

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and First Legislature*

OF THE

STATE OF MAINE

VOLUME II

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and

SPECIAL SESSION

JAN. 6 - JAN. 17, 1964

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

## HOUSE

Thursday, January 16, 1964

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

Prayer by the Rev. Mr. Kenneth Brookes of Augusta.

The journal of yesterday was read and approved.

### Papers from the Senate Tabled Until Later in Today's Session

From the Senate: The following Order:

ORDERED, the House concurring, that the Public Utilities Commission be directed to study and evaluate the various hydro-electric projects presently being proposed for the Upper St. John River area. Said Commission shall report its findings and present its recommendations as to which project would be most valuable to the State of Maine. Said Commission shall report its findings and recommendations to the 102nd Legislature and to appropriate agencies of the Government (S. P. 692)

Came from the Senate read and passed as amended by Senate Amendment "A" as follows:

Amend said Order by striking out the period at the end and inserting in place thereof the following: 'and be it further

ORDERED, that there is appropriated to the Commission from the Legislative Appropriation the sum of \$5,000 for expenses to carry out the purposes of this Order.'

In the House: The Order was read. Senate Amendment "A" was read.

On motion of Mr. Wellman of Bangor, tabled until later in today's session pending passage in concurrence.

From the Senate: The following Order:

ORDERED, the House concurring, that there be created an Interim Study Committee to consist of 2 Senators to be appointed by the President of the Senate, 3 Representatives to be appointed by the Speaker of the House, the Commissioner of Finance and Ad-

ministration, one member to be designated by the Water Improvement Commission and one member to be designated by the Maine Municipal Association, to study and report to any special session of the 101st Legislature or to the 102nd Legislature on the subject matter of contributions to be made by the State to the expense of municipal and quasi-municipal pollution abatement construction programs and the feasibility of providing funds with which to make such contributions by the issuance of bonds or by other means; and be it further

ORDERED, that the members of the Committee shall serve without compensation but shall be reimbursed for their expenses incurred in the performance of their duties under this order; and be it further

ORDERED, that there is allocated to the Committee from the Legislative Appropriation the sum of \$1,000 to carry out the purposes of this order (S. P. 699)

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

### Senate Reports of Committees Ought Not to Be Adopted

Report of the Committee on Judiciary on Joint Resolution Ratifying the Proposed Amendment to the Constitution of the United States Relating to the Qualification of Electors (S. P. 693) (L. D. 1671) reporting "Ought not to be adopted" as covered by other legislation.

Came from the Senate read and accepted.

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

### Ought to Pass in New Draft Indefinitely Postponed

Report of the Committee on Judiciary on Bill "An Act to Clarify Condemnation of Schoolhouse Lots" (S. P. 679) (L. D. 1662) reporting same in a new draft (S. P. 698) (L. D. 1673) under same title and that it "Ought to pass"

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

In the House, the Report was read and indefinitely postponed in concurrence.

**Divided Report**

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought to be adopted" on Joint Resolution Memorializing Maine Congressional Delegation to Oppose New Stringent Requirements in Public Assistance Cases (S. P. 690) (L. D. 1669)

Report was signed by the following members:

- Messrs. EDMUNDS of Aroostook  
 CAMPBELL of Kennebec  
 PORTEOUS  
                     of Cumberland  
                     — of the Senate.
- Messrs. MINSKY of Bangor  
 PIERCE of Bucksport  
 HUMPHREY of Augusta  
                     — of the House.

Minority Report of same Committee reporting "Ought not to be adopted" on same Joint Resolution.

Report was signed by the following members:

- Messrs. JALBERT of Lewiston  
 EDWARDS of Raymond  
 Mrs. SMITH of Falmouth  
 Mr. BRAGDON of Perham  
                     — of the House.

Came from the Senate with the Majority Report accepted and the Resolution adopted.

In the House: Reports were read.

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

Mrs. SMITH: Mr. Speaker, I have no real intention of trying to persuade this House what they should do with this order in a way. I simply would like to state my position in signing the Minority Report. This is a rather difficult resolution for me, because I really feel that the intent of the person introducing this resolution is different from what the resolution seems to say to me, and actually, as I read the resolution, it says that we object to more stringent regulations being applied by the Commissioner of Health and Welfare. And I know probably the history of why this ruling was made by the Congress of the Unit-

ed States after the investigation because so many states were having so many problems with the Departments of Health and Welfare, and particularly the ADC cases. So of course they had an investigation, as you know, the National Department ordered an investigation and they found a great deal of corruption in many states. Maine was not one of them. So they put out this order for this more stringent supervision of the program. When they did so, of course Maine was included, and of course the person sponsoring this bill felt that it was not needed in Maine, and I think this is true, that if we agree that the way the regulations are set up nationally, it is perhaps being administered somewhat that way.

However, because I have felt that the program was not administered stringently enough, especially in ADC, and because I have had so many people come to me and tell me that they felt this way, and this has been under very heavy fire, the administration of it and all, from my people, I don't feel that I could sign out a resolution, which if read as it is written says that I disapprove more stringent regulations there. This is why I signed the "Ought not to pass" Report.

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

Mr. BENSON: Mr. Speaker and Ladies and Gentlemen of the House: I would now move the acceptance of the "Ought to pass" Report and speak briefly to the motion.

If we go along with the Federal regulation as it has been put to us, and we may not have a choice in the matter, we would have to add some thirty-three caseworkers to our present staff in the ADC program. The Federal Government would pick up the tab for the remainder of this biennium, which would amount to some \$248,000 plus. It is true that they will pick it up for the remainder of this biennium, but by the same token, we must pick up fifty percent of that in the next biennium. This is going to cost the State of Maine some good honest tax dol-

lars. If we reduce the number of caseworker additions to twenty positions rather than the thirty-three, then the cost of this program for the remainder of this biennium will be \$140,000. The Federal Government would pick up the tab for the remainder of this biennium, and we would end up paying fifty percent of that or some \$70,000 plus in the next biennium. It is my feeling that we must become very conscious of our possible expenditures in the next session of the Legislature, and it is certainly not too early to start being cognizant of these expenditures now.

This measure is nothing more than a letter from this Legislature to our Congressmen requesting that they look into this and see if they can do something about it for us. Our situation in the State of Maine is not nearly as critical as it is in some of the other states, and it is my understanding that the State of New York has already passed a similar measure memorializing Congress in a similar manner as we are setting forth here. So I would ask you to vote in favor of the "Ought to pass" Report.

The SPEAKER: Is it the pleasure of the House to accept the Majority "Ought to pass" Report?

The Chair recognizes the gentleman from Bucksport, Mr. Pierce.

Mr. PIERCE: Mr. Speaker, I move the indefinite postponement of the matter before us and request a division.

The SPEAKER: The gentleman from Bucksport, Mr. Pierce, moves the indefinite postponement of both reports and the resolution.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I might remind the membership that in the bill that we passed concerning added funds to take care of the seven hundred cases, or hoped to take care of seven hundred cases, we do reduce the amount of employees or new caseworkers from thirty-three to twenty, so that we are not restricted thereby to Federal control. I think that the gentlewoman from Falmouth, Mrs. Smith, explained the proposal very

aply. As you will note the gentleman from Bucksport, Mr. Pierce, now moves the indefinite postponement of the measure. It is very obvious that he has studied this thing and has decided to go against the report that he signed originally. I think that this would not serve a useful purpose. If New York went into the program or recommended this program I know for a fact that several states have refused to do so. And for that reason I will join the gentleman from Bucksport, Mr. Pierce, and the gentle lady from Falmouth, Mrs. Smith, in the indefinite postponement of this useless resolution.

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

Mr. GILL: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of my colleague from Southwest Harbor, Mr. Benson. I have no question but that we have got these twenty employees and there is just one reason that we have got them, the Federal Government has said, we want you to have thirty-three. I understand there is some question as to whether or not the twenty will be enough to satisfy them. However, I just feel that this is informing our Congressional delegation, that in my own idea during the future we would like them to be aware of the fact that we would like to be able to express our opinion through them.

Now as I understand it, these particular caseworkers will not be doing necessarily the same work as the majority of the caseworkers. They, I believe, are to check upon the work that our caseworkers are now doing. And for this reason I certainly would hope that we will vote against the motion to indefinitely postpone this very fine order. Thank you.

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

Mr. MacLEOD: Mr. Speaker, Ladies and Gentlemen of the House: I think that it is very important that you all understand that this new regulation as put out by Mr. Celebrezze of the Health, Educa-

tion and Welfare Department in Washington was an administrative order. This was not passed by Congress. Congress was concerned that in some states there was a very high percentage of people on the various welfare programs who were not eligible according to any of the eligibility requirements. Maine has a very good record in this field, although I will question whether their requirements for eligibility shouldn't be changed.

But here we have an order just memorializing our delegation opposing these requirements for Maine and one of the most valid reasons I can think of for supporting this order is, that these additional workers who are checking on eligibility of welfare cases in Maine are going to be — they are checking on themselves. Dr. Fisher will be handling the case-workers that go out and work, he will be handling these investigative workers who go out to work, and it's one department checking on its own operations. And I have enough doubts about some areas of the Health and Welfare Department in the State of Maine, so I don't think there would be a ny sense of adding twenty additional workers which we are required to do now by Federal regulations which can be changed perhaps with this Memorial. I just question the value of additional welfare workers in this state checking on other welfare workers in the state, and all reporting to the same gentleman in the Health and Welfare Department. Thank you.

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

Mrs. SMITH: Mr. Speaker and Members of the House: I think I pointed out to you when I spoke, the problem with this order. I am not interested in whether you decide to vote with me or not. I am only interested in making my position absolutely clear, that I recognize the problem which brought about this order in other states. I recognize the problem in this state as being as I feel the rules too liberal in these cases, and I have had many people say this to me. They also feel that

the department itself could change some of it. I think they could, possibly if they really went to work on it. But I also know that there are many Federal regulations which bother. As the former speaker said, the gentleman from Brewer, he knows that I have sat in on some panels on it and that I have been very interested in it.

But nevertheless, when this order goes to Washington, what is in the order will be used to interpret our feeling and the order says that we object to more stringent regulations, with no explanation of why we do this. I also said to you that I felt that the gentleman who drew this had these same intentions, but that the order did not say this. Now I leave this up to you. I think we have a problem here as I did when I signed the committee report. No matter what we do, the way the order is written, we sort of undo what we have been saying all along. However, I cannot, with one corner of my mouth criticize the way the program is run, or have it criticized to me, and then on the other hand tell Washington that I don't want them to tighten up their regulations. And this is my personal problem and I just want you to understand why I signed the minority report.

The SPEAKER: The Chair would interrupt debate a moment to recognize thirty-one pupils in the gallery from the sophomore and senior classes of Clinton High School in Social Studies, accompanied by their teacher Mr. Holt. These are the especial guests of Representative Kent of Benton.

And on behalf of the membership, the Chair extends to you a cordial welcome. We trust that you will be enriched by your experiences here with us this morning. (Applause)

The SPEAKER: Is the House ready for the question? The Chair recognizes the gentleman from Southwest Harbor, Mr. Benson.

Mr. BENSON: Mr. Speaker and Members of the House: I would reiterate several remarks that the gentleman from Brewer, Mr. Mac-

Leod made, and that is that our experience here percentage-wise in the State of Maine is extremely good as compared to the rest of the nation. I think it is some two percent where the national average is well in excess of five. And I am not sure of those figures but they are close. And I was somewhat pleased to see a measure come before us that didn't have a price tag on it and I think it would be extremely well for us to look to the future a bit. We are going to be very much concerned with dollars and cents in the 102nd Legislature and this is an opportunity to possibly get the jump and we are nothing more than memorializing our Congressional delegation to look into this matter further for us. I would ask you to vote against the indefinite postponement of this order.

The SPEAKER: The question before the House is the motion of the gentleman from Bucksport, Mr. Pierce, to indefinitely postpone both Reports and Joint Resolution Memorializing Maine Congressional Delegation to Oppose New Stringent Requirements in Public Assistance Cases, Senate Paper 690, L. D. 1669. 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.

Forty-five having voted in the affirmative and seventy having voted in the negative, the motion to indefinitely postpone did not prevail.

Thereupon the Majority "Ought to be adopted" Report was accepted and the Resolution was adopted in concurrence.

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

#### Divided Report

Majority Report of the Committee on Public Utilities on Bill "An Act Creating the Damariscotta Sewage District" (S. P. 649) (L. D. 1655) reporting "Ought to pass" as amended by Committee

Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. BOISVERT

of Androscoggin  
PHILBRICK of Penobscot

Mrs. HARRINGTON

of Penobscot  
— of the Senate.

Messrs. PITTS of Harrison

PHILBRICK of Augusta  
TYNDALE

of Kennebunkport  
PLANTE

of Old Orchard Beach  
WELCH of Chapman  
RAND of Yarmouth

— of the House.

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

Report was signed by the following member:

Mr. TAYLOR

of South Portland  
— of the House.

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

In the House: Reports were read.

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

Mr. TAYLOR: Mr. Speaker, Ladies and Gentlemen of the House: I would like to clarify my position on signing the "Ought not to pass" Report on this bill. It is my belief that after the people of Damariscotta had voted on this bill which was passed at the last session, and the vote turned out to be an exact tie, I do not believe that an ambitious group in any town or city should be allowed the privilege of forcing a given matter to a vote as often as they deem necessary to gain passage of that measure. I believe that the next legislative session would be sufficient time for a development one way or another on this matter. And for that reason I signed the "Ought not to pass" Report and would move indefinite postponement of this bill and its accompanying papers.

The SPEAKER: The gentleman from South Portland, Mr. Taylor, now moves the indefinite postponement of both Reports and the Bill.

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

Mr. PEASE: Mr. Speaker and Members of the House: I feel duty-bound to say one or two words concerning the bill which is presently before us. This is a measure which was introduced by a member of the other body. It is a measure very similar to one which was introduced by that same individual in the last regular session of the Legislature.

The Town of Damariscotta falls within the legislative district which I am honored to represent and, upon seeing the bill introduced, I have followed it with some interest, but I have not volunteered to become embroiled in any local struggle down in the Town of Damariscotta. It was called to my attention, however, that after this bill was reintroduced at this session, that some questions were in order from the residents of Damariscotta to see what the land looked like from afar, to see which way perhaps I should go and which way this House of Representatives and this Legislature should be urged to move in this.

Now I am told as a matter of fact that the previous session, in passing a similar bill, created a situation which was not understood at that time by the people in Damariscotta. At that point, had the residents of Damariscotta voted to form the sewage district as it is called in the bill, the trustees then appointed could immediately proceed with the construction of the sewer project. This was not the intention nor the desire of those who asked to have this bill introduced, and hence the people of Damariscotta voted an even tie in an election which had many other measures involved, tax revaluation maps and revaluation plans and so forth which brought many voters out.

It is my understanding, and after going through this bill carefully, that it has been changed to the extent that before any sewer

construction project can be started, it not only must be approved by the trustees of the newly created district but it also must be approved by the people of Damariscotta and, with this in mind, I checked with several individuals in Damariscotta and they feel that there is no harm to be done to authorize the people to again vote on this as an alternative measure in approaching their sewer project problem. For this reason, I spoke to some of the members on the Committee that heard this and urged them that a favorable report would be very much appreciated by the people of the town. For that reason, I hope that you will vote against the motion to indefinitely postpone, so that we then might accept in concurrence the Majority Report "Ought to pass."

The SPEAKER: The question before the House is the motion of the gentleman from South Portland, Mr. Taylor, that the Reports and Bill be indefinitely postponed. All those in favor of that motion will answer yes; those opposed, no.

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

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

Committee Amendment "A" was read by the Clerk as follows: COMMITTEE AMENDMENT "A" to S. P. 649, L. D. 1655, Bill, "An Act Creating the Damariscotta Sewage District."

Amend said Bill by inserting at the beginning before the enacting clause the following:

**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, disposal of sewage is essential to the health and well-being of the inhabitants of the Town of Damariscotta; 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 all of the last 4 paragraphs and inserting in place thereof the following:

**'Emergency clause; referendum; effective date.** 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 of the district, being the Town of Damariscotta, at the next annual town meeting of the Town of Damariscotta.

The town clerk of said Town of Damariscotta shall prepare the required ballots on which he shall reduce the subject matter of this act to the following question: "Shall the 'Act Creating the Damariscotta Sewage District', passed by the first special session of the 101st Legislature, be accepted?" The voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same.

This act shall take complete effect for all purposes immediately upon its acceptance by a majority of the legal voters voting thereon at such election, provided that the total number of votes cast for and against the acceptance of this act equals or exceeds 20 percent of the total vote for all candidates for Governor cast in said town at the next preceding gubernatorial election.

The result of such election shall be declared by the selectmen of the Town of Damariscotta and due certificate thereof shall be filed by the town clerk with the Secretary of State.'

Committee Amendment "A" was adopted in concurrence. Under suspension of the rules the Bill was given its third reading, passed to be engrossed in concurrence and sent forthwith to the Senate.

### Non-Concurrent Matter

Bill "An Act relating to Detention by Counties and Municipalities of Persons Arrested by Law Enforcement Officers" (S. P. 694) (L. D. 1672) which was indefinitely postponed in non-concurrence in the House on January 14.

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

In the House:

The SPEAKER: The Chair recognizes the gentlewoman from Chelsea, Mrs. Shaw.

Mrs. SHAW: Mr. Speaker and Members of the House: I will move to recede and concur with the Senate, but before we act upon this motion, I would like the people of this House to know exactly what this bill entails. This bill as it now stands with the amendment says that municipal and county jails shall at all times be available for the detention of persons arrested by state or any other law enforcement officers. Now I understand that this bill is very important to the State Police because they have no place to detain their prisoners if the municipal or county jails refuse to take them. The amendment takes from the bill the provision which we had established to protect the sheriff or the keeper of the municipal jail from all liability of false arrest or false imprisonment. Therefore, when we removed this, this makes the keeper of the jail, whether it be the sheriff or your chief of police in your individual community, liable for false imprisonment should the prisoner have been arrested falsely.

I would recommend if we pass this bill that each and every one of you see that your keeper of the jail is protected by liability insurance, because in this day and age I don't believe that any of us would want a person who is elected by the people to take the responsibility for false imprisonment which we as Legislators may be enforcing upon them.

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

Mr. RUST: Mr. Speaker and Ladies and Gentlemen of the House: I rise this morning to oppose the good woman from Chelsea, Mrs. Shaw. Apparently the amendment which has been proposed makes the bill even worse than it was in the first instance. We now have two strong objections to the bill that would affect my community. The first point was that anyone could take a person who was arrested to our local lockup and force our part-time attendant to become a full-time attendant and force him to serve meals, and there is no provision for payment of those costs. The second thing now they are going to impose on this local person is the responsibility of accepting this prisoner and being responsible for the technical questions of false arrest, whether the person should be properly there in the first instance.

Now this is a serious matter for a small community which has so-called local lockups where the attendant has charge of them on a part-time basis; usually it is in the fire department like it is in our area. It is done as a matter of convenience for our local police officers, and to impose the burdens on that local lockup or municipal jail, whichever you choose to call it, to the same status as a county jail, I think is putting an undue burden and undue expense on the local community to satisfy what apparently is a small problem. Now the State Police, if they have any persons who are arrested and they wish to detain them, there are certain county jails that are available to them which they can take the prisoners to and there are certain municipalities who have sufficient facilities that they can take these persons to. And I certainly would oppose the motion to recede and concur, and I hope it does not prevail.

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

Mrs. CARSWELL: Mr. Speaker, I would like to have somebody answer this question for me. What protection does the jailer have

when they take Federal prisoners in?

The SPEAKER: The gentlewoman from Portland, Mrs. Carswell, poses a question through the Chair to any member who may answer if they choose.

The question before the House is the motion of the gentlewoman from Chelsea, Mrs. Shaw, that the House recede from its former action and concur with the Senate. All those in favor will answer yes; those opposed, no.

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

Thereupon, on motion of Mr. Rust of York, the House voted to adhere on a viva voce vote.

### Third Reader Tabled Until Later in Today's Session

Bill "An Act Revising the Maine Employment Security Laws" (H. P. 1166) (L. D. 1675)

Was reported by the Committee on Bills in the Third Reading.

The SPEAKER: The Chair recognizes the gentleman from Gouldsboro, Mr. Young.

Mr. YOUNG: Mr. Speaker, Ladies and Gentlemen of the House: This morning I want to make a few corrections in the remarks that have been made, and the first one is a statement in the Kennebec Journal this morning that the sardine industry, which contended it would be badly hurt in the previous bill, found the committee redraft acceptable; and I would like to read a letter that was written by Mr. Trenholm, President of the Maine Sardine Packers' Association on January 8th. It was written to the Chairman and Members of the Committee on Labor, and I will quote:

"I wish to reiterate the remarks that I made at the public hearing on L. D. 1615, to the effect that the Maine sardine industry would be glad to participate in discussions, with the proper Committee or group, on possible revision of the Employment Security laws for consideration by the 102nd Legislature.

However, we do feel that all factions of employees and employers in the state should also be

invited and encouraged to take part in such deliberations.

I have no authority, at the present time, to speak for the sardine industry regarding details of any proposed revision or to anticipate what position the cannery would want to take.

This would require considerable study and a number of industry meetings at which all cannery would have an opportunity to express their views.

Obviously there is not time for us to take such action during this Special Session and therefore we remain strongly opposed to passage of L. D. 1615 and are not in a position to discuss any proposed changes or amendments.

We still feel that the Employment Security laws are too important and complex to be hastily considered in this Special Session.

We wish to again repeat the statement made several times at the public hearing that despite the fact that the sardine industry has figured so prominently in the affairs of the Employment Security Commission it was never consulted or questioned in any way by the original Thaanum Bill study group or those responsible for the revision that is now under consideration. Furthermore there was no member of the study group who, to our knowledge, was even remotely connected or familiar with the sardine or fishing industry of this or any other state.

Sincerely yours,  
K. Richard Trenholm  
President"

And also, yesterday I gave some figures on the Floor of the House and they were more or less disputed by several members, and you all have a copy of this letter from Mr. George, and they contained the very same figures that I gave you. Therefore, I still contend the change in the new redraft of the law will cost the fund \$1,500,000 and I move indefinite postponement of the bill.

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

The Chair recognizes the gentleman from Manchester, Mr. Gifford.

Mr. GIFFORD: Mr. Speaker and Members of the House: I rise in opposition this morning to the motion of the gentleman from Gouldsboro, Mr. Young, to indefinitely postpone this bill. I do not wish to prolong the debate on it. I am sure that my position was made most clear on this yesterday. However, I would like to speak on two points in the hope that they may be of some assistance in clarifying the minds of the members of this House. Both are matters which I have had inquiries on since the debate on yesterday.

First of all, I am very pleased to have this letter from Commissioner George to Mr. Havey, Executive Director of Associated Industries, and for you to have it distributed among you. I think it points out very clearly the basis of the conflicting figures which were presented on yesterday. If you will glance for a moment at the letter which is on your desk, you will note that in one instance Commissioner George is comparing 1961 figures with 1963 figures, and assuming that the difference there represented is only due to a single factor, this could not be further from the truth. The state of our economy in '63 was quite different from that of 1961, and this factor more than any other, as the Commissioner himself points out in his first paragraph, affects the costs to the fund, of this law or of any proposal to change it. I would ask you to note in paragraph 3 a disagreement which he takes with figures which were presented by your Labor Committee yesterday. The basis for his figure is his opinion. He states clearly "In my opinion," not based upon any study, not supported by any facts, but simply "in my opinion." Further in that paragraph he takes exception to another figure stating that he "personally feels." I would submit to you that this is not a sound basis for the development of figures for your consideration. Those which the Committee presented to you on yesterday were taken from

actual experience of the employment security program and from changes which this bill proposes to make.

In closing on this particular matter I would point out to you that the Employment Security Commission is made up of three members, one representing labor, one representing industry, and one representing the public as a whole. Commissioner George is the industry member, and from the activity in the hallways of this building in the last couple of days I think perhaps you can conclude where his feelings, his opinions, might be, and properly so. I do not criticize the Commissioner. He has an obligation as a member of that Commission to represent the industry group.

A comment upon the effect of this bill upon the sardine workers as compared with the bill 1615 as originally introduced. Your Joint Standing Committee on Labor had a good deal of sympathy for the plight of the workers in the sardine industry. I think this is most evident from the changes that were made in redrafting the bill. The Thaanum Bill of the regular session, the revised Thaanum Bill of this session, would have had far-reaching effects upon these people, and a hardship would without question have been created. However, this redraft has a very minor effect upon them by comparison with that of the original measure. In fact, its only requirement is that they now earn \$500 a year rather than \$400 in order to be eligible for benefits. I can only be reminded in view of the continued opposition of the representatives from the areas where this industry holds forth, that at an earlier session they indicated in discussions on the Thaanum Bill that we were going too far too fast. If they still remain in opposition, you can only conclude that they feel that any time is too fast, and any move, no matter how small, must be too far.

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

Mr. RUST: Mr. Speaker and Members of the House: I rise this morning in opposition to the motion of the gentleman from Gouldsboro, Mr. Young, for indefinite postponement and in support of the bill, and I do so for two primary reasons. I don't think many of us realize what the actual effects of the so-called Estey's amendments were upon the unemployment security law; upon the employees throughout the state and upon our economy. Most of the increase in the fund in the last three years has been as a result of the so-called Estey's amendment. That is true as far as I am concerned. However, that increase has come directly out of the pocket of the employee who has been denied benefits for the purpose of building up the fund. It was the employee under the so-called Estey's amendments who gave up many, many benefits, or who lost many, many benefits, and at the same time, I don't think the employers, as such, gave anything. And this has been the reason over the last legislative session and at this special session to correct this imbalance in this proposition, to balance something between what is good for the employee and what is good for the employer. The other problem with this bill has been an effort to do something with the so-called seasonal industries who are running substantial negative balances and who we might say are taking from Peter to pay Paul.

The other point that I would like to make is the fact that many say that this thing has come up too hastily. It is too sudden. We haven't had enough time to study it. Well I think the simple problems that are involved in this so-called amendment or draft from the Labor Committee have solved some of the problems for the employee or labor and they also have solved some of the problems or put a little burden so to speak on the employers to balance the imbalance as a result of the Estey's amendments which were put on in the 100th session, and I certainly hope that this bill is not indefinitely postponed.

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

Mr. JALBERT: Mr. Speaker and Members of the House: It is my understanding that a statement is being prepared and reproduced now to be distributed to us which refutes the statement that was left on our desks this morning. It is also my understanding that this statement refuting the Commissioner George statement is signed by the Chairman and the other member of the Employment Security Commission. I would like to have the opportunity to see this statement if this is so, and for that reason I would hope that someone would then table this bill temporarily until we have an opportunity to see this statement to see whether or not the majority of the Commission does or does not refute the George statement.

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

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I believe this letter before you is absolutely unbiased. If we can't believe in our Commissioner and what he says and we have no confidence in him, why in the world are we paying him \$15,000 a year? I go along with the gentleman from Gouldsboro, Mr. Young, in indefinite postponement.

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

Mr. DUNN: Mr. Speaker, Ladies and Gentlemen: I have just been informed of what the Representative from Lewiston, Mr. Jalbert just stated, that there is a verification of the figures that we gave yesterday on the way here to be reproduced and will be distributed to the members' desks. I would hope that action on this bill could be delayed long enough to get this in front of all of us so that we can at least have an unbiased look at it.

Thereupon, on motion of Mr. Birt of East Millinocket, the Bill was tabled on a viva voce vote until later in today's session pending third reading.

### Passed to Be Enacted Emergency Measure

An Act to Appropriate Funds and Provide Staff for Public Assistance Programs (S. P. 655) (L. D. 1647)

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. 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.

### Emergency Measure

An Act Appropriating Additional Funds for the Distribution of Donated Commodities Program (S. P. 656) (L. D. 1648)

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. 110 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 relating to Aid to the Aged, Blind or Disabled, and Aid to the Medically Indigent and Transferring Burial Allowance Program for Veterans to Department of Veterans Services (S. P. 661) (L. D. 1653)

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. 108 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 Repealing the Shortening of the Period of Real Estate Mortgage Foreclosure (S. P. 671) (L. D. 1633)

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

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

Mr. RUST: Mr. Speaker and Ladies and Gentlemen of the House: To those of you who here this morning are opposed to going back to the so-called twelve months foreclosure law with no surplus to the borrower, I would urge you to vote against the enactment of this emergency bill and I hope that you will support me and not vote for enactment. Thank you.

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

Mr. MCGEE: Mr. Speaker and Members of the House: I would like to support the gentleman from York, Mr. Rust, for this very reason, that the original and important bill is still in existence in the Senate and this would be in a way killing that bill by stiletto method. So I hope that you will go along with the desires and advice of the gentleman from York so that when the real bill shows up we can make a decision.

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

Mr. WELLMAN: Mr. Speaker, I have been very interested in this problem and have been contacted by many of the attorneys and the banks in Bangor, and I would inquire of the gentleman from York, Mr. Rust, that if this bill is defeated, what course will be open to this legislative body to clarify the present problem which is now on the books?

The SPEAKER: The gentleman from Bangor, Mr. Wellman, poses a question through the Chair of the gentleman from York, Mr. Rust, who may answer if he chooses.

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: If this bill is defeated, we have a chance to pass what the industry wants, the banking industry; what most of the lawyers in the state are willing to go along with; what the real estate people are willing

to go along with; what the building industry is willing to go along with, which is the law which was passed at the last session plus some clarifications which are necessary to spell out the sale provisions in a little more detail. I thank you.

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

Mr. KNIGHT: Mr. Speaker, Ladies and Gentlemen of the House: The bill that was mentioned that is in the unmentionable body yet to come in here again, is a straight six months bill with no return of surplus. The present law we have on our books is unworkable. At the present time there are Federal agencies that guarantee loans who are not guaranteeing them. At the present time there are lending institutions in the State of Maine who have unofficially declared a moratorium on mortgages. They are not writing mortgages because our present law is legally unworkable. The two choices that you can make here today is to put the law back where it was, twelve months in which a person can redeem his mortgage; that is the bill that is up for enactment now, and it should be enacted as an emergency because if it is not, then we will have the present law that is on our books. Should you defeat the one that is before you now, then you are faced with a straight six months bill which is in the other chamber, or our present law which has proved to be unworkable. I urge you to vote for the enactment of this bill.

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

Mr. SMITH: Mr. Speaker and Members of the House: I rise in support of the gentleman from Rockland, Mr. Knight, for this reason. If we are to have an orderly handling of business affairs and mortgages in this state in the present status of this problem, we should enact this twelve months foreclosure law.

Thereupon, this being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a divi-

sion was had. 106 voted in favor of same and 21 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Emergency Measure

An Act Authorizing the Municipalities of Bridgton and Harrison to Form a School Administrative District (H. P. 1139) (L. D. 1610)

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. 125 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

##### Reconsidered and Amended

An Act to Apportion One Hundred and Fifty-one Representatives Among the Several Counties, Cities, Towns, Plantations and Classes in the State of Maine (H. P. 1167) (L. D. 1676)

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

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

Mr. DRAKE: Mr. Speaker and Members of the House: I move we reconsider our action of yesterday whereby we passed this bill to be engrossed in order to offer an amendment which will make a technical correction to meet the terms of the Constitution.

The SPEAKER: The gentleman from Bath, Mr. Drake, moves the House reconsider its action of yesterday whereby this bill was passed to be engrossed. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair recognizes the gentleman from Topsham, Mr. Mendes.

Mr. MENDES: Mr. Speaker and Members of the House: I would like to say that this plan has the complete approval of our entire

county delegation, and I now offer House Amendment "H."

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

HOUSE AMENDMENT "H" to H. P. 1167, L. D. 1676, Bill, "An Act to Apportion One Hundred and Fifty-one Representatives Among the Several Counties, Cities, Towns, Plantations and Classes in the State of Maine."

Amend said Bill by striking out all of the 13th paragraph of section 1 and inserting in place thereof the following:

"The County of Sagadahoc shall choose 4 Representatives to be apportioned as follows: Bath, 2 Representatives; Bowdoin, Bowdoinham, Georgetown, Richmond and West Bath, one Representative; Arrowsic, Phippsburg, Topsham and Woolwich, one Representative."

House Amendment "H" was adopted.

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

Mr. EDWARDS: Mr. Speaker and Members of the House: I did not intend to try to reconsider the action that you took yesterday, but seeing that it was going to be reconsidered, and not being able to be here yesterday forenoon, I felt that at this time I should present an amendment, explain to you my position, explain to you the position of those who have talked with me in regard to reapportionment back in my home town and surrounding towns.

As it is now set up in the bill that was engrossed yesterday, the Town of Gray is combined with Cumberland, the Town of New Gloucester which joins me on the east is combined with New Gloucester and Raymond, and then we jump the lake, Sebago Lake, and take Standish, Baldwin and Sebago. I do not feel that this is a good reapportionment. I do not feel that this is a good district. At the present time I represent the district of Gray and Raymond. I wish not to interfere or disturb those to the south of New Gloucester; those to the south of Gray; of Windham and of Standish. Let them remain as they were in the original bill. But I do want to call

to your attention that those citizens in Gray and New Gloucester whom I have talked with feel that they would like to be in the district together as they have a high school between the two towns, and I know by this last winter that the representatives from the districts in which New Gloucester is in and Raymond is in or Gray is in that oftentimes I wondered whether I was treading upon the toes of my good friend from North Yarmouth.

Now it does become necessary to have a larger district, and so with Gray here and New Gloucester here and with Raymond joining on two sides, I felt that those three towns should be together. Now that does not make a district large enough, so I would go north to the Town of Casco. That joins the Town of Raymond. But that district would not be quite as large as the other two districts that would have to be formed, so I threw in the Town of Otisfield. Now as we go up around the north end of Sebago we come to Bridgton and Harrison, Naples, Sebago and Baldwin. That makes the district as near equal to the first one as you can get. And then we come to the south end of the lake and we have the Town of Windham, which has a very much smaller population than these other two districts, and we have the Town of Standish, and I think it is not only right, but fair to the rest of the people in this surrounding area, to let those two towns be put together in the district. They have much in common. They both are becoming the bedroom of the City of Portland.

In setting up these three districts, you can go by the highway from one town to the other. As the district of Raymond and New Gloucester are in, that was passed in your bill yesterday, you have to cross other towns, unless you want to take a boat and cross Sebago Lake. Now someone will say that Raymond and Standish join, they will join out there in the water, but the great problem of Standish is way to the other side of the lake, ten miles across the lake from Raymond.

Members of the House, I believe that my amendment is a good amendment. I believe that my amendment is a fair amendment in considering everybody in those towns, and I ask your favorable consideration.

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Watkins.

Mr. WATKINS: Mr. Speaker, this particular amendment that is before you is one exactly as put in Committee Amendment "A" to the bill that we passed yesterday. A great deal of work and consideration was put into this particular Cumberland County setup as we passed yesterday. Windham is a large town, Standish is a large town; putting them together makes a very large population, and I move the indefinite postponement of this amendment.

The SPEAKER: There is no amendment before the House.

Thereupon, Mr. Edwards of Raymond offered House Amendment "I" and moved its adoption.

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

HOUSE AMENDMENT "I" to H. P. 1167, L. D. 1676, Bill, "An Act to Apportion One Hundred and Fifty-one Representatives Among the Several Counties, Cities, Towns, Plantations and Classes in the State of Maine."

Amend said Bill in section 1 by striking out all of the 4th paragraph, which relates to Cumberland County, and inserting in place thereof the following:

**"The County of Cumberland shall choose 28 Representatives to be apportioned as follows: Portland, 11 Representatives; South Portland, 3 Representatives; Westbrook, 2 Representatives; Brunswick, 2 Representatives; Scarborough, one Representative; Falmouth, one Representative; Cape Elizabeth, one Representative; Gorham, one Representative; Cumberland and Harpswell, one Representative; North Yarmouth and Yarmouth, one Representative; Freeport and Pownal, one Representative; Baldwin, Bridgton, Harrison, Naples and Sebago, one Representative; Casco, Gray, New Gloucester, Otisfield and Ray-**



mond, one Representative; Standish and Windham, one Representative.'

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Watkins.

Mr. WATKINS: Mr. Speaker, I move the indefinite postponement of House Amendment "I".

The SPEAKER: The gentleman from Windham, Mr. Watkins, moves the indefinite postponement of House Amendment "I".

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

Mr. EDWARDS: Mr. Speaker and Members of the House: The gentleman from Windham has brought up the question of greatness and proportion of the number of citizens in these different towns as set up in these three districts. I want to read to you. In the district in which Windham and Standish would be put together by this amendment we have Windham, 4,247 people; Standish, 2,095 people, making a total of 6,342. Taking the districts of Gray, New Gloucester, Raymond, Casco and Otisfield, you have Gray, with a population of 2,184. New Gloucester with a population of 1,606; Raymond with a population of 732; and Casco with a population of 947; Otisfield with a population of 549. That makes a total in that district of 6,118. Now we take the district of Harrison, 1,014; Naples, 725; Bridgton, 2,707; Sebago, 546, and Baldwin, 773, which makes a total of 5,775. To me that is as near as you can get those towns divided evenly, and I don't believe it is right for the Town of Windham to have one representative, when the rest of us up in that other section have got to take up near to 6,000, and I am still sticking to my guns. I know what the people down in that section would like to have and if you people would like to go along with me, I would appreciate it.

The SPEAKER: The question before the House is the motion of the gentleman from Windham, Mr. Watkins, that House Amendment "I" be indefinitely postponed. Is the House ready for the question?

The Chair recognizes the gentleman from Harpswell, Mr. Prince.

Mr. PRINCE: Mr. Speaker, Ladies and Gentlemen of the House: I want to concur with the representative from Raymond, Mr. Edwards. I think that his amendment is very fair, and if this amendment is not passed it will create a serious technicality in the Town of Harpswell, which has been classed with the Town of Yarmouth. As we all know, the Town of Yarmouth has had sole representation for some time. To class the Town of Harpswell, with a population of 2,200, with the Town of Yarmouth, whose population is nearly double, is not consistent. I hope that this amendment is passed and I think it is tremendously important, and I hope that you all give this your very serious consideration.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I will try to be very brief in attempting to speak for the committee on this particular amendment. In a way I am glad it has been presented to the Floor, and I am glad that a member of both parties has spoken for the amendment. However, I feel at this stage in our special session that we should go along with the gentleman from Windham who may have moved indefinite postponement of this amendment, and if he has not technically moved, I would so move for this reason. What occurs to me to paraphrase some well-known words, and I think which should have some significance to us at this time, for the good of the State of Maine. This question of reapportionment is always an unhappy question, and I think that the gentleman from Harpswell, and the gentleman from Raymond, should really not ask this House of Representatives today what we can do for them, but what they can do for us.

Mr. Raymond of Edwards was granted permission to speak a third time.

Mr. EDWARDS: Mr. Speaker and Members of the House: This is not a new proposition. I did not appear before the committee pre-

vious to the special session, but there was a gentleman that came down here and explained the wishes that I had given to him. At the beginning of the session, about the first person that I saw when I entered this building, I asked him about making some changes, and he told me, he said that bill is going in as it is, and it is coming out as it is.

You know, friends, I don't like to be dictated to. I like to use people fair, and I like to have other people use me the same. I am going to say to you this morning that concerning this amendment, my conscience is clear. I can go back to my people, explain to them what has happened and how it happened. I can look them in the face and say to them: "I did the best I could." All else I have got to say is, if you should decide in your humble opinion that I am right, that you can support me on this amendment, it would be gratefully appreciated.

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

Mr. COTTRELL: Mr. Speaker, it has been my great privilege in this session to serve on the Reapportionment Committee, and also on the special committee on reapportionment. I do not think that any member on the committee will suggest or accuse me of being unduly partisan as we tried to work on this difficult problem. I think the committee has come up with a great reapportionment plan. They have produced a great deal of equity. I am standing here now not to prolong this session, but simply to say that Mr. Edwards' cause is just, it is one of those little inequities that didn't get ironed out. If we had a map here and I know sometime sooner or later you will look at the map and I am sure you will see that it is a most irregular district. I am not familiar with the towns and all the people in Cumberland County, but I can look at a map. Raymond is on the east side of the large Sebago Lake. His district now will force him to either go by boat across Sebago, or to travel through two towns, the

Towns of Casco and Naples, to get to his district on the north, or on the south to travel through Windham to get to his district. I know that this is a very difficult thing to handle at this point, but I am on my feet simply to say that it is not a right districting.

The SPEAKER: The Chair recognizes the gentleman from North Yarmouth, Mr. Henry.

Mr. HENRY: Mr. Speaker, I would like to go along with the gentleman from Raymond, Mr. Edwards. There are many inequities in the bill as it was passed yesterday, in my opinion. Since I represent New Gloucester at the present time, I am going to find it hard to go back to the people there and explain how it came about that they are combined with Standish which is way over on the other side of Sebago Lake. Cumberland and Gray, although they adjoin each other, have nothing in common. The people of Gray tend to go toward Auburn way; the people of Cumberland tend to go toward Portland. They have nothing in common. New Gloucester and Gray have very much in common, including the School Administrative District. Yarmouth and North Yarmouth have much in common. To put us in with Freeport and Pownal creates another inequity in my opinion. I hope that you will go along with the gentleman from Raymond, Mr. Edwards, and pass this amendment.

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

Mr. DENNETT: Mr. Speaker and Members of the House: It is with great reluctance that I rise this morning where I find a matter that we thought was entirely settled again thrown into turmoil. This committee has worked long and hard at this proposition. The eleventh hour is here. This thing this morning was up for enactment. I believe it is as just a reapportionment as one could possibly make under the circumstances. Now everyone in this House has not been happy. We have changed districts. It was not to the best wishes, but they have gone along. They have gone along in the in-

terest of this State of Maine to pass this bill. The people who wanted districts are most unhappy, but they have put their disappointment in their pocket and they have gone along to push this bill forward. Now I think this dissension in Cumberland County should cease, that we should go along with the bill as written; and I certainly hope that you will go along with the motion made by the gentleman from Windham, Mr. Watkins, to indefinitely postpone, and let's get this show on the road.

The SPEAKER: Is the House ready for the question? The Chair will order a division.

The Chair recognizes the gentleman from Harpswell, Mr. Prince.

Mr. PRINCE: Mr. Speaker, Ladies and Gentlemen of the House: This amendment is not going to slow things up one bit. I would like to bring out one other point. The Town of Harpswell has been classified with the Town of Cumberland. Under the new setup, Cumberland will be classified with Gray. You must be mindful of the fact that the Town of Cumberland is a coastal town, Chebeague Island and Chebeague Island Bridge, if you please, so the wants of the Town of Cumberland and the Town of Harpswell, whose population is very close to each other, has much more in common than a coastal town that is classified with an inland town. At one time, Harpswell was classified with Casco and Naples. Two fine towns to be sure, but their wants inland and our wants on the coast were far different from each other. This amendment of the gentleman from Raymond, Mr. Edwards, I feel, will clarify the condition that exists in Cumberland County, and I hope this House will accept this amendment. Thank you.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Wind-

ham, Mr. Watkins, that House Amendment "I" be indefinitely postponed. All those in favor of the motion to indefinitely postpone will rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

Mr. EDWARDS: Mr. Speaker, I request a roll call.

The SPEAKER: 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 members present. Those desiring a roll call will rise and remain standing until they are counted.

A sufficient number arose.

The SPEAKER: Obviously, more than one-fifth of the members present arising, a roll call is ordered.

The question before the House is the motion of the gentleman from Windham, Mr. Watkins, that House Amendment "I" to "An Act to Apportion One Hundred and Fifty-one Representatives Among the Several Counties, Cities, Towns, Plantations and Classes in the State of Maine" be indefinitely postponed. If you are in favor of the indefinite postponement of House Amendment "I" you will answer "yes" when your name is called. If you are opposed, you will answer "no." The Clerk will call the roll.

#### ROLL CALL

YEA — Albair, Anderson, Ellsworth; Benson, Berman, Bradeen, Bragdon, Brewer, Brown, Fairfield; Brown, So. Portland; Carter, Chapman, Cope, Cressey, Crockett, Curtis, Searsport; Dennett, Drake, Dunn, Evans, Finley, Gifford, Gill, Gustafson, Hammond, Hanson, Hardy, Harrington, Hawkes, Hobbs, Humphrey, Hutchins, Jewell, Jones, Katz, Kent, Loughton, Libby, Lincoln, Linnekin, Littlefield, MacGregor, MacLeod, MacPhail, Meisner, Mendes, Minsky, Norton, Oakes, Oberg, Pease, Philbrick, Pike, Pitts, Rand,

Rankin, Ross, Rust, Sahagian, Scott, Shaw, Smith, Bar Harbor; Smith, Falmouth; Smith, Strong; Susi, Thaanum, Tre-worgy, Turner, Tyndale, Vaughn, Viles, Waltz, Ward, Waterman, Watkins, Welch, Wellman, White, Guilford; Wight, Presque Isle; Wil- liams, Young.

NAY — Anderson, Orono; Ayoob, Baldic, Bedard, Bernard, Berry, Binnette, Birt, Boissonneau, Booth- by, Bourgoin, Burns, Bussiere, Carswell, Cartier, Childs, Choate, Cookson, Cote, Cottrell, Coulthard, Crommett, Curtis, Bowdoinham; Davis, Dostie, Dudley, Edwards, Ewer, Foster, Gallant, Gilbert, Hendsbee, Henry, Jalbert, Jame- son, Karkos, Kilroy, Knight, La- charite, Lebel, Levesque, Lowery, Maddox, McGee, Mower, Nadeau, Noel, O'Leary, Osborn, Osgood, Pierce, Plante, Poirier, Prince, Harpswell; Prince, Oakfield; Rich- ardson, Ricker, Roy, Snow, Taylor, Thornton, Whitney, Wood.

ABSENT — Blouin, Jobin, Rey- nolds, Roberts, Tardiff, Townsend, Wade.

Yes, 80; No, 63; Absent 7.

The SPEAKER: The Chair will announce the vote. Eighty having voted in the affirmative, sixty- three having voted in the nega- tive, with seven being absent, the motion to indefinitely postpone House Amendment "I" does pre- vail.

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

**Finally Passed  
Emergency Measure**

Resolve Permitting Use of Ap- propriated Federal and State Funds at Maine Vocational Technical In- stitute (S. P. 659) (L. D. 1651)

Was reported by the Commit- tee 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 neces- sary, a division was had. 128 voted in favor of same and none against, and accordingly the Resolve was

finally passed, signed by the Speak- er and sent to the Senate.

**Emergency Measure**

Resolve Appropriating Funds for Community Mental Health Ser- vices (H. P. 1134) (L. D. 1605)

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 neces- sary, a division was had. 130 voted in favor of same and none against, and accordingly the Resolve was finally passed, signed by the Speak- er and sent to the Senate.

**Constitutional Amendment**

Resolve Proposing an Amend- ment to the Constitution Clarifying Procedure for Delivering Election Returns to the Secretary of State by Municipalities (H. P. 1141) (L. D. 1612)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being a Constitutional Amendment and a two-thirds vote of the House being necessary, a division was had. 128 voted in favor of same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

The SPEAKER: Is there objec- tion to sending these nine bills just acted on forthwith to the Senate? The Chair hears none. It is so ordered.

The SPEAKER: The Chair rec- ognizes the gentleman from Ban- gor, Mr. Wellman.

Mr. WELLMAN: Mr. Speaker, may I inquire if the Clerk still has in his possession item 7 on page 3 of the calendar, Bill "An Act relating to Detention by Coun- ties and Municipalities of Persons Arrested by Law Enforcement Of- ficers," Senate Paper 694, Legisla- tive Document 1672.

The SPEAKER: The Clerk has this item in his possession.

Mr. WELLMAN: Mr. Speaker, I would like to ask to have this matter reconsidered. Some facts

have been presented to me which I feel should be fully aired.

The SPEAKER: The gentleman from Bangor, Mr. Wellman, moves that the House reconsider its action whereby the House adhered on this matter. Is this the pleasure of the House?

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

Mr. RUST: Mr. Speaker and Members of the House: I would oppose the motion of the gentleman from Bangor, Mr. Wellman, and suggest to him that the rules be suspended so that this matter can be sent forthwith to the Senate, because they have an amendment over there which they propose and it may clarify the matter to the satisfaction of everybody.

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

Mr. WELLMAN: Mr. Speaker, after the comments of the gentleman from York, Mr. Rust, I would withdraw my motion for reconsideration and ask that this matter be sent forthwith to the Senate.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Knight. Does the gentleman object to the matter being sent forthwith?

Mr. KNIGHT: No, Mr. Speaker, a parliamentary inquiry. We had adhered in this body and I am wondering if it could go forthwith.

The SPEAKER: If the House orders that this matter be sent forthwith. Is there objection? The Chair hears none. It is so ordered.

#### Orders of the Day

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

HOUSE JOINT ORDER re Creating an Interim Joint Committee to study the Feasibility of a New England Railroad Authority.

Tabled—January 15, by Mr. Rand of Yarmouth.

Pending—Passage. (Ordered Reproduced)

Mr. Rand of Yarmouth offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to House Joint Order re Creating an Interim Joint Committee to Study the Feasibility of a New England Railroad Authority.

Amend said Order, in the first paragraph, by inserting in the 8th line between the words "all" and "railroad" the word 'passenger' and by striking out in the 9th and 10th lines the punctuation and words ", as to both passenger and freight,"

House Amendment "A" was adopted.

The SPEAKER: Is it the pleasure of the House that this House Joint Order as amended by House Amendment "A" receive passage?

The Chair recognizes the gentleman from Oakfield, Mr. Prince.

Mr. PRINCE: Mr. Speaker and Ladies and Gentlemen of the House: I rise to express my views on this order of the gentleman from Yarmouth, Mr. Rand, as to railroad subsidy by the states of the New England railroads in order to secure better transportation facilities than now exist in passenger service.

I would first like to discuss the passenger train service as I know it. Having served as a locomotive engineer and fireman for over 46 years I have had the privilege of seeing both the rise and decline of that particular service, and for the last 15 years of my service I was associated with the passenger angle of that service. On the particular railroad where I worked we had the finest equipment in the United States. The value of the cars and the diesel engines ran into the millions in value in one train. We had the best diners and service that was unexcelled on any railroad, but when we got that new equipment the decline of the passenger service had already started to be felt. The automobile had started to take its toll. The travelling salesman had started to become a legend, and travel by auto was becoming the vogue. The railroad had started along the same route as the stage coach, and the horse and buggy, and the average young person had lost inter-

est in railroad travel, and became indignant when they could not get a bus for short trip travel.

Under the circumstances, the cars that had at one time, when the service was far from being as efficient as at present, buzzed with conversation of happy travellers, became ghost cars, and the only real value that they served was for emergency travel and to handle the United States mail. Finally, the railroads had to take the cars off one by one until at the last of that service no passenger coach was needed, and the train became a mail train only. I might add that the Government had instructed the railroads then to start transporting the mail by trucks. I know of no service that could be extended to the people at this time that would induce them to return to the old out-moded form of travel, much as I wish it could happen.

As to the freight service angle, there is little that could be improved upon to better the service as it now exists. The railroad companies are doing a good job, much better than could be done by novice management, and the question of subsidizing would be unreasonable waste of the taxpayers' money for sentimental reasons only, which would be the case should this thing materialize.

I do not believe that the Yankee ingenuity of the most of our lawmakers would tolerate the use of \$50,000 of taxpayers money to be wasted in setting up and carrying out the specified requirements of this committee as set up in this order. We have so many places where money of this kind could be used to so much better advantage than in this prescribed formula. I have high regard for the good intentions of the gentleman from Yarmouth in his desire to reinstate a service that has already joined the memories of the past, along with the stage coach, the cowboys, trolley cars and driving horses. I also believe that it would be very unfair to try to consolidate prosperous railroads with those that are practically insolvent and

in the hands of receivers. Such usurpation would be contrary to our American way of life, and should not be considered. I hope that I have made my views clear with my above statements. I could belabor the subject for hours showing the folly of the undertaking, which I do not wish to do, knowing the desire of most of our group to get our business attended to and get home. Therefore, I ask that this order be indefinitely postponed, as being a very unreasonable piece of legislation. Thank you.

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

Mr. PIKE: Mr. Speaker, I agree on most points with the gentleman from Oakfield, Mr. Prince. It is painful to see our passenger service lost. Now the hickey in here as I see it, is the problem which hits most of the other New England States, particularly Massachusetts and Connecticut, is one of commuter service which we don't have and never did have to any extent. Our two railroads in this state are in pretty good shape. The big one in southern New England is already in bankruptcy, it has been there for about three years. The one in the middle of New England, the Boston and Maine, is teetering on the edge of bankruptcy, it is just a question of when it will go. The losses on commuter traffic I noticed the other day in Newsweek out of New York, the New Haven and the New York Central in their New England runs, I think the runs east of the Hudson run about eleven and a half million dollars a year. I don't know what the losses are in and around Boston. It's that short-haul traffic that makes the losses.

Now we're not involved. I have strong feeling that the interests of the State of Maine are not tied up with this commuter business either in or out of Boston or New York and possibly Providence. I have a very strong feeling that an appropriation of \$50,000 for this purpose, besides the time of the gentlemen involved, would be money down the drain.

Therefore, I agree that this order should be indefinitely postponed.

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

Mr. EWER: Mr. Speaker and Members of the House: Just as a sideline to my remarks, I would like to state that the gentleman from Oakfield, Mr. Prince, was my engineer on the last of my running on the passenger trains.

Now I agree with the gentleman from Lubec, Mr. Pike, that this problem in Maine is not one similar to that around the Boston and New York areas. It is the matter of the long-haul transportation rather than the short-haul commuter traffic. I agree that commuter traffic is, as it was set up about a year and a half ago, an expensive thing for the railroads involved, but the Boston and Maine Railroad under the urging of the Commonwealth of Massachusetts set up a trial basis of operation of commuter business which turned out quite successfully, and the astonishing part of the whole success was the way in which off-hour travel, that is, as opposed to the rush-hour travel, increased by some sixty-odd percent. I think this partial support by governmental agencies may be the answer in the commuter business. You may or may not know that at the present time there is a committee of public citizens in the Connecticut River Valley under the chairmanship of former United States Senator Flanders from Vermont studying this whole situation, and some of us people in the railroad unions of Maine have had quite a bit of correspondence with those people. They would be very anxious for some committee to be set up here in Maine to work along with them.

There is another measure presently before the Federal Congress introduced by Senator Pell of Rhode Island to set up a transport unit along the Atlantic coast starting at Massachusetts and running south through Virginia with the idea of setting up a railroad authority somewhat similar to the

State of Maine Port Authority or Turnpike Authority. We have tried to interest the New England delegations, or the northern New England States, Maine, Vermont and New Hampshire, to try to include the three northern states in this area authority, so far without success. I don't know, there has no action been taken during the fall session that ended Christmas in regard to this bill, but it is coming up during the present session. During the time when we were attempting to keep passenger service in Maine, I was quite completely mixed up with the thing in opposition to abandonment of passenger service, and perhaps a little history of what actually happened might be of interest to some of the people before we vote.

The Public Utilities Commission conducted a very complete and exhaustive study of the whole situation. They employed the firm of Ernst and Ernst, who are nationally known in the accounting field of railroad work. One of their vice-president, a Mr. Juackette, was sent here to Maine and was here for over three months, studying the records of all the Maine railroads. During the final hearing here in Augusta, the statements given as to losses incurred in passenger service, which were cut by a tremendous amount, the Commission devoted a good deal of time and attention to studying the matter of Budd car operation in connection with conventional trains. They had arranged for rental of Budd car service at a very low rate and hoped that something could be worked out; but the President of one of the roads, when he took the stand, testified that he would have no part of Budd cars, he owned none and would buy none, would not even allow them to operate at somebody else's expense over his lines. So that was definitely out. They did, however, set up a minimum requirement of a certain number of round trips carrying passengers, mail and express.

One of the reasons for the loss of passenger travel, I have always been convinced, is due to this

headend traffic so-called, and the delays which are caused by it; and when all the mail and express which had been handled by a half a dozen trips a day was confined to two, these delays increased in length. One of the railroads was not content with this decision of the Commission, and went to the Courts for relief, which was granted, by the total abandonment. There was one little flicker after this Court order which rapidly petered out. That was a search of the Charters which had been issued by this Legislature as special acts to all Maine railroad companies at the time of their organization, and we found back in 1838 where one railroad had been required, not permitted, but required to maintain freight and passenger service sufficient for the demand thereon. It was our hope that perhaps legally this might give us an appeal to the Courts, but the railroad unions had no money to fight this case and anyway it didn't seem too promising a lead, so that was abandoned.

I hope that this House and the Senate will concur in the passage of this act in order that we may be able to get along and perhaps find a way of getting some of this service in effect again. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Brownville, Mr. Ross.

Mr. ROSS: Mr. Speaker and Members of the House: I am not a railroad man, but I do represent two towns that are railroad towns; one of them is Brownville Junction which is the junction of the Canadian Pacific Railroad. Now I am not concerned with them, it is a Canadian company and they can take care of themselves, but I would like to cite you a couple of facts as far as the Bangor and Aroostook is concerned. As my good friend, Mr. Prince stated, the Bangor and Aroostook ran beautiful trains through my section of the country. I can recall club cars with Filipino waiters in there; they served booze and everything was

lovely. But the business dropped off, and finally they were running the trains with nobody on them, so they put a bus on. Next thing I knew we had a hearing in my own town about taking off the bus because nobody was riding the bus, they averaged four and one-half persons a day running from Northern Maine to Bangor. Now you know they couldn't do it. I think with a price tag of \$50,000 we had better just go along with the gentleman from Oakfield, Mr. Prince, and I go along with the indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Owl's Head, Mr. MacPhail.

Mr. MacPHAIL: Mr. Speaker, I don't believe that the American way of life ever intended that the government or the taxpayer should operate any transportation line. It would seem to me that this is merely one step nearer to a socialistic form of government. Certainly if the railroads can't operate their lines and make a profit, I don't see how the government could and who is going to pay the deficit? The poor taxpayer. I would most wholeheartedly support my good friend, the gentleman from Oakfield, Mr. Prince, for indefinite postponement.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Oakfield, Mr. Prince, that this Order and accompanying papers be indefinitely postponed. All those in favor will answer yes; those opposed, will answer no.

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

On motion of Mr. Wellman of Bangor,

Recessed until 1:30 this afternoon.

#### After Recess

1:30 P.M.

The House was called to order by the Speaker.



The following papers from the Senate were taken up out of order by unanimous consent:

From the Senate: The following Orders:

ORDERED, the House concurring, that there is appropriated to the Joint Interim Commission on Search and Seizure, of the 101st Legislature, from the Legislative Appropriation, the sum of \$2,000 for Commission expenses, including the cost of printing its reports (S. P. 700)

WHEREAS, the Constitutional Amendment on Apportionment, adopted by the people at the Special Election held November 5, 1963, made it mandatory that the 101st Legislature make the reapportionment in the year 1964; and

WHEREAS, from a practical standpoint, it was necessary that a great amount of groundwork be done prior to the convening of this Special Session of the 101st Legislature to pave the way for putting these new constitutional provisions into effect; and

WHEREAS, an informal committee was appointed prior to the session by the leadership of both branches for this purpose; and

WHEREAS, the extensive research and implementation of the activity of this committee, as well as for the Joint Standing Committee on Constitutional Amendments and Legislative Reapportionment during the session, was efficiently handled by Miss Edith Lydia Hary, the State Law Librarian; now, therefore, be it

ORDERED, the House concurring, that the Senate and the House of Representatives of the State of Maine express their deepest thanks to Miss Hary for these splendid services, with note that through her efforts the work of the 101st Legislature on the problem of reapportionment was greatly expedited (S. P. 701)

ORDERED, the House concurring, that there be created an Interim Joint Committee to consist of 2 Senators to be appointed by the President of the Senate, 3 Representatives to be appointed by the Speaker of the House and 3 members to be appointed by the Governor one of whom shall be a representative of the

Maine State Bar Association, one of whom shall be a representative of a financial institution and one to be appointed from the public, to study and report to the 102nd Legislature on the subject matter of the period of redemption on mortgage foreclosure; and be it further

ORDERED, that the members of the Committee shall serve without compensation but shall be reimbursed for their expenses incurred in the performance of their duties under the order; and be it further

ORDERED, that there is allocated to the Committee from the Legislative Appropriation the sum of \$500 to carry out the purposes of this order (S. P. 702)

Came from the Senate read and passed.

In the House, the Orders were read and passed in concurrence.

#### Non-Concurrent Matter

Bill "An Act to Amend the Paris Village Corporation" (S. P. 667) (L. D. 1640) which was indefinitely postponed in non-concurrence in the House on January 15.

Came from the Senate with that body voting to insist on its former action whereby the Bill was passed to be engrossed and asking for a Committee of Conference, with the following Conference appointed on its part:

Messrs. FERGUSON of Oxford  
COLE of Waldo  
WYMAN of Washington

In the House: On motion of Mr. Hammond of Paris, the House voted to adhere.

The Chair laid before the House the tabled and later today assigned matters on the back of Supplement Number One, item one:

SENATE JOINT ORDER re Study by Public Utilities Commission of the Various Hydro-electric projects being proposed for the Upper St. John River area. (S. P. 692) In the Senate passed with Senate Amendment "A" (H-539)

Tabled—Jan. 16, by Mr. Wellman of Bangor.

Pending—Adoption of Senate Amendment "A."

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

Mr. ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: In regard to this order, I am not going into the formality of reading it, it's right before you the first item on page one of the House Calendar. I have the highest regard for the gentleman who introduced this order, but I just can't go along with it. Costs to \$2,000,000 have already been paid to some of the best engineers in the country for a survey of this project. How far would \$5,000 go? Again I question the germaneness. Would the Public Utilities Commission be able to evaluate a project of this dimension? It seems to me that we would get absolutely nothing for our \$5,000.

Again, I have the greatest admiration for the gentleman who introduced this order and I realize that he has worked hard on a project which, if realized, would have given the State of Maine a big economic boost. But I can't let sentiment interfere with saving the taxpayer \$5,000. I now move that this order and all accompanying papers be indefinitely postponed.

The SPEAKER: The question before the House is the adoption of the pending amendment, the adoption or rejection of Senate Amendment "... Does the gentleman move the indefinite postponement of Senate Amendment "A"?"

Mr. ANDERSON: I so move.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I have here the original report of the International St. John River done by the engineering board in 1953. It was a study comprising three volumes, at the cost of one-half million dollars. Maine taxpayers paid their proportionate share. I well recall this original study because in that session of the legislature Maine—

The SPEAKER: Will the gentleman allow the Chair to inter-

rupt? Is the gentleman addressing himself to the amendment which is an appropriation or to the total order?

Mr. JALBERT: Total order.

The SPEAKER: The amendment now is under discussion, the Senate Amendment, and the pending question is indefinite postponement of Senate Amendment "A" which is the appropriation for the study. The gentleman may proceed if he wishes.

Mr. JALBERT: I want to talk on the — I am in error, I thought we were talking about the order itself. My procedure then would be to wait until we dispose of the amendment.

The SPEAKER: The matter before the House is the Senate Amendment "A" which requires an appropriation. Would the gentleman care to address himself to that portion?

Mr. JALBERT: Speaking strictly to that portion of the order, I went and talked this morning after we adjourned with the entire membership of the Public Utilities Commission and they told me that they informed all those who asked them that they did not know what \$5,000 would do. It could be five thousand, it could be fifty thousand, it could be a hundred thousand. The Harris people have stated that the cost would be a half a million dollars, so I think that this would be a useless waste of money. I go along with the gentleman from — on my rare occasions — the gentleman from Ellsworth, Mr. Anderson.

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 read to the members of this body the laws relating to the Public Utilities Commission as to what their duties are in matters such as this, and I will now read to you from the Revised Statutes of Maine, Chapter 44, Section 12. "The commission shall publish in its biennial report an account of its operations and include such data as it may deem advisable bearing

on the water powers and water resources of the State; and may report upon a comprehensive and practical plan for the improvement and creation of such water storage basins and reservoirs as will tend to develop and conserve the water powers of the State. The commission may also report so far as its investigations will permit on the development of the water powers of the State with reference to the general plan proposed so that the Legislature may have before it a comprehensive summary of the possibilities that lie in the development of the water powers of the state as a natural resource, and the necessary steps that should be taken by the state to further increase and conserve them.

"So far as any proposed plan devised by the commission for the improvement and increase of water storage basins or reservoirs shall include the construction of dams or dams upon or at the head waters of any river or water course, the commission shall ascertain and report as nearly as may be the water storage capacity in cubic feet of the reservoir to be created, the recorded rainfall on the watershed above such proposed dam, and the maximum, minimum and average flow of water per second in cubic feet during each month in the year in said river or water course. It shall, as nearly as practicable, estimate the increased power that would be developed by such proposed dam and the rivers or streams to be affected thereby."

And I think it is quite clear that the subject matter of this joint order is within the prerogatives of the Public Utilities Commission and if they are so ordered to do so they will make this report.

The SPEAKER: Is the House ready for the question? The question before the House is the motion for indefinite postponement of Senate Amendment "A." All those in favor will answer yes; those opposed, no.

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

Ninety-one having voted in the affirmative and thirty-three having voted in the negative, Senate Amendment "A" was indefinitely postponed in non-concurrence.

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

Mr. ANDERSON: Mr. Speaker, I now move the indefinite postponement of the Senate Joint Order.

The SPEAKER: That is the question before the House.

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

Mr. DUDLEY: Mr. Speaker, I would like to see us concur with the other branch and ask for this survey. It seems that the Public Utilities Commission is a state agency responsible to protect the interests of the public in matters of this nature and certainly I think we are entitled to their report. And now I would like to say this first of all, that this is not another survey of the numerous surveys that have been made of the upper St. John. True, there have been numerous surveys but let me tell you this, up to this point the State hasn't invested a dime — and I am not looking for a chance for the State to spend money, I think my stand here all through the regular session, you never saw me standing here looking for a chance to spend money. And I still feel the same.

However, I do feel that the State is entitled to a report. Now when I say a report I mean to evaluate, to evaluate the projects that have already been surveyed and tell us, the Legislature or the incoming Legislature, the 102nd Legislature, some judgment, something to go by, so we won't be stumbling around in the dark. So let's get this one point clear, we're not asking for another survey; and now that the amendment is killed we're not asking for money, we're asking the Public Utilities Commission to evaluate and tell us which one of these projects is feasible. We don't want this a New England project; we want a Maine project, what would benefit Maine. We ex-

pect them to tell us. And I think that it is fitting and proper to ask this Public Utilities Commission to make this survey. It is a survey, or an evaluation — it is an evaluation, not a survey, because the surveys have already been made and just give us something to operate on, or the next legislature something to go by, and the Senate or the other branch saw fit to do something about it; I hope we will. Thank you.

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

Mr. PIKE: Mr. Speaker and Members of the House: This order disturbs me on two counts, one from the point of view of the Utilities Commission where I used to serve. In talking with their Chairman the other day he had really no idea of the effort and cost that it would go to. Now we have killed the money amendment. I hoped you wouldn't kill that money amendment, because it will certainly cost something beyond their budget. But that's by the way.

There is no end of material on hand from which an office report can be made. The joint New England-New York survey, of the Upper St. John made, I think about ten years ago, is available. The report of the International Joint Commission is available. The report of the Department of Interior on the Quoddy-St. John project is available. They could probably be hashed together at no great expense. But what worries me most, and I have to speak now with my other hat on as Chairman of the Governor's committee on Quoddy and the Upper St. John, is that we are facing a rather delicate and I think perhaps difficult series of negotiations in the next several months between now and the time of the meeting of the 102nd Legislature, negotiations with Canada which have been going on in Washington this week, negotiations with New Brunswick and very probably with Quebec, a highly charged, emotional, I think, picture in the Congress this spring — I think we are all aware that this is an election year; and I have been hoping that we

could get a bill through the Congress for an authorization without having too many extraneous factors get in here and perhaps rock and perhaps upset the boat. Now one can't be too sure whether this will work or not with the change in the head of the administration, there are more uncertainties perhaps than ever in the picture.

I find some difficulty in understanding why this particular resolution comes in to this special session, of this order. I don't feel strongly enough about it to vote—to urge indefinite postponement, but I would like to lay before you the trouble I have. You can't do an adequate, a de novo survey of all these — there are about thirty possible damsites on the Upper St. John, without spending some money. You can get probably a compilation of the existing data. It can be done right up here in the office. They've got all the data up there and I don't believe that would be enough to satisfy this House. I think probably my real concern is that I would really like to have the proposal that is now before the Federal Administration, and I take it is now pretty well before the Canadians — they were in Washington yesterday; I would kind of like to have it go through without — say on smooth seas. I don't know whether this would be bad or not, but on the whole it worries me and I am not going to make any motion. Thank you.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Ellsworth, Mr. Anderson, that this Joint Order, Senate Paper 692, be indefinitely postponed. The Chair will order a division. All those in favor of indefinite postponement of the Joint Order will rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Ninety-one having voted in the affirmative and forty-three having voted in the negative, the Joint Order was indefinitely postponed in non-concurrence and sent up for concurrence.

The SPEAKER: For what purpose does the gentleman arise?

Mr. RUST of York: Mr. Speaker, to request a vote by the yeas and nays.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one-fifth of the membership present. Those desiring a roll call will rise and be counted.

An insufficient number arose.

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

The Chair laid before the House item two on the back of Supplement Number one, tabled and later today assigned:

Bill "An Act Revising the Maine Employment Security Laws." (H. P. 1166) (L. D. 1675) Read twice, House "B" Adopted (H-538)

Tabled—Jan. 16, by Mr. Birt of East Millinocket.

Pending—Motion of Mr. Young of Gouldsboro to Indefinitely Postpone.

The SPEAKER: The Chair recognizes the gentleman from Manchester, Mr. Gifford.

Mr. GIFFORD: Mr. Speaker, Ladies and Gentlemen of the House: I would call your attention to a letter which now appears on your desks over the signatures of two representing a majority of the members of the Maine Employment Security Commission. This is the letter which was promised to you in the debate on this bill earlier this morning. This majority of the Employment Security Commission, through this letter, affirm their faith in Mr. Trott, the Commission's statistician who carries the title of Director of Economic Analysis and Research, and states specifically that to the best of their knowledge his figures are the best figures that can be obtained on available statistics and supports the contention that the figures are a reasonable and conservative estimate.

Having received this support for the figures of Mr. Trott, being the ones which your Joint Standing Committee on Labor saw fit to

have distributed among you, I would like to return again to the conflicting statistics, having had more time by reason of the luncheon recess, I would like to call to your attention a little more clearly what is here being done. Paragraph one in the letter from Commissioner George I can find very little to argue with. It is true that under the present law, under the proposed revision, or under any other law that might be developed, any figures of cost to the fund, would vary from year to year in accordance with variations in our economy. This is neither an argument for L. D. 1675 nor an argument against, but a simple fact, the most basic factor in influence of costs in the Employment Security program is certainly the state of our economy. In fact this very paragraph should serve as sufficient refutation for some of what he would propose to inform you regarding later in his letter when he attempts to compare figures of one year with figures of another.

For example, in paragraph two he proposes to you that the costs of the partial benefit provisions of L. D. 1675 would be \$400,000. You will note that this is arrived at by simple subtraction of the costs in 1961 with those in 1963, the only year since the Estey amendment. I do not question his mathematics but I do very seriously question whether or not the Estey amendments were the only thing that changed in that two-year period. Certainly I feel that I am on sound ground to say that the economy was in much better shape in 1963 in the State of Maine than it was in 1961. It is entirely fallacious to attempt to draw any comparison between one year and another in this manner.

Throughout the analyses made by the Commission's statistician, in all the figures which were presented to you by the committee, a single year, the year 1962, the—latest for which full figures were available, has been used. This was done deliberately to prevent discrepancies and error from creeping in due to changing conditions from one year to the next. And I submit to you that this is

the only sound statistical basis on which to present figures on costs.

I would again call your attention to paragraph three in which the writer indicates that it has been estimated by others, the others I would call to your attention is the Commission's own Director of Economic Analysis and Research. Mr. George, however, has selected as a basis for his figure a simple statement in my opinion. Going further he chooses to take no exception to the requalification provision cost presented by the Joint Standing Committee, but then contradicts himself by saying that he personally feels it might be closer to another figure.

I submit to you ladies and gentlemen that these out-of-thin-air prognostications do not constitute a desirable replacement for sound analysis or reasonable estimate.

In paragraph four, relating to the estimated savings through elimination of double-dip, the figure presented to the committee given to us by Mr. Trott was presented with full knowledge that the provision in the bill was not completely airtight, but that it would eliminate most, in fact eighty or ninety percent of the cost of double-dip. The figure which is presented is a very minimum estimate and probably the saving will be far more than this estimated minimum.

Paragraph five I would call to your attention again refers to variations in our economy as a rather half-hearted attempt to discredit the estimate of additional revenue. I would be the first to admit again that variations in the economy will affect this estimate as they do affect the revenue from every other provision in the bill—in the law. Certainly the contributions to the fund depend upon the payrolls of the state and these vary with the economy. This would be true under present laws, under the proposed revision, or in any Employment Security law which you might write.

I would in closing repeat, that all the figures presented by your committee were developed by the Director of Economic Analysis and Research of the Employment Se-

curity Commission, in whom two of three members of that Commission have a high degree of faith as evidenced by the letter they have seen fit to have reproduced. I would repeat that many of the figures which have been presented to you in opposition, and very properly, by its sources, have little basis in fact, result from little in the way of analysis and have very much the appearance of wishful thinking and the grasping for straws, if you will, on the part of groups here with an ax to grind. I leave to your good judgment which set of figures you may choose to accept.

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

Mr. MCGEE: Mr. Speaker and Members of the House: After listening to these dissertations for a length of time and on account of the statements and words both in regard to capital and labor as he called it, or industry and labor, I find that as is often the case there is one group in the consideration that is left out; and that's the general public. Now from my way of thinking it has come to the time of decision. There is a very easy way to make this decision after all this conversation. Is this rewritten bill better than what we have in force today? You can make the decision that easy. If it is better we should adopt it; if you don't think it is better we should reject it. I think it is better and I am going to support it.

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

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: I have listened very intently to the debate of the last couple of days on this very important piece of legislation which, as you know, affects the majority of your population of the State of Maine. Therefore I need not reiterate the importance of this piece of legislation to you. I would like to discuss with you just a moment the academic features of this. No one to this mo-

ment has mentioned that there is a basic principle involved in this. The Employment Security fund was never intended as a piece of legislation to be decided on, one for industry and one for labor. It is a vehicle for the employee in the time when he is not in the employ of his company due to reasons beyond his control.

I think that you will have to consider in your mind whether there is a point of unfairness in two issues of this law, one the disqualification act. Not so long ago I had a classic example of this. A man came to me, sixty years old, who had sprained his ankle at home. He spent six weeks at home voluntarily withdrawing from his employment, which was no cost whatsoever to his employer. After he was ready to go back to work he called the foreman and the foreman politely told him that there was no work at hand right at that moment and he could collect his unemployment insurance. However, he found in applying for that that it was not there, that due to his voluntarily leaving the employment he was not entitled to his unemployment insurance.

Now the line of fairness or unfairness is very close there. These are the points that you have to decide. Is the basic principle right? You might discuss it from this point. Was this fund ever intended as a welfare fund? No. This is a basic principle that you will have to decide, some legislature will have to decide. You will recall that in the 100th Legislature when we passed the Estey bill they said at that time, on that very, very close vote, that this would help at the present time. And I can remember discussing this with several members of that committee at that time, and they said well, perhaps not the best bill but it's bringing it somewhere near where it should be. Now we had the same situation in the 101st. We're having the same situation in the special session. We will have the same situation I presume in the 102nd, and the 103rd and the 104th. Someone is going to have to face up to the respon-

sibility here, whether the basic principle is right, whether it is fair to both the employee and the employer. Naturally we are trying to attract industry here. You might have to consider this academically too, whether or not the cost or rise of this is going to depend on one or two instances. I cannot for one crystal ball what industry is going to do this year, the next year, or the following year. This point you will have to consider, who can say it will cost this much or that much? You just can't do it.

Gentlemen, the hour of decision has arrived and I certainly hope that you will give this your most serious thought. We are facing the responsibility of all our citizens in the State of Maine. This should determine your vote and I sincerely hope that you will not go along with the motion made by my dear friend, Mr. Young from Gouldsboro, and indefinitely postpone this bill. I certainly hope you won't. Thank you.

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

Mr. MINSKY: Mr. Speaker, Ladies and Gentlemen of the House: I am almost at this time a little regretful that I spoke yesterday and suggested that we delay our final decision twenty-four hours, because in that interim I began to feel a bit like a ping-pong ball, being slapped back and forth by the rather potent panels of both big labor and big management. But I did telephone to Bangor many times last evening to constituents and other people whom I knew were interested, to people I might add who are not represented here by any lobby, who are represented here only by you and myself. I asked the opinion of these people, and really, what an impossible task I presented them with. For two years since the adjournment of the 100th Session we have talked and we have heard Employment Security. We have had the Thaanum Committee, the Thaanum Bill, the Brown Bill, a new Thaanum Bill and endless variations of each of these. And now we have another new bill, so new in fact that we haven't yet found

anyone's name to put on it, although I understood there are several who are vying for the honor.

But I did make these telephone calls and I mailed out copies of the bill last night special delivery to people in Bangor, and I have received some responses both from my calls last night and more calls this morning. And what was their opinion? Basically it was one of indecision. And can you really blame them? For we have asked them to pass judgment in twenty-four hours on a problem which we have apparently found insoluble for eighteen months. What opinions I did receive were divided. By this I mean they were mixed from each individual, not divided between the individuals. There was a mixed reaction because the bill contains so many parts, because this bill does contain things that are proper and necessary, because our present law contains errors which should be corrected, particularly in the field of disqualification. But similarly I found that there are people who are very much concerned with other provisions which they thought were objectionable or unwarranted. And finally there are those provisions of rather great impact. They were confusing to them, which they felt needed more study than is permitted under the present circumstances. Even this morning we have seen statements and counter statements, predictions of bliss and forecasts of doom. We have had to take a recess as to this discussion so that more material could be put on our desks. And there has also been put on our desks at the moment another amendment by the proponents of the bill, evidently to make additional adjustments in the bill which they put out yesterday.

And if I might deviate for a moment and offer an aside, might I suggest that should this bill not prevail in this session, that any future attempt at corrective legislation be divided so that separate problems can be separately considered, and each part on its own merits and not given to us in a package, take it or leave it. I must state that I do believe that this bill contains at least the genesis of a

compromise that at least we here in this House are looking for. However, in view of the response—in view of the confusion and the lack of information which my inquiry has resulted in, I am afraid that I cannot at this time support the present bill. I cannot support a bill so hastily drawn and so hastily presented. I think it is an unfair burden to place upon those of us in the Hall today, but even more, I think it is an unfair burden to place upon those individuals who cannot afford the high-powered and ever-present lobby on both sides of this question. I think it is unfair to those people who constitute the majority of the citizens of Maine, who constitute the majority of the commerce of Maine who are represented here today only by us and depend on our good judgment.

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

Mr. CHILDS: Mr. Speaker and Members of the House: I certainly am not going to rise and attempt to discuss the pros and cons of this bill, of this particular bill. As the gentleman from Kennebunkport said, we have a principle involved here. I also want to say that this is certainly not a political matter. This is a matter which I believe faces the 101st Legislature. Certainly no bill is ever going to be perfect. If you think for one minute that labor and management can sit down and come out with a compromise bill, you are thinking up in the clouds. It is absolutely impossible. It is an obligation that we have got to face, and I say we have got to take the bull by the horns and do the job ourselves. Our Committee on Labor has spent a great deal of time on this, not only just during this special session, but during the regular session too. Now if we are not going to have any faith in our Committee on Labor, and if we are not going to have any faith in our Governor, who also believes there is an injustice here, and if we are not going to have any faith in our leadership in the House, then who are we going to have faith upon? I know we have been listening to the industrial agents,



and they have a job to do, but kindly remember, they have a vested interest in here, they are not disinterested parties.

We were called back to a special session to correct an injustice, and I think we have the obligation to correct that injustice. This 101st Legislature is not going to go down in legislative history as one of the best, I can assure you of that, and if we walk away from this special session and do not do the job that we were called upon to do, I say we will even look worse. The gentleman from Bangor, Mr. Minsky, said that his constituents are having a hard time to pass judgment. I say to the gentleman from Bangor, you pass judgment on the merits of this bill.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Gouldsboro, Mr. Young, that this bill and amendment be indefinitely postponed. The Chair will order a division. All those in favor of indefinite postponement of Bill "An Act Revising the Maine Employment Security Laws," (L. D. 1675) will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: The Chair recognizes the gentleman from Gouldsboro, Mr. Young.

Mr. YOUNG: I request that the vote be taken by the yeas and nays.

The SPEAKER: 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 members present. All those in favor of a roll call vote will rise and be counted.

A sufficient number arose.

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

The Chair recognizes the gentleman from Stonington, Mr. Richardson.

Mr. RICHARDSON: Is the question still debatable?

The SPEAKER: The question is still debatable.

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak on this primarily as a small businessman from the State of Maine who has a small number of employees, three. I participate under the law by choice, not by necessity, and I appreciate the opportunity that my friend the gentleman from Bangor, Mr. Minsky, gave me last night for additional study on this bill. Several points came to mind which I don't think have been brought out here today, and I would like to call them to the attention of the House before a final vote is taken.

The base period and the benefit year language is taken primarily from the high quarter formula language. Furthermore, this language is going to require that each small businessman, it won't be as difficult on the man with calculating machines and so forth, forward each quarter a detailed report of all the earnings of each employee. Now for those who have much paper work to do, and we all know that there is a great deal of paper work in today's economy, this is just an added expense to each and every one of us. I cannot see where the present bill does away with the so-called double-dip, and I have in my possession a letter from Roy Sinclair, who is Chairman of the Employment Security Commission to Senator Hinds, in which to quote from it: "It is our feeling that L. D. 1675 will not eliminate, but will somewhat reduce double-dip cases." Somewhat, to me, does not mean 85 percent, it means less than a majority of the cases.

Another thing which disturbs me, that is the fact that the new phrases included in this bill regarding the earnings from self-employment, I just can't see why these should be totally disregarded in letting a man requalify on earnings. I think that this is very much against our basic democratic principles and I don't feel that it is justified at all, and therefore, I am very much in favor of Mr. Young's motion to indefinitely postpone this bill.

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

Mr. BENSON: Mr. Speaker, Ladies and Gentlemen of the House: Just a few brief comments. I have heard Mr. George, Commissioner of the Employment Security Commission several times criticized for his use of the words "in my opinion." I look at the document which is to counteract his letter, and I see one of the paragraphs started off "to the best of our knowledge." To me, these mean somewhat the same thing. I come from a community which has several sardine factories, and this bill, without any question, is primarily aimed at the sardine industry. It is my feeling that any industry which is to be attacked through a measure of this magnitude should be represented in the drawing up of the bill to be presented at this Legislature, which it is my understanding that the sardine industry has not. I think the question was asked before the public hearing if the sardine industry had in any way been represented and the answer was that they had not been directly represented. The sardine industry is already staggering and this would be one more push out of the Maine door of industry. I think that where we are spending hundreds of thousands and even millions of dollars in National and State monies to attract industry into our State, it does not behoove us to give the one industry that we have another push out.

It seems to me that this program proposed here is somewhat that of the program of Robin Hood in reverse. It seems to me that this program would tend to take from the extremely needy and poor and divide among the more fortunate, if you can call any unemployed person fortunate. And it has been referred or implied I should say, that the 101st Legislature does not bear a very favorable name. I would say to you ladies and gentlemen that we have some of the finest brains from some of the finest thinking gentlemen and ladies in the State of Maine represented here, and I certainly would

not want to see hasty legislation of this nature jeopardize the name of this 101st Legislature. I think that the two letters that we have before us, bearing the heading of Employment Security Commission, serves only to prove the confusion of this measure. I certainly hope that we do not go along with the motion—I would like for you to go along with the motion of indefinite postponement when the roll is called.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I happen to bear the dubious—well, I can't say the word except distinction of being the only member of the 101st Legislature to have a bill vetoed. There is one aspect of this bill which I wish to dwell upon for just a moment. I could go on in great detail, but I do not think it is necessary. I think you people are confused enough. But I quote, and I am very sure of my figures on this, from the Maine Security Commission. Now we have had a great deal of talk here about sardine packers, but I say to you on page 35 of this report, it lists 946 employers with negative balances who will be affected by such a change, and of this 946, I have been told that there are only 55 sardine packers, so we are not talking strictly about sardine packers, we are talking about a great many more people. Now those are the people that I feel we are here to represent, and they should be given a great deal of consideration. Thank you.

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

Mr. THAANUM: Mr. Speaker, I don't want to belabor this question any longer, but I would like to just clear up one point that was brought out by the gentleman from Stonington about the employer reports. I talked with the Commission about the reports feeling that there might be some extra work for employers, and I was told that the reports presently coming in are adequate if this bill is adopted.

I just wanted to clear that up in your minds. Thank you.

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

Mr. KENT: Mr. Speaker, Ladies and Gentlemen of the House: I think there are one or two things that we have kind of put to one side. It was mentioned here in debate yesterday that the welfare program would pick up some of the tabs or had been picking up some of the tabs because of the Estey's law. I say to you ladies and gentlemen, who picked up the tab before this employment security went into effect? How much of a load has this taken off from the taxpayers throughout the years? Who has been responsible for this? And who has paid the funds? It has been our industry. And we are looking every day for more industry into our state to help our economic growth, and how do those industries start? They start with small industries, and what is this new draft aimed at? And who does it affect? It affects small industries.

This bill was put off until later in the day because we were going to have some more figures submitted to us by two more members of the Commission. This letter I have on my desk doesn't have any more figures in it, ladies and gentlemen, nor do they counteract the figures of Mr. George. I say to you ladies and gentlemen that this — the small business and the large businesses are the ones that are paying these funds, and they should be consulted and they should have time to work on this and work with the committees that are involved, and I shall support the motion from the gentleman Mr. Young to indefinitely postpone this measure, and I sincerely hope that we go out of here and not pass a law in a quick special session like this and wait until our 102nd convenes and that we can have time to study this and give our industries a chance, they are the ones that are going to pay and let them have their say.

The SPEAKER: The Chair recognizes the gentlewoman from Guilford, Mrs. White.

Mrs. WHITE: Mr. Speaker and Members of the House: Since we have been presented with this legislative document I have contacted three comparatively small but good industries in my district. They are the Moosehead Manufacturers, Guilford Industries and the Hardwood Products Company. They have agreed in their feeling that this is not the time for this legislation to be passed. They feel that they are not — I realize that I represent them and probably will make the decision, but I will adhere to their feelings that we should not pass it now, and I would read to you a telegram which I have just received from the Guilford Industries President: "Guilford Industries very concerned about new employment security bill revision. New proposal very costly in our operating area. I am convinced extra employer costs will be harmful to our company and I believe to Maine industries generally. This revised bill will be harmful to our company and our people. I sincerely hope it will be opposed." It is my hope that the motion to indefinitely postpone will prevail. Thank you.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen: I think our decision lays here about what to do about those that are unemployed. I do not agree with my good friend across the way here that industry is paying all of this. I am sure that if you look over the facts of life you will find that the worker, I don't care whether he wears blue jeans or whether he wears a white collar, he is the man that pays, or her, the cost of industry, of waste, of everything; and I say to you, and I have been an employer for a number of years, that if this Legislature should pass a law whereby I would have to pay more out in this thing, I would have to make some adjustment for those who work for me. If this was going to cost me \$5.00 more, I would have to say to those who work for me: I'll have to simply cut your wages somewhat to agree with this, be-

cause you are the people that I am exploiting whereby I get the money to pay this. I maintain that industry is not paying it out of their pocket; that we as employers must have to exploit our worker in order to get this money in the first place, and I don't think this thing can be decided so easily. Is there a need for this for those unemployed? And I would say to you, ladies and gentlemen, and I think perhaps you have thought this over, and if you haven't, think of it now, that this money that is paid to the unemployed, it does not go to him, it is channeled right through industry, the storekeeper, the milkman and the rent collector, and everybody gets their share of it, and unless we do something for the need, I am afraid that we will go down as a special session of the Legislature with very poor thinking on the part of those who work and sometimes are forced, for no cause of their own, to be unemployed.

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

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: I spoke briefly on this bill yesterday and it wasn't my desire to speak again today, but seeing in this way what has transpired in the twenty-four hour period, I feel that it is my duty as a Representative of the people here to speak my conscience. The good Representative from Bowdoinham, Mr. Curtis, has mentioned the fact that in some areas of the industry that he is representing that if the costs go up, he must exploit the workers that are earning this money for him in order to arrive at a fair margin of profit. Granted, all industries at one time or another have had to exploit the workers that are actually making the net profit for these companies or corporations or individuals. This has not been a pretty picture in this country, not only in the State of Maine, but in the whole country. We have had industries come on in the State of Maine that were classified as very stable industries; they have stayed here and done a very remarkable job for its

people and its state. We have had in this State and most likely like in other states, companies that were so-called fly-by-night that have come into the State of Maine, have exploited the labor market of this State of Maine to its fullest and then have left for another bounty.

First we have to look at the people that are earning the livings today; of the children that we are supporting in school, and we hope will come out of school a better citizen, a better educated citizen. It is our sincere hope that the extra monies that will be needed to support the funds of the Employment Security Commission will be made available from one source on another, and there is only one source that this money comes from, it is from the fringe benefits deducted from the hourly wages of the employee that is working for these different companies. It is definitely and absolutely a fringe benefit. It is part of their salary that is set aside each day or each week or each month for them should they be so unfortunate as to be unemployed at any one time or another. This is the source of insurance that companies are paying today for this protection should they be also unfortunate as to be able to have these workers out when there is no production to be done.

We are not here only to represent ourselves; we are here to represent our people. To these people we have to justify our \$10.00 a day here today and every day that we are going to be here. I am very sure that the \$10.00 a day lobbyists that are pacing the corridors here today will be going home when this session is over, they will justify their actions to their representatives. Can we go back to our people, the people that have elected us here to represent them, and justify our \$10.00 a day? My feeling is, as was stated by the gentleman from Fairfield, Mr. Brown, we are not speaking of only one deficit company of the Employment Security Commission, there are over 900. Those companies have been supported or sub-

sidized in one way or another by the more stable industries. The larger industries have accepted that for Lord knows how many years. From all indications it kind of seems like they are going to and are willing to subsidize these industries. They are not wanting to have them go out of state like probably 95 per cent of our children graduating from high school or colleges have to do, is have to go out of state to find employment and not to be on the unemployment rolls of the State of Maine. I thank you.

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

Mr. PEASE: Mr. Speaker, Ladies and Gentlemen of the House: It is probably inconceivable to all of us here that anything that might be said at this point could change enough votes for this measure to be defeated at this time. A roll call has been ordered, however; the motion cannot be withdrawn, and you and I as representatives of the people of Maine or the people of our respective constituencies are going to have to be recorded. I think that we should pay heed to the fact that this is not a measure which affects at least to use the expression that has been often heard today "in my opinion" or "to the best of my knowledge," the common, if you will, everyday laboring man in the state, it isn't a measure which affects big industry nearly as greatly as it affects the constituent in your area who as a small businessman has just about the minimum number of employees to make him eligible to come under the provisions of this act. Undoubtedly, I am skating on thin ice because of the time involved in which you and I have had an opportunity to consider all of the language which has been written in and taken from the present statute.

I was reached on the telephone one or two days ago by an individual, and while discussing a matter completely irrelevant to labor or labor laws or employment security, the question was raised as to what this Legislature was

going to do about the employment security law, the so-called Thaunum Bill, and what my position was. As I recall, this was night before last. I think I had as much knowledge at that time as perhaps fifty percent of the members of this House as to that which we were going to be faced with when we read the labor bill. I didn't know a thing about it. I had assumed that our Labor Committee in reaching what has been termed a compromise, would have at least provided a language to completely eliminate the so-called double-dip provision. My seatmate, Mr. Hardy, the gentleman from Hope, raised the same question yesterday, why had not this been entirely taken out of the present law? Will an amendment be offered that will do this? Is it really desired by those that have been lobbying this that it be done? That question has not been answered in my mind.

The gentleman from Bangor, Mr. Minsky, I think has made an excellent series of remarks concerning this bill, and one of the most important things I believe that he mentioned was if this is, and I am sure it is, going to be considered again, why don't we do it by individual bills, rather than make a package deal, so-called, out of it. Page 2 of L. D. 1675, and I will again attempt to skate on thin ice, what do we mean, and maybe it is in the present law, maybe it should or shouldn't be. What do we mean by subject to a tax under a Federal law imposing a tax? What sort of blanket authority are we giving some other sovereignty? Section 4 at the bottom of that page, why, it has not been explained to me, in the corridors or in here, why has the last sentence been stricken? Page 3, Section 5, why has the amount been changed from \$400 to \$500? Who does this affect primarily? Is it industry? Is it organized labor? Do we have an answer for that question? Page 3, Section 5 again. To me an insult to the working man of this State. As I read Column C, sure, the initial change is from \$7.00 to \$10.00, but what do we do thereafter? If we are thinking of the laboring man with the money in this fund, why

don't we think of him properly, except trying to compromise and slide something through under someone's nose. Page 4, Section 7, why hasn't an explanation been given to each one of us as to the reasons for striking the sentence concerning vacation periods? Maybe it will.

Page 4, Section 8, voluntarily leaves work. Just what does this mean? Does it mean an individual may leave his place of employment, then take a part-time or a full-time job for a short period of time and become eligible for his total benefits again? Eight times his weekly benefit amount. How much is that? How long would it take you or I as a laboring man to earn that in covered employment? Are we making it too easy for an individual to take some time off and then go back and get on the relief rolls again? Isn't that what we are talking about here? Aren't we forgetting the man who is honestly unemployed in favor of the man who by his own choice takes time off for a hunting vacation or what have you and goes back under covered employment for a minimum period of time to draw his full benefits? Section 9, Page 5, and subsequent sections. Why? Has anyone explained to us why the provision that earnings from self-employment shall not be considered?

Page 6, Section 14, and now I think we are getting to the crux of the matter, at least as far as my constituency is concerned, I have no large industries to represent here. I have storekeepers, I have people engaged in other businesses, not technically that could be referred to as industries, who employ just about enough to get them up over the minimum of the statute. They have some seasonal employees. They are not classified, however, as seasonal businesses. Are they to be penalized? Is the small businessman to be the one to accept and have to accept the main penalty under this piece of legislation? Again skating on thin ice, I would read this as adding perhaps one percent of his payroll as his contribution to the fund, because he is attempting to run the type of

business that will provide maximum employment on a seasonal basis, but in a non-seasonal business.

I will be frank, I don't know the answers to these questions. I was unable to give the individual who called me the answers to these questions, and I said I will have to, by necessity, be opposed to this legislation at this time. I think the people, for example, who work at the Bath Iron Works Corporation and who live in my representative district should know the reason why. Not because I don't want to penalize the Bath Iron Works Corporation if there is a mass layoff, but because I don't want to penalize the small businessman who is making every effort and every attempt to provide the wherewithal for his own enjoyment and the maximum employment for the maximum number of people during the greatest period of time, whether it be year 'round or seasonal employment.

If the questions that I have raised can be satisfactorily answered, I will take a long, hard second look at this, but I think it will take much longer time than we have available at a special session of the Legislature to consider this. I appreciate your indulgence. Again I say it is inconceivable to me that what anyone will say on the Floor of this House will at this point have an effect on the final outcome. I think we owe it to ourselves, however, to express our own views, for we are the ones that are going to have to live with those. We should not be voting because someone has suggested that we vote a particular way for a particular purpose, other than our own conscience, and the desires and effects on our own constituents.

The SPEAKER: The Chair recognizes the gentleman from Topsham, Mr. Mendes.

Mr. MENDES: Mr. Speaker, there have been several references made to your Committee on Labor. I would just like to remind the House at this time that this was not a unanimous report from the Committee on Labor. I could not sign this bill and recommend to

you that you vote for it because of the way it was put together in haste and under pressure, and I cannot vote for this now. I feel that we are making laws here that we have to go home and live with, and if we have to do things in one or two days under a lot of pressure and then go home and have to live under these laws, and suffer with them until another session of the Legislature, I don't feel it is right to ask any employer or any employee to suffer with us or suffer with our mistakes. Let us hold off.

If this is so important that it has to be done right this minute today, what have we been doing for the last year? We are not suffering under the law as it is now, and we are not going to suffer if we don't pass this bill right now. Everyone is painting a dark picture about what will happen if we don't pass this bill. We have been living under it for the last year, and the Attorney General has cleared up things that were disputed and were actually a hardship, and now that these things are cleared up we can live with this until the next regular session, and I advise you not to vote in haste and vote for this bill now, but to think it over. If it is a good bill it will come back and we will vote for it at the regular session, and I think this is the right thing to do and I think this is the only thing to do. Thank you very much.

The SPEAKER: The Chair recognizes the gentleman from Wilton, Mr. Scott.

Mr. SCOTT: Mr. Speaker, would I be in order to make a motion at this time to refer this to the 102nd Legislature?

The SPEAKER: That is a motion of precedence. The gentleman may.

Mr. SCOTT: Mr. Speaker, I so move then.

The SPEAKER: The gentleman from Wilton, Mr. Scott, now moves that this matter be referred to the 102nd Legislature.

(Cries of "No")

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

Mr. THAANUM: I have been listening with some — very closely to the comments that recently

have been made as to the thought that has been put into this bill. I happen to be a member of course of the interim committee that spent hours and days and what have you previous to this legislative session. I also know that during the regular session that the bill, the committee bill, that was before you at that time, that we had ample time to consider some of the proposals of the committee; and in this session I entered a bill that again should have got you thinking a little about what was going to be done about unemployment compensation. So I think the argument that this committee bill has been — we've had short notice of what they were going to do. We read our papers, I had an inkling of what they were going to do — I had an inkling from what I read in the papers of what they were going to do. Now I think this argument, that this is all very sudden, is coming on to us very sudden, I don't think that should carry too much weight with you.

As I said to you yesterday, gentlemen, we are facing a very serious decision here. We're facing a decision that affects a great population of the State of Maine and I say to you wholeheartedly that as far as this bill is concerned it is a middle-of-the-road bill. It is a bill that will help the unemployment compensation and I am not going home to say that I didn't do my duty with unemployment compensation in this session. Now I have been willing, I have been here for six months in the regular session and two weeks in this session. Most of you people have known that I have had a great experience and a long experience with unemployment compensation. Now I would have been glad, and I have talked with a number of people that have asked me to, about some of the complicated problems of unemployment compensation. Now this is a good bill. This is a bill I know that will put the unemployment compensation back on the track as I said yesterday. Now let's stick by our guns and let's have a little courage and let's go home and face this thing. You can't go to everybody back

home and explain all the technicalities of the unemployment compensation law. The decision rests with you to do the right thing. I am just trying to give you the benefit of my experience and to tell you that I know that this is a good law and I hope that we can make our decision seriously this time.

Now ladies and gentlemen, I am not going to take up any more of your time because I think that I have had my share of your time on this question through the regular session and this session, but I urge you to vote for this bill; the committee has done a remarkable job with it in my opinion. It is watered down from the bill that I brought down to be sure; any bill we bring in here is going to be changed by the Legislature. That's the legislative duty to change a bill. That's your privilege to change a bill. I have had bills on education here that I didn't know what I was doing, but I relied on the people that advised me that the bill was a good bill and they voted for it. We can't all of us know all the intricacies of all these great problems of state government. It just so happens that my forte has been in unemployment compensation, and I know what I'm talking about. Now I urge you people to consider it carefully and urge you to support the passage of this bill and to vote against its indefinite postponement. Thank you.

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

Mr. PLANTE: Mr. Speaker and Members of the House: I would only like to make a few remarks concerning the main motion now before us, to refer this to the 102nd session of the Legislature. The 101st, that of which I am a member, has been nicknamed by the Press, by the public-at-large, sometimes in a popular vein and sometimes in an unpopular vein, a very shameful nickname would be tabbed to the 101st. If we are to go down in history as men of little courage, if we were not willing to face up to a crucial issue that is before us. When you refer the bill to the 102nd session of the

Legislature there is no guaranty that it will be introduced, there is no guaranty that the Reference of Bills must introduce such a bill. In effect, you are only passing the buck. You would have to introduce another bill through sponsorship. I have served in the Reference of Bills Committee and I have seen that committee refuse to introduce bills that had been referred to the Committee on Reference of Bills of the 101st Legislature by the 101st Legislature, and not a single member of the Reference of Bills Committee can deny this because this is a fact. Let us have some guts, in plain English. If you are for this bill, vote for it; if you are against it, vote against it, but heaven's sake don't hide.

The SPEAKER: The Chair recognizes the gentleman from Jonesboro, Mr. Snow.

Mr. SNOW: Mr. Speaker and Members of the House: Speaking of intestinal fortitude, I think sometimes it takes a lot more courage to admit ignorance than it does knowledge, as knowledge we are proud of. We have a bill before us today which I think it is quite evident the Commission is mixed up on it. Yesterday it was a well tailored suit of unemployment; today we find a patch arriving on our desk to alter the bill written yesterday. I am going to agree with the gentleman who mentioned that it be referred to the 102nd Legislature. As far as the middle of the road goes, there is no road in the world you can drive in the middle, you will only get in an accident.

The SPEAKER: The Chair recognizes the gentleman from Southport, Mr. Rankin.

Mr. RANKIN: Mr. Speaker, Ladies and Gentlemen: The question before the House is a motion to refer this bill to the 102nd Legislature. This motion is a runaway motion. I move that when the vote is taken it be taken by division and when we vote we vote against the motion to refer this bill to the 102nd Legislature.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Wilton,



Mr. Scott, to refer this matter to the 102nd Legislature. A division has been requested. All those in favor of referring this matter to the 102nd Legislature will rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

Thereupon, Mr. Childs of Portland moved the previous question.

The SPEAKER: For the Chair to entertain a motion for the previous question, it must have the desire of one-third of the members present. All those who desire the motion for the previous question will rise and be counted.

A sufficient number arose.

The SPEAKER: Obviously more than one-third having arisen, the Chair entertains the motion for the previous question. The question is, shall the main question be put now? All those in favor will say yes; those opposed, no.

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

The SPEAKER: The question before the House is the motion of the gentleman from Gouldsboro, Mr. Young, that Bill "An Act Revising the Maine Employment Security Laws," House Paper 1166, Legislative Document 1675, and accompanying papers be indefinitely postponed. A roll call has been ordered. All those in favor of indefinite postponement will answer "yes" when their name is called; all those opposed to the motion for indefinite postponement will answer "no" when their name is called. The Clerk will call the roll.

Mr. Rust of York, who would vote "no," asked to be excused from voting and have his vote paired with Mr. Jones of Farmington, who was absent but would have voted "yes" were he present. The request for pairing of votes was not granted.

#### Roll Call

YEA—Albair, Anderson, Ellsworth; Benson, Berman, Berry, Boissonneau, Bradeen, Bragdon, Brewer, Brown, Fairfield; Burns,

Chapman, Childs, Choate, Cope, Cressey, Crockett, Curtis, Searsport; Davis, Dennett, Drake, Evans, Finley, Gilbert, Hammond, Hanson, Hardy, Hawkes, Humphrey, Hutchins, Jewell, Kent, Knight, Libby, Lincoln, Linnekin, MacGregor, MacLeod, MacPhail, Maddox, Meisner, Mendes, Minsky, Mower, Norton, Oberg, Osborn, Pease, Philbrick, Pike, Rand, Richardson, Sahagian, Scott, Shaw, Smith, Bar Harbor; Smith, Fal-mouth; Snow, Susi, Taylor, Townsend, Treworgy, Vaughn, Viles, Waltz, Watkins, Welch, Wellman, White, Guilford; Whitney, Wight, Presque Isle; Williams, Wood, Young.

NAY—Anderson, Orono; Ayooob, Baldic, Bedard, Bernard, Binnette, Birt, Boothby, Bourgoin, Brown, So. Portland; Bussiere, Carswell, Carter, Cartier, Cookson, Cote, Cottrell, Coulthard, Crommett, Curtis, Bowdoinham; Dostie, Dudley, Dunn, Edwards, Ewer, Foster, Gallant, Gifford, Gill, Gustafson, Harrington, Hendsbee, Henry, Hobbs, Jalbert, Jameson, Karkos, Katz, Kilroy, Lacharite, Laughton, Lebel, Levesque, Littlefield, Lowery, McGee, Nadeau, Noel, Oakes, O'Leary, Osgood, Pierce, Pitts, Plante, Poirier, Prince, Harpswell; Prince, Oakfield; Rankin, Ross, Roy, Rust, Smith, Strong; Thaanum, Thornton, Turner, Tyndale, Wade, Waterman.

ABSENT—Blouin, Jobin, Jones, Reynolds, Ricker, Roberts, Tardiff, Ward.

Yes 74; No 68; Absent 8.

The SPEAKER: The Chair will announce the vote. Seventy-four having voted yes and sixty-eight no, with eight being absent, the motion to indefinitely postpone does prevail.

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

Mr. BERRY: Mr. Speaker, having voted on the prevailing side, I now move reconsideration and I hope my motion does not prevail.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Berry, now moves that the House reconsider its action whereby indefinite postponement did prevail. Those

in favor say yes; those opposed say no.

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

The SPEAKER: The House will be in recess for about ten or fifteen minutes awaiting material from the Senate and you will convene at the sound of the gong.

**After Recess**

Called to order by the Speaker.

The SPEAKER: Is there objection to taking up Senate Papers out of order? The Chair hears none.

**Divided Report**

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Bill "An Act to Appropriate Moneys to Increase Rates of Payment for Nursing Home Care for Public Assistance Recipients" (S. P. 654) (L. D. 1646)

Report was signed by the following members:

- Messrs. EDMUNDS of Aroostook
- CAMPBELL of Kennebec  
— of the Senate.
- Mr. JALBERT of Lewiston
- Mrs. SMITH of Falmouth
- Messrs. BRAGDON of Perham
- MINSKY of Bangor
- PIERCE of Bucksport
- EDWARDS of Raymond  
— of the House.

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

Report was signed by the following members:

- Mr. PORTEOUS of Cumberland  
— of the Senate.
- Mr. HUMPHREY of Augusta  
— of the House.

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

Reports were read.

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

Mrs. SMITH: Mr. Speaker, I move that we accept the Minority

Report and the Senate amendment.

The SPEAKER: The gentleman from Falmouth, Mrs. Smith, moves that the House accept the Minority "Ought to pass" Report.

The Chair recognizes the gentleman from Brewer, Mr. MacLeod.

Mr. MacLEOD: Mr. Speaker, Ladies and Gentlemen of the House: I am a little confused on the action of the gentlewoman from Falmouth, Mrs. Smith. I read here that she was one of the signers of the Majority "Ought not to pass" Report. I see that this has been amended down now to \$120,000. But the Welfare Committee met with the Appropriations Committee and it was our understanding that even the members who appeared before the committee that ran nursing homes weren't entirely satisfied with \$190 a month but they would appreciate, sure, ten or fifteen percent more. I talked with a member of this House who said if I used his name he would shoot me, but has an interest in a nursing home, and he says they take state patients and they get the \$190 a month, and it helps their overhead; and sure, it would be fine to have an increase. But I am frankly confused now to see a member of the Majority "Ought not to pass" recommending passage of this Minority Report.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Possibly I will confuse the gentleman from Brewer, Mr. MacLeod, more after I give my pitch. I too signed the report "ought not to pass." Frankly the hearing was very uninteresting; it was anything but enthusiastic. We found out afterwards that the gentleman who was supposed to conduct the hearing for them was ill and he had a substitute. My reason, however, for going along with the minority report, the cut-down version of \$120,000, is because of the fact that it was my understanding that a survey was to be made to be conducted by the Welfare Department which would indicate those who could get

more than the \$190 or possibly a little less, but based on the condition of the patient within the nursing home.

And for that reason I thought that possibly this would even things up, but I found since that this survey will take a great deal of time and it would thereby handicap these people. And they are getting — at \$190 a month, twenty-five cents an hour, this would add to a couple of cents an hour, this means about ten or twelve dollars more a month. And I didn't think on that basis where it was watered down that I was wrong in going along; and that's why I changed my mind and that's why they have erasers on pencils. And I hope that the motion of the lady from Falmouth, Mrs. Smith, to accept the minority report prevails.

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

Mr. HUMPHREY: Mr. Speaker and Members of the House: I think there has been confusion enough in the House today and being a signer of the "ought to pass" report I would like to make a few brief remarks. I would like to express my feelings in regard to nursing homes. There are many things involved. Number one, most of the people living in these homes are older people; many of these people spend the last days of their lives there. Number two, I feel the State of Maine should do all they can to make these people more comfortable with better care and happier in what may be the last days of their lives. I now move the acceptance of the minority report.

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

Mr. HARRINGTON: Mr. Speaker and Members of this House: I hesitate to rise on this matter but there is something I believe you should all be aware of. I am neither a proponent nor an opponent of this bill, but I would remind you that when we are talking about money for nursing home care for the Department of Health

and Welfare it has been brought to my attention that when the inspectors, the people that see that our money on these aged is being spent, intend to visit a home they first give them three days notice by letter. That is how careful our money here is being expended. I secondly maintain that in one case that I am reasonably well familiar, some of the State of Maine people right now that are getting nursing home care are laying in beds unchanged, have been unchanged all day today on rubber sheets. I wish you would consider this before you consider a request for more money for the Health and Welfare.

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

Mr. HANSON: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of the motion of the gentlewoman from Falmouth, Mrs. Smith. I believe at the last session of the Legislature that there was in the supplemental budget a raise for the hospitals, boarding homes, and family care; and I believe that that was passed but the one for the nursing homes was deleted for the simple reason that they didn't feel that they had the funds at that time. And as has previously been stated, the care in the nursing homes means a great deal. There are many of the homes that have been upgraded and are in exceptionally good shape. They have excellent care. They have nurses, registered nurses, and so forth.

Now any business cannot operate unless it does have a reasonable figure to operate upon. The nursing homes themselves have not received any increase or raise for two and a half to three years. Of course the costs have risen all the time and they definitely need a bit more, and I think if they have come to a compromise with many of the members of the committee and I think the truth was spoken when it was said that the bill was very poorly presented before the Appropriations Committee. I think that it has been shown to them since then the necessity for the increase so that they could have

the care that they should have. It simply means that in some of the homes, the better homes in particular, that if they cannot receive the necessary amount to continue that they must reduce their personnel. And that is something that they don't want to do, is something that we don't want to see done because this is a case of taking care of the aged and the indigent.

And I believe that in the Governor's message to the joint session was a request for \$185,000. And the figures have been cut down to \$120,000 by the amendment that has been presented. We don't want any such case to happen here in the State of Maine that did happen in Ohio where I believe they had something like eighty-four patients in the home and they had a fire. Of course one of the main reasons that so many perished, which were sixty-three, only twenty-one survivors, was because of—one of the reasons was because they did not have the personnel. I would strongly urge the support and the passage of this minority report.

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

Mr. GILL: Mr. Speaker and Members of the House: At this time I would like my position to be known on this matter. In my financial position, and I do have an association with a large nursing home, it is true as my very good friend Mr. MacLeod made the statement, and I respect the gentleman's confidence, that I made the statement that in our particular operation this raise would not be enough to enable us to take in a lot of state aged patients; but we are operating under an excessive expense type setup just because of the type of operation. However, there are a great number of nursing homes in this state that if we can give them this ten dollars a month it will guarantee the patients much better care. And at the time the vote is taken I would like to be excused from voting.

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

Mrs. SMITH: Mr. Speaker and Members of the House: I might make a word of explanation. It is true that the money was in in the regular session and we did not grant it. It is the same problem that we all have, and the Appropriations Committee perhaps has first, is where do we get the money and how do we spend it and how much can we spend? This nursing home care, the amount of money paid is set by the Commissioner and we felt perhaps last year that he could rearrange these cases a little and pay a little more for those who required more care and less for some of those who didn't require so much care. But apparently this doesn't seem to be the way it is and they are paying, as I understand it, about a flat \$190 a month.

They came before us the other day and they were not organized. They did not do much more than say "we want this." At the end of a month ago you had a surplus of a million nine or a little over. As of the day that we took action, you had a surplus of a million eight. Your surplus had dropped by that much. Now we were very leery of going too far into this surplus, because if you should have a downward trend we would definitely be in trouble, if this indicates a downward trend. I don't feel perhaps it does but this is something that we just don't know because we were going into the winter months and so forth. So we felt that we had to be rather judicious with our money and we did feel that perhaps this problem would go along until another session.

But there have been some new facts and we were called back and reluctantly we are going along with this, not reluctant because we want the old folks to have better care but because this is just so much more on the budget and some of us are quite concerned with the budget. But you do have the problem of these old folks and of these nursing homes, and that is the situation. And so all except one member of the committee who I have just contacted we had contacted previous to coming in here again on this subject in view of

this new information, and that is all I can say to you.

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

Mr. MacLEOD: I would like to withdraw my objection to the acceptance of the Minority Report and hope that the Minority Report will be accepted.

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

Mr. BRAGDON: Mr. Speaker, just for the matter of the record, I felt at the time that I signed this Majority "Ought not to pass" Report that in the regular session we had provided money that would take care of increases to these nursing homes. Apparently, those who administer those funds felt differently, and these cases at these homes were not taken care of. I am willing to go along with this added appropriation and I hope they will be satisfied with the way it has come out.

The SPEAKER: Is it the pleasure of the House that the Minority Report be accepted?

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

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: I arise to make an inquiry to anyone on the Appropriations Committee who may choose to answer the question. I notice here that there is an indication that this \$120,000 could be consumed by July 1, 1964, and I would like to know if \$120,000 is or is not sufficient to carry the extra payments through to July 1, 1965?

The SPEAKER: The gentleman from York, Mr. Rust, poses a question through the Chair to any member of the Appropriations Committee who may answer if they choose.

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

Mrs. SMITH: Mr. Speaker, I just noticed, and it does say that it doesn't lapse through the next year, and since this money that it was decided that we should spend of \$120,000, it is the amount that was allocated for the last year of the biennium in the original bill,

and I rather assume that that is what it will be used for. It will be spread out over this.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentlewoman from Falmouth, Mrs. Smith, that the Minority "Ought to pass" Report be accepted. Is this the pleasure of the House?

The motion prevailed. The Bill was given its first and second reading.

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

SENATE AMENDMENT "A" to S. P. 654, L. D. 1646, Bill, "An Act to Appropriate Moneys to Increase Rates of Payment for Nursing Home Care for Public Assistance Recipients."

Amend said Bill by striking out the emergency preamble.

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

**'Appropriations for increased rates for nursing home care for public assistance recipients.** There is appropriated from the General Fund the sum of \$120,000 for the fiscal year ending June 30, 1964 for the purpose of providing for an increase in the rates of payment to nursing homes for care provided to public assistance recipients.

1963-64

HEALTH & WELFARE,	
DEPARTMENT OF	
All Other	\$120,000
(This appropriation shall not lapse on June 30, 1964 but shall be carried forward during the fiscal year to be used for the same purposes)	

Senate Amendment "A" was adopted in concurrence. Under suspension of the rules the Bill was given its third reading, passed to be engrossed as amended in concurrence and sent forthwith to the Senate.

#### Non-Concurrent Matter

Bill "An Act relating to Detention by Counties and Municipalities of Persons Arrested by Law

Enforcement Officers" (S. P. 694) (L. D. 1672) on which the House adhered earlier in the day to its action whereby the Bill was indefinitely postponed in non-concurrence.

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

Messrs. STITHAM of Somerset  
 CRAM of Cumberland  
 JACQUES  
 of Androscoggin

In the House:

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

Mr. WELLMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would move that we insist and join in a Committee of Conference. It has been indicated to me that we have a true problem in the area that is covered by this bill, and all I am asking you to do is to allow it to go to a Conference Committee and see if anything can be worked out. If it can't, the bill will obviously die. If it can, I think we probably will have overcome a very difficult problem.

Thereupon, the House voted to insist and join in the Committee of Conference, and the Speaker appointed the following Conferees on the part of the House:

Messrs. KNIGHT of Rockland  
 RUST of York  
 WELLMAN of Bangor

#### Non-Concurrent Matter

Bill "An Act Appropriating Funds for Grants-in-Aid for Construction of Municipal Sewage Treatment Facilities and Relating to Issuance of Water and Sewer System Revenue Bonds by Municipalities" (H. P. 1164) (L. D. 1674) which was passed to be engrossed as amended by House Amendment "A" in the House on January 15.

Came from the Senate passed to be engrossed as amended by House Amendment "A" and Sen-

ate Amendment "A" in non-concurrence.

In the House:

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

Mr. BERRY: Mr. Speaker, I move that the House recede and concur, and in brief explanation, I might say that Senate Amendment "A" is additional clarification material which has been worked out again by all those concerned. It in no way affects the money part of the bill, and is purely an assemblage of practical amendments to make this a workable piece of legislation.

Thereupon, the House voted to recede from its former action and to concur with the Senate in the adoption of Senate Amendment "A" and passed the Bill to be engrossed as amended by House Amendment "A" and Senate Amendment "A" in concurrence.

The SPEAKER: The Chair would announce to the membership that the House has acted on all matters in its possession or that it can get in its possession this afternoon.

#### Order Out of Order

Mr. Pierce of Bucksport presented the following Order out of order and under suspension of the rules and moved its passage:

ORDERED, the Senate concurring, that there be created an Interim Joint Committee to consist of 2 Senators to be appointed by the President of the Senate and 3 Representatives to be appointed by the Speaker of the House, to study and report to any special session of the 101st Legislature or to the 102nd Legislature on the subject of annual sessions.

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

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

Mr. WELLMAN: Mr. Speaker, I move this order be indefinitely postponed.

The SPEAKER: The gentleman from Bangor, Mr. Wellman, moves that this order be indefinitely postponed. All those in favor of

the indefinite postponement of this order will say yes; those opposed, no.

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

Thereupon, on motion of Mr. Pierce of Bucksport, a division of the House was had.

Eighty-one having voted in the

affirmative and forty-six having voted in the negative, the motion to indefinitely postpone did prevail.

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On motion of Mr. Wellman of Bangor,

Adjourned until 9:30 o'clock tomorrow morning.