

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Sixth Legislature

OF THE

STATE OF MAINE

1953

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Wednesday, April 22, 1953

The House met according to adjournment.

Prayer by the Rev. Herman DeLaney of Augusta.

The journal of the previous session was read and approved.

The CLERK: The Chair is informed that our very popular and efficient Speaker is unable, on account of illness, to attend to his duties in calling to order and presiding over the House this morning. It therefore becomes the duty of the Clerk of the House to call the House to order and preside until a Speaker pro tem is elected. If there is no objection, the Chair will appoint a committee to receive, sort and count votes for Speaker pro tem. The Chair hears none and will proceed to appoint a committee.

The Chair will appoint the gentleman from Guilford, Mr. Campbell, the gentleman from Oakland, Mr. Pullen, the gentleman from Bath, Mr. Lessard, the gentleman from Lakeville Plantation, Mr. Dicker, and the gentleman from Kennebunkport, Mr. Bibber.

The committee will come forward and attend to its duties.

The CLERK: The Chair recognizes the gentleman from Augusta, Mr. Albert.

Mr. ALBERT: Mr. Speaker, I move that the committee cast one ballot for Honorable Jesse P. Fuller of South Portland, for Speaker pro tem.

The CLERK: The gentleman from Augusta, Mr. Albert, has moved that the committee cast one ballot, the ballot of the House, for Honorable Jesse P. Fuller of South Portland for Speaker pro tem.

Mr. CRABTREE of Island Falls: Mr. Speaker—

The CLERK: For what purpose does the gentleman arise?

Mr. CRABTREE: To make a motion.

The CLERK: Does the motion deal with the matter of the election of the Speaker pro tem?

Mr. CRABTREE: Mr. Speaker, I move that the election be closed.

The CLERK: All those in favor of the motion of the gentleman from

Augusta, Mr. Albert, that the committee cast one ballot for Honorable Jesse P. Fuller for Speaker pro tem will make it manifest by saying aye; contra-minded, no.

A viva voce vote being taken, the motion prevailed.

The CLERK: The committee will come forward and attend to its duty.

Thereupon, the committee cast one ballot for Honorable Jesse P. Fuller as Speaker pro tem of the House.

The CLERK: The committee has attended to its duty and reports as follows: Whole number of votes cast for Speaker pro tem, one. Necessary for a choice, one. Honorable Jesse P. Fuller has one, and the Chair accordingly declares him elected as Speaker pro tem of the House of Representatives.

Thereupon, the Honorable Jesse P. Fuller was conducted to the rostrum by the Sergeant-at-Arms, amid the applause of the House, the members rising, and he assumed the Speaker's Chair.

Papers from the Senate Leave to Withdraw

Report of the Committee on Judiciary on Bill "An Act relating to Judges of Probate and Spouses as Counsel in Cases Incompatible" (S. P. 410) (L. D. 1109) reporting leave to withdraw.

Came from the Senate read and accepted.

In the House, was read and accepted in concurrence.

Ought Not to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Bill "An Act relating to Reporter of Decisions" (S. P. 387) (L. D. 1100)

Came from the Senate read and accepted.

In the House, was read and accepted in concurrence.

Tabled Until Later in Day

Report of the Committee on Highways reporting "Ought not to pass" on Resolve Providing for Construction of Highway to Sugar Loaf Mountain, Franklin County (S. P. 296) (L. D. 828)

Came from the Senate read and accepted.

In the House: Report was read.
 (On motion of Mr. Fogg of Madison, the Report, with accompanying papers, was tabled until later in today's session, to be taken up under Orders of the Day.

The SPEAKER pro tem: The Chair, at this time, recognizes in the balcony of the Hall of the House twelve Campfire Girls from Gorham, under the leadership of Miss Charlotte Millett and Mrs. Phillip Brown.

In behalf of the House, the Chair wishes you a cordial and hearty welcome. (Applause)

Report of the Committee on Highways reporting "Ought not to pass" on Resolve in favor of Joseph T. Sewall of Wiscasset (S. P. 528) (L. D. 1419)

Report of the Committee on Taxation reporting same on Bill "An Act to Provide an Allowance to Retailers for Collecting the Sales and Use Tax" (S. P. 186) (L. D. 431)

Report of the Committee on Towns and Counties reporting same on Bill "An Act relating to Nomination for State Senators from Cumberland County" (S. P. 487) (L. D. 1344)

Came from the Senate read and accepted.

In the House, were read and accepted in concurrence.

Ought to Pass with Committee Amendment Tabled

Report of the Committee on Business Legislation on Bill "An Act relating to Certain Policies of Insurance Companies Organized Under General Law" (S. P. 433) (L. D. 1210) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

In the House: Report was read.
 The SPEAKER pro tem: The Chair recognizes the gentleman from North Yarmouth, Mr. Henry.

Mr. HENRY: Mr. Speaker, on Item 7, L. D. 1210, I move the acceptance of the unanimous "Ought to pass" report of the committee.

The SPEAKER pro tem: The gentleman from North Yarmouth, Mr. Henry, moves the acceptance of the "Ought to pass" as amended by Committee Amendment "A" Report of the committee. Is this the pleasure of the House?

The motion prevailed, and the report of the committee was accepted.

Mr. ALBEE of Portland: Mr. Speaker, I move this bill be tabled for further study.

The SPEAKER pro tem: The gentleman from Portland, Mr. Albee, moves that Item 7, L. D. 1210, be tabled for further study, pending first reading. Is this the pleasure of the House? All those in favor will say aye; those opposed will say no.

A viva voce vote being taken, the motion prevailed, and the report, with accompanying papers, was tabled pending first reading.

Report of the Committee on Judiciary on Bill "An Act relating to Elderly Teachers' Pensions" (S. P. 49) (L. D. 77) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

In the House: Report was read.
 The SPEAKER pro tem: Is it the pleasure of the House that the report be accepted?

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

Mr. TRAFTON: Mr. Speaker and Members of the House: The present pension law for teachers who have taught thirty-five years, the old-time teachers, provides that they receive \$800 a year; those that have had thirty years would get \$700 a year; those that taught twenty-five years would get \$600 a year.

This bill would increase the amount these teachers receive \$200.

They taught school in a period when little chance was had to save money on the salaries they received.

For that reason, I move that the bill be substituted for the report.

The SPEAKER pro tem: Will the gentleman approach the rostrum, please.

The gentleman withdraws his motion.

Thereupon, the report of the committee was accepted and the bill had its two several readings.

Committee Amendment "A" was then read by the Clerk as follows:
COMMITTEE AMENDMENT "A"
 to S. P. 49, L. D. 77, Bill, "An Act Relating to Elderly Teachers' Pensions."

Amend said bill by adding at the end thereof another section to read as follows:

'XII. Application. The increase in pensions hereinbefore authorized shall apply to all teachers who have heretofore or shall hereafter retire under the provisions of subsections IX, X and XI of Sec. 6 of Chapter 60, of the Revised Statutes as amended.'

Thereupon, Committee Amendment "A" was adopted in concurrence and the Bill was assigned for third reading tomorrow morning.

Report of the Committee on Taxation on Bill "An Act relating to Tax Stamp Discounts in Cigar and Tobacco Products Law" (S. P. 333) (L. D. 833) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT "A"
 to S. P. 333, L. D. 833, Bill "An Act Relating to Tax Stamp Discounts in Cigar and Tobacco Products Law."

Amend said Bill by striking out the underlined figure "5%" in the next to last line and inserting in place thereof the underlined figures '4%'.

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

**Non-Concurrent Matter
 Tabled and Assigned**

Bill "An Act relating to Statement of Income and Expense of

Persons Requesting Pauper Assistance" (H. P. 873) (L. D. 944) which was passed to be engrossed as amended by Committee Amendment "A" in the House on April 10.

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

The SPEAKER pro tem: The Chair recognizes the gentleman from Liberty, Mr. Cole.

Mr. COLE: Mr. Speaker and Members of the House: I move that Item 10 be tabled and specially assigned for tomorrow.

The SPEAKER pro tem: The gentleman from Liberty, Mr. Cole, moves that Item 10, Legislative Document 944, be tabled and specially assigned for tomorrow. Is this the pleasure of the House?

The motion prevailed, and the matter was tabled pending further consideration and specially assigned for tomorrow.

From the Senate: The following Communication:

STATE OF MAINE
 SENATE CHAMBER

April 21, 1953

Honorable Harvey R. Pease
 Clerk of the House
 96th Legislature

Sir:

The President today appointed the following Conferees on the part of the Senate on the disagreeing action of the two branches of the Legislature, on the following matters:

"Resolve relating to Ice Fishing in Peabody Pond, Cumberland County." (H. P. 66) (L. D. 62)

"Resolve relating to Ice Fishing in Hopkins Pond, Penobscot County." (H. P. 99) (L. D. 101)

Senators:

WIGHT of Penobscot
 CARPENTER of Somerset
 WEEKS of Cumberland,

Conferees on both.

Respectfully,

(Signed)

Chester T. Winslow
 Secretary

Was read and ordered placed on file.

House Reports of Committees Leave to Withdraw

Mr. Jacobs from the Committee on Appropriations and Financial Affairs on Bill "An Act Repealing Town's Share in Aid to Dependent Children Expenditures" (H. P. 1206) (L. D. 1378) reported leave to withdraw.

Mr. West from the Committee on Labor reported same on Bill "An Act relating to Unemployment Compensation with Regard to Paid Holidays" (H. P. 343) (L. D. 360) as it is covered by other legislation.

Reports were read and accepted and sent up for concurrence.

Ought Not to Pass Bill Substituted for Report

Mr. Jacobs from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act Repealing the Merit Award Board" (H. P. 899) (L. D. 990)

Report was read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Brooks, Mr. Dickey.

Mr. DICKEY: Mr. Speaker and Members of the House: I move the bill be substituted for the report.

The SPEAKER pro tem: The gentleman from Brooks, Mr. Dickey, moves the bill be substituted for the report. Is this the pleasure of the House?

The Chair recognizes the same gentleman.

Mr. DICKEY: I don't want to go into any lengthy discussion, Mr. Speaker and Members of the House. A short time ago you voted, in an amendment, to take off the price tag on the Merit Award Board. If you feel you want to be consistent in your voting, you will go along with my motion.

The SPEAKER pro tem: Is it the pleasure of the House that the bill be substituted for the report? All those in favor will say aye; those opposed will say no.

A viva voce vote being taken, the motion prevailed, and the Bill was substituted for the "Ought not to pass" report of the committee.

Thereupon, the Bill was given its two several readings and was assigned for third reading tomorrow morning.

Mr. Jacobs from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act to Provide Facilities for Expansion of Research and Study in the Fields of Agriculture and Industry and Student Housing and Appropriating Moneys Therefor" (H. P. 1034) (L. D. 1175)

Same gentleman from same Committee reported same on Bill "An Act relating to Classifications and Percentage Allocations for General Purpose Educational Aid" (H. P. 1163) (L. D. 1318)

Same gentleman from same Committee reported same on Resolve relating to Lost Persons (H. P. 399) (L. D. 492)

Reports were read and accepted and sent up for concurrence.

Tabled and Assigned

Mr. Jacobs from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Resolve Appropriating Moneys to Effectuate Salary Plan for State Employees (H. P. 400) (L. D. 453)

Report was read.

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

Mr. FULLER: Mr. Speaker, in the absence of the sponsor, Mr. Martin (of Augusta), I move that this item be tabled and specially assigned for Tuesday, April 28.

The SPEAKER pro tem: The gentleman from Bangor, Mr. Fuller, moves that the "Ought not to pass" report, with Resolve Appropriating Moneys to Effectuate Salary Plan for State Employees, House Paper 400, Legislative Document 453, be tabled pending acceptance of committee report and specially assigned for Tuesday, April 28. Is this the pleasure of the House?

The motion prevailed, and the matter was so tabled and so assigned.

Mr. Jacobs from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Resolve in favor of State Soil Conservation Committee (H. P. 790) (L. D. 907) which was re-committed.

Same gentleman from same Committee reported same on Resolve

Creating a Fund for Scholarships for Vocational and Technical Training (H. P. 1037) (L. D. 1181)

Report were read and accepted and sent up for concurrence.

Resolve Substituted for Report

Mr. Jacobs from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Resolve in favor of the Town of Canton (H. P. 1236) (L. D. 1429)

Report was read.

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

Mr. BEARCE: Mr. Speaker, this particular case is a real hardship case in the town of Canton, which is a small town up in Oxford County. Their school was badly flooded out in the recent floods, which destroyed a lot of school property, and I feel that we really ought to help them out.

The damage amounted to something over \$1,200, and if they could get half of that, which is what is called for, it would help them out very much, and I think they are entitled to it, and I would move, Mr. Speaker, that the resolve be substituted for the report.

The SPEAKER pro tem: The gentleman from Hebron, Mr. Bearce, moves that the resolve be substituted for the report. Is this the pleasure of the House? All those in favor will say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed, and the resolve was substituted for the "Ought not to pass" report.

Thereupon, the Resolve was given its first reading and was assigned for second reading tomorrow morning.

Tabled and Assigned

Mr. Jacobs from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Resolve in favor of the Town of Stoneham (H. P. 1239) (L. D. 1434)

Report was read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Hanover, Mr. Ferguson.

Mr. FERGUSON: Mr. Speaker, I move that Item 11, House Paper

1239, Legislative Document 1434, lie on the table and be specially assigned for tomorrow, as I want to get a little information on this one.

The SPEAKER pro tem: The gentleman from Hanover, Mr. Ferguson, moves that the report, with accompanying papers, lie on the table pending acceptance of committee report, and be specially assigned for tomorrow. Is this the pleasure of the House?

The motion prevailed, and the matter was so tabled and so assigned.

Miss Steeves from the Committee on Business Legislation reported "Ought not to pass" on Bill "An Act relating to Payments of Death Benefits by Fraternal Beneficiary Societies" (H. P. 1039) (L. D. 1183)

Mr. Alden from the Committee on Claims reported same on Resolve in favor of T. E. McSherry of Fryeburg (H. P. 320) (L. D. 391) which was recommitted.

Mr. Walker from same Committee reported same on Resolve in favor of James L. and Christine O. Holbrook of Hallowell (H. P. 1194) (L. D. 1361)

Reports were read and accepted and sent up for concurrence.

On motion of Miss Steeves of Lincoln, House Rule 25 was suspended for the remainder of today's session, in order to permit smoking.

Mr. Fuller from the Committee on Education reported "Ought not to pass" on Bill "An Act to Amend the Charter of the City of Calais re Term of Office of School Committee" (H. P. 874) (L. D. 945) which was referred.

Mr. Boston from the Committee on Highways reported same on Resolve in favor of the Town of Dixfield (H. P. 722) (L. D. 743)

Reports were read and accepted and sent up for concurrence.

The SPEAKER pro tem: The Chair notes the presence, in the balcony of the Hall of the House, of Eighth Grade pupils from Milo Grammar School, under the direction of Mr. and Mrs. Dana Grindle.

On behalf of the House, the Chair wishes you a cordial and hearty welcome. (Applause)

Mr. Carter from Committee on Highways reported "Ought not to pass" on Bill "An Act relating to Permits for Moving Heavy Objects and Loads Over Ways and Bridges" (H. P. 800) (L. D. 884) as it is covered by other legislation.

Same gentleman from same Committee reported same on Resolve in favor of the Town of Mexico (H. P. 721) (L. D. 742)

Mr. Nadeau from same Committee reported same on Resolve in favor of the Town of Brooksville (H. P. 801) (L. D. 885)

Same gentleman from same Committee reported same on Resolve in favor of Road Between Rockwood and Long Pond, Somerset County (H. P. 1166) (L. D. 1321)

Reports were read and accepted and sent up for concurrence.

Mr Pullen from the Committee on Highways reported "Ought not to pass" on Resolve to Repair State Aid Road to Greenwood (H. P. 911) (L. D. 1012)

Report was read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Hanover, Mr. Ferguson.

Mr. FERGUSON: Mr. Speaker, I move on Item 21, Legislative Document 1012, that we substitute the resolve for the report.

The SPEAKER pro tem: The gentleman from Hanover, Mr. Ferguson, moves that the resolve be substituted for the report.

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

Mr. TURNER: Mr. Speaker and Members of the House: This is a worthy resolve but there are several others that are worthy too, so we passed them all out "Ought not to pass", and I don't know why a good friend of mine should have it where the other fellows do not have it.

The SPEAKER pro tem: The Chair recognizes the gentleman from Hanover, Mr. Ferguson.

Mr. FERGUSON: Mr. Speaker and Members of the House: This is rather an unusual situation. Greenwood is a small town with a lot of highways. It also has a small population. There is an unusual situation with this piece of highway. It seems that they just are not able to get the money to build this piece of highway. It is a mile long, and the

town is quite thickly populated. The children are not able to go to school for four to six weeks during the spring of the year.

Being acquainted with the situation there, I think it is very unusual. They have a mile and a half of State road that is maintained by the State and thirty-six miles that have got to be maintained by the town.

We are looking for help with which to build a mile of this highway. The story is that what the town can raise to get this road passable during the summer months will not do to repair the road so it is passable during the spring months. I think, under the circumstances, that we should consider this and substitute the resolve for the report.

The SPEAKER pro tem: The gentleman from Hanover, Mr. Ferguson, moves that the resolve be substituted for the "Ought not to pass" report.

The Chair recognizes the gentleman from Hope, Mr. Ludwig.

Mr. LUDWIG: Mr. Speaker and ladies and gentlemen: We had about twenty of these different resolves put in for roads in the State. They were probably all worthy, but you have your setup of your State-aid road, your Unimproved Road fund and your State highways, and if members are coming in here to the Legislature and asking for special money on different pieces of road, if you give it to one you have got to give it to all. If you start in giving them, the next session every member would be in here and take all the highway money we have.

This road is probably deserving. We have a lot more. Several members of the committee had resolves in for special roads. They gave theirs up and they have all accepted the "Ought not to pass" report on these. If we are going to legislate with our hearts, we will certainly give all of these people the money, but we have to legislate with our heads, so we cannot possibly give money to everybody who wants it.

The SPEAKER pro tem: The question before the House is on the motion of the gentleman from Hanover, Mr. Ferguson, that the

resolve be substituted for the "Ought not to pass" report.

All those in favor will signify by saying aye; those opposed, no.

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

Thereupon, the "Ought not to pass" report of the committee was accepted and sent up for concurrence.

Mr. Turner from the Committee on Highways reported "Ought not to pass" on Resolve in favor of the Town of Plymouth (H. P. 582) (L. D. 624)

Mr. Letourneau from the Committee on Labor reported same on Bill "An Act Providing for the Method of Payment of Wages by Check or Draft" (H. P. 660) (L. D. 703)

Same gentleman from same Committee reported same on Bill "An Act relative to Partial Compensation in Vacation Periods Under Employment Security Law" (H. P. 929) (L. D. 994)

Mr. Stewart of Portland from the Committee on Legal Affairs reported same on Bill "An Act relating to Public Dances" (H. P. 669) (L. D. 712) which was recommitted.

Mr. Willey from the Committee on Taxation reported same on bill "An Act relating to Inheritance Taxes on Joint Property" (H. P. 35) (L. D. 29)

Reports were read and accepted and sent up for concurrence.

Mr. Bibber from the Committee on Welfare reported "Ought not to pass" on Resolve Providing for State Pension for Pheby Gardner of Thorndike (H. P. 60)

Report was read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Brooks, Mr. Dickey.

Mr. DICKEY: Mr. Speaker and Members of the House: In view of our long calendar this morning, I ask that Item 27 be tabled, and I so move.

The SPEAKER pro tem: The gentleman from Brooks, Mr. Dickey, moves that Resolve Providing for State Pension for Pheby Gardner of Thorndike, House Paper 60, be tabled pending acceptance of the report. Is this the pleasure of the House?

(Calls of "No")

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

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

The SPEAKER pro tem: Is it the pleasure of the House to accept the report of the Committee?

The Chair recognizes the gentleman from Brooks, Mr. Dickey.

Mr. DICKEY: Mr. Speaker and Members of the House: I am sorry we couldn't have this tabled. However, my motion is that the resolve be substituted for the report.

The SPEAKER pro tem: The gentleman from Brooks, Mr. Dickey, moves that the resolve be substituted for the report.

The Chair recognizes the same gentleman.

Mr. DICKEY: Mr. Speaker and Members of the House: The reason I asked to have this resolve substituted for the report is this: This woman, Pheby Gardner, is a woman seventy-four years old. She has contracted tuberculosis and is in a sanatorium now. They expect that she will return home in August. Her husband is a man eighty-four years old. He has cancer. They have no means of existence. Before this woman was taken to the sanatorium she earned some money taking in washings.

My resolve was for forty dollars a month. They have one son that will have nothing to do with them and will support them in no way. He earns in the neighborhood of \$5,000.

Under the law it would throw out any claim or an application of Mrs. Gardner. I have tried my best to get the son to interview Mr. Stevens, in the Welfare Department; he has consented to interview him, thinking that perhaps there may be something in the report of this son earning \$5,000, whereby the woman would be able to make an application.

I believe this very worthy. I think perhaps the committee has taken this into consideration. They may have many resolves.

To you this may not be a large item, but to this woman and her husband it is a means of getting something to eat. Thank you.

The SPEAKER pro tem: The Chair recognizes the gentleman from Kennebunkport, Mr. Bibber.

Mr. BIBBER: Mr. Speaker and Members of the House: It was not the intent of the Welfare Committee to take the bread from anyone's mouth and to expedite the morning's schedule, and you will notice that on the calendar there are several of these resolves that came out "Ought not to pass", and I think that I can speak for the committee on all of them.

We had to set up a policy. We had over four hundred of these resolves and out of those we denied fifty-five, and those fifty-five we went over carefully, two and three times, to see that we did not deprive anyone. The gentleman from Brooks, Mr. Dickey, in his remarks, has admitted that the people were over sixty-five years of age, which would enable them, under the law, to receive Old Age Assistance, and the son is receiving an income, from which he should support his folks. If we start breaking the laws up here after we make them, at the next session of the Legislature this place will be drowned out with people coming in and asking for resolves for their folks, and that is the reason why this particular one was turned down.

I might say that we set up a policy in the committee under four schedules: Anyone receiving town aid, anyone over the age of 65, anyone who was not naturalized, and anyone having folks who could support them or has income sufficient to support them we had to deny, and that was the policy on which the Welfare Committee worked.

The SPEAKER pro tem: The Chair recognizes the gentleman from Brooks, Mr. Dickey.

Mr. DICKEY: Mr. Speaker, I well understand the hard work that the committee has done on these several cases. Are we arguing this one resolve or are we arguing all of them this morning?

I so stated that the person was over sixty-five; therefore, under the law, under certain situations, they would be able to make an application for Old Age Assistance. My idea of these special resolves is that they are set up for the sole purpose of taking care of cases where people need food and are unable, under the present law, to

go under Old Age Assistance. It isn't this woman's fault, nor the fault of her husband, that this son doesn't take care of them or help take care of them. He hasn't contributed one dollar.

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

Mr. McGLAUFFLIN: Mr. Speaker, I wish to say just a word on this matter, not that I am interested in this particular case, but we have an abominable system in our Welfare Department, that if a person applies for Old Age Assistance, and is entitled to it, if they cannot get their children to sign a paper that they are unable to support them, they turn them down flat. The policy is wrong. I have spoken against it time and again in this House, and this is one of those unfortunate cases I take it — I never heard of it until this morning — but I, for one, am in favor of giving this woman some help. I think the State of Maine ought to take care of every one of those needy people and not have these foolish rules that they cannot get any help unless they get the signature of their children, which oftentimes they cannot get.

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

Mr. FULLER: Mr. Speaker and Members of the House: It might be worth while at this point to take just a couple of minutes on claims that fall within this classification. Now in this case, if those people will apply to the Municipal Officers of the town for assistance, then the remedy already exists under the Revised Statutes. The town can then proceed against this relative and collect from him. It wouldn't be necessary to ask the State to contribute in a case of this kind.

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

Mr. CURTIS: Mr. Speaker, I agree with my friend, the gentleman from Portland, Mr. McGlaufflin, that the State is really to blame for these conditions arising.

Now my good friend over there says they can apply to the towns. They are over sixty-five years old

and the minute they apply to the town, they have two strikes against them. Once they become a pauper and nobody likes to be a pauper, especially when it isn't any fault of their own that the circumstances put them in this condition; and secondly, once you become a pauper, providing this son should die or get out of a job and not be able to earn any money, they would be eligible for Old Age Assistance if they had never been a pauper, but if they were paupers within the last five years, then they could be cut out again.

It is just about time that we took care of these people until it hurt, then perhaps we would get sense enough to make some laws that would really do the trick, and the law that would do the trick would put some teeth in this thing so that this son, who has a \$5,000 income, would have to pay to take care of his parents or else suffer a penalty.

Until such a law is passed I am going to vote to give such people as these something to sustain them.

The SPEAKER pro tem: The Chair recognizes the gentleman from Belfast, Mr. Clements.

Mr. CLEMENTS: Mr. Speaker and Ladies and Gentlemen of the House: I think I speak for the entire committee when I say that I wish that we could have given money to each and every one of these resolves, but unfortunately we were budgeted a certain amount of money that we could use.

The committee has gone over these resolves very, very carefully, and as my friend, the gentleman from Kennebunkport, Mr. Bibber, just stated, we have thrown out about fifty cases, and we have over-run even now the amount of money we were allotted, so I think we have done everything possible that we could do, and we did have to pick out a certain number of cases to report out "Ought not to pass".

Mr. DICKEY: Mr. Speaker - - -

The SPEAKER pro tem: For what purpose does the gentleman rise?

Mr. DICKEY: For a point of information, Mr. Speaker.

The SPEAKER pro tem: The gentleman from Brooks, Mr. Dickey, asks for a point of information

through the Chair. The gentleman may state his point.

Mr. DICKEY: Mr. Speaker, I would like to ask a question of the House Chairman — if he believes that this is a worthy case.

The SPEAKER pro tem: The gentleman from Brooks, Mr. Dickey, asks a question of the gentleman from Belfast, Mr. Clements. The gentleman from Belfast, Mr. Clements, may answer if he so desires.

Mr. CLEMENTS: Mr. Speaker, I believe all of these cases are worthy. Although there is that much there, that this person is qualified for Old Age Assistance if she can qualify. That is the policy that we held down to on account of age.

The SPEAKER pro tem: The question before the House is on the motion of the gentleman from Brooks, Mr. Dickey, that Resolve Providing for State Pension for Pheby Gardner of Thorndike, House Paper 60, be substituted for the report. All those in favor of substituting the resolve for the report will say aye; those opposed, no.

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

Thereupon, the "Ought not to pass" report of the committee was accepted and sent up for concurrence.

Mr. Bibber from the Committee on Welfare reported "Ought not to pass" on Resolve Providing for an Increase in State Pension for Melvin S. Belden of Palermo (H. P. 82)

Same gentleman from same Committee reported same on Resolve Providing for State Pension for Almira Coffin of Mechanic Falls (H. P. 295)

Same gentleman from same Committee reported same on Resolve Providing for State Pension for Annette Cyr of Van Buren (H. P. 307)

Same gentleman from same Committee reported same on Resolve Providing for State Pension for Louis Sirois of Caribou (H. P. 374)

Same gentleman from same Committee reported same on Resolve Providing for State Pension for Mabel McLane of Bowdoinham (H. P. 376)

Same gentleman from same Committee reported same on Resolve

Providing for State Pension for Edmund A. Sawyer of Farmingdale (H. P. 385)

Same gentleman from same Committee reported same on Resolve Providing for an Increase in State Pension for Ruth Holway of Mt. Vernon (H. P. 391)

Same gentleman from same Committee reported same on Resolve Providing for State Pension for Adra Minnette Keene of Bridgton (H. P. 393)

Same gentleman from same Committee reported same on Resolve Providing for an Increase in State Pension for Chester Simpson of Monson (H. P. 455)

Same gentleman from same Committee reported same on Resolve Providing for State Pension for Christie Davis of Jonesboro (H. P. 465)

Same gentleman from same Committee reported same on Resolve Providing for State Pension for Mary Hendrickson of Caswell Plantation (H. P. 557)

Same gentleman from same Committee reported same on Resolve Providing for State Pension for Roderick Paradis of Fort Kent (H. P. 560)

Same gentleman from same Committee reported same on Resolve Providing for State Pension for Laurence Bouchard of St. Agatha (H. P. 781)

Same gentleman from same Committee reported same on Resolve Providing for State Pension for Nancy Simmons of Windsor (H. P. 956)

Same gentleman from same Committee reported same on Resolve Providing for State Pension for Omer Ouellette of Van Buren (H. P. 1009)

Mr. Brockway from same Committee reported same on Resolve Providing for State Pension for Nettie Johnson of Brownfield (H. P. 131)

Same gentleman from same Committee reported same on Resolve Providing for State Pension for John Commeau of Orono (H. P. 155)

Same gentleman from same Committee reported same on Resolve Providing for State Pension for

Fred Dore of Kennebunk (H. P. 304)

Same gentleman from same Committee reported same on Resolve Providing for an Increase in State Pension for Ernest A. Rounds of Mechanics Falls (H. P. 365)

Same gentleman from same Committee reported same on Resolve Providing for an Increase in State Pension for Alwood E. Howard of Mexico (H. P. 474)

Mr. Clements from same Committee reported same on Resolve Providing for State Pension for Rita Label of Hamlin Plantation (H. P. 53)

Same gentleman from same Committee reported same on Resolve Providing for an Increase in State Pension for Mary R. Mason of Monmouth (H. P. 302)

Same gentleman from same Committee reported same on Resolve Providing for State Pension for Sidney Wright of Woodland (H. P. 387)

Same gentleman from same Committee reported same on Resolve Providing for State Pension for Albert Fuller of Searsmont (H. P. 702)

Same gentleman from same Committee reported same on Resolve Providing for State Pension for Pearl Crummett of Newcastle (H. P. 772)

Same gentleman from same Committee reported same on Resolve Providing for State Pension for Susie Ramsdell of North Leeds (H. P. 882)

Same gentleman from same Committee reported same on Resolve Providing for State Pension for Olive Leonard of Grand Isle (H. P. 1162)

Same gentleman from same Committee reported same on Resolve Providing for State Pension for Francis Cormier of Cyr Plantation (H. P. 1177)

Mr. Latno from same Committee reported same on Resolve Providing for State Pension for Everett B. Crabbe of Mars Hill (H. P. 124)

Same gentleman from same Committee reported same on Resolve Providing for an Increase in State Pension for Harold H. Weymouth of St. Albans (H. P. 126)

Same gentleman from same Committee reported same on Resolve Providing for State Pension for

Magloire D. Michaud of Madawaska (H. P. 395)

Same gentleman from same Committee reported same on Resolve Providing for an Increase in State Pension for Ethel Merry of Waldoboro (H. P. 458)

Same gentleman from same Committee reported same on Resolve Providing for an Increase in State Pension for Colby Harding of Albion (H. P. 468)

Same gentleman from same Committee reported same on Resolve Providing for State Pension for James Arthur McAnaney of Van Buren (H. P. 706)

Miss Lawry from same Committee reported same on Resolve Providing for State Pension for Ruth Flewellyn of Bridgewater (H. P. 125)

Same member from same Committee reported same on Resolve Providing for State Pension for Edith Woodard of Morrill (H. P. 246)

Same member from same Committee reported same on Resolve Providing for State Pension for Wesley Patterson of Caribou (H. P. 375)

Same member from same Committee reported same on Resolve Providing for State Pension for Eugenia Tetreault of Madawaska (H. P. 394)

Same member from same Committee reported same on Resolve Providing for an Increase in State Pension for Daniel McCurdy of China (H. P. 466)

Same member from same Committee reported same on Resolve Providing for State Pension for Owen Robinson of Ashland (H. P. 709)

Same member from same Committee reported same on Resolve Providing for an Increase in State Pension for Guy Pulsifer of Turner (H. P. 953)

Same member from same Committee reported same on Resolve in favor of Cora G. Byers of Danforth (H. P. 1178)

Reports were read and accepted and sent up for concurrence.

Mrs. Lord from the Committee on Welfare reported "Ought not to pass" on Resolve Providing for State Pension for Clyde Spaulding of Hartland (H. P. 128).

Report was read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Hartland, Mr. Gardner.

Mr. GARDNER: Mr. Speaker, I move that the resolve be substituted for the report on this resolve.

The SPEAKER pro tem: The gentleman from Hartland, Mr. Gardner, moves that the resolve be substituted for the report.

The Chair recognizes the same gentleman.

Mr. GARDNER: Mr. Speaker, this man Spaulding is sixty years of age and has no visible means of support. His wife is sixty-one years of age and she is not in good health. Mr. Spaulding has one son who has been married three times, and has eight children, so he is not in a position to support him. This man is totally paralyzed, and I think that he should have a pension. Now I would like to hear from some of the committee on this; they went over this and they went into this matter, and I happen to know this one.

I have several bills, and this one is a worthy case and I think that something should be done for this man.

The SPEAKER pro tem: The question before the House is on the motion of the gentleman from Hartland, Mr. Gardner, that the resolve be substituted for the report. All those in favor will say aye; those opposed, no.

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

Thereupon, the "Ought not to pass" report of the committee was accepted and sent up for concurrence.

Mrs. Lord from the Committee on Welfare reported "Ought not to pass" on Resolve Providing for State Pension for Sadie Crush of Wilton (H. P. 130)

Same member from same Committee reported same on Resolve Providing for an Increase in State Pension for Geneva Gay of Fairfield (H. P. 467)

Same member from same Committee reported same on Resolve Providing for an Increase in State Pension for Lucille Marquis of Van Buren (H. P. 705)

Mr. RICH from same Committee reported same on Resolve Providing for State Pension for Hollis Small of Belfast (H. P. 200)

Same gentleman from same Committee reported same on Resolve Providing for an Increase in State Pension for Louis Soucie of Hamlin Plantation (H. P. 700).

Same gentleman from same Committee reported same on Resolve Providing for an Increase in State Pension for Edgar Jandreau of St. Francis Plantation (H. P. 885).

Same gentleman from same Committee reported same on Resolve Providing for an Increase in State Pension for Phillipa Jandreau of St. Francis Plantation (H. P. 886)

Same gentleman from same Committee reported same on Resolve Providing for State Pension for Walter Durgin of Waterford (H. P. 1008)

Same gentleman from same Committee reported same on Resolve Providing for State Pension for Harold Blake of Houlton (H. P. 1010)

Reports were read and accepted and sent up for concurrence.

New Draft Ought Not to Pass

The following 15 Reports from the Committee on Appropriations and Financial Affairs were reported under authority of Joint Order (S. P. 495):

Mr. Burgess from the Committee on Appropriations and Financial Affairs on Bill "An Act relating to Salaries of Certain Department Heads" (H. P. 1035) (L. D. 1179) reported a Bill (H. P. 1255) (L. D. 1469) under title of "An Act relating to Salary of Bank Commissioner" and that it "Ought not to pass."

Report was read and accepted and sent up for concurrence.

Mr. Burgess from the Committee on Appropriations and Financial Affairs on same Bill reported a Bill (H. P. 1256) (L. D. 1470) under title of "An Act relating to Salary of Commissioner of Agriculture" and that it "Ought not to pass."

Report was read.

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

Mr. TOTMAN: Mr. Speaker, I notice that on this bill, and on the next page and a half, we have a considerable number of bills referring to the salaries of the heads of departments. I don't quite understand why some of the department heads are denied; on the next page some of the department heads receive a majority report; but I think, to help my voting, and perhaps the voting of other members of the House, it would be worthwhile at this time to request, through the Chair, a member of the Appropriations Committee to explain why, on this bill—and perhaps, in explaining this bill he could cover the other bills to come—what the situation is. I think, last session, we granted increases to the heads of departments—if I recall, maybe incorrectly, we gave the Commissioner of Agriculture an increase in salary, but I would request, through the Chair, information on this bill and, if possible, whoever replies from the Appropriations Committee, he might possibly enlighten us on the next two pages of salary department head salary increases.

The SPEAKER pro tem: The gentleman from Bangor, Mr. Totman, asks information from any member of the Appropriations Committee.

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

Mr. JACOBS: Mr. Speaker, those we are now reading and having read, we all agreed upon these "Ought not to pass." The others following are divided reports.

The SPEAKER pro tem: Does that answer the gentleman's question?

Mr. TOTMAN: Mr. Speaker, I don't feel that is a very complimentary answer. I can read too, but perhaps I was just supposed to be slapped down. I am quite sincere in this. I honestly would like to know: What is the status of the various department heads and what is the reason, if I have to ask specifically, what is the reason for refusing the salary increase for the Commissioner of Agriculture, which we are now discussing?

The SPEAKER pro tem: The Chair recognizes the gentleman from Auburn, Mr. Jacobs.

Mr. JACOBS: Mr. Speaker, there is nothing, if you want to argue the case. There are our reports, and you can do as you choose about them.

The SPEAKER pro tem: The Chair thanks the gentleman.

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

Mr. CAMPBELL: Mr. Speaker, perhaps I could add a little information to what Mr. Jacobs has already said, in answer to Mr. Tottman's question. All that were in the House two years ago will recall that in the summer of 1950, I believe it was, the State had a survey made by the Public Survey Administration in regard to salaries of State employees and department heads.

You will find, in every case here of these unanimous reports, that we have followed the recommendation made by that survey in regard to the amount of salary for each of the department heads, and there are one or two in the divided reports where we did not closely follow that recommendation, and that is the reason why we are reporting these, because we are following the recommendation of this survey, which did cost the State a substantial amount of money.

Thereupon, the "Ought not to pass" report of the committee was accepted and sent up for concurrence.

Mr. Campbell from the Committee on Appropriations and Financial Affairs on same Bill reported a Bill (H. P. 1257) (L. D. 1471) under title of "An Act relating to Salary of Secretary of State" and that it "Ought not to pass"

Mr. Cates from same Committee on same Bill reported a Bill (H. P. 1258) (L. D. 1472) under title of "An Act relating to Salaries of the Liquor Commission" and that it "Ought not to pass"

Same gentleman from same Committee on same Bill reported a Bill (H. P. 1259) (L. D. 1473) under title of "An Act relating to Salaries of the Industrial Accident Commission" and that it "Ought not to pass"

Reports were read and accepted and sent up for concurrence.

Tabled

Mr. Cole from the Committee on Appropriations and Financial Affairs on same Bill reported a Bill (H. P. 1260) (L. D. 1474) under title of "An Act relating to Salary of State Auditor" and that it "Ought not to pass"

Report was read.

(On motion of Mr. Albert of Augusta, the Report, with accompanying papers, was tabled without assignment, pending acceptance of Committee Report)

Mr. Cole from the Committee on Appropriations and Financial Affairs on same Bill reported a Bill (H. P. 1261) (L. D. 1475) under title of "An Act relating to Salary of Insurance Commissioner" and that it "Ought not to pass"

Mr. Jacobs from same Committee on same Bill reported a Bill (H. P. 1262) (L. D. 1476) under title of "An Act relating to Salary of Adjutant-General" and that it "Ought not to pass"

Same gentleman from same Committee on same Bill reported a Bill (H. P. 1263) (L. D. 1477) under title of "An Act relating to Salary of Director of Legislative Research" and that it "Ought not to pass"

Mr. Jalbert from same Committee on same Bill reported a Bill (H. P. 1264) (L. D. 1478) under title of "An Act relating to Salary of Commissioner of Inland Fisheries and Game" and that it "Ought not to pass"

Same gentleman from same Committee on same Bill reported a Bill (H. P. 1265) (L. D. 1479) under title of "An Act relating to Salaries of Employment Security Commission" and that it "Ought not to pass"

Reports were read and accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs on Bill "An Act relating to Salaries of Certain Department Heads" (H. P. 1035) (L. D. 1179) reported a Bill (H. P. 1266) (L. D. 1480) under title of "An Act relating to Salary of Commissioner of Labor and Industry" and that it "Ought to pass"

Report was signed by the following members:

Messrs. COLLINS of Aroostook

HASKELL of Penobscot
 SINCLAIR of Somerset
 —of the Senate
 Messrs. BURGESS of Limestone
 DAVIS of Harrison
 JALBERT of Lewiston
 —of the House

Minority Report of same Committee reporting same Bill (H. P. 1266) (L. D. 1480) and that it "Ought not to pass"

Report was signed by the following members:

Messrs. JACOBS of Auburn
 CAMPBELL of Guilford
 COLE of Liberty
 CATES of East Machias
 —of the House

Reports were read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Auburn, Mr. Jacobs.

Mr. JACOBS: Mr. Speaker, I move the minority report of the committee be accepted to go along with those we have already rejected.

The SPEAKER pro tem: The gentleman from Auburn, Mr. Jacobs, moves the acceptance of the minority "Ought not to pass" report of the committee. Is this the pleasure of the House?

The motion prevailed and the minority "Ought not to pass" report of the committee was accepted and sent up for concurrence.

The SPEAKER pro tem: The Chair notes in the balcony of the Hall of the House a group of sixteen Girl Scouts from Troop 6 from Rockland in charge of Mrs. Bird.

In behalf of the House, the Chair wishes you a most cordial and hearty welcome. (Applause)

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs on Bill "An Act relating to Salaries of Certain Department Heads" (H. P. 1035) (L. D. 1179) reporting a Bill (H. P. 1267) (L. D. 1481) under title of "An Act relating to Salary of Commissioner of Education" and that it "Ought to pass"

Report was signed by the following members:

Messrs. COLLINS of Aroostook
 HASKELL of Penobscot

SINCLAIR of Somerset
 —of the Senate

Messrs. COLE of Liberty
 BURGESS of Limestone
 DAVIS of Harrison
 JALBERT of Lewiston
 —of the House

Minority Report of same Committee reporting same on Bill (H. P. 1267) (L. D. 1481) and that it "Ought not to pass"

Report was signed by the following members:

Messrs. JACOBS of Auburn
 CAMPBELL of Guilford
 CATES of East Machias
 —of the House

Reports were read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Liberty, Mr. Cole.

Mr. COLE: Mr. Speaker and Members of the House: This is one case where the P. A. C. recommendation was not carried out, that is in fact the pay set up by the last Legislature was very much under the P. A. C. recommendations.

I want to publicly congratulate the Board of Education in going out and picking a man who, in my estimation, is very capable and will do a good job for the State of Maine. Therefore I believe we should pay him.

It is my understanding that the board had a lot of difficulty in finding a man of this caliber, and I am certainly in favor of paying him the amount recommended; therefore, Mr. Speaker, I move that the majority "Ought to pass" report be accepted.

(Calls of "No")

The SPEAKER pro tem: The gentleman from Liberty, Mr. Cole, moves that the majority "Ought to pass" report be accepted.

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

Mr. JACOBS: Mr. Speaker, those who signed the "Ought not to pass" report felt that the salary was commensurate with the job at the present time. This man is a new man, he knew what salary he was going to have when he came here. Those who signed the minority report did not feel that we should pay him \$1000 more than he is receiving to start with, or \$1000 more than the others who

preceded him; consequently I hope that the majority report will not be accepted.

The SPEAKER pro tem: The Chair recognizes the gentleman from Guilford, Mr. Campbell.

Mr. CAMPBELL: Mr. Speaker and Members of the House: I want to concur with what the gentleman from Liberty, Mr. Cole, has said in regard to the abilities of the present Commissioner of Education. We are all agreed that he is an excellent administrator and it would be hard to find a man anywhere who would do as well for the job. But this is a case where he is getting, as I see the result of the survey, what they recommended; also he is receiving the same salary as the Administrator of Health and Welfare, the same as our Finance Officer of the State, and I believe that the duties of the job are comparative, so I hope that the motion of the gentleman from Liberty, Mr. Cole, does not prevail.

The SPEAKER pro tem: The Chair recognizes the gentleman from Island Falls, Mr. Crabtree.

Mr. CRABTREE: Mr. Speaker and Members of the House: I hope we will give very careful thought to this very serious matter. Everyone, I believe, who has had the pleasure of contacting our present Commissioner of Education feels gratified indeed that we could attract to our State a man of his proven ability, his character, his administrative ability.

I suppose it is understandable that the salary looks sufficient to some members of this House, but I can think of nothing any more important in this State than the capabilities of the man who heads up our Department of Education.

It happens that I do know that the present Commissioner came here at a salary less than he was receiving. He likes the State of Maine. It happens that he had spent a few summers here at the University. He has asked for no increase. I want to make that plain. However, now we are faced with the problem of whether or not we will increase this man's salary by a single thousand dollars. Then it would be a great deal less than he received in his former position.

If we are to attract men of caliber to head up our departments, we have got to realize the situation and pay them in proportion to their ability. Now, it is worth something to work in the State of Maine, I will grant you that. We do not have to pay them as much as other states because it is worth something to live here. But in the matter of our Commissioner of Education we are talking about a thousand dollar increase, and it will then be much less than he received in his former position. The Commissioner is a man of whom we can feel proud, and we can feel that our educational system is in good hands with Mr. Espy.

I hope that the majority report will be accepted.

The Speaker pro tem: The Chair recognizes the gentleman from Auburn, Mr. Turner.

Mr. TURNER: Mr. Speaker, I would like to know just what the salary is now. I think it is \$9000. I would like to have that clarified.

The SPEAKER pro tem: The gentleman from Auburn, Mr. Turner, asks for information from any member of the committee.

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

Mr. COLE: Yes, Mr. Speaker, that is true, he is getting \$9000 right now, and the bill calls for \$10,000, which I think is small enough for a man of his ability and character.

The SPEAKER pro tem: The question before the House is on the motion of the gentleman from Liberty, Mr. Cole, that the majority "Ought to pass" report of the committee on Bill "An Act relating to Salary of Commissioner of Education," H. P. 1267, L. D. 1481, be accepted.

All those in favor will signify by saying aye; those opposed, no.

A viva voce vote being taken, the motion to accept the majority "Ought to pass" report did not prevail.

Thereupon the minority "Ought not to pass" report of the committee was accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs on Bill "An Act relating

to Salaries of Certain Department Heads" (H. P. 1035) (L. D. 1179) reporting a Bill (H. P. 1268) (L. D. 1482) under title of "An Act relating to Salary of Attorney-General" and that it "Ought to pass".

Report was signed by the following members:

Messrs. COLLINS of Aroostook
HASKELL of Penobscot
SINCLAIR of Somerset
—of the Senate

Messrs. BURGESS of Limestone
JALBERT of Lewiston
DAVIS of Harrison
—of the House

Minority Report of same Committee reporting same Bill (H. P. 1268) (L. D. 1482) and that it "Ought not to pass".

Report was signed by the following members:

Messrs. JACOBS of Auburn
CAMPBELL of Guilford
COLE of Liberty
CATES of East Machias
—of the House

Reports were read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Auburn, Mr. Jacobs.

Mr. JACOBS: Mr. Speaker, I move that the minority report be accepted and that we use all these heads of departments alike.

The SPEAKER pro tem: The gentleman from Auburn, Mr. Jacobs, moves that the minority "Ought not to pass" report of the committee be accepted. Is this the pleasure of the House?

The motion prevailed, and the minority "Ought not to pass" report was accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs on Bill "An Act relating to Salaries of Certain Department Heads" (H. P. 1035) (L. D. 1179) reporting a Bill (H. P. 1269) (L. D. 1483) under title of "An Act relating to Salary of Treasurer of State" and that it "Ought not to pass".

Report was signed by the following members:

Messrs. HASKELL of Penobscot
COLLINS of Aroostook
SINCLAIR of Somerset
— of the Senate

Messrs. CAMPBELL of Guilford
DAVIS of Harrison
JALBERT of Lewiston
— of the House

Minority Report of same Committee reporting same Bill (H. P. 1269) (L. D. 1483) and that it "Ought to pass"

Report was signed by the following members:

Messrs. JACOBS of Auburn
COLE of Liberty
BURGESS of Limestone
CATES of East Machias
— of the House

Reports were read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Moose River Plantation, Mr. Watson.

Mr. WATSON: Mr. Speaker and Members of the House, I would like to table Item No. 94, if I may, unassigned.

The SPEAKER pro tem: The gentleman from Moose River Plantation, Mr. Watson, moves that the bill and the two reports of the committee be tabled. Is this the pleasure of the house?

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

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

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

Mr. OSBORNE: Mr. Speaker, I move that we be consistent and accept the minority report.

The SPEAKER pro tem: The gentleman from Fairfield, Mr. Osborne, moves that the minority "Ought not to pass" report of the committee be accepted. Is this the pleasure of the House?

Mr. OSBORNE: The report is "Ought to pass".

The SPEAKER pro tem: The Chair is in error.

The gentleman from Fairfield, Mr. Osborne, moves that the minority "Ought to pass" report be accepted.

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

Mr. JACOBS: Mr. Speaker and Members of the House: This is the only one of the heads of departments who in my opinion is not receiving adequate compensation

compared to the others. This is the Treasurer of the State of Maine. The others are receiving seven to eight thousand dollars a year while the Treasurer's salary is \$5,000. The bill asks for \$6,000. I think in fairness to all heads of departments, wherever they may be, or whatever they may do, it is part of the State's business and they should receive a fair compensation, and in my judgment \$5,000 is not enough for the Treasurer of the State of Maine. This resolve is asking for \$6,000, and that is why I voted for it, for that purpose, that the Treasurer receive \$6,000 instead of \$5,000.

The SPEAKER pro tem: The question before the House is on the motion of the gentleman from Fairfield, Mr. Osborne, that the minority report be accepted, which is "Ought to pass." Is this the pleasure of the House?

(Calls of "No" and "Yes")

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

A viva voce vote being taken, the motion prevailed and the minority "Ought to pass" report was accepted and the Bill was given its two several readings and tomorrow assigned for third reading.

The SPEAKER pro tem: The Chair notes in the balcony of the Hall of the House, a group of Eighth Grade Pupils from the Hudson Grammar School, under the direction of Mrs. Tasker.

On behalf of the House, the Chair wishes you a most cordial and hearty welcome. (Applause)

Mr. BURGESS of Limestone: Mr. Speaker —

The SPEAKER pro tem: For what purpose does the gentleman from Limestone, Mr. Burgess, rise?

Mr. BURGESS: To ask a question of the Chair, Mr. Speaker.

The SPEAKER pro tem: The gentleman may make a parliamentary inquiry.

Mr. BURGESS: Mr. Speaker, I was going to ask what action was taken on Item 92. If you would prefer that I delayed it until later, I would be very happy to conform to your wishes.

The SPEAKER pro tem: The Chair would inform the gentleman that on Item 92 the minority

"Ought not to pass" report of the committee was accepted and sent up for concurrence.

Mr. BURGESS: Mr. Speaker, may I further inquire if a motion to reconsider would be in order at this time?

The SPEAKER pro tem: The Chair will entertain such a motion.

Mr. BURGESS: Mr. Speaker and Members of the House: I move that the House reconsider its action whereby it accepted the minority "Ought not to pass" report on Item 92, relating to the Salary of the Commissioner of Education, and I would like to address the House briefly upon the subject, and I assure you it will be very briefly, and say that in my opinion having analyzed all department heads with respect to salary, that this is one of the most important administrative positions in the whole State of Maine, inasmuch as it deals with every little schoolhouse and school throughout the entire State, and because of the breadth of the program, the abilities needed in that office are great, and the State, at the present time, has an excellent man, but I do not speak to the present Commissioner; I speak to the duties of the office, and it is my honest opinion that any department which handles the funds and exerts the influence, necessarily, throughout the State of Maine in our public school system should be at least paid \$10,000 annually.

It is my further conviction that the sum of \$10,000 is small enough considering his influence not only in the operation of the public school system but his influence in the School Building Authority, which deals with capital investment.

I repeat, Mr. Speaker, I move that the House reconsider its action whereby it accepted the "Ought not to pass" report.

The SPEAKER pro tem: The gentleman from Limestone, Mr. Burgess, moves that the House reconsider its action whereby it accepted the "Ought not to pass" report on Item 92, Bill "An Act relating to Salary of Commissioner of Education" (H. P. 1267) (L. D. 1481). Is this the pleasure of the House?

(Calls of "No")

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

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

**Ought to Pass in New Draft
Tabled until Later in Today's
Session**

Mr. Sanford from the Committee on Taxation on Bill "An Act to Repeal the Exemption from the Sales Tax of Domestic Fuel" (H. P. 687) (L. D. 722) reported same in a new draft (H. P. 1271) (L. D. 1467) under title of "An Act to Amend and Clarify the Exemption of Fuel from the Sales and Use Tax" and that it "Ought to pass".

Report was read.

The SPEAKER pro tem: Is it the pleasure of the House to accept the report of the committee?

(Calls of "No")

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Presque Isle, Mrs. Christie.

Mrs. CHRISTIE: Mr. Speaker, this matter is not quite clear to me. I wonder if it is to other people. It sounds to me as though this bill would repeal the exemption on these fuels, and if that is the case, I do not approve of it.

The SPEAKER pro tem: The Chair recognizes the gentleman from Rockland Mr. Low.

Mr. LOW: Mr. Speaker, There are two bills before the House this morning, dealing with the exemption of fuels for heating. This present bill is simply a clarification bill and later on in the morning, on page 12, we will have a bill to repeal the tax on gas for heating.

I would like, if I might, to table this bill until immediately after we have acted on the other bill on page 12, which is Item Number 109.

The SPEAKER pro tem: The gentleman from Rockland, Mr. Low, moves that Item 95, Report of the Committee on Taxation on Bill "An Act to Amend and Clarify the Exemption of Fuel from the Sales and Use Tax" together with accompanying papers be tabled until later in today's session. Is this the pleasure of the House?

The motion prevailed, and the Report with accompanying papers was so tabled pending acceptance of the Committee Report.

Mr. Seaward from the Committee on Taxation on Bill "An Act Exempting from Sales Tax Motor Vehicles Not to be Registered in State" (H. P. 1063) (L. D. 1200) reported same in a new draft (H. P. 1272) (L. D. 1468) under title of "An Act Exempting from Sales Tax Passenger Automobiles Not to be Registered in State" and that it "Ought to pass"

Report was read, and the report of the committee was accepted, on a viva voce vote.

Thereupon, the Bill was given its two several readings and assigned for third reading tomorrow morning.

The SPEAKER pro tem: The Chair notices, in the balcony of the Hall of the House, thirty-eight pupils from the Eighth Grade of the Dunstan Elementary School in Scarborough, under the direction of Dorothy Humphrey, David Eaton and Principal Joseph Greeley.

In behalf of the House, the Chair wishes you a most cordial and hearty welcome. (Applause)

**Ought to Pass
Printed Bills**

Mr. Watson from the Committee on Inland Fisheries and Game reported "Ought to pass" on Resolve Authorizing Survey by Commissioner of Inland Fisheries and Game to Cooperate with other States to Reduce Hunting Fatalities (H. P. 1091) (L. D. 1225) which was recommitted.

Report was read and accepted, the Resolve read once and tomorrow assigned.

Tabled

Mr. Fuller from the Committee on Judiciary reported "Ought to pass" on Resolve Authorizing the Release of State of Maine's Claim on T. 1, R. 13, W. E. L. S. Piscataquis County (H. P. 1138) (L. D. 1288)

Report was read and accepted and the Resolve was read once.

(On motion of Mr. Williams of Hodgdon, the Resolve, with accompanying papers, was tabled without assignment, pending assignment for second reading)

Mr. Letourneau from the Committee on Labor reported "Ought to pass" on Bill "An Act relating to

Unemployment Compensation Regarding Remuneration for Holidays" (H. P. 1101) (L. D. 1242)

Mr. Woodcock from the Committee on Legal Affairs reported same on Bill "An Act Amending the Community School District Law" (H. P. 936) (L. D. 984)

Mr. Tardif from the Committee on Public Health reported same on Bill "An Act relating to Eating and Lodging Places" (H. P. 844) (L. D. 866)

Reports were read and accepted, the Bills read twice, and tomorrow assigned.

Ought to Pass with Committee Amendment

Mr. Couture from the Committee on Labor on Bill "An Act relating to Compensation for Loss of Hearing Under Workmen's Compensation Act" (H. P. 829) (L. D. 860) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

Committee Amendment "A" was then read by the Clerk as follows: COMMITTEE AMENDMENT "A" to H. P. 829, L. D. 860, Bill, "An Act Relating to Compensation for Loss of Hearing Under Workmen's Compensation Act."

Amend said Bill by striking out the underlined figure "100" in 5th line and inserting in place thereof the underlined figure '50'

Further amend said Bill by striking out the underlined figure "150" in the last line and inserting in place thereof the underlined figure '100'

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

Mr. Letourneau from the Committee on Labor on Bill "An Act relating to Definition of Elevator under Board of Elevator Rules" (H. P. 185) (L. D. 180) which was re-committed, reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 185, L. D. 180, Bill "An Act Relating to Definition of Elevator Under Board of Elevator Rules."

Amend said Bill by indicating the striking out the word "other" in the 4th line of the second paragraph by drawing a line through said word "other"

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

Mr. Small from the Committee on Labor on Bill "An Act relating to Burial Expenses Under Workmen's Compensation Act" (H. P. 426) (L. D. 473) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 426, L. D. 473, Bill, "An Act Relating to Burial Expenses Under Workmen's Compensation Act."

Amend said Bill by striking out the underlined figure "\$500" in the last line and inserting in place thereof the underlined figure "350".

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

Mr. West from the Committee on Labor on Bill "An Act Designating Fluorosis and Fluoride Poisoning as an Occupational Disease" (H. P. 749) (L. D. 788) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 749, L. D. 788, Bill, "An Act Designating Fluorosis and Fluoride Poisoning as an Occupational Disease."

Amend said Bill by striking out in the title thereof the words "Fluorosis and".

Further amend said Bill by striking out in the 6th line thereof the underlined word and punctuation "Fluorosis;"

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

Tabled and Assigned

Mr. West from the Committee on Labor on Bill "An Act Amending the Maine Employment Security Law as to Definition of Employing Unit" (H. P. 755) (L. D. 780) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted.

The SPEAKER pro tem: The Chair recognizes the gentleman from Rockland, Mr. Low.

Mr. LOW: Mr. Speaker, I have been told by the Unemployment Commission that this bill will cost them a great deal of money, and for the purpose of getting more information I would like to table this matter and specially assign it for next Tuesday.

The SPEAKER pro tem: The gentleman from Rockland, Mr. Low, moves that the Bill, with accompanying papers, be tabled pending first reading, and that the matter be specially assigned for Tuesday, April 28.

Mr. Albert from the Committee on Liquor Control on Bill "An Act relating to the Administration of the Liquor Law" (H. P. 538) (L. D. 554) which was recommitted, reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 538, L. D. 554, Bill, "An Act Relating to the Administration of the Liquor Law."

Amend said Bill by striking out all of section 5 thereof.

Further amend said Bill by renumbering sections 6, 7, 8 and 9 to be sections 5, 6, 7 and 8.

The SPEAKER pro tem: Is it the pleasure of the House to adopt Committee Amendment "A"?

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

Mr. STEWART: Mr. Speaker, I have a question I would like to

direct to any member of the committee, if I may.

The SPEAKER pro tem: The gentleman may ask his question.

Mr. STEWART: I would like to inquire what is the purpose of Committee Amendment "A"? What is its effect upon the bill and upon the Governor's program?

The SPEAKER pro tem: The gentleman from Portland, Mr. Stewart, asks for information from any member of the Committee on Liquor Control.

The Chair recognizes the gentleman from Augusta, Mr. Albert.

Mr. ALBERT: Mr. Speaker and Members of the House: The purpose of doing away with paragraph 5 is to retain the present Enforcement Director under the Personnel Law. If paragraph 5 had been left in the original bill, the present Director of Enforcement would have become a political appointment, and the committee feels that he should remain under the Personnel Law.

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

Mr. STEWART: Mr. Speaker, I believe that the Director of Enforcement is a vital policy-making part of the program. It is my feeling that when an administration comes in, and finds that certain individuals are in charge of the different departments, and finds that they are frozen under Civil Service laws, there is no opportunity of dealing with this question of enforcement. If the Governor believed that the enforcement was lax or weak, he could not appoint a person whom he believed would be strong in administration and enforcement under this amendment. It is my feeling that one of the things that was sought by the Governor's program, as outlined in his inaugural address, was to set up a division of authority such that he would be able to secure administration and enforcement of the liquor laws. It is my belief that this amendment very seriously weakens the bill which is presented to us today, and therefore I move the indefinite postponement of Committee Amendment "A".

The SPEAKER pro tem: The gentleman from Portland, Mr. Stewart, moves that Committee Amendment "A" be indefinitely postponed. The Chair recognizes the gentleman from Augusta, Mr. Albert.

Mr. ALBERT: Mr. Speaker and Members of the House: I was always under the impression that the gentleman from Portland, Mr. Stewart, had always commended the Director of Enforcement, Timothy Murphy. He certainly has been commended in our liquor hearings by both the so-called Drys and the Wet elements. It is my opinion that this new set-up in the Liquor Commission will have a direct influence upon the Director of Enforcement. No one has ever criticized, to my knowledge, in a liquor hearing, the conduct of the Enforcement Division Director, and I think that this House should bear that in mind.

The man in question is now under the Personnel Law; the new Liquor Commissioner will certainly influence him to a certain degree, but he will still be protected and kept out of politics as far as his job is concerned, and I hope the motion of the gentleman from Portland (Mr. Stewart) does not prevail.

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

Mr. STEWART: My remarks were not directed to be in any way a criticism of the present Chief of Enforcement of the Liquor Division; my remarks concerned laws and not men. It is my belief that this is a vital, policy-making post and the Governor of the State should have the power to determine who is chief of this department as he has in regard to who is on the Liquor Commission.

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

Mr. FULLER: Mr. Speaker and Members of the House: I believe there is a misapprehension on this in the mind of the gentleman from Portland, (Mr. Stewart) because if you have the bill, Section 2 of this bill contains two sub-sections, apparently, two new sections I should say, numbered 5-A and 5-B. 5-B provides for a Director of Licensing

and Enforcement. It says the Commission shall appoint him, and then it goes on—he can be removed for cause and so forth.

I presume that that would be the official who would really be the policy-making official appointed by the Commission, and perhaps could be changed by an incoming administration.

Now it doesn't seem to me that the job of the Chief Inspector is anything like that, and it does seem to me that the Chief Inspector should be left under Civil Service, as he is at the present time.

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

Mr. ANDERSON: Mr. Speaker and Members of the House: I don't want to have any quarrel with the present Liquor Enforcement Chief or with any future chief, but I would like to say this: That this matter has been discussed with the Governor, and the Governor didn't even know this provision was in the law and he further stated that he didn't want it left in there.

The SPEAKER pro tem: The question before the House is on the motion of the gentleman from Portland, Mr. Stewart, that Committee Amendment "A" to House Paper 538, Legislative Document 554, Bill "An Act relating to the Administration of the Liquor Law" be indefinitely postponed. All those in favor will say aye; those opposed, no.

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

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

Divided Report

Majority Report of the Committee on Highways reporting "Ought not to pass" on Resolve for the Maintenance and Repair of Roads and Bridges (H. P. 1) (L. D. 1) also Requests for Allocation of Funds for Maintenance and Repair of Roads and Bridges pursuant to Joint Order (H. P. 21)

Report was signed by the following members:

Messrs. ROBBINS of Aroostook
DUNHAM of Hancock
—of the Senate

Messrs. LUDWIG of Hope
 TURNER of Auburn
 PULLEN of Oakland
 CARTER of Etna
 BOSTON of North Berwick
 —of the House

Minority Report of same Committee on same Resolve reporting a Consolidated Resolve (H. P. 1254) under same title and that it "Ought to pass"

Report was signed by the following members:

Mr. GREELEY of Waldo
 —of the Senate

Messrs. DENBOW of Lubec
 NADEAU of Biddeford
 —of the House

Reports were read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Hope, Mr. Ludwig.

Mr. LUDWIG: Mr. Speaker, I move the majority "Ought not to pass" report be accepted.

The SPEAKER pro tem: The gentleman from Hope, Mr. Ludwig, moves that the majority "Ought not to pass" report of the committee be accepted.

The Chair recognizes the gentleman from Brooks, Mr. Dickey.

Mr. DICKEY: Mr. Speaker and Members of the House: Inasmuch as we have one hundred and thirty enactors ahead of us, and we have three divided reports ahead of us, and inasmuch as we have a special order at two o'clock whereby we will take up reapportionment, I move that this item be tabled and be specially assigned immediately after the period of reapportionment, to be taken up at two o'clock today.

The SPEAKER pro tem: The Chair will state that the gentleman's motion would not be in order. The gentleman may ask for unanimous consent that the matter be a special order following reapportionment.

Mr. DICKEY: Mr. Speaker and Members of the House: Inasmuch as we have this special order at two o'clock, and the hour is now eleven-thirty, I was simply trying to speed up legislation. I therefore will move that it be tabled, unassigned, and I assure the House I will take it off the table immediately, at the best opportunity.

The SPEAKER pro tem: The gentleman from Brooks, Mr. Dickey, moves that the two reports of Item 108, with accompanying papers, be tabled and unassigned. Is this the pleasure of the House?

(Calls of "No")

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

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

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

The SPEAKER pro tem: The Chair recognizes the gentleman from Brooks, Mr. Dickey.

Mr. DICKEY: Mr. Speaker and Members of the House: I can assure you I am not going to be a fall guy on this present set-up. You will recall the first L. D., the first House Paper, which was a Resolve for the Maintenance and Repair of Roads and Bridges. Some refer to this as the Pork Barrel Fund. I think the first letter that I wrote in regard to this matter was in January, 1952.

At the last session we had quite a bit of talk as to whether to do away with special resolves or not. In talking with many of the old members, they felt that something should be done to speed up legislation. This House went along with me. We introduced a consolidated resolve. We also went along with a joint order whereby the members would turn in to the Highway Committee their various requests, which would stop the advertising, the printing, and everything that went along with those four or five hundred resolves, the idea behind it being that we would perhaps save in the neighborhood of \$5000 and at least two days of the legislative session.

I realize there has been a great deal of pressure put on this to do away with the special resolves. I have a letter here dated January 29, 1952. I would like to read part of it to you.

"In regard to your suggestion on the procedure for road resolves, I feel that it would be a very worthwhile suggestion, but I am doubtful if it would work too well because of the very human trait to postpone everything until the last

meeting. However, if they felt it was a definite deadline and Sam could get it across in his letter it would certainly speed things up and save a lot of time and expense and reading, printing, and advertising, as you know, and the results would be the same in any event." That was signed by Burton Cross.

I have two files of letters from various members of the last Legislature.

It just boils down to this, ladies and gentlemen, whether you want to take the lure. It is up to you. You will vote presently. But I can assure you that that lure, with all its pretty flowers and pretty tassels, that when it hooks into your jowls it will have a barb on it and it will bring you up short.

The only basis behind this whole thing is to do away with Special Resolve roads. Perhaps the gentlemen in the cities are not too much concerned about this, but we people in the smaller communities are. You very well understand that around the cities the people in the smaller communities go along with you in order to improve your conditions. We have seen quite a few instances whereby we have tried to help you out in your traffic problems.

This is only a small matter of \$150,000 a year. If they—and I don't know who "they" are, and I shall have to use the term "they" not knowing who "they" are, but if they thought this was a good piece of legislation and they wanted to do away with the special resolves you would have assumed that they would have taken the present figure of \$500,000 of the present Town Road Improvement Fund and added \$150,000 of these special resolves and come out with the proposition that we will do away with the special resolves, combine it with the town Road Improvement Fund for \$650,000. No, they knew it wouldn't get through, it couldn't possibly go through this House. But, as I say, they had the lure and the bait.

I believe in our L. D. 184, that is on the Highways, you don't see anything of the special resolves of the \$150,000. I do not see it anywhere in the betterment fund of \$100,000, but I do see a little bait here, increasing the Town Road Improve-

ment Fund from \$500,000 to \$800,000. That didn't go over so well, I understand, with the pressure around.

They are now thinking of increasing the Town Road Improvement Fund to a million dollars. That didn't meet with very good results so they brought it up to a figure of a million and a half. Why? Simply to do away with the special resolves.

Now it looks very good to you ladies and gentlemen at this time if you can increase your Town Road Improvement Fund up to a million and a half dollars. That is fine, that is more than we had before. What are they going to do in two years? They will cut the Town Road Improvement Fund back to \$500,000. You mark my words, that is exactly what will happen, and they will achieve their purpose of doing away with the special resolves of \$150,000. That is the move behind all of this. I am still using "they." I don't know who "they" are, but there is certainly plenty of pressure on it.

If they want to do what is right, why don't they go along with the way the law stipulates it now, ten per cent. That would make the Town Road Improvement Fund two million dollars. I might buy that for two years myself if it was two million. Maybe if you stick with it long enough and go along with this special resolve, maybe we can get two million out of it. They have at least gone up to a million, five hundred thousand.

Now it is not good business for you ladies and gentlemen in these smaller communities. If you go along with this proposition to do away with the Special Resolves you have lost all chances of coming into this Legislature and introducing any resolve whatsoever.

Now as I said in the beginning, I do not intend to be the fall guy for this. I convinced you members at the first of the session that it would be a good proposition to do away with the introduction of each separate resolve of the four or five hundred resolves and you went along with it. Probably "they" helped me out in that. Yet today we are talking on only one question, one consolidated resolve, otherwise

we would have four or five hundred in here "Ought not to pass", and I am telling you it would be a fighting House. It is the same proposition. It is all consolidated in one resolve.

I certainly hope that the motion of the gentleman from Hope, Mr. Ludwig, will not prevail.

The SPEAKER pro tem: The Chair notes in the rear of the Hall of the House a former Speaker and former Governor of the State of Maine, the Hon. William Tudor Gardiner. The Chair requests the Sergeant-at-Arms to conduct the gentleman to the rostrum.

Ex - Governor William Tudor Gardiner was then conducted to the rostrum by the Sergeant-at-Arms, amid the applause of the House, the members rising.

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

Mr. WINCHENPAW: Mr. Speaker and Ladies and Gentlemen of the House: I believe that this resolve will hurt more towns than you realize will be hurt. If these special resolves are done away with, as I understand it the money the towns will get under this resolve will be less, that is for most towns. As I understand it, this sum of money will be added to the Town Road Improvement Fund and towns are going to get less because of the system of allocation. I know that all of the five towns that I represent are going to be hurt by doing away with these resolves. I believe that every legislator should study this bill to see how much they will be hurt. I move that this bill be tabled and specially assigned for tomorrow morning.

The SPEAKER pro tem: The gentleman from Friendship, Mr. Winchenpaw, moves that item 108 and both reports be tabled and specially assigned for tomorrow morning.

Those in favor of the motion will say aye; those opposed, no.

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

The SPEAKER pro tem: The Chair recognizes the gentleman from Holden, Mr. DeBeck.

Mr. DEBECK: Mr. Speaker, when this vote is taken I ask for a division of the House.

The SPEAKER pro tem: The question before the House is on the motion of the gentleman from Hope, Mr. Ludwig, that the majority report "Ought not to pass" be accepted. The gentleman from Holden, Mr. DeBeck, asks for a division.

The Chair recognizes the gentleman from Hope, Mr. Ludwig.

Mr. LUDWIG: Mr. Speaker, I am amazed that my good friend, the gentleman from Brooks, Mr. Dickey, is opposed to this change. He represents nine small towns here and under the special resolves for the next two years they would receive \$5800. If you put a million dollars into the unimproved road fund, which the committee has unanimously agreed to do, his nine towns in the next two years would receive \$19,247.38, a difference of nearly \$14,000. That, it seems to me, would be a pretty good trade. And that is an example of what most of the towns in the State would receive. They would receive that much more money than they are getting now. In other words, you put a million dollars into the unimproved road fund and practically every town would receive two or three times as much at least as they do under the special resolves.

This town road improvement fund, you can use it in towns anywhere you want to, and a special resolve you have to put in a bill and have it designated for a special place. The town road improvement fund is based on a mileage basis for unimproved roads, so that those towns that have the most unimproved roads will receive the most money. It seems to me it is the only fair way to have it distributed.

The SPEAKER pro tem: The Chair recognizes the gentleman from Brooks, Mr. Dickey.

Mr. DICKEY: Mr. Speaker, the gentleman from Hope, Mr. Ludwig, need not be amazed at me. I am amazed at him that he would go along with this lure bait. He just made the remark to you that you could use this money any way you want. That is not right and he knows it.

I have three towns that desire to build bridges on State Aid roads and the special resolves that I put in would allow them to use this money. Under this set-up under the Town Road Improvement Fund, they could not use this money for the building of these bridges. I believe that the law states that the most they could use would be \$200, and he knows it, so I am amazed at him.

I think there are enough members who can see through this proposition, and as the hour is late I will not take up your time. Thank you.

The SPEAKER pro tem: The Chair recognizes the gentleman from Limestone, Mr. Burgess.

Mr. BURGESS: Mr. Speaker and ladies and gentlemen of the House: I have on previous occasions, and I wish to repeat myself this morning, been strictly in favor of discontinuing these so-called road resolves. I would like, very briefly, to point out to you my reasons for taking that position consistently.

No. 1. To eliminate the expense and time of the Committee on Highways and the Department for administering the so-called road resolves.

No. 2. It is my understanding, and I believe I am correct, that the Town Road Improvement Fund is apportioned to our towns throughout the State in a more equitable manner, namely this: Each town in the State receives first of all a fixed sum of \$200, which, when added together and subtracted from the total leaves a balance from whatever your appropriation is. That is apportioned to each town throughout the State on the basis of the number of miles of unimproved roads in your town to the total in the State, and in my opinion that is positively a fair way of allocating funds.

I realize that these special resolves may be very important in some communities. In my own case I believe the amount allocated to my six towns is \$1400. When divided equitably it leaves them nothing. It costs a considerable amount of money to move your equipment onto the job and off the job, and I do not consider that the results received from the

small amount of two or three hundred dollars is one of great importance.

I hope that you will eventually, before you have finished, vote to do away with special resolves. At this time I do not understand that that binds the State forever. That is only for the next biennium. You can certainly change it back next time if you wish. I do hope that you will vote at this time to discontinue special resolves and allow this fund to be administered on an equitable basis such as I have outlined with respect to the Town Road Improvement Fund.

The SPEAKER pro tem: The Chair recognizes the gentleman from Whitefield, Mr. Chase.

Mr. CHASE: Mr. Speaker and Members of the House: I am not concerned about the time that the Highway Committee puts in on these road resolves. They are up here to do the job the same as the rest of us on the other committees.

These resolves amount to about \$150,000, and believe me that is peanuts compared to the sixty-six million dollars that goes through the Highway Commission down there. Now I consider that it is peanuts to take that \$150,000. It is the only thing that we have to take home to our constituents. I defy anyone to show me one town or one case where this resolve money was ever wasted or put in a place where it should not have gone. I think that this money is used for a good purpose and I would like to see it continued.

The gentleman from Hope, Mr. Ludwig, stated that we will receive much more on our town road improvement fund if the \$150,000 is turned back. Gentlemen, we cannot receive more than that \$150,000. If we get the increases that he has stated we will get, how are you going to get it out of \$150,000? If they are going to dig up some money somewhere else and give to the town road improvement fund we will still get it, we can still get it without the \$150,000 peanut money.

I hope that the House will still vote to keep these resolves.

The SPEAKER pro tem: The Chair recognizes the gentleman from Mexico, Mr. Small.

Mr. SMALL: Mr. Speaker, I have no resolve in under this bill for a bridge, but I want to go on record in favor of this and I will tell you why.

Not too many evenings ago, only a few weeks back, the Governor came into this very hall and spoke to us about putting the administration of this road money back nearer home. I would like to know who knows better within the various counties where there money should be spent than the representatives. I want to agree with the gentleman from Whitefield (Mr. Chase) that I think the representatives in Oxford County have put the money in the places where it was needed badly.

Now we cannot get money enough to pay a hundred cents on a dollar for schools but we can toss half a million dollars into this other fund as bait. That is well and good. Why not increase the road resolves, the pork barrel, to half a million dollars. I am sure it could be well used in my county. I would like to see this money administered the way it has been in the past. As I said a minute ago, I have no bridges in my town but I think that the counties can divide this money up better than anyone else can, especially better than the way they divide it up down here in Augusta. Thank you.

The SPEAKER pro tem: The question before the House is on the motion of the gentleman from Ludwig, Mr. Hope, that the majority "Ought not to pass" report on Resolve for the Maintenance and Repair of Roads and Bridges (H. P. 1) (L. D. 1) also Requests for Allocation of Funds for Maintenance and Repair of Roads and Bridges pursuant to Joint Order (H. P. 21) be accepted.

All those in favor of the motion that the House accept the majority "Ought not to pass" report will rise and remain standing in their places until the monitors have made and returned the count.

A division of the House was had.

Eighty-seven having voted in the affirmative and thirty-two having voted in the negative, the motion prevailed and the majority "Ought not to pass" report was accepted and sent up for concurrence.

Divided Report Tabled and Assigned

Majority Report of the Committee on Taxation reporting "Ought not to pass" on Bill "An Act Exempting Gas for Domestic Purposes from Sales Tax" (H. P. 995) (L. D. 1082)

Report was signed by the following members:

Messrs. WIGHT of Penobscot
CHASE of Cumberland
CARTER of Oxford
—of the Senate

Messrs. SEAWARD of Kittery
SANFORD
—of Dover-Foxcroft
KEYAY of Albion
—of the House

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

Report was signed by the following members:

Messrs. LOW of Rockland
ALBEE of Portland
WILLEY of Ellsworth
—of the House

Reports were read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Westbrook, Mr. Larrabee.

Mr. LARRABEE: Mr. Speaker, due to the unavoidable absence of my colleague, the gentleman from Westbrook, Mr. Travis, who sponsored this bill, I wish to place it on the table and assign it for Tuesday next.

The SPEAKER pro tem: The gentleman from Westbrook, Mr. Larrabee, moves that the two reports, with accompanying papers, lie on the table pending acceptance of either report, and be specially assigned for Tuesday, April 28. Is this the pleasure of the House?

The motion prevailed, and the matter was so tabled and so assigned.

Divided Report

Majority Report of the Committee on Transportation on Bill "An Act Requiring Certain Truck Owners to File Names of Agents for Certain Purposes" (H. P. 770) (L. D. 735) reporting same in a new draft (H. P. 1270) (L. D. 1466) under same title and that it "Ought to pass"

Report was signed by the following members.

Mr. CUMMINGS of Sagadahoc
—of the Senate

Messrs. KELLY of Rumford
FINEMORE of Bridgewater
TOTMAN of Bangor
CURTIS of Bowdoinham
JEWETT of Bucksport
—of the House

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

Report was signed by the following members:

Messrs. HASKELL of Penobscot
JAMIESON of Aroostook
—of the Senate

Messrs. TRAVIS of Westbrook
DODGE of Strong
—of the House

Reports were read, and on motion of Mr. Kelly of Rumford, the majority report, "Ought to pass" in New Draft was accepted.

Thereupon, the Bill was given its two several readings and was assigned for third reading tomorrow morning.

Divided Report

Majority Report of the Committee on Transportation reporting "Ought to pass" on Bill "An Act relating to Weight of Commercial Vehicles" (H. P. 1065) (L. D. 1164)

Report was signed by the following members:

Mr. JAMIESON of Aroostook
—of the Senate

Messrs. FINEMORE of Bridgewater
KELLY of Rumford
JEWETT of Bucksport
DODGE of Strong
TRAVIS of Westbrook
—of the House

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

Report was signed by the following members:

Messrs. HASKELL of Penobscot
CUMMINGS of Sagadahoc
—of the Senate

Messrs. TOTMAN of Bangor
CURTIS of Bowdoinham
—of the House

Reports were read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Farmingdale, Mr. Smith.

Mr. SMITH: Mr. Speaker and Members of the House: I move that the majority "Ought to pass" report on Legislative Document 1164 be accepted.

The SPEAKER pro tem: The gentleman from Farmingdale, Mr. Smith, moves that the majority "Ought to pass" report of the committee be accepted. Is this the pleasure of the House?

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

Mr. CURTIS: Mr. Speaker and Members of the House: This is a bill for 48,000 pounds—to increase the weight of vehicles to that amount. There is consideration that they use another axle, but it is so upset and it involves so much that I don't think that has any particular weight. It might do for bituminous roads, but it would not be of any use on a concrete road.

Now our roads, as the Highway Commission will tell you, and as you know if you have made any study of them, are built for 32,000 pounds, and they are going to pieces faster than we can possibly keep them up with the amount of revenue that we have. We all know that. We don't have to ask anybody about that; we can see it ourselves; and when we put on this extra load, just simply to save a few dollars for a construction gang, it doesn't seem to me to be the right thing to do.

Now we were willing, in our committee, to grant the people who are building the road a chance to have an area where they were operating and that would be left to the Highway Commission.

I can see very readily how they would like to get rid of another driver; they would like to have 48,000 pounds rather than 32,000 pounds, and it is a fact, with anyone who has ever done trucking, that the only thing you really do save on these heavy loads is the wages of a driver, because the extra cost of this extra equipment, or this larger equipment, and the extra cost to maintain it, and the extra gasoline that will be burned, and all of these things added together, per unit it costs just as much to haul a yard of gravel on a large vehicle as it does on a small one,

but the only thing that they do save is the wages of a driver, where he can haul half as much again, of course they can make some saving there.

Now I would be very anxious for them to make all the saving they could, but I don't believe that it warrants this saving by tearing our roads all to pieces, and I think that the proposition that was put up, to allow the Highway Commission to give them an area, would cover everything that they should need, because you cannot have this class legislation, if you are going to open it up to 48,000 pounds today you must open it up to everybody, and that would mean that everyone hauling coal, cement or what have you, could haul anywhere on our roads and our bridges, and they were not built for it and they will not possibly stand it. In fact, I know that the Highway Commission realizes this and is not in favor of this whatsoever and I do not think that we should be.

The SPEAKER pro tem: The Chair recognizes the gentleman from Farmingdale, Mr. Smith.

Mr. SMITH: Mr. Speaker and Members of the House: I made this motion to accept the majority report for one reason: I believe that this is an economy measure; I believe that a saving will be reflected in the bid prices that contractors offer to the State during the next ten years in this accelerated highway program.

I have some figures here, they may be rather difficult for me to get across to you, but under this bill actually there would be less weight per tire than under the present laws. Under the present law you can haul on a truck with six tires 32,000 pounds. When a truck is so loaded 25,600 pounds or 80 per cent of that load falls on the four tires on the rear. If you divide that figure by four you find each tire carrying 6400 pounds. Under the present law or proposed law 48,000 pounds, that truck would have, what we call a ten-wheel truck, would have ten tires or the double rear axle. On each of those rear axles would fall 19,200 pounds. If you divide that amount you would find on each of these rear

tires 4800 pounds or, I believe 75 per cent as much weight as under the present law.

In answer to the gentleman from Bowdoinham, Mr. Curtis, I don't believe any contractor would plan to put a load over a bridge that is not strong enough to support that load. Present-day bridges are built to take loads equal to what is being asked in this.

I think that this is a safety measure in that we have increased traction and increased braking capacity on these ten-wheel trucks.

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

Mr. TOTMAN: Mr. Speaker and Members of the House: We have had a pretty serious morning. So far we have argued back and forth about some fairly heavy legislation. I get a big kick out of this bill, and I hope that the rest of the members of the House, while I do not intend to make light of the bill, will try to retain a sense of humor in the discussion that follows because, believe me, this is a political hot potato.

At the last session—and I do not mean to sound like one of the old fathers talking about last session, but there is a little history of this bill that is quite interesting. It is somewhat like a play presentation: the actors scurry around behind the curtain, getting their make-up on, going to a great deal of trouble, but when the curtain opens the audience sees a very smoothly operating performance. They probably little realize the way the actors have scrambled and fought to get ready and the terrific rehearsals that have taken place night after night.

This bill is somewhat like that play: you see it here today and it looks to be fairly innocent, it does not look like too weighty a piece of legislation. Well, I will assure you that if you want to be visited by people of opinion, get on the transportation committee next session and sign this bill the way I did this session.

Now this bill admittedly, and no one tries to deny it, attempts to allow the road contractors to use heavier trucks with a shorter wheelbase. That is purely and

simply all it is. I suggest, for your own clarification, that you look at your L. D. 1164 and have a better idea of what it is all about.

There is just one sentence in black type. It simply says that they want to use a heavier truck with a shorter wheelbase. And one of the strongest arguments I have had thrown against me since I signed the minority report was: After all, if the wood pulp group last year could get their trucks exempted why can't we get ours? Are you going to be a party in the 96th Legislature to continuing discriminative legislation?

I will make a confession. Last session I was not on the Transportation Committee, and I suspect, like a lot of you, that bills that are not on your committee you do not follow quite so closely as bills that are on your committee. If I had realized that the forest products was going to be called class legislation and discriminatory, I probably would have fought harder. As it was, we defeated at the last session the attempt that is being made here today to allow the road contractors to have this increased weight.

It is all right with me, I am not in the road-contracting business, I will admit very readily. But they can prove by charts and figures, as they did at the committee, that each tire will put less weight on the road if this bill goes through. There is no argument with that. But I want to tell you what I think are three resounding reasons why this bill as it is written encouraged me—and I use the word "encouraged" advisedly—to sign the minority report.

The first reason is this: I feel that we members of the Legislature have to lean fairly heavily on our various State departments for advice as to what legislation will do to the State as a whole.

When this bill was heard in front of the committee there wasn't a peep, not a single solitary peep out of the State Highway Department or the State Highway Commission. You may think that I have an axe out for that particular department, but I really haven't. I think they can stand a lot of improvement, but I have no axe out for them.

Some of us are rather incensed to think that on this bill that we thought would do some real harm to the roads of Maine and the bridges, that the State Highway Department or Commission did not see fit to come over and advise the committee. So in executive session we demanded that they send a representative over, and we asked them point blank: "See here, we have heard two sides to this story, the road contractors and the truck and automobile dealers insist that this is an improvement and that it will help. At the last session you said that you were bitterly opposed to it. What is the score this session?" And the answer was, "We still do not look upon it with favor."

Now believe me, people will jump up behind me and say that is not true, that the State Highway Commission took a neutral attitude. Well, I have got two ears and I can hear the English language and understand it pretty well. The automobile and truck dealers insisted that the State Highway Commission should change their mind. We called in the legislative representative, and I asked him personally, point blank—I will not mention his name because I do not wish to embarrass him: "Did the State Highway Commission take a neutral or favorable attitude on this change?" And the answer was, "They still do not look upon it favorably." That is the English language, ladies and gentlemen, "they do not look upon it favorably." That is point No. 1. That is your own State Highway Commission. They design our roads, they build them, and I for one am here to see to it that we do not pass legislation that is going to do more harm than good, all the testimony to the contrary.

Now Point No. 2—and this is really amusing and ironical to me: They told me that I ought to sign the majority report because it would get this bill out of the discriminatory category and allow construction people as well as wood people to haul with these heavier trucks. But, believe it or not, in the State of Maine we have a few more industries than just construction in case you have forgotten. We have coal,

we have sardine meal, as you members know who come down from Washington County, we have fish meal, we have lime, we have chemicals.

If you look at this bill you will see that it says "construction material" only. In other words, it would help the construction boys, but the fellows who are in other types of business, well they can just wait until the next session to get their request through. I pointed that out, and they said, "Well, Mr. Totman, you are opposed to that and we think you are right. We will eliminate it, we will make it right across the board so that anybody who wants to haul with a heavier truck with shorter axles can do it." You do not see an amendment here today. If they want to put an amendment in, that would make it less discriminatory admittedly.

The third reason I am opposed to this bill is that it would allow them to have a truck short of sixteen feet. We no sooner heard that bill than one of the leading sellers of trucks in one of our largest cities in the State called up and said, "Jim, that bill is discriminatory. I own at least three or four different companies that sell trucks. One company would benefit by that but there are three other companies that would be ruled out. You have got to bring that down to fourteen feet." Therefore the bill is as it is written now, it is going to be down to fourteen feet.

There are three reasons. Now just let me summarize a few comments that have been put up as arguments. They say the savings will be reflected in the contractors' bids. On two separate occasions in the hearings I asked some of the contractors, with a smile admittedly, "Do you boys guarantee that if you get this bill through you will reduce your bids?" Everybody laughed. Of course they laughed.

The second point: They say that contractors won't put an overweight truck across a bridge. I do not like to get personal but one of our own truckers in my own industry admitted that there are bridge spans in the State of Maine which are longer than the wheelbase of these

trucks, and if they got this 48,000 pounds on these secondary road bridges, in case the trucker wanted to take a chance he would go through—this trucker took a chance and went through and it cost him about \$2000 to rebuild the bridge. He admits it.

Now, ladies and gentlemen of the House, I repeat, this is really a hot political potato. I am in the minority. I have no particular feelings against truck people. If it will help, fine. But I say to you: as the bill is written it remains discriminatory. I say to you: until the State Highway Commission comes over and says, "Mr. Totman, you go ahead and vote for this bill, it won't hurt our roads, it won't tear down more than we are building up," then I feel that I have got to be a watchdog and not go along with the bill.

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

Mr. CIANCHETTE: Mr. Speaker, I had paid no attention to this bill until the other day when a member of the committee spoke to me and asked me what I thought of this bill. Since then I have studied the bill and I have made some contacts to find out what this bill does represent, what the effect of it will be and who is supporting the bill and who is opposing the bill.

I heard it said that this bill would favor one truck company, that is that there was only one truck manufacturer who made a truck to which this bill would apply. I checked up on that and found out that was not true, that there were several. It is only the makers of larger trucks who will be affected because they are the only ones who make this type, but there are several rather than only one company.

Then I looked into the purpose of the original law and I find that it has two purposes. The first is safety and the second is the protection of the highways. Now the safety angle comes in because a truck of a certain size and a certain breaking capacity is not safe if it hauls a load in excess of what it was built for; and the protection of the highways comes in upon the weight that is put on the highway by the load.

I find that the load weight upon the highway depends upon the number of wheels upon the truck, that if a truck has enough wheels the amount of load is not important. That is, a truck with more wheels, spreading the weight load over the highway more, can carry a much larger load than a truck with less wheels. I found, as Mr. Totman, I believe, mentioned, that a three-axle truck hauling 48,000 pounds as is provided for in this bill, does less damage to the highway than a two-axle truck hauling 40,000 that they are permitted to haul now. And I also found that a truck with three axles with brakes on the wheels of each axle, carrying 48,000 pounds can be stopped quicker than one with two axles and brakes on the wheels of two axles carrying 40,000 pounds. Therefore it seems to me that the two measures which must be protected are protected in this bill. Certainly this bill does not affect the safety factor nor does it affect the condition of the roads.

I also found that the Highway Commission took at least no official stand upon this question. I found that the Maine Good Roads Association had gone on record in favor of this legislation. For anybody who doesn't know, the Maine Good Roads Association is an association designed simply, as the title would indicate, for good roads, for improving our highways and for protecting and preserving the highways that we have.

I also find that the secretary of the Maine Good Roads Association is Lucius Barrows, who is the Chief Engineer of the Maine State Highway Commission and that the treasurer of the Maine Good Roads Association is the Assistant to the Chief Engineer, John Burnham. Therefore it would indicate to me that the two chief officials within the highway Department must necessarily feel that this is good legislation.

Now I want to say one more thing. Some of you are probably aware that members of my family are in the construction business and you might feel that I am here to promote legislation favorable to those members of my family; but I might point out that no member of my family ever mentioned this

bill to me, and, furthermore than that, you may recall that when the question of the net sales tax was being debated, which would greatly affect my family, and they would be greatly benefited if the sales had been only on the net, I voted and spoke against that. So that I think I should have no doubts about speaking for this measure.

As I heard pointed out here, it will enable the Highway Commission to have the work done, to have these roads constructed at some reduced amount with this legislation; that those who are responsible for the design and construction and maintenance of the highways, the two chief officers in that department are officers in the organization which has gone on record in favor of this legislation, so I am convinced that it is good legislation.

The SPEAKER pro tem: The Chair recognizes the gentleman from Brunswick, Mr. Senter.

Mr. SENTER: Mr. Speaker and Members of the House: I think the gentleman from Bangor, Mr. Totman, has given us three very sound reasons why we should vote against the acceptance of the majority report.

Now the State has a tremendous investment in our roads and we are continuing to invest substantial amounts in our roads and bridges. It seems to me that we should safeguard that investment.

The gentleman from Farmingdale, Mr. Smith, said a few minutes ago that the present bridges — I suppose he referred to those being built today — could stand this increased load. I wonder if the older bridges could stand the load.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker and Members of the House: The reason that I speak on this item a short time is that I am very familiar with the three-axle truck and I am not influenced by any car dealer or anyone to speak on it.

First, I would like to clarify the statement of my good friend, the gentleman from Bangor, Mr. Totman, in regard to the State Highway Division coming into our committee meeting and saying that

they were against this legislation. He says he understands the English language and I thought I did, but the more this member from the Commission's office talked the less I thought I knew the English language, because when he wound up after talking two or three times and giving two or three definitions why this wasn't good legislation, I believe we were still up in the air. In fact, I believe he hurt us rather than helped us. Sometimes he would say it might be good and sometimes he would say it might be bad.

But one thing they have left out here that is very important is the fact that this is a bill that is not only a safety measure but it is a bill that will bring more income into our State. They can believe it or not, but I can prove it.

At the present time these three-axle trucks, as my good friend, the gentleman from Bowdoinham, Mr. Curtis, stated, can be licensed for 32,000 pounds, in which he is wrong. Under the state law these trucks at the present time can be licensed for 40,230 pounds at a fee of \$300. Under this new bill they may be licensed for 48,000 pounds, in other words less than four tons for which we will receive a license fee of \$350. This means a 20 per cent increase over all, and if you are going to drop back to 32,000 pounds, which some are licensed for now, it would mean an increase of fifty per cent over all. It also would allow the contractor to handle more material. My good friend, the gentleman from Bangor, Mr. Totman, said they would not drop the bids. My explanation of that would be that now we do not have contractors enough. That is the reason our bids are up, because we are building so many roads with less contractors, but I believe in the future that this would make some difference in the bids.

Personally, and I can speak from a personal point of view because I have seen both two-axle trucks and three-axle trucks in use under this law where they are allowed in woods operations, and I will tell you right now that on a two-axle truck we haul three to four cords of pulpwood and as high as eleven cords

of pulpwood on our three-axle trucks. I will tell you right now, that there is no comparison on the roads. The three-axle truck doesn't do any damage on the roads while lots of times, right in the middle of our State-aid highways the two-axle truck will break through.

This is something that I was told not to bring out but I believe it will have quite a lot of bearing on the case. You go onto a construction job today and you will find that most any of these trucks are now hauling 48,000 pounds, beyond a doubt. You put a truck on there today that has a 32,000 pound license to work and you at once haul over 40,000 on that license, so I do not know why the State isn't entitled to this extra revenue, because they are hauling it on the job and it is quite impossible to stop them from hauling it on the job.

Some may say that this destroys the roads. Well, I have a good explanation for this. Today the State holds back money until the contracts are complete for any roads that they may damage while in the act of constructing roads. In a town right close to mine a short time ago, about three or four years ago, a road was destroyed by a contractor. He immediately, on his own initiative, repaired this road, and I will say that the road was twice as good as it was before, in fact the road had gone along for two or three years without any maintenance at all, due to the fact that he did such a good job repairing it. It is the same on bridges.

In answer to my good friend, the gentleman from Brunswick, Mr. Senter, he mentioned our bridges. They can already go in and get a permit from the State to haul much more than this over any bridge that we have in the State under the permit law. That is only a ten-dollar permit, therefore I cannot see why we might not as well receive the extra registration together with the permit money.

My good friend, the gentleman from Bangor, Mr. Totman, mentioned this was for construction work only and mentioned that others might like to come under it. I would like to say here that about the only one who uses a sixteen-foot truck with three axles is con-

struction work or maybe coal work, if any of them want to take it, because they are the dump type and about the only truck that can be used is the dump type, which is a sixteen-foot truck, because any longer makes it almost impossible to handle on construction. Therefore I believe this report "Ought to pass" ought to be upheld at this time.

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

Mr. CURTIS: Mr. Speaker, my good friend, the gentleman from Bridgewater (Mr. Finemore) reminds me of the five blind men who examined an elephant. They each one examined a different part of him and each one came up with a different answer.

Now I will go along with my good friend in his explanation of some of the things. On the bituminous road or on the dirt road undoubtedly a three-axle truck doesn't do nearly as much harm as the same load would on two axles. But how about this extra load on your concrete? There is your base of concrete and you can go right down in my town and see it, a road that was built about ten years ago of concrete and hot top at the time, a specially-built road. This concrete lays out in the sun and these heavy trucks start it pumping. If you ride down over that road today you would swear you were riding on the rear end of a freight train because there is the clickety-click like there is over rail joints.

Now we do have a lot of concrete roads in the State, and if you run these trucks over them with these heavy loads, I don't care how many wheels you have got, you are going to get this breaking condition.

He also tells you about the roads being repaired. Now the roads are repaired under the present set-up. Now why they are repaired is because they do haul a greater load than they are supposed to haul. The Highway Commission knows that and they let them do it with this understanding: that if they do tear the road up by this extra load they will repair it. And so the contractor thinks that is a good trade. They can haul enough extra so it will make it a good money

proposition: they can tear up a piece of road and then repair it and they will still be ahead of the game. But when you make this a law this won't hold at all: they can tear your roads all to pieces, which they will proceed to do and you will pay for it.

Now I do not call it such a wonderful safety proposition. There are smart engineers designing these trucks, and the braking area on a two-axle truck is sufficient for the load that it is supposed to carry. Of course there is more braking area on another axle but they are carrying more load, so this safety idea is just fog: there is no more safety in one than there is in the other. They are designed by men who know their business.

As far as the Good Roads Association report, why shouldn't it be the way it is? Who belongs to the Association? Practically the truckers. I happen to belong, because I want to know what is going on there. I can tell you that the Good Roads Association report is such because it is going to benefit the members of the Association much more than it is going to benefit the people of the State of Maine.

Now if you think it is a saving proposition, to save money, to get a few extra dollars, as my friend pointed out, which is true, by getting those few thousand dollars you stave up a million dollars worth of road. If that is good business then I don't know anything about business.

The SPEAKER pro tem: The Chair recognizes the gentleman from Strong, Mr. Dodge.

Mr. DODGE: Mr. Speaker, there has been quite a bit of controversy over this thing. As it has happened, I have had quite a bit of experience in this trucking business with both straight jobs and ten-wheelers, so-called. I will admit that I am interested to get the 48,000 limit in for forest products, which you all know I am interested in. I do not think that in the past two years there have been any bridges broken down on the main highways by trucks hauling forest products that have been hauling 48,000 pounds.

We have a pretty good example in building our own roads in the woods of what these ten-wheel jobs will do in the line of saving roads. They will go indefinitely where the straight jobs or six-wheel trucks will bog down. That is very easy to determine. If anyone wanted a demonstration it would not cost but very little to make one, but I do not think it is necessary.

We are not in the horse and buggy days any longer. We used to have a speed limit I believe of 35 miles an hour and now in some cases it is as high as 60, maybe not in this state but in other states. We find that other states are increasing the load limit according to axle and tire size, which all goes along together.

There is no question about the manufacturers being benefited. Any single manufacturer, most any manufacturer, will make any truck of any wheelbase. As a matter of fact, I bought one job two years ago when steel was under government control, a special wheelbase length, and the government would not release steel enough for that truck to be properly built at the factory. It had to be shipped into Boston and there rebuilt, the wheelbase extended out or shortened, whatever the case may have been at the moment. That is proof enough to show that we are not favoring any one manufacturer.

The safety factor is not questionable. I know of these ten-wheel trucks hauling forest products that have been over 350,000 miles and the brakes never have been re-lined, and that is something that no one can boast for straight jobs let alone the safety factor. In the past two years those same trucks in one organization have gone over a million miles on the Maine highways. I will retract that a bit, not all on Maine highways but partly on our bulldozed woods roads, but the bulk of the mileage is over the main highway, and I know that we have not stove up any roads. You have regulations which are now in force prohibiting the use of trucks, you might say of almost any capacity over certain highways at certain times of year. Let that be enforced, because that is the

time when they will stove up the roads.

We are just taking a step forward. It won't be many years before we will have to come to a 48,000 gross for ten-wheelers or possibly more. One man stated our roads are built for 32,000. We have a maximum registration of 50,000 pounds today for tractor and trailers and any good engineer who can figure road stress and strain will prove to you that a ten-wheeler of sixteen or eighteen foot wheelbase will do less damage to your roads and bridges for the comparable size of the tractor and trailer. That has been worked out. I could get the figures if necessary but I do not think that is necessary at this time.

I certainly hope that the House will see fit to accept the majority report of the committee.

The SPEAKER pro tem: The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Sanford.

Mr. SANFORD: Mr. Speaker and Members of the House: I think we want to be very careful what laws we pass here. I think this bill is a good one for the manufacturers especially the large manufacturers. Now we do not want to drive any manufacturers out of the State of Maine. In other states I understand they can carry these loads and even larger loads. I think it is a great benefit, especially to the paper mills in the State of Maine. I am in favor of this bill and I hope that the majority report will be accepted.

The SPEAKER pro tem: The Chair recognizes the gentleman from Naples, Mr. Fickett.

Mr. FICKETT: Mr. Speaker and Honorable Members of the House: There are one or two points that have not been brought out on this matter.

There are approximately 135 trucks that would immediately come under this provision if it was passed. This would mean an additional fifteen or twenty thousand dollars of revenue.

At the committee meeting the contractors assured the committee that they would replace their present trucks with this new type of truck as fast as the old ones wore out and this would mean an increase

in revenue over a period of years.

There is one other point. The gentleman spoke about the breaking of the bridges and that for a ten-dollar fee you could get a permit to go over the road. These contractors are bonded and any damage that they do to any bridge they are responsible for, and naturally a man in business or a contractor who has put fifteen or twenty thousand dollars into a truck is going to be darned sure that the bridge will hold up. There have been cases where contractors have gone out and shored up bridges before they even went over them.

I hope this bill will pass, and when the vote is taken I would request a division.

The SPEAKER pro tem: The Chair recognizes the gentleman from Brunswick, Mr. Senter.

Mr. SENTER: Mr. Speaker, there is just one point that I would like to bring out. There has been a great deal said about bridges and that these trucks would not go through a bridge and that if they did it would be the responsibility of the owner of the truck to repair the bridge. Perhaps I do not know very much about this, but it seems to me that you might not have the truck go through the bridge as it goes over the bridge but the increased weight might continually wear down the embankment and weaken the bridge so that at some future time the bridge would go through.

The SPEAKER pro tem: The Chair recognizes the gentleman from Sweden, Mr. Moulton.

Mr. MOULTON: Mr. Speaker and Members of the House: In regard to the statement of the gentleman from Brunswick, Mr. Senter, I will say that it has happened in my town three times. We have had to rebuild one bridge wholly and partly rebuild two others twice, to say nothing of the culverts we have had to replace.

I move both reports be indefinitely postponed.

The SPEAKER pro tem: The gentleman from Sweden, Mr. Moulton, moves that both reports be indefinitely postponed.

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

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

The SPEAKER pro tem: The question before the House is on the motion of the gentleman from Farmingdale, Mr. Smith, that the majority report of the committee "Ought to pass" on Bill "An Act relating to weight of Commercial Vehicles (H. P. 1065) (L. D. 1164) be accepted. The gentleman from Naples, Mr. Fickett, has requested a division.

All those in favor of the acceptance of the majority report of the committee "Ought to pass" will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Sixty-eight having voted in the affirmative and twenty-seven in the negative the motion prevailed and the majority "Ought to pass" report of the committee was accepted.

Thereupon the Bill was given its two several readings and tomorrow assigned for third reading.

Passed to Be Engrossed

Bill "An Act relating to Entertainment in Licensed Liquor Premises" (S. P. 132) (L. D. 320)

Bill "An Act Providing for the Classification of Certain Surface Waters" (S. P. 429) (L. D. 1156)

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

Tabled

Bill "An Act Amending the Water Improvement Commission and Creating Standards of Classification" (S. P. 538) (L. D. 1451)

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

The SPEAKER pro tem: The Chair recognizes the gentleman from Auburn, Mr. Trafton.

Mr. TRAFTON: Mr. Speaker, I move that this item be tabled and unassigned, for the purpose of offering an amendment.

The SPEAKER pro tem: The gentleman from Auburn, Mr. Trafton, moves that Item 3, Bill "An Act Amending the Water Improvement Commission and Creating Standards of Classification" (S. P. 538) (L. D. 1451) be tabled and unassigned, pending third reading. Is

this the pleasure of the House?

The motion prevailed, and the Bill was so tabled.

Bill "An Act Creating a Division of Indian Affairs" (H. P. 245) (L. D. 226)

Bill "An Act relating to Open Season on Muskrats in Cumberland County" (H. P. 804) (L. D. 888)

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

Amended Bills

Bill "An Act relating to Bulldozing of Streams" (S. P. 169) (L. D. 413)

Bill "An Act relating to Admission Age for Maine School for Deaf" (S. P. 418) (L. D. 1126)

Resolve Providing for Construction of Dolphins at Maine Maritime Academy (S. P. 162) (L. D. 405)

Resolve in favor of the Town of New Gloucester (H. P. 960) (L. D. 1050)

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

Bill "An Act relating to the Regulation of Cosmetics" (S. P. 183) (L. D. 424)

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

Resolve to Repeal Certain Special Resolve Pensions (H. P. 612) (L. D. 732)

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

On motion of Mr. Albert of Augusta,

Recessed until 1:55 P. M. this afternoon.

AFTER RECESS—1:55 P. M.

The House was called to order by Mr. Fuller, Speaker pro tem.

The SPEAKER pro tem: The Chair recognizes the gentleman from Augusta, Mr. Albert.

Mr. ALBERT: Mr. Speaker, I ask unanimous consent that the eighth order of business, namely bills on their passage to be enacted, be passed over and that the House proceed immediately to Orders of the Day.

The SPEAKER pro tem: The gentleman from Augusta, Mr. Albert, asks unanimous consent that the eighth order of business, being bills on their passage to be enacted, be passed over and that the House proceed immediately to Orders of the Day. Is there any objection? The Chair hears none and it is so ordered.

The Chair notes in the balcony of the Hall of the House a group of students from St. Dominic's Grammar School of Portland under guidance of the Sisters of Mercy. On behalf of the House the Chair extends to you a cordial and hearty welcome. (Applause)

The SPEAKER pro tem: The Chair recognizes the gentleman from Wales, Mr. Scott.

Mr. SCOTT: Mr. Speaker, I would like to ask if it is now permissible to ask for a reconsideration?

The SPEAKER pro tem: The gentleman may move for reconsideration.

Mr. SCOTT: I would like to have reconsideration of the action of the House yesterday on L. D. 1439 for the purpose of offering a House amendment.

The SPEAKER pro tem: The gentleman from Wales, Mr. Scott, moves that the House reconsider its action whereby it passed to be engrossed "An Act relating to Fees of Sheriffs and Deputies", S. P. 534, L. D. 1439. Is this the pleasure of the House?

The motion prevailed and reconsideration was voted.

The same gentleman then presented House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to S. P. 534, L. D. 1439, Bill "An Act Relating to Fees of Sheriffs and Deputies."

Amend said Bill by striking out all of that part designated "XIII" and inserting in place thereof the following underlined subsection: 'XIII. For each aid necessarily employed in criminal cases, including expenses, compensation at the prevailing rate per day for deputy sheriffs, and in that proportion for a longer or shorter time, and 10c a mile for travel in going out and returning home, if necessary to travel by common carrier.'

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

The SPEAKER pro tem: The Chair now lays before the House the Special Order assigned for 2:00 P.M. today, Senate Reports, Majority Report reporting "Ought to pass", and Minority Report "Ought not to pass" of the Committee on Reapportionment on Resolve to Apportion 151 Representatives among the Several Counties, Cities, Towns, Plantations and Classes in the State of Maine, S. P. 493, L. D. 1347.

The Chair recognizes the gentleman from Waterford, Mr. Ford.

Mr. FORD: Mr. Speaker, I move on that Senate Paper 493, L. D. 1347, that the majority "Ought to pass" report be accepted.

The SPEAKER pro tem: The gentleman from Waterford, Mr. Ford, moves that the majority "Ought to pass" report of the committee be accepted.

The Chair recognizes the gentleman from Waterford, Mr. Ford.

Mr. FORD: Mr. Speaker and Members of the House: I shall speak very briefly, simply giving you facts and figures and trying to explain to you why and how your committee functioned. Before going into the mechanics of apportionment, I would like to say a few words on apportionment.

In 1861 the State of Maine was divided into sixteen counties; the number of representatives, 151, remained the same. At that time the State was apportioned according to population. This has happened each

and every ten years up to and including 1931. Now you will please note, ladies and gentlemen, that 1931 was the last year that this State was reapportioned.

In 1941 the House reapportioned within some of the counties but that was all.

I am not going into what happened in 1951. You who were members here then know exactly what happened, and we who are freshmen just don't want to think about it; but because nothing happened in 1951 this 96th Legislature received a communication from the Supreme Judicial Court of Maine, and I would like to read that communication. I quote:

"It cannot be tolerated that a Legislature by the mere omission to perform its constitutional duty at a particular session could prevent for another ten years the apportionment provided for by the Constitution. The duty to apportion the State is a specific legislative duty imposed by the Constitution solely upon the legislative department of the State, and it alone is responsible to the people for the failure to perform it.

"The duty of causing the number of inhabitants to be ascertained may be discharged in any reasonable manner which may be determined and adopted by the Legislature, including that which has undoubtedly been used through the years, the adopting therefor the last Federal census."

Because of this order, as you all know, a committee was appointed of twenty-three, sixteen from this House, one to represent each county. Your committee met, and at the first meeting they decided to use the census of 1950.

Now it is relatively simple to apportion according to the census. The census tells us that we should divide the number of inhabitants in the State by the number of 151, the number of representatives. We did that. In the 1950 census your population was 913,774. We divided that by 151, the number of your representatives, and we came up with a mathematical figure of 6051 with a remainder of 48. Now that remainder of 48 goes into a fraction of 48 over 151, and as long as that

is less than one-half we have the mathematical figure of 6051. Now having this remainder, we know that when we divide the populations of the counties by this mathematical number we are bound to have a large remainder left.

But the Constitution is very complete on that. It says definitely that any fractional excesses over the whole numbers to be computed are to be computed in favor of the smaller counties.

We divided the population of each county by the number 6051 and came up with 141 representatives. The number that was left over was 60,533. Dividing that by 6051 we come up with ten more representatives, which gives us our number of representatives, 151.

Now your Constitution states specifically that these representatives shall be divided equally among your smaller counties, so each of the ten smaller counties received one extra representative.

Now, to be fair, some of the members of this committee felt that they did not want to go along with the 1950 census, and they wanted to take advantage of the second paragraph of the legislative order, and I am going to read that to you.

"The committee is authorized to use the Federal census of 1950 with such modifications and adjustments as may be required to reflect accurately the changes in the number of inhabitants since the date of taking said Federal census."

Because of this, a sub-committee was appointed, and I was the only member in the House appointed on that sub-committee. I want to say now, ladies and gentleman, that from here on in on these figures I am responsible.

Your sub-committee was told that they could get the number of births and the number of deaths in 1951 and also in 1952 and they would like these figures brought up to date. I tried everywhere to get these figures, and I finally came up with the following. I could get the births for 1951, I could get the deaths for 1951. I could get those broken down into each individual county; but there was no place, ladies and gentlemen, where I could get the deaths and births for

any particular city, any particular town, any particular plantation. The Constitution says that you must apportion according to cities, towns and plantation.

Now when it came to the subject of 1952, the only figures that I could obtain, and I tell you frankly I worked very hard and tried to obtain them, was the gross figures of the over-all births and the over-all deaths for the entire year 1952 broken down into no counties; and I was told that those figures would not be available until the end of May of this year.

So the other member of the committee and myself wanted to do what was right, and to the best of our ability we broke down and reapportioned according to those figures of 1951. For 1952 we took a percentage basis, using the 7.9 that the State grew between 1949 and 1950. We presented those figures to your committee, and they did the only logical, reasonable thing that committee could do; they opened the window and threw them all out the window, and I don't blame them a bit.

Now, ladies and gentlemen, it brings us back to the subject of this apportionment. Personally, I feel that this is a bill of moral rights, I believe that it is a bill that is going to show whether or not we are down here to legislate; and when it comes time to vote I hope that you do not let your prejudices cloud your mind.

The SPEAKER pro tem: The Chair requests the Sergeant-at-Arms to escort the gentleman from Augusta, Mr. Albert, to the rostrum for the purpose of acting as Speaker pro tem.

The gentleman from Augusta, Mr. Albert, was thereupon escorted to the rostrum by the Sergeant-at-Arms amid the applause of the House, the members rising and Mr. Fuller retired to his seat on the Floor, the members applauding.

The SPEAKER pro tem: The Chair recognizes the gentleman from Standish, Mr. Center.

Mr. CENTER: Mr. Speaker and Members of the House: The gentleman from Waterford, Mr. Ford, has pointed out to you that the Supreme Court has said that it is the duty of the Legislature to reapportion

tion representatives according to the Constitution. He has also pointed out that, pursuant to a joint order, S. P. 157, a committee was created and this committee put in a good deal of time and effort before submitting the bill and report which we have before us at this time.

From the general conversation that we hear in the corridors, from statements made to the committee, and from the minority "Ought not to pass" report, it is apparent that there is opposition to this bill and to the majority report. I suspect that there would be opposition to any reapportionment bill which the committee could have brought out. However, reference has been made on several occasions during this legislative session in this House to "living with one's conscience" and "sleeping with one's conscience," and frankly, I fail to see how any member of this body can do either if he hesitates to faithfully perform a duty so clearly defined by the Constitution which we have all sworn to support.

I would like for a few moments to go a little further into the history of reapportionment.

The language of Section 2, Article 4, Part 1st. of the Constitution with respect to the division of representatives among the several counties is exactly as it appears in the original Constitution of 1819-1820, and the provision limiting any city to seven representatives is also there, and the effect of this limitation was clearly intended when the original Constitution was submitted to the Constitutional Convention in 1819.

The delegate reporting the original Constitution to the Convention said this on the very point involved:

"The whole number of representatives to be elected is first to be apportioned and assigned to the several counties on the most exact principles of equity and justice. Thus the great sections of the State, the several counties, which are but larger corporations, actuated to a certain extent by a community of interests, have their due weight according to their population. The number of representatives thus apportioned and as-

signed to any county is next to be distributed among the respective towns in such county, each town having the competent number of inhabitants being entitled to one or more, and towns and plantations not having that number to be classed as conveniently as possible. On any practicable system there will be fractions and representation of course unequal. If under the system adopted by the Convention the large towns have not their full representation, it is preserved in the county of which they are a part."

That was said when the Constitution was originally debated. That provision has been in the Constitution for 133 years and was followed until 1941.

The number of representatives was at first 100 and could increase to 200, at which time the Constitution provided that the people should vote to fix the number. It reached 200 in 1841, at which time the number was fixed at 151, which it has been ever since.

Since 1851 ten apportionments have been made. In 1852 Aroostook had three; in the next decade Aroostook gained three. Androscoggin, Sagadahoc and Knox were created and received a total of twenty-one representatives in the 1861 apportionment, which came from reductions elsewhere, namely from Lincoln, Cumberland and Kennebec.

No substantial change in county lines has since been made, yet Aroostook has gained three on two occasions and two on two other occasions. Whatever gains have been made, there naturally had to be corresponding losses, and the changes throughout the years seem to correspond with population gains as reflected in the Federal census, which, as the Supreme Court recently said, undoubtedly has been used in the past for this purpose.

Up to 1941, when the Legislature passed a bill making no change, there has been one or more changes every ten years. In 1931 only one change was made, and it is interesting to note that Knox gained one at the expense of Sagadahoc, but there is no evidence to show any reluctance on the part of Knox to accept that extra one, yet in 1941, when on the basis of the cen-

sus Knox and Washington would have each lost one and Cumberland gained two, the record shows vigorous opposition was raised by one of the representatives of the same county of Knox, while in 1951, when the same reapportionment measure was the most vexing problem of the session, we heard cries all the way from "We are being robbed" to "To hell with the Constitution."

Now as to apportionment within the several counties. These provisions were put into the Constitution in 1950 by the Legislature and the people, the vote of the people by counties on constitutional amendment, 1950, on the question, "Shall the Constitution be amended as proposed by resolution of the Legislature to apportion the number of members of the House of Representatives to the several towns," every single county voted in the affirmative, the total vote being 109,325 for, 43,718 against.

It is more favorable to the small counties and to the class towns now than it was before this amendment.

In the bill before us at the present time it has resulted in ten representatives being allocated to the smaller counties, whereas under the former provisions these fractions could have been allocated to the larger counties.

Now as the gentleman from Waterford, Mr. Ford, pointed out, your committee studied carefully several suggested plans to ascertain the population upon which to base this reapportionment bill, but each time came back to the 1950 Federal census figures which are the last authentic and reasonably accurate figures available. To use any other figures would be guesswork. Some statistics are available, but always is the unknown factor, how many people have moved in and how many people have moved out of any given area. The 1950 Federal census therefore is the population used in this bill, and we are simply attempting to do today what the 1951 Legislature failed to do and which the Supreme Court says is a duty cast upon us by that 95th Legislature.

I say to you in all sincerity: if you feel that the constitutional

provisions are unfair to certain areas of the State you have redress: pass an amendment to the Constitution and let the people vote on it; but in the meantime remember the oath you took and follow the Constitution as it is today and vote to accept the Majority Report.

The SPEAKER pro tem: The Chair recognizes the gentleman from New Limerick, Mr. Hand.

Mr. HAND: Mr. Speaker and Members of the House: So far you have had portions of the Constitution read to you, you have had decisions or opinions from the Justices of the Supreme Judicial Court of Maine read to you, and about all that remains to be said in favor of this bill is to quote a little Latin, so far as I know now. The rest of the duties of jurists have been well fulfilled.

Now I say to you, and I too am sincere, that when I took the oath of office to serve in this House of Representatives I swore to uphold the Constitution of this State, and I hope that each and every one of you when considering this measure, if you feel that you are not supporting the Constitution of the State of Maine unless you vote for the majority "Ought to pass" report, then I think you should vote for it. But I believe that you will agree with me when I have explained the situation to you that you are no nearer a constitutional solution if you adopt this report than if you refuse to adopt it.

I feel that the same tactics are being used upon this House as were used on the Reapportionment Committee. There has been an attempt to prejudice your minds, to prejudice your actions, with the thought that this is the thing that you must do or else you are unconstitutional.

Now you will recall that the method of choosing a reapportionment committee, particularly on the part of the House, was done by the county delegations themselves. The counties who stood to gain selected their representatives, the counties who stood to lose selected their representatives on the committee, as well as those who were probably not going to be affected.

Now in speaking of the committee report and the actions of the com-

mittee, you may have gotten the idea already that the decisions made by the committee were made by the committee as a whole as to what should be considered and what should not be considered. I can tell you that that is not true, that the members of the committee who feel as I do concerning the bill felt the same way concerning the decisions that the committee made as to methods of operation.

Let us go back. There are some things that are not too pleasant to mention in connection with this. There are times and there have been times when it has been a little difficult for me to hold my temper. I am going to try to give you the facts as I believe them to be, and I will try to give them to you reasonably and without prejudice. But I do believe that underneath everything you will find an element of subterfuge.

The order came into this branch of the Legislature and I put it on the table. I put it on the table for one reason; I wanted to look at it and study it thoroughly, not to be in any way an obstructionist. I told several members of this House when I would take it off the table and I did. This order was taken up very thoroughly with our county delegation. We discussed it. As you will recall, the words of the order as read by the gentleman from Waterford, Mr. Ford, "we were authorized to use the 1950 Federal census as a base with such modifications as were necessary to bring the population up to date.

After considering that, we voiced not one word of opposition to the order. There was no reasonable opposition that could be had to the order.

The committee met. At its first meeting the Chairman, the gentleman from Waterford, Mr. Ford, was appointed the sub-committee to begin bringing figures together for modification to the 1950 Federal census. The first figures that they produced, and, so far as I know, the only figures that they produced, were based on births and deaths after the 1950 census period; and when those figures were produced, analyzed and digested it was quite evident that there were

not three counties involved in losing representation, there were possibly five counties involved in losing representation, and that Penobscot would have gained under this.

To me, the majority of the committee recognized immediately that they could not come into this House and sell a constitutional bill of goods because there was going to be too much opposition when they involved five counties. Those figures, as the gentleman from Waterford, Mr. Ford, has said, have been thrown away so far as the committee is concerned.

I did not understand and I do not believe that any number of that committee understood that as soon as the figures of births and deaths were brought in that that was it. This was only a step toward making whatever modifications were necessary.

If you will recall Aroostook's situation last session, under the 1950 Federal census we lacked 800 population to hold our representation. There can be no doubt in anybody's mind who wants to think of this thing reasonably that since 1950 the population of Aroostook County has increased much more than the 800 that we required. If you consider nothing but the Limestone and Presque Isle Air Bases, Limestone being one of the largest air bases east of the Mississippi River, there can be no doubt that we have picked up more than would be required. In Caribou alone, and I am sure that the representative from Caribou will verify these figures, there are more than 200 housing units built since the 1950 Federal census was taken.

This is not something that is being thrown at the committee now, they knew it at the time and I told them at the time. They refused to let me submit any further figures or any figures for consideration, in fact they refused to consider them, and I would like to tell you the basis for that refusal.

One member of the committee said, "If we should let Aroostook come in and tell her story what is to prevent every other county from coming in and doing the same thing and we will wind up getting nowhere." Somebody from Oxford

County comes in and says, "We have got two thousand more population. What are you going to do about it?"

Well, I had assumed when the committee was appointed that it was a committee of people who were capable of separating wheat from chaff. I think that that was their duty. As long as the order directed us to bring back a bill based upon the 1950 Federal census with modifications, it was the duty of that committee to take into consideration any evidence of modification and to adjust it accordingly. Every other county should have been allowed to do the same thing. I feel that there were some counties that beyond any doubt could have produced figures that would not have been doubted by a reasonable man.

So now you have a bill based entirely on the 1950 Federal census, and the only answer that can really be given to it by the proponents of this bill is that the last Legislature did not do as it should have done.

I sat in the last Legislature. I do not think that they were particularly a group to be ashamed of. I think that they had some of the same problems facing them then that they have now, and that is the idea of the failure of cooperation on the part of those who were to gain with those who were to lose. And I can tell you that so far it has been impossible to get any cooperation in any way from those who would stand to gain.

Now that your bill has been reported out, I think reference to it might be found in the Legislative Record. I heard one member of the committee state that Aroostook County's position on this thing had been as follows: Aroostook County had taken the position that it was the duty of this Legislature to sit and wait until Limestone Air Base and Presque Isle Air Base grew enough so that we would not lose our representation. Ladies and gentlemen of the House, that has never been Aroostook's contention in this matter. I suppose that to that gentleman this was supposed to sound absurd, but if we want to talk Constitution again I think it might be well to mention one section of the Constitution which says that "The Legislature shall reap-

portion its members according to the inhabitants of the State having in regard the relative increase in population."

Now if you read that and re-read it and re-read it, so far as I am concerned you might as well be reading Latin unless somewhere you can find an interpretation.

The Supreme Court, in a very early decision, did make an interpretation, and the Supreme Court in effect said this: Since by the Constitution reapportionment cannot be had except at least every five years, not more than every ten years, we know that changes and great changes can come about in that five-year period, and if the Legislature has any reason to believe that in any particular area there is going to be a change within that period it should be taken into consideration and should be used as a basis for reapportionment.

Now that was known in 1951. Aroostook County knew that before another five-year period could elapse we would have gained sufficient population to hold our representation. Now as to whether or not we should do what the last Legislature refused to do, you might read the Constitution again. The Constitution says that the enumeration shall be made at the time of the reapportionment, and that is now.

It has been suggested to me, and I have gone along with the idea for quite some time, that the proper solution was to recommit this bill to the Committee on Reapportionment, instructing them by another order, if necessary, to carry out the wishes of this Legislature. Had the bill been taken off the table much earlier, I think it could have been done, but because of several major issues that have been coming in we have all hesitated to see this thing come off when there were too many other fights going on. It is now late, I think it would mean considerable delay, and I do have some question as to whether or not it would do any good anyway. The same committee would go back and get into the same squabble and come back here with the same old problem.

It has also been suggested that if Aroostook's case was so strong that I should amend. Well, if I

amend and leave Aroostook where it is I have got to take that one away from some other place, and without ever having heard any evidence as to the situation of other counties, I am sure I cannot tell you who ought to lose it if somebody has got to. Unless every county is allowed sometime along the trail here to show what has happened to it since 1950, I do not think it would be fair for me to look at the population of the 1950 Federal census and say, "Well, if Aroostook doesn't lose one the next one in line is such and such a county."

Aroostook County is willing and ready any time to go along with a fair and just apportionment, but I know of no solution if those that I have mentioned are not the pleasure of this House.

I am going to make the motion that these committee reports be indefinitely postponed, and I will be willing to listen to reason if somebody has a better suggestion for straightening this thing out.

The SPEAKER pro tem: The gentleman from New Limerick, Mr. Hand, moves that the two reports with accompanying papers be indefinitely postponed.

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

Mr. TRAFTON: Mr. Speaker and Ladies and Gentlemen of the House: There are some counties involved in this reapportionment question, the representatives from which may tend to decide their own voting according to how it affects their particular county as to county representation within the county. Regardless of the merits of what has been said heretofore, if we apportion it means that a Democratic city will get one more representative and for that reason they are opposing reapportionment. I believe they are plainly violating their constitutional oath, and I think they should take that into consideration.

The SPEAKER pro tem: The Chair recognizes the gentleman from Madison, Mr. Fogg.

Mr. FOGG: Mr. Speaker and Members of the House: This reapportionment proposition has been quite a serious thing to me, not because a Democratic city will win one

more vote but because I have always contended that we should go by our Constitution.

When they started out and set up the government of the State of Maine they set up the judicial, the legislative and the executive branches of the State government. They knew that there would be disagreement, they knew that there would be squabbling, so they had to do something, they had to have a common agreement, they had to have something which, when they came to a stalemate, they would all turn around and say, "There is something we shall all go by, that is the Constitution. As far as our State is concerned that is our Bible." It is something that is supposed to be permanent, it is something that is supposed to be secure.

Now around that Constitution revolve and operate all of our three branches of government. It is the bond that holds them together. If any branch of this government goes off on a tangent and separates itself, then they are setting up an example whereby some other branch is going to go off on a tangent and go by itself. This Legislature back in 1941 did that. They made a mistake. In 1951 they made another mistake.

Now we have this job of reapportionment up before us, and I do not think we can solve it by ducking it. You cannot solve a problem by denying it exists. I do not know just which is right as far as these population figures are concerned, but we did come down here and we vowed that we would do a job. Now I am entirely in favor of sending this report right back to the committee and possibly calling in a judge or going to the courts and finding out which figure of population we should take. But I do know this, that we have got a job before us and we have got to do it rather than dodge it. If we dodge it, then that simply means one thing to me: it means that dry rot is beginning to creep into our government.

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

Mr. CIANCHETTE: Mr. Speaker, I was one of those who served on this reapportionment committee, I

was one of those who signed the majority report of this committee. I was not convinced at the time that it was entirely the proper solution to this question. One of the reasons why I was anxious for the report to be made was the fact that the order under which we were operating placed us under a deadline. As I recall, our report had to be submitted to the Legislature by the 12th of March. I sincerely believe that the proper thing for us to have done would have been to ask for an extension of time under our order.

I was certainly in favor of reapportionment inasmuch as the Constitution required it and inasmuch as we had the opinion of the Justices that the reapportionment should be made. I also felt that perhaps some of these counties, particularly Aroostook County, had some arguments in their favor. I would be perfectly happy to see them given another opportunity to come forward and produce any evidence which would prove that they were entitled to keep their representation as it is now. Personally, I would be willing to spend any length of time in this Legislature to see that this thing was done properly. I would be perfectly willing to have this matter recommitted in spite of the time that it would take, and undoubtedly it would delay the Legislature for a considerable length of time, but I would go along with it.

I told the gentleman from New Limerick, Mr. Hand, I believe the last time that I talked with him about this matter, and I have talked with him many times, that I certainly could not go along with his motion to indefinitely postpone.

If this majority report of the committee is not acceptable to this House I hope that they will take some action, recommit it or amend it or table it with some provision that amendments be drawn, so that when we finish we will make a reapportionment and it will be fair and it will be according to the Constitution. Certainly if we indefinitely postpone this thing we are not doing our duty.

The SPEAKER pro tem: The Chair recognizes the gentleman from Brooks, Mr. Dickey.

Mr. DICKEY: Mr. Speaker and Members of the House: I happen to be a member of this committee and I signed the minority report. Many have asked: Why do I bother with it; my county isn't affected in any way? Yet I feel it is my duty as a member of this Legislature to do what I think is right and proper.

It might be well to review a little bit. First of all we must admit that when we went into session on that committee we took a test vote the first thing. We people who are on the minority side now knew at that time there was nothing constructive to be gained, yet we tried.

As I said two years ago, somebody is stealing something. I cannot directly accuse these people of being thieves, because I think they describe a thief as someone who is stealing something when you are not looking. Maybe I will be content to just call them pickpockets; they are stealing while you are looking. I suggest that you keep awake.

They tell us that we have not reapportioned since 1931, yet they ask us to respect the laws, respect the Constitution and respect the Courts. The laws of 1941 were drawn up showing a reapportionment. I do not think there has been any question of the constitutionality of any laws passed since then.

In the last Legislature we tried to do something about reapportionment. They came in with two plans. The House passed it with a vote of 83 to 59 and this was a roll call vote. The other branch voted by a vote of 15 to 14 to go along with reapportionment as is now. The next step then should have been to reapportion as it was then or as it is now, but these pickpockets were not willing to go along with that idea and used every means that they could to confuse it, therefore it was killed between the branches.

We mention the constitutionality. I took my oath. If any member here in this chamber believes that I am wrong it is his duty to try to unseat me. I will welcome it. I think they will have a fight on their hands to prove that I haven't lived up to the Constitution.

There are many of the same group still here that were here in

the 95th Legislature. As I remember, it went under the hammer, meaning that they voted. When we reapportioned the congressmen in the three districts it was quite evident at that time that there was a little difference in the population. It was very evident that perhaps Sagadahoc should be moved into the second district and Waldo County moved into the third. However, we voted to leave it as it was. It is the law as of now.

Now the Constitution says we will have 151 members, that the Legislature shall ascertain and apportion as near as may be. It does not mention the federal census. It does in the matter of reapportioning Senators, it definitely states "the federal census." It does not in the House of Representatives.

Some time ago questions were put to the Supreme Court. It is quite interesting to note that that was not a joint order. It originated in the other branch; the answer came back to the other branch, yet we people in this House were concerned over this issue.

They mention that we have had the opinion of the Supreme Court. Yes, but the questions that they answered were the questions put to them. Should we reapportion? The answer was yes. It states in the Constitution that we should reapportion. We need not have asked the Supreme Court. We did ask them: Could we use the Federal census? Their answer was yes, that we could. Bear in mind that they did not say that we would have to. The committee could have answered that in themselves as to what method of ascertaining the population should be used. That was just simply a reason for these same gentlemen to be in here now saying that the Supreme Court told us that we must do that.

Ladies and gentlemen of the House, we are the Legislature. The Supreme Court does not and should not tell us what to do. If we make laws it is up to the Supreme Court to rule on their constitutionality. I am not fighting with the Supreme Court, but that is within our power and within our province to do what we think is just and proper, and, if it is questioned, to get a ruling from the Supreme Court. I simply bring

this out to show that there was just the power of asking the Supreme Court these various questions and it does not amount to the paper that it is written on. They simply answered the questions that were put to them in the other branch.

When we went in to the committee, as I said before, it was not any use to try to do anything constructive because it was all set up, 14 to 9, most anything we did. But when we posed the proposition that there may have been changes since 1950 they had talked the Constitution and the Supreme Court ruling so much that they could not very well go along without going along with the modifications as stated in the order, so they took the modifications, and part of this 14 against 9, they decided they had not better fool around with 1951 because the good County of Oxford would lose one, the good County of Somerset would lose one. Yes, yes, they want to go back to 1950 in a hurry.

Now as the gentleman has stated, in the order it said "March 12," so we must hurry; it did not make any difference what answer we gave, we had to answer by March 12, no matter how or why or when, it had to be March 12.

The question now is: Do you want to admit that the good County of Cumberland and the good County of York are not well represented? It would be by your own admission to say that they are not well represented and therefore they need some more help.

Now I respect the various representatives in this House from those counties and I think they are doing a very fine job. I do not think they need any more help. But if that is the way you want to vote, if you want to admit that they are not any good, why, go along with the majority opinion.

A short time ago, in reference to another bill, it was remarked by one gentleman in one particular county—this had to do with the ADC program—that their population was a roving population and therefore you could not use that as a basis for the census, yet they are asking us to use it in the matter of representation in this House.

Another gentleman just posed the question: What will we do if we

indefinitely postpone this bill? Where will it leave us?

I have had for some time a bill prepared that would leave the representation as it is. I believe it would be in order under our cloture rule whereby you could accept this, and it would not have to be by unanimous consent, it would be to expedite the business of this Legislature, and I have a bill in my hand here and we could go along and leave it as it is. So you need not worry what would happen if we should indefinitely postpone this bill.

Of course I am very happy that one of the opponents happens to be a brother Beta of mine, from Oxford. I would hate to see his county lose one. Of course over in York County there is another brother Beta. Of course he would be against me. I always was very willing in the old college days at the bull sessions, sitting around, either win, lose or draw, I would be willing to argue out the point with my two brother Betas as to whether we were right.

And then they come out with a bill, and they will say to you that Lewiston has not good representation here, so they want one more to represent the City of Lewiston. This is within the county. Where are they going to get it? They are going to take it from the outside.

We also have the City of Augusta. Within the county if it is reapportioned they would gain one. Where does it come from? It comes from the outside. Now I do not believe the people of Kennebec County want to have one more representative in the City of Augusta and rob one from the outskirts. If you do that, why not give one more to Waterville? That is a large city.

Now if they are getting up these figures to go on we could kind of bring up the little town of Bridgton. As I remember the figures, they would have one representative for around twenty-two or twenty-three hundred inhabitants, yet they would have some representative in Washington County who would have to take his lunch and his supper to go from one end of his district to the other in order to represent his people. I do not think it is right, and I hope that the gentle-

man's motion to indefinitely postpone will prevail.

The SPEAKER pro tem: The Chair recognizes the gentleman from Kennebunkport, Mr. Bibber.

Mr. BIBBER: Mr. Speaker and Members of the House: I would like to take exceptions to the remarks made by my good friend, Mr. Dickey. Representing York County, and I know I speak for the entire delegation this afternoon, I would like to ask Mr. Dickey if it is not more blessed to give than to receive? (Laughter)

I also was one on this Reapportionment Committee that signed the majority report "Ought to pass", and this word "reapportionment", being a freshman, rather scared me, so I delved back into the history of York County to find out what they had done in regard to reapportionment.

You all realize that as this nation grew and the people moved from Massachusetts into the southern part of Maine before 1881 York County had 25 representatives in the House; in 1881 they had 18 right down through. As reapportionment went along, York County dropped, 18, 17, 16, 15, down to 14. The record also shows that York County stood and was counted for going along with the constitutional mandate that the State of Maine should reapportion, and I now stand and want to be counted on that mandate that we be counted to gain one.

The SPEAKER pro tem: The Chair recognizes the gentleman from New Limerick, Mr. Hand.

Mr. HAND: Mr. Speaker, I would like at this time to caution the House a little mite about being swayed by these sentimental stories whether they are in favor of my motion or whether they are not. I think York County is to be commended if it has voted for reapportionment when it took one away from them if they were entitled to lose it. I don't believe that Aroostook County should ever be commended if they vote to lose one representative when they have no right to lose it.

The gentleman from Pittsfield, Mr. Cianchette, mentioned one fact that to me is very important in conveying to you the attitude and the method of operation of this

committee, and that was the deadline in the order. You will recall that order came over here sometime in late February. The sponsors of this order knew that it was a very controversial measure. It would not take any great amount of foresight to know that when the order came in here that at least there was going to be an attempt to slap it on the table until we looked at it. That takes up time. But the deadline was there, March 12th.

Mr. Cianchette says that he thought that the committee should have asked for a continuance of time in order to give us a chance to go into the thing more thoroughly. I would like to tell you members of this House that I made a motion before that committee that we come back into this House on March 12th and ask for a continuance and tell them why, and I am unhappy to report that the vote was 14 to 9 against me.

The SPEAKER pro tem: The Chair recognizes the gentleman from Machiasport, Mr. Hanson.

Mr. HANSON: Mr. Speaker and Members of the House: This resolve strikes me right between the eyes. I am not in favor of the resolve and I have good reasons for opposing the measure. I have been here some time in this old chamber and Seat 16 is dear to my heart. If this resolve becomes law I have gone with the lark.

I stood here two years ago and told the then House of Representatives that my political life hung by a single thread and if the then pending apportionment measure was enacted I politically was a dead caterpillar. Mr. Speaker and Members, I am still hanging by that single thread and that thread is now two years older than when I last appealed to this House for justice and mercy. (Laughter)

The members of that House came to our rescue and I am here today as the result of that House action in following the spirit of the Constitution in place of the letter of the Constitution.

I come here with the record of having received every vote cast in my district of six towns, both the Democratic and the Republican

vote. Now if this resolve becomes law I cannot come any more, because the Constitution says I can't come.

Do you suppose for a moment that the framers of our Constitution had anything in their minds like that at the time our Constitution was written? In fact this is doing just what the framers of that great document were trying to prevent from having happen.

At the time the Constitution was written Maine was equally prosperous in all its sections. Washington County had lumbering and shipbuilding in nearly every coast town. Now our business is a seasonal business and it does not hold our residents there all the year around. Some go to other states in the winter and return in the spring. Some of the census enumerators are sometimes careless in tracing out perhaps those residents who were not at home at the time they called.

I feel the Constitution was written for the benefit of the people of Maine as a whole to see that justice was dispensed to all parts of our State, and I believe the intent and spirit of the Constitution should be carefully considered before causing such a break-up as this.

What I object to is, with full support of my people I come here as in the past, and someone due to some misinterpretation of the meaning says no, we are going to break up your hunting ground and send you somewhere you don't want to go and where I am not welcome. You may say, what are you going to do about it? I believe there are enough fair-minded members in this House to see fair play and inasmuch as we have been going on for twelve years under the intent and spirit of the Constitution I can see no reason why we cannot continue for two years more, and during that time amend the Constitution so that we can use a different factor, set a minimum population so that no county can have less than a certain number of representatives.

We have the same area in our county, the same mileage, and it costs us the same to cover that county whether we have fifty population or five hundred. There is

not anything right or just in the whole proposition.

I do not want to go into some district where the people have plans for the future of their own, and if this thing is going to take place every five or ten years no county is going to know where it stands. It is as plain as the nose on your face that the framers of our Constitution intended every part of our State to have an equal show and not for one section to have it because that section happens to be strong, and for it to make itself stronger at the expense of the weaker sections.

If you permit this condition to mature and the strong grow stronger and the weak grow weaker, it will only be a short time when two or three counties can take charge, if they should so chose, of all of the legislation in our State.

There is not a member in this House today who, if I should call at your door and ask for help, but what would divide the last slice of bread. Now that is just what I am doing today: I am at your door, asking for alms, asking you as friends to look to the bottom of this situation, and if there is a way, and I know there is, to save my political life or stay the execution for a few years, you will not only be pleasing me but will be performing your duty in justice to your fellow men.

In closing, I am asking you to take this matter and turn this matter over in your minds and think just why this Constitution was written in the first place. Do you think that by carrying out the letter of this great document you are carrying out the intent or the spirit for which it was intended?

I come here with the support of my people, having received every vote cast in my district of six towns in the last election, both Republican and Democratic. When I get here what happens? In order to get rid of me you tear down my house and cast my Class District off the face of the earth. Think it over. That which is my plight today may be your condition tomorrow. (Applause)

The SPEAKER pro tem: The Chair recognizes the gentleman from Waterford, Mr. Ford.

Mr. FORD: Mr. Speaker and Members of the House: After listening to all this talk I am still thoroughly convinced that the Federal census of 1950 is the only figure with any degree of accuracy that we can work on.

I tried to explain as a member of the sub-committee that in getting the figures we did use we could not find anywhere where any city, any town or any plantation could show the number of births or the number of deaths.

Now I feel very sorry for these men in this House who are going to lose their seats if they lose them, but I do say to you that the population has definitely changed in the last twenty years, and if the mountain won't come to Mahomat Mahomat must go to the mountain.

I have read somewhere that Mr. Jacobs in this House has represented three different districts, I know that Mr. Tardif first represented Bath and now is representing Lewiston, so if the man is good, regardless of where he lives he will be re-elected.

There is one thing more I must bring up. I did not want to do it. But my very good friend Mr. Dickey, who was also a fraternity brother of mine in college, has invited me to an open debate. I am sorry, I don't feel that I am in the same class with my good brother; I am only a freshman in this House and he has had a lot of experience, and, first, I did not see him bring his first aid kit in with him today. (Laughter)

Unfortunately, I have a very retentive memory, and in reading the record of the 1951 Legislature, the 95th Legislature, I do remember Mr. Dickey saying—I cannot quote him but I will give you the gist of it—that when he was a younger man he decided that he would take up fencing, and he went before a fencing master and the fencing master said, "Dickey, a fencer has to have grace, he has to have poise, and with your bow-legs I think you would make a better pole-sitter than a fencer." (Laughter) But my good friend did admit, he ad-

mitted on this floor, despite the fact that the fencing master said he would never be a successful fencer, that he took several fencing lessons. He said he learned how to be on guard, he learned how to parry, he learned how to thrust, and sometimes in thrusting he thrust too deep, and when he did he drew blood. So, ladies and gentlemen, I do not feel that I can compete with my good brother because I do not even have bow-legs. (Laughter)

The SPEAKER pro tem: The Chair recognizes the gentleman from Boothbay Harbor, Mr. Tupper.

Mr. TUPPER: Mr. Speaker and Members of the House: Lincoln County is one county that will not be affected either way on this matter. The powerful Lincoln County House membership will remain at three regardless of what we do today. We will still be strongly Republican, and I can guarantee there will be no dry rot in Lincoln County.

It has been intimated that we could not in good conscience object to reapportionment. Among other attributes Lincoln County is noted for is its clean consciences. We see nothing wrong in voting against this proposed reapportionment and keeping Mr. Hanson in the Maine House.

The Constitution says "at least ten years" and 1953 is not the tenth year from 1941 when there could have been reapportionment. As an attorney, I feel very strongly that we must interpret the Constitution very strictly, and, following the Constitution, we must oppose reapportionment at this time. I would say that five years from 1951, at the time reapportionment should have been made, or no later than 1961 reapportionment will be made.

I have read the opinion of the Supreme Court, and that honorable body does not say that the 96th Legislature must apportion representatives. The language used is very cautious, and the inference is that some Legislature must do so before another ten years. The gentleman from Brooks, Mr. Dickey, was quite right in asserting that this was not in any sense an order. I shall go along with the motion for indefinite postponement.

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

Mr. CHILDS: Mr. Speaker and Members of the House: The gentleman from New Limerick, Mr. Hand, remarked that the Constitution also states that the census should be taken at the time that reapportionment is to take place. Now, according to Mr. Ford, this is an impossibility, because certain figures are not available. Therefore, should we ignore what the actual framers of the Constitution intended, and that is equal representation for the towns, the plantations, the cities and the counties according to population? Now the 1950 census is the only one which is available and fair according to the majority of the Committee on Reapportionment. I say let's use it.

Remember this: the Constitution is part of the laws of this State, and if we, the members of this Legislature, refuse to comply with the law, how do you expect the citizens that we are here to represent to obey the law.

The SPEAKER pro tem: The Chair recognizes the gentleman from Brooks, Mr. Dickey.

Mr. DICKEY: Mr. Speaker, before we vote on this issue I just want to bring this to your attention. The joint order that we passed and which the committee was working under said: "The committee shall first ascertain the number of inhabitants as of the present time, and for this purpose is authorized to use the Federal census of 1950 with such modifications, or use any other method of enumeration which it may deem more accurate." The fourteen gentlemen who signed this report defied you in your order. I did not go along with this order, and I am sure if they had followed it right to the letter, because the 1951 figures are available and we should use them, the report today, I am quite sure, would have been twelve to eleven, and the twelve would have been the majority of "Ought not to pass."

The SPEAKER pro tem: The Chair recognizes the gentleman from New Sharon, Mr. Caswell.

Mr. CASWELL: Mr. Speaker, I have been a municipal officer in a small town for a good many years, and as such I have been called

almost everything. I do not, however, recall that heretofore I have ever been called a pickpocket. I thought when the gentleman from Brooks (Mr. Dickey) first made the remark that he was referring to others besides the committee, but as he went on and as the fourteen to nine division was continually referred to I concluded that he did refer to the committee or to that number of fourteen as pickpockets. I hope I am wrong but it doesn't sound that way. Now a pickpocket to my mind is one of the lowest forms of sneakthieves. I don't mind being called a thief, that is all right, but to call me what is to me the lowest form of thief is a little bit tough, and while I am not angry I really do not like it. (Laughter)

Now I want to call attention to a couple of facts. We did, it is true, have the deadline of March 12th, and we reported prior to the deadline of March 12th. It is now the 21st of April. If amendments were to be presented or if the bill was to be recommitted I cannot see quite why the opponents, the nine, have held off until this date when it is absolutely impossible for the committee to go through any other form or take any other steps to enumerate between now and the time we all want to get home.

That is one thing. Another thing I would like to mention: the gentleman from New Limerick (Mr. Hand) says that Aroostook County does not and never has objected to a reapportionment which would not conflict with the present population of Aroostook County, but he does admit that in 1951 the population of Aroostook County lacked 800 of having enough population not to lose a member. I cannot quite reconcile those statements. I was on that committee in 1951, and, as I recall it, Aroostook County was one of the major blocks in the way of reapportionment at that time.

Now let me say just one more thing in line with what has just been said. My position is and always has been that we should either reapportion under the Constitution, as I understand it, or amend the Constitution. So far as I know, there is nothing sacred about the Constitution. We have amended it

some sixty odd times since its enactment in 1820 and I think we could do it again, and there are various ways of amending it. It is possible that we could amend that Constitution so as to allow the present membership of Aroostook and Washington and Knox Counties to retain their seats. There is a little more room here. We could, perhaps, by compromise, increase the number of members in the other body, which would compensate in some way. There are various ways of amending the Constitution. But, so far as I know, these nine upright members have not at any time urged any amendment.

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

Mr. ALBEE: Mr. Speaker, may I ask a question, please, of the gentleman from Brooks, Mr. Dickey?

The SPEAKER pro tem: The gentleman may ask his question through the Chair, and the gentleman from Brooks, Mr. Dickey, may answer if he so desires.

Mr. ALBEE: Mr. Speaker, according to the statements made here we have reapportioned ten times since our Constitution was adopted. I would like to know where we got our figures on this reapportionment those ten times, whether they are the Federal figures we are taking now or whether it was a census we took ourselves. May I ask that question through the Chair, please, of Mr. Dickey.

The SPEAKER pro tem; The gentleman from Portland, Mr. Albee, requests information of the gentleman from Brooks, Mr. Dickey, through the Chair, and the gentleman from Brooks, Mr. Dickey, may answer if he so desires.

Mr. DICKEY: I don't know, Mr. Speaker, I wasn't here. (Laughter)

Mr. ALBEE: Mr. Speaker, will you kindly thank the gentleman from Brooks, Mr. Dickey, for me?

The SPEAKER pro tem: The Chair recognizes the gentleman from Rockland, Mr. Low.

Mr. LOW: Mr. Speaker and Members of the House: I simply want to point out to Mr. Caswell that the reason nothing has been

done about this bill since March 12th is that it has been on the table in charge of the proponents. (Laughter)

The SPEAKER pro tem: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker and Members of the House: I was kind of staying away from this bill and did not care about talking on it until I heard my good friend back of me here mention that Aroostook County in 1951 was considerable off from 800. In 1951 we lacked 777 of holding our county delegation.

In answer to Mr. Ford, who said that figures are not available to prove the population of different counties, I differ with him very much. I have a letter here from the Office of Rent Stabilization of Presque Isle. These figures I am going to give you, this information was secured through consultation with town managers, buliding inspectors and chambers of commerce in the territory. I would like to state at this time that there has been a considerable change in Aroostook. It has been changed enough so that we would receive one more if the figures of today were used, but we are not asking for one more, we are just asking to hold our own.

Since the 1950 census in four big towns, meaning Caribou, Presque Isle, Fort Fairfield and Limestone, we have had an increase beyond a doubt to January 1, 1952, of 7,024. In that district there are thirteen towns under rent control. These figures are correct. And in the other nine towns, not counting the four big ones, there has been an increase of 3,998 through rent stabilization alone, not considering any other change at all.

In Presque Isle we have built 375 units, Caribou was mentioned as 200, but there have been 300 units built in Caribou, 170 in Limestone, 24 in Van Buren and 18 in Fort Fairfield, that have been built under government control. These do not include private homes, homes on farms for farm labor or anything. These were built and constructed for Air Base personnel alone.

In Aroostook County as a whole we have had an increase of 11,022 in this group of thirteen towns that I mentioned. These figures do not

include deaths and births. In other words, at the present time, just considering the thirteen towns under rent control, we have a population of 107,061 in comparison with 96,039 in the 1950 census. There are other towns in the county which have been changed that I have checked up on with the town officers where the building has increased and so on, but we won't even bother with them.

Another thing I would like to mention here, they don't consider change of population. I am not insinuating or working against any other county, but in 1951 Cumberland County asked for rent control under the rent stabilization law. A survey was taken by the Federal government and it was found at that time that they were much in need of rent control as the demand for rents was greater than the supply. In the latter part of 1951 and the early part of 1952, I should say in the spring of 1952, Portland asked to be decontrolled and taken out from under rent stabilization. A petition was presented to the Federal government at the time and they made another survey of Portland and they found that the opposite had happened, that the number of rents in the Portland area—that is not necessarily the City of Portland—were greater than the demand for rents. In my opinion there is only one thing that could have happened, that the population had decreased, because they had not had the building that we had in Aroostook County.

I have been told that in the last Legislature the people even had to hold their noses to vote, as they considered they were voting against the Constitution in the 1951 Legislature. I believe, as I read this, and I am not a lawyer, but as I read the Constitution and read this bill, as Mr. Dickey has mentioned, that is before us, I do not believe that anyone would have to hold his nose to vote for indefinite postponement of this bill or have it recommitted to the committee, whichever may be the case, if we use the 1950 census, because I believe it is very improper. I will assure Mr. Ford or anyone else that Aroostook County can prove that we have had far more than

our 777 rise in deaths and births only.

I would like to contradict another statement that has been made here. They tell us that they cannot get a separation of the deaths and births throughout our State even in regard to counties, let alone towns. It seems peculiar to me that the Federal government has told us as early as this in April that the United States as a whole has had an increase of 191,000 during the month of March. If the United States is capable of presenting the increase by the month as early as the 15th or 20th of the following month it seems to me that it is quite possible to be able to receive the change in population by towns through births and deaths as they are registered in each and every municipal town office.

The SPEAKER pro tem: The Chair recognizes the gentleman from Brunswick, Mr. Tondreau.

Mr. TONDREAU: Mr. Speaker and Members of the House: I fully appreciate the concern of the gentleman from New Limerick, Mr. Hand, at the decision of the committee to use the 1950 census as a basis for reapportionment. I fully appreciate this in view of the fact that, as he has pointed out, the advent of the Limestone Base might have changed the situation so as to alter the results. However, I would like to point out that I must agree with the gentleman from Waterford, Mr. Ford, that we have to have some basis upon which we can all agree. I would like to further point out that there are other areas in the State that have also changed since the 1950 census. In the case of my own home town, Brunswick, we have had the reactivation of the Brunswick Naval Air Base that has brought in a considerable influx of people and it could very well change our representation. But again I must say we have felt that we should forego this in view of the fact that we felt it advisable to find some basis upon which we could all agree, and the 1950 census seems to be the only basis upon which we can reasonably reapportion.

As the representation now stands, the representation here in the House is on the basis of 1931, as I

see it. If we go along with this reapportionment according to the 1950 census I feel that we will be twenty years closer to the Constitution and twenty years closer to the true representation as it stands today in the State of Maine, therefore I hope that the motion for the indefinite postponement of this bill will not prevail.

The SPEAKER pro tem: The Chair recognizes the gentleman from Standish, Mr. Center.

Mr. CENTER: Mr. Speaker and Members of the House: The methods of operation on this special committee have come in for some criticism this afternoon, but I would like to point out to this honorable body that I do not think it will be denied by anyone that every decision that was made on this committee was made on the basis of a majority vote, which is the principle under which we work in a democracy.

I might also say that to my knowledge the minority group offered no better or more workable plan to arrive at a reasonably accurate population figure. There just was not time either before March 12th or after March 12th to take a census of the State or of a county or of any considerable area in the State.

I would like to point out that there have been in certain sections of Cumberland County large gains too since the 1950 census, but they may very likely be temporary gains, as I think that the gains in Aroostook may very likely be temporary.

Now the gentleman from Brooks, Mr. Dickey, stated that one of the speakers for the majority report said that there had been no reapportionment since 1931. I say that there has been no reapportionment according to population since 1931. And I, like my good friend Mr. Caswell, resent being called a pickpocket, which, as I also understand, is about the lowest type of sneak-thief, when I really believe that the men who signed the majority report of this committee were honorable men, trying to uphold the Constitution of the State of Maine and abide by the opinions of our highest judicial tribunal.

It was pointed out that the town of Bridgton had only 2200 population. May I say that is not correct. The Federal gives Bridgton 2950. That was the smallest in Cumberland County, but it was worked out directly according to the formula that applies to Cumberland County.

The gentleman from New Limerick, Mr. Hand, objected to sentiment being brought into this discussion. I wonder if he would object to the attempt to influence votes by sentiment as expressed by the gentleman from Machiasport, Mr. Hanson.

The gentleman from Bridgewater, Mr. Finemore, has stated that according to rent control figures and so forth the population of Portland has been decreasing since 1950. Might I say that when you take the figures only of births and deaths, as the gentleman from Waterford, Mr. Ford, has pointed out, and applied that alone, without taking into consideration the unknown factor "X" that I spoke about before, the people that moved in and moved out of an area, then Cumberland County on that basis would have been entitled to four instead of three.

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

Mr. WINCHENPAW: Mr. Speaker, there has been so much said that there is very little that I can do but maybe wave the census figures and the Constitution. I was one of the nine on the minority report, and I would like to bear out the gentleman from Brooks, Mr. Dickey, and the gentleman from Limerick, Mr. Hand, that they did really give us a tough time of it; but to my mind indefinitely postponing this bill will be reapportionment, that is, it will be what the Legislature votes to do, and so I certainly hope that the motion of Mr. Hand prevails. I would like to further state at this time that I would like to be excused from voting because I paired my vote with the floor leader, the gentleman from Portland, Mr. Fuller who had to leave, and so I will sit in my seat when the vote is taken. I ask that the vote be by division when it is taken.

The SPEAKER pro tem: The chair recognizes the gentleman from Whitefield, Mr. Chase.

Mr. CHASE: Mr. Speaker and ladies and gentlemen of this honorable body: As a signer of the minority report of the Committee on Reapportionment this year and two years ago, I feel I should make a few remarks.

As far as following the Constitution is concerned, I want to say that if we are to follow it we must follow it right down the line. It reads that "the Legislature shall cause the number of inhabitants to be ascertained," it does not say that we shall take the figures of the census.

I can state that there are thousands of inhabitants in our summer section that were not counted in the census, due to the fact that they were away at the time. You have already heard about the matter in Limestone. If you look for them, you will find many other reasons that the census report was not proper.

Again I say that I have sympathy for the little fellow out there in those sparsely-settled areas. This shift of population is only temporary, due to the defense work being located in the larger cities. These unfortunate representatives of those sparsely-settled sections have a mighty hard time to get around to their constituents. Why should we take away their representation and give it to a congested area like Cumberland? If we side-stepped this issue ten years ago, two years ago, I ask you why can't we side-step it today?

I wonder how many of these sound-minded, distinguished gentlemen from Cumberland would vote on this issue if they were from Washington County. I beg of you to think of the unfortunate when you vote this issue.

The SPEAKER pro tem: The Chair recognizes the gentleman from South Paris, Mr. Stewart.

Mr. STEWART: Mr. Speaker, I move the previous question.

The SPEAKER pro tem: The gentleman from South Paris, Mr. Stewart, moves the previous question. In order for the Chair to entertain the motion for the previous question it requires the consent of

one-third of the members present.

All those in favor of the Chair entertaining the motion for the previous question will kindly rise and remain standing until the monitors have made and returned the count.

The SPEAKER pro tem: Obviously more than one-third of the members present having arisen, the motion for the previous question is entertained.

The question before the House now is: Shall the main question be put now?

Mr. ALBEE of Portland: Mr. Speaker—

The SPEAKER pro tem: For what purpose does the gentleman rise?

Mr. ALBEE: Mr. Speaker, I move that the vote be taken by the yeas and nays.

(Calls of "No")

The SPEAKER pro tem: Will the gentleman defer, please, for a moment?

The question before the House is: Shall the main question be put now? As many as are in favor will say aye; those opposed, no.

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

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

Mr. ALBEE: Mr. Speaker, I move that the vote be taken by the yeas and nays.

(Calls of "No")

The SPEAKER pro tem: The gentleman from Portland, Mr. Albee, moves that when the vote is taken, it be taken by the yeas and nays. In order for the vote to be taken by the yeas and nays, it requires the consent of one-fifth of the members present.

As many as are in favor of having the vote taken by the yeas and nays will kindly rise and remain standing until the monitors have made and returned the count.

Twenty-one members arose, one hundred and forty-one being present, and the yeas and nays were not ordered.

The SPEAKER pro tem: Less than one-fifth having expressed their desire for a roll call, the yeas and nays are not in order.

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

Mr. WINCHENPAW: Mr. Speaker, I ask consent of the House to be excused from voting when my name is called because of the fact that I paired my vote with that of the Representative from Portland, Mr. Fuller, who is unavoidably absent today. If present, Mr. Fuller would have voted "yes" and I would vote "no."

The SPEAKER pro tem: The gentleman from Friendship, Mr. Winchenpaw, asks consent of the House to refrain from voting. Is this the pleasure of the House?

The gentleman from Friendship, Mr. Winchenpaw, was granted permission of the House to refrain from voting.

The SPEAKER pro tem: The question before the House is on the motion of the gentleman from New Limerick, Mr. Hand, that the two reports, with accompanying papers, on S. P. 493, L. D. 1347, Resolve to Apportion 151 Representatives among the Several Counties, Cities, Towns, Plantations and Classes in the State of Maine, be indefinitely postponed and the gentleman from Friendship, Mr. Winchenpaw, has requested a division. As many as are in favor of the motion to indefinitely postpone will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Seventy having voted in the affirmative and sixty-three having voted in the negative, the two reports, with accompanying papers, were indefinitely postponed in non-concurrence and were sent up for concurrence.

The SPEAKER pro tem: The House is proceeding under Orders of the Day, and the Chair lays before the House the first tabled and today assigned matter, House Report, "Ought not to pass" of the Committee on Appropriations and Financial Affairs on Resolve in favor of Litchfield Academy, House Paper 481, Legislative Document 500, tabled on April 15 by the gentleman from Litchfield, Mr. Dennis, pending acceptance of report; and the Chair recognizes that gentleman.

Mr. DENNIS: Mr. Speaker and Members of the House: I would like to take this L. D. 500 off the table, and put it back on the table unassigned, until the other academy bills come out, and I so move.

The SPEAKER pro tem: The gentleman from Litchfield, Mr. Dennis, moves to retable, the "Ought not to pass" report of the Committee on Resolve in favor of Litchfield Academy, with accompanying papers, unassigned, pending acceptance of the report. Is this the pleasure of the House?

The motion prevailed, and the matter was so tabled.

The SPEAKER pro tem: The Chair lays before the House the second tabled and today assigned matter, House Report, "Ought not to pass" of the Committee on Appropriations and Financial Affairs on Resolve Providing for Certain Construction at Monmouth Academy, House Paper 632, Legislative Document 655, tabled on April 15 by the gentleman from Litchfield, Mr. Dennis, pending acceptance of report; and the Chair recognizes that gentleman.

On motion of Mr. Dennis, the report, with accompanying resolve, was retabled, without assignment, pending acceptance of the report.

The SPEAKER pro tem: The Chair lays before the House the third tabled and today assigned matter, Bill "An Act relating to Registration Fees for Farm Trucks", House Paper 768, Legislative Document 803, tabled on April 21 by the gentleman from Standish, Mr. Center, pending adoption of House Amendment "A".

The Chair recognizes the gentleman from Milo, Mr. Brockway.

Mr. BROCKWAY: Mr. Speaker, I wish now to withdraw House Amendment "A" to House Paper 608, Legislative Document 803.

The SPEAKER pro tem: The gentleman from Milo, Mr. Brockway, wishes to withdraw House Amendment "A", presented by that gentleman yesterday. Is there objection? The Chair hears none, and the amendment is withdrawn.

The Chair recognizes the same gentleman.

Mr. Brockway then offered House Amendment "B" and moved its adoption.

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

HOUSE AMENDMENT "B" to H. P. 768, L. D. 803, Bill "An Act Relating to Registration Fees for Farm Trucks."

Amend said Bill by inserting at the beginning of the 1st line the underlined abbreviation and figure 'Sec. 1.'

Further amend said Bill by striking out the 1st 4 lines after the amending clause and inserting in place thereof the following underlined sentence:

"Provided that the annual fee for registration of farm motor trucks of not less than 11,001 pounds gross weight and not more than 16,000 pounds gross weight shall be \$40."

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

'Sec. 2. Effective date. The provisions of this act shall become effective on January 1, 1954.'

Thereupon, House Amendment "B" was adopted.

Mr. BROCKWAY: Mr. Speaker, I would like to explain - - -

The SPEAKER pro tem: For what purpose does the gentleman rise?

Mr. BROCKWAY: Mr. Speaker, I want to explain this amendment and to thank the members - - -

The SPEAKER pro tem: The Chair will state that the amendment already has been adopted.

Mr. BROCKWAY: Thank you, Mr. Speaker.

Thereupon, the Bill was assigned for third reading tomorrow morning.

The SPEAKER pro tem: The chair lays before the House Report of the Committee on Highways reporting "Ought not to pass" on Senate Paper 296, Legislative Document 828, Resolve Providing for Construction of Highway to Sugar Loaf Mountain, Franklin County, tabled earlier in today's session pending acceptance of the Report in concurrence.

The Chair recognizes the gentleman from Madison, Mr. Fogg.

Mr. FOGG: Mr. Speaker and Members of the House: As you re-

call, I tabled this item this morning, because I had a few words I wanted to say on it, and I didn't want to tie up the session and calendar at that time.

Now this is a Resolve Providing for Construction of a Highway to Sugar Loaf Mountain, Franklin County.

Sugar Loaf Mountain is a mountain up in the Bigelow District, above Kingfield. It is well situated for an ideal ski resort, and a ski slide, and there has been quite a bit of publicity about it, and I would like to quote some excerpts from the Trail magazine, from the Highway Department, in which they describe this place up there:

"For a good many years the neighboring state of New Hampshire, and our other sister Northern New England State of Vermont, have had a monopoly when it came to attracting skiers. There is a possibility this situation will not exist much longer, for there is a skiing development on Sugar Loaf Mountain in Crockertown . . . that promises to equal anything in New England."

It goes on to describe Sugar Loaf Mountain Ski Club as being organized in 1950, and it emphasizes the Club is composed of men and women, and in 1951 they started it but there wasn't a great deal done until 1951 and 1952.

Now this ski trail is "two miles in length and has been laid out by Sel Hannah, the designer of the trails on Cannon Mountain, New Hampshire. This expert said this of Sugarloaf: 'The verticle drop of the mountain ranks it as one of the best east of the Rockies; terrain is essential and, from my observation at Sugarloaf, it appears to excel in that department.'"

They have bulldozed the road part of the way into the place.

Now in another place he describes Sugar Loaf: "There is no question about Sugar Loaf's terrain being ideal for skiing." They have developed many "S-turns, sharp angles, straight drops, along with several short stretches where a less than expert skier might manage to get by."

"At one point in the trail there is a grade approximately 45 or 50

degrees, which corresponds to the pitch of the head wall on Mt. Washington. In the snow field sector of the mountain up above the timber line there is a head wall that provides this sort of a sheer drop."

Now this to me is a very ideal place to develop a winter resort for skiing of all kinds, the beginners and the experienced skiers, right down the line, but they have plans of putting a ski lift in there this coming year, but what they do have to have is a road.

Now as I have said, they have got a road in there part of the way, and it will cost \$15,000 to complete this project. Now that is not a great deal of money to put into something like this, and I think that the gasoline tax that we would gather from that would soon pay for the cost of it, and the sales tax that we would collect from the people who would come in.

Now one of the things that impressed me about the importance of having a ski resort here in Maine and how it would pay off — and this happened to me one day this last month, in March: I went down one Sunday morning to get a Sunday paper, but the store didn't happen to be open, so I stood there for about half an hour waiting for the store to open, and during that time there were three cars from out of State passed me on the street and they were headed north, and those people were looking for snow to ski on.

Now one of the great features of this Sugar Loaf Mountain is that they can have skiing on that mountain sometimes as late as the third week in May. I have worked in the lumber camps up in that section and I have left, at different times, around the first of May and I have seen as much as six feet of snow in the woods around pretty close to the first of May.

Now I think that if we did have a good ski lift there, and had a good road in there, that private capital would go ahead and develop that place so that we would have a place that would draw an awful lot of traffic away from New Hampshire and Vermont.

Now we have a splendid summer business here in the State of Maine.

We have nice summer camps; we have nice hotels; we have a nice set-up for hunters in the fall; we have nice sporting camps; but we haven't done anything yet that can be considered extensive for the out-of-state sports enthusiasts in the wintertime. Now skiing is becoming one of the Number One sports in this whole eastern part of the country, and I think in the whole United States, and I think that we now have a chance to step out and develop something and start something, and \$15,000 will produce results far in excess of what we have invested.

Now we expect soon to develop our highway into the heart of this State, which will bring an awful lot of people from New York, Massachusetts, and Connecticut, up into the heart of Maine. Now I think the time has come to start out and start to plan something to bring these people up here in the wintertime as well as in summertime, so I would like to substitute this resolve for the report, and I so move.

The SPEAKER pro tem: The gentleman from Madison, Mr. Fogg, moves that the resolve be substituted for the "Ought not to pass" report of the Committee.

The Chair recognizes the gentleman from Hope, Mr. Ludwig.

Mr. LUDWIG: Mr. Speaker and ladies and gentlemen of the House: Your Highway Committee and this Legislature have turned down every request for special resolves on the roads that have been presented.

Now it seems to me that we have got to be consistent. If we have turned down resolves for money for roads for people that live on them the year around here, in the State of Maine, we certainly should not spend \$15,000 to build a road into a ski tow where no one lives.

I hope that the House will go along with the Senate in the committee report "Ought not to pass" on this bill.

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

Mr. TURNER: Mr. Speaker, we discussed this matter quite a little bit in the committee and we decided that it was kind of a worthy cause, but as this company, as I understand it, or club, is trying to in-

vest around \$300,000 up there to build a ski tow, we didn't think that perhaps ten or fifteen thousand dollars to build a road into it would set them back too much. Of course now in the wintertime, they plough the road, and they can get in all right with their cars in the wintertime, but it seems as though this may be a little premature. Perhaps a couple years from now, if they really do have the project, we might be able to help them a little, but I don't think there is any need to do it now.

The SPEAKER pro tem: The Chair recognizes the gentleman from Madison, Mr. Fogg.

Mr. FOGG: It seems to me, Mr. Speaker and Members of the House, that if these people are willing to put in two or three hundred thousand dollars in developing this ski lift and this slide, it is sort of peicayune of the State of Maine not to be willing to put in at least \$15,000 to help the people get to it. Now maybe we could go ahead and do something two years from now, but maybe by that time the states of New Hampshire and Vermont will wake up to the danger which they can see to their own winter resort business, and they will start doing something which will put us behind so that maybe we won't be able to get the business here.

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

Mr. WINCHENPAW: Mr. Speaker, I didn't read the article in the Trail that Mr. Fogg read, but we had a bill concerning Bigelow Mountain before one of our committees, and I think this is a worthy project, and it might be that the Highway Committee was a little bit nearsighted. Perhaps they can't see the woods from the trees. I want to go along with Mr. Fogg on this bill.

The SPEAKER pro tem: The Chair recognizes the gentleman from Hallowell, Mr. Vaughan.

Mr. VAUGHAN: Mr. Speaker and Members of the House: Mr. Fogg didn't happen to mention the number of Maine skiers that are now going over to New Hampshire and Vermont—and even to Quebec, as I did myself for a week, this winter—and who spend a great deal of

Maine money outside of the State of Maine.

We should consider that fact when we vote upon this measure. The State of Maine has done very little to help the winter sports industry in the State of Maine. This is a very inexpensive opportunity to help that growing industry, and if we pass this, and after two years it has helped us a great deal, we could help it even more. I think this is a chance to begin.

The SPEAKER pro tem: The Chair recognizes the gentleman from Caribou, Mr. Currier.

Mr. CURRIER: Mr. Speaker and Members of the House: This may be a worthy road, but any road that will take your youngsters to school is just as worthy, and we have turned those down all the forenoon. I believe we should continue, with an "Ought not to pass" report.

The SPEAKER pro tem: The Chair recognizes the gentleman from Oakland, Mr. Pullen.

Mr. PULLEN: Mr. Speaker and Members of the House: As a member of the Highway Committee, I couldn't conscientiously vote to spend money on this road when we turned down many, many roads that were much more needed out in the country than this road is needed at the present time.

The SPEAKER pro tem: The question before the House is on the motion of the gentleman from Madison, Mr. Fogg, that the House substitute the Resolve Providing for Construction of Highway to Sugar Loaf Mountain, Franklin County, (S. P. 296) (L. D. 828) for the "Ought not to pass" report of the committee.

All those in favor of substituting the resolve for the "Ought not to pass" report of the committee will say aye; all those opposed will say no.

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

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

Thereupon, the "Ought not to pass" report of the committee was accepted in concurrence.

The SPEAKER pro tem: The Chair now lays before the House a second matter tabled earlier in today's session, Report of the Committee on Taxation on Bill "An Act to Repeal the Exemption from the Sales Tax on Domestic Fuel, House Paper 687, Legislative Document 722, which was reported out "Ought to pass" in New Draft under title of "An Act to Amend and Clarify the Exemption of Fuel from the Sales and Use Tax, House Paper 1271, Legislative Document 1467, tabled in today's session by the gentleman from Rockland, Mr. Low pending acceptance of the committee report; and the Chair now recognizes that gentleman.

Mr. LOW: Mr. Speaker, I still would like to retable that until after the other bill has come up, and I so move.

The SPEAKER pro tem: The gentleman from Rockland, Mr. Low, moves that Report of the Committee on Taxation on Bill, "An Act to Repeal the Exemption from the Sales Tax on Domestic Fuel (H. P. 687) (L. D. 722) new draft, Bill "An Act to Amend and Clarify the Exemption of Fuel from the Sales and Use Tax," (H. P. 1271) (L. D. 1467) be retabled. Is this the pleasure of the House?

The motion prevailed, and the Report and accompanying papers were retabled pending acceptance of the Committee Report without assignment.

The SPEAKER pro tem: The House is proceeding under Orders of the Day.

The Chair will state that there are at present fifty-seven tabled and unassigned matters, plus all the items that were tabled earlier in today's session. Some of these items are routine, and perhaps some of the members would be willing to move that they be taken up at this time.

On motion of Mr. Dostie of Winslow,

The House adjourned until 9:30 A.M. tomorrow.