

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

Thursday, May 11, 1961

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

Prayer by the Rev. Mr. Douglas H. Robbins of Augusta.

The journal of yesterday was read and approved.

**Papers from the Senate
Senate Reports of Committees
Conference Committee Report**

Report on the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Increasing Tax on Milk Producers for Promotional Purposes" (H. P. 866) (L. D. 1201) reporting that they are unable to agree.

(Signed)

PARKER of Piscataquis
ERWIN of York
PIKE of Oxford

— Committee on part of Senate

CURTIS of Bowdoinham
DODGE of Guilford
BRAGDON of Perham

— Committee on part of House

Came from the Senate with the Report read and accepted.

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

From the Senate: The following Order:

ORDERED, the House concurring, that there be created an interim joint committee to consist of 6 members of the Advisory Council of the Maine Employment Security Commission, appointed by the Employment Security Commissioners (2 representing labor, 2 representing management and 2 representing the public), 2 Senators appointed by the President of the Senate and 2 Representatives appointed by the Speaker of the House to study the Employment Security Law and to report to the 101st Legislature such changes and amendments as may be necessary or desirable to revise and consolidate such law, so as to make such law more readily understandable, workable and useful to the persons affected thereby; and be it further

ORDERED, that there is appropriated to the Committee from the Legislative Appropriation the sum of \$1,000 for expenses of the legislative members to carry out the purposes of this Order (S. P. 551)

Came from the Senate read and passed.

In the House, the Order was read and, a viva voce vote being taken, was passed in concurrence.

Ought Not to Pass

Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act Limiting Appearances as Counsel Before State Tax Assessor to Attorneys" (S. P. 426) (L. D. 1304)

Came from the Senate read and accepted.

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

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. 546) (L. D. 1590) under title of "An Act relating to the Pine Tree State Forest Products Council" 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
Tabled and Assigned**

Report of the Committee on Business Legislation on Bill "An Act relating to Interest Rate for Licensed Small Loan Agencies" (S. P. 392) (L. D. 1258) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate indefinitely postponed.

In the House: Report was read.

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

Mr. CROCKETT: Mr. Speaker, I move to recede and concur.

The SPEAKER: The gentleman from Freeport, Mr. Crockett,

moves that the House concur in indefinite postponement of the bill. Is this the pleasure of the House?

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

Mr. LANE: Mr. Speaker, Ladies and Gentlemen of the House: I think this is an important bill and I know a lot of members of this House are interested in this bill; and I would like to table it until Tuesday next.

The SPEAKER: In reference to item five, L. D. 1258, the gentleman from Waterville, Mr. Lane, moves that this bill and the report be tabled until Tuesday next pending acceptance of the Committee Report. Is this the pleasure of the House?

Mr. Crockett of Freeport then requested a division.

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

A division of the House was had.

Eighty-four having voted in the affirmative and sixteen having voted in the negative, the motion to table prevailed.

Divided Report

Majority Report of the Committee on Liquor Control reporting "Ought not to pass" on Bill "An Act Defining Public Place under Law Regulating Drinking in Public Places" (S. P. 352) (L. D. 1085)

Report was signed by the following members:

Messrs. MAYO of Sagadahoc
JACQUES of Androscoggin
— of the Senate.

Messrs. MORRILL of Harrison
COOPER of Albion
HUMPHREY of Augusta
STEVENS of Portland
DOSTIE of Winslow
LACHARITE of Brunswick
— of the House.

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

Report was signed by the following members:

Mrs. CHRISTIE of Aroostook
— of the Senate.

Mr. CHAPMAN of Norway
— of the House.

Came from the Senate with the Majority Report accepted.

In the House: Reports were read. On motion of Mr. Morrill of Harrison, a viva voce vote being taken, the Majority "Ought not to pass" Report was accepted in concurrence.

Non-Concurrent Matter Tabled Until Later in Today's Session

Bill "An Act relating to Chiropractic Treatment under Workmen's Compensation Law" (S. P. 325) (L. D. 1000) which was passed to be engrossed as amended by Senate Amendment "A" in non-concurrence in the House on April 12.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

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

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

Mr. Hinds of South Portland then requested a division.

The SPEAKER: A division has been requested.

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

Mr. WATERMAN: Mr. Speaker, whereas this passed the House the other time, I would hope that the motion by the gentleman from Portland, Mr. Estey, does not prevail; and if it does not I have another motion I would like to make.

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

Mr. HINDS: Mr. Speaker, I didn't realize that a motion to insist on our former action took precedence over the former motion, and I would like to make that motion.

The SPEAKER: The motion to recede and concur does have precedence over a motion to insist.

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

Mr. PHILBRICK: Mr. Speaker and Ladies and Gentlemen of the House: The gentleman from Hope, Mr. Hardy, a signer of the "ought not to pass" report, the only signer I believe, is absent today. He may be in later during the day and he should have an opportunity to defend his position; and therefore I would move that this bill be tabled until later in today's session.

The SPEAKER: In reference to item seven, L. D. 1000, the gentleman from Bangor, Mr. Philbrick, moves that it be tabled until later in the day pending the motion of the gentleman from Portland, Mr. Estey, that the House recede and concur. 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 prevailed.

Non-Concurrent Matter

An Act relating to Form of Standard Fire Insurance Policy (S. P. 405) (L. D. 1346) which was passed to be enacted in the House on May 9 and passed to be engrossed as amended by Senate Amendment "C" on May 2.

Came from the Senate passed to be engrossed as amended by Senate Amendments "C" and "D" in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Oakland, Mr. Morse.

Mr. MORSE: Mr. Speaker, this amendment is purely to correct a typographical error, I would say; so I move that we recede and concur.

Thereupon, the House voted to recede and concur with the Senate.

Non-Concurrent Matter

Resolve in favor of the Town of Harmony (H. P. 197) (L. D. 292) on which the House accepted the Minority Report of the Committee on Highways reporting "Ought to pass" as amended by Committee Amendment "A" and passed the Resolve to be engrossed as amended by Committee Amendment "A" on March 22.

Came from the Senate with the

Majority "Ought not to pass" Report accepted in non-concurrence.

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

Non-Concurrent Matter

Resolve Reimbursing Bay Ferry Corporation for Loss of Its Business (H. P. 579) (L. D. 799) which was indefinitely postponed in the House on May 3.

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

In the House:

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

Mr. KIMBALL: Mr. Speaker and Members of the House: This bill coming back before us, I still think is a very much of a moral obligation of the State of Maine. We have several instances where we have seen the State step in and through their good action in putting in a bridge or a ferry or something of that type, they have put a going business out of commission. As far as I know, in almost every case, there has been reimbursement to the party who has lost his business because of this move.

One of our more recent occasions of that type was the time they put the bridge over onto Deer Isle. The man who ran the boat has a ferry across to Deer Isle, and was put out of business by that bridge. Although he himself died, his estate was granted a grant of \$5,000, as I understand it, to take the place of the lost business. As far back as the old ferry that went across the river at Bucksport, when the bridge was put across there, that family was reimbursed.

Now this is a case where the very fine ferry service on the Penobscot Bay setup is much welcomed by the people, but in the meantime this company that was just getting itself on its feet was completely put out of commission. They had no possibility of running in competition with the state-operated ferry.

The Committee on Claims came out nine to one on their recommendation that they be reimbursed fifty cents on the dollar. I should

like to move at this time that we recede and concur with the Senate.

The SPEAKER: The question before the House is the motion of the gentleman from Mount Desert, Mr. Kimball, that the House recede and concur.

The Chair recognizes the gentleman from Stonington, Mrs. Shepard.

Mrs. SHEPARD: Mr. Speaker, I just want to say that I heartily agree with my colleague from Mount Desert and I hope his motion will prevail.

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

Mr. KNIGHT: Mr. Speaker, I rise in support of the motion made by the gentleman from Mount Desert, Mr. Kimball. There is no doubt that the people of Maine when they voted in the referendum to establish the ferry service, and a ferry service was established, that that was the cause that this private business went out of operation. The Supreme Court has said that we may pay on a moral obligation and we as representatives of the people of the State should uphold this moral obligation, and I hope that the gentleman's motion prevails.

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

The motion prevailed.

Non-Concurrent Matter

Resolve Appropriating Funds for Capital Improvements at East Corinth Academy (H. P. 648) (L. D. 926) on which the House accepted the Minority "Ought to pass" Report of the Committee on Appropriations and Financial Affairs and passed the Resolve to be engrossed as amended by House Amendment "A" on May 9.

Came from the Senate with the Majority "Ought not to pass" Report accepted in non-concurrence.

In the House:

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

Mr. HANSON: Mr. Speaker and Ladies and Gentlemen of the House: In regard to item eleven, L. D. 926, I move that we insist

on our action whereby this resolve was passed to be engrossed in the House on May 9, and ask for a Committee of Conference.

The SPEAKER: The gentleman from Bradford, Mr. Hanson, moves that the House insist and ask for a Committee of Conference. Is this the pleasure of the House?

All those in favor of insisting and asking for a Committee of Conference say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed.

Non-Concurrent Matter

An Act Repealing Laws Requiring that Cemeteries be Fenced (H. P. 1008) (L. D. 1409) which was passed to be enacted in the House on April 26 and passed to be engrossed as amended by Senate Amendment "A" on April 21.

Came from the Senate passed to be engrossed as amended by Senate Amendments "A" and "B" 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:

Appropriations and Financial Affairs

Bill "An Act relating to Care and Supervision of Planes of Department of Sea and Shore Fisheries" (H. P. 1159) (Presented by Mr. Wellman of Bangor)

(Ordered Printed)

Sent up for concurrence.

Orders Tabled and Assigned

Mr. Wellman of Bangor presented the following Joint Order:

ORDERED, the Senate concurring, that Joint Senate Order relative to legislative record (S. P. 47) is amended by repealing the 2nd paragraph which reads as follows:

"ORDERED, that four hundred (400) copies of the Legislative Record be printed in pamphlet form

for distribution from day to day to members of the Legislature and the State Departments, under the direction of the Document Clerk, and be it further" (H. P. 1160)

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

Mr. WELLMAN: Mr. Speaker and Ladies and Gentlemen of the House: The pamphlet to which this order refers is this bound punched copy of the legislative record that we thread into our loose leaf binders. Now the one that we most recently received to date is March 31. It has appeared to some of us that perhaps we could save a dollar and not particularly hinder the work of the Legislature or any people who depend upon knowing what is going on here.

The proofs, the horse blankets, are available—they are available daily. We will all receive our bound copies at the end of the session; as a matter of fact, probably you will receive the last piece of this loose leaf the day before you receive your bound copy. Now, as I said, the last date here is March 31. Now if we cut it off as of this date and not print any more, we would save as of to date, \$1,664. As you know we are talking a little bit more as the days go on, probably we would save—I don't know—we might make a guess, we might save even that again.

However, to give everybody a chance to think this over and to ask any people who may depend on these whether they think they couldn't conceivably get along if they realized the saving, I would ask that this order be reproduced and placed on the members desks, tabled and specially assigned for tomorrow.

The SPEAKER: The question now before the House is the motion of the gentleman from Bangor, Mr. Wellman, that the Order be tabled until tomorrow pending passage. Is this the pleasure of the House?

The motion prevailed.

On motion of Mr. Berry of Cape Elizabeth, it was

ORDERED, that the members of the House of Representatives extend their appreciation for the splendid buffet dinner tendered them

by the Maine Restaurant Association on Wednesday, May 10th, 1961; and

BE IT FURTHER ORDERED, that the Clerk of the House transmit a copy of this Order to the Maine Restaurant Association through their gracious member, the gentlewoman from Falmouth, Mrs. Smith. (Applause)

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

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

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

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

Mr. KIMBALL: Mr. Speaker, I would ask if L. D. 791 is still in possession of the House?

The SPEAKER: The gentleman from Mount Desert, Mr. Kimball, asks if L. D. 791 is still in possession of the House. L. D. 791, Resolve Providing Funds for Public Landing at Islesford, Hancock County, is still in possession of the House.

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

Mr. KIMBALL: Mr. Speaker, I would move that we reconsider our action of yesterday and again consider L. D. 791.

The SPEAKER: And the action of the House yesterday was what?

Mr. KIMBALL: The action of the House yesterday was indefinite postponement.

The SPEAKER: The Chair understands that the gentleman from Mount Desert, Mr. Kimball, moves that the House reconsider its action of yesterday whereby it adhered to the prior action of the House where it had indefinitely postponed the bill. Is this the pleasure of the House?

All those in favor of reconsidering the action of the House of yesterday whereby it adhered, say aye; those opposed, no.

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

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

The SPEAKER: We are proceeding under orders.

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

Mr. HAGUE: Mr. Speaker, is L. D. 1188 still in possession of the House?

The SPEAKER: The gentleman from Gorham, Mr. Hague, makes inquiry as to whether or not L. D. 1188 is in the possession of the House, An Act Providing for Local Option to Transport School Children to Other Than Public Schools Without State Subsidy; and the Chair will inform the gentleman that this legislative document is in possession of the House.

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

Mr. HAGUE: Mr. Speaker, I would move for reconsideration of L. D. 1188 and ask for a roll call on the reconsideration.

The SPEAKER: The Chair understands that the gentleman from Gorham, Mr. Hague, moves that the House reconsider its action of yesterday whereby it passed this bill to be enacted and that he asks for a roll call.

The Chair recognizes the gentleman from Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker, did the gentleman from Gorham, Mr. Hague, vote on the affirmative side yesterday?

The SPEAKER: Since a roll call vote was not taken and since even a division was not taken, it is presumed that the gentleman voted on the prevailing side.

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

Mr. JALBERT: Mr. Speaker, may I approach the rostrum for a moment?

The SPEAKER: The gentleman may approach the rostrum.

(Conference at rostrum)

The SPEAKER: The House will be in order.

The question before the House is the motion of the gentleman from

Gorham, Mr. Hague, that the House reconsider its action of yesterday whereby it enacted this bill. A roll call has been requested. For the Chair to order a roll call it must have an expression of a desire for a roll call by at least one-fifth 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.

Pairing is now in order.

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

Mr. WINCHENPAW of Friendship: Mr. Speaker—

The SPEAKER: Does the gentleman wish to speak on whether or not the gentleman from Lubec, Mr. Pike, is excused?

Mr. WINCHENPAW: I was going to ask a parliamentary question, I am sorry, I did—

The SPEAKER: Is it on that question?

Mr. WINCHENPAW: It is on that question.

The SPEAKER: The gentleman may ask the parliamentary question.

Mr. WINCHENPAW: I wondered, not that I am absolutely against pairing votes, but I was wondering if someone else should be if there was some motion that could be made against that sort of thing?

The SPEAKER: The gentleman can be excused from voting under the rules, it is not necessary that he pair his vote with anyone. If the House wishes to excuse him under the rules, he can be excused.

Mr. Kimball of Mount Desert, who would have voted "no" had he voted, was excused from voting as he paired his vote with Mr. Hardy of Hope, who was absent but would have voted "yes" were he present.

Mr. Buckley of Leeds, who would have voted "yes" had he voted, was excused from voting as he paired his vote with Mr. Malenfant of Lewiston, who was absent but

would have voted "no" were he present.

The SPEAKER: The Chair recognizes the gentleman from Poland, Mr. Dunn.

Mr. DUNN: Mr. Speaker, I rise—I understood Mr. Malenfant was excused for the duration of his illness. Is it okay to pair a vote with him?

The SPEAKER: It has no bearing on whether Mr. Malenfant has been excused or whether he is here or not. The rules simply say this, that a gentleman may be excused from voting if the House so gives him the permission to do so. It is simply an explanation as to why they wish to be excused that they state they are pairing it with somebody else, but that is not necessary.

Mr. DUNN: Thank you.

Mr. Williams of Hodgdon, who would have voted "yes" had he voted, was excused from voting as he paired his vote with Mr. Lacharite of Brunswick, who was absent but would have voted "no" were he present.

The SPEAKER: The Chair will state the question. The question before the House is the motion of the gentleman from Gorham, Mr. Hague, that the House reconsider its action of yesterday whereby L. D. 1188 was passed to be enacted.

If you are in favor of the motion to reconsider the action of the House of yesterday, you will answer "yes" when your name is called; if you are opposed, 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; Carter, Chapman, Gardiner; Chapman, Norway; Chote, Cooper, Coulthard, Crockett, Curtis, Danes, Dodge, Dunn, Durgin, Edgerly, Edwards, Estey, Finley, Hague, Hancock, Hanson, Bradford; Hanson, Lebanon; Haughn, Hichborn, Hughes, Humphrey, Hutchins, Kennedy, Knapp, Linnekin, Littlefield, Maddox, Merrill, Minsky, Morrill, Morse, Perry, Philbrick, Augusta; Philbrick, Bangor; Prince, Roberts, Schulten, Shaw, Shepard, Smith, Falmouth; Smith,

Strong; Sproul, Swett, Turner, Tweedie, Vaughn, Walker, Waltz, Waterman, Wellman, Westerfield, Wheaton, Whitman, Winchenpaw, Wood, Young.

NAY — Albair, Baxter, Beane, Augusta; Beane, Moscow; Bearce, Bedard, Berman, Auburn; Berman, Houlton; Bernard, Berry, Portland; 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, Hopkinson, Jalbert, Jameson, Jobin, Johnson, Smithfield; Johnson, Stockholm; Karkos, Kellam, Kilroy, Knight, Lane, Lantagne, Letourneau, Levesque, Lincoln, Lowery, MacGregor, Matheson, Matthews, Maxwell, Moore, Nadeau, Bideford; Nadeau, Lewiston; Noel, Plante, Poirier, Prue, Sevigny, Sirois, Stewart, Tardiff, Thaanum, Tyndale, Wade, Walls, Whitney.

ABSENT — Dennett, Hardy, Hinds, Jones, Lacharite, Malenfant, Rust, Smith, Bar Harbor; Stevens, Storm, Thornton.

EXCUSED — Buckley, Kimball, Pike, Williams.

Yes 67; No 68; Absent 11; Excused 4.

The SPEAKER: Sixty-seven having voted in the affirmative and sixty-eight having voted in the negative, with eleven absent and four excused, the motion to reconsider does not prevail.

The SPEAKER: At this time the Chair would like to recognize the presence in the gallery of some students from the eighth grade of the Bell School in Newburgh, Maine, accompanied by their teacher, Mr. Millett.

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 business with us here today. (Applause)

House Reports of Committees Leave to Withdraw

Mr. Durgin from the Committee on Education on Bill "An Act Clari-

fying Withdrawals from School Administrative Districts" (H. P. 968) (L. D. 1333) reported Leave to Withdraw

Report was read.

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

Mr. WESTERFIELD: Mr. Speaker and Members of the House: I would like to — with reference to this item and in calling attention to several items which follow this, all reported out leave to withdraw, I would like to call your attention to the fact that last week this House and the Senate passed a measure, L. D. 1577, which encompassed in the entirety these measures; and I would like to take this opportunity to commend the individuals in this House who are members of the Education Committee on the fine job that they have done and commend them especially on the long deliberations and the hard work that they put into achieving this bill.

There are three members particularly who put in a great deal of time in addition to their hours in committee and whose private efforts I believe should be recognized by all of us. These three members in particular who I have reference to are the gentleman from Medford, Mr. Hichborn; the gentleman from Portland, Mr. Estey; and the gentleman from Rumford, Mr. Sirois. This latter gentleman I believe should receive special mention because of the fact that one idea which he came up with resulted in the keystone of the final creation of this bill.

Recently this measure has been described as a compromise, which I do not feel is a proper description; because it is not a compromise, but a creation, a creation that resulted in a steel bridge molded of many divergent opinions. And I think that we should all commend this committee on the work which they have done and on their fine achievement.

The SPEAKER: Is it now the pleasure of the House, in reference to L. D. 1333, to accept the Committee Report?

Thereupon, the Report was accepted and sent up for concurrence.

Mr. Estey from the Committee on Education reported Leave to Withdraw on Bill "An Act to Permit the Town of Perham to Withdraw from School Administrative District No. 2" (H. P. 796) (L. D. 1110)

Report was read and accepted and sent up for concurrence.

Mrs. Hanson from the Committee on Education reported Leave to Withdraw on Bill "An Act to Dissolve School Administrative District No. 2 and to Authorize the Municipalities of Mapleton, Castle Hill and Chapman to Form a School Administrative District" (H. P. 612) (L. D. 829)

Report was read.

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

Mr. PERRY: Mr. Speaker and Members of the House: These affairs of District No. 2 have been before three sessions of the Legislature and a special session and we feel by this time that we have something that will resolve the difficulties under this same act that the gentleman from Liberty, Mr. Westerfield spoke of, 1577. And I understand that the town of Perham called a town meeting to consider this withdrawal, so I move that this L. D. 829 be **withdrawn**. And there was an amendment presented to the Education Committee, but I don't imagine that there was any action taken on it, I don't suppose it has to be mentioned in this. It is on file. I don't know if that should be mentioned in this not withdrawn or not.

The SPEAKER: The decision of the Committee is that it be withdrawn, and if the House accepts the Committee Report the bill will be withdrawn, and the Chair understands the gentleman from Easton, Mr. Perry, moves that the House accept the Committee Report. Is this the pleasure of the House?

The motion prevailed and the Report was accepted and sent up for concurrence.

Mr. Hichborn from the Committee on Education reported Leave to Withdraw Bill "An Act to Authorize the Withdrawal of the Town of

Brooks from School Administrative District No. 3" (H. P. 738) (L. D. 1178)

Mr. Sirois from same Committee reported same on Bill "An Act to Provide for the Dissolution of School Administrative District No. 3" (H. P. 618) (L. D. 835)

Reports were read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Curtis from the Committee on Education reported "Ought not to pass" on Bill "An Act relating to Number of Residents Voting on Organization of and Withdrawal from School Administrative Districts" (H. P. 873) (L. D. 1208)

Mrs. Sproul from the Committee on Legal Affairs reported same on Bill "An Act Repealing the Laws Prohibiting and Regulating Work and Business on Sunday" (H. P. 823) (L. D. 1138)

Reports were read and accepted and sent up for concurrence.

Covered by Other Legislation

Mr. Kellam from the Committee on Legal Affairs on Bill "An Act relating to Operating Business on Memorial Day and Veterans Day" (H. P. 766) (L. D. 1052) 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 Draft Printed

Mr. Minsky from the Committee on Industrial and Recreational Development on Resolve Authorizing State Highway Commission to Study Desirability of a Bridge Across Taunton River (H. P. 747) (L. D. 1033) reported same in a new draft (H. P. 1158) (L. D. 1598) under title of "Resolve Authorizing Bureau of Public Improvements to Study Desirability of a Dam Across Taunton River" and that it "Ought to pass"

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

Ought to Pass with Committee Amendment

Mr. Minsky from the Committee on Judiciary on Bill "An Act to

Revise the Civil Defense and Public Safety Council Law" (H. P. 811) (L. D. 1126) which was recommended, 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. 811, L. D. 1126, Bill, "An Act to Revise the Civil Defense and Public Safety Council Law."

Amend said Bill by striking out all of lines 10, 11 and 12 and inserting in place thereof the underlined word 'A'

Further amend said Bill by striking out all of section 4 and inserting in place thereof the following:

"Sec. 4. R.S., c. 12, Sec. 9, amended. Section 9 of chapter 12 of the Revised Statutes, as amended by section 2 of chapter 435 of the public laws of 1955, is further amended by adding after the 2nd sentence, 3 new sentences, to read as follows:

'Political subdivisions may accept the services of the State Personnel Board and adopt the regulations thereof for the purpose of qualifying for federal administrative funds. The State Personnel Board may enter into agreements with political subdivisions of the State for the purpose of furnishing merit system coverage for civil defense employees, or employees of other agencies and departments assigned full time to civil defense duties. The State Personnel Board may charge and receive payment for such services rendered, the fee to be consistent with the cost of coverage per state employee multiplied by the number of local employees covered.'"

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

Divided Report

Majority Report of the Committee on Education reporting "Ought to pass" on Bill "An Act to Create a School Administrative District in the Town of Fort Fairfield" (H. P. 471) (L. D. 671)

Report was signed by the following members:

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

Mrs. HANSON of Lebanon

Messrs. HICHBORN
of Medford Township
DURGIN of Raymond
LEVESQUE of Madawaska
— of the House.

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

Report was signed by the following members:

Mr. SAMPSON of Somerset
— of the Senate.

Messrs. ESTEY of Portland
CURTIS of Bowdoinham
SIROIS of Rumford
— of the House.

In the House: Reports were read.

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

Mrs. HANSON: Mr. Speaker, I move that the Majority "Ought to pass" Report be accepted.

This town is a town which is in a very bad position. It is surrounded by other towns who are not geographically at a distance, but in population wise big enough so that they are not willing, or have no desire, that they do not need to consolidate or form an administrative district, with the exception of one town who at this time is not willing, but may be in the future. This town is terribly taxed, they have made every effort to try and better themselves, but they are taxed so badly that it is really necessary that they get aid from somewhere. Therefore, I do hope that this majority "Ought to pass" report on this bill prevails.

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

The SPEAKER: At this time the Chair would like to recognize the presence in the gallery of a group of eighth grade students from Simpson's Conner School in Dixmont, accompanied by their teacher, Mrs. Arlene Smith.

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)

Divided Report Tabled and Assigned

Majority Report of the Committee on Education reporting "Ought to pass" on Bill "An Act relating to Teachers' Salaries and Foundation Program Allowance" (H. P. 871) (L. D. 1206)

Report was signed by the following members:

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

Messrs. LEVESQUE of Madawaska
SIROIS of Rumford
HICHBORN
of Medford Township
ESTEY of Portland
— of the House.

Minority Report of same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Mr. DURGIN of Raymond
Mrs. HANSON of Lebanon
Mr. CURTIS of Bowdoinham
— of the House.

In the House: Reports were read.

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

Mr. HICHBORN: Mr. Speaker, Ladies and Gentlemen of the House: I think that we all recognize Legislative Document 1206 as one of the most highly controversial bills that we have had come before us this session. It is legislation which affects the subsidy of every town, plantation, and city in the State of Maine. To some degree, it will affect the efficiency of every school program in every community in the state.

In reality, Legislative Document 1206 is two bills. Part one pertains to a change in the minimum salary law for teachers, it is a teachers' bill, it was drawn by teachers; and it was presented through their agent. Part two relates to the revision of the per pupil allowance tables as recommended by previous legislatures which the Commissioner of Education is required by

law to present and recommend to each succeeding legislature for its use in committing and computing subsidies.

From the very beginning I have personally objected to the fact that these two issues were ever joined into one bill. I understood full well the resentment of some legislators who felt that they were being pressured into a position where in order to obtain the two and half million dollars in subsidies for the towns of the state, that they must vote for an increase in teachers' salaries.

The Secretary of the Maine Teachers Association has accepted full responsibility for the unfortunate merger of these two issues. There have been subsequent statements from the Maine Teachers Association headquarters which have been increasingly disturbing to all of us. No one has been happy to see a respected profession appear to be in a position where it had to assume a seemingly unbecoming stature because of their activities and the issues arising from contract disputes. Advice reporting to come from those headquarters to the seniors of our state supported state teachers' colleges, have also created some resentment. Any reflection on the intelligence of this legislature has been bound to create a certain amount of emotional reaction.

As an individual member of the Maine Teachers Association myself, as a parent, as a citizen and as a legislator, I do not, I did not, and I never will approve of those tactics and those statements.

In a period of rather acute resentment, I have said that as a result I would not support part one of L. D. 1206. And after a couple of weeks of rather angry stewing, I became convinced that the great majority of teachers and other educators in the State of Maine were no happier than I. And I realize that to stop working for part one of this bill, would do more harm to the 8,000 loyal, devoted, dedicated teachers of the State of Maine than it would to any people or any group with whom I might have any differences of opinion. For that reason, I rise to speak on behalf of the 8,000 teach-

ers of Maine to whom you and I do owe our fullest measure of support if we want to continue a sound educational program, and to promote the good of that program under the guidance and the leadership of confident and well trained personnel.

Let us consider a few facts. On your desks this morning you found a graph prepared by the New Hampshire State Department of Education. This is nothing that has come from your Maine teachers. It did not come from any study that they have made. It shows the relationship of salaries in the six New England States and New York with particular reference to New Hampshire, but it seems to be equally applicable to our own state. During the past ten years, Maine's rather unenviable position at the bottom of this list and her relative position has changed very little. Some may say that teachers have not changed much in the last ten years since we have had a teachers' salary law in effect. I would like to look back at the record and to point out that in 1952, that nineteen out of every one hundred Maine teachers had a bachelor's degree. This year, nine years later, sixty out of every one hundred Maine teachers have a bachelor's degree. Maine teachers are better prepared today academically and professionally than they were ten years ago.

The average salary paid to teachers in Maine last year was \$4,061. Maine, at that time, was thirty-ninth in the fifty states. The average salary this year is approximately \$250 more than that. Better salaries for teachers in the past few years have helped produce better trained teachers, better buildings and better salaries have attracted more potential prospective teachers into the profession. Ten years ago we had enrolled in the State teachers' colleges, 1,036 students. In those same normal schools and colleges today, we have 1,707 enrolled. Better salaries and better working conditions have contributed to the desire of our young people to enter the teaching profession. A few years ago, we had approximately 1,000 uncertified teachers teaching in the pub-

lic schools of Maine. We have built better buildings, we have increased salaries, more people are attending our teachers' colleges and are coming out into the teaching profession. We have at the same time greatly increased the requirements for full certification, and we have more and better trained teachers. And the number of uncertified teachers in our schools have teachers to 379. If we want good prospective teachers to attend our colleges, the profession must be made attractive to them all. If we want to keep the trained teachers we now have in our Maine schools, we must pay good salaries in order to keep them there. We must recognize that we are in a competitive position whether we like it or not. That is something over which we have little control. The fact still remains that the law of supply does not yet meet the growing demand for quality teachers. We cannot afford to permit the favorable trend of the present and supply to be reversed. If we do, we face the return of the days when we will have 1,000 uncertified teachers in our schools.

L. D. 1206 is one step we can take to help insure quality teachers and quality education for your home town and mine. Mr. Speaker, I move that the Majority "Ought to pass" Report be accepted.

The SPEAKER: The question now before the House is the motion of the gentleman from Medford, Mr. Hichborn, that the House accept the Majority "Ought to pass" Report.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: At the risk of showing how little I understand this bill, I would like at this time to possibly pose a few questions wholly in the interest of perhaps a clearer explanation of the matter. I recognize that the gentleman from Medford has given a good explanation, and perhaps there's some things that I shouldn't have missed.

I understand that this 1206 is two bills, one, a teachers' salary scale and the other an allowance to the towns and cities of the state subsidy-wise, as I understand it. The question that bothers me a little is this, did we not set up in the cur-

rent services budget an amount to provide subsidies to the towns for the next two years? And in this bill are we talking about an increase in those subsidies to the cities and towns, and if so, what years do they cover? I believe that I am correct in my assumption that so far as the current year—that is, I think I may be, that that is already taken care of. Then, does this bill provide a new subsidy for the following year of the biennium, does it go beyond the biennium? These are questions that bother me. I'm not being critical of this bill. And another question, does it increase the present percentage, which the towns now receive? Perhaps of these questions, I would sit down and hope that perhaps I might be permitted to ask another one after some of these are answered, and if I arouse any curiosity in the minds of any of the members, there may be other questions forthcoming from other sections of the House. I wholly—looking at this, I feel it is very important legislation, and I feel that I would certainly like to understand it a little better than I do. And I'm sure the members of the Education Committee are perfectly willing to explain it to my satisfaction and to the satisfaction of the House.

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

Mr. ESTEY: Mr. Speaker, Ladies and Gentlemen of the House: I noticed that my good seatmate from Perham, Mr. Bragdon, was kind of half looking over his shoulder at me for the answers. I will attempt to answer them. Mr. Bragdon is correct in that the current services budget does include subsidies figured on a 1960 valuation for the current school year 1961. He is correct that that appropriation has already been passed. The current services budget and the subsidies that we have approved for that year, however, do not maintain the percentage of revenue spent on education by this state, because the change in valuation and because of the per pupil cost, actually the state's percentage will drop about two percent from the current level of twenty-four percent or 23.9, I guess it is, to about

twenty-one. L. D. 1206, as implied by the law, the Sinclair Act, will revise the tables to maintain their percentage only. As Mr. Bragdon is aware and as I am sure that most of you are aware, the price tag on L. D. 1206, the foundation program, is about two and one-half million dollars. It's one of those items that we will have to study and measure and test our statesmanship on, if we are to maintain the levels of support at the community and at the local level in every town, hamlet and city in the state.

The Committee on Education weighed this fact very very seriously, and because towns have already figured their subsidies and have planned their programs for 1961, we have recommended to the Appropriations Committee that the appropriation be made for one year of the biennium, 1962 only. Which means it would be a cost of a million and one quarter. This would then bring Maine back to its about a twenty-four percent level for 1962 only.

Maine has a history of spending about sixty-five percent of the revenue on education from the local government level. And as you are aware, there are studies in this legislature, that practically all comes from the property tax. Each of our towns have now for four years accepted in good faith a contract with the State of Maine to help them to subsidize the cost of education which is increasing at a rate between eleven and fifteen percent a year. And I don't think that we, as legislators, want to break that pace. I think we should keep the contract implied in the Sinclair law which was adopted in 1957, and I will just read that one paragraph from section 237-d, which is Table on the Foundation Program Allowance, "... it is the intent of the Legislature that table 1 of this section should be revised each biennium to the end that amendments may be enacted consistent with the changes in the educational expenditures of the towns. On or before October 1 of each year prior to the convening of legislature, it shall be the duty of the commissioner, and so on to

make recommendations to the Governor on the subsidies. . . ."

I think I pointed out once before in a discussion of costs that if we had paid subsidies at the rate we were paying them prior to 1957, we would have spent something over a million and one-half dollars more now for state subsidies of education than we have under the Sinclair Act, because of the consolidation of schools, and the more economical administration of programs in larger schools, we have actually saved the state money. I think we are charged with two things here today. I'll say very little about teachers' salaries. I think we are charged with the responsibility to our towns and to our cities and to our people of accepting either one or the other of these two reports. If you look at the reports carefully, you will notice that all ten members are in favor of the foundation program. Six of us signed the "ought to pass" report on teachers' salaries particularly because it is our feeling that the small towns who do not pay competitive salaries are going to lose their teachers. I think you've all heard from many sources the fact that we do not train enough teachers to meet the need and demand we have a situation of supply which will stay with us for a few years longer, and it's not just the new teachers that we're losing, but those who had two or three years' experience that are leaving for sharp differentials in salary.

In order to get the latest information, I checked with one of our teacher colleges just this morning on the telephone. And I find that at Gorham five students have already signed to go out of state and have not yet graduated. They signed at the following salaries: one at \$4,800, one at \$4,700, two at \$4,500 and one at \$4,350 with an opportunity for graduate study. Forty-nine students in that graduating class have already signed contracts within the state. One at \$4,750, one at \$4,400, one at \$4,200, three at \$4,100, sixteen at \$4,000, eight at \$3,900, three at \$3,700, one at \$3,750.

I certainly concur with the gentleman from Medford, Mr. Hich-

born, I think that the teacher salary schedule has to be evaluated on the need. I will attempt to answer one more question, and I know that Mr. Bragdon is going to ask me, and that is if we approve a minimum salary schedule, what it will mean as far as foundations are concerned? The minimum salary schedule is being paid by many many towns and cities already, and we have a long list of them here, and I don't take time to read them. It will be effective in September of 1962, so that the 1963 budget will reflect only one-third of the increased costs of teacher's salaries to the foundation program for that year, and of course the next year would reflect a full year. So it won't be until 1964 that any increase in teachers' salaries would be reflected on the cost of education at the local level which would then might be reflected in the subsidy.

However, I would caution you at least to consider the salary schedules that are already being paid and note that many of them are over \$4,000, and we are talking now about the bachelor degree teacher, and probably by 1963, they'll all be there anyway whether or not we pass a foundation program. But this is only to guarantee the smaller towns, the towns that are using certified teachers and not fully trained teachers and in order to keep the teachers that they now have, the good teachers they now have and not lose them, to pay a salary which is commensurate with the profession.

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

Mr. HAUGHN: Mr. Speaker, Ladies and Gentlemen of the House: As you know my name is attached as the representative who introduced this piece of legislation, L. D. 1206. It has been very controversial as to pros and cons in and out of this House and throughout the entire state. It is the minds of the parents, the children, the school teachers and everybody concerned within the state and I might say one of the most important pieces of legislation to be given consideration by this 100th Legislature. I do realize that there is a lot of ad-

verse publicity regards to one section of this bill, namely the teachers' salary schedule. But I might say that the telegrams are pouring in from citizens, not from teachers this time, who have no axe to grind except to say that we desire good teachers and good schools so our students will be qualified.

Just to quote a paragraph from one letter received this morning dated May 9. . . . "it seems that unless something is definitely done for the teachers' minimum salary situation in Maine, our educational program is certainly going to decline even more rapidly than in the past because as we all know we have teachers today and tomorrow they go to some other schools. This situation was strongly impressed upon the mind of this writer when a few years ago in her own high school, there was without a doubt the greatest mathematic teacher they ever had, a graduate of Annapolis, and a marvelous mathematic teacher for the short segments of the school board, who felt that they could not come up with a \$300 raise for this individual. As a result of this, the mathematic department of Camden High School has never been on the par it was prior to the removal of the teacher I mentioned above." And I might state this is going on all over the State of Maine with no reflection on those teachers who are now teaching, and the qualifications that they have, but under this bill, it will make certified teachers come under this program to receive this type of salary schedule. I know it's frightening to say that here in the State House that we should say to the several towns and cities, that we should tell you what salaries you must and have to pay as minimums. Those same towns and cities will accept the state subsidy and aid to help foot part of that bill; so therefore, I felt that we should have a right to say some qualifications on education and what should be done with it.

In the 1950's the state paid about twenty-four percent of the total bill for education. Even though the state considered it on only about a third was in a position to have an enormous influence on education, because it subsidized by as much as

sixty-six percent those towns which needed it most, and that's established in full under the standard for education.

Now as you know the Governor recommended in his supplemental budget a subsidy prescribed by law to be paid one hundred percent which the gentleman from Perham, Mr. Bragdon, has inquired about. And that is true, he did do that, but that was only to bring it up to a one hundred percent for the last valuation. Now the new valuation, unless you accept this bill that is before you, you cannot maintain the same twenty-four percent, that's one of the purposes and reasons for this bill, to help the towns who cannot afford to help themselves. This bill has been introduced by me to provide for raising twenty percent of the tables of the Sinclair Law, which defined a minimum foundation program. The state contributes to this minimum foundation program in accordance with a formula as has been expressed by Mr. Estey. What is required of Commissioner Hill of the Department of Education to bring to your attention to revise and review, which is being done by this bill.

If this bill is passed, the state will maintain its present share of school costs. If this bill is not passed all further profits in education will have to come from the towns and the property tax, and the state's share will dwindle with every passing year. This will mean, inevitably, deterioration of our school system, school costs are going up ten percent a year. And this year money cannot be found to provide for the twenty percent increase necessary for this biennium which has now been changed to just one year of the biennium. Where in 1963 will the money come from to raise the state's share by forty percent? You take towns like Millinocket and Wiscasset who could undoubtedly maintain its schools even if the state's share of the minimum foundation program went from eighteen percent to fourteen percent, but some towns which are receiving sixty-six percent of the cost in the state already have a tax rate three to five times higher than Wiscasset and Millinocket.

Could these towns stand to have the state's share cut back from sixty-six to fifty-three percent? To freeze the state's share at the present level, it would be like going back to the 30's for these towns with this exception. In the 30's there was a surplus of teachers. Today's teachers can get positions anywhere in the northeast that pay better than the best Maine towns do at the present.

Some of the opponents of this measure might say, well we have teachers now who have served us for years and under any conditions or any salary would stay with us. It is true, but may I say also that these same teachers are now in the age bracket where they could not or probably would not want to pick up and leave and go to some other area, because they are so established in those areas that those people just couldn't move and should not move for their own interest and for the students as well. But there is coming a time when those teachers' ages will be coming so they'll no longer teach. Where will you get teachers to replace them, unless you make a satisfactory and attractive position to bring teachers in these small rural areas, which certainly need the top-notch teaching today because of the small schools that they may have to teach in.

Sixty percent of Maine's elementary teachers are now over forty-five. Who is going to replace them? You can't make it attractive enough for students in schools now to go to colleges, receive their degrees and become certified teachers, I don't know what you are going to do to replace them. I know we cannot compare ourselves with other states, but they are certainly offering a starting salary far in excess of ours, so much so that it is taking our good teachers away from us. And for the differential that we should increase ourselves, not to compare ourselves with them but within reaching distance, is almost mandatory to keep these students from traveling out of state to give them some increase. And I might state there are very few towns and cities in the State of Maine who have not almost met

this foundation program or will in a short time to come.

And I think I have said enough because at this time probably there are more who would like to speak, and there's probably questions to be asked and if there is and if I can answer or some member who is interested in this particular bill. I certainly hope that you will give your full and sincere consideration of this measure and give it a favorable report and ought to pass.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: I agree with a great deal that the former speakers have said in regard to this L. D. In fact, I believe that this L. D. should have been put out in two separate bills. I feel it is very essential that we do go along with the foundation program, but I do not favor the raise in teachers' salaries as proposed by this. And for that reason why I signed the report with a committee amendment H-282. I think that what we should do would be to table this until the people find out what it's all about. I'm not going to ask to table now because I think some others might want to speak on it at this time, but I think we should finally table it until the folks can find just what it is all about.

Now it is true that in the State of Maine the small towns are paying sixty to sixty-five percent of their entire taxes for education, and with a great many of the towns—in fact one of the towns that I represent their mill rate is 230, my home town is 94, and that's getting to be a pretty hard thing to consider whether we will go up any more on teachers' salaries. I am in favor that they should be increased to some extent, but I cannot buy this bill as is, and that's why I think we should discuss it further and finally table it and unless somebody finally tables it or it is passed, I will move later to table it.

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

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

have to disagree with Mr. Curtis, I believe the gentleman is sincere in signing the report against teachers' salaries; however, I don't think that he's being quite truthful when he says it's alright for my town but I don't want anybody else to have to do it. Bowdoinham pays a schedule for three year teachers which starts at \$3,500 and goes to \$5,000. The proposed schedule for certified teachers with less than bachelors' degrees is from \$3,000 to \$4,500. For a bachelor degree teacher, Bowdoinham pays a schedule which is exactly the one we are proposing, \$4,000 in ten steps to a maximum of \$5,500, so I don't believe that the gentleman can be sincere in his statement that he doesn't want to pay teachers more money.

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

Mr. CURTIS: Mr. Speaker, evidently I did not make myself clear to the gentleman from Portland, Mr. Estey. I did not say I didn't, I said I thought we should further discuss it and that I was not against teachers' salaries, but I thought as 1206 states it a little high perhaps for some municipalities, and I felt we should take time to study it and to see how it would affect our—before we finally voted to accept it.

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

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: I would ask a question of any one of the committee through the Chair. What is the breakdown in cost of this L. D. between sections 1, the teachers' salary foundation and section 2, the subsidy foundation?

The SPEAKER: The gentleman from York, Mr. Rust, has asked a question through the Chair of any one of the committee who may choose to answer.

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

Mr. ESTEY: Mr. Speaker, to answer the gentleman from York, Mr. Rust, there is no direct price on the teacher's salary schedule. The total cost of the foundation program as proposed has a price tag of one and one quarter million

for one year of this biennium, 1962. The only reflection of teacher salary minimum schedule that would appear, and this cannot be computed because it won't be effective until September of 1962, and then only for one third of that year. For the full year, 1963, it would only be reflected in those towns who then have to increase salaries in order to meet the minimum. So we are talking about something that is going to take place in 1963. In other words, only those towns that will have to increase because we adopt the schedule will show any reflection on the cost per pupil in their town at that time.

Now whether or not we pass a minimum salary schedule, those costs are probably going to be reflected anyway, because of the supply and demand, the shortage of teachers, the increased costs that are taking place every year at the local level. There will continue to be an increase in the foundation costs to the state and to the local community also. I hope I have made that clear.

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

Mr. JALBERT: Mr. Speaker and Members of the House: A few weeks ago the Appropriations Committee and the Education Committee met jointly to discuss this measure 1206 and also L. D. 1330. It's not my intention to choke off any debate, and it certainly is not my intention to make a move to table this measure; however, I'm just of the thinking that both bills are very important and have heavy price tags on them, their second year probably, but it's a recurring affair and it involves naturally the money to pay for such measures. I would suggest that we might allow this bill to go now, and then tomorrow it would be given its third reading, go in the other side and eventually try to, if the committee reports L. D. 1330 in whatever form they do, then maybe we would have both vehicles to work from, and I think we could understand the program a great deal better. Consequently, I would not make a motion, but I was merely suggesting.

The SPEAKER: The Chair recognizes the gentleman from Raymond, Mr. Durgin.

Mr. DURGIN: Mr. Speaker, Ladies and Gentlemen of the House: I'd like to point out that if you pass this section A of L. D. 1206, teachers' salaries, the only thing that that does is put the rural communities on a stronger competitive basis with the larger cities who are already paying above the new minimum wage. Rural communities would be competing with the larger cities, the same as they are competing at the present time except on a higher level.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: Being a signer of the Majority "Ought to pass" Report on this 1206, I feel that I would like to express my opinion as to the reason why I signed this report. All of you know in the State of Maine for the past many years and probably for the many years to come, we are faced with a teacher problem and we are also faced with a school problem. In order to eliminate part of the problem that we are now facing in the State of Maine, with our school problem and with our teacher problem, I felt that this might be of some help to the communities in the State of Maine and also its educational system. I am certainly in favor of the whole bill because I don't think that any teacher is being jeopardized by the amount of money that she is now getting or will get under this new schedule. And this week I was reading through a newspaper an article that I thought that some of you might not have read, and I would like to read it in part.

"We, as taxpayers, too long ignored the plight of the teachers, our fault was primarily lack of concern and now this neglect has transformed itself into a malignancy that is completely understandable, if somewhat unbecoming. They are finding the effectiveness of the unified action of the teachers. We are the employers who pay the taxes, most are reasonable enough to recognize the

justice in the purpose of the teachers and most are willing to adjust the salary differences, which despite more and more attention of late still remain out of balance with the times. We do this not with a feeling of badgered into, but because it is just and because we want good teachers for the bigger and bigger job of education.

We have quite enough mediocre teachers, and we are likely to get more mediocre ones unless we make teaching attractive to those of more than ordinary ability and promise. So for better teaching by better teachers and to avoid further extension of the attitude falling to that profession, we would do well to concentrate on the realism of our dire need for the increase in teachers' salaries." And I would certainly hope that the ladies and gentlemen of this House will vote in favor of the Majority "Ought to pass" Report.

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

Mr. BRAGDON: Mr. Speaker, I would like at this time to make two comments that have occurred to me during this discussion, on two phases of this discussion. In the first place, I think we have all in reading the reports from over the state, we have recognized resistance to present teachers' salaries in many communities. I recognize that these are resistance to present salary scales of teachers. If we are meeting that now, I think we should take a very careful look before we increase these or set up a new scale, which is certainly above the present one. That is all that I have to say on that phase of the subject.

Another thing that does impress me in this discussion and this is because we have recently seen a move to expand our teachers' colleges. I am one hundred percent for this move, I think we should produce every teacher that our colleges can produce. If new instructors are the key to that, I am for providing in this legislature money to bring those plans that exist over the state up to capacity and hope that we will fill them.

Along again on that line, I would like to say this, that it stems from the comments that immediately we are losing teachers from these colleges to other states. I think we should do one of two things if we expand these facilities. Either we should make the tuition in these facilities sufficient so that the state will not have to subsidize them to the present extent or else we should come up with some sort of a provision that anyone who graduates from one of our teachers' colleges should be required to spend at least some time in the State of Maine before they seek employment elsewhere. Now that could be two years, three years or anything. It seems to me that we are faced with one of those decisions.

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

Mrs. HANSON: Mr. Speaker, Ladies and Gentlemen of the House: I think I should make myself clear as to why I signed a minority report on this. I want it clearly understood that I am not against teachers having good salaries. However, as has been pointed out to you a great many of our towns are already receiving salaries equal to this new schedule. It will help the small towns, but I have been primarily concerned with the subsidy part of this bill. Our towns have been increasing their costs at a tremendous rate in their effort to up-grade their program. Therefore, it is increasingly hard for them to meet their bills, they need this state subsidy and I am going all out for the subsidy particularly. I think the towns need it economically and the towns need it to increase their educational benefits in their schools. And that is why I signed the Minority "Ought to pass" Report.

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

Mr. KENNEDY: Mr. Speaker, I rise in opposition to the majority "Ought to pass" Report, but I am in support of the minority report. I have some trepidation in standing here and taking the position that I do, because I have six members of my immediate family in the

teaching profession. However, I feel that I do find myself in a position of being fair to the communities that I represent. The ten communities that I now represent are paying already to education sixty-five and seventy percent of their total appropriation in this effort, and I think it is a supreme effort.

I have heard quite a lot of comment this morning relative to what it's going to cost the State of Maine. But I warn the representatives from small areas here this morning, that should this total bill be passed, that many of our towns probably will become unorganized towns. If we are now paying seventy percent toward education, and it is raised to seventy-five or eighty percent for education, that leaves but twenty to twenty-five percent for other services. Now we do in small towns have to build roads, we have to pay for administration, police and fire protection and so on, that leaves us very little money for this effort.

We are in a very tight position as far as education is concerned. I know that many of our teachers are underpaid for the effort they are making. I don't know what the answer is to be. As you remember about a week ago, I spoke here for federal aid to education. I spoke against amending our permissive program, such as construction and other purposes, and I believe in the other purposes also. I think that if we do get money from the federal government that it should be allocated by the Commission of Education, in their discretion where the need is greater.

I'm sure many of you here this morning are in the same position that I am in. I feel like the Honorable William Earles felt last session when he commented that when one speaks against education, it's like kicking the sacred cow of India. I don't want to be in that position. I am for education, I believe in it and as I have mentioned before, six members of my immediate family are in the teaching profession, some on the secondary level and some on the elementary level. I don't want to speak against teachers, but I do want to speak for these small towns.

The SPEAKER: The Chair rec-

ognizes the gentleman from Liberty, Mr. Westerfield.

Mr. WESTERFIELD: Mr. Speaker, Ladies and Gentlemen of the House: There are two or three points that I feel of necessity should be brought out with reference to this bill. I do not feel in regards to the first section of this bill that it is the guarantees which we legislate that are important, it is the opportunities which exist within our state that are important. We have heard already that a large number of our cities are paying equal to and exceeding in excess of—this present offered salary schedule. However, there are many of the smaller communities which have not as of yet been able to attain the level as required by the existing salary schedule. Many figures have been quoted here with reference to teachers' salaries in the State of Maine, and while I agree that every effort must be made to raise our standards of education and in the long run raise our standards of teachers' salaries, there's one point which I think that we are neglecting to observe, and this is the fact that in the State of Maine the average teacher's salary is over \$4,000 a year, according to 1960 figure, while the average salary for the State of Maine is \$1,600. There's quite a gap between the average salary of all the people of the State of Maine and the average salary for teachers.

For these reasons I hope that the motion of my good friend from Medford, Mr. Hichborn, does not prevail so that an opportunity may be availed for the acceptance of the minority report. When the vote is taken, I would ask for a division.

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

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: There is a great deal of general public sentiment in favor of education in general. However, I rise in opposition to this bill in any form or any amended form, for a number of reasons. Section one of this bill relates to the teachers' salary foundation program. Now this particular part of this bill does

not affect my area because we are paying this much or better; however, on principle, I do not think it fair for the legislature to set the salaries that the people in the home towns must pay. I think it's a matter that they should have a right to decide what they can afford to pay for teaching in their own area.

I am more concerned with the second part of this bill which is the so-called Sinclair Act. Now my understanding of the Sinclair Act was that it was created to take care of School Administrative Districts having at least three hundred students. There are now sixteen School Administrative Districts and half of these have substantially less than three hundred students. Further, we have before us this morning on our House Calendar, legislative documents concerning six or seven communities in the State of Maine that wish to withdraw from School Administrative Districts. Apparently something is not working as it should.

Another important part of this program since the Sinclair Act has been created, there is only one of these sixteen districts that has an accredited high school. What are they doing with all the subsidy money they are getting? Now another important part of this bill which perhaps some of you may not realize, that the town of Boothbay with an enrollment of 224 students in its high school will receive \$65 a student less under this bill in the next biennium than they are now getting. The Town of Cumberland, with 210 in its high school, will get \$65 a student less under this bill than it is now getting. The Town of Dexter, with 280 students in its high school, will get \$65 a student less under this bill than it is now getting. The Town of East Millinocket, with 220 students in its high school, will get \$65 a student less than it is now getting under the present law. The Town of Jay, with 188 enrollment in its high school, will get \$65 a year less per high school student than it is now getting. The Town of Livermore Falls, with an enrollment of 270 students in its high school, will get \$65 a student less under this bill than it now gets.

The Town of Perham, with an enrollment of 256 students in its high school, will get \$65 a student less than they get under the present law. The Town of Windham, with an enrollment of 270 students in its high school, will get \$65 a student less than they are now getting. And my own town where we pay two thirds of our tax dollars to the school education, with an enrollment of 278 students in our high school, we too will get \$65 a year less. I think this is something for some serious consideration. It would appear to me that the school administrative district needs a very thorough looking over. I am against the motion for the acceptance of the majority report.

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

Mr. HAUGHN: Mr. Speaker and Members of the House: I do not want to take issue with my good friend from York, Mr. Rust, but he just quoted a lot of figures to you that if he will look up the official state school subsidies for districts and municipalities for 1961 under the revised tables with change in valuations and under this new bill practically every one he quoted you as a deficit, under these figures and facts presented to me which is authentic, showed a gain and not a loss. I am amazed at these kind of statements when they are not accurate according to the reports I have here. I mean that type of information is misleading and misunderstood.

I might say, the Sinclair Act evidently in his belief would be for the interest and benefit of large towns only, it seems to be that is the way it is working for these schools of three hundred or over. Reasonably few small ones that are now organized in the smaller areas under three hundred, it will benefit those areas that could not themselves and have a decent school to provide and qualify these students. If you will look back to the special session when I personally introduced legislation to give subsidies to the small communities, the larger cities reaped a windfall through that bill of the regular session which we had to correct in the special session because the smaller

towns were deprived of their rights and their share.

Now this type of information that was given out is very misleading and to me, I don't agree with it. My good friend from Milbridge, Mr. Kennedy, tells you that his tax rate is so high in proportion to the amount that they pay for education from the actual expenditures of the town. This bill will relieve that because it gives you an increase in your subsidies and if the towns desire and see fit which most of them have to increase the salaries of their teachers, this will offset it and haul the costs of the municipalities tax rate right down, so I think when we present these things they should come out with both sides so you can give fair and understandable consideration to this bill, and when the vote is taken, I request a roll call.

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

Mr. HICHBORN: Mr. Speaker, I do not wish to take issue with the gentleman from York, Mr. Rust, because I don't have those figures before me; neither do I have those that the gentleman from Bridgton, Mr. Haughn has either. However, I think that we are well aware of the fact that two or three weeks ago some \$500,000 was supposedly found by the Education Department. That \$500,000 was a cut in subsidies to be paid this coming December to the towns of the State of Maine. As probably most of you realize, the subsidy is based upon two or three factors which we must consider. First, the relationship of the state valuation in each town to the number of youngsters determines the percentage on which the subsidy will be based. In figuring the subsidy roughly speaking we can say this, that the subsidy is determined by multiplying the number of children in the town times the per pupil allowance that is indicated in the tables determined by this legislature times the percentage which is due to each town because of its valuation per student. Because of the fact that in many areas the valuation per pupil rose, the subsidy to those towns decreased. Now for that reason there was a de-

crease of \$500,000 in subsidies to various towns and it may well be that the figures that Mr. Rust quoted reflected that fact. Not knowing the towns, not having the list I can't say that, but I can very well understand how that could be.

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

Mr. SMITH: Mr. Speaker and Members of the House: I came here this morning, at least partially in favor of this bill. With all of this debate and figures and everything I am all confused. Now as far as I would be concerned, if the vote were to be taken now, I would vote against the whole thing. There is a problem here. We all recognize it. And apparently there are two bills here that for some reason or another got wrapped up in one. I think something ought to be done about that. In order that we all might have a little more time to look into these figures and see about separating these bills, I would move that this be tabled until next Tuesday.

The SPEAKER: The question now before the House is the motion of the gentleman from Strong, Mr. Smith, that the Reports and Bill be tabled and specially assigned for Tuesday next.

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

Mr. BAXTER: Mr. Speaker, I would like to move that the bill be tabled until next Wednesday.

The SPEAKER: The question now before the House, being the longer time has preference, and that motion now is that the Reports and Bill "An Act relating to Teachers' Salaries and Foundation Program Allowance," L. D. 1206, H. P. 871, be tabled and specially assigned for Wednesday next, May 17, pending the motion of the gentleman from Medford, Mr. Hichborn, that the House accept the Majority "Ought to pass" Report. Is this the pleasure of the House?

The motion prevailed.

Order Out of Order

Mr. Jalbert of Lewiston presented the following Order out of order and moved its passage:

ORDERED, that the following be appointed to serve as Honorary Pages for today:

Nancy Castonguay, Susan Gauthier, Gail Thornton and Cathy Wyman, all of Lewiston.

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

Mr. JALBERT: Mr. Speaker and Members of the House: The Scarlet Cadet all-girl Color Guard was organized in our area two years ago. This year the Guard started off by taking third place at the Colorama held in Lewiston. Their second outing saw them come in second in a Connecticut circuit contest held in Claremont, New Hampshire. Their final contest was held on April 30th in Portsmouth, New Hampshire.

These four girls who represent the group that is here today of the all-girl Color Guard in the back of the Hall, they are chaperoned by Mrs. Ralph Wyman and Mrs. Lucien Beaudette.

Thereupon, the Order received passage.

The SPEAKER: The Speaker is sorry that the Assistant Sergeant-at-Arms is not here today, Louie Collins, to escort the Honorary Pages to the Well of the House, but in the absence of Mr. Collins, the Chair will request that the two pages, Thomas W. Hayes and Lawrence D. Ronco, escort the Honorary Pages to the front of the House, and also to instruct them on the performance of their duties. (Applause)

Thereupon, the Honorary Pages were escorted to their places in the Well of the Hall of the House by the Pages of the House amid applause.

Divided Report

Majority Report of the Committee on Education reporting "Ought not to pass" on Bill "An Act to Authorize the Municipalities of Corinna, Hartland and St. Albans to Form a School Administrative District" (H. P. 1122) (L. D. 1549)

Report was signed by the following members:

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

Mrs. HANSON of Lebanon
Messrs. ESTEY of Portland
HICHBORN

of Medford Township
CURTIS of Bowdoinham
SIROIS of Rumford
LEVESQUE of Madawaska
— of the House.

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

Report was signed by the following member:

Mr. DURGIN of Raymond
— of the House.

Reports were read.

On motion of Mr. Hughes of St. Albans, the Majority "Ought not to Pass" Report was accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Transportation on Bill "An Act relating to Weight Tolerances for Motor Vehicles Carrying Firewood, Pulpwood, Logs or Bolts" (H. P. 861) (L. D. 1175) which was recommitted, reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Mr. STILPHEN of Knox
— of the Senate.
Messrs. WHITNEY of Winn
DUNN of Poland
FINLEY of Washington
BERRY of Portland
BUSSIÈRE of Lewiston
— of the House.

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

Report was signed by the following members:

Messrs. COLE of Waldo
GILBERT of Kennebec
— of the Senate.
Mr. LINNEKIN of Limington
— of the House.

Reports were read.

On motion of Mr. Johnson of Smithfield, the Majority "Ought to pass" Report as amended was accepted and the Bill read twice.

Committee Amendment "A" was read by the Clerk as follows:
COMMITTEE AMENDMENT "A"
to H. P. 861, L. D. 1175, Bill,

"An Act Relating to Weight Tolerances for Motor Vehicles Carrying Firewood, Pulpwood, Logs or Bolts."

Amend said Bill by striking out all of the last 8 lines and inserting in place thereof the following:

"weight thereof imparted to any road surface by any one axle or axles does not exceed 110 per cent of the maximum single axle weight permitted therefor by the provisions of section 109; provided that no vehicle loaded as aforesaid shall be deemed in violation of the above said sections if, as to each axle, the weight imparted to any road surface is not greater than the combined total of 600 pounds per inch width tire, manufacturer's rating, of all tires attached to such axle and provided further that the maximum gross vehicle weight shall not exceed the limits and tolerances established in this chapter." "

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

The SPEAKER: At this time the Chair would recognize the presence in the gallery of the House of twenty-six students from the eighth grade of the Community School in Bowdoinham. They are accompanied by Mrs. M. Lusk, Mrs. Almon W. Riske, Mrs. Robert H. Blake and Mrs. Roy Emerson. On behalf of the House, the Chair extends to you a most hearty and cordial welcome and we hope that you will enjoy and profit by your visit with us here today. (Applause)

Passed to Be Engrossed Third Reader Amended

Bill "An Act to Reactivate a Maine Committee on Problems of the Mentally Retarded" (S. P. 77) (L. D. 177)

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

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

Mr. PLANTE: Mr. Speaker and Ladies and Gentlemen of the House: In reference to this item, I now offer House Amendment "A" and I do so with the unanimous concur-

rence of the Appropriations Committee.

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

HOUSE AMENDMENT "A" to S. P. 77, L. D. 177, Bill, "An Act to Reactivate a Maine Committee on Problems of the Mentally Retarded."

Amend said Bill by inserting before the enacting clause the following emergency:

'Emergency preamble. Whereas, the problem of the mentally retarded is of vital importance to the welfare of the State of Maine; and

Whereas, it is vitally necessary that the following legislation become effective immediately so that efforts may be continued to solve this problem; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine, and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

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

'Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.'

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

Third Reader

Recommitted to Committee on Appropriations and Financial Affairs

Bill "An Act to Create the Development Fund" (S. P. 541) (L. D. 1588)

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

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

Mr. WINCHENPAW: Mr. Speaker and Members of the House: This is a bill that was printed May 4 and it came on our desks a few days ago, and I am quite concerned with it. It has a pretty large price tag and I am not sure that it would serve any use-

ful purpose, so at this time I would like to move indefinite postponement of the bill.

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

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

Mr. WELLMAN: Mr. Speaker, this bill that we are now discussing is very similar in nature to a section of the statutes already under Chapter 12—Section 12a, the promotion of Maine. This too established a fund in the Governor and the Council for a lot less amount, for only \$10,000. This money has already been appropriated and signed by the Governor in the current services budget.

However, there are some functions that would be given to the Governor and the Council under the item 2, the bill we are now considering, that are slightly different from the present statute, and there is an increase in money as Mr. Winchenpaw said of \$100,000. I believe that I would ask that Mr. Winchenpaw's motion be defeated and you then allow me to have this bill referred to the Committee on Appropriations and Financial Affairs.

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

Mr. MINSKY: Mr. Speaker, I would like to concur with the gentleman from Bangor, Mr. Wellman. Actually, I think we were in error yesterday. It had been the intention of certain members of the House Committee on Industrial and Recreational Development to suggest this matter be referred to the Committee on Appropriations and Financial Affairs. I think the bill is one that should be seriously studied both from the angle which came before the Committee on Industrial and Recreational Development but it must also be studied by the Appropriations Committee. Therefore, I would also like to urge as a member of that committee that Mr. Winchenpaw's motion be defeated so that it can be referred to the Appropriations Committee.

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

Mr. WINCHENPAW: Mr. Speaker, to save the time of bothering to vote, I will withdraw my motion.

The SPEAKER: The gentleman from Friendship, Mr. Winchenpaw, withdraws his motion to indefinitely postpone this bill.

Thereupon, on motion of Mr. Wellman of Bangor, recommitted to the Committee on Appropriations and Financial Affairs in non-concurrence and sent up for concurrence.

"Bill "An Act to Make Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1962 and June 30, 1963" (S. P. 542) (L. D. 1589)

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

Third Reader Amended

Bill "An Act Classifying Certain Surface Waters in Lincoln County" (H. P. 1015) (L. D. 1416)

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

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

Mrs. SPROUL: Mr. Speaker and Members of the House: Yesterday I offered House Amendment "A" calling for ten years to give the towns of Boothbay, Boothbay Harbor and Southport some time to clean up the rivers and harbors. As you all know, that was not accepted.

I talked with the selectmen in these towns last night and they urged me if I could not get an amendment for ten years, to try five. I have talked with Mr. MacDonald in the Water Commission before yesterday, and at that time he thought that five years was something that he could agree to, but asked me not to ask for it thinking it was not time enough, but I still feel that if I had some time, and the selectmen feel the same way, that if they were assured they had a period of five years that was something they could work with.

Now the committee told you yesterday that the Kennebec did have fifteen years and they were allowed fifteen years because it had a bearing on money which they would receive from the federal government. I submit to you that even though they have fifteen years, but in our town the expense to each individual for a septic tank would range from \$100 to \$500. The people around Augusta would have to spend a great deal less. I do not feel that this period of five years is too much to ask for. Therefore, I hope you will accept House Amendment "B."

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

HOUSE AMENDMENT "B" 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, 1966 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 of 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, 1962.

B. Arrangements for administration and financing shall be completed on or before October 1, 1963. This period, in the 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, 1964.

D. Review of final plans with the Water Improvement Commission shall be completed and construction commenced on or before October 1, 1965.

E. Construction shall be completed on or before October 1, 1966.'

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: I would rise in opposition to this amendment which is similar to the one we turned down yesterday except it says five years instead of ten.

Well now I have been quite close to the Water Improvement Commission and I would like to read you the normal course of events which happen in a case of this kind. The first thing they would do would be to write the people concerned a letter, in this case the Boothbay Harbor people. They would request a conference. Now there could be a month or so elapse in between there, then the conference would cover the planning, the administration, the financing and finally the building. Well now in a case of this kind in towns of comparable size to Boothbay Harbor, this thing would take one to two years. I understand that part of that has been accomplished in this particular case. The next step would be submission and approval of plans and generally another year or two elapses before they get their plans ironed out. Then they would form their district. That takes an average of around a year. Then they would have to arrange their financing which any of you people who have ever hired money know there is a considerable length of time, and then comes the building operation which would probably consume another year. The whole thing in a lot of cases has taken five, six, seven and in some cases eight years.

Now if this amendment should pass, it would tie the hands of the Water Improvement Commission. It would give the Water Improvement Commission a mandate to have this completed in five years, where in the normal course of events they would have several more years for this project. The

same thing goes for the individuals as it did for the bigger constructions.

Now it is natural to worry about the effect of some of this legislation in these smaller towns. Now in my own town we have just one industry which at the time that our River, which is the Meduxnekeag River, a good sized stream was classified, was putting waste into the river. This Meduxnekeag was one of the first to be classified in the state. The next spring after the classification the gentleman who operates the mill received a letter from the Water Improvement Commission that he must take his waste from the river. He is a neighbor of mine and he came to me and asked me what he should do. I told him to wait and see what happened. Later, he was requested to attend a meeting of the Water Improvement Commission here in Augusta, and I attended it with him.

Now I served on the Natural Resources Committee that set up the Water Improvement Commission. I personally knew many of its members. If anyone should have been able to influence them, I should have been able to do it. Anyway we came down here to Augusta, we drove 450 miles that day. We had a good hearing, we told our story and we answered their questions as well as we could. A short time later he got a polite but firm "no." There were no threats or no deadlines. There was the suggestion of how conditions could be improved and an offer to send an engineer to help plan a more efficient operation. This man has now changed his operation. He dumps no more waste into the river and he is very happy with the total result.

Now last Tuesday I read in the Press Herald that Governor Reed told the Portland Kiwanis Club that Maine is going to sell June to the tourists. Not being present, I wonder if he told them that the famous Boothbay Region at the same time is proposing amendments to keep sewage on their beaches. This is one way to kill the goose that is laying the golden egg. If it didn't really kill her it would stretch her neck to beat the deuce in my estimation. I would now

move indefinite postponement of this amendment.

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

Mrs. SPROUL: Mr. Speaker, Ladies and Gentlemen of the House: I submit to you that Boothbay Harbor feels that it is one of their great misfortunes that they do not have a beach. In fact, they are talking about building a bridge so they can go across to Bristol's beach.

Another point I would like to bring out is if the Water Improvement Commission is so generous as to give seven or eight years in many cases, why was the committee or certain members of the committee I should say so anxious to reject the ten-year amendment which I proposed yesterday?

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

Mr. BROWN: Mr. Speaker, I hesitate to take issue with my friend and colleague, Mr. Williams of the Natural Resources Committee, but I do feel that the gentlewoman from Lincoln County has a proper amendment and I wish to be recorded in favor of it. Admittedly, it does tie the hands of the Water Improvement Commission to a certain extent. On the other hand, I think that it gives them a definite step progress report. For that reason and among others, I feel that this is a just amendment.

Mr. WILLIAMS: I would ask for a division when the vote is taken.

The SPEAKER: A division has been requested. The question before the House is the motion of the gentleman from Hodgdon, Mr. Williams, that House Amendment "B" to Bill "An Act Classifying Certain Surface Waters in Lincoln County, House Paper 1015, Legislative Document 1416, be indefinitely postponed. All those in favor of the motion to indefinitely postpone, please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

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

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

Bill "An Act Increasing the Authorized Indebtedness of the Lincoln Water District and Clarifying its Power to Borrow" (H. P. 1139) (L. D. 1572)

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

Bill "An Act Classifying Certain Surface Waters in Kennebec River Basin" (H. P. 1151) (L. D. 1585)

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

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

Mr. WILLIAMS: Mr. Speaker and Members: In regard to this item, L. D. 1585, I would just like to say a few words to clarify the New Draft. This 1585 is a New Draft of — I can't remember the original draft, but anyway this Bill in its original form was advertised and heard by the joint Committee on Natural Resources. This committee was unanimous in reporting that it ought to pass in its present newly drafted form.

This new draft does not change the basic concept of the original bill. The intention of the committee and the purpose of this legislation, expressed by the spokesman for the Water Improvement Commission and adopted by the committee in furthering the passage of the legislation, is that by recommended in-plant changes or house-keeping improvements which largely eliminate settleable solids, the Kennebec River would, as far as industry is concerned, be of the quality prescribed by the bill at least ninety-five per cent of the time.

This is the result intended to be achieved by this bill and is designed to be accomplished according to the steps set forth in it. Further, we understand the classifications prescribed by this bill cannot be attained or maintained without the cooperation of all parties contributing to the pollution

of this River, including the municipalities, the sewer districts, persons, firms, corporations, the state and all other legal entities. Thank you.

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

Amended Bills

Bill "An Act Regulating Mechanical Rides by Insurance Department" (S. P. 408) (L. D. 1350)

Bill "An Act relating to Municipal Ordinance Enactment Procedure" (H. P. 247) (L. D. 361)

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

Bill "An Act Clarifying Electricians Licensing Law" (H. P. 821) (L. D. 1136)

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

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

Mr. WELLMAN: Mr. Speaker, I would like to ask a question of anybody who can help me here, I don't have House Amendment No. 168 in reference to this item, and the question is, do the fees as established in the original Legislative Document 1136 remain as they were printed in 1136?

The SPEAKER: The gentleman from Bangor, Mr. Wellman, has asked a question through the Chair concerning the amendment of anyone who may choose to answer.

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

Mrs. SPROUL: Mr. Speaker, the original bill 1136 provided for a large increase in the fees and the amendment strikes out these sections which include the increase in fees.

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

Amended Third Reader Tabled and Assigned

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)

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

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

Mr. COOPER: Mr. Speaker, when that bill first originated, I believe it required examination at age sixty-five, I think I'm right. They thought that wasn't quite sensible and so they amended the bill to make it seventy-five. Now the present requirement I believe is a person eighty years of age and I wonder if there have been very many cases where the people between seventy-five and eighty violated the laws or caused any more accidents than people of — a comparable number of people of other ages. I understand that when a person goes to take an examination he has to pay a \$2.00 fee, I think I'm right. I don't think the bill is necessary and I would move, if I am in order, to indefinitely postpone the bill and the papers accompanying it.

The SPEAKER: The question now before the House is the motion of the gentleman from Albion, Mr. Cooper, that in reference to item 10, L. D. 1197, the bill be indefinitely postponed.

The Chair recognizes the gentleman from Poland, Mr. Dunn.

Mr. DUNN: Mr. Speaker and Members of the House: At the committee hearing there were eleven proponents of this and no opponents as I have it written in my book here, and the committee felt that that age limit wouldn't be too bad on anybody and I hope the bill passes.

The SPEAKER: The question before the House is the motion of the gentleman from Albion, Mr. Cooper, that this bill be indefinitely postponed. All those in favor of the motion to indefinitely postpone please say aye; those opposed, no.

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

Fifty-five having voted in the affirmative and fifty-four having vot-

ed in the negative, the motion did prevail.

Mr. LOWERY: Mr. Speaker?

The SPEAKER: For what purpose does the gentleman arise?

Mr. LOWERY: I rise to a point on this bill, and I would definitely after speaking ask for reconsideration.

The SPEAKER: Does the gentleman move reconsideration?

Mr. LOWERY: I shall ask for reconsideration because I don't believe that the gentleman from Albion took into consideration the—

The SPEAKER: The Chair understands the gentleman from Brunswick, Mr. Lowery, moves the House reconsider its action whereby it just indefinitely postponed this bill, and he may proceed.

Mr. LOWERY: Mr. Speaker, we had accepted this bill, passed it, including Senate Amendment S-173; there we had the 80th birthday I believe. I would ask for reconsideration and for a division on the vote.

The SPEAKER: The question now before the House is the motion of the gentleman from Brunswick, Mr. Lowery, that the House reconsider its action whereby it just indefinitely postponed L. D. 1197, and the gentleman has requested a division.

The Chair recognizes the gentleman from Lisbon, Mr. Karkos.

Mr. KARKOS: Mr. Speaker, I have got some additional data on this at home and I would like to bring it up tomorrow and I would like to table this until tomorrow.

Thereupon, the Bill was tabled pending the motion of the gentleman from Brunswick, Mr. Lowery, that the House reconsider its action whereby the bill was indefinitely postponed and specially assigned for tomorrow on a viva voce vote.

Resolve Appropriating Funds for Publication of Civil War History in Maine (H. P. 569) (L. D. 819)

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

Orders of the Day

Mr. Schulten of Woolwich was granted unanimous consent to address the House briefly.

Mr. SCHULTEN: Mr. Speaker and Members of the House: On the grounds of the Governor's Mansion, the Blaine House Mansion, there is a particularly beautiful flowering shrub at the present moment. A number of people, including many Legislators I know, have wondered what type of a shrub or flowering bush this was.

The gentleman from Lubec this morning came close to it, but changed his mind. On the basis of that, I appointed myself a committee of one to find out what the flowering bush actually is, and through the help of Miss Hary of the Law Department she tells me it is a Korean Azalea, also known as a Dahurian or Mongolian Azalea, and because of my great respect for Mr. Webster of Webster's Dictionary, I will not at this time try to give you the botanical name. Thank you very much for giving me the time.

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

HOUSE REPORT — Ought to Pass with Committee Amendment "A" — (Filing H-167) — Committee on Legal Affairs on Bill "An Act relating to Exits in Buildings." (H. P. 1006) (L. D. 1407)

Tabled — May 3, by Mr. Hinds of South Portland.

Pending — Acceptance of Report.

The SPEAKER: The Chair recognizes the gentleman from Hallowell, Mr. Choate.

Mr. CHOATE: Mr. Speaker and Ladies and Gentlemen of the House: Before acting on this measure, I would ask you to consider the requirements which are involved in this bill. I feel that probably all of us here represent people at home in our areas who take in one, two or three elderly people. They take them into their homes for care and often they are family friends who need understanding and care in their late years. In return for this care the families receive a small compensation plus a great deal of satisfaction. They are not doing this as a business enterprise be-

cause if they were they would take in more than three and try to run it at a profit.

This bill as amended states that any home housing more than three paid occupants — no more than three paid occupants — will be required to install a fire alarm system which has been approved by the Underwriters Laboratory of the University of Maine. I feel this is, even though the cost may be small, that it is just about as ridiculous as asking that each home in the State of Maine be required to install a fire alarm system. I feel that this bill is very unnecessary and unfair to the people who take into their homes one, two or three people as a friendly gesture and with a very small compensation.

I now move for 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 Hallowell, Mr. Choate, in reference to L. D. 1407, that the Report and the Bill be indefinitely postponed.

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

Mr. DODGE: Mr. Speaker and Members of the House: I introduced the bill that originally dealt with exits from public buildings. Now, I agree with the former gentleman that these nursing homes, which I call a home type nursing home, should be kept in existence. And this amendment was introduced with the hopes that they would not be put out of existence, claiming that they were unsafe. Now the Underwriters Laboratory isn't the University of Maine. As I understand, this is the national Underwriters Laboratory.

We have in Maine fires from next fall until next spring. We can safely say that there will be between ten and thirty people who lose their lives in fires. But from the statistics we have at the present time, in the State of Maine none of them are going to lose their lives in nursing homes or in any public building, it will be in private homes. But this fire alarm system, as I understand it, would not be expensive; in fact I have one I will show the gentle-

man that would cost around seventeen to eighteen dollars with three fuses with it, and with as many more as you care to put in.

I was in hopes to put an amendment on this to make this up to five if we got the bill through, that would make it read—passed in this House and in the unmentionable body at the other side of the building on the table, to make this so it would be up to five patients.

These homes are very important, that we keep these homes going; and there seems to be a move on foot to make so many restrictions that they would not be able to. In the last 99th Session we passed a bill that gave the Insurance Commissioner the right to make reasonable regulations on exits from public buildings. We also gave him the right to make, as nearly as practicable, with the National Code. We have two words there, reasonable and practicable, and after he had made this code it was to be accepted by the Governor and the Council. Now this code went through and was in effect, then the inspectors were on a state level. And they made their inspection so rigid that the homes which had more than three people in there, had a lot of trouble getting by with the restrictions they had.

We had one home that — I have forgotten, I think had about eleven people in, and we got Inspector Flynn up there to look it over after the local inspector condemned various things; and Mr. Flynn accepted the conditions as they were about not enclosing the stairways and things like that they had been recommended it would have to be done. If they got a fire, it would be murder in that building. And if the stairways had been enclosed, they would have trouble getting the patients out. Before they didn't. I was there at the fire, so knew what happened.

But I am very much in favor of keeping these small nursing homes with ten people or under, so that they can still stay in existence. And the sole idea that I had in introducing the bill was to make it so they could be. The bill came out entirely different with the amendment than the original bill

was in. Now this amendment I don't think would cost too much for these small nursing homes. And the gentleman mentioned three patients, now with three patients these nursing homes can just about get by; with five patients they can get by at a small profit. That is why that the bill introduced by my friend, Mr. Hinds, I am very much in favor of and that is another one, that is — as I said before, that is on the table, and we may later reach it. There is one in there that is tabled that has just one patient, and I am in hopes to let this bill go along until possibly we can put an amendment on there and get it so that there will be at least five patients.

The alarm systems we have are of various types and the one that we have that is put out by the Edwards Fire Alarm System that is acceptable, a single unit costs \$25. Now I can't answer what your inspectors might do, because they might insist on a lot more. But that single alarm system would be all they would need in a small nursing home. And they have another one that is put out by the Falcon Alarm System that works by gas. And that is being used in many states and is acceptable. I think there is such a thing as going beyond what is reasonable.

And for that reason, I hope you will let this bill ride along and don't kill it at the present time.

The SPEAKER: The Chair recognizes the gentleman from Hallowell, Mr. Choate.

Mr. CHOATE: Mr. Speaker, as the gentleman from Guilford, Mr. Dodge, has mentioned, the bill which was presented by the gentleman from South Portland, Mr. Hinds, I feel will adequately take care of this provision which is included in this rewritten bill. The new bill, as amended, is entirely different from what Mr. Dodge put in, and I think that when the bill of Mr. Hinds comes off the table in the Senate and is acted upon, it will take care of these requirements which Mr. Dodge has in mind. I don't think this is necessary.

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

Mr. BERRY: Mr. Speaker, the Legal Affairs Committee considered this bill quite carefully and I think it may be summed up this way for the benefit of the members of the House. This would provide inexpensive fire protection and notice to nursing homes and homes for the aged who have not more than three occupants. It seems a reasonable matter to provide inexpensive fire protection for this sort of an installation.

The SPEAKER: The question before the House is the motion of the gentleman from Hallowell, Mr. Choate, that the Report and the Bill "An Act relating to Exits in Buildings," House Paper 1006, Legislative Document 1407, be indefinitely postponed.

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

A viva voce vote being taken, the motion prevailed and the Report and Bill were indefinitely postponed and sent up for concurrence.

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

Bill "An Act Increasing Certain Fees to Registers of Deeds." (H. P. 1140) (L. D. 1569) — In House Read the Third Time. Amendment Filing H-263)

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

Pending — Adoption of House Amendment "B" (Filing H-274)

The SPEAKER: Is it now the pleasure of the House that House Amendment "B" shall be adopted?

The motion prevailed, and House Amendment "B" was adopted and the Bill passed to be engrossed as amended.

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

Mr. BUSSIÈRE: Mr. Speaker, I wish to make a motion at this time for indefinite postponement, and I request a division.

The SPEAKER: The Chair understands that the gentleman from Lewiston, Mr. Bussiere, moves that the House reconsider its action whereby it just passed this bill to be engrossed for the purpose of making the motion of indefinite postponement. Is this the pleasure of the House?

All those in favor of reconsidering our action whereby this bill was just passed to be engrossed, say aye; those opposed, no.

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

Thereupon, the Bill was sent to the Senate.

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

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

— In House Read the Third Time. Tabled — May 9, by Mr. Rust of York.

Pending — Passage to be Engrossed.

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

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: This bill came out of the Judiciary Committee with a unanimous "ought to pass" report. It provided a suspension of a license for a minor transporting beer unlawfully. Now there was a technicality in the procedure for the suspension of a license which involved the Secretary of State's Department. The defect has been taken care of by amendment, by House Amendment "A," which is H-286, which is on your desks today. It has been approved by the Chairman of the Judiciary Committee, Senator Erwin, and it has been approved by the House Chairman, Representative Knight from Rockland. And therefore I present this amendment and move its adoption.

The SPEAKER: The gentleman from York, Mr. Rust, in reference to L. D. 1587, offers House Amendment "A" and moves its adoption. The Clerk will read the amendment.

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

HOUSE AMENDMENT "A" to H. P. 1153, L. D. 1587, Bill, "An Act relating to Transporting Liquor by Minor in Motor Vehicles."

Amend said Bill by striking out all of that part designated "Sec. 51-B." and inserting in place thereof the following:

'Sec. 51-B. Penalty. Upon conviction of any offense under sec-

tion 51-A, the court shall suspend the operator's license, if any, for a period of 10 days and shall forthwith forward said license to the Secretary of State together with the record of conviction on the form furnished for reporting convictions of violations of chapter 22. The court may recommend a further suspension of the license for an additional period not to exceed a total of 60 days, in which case such recommendation shall be noted on the abstract of conviction sent to the Secretary of State.

Immediately upon receipt of said record, the Secretary of State shall suspend the license, or right to operate, or right to obtain a license, of such person for the recommended period not to exceed 60 days, including the 10-day suspension imposed by the court, without further hearing.

It is intended that the penalty herein defined shall be the sole and exclusive penalty for the conviction of this offense, and shall not be in conflict with chapter 152-A, but is additional to the criminal offense defined in section 51.

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

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

Bill "An Act Regulating Lobster Traps on Trawls." (H. P. 900) (L. D. 1234) — In House Read the Third Time.

Tabled — May 9, by Mr. Winchenpaw of Friendship.

Pending — Passage to be Engrossed.

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

Mr. WINCHENPAW: Mr. Speaker, if I am in order at this time, I would like to offer House Amendment "D" filing number H-284, and move its adoption. I have sort of lost track of the proper motion to make.

The SPEAKER: The gentleman from Friendship, Mr. Winchenpaw, offers House Amendment "D" and moves its adoption. The Clerk will read the amendment.

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

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

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

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

"R. S., c. 37-A, Secs. 74-B - 74-C, additional. Chapter 37-A of the Revised Statutes, as enacted by section 1 of chapter 331 of the public laws of 1959, is amended by adding 2 new sections to be numbered 74-B and 74-C, to read as follows:

'Sec. 74-B. Lobster traps on trawls in Saco Bay, Cumberland County. It is unlawful to have on any trawl more than 3 lobster traps on one warp and buoy in that part of Saco Bay west of a line running 150 degrees true from the center of Spurwink River in Scarborough.

Sec. 74-C. Lobster traps on trawls in certain tidal waters. It is unlawful to have on any trawl more than 3 lobster traps on one warp and buoy in that part of the tidal waters of the State easterly from a line running true south from Pemaquid Point Light, Lincoln County, to a line true south from Owl's Head Light, Knox County.'

The SPEAKER: Is it now the pleasure of the House that House Amendment "D" shall be adopted?

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

Mr. BERRY: Mr. Speaker and Members of the House: This bill has had two complete hearings before the Fisheries Committee and on both occasions it came out with a unanimous "ought not to pass" report. The House received an amendment last week which was quite broad to this bill and it is now being narrowed down even further. I think that we are, in spirit at least if not technically, taking advantage of the prohibition of Rule 36 which says, "No motion or proposition on a subject different from that under consid-

eration shall be admitted under color of amendment," because this has as I stated received very full debate.

We have here a problem between the small lobsterman and the big lobsterman. It would seem to me that this is a conservation matter, a matter of proper administration of our natural resources, and I am sure that it was in that spirit that the "ought not to pass" report came out. It would seem to be a proper subject for our investigation before the 101st Legislature.

If I am in order at this time, Mr. Speaker, I would move that this matter and all accompanying papers be indefinitely postponed.

The SPEAKER: The pending question is the motion of the gentleman from Friendship, Mr. Winchenpaw, that House Amendment "D" be adopted, and the Chair understands that the gentleman from Cape Elizabeth, Mr. Berry, moves that House Amendment "D" be indefinitely postponed, and the bill.

The Chair will inform the gentleman from Cape Elizabeth, Mr. Berry, that a motion to amend has precedence over a motion to indefinitely postpone. Therefore, we will have to make a decision on the adoption of House Amendment "D" or the indefinite postponement of it first.

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

Mr. WINCHENPAW: Mr. Speaker, I won't take any more time to debate this, but I think it has been thoroughly covered and we in our area have straightened out most of our difficulties and I certainly hope that the Houses accept this amendment at this time, and I move that when the vote is taken it be taken by a division.

The SPEAKER: Will the gentleman from Cape Elizabeth, Mr. Berry, approach the rostrum please?

(Conference at rostrum)

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

Mr. BERRY: Mr. Speaker, at this time I move indefinite postponement of House Amendment "D."

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

Mr. COULTHARD: Mr. Speaker, Ladies and Gentlemen of the House: This amendment includes my amendment that I tried to present numerous times in the past week and I think that is where the difficulty lies with Mr. Berry and myself. I would like to stress that I would in no way want to jeopardize Mr. Winchenpaw's area, but my amendment is included with his because we are instructed to do so, so at this time I hope the motion of the gentleman from Cape Elizabeth, Mr. Berry, does not prevail.

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

Mr. MADDOX: Mr. Speaker, indefinite postponement of this amendment will put this House in a very bad position. We will have — it will mean that we have substituted the bill for the report and we will have done the Maine fishermen irreparable harm. I hope that the motion of the gentleman from Cape Elizabeth is defeated.

The SPEAKER: The question before the House is the motion of the gentleman from Cape Elizabeth, Mr. Berry, that House Amendment "D" be indefinitely postponed. A division has been requested. All those in favor of the motion to indefinitely postpone please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Ten having voted in the affirmative and eighty-eight having voted in the negative, the motion did not prevail.

Thereupon, House Amendment "D" was adopted.

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

Mr. MINSKY: Mr. Speaker, I think that perhaps that part of the difficulty with the previous motion to indefinitely postpone was it was made at the wrong time. I do not think that we would be doing the fishermen of the State of Maine any irreparable damage should we

now indefinitely postpone the bill as amended and all its accompanying papers.

I am interested in this solely for one reason, I have been sitting here now for approximately five months and have been very much annoyed at the instances of special legislation for special areas of the state. I can't conceive of passing laws which are going to affect in this instance fishermen in one area one way and fishermen in another area another way. It seems to me that the purpose of legislation is that we treat each and every individual uniformly. If you look at the amendment you will notice what it is in effect doing is setting up special laws for two areas of the state. If this is the kind of legislation we wish to pass out, so be it. I think that if I am fortunate enough to come back the next time, or unfortunate enough, I think I would be entirely in order to submit bills that would perhaps limit the clothing stores on the north side of Main Street in Bangor or Dairy Joy south of Deering Street in Portland, because they make about as much sense as this type of legislation.

I move that we indefinitely postpone L. D. 1234 and all its accompanying papers.

The SPEAKER: The question before the House is the motion of the gentleman from Bangor, Mr. Minsky, that L. D. 1234 be indefinitely postponed.

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

Mr. WINCHENPAW: I'll say just one more word this is comparable to a bill that was passed for York County, and I put in a similar bill which was intended to cover my area, but as I said before, it was not written properly, it was a statewide bill, so all we've done is taken it back. It was a dead bill but that may be cheaper because one bill that I introduced has been on the table in the other branch ever since February 1. No doubt it's costing quite a bit of money to keep printing that thing every day, and this bill just laid in the dead files until we found out what needed to be done with it, and they already have this same provision in

York County, and this is a conservation measure because it limits the number of traps that you can put on one string. I hope that the motion made by the gentleman from Bangor does not prevail. And when the vote is taken, I request a division.

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

Mr. COULTHARD: Mr. Speaker, I would like to explain my position and my amendment to this bill. As you know half of Saco Bay, that being in York County, is now covered by similar legislation. My amendment would permit the same legislation to be extended in the same Saco Bay to cover my own area. That being the waters off the shores of Scarborough, and Scarborough alone.

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

Mrs. KNAPP: Mr. Speaker, I would like to say to you people that lobster fishing in different territories is mandatory. So I hope that you go along with this bill and do not throw it out.

The SPEAKER: Is the House ready for the question?

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

Mr. MADDUX: Mr. Speaker, I think this matter has been thoroughly covered, it has taken a lot of time, it has been a long and devious trail to arrive at its special status, and after much soul searching I must ask the House to defeat the motion of the gentleman from Bangor, to indefinitely postpone.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Bangor, Mr. Minsky, that this Bill, "An Act Regulating Lobster Traps on Trawls," House Paper 900, Legislative Document 1234, be indefinitely postponed. A division has been requested.

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

A division of the House was had.

Eighteen having voted in the affirmative and eighty-four having

voted in the negative, the motion did not prevail.

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

Mr. BERRY: I now present House Amendment "A" to House Amendment "D" and move its adoption, and I would like to speak on it please.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Berry, now offers House Amendment "A" to House Amendment "D" and moves its adoption. The Clerk will read the amendment.

The Chair understands that the gentleman from Cape Elizabeth, Mr. Berry, moves that the House reconsider its action whereby it adopted House Amendment "D" for the purpose of offering House Amendment "A" to House Amendment "D." Is it the pleasure of the House that the House reconsider its action whereby it adopted House Amendment "D"?

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

Mr. BERRY: I would like to explain to the members of the House the purpose of this and this reconsideration is purely a parliamentary technicality. This amendment which has been distributed and is on the members' desks as H-285 delineates the line between Scarborough and Cape Elizabeth. The gentleman from Scarborough, Mr. Coulthard and myself in conference with the various members of the lobster catching fraternity have attempted to work out a mutual line of division which would be satisfactory. We have been unable to do it. My amendment which I would propose and with your tolerance would prefer to talk on now, would include the same language which the amendment of the gentleman from Friendship, Mr. Winchenpaw, included in the bill as now before you with the line of demarcation runs due south from Owl's Head, and I feel that we in Cape Elizabeth would be happy if the line were to run due south from the mouth of the Scarborough River in the same way. I hope the motion for reconsideration does prevail.

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

Mr. COULTHARD: Mr. Speaker, Ladies and Gentlemen of the House: my amendment reads "one hundred and fifty degrees true from the center of the Spurwink River in Scarborough." Now this line meets the County lines at the three mile limit, and takes in most of the waters off the shores of Scarborough. You understand we now have similar legislation in York County, part of the Saco Bay adjacent to Scarborough. One hundred fifty degrees true south, as the gentleman from Cape Elizabeth, Mr. Berry, suggests, takes less than half of the waters off the shores of Scarborough. We do not object to anyone fishing in our area, but would like to have them fish as we do. I understand there are only four fishing with trawls off the shores of Cape Elizabeth and sometimes off the shore of Scarborough. It does not seem to me that we should legislate against fifty-five fishermen in the town of Scarborough and also a large number in Cape Elizabeth who now fish side by side and get along very well, to take care of only four fishermen. We have a zoning ordinance in our town of Scarborough which protects one another from its neighbor. This amendment of mine, in my opinion, is also a form of zoning to protect the fishermen. This amendment does not stop anyone from fishing as we do, but if trawls are used they could crowd out the small fishermen. In other words if five of the fifty-five fishermen in my own area desired to fish with a large number of traps on trawls, they could crowd the other fifty out of the bay, thus taking the jobs and income from fifty families. My people want this legislation I'm asking for by a vote of one hundred percent. Therefore, I move that House Amendment "A" to House Amendment "D" will not be accepted. Thank you.

The SPEAKER: The question before the House is the motion of the gentleman from Cape Elizabeth, Mr. Berry, that the House reconsider its action whereby it adopted House Amendment "D," for the purpose of offering House

Amendment "A" to House Amendment "D." And the motion is on reconsideration.

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

Mr. ESTEY: I wasn't going to speak on this measure because I'm not well enough qualified to know what the problems were of fishermen, but there are much larger fishermen in the greater Portland area who also use the Saco Bay area for shelter during stormy weather. They fish farther out, they use the bigger trawls, and instead of going twelve miles all the way back through the narrows into Portland in stormy weather and hauling their traps up, they go back and shelter them in the Saco Bay area during the storm periods. This law would prevent that. There's been no problem in the past with their fishing in this area and denying the fishermen in that area a chance to fish, but it is only used by them as a shelter as I understand it. This would prevent that.

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

Mr. COULTHARD: Mr. Speaker, I have already stated we have no quarrel with anybody fishing in the bay, but we would desire that they fish as we do. The York County Bill takes in more than half the bay now, all we are asking for is a small amount off the shores of Scarborough.

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

Mrs. SPROUL: I did not intend to get in on this discussion having had problems of my own this morning, but at this time I'm mixed up and I imagine there are a good many people in the House that are as to these various amendments. It seems to me the fair thing to do for all the lobstermen would be to let things go as they are now and have a public hearing with all the lobstermen here in the next legislature. In my area, the Bristol people fish with traps on lines, Boothbay Harbor fishes on trawls, and South Bristol does both. This is a problem here, I think we in the legislature deciding something that

should have a public hearing before everyone.

The SPEAKER: Is the House ready for the question? The question before the House is the —

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

Mr. WINCHENPAW: Mr. Speaker, I just wanted to add one more point and then I won't say any more, but this does not stop anyone from putting out any size string of traps they want beyond the territorial limits of the waters of the State of Maine. I don't know whether you know it or not, but I can go off shore and fish without a license. The only trouble I run into is when I come in to sell my lobsters at the wharf, and if I can make arrangements with somebody that has a license and transfer them to some other boat, I am not giving away any secrets, why I can still keep on fishing.

This is just inside of the three mile limit so to speak, you all understand the three mile limit, and this has no bearing on the Portland boys. If they want to go off shore and put out a string of traps, ten on a string, why no one objects to that. This is just — it says the tidal waters of the State of Maine, and that means inside of the three mile limit.

The SPEAKER: The question before the House is the motion of the gentleman from Cape Elizabeth, Mr. Berry, that the House reconsider its action whereby it adopted House Amendment "D," and the purpose of reconsideration is so that the gentleman can offer House Amendment "A" to House Amendment "D." All those in favor of the motion to reconsider, please say aye; those opposed, no.

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

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

On motion of Mr. Baxter of Pittsfield,

Adjourned until nine o'clock tomorrow morning.