

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One-Hundredth Legislature*

OF THE

STATE OF MAINE

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and

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DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

**HOUSE**

Tuesday, May 23, 1961

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

Prayer by the Rev. Mr. George Boville of the Congregational Church, Ellsworth.

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

The journal of the previous session was read and approved.

The SPEAKER: At this time the Chair would like to recognize the presence in the gallery of thirty-four pupils from the North Yarmouth Memorial School with their chaperones.

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

**Papers from the Senate  
Conference Committee Report**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Clarify the Liquor Laws" (S. P. 353) (L. D. 1086) reporting that the Senate recede and concur with the House thereby passing the Bill to be engrossed as amended by Committee Amendment "A" and Senate Amendment "B".

(Signed)

CHRISTIE of Aroostook

MAYO of Sagadahoc

— Committee on part of Senate

DOSTIE of Winslow

LANE of Waterville

— Committee on part of House

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

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

From the Senate: The following Order:

ORDERED, the House concurring, that Joint Order relative to Interim Joint Committee Study of

Employment Security (S. P. 551) be recalled from the Legislative Files to the Senate (S. P. 562)

Came from the Senate read and passed.

In the House: The Order was read.

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

Mr. BAXTER: Mr. Speaker, I would just like to explain briefly the reason for recalling this order. The original intention was that there should be three from the House and two from the Senate on the committee. As the order was written, it was two from the House and two from the Senate. The recall will allow an amendment to be put on in the Senate to increase House membership from two to three.

The SPEAKER: Is it the pleasure of the House that this order shall receive passage?

The motion prevailed and the Order was passed in concurrence.

**Senate Reports of Committees  
Leave to Withdraw**

Report of the Committee on Natural Resources on Bill "An Act Transferring Moose Point State Park to Private Ownership" (S. P. 330) (L. D. 1005) reporting Leave to Withdraw

Came from the Senate read and accepted.

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

**Covered by Other Legislation**

Report of the Committee on Towns and Counties on Bill "An Act Increasing Salary of Clerk of Courts of Hancock County" (S. P. 78) (L. D. 178) reporting Leave to Withdraw, as covered by other legislation.

Report of same Committee reporting same on Bill "An Act Increasing Salary of Sheriff of Hancock County" (S. P. 79) (L. D. 179)

Report of same Committee reporting same on Bill "An Act Increasing Salary of Register of Deeds in Hancock County" (S. P. 80) (L. D. 180)

Report of same Committee reporting same on Bill "An Act Increasing Salary of Judge of Pro-

bate of Hancock County" (S. P. 81) (L. D. 181)

Report of same Committee reporting same on Bill "An Act Increasing Salaries of Certain Officers of Lincoln County" (S. P. 207) (L. D. 540)

Report of same Committee reporting same on Bill "An Act Increasing Salary and Expenses of Judge of Western Somerset Municipal Court" (S. P. 208) (L. D. 541)

Report of same Committee reporting same on Bill "An Act Increasing Salary of Register of Probate of Hancock County" (S. P. 243) (L. D. 647)

Report of same Committee reporting same on Bill "An Act Increasing Salary of Clerk of Courts of Aroostook County" (S. P. 332) (L. D. 1007)

Report of same Committee reporting same on Bill "An Act Increasing Salaries of Registers of Deeds of Aroostook County" (S. P. 334) (L. D. 1009)

Report of same Committee reporting same on Bill "An Act Increasing Salary of Sheriff of Aroostook County" (S. P. 335) (L. D. 1010)

Report of same Committee reporting same on Bill "An Act Increasing Salary of Register of Probate of Aroostook County" (S. P. 336) (L. D. 1011)

Report of same Committee reporting same on Bill "An Act Increasing Salaries of Oxford County Officials and Judges of Municipal Courts in Oxford County" (S. P. 386) (L. D. 1196)

Report of same Committee reporting same on Bill "An Act Increasing Salaries of County Officials of Knox County and Judge of Rockland Municipal Court" (S. P. 449) (L. D. 1314)

Report of same Committee reporting same on Bill "An Act Increasing Salary of County Attorney of Franklin County" (S. P. 450) (L. D. 1315)

Came from the Senate read and accepted.

In the House, the Reports were read and accepted in concurrence.

#### Ought Not to Pass

Report of the Committee on Health and Institutional Services reporting "Ought not to pass" on

Bill "An Act to Clarify the Nursing Law" (S. P. 321) (L. D. 996)

Came from the Senate with the Bill substituted for the Report and indefinitely postponed.

In the House: Report was read.

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

Mrs. KNAPP: Mr. Speaker and Members of the House: I speak in opposition to Senate Paper 321, L. D. 996, and in support of indefinite postponement. In my opinion it defeats the reasons why persons who engage in work which affects public safety are granted licenses in the first place. In professional work you don't seek out a person in order to do him a favor by passing out licenses gratis with no strings attached. This is not the reason why legislative bodies are invested with the right and privilege to grant licenses.

I can see where the graduate nurses, who never could pass the examinations to become an RN, who never bothered about getting registered until now, will benefit from this proposed amendment. But I believe this measure is in the category of special legislation, to benefit a specified group of nurses and not one to add to public interests. This bill was given a good hearing, it was attended by about three hundred and fifty, it came out of committee with a large majority "ought not to pass."

I move that we accept the "Ought not to pass" Report and when the vote is taken I ask for a division.

The SPEAKER: The question now before the House is the motion of the gentlewoman from Yarmouth, Mrs. Knapp, that the House accept the Committee "Ought not to pass" Report. A division has been requested.

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

A division of the House was had.

One hundred nineteen having voted in the affirmative and five having voted in the negative, the "Ought not to pass" Report was accepted.

### Ought to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought to pass" on Resolve Appropriating Money to Supplement Federal Vocational Funds for Area Education Programs for Apprentices and other Adult Workers (S. P. 315) (L. D. 991)

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

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

### Ought to Pass in New Draft Amended in Senate

Report of the Committee on Towns and Counties on Bill "An Act Establishing Fees to be Collected by Registers of Probate" (S. P. 447) (L. D. 1399) which was recommitted, reporting same in a new draft (S. P. 533) (L. D. 1571) under same title and that it "Ought to pass"

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

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

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

SENATE AMENDMENT "A" to S. P. 533, L. D. 1571, Bill "An Act Establishing Fees to be Collected by Registers of Probate."

Amend said Bill by striking out in line 7 the underlined word "5" and inserting in place thereof the word "4", and by striking out in line 9 the underlined word "\$2.50" and inserting in place thereof the underlined word "\$1.50".

Further amend said Bill by striking out paragraph III, which reads "Copies. Making copies from the record or files of the court, \$1 for the first 3 pages plus 25 cents for each additional page; except the charge for furnishing to the executor or administrator one copy of each will proved shall be 50 cents", and inserting in place the following paragraph which shall read 'Copies. Making copies from the records of the court, 50 cents for the first page plus 25 cents for

each additional page; except the charge for furnishing to the executor or administrator one copy of each will proved shall be 50 cents.'

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

### Ought to Pass with Committee Amendment

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Providing Expanded Community Mental Health Services" (S. P. 191) (L. D. 524) which was recommitted, reporting that Committee Amendment "A" be indefinitely postponed and the Bill "Ought to pass" as amended by Committee Amendment "B" submitted therewith.

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 191, L. D. 524, Bill, "An Act Providing Expanded Community Mental Health Services."

Amend said Bill, in section 2, by striking out the figure "\$100,000" as it appears in the 2nd, 3rd and 10th lines and inserting in place thereof the figure "\$50,000"

Committee Amendment "A" was indefinitely postponed in concurrence.

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

COMMITTEE AMENDMENT "B" to S. P. 191, L. D. 524, Bill, "An Act Providing Expanded Community Mental Health Services."

Amend said Bill in that part designated "Sec. 142-F." of section 1 by striking out all of the last underlined sentence and inserting in place thereof the following underlined sentences: 'Fees received by the Department of Mental Health and Corrections shall credit to the General Fund. Fees received by the municipality, governmental unit

or nonprofit corporation are appropriated to each for use in carrying out its duties under sections 142-A to 142-F.'

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

#### Amended in Senate

Report of the Committee on Judiciary on Bill "An Act Creating an Administrative Code for State of Maine" (S. P. 396) (L. D. 1343) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 396, L. D. 1343, Bill "An Act Creating an Administrative Code for State of Maine."

Amend said Bill by adding in Sec. 1, I after "F. Children's homes," the following underlined paragraph: 'G. Control of ionizing radiation.'

Further amend said Bill by adding the following after the first paragraph of Sec. 12: 'The Hearing Officer shall have no power or authority under this or any other section of this Administrative Code to hear or in any way determine the competence or qualifications of any person applying to an agency for a license to engage in a profession or business.'

Committee Amendment "A" was adopted in concurrence.

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

SENATE AMENDMENT "A" to S. P. 396, L. D. 1343, Bill, "An Act Creating an Administrative Code for State of Maine."

Amend said Bill in that part designated "Sec. 1, sub-Sec. I" of section 1 by striking out all of the 6th underlined line from the end.

Further amend said Bill by striking out all of sections 48 and 49.

Further amend said Bill by re-numbering sections 50 to 60 to be sections 48 to 58.

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

#### Divided Report

Majority Report of the Committee on Health and Institutional Services reporting "Ought not to pass" on Bill "An Act relating to Exit Facilities in Nursing Homes" (S. P. 429) (L. D. 1306)

Report was signed by the following members:

Mr. CARPENTER of Somerset  
Mrs. LORD of Cumberland  
— of the Senate.  
Mrs. KNAPP of Yarmouth  
Messrs. KENNEDY of Milbridge  
GILL of South Portland  
SWETT of Howland  
DANES of South Portland  
— of the House.

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

Report was signed by the following members:

Mr. MARDEN of Kennebec  
— of the Senate.  
Mr. HARTSHORN of Buxton  
Mrs. HENDRICKS of Portland  
— of the House.

Came from the Senate with the Majority Report accepted.

In the House: Reports were read.

On motion of Mr. Kennedy of Milbridge, the Majority "Ought not to pass" Report was accepted in concurrence.

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

#### Divided Report

Report "A" of the Committee on Education reporting "Ought to pass" on Bill "An Act Merging Portland University with the University of Maine" (S. P. 161) (L. D. 407)

Report was signed by the following members:

Mr. BROOKS of Cumberland  
— of the Senate.

Messrs. DURGIN of Raymond  
           SIROIS of Rumford  
           HICHBORN  
                     of Medford Township  
           ESTEY of Portland  
                     — of the House.

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

Report was signed by the following members:

Messrs. BATES of Penobscot  
           SAMPSON of Somerset  
                     — of the Senate.  
 Mr. LEVESQUE of Madawaska  
 Mrs. HANSON of Lebanon  
 Mr. CURTIS of Bowdoinham  
                     — of the House.

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

In the House: Reports were read.

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

Mr. BERRY: Mr. Speaker, I move that we concur with the Senate.

The SPEAKER: The gentleman from Portland, Mr. Berry, moves that the House accept Report "A" "Ought to pass."

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

Mr. CURTIS: Mr. Speaker and Members of the House: As the signer of the "ought not to pass," I would like to give my reasons. Now this law school is doing a wonderful job, there is no question about it. They graduated some thirty odd students of law and they passed a very creditable examination and were admitted to the bar. Now I have nothing against this school, I praise them, and they are doing a wonderful job. It is just a question of money—can we afford it at this time?

You will notice when you read the bill it says fifty thousand this year and seventy-five next; that is just peanuts of what it is going to cost when the thing really gets going—it will be up into the millions. Now the U of M is costing a lot of money and they are doing a fine job. I am just wondering if we can afford this at this particular time. It is doing all that it is supposed to do and doing a job as a law school, but of course if

it is finally taken into the U of M, many other studies will be added and it will cost the people of this state many thousands of dollars.

And I am just wondering if that is what we should do inasmuch as the law profession is a very creditable profession and they fare fairly well in income, and I am just wondering if the State of Maine should start in and pay more for other education than we are doing in Orono at this present time.

So I move indefinite postponement of this bill and accompanying papers.

The SPEAKER: The question now before the House is the motion of the gentleman from Bowdoinham, Mr. Curtis, that both Reports and the Bill will be indefinitely postponed.

The Chair recognizes the gentleman from Lebanon, Mrs. Hanson.

Mrs. HANSON: Mr. Speaker and Members of the House: I signed the Minority "Ought not to pass" Report not because I do not sympathize with the institution that is in Portland; I think we need it, but the trouble right now is we cannot afford to give the University of Maine, which is the parent school, all they need or all they want. I feel that this is not the time to add an arm on to that institution and not only not be able to adequately support this arm but to jeopardize the program at the University. Therefore I support the Minority "Ought not to pass" Report and the motion of the gentleman from Bowdoinham, Mr. Curtis, to indefinitely postpone.

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

Mr. HAUGHN: Mr. Speaker and Ladies and Gentlemen of the House: You have before you one of the greatest things in the State of Maine in regard to bringing something in we lack now as far as the state operation goes for support. You are giving the qualification for students in an area whereby they could not afford if we have to have it in the University of Maine at Orono, to even be considered because of the costs. A student couldn't go out and work and still go to school. Under the present setup, the way you have

it now, they would have to go to some other state, which would be very costly to get this type of learning and education.

You also will be receiving something that is already established, there is going to be very little cost to the State of Maine for what they would be getting. You know we are entered into a compact agreement with the State of Vermont, New Hampshire now, and certain other places, we could establish a school here, a law school which we could probably have them work as a compact in our areas, cutting our costs and overhead. And if you stop and realize as citizens, now devoting their time and efforts for very little compensation to qualify students, I think you would consider this bill much more and heavily than has been expressed here by the opposition. It is something within the State of Maine we need, we should have, and it is very desirable for the further advancement of education.

Now if we ever let this get away from us at this particular time, I am afraid you are going to really lose some good qualified students because once they go out of state to learn, they get a taste of other goodies of other states beyond what we have, and they are going to stay there and not come back. We want to keep those young people in Maine. It is our obligation and our moral obligation to qualify them within our state with a minimum of cost, and I certainly hope that when the vote is taken it be taken by division and you reject the opposition's motion.

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

Mr. BERRY: Mr. Speaker and Ladies and Gentlemen of the House: May I point out at this time that the trustees and administrators of both institutions have agreed that the best interest of college education in Maine can be served by this merger.

The matter of expense to the state has been brought up. This merger would create the efficient spending of the educational dollars, which is a favoring argument for this merger. In short it means that funds do not need to be appropri-

ated for such matters as dormitories, sewage systems, power plants, police protection, and other services which are already available. We would be able to educate more students at a lower cost by continuing the philosophy started when the University of Maine in Portland was created.

And I firmly believe the Portland University will best serve the state by conveying to the state all of its capacity to enlarge advantages of education to Maine and to the people of Maine.

I hope that the motion of the gentleman from Bowdoinham, Mr. Curtis, is defeated, I ask you to accept Report "A," and I believe a division has been requested.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Having loaned my whiskey tenor to Leonard Cohen, I hope I can be understood properly. One of the speakers stated that apparently in principle she was with this bill but apparently we could not give the University of Maine at this time all they wanted and could not afford this piece of legislation. Going back slightly I would state that we have given the University of Maine over the years more than all they wanted and this year is no exception to the rule. I can well recall two years ago when the project was prepared that the consensus of opinion of those who were helping the late Governor Clauson preparing his budget arrived at a three and one-quarter percent general hike for all departments in Maine involved, and let us bear in mind that the University of Maine is a department of the state. Before the session ended, the other departments in Maine stayed at their average of three and one-quarter percent. However, through L. D.'s and cajoling and tears and towels, the general rise for the University of Maine was four and one-half percent. Over one-half of the capital construction went to the University of Maine and a ten million dollar bond issue, that should be repaid eventually we hope, was voted in for them. At this present biennium I assure you that the capital will



be no different as far as the University of Maine getting their proportion. In the current services budget we gave them \$700,000 more than they had for the previous biennium, and in 1606 we are giving them \$625,000 more each year.

Now consequently this item here is one that I will go along with because this in my opinion is not only good money being spent but it is excellent money being spent, because we want our people to go to law schools, when they graduate we want them to stay here. This is one program that I would like to see the University of Maine take over and if it expands, so be it.

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

Mr. DURGIN: Mr. Speaker and Ladies and Gentlemen of the House: Portland University is meeting three basic needs of the residents of Maine. One, it offers a four-year course in business administration which the citizens of southern Maine feel is important to the educational and economic progress of southern Maine. Two, it offers training by law for persons who can obtain that training only by attending a local institution while working to pay their way. Three, it offers evening and part-time courses for citizens who are seeking special training for use in connection with their regular employment or to improve their educational status, both of which are significant and important.

A major factor for most students enrolled at Portland University has been the necessity for them to live at home, thereby keeping costs at a minimum, while working to meet living and educational costs.

The trustees and faculty of Portland University recognize that the institution must gain recognized academic standing if it is to continue to render effective service. This prompted them to initiate discussions with representatives of the University of Maine to consider the possibility of becoming a part of the University of Maine and thereby attain the goal which is essential if the institution is to gain the status necessary to its ultimate success.

I certainly hope that the motion of the gentleman from Bowdoinham, Mr. Curtis, does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Pike.

Mr. PIKE: Mr. Speaker and Members of the House: I would merely want to remind you that fifty years ago we had in this state a law school as part of the University of Maine, we had a medical school attached to Bowdoin College. We lost both of them, because it seemed as if we couldn't afford the money at the time. I frankly think it was a mistake. If you want to see a typical example of gentlemen, statesmanship, and learning graduated from the University of Maine law school, I won't say how far back, just look at our Clerk. We are now in great need of having other people, natives of the state, trained in the state and to come back in the state. Now it is unfortunately true that so many law folks who have to go to other states and get into these big cities for their advanced training, never come back. I suspect we would do well, and I would agree with the gentleman from Lewiston, it will be money well spent—or I will put it the other way, well invested on the part of the state to integrate this Portland University into the University of Maine.

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

Mr. MORRILL: Mr. Speaker and Members of the House: It has been stated that this school is going to expand. I don't think that the plans are for expanding this law school; therefore I don't believe there is going to be any cost for expansion. I think there is a great necessity in this state for increased educational services at all level, speaking as law and business education. And I think this is good legislation, providing for additional sums to increase the facilities of the educational institutions.

One point that I would like to bring up. We are appropriating money every year for new buildings and this is an expensive appropriation at present. The law school has taken over a large

building in Portland and I don't believe the building could be built for three-quarters of a million dollars. They have refinished the interior and the state is going to buy this all refinished; and looking at it from that angle, the state is buying this for \$125,000 over the biennium. Here is an educational institution that you are going to buy for seventeen cents on the dollar, and we don't very often find bargains like that in educational services.

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

Mr. ESTEY: Mr. Speaker and Ladies and Gentlemen of the House: The proposed merger of the Portland University and the University of Maine has been a subject of discussion for about six years. As it has been pointed out, the trustees and administrators of both institutions are convinced that the best interests of college education are served by this merger. We could present a great many statistical figures and matters relating to this measure, the number of state universities which do provide accredited law courses and business opportunities, the relatively low position that Maine holds in providing college opportunities for its young people and the exceptionally low position Maine has in providing adult education opportunities.

I have just a few figures which I would like to use. The balance sheet for last year indicates that the Portland University had a net worth of some \$55,000, its operating summary shows that it operates at a total income of about \$70,000 a year and total expenses of about \$68,000. I think that the most important matter that we can consider is not the law school alone, but the opportunity for a hundred and five students who are now taking courses in business administration in the area of our state which is most heavily industrialized, and a hundred and ninety adults who are taking adult educational courses there mostly at evenings and weekends.

I would point out to you that the replacement value of the existing facilities would be over a million dollars. There are four

buildings located on the property—three of the buildings are of first class, fire proof construction, the fourth building is of historical significance. The present capacity of the buildings with no major alterations is five hundred day school students and five hundred evening division students. I just point out that the present enrollment totals three hundred twenty-five, this means we could add one hundred and seventy-five students in day school and one hundred seventy-five evening school students at no additional capital outlay. I certainly hope that the motion of the gentleman from Bowdoinham, does not prevail.

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen: I want to affirm again that I believe that this law school in Portland is doing a wonderful job and it will continue to do a good job whether it is taken in by the State of Maine or the college operated by the State of Maine at Orono. But, ladies and gentlemen, I would have you remember that there are fifteen other counties in the State of Maine besides the County of Cumberland. There are boys and girls who like to have an education, who would be just as put to it to go to Portland as they would to go to Orono or anywhere else.

I would have you realize, too, that there are other colleges within the state who are teaching, perhaps not law but business administration. They too would like to have some of these boys and girls go to their college; and if they go there the State of Maine is not helping them, they have to go there on their own. As I recall, in Orono you can go there for somewhat less than \$400 tuition, and yet at Bowdoin, the same thing it will cost you \$1500 for tuition. I think that the people of the State of Maine are doing a great deal for their education and I say amen, I am glad of it.

I wish that we all had more money to pay more taxes, to give more children in the State of Maine better education, and near at home for less expense. But don't you take it for granted this

thing is going to just go along with fifty or seventy-five thousand dollars once you buy it. It's going right up into the millions and can be avoided. Don't we have to stand by Colby, don't we have to stand by Bates, don't we have to do something for Bowdoin, don't we have to do something for people outside of Cumberland County? Consider this, ladies and gentlemen, and vote your conscience is all I ask.

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

Mr. PLANTE: Mr. Speaker and Ladies and Gentlemen of the House: This is one of those rare occasions when the gentleman from Bridgton, Mr. Haughn, and I speak favorably for a bill. I would like to say in answer to the gentleman from Bowdoinham, Mr. Curtis, that this is to benefit children, young men and women from the sixteen counties, not just one county. I have had personal observation of the beneficial effects of such legislative documents. As a pre-law student at the University of Maine campus at Orono, I have had the opportunity to discuss with other boys from Maine, other girls from Maine, that are in the same course that I am, pre-law, about where they intend to do their law study. Many of them feel that they cannot go out of state because they cannot afford them.

And this is not limited to just those of Cumberland or York County or the southern part of Maine, it is throughout Maine. Many others feel that as long as Portland University has only a temporary staff at their law school and not a permanent staff as this would create, that they feel that they must because of this fact and other factors of limitations at Portland University, that they have to go to BU or to BC or to Fordham or to Georgetown. But the majority of the young men and women in the State of Maine cannot afford to go outside the state for their legal training. This is why I feel that this will benefit young men and women intending to study law throughout the State of Maine, certainly not limited to any particular county.

And having observed this and knowing full well that it will benefit all Maine students and not out-of-state students, I am heartily in favor of this bill.

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

Mr. WELLMAN: Mr. Speaker and Ladies and Gentlemen of the House: Far be it for me to oppose any advances in education, but I would like to pose three facts which I believe are true, and then ask a question.

I understand that at the present moment there is no full-time—this is in reference to the law school now—I understand that there are no full-time faculty at the law school. I understand at the present moment due to the recent death of the dean, there is no dean, who at the time of his death was a full-time dean; and at the present moment the law school is not accredited by the governing body of the American Bar Association.

Now my question is this, if these facts are true, have the committee—the signers of Report “A,” or any of the other sponsors, any estimate or guesstimate even of the cost of accreditation that would be necessary to change these three points that I have mentioned?

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

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

Mr. KELLAM: Mr. Speaker and Members of the House: I would make some observation on this—I have not studied this particular bill in reference to actually campaigning for it, but I do know as to the Portland University Law School and as to all law schools for that matter, the big thing with the counsel, the national association, is the size of the library. And I think it is one of the fallacies in our education system that the size of the library is so much more important than whether anybody ever reads what's in the library or not. But whether that may be, that is the—I think one of the big stumbling blocks to accreditation would be the library size and of course

the activity of instructors in the school.

I believe the University of Maine still has a large portion of its library from the old law school in Orono. These books of course are somewhat out of date but I am sure you all realize that in the law business it doesn't seem to make too much difference how old a book gets, it is still valuable. And therefore that would be some contribution to the library in the Portland school.

As to the part-timeness of the faculty, I believe it is true and not that the faculty is part-time to a great extent. I know that Ed Newman who was very instrumental in the law school and a young man, forty-two or so, suffered a cerebral hemorrhage and died about two weeks ago, which of course is a setback to the school. But I would like to point out that at the law school I attended, which has no parlance in this regard, a great many of these instructors are part-time instructors and that is merely because that with outstanding people I think it is unreasonable to ask them to give up completely their practice of the law in order to instruct. As a practical matter I believe they are better teachers because they do not devote full time to it; and I hope that will help somewhat in answering the questions.

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

Mr. JALBERT: Mr. Speaker, I think the gentleman from Portland, Mr. Kellam, answered the questions very well. I might stress the vacancy insofar as the dean is concerned. I speak on this bill because I went to Portland Law University; unfortunately through illness in my family and economic reasons I couldn't continue and it was my cherished dream to become a lawyer sometime, and I am going to do it if it kills me. However, getting to the bill, the full-time teachers sometimes are not necessarily the best teachers. I happen to know of one professor at the Portland Law University that Boston University thinks so much of that he travels once a week to go lecture on

courses. We have had such men as Sidney Thaxter, we have had the Chapmans, we have had Judge Wernick, we have had Frank Coffin, and we still have at the University some of the finest lawyers, the finest teachers as far as the legal profession is concerned. Insofar as the dean is concerned, it is only natural that they have to let the body get cold before they replace him.

The SPEAKER: Is the House ready for the question? The question before the House has to do with item twenty-four, Bill "An Act Merging Portland University with the University of Maine," Senate Paper 161, Legislative Document 407. The immediate question is the motion of the gentleman from Bowdoinham, Mr. Curtis, that both Reports and the Bill 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. Thirty-two having voted in the affirmative and one hundred six having voted in the negative, the motion to indefinitely postpone did not prevail.

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

#### **Divided Report Tabled and Assigned**

Report "A" of the Committee on State Government on Bill "An Act relating to Transfer of Certain Land by State to City of Portland" (S. P. 182) (L. D. 428) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. NOYES of Franklin  
LOVELL of York  
— of the Senate.  
Messrs. DOSTIE of Lewiston  
HAUGHN of Bridgton  
NOEL of Waterville  
— of the House.

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

Report was signed by the following members:

Mrs. CHRISTIE of Aroostook  
— of the Senate.

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

Came from the Senate with Report "B" accepted.

In the House: Reports were read.

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

Mr. DENNETT: Mr. Speaker and Members of the House: This bill that you have before you was in effect a companion measure to the bill relative to the state taking over the Portland airport. Inasmuch as the former bill failed of passage in this House, there seems no reason but to accept the Report "B" "Ought not to pass," and I so move.

The SPEAKER: The question now before the House is the motion of the gentleman from Kittery, Mr. Dennett, that the House accept Report "B" "Ought not to pass."

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

Mr. HAUGHN: Mr. Speaker and Members of the House: I will concur with the Chairman of our State Government Committee to a certain degree, that what he has said is very accurate and correct, but if you read the bill, which is L. D. 428, this is not only contingent upon the airport, it is also contingent upon the State School for Boys; because all this does is an enabling act if the airport stays there and you transfer the State School for Boys into Hebron or some other area, then this land which would be reversed to the City of Portland under conditions that if the state airport was owned by the state, they would have to then give the property back to the State of Maine. Now in other words, this is an enabling act. And because of the conditions still existing which is unknown to us the outcome of what it may be, I am a little hesitant to accept the ought not to pass report because we still have on the table before us, which I believe is scheduled to come off

tomorrow, in regards to disposition of property at Hebron. So because of that and waiting for the action of that particular bill, I would move the House give me the privilege of tabling this and assign it specially for tomorrow until after that other one is heard.

The SPEAKER: The gentleman from Bridgton, Mr. Haughn, moves that the Bill be tabled until tomorrow pending the motion of the gentleman from Kittery, Mr. Dennett, that the House accept Report B "Ought not to pass."

Whereupon, Mr. Estey of Portland requested permission to approach the rostrum.

(Conference at rostrum)

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

Mr. HAUGHN: Through error on my part I find that bill is assigned for Thursday, so I would withdraw the request for Wednesday tabling and assign it for Thursday.

Thereupon, the Reports and Bill were tabled pending the motion of Mr. Dennett of Kittery that the House accept Report B "Ought not to pass," and specially assigned for Thursday, May 25.

#### Non-Concurrent Matter

Bill "An Act relating to State Retirement Benefits for Teachers" (S. P. 204) (L. D. 537) which was passed to be engrossed as amended by House Amendment "A" in non-concurrence in the House on May 17.

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

In the House: On motion of Mr. Bragdon of Perham, the House voted to recede and concur with the Senate.

#### Non-Concurrent Matter

Bill "An Act relating to Amount of State Retirement Benefits for Teachers" (S. P. 205) (L. D. 538) which was passed to be engrossed as amended by House Amendment "A" in non-concurrence in the House on May 17.

Came from the Senate passed to be engrossed as amended by Sen-

ate Amendment "B" in non-concurrence.

In the House: On motion of Mr. Bragdon of Perham, the House voted to recede and concur with the Senate.

#### **Non-Concurrent Matter Conference Asked**

Report of the Committee on State Government reporting "Ought not to pass" on Resolve Proposing an Amendment to the Constitution to Provide for Election of Members of Executive Council (S. P. 303) (L. D. 891) which was accepted in non-concurrence in the House on May 18.

Came from the Senate with that body voting to insist on its former action whereby the Report and Resolve were recommitted to the Committee on State Government, and asking for a Committee of Conference, with the following Conferees appointed on its part:

Messrs. CARPENTER of Somerset  
NOYES of Franklin  
LOVELL of York

In the House: The Report was read.

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

Mr. DENNETT: Mr. Speaker, Members of the House: Presently outside the building here, the trees are turning green. I should hate to be still sitting here when they are turning to red and gold. I think this is pretty late in the session to be recommitting bills which have been thoroughly considered, and I now move, Mr. Speaker, that we adhere to our former action.

Thereupon, the House voted to adhere to its former action whereby it accepted the Committee "Ought not to pass" Report.

#### **Non-Concurrent Matter Conference Asked**

Majority Report of the Committee on State Government reporting "Ought not to pass" on Bill "An Act relating to Officers of the Legislature" (H. P. 208) (L. D. 303) and Minority Report reporting "Ought to pass" on which the House adhered on May 18 to its action whereby the Reports and Bill were indefinitely postponed.

Came from the Senate with that body voting to insist on its former action whereby the Reports and Bill were recommitted to the Committee on State Government in non-concurrence, and asking for a Committee of Conference, with the following Conferees appointed on its part:

Messrs. NOYES of Franklin  
LOVELL of York  
CARPENTER of Somerset

In the House: On motion of Mr. Dennett of Kittery, the House voted to adhere to its former action whereby the Reports and Bill were indefinitely postponed.

#### **Non-Concurrent Matter Conference Asked**

Majority Report of the Committee on Transportation on Bill "An Act relating to Notification for Renewal of Operators' Licenses and Providing for a Two Year License" (H. P. 949) (L. D. 1297) reporting "Ought to pass" as amended by Committee Amendment "A" and Minority Report reporting "Ought not to pass" on which the House adhered on May 18 to its action whereby the Reports and Bill were indefinitely postponed.

Came from the Senate with that body voting to insist on its former action whereby the Majority Report was accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A" in non-concurrence, and asking for a Committee of Conference, with the following Conferees appointed on its part:

Messrs. STILPHEN of Knox  
BROOKS of Cumberland  
COLE of Waldo

In the House: On motion of Mr. Turner of Auburn, the House voted to adhere to its former action whereby the Reports and Bill were indefinitely postponed.

#### **Non-Concurrent Matter**

An Act Permitting Governor of Penobscot Tribe of Indians to Bring Action for Money Due (H. P. 1123) (L. D. 1547) which was recalled from the Governor to the Senate by Joint Order (S. P. 539) and which was passed to be enacted

in the House on April 28 and passed to be engrossed on April 20.

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

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

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#### **Non-Concurrent Matter Tabled Until Later in the Day**

Bill "An Act Authorizing Funds for Construction of Machias Landing Field" (H. P. 1162) (L. D. 1602) which was indefinitely postponed in the House on May 18.

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

In the House: The Report was read.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Davis.

Mr. DAVIS: Mr. Speaker, the sponsor of this bill isn't present in the House at the moment; therefore I move it be tabled until later in today's session.

Thereupon, the Bill was tabled pending further consideration and specially assigned for later in today's session.

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#### **Non-Concurrent Matter**

Joint Order relative to Legislative Research Committee Study of Collection of Tolls for Ferry Service for North Haven, Vinalhaven, etc. (S. P. 554) which was recalled from the Legislative Files to the Senate by Joint Order (S. P. 560) and which was passed in concurrence in the House on May 12.

Came from the Senate indefinitely postponed in non-concurrence.

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

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#### **Orders**

Mr. Westerfield of Liberty presented the following Order and moved its passage:

ORDERED, the Senate concurring, that Bill "An Act to Provide for the Dissolution of School Administrative District No. 3" (H. P. 618) (L. D. 835) be recalled from the Legislative Files to the House

for the purpose of further consideration. (H. P. 1170)

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

Mr. WESTERFIELD: Mr. Speaker, Ladies and Gentlemen of the House: I believe that this order deserves an explanation. As you are all well aware about two weeks ago, this House, the Senate passed a bill L. D. 1577, which was designed specifically to correct a situation that exists in School Administrative Districts Number two and three. We passed this bill in good faith. The Committee on Education conscientiously studied the situation that existed and still exists in these districts. My reason for—well, at that time, I had told the committee that they should withdraw all bills on dissolution and withdrawal and specifically L. D. 835. At that time we felt that faith would be kept, that L. D. 1577 would give the people in districts two and three the right and the privilege of expressing their opinions as to whether they wanted to continue that district or whether they wanted to dissolve it so that they might go on in a different vein. Last week, L. D. 835 and several others were reported out of committee, leave to withdraw, that report was accepted by the House and the Senate. On Saturday of that same week, I attended a school district directors' meeting in the Town of Troy, and the school directors proposed to pay an architect with a note. School District number three has approximately \$50,000 in the bank that came from fire insurance, and has been designated to be used for capital purposes. The architect had submitted to the directors a bill for \$8,800 approximately. Rather than pay this note with the money on hand, the directors decided to make use of one clause in L. D. 1577 to prevent the people in School Administrative District Number three from bringing this matter to a vote and deciding for themselves. I would call your attention to that clause. This is in reference to the two-thirds vote which is required by an individual municipality in order to start the action of dissolution, and it says:

“ . . . No such vote on a petition for dissolution shall be permitted while such School Administrative District shall have outstanding indebtedness. Outstanding indebtedness is defined as bonds or notes for capital outlay purposes issued by the school directors pursuant to the approval thereof in a district meeting of such School Administrative District, or obligations to the Maine School Building Authority pursuant to the approval of such district meeting. . . .”

Now it says bonds are notes. At this time, there is on application, an application in existence for the approval of notes or bonds, with bond counsel in Boston. Approval has not been given to the issuance of such bonds yet, the Town of Liberty has posted a warrant to have its vote; but in spite of this fact or because of this fact maybe I should say, the directors have chosen rather than permit this decision to rest in the hands of the people in the district, they have decided to force them not to be able to apply for dissolution and therefore have given a note in spite of the fact that they had \$50,000 in their pockets.

At a meeting last night, one of the school district commission stated to a group assembled at a directors' meeting that in spite of the reasons and purposeful intent of this action, that the School District Commission would rule that they were not required to prepare an agreement for the vote of the district under L. D. 1577. I maintain that faith has been broken, not only with myself the sponsor of legislation to correct the situations that have existed in these areas, but also the sponsors of other legislation headed in the same direction, faith has been broken with the Committee on Education who in good faith prepared and passed out for your approval L. D. 1577, and faith has been broken with us of the House and the members of the Senate who passed this bill; and for these many reasons I now ask that we recall from the files L. D. 835 for further reconsideration and I hope that this order will receive passage.

The SPEAKER: The Chair rec-

ognizes the gentleman from Portland, Mr. Estey.

Mr. ESTEY: Mr. Speaker, the L. D. that we passed on dissolution of school districts was the result of cooperative effort of the people from School Administrative District Number two and School Administrative District Number three. The first draft of the amendments which comprised the redraft of this law on dissolution came from the gentleman from Liberty, Mr. Westerfield. The Committee on Education worked for some twelve weeks considering a series of bills, I believe there were about twelve of them, related to withdrawals of communities who are in School Administrative Districts and related to dissolution of those districts. We studied extensively with the people who finance and who sell the bonds for school administrative districts, and for the capital improvements of our many towns who are forming school districts. We studied with the Attorney General's office on the conformity of the law and we felt that the dissolution bill, 1577, as it was passed by both Houses and signed by the Governor, was a sincere and genuine effort in the progressive steps of forming larger schools opportunities, expanding our educational opportunities for elementary and secondary students throughout the State of Maine.

Mr. Westerfield very kindly complimented the House members of the Education Committee for their genuine efforts in drafting this piece of legislation. It was consistently pointed out to the committee in all the public hearings on withdrawals, despite the fact that there were capital funds, issuance of sale of bonds involved, that every instance involved local factions, people within communities who could not decide what they wanted to do. As you know Liberty, the Town of Liberty and School Administrative District three, has been under litigation for some time. Their litigations have hampered the sale of bonds and made people in other parts of the state reluctant to do something about their educational problems.

The Sinclair Law in the formation of school districts follows in history the same steps that were



taken a number of years ago in the formation of school units. The evolution is very very similar, the problems are very similar. It has been pointed out that the formation of school districts will better education in the State of Maine. It will have a trial period and a stormy period perhaps, but I don't believe we here in the legislature can legislate to solve problems of individuals within a community — personal problems. I believe that Mr. Westerfield, and the other gentleman from School Administrative Districts two and three were sincere in their belief that this dissolution as drafted would solve their problems.

As I look at this bill, that under the provisions of the law that any municipality can petition for a dissolution by getting a two-thirds vote. And that petition automatically charges the directors of that school district to hold an election, to draw up the agreements for dissolution. I believe that law will still be effective, and if the people in the Town of Liberty are desirous of withdrawing, they can still do it under the law of dissolving by getting a two-thirds vote.

I am a little bit surprised at the action taken here this morning because it was heard by members of the committee through correspondence with individuals in communities, that if School Administrative Districts, and particularly the Town of Liberty, didn't get what it wanted out of this legislature, then they would carry litigation further to the Supreme Court. The action of the law has been upheld in two or three trials, and I see very little reason to undo another progressive step in the formation of school districts, in the dissolution clause, by recalling a piece of legislation which was voluntarily withdrawn along with all the others. If we recall this one, then there will be twelve others who have to have the similar consideration. I would almost at least feel that perhaps the order could be delayed until we have had a chance to discuss with the people involved and the Committee on Education, the Department of Education, the Attorney General, an opportunity to find out more about the purpose which

we have not had a chance to this morning. Therefore, I would suggest, Mr. Speaker, that this order be tabled until Tuesday next.

The SPEAKER: The Chair understands that the gentleman from Portland, Mr. Estey, moves that this order be tabled until Tuesday next pending passage. Will the gentleman kindly approach the rostrum please?

(Conference at rostrum)

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

Mr. ESTEY: Mr. Speaker, I didn't realize that next Tuesday was Memorial Day, and that we probably will not be in session, further in a chance to walk down the aisle and back again, I firmly can feel—

The SPEAKER: Does the gentleman withdraw his motion?

Mr. ESTEY: I withdraw the tabling motion, and I now move the indefinite postponement of this order.

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

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

Mr. WESTERFIELD: Mr. Speaker, Ladies and Gentlemen of the House: I would bring to your attention two facts: we passed this legislation to give the people the right to decide this thing for themselves. By this action that was recently taken, the commission and the directors have decided to prevent the people from deciding their own fate. We would be perfectly willing to attempt to make use of L. D. 1577 if it had not already been stated by a member of the commission that the commission would not draw up the agreement required by this law because of this note that was purposely issued to stop the citizens from having a vote on the subject. I would call your attention to a question that was asked at that directors' meeting when they approved the issuance of that note, that being, when a member director asked the chairman if this would prevent the Town of Liberty and the other

towns from voting on the situation, and they agreed that it would. I further call to your attention that L. D. 835 is not a withdrawal bill, it is a dissolution bill; and I hope that the motion of the gentleman from Portland, Mr. Estey, does not prevail, and when the vote is taken, I will request a division.

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

Mr. DURGIN: Mr. Speaker, Ladies and Gentlemen of the House: I wholeheartedly concur with the gentleman from Liberty, Mr. Westerfield, I think faith has been broken, and I certainly would hope that the motion of the gentleman from Portland, Mr. Estey, does not prevail.

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

Mrs. HANSON: Mr. Speaker, Ladies and Gentlemen of the House: This was like a bombshell, as far as I know the Education Committee knew nothing about this. It would seem to me on snap judgment that the faith that is broken is the faith of the people of the directors—not of the people of we who have made this law. I wonder, I feel if we should recall this bill, what is going to prevent the people on the other side in Liberty in doing the same thing? And it will just be the same drawn out process and litigation which is going to affect the whole State of Maine as far as our districts are concerned, and I think we should support the indefinite postponement of this order.

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

Mr. COOPER: Mr. Speaker, I wish to support Mr. Westerfield and his order. I don't belong in district number three or district number two, but I am from a town that adjoins district three, and I want to say to you people here in the House that the people over there were sold their bill of goods. It was not a very good package. By the skin of our teeth, our town kept out of it, and I think we have profited by it. The administration of that district over there has been mal-administrated,

is mal-administrated, and there will never be an agreement among those towns. It's not Liberty alone who wants to dissolve that district or do something about it — there are four other towns who are very much opposed to it, and I hope that Mr. Westerfield succeeds in his efforts.

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

Mr. CURTIS: Mr. Speaker, I wish we might table this until tomorrow so that we could discuss it in committee—

The SPEAKER: The gentleman from Bowdoinham, Mr. Curtis, has moved that this order be tabled until tomorrow, pending the motion of the gentleman from Portland, Mr. Estey, that the order be indefinitely postponed.

Mr. Westerfield 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.

Fourteen having voted in the affirmative and one hundred eleven having voted in the negative, the tabling motion did not prevail.

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

Mr. ESTEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to point out to you that there are still several groups of people within School Administrative District Three that want a School Administrative District. L. D. 835, which we are asking to reconsider this morning and to call back from the files says that the School District Commission may approve the formation of a School Administrative District or Districts which include two or more of the said towns irrespective of the number of resident high school pupils educated at public expense in grades nine through twelve. This again, ladies and gentlemen, is an attempt to deviate from the existing law for special exceptions, and

I hope the motion to indefinitely postpone does prevail.

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

Mr. BRADEEN: Mr. Speaker, Ladies and Gentlemen of the House: I heartily concur with the stand taken by my friend from Liberty, Mr. Westerfield. I have examined with some care and thought some of the data put out by the Maine School District Commission. I have difficulty in arriving at the state of mind where I can honestly feel that the State of Maine is justified in supporting what amounts to two Departments of Education. I would like to know among other things who speaks for education in Maine today—is it the Maine School District Commission, is it the State Board of Education?

Some months ago there was a hearing held on the sales tax. A representative of the MTA was present at the hearing. As a member of the committee, I had the temerity to ask him two questions as I recall it. He couldn't answer the questions, I didn't think he could.

Judging from the trend of affairs today, I know of no one who is qualified to answer those questions. Subsequent to that hearing, I had a call from a lady I know, very well qualified individual, a former president of the MTA. She labored with me over the telephone for perhaps half an hour on her time, she didn't change my mind, I have no reason to believe that I changed hers. But this I will say, about a week afterwards when I came back to my home at Little Ossipee Lake, I found an official looking letter with the return, it said 184 State Street, and it was signed by Mrs. Mary Woodman, Public Relations Director. She also labored with me in print. She didn't change my mind. I read the letter a second time to make certain that I had missed no thoughts which might have appeared in the fine print, if any, and then I wrote to her. I asked her a question. I'll bring that up in connection with the debate which probably will come in connection with L. D. 1206; but when I ended my letter I made

this statement: I said I feel that the time may well have arrived when in the interest of the people of the State of Maine we have an agonizing reappraisal of the entire educational system as it is today. I haven't heard from the lady. Thank you.

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

Mr. WOOD: Mr. Speaker, last night I attended a directors' meeting in School Administrative District three. The question was brought up on the issuance of this note that was put over for the sole purpose of preventing any action taken by the towns that want to withdraw from the district or a forward dissolution of the district. There was a member of the School District Commission present at that meeting. I asked him if the School District Commission would break faith with the Education Committee and those of us who had worked on this bill. He said he didn't think that the Education Committee or even the Department of Education had any authority to make any statements against what the School District Commission would do, and as far as the School District Commission was concerned, no exception would ever be made against any school district, that this note that they have issued would be considered a debt against School Administrative District Three, and no agreement ever would be drawn up or any vote allowed to dissolve that district under those existing conditions.

Now this other bill is a bill to correct a situation that is one of the greatest mistakes to ever be made in the school district or any town in the State of Maine. We are asking for that correction to be made, and if the Sinclair Bill is so weak that by correcting a mistake that was made in one of those districts it's going to wreck the whole educational system in the State of Maine, it's time that the people in this House made a test to see if that is a fact. And I hope that the motion to postpone this order will not prevail.

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

of the gentleman from Portland, Mr. Estey, that the Order relative to recalling from the Legislative Files Bill, "An Act to Provide for the Dissolution of School Administrative District Number 3," House Paper 618, Legislative Document 835, be indefinitely postponed, and 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.

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

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

The SPEAKER: We are proceeding under Orders.

Mr. Crockett of Freeport presented the following Order and moved its passage:

ORDERED, the Senate concurring, that free telephone service be provided after final adjournment of the Legislature, during the remainder of the biennium, for each member of the Senate and House of Representatives, to the number of 50 calls of reasonable duration from and to the State House at Augusta, and that each member of the Senate and House be provided with a card to be certified by the Secretary of the Senate and Clerk of the House, respectively, the cost of this service to be paid to the New England Telephone and Telegraph Company at regular tariff rates. (H. P. 1171)

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

Mr. WELLMAN: I move this order lie on the table until tomorrow.

The SPEAKER: The gentleman from Bangor, Mr. Wellman, has moved that this order be tabled until tomorrow, pending passage.

Mr. Crockett of Freeport then requested a division on the tabling motion.

The SPEAKER: A division has been requested on the tabling motion. All those in favor of the ta-

bling motion, please rise and remain standing until the monitors have made and returned their count.

A division of the House was had. Fifty-five having voted in the affirmative and sixty-seven having voted in the negative, the motion did not prevail.

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

Mr. Rust of York was granted unanimous consent to briefly address the House.

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: May 22 was proclaimed National Maritime Day by President Kennedy and also by Governor Reed. National Maritime Day is intended as a tribute to the American Merchant Marines. This is an industry essential to the defense of our country as well as other nations in a free world, and a major factor in sustaining the economy of our country. During this week the Propeller Club of Portland and the Maine Maritime Academy will sponsor a Maritime exhibit here in the hall of the State House. The Maine Maritime Academy this year is celebrating its twentieth anniversary and as a part of National Maritime Day observance, it is fitting that we recognize the mission of our Maine Maritime Academy in this great industry. The Academy for twenty years has graduated officers who have given faithful service and held responsible positions in the American Merchant Marines, United States Navy and related shipping industries. Two graduates of this academy gave their lives in combat action. Sewall B. Smith, Jr. of Machias, third mate on the S. S. Samuel Johnson, was killed on March 4, 1944 while his ship was under enemy attack in Mediterranean waters. The war shipping administration awarded the Mariner's Medal posthumously to his mother. Smith was a classmate of mine at the Academy, and also in my same section.

Donald E. Richie of Winchester, Massachusetts lieutenant junior grade, United States Naval Reserves, died in action in 1945 on

the islands of Iwo Jima. The Academy's athletic field is named in his honor.

At the present time there are over three hundred young men in training at the Maritime Academy who on graduation, will carry the name of the State of Maine into all parts of the world and carry on the proud sea-faring tradition of the State of Maine. I suggest that you visit this Maritime exhibit which I have spoken of and talk with the midshipmen who are in charge of the exhibit. I am sure that you will agree that the Maine Maritime Academy is an institution in which we can all take just pride. Thank you.

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

Mr. WILLIAMS: Mr. Speaker and Members: Some of us from Aroostook get kind of itchy about staying in Augusta when potato planting time comes, even if we did have three inch snowfall over the weekend. Now my friend, Mr. Coulthard, who comes from sunny Scarborough, brought me up this morning a nice thrifty potato plant from his field. I wish to thank him for his consideration, I'll watch the growth of this potato plant very carefully, until adjournment, which I hope will be before July 1st. Thank you. (Applause)

The SPEAKER: We are proceeding under Orders.

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

ORDERED, that Mr. Noel of Waterville be excused from attendance this week because of business.

Mr. Tweedie of Mars Hill was granted unanimous consent to briefly address the House.

Mr. TWEEDIE: Mr. Speaker, Ladies and Gentlemen of the House: Last week we passed in here a bill which discontinued the sanatorium in northern Maine. I have a few facts which I would like brought out I think to the interest of the House.

There are twenty-one patients in the Northern Maine Sanatorium at present. Twelve of whom have

positive sputum. There are 141 patients with tuberculosis who are not in the Northern Maine Sanatorium who reside in the area, eleven of which have positive sputum.

The figures have been brought out and most of the determination on closing the sanatorium is because of a high cost per day patient care. I would like to point out to you that the high per day cost of patients here of \$33 is arrived at from the support of the out-patient clinic, from the Health and Welfare office, and the apartments of two people who live there and the upkeep and heat of the retarded children's program, that the population load at this sanatorium should be in the neighborhood of 165 instead of 21 as at present, that patients must present proof of needing hospitalization, that is, positive sputum tests before they can be admitted, which would mean the tuberculosis condition is well-advanced. There is a certain person named Gibbs who rules on admittance of all cases to Northern Maine Sanatorium, that the extra costs and so forth sandbag this deal. Why cannot the sanatorium serve as a preventorium, that is admit patients who have spots on the lungs and show early symptoms of tuberculosis? When this is done, the patient requires a short stay and most always has effective cure.

And is not the State sanatorium supposed to help people in all stages of tuberculosis? Why must we wait until it can either be a deformity caused by surgery or turns into a chronic condition?

The facts are that included in this \$33 per patient day care, last year were 1,189 X-rays free to all food handlers, teachers, bus drivers, janitors, school lunch workers. Normal cost of an X-ray is \$10, plus \$5 in the hospital for reading them. This has been free and sandbagged into a \$33 per patient day cost.

Until Dr. Carter took sick recently, X-rays and urinalysis tests for the National Guard in Presque Isle and Caribou were also included to make this figure high. The Wilson building where the patients are now would make a complete hospital for thirty-five or forty patients. Home treatment in other

states has not been satisfactory in controlling tuberculosis. A tuberculosis wing in Lewiston was not effective.

This Gibbs person reviews all cases recommended by competent doctors, and will not accept any without unnecessary correspondence, more X-rays and not without evidence of a cavity, which means the advanced stage of tuberculosis. This Gibbs person is not a medical doctor.

The people in Aroostook County in the central area think this is a long term preparation by Dr. Fisher to close the sanatorium, and a campaign designed on that basis. Although this bill was passed, they are not particularly happy and a survey recently made indicates only two of the twenty-one patients will journey to Central Maine Sanatorium at Fort Fairfield.

All I wish to conclude with is that I wanted you people to understand that the per day cost of \$33 has been sandbagged by adding in many other features to make it politically expedient, if you will, for Dr. Fisher's department to consolidate, that it is not serving the best interests of control of tuberculosis—that will not be served in any other manner, and that these people have deliberately made it difficult to get into the Northern Maine Sanatorium without advanced stages and positive sputum which means cavities. This is the requirement for admittance. I thank you.

The SPEAKER: Is there objection to taking up a communication at this time? The Chair hears none, the Clerk will read the communication.

The following Communication:

May 22, 1961

I, Thomas W. Hayes, Page for House of Representatives, hereby give my resignation as of this date.

I have talked with the Sergeant-at-Arms, explaining to him that I would be glad to work in the morning sessions and some evenings but that I would like to have the afternoons off to fulfill my duties as Professional Golf Instructor at Westview Golf Course. He did not feel that he

could agree to this; therefore, it seems necessary for me to terminate my duties here in order to keep my position at Westview Golf Course.

I would like very much to remain in the House of Representatives but due to the circumstance pertaining to the hours, I have no alternative but to resign.

(Signed) THOMAS W. HAYES  
The Communication was read and ordered placed on file.

Mr. Baxter of Pittsfield presented the following Order and moved its passage:

ORDERED, that the resignation of Thomas W. Hayes as Page be accepted;

AND BE IT FURTHER ORDERED, that the Speaker is hereby authorized to appoint an Acting Page for the remainder of the session.

The SPEAKER: The Chair will appoint as a Page, Norwood W. Mansur Jr., of Augusta.

The SPEAKER: The Chair would like to call to your attention that the matters we have on the assigned calendar at this time is meager, due to the excellent performance of the members of the House. We know that you will continue to table in that prudent manner. We would suggest that in tabling if possible that a bill be tabled not longer than the next legislative day or the next if you possibly can do so.

The Chair would also like to call to your attention that you have on your desks some mimeographed sheets which have been drawn up over the weekend which are a duplicate of the bills that are on your House Appropriations Table. These give the document numbers, the sponsors, and where the money is supposed to come from, making it unnecessary for you to thumb through your legislative documents to find each and every one. These will be discussed by both parties I assume, and in the House of course as to moving them on to the Senate.

Now the Chair would prefer that in getting unanimous consent to briefly address the House that that be done perhaps under Orders of

the Day, when we have finished our regular business. Sometimes we like to recess so that we can beat the state employees, let's say, to the cafeteria. So lots of times we like to recess at quarter of twelve so that we will not be held up.

And of course the Chair appreciates it too if you wish to make some remarks where unanimous consent is required, that you inform the Chair as to what the remarks are to be, in advance.

#### **House Reports of Committees Ought Not to Pass Tabled and Assigned**

Mrs. Smith from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Resolve Providing Funds for School Lunch Subsidy (H. P. 57) (L. D. 98)

Report was read.

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

Mr. BRAGDON: Mr. Speaker, I note that Mrs. Smith, from the Appropriations Committee is absent today, she did sign this report, and at this time I would move that this be tabled and specially assigned for tomorrow.

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

#### **Ought to Pass In New Draft New Draft Printed Tabled and Assigned**

Mr. Mathews from the Committee on Election Laws on Bill "An Act Revising the Election Laws" (H. P. 970) (L. D. 1460) reported same in a new draft (H. P. 1169) (L. D. 1614) under same title and that it "Ought to pass"

Report was read.

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

Mr. BAXTER: This bill, the revision of the election laws, has had its committee report, I think there's still a lot of questions that the members may have on it. For this reason, it is my understanding that there will be scheduled a joint meeting of all members of both branches such as was

held on the District Court bill so that the questions can be answered as well as possible. For that reason, I move that this be tabled until Thursday.

Thereupon, the Report and Bill were tabled pending acceptance of the Committee Report and specially assigned for Thursday, May 25.

The SPEAKER: At this time the Chair would like to recognize the presence in the House of a distinguished journalist and friend of the Legislature, Peter Damborg, and congratulate him on his birthday which he had last Thursday and wish him every happiness for that day and for the entire year. (Applause)

#### **Divided Report**

Majority Report of the Committee on Labor on Bill "An Act to Amend the Employment Security Law" (H. P. 603) (L. D. 862) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. MAYO of Sagadahoc  
EDMUNDS of Aroostook  
— of the Senate.  
Messrs. HANCOCK of Nobleboro  
BOISSONEAU  
of Westbrook  
THAANUM of Winthrop  
HARDY of Hope  
— of the House.

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

Report was signed by the following members:

Messrs. WINCHENPAW  
of Friendship  
BROWN of South Portland  
— of the House.

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

Report was signed by the following members:

Mr. COUTURE of Androscoggin  
— of the Senate.

Mr. JOBIN of Rumford  
— of the House

Reports were read.

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

Mr. THAANUM: Mr. Speaker, Ladies and Gentlemen of the House: I move the adoption of the Majority "Ought to pass" Report with its Committee Amendment "A," namely L. D. 1609.

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

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

Mr. LITTLEFIELD: Mr. Speaker, this morning, this House concurred that the Joint Order relative to the interim joint committee study of employment security be recalled from the legislative files to the Senate, which came from the Senate read and passed. In view of that, I move that this bill and its papers be indefinitely postponed.

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

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

Mr. BAXTER: Mr. Speaker, I am a little at loss as to the reasoning of the gentleman from Hampden, Mr. Littlefield. I think we have explained the reason for recalling the Order relative to the study group — that constituted the study group for the revision of the Unemployment Security Law. Now that is being recalled in order to add one more House Member, which was originally intended. This information I have directly from the sponsor of the Order and the Senate Chairman of the Labor Committee, Senator Mayo, and therefore, I can assure you that is the reason for the recall of the order, and it will be subsequently passed, I assume, as it was originally.

Now it seems to me that the existence of the Order makes the

passage of this particular bill, L. D. 1609, all the more feasible. The bill as reported out, has had many, many hours of work by the sponsor and the Labor Committee, and part, as I understand it, part of the reporting out of the bill was conditioned on the issuance of the order, so that these changes which are felt needed, could be made in the Employment Security Law and their effect could be studied by this group as — in the two year period between now and the next session. In other words, this is almost a laboratory experiment. If anything does not work properly, it will be readily and obviously seen by the study group and we can expect constructive action thereby at the next session. In the meantime we will have had an excellent start on finding out what needs to be done. Therefore, I certainly hope that the motion of the gentleman from Hampden, does not prevail.

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

Mr. KENNEDY: Mr. Speaker, I find myself in accord with the gentleman from Hampden, Mr. Littlefield. However, I would as a compromise, be willing to accept the Minority Report.

Representing the County of Washington and the people therein who are a low income group, I do feel that this legislation is going to hurt the little fellow, the seasonal worker who earns perhaps \$500 to \$1,000 a year. Therefore, I would find myself in the position of voting against 1609. I hope that those in the House that are representing this group of people will support me in this movement.

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

Mr. WINCHENPAW: Mr. Speaker and Ladies and Gentlemen of the House: As a signer of Committee Amendment "B," I might say a few words in explanation. Both documents are similar except that Committee Amendment "B" starts at \$400 rather than \$500, and it goes up to \$34.00 a week when Committee Amendment "A" starts at \$500 and goes up to — with a



\$10.00 a week payment up to \$35.00 a week. Those of us who come from the coast felt that this was too much of a change in one year, but we also agreed that the law should be amended, and you'll find that the amendments starting on page 2 of each bill beginning with Section 2, are the very same. I understand there is another amendment coming along that would take up some of their mistakes, so I hope the motion made by the gentleman from Hampden, Mr. Littlefield, does not prevail, so that I can make a motion later.

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

Mr. ESTEY: Mr. Speaker and Ladies and Gentlemen of the House: As sponsor of this bill, I must say two things. First of all, as the gentleman from Pittsfield, Mr. Baxter, has pointed out, this bill has been under study for some time. I am in accordance with the Legislative Order for the study committee. I further agree with the gentleman from Pittsfield, that passage of L. D. 862 with Committee Amendment 1609 should be done as a study to see its effects on the law.

Secondly, I feel that passage by this Legislature of L. D. 862 is expedient, for the simple reason that the trust fund from which benefits are paid, has declined at the rate of \$6,000,000 a year for the last several years. It has reached the point where it is — within the next year it will become critical.

In presenting this bill to the Labor Committee, my presentation took something over forty minutes, and I will not burden this Legislature with the time that I took in that presentation. However, there has been reference made to the seasonal employee and the people particularly in Washington County, by the gentleman from Milbridge, Mr. Kennedy, and he has indicated that seasonal workers who earn between \$500 and \$1,000 might be denied benefits.

It was recognized that Washington County had an economic situ-

ation and that seasonal workers there did not work full time or year-round, depending on the run of fish and so on. I would point out to you though that the qualifying wage, which has been in existence since this law was adopted, at \$300, was made when the wage at that time, the prevailing wage, was some 40c an hour, and it took a wage-earner some time to earn the qualifying amount of \$300. It was amended by Federal Law when the 75c hourly wage bill was passed, so that it took the employed worker less time to make his \$300 qualifying wage. For some time now we have had a \$1.00 minimum wage in those occupations particularly which deal with interstate commerce, and this applies to the people in Washington County, so that now they only have to work 300 hours or an equivalent of about seven and one-half weeks in a year to meet the minimum qualifying wage of \$300.

In addition to that, legislation passed this year and now signed by President Kennedy requires a minimum wage of \$1.15 an hour in these occupations and next year will require \$1.25 an hour, which means that now an employee will have to work something less than six weeks in a year to meet his minimum of \$300. In order to be consistent with the earning capacities of today's wages, and I think it has been said in this House several times that the average industrial wage or the production wage in this State is something about \$72.00 a week, it was felt that in order to preserve the trust fund and pay people who are legitimately unemployed a better benefit, that a qualifying wage of \$500 or \$600 as it was originally written in the bill, was much more consistent. In recognizing the seasonal employee's problem the \$600 qualifying wage was amended to \$500. I would point out to you that our sister State of New Hampshire this year has passed legislation requiring a \$600 qualifying wage. In addition to that, however, wages to qualify must be earned in at least two quarters of the calendar year. Our qualifying wage has been based on the whole calendar

year with no time requirement involved.

The average employer contribution for a last three year period has been something about 8½ million dollars, and the average benefit payments in that same period of time have been about 14½ million dollars annually. I would also point out to you that recently passed Federal legislation extended the benefit period for thirteen additional weeks for those people who had exhausted, and in contact with the Commission office just recently, I learned that at that time they had estimated and it was stated here in this House that some 800 people would be eligible for benefits under that extended program who had previously exhausted. I find that that figure is more than double that, it is some 1600, but I would point out to you that more than the additional 800 people are people who retired in 1959 or 1960 and had drawn all their unemployment benefits, were not in the labor market, but because the benefits had exhausted during that period are now reeligible for additional benefits. These are paid, ladies and gentlemen, by a tax on the employer who pays this tax on the taxable wages that he pays in his operation. That current federal tax will cost Maine employers this next year 2¼ million dollars. The further provision in the federal legislation was that the tax will go up again in 1962 to help repay these payments, another three-tenths of a percent, making a total increase federally of four-tenths of a percent of our taxable wages in this State at \$3,000, and if we assume a taxable payroll of some \$550,000,000 a year, this would mean \$4,150,000 annually in additional tax.

The current condition of our unemployment fund is now something as of March 31 of 24½ million dollars. The provision in the law which protects this fund is that if the fund drops below \$20,000,000 that there is an automatic elimination of the experience rating and all employers go to 2.7 tax rate locally, at the state level. This would mean that the total yield

at that rate would be something about 14½ million dollars and the current yield is about 8½. So we are talking about a total tax increase to the Maine employers over the present \$10,000,000 taxes paid to a total of \$18,500,000 taxes on the Maine employers. We have heard repeatedly in this House that we are interested in preserving an economic climate which will provide jobs and job opportunities.

There is another factor which has very seriously affected the trust fund balances and that is the fact that people who are not legitimately in the labor market are drawing benefits, people who have retired, people who voluntarily leave their work for any reason after some minor disqualification are entitled to the balance of their benefit period; people who quit or are discharged for misconduct, and people who just desire to not work only for part of a season. In most states seasonal employees are barred from benefit payments.

I have a strong belief that you and I and the people in our State of Maine do not believe in a relief-type program, they are more interested in jobs and jobs that will pay good wages. This piece of legislation is designed to pay people who are unemployed because of lack of work and lack of work opportunities, a better benefit, and not to pay people who just don't want to work. I sincerely hope that the motion for indefinite postponement does not prevail, and that we have an opportunity to study this legislation in action.

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

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: I realize the seriousness of this piece of legislation. It is just not money that you are talking about, but you are talking about a permanent plan for security employment law.

Now we have heard that they can study this and make revisions. Are they telling us to put a law on the statutes and then revise it again in the next Legislature? That simply does not make sense. You will refer to this document if

you will and you will find in one paragraph alone— Now I will concur with this gentleman in one respect, my good friend, Mr. Estey, that there is some merit to the bill, but you cannot pass a bill which has one or two good meritorious parts of it and has several bad parts to it. The thing that we are seeking is a permanent security law, employment security law, that will be effective, fair to the employer and fair to the employee; that we can be proud of to have on the statutes of our books. In one section there is one paragraph here which I would like to have you examine. "For the purpose of this subsection 'regular employment' means work at the individual's customary trade, occupation, profession or business as opposed to temporary or odd job employment." If you were a weaver in a mill, you left that job, later on got a job as a truck driver, went out and worked the required space of time to draw your employment security check, you were laid off, you could not; that is not your regular employment. Now it is these little gimmicks in sections of these bills that are put before us that should be examined very carefully.

We talk about taxes and increases of funds and drawing industries into this state, that is a very minor point. Your taxation, mind you, is a broad base on which the corporation passes along, he does not carry that, and if you will examine the earnings reports of these companies, you will find that they are not suffering from taxation at the present time, particularly in the last quarter.

Therefore gentlemen, I would urge you to consider the seriousness of this piece of legislation and I would like to see it referred to this committee for study, and then a proper bill brought back to the 101st Legislature that makes good sense throughout, and I sincerely trust that the motion made by the gentleman from Hampden, Mr. Littlefield, will be accepted in this House.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Davis.

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to support the motion of Mr. Littlefield. As a member of the Washington County delegation, I am well aware that the passage of this bill would work a tremendous hardship upon the labor force of our county. I have secured some figures which—through the Employment Security Commission which show that if the bill as reported by the majority should pass, we would stand to lose some fifteen percent of our persons who are now drawing benefits. Now if the minority report, Report "B" prevails, we would lose about ten percent of our persons who are drawing unemployment compensation. Now this is a serious thing to us. In our area we have a total working industrial force of about 6,400 people. Now the latest figures we have available for the last week in April show that there are now on the unemployment list 2,300 persons, or something over thirty percent of the total force unemployed. Now it seems to me that it certainly does make good sense to have this committee make the study and come up with a considered answer to this problem rather than throw this bill in here and let a lot of poor innocent people suffer through the next two years on a trial and error basis. Let's get the thing ironed out here in the next two years. I don't—like the gentleman from Kennebunkport, I am not too worried about our big industries suffering too much in the next two years. I have looked over a few earnings reports lately and I notice they are all doing very well, and I think this—I know it would be a serious blow to the economy of Washington County, and it would work a very serious hardship on a lot of poor people down there that are striving, they want to work and they will work every minute that they get the opportunity. Therefore, I go along with the motion to indefinitely postpone.

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

Mr. JOBIN: Mr. Speaker, as the lone signer, House Member of the

Ought not to pass Report, there are one or two points that I would like to make clear at this time to the members of the House.

In the first place, I am not against any changes or revamping of the unemployment security law. I think in a good many places it needs it. However, as has been pointed out here this morning, we heard from one gentleman who mentioned how it would affect his section of the state. Shortly thereafter we heard from another gentleman who mentioned an amendment because it would affect his section of the state in another way. I think we are all aware of the fact that this particular law does need clarification and amendment. However, I do not think that this bill 1609 is the answer. I feel that it is loaded with inconsistencies on both sides of the ledger, and I feel that this joint interim committee which has been recommended is the answer in that it will provide the citizens of the State of Maine, every citizen of the State of Maine an unbiased, unprejudiced committee with plenty of time to look the situation over and to iron out the discrepancies regardless of which way the discrepancies may lie.

I also would like to leave one thought with you as far as the employers are concerned, it doesn't take too much checking back to find that among other reasons, one of the reasons that our fund is more or less depleted at this time is that as these employers enjoyed a good experience rating, let's bear in mind that their rates have been reduced proportionately, and I find here in figuring out that had this rate remained constant, that the fund would now be in excess of \$60,000,000. Now this is all money that the employers did not have to pay out due to the decrease in raises. Therefore, I certainly support the gentleman from Hampden, Mr. Littlefield's motion.

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

Mr. THAANUM: Mr. Speaker and Ladies and Gentlemen of the House: There seems to be some confusion here between the order

that recommended a research investigation into the law and as to the merits of this particular law as we have it before us today.

Now the purpose of this legal document 1609 is to get some of the bugs if you will, out of the law, and the passage of this document as is or as it will be amended will be of tremendous value to the commission in the next two years. The purpose of the Research Committee was primarily to get the ambiguities out of the law. There are conflicts in this law in places, but it was not the intent of that order to interfere with the passage of the action of the Legislature at this time on some things that do need and may need attention.

Now as to the situation in Washington County, I think as we proceed in the passage of this bill that we can iron out some of the differences that appeared this morning in this bill, and as to some of the other things that appear in this bill, amendments may be offered; but I want to assure you that there is much merit in this L. D. 1609 that needs immediate attention, and I hope that the motion of the gentleman to indefinitely postpone will not prevail.

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

Mr. TYNDALE: Mr. Speaker, my good friend, Mr. Thaanum and myself have often talked and discussed these various bills, but he has just made a statement which seems to me a little bit rather on the facetious side. He is asking us to pass a bill and then iron out the bad parts. Now to me, it occurred to the rest of the members of the committee who studied this bill that there were several amendments needed. This bill has been before this House on a number of occasions in the previous years, and I would say that forty or fifty amendments have been gathered. Now if we are going to pass bills that have to be ironed out, you are going to make an awful lot of work for the 101st Legislature. I think that we ought to consider this very, very carefully and pass it on to an unbiased

committee for their careful consideration, and then come up to the 101st Legislature with a bill that is a good bill throughout and that does not have to be ironed out. I sincerely trust that the motion for indefinite postponement and a reference to this committee is accepted by this House.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Pike.

Mr. PIKE: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to quarrel with any of the figures. Why I am in the sardine business, I don't know. Everything about it is bad. But I do want to say something for the folks who live along the coast in these communities where there are very few opportunities for them to get work.

Now it happens my shops scatter from Robbinston to Eastport to Rockland to Portland, and one year there will be a pretty good run of fish and the boys and girls will make enough money to get by with; that's in one section. Then in another section there won't be anything. Up to date we haven't turned a wheel this year although the season has been going on for over a month. Hardly anybody has made a dime.

The thing that bothers me about this bill is that in those varying conditions of raw material over which we or anybody else have any control at all, in the areas of short productions and short earnings, you just hit the people who can afford it least. Now I know there is a pretty good background for this. I believe somebody said: "From him who hath not shall be taken away even that which he hath." This I don't believe is good legislation. I don't believe it is good human relations, and I don't know what to vote for frankly. I am not going to vote for the bill as it is. I think we probably need some sort of a bill with the minimum wages going up, I am somewhat impressed with the report "B," but if I have to vote at all, and that is the motion up, indefinite postponement, I am afraid I shall have to vote for it. This is a tough human problem, and as the gentleman

from Calais stated, we have got close to thirty percent of our labor force now unemployed; a good many have used up last year's benefits, and conditions aren't very pleasant. Thank you very much.

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

Mr. BERMAN: Mr. Speaker, I certainly concur with my good friend and colleague from Kennebunkport, Mr. Tyndale, and I was concerned about some talk about either one of these legislative documents taking the bugs out of the present law.

Now going back a few years and consulting what our good friend, Mr. Dooley said about this sort of thing, he says: ". . . We're wan iv th' gr-reatest people in th' wuruld to clean house, an' th' way we like best to clean the house is to burn it down. We come home at night an find that th' dure has been left open an' a few mosquitoes or life-insurance prisidints h a v e got in, an' we say: 'This is turr'ble. We must get rid iv these here pests.' An' we take an axe to thim. We desthroy a lot iv furniture and kill th' canary bird, th' cat, th' cuckoo clock, an' a lot of other harmless insects, but we'll fin'illy land th' mosquitoes."

Now I would suggest that this is the sort of thing that this bill is proposing in ironing the bugs and taking the bugs out of the law, and I would certainly go along with Mr. Pike, the gentleman from Lubec, on the motion to indefinitely postpone.

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

Mr. ESTEY: Mr. Speaker, Ladies and Gentlemen: I will not prolong the debate on this much longer. There are just two or three observations I would like to make.

The gentlemen from Washington County have indicated that we are dealing with a human problem, and we are. But we are also dealing with an economic problem, whether it is better to have jobs and job opportunities and payrolls, or whether we are talking about a state-wide relief program. Experience has shown that the employees in Washington County have

taken \$7,000,000 in benefits to every \$1,000,000 that has been contributed by Washington County employers. It is also shown that many, many times, because the seasonal aspect is due to fish runs and so on, that as soon as many of the women workers qualify for their earnings, they do not return to work but someone else in the family does, so that they are supplementing the income of two or three members rather than just the regular person who is in the labor market. This was pointed out very clearly in a fish-packing industry in Yarmouth this last year who tried to expand their program by adding a cat food canning program in the off season, and the women employees there did not want to work in the off season. They were only supplementing the earning capacities of their husbands who were employed elsewhere.

Mr. Tyndale pointed out that a definition of regular work is now included in the legislative document. I would remind him that the regular work definition has been included since the inception of a law as in the regulations applied by the administration. And regarding the inequities in the law as a whole, these have crept in over a period of many years when attempts have been made to liberalize the disqualifications, free them up so that people could draw benefits to the point where we are now going to jeopardize the benefits paid to people who are legitimately unemployed. I would recall to you just two years ago, when the people from Raytheon Corporation were considering the establishment of a plant here in our own state, and who withheld any contracts or negotiations for that plant until after this Legislature had adjourned because of the price tag of many of the employment taxes that would be involved.

I would also recall to you that Massachusetts is no longer attracting new industry because of its tax structure and principally because its unemployment compensation fund has practically collapsed, and the same applies to Michigan. I have a strong feeling that unless we do something to make benefits available

only to legitimately unemployed people, those people who are unemployed because of lack of work opportunities, and to eliminate the abuses, that the Maine Employment Security program will fail to promote economic progress and become a mere excuse. This is predicated on my belief that jobs are better than benefits. The program should support and encourage employers in their efforts to stabilize employment. To be successful an employment insurance program must be an incentive program. It must contain incentives for workers to remain at productive work, whenever possible, and to actively seek work when unemployed. It must contain incentives for employers to stabilize employment and to insure prompt payment of justified claims, and to help prevent payment of improper claims. It must also contain incentives for the Legislature to improve the administration and to operate the program to serve its declared purpose. I certainly hope the motion does not prevail.

The S P E A K E R: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, my slim knowledge of labor laws would preclude me from taking issue with some of the statements of the gentleman from Portland, Mr. Estey, in his previous remarks, but when he makes the statement that the Raytheon people waited until we adjourned before they came to Maine, waited until we adjourned the Legislature before deciding to come to Maine or not, I wouldn't say it's a fib, but I certainly say it isn't so, because there were thirty places in Maine that were being considered as far as Raytheon is concerned, not all necessarily from Maine. It dwindled down to five cities, then from the five it dwindled down to two, Portland and Lewiston, and one doesn't have to stretch his imagination as to how hard it would be to decide where to go.

The S P E A K E R: The Chair recognizes the gentleman from Pittsfield, Mr. Baxter.

Mr. BAXTER: Mr. Speaker, I would just like to emphasize and reemphasize that this bill and the study go hand in hand. Actually, as the gentleman from Portland, Mr. Estey has pointed out, this law has been in effect a great many years and it has not been revised to any substantial extent. A great many abuses have crept in and at the moment the fund itself is declining precipitously. Now there is a lot to do to this law, and that is the reason for the study. The study is not merely to observe the workings of this particular adjustment in the law here, it is overall and broadly to study the entire law. At the same time, it will be able to observe the workings of this part that we do now. Quite obviously we have to give the Labor Committee credit, or the majority, for passing out legislation here as ought to pass that they feel is right and proper. They are not passing out bugs, they are passing out what they feel is good law. If their judgment is wrong, there will be ample opportunity to observe it, but the fact still remains that the concept of this and the study certainly went hand in hand, they were companion pieces of legislation and they both should be passed accordingly.

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

Mr. LITTLEFIELD: Mr. Speaker, Ladies and Gentlemen of the House: I do not intend to delay the action of the House any further, except that I have found that a lot of things go hand in hand in this Legislature since I came here. If we keep the present law upon the books, I don't think any company is going to fail, and it's only a matter of two years and we're going to have a study of it. I hope that the motion to indefinitely postpone prevails.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Hampden, Mr. Littlefield, that Bill "An Act to Amend the Employment Security Law," House Paper 603, Legislative Document 862, and the

Reports be indefinitely postponed. The Chair will order a division. 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.

Eighty-two having voted in the affirmative and fifty-eight having voted in the negative, the motion did prevail. Sent up for concurrence.

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

Mr. PLANTE: Mr. Speaker, I move we reconsider our action whereby we just indefinitely postponed this L. D. and I wish all those who voted against the L. D. would vote against my motion.

The SPEAKER: The gentleman from Old Orchard Beach, Mr. Plante, moves that the House reconsider its action whereby it just indefinitely postponed the Reports and the bill. The Chair will order a division.

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

A division of the House was had.

Fifty-three having voted in the affirmative and eighty-one having voted in the negative, the motion did not prevail.

On motion of Mr. Baxter of Pittsfield.

Recessed until 3:00 o'clock this afternoon.

### After Recess 3:00 P.M.

The House was called to order by the Speaker.

The SPEAKER: We are continuing under House Reports of Committees, item three.

### Divided Report

Majority Report of the Committee on Legal Affairs on Bill "An Act Providing for a Revised Charter for the City of Portland" (H. P. 326) (L. D. 478) reporting "Ought to pass" as amended by Committee

Amendment "A" submitted therewith.

Report was signed by the following members:

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

Mrs. KNAPP of Yarmouth  
Messrs. BERMAN of Houlton  
STEWART

— of Presque Isle  
BERRY of Cape Elizabeth  
— of the House.

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

Report was signed by the following members:

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

Reports were read.

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

Mr. BERRY: Mr. Speaker and Members of the House: I move that we accept the Majority Report.

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

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

Mr. KELLAM: Mr. Speaker and Members of the House: I oppose the motion of the gentleman from Portland, Mr. Berry, to accept the Majority Report and wish to give a few reasons.

As you will notice if you look over the two reports, that there was very little difference really between the majority and minority reports. Both reports accept the bill as it was written with one change as to the conflict of interest provisions in the charter; but in addition thereto the minority report wishes to add a referendum to the entire bill and also it places back in the charter the proceedings to initiate a referendum, which was stricken during the revision. It would seem almost un-

necessary to have to file a minority report and get up and argue on a charter revision merely for the purpose of having a city referendum on the bill.

I am at a loss to understand why this has come about anyway, but it is one of those things. I have had two sessions with the Legal Affairs Committee, we handled all the charters in the State of Maine and sometime during those two year periods most of the trials have been before this committee. We have never turned out a charter revision without including a referendum provision for this charter.

The main changes in the charter are that the city fathers wish to place in the hands of the city manager more authority in relation to municipal government. The present charter allows that the appointment of many department heads and people in the government will be appointed by the city council. The new charter places all this control within the jurisdiction of the city manager.

Now if it is the desire of the people of the City of Portland to turn over their government completely to the city manager and his staff, they should be allowed to do so. But surely they should have some say in whether this is going to take place. All I ask for is that in reference to this provision and the other provisions in the charter, that the charter be sent out to referendum to the voters.

In the previous charter revisions and in the charter revision next prior to the one that we now have before us, a revision in 1945, the new charter was approved by the voters in referendum. To me it is inconceivable to place such a document and force the people to accept it whether they wish to or not.

My other point of disfavor with the charter is the desires of the administrators in the city to remove entirely that provision in the charter for initiative referendum proceeding. The basis for doing this is that there has been a court test on a charter—on a referendum procedure, and the



court has held that under the existing statutes that a referendum procedure set up by ordinance would take precedent over a charter proceedings; and therefore they wish to abolish the charter provisions entirely.

I feel that this is unwarranted, even if it is true—and I don't say it necessarily is since the case involved was not on this particular point, even if it is true that the charter provisions would be ineffective, surely there is no reason to take out initiative proceedings in the charter just for this purpose. Even in that case, it would merely give us an extra avenue for initiative referendum proceedings in case they were to be effective in the future and could be used. I see no reason why the city—some municipal officers object to this procedure. They say it is just as easy to look in the city ordinance and find out what the initiative proceedings are.

But unfortunately our city ordinances only come in bound volumes this big (indicating) for which you pay five dollars if you want to look at one. And I believe that when the people—or something as fundamental as initiative and referendum proceedings, the material should be available to them in the city charter itself. And therefore I hope that the majority report will not prevail in order that we may accept the minority report of the committee.

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

Mr. BRIGGS: Mr. Speaker and Members of the House: I have before me a clipping that I would like to read to the House that appeared in the Portland Evening Express. "Governor signs South Portland charter bill. Governor John H. Reed has signed a bill that provides for a new South Portland city charter. The charter which gives the city manager additional powers must gain voter approval in a local referendum sometime this fall. It also provides for redistricting."

Now in essence the Portland charter bill is the same as the South Portland bill and our Port-

land citizens second class, I don't see why they shouldn't be allowed to vote for or against a change in Portland's city charter. I think we should be fair, the Legal Affairs Committee hasn't, I don't think, put out one charter change while I have been on the committee this entire session that didn't go to a referendum of the people.

Therefore I hope that the House accepts the minority ought to pass as amended and not the motion of the gentleman from Portland, Mr. Berry. Thank you.

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

Mr. BERRY: Mr. Speaker and Ladies and Gentlemen of the House: The charter change provisions embodied in this bill now before the Legislature were drafted after much consideration and after public hearings conducted by a broad cross-section of the leading citizens of the City of Portland. The changes are mere technical corrections, to make it more readable and understandable. The only change involved is that it requires the City Council to redistrict the city following the legal census so that the election districts can be kept fairly even with respect to the number of voters in each district. The basic form of government in the City of Portland is not in any way being changed by this revision of its charter and therefore there is no need for a referendum provision requiring the voters to accept the revision.

The City of Portland charter now has a valid local initiative referendum ordinance adopted in compliance with the Constitution of the State of Maine. Since there is no change other than administrative changes in this bill which are already validly protected by the charter, initiative and referendum, there is no need—in fact there is some question about the legality. The initiative referendum petition of this bill, at this very point, has already been tested in the Maine Supreme Court in the case of Burckett, Attorney General vs Youngs et al, 135 Maine, 464, which states briefly, only matters which are legislative and deal with municipal

affairs may be subject to initiative and referendum. Therefore, as this bill pertains to administrative actions only, it is not proper subject for initiative referendum.

I now move that we accept the Minority report as I suggested. Thank you.

The SPEAKER: The question before the House is the motion of the gentleman from Portland, Mr. Berry, that the House accept the Majority "Ought to pass" Report as amended by Committee Amendment "A."

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

Mr. ESTEY: Mr. Speaker and Members of the House: Very briefly, this is the charter revision recommended by the charter review committee named to do three things which we discussed in a bill which was submitted to this Legislature a couple of weeks ago by the gentleman from Portland, Mr. Briggs: the method of electing members of the council by district; the relationship of the city council and superintending school committee, which is taken care of in both the amendments here; and the provisions of the Private and Special Laws currently applicable. The Private and Special Laws in a recent bill has been passed by this Legislature and is no longer a problem.

The initiative and referendum provision was held by the Maine Supreme Court to be invalid and has been deleted. And the procedure for initiative and referendum is now provided by ordinance. The present charter calls for the appointment by the city manager subject to confirmation by the council of all department heads, except the clerk and the corporation counsel, the health officer and the assessor. This revision would only change the last two positions, the health officer and the assessor, and would allow them to be appointed by the city manager subject to confirmation by the council.

I can only again reemphasize that this is only a few minor changes in the existing charter of the City of Portland.

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

Mr. KELLAM: Mr. Speaker and Members of the House: I have the utmost respect for the individual members of the charter review committee which looked into our charter, and not withstanding that fact I do not believe for a minute—I feel I would be rather naive to think so—that the charter in itself is not a work of the corporation counsel of the City of Portland. Now the opponents have made much of the fact that the charter review committee was appointed to study this bill and that they came out with these certain conclusions.

I wish to read to the members one paragraph of a pamphlet from the library on a guide to charter commissions. This is put out by the National Municipal League. As you may be aware, these municipal associations have a great bulk of material on this type of thing and on model charters. It talks about the initiative and referendum and the recall provision, which is not an issue here, and the one last paragraph was, "In the matter of charter amendment the initiative and referendum are fundamental; however, the people should not be at the mercy of their elective servants in making important changes. The charter initiative gives them ultimate control of their own government and any charter change should of course require popular approval at a referendum."

Now taking the advice from these guides which were set up just for this purpose and which I don't always agree to completely, they still say that you should make no recommended changes in the charter without allowing it to go to referendum. I say that there is substantial change in this charter, and if there is going to be a substantial change it should be submitted to a vote. The opposition of the other gentleman from Portland, I believe is not well founded. It is true we have a case in the Supreme Court of Portland for referendum ordinance, although it isn't the case mentioned by the speaker; and it did say that the ordinance had precedent over the charter provision. But during the

course of the case it also says "We," meaning the court, "may say without any constitutional provision the legislature has full authority to create initiative and referendum in cities by charter."

Therefore I believe it is entirely possible that we may some day need a provision in our charter and I have, in preparing this amendment, modeled the initiative and referendum proceedings around the ordinance rather than the original charter itself, which is a much weaker type of initiative proceedings than was found in the original charter. I merely want to have this provision laid out delineated in the charter, and if it is going to be a help to the city it will be available and if it is not necessary then it will not be used.

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

Mr. STEWART: Mr. Speaker and Ladies and Gentlemen of the House: As a member of the Legal Affairs Committee I had the opportunity to hear this bill and the vote of the committee as recorded on page seven of our books is before us. Now this initiative and referendum that we have heard so much about the last fifteen or twenty minutes, it seemed that there was great issue being made over the fact that this charter was denying some of the people in Portland certain rights, which I don't feel is so and I don't feel is true. They have all the rights that were guaranteed to them by the Constitution of the State of Maine, and the Constitution states and I will quote merely in part, "that the Legislature may at any time provide a uniform method to the exercise of the initiative and the referendum in municipal affairs." The Legislature may do this, the Constitution has told us.

However, in a case that went to the Supreme Court in 135 Maine, and on page 464, of that report, the Court held "that the legislature has not provided a uniform method for the exercise of the initiative and referendum in municipal affairs. The referendum," and I further quote, "as applied to

municipal affairs, affects only those ordinances or resolutions that are municipal legislation." Now to go on, Portland at the present time has a valid initiative and referendum ordinance adopted under the provisions of the Constitution of the State of Maine. It already exists, in other words. Any initiative and referendum provision in a charter to the city, this gay city, must yield to the duly enacted city ordinances unless and until the legislature enacts a uniform method for all the cities and towns so they will comply with the Constitution of the State of Maine, and they do not need this in their charter. As to sending this out to the people, this is not a complete charter change, it is merely a revision of certain parts of an old charter; and it was the feeling of the majority of the Legal Affairs Committee that this did not need to go to the people of the City of Portland and that it could be handled in this Legislature. Thank you.

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

Mrs. SPROUL: Mr. Speaker and Members of the House: As a signer of the minority report with the two amendments, I feel I must defend my position. The old charter, the 1923 charter, of the City of Portland contained the initiative and referendum provision which is provided in this second amendment, also a referendum. The words are almost exactly the same as in the 1923 charter. I certainly feel that this is something that is a safeguard and I go along with the motion of the gentleman from Portland, Mr. Kellam.

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

Mr. RUST: Mr. Speaker and Ladies and Gentlemen of the House: I rise in support of the motion of the gentleman from Portland, Mr. Berry. This sounds like a difficult problem but actually it is quite simple. The charter revision, so-called, for the City of Portland is not in actuality a charter revision. It made no substantive changes in the provisions of this charter, it merely corrected errors and incon-

sistencies and brought the charter into full relationship with existing laws. Now because of this, it is not felt that it is necessary to send this charter revision so-called out to the voters of the City of Portland for acceptance. However, this is the proponents' viewpoint. Now the opponents feel that this charter revision as such should go to the voters for acceptance.

Now under these circumstances it would be a shame to waste the money of the City of Portland to send this charter out to the voters when there is but one provision in this bill that might be said to be substantive rather than corrective. But on this one substantive item both the proponents and the opponents are in full agreement on.

Now the second point in this bill is whether there should be included within this revised bill a procedure setup whereby the voters of the City of Portland may by petition force a question onto a local referendum. Now in this connection this is purely a legal matter. The Constitution of the State of Maine clearly says that the procedures to be established whereby the voters may petition to have a question put on the local ballot is something that the city council shall establish, create and define and it is not the prerogative of the legislature, unless the legislature has gone so far as to make the same provisions for every city charter in the State of Maine. Now this we know the legislature has not done.

Therefore the provisions relating to initiatory referendum are something that is up to the city council of the City of Portland and should not be included in a charter revision. This is the second point where the proponents and opponents differ. And because of these differences and because of the law involved, I support the motion of the gentleman from Portland to accept the majority "ought to pass" report.

Mr. Berry of Portland was granted permission to speak a third time.

Mr. BERRY: Mr. Speaker and Ladies and Gentlemen of the House: Since the Maine Supreme Court has upheld their findings

in past issuances my feeling in this matter is that until the Legislature should enact initiative and referendum procedures for all communities, which would be uniform throughout the state, the provisions in the Portland charter now are void, and only the ordinances enacted by the city council on a subject of initiative and referendum on local matters become effective. Therefore, since the city council has passed an initiative and referendum ordinance which is still in effect and the Constitution of the State of Maine prohibits the Legislature from granting initiative and referendum provisions in local charters, it would seem unwise to include the charter provision which in effect could not be used.

I now move that we accept the majority report and ask for a division.

Mr. Kellam of Portland was granted permission to speak a third time.

Mr. KELLAM: Mr. Speaker and Members of the House: In case we are confused, all I really asked for on this bill is what every municipal charter in the State of Maine outside the City of Portland now has; and also as to referendum provision on the bill, asking merely what every charter change the City of Portland has ever had in the past. I hope that you will go along with me because of that reason.

The SPEAKER: Is the House ready for the question? The question before the House is related to item three, Bill "An Act Providing for a Revised Charter for the City of Portland," House Paper 326, Legislative Document 478. The immediate question is the motion of the gentleman from Portland, Mr. Berry, that the House accept the Majority "Ought to pass" Report as amended by Committee Amendment "A." A division has been requested.

All those in favor of accepting the Majority Report, 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 forty-five having voted in the negative, the Majority "Ought to pass" Report was accepted.

Thereupon, the Bill was given its two several readings.

Committee Amendment "A," being Legislative Document 1611, was read by the Clerk.

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

The SPEAKER: At this time the Chair will request that the Assistant Sergeant-at-Arms escort the gentleman from Cape Elizabeth, Mr. Berry, to the rostrum to act as Speaker pro tem.

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

#### Divided Report

Majority Report of the Committee on Natural Resources on Bill "An Act Classifying Certain Tide-waters Bordering Thomaston" (H. P. 693) (L. D. 971) which was re-committed, reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. CYR of Aroostook

COLE of Waldo

— of the Senate.

Messrs. WILLIAMS of Hodgdon

JAMESON of Bangor

BURNS of Westbrook

BROWN of Fairfield

— of the House.

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

Report was signed by the following members:

Mr. FERGUSON of Oxford

— of the Senate.

Messrs. MATHESON of Mexico

PERRY of Easton

SCHULTEN of Woolwich

— of the House.

In the House: Reports were read.

The SPEAKER pro tem: The

Chair recognizes the gentleman from Hodgdon, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker and Members of the House: This L. D. 971 has been around for some time. It has been referred back to the committee once, it concerns the classification of waters around the Town of Thomaston which you've probably all heard it Thomaston that being one of the well-known towns in the state. The present classification is divided into two parts. They are both pint sized bodies of water. If you will go with me to the middle of the Augusta Memorial Bridge and look down the river, you will see about as far and about as much water as you would see from the Thomaston boat yards down to the Hospital Point. If you would turn around and look up the river, you would see the rest of it except the St. Georges River is smaller and has a bend in it. All this is tide water and has a scouring tide and is almost completely empty twice a day except for the B-1 fresh water of the St. Georges River.

At the present time this water is not so bad. Some of the clam flats in South Thomaston are closed but it is rumored that the native people there dig them and eat them well cooked. They set lobster traps all over the place and right now are dipping smelts off the railroad bridge and selling them. According to a local paper, a lady on May 13, 1961, caught a 3 lb. sea bass in back of the prison.

The Natural Resources Committee gave a lot of thought to this bill, and came up with our only divided report. We were all agreed that D classification was too low. We were all agreed that A was too high. The majority of us thought that C was about the present quality of water which by the way is salt water.

I now move that the Majority "Ought to pass" Report as amended by Committee Amendment "A" be accepted.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from Hodgdon, Mr. Williams, that the House accept the Majority "Ought to pass" Report as amended by Committee Amendment "A".

The Chair recognizes the gentleman from Mexico, Mr. Matheson.

Mr. MATHESON: Mr. Speaker, Ladies and Gentlemen of the House: Inasmuch as I was one of the signers of the "Ought to pass" Report B I should say, I would like to explain my position briefly.

In the two classifications just to clarify it in your minds, the Majority Report calls for a C classification. A C classification allows raw sewage to dump into the waters. It can be used for boating and some other recreational use, but swimming is prohibited. The B-1 classification does not admit any raw sewage in the waters, and can be used for recreational purposes and swimming. In fresh water of course, with disinfectant it can be used to drink.

Now the gentleman from Hodgdon has pointed out that area is very small. In this small area there are eighteen hundred people using the disposal systems, four hundred thirty-two approximately of those people are prison population — state's prison population. You can see that we have a stake in that. There are eleven outfalls, eight of them which are municipally owned, and three of which are owned by the state prison. It is said that approximately one third of the sewage from these outfalls comes from the state prison. Now there is a small area, I would assume a small area, of clam flats. They are closed to commercial digging. However, what occurs privately I do not know. They tell me that there are a lot of clams there, in fact there's more clams there than Carter has liver pills. Apparently that is the case.

Now if we believe in clean waters, and if we are going to go along with a clean water program, we must at least make a start and I believe the Water Improvement Commission has been very lenient in enforcing the classifications up to now. I am sure they will be in the future. However, we should begin making plans. If we expect to attract industry into Maine and I believe that Maine right now is facing a new era in industrial development, anything that we might or might not do to impede this progress would be indeed far-

reaching in its effects. Water does have an effect on industry one way or the other.

I would hope that the motion of the gentleman from Hodgdon, Representative Williams, does not prevail. If it does not, I will move for the Minority Report.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the motion of my colleague, Mr. Williams from Hodgdon. The Legislature in my opinion is the court of last resort in so far as water classification is concerned. I do not believe that the Legislature as a whole should follow blindly in the path which the Water Improvement Commission paves the way.

We heard this bill, and we had many interested people from the Town of Thomaston. There was no opposition to the bill at all. I wish at this point to read a letter that we received from the Selectmen of the Town of Thomaston and which was brought to our attention at the committee hearing.

"Gentlemen:

It has come to our attention that the Water Improvement Board has classified the tide waters bordering Thomaston as Class A waters. We wish to be on record as being not opposed to any pollution which might presently be evident in these waters. There is never any odor, nor is there any evidence of solids or slick on these waters, supposedly going to the strong tide flushing the entire bay area twice daily. We are also unopposed to the clam flats being closed in this area, because we feel that this has a great deal to do with the perpetual seeding of clams further down the river. If we can assist you in any way in your attempt to have these waters down-graded, please let us know.

Very truly yours,

Selectmen,

South Thomaston Maine"

I feel in the first place a mistake was made originally when these waters were classified as Class A. Certainly I cannot con-

ceive the necessity for having these waters made drinkable by any process particularly as they are salt.

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

Mr. WINCHENPAW: Mr. Speaker, Ladies and Gentlemen of the House: This bill seems to be pretty well covered, and I had plenty of material to debate it here. I have the newspaper that mentioned the fish that was caught in back of the prison, and last summer they caught a ten pound bass in back of the prison in this same spot, and this is way up above the three outfalls mentioned at the prison. The biggest fight in this paper seems to be who's going to get the biggest share of the fish—Warren or Thomaston. A Thomaston man built a weir just above the prison, and the Town of Warren had him hauled into court because they were afraid they were stopping off all the fish going up to Warren, and where this bill has been so thoroughly covered, I don't believe I'll say any more on it at this time except that I hope the motion made by the gentleman from Hodgdon, Mr. Williams, passes and when the vote is taken, I request a division.

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

Mr. WHITMAN: Mr. Speaker and Members of the House: On the surface, this bill would appear to be one of the more innocuous bills of the session. The title of the bill is, Classification of certain waters bordering Thomaston." I assure you this is not the nature of the bill. This is not a bill to classify the waters of Thomaston. This is a bill to down-grade or declassify the waters bordering Thomaston. The original classification of this water was made in 1955.

Now I personally feel that this perhaps is one of the most important issues of our entire session here. Right here this afternoon we could very well determine the entire future of our water improvement program. I don't know whether or not all of you are familiar with our water

improvement program in all its ramifications. I think most anyone can tell you that here in the State of Maine we have one of the weakest water improvement programs anywhere in the country. However I feel it is a good program. I feel that we have made progress with this program, and two years ago, I fought just as hard to prevent boning up the program and really putting some teeth into it as I did against two similar declassification bills. I feel that we should maintain our program as we have it here today, and stand by the former decisions of the Town of Thomaston and the former Legislature.

Now some people question as to how this bill can affect our water improvement program. It can affect our entire program in two different ways. In the first instance, I would almost guarantee that if we allow not particularly this classification but any declassification, we will open the door to subsequent declassification bills by the score. It only stands to reason that if we allow one town to renege on a bargain that it has accepted that when the chips are down and various other towns are required to clean up their pollution problems they too will come to us for declassification. That is the one way that it can affect us.

The second, is that we are either going to mend our own fences or we are going to be faced with a real program from the federal level that will really cram it down our throats. I have here a copy of the so-called Blatnik bill which is in Congress at this time, and I understand it has been reported out of committee favorably and has been reported favorably by both branches of the Congress. There is one interesting provision in the Blatnik bill in Congress right now which will provide that all navigable waters will be subject to the Federal Water Improvement Law. This I would hate to see become effective in the State of Maine. I am sure that we are totally able to clean up our own polluted waters, and I would prefer that we take a reasonable and moderate course in

this direction as we have in the past. Under our own Water Improvement Program, we have succeeded in classifying ninety per cent of the waters in the State of Maine, and during this session we are tackling one of the biggest problems, the major rivers of our state. And it looks as if we're going to do a reasonably good job of water pollution control in this session. However, if we fail to clean up this particular situation, I can assure you that federal authorities will step in. I have it on pretty good authority that as of recent months, the federal health authorities have been very much interested in the situation here in Thomaston.

Now I would like to explain just a little bit to you as to how this bill will affect Thomaston. Under the classification under which they now stand, they will be required to clean up the pollution by the installation of a sewage treatment facility. The intent of this bill is to entirely dispense with that necessity. The original bills called for a D-classification. I mean D as in dog, which would have meant absolutely any amount of pollution could be entered other than becoming a public nuisance. The committee reconsidered the bill, and the majority came out in favor of a C-1 classification. Now this C-1 classification would have the same effect as far as Thomaston cleaning up is concerned as the declassification. The minority report calls for a B-1 classification which in itself would be a compromise from the original A-classification—that I have no quarrel with. However, they would still be required to follow through with the plans that they have already drafted for the sewage treatment facility. So if the majority report is accepted here, we are entirely declassifying for all intents and purposes.

Now Thomaston has accepted the classification back in 1955, they had a public hearing in the town at which time evidently there was no opposition. Furthermore, they had a hearing here in the Legislature when the classification was accepted; evidently they did not

strenuously oppose it at that time. They continued with their program to the extent of developing a complete study of the project. I have it here in my hand. As a result of that study, figures were developed as to the cost and the details. I would quote a few remarks from the resume.

"... the present town population is approximately twenty-three hundred persons tributary to the system, and the state prison population is some five hundred persons. The treatment plant is designed for thirty-five thousand persons tributary. Estimated construction costs in 1958 were \$347,000; however, construction costs have increased ten percent since 1958. The present cost in total including engineering and so forth would be approximately \$450,000. All of the phases of this proposed construction would be eligible for federal aid. Therefore, with the federal aid and the state participation the cost to the towns would be one half or approximately \$229,000. The average interest on a twenty-year financing period at four and one half percent would be \$16,000; operation and maintenance costs would run to \$7,000; annual costs would then be \$23,000. Including the prison as a customer, and using costs in proportion to total numbers of persons presently served by the plant, the prison would pay 17.8 percent of the costs. This is beyond our 20 percent state contribution in construction or \$8.33 per person. This would average on a user cost, — a householder cost of approximately \$34 per year, which according to standards established in this state as well as other states is very very reasonable. We have accepted classifications where the intended users cost would be \$50 or \$60. This is not entirely unreasonable.

Now they will undoubtedly point out that the Town of Thomaston is heavily in debt, that they are spending lots of money for education and so forth. The present procedure in construction of sewage treatment facilities is to establish a sewer district. This in no way encumbers the town's finances, it in no way affects the town debt



limit, the job is done entirely by the sewerage district and the costs are paid for by the users, and in this particular case, the Town of Thomaston would really be getting a good deal because the state would be contributing 17.8 percent of the user cost.

One gentleman referred to this legislature as the court of last resort, at which these towns should present their claims for exemptions under the Water Improvement Commission. I submit to you that with our Water Improvement Act, there is also the escape clause or the protection of the appeal to the courts. Now this has not been done. Thomaston has not appealed to the courts in regard to this particular subject; sometimes I think that perhaps we should have a test case in the courts to determine just how much these towns should do to clean up our polluted waters. I sincerely hope that the Majority Report does not prevail.

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

Mr. BEARCE: Mr. Speaker and Members of the House: I for one hope that the Federal Government does come in and tell all of the cities along the Atlantic seaboard to clean up their sewage. Now where — I would like to have someone tell me where the sewage from New York City goes, Jersey City, all of the cities along the Sound; why that's the thing that they ought to start on first, even Boston. What do they do with the sewage there? Can anybody show me around that section of the City of Boston or the City of New York, where their sewage plants are? I think this thing is all out of hand, I think the thing — oh, we have blown this thing up. Here's this little town down there in an area where the tide is swinging back and forth and probably that water is not fit to drink, or couldn't make it fit to drink anyway, it's probably brackish; and we are trying to tell them to spend a lot of money and when you can see all of these big cities along the Atlantic seaboard and haven't done a blessed thing as far as I can find out.

We have in the State of Maine about thirty thousand miles of beautiful rivers, and most all of them are fit for good drinking water with some slight treatment, and there are only those — and say nothing of the hundreds, thousands of lakes of fine water, good fishing and all these rivers and lakes are very good — most all of them are very good fishing areas, and we have four or five hundred miles of industrial rivers which they are working on now and trying to straighten out and clean up, for industrial purposes too. We can't throw our industries out because the river isn't good enough for drinking water, so I think these industrial rivers should be classified in a reasonable manner, and I am sure that the Water Improvement Commission knows how to do that. And I certainly think that we should rely on the Water Improvement Commission, and I hope that Mr. Williams' vote prevails. Thank you.

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

Mr. WILLIAMS: Mr. Speaker and Members: It has been mentioned here that a mistake was made in the original classification. Now as I see it, no Natural Resources Committee and no Water Improvement Commission can honestly say that they never make a mistake; and by the same token there must be an appeal body, in this case the Maine Legislature. In the system of checks and balances that make for good government, the Maine Legislature is rightly the court of appeal from these decisions. This is what you are seeing now—an appeal from the 1957 decision. As I see it, it is the duty of the Water Improvement Commission under the law to protect, maintain and upgrade the waters of Maine. It's also the duty of the Maine Legislature to protect the rights, privileges and property of the people and towns on the banks of these rivers. It's certainly not the intention of the Natural Resources Committee to in any way harm the clean water program, but we do feel it our duty to recommend this change.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from Hodgdon, Mr. Williams, that the House accept the Majority "Ought to pass" Report as amended by Committee Amendment "A".

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

Mr. LOWERY: Mr. Speaker, three weeks ago we passed a bill classifying certain waters in Cumberland County and certain waters in Sagadahoc County. These people too in these areas had a problem. I wholeheartedly, coming from that area, supported both of these two bills. At this time I will concur with the statements made by the gentleman from Woodstock, Mr. Whitman, I think that we must move ahead with our clean waters program. I do not think that it is an unreasonable demand on the Town of Thomaston or that area; and I certainly hope that the motion which Mr. Williams made does not prevail.

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

Mr. PERRY: Mr. Speaker, Ladies and Gentlemen: I felt as though that this water shouldn't have been classified as A where it was tidewater, but I understand that even tidewater can be classified as A. I felt as though I didn't want to go along with the Class D, so we compromised on a D-1 classification and I feel as though that would be satisfactory for everyone having that classification.

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

Mr. BAXTER: Mr. Speaker, over the years I have followed the progress of our water cleanup laws in the state, both as a citizen and as one of those on the banks of two rivers who put waste products into the river, and I have spent considerable time at legislative hearings concerning pollution laws. Some of you here will remember the many attacks that have been made on our present pollution law, particularly through the so-called Briggs' bill which was a bill which had considerable support particularly, I believe, by the League of Women Voters, which didn't come

too far from being enacted into law and which if it had been would have most certainly driven the industries and the towns of the state right to the wall. The way that that was forced off was to convince the Legislature and the people that the law we had was a good one and could accomplish something. The law we had was attacked by these conservationists continually as being a weak law and a law that was no good.

Now it certainly is my feeling that if we start to unclassify waters now or allow them to be declassified, that we will have removed the substantial prop from under the law as we have it now. There has been this same type of bill in at previous legislatures. Other towns have found that they had to clean up their streams and they have found and have decided they didn't want to do it, so they brought in bills to declassify; but no declassification bill, no unclassification bill has ever passed this Legislature to date. And as a result I think we have a pollution control law that we can live with that won't drive us to the wall.

I have been among other things on the Interstate Water Pollution Control Commission for a couple of years, and I was appalled at the lack of progress that has been accomplished in the State of Maine compared to the other states in New England. In terms of money spent, waters actually cleaned up, the average grade of the waters which are polluted, we are definitely behind the rest of New England. I think that at this time, it would be a very great mistake to open this flood gate of declassification.

There are 493 towns in the State of Maine. Every one of them has or will have classified waters in it by the end of this year and in every one of them somebody is going to have to spend some money in order to clean the waters up. And if you think we've got fishing resolves down here and claims and pensions, I don't think that's anything compared to the declassification proposals that will come to the next Legislature from particularly the length and breadth of the Kennebec River, not to men-

tion these waters that we've already classified this year plus all the waters that have been classified up to now. I'm on a couple of streams, it's going to cost a lot of money to clean those streams up. Why should I do it? You can bet your life that we should all have bills in here at the next Legislature to save us from spending money, and we could all make a beautiful case that it cost a lot of money that we don't want to spend. I therefore hope that the motion of the gentleman from Hodgdon, Mr. Williams, does not prevail.

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

Mr. WINCHENPAW: Mr. Speaker, Ladies and Gentlemen of the House: As I told you in the beginning, I didn't want to continue this discussion, but I would like to tell a story first.

My people came from Germany, they were Ludwigs and Winchenpaws and they settled in Waldoboro. You can check in a certain history of Waldoboro that they had an old German doctor down there, and he was a minister. At times he had a green coat, and at times he had a black coat, and he said when I have on my green coat, I am a doctor; and when I have on my black coat, I am a minister; and you do as I say. Well, now in a friendly way, I am suggesting to Mr. Baxter, that maybe he should have two coats, because I don't know whether he is speaking as Floor Leader or whether he is speaking as the gentleman from Pittsfield, Mr. Baxter. But I do know, I have studied this classification thing, I have it here on my desk, I have the 1957 Revision; and the first day that this came up, you all remember, I lost my glasses, and Mr. Baxter was pretty mad at me that day. Well I wondered why he got so mad, so I dug into this classification book. And I don't need to tell you what the classification is at the Sebasticook River — probably you all know. That's Mr. Baxter's river. That's way below what we are asking for down to Thomaston. Thank you very much.

The SPEAKER pro tem: The

Chair recognizes the gentleman from Jay, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen: I was going to keep out of this, I expect you probably all know that I am probably one of the stiffest anti-pollution addicts in the House. I would hate very much to see any legislature declassify anything, and for that reason I am going to be very short. I move indefinite postponement of this bill and all its papers. It declassifies in either report.

The SPEAKER pro tem: The question now before the House is the motion of the gentleman from Jay, Mr. Maxwell, that this bill and all accompanying papers be indefinitely postponed.

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

Mr. BAXTER: The first thing I would hasten to say that I certainly was not mad at the gentleman from Friendship, Mr. Winchenpaw, the day he lost his glasses. I thought it pretty cute, and I still think it was. Anybody that has been in this Legislature as long as the gentleman from Friendship, Mr. Winchenpaw, learns these little tricks which I don't learn quite so quickly, and I admire him very much for it.

I hope it's part of the mock session even. As far as my speaking on this matter is concerned, I do — and with regard to coats, I would hate to see a Republican dominated Legislature be the first to pass a declassification water bill, which I feel would hurt a very important law that we now have on our books which is of great state-wide significance, a substantial significance to the general public. I think that besides that, I do feel the same way personally that in our towns that we have classified and the towns that I am in, that with the classification we have or future classifications that we might have, we would be doing less than our duty by our businesses and our constituents if declassification is allowed not to bring in declassification bills at future legislatures. The classifications which we happen to have on our waters

are such that they will require substantial investments to clean them up, and we are in continual discussion with the Water Improvement Commission as to how to do it.

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

Mr. BROWN: I would merely state this, that in many instances the costs are actually underestimated. For example, in the Town of Thomaston they feel that an additional seventy thousand dollars would be needed — twenty thousand of which would be for land acquisition and fifty thousand for repairs of the streets. To get back to the original statement, I feel as though it is the duty of the Legislature to inquire and accept recommendations for water classification and I also feel that it is the body which renders the final decision, and I do not believe this decision should be left up to the Water Improvement Commission in its entirety.

The SPEAKER pro tem: Is the House ready for the question? The question before the House is the motion of the gentleman from Jay, Mr. Maxwell, that the Reports and Bill, "An Act Classifying Certain Tidewaters Bordering Thomaston," House Paper 693, Legislative Document 971, be indefinitely postponed. A division has been requested.

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

A division of the House was had.

Seventy-three having voted in the affirmative and forty-two having voted in the negative, the motion prevailed, the Reports and Bill were indefinitely postponed and sent up for concurrence.

At this point, Speaker Good returned to the rostrum.

The SPEAKER: The Chair wishes to thank the gentleman from Cape Elizabeth, Mr. Berry, for the excellent performance of

his duties as Speaker pro tem. (Applause)

### Passed to Be Engrossed

Bill "An Act relating to Inspection of Motor Vehicles" (S. P. 309) (L. D. 897)

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

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

Mr. DODGE: Mr. Speaker, I had an amendment prepared for this item but the committee on safety assures me that if this bill goes through and the police enforce this law, that they won't need the amendment, so I am not going to present the amendment.

Mr. Curtis of Bowdoinham offered House Amendment "B" and moved its adoption.

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

HOUSE AMENDMENT "B" to S. P. 309, L. D. 897, Bill "An Act Relating to Inspection of Motor Vehicles."

Amend said Bill in the 4th line of the 3rd paragraph by striking out all of said line and inserting in place thereof the following: '5c each. Stickers furnished for the April inspection period shall'

Further amend said Bill in the 7th line of section 3 by striking out all of said line and inserting in place thereof the following: 'which he shall receive a fee of 50c for each car inspected, this sum'

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

Mr. CURTIS: Mr. Speaker and Members of the House: The last several sessions a similar bill has been in here. Now I am not opposed to taking over the inspection business by the state police because if today any of us wish to set up an inspection station, we would apply to the Secretary of State who then would apply to the state police to set up the provisions and show us what he wanted done. After that the state police would have nothing more to do with it as such, and it would be up to the Secretary of State, so the first part of this bill pro-

vides the Secretary of State would be relieved of these duties and the state police would look after it since they are the enforcing arm of our government, I am perfectly happy to go along with it. But just what I do not feel that we should go along with is this extra 50c. Now there seems to be considerable confusion in some peoples' minds about inspections. Now as the law provides now and will continue to provide if this amendment is accepted, is 50c for each inspection. 5c of that is to pay for the sticker furnished by the state and is sent to the state. 45c is for the garage which does the inspection.

Now some people seem to think as I have said, that an inspection is repair, it is just merely inspection. You drive in and they probably drive you up in front of a white curtain where they can see the lights and turn on your lights and then they have you try your horn and also try your directional lights and your stop lights and it takes about three minutes to do the whole trick. Then he probably will ask you or else he steps in the car and steps on the brake to see how the pedal is, shakes the front wheel and looks if the tierods or anything are wrong or anything comes up whatever, even a bulb is gone, they walk right over and punch the clock and from there on you are paying from \$4.00 to \$5.00 an hour, and if he does any service for you whatever except putting on that sticker, why you are going to pay for it at the regular garage rate and I am quite sure that you or anyone that knows about this would be happy to do it free of charge if you could have all the vehicles in your area would come in so you could keep somebody busy comparing these and doing the things that need to be done. Why perhaps you may sell a tire. In other words, you see this tire that looks — you say "Well, Bill I couldn't put a sticker on that, the canvas is showing up. If you strike a rock you are liable to have a flat tire." So what are you going to do about it? Well, probably nine times out of ten they will say put on a tire or do anything else that needs to be done, I want this car

safe. Now if he does not want that and he backs out, why you just simply take his number and you turn that over to the state police and when — he will keep a chart and look at it and when he finds that fellow out with a sticker on he will look to see whether he complied with those provisions that you found there. So we don't need this extra 50 cents that is going to cost the people of the State of Maine some \$450,000. Now that's quite a lot of money.

I maintain inasmuch as I know and many of you do know around garages what goes on, that a lot of money is made by this inspection business not from the inspection, but for what you find in the inspection and what you are able to sell the man and what you are able to do for him. So I feel that this is just simply digging a little more money out of you and each and every one of us which is not earned, and I trust you will go along with this amendment.

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

Mr. BERRY: Mr. Speaker, I move House Amendment "B" be indefinitely postponed.

The SPEAKER: The question now before the House is the motion of the gentleman from Portland, Mr. Berry, that House Amendment "B" be indefinitely postponed.

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

Mr. DODGE: Mr. Speaker and Members of the House: I am well acquainted with garages, I worked around some, having a boy that is a mechanic, and I assure you you will get no better inspection for \$1.00 than you did for 50 cents. If we are going to ask 50 cents more, let's give it to the state. Any garages will be pleased to have a car come in to do the inspection because at least a third of those cars you will find some work on, and that's what they are looking for. Just the same way as a good grease man in a garage, that's part of his job to look a car over to see if there isn't something to be done, not only for the garage but for the fellow who owns the car.

Now in case we talk so much about going into a garage and they

simply slap the sticker on, well here is something, the greater part of us have our cars serviced at one garage, have the work done on it. They know their car. They know what condition you keep it in, and when you drive it in they don't have to do any great inspection because they have already maybe worked on the car the week before. They change your oil, they know the condition of the car. The inspection is just a routine matter with them because they already know the automobile, but you let a stranger come in or a car that looks rough and then those fellows go over it with a fine tooth comb, because they are going to find some work and that pays them anywhere from \$3.00 to \$4.00 an hour to fix besides the material they may sell, and I assure you again that you will not get any better inspection for \$1.00 than you did for 50c.

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

Mr. LANE: Mr. Speaker, I don't know of any place where you can get something for nothing. If you pay 50c you will get 50c worth; if you pay \$1.00 you will get \$1.00 worth, and if we want to have safe cars I don't believe \$1.00 is too much for an inspection.

The SPEAKER: The Chair recognizes the gentleman from Jay, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen: I would like to concur with the gentleman from Portland, Mr. Berry, in indefinitely postponing this amendment. \$1.00 is too small an amount but I will go along with it. I ran a garage for somewhere around the neighborhood of eighteen years. I have inspected thousands of automobiles. At 50c I did do an inspection job. I jacked them up, I checked them complete, kingpins, tierods and so forth, but with the raise in salaries, the minimum wage being up and so forth, you just can't do that for 50c. You can't do it for \$1.00, but I think most places will, and I think under the state police we will find we will have a much more rigid in-

spection, so I hope that the amendment is indefinitely postponed.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Transportation Committee, I would like to bring about a few facts that were presented at the hearing at the time that this bill was presented.

This measure gives the state police more specific authority than they now possess to inspect the inspections of these stations. It will cut some of the inspection stations in half, in other words, it will decrease our number of inspection stations. It raises the fee from 50c to a dollar. It is probably safe to assume that if an inspection station collects \$1.00 for each inspection, they will be given a financial incentive to do a more thorough job.

Many of them may or may not remember that this law of 50c on the inspection sticker was adopted back in 1937. Since this I believe the costs have increased approximately five fold. The changes proposed in the bill will not make every car a safe car, it will not make every inspection a proper inspection, but the bill would do much to make cars safer. It would help to sharply curtail the practice of selling stickers instead of inspections. It is also felt that the enforcement of this law should lay within the administrative field. Ladies and Gentlemen, I hope you will vote with me in indefinitely postponing the amendment.

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

Mr. WILLIAMS: Mr. Speaker and Members: It disturbs me when I hear Mr. Berry, the gentleman from Portland say, that many of these stations would be closed.

Now in the district I represent, it is I think approximately thirty-six miles from Houlton to Danforth, and in that thirty-six miles there is just one station open at the present time that you could get a sticker put on, good, bad or indifferent, and if that fellow wakes up some morning and a

guy comes in there and he doesn't happen to have his hair combed just on the right side and loses his license, I can't for the life of me see where all those people are going to get any kind of a sticker on their car.

Mr. Berry of Portland was granted permission to speak a third time.

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen: As to regards of closing a station, I was hoping somebody would challenge. This is a problem that we now have in our administration. The reports of different stations throughout the state and complaints are filed with our Secretary of State. We are understaffed in the Secretary of State; therefore, the reports or complaints are detained. These stations go on and on selling stickers and passing inspections that are half-hearted inspections. Therefore, I now hope that you will see why we need to pass this piece of legislation, where some of the stations throughout the state that are selling stickers will be curtailed in their operations.

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

Mr. PHILBRICK: Mr. Speaker, Ladies and Gentlemen of the House: It is a well-known fact I believe that the dollar is only as good as its purchasing power. I think that even the opponents of the bill today will agree that the dollar purchases less than half what it would purchase in 1937. Therefore, if 50 cents was a reasonable fee in 1937, surely a dollar is not out of line in 1961.

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

Mr. CURTIS: Mr. Speaker, I request a division.

The SPEAKER: A division has been requested. The question before the House is the motion of the gentleman from Portland, Mr. Berry, that House Amendment "B" to Bill "An Act relating to Inspection of Motor Vehicles," Senate Paper 309, Legislative Document 897, 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 the count.

A division of the House was had.

One hundred having voted in the affirmative and twenty-five having voted in the negative, the motion did prevail.

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

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Bill "An Act Creating a Constitutional Commission" (S. P. 498) (L. D. 1498)

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

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#### Tabled and Assigned

Bill "An Act Establishing a Medical Care and Services Program" (S. P. 558) (L. D. 1605)

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

(On motion of Mr. Baxter of Pittsfield, tabled pending passage to be engrossed and specially assigned for tomorrow.)

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Bill "An Act to Authorize the Municipalities of Etna and Plymouth to Form a School Administrative District" (H. P. 1156) (L. D. 1597)

Bill "An Act relating to Care and Supervision of Planes of Department of Sea and Shore Fisheries" (H. P. 1159) (L. D. 1600)

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

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#### Third Reader Tabled and Assigned

Bill "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1962 and June 30, 1963" (H. P. 1165) (L. D. 1606)

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

(On motion of Mr. Baxter of Pittsfield, tabled pending passage to be engrossed and tomorrow assigned.)

### **Amended Third Reader Tabled and Assigned**

Bill "An Act Appropriating Monies to Effectuate Compensation for State Employees" (H. P. 565) (L. D. 785)

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

(On motion of Mr. Baxter of Pittsfield, tabled pending passage to be engrossed and tomorrow assigned.)

### **Amended Third Reader Tabled and Assigned**

Bill "An Act to Pay School Subsidies in Certain Administrative Units on the Basis of Uniform Local Effort" (H. P. 965) (L. D. 1330)

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

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

Mrs. HANSON: Mr. Speaker, this bill is very important in support of the educational program. The Education Department has just issued this bulletin on 1330 which will explain a little more fully what this bill will do. Therefore, I would request that we table this until tomorrow.

Therefore, the Bill was tabled pending passage to be engrossed amended and specially assigned for tomorrow.

Resolve Regulating Fishing in Spencer Pond, Piscataquis County (S. P. 70) (L. D. 170)

Resolve Providing Funds for Dredging Songo River, Cumberland County (H. P. 68) (L. D. 110)

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

### **Amended Third Reader Indefinitely Postponed**

Bill "An Act Permitting Sale of Liquor for One Hour After Midnight" (H. P. 828) (L. D. 1143)

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

The SPEAKER: The Chair

recognizes the gentleman from Presque Isle, Mr. Stewart.

Mr. STEWART: Mr. Speaker and Members of the House; This is a somewhat different bill than the one that has just been debated. I certainly can't tell you how much money is spent each year for liquor, for beer, for wine or what have you. I can't tell you how many accidents we have each year that are related in some way directly or indirectly to liquor. I do know from the general law at the present time that we have eighteen hours in which to drink in this state. This bill would extend that time to nineteen hours, making it one hour after midnight, or 1:00 a.m. until 6:00 a.m. It would seem that a person who desires to drink could obtain all the liquor they want in the eighteen hours that presently exist. It doesn't appear that there is a contest of how much they can drink or how long they can drink; it just appears that they want to extend this time limit.

Now I ask whether or not this would assist or help aid the State of Maine? If I can be shown where this is going to assist the State of Maine in revenue or by serving the people of the State, then I would agree that there was some merit to the bill. If I knew whether or not it was going to be an economic advantage to the people who serve beer, as to whether or not they will be able to retain employees who work this extra hour in the distribution of beer and liquor and what have you, then perhaps we would know what gain there would be to this state. I wonder seriously whether or not there would be any advantage; whether or not the person who desires to drink at the nightclub or tavern or what have you cannot acquire and consume all that is necessary in the eighteen hours that presently exist under the law. It would appear to me that the one extra hour is an unnecessary time element to be added to this bill. Now I have noted two amendments to the bill; one is a Senate Amendment and one a House Amendment, and I note also that these merely refer to the standards of



time, such as the Eastern Daylight Saving Time and the Senate Amendment refers to the Eastern Daylight Saving Time also, so there is no change other than extending the general law by one hour. I feel it is unnecessary to do this; I don't believe it is a good policy for the State of Maine to extend the time in which drinks can be served; I don't believe it is going to help the tourist trade; I don't believe it is going to help the citizens of the State of Maine. Therefore, I would move that this be indefinitely postponed.

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

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

Mr. TYNDALE: Mr. Speaker, I heartily concur with my good colleague, Mr. Stewart from Presque Isle. I don't see the necessity of this additional hour, and it occurs to me that if you do pass this bill, you will send out on the road after 1:00 o'clock in the morning a great many potential killers on the road. There is no need for the extra hour. I have seen in my past experience with the tourist trade down in our area in the hotels that after 12:00 o'clock the hotel was more than glad to close its bar and call it an evening. This bill is a great deal different than the other bill. The other bill seemed to have a good point to it, and many merits to it, but this bill is a vicious one, and I sincerely trust that you will go along with the motion of the gentleman from Presque Isle, Mr. Stewart, for indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Pike.

Mr. PIKE: Mr. Speaker, a great light has broken on me during this debate. Perhaps the trouble has been that people don't start drinking early enough. They would use up all the hours we have and then we wouldn't need any 1:00 o'clock closing. I don't think I'll try it.

I do think though seriously, I was interested when the gentleman from Bowdoinham, Mr. Curtis, was giving his statistics, that the Sunday accidents aren't very much less than the Saturday accidents, but I think you'll find if you look at the hours, that the hours from 1:00 to 4:00 Sunday morning, that following directly after Saturday night, are pretty high in accidents on the road. Again, I voted for the other bill; I shall vote against this one. I think indefinite postponement is just exactly the place of repose where this bill and its papers belong.

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

Mr. LANE: Mr. Speaker, Ladies and Gentlemen of the House: If a man can't get drunk by 12:00 o'clock, he shouldn't be drinking.

Mr. CURTIS: Mr. Speaker, I request a division.

The SPEAKER: A division has been requested. The question before the House is the motion of the gentleman from Presque Isle, Mr. Stewart, that Bill "An Act Permitting Sale of Liquor for One Hour After Midnight," L. D. 1143, be indefinitely postponed. All those who favor the motion to indefinitely postpone, please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

One hundred fifteen having voted in the affirmative and ten having voted in the negative, the motion did prevail. Sent up for concurrence.

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Bill "An Act relating to Sunday Sales of Liquor by Hotels and Class A Restaurants" (H. P. 830) (L. D. 1145)

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

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: I don't say that I am a dry, but I don't get drunk, and I wouldn't vote for prohibition if you had it here before the House

today. Human nature being such as it is, I realize that during my lifetime anyway that people will have alcoholic beverages to some extent. Just why we want to go any farther than we have already gone is a mystery to me.

And I would just like to read to you a few facts which I have got from the State Liquor Commission. From 1950 to 1960, the liquor sales in Maine have increased \$7,932,318 or an increase of 45 percent, while the population has increased 6 percent. In 1940, Maine was the forty-second state in consumption per capita of liquor and today we are the twentieth. The percent of income of the people in the State of Maine in buying liquor, we are the tenth state in the Union spending our money for liquor. Liquor sales reached an all time high in Maine in fiscal 1960, there was sold in hard liquor \$25,760,987, and beer there was sold 14,587,104 gallons and approximate selling price was \$29,174,208, making a total of the sale of alcoholic beverages in the State of Maine of \$54,935,195. This does not include the sales at the military installations. There has been since 1950, sixteen liquor stores added—there are sixty-six in all.

Now I maintain, ladies and gentlemen, that we have no trouble in getting alcoholic beverages if we want them. And I don't think that we need—perhaps some will say on account of tourists coming in here we should sell Sunday afternoon. Now I know a lot of tourists and I think—well, I'm quite sure a great many of the states which I just read—this just came from the Liquor Commission—a great many of the states are far far—drink less liquor than we do. I don't think we need this bill, and I move indefinite postponement, and I ask for a division.

The SPEAKER: The question before the House is the motion of the gentleman from Bowdoinham, Mr. Curtis, that the Bill be indefinitely postponed. A division has been requested.

The Chair recognizes the gentleman from Stonington, Mrs. Shep-

Mrs. SHEPARD: Mr. Speaker, Ladies and Gentlemen of the House: I feel I would not be doing my duty as a good legislator if I did not take action against this bill. I truly believe this is a bad bill, and I only hope that we as legislators do not continue to lower the standards of our state laws by passing legislation of this nature.

I cannot believe that the out-of-state tourists will not continue to come to Maine just because they cannot order liquor with their Sunday meal. I don't believe this bill will have any effect on the growth of our tourist trade whatever, as they really come to Maine for a rest and to enjoy our scenic countryside and seashore; and I am sure they will continue to come even though we don't pass this bill.

Also, anyone who is out for a drive on our highways on a Sunday afternoon or evening, realizes that with the congestion of traffic on most highways, we should not make it that much easier for a person to drive who has had liquor, and very possibly too much even with their dinner. That person is then going to be driving home, and with heavy Sunday traffic, one surely needs to be alert and clear thinking and not have your mind crowded by alcoholic beverages. I feel this Senate Amendment "A" is only a cover as one won't have to purchase very much food to total to \$1. And then you are not obliged to eat the food, if what you really want is the liquor. If we can save one life or prevent one accident by not accepting this bill, I feel it will far outweigh any loss of money which our Class A restaurants feel that they are going to gain by passage of this measure. I hope that the motion to indefinitely postpone does prevail. Thank you.

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

Mr. KIMBALL: Mr. Speaker, I hate to disagree with my fellow Hancock County delegate, but in this case I do. I have spent a lifetime working with the tourists who come into the State of Maine. I know them very well. I don't think you are going to lose lives

because of this type of bill—I don't think you are going to create more accidents. I do sincerely think that you are going to please a group of people who come away for their vacation, who stop in as an example at a place such as ours to get dinner at night, ask to have a glass of beer with their broiled live lobster and are told that it's illegal in the State of Maine. They don't like it, they put up with it, yes; but if we were able to serve that to them, they would be that much more pleased, and I certainly don't think it would be harmful.

When I know it is true with me up in the section that I am in, I realize how much more true it is for those who are down along the border section—bordering our sister state of New Hampshire, where there is no such a ruling, and where the people instead of stopping with the people there simply keep on going across the line and get their meals over in the State of New Hampshire rather than stay in the State of Maine.

I don't think this is a bill that will make or break anyone, but it definitely would be an advantage to the people who operate seasonal hotels; as an example, the Class A restaurants, the people who come in to have a meal and have a drink with the meal which they are accustomed to, which they have grown accustomed to in their own states, in most cases, and I sincerely feel that it would be an additional service to the visitors who come here to the State of Maine to enjoy what we classify as 'Vacationland.' I very much hope that the indefinite postponement does not go through.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I rise in opposition to the motion to indefinitely postpone this bill, and I heartily concur with the gentleman from Mount Desert, Mr. Kimball. I am from the County of York, I am on the border just across from the State of New Hampshire. To the best of my knowledge, there is not a state in New England with the exception

of Maine that does not now permit the sale of a cocktail or a glass of beer with a meal on Sunday. There are many many people who come into the southern part of the State on a Sunday, and frankly they go to these hotels and these Class A restaurants as we call them, and they are quite appalled at the fact that the State of Maine prohibits the sale of alcoholic beverages with meals on Sunday, and I have known many many instances where they have got up from the dining room where they were seated and crossed the border over in New Hampshire where they could buy a cocktail with their Sunday dinner.

Now, we in the State of Maine set ourselves forth as being a vacation state, we welcome tourists and these people certainly do not wish to be denied that which they can do in their own states. Particularly on Sundays, many of our tourists or people who come in to this state, come in from our neighboring states of Rhode Island, Massachusetts and Connecticut, and they can certainly buy in those states, and they don't understand why they cannot buy in Maine.

Now again, on a Sunday with a meal, a cocktail or a glass of beer, I think we'll all agree does not hurt anyone. They do not come in particularly to drink, but rather to purchase food and they do like, many of them, a cocktail before eating that meal; and I think that if we turn down this bill, if we should indefinitely postpone it, we are doing the State of Maine a disservice.

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

Mr. DODGE: Mr. Speaker, once again I will give you the Maine State Police record of what causes automobile accidents. Now I am not going to make any arguments, I'm just going to present the facts as they are put down by the Maine State Police. You have this to start with, the accidents, had been drinking, is six percent. Now those who had had a drink, but 3.2 percent in other words we had 9.2 percent of accidents definitely caused by somebody that had had a

drink or more. Now when do accidents occur? The days, they occur on? And we will find this, that on Saturday is the time when we have our greatest number of accidents, but when it comes to Sunday, the accidents drop from 2,553 for '58 on Saturday; Sunday, they dropped to 2,203; and that is about the limit—Tuesday is the day when we have the fewest accidents, 1,737. Of course these are average. But, and Monday we have 2,017, but we do have—it drops right off from the high point where we have almost 3,000 accidents to nearly 700 less on Sunday. Now I hadn't thought of one thing, I said I wasn't going to argue, and I am not, but only I am going to suggest this, the State of Maine has one of the lowest accident records of any state in the Union for the number of miles driven. Possibly you know it might be because we aren't selling liquor so much as some other states. Thank you.

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

**Mr. LANE:** Mr. Speaker, Ladies and Gentlemen of the House: I consider myself a dry, don't laugh, it is true. And by looking at me, you would say that something agrees with me — it isn't liquor, it's just good steaks.

Ladies and Gentlemen, this reminds me of something that happened about ten years ago. I went to Boston to a ball game, and I saw five boys between the ages of twelve and thirteen were sitting down and smoking cigarettes, and I went over and talked to these boys. And I asked them how come you kids are smoking cigarettes, he said, oh, all my buddies are smoking cigarettes and I think it's just a lot of fun. I sit down and talked to them for about fifteen or twenty minutes, and I said to them, I'll make a deal with you kids, I'll give you twenty dollars apiece if you promise me you are going to stop smoking just for one year. And they took the twenty dollars, and I got their addresses and I kept in touch with them for about a year. Next year, I went to Boston, I took them to the ball game myself and

I found out from their parents that they didn't smoke all year long, and from then on every year I made a special trip to Boston, I took them to the ball game, and now two of the boys I helped to find jobs and three of the boys — I made one more deal with them, I made them promise to me that they wouldn't drink until they were twenty-one years of age, and three of the boys have found jobs and I sent them to college, and they are graduating this year.

Ladies and Gentlemen, when this bill came in in the House, I voted against the bill because I thought this bill was a little too loose. And now with this amendment, I can't see anything wrong in this bill. People want to come in from out of state, and they want to buy a bottle of beer or drink with their meal. I don't believe it will hurt anybody, and I don't believe it's going to cause any more accidents or anything else. If I would know for one minute that this bill would cause any fatal accidents or anything like that, I would vote against this bill myself, and I think this is a pretty good bill — let's vote for it.

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

**Mr. LITTLEFIELD:** Mr. Speaker, Ladies and Gentlemen of the House: I rise in favor of postponement of the bill. There are more cars on the highways Sundays, and we would like to have less drinking. If our visitors can get a drink any day but Sunday, I don't believe we have used them too badly. And third, I wish to say it's the pleasant welcome our guests get from Mr. and Mrs. Kimball and not the liquor they serve.

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

**Mr. BEANE:** Mr. Speaker, I believe to vote against this bill is just another reason why we have to spend millions of dollars to advertise our state. And Mr. Dodge said that the per capita consumption of liquor in the State of Maine is higher than it is in other states, and almost in the same breath, he said that we have the least accidents. I don't think that that jibes.

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

Mr. LACHARITE: Mr. Speaker, Members of the House: I was happy to hear from the gentleman from Bowdoinham, that the sale of liquor through the Maine State Liquor Commission has increased forty-five percent over the recent years. To me that doesn't mean that forty-five percent more liquor has been consumed. It simply means that we are selling forty-five percent more legally. People will buy liquor whether they can buy it legally or illegally, and the more of it that we can sell through our Maine State Liquor Commission the better off that we are. I received a letter here from a well-known hotel in the State and I would like to read a part of it to you, just to quote a couple of paragraphs to you.

" . . . I own a summer resort hotel in York and have a cocktail lounge and dining room catering to the public. The fall off in our Sunday dinner business has been considerable since New Hampshire passed a bill similar to the one that we are considering now. And the same is true of other hotels and restaurants located near the New Hampshire line as we are."

Further on in the letter, he says, may we suggest that if you pass the bill allowing liquor to be sold with meals on Sundays, this would greatly add to our state's revenue without hurting the resort industry or anyone else. Remember that folks who want a drink with their meals are going to have it whether they drive to another state to get it or bring their bottle with them and have it in their room before they eat; and neither of these means will bring revenue to the state. As long as people are going to drink, and as long as we are in the liquor business, we might as well have the business and have some revenue from it. Remember that this bill only calls for sales with meals of \$1.00 or more and only between the hours of one and eight p.m., and I hope the motion to indefinitely postpone does not prevail.

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

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: I didn't want to get up to speak in favor of this bill for the simple reason that I thought the State of Maine can well realize what the benefits would be. Although, I have heard people from Kittery to the south and east coast of Maine and now I feel I must go ahead and defend the northern part of the State of Maine to some extent. Little of the people in the southern part of the State realize the amount of traffic that is going up north and on Sunday, if they are going to have a meal will take the advantage of crossing over to our good neighbor in Canada in the Province of New Brunswick and will also take the benefit of crossing over into New Brunswick and driving all the way, twenty-five or twenty-eight miles into the Province of Quebec so that they can sit down and have a drink with their meals, so I think that in order to prosper better in the State of Maine and to better serve our tourists, we should also try to help our hotel and restaurant industry in the State of Maine from the north to the south.

The SPEAKER: Is the House ready for the question?

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

Mr. CURTIS: Mr. Speaker, I do not agree with my good friend from Brunswick nor my good friend from Madawaska, that there are so many alcoholics in the State of Maine or coming into the State of Maine they've just got to have a drink and drive twenty-five miles for it. I know better and you know better.

Now let's put the thing right on the line. If what you want to do is spend fifty-nine million of dollars next year for alcoholic beverages, and crowd your education all you can, and take as much money from them as you can, why just get up and vote for this bill. If you think that we are spending too much money for this sort of

thing, and we should spend a little more money for education and for the things that our people might have life and might have it more abundantly, then you will vote to indefinitely postpone this bill. Let's not kid ourselves—let's just stand up and be counted on what we really want to do.

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

Mr. MOORE: Mr. Speaker, Ladies and Gentlemen of the House: Two years ago in this House here there was a bill before us to allow restaurants to serve liquor which they never were allowed to do before. Mrs. Christie was in the House at that time, and she said you pass this bill, within two years they'll be asking to sell liquor on Sundays in those same restaurants. And I thought that was rather ridiculous so I voted for that bill to allow restaurants to sell liquor. I thought it was fair. And now I can see that she was correct. And I also can see this, that if we allow the starting, the sale of liquor on Sunday, that in two years the beer parlors are going to come to us and say we are being discriminated against. People are going into New Hampshire, they are going into Canada to drink. As the gentleman from Madawaska said, the man who would drive twenty-five or thirty miles to get a drink in Canada on Sunday, that fellow is drier than he is hungry. I can't hardly believe that. But what I want to bring out to you is this, if you vote for the sale of Sunday liquor in this State of Maine here today, you are opening it wide open so that within four years there will be no more control of the sale of liquor on Sunday than there is on Saturday. Thank you.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Bowdoinham, Mr. Curtis, that Bill "An Act relating to Sunday Sales of Liquor by Hotels and Class A Restaurants," House Paper 830, Legislative Document 1145, 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.

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

Mrs. SHEPARD: I would request a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have an expression of a desire for a roll call by at least one fifth the members present.

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

An insufficient number arose.

The SPEAKER: Obviously less than one fifth having arisen, a roll call is not ordered.

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

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

#### **Passed to Be Enacted Emergency Measure**

An Act to Create a School Administrative District in the Town of Fort Fairfield (H. P. 471) (L. D. 671)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 128 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### **Emergency Measure Tabled**

An Act Continuing the Committee on Aging (H. P. 1116) (L. D. 1538).

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

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

#### Passed to Be Enacted

An Act to Clarify State Boating Law (S. P. 547) (L. D. 1591)

An Act relating to Work on Shade and Ornamental Trees (S. P. 548) (L. D. 1592)

An Act to Exempt Industrial Disposal Systems from Property Tax (S. P. 550) (L. D. 1596)

An Act relating to Study of Constructing Interstate 95 as it Affects Kittery (H. P. 78) (L. D. 121)

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

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

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

#### Enactor Tabled

Resolve Authorizing Bureau of Public Improvements to Study Desirability of a Dam Across Taunton River (H. P. 1158) (L. D. 1598)

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

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

#### Orders of the Day

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

HOUSE REPORT — Ought to Pass in Second New Draft under New Title "An Act Creating the Fort Kent Utilities District." (H. P. 1155) (L. D. 1593) — Committee on Public Utilities on Bill "An Act to Create the Fort Kent Sewerage District." (H. P. 528) (L. D. 726)

Tabled — May 16, by Mr. Haughn of Bridgton.

Pending — Acceptance of Report.

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

MR. BERRY: Mr. Speaker, I move acceptance of the committee report.

THE SPEAKER: The gentleman from Cape Elizabeth, Mr. Berry, moves that the House accept the Committee "Ought to pass" Report. Is this the pleasure of the House?

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

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

MR. CYR: Mr. Speaker and Members of the House: As a proponent of this measure, I think it is only fair that I should say a few words in explanation for the several steps this bill has had to take since I first introduced it. I introduced it at the request of some of my citizens up there, a sewer bill in the first instance. Of course the reason they want a sewer bill is because we built a sewer back in 1933 under the PWA or WKA, whatever that was, and under that construction about four thousand feet of sewer was placed in the streets. The town has had to maintain at expense without the right to charge for the use of the sewer.

Therefore, at the request of the Chamber of Commerce and a group of citizens, I introduced a bill to create a sewer system. Three days later, as a matter of fact after the cloture rule applied, another group of citizens who are interested in trying to establish a better water system, pure water—and I guess under that request God Almighty sent us plenty of water in the last week or two, but it isn't the right type of water. It's about the same type that we have had in the water system for the past thirty-five years, riley more or less. So the citizens then requested in improving that system. Therefore they asked me to introduce this bill, and as the cloture rule had applied I didn't want to ask the House to open the cloture rule; therefore the committee was kind enough to recommit the bill

and they included a water district in their sewer district bill.

For some reason somebody objected to the type of the measure. I don't know what objection they may have, but I had an idea that it needed amendments. Finally the bill was recommitted and come out in a new draft, and under this new draft some people at home objected to it. Finally the people who promote these bills from home decided they could hire an attorney to be sworn, have a bill that would be legal and conform with the requirements that are ordinarily required by the loaning or bonding people.

So they advised me to hire a certain gentleman who drew the last bill, also who drew the last amendment. These amendments and bill were submitted to my people and I was up there a weekend, the last two weeks, and I was again this last Saturday, and they found no objections. I submitted a part of this amendment, cutting down from \$500 the amount authorized to borrow, because I didn't think the people would approve; and as they are very much in need of a better water system and also a sewer district. I reduced the requirements in the sewer district, instead of \$500,000 to \$50,000, knowing the conditions. Having been instrumental in setting up this sewer by being a town manager back in '33 I realized that they needed a sewer bill — the district bill however, in order to be able to charge and obtain revenue sufficient to extend the sewer district as well as repair it. So therefore I suggested, for fear the people might turn the sewer bill down, it retained \$500,000 authority to borrow, so I made the amendment therefore, and this is the stage that the bill is in including the amendments which I have offered—been offered by the gentleman from Cape Elizabeth, Mr. Berry, which was agreed on my part and also the attorney who made the bill, the last one.

So therefore I hope that this will satisfy the House so that there will be no objection to accepting my bill, because it's been a long ways coming and finally it will be

accepted — I move that we accept the amendment and I hope that the House will go along with me. I want to thank the members of the committee for their tolerance and being so kind as to take care of this matter and motions done for me and also for the citizens at home.

The SPEAKER: Since the gentleman from Fort Kent, Mr. Cyr, is the author of the amendment and has signed the amendment, the amendment must be offered by that gentleman. Therefore, the Chair understands that the gentleman from Fort Kent, Mr. Cyr, 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. 1155, L. D. 1593, Bill, "An Act Creating the Fort Kent Utilities District."

Amend said Bill in that part designated "Sec. 2." of Part A by striking out in the 3rd line the words "the territory of any adjoining municipality" and inserting in place thereof the following words 'the Town of Fort Kent and any municipality in the State of Maine adjoining said town'

Further amend said Bill in that part designated "Sec. 12." of Part A by inserting before the period in the 4th line from the end of the 3rd paragraph the following words 'and only voters resident in the district shall receive district ballots and vote thereon'

Further amend said Bill in that part designated "Sec. 16." of Part A by striking out all of the 15th to the 36th lines and inserting in place thereof the following 'of said district at any one time outstanding shall not exceed the sum of \$300,000. Said bonds, notes and evidences'

Further amend said Bill in that part designated "Sec. 2." of Part B by striking out in the 3rd line the words "the territory of any adjoining municipality" and inserting in place thereof the following words 'the Town of Fort Kent and any municipality in the State of Maine adjoining said town'



Further amend said Bill in that part designated "Sec. 12." of Part B by inserting before the period in the 4th line from the end of the 3rd paragraph the following words 'and only voters resident in the district shall receive district ballots and vote thereon'

Further amend said Bill in that part designated "Sec. 14." of Part B by striking out all of the 15th to the 35th lines and inserting in place thereof the following 'outstanding shall not exceed the sum of \$50,000. Said bonds, notes and evidences'

Further amend said Bill in the last paragraph of the Referendum by striking out in the 2nd line the word "town" and inserting in place thereof the word 'district'

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

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

An Act relating to Form of Standard Fire Insurance Policy. (S. P. 405) (L. D. 1346)—Engrossed in both Branches.

Tabled—May 17, by Mr. Jones of Farmington.

Pending—Passage to be enacted.

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

Mr. JONES: Mr. Speaker, I now move that this bill be passed to be enacted.

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

Mrs. Knapp of Yarmouth was granted unanimous consent to address the House.

Mrs. KNAPP: Mr. Speaker and Members of the House: This morning Representative Tweedie spoke on the Northern Maine San. I would like to say when the Hebron Sanatorium was closed there was quite a hoorah about it what we were going to do with all the help and what have you, but everybody seems perfectly satisfied.

Now we made our official visitation up to Northern Maine in April. We found 42 personnel, 21 patients, ages three to eighty; in-

cluding two doctors, two cooks, two service workers. The four large buildings were in bad shape. The nurses' home and the doctors' home is okay. Their X-ray machines, all the plumbing in the kitchen were obsolete. In our visitation at Fairfield, Dr. Gross told us he could take the patients at a seventy-two hour notice if necessary, with only ten extra help, and that due to opening up another floor. They have every kind of modern machinery there and could render service second to none. The doctors who specialize in ear, eye, nose and throat, etc., are called in from Waterville when needed, and therefore patients get excellent service at less expense as we don't have to have these M. D.'s full time and pay them. I would be in favor if there are all these T.B. patients that they tell about, first I would like to know why they weren't in the institution in the first place and in the second place, I think Fairfield would be the place for them.

Mr. Pike of Lubec was granted unanimous consent to address the House.

Mr. PIKE: Mr. Speaker and Members of the House: I guess you all know the story of the Gutenberg Bible, the first book to be printed from movable type in about 1453, probably the greatest advance, gave the basis for the greatest advance in literacy and education that has ever happened in this world.

Now the original copies of this Bible are getting a little bit expensive. The last auction I saw a copy sold for \$145,000, so they are not in everybody's house. Last year a few replicas of the best available copy of the Bible were made. The Bowdoin College Library has lent me one and I have had it on show at home for a couple of weeks and it is now in the library here. I think any of you who appreciate fine bookmaking, fine binding, and fine art illumination might enjoy looking at it. When I say illumination, the chapter and book headings, that was about the only way in which art was preserved during the dark

ages. These monks in their cells when they wrote out these manuscripts really cut loose when they came to an initial for chapter and book headings, and I suppose that was about the only way that modern art sprang from, the Book of Hours and the Book of Kells and then these Bibles, and when they started to do them with movable type why I guess the boys couldn't hold themselves in so they went ahead and decorated the chapter and book headings the same way. It has appealed to me as being a particularly beautiful book, something that you might enjoy looking at, and it is on loan to me, I'll leave it there all week.

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Mr. Brewer of Bath was granted unanimous consent to address the House.

Mr. BREWER: Mr. Speaker and Members of the House: I think today, especially in the area along the coast, Bath, Brunswick, Lewiston as far as Lincolnville and Augusta has had a shot in the arm relative to the economic condition there, and I think this State in general will be pleased, with the announcement by the Navy Department of award of three guided-missile frigates to be built at the Bath Iron Works in the total amount of roughly \$59,000,000. This is something that we have

been looking forward to down in our area. We have been faced with a large amount of lay-offs and I believe we should all be pleased with this announcement. Thank you. (Applause)

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

Mr. FOGG: About a week ago through the generosity of some gentlemen up in Aroostook, I received a bag of potatoes from the State of Aroostook. And I took those potatoes home and I decided that I would have some baked potatoes. They were so good the next night I had baked potatoes, the next night I had more baked potatoes. Since then I have had more baked potatoes than I think I have ever had in my life and I feel sort of duty bound now to thank those gentlemen for those very delicious potatoes, and I would like to say that out in Idaho if they ever want to give up trying to raise potatoes I think that the State of Maine could take care of the situation very well. (Applause)

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On motion of Mr. Baxter of Pittsfield,

Adjourned until nine o'clock tomorrow morning.