

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One-Hundredth Legislature*

OF THE

STATE OF MAINE

1961

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Wednesday, May 10, 1961

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

Prayer by the Rev. Mr. Charles Reid of the United Brethren Church of Kingfield.

The journal of yesterday was read and approved.

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

Report of the Committee on Highways on Bill "An Act to Make Allotments from the General Highway Fund for the Fiscal Years Ending June 30, 1962 and June 30, 1963" (S. P. 225) (L. D. 630) reporting same in a new draft (S. P. 542) (L. D. 1589) 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 Industrial and Recreational Development, acting by authority of Joint Order (S. P. 464) reporting a Bill (S. P. 541) (L. D. 1588) under title of "An Act to Create the Development Fund" and that it "Ought to pass"

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

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

**Ought to Pass with  
Committee Amendment  
Amended in Senate**

Report of the Committee on Transportation on Bill "An Act Requiring Persons Seventy-Five Years of Age to Take Examination for Motor Vehicle Driver's License" (S. P. 387) (L. D. 1197) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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. 387, L. D. 1197, Bill, "An Act Requiring Persons Seventy-Five Years of Age to Take Examination for Motor Vehicle Driver's License."

Amend said Bill by inserting at the beginning of the first line the underlined abbreviation and figure 'Sec. 1.'

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

**'Sec. 2. Effective date.** This act shall become effective January 1, 1962.'

Committee Amendment "A" was adopted in concurrence.

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

**SENATE AMENDMENT "B"** to S. P. 387, L. D. 1197, Bill, "An Act Requiring Persons Seventy-Five Years of Age to Take Examination for Motor Vehicle Driver's License."

Amend said Bill, in the 6th line, by inserting after the underlined word "examination" the underlined words "upon reaching his 80th birthday and"

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

**Non-Concurrent Matter**

Bill "An Act relating to Apportionment to Municipalities of Tax on Telephone and Telegraph Companies" (H. P. 358) (L. D. 510) which was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto, and House Amendment "A", in the House on May 3.

Came from the Senate with House Amendment "A" to Committee Amendment "A" indefinitely postponed and the Bill passed to be engrossed as amended by Com-

mittee Amendment "A" and House Amendment "A" in non-concurrence.

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

#### Non-Concurrent Matter

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Resolve Providing Funds for Public Landing at Islesford, Hancock County (H. P. 571) (L. D. 791) and Minority Report reporting "Ought to pass" which Reports and Resolve were indefinitely postponed in the House on May 4.

Came from the Senate with the Minority "Ought to pass" Report accepted and the Resolve passed to be engrossed in non-concurrence.

In the House:

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

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

The SPEAKER: The question now before the House is the motion of the gentleman from Mount Desert, Mr. Kimball, that the House recede and concur with the Senate in accepting the Minority "Ought to pass" Report.

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

Mr. DRAKE: Mr. Speaker and Ladies and Gentlemen of the House: This matter was given very careful consideration by the Appropriations Committee and I hope that the motion of the gentleman from Mount Desert, Mr. Kimball, does not prevail. I request a division.

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

Mr. SMITH: Mr. Speaker and Members of the House: I want to support my colleague from Mount Desert in this matter and testify to the House from personal observation and experience at Islesford, that the bill to relieve that island of its condition in not having a proper landing is a worthwhile project.

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

the gentleman from Mount Desert, Mr. Kimball, that the House recede and concur with the Senate in accepting the Minority "Ought to pass" Report.

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

A division of the House was had.

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

The SPEAKER: The Chair now understands that the gentleman from Bath, Mr. Drake, moves that the House adhere. Is this the pleasure of the House?

The motion prevailed.

#### Non-Concurrent Matter

Resolve Appropriating Moneys to Match Federal Funds Provided under Title X of the National Defense Education Act (H. P. 724) (L. D. 1012) which was passed to be engrossed in the House on May 4.

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.

#### Petitions, Bills and Resolves Requiring Reference

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

#### Education

Bill "An Act to Authorize the Municipalities of Etna and Plymouth to Form a School Administrative District" (H. P. 1156) (Presented by Mr. Carter of Etna) (Ordered Printed)

Sent up for concurrence.

#### Orders

Mr. Williams of Hodgdon was granted unanimous consent to briefly address the House:

Mr. WILLIAMS: Mr. Speaker and Ladies and Gentlemen of the House: On your desks this morning you will find a bag of State of Aroostook potatoes. Now back through the years Aroostook seriously considered becoming a state, the State of Aroostook. Bills were introduced in this Legislature to that effect, the only trouble was that among the many beautiful girls in the Garden of Maine we could not agree on the capital city. It was wisely decided to stick with the good old State of Maine, and we have been very happy ever since.

Now Aroostook County is justly famous for its hunting, fishing, and its potatoes. One barrel in seven of all the potatoes grown in the United States is grown in Aroostook. Now I would wish to thank Coles Express, who transported these potatoes down here; the Maine Potato Bag Company, who printed the bags; and the potatoes, which were grown by Harold Hopkinson of Fort Fairfield and furnished by him. Thank you. (Applause)

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

Mr. KIMBALL: Mr. Speaker, I would ask if the House has in its possession Legislative Document 1535?

The SPEAKER: The Chair will inform the gentleman from Mount Desert, Mr. Kimball, that the House does have it in possession, L. D. 1535, a Resolve Proposing an Amendment to the Constitution Pledging Credit of State for Guaranteed Loans for Recreational Purposes.

The Chair recognizes the same gentleman.

Mr. KIMBALL: Mr. Speaker and Members of the House: As I understand that, there is some question about the germaneness of our discussion of this particular act yesterday in taking the action that we did. I would ask that the House at this time reconsider its action of yesterday.

The SPEAKER: Since this matter has previously been reconsidered once before, it will require the suspension of the rules to reconsider it a second time; and the

Chair understands that the gentleman from Mount Desert, Mr. Kimball, now moves that the rules be suspended for the purpose of reconsidering the action of yesterday whereby this Resolve failed of final passage.

Is it the pleasure of the House that the rules be suspended? All those in favor say aye; those opposed, no.

A viva voce vote was taken.

The SPEAKER: The Chair is in doubt since it will require a two-thirds vote to suspend the rules, and will order a division.

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

A division of the House was had.

The SPEAKER: Sixty-four having voted in the affirmative and fifty-five having voted in the negative, and sixty-four not being two-thirds of the members present, the motion does not prevail.

The SPEAKER: We are proceeding under Orders.

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

ORDERED, that Mr. Lacharite of Brunswick be excused from attendance for the remainder of the week because of business.

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

#### **House Reports of Committees Ought Not to Pass Covered by Other Legislation**

Mr. Rust from the Committee on Judiciary on Bill "An Act Regulating the Operation of Motor Boats" (H. P. 982) (L. D. 1369) reported "Ought not to pass", as covered by other legislation.

Report was read and accepted and sent up for concurrence.

#### **Ought to Pass in New Draft New Drafts Printed Tabled and Assigned**

Mr. Knight from the Committee on Judiciary on Bill "An Act Creating a District Court to Integrate Activities of Municipal Courts and

Trial Justices" (H. P. 397) (L. D. 572) reported same in a new draft (H. P. 1157) (L. D. 1594) under same title and that it "Ought to pass"

Report was read.

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

Mr. KNIGHT: Mr. Speaker, Ladies and Gentlemen of the House; There will be a joint caucus of the Senate and House at 3:30 Thursday afternoon, at which time this bill will be explained and questions answered. Therefore, I now move that this bill be placed on the table and specially assigned for Tuesday next.

Thereupon, the Report and Bill were tabled pending acceptance of the Committee Report and specially assigned for Tuesday, May 16.

#### Tabled and Assigned

Mr. Cyr from the Committee on Public Utilities on Bill "An Act to Create the Fort Kent Sewerage District" (H. P. 528) (L. D. 726) which was recommitted, reported same in a second new draft (H. P. 1155) (L. D. 1593) under title of "An Act Creating the Fort Kent Utilities District" and that it "Ought to pass"

Report was read.

(On motion of Mr. Cyr of Fort Kent, tabled pending acceptance of the Committee Report and specially assigned for tomorrow.)

#### Ought to Pass Printed Bill

Mr. Westerfield from the Committee on Public Utilities reported "Ought to pass" on Bill "An Act Increasing the Authorized Indebtedness of the Lincoln Water District and Clarifying its Power to Borrow" (H. P. 1139) (L. D. 1572)

Report was read and accepted, the Bill read twice and tomorrow assigned.

#### Ought to Pass with Committee Amendment

Mr. Rust from the Committee on Judiciary on Bill "An Act relating to Municipal Ordinance Enactment Procedure" (H. P. 247) (L. D. 361) reported "Ought to pass" as

amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 247, L. D. 361, Bill, "An Act relating to Municipal Ordinance Enactment Procedure."

Amend said Bill by inserting at the beginning of the first line the abbreviation and figure 'Sec. 1.'

Further amend said Bill by inserting in the 10th line after the underlined word "certified" the underlined words 'by the municipal officer'

Further amend said Bill by inserting after the underlined word "record" in the 11th line the underlined punctuation and words ', and copies shall be available at that time for distribution to the voters by the municipal clerk as well as at the time of the town meeting'

Further amend said Bill by inserting after the underlined word "ordinances" in the 17th line the underlined words 'which may be'

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

"Sec. 2. R. S., c. 90-A, Sec. 63-A, additional. Chapter 90-A of the Revised Statutes, as enacted by section 1 of chapter 405 of the public laws of 1957 and as amended, is further amended by adding a new section 63-A, to read as follows:

'Sec. 63-A. Village corporations. A village corporation or its municipal officers, as the case may be, shall have the same powers and duties which a town or its municipal officers, as the case may be, have under section 3, subsection III, and sections 4-A'

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

Mr. Berry from the Committee on Legal Affairs on Bill "An Act Clarifying Electricians Licensing Law" (H. P. 821) (L. D. 1136) which was recommitted, reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice. Committee Amendment "A" having al-

ready been adopted, tomorrow was assigned for third reading of the Bill.

### Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act relating to a Power of Sale in a Mortgage and Sale under a Power in a Mortgage" (H. P. 995) (L. D. 1382) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

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

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

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

Report was signed by the following member:

Mr. KNIGHT of Rockland  
— of the House.

Reports were read.

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

Mr. KNIGHT: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to debate this bill today, I will take a whack at it later. But I do want to explain one reason that I signed the Minority Report.

This bill is a bill that has been put in by the banking interests of the state and at this point I would make it known that, as an attorney, I do not represent any banks, and as a Representative I do represent banks, and I also represent people who have mortgages on their homes. I represent more people who have mortgages on their homes than I do banks. If you have a mortgage on your home today and the bank should foreclose, you have a year's time in which to redeem that mortgage and save the old homestead, before you are put onto the street.

This bill would allow the bank to write a new type of mortgage under which you would be out in the cold, cruel world at the end of

ninety days. And that is the reason I was opposed to the bill, and I would move at this time the acceptance of the Minority Report.

The SPEAKER: The question before the House is the motion of the gentleman from Rockland, Mr. Knight, that the House accept the Minority "Ought not to pass" Report.

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

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: Before proceeding to debate this bill, I would like to clarify two points which my good friend from Rockland, Mr. Knight, made. First this is not a banker's bill, it is not sponsored by the bank lobby so-called, and it does not foreclose anybody's real estate in ninety days.

Now L. D. 1382 is a permissive type of legislation. It will give the banks a new, modern and up-to-date banking tool. It will not change, in any way, our present bank mortgage laws. It will add a new type bank mortgage procedure on a permissive basis. This type of a mortgage has been in use in our neighboring State of New Hampshire for a number of years, it is in use in Massachusetts, and is in use in some twenty-five other states throughout the country.

This bill as presented to you this morning may look complicated, but it really isn't. The bill, however, is set forth in considerable detail to take care of all the necessary steps that go along with this sale procedure, so that everyone's rights will be fully protected. The bill represents a step forward in the general field of bank mortgages. My own personal legal experience with this type of a mortgage in the State of New Hampshire has been most excellent. I have seen no one sold short.

At our committee hearing this bill was supported by several Representatives of the House, several Senators, individual bank people, and by two of the bank associations; and the bill has received the majority support of the Committee on Judiciary. This bill in its simple terms merely provides that a mortgagor, who is the bor-

rowing party, may authorize the bank, who is the lending party, to sell the property if the borrower is in default, for at least ninety days.

However, before any sale can be carried out under this power, the mortgagor, the borrower, must have notice by registered mail. There must be publication for three weeks in a newspaper circulating in the general area. There must be a public sale held openly on the premises. The seller must file an affidavit of all the details of the sale in the Registry of Deeds, any time within thirty days after the sale. Any profits derived from such a sale go back to the borrower. Under our present existing mortgage transactions, when it goes to a foreclosure and the bank becomes the absolute owner of the property, and it sells the property at a profit, that profit goes to the bank's pocket. The profit from this type of a sale would go back to the borrower.

Also, under this type of a transaction, the borrower may pay up his account at any time until the filing of the affidavit in the Registry of Deeds, which is a period of approximately five months at the minimum; it could be longer. In my opinion, this bill will give many important benefits to our Maine citizens, our banking institutions, our recreational and industrial industries and our Maine building trades.

First, I believe it will encourage bankers to extend the terms of their mortgages. As most of you know, the average bank loans from fifteen to eighteen years on the bulk of its transactions. This type of a mortgage will encourage them to loan up to twenty years and we all know that if you get a longer term it means lower monthly payments, and lower monthly payments mean in many cases the difference between carrying a mortgage and not carrying a mortgage.

Second, under our present mortgage law when a bank forecloses it becomes the absolute owner of the property, and when it sells at a profit, that profit goes back into the bank's pocket. Under this type of a transaction, if the bank were

using it, and a property is sold at a sale, the profit goes back to the borrower and not to the bank.

Third, banks would benefit, for they, like many other businesses, frequently run short of cash to loan to the people. When they do so, they severely restrict their lending position and to alter this position banks endeavor to raise money by discounting or assigning mortgages. This type of a mortgage, if it was in use by a particular bank, would enable them to assign or discount these mortgages to banking institutions who make a practice and a trade in this particular commodity. Thereby, the bank would be able to raise further lending capital and loan it out into the communities expanding the economy by construction. Our seasonal recreational business, both at the ocean and the lakes and on our main highways, would benefit through more bank lending in this particular field. We all know that the banks are not too much interested in going into seasonal or recreational properties because of the risk involved. However, with this new type of a mortgage tool they would be more interested in doing this since they could get out of a transaction in a shorter period of time and with a lot less effort.

Fourth, the same reasons and the same circumstances that I have spoken of in regard to recreational businesses also apply to our industrial development propositions. New businesses coming in from out of the state would be familiar with this type of a mortgage tool; they would need the full support of our local banking institutions and banks using this type of a mortgage tool would, I feel sure, be more interested in cooperating with new industrial developments.

Fifth, many here come from the summer shore and lake areas and you know of many summer people who would like to build a summer camp at the ocean or up at the lake or up in the mountains or at the ski resorts; unfortunately, however, it is very difficult for these out-of-state people to get local bank money. They can well afford to pay the mortgages but the banks just don't like doing business with out-of-state people.



Most of these people come from our neighboring states of New Hampshire and Massachusetts where this type of a mortgage transaction is very common, and these people know of areas and institutions in their own back yards that would be perfectly willing to loan them money in the State of Maine to build summer places at the lakes, the mountains, ski resorts, if we had a mortgage tool similar to that which they use in Massachusetts and New Hampshire. This bill would bring out a tremendous boost in this type of building and would be a tremendous asset to the State of Maine.

Sixth, under this bill, lending activity in any one or all of these six general areas would be increased, and we all know that any increased activity in lending or mortgaging means increased construction, and increased construction means that our local people are going to sell more material, more goods, and our laboring force is going to have more jobs.

Mr. Speaker, Ladies and Gentlemen of the House: This bill will really do something to help the State of Maine. It will help the borrower, it will help our banks, it will help our recreational and industrial areas, and it will help our building industries. I cannot urge you too strongly to vote for this bill and vote for a modest step forward in progress. I hope that the motion of the gentleman from Rockland, Mr. Knight, does not prevail, and if this does not prevail, I would move the acceptance of the Majority "Ought to pass" Report.

The SPEAKER: The Chair at this time will interrupt the debate momentarily to recognize the presence in the gallery of a group of eighth grade students from Blaine, Maine, Aroostook County, accompanied by their Principal, Kendall Grass and Sylvanus Pierce. Also by Mr. and Mrs. Edson Grass, and their Representative from Mars Hill, Mr. Tweedie. On behalf of the House the Chair extends to you a most hearty and cordial welcome and we hope that after your long trip you will enjoy and profit by

your visit with us here today. (Applause)

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

Mr. KNIGHT: Mr. Speaker, Ladies and Gentlemen of the House: I told you I didn't intend to debate this, but I have been put in the position of rebutting my good colleague from York, Mr. Rust.

First, he told you that this would allow another type of mortgage to be made and it would be permissive. That is correct. Banks would be allowed to have two types of mortgages. This type, which in his own words will allow the bank to get out from under in a shorter period of time. In other words, sell the old homestead in five months, and he says it could take longer. It would take longer if you knew how to protect your rights, but how many people will go into a bank for a mortgage, read the mortgage and know their rights under it and know the legal steps that can be taken to delay it and will go out and hire an attorney to do it?

Now if this bill is passed, you will have two types of mortgages, the one that will allow the bank to get out from under quicker, and our present one which allows in the case of a foreclosure by the bank the mortgagor to redeem in a year's time. Now it is permissive, sure it's permissive, it's permissive if the bank will let you use the old style mortgage. It is their permission you have to get. Did you ever try and bargain with a bank? I don't think you bargain on equal terms. And it will end up that there will be this situation when you do go into the bank. We are sorry, sir, but we have one printed form, one mortgage, and that mortgage is this new style that has just been presented to you. The average person not knowing the difference would then sign the mortgage and as our good friend from York, Mr. Rust has said, would receive the profits if the homestead was sold. Well good Lord, if there is any profits in the old homestead, why not sell it without the bank foreclosing it? And then pocket it yourself, which you have

a year's time in which to do now, and you would not if this bill goes through, and I believe I have answered the questions that have been put in our minds by the gentleman from York, Mr. Rust, and I hope that my motion does prevail.

The SPEAKER: The question before the House is the motion of the gentleman from Rockland, Mr. Knight, that the House accept the Minority "Ought not to pass" Report.

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

Mr. BERRY: Mr. Speaker, I rise in support of the sentiments expressed by the gentleman from York, Mr. Rust. I think this is legislation which will benefit primarily the borrower. Let us take a concrete example of a person who buys a \$6,000 house and gets a \$3,000 mortgage on it; and consequently puts in \$3,000 of his own savings. If through unfortunate circumstances, he is forced to sell this property, rather than have it foreclosed because he is unable to make his payments, he stands to lose under our present law, his complete savings and anything he's paid off on his lot. It seems to me that this is a very very unfair situation, I think that on the other side that the depositors in our banks would be protected by this legislation because after all, it's their money in the form of savings that the bank is loaning, and this would protect both parties.

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

Mrs. SPROUL: Mr. Speaker, Ladies and Gentlemen of the House: I dislike very much to disagree with my fellow committeeman, Mr. Berry, but I strongly favor the position of Mr. Knight. We have in Maine a year in which to redeem, we have gotten used to it, the people feel that they have the year to redeem, and it's not too much, they won't read the newspaper half the time. This is a strong step, and before we consider this bill of Mr. Rust's, we should weigh it very carefully. I am not in favor of this bill.

The SPEAKER: The Chair recognizes the gentleman from Berwick, Mr. Mathews.

Mr. MATHEWS: Mr. Speaker, I rise in support of the remarks made by the gentleman from York, Mr. Rust. This bill, in my opinion, is going to be a great help to the small banks in Maine, and to we, the people, who do business with these small banks. Some of our small banks in size have many more requests for loans than they have money to lend, and when this happens they turn to the larger metropolitan banks for money. The larger metropolitan banks, the banks of Boston or cities outside of our state, hesitate to help the Maine banks. I happen to be a director of a small bank on the border and we have no trouble at all getting money from the larger banks to lend money in New Hampshire. So when we say the property is in Maine, they hesitate every time to help us out. For that reason I think this bill will be a fine thing, and I hope it passes.

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

Mrs. SPROUL: Mr. Speaker, I do not believe that it is the banks that need the help, I would say from an observation of the new banks going up, it is the people that need the help.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Beane.

Mr. BEANE: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of the "Ought not to pass" motion of the gentleman from Rockland, Mr. Knight. On this bill, I can well understand the reasoning of some of the small banks in Maine—I had considerable discussion with the Bank Commissioner on this the other day, and he seems to feel that the basic reasoning behind this bill is to attract more money from outside investors to the small banks in Maine when they are operating on a small operating margin. But I do feel that it should be pointed out that this is what I would call a very radical departure from Maine's traditions regarding foreclosures of mortgages.

Now you all know that when a mortgage is foreclosed under the

present law, it has been this way since time immemorial, I would say, you have an equity of redemption for one year. In other words, if a mortgagee and I notice that this bill is worded to include all mortgagees whether they are banks or other incorporated financial institutions or whether they are individual mortgagees, if the mortgagee brings foreclosure on a mortgagor, he has a right under the present law to redeem his property within a year by tender of the amount due on the mortgage.

Now I would say from what I know of the history of the present law, the basic idea of this is to take care of hard time situations, depressions or recessions, or what have you, when there are an abnormal number of foreclosures on real estate. Under this bill, as the main bill is written, if the mortgagor, be he a business property owner or a home owner, or whoever he may be, has one default on his mortgage whether it is through his own fault or not, he may be sick, out of work, or a pensioner living on monthly checks, who might be waiting for the next month's pay check, and possibly defaulted through no fault of his own, the mortgagee by having in the mortgage a provision authorizing the power of sale, whether it is spelled out in the mortgage or whether it's just in there by reference to the statute that according to the numbering it would have if this bill were passed. Without explaining what it means to the mortgagor, the mortgagee could then within twenty-one days, if he files an affidavit in the registry after making the sale, within thirty days after the sale he can sell that property within twenty-one days of the sale. It would cut off a person who was waiting for the next check, if it is going to be more than that twenty-one days. I feel that's a violation of a very deep-rooted tradition of public policy. If the House wishes to declare it the public policy of this state that the one year period of redemption should be shortened, it certainly has the power to do so. This is the sort of a bill, technical on the face, that comes in with very little publicity, though there

were some bank attorneys present at the hearing. The average voter would have no idea what that bill is in for from the title and the notices of the legislative hearings.

In my mind this is a sort of thing that should be explored very carefully with full knowledge on the part of the Legislature as to what it would do. I have done considerable title work for a loan and building association myself, working every day with mortgages for a mortgagee, and I can't see as far as any enforcement provisions are concerned, though the present foreclosure proceedings are cumbersome, I see no need of this in that sense. I have discussed this with a number of attorneys, some in the halls here, and others largely from the Kennebec area, Augusta and Waterville, several of whom have done considerable mortgage work for banks and savings and loan associations and insurance companies in this area. And practically everyone of them have expressed to me no need known of them of this bill, and were very strongly opposed to tampering with it; except possibly it could be done with a m e n d m e n t shortening that arbitrary one year period to a somewhat shorter period. I would have no objection to that, anything not less than six months, but I don't think the bill or the amendment which is proposed to go with it accomplishes that. It's to my mind a drastic change and nothing that the average home-owner in Maine has had a basic right to expect for years beyond our memory.

I'm somewhat surprised that this report came out without my signature, as I had it tabled in the committee myself before final action was taken, and I would certainly have signed this ought not to pass, as it is now written, if I had signed that report, I sincerely hope the minority ought not to pass report will be accepted.

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

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I'm going to be short and to the point. I think this is a vicious bill, and I certainly go

along with the gentleman, Mr. Knight.

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

Mr. HAM: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of the Majority "Ought to pass" Report on this piece of legislation. I'll also be brief, but I would like to clarify one statement here which is kind of broad in thinking it's the banks versus the people, it seems to me that when we mention banks of this type that lend out mortgages on construction of homes, we also must realize that banks also are the people. Anything that will benefit the people and the deposits that they put in those banks, and as far as any banks not wanting to loan out money unlimited, they are just doing the people who put the money in the bank, a favor in being sure that it is protected. And thank God for that.

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

Mr. LEVESQUE: Mr. Speaker, before Mr. Berry leaves, I would like to ask a question through the Chair of Mr. Berry. Do I understand, Mr. Berry from Cape Elizabeth saying that if a homeowner invests \$3,000 in a home or the value of \$6,000, that under this new plan, this homeowner will get back his \$3,000 under this present plan?

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, has asked a question through the Chair of the gentleman from Cape Elizabeth, Mr. Berry, who may answer if he chooses.

Mr. BERRY: Mr. Speaker, under the existing law, the bank, when it forecloses, has the option of keeping the entire sale price of the property that is sold. Under the proposed law, it would have to return the excess above the loan to the original borrower.

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

Mr. DODGE: Mr. Speaker and Members of the House: I am kind of reluctant to get up here and talk after all these lawyers, but I am speaking I think for the laymen throughout the state who won't

read this law over of the new methods of the mortgage and these people are going to be very much surprised, most of them, when they find out that it is ninety days instead of a year. Also, we must remember that we have people that lend money on mortgages besides the banks, and those people certainly from what I know of them aren't going to call to the attention of the people that borrow money on a mortgage, that that mortgage can be processed in ninety days. And the fact has already been called to your attention that if property is sold that the bank will have to pay to the fellow who owns the property whatever in excess of the mortgage. Now if there is a case where there is very much involved in that, certainly they are going to sell that property rather than let them foreclose on it. They'll get the money in that way. It doesn't make any difference particularly on the force sale whether the fellow who owns it sells it, the price for the property will probably be very much the same.

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

Mr. JOBIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to point just one thing out here in defense of the ordinary layman so to speak. I heard mentioned four or five times how thankful we should be to the banks and what a big favor the banks are doing, people borrowing money in order to finance homes. I have taken the trouble here to just figure out what the income of a \$15,000 mortgage would be to our banks, and I submit to you that I think even though the banks do us a favor, the man who is borrowing and paying back every month at six percent interest is certainly doing the bank a favor.

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

Mr. TURNER: Mr. Speaker and Members of the House: I think the best argument for this bill is it would help the borrower, because he could get by with a lot smaller down payment. You take a fellow has a mortgage and he can't get it foreclosed or gets it foreclosed, it

will be a year before he can get them out and they will stave up—lots of times they'll damage his property, and he'll sometimes have two years' taxes to pay and a lot of insurance, and I think the fellow that lends the money sometimes gets hurt if he don't get a big down payment. So I think this bill would help the small fellow.

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

Mr. WESTERFIELD: Mr. Speaker, Ladies and Gentlemen of the House: I think one of the weakest places in the State of Maine is our banking system. As a result of the present procedures, the individual borrowing money must have a great deal more collateral than is necessary in most states, must pay a higher interest rate in borrowing the money, and furthermore the depositors receive a great deal more in many instances, interest rates on their savings deposits. Therefore, I think we should all sincerely support this bill because in regards to the development of our state, this bill would do a great deal. I thank you.

The SPEAKER: Is the House ready for the question?

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

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to make a couple of brief remarks to remind you that this is permissive legislation. Now there has been a great deal of comment around that they are going to put you out of your homes, this will not affect any existing mortgages, it doesn't mean that the banks are going to use this exclusively, they could use our present system for home mortgages, and they could use this for commercial mortgages. Now the commercial businesses would be greatly benefitted by this type of legislation because it would encourage banks to give them more financial support.

Now this will not foreclose the mortgage in ninety days, it takes a period of approximately five months. Most of the states that use this type of a mortgage transaction have only sixty days, so we're not going to the extreme,

we're making a modest step forward, we're not going whole hog about it. And Mr. Speaker, when the vote is taken, I would request a division.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Rockland, Mr. Knight, that the House accept the Minority "Ought not to pass" Report on Bill, "An Act relating to a Power of Sale in a Mortgage and Sale under a Power in a Mortgage," House Paper 995, Legislative Document 1382. A division has been requested.

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

A division of the House was had.

Eighty having voted in the affirmative and forty having voted in the negative, the motion prevailed.

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

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

The SPEAKER: For what purpose does the gentleman arise?

Mr. KNIGHT: I rise, Mr. Speaker, to make a motion.

The SPEAKER: Make the motion please.

Mr. KNIGHT: We have in this House, a student of the bard who has referred to Banquo's ghost, and I am tired of Banquo's ghost coming back to haunt us, and at this time, I would wield the silver spike through the heart so to speak of this piece of legislation, by moving that we reconsider our action whereby we accepted the "Ought not to pass" Report, and when the vote is taken, I hope you all vote against me, please vote no.

The SPEAKER: The question now before the House is the motion of the gentleman from Rockland, Mr. Knight, that the House reconsider its action whereby it accepted the Minority "Ought not to pass" Report. All those in favor of the House—

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

Mr. CURTIS: I would ask for a division.

The SPEAKER: A division has been requested. All— The Chair recognizes the gentleman from Bangor, Mr. Philbrick.

Mr. PHILBRICK: Mr. Speaker, I invoke House Rule 38.

The SPEAKER: The gentleman may make his point of order.

Mr. PHILBRICK: Mr. Speaker, it is not a point of order. I merely wish to invoke House Rule 38 which states that any member making a motion must make it in writing if so requested by the Speaker or any member of the House.

The SPEAKER: Will the gentleman from Bangor, Mr. Philbrick, kindly approach the rostrum, please?

(Conference at rostrum)

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

Mr. PHILBRICK: Mr. Speaker, I withdraw that motion and substitute another motion which is to table the motion to reconsider unassigned.

The SPEAKER: The motion to reconsider must be assigned.

Mr. PHILBRICK: I would assign it for tomorrow.

The SPEAKER: The question now before the House is the motion of the gentleman from Bangor, Mr. Philbrick, that the motion to reconsider be tabled and specially assigned for tomorrow.

The Chair will order a division. All those in favor of the tabling motion, please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

Twenty-nine having voted in the affirmative and eighty-five having voted in the negative, the tabling motion did not prevail.

The SPEAKER: The question now before the House is the motion of the gentleman from Rockland, Mr. Knight, that the House reconsider its action whereby the House accepted the Majority "Ought not to pass" Report, and a division has been requested.

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

Mr. PHILBRICK: I rise to a point of order. My question is this: the committee report came out with all members of the Senate

having signed the report, but only four members of the House having signed the report, is this a good and valid report, sir?

The SPEAKER: Would the gentleman approach the rostrum, please?

(Conference at rostrum)

The SPEAKER: The Chair will rule that the report is a good report and further sustains that ruling due to the fact that the House has accepted the report.

The question now before the House is the motion of the gentleman from Rockland, Mr. Knight, that the House reconsider its action whereby it accepted the Minority "Ought not to pass" Report, and a division has been requested.

All those in favor of the House reconsidering its action whereby the Minority "Ought not to pass" Report was accepted, please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

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

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

#### Passed to Be Engrossed

Bill "An Act relating to Burden of Proof on Questions of Fact in Industrial Accident Commission Decisions" (S. P. 535) (L. D. 1583)

Resolve Authorizing the State of Maine to Convey Certain Land in the City of Saco (S. P. 523) (L. D. 1550)

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 and sent to the Senate.

#### Amended Bills

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

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

Bill "An Act relating to Compensation for Injuries under Workmen's Compensation Law" (H. P. 937) (L. D. 1285)

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

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

Mr. BERRY: Mr. Speaker, in reference to item four, L. D. 1285, it has been determined that there are over eleven thousand employers in this state that this bill will affect. Therefore, I would like to study this bill further to see what the total impact may be upon the group. I would now like to table this bill until Wednesday next.

The SPEAKER: The gentleman from Portland, Mr. Berry, moves that this item be tabled until Wednesday next pending passage to be engrossed. Is this the pleasure of the House?

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

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

Mr. Berry of Portland then requested a division on the tabling motion.

A division of the House was had.

Forty-five having voted in the affirmative and sixty-four having voted in the negative, the motion to table did not prevail.

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

The SPEAKER: The Chair would like to recognize the presence in the gallery at this time of several groups of students.

One group being the eighth grade students from the Harrison Grammar School, accompanied by their Principal, Arthur Canary, and Mrs. Canary. Also in the gallery are thirty students from Boothbay with their teacher Marvin Rosenblum, that is the eighth grade class. There is also in the gallery twenty students from Edgcomb with Mr. and Mrs. Giles, that is the seventh and eighth grades.

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 Enacted Emergency Measure

An Act Relative to the Granting of Licenses for Certain Businesses and Purposes by the Municipal Officers of the Town of Old Orchard Beach and the Town of Bar Harbor (H. P. 1132) (L. D. 1559)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had, 122 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

### Passed to Be Enacted

An Act Providing for Local Option to Transport School Children to Other Than Public Schools Without State Subsidy (S. P. 377) (L. D. 1188)

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

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

Mr. SMITH: Mr. Speaker and Ladies and Gentlemen of the House: I don't expect that many are going to change their views on this matter, long ago minds were pretty much made up; and from terrific lobbying that we have always seen both inside and outside of the legislature, we have had to make up our minds. However, today is the last time this House will get a shot at this particular bill and before something is said that will be regretted by many here, I think we ought to take one last hard look at the bill.

This bill is not well spelled out. If any other document was as broad as this and as poorly spelled out as this, you would have long since either put it in the trash barrel or amended it. In this case you are apparently not desirous to do either. This bill, first, does not protect the existing public schools. Second, this bill does not provide for secret ballots except in cities where that practice already is in

effect. Third, this bill does not limit in any way the distance a town can be required to haul children. Four, this bill does not answer the problem of subsidy that will immediately become a problem when the same bus and the same driver is used for two systems.

This is a wide open piece of legislation that should be a disgrace to any Legislature. The other day an attempt was made to reconsider the bill in order to amend out some of the weaknesses, but this was shouted down by some who cried that this was merely an attempt to amend it to death. Why is it that such an attempt is being made to keep us from using this bill as any other bill and amend it of its weaknesses? It is apparent that somewhere, much pressure is being applied to get this matter through regardless of whether or not this is quality legislation. Some of you proponents ought to awake as to what is going on when you cannot even get a good amendment discussed, let alone passed, to an otherwise weak bill.

If this bill passes, a town can be compelled to haul a child, or pay the transportation, to any non-profit private school anywhere in the state. New routes may have to be opened in some areas. Then what would hinder me from sending my child to some non-profit academy and sending the transportation bill to the town?

Most Maine communities vote by acclamation on all matters at town meeting except such matters that require by law a ballot vote. This bill does not provide for a secret ballot vote. How difficult it is going to be for a grocer, say, to vote for or against a bill if two of his customers are sitting with him, both with very strong opposite feelings. We here are trained to take a good licking and come up smiling, but they are not; and only trouble would come. Why pass this undoctored bill? Surely it should call for a secret ballot vote.

What is going to happen to the public school of, say, Mechanic Falls, where nearly half of the children will be taken out and transported to Auburn parochial school, eighteen miles away? We are going to find that our public

school system was in part sacrificed on the altar of this ridiculous and vicious legislation.

How about the many towns who do not now pay for transportation even to the public schools? Will the parochial school expect it there? How are you going to determine subsidy? I as a driver can keep a record of the number I haul to either system, I suppose, some under subsidy and some not. But where will the line be drawn as far as subsidy is concerned on my wages? On bus repair and cost? How will the superintendent present the gasoline bill to the state for subsidy? This bill says "no subsidy involved." This problem will prove so great that in the 101st or 102nd Legislature, a bill will be put in to provide subsidy; then we will have it all over again.

Mr. Bradeen's ghost will appear again. The proponents say they will not ask for more, but before a week was past, the other chamber tried to present an amendment to call for transportation of all high school students to public and private schools. Once this ghost is passed, you will find it arising again and again in every Legislature. I believe that within a few years you will be asked to provide many other things. We are not getting rid of this problem. Some say, "I don't believe in crossing my bridges until I get to them." I agree. However, I believe in making sure I have a decent bridge before I try to cross it. And in this case we have one rotten bridge to give to the public.

The platform plank is a laugh unless you accept the "relative responsibility" plank and all the rest. And how about the fact that we passed a bill for a constitutional study when the convention turned it down?

It will cost our towns thirty-seven dollars a child extra for each one hauled. This will amount into the hundreds of thousands of dollars. This will cost and will cost plenty. Seven other states have tried this and have voted it out mostly because they found it impossible to separate transportation, which might be constitutional, from aid to sectarian schools, which



would be unconstitutional. These states are Delaware, Iowa, Missouri, Oklahoma, Pennsylvania, Washington, and Wisconsin.

The only arguments that have sold this bill have been one, humanitarianism; and two, the towns should vote for themselves. As for the first the problem does not now exist, for what parent knowing that Mother Nature is hounding down and it is cold outside, and the snow is coming down and the winds are beating hard, is going to send their child, or her child, out on the corner to wait for a bus that will not stop? And as for the second, I can only say that if this Legislature passes this bill it is my understanding that the people will themselves force a state referendum. I have had people write me and even stop me in the halls of this building and tell me they want to circulate petitions in their towns and cities. They are hoping we can kill it here, but if not then they will do it for us.

As a Legislator of the State of Maine, I will do all I can to force a state-wide referendum, for I feel I must further the interests of Maine and not just the interests of a small segment such as Waterville or Lewiston. I wish now to move the indefinite postponement of this bill and because of the seriousness of this bill and because of the extent to which it has now gone, and the publicity which it has had, I would request a roll call vote.

The SPEAKER: The question now before the House is the motion of the gentleman from Strong, Mr. Smith, that item two, Bill "An Act Providing for Local Option to Transport School Children to Other Than Public Schools Without State Subsidy," L. D. 1188, be indefinitely postponed. A roll call has been requested.

The Chair recognizes the gentleman from Peru, Mrs. Vaughn.

Mrs. VAUGHN: Mr. Speaker, there is one thing I think in all this debate that we have had about this school issue that hasn't been brought up, and that is, taxation without representation. As we are now in our towns, we can vote on our school committees and they can run our schools. As it is

now, what you are doing to this bill if you enact it, it will be that you will not have any say over these private schools. And as far as discrimination and picking up these children on the bus runs, I think it was the private schools that discriminated against the public ones when they didn't want to attend our public schools. I hope the motion of the Representative from Strong prevails.

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

Mr. BRADEEN: Mr. Speaker and Ladies and Gentlemen of this House: Almost a hundred years ago, the distinguished gentleman who gave the address on the field of Gettysburg, spoke for an hour and a half or two hours. Abe Lincoln spoke for three or four minutes. I believe the record shows that the speaker turned to Mr. Lincoln and he said, "I wish I could feel, Mr. President, that I came as close to expressing the central theme of this occasion in two hours as you have done in two minutes."

I would like to say this, I am always pleased when I have an opportunity to say a good word in what I feel to be a very worthy cause. I have spoken, not at any hearing on the school bus bill, but I have spoken twice from the floor of this House. My sentiments I think are very well known. I never take any pains to disguise them. If I were a member of the legal fraternity; incidentally as you know, the most of you, I am not; I think I would remind you people that this case was passed to the jury nearly a week ago. My recollection is that the evidence in the case was presented, that the arguments pro and con were heard. I also recall that there were two have-beens, shall we say, two or three preliminary ballots taken which I believe reflected the views of the members of the Maine House of Representatives.

Now this body, it seems to me, has acquired an enviable reputation from Caribou to Kittery, for stability. I hope today, when you mark this sheet, that you will bear in mind that reputation, do nothing to—I was going to use a slang phrase—"wash it out" the window,

destroy it—that you will reaffirm the position that you have previously taken in this matter and this morning right here settle this issue once and for all. I thank you.

The SPEAKER: The question before the House is the motion of the gentleman from Strong, Mr. Smith, in reference to item two, Bill "An Act Providing for Local Option to Transport School Children to Other Than Public Schools Without State Subsidy," Senate Paper 377, Legislative Document 1188, that it be indefinitely postponed, and a roll call has been requested.

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

A sufficient number arose.

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

Mr. Wellman of Bangor, who would have voted "yes" had he voted, was excused from voting as he paired his vote with Mr. Pike of Lubec, who was absent but would have voted "no" were he present.

The SPEAKER: The Chair will restate the question. The question before the House is the motion of the gentleman from Strong, Mr. Smith, that this legislative document be indefinitely postponed. If you are in favor of indefinite postponement, you will answer "yes" when your name is called; if you are opposed to indefinite postponement, you will answer "no" when your name is called. The Clerk will call the roll.

#### Roll Call

YEA — Anderson, Ellsworth; Anderson, Greenville; Baker, Berry, Cape Elizabeth; Boothby, Bragdon, Brown, Fairfield; Brown, Vassalboro; Buckley, Carter, Chapman, Norway; Choate, Cooper, Coulthard, Crockett, Curtis, Danes, Dodge, Durgin, Edgerly, Edwards, Finley, Hague, Hancock, Hanson, Bradford; Hanson, Lebanon; Hardy, Haughn, Hichborn, Hughes, Humphrey, Hutchins, Jones, Knapp, Linnekin,

Littlefield, Maddox, Merrill, Minsky, Morrill, Morse, Perry, Philbrick, Augusta; Philbrick, Bangor; Prince, Roberts, Shaw, Shepard, Smith, Falmouth; Smith, Strong; Sproul, Storm, Swett, Tweedie, Vaughn, Walker, Waltz, Waterman, Westerfield, Wheaton, Whitman, Williams, Winchenpaw, Wood, Young.

NAY — Albair, Baxter, Beane, Augusta; Beane, Moscow; Bearce, Bedard, Berman, Houlton; Bernard, Binnette, Boissonneau, Bradeen, Brewer, Briggs, Brown, South Portland; Burns, Bussiere, Cyr, Davis, Dennison, Dostie, Lewiston; Dostie, Winslow; Drake, Fogg, Gallant, Gardner, Gill, Ham, Harrington, Hartshorn, Hendricks, Hinds, Hopkinson, Jalbert, Jameson, Jobin, Johnson, Smithfield; Johnson, Stockholm; Karkos, Kellam, Kilroy, Kimball, Knight, Lane, Lantagne, Letourneau, Levesque, Lincoln, Lowery, MacGregor, Mathews, Maxwell, Moore, Nadeau, Biddeford; Nadeau, Lewiston; Noel, Plante, Poirier, Prue, Sevigny, Sirois, Smith, Bar Harbor; Stewart, Tariff, Thaanum, Tyndale, Wade, Walls, Whitney.

ABSENT — Berman, Auburn; Berry, Portland; Chapman, Gardiner; Dennett, Dunn, Estey, Kennedy, Lacharite, Malenfant, Matheson, Pike, Rust, Schulten, Stevens, Thornton, Turner.

EXCUSED — Wellman.

Yes 65; No 68; Absent 16; Excused 1.

The SPEAKER: Sixty-five having voted in the affirmative, sixty-eight having voted in the negative, sixteen absent, and one excused, the motion to indefinitely postpone does not prevail.

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

#### Insisted and Joined in Committee of Conference

An Act to Clarify the Liquor Laws (S. P. 353) (L. D. 1086)

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

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

Mr. LANE: Mr. Speaker, Ladies and Gentlemen of the House: This bill was passed to be engrossed in the House as amended by Committee Amendment "A" and Senate Amendment "B." Senate Amendment "C" was indefinitely postponed in this House. The Senate passed this bill to be engrossed as amended by Committee Amendment "A," Senate Amendment "B," and Senate Amendment "C," and insisted and asked that a Committee of Conference be appointed.

Last Friday this bill came back to this House, and I guess I didn't come in in time, and the House proceeded to pass the bill to be engrossed with the Senate Amendments that the Senate adopted which included Senate Amendment "C," and Senate Amendment "C" is the amendment which would kill the bill which we just passed last winter.

And I now move that the rules be suspended in order that we may reconsider the action of last Friday whereby the House voted to recede and concur with the Senate.

Thereupon, the House voted to suspend the rules and to reconsider its action whereby on May 5 it receded and concurred with the Senate.

The SPEAKER: The motion now before the House is to recede and concur.

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

Mr. LANE: Mr. Speaker, if the reconsideration prevails, the motion to recede and concur should be voted down, after which I will propose to move that we reconsider and join the Committee of Conference. I now move that the House insist and join in a Committee of Conference.

The SPEAKER: The question before the House is the motion to recede and concur. The Chair understands that the gentleman from Waterville, Mr. Lane, wishes that motion not to prevail.

All those in favor of receding and concurring, say aye; those opposed, no.

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

The SPEAKER: The Chair now understands that the gentleman from Waterville, Mr. Lane, moves

that the House insist and join in a Committee of Conference. Is this the pleasure of the House?

The motion prevailed.

An Act to Revise Laws relating to Department of Mental Health and Corrections (S. P. 282) (L. D. 883)

An Act Governing Hospitalization of the Mentally Ill (S. P. 497) (L. D. 1496)

An Act relating to Public Hearing on Certain Articles in Warrant for Town Meeting (H. P. 159) (L. D. 225)

An Act relating to Compensation of Medical Examiners for View Without Autopsy (H. P. 162) (L. D. 225)

An Act to Grant a New Charter to the City of South Portland (H. P. 605) (L. D. 864)

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

#### Tabled and Assigned

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

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

(On motion of Mrs. Hanson of Lebanon, tabled pending passage to be enacted and specially assigned for tomorrow.)

An Act relating to Fees of Clerks of Courts for Entry of Action (H. P. 993) (L. D. 1380)

An Act Revising Laws relating to Pollution Control (H. P. 1125) (L. D. 1552)

An Act Amending Law Providing for Additional Court Review in Public Utility Cases (H. P. 1127) (L. D. 1554)

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 Providing for Repair and Maintenance of State-owned Dam on Dead River, Androscoggin County (H. P. 1128) (L. D. 1555)

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

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

An Act relating to Annual Compensation for Superior Court Messenger of Cumberland County (H. P. 1138) (L. D. 1568)

An Act relating to the Control of Malfunctioning Disposal Systems (H. P. 1142) (L. D. 1574)

An Act relating to Criminal Acts Due to Mental Disease (H. P. 1144) (L. D. 1576)

### Finally Passed

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

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

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

Bill "An Act Including Piers and Terminals in Maine Industrial Building Authority Act." (S. P. 418) (L. D. 1357) (Amendment Filings S-133, H-268 and H-270) In House Read the Third Time.

Tabled — May 5, by Mr. Knight of Rockland.

Pending — Passage to be Engrossed.

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

Mr. KNIGHT: Mr. Speaker, Ladies and Gentlemen of the House: I now move the pending question.

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

Mr. KIMBALL: Mr. Speaker, this particular bill came before the Industrial and Recreational Committee, came out of that committee with a divided, five to five report, it has been amended, and amendments on amendments until it is still rather muddled in some of

our minds. I should like to move if it is in order at this time to recommit this bill to the Industrial and Recreational Development Committee, and so move.

The SPEAKER: The gentleman from Mount Desert, Mr. Kimball, moves that this bill be recommitted to the committee.

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

Mr. KNIGHT: Mr. Speaker, Ladies and Gentlemen of the House: Many papers have passed your desks these past few weeks attacking this bill. They have attacked this bill and argued it not on its merits, but they have been arguments of personalities. I'm sorely tempted here today to argue personalities, but I will not, I will just argue the merits. This bill was drawn and presented with its amendments, it is designed to encourage industrial expansion of our Maine harbors. It is a tool which private enterprise can use to help obtain needed financing, if the MIBA Authority approves of a plan for building a pier or terminal. It does not call for the expenditure of state funds. It would not require the state to spend any funds in the future. A pier or terminal could not be built unless it could be shown that its use for industrial purposes will provide sufficient income to pay for its cost. The MIBA authority makes that determination. A pier or terminal that's built cannot be used to provide for ferry service in competition with the Bar Harbor ferry. That is spelled out in the amendment in no uncertain language.

I know of no community who wants this to provide ferry service anywhere. I presented a bill to this Legislature earlier calling for funds to appropriate funds for ferry service for Rockland, and the Chamber of Commerce instructed me to withdraw that bill as it was not their intention. The City of Rockland through its Chamber of Commerce is interested in the possibility of developing its harbor, and contrary to rumors or statements that may be made we are not trying to pass this legislation to get a ferry. We are interested only in the possibility of

getting an industry to locate in Rockland, to provide jobs and to boost our economy. This bill might help if our harbor can be developed. If not, it certainly can help other communities on the Maine coast. In this bill we are not providing for any new authority or state agency. We are merely adding a new definition of industrial project to our existing law. And I repeat, the only issue here today is, does the State of Maine want to encourage the industrial potential of our coastal communities? If so, then this is a tool that can help. And I hope that this bill is not kicked around again, back to the committee and recommitted. And I hope that my motion for the pending question is accepted.

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

Mr. JALBERT: Mr. Speaker, I would like to quell some rumors. I would like to ask the gentleman from Rockland, Mr. Knight, two questions. The first question is, how much is this going to cost the State of Maine? Two, how much is it apt to cost the State of Maine later on?

The SPEAKER: The Gentleman from Lewiston, Mr. Jalbert, has asked two questions through the Chair of the gentleman from Rockland, Mr. Knight, who may answer if he chooses.

Mr. KNIGHT: I certainly choose. Mr. Jalbert, the MIBA authority only insures a loan, they do not actually expend the funds, before they insure the loan, they make sure that it is a darn good fine sound financial investment. And the gentleman from—well, the assistant floor leader, yesterday, Mr. Whitman, carefully explained that in connection with another bill.

The project, what is the cost of the project is not before the House. It should not be limited to a project in Rockland, because once a project in Rockland is determined, it is placed before the MIBA authority and they go over it with a fine toothed comb, and if they turn thumbs down, that's the end of it. It's a project for the entire coastal community, the cost of the project is for private financing which is backed by the

credit of the state and to date, as I understand it, the MIBA authority has not expended one cent.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Mount Desert, Mr. Kimball, that Bill "An Act Including Piers and Terminals in Maine Industrial Building Authority Act," Senate Paper 418, Legislative Document 1357, be re-committed to the Committee on Industrial and Recreational Development.

Mr. Knight of Rockland then requested a division.

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

A division of the House was had.

Twenty-seven having voted in the affirmative and sixty-nine having voted in the negative, the motion to recommit did not prevail.

The SPEAKER: This bill having had its three several readings and the Committee on Bills in the Third Reading having reported no further verbal amendments necessary, is it now the pleasure of the House that this bill be passed to be engrossed?

Mr. COOPER of Albion: Mr. Speaker?

The SPEAKER: Does the gentleman object to engrossment?

Mr. COOPER: Yes.

The SPEAKER: The gentleman may proceed.

Mr. COOPER: It seems to me that this bill proposes that the state guarantee bonds and the interest thereof for a project, and we don't know whether the project will be profitable and successful or not. I don't think the State of Maine should subscribe to any of these bond issues guaranteeing bonds for business purposes not only for building piers and terminals or any other project. We don't know when some calamity may hit us, and the State of Maine will be holding the bag, and I don't know whether the motion is in order or not, but if it is, I would make a motion that this bill and all its papers be indefinitely postponed.

The SPEAKER: The question now before the House is the motion of the gentleman from Albion, Mr. Cooper, that this bill be indefinitely postponed, and the Chair recognizes the gentleman from Rockland, Mr. Knight.

Mr. KNIGHT: Mr. Speaker, Ladies and Gentlemen of the House: I have in my hand here the Republican platform, and when you're in need of support, reach for the platform. Page four, under economic development, article three, it says that we of the Republican party pledge and urgently advocate that the state take immediate and vigorous action to improve, develop and enhance the utility and economic effectiveness of the state's harbors — I emphasize the state's harbors, tidal waters and tributary inlets with due regard for the federal matching share of responsibilities both physical and administrative. All to the end that cities and towns of the coastal area be provided with the basis to redevelop, develop anew and expand the magnificent, unique and rich economic potential which our sea coast provides. We are not creating a monster, we are not creating a new department, the department is there. We are not creating a bond issue, we are advancing no money. The money is there, the department is there; we are just broadening the base so to speak, we are changing the definition of a term in an already existing law. And the arguments by Mr. Cooper, the gentleman from Albion, are not in order on that point because we are not creating a bond issue, we are not creating a new department; we are just changing an existing law so that we can develop our harbors along the coast. And I hope that the gentleman's motion does not prevail, and I would request a division.

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

Mr. LITTLEFIELD: Mr. Speaker, I want to agree with my friend, Mr. Cooper from Albion. When we get into the business of building piers and terminals in this state, we are getting into the million dollar business. Now I understand there are private developments,

one at Clam Cove Harbor which won't affect the state any, and I wish to read one paragraph from a letter I have received relative to this matter.

" . . . It is still a dangerous bill. L. D. 1357, even as amended, does not nail down what is meant by the word 'terminals'. The risk remains that the state can become involved in a 'pier or terminal' project up to the limit of MIBA financing only to later find that additional millions must be spent for removal of rock and dredging, and that further millions are required for breakwater construction. This could happen anywhere, but the Rockland proposition is a perfect example. The sponsors have no facts as to the feasibility of their proposition and no definite figures as to total cost. Actually, if their proposition had the merit they claim for it, private capital would finance the project. They are premature; 15 months from now they may have facts and figures, and that is the time they should turn to the Legislature . . . "

I only speak on the actual big investments, I think the taxpayers of the State are having about all they can do, and I agree with the motion by the gentleman from Albion, Mr. Cooper.

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

Mr. ESTEY: Mr. Speaker, Ladies and Gentlemen of the House: I wasn't going to become involved with this issue, but the more I have heard of it, I'm inclined to think that we already have trouble with our two deep water ports. It seems to me that I recall the Department of Economic Development, the Maine Port Authority, have men who are out soliciting deep water port business for the State of Maine. I'm not sure I was originally in favor of developing new facilities in our state to expand our economy, but I am aware that we are already having trouble getting business enough for two existing ports, and I'm not so sure that I'll have to concur with the gentleman from

Albion, Mr. Cooper, in voting to indefinitely postpone this bill.

The SPEAKER: Is the House ready for the question?

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

Mr. KNIGHT: Mr. Speaker, Once again I say that any plan of any coastal community will be gone over with a fine toothed comb by the MIBA authority and only that authority can advance the money and approve the plan. The Rockland Chamber of Commerce if this plan is approved, will build its plan through private capital and it will be run as taxable private enterprise. Private enterprise is a far cry from the Maine Port Authority.

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

Mr. LITTLEFIELD: Mr. Speaker, it is my understanding that the MIBA money is your money and my money and I have some concern about how it shall be spent. I hope the motion of Mr. Cooper prevails.

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

Mr. COOPER: Just one more word. Some twenty or more years ago, I think the State of Maine had something to do with building a pier down to Portland. It didn't prove to be very successful, it wasn't particularly a failure but it wasn't very successful, and I don't think that the taxpayers of the State of Maine, the voters of the State of Maine want the MIBA to enter into any program guaranteeing to some project the payment of bonds. When a project is feasible, private capital will do it, and I would consider that the brains of private capital—financial brains of private enterprise, has a little more judgment than perhaps the members of the commission. I hope my motion prevails.

The SPEAKER: Is the House ready for the question?

Before the Chair puts the question, the Chair would like to recognize the presence in the gallery of two groups of students. There is a group of twenty-six high school

students from the Town of Harmony, accompanied by their principal, Robert Brown.

There's also in the balcony, North and East Orrington Schools, fifty-five eighth grade students. They are accompanied by their Principal, Lawrence Bernard, their teachers, Mr. Wesley Shorey and Mr. William Welch, also parents, Mrs. Charles King, Mrs. Marvin Alley, Mrs. Carol Dyer, and Mrs. Herbert Robbins. Also the group from Orrington is accompanied by their representative from Orrington, Mrs. Baker.

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

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

The Chair recognizes the gentleman from Woolwich, Mr. Schulten.

Mr. SCHULTEN: Mr. Speaker, if I'm not too late, I would like to arise to speak very briefly in favor of this bill.

I am in favor of this bill because I think it will work to the advantage, to the credit of the state as a whole. I do not feel that there is anything here that will jeopardize the security either of the MIBA funds or the financial structure of the state. I spoke in favor of this bill at the public hearing because I felt that the development of our ports offered a future to this state that not many other states in this country have even an opportunity to secure. And I feel that in this day and age, when we are confronted with rising costs, rising cost of freight rates, railroad freight rates and certainly rising costs in the trucking industry, and I think everyone is aware of what is happening there, that any method, any legitimate avenue to protect ourselves and our industries for their future good, for the future of the state, certainly deserves our fullest consideration.

Now as I understand this bill, this is permissive. This will allow

people to make application to the MIBA for loans. It is not mandatory that these loans be given or that they be guaranteed merely because of application. This is only to allow legitimate businesses to approach and ask for—to make application.

Now certainly I know that in my own case, down on the Kennebec River, I had the pleasure of being a president of the local Chamber of Commerce, and I do think in spite of the many things you read to the contrary, that Chambers of Commerces by and large are for the good of the communities that they represent; and I know that in our particular area, we were very proud of that. We felt that it was a community venture and we had seven towns in our local chamber. We also have a deep water port that would be available, and certainly we know that much interest was generated when it was found that grain could be shipped by barge from the midwest direct into the Kennebec River. That matter has not died, it's a matter of many difficulties, a matter of many imponderables and a matter of many factors, that have to be resolved; but certainly Maine, Maine industries, Maine people are going to benefit by the fact that we are in a position to receive materials, grain, raw materials of any sort through the shipment by water transportation. Because of that I feel that we in this legislature should not miss any opportunity which will promote the growth of the State of Maine. That is one of the major reasons why I'm here, to make sure that we promote growth in Maine, and certainly this is one avenue, even though it might not be the most dynamic one, certainly this is one avenue that will renown to our credit and I certainly hope that when the vote is taken, we do not vote to indefinitely postpone.

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

Mr. TYNDALE: Mr. Speaker, I heartily concur with the statements of Mr. Schulten from an industrial viewpoint. If you do not pass this bill, you're hamstringing the MIBA

in its work of endeavoring to enlarge our economical opportunities. This body is an enormous body, a body of good thinking businessmen and attorneys and I certainly think that they will use their good thinking before they allow a loan, and I trust that the motion of my good friend, Mr. Cooper from Albion does not prevail.

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

Mrs. HENDRICKS: Mr. Speaker and Members of the House: I, too, am in favor of this bill. I think it's only fair that we give the people from Rockland an opportunity to present their plans before MIBA.

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

Mr. KIMBALL: Mr. Speaker, Ladies and Gentlemen of the House: The reason I suggested recommitting to the IRD Committee was that I do not in any sense want to become an obstructionist. This bill has many good points, there are some that I am a little dubious about. That's the reason I was hoping those could be cleaned out, but I would like to rise in opposition to the indefinite postponement at this time, and would so record myself.

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

Mr. JONES: Mr. Speaker and Members of the House: I dislike to take issue with a good colleague, Brother Schulten and Brother Tyndale, and however it seems to me as though if this project at Rockland was such a good project, where Brother Schulten is a member of the bank down there, I believe, a director, that if this project was a very good project, that a bank would certainly like to take advantage of their opportunities to help out.

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

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to the motion to indefinitely postpone, and in support of this particular bill. I represent the town of Eliot, which



borders on the Piscataqua River between the State of Maine and the State of New Hampshire. Now the State of New Hampshire has a port authority and its side of the river is filled up with industrial development, mostly oil terminals, wharves, piers, cable plants, and things in that category, coal docks. Now the future development of the Piscataqua River on the Maine side is going to be in the Town of Eliot because it has the largest undeveloped waterfront potential in the immediate shipping area. Now it won't be too many years before we are going to get some terminals coming into the Town of Eliot on the Maine side of the river, and this particular bill is going to help induce these businesses to come into this area, because if you build an industrial proposition on a waterfront and you can't build piers and terminals to go along in front of that waterfront, you've only got yourself half a project. For that reason, I hope the motion does not prevail.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Albion, Mr. Cooper, that Bill "An Act Including Piers and Terminals in Maine Industrial Building Authority Act," Senate Paper 418, Legislative Document 1357, be indefinitely postponed. 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.

Twenty-six having voted in the affirmative and eighty-eight having voted in the negative, the motion to indefinitely postpone did not prevail.

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

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

JOINT ORDER Recalling from Legislative Files H. P. 354, L. D. 506, Bill "An Act Permitting Counties to Expend Money for Advisory Organizations." (S. P. 545) In Senate Read and Passed.

Tabled — May 9, by Mr. Plante of Old Orchard Beach for later in the day.

Pending — Passage.

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

Mr. PLANTE: Mr. Speaker, Ladies and Gentlemen of the House: I move that this order and all accompanying papers be indefinitely postponed.

The SPEAKER: The question before the House is the motion of the gentleman from Old Orchard Beach, Mr. Plante, that the Order and all accompanying papers be indefinitely postponed. Is this the pleasure of the House?

(Cries of "No")

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

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

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

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 9, by Mr. Letourneau of Sanford, for later in the day.

Pending — Acceptance of Report.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Wade.

Mr. WADE: Mr. Speaker, Ladies and Gentlemen of the House: If I am in order, I move the Committee "Ought to pass" Report be accepted.

Thereupon, the Committee "Ought to pass" Report was accepted, the New Draft read twice

and assigned for third reading tomorrow.

The SPEAKER: The Chair understands that the gentleman from Pittsfield, Mr. Baxter, now moves that the House recess until 1:30 this afternoon. Is this the pleasure of the House?

The motion prevailed.

**After Recess**  
**1:30 P.M.**

The House was called to order by the Speaker.

The SPEAKER: Will the conferees to the rear of the House disperse please in order that we may carry on the business of the State? (Applause)

The SPEAKER: The Chair recognizes the presence in the Hall of the House of a former Speaker of the House, and the Chair will request that the Sergeant-at-Arms escort the gentleman, now Senator Bates from Penobscot, to the Well of the House to join the Speaker on the rostrum.

Thereupon, Hon. Senator Roswell P. Bates was escorted to the rostrum by the Sergeant-at-Arms amid applause of the House, the members rising.

The SPEAKER: Incidentally, Senator Bates was one of the conferees. (laughter)

On behalf of the House, the Chair wishes to thank the Aroostook delegation and on behalf of some of the staff of the Legislature, for the presentation of the potatoes that was made this morning to the members and the staff. Maine potatoes of course are known throughout the world, and are a fine example of the ability of Maine people to produce a superior product in all endeavors. (Applause)

(Off Record Remarks)

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

HOUSE REPORT—Ought Not to Pass—Committee on Appropriations and Financial Affairs on Bill "An Act Repealing Appropriation for Tuberculosis Hospital Building

at Community General Hospital in Fort Fairfield." (H. P. 788) (L. D. 1266)

Tabled—May 3, by Mr. Bragdon of Perham.

Pending—Motion of Mr. Chapman of Norway to Substitute the Bill for ONTP Report.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I rise in opposition to the pending motion, the motion of the gentleman from Norway, Mr. Chapman, to substitute this bill for the unanimous "Ought not to pass" Report of the Appropriations Committee.

This Bill proposes to repudiate an action taken by the 99th Legislature and which action was subsequently approved by the people in referendum when they voted to approve a \$3,950,000 Capital Construction bond issue submitted to them by that Legislature.

Perhaps it would be well to give at this time a little background relative to this hospital wing as considered by the 99th.

There was originally set up in Governor Clauson's Capital Construction recommendations a provision for this wing. Or perhaps I should say a TB wing in Aroostook County. Presumably this had the blessing of Dr. Fisher and the Health and Welfare Department.

The 99th Legislature after lengthy and careful consideration approved a construction package which contained this building. Some of you will recall that part of this package was out of surplus and part was provided for by the passage of the bond issue to which I have just referred. The hospital wing was provided for in the bond issue.

Also after lengthy consideration it was decided by that Legislature that this wing was to be built as an addition to the Community General Hospital in Fort Fairfield.

For various reasons, construction on this building has not been started. One of the reasons given being that the hospital was not properly accredited. I understand that this has now been accomplished and to some considerable

expense to the hospital. Hill-Burton funds to the amount of \$100,000 have been approved. Land for the site has been obtained, at the expense again of the hospital at Fort Fairfield.

All along the way the people of Fort Fairfield have proceeded to carry out their part of this construction, certainly feeling that the State would carry through on their obligation. Briefly, this is the background.

Now I think I can safely state that your committee in arriving at their decision — unanimous "Ought not to pass," simply accepted the fact that the State through the action of the 99th Legislature and the referendum approval by the people had a definite moral, and probably legal, obligation to the Community General Hospital and to the people of Fort Fairfield, and that your Committee wished to have no part in breaking such an obligation.

I personally feel that this is a much more binding obligation on the State of Maine than the obligation they have made for meeting their share of the construction aid pledged to cities and school administrative districts under the Sinclair Law. At least in this case under discussion, the money has been provided. In the matter of school construction aid, the money must be voted at each session of the Legislature as the payments come due. I wish you would think seriously on this. What will be the effect on school construction aid under this Sinclair Law if we should do other than honor the obligation made in this matter?

Your Appropriations Committee has made their decision and it is a unanimous decision ought not to pass. It is now up to you to make yours. I hope you will go along with the unanimous report ought not to pass of your appropriations Committee at this time.

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

Mr. WILLIAMS: Mr. Speaker and Members: I would also rise in opposition to this amendment. This went through the Legislature, as many of you will remember, as a part of a package plan which in-

cluded many other things, Maine Maritime Academy, the Park Commission, the University of Maine, the Aeronautics Commission and others. It was put to referendum of the voters of the State of Maine. It was approved at a special election of October 12, 1959, the vote being 39,376 in favor of; against, 11,660, approximately a little better than three to one.

Now the federal funds are available, all set up in the amount of \$110,000. This act was proposed in good faith. The people of Aroostook County accepted it in good faith. They have spent a considerable sum of money and much labor to implement their part. This 100th Legislature is now being asked to break the faith of the 99th Legislature with the people statewide who supported the referendum, and the Aroostook people who have worked so hard to make it a success. I hope this does not pass.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Stewart.

Mr. STEWART: Mr. Speaker, Ladies and Gentlemen of the House: My good friend, the gentleman from Norway, Mr. Chapman, spoke at length on this bill last week. He proposed to ask you to substitute the bill for the report, so that he may offer House Amendment "A," which is filing H-252. I am opposed to the substitution of the bill for the report and I am further opposed to the amendment which the gentleman proposes and I would like to state, as briefly as I can, the reasons for my opposition.

Now it is true, as the gentleman from Norway has indicated, that the Trustees of the Community General Hospital of Fort Fairfield have retained legislative counsel, who also happens to be legal counsel. This attorney has reviewed the proposal found in legislative document 1266, and he believes that it is unconstitutional for a number of reasons, the first reason being that the deletion of this project from the Act authorizing the issuance of bonds, which by the way, have all been sold, would be an impairment of the contract. Now this contract is between the people of the State of Maine, the electors,

and the persons who purchased these bonds.

Secondly, that this document as presented to the Legislature would impair the contractual obligation existing between the State of Maine and its electors because they approved this bond, now they should carry it out. House Amendment "A," attempting to clarify the situation existing between the State and its electors, does not do so, and about this I will say more.

Third, the Act is unconstitutional because it impairs the obligations of third parties who have contracted with the State relying upon this Act, and this Act provides no method of payment for third parties. The third parties I mention include the architect, who has a contract to design, supervise and construct this tuberculosis building at six per cent of the bid price. Now at the present time the state has already paid the architect \$7,867.72; there is remaining to be paid the architect \$23,632.28. The total architect cost is \$31,500.

The Community General Hospital at Fort Fairfield, has expended \$16,500 for land to give to the State of Maine so that the hospital could be erected. They have also spent some \$35,000, more or less, to accredit the hospital, in line with the advice of the Department of Health and Welfare. All this was done on the basis of the original Act authorizing the hospital to be constructed. The gentleman from Norway said last week that the hospital should be reimbursed for its expenses. He has, however, not seen fit to attach to this Act repealing the appropriation any provision for reimbursing the hospital or the Town for the expenses I have just described. Now I might ask when anyone would see fit to appropriate the monies that would be necessary to pay the architect for his work which at this time is more than half completed; and he, likewise, has a contract with the State of Maine. This contract must be honored.

Fourth, and lastly, this Act proposes to repeal the appropriation for the hospital and drop the money raised through the bond issue into the general fund. This

violates the contract with the bondholders as well, for, at best, if you want to concede that the Legislature may repeal this appropriation, it must hold the bond proceeds in trust for the bondholders until all these bonds have been paid off.

The general legal rule is that when bonds are authorized by popular vote for a particular purpose, the proceeds thereof constitute a trust fund which cannot be deferred from such purpose and applied to some other use. Now just as a case in point or a hypothetical case, imagine that any of you in your home town applied for a bond issue, sell bonds to the people, and we'll say this is to build a school or some other needy project. After the bond has been floated, sold to the general public, then the townspeople in the town use the money and rather than build a school they build a bridge or a road. They have used it for a purpose that was not designated when the bonds were sold, and a purpose for which was never designed for this money.

Now the gentleman from Norway last week stated that the representatives of the Community General Hospital cited court decisions to the Appropriations Committee that were opposed to the proposal found in L. D. 1266, and stated that counsel had admitted that he was unable to find any State transactions, that the cases were only with municipal transactions. I would like to quote the statement of counsel made to the Appropriations Committee, so that you will have it in full, and I quote:

"It is true that in none of the cases cited have we been involved with state bonds as such, but we do not discern any difference between a municipality or a quasi-municipal corporation, such as a school district or a bridge district, which is no more than an arm of the state, issuing its bonds subject to the approval of the electors within its confines, and the state, the parent of them all, issuing its bonds subject to the approval of all its electors. If there be any distinction, it would

appear that the state should set a better example for its subdivisions than it proposes to do by Legislative Document 1266."

As we have seen above, there were four constitutional problems. The amendment which the gentleman from Norway has introduced, at most can solve but one problem, and then it is doubtful if it will solve that. The referendum is to come before the people at the next general or statewide election. There is no special election that I know of that appears in any of the bills before us at the present time, and it is a well known fact that the next general election will be in the fall of 1962. Under present plans, the hospital at Fort Fairfield will be fully designed, constructed, and available for occupancy on June 1, 1962; so if this document should pass and you should adopt House Amendment "A," you will be sending this bill to the people who, if they approve, will be repealing an appropriation that no longer exists simply because, on the date that they are voting, the money will all have been spent for the purpose of constructing the hospital.

I have reviewed the memorandum filed by counsel for the hospital with the Appropriations Committee and I am definitely in agreement with him. This proposal impairs the obligation of contract, which is prohibited by both our State Constitution and the Constitution of the United States.

The Appropriations Committee heard the pros and cons on this bill and unanimously agreed it ought not to pass. I suggest we stick by our Committee's report and we stick by our obligations. Let us not be charged with breach of faith.

I move at this time that this bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The question now before the House is the motion of the gentleman from Presque Isle, Mr. Stewart, that the Report and Bill be indefinitely postponed.

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

Mr. CHAPMAN: Mr. Speaker, do I understand that the motion to

indefinitely postpone prohibits any presentation from here until that vote is taken?

The SPEAKER: The gentleman may debate the motion, and if that motion does not prevail, then your motion will be in order.

Mr. CHAPMAN: I have no business debating with the legal talent, particularly from Aroostook County, but I hope the House will not vote to indefinitely postpone this matter until some other figures have been presented. Thank you.

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

Mr. BERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I, too, rise in opposition to this bill. First off, I would say that I am in sympathy with the overall objective of my keen friend from Norway, Mr. Chapman. All of us would like to save the state money, but I don't think we would like to save the state money at the risk of its good name.

Secondly, I would suggest that we in the 100th Legislature should take this legislation which we inherited from the 99th with good grace. I am not entirely sure that I would have gone along with passing into law a bill which provided, among other things, the spending of several hundred thousand dollars for these state facilities. Now we people from Aroostook do like to stand together, but we first and foremost like to stand for the paramount interests of this State.

I would submit to this House that there are intricate and complex problems involved in this House attempting to pass this type of legislation which my good friend from Norway suggests in his bill. For as Mr. Stewart has told you in the bedrock of the Federal Constitution is the granite-like prohibition against any state passing any legislation impairing the obligation of contracts. Now a bonding issue is a contract, it is a contract between the state and the bonding companies and the bondholders and as I understand it, it is the Fort Fairfield appropriation that is part of this bond issue that was passed by the 99th Legislature. Therefore, I do suggest to this House that if you try to pass out Mr. Chap-

man's well-intentioned, but very dangerous bill, you will be doing two things: First, you will be saying that the State of Maine is going back on its trade with the bonding companies. Second, you are very apt to put the State of Maine in an unpleasant lawsuit which will not serve the State's interests with the outside world.

The greatest living Judge in these United States is one who was appointed more than a half century ago by President Taft. He served most honorably both in the District Court and in the Court of Appeals. Looking back over such a lifetime, Judge Learned Hand said, "If I were a litigant, I would fear nothing so much as a lawsuit." It was a good admonition when he said it and I suggest it is a good admonition now.

I trust this bill will not prevail and I hope that the motion of the gentleman from Presque Isle, Mr. Stewart, does prevail.

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

Mr. CHAPMAN: Mr. Speaker, Ladies and Gentlemen of the House: Any of you who have a copy of this, I wish you would refer to that part of the bill which is deleted starting directly under the figures \$533,400. It goes on to say, to serve the needs of the people of Maine for the care and treatment of persons affected with tuberculosis. Now this point is to me very specific and assuming that we proceed with the construction, what may we do with the building afterwards in view of this particular specific wording?

I would like some explanation from some of the legal talent explaining what could be done relative to that particular item in the bill, that is the original bill which authorized this expenditure.

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

The Chair recognizes the gentleman from Presque Isle, Mr. Stewart.

Mr. STEWART: Mr. Speaker, I would answer that in this way,

Mr. Chapman. As I understand it at the present time, this hospital or this wing on the Fort Fairfield General Hospital would be used for the care of tuberculosis patients. However, should there come a time in the future when this wing would not be of use to the State of Maine for the care of such patients, the Town of Fort Fairfield is willing, able and ready to purchase from the State at fair market value this wing on their general hospital.

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

Mr. HOPKINSON: Mr. Speaker, Ladies and Gentlemen of the House: I wish to go on record as opposed to the bill of my good friend, Mr. Chapman, and while the ground has been pretty well covered I would like to say that after the bill to construct this hospital was ratified by the people in referendum on October 12, 1959, Dr. Fisher, the Commissioner of the Health and Welfare Department, advised the hospital at Fort Fairfield that they must become accredited; which was accordingly done and completed with considerable expense to our town in the way of expanded facilities and new departments which would better serve the tuberculosis wing.

At a later date Dr. Fisher met with the directors of the hospital and advised us to take up the option on the land on which the building was to be located. The Town of Fort Fairfield purchased this property and deeded the same to the State of Maine. And at that time Dr. Fisher advised the Board of Directors that the project would be started in November of 1960. This was confirmed to the people of Fort Fairfield in a letter to our local editor, and at a later date the architect was engaged, engineers have been on the job making surveys and borings, and as a result of this survey the Department advised the directors of the Hospital that they must purchase further land which was accordingly done.

To repeal this appropriation, which was voted favorably in referendum, would result in a breach

of faith to many of the people in the state and would also affect the constitutional rights of many third party contractors and establish a precedent that might be harmful to future Legislatures' acts of this state.

I would in answer to Mr. Chapman's question, the gentleman from Norway, I would like to read a letter that I have from Dr. Fisher from the Health and Welfare Department, which was addressed to me and I quote:

"The proposed tuberculosis sanatorium construction in Fort Fairfield in conjunction with the Community Hospital is justified by several considerations:

(1) Operating in so far as possible as a part of the general hospital and thus sharing many basic costs as well as minimizing the capital investment, one can expect that the patient day costs of caring for the tuberculosis patients will probably not differ greatly from the costs of caring for the same patients at the Central Maine Sanatorium.

(2) Obviously, there are tuberculosis patients from Aroostook County needing care, and probably institutional care will be more readily accepted if a facility is locally available.

(3) The community of Fort Fairfield has agreed to purchase the facility for a fair price from the State when it is no longer needed for tuberculosis purposes.

(4) The building is being designed to provide for clinic and out-patient services which will be useful to State services other than tuberculosis.

(5) The building is also being designed for an ultimate long range use for general rehabilitative, and long term care. Facilities for this type of care are probably the greatest current medical need in northern Maine, and the Fort Fairfield construction can be expected to act as a stimulus for other such construction.

(6) Commitments have already been made by the State, the Town of Fort Fairfield, and the Fort Fairfield Hospital to the extent that any change of plans at this

time would be difficult, and involve serious financial losses."

These remarks were given to you in other letters, or other statements.

"(7) Purposes of economy can be served if the present sanatorium at Presque Isle is closed July 1, 1961 with the temporary transfer of patients to the Central Maine Sanatorium pending completion of the Fort Fairfield construction.

(8) The construction has been authorized by previous legislative action, and by referendum." Signed: Dean Fisher, M. D. Commissioner of Health and Welfare.

I have one other letter from O. B. Labbe, M. D. President of the Aroostook Health and Anti-Tuberculosis Association in Aroostook, and it is addressed to me, and I quote: "Please be advised that the Aroostook County Health and Anti-Tuberculosis Association has gone on record as favoring the construction of an Anti-Tuberculosis Sanatorium in the County of Aroostook." Signed: O. B. Labbe, M. D., President Aroostook Health & Anti-Tuberculosis Association. Thank you.

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

Mrs. HARRINGTON: Mr. Speaker and Members of the House: I do not live in Aroostook County, but awful near, and I am very anxious that this project will be continued as voted by the 99th Legislature. I sincerely fear that we are going to create a health hazard in the northern part of the state if we don't provide some facilities for tuberculosis treatment in the northern part of the state.

I am afraid that especially children, if you take them to Fairfield and especially the children on the St. John River that come from French-speaking families, and you take them down to Fairfield, I am afraid they are going to be very lonely and will not go.

When I was on the Health Committee in my first term in 1957, I visited the Northern Maine Sanatorium and I found there patients from Millinocket, East Millinocket, Medway, and we have had several from my home town; these are

all Penobscot County towns, and it is not only going to serve the Aroostook County people but also the northern part of Penobscot County.

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

Mr. BRAGDON: Mr. Speaker, I rise to request a division.

The SPEAKER: A division has been requested.

The Chair recognizes the gentleman from Easton, Mr. Perry.

Mr. PERRY: Mr. Speaker and Members of the House: I hope you will all go along with the motion of the gentleman from Presque Isle, Mr. Stewart.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Presque Isle, Mr. Stewart, that the Report and Bill "An Act Repealing Appropriation for Tuberculosis Hospital Building at Community General Hospital in Fort Fairfield," House Paper 788, L. D. 1266 be indefinitely postponed. A division has been requested. All those in favor of the indefinite postponement please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

Ninety-nine having voted in the affirmative and fourteen having voted in the negative, the motion did prevail. Sent up for concurrence.

The SPEAKER: At this time, the Chair would request the Sergeant-at-Arms to escort the gentleman from Jay, Mr. Maxwell, to the rostrum to serve as Speaker pro tem.

Thereupon, Mr. Maxwell of Jay assumed the Chair as Speaker pro tem and Speaker Good retired from the Hall.

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

HOUSE REPORT—Ought Not to Pass—Covered by Other Legislation—Committee on Judiciary on Bill "An Act relating to Transportation of School Children to Pri-

vate Schools." (H. P. 114) (L. D. 154)

Tabled—May 3, by Mr. Lane of Waterville.

Pending—Acceptance of Report.

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

Mr. LANE: Mr. Speaker and Members of the House: In keeping faith with what I promised to do, the House has acted on the other bill and I think both sides are glad it is all over, and I move to accept the Committee Report.

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

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

HOUSE REPORT—Ought Not to Pass—Committee on Appropriations and Financial Affairs on Resolve, Appropriating Funds for Publication of Civil War History in Maine. (H. P. 569) (L. D. 819)

Tabled—May 4, by Mr. Dennison of East Machias.

Pending—Acceptance of Report.

The SPEAKER pro tem: The Chair recognizes the gentleman from East Machias, Mr. Dennison.

Mr. DENNISON: Mr. Speaker, I move we substitute the bill for the report, and I will submit House Amendment "A" which is on our desks. This original bill 819, there was a figure in it that was wrong. This bill where there were 200 copies asked for, the intent was 2,000 copies and the price was \$6,000. Now this amendment is for 400 copies and the amount stated is \$2,000, and the idea is that this 400 copies would be supplied to the libraries and the bookmobiles with the thought that that number would be sufficient.

Now during the two years that we have done work on this Civil War Commission, the Committee had decided to publish this book. Now in these towns or cities some person can pick out what they consider to be a real hero in the Civil War. It doesn't have to be a General or a Major, it can be even a Private soldier, but someone with a marked distinction. Now during the time that we have been on this, we have received thirty-eight



or forty photographs of Civil War monuments in cities and towns all over the state, and in addition to these stories that we intend to publish in this book, as many as possible of these photographs will be illustrated and in this little booklet, and it won't be very little, it will be about 250 pages.

Now during the time that Governor Baxter was Governor of Maine, that was in 1924, he was always preserving old and different things and different histories of the State of Maine. He had published a book "Maine Forts." Now this book if you have read it or have noticed it in any way, it is a wonderful book, and in one thing he did, he had purchased from the government of the United States nine of these forts, and they now belong to the State of Maine. Now they are in such a position that they can be improved at any time, but they can't be gotten rid of to private institutions or private people.

Now in these stories they will be looked over wholly by Professor York of the University of Maine, and anyone that knows of Professor York, knows that he is a wonderful historian, and any story that you submit to any member of the Committee will be turned over to Professor York, and if it is in his discretion that these are worthwhile publications to be put in this—let's say it is a new kind of a history, he will see that they are, and he will go all over those stories. So the idea is that this \$2,000 will purchase 400 of these books, and they will be unique, and they will be something like the book of Old Forts, something always to remember.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from East Machias, Mr. Dennison, that the Resolve be substituted for the "Ought not to pass" Committee Report.

The Chair recognizes the gentleman from Falmouth, Mrs. Smith.

Mrs. SMITH: Mr. Speaker and Members of the House: It too was the feeling of the Appropriations Committee that this was a very

worthy project. In fact, nearly all of the projects that we have are worthy projects. However, we just simply don't have money enough to do all the projects. We had several of this type of thing in this time. Money being what it is, the many other things that we have before us, we did not feel in our own good judgment that we should get into this area of printing these picture books. We have more than this one before us, and so in our good judgment we believed that we did not have the money for this type of publication at this time, not because it is not a worthy project, not because we might not like to have it, but just because we didn't feel that we could afford it.

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

Mr. KENNEDY: Mr. Speaker and Members of the House: I rise in support of the motion of the gentleman from East Machias, Mr. Dennison, to substitute the Resolve for the Report. Of course I do this knowing that he will present an amendment which I hope may be adopted by the House. I feel that this is a worthy project. This committee has been working very diligently on the program. We are celebrating, as we know, the 103th Anniversary of the Civil War. I don't think we should celebrate the war, but we do celebrate its termination and the wonderful results therefrom.

I feel in supporting this motion, that this is going to be a valuable piece of material for the citizens of the State of Maine and for our posterity. We have many histories of the Civil War but I don't think that we have a complete one of Maine's participation therein. I hope that you will support the motion of the gentleman from East Machias, Mr. Dennison, that we may have this valuable material.

This will be, ladies and gentlemen, as you know, placed on the Appropriations Table and will take its chances with the other money bills as they approach the closing days of this session. I hope

you feel as I do that this is a worthy Resolve.

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

Mr. MADDUX: Mr. Speaker and Members of the House: The National Civil War Centennial Commission is not fostering a celebration, it is a commemoration, and as part of that commemoration, Mr. Dennison, the gentleman from Machias, has proposed the ordering, writing and publishing of this history which will gather valuable facts pertaining to Maine's contribution to the Civil War effort. It is an appropriate part of this commemoration, and I hope that the motion of the gentleman from East Machias, Mr. Dennison, prevails.

The SPEAKER pro tem: Is the House ready for the question? The question before the House is the motion of the gentleman from East Machias, Mr. Dennison, that Resolve, Appropriating Funds for Publication of Civil War History in Maine," House Paper 569, Legislative Document 819, be substituted for the "Ought not to pass" Report. All those in favor of substituting the Resolve for the Report, please say aye; those opposed, no.

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

Thereupon, the Resolve was given its first reading.

Mr. Dennison of East Machias offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 569, L. D. 819, Resolve, Appropriating Funds for Publication of Civil War History in Maine.

Amend said Resolve in the 2nd line by striking out the figure "\$6,000" and inserting in place thereof the figure '\$2,000'; and by adding after the words "publication of" in the 3rd line the words '400 copies of'

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

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

HOUSE REPORT—Ought Not to Pass—Committee on Public Utilities on Bill "An Act relating to Maintenance and Use of Landings on Islands of Casco Bay." (H. P. 621) (L. D. 838)

Tabled—May 4, by Mr. Estey of Portland.

Pending—Acceptance of Report.

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

Mr. ESTEY: Mr. Speaker, Ladies and Gentlemen of the House: This bill was introduced in behalf of the citizens of the islands of Casco Bay who live under the jurisdiction of the City of Portland, namely, Peaks Island, Great Diamond Island, Little Diamond and Long Island. It was introduced because there were two other pieces of legislation before this Legislature, one of which would have given monopolistic powers to the Casco Bay Lines, exclusive rights for transportation, and the other which would have authorized the use of state money to subsidize that operation. Both of those pieces of legislation have now failed to pass, and I will now move the acceptance of the Committee "Ought not to pass" Report.

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

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

Bill "An Act Revising the Laws Relating to Auctioneers." (H. P. 1147) (L. D. 1579) In House Read the Third Time.

Tabled—May 4, by Mr. Waterman of Auburn.

Pending—Passage to be Engrossed.

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

Mr. WATERMAN: Mr. Speaker, the questions I had regarding this item have been cleared up and I now move we pass this bill to be engrossed.

The SPEAKER pro tem: The Chair recognizes the gentleman

from Fairfield, Mr. Brown. For what purpose does the gentleman arise?

Mr. BROWN: To ask a question of the committee.

The SPEAKER pro tem: The gentleman may state his question.

Mr. BROWN: Does this bill in any way affect auctions carried on by certain clubs, such as Kiwanis, Rotary and so forth?

The SPEAKER pro tem: The gentleman from Fairfield, Mr. Brown, has asked a question through the Chair of anyone who may care to answer.

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

Mr. MORRILL: Mr. Speaker, this bill in no way affects auctions of that type of charitable organization. They are not connected with it.

The SPEAKER pro tem: Does the gentleman consider his question answered?

Mr. BROWN: Yes.

Thereupon, the Bill was passed to be engrossed and sent to the Senate.

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

SENATE REPORT — Ought to Pass—Committee on Appropriations and Financial Affairs on Bill "An Act to Reactivate a Maine Committee on Problems of the Mentally Retarded." (S. P. 77) (L. D. 177)—In Senate Passed to be Engrossed.

Tabled—May 5, by Mr. Plante of Old Orchard Beach.

Pending—Acceptance of Report.

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

Mr. PLANTE: Mr. Speaker and Members of the House: I have found a technical error pertaining to this bill. However, I shall now move we accept the Committee Report, and tomorrow to remedy that error, I shall propose an amendment. It will in no way alter the bill.

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

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

HOUSE DIVIDED REPORT — Majority Ought Not to Pass — Minority Ought to Pass—Committee on Legal Affairs on Bill "An Act Providing for Registration of Sanitarians." (H. P. 975) (L. D. 1342)

Tabled—May 5, by Mrs. Smith of Falmouth.

Pending—Acceptance of Either Report.

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

Mrs. SMITH: Mr. Speaker and Members of the House: Thank you for your kind permission to allow me to table this bill until I could decide what my position would be on this.

Since it is late in the session and it is only fair for one member to take only his or her share of potential debate time, and in line with this thought, I feel compelled to confine my attention to more important issues of a state wide nature; and incidentally, the danger I feel to the public interest, such as the unlimited recreational and industrial promotion bills previously considered by this House, and on which I have taken the opportunity to express my views and real concern and fears. There are other well-intentioned but dangerous legislative proposals still pending which unwittingly perhaps, contain the seeds of catastrophe in them, and to which I feel, at least attention must be focused any of my remaining time you may feel I have fairly allotted to me in these last days of this session.

This bill was one that had merit, and it went through the rather unusual and intricate process of two rather distinct committee considerations and reports — one definitely "yes," with a unanimous report; and one with a majority "Ought not to pass" and a minority "Ought to pass." In the light of this committee history, it's a bit like the old adage of "you pay your money and take your choice."

However, the original bill dealt with a subject matter, despite the

obscurity and address of its title—that deserves more serious attention than the whimsy suggested above might indicate; nevertheless, in the light of what I have said above, I do not believe it appropriate to engage in debate of the issues raised by this bill at the present time. I will leave this pleasant duty for today to the members of the committee who heard the bill and who represent the two contending — present viewpoints on the merit of its passage.

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

Mrs. KNAPP: Mr. Speaker and Members of the House: Being a member of the minority party that signed this "Ought to pass," I feel I should give a little explanation.

Being the Local Health Officer in my town for fifteen years, I see the need of more supervision in this phase of our living. Our health is the greatest human asset we possess.

My duties as Health Officer do not include supervision of food. You see in some grocery and other stores, many items including candy, cookies, and so forth, which are not properly covered.

There is a great need in many restaurants for more rigid inspection. What do the fly by night inspectors know about food poisoning, those who are inspecting during the summer months just to help defray their expenses?

This is a self-supporting organization. The better restaurants welcome this extra inspection which this bill affords.

I move that you accept the Minority "Ought to pass" Report.

The SPEAKER pro tem: The question now before the House is the motion of the gentlewoman from Yarmouth, Mrs. Knapp, that the House accept the Minority "Ought to pass" Report.

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

Mrs. SPROUL: Mr. Speaker, Ladies and Gentlemen of the House: I would much rather keep still then endeavor to debate this bill with the gentlewoman from Falmouth, but it was our feeling on the committee, at least a ma-

jority, that this created another board, which we could for the time being do without. The larger states might need it, perhaps. Also, the requirements of the sanitarians are very high, it would require a college degree, and several years practical experience besides. The Department of Health and Welfare is now inspecting restaurants and the school lunch program. The hospitals are inspected by local doctors. Now we feel for the time being, this is something that we could get along without. And that is the position of the majority report.

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

Mrs. KNAPP: Mr. Speaker and Members of the House: I fully realize that the Health Department is doing some inspections, I worked in a drug store where one of these inspectors came in, we had no hot water running at the soda fountain, we had no toilet facilities for the ladies. When he made out his report, he made out the report for this pharmacy, okay. I followed that report here to Augusta with Dr. Campbell, told him that I would like to see it. He showed it to me, and I said, "I was there, and I would not sign that report and one of the clerks did, Dr. Campbell. If that's who you are sending around inspecting, we need to uplift it a little."

The SPEAKER pro tem: The question before the House is the motion of the gentlewoman from Yarmouth, Mrs. Knapp, that the House accept the Minority "Ought to pass" Report.

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

Mr. BROWN: I wish to speak in opposition of this bill. In looking over the number of boards that have been established by previous legislatures, I find that in each case it has been confined to those occupations which are of a private individual enterprise nature. This particular one, as I understand it, applies to employees in government service or employees in municipal service. Now it would seem to me that this would be one step in the chain, the next one would be to establish it under personnel laws so that every sani-

tarian hired by a municipality would be hired through the State Board of Personnel. And I feel that this then would become an infringement on municipalities' right to determine who their health inspectors are to be.

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

Mr. TYNDALE: Mr. Speaker, I also feel like Mrs. Sproul, I do hate to speak on this bill in my high regard for Mrs. Smith, particularly in looking forward to that dinner tonight. Sanitarians and dinner, they just don't run together. But I have been reading this bill, I don't know how many of you ladies and gentlemen have read this bill. It is quite a document, and while I agree with Mrs. Knapp that there should probably be some uplifting of that group of gentlemen, this particular bill, to me, is a little bit going over the line.

As I read the requirements, the first paragraph of this bill, stating that the certificate of registration means a document issued as evidence of registration and qualification to practice, then you turn over and look at the requirements to practice, I'm just wondering where they are going to find these fellows in the State of Maine. You might have to import this type of help, he has to be a graduate with a baccalaureate or an equivalent, acceptable to the examining board, or a higher degree from an accredited college or university. Now I think this is carrying it a little bit too far. I certainly would go along with Mrs. Smith on uplifting it, and I certainly would recommend that perhaps in the next biennium, they could come up with a bill that would be a little bit less harsh as to requirements of this particular occupation, and therefore I certainly would be in opposition to the bill in its present form.

The SPEAKER pro tem: The Chair recognizes the gentleman from Falmouth, Mrs. Smith.

Mrs. SMITH: Mr. Speaker, I am sorry, I had thought that perhaps we shouldn't spend time debating this bill late in the session regard-

less of its merit. I had felt that it would probably come in at another time, and it would be passed. However, in view of what has been said about it, I will be very, very brief. I am not debating the bill, I am not even asking you to pass it, I do think for the record, I should just make a few statements and I beg your indulgence.

The bill has been completely misconstrued of course. I make no apology one way or the other, I only ask you to read the bill. The bill we have heard here that they would come under personnel, now some of them already come under personnel if they happen to they work for the town, well, I work for the State of Maine. If don't know what kind of a system you might have in a town, I doubt if you would have a personnel, you might in a city. But these are all types of inspectors, whether they be for the city or the state. It makes no provision for anyone having to hire them. You don't have to have them be a registered sanitarian to hire them, at all; they simply give them the privilege of setting up an examination whereby they may become registered sanitarians and that if they transfer to another state—for instance, we have people on navy bases that may have done inspection for the Navy for twenty years and if they went to California, they would not be able to until they had served this time in their apprenticeship because we are not recognized. This was written to the national code; however, you will notice that the real provision in the section of which the gentleman from Kennebunk speaks, provides three ways of being registered. Now the real meat of the thing is that once you have had five years' experience, you may take this test. That was the thing that I was very concerned about, that we not prevent the people from allowing to be registered or to become registered unless they had a college degree. However, you must make some provision it seems to me in a bill for a person who has had a college degree. So in so doing, we asked them to affiliate

for two years as a sanitarian in addition to their college degree or to have so many months' work, but the real meat of the thing is that if you were at work five years at the job, you may take the test and if you pass it, you may register. It requires no one to be registered to obtain a job, I would suggest that you merely kill the bill, and not debate it any more, but I did want to just make the record clear as to what it does.

The SPEAKER pro tem: Is the House ready for the question?

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

Mr. BROWN: I merely arose to make a motion that we indefinitely postpone this bill.

The SPEAKER pro tem: The question now before the House is the motion of the gentleman from Fairfield, Mr. Brown, that the Reports and Bill "An Act Providing for Registration of Sanitarians," House Paper 975, Legislative Document 1342, be indefinitely postponed.

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

At this point, Speaker Good returned to the rostrum.

The SPEAKER: The Chair wishes to congratulate the gentleman from Jay, Mr. Maxwell, for the excellence of his performance as Speaker pro tem.

Thereupon, the Sergeant-at-Arms escorted the gentleman from Jay, Mr. Maxwell, to his seat on the Floor, amid the applause of the House, and Speaker Good resumed the Chair.

On the part of the House, the Speaker appointed the following Conferees to the Joint Conference Committee on the disagreeing action of the two branches on Bill "An Act to Clarify the Liquor Laws," Senate Paper 353, Legislative Document 1086:

Messrs. LANE of Waterville  
DOSTIE of Winslow  
COOPER of Albion

The SPEAKER: The House is

proceeding under Orders of the Day.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: There are on the House Appropriations Calendar four matters which were placed there previous to their having been passed to be engrossed. With your permission I would like now to place them before you for your consideration, and as I remove them from the House Appropriations Table, I will make appropriate motions with each one.

Upon request of Mr. Bragdon of Perham, the following Resolves were removed from the House Appropriations Calendar:

Item 4—Resolve, in Favor of Town of Minot, House Paper 58, Legislative Document 99.

Item 29—Resolve, to Reimburse Town of Woodland for Aid Extended to Ronald Tirrell, House Paper 294, Legislative Document 446.

Item 30—Resolve, to Reimburse the Town of New Sweden for Aid Extended Ronald Tirrell, House Paper 295, Legislative Document 447.

Item 40—Resolve, in Favor of Levite Pelletier of St. David, House Paper 463, Legislative Document 663.

Thereupon, on further motion of Mr. Bragdon of Perham, the Resolves were passed to be engrossed and sent to the Senate.

On motion of Mr. Wade of Skowhegan, the House voted to take from the table the fourth tabled and unassigned matter:

HOUSE REPORT—Ought Not to Pass—Committee on Inland Fisheries and Game on Bill "An Act Revising the Law Relating to Licensing and Safety Operation of Boats," (H. P. 984) (L. D. 1371)

Tabled—April 21, by Mr. Wade of Skowhegan.

Pending—Acceptance of Report.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Wade.

Mr. WADE: Mr. Speaker, Ladies and Gentlemen of the House: I would now move that we accept the Committee Report "Ought not to Pass".

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

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

**HOUSE DIVIDED REPORT**—Majority Ought Not to Pass—Minority Ought to Pass—Committee on State Government on Bill "An Act relating to Officers of the Legislature." (H. P. 208) (L. D. 303)

Tabled—April 19, by Mr. Haughn of Bridgton.

Pending—Acceptance of Either Report.

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

Mr. **HAUGHN**: Mr. Speaker, Ladies and Gentlemen of the House: This is going to be probably a great surprise to many, but I now move the indefinite postponement of this bill and the reports of the committee.

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

On motion of Mr. Berry of Cape Elizabeth, the House voted to take from the table the second tabled and unassigned matter:

**SENATE REPORT** — Ought to Pass with Committee Amendment "A" (Filing S-91)—Committee on Legal Affairs on Bill "An Act Regulating Mechanical Rides by Insurance Department." (S. P. 408) (L. D. 1350)—In Senate Passed to be Engrossed.

Tabled—April 20, by Mr. Berry of Cape Elizabeth.

Pending—Acceptance of Report.

Thereupon, on motion of Mr. Berry of Cape Elizabeth, the Committee "Ought to pass" Report was accepted in concurrence and the Bill read twice.

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

**COMMITTEE AMENDMENT "A"** to S. P. 408, L. D. 1350, Bill, "An Act Regulating Mechanical Rides by Insurance Department."

Amend said Bill by adding in Sec. 69-A, line 4, after the word 'vehicle' the word 'or device'.

Further amend said Bill by striking out the figure \$20., in line 2

of Sec. 69-B, subsection I, and inserting in its place thereof the figure '\$15.'

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

On motion of Mr. Baxter of Pittsfield, the House voted to take from the table, the third tabled and unassigned matter:

**JOINT ORDER — ORDERED**, the Senate concurring, that the Legislative Research Committee be directed to study and report to the 101st Legislature on the feasibility of eliminating the residence requirement of applicants for public assistance. (H. P. 1124)

Tabled—April 20, by Mr. Baxter of Pittsfield.

Pending—Passage.

On further motion of Mr. Baxter of Pittsfield, the Joint Order received passage and was sent up for concurrence.

On motion of Mr. Lowery of Brunswick, the House voted to take from the table, the fifth tabled and unassigned matter:

**HOUSE REPORT**—Ought Not to Pass—Committee on Taxation on Bill "An Act Providing for a State Income Tax." (H. P. 1026) (L. D. 1427)

Tabled—April 21, by Mr. Lowery of Brunswick.

Pending—Acceptance of Report.

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

Mr. **LOWERY**: Mr. Speaker, Ladies and Gentlemen of the House: I believe income is the best measure we have of the ability to pay taxes. If we truly believe that a citizen's contribution to his government's expenditures should depend upon his relative economic position, then we must favor a tax which is related as clearly as possible to income and family status.

Furthermore a tax levied on personal income is likely to stay there. All taxes, whether derived from property, sales, gross receipts or some other base, must ultimately be paid from someone's income. Unfortunately, most of the impact of these taxes can be passed forward and added to the price one

must ultimately pay for goods and services. Why shouldn't the tax be levied on income right away and on a basis related to the family's ability to pay?

A tax, such as I have proposed, does not exert an unreasonable levy against the higher income families, nor does it penalize those in the lower brackets. While income is also taxed by the federal government, it is important to remember that the amount paid in income tax to the state can be deducted from income before the computation of the federal tax.

The tax proposed in this bill is not a harsh tax, as you can see if you study it closely. The exemptions proposed in this bill are higher than those allowed under any other state income tax. A family of four, for instance, with a net income of \$5,000 per year would pay only one per cent of \$500, or \$5. Capital gains and losses are not considered as taxable income. There is no surtax so the highest brackets, those over \$10,000, pay only \$300, plus six per cent of the excess over \$10,000. There is no corporation tax. Reciprocal credits with other states are included and withholding payments are provided for.

Submission of a bill of this type, a personal income tax is an attempt, if possible, to broaden the tax base and provide a more progressive tax based upon the ability to pay. I think that we all feel considerable apprehension as to how far the sales tax will go if allowed to increase step by step with each session of the legislature. It is time that we took a real hard look at our sources of revenue. I firmly believe that if we do not face the issue in this session, that we will eventually have to make the choice as the need for new revenue arises in the future. It will have to be a choice of either removing the exemptions from the sales tax, substantially increasing the sales tax, or do as so many other states are doing (nineteen in fact) using a combination sales and personal income tax such as I have suggested.

We will be considering the supplementary budget shortly. If you feel that we can give the neces-

sary services, as expected in this budget, without an increase in taxation, then I would be most happy. I do not like increases in taxation any more than anyone else does, but I do feel that if an increase is deemed necessary then we should consider the personal income tax with its advantages as against the more regressive increase in the sales tax or a series of patchwork taxes which could not bring in the necessary revenue to give the services that the people of Maine are entitled to and which they desire.

I do hope that you will substitute the bill for the report and at least give this bill a chance to go through and be properly debated on both ends of the corridor. Thank you.

The SPEAKER: In reference to item five, which has been taken from the table by the gentleman from Brunswick, Mr. Lowery, the question now before the House is the motion of the gentleman from Brunswick, Mr. Lowery, that the House substitute the Bill for the "Ought not to pass" Report.

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

Mr. HAUGHN: Mr. Speaker, I heard on the floor of this House the other day about sucker money, I am going to include this in this bracket and say that this bill is not healthy, it is not good for the people of the State of Maine. The State of Massachusetts forces us people who work in the State of Massachusetts to pay a nonresident state income tax, and with confusion amongst them and the New England States, I now move for the indefinite postponement of this bill and all its accompanying papers.

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

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

Mr. BAXTER: At the Taxation Committee hearing on this bill, there were three proponents, the sponsor, the lady from Waterville and a professor from Bowdoin College, and there were about the



same number of opponents. There seemed to be very little interest in the bill. The feeling of the Taxation Committee was that Maine's tax structure now is built along the lines which leave the income tax field to the federal government. The state income is basically on a sales tax basis; however the sales tax and the various other taxes such as gas, cigarettes, and so forth, which are essentially sales taxes, and that to the localities and municipalities was left the field of property taxation. To preserve that pattern as it stands at the present time, the committee brought out the unanimous "Ought not to pass" Report. I hope that the motion of the gentleman from Bridgton, Mr. Haughn, prevails, and I would request a division.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Bridgton, Mr. Haughn, that the Report and Bill "An Act Providing for a State Income Tax," House Paper 1026, Legislative Document 1427, be indefinitely postponed, and a division has been requested.

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

A division of the House was had.

One hundred eight having voted in the affirmative and nine having voted in the negative, the motion prevailed.

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

The Chair laid before the House the sixth tabled and unassigned matter:

HOUSE REPORT — Ought to Pass—Committee on Natural Resources on Bill "An Act Classifying Certain Surface Waters in Lincoln County." (H. P. 1015) (L. D. 1416)

Tabled—April 21, by Mrs. Sproul of Bristol.

Pending—Acceptance of Report.

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

Mrs. SPROUL: I now move acceptance of the Committee "Ought

to pass" Report, and I now offer House Amendment "A" and move its adoption.

The SPEAKER: The question before the House is the motion of the gentlewoman from Bristol, Mrs. Sproul, that the House accept the Committee "Ought to pass" Report. Is this the pleasure of the House?

The motion prevailed, and the Bill was read twice.

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

HOUSE AMENDMENT "A" to H. P. 1015, L. D. 1416, Bill "An Act Classifying Certain Surface Waters in Lincoln County."

Amend said Bill by adding at the end before the single quotation mark the following new subsection:

'XVIII. The classifications set forth in subsections XIV to XVII shall become effective on October 1, 1961. A municipality, sewer district, person, firm, corporation, the State or any subdivision thereof, or other legal entity shall not be deemed to be in violation of section 4 at any time or times prior to October 1, 1971 with respect to any of said classifications if by such time or times he or it, with regard to a project designed to achieve compliance with the applicable classification, shall have completed all the steps required to be then completed by the following schedule:

A. Preliminary plans and engineers' estimates shall be completed and submitted to the Water Improvement Commission on or before October 1, 1964.

B. Arrangements for administration and financing shall be completed on or before October 1, 1968. This period, in case of municipalities, shall encompass all financing including obtaining of state and federal grants.

C. Detailed engineering and final plan formulation shall be completed on or before October 1, 1969.

D. Review of final plans with the Water Improvement Commission shall be completed and construction commenced on or before October 1, 1970.

E. Construction shall be completed on or before October 1, 1971.

The SPEAKER: The Chair rec-

ognizes the gentleman from Hodgdon, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker and Members: I would like to oppose this amendment. The reason that this up-grading consists of one major municipal treatment plan, besides that there are considerable individual and small community units. This is one of the principal recreational areas in the state. They depend upon fresh air and sunshine and supposedly pure water to attract their tourists there and a clean up in Boothbay Harbor should be for the benefit of the whole community as soon as possible, and just because of this recreational industry.

Now as far as the time on this, the Water Improvement Commission has a history of giving these people all kinds of time that is necessary. I understand there is a project, a sewer project for the Town of Boothbay Harbor that was under construction or in the process of getting themselves going, and as far as the rest of them goes, they are all small community things that should have been done years ago. We have, you noticed in the Kennebec River there, put a time limit on, the time limit being necessary because some of the pulp mills and some of the cities along the bank, needed more time on account of the project being much larger to accumulate funds enough.

I don't think in this case that the project is compared with the project of the City of Augusta for instance, is very minor. And I think the history of the Water Improvement Commission would give, they would have a considerable period of time without limiting them to any particular length of time they could go ahead and build their project as fast as they were able, and I don't think would push them out of reason. Supposing this bill was left the way it is, and I would now move indefinite postponement on this amendment.

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

Mrs. SPROUL: Mr. Speaker, Ladies and Gentlemen of the House: I have been over to the

Water Improvement Commission. I've endeavored to work out something with Mr. MacDonald. He has assured me that the only trouble spot is Boothbay Harbor. I have a bill through here which has been signed by the Governor for a sewer project. That bill would have been accepted by the Town had I succeeded in getting it through before the town meeting, but that I did not succeed to do.

Now here, we have this amendment, the gentleman, Mr. Williams, says that we shouldn't have the same consideration that Kennebec has. Kennebec has fifteen years to clean up their river. I asked for ten years, Mr. MacDonald says that they will be glad to give us ten. I say to him, what have we to go on, we have nothing but your word, I'm perfectly willing to take your word, but how do I know how long you are going to be here? He assured me that he doesn't know, and he hoped that — maybe I'd better not go any farther — but. Another thing they say to us that this is an easy matter, that we can build septic tanks and take care of these things. Ladies and Gentlemen, it would take the enthusiasm of a mole to keep a septic tank working, and another thing, you cannot build a septic tank on a rock pile. And I submit to you, ladies and gentlemen, that a good deal of the coast here is rocky. I hope that you will go along with this amendment.

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

Mr. HANCOCK: Mr. Speaker, Ladies and Gentlemen of the House: I am convinced that the residents of the Boothbay region are well aware that they have a problem as far as pollution goes. In the last few weeks, I have talked with several of them, and they agree that they should start to up-grade their waters.

Now they have been faced with expenses in regards to schools, both elementary and secondary, the same as all the rest of us, and I hope that when the vote is taken, that the House will see fit to go along with this amendment.

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

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

Mr. WILLIAMS: I would just like to point out to this House that the Kennebec River is not in the recreational business, at least I don't see too many bathing areas, and summer cottages built from at least from Augusta down to the sea. But the Boothbay Harbor Region is in the recreational business. They are depending on clean waters, and beautiful beaches and surf on the beaches and one thing or another. For goodness sakes, let's not wait another ten years to get the sewerage off the beaches.

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

Mr. WHITMAN: Mr. Speaker, I think there is one very important fact that perhaps very few people are aware of, and that has not been brought out in this particular discussion. As the gentleman from Hodgdon, Mr. Williams, has pointed out, that the Water Improvement Commission has traditionally been very reasonable and have never been known to force municipalities beyond the realm of logical possibility. Be that as it may, there is also within the Water Improvement statutes an escape clause whereby any town when it finds itself in an untenable position and cannot comply, there is the escape clause that these towns have the right of appeal through the courts. Now I doubt very much if the Water Improvement Commission would force the Boothbay Region beyond their limits of financial ability, but if that remote possibility should come to pass, they certainly would still have the recourse of appeal to the courts.

Mr. Williams of Hodgdon requested a division.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Hodgdon, Mr. Williams, that House

Amendment "A" to Bill "An Act Classifying Certain Surface Waters in Lincoln County," House Paper 1015, Legislative Document 1416, be indefinitely postponed. A division has been requested.

All those in favor of indefinite postponement of House Amendment "A," please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

Sixty-one having voted in the affirmative and fifty-three having voted in the negative, the motion to indefinitely postpone House Amendment "A" prevailed.

Thereupon, the Bill was assigned for third reading tomorrow.

On motion of Mr. Ham of Brewer, the House voted to take from the table the seventh tabled and unassigned matter:

Bill "An Act relating to Annual Permits to Move House Trailers and Mobile Homes Over Highways." (H. P. 915) (L. D. 1249) (Amendment Filing H-155) In House Read the Third Time.

Tabled—April 21, by Mr. Ham of Brewer.

Pending—Motion of Mr. Chapman of Norway to Indefinitely Postpone.

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

Mr. HAM: Mr. Speaker and Ladies and Gentlemen of this House: I wish at this time to thank this House for its patience and indulgence in regards to this bill. However, at the present time there is legislation in the other body germane to this subject and still lying on the table. Actually I would probably like to retable it; however, I feel very sincerely that I would be beaten. Therefore, I choose to take my chances on this legislation lying on the table in the other body, having the same approval that this House gave that type of legislation. If it does, it will do the same as this bill.

Therefore I concur with my fellow colleague and wish also to thank him for his patience, Mr. Chapman, on his motion to indefinitely postpone. Thank you.

The SPEAKER: The question

before the House is the motion of the gentleman from Norway, Mr. Chapman, that the Bill be indefinitely postponed. Is this the pleasure of the House?

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

A *vica voce* vote being taken, the Bill was indefinitely postponed and sent up for concurrence.

The SPEAKER: The Chair at this time wishes to congratulate the members of the House, since at this particular moment we have no matters on the table unassigned. (Applause)

On motion of Mr. Whitman of Woodstock,

Adjourned until nine o'clock tomorrow morning.