

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and First
Legislature*

OF THE

STATE OF MAINE

1963

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Thursday, April 25, 1963

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

Prayer by the Rev. Mr. Charles F. Lambshead of the Pleasant Street Church, Corinna.

The journal of yesterday was read and approved.

The SPEAKER: The Speaker is most happy this morning to recognize in the balcony of the House, sixty pupils from the Williams High School of Oakland accompanied by their teacher, Mr. Atwood. These are the special guests of Representative Sahagian of Belgrade. Would you rise and be recognized. (Applause)

Also thirty pupils, juniors and seniors from the Farmington State Normal School, accompanied by Agnes Manter, State Government instructor, and these are the guests of Representative Jones of Farmington. Would you rise and be recognized. (Applause)

On behalf of the House, the Chair extends to you folk a warm welcome and we trust that you will enjoy and profit by your experience with us here this morning.

The SPEAKER: The Chair also at this time recognizes seventy-five women who are members of the Oxford County Women's Extension Group. These are guests of the Oxford County delegation. Would you rise, ladies, and be recognized by the members of the House. (Applause)

On behalf of the House, the Chair extends to you ladies a warm welcome and we trust that you will enjoy and profit by your visit here.

**Papers from the Senate
Conference Committee Report**

Report of the Committee on Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Registration of Motor Vehicles Required to be Registered in Another State by Maine Residents" (S. P. 345)

(L. D. 1010) reporting that the House recede and concur with the Senate. (Signed)

WYMAN of Washington
BROWN of Hancock
COLE of Waldo

— Committee on part of Senate
PLANTE

of Old Orchard Beach
FINLEY of Washington
LINNEKIN of Limington

— Committee on part of House
Came from the Senate read and accepted.

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

**Senate Reports of Committees
Leave to Withdraw
Covered by Other Legislation**

Report of the Committee on Towns and Counties on Resolve Appropriating Money for School Building for Hope Training School in Rumford (S. P. 219) (L. D. 528) reporting Leave to Withdraw, as it is covered by other legislation.

Came from the Senate read and accepted.

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

Ought Not to Pass

Report of the Committee on Retirements and Pensions reporting "Ought not to pass" on Bill "An Act Providing for Tax Sheltered Annuities for Employees of School Administrative Units" (S. P. 456) (L. D. 1283)

Came from the Senate read and accepted.

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

**Ought Not to Pass
Indefinitely Postponed**

Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to Chemical Tests in Fatal Motor Vehicle Collisions" (S. P. 476) (L. D. 1328)

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

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

Non-Concurrent Matter

Bill "An Act relating to Salaries Fixed by Governor and Council" (S.

P. 462) (L. D. 1289) which was passed to be engrossed in non-concurrence in the House on April 17.

Came from the Senate with that body voting to adhere to its former action whereby the Bill was indefinitely postponed.

In the House: On motion of Mr. Dennett of Kittery, the House voted to insist on its former action and request a Committee of Conference.

Orders

On motion of Mr. Karkos of Lisbon, it was

ORDERED, that Miss Libby Rust and Master John Rust of York be appointed to serve as Honorary Pages for today.

The SPEAKER: Will the Sergeant-at-Arms please retire to the rear of the Hall of the House and escort these young people to serve as Honorary Pages for the day. These are the children of Representative Rust of York. (Applause)

Thereupon, Miss Libby Rust and Master John Rust of York were escorted to the well of the Hall of the House by the Sergeant-at-Arms to serve as Honorary Pages for the day.

On motion of Mrs. Shaw of Chelsea, it was

ORDERED, that Donna Ward of Clinton, Suzanne Bosse of Millinocket, and Sally Bell of Augusta, be appointed to serve as Honorary Pages for today.

The SPEAKER: The Sergeant-at-Arms will retire to the rear of the Hall of the House and escort the Honorary Pages to their positions to serve for the day. These three young ladies are seniors from Farmington State Teachers College. All will be teaching in Maine this coming year. (Applause)

Thereupon, the Misses Donna Ward of Clinton, Suzanne Bosse of Millinocket and Sally Bell of Augusta were escorted to the well of the Hall of the House by the Sergeant-at-Arms to serve as Honorary Pages for the day.

Mr. Libby of Portland presented the following Order and moved its passage:

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to study the

subject matter, Bill: "An Act Relating to Out-of-State Credit for Service of Members of Maine State Retirement System," introduced at the regular session of the 101st Legislature, to determine whether the best interests of the State would be served by the enactment of such legislation; and be it further

ORDERED, that the Committee report the results of its study to the 102nd Legislature. (H. P. 1066)

The Order received passage and was sent up for concurrence.

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

Mr. DENNETT: Mr. Speaker, I now move that the House reconsider its action of yesterday whereby it passed an Order creating an interim committee to study "An Act Transferring Indian Affairs to Governor and Council." This Order is House Paper 1064. This move to reconsider is made simply for the purpose of ultimately introducing a corrective amendment.

The SPEAKER: The gentleman from Kittery, Mr. Dennett, moves that the House reconsider its action whereby it passed an Order on April 24, House Paper 1064. Is it the pleasure of the House to reconsider?

The motion prevailed.

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

Mr. DENNETT: Mr. Speaker, I now move that this matter lie upon the table and be specially assigned for tomorrow.

Thereupon, the Order was tabled pending further consideration and specially assigned for tomorrow.

On motion of Mr. Mendes of Topsham, it was

ORDERED, that Mr. Ayoob of Fort Fairfield be excused from attendance this week because of business, and that Mr. Noel of Waterville be excused from attendance for the duration of his illness.

House Reports of Committees Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act Permitting Spendthrift Provisions Applica-

ble to Life Insurance Proceeds" (H. P. 653) (L. D. 909)

Report was signed by the following members:

Messrs. FARRIS of Kennebec
BOARDMAN of Washington
CAMPBELL of Kennebec
— of the Senate.

Messrs. SMITH of Bar Harbor
THORNTON of Belfast
BERMAN of Houlton
PEASE of Wiscasset
CHILDS of Portland
KNIGHT of Rockland
— of the House.

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

Report was signed by the following member:

Mr. RUST of York
— of the House.

Reports were read.

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

Mr. SMITH: Mr. Speaker, with respect to L. D. 909, I move acceptance of the "Ought to pass" Report.

The SPEAKER: The gentleman from Bar Harbor, Mr. Smith, moves that the House accept the Majority "Ought to pass" Report. Is this the pleasure of the House?

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

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: I am the sole signer of the Minority "Ought not to pass" Report in opposition to all the other members of the Judiciary Committee. I would like to explain the reasons why I oppose this particular piece of legislation.

This bill proposes to allow a person who takes out an insurance policy, a life insurance policy, to provide upon payment in the event of death, that the proceeds of the policy may be held by the insurance company under so-called spendthrift provisions. Now spendthrift provisions simply mean that the person puts the money beyond the control of his estate and beyond the control of the persons who are to receive the proceeds of that life insurance policy which are usually the heirs or the next of kin, is paid out on a monthly basis but

the people who are entitled to those monthly payments have no right to the money until it is turned over to their hands and the creditors of these beneficiaries have no right to the money or to reach for the money until it is paid over.

Now this is a very good thing and it is a worthwhile provision, but the point here that bothers me is that if I take out a life insurance policy on my life and I put spendthrift provisions in there and I let the insurance company keep it, I put it beyond the control of my creditors. I put it beyond the control of the creditors of my beneficiaries of the policy, but I do not put it beyond the controls of the creditors of the insurance company; because the insurance companies apparently take these funds, put them into one common pot where it is subject to the control of any creditor of the insurance company. For that reason, I strongly oppose this particular piece of legislation, and I hope that the motion to accept the Majority Report does not prevail.

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

Mr. SMITH: Mr. Speaker, the gentleman from York, Mr. Rust, in suggesting that the insurance laws are not properly protective, is bucking up against the almost universal insurance laws throughout the United States. Insurance companies are one of the most closely and highly regulated types of business we have. The practice which the gentleman from York refers to of holding money by the company in, as he calls it, a common pot, has been successful, and it is in accord with the practice throughout the United States. The majority of the Judiciary Committee was of the opinion that this bill is not the means for attacking the practices of the insurance companies which have been successful, and they believe that the provisions of this bill, as I believe the gentleman from York, Mr. Rust, are in accord—I believe he agrees—are a good thing for the beneficiary. Further, the practice is in accord with the practice in this state and in many states in any event.

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

Mr. RUST: Mr. Speaker, it is true that insurance companies are well regulated. However, they have been known to go into bankruptcy. When the gentleman from Bar Harbor, Mr. Smith, says that insurance companies are well regulated, I would say to you ladies and gentlemen that so are banks. If you put your money in a bank, it is protected up to the tune of at least \$10,000, and in many cases up to \$20,000; but if you leave these proceeds in an insurance policy with a life insurance company, you have no protection whatsoever. Thank you. I request a division on the motion.

The SPEAKER: A division has been requested on the motion of the gentleman from Bar Harbor, Mr. Smith, that the House accept the Majority "Ought to pass" Report on Bill "An Act Permitting Spendthrift Provisions Applicable to Life Insurance Proceeds," House Paper 653, Legislative Document 909.

All those in favor of accepting the Majority "Ought to pass" Report will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Sixty-one having voted in the affirmative and fifty-two having voted in the negative, the motion did prevail.

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

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on State Government on Bill "An Act relating to Mileage and Expenses for Members of Legislature" (H. P. 613) (L. D. 848) which was recommitted, reported same in a new draft (H. P. 1065) (L. D. 1531) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. WHITTAKER of Penobscot
LOVELL of York
Mrs. CHRISTIE of Aroostook
— of the Senate.

Messrs. DENNETT of Kittery
BERMAN of Houlton
THAANUM of Winthrop
SMITH of Strong
BERRY of Cape Elizabeth
— of the House.

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

Report was signed by the following members:

Messrs. DOSTIE of Lewiston
CARTIER of Biddeford
— of the House.

Reports were read.

(On motion of Mr. Dennett of Kittery, tabled pending acceptance of either Report and specially assigned for Tuesday, April 30.)

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

Divided Report

Report "A" of the Committee on Judiciary on Bill "An Act to Determine Liability and Responsibility of Drivers of Fire Apparatus" (H. P. 736) (L. D. 1065) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Mr. BOARDMAN of Washington
— of the Senate.

Messrs. CHILDS of Portland.
BERMAN of Houlton
RUST of York
KNIGHT of Rockland
— of the House.

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

Report was signed by the following members:

Messrs. FARRIS of Kennebec
CAMPBELL of Kennebec
— of the Senate.

Messrs. THORNTON of Belfast
SMITH of Bar Harbor
PEASE of Wiscasset
— of the House.

Reports were read.

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

Mrs. OAKES: Mr. Speaker, I move we accept the "Ought to pass" Report.

The SPEAKER: The gentlewoman from Portland, Mrs. Oakes, moves that the House accept Report A, "Ought to pass." Is this the pleasure of the House?

(Cries of "No")

The motion prevailed.

The SPEAKER: Is it the pleasure of the House that we reconsider our action whereby Report A was adopted?

(Cries of "No")

All those in favor of reconsidering our action whereby Report A was just accepted, will please say aye; those opposed, no.

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

Thereupon, the Bill was read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 736, L. D. 1065, Bill, "An Act to Determine Liability and Responsibility of Drivers of Fire Apparatus."

Amend said Bill by striking out the 11th, 12th, and 13th lines and inserting in place thereof the following:

"owning or using the fire department vehicle."

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

Divided Report

Report "A" of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act to Provide for a Lien for Hospital Services on Recoveries from Third Persons" (H. P. 737) (L. D. 1066)

Report was signed by the following members:

- Messrs. KNIGHT of Rockland
- THORNTON of Belfast
- SMITH of Bar Harbor
- CHILDS of Portland
- PEASE of Wiscasset

— of the House.

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

Messrs. FARRIS of Kennebec

CAMPBELL of Kennebec
BOARDMAN of Washington
— of the Senate.

Messrs. BERMAN of Houlton
RUST of York

— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Wiscasset, Mr. Pease.

Mr. PEASE: Mr. Speaker, I move that the House accept Report A of the Committee of Judiciary on this bill, "Ought to pass."

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

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

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to the motion of the gentleman from Wiscasset, Mr. Pease, and hope that Report A is not accepted. I think this particular piece of legislation requires considerable explanation.

This particular bill to me is another case of somebody that wants to put his finger into your personal business, on a particular problem which is not of sufficient general importance to require this type of legislation. Now what this bill will do is if you are injured in an automobile accident and are treated at a hospital, the hospital will have a lien on your accident claim or against your insurance company for any money that may be due you under your insurance policy or as a result of your automobile claim for personal injuries. Now this creates to me a considerable problem in the administration of a personal injury claim. There are many cases where a person has a claim against another automobile driver or another insurance company for personal injuries, and the liabilities on one side or on the other are always a very relative matter as to who was right and who was wrong.

As a result of that particular problem, it is always the question of whether the insurance company will pay or will not pay, or how much they will give you on a par-

ticular case. This requires a considerable amount of negotiation between your lawyer, the insurance adjuster, or the lawyer for the insurance company; and also with your doctors on medical reports. Because that particular area of discussion and negotiation is a considerable problem, I don't feel that anyone else should get involved in it and make it more difficult than it already is because I personally feel from my own experience that it will be detrimental to the person making the claim and not beneficial.

Now if the hospital were to have the right to have a lien, they can put the lien on and make the claim and whatever moneys you would have coming due, would go to the hospital until they were paid and you would have no say about it whatsoever. Now the problem involved here goes one step further. In many cases there are insufficient funds to pay the doctors, the hospital, and leave something left over for the person who suffers the injuries. And as a consequence it involves many cases where the lawyer has to make a compromise not only with his own fees, but with the hospital, with the doctors and as well with the client in order to effectuate a reasonable settlement with the insurance company. I sincerely stand here today and say to you ladies and gentlemen of this House that this particular piece of legislation will create more problems than it will cure, and it will cause you more trouble and it will not be the benefit to the hospitals which they expect because the problem they are trying to cure is not as great as they would have you believe. Thank you. I request a division when the vote is taken.

The SPEAKER: The Chair recognizes the gentleman from Wiscasset, Mr. Pease.

Mr. PEASE: Mr. Speaker, Ladies and Gentlemen of the House: I shall attempt to be very brief concerning legislative document 1066 which is An Act to Provide a Lien for Hospital Services on Recoveries from Third Persons. This act or bill was intended to provide for a lien on behalf of the hospital only in the

situation where a third party has been responsible for an injury to an individual. I think that the obvious case is a situation where someone is traveling through your community in an automobile, strikes a pedestrian in that community or if the individual traveling through the community is injured and hospitalization is necessitated. That individual, then, perhaps after leaving the hospital, not having sufficient funds then to pay the bill, goes to some other part of this state or goes to another state and is very apt to be paid directly by the insurance company for not only his special damages as we attorneys refer to it, his medical expenses, his hospital expenses, but also some compensation for his pain and suffering and so forth.

The bill was introduced to cover this type of situation to protect the hospital who has furnished the life-saving services which are necessary in situations like this. I would call to your attention in closing that this is very little different than many statutes which we presently have on the books. For example, an innkeeper has a lien, a taxi driver has a lien, and these are both enforced by criminal penalties; undertakers have liens, as do attorneys; mechanics; practically every class of laboring man; material men that furnish material for building; there are provisions in our statutes for liens on vessels and liens on logs and lumber. I would suggest to you that in all fairness to the hospitals who are operating on a non-profit basis and many times a losing proposition, it seems only fair to protect them in the situation as I have outlined it. I would hope that Report A, "Ought to pass" is accepted.

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

Mr. BERMAN: Mr. Speaker, as a signer of the Minority "Ought not to pass" with my good colleague, Mr. Rust, I think I should state very briefly that the nub of this particular problem is simply this. Is this House going to go along and put another law on the already overcrowded law books to cover a few special cases, or is this House going

to go along with the "Ought not to pass" Report and refuse to complicate an already extremely complicated procedure for settling claims?

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

Mr. LIBBY: Mr. Speaker, I would like to ask through the Chair of the Honorable Mr. Pease from Wiscasset, would the hospital take precedence over a funeral director in case of an estate, in case of death?

The SPEAKER: The gentleman from Portland, Mr. Libby, poses a question through the Chair to the gentleman from Wiscasset, Mr. Pease, who may answer if he chooses.

Mr. PEASE: Mr. Speaker, in answer to the gentleman from Portland, Mr. Libby, I would say that we have special statutes which cover the debts of a deceased, and there are special preferences which must be given under those chapters of our statutes relating to this. I do not believe that this lien would take precedence in case of death.

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

Mr. BERRY: Mr. Speaker and Members of the House: I would like to rise in support of the stand of the gentleman from Wiscasset, Mr. Pease. After listening to the arguments of the gentleman from York, Mr. Rust, it sounds to me like the only people who have anything to worry about this are people who intend to be dead-beats. I think that we are faced with here the problem of reducing the expenses to our hospitals where they are unable to collect justifiable claims. This House has been faced in the past with attempting to supply the deficits of the operation of our Maine hospitals. I think this is a very practical approach which will hurt no one. Anybody apparently who would be hurt intended to be from the first. I think it sounds like very good legislation.

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

Mr. LIBBY: Mr. Speaker, Ladies and Gentlemen: A funeral director's greatest problem is to collect his accounts. He is now protected by

law. He has a priority claim. If any other body or hospital or otherwise should precede us, this would bring very serious consequences to our very difficult business if I may say so, and obviously the Honorable Mr. Pease is not certain whether or not this will take—the hospital will take priority over us. Because of this uncertainty, I suspect that it will. I am very greatly concerned. As I say again, without this protection the funeral directors in this state could not stay in business. Thank you.

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

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: I would like to answer the question of the gentleman from Portland, Mr. Libby and my explanation is considerably different than that given by the gentleman from Wiscasset, Mr. Pease. This particular bill first gives a priority on the claims to the lawyers. They are protected first. The second persons that are protected would be the hospitals. Now in the case that Mr. Libby refers to where a person has been in a hospital and has died and the undertaker has seen fit to bury him and it is a question of when or how he is going to collect his bill, the undertaker has to get his payment from the estate. Now in this case, the funds that would go into the estate are what is left after the lawyer takes his fee and after the hospital takes their cut and if there is anything left, I will leave up to Mr. Libby to decide that point.

Now in relation to what the gentleman from Cape Elizabeth, Mr. Berry, said about the deficit in the hospitals, it is true that many of our hospitals do have a deficit, but it is not created by the people or by the hospitals not collecting their bills from this particular type of cases because in most cases, I would say in 99 percent of the cases, the lawyers who settle these claims for their plaintiffs make satisfactory arrangements to see that the hospitals are paid. Unfortunately there are some of our Brothers at the Bar who are not so considerate, but they are in the

very, very minority. So if the hospitals have a problem with collecting their bills, it is not on this type of cases, it is on the general run of the mill people who are just so swamped with medical bills that they unfortunately cannot meet them.

The SPEAKER: The Chair recognizes the gentleman from Wiscasset, Mr. Pease.

Mr. PEASE: Mr. Speaker, Ladies and Gentlemen of the House: I wonder just what we are arguing about here this morning. I question whether the services which are rendered by the hospital in caring for the injured patient and healing are any less important than interring the body after life has left it. If this is a question of protecting the funeral directors in this state which are operating on a profit basis, I would welcome an amendment to L.D. 1066 to terminate this lien at death. Otherwise in weighing this thing, I would heartily urge you to adopt Committee Report A.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: I can see no particular good in this particular bill, but I think I can see a lot of harm. I will correct that. I can see a little good for the people who are engaged in the same business that I am, writing insurance. It probably would help me somewhat and other insurance agents to get a little more coverage on major accident coverage or major sickness, but I think the harm it would do to the other people, citizens of our state, would much outweigh the good it would do the few agents and lawyers. There are plenty of laws on our statutes whereby bills can be collected if they are collectible, and to put a lien on someone's home, I think it would be just terrible unless the Medi-Care Bill finally gets through Congress. If we do pass this, I am sure that I shall write to my Representative in Congress and ask them to vote for the Medi-Care Bill.

The SPEAKER: Is the House ready for the question?

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

Mr. SMITH: Mr. Speaker, as a signer of the Report A, "Ought to pass" Report, I feel I should give the reasons why I did sign that. In my area, we have a very real transient problem. Something over a million people per year pass through our particular part of the state. Inevitably, accidents occur, automobile accidents, people are rushed to the hospital on an emergency basis. The hospital cannot be sure of whether it will or will not be paid, you can't insist on provisions in advance and in an emergency, the injured person leaves the hospital and goes back to New York or New Jersey, settlement is made there with the insurance company. Without lien provisions, there is no protection to the hospitals. In my opinion, the bill looks much worse than it really is. In the view of the gentleman from York, Mr. Rust, the vast majority of people are honorable, they pay their bills. Hospital bills are one of the first bills every person tries to pay after having been injured or ill. When this bill appeared before the Committee, there was no opposition. One of the administrators of one of the leading hospitals in our state appeared and gave a detailed account from the case records in his hospital showing the burden on the hospital and the loss in a great many of these cases where the hospital was left with no recourse. The burden of hospital deficit throughout the state, as we know, is very heavy. This is one way of undertaking to relieve in part at least the deficit of our various hospitals.

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

Mr. LIBBY: Mr. Speaker, I have nothing against this bill as it stands except that I am sure it is not the intent to hurt another industry in this state such as the funeral directors. Apparently, it was not considered. Obviously, Mr. Pease has suggested that an amendment might be in order. Therefore, I hope that the funeral directors will be considered in this matter. Thank you.

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

Mr. BREWER: I will now move that this bill be tabled until the next legislative day.

(Cries of "No")

The SPEAKER: The gentleman from Bath, Mr. Brewer, moves that item four be tabled until the next legislative day. All those in favor will say aye; those opposed, no.

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

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

Mr. SMITH: I would like to ask the Clerk if it is not in order later after the second reading for amendments to be added at that time?

The SPEAKER: If Report A is accepted, it is amendable at all times up to enactment.

Mr. Rust of York was granted permission to speak a third time.

Mr. RUST: Mr. Speaker, I think the fairest way to dispose of this is the motion to indefinitely postpone it, and I so move and I request a division.

The SPEAKER: The gentleman from York, Mr. Rust, now moves indefinite postponement of the Bill and both Reports.

The Chair recognizes the gentleman from Portland, Mrs. Hendricks.

Mrs. HENDRICKS: Mr. Speaker and Members of the House: I think we all realize that there are many hospitals that are operating in the red, and you and I know that we have to pay exorbitant prices when we go to a hospital and have a private room or just a semi-private room. So I think this should be considered in voting against this motion to indefinitely postpone.

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 both Reports and the Bill "An Act to Provide for a Lien for Hospital Services on Recoveries from Third Persons," House Paper 737, Legislative Document 1066, be indefinitely postponed. A division has been requested.

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

A division of the House was had. Ninety having voted in the affirmative and thirty-one having voted in the negative, the motion prevailed.

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

The SPEAKER: The Speaker at this time is very pleased to recognize in the balcony of the House, a representative group of the Republican Club of Bates College.

On behalf of the House, the Chair extends to you people a warm welcome and we trust that you will enjoy and profit by your visit with us here this morning. (Applause)

**Passed to Be Engrossed
Third Reading
Amended**

Bill "An Act to Create a Mount Desert Island Regional School District" (H. P. 475) (L. D. 678)

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

Mr. Benson of Southwest Harbor offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 475, L. D. 678, Bill, "An Act to Create a Mount Desert Island Regional School District."

Amend said Bill in section 3 by striking out in the first sentence of the 2nd paragraph the figure "6 percent" and inserting in place thereof the figure '5 percent'; and by striking out in the 3rd sentence of the 2nd paragraph the figure "6 percent" and inserting in place thereof the figure '5 percent'

Further amend said Bill in the 6th line of section 16 by striking out the figure and word "1 year" and inserting in place thereof the figure and word '2 years'

Further amend said Bill in section 16 by striking out in the 10th line the words "municipal officers" and inserting in place thereof the words 'registrar of voters'; and by striking out in the 13th line the words "municipal officers" and inserting in place thereof the words 'registrars of voters'

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

Bill "An Act Providing for Disposal of Unnecessary Buildings and Appurtenances Belonging to State of Maine" (H. P. 1063) (L. D. 1529)
 Resolve Providing State Pension for Guy C. Brown of Portland (H. P. 1042) (L. D. 1513)

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

Amended Bills

Bill "An Act Transferring South Portland Sewerage District to City of South Portland" (H. P. 610) (L. D. 845)

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

Bill "An Act to Provide Marine or Tidal Water Classifications" (S. P. 558) (L. D. 1500)

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

Bill "An Act Prohibiting the Use of Live Birds for Certain Purposes" (H. P. 1038) (L. D. 1505)

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

Bill "An Act Increasing Minimum Wages and Revising the Minimum Wage Law" (S. P. 183) (L. D. 482)

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

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

Mr. JONES: Mr. Speaker, I would respectfully request that this item be tabled to one week from today.

The SPEAKER: The gentleman from Farmington, Mr. Jones, moves that item 6 be tabled to one week from today, May 2.

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

For what purpose does the gentleman arise?

Mr. BROWN: To request a division, Mr. Speaker.

The SPEAKER: A division has been requested. All those in favor of this matter being tabled until May 2 will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Twenty having voted in the affirmative and seventy-five having voted in the negative, the tabling motion did not prevail.

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

Mr. JONES: Mr. Speaker, I would request this be tabled until tomorrow.

The SPEAKER: The gentleman from Farmington, Mr. Jones, now moves this item be tabled until tomorrow. Is this the pleasure of the House?

(Cries of "No")

The SPEAKER: All those in favor of the tabling motion will say aye; those opposed, no.

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

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

Passed to Be Enacted Emergency Measure

An Act relating to Non-lapsing Funds for Armory Expansion (S. P. 89) (L. D. 226)

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. 107 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Appropriating Funds for Employment of Necessary Staff and Other Operating Expenses at Northeastern Maine Vocational Institute (H. P. 174) (L. D. 243)

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. 109 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act to Increase the Pensions of Certain Retired Teachers (H. P. 246) (L. D. 314)

An Act relating to Operation of Farm Trailers without Registration (H. P. 620) (L. D. 855)

An Act Increasing Compensation of Members of State Personnel Board (H. P. 685) (L. D. 941)

An Act relating to Binders on Pulpwood, Logs or Bolts Hauled in Motor Vehicles (H. P. 1045) (L. D. 1512)

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.

Orders of the Day

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

HOUSE REPORT — Ought not to pass — Committee on Judiciary on Bill “An Act to Provide Compulsory Driver Education for Certain Motor Vehicle Law Violators.” (H. P. 773) (L. D. 1127)

Tabled — April 17, by Mr. Linnekin of Limington.

Pending — Acceptance of Report.

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

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

HOUSE REPORT — Ought to pass with Committee Amendment “A” (Filing (H-252) — Committee on Welfare on Bill “An Act relat-

ing to the Definition of Aid to Dependent Children.” (H. P. 958) (L. D. 1392)

Tabled — April 17, by Mr. Mendes of Topsham.

Pending — Acceptance of Report.

Thereupon, the “Ought to pass” Committee Report was accepted and the Bill read twice.

Committee Amendment “A” was read by the Clerk as follows:

COMMITTEE AMENDMENT “A” to H. P. 958, L. D. 1392, Bill, “An Act Relating to the Definition of Aid to Dependent Children.”

Amend said Bill by adding at the end before the single quotation mark the following underlined sentence:

‘A mother receiving an aid to dependent children grant for her child may not live in a single house, trailer, an apartment or a room with a male person unless they are blood relatives, the male person has a wife in the home, there exists a bona fide housekeeping arrangement in the home of the male employer whereby the mother receives payment for such services, or the father is physically or mentally incapacitated as provided in subsection I.’

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

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

SENATE MAJORITY REPORT (7) — Ought to pass — Minority Report (3) — Ought not to pass — Committee on Highways on Bill “An Act Continuing Use of State Aid and Town Road Improvement Funds.” (S. P. 386) (L. D. 1089) — Engrossed in Senate.

Tabled — April 18, by Mr. Turner of Auburn.

Pending—Motion of Mr. Drake of Bath to Accept Majority OTP Report.

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

Mr. TURNER: Mr. Speaker and Members of the House: This is kind of a bad morning to get all shook up and in order to speed up the session and keep the mill running smoothly, I move indefinite postponement of this bill.

The SPEAKER: The gentleman from Auburn, Mr. Turner, moves the indefinite postponement of the Bill and both Reports.

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

Mr. DRAKE: Mr. Speaker, Ladies and Gentlemen of the House: What an act to follow! I would just like to give a few of the details on this bill. L. D. 1089 was drafted and introduced to help the small communities in the State of Maine. We have 414 towns of the 494 municipalities in Maine with less than 2500 population. There are 9,270 miles of town roads and 879 miles of designated but unimproved state aid roads. The unimproved state aid roads are town roads until such time as they are built to state aid specifications.

After they are built to state aid standards they will be taken over by the state for all maintenance for summer travel. We should make every effort to enact legislation that will provide the most year-round roads at the lowest possible cost. Legislative Document 1089 is the answer.

While the broiler industry development is a good example of this type of need, one can think of many other examples, such as heavy milk tank trucks and heavy trucks hauling pulp and logs. There have been some comments concerning the fact that a program such as this would lead to severe abuses by municipal officers. Just one thought seems to be in order at this time. Boards of Selectmen have been administering the state aid and town road improvement for years and have done a very creditable job. It seems that with the enactment of L. D. 1089 the same selectmen will be able to do an even better job with their state aid and town road improvement funds.

This bill is enabling legislation. Thus, no town or city is required to use it unless it is of advantage to them and unless it has been approved by the municipal officers and Highway Commission. Rural folks are not demanding boulevards. They want roads that will make it possible for their children to get to school; take eggs, vegetables and wood to market and allow mail car-

riers and fire equipment to reach their homes in safety.

A good example of what this program under L. D. 1089 would accomplish would be to build suitable roads to broiler houses; a large number of them are located on town roads. Sometimes there are several on the same road. Grain is delivered in large bulk trucks and storage is generally limited to something in the nature of a week or slightly more. Unless the town roads to these broiler growers can be built to specifications greater than those possible under the town road improvement program, this traffic must be restricted in the spring and during the wet weather or when the roads will not hold up. In most instances these roads do not have to be built to state aid specifications, but they do need heavier construction than town road improvement permits at present. The program proposed by L. D. 1089 would fit this situation perfectly by using state aid and town road improvement funds combined. I hope that the House will accept the Majority "Ought to pass" Report.

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

Mr. CHAPMAN: Mr. Speaker, I would like to pose a question to the gentleman from Bath or anyone else who is qualified to answer. The question is: how many miles of unimproved road could never qualify as a state aid road? Those are the roads that in my opinion need this money which they might not get if we combine this money that we are talking about.

The SPEAKER: The gentleman from Norway, Mr. Chapman, poses a question through the Chair to the gentleman from Bath, Mr. Drake, or to anyone who may answer if he chooses, how many miles of unimproved roads do we have in Maine?

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

Mr. TURNER: Mr. Speaker, in that pamphlet that he was reading there, the sponsor of the bill says there are 9,260 odd miles of unimproved road.

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

Mr. KENT: Mr. Speaker and Members of the House: I take issue with the gentleman from Auburn, Mr. Turner, this morning. He mentioned that he wanted to keep everything running smoothly. I think the indefinite postponement of this bill this morning would be just a little bit on the contrary to that, due to the sunshiny weather we have outside.

This bill I am very much interested in. I have had the privilege of administrating the town road improvement money on these roads for the last eight years, and in answer to the gentleman from — to my right, Mr. Chapman, in regard to these country roads. Now this fund can be alternated between the state aid and road improvement. In other words, they can take the state aid and combine it with the town road improvement money a good many times on these back roads which will do them a great deal of good.

Also, in the opposite direction, the town road improvement money under this bill can be combined with the state aid funds. Now in a good many instances this will allow towns which maybe in precedence could take a state aid designated road and combine these two funds together and thereby get this road accepted by the state and take it off their own town expense. And I believe this is a good bill and I believe it is something that is going to help these small communities out a great deal, and I certainly hope that the motion of the gentleman from Auburn, Mr. Turner, does not prevail to indefinitely postpone.

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

Mr. CURTIS: Mr. Speaker and Members of the House: What they claim this bill will do to give to the Highway Commission they already have. They have that power now and they are doing it somewhat. They did it for the Town of Bowdoinham last year and they did it for the Town of Bowdoinham this

year. They do not make it a practice unless there is some real particular reason why they should, so as far as giving the Highway Commission authority to do this, they already have the authority. As I understand this bill, it would demand of them to do these things. Now if you will recall looking back over the record in the Legislature in 1951, this august body passed a resolve authorizing the State Highway Commission to return to the respective municipalities such state aid roads as they saw fit, and in 1953's session why they brought it in here and they returned about all of them back, just left a few. Well, we didn't buy it at that time, but they had to set up a 20 million dollar road program, and it was costing at that time \$750 a mile, which took a million and a half to take care of these state aid roads, so to get out of that dilemma to continue with the state aid roads why they passed the one cent gas tax and they increased the town road improvement from \$50 a mile to \$155. Now it has done a tremendous job. I think that one cent gas tax is the biggest cent and bought the most for the money of any cent that was ever spent in the State of Maine, and it has done a tremendous job and done a lot of work and it improved a lot of roads where towns would not have them improved.

Now it is limited by the State Highway Commission. You can only spend \$6,000 per mile, and if the town wants to tar it why they can tar it on their own, which our town does.

Now as I see this bill, what it is really going to do, it is going to add these funds together, it is going to turn over to the state the maintenance of the roads, because under the present law the maintenance of a state aid road is the proper consideration of the State Highway Commission. Now to be a state aid road under the rules and regulations today, you have to have fifty cars over that piece of road to make it designated for a state aid road in twenty-four hours, but now with this bill why you could jumble the thing up so that perhaps the towns would be in con-

flict entirely with the Highway Commission and I do believe that our Highway Commission can be trusted and I don't see any need of this and I think it would make a lot of trouble. And one way I think it would make trouble perhaps our selectmen, municipal officers, would like to have some particular state aid road finished, and they put the town road improvement on that road. Well, this cannot be done now only by permission of the State Highway Commission, but the State Highway Commission don't allow it I don't think at all. The only chance they will grant state highway aid to a dirt road is where this road is not — does not have fifty cars in twenty-four hours over it, and I can see whereby you could by the wish of the municipal officers you could take this \$6,000 a mile off from a road that needed it, and put it with your state aid road and you would really defeat the purpose of the bill that was passed back in 1953, so I hope this measure does not go through. I hope it receives indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen: I have had some experience with this state aid roads and also town road improvement and must I say that I am very satisfied with the bill as it now exists.

Now first of all at the present time they are allowed to take from this town road improvement—I think it is \$300 that they are allowed, or at least our town is allowed to take, and apply to state aid. Now the intention of this road money, this town road improvement money, was to get at the rural areas, the mud roads so-called. Now what it tends to do is patch them up so the mailman can get over them and people can get to and from work. It barely does that; a load of dirt here and there \$150 a mile or approximately, so you can make it so these people can get to work and the mailman can bring the mail, but what this bill tends to do, it tends to make them so that the heavy grain trucks and heavy

poultry trucks and the heavy milk trucks can get there also. Now this sounds good and would be good except that it is just a question of whether you want to dump the gravel all in one hole or whether you want to spread it over and get to the last house on the road.

Now it is my opinion that the last house on the road has as much right to get to work and have the doctor and have the mail man as the first two houses on the road.

Now I say another thing, that I am sure if we were to pass this measure, it will only be a short time we would have to raise the gas tax probably one cent to take care of, and this is another reason that I am opposed, and I wholeheartedly support the motion of the gentleman from Auburn, Mr. Turner, in indefinitely postponing this bill.

The SPEAKER: The Chair recognizes the gentlewoman from Bethel, Mrs. Lincoln.

Mrs. LINCOLN: Mr. Speaker, Ladies and Gentlemen of the House: The towns that I represent are all heartily in favor of this bill, and I would also like to remind you again that this is permissive legislation. If it is passed, those who want it can use it, and those who don't want it, don't have to. Therefore, I hope that the motion to indefinitely postpone does not prevail.

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

Mr. WILLIAMS: Mr. Speaker and Members: I was here when this law was first passed. At that time we were trying to do something for the roads in the various towns in which little work was ever done. These were the so-called rural back roads or forgotten people. It was passed to do just what the title says, to improve some of the town roads where travel doesn't justify a turnpike. So far, at least in my district, this has been done very well. The town road commissioners have in most cases spent the money in the way it was intended to be to give a chance for the people in the back end of the road to get out.

Now if you pass this, the back roads lose out. Can you imagine

a road commissioner resisting the village pressure to give the little fellow on the back road a break? This bill says "may" right now. About next session it will say "shall." I hope you people realize that when these two funds combine, the town road improvement fund is done, it loses its identity. At this point, the State Highway Commission takes over. From here on they say when, where and how these roads are built. You may be sure that the little fellow on the back end of the road is going to lose out.

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

Mr. DUNN: Mr. Speaker, I have a communication that I would like to read. It is very short. "The Maine Townsman tells us to ask you to support the highway bill L. D. 1089. It makes sense to me so I hope you will be able to see your way clear to support it for us. Thanks a lot. Bill Wells, Brownfield, Maine." That is one of the towns in my district and he is one of the selectmen.

I have also talked with selectmen and former town officials in three other towns in my district, and they all were in favor of this bill. One other item, there are almost 500 towns under 10,000 population in the State of Maine, and 90 percent of those towns belong to the Maine Municipal Association, and this Association has been in favor of legislation such as this for the last four or five years, and I think that should be taken into consideration. They don't usually go out on a limb too far. I hope the indefinite postponement motion does not prevail.

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

Mr. DENBOW: Mr. Speaker, first I would like to explain a little more about my position on this bill because I signed the "Ought to pass" Report. I had been under pressure from various officials supported by the Maine Municipal Association, so I went back home and started checking, with the result that I changed my mind after I came back and studied the law.

I was in the Legislature and on

the Highway Committee when this money was increased to support the dirt town roads. It has gone through in good shape and it has been well handled and I have to agree with my good seatmate, the gentleman from Benton, Mr. Kent, that in some cases this bill has many privileges. Eventually, it will be an evil to any town who has town unimproved dirt roads, and this is why it could be. Under the present law and as it is now existing, you can already use this town unimproved road fund to build — to repair state aid unimproved roads, but not for building. But immediately when the town gets all of its town roads built under state aid, under the present law they can rebuild under state aid and upgrade them. Now under the present law also, when the town's state aid roads are completed, they don't get any more town road improvement fund because they have no more dirt roads, and it fulfills the intent that it was originally intended for to get the people out of the back woods. If you do this, you have opened wide the door to again use the town unimproved road money on towns that have already completed up to the point where they don't have any, so the million and a half dollars that is available will be split down forever and it actually will take money away from the dirt roads and I hope the motion of the gentleman from Auburn, Mr. Turner, does prevail.

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

Mr. TURNER: Mr. Speaker and Members of the House: Being a member of the Highway Committee and a signer of the "Ought not to pass" Report, I would like to say a few words to explain my thinking. Before we go too far, I wonder if everybody has read the law as it now pertains to improved roads. I have one article in here I would like to read to you, and it is under Chapter 23, Section 61, which says: "**Towns to receive funds.** — The various towns and unorganized townships in the state shall receive from the fund for the purpose of improving such roads as the municipal officers of the towns shall

designate, not less than \$200 and such other amounts as they shall be entitled to, figured on the basis of mileage of unimproved roads, including unimproved sections of state aid roads located within their respective limits as compared with the total amount of mileage of unimproved roads within the state, except that in towns where the fund is unexpendable in the judgment of the highway commission, under the limitations of sections 62 and 63, no apportionment shall be made, and unexpendable balances shall be lapsed into the town road improvement fund."

Now ladies and gentlemen, this act that we have before us, L. D. 1089, it aims to take the teeth out of our present law whereby this money must be spent on unimproved roads. There are today between 700,000 and 800,000 and the sponsor of the bill says there are 900,000 of unimproved roads in the state. This fund has done wonders in improving our country roads, but we still have a long way to go. We need this fund more than ever with the bulk grain and bulk milk trucks and the school buses. It is a must that we improve these back roads as fast as we can. I will agree with the Senator in his statement of facts whereby he said: "We should make every effort to enact legislation that will provide the most year-round roads at the lowest possible costs." Then he says: "Rural folks are not demanding boulevards. They want roads that make it possible for their children to get to school, take a few eggs to market, vegetables, wood and also for the mail carriers and fire equipment to reach their homes in safety."

It is not the answer, it is just the opposite. The town road improvement specifications are not over \$6,000 per mile with a road of about a foot base with a fourteen foot width, and under the state aid specifications, you have got an eighteen foot width road with about anywhere from eighteen inches to two feet base, and that road will cost from \$20,000 to \$24,000. Now we can get about four miles of road for the same money if built under the town road improvement fund specifications as against one

mile built under state aid specifications. As the law is today, you can combine the state aid with the town road improvement, but it has got to be spent under the town road improvement specifications. You will find that under the common highway laws, Chapter 23, Section 55.

Under this L. D. 1089 you would get one-quarter of the road built if built under state aid specifications, with the town road improvement money added, which this bill proposes to do. True, a better road, but you would be forever getting anywhere with 9,000 miles of road to build. There is no half way. Either one or the other. The way our law is today you have either got to build the \$6,000 road or else the \$20,000 to \$24,000, and this would have to be built under the specifications of the state aid.

This bill before you has had the most attention of any bill in this Legislature. The sponsor, my good friend Senator Ferguson, has worked steadily during this session. He has made some of the slickest trades for support of this baby. One of our committee members has traded the Sunday sales bill; another committee member traded a sewerage bill, and I kind of wonder how many more over here have traded. It would be fun if we could have a record of all the trades and confusion this super-duper lobbyist has created. If this act was any good, it would not have to be lobbied, and his partner, Mr. Chapman of the Maine Municipal Association, has not missed contacting all selectmen, town managers by letter and telephone for support of this bill. I wonder how many of these healthy people we represent on the back mud and unimproved roads he contacted and got support for this bill.

I notice here in the Kennebec Journal on Monday, April 1, it says here: "Mud season, vacation in Mount Vernon." and here is where the school buses and all roads were closed for about three weeks.

The reason this bill is before us, two years ago the City of Portland had about \$25,000 of town road improvement funds and they could not spend it because they were out of

the mud, and the money came back into the fund according to law. Now the City of Portland has had a lot of state money, 50-50, bridge money in the past years to the tune of about \$12,000,000 so they are not hurt. This bill will entitle them to town road improvement money to spend on city streets. I feel that towns like Mount Vernon should have this money rather than building city streets. Under the table of facts that the gentleman has here, he mentions: "There have been some comments concerning the fact that a program such as this would lead to severe abuses by municipal officers. Just one thought seems to be in order at this time. Boards of Selectmen have been administering the state aid and town road improvement for years and have done a good job." I will say they have done the best. But remember, ladies and gentlemen, when you take the teeth out of this law, anything can happen. This L. D. 1089 is just a move to get a foot in the door where a raid on the fund. If this fund is allowed to be raided, this would give the better-road towns and cities an added bonus or double bonus at expense to the poor-road towns. I think our highway program set up as it is is fair to all our population that travel. We have our 90-10 money for freeways; we have our 50-50 money for urban areas; we have state projects for other freeways to correct bad curves and hazardous spots. We have state aid and special state aid, and lastly we have the town road improvement fund which has the least money, we have about 9,000 miles and 1,500,000 hours to do the job and this is the only money that that 9,000 miles can call their own. The only change I would recommend would be to combine our state aid with state aid special. This will give \$3,000,000 each year. This bill before you ladies and gentlemen is slippery, vicious, selfish and has no merit. I say, why change this law to give a few municipalities a hand-out they are not entitled to?

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Southwest Harbor, Mr. Benson.

Mr. BENSON: Mr. Speaker, very briefly I would like to say that I have been given the unsolicited opinions of several of the towns that I represent in my area. The officials of those towns feel that this legislation would be beneficial to them, and that they heartily encourage its adoption.

The SPEAKER: Is the House ready for the question?

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

Mr. CARTER: Mr. Speaker, I would just like to go on record as favoring the indefinite postponement of this bill as suggested by our colleague from Auburn. In the State of Maine, we have, at present, about 20,536 miles of road, and that is from the State Highway Department's compilation of roads. This unimproved roads or town ways so-called are 9,280 miles. Now these town roads have variously been called feeder roads, farm to market roads, and so on. They are roads that never can attain to the status of state aid roads. We can use this town road improvement money on unimproved designated state aid roads. What this bill tries to accomplish is to use this town road improvement money for state aid roads that have already been built, that are being reconstructed. I hope that the motion of the gentleman from Auburn prevails, the indefinite postponement prevails. When the vote is taken, I ask for the yeas and nays.

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

Mr. EDWARDS: Mr. Speaker, Members of the House: The only trouble with my good friend from Auburn this morning, he is heading in the wrong direction. This is a good bill. It would give the selectmen of the different towns a little more freedom of action. I know by experience that this would be of help to some towns. I tried it out in my own town until a good friend caught up with me and told me I couldn't do it any longer. But it did help. We had a road that was leading from one section of the town to the center. I was interested in seeing that that road was built.

It was an R.F.D. route. It was a school bus route, and it was the milk route. We were getting along very good. Now I feel that the selectmen of the different towns will use good judgment in the handling of this, and I do not feel that any of you should have any fear that the back dirt roads will be disregarded. I hope that the motion of my good friend from Auburn will be killed.

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

Mr. KENT: Mr. Speaker, I think there is a point or two here that needs to be cleared up in regards to this money being spent to dump a load of gravel here and there in a mud hole on some of these roads. It is true that you may take \$200 from this account and use it here and there if you wish, but also I would like to tell you that the first time that I handled this back in 154 when we started using this money to build these back roads, the State Highway Commission came in and they said you shall have this road sixteen feet wide and at least about a foot of gravel. Now they have kept increasing this each year and this last year the state supervisor came into town and he said you shall build this piece of road twenty-one feet wide; you should use eighteen inches of gravel. I want to call your attention to the fact that each time that more rigid specifications are made in building these roads, you get less road for your money. This bill allows you to take your state aid money and combine it with the road improvement money and therefore get more help on these back roads than you are getting now. This certainly to me seems like something that is going to be profitable for these towns. I believe this is a good bill. I strongly urge the indefinite postponement of it.

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

Mr. BRAGDON: Mr. Speaker, I doubt if there is anything that I can say that hasn't already been said. I have a very high regard

for the opinions of the municipal officers state-wide, and I believe they are very well expressed to us in the opinions of the Maine Municipal Association. That is good enough for me, and I am going along with this bill and against the indefinite postponement.

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

Mr. WATERMAN: Mr. Speaker, Ladies and Gentlemen: I have in my hand the Senate and House Registers and on page 54 it says: "The Maine legislator will be ever mindful of the ordinary citizen who might otherwise be unrepresented, and will endeavor conscientiously to pursue the highest standards of legislative conduct." We heard much about what the town officials and the Maine Municipal Association officers feel about this piece of legislation, but from experience I happen to live on one of these town road improvement roads myself and I wonder whether I would have my gravel road that I have today or whether perhaps that gravel might have been placed upon another road that was built with state aid money at that particular time had these funds been permissively lumped together. I think if anyone is fortunate enough to have their town out of the mud roads, then they should be willing to let the little towns that still have a lot of mud roads to get into shape, use the money there. And as far as pulp trucks are concerned, I think that it would take quite a lot of combined money to build roads to specifications that pulp trucks would be able to operate on through the months of March and April when the frost is going out anyway. Most of these roads are posted. Thank you very much.

The SPEAKER: Is the House ready for the question?

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen: I just want to give you a little history of one of the towns that I represent. That is the Town of Bowdoin. They had seventy-three miles of dirt roads, and when this, back in 1950, the

rural mail carriers were driving horses, and in the spring, they walked fourteen miles because you couldn't even drive a horse over them. Well, of course this \$155 per mile for seventy-three miles gave them a nice sum of money and they really used it right. If you don't believe it, go down and see what they have done. Because they don't have any more horses. They don't do any more walking. They drive automobiles over there. In fact, at that particular time they had to take the school children out. They only had thirty weeks of school because they couldn't get the children out, but after the school did start—there was one—three miles where they took a tractor and a wagon and hauled the children across this place. They don't do it any more. Now that is what it has done for these small towns. I might say that the Town of Bowdoin is number one in the State of Maine for tax effort, and that is based upon their valuation—the state valuation, not upon their own. Their tax effort for their schools—they just built a new schoolhouse a few years ago—is eighty - eight mills. Now what are we going to do? We are going to take these people that are trying so hard to educate children, they are trying so hard to get along and do something because the municipal officers want to make a change? I think it is all wrong.

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

Mr. DRAKE: Mr. Speaker, I would just like to make one final point to stress the point that this is enabling legislation and to quote from my remarks earlier that no town or city is required to use it unless it is to their advantage, and unless it has been approved by the municipal officers.

The SPEAKER: The question before the House is the question of the gentleman from Auburn, Mr. Turner, that the Reports and Bill, "An Act Continuing Use of State Aid and Town Road Improvement Funds," Senate Paper 386, Legislative Document 1089, be indefinitely

ly postponed. A roll call has been requested.

For the Chair to order a roll call, it must have the expressed desire of one-fifth of the membership present. Those in favor of a roll call, will please rise and remain standing until the monitors have made and returned the count.

An insufficient number arose.

The SPEAKER: Obviously, less than one-fifth having arisen, the Chair will order a division. Those in favor of indefinite postponement of the Bill and reports, will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

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

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

Bill "An Act Providing for Area Directional Sign for Bethel on Maine Turnpike." (H. P. 101) (L. D. 145) — Committee Amendment "A" (Filing H-195)

Tabled—April 10, by Mr. Drake of Bath.

Pending—Passage to be Engrossed.

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

Mr. DRAKE: Mr. Speaker, I yield to the lovely gentlewoman from Bethel, Mrs. Lincoln.

Thereupon, on motion of Mrs. Lincoln of Bethel, the House voted to suspend the Rules and to reconsider its action of April 3 whereby Committee Amendment "A" was adopted.

On further motion of Mrs. Lincoln of Bethel, Committee Amendment "A" was indefinitely postponed.

Mrs. Lincoln of Bethel then offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 101, L. D. 145, Bill, "An Act Providing for Area Directional Sign for Bethel on Maine Turnpike."

Amend said Bill by striking out all of the underlined 8th line and inserting in place thereof the following "Bethel-Recreation Area - Exit 11;" "

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

The SPEAKER: 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.

Thereupon, Mr. Rust of York assumed the Chair as Speaker pro tem amid the applause of the House, and Speaker Kennedy retired from the Hall.

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

AN ACT relating to Excise Tax on Motor Vehicles Owned by Domestic Corporations, Partnerships, Charitable Institutions and Religious Societies. (S. P. 464) (L. D. 1291)

Tabled—April 10, by Mr. Humphrey of Augusta.

Pending—Passage to be Enacted.

On motion of Mr. Humphrey of Augusta, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

HOUSE REPORT—Ought to pass with Committee Amendment "A"

(Filing H-232)—Committee on Legal Affairs on Bill "An Act relating to Work on Shade and Ornamental Trees." (H. P. 240) (L. D. 308)

Tabled—April 12, by Mr. Harrington of Dexter.

Pending—Acceptance of Report.

The SPEAKER pro tem: The Chair recognizes the gentleman from Dexter, Mr. Harrington.

Mr. HARRINGTON: Mr. Speaker, I yield to my good friend from Bangor, Mr. Jameson.

Thereupon, on motion of Mr. Jameson of Bangor, the Bill was retabled pending acceptance of the Committee "Ought to pass" Report and specially assigned for Thursday, May 2.

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

HOUSE REPORT—Ought to pass with Committee Amendment "A" (Filing H-235)—Committee on Municipal Affairs on Bill "An Act relating to a Tax Assessor for City of Bath and Amending Payment of Bonds by City of Bath." (H. P. 543) (L. D. 760)

Tabled—April 12, by Mr. Drake of Bath.

Pending—Acceptance of Report.

On motion of Mr. Drake of Bath, the Bill was retabled pending acceptance of the Committee "Ought to pass" Report and specially assigned for tomorrow.

On motion of Mr. Wellman of Bangor,

Adjourned until nine o'clock tomorrow morning.