

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

*Ninety-Seventh Legislature*

OF THE

STATE OF MAINE

VOLUME II

1955

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Thursday, May 19, 1955

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

Prayer by the Rev. Alice T. Hart of Hallowell.

The journal of the previous session was read and approved.

**Conference Committee Report**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Sale of Malt Liquor in Non-returnable Glass Containers" (H. P. 374) (L. D. 409) reporting that the Committee was unable to agree on the Bill, but the Committee agreed to recommend that the Legislative Research Committee be requested to study the problem of litter and refuse on the roadsides and public beaches of the State, with particular reference to non-returnable glass malt beverage and soft drink containers, and report to the next Legislature.

(Signed)

OSBORNE of Fairfield  
SANFORD of

Dover-Foxcroft

QUINN of Bangor

— Committee on part of House.

CARPENTER of Somerset

DUNHAM of Hancock

BOUCHER of Androscoggin

— Committee on part of Senate.

Report was read and accepted and sent up for concurrence.

**Papers from the Senate****Conference Committee Report**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Equipment of Rail Track Motorcars used by Railroad to Transport Employees" (S. P. 162) (L. D. 356) reporting that they are unable to agree.

(Signed)

FARRIS of Kennebec

HILLMAN of Penobscot

SILSBY of Hancock

— Committee on Part of Senate.

WINCHENPAW of

Friendship

BROWN of Baileyville

LETOURNEAU of Sanford

— Committee on part of House.

Came from the Senate read and accepted.

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

**Conference Committee Report**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act relating to the Taking of Quahogs" (H. P. 166) (L. D. 157) reporting that they are unable to agree.

(Signed)

SILSBY of Hancock

WYMAN of Washington

WEEKS of Cumberland

— Committee on part of Senate.

McCLUSKEY of Warren

WINCHENPAW of

Friendship

STANWOOD of Steuben

— Committee on part of House.

Came from the Senate read and accepted.

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

**Conference Committee Report**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on New Draft "A" (S. P. 555) (L. D. 1504) and New Draft "B" (S. P. 556) (L. D. 1505) of Bill "An Act relating to Valuation of Property of Public Utilities for Fixing Rates" (S. P. 167) (L. D. 364) reporting that they are unable to agree.

(Signed)

MARTIN of Kennebec

WEEKS of Cumberland

SILSBY of Hancock

— Committee on part of Senate.

COOK of Portage Lake

BERNIER of Waterville

GILMARTIN of Portland

— Committee on part of House.

Came from the Senate read and accepted.

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

**Conference Committee Report**

Report of the Committee of Conference on the disagreeing action

of the two branches of the Legislature on Bill "An Act relating to Medical Services under the Workmen's Compensation Act" (S. P. 560) (L. D. 1516) reporting that they are unable to agree.

(Signed)

HILLMAN of Penobscot

REID of Kennebec

SILSBY of Hancock

—Committee on part of Senate.

ROSS of Bath

WINCHENPAW

of Friendship

WALLS of Millinocket

—Committee on part of House.

Came from the Senate read and accepted.

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

From the Senate: The following Order:

ORDERED, the House concurring, that the Legislative Research Committee review the shellfish and marine worm laws and report their conclusions to the 98th Legislature. The Department of Sea and Shore Fisheries is directed to cooperate with the Committee (S. P. 587)

Came from the Senate read and passed.

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

From the Senate: The following Communication: (S. P. 584)

DEPARTMENT OF STATE  
STATE OF MAINE  
AUGUSTA

May 17, 1955

To the Honorable Senate and House of Representatives of the Ninety-seventh Legislature:

On May 17th Governor Edmund S. Muskie sent to this department a bill entitled, "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1956 and June 30, 1957, and to provide Additional Revenue to General Fund." (H. P. 1229) (L. D. 1512) without his signature.

I am in receipt of a communication from the Secretary of the Senate dated May 17, 1955 in which he informs me that in his official capacity as Secretary of the Senate of

the Ninety-seventh Legislature of the State of Maine he delivered the above entitled act to Governor Edmund S. Muskie in his office at 4:20 P.M. on May 10, 1955.

This bill, not having been signed by the Governor within five days, Sunday excepted, after its presentation to him has become Chapter 359 of the Public Laws of 1955 without his signature in accordance with Article IV, Part Third, Section 2 of the Maine Constitution.

Respectfully,

(Signed) Paul A. MacDonald

Deputy Secretary of State

Came from the Senate read and ordered placed on file.

In the House, the Communication was read and ordered placed on file in concurrence.

#### **Senate Reports of Committees Ought Not to Pass**

Report of the Committee on Taxation reporting "Ought not to pass" on Bill "An Act Repealing the Gasoline Road Tax on Motor Vehicles" (S. P. 315) (L. D. 853)

Came from the Senate read and accepted.

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

#### **Ought to pass with Committee Amendment**

Report of the Committee on Appropriations and Financial Affairs on Resolve Providing for Non-Lapsing of Expenditures for Airports (S. P. 108) (L. D. 269) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 108, L. D. 269, Resolve, Providing for Non-Lapsing of Expenditures of Airports.

Amend said Resolve by striking out all of the 3rd sentence of the paragraph commencing "Airport

**Repairs and Improvements**" and inserting in place thereof the following:

'It is the intent of the legislature that the use of the funds herein provided shall be limited to the basis of the matching proportions prescribed in subsection II of section 20 of chapter 24 of the revised statutes, as amended, including the amendment thereto enacted by the 97th legislature as set forth in an act entitled "An Act Relating to Airport Construction Fund," more particularly designated as Legislative Document number 371, notwithstanding the fact that the effective date of said amending act succeeds the effective date of this resolve.'

The SPEAKER: The Chair would state that the amendment does not appear to be in order.

Thereupon, the Resolve was assigned for second reading tomorrow.

#### Divided Report

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Resolve Proposing an Amendment to the Constitution Redefining "Recess" of the Legislature (S. P. 366) (L. D. 1062)

Report was signed by the following members:

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

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

— of the House.

Minority Report of same Committee reporting "Ought to pass" on same Resolve.

Report was signed by the following member:

Mr. EARLES of South Portland  
— of the House.

Came from the Senate with the Majority Report accepted.

In the House: The Reports were read and the Majority "Ought not to pass" Report was accepted in concurrence.

#### Non-Concurrent Matter

Bill "An Act relating to Hospitalization of the Mentally Ill" (S. P. 551) (L. D. 1489) which was indef-

initely postponed in non-concurrence in the House on May 17.

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

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

SENATE AMENDMENT "A" to S. P. 551, L. D. 1489, Bill "An Act relating to Hospitalization of the Mentally Ill."

Amend said Bill by striking out all of the amending clause of section 1 and inserting in place thereof the following:

'Sec. 1. R. S., c. 27, Sections 103-A — 103-H, additional. Chapter 27 of the revised statutes is hereby amended by adding thereto 8 new sections to be numbered 103-A to 103-H, to read as follows.'

Further amend said Bill by renumbering those parts designated "Sec. 103-E" and "Sec. 103-F" to be 'Sec. 103-G' and 'Sec. 103-H'

Further amend said Bill by inserting after Sec. 103-D thereof the following underlined sections:

'Sec. 103-E. Right to release: application for judicial determination. Any patient hospitalized under the provisions of section 103-A who requests to be released or whose release is requested by his legal guardian, spouse, adult next of kin or friend, in writing addressed to the superintendent of the hospital in which the patient is detained, shall be released within 48 hours after receipt of the request, except that upon application to the judge of probate in the county where the hospital is located, supported by a certification by the superintendent of the hospital that in his opinion such release would be unsafe for the patient or for others, release may be postponed for such period not to exceed 5 days as the judge of probate may determine to be necessary for the commencement of proceedings for a judicial determination pursuant to sections 103-B to 103-D.

The superintendent of the hospital shall provide reasonable means and arrangements for informing involuntary patients of their right to release as provided in this section and for assisting them in making

and presenting requests for release. The provisions of this section shall not be available to a patient who has been duly committed by a court or the municipal officers of a town or city.

Sec. 103-F. Detention pending judicial determination. Notwithstanding any other provision of sections 103-A to 103-H, inclusive, no patient with respect to whom proceedings for judicial hospitalization have been commenced shall be released or discharged from a mental hospital during the pendency of such proceedings unless ordered by the judge of probate in the county where the hospital is located upon the application of the patient, or his legal guardian, parent, spouse, adult next of kin or friend, or upon the report of the head of the hospital that the patient may be discharged with safety.

Further amend said Bill by adding at the end thereof a new section 3, as follows:

"Sec. 3. R. S., c. 27, Sec. 134, repealed and replaced. Section 134 of chapter 27 of the revised statutes is hereby repealed and the following enacted in place thereof:

'Sec. 134. Inquiry into cases of alleged unreasonable detention. Any person adjudged insane and committed to either state hospital, or his legal guardian, spouse, adult next of kin or friend, thinking that the patient is unreasonably detained, may apply in writing to any Justice of the Superior Court, in term time or vacation, who shall inquire into the case and summon before him such witnesses as in his judgment may be necessary, and upon such application may vacate such commitment, and if such person was committed under a sentence following conviction for crime and the sentence has not expired, remand him to the proper custody; and if the original sentence has expired, discharge such person. He shall tax costs and shall decide whether they shall be borne by the petitioner or by the State.'

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

Mr. MALENFANT: Mr. Speaker and Ladies and Gentlemen of the House: This is the same bill that

we killed yesterday. The Senate backed a horse with a new hat on so I move that we adhere.

The SPEAKER: The gentleman from Lewiston, Mr. Malenfant, moves that the House adhere to the indefinite postponement of this Bill.

Is this the pleasure of the House? The motion prevailed.

### Non-Concurrent Matter

An Act Revising the Law Relating to Licensing of Electricians (H. P. 487) (L. D. 532) which was passed to be enacted in the House on May 10, and passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto on May 4.

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

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

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

Amend said Bill by striking out everything in section 4 after the underlined word "Board" in the 7th line of section 4 and inserting in place thereof a period.

Further amend said Bill by inserting after section 4, a new section 4-A, as follows:

"Sec. 4-A. R. S., c. 82, Sec. 6, sub-sec. III, additional. Section 6 of chapter 82 of the revised statutes is hereby amended by adding thereto a new subsection III, as follows:

'III. The Board may issue a license upon the payment of a fee of \$1 to any person who applies therefor, without examination, provided that said applicant submits evidence satisfactory to the Board that he has entered the employ of a licensed electrician to assist him as an apprentice or helper. Any such person entering the employ of such electrician to assist him as an apprentice or helper for the purpose of qualifying for any of the licenses mentioned in section 7 shall apply for such license after commencing

such employment. Any person who enters such employ as a helper without the intention of qualifying for any of such licenses shall not be required to apply for a license under this section."

Further amend said Bill by striking out the 9th and 10th lines of section 5 and inserting in place thereof the following: 'license or \$3 for a limited license. Examinations shall be in whole or in part in writing and'

Thereupon, on motion of Mr. Quinn of Bangor, the House voted to recede and concur.

#### Non-Concurrent Matter

Bill "An Act relating to the Salary of the President of the Senate, the Speaker of the House of Representatives, and the Members of the Legislature" (H. P. 86) (L. D. 97) which was passed to be engrossed as amended by House Amendment "A" on May 16.

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

In the House:

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

Mrs. CHRISTIE: Mr. Speaker and Members of the House: It is a relief to me to find that the Senate has taken action on this bill. Unfortunately, I was unable to be here when the bill was heard in the House or I certainly would have spoken against the amendment. I now move that we recede and concur with the Senate.

The SPEAKER: The gentlewoman from Presque Isle, Mrs. Christie, moves that the House recede and concur. Is this the pleasure of the House?

The motion prevailed.

#### Non-Concurrent Matter Tabled and Assigned

An Act relating to Disposition of County Fees in Kennebec County (S. P. 534) (L. D. 1448) which was passed to be enacted in the House on May 4, and passed to be engrossed in concurrence on April 29.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mr. ALLEN: Mr. Speaker, I move this lie on the table and be specially assigned for tomorrow.

The SPEAKER: The Chair would inquire whether the gentleman would be willing to table without special assignment?

The pending question is on the motion of the gentleman from Chelsea, Mr. Allen, that the Bill lie on the table and be specially assigned for tomorrow.

(Cries of "No")

Mr. ALLEN: Mr. Speaker, I will change that motion if it would be of advantage. I move that it lie on the table and be unassigned.

The SPEAKER: The Chair is informed that the matter will be taken from the table again within a matter of a few hours if it is not specially assigned, and probably the gentleman's first motion would be better.

Thereupon, the Bill was tabled pending further consideration and specially assigned for tomorrow.

#### Non-Concurrent Matter

Resolve Providing Review of Shellfish and Marine Worm Laws (H. P. 505) (L. D. 542) which was finally passed in the House on May 16, final passage reconsidered and passed to be engrossed as amended by House Amendment "A" in non-concurrence on May 17.

Came from the Senate indefinitely postponed in non-concurrence

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

#### Non-Concurrent Matter

Report of the Committee on Taxation reporting "Ought not to pass" on Bill "An Act Exempting Funeral Services from Sales Tax" (H. P. 506) (L. D. 543) which was accepted in the House on April 1.

Came from the Senate with the Bill substituted for the Report and passed to be engrossed in non-concurrence.

In the House: On motion of Miss Cormier of Rumford, the House voted to recede from the acceptance

of the "Ought not to pass" Report. On further motion of the same gentlewoman, the Bill was substituted for the Report.

The Bill was then given its two several readings.

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

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

Bill "An Act relating to Duties of State Park Commission as to Recreation" (H. P. 1121) (L. D. 1319) which was passed to be engrossed as amended by House Amendment "A" in the House on May 17.

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

In the House: On motion of Miss Lawry of Rockland, the House voted to insist.

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

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

Bill "An Act relating to Conveyance of Secondary School Pupils" (H. P. 644) (L. D. 721) which was passed to be engrossed as amended by House Amendments "A", "B" and "C" on May 17.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Brown of Baileyville, the House voted to insist and ask for a Committee of Conference.

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

Messrs. BROWN of Baileyville  
FULLER of South Portland  
CHILDS of Portland

#### **Order**

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

ORDERED, the Senate concurring, that the Legislative Research Committee be requested to study the problem of litter and refuse on the roadsides and public beaches

of the State, with particular reference to non-returnable glass malt beverage and soft drink containers and to make such recommendations to the next Legislature as may be deemed appropriate for the abatement of this nuisance (H. P. 1262)

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

#### **House Reports of Committees Ought Not to Pass**

Mr. Jacobs from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Resolve Directing Review of General Statutes of Towns (H. P. 956) (L. D. 1083) as it is covered by other legislation.

Report was read and accepted and sent up for concurrence.

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

Mr. Henry from the Committee on Appropriations and Financial Affairs on Bill "An Act Providing for a Deputy Commissioner of Institutional Service" (H. P. 285) (L. D. 298) reporting same in a new draft (H. P. 1259) (L. D. 1554) under same title and that it "Ought to pass"

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

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

Bill "An Act relating to Aiding in Delinquency of Child under 17" (S. P. 583) (L. D. 1552)

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

Resolve Creating the Maine Vocational - Technical Institute Scholarship Fund (H. P. 332) (L. D. 373)

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

(Off Record Remarks by the Speaker)

#### **Passed to Be Enacted Emergency Measure**

An Act to Appropriate Monies for the Purchase of Salk Vaccine (S. P. 543) (L. D. 1485)



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. 109 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 the Administration of the State Liquor Commission (S. P. 582) (L. D. 1547)

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. 112 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 relating to Construction of a Road and Terminal in City of Rockland (H. P. 1254) (L. D. 1549)

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. 116 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 Repealing the Law Prohibiting the Transmission of Electric Power Beyond the State (S. P. 166) (L. D. 363)

An Act Appropriating Moneys for Supplemental Appropriation for Treasurer of State (S. P. 176) (L. D. 428)

An Act Establishing Salaries of Various Department Heads and Commissioners (S. P. 579) (L. D. 1546)

An Act relating to Transportation of Fish, Game and Fur-bearing Animals by Aircraft (H. P. 778) (L. D. 861)

#### Finally Passed

Resolve Authorizing the Forest Commissioner to Convey the Flowage Rights on Matagamon Lake, in Township 6, Range 9, W. E. L. S., Piscataquis County, to East Branch Improvement Company (S. P. 514) (L. D. 1407)

Resolve in favor of Addition to Chemical Engineering Building at University of Maine (H. P. 334) (L. D. 375)

Resolve in favor of a Science and Classroom Building at Gorham State Teachers College (H. P. 335) (L. D. 376)

Resolve to Reimburse the Town of Stetson for Aid Extended to Carlton Johnson (H. P. 809) (L. D. 846)

Resolve in favor of Farmington State Teachers College (H. P. 865) (L. D. 977)

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

#### Orders of the Day

The SPEAKER: Under Orders of the Day, the Chair lays before the House the first tabbed and today assigned matter, Bill "An Act Classifying Additional Surface Waters in Maine", House Paper 1230, Legislative Document 1513, tabled on May 18 by the gentleman from Fort Fairfield, Mr. Reed, pending third reading, and the Chair recognizes that gentleman.

Mr. REED: Mr. Speaker, I offer House Amendment "C" to L. D. 1513 and move its adoption and request permission to explain the amendment.

The SPEAKER: The gentleman from Fort Fairfield, Mr. Reed, offers House Amendment "C" and moves its adoption. The Clerk will read the amendment.

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

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

Amend said Bill in section 4 by adding at the end of the parts designated subsections III, VI and XI the following underlined sentence:

'The provisions of this subsection shall become effective on June 30, 1957.'

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

Mr. REED: Mr. Speaker and Members of the House: I am offering this amendment to correct an inequity in these classifications. If we pass it as it is now, there are five starch factories in Aroostook County that will be obliged to spend in the vicinity of \$75,000.00 per factory in order to comply with the provisions of the bill.

Now there are about 22 factories up there and the point is it seems unfair to ask these 5 factories to comply in advance of at least two years to the other factories. Most of these factories are owned by individuals and this amount of money would come quite difficult in many cases in order to comply.

Now they feel that they definitely plan on cleaning up the situation, they recognize it, they have developed a process in a powder plant at Caribou which holds much promise and without a doubt this can be perfected so that all of them may install the equipment to correct the pollution situation on these streams. However, it seems rather unfair to ask these folks to do it now two years in advance of the others.

It was a matter of the Water Improvement Commission not having funds available enough or time enough to classify all the streams. And that is briefly the case of these operators. There are five factories involved, one at Westfield, one at Mars Hill, one at Monticello and two in Houlton.

And this amendment does not lower the classification, it merely lengthens the period of compliance for a two year period at which time, we understand, the Water Improvement Commission, will have classified all the streams and their proper classification can be made.

Now this is sort of a compromise amendment in that originally it was thought by some that they would have to be lowered to "D", they did not feel that that was a good idea, so therefore this compromise came up. And it seems as though it will more or less put the

owners of these factories on their word to comply when the time elapses so that they can show their good faith in the matter and they readily accepted this sort of a compromise. They feel that it is fair.

I have discussed it with the House Chairman of the Natural Resources Committee and he has no objection to it. He also thinks it is fair.

Unfortunately, the gentleman from Houlton, Mr. Rogerson, could not be here but he helped devise this compromise and I am sure that he would want me to tell you that he would favor this sort of an arrangement.

That briefly is the facts of the case. I think you will weigh it. I think it is a matter of fair play to allow these folks so they can all be classified at once and all comply at once. I realize it may be said that you have got to start somewhere, but, in this case, I do not believe that would hold. I think that we can classify our streams, set them up, so that everybody will be treated equally.

As I understand it, the only ones involved, the only industry involved, would be starch factories and a few saw mills. Now in the case of the saw mills, I believe they can comply by shifting the pipe that blows the sawdust away from the saws, away from the streams and by removing the sawdust. However, in the case of the starch industry, it is a much more difficult and expensive proposition.

I believe that explains the side that I am presenting. I am sure you will give it full consideration. I shall be happy to abide by your judgment in this matter. Thank you.

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

Mr. BRIGGS: Mr. Speaker and Ladies and Gentlemen of the House: I had hoped to have an opportunity during the final hours of the session to read a little essay which I have prepared entitled, "Advice to Young Anglers", rather than going into this problem further.

Now there is an ugly rumor persisting about the corridors among some of my friends to the extent that I will not even use starch in my shirts because of some of the

previous experiences I have had with regard to this problem.

I guess you folks know by now that I feel that if the deliberations of this august body and those which follow it are not carefully taken, that about the only opportunity we will have left to promote that little thin, speckled beauty for which Maine is famous, the square-tailed trout, will be in the clear cold running prospectus of a hotel charging \$25.00 a day.

This problem is one with which I have been confronted for quite a long time. Of course, it being near my home as it is near the home of the gentleman from Fort Fairfield, Mr. Reed. I know essentially what the problems are in the matter. I would like to say that the opponents to the classification which is being done feel that the classification which is done has been accomplished on their waters and which will probably cause them to take some steps to abate part of their pollution load a year from today. They feel that because the Water Commission was not able to get all of the streams in Aroostook classified that perhaps it is discrimination if they are obliged to clean their portion of the waters, those which have been classified at this time.

Now my concern with this matter is two-fold. Primarily, I am a little bit worried over the possibility of attacking these weak classification laws which I feel, as you know well, are not at all a satisfactory answer in this problem. I feel that if we start here to open the door and establish a precedent whereby when some classification which is accomplished at public hearing in the area does not satisfy certain of the mills or polluters on the streams that we will in effect be more or less at least establishing a precedent which will make it easy for all of the forthcoming ones to come in here politically and use their various ways sometimes to try to persuade you folks to be a little more easy on them.

Now secondly, my concern comes from the fact that I have made it a very definite point to contact a large number of representative per-

sons in Aroostook County and I am solidly convinced that the overwhelming majority of the people in Aroostook, who are informed on the subject, believe that the classification laws, as they are put into effect, should be adhered to.

Now I would like to say with regard to the discrimination which is felt, or the unfairness, or inequity as mentioned by the gentleman from Fort Fairfield, there is ample provision right now in the statutes which will give them an opportunity to take their problem to the Court if they feel that they have been aggrieved. And I would like to recite for you under Chapter 79, the Water Improvement Commission laws, Section 10, which is entitled, "Appeals".

"Any person aggrieved by an order or decision of said Commission with respect to any application for a license may within 30 days after notice of the filing of such order or decision, appeal therefrom to any Justice of the Superior Court by presenting a copy of such order or decision certified by the Clerk of said Commission to the Clerk of Courts for the County of Kennebec, whereupon such Court shall fix a time and a place for hearing thereon and order such notices as to the Court appears reasonable, at which hearing the applicant and any other interested person shall submit evidence and the Court shall enter its findings and decree sustaining, reversing or modifying such order or decision of said Commission in such manner and to such extent as the Court determines not to be inconsistent with the public interest."

In my opinion, and in rather the gentleman from Houlton, Mr. Rogerson, who is not here, but who discussed this matter with the Attorney General's office with me, that does furnish ample protection for people who feel that they have been aggrieved in this matter. However, I am not sure as to whether or not the gentleman from Houlton, Mr. Rogerson, feels, notwithstanding his opinion on this which he stated to me, that the recommended compromise should be endorsed regardless.

Now I think that if you would allow me just a moment to point

out that there is a great deal of other discrimination that has gone on with regard to this matter for a period of years. One is that, as an example, the citizens of Four Falls, New Brunswick, found it necessary often times within the last two summers to go out in the fields until they got tired enough so they could come back to their homes and go to sleep because of the awful stench provided by two mills in the United States in Limestone.

It goes without saying that all of the recreational opportunities on all of these streams, a great many of them, have been lost to the people of our area.

In Ashland, one of the farmers there lost his barn by fire, the pumper came over from Ashland and rushed down and put the hose in the Aroostook River and were pumping water onto the fire as his barn burned and all of a sudden the water stopped coming. So they all tore back down to the river and lifted up the hose and found that it was strangled by a great deal of this effluent and pomace which came out of the factories. The barn, perhaps, would have burned regardless of this, but nevertheless that is the type of discrimination which I think deserves consideration.

In Mars Hill they lost their swimming pool that they had used for years and had a paid instructor but lost the use of the pond for fire protection besides having to put up right in the middle of the village with the tremendous stench of frying fish and the decomposition of waste material in the water.

There are all kinds of examples like that that can be recited just to point out merely that there is another type of discrimination which I feel deserves to be considered here. If I were in a position to do so, without any malice whatsoever, or any unkind thoughts, I would move the indefinite postponement of House Amendment "C".

The SPEAKER: The Chair is in doubt. Does the gentleman move that House Amendment "C" be indefinitely postponed?

Mr. BRIGGS: Yes, Mr. Speaker.

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

that House Amendment "C" be indefinitely postponed.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I am very much agreed with Mr. Briggs, the gentleman from Caribou, but I would like to add a few things. Especially on the Prestile which is one of these streams that they expect to change. As you have no doubt noticed in the first entry way here in the Hall of the House, three large pictures in the extreme right hand corner, those pictures were taken at my request two years ago. On this Prestile Stream where thousands, and I mean thousands, you can tell by those pictures of fish that were killed and then the biologists from Augusta here were taken up and they said that the cause was due entirely from starch probably dumped into the streams.

I have here a group of telegrams from Mars Hill being against the change of the classification or the extending of the provision of this subsection and one is signed by the Chamber of Commerce, from Mars Hill being 100 per cent against it and that includes a lot of farmers. And a telegram from the PTA of Mars Hill and from the Mars Hill and Blaine Community Welfare Club, from the Activity Club of Mars Hill, and from the Prestile Fish and Game which is one of the biggest Fish and Game clubs in Aroostook County and probably one of the biggest in the State of Maine. We have here a farmer, a real big farmer in Mars Hill and E Plantation which some say they are afraid we would lose the factories, this is Ellis Warren and he is very much against it. And here is one who has been circulated throughout the halls now and then saying that he was against the classifying of this stream the Prestile, that is Bryant Smith, he says "in regards to the Prestile stream classification, urge you vote for nothing less than class "B", and class "B-1" is what that stream is now.

We also have one here from the Mars Hill—Blaine Women's Literary Club. And together with about

17 telephone calls in regard to this, you can see our feeling up there. And as the gentleman from Caribou, Mr. Briggs, has mentioned, two years ago this summer, Mars Hill has a swimming pool there that cost some \$5,000 or \$6,000 to build and which they believe has been one of the greatest things to aid against juvenile delinquency in the small towns and as the gentleman from Caribou, Mr. Briggs, has stated, this was supervised and they were forced to close this for the whole summer. But last summer through flushing it, it has been able to take care of it.

So you can see our standing on these. They circulated a petition in Monticello and Bridgewater throughout the farmers and there are some 174 farmers in these two towns and they were only able to obtain 25 names from Monticello and only 2 out of my town of Bridgewater favoring this amendment. I noticed my good friend, the gentleman from Fort Fairfield, Mr. Reed, has said this is a compromise. I cannot quite agree with the compromise because it takes two or more to compromise and in this special case there has not been any give on the part of the citizens of these towns.

Now he mentioned two saw mills on these streams and that they could possibly adjust the blowers or so forth from putting the sawdust and shavings in the streams. No doubt they could but I do not agree that they will and I hope the motion of the gentleman from Caribou, Mr. Briggs, prevails.

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

Mr. LAMB: Mr. Speaker and Members of the House: I am not certain what the opinion of the commission was when they held this hearing, what they used for a basis for making their decision. But it seems to me that from these pictures out here in the hall and from the fact that five starch factories are located there, up-grading this stream two grades at one jump was quite a jump. It did not seem that that was the purpose of the Commission to up-grade to a point where it would create any hardship.

And I talked to the gentleman from Fort Fairfield, Mr. Reed, ear-

lier about this and it seemed to me that since this stream had been up-graded to class "B-1" leaving it at that class and giving an extension of time to these factories located there would actually be a compromise that would be a means of getting the job done without rushing it and creating a hardship for anybody involved.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I was a member of the Natural Resources Committee which was so bitterly attacked for so a long a period as having done nothing to improve pollution conditions in the state. And I am now much gratified to find the bitter opponent saying that after all we had done something. I would like to leave you with that thought.

The SPEAKER: The pending question is on the motion of the gentleman from Caribou, Mr. Briggs, that House Amendment "C" be indefinitely postponed.

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

Mr. FOSS: Mr. Speaker, I hesitate to say much on this, but one of these factories is in my district and this amendment seems as though it would give them a little more time to do what we all agree needs to be done there.

There is one factory in Aroostook that is already processing this pomace and making cow feed out of it, and this is in the process of being worked out, these methods of using this stuff. And I think that they do really need a little more time on this. But I do not see any trouble with this amendment. They are not asking to be set off as another class but they are asking for a little more time to take care of this stuff.

I think this amendment is all right and should go through.

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

Mr. COOK: Mr. Speaker and Ladies and Gentlemen: I would just like to add my small voice to the gentleman from Caribou and the gentleman from Bridgewater. Certainly, if we are going to have this

commission to classify these streams and weak as we admit the pollution laws to be, if we are then going to reverse these things on political lines subject to political pressure, we are then going to defeat the admittedly weak provisions that we have.

And I certainly hope that you will go along with the gentleman from Caribou, Mr. Briggs.

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

Mr. REED: Mr. Speaker, there are two or three things I would like to point out. First is, I should have said, of course, that this was an attempt to compromise. I concur with my good friend, the gentleman from Bridgewater, Mr. Finemore, there certainly was no giving on the part of the opposition.

In regard to the appeal, there is no question that the matter can be appealed to the Courts but that, of course, involves a great deal of expense, lawyer fees and so forth to sell the point there. And it appeared to me that the Courts, I think, probably would rule that there was a hardship case, that it should be left until they are all classified.

But this way, by putting them on their word to correct the situation in two years, I think it is really a more progressive step than leaving them to the appeal status.

I would also like to point out that I have, in my possession, 25 signatures of prominent people in the Town of Monticello and 43 in the Town of Mars Hill. I know the gentleman from Houlton, Mr. Rogerson, has some from the Town of Houlton, I do not know how many but he does have some from there.

I think it just boils down to a matter of fair play. If you are in business in one town and you have to make a real capital expenditure, for the matter of law, and a competitor of yours in a nearby town does not have to make it, I am wondering how you would feel about it. I think it boils down to that.

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

Mrs. CHRISTIE: Mr. Speaker and Members of the House: It

seems to me that this amendment just gives the small factories a little more time to clean up. We realize that these odors are not pleasant but we have been told that odors are not injurious to us physically, so perhaps we can stand them for a little while.

All the influence that has been brought to bear upon me has been brought from the side of the opposition to this amendment. And still I do feel that factories have need of some consideration and as my colleague, the gentleman from Fort Fairfield, has said, even if they do have recourse to the Courts that is an added expense.

And I have been told that some of these small factories would certainly have to close up if they had to speed too much in their cleaning up program. I know that they know that it is needed and I know that it is needed and I am in favor of it. I am in favor of cleaning up pollution, but I do think that they have to have a little time.

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

Mr. STORM: Mr. Speaker and Members of the House: I would like to go along with my friend, the gentleman from Fort Fairfield, Mr. Reed, on supporting his amendment. And it seems to me that it would be unfair to rush three or four concerns into court previous to when this thing takes effect on all the other industries.

There is no industry in the county at the present time that is in any condition to stand a lawsuit. And I think by giving them an extension of time, we would be being fair to everyone.

I hope the motion of the gentleman from Caribou, Mr. Briggs, to indefinitely postpone does not prevail.

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

Mr. BRIGGS: Mr. Speaker and Ladies and Gentlemen: There has been lot of interesting conversation here. And just recently, it was mentioned by one speaker that all this did was give some of the smaller plants a little more time. And one of the plants that is leading the op-

position is one of the largest and besides that what it does do is that it makes it possible for them to render these waters class "D" during that two years that you are giving them a little more time and not meet the standards set up by the Commission and which the citizens obviously want.

Now the opposition to my plan, or the favoring of the amendment in one case from one speaker came from a mill which is not affected and I hope you will allow me to inform you about some of these struggling little concerns, that this gentleman runs that mill on the one stream and he retains a very exclusive Atlantic Salmon fishing lodge on the Umsaskis River while he keeps the fish all dead in the stream which the average people are able to use. And also it costs a great deal of money for the purification of the water, the treatment of the water, which the City of Presque Isle drinks.

And that is all right but I would just like to point out very emphatically for you people that the choice here, in my mind, is clear and simple. You can take the choice of trying to do the will, as I see it, of the majority of the people in Aroostook, or you can take the alternative which I feel is not the will of the majority of the people. Thank you very much.

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen of the House: It is rather amusing to me to hear all of these people who say they believe in cleaning up our waters and then do not want to support what little we have done.

Now this re-classification of waters is purely, what we have done so far, a compromise. In other words, a great many of us who live near these rivers would like to see them cleaned up and we have compromised to the extent that will put them into a class to be handled by a Commission. Now someone comes along and they do not want to do even that. Someone has said, "procrastination thou art a thief." Now if we are going to keep on procrastinating and fooling along when in

the world are we going to make a real start?

I think these people in these factories are financially able, in fact, I know a great many of them are, and I think perhaps every one of them are, to go ahead and live up to this regulation as it has been established. Of course, if they can save a few dollars by flouting the law or changing it, why perhaps that is human nature and perhaps we might all do it in the same place.

But I am reminded that over in Canada, and in that country that is so much poorer than the State of Maine, they do not allow any pollution whatsoever. How do they get away with it?

And I am sure I should be happy to support the motion of the gentleman from Caribou, Mr. Briggs, for indefinite postponement of this bill.

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

Mr. MCGLAUFLIN: Mr. Speaker and Members of the House: I have been quite impressed by the sense of fair play that this House has shown over and over again during this session. I am very much in sympathy with the efforts of the gentleman from Caribou, Mr. Briggs, but it has been pointed out to us that this would be unfair to a certain number of companies in Aroostook. And in spite of the fact that I am against pollution, I am still for fair play. I am against the indefinite postponement of this measure.

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

Mr. WILLIAMS: Mr. Speaker and Members: Probably you all well realize by this time that the classification of waters is one of my particular pets. But my angle on this thing would be that you have the Water Improvement Commission in there and it is their business to upgrade these waters and classify them and I have got confidence enough in the Water Improvement Commission that if one of these grades is creating too much hardship on any of these people that they would give them a reasonable

time to clean up. I do not think they are going to cut them right off just as of one minute. They are going to allow them a reasonable time to clean up to meet this grade.

The SPEAKER: Is the House ready for the question?

The pending question is on the motion of the gentleman from Caribou, Mr. Briggs, that House Amendment "C" be indefinitely postponed.

As many as are in favor of the indefinite postponement of House Amendment "C" will kindly rise and remain standing in their places until the monitors have made and returned the count.

A division of the House was had. Fifty-five having voted in the affirmative and forty - two having voted in the negative, the motion prevailed.

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

The SPEAKER: At this time, the Chair would like to remind the members again of the necessity to stay in the vicinity of the Hall of the House so that they can return promptly when the gong is sounded. I declare the House recessed for fifteen minutes.

#### Recess

Called to order by the Speaker.

The following papers from the Senate were taken up out of order and under suspension of the rules:

From the Senate: The following Order:

ORDERED, the House concurring, that the Committee on Appropriations and Financial Affairs be and hereby is authorized to report a Bill that will provide a General Fund Appropriation for such measures as are enacted by the Legislature and approved by the Governor without appropriation provisions. It is the intent of the Legislature that by this procedure the Legislature will avoid the necessity of amending measures not provided for in L. D. 1444 and L. D. 1512 or by appropriation measures contained in the individual Bills and Resolves (S. P. 590)

Came from the Senate read and passed.

In the House: The Order was read.

The SPEAKER: Is it the pleasure of the House that this Order receive passage?

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

Mr. TOTMAN: Mr. Speaker, I would like to ask a question through the Chair of any member on the Appropriations Committee, just to be straight in my mind, do I understand that this order will bring out a document which we will be able to see before we adjourn.

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

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

Mr. STANLEY: Mr. Speaker, to answer the gentleman from Bangor, Mr. Totman, there will be a resolve or bill, whatever it is, come out so that the members of the House will see it. I think that the rest of it is very understandable.

Thereupon, the Order was passed in concurrence.

From the Senate: The following Order:

ORDERED, the House concurring, that the Committee on Highways be and hereby is authorized to report such Bill or Resolve as will provide highway allocations for such measures as are approved by the Governor and not covered by either the General Highway Allocation Bill or by the appropriate allocation in such Bill or Resolve (S. P. 591)

Came from the Senate read and passed.

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

On the disagreeing action of the two branches of the Legislature on Resolve Proposing an Amendment to the Constitution to Provide for a Bonus to Maine Veterans of World War II and the Korean Campaign (H. P. 1144) (L. D. 1341), the Speaker appointed the following Conferees on the part of the House:



Messrs. DUMAIS of Lewiston  
JACQUES of Lewiston  
BROWN of Baileyville

On the disagreeing action of the two branches of the Legislature on Bill "An Act to Authorize the Issuance of Bonds in the Amount of Twenty Million Dollars for Bonus to Maine Veterans of World War II and the Korean Campaign" (H. P. 1143) (L. D. 1340), the Speaker appointed the following Conferees on the part of the House:

Messrs. DUMAIS of Lewiston  
JACQUES of Lewiston  
BROWN of Baileyville

Unanimous consent was granted that all papers acted on before recess be sent forthwith to the Senate.

The Chair laid before the House the following matters pursuant to House Order:

The SPEAKER: The Chair lays before the House the first tabled and unassigned matter, Bill "An Act Creating a State School Building Fund and Providing Moneys Therefor", House Paper 1015, Legislative Document 1167, tabled on May 18 by the gentleman from Brooks, Mr. Elwell, pending third reading.

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

Mr. ELWELL: Mr. Speaker and Members of the House: You will find on your desk Filing No. 576, House Amendment "A", House Paper 1015, L. D. 1167. It is with some reluctance that I rise to offer this amendment and before I do I want to thank those of the House for the support that they gave me day before yesterday on this bill. I spent about a month preparing it and I feel that I was amply repaid by that support while I sat listening to the roll call.

In this amendment, I propose to do three things. First, I would reduce the cigar and tobacco tax from 20 per cent to 15 per cent and that would be in line with our only bordering state, the State of New Hampshire. And then since this reduces the income, I would remove the feature in the bill that dedicates the revenue. There has been some objection to that feature. And this revenue would go into the general fund and the necessary financing for

this bill would come out of the general fund. And then, the effective date will be changed, in fact, there was no effective date in the bill so it would automatically go into effect 90 days after we adjourned or after it was signed. So I have the effective date set at September 1st for the tax features in the bill. And they will run during this biennium for 22 months.

Then the next change would be in the effective date of the school building features. Obviously, if the tax is reduced to 15 per cent and the term for which the tax would be on would be 22 months, the revenue would be diminished. So I have set the effective date of the school building provisions ahead to become effective July 1, 1956.

This morning, I have conferred with the Director of Finance in the Department of Education, Mr. Fred Kinney, and we have some projected figures on the basis of past revenue on the tax and we find that with this amendment, there would be some surplus on the basis of the experience of the last two years. The tax would produce \$878,000.00 if we were to go on the basis of the experience of the last two years. And the 10 per cent of our school subsidy would be \$740,000.00 assuming that every town in the state took advantage of it which of course they will not. So this would leave a surplus carrying into the next biennium under the terms of the bill which would carry forward to the following two year biennium.

That is pretty much what the amendment would do and I think it removes some objections that I have heard to the bill in the form of the dedicated revenue and the 20 per cent tax. And I think it might help the bill in its future travels.

The SPEAKER: The Chair would inquire of the gentleman from Brooks, Mr. Elwell, the filing number of the amendment which he offered.

Mr. ELWELL: Mr. Speaker, the filing number is 576. You have another filing number 586 and if you will just throw that in the wastebasket, 576 is the one.

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

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

HOUSE AMENDMENT "A" to H. P. 1015, L. D. 1167, Bill "An Act Creating a State School Building Fund and Providing Moneys Therefor."

Amend said Bill by striking out all of the last underlined sentence of the 1st paragraph of that part designated "Sec. 242-A" of section 1.

Further amend said Bill by inserting after section 1 thereof, a new section 1-A, as follows:

'Sec. 1-A. Effective date. The provisions of section 1 of this act shall become effective July 1, 1956.'

Further amend said Bill by striking out the underlined figure "20%" in the 3rd line of that part designated "Sec. 204" and inserting in place thereof the underlined figure '15%'

Further amend said Bill by striking out the underlined figure "20%" in the 6th line of the 2nd paragraph of that part designated "Sec. 204" and inserting in place thereof the underlined figure '15%'

Further amend said Bill by adding at the end thereof a new section 4, as follows:

'Sec. 4. Effective date. The provisions of sections 2 and 3 of this act shall become effective September 1, 1955.'

The SPEAKER: The gentleman from Brooks, Mr. Elwell, moves that House Amendment "A" be adopted. Is this the pleasure of the House?

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

A viva voce vote being taken, the motion prevailed.

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

The SPEAKER: The Chair lays before the House the second tabled and unassigned matter, Bill "An Act Repealing Obsolete Highway Laws and Clarifying Project Completion Dates", Senate Paper 564, Legislative Document 1521, tabled on May 18 by the gentleman from Portland, Mr. Childs, pending adoption of House Amendment "C", and

the Chair recognizes that gentleman.

Mr. CHILDS: Mr. Speaker, I move that this matter be retabled as this particular item is contingent on the passage of the gas tax.

The SPEAKER: The gentleman from Portland, Mr. Childs, moves that Item 2 lie on the table pending adoption of House Amendment "C". Is this the pleasure of the House?

The motion prevailed and the Bill was so tabled.

The SPEAKER: The Chair lays before the House the third tabled and unassigned matter, Bill "An Act Increasing the Tax on Gasoline and Providing for Additional Construction and Reconstruction of State Aid Highways in Hardship Cases", House Paper 1251, Legislative Document 1544, tabled on May 18 by the gentleman from Durham, Mr. Bowie, pending the motion of the gentleman from Lewiston, Mr. Dumais, to indefinitely postpone.

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

That gentleman then offered House Amendment "F" and moved its adoption.

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

HOUSE AMENDMENT "F" to H. P. 1251, L. D. 1544, Bill "An Act Increasing the Tax on Gasoline and Providing for Additional Construction and Reconstruction of State Aid Highways in Hardship Cases."

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

'Sec. 8. Appropriation for Town Road Improvement Fund. Beginning with the fiscal year ending June 30, 1956, there is hereby appropriated annually from the General Highway Fund the sum of \$500,000 to the Town Road Improvement Fund. This appropriation shall be in addition to any other appropriation for the Town Road Improvement Fund made by the 97th Legislature.'

The SPEAKER: Is it the pleasure of the House that House Amendment "F" be adopted?

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

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

like to know now, with \$500,000.00 how high are we hitting now? \$1,500,000.00 yesterday and \$500,000.00 now, where I went to school spells \$2,000,000.00. We are only up to "F" and there are 26 letters in the alphabet, I would like a point of inquiry from the gentleman from Durham, Mr. Bowie, as to just where we are sitting financially now, whether it is one cent or two cents. Thank you.

The SPEAKER: The gentleman from Lewiston, Mr. Dumais, addresses a question through the Chair to the gentleman from Durham, Mr. Bowie, who may answer if he so chooses.

Mr. BOWIE: Mr. Speaker, I would like to remind the gentleman from Lewiston, Mr. Dumais, that we did not pass the amendment yesterday which raised the \$1,500,000.00 for the state aid project.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Denbow.

Mr. DENBOW: Mr. Speaker and Members of the House. I simply want to go on record as supporting this amendment. It is a very good amendment, it is a well distributed fund, I think it affects every town and city and it is probably the most fairly distributed fund in the whole highway setup.

Due to the fact that yesterday's bill called for only \$1,000,000.00 instead of \$1,500,000.00 which was mentioned, the passage of this bill in the event that the whole bill is enacted will not cripple the highway fund.

I think it is a very nice bill, and I think this amendment should be passed.

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

Mr. FERGUSON: Mr. Speaker and Members of the House: I suppose the members say that I am not very consistent when I went on the record somewhat not in favor of this yesterday, but I did not oppose it until I had time to discuss it with some members of the Highway Committee.

This town road improvement fund affects every town and municipality in the state. It is a fund that has been well used and certainly it benefits all the people who ride on

the highways. I might point out that it is very beneficial to the pulp and paper industry hauling in raw material to their plants, to get this raw material into a finished product which supplies many, many dollars to the wage earners in the State of Maine. As a finished product this goes out all over the United States to get checks from California, Chicago, New York and all over the country to keep our payroll at a high level in the state.

The poultry or the broiler industry is on the same level they too will benefit greatly by this amendment. The dairy farmer, the potatoes, sea and shore fisheries, the hotels and sporting camps throughout the State of Maine.

It will also make available money to spend on some of our town roads that lead to fishing areas in the state. And that is one of the things that the out-of-state people will think about or our citizens here if they are going to some place fishing and hunting. If there is a decent road into the areas which they want to get into that they will come back and leave many, many dollars in the State of Maine.

I think this is a good investment, this \$500,000.00 added to the town road improvement fund.

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

Mr. RICH: Mr. Speaker and Members of the House: I want to go along with this bill. I was not sure yesterday whether I would go along with it or not. Further study has convinced me that it is a good bill. It helps practically every town and city in the state.

I noticed some objection from some of the city people but I would like to call your attention to the fact that the City of Auburn benefits by this as much as practically any town in the state. They are now getting from the town road improvement fund almost \$3,000.00, it lacks just a few dollars, and their added benefit would be \$4,000.00 more. The City of Lewiston now gets a little over \$4,000.00, they would get \$6,000.00. The Town of Turner gets \$5,400.00 and if my mathematics are correct they will get \$3,100.00 or \$3,200.00. And so on, I do not need

to go through the various towns, we have this on our desks.

I believe this is a fine thing to do and it distributes this gas tax to every citizen that pays gas tax, he will be benefited. Every city and town practically in the whole state will be benefited very largely by this and especially it helps those small towns which have a large mileage, some of them having 50 or 60 miles to keep up and I believe it is a good bill. And I am glad that the gentleman from Durham, Mr. Bowie, presented it and I hope we will all go along with it.

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

Mr. BROCKWAY: Mr. Speaker and Members of the House: I am truly very happy to find that I can concur with my good friend, the gentleman from Durham, Mr. Bowie, for once in this session.

I think this proposal of his will do more for the industry than any proposal that he could make in this Legislature. With the coming in of bulk tanks for picking up the milk, it is something that the dairy industry is facing that is very, very serious in the problem of the highways. I say again that the gentleman from Durham, Mr. Bowie, and myself are just as close as that on this.

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

Mr. SANFORD: Mr. Speaker and Members of the House: I have held out on the tax bill increase on the gasoline tax because I had not seen any program that had worked out to my satisfaction. Now I think that you have got something that is very good. I am for it. And I certainly hope the amendment of the gentleman from Durham, Mr. Bowie, will prevail.

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

Mr. CHILDS: Mr. Speaker, I also want to concur with the adoption of the Bowie amendment and when the voted is taken on the Bowie amendment I request a division.

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

Mr. HILTON: Mr. Speaker and Members of the House: I also want to go on record as favoring this amendment.

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

Mr. McGLAULIN: Mr. Speaker and Members of the House: Yesterday I spoke in favor of retaining the matter as it was at \$1,000,000.00. Having found that this amendment will not apparently hurt anybody and it will help a good many, I, too, go along with this amendment.

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

Mr. QUINN: Mr. Speaker and Ladies and Gentlemen of the House: Coming from one of the cities referred to, I want to go along and support this amendment. I feel that it is rounding out a very excellent highway program that this Legislature is giving to the people of Maine.

There are many people on the dirt roads that do not get very far off of the dirt roads that are contributing to the gas tax. And now they are going to have their roads fixed up for them and a little money on this type of an outlay will go a very long ways and do a lot of good.

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

Mr. DUMAÏS: Mr. Speaker and Members of the House: I am not going along with the \$500,000.00 or the million and if I am the only one to vote against this bill, I will. I have spoken to hundreds of people. Last night everywhere I went on the streets of Lewiston and it is going to cost approximately six, to me it will cost \$24.00, because we operate four vehicles, but I found a way out of that also. That part of that gasoline we use is in our yard and I also can tank up my own automobile there and get my state tax back. That is a little something I learned in this House, not home.

And to elaborate a little further on this, this almost reminds me of one time when I was in Canada and I heard of a political rally, being that it was my uncle that was run-

ning, I thought I would attend. And they all began to clamor for bridges., and he said, "Do not worry, I will build you bridges." All at once the opposition thought about something and said, "Well, Joe, we certainly do not want any bridges, we do not have any rivers." "Never mind, I will build you rivers if you want them." So this is what it is winding up to.

Lewiston will get \$6,000.00, I am given to understand from the gentleman from Charleston, Mr. Rich, and it is going to cost, I am talking of the people in the city directly that live on hard surface roads, probably \$50,000.00. So therefore, I do not believe that I am in agreement to go along with this. And certainly, if going back to other items that have been brought here, especially my bonus bill, stating that you do not know where the money is coming from, we cannot find any place to raise the money because every time we thought up something, you have tacked it on something else. And if you can find the money to build these roads, we should find the money to pay the veterans some way, even if the dogs have to run.

I would say now that I will stand pat and I will move for indefinite postponement of all the papers, even if they go to "Z" and start with double "A". I am convinced after speaking with filling station owners and automobile owners and what have you in Lewiston. I am sent up here by my people and I want to come back to this House, and I will say right now that if you bring on 50 more amendments and you give Lewiston not \$6,000.00 but \$26,000.00 and you pave all of Lisbon Street, I am still against it. Because we will pave our streets and we will pay for them. And I think that the majority of these towns should do the same thing. Thank you.

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

Mr. MARTIN: Mr. Speaker and Members of the House: We have plenty of bridges in West Gardiner and we also have a river. But I am very glad to have the hope of taking home to my people a little

bit of extra money to help us get out of the mud.

I sincerely hope that this amendment passes and when the time comes, I equally sincerely hope that the motion to indefinitely postpone does not prevail. Thank you.

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

Mr. HARNDEN: Mr. Speaker and Members of the House: Up until a moment ago, I thought with this new amendment that this bill was going to receive very strong backing, I still hope that it will. I feel that with this amendment that it should have backing enough so we can pass it as an emergency measure and I certainly hope that the motion to indefinitely postpone does not prevail.

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

Mr. CHILDS: Mr. Speaker, I would like to concur with the gentleman from Lewiston in his thinking that he is the only one possibly that is going to stand up on the Bowie amendment against it. And I certainly hope he is the only one and I move the previous question.

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

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

A sufficient number arose.

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

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Durham, Mr. Bow-

ie, that House Amendment "F" be adopted.

A division has been requested.

As many as are in favor of the adoption of House Amendment "F" will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

One hundred and one having voted in the affirmative and twenty-five having voted in the negative, the motion prevailed and House Amendment "F" was adopted.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Dumais, that Bill "An Act Increasing the Tax on Gasoline and Providing for Additional Construction and Reconstruction of State Aid Highways in Hardship Cases", House Paper 1251, Legislative Document 1544, with all accompanying papers be indefinitely postponed.

All those in favor will indicate by saying aye; those opposed—

A viva voce vote was started.

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

Mr. DUMAIS: Mr. Speaker, I would like to have a roll call.

The SPEAKER: The gentleman from Lewiston, Mr. Dumais, 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.

Fourteen members arose.

The SPEAKER: Fourteen members having arisen and fourteen being less than one-fifth of the members present, the yeas and nays are not ordered.

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

Mr. CIANCHETTE: Mr. Speaker and Members of the House: I feel it is my duty to point out once more here—

The SPEAKER: The Chair would inquire if the gentleman wishes to debate?

The previous question was ordered on the former question and debate is in order.

Mr. CIANCHETTE: Mr. Speaker, I think I should point out here that I believe a million and a half dollars is a lot of money to sell a two and a half million dollar program. We do not want to forget that we are still going to be faced with a highway problem in the major highways of the State and we are only leaving, if this thing does not become an emergency measure, we are leaving perhaps \$700,000 for the first year of the biennium and a million strong perhaps to go for our major highways in the second year.

We must remember too that without doubt now, without any doubt in my mind at least, that the Gore bill is going to receive acceptance in Washington. When it does, it is going to mean that we are going to have to come up with another three and a half million dollars. So you can go home and tell your people that you brought some money home for them this time but next time you are coming back and you are adding two cents more on the gas tax. Let's not forget it.

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

Mr. CHILDS: Mr. Speaker, I would like to ask if there is a motion before the House now?

The SPEAKER: The Chair would state that the pending question is on the motion of the gentleman from Lewiston, Mr. Dumais, that Bill "An Act Increasing the Tax on Gasoline and Providing for Additional Construction and Reconstruction of State Aid Highways in Hardship Cases", House Paper 1251, Legislative Document 1544, together with all accompanying papers be indefinitely postponed.

Mr. CHILDS: Mr. Speaker, I also would like to point out to the members of this House that the particular bill which we are trying to put through now, which will do a great deal to help the small towns, that every member of the minority party is opposed to it. I move the previous question.

The SPEAKER: The gentleman from Portland, Mr. Childs, moves the previous question. In order for the Chair to entertain the motion for the previous question, it re-

quires the consent of one-third of the members present.

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

A sufficient number arose.

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

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

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

The SPEAKER: The question before the House is on the motion of the gentleman from Lewiston, Mr. Dumais, that Bill "An Act Increasing the Tax on Gasoline and Providing for Additional Construction and Reconstruction of State Aid Highways in Hardship Cases", House Paper 1251, Legislative Document 1544, with all accompanying papers be indefinitely postponed.

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.

Twenty-seven having voted in the affirmative and ninety-five having voted in the negative, the motion did not prevail.

Thereupon, the Bill was given its third reading, passed to be engrossed as amended by House Amendment "E" as amended by House Amendment "A" thereto, and House Amendment "F", and sent up for concurrence.

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

The SPEAKER: The Chair lays before the House the following matter pursuant to House Order, Bill "An Act Repealing Obsolete Highway Laws and Clarifying Project Completion Dates", Senate Paper 564, Legislative Document 1521, which was tabled earlier in the day by the gentleman from Portland,

Mr. Childs, pending adoption of House Amendment "C".

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

Mr. ELWELL: Mr. Speaker and Members of the House: Inasmuch as you will not be able to vote on this particular measure, I would very briefly like to say what I intended to do with it and then withdraw my motion.

I would like to state that I feel much the same as the gentleman from Durham, Mr. Bowie, in that I am not in favor of raising the gasoline tax essentially for the purpose of providing funds for the accelerated program at this time. And I am opposed to the hand-out system of small amounts on our state aid road system in order to sweeten the package. However, I think I have demonstrated as much concern over the status of our state aid roads as the next fellow in the House, and I consider that a positive approach to the state aid problem on its own merits is certainly in order and is an entirely different issue. And projecting the gasoline tax increase into the picture, I would say that my mind is open and that the position I take, I hope, will not be considered by anyone to be a party consideration. The criticism that I have for the bill that was passed was that it did not take into consideration the needs of the state aid system to the proper extent as I saw it. And secondly, it is the death knell to the incentive system of the state aid highway construction.

Now my thinking is based partly on a report which I happen to have here prepared by the "Automotive Safety Council Corporation of the State Highway Commission" the Bureau of Public Roads, Department of Commerce. And this is the brief conclusion that they drew when they studied this same problem. Their conclusion was that:

"The basic management question which needs to be answered is whether Maine wishes to have state-centralized control of highway affairs, or whether strong, efficient units of local road administration cooperating with the state would produce a better balance and greater benefits in the long run."

And the argument which they presented against such centralization which concurs with my thinking is as follows and I quote in speaking of centralization:

"And a certain centralization in a single agency of government—the State Highway Commission—is not consistent with the traditional American philosophy of government which favors leaving responsibility for predominantly local problems in local hands. In New England, especially, this is characterized by the importance of the towns in many phases of government.

2. Transfer of total responsibility to the state is likely to be accompanied by transfer of the financial obligations as well. Experience in other states suggests that it might be found difficult for the state to obtain all or part of the nearly \$8 million raised by the towns primarily for local road and street purposes in 1951. Thus there would be a greater tendency toward dispersion of available state-collected funds on roads of lesser state-wide importance."

Then further, mentioning sharing the responsibility, they say:

"Should the decision in Maine favor retaining some measure of local control, it is necessary to consider what improvements could be made in the present plan for the benefit of highway transportation in general."

And then later again they say:

"Since the state has for many years supervised State aid highways and developed organizations and equipment for that purpose, no major change in responsibility is suggested at present."

I think that pretty well sums up my feeling on the matter. And my purpose in presenting this amendment was that if we should decide to do something material for the state aid road system that it should be done under existing statutes and provide the money needed where it would offer some incentive to the towns to help themselves.

However, you will not be able to vote on this particular measure because you have already voted on one which makes this one excessive, because you would be adding another million and a half to the

one and a half million you have already voted and I certainly would not recommend that.

Therefore, if it is in order, I would withdraw my motion for passage.

The SPEAKER: The gentleman from Brooks, Mr. Elwell, withdraws House Amendment "C".

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

Mr. REED: Mr. Speaker and Members of the House: I should probably speak after you have disposed of the amendment of the gentleman from Brooks, Mr. Elwell, and I would like permission to address the House briefly.

The SPEAKER: Does the Chair hear objection to the request of the gentleman from Fort Fairfield, Mr. Reed, to address the House? The Chair hears none and the gentleman may proceed.

Mr. REED: Mr. Speaker, I am sure all of you are fully aware that in the last few days the Legislature has passed to be enacted two bills affecting the increase in the load of trucks and the dimensions thereof. Since that time, word has come from Washington regarding the possibility that if we pass these laws finally that we may not be permitted to receive some federal aid money if the Gore Bill, so-called, passes in Washington.

Now, I had an amendment prepared. However, additional information has come in on which I will need a little time to check my amendment on it. I am sure you are all interested in these two bills. They passed the Legislature by rather substantial majorities and I would, at this time, request your indulgence to table this until right after dinner when I will promise to either have something or allow it to pass.

The SPEAKER: The gentleman from Fort Fairfield, Mr. Reed, moves that the Bill lie on the table pending passage to be engrossed.

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

Mr. CHILDS: Mr. Speaker, a few moments ago, I had made the remark that every member of the



minority party was voting against this help for small towns. I now would like to extend my apologies to the single member of the minority party who did not vote in that manner. I would now, on the record, withdraw that particular apology and extend my apologies to the two members.

Thereupon, on motion of Mr. Childs of Portland, the House recessed until two o'clock in the afternoon, Eastern Standard Time, pending the motion of the gentleman from Fort Fairfield, Mr. Reed, that the Bill lie on the table pending passage to be engrossed.

**After Recess  
2:00 P.M., E.S.T.**

The House was called to order by the Speaker.

The SPEAKER: The pending question is on the motion of the gentleman from Fort Fairfield, Mr. Reed, that Bill "An Act Repealing Obsolete Highway Laws and Clarifying Project Completion Dates", Senate Paper 564, Legislative Document 1521, lie on the table pending passage to be engrossed, and the Chair recognizes that gentleman.

Mr. REED: Mr. Speaker and Members of the House: At this time, I would request permission to withdraw my motion to table.

The SPEAKER: The gentleman from Fort Fairfield, Mr. Reed, requests permission to withdraw his motion to table. Does the Chair hear objection to the gentleman's request? The Chair hears none and the motion is withdrawn.

The pending question is the passage of the Bill to be engrossed as amended by House Amendment "A".

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

Mr. FERGUSON: Mr. Speaker and Members of the House: Is it proper to offer an amendment to this bill?

The SPEAKER: The Chair would state that amendments at this time are in order.

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

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

HOUSE AMENDMENT "B" to S. P. 564, L. D. 1521, Bill "An Act Repealing Obsolete Highway Laws and Clarifying Project Completion Dates."

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

"Sec. 6. R. S., c. 23, Sec. 55. amended. Section 55 of chapter 23 of the revised statutes is hereby amended to read as follows:

'Sec. 55. Joint fund for state aid construction used with town road improvement fund. If any town desires that the whole or any portion of the joint fund provided in sections 44 and , 46 and 49 shall be applied to the construction of unimproved state aid, 3rd class or 4th class highways within its boundaries in combination with the town road improvement fund, the same may be so applied at the discretion of the Commission; and all state aid joint funds so transferred shall be expended in accordance with the provisions of sections 60 to 65, inclusive. Roads constructed under the provisions of this section shall be maintained by the towns.'

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

By unanimous consent, all matters acted upon this morning were sent forthwith to the Senate.

The following papers from the Senate were taken up out of order and under suspension of the rules:

**Senate Reports of Committees  
Ought to Pass**

Report of the Committee on Appropriations and Financial Affairs, pursuant to Joint Order (S. P. 586), reporting a Bill (S. P. 592) under title of "An Act to Appropriate Moneys for Legislative Expenditures for the Fiscal Year Ending June 30, 1955" 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.

### Senate Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Pensions for Dependents of Deceased Firemen of City of Lewiston" (S. P. 413) (L. D. 1176) reporting that the House recede and concur with the Senate in passing the Bill to be engrossed.

(Signed)

WOODCOCK of Penobscot  
LESSARD of Androscoggin  
MARTIN of Kennebec

— Committee on part of Senate.

COUTURE of Lewiston  
COTE of Lewiston  
DUMAIS of Lewiston

— Committee on part of House.

Came from the Senate read and accepted.

In the House: The Report was read. The House voted to recede from its former action whereby the Report and Bill were referred to the next Legislature and to concur with the Senate in accepting the "Ought to pass" Report.

The Bill was read twice and, under suspension of the rules, was given its third reading, passed to be engrossed and sent to the Senate.

### Ought to Pass in New Draft

Report of the Committee on Appropriations and Financial Affairs on Resolve Authorizing the Maine Public Utilities Commission to Set Out and Maintain Buoys on Sebago Lake (S. P. 544) (L. D. 1486) reporting same in a new draft (S. P. 589) (L. D. 1553) under title of "Resolve Authorizing the Setting Out of Buoys in Sebago Lake" and that it "Ought to pass"

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

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

On motion of Mr. Edwards of Raymond, under suspension of the rules, the Resolve was given its second reading, passed to be engrossed and sent to the Senate.

### Non-Concurrent Matter

Resolve Providing Pensions for Soldiers and Sailors and Dependents and Other Needy Persons (H. P. 1240) (L. D. 1529) which was finally passed in the House on May 12, and passed to be engrossed on May 9.

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

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

SENATE AMENDMENT "A" to H. P. 1240, L. D. 1529, Resolve, Providing Pensions for Soldiers and Sailors and Dependents and Other Needy Persons.

Amend said Resolve by striking out, in the 4th paragraph, the last sentence thereof, as follows: "There is hereby appropriated from the General Fund of the State to carry out the purposes of this resolve, the following:

Fiscal year 1954-55 \$ 2,680

Fiscal year 1955-56 16,080

Fiscal year 1956-57 16,080"

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

### Non-Concurrent Matter

Resolve Providing for a Recess Committee to Study School Finances and Needs in the State (S. P. 317) (L. D. 886) which was finally passed in the House on May 13, and passed to be engrossed as amended by Committee Amendment "A" in concurrence on May 11.

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

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

SENATE AMENDMENT "A" to S. P. 317, L. D. 886, Resolve, Providing for a Recess Committee to Study School Finances and Needs in the State.

Amend said Resolve by striking out the title and inserting in place thereof the following title: "Resolve, Providing That the Legislative Research Committee Study School Finances and Needs in the State."

Further amend said Resolve by striking out all after the title and inserting in place thereof the following:

**Research Committee to study school finances and needs in the State.**

**Resolved:** That the Legislative Research Committee be authorized to study school finances and needs in the State of Maine. The scope of the survey shall include all expenditures of funds within the jurisdiction of the State Department of Education and shall particularly relate to a study of the distribution of education funds to municipalities on an equitable basis.

Said Committee shall further particularly study the educational system of the State with a view towards determining the existence of non-productive or partially productive programs and activities in the educational field, and shall further conduct said study with a view towards recommending methods and techniques of increasing the efficiency of expenditure of education funds.

Said Committee shall have authority to employ such expert and professional advisors and counsel and such clerical and office personnel as its judgment may determine within the limits of funds provided; and be it further

**Resolved:** That the sum of \$25,000 be appropriated from the unappropriated surplus of the general fund of the State, and that any balance of this fund as of June 30, 1956 shall not lapse but be carried forward into the 1956-57 year to be used for the same purposes. Any donation from any individual, foundation or corporation may be accepted by the Committee and used for the purposes indicated.'

Upon motion of Mr. Fuller of South Portland, the House voted to recede and concur with the Senate.

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

Bill "An Act relating to Joint Ownership re Inheritance Tax Law" (H. P. 912) (L. D. 1020) which was passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" in the House on May 18.

Came from the Senate indefinitely postponed in non-concurrence.

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

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

Bill "An Act relating to Frontage Roads on Controlled Access Highways" (H. P. 649) (L. D. 726) which was passed to be engrossed in the House on May 18.

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

In the House:

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

Mr. CROCKETT: Mr. Speaker and Ladies and Gentlemen of the House: There was a Crockett one time who fought to the last ditch at the Alamo. I am still fighting.

I move that the House insist on its previous action and that the Speaker appoint a committee of conference. I thank you.

The SPEAKER: The gentleman from Freeport, Mr. Crockett, moves that the House insist and request a Committee of Conference. Is this the pleasure of the House?

The motion prevailed.

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

Messrs. CROCKETT of Freeport  
HAUGHN of Bridgton  
CHARLES of Portland

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

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) which was passed to be enacted in the House on May 12, and passed to be engrossed as amended by Senate Amendment "A" in concurrence on May 10.

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

The SPEAKER: The Chair has had it brought to its attention that

there is an error in this respect in the printing of the Advance Journal.

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

SENATE AMENDMENT "A" to SENATE AMENDMENT "A" to S. P. 278, L. D. 708, Bill "An Act relating to the Salary of Register of Probate, Cumberland County."

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

"Amend said Bill by striking out all of the Title thereof and inserting in place thereof the following Title: 'An Act Relating to the Salaries of Register of Deeds and Register of Probate, Cumberland County, and Clerk Hire in Offices of Register of Deeds and Register of Probate.'"

Further amend said amendment by striking out all of that part designated "Sec. 2" and inserting in place thereof the following:

"Sec. 2. R. S., c. 89, Sec. 254, amended. That part of section 254 of chapter 89 of the revised statutes which relates to Cumberland county is hereby amended to read as follows:

'Cumberland county: for clerks in the office of register of deeds, \$25,000; deputy register of deeds, \$3,200; for clerks in the office of register of probate, \$11,700; \$14,200; for clerks in the office of clerk of courts \$10,104; for clerks in the office of the recorder of the Portland municipal court, \$5,096; for clerks in the office of county attorney, \$742; for clerks in the office of sheriff, \$728.'"

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

The SPEAKER: The Chair would state that due to mechanical conditions in the Engrossing Department, the House will stand recessed for fifteen minutes.

#### After Recess

The House was called to order by the Speaker.

The SPEAKER: It has been called to the attention of the Chair that there are in the balcony of the House ten girls from the Civics Club of St. Francis de Sales School

in Waterville, accompanied by Sister Francis and Sister Denise.

On behalf of the House, the Chair extends to you a hearty welcome and hopes that your visit has been pleasant and that you may have learned something. (Applause)

#### Non-Concurrent Matter

Bill "An Act relating to Determination of Damages Caused by Taking of Land for Highway Purposes" (H. P. 1250) (L. D. 1543) which was passed to be engrossed in the House on May 12.

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

In the House: On motion of Mr. Quinn of Bangor, the House voted to insist on its former action and request a Committee of Conference.

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

Mr. CHILDS: Mr. Speaker, I arise for the purpose of asking if there is objection at this time to take up out of order an enactor from the Engrossing Department?

The SPEAKER: Does the Chair hear objection to the gentleman's request? The Chair hears none.

The House may be at ease.

#### House at Ease

Called to order by the Speaker.

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

#### Passed to Be Enacted Emergency Measure

An Act Increasing the Tax on Gasoline and Providing for Additional Construction and Reconstruction of State Aid Highways in Hardship Cases (H. P. 1251) (L. D. 1544)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure a two-thirds vote of all the members elected to the House was necessary.

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

Mr. EDWARDS: Mr. Speaker and Members of the House: I would like to make clear my position on this bill. I sincerely cannot vote for its passage.

I do not like to be in the position of saddling the Highway Commission with the responsibility and headache of deciding who has hardship cases. I do not like this approach.

As I see it, this will not solve our highway problem. If we do not have to come back into special session, it will place upon the 98th Legislature the responsibility of finding means to finance money to match increased federal highway funds. I should hate to place myself in this position of increasing the gas tax to seven cents now and then come back and still have to increase it more to cover the highway needs.

Surely, it is fine to say to the people back home, "We have brought back a few hundred dollars to be expended upon our town roads." But what will they say when they find out you have not met the needs of our over-all highway program? I believe my feet are on firm ground.

I ask that when the vote is taken, it be by roll call.

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

Mr. CHILDS: Mr. Speaker, I thoroughly realize that we have debated this particular matter this morning and yesterday and the day before.

I think everybody here realizes what the position of each party is. Members of the minority party feel at this time that help which we know the small towns need should not be given. Their reasoning, I do not know. I only know at this time we are trying to take care of a bad situation and I certainly hope that this bill passes.

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

Mr. DUMAIS: Mr. Speaker, I stood here yesterday and spoke about this this morning, I still have not changed my mind. I will move for indefinite postponement of this order and all its papers.

I feel that this bill would not benefit, we, the people in the cities and some very large towns. I know that taxes we must pay, but this one here, I feel that we have to pay on the nose. Every time that we pull our car into a gas tank and we have it filled up, we will pay one cent more.

You say that the people will not mind paying a higher price for gas and having better roads. Well that I believe is true. But I also want to say that we have reasonably good roads on the main roads. As far as I can see, this measure here is mostly on dirt roads, country roads. Well if we are to fix every back road, naturally I think the State of Maine has a little too many for us to go ahead with this.

I certainly feel that I am on the losing side, but nevertheless I will go along and take, as I said this morning, if I am the only one to get up and vote against this measure, I shall be it because it is hitting me very hard financially and believe you me that when the time comes to hunt bargains in gasoline, I certainly will go out of my way to fill up that Cadillac of mine with 15 gallons for a cent less.

I will admit that I run around, sure. But if I go by Waterville as I did a couple of months ago, and I see gas 24 cents there and it is 27 in Lewiston I will pull up in Waterville and fill it up before I go home. I go to Portland 7 or 8 times a week and I stop in Gray because it is a little cheaper in Gray than it is at home. But it is going to be cheaper in my yard with what I found out by being a member of the Legislature, I will assure you that now. I think I am a very much wiser man after yesterday and today here than I was a week ago. I found out something that I did not think could be done.

But nevertheless, I am going to be against this measure because my constituents certainly will feel it in their pocketbooks. They have been out of work for a month, a lot of them. I feel it in my business. They feel it in their pocketbooks. And from what I have been able to find out, I do not think that they would favor me very much, and I hope to return to this Legis-

lature sometime in the near future, and if I voted for this measure I do not think they would forgive me. Thank you.

The SPEAKER: The Chair would state that the pending question is still the passage to be enacted of this Bill as an emergency measure.

Does the gentleman wish to make a motion?

Mr. DUMAIS: Mr. Speaker, I wish to indefinitely postpone this bill and all its papers. That is my motion.

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

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

Mr. FERGUSON: Mr. Speaker and Ladies and Gentlemen of the House: I just want to point out that unless we pass this measure as an emergency, we are going to lose quite a lot of revenue. We are going to lose revenue from the best three revenue-producing months in the year, tourists, and people working in construction, big trucks on the turnpike, money being shipped out of the state and I think it would be very well if we might be able to capitalize on some of this money with the people out-of-state helping us with our road program this summer.

Another thing is that we will not be able to get this money this \$500,000.00 in our allocation bill to allocate to the towns; which if we go along with this bill and vote for it and have it passed through as an emergency, every town in this book that was distributed to you on May 12th will increase their allocation by 50 per cent.

That is all I have to say, I hope that the motion of the gentleman from Lewiston does not prevail.

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

Mr. COTE: Mr. Speaker and Members of the House: I rise only in defense of my position that I have taken on this tax. I have been classed in a category which I do not like as being an obstructionist to the small towns. That, I have not tried to do and that, I am not.

But the people that I have spoken with in quite a few different cities and towns of this state, with the correspondence that I have received, they were against the gas tax and for that reason I make my stand against the gas tax and not the way that the money was divided when the melon was cut up here this morning. That does not concern me in the least, what does concern me is this.

I feel that we of this House of this Legislature this year have taxed different groups in this state just as much as they could be taxed and I feel that if we should add another penny to the gas tax, we would be over-taxing the public, the taxpayer of this state.

Just a few days ago in this House, we refused to the people, who could have had probably a chance to buy milk a little bit cheaper, we refused to alleviate to put the milk on a free market and now we are going further and again dipping into the pocket of the taxpayer down and down until it hurts.

And that is the reason that I stand here to declare my stand and not to be an obstructionist to the small towns. Thank you.

The SPEAKER: Is the House ready for the question?

The pending question is on the motion of the gentleman from Lewiston, Mr. Dumais, that Bill "An Act Increasing the Tax on Gasoline and Providing for Additional Construction and Reconstruction of State Aid Highways in Hardship Cases", House Paper 1251, Legislative Document 1544, be indefinitely postponed.

As many as are in favor of the indefinite postponement of the Bill will kindly signify by saying aye —

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

Mr. EDWARDS: Mr. Speaker, I asked that when the vote was taken, it be taken by roll call.

The SPEAKER: The gentleman from Raymond, Mr. Edwards, requests that on this motion also the vote be taken by roll call.

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 members arose.

The SPEAKER: Twenty members having arisen, which is obviously less than one-fifth of the members present, the yeas and nays are not ordered.

As many as are in favor of the motion of the gentleman from Lewiston, Mr. Dumais, that the Bill be indefinitely postponed will signify by saying aye; those opposed, no.

A viva voce vote was started.

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

Mr. COUTURE: Mr. Speaker, I was rising to ask a question if it would be getting on the record a little bit too much if we had a section vote.

The SPEAKER: The gentleman from Lewiston, Mr. Couture, requests a division.

As many as are in favor of the motion of the gentleman from Lewiston, Mr. Dumais, that Bill "An Act Increasing the Tax on Gasoline and Providing for Additional Construction and Reconstruction of State Aid Highways in Hardship Cases", House Paper 1251, Legislative Document 1544, be indefinitely postponed will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Nineteen having voted in the affirmative and one hundred having voted in the negative, the motion to indefinitely postpone did not prevail.

The SPEAKER: The pending question is passage to be enacted of the Bill.

The gentleman from Raymond, Mr. Edwards, has requested a ye and nay vote. The yeas and nays must be taken if one-fifth of the members present desire it. All those desiring that the vote be taken by the yeas and nays will kindly rise and remain standing until the monitors have made and returned the count.

Twenty-four members arose.

The monitors then returned a count of one hundred and twenty-four members in their seats.

The SPEAKER: Twenty-four members having expressed their de-

sire for the yeas and nays and one hundred and twenty-four members being present, the yeas and nays are not ordered.

This Bill, being an emergency measure, requires under the Constitution a two-thirds vote of the entire elected membership of the House.

As many as are in favor of the passage of this Bill to be enacted will kindly rise and remain standing in their places until the monitors have made and returned the count.

A division of the House was had.

One hundred and two voted in favor of passage to be enacted and twenty against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

#### House at Ease

Called to order by the Speaker.

The Speaker then appointed the following Conferees on the part of the House to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Determination of Damages Caused by Taking of Land for Highway Purposes," House Paper 1250, Legislative Document 1543:

Messrs. QUINN of Bangor

LORD of Augusta

FOSTER of Mechanic Falls

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

#### Non-Concurrent Matter

Bill "An Act relating to License Plates for Motor Vehicle Owners Who Operate Amateur Radio Stations" (S. P. 546) (L. D. 1487) which was indefinitely postponed in the House on May 18.

Came from the Senate with that body voting to insist on its former action whereby the Bill was passed to be engrossed as amended by Senate Amendment "A", and asking for a Committee of Conference with the following Conferees appointed on its part:

Messrs. COLE of Waldo  
HALL of York  
CHAPMAN of Cumberland

In the House: On motion of Mr. Finemore of Bridgewater, the House voted to insist and join the Committee of Conference.

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

Messrs. FINEMORE of Bridgewater  
PIERCE of Bucksport  
TOTMAN of Bangor

The following House Report was taken up out of order and under suspension of the rules:

**House Report of Committee  
Ought to Pass  
Printed Bill  
Passed to Be Engrossed**

Mr. Earles from the Committee on Judiciary reported "Ought to pass" on Bill "An Act relating to Qualifications for Real Estate Brokers' Licenses" (H. P. 1043) (L. D. 1218)

Report was read and accepted and the Bill read twice.

On motion of Mr. Earles of South Portland, under suspension of the rules, the Bill was given its third reading, passed to be engrossed and sent to the Senate.

**Conference Committee Report**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Local Option for Sale of Malt Liquor by Part-time Hotels" (H. P. 441) (L. D. 487) reporting that the House recede and concur with the Senate and pass the Bill to be engrossed as amended by Senate Amendment "A".

(Signed)

PIERCE of Bucksport  
CHRISTIE of Presque Isle  
NEEDHAM of Orono

-- Committee on part of House.

CRABTREE of Aroostook  
CARPENTER of Somerset

-- Committee on part of Senate.

Report was read.

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

SENATE AMENDMENT "A" to H. P. 441, L. D. 487, Bill "An Act

relating to Local Option for Sale of Malt Liquor by Part-time Hotels."

Amend said Bill by striking out in the 1st line before the headnote, the following: "Sec. 1."

Further amend said Bill by striking out all of sections 2 and 3.

Thereupon, the Conference Committee Report was accepted, and the House voted to recede and concur with the Senate.

The following Bills on their passage to be enacted and Resolves on their final passage were taken up out of order and under suspension of the rules:

**Passed to Be Enacted  
Emergency Measure**

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. 578) (L. D. 1542)

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. 113 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 Standard Time (H. P. 596) (L. D. 652)

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. 112 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 Authorizing the State Board of Education to Convey Certain Land in Fort Kent to the Town of Fort Kent (H. P. 1258) (L. D. 1551)



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. 108 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 an Expense Account for Governor-Elect (S. P. 145) (L. D. 339)

An Act relating to Driver Education (S. P. 214) (L. D. 555)

An Act Amending the Mining Law (S. P. 494) (L. D. 1371)

An Act for an Enabling Act for the Town of Dedham, Hancock County (H. P. 1201) (L. D. 1472)

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

An Act to Supplement Loans by Maine School Building Authority (H. P. 1209) (L. D. 1480)

An Act relating to Boilers and Unfired Steam Pressure Vessels (H. P. 1235) (L. D. 1525)

An Act to Establish the Limerick Sewerage District (H. P. 1242) (L. D. 1534)

#### Finally Passed

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

Resolve Authorizing Commissioner of Education to Purchase for the State Land in Gorham (H. P. 1257) (L. D. 1550)

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

On motion of Mr. Bibber of Kennebunkport, by unanimous consent, the above Bills which were passed to be enacted and Resolves which were finally passed were ordered sent forthwith to the Senate.

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

From the Senate: The following Order:

ORDERED, the House concurring, that H. P. 1219, L. D. 1495, Bill "An Act relating to Deception as to Retail Prices of Motor Fuel" be recalled to the Senate from the office of the Governor (S. P. 593)

Came from the Senate read and passed.

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

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

Mr. WOODWORTH: Mr. Speaker, I would like to inquire if Legislative Document 1440 is still in possession of the House?

The SPEAKER: The Chair would state that it is.

Thereupon, on motion of the same gentleman, the House voted to reconsider its action of yesterday whereby it indefinitely postponed Bill "An Act relating to Fees for Jurors and Witnesses", (H. P. 1185) (L. D. 1440) on division, fifty-two voting in favor of the motion and thirty-four against.

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

Mr. WOODWORTH: Mr. Speaker and Ladies and Gentlemen of the House: Yesterday through a quick move this bill was indefinitely postponed. Many of my friends have asked me to take action on the matter. Fully understanding that I am up against orators and people who know all the tricks of the game, I would hesitate except for the fact that I have been a farmer 30 years, therefore have learned not to give up but if I have to go down I will do so with my boots on and my guns smoking. My father once told me it was a pretty poor man that would not fight for his convictions and I have tried to live up to that rule.

One of my convictions is that when a juror or witness has left home and his work in response to a call of the Courts, he has performed his duty and the state, county or people who summoned him have a public duty to pay more than a mere token.

We have been hearing about the poor people unable to buy milk for their children, what about the poor man who is called from his job and receives \$2.00 for the day? How many groceries is that going to buy his family? As this is a public duty maybe his children will not need that milk.

One of the first bills to come before our committee was Legislative Document 175 relating to fees for deputy sheriffs in attendance at court. I would like to read you this bill if permissible.

"Every deputy sheriff and court messenger, while in attendance upon the supreme judicial court or the superior court in their several counties, shall receive for said attendance and service \$10 a day while the court is in session to run continuously from the convening of the court until adjournment, plus their necessary travel at 20 cents a mile from their place of abode for each day's attendance."

There were 4 or 5 high sheriffs before the committee pleading for the unanimous "Ought to pass" report on this bill.

When the bill relating to fees for jurors came before the Committee no one appeared for them. At about this time I read an article in the Waterville Sentinel which I would like to read to you. It reads as follows:

"A former Kennebec County attorney declared Tuesday that every representative in the State Legislature should be a lobbyist for the public.

" 'But they are not,' William H. Niehoff told the Waterville Lions Club. 'Instead of representing the public they represent themselves and the lobbyist of special interests.'

"Niehoff pointed out that this country has both the 'true democracy' type of government, exemplified by the town meeting in which the people make their own decisions, and the representative democracy such as the State Legislature, in which elected representatives make decisions on the part of the people.

"He said it is quite evident that representatives lose sight of the fact that they are not making decisions for themselves, but for the public.

"To illustrate his argument, he cited the case of court witnesses, saying that they received \$1.50 per day in 1903 and then jurors and sheriffs were receiving the same amount.

"Today, Niehoff said, Jurors' compensation has been raised to \$8 a day and sheriffs' to \$10, but witnesses only receive \$2 a day.

" 'The pay of witnesses has been increased 50 cents in 50 years,' Niehoff said, 'because there is nobody to lobby for them.' "

I do not believe this fellow knew what he was talking about as I have a much higher opinion of this Legislature.

A witness is called from his home and work and sometimes has to wait around until exhausted, then he is put on the stand and examined, cross examined and re-examined until he gets all mixed up in his statements and sometimes called back for the same procedure. Now I am not in disagreement with this method and think it is one of the main functions of the Court to prove a man guilty or not guilty. But I just cannot conceive of paying the poor bewildered man two bucks for all this and trying to smooth it over by telling him it is a duty. I do not claim this happens to all witnesses but it might happen to you or me.

A person representing the County Commissioners Association and two county commissioners from Aroostook County came before the Committee and the bill was rewritten to their satisfaction; I asked the opinion of the commissioners of Androscoggin County and this is the letter they sent me.

"Dear Sir, The County Commissioners of Androscoggin County wholeheartedly endorse your bill, Document No. 1440, and favor its passage. We believe that persons who appear in court as witnesses, frequently against their own will and often at a personal sacrifice on their part, should receive decent compensation for their services."

And that is signed by the three county commissioners.

I also talked with the Chairman of Kennebec County Commissioners and he agreed that it was all right. A prominent judge says it is some-

thing that should have been attended to long ago.

It has been my privilege to meet with a good many groups of people but I have never before had the privilege of being with a group that I had as much respect for their judgment as this Legislature so I will now leave this matter in your hands.

I now move this bill be passed to be enacted. Thank you.

The SPEAKER: The Chair would state that it would seem that the proper motion would be passage to be engrossed. Would that be what the gentleman moves?

Mr. WOODWORTH: Mr. Speaker, I do not know the proper procedure.

The SPEAKER: The Chair understands that the gentleman from Benton, Mr. Woodworth, moves that the House recede and concur in passing the Bill to be engrossed as amended by Senate Amendment "A".

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

Mr. FOSTER: Mr. Speaker, I would like to inquire if the amendment that I had placed on this bill yesterday, House Amendment "A", whether or not that could be revived and considered along with this bill because the amendment increases the fees and allows the jurors to have that \$10.00 a day. I think that it is only fair that if we take the bill, revive the bill, that the amendment should be revived also.

I make that motion that we reconsider the action that we took here yesterday on the House Amendment "A" to the bill that is now before us.

The SPEAKER: The Chair would state that House Amendment "A" was indefinitely postponed yesterday. Does the gentleman move that the House reconsider its action in indefinitely postponing House Amendment "A"?

Mr. FOSTER: I do, Mr. Speaker, I make that motion.

Mr. ALLEN (of Chelsea): Mr. Speaker —

The SPEAKER: The Chair would request the gentleman to defer a moment. The House may be at ease.

### House at Ease

Called to order by the Speaker.

The SPEAKER: The Chair suggests a fifteen minute recess at the end of which time, it should be possible to tell whether tonight the House can expedite matters by, perhaps, an hour's session after supper.

The House may be recessed for fifteen minutes.

### After Recess

The House was called to order by the Speaker.

The SPEAKER: The pending question is on the motion of the gentleman from Benton, Mr. Woodworth, that the House recede and concur with the Senate in passing this Bill to be engrossed as amended by Senate Amendment "A".

The Chair understands that the gentleman from Mechanic Falls, Mr. Foster, has a motion.

The Chair recognizes that gentleman.

Mr. FOSTER: Mr. Speaker, I will restate my motion. I move that the House reconsider its action taken yesterday whereby it indefinitely postponed House Amendment "A" to the bill which is now before us.

The SPEAKER: The gentleman from Mechanic Falls, Mr. Foster, moves that the House reconsider its action whereby yesterday it indefinitely postponed House Amendment "A" to this Bill, which is the pending question.

The Clerk will re-read House Amendment "A" to this Bill.

House Amendment "A" was re-read by the Clerk.

The SPEAKER: Is it the pleasure of the House to reconsider its action whereby yesterday it indefinitely postponed House Amendment "A"?

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

Mr. ALLEN: Mr. Speaker and Members of the House: If I recall that amendment correctly, it merely raised the fee for witnesses to \$3.00, which seems like a ridiculously low price. And the bill of the gentleman from Benton, Mr. Woodworth, would make it \$5.00 which in itself is low enough. I do not think he went quite far enough in raising that.

So I sincerely hope that you do not reconsider the action on that amendment where we indefinitely postponed it.

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

Mr. FOSTER: Mr. Speaker, I think it is only fair if we reconsider the bill that the amendment also be reconsidered.

My reason for asking a reduction from the \$5.00 I made plain yesterday. I think it is too high. As I said yesterday, I do not think it was ever intended to compensate a person, I think it is only a token for his appearing in court. I think it is a service he should perform as a good citizen, appear in court.

And of all the people, there has been a farmer here that said he had to lose a day's work, well I do not know how many times he has been in court, how many days he has had to lose. I do not think more than one in a lifetime.

This witness fee of \$5.00 does not only take care of the farmer that loses a day's work, but also it has to be paid to what sometimes is called the professional witness. And any small matter that we may be in court on, we find it necessary to subpoena, for instance, a state trooper. We have to advance \$5.00 and his travel to get him in and he is being paid anyway. The special deputy sheriffs, often times they are being paid and if they are called in on a grand jury session or something, they might appear in several cases all of which are paid and travel each time.

It seems to me that we have got courts, the small courts, we have them there to use, they should be kept available and if we go and put the prices out of the range of a person who needs to go into court on a small matter. We were talking about a hundred dollars yesterday, I think we can talk about \$25.00 and be right. I think often times the principle is involved and it is not a question of money alone and to think that you would have to pay a witness \$5.00 and travel to go in and testify on a \$25.00 matter if you have been unjustly treated and wronged by another person. That is the only place you can re-

sort to. I think it is just the idea that you are charging the small cases out of Court although it is being maintained there for your use.

Yesterday, we got off the line and the attorneys were brought in to it and various things, collection of bills and all. I do not see the connection. I still say if the Court is there, it should be kept available to the person and not necessarily to just the ones that have got the money to pay these high fees. Thank you.

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

Mr. WOODWORTH: Mr. Speaker, this is to just clarify, I am not going to speak any more on it, I have said my piece and will stick by it, whether I am defeated or not. But if you will read the bill, it is plainly stated for each day, it is fully intended that no deputy sheriff or anybody else will get three days pay in one.

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

Mr. NEEDHAM: Mr. Speaker and Members of the House: If this matter of fees for witnesses is put on a strictly monetary basis, there is no question but what this bill makes out an excellent case for it. But it should not, I believe, be decided solely upon that basis. Because we have a system under which we can all have our law suits or controversies decided. And each and every one of us are affected. We may be in Court one day as a witness, we may be in Court another day as a party. And it is seldom that people are called in as witnesses. It happens very rarely and it seems to me for the good of the system and so that it can function without being at the same time too expensive, that everyone can well afford to give a little time so that it may function without being too expensive.

Now another thing, if you increase the fees for witnesses as proposed in this bill, it is going to put a great deal more expense upon the counties because at every term of Court, particularly the criminal terms of Court, many witnesses have to be called in criminal cases

before the grand jury and the traverse jury. And in such matters, I feel that it is their public duty if they happen to be witnesses to crime to come and to come in a manner that is not going to be any more expensive to the counties than it has to be. In the long run, we each have to pay our share toward the functioning of this system.

Another thing that I would like to point out is there are many cases settled out of Court but in order to obtain a settlement it is often necessary to have the witnesses come. They come to court and in 9 cases out of 10, if not a great deal more, the cases are settled and the witnesses go home. In some cases, in many cases, people will go as witnesses for their friends or neighbors, or for a worthy litigant without any expectation of pay because they know and feel it is their duty to do that.

Now there are some cases in which a real hardship is created in taking a man from his work, a poor man who needs his wages, and he might have to serve as a witness or remain as a witness for several days. But I know a number of cases where that has happened, and it does not happen very often, I know I have, and I know attorneys generally will see that that particular witness is compensated for the time he has lost over and above his regular fee.

And it seems to me that in the long run, that the witnesses as well as everybody else concerned would be much better off and the system would be much better off and would function better and without too much expense if we would let it alone just as it is.

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

Mr. MCGLAUFFLIN: Mr. Speaker and Members of the House: I think the theory of trying to compensate witnesses for their services is entirely wrong. Under the law as it is now, I could subpoena a bank president who gets \$12,000.00 a year. He is not going to be compensated for his time. The whole theory of this witness fee is that it should be small so that anybody can afford to have witnesses to try his case.

The matter of jurors sitting on a jury is a different proposition. They have if I recall rightly, they get \$8.00 a day.

Now that probably is not too much and perhaps \$10.00 would not be, but the matter of witnesses is an entirely different thing. From the beginning of time, it was never intended that witnesses should get compensation according to what they were able to earn.

I hope that you will allow this amendment to be reconsidered.

The SPEAKER: Is the House ready for the question?

The pending question is on the motion of the gentleman from Mechanic Falls, Mr. Foster, that the indefinite postponement of House Amendment "A" be reconsidered.

As many as are in favor of reconsidering the indefinite postponement of House Amendment "A", the amendment offered by that same gentleman, will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Forty having voted in the affirmative and thirty-nine having voted in the negative, the motion prevailed.

The same gentleman then moved that House Amendment "A" be adopted, which motion did not prevail on a division vote, forty-five having voted in the affirmative and fifty-one in the negative.

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

Mr. CHILDS: Mr. Speaker, is there a motion before the House now?

The SPEAKER: The pending question is on the motion of the gentleman from Benton, Mr. Woodworth, that the House recede and concur with the Senate in passing Bill "An Act relating to Fees for Jurors and Witnesses", House Paper 1185, Legislative Document 1440, to be engrossed as amended by Senate Amendment "A".

Mr. CHILDS: Mr. Speaker, through the Chair I would like to ask the gentleman from Benton, Mr. Woodworth, a question. My question is this: Yesterday, when the vote was taken on the indefinite postponement of this measure, did the

gentleman vote in the affirmative for the indefinite postponement or in the negative?

Mr. WOODWORTH (of Benton): Do I have to answer that, Mr. Speaker?

The SPEAKER: The gentleman from Portland, Mr. Childs, addresses a question through the Chair to the gentleman from Benton, Mr. Woodworth, who does not need to answer if he does not desire to but who may answer if he chooses to.

Mr. WOODWORTH: Thank you, Mr. Speaker.

Mr. CHILDS: Mr. Speaker, I did not hear the answer.

The SPEAKER: The Chair would state that the gentleman did not answer the question.

Mr. CHILDS: Mr. Speaker, I would like to restate the question. I would like to ask the gentleman from Benton, Mr. Woodworth, when the vote was taken yesterday on the indefinite postponement of this measure and its accompanying papers, did the gentleman vote for the indefinite postponement or against the indefinite postponement?

The SPEAKER: The gentleman from Portland, Mr. Childs, addresses a question through the Chair to the gentleman from Benton, Mr. Woodworth, who may answer if he wishes to.

The pending question is on the motion of the gentleman from Benton, Mr. Woodworth, that the House recede and concur with the Senate.

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

Mr. STANLEY: Mr. Speaker and Members of the House: I hope the motion of the gentleman from Benton, Mr. Woodworth, does prevail. I think that these people, the witnesses and the jurors and the Court attendants are a forgotten people, there is nobody working for them, there has been no one to sponsor any bills in their favor to raise their pay and I think that I am not mistaken by saying that the witnesses fees have been set around 50 years ago at \$2.00. Certainly, if they were worth \$2.00 in those days, the price today is far greater for their services.

We have in this Legislature raised the salaries of our judges, our Legislators and many officers and they

are all duty officials who work in our Courts. If they should be compensated, I think the others who come in, not because they want to come in, but because we subpoena them in or are summoned in and they are under Court orders. Thank you.

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

Mr. HAUGHN: Mr. Speaker, I concur with everything the gentleman from Hampden, Mr. Stanley, has said except one thing. We have not received an increase for Legislators as yet.

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

Mr. CHILDS: Mr. Speaker, yesterday, when we voted on this matter, if I remember correctly, the gentleman from Benton, Mr. Woodworth, voted for the indefinite postponement of this measure and its accompanying papers. And I certainly hope his motion again prevails today.

I now move the indefinite postponement of this bill and its accompanying papers.

The SPEAKER: The gentleman from Portland, Mr. Childs, moves that Bill "An Act relating to Fees for Jurors and Witnesses", House Paper 1185, Legislative Document 1440, be indefinitely postponed.

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

Mr. CIANCHETTE: Mr. Speaker, I hope that this motion does not prevail to indefinitely postpone. I think that we have mentioned yesterday this was pretty well threshed out all winter here and the bills have been written a good many times and I feel that they are in here. The gentleman from Benton, Mr. Woodworth, has been very serious with this thing and has had some experience with it. And I think that he represents a good many people in his thinking.

I still do not understand the stand that the attorneys in this House have taken. If they are not paying these fees, I do not see why it should concern them any more than the rest of us. But as I have noticed here, the only ones speaking in opposition to this bill, I believe

every speaker in opposition to it, have been attorneys. Now that may be just coincidence. But I think it is fair that these people should be compensated. I do not think \$5.00 is a fair compensation but I think it comes a little closer to it.

Now there has been much discussion here about collecting \$25.00 bills and bringing in four or five witnesses at \$5.00 apiece, you are going to eat up the \$25.00. Well, I have had bills a little larger than that that I have never collected but I did not bother to take them to an attorney because I did not think I would get any more than that out of them anyway.

So I still would like to know why the attorneys oppose this.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. McGlaufflin, and suspects it is a matter of privilege.

Mr. MCGLAUFLIN: Mr. Speaker and Members of the House: We oppose this because we are trying to protect our clients.

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

Mr. TOTMAN: Mr. Speaker and Members of the House: I did not plan to speak on this bill. Mr. Speaker, I would just like to answer the very unsportsmanlike accusation that was made by the gentleman from Bridgton, Mr. Haughn, and answer him by saying, in a question form, where does he think he got that \$150.00 he is getting this time that we did not have last time?

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

Mr. HAUGHN: Mr. Speaker, with all due courtesy to my worthy opponent and colleague, the gentleman from Bangor, Mr. Totman, I would like to ask that same question you did and you beat me to it; but maybe he got the raise but I have not had any yet, I am finishing up with what I started with; until I get more why I am still the way as I came in here.

The SPEAKER: The Chair recognizes the gentleman from Mt. Vernon, Mr. Wadleigh.

Mr. WADLEIGH: Mr. Speaker and Members of the House: I think

the members of this Legislature should be consistent. We have done a pretty good job of raising wages and salaries and I hope we can go along with this bill.

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

Mr. HILTON: Mr. Speaker and Members of the House: This bill came before the committee that I was on and I want to assure you people that it was given every consideration all winter long. We had the advice of attorneys and even the Attorney General and I feel that we were acting for the forgotten people of the state in doing as we did.

And I hope that this motion of the gentleman from Portland, Mr. Childs, will not prevail.

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

Mr. CASWELL: Mr. Speaker, just for the record, I think perhaps one person, not an attorney, might speak in opposition. I have no great opposition to the bill because I think it is too small a matter to occupy the attention of the House for so long a time as it has.

But it occurs to me that the main reason for keeping these fees small is that the litigant, if he has a worthy cause, need not pay witnesses enough to take up all of the judgment that he may receive.

It is my feeling that if I am asked to go as a witness for one of my neighbors that I do it not for the pay at all, but as an accommodation and because I think his cause is just. And for that reason, I am going along with the much maligned lawyers.

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

Mr. MARTIN: Mr. Speaker and Members of the House: This is a good bill. This is my bill. You are nice people in this House. There are so many lawyers against it, it must be a good bill. I hope you will pass it. (Applause and Laughter)

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

Mr. CHILDS: Mr. Speaker, through the Chair, I would like to

ask the gentleman from Benton, Mr. Woodworth, a question. Is it not true that yesterday when the vote was taken that you voted for the indefinite postponement of this measure?

The SPEAKER: The gentleman from Portland, Mr. Childs, addresses a question through the Chair to the gentleman from Benton, Mr. Woodworth, who may answer or not as he sees fit.

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

Mr. CHILDS: Mr. Speaker, I move that we now adjourn until eight-thirty, Eastern Standard Time, tomorrow morning. (Laughter)

The SPEAKER: The gentleman from Portland, Mr. Childs, moves that the House adjourn until eight-thirty, Eastern Standard Time, tomorrow morning.

The Chair would state that the pending work in the office is not such that an evening session would expedite final closing. The Chair understands that the Senate will work tonight. Until the papers come over from the Senate there is not much further work for the House to do.

Is it the pleasure of the House that the House now adjourn?

As many as are in favor of adjourning until eight-thirty tomorrow morning, Eastern Standard Time, will signify by saying aye; those opposed, no.

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

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

Mr. CALL: Mr. Speaker and Members of the House: I think the hilarity has gone far enough. And I really mean that, and I am serious.

The gentleman from Benton, Mr. Woodworth, has made a serious speech on this floor and I think now by all this hilarity and all the caustic remarks against the brothers who make their living by law, I would like to ask you a question of you fellows who have been on any committee how far you would have gone if you did not have one of them on the committee? I want

some reflection on that. Now they believe in what they are arguing about and the gentleman from Benton, Mr. Woodworth, does.

I move the previous question.

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

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

A sufficient number arose.

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

The question now before the House is: Shall the main question be put now? The question is debatable as to whether the main question shall be put now but the main question itself is not debatable.

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 ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Childs, that Bill "An Act Relating to Fees for Jurors and Witnesses", House Paper 1185, Legislative Document 1440, be indefinitely postponed.

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.

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

Thereupon, the motion of Mr. Woodworth of Benton that the House recede and concur with the Senate prevailed.

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



Mr. WOODWORTH: Mr. Speaker, out of order if that is put right, I wish to thank every one of you.

Mr. Malenfant of Lewiston was granted unanimous consent to address the House off the record.

On motion of Mr. Childs of Portland,

Adjourned until tomorrow at eight-thirty o'clock in the forenoon, Eastern Standard Time.