

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

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OF THE

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AUGUSTA, MAINE

**HOUSE**

Thursday, June 1, 1961

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

Prayer by the Rev. Mr. Joseph Craig of Augusta.

The journal of yesterday was read and approved.

**Papers from the Senate  
Senate Reports of Committees  
Divided Report**

Majority Report of the Committee on Inland Fisheries and Game on Bill "An Act relating to Retirement of Chief Warden of Inland Fisheries and Game" (S. P. 165) (L. D. 411) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. STILPHEN of Knox  
CARPENTER of Somerset  
CYR of Aroostook  
— of the Senate.

Messrs. DODGE of Guilford  
HANSON of Bradford  
ANDERSON of Ellsworth  
MERRILL of Stetson  
WALLS of Millinocket  
MOORE of Casco  
— of the House.

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

Report was signed by the following member:

Mr. WADE of Skowhegan  
— of the House.

Came from the Senate with the Reports and Bill indefinitely postponed.

In the House: Reports were read.

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

Mr. MOORE: Mr. Speaker, I move we accept the Majority "Ought to pass" Report.

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

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

Mr. WADE: Mr. Speaker and Ladies and Gentlemen of the House: As the signer of the Minority "Ought not to pass" Report, I took exceptions in committee because of the import that this particular piece of legislation would carry if it should be passed into the law. Having been associated with the Department of Inland Fisheries and Game for well over twenty-five years, I felt that I was in a position, and still do, to know what has transpired, the reasons for it and what the wishes of the people involved in law enforcement throughout the State of Maine is.

Back in 1947 there was a more or less chaotic condition existing in several branches of law enforcement in the various departments throughout the state. These were brought together by the legislature of that era and at the wishes and desires of the four bodies involved, the State Police, the Sea and Shore warden force, the prison guard at Thomaston, and the wardens of the Department of Inland Fisheries and Game were brought together and given an exclusive section of retirement status based at their own request.

The age requirements of the Inland Department at the entrance examination reads from twenty-two to thirty-two years of age, thirty-two necessarily being the maximum, and the Retirement System which is now in vogue was based on that fact and being a privileged group they are permitted to retire after twenty-five years of service at the age of fifty-five years, with an opportunity to remain in service based on their physical conditions et cetera, until they had reached the age of sixty. This, as I have previously said, has been in vogue since 1947 and has definitely been well accepted by the groups that I referred to.

Now an attempt was made in the original legislative document 411 to make one exception of one individual and the bill read, "that the Chief Warden in the Department of Inland Fisheries and Game may, if he desires, remain in service until he has attained the age of 65." Apparently this exception was so conspicuous that it resulted in an amendment which would include the

supervisors of the Department of Inland Fisheries and Game, again taking out of the regular groups a specific number of people. I checked with the supervisors and out of the twelve I found that there were eight who were absolutely not interested in working beyond the age of sixty. I further found that many of them had requested retirement at the age of fifty-five for a specific purpose, that purpose being that they might have well concluded their state service, be entitled to a state pension, and then seek outside employment which would eventually entitle them to social security. And apparently all groups were very happy with this situation.

As I previously stated, these men must be under the age of thirty-two when they are first employed. One of the inducements to the type of man that these services are looking for today is the fact that if he is an energetic, enterprising individual he might then well look forward to promotion. Now the only opportunities for promotion in the Department of Inland Fisheries and Game in the warden force are the twelve supervisory positions which I have just recently referred to. And so looking ahead, a young man coming in, getting his feet placed, enjoying his work, and again being an enterprising individual, he looks ahead to his potential promotion. He works diligently and in the normal course of events he acquires himself a wife and normally a family. He eventually invests his savings in a home, again looking ahead to the possible promotion which will give him a substantial increase in his income.

Then to go ahead and take that individual, or those individuals, after they have reached that point in their lives of employment, and suggest to them — this is very fine but now we regret to tell you you have got to wait another five years before that opportunity presents itself.

And so, rather than belabor this, I know the calendar is heavy, I know that we have a tremendous amount of much more important work ahead of us, I would move for indefinite postponement of this bill and its accompanying papers.

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

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

Mr. BINNETTE: Mr. Speaker and Ladies and Gentlemen of the House: After hearing my colleague, Mr. Wade, speak relative to all of the merits of the department, I think it is very wonderful that they should start at the bottom and work up. But once a man has reached the age of sixty, in my estimation it doesn't mean that he should be taken out back to the farm and disposed of. I believe there are a lot of years of good service left in this man and as the Chief Warden I think he has done an excellent job and I think this bill only means that he can retire at sixty or he can retire at sixty-five if he so desires. And if that means any other supervisor wants to stay until he is sixty-five, I believe he should be entitled to it.

Therefore, I hope that we will go against the motion of postponing this measure.

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

Mr. HUMPHREY: Mr. Speaker and Ladies and Gentlemen of the House: I wholeheartedly agree with the remarks that my colleague, Mr. Wade, has made and I hope that the motion that he has made does prevail.

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

Mr. BEANE: Mr. Speaker and Ladies and Gentlemen of the House: I am a long ways from sixty years old, but I hope that at the time I get to be sixty that I will not be turned out to pasture. When the vote is taken, I ask for a division.

The SPEAKER: A division has been requested.

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

Mr. BRADEEN: Mr. Speaker and Ladies and Gentlemen of the House: My interest in this particular bill stems from a comparatively short acquaintance with Chief

Ingraham of the warden service. When I came down here I was particularly disturbed about a condition prevailing in the woods of this state. I refer to the indiscriminate killing of deer by dogs when the snow is deep and the animals can't get away. The unspeakable cruelty that is involved in this process and in this situation which we have allowed to continue over the years, we have tolerated it and through toleration we have in a sense condoned it. I think that it constitutes an indictment of our social order.

Now then, so far as this Chief Ingraham is concerned, I have talked to him many times with reference to this matter. He has shown a great degree of understanding, not only about this but about other angles of law enforcement in his department. For that reason I feel that his experience is of value to the people of this state and I certainly agree with the remarks of the gentleman from Old Town, Mr. Binnette.

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

Mr. JONES: Mr. Speaker and Members of the House: Relative to the retirement of some of the members who have worked for the state, whose work is more or less of a dangerous nature, I am told that when this retirement program was originated some time ago that the retirement credit factor upon which their pension income is based, for those who are working with the wardens and state police and those acts which are considered to be dangerous, were figured upon one certain factor. Now that factor upon which the pension income is based, for these individuals, is greater than the factor that is used upon figuring the income pension or retirement income of the other areas or employees of the state.

And therefore in this particular case we have an individual whose retirement income has been accelerated because of this higher factor, income factor, to the point where he is entitled to that and now he wants to extend that on to age sixty-five, which to me doesn't seem to be in order. If the

retirement state is age sixty-five instead of sixty, then his retirement credit should have been picked up on a lower factor.

So therefore, I am in agreement with my dear friend and colleague, Mr. Wade, in that I feel as though this is an injustice, to earn a retirement income at a high factor on the premise that the retirement is going to take place at sixty, and then have an exception so that he would go on and still earn that retirement income at the age of sixty-five, it appears to me as though that would not be correct. So therefore I am in accord with Mr. Wade. Thank you.

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

Mr. MOORE: Mr. Speaker and Ladies and Gentlemen of the House: This bill is permissive legislation for the wardens, the Chief Warden, the Assistant Chief Warden, and the supervisors. After they have reached their supervisory capacity I feel that it is perfectly all right for them to stay until sixty-five. Industry recognizes that fact and they don't retire anyone until sixty-five.

Every other department in the Fish and Game Department, within the department and within the state department, you may stay until you're seventy. Every other department head or working in that department, whether it is around the hatcheries or wherever, you are allowed to work until seventy. Now I'm probably getting old and I was born probably twenty years too soon, but I admire a man who wants to work until he's sixty-five. I can't see anything wrong with it; in fact, I think it's good. I think we should have more like him.

When this program was set up back in '47 there were about half as many wardens as there are today, receiving about one-half as much pay or less. It didn't mean too much. Today it's a very expensive program, the retiring program that we are carrying. If this bill was adopted, there is a potential saving providing that each man accepted to stay on until he was sixty-five, which he wouldn't have to if he didn't want to, there would

be a saving to the state of \$48,000 a year in retirements. Now I have checked those figures twice with the retirement board to make sure they are correct and that is the correct figure. Now that is a fantastic figure but it is so.

Mr. Carpenter wrote letters to all the warden supervisors to see how they felt about retiring at sixty or sixty-five, and the Monday after he wrote them — the Tuesday, this was about three weeks ago, he said, would you like to read these letters that I received today. And I said I would like very much to read them. There were eleven letters in answer to his inquiry of how they felt about retiring and eight of those eleven wanted to stay on until they were sixty-five years of age. That I read myself with these letters that were signed by these supervisors.

And I want to emphasize once more, this is permissive legislation. If a man doesn't want to stay on after he is sixty, he doesn't have to, but it just gives him that permission to stay on. Thank you.

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

Mr. WADE: Mr. Speaker, Ladies and Gentlemen: I am very happy to have my colleague from Casco, Mr. Moore, bring up the point of permissive legislation. Our law as it now reads with reference to any department of state employ, states very specifically that if upon reaching the retirement age a Commissioner feels that the employee in question can do his work satisfactorily, he may apply to the Governor and Council for an extension of one year, such extension may be applied for annually or an indefinite period of time. So, so far as permissive legislation is concerned, we already have that regulation or law on our books at the present time.

Now my good friend from Waterboro, Mr. Bradeen, states that the incumbent has shown specific interest in the matter of dogs hounding deer. May I say to that gentleman that the law that the legislature passed merely provides the tools for which these employees should do the work. Therefore there is

nothing extraordinary in the fact that any warden is merely carrying out the law which the legislature gave him to enforce.

One more point, the fact that the Chief Warden, the Assistant Chief Warden, and supervisors are selected by competitive examination reminds me that when the incumbent received the present office there was no competitive examination. The salary at the time, I believe it was 1953, was on a weekly basis of some \$86. In 1960 the salary for the same office is \$152. Now it's been brought out that this particular phase of Fish and Game activity is an important branch. And I would draw your attention to the fact of its importance involved in dollars and cents is that it expends just a little under fifty percent of the entire Fish and Game budget with a total expenditure of approximately \$900,000 annually.

Last October it was evidently foreseen that there were going to be some retirements made in these departments. With that thought in mind, an examination for this particular office was held. It was held by a member of the Fish and Game Department, the head of the Personnel Department, and the director of the State of Massachusetts. It was a competitive examination. The man who passed it with the highest rank lives in the southwestern part of the state. He was advised that he would become, on the basis of the examination, the Chief Warden when the retirement period came along. With that thought in mind he had made provisions to move his family into Augusta, sell his home where he now resides, and I think hoped to purchase a home in this immediate vicinity.

So there are all those factors, that we seem to be getting away from and putting our emphasis on one individual, and that of course in my thinking is not permissive legislation; it is class legislation. And I do hope, ladies and gentlemen, that you will go along with my motion to indefinitely postpone this bill.

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

Mr. HUMPHREY: Mr. Speaker and Ladies and Gentlemen of the House: I heard one of my colleagues say that this would turn a man out to pasture. If this is turning a man out to pasture, I am glad I am out to pasture. I happen to probably be the only one in the House that is out on this same pension retirement that the Chief Game Warden comes under. I was glad to get out when my twenty-five years' service was finished. This category that the game warden, firemen and police officers are under is called a hazardous capacity and I think it is. I know it is. I have been shot at twice and I have a wound in my right leg right now. That is the reason why the limit fifty-five and sixty was in this law.

So I think that the sixty age limit is long enough to work in this capacity. So I hope the motion of the gentleman from Skowhegan, Mr. Wade, does prevail.

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen: The passage of this measure to me seems to knock the whole idea of warden retirement all out of kilter, and I would like to tell just why I feel that way. A few years ago a young man who had served in our armed forces and was shot down and was in a German prison for a year and nobody knew where he was, eventually came home. This man was much interested in warden service, so he took the examination and passed, and shortly after the warden was appointed and he was not considered. So he asked me to see what was the trouble. I went to the Commissioner and he said why the man was thirty-two years old in October, this was November I believe, and the warden was past and so under the law why he cannot be accepted. And I put up a little argument about it and he said we didn't make the laws, it was you legislators.

So the next session I presented a bill whereby these wardens could be hired at the age of thirty-five and at the hearing the department head, some very able people in there who claimed that that was

all wrong, and they should keep it at thirty-two because it was such a hazardous business why they just couldn't have men over thirty-two to start in, they would have to be younger men. And so it was brought out ought not to pass and that was the end of that.

Now we are coming along here with this hazardous business and we want to extend it another five years. If it is so hazardous that we couldn't hire a man of thirty-five, I don't see why we should go along and keep them any longer than the regular law set up inasmuch as you couldn't hire a man under thirty-two. I hope this measure is defeated.

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

Mr. MERRILL: Mr. Speaker and Members of the House: I signed this majority report on this bill for the reason I felt that Mr. Ingraham was a good man and he has done a good thing for the state and I think that a man when his health is all right, he should have an opportunity to stay. I don't see any reason why that a man can't stay on some of these jobs after he is sixty years old. It looks to me if we keep on retiring everybody at fifty-five or sixty years we are soon going to run up against quite a bill on this retirement fund. And I have got to go along with the majority report on this because I think that it's a just bill and I have no reason to think that a man who is sixty years old should be cut out of everything.

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

Mr. MAXWELL: Mr. Speaker and Ladies and Gentlemen of the House: I must rise this morning in support of this measure. I went to the public hearing in support of it. I have been contacted by every warden within my area and some without, every biologist within my area, and some without, and they are all in support of this measure. So I hope that the motion to indefinitely postpone does not prevail.

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

Mrs. HENDRICKS: Mr. Speaker and Members of the House: From just sitting and listening on the sidelines here, there seems to be much said about this hazardous position, or are they giving hunting and fishing licenses to people over sixty-five? Where is the hazard starting from? Now I think that if this person has worked in this position for some time and he has proved himself to be a good man I think that we should keep him. And I think the fact that he has worked at this work for some time, he knows what the hazards are. And I think therefore he is probably a benefit to the State of Maine. I think we should keep him. I am in favor of this legislation.

The SPEAKER: The Chair recognizes the gentleman from Mil-bridge, Mr. Kennedy.

Mr. KENNEDY: Mr. Speaker and Members of the House: I rise in support of the motion of the gentleman from Skowhegan, Mr. Wade. I don't question but what this is a good measure. However, having early knowledge of the measure, it was definitely class legislation. It was to benefit one man and one man only and the retired employees of the State of Maine in my area are incensed over the bill and asked me to vote against it and I will of necessity have to obey their command. Some of them who are already in the warden service are in support of the measure; however, we have two retired men from the Department of Inland Fish and Game who are very upset over it, knowing that this was to benefit one individual. However, it has been amended and changed now, supposing it would pass as amended and be permissive legislation.

This is a new venture from the original proposition on the bill. These men who are retired are able bodied men, working every day, and are probably deserving to stay on until sixty-five. But they had to obey the mandates of the law. Now should this bill come up at some future date and blanket in many of the state employees, I would endorse it and vote for it. But knowing the early venture of this bill why I certainly will have to vote against it because in my

mind it is a piece of class legislation.

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

Mr. HAGUE: Mr. Speaker and Members of the House: I heartily concur with Jerry Wade of Skowhegan. I think that this bill does show an exception to the rule and eliminates the incentive of the personnel in this department and certainly is a definite detriment to the morale in the existing departments. So when the vote is taken I ask for a division.

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

Mr. DODGE: Mr. Speaker and Members of the House: As a signer of the majority report I think I should stand up here and tell a little why I signed it.

We found no one who came before the committee had any criticism of the Chief Warden. The fact he is sixty years old or will be in a short time, to me had not too much to do with it as long as he was able to do the job. As far as the job being dangerous at this time, the warden service is completely different to what it was a few years ago. Going into the woods you go in a plane, you go with jeeps, you don't do as much walking. When you get into the woods and go in the — your boats are all handled by outboard motors and there isn't the danger there used to be, you don't have to do such rugged work. I can see no reason why a man can't stay on till sixty-five and the fact that this takes in all supervisory personnel, I think it is a good idea. I don't see the idea of retiring at sixty if a man wants to keep on working.

The SPEAKER: The Chair recognizes the gentleman from Princeton, Mr. Wheaton.

Mr. WHEATON: Mr. Speaker, Ladies and Gentlemen: I sat here listening to all this and I hear efficiency brought up and a number of different things. I also hear that it is permissive for a man like the Chief Warden to stay on perhaps on a year to year basis perhaps for five more years, but I think one thing that hasn't been brought out is that due to his over effi-

ciency on a certain pond area that perhaps he wouldn't be mentioned as going on from a year to year basis.

The SPEAKER: Is the House ready for the question? The question before the House is related to item 1, "An Act relating to Retirement of Chief Warden of Inland Fisheries and Game." The immediate question is the motion of the gentleman from Skowhegan, Mr. Wade, that both Reports and the Bill 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.

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

Thereupon, the Majority "Ought to pass" Report was accepted in non-concurrence and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to S. P. 165, L. D. 411, Bill, "An Act Relating to Retirement of Chief Warden of Inland Fisheries and Game."

Amend said Bill in the title by striking out the words "of Chief Warden" and by inserting before the period at the end of title the word 'Wardens'

Further amend said Bill by striking out the last 4 lines and inserting in place thereof the following: "such request, of the service of such member, and except that the Chief Warden, the assistant chief warden and the warden supervisors in the Department of Inland Fisheries and Game may remain in service until they have attained the age of 65.' "

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

#### Non-Concurrent Matter Conference Asked

Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Resolve Appropriating Moneys to Provide Promotion for Maine's In-

dustrial Development (S. P. 102) (L. D. 247) which Report and Resolve were indefinitely postponed in non-concurrence in the House on May 26.

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

Messrs. MARDEN of Kennebec  
NOYES of Franklin  
LOVELL of York

In the House:

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

Mr. BRAGDON: Mr. Speaker, I move that we insist and join in a Committee of Conference.

The SPEAKER: The question now before the House is the motion of the gentleman from Perham, Mr. Bragdon, that the House insist and join in a committee of conference. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair will appoint the following Conferees on the part of the House in reference to L. D. 247:

Mrs. SMITH of Falmouth  
Messrs. WINCHENPAW  
of Friendship  
TURNER of Auburn

The SPEAKER: In reference to L. D. 1535, Resolve Proposing an Amendment to the Constitution Pledging Credit of State for Guaranteed Loans for Recreational Purposes, and in reference to the action of the House on May 26, 1961, whereby it insisted and moved to join in a Committee of Conference, the Chair will appoint the following conferees on the part of the House:

Mrs. SMITH of Falmouth  
Messrs. WINCHENPAW  
of Friendship  
TURNER of Auburn

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

### Non-Concurrent Matter Conference Asked

Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Bill "An Act to Create the Development Fund" (S. P. 541) (L. D. 1588) which was accepted in non-concurrence in the House on May 26.

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

Messrs. NOYES of Franklin  
MARDEN of Kennebec  
LOVELL of York

In the House:

On motion of Mr. Bragdon of Perham, the House voted to insist and join in a Committee on Conference.

The SPEAKER: The Chair will appoint the following Conferees on the part of the House in respect to L. D. 1588:

Mrs. SMITH of Falmouth  
Messrs. WINCHENPAW of Friendship  
TURNER of Auburn

### Non-Concurrent Matter

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" and Minority Report "A" reporting "Ought to pass" as amended by Committee Amendment "B" and Minority Report "B" reporting "Ought not to pass" which Reports and Bill were indefinitely postponed in the House on May 23.

Came from the Senate with Minority Report "A" accepted and the Bill passed to be engrossed as amended by Committee Amendment "B" as amended by Senate Amendment "A" thereto, and Senate Amendment "A", in non-concurrence.

In the House:

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

Mr. PLANTE: Mr. Speaker, I move that we insist upon our former action and request a committee of conference.

The SPEAKER: The question now before the House is the motion of the gentleman from Old Orchard Beach, Mr. Plante, that the House insist and ask for a committee of conference.

The Chair recognizes the gentleman from Winthrop, Mr. Tha anum.

Mr. THAANUM: Mr. Speaker, Ladies and Gentlemen of the House: I move that we recede and concur and would like to make a few brief remarks on that motion.

The SPEAKER: The question now before the House is the motion of the gentleman from Winthrop, Mr. Tha anum, that the House recede and concur with the Senate in accepting the Minority Report A, and the gentleman may proceed.

Mr. THAANUM: Mr. Speaker, Ladies and Gentlemen of the House: This employment security program is a nation wide program, and it reaches into the general welfare of most of the families in the State of Maine. I think the program as a whole has done a great deal of good, it has done a wonderful job particularly for those people who unfortunately lose their jobs for reasons beyond their own control. This law has been amended by many legislatures down through the years, and has been improved since it was originally put in force in the first of 1938. However, in a law of this kind I've always had in my mind that—any law that takes a way from our working people the urge to work is not good law. I think that most of the criticism against this law in the past has been on the proposition that it does take away from some few of our working people, a small percentage, the urge to work.

The committee has worked very hard on this law during this session and has come up with some amendments which are before you, intending to make the enforcement of the law as it is intended a little more workable. We are sure of this, that we should pay unemployment benefits to people who are legally entitled to them, those who can qualify for these out-of-work benefits under the law. But we should

not pay them to the people who are not legally entitled to them.

Now the law is a complicated law and I won't belabor you in trying to explain some of the technicalities in the law. However, the amendment before you and particularly L. D. 1610 which has been adopted by the Senate has taken care of some of the objections to what we call the benefit schedule, and if you will notice that in 1610, that that has now been lowered to \$400 where it originally was \$300. I really think \$400 is fair because I don't think that we want to take away this urge to work from our people, and I think it intends to tell our people to make just a little more effort and to earn just a little more money to qualify for these benefits. Now as to the other several parts of the amendment, these have been worked out by your committee, and intended to close up some of the other loopholes that were felt necessary in the law; and particularly with partial unemployment benefits and also in the matter of the female workers who are expecting confinement.

The other day on this floor there was mention made of the word regular employment in this law, and I would call your attention to the fact that in the particular section of the existing law that was amended — and that was section 15, subsection 1, that this word regular employment was used. The wording of the law reads at present, for the period of unemployment subsequent to having left his regular employment. As a result of the usage of that language in the last session, it became incumbent upon the commission to make the regulation for the administration of the law, and the regulation was shortly after that adopted in connection with this word regular employment.

The commission has worked with that definition. It is very similar to the one that is in this particular redraft, and it has worked very well. The interpretation of that regulation has been very liberal, and I think I can say with some certainty that it has worked very well and has been interpreted in line with what is fair and equitable for the working people.

As to further parts of the law, it deals with the question of disqualifications. Now disqualifications in the Unemployment Insurance Law intends to take away from a worker, and as I have often said in this way, whose unemployment lays on his own doorstep, the benefits of this program for a certain length of time. The period of time varies in the number of states, but a person who in some sense is responsible for the loss of his job should not pledge benefits immediately. There should be some protection against the collection of benefits in that respect. So there have been some amendments made to those particular sections.

As to the amendment made by the Senate, it is my understanding that this is agreeable to the people in Washington County, and the amendments have been submitted by the Senator from Washington County. I hope that you consider carefully the amendments here that are before you, I can assure you that they have great merit in connection with the better administration of this law. As you all have heard before, there is a serious situation facing the State of Maine and its unemployment insurance law regarding the depletion of the reserve fund and having depleted itself down to about \$25,000,000 at this time when it originally was close to \$50,000,000 just a few years ago. I hope that you will consider this carefully and that you will vote to recede and concur. Thank you very much.

The SPEAKER: The question before the House is the motion of the gentleman from Winthrop, Mr. Thaanum, that the House recede and concur with the Senate in accepting the Minority Report A.

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

Mr. HANCOCK: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Labor Committee, I would like to make a few brief remarks in reference to this bill. I feel that this program was set up to help the unemployed, but I also feel that it has been abused probably as much as any program that has ever been enacted.

In fact in my little county the little business that I operate I have

two men now drawing unemployment, they both left their jobs on their own free will and they are working every day and still drawing unemployment. I think this bill is going to remove a lot of the abuses and when we do that it will protect the fund. We do not want to forget that the employer pays a one hundred percent of this fund, and when it gets down to a certain level, of course their payments go up. I hope that the House will go along with this amendment.

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

Mr. PLANTE: Mr. Speaker, Ladies and Gentlemen of the House: I feel that what is wrong here is not so much the law as written but the question of enforcement. I might humbly suggest possibly individuals knowing individuals that are collecting unemployment compensation and are gainfully employed, those people being negligent by not reporting them. The harm here is the question of whether the law as presently written is enforced. Now if it is not, whether we feel that we are improving the law or not would be immaterial. I think for all practical respects if any of you read Senate Amendment "A" that you will find in view of the fact we will be studying this entire law, that this will make no contribution to it. It will become effective in October, 1962, three months before we meet again. These are three trying months, they are October, November and December. There's no seasonal employment during these months, other than a brief Christmas shopping period. Take Washington County for example, there's no blueberry picking in October, November and December, few fisheries or canneries are operating, there is little as early snows come, there's very little pulp collected. This of course is only one county. In my county which is a tourist oriented county, after seasonal labor there is a great deal of unemployment and I feel that if this bill goes into effect as amended and becomes effective in October, November and December of 1962, before the Legislature meets again, it will be

harmful. The House has spoken once on this, I feel if anything the amendments weaken the bill. I certainly hope that you do not go along with the motion to recede and concur.

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

Mr. WINCHENPAW: Does the motion to recede and concur take precedence over the motion made by the gentleman from Old Orchard, Mr. Plante?

The SPEAKER: The prevailing motion is to recede and concur with the Senate in accepting the Minority Report A. It does prevail over the motion to insist.

Mr. WINCHENPAW: I certainly hope the motion made by the gentleman from Winthrop, Mr. Thaanum prevails, and I would like to bring out one point here that this \$400 schedule also adds a dollar on the top. It takes a little off the bottom, but it raises the maximum to \$34 a week. If you study the schedule, in the middle of the schedule, you will find that it raises some categories a dollar or two and the average as I understand it is in the middle of the schedule. As I understand the Senate Amendment, there will be no change in this amount of money you earn until April 1, next year; and that some of the other amendments will take effect ninety days after legislature adjourns. We feel that this is a step in the right direction. It will strengthen the law and help industry as well as labor both, and there's very little opposition to these amendments now, so I hope the motion made by the gentleman from Winthrop prevails.

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

Mr. WHITMAN: Mr. Speaker, I too rise to support the motion of the gentleman from Winthrop, Mr. Thaanum. I hope the House will recede and concur in this matter. I feel that this is one of the best bills to come out of the Labor Committee at this session. I think it's obvious that it accomplishes a dual purpose. On the one hand it will contribute a great deal toward reserving the reserve funds of our unemployment insurance program;

only recently it has been pointed out to us that this fund is in grave danger of being depleted below the danger point. In the second instance, it will eliminate some of the abuses, and at the same time provide additional benefits to bona fide and legitimate recipients. I can't possibly see how this could be damaging to anyone except those who are not legitimate recipients. I certainly hope the House will recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Mil-bridge, Mr. Kennedy.

Mr. KENNEDY: Mr. Speaker, Ladies and Gentlemen of the House: On May 23 in opposing this bill, it was the majority report of the committee on labor, and I appreciate very much the defeat of that measure. However in my remarks at that time, I did concede that I would be willing to accept the Minority Report. In essence the Senate Amendments encompass the Minority Report, and I have no objections to it and will support it.

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

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: It has already been said here that this bill in its present amended form would be satisfactory to Washington County. As a member of the Washington County delegation, I would like to state that I do not feel that it is satisfactory although as you have heard from Mr. Kennedy it apparently is okay with him. Our problem with unemployment compensation is a particularly special one with us. For instance, even at the four hundred figure on this year's unemployed labor force, we would be eliminating one hundred fifty-eight people or about seven percent of our labor force. Now these are the poor people that had tough luck last year in not getting very much work mainly in the canneries. Now these are the people that need the money the most and these are the people that as far as depleting the fund is concerned, deplete it the least because they draw such a small amount. It's these little amounts that help keep the wolf away from the door. I think that

this bill still is rather harsh in some of its features. For instance, it's going to be difficult under the odd job program, it is going to be difficult for some of our people to ever get back if they lose their regular employment; when we lose an industry, it is going to be difficult for these people to ever get back into the unemployment program again so they can ever draw anything. They might be odd jobbing around for months, maybe for years, and I don't think this is fair to these people. I go along with the study that has already been proposed and already enacted and if at the end of two years this study shows that some of these things should be done, why then we can go ahead and do them. I still feel that going ahead this way is a trial and error method, and the effect of the bill has been postponed until October of 1962 which would seem to be somewhat ridiculous in that it leaves only a three months' period before we would be back in business again.

Now as to the abuses, there has been a good deal of talk about abuses, and I have had some figures from the Unemployment Security Commission and according to those figures the abuses that they have been able to uncover are not large in relation to the number of claims paid. For instance in 1960 out of 50,000 claims there were only 164 found to be fraudulent. Now this is an actual percentage of three thousands of one percent of claims which are fraudulent and most of those they have been able to recover and make the person pay back into the fund what they illegally drew.

Now if there is something wrong with the administration, that's where the study comes in, perhaps the administration of the employment security should be tightened up. However, I feel that this bill in its present form would still be a harsh one and an unfair one not only to Washington County but to the whole coastal area which is so hard hit and which has to rely on something of this nature. The idea of unemployment compensation, it's an insurance fund and it's supposedly to help stabilize the whole economy of the state. I think that's what

it has been doing. Therefore, I favor leaving it just as it is.

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

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I was opposed to this document at first, but now with these amendments I am happy to go along with it. I request a division.

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

Mrs. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I certainly would like to go along with the remarks of the gentleman from Winthrop, Mr. Thaanum. I don't think this morning that we have mentioned anything about a favorable business climate for Maine. But I think we do find that in writing any law it is difficult to adjust to all cases; however, I think we should be willing to work along with the law and change it as we should. I think we ought to bear in mind that this was not a welfare program in the beginning, it is not intended as such. It is a program paid for solely by the employers to benefit workers who are legitimately out of work, and who cannot provide jobs for themselves.

Now two years ago in this House, some of us fought very hard to maintain a favorable business climate, and as a result of the actions of this House, the Raytheon Plant as we have said before was located at Lewiston. If some of the labor bills and some of the bond issues and many things that were before this House then had been passed, we would not have had that plant at Lewiston. This was made in several public statements by the president of the company and they have gone farther in speaking in Massachusetts as I commented the other day as saying that nine new plants had been opened by Raytheon — all of them outside of Massachusetts because of this unfavorable business climate.

Now when we unduly burden employers with benefit cases, then we certainly are creating an unfavorable climate. We have heard a lot of talk around here about how we

ought to spend money, to bring industry and to bring recreation business to the state. But why spend your money on one hand and pass or keep legislation that takes away from that climate on the other hand? Now this is a fair and reasonable thing to do. We are not taking anything from the legitimate worker, I am sure that most of us recognize that unemployment has been a salvation to this state and to the workers, not only just to the workers but to everyone else because certainly we don't want our people who cannot find a job to be on bread lines. I do say to you that I think it's a bit unfair that people who are not capable of or do not wish a job, they cannot because of either family—we have cases of women who for instance, not only pregnant women but women who have children who cannot get babysitters, who quit their jobs—this is not the fault of the employer; it's unfortunate perhaps, but it's certainly not the responsibility of the employer to take care of them if they cannot work.

At the present time in our particular industry, we are not able to get workers, even though there are lists of workers apparently waiting at the Portland Employment Service — they can send me no one. However, it seems rather strange that this is true, but it does show that the workers themselves many times are not willing to adjust or change positions. I certainly hope that we do consider this favorable business climate and that we do agree to up the scale a little bit for those who should have unemployment, and we do take away from those who should not.

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

Mr. LITTLEFIELD: Mr. Speaker, Ladies and Gentlemen of the House: We could debate this issue forever. I don't see why we don't leave the law on the books as it is today. This amendment simply changes the first bill from the effective date of April and October, 1961 to October 1, 1962. Since there are only three months — after that until the Legislature meets, why not wait for the interim study that

the House has voted to do on two previous occasions?

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

Mr. WINCHENPAW: Mr. Speaker, I would like to add two more points briefly that have not been mentioned in connection with this, one is the increase in federal wage that is going to take effect very shortly which will increase the earning power of these people that work in these factories and make it much easier for them to attain the \$400 on the bottom of the schedule, and then there's another situation going on that is going to cost somebody a pretty penny, because as you all know, some of these unemployed people have been granted thirteen extra weeks, and I have been told on pretty good authority that the original estimate of the number of people entitled to collect that thirteen extra weeks because of lack of regular employment was about eight hundred; but I understand now that the employment security office is paying checks to over twenty-four hundred people on that thirteen extra weeks. I think in voting for this measure, you should take this into consideration.

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

Mr. JALBERT: Mr. Speaker, I would like to read to the members the report of this committee.

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" and Minority Report "A" reporting "Ought to pass" as amended by Committee Amendment "B" and Minority Report "B" reporting "Ought not to pass" which Reports and Bill were indefinitely postponed in the House on May 23.

Comes from the Senate with Minority Report "A" accepted and the Bill passed to be engrossed as amended by Committee Amendment "B" as amended by Senate Amendment "A" thereto, and Senate Amendment "A", in non-concurrence.

Now if that's not mass confusion, I want to know what is. If anybody in this House can stand up and explain all these amendments and explain this bill in total, I'll meet them anywhere and they can have a good feed on me as poor as I am.

Now we have an interim committee that has been named, it has been approved of by both branches. It would come up with a good bill. This certainly is mass confusion, I don't know anything about it and I question if anybody really does. I go along with the gentleman, Mr. Littlefield. Now why not go along and wait until a good bill can be drawn up, then at least we can understand some phases of it. So that if the motion to recede and concur would be defeated, we then would move to adhere and everybody would be happy, and leave it in the laps of where it belongs in the interim study committee.

The SPEAKER: The Chair would remind the gentleman that there is a pending motion to insist, if the motion to recede and concur does not prevail.

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

Mr. JALBERT: Then in order to stop a committee of conference, I move to defeat the motion to insist and move to adhere.

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

Mr. BAXTER: Mr. Speaker and Ladies and Gentlemen of the House: I think the gentleman from Lewiston, Mr. Jalberty, is a little unfair when he calls the current situation mass confusion, because after all practically all of what is on the calendar today, is the work of the Labor Committee and work put in over a great deal of time. Now if he doesn't understand it, that is a personal problem with him. However, I don't think we should accuse the Labor Committee of perpetrating mass confusion upon the House of Representatives. I think that the form in which the bill has come to us is proof of the fact that instead of just passing anything out to us, they worked hard to achieve what would be a good bill.

Now there is one other thing I would like to mention and that is I would like to commend the gentleman from Milbridge, Mr. Kennedy, for what I think is a very farsighted stand. If there is anybody in the State of Maine who has got a stake, a big stake, in the unemployment insurance fund, it is Washington County. Now you probably know that in the short span of five years this fund has dropped from a balance of \$45,000,000 to \$23,000,000. Now that is a precipitous drop in anybody's language. It shows that the fund very conceivably could be headed for serious trouble and that at some point there might not be any money there for anybody to have benefits, or at least not full benefits, Washington County as well as anybody else.

I don't know whether it has been mentioned here in debate either previously or now, but I hope you will remember that Washington County takes out of the fund eight times more than it puts in. In other words, for every dollar of benefits which the people in Washington County get, they only contribute one-eighth. Or in other words, for every dollar they pay in they get eight dollars back. Now on that basis, it seems to me that Washington County has got a terrific stake in this particular fund. I think that probably they have got the biggest stake of anybody in the state in this fund. And to me it should be — and I am sure that is the reason for Mr. Kennedy's remarks, it should be very much to their interests to see that this fund is properly administered and that its balance is protected so that there will continue to be money there to pay benefits to the Washington County people in a ratio of eight to one in the amount that they contribute.

Therefore I hope that the motion to recede and concur does prevail.

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

Mr. JALBERT: Mr. Speaker and Members of the House: The gentleman from Pittsfield, Mr. Baxter uses the word "unfair." Now this bill has been defeated before this branch twice. If the Committee on

Rules had been listened to a little bit, actually this has no business here. Because if such procedure keeps going and on and on, believe me when I tell you this that the Committee on Rules unanimously agreed that it would continue the length of the session and if such procedures are allowed to continue I was not far afield last night when I mentioned Labor Day.

Now if the gentleman from Pittsfield, Mr. Baxter, is going to praise the Labor Committee, and I praise the Labor Committee because I know how hard they work — in view of the fact that this measure has been before us twice and defeated twice, if he is going to really praise substantially and with facts the Committee on Labor I would like to ask any member of the Labor Committee if at any time since this bill has been defeated twice in this branch, if they have met as a body, as a labor committee, concerning this measure. I ask that in the form of a question of any member of the Labor Committee.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, has asked a question through the Chair of any member of the Labor Committee who may choose to answer.

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

Mr. WINCHENPAW: Mr. Speaker, I don't know just how to say this, I don't want to break a parliamentary rule, but the first answer is no. The second answer is I can't understand how the bill has been defeated twice.

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

Mr. PLANTE: Mr. Speaker, I would like to answer the gentleman from Friendship, Mr. Winchenpaw. It was first defeated on the motion to indefinitely postpone and then a motion for reconsideration was made and it did not prevail. So this House acted twice on this bill.

Also at this time, because of the importance of such practices, as a point of legislative inquiry, I would like to ask the Speaker, on what legislative basis is this bill

again before us, where it was once indefinitely postponed and also the motion to reconsider never prevailed?

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

Mr. JALBERT: Mr. Speaker, I understand that the gentleman from Friendship, Mr. Winchenpaw, is on the Labor Committee. I am not clear in my answer. Am I to understand then that in any action—since any action has been taken on this bill, that the Labor Committee as a labor committee did not meet? Am I to understand that? The answer is yes; no, they did not meet.

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

Mr. KENNEDY: Mr. Speaker and Ladies and Gentlemen of the House: I wonder if you might bear with me to break in upon this impassioned debate relative to this bill this morning, to perhaps be facetious for a moment. I would like to take exceptions to some of the remarks that the good gentleman from Pittsfield, Mr. Baxter, made and inquire parliamentarily what move I might take to strike from the record some of the remarks that were made. I feel that this is detrimental to the character of the citizens of Washington County and I don't like to see that on the record.

The SPEAKER: Is the House ready for the question?

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

Mr. JOBIN: Mr. Speaker and Members of the House: In regard to this legal document 862, it seems that it has been belabored now over and over again and I fail to see why this House should at this time change their minds. I have just been looking over the amendments here and it seems that the major change in these amendments is to set the effective date back to October of 1962.

This is only three months or so before the convening of the 101st Legislature and again I say this bill is loaded with inequities and the law as it stands today is loaded with inequities on both sides of the issue, and I again appeal to

the House of Representatives to go along with this interim committee, make one final, thorough study of all of the inequities in this bill, and come up with something that will be of advantage to both management and labor.

If we don't do this, we will find ourselves in a position of enacting a bill which within three months will have to be torn apart again. And I call this actually a tremendous waste of time, money and effort. Therefore I hope that this will finally wind up with this legislative joint interim committee. Thank you.

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

Mr. LANE: Mr. Speaker, Ladies and Gentlemen of the House: I have read this bill about three or four times and I came to one conclusion. The only thing that this bill will accomplish, it will put more people on relief. God only knows how many people we have on relief in the State of Maine today. I don't think we should pass any legislation that will force more people on relief.

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

Mr. KARKOS: Mr. Speaker and Ladies and Gentlemen of the House: I want to take issue with the distinguished gentleman from Pittsfield, Mr. Baxter. Now the reason for the depletion of this fund by possibly \$25,000,000, is the fact that the employees have been paying 2.7 and because the fund did get up to forty-five million six years ago, that's gone down because a lot of the employees today are only paying 0.5 into the fund and I think it's cost the fund about \$60,000,000.

Another thing, I don't think the bill should be amended in any way. I think the other law was fair to both labor and management. It's true there've been abuses. And another thing, this is tax exempt and the employers understand it doesn't cost them anything when you get right down to it.

Next thing, when the people are laid off, when they start up again possibly within two or three months, these people are handy and ready to go to work and most of

them are anxious. Who wants to get \$33 a week? I think some of them get as high as sixty, eighty and a hundred dollars a week. And as the gentleman from Waterville, Mr. Lane said, it keeps people off relief rolls and it preserves their dignity also. They get those small checks and try to live with them and quite true of course there have been abuses by both. So I think that the bill should stay as it is without any amendments and if this interim committee will study and try to take the bugs out of it.

That's the way I feel about it. I served on the Labor Committee for four years and the Committee is a hard working committee. We differed in opinion but most of us know that this employment security law is for the benefit of both employer and employee. Thank you.

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

Mr. THAANUM: Mr. Speaker and Members of the House: I just rise to clear up something that may be a little misunderstanding in the minds of some of you, the amendments that were made by the Senate. The amendments had to do with the benefit schedule and it is the benefit schedule only that would be delayed in becoming law until 1962. The rest of the law as it is written would take effect ninety days after the Legislature adjourns, but the amendments referring to the benefit schedule only would be delayed until this three months before the next Legislature convenes, as has been said before.

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

Mr. JOBIN: Mr. Speaker and Ladies and Gentlemen of the House: I would like to take this opportunity to thank my colleague from Winthrop, Mr. Thaanum, for clarifying this point for me. However, if the balance of this law takes effect ninety days after the adjournment of this Legislature, it concerns me even more than it did in the first place. I would call your attention just as a matter of example to section four of the law and ask you to note what is

crossed out here as regards to voluntary absenteeism.

I will read the part that is deleted now. "A separation shall not be considered to be voluntary without good cause when it was caused by the illness or disability of the claimant and the claimant took all reasonable precautions to protect his employment status by having promptly notified his employer as to the reasons for his absence and by promptly requesting reemployment when he was again able to resume employment."

Now I submit to you, this has been taken out of the bill. So according to my interpretation, if a person becomes ill or disabled and is unable to go to work, this under the new bill, under the new law, would be voluntary absenteeism. Now I question whether illness could be called in all fairness, voluntary absenteeism.

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

Mr. BROWN: There's one aspect of this bill which we have not considered in regard to retirement of employees. The company for whom I work at the present time has a retirement plan which is strictly voluntary for any person who has served twenty years at the age of sixty-five. The present moment we have before the appeal board an appeal by one of the employees who voluntarily retired at age sixty-five who maintains that because of his employment he would occasionally have to work out of doors or was subject to wet conditions that were injurious to his health. I fail to perceive why a company who has instigated a voluntary retirement plan should now be forced to pay unemployment compensation to a man who is not in the labor market. It is true that part of this amount he receives is deducted from his unemployment benefits.

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

Mr. BAXTER: Mr. Speaker, I would just like to say one word with regard to the words of the gentleman from Milbridge, Mr. Kennedy, and to assure him and the Washington County delegation and Washington County in general that

I meant no reflection upon that great county. They are the victims of an economic situation, certainly the involuntary victims of an economic situation which brings about the particular contributory ratio which I mentioned. I am sure that were conditions different, they would be more than happy to have the ratio reversed.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Winthrop, Mr. Thaanum, that the House recede and concur with the Senate in accepting the Minority Report A on Bill "An Act to Amend the Employment Security Law," House Paper 603, Legislative Document 862. A division has been requested.

All those in favor of receding, 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 gentleman from Madison, Mr. Fogg.

Mr. FOGG: Mr. Speaker, I ask for 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.

A sufficient number arose.

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

The question before the House is the motion of the gentleman from Winthrop, Mr. Thaanum, that the House recede and concur with the Senate in accepting Minority Report A.

If you are in favor of receding and concurring, you will answer "yes" when your name is called; if you are opposed, you will answer "no" when your name is called.

The Clerk will call the roll.

### ROLL CALL

YEA — Albair, Anderson, Ellsworth; Anderson, Greenville; Baker, Baxter, Bearce, Berry, Cape

Elizabeth; Berry, Portland; Boissonneau, Boothby, Bradeen, Brewer, Brown, Fairfield; Brown, Vassalboro; Buckley, Burns, Carter, Chapman, Gardiner; Chapman, Norway; Choate, Cooper, Coulthard, Danes, Dennett, Dodge, Drake, Dunn, Durgin, Edwards, Estey, Finley, Gardner, Gill, Hague, Ham, Hancock, Hanson, Bradford; Hanson, Lebanon; Hardy, Harrington, Hartshorn, Hichborn, Hopkinson, Hughes, Humphrey, Hutchins, Johnson, Smithfield; Jones, Kennedy, Kimball, Knapp, Lincoln, Linnekin, Maddox, Mathews, Merrill, Minsky, Moore, Morrill, Morse, Perry, Philbrick, Augusta; Philbrick, Bangor; Pike, Roberts, Rust, Schulten, Shaw, Shepard, Smith, Bar Harbor; Smith, Falmouth; Stevens, Stewart, Storm, Thaanum, Thornton, Turner, Tweedie, Tyndale, Vaughn, Wade, Walker, Walt, Waterman, Wellman, Westerfield, Wheaton, Whitman, Whitney, Williams, Winchenpaw, Young.

NAY — Beane, Moscow; Bedard, Berman, Houlton; Bernard, Binnette, Briggs, Brown, South Portland; Curtis, Cyr, Davis, Dennison, Dostie, Lewiston; Dostie, Winslow; Fogg, Gallant, Hendricks, Hinds, Jalbert, Jameson, Jobin, Johnson, Stockholm; Karkos, Kellam, Kilroy, Knight, Lacharite, Lane, Lantagne, Letourneau, Levesque, Littlefield, Lowery, MacGregor, Maxwell, Nadeau, Biddeford; Nadeau, Lewiston; Noel, Plante, Poirier, Prue, Sevigny, Sirois, Smith, Strong; Swett, Tardiff, Walls, Wood.

ABSENT — Beane, Augusta; Berman, Auburn; Bragdon, Bussiere, Crockett, Edgerly, Haughn, Malenfant, Matheson, Prince, Spraul.

Yes, 92; No, 47, Absent 11.

The SPEAKER: Ninety-two having voted in the affirmative, forty-seven having voted in the negative, with eleven absentees, the motion to recede and concur prevails.

Thereupon, the Bill was read twice.

Committee Amendment "B" being L. D. 1610 was read by the Clerk.

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

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "B"

(L. D. 1610) to H. P. 603, L. D. 862, Bill, "An Act to Amend the Employment Security Law."

Amend said Amendment in that part designated "Sec. 2, III." by striking out in the 2nd line the underlined figure "1961" and inserting in place thereof the underlined figure "1962"

Further amend said Amendment by striking out the 20th line from the end and inserting in place thereof the following line:

'Further amend said Bill by adding at the end a new section to read'

Further amend said Amendment by striking out at the end all of that part designated "Sec. 13."

Senate Amendment "A" to Committee Amendment "B" was adopted.

Committee Amendment "B" as amended by Senate Amendment "A" thereto was adopted.

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

SENATE AMENDMENT "A" to H. P. 603, L. D. 862, Bill, "An Act to Amend the Employment Security Law."

Amend said Bill in section 1, in the first line of that part designated "II." by indicating the striking out of the word "April" by drawing a line through the word April, as follows 'April', and by inserting immediately after said stricken out word the underlined word 'October'; and by striking out in the 2nd line of that part designated "II." the underlined figure "1961" and inserting in place thereof the underlined figure "1962"

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

The SPEAKER: At this time the Chair would like to recognize the presence in the gallery of a group of pupils from the seventh and eighth grades of Bristol Consolidated School, accompanied by their teacher, Mrs. Florence Hope, and Mrs. Ella Poole.

Also in the gallery is a group of eighth grade students from the Emerson School, Richmond, accompanied by Mr. Richard Joy and Mr. James McLaughlin.

On behalf of the House, the Chair extends to you a most hearty

and cordial welcome and we hope that you will enjoy and profit by your visit with us here today. (Applause)

The SPEAKER: The Chair understands that the gentleman from Kennebunkport, Mr. Tyndale, requests unanimous consent to take up out of order under Enactors, item two, An Act Permitting St. Francis College to Confer Honorary Degrees, Senate Paper 563, Legislative Document 165. Is there objection to taking this matter up out of order at this time? The Chair hears none, the matter will be taken up at this time.

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

Mr. HICHBORN: I would like to ask to what committee this particular item was referred?

The SPEAKER: This bill was engrossed without reference to any committee.

Mr. HICHBORN: Could I have permission to read from the Senate Record, a statement by Senator Lovell pertaining to this item?

The SPEAKER: The gentleman may not read since he is using the action of the Senate as an argument for or against the bill.

Mr. HICHBORN: May I make a few comments?

The SPEAKER: The gentleman may speak to the bill.

Mr. HICHBORN: It is my understanding that this was issued or introduced as an emergency measure in order that some honorary degrees could be issued on June 4. It is my understanding that the degrees were to be issued because it was felt that it would be helpful in getting donations which would be used for the expansion of the school. It was my understanding that degrees certainly were conferred for reasons other than monetary. I am rather concerned to know why it wasn't referred to a committee. Personally I am not in favor of this.

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

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the remarks of my esteemed colleague, Mr. Hichborn. This bill was introduced for one

purpose alone. There was no monetary consideration given at that time. This is a small college, a small college in the State of Maine, a small college consisting of Maine people that are trying to expand and broaden their college scope. That was the reason it was introduced. And the reason that it was left out in the charter originally was just through an error and no reason other than that. This college is one of the finest institutions we have in the southern part of the State of Maine, and I am a little bit surprised that this esteemed gentleman would now rise and speak against expansion of education when he has been giving orations for the last two weeks on the expansion of every type of education. Then why discriminate against this small college trying to expand its scope? It doesn't make for sense nor logic if we are going to try to help our institutions in the State of Maine who, incidentally, are not asking one cent from the State of Maine. Why not give them the opportunity to expand? I can't see any reason for not doing it. I sincerely hope that this House will go along with helping this small institution to grow and provide education for people of meager means.

#### Emergency Measure

An Act Permitting St. Francis College to Confer Honorary Degrees (S. P. 563) (L. D. 1615)

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. 98 voted in favor of same and 8 against, and accordingly the Bill failed of passage to be enacted.

Mr. Tyndale of Kennebunkport moved that the House reconsider its action whereby it just failed to enact this Legislative Document and moved that his motion be tabled until later in the day.

#### Non-Concurrent Matter

Bill "An Act relating to a Power of Sale in a Mortgage and Sale under a Power in a Mortgage"

(H. P. 995) (L. D. 1382) on which the House voted to adhere on May 25 to its action whereby the Minority "Ought not to pass" Report of the Committee on Judiciary was accepted.

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

In the House:

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

Mr. BRIGGS: Mr. Speaker, I move that we adhere to our previous action.

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

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

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: I move that the House recede and concur with the Senate in accepting the Majority Report of the Committee and I would speak to the motion.

The SPEAKER: The question now before the House is the motion of the gentleman from York, Mr. Rust, that the House recede and concur with the Senate in accepting the Majority "Ought to pass" Report. The gentleman may proceed.

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: The session is drawing along, we have been here since early winter and we are well into the spring and soon it will be summer. We have considered many bills during this period of time, we have killed many good bills because we were stepping on someone's toes, and we have enacted into law many bad bills because we didn't have the courage to stand up for what we felt was right. This legislature has seen fit to pass several bills of a very progressive and liberal nature. It has enacted the district court bill which is something very new to the State of Maine and which gives a new court system with very liberal jurisdiction to it. We have passed a law relating to criminal insanity where a person being convicted of being tried for a crime he may use a plea of

criminal insanity, which but four or five states in the United States have as a law today, and Maine is one of the few that has enacted this by legislation. These are very liberal bills.

This bill before us today, L. D. 1382, is nowhere near as liberal as either of those bills. In fact, it is a rather conservative piece of legislation as legislation goes. There are some twenty-five or twenty-seven states which now operate under this type of a mortgage procedure, but this bill does not go as far as those states because of those other states that have this type of a mortgage bill, they have a sixty day sale procedure whereas this bill calls for six months, three times as long.

In other states this type of a mortgage covers all types of property. It even covers the old homestead and the farm. This particular piece of legislation here does not cover the homestead, and it does not cover the farm; it will apply to commercial and recreational property.

Now we have passed many other bills during the legislature giving relief of a general nature to different segments of our Maine economy. We have given relief to the lobster fishermen by eliminating the hazardous skin diving from competition. We have given relief to the doctors by giving them some modest form of exemption from liability where they treat patients at the scene of an accident. We have given the landowners in the great north complete relief by exempting them from liability as a result of inviting people to come onto their property to hunt and fish. Yesterday in this House, we gave relief to the railroads, we voted relief which will cost the State of Maine a million dollars a year in the very near future. We have given relief to our state employees by agreeing to give them an extra million dollars in the biennium for additional salary increases. We have given relief to the school administrative districts, by giving them a bill for a method to dissolve such school administrative districts. Now I say to you people here in the House today, that the bank institutions in

the State of Maine need a little relief.

We have heard from the Sly Report and we have heard from the Armour Report how conservative our Maine banking institutions are. Why wouldn't they be? They are trying to operate in the jet age on a 1905 two-wheel bicycle. Now this particular legislative document 1382 is not a bank bill, it was a bill which I filed because I believe it is a good piece of legislation. I have seen it operate in the State of New Hampshire and it has worked out very well. It applies to all forms of real estate and it only requires a sixty day foreclosure proceeding — that's in New Hampshire. The bill that we propose here today is a six month procedure, three times as long as our neighboring state of New Hampshire has and this bill does not cover the homestead and the farm such as the law of New Hampshire does.

Now the people of New Hampshire are just as conservative as we are, and if they have seen fit to enact such a law and live under it, I don't think the State of Maine would be any worse off. But such a bill would be a considerable help to our Maine banking institutions. It would allow them to make loans for longer periods of time, because under our present laws a bank usually does not attempt foreclosure proceedings until a person is in default from four to six months. Then it takes another twelve months to foreclose. During this period of time, the banks have invested in two years' taxes, two years of insurance, two years of repairs, then they have to get the person out of the house.

Another reason why this bill would be of some relief to the banks is because they could discount this paper and borrow more money to loan into our economy. This bill would help them to put more money at the disposal of borrowers. Any money the banks loan out certainly expands our local communities and our local commerce. It helps us all. This bill will help the borrower because under this type of a procedure, if he does get in difficulty, there is a

sale and the profit goes back to the borrower, and not to the bank.

Now as I have already said, this bill is law in twenty-seven other states. We don't propose to go as far as the other twenty-seven states, just a modest step forward. Ladies and gentlemen I urge you to seriously consider this matter and give the banks of the State of Maine an up-to-date commercial tool or mortgage program to work with in this day and age and take them out of the dark ages. If I remember correctly the last time there was a mortgage bill before this Legislature, it was some twenty years ago. A generation has passed since that time, and many things have changed during that particular period. We have gone to the jet age and the electronic age, and I think for that reason, we should give banks some help to bring their proceedings up to date. Thank you.

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

Mr. BRIGGS: Mr. Speaker, I hope the motion of the gentleman does not prevail. If this bill passes, this is going to push up the interest rates and will force people to go to private financing. I admire our banks and bankers, but if this bill is allowed to pass, it could bring down a deluge of unscrupulous carpetbaggers from out of state who could take over a large number of small stores, hotels, restaurants, motels and so forth. The small grocer, restaurant operator, filling station operator or saw mill operator and all other types of small businessmen who own the property they occupy would be forced to sign these mortgages due to necessity, and if he had four months as I interpret the amendment, before they foreclose, he would not have time to recoup if he had a bad season. If this bill passes, it would be an opening wedge and amendments would come in here either this session or next to include residences and owner occupied farms. In fact, I believe farms that are not the principal residence of an owner will come under this bill right now. Also, if you read the amendments, aren't motels and ski lifts and so forth recreational and commercial

property? Of course they are, therefore they come under this bill. One season without snow and they are out of business, in the ski area. We defeated this bill twice and I hope we will not change our minds, and when the vote is taken I ask for a division.

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

Mr. RUST: I would merely like to point out to my friend from Portland, Mr. Briggs, that the interest rates in the State of Maine are set by law. They are not a matter of open agreement, and I request a roll call vote.

The SPEAKER: A roll call has been requested.

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

Mr. CURTIS: I agree with the gentleman Mr. Rust that I for one perhaps am guilty to what he says that we all are, making many mistakes, I know that I do. I don't make them purposely, but I am not going to make the mistake of voting for this sort of a bill. That's one that I won't make. I hope it will be defeated.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from York, Mr. Rust, that the House recede and concur with the Senate in accepting the Majority "Ought to pass" Report on Bill, An Act relating to a Power of Sale in a Mortgage and Sale under a Power in a Mortgage, House Paper 995, Legislative Document 1382, and 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. A division has been requested.

Will all those in favor of receding and concurring, please rise and remain standing until the monitors

have made and returned their count.

A division of the House was had.

Thirty-six having voted in the affirmative and eighty-five having voted in the negative, the motion did not prevail.

Thereupon, the House voted to adhere.

The SPEAKER: At this time the Chair would like to recognize the presence in the gallery of a group of seventy-nine pupils from the Cathedral Junior High School in Portland, Maine, accompanied by their teachers, Sister Athanasian being the principal; Sister Pierre, Sister Paula, Sister Gemma and Sister Michael.

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

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

Bill "An Act relating to Number of Aides-de-Camp Appointed by Governor" (H. P. 1168) (L. D. 1613) which was passed to be engrossed in the House on May 25.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mr. TURNER: This is just another one of those nothings, and I think a good way to get rid of it is to move to recede and concur.

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

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

Mr. STEVENS: I move that we insist and I request that we join in a committee of conference.

The SPEAKER: The question now before the House is the motion of the gentleman from Portland, Mr. Stevens, that the House insist and join in a committee of conference.

All those in favor of insisting, please say aye; those opposed, no. A viva voce vote being taken, the motion did not prevail.

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

Mr. TYNDALE: Mr. Speaker?

The SPEAKER: For what purpose does the gentleman arise?

Mr. TYNDALE: Mr. Speaker, I would like to ask for suspension of the rules so that I can remove from the table item two.

The SPEAKER: The gentleman from Kennebunkport, Mr. Tyndale, moves for unanimous consent to remove from the table, item two, being the second enactor, An Act Permitting St. Francis College to Confer Honorary Degrees, L. D. 1615, which was tabled earlier in the day by the gentleman from Kennebunkport, Mr. Tyndale. Is there objection to taking this matter from the table at this time? The Chair hears objection, it will not be removed from the table.

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

An Act to Create a Law Revision Commission (H. P. 15) (L. D. 34) which was passed to be enacted in the House on February 15 and passed to be engrossed on February 7.

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

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

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

Resolve Authorizing Completion and Printing of a Digest of the Opinions of the Law Court (H. P. 184) (L. D. 280)

Which was finally passed in the House on May 24 and passed to be engrossed as amended by Committee Amendment "A" on April 26.

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

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

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

An Act Providing for Municipal Court Conferences (H. P. 321) (L. D. 473)

Which was passed to be enacted in the House on May 2 and passed to be engrossed on March 7.

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

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

#### Non-Concurrent Matter

An Act Increasing Certain Sheriff Fees (H. P. 887) (L. D. 1267)

Which was passed to be enacted in the House on May 25 and passed to be engrossed on May 18.

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

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

#### Orders

Mr. Hardy of Hope presented the following Order and moved its passage:

Inasmuch as the genial representative from the town of Freeport has reached another milestone in life it is the wish and fervent hope of this body that he be preserved to reach many more and that he be spared the trials and tribulations and extreme vicissitudes of life such as he experienced yesterday at the hands of his colleagues in the House.

Win, lose or draw, Benjamin, Happy Birthday and good luck beyond three score and ten.

The SPEAKER: The Chair declares this Order unanimously passed. (Applause)

Mr. Crockett of Freeport was granted unanimous consent to briefly address the House.

Mr. CROCKETT: Mr. Speaker and Members of the House: It is certainly grand to have a colleague remember you on your 71st birthday. I wish you all health and happiness and may I be with you in the years to come. (Applause)

The SPEAKER: The House is continuing under Orders.

(Off Record Remarks)

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

Mrs. SPROUL: Mr. Speaker and Members of the House: I would

ask the House to reconsider its action of yesterday on L. D. 1603.

The SPEAKER: The Chair would advise the gentlewoman from Bristol, Mrs. Sproul, that L. D. 1603, An Act Revising Laws relating to Barbers and Hairdressers, Senate Paper 556, is in possession of the House, and the Chair understands that the gentlewoman from Bristol, Mrs. Sproul, now moves that the House reconsider its action of yesterday whereby it passed this bill to be engrossed. Does the gentlewoman wish to speak to her motion?

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

Mrs. SPROUL: Mr. Speaker and Ladies and Gentlemen of the House: This bill is a bill which a good many of the people in my particular area, not only my own town but in the area of my colleague, are afraid of. They opposed it. They have been told and on good authority — and I don't like to quote the particular person because I don't want to get anyone in wrong, but they have been told that this could mean the closing of one-room beauty shops which are a part of their household which they have been maintaining for several years. Also opposing this is a barber who represents a good many people in the town of Bristol. A good many people gather there every night, and he too is afraid of it.

As I say, in the neighboring town of Damariscotta, I have also been contacted, these people who object to this bill. I certainly hope the House will reconsider its action and vote against this bill.

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

Mrs. KNAPP: Mr. Speaker and Members of the House: The fact that this person does not want to be quoted would seem to me that he was wrong anyway—he or she might be wrong anyway if they didn't want their names used. Now this bill will not bother the hairdresser or the barber who has a shop in his own home. I think that is very well explained in the bill, and as I told you at the time there were very few minor changes and those changes came from the Attorney General's office at the time.

And if anyone makes the statement that it will interfere with anybody having a shop in their home, as long as they come up to the requirements, that is not right.

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

Mrs. SPROUL: Mr. Speaker, I will not believe I said that that person did not want to be quoted. I said that I would prefer not to quote him because out of protection for him. But, if it's necessary, I will say that he is a member of the department which is making these inspections.

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

Mr. GILL: Mr. Speaker and Members of the House: I am pleased that this gentleman is able to cover such an area for the state. He was spending so much time in my particular section, I thought he was neglecting the coastal area. However, I am glad to know that he is getting around.

I think you people, if you looked into this matter, would realize that all the objection is stemming from one quarter, it is stemming from a building not too far located from this area. I took the time to speak to Dr. Campbell, who is slightly involved in this situation and after talking with that gentleman I would prefer not to say what he thinks of this bill. To me he is very prejudiced on this bill and I think it is infiltrating down through his inspectors. I don't know just what Dr. Campbell's particular concern is over this bill. I understand if it goes through that he will not receive \$500 a year that he is now receiving.

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

Mrs. HENDRICKS: Mr. Speaker and Members of the House: I too object to the reconsideration move of this bill. This bill had a very good hearing, one of the finest hearings that our committee has had. The room was filled with barbers and hairdressers and we had some very good reports from them and they all seemed to be in agreement. Now this bill was reported out by Senator Marden and as you

all know he is an attorney and when we have legal problems or anything that we don't quite understand too well, he explains them to us. As I said before, the bill has been gone over very well and we have had many letters in favor of it, and I oppose the reconsideration move.

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

Mr. THAANUM: Mr. Speaker and Ladies and Gentlemen of the House: I don't want to belabor this question but I would call your attention to the fact that my good friend Mr. Gill from South Portland said that there has been some minor objection to this law. But as I said the other day, we are here concerned with over three thousand hairdressers and fifteen hundred barbers, and I don't think that the opposition from a small quarter should have too much bearing on that situation. We are dealing with barbers and hairdressers as a group.

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

Mr. DODGE: Mr. Speaker and Members of the House: The great objection to bills of this type is giving your inspector too much authority. He goes around and has a right to say whether this thing is sanitary or not. Of course you have an appeal to this. It makes a situation where if somebody is over zealous on the job—hope I got the right word—he can cause a lot of trouble, as has been done before. Also one thing in the bill that tells you can't—for instance a woman can't fix somebody else's hair for money—that's all right, for pay; but other considerations, there again we have something, what is other considerations? That could be meant to mean many things. Can it mean that if she sets one woman's hair, the other woman is going to set hers? It could. And the same with a barber, cutting hair. Can it mean that if I cut my friend's hair and he cuts mine, if I get another consideration?

Those things like that, there shouldn't be any trouble about; but there are at many times, and

that's why I'd like to see reconsideration of this bill.

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

Mr. GILL: Mr. Speaker and Ladies and Gentlemen of the House: I do not believe there has been much trouble with this particular part of this bill that Mr. Dodge is speaking of. I believe that it has been on the Statutes since 1937. Practically all this bill would do would be to separate the Boards of the hairdressers and the barbers which I think most people in all fairness will agree is a sound policy for the simple reason that their problems are different and they must be settled in a different manner. Thank you.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentlewoman from Bristol, Mrs. Sproul, that the House reconsider its action of yesterday whereby it passed to be engrossed Legislative Document 1603, Senate Paper 556, An Act Revising Laws relating to Barbers and Hairdressers.

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

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

The SPEAKER: The House is proceeding under Orders.

The SPEAKER: For what purpose does the gentleman arise?

Mr. SMITH of Strong: To ask if L. D. 1431 is still in the possession of the House.

The SPEAKER: The Chair would advise the gentleman from Strong, Mr. Smith, that L. D. 1431, An Act Imposing a Tax on Gross Receipts of Trading Stamp Companies, House Paper 1030, is in the possession of the House.

Does the gentleman make a motion?

Mr. SMITH: Yes, I would move that we reconsider our action whereby we indefinitely postponed this bill.

The SPEAKER: The gentleman may proceed.

Mr. SMITH: Mr. Speaker and Members of the House: Yesterday by a vote of sixty-six to sixty this House indefinitely postponed this bill to place a two percent gross tax on the stamp companies. At that time I was not aware actually of the whole story. Since then I have tried to enlighten myself a little on it. And all I would say now is that it seems by that close vote that we were divided considerably as to our feeling on this matter.

I personally would believe that if this state could receive \$300,000 or even any amount of money in a biennium from a tax on the stamp companies, we should proceed with that. I do not feel, as was stated yesterday, that this is an opening wedge to destroy the stamp companies. I feel, however, that they should be treated as all other companies within this state and should be asked to pay some tax to the state. Right now there is no tax. I checked upon that just about five minutes ago, they pay no tax into the State of Maine. Thank you.

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

Mr. BAXTER: Mr. Speaker and Members of the House: The gentleman from Strong, Mr. Smith, has said we debated this bill yesterday and it was, as you know, beaten. Now the first thing I would like to mention is this matter of the income to the state. The figure of \$300,000 has been mentioned and I would like to repeat and I have checked it again with the Tax Bureau this morning, that the Tax Bureau figures the return at \$100,000 and not \$300,000. Now that may be open to debate, we all have our opinions on things. But certainly if we are going to judge—there is no basis that I can see for us to consistently judge the income we will receive from our various tax sources if we don't take the advice of the bureau that we have set up to give us these figures.

I suggested to the gentleman from Bowdoinham, Mr. Curtis, that he check further with the Bureau on it, perhaps he has and

perhaps he will have some word for you on that, I haven't talked with him since. Now, as far as the trading stamp companies being treated as all other companies, they most definitely are treated as all other companies. They have absolutely no exemption from any tax in the State of Maine and if you put upon them a two per cent gross receipts tax, you are certainly not treating them as all other companies. No companies in the State of Maine engaged in that type of business pay a gross receipts tax. The gross receipts tax is the most regressive type of a tax that anybody can apply, and in tax theory it is a tax that is avoided whenever possible. Now it has been said that we do have left a few gross receipts taxes in Maine. We have had one on the railroads which we have tried to make into another kind of a tax, that is a gross net, we have tried to relate it to the net income tax so as to take away the bad features of the gross income tax. And even though we did set up that complicated formula in order to make it a gross net tax, it still didn't work and we still get the bad effect of the gross receipts tax.

It was said upon the floor of the House yesterday, I believe, that the power companies pay a gross receipts tax and that is not correct. Power companies do not pay a gross receipts tax. They pay the same taxes that the trading stamp companies pay; that is, property taxes, sales taxes on things they buy, if they buy cigarettes—no, they don't buy cigarettes — they just simply pay the taxes that we have. The trading stamp companies pay those taxes.

So therefore, if we apply a gross receipts tax to the trading stamp companies—the insurance companies is the other with a gross receipts tax, telephone and insurance companies. Now the telephone company has a complete monopoly, absolute and final and quite obviously they can pass that on to their customers. The insurance companies, or in the business of merchandising insurance, they are all on the same basis and they all

pay a premium tax which is added on to their premiums. But the point that the Taxation Committee bore in mind with the trading stamp companies is that they are a promotion type company and this is advertising. And all the various other forms of advertising are not subjected to a gross receipts tax, which is a bad tax in itself. That is the reason for the majority "ought not to pass" report.

Now I certainly feel, and I know that the majority on the committee felt, that this is a discriminatory tax and a discriminatory tax is a tax which can and will destroy a business, and it is my feeling that this is definitely a means — as you know over the years we have had several attempts to ban trading stamps companies altogether. These have been soundly defeated. In my opinion, this is another means of accomplishing that end. And I will call your attention to the fact that this same bill, except it was three percent rather than two percent, was in the last session of the legislature, in the House I believe it was beaten something like one hundred and ten to thirty.

So I hope that the motion of the gentleman from Strong, Mr. Smith, to reconsider, does not prevail.

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

Mrs. HENDRICKS: Mr. Speaker and Members of the House: I too hope that the motion to reconsider does not prevail. I think this is obnoxious and petty legislation. I think that we are wasting a great deal of legislative time in trying to squeeze life out of a good industry which we now have, and I think that we should get on to more important matters and leave this petty matter alone. It was killed and let's let it stay that way.

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

Mr. DODGE: Mr. Speaker and Members of the House: I can't see how these stamp companies are industries. They do not produce one single thing. Now if you were running a store and there were other grocery stores in your town, if one grocery store puts in the

stamps you of necessity have got to put stamps in your store to compete with the other stores. Now this morning I see that the Waterville Sentinel very kindly brought around their papers and laid them on our desks. If you will look under the IGA stores, you will find where they are advertising that this coupon is worth \$10 in stamps. Right across from that you will find another store where they are giving stamps for various articles — extra number of stamps.

Now these stamps don't represent anything that is producing anything, or anything like that. They aren't even paying us any taxes to amount to anything. Now you know I wish the State of Maine could get some kind of gimmick so we could tax people, as these people are pulling in their money in these stamp states and then make people like it. I haven't been able to see any tax that people like. I have been in this tax business a long time too. And they don't like taxes. And we've never been able to get a gimmick like this state. I think the stamp companies really have got something.

But I think that we should tax these people some, I think the taxes are not going to be a hardship upon anyone, there is no industry or anything like that that's got to pay this thing, and I think we should tax it.

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

Mr. MORRILL: Mr. Speaker and Ladies and Gentlemen of the House: I am glad to see that the gentleman, Mr. Baxter, has yielded on two points. Yesterday he claimed that the revenue from this bill could only be \$50,000 and now it is up to a \$100,000. I would like to say that if you ask for figures in the Sales Tax Department on what the stamp companies are selling for stamps, I think that they are required when they sell so many to up their license fee. They will give you a figure of stamps sold of \$750,000.

Now I will make a claim that stamps sold in the State of Maine are over fifteen million. We have over 3,000 grocery stores, we have over 1500 filling stations, and now

other stores out of that category are getting into it. I think if you go to those organizations, you can get a clear figure of what the amount is that are being sold. And the way stamps are going in now, this revenue will increase in the coming year.

Now yesterday, according to Mr. Baxter, there were no gross receipts taxes in the state. This morning he claims there are some. And I think that you will find that this one is just as allowable. Now where this tax could come in, I will try to explain a little further. The stores pay from \$12.50 to \$15 for 5,000 stamps. Now these stamps are worth one mill; in other words that book of stamps that is sold for \$12.50 is worth \$5.00. That is what the value is, that is what the premiums are paid on. There is \$7.50; where does that go? All we are asking is two percent on these sales for the state.

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen: I don't want anyone to feel that as far as I am concerned concerning this bill that I am against the sale of stamps. It is a legitimate business, legal, and that's why I believe they should pay something toward the cost of government. Mrs. Hendricks, the lady from Portland, has said that we should be getting along with more important business. Now one of the most important businesses to me in this Legislature is the wherewith to pay for the L. D.'s that we are passing.

Now Mr. Baxter has said that we don't know anything about it and that he's asked the Taxation Department and they gave the figure of \$50,000 per year. Now they will tell you as well as I that they don't know anything about it. All they know is that in the 99th Legislature a bill was passed whereby they would have to register and it was on a basis of how many stamps they sold. All the companies, seven or eight of them, gave their full amount, all but the large company, S and H, and they just reported the

\$750,000, which would bring it up to the maximum of \$1,000 for registration.

Mr. MacDonald tried to get them to give and said it was required by law but their attorney wrote back and said it was not required by law and he pointed out the gimmick that was in the bill and so Mr. MacDonald, the Deputy Secretary of State, had to agree that all he could find out was \$750,000 which they admitted.

I have here a report from one of the states and going over that very thoroughly I find it is my opinion that what the gentleman, Mr. Morrill, has said is nearer right than anything that we have according to this report. I don't want to belabor this thing I think it is only fair and just, that we will reconsider and that you will require them to pay something toward the cost of government, which they enjoy as well as the rest of us do.

I might say that in looking over what this great S and H Company paid in taxes, last year it was \$2300.

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

Mr. WATERMAN: Mr. Speaker, I have a question to ask through the Chair of anyone who may wish to answer. We have heard that the stamps are an advertising agency, advertising business, but I have looked at this ad in the Waterville Sentinel which Mr. Dodge spoke of on page sixteen, it says this coupon worth \$10 in extra S and H stamps and I would like someone to tell me, are these stamp companies doing the advertising or is the IGA store advertising the stamps?

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

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

Mr. BAXTER: Mr. Speaker, the use of trading stamps is a form of promotion. As such it advertises the store which carries them. I think that answers the question of the gentleman from Auburn, Mr. Waterman. The thing that

they sell, the stamps that they sell, are forms of promotion the same as if you sold baby dolls, they gave that away with a dollars worth of merchandise, or whatever it might be. It's a prize that you get.

Two things I would like to mention, brought up by the gentleman from Harrison, Mr. Morrill. One, he said that yesterday I said there were no gross receipts tax in the state, which would certainly be a very odd thing for me to say after two terms on the Taxation Committee, and I have checked the record which is before me and which is before you and I did not say that.

Also, he said that I had changed the figures on yields from \$50,000 to \$100,000. I said, and it is in the record yesterday, that the receipts are \$50,000 per year. The gentleman from Strong, Mr. Smith, mentioned \$300,000 per biennium and I changed my figures to the biennial level. Therefore it is still \$50,000 per year and \$100,000 per biennium.

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

Mr. CROCKETT: Mr. Speaker, may I ask a question of my worthy floor leader? What becomes of the thirty-five percent of the stamps that are never redeemed and where does that profit go?

The SPEAKER: The gentleman from Freeport, Mr. Crockett, has asked a question through the Chair of the gentleman from Pittsfield, Mr. Baxter, who may answer if he chooses.

Mr. BAXTER: I don't know quite obviously and I don't think that is particularly germane to the subject. If the people receive these stamps and choose not to turn them in, that's their privilege. The stamps are always there to be turned in and they must be backed up by the company if they are turned in, whenever they are turned in. What the company does with its profits, it's their own business.

I would point out —

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

Mr. CROCKETT: Mr. Speaker, I have three stamp books right here. Now if you can find the company that can redeem them I will be very glad to go there and redeem them for what monetary value they are. But they're out of business. What I want to know is one thing, what becomes of the money when these stamps are not turned in? Now there's thirty-five percent of the amount of stamps that they sell to our merchants in this town that are never redeemed. Somebody is getting this money. If they are getting the money the state is entitled to a certain amount of it.

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

Mr. MAXWELL: Mr. Speaker and Ladies and Gentlemen: As a member of the Taxation Committee I would like to remind this House that we felt that the gross receipts tax is a poor tax in any form. That was one of our reasons. One of my own personal reasons is that no merchant needs to purchase these stamps. I operate a business, I have been approached on many occasions to purchase these stamps and use them. That is a prerogative of the merchant. There is absolutely no need for any merchant ever to purchase any stamps. If this was passed, let me remind you that the consumer would pay this tax anyway.

The SPEAKER: The Chair recognizes the gentleman from Princeton, Mr. Wheaton.

Mr. WHEATON: Mr. Speaker and Ladies and Gentlemen: As a signer of the minority report, I may like to give a few of my reasons. I feel that this two and a half percent tax which is what the stamps amount to is just infringing upon our sales tax base and if we go along and continue with these tax people I don't see just where I can continue to go along with any more sales tax.

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

Mr. JONES: Mr. Speaker, relative to the tax on gross receipts, now the insurance companies that are doing business in the State of

Maine whose offices are outside and thus are called foreign companies, pay a two percent tax on the gross volume of business that is being done in this state on nearly all lines. On fire lines alone they pay two and one-half percent. And therefore there has been no consideration of the fact that that was an injustice, in fact it was in this particular period of the session there was a bill in to increase this tax on the gross receipts and to me it almost appears as the nature of the tax and the company on insurance was more or less comparable to this matter of trading stamps. Therefore, I would be in favor of going along on taxing them on the gross receipts basis. Thank you.

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

Mr. STORM: Mr. Speaker, I think we can read this entire debate in the proof sheet of yesterday. I move the previous question.

The SPEAKER: The gentleman from Sherman, Mr. Storm, has moved the previous question. For the Chair to entertain the motion for the previous question it must be authorized to do so by at least one third the members present.

Will all those who favor the Chair entertaining the motion for the previous question, please rise and remain standing until the monitors have made and returned their count.

A sufficient number arose.

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

Mr. Curtis of Bowdoinham asked for a division.

The SPEAKER: A division has been requested on the main question. Is it the pleasure of the House that the main question shall be put now? All those in favor say aye; those opposed, no.

A viva voce vote being taken, the main question was ordered.

The SPEAKER: The main question now before the House is the motion of the gentleman from Strong, Mr. Smith, that the House reconsider its action of yesterday whereby Bill "An Act Imposing a Tax on Gross Receipts of Trading Stamp Companies," "House Paper 1030, Legislative Document 1431, was indefinitely postponed. All those in favor of reconsidering the action of yesterday whereby the Reports and the Bill were indefinitely postponed, please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

Forty-five having voted in the affirmative and eighty-nine having voted in the negative, the motion to reconsider did not prevail.

Thereupon, on motion of Mr. Whitman of Woodstock,

Recessed until one-thirty o'clock in the afternoon.

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

Called to order by the Speaker.

#### House Reports of Committees Ought to Pass with Committee Amendment

Mrs. Hanson from the Committee on Education on Bill "An Act relating to Tuition Pupils as Basis for State Aid for School Construction" (H. P. 300) (L. D. 452) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 300, L. D. 452, Bill, "An Act Relating to Tuition Pupils as Basis for State Aid for School Construction."

Amend said Bill by adding at the end, before the single quotation mark, the following underlined sentence: 'Any municipality qualifying for school construction aid under this section by virtue of receiving tuition students from surrounding municipalities must render at least 2 years' notice to

the sending municipalities before discontinuing such acceptance.'

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

The SPEAKER: At this time the Chair would like to recognize the presence in the gallery of nine pupils from the Stetson eighth grade, accompanied by their principal, Mr. Rodney Young, and Cora Burnell.

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

#### Passed to Be Engrossed

Bill "An Act Exempting Certain Machinery from Sales and Use Tax" (S. P. 565) (L. D. 1618)

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

#### Amended Bill Tabled Until Later in Today's Session

Bill "An Act relating to Operating Business on the Lord's Day and Certain Holidays" (S. P. 552) (L. D. 1599)

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

Mr. Crockett of Freeport offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to S. P. 552, L. D. 1599, Bill, "An Act Relating to Operating Business on the Lord's Day and Certain Holidays."

Amend said Bill by inserting at the end of the 12th line the following underlined words and punctuation 'stores selling the necessities of life;'

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

Mrs. SPROUL: Mr. Speaker, Ladies and Gentlemen of the House: If this amendment is adopted, it defeats the purpose of the bill entirely, a necessity of life could in-

clude just about everything. I look back and I am reminded of the rule still somewhat in effect that a husband is responsible for his wife's necessities, which will take in just about everything. A necessity of life here would take in all there is.

Mr. CROCKETT: Mr. Speaker—

The SPEAKER: Will the gentleman approach the rostrum please.

(Conference at rostrum)

The SPEAKER: The House will be in order. The Speaker rules that House Amendment "A" is not in order since it attempts to amend a part of the bill which has already been stricken out.

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

Mr. CROCKETT: Mr. Speaker, I now move to table this bill to allow me to prepare a new amendment, until tomorrow.

The SPEAKER: The gentleman from Freeport, Mr. Crockett, moves that this item be tabled until tomorrow pending passage to be engrossed. A division has been requested.

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

A division of the House was had.

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

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

Mr. BROWN: I have an amendment to L. D. 1599, and move its adoption.

The SPEAKER: The gentleman from South Portland, Mr. Brown, moves that the House reconsider its action of yesterday whereby it adopted Senate Amendment "A" for the purpose of considering House Amendment "C" to Senate Amendment "A." Is it the pleasure of the House that the House reconsider its action of yesterday whereby it adopted Senate Amendment "A?"

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

A viva voce vote being taken, the motion prevailed.

Thereupon Mr. Brown of South

Portland offered House Amendment "C" to Senate Amendment "A" and moved its adoption.

HOUSE AMENDMENT "C" to SENATE AMENDMENT "A" to S. P. 552, L. D. 1599, Bill, "An Act relating to Operating Business on the Lord's Day and Certain Holidays."

Amend said Amendment by striking out, in the 10th line, the underlined words "**and motels**" and inserting in place thereof the underlined punctuation and words '**motels, rooming houses, tourist and trailer camps**'

The SPEAKER: Is it now the pleasure of the House that House Amendment "C" to Senate Amendment "A" shall be adopted? All those in favor say aye; those opposed, no.

A viva voce vote being taken, the amendment was adopted.

The SPEAKER: Is it now the pleasure of the House that Senate Amendment "A" as amended by House Amendment "C" thereto shall be adopted?

The motion prevailed.

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

Mr. CHOATE: Mr. Speaker and Fellow House Members: I hesitate to ask this favor of you, but it means a great deal to me. The time element was the reason for my being late here. There is another amendment being prepared to this bill, and should be ready within the next fifteen to twenty minutes, and I would respectfully ask your permission to table this until later in the day.

The SPEAKER: The gentleman from Hallowell, Mr. Choate, moves that item two, L. D. 1599, be tabled until later in the day pending passage to be engrossed. Is this the pleasure of the House?

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

A viva voce vote being taken, the Bill was so tabled.

#### **Emergency Measure Tabled Until Later in Today's Session**

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

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

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

Mr. BRAGDON: I would move that item one be tabled.

The SPEAKER: Does the gentleman place this on the House Appropriations Table or does he table it unassigned or assigned?

The Chair will advise the gentleman from Pittsfield, Mr. Baxter, there's a tabling motion pending.

Mr. BRAGDON: Mr. Speaker, I will withdraw my tabling motion.

The SPEAKER: The tabling motion has been withdrawn.

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

Mr. BAXTER: Mr. Speaker, I move that this item be tabled until later in the day.

Thereupon, the Bill was tabled pending passage to be enacted and specially assigned for later in today's session.

#### **Emergency Measure Tabled Until Later in Today's Session**

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

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

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

Mr. BRAGDON: Mr. Speaker and Members of the House: Because I fear there may be an error in this item, I am going to request that it be tabled until later in the day.

Thereupon, the Bill was tabled pending passage to be enacted and specially assigned for later in the day.

#### **Passed To Be Enacted Emergency Measure**

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

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

emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 122 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### **Enactor Tabled**

An Act relating to Completion of the York River Project in York (S. P. 265) (L. D. 782)

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 Requiring Persons Seventy-Five Years of Age to Take Examination for Motor Vehicle Driver's License (S. P. 387) (L. D. 1197)

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

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

Mr. KARKOS: I make a motion that this bill and its accompanying papers be indefinitely postponed. I would like to speak on this.

The SPEAKER: In reference to item six, the question now before the House is the motion of the gentleman from Lisbon, Mr. Karkos, that L. D. 1197, be indefinitely postponed, and the gentleman may proceed.

Mr. KARKOS: I believe this bill won't do what they think it will do. I admire the Governor's safety committee for their splendid advertising in calling attention to hazards during storms and everything else.

Now these people over seventy-five years old need their cars more than ever, and now they are going to be subjected to an examination — I don't know whether it's physical, mental or just an ordinary driver's test. It is discriminatory in every sense. These people are subject to the motor vehicle laws

like anyone else, and their accident ratio has been down practically to nothing. I can't see any need for this particular legislation. It is discriminatory, so as I say I would like to hear someone else talk on this matter.

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

Mr. PHILBRICK: Mr. Speaker, Ladies and Gentlemen of the House: Those of us serving in the legislature are bound to be influenced somewhat by political motives, but today I would like to quote a few remarks made before the Committee on Transportation by a person with an entirely dispassionate and altruistic attitude and a man who is qualified to speak on such a matter. That man is Dr. Dexter Clough of the City of Bangor, a qualified ophthalmologist. This was what he had to say:

"I believe not a year goes by that at least one and as many as three elderly patients are seen by me whose vision with best correction falls below the level generally accepted as the limit of safety for driving a motor vehicle—20/40 for the better eye—and yet who are still driving a car.

By my count there are 130 eye examiners in the State of Maine. Assuming that each has the same incidence of patients in this category, there is estimated to be 130 to 400 drivers on Maine roads who do not have visual acuity sufficient for highway safety.

The number of such drivers—who have inadequate vision for safe driving—will increase for three major reasons: 1. Most such drivers are in the age group 60-80 and their visual difficulty usually is the result of hardening of the lens in the eye—a natural aging change—producing a diminishing or inferior vision, slowly becoming more advanced with increasing age, and when sufficiently advanced is a cataract; 2. Increasing population in age group 60-80; 3. Increasing numbers of drivers in age groups, 60-80."

We have voted on this measure several times, we have passed favorably on this measure, and I for my part can see no particular

reason why we should change our previous stand.

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

Mr. BRIGGS: Mr. Speaker, evidently these people can drive better when they are seventy-five years old with bad eyes than I can at the age of forty-six, because I have the statistics right here that people seventy-five and over have 1.5 percent of the accidents in the State of Maine, and people 45-54 have 23.4 percent of the accidents in the State of Maine. Now I don't see why because a man is seventy years old, he should have to run down every year and take a test. This is going to cost the state a lot of money, we are going to have to put more examiners on, we are going to have to make an appropriation—there's no appropriation on this bill, and I hope that the motion prevails for indefinite postponement. Thank you.

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

Mr. PHILBRICK: It should be quite obvious that when you have many many thousands of drivers in the younger age bracket, they are going to have more accidents than a fewer drivers in an older age bracket. However, that goes by the board. I have something else that I would like to quote from the Maine Highway Safety Committee dated May 8, 1961, it's a very short paragraph and won't take much of your time.

"We all know that traffic is going to increase greatly in the immediate years ahead, driving will require even greater concentration, quick response and physical fitness than now. To close our eyes to the need to check the physical fitness of drivers is to invite disaster. The measure before the Legislature is a step in the right direction feeble though that step may be. To refuse to take action even in this mild form can prove but a stumbling block to any safety effort in this state." Thank you.

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

Mr. COOPER: Mr. Speaker, Ladies and Gentlemen of the House: I listened to the remarks of Mr. Philbrick and if we are going to make this at seventy-five and Mr. Philbrick says that from this quote that he had, from age sixty—let's change this and start in the examination at age sixty instead of seventy-five, or else follow along with Mr. Karkos and indefinitely postpone the bill.

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

Mr. PERRY: Mr. Speaker, I admit that one after he gets to be seventy should have his eyes examined occasionally, but I thought at first that this bill called for one examination at seventy-five and then the next one at eighty, and every year after that; but I know that I need my eyes examined occasionally, and I asked Dr. Clough how he felt about the vision of my eyes and he said it was all right to drive as far as I was concerned although I do most of my looking with one eye. I think this bill should pass.

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

Mr. LOWERY: Mr. Speaker, It seems quite evident that this is not of a political nature, considering those who have opposed this. I very definitely feel that this has been taken up in this House, it has been given due consideration, I believe that it is a needed safety measure, and I hope that the motion of Mr. Karkos, does not prevail.

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

Mr. DODGE: Mr. Speaker and Members of the House: Some man once said that one of the greatest disappointments in life is when a theory is slain by a fact. Now I am dealing with facts, not theories. Many times we think the danger of driving is one place or another. You would say and so would I that we have more accidents on curves than we do on straightaways, actually we do not. We have more accidents on the straightaways. Most of our accidents we think would be with

roads that we were not used to. It is wrong. Most of our accidents are within twenty-five miles of our own homes. This is the same way we are talking about the age. The age group apparently would have more accidents. Actually they end up with fewer numbers, only one person was killed—this is the—well I haven't got the last one because it isn't out, but this is the '59 report, only one person was killed and comparatively few accidents in the age group over seventy-five. Now when you speak about eyes, well as I look around this group, I think at least ninety percent of the people have glasses on. What kind of sight they have, I don't know. I think you will find that the age group over seventy-five that are driving have as good sight as the majority of the people. Their reactions are slow, in fact your reactions slow up after you are thirty or forty years old; but their anticipation of accidents, their careful driving, and the fact that they are more careful as they grow older, takes place of the extra reaction you might have. I think the older people, they do need their cars, but if we are going to do this business and have everybody — have those people take examinations for driving, we should start in with every-one every five years.

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

Mr. KARKOS: I just got up to say that even if they have examinations, we are human beings and we are subject to change, our health and everything else, and I can't see where this is going to accomplish anything at all. It's just one of the steps, and pretty soon it will be sixty and then the doctors will come right in and examine you right along. I have been examined by a doctor just once since I got out of the service in 1919 and that was at the request of my wife. She said you should have periodical examinations every so often, so when I had the examination by the late Dr. Twaddle, he says you are as good as the day you were born; then I commenced to worry and now I don't even see a doctor

because I feel good and if I needed one, I would see one. I have glasses and I am not restricted to glasses, and those that are and anyone knows that alcohol causes more accidents than any other reason, and reckless driving is practically unknown among those that are over seventy-five years old. I ask for a division, Mr. Speaker.

The SPEAKER: A division has been requested.

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

Mr. CHAPMAN: Mr. Speaker, I am one of those unfortunates who crawled up towards eighty and I think this is a good bill although it might seriously affect me. About a year ago, I began to discover that my eyesight wasn't as good as it should be. I voluntarily took myself off the road for several months while I argued with myself about whether I should have an eye operation. I eventually convinced myself that if I could borrow money enough I had better do that. So last September I went in and had a cataract removed, and I am surprised to learn after having lenses fitted eventually how blind I had become without realizing it. I for one, although as I say it affects me seriously, I am going to vote for this bill.

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

Mr. DUNN: Mr. Speaker, Ladies and Gentleman: I'd just like to state that this bill isn't designed to take anybody's license away or hurt them. It does require them to have an examination. It's not only their lives, it could be something else. Now they might give a person a limited license to drive in the daytime or to drive back and forth to work, it's supposed to be for a good cause rather than to deprive anybody of anything.

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

Mrs. HENDRICKS: Mr. Speaker and Members of the House: This bill is a product of the Maine Safety Highway Committee. This committee is endeavoring constantly to carry out an action program

that is reasonable, equitable and in line with modern thinking in the field of traffic safety. We are attacking fundamental needs, less spectacular than various scare techniques, too often employed as safety measures, but which hold greater promise of lasting result over a period of time. No safety organization or committee is worthy of cooperation that ignores the part that faulty equipment or faulty drivers play in present day traffic. In our opinion, these measures can be considerable aid to us who are working in behalf of safety. We are certain they are in the public interest, and their defeat can only result in more unnecessary traffic tragedies. They won't cure them all of course, no legislation in itself can do that, but they will prove to be an important factor in certain types of accidents if you will give them your support and pass them. In the name of the entire safety committee, I ask your cooperation. This was a note from Arlyn Barnard and we all know the part that he has played in highway safety.

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

Mr. DODGE: As long as we are talking about safety on the highway again I will refer to this Waterville Sentinel. If you will pick up the paper and read on page eleven, you will find where a lot of teenagers had a very bad accident in Newport, and they are in the hospital. Now if we really want to do something about safety, let's get down to where these accidents occur. Let's get hold of these youngsters that are causing the accidents. Our papers are full of it every Monday, you pick up your paper and here is some poor kid fifteen, eighteen to twenty years old killed in an accident on the highway. Now these aren't caused by any man over seventy-five years old or sixty-five or anything like that, now if you really want to do something about your accidents, if your safety committee wants to do something, go ahead, do something about this — do something about your accidents, why are people being killed — not talk about something we don't have any record.

We've got these records in the right department. There's the place where you want to do something about safety.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Lisbon, Mr. Karkos, that Bill, An Act Requiring Persons Seventy-five Years of Age to Take Examination for Motor Vehicle Driver's License, Senate Paper 387, Legislative Document 1197, 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. Forty-eight having voted in the affirmative and seventy-three having voted in the negative, the motion did not prevail.

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

An Act relating to the Inspection of County Jails (S. P. 504) (L. D. 1518)

An Act relating to Length of Motor Vehicle Trucks (H. P. 435) (L. D. 610)

An Act Permitting Certain Commercial Vehicles to Exceed Weight Limits (H. P. 560) (L. D. 757)

An Act relating to Open Season on Deer in Zone 2 (H. P. 594) (L. D. 815)

An Act relating to Weight Tolerances for Motor Vehicles Carrying Firewood, Pulpwood, Logs or Bolts (H. P. 861) (L. D. 1175)

An Act relating to Weight of Commercial Vehicles (H. P. 1119) (L. D. 1541)

An Act relating to Unprotected Wells (H. P. 1131) (L. D. 1558)

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

#### **Tabled Until Later in Today's Session**

An Act Creating the Fort Kent Utilities District (H. P. 1155) (L. D. 1593)

Was reported by the Committee

on Engrossed Bills as truly and strictly engrossed.

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

Mr. BERRY: Mr. Speaker, there's an emergency preamble amendment in the course of preparation, and I would move that this be tabled until later in the day.

Thereupon, the Bill was tabled pending passage to be enacted and specially assigned for later in the day.

#### **Tabled**

Resolve Appropriating Moneys for Vocational and Technical Institute in Northeastern Maine (S. P. 516) (L. D. 1542)

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

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

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

The SPEAKER: At this time the Chair would like to recognize the presence in the gallery of a group of twenty-six members of the Chatter Box Club from St. Albans, being guests of the Representative from St. Albans, Mr. Hughes. The Chair does not know whether the gentleman from St. Albans, Mr. Hughes is a member of this club or not.

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

#### **Orders of the Day**

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

Whereupon, Mr. Rust of York assumed the Chair as Speaker pro tem and Speaker Good retired from the Hall.

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

HOUSE REPORT — Ought to Pass in New Draft under New Title of "An Act Redefining the Financial Responsibility of Children and Certain Relatives in Public Assistance." (H. P. 1179) (L. D. 1625) — Committee on Welfare on Bill "An Act Relieving Children and Certain Relatives of Financial Responsibility in Old Age Assistance, Aid to the Blind and Aid to the Disabled." (H. P. 5) (L. D. 24) Tabled—May 31, by Mr. Baxter of Pittsfield.

Pending—Acceptance of Report.

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

Mr. STORM: Mr. Speaker and Members of the House: I would like at this time due to the lack of the price tag that we have been trying to prepare with the aid of the department, I would move this bill be tabled until the next legislative day.

Thereupon, on a viva voce vote, the Report and Bill were tabled pending acceptance of the Committee Report and specially assigned for tomorrow.

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

Bill "An Act to Permit Searsport Water District to Prevent Pollution." (H. P. 1174) (L. D. 1620) — In House read the Third Time.

Tabled — May 31, by Mr. Edwards of Stockton Springs.

Pending — Motion of Mr. Williams of Hodgdon that House Amendment "A" (Filing H-345) be Indefinitely Postponed.

The SPEAKER pro tem: The Chair recognizes the gentleman from Stockton Springs, Mr. Edwards.

Mr. EDWARDS: Mr. Speaker and Members of the House: I wish to read into the record a couple of letters that I have from the Searsport Water District. "Senator Norman K. Ferguson, Chairman, Natural Resources Committee, 100th Legislature, State House, Augusta, Maine. Re: Half Moon Pond L. D. 1054. Dear Senator Ferguson: The purpose of this letter is to put on record the in-

tentions of the Searsport Water District relative to the above-captioned Legislative Document now before your committee for consideration.

If this bill is reported out of your committee 'ought to pass' and subsequently is duly enacted into law, it is the intention of the Searsport Water District to forthwith start all necessary action to purchase the peripheral area of Half Moon Pond, and it is further our intent that all of the present owners shall have a fair market value, plus the costs of any improvements, as compensation for their property. Very truly yours". That is dated May 3 and was sent to the Natural Resources Committee.

This is one that I got yesterday from them. "Representative Shepard Edwards, State House, Augusta, Maine. Re: Half Moon Pond L. D. 1620. Dear Sir: We the undersigned trustees of the Searsport Water District are writing you as the sponsor of this above captioned bill. We have written a letter to Senator Norman Ferguson, Chairman of the Natural Resources Committee under date of May 3, 1961, in which we stated the intention of the District in respect to the taking of the peripheral area of Half Moon Pond.

This letter is to strengthen the language of our letter of May 3, 1961, wherein we stated our intentions. We now would state that the District will guarantee to immediately take all of the necessary legal steps to acquire the peripheral area of Half Moon Pond and further guarantee that all land owners will receive a fair market price for their property based on the values as they would be if the pond were open to all uses. Searsport Water District. A. Sumner Small, Chairman, Joshua W. Curtis, Sr., Arthur W. Gilpatrick, Trustees."

This bill concerns pollution, pollution of the domestic water supply at Stockton Springs and Searsport. This amendment which I hope will be adopted returns the backbone to the bill which was deleted in the redraft. The health and welfare of the citizens of the two com-

munities, plus the industrial plants; also the men that go down to the sea in ships, are all vitally concerned. These sea-going vessels take on a supply of water at Searsport before sailing for ports all around the world. A line on one side should be drawn with the word health and 10,000 people under it. On the other side, pleasure, 50 people. Now give a good hard listen to this. The salty waters of Penobscot Bay are given an A rating. For what? The seagulls. The birds are being given more consideration than the inhabitants of Stockton and Searsport.

The SPEAKER pro tem: the pending motion is now the motion of the gentleman from Hodgdon, Mr. Williams, that House Amendment "A" be indefinitely postponed.

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

Mr. MATHESON: Mr. Speaker, Ladies and Gentlemen of the House: The Searsport Water District is a duly constituted utility operating under the laws of the State of Maine. Being a trustee of our own water district in my home town, this bill somewhat intrigued me this winter. It has been before the Natural Resources Committee practically all winter. We have had several executive sessions on it, and several conferences with the parties involved. Finally after competent legal counsel from the Attorney General's Department, we came out with this new draft.

Now I am rather surprised to find in this amendment, and rather intrigued, that it is in essence for all practical purposes a reproduction of section 3 of the original bill, which prohibits swimming. "No person shall operate any boat thereon, fishing in any manner, including fishing through the ice or from the shores thereof." In other words, you can look, but you mustn't touch.

Now the reason why the committee thought that this bill in its original form was restrictive and somewhat punitive was due to the fact that there are approximately sixteen camps on this pond and they have been there for a great many years. Apparently last year or it could have been two years ago, Searsport began having trou-

ble with their tests on their drinking water. This I assume gave rise to the submitting of this bill to the Legislature. Now I would like to point out that Searsport Water District operates under the same laws that every other water district does in the State of Maine. This redraft spells out some of the rights that they already enjoy, one of them is the right of eminent domain. The right of eminent domain gives them power to take land and so on with a proper hearing, proper compensation and all that. We have added to this "and for guarding against pollution," for preserving the purity of the water and the watershed. Now they have ample authority under this bill and in their charter to proceed under it. There is no justification for the amendment. As I said before it is in itself restrictive and somewhat punitive. What do you think will happen to the sixteen camp owners there if this bill is passed? Should they be forced to consummate a sale without going through the proper channels? We don't know what the value would be. That's just a matter of conjecture at this point. Their recourse now is to the Public Utilities Commission.

Searsport does not in effect take water directly from Half Moon Pond. Rather they buy their water from the Stockton Springs Water Company. Their pipe is hooked on there and the water comes through there. At the hearing it was brought out that Searsport Water District themselves do not provide chlorination nor any form of disinfectant for their water supply. This however is done by the Stockton Water Company at some point after it leaves the lake. And I understand that they are using chlorine crystals rather than an automatic forced feed. However, the Stockton Springs people using the same water have been having good tests right along. For some reason or other the Searsport water tests are not good. I said it has been suspected and perhaps established that the trouble may have been caused by some seepage from these cottages. If that is the case, there is ample law, they have ample protection under their charter being reinforced by this bill to

protect their water supply. Therefore, Mr. Speaker, I would move that this amendment be indefinitely postponed.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bangor, Mr. Jameson.

Mr. JAMESON: Mr. Speaker, Ladies and Gentlemen of the House: I don't rise very often. The first time I guess it was on milk. You remember that. You don't seem to let me forget it. The second occasion was on liquor. Now I have got a few words to say on water. I think somebody around here is converting me.

Ladies and gentlemen of the House, on February 23 the Natural Resources Committee was confronted with these two bills, one bill to abate pollution at Half Moon Pond; the other one to reclassify the water, upgrade it from B to A. We were also confronted with sixty or more opponents. I think there were six or seven proponents.

Now to upgrade this water, ladies and gentlemen, would have given this water district the right to take this land and these cottages for nothing. They have no money to buy it. They have promised and promised and promised; they have been inconsistent in every remark and every promise they made. We in the Natural Resources Committee have had this thing on the table and talked and talked and talked and discussed it from every angle. We have had the water district there, they have still promised, yet they have not consulted one of these property owners yet. What confidence can we put in them. So with all the promises they have made, we turned down unanimously the vote to reclassify the water. And last week you ladies and gentlemen accepted the committee report. The very next day this amendment was tacked on there. The amendment is identically the same as upgrading that water, no fishing, no swimming, no boating anytime. I think ladies and gentlemen if these people had the money, the means of raising the money, they would at least consult these property owners as they promised to do and make arrangements to take over the property without

right of eminent domain. Now they have that privilege and still they are not taking advantage of it. They are just hoping, ladies and gentlemen, that you will legalize this land steal by going along with this amendment and that is what it is and nothing more. They haven't the money to buy it as I said before, but if we upgrade the water or pass this amendment, the cottages will be of absolutely no use to these property owners. So I hope and pray, ladies and gentlemen, you will go along with the motion to indefinitely postpone this vicious amendment. I thank you.

The SPEAKER pro tem: The Chair recognizes the gentleman from Stockton Springs, Mr. Edwards.

Mr. EDWARDS: Mr. Speaker, the water district has come in contact with several of these land-owners and have made arrangements verbally to buy some of the land. They don't want to buy a small part of it, they want to buy it all. They have been to Boston and have been assured that they would be given a bond issue to buy the balance as soon as they can find out just exactly how much money they have got to have. It would be foolish of them to go to Boston and get several thousand dollars more or less than they needed for this land, to buy it. And I believe that those men in Searsport in that water district are honorable men. They will not go back on their word that they have given and especially since it is in writing and they have signed it, and it is just like I say, the birds down on the shore are getting grade A water, but out of the pond the people are getting grade B.

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

Mr. BEARCE: Mr. Speaker, Ladies and Gentlemen of the House: This situation is rather peculiar. We have always considered that a water supply for 10,000 people was somewhat more important than half a dozen cottage owners. Perhaps the cottage owners are polluting Half Moon Pond or any pond, why certainly

they do not have the advantage of all the privileges, and I certainly think that this question should be resolved on the basis of the purity of water for the citizens of Stockton Springs and Searsport, and I think this—if this amendment is adopted why that will certainly take care of it and they have promised to and can probably buy these cottages, some of them are very small cottages, it is way back in the woods there, and they are not very valuable cottages.

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

Mr. WILLIAMS: Mr. Speaker and Members: I didn't intend to get into this thing again this afternoon, but this thing all boils down perhaps to who protects whose water supply. The people who get their water from the Searsport District have a right to expect good water, no question about that, but in my opinion the directors of the Searsport Water District have not been doing anything to protect the company's water which most companies automatically protect.

Now they want to blame their troubles onto a few cottage owners. They don't want to spend one nickel themselves. I have some more here that I guess I won't say, but on these letters that were just read to you, we have seen those letters, similar ones before. What those letters say it is the intentions of the water district to do something. Let me point out to you that it has been fifty-five years since they started taking water from this pond and so far their intentions have never amounted to one copper. There is a certain place you all know of or heard of that is reputed to be paved with those good intentions. In the law these letters are not worth the paper they are written on. Now it is my opinion that if this amendment should pass, these camp owners don't stand any more show than a celluloid dog chasing an asbestos cat through Hell of ever getting anything out of their land.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bangor, Mr. Jameson.

Mr. JAMESON: Mr. Speaker, Ladies and Gentlemen: I realize too that the people who use this water for drinking purposes naturally come first. But I have asked this question consistently ladies and gentlemen and I can't seem to get an intelligent answer. Why, if the water comes from Half Moon Pond into Stockton Springs first, isn't the water polluted in Stockton Springs but it is polluted in Searsport. Isn't that convincing enough ladies and gentlemen that there is something wrong with the filtering system. I guess nobody told you that they use a prehistoric filtering system, chlorination system. They use a barrel I guess of crystals. Probably the water is good for about 150 yards. After that why I don't know where it comes from but you can't get an intelligent answer when you ask why is the water polluted at Searsport and it is perfect at Stockton Springs.

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

Mr. LITTLEFIELD: Mr. Speaker, Ladies and Gentlemen of the House: I would like to compare the actions of the water district in Searsport with the actions of the water district in Hampden. Hampden got its water from a stream and on this stream was a boys' camp, a Y.M.C.A. camp from Bangor, and also the Hampden recreational area. Now instead of coming to the Legislature and crying about the water and everybody on the stream, they dug two sandpacked wells at the cost of \$44,000 and solved their problem. It would appear that the water company could easily solve its problems by a bit of capital investment. It apparently would prefer to deprive effectively the camp owners of all the advantages of ownership rather than invest further capital. It is my belief that the young people from my district whom I am talking for, will not find much recreation under this amendment, and I certainly hope that we vote to indefinitely postpone this amendment.

The SPEAKER pro tem: The question before the House is the

motion of the gentleman from Hodgdon, Mr. Williams, that House Amendment "A" to Bill "An Act to Permit Searsport Water District to Prevent Pollution," House Paper 1174, Legislative Document 1620, be indefinitely postponed.

Upon request of Mr. Edwards of Stockton Springs a division of the House was had.

Seventy-one having voted in the affirmative and thirty-four having voted in the negative, the motion did prevail.

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

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

HOUSE DIVIDED REPORT—Majority Ought to Pass — Minority Ought to Pass as Amended by Committee Amendment "A" (Filing H-282) — Committee on Education on Bill "An Act relating to Teachers' Salaries and Foundation Program Allowance." (H. P. 871) (L. D. 1206)

Tabled — May 31, by Mr. Jalbert of Lewiston.

Pending — Motion of Mr. Bradeen of Waterboro that both Reports and Bill be Indefinitely Postponed. (Mr. Haughn of Bridgton Requests a Roll Call.)

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

Mr. BRADEEN: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday, this House, with due care and deliberation and some spirited discussion disposed of L. D. 1330, which carried a school subsidy of such sizable proportions that it constituted a great worry to many of us.

Now then, it is my understanding that the House Chairman of Education, the Representative from Lebanon, Mrs. Hanson, offers a Minority Report of that Committee. This Minority Report seeks to delete from L. D. 1206 that portion of the bill which has to do with a revision upwards of the teachers' salary schedule and proposes to retain in that bill the portion of the subsidy to help the towns at the local level. Furthermore, it is my understanding that there will be

presented in due time for the consideration of this body, certain amendments which seek to accomplish this purpose. Therefore, I now at this time withdraw my motion for indefinite postponement of L. D. 1206.

The SPEAKER pro tem: The gentleman from Waterboro, Mr. Bradeen, withdraws his motion for indefinite postponement and the pending question is now the motion of the gentleman from Medford, Mr. Hichborn, that the House accept the Majority "Ought to pass" Report. Is this the pleasure of the House?

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

Mr. HAUGHN: Mr. Speaker, I now withdraw my roll call request and move for a division.

The SPEAKER pro tem: The gentleman from Bridgton, Mr. Haughn, has withdrawn his request for a roll call and requests a division.

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

Mr. WESTERFIELD: Mr. Speaker, Ladies and Gentlemen of the House: It is my understanding at this time that there are two House Amendments available for placing on this bill which would serve first the purpose of deleting the teachers' salary schedule which is presented by the gentleman from Raymond, Mr. Durgin. There is also an amendment prepared by the gentlewoman from Lebanon, Mrs. Hanson, which would provide for instituting the foundation program during the last year of the biennium. Therefore, at this time I support the motion of Mr. Hichborn, the gentleman from Medford, to accept the Majority "Ought to pass" Report.

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

Mr. JALBERT: Mr. Speaker and Members of the House: As our understanding as of last night and this morning, having thrashed this whole program out, it is my understanding that we are to work from the Minority Report and not the Majority Report. Consequently, if I am wrong, I want to be corrected. That is my understanding that we are to work from the Minority Report. Now if we make an

agreement, let's keep it, let's stand up and protect the agreement.

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

Mr. HAUGHN: Mr. Speaker and Ladies and Gentlemen: I want to say I entered into no agreement with anybody. My name is on this bill as the sponsor. I will request a division for the vote that is now before you, the full bill. If that is defeated then I do understand there is an amendment prepared, Report B, for your consideration with amendments, but I personally am standing on the full bill as the motion now before you made by the gentleman from Medford, Mr. Hichborn.

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

Mr. JALBERT: Mr. Speaker, who said the gentleman from Bridgton, Mr. Haughn was consulted in the first place?

Mr. HAUGHN: Mr. Speaker, I rise on a point of personal privilege.

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

Mr. HAUGHN: Mr. Speaker, accusations were made against me that insinuated that there was an agreement by me and I resent that type of attack from the Floor.

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

Mrs. HANSON: Mr. Speaker, if the Majority Report is accepted, the Committee Amendment "A" to L. D. 1206 will amend this bill which will be the Minority Report.

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

Mr. ESTEY: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to clarify what I think is the procedure we are going to be talking about here this afternoon. There are two reports it is true. The Majority Report includes the teachers' salary, recommended minimum scale. The Minority Report, also "Ought to pass" with a Committee Amendment "A" deals with only section 2 which is the foundation program. If we accept the Majority

Report and you still do not want to consider the minimum salary scale for teachers, then we would have to accept House Amendment "A" which is Mr. Durgin's amendment which strikes out section 1, and then we would further then consider the appropriation involved by considering House Amendment "A" to Committee Amendment "A" sponsored by Mrs. Hanson. The other alternative of course and the point that Mr. Jalbert was trying to make was that we should accept Report "A" which is the Minority Report without the teachers' salaries. In order to do that we would have to first defeat the motion that is now before us to accept the Majority Report, the entire bill. I think we are all shooting for the same purpose, to be able to consider the second part of the bill. How we go at it is immaterial to me as long as we get to that subject.

The SPEAKER pro tem: Is the House ready for the question? The question before the House is the motion of the gentleman from Medford, Mr. Hichborn, that the House accept the Majority "Ought to pass" Report and a division has been requested. All those in favor of accepting the Majority "Ought to pass" Report please rise and remain standing until the monitors have made and returned their count.

A division of the House was had.

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

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

Mr. JALBERT: Mr. Speaker, I move the acceptance of the Minority "Ought to pass" Report with Committee Amendment "A."

The SPEAKER pro tem: The gentleman from Lewiston, Mr. Jalbert, moves the acceptance of the Minority "Ought to pass" Report.

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

Mr. HAUGHN: Mr. Speaker, I now request a roll call on that motion.

The SPEAKER pro tem: The gentleman from Bridgton, Mr. Haughn, requests a roll call.

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

Mrs. HANSON: Mr. Speaker, if the Minority Report is accepted, the Committee Amendment will strike out all of the title. That will leave section 2 of L. D. 1206 and then I will offer an amendment after that which will contain it to the second year of the biennium.

The SPEAKER pro tem: The gentleman from Bridgton, Mr. Haughn, has requested a roll call, and the Chair will order one providing that one-fifth of the members present rise and request the same. All those in favor of a roll call vote will rise and remain standing until the monitors have made and returned the count.

An insufficient number arose.

The SPEAKER pro tem: Obviously, less than one-fifth the members of the House present having arisen, a roll call is not ordered. The Chair will order a division. All those in favor of the motion of the gentleman from Lewiston, Mr. Jalbert, that the House accept the Minority "Ought to pass" Report as amended by Committee Amendment "A" please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

One hundred and seventeen having voted in the affirmative and four having voted in the negative, the motion did prevail, the Minority Report was accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 871, L. D. 1206, Bill, "An Act Relating to Teachers' Salaries and Foundation Program Allowance."

Amend said Bill by striking out all of the title and inserting in place thereof the following title: 'An Act Relating to Educational Foundation Program Allowance.'

Further amend said Bill by striking out all of section 1

Further amend said Bill by striking out the abbreviation and figure "Sec. 2."

Mrs. Hanson of Lebanon offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H. P. 871, L. D. 1206, Bill, "An Act Relating to Teachers' Salaries and Foundation Program Allowance."

Amend said Amendment by adding at the end the following: "and inserting in place thereof the abbreviation and figure 'Sec. 1.'"

Further amend said Bill by adding at the end a new section 2 to read as follows:

'Sec. 2. Effective date. This act shall become effective on July 1, 1962.'

The SPEAKER pro tem: The Chair recognizes the gentleman from St. Albans, Mr. Hughes.

Mr. HUGHES: Mr. Speaker it was probably stated yesterday or last night what the price tag on this particular bill would be. I don't have those figures and I would like to inquire what the price tag would be on this bill with this amendment adopted if somebody can tell me?

The SPEAKER pro tem: The gentleman from St. Albans, Mr. Hughes, presents a question through the Chair of anyone who would care to answer it and requests the price tag of this particular legislative document.

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

Mrs. HANSON: Mr. Speaker, the estimated cost for the second year of the biennium is \$1,266,245.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen: I would have you know that this amount of money would be relieving your municipalities of a like amount. Whether you want to do it that way or not. Now in this State of

Maine the state is paying less than 24% of the cost of education and your municipalities are paying all the rest except the 5% federal. Now some of the states in the union are paying as much as 85% and the municipalities only 15%. In fact if you take the forty-seven states, I haven't checked the two that became states recently, you will find that you add them all up and divide by forty-seven you will find that it makes an average payment by the states for the cost of education in the states is 40%. That is the least that any of them are paying. Now it seems as though the time has come pretty soon when if we are going to own property in this state that some of you will have to help pay the cost of education, since the cost of education in this state is \$52,000,000 and your property tax, that is the only way your municipalities have of getting money, is paying \$40,000,000 and the state is only paying \$12,000,000, so what you are doing here if you adopt this amendment the state is taking a little bigger hand in the cost of education. I understand you killed 1330 yesterday which would have helped out in that same way, but it seems as if you love to pay property taxes and if you love to pay property taxes why you kill this one and you sure will do it.

The SPEAKER pro tem: The Chair would advise the House that the prevailing question is the adoption of House "A" to Committee Amendment "A".

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

Mr. WESTERFIELD: Mr. Speaker and Ladies and Gentlemen of the House: With reference to this amendment which as I understand eliminates the first half of the biennium, the instituting of the new foundation program for the first half of the biennium, I feel very strongly that this is a good amendment and it will be beneficial and will save us that much tax money at this time. The problem that faces us is this: in most of these municipalities the taxes have already been assessed on the basis of the previous foundation

program. Therefore, the towns themselves have already raised the amount of money necessary to fulfill their portion of the obligation. Now instituting this for both years of the biennium would serve no useful purpose to the municipalities involved because the money would be available but the money would not be rebated to the taxpayer. The taxpayer would still pay his full tax and the money would still be used. However, instituting this for the first year of the biennium does not alleviate the burden on the taxpayer since he has already raised and in many cases received the tax bill for that portion of the property tax. I hope the amendment introduced by Mrs. Hanson of Lebanon does prevail.

Thereupon, House Amendment "A" to Committee Amendment "A" was adopted on a viva voce vote; Committee Amendment "A" as amended by House Amendment "A" thereto was adopted on a viva voce vote and the Bill assigned for third reading tomorrow.

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

Motion to Reconsider the Failure of Final Passage of Resolve, Authorizing the Setting Out of Buoys in Moosehead Lake. (H. P. 8) (L. D. 27)

Tabled—May 31, by Mr. Anderson of Greenville.

Pending—Consideration.

The SPEAKER pro tem: The Chair recognizes the gentleman from Greenville, Mr. Anderson.

Mr. ANDERSON: Mr. Speaker, I move the pending question.

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

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I hate to oppose my namesake, the gentleman from Greenville, Mr. Anderson, but I think this is a needless expenditure. An individual cowboying around Moosehead Lake smashed up his boat on a rock, and I don't think that the taxpayers should be penalized for this. It only opens the door for cottage owners on every

small pond and lake in the state to take advantage of this. I have been going up to Moosehead Lake for the past fifteen years, twice a year, and I have yet to put a scratch on my boat. Again, I think that the estimate is far too much on this. I would certainly be glad to take the contract for a third of that amount of money.

Moosehead Lake is rimmed with sporting camps and cottages, and I don't know why they can't do like they did in Sebago, the cottage owners and the sporting camp owners get together in a civic project and put out their own buoys. I reiterate, I think it's a needless expenditure and I move the indefinite postponement of this bill and all accompanying papers.

The SPEAKER pro tem: The gentleman from Ellsworth, Mr. Anderson, has moved indefinite postponement, but which is not in order.

The question before the House is the motion of the gentleman from Greenville, Mr. Anderson, that the House reconsider its motion whereby this resolve failed of final passage.

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

Mr. HAUGHN: As House Chairman of the Public Utilities Committee, I had the privilege of hearing this bill, hearing all the facts and the problems presented to the committee. Our committee reported this bill out to you people for your consideration by a majority ought to pass report. Due to the fact that there's industry involved as well as recreational. Now the gentleman from Ellsworth, Mr. Anderson, has stated that in Sebago they've done a job for themselves, yes, but the state also matched the money in that, because I introduced that particular bill myself here a few sessions ago. We are fortunate there are different circumstances with no industry, the health and safety and welfare of employees working that were doing the logging things and the booms and so forth that they have set out there, but the hazardous area and tricky waters of Moosehead Lake has in case of storms, we had a report here where-

by the death has appeared there just recently, a very unfortunate affair, there will be many more unless we point out where those rocks and ledges are which is the responsibility of the recreational department — the finest department in the State of Maine to encourage the health, safety and welfare of the people of the state from industry and recreation. I certainly hope you will go along with your committee's findings because they had all the facts from both sides pro and con, we had no opposition, and we had the approval of the departments of the need and desire for it. I certainly hope we will fulfill the requirements that are needed for the protection of the people of the State of Maine in industry and follow the report of your committee and allow this to be reconsidered. It only failed by one or two votes, because of absenteeism yesterday of the requirement necessary to pass this, and I hope the House will certainly stand by their decision yesterday because a majority of voters are now here.

The SPEAKER pro tem: The Chair recognizes the gentleman from Greenville, Mr. Anderson.

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Haughn has already given you some of the history behind appropriations for buoying lakes or marking lakes. He has informed you that the committee heard the entire information presented before the committee, and I might remind those of you who may not be familiar with the fact that this is nothing new, you are not establishing a precedent; if you are, you established it in 1911 the same year that the gentleman from Fort Kent, Mr. Cyr was on the same committee, at which time they made an appropriation for the same thing as is now being asked. During my tenure here, I have seen several measures passed for the buoying of Moosehead Lake. At that time I was not a member of the Piscataquis delegation; however, I was in the legislature from another county, so insofar as establishing a precedent is concerned, that is about fifty years too

late. The gentleman from Bridgton, Mr. Haughn, has already pointed out what can be done, what is going to be done, he also has pointed out that in the Sebago area there are organized towns in the area and I might point out to you that only a very small portion of the entire forty miles of Moosehead Lake is in an organized town, and I don't think I have to remind you that it is not legal for Greenville which is the only organized town to appropriate moneys to be expended outside the territorial limits of the town.

As was pointed out by the gentleman from Bridgton, Mr. Haughn, this failed of passage because of absenteeism. As I recall, there were less than one hundred here at the time and this measure calls for one hundred one. At the time that the bill was introduced, the proponents including myself agreed that an emergency measure was necessary because it was felt that some of the work should be done prior to the opening of the state park which is to be opened in that area, and I might point out that there are several areas out from the state park that certainly are going to require markings. The state park of course will not open until August with the water condition the way it is now, it would be impossible to locate the buoys at this time, there is no necessity for the emergency provision, an amendment has been prepared to eliminate that provision. Insofar as the cost is concerned, I would say this, that back in the early days of buoying that particular area, the map shows some sixty-two areas that were buoyed and they were buoyed only for steamships, not for motorboats, and when one starts buoying for motorboats, which is the only mode of transportation on the lake today, you certainly have a different circumstance than you had when you buoyed them for steamships. And I would say that the cost is not in excess of the needs. I would further state that it would be my opinion that in all probability unless we get considerable cooperation from private industry which we hope to and which we feel we can, that even the \$15,000 isn't going to do it as you and I would like to have it done. How-

ever, if we can put one buoy up that will prevent a tragedy similar to that that occurred only this week, this is not too great an amount to spend.

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

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I have yet to hear of an accident in Moosehead Lake caused by hitting a rock with a boat, they're almost always out in a heavy blow too far away from the shore. I repeat, I have never heard of an accident caused by hitting a rock. My proponents seem to think that the size of Moosehead Lake warrants this, well let me say that hitting a rock in a small pond can do just as much damage to a boat as it can in a body of water the size of Moosehead Lake. I reiterate, I think it's a needless expenditure.

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

Mr. BRAGDON: Mr. Speaker, I would like to ask a question either of the gentleman from Bridgton, Mr. Haughn or the gentleman Mr. Anderson from Greenville, through the Chair. The question would be, are there other lakes in the State of Maine that are provided at the present time at public expense with such navigation protection as these buoys? Do I make myself clear?

The SPEAKER pro tem: the gentleman from Perham, Mr. Bragdon, has asked a question through the Chair of anyone who may choose to answer.

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

Mr. HAUGHN: Mr. Speaker, in answer to the gentleman from Perham, Mr. Bragdon, I can state Sebago Lake has been buoyed by public funds and private funds. Now the rest of the state I have not gone into, I don't know if Mr. Anderson can answer the remainder, if there are others, I couldn't say offhand. But I do know Sebago Lake is.

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

Mr. WADE: Mr. Speaker, Ladies and Gentlemen of the House: Until a comparison has been made

with other lakes to that of Moosehead Lake I had no intention of debating this point.

Moosehead Lake is the exception in the State of Maine. A biological survey of Moosehead Lake has revealed that there are seven individual basins which comprise Moosehead in its entirety. The point that should be discussed is not the question of a rock, so much as the question of what has been generally and is referred to as the various narrows in various parts of Moosehead Lake which separate shall we say Squaw Bay from Lily Bay, or Lily Bay from Spencer Bay, or Spencer Bay from Duck Cove and so on and so forth. These narrows are the treacherous things that are in Moosehead Lake. Now insofar as town or community support is concerned, I think I can say this without fear of successful contradiction, I know of no body of water in the State of Maine that draws from such a large area both in and out of state as does Moosehead Lake; I think again we have an exceptional body of water when we are discussing Moosehead Lake, and I do not think it's fair at all to make any comparison with any other body of water in the State of Maine. I sincerely hope that the motion of the gentleman from Greenville, Mr. Anderson, does prevail.

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

The pending question is the motion of the gentleman from Greenville, Mr. Anderson, that the House reconsider its action whereby this Resolve failed of final passage.

All those in favor of reconsidering the action, please say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed.

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

Mr. ANDERSON: Mr. Speaker, I am going to make a motion and I hope that I am correct. I move the rules be suspended in order that I may move reconsideration of the passage to be engrossed.

The SPEAKER pro tem: The gentleman from Greenville, Mr. Anderson, moves that the House

suspend its rules whereby he may move that the House reconsider its action whereby this Resolve was engrossed on March 28, 1961. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER pro tem: The Chair recognizes the gentlemen from Greenville, Mr. Anderson.

Mr. ANDERSON: I now move that we reconsider our action whereby this Resolve was passed to be engrossed.

The SPEAKER pro tem: The gentleman from Greenville, Mr. Anderson, moves that the House reconsider its action whereby this Resolve was passed to be engrossed. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER pro tem: The Chair recognizes the gentleman from Greenville, Mr. Anderson.

Mr. ANDERSON: I now offer House Amendment "A" and move its adoption.

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

HOUSE AMENDMENT "A" to H. P. 8, L. D. 27, Resolve, Authorizing the Setting Out of Buoys in Moosehead Lake.

Amend said Resolve by striking out all of the emergency preamble and the emergency clause.

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

At this point, Speaker Good returned to the rostrum.

The SPEAKER: The Chair wishes to thank the gentleman from York, Mr. Rust, for the introduction and compliment him upon the excellent performance of his duties as Speaker pro tem. (Applause)

Thereupon, Mr. Rust was escorted to his seat on the Floor.

The Chair laid before the House item 2 under Enactors, "An Act Permitting St. Francis College to Confer Honorary Degrees, S. P. 563, L. D. 1615, tabled earlier in the day's session by the gentleman from Kennebunkport, Mr. Tyndale, pending the motion of the same gentleman to reconsider the action of the House whereby the bill

failed of passage to be enacted. Emergency measure.

Thereupon, on a viva voce vote, the House voted to reconsider its action whereby the Act failed of passage.

This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 117 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.

The Chair laid before the House item 2 under Third Readers, Bill "An Act relating to Operating Business on the Lord's Day and Certain Holidays," S. P. 552, L. D. 1599, tabled earlier in today's session by the gentleman from Hallowell, Mr. Choate, pending passage to be engrossed.

The SPEAKER: Since the adoption of Senate Amendment "A" has already been considered once and it is necessary to reconsider it again in order to offer House Amendment "D" to Senate Amendment "A" the Chair understands the gentleman from Hallowell, Mr. Choate, now moves that the rules be suspended for the purpose of reconsidering the action of the House whereby it adopted Senate Amendment "A." Is it now the pleasure of the House that the rules be suspended for this purpose?

The motion prevailed.

Thereupon, the House voted to reconsider its action whereby it adopted Senate Amendment "A" as amended.

Mr. Choate of Hallowell offered House Amendment "D" to Senate Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "D" to SENATE AMENDMENT "A" to S. P. 552, L. D. 1599, Bill, "An Act relating to Operating Business on the Lord's Day and Certain Holidays."

Amend said Amendment by inserting after the underlined words and punctuation "**service stations;**" in the 11th line, the following un-

derlined words and punctuation "**retail monument dealers;**"

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

Mrs. SPROUL: Mr. Speaker, Ladies and Gentlemen of the House: I can see where it might be necessary to conduct a funeral on Sunday or something like that, but there is not too much difference between this category and Mr. Crockett's. I think you could buy a stone on some other day.

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

Mr. CHOATE: Mr. Speaker and Fellow House Members: First, I would like to thank all the members here today for allowing me to table this matter so that this amendment could be introduced. I can see Mrs. Sproul's point and I have had other comments, but I would like to explain my reasons for introducing this amendment.

Our business, the monument business, is a very seasonal one in that during the winter months we are not able to complete much of the necessary work in the cemeteries due to the Maine snows. From the time that the snows leave until Memorial Day which is a very important day in our business, we have roughly five weeks. This year we had five weeks to complete setting all of the work that we had to do. People are human. They put off their needs until the last minute which requires our crew to work at that point for seven days a week in order to try to complete the work which they would like to have placed in the cemeteries for their loved ones. We do not maintain a seven day a week schedule except when it is absolutely necessary, but under the present law the bill which is before us here under S-200, we would be violating the law if we operated any of our machinery in our plant, if our men went into the cemetery to set any work, if we did anything in connection with our business we would be subject to a penalty of \$100 for the first offense, \$200 for the others.

Now this amendment which I hope you will adopt, would allow us to complete the work that we have to when it is necessary with-

out being in violation of the Maine laws. We would not abuse the privilege I can assure you, but we do try to please our customers and those of you who have lost someone that is very dear to you during the winter perhaps and you would like to have the monument for the Memorial Day observance, I think you would feel the same way that many of our customers do. Were you in our place, you would try very hard to please your customers. I hope this well be adopted.

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

Mr. BERRY: Mr. Speaker, I think in fairness to the gentleman from Hallowell, Mr. Choate, that it should be said that the first part of the bill is an attempt to legalize business which is being conducted at the present time, and if this business which the exemption is claimed for has been conducted in the past on Sunday, it would seem to me that it is in spirit with this legislative document that the amendment would be in order.

The SPEAKER: Is the House ready for the question? The question is the motion of the gentleman from Hallowell, Mr. Choate, that House Amendment "D" to Senate Amendment "A" be adopted.

Mr. STEWART of Presque Isle: Mr. Speaker, I request a division.

The SPEAKER: A division has been requested. All those in favor of the adoption of House Amendment "D" to Senate Amendment "A" please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Eighty having voted in the affirmative and twenty-seven having voted in the negative, the motion did prevail.

Thereupon, Senate Amendment "A" as amended by House Amendments "C" and "D" thereto was adopted.

Mr. Crockett of Freeport offered House Amendment "E" to Senate Amendment "A" and moved its adoption.

The SPEAKER: Since Senate Amendment "A" has been previously reconsidered, it will be necessary to suspend the rules in

order to reconsider our action whereby we adopted Senate Amendment "A" in order that the gentleman from Freeport, Mr. Crockett, may offer House Amendment "E" to Senate Amendment "A." Is it the pleasure of the House that the rules be suspended?

(Cries of "No")

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

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

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

The Chair laid before the House the first enactor tabled earlier in the day:

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

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

Mr. BAXTER: Mr. Speaker, Ladies and Gentlemen of the House: You will remember that when the supplemental budget came out there were two pieces of legislation which came out along with it which were enabling legislation, were items within the supplemental budget, and these two pieces of legislation had the money amended off them. One was the medical care bill, which is this one, and the other was the employees salary bill which is still in the engrossing department. You will remember that we were keeping these bills along with the supplemental budget at the same stage of legislative enactment.

This bill has now arrived at the enactment stage, and the supplemental budget has not yet been engrossed. Therefore, this bill I will at this time table until the next legislative day.

The SPEAKER: The gentleman from Pittsfield, Mr. Baxter, in reference to item one, L. D. 1605, moves that this be tabled until the next legislative day pending passage to be enacted. Is this the pleasure of the House?

The motion prevailed.

The Chair laid before the House the third enactor tabled earlier in the day:

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

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I was reluctant to place this on the appropriations table because it was the first bill of its kind that I had seen with a price tag on it. I now have the explanation for the reason for a price tag, which is \$3,505 on this bill. It seems that bills creating school administrative districts which have previously come before us for enactment, there has been a fund sufficient to take care of the cost of creating these districts and providing I believe their bonus which they receive if they are created.

Obviously this fund has now become depleted, and obviously too any more bills of this nature which you see will carry a price tag. For that reason, I will now request that this be placed on the House Appropriations Calendar.

The SPEAKER: The gentleman from Perham, Mr. Bragdon, requests that L. D. 1597 be placed upon the House Appropriations Table pending passage to be enacted.

Mr. BEARCE of Bucksport: Mr. Speaker?

The SPEAKER: For what purpose does the gentleman arise?

Mr. BEARCE: I would like to inquire of someone what this fund is and be enlightened a little on why one small district is going to be jettisoned because of some technicalities. If it is so, we will go out and raise the money for it.

The SPEAKER: The Chair will advise the gentleman from Bucksport, Mr. Bearce, that this matter is now on the table. If the gentleman from Perham, Mr. Bragdon, wished to remove it from the table, then your question could be entertained.

Mr. BRAGDON: Mr. Speaker, I would remove this item from

the table in order to answer the question.

The SPEAKER: The gentleman from Perham, Mr. Bragdon, now removes from the table for consideration, L. D. 1597, An Act to Authorize the Municipalities of Etna and Plymouth to Form A School Administrative District, and the Chair recognizes the gentleman from Bucksport, Mr. Bearce.

Mr. BEARCE: Mr. Speaker and Members of the House: I would just like to be enlightened on the procedure. There were various districts that have been passed through this House and this seems to be the only one that is put on the table.

The SPEAKER: The gentleman from Bucksport, Mr. Bearce, has asked a question through the Chair of anyone who may choose to answer, and the Chair recognizes the gentleman from Portland, Mr. Estey.

Mr. ESTEY: Perhaps I can answer the gentleman's question. In the regular budget there is a certain amount of money set aside for the ten percent bonus for school administrative districts which they receive in addition to their subsidy if they form a district. The department of course has no way of knowing how many new districts will be formed in the future, and the current budget has been depleted to the point where there are not funds to pay the additional bonus if these two districts are permitted to form this year. There is money in the budget for the next year of the biennium, but we have formed so many districts this year that the budget has been depleted. Therefore, we had to put the price tag on this bill in order to pay the ten percent bonus. The total subsidies of these two towns received would be some thirty-five thousand dollars which is budgeted, but when they formed a district we had to add ten percent bonus to that and that money has to be made available by appropriation.

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

Mr. JALBERT: Mr. Speaker, Members of the House: I feel this is as good a time as any to briefly rehash with you the comments I had to make a few weeks ago wherein it concerned the Special Appropriations Calendar. This Special Appropriations Calendar was set up a few years ago by the then House Chairman of the Appropriations Committee, the late Representative Leslie Jacobs and the Senate Chairman of the committee to safeguard and protect L. D.'s wherein it concerned the House members at the tail end of the session and also to safeguard — not railroading but just the wholesale enactment of measures without sometimes looking at them.

If you recall last week that many of these items were enacted or bills enacted or resolves were passed, and the House Chairman of the Appropriations Committee stood and one after another went the other way. Now here is just exactly what happened. Here is the reason, again I repeat what I did a few weeks ago, as to why this Special Appropriations Calendar was set up. After, and I understand that there are more that are going to go the other way before we get out of here today; after the calendar is cleared of these money bills, then anybody that's got a little pet project here he has had it. I mean it's on the other side, they have been enacted or they have had final passage. So isn't it fair to assume that before we would enact all these money bills of a recurring or non-recurring nature, it might well be that we would keep them here, at least keep half of them here, we are entitled to that? There are one hundred fifty-one of us up against thirty-three on the other side—the half is much less the percentage that belongs to us. And are the Taxation Committee to come out with their tax program? The supplemental bill is in the other branch, and it is coming back to us. We are getting rid of these items on our special appropriations calendar on a wholesale basis, and believe me if we keep on, we will have nothing;

but we will have this. Now look, we've got all these bills in there, you've got your \$15,000, yours is \$30,000; yours is \$80,000; you know either you go for this or you don't get that. I know that the members are all aware of that.

And the second reason why I am up on my feet today to bring that forward is because I've had three members of the House, of the opposition party I might state, who have come to me today one alone and two together to ask me and tell me that the reason they would like to go with the program as some of us have set forward; but they can't go with it because of the fact that it's not good business, so says the representatives of the front office, to use surplus money for recurring purposes. My answer to these two gentlemen together and the other gentleman alone and to all the members here is simply this, the practice that this program as set forth by us is only a continuation of what the front office started in the famous crash program, proof of the pudding, page 310, I am just at random now of the budget where it concerns the current services budget. Augusta State Hospital, \$62,845 the first year, \$41,670, the second year, crash program; money taken out of current services and paid for by surplus money. Bangor State Hospital \$22,005 the first year, \$23,700 the second year; Pineland State Hospital, \$26,000 the first year, \$26,000 the second year; a total of about four hundred and some odd thousand dollars that was taken out of the current services budget and paid for by surplus money so that the thought entertained that it is not good business to do it is certainly it may not be good business, but the sponsors of the program as outlined by me and others is certainly not breaking a precedent. I merely thought I would get up on the Etna Bill to explain exactly what our position will be eventually if we have nothing left and everything is in the Senate.

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

Mr. BAXTER: The gentleman from Lewiston, Mr. Jalbert, of course and I suppose understandably uses most any opportunity to explain to us in considerable detail his personal program, for which we are very much indebted. I don't think that this is necessarily a time for us to get into debate on the matter of a personal program as he has it outlined. The only thing that I would point out at this time is two things, one is that as we break down the appropriations table, anybody who wishes to keep a bill here can of course retable it; if the House so wishes. I would also like to say that with regard to the repair expenditures which the gentleman from Lewiston refers to as having been paid for from the four million dollars that the crash program which was surplus money, there are frequently in budgeting certainly repair items which are treated as capital expenditures. As a matter of fact, there are many items in the capital budget which are repair items. Repair items of themselves in relation to the particular job involved are not recurring items, there may be some other repairs that are necessary, but by and large the repair item itself is an end in itself and that particular item does not have to be repaired again the next year. Therefore, it takes on the character of a capital expenditure which most of the items in the supplemental budget do not.

The SPEAKER: The matter before the consideration of the House at this time is item three under enactors. An Act to authorize the municipalities of Etna and Plymouth to form a School Administrative District, L. D. 1597, and it is pending passage to be enacted.

The Chair recognizes the gentleman from Etna, Mr. Carter.

Mr. CARTER: Mr. Speaker, I would like to ask a question from Mr. Bragdon. As I understand it this money that is involved is ten percent of the regular subsidy, am I right?

The SPEAKER: The gentleman from Etna, Mr. Carter, has asked a question through the Chair of the gentleman from Perham, Mr. Bragdon, who may answer if he chooses.

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

Mr. BRAGDON: Mr. Speaker, I believe that is correct, in fact, that is the way the question was answered once before this afternoon.

The SPEAKER: The Chair recognizes the gentleman from Etna, Mr. Carter.

Mr. CARTER: Mr. Speaker, I understood Mr. Estey to say the price was \$35,000.

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

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

Mr. ESTEY: The price tag on this bill is \$3,500 which is ten percent of the total subsidies received by the two towns asking to form a district.

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

Mr. BRAGDON: Mr. Speaker, I now request that item three be placed on the House Appropriations Calendar.

Thereupon, the Bill was placed on the House Appropriations Calendar pending passage to be enacted.

The Chair laid before the House the fourteenth item under enactors tabled earlier in the day:

An Act Creating the Fort Kent Utilities District (H. P. 1155) (L. D. 1593)

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

Mr. BERRY: I wanted to permit the gentleman from Fort Kent, Mr. Cyr, to present an emergency amendment to this, I would move that the Rules be suspended whereby this was passed to be engrossed.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Berry, moves that in reference to item fourteen, L. D. 1593, that the rules be suspended for the purpose of reconsidering the action of the House, on May 24, 1961, whereby this bill was passed to be engrossed. Is it the pleasure of the House that the rules be suspended?

The motion prevailed.

The SPEAKER: Is it now the pleasure of the House that the House reconsider its action of May 24, 1961, whereby it passed this bill to be engrossed?

The motion prevailed.

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

Mr. CYR: I want to thank the House for their consideration of my delay in getting this amendment, and I want to state that it is very necessary for us up there that this amendment be adopted. I have discovered since we put our bill through that the defaulting water company whose bonds will be perhaps taken over in August, that it becomes necessary for my town to have a water utility or a water district in order to be in a position to float a bond previous to that if possible. And as the House will not be adjourned until a late date, and without the emergency clause would take effect only ninety days after adjournment, that would put us way over into late September or early October, which would be rather late for any action in the town to be taken under the circumstances, and it would be much better if the bill could be put through under emergency, and therefore I hope the House will go along with me on this amendment. Thank you.

The SPEAKER: The Chair understands that the gentleman from Fort Kent, Mr. Cyr, offers House Amendment "B" and moves its adoption.

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

**HOUSE AMENDMENT "B"** to H. P. 1155, L. D. 1593, Bill, "An Act Creating the Fort Kent Utilities District."

Amend said Bill by inserting after the title the following emergency preamble:

**'Emergency preamble.** Whereas, acts of the Legislature do not become effective until 90 days after adjournment of the Legislature unless enacted as emergencies; and

Whereas, an adequate supply of pure water and disposal of sewage is essential to the health and well-

being of the inhabitants of the Town of Fort Kent; and

Whereas, it is imperative that action be taken at the earliest possible time to eliminate any danger to such health and well-being; and

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

Further amend said Bill by striking out the first sentence of the Referendum and inserting in place thereof the following sentence: 'In view of the emergency cited in the preamble, this act shall take effect when approved, only for the purpose of permitting its submission to the legal voters within said district, voting by ballot at an election to be specially called and held for the purpose within one year after the effective date of this act.'

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

Upon request of Mr. Bragdon of Perham the following matter was called up for consideration on the Special Appropriations Calendar:

#### **Emergency Measure**

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

Was reported by the Committee on 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. 105 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.

Upon request of Mr. Bragdon of Perham, the following matters were called up for consideration on the Special Appropriations Calendar:

An Act Providing for Review of Aid to Dependent Children by De-

partment of Health and Welfare (S. P. 82) (L. D. 182)

An Act to Amend the Workmen's Compensation Act (S. P. 173) (L. D. 419)

An Act relating to Apportionment to Municipalities of Tax on Telephone and Telegraph Companies (H. P. 358) (L. D. 510)

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.

Upon request of Mr. Bragdon of Perham, the following matter was called up for consideration on the Special Appropriations Calendar:

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

On motion of Mr. Bragdon of Perham, the House voted to suspend the rules for the purpose of reconsidering its action of April 28 whereby the Resolve was passed to be engrossed.

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

Mr. PIKE: Mr. Speaker, I don't wish to object, but without knowing the purpose behind this step, I hope the House will not reconsider its action. If I knew exactly what the reason was, it happens to be a bill in which I am very much interested and one in which the Public Utilities Commission and the Geological Survey is very much interested, I would really like to get a little background on it. This comes as a complete surprise to me.

The SPEAKER: The gentleman from Lubec, Mr. Pike has addressed a question through the Chair of anyone who may choose to answer.

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

Mr. BRAGDON: Mr. Speaker, I wish to apologize to the gentleman from Lubec in that I didn't give a reason. This is to offer a minor amendment which is now on your desks. If you will go along with me I will offer this amendment which simply allocates the money which was not done in the original bill.

Thereupon, the House voted to reconsider its action of April 28 whereby it passed this Resolve to be engrossed.

Mr. Bragdon of Perham offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 379, L.D. 554, Resolve, Appropriating Funds to Public Utilities Commission for Water Resources Investigation.

Amend said Resolve by striking out the period at the end of the 7th line and inserting in place thereof the following: "; the breakdown of which shall be as follows:

	1961-62	1962-63
All Other	\$16,300	\$16,300

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

Upon request of Mr. Bragdon of Perham, the following matter was called up for consideration on the Special Appropriations Calendar:

Resolve, Providing that the Legislative Research Committee Study the Clerical and Data Processing Activities of the State Government (S. P. 222) (L. D. 627)

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

Upon request of Mr. Bragdon of Perham, the following matter was called up for consideration on the Special Appropriations Calendar:

An Act to Create the Bureau of Maine Archives (H. P. 539) (L. D. 737)

On motion of Mr. Bragdon of Perham, the House voted to suspend the rules and to reconsider its action of March 7 whereby the Bill was passed to be engrossed.

Thereupon, Mr. Bragdon of Perham offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 539, L. D. 737, Bill, "An Act

to Create the Bureau of Maine Archives."

Amend said Bill in section 2 under the caption "BUREAU OF MAINE ARCHIVES" by striking out the line:

"Personal Services \$5,000 \$10,000"  
and inserting in place thereof the line:

'Personal Services

(1) \$5,000 (1½) \$10,000'

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

Upon request of Mr. Bragdon of Perham, the following matter was called up for consideration on the Special Appropriations Calendar:

#### Emergency Measure

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 114 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Upon request of Mr. Bragdon of Perham, the following matters were called up for consideration on the Special Appropriations Calendar:

Resolve, in Favor of School Administrative District No. 14, Danforth-Weston, for School Construction Aid (H. P. 573) (L. D. 793)

Resolve, Reimbursing Bay Ferry Corporation for Loss of Business (H. P. 579) (L. D. 799)

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

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

Upon request of Mr. Bragdon of Perham, the following matter was called up for consideration on the Special Appropriations Calendar:

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

On motion of Mr. Bragdon of Perham, the House voted to suspend the rules and to reconsider its action of May 3 whereby the Resolve was passed to be engrossed.

On further motion of the same gentleman the House voted to suspend the rules and to reconsider its action of May 2 whereby it adopted Committee Amendment "A."

Mr. Bragdon of Perham then offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S. P. 274, L. D. 875, Resolve, Providing Funds for a Referral Center at Farmington State Teachers' College for Assistance to Teachers.

Amend said Amendment by striking out the 7th line and inserting in place thereof the following line:

'Personal Services (2) \$12,226 (2) \$12,759'

House Amendment "A" to Committee Amendment "A" was adopted in non-concurrence.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted and the Resolve passed to be engrossed as amended in non-concurrence and sent up for concurrence.

Upon request of Mr. Bragdon of Perham, the following matters were called up for consideration on the Special Appropriations Calendar:

An Act relating to Disability Retirement Allowance under State Retirement System (H. P. 701) (L. D. 979)

Resolve Appropriating Moneys to Match Federal Funds Provided

under Title X of the National Defense Education Act (H. P. 724) (L. D. 1012)

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

Upon request of Mr. Bragdon of Perham, the following matter was called up for consideration on the Special Appropriations Calendar:

#### Emergency Measure

An Act relating to Holding of Property by Nonprofit Corporations Operating Educational Television or Radio Stations (H. P. 826) (L. D. 1141)

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. 106 voted in favor of same and 4 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The S P E A K E R: The Chair at this time would like to point out that it is absolutely necessary that all the members be here. I am not talking to those that are here. I am talking at this particular time to those who are not here, since we will be having emergency measures coming up from time to time and they will require a hundred and one voting. It is possible that we would have a session this Saturday, but that cannot finally be decided until sometime tomorrow, since we would not have a Saturday session unless there was enough work to keep us busy on that particular day. And if we did have a Saturday session, the chances are also that on the following Monday we would have a session beginning at four o'clock. Those things will be announced later.

Upon request of Mr. Bragdon of Perham, the following matters were called up for consideration

on the Special Appropriations Calendar:

An Act relating to the Control of Sources of Ionizing Radiation (H. P. 925) (L. D. 1273)

An Act Exempting Certain Non-profit and Charitable Institutions from Sales and Use Tax Law (H. P. 1060) (L. D. 1360)

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

An Act relating to Survivors Benefits Under Maine State Retirement System (S. P. 503) (L. D. 1517)

An Act relating to Definition of Public School Under Maine State Retirement System (H. P. 1117) (L. D. 1539)

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

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.

Upon request of Mr. Bragdon of Perham, the following matter was called up for consideration on the Special Appropriations Calendar:

An Act Changing Fort Kent Normal School to Fort Kent Teachers' College (H. P. 586) (L. D. 807)

On motion of Mr. Bragdon of Perham, the House voted to suspend the rules and to reconsider its action of April 11 whereby the Bill was passed to be engrossed.

On further motion of the same gentleman the House voted to suspend the rules and to reconsider its action of April 7 whereby Committee Amendment "A" was adopted.

Mr. Bragdon of Perham offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H. P. 586, L. D. 807, Bill, "An Act Changing Fort Kent Normal

School to Fort Kent Teachers' College."

Amend said Amendment by striking out the 12th line and inserting in place thereof the following line:

'Personal Services (5) \$29,952'

House Amendment "A" to Committee Amendment "A" was adopted.

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

Mr. Boothby of Livermore was granted unanimous consent to briefly address the House.

Mr. BOOTHBY: Mr. Speaker and Ladies and Gentleman of the House: I want to call your attention to the picture of the Governor who occupied the Governor's chair a hundred years ago, this two years.

In my immediate area of Livermore is a place called "The Norlands." It consists of a library, church, a large house, barn and surrounding farm situated on the top of a hill. This is the home of the Washburn family and is still owned by that family.

It is the birthplace of the seven famous Washburn sons who, in their lifetimes attained among them the following positions — four congressmen, 2 governors of two different states one U. S. Senator, an Army General, a Navy Captain, a Secretary of State and two foreign ministers. As a point of interest, the United States Congress included at one time three of the Washburn brothers. One each from Wisconsin, Illinois and Maine.

Of this group of distinguished gentlemen from Livermore we are, at this time, only concerned with one, the oldest son, Israel Washburn Jr. who grew up to be a Congressman from Maine for five terms and then returned to Maine to become our Governor in 1861 to 1863. It is said of him that when President Lincoln asked for two regiments of volunteers to fight in the Civil War he produced ten.

It seemed appropriate to me that this Governor's picture should be hanging in this building, especially on the 100th Anniversary of his reign. It did, however, take a real search among the archives of this building and the help of Miss Edith Hary in the law office to locate it.

It has now been rehung in its proper place on the second floor, north corridor of this building and has been marked with a temporary card so you can identify it.

I would suggest to the proper authorities that this picture and the several others that are unmarked be supplied with a permanent placard of identification.

I am sure that it would be a real pleasure for any of you when you had the time to visit the Washburn Library in Livermore. It is open Wednesday afternoons through the summer months. Thank you, ladies and gentlemen. (Applause)

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

Mr. WESTERFIELD: Mr. Speaker, I would inquire if I am in order to call to the floor of the House at this time, item two, under matters recalled from legislative files and now in the hands of the Clerk of the House, L. D. 835.

The SPEAKER: That is in order. The gentleman from Liberty, Mr. Westerfield, now makes reference to item two on page six of the House Advance Journal under matters recalled from legislative files now in the hands of the Clerk of the House, this being a Bill "An Act to Provide for the Dissolution of School Administrative District No. 3, House Paper 618, L. D. 835, and the Chair understands that the gentleman from Liberty, Mr. Westerfield, calls this matter up for consideration.

On motion of Mr. Westerfield of Liberty, the House voted to suspend the rules in order to reconsider its action of May 11 whereby it accepted the Committee Report "Leave to Withdraw."

The SPEAKER: The Chair recognizes the same gentleman.

Mr. WESTERFIELD: Mr. Speaker and Ladies and Gentlemen of the House: A week ago last Tuesday I asked this House to extend to me the courtesy of recalling from the legislative files L. D. 835. This bill was an act to dissolve School Administrative District No. 3. My reason at that time for having asked you to recall this bill was the fact that in spite of the fact we had passed and enacted, and had been signed by the Governor, a bill L. D. 1577, which provided a means whereby the member towns of School Administrative District No. 3 or any other district in the state through the general law had a means of dissolving. In spite of that fact, the directors of School Administrative District No. 3 had chosen to issue a note in the amount of \$8,800 to an architect for the sole purpose of tying up School Administrative District No. 3 so that a vote could not be taken in that district.

Several days of mediation have occurred since our recall of this bill. I am pleased to report at this time that the directors of School Administrative District No. 3 as of last night voted to withdraw the note in order to permit the town of Liberty which had posted its warrant on Monday—or Saturday two weeks ago, so that that town can vote tomorrow evening.

With reference to L. D. 835 now before us, I would like to have your permission now to recommit this bill to the Education Committee for the purpose of using it as a vehicle whereby an amendment can be drafted for L. D. 1577, which would prohibit this type of roadblock action once a town has taken steps towards petitioning for dissolution. As the bill now reads—

The SPEAKER: The Chair will advise the gentleman that before he can make a motion to recommit, the motion to reconsider must prevail and that will be the pending motion which will be put when the debate is over with.

Mr. WESTERFIELD: Thank you, Mr. Speaker.

The SPEAKER: However, the eventual outcome of the thing is

debatable and can be discussed at any time.

The gentleman is in order and he may proceed.

Mr. WESTERFIELD: The purpose for making this request is that under the present law, as it is designed, a town cannot petition for dissolution unless the district is free from any notes or bonds. This is reasonable. However, as has been indicated by the action that was taken by the directors in District 3, an action can occur where although there is no major indebtedness, a small note can be issued to some individual after a town has posted its warrant and prior to the time that it takes its vote, and therefore nullify that town's attempt or the possibility of its taking a vote on the petition for dissolution.

So for these reasons I would now ask that we reconsider our action whereby we accepted the Committee Report Leave to Withdraw.

The SPEAKER: The question before the House is the motion of the gentleman from Liberty, Mr. Westerfield, that the House reconsider its action whereby it accepted the Committee Leave to Withdraw Report. Is it the pleasure of the House that the House reconsider its action? All those in favor say aye; those opposed, no.

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

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

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Mr. Hughes of St. Albans was granted unanimous consent to make a short announcement.

Mr. HUGHES: I understand that there was some question in the Speaker's mind this afternoon whether I was a member of this body or not. I would wish to make the announcement that unless I was impeached in the short period that I was in the gallery with the young ladies from my home town,

that I am still a member of the body.

The SPEAKER: And the Chair would say, in good standing.

On motion of Mr. Baxter of Pittsfield,

Adjourned until nine o'clock tomorrow morning.