and inserting in place thereof the figure "6"

Further amend said Bill by adding after the word and punctuation "months," in the 11th line thereof, the following underlined words and punctuation: 'or in lieu thereof has satisfactorily completed a course of instruction of 1,500 hours in not less than 9 months in a school of barbering approved by said Board.'

House Amendment "A" was adopted.

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

On motion of the gentleman from Bowdoinham, Mr. Curtis, the House voted to take from the table the sixty-fifth tabled and today assigned matter, Bill "An Act relating to Boilers and Unfired Steam Pressure Vessels", House Paper 1235, Legislative Document 1525, tabled on May 10 by that gentleman pending passage to be engrossed.

The same gentleman then offered House Amendment "B" and moved its adoption.

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

HOUSE AMENDMENT "B" to H. P. 1235, L. D. 1525, Bill "An Act relating to Boilers and Unfired Steam Pressure Vessels."

Amend said Bill by adding at the end the following section:

"Sec. 3. R.S., c. 30, Sec. 83, amended. The 1st sentence of section 83 of chapter 30 of the revised statutes is hereby amended to read as follows:

'No steam boiler or unfired steam pressure vessel that has been condemned for further use in this or any other state by an authorized boiler inspector employed by an insurance company or by an inspector authorized to inspect boilers by a state or the Federal Government shall be operated in this State at a gauge pressure of over 15 pounds.'

House Amendment "B" was adopted.

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

On motion of the gentleman from Hanover, Mr. Ferguson, the House voted to take from the table the forty-third tabled and unassigned matter, House Divided Report, Majority "Ought not to pass" and Minority "Ought to pass" of the Committee on Highways on Resolve Authorizing State Highway Commission to Study Desirability of Bridge and Causeways Connecting Little John's Island and Chebeague Island in Casco Bay with the Mainland, House Paper 254, Legislative Document 239, tabled on April 29 by that gentleman pending acceptance of either Report.

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

Mr. CALL: Mr. Speaker, I now move that on L. D. 239, we accept the majority report "Ought not to pass".

The SPEAKER pro tem: The Chair would request the gentleman from Cumberland, Mr. Call, to kindly approach the rostrum.

(Conference at rostrum)

The SPEAKER pro tem: The gentleman from Cumberland, Mr. Call, moves that the Majority Report "Ought not to pass" be accepted. Is this the pleasure of the House?

The motion prevailed and the Majority Report was accepted and sent up for concurrence.

At this point, Speaker Trafton returned to the rostrum.

Thereupon, the Sergeant-at-Arms conducted the gentleman from East Machias, Mr. Cates, to his seat on

the floor amid the applause of the House and Speaker Trafton resumed the Chair.

The SPEAKER: The Chair would thank the gentleman from East Machias, Mr. Cates, and would like to have it noted (off the record)

On the record, will the gentleman from East Machias, Mr. Cates, kindly approach the rostrum.

(Thereupon, Speaker Trafton presented Mr. Cates with a boutonniere)

Mr. CATES: Thank you, Mr. Speaker. (Applause)

On motion of the gentleman from Bangor, Mr. Quinn, the House voted to take from the table the twenty-first tabled and unassigned matter, Resolve Authorizing Study of Proposed Maine - Quebec Highway, House Paper 960, Legislative Document 1086, tabled on April 19 by that gentleman pending passage to be engrossed.

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

On motion of the gentleman from Milo, Mr. Brockway, the House voted to take from the table the eighteenth tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Taxation on Bill "An Act Exempting Agricultural Sprays and Dusts from Sales and Use Tax", House Paper 764, Legislative Document 840, tabled on April 15 by that gentleman pending acceptance.

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

Mr. BROCKWAY: Mr. Speaker and Members of the House: I want to say very briefly. First, I will say that I tabled this bill in the absence of the gentleman from Perham, Mr. Bragdon. He introduced the bill. I have since talked with him about it and I note his absence today and we thought best to get rid of it. I would say though that the rest of the Association of Agriculture are very unhappy to be paying this sales and use tax on materials that are definitely being lost, that are evidently being lost, in production. But it seems that due to this late hour and the condition of

the finances of the State that there is no use in butting our heads against a stone wall so I now move indefinite postponement.

The SPEAKER: The Chair understands that the gentleman from Milo, Mr. Brockway, moves that the "Ought not to pass" Report of the Committee be accepted. Is this the pleasure of the House?

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

On motion of the gentleman from Auburn, Mr. Jacobs, the House voted to take from the table the fourth tabled and unassigned matter, Resolve Providing Review of Shellfish and Marine Worm Laws, House Paper 505, Legislative Document 542, tabled on March 24 by that gentleman pending second reading.

On further motion of the same gentleman, the Resolve was given its second reading, passed to be engrossed and sent to the Senate.

On motion of the gentleman from Hanover, Mr. Ferguson, the House voted to take from the table the eleventh tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Retirements and Pensions on Bill "An Act Amending the Law Permitting Municipal Employees to Receive Federal Social Security Benefits", House Paper 1112, Legislative Document 1303, tabled on April 12 by that gentleman pending acceptance.

On further motion of the same gentleman, the "Ought not to pass" Report of the Committee was accepted and sent up for concurrence.

On motion of the gentleman from Newport, Mr. Carter, the House voted to take up a matter which was recalled from the files by Joint Order. Resolve to Reimburse the Town of Stetson for Aid Extended to Carlton Johnson, House Paper 809, Legislative Document 846.

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

Mr. CARTER: Mr. Speaker, I have taken this matter up with the House Chairman of the Claims Committee and they will accept this

back in the committee, so therefore I move that we recommit the bill to the Claims Committee.

The SPEAKER: The Chair understands that the gentleman from Newport, Mr. Carter, moves that, under suspension of the rules, the House reconsider its action whereby on March 24, 1955, it accepted the "Ought not to pass" report of the Committee on Claims. Is this the pleasure of the House?

The motion prevailed.

Thereupon, on further motion of the same gentleman the Report and Resolve were recommitted to the Committee on Claims and sent up for concurrence.

On motion of the gentleman from Mechanic Falls, Mr. Foster, the House voted to take from the table the fifteenth tabled and unassigned matter, Bill "An Act Amending the Financial Responsibility Law", Senate Paper 408, Legislative Document 1183, tabled on April 13 by that gentleman pending third reading.

Mr. Osborne of Fairfield 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. 408, L. D. 1183, Bill "An Act Amending the Financial Responsibility Law."

Amend said Bill in "Sec. 1" by striking out the stricken out words "at least" wherever they appear in the paragraphs designated "G" and "H" and inserting in place thereof the words 'at least'

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.

On motion of the gentleman from Orono, Mr. Needham, the House voted to take from the table the first tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Retirements and Pensions on Resolve Providing for State Pension for Mrs. Addie Lavoie of Milford, House Paper 390, tabled on March 22 by that gentleman pending acceptance.

On further motion of the same gentleman, the "Ought not to pass" Report was accepted and sent up for concurrence.

On motion of the gentleman from Portland, Mr. Childs, the House voted to take from the Table the fifty - first tabled and unassigned matter, Bill "An Act Increasing Salary of County Attorney of Franklin County", House Paper 945, Legislative Document 1048, tabled on May 5 by that gentleman pending further consideration. (Engrossed in House) (Engrossed as amended by Senate Amendment "A" in Senate) Thereupon, Senate Amendment "A" was read by the Clerk as follows:

SENATE AMENDMENT "A" to H. P. 945, L. D. 1048, Bill "An Act Increasing Salary of County Attorney of Franklin County."

Amend said Bill by striking out all of the Title thereof and inserting in place thereof the following Title: "An Act Increasing Salaries of County Attorney's of Cumberland County and Franklin County."

Further amend said Bill by inserting before the headline in the 1st line thereof, the following: "Sec. 1."

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

"Sec. 2. R. S., c. 89, Sec. 114, amended. That part of section 114 of chapter 89 of the revised statutes, which relates to the salary of the county attorney of Cumberland County, is hereby amended to read as follows:

'Cumberland, \$4000 \$4,500;'

On further motion of the same gentleman, the House voted to recede and concur in the passage of the Bill to be engrossed as amended by Senate Amendment "A".

On motion of the gentleman from Bingham, Mr. Shaw, the House voted to take from the table the forty-seventh tabled and unassigned matter, Bill "An Act relating to Trespass on Certain Buildings", House Paper 599, Legislative Document 655, tabled on May 4 under the Rules, pending reproduction of House Amendment "A" to Committee Amendment "A".

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

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

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

"Amend said Bill by striking out the underlined word 'other' in the 5th line and inserting in place thereof the underlined word 'locked' "

On further motion of Mr. Shaw of Bingham, House Amendment "A" to Committee Amendment "A" was adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

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

On motion of Mr. Childs of Portland,

R e c e s s e d until twelve-thirty o'clock in the afternoon, Eastern Standard Time.

After Recess
12:30 P.M., E.S.T.

The House was called to order by the Speaker.

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

Mr. OSBORNE: Mr. Speaker and Members of the House: I evidently am in the dog house with this group here. I tried to table a bill this morning and I really had an amendment that I wanted to offer. So with some hesitancy I am asking your indulgence for reconsideration of Item 9, Page 3, of today's calendar, ask a reconsideration of the action that we took when we passed it to be engrossed and only for the purpose of adding an amendment which has been reproduced as Filing No. 522. The purpose of this amendment will be to overcome one of the great criticisms that MDC has had in the past.

This amendment would bring in automatically new blood into the advisory group at periodic intervals and I believe would be good for the State of Maine.

I move that we reconsider our action previously taken in today's session on L. D. 1536, that was previously, L. D. 1465.

The SPEAKER: The gentleman from Fairfield, Mr. Osborne, moves that the House reconsider its action whereby this morning House Paper 1196, Legislative Document 1465, Bill "An Act to Create the Department of Development of Industry and Commerce," was passed to be engrossed and Senate Amendment "A" adopted. Is this the pleasure of the House?

The motion prevailed.

The same gentleman then offered House Amendment "B" to Senate Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "B" to SENATE AMENDMENT "A" to H. P. 1196, L. D. 1465, Bill "An Act to Create the Department of Development of Industry and Commerce."

Amend said Amendment by adding at the end of the 3rd paragraph, before the period, of that part designated "Sec. 7" of chapter 38 - A, the following underlined words: 'and no public member shall be reappointed until 1 year has elapsed from the expiration of his last previous term of office.'

House Amendment "B" to Senate Amendment "A" was adopted.

Thereupon, Senate Amendment "A" as amended by House Amendments "A" and "B" thereto was adopted.

The Bill was then passed to be engrossed as amended by Senate Amendment "A" as amended by House Amendments "A" and "B" thereto in non-concurrence and sent up for concurrence.

On motion of the gentleman from Raymond, Mr. Edwards, the House voted to take from the table the forty-second tabled and unassigned matter, House Report of the Committee on Natural Resources on Bill "An Act Amending Laws on Water Pollution Control," House Pa-

per 1109, Legislative Document 1300, reporting two New Drafts, New Draft "A", under title of "An Act Classifying Additional Surface Waters in Maine", House Paper 1230, Legislative Document 1513, and New Draft "B" under same title as original bill, House Paper 1231, Legislative Document 1514, tabled on April 29 by that gentleman pending acceptance.

Thereupon, the Committee Report was accepted, and New Draft "A" was given its two several readings.

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

Mr. BRIGGS: Mr. Speaker, I offer House Amendment "A" to House Paper 1231 and move its adoption.

The SPEAKER: Before the House, at this time, is New Draft "A", Legislative Document 1513.

Thereupon, Mr. Briggs of Caribou offered House Amendment "B" to Legislative Document 1513 and moved its adoption.

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

HOUSE AMENDMENT "B" to H. P. 1230, L. D. 1513, Bill "An Act Classifying Additional Surface Waters in Maine."

Amend said Bill by adding at the end thereof a new section, to be numbered 8, to read as follows:

"Sec. 8. R. S., c. 79, Sec. 16, additional. Chapter 79 of the revised statutes is hereby amended by adding thereto a new section, to be numbered 16, to read as follows:

'Sec. 16. Classification of surface waters. The following surface waters shall be classified in accordance with the provisions of this chapter:

Great Ponds.

1. All great ponds within the State of Maine shall be classified herewith as not less than Class B-1; provided, however, that the Commission, upon application by any interested person shall hold a hearing in accordance with the classification procedure and if it shall find it is for the best interests the public that such waters or any part thereof should be otherwise classified, it shall do so in accordance with the classification procedure of this chapter.'"

The SPEAKER: Is it the pleasure of the House that House Amendment "B" to Legislative Document 1513 be adopted?

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Lamb.

Mr. LAMB: Mr. Speaker and Members of the House: I do not rise to object to this amendment personally. But I think it should be pointed out here that one of the reasons the committee left this out of the original bill is that many municipalities in the State take their water supply directly from Great Pond. And those that are classified as class "A", these municipalities feel that they do not want their water supply reduced to class "B-1".

Thereupon, House Amendment "B" to Legislative Document 1513 was adopted.

The Bill was then assigned for third reading tomorrow.

New Draft "B" was then given its two several readings.

Mr. Briggs of Caribou then offered House Amendment "A" to Legislative Document 1514 and moved its adoption.

House Amendment "A" to New Draft "B" was read by the Clerk as follows;

HOUSE AMENDMENT "A" to H. P. 1231, L. D. 1514, Bill "An Act Amending Laws on Water Pollution Control."

Amend said bill by striking out all of sections 8 and 9 and inserting in place thereof the following:

"Sec. 8. R. S., c. 79, Sec. 8, amended. Section 8 of chapter 79 of the revised statutes is hereby amended to read as follows:

'Sec. 8. Pollution restricted. No person, firm, corporation or municipality or agency thereof shall discharge into any stream, river, pond lake or other body of water or watercourse or any tidal waters any waste, refuse or effluent from any manufacturing, processing or industrial plant or establishment or any sewage so as to constitute a new source of pollution to said waters without first obtaining a license therefor from the Water Improvement Commission; provided, however, that no application for a license shall be required hereunder

for any manufacturing, processing or industrial plant or establishment, new or heretofore operated, for any such discharge at its present general location, such license being hereby granted established prior to August 1, 1945.

It shall be unlawful for any person or persons to dispose of any sewage or waste into any surface water in excess of the maximum quantity or of a different character than that being discharged during a period of one year prior to July 1, 1955 without first obtaining a license from the Commission, which license shall specify the terms and conditions by which the licensee may further pollute the water.'

Sec. 9. R. S., c. 79, Sec. 11, amended. Section 11 of chapter 79 of the revised statutes is hereby amended to read as follows:

'Sec. 11. Deposit of slabs, edgings, sawdust, etc., in streams. No person, corporation or other party shall place or deposit in the inland waters or tidal waters of this State, or on the banks thereof so that the same shall fall or be washed into such waters, any slabs, edgings, sawdust, chips, bark slash or shavings created in the manufacture of lumber of other wood products, or so deposit any oil regardless of its source or so pollute said waters. The Water Improvement Commission shall make surveys concerning pollution, of said waters. Whenever said Commission finds conditions inconsistent with this section, it shall attempt to correct the same through negotiation; and upon failure to procure correction, it shall apply to any justice of the supreme or superior court, in an action as in equity. Said court, on due notice and hearing, may abate said condition to an extent consistent with the public interest and shall impose limitations on the nature and extent of deposit in said waters consistent with the public interest. Any person, corporation or other party aggrieved thereby may appeal therefrom to the law court as in equity.

The following rivers are exempted until the 1st day of September, 1955 and no longer from all of the provisions of this section: Salmon Falls river, Mousam river, Saco river, Presumpscot river, Androscoggin

river, Little Androscoggin river, Kennebec river, Penobscot river and the West Branch of the Penobscot river and Millinocket stream up to and including the town of Millinocket, St. Croix river and St. John river, excepting all tributaries of the aforesaid rivers. Whoever violates any provision of this section shall pay a fine of not less than \$25 nor more than \$200, and costs, for each offense.

Nothing contained in this section shall nullify, modify or in any way affect any license granted by said Commission or otherwise granted pursuant to or by the provisions of section 2.

If any person, corporation or other party believes it to be necessary in the prosecution of his or its business to deposit some or all of the materials hereinbefore mentioned in this section in any of said waters, or on the banks thereof, to an extent prohibited by this section, he or it may make application to such Commission, which shall give notice thereof and hold a hearing thereon, and which shall have authority to issue an order thereon granting such permit as it deems advisable or denying such application.

Any person, corporation or party aggrieved by any order or decision of said Commission made pursuant to any of the provisions of this section may appeal from such order or decision to any justice of the superior court in accordance with the procedure outlined in section 10 and all further proceedings upon such appeal shall be in accordance with the provisions of said section 10."

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Lamb.

Mr. LAMB: Mr. Speaker and Members of the House: Once again I have to arise. In the adoption of this amendment, if it should be adopted by the House, you are restoring to this bill those things which the committee felt should be modified as they did modify them in the new draft. Particularly, Section 8, which can cause some trouble to municipalities which, as we were told in the hearing, were in some cases up to 80 or 85 per cent of their

debt limit and some even up to their debt limit with providing for new sewage disposal systems.

We felt that in many cases there would be a definite hardship and that is why we did modify the bill. Many of us did feel that we favored this bill 1300 when it first came to us, but in the light of the testimony that was presented to us, we found that certain revisions were necessary in order to make our progress slowly and over a planned course.

We did not want to do away with the work of the Water Improvement Commission, the work that they had already done, we wanted to keep the classification system because we thought it was good. We still think it is good and although it is not going to make the progress with the speed many people want, we are all sure that it is going to get the job done eventually and we feel that steps are being taken with every session of the Legislature.

That is really the argument I wanted to present to you in regard to this Section 8. Read it carefully because it may work a hardship on your municipality or an industry existing in your municipality and if you feel it does not in your eyes, then yours is the final decision anyway. Your committee was only doing what it thought was best and we gave you our recommendations in the new draft and leave the matter in your hands.

The SPEAKER: Is it the pleasure of the House that House Amendment "A" to Legislative Document 1514 be adopted?

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: The gentleman from Eastport, Mr. Lamb, has, I think, very well voiced the feeling of the many members of the committee at any rate and I, as one of the members of the committee, wish to agree with him publicly and say that that is my feeling and that I do hope this amendment will not be accepted.

(Off record motion by Miss Lawry)

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

Mr. BRIGGS: Mr. Speaker and Ladies and Gentlemen of the House: I am not just a little bit disturbed by some of the immediately preceding events here. They are not quite within the confines of the direct understandings which I had received on the matter, but I suppose that that is all fair in love and war and perhaps you could include politics.

Now you folks know how hard it is to get blood out of a turnip and I would like to add to that that it seems to me that it is exceedingly difficult to get respiratory circulation or blood circulation through a horned toad which has no heart.

Now I would like to relate the new draft, if I may, of the Beal Bill to a horned toad. And I would like to relate it as it is to a horned toad with no heart. The principal problem that was before us, as you folks will recall if you reflect just a little bit, was the opportunity for this Legislature to act, of course, in the interests of their people, on several of numerous different measures or on one or two numerous different measures before us.

The first measure obviously received, in the words of one of the other great speakers here, the usual disease, the same sickness that befalls a great deal of the legislation. That is all right, I have no complaint any further with that.

But now number two which I referred to, the opportunity to pass a sort of a half-way measure which had been drafted up by the Water Improvement Commission in an effort to slightly strengthen, only slightly I might say, their present laws and had been added to with a couple of little measures by the Governor which he thought could contribute something to the problem. This is the item before our consideration now. Now before that went to the committee, in my opinion, it was a reasonably good half - way attempt to try to strengthen the present statutes. After it came back from the committee I think it looks more or less like a horned toad, because about all the heart and soul

there was in it, and a little bit more besides, has been left out.

I have gone over it very carefully because it is my sincere desire, as I think most of you people realize, to try to come out of this Legislature with something which is going to improve the very deplorable present condition of our water resources. Now what happened in this process is that there was very strenuous opposition to most of the measures to strengthen the present statutes. Any of you who attended the hearings do not need any reminder of where that opposition came from.

The Hickey-Freeman crowd was really present unmasked. I did not think we were going to get into any kind of a debate here over whose bill had been lobbied the hardest, but I am sure that if any such contest does arise that I will at least have an opportunity to be recognized as one of those who has received the greatest amount of attention from that glorious body, the third House in this Legislature.

Now, ladies and gentlemen, to get down to the meat of the situation. Every single thing which the lobbyists opposed in this original Beal bill was removed from the bill with the exception that they left two conservation members on the commission, which they admittedly did not agree with. Well that is just about furnishing a fellow with a brand new shiny 1955 automobile and telling him that he has got the complete use of it and it will probably last him the rest of his life and that will probably be due partly to his excellent care of the automobile, but partly because he did not have any gasoline. This bill is just about like that now.

What has happened is that they have managed to manipulate the wording of it so that it takes a whole lot more fellows under the electric blanket and keeps the situation completely confounded and it is the biggest merry-go-round that I ever saw. I know you folks have all been on some pretty big merry-go-rounds, but I doubt very much if you have ever been on one like this.

The way the darned thing starts it leads you to believe that it is looking pretty good. It says that

you cannot put any sawdust and so forth in the waters and so forth and so forth, but then at the end it says . . . that is just the first sentence, you have to refer back to Section 11. When you refer back to Section 11 you find out that it gets into a good deal of rivers that were previously exempted and that they were all exempted to a period up to but not any longer than 1955. Well that is all pretty good. The commission crossed out a lot of that. But then you have to go along and at the very end of that it says this does not have anything to do with this completely notwithstanding anything said in Section 8 of this chapter. So then you have to look at Section 8 and you look at Section 8 and that is very interesting, it says "pollution restricted" — it should say "pollution encouraged" the way it is. That just about fixed the whole situation. It moved the whole thing up to where "no application for a license shall be required hereunder for any manufacturing processing, or industrial plant or establishment now or heretofore operated for any such discharge at its present general location, such license being hereby granted established prior to September 1, 1955." So that just takes the whole business under its wing and makes it possible for anybody besides that who would like to get out and do a little bit of scratching around between now and September so they can get taken under it license-free also.

Now if that is the kind of legislation that you folks here want, I am sure it would behoove me to not make too strong a play in opposing it. I have no interest in this at all. My only financial interest is that I am a considerable stockholder in some of the biggest corporations in this nation and I am all for them a thousand per cent but I do not like their dirty ways.

I hope you will let me quote from a rather interesting little section that was in the "Boston Traveler" on May the 5th, 1955. It is entitled "River Projects in New England Pushed":

"Good progress", and I am quoting, "was reported from most fronts today in the multi-million-dollar campaign to rid New Eng-

land's rivers, harbors and lakes of sewage and industrial waste.

"A United Press survey showed that the anti-pollution drive was being pressed effectively in all six states except Maine.

"There, anti-pollution forces have made their strongest bid in years. They are trying to put through a law that would force the cleanup of 2,000 miles of rivers and streams. A Legislative committee has reported adversely on the proposal, however."

I do not imagine that it is necessary for me to call your attention to some of the recent releases which have appeared in our own Maine papers. There is just one little section of one which appeared in a Portland paper on Monday that I would like to point out here. It says in paragraph 2:

"There are people in Maine today, probably including some lawmakers, who believe the foolish argument that industry would start packing its bags immediately if a tighter pollution control bill were passed. This is the type of prejudice that slowly vanishes when full and factual information is made available.

"The allies of pollution are fear, prejudice and ignorance. These friends of pollution have been reduced in size and strength in 1955." And I hope so. I do hope that you will go along with the addition of this Amendment "A" to the bill. Thank you very much.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I join with the other members of this House in a great esteem and admiration for the gentleman from Caribou, Mr. Briggs, and if I must be called a horned toad, I think I would rather he would call it to me than anyone. Last June I was called worse things than that. I have no quarrel with his stand upon this matter, as is well known.

There is only one thing in his remarks that I do not quite understand. As he began talking, he said something about an understanding being abrogated is not the word, but I think the way I got it that

someone had an understanding with him and had double-crossed him, that is what I got. I do not think that I have done that, I do not know of any understanding that I had with him, and perhaps if he would care to explain what he meant, I would like the opportunity to get out from under the double-crossing part of it even though I am a horned toad.

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

Mr. ANDERSON: Mr. Speaker, when the vote is taken on the amendment, I ask that it be taken by division.

The SPEAKER: Is the House ready for the question?

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

Mr. FERGUSON: Mr. Speaker and Members of the House: I being a member of the Natural Resources Committee two years ago, I know what great length we went through to get the present law that we have on our books in setting up classifications in waters and so forth. I think that your present committee has done a fine job in getting this new draft out which, as I understand it, came out of that committee unanimously. It was agreed by that committee that it was a workable plan and certainly putting this Section 8 back in the new draft would put it back right where we were before with the original bill. At this time, I want to make a motion for indefinite postponement of House Amendment "A."

The SPEAKER: The gentleman from Hanover, Mr. Ferguson, moves that House Amendment "A" to House Paper 1231, Legislative Document 1514, Bill "An Act Amending Laws on Water Pollution Control" be indefinitely postponed. Is this the pleasure of the House?

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

Mr. WILLIAMS: Mr. Speaker and Members: I hesitate to speak on this for two reasons. One was I did not intend to speak on it and another reason is I am not an expert on horned toads or their blood systems. But I am interested in the welfare of the people in this state.

Now one other thing that this bill does that was not pointed out here, the Water Commission, as of now, is under the Health and Welfare Department. In other words, their money is set up for Health and Welfare and then is reallocated to the commission. Now there is one paragraph in here that they expect to operate under federal funds partly and in Section 1A here it allows them to directly get their federal funds so they will not be under the supervision of any other department. It kind of puts them out on their own and it looked to the Natural Resources Committee as though that would be a step in a forward direction.

Personally, I believe our classification is sound and that eventually we will come to the end of the road in classifying these rivers and then they can be checked upon, but it will probably be a slow process; the speed of the process depends on how much money you allocate to the Water Improvement Commission. If they had had sufficient money, the job would have been all done right as of now. Thank you.

The SPEAKER: The question before the House is on the motion of the gentleman from Hanover, Mr. Ferguson, that House Amendment "A" be indefinitely postponed.

The Chair believes that a request for a division was made on a previous motion. As many as are in favor of the indefinite postponement of House Amendment "A" to this bill will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Forty-four having voted in the affirmative and fifty-eight having voted in the negative, the motion did not prevail.

The SPEAKER: The pending question is on the motion of the gentleman from Caribou, Mr. Briggs, that House Amendment "A" be adopted. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. MacDonald.

Mr. MacDonald: Mr. Speaker, I would like to say a word on the motion.

The SPEAKER: The Chair would inquire if the gentleman moves reconsideration of the vote just taken?

Mr. MacDonald: To reconsider the vote just taken, Mr. Speaker.

The SPEAKER: The gentleman from Rumford, Mr. MacDonald, moves that the House reconsider its action just taken in adopting House Amendment "A"? Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. MacDonald.

Mr. MacDonald: Mr. Speaker, Ladies and Gentlemen of the House: I realize that I should not be standing up here at all due to the condition of my health. But the conditions set forth in that amendment would affect my town considerably and other towns on that river.

Now you know the town of Rumford is built completely on a ledge and every sewer that is laid there, you have to dynamite the rock to lay it. Now we have got to change all our sewerage pipes and bring them into a place for disposal. It is estimated that it is going to cost the town of Rumford three million dollars, and we are within one hundred thousand dollars of our debt limit. Now please tell me how we can do it. And that will not apply only to Rumford but it will apply to other towns on that river.

Not that we like pollution or that we like what our industry puts in the river, not that we like the smell we get from it, but we would rather have a smell and a payroll than no smell and no payroll. Now there is a weekly payroll of over a quarter of a million dollars a year that we want to protect. Now in addition to that we buy pulpwood from all over the state, the farmers.

And if there is any horned toad in this it is in the amendment so I ask that you be not like the horned toad, have a heart and do not let us down in that position.

At this point, Mr. Earles of South Portland assumed the Chair and the Speaker retired from the Hall conducted by the Sergeant-at-Arms.

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

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

Mr. TOTMAN: Mr. Speaker and Members of the House: I think that at this point I am a little bit confused, not about the subject at hand but about the parliamentary procedure we have just gone through.

I distinctly understood that we adopted this amendment and, with all due respect to the gentleman from Rumford, Mr. MacDonald, I did not think the previous question was ruled and he had ample opportunity to speak, but for some reason he was given a chance to speak again. Now there was no chance for this House to vote on reconsideration of the amendment. It was my understanding that we voted on the amendment.

The SPEAKER pro tem: The Chair would state that the amendment is before the House for adoption.

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

Mr. MARTIN: Mr. Speaker, I move that the amendment be indefinitely postponed.

The SPEAKER pro tem: The Chair would state that the gentleman's motion is in order, there having been intervening business since the last motion to indefinitely postpone.

The gentleman from West Gardiner, Mr. Martin, moves that House Amendment "A" to House Paper 1231, Legislative Document 1514, Bill "An Act Amending Laws on Water Pollution Control" be indefinitely postponed.

The Chair recognizes the gentleman from Eastport, Mr. Lamb.

Mr. LAMB: Mr. Speaker and Members of the House: I rise only to repeat my position as before. This new draft is not in a position to aid and abet the pollution situation. The stand was taken because of the condition of many towns and many municipalities involved in this and the many, many people and the effect that this could have on them, the economic effect.

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

Mr. WADE: Mr. Speaker and Members of the House: As a result

of the question raised by the gentleman from Rumford, Mr. MacDonald, I would like to ask through the Chair of the gentleman from Caribou, Mr. Briggs, a question. In connection with this underlined paragraph, which reads "It shall be unlawful for any person or persons to dispose of any sewage or waste into any surface water in excess of the maximum quantity or of a different character than that being discharged during a period of one year prior to July 1, 1955 without first obtaining a license from the Commission, which license shall specify the terms and conditions by which the licensee may further pollute the water."

I would like to ask just what the procedure would be in connection with a city such as the city I live in, Auburn, which has shown some growth in population during the last year and, as a result, is presumably emptying larger amounts of sewage into the Androscoggin River, if you will pardon the expression. Will the Commission grant a license or won't they? Just what does this mean?

The SPEAKER pro tem: The gentleman from Auburn, Mr. Wade, may inquire and the gentleman from Caribou, Mr. Briggs, may answer the question if he so desires and understands the question.

Mr. BRIGGS: Mr. Speaker, I am delighted to answer the question of the gentleman from Auburn (Mr. Wade). The procedure would be that the municipality would ask the Water Improvement Commission for a license to increase the discharge of their municipal waste. In the event that it was an industry, they would ask the Water Improvement Commission for a license to increase the discharge of their industrial waste. The Research Committee was extremely concerned about this after hearing lengthy testimony about how industries as well as municipalities could quadruple their size and could quadruple their pollution with absolutely no restrictions as long as they did it under the present weak law. I might say also, that it is a pretty darned weak thing even at that because there is absolutely nothing in the statutes that makes it possible for the license to be withdrawn; there is no statement that says under which the licenses to be

withdrawn, if they do not qualify. That answers the question I think.

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

Mr. McGLAUFFLIN: Mr. Speaker, I would like to ask through the Chair of the gentleman from Caribou, Mr. Briggs, whether he understands that in case of Rumford they would have to spend three million dollars, in other words, are they compelled to do what the gentleman from Rumford, Mr. MacDonald, suggests if his amendment passes?

The SPEAKER pro tem: The gentleman from Portland may inquire and the gentleman from Caribou, Mr. Briggs, may answer if he so desires.

Mr. BRIGGS: Mr. Speaker, I am glad to answer the question of the gentleman from Portland, Mr. McGlaufflin.

While I am not too awfully well familiar with the conditions in Rumford, I do know that national survey after national survey have shown that in cities and towns all over this United States that sewage treatment and sewage disposal systems can be purchased at a cost ever, ever so much less than those advertised by the persons who would have you believe that the cost was going to be too great.

Another thing I would like to say in qualifying that, there is never any consideration given by the opponents to the benefits to be derived. They only give you the cost and always instead of broken down like the only sensible way to treat these costs is to put them on a rate basis or on a per unit user basis and amortize them over a period of 30 or 40 years which is being done by sewer districts and authorities all over the country. Instead of that, and showing you how cheap it is, they get that one big lump figure and beat everyone over the head with it and try to frighten them to death. That has been the history all over the United States.

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

Mr. WALSH: Mr. Speaker and Ladies and Gentlemen of the House: I guess I am merely falling into the classification that was given by the

gentleman from Lewiston, Mr. Malenfant, but I have been a trustee of the Brunswick Sewer District since it was formed. I have been clerk of the trustees since it was formed. We started in immediately upon a formation of that district, hiring as our engineers the nationally well-known engineering firm of Metcalf and Eddy of Boston, started all of our efforts towards one end and one goal of a sewage disposal plant in the Town of Brunswick. We have spent seven years in that operation. We still are far from reaching that goal.

I can not give you the exact number of thousands of dollars we have spent up to this point. I can tell you that construction is under way in Brunswick right now to the extent of close to \$400,000 in putting in a new main trunk line sewer, replacing pipes that have been down under the ground for fifty to sixty years, putting in a pumping station because we are not located in such a position that we can use gravity alone, removing from the sewerage system, a sanitary sewerage system, surface drainage which must be handled through a high pressure system, a sanitary sewerage system, surface drainage which must be handled through a high pressure system, a sanitary sewerage system, surface drainage which must be handled through a high pressure system. I know that the Town of Brunswick is spending \$400,000 on surface drainage to get rid of the surface drainage in the community. Put those two projects together, which are under way just at the present moment, it is \$750,000.

We have investigated and I was personally one of the members of the trustees of the committee that was appointed to investigate sewage disposal plants in all sizes, shapes and forms even to the portable type. I am of the opinion that the figure given for the cost to the municipalities of getting sewage disposal plants is much closer to the figure that was given here in this House, on the floor of this House, I do not remember the name of the gentleman who gave that figure but we are inclined to be led to believe that it was made by the gentleman from Caribou, Mr. Briggs.

I am very, very, very much in favor of doing something to clean up our rivers and clean up our streams. I feel very strongly that

industry has to be pushed and I also feel strongly that the municipalities have to be pushed but I do not believe that industry or municipalities, either one or the other, must be pushed with a pitchfork. I think everybody believes that we should do something and I think most people are inclined to do something but I do not believe in making a bill so strong that it is going to make it impossible for the municipalities to work towards that end. I will grant you that there has to be some sort of a limitation put on this. In other words, they have to be pushed but when you put the figure July 1, 1955 and when I know what we have actually done in our own community and one of the reasons for this is that the surface drainage is going into the community and a new trunk line sewer is going into the community and it is because of the tremendous increase in population in that town caused by a federal, military installation and we have to take care of the services of that federal military installation and so forth.

Well, now I know all of those things. I know the municipalities are going to be hurt and can not do it just like that. You know, it is a strange thing. The human beings around the face of the United States are peculiar people, all of us. We go to a wrestling match and we want to see a fight. When we go to a fight and we see blood, we holler "murder". When we see a murder we want a sheriff and we want him right now.

Some things that have been going on for fifty years or a hundred years or a hundred and fifty years that cost thousands and thousands of dollars just cannot be changed that quickly.

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

Mr. WILLIAMS: Mr. Speaker and Members: I would just like to clear up one point that my friend, the gentleman from Brunswick, Mr. Walsh, mentioned. He said that July 1, 1955 was too soon but if you will read section 8 of Amendment "A" you will see that it says on the bottom: "established prior to August 1, 1945". That means that this thing

would be retroactive to August 1, 1925 and as of now these permits would need to be obtained.

The SPEAKER pro tem: The question before the House is on the motion of the gentleman from West Gardiner, Mr. Martin, for the indefinite postponement of House Amendment "A" to House Paper 1231, Legislative Document 1514, Bill "An Act Amending Laws on Water Pollution Control."

All those in favor of indefinite postponement will kindly rise and remain standing until the monitors—

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

Mr. MARTIN: Pardon me, Mr. Speaker. I wonder if I heard rightly. I made the motion to indefinitely postpone Amendment "A".

The SPEAKER pro tem: The Chair would state that the gentleman is correct and it was stated as such.

Mr. MARTIN: Pardon me, Mr. Speaker. I am in error.

The SPEAKER pro tem: The question before the House is on the motion of the gentleman from West Gardiner, Mr. Martin, that House Amendment "A" to House Paper 1231, Legislative Document 1514, Bill "An Act Amending Laws on Water Pollution Control" be indefinitely postponed.

As many as are in favor of the motion as stated will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Sixty having voted in the affirmative and fifty-one having voted in the negative, the motion prevailed.

Thereupon, the Bill was assigned for third reading tomorrow.

Mr. Briggs of Caribou was granted unanimous consent to address the House.

Mr. BRIGGS: Mr. Speaker, I am determined nevertheless to be a good sport to the last. I would ask now for the indefinite postponement of both the Bills and accompanying papers.

The SPEAKER pro tem: The Chair is informed that the Bills are not before the House, they have

been assigned for third reading tomorrow morning.

On motion of Mr. Quinn of Bangor, the House voted to take from the table the sixty-first tabled and unassigned matter, House Divided Report, Majority "Ought not to pass" and Minority "Ought to pass" in New Draft under new title "An Act Relieving the Burden of Indigent Costs Now Assessed to Paying Hospital Patients", House Paper 1243, Legislative Document 1535, of the Committee on Appropriations and Financial Affairs on Bill "An Act Creating Hospital Service for the Indigent", House Paper 1093, Legislative Document 1276, tabled by that gentleman on May 9, pending the motion of the gentleman from Auburn, Mr. Jacobs, to accept the Majority Report.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: Several people have requested that an amendment be prepared to this bill. So for that reason, I hope that the motion of the gentleman from Auburn, Mr. Jacobs, to accept the majority "Ought not to pass" report does not prevail because I would like to present this amendment for discussion and consideration of the House at this time.

The SPEAKER pro tem: The question before the House is on the motion of the gentleman from Auburn, Mr. Jacobs, that the Majority "Ought not to pass" Report be accepted. Is this the pleasure of the House?

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

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

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

Mr. ROSS: Mr. Speaker, now, solely for the purpose of presenting the amendment, I move the acceptance of the minority "Ought to pass" report.

The SPEAKER pro tem: The gentleman from Bath, Mr. Ross, moves the acceptance of the Minority "Ought to pass" Report.

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

A viva voce vote being taken, the motion prevailed.

Thereupon the New Draft was given its two several readings.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: Many persons spoke on this bill in the last day or so and everybody whether they were opponents or proponents were evidently most sympathetic with the situation. No one was against the theory that indigent patients should be aided in some other way than the present manner of increased cost to paying patients. But many did oppose the idea of re-creating the property tax for State usage. Several mentioned the fact that we might be able to get this out of sales tax money but I think, as we all realize now, there is no excess there. The bill was tabled at that time with the thought that an amendment might be presented.

As we all know, we now have in surplus in excess of \$1,500,000 of that which was anticipated as late as when we came here in January. This money has been paid into the State by a cross-section of the taxpayers and they have received no services up to this time for it. It is justifiable to use this money for any worthy causes and since many people evidently thought that this was a worthwhile idea, and to give those the opportunity of helping our less fortunate people who are in need of hospitalization and still ease their conscience in regard to the property tax, I now offer House Amendment "A" and move its adoption.

The SPEAKER pro tem: The gentleman from Bath, Mr. Ross, offers House Amendment "A" and moves its adoption.

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

HOUSE AMENDMENT "A" to H. P. 1243, L. D. 1535, Bill "An Act Relieving the Burden of Indigent Costs Now Assessed to Paying Hospital Patients."

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

'Appropriation for public and private hospitals. In addition to any

sums appropriated by the 97th Legislature for aid to public and private hospitals, there is hereby appropriated from the unappropriated surplus of the general fund the sum of \$550,000 for the fiscal year ending June 30, 1956 and the sum of \$550,000 for the fiscal year ending June 30, 1957 to be credited to the Department of Health and Welfare for aid to public and private hospitals.'

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

Mr. JACOBS: Mr. Speaker, I do not know just where this money is coming from but perhaps the gentleman who just spoke (Mr. Ross) may know. But our Appropriations Committee night before last, we have spent or recommended to be spent all the money that we have except a million dollars or so, which you might call a nest egg for this House or the State in the Treasury. If he has access to knowledge of where this \$550,000 is coming from, I would like to have him express it here for my sake and for the Appropriations sake because we do not know.

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

Mr. ROUNDY: Mr. Speaker and Members of the House: I wish to make an inquiry. Perhaps the gentleman from Bath, Mr. Ross, may answer. Just what percentage of the total cost of the State indigent persons is now being covered and just what percentage will this \$550,000 add to the amount that the State has been providing?

The SPEAKER pro tem: The gentleman from Portland, Mr. Roundy, addresses a question through the Chair. The gentleman from Bath, Mr. Ross, has heard the inquiry and he may answer if he so desires.

Mr. ROSS: Mr. Speaker, in reply to the inquiry of the gentleman from Portland, Mr. Roundy, I would be delighted to answer that question. I have answered it once or twice before. Perhaps the gentleman was not here. During the last biennium, and as it is set up right now, the hospitals are being reimbursed 55 per cent of the cost of the indigent

but under the present situation for the future biennium because of a spurt in appropriations to obtain excess federal aid, this will be cut to only forty per cent. So for the next two years, if nothing is done they will only be receiving forty per cent of these costs. Now, if this bill should go through, the hospitals would be receiving eighty per cent of the cost.

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

Mr. CIANCHETTE: Mr. Speaker and Ladies and Gentlemen: I would like to concur with the gentleman from Bath, Mr. Ross, that I was one of those persons the other day who objected to the bill in its former status but under the conditions I would still object to the bill by taking money from unappropriated surplus. This certainly is an expense of recurring nature and I do not think it is good business to take recurring expenses from unappropriated surplus. I believe that those moneys should come from general funds. I mentioned the other day that there were a number of documents that were worthy that were going to be asked for in this House by various members. He did not choose to believe me at that time. This is the first one that has appeared since and I just want to point out that I think it only substantiates my arguments of the other day.

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

Mr. SANFORD: Mr. Speaker and Members of the House: I was just going to mention. I do not think that the gentleman from Bath, Mr. Ross, told the whole story on that. I think there is another, where they split this up, that \$1,100,000 was split up \$550,000 and put it in the Health and Welfare Department and they get \$125,000, I think, from the Federal Government by doing so. And that particular class of people will pay the hospitals what, about 80 per cent or so? He did not mention. And that cuts down the other class to the forty per cent but by giving this other \$550,000 he is speaking about, he says that will raise that 80 per cent on that class, so they would be getting 80 per cent for the whole over

all. For everyone, if we get the \$550,000.

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

Mr. HENRY: Mr. Speaker and Members of the House: I am not going to make a long speech on this subject I just do want to bring one or two items to your attention. I think the gentleman from Pittsfield, Mr. Cianchette, brought it out very clearly that this is a recurring item and over the years these have not been put into the unappropriated surplus.

I would like to call to your attention, also, that among the members of this House are a great many who have pet bills in here which call for appropriations out of the unappropriated surplus. I also would like to say that ever since this session started back in January, the Appropriations Committee has met regularly about four days a week in an endeavor to sort out from the needs of the State, separate them from the desires of the people of the state. There is considerable difference in that. During the last week we have arrived at the point where the unappropriated surplus has been entirely allotted by us. Of course that does not mean it will go through that way, but I just want to call your attention to the fact that if this bill is passed, some of the pet bills of the members of this House will have to fall by the wayside, and not only that, but if the funds are provided for this purpose they will have to be taken out of some other worthwhile projects. For instance, perhaps from the Health and Welfare on the TB Sanatorium for Augusta State Hospital, or for the new wing for the Chemical Building at the University of Maine. I mention those two because the amount of money seems to tally somewhat closely with the figure that is on the amendment. I just thought it was fair to bring these things up and it is up to the House to make up their mind whether they want to go along with this provision or not.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I have

hesitated speaking on this bill but I want to say a few words. This bill is a very good bill for a town or city that has hospitals and plenty of doctors but the little towns that have not doctors or hospitals have been penalized over the years even under the hospital aid act due to the fact that under these acts they have to have a doctor to give his services for nothing and it is almost impossible for the little towns to get a doctor to give his services. Therefore, this bill if passed about the only town or city it is any good for is one which has a hospital of its own and has plenty of doctors who are willing to give their services. It doesn't benefit or help the little towns one single bit.

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

Mr. HARNDEN: Mr. Speaker and Members of the House: I am in sympathy with this idea, very much so but I wonder if somebody could clarify the question proposed by the gentleman from Auburn, Mr. Jacobs.

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

Mr. JACOBS: Mr. Speaker, the Governor of this State has emphasized very strongly that any bill that comes before him without the money to pay for it, he will veto it and he is not to blame for that. I would like to have this tabled until tomorrow morning and we meet tonight, the Appropriations Committee. If we can find \$550,000 by cutting out twenty-five per cent of the smaller ones, the smaller bills that call for money, we will do so and tell you a certain amount of money on the floor of this House.

The SPEAKER pro tem: Does the Chair understand that the gentleman from Auburn, Mr. Jacobs, wishes to have this matter lie on the table and be specially assigned for tomorrow morning?

Mr. JACOBS: Yes, if you please, Mr. Speaker.

The SPEAKER pro tem. The gentleman from Auburn, Mr. Jacobs, moves that the bill with accompanying papers lie on the table pending the motion of the gentleman from Bath, Mr. Ross, that House Amendment "A" be adopted and be

specially assigned for tomorrow. Is this the pleasure of the House?

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

On motion of the gentleman from Augusta, Mr. Albert, the House voted to take from the table the twenty-fifth tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Retirements and Pensions on Resolve Providing for an Increase in State Pension for Bertha Hodge of Mechanic Falls, House Paper 845, tabled on April 21 by that gentleman pending acceptance.

On further motion of the same gentleman, the Report was accepted and sent up for concurrence.

On motion of the gentleman from Augusta, Mr. Albert, the House voted to take from the table the twenty-sixth tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Retirements and Pensions on Resolve Increasing Pension of Ernest Rounds of Mechanic Falls, House Paper 846, tabled on April 21 by that gentleman pending acceptance.

On further motion of the same gentleman, the Report was accepted and sent up for concurrence.

On motion of the gentleman from South Berwick, Mr. Flynn, the House voted to take from the table the thirty-eighth tabled and unassigned matter, House Divided Report, Majority "Ought not to pass" and Minority "Ought to pass" as amended by Committee Amendment "A" of the Committee on Legal Affairs on Bill "An Act relating to Greyhound Racing", House Paper 1147, Legislative Document 1362, tabled on April 27 by that gentleman, pending acceptance of either report.

The SPEAKER pro tem: The Chair recognizes the gentleman from South Berwick, Mr. Flynn.

Mr. FLYNN: Mr. Speaker and Members of the House: This bill 1362 pertains to greyhound racing. This bill is a good deal similar to a bill which was passed by the Legislature here a few years ago pertaining to Scarborough Downs. The only difference in this bill is

that it would be dogs running instead of horses. The gentlemen behind this bill in my estimation are as nice a group of men as there are in this State, Retired Justice Arthur E. Sewall, of York, is President of this Company, David Strater, Attorney at Law, is a member of this Company, Harold Sussman, a business man in the city of Biddeford is the Treasurer of this Company. These are three Maine gentlemen who will operate this track if this bill so desires and passes through this House and Senate. These gentlemen in my estimation are men of the highest caliber that I ever knew. They are men of civic organizations, veterans organizations, fraternal organizations and church members. They are men that anybody could willingly stand behind and fight for. This bill pertaining to greyhound racing is not opening any doors in the State of Maine. We have had on our books and Statutes in this State for the past twenty years pari-mutuel betting, and that is nothing more than what this bill is. If we were opening any doors in this State I myself or these gentlemen I do not think would have any part in it whatsoever, but when we make a law in this state, we make it for every individual in it. Racing is not a monopoly and should not be recognized as such. If this bill passes, any man from Kittery bridge to Fort Kent who so desires could install a track in any part of the State of Maine that they may see fit. In my estimation, this is a growing enterprise throughout our country. Maine needs money and we all know it very seriously. We have all been here for four months and eleven days fighting the battle where are we going to get the money? This bill offers you money without any new tax revenue. I think it is something in my estimation that should be very highly considered. If we go home with a gas tax or a sales tax or an income tax, we have already passed two or three taxes here, but here is something that these men stand flat-footed to invest their own money for the benefit of the State of Maine, and in my estimation I think they are taking a long shot, but they have got figures of their

own where this bill shows it will be a paying proposition to the company and to the State. For instance the drawing power located at Kittery, if you should draw the hub of a wheel at the Kittery point where this track is to be located, you would have in the radius of sixty miles 2,884,000 population to draw from. Those are figures taken from statistics that show with towns and cities with population of over 8,000.

Now, where is this summer business? The summer traffic in York County is probably greater than any other county in the State of Maine. About everybody entering the State of Maine comes through this point at Kittery coming from the western states. Now in my idea of this thing, there is Salisbury Beach, Hampton Beach, Rye Beach, Winthrop by the Sea, those are all located in New Hampshire. You come into Kittery you have York Beach, York Harbor, Wells Beach, Ogunquit Beach, Old Orchard Beach and all the beaches until you come down into Cumberland which in the summertime the population is about five times greater than its normal population. The figures that these men show in this bill would turn into our State Treasurer at least a million dollars every biennium.

Now there has been talk around that it might hurt the race track. I am a rack track man myself. I love the horses, I love the horsemen. The runners do not interest me much, the sulkies are my pride and joy, the dogs I never have seen them run, I know nothing about them, but I do know there are a lot of people in my vicinity who do follow the dogs and they travel sixty and seventy miles to Massachusetts. The Massachusetts tracks are of three in number, there is the Revere Track, the Rayhem Track and the Taunton Track. These tracks last year turned into the State of Massachusetts Treasury \$5,186,000, much greater than the horses turned in in the State of Massachusetts. The horses turned in \$4,161,000. This is a bill, ladies and gentlemen, in my estimation that I cannot see any good reason why this House should turn it down. I will now close my remarks at this

time and I will move Mr. Speaker that we accept the minority report "Ought to pass".

The SPEAKER pro tem: The gentleman from South Berwick, Mr. Flynn, moves that the Minority Report "Ought to pass" as amended by Committee Amendment "A" be accepted.

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

Mr. McGLAULIN: Mr. Speaker and Members of the House: Before entering upon my argument, I would like to read a part of an editorial in the Press Herald the morning of April 29:

"Actually the dog racing bill is 'major legislation.' It is one of the most important introduced into the present legislature because if through carelessness or apathy it should pass Maine would be adding immeasurably to its troubles and opening the door to new evils. Even if local interests and local money were behind the project, the results would be as detrimental. So we do not think it is an exaggeration to say that one of the major and most heartening bits of news to come out of Augusta this week is the announcement that the Legislative Legal Affairs Committee has voted six to four against dog racing for Maine. The Legal Affairs Committee is to be congratulated. It has acted in the best interests of Maine's economy, Maine's morality, and Maine's general welfare. We think a majority of the people of Maine stand ready to similarly applaud the House and the Senate when their members follow suit and vote against the admission of an unnecessary evil."

I am against the State being in the gambling business or deriving money from that source. The State of Maine ever since 1820 when the State was organized, has had laws on the books that is against you and me gambling, there is a very strict law still on the books against gambling in Maine. Yet, under these pari-mutuel rules the State of Maine is taking a profit from one of the gambling interests. I think the State of Maine should set as high an example for itself as it requires its citizens to follow. What harm is there in gambling? I

will give you one illustration: A woman from York County, and I could give you the town, she had \$2300 in the bank. She went to Scarborough Downs and she placed a bet and she won. That encouraged her to place a second bet, and again she won, but the third time she lost, and the fourth time and the fifth until she had lost not only every cent she had gained but she had lost every dollar that she had in the bank. That is just a sample of what the temptation to gambling does. We as Legislators ought to try to protect our citizens, some of whom just in the prospect that they may get something for a little or nothing take these chances and remember this, that for every dollar that the state gets for revenue you are taking many dollars out of the pockets of our citizens. This legalized gambling is like a cancer on the body politic. I was talking only last week with the man who introduced the bill for pari-mutuel betting, Mr. John Willey of Portland who was in this Legislature if I remember the year right, 1935. He told me that he greatly regretted what he had done. He said at the time he introduced that bill he introduced it hoping to help the fairs who were having a rather hard time. He said the racing at that time did not exceed two weeks in a year, and in introducing that bill and working to get it through against the advice of Governor Baxter, I think was the Governor at that time, he did not think it would do any harm, but look how it has grown. Cancers grow and grow and they grow more dangerous every day, so this has grown and grown, you have got Scarborough Downs and that has taken thousands upon thousands of dollars out of the pockets of the city of Portland and the surrounding country. Put in this dog racing and you are going to have still more gambling.

The churches of this State whether they be Protestant, Catholic or Jewish, are striving their utmost to build up character, to uplift mankind morally and spiritually. Are we, as members of this Legislature, going to make their work more difficult? I believe that any Christian man in this House whatever his

denomination, can do more good today by voting against this bill, show more Christianity than he would by attending church every Sunday for a year. I want the morality of the State of Maine to be high.

Now before I touch upon that, I received through the mail one of these green posters from some of the dog racing promoters, you doubtless received the same, in which it says the State and its citizens have dismissed the moral question from mind and are looking at gambling solely from a practical point of view. Now these men may think that the moral issue does not count, but I want to assure them that as long as I am in this Legislature, the moral issue does count, tremendously. What is morality? Look up the definition in the dictionary, and you will find that morality is right as distinguished from wrong. Now I want my vote and the vote of this Legislature to be right.

Going back to the point I started on, this Legislature's morality depends upon the morality of the individuals in a particular Legislature. If the morality of this State is high, it is because of the high morality of the members of this Legislature, and if that morality is debased, it is because it is done by the members of this Legislature. Water can rise no higher than its source. I have been greatly pleased with this Legislature on several occasions, three of which I am going to mention. This Legislature lived up to its oath and passed the reapportionment bill which four previous Legislatures had failed to do. I am proud of every man that voted for that reapportionment. Then the next one was in killing that Monday holiday bill. This Legislature showed a patriotism which thrilled me, and even caused favorable comment from the gentleman who introduced the bill, and he too was proud of the patriotism that you showed by that vote. One other, that was the Roundy Memorial. I opposed the Roundy Memorial, not because I did not subscribe 100 per cent to the object that it had in view, but simply because I thought it was a useless gesture, but this Legislature recognized what they were trying to do and you heavily outvoted me, and I am proud of you for doing so. The

reason I state these things, is that up to this time I have great admiration for the morality that this Legislature has shown up to the present time. I want our motto *Dirigo*, I lead, not to mean that the State leads in gambling, but that it has high principles, high ideals, leads in things worth while.

When you come to the sunset of life, and you look back on your record in this Legislature, and if you feel that while you were here you stood for high principles, high ideals, and things worth while, you will look back on these days with a feeling of satisfaction in your own conscience that no money can buy. I would not vote for this dog bill if you gave me every dollar the State would make out of it, and why: because I place principle above money. I am glad to be able to tell you that only about last week New Hampshire voted against the dog racing in that state by about two to one. I hope the Legislature of Maine follows the example of New Hampshire and shows the world that in the State of Maine, principle is worth more than gold.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I would like to speak briefly on the economic argument involved in dog racing. Kittery is the proposed location as I understand, and all of us here know where Kittery is, it is barely within our borders in the State of Maine, about 40 miles to the nearest track in New Hampshire or Maine. The greyhound track would be located one-eighth of a mile from the intersections of New Hampshire and Massachusetts Turnpikes, U.S. Route 1, the Concord Turnpike, the Maine Turnpike and U.S. Route 1 north. Most all of the people entering Maine from Massachusetts and New Hampshire will pass by the entrance of the new track. The State of Maine wants more revenue and more summer business. This will give us at the very least a million for the general fund a biennium and probably more. It will keep a lot of the Maine people who go to Revere to see the greyhounds and some of those thousands who stay in Massa-

chusetts every week end to go to Wonderland at Revere, they will come to Maine and visit our beaches and also run over to Kittery to see the dogs race. Massachusetts took in three and a half million from Revere last year alone. How do we know that the greyhound track at Kittery will produce over a million? Well, Scarborough Downs paid Maine about \$800,000 a biennium. Maine turnpike figures show 407 cars used the road going by Scarborough Downs last year, last July, August and September. In the same period over three times as many cars 1,318,600 went by the spot where this track is to be located. How about population? Counting towns of 8,000 or more, there are 251,000 within 35 miles of Scarborough, 280,000 within 35 miles of Kittery; 390,000 within 60 miles of Scarborough, and 2,884,000 within 60 miles of Kittery. I think the sponsors of this bill are conservative. Scarborough Downs say that the track at Kittery will put them out of business. I do not believe it. The people who go to greyhound tracks are not interested in ponies, and vice versa. Not only that, but Scarborough Downs is 40 miles from Kittery. I believe that this bill will not hurt anyone. I believe it will put extra money of up to a million and a half in our Treasury and will bring us more visitors. I would like to say also that being on the Fish and Game Committee I have heard it said down there that these dogs are mean creatures, that they chase deer and kill sheep and they have even been known to chase automobiles. I doubt very much if they will chase the horses out of the State of Maine, and I would like further to say that I do not believe this is a problem of gambling, we already have gambling. It is just a question of: "Are we going to let one man in, are we going to be consistent, are we going to let one man in and keep the others out?" If we are going to have gambling what is the difference for one or for the other. We try to pass laws here that will be the same and equal to all.

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

Mrs. CHRISTIE: Mr. Speaker and Members of the House: In opposing this bill, I too would like to read an editorial from the Portland Press Herald, this is under the date of April 22.

The heading: "Why Should Maine Open The Gambling Door Any Wider?"

"Two arguments are stressed by those who favor dog racing for Maine:

"1. A dog track for Kittery proposed by a bill now before the Legislature would benefit the entire state by producing \$500,000 in taxes annually.

"2. Maine already has opened the gambling door for trotting and running horses and therefore has no valid excuse for closing it to the dogs.

"This newspaper is opposed to a dog track for Maine primarily because of the corruption that inevitably follows in the wake of large scale gambling. It has been the history in all big gambling states that sooner or later the racketeer forms unsavory alliances with government officials.

"No amount of tax money is worth the risk of a corrupted government.

"As for the suggestion that a partly opened door is an argument for a fully opened door, this is trick reasoning. If gambling on a large scale corrupts government, as has been the case so many times, certainly it is reasonable to argue that a limited gambling program is better than a broadened gambling program.

"The fact that a man has one ulcer is not an argument in favor of his developing another."

My opposition to this bill is based on moral issues. Proponents may say "we have pari-mutuel gambling in connection with horse racing; what's the difference?" I am opposed to pari-mutuels wherever permitted, but I will say this, that before they entered the horse racing field that racing was an interesting sport. What sport is there in watching a pack of hounds chasing a mechanical rabbit around a race track? It is purely a gambling proposition. For many people pari-

mutuels practically ruined horse-racing but the gambling is the whole thing in dog racing. This measure would legalize gambling pure and simple. Gambling is a dangerous habit—one of the hardest to break. Poor people who need their money to provide for their families are lured to the gambling by hope of quick easy profits. They spend their own money, lose, then often borrow from their employers secretly hoping to recover their losses. The result in many cases is that of arrest for embezzlement of funds when the guilty person had no such intent, but was driven to it by the urge to recover his losses.

Many of us oppose this measure on moral grounds because we know how such things corrupt our people, making them shiftless or causing them to become criminals in an effort to regain lost money.

One witness before the Legal Affairs Committee which heard this bill said and I quote "Kittery is a wet town, but if the dog track is legalized I'm convinced it would go dry." No doubt you say, "Well, isn't that what you want? Surely YOU of all people should be for it."

But why should this gentleman make such a statement? Simply because he recognized the fact that with liquor and such legalized gambling, conditions in his town would be so terrible that the citizens would rise up against the liquor in an effort to reduce the corruption which would result from the combination. Liquor and gambling go well together, but by all means let us not have such a corrupt combination, let us at least stop the dog track before it starts in Maine. Why place revenue above righteousness? Why place a few dollars revenue above the moral welfare of our people? I ask for the indefinite postponement of this bill. When the vote is taken I ask for a roll call.

The SPEAKER pro tem: The gentleman from Presque Isle, Mrs. Christie, moves that the two Reports and Bill be indefinitely postponed.

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

Mr. McCLUSKEY: Mr. Speaker and Members of the House: The Maine Agricultural Fairs are strongly opposed to this bill. Not for

any moral reasons but strictly for financial reasons.

The small agricultural fairs of Maine, as many of you no doubt know, are non-profit organizations. I have been associated with one of them, the Knox Agricultural Society, or Union Fair, for the past five years as one of their trustees and I know something about their financial problems. And these problems are becoming more difficult and complex year after year due to the diversified attractions of other things, such as outdoor theaters and automobiles and so forth that detract from the general attendance of these fairs.

The sponsors of the small fairs want to continue. They know that the commercial horse racing tracks are here to stay. They objected strenuously to them when they were legalized here in Maine by the Legislature. Previous Legislatures though, were wise in setting up a fund on the betting money for the benefit of these fairs and this money is used for premiums and prizes for 4-H groups, home extension groups, and Future Farmers of America. The remainder of the money is paid out as prize money for the purpose of promoting better farm crops and practices. Last year, Scarborough Downs and the Gorham Raceways, the two commercial horse tracks paid to the agricultural fairs of Maine some \$45,000.00 for this purpose.

Now it has been intimated here that dog racing will add to this fund. The agricultural fairs do not think so. They know, and it is a proven fact, that the two present commercial horse racing tracks, Scarborough Downs and Gorham Raceways, are not making any money, although the state gets its percentage first from the betting money, so the state is sure of its money.

They sincerely believe that if an additional commercial track, either dogs or horses, is allowed in Maine, the two existing tracks would be forced to close as well as the one that is contemplated under this bill. The fairs sincerely believe that there just is not enough betting money around to keep them all going.

Not being a farmer myself, but I have worked with the board of

trustees who are, and I am amazed at their enthusiasm and the promotion of these small agricultural fairs. They are sincere and honest men, they spend much of their time, and in many instances their personal funds endeavoring to keep these fairs operating. And some years when a deficit develops the fair trustees have personally guaranteed this deficit. Other years when a little money is made they put it back into the physical structure of the fair grounds and new buildings and repairs to old buildings and so forth.

Now you have heard the gentleman from South Berwick, Mr. Flynn, say that under this bill anyone could install a dog track anywhere in Maine. The agricultural fairs want to keep operating, they depend on the revenue they receive from the present commercial horse tracks. They honestly believe that in contrast to the bright picture that is painted by the proponents of this bill, that the reverse would prove true, that this new track would be forced out and also the two horse tracks. And you have also heard the gentleman from South Berwick say that he thinks himself, it is a long shot.

In closing I would just like to quote from the Boston Herald of April 28: "The dog racing bill in New Hampshire today was killed by a 2 to 1 margin."

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

Mr. ROUNDY: Mr. Speaker, Ladies and Gentlemen of the House: I rise to speak rather briefly in opposition to this bill, not to the opposition for indefinite postponement, but in favor of that. As I think that a good many of us know, my work for very many years was connected with the Congregational churches throughout Maine. I was happy and active in that service until the year arrived when it was thought best that I should retire, and since that date, well toward ten years now, instead of being superintendent of our Congregational churches I have been the superintendent emeritus. I felt it my duty to stay here with the Legislature last week, the early days of the week, when our churches came together for their annual state conference in Bangor. They repre-

sented a membership of something over 30,000 and while, of course, I cannot say that I speak fully their minds, I think I do, and I think I speak the minds of a very large number of church people throughout this State.

But the conference, and this I did not know anything about their doing, I had nothing to do with it, but after the meetings were closed they sent this telegram which I am going to read to you at this time, and I may say that not only have I received telegrams but a good many other communications, letters and otherwise, urging the sentiment against the introducing of pari-mutuel dog racing in this state. This is the telegram:

"Whereas there is a threat of pari-mutuel dog racing with its many attending evils being legalized in the State of Maine therefore be it resolved that we the members of the Congregational Conference of Maine in session for our annual meeting in Bangor May 3 and 4 and consistent with our opposition to all forms of pari-mutuel betting go on record as opposed to the passage of the bill which would permit such dog racing in the State of Maine."

As I thought about this bill coming up, I definitely had it mind to read the editorial from the Portland Press Herald which my good friend and colleague, the gentleman from Portland, Mr. McGlaulin, has already read to you. I thought it would say, "Well of course Roundy the things that I could say. You would say some of those things anyhow," but here is this statement written in prose on the editorial page of the Press Herald. A paper perhaps that has as large, or quite as large a circulation as any in our state and I certainly appreciated its statements and they sounded right and fair to me as I listened to them from the lips of the gentleman from Portland, Mr. McGlaulin, this afternoon.

One or two other things I wish to say. One is that I think we must take into recognition as a fact, that it is not only those who wish to participate in gambling within our own state that are involved, but we

must, I feel certain, take into consideration the realization that organized gambling interests outside the State of Maine are going to be very greatly interested for what they can get out of it if this track should be established.

I want to say another thing, we speak about the economic side of things. And that is that money that goes into gambling does not go into bread and butter, nor into the clothes of a lot of people that it ought to go into in order that they may be properly clothed, and I submit that that is a very important recognition of a very important economic fact when we are considering a thing of this sort.

And I would not close without emphasis again on those moral principles that the gentleman from Portland, Mr. McGlaulin, so wisely and well and emphatically brought to your attention. I would merely emphasize in words that have been in my own mind a good many times across the years, words of another, that "right is right since God is God, and right the day will win; to doubt would be disloyal, to falter would be sin". And may I add further that in my great respect for the character and the ability of the men and women of this House, I really cannot believe that you want to go to the dogs this afternoon.

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

Mr. RICH: Mr. Speaker and Members of the House: I want to say I do not doubt the sincerity of the gentleman from Berwick or the gentleman from Enfield, but I think they are on the wrong track. I do believe that those opponents have covered the issue very well and I do not want to tire you. I am pleased that our neighboring state, New Hampshire, after trying this thing out has decided to defeat it.

Now, ladies and gentlemen, let us defeat it here and defeat it so that it will not be brought before this House or any succeeding Legislature for many years to come.

At this point Speaker Trafton returned to the rostrum.

Thereupon, the Sergeant-at-Arms conducted the gentleman from South

Portland, Mr. Earles, to his seat on the floor, amid the applause of the House, and Speaker Trafton resumed the Chair.

The SPEAKER: The Chair thanks the gentleman from South Portland, Mr. Earles, for presiding as Speaker pro tem.

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

Mr. BAIRD: Mr. Speaker and Ladies and Gentlemen of the House: Sports Illustrated is a new publication so all of you may not have read the article about greyhound racing that appeared in a recent issue. It told how greyhound racing was one of the fastest growing sports today. In the past few years 38 new greyhound tracks have been built throughout the country. The races at Wonderland Park in Revere, Massachusetts, attract millions of fans. Greyhounds are flown from Australia and Britain and all over the world for the big races. A tremendous number of people who go do not even bet, they get a thrill out of the race.

Before every race the greyhounds are kept for about four hours in glass enclosures so that no one can get near them; and when they are running they have no jockey on their back. Life Magazine said that greyhound racing is just about the only honest form of racing left today.

Florida, with the biggest resort business in the country, today has 12 greyhound tracks giving entertainment to millions and paying millions to the state.

Vacationers are looking for excitement and entertainment. If we want to continue to be a resort state we will have to give the people variety. Those who do not want to watch greyhounds will still come here in the summer.

Let us get some of those people who would stay in Massachusetts on weekends to watch the greyhounds there to come to Maine and spend their money here.

And let us get some of the revenue from a dog track. That dollar bill the state could get from the hounds looks just like the one from the liquor tax and just like the one

from the sales tax. A million dollars would look pretty good right now to add to the general fund.

In closing I would like to read "The Sport Sandwich" from the Lewiston Evening Journal of April 13th, the day after the hearing on this bill.

"The hearing was held yesterday in the Legislature on the proposed dog racing track with pari - mutuel betting at Kittery. Of course Rev. E. J. Holt, Auburn, of the civic league protested, his organization as a group and he personally being sincerely against gambling, even though it happens to have been legalized. The thing that interested our department was the protest registered by the Maine Harness Horsemen's Association and the Windsor Fair Association. They apparently felt that what is sauce for the goose is not sauce for the gander. They got in on the ground floor with pari - mutuel betting though the fair association did the work, and the sentiment was expressed by them that dog racing, even way down in Kittery, far distant from Maine's light harness and running race centers, would hurt the sulky sport. From where we sit that is a lot of bunk for the track is more likely to draw from New Hampshire and Massachusetts, in this era of turnpikes and with many veteran dog racing lovers in those states. The Maine pari-mutuel fans living some distance from Kittery, who would desert to runners or the trotters to hit the road to the edge of the State to lay down a bet would be few in number. Certainly pari-mutuel fans near Kittery have a right to their own legalized amusement without having to take sixty mile rides to get it.

"The light harness racing business in Maine is not much anyway and has not been since the big Roosevelt, Yonkers and Foxboro tracks went into operation, to mention the three which have drawn Maine's best horses and drivers out of the state. Pari-mutuel betting was put in to help the fairs and help horse racing. The caliber of horse racing has deteriorated and the fairs have leaned so heavily on that pari-mutuel cut that some of them have slipped greatly in all other depart-

ments. General Manager Robert A. Verrier of Scarborough Downs, the only running race track in Maine, does not think Maine can stand any more racing. All of which is the worry of the Kittery backers. The Verrier argument has as much weight as would the argument of a chain store group that another chain should not be allowed to open in the state because of a lack of business. Competition can be a great thing and since pari-mutuel is legal perhaps what Maine needs is competition. Gorham and Scarborough officials have protested that a bill giving all the 'breakage' in betting at those tracks, back to the state, is discrimination, since agricultural fair tracks will continue to split the breakage with the state. The dog racing fraternity feel that to refuse to legalize their brand of racing will be discrimination and so the wheel goes around and around. Personally if pari - mutuel betting is okay on the trotters and pacers and on the runners, why not on the dogs?"

Thank you.

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

Mr. FOSTER: Mr. Speaker and Ladies and Gentlemen of the House: I would like to review with you for a moment, if I may, some of the testimony and some of the observations that were made by me as a member of the committee that sat on that rostrum for 4 or 5 long arduous hours and we listened to every single person that wanted to come before the committee to speak and I think without exception, everybody was given a chance to speak.

At the outset of this hearing, and as you know it has been controversial, it has been contentious since the very inception of it, the papers have been full of it and because of that reason this House of Representatives was used as the hearing place when that day arrived.

Now to start off with, of course the proponents of this bill outlined to us what they proposed to do in the event that this Legislature granted them a right to run dogs. They, I think, were very forthright, they were honest, there was nothing withheld at all, they told who the backers were, and they told where the

proposed track was going to be and they told us they had an option on the land. They went into details and explained what we may hope to get as a revenue from it. They had suggested to us that probably it would be a half million dollars annually or a million for the biennium. And they gave us reasons why they thought it would be that amount. They went into details to try to draw a distinction if there could be any drawn and give answers as to where that line of demarcation would be from a dog race or a horse race. And I think they did a good job there, I think they were convincing.

We have, of course, opposition and as soon as the proponents got through, the opposition started off. The opposition was led, I could well divide it into three groups, the first group consists of the clergymen who appeared here of course on moral grounds. They were talking and discussing the moral aspects of this, nobody in this hall ever would for a fleeting moment question the sincerity of the clergymen. I am sure I did not and I know no person on that committee questioned their sincerity. Some of us did feel though that they were ill-advised, they were thinking of gambling and they were talking against the dogs. It was pari-mutuel, it was what was in their minds over and over again they repeated themselves as being opposed to gambling and they were talking against the dogs.

Now we have to agree that pari-mutuel has been here, we have got it in our laps, lock, stock and barrel, whether we like to admit it or not. Not everybody on that committee was too in favor of pari-mutuel but they were in favor of being fair. This fair play, we felt should be given thought and consideration.

After the clergymen got through, there was another group and this was more or less confined to some of the local people from Kittery, some of the opponents, I think there were a selectman and somebody like that, they were opposed to it for a special reason because some of their constituents asked them to come here and oppose it. I do not know whether they were representing themselves or their own thought or their own mind or whether they

were here to represent an interest, their constituents. Well now that is all fair and good enough. I think that in this age we are living in everybody has to yield. They thought it would not be nice to have it there in Kittery, that it would upset their way of life and their way of living, but people have to yield. I thought at that time and I will repeat for your information and edification of an illustration of a neighbor of mine that built a nice home on the corner of a street opposite another nice home and he was not there very long before this other home, which was not as new, it was a colonial type but a beautiful place, was being demolished, being taken down and a filling station put up across the street from him. He had no idea that the change would come about, but he yielded, he did have to yield, he yielded to progress, if you call it that, or it would be a case of the Kittery people yielding to another and different, an advance, a progressive way of living. So because they have a special interest, while we gave them consideration and gave them plenty of time to talk about it, it was not as effective as if it had come from a disinterested person or from somebody that was concerned with the welfare of the State of Maine alone.

If we have to make a choice between a town, any one town in the State of Maine, and the welfare and the good of the entire State, that we could not in good conscience do anything but to follow the welfare policy of the state.

Now there was another interest that appeared. It was the competitive interest. This interest was, of course, the horse interest. They were satisfied that they were getting along all right and it should be that way and they did not want competition. In fact, some of the people that represented horse interests in answer to the questions of a member of the committee as to what his opposition was, he could not answer, he was pressed a little. It could not be moral, and upon being pressed a little he admitted that he did not want competition. In other words, his way of saying, "We have a monopoly on this gambling and we just want to keep it that way."

Now of course people, and I have a great deal of respect for what they have said, the people have a right if they are opposing this on a moral ground alone, although as I say I think that they are thinking one thing and talking something else. I think that if they had the same people that opposed it on moral grounds alone, if they had had a bill in here at the beginning of the Legislature and they have had plenty of opportunity since 1935 to abolish pari-mutuel. But I did not see any here, and they were here to talk against one phase of it as if there would be any difference. As if it was more immoral for a dog or a rabbit or an elephant or a cat or anything to run. If it is not connected or associated with pari-mutuel there is no immorality about that, so this immorality that we have been confronted with all of these years and the people that are now opposing this dog bill on the morale of the bill cannot justify their being around with it so many years and not doing something to oppose it.

Now there have been other things mentioned here that I would like to answer briefly. I will not take too long. It was said that the New Hampshire Legislature turned it down 2 to 1. Well I am surprised it was not more than that, because I know, and some members of this Legislature know that 50 members of the New Hampshire Legislature are employed by the horse interests in the State of New Hampshire. And I say to you that if we had 50 members here, this would be turned down 5 to 1, it would not be 2 to 1, it would be 5 to 1; and the corruption of government, I say there has been some talk about keeping the dogs out, we are going to keep out the corruption of government. I do not see the connection. I suppose there may be some but I think if there is going to be some corruption if it is going to be a monopoly granted to one interest forever unless we can see the fair play part of it and divide it up and not give any one individual a monopoly, I say we would have to have corruption in order to attain that end.

We have heard from people, as I have said, from Kittery, we have heard from the clergymen and we have heard from the horse interest.

I do not like to think of the horse interests and the clergymen joining hands but it is just one of those things that happened that way. But there are a great many silent people that we have not heard from, I cannot think of anybody that appeared at this hearing from any other place other than local, from the clergymen and from around Kittery and the proponents. I did not hear anybody from far-off places, Aroostook County, Penobscot or Hancock or Washington or any of those and although I was right here all through that time not a single person. And I have not received any letters from those people. I think that those silent people are in the majority and I think that we should consider them as in the majority. Just because they have not written or have not done something is because that some special interest, a personal interest, has not asked them to do it. Perhaps they are going to leave it to our judgment.

In closing, I want to say that the general welfare of the state as a whole should be the deciding factor, it should not be a special interest, or a private interest or any organized group. And leaving that thought with you, I will go along with the majority, of course, and thank you for the time that you have given me.

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen of the House: The whole question appears to me is "do we need money so badly that we are willing to stoop to unbridled gambling." The progress of mankind since he crossed the threshold of obscurity has been in exact ratio to the wealth produced by labor, labor in the business offices, labor in the mines, on the railroads, in the fields, in the forests and all the physical endeavors of mankind. Never in gambling. Now "all work and no play makes Jack a dull boy" it is said.

Horse racing, long before pari-mutuel betting, was a fine sport and a recreation. Betting in horse racing has seriously damaged this fine sport. Shall we continue to kill all the fine recreational values of our agricultural fairs by opening our doors to a scheme that has nothing

to offer but the taking of money from so great a number of our citizens who can ill-afford this immoral expenditure just to secure a few tainted dollars? In many, many cases tainted with the tears of remorse and pangs of hunger by the people we are here to represent. I do not believe we need money that badly.

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

Mr. FOSS: Mr. Speaker and Members of the House: I did not intend to talk on this if others said what I had in mind, but it has not been mentioned.

This pari-mutuel betting has been called gambling and it has been one of my pet peeves ever since it came into existence. There is no gambling to it. It is simply a way of taking all your money and getting nothing in return but a little fun. If you will take a pencil and figure it out, your pari-mutuel machine gets all the money in the end. There is no chance, the better has no chance on that. If you were going to have a gamble you would have something where the man had some chance because there is no chance on this pari-mutuel machine, it takes it all. You take a pencil and figure it out.

Now on the dog racing, the history of dog racing shows that they attract an undesirable element, a group that I do not think we need to attract to our state. We have a beautiful state that attracts people who come here for the beauty of the state and for a quiet vacation. When you put this type of attraction in here you detract from the other things and we have the best of that.

I think that we should vote to indefinitely postpone this bill.

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

Mr. HAUGHN: Mr. Speaker and Members of the House: It appears to me that we have only given a one-sided picture to this version. I personally am not in favor of any sort of gambling, but we are in the gambling business whether we want to face it or not. The facts are there. Should we confine it to one segment where only one certain group be allowed to have this privilege or should we allow it to ex-

pand. I have the deepest thoughts for the gentleman, Mr. McGlaufflin, from Portland, the gentleman, Dr. Roundy, from Portland, the gentlewoman from Presque Isle, Mrs. Christie, but I would like to say that through what little experience I might have had: I do not gamble myself but I have watched the dogs and I have watched the horses, and I might say that this thing is not compulsory for anybody in this state to have to spend the money they do not see fit unless they want to do it. So therefore when they do it, they do it on their own volition, for their own enjoyment, and I will try to spell out a couple of cases where in Massachusetts they used the Topsfield Fair in Topsfield, Massachusetts on the Newburyport Turnpike. That particular fair in past years was going way down. They formerly had trotters. When that failed they went from there to runners, when that failed they went from there to the dogs, meaning the four-legged ones of course; and upon having that type of running and racing they are able now to come up in so fine a financial way that they are far in excess of any little fair in the State of Massachusetts financially. They also relieved the burden upon the state of the state's stipend that they were making and in doing so now there have been three other bills that have been filed before the Massachusetts State Legislature which from all appearances will receive a favorable reply to eliminate horses and put in dogs for the sake of getting a bigger revenue. Now through that revenue they have been able to maintain their agricultural part, maintain their old standard of rural fair which they are still operating and it has not created undesirables around the vicinity because those would come in any vicinity regardless of any nature of things. Our stock markets and other things are just another form of gambling but it is legalized, and the source of revenue that would come from these.

After hearing the request today for over \$500,000.00 for indigent hospital care and the Appropriations Committee wondering where they would get it, wondering what the Governor will do on a veto in regard to not necessary funds there,

this is your opportunity to get it without having to put a tax burden upon people without their wishes and their will. So I, myself, upon those conditions will have to go along in favor of this bill for the dogs.

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

Mr. REED: Mr. Speaker and Members of the House: I oppose this dog racing bill because I feel that it would very seriously jeopardize the future of our Maine fairs, which have for many years been an institution in this state.

Now you probably wonder how a track down in Kittery in the southern part of the state would affect the Maine fairs that are spread over the entire state. Well, as the gentleman from Warren, Mr. McCluskey, brought out, the fairs are on the whole non-profit organizations and are very dependent upon what we know as the stipend fund. Now many years ago the Legislature of this state saw fit to assess the agricultural fairs and they set up this stipend fund which was to go to the individual fairs in proportion to the amount of money they paid out in premiums. And I have a few figures here that I would like to call to your attention, that the premiums paid by the 23 Maine fairs eligible for this money in the year 1954 was \$124,000 and the state's stipend contributed to that amount \$32,000 and the stipend fund was made up from one-half per cent from the running race wages, \$31,000; a half per cent from the trotting or the harness races was \$20,000; five per cent, the state's commission on harness wagering \$11,000; and a two cent tax per habitant of the state was \$18,000 making up the \$82,000.

Now I speak with some experience, having been a director of the Northern Maine Fair at Presque Isle for around ten years, and in the past two years, the stipend fund has been increased to the point where we were able to raise in the two-year period, our premiums to our people up there for two thousand dollars in addition so that we paid out \$7,000 in premiums and received from the state \$4,600 to defray the expense of those premiums.

Now the proponents show where they are going to increase this stipend fund. However, I cannot quite agree with them on it on their figures. I have no quarrel with their right to estimate what their income and what money they will turn over to the state will be; however, and I was also a little confused this afternoon, reference has been made that it will turn over one million dollars per biennium. It confuses me because of a letter that I received some time ago from the proponents of the dog racing interests and I will quote from this letter, it is addressed, in an open letter, to the citizens of Maine. And in here they state "a full investigation indicates that a greyhound track in Kittery, Maine, will yield close to two million dollars in new revenue to our state treasury per biennium." And it seems now that it is down to a million so it is a little difficult to tell just what the figure is. I point that out because it has confused me somewhat.

However, that is \$500,000 per year and as of now Scarborough Downs, Gorham Raceway and all the other harness tracks in Maine are only turning over \$658,000 so they feel that they can turn within \$150,000 per year of what all these other tracks are doing. Now maybe it is possible, I will let you be the judge of that. It seems to me it still is rather optimistic.

Now what are the values of our fairs to the State of Maine? Well they offer an opportunity for the farmer and the homemaker to display the products of the farm, agricultural commodities, crops, handicraft, work of the home. It is an opportunity for the young people, in fact I think I am safe in saying it is practically the only organization that sponsors in practically every county in the state an opportunity for the young people to come for a wholesome, recreational week of entertainment and a chance to get together. It is an old rural tradition back in the rural areas to attend our fairs and that any coming in of a new interest which would jeopardize our stipend fund could very easily cause the demise of more of our fairs here in this state. It is also a tourist attraction, many people coming to our lakes enjoy going to our

rural fairs here in the summer. It certainly is a great thing for the rural areas and I would like to point that out particularly.

Now reference was made to the harness racing sport. And Maine has been known for many years as the cradle of the harness racing game. True, it has sprung up in the metropolitan areas and has spread immensely over the last few years, but nevertheless harness racing was here many years before pari-mutuel came in and when we think of state and county fairs, we think of harness racing.

Now reference was made that these fairs, that the harness racing sport actually did not amount to much. Well I have some figures here from the United States Trotting Association, who are the official body governing the rules and regulations and so forth of the harness game, in which they state that there are 2,000 standard bred horses owned in Maine and there are 445 active members in Maine and these active members are horse drivers, owners, officials and so forth. We have 250 licensed drivers in Maine or Maine people making a living here from this sport.

I would like to quote from another section of the letter in that it states that they estimate there is \$3,000,000.00 in horses and equipment in Maine, at least \$1,500,000.00 in horses and the balance in equipment. The fair and pari-mutuel plants are probably worth \$750,000. The payrolls at the tracks, printing, concessions, services, and allied activity probably amount to about \$4,000,000 a year and feed, medicine and transportation undoubtedly total more than \$3,500,000.00 during one year in Maine. And last year the purse distribution in Maine was over \$341,000.00. Taking it all into consideration, you can characterize Maine harness racing as about a ten million dollar industry.

Now our population here in Maine is less than a million which is actually less than the City of Boston. It does not seem to me that we have the population here in this state to justify any further pari-mutuel activity. If they were monopolizing the present tracks up here,

the runners, or the harness sport were monopolizing an exceptionally good thing you might have that to consider. But when you feel that Scarborough Downs, when you realize they have lost money and many of your fairs have lost money, you have got to think about giving some measure of protection to these existing industries here.

I am sure you are going to give this a lot of consideration. You are going to think of your Maine fairs, our Maine fairs here in the state and the people in the rural areas and I certainly hope that the motion to indefinitely postpone prevails.

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

Mr. CROCKETT: Mr. Speaker and Members of the House: It seems to me that you have horse lovers here and dog lovers; however, I am a dog lover because I keep three and I think a lot of them. My wife was up here a while ago to a Governor's Ball and she had to go home that night in order to feed the dogs. She would not stay one night away from them.

But, however, the discussion is this, which is right, which is wrong? Now, I have heard it said here that dogs would attract a lot of undesirable people. I imagine that most of you people have been to fairs. Now I am not saying anything about the fairs themselves, I think they are wonderful things. I love to go to them. But are there any more undesirable people that come in and run these concessions than you will see at these fairs. You will see some of the biggest bums in the world there and the gangsters that will put pin games, shell games and everything else up there to you to take away your money but still the fairs will allow it.

And if we want to put in a dog track down in Kittery or some other part of the state, they object to that, but they do want to bring in this filth in this state and take your money away from us. That is their privilege. They have had that privilege for years and they are afraid somebody else might run something that is pretty decent.

However, some time ago, this very expensive looking pamphlet

was put on your desk, facts about Scarborough Downs. Now I am going to give you some facts about Scarborough Downs and they are true facts and they are in the records. The president of Scarborough Downs told the Legal Affairs Committee that no officers got a salary except the salaries paid by a separate corporation set up to take care of the concessions. This is a joker, because the principal officers and stockholders of the Downs are the principals in the concession corporation.

Does the pamphlet mention the 143,000 people who attended the Downs last year? It costs a dollar to get in and fifty cents to sit in the so-called club house and have a drink and eat. And how about the liquor business, they seem to have forgotten all about that. I always thought there was a big profit in liquor but it doesn't show in this pamphlet. And the food profits and other profits also do not show because they go into the other corporation which doesn't have to file a financial return with the Governor for us all to see. The president of Scarborough was asked by the Legal Affairs committee if it was not true that the Downs had a big mortgage. He admitted that the track owed some \$400,000 to Mr. Mayo Levenson and the Goldfines. He was asked how the corporation could pay this off if Scarborough just broke even last year. He said "Mr. Moukas and I paid \$80,000.00 out of our own pockets last year."

Now you can believe that can't you? He is such a horse lover that he is willing to take out \$80,000.00 out of his pocket. It looks to me as though we are being sold quite a bill of goods.

This is either a shell game or a charity. If Scarborough is a shell game maybe we should put in a bill to legalize it. If it is a charity perhaps they will show some charity to the sponsors of greyhound racing.

This pamphlet says that 40 per cent of the patrons of a greyhound track would come from Scarborough. They ignore the fact that in many states horse and dog tracks run side by side because dog fans there also ignore the fact that

Scarborough is over forty miles from Kittery. When they say here that "a Dog Track would gross only \$80,000.00 for the state" they ignore the fact that Kittery has three times the traffic that Scarborough has and Kittery has nine times the population within an hour's riding time.

There is no reason why a greyhound track at Kittery can't do twice the business that Scarborough does, and without hurting the Downs.

We need revenue and the summer visitors want entertainment. Let us pass this bill and have both. Let us take their propaganda with a grain of salt.

If you believe in monopoly, stick to your horses; but if you do not, vote for the dogs. I personally believe in free enterprise. The State of Maine is in the gambling business indirectly. They receive funds for it. Then why give any special interest the power to monopolize it?

I thank you.

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

Mr. HANCOCK: Mr. Speaker and Members of the House: I believe I was included in the remarks of the gentleman from Mechanic Falls as one of those appearing before the committee representing the local people around Kittery, York and Eliot and I was.

It has been said, or at least it has come back to me, that I was once in favor of this particular bill and I jumped the fence because I was going to run for County Attorney in York County two years hence. I would like to state here and now for those who might have that idea in their heads that I have never told a soul that I was in favor of this bill since I have been in the Legislature and I never even thought of running for County Attorney two years hence. I have also been told that I would be better off politically not to stand up here and say anything about this particular bill.

It so happens that I feel quite strongly about it. I am opposed to it, be it a progressive way of living or not. I ask you who live in small towns, would you like a dog track in your community? This is about eight miles from my home town,

we are adjacent to the town of Kittery and to Eliot. Members of the town of Eliot have asked someone to say something for them and I hope I am doing it. I do not want it there and I see nothing wrong with a group of people from Kittery, Eliot and York appearing here and saying that they do not want it there.

A small community in Massachusetts, the town of Pelham, on February 19th of this year had an opportunity to vote on whether or not they wanted a dog track in their area. They voted against it 282 to 60. It is a town of about the size of 6 or 7 hundred people.

The opponents to that particular bill were two coaches at Amherst College, one the track coach and the other John McClaury the football coach. So they must have had something in mind as far as the younger people of that area were concerned. I think that overlooking the moral factor entirely is wrong.

I hold no truck whatsoever with the running or harness race interests or the fairs. If it was that point and that point alone, sure let us have dog racing, but it is not. You are opening the door in the State of Maine. If we want to have another Florida, if we want to have another Nevada, let us go, we will go all the way. You can have dog racing and horse racing, lotteries, whatever you want. But I am personally opposed to this and I feel that the people in my area or the majority of them, are opposed to this measure.

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

Mr. ALBERT: Mr. Speaker and Members of the House: It was in this House of Representatives in 1935 that the Legislature then decided that pari-mutuel wagering at tracks would be made legal and things went along pretty well for some 12 or 14 years until a few years after the war in the late '40's, there was presented in this House a bill for runners at Scarborough Downs. Subsequently, in 1949, that bill was passed and a track was built at Scarborough. The stipula-

tions of that bill at that time were that Scarborough was to run during the day time. And seeing their plight financially when they could not make ends meet, they came to the Legislature in 1951 requesting permission to run at night. It is interesting to go back over this a few years and see how the elements were divided in 1951. During that session of the Legislature, and I was a member here and remember vividly what happened, Scarborough Downs was requesting permission to run at night in competition with Gorham Raceway. Opposition to that bill came from Gorham Raceway, from the clergy, and from the fairs. It was defeated.

In 1953, in the last session of the Legislature, Scarborough Downs again came before the Legislature with a bill very similar to the one they had two years before. The division was different in 1953 than in 1951. Namely, that the Maine Agricultural fairs had completely endorsed the whole package provided that they be paid half of one per cent stipend from revenues at Scarborough Downs. That left Gorham Raceway, and I must admit they were consistent, the clergy, against Scarborough Downs running at night. In 1953 the bill was passed and since then Scarborough has run at night.

It is interesting to go back over the alliance of 1953 and '51 because today each and every one of those people are joining forces against this very bill. Now what is the connection? Why should they do that this year? They have consistently opposed each other, but now they apparently are joining forces to defeat this one bill. And I for one can not see why the Maine agricultural fairs would oppose this because there is a provision in this bill whereby they would get half of one per cent stipend just like they do from Scarborough Downs.

It seems to me that the arguments have been advanced, that by having dog racing in York County you would probably force 1. Scarborough Downs or 2. Gorham Raceway out of business. To that, members of this House, I say to you, so what? So if you do force them out

of business, there will be 10 people down there the next day trying to buy the option and trying to buy the rights on those tracks. If you force them out of business, you will have more business at the dog track and consequently your stipend will remain constant. I for one cannot see it. If it is good for one to run, let them all run or wipe them all off the statutes.

These big operators, who are primarily contractors, come before this Legislature and legislate from year to year one against the other. It depends not on who is on the right side but perhaps on who has the most lobbyists or who does the most favors during the season of running.

If we are to be consistent, if we are to have fair play all the way across the board, let us give these dogs a chance to run or I would go along with an amendment on any bill to wipe off pari-mutuel completely then maybe we would not have these problems every year before the Legislature. Under our present statutes, the people of this corporation can go down to York County and build a track, they can do it now, provided that they have horses but the statutes have no provisions for dogs. It is not a question of shall we run? It is a question of what shall we run? And it would surprise me not that if this bill were defeated that you probably in a month or two or three see a harness track being built down there provided that they meet the provisions of the Maine Racing Commission. There is nothing that can be done about that, it is already on the statutes.

So the question resolves itself to what kind of running will it be and these people apparently prefer dog racing. I can see no harm in it. A dollar received from a dog is just as big as a dollar received from a horse. It will buy just as much on the open market as a dollar received from either the fairs or Scarborough Downs, or Gorham Raceway. And for those reasons and those very reasons alone and in order to be consistent today I will vote for the dog bill.

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

Mrs. FILES: Mr. Speaker and Members of the House: It seems to me that we have listened to debate on this matter and we would now be ready for the previous question.

The SPEAKER: Does the Chair understand that the gentlewoman moves the previous question?

Mrs. FILES: Yes, Mr. Speaker.

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

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

A sufficient number arose.

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

The question now before the House is: Shall the main question be put now?

That is debatable. Any member who wishes to debate the principal question further may state that fact and ask the House to vote down the present motion that the main question be put now.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Flynn.

Mr. FLYNN: Mr. Speaker and Members of the House: I would like to have the privilege when this vote comes before this House if an indefinite postponement is in order? That is right, Mr. Speaker?

The SPEAKER: The Chair would state that the pending motion is a motion for indefinite postponement, once the question of the main question is decided.

Mr. FLYNN: Mr. Speaker, I hope that that motion does not prevail.

The SPEAKER: The gentleman can only debate the question of whether the main question shall be put now? The members can not debate on the indefinite postponement motion.

Mr. FLYNN: Mr. Speaker, as far as the motion being put now, I can't see where I can have anything to say about it.

The SPEAKER: The Chair would state that the gentleman may debate the question of whether debate shall be stopped now if he wishes to.

Mr. FLYNN: Mr. Speaker, what I really wanted to say, I wanted to, with all sincerity at this time, offer my sincere wishes and thanks—

The SPEAKER: The Chair will state that the gentleman's remarks are not with respect as to whether debate shall stop now, are they?

Mr. FLYNN: What is that, Mr. Speaker?

The SPEAKER: The Chair would state the only remarks that are in order are on the question of whether the debate shall cease and that is the only thing that one can argue at this time.

Shall the main question be put now?

As many as are in favor of the main question being put now will please indicate by saying aye; those opposed, no.

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

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

Mr. FLYNN: Mr. Speaker, to call for a division vote.

The SPEAKER: The Chair would state that a roll call vote has been requested and will be determined.

The gentlewoman from Presque Isle, Mrs. Christie, has requested a ye and nay vote. The yeas and nays must be taken if one-fifth of the members present desire it. All those desiring that the vote be taken by the yeas and nays will kindly rise and remain standing until the monitors have made and returned the count.

Forty-five members arose.

The SPEAKER: Obviously one-fifth of the members having signified their desire for the yeas and nays to be taken, they are ordered. The pages will lower the chains.

The pending question is on the motion of the gentlewoman from Presque Isle, Mrs. Christie, that both Reports and Bill "An Act relat-

ing to Greyhound Racing", House Paper 1147, Legislative Document 1362, be indefinitely postponed.

All those in favor of the indefinite postponement will, when the Clerk calls their names, say yes; those who are opposed to the indefinite postponement when the Clerk calls their names, will say no.

The Clerk will call the Roll.

Roll Call

YEA — Allen, Anderson, Babinéau, Bean, Bernier, Bibber, Blanchard, Bowie, Brewster, Brockway, Brown, Baileyville; Brown, Bangor; Call, Carter, Etna; Carter, Newport; Caswell, Christie, Cianchette, Cole, Curtis, Dicker, Dunn, Earles, Edwards, Evans, Fay, Ferguson, Files, Finemore, Foss, Fuller, China; Fuller, So. Portland; Hancock, Harnden, Hatfield, Henry, Higgins, Hilton, Howard, Jack, Jacobs, Jennings, Jones, Lawry, Lindsay, Lord, Mann, Martin, W. Gardiner; McCloskey, McGlauffin, Michaud, Needham, Olpe, Osborne, Pike, Quinn, Reed, Reynolds, Rich, Rogerson, Ross, Bath; Roundy, Sanborn, Sanford, Seaward, Shaw, Skolfield, Soule, Stanley, Bangor; Stanwood, Storm, Tarbox, Thomas, Wade, Walsh, Walter, Whiting, Williams, Winchenpaw.

NAY — Albert, Baird, Cates, Childs, Cook, Cormier, Cote, Lewiston; Couture, Lewiston; Coyne, Crockett, Cyr, Davis, Calais; Davis,

Westbrook; Dostie, Dudley, Dumais, Duquette, Edgar, Flynn, Foster, Gardner, Getchell, Gilmartin, Greenleaf, Haughn, Jacques, Kinch, Lamb, Latno, Letourneau, MacDonald, Malenfant, Martin, Eagle Lake; Maxwell, Nadeau, Palmetier, Pierce, Porell, Roberts, Brooklin; Roberts, Dexter; Ross, Brownville; Valley, Wadleigh, Walls, Willey.

ABSENT — Alden, Anthoine, Beal, Bragdon, Briggs, Charles, Cote, Madison; Courtois, Couture, Bath; Denbow, Elwell, Greene, Hanson, Kimball, Knight, Libby, Madore, Potter, Pullen, Sansoucy, Stanley, Hampden; Staples, Stilphen, Totman, Woodworth.

Yes 79; No 45; Absent 25.

Seventy-nine having voted in the affirmative, forty-five having voted in the negative, twenty-five being absent, the motion prevailed and the two Reports and Bill were indefinitely postponed and sent up for concurrence.

The SPEAKER: The Clerk will read any notices not published and also one that is published.

On motion of Mr. Childs of Portland,

Adjourned until 8:30 o'clock tomorrow morning, Eastern Standard Time.