

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

Friday, May 5, 1961

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

Prayer by the Rev. Mr. Alton E. Maxell of Augusta.

The journal of yesterday was read and approved.

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Resolve in favor of John W. McGuire, of Houlton (H. P. 951) (L. D. 1254) reporting that the Senate recede and concur with the House in passing the Resolve to be engrossed without Amendment.

(Signed)

HUGHES of St. Albans

BERMAN of Houlton

BREWER of Bath

— Committee on part of House

PORTEOUS of Cumberland

BREWSTER of York

— Committee on part of Senate

Report was read and accepted and sent up for concurrence.

**Papers from the Senate
Indefinitely Postponed**

From the Senate: The following Order:

ORDERED, the House concurring, that H. P. 487, L. D. 687, Resolve Regulating Fishing in Certain Waters of Aroostook County, be recalled from the Governor to the Senate (S. P. 538)

Came from the Senate read and passed.

In the House, the Order was read.

The SPEAKER: The Chair recognizes the gentleman from Casco, Mr. Moore.

Mr. MOORE: Mr. Speaker and Members of the House: This bill that is being asked to be recalled from the Governor is being recalled for one purpose of amending it to do away with the ten-fish limit that we passed and was signed by the Governor some time ago. They wish to recall this bill to amend it; and if we allow them to do this, it will be amended to

remove practically every county in the State.

In this particular area of Aroostook, where there is a certain group that is opposed to conservation in the Presque Isle area—they talk about the back country of Aroostook—when you leave the Ashland and go back on the American Realty road you immediately cross into Penobscot, Piscataquis and Somerset Counties. It causes confusion and that is one of the reasons why this was put in so the entire State would be the same. This is strictly—the reason for that bill being passed originally was for conservation. If we allow this bill to be recalled, it is for the one purpose of destroying that bill; and I move for indefinite postponement of this order.

The SPEAKER: The question now before the House is the motion of the gentleman from Casco, Mr. Moore, that this order be indefinitely postponed.

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

Mr. BERMAN: Mr. Speaker, I have just been approached on this matter and I would respectfully request permission to table it until just later in the day.

The SPEAKER: The gentleman from Houlton, Mr. Berman, moves that item number one be tabled until later in the day. Is this the pleasure of the House?

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

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

The SPEAKER: The question now before the House is the motion of the gentleman from Casco, Mr. Moore, that this order be indefinitely postponed.

All those in favor of indefinite postponement say aye; those opposed, no.

A viva voce vote being taken, the Order was indefinitely postponed in non-concurrence and sent up for concurrence.

From the Senate: The following Orders:

ORDERED, the House concurring, that H. P. 1123, L. D. 1547, "An Act Permitting Governor of Penobscot Tribe of Indians to Bring

Action for Money Due" be recalled from the Governor to the Senate (S. P. 539)

ORDERED, the House concurring, that the Secretary of the Senate and the Clerk of the House, respectively, be authorized to furnish postage stamps for each member of the Senate and House, not exceeding \$4.00 in amount, each, for the purpose of distributing the various reports of the Departments of State and other public documents, such as they may desire to mail to the citizens of the State (S. P. 540)

Came from the Senate read and passed.

In the House, the Orders were read and passed in concurrence.

Senate Reports of Committees Ought Not to Pass

Report of the Committee on Liquor Control reporting "Ought not to pass" on Bill "An Act relating to Shipments of Malt Liquor into the State" (S. P. 439) (L. D. 1394)

Came from the Senate read and accepted.

In the House, the Report was read.

The SPEAKER: The Chair recognizes the gentleman from Norway, Mr. Chapman.

Mr. CHAPMAN: Mr. Speaker, I would like to move that we substitute the bill for the report. This bill is merely a question of whether or not we wish to protect our local distributors against padding of the order by the breweries and oftentimes in many cases added a product which is not popular and which the local representative was compelled to pay for and get rid of to the best of his ability without his wish.

The SPEAKER: The question now before the House is the motion of the gentleman from Norway, Mr. Chapman, that the bill be substituted for the report.

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

Mr. COOPER: Mr. Speaker and Ladies and Gentlemen of the House: That bill was considered quite carefully in the committee. I have no feeling one way or the other about it, but in the committee we decided that the bill ought not to pass. I can't enlighten you

too much about the bill, but we talked about it quite a lot and I think that my friend, Representative Dostie, might enlighten you a little bit on it. But the committee considered the bill carefully and I think that the committee's report ought to be accepted.

The SPEAKER: The question before the House is the motion of the gentleman from Norway, Mr. Chapman, to substitute the bill for the report.

A viva voce vote being taken, the motion to substitute the bill for the report did not prevail.

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

Ought to Pass in New Draft Recommitted

Report of the Committee on Inland Fisheries and Game on Bill "An Act to Clarify State Boating Law" (S. P. 420) (L. D. 1300) reporting same in a new draft (S. P. 529) (L. D. 1563) under same title and that it "Ought to pass"

Came from the Senate with the Report and Bill recommitted to the Committee on Inland Fisheries and Game.

In the House, the Report was read and the Report and Bill recommitted to the Committee on Inland Fisheries and Game in concurrence.

Ought to Pass Tabled and Assigned

Report of the Committee on Appropriations and Financial Affairs reporting "Ought to pass" on Bill "An Act to Reactivate a Maine Committee on Problems of the Mentally Retarded" (S. P. 77) (L. D. 177)

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

In the House, the Report was read.

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

Mr. PLANTE: Mr. Speaker, due to the action of another bill in the Senate Tuesday, I move that this be tabled until Wednesday.

Thereupon, the Report and Bill were tabled pending acceptance of

the Committee Report and specially assigned for Wednesday, May 10.

Ought to Pass with Committee Amendment

Report of the Committee on Appropriations and Financial Affairs on Resolve Appropriating Moneys to Match Federal Funds Provided under Title VIII of the National Defense Education Act (S. P. 270) (L. D. 871) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 270, L. D. 871, Resolve, Appropriating Moneys to Match Federal Funds Provided Under Title VIII of the National Defense Education Act.

Amend said Resolve by striking out the figure "\$50,891" in the 3rd line and inserting in place thereof the figure '\$31,478'; and by striking out the figure "\$50,891" in the 4th line and inserting in place thereof the figure '\$31,898'.

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

Report of the Committee on Labor on Bill "An Act relating to Second Injury Fund and Vocational Rehabilitation under Workmen's Compensation Act" (S. P. 37) (L. D. 79) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 37, L. D. 79, Bill, "An

Act relating to Second Injury Fund and Vocational Rehabilitation under Workmen's Compensation Act."

Amend said Bill by striking out all of the last underlined sentence of section 1 and inserting in place thereof the following: 'Such vocational rehabilitation service may be arranged in consultation with the Division of Vocational Rehabilitation, Department of Education, as provided in section 44, subject to the following conditions and limitations:

I. Course of instruction. The employee must undertake the course of instruction within 60 days from the date when he has sufficiently recovered from his injury to permit of his so doing, or as soon thereafter as the person or agency having charge of his instruction shall provide opportunity for his rehabilitation.

II. Rehabilitation training. The employee must continue in rehabilitation training with such reasonable regularity as his health and situation will permit.

III. Determination of rights. The commission shall determine the rights and liabilities of the parties under this section in like manner and with like effect as it does other issues under the Workmen's Compensation Act."

Further amend said Bill in section 2 by striking out the underlined figure "\$3,000" in the 12th line and inserting in place thereof the underlined figure '\$2,000'; and by striking out the underlined figure "\$2,000" in the 14th line and inserting in place thereof the underlined figure '\$500'.

Further amend said Bill in section 4 by striking out all of the 11th, 12th, 13th and 14th lines and inserting in place thereof the following:

'300 weeks from the date of the accident except for vocational rehabilitation services provided under sections 9 and 11.'

Further amend said Bill in section 9 by striking out in the 4th line the underlined words "at any time within the period of 6 months, but in any event"; and by striking out in the 15th line the underlined word "shall" and inserting in place thereof the underlined word 'may'

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

The SPEAKER: At this time the Chair would like to recognize a group in the gallery of 4-H Junior Club members from St. Albans. They are accompanied by their leader, Mrs. Kenneth Hughes.

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)

Non-Concurrent Matter

Bill "An Act to Clarify the Liquor Laws" (S. P. 353) (L. D. 1086) which was passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "B" in non-concurrence in the House on May 3.

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

Mrs. CHRISTIE of Aroostook
Messrs. MAYO of Sagadahoc
JACQUES of Androscoggin

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

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

Non-Concurrent Matter

Bill "An Act relating to Collection and Disposition of Money Received for Violation of Fish and Game Laws" (H. P. 139) (L. D. 202) which was passed to be engrossed in the House on March 28.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Casco, Mr. Moore.

Mr. MOORE: Mr. Speaker, I move that we recede and concur.

The SPEAKER: The question now before the House is the motion of the gentleman from Casco, Mr. Moore, that the House recede and concur.

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

Mr. JONES: Mr. Speaker, this is a fair and just bill and I think that we should give it sincere consideration. I move that we insist and ask for a Committee of Conference.

The SPEAKER: The prevailing motion will be to recede and concur. If that motion does not prevail, then your motion to insist will be entertained.

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

Mr. WELLMAN: Mr. Speaker, I would like to support the motion of my good friend to my left here—Mr. Moore. We have had two similar bills of the same nature here before us, one concerning Sea and Shore and one concerning — it slipped my mind momentarily, another matter to which a similar allocation of the fines was to be made. We have indefinitely postponed those other two bills, if my memory is correct, and I think we ought to do the same here.

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

Mr. JONES: Mr. Speaker, our courts where these cases are taken are in the various counties, and the county government has to foot one-half percent of the bill providing these courts where these cases are taken. And I think it is no more than fair that the counties be compensated for their expenditures to the tune of fifty percent of the fines that are taken on these cases. I think it is only fair and just. I don't think it is fair that the counties are requested or to be expected to provide one-half per cent of the cost of these courts where these cases are taken, for free. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Casco, Mr. Moore.

Mr. MOORE: Mr. Speaker, Members of the House: I agree with the gentleman from Farmington,

Mr. Jones, there are a lot of good features about it, but the reason that I made the motion to recede and concur was to speed up the Legislature a little bit. You are not going to change the thinking of the Senate and we would only have a Committee of Conference and come out with the same conclusion at the end of it; and my good friend—I can't think of his name—at my right, I'd like to think of it, but — I hope that the motion will prevail.

The SPEAKER: The question before the House is the motion of the gentleman from Casco, Mr. Moore, that the House recede and concur.

All those in favor of the motion to recede and concur say aye; those opposed, no.

A viva voce vote being taken, the motion to recede and concur did prevail.

Non-Concurrent Matter

Bill "An Act relating to Public Hearing on Certain Articles in Warrant for Town Meeting" (H. P. 159) (L. D. 222) which was passed to be engrossed in the House on March 24.

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

Report of the Committee on Towns and Counties reporting "Ought not to pass" on Bill "An Act relating to Special Deputies for Kennebec and Penobscot Counties" (H. P. 167) (L. D. 230) which was accepted in the House on April 25.

Came from the Senate with the Bill substituted for the Report and recommitted to the Committee on Towns and Counties in non-concurrence.

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

Non-Concurrent Matter

Resolve to Reimburse Guy Cyr of Hamlin for Property Damage by Highway Relocation (H. P. 578) (L. D. 798) which was passed to be en-

grossed as amended by Committee Amendment "A" in the House on April 20.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Hughes of St. Albans, the House voted to recede and concur with the Senate.

Non-Concurrent Matter

Bill "An Act Relative to the Granting of Licenses for Certain Businesses and Purposes by the Municipal Officers of the Town of Old Orchard Beach" (H. P. 1132) (L. D. 1559) which was passed to be engrossed as amended by House Amendment "A" in the House on April 28.

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

In the House: On motion of Mr. Plante of Old Orchard Beach, the House voted to recede and concur with the Senate.

Orders

On motion of Mrs. Knapp of Yarmouth, it was

ORDERED, the Senate concurring, that 5,000 copies of the joint Resolution relative to School Safety Patrol Recognition Week, be printed for distribution to the members of the school Safety Patrols in the State of Maine.

The SPEAKER: The Chair recognizes the gentlewoman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker, I would like to inquire if L. D. 1571 is in the possession of the House?

The SPEAKER: A Bill "An Act Establishing Fees to be Collected by Registers of Probate," L. D. 1399, and the Senate Report "Ought to pass" in New Draft is in the possession of the House.

Mrs. BAKER: Mr. Speaker, as House chairman of Towns and Counties, further information in regard to this bill has come to our attention and I would ask, in view of this fact, that the House reconsider its action of yesterday whereby it indefinitely postponed this bill, and I wish to ask later that it be recommitted to committee.

The SPEAKER: The gentlewoman from Orrington, Mrs. Baker, moves that the House reconsider its action of yesterday whereby it indefinitely postponed the Report and the Bill. Is it the pleasure of the House to reconsider that action? All those in favor say aye; those opposed, no.

A viva voce vote being taken, the motion to reconsider did prevail.

Mrs. BAKER: Mr. Speaker, I move that this bill be recommitted to the Committee on Towns and Counties.

Thereupon, the Report and Bill were recommitted to the Committee on Towns and Counties and sent up for concurrence.

House Reports of Committees Ought Not to Pass

Mr. Plante from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Resolve Providing Funds for Service to Islands in Casco Bay by Casco Bay Lines (H. P. 60) (L. D. 101)

Report was read and accepted and sent up for concurrence.

Bill Substituted for Report Amended

Mr. Pike from the Committee on Sea and Shore Fisheries reported "Ought not to pass" on Bill "An Act Regulating Lobster Traps on Trawls" (H. P. 900) (L. D. 1234) which was recommitted.

Report was read.

The SPEAKER: The Chair recognizes the gentleman from Vinalhaven, Mr. Maddox.

Mr. MADDUX: Mr. Speaker, Ladies and Gentlemen of the House: This bill was turned down by the Committee on Sea and Shore Fisheries some six weeks ago with a unanimous "ought not to pass" report. This report was accepted in the House and by the body the other end of the hall. The bill was recalled last week by special order to recommit it again to the Committee on Sea and Shore Fisheries. In executive session, after careful consideration, we have again turned out a unanimous "ought not to pass" report, and at this time I move the acceptance of the committee report.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Coulthard.

Mr. COULTHARD: Mr. Speaker and Ladies and Gentlemen of the House: I don't know the proper procedure but I would like to move that we substitute the bill for the report. If you choose to accept it, and after its second reading, I will endeavor to introduce House Amendment "A" under filing number H-257 and House Amendment "B" under filing number H-260, which will take care of our local areas and does not affect others.

In regard to House Amendment "B," under filing number H-260, which is mine, as you know half of Saco Bay, that being in York County, is now covered by similar legislation. My amendment would permit the same legislation to be extended in the same Saco Bay to cover my own area, that being the waters off the shores of Scarborough.

As the gentleman from Rockland, Mr. Knight, so ably brought out Wednesday, we are here to represent our own various cities and towns as well as the State. Now I feel that I would be remiss in my duties if I did not try to accomplish this legislation for my town of Scarborough.

The SPEAKER: The question before the House is the motion of the gentleman from Scarborough, Mr. Coulthard, to substitute the bill for the report.

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

Mr. WINCHENPAW: Mr. Speaker and Members of the House: I might like to say a few words on this bill just to explain a little more about it. I will be very brief. This originally was my bill and this was one of the few bills that the fishermen from Friendship were interested in. There were three bills, in fact, that they were interested in and they came up here, quite a sizable group. The other bill was the Monhegan lobster bill which was reported out of the Sea and Shore Fisheries Committee "ought not to pass," and it was re-committed to the committee; and then the next time they brought it out "ought to pass," and the bill

went in favor of the Monhegan lobster fishermen, which gave them more area in which no one else can fish in but someone that lived on Monhegan. And this bill came out "ought not to pass," but an amendment was offered to the committee; but I perhaps made a mistake by not having the amendment in writing. And this went by as "ought not to pass," as Mr. Maddox has told you, and then the Sea and Shore Fisheries Committee practically finished their work until the other day two bills concerning alewives came in here, so the House went along and allowed us to recommit this bill.

Now I hope that this bill is substituted for the report for the purpose that the gentleman from Scarborough just told you, because we have two amendments that would just concern our local areas, one of those is my amendment. We have gone over this pretty carefully and even though this wasn't advertised for hearing the second time—there was no hearing on it, it was just an executive session, it was given quite a bit of publicity in the Rockland paper and I would like to read a short paragraph here.

It says here, "that the trap bill has been reported out of Sea and Shore Fisheries unanimously ought not to pass by both House and Senate and the report was accepted. Bringing back the bill at this stage is a rare thing." Then the paper goes on to say that there would be a hearing on it in Augusta. Well, that wasn't exactly true, but that was what was in the paper in our area, and I know everyone in our area knew about this bill. The area that we wish to include in the amendment affects very few people that are opposed to this bill.

The newspaper article goes on to say that Leslie Dyer, president of the Lobstermen's Association, is opposed to the bill; but I think he was opposed to it in its original form. I think that we calmed some of his fears the other day by proposing these amendments. So I hope the motion made by the gentleman from Scarborough prevails.

The SPEAKER: The Chair recognizes the gentleman from Vinalhaven, Mr. Maddox.

Mr. MADDOX: Mr. Speaker, Ladies and Gentlemen of the House: As regards newspaper publicity, I might say there would have been more had I also written a piece for the paper. The bill as it stands, reporting "ought not to pass," is I think a just decision on this particular bill. As to amendments that may be proposed, it is not a matter of protecting the lobster industry against encroachment by outside interests, it is not a matter of conservation, it simply would be a case of meddling in local affairs. I think that it is not the time nor the place to pass laws here at this particular time to enable local issues to be settled to the detriment of other nearby communities when hearings are not being held on a particular matter, and I hope at this time that you see fit to reject the motion of the gentleman, Mr. Coulthard, to substitute the bill for the report and I request a division.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Coulthard.

Mr. COULTHARD: Mr. Speaker and Members of the House: I disagree with the gentleman from Vinalhaven, Mr. Maddox, in this not meddling in local affairs. I might add that half of my people were down at the hearing past and we have approximately fifty-five fishermen in my area and we have a hundred percent in favor of this amendment. In fact, it was just my ignorance that we did not have the amendment on the bill that is already passed and signed by the Governor; it was the so-called "Mr. Tyndale's bill" which takes in York County, and cuts the bay in half. We in Scarborough felt that at that time, and we also feel now, that we would like to have the line extended to take in our waters. It is not a question of meddling in local affairs. My people when they came down here it was under the impression that the amendment which they asked for at the hearing would be adopted by the committee. Thank you.

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

Mr. WINCHENPAW: Mr. Speaker, I don't want to belabor this

issue, but this concerns traps on trawls, and there is a big argument as to whether it was a conservation measure or not. I might explain — some people asked me yesterday what we meant by traps on trawls. Well, the word "trawl" is used with various meanings in the Sea and Shore Fisheries laws, and traps on trawls — there is a number of traps you put on one long row with maybe two buoys on each end, and I have been digging around in the Sea and Shore Fisheries laws and in 1949 there was a law on the books against setting these traps on trawls unless you got permission from the Sea and Shore Fisheries Commissioner; and you had to designate the area you intended to set them in; and then if the Sea and Shore Fisheries Commissioner gave you permission to set those traps on trawls that was stamped on your license and there was a \$25 fine against anyone setting these traps on trawls without that permission from the Sea and Shore Fisheries Commissioner.

So apparently sometime along the line between 1949 and now, it may have been repealed; I can't find where it was repealed, but it must have been, because now we are coming in here and asking the Legislature to limit the number of traps on trawls to three traps on the trawl in certain areas. In certain other areas, in the boat channels and in the steamboat channels, where it is more or less necessary to fish these traps on trawls; but in our area we are opposed to ten or twelve traps on trawls, and that is why we are asking for three traps on trawls.

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

Mr. LOWERY: Mr. Speaker, this bill did have quite a hearing at the original hearing and as has already been stated was sent out with an "ought not to pass" report. During the course of the original hearing, people from the area—there was Boothbay and there was one from Round Pond I believe. The one from Round Pond especially said that he would be forced out of business if they limited the number of traps per trawl.

These people have eventually got to face the fact that the fishermen are coming in, and I believe that the report as we turned it out the second time "ought not to pass" is the report that should be accepted by this House. Thank you.

The SPEAKER: The question before the House is the motion of the gentleman from Scarborough, Mr. Coulthard, on item two, Bill "An Act Regulating Lobster Traps on Trawls, House Paper 900, Legislative Document 1234, to substitute the bill for the report. A division has been requested.

All those in favor of substituting the bill for the report, please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

Sixty-three having voted in the affirmative and forty having voted in the negative, the motion to substitute the bill for the report did prevail.

Thereupon, the Bill was given its two several readings.

Mr. Winchenpaw of Friendship offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 900, L. D. 1234, Bill, "An Act Regulating Lobster Traps on Trawls."

Amend said Bill by striking out all of the title and inserting in place thereof the following title: 'An Act relating to Number of Lobster Traps on Trawls in Certain Tidal Waters.'

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

"R. S., c. 37-A, Sec. 74-C, additional. Chapter 37-A of the Revised Statutes, as enacted by section 1 of chapter 331 of the public laws of 1959, is amended by adding a new section 74-C, to read as follows:

'Sec. 74-C. Lobster traps on trawls in certain tidal waters. It is unlawful to have on any trawl more than 3 lobster traps on one warp and buoy in that part of the tidal waters of the State easterly to the Knox-Hancock county line from a line running true south

from Pemaquid Point Light, Lincoln County.”

House Amendment “A” was adopted.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Coulthard.

Mr. COULTHARD: Mr. Speaker, I now offer House Amendment “B” and move its adoption.

The SPEAKER: The gentleman from Scarborough, Mr. Coulthard offers House Amendment “B” and moves its adoption. The Clerk will read the amendment.

Will the gentleman from Scarborough, Mr. Coulthard, approach the rostrum please.

(Conference at rostrum)

The SPEAKER: The Chair understands that the gentleman from Scarborough, Mr. Coulthard, withdraws his motion to offer at this time House Amendment “B” and the amendment may be offered by the gentleman after third reading on Tuesday.

Thereupon, the Bill was assigned for third reading the next legislative day.

Ought to Pass in New Draft New Draft Printed

Mr. Beane from the Committee on Judiciary on Bill “An Act relating to Possession or Transporting Liquor by Minor in Motor Vehicles” (H. P. 1012) (L. D. 1413) reported same in a new draft (H. P. 1153) (L. D. 1587) under title of “An Act relating to Transporting Liquor by Minor in Motor Vehicles” and that it “Ought to pass”

Report was read.

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

Mr. COOPER: Mr. Speaker and Ladies and Gentlemen: I don’t know how many of you people have looked over this L. D. 1587, but I have looked it over somewhat and we have got the Revised Statutes, Chapter 61, and we want to amend sections A, B and C. It seems that this pertains to persons under twenty-one years of age hauling this product. It seems to me that it doesn’t make any difference whether a person is under or over twenty-one, it seems to me that this is a bill that is like a lot of the bills pre-

sented to us; it is food and drink for the legal fraternity and some of it is poison to the public. I don’t see where you are going to do anything for the welfare of the State or its people by enacting this bill; and I would make a motion that this bill and all the papers pertaining to it be indefinitely postponed.

The SPEAKER: The question before the House is the motion of the gentleman from Albion, Mr. Cooper, that the Report and Bill be indefinitely postponed.

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

Mr. RUST: Mr. Speaker and Ladies and Gentlemen of the House: You will recall some weeks ago there was a bill which came out of the Committee on Liquor Control seven to three “ought to pass.” This bill was accepted in the House until somebody found out a provision required that if your son or daughter was out for an evening and somebody else in the car had liquor, along would come the liquor control people and take your car for two weeks. So they sent this bill over to the Judiciary Committee to see what they could do with it.

Now the best thing we decided to do with this thing was to change the bill around and provide that if your son or daughter knowingly allowed someone else to have liquor in the car while they had charge of the car that the son or the daughter would lose their license for a period of ten to sixty days at the discretion of the judge. Now this is a penalty which is in addition to present laws which make it illegal for a minor to be in the possession of liquor.

The Judiciary Committee felt that if these young people under the age of twenty-one years of age suffered the severe penalty of losing their rights to operate their jalopy or their family car for a period of ten to sixty days, they would be a little bit more concerned with this problem; and believe me it is a problem. The Liquor Control people tell us they take fifteen, twenty, thirty licenses a week for various purposes under this single legislation. Now the proposals that my good friend from Albion, Mr. Coop-

er has, are already covered by other state laws. It is a crime now for minors to possess liquor in itself. It is a crime for people to illegally transport liquor in their automobiles, and there are other laws covering provisions where those people who are acting as bootleggers can have their automobiles seized. And I believe this is a very good piece of legislation and will do a lot to correct juvenile delinquency. I hope that the motion of the gentleman from Albion, Mr. Cooper, does not prevail.

The SPEAKER: The question before the House is the motion of the gentleman from Albion, Mr. Cooper, that the Report and Bill be indefinitely postponed.

All those in favor of the motion say aye; those opposed, no.

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

Thereupon, the Committee "Ought to pass" in New Draft Report was accepted, the New Draft read twice and assigned for third reading the next legislative day.

Divided Report Tabled and Assigned

Majority Report of the Committee on Legal Affairs on Bill "An Act Amending Charter of City of Saco" (H. P. 679) (L. D. 957) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Mrs. LORD of Cumberland
Messrs. FARRIS of Kennebec
 NOYES of Franklin
 — of the Senate.
Messrs. BERMAN of Houlton
 BERRY of Cape Elizabeth
 STEWART of Presque Isle
Mrs. KNAPP of Yarmouth
 — of the House.

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

Report was signed by the following members:

Mrs. SPROUL of Bristol
Messrs. BRIGGS of Portland
 KELLAM of Portland
 — of the House.

Reports were read.

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

Mr. LANE: Mr. Speaker, my good friend, Mr. Bedard from Saco, is not here today, and I know he is very much interested in this bill, I would like to table this bill until Tuesday next.

Thereupon, the Reports and Bill were tabled pending acceptance of either Report and specially assigned for Tuesday, May 9.

Divided Report Tabled and Assigned

Majority Report of the Committee on Legal Affairs on Bill "An Act relating to State Valuation of Town of Bristol for School Subsidies" (H. P. 691) (L. D. 969) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Mrs. LORD of Cumberland
Mr. NOYES of Franklin
 — of the Senate.

Mrs. SPROUL of Bristol
Mrs. KNAPP of Yarmouth
Messrs. BRIGGS of Portland
 BERMAN of Houlton
 KELLAM of Portland
 BERRY of Cape Elizabeth
 — of the House.

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

Report was signed by the following members:

Mr. FARRIS of Kennebec
 — of the Senate.
Mr. STEWART of Presque Isle
 — of the House.

Reports were read.

(On motion of Mrs. Sproul of Bristol, tabled pending acceptance of either Report and specially assigned for Tuesday, May 9.)

Divided Report Tabled and Assigned

Majority Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act Providing for Registration of Sanitarians" (H. P. 975) (L. D. 1342)

Report was signed by the following members:

Messrs. FARRIS of Kennebec
 NOYES of Franklin
 — of the Senate.

Mrs. SPROUL of Bristol
 Messrs. BERRY of Cape Elizabeth
 KELLAM of Portland
 BERMAN of Houlton
 — of the House.

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

Report was signed by the following members:

Mrs. LORD of Cumberland
 — of the Senate.

Mr. STEWART of Presque Isle
 Mrs. KNAPP of Yarmouth
 — of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentlewoman from Falmouth, Mrs. Smith.

Mrs. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I would ask the indulgence of the House to table this bill until Wednesday pending the acceptance of either report.

The SPEAKER: In reference to item six, L. D. 1342, the gentlewoman from Falmouth, Mrs. Smith, moves that this bill be tabled until Wednesday, May 10, pending the acceptance of either report. Is this the pleasure of the House?

(Cries of "No").

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

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

Fifty-four having voted in the affirmative and thirty-two having voted in the negative, the motion prevailed.

Mr. CURTIS of Bowdoinham: Mr. Speaker?

The SPEAKER: For what purpose does the gentleman arise?

Mr. CURTIS: To ask the question if we have a quorum.

The SPEAKER: Does the gentleman raise the question of a quorum?

Mr. CURTIS: I do.

The SPEAKER: The monitors will return the count of the members in each section please.

Thereupon, it was reported that one hundred twelve members were present.

The SPEAKER: One hundred twelve being present and seventy-six being necessary for a quorum, the Chair declares that there is a quorum.

Mr. CURTIS: Mr. Speaker?

The SPEAKER: For what purpose does the gentleman arise?

Mr. CURTIS: To inquire about the count. As I had it, there were eighty-six that voted, and as I understand the rules everyone is supposed to vote either one way or the other.

The SPEAKER: The Chair will remind the members of the House that according to the rules they are supposed to vote on each and every question.

Thereupon, the Reports and Bill, "An Act Providing for Registration of Sanitarians," House Paper 975, Legislative Document 1342, were tabled pending acceptance of either Report and specially assigned for Wednesday, May 10.

Divided Report Tabled and Assigned

Report "A" of the Committee on Legal Affairs reporting "Ought to pass" on Bill "An Act relating to Election of Council Members of City of Portland" (H. P. 406) (L. D. 581)

Report was signed by the following members:

Mr. FARRIS of Kennebec
 — of the Senate.

Mrs. SPROUL of Bristol
 Messrs. KELLAM of Portland
 BRIGGS of Portland
 BERMAN of Houlton
 — of the House.

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

Report was signed by the following members:

Mrs. LORD of Cumberland
 Mr. NOYES of Franklin
 — of the Senate.

Mr. STEWART of Presque Isle
 Mrs. KNAPP of Yarmouth
 Mr. BERRY of Cape Elizabeth
 — of the House.

Reports were read.

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

Mrs. HENDRICKS: Mr. Speaker, I would like to have this bill tabled until Tuesday next.

The SPEAKER: In reference to item seven, L. D. 581, the gentleman from Portland, Mrs. Hendricks, moves that this bill be tabled until Tuesday, May 9, 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, please say aye; those opposed, no.

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

Ninety-four having voted in the affirmative and eleven having voted in the negative, the motion prevailed, the Reports and Bill were tabled pending acceptance of either Report and specially assigned for Tuesday, May 9.

Senate Order Out of Order

From the Senate: The following Order:

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Tuesday, May 9th at 10 o'clock in the morning. (S. P. 543)

Came from the Senate read and passed.

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

Third Reader Tabled and Assigned

Bill "An Act Creating a State Lottery for Old Age Assistance and Aid to Municipalities" (H. P. 895) (L. D. 1229)

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

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

Mr. BAXTER: Mr. Speaker, Ladies and Gentlemen of the House: With regard to item one, the words recently attributed to Dr. Sly with regard to this subject were spoken in an executive session of the Taxation Committee before which he appeared earlier this year on the occasion of his last visit to the state. The Taxation Committee, of course, did not have this particular subject referred to him, however, it

was interested in sources of income and so it inquired from him his opinion of lotteries as a source of income. His answer was that lotteries were not used in the United States to support public services, they had not been used since an ill fated attempt by Louisiana back I believe in the 1890's, that research indicated in other countries where they were used, that they fell particularly hard upon the lower incomes. In taxation parlance this would be called a regressive type of tax and a regressive type of source of income. It was further his feeling that there was a definite moral problem involved; and his now famous words were spoken at the end in which he said he did not feel that a state should support its services on sucker money. He also said that in view of the fact that it was not used anywhere in the United States, and in view of the moral problems involved, he doubted very much if the State of Maine of all places would be the place to pioneer the use of this particular source of income. With that we agreed and dropped the matter accordingly.

Now all those are points which I think we should bear in mind with regard to this source of income. I would also like to call to your attention one other item, and that is that lotteries are forbidden the use of United States mails. When this law was asked of Congress, back in the late 1800's, Benjamin Harrison said and I quote, and incidentally this is a United States Post Office Department pamphlet, . . . "the people of all states are debauched and defrauded by the lotteries, and the use of the mails by these companies is a prostitution of an agency only intended to serve the purposes of a legitimate trade and decent social intercourse. Members of Congress agreed, condemning lotteries as swindling and demoralizing agencies as skin games of the most corrupting order, and blaming their earlier acceptance on a code of morals based on the toleration of vice rather than of its suppression. . . ." This was, as it is not unusual, brought to the Supreme Court, and the Supreme Court said "in excluding various articles from

the mail, the object of Congress has not been to interfere with the freedom of the press or with any other rights of the press, but to refuse it facilities for the distribution of matters deemed injurious to the public morals." The same inhibition has been extended to circulars concerning lotteries. Institutions which are supposed to have a demoralizing influence upon the people. The explicit language of the lottery statutes leaves no room to doubt that Congress intended to prohibit the use of the mails in any way to serve the interest of a lottery or those taking part in it.

I submit to you, ladies and gentlemen, that there are many reasons why Maine should not at this time adopt this particular form of fund raising, I think the condemnation by Congress and the support of the Supreme Court in that should guide us in Maine as to how we should proceed upon the issue. I don't think it's practical in view of the fact that mails cannot be used, and I therefore move at this time the indefinite postponement of this bill and all its accompanying papers.

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

Mr. TYNDALE: Mr. Speaker, I concur entirely with the statements of the gentleman from Pittsfield, Mr. Baxter, and I sincerely trust that this bill will be indefinitely postponed, and when the vote is taken, I recommend that it be taken by — I move that it be taken by a roll call.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I feel that a brief explanation of this one page bill is in order very briefly. All this bill would do is set up three czars, because it states very clearly that they would set up the rules subject to the approval of the Governor and Council — but they would set up the rules. They would also set up the location as to where the tickets would be sold; they would set up what the prizes would be; they would set up who would sell the tickets; they would hire their own help without the as-

sistance of the Personnel Board; they could set up how many lotteries there would be; they would set up what the prices of the tickets would be; there are so many many reasons that one could stand here forever and a day breaking down this—this is in my opinion indecent legislation. I think the very fine State of Maine has gotten temporarily its share of bad publicity, and I certainly concur with the motion to indefinitely postpone.

The SPEAKER: The question before the House is the motion of the gentleman from Pittsfield, Mr. Baxter, that the Bill be indefinitely postponed.

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

Mr. MORRILL: Mr. Speaker, Ladies and Gentlemen of the House: I wish to emphasize some of the remarks that I made yesterday. According to the New York Times, seven million dollars left the State of Maine last year on the English Sweepstakes. Now this is only one of the enormous lotteries operating in this state. Including all of the lotteries, there was over thirty million dollars leaving the State of Maine, and we can keep a large percentage of this money in this state having a state operated lottery and run right.

Now I wish to read a section of a letter, this letter is one of several that was sent to members of the other body. And it was given to me by one of those members, and it comes from a large women's organization and it pertains to several bills, but I am going to read the second chapter in it that pertains to this bill.

"My dear Senator: At the April 4 meeting of the womens' club, we discussed many of the issues yet to be voted on by the 100th Legislature. I was selected to convey our conclusions to you."

The paragraph that I am going to read: . . . "we are being taxed to death, why increase the sales tax? We believe a foolproof lottery the best possible means of raising the money needed for services required of the state. Not only would state lottery give us a million dollars worth of publicity, it would be a painless way to meet the state's growing needs."

Now I might say that this group is a group of several hundred women, one of the biggest women's organizations in the state. I hope the move that has been made does not take place.

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

Mr. BERMAN: Mr. Speaker, Ladies and Gentlemen of the House: In answer to my good friend and neighbor, Mr. Morrill, I would suggest that there is basically one question now before this honorable House, and that is, is our money so dear to us that it can be taken to assist the aged only at the price of putting this good state in the lottery business? And I do trust that the combined judgment of this House will defeat this well intentioned, but quite pernicious legislation.

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

Mr. WHITMAN: Mr. Speaker, and Members of the House: I feel that we as legislators are sent here as responsible people to cope with the problems of the State of Maine in a responsible manner. I think that we should weigh the aspects of each and every issue, and in the particular case, I think we should remember that we are sent down here to do things for the people and not to the people. I personally cannot subscribe to a philosophy that the State of Maine should prey upon the weaknesses of certain individuals who are addicted to the habit of gambling. I don't think this is a good way to advertise the State of Maine. I have heard some comments that we are losing millions of dollars from the State of Maine. I would suggest to those people who are concerned about this money leaving the State of Maine, that they introduce legislation to prevent this money from leaving the State of Maine.

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

Mr. COOPER: Mr. Speaker, I made a few remarks yesterday in regards to this bill. I feel the same way today as I did yesterday. I see nothing immoral about it. I don't wear any white ribbons

and I haven't any wings on my shoulders, and I don't think that there are very many people here in this House who do have. We know very well that the majority of us will go to social affairs conducted by a fraternity or a church or any other institution, and we'll play beano. Well, nobody does that expecting that they are going to go back home with more money in their pocket than they had when they came. They know very well that the chances are very much against them. It's the same way when you go to a fair and you go down there to the pari-mutuel window and you buy a \$2.00 ticket, and you know darn well that the horse is going to lose. I think that this bill is all right. The only thing, as I said yesterday, is that it's a game of chance and we are taking a harness race and the running race, that's a chance; if we were down in Florida, we would be taking a chance on dog races.

Now if we have a lottery here in the State of Maine, we are going to take a chance, we are knowing very well that we are not going to take any more money back home at the end of three months than we had the first month. But it is a sort of a recreation, a—I buy tickets, I do it for the curiosity, the pleasure of it; and I don't think I'll be condemned to Hades for doing it, but perhaps I will.

I am going to stand right up here and say that I think the lottery business is a good, legitimate way of getting some revenue for the State of Maine—I would hope that in the next Legislature, somebody would have intelligence enough to combine these chance things, the harness racing and the running races, and if this lottery bill goes through, put that under one commission and do it in a businesslike way so that the state can really get some revenue; and I think it's legitimate. Thank you.

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

Mr. HAUGHN: Mr. Speaker, Ladies and Gentlemen of the House: First I would like to answer my good friend and colleague, our

Floor Leader from Pittsfield, Mr. Baxter, he quoted the regulations of the Post Office Department. If he reads the bill, he will definitely find there's no mailing or any transportation of mail whatsoever involved in this bill. It is confined within the State of Maine. Therefore, as far as that particular basic argument goes, it is not involved in the bill.

I might say too that yesterday I made the statement whereby I said, I shall not vote at any time to condone or to allow continuation of illegal gambling in the State of Maine or elsewhere, and if we do not pass this legislation, in my estimation and my opinion, that is just what we will be doing, saying to the racketeer, the gambler and the little shyster and those in con games that we condone what you do, continue, you have a closed corporation for yourselves, to continue, take the money for yourself, deprive the people of the State of Maine some use and good of revenue derived from this thing under legalized operation.

I am not in the con game or any way connected with any gambling device or condone gambling in general as such. I have no background of any nature of this particular field, I do not ever sell tickets; but I have purchased some, same as practically everybody in this House has in some form or another. When I vote I shall vote the conviction of my own mind, not under duress or any gag rule.

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

Mr. STORM: Mr. Speaker, yesterday I spoke somewhat facetiously in regard to this bill. Today I am getting serious. I hope that this House has the courage and the intestinal fortitude to defeat this bill. It has been before us for several times in the years past, I have always voted against it, I shall vote against it today. Let's not depend on the other body to do it, and let's not embarrass the Chief Executive by putting legislation of this type on his desk. I sincerely hope that we go along with indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Leeds, Mr. Buckley.

Mr. BUCKLEY: Mr. Speaker, Ladies and Gentlemen of the House: Let's not open the door any wider, I think it is open far enough now.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: I believe we all take great pride in the State of Maine. It is famous for its rock-bound coast, famous for its attractions to the people outside the state. And I think that if we should pass a bill, that we will be so ashamed of, that we would not dare to let it go in the mail outside the state, I'm sure it would not react to the honor and the glory of this great state.

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

Mr. BEARCE: Mr. Speaker, and Members of the House: I think there's one phase that has not been emphasized, and that is the theory that this is a sucker bill. Now in the days of the old one arm bandits, we had a chap in the mill, he was a low paid fellow, but he made a good pay every week. Every week he went down there to one of these one arm bandits and he soaked a whole week's pay right into that one arm bandit. Now that's the kind of tactics you are going to get. The people that are unable to control themselves and put their money into this lottery or one arm bandits or whatever you have. And it is certainly an unequal and ill-advised and a terrible type of taxation. I certainly hope this bill will be defeated.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Pittsfield, Mr. Baxter, that the Bill, "An Act Creating a State Lottery for Old Age Assistance and Aid to Municipalities," House Paper 895, Legislative Document 1229, be indefinitely postponed. A roll call has been requested.

For the Chair to order a roll call, it must have an expression

of a desire for a roll call by at least one-fifth the members present.

Will those who desire a roll call, please rise and remain standing until the monitors have made and returned their count.

A sufficient number arose.

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

House at Ease

Called to order by the Speaker.

The SPEAKER: The question before the House is the motion of the gentleman from Pittsfield, Mr. Baxter, that the Bill be indefinitely postponed.

If you are in favor of the indefinite postponement, you will answer "yes" when your name is called; if you are opposed, you will answer "no."

The Clerk will call the roll.

Roll Call

YEA — Albair, Anderson, Ellsworth; Anderson, Greenville; Baker, Baxter, Bearce, Berman, Houlton; Berry, Cape Elizabeth; Berry, Portland; Boothby, Braden, Brewer, Brown, Fairfield; Buckley, Carter, Chapman, Gardiner; Chapman, Norway; Curtis, Drake, Edgerly, Fogg, Gardner, Ham, Hanson, Bradford; Hanson, Lebanon; Harrington, Hinds, Hopkinson, Hughes, Hutchins, Jalbert, Johnson, Stockholm; Knapp, Lincoln, Littlefield, Lowery, Matheson, Mathews, Maxwell, Minsky, Perry, Philbrick, Augusta; Philbrick, Bangor; Plante, Schulten, Shaw, Shepard, Smith, Falmouth; Smith, Strong; Sproul, Stewart, Storm, Thaanum, Tyndale, Vaughn, Waltz, Waterman, Wellman, Westerfield, Whitman, Williams, Young.

NAY — Beane, Moscow; Binnette, Brown, South Portland; Brown, Vassalboro; Bussiere, Choate, Cooper, Coulthard, Crockett, Cyr, Danes, Dennison, Dodge, Dostie, Lewiston; Dostie, Winslow; Durgin, Edwards, Estey, Finley, Gallant, Gill, Hague, Hardy, Haughn, Hendricks, Hichborn, Johnson, Smithfield; Jones, Karkos, Kellam, Kilroy, Kimball, Knight, Lane, Lantagne, Levesque, Linnekin, MacGregor, Maddox, Merrill,

Moore, Morrill, Morse, Nadeau, Biddeford; Noel, Poirier, Prince, Rust, Seigny, Stevens, Tardiff, Tweedie, Wade, Walker, Walls, Wheaton, Winchenpaw, Wood.

ABSENT — Beane, Augusta; Bedard, Berman, Auburn; Bernard, Boissonneau Bragdon, Briggs, Burns, Davis, Dennett, Dunn, Hancock, Hartshorn, Humphrey, Jameson, Jobin, Kennedy, Lacharite, Letourneau, Malenfant, Nadeau, Lewiston; Pike, Prue, Roberts, Sirois, Smith, Bar Harbor; Swett, Thornton, Turner, Whitney.

Yes, 62; No, 58; Absent, 30.

The SPEAKER: Sixty-two having voted in the affirmative and fifty-eight having voted in the negative with thirty absent, the motion to indefinitely postpone does prevail.

Mr. BAXTER: Mr. Speaker?

The SPEAKER: For what purpose does the gentleman arise?

Mr. BAXTER: To make a motion.

The SPEAKER: The gentleman from Pittsfield, Mr. Baxter, requests unanimous consent to briefly address the House. Is there objection? The Chair hears none, the gentleman may proceed.

Mr. BAXTER: Mr. Speaker, I now move that the House reconsider its action whereby it just now indefinitely postponed this bill, and I hope that those who voted in favor of indefinite postponement will vote against my motion.

The SPEAKER: The gentleman from Pittsfield, Mr. Baxter, has moved that the House reconsider its action whereby it just indefinitely postponed L. D. 1229.

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

Mr. KELLAM: Mr. Speaker and Members of the House: I now move that the motion to reconsider be tabled until Tuesday in order that the other members of the House may participate.

The SPEAKER: The question now before the House is the motion of the gentleman from Portland, Mr. Kellam, that the motion to reconsider be tabled until Tuesday next.

Mr. BAXTER: Mr. Speaker, I request a division on the tabling motion.

The SPEAKER: A division has been requested on the tabling motion.

All those in favor that the motion to reconsider be tabled until Tuesday next, please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

Sixty-seven having voted in the affirmative and fifty-four having voted in the negative, the motion to table prevailed.

Thereupon, the Bill was tabled until Tuesday, May 9, pending the motion of Mr. Baxter of Pittsfield that the House reconsider its action whereby it indefinitely postponed the Bill.

Passed to Be Engrossed

Bill "An Act relating to Inventory of Tax Exempt Property by Assessors" (H. P. 1152) (L. D. 1586)

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

Amended Bills

Bill "An Act relating to Preservation of Essential Records Against Destruction in Event of a Disaster" (H. P. 989) (L. D. 1376)

Resolve Providing for Publication of Information on the Public Lots by Forestry Department (S. P. 491) (L. D. 1486)

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

Bill "An Act Reactivating the State Committee on Children and Youth" (H. P. 452) (L. D. 652)

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

Tabled and Assigned

Bill "An Act Increasing Certain Fees to Registers of Deeds" (H. P. 1140) (L. D. 1569)

Was reported by the Committee

on Bills in the Third Reading and read the third time.

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

Mr. KELLAM: Mr. Speaker and Members of the House: In reference to item six, I offer House Amendment "B" and move its adoption.

The SPEAKER: In reference to item six, the gentleman from Portland, Mr. Kellam, offers House Amendment "B", and moves its adoption.

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

HOUSE AMENDMENT "B" to H. P. 1140, L. D. 1569, Bill, "An Act Increasing Certain Fees to Registers of Deeds."

Amend said Bill by striking out all of the 3rd paragraph of section 2 and inserting in place thereof the following:

'Recording abstracts of wills when received from registers of probate within the State, \$1.50.'

The SPEAKER: The Chair recognizes the gentlewoman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker, inasmuch as this amendment would be in conflict with other legislation some of which has been returned to our committee this morning, I would ask the indulgence of the House to have this bill and amendment tabled until one week from today.

The SPEAKER: In reference to item six, L. D. 1569, the gentlewoman from Orrington, Mrs. Baker, moves that this item be tabled until one week from today pending adoption of House Amendment "B." Is this the pleasure of the House?

Mr. KELLAM: Mr. Speaker and Members of the House—

The SPEAKER: A tabling motion is not debatable.

Mr. KELLAM: I wish to make an alternative motion, Mr. Speaker.

The SPEAKER: The gentleman may make his motion.

Mr. KELLAM: Since the attendance is somewhat sparse on Fridays, I would move that the tabling motion be in effect until Thursday of next week.

The SPEAKER: The question now before the House is the motion

of the gentleman from Portland, Mr. Kellam, that this be tabled until Thursday of next week. Is this the pleasure of the House?

All those in favor please say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed, the Report and Bill were tabled pending the adoption of House Amendment "B" and specially assigned for Thursday, May 11.

Amended Third Reader Amended

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)

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

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

Mr. DODGE: Mr. Speaker, I would like to present an amendment to section seven there. This is House Amendment "A" to Senate Amendment "B." I would like to speak briefly on the amendment.

The SPEAKER: The Chair now understands that the gentleman from Guilford, Mr. Dodge, moves that the House reconsider its action of yesterday whereby it adopted Senate Amendment "B" for the purpose of offering an amendment. Is this the pleasure of the House?

The motion prevailed.

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

Mr. DODGE: This amendment simply makes it so that any taxes that are due the town will be paid from the estate of the deceased person who had been receiving aid from the state.

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

HOUSE AMENDMENT "A" to SENATE AMENDMENT "B" to H. P. 501, L. D. 700, Bill, "An Act Creating a Lien on Real Property of Beneficiaries of Old Age Assistance, Aid to the Blind and Aid to the Disabled."

Amend said Amendment by adding at the end of the 6th line before the period the following under-

lined words 'or over taxes due the municipality'

Further amend said Amendment by adding at the end of the 12th line before the period the following underlined words 'or over taxes due the municipality'

Further amend said Amendment by adding at the end of the 18th line before the period the following underlined words 'or over taxes due the municipality'

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

Enactor Requiring Two-Thirds Vote Tabled and Assigned

An Act to Authorize the Construction of a Causeway Connecting Cousins Island with Littlejohns Island, and a Bridge and Causeway Connecting Littlejohns with Chebeague Island (H. P. 591) (L. D. 812)

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

(On motion of Mr. Prince of Harpswell, tabled pending passage to be enacted and specially assigned for Tuesday, May 9.)

Passed to Be Enacted

An Act Providing for the Union of the Towns of Mars Hill and Blaine as One Municipality (H. P. 412) (L. D. 587)

An Act relating to Powers of Arrest by Inland Fish and Game Wardens (H. P. 491) (L. D. 691)

An Act Revising Certain Probation and Parole Laws (H. P. 498) (L. D. 697)

An Act Amending the Juvenile Offender Law (H. P. 499) (L. D. 698)

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

Tabled

An Act relating to Petition for Review of Incapacity under Workmen's Compensation Act (H. P. 506) (L. D. 705)

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

(Upon request of Mr. Wellman of Bangor, placed on Special Appropriations Calendar.)

An Act to Grant a New Charter for the Town of Falmouth (H. P. 690) (L. D. 968)

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

An Act to Provide for a Civil Service Commission for the Fire Department of the City of Biddeford (H. P. 1133) (L. D. 1560)

An Act relating to Search and Seizure of Vehicles Containing Liquor (H. P. 1135) (L. D. 1562)

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.

Mr. Jalbert of Lewiston was granted unanimous consent to briefly address the House.

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: A few moments ago, a thrill and an actual tremor could be felt in this House. I'm referring to the more serious history-making dispatch of the first American into space. I trust that you too felt the import of the occasion. After listening to the radio account, we sit here humble, feeling how insignificant we mortal men are in the fast moving space age. It is in this sphere of humility that I recommend that this House, the Maine Legislature, officially recognize the importance of this event through a special Resolve that would record our feelings. It may be that a copy should be sent to the New Hampshire parents of space pilot Shepard, and to our neighboring New Hampshire Governor. Our future, the future of these United States, was involved in Alan B. Shepard Jr.'s contribution to the advancement of space and of man. We salute him, and we trust that you concur with the sentiments that I offer in the humble spirit of the occasion. Pilot Shepard landed at 10:52, and was picked up and is safe. I would therefore make a sug-

gestive motion, Mr. Speaker, that the leadership of both parties in both branches, meet, prepare a Resolve that would be sent to the parties involved appropriately in the name of the Maine House of Representatives and the Maine Senate. (Applause)

The SPEAKER: We suggest that the gentleman from Lewiston, Mr. Jalbert, have his motion prepared in the form of an order and introduced on Tuesday next. His remarks were very appropriate.

Orders of the Day

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

HOUSE DIVIDED REPORT—Report "A" Ought to Pass — Report "B" Ought Not to Pass — Committee on Labor on Bill "An Act relating to Compensation for Injuries Under Workmen's Compensation Law." (H. P. 937) (L. D. 1285)

Tabled — May 3, by Mr. Jalbert of Lewiston.

Pending — Motion of Mr. Hardy of Hope to Indefinitely Postpone Bill and Both Reports.

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

Mr. ESTEY: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the motion of Mr. Hardy of Hope for indefinite postponement of this bill. If you will bear with me for just a moment, I would like to review the trend in workmen's compensation in our present Maine law. This law was established in 1915, with one half of the average weekly earnings as the recommended payment with a minimum of \$4.00 and a maximum of \$10. The law was established for total incapacity for five hundred weeks' payment and partial incapacity for three hundred weeks and the same for the death benefits.

In 1919, the law was revised to provide three fifths of the average weekly earnings with a maximum of \$15, and a minimum of \$6. In 1921, it was again revised from three fifths to two thirds of the average weekly wage, with a maximum of \$16 and a minimum still at \$6. This would provide a

total payment for total incapacity of \$6,000.

There has been no change because the two-thirds average wage was considered extremely adequate in probably more than most states. But the maximums and minimums have changed frequently since then. In 1929, the maximum went to \$18, in 1943, it went to \$21; in 1949, it went to \$24; and the minimum increased from \$6 to \$12. In 1953, it went up three more dollars to \$27; in 1955, three more dollars to \$30; in 1957, five more dollars to \$35, and 1959 four dollars to \$39. The minimums increased to \$15. For total incapacity then for five hundred weeks this means that we are now paying \$19,500. You will note that in every biennium since 1953, that this has increased seven to eight percent. The current proposal means an increase of over twelve percent. If we multiply these weekly maximums by the five hundred weeks, we notice that since 1949 the total payment has increased one hundred fourteen percent in ten years.

It is my firm belief that this is one biennium that we ought to hold the line. We have made substantial increases in every biennium in the last—since 1953. An analysis of the maximum payments of the other states in New England shows us that New Hampshire pays \$40, Vermont pays \$36, Massachusetts pays \$45, and Rhode Island pays \$36. If we average those above states, the average payment in New England is \$39. That's what we are now paying. Connecticut pays fifty-five percent of the state's average production wage, and if we applied that same formula to our average production wage or our industrial wage which is somewhere between \$72 and \$73, we would come out with a figure between thirty-nine and forty dollars.

This is not the entire answer though, the maximum payments are only part of the answer because it's the number of weeks for which payments are made that totals up. The analysis of the total maximum payments in New England shows that New Hampshire even though it pays \$40 per week, the total payments are only \$13,640; Vermont's total payments

amount to \$11,800; Rhode Island's total payments now amount to \$16,000; Maine now pays \$19,500. So I stand in support of the motion of Mr. Hardy that we indefinitely postpone this bill.

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

Mr. LITTLEFIELD: Mr. Speaker, Ladies and Gentlemen of the House: I presented this bill because the cost of living is rising and a man out of work on workmen's compensation needs more money to pay his bills.

L. D. 1285 increases the weekly benefit amount under our workmen's compensation law from the present \$39.00 to \$45.00 a week, and for the injured worker who dies, his family will get a little more to help them get along as best they can. If you take into account how much more it costs today to live than it did just two years ago, you will realize that \$45.00 is not very much, especially if you have a family.

Speaking of \$45.00, what can \$45.00 buy today? It costs a man at least \$15.00 a week for a half decent rent. By the time he gets through paying the other utility bills he is lucky if he has enough left to buy something to eat with. This is the general basis of the bill. The laborer of today who is injured should receive a weekly compensation that meets the present high cost of living.

There is an amendment to the bill which is acceptable. I hope the motion to indefinitely postpone does not prevail, and I move to accept the Committee Report "A" "Ought to pass."

The SPEAKER: The prevailing motion is the motion of the gentleman from Hope, Mr. Hardy, that the bill be indefinitely postponed.

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

Mr. BREWER: Mr. Speaker and Members of the House: L. D. 1285 was reported out of Committee with an "A" and "B" five to five Report. I do not believe that workmen's compensation warrants an increase of \$6.00, from \$39.00 to \$45.00 at this time. You have before you a prevailing motion of indefinite postponement which I hope

does not prevail, which would give me the opportunity to present an amendment to this bill.

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

Mr. HARDY: Mr. Speaker, Ladies and Gentlemen: I have been criticized on the Floor of the House for using this argument, but I must use it again. I wish to point out most emphatically that the total cost is not only in this one, it is the combined costs of all the benefits that are passed on to the employer hence to the price of the product that he is producing today.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: In regards to this Legislative Document 1285, I must ask myself in fair honesty to these injured workers, "have I had an increase in my take-home pay in the last two years?" And then I would ask myself, "would it not just be fair that an injured worker be also subjected to this same increase that I have had in the last two years?" And I am sure that most of the opponents of this bill that would get up here would have to justify the rest of the members of the House here that they most likely have had an increase in the last two years. And is it also too much to ask of any insurance that the supreme sacrifice for the permanent injury of a worker in the State of Maine is not worth more than \$19,000 for his permanent injuries or his own life? Is it not fair to ask that some of these injured workers be fairly compensated to the extent that they will not have to put their family into some dire need just because of a plant or other injuries? I ask you in all fairness if we should all say that we did not have an increase in the last biennium, then we should also say that they should not get an increase in the next biennium.

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

Mr. WHITMAN: Mr. Speaker, I rise to support the motion of the gentleman from Hope, Mr. Hardy.

I feel that the relative position of the State of Maine today with regards to workmen's compensation is pretty good. It has been pointed out in earlier debate that we are paying the average for the New England states, the average—the amount is proper ratio to the amount of our take-home pay and in addition to that we have a great many more weeks offered under our workmen's compensation than many of the other states.

Now there has been a great deal said in the past two years relative to economic climates and industrial climates, that we have endeavored to preserve in the State of Maine in order to encourage industrial development within our state. Two years ago we took a firm stand in the State of Maine, and as a direct result we succeeded in acquiring one new industry in the City of Lewiston. Now that new industry will provide somewhere in the neighborhood of 2,000 jobs.

I feel that by maintaining the status quo we will retain our advantage in acquiring these industries and by providing jobs and employment we will thereby do more for the laboring force than by providing welfare legislation. I do believe that workmen's compensation is a very vital part of our workmen's legislation. However, in light of our relative good position in this field, I think that we should retain the status quo.

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

Mr. JALBERT: Mr. Speaker and Members of the House: According to the latest figures, available figures in Moody's industrials, which is the bible of analysts, the leading corporations in Maine filed the following reports with the Securities and Exchange Commission based on net income. The six leading that I have here on net income range from \$4,978,000 to \$83,000,000. According to the latest figures in Moody's public utilities, the leading power company filed their report on operating revenues to the tune of \$41,000,000, gross income \$11,000,000 and net income \$6,800,000. Now considering this thing with the Brewer Amendment which would bring it down from \$6.00 to

\$3.00, the \$6.00 would be \$200,000 additional premiums; it is very obvious that the \$3.00 would make it \$100,000 in additional premiums which also bear in mind is deductible from the federal income tax which makes the premium merely a token amount. I certainly hope the motion to indefinitely postpone does not prevail.

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

Mr. HAM: Mr. Speaker and Ladies and Gentlemen of this House: I rise in support of the motion of Mr. Hardy of Hope, and I question the correlation of Mr. Levesque. What I question is this. True, we may have had some raises, some of us, some of us maybe not. However, I don't like the correlation for this simple reason. When we are talking about salaries to ourselves is one thing; however, workmen's compensation is something that benefits one individual and the other individual the employer pays for. Now I like the correlation better that, sure, we would increase our benefits as far as an accident and health personal policy we had for ourselves if we paid an additional premium to raise our limit, us, ourselves; but the point on this workmen's compensation which has already been brought out very well, in Maine here we compare very well with other states in New England, and this increase in workmen's compensation every biennium, where is it going to end? I don't mean we should stop right here permanently, but it seems as though every biennium this comes up and he wants to be increased \$2.00, \$5.00 or \$6.00, and of course this year it is \$6.00. That is why I support Mr. Hardy's motion.

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

Mr. LITTLEFIELD: Mr. Speaker, Ladies and Gentlemen of the House: I realize the manufacturer pays for it, but nothing has been said about who helps to save it, and I wish to relate a little to you.

Before my retirement I worked thirty years in the railway mail service and never drew one cent of workmen's compensation fund, although I was in two train wrecks

losing over two months' time in one of them. When I entered the postal service as did over 20,000 others, it was the policy of the department to explain the value of utilizing our sick leave to cover our pay when were unable to work, and thus keep the workmen's compensation fund high for real emergencies. It was explained to us that we could earn ten days of sick leave each year which was accumulative so that at the end of five years' time we would have fifty days of sick leave that could be used when we were off duty with injuries. It was good insurance and we did not draw on the compensation fund. I am sure this House can understand that we endeavored to do our part to save compensation.

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

Mr. THAANUM: Mr. Speaker and Ladies and Gentlemen of the House: At the time that this bill was reported to the House out of committee, there was no recommendation or anything of the kind in regard to perhaps a little compromise with our working people, and as Mr. Brewer, the gentleman from Bath has said, I think in the making is a little compromise on this bill, and I hope that the motion to indefinitely postpone will not prevail in order that we may have an opportunity to consider a compromise in regard to this matter.

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

Mr. ESTEY: Mr. Speaker, I would like to comment if you don't mind on a few of the questions that have been raised. First of all, major revisions in the social security law recently now make it no age limit on total incapacity which was prior to that time age fifty, so that anyone totally incapacitated now receives social security benefits in addition to his workmen's compensation, both of these being tax free. I would also point out that employers throughout the state are spending large sums of money exclusive of their premiums, in the establishment of safety programs and the institution

of safety devices on their equipment.

Statistics from the Department of Labor and Industry show that people in our state in the majority of our industries work more safely at work or are more safe at work than they are at home or on the highway. Those statistics point out that nine out of every ten accidents on the job are caused by a human failure.

In today's *Kennebec Journal* there is an article where the shoeworkers in Boston are pressing for thirty-five hours a week employment because of the competition in the imports of the shoe industry. The competition has been great, and many of those people will work in those plants at a minimum wage which is giving them approximately \$35.00 a week. I would also point out when Mr. Jalbert pointed out the premium costs that at least five of the largest employers in our state employing over some 15,000 people are self-insurers and those costs are not reflected in their programs at all. I sincerely hope that the motion prevails.

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

Mr. BERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I rise to oppose the motion of the gentleman from Hope for indefinite postponement. Now with all due respect to my friend, Mr. Estey, I don't really feel that he has told you the whole story. He has forgotten to tell you that the earned rates in Maine are far, far less than the rates in any of our neighboring states. From a recent letter from the Insurance Department of the State of Maine, dated at Augusta, April 3, 1961, the rate in Maine is by far the lowest in all the New England states. It is only .74. The next rate in the New England states is New Hampshire which is .99, which I suggest is approximately one-third more. In Connecticut it is over a dollar; in Rhode Island it is \$1.28; in Vermont it is \$1.12; in Massachusetts it is \$1.30. Surely this modest increase which my good friend Mr. Brewer is proposing in the amendment to this bill we can afford.

Now I would say that I am pleased to be a modest capitalist in a very small way, and I do follow the reports in the *Wall Street Journal* fairly regularly, and in one of the recent company reports in the journal on Monday, April 24, 1961, the company with which my friend, Mr. Estey from Portland is quite familiar, their net sales for just the first quarter in 1961 were \$19,715,000. Their net before income taxes in 1961 was \$3,097,000 which was substantially in excess of their net income for the first quarter in 1960, which was some \$2,632,000. Their net income taxes computed just for the first quarter of 1961 were \$1,581,000. Now as many members of this House know, these corporations which earn in excess of over \$25,000 pay a basic tax which goes down to Washington of 52 percent. Now of every dollar spent for workmen's compensation, that is fully deductible, even the amount that the self-insurers lay aside in their reserve, so that every dollar that is paid or laid aside in reserve, it is only costing these companies 48 cents on the dollar, and I suggest to this House that that money that would be used by the injured workmen to pay their grocery bills here in Maine is far better spent here in Maine than going down to Washington to be, seemed to be, used in the bureaucracy.

Now my friend the gentleman from Waterboro tells me that he thought that \$45.00 was little enough for the injured workman, and even Mr. Hardy from Hope tells me that he would be willing to see the injured workmen receive a \$2.00 increase above his present compensation by the present Legislature even though the same gentleman has moved for indefinite postponement. So all I understand from my friend Mr. Hardy we are just arguing about \$1.00. Now Charles DeGaulle has very recently said that the essential thing on this earth which has become so small today and certainly this occurrence in the House which saw the rise of the first American astronaut bears forth that very clearly, that the essential thing on this earth which has grown so small

today is the brotherhood of all who live on it, and as our esteemed colleague from Waterboro told us so few days ago, we should abide by the motto of live and help live, and I strongly urge this House to vote against indefinite postponement so that my friend, Mr. Brewer's modest amendment of \$3.00 could prevail. Thank you.

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

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: I admire the remarks by my good friend and colleague from Brewer, Mr. Ham, and also the remarks made by my good colleague, Mr. Estey from Portland. I think if the records were checked they would bear me out that as this insurance or workmen's compensation has been increased over the period of years since early 1900's, so has the safety programs by the different companies started to initiate in order to eliminate accidents, and I think the record is very clear that the companies have put out better safety programs to protect people from being injured. And another point that I would like to ask Mr. Ham, is that he would have paid very close attention to the remarks made by our good colleague, Mr. Jalbert. If these people don't need this increase by all means don't give them this extra money, but is it fair to say that they don't need this money when they are injured? And then we go back to the initiation of this workmen's compensation to the early years and the only reason, and the only reason of all that the companies have agreed to go along with this workmen's compensation was that the injured worker gave up all rights of going back to suing the company. Now is it so bad to ask the injured worker for \$19,500 for a permanent injury or \$22,000 for a permanent injury that will last for life? Or go back to the old system of 1900 that the injured worker could go back on the company and sue them for \$150,000 or more? Thank you.

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

Mr. BERMAN: Mr. Speaker, I only request that when the vote is taken it be taken by a division.

The SPEAKER: A division has been requested.

The Chair recognizes the gentleman from Bristol, Mrs. Sproul.

Mrs. SPROUL: Mr. Speaker, as I understand the workmen's compensation law, the compensation is paid for an injury which arises in the course of and out of the employment. There is no question in my mind but that the worker is entitled here to extra benefits. It is obvious that he cannot live on \$39.00 a week. I have seen it in my own immediate family in the case of an injury during the past year. I have seen his wife go to work to support the family with three children in the family.

We are a small employer and have carried for some years workmen's compensation insurance, and I say in all honesty that we would be glad to pay this extra amount if it meant help to this injured employee who so badly needs it. I certainly go along with this bill as presented by Mr. Littlefield.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Hope, Mr. Hardy, that the Reports and Bill "An Act relating to Compensation for Injuries Under Workmen's Compensation Law," House Paper 937, Legislative Document 1285, be indefinitely postponed. A division has been requested. All those who favor the motion to indefinitely postpone, please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Fifty-three having voted in the affirmative and fifty-two having voted in the negative, the motion did prevail.

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

Mr. PLANTE: Mr. Speaker, I question the vote, therefore I request a roll call vote.

The SPEAKER: A roll call has been requested.

Mr. Jalbert of Lewiston was granted unanimous consent to address the House.

Mr. JALBERT: Mr. Speaker, according to the figures given now by you on this question, 53 and 52, that adds up to 105. Now there are 151 members in this House. I think this has been long coming, this absenteeism on certain days.

We are going along with very important matters concerning the State of Maine here, and when we have a time when we have got nearly fifty members who are absent, I don't think that we here are remiss in our duty by any means, and I certainly don't want to cast any reflection on that, nor do I want to cast any reflection on anyone who has been excused for reasons of illness or business, but I mean I think that we could be criticized particularly now with a roll call vote coming, and I could stay here because I love to be a member of this branch, and I hate final adjournment as a matter of fact, but I like to have things done properly whether it hits me one way good or bad.

In view of the fact that we have nearly fifty absent; we are transacting very important business, Mr. Speaker, I now move we adjourn until 10:00 a.m. next Tuesday.

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

Mr. WHITMAN: Mr. Speaker, I would most certainly request a division on the motion to adjourn.

The SPEAKER: The question before the House is the motion of the gentleman from Lewiston, Mr. Jalbert, that the House adjourn until Tuesday next under the order. A division has been requested. All those in favor of the motion to adjourn, 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 eighty-nine having voted in the negative, the motion did not prevail.

Mr. JALBERT: Mr. Speaker?

The SPEAKER: For what purpose does the gentleman arise?

Mr. JALBERT: To make a motion.

The SPEAKER: The gentleman may make his motion.

Mr. JALBERT: Mr. Speaker, I move this item lie on the table until Tuesday next.

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

Mr. KENNEDY: Mr. Speaker, I have no objection to the motion, but I rise to a point of order, didn't we just have a division on this item?

The SPEAKER: A division on the tabling motion, but a roll call has been requested.

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

Mr. JONES: Would it be out of order to speak on this bill?

The SPEAKER: Yes it would, there is a tabling motion pending.

All those in favor of the motion that this bill be tabled and specially assigned for Tuesday, May 9, please say aye; those opposed, no.

A viva voce vote being taken, the tabling motion did prevail.

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

An Act Repealing Provision of Financial Responsibility Law Concerning Accident by Non-licensed Driver. (S. P. 525) (L. D. 1551)—Engrossed in Both Branches.

Tabled — May 3, by Mr. Stewart of Presque Isle.

Pending — 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 Bangor, Mr. Minsky.

Mr. MINSKY: Mr. Speaker, having voted on the prevailing side this morning, I would now like to ask this House to reconsider its action on item 1 under Senate Papers whereby we indefinitely postponed the Order regarding Resolve Regulating Fishing in Certain Waters of Aroostook County. That is House Paper 487, Legislative Document 687.

The SPEAKER: In reference to the Senate Order recalling House Paper 487, L. D. 687, Resolve Regulating Fishing in Certain Waters in Aroostook County from the Gov-

error to the Senate, the gentleman from Bangor, Mr. Minsky, moves that the House reconsider its action of earlier today whereby this Order was indefinitely postponed. Is it the pleasure of the House that this action be reconsidered?

(Cries of "No")

All those in favor say aye; opposed, no.

The SPEAKER: The motion to reconsider does not prevail.

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

Resolve, Proposing an Amendment to the Constitution Pledging Credit of State for Guaranteed Loans for Recreational Purposes. (S. P. 515) (L. D. 1535)—In House Passage to be Enacted Reconsidered.

Tabled — May 3, by Mr. Winchenpaw of Friendship.

Pending — Passage to be Enacted.

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

Mr. HAUGHN: Mr. Speaker, Ladies and Gentlemen of the House: in absence of the House chairman of State Government committee, and with such an important piece of legislation before you and absence of so many members, I would request and ask the House the privilege of tabling this and assign for Tuesday next.

The SPEAKER: The gentleman from Bridgton, Mr. Haughn, moves that this be tabled until Tuesday next, pending passage to be enacted. Is this the pleasure of the House?

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

Mr. WHITMAN: I would ask a question to the Chair as to what the action has been on the second today assigned matter?

The SPEAKER: It was passed to be enacted.

Mr. WHITMAN: An Act Repealing Provision of Financial Responsibility Law?

The SPEAKER: Repealing Provisions of Financial Responsibility Law was passed to be enacted.

All those in favor of the tabling motion on item three please say aye; those opposed, no.

A viva voce vote being taken, the Resolve was tabled pending passage to be enacted and specially assigned for Tuesday, May 9.

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

Bill "An Act Including Piers and Terminals in Maine Industrial Building Authority Act." (S. P. 418) (L. D. 1357) (Amendment Filing S-133, H-268) In House Read the Third Time.

Tabled — May 4, by Mr. Hardy of Hope.

Pending — Passage to be Engrossed.

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

Mr. HARDY: Mr. Speaker, Ladies and Gentlemen of the House: I tabled this yesterday for the purpose of preparing an amendment. The amendment was to make certain that the Industrial Building Authority did not become involved in any dredging rock removal projects, instead the Authority would be permitted to guarantee loans only for the construction of the pier itself. And with this statement I now offer House Amendment "B" to Senate Amendment "A", Senate Paper 418, L. D. 1357, and move its adoption.

The SPEAKER: The Chair now understands that the gentleman from Hope, Mr. Hardy, moves that the House reconsider its action whereby on May 4 it adopted Senate Amendment "A" as amended by House Amendment "A." Is this the pleasure of the House?

The motion prevailed.

Mr. Hardy offered House Amendment "B" to Senate Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "B" to SENATE AMENDMENT "A" to S. P. 418, L. D. 1357, Bill, "An Act Including Piers and Terminals in Maine Industrial Building Authority Act."

Amend said Amendment by adding at the end, before the double quotation mark, the following underlined paragraph:

'C. "Industrial project" shall not include the removal of rock from a harbor or the dredging thereof beyond the site of the proposed pier; nor the construction of any breakwater.'

House Amendment "B" to Senate Amendment "A" was adopted, Senate Amendment "A" as amended by House Amendments "A" and "B" thereto, was adopted.

The SPEAKER: Is it now the pleasure of the House that this bill shall be passed to be engrossed as amended?

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

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I presume it may be in order for one to wonder why an inland individual would be interested in a measure similar to this. While the amendment proposed by the gentleman from Hope, Mr. Hardy, makes it somewhat palatable, I, having read the correspondence that I presume all received over the weekend, I having been aware of the feeling of the member of the Industrial Building Authority from my own county, and not liking this type of legislation anyway, I now move its indefinite postponement.

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

Mr. KNIGHT: Mr. Speaker, where there is a light House today here, I would move to table this bill until Tuesday.

The SPEAKER: In reference to item four, the gentleman from Rockland, Mr. Knight, moves that it be tabled until Tuesday, May 9, pending passage to be engrossed. Is this the pleasure of the House? (Cries of "No")

All those in favor of the tabling motion, please say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed.

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

HOUSE REPORT — Ought Not to Pass — Committee on Towns and Counties on Bill "An Act relating to Compensation of Chief Deputy Sheriff of York County." (H. P. 853) (L. D. 1167)

Tabled — May 4, by Mr. Plante of Old Orchard Beach.

Pending — Motion of Mr. Rust of York to Substitute Bill for ONTP Report.

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

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: This particular piece of legislation is a matter which the York County delegation voted to support in a county caucus. I believe that there was some mix-up in the Committee on Towns and Counties, whereby they assumed that this particular subject matter was covered by other legislation. However, yesterday I had the opportunity to check up on this other legislation, and I find that it does not cover the subject matter of this bill which the York County delegation has voted to support. We wish to create the position of a chief deputy sheriff and pay him a decent salary. For that reason, I now move that the bill be substituted for the report in conformance with the requirements of the York County delegation.

The SPEAKER: The Chair recognizes the gentlewoman from Chelsea, Mrs. Shaw.

Mrs. SHAW: Mr. Speaker, Ladies and Gentlemen of the House: I know the gentleman from York, Mr. Rust, is sincere in the belief that the chief deputy of his county fairly and justly deserves this salary request, and I know that it has been approved by the York County delegation. The Committee on Towns and Counties, however, has no precedence on which to grant the salary request. The Legislature fixes salaries for elective officers of county government, but does not attempt to go any further. A per diem rate for deputy sheriffs has been legislated, and this is eleven dollars a day and for the most of the counties it is paid on a seven day basis to full time deputies. A bill to increase the per diem rate for chief deputy by one

dollar a day has been passed by this House, and will give chief deputies better than \$365 a year, annual raise. Under the present setup, full time deputies would average \$4,000 a year, and chief deputies \$4,365.

Because of this legislation and because of the obligation of the Towns and Counties, I hope that the motion of the gentleman from York does not prevail.

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

Mr. PLANTE: Mr. Speaker, I think that in all fairness to the York County delegation and also the members of this House, that I should make my position clear. I might add the York County delegation was not an extravagant group. I think we had a record in reducing the county commissioner's total request by \$72,000. I rise in support of the motion of the gentleman from York, Mr. Rust, because in unanimous agreement all those that were there, we did support this sum which he is requesting. I certainly hope that his motion to substitute the bill for the report does prevail.

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

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: In further support of my motion, if my memory serves me correctly, I believe the same circumstances exist in the County of Cumberland and in the County of Androscoggin where they have already created the position of a chief deputy sheriff at a weekly salary. I also would like to state that the appropriation for this particular position has already gone into our county budget in York County for this current biennium, so you can see this matter has had the full approval of the York County delegation.

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

Mr. BRADEEN: Mr. Speaker and Members of the House: My interest in this stems from the fact that I had a call at my home last fall, I think it was, and was requested to enter a bill which should create a salary basis for the chief

deputy sheriff of York County. I am not at this time going into the political organization and structure of my own county, but I will say that the gentleman involved is a very efficient administrator; and that I was perfectly willing to put my name on the bill, and I didn't do it—to mark the bill by request either.

My friend from York, Mr. Rust, has described the circumstances, explained that the money has been provided, and I hope that you people will take that into consideration when you vote. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Norway, Mr. Chapman.

Mr. CHAPMAN: Mr. Speaker and Members of the House: In view of the fact as has been stated the money is available in the county, I don't see that we need to pass any specific legislation over here to permit them to spend it for the purpose and to the extent to which they see fit for their chief deputy, and I am opposed to tying this thing up in the state relative to these county affairs.

The SPEAKER: The question before the House is the motion of the gentleman from York, Mr. Rust, in reference to item 5, "An Act relating to Compensation of Chief Deputy Sheriff of York County," that the House substitute the bill for the Committee "Ought not to pass" Report. All those in favor of the motion please say aye; those opposed, no.

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

Fifty-one having voted in the affirmative and forty-two having voted in the negative, the motion did prevail, the Bill was read twice and assigned the next legislative day.

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

HOUSE DIVIDED REPORT—Majority Ought Not to Pass — Minority Ought to Pass — Committee on Appropriations and Financial Affairs on Resolve, Appropriating Funds for Capital Improvements at East Corinth Academy. (H. P. 648) (L. D. 926)

Tabled — April 27, by Mr. Hanson of Bradford.

Pending — Motion of Mr. Jalbert of Lewiston to Accept Majority Report Ought Not to Pass.

The SPEAKER: The Chair recognizes the gentleman from Bradford, Mr. Hanson.

Mr. HANSON: Mr. Speaker and Ladies and Gentlemen of the House: In regard to L. D. 926, I am not going to take too much of your time. East Corinth Academy was incorporated in 1846 by the leading citizens of the town of Corinth who were interested in the betterment of education. Being centrally located, it now serves as an area school for the towns of Bradford, Corinth, Exeter, Garland, Lebanon, Hodgdon, Kenduskeag and Levant as well as some from other areas who are interested in an agricultural course. It is noted for the fact that it has one of the better teachers of agriculture in that area. It being necessary to make improvements in order to meet requirements of the State Board of Education, a new gym and workshop were constructed in the year 1960 at a cost of \$120,000. This enabled the old gym and shop to be converted into classrooms for commercial and science courses. With these improvements the Academy hopes to become an accredited school. The cost of the new building is based at the rate of ten thousand per year. One payment has been made, leaving a debt of \$110,000.

The enrollment of the school at the present time is about one hundred and forty students, ninety from Corinth and fifty from the surrounding towns. Graduating from the above-mentioned eight towns this spring will be ninety to one hundred students and the great majority of these students will be going to East Corinth Academy for their high school education.

Ladies and gentlemen of the House, I really believe this to be a good resolve entirely for the advancement of education. I hope that the motion of my good friend, the gentleman from Lewiston, Mr. Jalbert, does not prevail. If it does not, I will offer an amendment which is number H-271. And I

would request a division when the vote is taken.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Performing my duty as a member of the Appropriations Committee, I must oppose the suggestion of the gentleman from Bradford, Mr. Hanson. I know that he has an amendment which would cut this from twenty-five thousand to ten thousand. If the record proves correct, it has generally been the practice in the last years not to reopen the door to academy aid for that purpose. I hope that his suggestion does not prevail and that my motion does prevail.

The SPEAKER: The Chair recognizes the gentleman from Bradford, Mr. Hanson.

Mr. HANSON: Mr. Speaker, in reply to the remarks of the gentleman from Lewiston, Mr. Jalbert, I would like to say that I believe this House two years ago passed resolves granting \$25,000 to an institute in the town of Charleston and previous to that I believe they granted this same institute a sum of money about the same size. We have also granted money to other academies throughout the State. I can see no reason why the gentleman would have fears that this might snowball. I believe that it can be taken care of in this House.

The SPEAKER: The Chair recognizes the gentlewoman from Patten, Mrs. Harrington.

Mrs. HARRINGTON: Mr. Speaker and Members of the House: I hope that in our enthusiasm over administrative districts that we don't forget some of the older halls of education that we have in Maine.

The SPEAKER: The Chair recognizes the gentleman from Stetson, Mr. Merrill.

Mr. MERRILL: Mr. Speaker and Members of the House: I want to go along with my friend from Bradford and I think that all in that section know that East Corinth has tried and they have maintained an academy there for a good many years, and it takes in the pupils from different towns; we have some from Stetson going there. And I hope that the mo-

tion of the gentleman from Lewiston, Mr. Jalbert, does not prevail.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Lewiston, Mr. Jalbert, that the House accept the Majority "Ought not to pass" Report. All those in favor of that motion please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Twenty-six having voted in the affirmative and seventy-two having voted in the negative, the motion did not prevail.

Thereupon, the Minority "Ought to pass" Report was accepted and the Resolve read once.

Mr. Hanson of Bradford offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 648, L. D. 926, Resolve, Appropriating Funds for Capital Improvements at East Corinth Academy.

Amend said Resolve, in the 2nd line, by striking out the figure "\$25,000" and inserting in place thereof the figure '\$10,000'

House Amendment "A" was adopted and the Resolve assigned for second reading the next legislative day.

The SPEAKER: Would the gentleman from Bangor, Mr. Wellman, approach the rostrum please.

(Conference at rostrum)

The SPEAKER: In reference to items placed on the Special House Appropriations table, according to the order dated February 22, 1961, those matters can be called up for consideration only by the House Chairman of the Committee on Appropriations and Financial Affairs or the Speaker. Therefore, the Speaker will remove this item from the Special House Appropriations Table at this time, and it is House Paper 506, L. D. 705, An Act relating to Petition for Review of Incapacity under Workmen's Compensation Act.

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

On motion of Mr. Baxter of Pittsfield,

Adjourned until Tuesday, May 9, at ten o'clock in the morning.