

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Seventh Legislature

OF THE

STATE OF MAINE

VOLUME II

1955

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Thursday, May 12, 1955

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

Prayer by the Rev. Mr. Horace Colpitts of Augusta.

The journal of the previous session was read and approved.

Papers from the Senate Senate Reports of Committees Leave to Withdraw

Report of the Committee on Highways on Resolve Relating to a Weighing Station in Southern Maine (S. P. 475) (L. D. 1344) reporting Leave to Withdraw.

Came from the Senate with the Report read and accepted.

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

Ought Not to Pass

Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act Restoring Violations of the Liquor Law to the Operation of the Criminal Law" (S. P. 490) (L. D. 1370)

Came from the Senate read and accepted.

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

Ought to Pass in New Draft

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act to Appropriate Monies for Capital Improvements and Construction of State Government for the Fiscal Years Ending June 30, 1956 and June 30, 1957" (S. P. 54) (L. D. 44) reporting same in a new draft (S. P. 578) (L. D. 1542) under same title and that it "Ought to pass"

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

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

Ought to Pass in New Draft Amended in Senate

Report of the Committee on Legal Affairs on Bill "An Act relating to Compensation of Boards of Registration in Cities of 39,000 Inhabitants or More" (S. P. 349) (L. D. 958) which was recommitted, reporting same in a new draft (S. P. 349) (L. D. 958) which was recommitted, reporting same in a New Draft (S. P. 553) (L. D. 1502) under title of "An Act relating to Compensation of Boards of Registration in Cities of 50,000 Inhabitants or More" and that it "Ought to pass"

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

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

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

SENATE AMENDMENT "A" to S. P. 553, L. D. 1502, Bill "An Act relating to Compensation of Boards of Registration in Cities of 50,000 Inhabitants or More."

Amend said Bill by indicating the striking out of the figure "\$2,850" in the 4th line thereof by drawing a line through said figure and inserting immediately after said stricken out figure the underlined figure '\$3,050'

Further amend said Bill by indicating the striking out of the figure "\$2,500" in the 5th line thereof by drawing a line through said figure and inserting immediately after said stricken out figure the underlined figure '\$2,700'

Senate Amendment "A" was adopted in concurrence.

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

SENATE AMENDMENT "B" to S. P. 553, L. D. 1502, Bill "An Act relating to Compensation of Boards of Registration in Cities of 50,000 Inhabitants or More."

Amend said Bill in the Title by striking out the figure "50,000" and inserting in place thereof the figure '39,000'

Senate Amendment "B" was adopted in concurrence and the Bill

assigned for third reading tomorrow.

Report of Temporary Memorial Commission 97th Legislature

The following report is submitted in accordance with the directions contained in the Joint Order of April 22, on the subject of "A Memorial for the Honorable Percival P. Baxter", (S. P. 548).

The Commission, having convened according to the terms of the Order and having concluded its preliminary study, strongly recommends that an appropriate memorial be erected in fulfillment of the objective set forth in the order, and that a permanent commission be established by Legislative Resolve with authority and directions to accomplish this objective and with authorization for expenditure of reasonable funds for the purpose.

In implementation of this recommendation, the Commission submits for consideration by the Legislature the accompanying Resolve and recommends that it "Ought to pass"

Respectfully,

(Signed)

Messrs. CHAPMAN of Cumberland
COLLINS of Aroostook
HENRY of North Yarmouth
ROUNDY of Portland
Mrs. FILES of Portland

Resolve for a Recess Commission to Erect a Suitable Memorial for Honorable Percival P. Baxter of Portland (S. P. 568) (L. D. 1537)

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

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

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

SENATE AMENDMENT "A" to S. P. 568, L. D. 1537, Resolve for a Recess Commission to Erect a Suitable Memorial for Honorable Percival P. Baxter of Portland.

Amend said Resolve by striking out the period at the end of the 4th paragraph and inserting in place thereof the following:

‘; and be it further

Resolved: That the plans and specifications for such memorial, and all expenditures proposed for the erection and dedication thereof, shall be subject to the approval of the Governor and Council.’

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

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act relating to Eminent Domain by Maine Turnpike Authority" (S. P. 247) (L. D. 693) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

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

Messrs. BROWNE of Bangor
MacDONALD of Rumford
McGLAUFILIN of Portland
NEEDHAM of Orono
— of the House.

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

Report was signed by the following members:

Mr. WEEKS of Cumberland
— of the Senate.

Messrs. HANCOCK of York
DAVIS of Calais
EARLES of South Portland
— of the House.

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

In the House: Reports were read. On motion of Mr. McGlaufflin of Portland, the Majority Report "Ought to pass" as amended by Committee Amendment "A" was accepted in concurrence and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to S. P. 247, L. D. 693, Bill "An Act relating to Eminent Domain by Maine Turnpike Authority."

Amend said Bill by inserting before the single quotation mark at

the end of that part of section 1 designated "(d)" the following underlined sentence:

'As used in this subsection, the term "public service corporation" includes every public utility as defined in Section 16 of Chapter 44 of the Revised Statutes of 1954 and every corporation referred to in Sections 11 to 14, inclusive, of Chapter 50 of said Revised Statutes.'

Further amend said Bill by striking out the underlined word "cost" in the 15th line of section 2 and inserting in place thereof the underlined word "value"

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

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act to Amend the Purposes and Powers of Bates Manufacturing Company" (S. P. 238) (L. D. 574) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

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

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

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

Report was signed by the following member:

Mr. EARLES of South Portland
—of the House.

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

In the House: Reports were read.

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

Mr. McGLAUF LIN: Mr. Speaker, I move the acceptance of the Majority Report.

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

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

Mr. EARLES: Mr. Speaker and Ladies and Gentlemen of the House: I feel that as the obvious minority signer on this report I should state the reasons for my defection from the Judiciary Committee. I feel that I have an obligation to do so and because of recent references to people who have prepared material, I feel a little bit sensitive about standing up and shuffling a few sheets of paper but you can see it is all hand written. In fact, I doubt if I can even read my own writing, for it was done rather early this morning.

But to the question, so to speak, for the purposes of obtaining perspective for chronological sequence and I fervently hope accuracy, may we regard this Bill "An Act to Amend the Purposes and Powers of the Bates Manufacturing Company" and because there is another bill later on, Item 9, which is closely related in the processing of the subject matter, I will include it in my remarks although actually the motion will be on Item 7.

May we consider the Bates bills as a drama in three acts. One might tentatively and prosaically title the drama "The Bates Battle". The subtitle well might be "The Undisciplined Fabric of Corporate Conflict." The original script by Messrs. Pierce et al and Goodspeed et al, and the supplemental script by a Judiciary Committee, the solons of a House and a Senate and the iniquitous John Q. Public.

The cast of characters: Since the play is the thing, it is suffice to say that almost everybody got in the act. Script writers, prop men, scenarists, spear carriers, sound effects men, producers, stage hands, legal-beagles and, yes, even the audience. The time of this drama: It was staged for the present but we hope not for the future. The locale,

the subject matter and dialogue of the play will divulge the same appropriately.

Ladies and Gentlemen of the House: In the interests of time I have compressed this extraordinary story of corporate share-cropping and dividend dividing within the structure of a pseudo Oriental playlet. Thus, a most unworthy willy-san Earles, properties man, will present and briefly narrate same.

Honorable and venerable papa-san and mama-san of the Legislature: Willy-san abjectly, humbly ring bell, pardon gong, on play and characters.

Actually the Bates Battle was somewhat of a Cecile B. DeMille production with stereophonic sound, with the CinemaScope screen. But basically it seems to me that it was a conflict between warring corporate interests with the proponents of the bills claiming for themselves completely clean hands, and Ivory soap purity of purpose and integrity. And depicting for Lester Martin, or depicting Lester Martin, as a rapacious financial barracuda swimming around in the local Maine waters, about to devour the proponents, the Bates Management. Whereas the opponents, Lester Martin et al claimed that he had a quietly commanding interest in the Bates properties in the normal course of corporate acquisition and that he was refused directorship representation, that he continued to buy stock until he could and did acquire substantial control, yet with no thought of removing the mill south as claimed by the proponents.

Largely the hearing was a matter of testing and inquiring into the credibility of the various witnesses, the proponents and opponents that appeared there for some eleven hours and were there for some 200 pages of testimony. But preeminently and predominately I think the question was the legal morality and the legal practicality of permitting minority stockholder interests to successfully demand that Consolidated Textile, in the person of Lester Martin, must control 80 per cent of the outstanding stock of the Bates Manufacturing Company to consolidate or merge and collaterally, in the accompanying bill, that

a cotton textile corporation also must have 80 per cent of the stock to consolidate and merge.

Through the various forms of post-hearing attrition, the proponents' demands were reduced to a demand for 70 per cent stock control for Lester Martin, and 70 per cent for all the textile corporations. Prior to the bill's entrance into this House, the other body of our bicameral Legislature reduced the proponents' demands for Lester Martin to 66 2/3 and voted indefinite postponement of the bill requiring textile corporations to have 70 per cent.

To paraphrase George Gobel "And here we are" and I might add why. Well, I will give my version and take the responsibility for same. I believe that the Bates Battle was a corporate poker game, Bates Manufacturing Company sought 80 per cent from Martin. But cognizant of the fact that many of the states statutory required a majority and a fair percentage of them required 66 2/3, in fact actually a majority of the states require 66 2/3, that it could jockey and effect a compromise at 70 per cent, failing that, save face at 66 2/3. When the proponents sought to avert the question of constitutionality relative to the 70 per cent requirement for cotton textile corporations, namely the question of discrimination, the bill was amended, was broadened to include textile corporations; thus implying that there were problems relating to an entire class not a particular segment of the class which demanded the 70 per cent stock control factor. This maneuver produced an affirmative, articulate and negative reaction from members of the textile industry and pointed to the wisdom of the indefinite postponement of the general bill; that being Item 9 on your calendar.

So what do we have left? The 66 2/3 stock control demand upon the special charter of the Bates Manufacturing Company, now controlled by Consolidated Textile in the person of Lester Martin. Yes, what do we have left? Martin in control of the Bates Manufacturing Company, as I understand it from the newspapers, has assented and the stockholders have voted into its corporate by-laws the following very pertinent restrictions: 1. That Martin

must have 66 2/3 control of the outstanding stock in order to consolidate or merge. And 2. And mark this, that the by-laws cannot be altered, changed or amended unless by a vote of 80 per cent of the outstanding stock. Why do I emphasize outstanding stock? The reason is simply this: Because of the substantial difference between controlling 66 2/3 of all stock and 66 2/3 of stock outstanding, and in attendance to vote, for example say, hypothetically, there is a total of one hundred shares involved. Martin has 60 shares. On the basis of all stock control, he would need only 6 2/3 more shares, whereas in the instance of the 66 2/3 control of outstanding stock, Martin would be required to have, in addition to his 60 shares, as I understand it and I may be subject to correction, 2/3 of 40 shares or 26 2/3 of the remaining or outstanding stock or approximately 86 2/3 shares.

As I understand it, 90 per cent of the outstanding stock in voting attendance is generally the maximum in attendance and that is rare.

So there you have it. It seems to me that what has been requested ultimately by the proposed law that we are immediately considering has already been accomplished by corporate by-law action.

Parenthetically, I would like to observe this: I think it is very regrettable that this bill and the other one, perhaps unintentionally but nevertheless was done so, it was merchandized on the basis that it was what the Governor wanted. That is when it was at 70 per cent.

I would like to move the indefinite postponement of Item 7, the bill and all accompanying papers.

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

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

Mr. McGLAUFFLIN: Mr. Speaker and Members of the House: I had hoped that this matter might go through amicably without the necessity of a long debate upon the matter but inasmuch as the gentleman from South Portland, Mr. Earles, has undertaken to kill the measure,

it is necessary for me to go into some detail in regard to this matter. You may recall that Mr. Martin, a man who lives outside of the State according to the testimony before the Committee, for a long time had had an interest in the Bates Manufacturing Company but he had never succeeded in getting on the Board of Directors. Mr. Martin is reported to be a very wealthy man. I cannot say that this is a fact but it appeared to me that one of the reasons at least why he acquired a majority of the stock was so that he could get on the Board of Directors. And for some reason or other, the management of the Bates Manufacturing Company apparently did not trust Mr. Martin as to what his motives might be. They had seen many New England projects taken to the south where labor was cheaper and they had no unions or few, if any, to interfere with management.

Be that as it may, there are some 6,000 people in the State of Maine who were very much concerned. As the law stands now, Mr. Martin owns enough stock so that he could take the Bates Manufacturing plant south if he wanted to at any time and there is nothing that the people can do about it. Now, that made the Bates people and the other companies connected with that company very uneasy and very much concerned because only recently they had lost a valuable industry in Sanford.

So a bill was put in here requiring 80 per cent of the stock to be voted in order to move a plant south and merge with another corporation. That matter came up for a hearing in this House. We sat for seven and a half hours. I, myself, asked questions of Mr. Scribner and Mr. Goodspeed. I talked with the attorneys on both sides of this case. I talked with Mr. Martin, himself. The question came up as to the constitutionality of these bills. The Bates people's attorneys looked into the matter carefully and they were fully convinced that they were constitutional. The other side claimed that they were unconstitutional. After listening to this debate for these seven and a half hours and talking with these men and reading the

brief that was got out by Mr. Pierce and the brief of the other side that was submitted to me by Mr. Robinson Verrill of South Portland, I studied these things carefully and fully prepared myself on this question because I knew that it was important. Week after week, as I went home to Portland, I rode back with Mr. Towne of Kennebunk, the lawyer that represents the Saco-Lowell Company of Biddeford. Mr. Towne was very much better informed on these problems than I was but we discussed them — it takes about an hour and a half to ride to Portland—on four or five occasions we spent that whole time discussing these matters.

One of the questions was whether or not it was constitutional. There are several states in the Union that have passed laws that they require 66 2/3 vote to enable any voting stock in order to have the right to move south and take away the Dana Warp Mills, and one other those were constitutional, whether the law was constitutional and I for one was convinced that if we could put it into a class that it would be constitutional. I learned that there were only four textile companies, Maine companies, in the State. There is the Bates, the Continental, the Dana Warp Mills, and one other in Waterville.

After studying this matter with a great deal of care and putting considerable time on it, I was convinced that with the amendment that we made later that the constitutional requirements were covered, so that it would be legal for us to pass that measure, and I, myself, talking with Mr. Towne, expressed to him my conclusion that 70 per cent would be a fair requirement. If 66 2/3 was constitutional, I could see no reason why 70 per cent would not also be constitutional. I thought that 80 per cent was too high.

Now, the statement was made by the gentleman who just spoke (Mr. Earles) something to the effect that it was Governor Muskie's wish to have this 70 per cent. I want to assure you that so far as I am concerned, Governor Muskie had absolutely nothing to do with it and had absolutely no influence upon me and I see by the news-

paper that it spoke as though the Senate Chairman had influenced the committee and again I can assure you that my conclusion was reached before we ever mentioned the matter in the committee, and I want to say further that in the committee while we tried to get a unanimous report, the Chairman of the Senate Committee did say that the Governor would go along with 70 per cent. The gentleman from South Portland, Mr. Earles, who, incidentally, is the best looking man we had on the Judiciary Committee, (Laughter) would not agree. Now, Mr. Earles has told you that the stockholders of the Bates Manufacturing Company voted that it would be necessary to have 66 2/3 of the stockholders vote in favor before they could take that plant south and he also stated that they further voted that it would require 80 per cent of the stockholders to agree to such a vote.

Now, in the face of that, that looks exceedingly fair, and it looks as though it was getting just what the present law would require. I might explain that in the other branch of the Legislature they cut this down to 66 2/3—

The SPEAKER: The Chair would remind the gentleman not to use the actions in the other branch to persuade this branch.

Mr. McGLAUFILIN (resuming): Mr. Speaker, I am sorry that you had to interrupt my talk.

But the point I am trying to make is that the stockholders stock can easily be changed. The Bates people can change that by-law but if we pass this in a law they can not change the law, and if they are satisfied to put in their own by-laws that it should be 66 2/3, why should they object to a law that requires exactly the same thing as their by-laws.

Now, I want to call attention to the fact that nine members of the Judiciary Committee voted in favor of the report that I have moved to accept. The gentleman from South Portland, Mr. Earles, is the sole objector. I want you to consider whether or not you think that his judgment with his limited experience is better than that of the other nine, several of whom have had vastly more experience in legal

affairs than he has. I think that this majority report should be accepted and I hope you so vote.

The SPEAKER: The pending question is on the motion of the gentleman from South Portland, Mr. Earles, that the two Reports and Bill be indefinitely postponed.

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

Mr. MacDonald: Mr. Speaker and Ladies and Gentlemen of the House: I was on the Judiciary Committee when this hearing was had but I was sick and did not sign the report. And, of course, the committee had to report it out, it could not act as a nursemaid for me and keep it in until I got back. So as far as the records show, there were eight for "Ought to pass", and if I had been here at that time I would have signed the minority report "Ought not to pass". And I will tell you my reasons for that.

I listened through those long hours to the different speakers and the position they took. And what I have got to say probably could be designated "as it looks from here." I listened to the proponents, very fine, excellent gentlemen. And I think they have done a wonderful job in running that Bates Manufacturing Company and making money, and the stockholders in paying fine wages.

I also listened to Mr. Martin and his witness. Now to be honest with you, I did not like Mr. Martin. But to me, that is beside the point. To me, it is beside the point when I say these other gentlemen were excellent, fine gentlemen.

The question is: Is government going to tell people how they must run their business? I think we have got too much of that in the United States at the present time. You must remember that a corporation must be looked at as a distinct individual. True, it is the creation of the Legislature in one manner or another. And they can do some things with it. But they cannot do all things with it. I read all the literature and arguments that both sides presented in this case and it kept me busy on every weekend for over three weeks. And I looked up some cases, the cases that they cited, and cases

that they did not cite, and I found a case of the United States Supreme Court, where the opinion was written by Chief Justice White, it is an old case, it is true. After reading that I reached the conclusion that the acts of the Legislature in this respect would be what he would call "ultra vires", beyond the power to do what they are attempting to do.

It isn't a question of who is a stockholder on one side and who is a stockholder on the other side. It is the question of the Bates Manufacturing Company, an individual corporation or any other corporation that this might be applied to directly or indirectly. That is an individual person that we are talking about and I do not think that we ought to take it upon ourselves to tell him how he should do this.

Now I know this is the unpopular side to take, it certainly is the unpopular side up in my section of the State yet I feel that I have got to follow the dictates of my conscience and tell you how I feel about it.

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

Mr. McCluskey: Mr. Speaker and Members of the House: I think that a good title for the little play of the gentleman from South Portland, Mr. Earles, might be "Management versus Management." Last week we listened to one somewhat similar and I would title that one "Management versus Labor". That is when we were asked to tell the railroads how many men they should have on each train.

Now, if we can do this to the Bates Manufacturing Company, we can do it to any corporation and this at a time when we are asking industry to come into Maine and look us over and settle here; and this bill is strongly opposed by many other smaller corporations, two of which are in my district, that is the Knox Woolen Company and the St. George River Woolen Company, and they are strongly opposed to this and I would like to say that they are in no way connected with the Bates Manufacturing Company.

And I hope the motion of the gentleman from South Portland, Mr. Earles, prevails.

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

Mr. CHILDS: Mr. Speaker and Members of the House: When this legislation was first brought to my attention that it was coming into the Maine Legislature, I was very much opposed to it. I made it a point to sit before the very lengthy hearings and hear both sides.

I only want to say that my mind is not changed in the least. I still firmly believe that this legislation has no place in the Maine Legislature and I hope the motion of the gentleman from South Portland, Mr. Earles, will prevail.

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

Mr. DUMAIS: Mr. Speaker and Ladies and Gentlemen of the House: As a stockholder, and my dad was a stockholder, in the Bates Manufacturing Company, I believe that what Mr. Martin did is a perfectly legitimate deal of business. He bought the stock, he owns it, and I know that he will make a good man for the State of Maine.

I am sorry that somebody saw fit to pick only on Bates Manufacturing Company because I do believe that Bates will stay in Maine. And when I have spoken with Mr. Martin in the past months, several times, he has assured me that he had no intentions of moving out. Furthermore, I think that if we welcome Mr. Martin to this State and we give him a chance to move even his family here, I think you will find him living amongst us.

This bill that I did not know too much about when it was first produced, we were given the impression that this man, Mr. Martin, was a monstrosity, that he was somebody that we should not tolerate. After studying and listening here for seven and a half hours, myself, I became firmly convinced that if this table is ever to give a testimonial dinner to anyone, Mr. Martin should be the man.

I know that the people of Lewiston, the people of Augusta, and the people of Saco and Biddeford should be glad to have a man like Mr. Martin. Mr. Martin has no intention of moving the manufacturers out of

this State. He stated publicly here that he holds very close to 30 per cent of the Central Maine Power Company. He is really an investor, he is a banker, he is interested in making money, he has no intention of going south, and his exact words were to me: "I have seen too many of these southerners dragging their feet, I like the people up north that step around and do things." I do not believe that Mr. Martin has any intention of moving the Bates Manufacturing Company. I do not believe that he will go with Consolidated. I think he will leave Bates just as Bates is. Bates is doing all right.

Mr. Martin invited the union, I understand, into his office when the strike was on, when he saw that every means had failed, he told them that if they wanted a five year contract, he was already to sign up with them. The man has good intentions. I believe that Mr. Martin and his associates will do all right.

I certainly wish that I would have had the money to buy 51 per cent of the shares of the Bates Manufacturing Company because I would have bought them and I certainly would resent any movement by, we, the members of this Legislature, in ruling me out or ruling Mr. Martin out. I do not believe that it is right. I own stocks in Pratt and Whitney, Chance - Vought Aircraft, International Telephone, Bates Manufacturing Company and I am sure that when I went to the stockholders meeting at East Hartford in regard to moving a plant up here, this bill pending here certainly hurt us. We were three from the State of Maine trying to get Pratt and Whitney to move an assembly plant nearer Limestone than where they are in Connecticut. This bill here certainly hurt us when we opened our mouths over there.

Pending this legislation, ladies and gentlemen, some industries are looking forward to what we will do with Bates and I think for us, the State of Maine, this is not a bill that we want to dabble with. I think we should leave well enough alone.

We will find that Mr. Martin will probably own quite a few more Maine firms and he has no intention of moving out whatsoever. He

has repeatedly said that here, and his lawyers have said that and his associates have said that, they like New England. And right now Mr. Martin is thinking of building a bleachery, something that the Bates people have talked a long time about. Nowhere else but in the State of Maine.

I think any piece of legislation like this will certainly force Mr. Martin. I am pretty sure that Mr. Martin cannot buy 66 1/3 or 70 per cent of the stock because the people that have Bates stock now are really holding on to it. I think that we were lax, in ourselves; I think the people of Lewiston, Augusta and Saco should have bought that stock. It pays a good dividend. It is as good an investment as you can buy anywhere. If we have not owned, and we do not own in the State of Maine, 51 per cent of this stock, let us not blame Lester Martin; let us blame ourselves. We were not smart enough to go out and promote the money to buy it.

Therefore, I move that the motion from the gentleman from South Portland, (Mr. Earles) prevails.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: This bill does not appear to me that it will accomplish what the people of the State of Maine want. Naturally, we want to keep the Bates Manufacturing Company here in the State. But when we consider the recent turn of events, it would seem unwise to legislate unfriendliness.

Mr. Martin has been portrayed as a cruel ogre. I do not know the man but recent events certainly do not indicate that. As a majority stockholder, Mr. Martin was the boss. In that capacity during the recent strike, he had all the authority in the world to put the lock on the door and force liquidation. But he did not do that. He played along until the strike was settled and now thousands of people are back at work in Lewiston. We must remember that he is still holding the trump card if he wants to play it. And to maintain amicable relations, it would seem wise to curry favor

rather than show hostility to the owners.

Furthermore, the whole idea seems unsound for the future economic stability of our entire industrial picture. To put such restrictions on any company before they could merge, consolidate, lease or even purchase outside companies might some time work just exactly the reverse way because you know all owners and management are not just cruel capitalists. Most of them in this State are very interested in our people and in their welfare and in our State. And what about the companies who might some time want to buy outside interests to strengthen their own financial situations and bring more work into our State? Should we limit these also?

I most certainly favor the motion to indefinitely postpone.

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

Mr. BOWIE: Mr. Speaker and Members of the House: We have heard some talk here this morning about the intentions of Mr. Martin and what he is going to do with the Bates Mills and that he is very interested in staying in Maine. But I would like to call your attention to a May 5th paper of the "Boston Herald." On the front page it says, "Burlington seems interested in buying Bates Maine Mills." And it says, "Reports persist tonight that Burlington Mills Corporation, the nation's largest textile producers, are interested in acquiring control of Bates Manufacturing Company, Maine's largest textile industry."

Now does that sound like they were interested in staying here? Because to refresh your memory a little bit, Burlington Mills were the ones who took Goodall-Sanford out of the State of Maine.

Now I am sorry that these bills have been amended. I would like to have gone along with them the way they originally were. And as far as I am concerned, the people here, I do not believe, realize the seriousness of the situation or the good will behind Lester Martin. I think they have exaggerated that to the nth degree. I do not think it is fair. I think that when this Legislature is over, and we no longer have an op-

portunity to work on these bills, you will see a different Lester Martin. And furthermore, I certainly hope that the motion of the gentleman from South Portland, Mr. Earles, does not prevail for the good of the State of Maine.

The SPEAKER: Is the House ready for the question?

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

Mr. WINCHENPAW: Mr. Speaker, I had no intention of speaking on this bill but due to some things that just happened, I feel perhaps I should say a few words.

I would like to concur heartily with the gentleman from Warren, Mr. McCluskey, because we have several industries in Knox County that would be affected by this bill and I certainly hope that the motion made by the gentleman from South Portland, Mr. Earles, prevails.

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

Mr. MCGLAUFLIN: Mr. Speaker, I would like to correct the statement that was just made by the gentleman from Friendship, Mr. Winchenpaw. The general bill that applies to other corporations, has been indefinitely postponed.

This bill that we are talking about affects Bates only, no other corporation is involved.

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

Mr. MCCLUSKEY: Mr. Speaker, I would like to correct the gentleman from Portland, Mr. McGlaufflin, if I may. These mills we are speaking about have written us, I have talked with them, and they are strongly opposed to this bill, which does deal with the Bates Manufacturing Company but in the future some similar bill might deal with them.

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

Mr. SANFORD: Mr. Speaker, I just want to ask one question: Can you pick out one particular party and make a law, is it constitutional? I would just like to ask for that information.

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

addresses a question through the Chair to anyone, perhaps the gentleman from Portland, Mr. McGlaufflin, who may answer if he so chooses.

Mr. MCGLAUFLIN: Mr. Speaker, I am assured that this measure would be constitutional if it is passed. I think there is no question about it.

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

Mr. EARLES: Mr. Speaker, when the vote is taken, may it be by division, please.

The SPEAKER: Is the House ready for the question?

The question before the House is on the motion of the gentleman from South Portland, Mr. Earles, that the two Reports and Bill "An Act to Amend the Purposes and Powers of Bates Manufacturing Company", Senate Paper 238, Legislative Document 574, be indefinitely postponed, and the same gentleman has requested a division.

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

A division of the House was had.

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

The SPEAKER: The Chair is informed that there are in the balcony of the House this morning twenty students from the Eighth Grade of the Skowhegan Parochial School, accompanied by their two teachers, Mother Mary Annuntiata and Mother Mary Eustelle, and chaperones, Mrs. Arthur Laverdiere, Mrs. Gerald Dostie and Mrs. Carleton Whitemore.

On behalf of the House, the Chair extends to you a cordial welcome and hopes you have a good day and learn something.
(Applause)

Divided Report

Majority Report of the Committee on Claims on Resolve in favor of Wyman and Simpson, Inc., of Augusta (S. P. 203) (L. D. 497) reporting "Ought to pass" as amended

by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. SILSBY of Hancock
FOURNIER of York
— of the Senate.

Messrs. ALDEN of Gorham
JACK of Topsham
ANDERSON of Greenville
COTE of Madison
GETCHELL of Limestone
COURTOIS of Saco
FULLER of China
— of the House.

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

Report was signed by the following member:

Mr. LOW of Knox
— of the Senate.

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

In the House: Reports were read.

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

Mr. COURTOIS: Mr. Speaker, non-concurrence with the Senate, I move that the majority report be accepted and I wish to say a few words.

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

The SPEAKER: The Chair recognizes the same gentleman.

Mr. COURTOIS: Mr. Speaker, this case of the Wyman and Simpson Company, which the Claims Committee, and the majority of it approved is more or less of a gesture to a company that has been financially ruined by the fact that a war came on and on a contract which they acquired on January 8, 1941, due to the fact that materials and labor costs increased, they were subject to a tremendous load as far as wages were concerned, it almost tripled their payroll a week. But it seemed there was nothing that the State Highway Commission at that time could do to really help them or alleviate their condition. And the only thing they possibly could do was to revert back to the Legisla-

ture to pay whatever they thought they would be entitled to. It seemed that other contractors were able, at the same time, to get from the State Highway Commission either a release or go on a cost basis in the construction of their work.

This company was just prevailed upon to continue building the bridge because of the fact that we really needed it but at the same time they were going into the hole. In other words, there was approximately over \$800,000.00 cost to build the bridge and seven hundred and some odd thousand dollars was what they received. So the deficit was \$111,000.00.

Now in going bankrupt, the company, took over some losses. So the Committee on Claims could not go along exactly with \$111,000.00. It was impossible to ascertain what amount we possibly could arrive at. But after deliberation almost into the last week of the committee meetings, it was decided upon that a fair value would be \$15,000.00, which was an amended report turned in to the Senate.

The only dissenting vote was the chairman of the Taxation Committee, which probably caused him to worry about where he was going to get the money.

But I say in all fairness to everyone that does any work for the State and some companies were allowed to go on a cost-plus basis or cost basis and this company was not allowed to. This House at least, I cannot speak for the Senate, because they have tabled the thing, but I would say speaking for the House that we should at least in fairness allow them to have that \$15,000.00 to help them to get ahead.

The SPEAKER: The question before the House is on the motion of the gentleman from Saco, Mr. Courtois, that the Majority Report be accepted in non-concurrence.

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

Mr. CIANCHETTE: Mr. Speaker, I do not like to arise on this matter but seeing that no one else has I think I shall, I have.

I certainly am in sympathy with the Wyman and Simpson Company. But I can assure you that if this

bill should get passage in this House, or in this Legislature, certainly we are going to be flooded with these claims and I will have in a couple myself next session.

I move the indefinite postponement of the bill.

The SPEAKER: The Chair understands that the gentleman from Pittsfield, Mr. Cianchette, moves that the two Reports and Resolve be indefinitely postponed.

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

Mr. CALL: Mr. Speaker and Members of the House: I think this is a very fair bill, considering that at the time the contract was let the war came on, that the contractors appealed to the State of Maine, but they could not do anything for them in the Highway Department, and I know that there are letters if one of the members of the House wishes to get up and talk about it.

It is heartily endorsed, this bill, by the Highway Department. It was very unjust and very unfair. They had to finish their contract, they had no other recourse, and it put them financially behind the eight-ball.

I move that we go along with the majority report.

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

Mr. ALLEN: Mr. Speaker and Members of the House: I am certainly familiar with this claim and the circumstances around it and I believe that the Wyman and Simpson Company has not been treated justly. I can think of another contract near the same location, I will not mention the contractor, it was started before the war, but the job was stopped and settled. Now had Wyman and Simpson had this same opportunity, they would not have been forced to go into this terrific loss due to the delay in getting steel and the increase in labor that they were forced to stand.

I think it is a just bill and should be passed.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Alden.

Mr. ALDEN: Mr. Speaker and Members of the House: This \$15,000.00 that we recommended, we got the figure from Mr. Wilder of

the Bridge Division of the State Highway Commission, and he said that their increase in labor alone caused them a loss of between thirty and forty thousand dollars. We took half of the low figure and voted to allow them \$15,000.00 provided that it was approved by the House and the other body. And we felt it was only a fair thing to do to give them a break. I move the passage of 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 the time in question of this incident that we had a price control and a wage freeze. So, therefore, I cannot see as some have stated whereas this loss should have occurred. If he had underbid or something of that nature, it is another picture. So I am afraid that I will have to go along the same as my good friend, Mr. Cianchette, the gentleman from Pittsfield, requests.

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

Mr. ANDERSON: Mr. Speaker, I think the gentleman from Saco (Mr. Courtois) and the gentleman from Gorham (Mr. Alden) have covered most of this. But with reference to the wage freeze problem that has been raised, I would like to say this, that the wage freeze was on as far as he was concerned, but it did not have anything to do with the attraction that there was in nearby industries. And that is what happened to him. The wage freeze was on, that is true, but it froze him out of business.

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

Mr. JACK: Mr. Speaker and Ladies and Gentlemen: I have the figures before me of the estimated payroll increase that this man had to pay owing to the fact that the skilled labor left at that time and went with the Portland Ship Yard or went to the Bath Iron Works and this gentleman had to hire high school boys, and he was obliged to complete the job as it was a main artery which might have been used as a military road.

Other contracts were cancelled because they were not too important.

The estimated increase in the payroll was \$95,772.00. The estimated cost of materials was \$15,388.32, leaving a deficit of \$111,160.32 which this man had to stand and which put him through bankruptcy.

He was absolutely obliged to continue, as I have said before. It simply put this man in a position where he only had a rating of A2 instead of AA2 or AA3, which gave him a very low rating under which the companies could not furnish him his material. And I do not know why we should crucify a man that was obliged to continue the contract to please the State and the government and let him suffer, which he has suffered by going through bankruptcy. He never has come back completely and I think that the fair adjustment that the Committee on Claims offered this man should be carried through and I agree with my report.

The SPEAKER: Is the House ready for the question?

The question before the House is on the motion of the gentleman from Pittsfield, Mr. Cianchette, that the two Reports and Resolve in favor of Wyman and Simpson, Inc., of Augusta, Senate Paper 203, Legislative Document 497, be indefinitely postponed.

All those in favor of the motion will signify by saying aye; those opposed, no.

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

Thereupon, on the motion of Mr. Courtois of Saco, the Majority Report "Ought to pass" as amended by Committee Amendment "A" was accepted in non-concurrence.

The Resolve was then given its first reading.

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

COMMITTEE AMENDMENT "A" to S. P. 203, L. D. 497, Resolve in Favor of Wyman and Simpson, Inc., of Augusta.

Amend said Resolve by striking out all of the 2nd line and inserting in place thereof the following: 'the unappropriated surplus of the general fund of the state the sum of \$15,000 to reimburse'

Committee Amendment "A" was adopted in non-concurrence and the

Resolve assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act relating to the Merger, Consolidation, Etc. of Corporations" (S. P. 249) (L. D. 681) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

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

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

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

Report was signed by the following member:

Mr. EARLES of South Portland
—of the House.

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

In the House: On motion of Mr. McGlaufflin of Portland the House voted to concur with the Senate in the indefinite postponement of the two Reports and Bill.

Non-Concurrent Matter

An Act Providing for Reappointment of Active Retired Justices (S. P. 157) (L. D. 351) which was passed to be enacted in the House on April 21, and passed to be engrossed without amendment in non-concurrence in the House on April 15.

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

In the House: Committee Amendment "A" was again read by the Clerk.

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

SENATE AMENDMENT "A" to S. P. 157, L. D. 351, Bill "An Act Providing for Reappointment of Active Retired Justices."

Amend said Bill by inserting at the beginning of the 1st line after the enacting clause the following underlined abbreviation and figure: 'Sec. 1.'

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

"Sec. 2. R. S., c. 107, Sec. 10, amended. The 2nd paragraph of section 10 of chapter 107 of the revised statutes is hereby amended to read as follows:

'Within 10 days after the service of a bill of complaint or other application in equity, the defendant, prior to the filing of his answer thereto, may petition in writing for good cause shown make application to the Chief Justice of the Supreme Judicial Court for the assignment of a Justice to preside on the matter other than the Justice to whom the original complaint or application was presented; upon the receipt of such petition application the Chief Justice may assign another Justice to hear the matter. After such assignment, all petitions and motions relating thereto shall be presented to, and all matters relating to said cause shall be considered by, said Justice in the manner prescribed by law for equity matters.' "

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

Mr. QUINN: Mr. Speaker, I move that the House recede and concur with the Senate.

The SPEAKER: The gentleman from Bangor, Mr. Quinn, moves that the House recede and concur with the Senate. Is this the pleasure of the House?

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

Mr. STANLEY: Mr. Speaker, might I ask if this is putting back the emergency clause. Is the emergency clause on there now?

The SPEAKER: The Chair would state that Committee Amendment "A" which was adopted by the Senate is the emergency clause and receding and concurring would reinstate Committee Amendment "A", the emergency clause.

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

Mr. TOTMAN: Mr. Speaker and Members of the House: I think that this House went on record last time

as being opposed to the emergency enactor although we went along with the bill proper. If I recall, the gentleman from Hampden, Mr. Stanley, pointed out the futility or the rather ridiculous situation of this bill requiring an emergency. I do not wish to debate the bill at this point, I will respect the judgment of the House. However, I think that the gentleman from Bangor, Mr. Stanley, has called to your attention the fact that you did remove the emergency and I would go along with Senate Amendment "A" but I do not think that Committee Amendment "A" should be continued. And I would ask the Chair for the proper motion at this time.

The SPEAKER: The Chair would state that it is possible to divide the motion of recede and concur and first consider simply receding from the action whereby the Bill was passed to be enacted and whereby the Bill was passed to be engrossed and then separately consider the amendments.

Mr. TOTMAN: Mr. Speaker, I make that motion that we recede.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Quinn, that the House recede and concur. On the request of a member, the motion may be divided.

First, the Chair will put that part of the motion relating to receding only.

Is it the pleasure of the House that the House recede from its action in passing this bill to be enacted on April 21?

The motion prevailed.

The SPEAKER: Is it now the pleasure of the House to recede from its action of April 15 whereby the Bill was passed to be engrossed?

As many as are in favor will signify by saying yes; those opposed, no.

A viva voce vote being taken, the motion prevailed.

The SPEAKER: The pending question now is, shall the House concur with the Senate in amending and passing this bill to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A".

The Chair would state that if the gentleman from Bangor, Mr. Totman, desires that can be divided.

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

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Quinn, that the House concur with the Senate in adopting Committee Amendment "A".

The Chair would state for the information of the members that Committee Amendment "A" is that amendment that relates to emergencies and provides that the bill would be an emergency bill.

Is it the pleasure of the House to adopt Committee Amendment "A"?

Thereupon, Mr. Cianchette, requested a division vote.

The SPEAKER: As many as are in favor of adopting Committee Amendment "A" will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Eighteen having voted in the affirmative and forty-seven having voted in the negative, the motion did not prevail.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Quinn, that Senate Amendment "A" be adopted.

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

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

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

Non-Concurrent Matter

Bill "An Act Amending the Charter of the City of Lewiston re Elections, Election of Mayor, Aldermen, Warden and Ward Clerk" (H. P. 437) (L. D. 483) which was passed to be engrossed in the House on April 28.

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

In the House: The House voted to recede and concur.

Non-Concurrent Matter Conference Asked

Bill "An Act relating to Valuation of Property of Public Utilities for Fixing Rates" (S. P. 167) (L. D. 364) on which the House accepted Report "A" of the Committee and passed New Draft "A" to be engrossed and indefinitely postponed New Draft "B" in non-concurrence on May 10.

Came from the Senate with that body voting to insist on its former action whereby New Draft "B" was passed to be engrossed, and asking for a Committee of Conference with the following Conferees appointed on its part:

Messrs. MARTIN of Kennebec
SILSBY of Hancock
WEEKS of Cumberland

In the House: On motion of Mr. Totman of Bangor, the House voted to insist and join in the Committee of Conference.

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

Messrs. GILMARTIN of Portland
BERNIER of Waterville
COOK of Portage Lake

The SPEAKER: The Chair is informed that there are in the balcony of the House forty-one students from the Eighth Grade of St. Dominic School in Portland, accompanied by Sister Mary Honoratus and Sister Mary Denise.

On behalf of the House, the Chair extends to you a cordial welcome and hopes that you have a nice day and learn something. (Applause)

Non-Concurrent Matter Conference Asked

Bill "An Act relating to Medical Services under the Workmen's Compensation Act" (S. P. 560) (L. D. 1516) which was passed to be engrossed in non-concurrence in the House on May 10.

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. HILLMAN of Penobscot
REID of Kennebec
SILSBY of Hancock

In the House: On motion of Mr. Ross of Bath, the House voted to insist and join in the Committee of Conference.

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

Messrs. ROSS of Bath
WALLS of Millinocket
WINCHENPAW
of Friendship

Messages and Documents

The following Communication:

OPINION
OF THE JUSTICES OF THE SUPREME JUDICIAL COURT GIVEN UNDER THE PROVISIONS OF SECTION 3 OF ARTICLE VI OF THE CONSTITUTION QUESTION PROPOUNDED BY THE HOUSE IN AN ORDER DATED MAY 4, 1955
ANSWERED MAY 11, 1955

HOUSE ORDER PROPOUNDING QUESTION STATE OF MAINE

In House, May 4, 1955.
ORDERED,

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

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

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

Has the Legislature the right and authority under the Constitution of Maine to enact a law according to the terms of the following bill?

S. P. 551; L. D. 1489

An Act Relating to the Hospitalization of the Mentally Ill.

ANSWER OF THE JUSTICES
To the Honorable House of Representatives of the State of Maine.

In compliance with the provisions of Section 3 of Article VI of the Constitution of Maine, the undersigned Justices of the Supreme Judicial Court, having considered the question submitted by the foregoing Order of the House of Representatives, answer as follows:

In Sleeper, Applt., 147 Me. 302, we had occasion to pass upon the constitutionality of certain sections of P. L. 1951, Chap. 374, which substantially changed the methods of commitment of persons alleged to be mentally ill. We then declared that the procedure inaugurated in the 1951 law failed to meet constitutional requirements in that (1) it permitted the commitment of persons for a period limited to thirty-five days without notice or hearing, whether or not there existed any immediate danger that they might cause injury to themselves or others, and (2) it failed to provide such persons with any method of instituting proceedings within the period of restraint to test the necessity of their commitment.

Upon perusal of S. P. 551, L. D. 1489 now before us for examination, it becomes apparent that by the proposed draft, an attempt is made to remedy only the first of these defects. Unlike the 1951 law, the new bill limits emergency commitment to persons who are certified by a physician to be mentally ill and who "because of (their) illness (are) likely to injure (themselves) or others if not immediately restrained." There is no language in the new bill which attempts in any way to provide any method by which the person under temporary restraint may test the necessity thereof. Without intimating what would be our view if appropriate language were inserted to cure the noted defect, we deem that the proposed bill tends to deprive persons of their liberty without due process of law in contravention of Section 6 of Article I of the Constitution of Maine. Accordingly, we answer the submitted question in the negative.

Dated at Augusta, Maine, this 11th day of May, 1955.

Respectfully submitted:

(Signed) Raymond Fellows
Robert B. Williamson
Frank A. Tirrell, Jr.

Donald W. Webber
Albert Beliveau
Walter M. Tapley, Jr.

The Communication was read and ordered placed on file.

Orders

On motion of Mr. Seaward of Kittery, it was

ORDERED, that Mr. Potter of Medway be excused from attendance for the remainder of the week because of business.

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

Miss CORMIER: Mr. Speaker, may I ask if Legislative Document 1536 is in the possession of the House?

The SPEAKER: The Chair would inquire the title of the document.

Miss CORMIER: Mr. Speaker, "An Act to Create the Department of Development of Industry and Commerce."

The SPEAKER: The Chair would state that it is not in the possession of the House. Would the gentlewoman request that an effort be made to obtain it?

Miss CORMIER: I would so move, Mr. Speaker.

The SPEAKER: The Chair would inquire for what purpose does the gentlewoman wish the matter to be in possession of the House?

Miss CORMIER: Mr. Speaker, I would like to ask reconsideration.

The SPEAKER: The Chair understands that the gentlewoman from Rumford, Miss Cormier, moves that a message be sent forthwith to the Senate requesting the return of House Paper 1196, L. D. 1465, Bill "An Act to Create the Department of Development of Industry and Commerce," with accompanying papers, including Senate Amendment "A" which is printed as L. D. 1536 for the purpose of reconsideration.

Is this the pleasure of the House?

The motion prevailed and the Clerk was charged with conveying the message.

House at Ease

Called to order by the Speaker.

The SPEAKER: The Chair is informed that there are in the balcony of the House thirty-five students from the Eighth Grade of the South School in Rockland, accompanied by their teacher, Mrs. Harjula and their Principal, Mr. J. L. Brown.

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

At this point, the Clerk reported that he had delivered the message with which he was charged and that the document, Bill "An Act to Create the Department of Development of Industry and Commerce" House Paper 1196, Legislative Document 1465, was in his possession.

Thereupon, on motion of Miss Cormier of Rumford, the House voted to reconsider its action whereby the Bill was passed to be engrossed yesterday.

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

Miss CORMIER: Mr. Speaker, I now move that the bill and accompanying papers lie on the table for later in today's session for the purpose of offering an amendment.

The SPEAKER: The gentlewoman from Rumford, Miss Cormier, moves that the Bill with accompanying papers lie on the table pending passage to be engrossed and be assigned for later today. Is this the pleasure of the House?

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

The SPEAKER: The House is proceeding under Orders.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I am very slow on the uptake. I would like to have a little something explained to me. I understand that the —

The SPEAKER: The Chair would inquire if the gentleman from West Gardiner, Mr. Martin, requests unanimous consent to address the House?

Mr. MARTIN: Please, Mr. Speaker.

Thereupon, that gentleman was granted unanimous consent to address the House.

Mr. MARTIN: Mr. Speaker, I understand that the House, just a moment ago, while I was wool gathering took from the table the Department of Development bill so-called, upon which we voted yesterday—

The SPEAKER: The Chair would state for the gentleman's information that yesterday the Bill was passed to be engrossed and sent to the Senate. Today, it was brought back from the Senate and just now the action whereby it was passed to be engrossed was reconsidered and then laid on the table.

Mr. MARTIN: To be considered later this afternoon, Mr. Speaker?

The SPEAKER: That is correct.

Mr. MARTIN: Mr. Speaker, with an amendment. And then, after that—I am asking for parliamentary information—after that, it still will be up tomorrow for engrossment?

The SPEAKER: The Chair would state informally that this matter will be in order for amendment or engrossment later in the day's session, at the end of the specially assigned for today matters.

Mr. MARTIN: Mr. Speaker, in effect it is brought ahead a day, the consideration of it.

The SPEAKER: The Chair would request the gentleman to kindly approach the rostrum if he would like further information.

House at Ease

Called to order by the Speaker.

The SPEAKER: The House is continuing under orders. Does any member wish to present an order at this time?

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

Mr. WOODWORTH: Mr. Speaker, I present an order and move its passage and I also would like to speak briefly on it.

The SPEAKER: The gentleman from Benton, Mr. Woodworth, presents an Order and moves its passage. The Clerk will read the Order.

The Order was read by the Clerk as follows:

ORDERED, the Senate concurring, that the Legislative Research

Committee be, and hereby is, requested to study and survey the operation of the Milk Control Law, particularly as it applies to the buying and selling of milk, and be it further

ORDERED, that the Committee report to the next Legislature the result of its study with such recommendations as it deems appropriate. (H. P. 1253)

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

Mr. WOODWORTH: Mr. Speaker and Ladies and Gentlemen: Maybe I should give a little explanation for my reasons for introducing this order.

For the past 20 years or so we have had a Milk Control Board, changed to the Milk Commission, which on the whole has done a good job. I would be the last person to say it was 100 per cent perfect, also the last to say I had not benefited under it.

After a law covering this type of endeavor has been on the books as long as this it should be brought up to date due to the changes in the industry, such as sanitation laws, modes of transportation, also the change in tendency to go from hundreds of small dealers to a few large dealers, and the tremendous cost of equipment.

We have had two milk bills before us all this session. One is so complicated that you would not know where you were at. The other, in my opinion, sets up a dictatorship.

We also have two orders on the table to investigate the Milk Commission. To me an investigation is where a person or a group of people think they see a person or a group of persons doing something wrong and start looking into the matter and stir up a big stink. About that time another person or a group of persons come along with a bucket of whitewash and the public is left out on a limb and the person, or persons, looks like a darn fool or look like a group of darn fools. We have had some very good examples of this on the national level in the McCarthy hearings and on the state level the Maine Liquor investigation.

We know some states have thrown out their Milk Commissions. There has not been time yet to evaluate the results.

There is one important thing to consider here. Just what is it that we are after and how much will it cost? Under the Bowie Investigation bill we would get an investigation, nothing more. It would be an investigation under the chief law enforcement office of the government of Maine. It would be in the nature of an insult to a group of men who gave their time and their strength to the State of Maine to what, I am ready to agree, was the best of their ability. It would slap the face of these men because even though the Attorney General's office would clear them of misdemeanor, they would be placed under the stigma of an investigation and you know what that means.

I am very much against this way of doing things. It is a trial by newspaper and it is a form of name-calling which I never believed in. And anyway the Attorney General's office is already informed as to what the Milk Commission is doing, as you who have sat in here in the Legislature will know.

So all the Bowie bill would accomplish would be to besmirch the good name of a group of honorable men without just cause. Perhaps we can afford the \$3,000.00 price tag on this ungracious gesture, but I, for one, consider it to be an undefendable waste of the taxpayers' money.

On the other hand I am willing to concede that the law controlling milk as now constituted is not perfect. I think that it can be improved. But a thing as important as this to our farmers, in fact to every citizen of our state, should not be tampered with in a hasty manner. It should be carefully studied by men well qualified to study it and by men who have the time to study it. And that is just exactly what this order which I am introducing does. It calls for an orderly, careful and competent study of the milk situation in Maine to be followed by recommendations which will suggest to the next Legislature what it is best to do.

I strongly urge acceptance of this order. Thank you.

The SPEAKER: The question before the House is on the motion of the gentleman from Benton, Mr. Woodworth, that this Order receive passage.

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

Mr. MARTIN: Mr. Speaker, I would like to state briefly that I am in favor of the order of the gentleman from Benton for the reason that it calls for a definite something that we might gain, which in the future would be of benefit to us, whereas the two tabled orders for investigation would, I feel quite sure, produce no sentences to Thomaston but would reflect against the character of some men whom I consider to be honorable men and in the end will accomplish nothing but a lot of cheap newspaper publicity, and the expense of \$3,000.00 to the State of Maine.

I sincerely hope that the order of the gentleman from Benton (Mr. Woodworth) will be accepted.

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

Mr. BROCKWAY: Mr. Speaker and Members of the House: I just simply want to go on record as saying that I hope the order of the gentleman from Benton, Mr. Woodworth, passes.

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

Mr. CARTER: Mr. Speaker and Members of the House: I have been greatly concerned with these milk bills here this session. As you know H. P. Hood is located in Newport and it is one of our largest industries and I certainly hope that the order of the gentleman from Benton, Mr. Woodworth, does prevail.

The SPEAKER: Is the House ready for the question?

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

Mr. BOWIE: Mr. Speaker and Members of the House: I had not prepared for this although I did talk with lobbyists out in the corridor yesterday afternoon and they tried to get me to not put my order in that I put in yesterday.

As near as I can tell, from what I can gather here, it was turned over to the Research Committee and it is immaterial to me what you folks do, but I can say this much, you may not have anyone on that Research Committee who is in the least bit interested in agriculture or the dairy industry and therefore you may not have any time whatsoever spent on this particular order.

And on the other hand, I have given you, back some weeks ago, a concrete example of wrongdoing in the milk business and I am quite sure I can give you some more and if you folks want to have this thing whitewashed, you can do it. I have given you a tool whereby come next session of the Legislature, I will have had a chance to have proved to you folks that there is wrongdoing there and it is flagrant and it is widespread in this state. And if you accept this order, it is all well and good with me. It is just a question of whether you want the job done or want to take a chance on not getting anything done at all, nothing concrete whatsoever coming out of it in regard to an investigation.

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

MR. ALLEN: Mr. Speaker and Members of the House: I know very little about the milk situation or any of these milk bills. I am not qualified to speak on it but I have had several of my constituents come to me and call me about it and their idea is not to let anything happen to the present milk bill. They claim that they have benefited tremendously by it and therefore I would like to go along with the order of the gentleman from Benton, Mr. Woodworth.

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

MR. ROUNDY: Mr. Speaker, I would like to go along with the order of the gentleman from Benton, Mr. Woodworth. As I have had experience with the work of the Legislative Research Committee, it has been my opinion that they have been selected each time with very great care. They have been people

who, if they needed special information, they received it from the unprejudiced sources and have in the time that they have given to the consideration been able to advise folks like myself who are not closely familiar with the matters that they have taken into consideration. I believe that we have listened with a good deal of interest to the things that have come up in this session but I do believe that the careful time and consideration which would be given to it by the Research Committee would be of real value for the next Legislature and, of real value in seeing to it that this whole matter that relates to the production and sale of milk is given the kind of thought and study that should be given in the light of good action.

I recall with a great deal of interest the addresses that have been reproduced to us here, that were given in the last Legislature that many persons like myself feel that the work of the Milk Commission was very valuable work and one that was greatly needed and yet at the same time, as it has been going on for a considerable number of years, it is quite in order that it should receive fresh thought and interest. Thank you very much.

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

MR. WOODWORTH: Mr. Speaker, and Ladies and Gentlemen: I would like it thoroughly understood that this is my idea and I have not been lobbied on it. When it comes to lobbying on milk, I just do not take lobbying.

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

MR. CURTIS: Mr. Speaker and Ladies and Gentlemen: While I am not in favor of some of the bills my good friend and a producer of milk like myself has presented here, I do have the utmost faith in his sincerity and what he is trying to do.

And realizing that the men that make up the commission are only human, the same as we are, I think perhaps there have been some things done that we as producers do not approve of. But I think that the

order of the gentleman from Benton (Mr. Woodworth) would take care of it as well and perhaps better than any other way. And I do not know if my good friend from Durham, (Mr. Bowie) has ever been at a legislative hearing but he can appear there for I have appeared several times and present all the evidence there that he could in any other way. And I want to assure him that if this bill receives passage and there is a hearing that I will be there and I hope he will be there and we will have a lot more producers there and we will go and tell our story as we see it. I hope the order prevails.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Benton, Mr. Woodworth, that his order receive passage. Is this the pleasure of the House?

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

The SPEAKER: The Chair will inquire if there are any other orders to be presented.

The Chair requests the Sergeant-at-Arms to escort the gentleman from Fairfield, Mr. Osborne, to the rostrum for the purpose of presiding as Speaker pro tem.

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

(Off Record Remarks)

Mr. Stanley of Hampden was granted unanimous consent to address the House.

Mr. STANLEY: Mr. Speaker, I had a letter a short time ago from a citizen in Bangor, in which he has complimented one of our state institutions very highly. While that very seldom happens, most of those people are complained at rather than praised, I would like your indulgence while I read a portion of that letter.

"And, while on the subject, may the writer say a word by way of appreciation for the excellence of the Bangor State Hospital as a public institution. The writer has

visited the hospital during the past two years on an average of once a week, and so has had opportunity to talk with faculty, employees and patients, and to observe the place in general. The whole institution is kept spotlessly clean, patients' quarters would put to shame hotel accommodations in many of the hotels where the writer has been a guest during the past ten years on the road; all patients consulted agree that the food and care are excellent; the attendants are kindly and efficient and appear to be head and shoulders above the type usually found caring for the mentally ill. It was refreshing to be told by patients that one elderly attendant, member of a religious sect which avoids use of tobacco and liquor, who spends almost all his small weekly pay for cigarettes which he carries in his pockets and dispenses to patients who have no money and no friends or relatives to supply luxuries. In general, there is an atmosphere of such kindness and peace throughout the large part of the institution to which I have had access, that one wishes it could become contagious to our outside world. It would be an astounding and pleasant revelation to folks who see the "Big House on The Hill" from without its walls only, were they to pay visits at any odd hour of the day or week.

"Since this subject does not come within your sphere of action, the writer would count it a favor were you to pass along these words of appreciation to the poor souls who head our mental institutions in Maine, and who are most often recipients of a lot of gripes and few or no words of praise. One may expect such a directorate to dispense praise all down the line, that subordinates may know that their good works do not pass unobserved. As a taxpayer the writer is very happy as to how this institution is making use of his dollars-in-taxes, and wishes more were allotted than hitherto or at the present time." Thank you.

House Reports of Committees Leave to Withdraw

Mr. Denbow from the Committee on Highways on Resolve Authorizing

a Reclassification of Highways (H. P. 959) (L. D. 1085) reported Leave to Withdraw.

Report was read and accepted and sent up for concurrence.

Passed to Be Engrossed Amended Bill

Bill "An Act Amending Laws on Water Pollution Control" (H. P. 1231) (L. D. 1514)

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

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

Mr. BRIGGS: Mr. Speaker and Ladies and Gentlemen of the House: This bill which appears as Item 1 under the third readers this morning, the one which was passed yesterday and is the new draft from the Natural Resources Committee.

I would like to call your attention specifically, pointedly and just as quickly as possible to a few positive facts regarding it for your consideration. Now the following law was passed in 1945, effective on July 21st of that year, 1945. From Chapter 345 of the 1945 laws, Section 3, pollution restricted. "No person, firm or corporation shall hereafter discharge into any stream, river, pond, lake or other body of water or water course or any tidal waters any waste, refuse or effluent from any manufacturing, processing or industrial plant or establishment so as to constitute a new source of pollution to said waters without first obtaining a license therefor from the Sanitary Water Board, provided however that 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."

That law has been in effect since that time. In 1951, the name of the Sanitary Water Board was changed to the Water Improvement Commission. In 1953, municipalities and agents thereof and sewage as a prohibited discharge were added to the law. Now the Natural Resources Committee proposes to amend this

law in Section 8 of the bill under consideration and I quote:

"Provided, however, that no application for a license shall be required hereunder for any manufacturing, processing or industrial plant or establishment, operated on September 1, 1955, or theretofore for any such discharge at its then general location, such license being hereby granted."

If this bill is enacted, instead of taking a step forward in our long-term fight against pollution, this Legislature will be making legal, unlicensed new pollution which has come into this State since 1945. I cannot believe that it is the intent of this branch of the Legislature that our present water pollution laws will be weakened. Let us not take a step backward with our pollution laws. I move the indefinite postponement of this bill and its accompanying papers.

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

The Chair recognizes the gentleman from Winthrop, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker and Members of the House: The mere fact that unrestricted pollution is encouraged until September of this year indicates that this bill is not designed to strengthen the pollution laws.

I hope that the motion prevails.

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

Mr. LAMB: Mr. Speaker and Members of the House: There is one thing here with which I am not too familiar, I am not too sure of my position here. I would appreciate it if any of the members of the Maine Bar, who are here, would help me on this.

It was my understanding that this 1945 law was partially in error at least because of a question of constitutionality. It seems that there was an ex post facto implication there in their trying to make unlawful that which was perfectly lawful when done. This pollution abatement provision, I think is the one equivalent to the Section 8 provision in this new draft, and if any of

the members of the Bar could clear that up I would appreciate it.

The SPEAKER pro tem: The gentleman from Eastport, Mr. Lamb, poses a question through the Chair to anyone who feels qualified to answer it and so cares to do.

The Chair recognizes the gentleman from Caribou, Mr. Briggs, for the purpose of answering the question.

Mr. BRIGGS: While I am not a member of the Bar, ladies and gentlemen, I had the advice and counsel of a very able barrister on the matter, went through the statutes on this subject until about half past midnight last night, and I would like to ask a question: Who raised the question as to whether or not this was constitutional under the statutes?

The SPEAKER pro tem: The gentleman from Caribou, Mr. Briggs, asks a question through the Chair and anyone who would care to answer it may proceed.

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

Mr. LAMB: Mr. Speaker, as a matter of fact, I cannot answer the question. I remember it came up in the discussion. It was talked about in the committee. I do not remember the source of the question. It might have been in the hearing. There was quite a lot of testimony, some eleven or twelve hours of it.

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: We put on the table this morning a bill to invite new industry into the State of Maine. I understand that probably it would cost several hundred thousand dollars.

Now this section 8 that was referred to a few minutes ago, the so-called "grandfather" clause there, the Natural Resources Committee changed that ahead because we felt for one reason that it was not fair to new industry or industry that might be invited into this State, that they should have to go back and abide by a clause in this thing that says "established prior to August 1, 1945." That is ten years ago. There is a lot of water, clean or polluted, that has run over the dam since 1945 and we felt that

perhaps new industry would not come into the State if they knew that they would be required to have a permit from the Water Improvement Commission, which, after all, is composed of eight or nine men and which could perhaps after they entered require expensive changes or maybe absolute prohibition of their waste.

It would seem to me that it would place a tremendous handicap right in the start on this new Department of Development of Industry. Perhaps on Section 8, the whole thing could be summed up in a few words, "pickerels or pay-rolls."

Now I would like to defend the position of the Natural Resources Committee. We of the Committee studied clear waters and we studied polluted waters for we have both of them in the State. We listened to arguments on both sides for twelve and one-half hours. We tried to balance the value of clean water against the obvious disadvantages of dirty water. Now, regardless of what its opponents say, this bill is a step in the right direction. True, it would not make the Androscoggin a salmon stream in two years, neither would the so-called Briggs bill. This bill proposes to clean up our rivers in an orderly process, not too swift perhaps but as swift as the towns and industry can find the money and the new engineering processes can be found.

As I read the papers, there are in the world today about four men who can run a mile in four minutes but I submit to you they had to creep and then to walk before they could do it.

Again I would say that in the opinion of the Natural Resources Committee, this bill, the Beal bill is a good bill. It is the best bill we could come up with at this time. To defeat it would be a step backwards, a step which our anti-pollution friends seem to want to take in revenge. If they are as sincere as they would lead you to believe, for the life of me I cannot see why they would like to kill this one.

Now at home I have a big lawn and there is a bunch of small girls who have a wonderful time playing

on it. One day they joined together and built a fine snowman. A dispute arose over putting on the arms and one temperamental lass, because she was not allowed to put on the arms to suit herself, jumped on the poor snowman and destroyed the half hour's work of the whole group. This move looks to me like the same thing.

I hope it does not pass.

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

Mr. BRIGGS: I request permission to rise to a point a privilege.

The SPEAKER pro tem: The gentleman from Caribou, Mr. Briggs, may state his point of privilege.

Mr. BRIGGS: Mr. Speaker, I have absolutely no feeling or thought of revenge in my mind or heart whatsoever and I resent that insinuation. I am only trying to do what I believe to be honest and right and in the best interests of all of the people of this State.

The SPEAKER pro tem: The Chair recognizes the gentleman from Lisbon, Mr. Beal.

Mr. BEAL: Mr. Speaker, up to this time I have taken no part in this controversy over pollution here in the House. But I do feel that now I would like to at least state my position on the matter.

In our committee, I agreed to the redraft of this bill because coming from an industrial town I did not want to do anything that would jeopardize the industrial economy along our major rivers. In other words, if I had to make a choice, I prefer payrolls to pickerel and factories to fish. But in spite of that, yesterday I supported the attempt of the gentleman from Caribou to restore the original bill even at the risk of perhaps appearing inconsistent and somewhat to the puzzlement of some of my neighbors in this area. But I certainly cannot go along with this move to indefinitely postpone the re-draft because notwithstanding the opinion of the gentleman from Caribou, Mr. Briggs, I do believe that we are making some progress toward the solution of this problem of anti-pollution within the framework of the present law and without any danger or hardship to the municipalities

and to the industries. And that is my reason for opposing an indefinite suspension of this re-draft. That is my main reason.

I have another reason for being particularly interested in clearing up the Androscoggin but that is entirely a personal reason. You see I was brought up on the Androscoggin River. And when I was a boy I skated on the Androscoggin, I fished in the Androscoggin, I swam in the Androscoggin, and I took my girl boat riding on the Androscoggin. Since that time, the Androscoggin has attained a dubious reputation of being the most highly polluted river in New England.

Now I do not anticipate that the Androscoggin will ever again abound in fish. I do not think perhaps it will be purified to the extent that it will be safe for boys to swim in it. But I certainly hope the stench will be removed and the condition will be improved sufficiently so that my grandson can take his girl boat riding on it. Because I can just imagine how much more fun he is going to have boat riding his girl with an outboard motor than I had boat riding my girl with both hands encumbered with a pair of oars. (Applause and Laughter)

So I hope that if you do not support this bill for my first reason, you will give some consideration to the future pleasure of my grandson. (Applause)

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen: I am rather confused although much interested after hearing the last two gentlemen. It seems to me that this is a step backward if this bill is passed since the law says that there shall be nothing more added to the rivers and now this bill will provide that something can because it is a new industry.

I am glad the gentleman from Bangor (Mr. Totman) just stepped out because I am going to tell that I have another job, I am a plumbing inspector down in my area. (Laughter) And for the last several years I have refused a great, great many people from dumping anything more in the rivers, sewage and such things; and probably they have not

felt too kindly about it, but I pointed them to the law that is already on the books and said it was not my fault; there is the law and I am just administering it in this area from that point.

Now if you pass this thing here and let the other industries come in from out of state, I hope to heaven you will put an amendment on it and get me off the hook when I refused these people from dumping their sewage down in my area into the rivers. I do not see but what would be fair for the goose would be fair for the gander.

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

Mr. MARTIN: Mr. Speaker, we probably have talked more about this one subject than any other that has been before this Legislature and I for one, do not want to prolong it any longer.

I have the most sincere respect and admiration for the gentleman from Caribou (Mr. Briggs). He has done a noble job; he has done what he believed in, but I do not think by agreeing to that, that I need to say that the members of the Natural Resources Committee, of which I am one, are any less sincere than that gentleman. That is the one thought that I wish to leave with you. I am not going to argue the points back and forth, they have been so well covered.

Give us the same break of sincerity that you are giving the opposition. Choose your vote upon what you think is best for the State of Maine upon the issues and I now move the previous question.

The SPEAKER pro tem: The gentleman from West Gardiner, Mr. Martin, 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 —

For what purpose does the gentleman from Bangor, Mr. Totman, arise?

Mr. TOTMAN: Mr. Speaker, to make a parliamentary inquiry.

The SPEAKER pro tem: The gentleman may make his parliamentary inquiry.

Mr. TOTMAN: Mr. Speaker, is it in order to debate moving the previous question at this time.

The SPEAKER pro tem: The Chair would state that the gentleman will be given an opportunity to debate if the motion is entertained.

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.

Forty-one members arose.

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

The Chair would state that no debate is allowed until the matter of consent is determined.

The question now before the House is: Shall the main question be put now? This question is debatable only as to whether debate shall stop at this time and the main question put.

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

Mr. TOTMAN: Mr. Speaker, I simply wish to state that I do not think that debate should be stopped now because a question of legal interpretation has been raised and has not been properly answered yet.

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

Mr. CHILDS: Mr. Speaker, at this time I also would like to concur with the gentleman from Bangor, Mr. Totman. This is one of the most important pieces of legislation before this House. It has received publicity all through the New England States and I think that everybody should be heard on it and a full opportunity to answer all remarks. And I hope the main question shall not be put now.

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

Mr. MARTIN: Mr. Speaker, to debate the question.

The SPEAKER pro tem: For the purpose of determining whether debate shall be stopped at this time?

Mr. MARTIN: Yes, Mr. Speaker. The SPEAKER pro tem: The gentleman may proceed.

Mr. MARTIN: Mr. Speaker, I made a motion for the previous question for the purpose of expediting the matters in this House. At that time I called your attention to the length of time we already have given to this and I did it for what I thought was the good of all of us and I thought that was what you wanted. If it is not, if you want to talk more on it, regardless of how long, my time is no more valuable than yours. I am willing to listen, I think perhaps we should listen; I therefore withdraw my motion.

The SPEAKER pro tem: It is the Chair's understanding that the gentleman can not, at this point, withdraw his motion, consent having been given for it to be entertained.

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

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

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

Mr. COOK: Mr. Speaker and Ladies and Gentlemen: I wish to rise simply to affirm my confidence in the integrity and the sincerity of the gentleman from Caribou, Mr. Briggs. Also, the sincerity of the committee that has studied this bill. But there is a question still in my mind that I do not think has been answered here this morning. I think that the gentleman from Caribou has raised the question that this bill would be a step backward. And I would like to have some member of the committee please explain to me just what step forward this Beal bill will make.

The SPEAKER pro tem: The gentleman from Portage Lake, Mr. Cook, poses a question to any member of the committee. Any member of the committee who cares to answer may proceed.

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: If you will observe the companion bill to this, I have it right before me now, it

deals with the classification of waters. Two years ago we started in the classification of waters.

Now you understand that the Water Improvement Commission has been handicapped for lack of funds. They inherited the amount of funds that the old Sanitary Water Board had which did not do much of anything. The first year they classified a lot of the "A" water in the State, up mostly in the wilderness of Aroostook County and some in the center of Washington County. And it was not too much of a job. Then this past year there were quite a few more streams classified there.

Now, after these streams are classified, then they become subject to all these rules and regulations and that is where your gain comes in. If they have sufficient money they would probably have time enough to classify all the rest of the water in the State, or the majority of it, inside of the next two years. Then we would know exactly where we stand and where our pollution is and then they would be in a position to take steps to correct it. It would be just the orderly process that this original law was designed to do. It would not be snapping your claws on them all at once and saying do this and do that and do the other thing, which probably it would be impossible for them to do anyway.

I do not think there is a member here that comes from a town that needs a sewerage system that figures they want to go back to building disposal plants for sewage in place of a new high school. And many of them have already built the high schools and they have not the money, on account of the debt limit, to build this thing anyway. But let us go ahead and find out what we need and what we can do in an orderly process.

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

Mr. McGLAUFFLIN: Mr. Speaker and Members of the House: The gentleman from Caribou (Mr. Briggs) has stated that if this bill passes it will be a step backward because apparently it does not apply to those who are coming into the State hereafter. And the gentle-

man from the committee, Mr. Williams, stated that, as I understood him, they wanted this so that it would encourage other industries to come in here without their being handicapped.

To me, that argument is very weak because I do not believe we should even encourage new industries to come in here and further pollute our waters.

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

Mr. TOTMAN: Mr. Speaker and Members of the House: A few moments ago I left the House to check the question that the gentleman from Caribou, Mr. Briggs, had raised as to whether or not the date, regardless of the rest of the aspects of this bill, does the date in Section 8 legalize the present pollution laws?

I certainly am sorry that I missed the remarks of the gentleman from Bowdoinham, Mr. Curtis, but I hope he will forgive me.

However, I think that my search was well rewarded. I am regretful that I cannot or do not feel that it is correct to refer to the person who reaffirmed the opinion that I received last night, for at the end of a special meeting I did drop in on the conference that the gentleman from Caribou, Mr. Briggs, was holding on this State question. There has been no change since 12 o'clock last night. I would invite any member of the committee to state, regardless of what the other parts of the bill do, to state or deny that this new date does not liberalize the bill or the pollution controls that we now have. In other words, if you vote this bill through in direct contrast to the sentiment that I thought this Legislature had in mind of tightening pollution laws, you will have subscribed, unwittingly perhaps, to have loosened the laws when we go home.

I do not think that you want to do that. I know I do not and I certainly invite any member of the committee to correct that issue of the date.

The SPEAKER pro tem: The gentleman from Bangor, Mr. Totman, poses a question through the Chair to any member of the committee. Any member of the com-

mittee may answer through the Chair if he sees fit. This is purely a rhetorical question.

The Chair recognizes the gentleman from West Gardiner, Mr. Martin, for the purpose of answering the question.

Mr. MARTIN: Mr. Speaker, to answer the question of the gentleman from Bangor, Mr. Totman, this bill in some respects liberalizes the opportunity of industry to thrive and grow in Maine. That is my answer to his question.

I would like now to answer the question of the gentleman from Portage Lake, Mr. Cook. He asked if any member of the committee could point out anything that the bill under consideration had achieved. The gentleman from Hodgdon, Mr. Williams, pointed out one thing that it had achieved in the nature of classification of waters. I would like to point out two more.

The first one is that it strengthens the powers of the Commission by giving it control of the appropriation to do the work of classification which heretofore had rested with the Department of Health and Welfare, I believe.

The other thing that it has done and it is a thing which I believe, at least, is important is that it increased the membership of the committee by two members and spells out there very definitely that those two members shall be representatives of the, for the moment I will call them, anti-pollutionists. Please let me refresh my memory with the bill.

Heretofore this commission had 6 members appointed, of course, by the Governor with the consent of the Council, two of whom should represent the manufacturing interests of the State, two of whom should represent the municipalities. Now that is a total of four interested parties, interested parties who have fought radical pollution bills all through this Legislature. There are four members on one side. Heretofore we had two members who shall represent the public generally. Now those two members representing the public generally were supposed to be disinterested parties. However, they were outnumbered two to one. We

have remedied that situation in this bill by adding two who shall represent the conservation interests in the State. We feel that we have thus brought the membership of the commission which wields the power, such as it may be, to an evenly divided thing. We thought it was fair and we still think it is fair and we think it is, perhaps a small step, but it is a step in the right direction. Thank you.

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

Mr. COUTURE: Mr. Speaker and Members of the House: I believe that last Thursday I well qualified my position on the subject matter. And I have been thinking it over since then and I still think that the pollution situation in the State smells. It reminds me of a story (Off Record Remarks).

Well that is what we are doing with the pollution in this State, I guess. We are going to have to get used to the smell because that is the way it is going to be.

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

Mr. COOK: Mr. Speaker and Ladies and Gentlemen: I simply want to urge that we not liberalize pollution. I do not think there is anybody here that is any more interested in seeing more industry move into the State of Maine than myself. But certainly not at the expense of increased pollution and I think that if nothing else that we should be sure that our situation does not go backwards, it must go forward.

And I think that the gentleman from Caribou (Mr. Briggs) has pointed out that this date proposition, and the gentleman from Bangor, Mr. Tottman, has reaffirmed it, definitely does liberalize it. And as long as that date has been changed I cannot see that we can possibly go along with this bill regardless of its other features, and its other features predominantly seem to be just a matter of giving more money. I think if the money is appropriated. The money is appropriated. Then what is this bill going to do other than just

liberalize pollution? Let us, for goodness sakes, not do that.

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

Mr. NEEDHAM: Mr. Speaker and Members of the House: Personally, I do not pretend to be qualified to discuss this subject but over the last week end I did have the opportunity of discussing it with a gentleman in my town who is very well qualified to discuss this subject and he is a professional man and, as a matter of fact, he is a professor of sanitary engineering at the University of Maine.

For the information of the House I would simply like to give you the gist of what he told me about this particular bill. In the first place, he told me that this Legislative Document 1514 appeared to him to be generally a sound and reasonable bill and if enacted should give a workable basis for the control of stream pollution. However, an important shortcoming seems to be in the matter of the cut-off date of September 1, 1955, as given in Section 8. He further told me that since 1945 everyone excepting municipalities have been legally required to obtain a license to discharge new waste or create new sources of pollution. Municipalities have only come under this act in later revisions. The effect of including this section in each of the subsequent laws has been to legalize any new sewers or sources of pollution which were illegal at the time of the establishment unless licensed.

It would appear that a cut-off date should be established which would not penalize those industries and municipalities which went along with the law and obtained the necessary licenses and would not reward those who flaunted the law by making the newly established source of pollution legal. The proposed cut-off date of September 1, 1955, would have this as well as to give an incentive to establish additional ones between the time of enactment and the cut-off date. He further says that it seems to him, therefore, that in all fairness the cut-off date should not be later than 1953 when the last revision went into effect.

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

Mr. TOTMAN: Mr. Speaker, in order not to embarrass the Chair, I request that under Rule 14, I ask of the House permission to speak more than twice.

The SPEAKER pro tem: The Chair understands that the gentleman from Bangor, Mr. Totman, desires to speak under Rule 14. Does the Chair hear objection? The Chair hears none and the gentleman may proceed.

Mr. TOTMAN: Mr. Speaker and Members of the House: The hour is late. It appears to me that the only disagreement between those who believe in this bill and those who simply do not wish to liberalize the law is the matter of the date in Section 8. It seems to me just plain common sense that we get together and offer an amendment to at least leave the date where it presently is. You cannot certainly hurt anything if you leave it where it presently is. You will not be going back and you will not be going forward.

Therefore, if there is no amendment available, I would certainly move that this bill be laid on the table until this afternoon in order to present that amendment.

The SPEAKER pro tem: The Chair would request the gentleman from Bangor, Mr. Totman, to please approach the rostrum.

Thereupon, on motion of Mr. Totman of Bangor,

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

After Recess

1:30 P.M., E.S.T.

The House was called to order by the Speaker pro tem.

The SPEAKER pro tem: The pending question before the House at the time of recess was on the motion of the gentleman from Caribou, Mr. Briggs, that Bill "An Act Amending Laws on Water Pollution Control", House Paper 1231, Legislative Document 1514, be indefinitely postponed.

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

Mr. TOTMAN: Mr. Speaker, I

understand that I am in order now to offer an amendment to the bill and move that it be adopted.

The SPEAKER pro tem: The gentleman may proceed.

Mr. TOTMAN: Mr. Speaker, I would like to offer House Amendment "B", which does exactly and only that which I objected to in the bill, namely puts the date back where it presently is on the statutes and nothing more, and move its adoption.

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

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

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

Amend said Bill by striking out all of section 8.

Further amend said Bill by re-numbering sections 9 and 10 to be sections 8 and 9.

House Amendment "B" was adopted on a viva voce vote.

Mr. Briggs of Caribou then offered House Amendment "C" and moved its adoption.

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

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

Amend said Bill in the last line of section 9 by striking out the stricken out words "or so" and the underlined words "as to" and inserting in place thereof the words "or so"

House Amendment "C" was adopted on a viva voce vote.

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

Mr. BRIGGS: Mr. Speaker and Ladies and Gentlemen of the House: I would like to explain briefly this rather rare, confounding activity. I know that none of you have been lobbied during the noon hour so everything is clean and lily white and we are going right along to where we were. Another big objection to this bill I did not bother to bring up this morning. I will men-

tion it right now. That is, the sly manner in which Section 2 is amended to render useless the old sawdust law, which was originally part of the Fish and Game Laws and remained so until 1947 when it was transferred onto the Water Improvement Law.

In the last session of the Legislature, the exemption with respect to most of the large and middle-size rivers of the State was removed prospectively. It was provided in 1953 that the law would become applicable to all rivers September 1, 1955.

Now, the Natural Resources Committee is changing two little words in this bill, "or so" is struck out "as to" is inserted. By this change, it is not enough to prove in court that someone put sawdust and similar matter in a river. Further, it must be proved that such action constitutes pollution and I would point out that there is no law anywhere defining with accuracy what constitutes pollution. Here is another example in Section 2 of how the pending bill would set back the clock. I do not think you will buy it. I hope that you will accept this amendment.

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

All those in favor of the adoption of House Amendment "C" will signify by saying aye; those opposed, no.

A viva voce vote being taken, the motion prevailed and House Amendment "C" was adopted.

The SPEAKER pro tem: The question now before the House is on the motion of the gentleman from Caribou, Mr. Briggs, that the Bill "An Act Amending Laws on Water Pollution Control," House Paper 1231, Legislative Document 1514, with accompanying papers be indefinitely postponed.

The Chair recognizes the gentleman from Sherman, Mr. Storm.

Mr. STORM: Mr. Speaker and Members of the House: I rise to a point of order. We have already accepted Amendment "B", which eliminates Section 8 and makes Sec-

tion 9 the new Section 8 and makes Section 10 the new Section 9 and this House Amendment "C" applies to the old Section 9. I believe that that amendment needs an amendment.

The SPEAKER pro tem: The gentleman from Sherman, Mr. Storm, has made a point of order. The Chair would inform the gentleman that the point of order comes at too late a time as the amendment has already been adopted.

The question before the House is on the motion of the gentleman from Caribou, Mr. Briggs, that Bill "An Act Amending Laws on Water Pollution Control", House Paper 1231, Legislative Document 1514, with accompanying papers be indefinitely postponed. Is this the pleasure of the House?

(Cries of "No")

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

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

Thereupon, the Bill was given its third reading, passed to be engrossed as amended by House Amendments "B" and "C" and sent to the Senate.

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

Mr. HAUGHN: Mr. Speaker, I ask unanimous consent to address the House off the record.

The SPEAKER pro tem: The gentleman from Bridgton, Mr. Haughn, requests unanimous consent to address the House off the record. Does the Chair hear objection?

(Cries of "No")

The SPEAKER pro tem: The Chair hears objection and consent is not granted.

Passed to Be Engrossed

Bill "An Act relating to Determination of Damages Caused by Taking of Land for Highway Purposes" (H. P. 1250) (L. D. 1543)

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

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

Mr. CHILDS: Mr. Speaker and Members of the House: Yesterday, I attempted to point out to the members the terrific burden that this particular piece of Legislation would have on the Highway Commission and on the taxpayers of this State. I think it is again necessary to bring to your attention that this also would have a tremendous burden on the people who have these particular claims. Eighty or ninety per cent of claims are on small amounts, \$50 or \$100 or \$150 dollars.

I attempted to point out to you that I was of the opinion that the county commissioners could be exorbitant in their awards. Without question, it is a matter of principle, the State Highway Commission would be compelled to appeal these cases to the courts. And as you very well know, it is expensive for people to hire attorneys and it would only mean that every one of these that was appealed, the person aggrieved would have to hire an attorney on the appeal. In the long run, they would be getting less money than they would have in the first place.

As I pointed out yesterday, this has been in effect 26 years and as far as I am concerned, and there was nothing pointed out contrary before the committee, this system has been working all right. I think it is a bad policy to change the law which has been in effect 26 years on a question of theory. I think we should be practical about this, and I think the situation has been working fine. I feel very much that having the county commissioners serve as a board of appeal would be bad. If there is a change needed, I certainly do not think it should be in that particular position.

There has been a suggestion, I believe, before the Legislative Council, the Judicial Council, that a new board be set up which can serve as a Board of Claims. And possibly if there is something wrong here, they, themselves, could take care of these matters. But having the county commissioners sit as a Board of Appeal, without question is going to be a burden on the Highway Com-

mission and on the tax payer and on the people who have claims in.

And I therefore move that this bill be indefinitely postponed.

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

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

Mr. QUINN: Mr. Speaker and Ladies and Gentlemen of the House: I thought we had disposed of this bill yesterday. We debated it at length but I see my fellow associate of the Legal Affairs Committee insists on further debate on the proposition.

I pointed out to you yesterday, the unfair, biased situation that a person has to contend with that has part of his property taken away from him for highway purposes. Now I was amused at some of the argument that was just given to you, that if you make this change, it is going to cost the State a lot of money. Now the only inference there is that the State has not been paying just compensation. Now is not that what I said to you yesterday, that you are allowing a good citizen who has a just claim to go before a tribunal that is not an unbiased tribunal? You are not putting them, when you put them before this joint board, you are not putting them before a neutral body to make a just determination. But you are putting them before a body, one-half of whom has already made up their minds and have conveyed their decision to the property owner whose property is being taken. And it is just as unfair today as it was yesterday, and will continue to be unfair until a law is eventually enacted.

I hope you will not go along with the motion to indefinitely postpone.

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

Mr. CHILDS: Mr. Speaker and Members of the House: I was pointing out in respect to the State spending more money, it was in respect to these appeal cases, it would be necessary for the Highway Commission to hire four or five attorneys to take their cases up on appeal. These attorneys have to be paid and

that was why I was considering the taxpayers' money.

The gentleman has pointed out that apparently they have been unask through the chair a question of the gentleman, did anybody appear before the Legal Affairs Committee and say that at any time they had been treated unfairly in their awards?

The SPEAKER pro tem: The gentleman from Portland, Mr. Childs, has addressed a question through the Chair to the gentleman from Bangor, Mr. Quinn, who may answer if he so desires.

Mr. QUINN: Mr. Speaker, I will answer the gentleman that nobody appeared that had any particular complaint to make. The Highway Commission, however, did appear before the committee and say that they were very pleased with the situation as it now existed. They were very satisfied with it.

Now my associate also says that if you allow this change that the State Highway Commission will be compelled to hire a lot of attorneys to protect them on their appeals. As you know now, the Highway Commission already has assistant attorney generals assigned to them and functioning for them and who appeared before our committee. Now how about the poor little individual land owner that is having his property taken away? Has he got to hire attorneys too and who is going to pay that?

Now as I said to you yesterday, there are a lot of claims that come up that are small. The large claims could probably go before the court if they could not be decided by this board of three county commissioners. These boards of three county commissioners now determine on tax assessment rebates. If you are not satisfied with your local assessment by your local assessors, you can appeal to the county commissioners for an abatement, if you show you are not having a fair assessment.

Now they are a neutral body for that purpose. Now in this kind of a proposition where you start a controversy between a land owner who is losing part of his land for public use and the Highway Commission, who is the other controverting party, you certainly ought to have an

biased board to hear both sides and make a just determination.

And I quoted to you some law, this law of the State of Maine yesterday that said a tribunal in adjusting these just compensation cases should be a fair and unbiased and disinterested board. Well now, is the Highway Commission, having once made a determination as to what the damage was, a disinterested board when they will now sit in review of that determination? If they made a just determination in the first instance, are they going to stick to it? Or are they going to change it? They are very apt to stick to it, so is that an unbiased board that is going to hear evidence to determine what is just compensation?

Now the only reason that the county commissioners could enter the picture under the set-up that I have here eliminating the Highway Commission from that board of review is to come in as uninterested people, they have not heard anything about the matter and have not been participants in it up to that time. And they are coming into the picture on a petition of either the Highway Commission or the property owner. In most instances, it will be the property owner because the Highway Commission has already made an award. So it is up to the property owner whether he will accept it or appeal from it.

Now if he appeals from it, he certainly should not be put before the Highway Commission again to pass on his appeal. It certainly should be passed on by a disinterested board and that is why I feel the county commissioners would be such a disinterested board and he would be apt to get, as the constitution of Maine says, just compensation.

I hope you will go along with me and vote down the pending motion.

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

Mr. McGLAULIN: Mr. Speaker I would like to have this matter cleared up a little. I understood that the commissioners have, at the present time, set their assessment damages and then it goes to the County Commissioners and then you could

appeal from the county commissioners.

If I am wrong on that, I would like to have that cleared up. The gentleman from Bangor, Mr. Quinn, could probably do so.

The SPEAKER pro tem: The gentleman from Portland, Mr. McGlaufflin, addresses a question through the Chair to the gentleman from Bangor, Mr. Quinn, who may answer if he so chooses.

Mr. QUINN: Mr. Speaker, I would be glad to answer the gentleman from Portland, Mr. McGlaufflin. At the present time, the way the law is now, they decide they want a piece of your property. They go out and stake out the piece of property that they want to take from you, first they try to buy it from you, and if they cannot buy it they have to resort to eminent domain. They stake it out and they place a value on it and they offer you that amount that they have determined to be your just compensation. And if you are not satisfied, under the present law, your resort is to a joint board composed of the three highway commissioners that have made the first determination of damage and the three county commissioners. In other words you have a board of six, half of whom have already indicated what they consider your damage to be.

Mr. McGLAUFFLIN: Mr. Speaker, now if I understand correctly, your new bill proposes to have that first appeal to the county commissioners instead of the highway commissioners judging with the board.

Mr. QUINN: That is correct, Mr. Speaker.

Mr. McGLAUFFLIN: Thank you, Mr. Speaker.

The SPEAKER pro tem: The Chair would suggest that the questions be asked through the Chair.

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

Mr. BERNIER: Mr. Speaker and Ladies and Gentlemen of the House: I think that such a stacked commissioner tribunal, one-half of which is composed by a party in interest should offend the sense of justice of each and every one of us.

I therefore hope that the motion of the gentleman from Portland (Mr. Childs) does not prevail.

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

Mr. CHILDS: Mr. Speaker, I rise for the purpose of clarification on the question which was asked by the gentleman from Portland, Mr. McGlaufflin.

The SPEAKER pro tem: The gentleman may proceed for clarification.

Mr. CHILDS: Mr. Speaker, I think his question should have been answered in this form.

The very first assessment of damages is made by an agent of the Highway Commission. The Highway Commission does not themselves in the very first instance assess damages. Then if there is a disagreement at that time, the matter is heard before the Highway Commission sitting with the county commissioners. The Highway Commission has never heard this matter before. And at that time if they are not satisfied with that, there is an appeal to the courts at the present time and the State does not have an appeal to the court. In the long run, the final appeal is before an unbiased body which is the courts.

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

The question before the House is on the motion of the gentleman from Portland, Mr. Childs, that Bill "An Act relating to Determination of Damages Caused by Taking of Land for Highway Purposes", House Paper 1250, Legislative Document 1543, be indefinitely postponed.

All those in favor of indefinitely postponement will signify by saying aye; those opposed, no.

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

Thereupon, the Bill was given its third reading, passed to be engrossed and sent to the Senate.

Bill "An Act relating to the Use of Artificial Lights for Lighting Game" (S. P. 570) (L. D. 1523)

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

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

Mr. DUDLEY: Mr. Speaker and Members of the House: As the signer of the minority report I think it is no more than right that I make my stand quite plain to this House. This law has a lot of merit, or this bill, but I am thinking about the people that like to go out and look at these deer, many, many of them that never even think of going hunting.

Now it so happens that I come from an area where we do not have anything else to take out and show, we do not have any night clubs or anything else. If we have company, we can take them out and show them the wild life. (Laughter)

Therefore, I do not just exactly go along with this bill. I think it is abused a little, maybe perhaps as much as five per cent of the people in the area are dishonest and probably would take a gun or commit some kind of a caper, but nevertheless I am thinking about the honest people and I do think that they might go as high in number as 95 per cent.

Now I would like to be down here and represent the large majority and in doing so I felt I should sign the minority report. I do not care to make a motion on this bill, I just wanted you to know what the bill was. Thank you.

The SPEAKER pro tem: The Chair recognizes the gentleman from Hartland, Mr. Gardner.

Mr. GARDNER: Mr. Speaker, I would like to inquire through the Chair if we could present an order at this time. Would it be in order to present an order at this time?

The SPEAKER pro tem: The Chair would inquire if it pertains to this bill?

Mr. GARDNER: No, it does not, Mr. Speaker.

The SPEAKER pro tem: The Chair would state that an order would not be in order at this time.

Thereupon, Bill "An Act relating to the Use of Artificial Lights for Lighting Game", (S. P. 570) (L. D. 1523) was passed to be engrossed and sent to the Senate.

Amended Bills

Bill "An Act relating to Apportionment of School Funds on Basis of Pupil Enrollment" (H. P. 292) (L. D. 304)

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 sent to the Senate.

Bill "An Act relating to Salaries of County Officers of Kennebec County" (S. P. 276) (L. D. 706)

Was 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.

Third Reader Tabled

Bill "An Act Classifying Additional Surface Waters in Maine." (H. P. 1230) (L. D. 1513)

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

The SPEAKER pro tem: The Chair recognizes the gentleman from Houlton, Mr. Rogerson.

Mr. ROGERSON: Mr. Speaker and Members of the House: House Paper 1230, Legislative Document 1513 seems to have particular application to certain industries in Aroostook. During the recess, several members of the House from Aroostook have talked about this matter and there is a general feeling that if the House would permit, we would like it to lie on the table pending the time that we can get enough information to act intelligently on it. I have talked with the gentleman from Caribou, Mr. Briggs, and he is agreeable to this action. Therefore, I move that this matter lie on the table unassigned. I agree, however, to take it off the table at any time that the gentleman from Caribou, Mr. Briggs, would like.

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

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

House at Ease

Called to order by the Speaker pro tem.

At this point Speaker Trafton returned to the rostrum.

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

The SPEAKER: Does the gentleman from Hartland, Mr. Gardner, wish to be recognized at this time?

Mr. GARDNER: Yes, Mr. Speaker.

The SPEAKER: The Chair recognizes the gentleman from Hartland, Mr. Gardner.

Mr. GARDNER: Mr. Speaker, at this time, if it is in order I would like to present an order out of order.

The SPEAKER: The Chair would state that it would require unanimous consent to introduce an order at this time.

Mr. GARDNER: I would like to introduce that order at this time, Mr. Speaker, and move its passage.

Order Out of Order

Thereupon, the following Order was received out of order by unanimous consent and was read by the Clerk:

ORDERED, the Senate concurring, that the Legislative Research Committee be, and hereby is, directed to study all phases of the functions of the State in industrial research, planning and development and to determine the advisability of

(1) Creating a new department for this purpose; or

(2) Strengthen and expand existing state facilities which now are charged with the duty of such research, planning and development.

The SPEAKER: The gentleman from Hartland, Mr. Gardner, moves the passage of this order.

The Chair recognizes the gentleman from Rumford, Miss Cormier.

Miss CORMIER: Mr. Speaker and Ladies and Gentlemen of the House: I hope that you will forgive

my rasping voice, due to a cold. I had hoped that I would not have to inflict it upon you this afternoon.

From the very beginning of this session we have worked very hard, and when I say we I mean all of us who are interested in seeing industry come to Maine and to retain the industry that we now have. We have worked very hard to try to arrive at a compromise that would be acceptable to everyone without shelving the important part of the bill.

It is not necessary that we now go into the bill, I think that you are all acquainted with it, it has been in all the newspapers, we have had editorials on it, we have had discussions in both branches of the House and we have all discussed it to our heart's content.

And now in the closing moments of this session, when we are overloaded with work, when we are tired, when we are trying to finish up, I think it is unfair to bring forth an order of this kind. I do not think that it will accomplish any more. I think that the field has been very carefully explored from every single angle. We have worked consistently to arrive at something that we could present and now we have a bill which I am sure is acceptable to most everybody who is reasonable and who would like to see something done. I would also remind you that it means two more years of the same thing that we have been doing in the past; southwestern states all around us and other states around us are bringing in just such sort of things. We are having a great deal of competition in the field of economics. We, now, here in the State of Maine, our economy is not such that we can fool around with it much longer and I certainly hope that in the closing hours of this session that you will not go along with this order.

Let us give it a chance; let us see what it can do for the State of Maine. And if it does not prove satisfactory, there are other legislative bodies that will follow us that can take care of it. I can see no good reason accomplished by this order. And I sincerely hope that it will not receive passage.

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

Mr. MCGLAULIN: Mr. Speaker and Members of the House: When this bill came in, I voted against it but I now agree with the gentleman from Rumford, Miss Cormier, that at this stage we should not introduce this order. I am against it.

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

Mr. ROSS: Mr. Speaker, I first heard of this order only this afternoon after I came back from lunch.

Coming from an industrial community, I have been interested in this problem since I first heard it mentioned in the Governor's message. I have followed it very carefully through all of its various stages, when it was first discussed at our second Republican Caucus, at its first hearing, at the second caucus, after the new idea, the recommendation to revamp the Maine Development Commission was presented, at the second public hearing in the House. And then again at the presentation in this House.

I have spoken on it four times. I am not going to repeat any of those things. I will say just a few things.

The present commission, we certainly will admit, has been doing a good job within its limitations. These limitations are not only monetary, the organization must be strengthened if we are going to do a real job for industry. This matter has been debated at length. The House voted two to one to accept the idea and now this afternoon we have an order using the back door to shelve a most important measure.

I think the method is most unfair and I hope the House does not go along with the order.

The SPEAKER: The Chair is informed that there is in the rear of the House the Honorable Franz U. Burkett, former Speaker of this House of Representatives in 1933, and if the Honorable Franz U. Burkett would care to join the Speaker on the rostrum the Chair would be

happy and is sure the House would be happy to have him do so.

Thereupon, the Honorable Franz U. Burkett was escorted to the rostrum by the Sergeant-at-Arms amid the applause of the House.

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

Mr. BERNIER: Mr. Speaker, Ladies and Gentlemen of the House: I question the sincerity of the motives of the proponent of this order.

The SPEAKER: The Chair would state that questioning the motives of the members of this House is out of order.

Mr. BERNIER: I am sorry, Mr. Speaker, but I do think that the motives are highly material in this—

The SPEAKER: The Chair would remind the gentleman that questioning motives is out of order. If the gentleman wishes to proceed in order, he may proceed.

Mr. BERNIER: Mr. Speaker, I feel that after the extensive deliberations which have been had upon this bill, the issue was fully and clearly discussed and the opponents of this measure had a full and free opportunity to confront the issue and that the proponents of this particular order which was brought forth today stand charged with the desire of sacrificing the welfare of the State of Maine for the next two years for political reasons.

The SPEAKER: The Chair would remind the gentleman that to attack members of this House or to question their motives is out of order. He may attack their arguments but not them or their motives.

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

Mr. CHILDS: Mr. Speaker and Members of the House: I also want to concur with the gentleman from Rumford, Miss Cormier, and I think a lot of work has been done by all members in this House with reference to the legislation which is before us on a new department.

And as far as the order is concerned, I am of the opinion that it could not possibly be carried out by the Legislative Research Committee and the order would serve to no avail at all. And I certainly hope

that this order will not pass and when the vote is taken on the order, I request a division.

The SPEAKER: The Chair recognizes the gentleman from Dixfield, Mr. Howard.

Mr. HOWARD: Mr. Speaker and Ladies and Gentlemen of the House: This is my first appearance on the floor but I most certainly want to go along with the gentlewoman from Rumford, Miss Cormier.

The SPEAKER: Is the House ready for the question?

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

Mr. MARTIN: Mr. Speaker, in spite of the groans that I just heard when I asked for the right which I think I am due to speak to this House upon a matter in which I am greatly concerned, I would like to proceed, briefly I will assure you, to make known the position I have taken.

It is true as the previous speakers have mentioned that we have discussed this thing very thoroughly and that both sides have had ample opportunity to express themselves. I know that I have expressed myself to the very best of my ability. My best was not good enough, but, in the words of the gentleman from South Portland, Mr. Fuller, yesterday, in discussing a change in the Public Utilities base law, the change in quotes "The change of a law which has been on our books as long as the Public Utilities Law is a serious matter."

Ladies and gentlemen, the law which we are now considering has been on the books for 28 years. Suddenly, we are asked to buy a very involved, intricate, complicated and expensive machine.

My only point now, I am not going back over the arguments which you all have heard, my point now, and I make it very sincerely and very seriously, is let us not buy it too quickly. Let us have time to study it. Let us send it to a Research Committee which will report back to the next Legislature and I think that we can take from that committee, perhaps the assumption that it is not motivated by such things as I have just heard ascribed to myself, namely political reasons,

question of sincerity of motives. I do not think that with such talk as that going around and perhaps tempers at a high pitch is any time to decide upon a thing as important as this. I cannot see anything in any reason that we can do except to send this to a Recess Committee. And I sincerely hope that that is what you will do.

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

Mr. FERGUSON: Mr. Speaker and Members of the House: I rise to concur with the gentlewoman from Rumford, Miss Cormier, and I hope that this order does not receive passage.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Hartland, Mr. Gardner, that the Order receive passage.

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

A division of the House was had.

Three having voted in the affirmative and ninety-five having voted in the negative, the motion did not prevail and the order failed of passage.

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

Mr. MARTIN: I demand a recount, Mr. Speaker. (Laughter) Mr. Speaker, I withdraw my demand.

Passed to Be Enacted Emergency Measure

An Act Providing for Construction of a Women's Dormitory at the University of Maine (S. P. 144) (L. D. 341)

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 Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act relating to Vocational Rehabilitation (H. P. 978) (L. D. 1126)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 118 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act relating to Weekly Benefit for Partial Unemployment Under Employment Security Law (H. P. 995) (L. D. 1143)

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 Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

House at Ease

Called to Order by the Speaker.

Emergency Measure

An Act relating to Weekly Benefits for Total Unemployment Under Employment Security Law (H. P. 1189) (L. D. 1452)

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. 115 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.

Finally Passed

Emergency Measure

Resolve Providing Pensions for Soldiers and Sailors and Dependents and Other Needy Persons (H. P. 1240) (L. D. 1529)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-

thirds vote of all the members elected to the House being necessary, a division was had. 118 voted in favor of same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act relating to Education of Physically Handicapped or Exceptional Children (S. P. 147) (L. D. 338)

An Act relating to Payments by Town of Georgetown for MacMahan Island (S. P. 253) (L. D. 694)

An Act relating to the Salaries of Register of Deeds and Register of Probate, Cumberland County, and Clerk Hire in Office of Register of Deeds (S. P. 278) (L. D. 708)

An Act to Reactivate a State Committee on Aging (S. P. 282) (L. D. 793)

An Act Creating the Board of Construction Safety Rules and Regulations (S. P. 347) (L. D. 956)

An Act relating to Legislative Research Committee (S. P. 446) (L. D. 1238)

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

Passed Over Temporarily

An Act relating to Weight of Commercial Vehicles (S. P. 452) (L. D. 1271)

An Act relating to Publication of State Financial Reports (S. P. 473) (L. D. 1342)

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

Enactor

Passed Over Temporarily

An Act to Provide Special Disability Compensation for Members of Organized Fire Companies (S. P. 561) (L. D. 1517)

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

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

Mr. ROSS: Mr. Speaker, in order to present an amendment, I move that we pass over Item 14.

The SPEAKER: Item 14 will be passed over at this time.

An Act relating to Operation of Motor Vehicles to Inspection Stations for Inspection (H. P. 129) (L. D. 132)

An Act relating to Licensing of Auctioneers (H. P. 749) (L. D. 830)

An Act relating to Preference in State Purchases for Products Raised or Manufactured in State (H. P. 924) (L. D. 1032)

An Act Increasing Certain County Salaries in Androscoggin County (H. P. 1050) (L. D. 1225)

An Act relating to Registration Fees for Farm Trucks (H. P. 1179) (L. D. 1419)

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

An Act relating to the Appointment of the Fire Chief and the Chief of Police of the City of Saco (H. P. 1236) (L. D. 1526)

An Act Increasing Potato Tax and Disposition Thereof (H. P. 1239) (L. D. 1528)

Finally Passed

Resolve in favor of the Northern Maine Sanatorium (S. P. 143) (L. D. 342)

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

Enactor

Passed Over Temporarily

Resolve in favor of Portland University (S. P. 316) (L. D. 885)

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

At the request of Mr. Hilton of Bremen, passed over temporarily.

Finally Passed

Resolve relating to a Water System for the Penobscot and Passamaquoddy Indians (S. P. 318) (L. D. 884)

Resolve Authorizing a Survey of State Government (S. P. 441) (L. D. 1233)

Resolve Designating Road from Fort Kent to Allagash Plantation as a State Road (H. P. 889) (L. D. 997)

Resolve Requesting Judicial Council to Study Problem of Common Law Pleading and Procedure (H. P. 989) (L. D. 1137)

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

Passed to Be Enacted

An Act relating to Weight of Commercial Vehicles (S. P. 452) (L. D. 1271), item 12, which was passed over temporarily.

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

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

Mr. BROWNE: Mr. Speaker and Members of the House: I now move that Legislative Document 1271 be indefinitely postponed together with accompanying papers.

The SPEAKER: The gentleman from Bangor, Mr. Browne, moves that the Bill be indefinitely postponed.

The Chair recognizes the gentleman from Searsport, Mr. Knight.

Mr. KNIGHT: Mr. Speaker and Members of the House: This bill has been given a lengthy and fair hearing in this House and during that debate it was brought to our attention that first, this increased weight distributed over an extra axle would not damage our roads. The Highway Commission did not appear against this bill. It was certainly brought out in debate that this bill will not cause unemployment. I will bring to your attention the fact that the drivers union did not oppose this bill. And third, ladies and gentlemen, industry, that much sought after and begged for item in our lives is demanding that we enact this measure. Other states are permitting their trucks to carry this extra load and it is time that the State of Maine followed suit. Let us not injure industry any more by not granting them this favor. We have gone along today favoring industry by not enacting the water

pollution measure, making the industry stop their water pollution. Now, on this bill, consider industry and enact this measure and I hope that the motion of the gentleman from Bangor (Mr. Browne) does not prevail.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I apologize for speaking again on this bill but I believe I will have to. First, the other day the gentleman from Kennebunkport, Mr. Bibber, asked a question and I do not believe he received a proper answer. I would like to read you an item that the Highway Division presented to the Committee on Transportation. It says: "As L. D. 1271 provides for no increase in axle loads over those allowed in the present general law, but combines into one unit the 22,000 pound single axle and the 32,000 pound tandem axle at a specified distance apart, we believe, as was stated before, that if an increase in weight above 50,000 pounds is to be considered, the provisions of L. D. 1271 should prevail." Now that answers the question of the gentleman from Kennebunkport, Mr. Bibber, and that is also the stand of the Highway Department in regard to 1271. Again I would like to repeat that this bill came out of the Transportation Committee with an "Ought to pass" report of nine to one, and I think that is enough after in fact two public hearings on this one bill and two or three executive hearings on this bill, that it was decided "Ought to pass" nine to one, and this bill has also been passed once in the House and twice in the other branch.

I wish to read you a little item here and I suppose my good friend the gentleman from Bangor, Mr. Totman, will consider this canned, but it is half canned. One-fourth of the states currently permit axle loads in excess of 18,000 pounds. It is significant, also, that for the most part these states are concentrated in the northeastern section of the country. I wish you would pay attention to this ladies and gentlemen, because I believe it is very important in this bill that is before us. States in this category are Maine,

New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Ohio, Maryland and the District of Columbia. It is no coincidence that these states are adjoining and concentrated in one area. Economic conditions and highway conditions both justify and demand the higher axle loads permitted in this area. These states comprise a vital economic area that is unmatched anywhere in the world. A small area, it is true, since it accounts for only seven per cent of the land area of the United States. And here again ladies and gentlemen just think what is in this small area that is in question here now. But this small area also accounts for: 33 percent of the entire population, 31 percent of all motor vehicles, six of the ten largest cities in the United States, 54 percent of all port traffic in foreign trade, 33 percent of income received by individuals, 45 percent of all Federal taxes, 37 percent of all United States business firms, 48 percent of the United States production workers and 47 percent of the U.S. industries. This same small seven percent of land areas that we are speaking on now in trying to protect the industry in is 50 percent of the textile mill products, 72 percent of apparel and related products, 64 percent of rubber products, 54 percent of primary metal, 49 percent of fabricated metal products, 50 percent of machinery, 45 percent of chemicals and allied products, and 33 percent of petroleum and coal products. The tremendous economy of this great area is geared to highway transportation, and the motor trucks operating in these states have been carefully adapted to the needs and the conditions of the highway. I will cut out a lot of this ladies and gentlemen because I believe it is ridiculous to waste your time, but I would like to say here: It would be ridiculous to suggest that New England, with glacier soil that is ideal for highway building, should limit its axle loads to a national average simply because the soil of many states is clay and unsuited to highway building.

I have a few more figures here now, this is from the Highway De-

partment itself, our own State of Maine Highway Department, some averages: Single axle load in the State of Maine is 22,000 pounds, tandem axle load is 32,000 pounds, three axle load is 48,000 pounds, or three axle truck tractor semi-trailer gross weight, is 50,000. Now the average on the eleven northeastern states under the maximum is 65,000 pounds, and we, under this bill are only asking for 60,000 pounds. From this table it can be seen that the allowable loads in Maine are near the average for the eleven northeastern states except — now remember, except, we are below on 4 axle vehicle and tandem axles, and this is a true statement made by our own highway division. They admit that we are below, we average everything else but that we are below on the four axle vehicles and tandem axles.

To give you an idea of some of the other states in this Union, there is only one state that has less than 50,000 pounds, and that is the State of Maine gross weight at the present time, and that state is Kentucky. Four have 50,000 pounds besides the State of Maine. Sixteen states have over 70,000 pounds. Combination weight, the highest in our New England States is Rhode Island with 88,000 pounds three axle tandem. We have one state in the Union it has been mentioned here in the previous debate or the previous day that the conditions of our Maine roads were different, but here is a state that is as near classified to the State of Maine as possible, and that state is Michigan. They have a 111,000 pound three axle trailer truck on designated highways, against our 50,000 and our present asking for 60,000 pounds. Some states have a double that they use on tandem axles. I would like to read you some weights down through here: Illinois has 72,000 pounds, Idaho has 72,000 pounds, California has 76,800 pounds, Alabama has 76,800 pounds, those are on combination axles. Ladies and gentlemen of this House I believe if we go along with this motion for indefinite postponement of this bill, we are going back, we are setting back our times, and I believe there is no doubt that we in the State of Maine are going ahead rather than going

behind, and I believe we would be holding back industry, our trucking industry, our gas and all the other items that are being used in these trucks. I am going to add here that it was said to me this morning that the trucking industry of the State of Maine did not oppose the gas tax, and I think they are the ones that should oppose the gas tax if any are going to, and they say that they are not in opposition to it but they would like to have the 60,000 pounds. Not only that, I believe that there is not a more courteous group of people, group of people on our roads than the truck drivers, that is, our own State of Maine truck drivers. Most of them motion you by and give you plenty of chance to go by. One other thing no doubt will be brought up on this bill, it is in regard to the five feet extra length, but if you will turn to that bill you will notice that under the old law that the bill was 45 feet in length and there was 1½ foot, in other words, making it 46½ feet taking into consideration tail gates, but under this law the over-all will be 50 feet, in other words, we would have a 3½ feet difference in length, and the reason for this is the tandem trucks cannot be built and set up under the 45 foot length and make them a well-balanced truck. I hope you do not go along with the motion of the gentleman from Bangor, Mr. Browne, to indefinitely postpone.

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

Mr. OSBORNE: Mr. Speaker and Members of the House: I was just told that I was wasting my time in trying to oppose this bill, but at least I want to be consistent about it as I opposed it once before. At that time I did not have information to sustain the engineering technical study that I had tried to make of the bill. At the present time I do have such information, prepared by Mr. Charles P. Breed, whom I well recall as head of the Department of Civil and Sanitary Engineering at M.I.T. and one of the best known authorities on matters of this nature internationally that there is, and also Alexander J. Bone who collaborated with him in

his report, another well known civil engineer. I would like to quote from their report:

"It should be pointed out that present Maine law is unusually liberal in favor of heavy trucks in that it permits a maximum axle load of 22,000 pounds. Thirty-four (34) states limit single axle loads to 18,000 pounds, 5 states permit axle loads over 18,000 pounds but not over 20,000 pounds, 3 states, including Maine, permit 22,000 pounds, and 6 states permit 22,400 pounds, the highest permitted in the country. Only in six states does the permissible axle load exceed that of Maine's, and then only by 400 pounds.

"L. D. 1271 would permit a gross weight of 60,000 pounds, of which 32,000 pounds would be carried by the tandem axles on the trailer. If the 32,000 pound tandem axle limit is permitted to go into effect in Maine, road damage can be expected in excess of that now being caused by the 22,000 pound single axle. The Maryland Road Test proved that the 32,000 pound tandem axle load caused approximately 1.2 times as many pavement failures as did the 22,400 pound single axle after the same number of truck passages. The ratio of additional damage to Maine highways would very likely be higher than the 1.2:1 ratio because the 32,000 pound tandem axle used in the Maryland test was made up of 2 axles each carrying 16,000 pounds, whereas under L. D. 1271, one of the axles in tandem would be permitted to carry 18,000 pounds.

"The tandem axle, it is true, does distribute weight over a greater surface than does a single axle, but the tandem axle does not, as is sometimes claimed, solve the problem of pavement failures. Application of 2 closely spaced axle loads (as in the case of the tandem axle) causes greater total deflection of the pavement than a single axle load equal to the load carried by one of the axles in tandem. . . . Pavement is destroyed by deflection, deformation, and if the tandem axle causes greater deformation, it will cause greater damage. . . . When wheels are closely spaced, the pavement deformation resulting from one

wheel adds to the deformation caused by the other, because their effects overlap each other."

I therefore on the basis of this and the basis of other studies made feel that it is best for the taxpayers of the State of Maine who are, as I said the other day, providing the majority of the roadbed for these freight cars of the highway, and I feel that the motion to indefinitely postpone will benefit our taxpayers.

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

Mr. ALLEN: Mr. Speaker and Members of the House: It is kind of hard for me to believe that this House could be so inconsistent as to reverse its position. (Laughter). The gentleman from Bridgewater, Mr. Finemore, has already pointed out the action of the Transportation Committee in reporting this out nine to one, and it has been brought to your attention the action of the other body. I would like to point out on this weight per axle, this weight is probably distributed over 50 feet, whereas on a two axle truck, you allow 32,000 pounds on two axles it could be distributed over a much shorter distance. In other words, you could have probably three two-axle trucks within the length of this tandem axle truck, therefore, with the two-axle trucks you could have 96,000 pounds of weight put onto the highways whereas in this tandem axle for this four axle trailer only 60,000 pounds. Now I ask you if that 60,000 pounds is not much better for the highways than the 96,000. Furthermore, I would like to call your attention to the cantilever action of a tandem axle going over a bump in the road. If any of you have ridden in a dump truck you will notice that a truck going over a road really goes in the air and comes down with a pretty hard thump, whereas a tandem axle unit with that cantilever action does not hit so hard, that blow is divided, and it rides over that much smoother. I really think this is a good bill. It is not opposed strongly by the Highway Commission itself, and the opposition seems to be coming from another source, and it seems to be

something that is lobbied very hard. I therefore hope that the motion to indefinitely postpone does not prevail.

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

Mr. REED: Mr. Speaker and Members of the House: Apparently in the debate a few days ago I was questioned. In my eagerness to exalt the merits of the bill, I created the impression that I was interested in the truck business. I would like to correct that impression, I am not in the truck business nor do I have any desire to become financially connected with that particular industry. However, I am in the potato business and from that standpoint I am definitely interested in this legislation. Now from my standpoint in loading potatoes, we find it is much easier the way our houses are designed to load in refrigerator cars. However, the increasing demand from our customers in the outside areas of the markets, they want more truckloads of potatoes, because they are loaded in Aroostook County and they go direct in many cases right to the stores and it saves rehandling and distribution thereby saving bruises and extra expense trucking around the market areas. The growers in the county, if I am any judge, the way they feel about it are very much in favor of this legislation. My own town's Potato Growers Association voted unanimously in favor of it, our Chamber of Commerce went on record in favor of it. I feel that it is simply recognizing a principle that is already recognized in many other states, namely the principle of the tandem axle which has been well explained here by various other speakers. I feel that it all adds up to one thing and that is progress. I am certain that the members of this body are not going to indefinitely postpone progress.

The SPEAKER: 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: You just hinted that you were ready for the question. I think it would be only

fair to perhaps hear from that sole, lonely signer of the minority report, although I feel something like the fellow at the Alamo at this point. I do take a little courage from my good friend the gentleman from Portland, Mr. Earles, this morning, and his position also was the sole signer of the minority report. I think that my faith has been reconstituted that sometimes one man can be right and the rest of the committee wrong. I realize it is a rather dogmatic position to take. However, before you get too far impressed with the strength of this nine to one committee report, I would seriously urge you to analyze what the Transportation Committee is composed of. Certainly not all the people in the Committee are truckers, but I would say that there were a substantial number of men on the Committee who have as a business either the trucking business or do deal with trucks. Consequently, I feel rather outnumbered on the Committee, about the closest thing I can call a truck is my car, and I think perhaps there are around 270,000 other people in the State of Maine who would like to have some consideration. There are six reasons and I would like to list them very briefly before you vote, as to why, I, as a motorist, think that this House should be rather conscientious in their voting as to just what is called progress. You have just heard another speaker that anyone who votes against this bill might possibly be accused of being anti-progress. I personally feel that a vote against this bill is nothing more purely and simply than a vote against doing damage to our highways. The number one reason why I signed the minority report, regardless of what the opposition may say or try to becloud the issue or try to distort the facts, is that the State Highway Commission as I said once before, while not taking a yes or no stand, said in plain English language that increasing gross weights would have an adverse effect on highways. I do not know how you can say it any plainer. I do agree with the State Highway Commission that if we decide to raise the weights, it should be done with this bill. It is somewhat like a condemned man saying:

"If you are going to kill me, if I have a choice between the gallows or the guillotine or the gas chamber, I think I will take the gas chamber." And to me the State Highway Commission said if you are going to put more damaging weights on our highways, we feel that the tandem axles is the most preferable way of inflicting that damage.

The second reason why I signed the minority report is because the American Automobile Association said before the Transportation Committee that they, as an automobile association, were opposed to the bill. I do not know of anyone else who can speak for or could be expected to represent the automobile owner.

The third reason I signed that report was because I personally sincerely believe that more weight regardless of how you dress it up would damage our highways during a normal year, and my fourth point is that this year, of all years, I have never seen our small side roads in worse condition. I have no statistics, I have no engineering surveys, but I think each one of you in this House has driven over the roads enough to decide for yourselves whether you think the highways are in condition to be loaded down further.

The fifth reason I was against the bill was because regardless of what anyone tries to prove, the fact remains that very few Maine truckers have these new heavy trucks that have this technical term "tandem axle". There is no mystery about that. 90 percent of the Maine truckers have the older trucks, and if the law goes through it is quite obvious that the out-of-state trucker who does have the equipment will be the first to benefit. And my last and final reason for voting against the bill was that the real truth of the matter as to how the trucking association feels on the bill was reflected last fall when the Maine Truck Owners Association voted within their group 15 to 14 for the bill, but out of the 15 who voted for it, five or six were people who sold truck equipment. If you take the five or six out I think the settlement is fairly obvious.

I would like to conclude my sincere and honest convictions as a

motorist and nothing else by saying that I feel a lot of our highways in Maine are something like a small pond which is covered with a layer of ice. We have many highways that are nothing but two or three layers of tar, the gentleman from Bridgewater, Mr. Finemore, notwithstanding his glacial comments, which has an under base of nothing but either mud or soft fill. True enough you can distribute until dooms day and possibly the tar will not break through, but it is just like a man skating on an ice rink, if he weighs too much he might not go through if he lies down, but if he is too heavy a man sooner or later the entire ice is going to give away, and frankly, I feel my good friend the gentleman from Bridgewater, Mr. Finemore, is on that thin ice, and I would hate to see him go through with his tandem axles, because frankly I think he is so wet right now that I hate to see him get any wetter.

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

Mr. MCGLAUFLIN: Mr. Speaker, the remarks of the last gentleman remind me of some advice I got early in my practice from Judge Foster of the Supreme Court. He said: "When you are after bear, do not use bird shot."

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

Mr. FULLER: Mr. Speaker and Members of the House: I do not pose as an expert on trucking like I do on public utilities. Sometimes a bill goes along and nobody notices it in particular and it gets up to the enactment stage and we find that it is a poor bill and it needs to be debated and possibly killed, but this is one of two or three bills in this legislature that has been very thoroughly debated. The opposition has been very thoroughly beaten down and I, for one, am going along with the majority and help to enact this bill.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I just want to answer the statements of

the gentleman from Fairfield, Mr. Osborne, and then I will sit right down. I regret anyone would bring in the mentioning of the report from the two men so opposed to the welfare of all industries and the State of Maine and so interested in the railroads. The statement on truck weights prepared by Charles B. Breed and Alexander J. Bone in behalf of the railroads attacks Maine's existing axle load limitation of 22,000 pounds, as well as the proposed legislation to increase Maine's gross weight limitation from 50,000 to 60,000 pounds on certain types of axles. I will not go any further with that, there is a lot of it here, but it is canned, and I do not believe in canned speeches, but here is just one item that I forgot to bring up and has not been brought up. As one shipper said at the Committee hearing March 28, 1955: "It's just another case where the railroads are trying to accomplish through legislation what they can't or don't want to do through fair competition with the trucking industry." Another answer, Mr. Osborne, the gentleman from Fairfield, stated there were 34 states with 18,000 pounds. Again I say he should be a little more careful on his information, because there are only 31 states with 18,000 pounds on axle load, and I would like to further comment on the 22,000 pounds that he says there are only five states exceeds Maine. Maine has a little different set-up than any of the rest. Under our 22,000 pounds you are only allowed 600 pounds per square inch tire requirements, Two of the 31 has 700 pounds per inch, 14 have no tire requirements per inch whatsoever, 3 have 800 pounds, 12 have weights running from 775 pounds to 800 per inch tire requirements. Now I ask you if any of those states are in the same category as Maine. I think it is very unfair to bring out information that is not true, and those statements made by Mr. Osborne, the gentleman from Fairfield, are very untrue, and after this debate if anyone wishes to see the proof I have it right here before me as presented on July 31, 1954, and I do not believe any legislation in any states has been enacted since that time

that will make much change in this information. I thank you very much for the time you have allowed me.

The SPEAKER: The Chair would like to remind all of the members of the House that this matter of saying another member is unfair is out of order.

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

Mr. OSBORNE: Mr. Speaker, I wish to say that I think the gentleman from Bridgewater, Mr. Finemore, is very fair, but I think he has got himself a new can, because some of the information I gave was taken from some information that I borrowed from him in one of his cans that he had the other day.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Browne, that An Act relating to Weight of Commercial Vehicles, Senate Paper 452, Legislative Document 1271, be indefinitely postponed.

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

A division of the House was started.

A majority of the members rose in opposition and the motion did not prevail.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Enactor Reconsidered

An Act to Provide Special Disability Compensation for Members of Organized Fire Companies, Senate Paper 561, Legislative Document 1517, which was temporarily passed over.

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

Mr. ROSS: Mr. Speaker, under suspension of the rules, I move that we reconsider our action whereby we passed this item to be engrossed for the purpose of presenting an amendment.

The SPEAKER: The gentleman from Bath, Mr. Ross, moves that, under suspension of the rules, the

House reconsider its action whereby the Bill was passed to be engrossed on May 10. Is this the pleasure of the House?

The motion prevailed.

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

Mr. ROSS: Mr. Speaker, this suggested amendment is amendment filing number 529. This does not change the intent of the legislation. The Bill as presented, L. D. 1517, suggests that pulmonary and cardiac conditions should be considered occupational diseases under the Workmen's Compensation Law for organized firemen. The form is inconsistent with the rest of the section of the Revised Statutes. Furthermore, there is no effective date listed therein. This amendment just changes the typographical arrangement to conform with the law and it puts in an effective date of November 30. This is the date from which insurance premiums are figured. The revised form is recommended by the Industrial Accident Commission and the date was strongly urged by the insurance commissioners. I would like to repeat, it does not change the context of the bill at all. So I now present the amendment and move its adoption.

The SPEAKER: The gentleman from Bath, Mr. Ross, offers House Amendment "B" and moves its adoption. The Clerk will read the amendment.

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

HOUSE AMENDMENT "B" to S. P. 561, L. D. 1517, Bill "An Act to Provide Special Disability Compensation for Members of Organized Fire Companies."

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

"Sec. 1. R. S., c. 31, Sec. 69, amended. Section 69 of chapter 31 of the revised statutes is hereby amended by adding at the end thereof the following:

'16. Pulmonary and cardiac diseases, excluding common colds.

16. Caused to an active member of an organized fire department while participating at fires, and develop-

ing within 6 months of such participation.'

Sec. 2. Effective date. This act shall take effect on November 30, 1955."

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

Finally Passed

Resolve in favor of Portland University (S. P. 316) (L. D. 885) which was passed over temporarily.

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

Mr. HILTON: Mr. Speaker and Members of the House: I am just a little bit confused here as to how to proceed. I would like to ask some questions of some member of the House.

The SPEAKER: The Chair would state that the gentleman may address his question through the Chair to any member of the House.

Mr. HILTON: Mr. Speaker, I would like to ask if this University is a private university or is it subsidized with State funds now?

The SPEAKER: The gentleman from Bremen, Mr. Hilton, addresses a question through the Chair to any member of the House, who cares and is able to answer.

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

Mr. CHILDS: Mr. Speaker, I will answer the gentleman's question and state that the University is not subsidized by State funds now. It is a private, non-profit, charitable institution.

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

Mr. HILTON: Mr. Speaker and Members of the House: In order that the members of this body may understand just what this appropriation calls for, \$26,000 is dumped into a private institution. It seems to me that this money could be better spent in the institutions that the State has some concern with, such as the School for the Deaf, the training schools for teachers and other various things. And I hesitate to make this motion but I am go-

ing to, to indefinitely postpone this bill.

The SPEAKER: The gentleman from Bremen, Mr. Hilton, moves that the Resolve be indefinitely postponed.

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

Mr. McGLAUFFLIN: Mr. Speaker and Members of the House: Some years ago we had a law department at the University of Maine where men could be trained to be lawyers in this State. After some time that was discontinued and there was no law school in the State of Maine where a person could get a legal education. Some time after that, Clarence Peabody, who was one of the instructors at the University of Maine, started a law school in Portland. With the assistance of many able lawyers in the City he was able to train lawyers for admission to the Bar. Many good men were turned out as lawyers from that school, but a little later, Mr. Peabody himself, died, and that school went out of existence. Still later some man that was interested in the welfare of the people of Maine established the Portland University Law School. That school has been a success from the start. It is the only school in the State of Maine that gives Maine boys and girls an opportunity to study law and be admitted to the Bar without going out of the State at a great expense. They can stay here at home, they get a splendid training, they have such men as several Judges of the Supreme Court on the Board of Directors, and they have been doing excellent work. In my office is a young man who has served his country in war for a period of three years, he is married and has three children. At the present time he earns his living by working in a bakery shop nights and he was trained and admitted to the Bar of Maine through that University, which would have been absolutely impossible for him to do if that institution had not existed. Many other young men in Maine have got such an education through that splendid University.

It costs money to maintain a law school. I know of no worthier

cause for which we could appropriate a small amount of money than to help that school keep in existence and give these Maine boys and girls an opportunity to get training in the law, when there is no other school in the State, and if that should fail, they would all have to go away for that purpose. I most certainly oppose any indefinite postponement of this measure.

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

Mr. HAUGHN: Mr. Speaker and Members of the House: I too would like to concur with the remarks of the gentleman from Portland, Mr. McGlaufflin, because it seems a shame to me with the only instance where a young man has an opportunity in this state of a nature of this kind, I cannot conceive of denying any young man a right or privilege to an opportunity in life, and this certainly affords one. So I would like to go on record as hoping that this motion does not prevail.

The SPEAKER: The Chair recognizes the gentlewoman from Presque Isle, Mrs. Christie.

Mrs. CHRISTIE: Mr. Speaker and Members of the House: I am very reluctant to again oppose the fine gentleman from Portland, Mr. McGlaufflin, but a few days ago the Appropriations Committee brought in an "Ought not to pass" report on a small item of \$3500 for the Aroostook State Normal School or Teachers College rather, and another unfavorable report on a request from another State Teachers College. We are very, very short of teachers in the State of Maine, it is almost an emergency, and I believe that we need this money in the State Teachers Colleges in a greater way than we need it in Portland University. Another reason that I oppose this is because I am opposed to the giving of public money to private institutions, so I hope that this bill is indefinitely postponed.

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

Mr. CHARLES: Mr. Speaker and Members of the House: I am sure we all realize why we have these institutions in our State and before this institution was established in

Portland, you can imagine what the students of higher education were asking for which was not available to them. There are no law courses available in the State of Maine that would give you a complete four-year college education in law. Portland University has answered this request. It is a higher state of education that we need. They are always complaining about our young men leaving our State. The first reason they left our State was to get higher education and go down to Massachusetts and New York and other states to get their law and business courses. Now I do not know whether we can compare this kind of money subsidy with normal school operations or not. I am certainly in favor of every support that we can give to our teachers colleges, and I am sure if you will examine your supplementary budget and the present budget signed by the Governor you will find substantial grants and subsidies granted to our teachers colleges and normal schools.

I again wish to support the argument that Portland University is not a private institution. It is chartered by the State of Maine, it has been in existence now for five years. It is governed by a Board of Trustees. They are unpaid, and one of the members of the Board of Trustees is the Honorable Judge John Clifford, United States District Court. We will remember that Bowdoin College has given up medicine. Anybody who wishes to become a professional MD will have to leave our State to get that sort of a degree. We do not have to leave our State now to receive a degree in law. I am not a law student, but I wish that I had been, because I certainly want to argue this point beyond what I am able to do right now in support of higher education. I certainly hope that the motion of the gentleman from Bremen, Mr. Hilton, will not prevail.

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

Mr. HARDEN: Mr. Speaker and Members of the House: I think this is a very worthy thing and I certainly hope that it receives passage.

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

Mr. CATES: Mr. Speaker and Members of the House: As a member of the Appropriations Committee I feel perhaps the Committee should be defended in their appropriation of this amount. I am only a layman, secondary education is all I ever had, but I felt that since this was not a recurring expenditure that \$26,000 to enable this law school to perhaps expand their field of education along that line would be money very well spent. I also took into consideration the fact that if the State of Maine did not have that law school in Portland that there would be an unprecedented demand for a law school at the University of Maine which before it was finished would run this State probably into millions of dollars such as the pulp and paper industry at the University of Maine and the Forestry and Agriculture and all others have done at that institution.

In answer to the gentlewoman from Presque Isle, Mrs. Christie, in regard to the appropriation for the Aroostook State Normal School for \$3500, that was merely for some furniture for the dormitory and we have already appropriated we thought very generously to the state teachers colleges and that possibly they could get along with the furniture that they now had until the next Legislature. I just want you to know how I stood on the matter and I hope the House will go along and provide this necessary money for the expansion of this law school which as I said before we have been assured will not be a recurring expenditure. Thank you.

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

Mr. COOK: Mr. Speaker and Ladies and Gentlemen: I would like to dwell just a second on the amount of money mentioned by the gentleman from Machias, Mr. Cates, as regards a law school at the University of Maine.

I had the pleasure this fall to attend a meeting at the University of Maine at which time they were going over their anticipated bud-

get. And I remember that at that time the question put to President Hauck of the University of Maine by the then, I believe, candidate Senator Haskell, an inquiry which he put to him as to what would be the cost of setting up a law school at the University of Maine. Dr. Hauck admittedly said that his reply was rather hasty and without a great deal of study, but that he would estimate that with the law library and one thing and another that they already had in existence, that it would cost something less than \$50,000.00 to set up a law school at the University of Maine.

I therefore urge you to consider this expenditure of some twenty-odd thousand dollars to support this function at a school over which the state has not got control as contrasted with the amount of money that it would take to set up a proper law school at the University of Maine.

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

Mr. STANLEY: Mr. Speaker and Ladies and Gentlemen of the House: I certainly can appreciate the feeling of Mr. Hilton, the gentleman from Bremen, and Mrs. Christie, the gentlewoman from Presque Isle, and also the gentleman from Portage Lake, Mr. Cook. I think this is one of the basic things that we go through in such a body as this that we have to weigh what we feel is the best for the amount of money that we spend. And I am sure that the needs of the state and the ability of the people of our state to pay for those needs are all a matter of personal opinion. I think we all have our opinions on the needs and on the ability of the people to pay for those needs.

In the instance of the normal school in Presque Isle, we did put out an "Ought not to pass" report on a \$3,500 bill which as the gentleman from Machias, Mr. Cates, has mentioned, was for furniture in a room. We did feel that they could get along perhaps without that for another couple of years. We went along with the Portland University Law School because it was not a recurring expense and we felt that

we have this law school in the State of Maine where a great number of our young men and women can go to school and get their law degree rather than going outside of the state.

I feel sure that the \$26,000.00 that we are spending will be spent very well. I probably become prejudiced in my outlook on it because at the hearing that we had on this bill a great number of the students at the Portland University Law School were there, and I could not help but mention when they left to the Chairman of our Committee that it looked to me as though at the law school they had a cult rather than just a group of students. They were so enthusiastic. I think one of the things that we need most in our state and in our country, in fact, is leadership training, and certainly those people are getting leadership training at the Portland University Law School.

Every day in the newspapers we see ads asking with title "Wanted" machinists, carpenters, waitresses and so forth, but every day in the headlines of our newspapers we see "Wanted Leadership" and this is one place where we can provide leadership training.

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

Mr. HENRY: Mr. Speaker and Members of the House: Along the lines of starting a law school at the University of Maine, I think the picture has not been made entirely clear as it was presented to the Appropriations Committee. We were informed that a law school at the University of Maine would probably cost from \$50,000.00 to \$60,000.00 a year to maintain and that it would be necessary to have an appropriate building before such a school could be started and that that would cause considerable expense before it could even be considered. And I think that the committee unanimously felt the \$26,000.00 would provide a suitable school in the state and that the money could not be expended in any better way.

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

Mr. QUINN: Mr. Speaker and Ladies and Gentlemen of the House: All the things that have been said about the Portland law school are, without a doubt, true. They are doing a fine piece of work in their field, and have been doing a fine piece of work, both under this name and under other names for a long term of years, as a private institution.

Now they have now come and asked for public funds to assist them in running their private school. Are we about to set a precedent? We have our public institutions in Maine that we have to support with our public funds. Our various normal schools, our university, and the maritime school at Castine.

Now there are a number of private institutions that have just as much right to come to this Legislature and ask assistance as the Portland Law School has. They are a private school incorporated under a law with their trustees but a private corporation in the same class as Bates College, Bowdoin College, Colby College, and any other college in the state that I have not named have just as much right to come to the Legislature and ask for assistance to maintain their schools which are all doing fine work in the state in the field of education. They have just as much right to come and ask for money out of the public till.

Along with those there are a large number of academies that would have the same right if we start this precedent. Maine Central Institute, Hebron Academy, we could name all of them down the list; all private institutions that would have an equal right to come here for assistance with this other private school that we are now considering. I do not think we want to start this precedent.

The SPEAKER: The Chair believes that the gentleman from Portland, Mr. McGlaufflin, has already spoken once.

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

Mr. CHILDS: Mr. Speaker, I would like to answer the gentleman from Bangor, Mr. Quinn, with reference to precedent. I know of two

different private schools which have received money from the state. One was Ricker College, another one was Portland Junior College.

I also would like to elaborate on what the gentleman from Bangor, Mr. Stanley, has said. He pointed out that it would be necessary for many who wanted to attend law school to leave the State of Maine. I would like to add to that that there are also many, such as myself, I being a graduate of Portland University, who never would have had the opportunity to attend law school if this law school had not been in the state because of financial reasons. There are many who attend law school who are married and have children such as I, and without question if the Portland University Law School had not been there, I never would have had the opportunity to attend law school. And I know there are many others in the future years who will be in exactly the same predicament, and I certainly hope that the motion of Mr. Hilton, the gentleman from Bremen, does not prevail.

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

Mr. STANLEY: Mr. Speaker and Members of the House: I think that we of the Legislature ought to be consistent in what we do. We have turned down many, many academies for grants who have their schools which are acting as public schools. And there are many parochial schools who will not even carry their children on our buses. And I think the state and this Legislature ought to be consistent on that point.

Mr. Childs, the gentleman from Portland, made the statement that we are already granting to Ricker. I do not know of any bill or any monies that we have appropriated for Ricker Classical Institute. I do recall that the county is paying \$10,000.00. That is not state funds. Thank you.

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

Mr. KNIGHT: Mr. Speaker and Members of the House: I am sympathetic to this cause, I am a friend of education. But Ladies and Gentlemen, the Fuller subsidy bill which is the subsidy bill for all of the

schools in the State of Maine, that subsidy bill at the present time will be \$296,000.00 short for the second year of the biennium. I repeat, \$296,000.00 short and I think it would be very unfair for us to grant a private school this money under those considerations.

And I hope the motion of the gentleman from Bremen, Mr. Hilton, does prevail.

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

Mr. JACOBS: Mr. Speaker and Members of the House: I see three of our committee have spoken and I want to say here frankly that I do not remember of this ever coming before this committee for discussion. How it got in here is beyond me, because I should have voted against it if I had had an opportunity to have my thoughts presented.

However, it is here and how it got here I cannot say and I attended every session, night and day, of this committee this winter. I feel that we are establishing a precedent when we offer \$26,000.00 to this private school. How do we know what they will do in two years or four years from now if we give them \$26,000.00?

This is an advertised school, it is a good one. They want this \$26,000.00 temporarily they say to make improvements. They are not bankrupt nor ever intended to be, that considered. I hope that this House will not open the door for private institutions to come in asking for our money to support private enterprises.

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

Mr. FOSTER: Mr. Speaker and Ladies and Gentlemen of the House: Notwithstanding the fact that this bill may have flown in through the window, I want to say this, or speak on it, inasmuch as it is here. My colleague from Bangor, Mr. Quinn, took many of the words out of my mouth. I could add a few to them perhaps.

It has been said on two different occasions that this was not a recurring matter. I am wondering if we are not speculating on that. I am wondering what assurance we have that this school will be able

to operate financially 6 months or a year from now even though this money is expended.

But primarily and principally why I am talking is that a principle of law that I learned in law school out of the state when we did not have a law school in the State of Maine, and it was a question of constitutional law, whether or not public funds can be appropriated to private uses; and I never in my life, in all the constitutional law I ever studied found a case where it could be properly appropriated to private purposes.

The SPEAKER: The Chair recognizes the gentleman from Winterport, Mr. Bean.

Mr. BEAN: Mr. Speaker and Ladies and Gentlemen of the House: I think I can distinctly remember, as a member of the Appropriations Committee, that this bill did receive considerable thought and discussion in that committee.

And I want to support the other colleagues of mine who have spoken and inasmuch as we were assured that this was not a recurring item and inasmuch as this school is rendering the service to the people of the State of Maine, that it is rendering, both in law and business administration, we of the committee felt justified in going along with the \$26,000.00 appropriation. And I sincerely hope that the motion of the gentleman from Bremen, Mr. Hilton, does not prevail.

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

Mr. JACOBS: Mr. Speaker, the last speaker has placed me in an embarrassing position. I would like to ask the gentleman when this was discussed in our committee, at what time. I do not ever remember it. I was always waiting for it to come but I never heard it.

The SPEAKER: The gentleman from Auburn, Mr. Jacobs, addresses a question through the Chair to the gentleman from Winterport, Mr. Bean, who may answer if he chooses.

Mr. BEAN: Mr. Speaker and Ladies and Gentlemen of the House: I cannot tell you the exact date, but I distinctly remember discussing the matter.

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

Mr. HILTON: Mr. Speaker and Members of the House: I would like to see all the information that is possible brought out on matters that come before us, and I want to state that I have been down to the Educational Department, at the time I had this saved out and I found that in 1947 this institution came before the Legislature and had \$50,000.00 to do the very same thing under almost the same wording that is in here. Now in eight years if they cannot do it with \$50,000.00 how can they expect to do the same thing with \$26,000.00 now, and it is a recurring bill.

Another thing I want to bring out to you is that this university has its pockets lined with money from the G. I. Bill which the government pays for the boys that go to school there.

I hope my motion will prevail.

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

Mr. MCGLAULIN: Mr. Speaker and Ladies and Gentlemen of the House: When I was Judge of the Portland Municipal Court, the lawyers used to come in to me and say "Judge, do not do this, do not do that, you will be establishing a precedent." and my answer was that "there are no precedents in this Court. I take the thing upon its merits and I decide each question on its merits, and if you get a precedent out of that make the most of it, that is what you are going to get here." Now it has been firmly established by the arguments presented here this afternoon, that this University is a great asset to this state, it is an asset to the people of this State, and I say that when you say that because a worthy college is supported by the State you are establishing a precedent, it is all bunk! Because Portland University has established the fact that this is a worthy cause and one that will help, does not make it necessary that because some other academy establishes that they want some money that it is a parallel case at all. Each case should be determined on its merits, and if you determine

this case on its merits for the benefit of the people of the State of Maine, you are going to pass this measure. It makes me tired to hear these constant statements "We will establish a precedent." Let us determine the thing according to its deserts, precedent or no precedent. dent.

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

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

The SPEAKER: The gentleman from Fairfield, Mr. Osborne, moves the previous question.

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

Mr. CHILDS: Mr. Speaker, I rise for a point of privilege.

The SPEAKER: The gentleman may state his point of privilege.

Mr. CHILDS: Mr. Speaker, I made the statement that there had been a precedent for this and the gentleman from Hampden, Mr. Stanley, said that the only precedent had been a county allotment of \$10,000 to Ricker Classical. In the Public Laws of 1947, Chapter 118, there is a Resolve in favor of Ricker Classical Institute and Junior College in the sum of \$50,000.

The SPEAKER: The gentleman from Fairfield, Mr. Osborne, has moved 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 previous question will kindly rise and stand in their places until the monitors have made and returned the count.

A sufficient number arose.

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

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

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

Mr. BIBBER: Mr. Speaker, when the vote is taken on the main question, I ask for a division.

The SPEAKER: Does the gentleman request a division on the ques-

tion: Shall the main question be put now?

Mr. BIBBER: No, Mr. Speaker.

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

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

The SPEAKER: For what purpose does the gentleman from Bangor, Mr. Quinn, arise?

Mr. QUINN: Mr. Speaker, to ask that when the vote is taken that it be by a call of the roll because the matter involved here is the spending of public money for private purposes.

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

Twenty-eight members arose. The monitors counted one hundred and eight members present.

The SPEAKER: More than one-fifth of the members present having signified their desire for the yeas and nays to be taken, they are ordered.

The pending question is on the motion of the gentleman from Bremen, Mr. Hilton, that Resolve in favor of Portland University, Senate Paper 316, Legislative Document 885, be indefinitely postponed.

As many as are in favor of the indefinite postponement of this Resolve will, when the Clerk calls their name answer yes; as many as are opposed to the indefinite postponement of this resolve will, when the Clerk calls their name, answer no. The Clerk will call the Roll.

Roll Call

YEA — Baird, Beal, Bernier, Bowie, Brewster, Brockway, Browne, Bangor; Christie, Cook, Cormier, Cote, Madison; Coyne, Davis, Westbrook; Denbow, Dostie,

Dunn, Foster, Getchell, Gilmartin, Hilton, Howard, Jacobs, Jacques, Knight, Lawry, Libby, Lindsay, Mann, Martin, W. Gardiner; Michaud, Osborne, Pike, Quinn, Rich, Roberts, Dexter; Seaward, Stanley, Hampden; Stanwood, Tarbox, Totman, Wade, Walsh, Walter, Whiting,

NAY — Alden, Anderson, Babinneau, Bean, Bibber, Blanchard, Brown, Baileyville; Carter, Newport, Caswell, Cates, Charles, Childs, Cianchette, Cole, Couture, Bath; Couture, Lewiston; Crockett, Curtis, Cyr, Davis, Calais; Dicker, Dumais, Duquette, Earles, Edgar, Edwards, Elwell, Evans, Fay, Ferguson, Files, Finemore, Flynn, Fuller, So. Portland; Gardner, Greenleaf, Harnden, Hatfield, Haughn, Henry, Higgins, Jack, Jennings, Jones, Latno, MacDonald, McCluskey, McGlaflin, Nadeau, Needham, Pierce, Reed, Roberts, Brooklin; Rogerson, Ross, Bath; Ross, Brownville; Roundy, Sanborn, Sanford, Skolfield, Soule, Stanley, Bangor; Staples, Stilphen, Storm, Thomas, Valley, Wadleigh, Walls, Winchenpaw, Woodworth.

ABSENT — Albert, Allen, Antheine, Bragdon, Briggs, Call, Carter, Etna; Cote, Lewiston; Courtois, Dudley, Foss, Fuller, China; Greene, Hancock, Hanson, Kimball, Kinch, Lamb, Letourneau, Lord, Madore, Malenfant, Martin, Eagle Lake; Maxwell, Olpe, Palmeter, Porrell, Potter, Pullen, Reynolds, Sansoucy, Shaw, Willey, Williams.

Yes 44; No 71; Absent 34.

Forty-four having voted in the affirmative, seventy-one having voted in the negative, thirty-four being absent, the motion did not prevail.

Thereupon, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Order Out of Order

Mr. Bibber of Kennebunkport presented the following Order and moved its passage.

ORDERED, that all seats inside the rail of the House be reserved tonight at the Mock Session for members of the House, members of the Senate and their guests and that such seats as may be required

by the cast of the Mock Session be made available to them.

The Order was received out of order and under suspension of the rules, read and passed.

On motion of Mr. Bibber of Kennebunkport,

Adjourned until tomorrow at eight-thirty o'clock in the morning, Eastern Standard Time.