

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 19, 1961

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

Prayer by the Rev. Mr. Peter Kemper of the Baptist Church, Pittsfield.

The journal of yesterday was read and approved.

Papers from the Senate Senate Reports of Committees Ought to Pass in New Draft

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act to Appropriate Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1962 and June 30, 1963" (S. P. 152) (L. D. 398) reporting same in a new draft (S. P. 522) (L. D. 1546) under same title and that it "ought to pass"

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

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

Ought Not to Pass Covered by Other Legislation

Report of the Committee on Judiciary on Bill "An Act relating to Certain Costs in Civil Actions in Municipal Courts" (S. P. 231) (L. D. 635) reporting "Ought not to pass," as covered by other legislation.

Came from the Senate read and accepted.

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

Divided Report

Majority Report of the Committee on Business Legislation reporting "Ought not to pass" on Bill "An Act Regulating Certain Insurance Sold in Connection with Credit Transactions" (S. P. 398) (L. D. 1263)

Report was signed by the following members:

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

Messrs. MORSE of Oakland

HUGHES of St. Albans

BERNARD of Sanford

Mrs. SHEPARD of Stonington

Messrs. JOHNSON of Smithfield
EDWARDS

of Stockton Springs

CHOATE of Hallowell

— of the House.

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

Report was signed by the following member:

Mr. PORTEOUS

of Cumberland

— of the Senate.

Came from the Senate with the Majority Report accepted.

In the House: Reports were read.

Thereupon, the Majority "Ought not to pass" Report was accepted in concurrence.

Divided Report

Tabled and Assigned

Report "A" of the Committee on State Government reporting "Ought to pass" on Resolve Proposing an Amendment to the Constitution relating to Residence Requirements to Vote for President and Vice-President (S. P. 238) (L. D. 642) which was recommitted.

Report was signed by the following members:

Messrs. NOYES of Franklin

LOVELL of York

— of the Senate.

Messrs. KIMBALL

of Mount Desert

BEARCE of Bucksport

NOEL of Waterville

— of the House.

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

Report was signed by the following members:

Mrs. CHRISTIE of Aroostook

— of the Senate.

Messrs. DENNETT of Kittery

HAUGHN of Bridgton

WHITMAN of Woodstock

DOSTIE of Lewiston

— of the House.

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

In the House: Reports were read.

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

Non-Concurrent Matter

Bill "An Act relating to Holding of Property by Nonprofit Corporations Operating Educational Television or Radio Stations" (H. P. 826) (L. D. 1141) which was passed to be engrossed in the House on March 29.

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

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

Non-Concurrent Matter

Resolve Regulating Fishing in Certain Waters of Aroostook County (H. P. 487) (L. D. 687) which was recalled from the Legislative Files to the Senate by Joint Order (S. P. 517) and on which the "Ought not to pass" Report of the Committee on Inland Fisheries and Game was accepted in the House on March 17.

Came from the Senate recommitment 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 recede and concur with the Senate.

The SPEAKER: At this time the Speaker will engage in one of the many pleasant duties of the office of the Speaker and have the Sergeant-at-Arms escort the wife of the Speaker, Mrs. Good, to the rostrum.

Thereupon, the Sergeant-at-Arms escorted Mrs. Good to the rostrum, amid the applause of the House.

The SPEAKER: Usually when I have a beautiful looking lady up here why they take pictures of us, but the photographer was not notified about it today.

The Speaker is not through yet. A picture of a family is not complete, of course, without the children. So the Chair will request that the Assistant Sergeant-at-Arms at this time escort the children of

the Speaker, James and Jeanette, to the rostrum.

Thereupon, the Assistant Sergeant-at-Arms escorted James and Jeanette Good to the rostrum, amid the applause of the House.

The SPEAKER: I told the Assistant Sergeant - at - Arms that Jeanette, perhaps, was a little young, but we will make it up to him later when we have another "Miss something" here. (Laughter)

Petitions, Bills and Resolves Requiring Reference

The following Bill, approved by a majority of the Committee on Reference of Bills for appearance on House Calendar, less than one-tenth of the members present objecting, was received and referred to the following Committee:

Education

Bill "An Act to Authorize the Municipalities of Corinna, Hartland and St. Albans to Form a School Administrative District" (H. P. 1122) (Presented by Mr. Hughes of St. Albans)

(Ordered Printed)

Sent up for concurrence.

Orders

On motion by Mr. Dodge of Guilford, it was

ORDERED, that Anne Marie Hanson and David Hanson of Derby be appointed to serve as Honorary Pages for today.

On motion of Mrs. Kilroy of Portland, it was

ORDERED, that Paul and Bruce Kern of Saco, and Doreen and Denise Bedard of Saco, be appointed to serve as Honorary Pages for today.

On motion of Mr. Edwards of Stockton Springs, it was

ORDERED, that Mr. Hinds of South Portland be excused from attendance for the remainder of the week because of business.

On motion of Mr. Philbrick of Augusta, it was

ORDERED, that Ivy Irish and Sharon Karczewski of Augusta be appointed to serve as Honorary Pages for today.

On motion of Mr. Prince of Harpswell, it was

ORDERED, that Patricia Karp and Michael Karp of Brunswick be appointed to serve as Honorary Pages for today.

On motion of Mrs. Shaw of Chelsea, it was

ORDERED, that Susanne Brown and Jack Brown of Augusta, and Scott Brown of Vassalboro, be appointed to serve as Honorary Pages for today.

On motion of Mr. Kellam of Portland, it was

ORDERED, that Alvin Mack of Portland be appointed to serve as Honorary Page for today.

Mr. Letourneau of Sanford presented the following Order and moved its passage:

WHEREAS, the members of the House have learned that yesterday was the birthday of Mr. Wade of Skowhegan,

BE IT ORDERED, that the members of the House extend to Mr. Wade their congratulations and best wishes not only for today but for the entire year. (Applause)

The SPEAKER: The Chair will declare this Order unanimously passed.

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

The SPEAKER: In reference to the Orders, Alvin Mack of Portland, who is to be an Honorary Page, is a nephew of the gentleman from Portland, Mr. Briggs. Suzanne Brown and Jack Brown of Augusta, and Scott Brown of Vassalboro, are grandchildren of the gentleman from Vassalboro, Mr. Brown. Patricia Karp and Michael Karp of Brunswick are niece and nephew of Representative Crockett of Freeport. Ivy Irish and Sharon Karczewski of Augusta are also to be Honorary Pages. Paul and Bruce Kern of Saco, and Doreen and Denise Beards of Saco, are to be Honorary Pages, and Anne Marie Hanson and David Hanson of Derby are

the grandchildren of Representative Hanson of Bradford.

The Sergeant-at-Arms is requested to escort these Honorary Pages to the well of the House in order that they may enter upon the performance of their duties.

Thereupon, the Sergeant - at - Arms escorted the Honorary Pages to the well of the House amid applause.

Mr. Wade of Skowhegan was granted unanimous consent to briefly address the House.

Mr. WADE: May I take this opportunity to thank you very sincerely for your very thoughtful and kind wishes. (Applause)

House Reports of Committees Ought Not to Pass

Mr. Thornton from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act Creating a Lien on Real Property of Beneficiaries of Old Age Assistance, Aid to the Blind and Aid to the Disabled" (H. P. 501) (L. D. 700)

Report was read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Draft Printed

Mr. Beane from the Committee on Judiciary on Bill "An Act Permitting Indians to Bring Action for Money Due" (H. P. 992) (L. D. 1379) reported same in a new draft (H. P. 1123) (L. D. 1547) under title of "An Act Permitting Governor of Penobscot Tribe of Indians to Bring Action for Money Due" and that it "Ought to pass"

Report was read and accepted, the New Draft read twice and tomorrow assigned.

Ought to Pass with Committee Amendment

Mr. Berman from the Committee on Judiciary on Bill "An Act relating to Allegation of Prior Conviction in Criminal Cases" (H. P. 751) (L. D. 1037) 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. 751, L. D. 1037, Bill, "An Act Relating to Allegation of Prior Conviction in Criminal Cases."

Amend said Bill in the 11th line by striking out the underlined words "sentence may be imposed in" and inserting in place thereof the underlined words "the respondent has been convicted of"

Further amend said Bill by striking out the 18th line and inserting in place thereof the following line: 'and proved or admitted on in a trial, or admitted in a trial, that he had been before convicted'

Further amend said Bill by striking out the 20th and 21st lines and inserting in place thereof the following lines: 'of any other state, or of the United States, whether unless pardoned therefor or not, he may be punished by imprisonment in the State Prison for'

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

Mr. Rust from the Committee on Judiciary on Bill "An Act Increasing Fee of Physicians in Commitment Proceedings of Insane Criminals" (H. P. 496) (L. D. 695) 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. 496, L. D. 695, Bill "An Act Increasing Fee of Physicians in Commitment Proceedings of Insane Criminals"

Amend said Bill by striking out the figures "\$25" in the 5th line and inserting in its place thereof the figures '\$15'

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

Mr. Smith from the Committee on Judiciary on Bill "An Act relating to Larceny by Trustee in Trust Receipt Transactions" (H. P. 599) (L. D. 866) 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. 599, L. D. 866, Bill, "An Act Relating to Larceny by Trustee in Trust Receipt Transactions"

Amend said Bill by adding a new Section, entitled 9-B as follows:

'Sec. 9-B. Corporations and partnerships as trustee in trust receipt transactions. In any case in which the trustee in a trust receipt transaction would be guilty of larceny under Section 9-A, and the trustee is a corporation or partnership, any officer or director, partner or agent of such a trustee who wilfully and wrongfully sells or disposes of or causes the trustee to sell or dispose of the goods, documents or instruments involved in a trust receipt transaction in which the trustee had no liberty of sale or other disposition, or who wilfully or wrongfully diverts or causes the trustee to fail to account to the entruster for the proceeds of sale or other disposition or to pay to the entruster the amount due to the entruster under the trust receipt after such sale or other disposition where the trustee had liberty of sale or other disposition, shall be guilty of larceny and punished as herein provided.'

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

Mr. Haughn from the Committee on State Government on Bill "An Act relating to Appointment of Director of Indian Affairs" (H. P. 1020) (L. D. 1421) 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. 1020, L. D. 1421, Bill, "An Act relating to Appointment of Director of Indian Affairs."

Amend said Bill, in the Title, by adding after the word "Affairs" the words 'and Planning Board for the Penobscot Tribe'

Further amend said Bill by inserting at the beginning of the first

line the underlined abbreviation and figure 'Sec. 1.'

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

"Sec. 2. R. S., c. 25, Sec. 322-A, additional. Chapter 25 of the Revised Statutes is amended by adding a new section 322-A, to read as follows:

'Sec. 322-A. Planning board. The Penobscot Indian Reservation is authorized to appoint a planning board, in accordance with chapter 90-A, sections 61 to 63, with the same powers and duties as prescribed therein. The Governor and Council of the Penobscot Tribe are authorized to appoint the members and associate members of the planning board.'

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

Divided Report Tabled

Majority Report of the Committee on State Government reporting "Ought not to pass" on Bill "An Act relating to Officers of the Legislature" (H. P. 208) (L. D. 303)

Report was signed by the following members:

Mrs. CHRISTIE of Aroostook
— of the Senate.

Messrs. KIMBALL of Mount Desert
BEARCE of Bucksport
NOEL of Waterville
DENNETT of Kittery
WHITMAN of Woodstock
— of the House.

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

Report was signed by the following members:

Messrs. NOYES of Franklin
LOVELL of York
— of the Senate.

Messrs. HAUGHN of Bridgton
DOSTIE of Lewiston
— of the House.

Reports were read.

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

Mr. HAUGHN: Mr. Speaker, with all this legislation pending coming up before us later, I now move that this bill be laid on the table unassigned.

Thereupon, the Reports and Bill were tabled pending the acceptance of either Report and unassigned.

Divided Report

Majority Report of the Committee on State Government on Resolve to Create the Maine Legislative Internship Plan (H. P. 707) (L. D. 985) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Mr. NOYES of Franklin
— of the Senate.

Messrs. DENNETT of Kittery
KIMBALL of Mount Desert
BEARCE of Bucksport
NOEL of Waterville
DOSTIE of Lewiston
WHITMAN of Woodstock
— of the House.

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

Report was signed by the following members:

Mrs. CHRISTIE of Aroostook
Mr. LOVELL of York

— of the Senate.

Mr. HAUGHN of Bridgton
— of the House.

Reports were read.

On motion of Mr. Dennett of Kittery, the Majority "Ought to pass" Report was accepted.

Thereupon, the Resolve was given its first reading.

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

COMMITTEE AMENDMENT
"A" to H. P. 707, L. D. 985, Resolve, to Create the Maine Legislative Internship Plan.

Amend said Resolve in the first line by inserting after the word "appropriated" the words 'to the Legislative Research Committee'

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

The SPEAKER: At this time the Chair would like to recognize the presence in the balcony of a group of seventeen members of the Baptist Youth Fellowship from Kingfield, accompanied by their leaders, Rev. and Mrs. Carlson, Mr.

and Mrs. Emery and Mrs. Hargreaves as chaperones.

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 Amended Bills

Bill "An Act Providing for Professional Immunity to Physicians in Emergency Cases" (H. P. 62) (L. D. 104)

Bill "An Act relating to Length of Motor Vehicle Trucks" (H. P. 435) (L. D. 610)

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

Finally Passed Constitutional Amendment

Resolve Proposing an Amendment to the Constitution Authorizing the Construction of Industrial Buildings (S. P. 362) (L. D. 1095)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being a Constitutional Amendment and a two-thirds vote of the House being necessary, a division was had. 119 voted in favor of same and 2 against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Passed to Be Enacted Emergency Measure

An Act relating to Appointment of Commissioners under Maine Housing Authorities Act (S. P. 509) (L. D. 1528)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 122 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 121 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure Tabled

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

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.)

Enactors Tabled

An Act relating to State Retirement Benefits for Teachers (S. P. 204) (L. D. 537)

An Act relating to Amount of State Retirement Benefits for Teachers (S. P. 205) (L. D. 538)

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

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

Passed to Be Enacted

An Act Increasing Indebtedness of Town of York School District (S. P. 258) (L. D. 775)

An Act relating to Removal of Buildings Guttered by Fire or Debris Remaining after Building Destroyed by Fire (S. P. 395) (L. D. 1261)

An Act relating to Form of Standard Fire Insurance Policy (S. P. 405) (L. D. 1346)

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 Providing for School Bus Shelters for School Children (S. P. 513) (L. D. 1530)

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

(On motion of Mr. Coulthard of Scarborough, tabled pending passage to be enacted and specially assigned for Wednesday, April 26.)

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

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 Incorporate Baring, Washington County, into an Organized Plantation (H. P. 280) (L. D. 394)

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 Disposition of Income from Out of State Children at Governor Baxter State School for the Deaf (H. P. 450) (L. D. 650)

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 Revising Statutes Regulating Branching and Consolidations by Banks (H. P. 459) (L. D. 659)

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 Superintending School Committee of Town of Mechanic Falls (H. P. 513) (L. D. 711)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be en-

acted, signed by the Speaker and sent to the Senate.

Tabled

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

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

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

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

An Act relating to Tuition for Pupils Attending Secondary School Outside of Residence (H. P. 800) (L. D. 1114)

An Act relating to Power of Municipal Court to Order Sentences Served Concurrently or Consecutively (H. P. 813) (L. D. 1128)

An Act relating to Examination of Alleged Insane Criminals Before Municipal Courts (H. P. 1089) (L. D. 1500)

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

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

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

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

Tabled

Resolve Reimbursing Certain Municipalities on Account of Property Tax Exemptions of Veterans (S. P. 100) (L. D. 245)

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

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

Mr. HAGUE: Mr. Speaker, well, I was just going to ask of Mr. Bragdon, on item twenty-five, if he can explain that L. D. 245.

The SPEAKER: The gentleman from Gorham, Mr. Hague, has

asked a question through the Chair in reference to item twenty-five, of the gentleman from Perham, Mr. Bragdon, who may answer if he chooses.

Mr. BRAGDON: I will attempt to answer the gentleman from Gorham, undoubtedly there may be someone else in the House who understands this better than I do. As I understand it, under our present statutes, we are all aware that there are tax exemptions for veterans, when they can get into an area where some selectman will get up and get this just right. The law provides, I think, that when a town — that is, there is a certain limit of tax exemption beyond which the State reimburses the town. Have I given you enough explanation of this? There is an answer to this, I think, that after a town has been hit just so hard, according to valuation and otherwise, then the State by law is required to reimburse the town for that amount that he receives. This is the amount required for these towns to fall into this category. If I have made a lame explanation, if anyone chooses to clarify it, I wish they would.

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

Tabled

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

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.)

Finally Passed

Resolve in favor of James E. Woods of Calais (H. P. 462) (L. D. 662)

Resolve Regulating Ice Fishing on First Musquacook Lake and Second Musquacook Lake, Aroostook County (H. P. 486) (L. D. 686)

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

Were reported by the Committee on Engrossed Bills as truly and

strictly engrossed, finally passed, signed by the Speaker and sent to the Senate.

The SPEAKER: At this time the Chair would like to recognize the presence in the gallery of ten members of the Girl Scout Junior High Number Ten, with senior patrol of Westbrook, Maine, escorted by their leaders Mrs. Roland Fraser and Mrs. Richard Lewis and mothers, Mrs. Ernest Wiedmann and Mrs. Raymond Boissonneau.

The Chair would also like to recognize the presence in the gallery of Girl Scout Troop Number 244 of Anson, accompanied by Mrs. Allan Hall and Mrs. Donald Ray and Mrs. Pearl Baker.

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)

Mr. Maddox of Vinalhaven was granted unanimous consent to briefly address the House.

Mr. MADDOX: Mr. Speaker, Ladies and Gentlemen of the House: April 19th. When the poet Longfellow penned the lines "Hardly a man is now alive who remembers that famous day and year," he prophesied better than he knew, certainly no man living witnessed that famous event and certainly very few remember. Maine and Massachusetts are the only states taking notice of this day on its anniversary, and these only to a minor degree, except for a local holiday in Boston. This is the day that marks the beginning of the fight for freedom that is still being waged all over the world. The United States is the world leader in this fight, and is now imperiled as never before. This is a time when every state should rededicate itself to the principles for which our forefathers fought in 1775. Let us keep this spirit alive. We need it today more than ever before. (Applause)

Order Out of Order

Mr. Wellman of Bangor presented the following Order out of order and moved its passage:

WHEREAS, April 19 marks the anniversary of the organized resistance that resulted in the independence of our country,

BE IT ORDERED, that the State of Maine invite our 49 sister states to annually unite in the observance of this anniversary.

The Order received passage.

Orders of the Day

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

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

Tabled—April 12, by Mr. Crockett of Freeport.

Pending—Passage to be Enacted.

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

Mr. CROCKETT: Mr. Speaker, Ladies and Gentlemen of the House: On item one on today's calendar, I move that we table this item until April 28, in order to receive some more figures that I am—

The SPEAKER: The gentleman is debating the tabling motion.

Mrs. SHEPARD of Stonington: Mr. Speaker?

The SPEAKER: For what purpose does the gentlewoman arise?

Mrs. SHEPARD: I would request a division on the tabling motion.

The SPEAKER: A division has been requested. The question before the House is the motion of the gentleman from Freeport, Mr. Crockett, that in reference to item one, L. D. 677, that this be tabled until April 28, pending passage to be enacted.

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

A division of the House was had.

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

The SPEAKER: The Chair recognizes the gentlewoman from Stonington, Mrs. Shepard.

Mrs. SHEPARD: Mr. Speaker, Ladies and Gentlemen of the House: I feel it should not be necessary to spend time here again today to go over the facts of this bill as they were presented in quite some

detail to this body when it came before us on March 14. This bill was accepted by this House at that time, and is now back here before us for enactment, after being tabled for a full week, by the gentleman from Freeport, Mr. Crockett.

I have tried to be very fair in presenting all the facts of this bill, as I too like to weigh each and every individual bill on its own merit and worth, to the people of that area of the State, or the wishes of my constituents, who after all, are the ones that I represent, and not use any one bill as a political tool over another.

As for setting a precedent in this matter of toll bridges, which seems to be of some concern, I can only say that if all the other toll bridges in this State will meet their own obligations as patiently, that is for a period of 22 years, as we folk in the Deer Isle-Sedgwick area have done, the State will not have too much to worry about, as most of them will have been cleared of their indebtedness by that time.

The best solution would have been to have the State assume the total cost of the bridge as we now seem to be doing in the Belfast area this year. When on a main route such as this, a small toll for a period of 22 years would have helped to pay for a large share of the cost of this \$3,000,000 project.

In all kindness to the gentleman from Freeport, Mr. Crockett, I feel that this is a small amount to request of the State in comparison to the proposed \$3,000,000 Chebeague project for his area or the Long Island Plantation project which would cost up to \$120,000, and I understand that gentleman is working for the passage of both these projects as he spoke at the hearings. I cannot understand his objections to my bill when it will give needed aid at this time to a two-town area which has trucking for canneries, granite quarries, lobster shipments, a shipyard, as well as for a population of over 2,500 native folks which, for an area of its size is returning much to the State in gas tax alone. I do understand that if this bill is enacted here today, it will be held on the Highway Appropriations table in the

upper body so I now move for enactment of this L. D. 677. Thank you.

The SPEAKER: The pending motion is on passage to be enacted.

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

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

Mr. WHITMAN: Having noticed the presence in the rear of the Hall of the House of a photographer, I would like to request that the House be at ease for the purpose of taking of a picture of those on the rostrum.

House at Ease

The SPEAKER: The House will be in order. You have just seen the real Speaker of the House. (Laughter)

The Chair laid before the House the second 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 to Reimburse Town of Warren for Cost of Municipal Services Provided for the State." (H. P. 901) (L. D. 1235)

Tabled—April 12, by Mr. Finley of Washington.

Pending—Acceptance of Either Report.

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

Mr. DENNETT: Mr. Speaker and Members of the House: This item having been cleared through all interested persons, I now move that it be recommitted to the Committee on State Government.

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

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

SENATE REPORT — Ought to Pass with Committee Amendment "A" (Filing S-63) — Committee on Judiciary on Bill "An Act relat-

ing to Acquisition and Compensation for Land Taken for Highway Purposes." (S. P. 291) (L. D. 902) — In Senate Committee Amendment "A" Indefinitely Postponed — Senate Amendment "A" Adopted (Filing S-108) and Passed to be Engrossed.

Tabled — April 13, by Mr. Berry of Cape Elizabeth.

Pending — Acceptance of Report.

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

Mr. BERRY: Mr. Speaker, I move acceptance of the Committee Report.

Thereupon, the Committee Report was accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to S. P. 291, L. D. 902, Bill, "An Act relating to Acquisition and Compensation for Land Taken for Highway Purposes"

Amend said Bill by inserting after Amend III-E in Section 20-C the following:

IV. Compensation in cases involving the facilities of a public utility. Where the condemnation involves the established rights and facilities of a public utility lying outside of an established public way, the statement of the Commission shall include an itemization of its estimate of the following elements of damage:

- A. Relocation costs, which shall include the cost of acquisition of substitute rights and the cost of establishing either existing or substitute facilities in new location;
- B. The estimated salvage value of facilities removed;
- C. Cost of removal;
- D. The estimated value of betterments where the function of the substitute facilities exceeds the function of the replaced facilities.

Further amend said Bill by adding at the end of paragraph III of Sec. 20-E the words 'or IV'

Committee Amendment "A" was indefinitely postponed in concurrence.

SENATE AMENDMENT "A" to S. P. 291, L. D. 902, Bill, "An Act relating to Acquisition and Compensation for Land Taken for Highway Purposes."

Amend said Bill by adding after paragraph E of subsection III of Sec. 20-C the following underlined subsection IV:

IV. Compensation in cases involving the facilities of a public utility. Where the condemnation involves the taking of established rights and facilities owned by a public utility and located outside of an established highway right-of-way, no statement by the commission as provided above shall be sent to the public utility concerned. In any negotiations for an agreement with such public utility with regard to such rights and facilities the commission shall consider, without being limited to, the following elements of damage:

- A. Relocation costs, which shall include the cost of acquisition of substitute rights and the cost of establishing either existing or substitute facilities in new location;
- B. The salvage value of facilities removed;
- C. Cost of removal;
- D. The value of betterments where the function of the substitute facilities exceeds the function of the replaced facilities.'

Further amend said Bill by striking out the semicolon at the end of subsection III of Sec. 20-E and inserting in place thereof the following underlined words and punctuation:

‘, or the elements of damage as set forth in section 20-C, subsection IV, and such other elements of damage as are legally compensable;’

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

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

HOUSE REPORT — Ought Not to Pass — Committee on Labor on Bill "An Act relating to Time Limitations for Filing Petitions Under Workmen's Compensation Act." (H. P. 1000) (L. D. 1401) — In House on April 12, Report Accepted. On April 13, Acceptance of Report Reconsidered.

Tabled — April 13, by Mr. Berman of Houlton.

Pending — Acceptance of Report.

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

Mr. BERMAN: Mr. Speaker, Ladies and Gentlemen of the House: On Friday last, I requested this House to reconsider its action on my bill, Legislative Document 1401, so that delay in filing by the injured employee in workmen's compensation will not have the harshness that it has now, and will not bar him, his wife and his family from compensation in industrial accident cases when the Industrial Accident Commission finds that the insurance company or the insurer or the agent had knowledge of the injury, or was not prejudiced.

Now if you will look at this Legislative Document 1401, you will see that it is quite brief, and all it seeks to do is to alleviate the harshness in such cases as those where the untutored and the injured workman doesn't file; because his doctor tells him to wait until he knows how his injury is going to come out. And when he does find out how his injury is going to come out, he is up against a one year-two year filing period and finds because of the present harsh law that he is completely out of luck.

Sorry, says the insurance company and their highly skilled counsel, while we have known about your industrial accident from the beginning, we won't pay you one penny for losing your eye or having your leg cut off because we have the law on our side.

Now, I attempted to negotiate with the powerful and persuasive lobbyists and their assistants in this House, in hopes that some progress might be had in working out

a program on this and other workmen's compensation matters. But these powerful men, flushed with their victory over the injured workman and his family, said no.

I now say, let us take this humane bill, Legislative Document 1401, as it is, and reject the harsh law which is presently on our statutes.

Now, to forestall such attacks as the friends of the injured workmen underwent last week on another workmen's compensation matter, I say to you that my esteemed colleague, Mr. Tyndale, who has worked in industry for a quarter of a century and myself are seeking to help the crippled workman, his wife and babes and not to bury them.

I would not counter this Patriot's Day had not last week the gentleman from Fairfield cast aspersions against an honorable calling which has been a bulwark of liberty in this country, and has been so even before the American Revolution—James Otis and The Writs of Assistance; Andrew Hamilton and The Trial of John Peter Zenger for the Freedom of the Press; John Adams and the Boston Massacre. Would that one of these were here to answer such attacks on a Legislative Document to even the scales of justice, and to secure fair play for the injured workman. An act which the gentleman from Fairfield, called relief. But if the evil that men do, lives after them and the good is oft interred with their bones, let it not happen today to workmen's compensation.

The representative from Fairfield, Mr. Brown, told you we stood for relief, when we stood for fair play for the injured workman, his wife and children.

If this were so, it was a grievous fault, and grievously did the lobby's reversing vote answer us. Now here in the presence of those foe, supplied the ammunition by Mr. Insurance from Waterville and the able lobbyist from Millinocket, we stand to speak again for the poor, the illiterate, and the injured. He is our friend, faithful and needy. Yet the gentleman from Fairfield said we stood for relief and we would say that he is an honorable man.

Now I am proud of my brothers—the lawyers in this House, who stood for the poor and injured workmen and their families. They were not asking for relief, they were asking for fair play and even scales of justice. And so I would answer the representative from Fairfield, Mr. Brown, on a *honi soit qui mal y pense*, evil to him, who evil thinks.

This House voted for the injured workmen last week, ninety-three to thirty-two and against an unfairness in our Workmen's Compensation Law. What then caused the House to reverse the following day, a day that this House should long remember. Mr. Insurance from Waterville, the affable lobbyist from Millinocket, who certainly is a charming man, and other companies whose names I will not mention because I am fond of my friends there and I would wish them well.

I hope the judgment of this House is not fled to the wiles of the lobby. I suggest that we put our House in order. As our juries must not be tampered with, so let not this House be tampered with.

Ask my friend, the gentleman from Livermore Falls, why he voted for us consistently in the fight for fair play last week. And on the other hand, and I say this without rancour, ask some of the contractors in this House why they wooed their neighbor's vote, but did not speak out against the crippled workmen. Were they unwilling to pay out another farthing for fair play? Ask a food processor in this House who voted with us first and then reversed his vote the next day. He is my friend and I will listen to him.

Now I have voted with the leadership on the salary issue, and on the council issue and I have been with my party leadership in this House against a six year term for the chief executive; and I have been with the party leadership against appointment of vacancies in the legislature by the Chief Executive. If my request is in order, I would now ask that leadership to consider my proposal this morning.

I move that this bill which I presented be substituted for the

report, and when the vote is taken I request a division.

In St. Luke it is written: "Give and it shall be given unto you. For with the same measure you mete out withal, it shall be measured out to you." Thank you.

The SPEAKER: The question before the House is the motion of the gentleman from Houlton, Mr. Berman, that the House substitute the Bill for the Committee "Ought not to pass" Report.

The SPEAKER: The Chair would like to recognize at this time the presence in the gallery of the graduating class of 1961 of St. Mary's Elementary School in Westbrook. They are chaperoned by Mr. and Mrs. Joseph DiBiase, Mrs. Robert Dubie, Mrs. Raymond LaBrecque, and friends.

Also in the gallery are a group of twelve Brownies from Troop 39 from the Merrill Hill School in Auburn, accompanied by their leaders Mrs. Charles Chason, assisted by Mrs. Luther Abbot and Mrs. E. Farrington Abbot, Jr. They are guests of Representative Berman from Auburn.

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

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

Mr. JOHNSON: Mr. Speaker, I read this bill 1401, and I would like to ask a question of the gentleman from Houlton through the Chair if I may. My interpretation of this bill is that a time limitation is removed forever, is that the point here?

The SPEAKER: The gentleman from Smithfield, Mr. Johnson, has asked a question through the Chair of the gentleman from Houlton, Mr. Berman, who may answer if he chooses.

Mr. BERMAN: Mr. Speaker, this bill, Legislative Document 1401, does not remove the time limit forever. All it does is make the time limit a reasonable one, reasonable to be interpreted by the

Industrial Accident Commissioners in determining at the time of filing that the insurance people and the insured had knowledge of the injury or were not prejudiced thereby, so I would answer the question by saying that this does not remove the statute of limitations. All it does is make the statute of limitations a reasonable one. We have that in equity practice today and this is something that is not normal in the law.

The SPEAKER: The Chair recognizes the gentleman from Winthrop, Mr. Tha anum.

Mr. THAANUM: Mr. Speaker, Ladies and Gentlemen of the House: At the outset let me say that I am not a lawyer, that I am not a lobbyist and I haven't been lobbied, and I arise now to speak to you simply from my own convictions.

We have had in Maine here for a great many years, a Workmen's Compensation Act that has presumably worked very well, there have been many legislators before us that have had an opportunity to consider this proposition as it's placed before you today. What their action was on it, I do not know. But I do know that the law as it now reads does provide for certain action to be taken before a person is entitled to Workmen's Compensation. Now that's very proper in my way of thinking, because in applying for anything at anytime, there is a certain amount of responsibility resting upon the applicant to take due steps in order to initiate his rights under existing laws. Under Workmen's Compensation it evidently was decided years ago that if a worker became injured that a certain responsibility rested upon him to take action in that respect and principally one of them was that he should notify his employer of the accident so that an investigation could be made at that time, and while the matter was fairly new that it could be looked into well—it could be well investigated.

Now the gentleman from Houlton, I think said that this spoke about a reasonable length of time. Now I have before me the Workmen's Compensation Law and the particular section that this L. D. 1401 refers to and it speaks in

terms of striking out the last sentence of section 33 repealing the last sentence and enacting in place thereof the following, now the last section in section 33 reads: "no petition of any kind may be filed more than ten years following an accident," now to strike that out and to substitute the contents of L. D. 1401, forgetting that sentence a minute, it substitutes the following: "Want of proper notice or delay in filing claim will not bar the employee, if it is found by the Commission that the insurer, insured or agent had knowledge of the injury or was not prejudiced thereby." Now I can't see in reading this as I have just read it that there's anything about a reasonable length of time. I got the impression at the committee hearing that it was for life. There's nothing in here that says anything about reasonable length of time. I'm not a lawyer, but I can read English, and I don't — perhaps I shouldn't challenge the legal fraternity on this, but I can't see that there's anything on the question of a reasonable length of time. To me, it appeared to me to be for life as the gentleman from Smithfield brought up that question. Now if it is for life, I want to present this proposition to you. If an accident occurred today and it had to be investigated even ten years from today, that at that time it is tremendously difficult to get the witnesses to remember and for all of the things that happened to develop it at such a late date unless there has been some adequate preparation in the meantime.

Now there is a proposition here in the law for ten years, but in order to exercise this ten year privilege as I understand it, there is certain very definite steps that must be taken by the worker in order to take advantage of that ten years.

Now I have read one or two cases from the law reports that the gentleman referred to the other day, and I agree with him. There were two cases that I read that appealed to me as being rather unfortunate. It was the case of a workman, as I read it, that had some injury that occurred on his job arising out of or in the course

of the employment as the law reads, and he went to a doctor and the doctor thinking it wasn't anything of too great importance, advised the claimant that he thought—, his patient, he could fix him up and put him back to work very soon. And this went on for a little while and he finally — if my memory serves me correctly — I think that the patient did go back to work for a while. Later on he had the same thing occur, and the doctor again told him that he was ready to go back to work. However this same situation went along for more than this year, and unfortunately, the injured workman was ill-advised. He should have been told that he should file his petition within that year, and he would have had no trouble with the Industrial Accident Law. But we can't — being ill-advised is no excuse for not complying with the provisions of the law.

I can say to you that a friend of yours might tell you here in Augusta that you don't have to watch these stop signs down here. But I can assure you that if you drive through one here, the law will hold you responsible for that misdemeanor, regardless of the advice of your good friend. In other words, we as individuals cannot lay the responsibility for our obligations under the law on our friends or our neighbors or anyone else who ill-advises us. So here in the case that he mentioned of the injured worker and the injustice, it was simply a case that happens day in and day out of somebody being ill-advised. They should have been advised to file that petition within one year. And the reason for that, there is another clause in the law that allows an extension for two years under certain circumstances if the applicant is mentally unfit to do that, but that rests with the Industrial Accident Commission.

So I don't think there's any rhyme or reason to extending this over and beyond what has already been the law for a great many years. It has worked well in Maine, as I understand it, until this session of the Legislature met. I want to call your attention to the fact that the other legislatures have

had a chance to look this over—they have said nothing about it; but this legislature, it has just come to our notice. Now I am reluctant at any time to change a law, an existing law, for one or two cases or to suit one or two cases; I think gentlemen you have got to think a little bit more seriously about that as to how that law has worked, because there are one or two cases, you can't change every law in the state because of one, two or three cases. You have got to do what you think is for the best interest of the people of the State of Maine. Now I would say this in connection to this amendment too as it occurs to me, that in the case if a person did get hurt and they were not required to file it within one year and they took the attitude well, the law says I can file it anytime, I don't have to file it within one year. Many of them would say well, I'll wait and I'll wait five years and after five years maybe some good deserving case will get careless and they were not advised by the law as it is already written. They'll get careless and they'll be out of luck. So it could damage other working people as well as it did in these two or three cases.

So gentlemen, with this brief explanation, I didn't intend to talk as long as I did, but this report came out of our Labor Committee unanimously "Ought not to pass." And I hope that I have explained to you some of the reasons that I felt in signing that petition "Ought not to pass," and I hope that the motion of the gentleman from Houlton, Mr. Berman, does not prevail.

The SPEAKER: The question before the House is the motion of the gentleman from Houlton, Mr. Berman, that the House substitute the Bill for the Committee "Ought not to pass" Report. Is the House ready for the question?

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

Mr. TYNDALE: Mr. Speaker, I have been doing a little research on this and in view of other information that I have gathered, I wonder if I might move to table this until Wednesday next.

Mr. HARDY: Mr. Speaker?

The SPEAKER: For what purpose does the gentleman arise?

Mr. HARDY: I would request a division on the tabling motion.

The SPEAKER: The gentleman from Kennebunkport, Mr. Tyndale, has moved that this bill be tabled until Wednesday next pending the motion of the gentleman from Houlton, Mr. Berman, that the Bill be substituted for the committee "Ought not to pass" Report. A division has been requested on the tabling motion.

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

A division of the House was had.

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

The SPEAKER: The question now before the House is the motion of the gentleman from Houlton, Mr. Berman, that the Bill, "An Act relating to Time Limitations for Filing Petitions Under Workmen's Compensation Act," House Paper 1000, Legislative Document 1401, be substituted for the Committee "Ought not to pass" Report. All those in favor of substituting the bill for the Report, say aye; those opposed, no.

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

The SPEAKER: Is it now the pleasure of the House to accept the Committee "Ought not to pass" Report? It is a vote.

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

Mr. BERMAN: Mr. Speaker, I am in error, I am sure that the Chair will correct me, but I do believe I did request a division.

The SPEAKER: A division was requested on accepting of the Committee Report. The Chair will order one.

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

Mr. BERMAN: Mr. Speaker, I would like to ask the indulgence of this House if I might speak very briefly in rebuttal. In answer to my good friend Mr. Thaanum, regarding Workmen's Compensation in the State of Maine, it has not worked well. The present Work-

men's Compensation Law is, in my opinion, a lopsided one. Now I tried to be reasonable on these Workmen's Compensation matters and if it would ease the feeling of Mr. Thaanum in the matter, I would be willing to put back the ten year limitation period providing the rest of the bill remains as it is.

The SPEAKER: The question before the House is the Committee Report, "Ought not to pass." A division has been requested.

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

A division of the House was had.

Seventy having voted in the affirmative and fifty-four having voted in the negative, the Committee "Ought not to pass" Report was accepted and sent up for concurrence.

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

HOUSE DIVIDED REPORT — Majority Ought Not to Pass — Minority Ought to Pass with Committee Amendment "A" (Filing H-114) — Committee on Welfare on Bill "An Act Eliminating Residence Requirements in Public Assistance." (H. P. 564) (L. D. 761)

Tabled — April 13, 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, in face of the adverse report, but because of a continued interest in this subject from many quarters and for the purpose of introducing an order to refer this subject to the Legislative Research Committee so that it may be studied in its entirety, and pending the development of that order, I would like to move now to table this bill until tomorrow.

The SPEAKER: In reference to item five, L. D. 761, the gentleman from Pittsfield, Mr. Baxter, moves that this bill be tabled until tomorrow pending acceptance of either report. Is this the pleasure of the House?

(Cries of "No")

The SPEAKER: All those in favor of the tabling motion say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed.

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

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

Bill "An Act relating to the Employment of the Industrial Development Director of the City of Lewiston." (S. P. 233) (L. D. 637) — (Amendment Filing S-90) — In House Read the Third Time.

Tabled — April 13, by Mr. Berry of Cape Elizabeth.

Pending — Motion of Mr. Malenfant of Lewiston to Reconsider Adoption of Committee Amendment "A"

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

Mr. BERRY: Mr. Speaker, this matter was tabled to enable the gentleman from Lewiston, Mr. Malenfant, to prepare an amendment. Subsequent to the tabling, it was found that inadvertently the language of the Committee amendment had proven unworkable. We actually rescinded the whole paragraph instead of just adding the suggested change. Accordingly at this particular time and subsequent to this I shall make the necessary motions, I would hope that the motion of the gentleman from Lewiston, Mr. Malenfant, does prevail.

The SPEAKER: The prevailing motion is the motion of the gentleman from Lewiston, Mr. Malenfant, that the House reconsider its action whereby it adopted Committee Amendment "A." Is this the pleasure of the House?

The motion prevailed.

Thereupon, on motion of Mr. Berry of Cape Elizabeth, Committee Amendment "A" was indefinitely postponed.

Mr. Berry of Cape Elizabeth then offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to S. P. 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 everything after the enacting clause and inserting in place thereof the following:

"P. & S. L., 1939, c. 8, Art. VIII, Sec. 12, amended. Section 12 of article VIII of Chapter 8 of the private and special laws of 1939, as amended by section 2 of chapter 209 of the private and special laws of 1949, is further amended by adding a new paragraph 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 cooperation 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."

Mr. Malenfant of Lewiston offered House Amendment "A" to House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to HOUSE 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 Amendment by inserting at the end before the single quotation mark the following underlined sentence:

'The industrial agent shall also submit copies of his written monthly reports of his activities and expenses to each member of the board of aldermen.'

The SPEAKER: The Chair recognizes the gentlewoman from Bristol, Mrs. Sproul.

Mrs. SPROUL: Mr. Speaker, I would like to say this amendment would kill the whole bill which has been presented by Senator Jacques. The first amendment was all right; the second one kills the bill.

The SPEAKER: Is it now the pleasure of the House to adopt House Amendment "A" to House Amendment "A?" The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, I move the indefinite postponement of House Amendment "A" to House Amendment "A."

The SPEAKER: The question now before the House is the motion of the gentleman from Lewiston, Mr. Jalbert, that House Amendment "A" to House Amendment "A" be indefinitely postponed.

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

Mr. MALENFANT: Mr. Speaker and Members of the House: I hope the motion of the gentleman from Lewiston does not prevail. As it is now the budget of the industrial director of Lewiston is \$20,767.00 and the aldermen make that appropriation but they don't know where the money is going. Now his salary is \$12,500 a year; \$1,000 for printing and binding; advertising, \$2,000; \$500 for telephone and communications; \$5,000 for travelling expenses, and \$300 for special and miscellaneous, that means Scotch Whiskey for his friends, and many other items here that I don't want to take too much time to explain—

Mr. JALBERT: Mr. Speaker! Point of order.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert. Will the gentleman from Lewiston, Mr. Malenfant, kindly assume his seat.

Mr. JALBERT: Mr. Speaker, for the second time in three weeks the gentleman from Lewiston has seen fit to personally attack individuals who cannot defend themselves. I resent it for them, and I hope and move that the remarks be stricken from the record.

The SPEAKER: The Chair will advise the gentleman from Lewis-

ton, Mr. Malenfant, that he is to speak on the issues involved and not on the personalities. The gentleman from Lewiston, Mr. Jalbert, has requested that those remarks be stricken from the record.

Mr. MALENFANT: If I didn't use the right expression I want to apologize to the House, Mr. Speaker.

The SPEAKER: Will the gentleman from Lewiston, Mr. Malenfant, kindly assume his seat for a moment please. Will the gentleman from Lewiston, Mr. Jalbert approach the rostrum please?

(Conference at rostrum)

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Malenfant, and will caution him to stick to the issues or he will be ruled out of order.

Mr. MALENFANT: Mr. Speaker and Members of the House: Last year I happened to be one of the aldermen. We asked to have a report from the industrial director, a report of his expenses and we never had any. The aldermen appropriate the money and it is nothing but right that they know where the money is going, and mentioned in Senator Jacques bill it says the report will go to the Mayor. I want every alderman to have a report on their desks because the Mayor's office is closed half the time and it is hard for the aldermen to run around and take too much time to find the Mayor for the report. It is nothing but right that every alderman get a report on his desk.

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

Mr. BERRY: Mr. Speaker and Members of the House: I don't want to belabor the issue but I think perhaps I might clarify it a little bit. The original and finally adopted House Amendment "A" provides that monthly reports of the industrial agent will be submitted to the Mayor's office. This appears to provide the necessary information to the public that would be interested. The gentleman from Lewiston, Mr. Malenfant, only changes this in that a report shall be given monthly to each member of the Board of Aldermen. To the

members of the Legal Affairs Committee this seems an unnecessary activity. Accordingly, I hope that the motion of the gentleman from Lewiston does not prevail.

The SPEAKER: The question before the House is the motion of the gentleman from Lewiston, Mr. Jalbert, that House Amendment "A" to House Amendment "A" be indefinitely postponed.

Mr. MALENFANT: Mr. Speaker, I ask for a division.

The SPEAKER: A division has been requested. All those in favor of the indefinite postponement of House Amendment "A" to House Amendment "A" please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Ninety-one having voted in the affirmative and eighteen having voted in the negative, the motion did prevail.

Thereupon, House Amendment "A" was adopted and the Bill passed to be engrossed as amended by House Amendment "A" in non-concurrence 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 — Minority Ought to Pass with Committee Amendment "A" — (Filing H-164) — on Resolve To Reimburse Guy Cyr of Hamlin for Property Damage by Highway Relocation. (H. P. 573) (L. D. 798)

Tabled — April 14, by Mr. Prue of Ashland.

Pending — Acceptance of Either Report.

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

Mr. JOHNSON: Mr. Speaker, I move the Minority "Ought to pass" Report with Committee Amendment "A" be accepted.

The SPEAKER: The gentleman from Stockholm, Mr. Johnson, moves the acceptance of the Minority "Ought to pass" Report.

The Chair recognizes the gentleman from St. Albans, Mr. Hughes.

Mr. HUGHES: Mr. Speaker and Members of the House: It is kind of hard to oppose a good committee member, but I also feel it is a

duty on this particular measure. The state built a road in the plantation of Hamlin cutting off a corner. I know many of you here have seen the picture that the Representative, Mr. Johnson, has and it would lead to one house on the road about eight hundred feet one way and twenty-seven hundred feet the other way to the main highway. From information brought out in the hearing it was understood that that section was given to the town. The Highway Commission, thinking it had been discontinued, did tear up the road from the Cyr residence southerly to the main road or route 165 which was the longest section. They afterwards found they had made a mistake and offered to put it back in as good a condition as it was before they tore it up. It is my belief that the town of Hamlin did not want the road to support and the selectmen petitioned the county commissioners to have the road discontinued. Notice of the hearing was posted and the hearing held all complying with the law. At the hearing was Mr. Joachim Parent to represent the Town of Hamlin, Roderick Valance to represent the Highway Commission and Mr. Cyr, the owner of the house in question. There was no objection to the closing of the twenty-seven hundred foot section, but Mr. Cyr did object to closing the eight hundred foot section. It was ordered that no damages be allowed and the long section be closed and not the short section. This left Mr. Cyr on about an eight hundred foot section of dead end road, and it might be mentioned that it is on a tarred road.

It was also learned at the hearing that no tax relief was tendered by the Town of Hamlin to Mr. Cyr, so I would question the reduction in value as much as suggested.

To summarize, the state did not initiate the petition for discontinuance. It was the officers of the Town of Hamlin. The discontinuance action was by the county commissioners and not the state commission. Mr. Cyr had a right of appeal but did not exercise that right. Last but not least the State Highway Commission is not responsible for damages due to discontinuance of this nature, and if they

ever start paying damages of this sort it could be very disastrous. I hope the motion of the gentleman from Stockholm, Mr. Johnson, does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Ashland, Mr. Prue.

Mr. PRUE: Mr. Speaker and Members of the House: Last week when I tabled this bill I tabled it for the purpose of checking it and looking it over, and we do have a map here that is made by a surveyor from Limestone, Maine, a private survey, but that isn't quite what I want to talk about. The state as I understand it, if I am correct, the State Highway Commission after they tore this road up, they said they would put it back on this so-called eight hundred feet. On this survey it is nine hundred feet, by this private surveyor. The selectmen of the Town in wanting the rest of the road closed, if the state had offered to put back the road as it was, it would have cost more than it would it seems to me to have moved this short distance over on the new highway for Mr. Cyr's property. I don't know all the angles of this particular case, but I am a member of the Highway Committee and I have looked into this just to see what it was all about and it looked to me like they have closed this road off and left him in there which I know they do bypass a lot of other people, but I would just like to point it out to the members of the House that if they did offer to put the road back that it would have been better perhaps to have moved the house. He did ask for \$7,000, I believe, but the amendment cuts it down to \$3500. I hope the minority report prevails.

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

Mr. JOHNSON: Mr. Speaker and Members of the House: This highway is the old Limestone-Grand Falls highway, it has been there I guess for eighty years, and they always used it, so the Highway Commissioner came up to Hamlin, which is an unorganized township, it is a plantation, and they hadn't any town roads, the state has always plowed the roads,

but since they cut Mr. Cyr off down in this corner and he has four children to go to school, they wouldn't even come and plow him out. He is in there and he had an old — you see this road, you can see it, this here, if they had left that road, the Highway Commission had left that road, Mr. Cyr could have got out. But this way they left him penned in there only nine hundred feet and he has four children to go to school and in the winter time I can take you up there now and show you fifteen feet of snow right in front of the man's place. They haven't plowed it. They don't haul his kids to school and even the mailman doesn't come in, and Mr. Stevens, we had a meeting with him over there on this particular spot right there, I had four legislators with me, and I asked him what he was trying to do to this Mr. Cyr. He says: "Mr. Johnson," he says, "I tore this road up. I had no business to. That was up to the county commissioners. They should have come over here and advertised this road for ten days, and then the county commissioners tore it up. I had no business to tear it up which I did." And he told his supervisor from Presque Isle who was standing beside him, he says "Mr. Knight, you get over here tomorrow with your trucks and your gravel and your tar and you put this road back in the same shape it was before so this man can get out to take his children and go to school," and the Highway Commissioner hasn't done one thing. Before they tore this road here this man could have got \$15,000 for his home. Today he couldn't get \$700 for it. Now do you think the highway has done any damage to this poor man? And he is a poor man. He isn't rich. I thank you.

The SPEAKER: The Chair recognizes the gentleman from Fort Kent, Mr. Cyr.

Mr. CYR: Mr. Speaker and Ladies and Gentlemen of the House: I am not very much interested in this matter except as an observer, and I want to state in this first instant that I am not related to this Mr. Cyr or perhaps as much as—probably as much as I am to Sears and Roebuck. (laughter)

However, I was invited down there last summer as a Representative by the gentleman from Stockholm, Mr. Johnson, who is also Representative of the Plantation of Hamlin. We went over the proposition and discovered what it actually was, and my personal opinion is that someone failed to provide relief for this inhabitant of Hamlin, Mr. Cyr. He certainly has been wronged by the replacement or the relocation of route 165. He has been placed at about a mile from that route whereas the route was passing in front of his residence.

It seems to me that in justice that there has been made real damage to his property and a great deal of inconvenience to himself and his family. You realize that this man has been, in the first place, was on a state highway and after the decision and the relocation of 165, he finds himself practically in a cow pasture. They say eight hundred feet, well, maybe it is. I haven't measured it, but it is fully as far as from here to the other side of the Augusta House to the road where his children have to go and wait for a bus even if it came there. Now I understand the bus does not come there at all. The children would have to travel at least half a mile to be in a position to be picked up by the school bus.

Now when we consider that he is not even on the rural route, he has to travel for his mail and all of that, there is certainly a grievance and as the man was too poor I noticed at the time, he didn't have a lawyer to represent him at that meeting, but I observed that the fellows who were settled for, and very nicely settled I will say, had employed an attorney from Caribou to represent them then and there. I understand that the relocation site for the new road owner did receive \$4,000 for the right of way across his farm. Another claimant who had a potato house which he had built too close to the road in the first place and an old building, I looked over the building and I pretend to be familiar with buildings for the fact that I was in the building trade several years before I resigned because I had to get in something

where I could live. Anyhow, this man with this old potato house, no matter how sacred the potatoes are up in that area, did receive I understand \$12,000 to remove that old potato house. Well \$12,000 in my opinion could build a new building very nicely. Now if these two claimants could be adjusted for the relocation of that highway, it seems to me only fair that this Mr. Cyr, who has been placed at a great disadvantage should receive compensation, and as he is a poor man unfortunately could not hire attorneys to defend him.

Now in the moral process of law this man is entitled to damage, but since he has no regress and the Highway Department or the county commissioners must have missed the ball somewhere, this man has no regress except in the Legislature, and if he doesn't get relief from us, some day he may have to have a permit to sue the state from this Legislature or another body. Now it seemed to me in the first place this resolve called for \$7,000, and I am not too sure just what we are acting on right now. The first resolve was recommended and the new report comes out or at least an amendment is out which would allow that man \$3,500 which to me is about half the amount that we had estimated then and there last summer that it would take to remove his house, place him on a new lot and have a new foundation. So if that man is willing to accept and if it is our power to give him the \$3,500, I hope we can see our way to do it. Thank you.

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

Mr. BREWER: Mr. Speaker and Members of the House: As a member of the Claims Committee I think I should say a few words to defend the Majority Report. Now this bill has been around here quite a while. We had a good hearing on it. The report from the Claims Committee originally was nine to one ought not to pass. The one dissenting member was the sponsor of the bill, who is also a member of the Claims Committee. Later it was tabled here in the House, and we were asked if we

could recommit the bill to hear further testimony. I made that motion for recommitment and the House obliged. We had another executive hearing on it. The testimony — we could find no testimony to change our course of action. The only thing that was brought out that the amount should be reduced from \$7,000 to \$3,500 or \$3,000, I can't remember just what the amendment was. It was brought back to the House with an eight to two ought not to pass report.

Now it has been tabled three or four times here. Now it has been brought out here also that there has been land damage paid. That is true. A potato house was paid for but it was in that right of way where this new section of road was built. Now the Plantation of Hamlin was agreeable that this bad corner, that intersection, one road going to Van Buren, the other to Limestone, was dangerous. The State Highway Department eliminated that danger. This man who was left on that road, a tarred road, and had access to the main highway to Van Buren.

Now it was also brought in the executive hearing that the Plantation of Hamlin did not want to maintain this road which is now a town road. They don't want to plow it, there is only one person on that road. Now he has access there and they want money from the state and they want money—the Plantation of Hamlin wants to put money in themselves to move that man to the main highway. The Committee feels that—and we have passed many of these highway bills on a moral obligation, and I will say that the Claims Committee probably seventy-five percent of the awards made, have been against the Highway Commission, but we as a Committee do not feel that the state has a moral obligation in this case.

Mr. Johnson of Stockholm was granted permission to address the House a third time.

Mr. JOHNSON: Mr. Speaker, our commissioner stood right here on this part of the road and he says: "Gentlemen," he says: "We're going to take and send trucks over here and repair this highway up," and we asked him and says why

can't you take instead of repairing this road and putting it back where you have damaged it, why can't you just take that money and move this man across onto the new highway instead of doing that? And after he said he would fix the road all up and everything, he never let me know nor Mr. Cyr nor any of the legislators that were there. We didn't know anything about it until I got a phone call from Mr. Cyr that he hadn't done anything about it.

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

Mr. LEVESQUE: Mr. Speaker and Members of the House: I am not too familiar with the situation talked about here of Mr. Cyr in Hamlin, but it seems to me that if the Highway Department committed themselves to repairing a highway which they did not and that the town will not take the responsibility for the upkeep of the road which I understand Hamlin does not have any highway facilities to take care of any roads, then I think the state has got some responsibility to see that this gentleman from Hamlin be compensated to some extent by relocation of his house closer to the highway so that his children and also himself will have an access to a highway that will be more agreeable than in his present situation. Thank you.

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

Mr. GALLANT: Mr. Speaker and Members of the House: This resolve to reimburse Guy Cyr of Hamlin for property damage by highway relocation. At the request of Mr. Johnson, the gentleman from Stockholm, we met in Hamlin at Guy Cyr's home in August with the Highway Commissioners, and at that time the road was closed. After a lengthy discussion, the Commissioners came to the conclusion that they should put the road back in the same condition as it was before the construction of the other roadway and so told the county highway commissioners to put the road back in the same condition as it was before, and asked the representatives if this was satisfactory and they answered that it was.

We all left for home with the idea that the road would be repaired as before. I understand that nothing has been done to put the road back in the condition it was before, and I hope that this man will be reimbursed in the amount asked for. Thank you very much.

The SPEAKER: The Chair recognizes the gentleman from Kingfield, Mr. Hutchinson.

Mr. HUTCHINSON: Mr. Speaker and Members of the House: I was on that committee which reported nine to one ought not to pass. I feel that this man does have a good exit from his home. He has eight hundred feet of tarred road which is much better than a great many people throughout the state. We felt that we gave it very close consideration and heard the matter twice and could see no reason for the state having any responsibility. The plantation or town I will admit should plow his road, that would put him within easy availability of the highway which goes by. I hope the motion to accept the minority report does not prevail.

The SPEAKER: The Chair recognizes the gentleman from St. Albans, Mr. Hughes.

Mr. HUGHES: Mr. Speaker, Ladies and Gentlemen of the House: I just want to state that where I arrived at the eight hundred foot figure was from the statement of facts on the bill itself. I have never viewed the property so I wouldn't know how authentic that was, that came from the sponsor of the bill.

Also a statement that I would like to impress possibly a little stronger was the fact that if the road had not been discontinued by the county commissioners at the request of the selectmen, the road would have been put back to its original condition.

The SPEAKER: The Chair recognizes the gentleman from Ashland, Mr. Prue.

Mr. PRUE: I would move for a division.

The SPEAKER: A division has been requested. The question before the House is the motion of the gentleman from Stockholm, Mr. Johnson, that the House accept the Minority "Ought to pass" Report on Resolve to Reimburse Guy Cyr of Hamlin for Property Damage by

Highway Relocation. All those who favor the acceptance of the Minority Report please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Eighty having voted in the affirmative and forty-four having voted in the negative, the motion did prevail, the Minority Report was accepted and the Resolve read once.

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

COMMITTEE AMENDMENT "A" to H. P. 578, L. D. 798, Resolve, to Reimburse Guy Cyr of Hamlin for Property Damage by Highway Relocation.

Amerd said Resolve by striking out the figure "\$7,000" in the second line and inserting in place thereof the figure "\$3,500".

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

The SPEAKER: At this time the Chair would like to recognize the presence in the gallery of sixteen members of Young People's Fellowship from St. John's Episcopal Church in Bangor, Maine, with their Rector, Reverend Fort.

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)

The Chair also recognizes with this group the Representative from Bangor, Mr. Wellman. (Applause)

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

HOUSE DIVIDED REPORT—Minority Ought to Pass — Minority Ought Not to Pass — Committee on Agriculture on Bill "An Act Increasing Tax on Milk Producers for Promotional Purposes." (H. P. 866) (L. D. 1201) — April 5, in House Both Reports Indefinitely Postponed — In Senate April 11, Passed to be Engrossed in Non-Concurrence — April 12, House adhered — April 13, Senate Insisted and asked Committee of Conference.

Tabled — April 14, by Mr. Bragdon of Perham.

Pending — Motion of Mr. Waterman of Auburn to Recede and Concur in Acceptance of Majority Report Ought to Pass.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: This bill has had somewhat lengthy consideration in this House, but just for our own information let us look at the record. On April 5 in the House, both reports indefinitely postponed; in the Senate April 11, passed to be engrossed in non-concurrence; April 12 the House adhered; April 13 the Senate insisted and asked for a Committee of Conference. That committee has been appointed.

I tabled this late Friday, mainly because at that time I looked around and there was a tremendous number of empty seats. For that reason I did not feel that it was a proper time to consider an action which the House in so many sessions had definitely expressed their views. However, I voted in the original instance, I voted with the minority "Ought not to pass." I will continue to do so today.

My reason for so doing was that I discussed this matter with some of the dairymen in my district and while they assured me that they were not violently opposed to a tax of this size, neither were they enthusiastic about it. They did not feel that at the farm level they had been consulted. None of these dairymen whom I approached had ever been consulted when this tax was proposed.

So at this time, recognizing that there is a motion which will precede mine, I would make a motion to insist and join in a Committee of Conference.

The SPEAKER: The pending motion is the motion of the gentleman from Auburn, Mr. Waterman, to recede from the action of the House whereby it indefinitely postponed this bill and to concur with the Senate in accepting the majority "Ought to pass" report.

All those in favor of receding and concurring, say aye—

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

Mr. CURTIS: Mr. Speaker, I ask for a division.

The SPEAKER: A division has been requested.

The Chair recognizes the gentleman from Brownfield, Mr. Walker.

Mr. WALKER: Mr. Speaker and Ladies and Gentlemen of the House: I don't want to prolong the discussion on this bill unduly, but I think there are some pertinent facts that should be brought to your attention. At the present time we have three major agricultural areas, and fishery areas, in Maine which have the same type of self-imposed tax for promotional purposes; and these three major industries are the Maine potato industry, the sardine industry and the Maine dairy industry.

Now in every instance these three industries after many meetings with all segments of their industry, voted to seek legislative approval to tax themselves. Now it is interesting to know that in the past five years the Maine sardine industry has received an average of \$530,000 a year for their tax research, public relations and advertising purposes. The Maine potato industry during the past five years has received around \$300,000 each year for the same promotional purposes, and during these same past five years the Maine dairy industry has received an average of \$170,000 for their promotional program.

Now this small additional revenue that the Maine Dairymen's Association is asking for would amount to about \$30,000, which would allow the industry to purchase around \$19,000 more milk promotional ads, television, radio and newspapers. In short it would add another punch to their present program.

Again I would like to emphasize that every penny of this additional money would be spent for advertising only in Maine and the Boston markets where Maine milk is sold. It might be interesting to know that in the last ten years advertising costs throughout the country, and that includes Maine, has increased around fifteen percent; and although our Maine dairy industry's promotional revenues have increased somewhat, additional funds would allow the industry

to move ahead in selling efforts. Now with this terrific increase in advertising and competition from other foods, products, the Maine dairy industry cannot allow itself to stand still and watch the rest of the food states leave us floundering at the starting gate. It has just been announced this week that the nation's dairy farmers, through the American Dairy Association, will co-sponsor the popular Dinah Shore television show this fall. Now this popular TV program has one of the highest ratings of any show and should go far in creating a more favorable image of milk and other dairy products.

Now what the additional funds from the increase in this promotional tax, which is only one-half cent per hundred weight, the Maine dairy farmers and those throughout New England could be in a position to underwrite more New England stations in carrying this Dinah Shore show. Maine dairy farmers are already doing an excellent job in selling their products, but they must have bigger and better tools to do the job. And they can meet the challenge if we give them the signal. I would just like to leave this one thought with you, that this increase certainly will not result in an increase for the price of the milk to the consumer. It actually figures out about one-nineteenth of one cent a quart, and certainly there would be no justification for increasing the price of milk with this small additional amount.

I hope the motion of the gentleman from Auburn, Mr. Waterman, will prevail.

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

Mr. WOOD: Mr. Speaker, last week when this bill was before the House briefly, I voted against the bill because I felt that the benefits did not warrant taxing the dairymen; but last weekend I think I was contacted by nearly every dairyman in my county, and one or two from another county, all asking me to support this bill. This bill has the support of the Farm Bureau Federation. This half cent tax can in no way reflect in the price that the consumer has to pay

for milk. If these people are willing to tax themselves and feel that benefit can be derived from this tax, I believe they should have that privilege. And I hope that the motion to recede and concur does prevail.

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen: I wish to bring to your attention the previous speaker has said that the potato industry and the herring industry, that they were poor—I don't know anything about that—had they been consulted. But I do know the dairymen were never consulted about this deal, it was enacted first '57 for two years and then it died then, but it was re-enacted in '59. I do know that the dairymen in my area, I don't know why they can be so different from some of this other area, are dead set against it. And why wouldn't they be? Because, as the gentleman has just said, it isn't going to cost anybody anything but them. Now that is getting something for nothing, the consumer—I just fail to see how the consumers of milk, which probably the most of you people are in this House, how you would want to tax a farmer and not pay him anything for it—and that is what it's all about. And I have not been able to find one shred of evidence where there has been one quart of milk sold because of this tax.

I know you folks have seen some of the things they put on TV that are a good deal like "quick draw" McGraw and Barnacle Bill the sailor and all those things, they are a lot of monkey things that may tickle the kids, but as far as selling milk I don't see a bit of sense in it, but I do see a lot of sense where these people who are running this thing get a lot of money. If you will look over the cost you will find out the chairman of the thing gets \$6,000 from one tax and \$6,000 from another, making \$12,000, pretty good job. You will find out where one lady gets \$2,500, what she does—I don't know what she does. But the whole set-up costs \$15,000, and where it says there is going to be milk—just advertise

New England, if you get the wrong papers and look it over you will see where they have sent \$30,000 to Chicago and \$15,000 to another city.

And what the principal thing that I'm—I am not a dairyman now, but I am just interested in fair play. Now I can just wonder what would happen here, and I don't have to wonder very much, if they brought a bill in and asked you to pass it whereby the pharmacists, the lawyers, and all the other different people who are engaged in different occupations whereby this Legislature would set a Board up and charge so much for their gross intake to advertise their business. I think they would very definitely say, we know enough to advertise our own. And I think that's what the farmers say. They have not been consulted about this whatsoever, it is just simply saying, you come across and pay this; and the consumer won't even pay for the quart of milk, but this is all going to be your hard luck.

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

Mr. BOOTHBY: Mr. Speaker, Ladies and Gentlemen of the House: You all know where I stand on this; I simply want to rise and support the motion before the House. Thank you.

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

Mr. WATERMAN: Mr. Speaker and Ladies and Gentlemen of the House: I thought it was rather interesting, in this last Sunday's issue of the Boston Advertiser, here's the kids, but as far as selling milk put out by the American Dairy Association representing the dairy farmers in your area. That is all that we want in this bill is to have a little more money to spend on advertising to promote our product and I don't believe there is any man here that doesn't realize the value of advertising. And as far as some of the other things that we have, there are forty-eight full page color ads in READER'S DIGEST, McCALLS, SEVENTEEN, CORONET, BETTER HOMES AND GARDENS — that costs money.

Nine full page and three-fifths page color ads in THIS WEEK magazine, six full color ads in SUBURBIA TODAY. Then there is the Dave Garroway television show and there are other things here, there is a Dairy Princess contest which is sponsored by some of this advertising money, milk exhibits at fairs and Eastern States Exposition.

And I might add that when we had Androscoggin County Day over here, there was a milk dispenser set up out here in the rotunda of the House of the State building, and the milk was part of the promotional program to advertise milk. Now Androscoggin County happens to be one of the largest dairy counties in this state and we have had several meetings of various farm groups in that county, where these things were brought up; and I don't believe that there are very many farmers that didn't know about the bill.

I don't think there is any business that feels they can hardly get along without advertising, and I think money spent in advertising is well spent. All we want to do is to promote more fluid milk, and if it helps one member of the industries it will help all of the industries. Thank you very much.

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

Mr. COOPER: Mr. Speaker, I will have to take a little issue with my friend from Brooks, Mr. Wood, in regard to the attitude of the Farm Bureau. Our Farm Bureau hasn't had any polls and I have talked with a representative of the Farm Bureau this morning, and he wouldn't commit himself one way or the other, he says we have poll departments, and that's about all I could get out of him. You all realize that the milk producer is already paying three and one-half cents per hundred pounds and the Statutes says for promotional and educational advertising and research programs.

Now if I thought that this extra half cent would sell any more milk enough to make it worthwhile, I would be in favor of the bill; but it looks to me as if there is a "nigger in the woodpile" here

somewheres and some of these advertising people are about as much interested in this as the dairymen themselves. And in my section, and I am telling you truthfully, that I haven't found one, and there are a lot that are producing anywhere from five hundred to three thousand ton and a half, thirty hundred of milk a day, and those men tell me they don't want it.

Now we have thrashed this thing out and we have voted on it, it comes back to us asking us to recede, and if I am not out of order I will make a motion that we adhere. Thank you.

The SPEAKER: A motion to adhere at this time is not in order.

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

Mr. DODGE: Mr. Speaker and Members of the House: I for one am not going to tell any industry that they have to advertise.

The SPEAKER: Is the House ready for the question?

The question before the House is that the House recede and concur in the acceptance of the Majority "Ought to pass" Report on Bill "An Act Increasing Tax on Milk Producers for Promotional Purposes," House Paper 866, Legislative Document 1201. A division has been requested.

All those in favor of the House receding and concurring please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

Fifty having voted in the affirmative and sixty-six having voted in the negative, the motion did not prevail.

The SPEAKER: Will the gentleman from Perham, Mr. Bragdon, kindly approach the rostrum please. The House will be at ease.

(Conference at rostrum)

The SPEAKER: The Chair understands that the gentleman from Perham, Mr. Bragdon makes a motion that the House insist on its action whereby it adhered, and join in a Committee of Conference. Is this the pleasure of the House?

The motion prevailed.

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

JOINT RESOLUTION Relative to Economy of Maine. (S. P. 520)

Tabled — April 18, by Mr. Plante of Old Orchard Beach.

Pending — Motion of Mr. Anderson of Greenville to Indefinitely Postpone.

Thereupon, the Joint Resolution was indefinitely postponed and sent up for concurrence.

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

JOINT ORDER — ORDERED, the Senate concurring, that H. P. 544, L. D. 741, Bill "An Act relating to Motor Vehicle Excise Tax" be recalled from the Legislative Files to the House. (H. P. 1121)

Tabled — April 18, by Mr. Whitman of Woodstock.

Pending — Passage.

Thereupon, the Order received passage and was sent up for concurrence.

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

An Act Authorizing Acceptance of Federal Act Providing for Financial Assistance in Constructing School Facilities. (S. P. 410) (L. D. 1351) Passed to be Engrossed in both Branches.

Tabled — April 18, by Mr. Baxter of Pittsfield.

Pending — Motion of Mr. Westerveld of Liberty to Indefinitely Postpone.

The SPEAKER: The Chair recognizes the gentleman from Medford, Mr. Hichborn.

Mr. HICHBORN: Mr. Speaker, I submit an amendment and would like to speak briefly on it.

The SPEAKER: The Chair understands that the gentleman from Medford, Mr. Hichborn, moves that the rules be suspended in order that the House may reconsider its action on April 11 whereby it passed this bill to be engrossed. Is it the pleasure of the House to suspend the rules? The rules are suspended.

The Chair now understands that the gentleman from Medford, Mr. Hichborn, moves that the House reconsider its action of April 11 whereby this bill was passed to

be engrossed. Is it the pleasure of the House?

The motion prevailed.

Mr. Hichborn of Medford offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to S. P. 410, L. D. 1351, Bill "An Act Authorizing Acceptance of Federal Act Providing for Financial Assistance in Constructing School Facilities."

Amend said Bill by adding at the end of the 6th line the underlined word and figure **the 87th** and in the 8th line by striking out the underlined words **"or other purposes"**

The SPEAKER: The Chair recognizes the gentleman from Medford, Mr. Hichborn.

Mr. HICHBORN: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday we discussed at some length L. D. 1351. I personally found nothing objectionable in 1351, but there were those who felt it was a little bit too broad. It was also felt that we should not accept provisions of any Act by any Congress other than the present one. For that reason, an amendment has been added which will make this legislation refer only to legislation passed by the Federal Congress, the 87th. There were those who objected to other purposes. I understand that the reason for that was an objection to federal aid for teachers' salaries. I think that probably we are all very well aware that the sentiment in the Federal Congress is as much against salary increases for teachers through federal aid as it is here in Augusta. I personally would have no objection if every federal dollar were to be earmarked for construction. I also would say this, that I recognize that this may be somewhat restrictive; however, if legislation pertaining to construction only is enacted in the Federal Congress, this act as amended, our own L. D. 1351 as amended, will be sufficient to meet our needs. If the federal legislation includes anything except construction, it will be too restrictive to be effective. So far as I am concerned, I am willing to go

along with this amendment and I hope that it will be accepted.

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

Mr. WESTERFIELD: Mr. Speaker, I don't wish to belabor this amendment too much, but I would like to express one opinion. As you all know I am very much in favor of doing away with this bill, L. D. 1351. I would just as soon do it directly as to do it indirectly and I feel that the amendment as proposed actually accomplishes the purpose of doing away with L. D. 1351, but I do not feel that this is the method in which we should indefinitely postpone the bill. I would prefer that if we are to kill L. D. 1351, we kill it itself. Therefore, I am not in favor of the amendment.

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

Mrs. HANSON: Mr. Speaker, Ladies and Gentlemen of the House: I am in favor of this amendment. As you all know I have worked always with the idea that I would accept federal aid for school construction. I do not think that the restriction is too much, and I do not think that it will kill the bill. If we need federal aid in the State of Maine, we can put it into buildings. I think that this should answer the two paramount objections to this bill, and therefore, I hope that Mr. Hichborn's motion prevails.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Plante.

Mr. PLANTE: Mr. Speaker, Ladies and Gentlemen of the House: I am not a beatnik, I don't own a black leather jacket and I'm not an angry young man, so it is with these limitations that I shall try with all seriousness to alert the members of this honorable body to the dangers of House Amendment "A" now before us.

The proposal to amend 1351 by striking out "or other purposes" may have had any one of several motives. It may have been designed as a slap at Maine's eight thousand teachers. It may have been aimed to punish those towns that had foresight and courage to meet their building problems. It

could be aimed at penalizing those towns where, due to no population increase, there is no building problem. Whatever the motives, there will be one result. The children of Maine are the ones who will be hurt.

The reason behind the sentiment for federal money for education, basically, is to provide the best education possible to enable our young people to make the most of their abilities. Teachers will benefit anyway. If Maine does not use federal money for salaries, our towns will have to raise salaries, without federal assistance to compete with Connecticut and Massachusetts' towns which will be using federal money to increase their spread over us.

This amendment will limit the use of federal money to a small percentage of Maine towns. Now this is important, 137 towns or administrative units are listed as needing classrooms now.

This leaves 313 towns or administrative units with no building problem at present. I wonder what the reaction of the taxpayers and voters in these 313 towns will be to the news that the legislature, in its wisdom, excluded them from sharing in the money which they all helped send to Washington?

This amendment is plainly an attempt to help a few towns at the expense of the many. I suggest that before you vote, you check carefully as to whether you represent one of the fortunate 137, or whether you represent one of the 313 who would be barred from receiving one cent of the \$14,000,000 Maine may get in the next three years.

It may also be pointed out that limiting acceptance of the funds for construction might seriously interfere with acceptance of any funds, as the act now before the Congress provides that 10 per cent of any sum allotted to a state shall be set aside for special projects. Those special projects are listed on page ten of the Congressional Resolution. I suggest that some of you refer to that page.

Such projects would not be related to construction of school facilities and the state might be unable to qualify for any construc-

tion aid. Some degree of flexibility in the acceptance and use of any Federal funds made available would seem desirable.

Now I said in my introductory remarks that I was serious and I'm sincere about this. I do not in any way wish to make it a partisan matter. In fact at 12:15 today, I shall meet with the Governor to discuss this with him so that we can get his views on this matter. This is a very important matter. And this is why I don't think that we should be too hasty and if those of you who represent the districts or the towns of the 313 which I have referred to, should take it into consideration and you should do your homework and find out if you will be affected by this amendment or not.

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

Mr. ESTEY: Mr. Speaker, Ladies and Gentlemen of the House: I don't entirely agree with Mr. Plante on the intent of this amendment in the use of striking out the words "or other purposes." I have no objection to limiting this piece of legislation to acts of the 87th Congress. As I said yesterday, I don't believe that this Legislative Document that we're discussing implies the intent of this Legislature or any of the individuals of this Legislature as to their feelings or commitments about the acceptance of federal aid, either for building aid, building construction or for teachers' salaries; however, as I said yesterday, the basic intent of this legislation was to preclude the possibility of a special session, where pending legislation in Congress might provide funds that do not require state matching funds. I would call also to your attention that by striking out "or other purposes," we may be damaging the entire program, however, because section 109 of the Administrations Bill, H. R. 4970, provides for a ten percent of the first year allotment for private demonstration and experimental projects or special use and nature, administered entirely at the local level. If we were not able to al-

locate ten percent of even our building aid, building funds that we requested, that I'm not sure whether the federal commissioner of Health, Welfare and Education would be able to make that allocation.

I will, however, if it is the majority of the opinion of this body to accept the amendment, I will go along.

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

Mr. BRAGDON: Mr. Speaker, since this bill is at the enactment stage, I don't believe any harm will come of taking a little more time to give this a little more consideration. For that reason, I move that this bill be tabled until Friday, April 21.

The SPEAKER: In reference to item 11, L. D. 1351, the gentleman from Perham, Mr. Bragdon, moves that this bill be tabled until Friday, April 21, pending the adoption of House Amendment "A." Is this the pleasure of the House?

The motion prevailed.

Thereupon, the Report and Bill were tabled pending adoption of House Amendment "A" and specially assigned for Friday, April 21.

The SPEAKER: We are proceeding under Orders of the Day.

There will be a caucus this afternoon of House Republicans in this House at two o'clock.

Mr. Fogg of Madison was granted unanimous consent to address the House.

Mr. FOGG: Mr. Speaker and Members of the House: I would like to point out that there is a notice on the agenda today for the Democrats, that there will be a caucus in Room 120-B in the State House building, that is right across from the cafeteria—in case somebody doesn't know where that is.

On motion of Mr. Knight of Rockland,

Adjourned until nine o'clock tomorrow morning.