

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

Wednesday, April 12, 1961

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

Prayer by the Rev. Mr. Leonard Marks of the Christian Science Church, Damariscotta.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate:

Bill "An Act to Increase the Indebtedness of the Fort Fairfield Utilities District" (S. P. 510) (L. D. 1533)

Came from the Senate referred to the Committee on Public Utilities.

In the House, referred to the Committee on Public Utilities in concurrence.

Senate Reports of Committees

Leave to Withdraw

Report of the Committee on Legal Affairs on Bill "An Act relating to Inspection of Schoolhouse Boilers" (S. P. 380) (L. D. 1190) reporting Leave to Withdraw

Came from the Senate read and accepted.

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

Ought Not to Pass

Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act relating to Suspension of Liquor License for Sale to Minors" (S. P. 435) (L. D. 1307)

Came from the Senate read and accepted.

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

Ought to Pass in New Draft

Report of the Committee on Legal Affairs on Bill "An Act relating to Appointment of Commissioners under Maine Housing Authorities Act" (S. P. 176) (L. D. 422) reporting same in a new draft (S. P. 509) (L. D. 1528) under same title and that it "Ought to pass"

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

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

Ought to Pass

Report of the Committee on Legal Affairs reporting "Ought to pass" on Bill "An Act Increasing Indebtedness of Town of York School District" (S. P. 258) (L. D. 775)

Report of same Committee reporting same on Bill "An Act relating to Removal of Buildings Gutted by Fire or Debris Remaining after Building Destroyed by Fire" (S. P. 395) (L. D. 1261)

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

In the House, reports read and accepted in concurrence, the Bills read twice and tomorrow assigned.

Ought to Pass with Committee Amendment

Report of the Committee on Appropriations and Financial Affairs on Resolve Reimbursing Certain Municipalities on Account of Property Tax Exemptions of Veterans (S. P. 100) (L. D. 245) 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. 100, L. D. 245, Resolve, Reimbursing Certain Municipalities on Account of Property Tax Exemptions of Veterans.

Amend said Resolve by striking out the 34th line, which relates to Corinth, and inserting in place thereof the following:

'Corinth	839.36	1,370.14
	2,209.50'	

Further amend said Resolve by striking out the 61st line, which relates to Hampden, and inserting in place thereof the following:

'Hampden	-----	239.75
	239.75'	

Further amend said Resolve by striking out the 108th line, which relates to Readfield, and inserting in place thereof the following:

'Readfield	340.86	1,303.06
1,643.92'		

Further amend said Resolve by striking out the totals at the end and inserting in place thereof the following:

'Totals	\$51,097.33	\$75,807.27
\$126,904.60'		

Further amend said Resolve by adding at the end the following:

'Statement of Facts

This resolve has been prepared pursuant to the Revised Statutes, chapter 91-A, section 10, subsection III, paragraph H, which reads as follows:

"Any municipality granting exemptions under the provisions of this subsection shall have a valid claim against the state to recover 70 percent of the taxes lost by reason of such exemptions as exceeds 3 percent of the total tax levy, upon proof of the facts in form satisfactory to the Commissioner of Finance and Administration; and such claims shall be presented to the legislature next convening."

The present resolve relates only to loss of tax occurring in 1959 and 1960. The towns listed have complied with the provisions of the statute, and have submitted proof of the facts in form satisfactory to the Commissioner of Finance and Administration. They are therefore entitled to reimbursement under the law.'

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

Report of the Committee on Legal Affairs on Bill "An Act relating to the Employment of the Industrial Development Director of the City of Lewiston" (S. P. 233) (L. D. 637) 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. 233, L. D. 637, Bill, "An Act Relating to the Employment of the Industrial Development Director of the City of Lewiston."

Amend said Bill by striking out 'Sec. 12' in its entirety.

Further amend said Bill by adding a new paragraph to P. & S. L., 1939, c. 8, Art. VIII, Sec. 12, as amended, to read as follows:

The Board of Finance may appoint a full time industrial agent who may be paid an annual salary or granted an annual contract. The duties of the industrial agent shall be to promote the industrial development effort of the City of Lewiston by rendering assistance to the problems of existing industries and in soliciting industrial prospects for location and expansion within the city in co-operation with citizens groups, service organizations, chamber of commerce, municipal departments and officials. The Board of Finance is authorized to pay the actual expenses of the industrial agent in performance of his official duties, and shall receive written monthly reports of the activities of the industrial agent, copy of which shall forthwith be forwarded to the mayor.

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

Tabled and Assigned

Report of the Committee on Legal Affairs on Bill "An Act Regulating Mechanical Rides by Insurance Department" (S. P. 408) (L. D. 1350) 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.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Berry.

Mr. BERRY: Mr. Speaker, in reference to item eight, we now have before the Legal Affairs Committee some other legislation which affects this and accordingly I would like to table this until April 20.

Thereupon, the Bill and accompanying papers were tabled pending acceptance of the Committee Report and specially assigned for Thursday, April 20.

Ought to Pass Amended in Senate

Report of the Committee on Retirements and Pensions reporting "Ought to pass" on Bill "An Act relating to State Retirement Benefits for Teachers" (S. P. 204) (L. D. 537)

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

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

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

SENATE AMENDMENT "A" to S. P. 204, L. D. 537, Bill, "An Act Relating to State Retirement Benefits for Teachers."

Amend said Bill in section 2 by striking out, in the 3rd line, the figure "\$10,000" and inserting in place thereof the figure "\$2,831.64"; and by striking out in the 4th line the figure "\$10,000" and inserting in place thereof the figure "\$2,831.64"

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

Report of the Committee on Retirements and Pensions reporting same on Bill "An Act relating to Amount of State Retirement Benefits for Teachers" (S. P. 205) (L. D. 538)

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

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

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

SENATE AMENDMENT "A" to S. P. 205, L. D. 538, Bill, "An Act Relating to Amount of State Retirement Benefits for Teachers."

Amend said Bill in section 3 by striking out, in the 3rd line, the figure "\$200,000" and inserting in place thereof the figure '\$180,232'; and by striking out in the 4th line the figure "\$200,000" and inserting in place thereof the figure '\$180,232'

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

Divided Report

Majority Report of the Committee on Business Legislation reporting "Ought to pass" on Bill "An Act relating to Form of Standard Fire Insurance Policy" (S. P. 405) (L. D. 1346)

Report was signed by the following members:

Messrs. BROWN of Hancock
PORTEOUS of Cumberland
CHASE of Lincoln
— of the Senate.

Mr. JOHNSON of Smithfield
Mrs. SHEPARD of Stonington
Messrs. CHOATE of Hallowell
MORSE of Oakland
BERNARD 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. HUGHES of St. Albans
EDWARDS of Stockton
Springs
— of the House.

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

In the House: Reports were read. The SPEAKER: The Chair recognizes the gentleman from Oakland, Mr. Morse.

Mr. MORSE: Mr. Speaker, perhaps a very brief explanation of this measure might be in order. We passed some fifteen or twenty years ago, as I recall it, a standard insurance policy which has been very satisfactory and has served its purpose very well. But

now, as time has gone on, there are some changes which need to be brought in to bring it up to date and also to bring it in line with I believe forty-six other states which have a similar policy.

So I will move that we accept the Majority "Ought to pass" Report.

The SPEAKER: Is it the pleasure of the House to accept the Majority "Ought to pass" Report?

The motion prevailed, the Report was accepted and the Bill given its two several readings.

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

SENATE AMENDMENT "A" to S. P. 405, L. D. 1346, Bill, "An Act Relating to Form of Standard Fire Insurance Policy."

Amend said Bill by striking out the 9th, 10th and 11th lines and inserting in place thereof the following underlined words:

'No

(Space for insertion of name of company or companies issuing the policy and other matter permitted to be stated at the head of policy)

(Space for listing amounts of insurance, rates, premiums for the basic coverages insured under the standard form of policy and for additional coverages or perils insured under endorsements attached)

Further amend said Bill by inserting before the paragraph entitled "Concealment, fraud," the following underlined words:

'IN WITNESS WHEREOF, this Company has executed and attested these presents; but this policy shall not be valid unless countersigned by the duly authorized Agent of this Company at Secretary President. Countersigned this . . . day of , 19 Agent'

Further amend said Bill by striking out all of the last underlined paragraph thereof.

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

Non-Concurrent Matter

Majority Report of the Committee on Agriculture reporting "Ought

to pass" on Bill "An Act Increasing Tax on Milk Producers for Promotional Purposes" (H. P. 866) (L. D. 1201) and Minority Report reporting "Ought not to pass" which Reports and Bill were indefinitely postponed in the House on April 5.

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

In the House:

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen: The producers of milk come from the rural area and inasmuch as the great majority of this House, or at least a large number of them, represent this rural area, they look to this branch for support of the things which they believe is helpful to them. In the other branch a great many of them come from the city and perhaps they don't understand as well as this branch does; and that is why we from the rural area feel that we can trust our future in the hands of this body, better than the other.

A few days ago this body did refuse to pass this bill. Therefore I move that we insist on our previous action and ask for a Committee of Conference.

The SPEAKER: The Chair recognizes the gentleman from Livermore, Mr. Boothby.

Mr. BOOTHBY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to call your attention to some facts concerning this proposed increase of one-half cent per hundredweight in the tax on milk, which will be added to the present two cents to be used for advertising purposes.

As all of you people well know, almost every food item in our stores today appears after a very extensive advertising program. This includes many items that are in direct competition with our quart of milk. It is also a well proven fact that any chance of profit for the milk producer is in the sale of fluid milk to the consumer rather than in the production of milk for manufacturing purposes. It is,

therefore, to our distinct advantage to sell every quart of milk possible. It is for this reason that at least some of us are interested in spending a little bit more money in order to sell more milk.

Perhaps I could illustrate this point best by citing a concrete example. I hope you will pardon me for quoting figures from our own dairy as these are the only ones available to me. We produced and sold last year 695,660 pounds of milk from our herd of eighty-five cows. We paid for the two programs that were in effect in 1930, \$243.48 which was spent for advertising. This bill, if it had been in effect in 1960, would have added only \$34.73 to our cost for the entire year. This amount is about the cost of one-half ton of purchased grain. In my judgment this \$34.78 is a very small addition on the basis of an eighty-five cow herd.

On the other hand, the one-half cent addition for the whole State will produce \$30,000 on a yearly basis and would add substantially to our advertising budget. Perhaps my thinking is unique or just plain foolish, but I have always been in the position where I have had to spend money in order to make money.

I cannot understand the position of some of my colleagues in opposing this bill, unless it is that they are afraid of the impact of this expanded sales promotion. I supposed it is possible that with the additional advertising they could be inveigled into buying an extra quart of milk.

Mr. Speaker, I move to recede and concur.

The SPEAKER: Is it the pleasure of the House to recede?

The Chair recognizes the gentleman from Albion, Mr. Cooper.

Mr. COOPER: Mr. Speaker and Ladies and Gentlemen: I have contacted—I live in a territory where the principal occupation is dairying. I have talked with, I don't know how many, but a great many of the people in my own town and in Benton and they don't think that this bill will improve their situation at all. They think that the situation as it is now is satisfactory to them and they feel that

they are going to be assessed a very small fee to advertise their product, which is already well advertised and which every person with any sanity at all knows that milk is a good food; and they feel that it is just pouring a few more dollars into an advertising program. Now that is all I have to say about that—that is the feeling in my territory.

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

Mr. WATERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of this bill, L. D. 1201. Before proceeding further I would respectfully seek your indulgence to set the record straight. There were several statements made here the other day by my good friend and colleague from Bowdoinham, Mr. Curtis, which I believe bear correction.

First of all, we were told that the Maine Milk Commission, formerly called the Control Board was supported by money raised by a tax on the producer and the dealer at the rate of one cent each. The statement should have been one-half cent each.

Secondly, we were told that the Maine Milk Tax Committee law was enacted in 1957 only for two years and that it died. The record is that the Maine milk tax was set up and passed on a trial basis for two years in 1957. It proved its worth to the industry and was enacted into law in 1959.

Thirdly, it was rather loosely implied that we as legislators were levying this tax against the wishes of the producer. I feel that is quite to the contrary. There are few producers within the State who do not belong to some producer organization. These questions are brought up at their meetings and discussed, a decision is reached and a delegate is sent to Augusta to attend the Agricultural Committee hearings; and at those hearings the desire of the group is stated. I think that my good friend, the gentleman from Bangor, Mr. Jameson, can vouch for that when his bill was before the Agricultural Committee.

Fourthly, it was further implied that no other industry had a pro-

motional or research tax. For the record I would call your attention to six other industries in our great state which have self-imposed taxes for this purpose: potatoes, sardines, blueberries, dry beans, quahogs, and sweet corn. Mention was made of \$115,000 which was raised by this tax and where part of it went, \$16,000 to Chicago, \$10,000 to Boston.

It so happens that Chicago is the home office of the American Dairy Association. The \$16,000 afore-mentioned never actually went out of New England, it appears only as a bookkeeping measure. This sum of money and more was used to promote the sale of fluid milk in the Boston metropolitan area, which helps seventeen hundred Maine producers, which is one-half of the industry in Maine, sell forty per cent of the production from Maine in that area where it is marketed. These seventeen hundred dairymen produce forty per cent of all milk produced in the State. The \$10,000 afore-mentioned also was used in the Boston metropolitan area for the same purpose.

In addition to that, \$21,000 was sent to the New England Dairy and Food Council for promotional purposes in the Boston metropolitan area, making approximately \$47,000, plus \$2,000 for New England Council grant, \$3,000 Boston Common and Maine Dairy Club, \$1,500 miscellaneous, for a total of \$53,500 or forty per cent of the \$115,000 sent out of the State to promote the sale of fluid milk in the market where the milk is sold.

The other 53.8 per cent was used here in Maine where the other seventeen hundred producers, or one-half the industry, which produced 60 per cent of the total amount of milk produced is marketed. And 6.2 per cent of the \$115,000, or \$9,500, was used for office direction.

Now that the record is cleared I might add that Alaska, our newest sister state, just this past month of March, 1961, joined the American Dairy Association, making all fifty states now participating in this promotional program.

If, by increasing the tax one-half of one cent per hundred-

weight, we can have more television programs or more advertisements in the daily newspapers taking up space for the promotion of milk which our children in the public have before their eyes, I am for it. Thank you very much.

The SPEAKER: The question before the House is the motion of the gentleman from Livermore, Mr. Boothby, that the House recede from its action whereby on April 5 it indefinitely postponed this bill. Is the House ready for the question?

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

Mr. CURTIS: Mr. Speaker, I will tell my good friend, Mr. Waterman, that the figures that I read I got from the Milk Commissioners themselves, so if they were wrong they had them printed wrong — I have them here in a bunch of sheets which — I do believe in advertising. I was in the milk business, I used to spend around \$300 a year in advertising — I do believe in advertising. But I do not believe that we as a Legislature have a right to say to any group of people who are doing business that we are going to take so much money out of your receipts and use it for advertising, regardless of whether you like it or not. Now that is just what this bill does and just what the others do.

The gentleman spoke about the other industries in the State, potatoes, chickens and so forth. Their advertising is their own. This Legislature is just passing permissive legislation. I would be all for permissive legislation for the farmers to set up a program of their own and run it themselves, but I do not believe it is a fair shake for these people who are producing the things that are so necessary to life, that we say to them we are going to do this in our way and all you've got to do is pay the bill.

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

Mr. TURNER: Mr. Speaker and Members of the House: Over the weekend several of the farmers contacted me and they wanted me

to go along and vote for this bill. About all it amounts to, taxes on the law today, they tax themselves for two per cent and they would like to increase that tax another half cent. That is all it amounts to and I see no harm in letting them do it if they want to.

The SPEAKER: The Chair recognizes the gentleman from Livermore, Mr. Boothby.

Mr. BOOTHBY: Mr. Speaker, I would ask for a division please.

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

All those in favor of receding from the action of the House on April 5 whereby it indefinitely postponed Bill "An Act Increasing Tax on Milk Producers for Promotional Purposes," House Paper 866, Legislative Document 1201, please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

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

The SPEAKER: Will the gentleman from Bowdoinham, Mr. Curtis, approach the rostrum please. The House will be at ease.

(Conference at rostrum)

The SPEAKER: The Chair recognizes the same gentleman.

Mr. CURTIS: Mr. Speaker, I wish to withdraw my motion to insist and move that we adhere.

The SPEAKER: The gentleman from Bowdoinham, Mr. Curtis, withdraws his motion to insist and moves that the House adhere. Is this the pleasure of the House?

The motion prevailed.

Non-Concurrent Matter

Majority Report of the Committee on Inland Fisheries and Game reporting "Ought not to pass" on Bill "An Act relating to Private Shooting Preserves" (H. P. 985) (L. D. 1372) which was recommitted, and Minority Report reporting "Ought to pass" on which the House accepted the Majority Report on April 7.

Came from the Senate with the Reports and Bill recommitted to

the Committee on Inland Fisheries and Game in non-concurrence.

In the House: On motion of Mr. Moore of Casco, the House voted to adhere.

Non-Concurrent Matter

Bill "An Act to Incorporate the Domestic Finance Corporation of Kennebunk" (H. P. 729) (L. D. 1017) which was indefinitely postponed in the House on March 14.

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

In the House:

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

Mr. TYNDALE: Mr. Speaker, this reminds me of the story of "Little Red Riding Hood." This bill has now come back in different clothes, with an amendment attached to it which takes the business back to Waterville. Now, gentlemen, I ask you, consider this very carefully, you move it from one place to another place and operate where you wish. It is just clothing up the thing in different clothes, the wolf has come back again; and I move at this time that we adhere to our previous decision.

The SPEAKER: Is it the pleasure of the House to adhere?

The motion prevailed.

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

From the Senate: The following Communication:

STATE OF MAINE
SENATE CHAMBER
OFFICE OF THE SECRETARY

April 11, 1961

Hon. Harvey R. Pease
Clerk of the House of Representatives

100th Legislature
State House, Augusta, Maine.

Sir:

Relative to the disagreeing action of the two branches of the Legislature on House Paper 389, Legislative Document 564, An Act

Relating to Use of Live Bait in Little Sebago Lake, Cumberland County, the Senate voted to join a Committee of Conference, and the President appointed the following conferees on the part of the Senate:

Senators:

STILPHEN of Knox

CYR of Arcostook

CARPENTER of Somerset

Respectfully yours,

(Signed) CHESTER T. WINSLOW
Secretary

The Communication was read and ordered placed on file.

Orders

On motion of Mrs. Harrington of Patten, it was

ORDERED, that Mr. Jones of Farmington be excused from attendance today because of business.

Mr. Whitman of Woodstock presented the following Order and moved its passage:

WHEREAS, the House is informed of the birth of a daughter on April 6, 1961, to Emery O. Beane, Jr., member of the House, and Mrs. Beane, the former Elizabeth Lester of Raymond;

AND WHEREAS, the Members of the House are much pleased and wish to extend their heartiest congratulations to all generations of the Beane family;

BE IT ORDERED, that the baby girl be named Nancy Lee Beane and that the Clerk of the House be directed to send to Emery O. Beane, Jr. an engrossed copy of this Order.

The Order received passage.
(Applause)

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

Mr. BAXTER: Mr. Speaker and Ladies and Gentlemen of the House: There comes a time in the life of every legislative session when the sun rises in the heavens, the snows recede, the green grass struggles through the mud by the north door of the State House, the Speaker does his road work in broad daylight, the birds and the friends of the Legislators return

from their fun in the south, the committee hearings are scheduled and about done, and the future work of the Legislature will be in the line of debate only in getting its work done.

Now this would inspire the ordinary person to poetry, I suspect. However, I am sure that would be regarded as a sign of very great weakness were it to be indulged in by the Majority Floor Leader, who is supposed to think of other things. And so in its place I have today to present the order which is ordinarily presented at about this time in the session, which emphasizes to all of us that we are approaching the end. Now this is the order which directs the Speaker to clear the unassigned table as time permits at the end of the day's work on each Tuesday, Wednesday, and Thursday of each week.

This order is a suspension of the rules, or an amendment of the rules, and therefore it must lay on the table and must be reproduced. So it will be reproduced and distributed to your desks. I will table it unassigned. We don't know exactly when we will take it off, but we will take it off when it appears that the time has come when we have the time to start removing these items from the table. Of course our only advice to you is that if you wish to take them off under your own volition as suits you best, it would probably be better for you to take them off before the Speaker takes them off. However, if you would prefer to have them come off under the routine, why they can come off that way.

So at this time I will present this order and move that it be tabled unassigned.

The SPEAKER: The gentleman from Pittsfield, Mr. Baxter, presents an order and moves its passage.

The Order was read by the Clerk as follows:

Tabled

ORDERED, that under Orders of the Day, on Tuesday, Wednesday and Thursday of each week, after Special Orders, Unfinished Business and Specially Assigned

Matters for that day have been disposed of, Unassigned Matters on the Table that are not taken up on motion, shall be taken from the Table and laid before the House by the Speaker in the order in which they appear on the calendar so far as time permits.

Thereupon, the Order was tabled unassigned pending passage.

House Reports of Committees Leave to Withdraw

Mr. Bearce from the Committee on State Government on Bill "An Act to Exempt University of Maine from Laws Relating to Bureau of Public Improvements" (H. P. 273) (L. D. 337) reported Leave to Withdraw.

Report was read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Jobin from the Committee on Labor reported "Ought not to pass" on Bill "An Act relating to Time Limitations for Filing Petitions under Workmen's Compensation Act" (H. P. 1000) (L. D. 1401)

Report was read and accepted and sent up for concurrence.

Ought to Pass Printed Bills

Mr. Berman from the Committee on Legal Affairs reported "Ought to pass" on Bill "An Act to Incorporate the Town of Hamlin, Aroostook County" (H. P. 685) (L. D. 963)

Mr. Berry from same Committee reported same on Bill "An Act Revising the Laws Relating to Registration of Architects" (H. P. 822) (L. D. 1137)

Mrs. Knapp from same Committee reported same on Bill "An Act relating to the West Paris Village Corporation" (H. P. 692) (L. D. 970)

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

Ought to Pass with Committee Amendment

Mr. Gallant from the Committee on Claims on Resolve in favor of Stanley Megquier of Orient (H. P. 1085) (L. D. 1495) reported "Ought

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

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 1085, L. D. 1495, Resolve, in Favor of Stanley Megquier of Orient.

Amend said Resolve by striking out the figure "\$1,000" in the second line and inserting in place thereof, the figure '\$950.00'

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

Tabled and Assigned

Mr. Kellam from the Committee on Legal Affairs on Bill "An Act to Grant a New Charter to the City of South Portland" (H. P. 605) (L. D. 854) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read.

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

Mr. DANES: Mr. Speaker, Ladies and Gentlemen of the House: Relative to House Paper 605, Legislative Document 864, Bill "An Act to Grant a New Charter to the City of South Portland," I would request permission to table this until next Tuesday in order to study this proposed committee amendment. Thank you.

Thereupon, the Report and Bill were tabled pending acceptance of the Committee Report and special-ly assigned for Tuesday, April 18.

Divided Report Tabled and Assigned

Majority Report of the Committee on Labor on Bill "An Act Revising Minimum Wage Law" (H. P. 820) (L. D. 1135) reporting same in a new draft (H. P. 1115) (L. D. 1537) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. MAYO of Sagadahoc
EDMUNDS of Aroostook
— of the Senate.

Messrs. WINCHENPAW

of Friendship
THAANUM of Winthrop
HANCOCK of Nobleboro
HARDY of Hope

— of the House.

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

Report was signed by the following members:

Mr. COUTURE of Androscoggin
— of the Senate.

Messrs. BROWN of South Portland
JOBIN of Rumford
BOISSONNEAU of
Westbrook
— of the House.

Reports were read.

(On motion of Mr. Baxter of Pittsfield, tabled pending acceptance of either Report and specially assigned for Thursday, April 20.)

Divided Report

Report "A" of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act Extending the Powers of the Maine-New Hampshire Interstate Bridge Authority" (H. P. 78) (L. D. 121)

Report was signed by the following members:

Mr. ERWIN of York
— of the Senate.

Messrs. SMITH of Bar Harbor
THORNTON of Belfast
RUST of York
MINSKY of Bangor
— of the House.

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

Report was signed by the following members:

Messrs. MARDEN of Kennebec
BOARDMAN of Washington
— of the Senate.

Messrs. KNIGHT of Rockland
BEANE of Augusta
BERMAN of Auburn
— of the House.

Reports were read.

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

Mr. DENNETT: Mr. Speaker, Ladies and Gentlemen of the House: The title of this bill is slightly misleading because it actually extends the powers of the

Maine-New Hampshire Interstate Bridge Authority to build a bridge across the Piscataqua River from Kittery, Maine to Portsmouth, New Hampshire. There was a hearing on this bill and probably two and one half to three hours were consumed. And I am going to try to crowd into less than ten minutes all the salient features of this bill and I hope after I have made my presentation, you will see fit to accept Report "A" of the Committee.

Now the State of Maine and the State of New Hampshire have entered into a compact to build a bridge within the period of the next five years across the Piscataqua River between these two points. It will become part of Interstate System number 95. Now there are three reasons why I am asking you to accept Report "A." One is that if you accept Report "A", this bridge can be built without one penny cost to the people of the State of Maine. There will be no fingers in the public treasury. Point two is that for some time the State of Maine has been going to great lengths to entice business of various kinds into the State of Maine. As a result, on this highway that lies only within the portion of the State of Maine there has been various business brought in and very nearly two million dollars invested by businessmen.

If this report is not accepted and the alternative bridge is built, these people that the State of Maine encouraged to come into the Town of Kittery and establish businesses will be wiped out. They will suffer great financial loss because the alternate proposition to this bridge goes about a mile up the stream and with a connecting road that is nowhere near the present highway.

The third point is that the Town of Kittery, and this of course touches on a personal note, will lose thousands of dollars in taxable property. And a fourth point is this; that if this Committee "A" report is accepted, this building of the Interstate 95 in other portions of the State of Maine where it is needed perhaps far more than in the vicinity in which I reside, will be accelerated and the northern

part or the central part of the State can have an accelerated program towards the building of this highway.

Now what this proposes is to build a bridge parallel with the existing bridge which now spans the Piscataqua River between Kittery and Portsmouth. Thus one bridge could be one way, the other bridge the other. As such it would then be able to fit in and be acceptable to the interstate system. As I said before, there is an alternate plan to build a bridge farther up the river. The costs of the bridge are highly problematical at this time. I couldn't quote you many figures; as a matter of fact I don't think you are interested in hearing any figures. Seventeen million dollars is the figure for the high level bridge, and somewhat less than that for the parallel bridge. But remember, the parallel bridge would be a toll bridge the same as exists today with a ten cent toll. The cost would be borne by the user of the bridge and no one has ever complained about paying a ten cent toll. The cost would not be borne by the taxpayers of the State of Maine or of the State of New Hampshire.

Now I must further point out that a companion bill is in the New Hampshire Legislature and I believe that they are waiting to see what action is taken in the State of Maine. I believe this bridge is in the best interest of the people of the State of Maine from every angle, the taxpayer, the people in the areas that need roads badly, and certainly for business that has been brought into this State, that they shall not suffer. I sincerely hope that you will accept Report "A" of the Committee.

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

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of the bill of the gentleman from Kittery, Mr. Dennett. This was a very lengthy hearing in the Judiciary Committee, but I would like to point out a few things. This is a permissive piece of legislation as far as the Interstate Bridge Authority is con-

cerned. It will allow the interstate Bridge Authority to do three things. It will allow them to borrow money, to improve their existing facilities by raising the railroad bridge under the bridge to eliminate sixty per cent of the lifts which are now required. It will allow them to make extensive surveys and engineering studies regarding the feasibility of the cost of expanding their present facilities. And thirdly, it will allow them to build a new parallel span at a minimum cost with minimum property damages, and one that will fit into the interstate route 95 program. Now compared to this, the Highway Department proposes to go up the river about a mile and build a high level bridge with a one hundred foot clearance over the river and by-pass the Town of Kittery and the City of Portsmouth by going from the Maine Turnpike directly to the New Hampshire Turnpike. Now this proposal presents some serious consequences. It will seriously damage the local business community on the Kittery side of the river and on the Portsmouth side of the river. It will siphon off seventy percent of the through traffic, and we all know once we are on a super highway we don't go down on any short access roads unless it is imperative that we do so.

Another thing that disturbs me here, the bridge that the Highway Department proposes is a one hundred foot clearance. Now seagoing shipping presently using the river, which will go up the river beyond this proposed location, must have a minimum of one hundred and ten foot clearance under a bridge at mean high water. The Highway Department proposes a hundred feet. The other two bridges are one hundred and twenty-five feet and one hundred and fifty-eight feet.

The other point that the Highway Department brought out was the fact that their proposed bridge, which is going from the toll road at Kittery to the toll road in New Hampshire with the accesses, and the high level and a four lane bridge is a cheaper passage than the proposed expansion of the interstate bridge which will only

be a three lane parallel proposition to what they have.

I would also like to emphasize, as the gentleman from Kittery, Mr. Dennett has emphasized, that this bridge if it is built will cost the taxpayers of the State of Maine nothing because it will be used by the people going through and they are mostly out-of-state people. And on the present interstate system, Route 95, which is now being constructed, approximately twenty percent is toll road facilities, and that is what this bridge would be if it were to be built by the Interstate Bridge Authority, and I support this bill wholeheartedly.

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

Mr. BERMAN: Mr. Speaker, Ladies and Gentlemen of the House: In the absence of House Chairman of Judiciary, John Knight, I would like to state the feelings of the Judiciary Committee or those members of the Committee who signed Report "B" "Ought not to pass." You will note by a little simple arithmetic that the Judiciary Committee on this one was divided right down the middle, there were five in favor of "A" and there were five members in favor of "B."

What both of the previous speakers either neglected to mention or forgot to mention, was that the bridge anticipated by Committee Report "A" is going to be a drawbridge. This was the main basis of contention. The State Highway Commission, Mr. Stevens, and Members of the Commission are violently opposed to Committee Report "A". The fact that this new bridge or this new lane to the existing bridge will be a drawbridge has very serious consequences for the State of Maine, particularly regarding federal funds and the interstate highway, Route 95, that is shooting up through the state. We are informed that the drawbridge is not approved by the government and the government is not happy with the drawbridge. If any of you have ever had to wait at either end of the Kittery-Portsmouth bridge you will know that a drawbridge in these modern times is an unsatisfactory

arrangement. This new lane, Committee Report "A" is a drawbridge. The bridge that the State Highway Commission proposes will be upstream a mile or so, will be a high level bridge and will not be a drawbridge.

Another thing that was brought out at the hearing, and which should be mentioned, the industries and the businesses in the Kittery-Portsmouth area of course are justifiably concerned. The Howard Johnsons, the Charter House Motel, Vallee's Restaurant, the Cloverleaf on the New Hampshire side, of course do not want to be moved. We were informed by members of the Highway Commission that even if Committee Report "A" is accepted and this double lane is built, the access to this new bridge and the volume of traffic that will be anticipated in the next five or ten years will make existing access roads impractical and unworkable, and that in spite of the fact that the proponents now feel that their existing industries and their existing businesses may remain, they feel that if this new bridge is built, a parallel drawbridge, they still may very well lose those businesses because the Valle Motel particularly and the Charter House, Motel is located very near the bank of that river. New access roads would have to be constructed we are told.

Finally, the high level bridge would have adequate access roads to the existing businesses. If the high level bridge were built there would be no need of damaging these existing businesses because those roads would not be changed, they would have access roads and exit roads to the existing motels, restaurants and the Charter House Motel in Maine.

In conclusion, it was the feeling of the Committee or the members of the Committee at least that signed the Report "B" "Ought not to pass," that it was clearly for the best interests of the State of Maine that a new high level bridge be built upstream. Again it was clearly for the best interests of the Kittery and Portsmouth area that the existing bridge remain. It is up to you to decide whether you want to support Committee Report

"A" or Committee Report "B". Thank you.

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

Mr. CROCKETT: Mr. Speaker, I would like to ask a question of the gentleman from Kittery, Mr. Dennett, through the Chair in regards to this bill.

The SPEAKER: The gentleman may state his question.

Mr. CROCKETT: I would like to ask the gentleman from Kittery, Mr. Dennett, if this was the same bill that George Varney tried in the last session but it wasn't allowed under the cloture rule to pass?

The SPEAKER: The gentleman from Freeport, Mr. Crockett, has asked a question through the Chair of the gentleman from Kittery, Mr. Dennett, who may answer if he chooses.

Mr. DENNETT: Mr. Speaker, in answer to the question of the gentleman from Freeport, Mr. Crockett, yes, this is the same bill that Mr. Varney spoke on but did not attempt to introduce because of the cloture order. It is the same bill.

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

Mr. RUST: Mr. Speaker and Members of the House: We have heard the gentleman from Auburn, Mr. Berman, mention the basic dispute as being between a high level bridge or a split bridge where you have to have a draw slip. Now regardless of that, I would still like to point out that most all the shipping that uses the Piscataqua River will have to go up through two drawbridges in any event as they now do, and that the third bridge which is proposed by the Highway Department is proposed at a one hundred foot level and it is not adequate to take care of the shipping that goes up the river because they must have a minimum of one hundred and ten feet of clearance at high water or they will just crash into the bridge. So it is not a basic dispute between a drawbridge proposition or a high level bridge. There are more basic considerations to the project than that, there is money, there is property damages and

there are local interests to be considered.

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

Mr. CURTIS: Mr. Speaker, I would like to ask a question of the gentleman from Kittery, Mr. Dennett, or anyone.

The SPEAKER: The gentleman may state his question.

Mr. CURTIS: As I understood, the gentleman from Kittery, Mr. Dennett, said that the bridge built under Report "A" that it would not cost the State anything. And now if it is built up the river under Report "B", would it cost the State anything?

The SPEAKER: The gentleman from Bowdoinham, Mr. Curtis, has asked a question through the Chair of the gentleman from Kittery, Mr. Dennett, who may answer if he chooses.

Mr. DENNETT: Mr. Speaker, I can answer that question very readily. I definitely stated that this bridge that might be built under Report "A" would be built without the cost of one cent to the people of Maine, other than the users of the bridge. Incidentally, about eighty percent of the traffic over the present bridge is foreign or out-of-state traffic.

Would the second bridge cost the people of the State of Maine anything? Yes, it would. Of course as we all know, ninety per cent of the funds are contributed by the federal government; ten per cent would be shared by both states, Maine and New Hampshire. The estimate of the high level bridge is \$17,000,000. That means there would be \$1,700,000 that would be shared by both states, plus in the State of Maine the cost of approaches to a certain point which is estimated would be another million dollars. So anyway you look at it it is \$2,000,000 cost to the people of the State of Maine with this high level bridge versus nothing with the bridge planned under Report "A".

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

Mr. SMITH: Mr. Speaker, I would like to explain my position in signing the Report "A". There

are two points which I think should be brought out, and which were the grounds for my signing that report. One, a vote in the committee for Report "A" or a vote in the House now is not a vote to build a bridge. It is a vote to give authority to the Bridge Authority to investigate and build at its discretion, so this is not determinative of a building or a not building.

Secondly, the extension of ninety-ten roads throughout the state of course is going ahead rapidly. The future burden of maintaining those roads and maintaining any bridge built under the ninety-ten program falls upon the state, and at the present time it seems to me it would be well to vote for a program which would at least permit the Bridge Authority to investigate, get plans which have not yet been obtained, and then determine its future course.

The SPEAKER: Is the House ready for the question? The Chair recognizes the gentleman from Portland, Mr. Kellam.

Mr. KELLAM: Mr. Speaker and Members of the House: I have always been somewhat interested in this bridge at Portsmouth since I live in Portland and travel there quite considerably, and I have attended the hearing in the Judiciary Committee on this bill, and what I have heard from the Highway Department and those people who are taking a disinterested view on the bridge, bears out my own conviction in the matter. In looking at—anyone who looks at the bridge and tries to disregard somewhat the local impact to the two or three gas stations who may make a good business from that bridge, would agree that it is economically unfeasible to build another lane in that location and conduct the interstate highway across that bridge. As Mr. Stevens pointed out at the hearing, it would take a six lane bridge to adequately service the interstate highway at Kittery. The existing bridge is two lanes wide. I believe it is marked for three lanes but you have got to have suicidal tendencies to get out into the center of the particular bridge that is only thirty feet wide. The bridge would have to be widened

and I certainly can see no way it can be done practically on the existing bridge since the center draw would have to be completely rebuilt.

In addition to that, you would have to put another bridge alongside the existing structure of three lanes wide and in order to have the approaches to these bridges—the two bridges of the same three lane width, it would necessitate cutting off at least one whole side of the street going through Portsmouth and going through Kittery, so the only people you are really going to help is the other side of the street. After this is all done you will have a six lane bridge there and two lanes on the existing lower level bridge in Kittery giving a total of eight lanes which is necessary to service this particular area. By the same token, if you build a bridge upstream you can get by with two two lane bridges since you will have the existing two lanes and making a total of eight counting the two lanes within the city itself, the lower bridge.

I think it is only practical to go along with the Highway Division on the planning for the interstate highway and plan to build a road which eventually will be acceptable to the federal government. I do not believe there is a single interstate highway bridge which is a drawbridge, and I don't believe the federal government will ever endorse a drawbridge for the interstate highway. The only thing that this bill will do if it is carried through in building another bridge would shackle the State of Maine with tolls for a long number of years and prevent any improvement in the highway due to the fact that if the highway was improved the proceeds—tolls would fall off noticeably.

Now as to the cost to the State of Maine, if the supporters of this scheme were so dead set upon having tolls, I have been informed it is possible to build the interstate bridge upstream and still have a toll facility, with certain restrictions that once the tolls have paid off the state's contribution the tolls would have to be removed. So it is possible to do the job the way

it should be done without any cost to the State of Maine if it becomes desirable to do so.

I feel that we should leave the Bridge at Kittery the way it is at the present time and devote our time to the interstate highway upstate and build throughout the state, and by that time we can concentrate on the Kittery situation. There is no dire need for either facility down there at the present time. I do not believe that we we should authorize this Authority to build another bridge which is completely impractical and if any man who was in business ever thought of such a thing, he would be in bankruptcy the next week.

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

Mr. DENNETT: Mr. Speaker, I do not believe I have spoken more than once. Twice I have answered questions.

The SPEAKER: The gentleman is correct.

Mr. DENNETT: Mr. Speaker and Members of the House: I find myself in violent disagreement with the gentleman from Portland, Mr. Kellam. I think he has been somewhat misinformed. The high level bridge planned by the — not exactly planned, but the idea of it by the State Highway Department is also a four lane bridge. It is not a six lane bridge. The building of this parallel bridge would give four lanes.

Now the second road that would give access to this is not by widening the present road but by another road going in back of the present structures, the businesses that are located on the interstate highway. It would also provide access to them from both ways. It is definitely to their advantage to have this road. This bridge across the Piscataqua, this second bridge, parallel bridge, is entirely feasible. The hint of the idea that this would not be acceptable to the federal government is all wrong. I will agree that under the federal government's present plans they do not look particularly in favor upon this bridge, but it is acceptable to them. This has already been determined. As the gentleman from York, Mr. Rust brought out, the hundred foot bridge

would not allow for the passage of large vessels up the river. It would be a detriment to commerce.

Now the present bridge this day handles the traffic quite well. In the summertime, particularly on weekends, there is somewhat of a rush, somewhat of a bottleneck, which the second bridge would take care of amply for years and years to come.

I think in the final analysis, the persons that should be considered in this thing are the taxpayers of the State of Maine and not particularly any ideas which the State Highway Department might have.

I might add further, in the indenture on this Maine-New Hampshire interstate bridge is a clause that once the bridge is paid for it is "and a fund accumulated for the perpetual maintenance of this bridge," then it becomes free and it will never become a cost or a burden in any manner on the people of the State of Maine. The tolls are more than ample at a mere ten cents to pay for this bridge within the specified period of years and I think it is a wonderful thing for the State of Maine to get something without cost to the taxpayers.

The SPEAKER: The Chair recognizes the gentlewoman from Lebanon, Mrs. Hanson.

Mrs. HANSON: Mr. Speaker and Members of the House: I would like to emphasize just a little bit more on this industrial angle. The idea that just a few gas stations are involved is far from true. I know there is one industry there which employs over a hundred people, bringing in more than a million dollars into the State of Maine. There is another industry which is interested in coming into that locality, but when they heard about the bridge they are holding off. If the bridge doesn't come, the industry doesn't come.

Now we are talking about spending millions of dollars to bring industry, to bring other business into the State of Maine, whether it be industry or tourists. If these people move into a section and spend thousands and millions of dollars for such establishments, they just get going and then we say well, it's too bad, but we are going to build the road somewhere else now, you'll

have to look out for yourself, industry is going to look twice before they come into these places. I think we had better take a look at that angle.

The SPEAKER: Is the House ready for the question?

Mr. MATHEWS of Berwick: Mr. Speaker I would request a division.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Berry.

Mr. BERRY: Mr. Speaker, from Boston to Portland we have a very good expressway which has taken a lot of time and a lot of money to build, and it is very capably serving the motoring public and bringing a lot to the State of Maine. As we drive it there is one bottleneck on it, and that is the area we are discussing under this bill. I think we have had plenty of experience in the State of Maine on the benefits that accrue to the motoring public from limited access highways, and I can think of no better example than the situation between Portland and Falmouth where we are now in the process of building a multi-million dollar road because at one time we didn't have the courage to make a decision in that direction. I think that we have in the issue here a matter of local concern with which we all are very sympathetic, but I think when the vote is taken that the concern of the the motoring public should be paramount.

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

Mr. JALBERT: Mr. Speaker, I merely want to ask a question from any member of the highway committee or Representative Dennett. Has there been a survey or study made of this project?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, has asked a question through the Chair of anyone who may choose to answer.

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

Mr. DENNETT: Mr. Speaker, in answer to the question of the gentleman from Lewiston, Mr. Jalbert, I will say that there was a preliminary engineering plan drawn of the proposed new bridge and I have also — this is the one that I speak

of under Report "A." There has also a plan been drawn of the high level bridge by the Highway Department. Both plans which I understand are tentative, have been submitted to those interested.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Merely commenting, I appreciate the gentleman from Kittery, Mr. Dennett's honest answer, but I am — these are tentative plans, and I was wondering whether under the ordinary procedure whether this would be a toll bridge or not, if the same situation does not exist in that area as exists in any other bridge proposals. We have been trying in Auburn to get a much wanted third bridge for many years and up to now we are at least getting a few thousand dollars to continue a survey to find out the feasibility of it, and on that basis I wonder how anyone would vote and vote honestly if there wasn't in his mind a complete and thorough survey made of this project. I am neither speaking for or against the bill. I merely want information.

The SPEAKER: The Chair recognizes the gentlewoman from Yarmouth, Mrs. Knapp.

Mrs. KNAPP: Mr. Speaker, Ladies and Gentlemen of the House: There are members here that probably remember my first session three sessions ago. Mrs. Smith, the gentlewoman from Falmouth and I tried to point out to the people here in the Legislature the mistake that would be made if the 95 Highway was put through Yarmouth as it is today. And I think there are plenty here now that will admit their mistake in voting for it, and I hope we don't make the second one today.

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

Mrs. HENDRICKS: Mr. Speaker and Members of the House: I concur with the gentlewoman from Lebanon, Mrs. Hanson, and I think that we shouldn't do anything further to make the businesses that we now have feel insecure, that we should do everything to en-

courage them, and I think that Report "A" should be accepted.

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

Mr. SMITH: Mr. Speaker, it seems to me that this is a bill of very vital importance to the State of Maine. This is one of our chief lifelines. Therefore, I would like to ask when the vote is taken a roll call vote be taken.

The SPEAKER: A roll call has been requested. Is the House ready for the question? 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 of the members present. Will those who desire a roll call please rise and remain standing until the monitors have made and returned the count.

An insufficient number arose.

The SPEAKER: Obviously, less than one-fifth having arisen, a roll call is not ordered. A division has been requested. The Chair will restate the question. The question before the House is the motion of the gentleman from Kittery, Mr. Dennett, that the House accept Report "A" "Ought to pass" on Bill "An Act Extending the Powers of the Maine - New Hampshire Interstate Bridge Authority," House Paper 78, Legislative Document 121. All of those in favor of the acceptance of Report "A" please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

One hundred twelve having voted in the affirmative and nineteen having voted in the negative, the motion did prevail.

Thereupon, the Bill was read twice and assigned for third reading tomorrow.

Divided Report

Report "A" of the Committee on Labor on Bill "An Act Making Unlawful Picketing Violence Which Prevents Delivery of Necessary Supplies or Services" (H. P. 150) (L. D. 213) reporting same in a new draft (H. P. 1114) (L. D. 1536) under title of "An Act relating to Plant Protection" and that it "Ought to pass".

Report was signed by the following members:

Messrs. MAYO of Sagadahoc
EDMUNDS of Aroostook
— of the Senate.

Messrs. HANCOCK of Nobleboro
HARDY of Hope
WINCHENPAW
of Friendship
— of the House.

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

Report was signed by the following members:

Mr. COUTURE of Androscoggin
— of the Senate.

Messrs. BROWN of South Portland
JOBIN of Rumford
BOISSONNEAU

of Westbrook
THAANUM of Winthrop
— of the House.

Reports were read.

(On motion of Mr. Baxter of Pittsfield, tabled pending acceptance of either Report and specially assigned for Thursday, April 20.)

The SPEAKER: The Chair would like to recognize the presence in the gallery of a group of thirty-six students from Greenville High School, accompanied by Mrs. Alden Worman, Mrs. Thibodeau and Mrs. Gerald Garby.

Also there's a group of eighth grade students from the Maria Clark Grammar School in Hallowell, accompanied by Mrs. Frank Rollins of Hallowell.

And another group of sixteen Girl Scouts of the seventh and eighth grades from Buxton, with their leaders Mrs. Margaret Vale, Winifred Lester, Martha Berry, Virginia Randall and Leander Murray.

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)

Passed to Be Engrossed

Bill "An Act relating to Penalty for Assaults Upon Enforcement Officers" (S. P. 292) (L. D. 903)

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

Third Reader Indefinitely Postponed

Bill "An Act Increasing Compensation for Legislators During Special Sessions" (H. P. 51) (L. D. 92)

Mr. PHILBRICK of Bangor: Mr. Speaker?

The SPEAKER: For what purpose does the gentleman arise?

Mr. PHILBRICK: Mr. Speaker, you asked me for what purpose I arise. I will tell the Speaker for what purpose I arise. I arise to make a motion.

The SPEAKER: The gentleman may state his motion.

Mr. PHILBRICK: I move to indefinitely postpone item 2 and speak briefly on the bill.

The SPEAKER: The gentleman may proceed.

Mr. PHILBRICK: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday I stood before this assembly and I moved that we have a roll call on this particular bill. The bill is "An Act Increasing Compensation for Legislators During Special Sessions." Now up to date we have drawn a rather firm line on salary increases for various members of the State Government. Probably we shall continue to do so, at least that is apparently the feeling of the members of the House. Now here under whatever guise you wish to call it, it matters not. This is a salary increase for ourselves, and I believe that if we are to vote on such a matter as this, and especially if we do as we did yesterday and vote in the affirmative, that the people at home, the citizens of the State of Maine are certainly entitled to know how each and every one of us voted. Now if there is any member in this House with a proper amount of intestinal fortitude, that man will rise with me when I request that we again attempt a roll call vote. And thank you.

The SPEAKER: Does the gentleman from Bangor, Mr. Philbrick, request a roll call vote?

Mr. PHILBRICK: I so move a roll call.

The SPEAKER: A roll call has been requested. The question before the House is the motion of the gentleman from Bangor, Mr.

Philbrick, that the House indefinitely postpone the report of the Committee on Bills in the Third Reading. A roll call has been requested.

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

Mr. HAUGHN: Mr. Speaker, Ladies and Gentlemen of the House: I anticipated this move after yesterday's vote in which we have expressed our desires and our wishes to the members of this House, but I will admit by a small majority, with approximately thirteen or fourteen members absent. I think we expressed our desires and our convictions and our belief and I am amazed to hear, to think that any member of this House did not vote his own convictions yesterday as he desired from the expression just said to you on the floor. As far as salary increases for ourselves, this is not for ourselves. I want it clearly understood not for the 100th Legislature, it's so publicly stated in the press this morning, and when anybody tries to bring those kinds of things into an argument to convey to the minds of others that they haven't got their own thoughts and their own thinking and have a knowledge of this bill, I'm sure they're wrong when they try to convey those kind of thoughts.

As you saw the Kennebec Journal this morning, sure we had publicity on this bill. The pay raise for the legislators can backfire, by the honorable gentleman from Kittery, Mr. Dennett. It sure can backfire, but from the opposite viewpoint of which was expressed by that gentleman. It can backfire to the extent that many who are able to come up to this place, perform the duties and sponsors for the people's interest and the welfare of the State, cannot come up. That's how much it can backfire. We are not supposed to have a Legislature here, the idle rich and retired, we're supposed to have a Legislature made up of all types and walks of life which represent truly the picture and the interest of the people of the State of Maine, not one function nor one particular group.

As far as the pay raise goes, let's look at what the professional lawmakers are doing, and I hope

we never get in that category, because that's not my aim or desire, or I don't believe any member of this House. From the State of New York, 208 legislators just voted themselves an increase of \$900,000 pay, which is \$12,500 each year. This bill is predicted to be signed by Governor Rockefeller in the State of New York. That was the final move of the 1961 session. I might add the Speaker gets a \$7,500 increase in total salary making the total \$29,000 for the Speaker of the House of the New York assembly. The President of the Senate gets the same thing, the Chairman of the Finance Committee, the Assembly Ways and Means Committee will also receive a raise pay of \$7,500 to \$28,500 annually. Now these gentlemen also boost the pay of state legislators, and the legislators boost the pay for state employees at a total of 33.7 million dollars a year.

We did that here two years ago and four years ago for the employees of the State. We did it for the department heads—we did nothing for ourselves, except one small increase of pay which is not concerned with us in the next Legislature, which you gentlemen and ladies are now receiving, because in the last Legislature with a committee report of ten to nothing unanimous ought not to pass. Your convictions, your own feelings and desires that they were too old and you should have some just compensation increase. You will receive a \$200 increase which was not effective the last legislature which was passed, but for this legislature this year.

So when they say salary increases for us, that's a wrong statement to make and I resent that type of conversation in regards to trying to defeat a bill through that effort.

I'm not opposed to this House defeating a bill, but let's bring the facts out seriously and let's bring them out so that we understand the problem.

Now the New York Legislature works two days a week for a three months' period. They were all through this year. They are professionals and I say once again it is not my desires or my wishes

or any member of this House to be of that category. The State of Massachusetts increased theirs, but they went over bounds because within their own body they voted themselves and the court has so upheld it since. They have a right to increase their compensation of performance which is considered a legislative expense and not pay. They also increase for the incoming legislature a total salary of a \$1500 increase, I do not condone those types of actions, but they have the right and the wisdom of their own body, their own convictions to voice their opinions and desires, that's their wishes and their ways, so may it be. But in the State of Maine, we do not operate after seeing that fact in the interest of the people of the State of Maine.

Now the legislative leaders of that body in New York State have answered this criticism by saying that the job of a legislator is a year round function, advising hundreds of constituents at all times. We are faced with the same problem here in the State of Maine. Do you ladies and gentlemen serving your first term, as you go into your second year, the off year, we're not in session, you will find that your expenses will be almost as great as they are this year with no compensation. In devotion to your constituents, your time, you're running to the State House, telephone calls, you receive nothing for it, and you're going to fully realize the small amount that you receive. There isn't a person I know of as I stated who wouldn't at least like to receive compensation which is just and right, and which we are entitled.

Now when they start with these type of attacks to defeat a bill, is it poor sportsmanship or is it because they are facing an issue, or what is the problem confronting us? In my opinion this is one of the fairest, ablest bills that has been presented to this Legislature in regards to our own rights and privileges and the people back home are condoning it. Now what the Press may say, they always write a story for press release which the public will read and will have to often time read between

the lines to get the full meaning. But you gentlemen here will answer to your people back home same as I am, and I have been able to answer them true for the last four terms and three of those I have had pay raise increase bills for you legislators in here which have successfully passed throughout a hard long struggle. I have been returned and other members here who voted for it have been returned too, so it's not the reaction of the people. It's your being compensated sufficient enough to keep you from office, and I do not mind being recorded publicly or being able to go to the people and tell them facts and figures and explain the situation because the average public is not aware of the compensation you receive here as legislators and the time devoted to it, the sacrifices and promises that you have to make that they will ever scold you for it nor rebuff you for it, or keep you — from their voice of supporting you in office. There are other issues that they will certainly be concerned with on your actions, and as far as the departments heads once again, we raised their pay two and four years ago and it came back in a regular session again. This bill has to wait an additional two years before any action can be taken. Whereas department head bills or payrolls of employees that are enacted upon become ninety days effective after we adjourn of that particular session. So I hope that you will stand on your own firm convictions, repeat yourself not be afraid to be recorded to tell the people back home that you made up your mind and didn't change it because somebody called a roll call. If it does come about or not, if it does not, then I will request a division.

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

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: So far we have done a praise-worthy job in holding the line against any increases in salaries. Now are we going to go along with this ignoble act of voting to increase our own compensation? From all sides I have heard

that we, of the 100th Legislature, are really trying to put the ship of state on an even keel, that we are to be commended. Shall we destroy the faith of our constituents by voting for the passage of this bill? Destroy a record which so far has been beyond reproach? I ask you. I want my people to know just how I stand. I shall certainly hope for a roll call when this question is put to the House.

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

Mr. NOEL: Mr. Speaker, Ladies and Gentlemen of the House: I am a member of State Government and at the time there was no opponent—no proponent of this bill. But I did not know that state department heads had been given a raise the previous two years or that the Governor's Council were given \$20 per day. Therefore, at that time I voted ought not to pass, but I would like to change my vote to ought to pass.

The SPEAKER: The Chair recognizes the gentleman from Waterboro, Mr. Bradeen.

Mr. BRADEEN: Mr. Speaker, Ladies and Gentlemen of the House: The interesting remarks that I have just heard with reference to this proposal bring to mind a cartoon, which was — it wasn't exactly a cartoon either, it more accurately might be described as a picture of wildlife which appeared in the magazines under the sponsorship of the Chrysler Corporation in the late 1940's. As I recall it, it showed this mother bear standing in the middle of a shallow river tossing some salmon or trout or something like that onto the bank for two or three cubs to eat. The caption was this, "Chrysler Corporation sponsored"—and this is not an ad for Chrysler—"we aim to take care of our own." I would like to leave that thought with you. If we pass this particular bill this morning, we will get and we will richly deserve the caption in the local press — they aim to take care of their own. Thank you.

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

Mr. BEARCE: Mr. Speaker, Ladies and Gentlemen of the House: My remarks will be reasonably short. I would suggest perhaps that we all ought to move to the State of New York where we could get some good money. I have also disliked to be associated with anyone or any legislators from Massachusetts. Of course we had the good Governor down here, but the rest of it, I'm not particularly in favor of. My colleague just mentioned and our friend the gentleman from Lewiston, Mr. Jalbert, brought out yesterday or caused me to bring out that for many years the council has been on a \$20 a day basis, that their salary certainly has not been raised as far as I know for many, many years. I'm not sure just how they arrived at this, possibly they figured that the council had a little more work to do or a little more authority so they were given \$20 a day whereas the House only has \$10 a day. I thank you.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I spoke at some length yesterday and I don't care to rehash all that was said. I would bring out that this is a bill not for this legislature, but for future legislatures on special sessions only. I feel and I think many members of this House feel that special sessions of the Legislature many, many times are political maneuvers. I don't think that the pay even for special sessions should be made attractive. I think special sessions as such should be discouraged to the utmost. But further and to really stress a point, I feel that this morning we are here on trial. We are here on trial by the people of the State of Maine. We have, as has been stated, taken certain actions relative to pay raises, and no doubt we'll take more. I don't feel that it is justice at this time to vote any increases for the legislature whether it be this or future legislatures. That is my stand and I will stand to it to the bitter end.

The SPEAKER: Is the House ready for the question?

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

Mr. HAUGHN: Mr. Speaker, Ladies and Gentlemen of the House: As you know yesterday when I spoke on this bill, I won't delay it either, because I think we've had the pros and cons sufficient to make up their own minds and decide how they desire to vote, but I will say on your desks this morning as I promised you yesterday, if the bill did pass, that I would present for you today an amendment which is on your desks today which strikes the amount of \$20 reduces it to \$15, and if this bill is allowed to its third reading, I shall offer this amendment and I am awful glad that the gentleman from Bucksport, Mr. Bearce brought out what he did, because I condone what he has just said, that I would not either like to be a part of the New York Legislature or Massachusetts Legislature on the condition of pay that they receive. I would like to be a member — it would be a privilege and an honor which it is in any case, but as far as the pay scale I will agree with him, so I don't think his comments were very far out of reach, because I had already made the statement in regards to that. As far as the council going and the pay that they receive for a good number of years for \$20, then that being the case, we are underpaid and they were over paid for all these years. Because they perform in our absence the duties that we lay out for them and the desires of the legislature they carry on for us. So a performance and continuance of our duties which we were receiving \$15 and they were getting paid \$20, plus expenses. So therefore, we were underpaid, they were definitely over paid under those conditions.

As I spot the power that other committees which receive up as high as \$30 per day in this State, and you want to go into the Legislative Research office and break down the Research Commission and the average runs between \$28 and \$40 a day for legislative research. Who are these? Members of the House and the Senate. They're performing duties and continue

what we set up here to bestow what we didn't have the time to do and also gain knowledge for the next legislature to make reports. And I must remember this bill has no party connections whatsoever, neither Democrat or Republican party. It's just simply a bill on behalf of the Legislators for their interest and their rights and I hope that when the vote is taken, that you will stand firmly on your convictions and vote as you did yesterday.

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

Mr. BRAGDON: Mr. Speaker, I did not intend at all to get into this discussion, but I feel called upon to comment on the remarks of the gentleman from Bridgton, Mr. Haughn with respect to the cost of the Legislative Research Committee and only as a matter of explanation. I do not question perhaps that he can come up with his thought for \$40 a day which I understood him to say, but in order to do this, he has got to include travel, meals and per diem. I will give you the actual amount that the members of the Legislative Research Committee do receive and that will clear up the whole situation. It may add up to \$40 a day, I don't know. They receive \$10 a day per diem, they receive 5 cents mileage, just the same as members of this House receive, they also in the past they receive room rate if they have a motel or hotel room if they have to stay over the night. Many of them do not, most of them get home the same day they come here. They come here—in fact I have driven five hundred miles and not stayed over night. That's a little too much for anyone serving on the Research Committee from my area, but I have done it. However, we do receive pay for a room if we have to stay. The practice last year was \$6 a day for meals. Now if you people in the Legislature will add this up, you will know exactly what they now receive. Ten dollars a day per diem, \$6 a day for meals when they're actually on duty, mileage to and from their place of residence and a motel room.

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

Mr. DODGE: Mr. Speaker, and Members of the House: Those of the 99th Legislature who remember that an order was brought in here—at that time to pay us for the time that we work over 20 weeks, and we determined that it was perfectly legal to do that. That was with all intent and purposes would increase the pay for the 99th Legislature. And that order was turned down. The Legislature refused to vote themselves which would have been a raise for the time we put in. I feel this Legislature would do the same thing, but we must remember that Brother Haughn has told us that if this—for the 100th Legislature, it is for the next legislature, and we are receiving \$200 extra in this legislature, the 99th did vote for us. You are not voting for any raise of the Legislature here, and you are not voting for a raise for yourselves because you do not know whether you will be back here or not.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Bangor Mr. Philbrick, that the House indefinitely postpone the report of the Committee on Bills in the Third Reading. 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. All those who favor a roll call, please rise and remain standing until the monitors have made and returned their count.

A sufficient number arose.

The SPEAKER: Obviously more than one fifth the members having arisen, a roll call is ordered.

The Chair will restate the question. The question before the House is the motion of the gentleman from Bangor, Mr. Philbrick, that the House indefinitely postpone the Report of the Committee on Bills in the Third Reading on Bill, "An Act Increasing Compensation for Legislators During Special Sessions," House Paper 51, Legislative Document 92.

If you are in favor of the motion to indefinitely postpone, you will answer "yes" when your name is called. If you are opposed to the motion to indefinitely postpone, you will answer "no" when your name is called. The Clerk will call the roll.

ROLL CALL

YEA — Anderson, Ellsworth; Baxter, Bearce, Berman, Auburn; Berman, Houlton; Bradeen, Bragdon, Brown, Fairfield; Brown, Vassalboro; Carter, Chapman, Gardiner; Chapman, Norway; Choate, Cooper, Coulthard, Danes, Dennett, Drake, Dunn, Durgin, Edwards, Estey, Finley, Gardner, Gill, Hague, Ham, Hancock, Hanson, Lebanon; Hardy, Hartshorn, Hichborn, Hughes, Hutchins, Johnson, Smithfield; Kennedy, Kimball, Lane, Lincoln, Linnekin, Littlefield, Maddox, Mathews, Merrill, Minsky, Moore, Morse, Perry, Philbrick, Augusta; Philbrick, Bangor; Pike, Plante, Roberts, Rust, Schulten, Shaw, Shepard, Sproul, Storm, Swett, Thaanum, Turner, Tweedie, Tyndale, Vaughn, Waltz, Waterman, Wellman, Westerfield, Whitman, Whitney, Winchenpaw, Wood, Young.

NAY — Albair, Anderson, Greenville; Baker, Beane, Moscow; Bedard, Bernard, Berry, Cape Elizabeth; Berry, Portland; Binnette, Boissonneau, Boothby, Brewer, Briggs, Brown, So. Portland; Buckley, Bussiere, Crockett, Curtis, Cyr, Davis, Dennison, Dodge, Dostie, Lewiston; Dostie, Winslow; Edgerly, Fogg, Gallant, Hanson, Bradford; Harrington, Haughn, Hendricks, Hinds, Hopkinson, Humphrey, Jalbert, Jameson, Johnson, Stockholm; Karkos, Kellam, Kilroy, Knapp, Lacharite, Lantagne, Letourneau, Levesque, Lowery, MacGregor, Malenfant, Matheson, Maxwell, Morrill, Nadeau, Biddeford; Nadeau, Lewiston; Noel, Prince, Prue, Sevigny, Sirois, Smith, Bar Harbor; Smith, Falmouth; Smith, Strong; Stevens, Stewart, Tardiff, Thornton, Wade, Walker, Walls, Wheaton, Williams.

ABSENT — Beane, Augusta; Burns, Jobin, Jones, Knight, Poirer.

Yes, 74; no, 70; Absent, 6.

The SPEAKER: Seventy-four having voted in the affirmative and seventy having voted in the negative, with six being absent, the motion does prevail.

Sent up for concurrence.

The SPEAKER: At this time the Chair would like to recognize the presence in the gallery of forty-two students from Howland High School, accompanied by their teachers, Richard Bernard and Virginia McCann.

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)

Third Reader Indefinitely Postponed

Bill "An Act relating to Costs of Witness and Attorney Fees under Workmen's Compensation Act" (H. P. 255) (L. D. 369)

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

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday we heard mainly from the lawyers of the House without too much opportunity for the laymen to express their opposition to this bill. Perhaps this bill as presently written without amendments should be called a "Lawyers Relief Act" at the employer's expense.

Throughout the session I have been most reluctant to talk on matters pertaining to the fields of labor, principally because of my close association with them for the last fifteen or twenty years. My reluctance to speak does not extend, however, to a bill of this type. The gentleman from Auburn, Mr. Berman, said yesterday that most lawyers wouldn't take this type of business, because there wasn't any money in it. This is certainly being corrected. I wonder, however, if there is not another reason. Perhaps many conscientious lawyers tell their prospective clients that they will fare as well

before the Commission without a lawyer as with one.

I firmly believe that the injured employee does fare as well, and in some instances better, without an attorney. The Commissioners are charged under Section 30 of this law, "in interpreting this Act it shall construe it literally." They, in my opinion, certainly have done just this in those cases with which I have been involved.

Furthermore, Section 30 also specifies that the Commissioner adopt procedures "to secure a speedy, efficient and inexpensive disposition of all proceedings hereunder." Surely this provision of this Act would be nullified by the adoption of this bill. In addition the Commissioner may now under Section 31 subpoena witnesses, hire investigators and pay for their services. This bill is an open invitation for attorneys to take a fling at every case before the Commission and force the added burden on it of determining whether this lawyer or that one will be paid and how much.

These Commissioners are all lawyers and I think it is going to be difficult to favor one lawyer representing a case over another. Probably they will wind up paying for each and every one, rather than face an appeal by lawyers that their fees were not granted or, if so, were not large enough.

Ladies and Gentlemen, I move for indefinite postponement.

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

Mr. ESTEY: Mr. Speaker and Ladies and Gentlemen of the House: I sat here yesterday somewhat fascinated by the proponents of this measure and then when I did arise to speak I found myself caught by a legislative procedure, so I could not continue. One thing that the proponents did not tell you yesterday, and which you would have to look back to your original committee report to remember, was that this report came out eight to two "Ought not to pass." The minority report was signed by the Senator from Androscoggin, Senator Couture, and the gentleman from Rumford, Mr. Jobin.

This bill in identical form was killed in the House in three previous sessions, the 96th, the 98th, and the 99th Legislatures. In all cases the bill was sponsored by the minority party. Is there any real need for this bill? In any case a workman is represented by a Commissioner on the Commission. The three Commissioners work more with Workmen's Compensation Law than any other lawyers in the State, and the Act by law must be liberally construed in favor of the injured workman, as the gentleman from Fairfield, Mr. Brown, has just pointed out to you.

This bill will encourage lawyers to handle and to appeal more cases because they will be almost assured of fees. The Commission already has a heavy work load. And it means that with many appeals they would need more Commissioners and a bigger staff. I am wondering if the proponents have ever checked with the Commissioners to see whether they favor this bill. And I am a little confused — the bill amends Section 32, pertaining to petitions filed under Section 33; and with the exception of attorney's fees it gives no more authority than there is already given to the Commission under Section 31.

What is the wisdom of changing a legal system where all plaintiffs have always had to hire their own lawyers? If a workman has an automobile accident he must pay his lawyer to bring suit win or lose. Even in a criminal case where the person can go to jail, he must prove to the Court that he is absolutely impoverished before he can get a free lawyer.

I would like to compare some of the other states who deal with attorney's fees:

Maine and Nevada make no provision in this respect.

Florida, New Mexico, New Jersey, Nebraska, and Kentucky make the employer pay for the injured employee's attorney's fees, but only when the workman wins the case.

The forty-three states provide a limit on the amount of attorney's fees, but provide that this amount must come out of the award, if any, that the workman recovers.

No state provides attorney's fees from any source when the workman does not have a case, or he loses his case.

I certainly concur with the motion of the gentleman from Fairfield, Mr. Brown, for indefinite postponement.

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

Mr. BERMAN: Mr. Speaker and Ladies and Gentlemen of the House: First off in rebuttal I do highly resent the implications made by one of the previous speakers on an ancient and honorable profession. Second off, I do resent the implication and the clouding of the basic issue which the second speaker, the distinguished gentleman from Portland has made with regard to this bill. This bill is not a political bill and I do not think that we should try to cloud the issue by saying who signs which and what report.

Now actually it appears to me that little has been left unsaid that could be said — or could have been said in yesterday's debate. And I would ask the ladies and gentlemen of this honorable House to consider the two gentlemen who spoke in opposition to this bill this morning. Who is against this bill? Think of who would be against this bill. Who are those who can pay highly competent attorneys and who can not? Is it the employer or is it the employee?

Now as the gentleman from Kennebunkport, so ably told you yesterday, the basic theory of the Workmen's Compensation Law was the theory and the practice of occupational risk, which was that each industry would bear the cost of its industrial occupational risks, which costs shall be included in the product price. And I suggest to this honorable House that that is the basic opposition to this bill, that industry is not willing to bear the product price in Workmen's Compensation.

Now some years ago when that very distinguished gentleman, Mr. Winston Churchill, was out of favor, he wrote a book on some of his great contemporaries, and one of the contemporaries about whom he wrote was his admirable and very

humane friend, F. E. Smith, a former Attorney General of the United Kingdom and later a remarkable Lord Chancellor. He said that Mr. Smith, later Birkenhead, had a canine quality of a high order, he was remarkably faithful. If he was marching on your side in the House and voting with you one day, the next day he would be marching for you and voting the same way.

Therefore, I implore the ladies and gentlemen of this House to stand by their overwhelming vote of yesterday, which as I recall was something in the vicinity of ninety to thirty-two. I implore you that the action of the House, yesterday, should be maintained, that the motion of the gentleman, who cast, as I think, unfair implication on a learned and ancient profession should not prevail. So I ask you to do what you did so nobly yesterday for the injured workman, for his wife, and for his children, who have no money in the bank, who are financially unable to hire competent attorneys, I ask you to stand fast and stand well. Thank you.

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

Mr. JALBERT: Mr. Speaker, one of the previous speakers in a sincere on his part attempt to plant a party label on a bill of this nature, mentioned the fact which is rather unusual here, not only mentioning the numerical setup of a committee vote but who voted by name for what. The obvious move was to put a Democratic label on this bill by stating that the vote was eight to two with two members of the Democratic party voting for the minority report and the other eight against it. I thought I knew a few gimmicks around here, I mean you learn every day. And also the gentleman went further to mention that the minority party put this bill in the 96th, 98th, 99th, again a party label. Now assuming that there were thirty-nine Democrats here yesterday, and I know that there were a few absentees, but assuming that there were thirty-nine, the vote was ninety-three to thirty-two. So subtracting the thirty-nine that voted with the ninety-three, the thirty-nine

Democrats, numerically that shows that fifty-four Republicans were of our thinking.

I move for a roll call vote when the vote is taken.

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

Mr. HARDY: Mr. Speaker, I think that Mr. Berman, the gentleman from Houlton, nailed the thing right down when he said this goes right back to product price, and I think basically this is the great question involved in this rather than any other that has come up here today. Basic price, we are up here in the Northeast, we have some serious costs that other competitors in the South of us aren't concerned with. We've got our winters, we've got our long distances that we must import our products that we manufacture, and we've got the long distances to send them back. We have increasing transportation costs. I think when you stop and consider the thousands, the literally hundreds of thousands of dollars that we here in the State of Maine are spending today to get new industry into this State, that we should take a second look at this and consider the statement that the gentleman from Houlton, Mr. Berman made, that this is a product price.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I don't know whether the gentleman to the rear, Mr. Brown, has had any affiliations with the lawyers profession or not or whether he was just speaking as a worker. I am sure that from his remarks that he must have had some connections with both. I have had as much affiliation with the working people of the State as probably Mr. Brown, although I would not want to dispute that. I still feel that yesterday the proponents and opponents of the case had ample chance to discuss this on the Floor of the House. I certainly hope that the Commissioners in their deliberations will not give anything to the injured worker that will not be coming to him, but only to give the injured worker of this State of

Maine a fair chance if it is a border case, that they will be able to come to the Commissioners with their case and be afforded the power of either having an attorney or a physician or somebody that is competent, to be able to help them in their deliberations to see if there was a natural injury in the plant or not in the plant.

Now my feeling is simply this, that if the company when the case comes before the Commission, has the power to bring in their attorneys and their physicians who are already paid on a yearly salary or monthly salary, whichever the case may be, and that the injured worker be denied the same and only five or six years ago the injured worker was denied the representation of a member of his own labor organization, I think that the injured worker at a time when he is unemployed because of injury should be deserving of some fair representation where he has no way of being able to produce that kind of money for attorneys or physicians, or whichever may be required. Thank you.

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

Mr. TYNDALE: Mr. Speaker, when we consider these bills, let us look at the facts too. The last gentleman that spoke, Mr. Hardy, I don't know how much experience he has had in actual industry but I have had twenty-five. And I know this, that I served fifteen years with a company that never had a strike in the history of its organization; and that one reason was whenever they picked out a site for a plant they were sure and very definite in their minds that there were not any labor troubles in that area. Maine was selected twice by this company because we have good labor relations in this State. That will answer his question very definitely and why stop the ripples now?

Another question that I would like to bring to your mind is this: I resent too thoroughly the departmental attitude of the second speaker in making this and putting a party label on this bill. This is not. Gentlemen, we are moving forward in the years to come and

we are moving forward in the right direction as far as our labor relations are concerned. Let us keep them this way and once in a while consider the facts in the case and whether a bill is good or bad or indifferent from its natural effects upon the people to whom the law is directed.

And in the third place let us consider well this too, that the Industrial Accident Commission is never forced to do anything as the first speaker said. They will select the cases where the attorney will be required to represent this injured man, and only in lump sum will they be required to produce a lawyer in any large retrospect as far as the case is concerned, and I would like to read to you a portion—and I would refer to these gentlemen who continually get up with prepared statements, prepared by whom I don't know, if they would refer to some of the history of the Workmen's Compensation Law in the State and other states throughout the United States, Great Britain and France where it has been in existence for a number of years, and I would recall to you one paragraph in this distinguished book, which is available free of charge to any member of this Legislature, if they would be apt to read it, it is down in the Library and Miss Hary will be glad to furnish it to you. And in one paragraph in this book which I have enjoyed very much there is a statement, the Chairman of the Florida Industrial Commission believes that his state's provision that the employer or carrier who unsuccessfully contests an award shall be responsible for the claimant's legal cause, has greatly reduced the number of cases contested without good reason, and has speeded up the payment of compensation in the great majority of cases. This is true wherever it has happened. Justice will prevail where justice is represented in each case. Let us keep those scales balanced; not tipped one way or the other for the carrier or the employee, but let's face this in the name of justice and put it where it belongs, and I hope this motion for indefinite postponement does not prevail, and I believe too, as I look down these

things, we are approaching these things day by day, and we examine our consciences, and in order that these consciences may be examined clearly and down on the record where it belongs, I would go along with a roll call vote, and this is the first one I have ever suggested. Thank you.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I strongly support the feelings of the gentleman from Kennebunkport, Mr. Tyndale, on this bill. The bill itself is a relatively simple bill. It is a relatively short bill. It is a discretionary bill. It is permissive with the Commission.

Now as a last word from me on this, I would like to say that I do not think the argument of the opposition, the fact that this bill has come to the halls of this Legislature several times and has not unfortunately succeeded is any argument against it today. Years ago, the ladies of this wonderful country tried time and time again to secure the right and privilege which should be every free woman's due; namely, the right to vote, and it was only after many years of struggle, after many years in the legislative halls that it did prevail, and I say as the gentleman from Kennebunkport, Mr. Tyndale has said, the time has come to move forward. As the ladies finally won what was their due, the right to vote, so should the injured workman win what is his due, to have the scales of justice evenly balanced in workmen's compensation. Thank you.

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

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: I would like to state that I did not participate in the debate on this particular matter yesterday. However, this morning as a member of the legal profession in the House here, we have heard statements that this bill is the answer to a maiden's prayer, the implication that this bill is the answer to a lawyer's prayer. That is far from the truth. This is the answer to

the man in the street, the working man.

We have heard all sorts of expressions today from one of the proponents of the bill which were very similar to those that I heard in the corridors this morning from the insurance lobby. One of these gentlemen did mention one thing that I think is very important and we should keep in mind, that Maine is one of the two states in the Union that does not have such legislation on the books, and it is about time that we did have something of this nature. Thank you.

The SPEAKER: The House ready for the question? The question before the House is the motion of the gentleman from Fairfield, Mr. Brown, that this bill "An Act relating to Costs of Witness and Attorney Fees under Workmen's Compensation Act," House Paper 255, Legislative Document 369, be indefinitely postponed. 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.

A sufficient number arose.

The SPEAKER: Obviously, more than one fifth having arisen, a roll call is ordered.

The Chair will restate the question. The question before the House is the motion of the gentleman from Fairfield, Mr. Brown, that this bill be indefinitely postponed. If you favor the indefinite postponement of this bill you will answer "yes" when your name is called. If you oppose the motion to indefinitely postpone this bill, you will answer "no" when your name is called. The Clerk will call the roll.

ROLL CALL

YEA — Anderson, Ellsworth; Anderson, Greenville; Baker, Baxter, Bearce, Berry, Cape Elizabeth; Berry, Portland; Boissonneau, Bradeen, Bragdon, Brewer, Brown, Fairfield; Brown, So. Portland; Brown, Vassalboro; Carter, Chapman, Norway; Cooper, Coulthard, Crockett, Danes, Dennison, Dodge, Dunn, Durgin, Edgerly, Edwards,

Estey, Finley, Gardner, Hague, Hancock, Hanson, Bradford; Hanson, Lebanon; Hardy, Harrington, Hartshorn, Hopkinson, Hughes, Humphrey, Hutchins, Johnson, Smithfield; Kennedy, Kimball, Knapp, Lincoln, Linnekin, MacGregor, Maddox, Matheson, Mathews, Merrill, Moore, Morse, Perry, Philbrick, Augusta; Philbrick, Bangor; Pike, Prince, Schulten, Shaw, Smith, Falmouth; Thaanum, Turner, Tweedie, Vaughn, Wade, Walker, Waltz, Westerfield, Whitney, Williams, Winchenpaw, Young.

NAY — Albair, Beane, Moscow; Bedard, Berman, Auburn; Berman, Houlton; Bernard, Binnette, Boothby, Briggs, Buckley, Bussiere, Choate, Curtis, Cyr, Davis, Dostie, Lewiston; Dostie, Winslow; Fogg, Gallant, Gill, Haughn, Hendricks, Hichborn, Hinds, Jalbert, Jameson, Johnson, Stockholm; Karkos, Kellam, Kilroy, Lacharite, Lane, Lantagne, Letourneau, Levesque, Littlefield, Lowery, Malenfant, Maxwell, Minsky, Morrill, Nadeau, Biddeford; Nadeau, Lewiston; Noel, Plante, Prue, Roberts, Rust, Sevigny, Shepard, Sirois, Smith, Bar Harbor; Smith, Strong; Sproul, Stevens, Stewart, Storm, Swett, Tardiff, Thornton, Tyndale, Walls, Waterman, Wellman, Wheaton, Whitman, Wood.

ABSENT — Beane, Augusta; Burns, Chapman, Gardiner; Dennett, Drake, Ham, Jobin, Jones, Knight, Poirier.

Yes, 73; No, 67; Absent, 10.

The SPEAKER: Seventy - three having voted in the affirmative, sixty-seven having voted in the negative, with ten absentees, the motion to indefinitely postpone does prevail.

Sent up for concurrence.

The SPEAKER: At this time the Chair would like to recognize the presence in the gallery of a group of eighth grade students from the George B. Weatherbee School of Hampden, accompanied by their Principal, Richard Marx, and their teacher and five parents. 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)

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

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

Bill "An Act relating to Disability Benefits under Maine State Retirement System" (S. P. 203) (L. D. 536)

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

Bill "An Act Declaring Abandoned Cellars to be Nuisances" (S. P. 348) (L. D. 1081)

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

Bill "An Act relating to Chiropractic Treatment under Workmen's Compensation Law" (S. P. 325) (L. D. 1000)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed in non-concurrence and sent up for concurrence.

Passed to Be Enacted

An Act relating to Open Season for Trout in Oxford and York Counties (S. P. 107) (L. D. 252)

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

Tabled

An Act to Amend the Workmen's Compensation Act (S. P. 173) (L. D. 419)

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

(Upon request of Mr. Bragdon of Perham, placed on Special Appropriations Calendar.)

An Act relating to Transfer of County Jail Prisoners (S. P. 197) (L. D. 530)

An Act relating to Driving Deer by More Than Six Persons (S. P. 287) (L. D. 888)

An Act Increasing Limits of Industrial Mortgage Insurance under Maine Industrial Building Act (S. P. 358) (L. D. 1091)

An Act Defining Mother, Father and Parent under Maine State Retirement Law (S. P. 382) (L. D. 1192)

An Act relating to Unauthorized Insurers False Advertising Process Act (S. P. 406) (L. D. 1348)

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

Tabled and Assigned

An Act Authorizing Acceptance of Federal Act Providing for Financial Assistance in Constructing School Facilities (S. P. 410) (L. D. 1351)

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

The SPEAKER: The Chair recognizes the gentleman from Liberty, Mr. Westerfield.

Mr. WESTERFIELD: Mr. Speaker, Ladies and Gentlemen of the House: With reference to L. D. 1351, this is rather an unusual bill. You are aware that this bill laid on the table in this House for several days before it was passed to be engrossed, and you are also aware that my reason for having placed it there was to look for answers to several questions that disturbed me. On April 7 I asked that this be removed from the table and passed to be engrossed since some of the questions I thought had been answered. The very action of having passed it to be engrossed brought about more factors to my attention and I stand before you today with my questions answered and I would like to present those questions to you today and make you aware of the answers which I feel exist.

First, should we pass a bill in anticipation of a possible act of the Federal Government? Histor-

ically I find that on February 23, 1917, the Legislature approved acceptance of an Act of Congress entitled "An Act to Provide for Promotional Education," and so on. A specific act, we accepted. On June 2, 1920, the Legislature approved acceptance of an Act of Congress entitled "An Act to Provide for the Promotion of Vocational Rehabilitation," and so forth. On June 4, 1946, the Legislature approved the acceptance of an Act of Congress, "An Act to Provide for Assistance to the State in the Establishment of a School Lunch Program."

In each case a specific Act of Congress was accepted. These Legislators, our worthy predecessors, did not buy a pig in a poke, so to speak. They did not sign a contract without knowing first what it was that they were buying. It is my opinion that we should not do so now.

What are we being asked to buy? L. D. 1351 is entitled "An Act Authorizing Acceptance of Federal Act Providing for Financial Assistance in Constructing School Facilities." This Federal Act does not exist as of now. It has not received passage, but under Section 11-B we find the following statement: "The State is authorized to accept any Act of Congress providing for financial assistance to states for the construction of school facilities or other purposes." We are being asked to accept any federal act for any purpose. If we enact this bill we will not again be bothered by being asked for our approval on any federal aid program dealing with education. We will have handed our legislative prerogative of approval or disapproval to the Board of Education or the Commissioner. Why are we asked to prejudge the action of the Congress of the United States? Educational federal aid bills are as numerous as Congressmen but with direct reference to the two major bills before the 86th Congress, which is the past Congress, I ask you to note that the fine feature of each of these bills was the principle of freedom of choice. Each State was asked to choose whether it would approve the use of the funds provided by the Federal Government

for the purposes of school construction or for teachers salaries, and there may have been some other possibilities mentioned. I think that that is a decision which we want to retain in our own hands. We don't want to give this prerogative to the Board of Education or to the Commissioner. I suggest, if such a choice is available, we should be the ones to choose. Therefore, I now move that this bill and all accompanying papers be indefinitely postponed.

The SPEAKER: The question before the House is the motion of the gentleman from Liberty, Mr. Westerfield, that L. D. 1351 be indefinitely postponed.

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

Mr. ESTEY: Mr. Speaker, I do not recall whether I was the committee member to sign this Report or not, but this Report came from the Committee on Education with a unanimous "Ought to pass"—no, I guess I wasn't, because this was a Senate paper and it must have been signed by one of the Senators. However, it was a unanimous Report and it is only permissive legislation.

Section 11-E of the Bill entitled Appropriations authorized, says that "Nothing in sections 11-B to 11-E", those are all the sections of the bill, they start with 11-B, C, D and E, "shall be construed as obligating the State to make such appropriations if the Legislature, in its judgment, shall deem it in the best interests of the State not to make such appropriations and to waive, thereby, any allotments of federal funds the allotment of which is contingent upon such state appropriations. To the maximum extent possible under any federal act, school construction assistance presently authorized and paid under section 237-H shall be considered as state funds used to match federal funds."

This is nothing more than permitting the State Board of Education to analyze any federal legislation to determine its merits and whether it is possible to be used here, and if so, to make such appropriation requests to the Legislature. The final authority, whether

they are used, waived or amended lies with this body.

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

Mr. CURTIS: Mr. Speaker, I as a member of the Education Committee signed this but I believe that the gentleman has brought out a point that I would like to further consider, and with that in mind, I wish that we might table this until next Tuesday.

Thereupon, the Bill was tabled and specially assigned for Tuesday, April 18, pending the motion of the gentleman from Liberty, Mr. Westerfield, that the bill be indefinitely postponed.

An Act to Eliminate Intangibles from Property Taxation (S. P. 500) (L. D. 1507)

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

Tabled

An Act relating to Survivor Benefits under Maine State Retirement System (S. P. 503) (L. D. 1517)

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

(Upon request of Mr. Bragdon of Perham, placed on Special Appropriations Calendar.)

An Act relating to Open Season for Fishing on Brooks and Streams in Cumberland County (H. P. 238) (L. D. 352)

An Act relating to the Use of Armories for Military Purposes (H. P. 283) (L. D. 397)

An Act Revising the Charter of the City of Ellsworth (H. P. 325) (L. D. 477)

An Act Permitting Erection of Flags in Cemeteries to Honor Deceased Veterans (H. P. 446) (L. D. 621)

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

Tabled and Assigned

An Act Eliminating the Tolls from Deer Isle-Sedgwick Bridge (H. P. 477) (L. D. 677)

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

(On motion of Mr. Crockett of Freeport, tabled pending passage to be enacted and specially assigned for Wednesday, April 19.)

An Act to Annex Certain Islands to Town of Danforth (H. P. 619) (L. D. 836)

An Act to Authorize the Municipalities of Cushing, Friendship, St. George or Warren to Form School Administrative District (H. P. 668) (L. D. 946)

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

Tabled

An Act relating to Disability Retirement Allowance under State Retirement System (H. P. 701) (L. D. 979)

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

(Upon request of Mr. Bragdon of Perham, placed on Special Appropriations Calendar.)

An Act Increasing Renewal Fee of Certificate of Registration for Barbers and Operators of Hair-dressing and Beauty Culture (H. P. 740) (L. D. 1027)

An Act relating to School Construction Aid in School Administrative Districts (H. P. 797) (L. D. 1111)

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

Tabled and Assigned

An Act relating to Transfer of Duties of School District Commission to State Board of Education (H. P. 801) (L. D. 1115)

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

(On motion of Mr. Westerfield of Liberty, tabled pending passage to

be enacted and specially assigned for Thursday, April 27.)

An Act relating to Eminent Domain under Slum Clearance and Redevelopment Authority Law (H. P. 815) (L. D. 1130)

An Act to Regulate Credit Life and Credit Accident and Health Insurance (H. P. 870) (L. D. 1205)

An Act relating to Time When Inheritance Taxes are Payable (H. P. 890) (L. D. 1224)

An Act Defining Registered Mail in Requirements for Notice (H. P. 994) (L. D. 1381)

An Act relating to Trapping Season on Muskrats in Washington County and by Members of Penobscot Tribe of Indians (H. P. 1101) (L. D. 1514)

An Act relating to Prices of Milk Sold by Producers to Dealers by Bulk Tank (H. P. 1102) (L. D. 1515)

Finally Passed

Resolve Regulating Fishing in Cupsuptic River, Oxford County (S. P. 288) (L. D. 889)

Resolve Regulating Bag Limit of Salmon and Trout in Sebago Lake, Cumberland County (H. P. 94) (L. D. 134)

Resolve Regulating Smelt Fishing in Crooked River, Cumberland County (H. P. 95) (L. D. 135)

Resolve Regulating Fishing in Certain Waters in Hancock County (H. P. 310) (L. D. 462)

Resolve Regulating Fishing in Certain Waters in Penobscot County (H. P. 394) (L. D. 569)

Resolve Regulating Fishing in Certain Waters in Penobscot County (H. P. 598) (L. D. 865)

Resolve Regulating Fishing in Certain Waters in Androscoggin County (H. P. 810) (L. D. 1124)

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

HOUSE DIVIDED REPORT—Majority Ought Not to Pass—Minority Ought to Pass — Committee on Transportation on Bill "An Act re-

lating to Weight Tolerances for Motor Vehicles Carrying Firewood, Pulpwood, Logs or Bolts." (H. P. 861) (L. D. 1175)

Tabled — March 29, by Mr. Johnson of Smithfield.

Pending — Acceptance of Either Report.

The SPEAKER: The Chair recognizes the gentleman from Smithfield, Mr. Johnson.

Mr. JOHNSON: Mr. Speaker, the Chairman of the Joint Committee on Transportation has consented to reconsider this measure on its merits as a classification of the existing law rather than as new weight powers. The Committee also has an amendment to this which will help them I believe. And I now move that it be recommitted to the Transportation Committee.

Thereupon, the Reports and Bill were recommitted to the Committee on Transportation and sent up for concurrence.

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

SENATE DIVIDED REPORT — Majority Ought Not to Pass—Minority Ought to Pass — Committee on Highways on Bill "An Act Combining Use of State Aid and Town Road Improvement Funds." (S. P. 136) (L. D. 319) In Senate Minority Ought to Pass Report Accepted, Engrossed as amended by Senate Amendment "A" (Filing S-69)

Tabled — March 31, by Mrs. Lincoln of Bethel.

Pending — Acceptance of Either Report.

The SPEAKER: The Chair recognizes the gentlewoman from Bethel, Mrs. Lincoln.

Mrs. LINCOLN: Mr. Speaker, Ladies and Gentlemen of the House: Because of the lateness of the hour, I would like to retable L. D. 319, until tomorrow, April 13.

Thereupon, the Reports and Bill were retabled pending acceptance of either Report and specially assigned for tomorrow, April 13.

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

Bill "An Act relating to Store Registration under Pharmacy

Laws." (H. P. 1100) (L. D. 1513)—
In House Read the Third Time.

Tabled — April 4, by Mr. Brown
of Fairfield.

Pending — Passage to be En-
grossed.

The SPEAKER: The Chair rec-
ognizes the gentleman from South
Portland, Mr. Gill.

Mr. GILL: Mr. Speaker, Ladies
and Gentlemen of the House: I
would like permission to retable
this until next Tuesday for the
purpose of bringing it before—

The SPEAKER: The gentleman
is debating the question.

The gentleman has moved that
this bill be tabled until next Tues-
day pending passage to be en-
grossed. Is this the pleasure of the
House?

The motion prevailed.

Thereupon, the Bill was retabled
pending passage to be engrossed
and specially assigned for Tues-
day, April 18.

The Chair laid before the House
the fourth tabled and today as-
signed matter:

HOUSE REPORT — Ought Not
to Pass — Committee on Trans-
portation on Bill "An Act Provid-
ing for a Two Year Motor Vehicle
Operator's License." (H. P. 950)
(L. D. 1298)

Tabled — April 4, by Mr. Crock-
ett of Freeport.

Pending — Acceptance of Report.

The SPEAKER: The Chair rec-
ognizes the gentleman from Free-
port, Mr. Crockett.

Mr. CROCKETT: Mr. Speaker,
Ladies and Gentlemen of the
House: On item four, it was my
bill for to issue a two-year license
for \$5. The bill is germane to an-
other bill that will come before us
here shortly. I'll be a good sport
and ask for my bill to be indefi-
nitely postponed.

The SPEAKER: The gentleman
from Freeport, Mr. Crockett, in
reference to L. D. 1298, moves
that the House accept the "Ought
not to pass" Report. Is this the
pleasure of the House?

The motion prevailed.

The Chair recognizes the gentle-
man from Bridgton, Mr. Haughn.

Mr. HAUGHN: Mr. Speaker, La-
dies and Gentlemen of the House:
Where this involves quite a con-

troversy and we did have quite a
discussion on this bill previously
and it involves matters pertaining
to another bill, I will now move
that this be tabled and specially as-
signed for Wednesday next.

The SPEAKER: The gentleman
from Bridgton, Mr. Haughn, moves
that this item be tabled until Wed-
nesday next, pending the motion
of the gentleman from Freeport,
Mr. Crockett, that the House ac-
cept the "Ought not to pass" Re-
port. Is this the pleasure of the
House?

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

The SPEAKER: Is it now the
pleasure of the House to accept
the "Ought not to pass" Report?

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

The Chair laid before the House
the fifth tabled and today as-
signed matter:

HOUSE REPORT — Ought Not
to Pass — Committee on Taxation
on Bill "An Act Providing for Gas
Tax Refund for Stock Race Cars."
(H. P. 1029) (L. D. 1430)

Tabled — April 5, by Mr. Coult-
hard of Scarborough.

Pending — Acceptance of Report.

The SPEAKER: The Chair rec-
ognizes the gentleman from Scar-
borough, Mr. Coulthard.

Mr. COULTHARD: Mr. Speaker,
Ladies and Gentlemen of the
House: When I presented this bill,
L. D. 1430, "An Act Providing for
Gas Tax Refund for Stock Race
Cars," I felt it was a reasonable
request as I do now. As you know
these race cars race on a private
track providing entertainment for
the paying public. They do not use
gas on the public ways, being
transported to and from the race
track aboard trucks or trailers or
towed by a gas tax paying ve-
hicle. We have such a track in our
town, I know most of the boys
who own and operate these race
cars in my area. I know they are
sincere in their request and feel
justified for a refund. You and I
are accorded this privilege when
we buy gas to operate our motor
boats. I, as other farmers, receive
refunds on all gas used in our
tractors, irrigation pumps, spray-

ing and other equipment for agricultural purposes.

When I called on Mr. Johnson of the Bureau of Taxation, he informed me his department could handle this refund without any added cost. He also felt they might be entitled to refund but the words, 'commercial use' in the refund laws forbid them to do so as he didn't consider them a commercial use. He also estimated, I might add, that the refund would be less than \$500 per year.

Now I feel the driving public attending these stock car meets purchase more than enough gas with tax, to offset the requested refund. Therefore, I request, ladies and gentlemen, that we accept the bill, L. D. 1430, for the report.

Mr. Speaker, I so move we substitute the bill for the report. Thank you.

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

Mr. LETOURNEAU: Mr. Speaker, Ladies and Gentlemen of the House: The Taxation Committee heard this report and came out with an unanimous "Ought not to pass" Report. There is quite a difference of opinion as to the amount of the tax refund. I have a figure of \$250 from the Taxation Department. Now we only have three tracks that are operating in the State of Maine, and there is also a question as to the number of cars that are operating. As far as the estimate, I assume that they vary from \$250 in refunds perhaps to \$1,000. As the gentleman from Scarborough has stated, both tractors used for agricultural purposes not operating on highways are exempt, also these stock cars are adjusted so that they can be towed if necessary. The passage of this bill would only open up more exemptions and the Committee felt that it should not pass. I hope that the motion of the gentleman from Scarborough does not prevail.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Scarborough, Mr. Coulthard, that the House substitute the bill for the "Ought not to pass" Report. All

of those in favor of the motion to substitute the bill for the "Ought not to pass" Report—

The Chair recognizes the gentleman from Sanford, Mr. Letourneau.

Mr. LETOURNEAU: Mr. Speaker, I would ask for a division.

The SPEAKER: A division has been requested. All those in favor of substituting the bill for the report, please rise and remain standing until the monitors have made and returned their count.

A division of the House was had. Twenty having voted in the affirmative and ninety-seven having voted in the negative, the motion did not prevail.

Thereupon, the Committee "Ought not to pass" Report was accepted and sent up for concurrence.

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

HOUSE REPORT — Ought Not to Pass — Committee on Taxation on Bill "An Act Exempting Gas for Cooking and Heating from Sales Tax." (H. P. 945) (L. D. 1293)

Tabled — April 5, by Mr. Hancock of Nobleboro.

Pending — Acceptance of Report.

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

Mr. HANCOCK: Mr. Speaker, Ladies and Gentlemen of the House: I want to make it clear that I'm not in the gas business. I wish I was, maybe I could make more money. I presented this bill for several gas dealers that I am acquainted with. They didn't think it was fair that people should pay a sales tax on gas where they didn't have to on other fuel they used for heating in their homes. Now I haven't any further remarks more than I think that perhaps the Taxation Committee made a wise decision, and I now move that we accept their report.

Thereupon, the Committee "Ought not to pass" Report was accepted and sent up for concurrence.

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

HOUSE DIVIDED REPORT—Majority Ought Not to Pass — Mi-

minority Ought to Pass — Committee on State Government on Bill "An Act to Reimburse Town of Warren for Cost of Municipal Services Provided for the State." (H. P. 901) (L. D. 1235)

Tabled — April 5, by Mr. Finley of Washington.

Pending — Acceptance of Either Report.

The SPEAKER: The Chair recognizes the gentleman from Washington, Mr. Finley.

Mr. FINLEY: Mr. Speaker, Ladies and Gentlemen of the House: A week ago I postponed this item with the thought in mind that I would secure data which was pertinent to the passage of this bill. I have been unable up to this time to secure that data. Therefore, Mr. Speaker, I respectfully move that we retable this until a week from today, the nineteenth of April.

Thereupon, the Reports and Bill were retabled pending acceptance of either Report and specially assigned for Wednesday, April 19.

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

HOUSE DIVIDED REPORT—Majority Ought Not to Pass — Minority Ought to Pass — Committee on State Government on Bill "An Act Increasing Compensation of Boards of Registration in Cities." (H. P. 1023) (L. D. 1424)

Tabled — April 5, by Mr. Lane of Waterville.

Pending — Acceptance of Either Report.

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

Mr. LANE: Mr. Speaker, Ladies and Gentlemen of the House: As you know this report came out of committee, Majority "Ought not to pass." Since then I have talked to the members of the Committee and they told me I asked for a little too much. So I told them I would cut down a little, and I put an amendment. They told me they would go along with an amendment. Now I ask, Mr. Speaker, to accept the Minority "Ought to pass" Report.

Thereupon, the Minority "Ought to pass" Report was accepted and the Bill read twice.

Mr. Lane of Waterville offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 1023, L. D. 1424, Bill, "An Act Increasing Compensation of Boards of Registration in Cities."

Amend said Bill in the 5th line by striking out the underlined figure "\$13" and inserting in place thereof the underlined figure '\$12'

Further amend said Bill in the 6th line by striking out the underlined figure "\$12" and inserting in place thereof the underlined figure '\$11'

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

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

HOUSE DIVIDED REPORT—Majority Ought to Pass with Committee Amendment "A" (Filing H-130) — Minority Ought Not to Pass — Committee on Transportation on Bill "An Act relating to Notification for Renewal of Operators' Licenses and Providing for a Two Year License." (H. P. 949) (L. D. 1297)

Tabled — April 5, by Mr. Baxter of Pittsfield.

Pending — Acceptance of Either Report.

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

Mr. BAXTER: Mr. Speaker, Ladies and Gentlemen of the House: As you know there were two bills on the calendar today relating to this same subject, they do in the fact that they provide for an increase in the driver's license fee. Pertaining to whatever future financial picture might develop. For this reason and for further consideration of the subject in general, I would like to retable this bill to Thursday, April 20, and so move.

Thereupon, the Reports and Bill were retabled pending acceptance of either Report and specially assigned for Thursday, April 20.

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

HOUSE DIVIDED REPORT—Majority Ought Not to Pass—Minority Ought to Pass — Committee on Business Legislation on Bill “An Act to Regulate Issuance of Trading Stamps.” (H. P. 461) (L. D. 661)

Tabled — April 7, by Mr. Fogg of Madison.

Pending — Motion of Mr. Chapman of Gardiner to Accept Majority Ought Not to Pass Report.

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

Mr. LANE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to table this bill until Friday, April 14.

Thereupon, the Reports and Bill were retabled pending the motion of the gentleman from Gardiner, Mr. Chapman, that the House accept the Majority “Ought not to pass” Report and specially assigned for Friday, April 14.

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

Bill “An Act relating to the Inspection of County Jails.” (S. P. 504) (L. D. 1518) — In Senate Passed to be Engrossed.

Tabled — April 7, by Mr. Wellman of Bangor.

Pending — Passage to be Engrossed.

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

Mr. WELLMAN: Mr. Speaker, Ladies and Gentlemen of the House: First of all, let me say that I'm in no way rising as a member of the Appropriations Committee, I am rising as an individual. I saw this bill when I tabled it or the first time, I turned it over and I noticed section three, an appropriation to the sum of close to six thousand dollars. I have no quarrel with the bill, apparently the history of the bill was that

it was put in to abolish the inspection of jails. It comes out now as perhaps somewhat strengthening the method of inspection of jails. But for the life of me, I can't see why it costs five thousand—six thousand dollars more to do what we are already doing. I talked with several members of this committee in this House and they don't seem to be too upset about it, so therefore I would like to move the amendment that I have had prepared which would delete the appropriation under this act.

Mr. Wellman of Bangor offered House Amendment “A” and moved its adoption.

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

HOUSE AMENDMENT “A” to S. P. 504, L. D. 1518, Bill, “An Act Relating to the Inspection of County Jails.”

Amend said Bill by deleting Sec. 3.

House Amendment “A” was adopted, the Bill passed to be engrossed as amended in non-concurrence and sent up for concurrence.

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

Bill “An Act relating to Area Directional Signs for Sanford and Rangeley Areas.” (S. P. 493) (L. D. 1489) — In Senate Passed to be Engrossed. (Amendment Filing S-56)

Tabled — April 7, by Mr. Hague of Gorham.

Pending — Passage to be Engrossed.

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

On motion of Mr. Baxter of Pittsfield,

Adjourned until nine o'clock tomorrow morning.