

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One-Hundredth Legislature*

OF THE

STATE OF MAINE

1961

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

## HOUSE

Tuesday, May 9, 1961

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

Prayer by the Rev. Father Samuel Dugan of the Sacred Heart Rectory, Hallowell.

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

The journal of the previous session was read and approved.

### Papers from the Senate Indefinitely Postponed

From the Senate: The following Order:

ORDERED, the House concurring, that the Legislative Research Committee be directed to study the feasibility of the elimination of aquatic growth from Lake Sabattus and Lake Annabessacook; and be it further

ORDERED, that the Committee report the results of its study to the 101st Legislature (S. P. 544)

Came from the Senate read and passed.

In the House, the Order was read.

The SPEAKER: The Chair recognizes the gentleman from Mount Desert, Mr. Kimball.

Mr. KIMBALL: Mr. Speaker and Members of the House: There is in preparation in Sam Slosberg's office, through a group here from the House including the gentleman from Winthrop, Mr. Thaanum; the gentleman from Lewiston, Mr. Jalbert; myself and some others, a group bill covering the study of the aquatic growth in these lakes together with several other matters. And as they would apparently be best studied as a group, I should like to move the indefinite postponement of this order.

The SPEAKER: The question now before the House is the motion of the gentleman from Mount Desert, Mr. Kimball, that this Order be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed and the Order was indefinitely postponed in non-concurrence and sent up for concurrence.

### Tabled Until Later in the Day

From the Senate: The following Order:

ORDERED, the House concurring, that H. P. 354, L. D. 506, "An Act Permitting Counties to Expend Money for Advisory Organizations," be recalled from the Legislative files (S. P. 545)

Came from the Senate read and passed.

In the House, the Order was read.

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

Mr. PLANTE: Mr. Speaker, so that we may have an opportunity to study this, I would like to table it until later in today's session.

Thereupon, the Order was tabled until later in the day pending passage.

### Senate Reports of Committees Ought to Pass in New Draft

Report of the Committee on Judiciary on Bill "An Act relating to Burden of Proof on Questions of Fact in Industrial Accident Commission Decisions" (S. P. 112) (L. D. 257) reporting same in a new draft (S. P. 535) (L. D. 1583) under same title and that it "Ought to pass"

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

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

### Ought to Pass

Report of the Committee on State Government reporting "Ought to pass" on Resolve Authorizing the State of Maine to Convey Certain Land in the City of Saco (S. P. 523) (L. D. 1550)

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

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

### Ought to Pass with Committee Amendment

Report of the Committee on Judiciary on Bill "An Act Amending Certain Statutes to Conform to

Rules of Civil Procedure" (S. P. 455) (L. D. 1465) 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. 455, L. D. 1465, Bill, "An Act Amending Certain Statutes to Conform to Rules of Civil Procedure."

Amend said Bill by striking out all of sections 162, 163, 164, 165, 166, 181, 182, 183, 346, 347, 348, 349, 569 and 570 of the Bill.

Further amend said Bill by inserting after section 215 the following new section:

"Sec. 215-A. R. S., c. 60-A, Sec. 30, amended. The 4th sentence of the 2nd paragraph of section 30 of chapter 60-A of the Revised Statutes, as enacted by section 1 of chapter 217 of the public laws of 1957, is repealed as follows:

'No such service shall require a society to file its answer, pleading or defense in less than 30 days from the date of mailing the copy of the service to a society.'

Further amend said Bill in that part designated "Sec. 191." of section 400 by striking out in the 6th line the underlined word "**prevents**" and inserting in place thereof the underlined word "**prejudices**"; and by striking out in the 6th line the underlined words "**from effectively**" and inserting in place thereof the underlined word "**in**"

Further amend said Bill by renumbering all sections to read consecutively.

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

#### Ought to Pass in New Draft Indefinitely Postponed

Report of the Committee on State Government on Resolve Proposing

an Amendment to the Constitution Exempting Certain Industrial Property from Taxation (S. P. 304) (L. D. 892) reporting same in a new draft (S. P. 512) (L. D. 1529) under same title and that it "Ought to pass"

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

In the House: Report was read, and the House concurred with the Senate in accepting the Report and indefinitely postponing the Bill.

#### Divided Report

Majority Report of the Committee on Education reporting "Ought not to pass" on Bill "An Act to Permit the Town of Moscow to Withdraw from School Administrative District No. 13" (S. P. 342) (L. D. 1075)

Report was signed by the following members:

Messrs. BROOKS of Cumberland  
BATES of Penobscot  
— of the Senate.

Mrs. HANSON of Lebanon  
Messrs. HICHBORN  
of Medford Township  
CURTIS of Bowdoinham  
ESTEY of Portland  
LEVESQUE of Madawaska  
SIROIS of Rumford  
DURGIN of Raymond  
— of the House.

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

Report was signed by the following member:

Mr. SAMPSON of Somerset  
— of the Senate.

Came from the Senate with the Majority Report accepted.

In the House: Reports were read.

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

Mrs. HANSON: Mr. Speaker, I would move that the Majority Committee Report "Ought not to pass" be accepted as the dissolution bill passed the other day takes care of this legislation.

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

**Non-Concurrent Matter**

Bill "An Act relating to Appointment of Director of Indian Affairs and Planning Board for the Penobscot Tribe" (H. P. 1020) (L. D. 1421) which was passed to be engrossed as amended by Committee Amendment "A" in the House on April 20.

Came from the Senate recommit-  
ted to the Committee on State Govern-  
ment in non-concurrence.

In the House: The House voted  
to recede and concur with the Sen-  
ate.

**Non-Concurrent Matter**

Bill "An Act Designating Monday  
for Observance of Memorial Day"  
(H. P. 1005) (L. D. 1406) which  
was indefinitely postponed in the  
House on May 3.

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

In the House:

The SPEAKER: The Chair rec-  
ognizes the gentleman from Houl-  
ton, Mr. Berman.

Mr. BERMAN: Mr. Speaker, I  
move that the House adhere.

The SPEAKER: The question  
now before the House is the motion  
of the gentleman from Houlton, Mr.  
Berman, that the House adhere.

The Chair recognizes the gen-  
tleman from South Portland, Mr.  
Brown.

Mr. BROWN: Mr. Speaker and  
Members of the House: As you will  
recognize, this bill we talked about  
the other day. This bill only gives  
the New England governors—this  
one, only the State of Maine of  
course—it only gives him the priv-  
ilege of when they get together in  
the New England states, that the  
observance of Memorial Day by  
proclamation of the Governor in  
each state will be held on Monday.

You must recognize, of course,  
Memorial Day is a very solemn  
day and it seems only right that  
it shall be followed, or preceded  
rather, by Sunday, another solemn  
day. You must recognize, as far  
as industry is concerned, that split-  
ting up a week by having a holiday  
follow the middle of the week is  
very expensive. I believe that the  
step, if consummated, will do a  
great deal for the observance of

this particular holiday. I hope that  
the motion does not prevail.

The SPEAKER: The Chair rec-  
ognizes the gentleman from Win-  
throp, Mr. Thaanum.

Mr. THAANUM: Mr. Speaker and  
Ladies and Gentlemen of the  
House: I wish to rise in support  
of the motion of the gentleman  
from Houlton, Mr. Berman, that  
we adhere. Now Memorial Day, I  
am in sympathy with the fact  
that Memorial Day, to have it on  
a Monday, would be very conven-  
ient for some people; but Memorial  
Day to me means something a lit-  
tle different than something com-  
mercial.

Memorial Day was the Gr a n d  
Army Day in the State of Maine  
as it has been ever since after the  
Civil War. The day was set as  
May 30 here in the State of Maine  
for years, and perhaps it would  
be interesting for you to know that  
actually Memorial Day is a Decora-  
tion Day, a decoration of graves  
day.

Memorial Day originated down in  
the State of Mississippi with some  
women who had the happy thought  
of decorating the graves of veter-  
ans on this particular day. And at  
the time that they decorated these  
graves, those gentle women of Mis-  
sissippi not only decorated the  
graves of the Confederate Army  
but also of the Union soldiers in  
that time. This event was brought  
to the attention of General Logan,  
who issued a proclamation y e a r s  
ago that withstood the test of years  
as being the day for decorating the  
graves.

It is not in effect a holiday; it  
has been declared a holiday, but  
it is a day in which we recall  
the memories of those who have  
died in the wars of our country.  
And I hope that the motion of  
the gentleman from Houlton, that  
we adhere, prevails. Thank y o u  
very much.

The SPEAKER: The question be-  
fore the House is the motion of  
the gentleman from Houlton, Mr.  
Berman, that the House adhere.

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

A viva voce vote being taken, the  
motion prevailed.

### Non-Concurrent Matter

Bill "An Act relating to Actions for Injuries Causing Death" (H. P. 316) (L. D. 468) which was passed to be engrossed in the House on April 25.

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.

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

### Orders

On motion of Mr. Briggs of Portland, it was

ORDERED, that Mr. Stevens of Portland be excused from attendance because of the death of his mother;

AND BE IT FURTHER ORDERED, that the Clerk be directed to send Mr. Stevens a note expressing the sympathy of the members.

On motion of Mr. Thaanum of Winthrop, it was

ORDERED, that Rev. Joseph E. LeMaster of the Monmouth United Church, Monmouth, be invited to officiate as Chaplain of the House on Tuesday, May 16, 1961.

On motion of Mr. Wheaton of Princeton, it was

ORDERED, that Mr. Pike of Lubec be excused from attendance today and tomorrow because of business.

The SPEAKER: At this time the Chair would like to recognize the presence in the gallery of a group of fourth grade students from the Farwell School in Lewiston, accompanied by Mrs. Pauline Simpson, Mrs. Schackleton, Mrs. Casey, Mrs. Fleisher, and Mrs. Beggs.

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

### Passed to Be Engrossed

Bill "An Act relating to Compensation of Chief Deputy Sheriff of York County" (H. P. 853) (L. D. 1167)

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

### Tabled and Assigned

Bill "An Act relating to Transporting Liquor by Minor in Motor Vehicles" (H. P. 1153) (L. D. 1587)

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

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

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: The Secretary of State has suggested that there may be a small problem in this particular bill and therefore I would request that it be tabled until Thursday.

Thereupon, the Bill was tabled pending passage to be engrossed and specially assigned for Thursday, May 11.

### Amended Bills

Bill "An Act relating to Second Injury Fund and Vocational Rehabilitation under Workmen's Compensation Act" (S. P. 37) (L. D. 79)

Resolve Appropriating Moneys to Match Federal Funds Provided Under Title VIII of the National Defense Education Act (S. P. 270) (L. D. 871)

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.

### Tabled and Assigned

Bill "An Act relating to Number of Lobster Traps on Trawls in Certain Tidal Waters" (H. P. 900) (L. D. 1234)

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

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

Mr. MADDUX: Mr. Speaker and Members of the House: In regard to item five, the amendment offered Friday to this bill, filing number H-257, goes far beyond the intent of the amendment and takes in some four hundred square miles of tidal fishing waters that are not concerned in the matter involved at all. This will work a distinct hardship upon a number of fishermen who are in no way concerned with this amendment. It bars from these waters certain fishing areas—

The SPEAKER: Will the gentleman from Vinalhaven, Mr. Maddox, kindly approach the rostrum please. And will the gentleman from Friendship, Mr. Winchenpaw, and the gentleman from Scarborough, Mr. Coulthard, also approach the rostrum. The House will be at ease.

(Conference at rostrum)

The SPEAKER: The House will be in order.

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

Mr. WINCHENPAW: Mr. Speaker and Ladies and Gentlemen of the House: I want to concur with what the gentleman from Vinalhaven, Mr. Maddox, said and we would like to reconsider where amendment H-257 was adopted Friday for the purpose of correcting that amendment. So now I move that the House reconsider its action whereby it adopted H-257 on Friday.

Thereupon, the House voted to reconsider its action whereby on Friday, May 5, it adopted House Amendment "A."

The SPEAKER: The Chair now understands that the gentleman from Friendship, Mr. Winchenpaw, moves that House Amendment "A" be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed.

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

Mr. WINCHENPAW: Mr. Speaker, in order to correct this amendment and keep this bill alive a couple of more days, I move now that L. D. 1234 be tabled until Thursday next.

Thereupon, the Bill was tabled pending passage to be engrossed

and specially assigned for Thursday, May 11.

Resolve Appropriating Funds for Capital Improvements at East Corinth Academy (H. P. 648) (L. D. 926)

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

### Passed to Be Enacted Emergency Measure

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 125 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

### Emergency Measure Tabled

An Act Providing for the Construction of an Addition to Edmunds Elementary School in the Unorganized Territory (H. P. 567) (L. D. 787)

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

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

### Passed to Be Enacted

An Act relating to Pollution Abatement (S. P. 133) (L. D. 316)

An Act relating to Appointment of Examiners of Insane Convicts (S. P. 170) (L. D. 416)

An Act relating to Disposition of Mentally Ill Juveniles Guilty of Juvenile Offenses (S. P. 228) (L. D. 633)

An Act relating to Acquisition and Compensation for Land Taken for Highway Purposes (S. P. 291) (L. D. 902)

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

An Act relating to Determination of Quorum at Special Town Meetings in Kittery (H. P. 683) (L. D. 961)

An Act relating to Plant Protection (H. P. 1114) (L. D. 1536)

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 to Provide Schooling for Non-Indian Children Living on Indian Reservations (H. P. 1136) (L. D. 1566)

An Act Appropriating Moneys for Maine Civil War Commission (H. P. 1137) (L. D. 1567)

Resolve Providing Funds for a Referral Center at Farmington State Teachers' College for Assistance to Teachers (S. P. 274) (L. D. 875)

Resolve Appropriating Money for the Establishment of a School of Practical Nursing in Portland or Vicinity (S. P. 530) (L. D. 1564)

Resolve Appropriating Funds to Public Utilities Commission for Water Resources Investigation (H. P. 379) (L. D. 554)

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

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

#### Orders of the Day

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

HOUSE REPORT — Ought to Pass in New Draft (H. P. 1151) (L. D. 1585) — Committee on Natural Resources on Bill "An Act Classifying Certain Surface Waters in Kennebec River Basin." (H. P. 1016) (L. D. 1417)

Tabled — May 4, by Mr. Wade of Skowhegan.

Pending — Acceptance of Report.

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

Mr. LETOURNEAU: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Wade has been called on some business, and I would move that we table this until later in today's session—

Thereupon, the Report and Bill were tabled until later in today's session, pending acceptance of the Committee Report.

Mrs. Smith of Falmouth was granted unanimous consent to briefly address the House.

Mrs. SMITH: Mr. Speaker, Members of the House: Thank you for your courtesy. I thought you might have some other items before I brought this up, and I didn't rise quick enough. I'd like to call to your attention the dinner tomorrow evening. We would like to have you sometime before the day is over if you possibly could, leave the names of those whose husbands or wives will not attend the dinner in the office of the Floor Leader. We feel that it would probably be easier if just the ones who weren't coming left their names. We want to get somewhere near a count as we can, and the reason is that this has become a great deal larger than we thought it would when we started. And I would like to make a few comments about this if I may.

This is an idea that grew from a potato pie. And so we've decided to give all the legislators potato pie. We had quite a lot of comments here about it, and it was even suggested that Jack Prince might furnish lobster to go with this potato pie at one time; but it seemed like quite a lot to Jack—for me to provide the pie and Jack to provide the lobster. So we thought about having the Maine Restaurant Association serve you some kind of a luncheon here before the 100th anniversary, but we were a little too late. One thing led to another, and this is really a sample I think of how an idea grew and grew. And so tomorrow night we will attempt to prove that Maine foods cooked in Maine restaurants are the finest in the land. I do hear some rather uncomplimentary compliments around here about it sometimes. I hope that they will be better after tomorrow night.

And if ever there was a finer example of cooperation, I haven't had the pleasure of knowing of it. The Agricultural Department with Mr. Dunn and Mr. Woodcock have contacted the many producers of



Maine products. Ronnie Green is producing or providing the seafood. The Sardine Council is busy providing sardines, and Mr. Milton Huntington from the DED was assigned to this project, and has done a marvelous job. The press and radio and television have been wonderful. Thirty out-of-state writers have been invited, one national magazine has asked for both pictures and copy. We were to have been in Room 105 down here, but after we found that there were to be so many more people in, we were then, through the courtesy of the Adjutant General and the people over at the armory—the armory has been provided for us, the work is being done by those people, the Governor and his wife eventually cleared it and will be with us, the Council and their wives; and we certainly feel that this should be good publicity for the State of Maine, the kind of publicity that some of us like to have. If you will cooperate with us by letting us have some idea how many there are, we'll try to do our part. Thank you very much.

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

Bill "An Act Continuing the Committee on Aging." (H. P. 1116) (L. D. 1538) In House Read the Third Time.

Tabled — May 4, by Mr. Kennedy of Milbridge.

Pending — Passage to be Engrossed.

Mr. Kennedy of Milbridge offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 1116, L. D. 1538, Bill, "An Act Continuing the Committee on Aging."

Amend said Bill, in section 3, by striking out all of the last sentence.

Further amend said Bill, in section 6 by striking out in the 2nd and 3rd lines, the figure "\$15,000" and inserting in place thereof the figure "\$5,000"; and by striking out all of the 7th, 8th, 9th and 10th lines and inserting in place thereof the following:

'Personal Services \$5,000 \$5,000'

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

Mr. BRIGGS: Mr. Speaker, this amendment came on the desks just recently, and I haven't had a chance to speak to the sponsor of it, and I would like the indulgence of the House if I could table this bill until Thursday, May 11.

The SPEAKER: The gentleman from Portland, Mr. Briggs, moves that the bill be tabled until Thursday, May 11, pending the adoption of House Amendment "A." 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 taken, the motion prevailed, the Bill was so tabled pending the adoption of House Amendment "A" and specially assigned for Thursday, May 11.

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

HOUSE DIVIDED REPORT—Majority Ought to Pass with Committee Amendment "A" (Filing H-272)

—Minority Ought Not to Pass—Committee on Legal Affairs on Bill "An Act Amending Charter of City of Saco." (H. P. 679) (L. D. 957)

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

Pending — Acceptance of Either Report.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Bedard.

Mr. BEDARD: Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak on this before I make a motion. This bill here was never given to me, it was mailed to me on the date that the cloture rules for the bills were put here. We had a hearing on this committee and we presented the committee with a petition of seven hundred fifty names, and this bill was brought up by a committee of citizens in Saco; but the city officials never notified the people of any part of an amendment to the charter. In the first place, all they wanted was an emergency measure for a sewer thing

down there which they have. Now the citizens of Saco do not want an amendment to their charter because this committee would like to have its whole charter amended, they do not want to come here every two years to amend their charter because two years ago, the same thing was here. On these conditions, I move to indefinitely postpone this bill.

Thereupon, the Reports and Bill were indefinitely postponed and sent up for concurrence.

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

HOUSE DIVIDED REPORT—Majority Ought to Pass with Committee Amendment "A" (Filing H-273)—Minority Ought Not to Pass—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)  
Tabled — May 5, by Mrs. Sproul of Bristol.

Pending — Acceptance of Either Report.

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

Mrs. SPROUL: Mr. Speaker, this bill has an amendment on it and in order to see just what the amendment does, I would like to retable it until Thursday.

Thereupon, the Reports and Bill were retabled pending acceptance of either report and specially assigned for Thursday, May 11.

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

HOUSE DIVIDED REPORT—Report "A" Ought to Pass—Report "B" Ought Not to Pass — Committee on Legal Affairs on Bill "An Act relating to Election of Council Members of City of Portland." (H. P. 406) (L. D. 581)

Tabled — May 5, by Mrs. Hendricks of Portland.

Pending — Acceptance of Either Report.

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

Mrs. HENDRICKS: Mr. Speaker, Members of the House: I move

Committee Report "A" be accepted.

The SPEAKER: The question before the House is the motion of the gentlewoman from Portland, Mrs. Hendricks, that the House accept Report "A" "Ought to pass" report.

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

Mr. ESTEY: Mr. Speaker, Ladies and Gentlemen of the House: During this 100th session we have seen several pieces of legislation before us concerned with local city government. We have seen bills introduced by minority groups who are opposed to the local operation in their own community. Two years ago, in March of 1959, the City Council of Portland passed a resolution establishing a citizens' committee for the purpose of reviewing the city charter and making recommendations to the City Council for any changes which might be found. It was charged with the following: in its studies and deliberations, the committee shall include, but shall not be limited to, the following: (a) the method of electing the members of the City Council; (b) the relationship between the City Council and the Superintending School Committee; (c) the provisions of private and special laws currently applicable to the City of Portland and their relationship to the City Charter.

This legislature has already passed a bill concerned with section C and some of the obsolete private and special statutes on the City Charter. Those have been amended.

Pursuant to this resolution, a committee was appointed, there were eleven members. It contained representation from both political parties, three members of the legal profession, persons who had had extensive experience in our city government, and other citizens with exceptional qualifications for a study of this kind. The committee worked for eighteen months to complete its study. Before submitting its report to the city council, it held two public hearings which were widely advertised and well attended. On September 14, 1960, the committee filed its report with the city council. The report was ac-

cepted by the city council, and the revision which is not L. D. 581 which we are considering today, but L. D. 478 was the product of that committee's work.

With respect to the first item of their charge, which was the method of electing city councillors. The committee was directed to examine the method of electing these councillors and the conclusion of the committee was that no change should be made. At present, the nine council members are elected at large, three being elected for each of three year terms. Of the nine, six are required to reside in the six districts to which the city has been divided. This insures a geographic distribution of the council membership. The proposed revision does, however, contain a provision that the six districts should be redefined to be as nearly equal in population as possible and this is under the charter revision, L. D. 478, requiring the city council to make adjustments in district lines. This would correct the present situation in which one district has three times as many residents as another.

Incidentally, it may be of interest to the committee, to this legislature, that the cities in New England of over 25,000 population which have a council-manager form of government, fourteen out of twenty of those cities elect their council members at large — or about seventy percent of them.

L. D. 581, proposes that the six district councillors be elected by district only and not by the city at large. Therefore, gentleman, and because L. D. 478, the charter revision, will come out of committee in the very near future, I move that this bill and both its reports both be indefinitely postponed.

The SPEAKER: The question now before the House is the motion of the gentleman from Portland, Mr. Estey, that the Reports and Bill be indefinitely postponed.

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

Mr. BRIGGS: Mr. Speaker and Members of the House: The House passed this bill in the last session and I want to explain this bill more thoroughly.

The City of Portland has nine city councillors, three elected at large by the entire electorate of the city for three year terms, one term expiring each year. The other six councillors are also elected by the entire city electorate, and the only requisit is that they live within the district from which they run. Many potential Portland City Council candidates are being kept from office because they can't afford the expense of city-wide campaigning. It now costs a candidate from a thousand to fourteen hundred dollars to run for a council seat in the City of Portland.

This does not make for good government, as was the original intent way back in the twenties when this charter was put into effect. More qualified candidates would seek council seats if required to campaign only within their own districts and that is the way we elect our Congressmen and that is the way we elect our members of the House of Representatives right here in Maine.

Now who would be in favor of northern Maine residents voting for candidates in the First District? Voter interest would also be greater if candidates were elected on a straight district basis. A councillor elected from within a district would best know the problems of his own district and be more responsive to the voters who elected him.

This bill calls for a referendum. I ask this House of Representatives to allow the voters of Portland to decide the issue. Give them a chance once and for all to decide how the majority of the citizens want to elect their city councillors. Who is it in Portland that is afraid to let the people of Portland voice their opinion? The present system is undemocratic and un-American. Again I say, let the citizens of Portland decide the issue.

I hope that Report "A" "Ought to pass" is accepted. Thank you.

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

Mr. BERRY: Ladies and Gentlemen of the House: I rise in opposition to this bill. May I bring it to your attention with the exception of the first election, under

the present system which was held in 1945, the election records do not reveal a single instance where the majority vote in a district would have produced a different result than the majority vote of the city at large. The election, only by the voters of a district, while insuring a greater interest on the part of the council members and the problems of that district, would also invariably lead to a decrease in his interest in the problems of other sections, while sectional interest in conflict may lead to some kind of compromise, the best interest of the city as a whole can better be served by people whose viewpoints are as broad as the entire city rather than limited to a single district.

By assuring a geographical distribution of the city council membership, and at this same time a responsibility to the entire electorate, the majority advantages of both systems are retained. In the absence of any clear indication that the present method is unsatisfactory and unworkable, there seems to be no advantage in a change for the sake of a change. I now concur with my colleague from Portland, and hope that we indefinitely postpone this bill and all accompanying papers.

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

Mrs. HENDRICKS: Mr. Speaker and Members of the House: I would like to make a comparison—the gentleman from Portland, Mr. Estey, mentioned about the citizens' committee. Now in the Legislature, we too have very fine people serving on committees, but we are not bound to accept the committee report. The complete House decides on whether or not to accept the committee report. I think that this is just another similar incident. I think that the voters of the City of Portland should have an opportunity to decide on whether or not which way they want to elect the members of the City Council.

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

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

members who have been previously in the House well know, this bill was here last session, was here the session before that, and I believe several sessions before that. And probably the only way it will be disposed of is if we eventually pass this legislation and allow the people of Portland to decide in referendum which way they prefer to vote.

This bill would simply allow the matter to go to the referendum vote and to determine whether we shall have a truly district representative type of voting or an at large voting as we now have. In a city the size of Portland, it is rather unfortunate that we have such a very small vote in the municipal elections. We have non-partisan municipal elections which is fine as far as I am concerned, but unfortunately the people do not turn out very well to vote. It seems unbelievable to me that we should require fifteen thousand votes in order to be elected to the House of Representatives, and yet have city councillors win with something like 2,200, 2,300, or 2,400 votes. This bill I am sure will at least perk up the interest of the voters within the city by allowing a person to run within the district in which he lives, which would be some—a population of some like eight or nine thousand people, it certainly is a large population and larger than many towns in the State of Maine. By allowing the person to run within their particular district, possibly we could have more candidates come forward and be able to put out a good effort to secure the vote of their district; and would have a better participation in the city government in Portland.

The opponents of this bill seem to dwell completely on the fact that if a person only represents nine or ten thousand people in the city, he will not have the city's interest at heart, which strikes me as being rather foolish. What is more true is the opposite of this particular matter whereby in the present system, with a light vote, one particular group within the city not only controls the election of the seats within its district, but in effect has the control of the elec-

tion of all the members of the city. Now if it is wrong to have a small group control a particular district, it is certainly wrong to have them control the entire city.

Now this bill, I believe, if accepted by the people, would allow a more representative type government in the City of Portland. The opposition has made much of the fact that there is a bill in to reapportion the districts of the City of Portland. Now, I like to have things come forward on the basis of what they actually do—not what they seem to do, and it seems to me rather foolish to talk about an equitable distribution of votes within the city when in truth the equitable distribution has no bearing upon who is going to be the winner. If we are going to have at large voting within the city for all candidates for city council, it certainly is ridiculous to assume that the boundary line of the district within which a person must live would have any great effect upon the outcome. All the redistricting will do is to limit the number of people who can vote and run for a candidate in some districts and broaden the people who can run for a candidate in some other districts. This will have no bearing upon the eventual outcome of the election. It will be still more likely controlled by a smaller number of votes and as it has been in the past, these votes have been situated in one particular section of the city.

At the last session of the legislature during the debate on this bill, the opposition made much of the fact that the city council was going to appoint a study committee to study the charter of the City of Portland. This matter was done only after the bills had been submitted to the legislature and gone through the committees, and were in a position to be passed. Now this type of maneuver while it may be practical politics, certainly shouldn't mislead anybody in believing that there was any sincere effort upon the city council at that time to have the study group or study the charter. The study group was appointed by the then chairman of the City Council, who was a very strong opponent to any type

of representative government in Portland.

With all due respect to the individual members of the committee, the study committee made no worthwhile contribution to the charter of the City of Portland. The charter bill that we now have in the Legal Affairs Committee is the product of the corporation council of the City of Portland, and I think most people in the city are well aware of that fact. The bill could just as well have been submitted without any discussion held at all. The discussion was held and many people did come to the hearing and protested the present system of election of city councillors, but the report came out of the committee just as it was destined to come out when the committee was appointed by the opposition to this particular type of voting.

Therefore, I would say that at this particular time, this legislature could do no harm by putting out this bill to allow it to go to referendum and if the people truly do not want representative government, they can say so, and if they do want such representative government they can accept this bill. The bill is highly debated in the City of Portland, and most people can easily understand the terms thereof. I hope that you will oppose the indefinite postponement and accept Committee Report "A."

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I will just take a minute of your time to briefly point out the committee's feelings on this bill. They felt that the members, if they were chosen by wards and districts with a requirement that they reside within that district and be elected only by the voters of that district, the committee generally was in agreement that this method of election would be undesirable because it would tend to encourage a narrow sectional point of view, and would leave the council without any members who could be regarded as representing the entire city. As we all know in most of our larger cities, it is recognized that most of the problems which

confront the council are city wide in character. I now ask for a division on the vote.

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

Mr. ESTEY: Mr. Speaker, I don't believe that we have to take much more time of this legislature to debate this bill. The citizens' committee report was for eighteen months, and in addition to the charter study, there was a committee established to study the tax structure in the City of Portland and also the relationship of the superintending school committee. The committee was in agreement that if candidates for the city council could be elected at large, without regard to residence, this method would afford the best opportunity to elect council members of outstanding ability.

My two colleagues from Portland, Mr. Briggs and Mr. Kellam, are both members of the Legal Affairs Committee, and they have stated that this bill has been presented before to the legislature; and they have very carefully avoided any inference to partisan politics as Portland does have a city council which is nonpartisan. However, this has been a political issue for several years, and I certainly concur with the report of the eleven-member citizens' committee, and hope that the city charter is revised and will come before this legislature does prevail, and I hope that this bill is indefinitely postponed.

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

Mr. KELLAM: Mr. Speaker and Members of the House: I would just like to make the observation that if this particular bill is a partisan political matter, that the record will show that at the prior sessions of the legislature the bill was submitted by Phil Chapman, I believe, who was a candidate for Governor on the Republican Party—or candidate for the nomination; and I believe Senator Lord put it in when she was a Representative in this House, and possibly I think Dana Childs. It has been in several times. The other thing I wanted to say I'm not sure I brought for-

ward was that under either system of election, there would still be three truly at large candidates; and I believe it's more proper to call a candidate an at large candidate if he is actually going to be such, rather than call them district candidates, and then actually have them be at large candidates. So either way we would have six district people and the three other candidates being truly at large. Therefore, there certainly would be no ballots in favor of one particular section of the city.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Brunswick, Mr. Lacharite.

Mr. LACHARITE: Mr. Speaker, I'm not from Portland, but as I listen to this argument, it seems to me that this is more or less of a local problem in Portland, and I think it would be only fair to let the people of Portland decide this question, and so I would go along against the indefinite postponement of this bill.

The SPEAKER: The question before the House is the motion of the gentleman from Portland, Mr. Estey, that the Reports and Bill, "An Act relating to Election of Council Members of City of Portland," House Paper 406, Legislative Document 581, be indefinitely postponed, and a division has been requested.

All those in favor of the indefinite postponement of this bill, please rise and remain standing until the monitors have made and returned their count.

A division of the House was had. Seventy-nine having voted in the affirmative and fifty-four having voted in the negative, the motion prevailed.

Thereupon, the Reports and Bill were indefinitely postponed and sent up for concurrence.

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

Bill "An Act Creating a State Lottery for Old Age Assistance and Aid to Municipalities." (H. P. 895) (L. D. 1227) In House Read the Third Time and Indefinitely Postponed.

Tabled — May 5, by Mr. Kellam of Portland.

Pending — Motion of Mr. Baxter of Pittsfield that Indefinite Postponement be Reconsidered.

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

Mr. BAXTER: Mr. Speaker, first, because several House members have spoken to me, I would like to explain the reason for my motion to reconsider the indefinite postponement of this bill last Friday. The reason of course, under the rules of the House to make a House action stick, it may be acted upon twice. The rules provide that any action the House takes may be reconsidered if it's taken in due time. In this case, the House indefinitely postponed this particular bill, and since to finally indefinitely postpone it could conceivably require a second action and since it had been done that day, and since I was in favor of indefinite postponement, I therefore moved to reconsider with the hope that the reconsideration motion would be defeated and that would be the last motion that could be taken at this time upon the bill in the House. And so therefore, when we vote today, I would urge you to vote against my motion to reconsider.

The reason for this I mentioned Friday and I will mention my reasons again very briefly today. I would certainly start off by saying I am very sure that the sponsors of this bill and those particularly interested in it had the best interests of the State of Maine at heart without any question. The question of a lottery was in the papers, particularly one of my local papers, even before the session started, and not having thought about the problem in detail, I was intrigued as was everybody else. However, on looking into the subject I was forced to decide against the feasibility of a state lottery in Maine because I found out that lotteries are not used in any other state in the union to raise money for the state services, and have not been so used in the twentieth century. I had professional advice that study in other countries indicated that lotteries rested pri-

marily on the low income groups, people with higher incomes don't buy lottery tickets, they play the stock market. Corporations don't buy lottery tickets, and the corporations do pay a substantial amount of the other taxes that we collect in the state for the support of our state services.

I also found in a publication put out by the Post Office Department of the Federal Government, that the Federal Government has specifically condemned lotteries as being immoral, that the Supreme Court has upheld this condemnation and that as the result the Federal Government felt that the situation was serious enough to forbid the use of the mails to this particular type of endeavor. I'll admit that possibly a lottery could be carried out in Maine without using the mails, but it doesn't seem very practical to me to handle it on this basis; and neither does it seem to me that the people of the State of Maine at this time wish to pioneer in this particular type of fund raising in view of the many facts and the many customs that are existent in the country today.

Therefore, I would hope that when the vote is taken, you will vote no on the motion to reconsider.

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

Mr. MORRILL: Mr. Speaker, Ladies and Gentlemen of the House: I want to thank the House for being allowed to put this on the table last Friday until the House was in full session. I might say that one important thing in this bill is: we have a large amount of money leaving the state, it is going to continue to leave the state and we can keep that money in this state. I want to thank Mr. Baxter for making the motion to reconsider, and I trust that his motion will prevail, and I ask for a division when the vote is taken.

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

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: I know a great many of you have given a great deal of thought to this question over the weekend, cer-

tainly I have. If you will study the history of state lotteries, you will find that throughout this country very few of them lasted a long while. You could analyze it in this sense of the word, gambling was never an answer to a financial problem. That statement is as old as any statement you can find in your textbooks. It is not certainly an answer to ours. The orderly procedure, the orderly progress of any state never, never considered for one moment gambling as an issue of its progress. The progress of any individual, the progress of any group of men, the progress of any group of people, was never enhanced by gambling. Gambling has been proven by the mathematician to be a losing proposition to any man or person engaged in it. If you will study press speculations on the market, that has been answered by the gentlemen who control the finance of the country. Bernard Baruch in one of his great essays on finance, said gambling was the ruination of any man who wanted to make an orderly progress in life. I don't think that any man or lady of this House has changed their opinion over the weekend, that this fine State of ours steeped in all its great traditions, would consider this legislation. I urge you very sincerely, to reject the reconsideration of this bill, and when the vote is taken, because of the importance of this subject, that the vote 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: When one speaks on a measure on two different occasions, there are two things that must be done. One is to gather both remarks, the remarks made both times under one roof, and make a brief resume of them, or else dig out new information. In this particular instance, the information was given to me by one of those who very strongly favor this measure. It was given to me after I had posed a few questions. I asked the individual if he was aware of the fact that the mails could not be used, he agreed; I asked him if he was aware of

the fact that there was a point of age there when you could buy the tickets, he agreed to that; I asked the individual how many lotteries would be held, he said what difference does that make as long as the more we have, the more money we will make and the more prizes, the more people will make money on their prizes. When we got that all settled, I said now how many people are eligible, he agreed that there would be 450,000.

Now if you would take out, some of you interested in figures, pencil and paper, I'll break it down the way he agreed with me. Now I kept posing the questions, and he gave me the answers. So I questioned at first that there would be 450,000 who would buy the tickets, but I said to give you the benefit of the doubt, we'll say that you will sell a ticket and one-half which would be 450,000 tickets and 225 more tickets would be sold. I said what are you going to sell the tickets for, he said \$1.00 per ticket. That would make it \$675,000. Now I said in the bill it doesn't state where the prizes are going to be—actually the bill sets up three czars—but I said sixty-five percent goes into the fund, ten percent to municipalities, now I said how about the prize money and the administration, he said that comes out of the other twenty-five percent. So I said dividing \$675,000 by twenty to twenty-five percent by one-fourth would make it about 168 but we'll make it to give you the further benefit of the doubt, we'll make it \$175,000, he agreed to that. Now the salaries of the commissioners amount to about \$20,000, so that is taken out of the prize kitty; so for administration, that brings it down to \$155,000, he agreed to that. I asked him about the printing of the tickets. Well, he said it's an entry of tickets as you know from the sweepstakes tickets and this and that—well, I said how much, he said \$2,000. So that leaves it \$153,000, he agreed to that.

Now I said you are going to have to administer this thing, your assistants one way or another, you are going to have—he said we're going to have district offices. How many district offices are you going



to have? He said one in each district, that is seven, what are you going to do there? Well he said, there will be a director, there will be an assistant, there will be travel, mailing, work and this and that. How much is that going to be? He allowed fifteen thousand for each office, that's \$105,000, so subtracting that from \$153,000 that leaves \$48,000. Now you have got another problem here, you have got your agents, who's going to sell these tickets? Well, we haven't decided that, but he said you know it is going to be sold, people are going to sell the tickets, they'll get a percentage, a cut on each ticket that is sold, or on each lottery. I said how much is that going to amount to, he said well, about \$50,000, so that leaves you losing \$2,000.

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

Mr. COOPER: Mr. Speaker, Ladies and Gentlemen of the House: I made a few remarks in regards to this thing. Now as far as morality of the thing is concerned, I wonder sometimes if perhaps some of the people who are opposed to this bill aren't more holy than they are righteous. When I went home last week, my wife spoke to me about it, and while you people here may justly criticize my morality, I am very certain that you can't criticize hers. She couldn't see anything wrong in the bill, and she said that if it's passed, I shall buy a ticket. However, when the roll call is taken, I shall vote against it, simply for the reason that I don't think that it is financially practical under the setup that we have. If you can combine the things as I said the other day, these chance things, into one commission, I'd have no opposition to it, but when the roll comes up, I shall vote against it.

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 House reconsider its action of May 5, 1961, whereby this bill was 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 in order.

The Chair will restate the question. The question before the House is the motion of the gentleman from Pittsfield, Mr. Baxter, that the House reconsider its action of May 5, 1961, whereby this Bill, "An Act Creating a State Lottery for Old Age Assistance and Aid to Municipalities," House Paper 895, Legislative Document 1227, was indefinitely postponed.

If you are in favor of reconsidering the action of the House, you will answer "yes" when your name is called; if you are opposed to reconsidering that action, you will answer "no" when your name is called. The Clerk will call the roll.

### Roll Call

YEA — Beane, Moscow; Bedard, Binnette, Boissonneau, Briggs, Brown, South Portland; Brown, Vassalboro; Burns, Bussiere, Chapman, Gardiner; Choate, Coulthard, Crockett, Cyr, Danes, Dodge, Dostie, Lewiston; Dostie, Winslow; Durgin, Edwards, Finley, Gallant, Gill, Hague, Hartshorn, Haughn, Hendricks, Hichborn, Jameson, Jobin, Johnson, Smithfield; Karkos, Kellam, Kilroy, Kimball, Lacharite, Lane, Lantagne, Levesque, Linnekin, MacGregor, Merrill, Moore, Morrill, Morse, Nadeau, Biddeford; Nadeau, Lewiston; Noel, Poirier, Prince, Rust, Sevigny, Sirois, Tar diff, Tweedie, Vaughn, Wade, Wals, Wheaton, Winchenpaw, Wood.

NAY — Anderson, Greenville; Baker, Baxter, Beane, Augusta; Bearce, Berman, Auburn; Berman, Houlton; Bernard, Berry, Cape Elizabeth; Berry, Portland; Boothby, Bradeen, Bragdon, Brewer, Brown, Fairfield; Buckley, Carter, Chapman, Norway; Cooper, Curtis, Davis, Dennison, Drake, Dunn, Edgerly, Estey, Fogg, Gardner, Ham, Hancock, Hanson, Bradford; Han-

son, Lebanon; Hardy, Harrington, Hinds, Hopkinson, Hughes, Humphrey, Hutchins, Jalbert, Johnson, Stockholm; Jones, Knapp, Knight, Letourneau, Lincoln, Littlefield, Lowery, Maddox, Matheson, Mathews, Maxwell, Minsky, Perry, Philbrick, Augusta; Plante, Prue, Roberts, Schulten, Shaw, Shepard, Smith, Bar Harbor; Smith, Fal-mouth; Smith, Strong; Sproul, Stewart, Storm, Swett, Thaanum, Turner, Tyndale, Walker, Waltz, Waterman, Wellman, Westerfield, Whitman, Whitney, Williams, Young.

ABSENT — Albair, Anderson, Ellsworth; Dennett, Kennedy, Malenfant, Philbrick, Bangor; Pike, Stevens, Thornton.

Yes, 61; No, 80; Absent, 9.

The SPEAKER: Sixty-one having voted in the affirmative and eighty having voted in the negative, with nine absent, the motion does not prevail.

Sent up for concurrence.

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

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)

Tabled — May 5, by Mr. Prince of Harpswell.

Pending — Passage to be Enacted.

The SPEAKER: This bill having had its three several readings in the House and having been passed to be engrossed, and having had its two several readings in the Senate and having been passed to be engrossed, and the Committee on Engrossed Bills having reported it as being truly and strictly engrossed, is it now the pleasure of the House that this Bill shall be passed to be enacted?

This being a bond issue, requires the approval of two thirds the members of the House present. Will all those in favor of passage for enactment of this bill, please rise and remain standing until the monitors have made and returned their count.

(Conference at rostrum)

The SPEAKER: The Chair will announce the vote.

Ninety-five having voted in the affirmative and twenty-four having voted in the negative, that being more than two thirds the members of the House present, the Bill is passed to be enacted.

Mr. JALBERT of Lewiston: May I approach the rostrum please?

(Conference at rostrum)

The SPEAKER: The Chair would like to clear up a question maybe in your minds. On an emergency measure, it requires two thirds of all the members elected to the House, whether they are present or not—that's 101. On a bond issue, it requires two thirds of the members of the House, that means those present, so we had more than two thirds voting in favor of passage for enactment, therefore the motion did prevail.

If this had been an emergency measure, the motion would not have prevailed because we would not have received two thirds of all the members elected to the House.

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

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

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 Final Passage Reconsidered.

Tabled — May 5, by Mr. Haughn of Bridgton.

Pending — Final Passage.

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

Mr. HAUGHN: Mr. Speaker, Ladies and Gentlemen of the House: I now move the final passage of this bill.

The SPEAKER: The Chair recognizes the gentlewoman from Fal-mouth, Mrs. Smith.

Mrs. SMITH: Mr. Speaker, I reluctantly rise again today, but as I pointed out to you earlier, there are a great many of these bills and they are very technical, and I am really afraid of some of them. All of them, I am not familiar

with. This one, I will call to your attention, came in as 893; 893 merely placed the words 'and recreation' in the MIBA bill. Then I'm not sure whether 893 or how we got 1358, but 1358 was an act to create this authority. And then eventually 893 was redrafted to become 1535, and this added a whole new section to the MIBA's bill. I will only call to your attention a few of the features that I think are not too good in the bill. The affirmative vote of 5 members present and voting shall be necessary for any action taken by this authority. In other words, five members of the authority present and voting can put this state into any type of business. Under section 8, in part one, they provide only \$500,000 which wouldn't do very much. They allow a million dollars in any one project, and ninety percent of the cost of the project and this bill definitely puts the state in almost any type of business.

Now as I pointed out to you the other day, we have had quite a number of preliminary surveys made. The first was started in this industry in 1955, and was a minor one and then eventually was added to and that particular report was not printed until 1959, because we did not have that much money. However, that report has been put on IBM machines, we now have and some of us worked as you know to get the Armour Report through, the last time, and the other report which was to do with the recreation industry. That report has not been printed yet, it is still at the University of Maine waiting to be printed. It does seem very unwise to me that before we can get these reports or have any chance of analyzing them or work on them our own selves in any way, that we take off into some field that we have not been in.

Now we may come to some of these things, but we ought to do so really understanding how and why we are approaching these things. And I do beg of you not to pass this bill.

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

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

Probably to clarify the mind of my colleague from Falmouth, Mrs. Smith, she asked why the different bills. Now we heard this before State Government, and as you know our House Chairman is not present here today, and I will not attempt to take his place or speak for him, but this Committee reported this bill out favorably.

As you know it was originally heard before the Industrial Committee—the Industrial and Recreational Committee, those bills were determined as unconstitutional by the Attorney General's office. Therefore, substitute bills were offered. From this House and the other end of the hall, they were referred to the Committee on State Government to be heard. Being a member of that committee, I want to express why I voted as I did.

This particular bill is the same as the present one we now have of the Maine Industrial Building Authority, which grants loans to buildings, to business, to embark upon industry in the State of Maine to bring industry and keep employment and what have you here. At this time the MIBA, the Maine Industrial Building Authority, they have approximately \$550,000, as I understand it, the present time, outstanding in loans. And over the two years of its operation, not one dime of the state's money has been sacrificed or spent and no obligation of the state has been assumed in which they are responsible to pledge their credit.

Now in setting up this particular bill, for recreational purposes comes under the same thing, but they could not be entertained as two bills in one, they have to be set up separately. I might say there's a strong lobby here who feel that private enterprise is being intruded upon by a bill of this particular nature before you, but I assure that it is not. This is a non-profit organization, they cannot make any profits out of it, the towns and the communities the same as a building of private industry must put up ten percent of its total amount of costs before any bonding agency would entertain their loans. So when you break down the whole picture, we have certainly come a long way for the

State of Maine to encourage and entice industry into the State of Maine, and to retain and enlarge what we do have here now under the Maine Industrial Building Authority.

And I believe with the recreational programs now in the state, or those who, if they're able through proper financing with securities such as this bill would give, under the state's credit, would certainly go far and do great things for the State of Maine for industrial recreation. Because we know now that there is certainly big business in the State of Maine; in fact, it's one of your largest sources of income and kept revenue within the state during the winter months when we have nothing to offer as far as industry goes for expansion. But we do in the recreational areas. We don't want the State of Maine to be just a summer place, we want it a year round place. A bill of this nature before you, it certainly would be the proper and right step toward making that goal possible. So I hope that you will entertain all these facts, give it due consideration, and if necessary for clearer information, I would be willing if it is necessary to table this until other bills as stated before are forthcoming, or the Armour Report is completed and brought before the House; but I certainly hope you will not make any move for the sake and the good of the State of Maine and its industries, whether it be recreational wise or Industrial Building Authority, to dispose of this bill at this time, because it would not be healthy for the people of the State of Maine, and its industries.

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

**MR. WHITMAN:** Mr. Speaker, as a member of the State Government Committee, I would like to point out a few details relative to this bill. This is the enabling bill which would enable us to set up the recreational authority as provided for under another bill. Now we already have in existence, the Maine Industrial Building Authority, which has proved its worth many times. We would set up a

similar program for the development of recreational facilities. Now when we set up the Maine Industrial Building Authority, we had to have similar enabling legislation providing that the state could pledge up to twenty million dollars of its credit. However, I would point out to you that up to this time, not one cent of the state's money has had to be used under this system. It's only a matter of backing up guaranteed loans and I assure you that Maine Building Authority would not endorse any loan that was not properly considered and guaranteed right down the line. The only possible way that any of the state's funds could be utilized would be in the event that one of these plans failed and the state would at that time have to guarantee the loan.

Now this bill only provides for the credit of the state to be pledged. If you will note that this also is provided for under a state wide referendum. We are not here pledging the credit of the state, it will be the question of whether or not the people of the state so desire. I really believe that by setting up a recreational development authority, we can really increase our potential here in the State of Maine, and I really believe that it's a worth-while consideration. As the gentleman from Bridgton pointed out, this is not designed to aid and assist private individuals or private corporations in developing of recreational facilities, it only provides that the authority may guarantee loans of towns or development groups—non-profit organizations. In other words if a town desired to put in a recreational swimming facility, or a ski lift, the town upon approval of the members of the town, could enter upon such a project and could then qualify for the guarantee of the state loan. But this in no way will contribute to private individuals or private corporations.

**THE SPEAKER:** The Chair recognizes the gentleman from Mount Desert, Mr. Kimball.

**MR. KIMBALL:** Mr. Speaker, Ladies and Gentlemen of the House: As a member of both the Industrial and Recreational Development Committee and the State Govern-

ment Committee, it has been my pleasure to have heard this bill discussed thoroughly in both Committees. We have worked very hard to try to get the best possible representation on this bill as an aid to the state, and I would simply like to rise in support of the gentleman from Bridgton, Mr. Haughn, and the others who have spoken in favor of this bill.

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

Mr. LETOURNEAU: Mr. Speaker and Members of the House: A lot of discussion has been made this morning about this bill pledging the credit of the State in the amount of \$20,000,000. We are all interested in recreational development, and if you want to go in business and if you have a good going business you can go to the bank and borrow some money. You don't have to come to the State of Maine to pledge credit. I am not in favor of this. I hesitate to pledge the credit of the State of Maine for \$20,000,000, so I shall now move for indefinite postponement of this bill and all its papers.

The SPEAKER: The question now before the House is the motion of the gentleman from Sanford, Mr. Letourneau, that the resolve be indefinitely postponed.

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

Mr. WHITMAN: Mr. Speaker and Members of the House: The gentleman from Sanford, Mr. Letourneau, has just brought out a point that I think is worthy of consideration. He indicated that anyone with a good thought in mind could obtain very readily financing from the banks for a recreational facility. I wish that were true; however, that is not the fact. For some reason, recreational facilities rate very low with the banks of the State of Maine, not because they are not profitable risks; not because they are not worthy of consideration, but for some reason they take a dim view and have in the past upon recreational projects. They would much prefer the ordinary regular accepted practice of business whereby they have a great deal of precedence whereon

to make their assessments. This is not the case with the recreational facilities. That is the reason why we do need the recreational authority.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. Jobin.

Mr. JOBIN: Mr. Speaker, I would like to mention a few words in regard to this bill, the reason being that up to this point no one seems to have brought out what can the State of Maine receive for the use of its credit.

After doing a little research it is very simple to find that the recreational industry in the State of Maine is one of the greatest potentials that we have. It also has been proven through the national figures that for every dollar invested in recreation a return of \$145 has been had. Now what does this mean to the State of Maine? I submit to you that if the recreational industry were developed to its fullest potential, due to the fact that the return on the investment is great, it would certainly make a big difference in the revenue of our sales tax as it has been proven that tourism will cause a sales tax enough to turn over five or six times before it finally is over with. So I would just like to mention in passing that this could possibly mean another income-producing scheme for the State. Thank you.

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

Mrs. SMITH: Mr. Speaker, I submit to you that I too believe that we should develop the recreational potential of this state, and furthermore, I not only believe in it, I have been living it for some years, not for my own benefit by the way, since I am on a road which has been bypassed and I cannot too much personally benefit. I am interested in the whole interest of this state.

Now after hearing this bill debated we have brought out some of the very interesting things that I told you about it, that it is very complicated and we do not understand it. The head of the department told me it would take six months' work on this bill. Two

years ago in the very enactment stage again, because it was unconstitutional, we killed a bill of this very nature. In one place here it says that — it defines a recreational project as any type of building, and then again it starts to talk about a local development corporation.

Now someone else says that it is hard to get money for these projects. Now that to some extent is true because that is the difficulty with the projects, they do not have concrete something that you can make loans on. However, if anyone has the backing and has a good location and is responsible, they can get backing. Witness several projects, one being the Senator Motel which is financed by a bank in Portland I understand; witness the two new buildings which Deering Ice Cream is going to furnish at \$75,000 apiece. They are already on the books. The menus are made; there will be others. Now we can get financing.

Also I ask this question. If it is only to be done by towns, how do we get involved with the backing of the state or why isn't their credit good enough so that they can get credit from banks? This bill is not very clearly written and I think you will rue the day you pass it, but that is not for me to say. I shall vote against it.

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

Mr. JALBERT: Mr. Speaker and Members of the House: As I understand it, last week when we passed I believe this bill with two-thirds, I believe 101 votes, I was confused. I went along with Mrs. Smith on the previous bill and I thought the previous bill she spoke on so well last week was this bill here. I was wrong. Now as I understand it, we have a building authority for business, which is a like bill to this one here. Now as I gather, this bill is drawn up in the same manner as the previous bill and it would serve the same purpose only it would be for recreation and not industry, am I correct in that assumption? I would like to have that answered. If that is correct nodding, I get nods from the gentleman, I think that Mr. Jo-

bin from Rumford brought out a point last week that we should look to. We have got businesses in Maine in the recreational field that are really growing. He talked at length on the boating industry, and naturally it is part of recreation and as we must look forward to added revenue for the State of Maine, I don't think this would be any more harmful than the building authority, setting up a recreational authority, and I certainly hope the motion to indefinitely postpone does not prevail.

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

Mr. HAUGHN: Mr. Speaker, Ladies and Gentlemen of the House: As you know, this bill was given very deep and serious consideration by the Committee on State Government. It was passed unanimous ought to pass; it came before this body and was passed on the emergency measure by 101 votes which is necessary and required to pass this bill out. It is also being sent to the public for their consideration. The lady from Falmouth, Mrs. Smith, seems to be concerned with what finances are. You are running into a different field entirely as brought out by the gentleman from Woodstock, Mr. Whitman in regard to finances. We have increased our Maine Industrial Building Authority up to \$2,000,000 because they lost industry in this state because they could not finance up to that point, so we have in this Legislature changed that which is healthy to guarantee up to \$2,000,000 for a single investment and guarantee.

Now if we let this one slide by, we are in direct and complete competition with Quebec, Canada, New Hampshire, all our sister states. They are setting up similar things doing far in excess of what the State of Maine is to entice and bring industry and recreation into the state. Are we going to let them surpass and bypass us and if you want them to have our business you vote against the bill, and if you want to help to keep and bring it in here, I say support it and pass it, and I ask for a division when the vote is so taken.

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

Mr. WINCHENPAW: Mr. Speaker, since I was the person that had this revived the other day, there is a little more I would like to know about it. It says that it is a non-profit organization, towns or chambers of commerce or someone like that can ask for these loans. Well how is the money going to be paid back? I have never been satisfied on the interest story that I heard along with this. I don't know whether you know it or not, but the minute we reconsidered this I received several notes from the other end of the corridor and I am still pretty hazy in my mind.

Now we brought out the recreation business; who is building all these ski areas? Do they come under the M.I.B.? They certainly aren't under this bill because this bill hasn't been passed yet, and I understand that this is for wharves where pleasure boats would tie up, it is not industrial wharves like we are concerned with in Rockland, it is swimming pools, bowling alleys and maybe other things like that. Evidently there is plenty of money for ski areas; there is plenty of money for motels, and I would like to know more about this bill before I am asked to vote on it again.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Sanford, Mr. Letourneau, that this Resolve, Proposing an Amendment to the Constitution Pledging Credit of State for Guaranteed Loans for Recreational Purposes, Senate Paper 515, Legislative Document 1535, be indefinitely postponed. A division has been requested. All those who favor the indefinite postponement of this Resolve please rise and remain standing until monitors have made and returned their count.

A division of the House was had.

Forty-nine having voted in the affirmative and seventy-seven having voted in the negative, the motion did not prevail.

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

Mr. HAUGHN: Mr. Speaker, for the purpose of clarification, I move this be tabled and specially assigned for Thursday next.

The SPEAKER: The question now before the House is the motion of the gentleman from Bridgton, Mr. Haughn, that this resolve now be tabled until Thursday next pending passage to be enacted. Is this the pleasure of the House?

(Cries of "No")

Thereupon, on motion of Mr. Bragdon of Perham, a division of the House was had.

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

The SPEAKER: The question now before the House is on final passage and the Chair would like to read to the House for their information from the Constitution of the State of Maine in the little green register, Article X, Section 4, and the Speaker will read in part: "The legislature, whenever two-thirds of both houses shall deem it necessary," now you will notice that that does not say two-thirds of all the members elected to the House, so for a Constitutional Amendment to receive final passage in the House, all that is required is a two-thirds vote of the members of the House present. Now continuing: "whenever two-thirds of both houses shall deem it necessary, may propose amendments to this Constitution; and when any amendment shall be so agreed upon, a resolution shall be passed and sent to the selectmen of the several towns, and the assessors of the several plantations, empowering and directing them to notify the inhabitants of their respective towns and plantations, in the manner prescribed by law, at the next biennial meetings in the month of September, or to meet in the manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of senators and representatives, on the second Monday of September following the passage of said resolve, to give in their votes on the question, ."

The question now before the House is on the passage of the resolution. This "Resolve, Propos-

ing an Amendment to the Constitution Pledging Credit of State for Guaranteed Loans for Recreational Purposes," having had its two several readings in the House and having been passed to be engrossed, and having had a reading in the Senate and having been passed to be engrossed, and the Committee on Engrossed Bills having reported it as being truly and strictly engrossed, is it now the pleasure of the House that this Resolve be finally passed? This being a Constitutional Amendment requires the approval of two-thirds of the House. Will all those in favor of final passage of this Resolve, please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

Eighty-one having voted in the affirmative and forty-nine having voted in the negative, and eighty-one being less than two thirds of the members present, the Resolve failed of final passage. Sent up for concurrence.

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

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 5, by Mr. Jalbert of Lewiston.

Pending—Motion of Mr. Hardy of Hope to Indefinitely Postpone Bill and Both Reports. (Roll Call Requested)

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

Mr. JALBERT: Mr. Speaker, repeating myself from last week, this bill here has an amendment that would bring it from \$39.00 to \$42.00 instead of from \$39.00 to \$45.00 at a very low cost on premiums, and in view of the fact that premiums are tax deductible it makes them a mere bagatelle as far as premiums are concerned, and I hope the motion to indefinitely postpone does not prevail.

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

Mr. PLANTE: Mr. Speaker, at this time I withdraw my motion for a roll call and request a division.

The SPEAKER: A division has been requested. The Chair recognizes the gentleman from Brewer, Mr. Ham.

Mr. HAM: Mr. Speaker and Ladies and Gentlemen of the House: Last Friday I spoke in opposition to this bill, I think today I am a little better prepared than last Friday. Now the proponents of this bill are using as a major point that a person cannot live on thirty-nine dollars a week. Agreed, this is little enough to maintain a family in these days. I am amazed at the number of families, however, in this very state who have breadwinners earning thirty-five to forty dollars a week, and these are not men working, not on leave for injuries. But, however grand it would be to increase compensation benefits, I now ask my colleagues in this House to consider a few points in opposition before casting your votes on this given piece of legislation.

I acknowledge the days of rugged individualism are gone. I also realize that socialistic methods have taken giant steps in this country, and yes, in our state. Some of these methods have given us advantages; some have not.

My point is this. Just how far are we to go? Should the responsibility for complete subsistence of an injured man while out of work be borne entirely by the employer, the man, after all, who took him off the unemployment lists in the first place? Just what responsibility does the worker himself have? Or isn't he expected to have any? Has rugged individualism deteriorated that much? It would seem there is some obligation on the part of the worker to supplement his compensation benefits if he doesn't think his compensation benefits are sufficient.

Please keep in mind that a personal accident policy providing both death benefit and weekly indemnity coverage for a worker today is very inexpensive and covers both



on-the-job and off-the-job accidents. If any man today is concerned about compensation at the time of injury, he should definitely have a personal accident policy as well as his compensation benefits, because it is a statistical fact that a great many more accidents occur to you away from your place of work than at your work. As a matter of fact, your bathroom is statistically a more dangerous place than any machinist's shop.

Now of course proponents of this bill contend that if a man hadn't been working at a certain job when the accident occurred, he would not have been injured. This of course is true; but it is also much like saying that if you never eat, you'll never get food poisoning. It is also a fact that if a man's employer hadn't established his business in the first place, the worker wouldn't have been injured because the certain source of employment wouldn't have been possible.

In conclusion, I firmly believe that we can price ourselves right out of the new and present industrial and new business market via the road of legislating mandatory benefits that one party must pay so that a third party can receive with no expense. Certainly the employer has an obligation to protect and assist an insured employee during his period of rehabilitation; however, I do contend that the employee who believes in the basic principle of our American heritage should not desire or expect a free ride on workmen's compensation benefits.

Thank you, and I heartily support the motion to indefinitely postpone.

The SPEAKER: The Chair will advise the gentleman from Old Orchard Beach, Mr. Plante, that in examining the bill now before the House on the bottom of page five, item nine, that he would have no way of knowing, but there was a division taken upon the motion of the gentleman from Hope, Mr. Hardy, for indefinite postponement, and that motion did prevail fifty-three to fifty-two; however, there had been a roll call requested. Now since the gentleman from Old Orchard Beach, Mr. Plante, has withdrawn his motion for a roll

call, unless some other action is taken at this time and further debate would be precluded, the motion of indefinite postponement, fifty-three in favor and fifty-two opposed, would prevail.

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

The SPEAKER: A roll call has been requested.

Will the gentleman from Lewiston, Mr. Jalbert, and the gentleman from Houlton, Mr. Berman, approach the rostrum please.

(Conference at rostrum)

The SPEAKER: Will the gentleman from Old Orchard Beach approach the rostrum please.

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

Mr. JALBERT: Mr. Speaker, on a parliamentary inquiry, if the gentleman from Old Orchard Beach withdrew his motion for a roll call, then would a motion be in order to reconsider whereby we indefinitely postponed this measure?

The SPEAKER: That motion would be in order.

Mr. PLANTE: The gentleman from Old Orchard Beach so moves.

The SPEAKER: The gentleman from Old Orchard Beach withdraws his request for a roll call. The motion on the indefinite postponement was fifty-three in the affirmative and fifty-two in the negative, so the motion to indefinitely postpone does prevail.

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

Mr. JALBERT: Mr. Speaker, I now move that we reconsider our action whereby we voted to indefinitely postpone this measure.

The SPEAKER: The question now before the House is the motion of the gentleman from Lewiston, Mr. Jalbert, that the House reconsider its action of May 5 whereby it voted to indefinitely postpone this bill.

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

Mr. HAM: Mr. Speaker, I just question one thing. Did the gentleman making the motion, vote on the affirmative side last Friday?

The SPEAKER: There was no roll call taken; therefore there was no record made. Therefore it is presumed that the gentleman voted on the prevailing side.

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

Mr. ESTEY: Mr. Speaker, this issue has been thoroughly debated and we seem to have been caught in a melee of legislative procedure. I would request that the motion to reconsider be taken by division.

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

Mr. BERMAN: Mr. Speaker, since the opposition has spoken this morning on this bill, I would request permission to speak briefly on this motion—

The SPEAKER: The gentleman may proceed. It is open to debate.

Mr. BERMAN: Ladies and Gentlemen of the House: I have heard in certain circles that the political party to which most of us in this House belong has not been the party of the working man. Now I would disagree. The party of Abraham Lincoln was the party of the working man as well as the party of the farmer, the industrialist, and the business man. The party of Theodore Roosevelt also had very strong support from the working man. Sometime after his election Lincoln said, "The working men are the basis of all government," and in his annual message to Congress, one hundred years ago in 1861, he wrote, and I quote: "Capital is only the fruit of labor and could never have existed if labor first had not existed. Labor is the superior of capital and deserves much the higher consideration." For Lincoln believed that while man exists it is his duty to improve not only his condition but to assist in helping lift the burden from his fellow men.

Therefore I urge this House to reconsider the motion for indefinite postponement so that we will be able to accept Report "A", in order to allow my good friend from Bath, Mr. Brewer, to propose his very modest and fair amendment, which would go half way and give only a three dollar increase to the injured man and his loved ones instead of six dollars.

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

Mr. ESTEY: Mr. Speaker, Ladies and Gentlemen of the House: I

would just call your attention to the third readers of today, where we gave third reading to a bill which would provide two years of rehabilitation to an injured employee. This again I think demonstrates the employer's interest in its employees throughout the state and sound legislation to provide for their protection. I hope that the motion to reconsider does not prevail.

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

Mr. LITTLEFIELD: Mr. Speaker, I presented this bill for the simple plain fact that the cost of living is rising and a man with injuries who is out of work and on Workmen's Compensation needs more money to pay his bills. That is the gist of the matter. Thank you.

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

Mr. THAANUM: Mr. Speaker and Ladies and Gentlemen of the House: I hope that the vote to reconsider will prevail and that the gentleman from Bath, Mr. Brewer, will have an opportunity to present an amendment to the original proposal for an increase from thirty-nine dollars to forty-five—to increase it from thirty-nine to forty-two. I have before me some of the matters that are going on in the country regarding Workmen's Compensation and there are presently twenty-three of the twenty-six states that are facing the same proposition that you are facing this morning. And you might be interested to know what the proposals are in some of the states.

In California the proposal is to increase it from \$65 to \$150; in Illinois, from \$51 to \$58.50; Indiana, \$39.00 to \$45.00; Iowa, from \$32.00 to \$34.00; Kansas, \$38.00 to sixty per cent of the injured worker's average weekly earnings; Maine, \$39.00 to \$45.00; Massachusetts, \$45.00 to \$50.00, together with dependency allowances in the State of Massachusetts; Michigan, \$57.00 to sixty-two and two-thirds of the injured worker's average weekly wage; Minnesota, \$45.00 to \$100.00; and the other states are quoted here.

Now this bill provides for two-thirds of the weekly wage and I think \$42.00 at the present time, is more in line with the average two-thirds of a worker's weekly wage. And I do think and I agree that there have been raises in the past few years, but we have got to recognize that the cost of living is advancing and that we have got to keep up with the times, with the cost of living. The cost to employers, as I understand it, distributed over all the many premiums in the sum of \$11,000 I understand the premiums carry in the State of Maine, would approximate \$100,000 in increased rates. It doesn't seem to me that this would be any great burden to the employers, and I think it would be of distinct advantage to the working people, and I am going to favor the reconsideration motion on this bill.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I am very much in favor of this measure. I however stood here on several occasions and talked about the rules and going along with the rules, and in all conscience I did not think for a moment; however, I will correct the situation now. I was not on the prevailing side and consequently it is a debatable point as to whether I would say yes or no but I would prefer to go according to the rules, I was not on the prevailing side; I am going to make a motion; I hope someone else makes a motion that I made previously after I make this motion. I now move to withdraw my motion. However, I hope someone will make another motion to reconsider.

The SPEAKER: The Chair understands the gentleman from Lewiston, Mr. Jalbert, acknowledges that he was not on the prevailing side, and therefore, his motion to reconsider was not in order, and it does not have to be withdrawn since it was not in order.

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

Mr. HAUGHN: Mr. Speaker, I will now make that same motion that was just withdrawn, to reconsider this bill.

The SPEAKER: The question now before the House is the motion of the gentleman from Bridgton, Mr. Haughn, that the House reconsider its action of May 5 whereby the Reports and Bill were indefinitely postponed.

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

Mr. HARDY: Mr. Speaker, Ladies and Gentlemen: I wanted to comment a bit further on a word that Mr. Estey from Portland gave a few minutes ago. This is only going to be one very short paragraph. It is taken from the Wall Street Journal of last week, and it is entitled "Injury Insurance, Criticism of Workmen's Compensation Rising from Industry and Labor." The paragraph follows: "One of the severest shortcomings of the American system of Workmen's Compensation is its poor record in rehabilitation most states agree. Only twenty-three states have any provision whatever for rehab." And I merely wanted to call to your attention most emphatically that only last week it went through our reading here in the House that we in the State of Maine have favored and are working favorably on this bill on rehabilitation.

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

Mr. BERMAN: Mr. Speaker, I am constantly astonished at the opposition when they rise on this bill. When they quote from the Wall Street Journal they only give you a part of it. Now I happen to have the entire thing, which of course I am not going to read here, but it isn't as one-sided as Mr. Hardy would have you believe. That same issue said that Workmen's Compensation is unusual in a number of ways. It is probably the most complex body of social legislation in existence because of the literally thousands of different ailments it covers. When the first Workmen's Compensation law went into effect in Wisconsin in 1911 it was hailed as a great humanitarian measure. Today, however, almost nobody directly involved in the day to day mechanics of the compensation system is satisfied with it. Insurance companies are charged with getting too rich from Workmen's

Compensation. Despite state regulation, some insurance firms pay out only sixty-two cents in benefits for every dollar of premium collected from employer. In nineteen states there is a cut-off point in pension payments for totally disabled persons, after ten years in Iowa or after \$17,000 has been paid in Wyoming. "The worst single deficiency in the system in many states says Dr. Arthur Larsen, formerly Under Secretary of Labor, and he was Under Secretary of Labor in the Eisenhower administration, now teaching at Duke University, is that they do not pay benefits for life to a man disabled for life. They pay him for seven or ten years and then cut him off, which is crazy." And I would suggest that Dr. Larsen has written the authoritative two volume text on Workmen's Compensation.

Nevertheless the states are moving toward reform. Lending urgency is the fear that unless something is done soon, the federal government will take over the system. The threat is by no means remote.

"I have been sounding the alarm for years about this" says Dr. Larsen. "There are literally thousands and thousands of people today who are worth more dead than alive." The average compensation premium as a percentage of payroll is about nine per cent less than in 1939, because of accident reduction. Therefore, I suggest that this state go along with the modest amendment from \$39.00 to \$42.00 which is proposed today.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: In regard to rehabilitation, when that bill came up before Labor I voted for its passage, so that the injured man could be reproductive again and get back into the labor field, and I don't see where it should be tied to this.

Also I think it should be pointed out to the Members of the House that certain rights were given up by the laboring man when he became injured and if we let those things get too far out of balance why we might have the laboring man in here and of course manage-

ment fighting against him so this thing can be wiped off the books and they can go back and sue.

Now if you will remember, it has been quoted that the dollar is only worth forty-seven cents today; therefore, with this maximum of \$42.00 it only makes it \$19.74. Thank you, Mr. Speaker.

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

Mr. NOEL: Mr. Speaker, I move the question.

The SPEAKER: The gentleman from Waterville, Mr. Noel, has moved the previous question. For the Chair to entertain a motion for the previous question, it must be authorized to do so by at least one-third the members of the House. Will all those in favor of the Chair entertaining the motion for the previous question, please rise and remain standing until the monitors have made and returned their count.

A sufficient number arose.

The SPEAKER: Obviously, more than one-third having arisen, the Chair is authorized to entertain the motion. The question now before the House is, shall the main question be put now? This question is debatable with a time limit of five minutes for any one individual member. Is it the pleasure of the House that the main question shall be put now?

The motion prevailed on a viva voce vote.

The SPEAKER: The main question now before the House is the motion of the gentleman from Bridgton, Mr. Haughn, that the House reconsider its action of May 5 whereby the Reports and Bill "An Act Relating to Compensation for Injuries Under Workmen's Compensation Law," House Paper 937, Legislative Document 1285 were indefinitely postponed, and a division has been requested.

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

A division of the House was had.

Seventy-four having voted in the affirmative and sixty-five having voted in the negative, the motion did prevail.

The SPEAKER: The question before the House is the motion as it stood before the reconsideration was made, which is the motion of the gentleman from Hope, Mr. Hardy, that the Reports and Bill be indefinitely postponed. All those in favor of indefinite postponement please say aye; those opposed, no.

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

Sixty-five having voted in the affirmative and seventy-two having voted in the negative, the motion to indefinitely postpone did not prevail.

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

Mr. HAUGHN: Mr. Speaker, I move we accept Report "A" "Ought to pass."

The SPEAKER: The gentleman from Bridgton, Mr. Haughn, moves the House accept Report "A" "Ought to pass." Is this the pleasure of the House?

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

Mr. JONES: Mr. Speaker, it looks to me as though we are being bulldozed here into going for a \$45.00 maximum instead of going along with the amendment, \$42.00. I would ask a question from the Chair, Mr. Speaker, whether or not we are going along with the \$42.00 now or the \$45.00 maximum?

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

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

Mr. BREWER: Mr. Speaker, if I am in order now, I will present House Amendment "A" to L. D. 1285.

The SPEAKER: The gentleman is not in order at this time to present an amendment. He may, however, if he cared to do so, explain the amendment so that the gentleman from Farmington, Mr. Jones, may have his question answered.

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

Mr. BREWER: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "A" was placed

on your desks last week, and it proposes to replace the figure of \$45.00 and reduce it to \$42.00 a week, and there are other changes that reduce the total amounts in the proposed legislation.

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

Mr. PLANTE: Mr. Speaker, Ladies and Gentlemen of the House: Simply as a point of clarification, a report has to be accepted before an amendment is accepted. Therefore, if we accept Report "A" then the gentleman may submit his amendment which we will support.

The SPEAKER: Is it now the pleasure of the House that Report "A" "Ought to pass" on Bill "An Act Relating to Compensation for Injuries Under Workmen's Compensation Law" be accepted?

The motion prevailed, the "Ought to pass" Report was accepted and the Bill read twice.

Mr. Brewer of Bath offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 937, L. D. 1285, Bill, "An Act Relating to Compensation for Injuries Under Workmen's Compensation Law."

Amend said Bill in section 1 by striking out in the 8th line the underlined figure "\$45" and inserting in place thereof the underlined figure '\$42'; and by striking out in the 10th line the underlined figure "\$22,500" and inserting in place thereof the underlined figure '\$21,000'

Further amend said Bill in section 2 by striking out in the 10th line the underlined figure "\$45" and inserting in place thereof the underlined figure '\$42'

Further amend said Bill in section 3 by striking out in the 8th line the underlined figure "\$45" and inserting in place thereof the underlined figure '\$42'; and by striking out in the 11th line the underlined figure "\$13,500" and inserting in place thereof the underlined figure '\$12,600'

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

Mr. MOORE: Mr. Speaker, I would like to ask a question of someone on the Labor Committee, how we compare in weekly payments and death benefits with New Hampshire and Vermont which are our neighboring states.

The SPEAKER: The gentleman from Casco, Mr. Moore, has asked a question through the Chair of anyone on the Labor Committee who may choose to answer.

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

Mr. THAANUM: Mr. Speaker and Ladies and Gentlemen of the House: As I think was explained by the gentleman from Portland the other day, New Hampshire is now paying \$40.00 although the extension of the coverage is not as long as Maine. However, if my memory serves me right, I think the New Hampshire Legislature is now considering increasing that and—well I am inclined to believe that that has gone through in New Hampshire, I am not quite sure of that, but they are considering increasing it from \$40.00 upwards I think to \$45.00.

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

Mr. ESTEY: Mr. Speaker, in our debate last Friday on this bill, we did discuss comparative costs with other states and total costs. There were quite a number of the House Members who were not present on that day, and I will take just a moment to run through it quickly again. New Hampshire pays \$40.00, Vermont \$36.00; Massachusetts \$45.00 and Rhode Island \$36.00. If we average the above states the figure is \$39.00. Connecticut pays fifty-five per cent of the state's average production wage. If we took Maine's average production wage of between \$72.00 and \$73.00 per week, and took fifty-five per cent of it, it would come out between \$39.00 and \$40.00.

Total benefits paid in New England are New Hampshire \$13,640; Vermont \$11,880; Rhode Island, \$16,000; Maine now pays \$19,500. May I just point out to you that this amendment adds \$3.00 per week. To get the total benefit you have to multiply that by five hundred weeks or \$1500 per each total

incapacity. I will also point out to you that each \$3.00 increase is a seven to eight per cent increase in the benefits, and we have given \$3.00 in '43, \$3.00 more in '49, \$3.00 more in '53, \$5.00 in '55, \$4.00 in '57 and \$3.00 in '59—or \$4.00 in '59. This pattern of increase has been an additional cost of doing business just the same as the two to three or four per cent wage pattern has been every year, and if we are talking and have talked and seriously considered an industrial climate which will attract new business, this just adds to that cost.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I certainly didn't want to get into this discussion any more than I had to this morning, but in view of the facts that have been brought up on the Floor this morning, I would like to say just a few words in regard to this. Although some of the figures that have been brought out here this morning seem to make some of the people believe that the increased cost has been phenomenal, I think the records of the safety department will bear this out that although the increased benefits to the workers have been over the period of years increased costs to the companies represented, have not increased but decreased because it has caused the companies to put on a better and more extensive safety program so that the employees will not have the possibility of running into an accident. Now accidents are not made, it is just something that happens that nobody can prevent. Certainly an employee is not going to go and break an arm or cut a finger or any part of any bodily injury to receive \$42.00 a week, so I don't think that the cost to the company is as phenomenal as it is pointed out to be. Over the period of years the safety program has more than offset the cost of the increases.

The SPEAKER: The pending question before the House is on the adoption of House Amendment "A". Is it the pleasure of the House

that House Amendment "A" shall be adopted?

The motion prevailed on a viva voce vote, and the Bill assigned for third reading tomorrow.

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The SPEAKER: The York County Delegation meeting, change of meeting time and date from today to Wednesday at 1:30 p.m. in the Senate Chamber.

There will be a Republican Caucus in this House tonight at 7:30.

There probably will be a session not only tomorrow morning but tomorrow afternoon, and perhaps Thursday afternoon.

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On motion of Mr. Baxter of Pittsfield,

Adjourned until nine o'clock tomorrow morning.