

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One-Hundredth Legislature

OF THE

STATE OF MAINE

1961

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Tuesday, April 11, 1961

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

Prayer by the Rev. Mr. Joseph W. Finn of Gardiner.

The members stood at attention during the playing of the National Anthem.

The journal of the previous session was read and approved.

The SPEAKER: At this time the Chair would like to recognize the presence in the gallery of twenty-two pupils from Smithfield Central School, accompanied by their Principal, Mr. Erwin Hinckley.

On behalf of the House, the Chair extends to you a most hearty and cordial welcome and we hope that you will enjoy and profit by your visit with us here today. (Applause)

**Papers from the Senate
Senate Reports of Committees
Leave to Withdraw
Covered by Other Legislation**

Report of the Committee on Towns and Counties on Bill "An Act Increasing Salaries of Judge and Recorder of Waterville Municipal Court" (S. P. 187) (L. D. 433) reporting Leave to Withdraw, as covered by other legislation.

Report of same Committee reporting same on Bill "An Act Increasing Payments to Law Library at South Paris, Oxford County" (S. P. 229) (L. D. 762)

Report of same Committee reporting same on Bill "An Act Increasing Payments to Somerset County Law Library" (S. P. 366) (L. D. 1099)

Report of same Committee reporting same on Bill "An Act Increasing Payments to County Law Library of Knox County" (S. P. 448) (L. D. 1313)

Came from the Senate read and accepted.

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

**Recommitted to Committee
on Industrial and Recreational
Development**

Report of the Committee on Industrial and Recreational Develop-

ment on Bill "An Act Authorizing State Park Commission Fees for Services and Accommodations" (S. P. 83) (L. D. 184) reporting Leave to Withdraw

Came from the Senate with the Report and Bill recommitted to the Committee on Industrial and Recreational Development.

In the House: The Report was read and the Report and Bill recommitted to the Committee on Industrial and Recreational Development in concurrence.

Ought Not to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Bill "An Act Providing Funds for Veterans for Farm and Home Purchases and Remodeling" (S. P. 467) (L. D. 1466)

Came from the Senate read and accepted.

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

Indefinitely Postponed

Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Bill "An Act Increasing Liquor Commission Working Capital" (S. P. 339) (L. D. 1072)

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

In the House, the Report was read and the Report and Bill indefinitely postponed in concurrence.

Ought to Pass

Report of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act relating to Penalty for Assaults Upon Enforcement Officers" (S. P. 292) (L. D. 903)

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

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

**Ought to Pass with
Committee Amendment
Tabled and Assigned**

Report of the Committee on Legal Affairs on Bill "An Act relating to Control of Missiles and Rockets" (S. P. 430) (L. D. 1390)

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

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

In the House, the Report was read.

(On motion of Mr. Hughes of St. Albans, tabled pending acceptance of Committee Report and specially assigned for Thursday, April 13.)

Report of the Committee on Retirements and Pensions on Bill "An Act relating to Disability Benefits under Maine State Retirement System" (S. P. 203) (L. D. 536) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT
"A" to S. P. 203, L. D. 536, Bill, "An Act relating to Disability Benefits Under Maine State Retirement System."

Amend said Bill by striking out all of paragraph E and inserting in place thereof the following:

"E. Any increases in benefits granted to teachers by the Legislature shall be applicable to disability retirants who have 25 years of creditable service, on a pro rata basis, which shall apply to those who have retired or will hereafter retire under any other provision of this chapter. Recomputation of such disability benefits shall be made by the actuary as of the effective date of this act."

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

Ought to Pass with Committee Amendment Amended in Senate

Report of the Committee on Judiciary on Bill "An Act Declaring Uncovered Excavations to be Nuisances" (S. P. 348) (L. D. 1081) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT
"A" to S. P. 348, L. D. 1081 - "An Act Declaring Uncovered Excavations to be Nuisances."

Amend said Bill by adding in the 7th line after the word "wells" the words and punctuation ', abandoned cellars'

Further amend said bill by striking out in the 7th line the underlined words "or any excavation,"

Committee Amendment "A" was adopted.

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

SENATE AMENDMENT "A" to S. P. 348, L. D. 1081, Bill, "An Act Declaring Uncovered Excavations to be Nuisances."

Amend said Bill in the title by striking out the words "Uncovered Excavations" and inserting in place thereof the words 'Abandoned Cellars'

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

Divided Report

Majority Report of the Committee on Taxation reporting "Ought to pass" on Bill "An Act Exempting the Grange from Property Taxes" (S. P. 446) (L. D. 1312)

Report was signed by the following members:

Messrs. EDGAR of Hancock
WYMAN of Washington
PORTEOUS of Cumberland
— of the Senate.

Messrs. BRADEEN of Waterboro
 MAXWELL of Jay
 ALBAIR of Caribou
 WHEATON of Princeton
 LETOURNEAU of Sanford
 — of the House.

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

Report was signed by the following members:

Messrs. BAXTER of Pittsfield
 WATERMAN of Auburn
 — of the House.

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

In the House: Reports were read.

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

Mr. BAXTER: Mr. Speaker, Ladies and Gentlemen of the House: Some of these Taxation Committee Reports I notice I end up on the short side of. I haven't said too much so far, but on this one I thought I would give you a few words as to my thoughts on the bill. This matter of grange property tax exemption at the local level has been with us previous sessions, and has not prevailed. The bill is not a grange bill, the director of the Grange Legislative Committee was the only person who appeared at the committee hearing and he emphasized the fact that this was not a grange bill, but that of course if somebody wanted to do them a favor, it was alright with him.

Actually over the years it appears that when a grange locally has been doing a largely charitable job or has been doing a lot of good work for the town, one way or another the town has recognized this effort in either an exemption or an abatement, or some other arrangement whereby perhaps for instance the town if it hires the grange halls pays for rent the amount it collects in taxes; there are these little ways that the matter has been handled locally when it was felt necessary. There are a few grange halls in the State which do not have any arrangement with their town people.

Now the thing of course that bothers us is the matter of local exemptions, as you know the ex-

emption list locally is getting high. We have heard about particularly with regard to the bill to remove all exemptions from churches and educational institutions and so forth because the exemption burden is getting to be so great. We do have yet to be heard before the committee a bill exempting certain fraternal societies from property taxes and an act exempting the Protective Order of Elks from property taxes.

There was nothing that I could see that was submitted at the hearing either this time or last time that indicated that the grange had changed sufficiently over the years and was such a high percentage of out and out charitable work that it would be a good thing at this time to start exempting them, because they would certainly be in a rather quasi position of some charitable work and some not, and so forth and so on. So that's the reason that I signed against the bill and I would at this time move the acceptance of the Minority Report in non-concurrence.

The SPEAKER: The gentleman from Pittsfield, Mr. Baxter, moves that the House accept the Minority "Ought not to pass" Report.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen: I do not think that my friend from Pittsfield, Mr. Baxter, has anything to fear even at the passage of this bill. If you will notice in reading it, it says "the real estate and personal property owned and occupied or used solely for its own purposes." It seems to me the great trouble that is being experienced in some municipalities is that the officials do not understand what the law is now and do not enforce it. Now in all the areas where it is properly enforced, it does not do the particular municipality any harm to exempt the grange building because there are only just a few that do get exempted, because the most of them are used for other purposes rather than their own. Now if this grange building is leased at any time for dances or for anything, they have to pay a property tax. In our own town and

our own grange, we never charge anything for any particular thing in regards to education. Now the schools may—in fact it's the only real building to have anything in, and the schools have all of their times there and suppers and entertainments and there is no charge whatsoever because we are exempted from taxes.

And I think that perhaps the town gets more out of it by exempting it than it would if we paid taxes and charged for the use of the grange, because there is quite a lot of expense connected in keeping up a grange hall. There is quite a lot of expense in paying for the lights and the heat, and I'm quite sure that the passage of this bill would do no one any particular harm, and if the grange is being used for any other purpose, then they must pay taxes if the municipal officers see to it, because that is the law as it is today. So I trust that we will go along with this bill and do not accept the "Ought not to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Princeton, Mr. Wheaton.

Mr. WHEATON: Mr. Speaker, Ladies and Gentlemen: As a signer of the Majority Report on this Bill, I would like perhaps to give a few of my reasons. Most of our granges here in the State of Maine are in the smaller towns. They are a rather poor society, in my own opinion. Many of these granges have had to give up their charters because people just didn't pay their dues, they didn't attend them regularly. Now in order that we can perhaps give some more thought on this, I would like to table this bill unassigned.

The SPEAKER: In reference to item twelve L. D. 1312, the gentleman from Princeton, Mr. Wheaton, moves that this bill be tabled unassigned pending the motion of the gentleman from Pittsfield, Mr. Baxter, that the House accept the Minority "Ought not to pass" Report. Is this the pleasure of the House?

(Cries of "No")

A viva voce vote being doubted, a division of the House was had.

Thirty-eight having voted in the affirmative and seventy-eight hav-

ing voted in the negative, the motion to table did not prevail.

The SPEAKER: The question now before the House is the motion of the gentleman from Pittsfield, Mr. Baxter, that the House accept the Minority "Ought not to pass" Report; and the Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker, I look upon this matter as a purely local matter, I do not believe there has ever been any abuses of the matter of taxation of grange halls or other organizations in the towns. I certainly hope that this House will go along with the motion of the gentleman from Pittsfield, Mr. Baxter.

The SPEAKER: The Chair recognizes the gentleman from Guilford, Mr. Dodge.

Mr. DODGE: Mr. Speaker, this bill simply makes legal what we've always been doing practically. I don't know of any place where the grange has been taxed, and that isn't the legal way to do it. But this makes it legal so we can go along and not tax the grange.

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

Mr. LOWERY: Mr. Speaker, I cannot quite agree with the other gentlemen who have spoken in favor of this bill. We have had this bill before us, as Mr. Baxter has said, in the last session. We also have had bills exempting the other organizations and we have continuously maintained a practice of not exempting these organizations. I feel that if we exempt the grange, we will be setting a precedent and I therefore hope that the motion of Mr. Baxter does prevail.

The SPEAKER: The Chair recognizes the gentleman from Milbridge, Mr. Kennedy.

Mr. KENNEDY: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to the motion of the gentleman from Pittsfield, Mr. Baxter, and I would like to state my position. This bill has been heard before, it is true. In my opinion it is a good bill. This is a non-sectarian society, it takes in children at the age of

twelve years old and in my candid opinion does more to defend us from juvenile delinquency than any society in the State of Maine. It is purely a social organization even though it was founded probably by the agriculturists in the nation and other nations, but I am very much in favor of this because it will legalize what many towns are already doing. I don't believe there are many abuses, this is contrary to the concept of other fraternal societies. This does not exclude anyone. And I certainly hope that the motion of the gentleman from Pittsfield, Mr. Baxter, does not prevail and I respectfully request a division.

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

Mr. WATERMAN: Mr. Speaker, as being the other signer of the Minority Report, I don't have to say that I am in agreement with the motion made by Mr. Baxter. Yesterday out of curiosity I went into our local tax assessor's in the City of Auburn, and the grange which I am a member of, has a valuation for land of \$360 and the building is \$3,960. They are presently exempt and there is quite a list of other exempt property in Auburn. The veterans and widows in 1959 was \$668,590, 1960 it was \$762,530, and all other tax exempt property in 1959 amounted to \$740,120, 1960 it was \$755,090, which indicates that we are gaining in the amount of tax exempt property and I certainly feel that if we pass this bill why, as has already been said, we will be starting a precedent to exempt many more organizations.

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

Mr. STORM: Mr. Speaker, I am not in a position to speak for the State Grange at the present time, but I have had some connection with it for a long time. I was for eight years a member of the executive committee of that organization, which is a group that speaks for that organization when they are not in session. This particular thing was discussed a number of times during the time that I was on there, and the State Grange as

such has never asked for any special consideration. And I believe that this present legislation is wholly unnecessary. I think that exemptions on the local level can be handled under the general law of exemptions for fraternal and beneficial organizations, and I agree with the gentleman from Pittsfield that we should go along with the Minority Report.

The SPEAKER: Is the House ready for the question?

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen: I would just like to tell you a little of something that the Grange has done for the people of Maine. A number of years ago the old line insurance companies as the stock companies, and what few municipal mutual companies there were at that time refused to insure farm buildings. And so the grange, they were composed of farmers largely at that time, appealed to the State and they allowed them to set up a form of insurance, and they have been doing business ever since. And they will take farm property. I might say that they are in such a good financial position for a great number of years now, the banks will accept their insurance on any mortgaged property.

I will also say as I am an agent of both stock companies and of the grange, that the grange will insure your farm buildings for about two-thirds of what it will cost in the stock company. And in fact not later than the month of March some of the companies have come out, the old line companies, and said they will not take farm buildings any more, and so the grange is in a position where they will have to take them all if they get insurance. Now that has been brought about because of the careful management of the insurance companies. They are perfectly able to pay all of their claims and they are doing a great service to the rural areas of Maine, and I think that not to pass this bill would be a direct slap in the face to our rural areas.

The SPEAKER: Is the House ready for the question? The question before the House is the mo-

tion of the gentleman from Pittsfield, Mr. Baxter, that the House accept the Minority "Ought not to pass" Report on Bill, "An Act Exempting the Grange from Property Taxes," Senate Paper 446, Legislative Document 1312. A division has been requested.

All those in favor of accepting the Minority "Ought not to pass" Report, please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

Seventy-eight having voted in the affirmative and forty-three having voted in the negative, the Minority "Ought not to pass" Report was accepted in non-concurrence and sent up for concurrence.

The SPEAKER: At this time the Chair would like to recognize the presence in the gallery of a group of twelve students from the eighth grade of the Maria Clark Grammar School in Hallowell.

The Chair would also like to recognize the presence in the gallery of a group of approximately fifty-two eighth grade pupils of St. Athanasius School of Rumford. They are accompanied by their school principal Sister Lavier, and eighth grade teacher, Sister Reparata.

On behalf of the House, the Chair extends to you a most hearty and cordial welcome and we hope you will enjoy and profit by your visit with us here today. (Applause)

On motion of the gentlewoman from Yarmouth, Mrs. Knapp, 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 Uniforms for Deputy Sheriffs" (H. P. 723) (L. D. 790) which was indefinitely postponed in the House on March 24.

Came from the Senate passed to be engrossed in non-concurrence.

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

The Speaker appointed the fol-

lowing Conferees on the part of the House:

Messrs. BERRY

of Cape Elizabeth

PLANTE

of Old Orchard Beach

PHILBRICK of Bangor

Non-Concurrent Matter

Resolve Designating the Augusta-Waterville Portion of the Interstate System in Maine as Clinton A. Clauson Memorial Highway (H. P. 808) (L. D. 1122) which was passed to be engrossed as amended by Committee Amendment "A" in the House on March 7.

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

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

Non-Concurrent Matter

An Act relating to Jurisdiction of Public Utilities Commission over Motor Vehicles Carrying Passengers for Hire (S. P. 484) (L. D. 1476) which was passed to be enacted in the House on March 17 and passed to be engrossed as amended by House Amendment "A" on March 10.

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

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

Orders

On motion of Mr. Durgin of Raymond, it was

ORDERED, that Rev. Emily Pitcock of Raymond be invited to officiate as Chaplain of the House on Wednesday, April 26, 1961.

Passed to Be Engrossed

Bill "An Act Providing for Three Medical Examiners for Franklin County" (S. P. 188) (L. D. 434)

Bill "An Act Modifying the Notice Required on Finance Board Budget Recommendations to City Council of Lewiston" (S. P. 294) (L. D. 905)

Bill "An Act relating to Rental for Brewer Municipal Court" (H. P. 211) (L. D. 306)

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

Tabled and Assigned

Bill "An Act relating to Allocation of Funds for Purchase of Real Estate by State" (H. P. 285) (L. D. 437)

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

(On motion of Mr. Bragdon of Perham, tabled pending passage to be engrossed and specially assigned for Tuesday, April 18.)

Bill "An Act relating to Disposition of Income from Out of State Children at Governor Baxter State School for the Deaf" (H. P. 450) (L. D. 650)

Bill "An Act relating to Superintending School Committee of Town of Mechanic Falls" (H. P. 513) (L. D. 711)

Bill "An Act to Grant a New Charter to the Town of Old Orchard Beach" (H. P. 604) (L. D. 863)

Bill "An Act Providing for Civil Service for the Old Orchard Beach Police Department" (H. P. 614) (L. D. 831)

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

Tabled and Assigned

Bill "An Act Prohibiting Public Employees to Have Pecuniary Interests in Public Contracts" (H. P. 1025) (L. D. 1426)

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

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Smith.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: In reference to item nine, this bill has been tabled once and I therefore am only going to speak a moment on it and it's altogether possible that I'm not wholly familiar with this bill. But if I am

familiar with it, it is a dangerous bill in that some of those small towns in the State of Maine where you have only a handful of people willing to do the work, the public work, and sometimes one man has to hold more than one job in which there is interest involved. This bill, as far as I know, would make it impossible for any employee to hold any office in a town, any employee of that town, to hold any office whereby he would receive any money at all.

Now I'm thinking of about thirty-four—I believe about thirty-four towns in the State of Maine, where there are members of school boards that have to, not because they want to but because there is no one else to do it, they have to drive school buses. And if I understand this bill right, that would make it impossible for them to do that. I doubt if any of them are driving those buses and receiving pay with any thought of getting around the law, but I know of some towns where this is an absolute necessity. Some towns where we have had to put the school buses up for bid and then receive no bids on them, at all, to drive them, the school board member, or one of them, has had to take over a job such as that. With this explanation in mind, I would like to move that we postpone this bill indefinitely.

The SPEAKER: In reference to item nine, L. D. 1426, the gentleman from Strong, Mr. Smith, moves that it be indefinitely postponed.

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

Mr. WILLIAMS: Mr. Speaker, Ladies and Gentlemen of the House: This bill actually I don't think does what Mr. Smith expects it to do. It simply adds one word to the already existing law. The existing law says "No trustee, superintendent, treasurer or other person holding a place of trust in any state office or a public institution of the State, or any officer of a quasi-municipal corporation shall be pecuniarily interested directly or indirectly in the contracts made in behalf of the State or of the institution," and so forth and so on.

I won't bother to read you any more.

Now this bill attempts to plug a hole in the thing that was abused by various departments in the — carrying it down just a little bit farther below trustees, superintendents and treasurers. There were various words put in there, but they didn't seem to fit too good; and I was down in the Attorney General's office and there seemed to be a need for a little further extension of this thing. We put in various words in there, and employee seemed to fit them all. It merely attempts to plug a gap between the treasurer and some other persons and in various cases there was quite a considerable abuse in there. It wasn't an attempt to stop anyone from driving a school cart and I don't think it would, or any town official. This is supposed to take effect more from the level of the State and I would hope that the gentleman's motion to indefinitely postpone does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Hope, Mr. Hardy.

Mr. HARDY: Mr. Speaker, in order to discuss the points brought out by the two previous speakers, I would like to table this and specially assign it for Friday, April 14.

The SPEAKER: The question now before the House is the motion of the gentleman from Hope, Mr. Hardy, that this bill, item nine, L. D. 1426, be tabled until Friday, April 14, pending the motion of the gentleman from Strong, Mr. Smith, that it be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed and the Bill was so tabled.

Bill "An Act Creating the Richmond Utilities District" (H. P. 1107) (L. D. 1523)

Bill "An Act relating to Expendings Aroostook County Funds for Maine Potato Blossom Festival" (H. P. 1109) (L. D. 1524)

Bill "An Act relating to Practicing Dental Hygiene by Students in Schools" (H. P. 1110) (L. D. 1525)

Bill "An Act relating to Payments to County Law Libraries" (H. P. 1112) (L. D. 1527)

Bill "An Act relating to Power of The Universalist Church of Maine to Hold Property" (H. P. 1113) (L. D. 1531)

Resolve Appropriating Moneys for Spruce Budworm Control (H. P. 183) (L. D. 279)

Resolve Appropriating Funds for the Perambulation of the Maine - New Hampshire Boundary Line (H. P. 185) (L. D. 281)

Resolve Authorizing State Highway Commission to Study Need and Cost of a Bridge Across the Androscoggin River (H. P. 1111) (L. D. 1526)

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

The SPEAKER: The Chair would like to recognize the presence in the gallery at this time of thirty-one students from the seventh and eighth grades of the Stockton Springs School, accompanied by Mrs. Mary Alden, Teacher; and chaperones Mrs. Virginia Perkins, Mrs. Mary Thomas, and Mrs. Yvonne McLaughlin, and bus driver Mr. Rosengren.

On behalf of the House, the Chair extends to you a most hearty and cordial welcome and we hope that you will enjoy and profit by your visit with us here today. (Applause)

Amended Bills

Bill "An Act relating to Passage of Ordinances by Lewiston City Council" (S. P. 329) (L. D. 1004)

Bill "An Act to Incorporate Baring, Washington County, into an Organized Plantation" (H. P. 280) (L. D. 394)

Bill "An Act relating to Nursing Home in Town of Mars Hill" (H. P. 411) (L. D. 586)

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

Bill "An Act Changing Fort Kent State Normal School to Fort Kent State Teachers' College" (H. P. 586) (L. D. 807)

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

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

Mr. WELLMAN: Mr. Speaker, with reference to item twenty-one, I would only like to point out to the Members of this House that changing the name of a school also means broadening its activities and expanding its functions — for one year, which will not be this coming year, but the year thereafter, the appropriation is \$64,621. Thank you.

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

Tabled

Bill "An Act Clarifying Electricians Licensing Law" (H. P. 821) (L. D. 1136)

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

(On motion of Mr. Albair of Caribou, tabled pending passage to be engrossed and unassigned.)

Tabled

Resolve Reimbursing Bay Ferry Corporation for Loss of Its Business (H. P. 579) (L. D. 799)

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

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

Mr. KNIGHT: Mr. Speaker, I arise with reference to item twenty-three. This matter concerns indirectly the Penobscot Bay ferry service and I have questions that I would like to ask of the committee; and I would request permission to table this unassigned until I have a chance to check it out further.

Thereupon, the Resolve was tabled pending passage to be engrossed and unassigned.

Passed to Be Enacted

An Act relating to the Public Debt Amortization Fund in the City of Waterville (S. P. 174) (L. D. 420)

An Act Concerning Qualifications of Municipal Court Judges and Associate Judges (S. P. 252) (L. D. 769)

An Act Authorizing State of Maine to Convey Knox Arboretum, Knox County (H. P. 779) (L. D. 1061)

An Act Prohibiting Stocking Certain Waters with Fish (H. P. 877) (L. D. 1212)

An Act relating to Confidential Records in Insurance Department (H. P. 942) (L. D. 1290)

An Act Regulating Catching Lobsters While Swimming or Diving (H. P. 1074) (L. D. 1481)

An Act relating to Registration of Motorized Invalid Chairs (H. P. 1097) (L. D. 1510)

Finally Passed

Resolve Regulating Fishing in Maranacook Lake, Kennebec County (H. P. 490) (L. D. 690)

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

Orders of the Day

The Chair laid before the House the first tabled and today assigned matter:

HOUSE REPORT — Ought to Pass in New Draft (H. P. 1099) (L. D. 1512) — Committee on Health and Institutional Services, on Bill "An Act relating to Sale of Drugs and Medicines" (H. P. 804) (L. D. 1118)

Tabled — March 31, by Mr. Morrill of Harrison.

Pending — Motion of Mr. Danes of So. Portland to Accept the Committee Report.

The SPEAKER: The Chair recognizes the gentleman from Harrison, Mr. Morrill.

Mr. MORRILL: Mr. Speaker and Ladies and Gentlemen: There are several factions interested in this bill, and they have asked that it be tabled, and I would like to ask permission of the House to retable this until next Tuesday.

Thereupon, the Report and Bill were retabled pending the motion of the gentleman from South Portland, Mr. Danes, that the House accept the Committee Report and specially assigned for Tuesday, April 18.

The Chair laid before the House the second tabled and today assigned matter:

Bill "An Act relating to Tuition for Pupils Attending Secondary School Outside of Residence" (H. P. 800) (L. D. 1114) (Amendment Filing H-149) — In House Read the Third Time.

Tabled — April 4, by Mr. Jones of Farmington.

Pending — Passage to be Engrossed.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Jones.

Mr. JONES: Mr. Speaker, there has been distributed on the desks, House Amendment "A," which pertains to this bill, and which is of help to it I believe. Also, there is another amendment to the first, House Amendment "A" to Committee Amendment "A," and I move the rules be suspended for the purpose of reconsidering our action whereby we adopted Committee Amendment "A."

Thereupon, the rules were suspended, and the House voted to reconsider its action whereby Committee Amendment "A" was adopted.

Mr. Jones of Farmington offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to Committee Amendment "A" to H. P. 800, L. D. 1114, Bill, "An Act Relating to Tuition for Pupils Attending Secondary School Outside of Residence."

Amend said Amendment by striking out all of the last 5 lines and inserting in place thereof the following:

'insurance and 6% 8% of the insured value of the school buildings and equipment, said sums to be taken from reports filed with the commissioner in the year for which tuition is being computed, (2) divide the total by the average daily membership of all regularly enrolled students of the preceding school year.'

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

Thereupon, Committee Amendment "A" as amended by House

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

The Chair laid before the House the third tabled and today assigned matter:

Motion that the House Reconsider its Action whereby it Failed to Enact An Act Revising the Law on Tax on Transient Rentals. (H. P. 551) (L. D. 748) (Emergency)

Tabled — April 4, by Mr. Baxter of Pittsfield.

Pending — Consideration.

(On motion of Mr. Hutchins of Kingfield, retabled and specially assigned for Thursday, April 13.)

The Chair laid before the House the fourth tabled and today assigned matter:

Bill "An Act relating to Rental of Space in County Buildings by State Departments." (H. P. 1104) (L. D. 1520) — In House Read the Third Time.

Tabled — April 7, by Mr. Plante of Old Orchard Beach.

Pending — Passage to be Engrossed.

(On motion of Mr. Haughn of Bridgton, retabled and specially assigned for Tuesday, April 18.)

The SPEAKER: The Chair recognizes the gentleman from Woodstock, Mr. Whitman.

Mr. WHITMAN: Mr. Speaker, I would like to ask if the Joint Order, Senate Paper 508, relating to compensation of Indian representatives is still in possession of the House?

The SPEAKER: This Joint Order is still in the possession of the House.

Mr. WHITMAN: Mr. Speaker, I move that the House reconsider its action whereby it passed this Order last Friday.

The SPEAKER: The gentleman from Woodstock, Mr. Whitman, moves the House reconsider its action of the last legislative day whereby it passed this Joint Order. Is this the pleasure of the House?

The motion prevailed.

Mr. Whitman of Woodstock offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to Joint Order, Senate Paper 508 re: Compensation Indian Representatives.

Amend said Order by striking out in the next to the last line thereof the words "One Hundred" and inserting in place thereof the words "One Hundred Fifty"

The SPEAKER: The Chair recognizes the gentleman from Woodstock, Mr. Whitman.

Mr. WHITMAN: Mr. Speaker and Members of the House: In order to prevent any misunderstanding that this perhaps might be an increase in salary, I would like to clarify the issue just a little bit.

Under the public laws of 1959 we did grant an increase to the Indian representatives from \$200 to \$250. Earlier this year we passed an order giving them a partial payment of \$100 and last Friday an order was introduced to complete their salary payment. However, when that order was introduced, it was overlooked that they had received a \$50 increase two years ago. For that reason, this amendment is offered to complete their salary payment for this session, which would make the final payment we are authorizing here now \$150 to pay them only what is required under the laws of 1959.

Thereupon, House Amendment "A" was adopted, the Order passed as amended in non-concurrence and sent up for concurrence.

On motion of Mr. Haughn of Bridgton, the House voted to take from the table the first tabled and unassigned matter:

HOUSE DIVIDED REPORT—Majority "Ought Not to Pass" — Minority "Ought to Pass" — Committee on State Government on Bill "An Act Increasing Compensation for Legislators During Special Sessions." (H. P. 51) (L. D. 92)

Tabled — February 21, by Mr. Haughn of Bridgton.

Pending — Acceptance of Either Report.

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

Mr. HAUGHN: Mr. Speaker, Ladies and Gentlemen: These are rather hard bills and difficult bills for any Legislator to get up and defend or speak on, but I think this particular one is justified. As you will recall, those who were here in the 97th Legislature, you came back here for the sum of \$10.00 per day, and the minimum time spent has to be at least four days. In the 98th Legislature you came back here and you spent three special sessions which was a minimum of four days each trip, which was twelve days. You came back here in the 99th Legislature and spent another special session, and my prediction at this time will be that the 100th Legislature will be back for another special session. It is a little broad to say in advance, but I predict it. So when you stop and analyze what the cost of increases are to you gentlemen and ladies too of this House for the interruption of your business which you have settled back in the normal capacity of work and employment, the sacrifice you will make because never knowing within a reasonable time when a special session will be coming up; the cost that you will incur to replace yourself in your own businesses, I personally and honestly believe that this is a just and fair bill to be brought before this Legislature, and as far as the comments from the public outside, they have all said, at least those I have contacted, and other Legislators have done likewise, that they feel we are just and right in asking for this increased compensation.

Now as you know L. D. 92 calls for an increase in the present \$10.00 per day during special sessions to be increased to \$20.00. If this bill is allowed to pass, I will offer an amendment, because I would retable this bill right away for one day in order to come out with an amendment to decrease that to \$15.00 which is a fair minimum amount. We have increased other pays along the way at the county level far in excess and they serve probably in the same capacity as we often times do here in the Leg-

islature. As I say, it is an awful hard bill to get up and speak on because the first thing the opponents will say, you are a public-spirited citizen, which I agree to, that's why we came up, we knew what the pay would be when we came up here. Conditions and times have changed since then. Increased costs and everything else of the whole Legislature.

As far as the amount involved goes, they call it wasteful expenditure to come up and increase these, we can see within our own ranks of state government the increased cost, which in my opinion a lot of it is unnecessary, and I haven't been too favorable to department heads receiving pay, no pay increase during the session because we gave them one two years ago, but this particular section has not been touched to my knowledge for at least ten years. Everything else has been adjusted over the times for the past two to four to six years. This particular issue has never been touched to my knowledge, as I say, repeating myself, for the past ten years. I don't know how long prior to that because I didn't check back. So therefore, with that thought in mind and expressing to the House that I will retable it again if allowed to have this bill accepted for the purpose of offering an amendment to reduce it to \$15.00 instead of the present \$20.00 as called for in the bill, and when the vote is taken, Mr. Speaker, I do request a division on this motion to accept the Minority "Ought to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Dennett.

Mr. DENNETT: Mr. Speaker, Members of the House: Frankly, the gentleman from Bridgton, Mr. Haughn, has caught me quite unawares this morning. I had no knowledge at all that he intended to debate this bill at this particular time.

I suppose that the proper thing to do would be to lay it again on the table, but I am not going to make any such request. There is no time like the present.

Now the gentleman from Bridgton, Mr. Haughn, has outlined cer-

tain things, particularly to the effect that it is too little pay for a considerable amount of service to the State. Now I am not going to disagree with him in any manner whatsoever, but I am going to stress a particular point. That point is not that you knew fully well what to expect when you came here. While that could be argued, that is not essential in this particular case. But what I am going to ask this morning of this House is, that I know you are making a sacrifice in coming up here for special sessions, but I am going to ask that you continue to make this sacrifice for the good of your state.

Now in this session of the Legislature we have denied raises to department heads; we have denied many raises to others, and we will probably continue to deny raises to sustain the economy of this state. Now I only have to stop and pause and think a moment that in industry, in labor, there is one city, a great manufacturing city in this state, that the union members were satisfied not to ask for an increase at this time, not that they didn't want more money and wouldn't welcome increases in wages, but they, the laboring men, were interested in sustaining the economy of the state. Now, if we continue in the manner in which we are going, there are probably many people who will be denied raises, and it will be a pretty sorry spectacle to see us asking and receiving something for ourselves. My only request that for the good of the State of Maine you continue to make and accept this sacrifice and I hope the motion of the gentleman from Bridgton, Mr. Haughn, does not prevail.

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

Mr. PHILBRICK: Mr. Speaker, when the vote is taken, I request that it be taken by a roll call.

The SPEAKER: A roll call has been requested.

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

Mr. HAUGHN: Mr. Speaker, first I humbly apologize to my colleague and House Chairman of my Committee for not previously notifying him, because I did not realize that

he did not have knowledge because I have spoken to so many about it this morning, so I offer my humble apologies at this time, and there is no intent of taking advantage of him on debate on this issue.

My very able colleague, Mr. Dennett from Kittery, has brought out that department heads received no pay increases. True. But let me once again bring to his memory that in the last session and the session before we did grant pay increases to the department heads. They can come up perhaps again next session with more pay bills to be heard and acted upon by them within that session. We, under the law, cannot increase our own pay while we are in session. I emphasize the words compensation for pay, not legislative expense, because we have another bill later dealing with legislative expense. So therefore we have not had any touch on this particular problem for ten years. Now I don't know where the comparison is that we would be receiving more than they would be if we justify ourselves in passing a bill at this time.

We have special commissions and committees set up that get so much per diem, per day, which allows them to accept \$15.00 or \$20.00 a day, which we have been way under them for so many years it is pitiful. And I do not think the public reaction to any course of action taken favorably on this bill in this House in this session we would be criticized for it because if we passed it we would be receiving what these other departments have had for years.

As far as public sacrifice, I am just as willing and able and capable as he is, but there are a lot of men in this House, and the ladies too, who cannot afford, and I don't think the public would ask them to, to go in their own pockets and take money personally out of their own pockets which it would cost them for special sessions. So under those conditions I do not believe or agree with my learned colleague from Kittery. One more thing, this bill specifies this will not be effective until the next session, it does not pertain to us in this session. So therefore in the meantime

as I say, the department heads can come in with pay raises and pay increases. We have given them to them over the past two sessions, so all we are asking for ourselves is just to catch up a little within the range of what they are now exceeding us.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen: I cannot agree with my good friend from Kittery with his very sad feeling for everybody but the members of the next Legislature. As I recall since I have been here practically every session until this one we have upped the department heads' pay usually \$1,000, and in talking about this bill to some of the people that I have brought it up to, they sort of smile and say if you fellows are fool enough to work for nothing, why that's your hard luck, but we just wonder sometimes just how much we can trust you when you haven't got gumption enough to stand up and ask for your expenses, because we know that \$10.00 a day will not pay your expenses. So that's the way they feel about it, and I'm quite sure that no one would be pained unless it is my good friend if this bill is passed, and I trust that it does.

The SPEAKER: The Chair recognizes the gentleman from Bucksport, Mr. Bearce.

Mr. BEARCE: Mr. Speaker and Members of the House: I dislike to disagree with our distinguished colleague in Seat number 1, but in this particular case I think it is advisable, and I go along with Mr. Dennett, that we in our Committee have refused practically everyone increases, and certainly I would not want to be one who upped our own amounts that we are paid here even for a special session, and I certainly hope this smaller amount will influence some people in going against this special session if they can. Everyone knows that we are coming over here at \$10.00 a day is not an amount that covers expenses, but most all of us are losing a little anyway, and we are doing it to help the State of Maine and trying to do a job, and in this particular case I believe

we ought to go along and prove to the people of the State that we do not want to raise our own pay. Thank you.

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

Mr. JALBERT: Mr. Speaker and Members of the House: In the many arguments wherein it concerns the Governor's Council I have often heard that the Governor's Council does perform many duties of the Legislature when the Legislature is not in session. On that basis, knowing the gentleman from Bucksport, Mr. Bearce's experience on the Council, I would like to ask him what the per diem is of the Governor's Council when they are — not in this session — but when they are in special session?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, has asked a question of the gentleman from Bucksport, Mr. Bearce, who may answer if he chooses.

Mr. BEARCE: Mr. Speaker, I am sorry, I missed the point.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, may restate the question.

Mr. JALBERT: My point was, that in the arguments pro and con concerning the Governor's Council, that remarks have always been made or have often times been made that the Council, when in session, performed the duties of the Legislature when they are not in session. On that basis, I would like to ask what the salary of the members of the Council is when they are not in regular session but in special session on a per diem basis.

The SPEAKER: The gentleman from Bucksport, Mr. Bearce, may answer the question if he chooses.

Mr. BEARCE: I think the record will show that the Councillors when they come get \$20.00 a day.

The SPEAKER: The Chair recognizes the gentleman from Guilford, Mr. Dodge.

Mr. DODGE: Mr. Speaker and Members of the House: I wish you would take a look at this bill, you will find that it does not raise our pay. Not one of you, none of us know whether we are coming back here or not. It is the next Legislature. You look at the last end of the bill here, the last part of it, the

provisions of this act shall not become effective until 1963.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Bridgton, Mr. Haughn, that the House accept the Minority "Ought to pass" Report on Bill "An Act Increasing Compensation for Legislators During Special Sessions." A roll call has been requested.

For the Chair to order a roll call, it must have an expression of a desire for a roll call by at least one-fifth the members present. Will those who desire a roll call, please rise and remain standing until the monitors have made and returned their count.

An insufficient number arose.

The SPEAKER: Obviously, less than one-fifth having arisen, a roll call is not ordered. The Chair will order a division. All those who favor the acceptance of the Minority "Ought to pass" Report on Bill "An Act Increasing Compensation for Legislators During Special Sessions," House Paper 51, Legislative Document 92, please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

Sixty-nine having voted in the affirmative and sixty-three having voted in the negative, the Minority "Ought to pass" Report was accepted, the Bill read twice and assigned for third reading tomorrow.

On motion of Mr. Morse of Oakland, the House voted to take from the table the sixth tabled and unsigned matter:

Bill "An Act Revising Statutes Regulating Branching and Consolidations by Banks." (H. P. 459) (L. D. 659) Committee Amendment (Filing H-34)

Tabled — March 10, by Mr. Morse of Oakland.

Pending — Passage to be Engrossed.

The SPEAKER: The Chair recognizes the gentleman from Oakland, Mr. Morse.

Mr. MORSE: Mr. Speaker, Ladies and Gentlemen of the House: This act has been on the table some little time, but I don't think the time has been wasted. Your com-

mittee on Business Legislation, of which I am the House Chairman, has been working on the bill and we think we now have an amendment prepared which does satisfy the Banking Department, the banks and others who have been interested in this act. So I would now move — I may get these mixed up, you can straighten me out. Under suspension of the rules —

The SPEAKER: The suspension of the rules is not necessary, since this bill has not as yet been passed to be engrossed. The Chair understands that the gentleman from Oakland, Mr. Morse, offers House Amendment or Committee Amendment "A"?

Mr. MORSE: I want to reconsider our action whereby we adopted Committee Amendment "A".

The SPEAKER: Since the Amendment was adopted prior to the next legislative day, it will require for its reconsideration, a suspension of the rules. And the Chair understands that the gentleman from Oakland, Mr. Morse, moves that the House suspend the rules for reconsidering its action whereby it adopted Committee Amendment "A." Is this the pleasure of the House?

The motion prevailed.

Thereupon, on motion of Mr. Morse of Oakland, the House voted to reconsider its action whereby on February 16 it adopted Committee Amendment "A."

The SPEAKER: The Chair recognizes the gentleman from Oakland, Mr. Morse.

Mr. MORSE: I now move the indefinite postponement of Committee Amendment "A."

The SPEAKER: The question now before the House is the motion of the gentleman from Oakland, Mr. Morse, that Committee Amendment "A" be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed.

Mr. MORSE: Now the sponsor of the bill will propose a new amendment.

The SPEAKER: The Chair now understands that the gentleman from Hallowell, Mr. Choate, offers House Amendment "A" and moves its adoption.

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

HOUSE AMENDMENT "A" to H. P. 459, L. D. 659, Bill, "An Act Revising Statutes Regulating Branching and Consolidations by Banks."

Amend said Bill in section 1 by striking out in the 14th, 15th and 16th lines the following underlined sentence: "**This limitation shall not apply to branches or agencies to be established or operated in Knox County.**"

Further amend said Bill in section 2 by striking out the 3rd and 4th underlined sentences of that part designated "Sec. 124" and inserting in place thereof the following underlined sentence:

'No trust company shall be permitted to establish or operate a branch or agency except within the county of its main office or a county adjoining that of its main office; provided, however, that this limitation shall not prevent a trust company from establishing or operating a branch or agency in any city, town or village where there is no bank regularly transacting customary banking business or where a unit bank or branch of a bank is taken over.'

Further amend said Bill in section 4 by striking out in the first underlined sentence of that part designated "Sec. 146-A" the underlined words "**not be materially impaired**" and inserting in place thereof the underlined words **'be promoted'**

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

"Sec. 5. R. S., c. 59, Sec. 146-B, additional. Chapter 59 of the Revised Statutes is amended by adding a new section 146-B, to read as follows:

'Sec. 146-B. Banking monopolies, undue concentrations of banking assets. No merger, consolidation, acquisition of assets or assumption of deposit liabilities shall be approved by the commissioner which would promote a banking monopoly having an undue concentration of banking assets, unless approval is necessary or advisable in the public interest.'"

House Amendment "A" was adopted and the Bill passed to be engrossed as amended and sent to the Senate.

On motion of Mrs. Baker of Orrington, the House voted to take from the table the thirteenth tabled and unassigned matter:

HOUSE REPORT — Ought Not to Pass — Committee on Inland Fisheries and Game — on Bill "An Act relating to Open Season for Fishing During Month of October" (H. P. 192) (L. D. 287)

Tabled — March 17, by Mrs. Baker of Orrington.

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

On motion of Mr. Winchenpaw of Friendship, the House voted to take from the table the twenty-third tabled and unassigned matter:

SENATE DIVIDED REPORT — Majority, Ought to Pass — Minority, Ought Not to Pass — Committee on Labor on Bill "An Act relating to Chiropractic Treatment under Workmen's Compensation Law." (S. P. 325) (L. D. 1000)

Tabled — March 28, by Mr. Winchenpaw of Friendship.

Pending — Motion of Mr. Hardy of Hope that Report and Bill be Indefinitely Postponed.

The SPEAKER: The Chair recognizes the gentleman from Hope, Mr. Hardy.

Mr. HARDY: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Speaker, I would like to retable this specially assigned for Thursday of this week.

The SPEAKER: In reference to item 23, L. D. 1000, the gentleman from Hope, Mr. Hardy, moves that this item be retabled until Thursday of this week being April 13, pending the motion of that gentleman that the Bill be indefinitely postponed. Is this the pleasure of the House? All those in favor of the tabling motion please say aye; opposed, no.

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

The SPEAKER: The question now before the House is the motion of the gentleman from Hope, Mr. Hardy, that the bill be indefinitely postponed.

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

Mr. JAMESON: Mr. Speaker, Ladies and Gentlemen of the House:

The day this bill was presented to the committee I had to go over with the Natural Resources Committee to Rumford. I would have liked to say a few words to the committee then, because I think this is a good bill, and I can't understand why the Industrial Accident Commission and all the employers who wish to get a man back on the job as quickly as possible have not come out in favor of this bill one hundred percent. Now the chiropractors can attend certain injuries to return a man very quickly to his work. I'm going to use myself as an example. I've had four different occasions of a drop stitch in the back. The first time, ladies and gentlemen, I went to a medical doctor. I was strapped up and tied up for ten days. Now had I not been an employer I would have been lost from the work, wages had to be paid, doctor's bills and so forth. But I suffered that out for ten days. A couple of years afterwards, I did the same thing. I was advised by a member of the New England Tel. & Tel. to go to a chiropractor and I would be back to work the next day. I did, ladies and gentlemen, he laid me on the table and talked to me a minute and gave me a couple of quick yanks and I was back on the job the next day.

The other times — three other occasions that happened to me. Last time the doctor said you have got a weak back and a strong mind. Now he said that, I didn't. And if it were true, I wouldn't have fallen off from a ladder two years ago and broke my back.

Now another a little more serious, ladies and gentlemen, about fourteen years ago my nephew was hurt in a basketball game. Some of you might remember him, Phil Jameson. He laid in the hospital, I don't like to use the name, because he was taken to this hospital, he was in bed totally paralyzed for over five months. He could hardly move his fingers. My brother, his father, was coaxed and teased to get a chiropractor or an osteopath into the hospital to see him, which is not allowed. He was induced to take the boy home and I witnessed this myself, ladies and gentlemen, so help me God, the

Lord strike me dead — two treatments by a chiropractor and this boy was back on his feet. He never fully recovered, but he is able to work. The only trouble he has now is when he walks, because he laid so long the tendons in his heels tightened up.

I would hate to see this bill killed, I think the chiropractors can put a man back to work. They can treat certain injuries so quickly and when it comes to a fractured skull or a very serious injury, they are not taken to a chiropractor anyway, in fact they are not taken to a medical doctor, they are rushed right to a hospital.

So I hope that you will reconsider this bill, take it off the table and really pass this bill. I thank you.

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

Mr. TYNDALE: Mr. Speaker, I certainly am inclined to agree with the distinguished representative, Mr. Jameson. These men are licensed to practice in the State of Maine; why should they be isolated? I ask you gentlemen in all fairness, they perform a very satisfactory service particularly in the type of cases that Mr. Jameson explained. And I certainly hope that in the sense of fair play that this motion does not prevail.

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

Mr. HINDS: Mr. Speaker, Ladies and Gentlemen of the House: I received quite a number of letters in favor of this bill, and these people have cited many examples the same as the gentleman from Bangor, Mr. Jameson, has here today, whereas they have been treated and cured by chiropractic treatment. Our Maine state law allows these chiropractors to sign death certificates and diagnose in those types of cases, and I see no reason why they shouldn't be allowed to come under this Workmen's Compensation, and I hope that the motion to indefinitely postpone does not prevail.

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

Mr. LITTLEFIELD: Mr. Speaker, Ladies and Gentlemen: I am against the pending motion for a number of reasons.

I have had considerable personal experience with chiropractic treatment during a number of years and so know pretty well what can be expected from it. I am absolutely convinced that there are certain conditions of back strain, and other muscle strains for which it does a tremendous amount of good.

I am a retired railway postal clerk. During my active days if we lost time because of some condition for which a chiropractor treated us, the chiropractor's certificate was accepted and we were granted sick leave. This was the situation when the cause of absence from work was not some condition which came under workmen's compensation. If you lost time because of some injury suffered on the job and came under workmen's compensation then the chiropractor was not recognized. His certificate was no good. He was not recognized under the Workmen's Compensation Law. This has been a contradictory sort of situation. And it is today.

If this treatment is recognized by employers at times when workmen's compensation is not involved, if an insurance company will pay for this care under the ordinary health and accident policy, I, for the life of me, cannot understand why it is not good enough to be put under Workmen's Compensation. I have been puzzled by this for years. I honestly think it is ridiculous.

For these reasons and other reasons, I am opposed to the pending motion and shall vote against it.

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

Mr. BROWN: Mr. Speaker, I only would like to point out that this bill only gives the right to the injured employee to seek the aid of a chiropractor. Thank you.

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

Mr. TURNER: Mr. Speaker, Members of the House: Two years ago, I was the sponsor of this bill or one just about like it. I thought this bill was a good bill at that

time and so did most of us in the House. We passed the bill. This is a simple bill, nothing in it that is hard to understand, it simply says that chiropractors are allowed to be paid under the Workmen's Compensation Act if they have furnished treatment—if they have furnished treatment to an injured worker. Today the workman has to pay the bills himself. This does not seem to be fair at all. If a man gets a treatment, he should have treatment—he should have to pay for just the same as treatment of other doctors are paid for. I can never understand why this treatment is all right for the injured man as long as he pays for it, but it is wrong when the compensation boys have to pay for it. These men have been licensed in this State for a good many years and it is about time that we took the situation and provided for this bill. I am against this motion which is pending, and I hope it does not prevail.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Hope, Mr. Hardy, that the Report and Bill "An Act relating to Chiropractic Treatment under Workmen's Compensation Law," Senate Paper 325, Legislative Document 1000, be indefinitely postponed. The Chair will order a division.

All those in favor of the motion to indefinitely postpone, please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

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

On motion of Mr. Winchenpaw of Friendship, the House voted to accept the Majority "Ought to pass" Report, the Bill was read twice and assigned for third reading tomorrow.

On motion of Mr. Gallant of Eagle Lake, the House voted to take from the table the ninth tabled and unassigned matter:

HOUSE DIVIDED REPORT — Majority Ought Not to Pass — Minority Ought to Pass — Com-

mittee on Highways — on Resolve, Authorizing Study of Road from Allagash Plantation to the Canadian Border. (H. P. 746) (L. D. 1032)

Tabled — March 14, by Mr. Gallant of Eagle Lake.

Pending — Acceptance of Either Report.

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

Mr. GALLANT: Mr. Speaker, I would like to speak on this bill. This Resolve L. D. 1032, is for a study of a road from Allagash Plantation to the Canadian border. At the present time there are not many Maine people working in that area, and this would save them about a hundred miles a trip if they did work in that area. At the present time the people employed there are mostly Canadian born from Canada. With the export of lumber, this is very detrimental to our employment and our economy in our State. If we want to progress in Maine, we must see to it that our people have employment. The price tag on this resolve is about \$1,000. If this resolve goes through, I think it would be money well spent. If we would make a sincere effort in this direction, I am certain that something concrete would be accomplished. Mr. Speaker, and Members of the House; I move the Minority Report be accepted. Thank you.

Thereupon the Minority "Ought to pass" Report was accepted on a viva voce vote, the Resolve read once and assigned for second reading tomorrow.

On motion of Mr. Tyndale of Kennebunkport, the House voted to take from the table the twenty-eighth tabled and unassigned matter:

HOUSE DIVIDED REPORT — Majority Ought Not to Pass — Minority Ought to Pass — Committee on Labor on Bill "An Act relating to Costs of Witness and Attorney Fees Under Workmen's Compensation Act." (H. P. 255) (L. D. 369)

Tabled — March 29, by Mr. Tyndale of Kennebunkport.

Pending — Motion of Mr. Levesque of Madawaska to accept Minority Ought to Pass Report.

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

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to call to your attention the first principle of the Workmen's Compensation Law, which was the earliest yet the most prominent. It was the theory of occupational risk, which was stated that each industry should bear the cost of its occupational risks which cost shall be included in the product price. Now this bill would provide for an attorney only in such cases as the Industrial Accident Commission thought wise. It is a permissive law in a sense of the word that in such cases as severe back injury where the worker might be called before the Industrial Accident Commission, and when he arrives there, he finds that he is confronted with legal talent far beyond that which he can cope with in his education. Now in this particular instance the Industrial Accident Commission could then call that he be represented by an attorney because these cases are complicated. It does not infer or mean and to give you this interpretation of the law that in every case that an attorney would be represented — the employee would be represented by the attorney. These are extenuating cases and it makes it possible for the employee to be represented by an attorney. Do you think this is unfair? Well certainly I don't, and I know that this distinguished body certainly does not think it's fair, and I move at this time that the Minority Report be accepted. And a division sir.

The SPEAKER: A division has been requested. Is the House ready for the question?

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

Mr. WINCHENPAW: Mr. Speaker, Ladies and Gentlemen of the House: It's been some time since this bill was before our Committee, but as I remember one of the objections to it was, and as a signer of the "Ought not to pass" Report it put the crux of the matter, as you might say, of who would decide whether or not that man would have an attorney on the Industrial

Accident Commission, and that is the reason for signing it "Ought not to pass," and I hope that the motion made by the gentleman from Kennebunkport, Mr. Tyndale, does not prevail.

The SPEAKER: The question before the House is the motion of the gentleman from Madawaska, Mr. Levesque, that the House accept the Minority "Ought to pass" Report.

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

Mr. THAENUM: Mr. Speaker, in a proceeding of this kind which is an administrative proceeding, it's not exactly like a proceeding in a court of law as I understand it, although I'm not a lawyer. The Industrial Accident Commissioners act as what is termed a referee and a commissioner is duty bound in a sense to act as an attorney for both the injured workman and the insurance company. It is a difficult position to be in I can assure you, but to say that the injured worker does not have any representation at all as opposed to an attorney of the insurance company, I think we should understand that there's a certain duty falls on the Industrial Accident Commissioner to give the injured worker the benefit of the law as he knows it in these cases. It was for that reason that we felt that this bill to pay the fees and pay for the attorney of the injured worker was strictly irregular and that is why it came out of committee as it did.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker, I rise to strongly support the motion of my distinguished colleague Mr. Tyndale. Now I understood from what Mr. Winchenpaw has just said on the floor of the House that it would put the Commission in a position which they presently by law do not exercise. Now the Commission for all practical purposes, sitting as a referee as Mr. Thaenum has told this House, for all practical purposes, they are acting as judges, they are acting as judges in finding of the fact and they are acting as judges in their interpretation of the law. Now all this bill proposes is just a matter

of fair play. This bill is a permissive bill. It is one that vests discretion with the Commissions whether or not to award or not to award. Now in these difficult cases, where counsel is needed for the injured man — where the injured man really needs an attorney — we are expecting too much at the present time of the Industrial Accident Commission to act as a fair-minded arbitrator, referee or judge, and at the same time act as the attorney for the injured man.

One of the fundamental principles of our jurisprudence, as well as one of the fundamental principles of fair play, is that no one can serve two masters at the same time. Now I, for the life of me, cannot see how a referee can be a referee and also serve as the attorney for the injured worker, and I say in these difficult cases the employers are always represented by extremely competent counsel and all that this bill is asking is in a sense of fair play that in these type of cases that the commissioner provide counsel for the injured worker. And I strongly hope that when the vote is taken that we give the injured worker a fair break. Thank you.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I rise in support of this bill. The law office with which I am associated probably does as large a volume of workmen's compensation work in our area as any law office in the state. We represent on occasion, the employee only. We do not represent the employer or the employer's insurance carrier. This type of practice over the past few years has proven to be the most unsatisfactory and the least lucrative type of practice for a lawyer and for a poor employee as any type of law work that a lawyer can possibly find, probably with the exception of a bankruptcy case.

It is very seldom that the employee who is injured can afford to pay counsel to get into court in the first place, let alone to pay witnesses or to compensate fellow employees or witnesses whom he must ask to come to court, which

it really is, to the hearing, to help him establish his case. As most of you know, the employee does not retain a lawyer until it is found usually that he has somewhat of a difficult case. The usual case, the undisputed case, does not get into the lawyer's office. The employee gets what is considered most of the time a fair shake with the Commission. It is these disputed cases that get into the hands of an attorney, where the employee who was injured needs a lawyer to protect his interests. As the gentleman from Houlton, Mr. Berman, has related, it is unfair and it is inconceivable to expect the Commission, who is the tribunal, to be able to represent two masters and to represent both sides and judge the case besides.

The Commission does not have to represent the carrier, the insurance company, because they are well represented with well paid counsel of excellent ability.

Lately, as far as our practice is concerned, workmen's compensation work has become a public service type of thing. It is a type of practice that we maintain and that we furnish to the employee almost gratis, and I am very serious. You may go through two and three hearings; you may spend two or three afternoons in the municipal courtroom where the hearings are usually held on one matter, and when you get all done, your fee is apt to be \$35.00 or \$50.00 if you are lucky. You don't have any compensation for witnesses. You can't call your own doctor and expect him to get paid. If it is a dispute as to how the accident happened, you can't get the fellow employee who may have seen the accident to come to court because he doesn't want to leave the Bates Mill for a day or for a half a day because he is going to lose ten or fifteen dollars. If the lawyer wants to pay it out of his own pocket, he goes ahead and does it. The employee in very few cases can afford to pay a witness fee, let alone pay a counsel fee.

I call to your attention again that this is a discretionary bill. The Commission, in its judgment, will allow a counsel fee and will allow a witness fee. I am sure that the

Commission will not allow an attorney's fee that is exorbitant and certainly will not allow an attorney's fee when they feel the attorney hasn't done anything, and they certainly will not allow a witness fee for a whole parade of witnesses which they feel are unnecessary. It will not be abused. It is a definitely needed piece of legislation. I was not going to speak on it. I did not realize it was coming up today, but from personal experience, our office has appealed probably within the past ten years since I have been associated in the practice, probably two cases a year to the Supreme Judicial Court. When you get all through going to the Law Court, the Commission is apt to allow you a fee of \$125.00 and your expenses for records and your expenses of travel is probably \$75.00. You are not given any witness fee. You can't even bring in the employee's own doctor, and you can't bring in a witness who may have seen the accident. One of the important issues is whether or not the fellow in the first place had an accident, and whether his injury arose out of the course of his employment. That can be proven, if a box fell on the man or did the man slip on a banana peel or did he have a hernia, he needs evidence and he needs people who are with him on the job and who saw him get hurt and who witnessed the accident. In our back cases, in our disputed back cases where a man hurts his back, that very often is the issue, — did in fact the employee have an accident in the first place? If he has a chronic back condition, and his back got tired from lifting, he is not covered under the Comp. law because he didn't have an accident. He has got to have had an accident. And this is very easily understood if you will review your common knowledge from accident cases, the back injury is the most violently disputed type of personal injury case. The man who got hurt is a laborer; he does not have a thousand or fifteen hundred or two thousand dollars in the bank. Very many times he has nothing in the bank. He has got to have a lawyer to protect his interests, and sincerely, this has become with our office and many

offices, a work of charity, and a work of social service to protect an employee who usually comes in after he has been kicked around by the insurance carrier and who has been kicked around by the insurance carrier's doctor. They know the score. They are being paid well, and they know how to prepare a case. The laborer who gets hurt on the job, and who has laid home for a couple of weeks and whose comp is in issue, he is not a lawyer and sincerely he needs help, and it shouldn't be up to the lawyer to do it as a public service and then over and above that have to pay witnesses besides. You can well imagine that the doctors are not too happy to come to court for free either, because they are busy. If he does get a lawyer to take it on a gratis basis or on a basis of hoping to get a little fee, the lawyer can't impose on his friends the doctors to come to court; neither can the employee impose on his lay witnesses, other people who may have seen the accident, to miss a day's pay or two days' pay, or travel from Lewiston to Portland for the hearing, or travel from Winthrop to Lewiston. They can't do that. They can't afford to do that, and they should not be required to do that.

I urge very strongly that the House give careful consideration to this bill. It is not a bill to benefit lawyers; it is a bill to benefit employees who really need it, and it is a discretionary bill with the Commission and I am sure from our experience, from my experience, the Commission has enough ability and there is enough faith in the Commission that this Legislature should have in our Commissioners, to know that it is not going to be abused, and if they feel a man didn't need a lawyer or if they feel that the man is a malingeringer or brought in a string of witnesses for nothing, they simply won't pay him, and there is nothing that anybody can do about it.

This gives them the discretion to solve a tremendous problem and a very important problem. Many lawyers, many, many lawyers won't take workmen's comp cases. They won't take them be-

cause they won't be paid and they can't afford to waste their time, and they can't afford to take out of their own pocket a witness fee. Many lawyers who don't want to do it, won't do it, and you really can't blame them. I urge most strongly that this bill be given your careful consideration. Thank you.

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

Mr. WELLMAN: Mr. Speaker, I can do little but agree with the two previous speakers, the gentleman from Houlton, Mr. Berman, and the gentleman from Auburn, Mr. Berman. I think we should now have the question.

The SPEAKER: The Chair understands that the gentleman from Bangor, Mr. Wellman, moves the previous question. For the Chair to entertain a motion for the previous question, it must be authorized to do so by at least one-third the members of the House present.

Will those who desire the Chair to entertain the motion for the previous question, please rise and remain standing until the monitors have made and returned the count.

A sufficient number arose.

The SPEAKER: Obviously, more than one-third having arisen, the Chair is authorized to entertain the motion.

The question now before the House is, shall the main question be put now? This question is debatable with a time limit of five minutes for any one individual member. For what purpose does the gentleman arise?

Mr. ESTEY of Portland: I wish to call attention to one other section of the law please, relative to this matter.

The SPEAKER: That is out of order at this time until we decide the question of whether or not the main question shall be put now. The question now before the House, is shall the main question be put now?

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

Mr. WINCHENPAW: Mr. Speaker, Ladies and Gentlemen of the House: I think it is a little unfair to put the main question at this moment because there were several

people who would like to say a few words in rebuttal, so I urge that the main question not be put at this moment.

The SPEAKER: Is it the pleasure of the House that the main question shall be put now? All those in favor say aye; those opposed, no.

A viva voce vote being doubted by the Chair, a division of the House was had.

Sixty-five having voted in the affirmative and fifty-nine having voted in the negative, the motion did prevail and the main question was ordered.

The SPEAKER: The question now before the House is the motion of the gentleman from Madawaska, Mr. Levesque, that the House accept the Minority "Ought to pass" Report on Bill, "An Act relating to Costs of Witness and Attorney Fees Under Workmen's Compensation Act," House Paper 255, Legislative Document 369. A division has been requested.

Mr. FOGG: Mr. Speaker?

The SPEAKER: The Chair recognizes the gentleman —

For what purpose does the gentleman arise?

Mr. FOGG: I would like to ask for a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have an expression of a desire for a roll call by at least one fifth the members present. Will those who desire a roll call, please rise and remain standing until the monitors have made and returned their count.

An insufficient number arose.

The SPEAKER: Obviously less than one fifth having arisen, a roll call is not ordered. But a division has been requested.

All those in favor of accepting the Minority "Ought to pass" Report, please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

Ninety-three having voted in the affirmative and thirty-two having voted in the negative, the motion prevailed.

Thereupon, the Minority "Ought to pass" Report was accepted, the Bill read twice and assigned for third reading tomorrow.

The SPEAKER: At this time the Chair would like to recognize the presence in the gallery of fifty-two eighth grade students from the schools of Hermon accompanied by their principal, Mr. Carl Linquist and their teacher, Mrs. Hazel Tibbetts.

On behalf of the House, the Chair extends to you a most hearty and cordial welcome and we hope you will enjoy and profit by your visit with us here today. (Applause)

The SPEAKER: There will be a caucus of all House Republicans in this House tonight at 7:30 p.m.

Mr. Baxter of Pittsfield was granted unanimous consent to address the House briefly.

Mr. BAXTER: I would like to announce that the meeting of the committee chairmen of the Joint Standing Committees which was scheduled to be held today directly after the session will be held tomorrow at the same time, because of the lateness of the hour.

And at the same time, I would like to compliment the House members on the clearing work they did today on the unassigned table.

On motion of Mr. Baxter of Pittsfield,

Adjourned until nine o'clock tomorrow morning.