

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Sixth Legislature

OF THE

STATE OF MAINE

VOLUME II

1953

DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

HOUSE

Tuesday, April 28, 1953

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

Prayer by the Rev. Mr. Arthur Christopher of Augusta.

The journal of the previous session was read and approved.

Papers from the Senate

From the Senate: The following Order:

ORDERED, the House concurring, that Joint Rule No. 1 be amended by deleting from the list of Joint Standing Committees, the Committee on Public Buildings and Parks, and adding thereto the Committee on Retirements and Pensions. This Order shall become effective December 31, 1954 (S. P. 586)

Came from the Senate read and passed.

In the House, was read and passed in concurrence.

Senate Reports of Committees Ought Not to Pass

Report of the Committee on Taxation reporting "Ought not to pass" on Bill "An Act to Exclude from Sale Price Under Sales Tax Law the Fair Market Value of Trade-ins" (S. P. 143) (L. D. 343)

Came from the Senate read and accepted.

In the House, was read and accepted in concurrence.

Ought to Pass in New Draft

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act relating to Retirement Compensation of Members of Superior Court and Their Widows" (S. P. 390) (L. D. 1098) reporting same in a new draft (S. P. 551) (L. D. 1484) under same title and that it "Ought to pass"

Report of same Committee on Bill "An Act relating to Retirement Compensation of Members of Supreme Judicial Court and Their Widows" (S. P. 391) (L. D. 1097) reporting same in a new draft (S. P. 552) (L. D. 1485) under same title and that it "Ought to pass"

Report of same Committee on Resolve Providing for Certain Construction at Portland Municipal

Airport (S. P. 284) (L. D. 818) reporting same in a new draft (S. P. 553) (L. D. 1486) under same title and that it "Ought to pass"

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

In the House, Reports were read and accepted in concurrence, the Bills read twice, the Resolve read once, and tomorrow assigned.

Ought to Pass with Committee Amendment Tabled and Assigned

Report of the Committee on Judiciary on Bill "An Act to Create the Waterville Parking District" (S. P. 307) (L. D. 925) 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. 307, L. D. 925, Bill, "An Act to Create the Waterville Parking District."

Amend said bill by striking out the punctuation ";" at the end of that part designated as "Sec. 4. (a) — (9)" and inserting in place thereof the following:

'provided, however, that no products used in or for the servicing of motor vehicles shall be sold or dispensed at or in connection with public off-street parking facilities by the district on any lessee thereof;

Further amend said bill by inserting after the first sentence of that part of the bill designated as "Sec. 4. (b)" the following sentence:

"Two of said members shall be appointed from the minority political party, and all subsequent appointments shall be so made as to continue two members from the minority party."

Further amend said bill by striking out the 9th sentence of that part designated as "Sec. 4. (b)" and inserting in place thereof the following sentence:

'Each member of the district, but not including the city engineer, shall be paid five dollars for attendance at regular or special meetings; and no member of the district shall be permitted to receive any other reimbursement of any kind while serving as said member; provided further, that the total annual compensation for each member shall not exceed one hundred dollars.'

Further amend said bill by striking out all after the first sentence of that part designated as "Sec. 5. (a)" and inserting in place thereof the following:

'The district herein provided may exercise the right of eminent domain vested in said district for the purpose of this act after hearing, notices of the time and place of said hearing having been given by publication in the Waterville Morning Sentinel once a week for two consecutive weeks previous to the time of said hearing; and provided further, that if the land owner is a resident of the state, service shall also be made on him by giving him in hand or leaving at his last and usual place of abode an attested copy of said notice, such service to be made by any officer qualified to serve civil process in the state. The secretary of said district shall keep a record of their proceeding and their determination and decision, which shall set forth a description of the land or easement taken, and the owners, if known, and the amount of damages awarded therefore. Upon the signing of said record of said members and the filing of the same in the registry of deeds for the county of Kennebec, said district may enter upon such land and take possession of the same or an easement therein, as the case may be, for the purposes of this act. Any person aggrieved by the decision of said district, as it relates to the damages for land or easement therein so taken, shall have the same rights of appeal as are provided in the case of the laying out of town ways.'

Further amend said bill by striking out the punctuation and words "sounding, drillings" in the 3rd line of subsection (c) of section 5 thereof.

Further amend said bill by striking out subsection (e) of section 5 thereof.

Further amend said bill by striking out subsection (f) of section 5 thereof.

Further amend said bill by relettering subsection (g) of section 5 thereof to be subsection (e).

Further amend said bill by adding at the end of the first sentence of "Sec. 6" the following:

'provided however, that at no time shall the amount of bonds issued and outstanding exceed the sum of five hundred thousand dollars.'

Further amend said bill by adding at the end of that part designated as "Sec. 14." the following sentence: 'Once each year or oftener at the discretion of the district, the district shall publish a written report of its proceedings during the past year and giving a detailed income statement and balance sheet of said district.'

Further amend said bill by adding at the end of that part designated as "Sec. 17." the following sentence: 'The liability of said district for injuries to persons and property arising out of defects in off-street parking areas, entrances and exits thereof controlled by the district shall be the same and enforced in the same manner as similar actions against municipalities for defects in highways.'

Further amend said bill by striking out the first sentence of that part designated as "Sec. 19" and inserting in place thereof the following: 'This act shall take effect ninety days after the adjournment of the legislature, only for the purpose of permitting its submission to the legal voters of the city of Waterville, provided the municipal officers vote and approve its submission to the legal voters prior to January 1, 1955. If the municipal officers shall so vote and approve its submission it shall be submitted to said legal voters at any regular city election or special city election called and held for the purpose at the regular voting places of the city in the manner now provided by law for the calling of elections in a city; and provided further that said submission to the legal voters

shall be had not later than January 1, 1955.'

(On motion of Mr. Lane of Waterville, the Report, with accompanying papers, was tabled pending adoption of Committee Amendment "A" and was specially assigned for tomorrow morning.)

**Ought to Pass with Committee
Amendment
Senate Amendment "A" Adopted**

Report of the Committee on Judiciary on Bill "An Act relating to Court Records and Official Court Reporters" (S. P. 219) (L. D. 585) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

In the House, 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. 219, L. D. 585, Bill "An Act Relating to Court Records and Official Court Reporters."

Amend said bill by striking out the first paragraph of "Sec. 1." and inserting in place thereof:

'**Sec. 1. R. S., c. 100, §59, amended.** Section 59 of chapter 100 of the revised statutes is hereby amended to read as follows: '

Further amend said bill by striking out the first paragraph of "Sec. 2." and inserting in place thereof:

'**Sec. 2. R. S., c. 100, §185, amended.** Section 185 of chapter 100 of the revised statutes, as amended, is hereby further amended to read as follows: '

Further amend said bill by striking out the first paragraph of "Sec. 3." and inserting in place thereof:

'**Sec. 3. R. S., c. 100, §186, amended.** Section 186 of chapter 100 of the revised statutes is hereby amended to read as follows: '

Further amend said bill by striking out the first paragraph of "Sec. 4." and inserting in place thereof:

'**Sec. 4. R. S., c. 100, §187, amended.** Section 187 of chapter 100 of the revised statutes is hereby amended to read as follows: '

Further amend said bill by striking out the first paragraph of "Sec. 5." and inserting in place thereof:

'**Sec. 5. R. S., c. 100, §188, amended.** Section 188 of chapter 100 of the revised statutes is hereby amended to read as follows: '

Further amend said bill by striking out the first paragraph of "Sec. 6." and inserting in place thereof:

'**Sec. 6. R. S., c. 100, §189, amended.** Section 189 of chapter 100 of the revised statutes is hereby amended to read as follows: '

Further amend said bill by striking out the first paragraph of "Sec. 7." and inserting in place thereof:

'**Sec. 7. R. S., c. 100 §190, amended.** Section 190 of chapter 100 of the revised statutes is hereby amended to read as follows: '

Further amend said bill by striking out the first paragraph of "Sec. 8." and inserting in place thereof:

'**Sec. 8. R. S., c. 135, §31, amended.** Section 31 of chapter 135 of the revised statutes is hereby amended to read as follows: '

Thereupon, Committee Amendment "A" was adopted in concurrence.

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

SENATE AMENDMENT "A" to S. P. 219, L. D. 585, Bill "An Act Relating to Court Records and Official Court Reporters."

Amend said bill by striking out the underlined figures "\$6,500" in the 1st sentence of that part of section 2 designated "Sec. 185" and inserting in place thereof the underlined figures '\$5,750'

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

The SPEAKER: At this time the Chair notes the presence in the balcony of the Hall of the House of the Seventh and Eighth Grade Pupils from Bolster's Mills School

in Harrison, in charge of Mrs. Grace Lord and Mrs. Edna Lord.

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

On motion of Mrs. Downing of North Kennebunkport, House Rule 25 was suspended for the remainder of today's session, in order to permit smoking.

Ought to Pass in New Draft Indefinitely Postponed

Report of the Committee on Judiciary on Bill "An Act to Permit Testing of Military Weapons and Munitions on Great Ponds" (S. P. 216) (L. D. 541) reporting same in a new draft (S. P. 550) (L. D. 1465) under title of "An Act to Permit Testing of Anti-Aircraft Weapons and Munitions Over a Part of Moosehead Lake" and that it "Ought to pass".

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

In the House: Report was read.

On motion of Mr. Sanford of Dover-Foxcroft, the Report, with accompanying Bill, was indefinitely postponed in concurrence.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Resolve Proposing an Amendment to the Constitution to Elect Members of the Executive's Council by the People (S. P. 175) (L. D. 437)

Report was signed by the following members:

Messrs. REID of Kennebec
WARD of Penobscot
HARDING of Knox
—of the Senate

Messrs. MCGLAUFLIN of Portland
FULLER of Bangor
MARTIN of Augusta
TRAFTON of Auburn
LOW of South Portland
—of the House

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

Report was signed by the following members:

Messrs. FITANIDES of Saco
CIANCHETTE of Pittsfield
—of the House

Came from the Senate with the Majority Report read and accepted.

In the House: Reports were read. On motion of Mr. McGlauffin of Portland, the Majority Report "Ought not to pass" was accepted in concurrence.

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

Mr. STEWART: Mr. Speaker, after we pass the next item, as the co-intent of that is included in the bill which follows, Item 11—

The SPEAKER: The gentleman from Portland, Mr. Stewart, for clarification purposes, requests passing over Item 10.

We will now proceed with Item 11.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought to pass" on Bill "An Act Repealing Certain 'Blue Laws'" (S. P. 413) (L. D. 1121)

Report was signed by the following members:

Mr. WEEKS of Cumberland
—of the Senate

Messrs. CHILDS of Portland
WOODCOCK of Bangor
STEWART of Paris
HAND of New Limerick
MARTIN of Eagle Lake
—of the House

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

Report was signed by the following members:

Mr. CHAPMAN of Cumberland
—of the Senate

Messrs. STEWART of Portland
GOWELL of Berwick
—of the House

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

In the House: Reports were read.

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

Mr. WOODCOCK: Mr. Speaker and Members of the House: The majority of the Legal Affairs Committee felt that it was time that the State of Maine put on some long pants and got rid of some of these anachronistic laws that no longer seem to pertain to modern society,

and it was with that in mind that we reported out a majority report favorable to the repeal of these Blue Laws. I think probably everybody is familiar with the state of this type of law today in Maine. It makes it a violation of the statute for anybody who does almost any act, with a list of half a dozen exceptions.

I would move the acceptance of the majority report on this bill.

The SPEAKER: The gentleman from Bangor, Mr. Woodcock, moves that the majority report of the Committee on Legal Affairs "Ought to pass" be accepted.

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

Mr. STEWART: Mr. Speaker, I move the indefinite postponement of the act.

In speaking to my motion, it seems to me that we are here upon a solemn discussion, an important discussion.

A week ago we considered the question of reapportionment and we considered it in a solemn and sober mood. In that discussion we referred to the Constitution of the State of Maine, a venerable document. In this discussion I refer to a Book of Law which is more venerable and which is more ancient and which, it seems to me, is to be more respected even than the Constitution of the State of Maine, and that is the Decalogue upon which all our laws are founded. I would like to read briefly that portion of the Decalogue upon which this law is based.

In the 20th Chapter of Exodus we find the words: "Remember the Sabbath Day, to keep it holy. Six days shalt thou labour, and do all thou work:

"But the seventh day is the Sabbath of the Lord thy God: in it thou shalt not do any work, thou, nor thy son, nor thy daughter, thy manservant, nor thy maidservant, nor thy cattle, nor thy stranger that is within thy gates:

"For in six days the Lord made heaven and earth, the sea, and all that in them is, and rested the seventh day, wherefore the Lord blessed the Sabbath Day and hallowed it."

I would like to point out further that the wording of our statutes

has been substantially the same since the time of Constantine the Great and since the Roman Empire came to accept the Christian religion.

It is my hope that in going over this matter this morning we will not treat it lightly, that we will accept the wisdom of the ages, that we will not be too prompt to match our wisdom with the wisdom of those who founded our country and those who founded our religion.

This statute has always been quite liberally construed. It has never been construed in such a way as to result in persecution or harassment of those who did not feel that they could abide by every jot and tittle of Sabbath day laws.

The intent of that statute is conveyed in a portion of Chapter 121, where it discusses those persons who do not conscientiously believe in the keeping of Sunday as the Holy Day. It says: "No person conscientiously believing that the seventh day of the week ought to be observed as the Sabbath and actually refraining from secular business and labor on that day is liable to said penalties for doing such labor on the first day of the week if he does not disturb other persons."

I was referring a moment ago to the fact that this has been construed in such a way as not to be over-strict.

The courts, in *Donahur versus Richards*, 38 Maine, 405, hold that "All of the Sunday statutes have been upheld as constitutional on the ground that they are essentially civil and not religious regulations as they have for their object the promotion of the health and good order of society by insisting upon a periodical day of rest."

While the statutes of the various states differ in their attempt to regulate observance of Sunday, to prohibit secular labor and business on that day, they apparently all except from their operation works partaking of necessity or charity. The question of what constitutes a work of necessity is one which has been much discussed, and the Massachusetts court has quoted: "The primary object of such legislation has been to secure to private citizens the quiet enjoyment of a day of rest and to encourage the observance of moral duties on that

day, but not to authorize any arbitrary or vexatious interference with the private habits and comfort of individuals."

The prohibition is against unnecessary work, and the jury and the proper instructions from the court must determine the questions of circumstances presented in each case.

As the needs and demands of the people of the State, and of other states, have indicated a need for changing the law in some particular respect, these laws have been changed by exceptions to this general foundation law. These exceptions have been admitted by our Legislature in such provisions as the legalization of Sunday sports, the legalization of bowling on Sunday, the legalization of motion pictures in that it was believed that it was in keeping with the health and welfare of the people, that there should be these exceptions to this provision for a day of rest one in seven.

So you find that the actions of our Legislatures have not been narrow or too strict or too confining when there has been a demand for some change. And here we are asked, at one stroke of the pen, to sweep away a law which has been the law of the ages, when there is no public demand for it. I do not think that any of you have received any letters from constituents asking you to do away with the Sunday Laws. They are dubbed here the "Sunday Blue Laws," perhaps with the idea that by giving the dog a bad name, they can get rid of it, but it seems to me that there is something fundamental here and that we should not just view the words "Blue Laws" and then disregard what it intends to do, and it intends to preserve our right to rest, and our right to be free from work and labor on the Sabbath Day.

Now an argument which was made in the committee was that here you have perhaps an interference by the people of the State in statute form with the separation of Church and State, and I would like to quote from a recent opinion of the United States Supreme Court dealing with the whole philosophy of the separation of Church and State. The case was *Zorach versus*

Clauson. The Law Court held: ". . . There cannot be the slightest doubt that the First Amendment reflects the philosophy that Church and State should be separated. And so far as interference with the 'free exercise' of religion and an 'establishment' of religion are concerned, the separation must be complete and unequivocal. The First Amendment within the scope of its covering permits no exception; the prohibition is absolute. The First Amendment, however, does not say that in every and all respects there shall be a separation of Church and State. Rather, it studiously defines the manner, the specific ways, in which there shall be no concert or union or dependency one on the other. That is the common sense of the matter. Otherwise the state and religion would be aliens to each other—hostile, suspicious, and even unfriendly. Churches could not be required to pay even property taxes. Municipalities would not be permitted to render police or fire protection to religious groups. Policemen who helped parishioners into their places of worship would violate the Constitution. Prayers in our legislative halls; the appeals to the Almighty in the messages of the Chief Executive; the proclamations making Thanksgiving Day a holiday; "so help me God" in our courtroom oaths—these and all other references to the Almighty that run through our laws, our public rituals, our ceremonies would be flouting the First Amendment. A fastidious atheist or agnostic could even object to the supplication with which the Court opens each session: "God save the United States and this Honorable Court."

And I would like to have you mark well, when you consider your decision this morning, the following words, from the highest court of our land: "We are a religious people whose institutions presuppose a Supreme Being. We guarantee the freedom to worship as one chooses. We make room for as wide a variety of beliefs and creeds as the spiritual needs of man deem necessary. We sponsor an attitude on the part of government that shows no partiality to any one group and that lets each flourish according to the zeal of its adherents and the appeal of its dogma. When the state en-

courages religious instruction or cooperates with religious authorities by adjusting the schedule of public events to sectarian needs, it follows the best of our traditions. For it then respects the religious nature of our people and accommodates the public service to their spiritual needs. To hold that it may not would be to find in the Constitution a requirement that the government show a callous indifference to religious groups. That would be preferring those who believe in no religion over those who do believe. Government may not finance religious groups nor undertake religious instruction nor blend secular and sectarian education But we find no constitutional requirement which makes it necessary for government to be hostile to religion and to throw its weight against efforts to widen the effective scope of religious influence. The government must be neutral when it comes to competition between sects. It may not thrust any sect on any person. It may not make a religious observance compulsory. It may not coerce anyone to attend church, to observe a religious holiday, or to take religious instruction. But it can close its doors or suspend its operations as to those who want to repair to their religious sanctuary for worship or instruction. No more than that is undertaken here."

It is my hope that in your consideration of this important question this morning, you will consider it in the attitude of our forefathers whose view on the Sabbath is reflected in this poem of Whittier, a New England poet:

"O Sabbath rest by Galilee!

A calm of hills above,
Where Jesus knelt to share with thee

The silence of eternity
Interpreted by love!

Drop thy still dews of quietness
Till all our striving cease:

Take from our souls the strain and stress,

And let our ordered lives confess
The beauty of thy peace.

Breathe through the heats of our desire

Thy coolness and thy balm;
Let sense be dumb, let flesh retire;

Speak through the earthquake,
wind, and fire,
O still, small voice of calm."

It is hoped this morning that you will indefinitely postpone Bill "An Act Repealing Certain 'Blue Laws'".

The SPEAKER: The gentleman from Portland, Mr. Stewart, moves that both reports of the committee and accompanying papers be indefinitely postponed.

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

Mr. SMALL: Mr. Speaker, I was saying yesterday that I liked lawyers, and I told the good gentleman from Auburn that I trusted them but I also watched them, and I wonder if the gentleman from Portland (Mr. Stewart) hasn't stolen my speech and delivered it for me, and since I understand the clock is an hour behind the time we operate on, I will try to speed up.

I rise in support of his motion, but I cannot agree with all of his arguments for it, although they are good ones I am sure. I rise in support of the motion because Sunday means quite a lot to the laboring man, and when you do away with Sunday, you are taking away something from that man, and from all of us perhaps, that is very important.

Today, under your union contracts, a man working on Sunday, which is almost called forced labor, although it isn't, oftentimes receives double pay for his services. There are many other considerations that enter into this bill besides the sentimental and religious ones concerning their antiquity and the reverence in which we hold them. As a practical matter, I believe each one of you should consider this very carefully before you go along with the majority report, and I sincerely hope that you will approve the motion to indefinitely postpone these reports.

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

Mr. ROUNDY: Mr. Speaker and Members of the House: Very briefly I want to say that in my own thinking on this matter I have been helped in its resolution by using a comparison, namely, the club of a policeman, roughly speaking, — that doesn't sound

very good — and yet the policeman does not very often use that club, but when it is necessary, it is well that he knows in what limits it should be placed and he should have the opportunity as well as the necessity of exercising the use thereof.

It seems to me that the State, in relation to this matter, is in a somewhat similiar position. It is entirely, in a way, through various statutes, to define the limitations when the use of this shall be given, but I do think it would be a very great mistake, and the Legislature ought not to entirely remove the privilege of the principles embodied in the law that is on our statute book. I hope the members of the House will feel as I do, that this is an instrument sometimes to be used, but not too often, as the policeman does his club.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mrs. Christie.

Mrs. CHRISTIE: Mr. Speaker and Members of the House: In the beginning God created the world in six days and he rested on the seventh. He set us an example which I believe we should follow. The laws which control us today are based on the Ten Commandments. In this book of the law given to Moses we find the Commandment "Remember the Sabbath Day, to keep it holy." The admonition is to work six days and rest on the seventh.

Our Lord arose from the dead on the first day of the week, and because of that the first day of the week is set apart as a Holy Day. It is set apart for rest and worship. Christ said: "The Sabbath was made for man, not man for the Sabbath." Some people use that as an excuse for doing things other than the things which God intended, but I believe that Christ said that because he knew what was good for man and he knew how he could be benefited by rest and by worship. If we repeal all of our Sunday laws, it will not be long before employees will be expected to work on that day. It is one thing for an individual to break a law; it is quite another thing for the State to repeal these laws and make it legal

to do these things. The law now provides that the necessary things may be legally done. Why should we go farther than that and open the door still wider to the repeal of these laws which God gave us for our own good? We have been told that even machinery benefits from a day of rest. How much more is this true of man?

I think we have gone far enough in opening Sunday to secular activities, and I hope we will vote against this bill. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Berwick, Mr. Gowell.

Mr. GOWELL: Mr. Speaker and Members of the House: I signed this minority report, knowing that it would be unpopular and not expecting that it would receive favorable action on the part of the House, but I did not want to go on record personally, and I didn't believe the Legislature of Maine wanted to go on record, if they understood the question thoroughly as being a party to repeal any part of the Ten Commandments.

Our forefathers, who passed these Blue Laws, the old Puritans who came to Massachusetts and settled in New England, were pretty rugged and rigorous in their thoughts and in their actions. They even punished people who did not believe as they did, and that would not be tolerated today, but they prospered in their acts and their laws and their lives. They put New England on the map and it has been kept there, as I understand it, as the best place in the world to live in.

As you go west you find that Sunday is not observed, and it is not a community in which to make your home; it is a lawless country. And it is in the history of civilization, as I understand it, the more closely you observe the Sabbath, the more you prosper.

As our forefathers advanced in history, and as they carried out their program of rigorous enforcement, they prospered. They may not have always been right, but they prospered because they believed in what they did and in what they said. But when commercialism came into everything in all

cur walks of life, we lost our influence. That is as true of the Church as it is of any other institution.

Without any further remarks, I simply signed the report as I thought was right, and I hope the motion of the gentleman from Portland (Mr. Stewart) will prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. Stewart, who moves indefinite postponement of both reports and Bill "An Act Repealing Certain 'Blue Laws' ", S. P. 413, L. D. 1121.

As many as are in favor of that motion will kindly rise and remain standing in their places until the monitors have made and returned the count.

A division of the House was had.

Eighty-four having voted in the affirmative and twenty-two having voted in the negative, the motion prevailed, and the two reports, with accompanying papers, were indefinitely postponed in non-concurrence and were sent up for concurrence.

The SPEAKER: The Chair notes the presence in the balcony of the Hall of the House of the Casco Grammar School, under the direction of its principal, Mrs. Hazel Flagg, the Naples Grammar School, under the direction of its principal, Miss Ruth Pitts, and the Harpswell Grammar School, under the direction of its principal, Mr. Sumner Whitney.

In behalf of the House, the Chair is pleased to extend to each and every one of you a cordial and hearty welcome. (Applause)

The SPEAKER: The House is continuing on Item 10.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought to pass" on Bill "An Act relating to Keeping Open of Grocery Stores on Sunday" (S. P. 209) (L. D. 544)

Report was signed by the following members:

Messrs. WEEKS of Cumberland
CHAPMAN of Cumberland
—of the Senate
Messrs. STEWART of Paris
WOODCOCK of Bangor
CHILDS of Portland

HAND of New Limerick
MARTIN of Eagle Lake
—of the House

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

Report was signed by the following members:

Messrs. STEWART of Portland
GOWELL of Berwick
—of the House

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

In the House: Reports were read.

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

Mr. WOODCOCK: Mr. Speaker and Members of the House: L. D. 544 pertains to the same general topic as the bill which we have just been discussing. However, it is much narrower in its perspective. Actually what it does is add to the Blue Laws the term "grocery stores." In other words, if the majority report were accepted, and it eventually became enacted, that would be added to the exemptions.

As it is now, there isn't a grocery store in the State of Maine that can be open legally on Sunday, believe it or not.

We have a case in Bangor of a proprietor of a small grocery store, and over the past four or five years he has been summoned to court, arrested, and found guilty up to about fifteen times, and his violation consists of selling some milk, doughnuts, a loaf of bread or whatnot to somebody who has been caught short, most likely.

Now isn't it really time to add this exemption? Granted, you didn't want the prior bill, but can't we go along and liberalize to the extent of allowing a little grocery store to stay open on Sunday?

I move the acceptance of the majority "Ought to pass" report.

The SPEAKER: The gentleman from Bangor, Mr. Woodcock, moves the acceptance of the majority "Ought to pass" report.

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

Mr. STEWART: Mr. Speaker, I move the indefinite postponement of Bill "An Act relating to Keeping

Open of Grocery Stores on Sunday." In doing this I wish to agree with the statement made by the Representative from Bangor, Mr. Woodcock, that this is essentially a different question from the question we have previously considered.

It would tend to legalize an existing practice. According to that existing practice, grocery stores are now open, and in general, despite this one exception, they are unmolested by people in keeping open.

However, I would like to point out that it is usually the small corner grocery store, more in the nature of a delicatessen, that does remain open Sundays. If you pass a law which says that grocery stores generally may remain open on Sunday, I think that you might tend to open up some of the larger stores and chains in competition with these small stores.

Although the gentleman, for example, that Mr. Woodcock referred to, was found guilty of violating the Sunday Laws for keeping his grocery store open, it is my belief that an interpretation of the law, of necessity, today, might very well allow that a small corner grocery store open on Sundays, serving the needs of people, might be considered as a necessity. I gathered that view from a Court opinion and from a discussion of the law by Raymond Fellows, a former Attorney General, and now a member of the Law Court of the State. He quotes a Massachusetts opinion, that "The primary objects of this Sunday law legislation have been to secure private citizens the quiet enjoyment of a day of rest, and to encourage the observance of moral duties but not to authorize any arbitrary or vexatious interference with the private habits and comforts of individuals."

And he further goes on to say: "It is impossible to lay down any general rule as to what are and are not works of necessity and charity. Changing needs of human life are so numerous and diversified that it is impossible to classify them. Each case must depend upon its own facts This exception may properly be said to cover anything which is morally fit and proper

under the particular circumstances of the case."

It is my view that a court interpretation today, in accordance with the elastic principles of the Common Law, might include the opening of a grocery store as a necessity, but I would not like to go so far as to sweepingly allow all grocery stores to remain open on Sunday, and so I hope that you will indefinitely postpone the bill.

THE SPEAKER: The gentleman from Portland, Mr. Stewart, moves that the House indefinitely postpone both reports and bill.

As many as are in favor of the motion for indefinite postponement of both reports and Bill, "An Act relating to Keeping Open of Grocery Stores on Sunday", S. P. 209, L. D. 544, will kindly rise and remain standing in their places until the monitors have made and returned the count.

A division of the House was had.

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

THE SPEAKER: The question now before the House is on the motion of the gentleman from Bangor, Mr. Woodcock, that the majority report of the Committee, "Ought to pass," be accepted. Is this the pleasure of the House?

The motion prevailed, and the majority "Ought to pass" report was accepted in concurrence.

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

THE SPEAKER: The House is now proceeding with the twelfth item.

Non-Concurrent Matter

Resolve Directing Review of Property Tax Statutes (S. P. 189) (L. D. 428) which was finally passed in the House on March 18, and passed to be engrossed on March 11.

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

In the House:

The House voted to reconsider its action of March 18 whereby this

Resolve was finally passed; and further voted to reconsider its action of March 11 whereby the Resolve was passed to be engrossed.

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

SENATE AMENDMENT "A" to S. P. 189, L. D. 428, Resolve Directing Review of Property Tax Statutes.

Amend said Resolve by adding after the words "appropriated from the" in the 1st line of the last paragraph the words "unappropriated surplus of the"

Thereupon, Senate Amendment "A" was adopted and the Resolve was passed to be engrossed as amended in concurrence.

Non-Concurrent Matter

Bill "An Act relating to Use of Lights to Illuminate Wild Birds or Animals" (H. P. 805) (L. D. 889) which was indefinitely postponed in the House on April 23.

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

In the House:

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

Mr. **CENTER**: Mr. Speaker and Members of the House: I move that we adhere to our former action whereby we indefinitely postponed this bill.

The **SPEAKER**: The gentleman from Standish, Mr. Center, moves that the House adhere to its former action.

The Chair recognizes the gentleman from Madison, Mr. Fogg.

Mr. **FOGG**: Mr. Speaker and Members of the House: I would like to move that we recede from our former action and I would like to say a few words on this. If we do recede from our former action, after the bill has had its first and second readings, it is my intention to offer a House amendment to have this apply only to Somerset County.

Now, when I went back home this last week after this bill was on the Floor last week, several people came to me and wanted to know what was the matter with the House of Representatives that they didn't put through some sort of a bill like this which would help curb

the night hunting up in that section. I told them how the House felt on it and they said: "We want that kind of a bill up here, the people up here want this." So, I am not trying to shove anything down anybody's throat but I have talked with the people up there and they are willing to accept the bill up there in Somerset County on a trial period and just see how it works out. So I think it is only fair to try this bill out in Somerset County. Then, if it should work out satisfactorily, maybe we could try it somewhere else and if it doesn't work out and doesn't prove to be a good bill we can go ahead and take it off the books but I certainly think it should have a fair trial.

The **SPEAKER**: The gentleman from Madison, Mr. Fogg, moves that the House recede from its former action whereby Bill "An Act relating to Use of Lights to Illuminate Wild Birds or Animals," House Paper 805, Legislative Document 889, was indefinitely postponed.

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.

Forty-seven having voted in the affirmative and forty-nine having voted in the negative, the motion to recede did not prevail.

The **SPEAKER**: The question before the House is on the motion of the gentleman from Standish, Mr. Center, that the House adhere to its former action. Is this the pleasure of the House?

The motion prevailed.

Non-Concurrent Matter

Bill "An Act to Clarify Boilers and Unfired Steam Pressure Vessels" (H. P. 225) (L. D. 252) which was indefinitely postponed in the House on April 23.

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

In the House:

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

(Calls of "No")

The Chair recognizes the gentleman from Sweden, Mr. Moulton.

Mr. **MOULTON**: Mr. Speaker and Members of the House: I move that we adhere to our former action.

The SPEAKER: The gentleman from Sweden, Mr. Moulton, moves that the House adhere to its former action whereby the bill was indefinitely postponed.

The Chair recognizes the gentleman from Westbrook, Mr. Travis.

Mr. TRAVIS: Mr. Speaker and Members of the House: I move that we recede. This is one of my bills. It is a safety measure for schools; it puts schools in the low-pressure field and the amendment which the Senate tacked on yesterday leaves the fees as they are so that it is definitely a good bill because any small school which is changing over to put in a boiler should have that boiler inspected. If it is inspected and insured, this bill does not affect it. Therefore, I hope that the House will go along with me. This was the unanimous report of the committee and I feel that there is no question but that we should pass this bill. It was indefinitely postponed last week when I had to sneak down to Portland for a business engagement.

The SPEAKER: The gentleman from Westbrook, Mr. Travis, moves that the House recede from its former action whereby it indefinitely postponed this bill on its passage to be enacted and whereby it indefinitely postponed this measure on its passage to be engrossed.

The Chair will state the matter again. The gentleman from Westbrook, Mr. Travis, moves that the House recede from its former action whereby it indefinitely postponed this bill on its passage to be enacted and recede from its former action whereby it passed this bill to be engrossed. Is this the pleasure of the House?

As many as are in favor will say aye; those opposed, no.

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

Fifty-seven having voted in the affirmative and fifty having voted in the negative, the motion to recede prevailed.

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

SENATE AMENDMENT "A" to H. P. 225, L. D. 252, Bill "An Act to Clarify Boilers and Unfired Steam Pressure Vessels."

Amend said Bill by striking out all of section 1.

Further amend said Bill by striking out, at the beginning of section 2, the underlined abbreviation and figure "Sec 2," and inserting in place thereof the underlined abbreviation and figure 'Sec. 1'.

Further amend said Bill, in the last sentence of section 2, by striking out the stricken figures "\$2" and the underlined figures "\$3" and inserting in place thereof the figures '\$2'.

Further amend said Bill by striking out all of section 3.

Further amend said Bill by striking out, at the beginning of the 1st line of section 4, the underlined abbreviation and figure 'Sec. 4' and inserting in place thereof the underlined abbreviation and figure 'Sec. 2.'

Senate Amendment "A" was adopted in concurrence and the Bill as amended was passed to be engrossed in concurrence.

Non-Concurrent Matter

Bill "An Act Accepting from Dorothea Dix Memorial Association a Deed of Gift of Dorothea Dix Park" (H. P. 1213) (L. D. 1386) which was passed to be engrossed in the House on April 24.

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

In the House; The House voted to recede from its former action whereby it passed the Bill to be engrossed without amendment.

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

SENATE AMENDMENT "A" to H. P. 1213, L. D. 1386, Bill "An Act Accepting from Dorothea Dix Memorial Association a Deed of Gift of Dorothea Dix Park."

Amend said Bill by striking out all of the 4th and 5th paragraphs and inserting in place thereof the following:

"Wherefore said Dorothea Dix Memorial Association now offers to donate and convey to the State of Maine its title in fee simple to said park upon the condition that said premises shall be used for such purposes as may be determined by the governor and council. It is the in-

ent of the legislature that consideration be given to the proposition that the area conveyed herein might be a desirable location on which to construct a roadside picnic area consistent with the program of the highway commission;

Now therefore, the State of Maine by Act of the Legislature hereby accepts from said Dorothea Dix Memorial Association title in fee simple to Dorothea Dix Park in Hampden, Maine, subject to the condition above set forth and expressed in the following deed of conveyance.

Further amend said Bill by striking out all of the paragraph which follows the paragraph headed by the words and figure "Parcel No. 2", which begins with the words "This conveyance is subject. . ." and ends with the words "a sanctuary for wild beasts and birds".

Senate Amendment "A" was adopted and the Bill as amended was passed to be engrossed in concurrence.

Non-Concurrent Matter

Bill "An Act relating to Allowance to Commissioned Officers for Maintenance of Uniforms and Equipment" (S. P. 195) (L. D. 432) which was passed to be enacted in the House on March 25.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Riley of Livermore Falls, the House voted to recede and concur.

Non-Concurrent Matter

Resolve to Reimburse the Town of Jefferson for Conveyance of School Children (H. P. 719) (L. D. 1368) which was finally passed in the House on April 8.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Chase of Whitefield, the House voted to insist on its former action and request a committee of conference.

Non-Concurrent Matter

Resolve in favor of the Town of Stoneham (H. P. 1239) (L. D. 1434) on which the House substituted the Resolve for the "Ought not to pass" Report of the Committee, and

passed the Resolve to be engrossed on April 24.

Came from the Senate with the Report read and accepted in non-concurrence.

In the House: On motion of Mr. Ferguson of Hanover, the House voted to insist on its former action and request a committee of conference.

Non-Concurrent Matter

Resolve Opening Upper Rang Pond, Androscoggin and Cumberland Counties, to Ice Fishing (H. P. 518) (L. D. 521) on which the House substituted the Resolve for the "Ought not to pass" Report of the Committee, and passed the Resolve to be engrossed on April 27.

Came from the Senate with the Report read and accepted in non-concurrence.

In the House: On motion of Mr. Edwards of Raymond, the House voted to insist on its former action and request a committee of conference.

Non-Concurrent Matter

Resolve Opening Brackett Lake, Aroostook County, to Ice Fishing (H. P. 817) (L. D. 901) on which the House substituted the Resolve for the "Ought not to pass" Report of the Committee, and passed the Resolve to be engrossed on April 27.

Came from the Senate with the Report read and accepted in non-concurrence.

In the House: On motion of Mr. Williams of Hodgdon, the House voted to insist on its former action and request a committee of conference.

From the Senate: The following Communications:

STATE OF MAINE

Senate Chamber

April 27, 1953

Hon. Harvey R. Pease,
Clerk of the House of

Representatives
96th Legislature

Sir:

The President of the Senate today appointed the following Conferencees on the part of the Senate on the disagreeing action of the two

branches of the Legislature on the following Resolves and Bill:

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

Senators: COLLINS of Aroostook
HASKELL of Penobscot
SINCLAIR of Somerset

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

Senators: DUNHAM of Hancock
PARKER of Piscataquis
BOUCHER

of Androscoggin

Bill "An Act to Provide for the Observance of Legal Holidays." (H. P. 819) (L. D. 850)

Senators: REID of Kennebec
WARD of Penobscot
WEEKS of Cumberland

Respectfully,

(Signed) Chester Winslow

Secretary of the Senate

STATE OF MAINE
SENATE CHAMBER

April 27, 1953

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

Sir:

The President of the Senate today appointed the following conferees to join a Committee of Conference on the disagreeing action of the two bodies of Legislature on Bill "An Act Repealing the Merit Award Board." (H. P. 899) (L. D. 990):

Senators:

WARD of Penobscot
HASKELL of Penobscot
COLLINS of Aroostook

Respectfully,

(Signed) Chester T. Winslow

Secretary of the Senate

The communications were read and placed on file.

The SPEAKER: At this time, the Chair will request the Sergeant-at-Arms to escort the gentleman from Brunswick, Mr. Senter, to the rostrum for the purpose of presiding as Speaker pro tem.

Thereupon, the Sergeant-at-Arms escorted Mr. Senter to the rostrum where he assumed the Chair amid the applause of the House, the

members rising, and Speaker Bates retired from the Hall.

Orders

Tabled and Assigned

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

Mr. ALBERT: Mr. Speaker, I present an order and after it is read I wish to make a few remarks.

The SPEAKER pro tem: The gentleman from Augusta, Mr. Albert, presents an order. The Clerk will read the order.

The CLERK:

ORDERED, that all unassigned matters on the table at the time of the passage of this order shall be taken from the table and laid before the House by the Speaker following the disposition of matters especially assigned for that day, and

Be It Further ORDERED, that after the passage of this order all matters tabled without assignment shall stand assigned for the next succeeding legislative day unless sooner taken from the table.

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

Mr. ALBERT: Mr. Speaker, this order being in the nature of a change in House Rules, I move that the order lie on the table until the next legislative day.

The SPEAKER pro tem: The gentleman from Augusta, Mr. Albert, moves that the order lie on the table pending passage and be specially assigned for tomorrow. Is this the pleasure of the House?

The motion prevailed and the Order was so tabled and assigned.

Mr. Clements of Belfast presented the following Order and moved its passage:

ORDERED, the Senate concurring, that there be paid to Indian Representative Archie LaCoote of the Passamaquoddy Tribe of Indians and John Mitchell of the Penobscot Tribe of Indians, the sum of one hundred dollars each, which is the balance due on their compensation. (H. P. 1290)

The Order received passage and was sent up for concurrence.

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

Mr. DODGE: Mr. Speaker, I present an order and move its passage and, Mr. Speaker, I would like to say a few words after the order has been read, please.

The SPEAKER pro tem: The gentleman from Strong, Mr. Dodge, presents an order and moves its passage. The Clerk will read the order.

The CLERK:

ORDERED, the Senate concurring, that Bill, "An Act to Change the Deer Hunting Season," (H. P. 915) (L. D. 1016), be recalled from the Legislative files to the House for further consideration. (H. P. 1291)

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

Mr. DODGE: Mr. Speaker and Members of the House: L. D. 1016 came out of the Inland Fisheries and Game Committee bearing a report "Ought not to pass". I am interested in this act. Due to uncontrollable conditions, I was unable to be present at the time it took its several readings in the House. Therefore, I would like to move for further consideration for the purpose of an amendment.

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

(Calls of "No")

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

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

Seventy-one having voted in the affirmative and ten having voted in the negative, the motion prevailed and the order received passage and was sent up for concurrence.

**House Reports of Committee
Ought Not to Pass
Recommended**

Mr. Jacobs from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act relating to Bookmobile Service" (H. P. 2) (L. D. 2)

Report was read.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Portland, Mrs. Lord.

Mrs. LORD: Mr. Speaker, I move that this bill be recommitted for the purpose of an amendment.

The SPEAKER pro tem: The gentlewoman from Portland, Mrs. Lord, moves that the report and bill be recommitted to the Committee on Appropriations and Financial Affairs. 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 Report and Bill were recommitted to the Committee on Appropriations and Financial Affairs and sent up for concurrence.

Mr. Potter from the Committee on Claims reported "Ought not to pass" on Resolve in favor of Lowell and Louise Nichols of Dover-Foxcroft (H. P. 579) (L. D. 621)

Mr. Ludwig from the Committee on Highways reported same on Bill "An Act relating to Reimbursement to Towns for Snow Removal" (H. P. 1016) (L. D. 1137) as it is covered by other legislation.

Mr. Butler from the Committee on Inland Fisheries and Game reported same on Bill "An Act relating to Hunting by Minors" (H. P. 214) (L. D. 241) as it is covered by other legislation.

Mr. Currier from same Committee reported same on Bill "An Act relating to Hunting with Bow and Arrow in York County" (H. P. 584) (L. D. 626) as it is covered by other legislation.

Reports were read and accepted and sent up for concurrence.

Tabled

Mr. Harnden from the Committee on Inland Fisheries and Game reported "Ought not to pass" on Bill "An Act relating to Bounty on Bears" (H. P. 808) (L. D. 892) which was recommitted as it is covered by other legislation.

Report was read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Millinocket, Mr. Gates.

Mr. GATES: Mr. Speaker and Members of the House: This is my bill. It says "Ought not to pass" as covered by other legislation. I do not know what that other legislation is and before accepting the

report of the committee, I would like to learn what that legislation is. Therefore, I move that this bill 892 be tabled and unassigned until I can learn what it is all about.

The SPEAKER pro tem: The gentleman from Millinocket, Mr. Gates, moves that the report and accompanying papers be tabled pending acceptance of the committee report. Is this the pleasure of the House?

(Calls of "No")

The SPEAKER pro tem: All those in favor of the motion of the gentleman from Millinocket, Mr. Gates, will say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed and the report and accompanying papers were tabled pending acceptance of the committee report.

Mr. Harnden from the Committee on Inland Fisheries and Game reported "Ought not to pass" on Bill "An Act relating to Hunting with Bow and Arrow in Kennebec County" (H. P. 809) (L. D. 893) as it is covered by other legislation.

Same gentleman from same committee reported same on Bill "An Act to Change Hunting Licenses for Minors" (H. P. 914) (L. D. 1015) as it is covered by other legislation.

Mr. Vaughan from same Committee reported same on Bill "An Act relating to Hunting with Bow and Arrow in Washington County" (H. P. 96) (L. D. 98) as it is covered by other legislation.

Mr. Watson from same Committee reported same on Bill "An Act relating to Hunting Licenses for Minors" (H. P. 12) (L. D. 6) which was recommitted, as it is covered by other legislation.

Mr. Whitney from same Committee reported same on Bill "An Act relating to Hunting Licenses for Minors" (H. P. 919) (L. D. 1020) as it is covered by other legislation.

Mr. McGlaflin from the Committee on Judiciary reported same on Resolve Providing for an Increase in State Pension for Mary McMahon of Eastport (H. P. 889)

Same gentleman from same Committee reported same on Bill "An Act to Authorize Bonds in

the Amount of Fourteen Million Dollars for Bonus to Maine Veterans of World War II and Korean Campaign and to Repay Bonds by Additional Cigarette and Tobacco Taxes" (H. P. 1155) (L. D. 1303) as it is covered by other legislation.

Same gentleman from same Committee reported same on Resolve Proposing an Amendment to the Constitution to Provide for a Bonus to Maine Veterans of World War II and the Korean Campaign (H. P. 1156) (L. D. 1304) as it is covered by other legislation.

Mr. Trafton from same Committee reported same on Bill "An Act relating to Inheritance Taxes on Joint Property Held by Husband and Wife" (H. P. 1136) (L. D. 1286)

Mr. Couture from the Committee on Labor reported same on Bill "An Act to Eliminate Double Penalties Under Employment Security Law" (H. P. 526) (L. D. 564)

Same gentleman from same Committee reported same on Bill "An Act Amending the Maine Employment Security Law as to Disqualifications for Benefits" (H. P. 752) (L. D. 777)

Mr. West from same Committee reported same on Bill "An Act Amending the Maine Employment Security Law as to Employer's Experience Classifications" (H. P. 753) (L. D. 778)

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft Tabled and Assigned

Mr. Bailey from the Committee on Agriculture on Bill "An Act Imposing a Tax on Milk Producers for Promotional Purposes" (H. P. 1032) (L. D. 1168) reported same in a new draft (H. P. 1284) (L. D. 1530) under same title and that it "Ought to pass"

Report was read.

(On motion of Mr. Campbell of Guilford, the Report with accompanying papers was tabled pending acceptance of the committee report and was specially assigned for tomorrow.)

Mr. Jacobs from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide

Additional State Office Space" (H. P. 22) (L. D. 17) reported same in a new draft (H. P. 1285) (L. D. 1533) under same title and that it "Ought to pass"

Report was read.

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

Mr. TOTMAN: Mr. Speaker, I arise for a point of information. As I understand it, this bill would authorize the State to spend three million dollars for a new State House addition. As I read the new draft, L. D. 1533, trying to understand the bill as ably as I can, it appears that a committee appointed by the Governor of five persons will, in effect, decide what kind of building it shall be. I want to state here and now that I certainly have no pet schemes but before we vote on a three million dollar addition, which we are going to do here if we receive the "Ought to pass" report of the committee, I would appreciate some enlightenment by a member of the Appropriations Committee as to whether or not I am correct in assuming that five people will decide what type of building it shall be and would they be able to give us, the Legislators, a glimpse into the future of what they presently have in mind for a type of office building. There has been quite a bit of discussion about it around the corridors this session.

The SPEAKER pro tem: The gentleman from Bangor, Mr. Totman, addresses a question through the Chair to any member of the Appropriations Committee. They may answer if they wish.

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

Mr. JACOBS: Mr. Speaker, in answer to the question of the gentleman who just spoke, we have in the bill provision that the Governor and Council, the Governor shall appoint a committee of five as an advisory committee with the Governor and Council to erect such a building as, in their judgment, is the best fitting for the business in hand for the State of Maine. Does that answer the question?

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

Mr. TOTMAN: Mr. Speaker, if I may be allowed to impose upon the courtesy of the gentleman from Auburn, Mr. Jacobs, may I ask if there is any decision yet or any idea yet as to what type of building, whether it is going to be the controversial brick building or is it going to be the granite building?

The SPEAKER pro tem: The gentleman from Bangor, Mr. Totman, addresses a question through the Chair to the gentleman from Auburn, Mr. Jacobs.

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

Mr. JACOBS: Mr. Speaker, the committee was at variance in regard to this matter and inasmuch as the Governor has expressed himself as favoring an office building, I would judge from the conditions now existing that the Governor and the Council and the advisory committee which he selects to do this work would answer the question. We did not feel, as a committee, that we should recommend additions to this building or a new office building. We felt that the Governor and Council in their wise judgment with the five members to be selected by him from the State of Maine, business men, that they would do the job commensurate with what is necessary for increased space for office work of the State of Maine. I think that we have to leave it to them to decide. I do not believe that we could here on the Floor of this House.

The SPEAKER pro tem: The question before the House is on the acceptance of the committee report. Is it the pleasure of the House that the report of the—

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

Mr. CURTIS: Mr. Speaker, I, too, would like to know a little more about this so I move that this be laid on the table and be specially assigned for tomorrow.

The SPEAKER pro tem: The gentleman from Bowdoinham, Mr. Curtis, moves that the Report of the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide Additional State Office Space," House Paper 22, Legislative Document 17, reporting

same in a new draft, House Paper 1285, Legislative Document 1533, under the same title and that it "Ought to pass," together with accompanying papers, be tabled pending acceptance of the report and specially assigned for tomorrow. Is this the pleasure of the House?

(Calls of "No")

All those in favor of the motion of the gentleman from Bowdoinham, Mr. Curtis, will say aye; those opposed, no.

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

Thereupon, the Report was accepted.

The SPEAKER pro tem: At this time, the Chair has been informed that it is our pleasure to have a group of fifty students from the St. Rose School of Chisholm, Maine, in charge of Sister Leurentia and Sister St. Thomas. We welcome you to the House. (Applause)

Thereupon, Bill "An Act to Provide Additional State Office Space" in new draft, House Paper 1285, Legislative Document 1533, was given its two several readings and assigned for third reading tomorrow.

Mr. Pullen from the Committee on Highways on Bill "An Act relating to Reimbursement to Towns for Snow Removal" (H. P. 581) (L. D. 623) reported same in a new draft (H. P. 1289) (L. D. 1532) under same title and that it "Ought to pass"

Mr. Dodge from the Committee on Transportation on Bill "An Act relating to Fastening of Logs and Tubular Products Carried by Motor Vehicles" (H. P. 880) (L. D. 872) which was recommitted, reported same in a new draft (H. P. 1288) (L. D. 1531) under title of "An Act relating to Binding of Logs, Lumber and Timber Carried by Motor Vehicles" and that it "Ought to pass"

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

Ought to Pass with Committee Amendment

Mr. Hand from the Committee on Legal Affairs on Bill "An Act Amending the Charter of the City

of Auburn (H. P. 1055) (L.D. 1197) 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. 1055, L. D. 1197, Bill "An Act Amending the City Charter of the City of Auburn."

Amend said Bill in section 4, by inserting after the underlined word "who" in the 2nd line of the 3rd paragraph the underlined words 'after 2 years'

Further amend said Bill in section 4, by adding at the end of the 3rd paragraph the following underlined sentence: 'Any regular member of said department, who shall be appointed to the department within 2 years after the effective date of this act, who shall not be retired under the provisions of this article as amended, within said 2 years, shall at the end of said 2 years cease to retain the pension benefits prescribed by this article, as amended.'

Further amend said Bill in section 6 by inserting after the underlined word "who" in the 2nd line of the 3rd paragraph the underlined words 'after 2 years'

Further amend said Bill in section 6 by adding at the end of the 3rd paragraph the following underlined sentence: 'Any regular member of said department, who shall be appointed to the department within 2 years after the effective date of this act, who shall not be retired under the provisions of this article as amended, within said 2 years, shall at the end of said 2 years cease to retain the pension benefits prescribed by this article, as amended.'

Further amend said Bill by adding the following at the end thereof:

'Referendum; effective date; certificate to secretary of state.'

This act shall take effect 90 days after the adjournment of the legislature, only for the purpose of permitting its submission to the legal voters of the City of Auburn at a special election called and held for the purpose or at an annual municipal election of the city of Au-

burn. Such special election or annual municipal election shall be held not later than the next regular annual municipal election after the effective date of this act. In event a special election is called for the purpose, it shall be called, advertised and conducted according to the law relating to municipal elections; provided, however, that the board of registration in said city of Auburn shall not be required to prepare for posting, or the city clerk to post, a new list of voters, and for the purpose of registration of voters, said board shall be in session the 3 secular days next preceding such special meeting, the 1st and 2nd days thereof to be devoted to the registration of voters, and the 3rd day to enable the board to verify the corrections of said list and to complete and close up their records of said sessions. The city clerk shall prepare the required ballots on which he shall reduce the subject matter of this act to the following question: "Shall the act amending the Charter of the City of Auburn be accepted?" and the voters shall indicate by a cross or check mark placed over the words "Yes" or "No" their opinion of the same. This act shall take effect for all purposes thereof immediately upon its acceptance by a majority vote of the legal voters voting at said election; provided that the total number of votes cast for and against the acceptance of this act at said election; equals or exceeds 20% of the total vote for all candidates for governor in said city at the next previous gubernatorial election. The result of such election shall be declared by the municipal officers of the city of Auburn, and due certificate filed by the city clerk with the secretary of state.

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

Mr. Hand from the Committee on Legal Affairs on Bill "An Act to Incorporate the Newport School District" (H. P. 1209) (L. D. 1380) 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. 1209, L. D. 1380, Bill, "An Act to Incorporate the Newport School District."

Amend said bill by inserting after the word "provisions" in the 1st line of section 1 thereof the words 'of sections 8 and 9'.

Further amend said bill by striking out the words "shall constitute" in the 2nd and 3rd lines of section 1 and inserting in place thereof the words 'are hereby created'.

Further amend said bill by striking out the words "land within said town for school purposes, and erecting, constructing, equipping and maintaining on said land a school building or buildings and related athletic, recreational and school lunch facilities, and grading the grounds about the same" in lines 4, 5, 6, and 7 of section 1 and inserting in place thereof the words 'property within the said town for school and related athletic and recreational purposes; for the purpose of erecting, enlarging, repairing, equipping and maintaining on said property a school building or school buildings and related athletic and recreational facilities'.

Further amend said bill by striking out the words "for the carrying out" appearing after the word "necessary" in the 2nd line of section 4 and inserting in place thereof the words 'to carry out'.

Further amend said bill by striking out the words "is hereby authorized to issue its bonds and notes therefor, but shall not incur a total indebtedness in excess of the sum of \$40,000" in lines 3, 4, and 5 of section 4, and inserting in place thereof the words 'is hereby authorized from time to time to borrow money and to issue bonds and notes for the district therefor, but shall not incur a total indebtedness at any one time outstanding in excess of the sum of \$75,000'.

Further amend said bill by inserting the words 'with or without call provisions' after the word "periods" in line 9 of section 4.

Further amend said bill by inserting after the word "or" in the 22nd line of section 6 the words 'either or'.

Further amend said bill by striking out the figures "20" in the next to the last line of the 3rd para-

graph of section 5 and inserting in place thereof the figures '30'.

Further amend said bill by inserting a comma after the word "any" in the 13th line of section 8 thereof.

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

Mr. Martin from the Committee on Legal Affairs on Bill "An Act to Incorporate Eagle Lake School District" (H. P. 1190) (L. D. 1339) 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. 1190, L. D. 1339, Bill, "An Act to Incorporate the Town of Eagle Lake School District."

Amend said Bill by inserting after the word "provisions" in the 1st line of section 1 thereof the words 'of sections 7 and 9'.

Further amend said bill by inserting after the word "erecting" in the 6th line of section 1 the word and punctuation 'enlarging,' and in the 7th line thereof insert a comma after the word "buildings" and by adding after the semicolon in the 8th line the words 'for the purpose of maintaining elementary and secondary schools;' and by striking out the words "for the purpose of completing, grading, furnishing, rebuilding, renovating and otherwise bettering the condition of any or all buildings within said town used for school purposes or which may hereafter be used for school purposes."

Further amend said bill by inserting after the word "conveyance" in the 4th line of section 2, the words 'of pupils'.

Further amend said bill by striking out the words "school board" in the 6th line of section 2, and inserting in place thereof the words 'superintending school committee'.

Further amend said bill by changing the word "authority" appearing in the 9th and 10th lines of section 2, to the word 'authorities'.

Further amend said bill by inserting the word 'clerk' after the word

and punctuation "president," appearing in the 4th line of the 3rd paragraph of section 3.

Further amend said bill by adding after the word "and" in the 1st line of section 4 the word 'for' and by striking out the word "expense" in the 2nd line thereof and inserting the word 'expenses'.

Further amend said bill by striking out the words "for the carrying out of" after the word "necessary" in the 2nd line of section 4, and inserting in place thereof the words 'to carry out'.

Further amend said bill by inserting after the word "authorized" in the 3rd line of section 4, the following words: 'from time to time to borrow such sums of money as shall be fixed at an annual meeting of the town of Eagle Lake or a special meeting thereof called and held for that purpose, and'

Further amend said bill by striking out the word "semi-annually" in the 5th line of the 2nd paragraph of section 4, and inserting the word 'serially' in place thereof.

Further amend said bill in the 2nd paragraph of section 4 by inserting the word 'government' after the word "federal" in the 17th line and by inserting the words 'or any agency thereof or any corporation or board authorized by the federal government or state government' after the words "state government" in the 17th line of said paragraph.

Further amend said bill in section 5 thereof by inserting a comma after the word "Maine" in the 12th line and by adding at the end of said section 5 the 2 following paragraphs:

'Whenever any bonds or notes issued by said district may become due or can be purchased or called for redemption by said district on favorable terms, said trustees, if sufficient funds have accumulated in the sinking fund provided therefor, shall pay, purchase or redeem said bonds or notes and cancel them. In no case shall bonds or notes so paid, purchased or redeemed, and canceled, be issued again.

In case the amount in any sinking fund shall not be sufficient to pay the total amount when due of the bonds or notes for which such

sinking fund was provided, or in case it shall become desirable in the opinion of the trustees to call for redemption any outstanding bonds or notes and to issue new bonds or notes in their stead, authority is hereby granted to said district to issue new bonds or notes sufficient in amount to pay or redeem so many of said original bonds or notes as cannot be paid or redeemed from the sinking fund provided therefor, if any, but in no case shall such new bonds or notes mature more than 30 years from the original date of issue of the original bonds or notes so refunded.'

Further amend said bill in section 6 by inserting after the word "obligations" in the 6th line thereof, the words 'and what sum is required each year to meet other necessary expenses in the district'

Further amend said bill by inserting after the word "or" in the 5th line from the end of section 6 the words 'either or'

Further amend said bill by striking out the words "school board" in the 8th line of section 7 and inserting in place thereof the words 'superintending school committee'

Further amend said bill by inserting the words 'or committee' after the words "or such other board" in the 9th line of section 7.

Further amend said bill by inserting a comma after the word "any" in the 13th line of section 7 thereof.

Further amend said bill by inserting the word 'next' after the word "the" in the 4th line from the end of section 9.

Further amend said bill by striking out the words "or special" after the word "regular" in the 4th line of section 9.

Further amend said bill by striking out the period after the word "act" in line 6 of section 9 and inserting in place thereof the following: ', provided that an appropriate article relating to the referendum provision of this act has been inserted in the call for such town meeting.'

Further amend said bill by inserting a comma after the words "town of Eagle Lake" in the next to the last line of section 9.

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

The SPEAKER pro tem: Will the gentleman from Hallowell, Mr. Vaughan, please approach the rostrum?

Mr. Stewart of Paris from the Committee on Legal Affairs on Bill "An Act to Grant a New Charter to the City of Hallowell" (H. P. 1105) (L. D. 1241) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted, the Bill read twice and tomorrow assigned for third reading.

Mr. Stewart of Portland from the Committee on Legal Affairs on Bill "An Act to Incorporate the Augusta School District" (H. P. 1054) (L. D. 1195) 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. 1054, L. D. 1195, Bill, "An Act to Incorporate the Augusta School District."

Amend said bill by striking out the words and punctuation "for the purpose of completing, grading, furnishing, rebuilding, renovating and otherwise bettering the condition of any or all buildings within said city used for school purposes or which may hereafter be used for school purposes;" beginning in the 8th line of section 1 and ending in the 11th line.

Further amend said bill by striking out the words "school board" in the 5th line of section 2, and inserting in place thereof the words 'superintending school committee.'

Further amend said bill by striking out the figure and word "6 years" in the 11th line of section 3 and inserting in place thereof the figure and word '3 years'.

Further amend said bill by striking out the figure and word "6 years" appearing in the 25th line of the 3rd paragraph of section 3 and inserting in place thereof the figure and word '3 years'.

Further amend said bill by striking out the words "exceeding the sum of \$800,000" in the 5th line of section 4 and inserting in place thereof the following: 'at any one time outstanding in excess of the sum of \$900,000'.

Further amend said bill by adding after the word "with" in the 10th line of section 4 the words 'or without'.

Further amend said bill by striking out the word "and" in the 29th line of section 5 and inserting in place thereof the word 'or'.

Further amend said bill by inserting after the word "or" in the 24th line of section 6 the words 'either or'.

Further amend said bill by striking out the words "school board" in the 8th line of section 7 and inserting in place thereof the words 'superintending school committee'.

Further amend said bill by inserting the words 'or committee' after the words "or such other board" in the 9th line of section 7.

Further amend said bill by inserting a comma after the word "any" in the 13th line of section 7 thereof.

Further amend said bill by adding the following paragraph in section 8:

'Before transferring and conveying any of said property or turning over any of said funds or assets, the municipal officers of the city of Augusta shall be duly authorized to do so by a majority vote of the legal voters present at any regular or special municipal election, the call for which shall have given notice of the proposed action.'

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

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act relating to Report of Adoption Filed in Probate Court" (H. P. 656) (L. D. 699) reporting same in a New Draft "A" (H. P. 1286) (L. D. 1534) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. REID of Kennebec
WARD of Penobscot
HARDING of Knox
—of the Senate.

LOW of So. Portland
TRAFTON of Auburn
FITANIDES of Saco
CIANCHETTE of Pittsfield
FULLER of Bangor
MARTIN of Augusta
—of the House.

Minority Report of same Committee on same Bill reporting same in a New Draft "B" (H. P. 1287) (L. D. 1535) under same title and that it "Ought to pass"

Report was signed by the following member:

Mr. McGLAUFILIN of Portland
—of the House.

Reports were read.

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

Mr. TRAFTON: Mr. Speaker, I move the adoption of the majority report favoring new draft "A".

The SPEAKER pro tem: The gentleman from Auburn, Mr. Trafton, moves that the majority report of the committee "Ought to pass" in a new draft "A" be accepted. Is this the pleasure of the House?

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

Mr. TRAFTON: Mr. Speaker and Members of the House: This original bill was introduced simply to clarify an inconsistency in the existing law. The law as it was provided that the certificate of birth, that after an adoption proceeding, the Registrar of Deeds should file an attested copy of the certificate of adoption on a form prescribed and furnished by the State Registrar.

Now, it is just impossible to do that. The adoption certificate was quite a different thing from the report that the State Registrar wished filed and so to clarify that inconsistency, the bill was offered.

A gentleman in the Health and Welfare Department, on studying the bill, said: "Well, there is another inconsistency or stupid thing in the existing law." It provided that the birth certificate copy which was filed in the adoption proceeding with the court to begin with should be filed back again with the clerk of the town where the child was born. That was the clerk who had offered the certificate in the first place. So, they suggested a new draft, which is draft "A". The difference between draft "A" and

draft "B," principally, is that draft "B" would require that on any birth certificate issued after the adoption a reference should be made to the fact that this birth certificate was issued under the provisions of the chapter and section of the statutes here involved. It would be another way of saying: "This is an adopted child, whose birth certificate you are looking at." That provision is something new. The existing law provides that any birth certificate issued after the adoption shall read as if such child had been born to such adopted parents and if you wish to change the existing law and have it that when a child goes to school, if he is adopted, the teacher will see right off the bat that he is an adopted child and anyone else who looks at this new birth certificate, then you should adopt draft "B". If you want the existing law to remain as it is regarding the birth certificate and simply clarify the inconsistency in the existing law, then you should adopt draft "A". I hope draft "A" receives the same support that it did from the committee.

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

Mr. MCGLAUFLIN: Mr. Speaker and Members of the House: The controversy in this case started, I understand, from the fact that the head of the Bureau of Vital Statistics got out a one-page report for the Register of Probate to return to him, asking repeated questions that he knew nothing about. He therefore refused to fill in those questions. The head of the Bureau of Vital Statistics had not furnished him with a report that was proper under the law.

Under these circumstances, a bill was introduced to make some changes. I talked the matter over with Mr. Peabody, the Register of Probate in Cumberland County, and finally he himself wrote out a bill which I have introduced, Redraft "B" which would take care of the situation very well indeed.

The point of controversy is in the last sentence of each of these bills. The bill that I introduced, the last sentence reads as follows: "Any certificate of birth of such child thereafter issued shall be issued in accordance with the facts

contained in the report of adoption, and shall state in addition that such new certificate is issued under the provisions of this section, a reference to which shall be printed on every such certificate."

That refers to the statute and enables you to know that there is an adoption. It tells nothing about the child whatsoever.

Now the provision in "A" reads as follows. Note this.

"Any certificate of birth of such child thereafter issued shall be issued so as to read in all respects as if the child had been born to such adopted parents."

Now that may be the law, but it is a downright lie. You heard me talk on this question of telling the truth the other day. You voted me down on this one, but in that case it suppressed the truth but it did not tell an absolute lie, and this is exactly what this does; it compels an officer to issue a false statement.

I therefore move for the indefinite postponement of the New Draft "A" so that I can substitute New Draft "B".

The SPEAKER pro tem: The gentleman from Portland Mr. McGlaufflin, moves the indefinite postponement of New Draft "A".

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

Mr. FULLER: Mr. Speaker and Members of the House: As one of the signers of the majority report, I would like to say a few words in support of New Draft "A".

Those who proposed the adoption of this New Draft "A" believed that they were acting in accordance with the policy that has been adopted by the Legislature in the past and which we believe is the proper policy.

I have here the law on adoption of persons. It begins like this: "By such decree the natural parents are divested of all legal rights in respect to such child, and he is freed from all legal obligations of obedience and maintenance in respect to them, and he is for the custody of the person and rights of obedience and maintenance to all intents and purposes the child of his adopters, with rights of inheritance when not otherwise expressly provided in the decree of adoption the same as if born to them in

lawful wedlock." Then the Legislature went on and clarified the rights of inheritance, and near the end of that section we find again the same words, "the same as if born to said adoptive parents in lawful wedlock.

Now we felt that that means that the adopting parents are entitled to a certificate which would show that the child was their child, so that inquisitive people won't be raising unnecessary questions about it.

That, in brief, is the main point of difference between the proponents of Reports "A" and "B" and I hope that Report "A" will be adopted.

The SPEAKER pro tem: The Chair has been informed that new draft "A" is not now before the House. Was it the intention of the gentleman from Portland, Mr. McGlauffin, to move indefinite postponement of the majority report?

Mr. McGLAUFFIN: That is correct, Mr. Speaker.

The SPEAKER pro tem: The gentleman from Portland, Mr. McGlauffin, moves that the majority report be indefinitely postponed. Is the House ready for the question?

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

Mr. TOTMAN: Mr. Speaker and Members of the House: Inasmuch as I have a great admiration for the gentleman from Portland, Mr. McGlauffin, as evidenced by his stand on the holiday bill and sometimes being in the minority and being very correct, I am just a little bit hesitant before I vote on this bill. I am perfectly in sympathy with the majority report of the committee but I would like just one further point of information before I vote and I would like to direct a question to any member of the signers of the majority report before I vote, can they explain to me if, as the gentleman from Portland, Mr. McGlauffin, states, you change the birth certificate, what is the effect going to be if later on — I am not a lawyer and therefore do not know how uncertain it is — what is the effect going to be in years hence when you try to trace a family history or have a contested will and try to trace the line of

descent? That may not be important but I would like to ask it, please.

The SPEAKER pro tem: The gentleman from Bangor, Mr. Totman, addresses an inquiry through the Chair to any member signing the majority report.

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

Mr. TRAFTON: Mr. Speaker, in answer to the gentleman's question, the facts of the adoption are always in the Probate Court, for anyone who has a point that justifies his seeing them he always sees them.

The SPEAKER pro tem: Does the answer satisfy the gentleman?

Is the House now ready for the question?

The question before the House is on the motion of the gentleman from Portland, Mr. McGlauffin, that the majority report of the Committee on Judiciary on Bill "An Act relating to Adoption Filed in Probate Court" in a new draft "A", House Paper 1286, Legislative Document 1534, be indefinitely postponed.

All those in favor of the motion of the gentleman from Portland, Mr. McGlauffin, will signify by saying aye; those opposed, no.

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

The SPEAKER pro tem: The question now before the House is on motion of the gentleman from Auburn, Mr. Trafton, that the House accept the majority report of the committee. Is this the pleasure of the House?

The motion prevailed and the majority report was accepted, the Bill was given its two several readings and assigned for third reading tomorrow.

Divided Report Tabled and Assigned

Majority Report of the Committee on Judiciary on Bill "An Act to Create the Lewiston Parking District" (H. P. 1092) (L. D. 1226) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. REID of Kennebec
WARD of Penobscot

HARDING of Knox
—of the Senate
Messrs. McGLAUFN of Portland
FULLER of Bangor
LOW of South Portland
CIANCHETTE of Pittsfield
—of the House

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

Report was signed by the following members:

Messrs. TRAFN of Auburn
MARTIN of Augusta
FITANIDES of Saco
—of the House

Reports were read.

(On motion of Mr. Cote of Lewiston, a viva voce vote being taken, the two reports with accompanying papers were tabled pending acceptance of either report and specially assigned for tomorrow.)

At this point, Speaker Bates returned to the rostrum.

Speaker BATES: To the gentleman from Brunswick, Mr. Senter, I am sure the House has enjoyed having you serve as Speaker pro tem. On behalf of the House and personally I wish to thank you sincerely.

Mr. SENTER: Thank you, Mr. Speaker.

Thereupon, Mr. Senter returned to his seat on the Floor amid the applause of the House and Speaker Bates resumed the Chair.

Divided Report

Majority Report of the Committee on Judiciary on Resolve Authorizing Alfred Howard, Sr. and Ethel M. Howard of Bingham to Sue the State of Maine (H. P. 1171) (L. D. 1326) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. REID of Kennebec
HARDING of Knox
—of the Senate
Messrs. McGLAUFN of Portland
TRAFN of Auburn
FITANIDES of Saco
CIANCHETTE of Pittsfield
—of the House

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

Report was signed by the following members:

Mr. WARD of Penobscot
—of the Senate
Messrs. FULLER of Bangor
LOW of South Portland
MARTIN of Augusta
—of the House

Reports were read.

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

Mr. McGLAUFN: Mr. Speaker, I move the acceptance of the majority report.

The SPEAKER: The gentleman from Portland, Mr. McGlauffin, moves that the majority report "Ought to pass" as amended by Committee Amendment "A" be accepted.

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

Mr. FULLER: Mr. Speaker and Members of the House: As one of the signers of the minority report on this matter my position is this: We had two of these resolves authorizing various people to bring suit against the State. The committee rejected the first one and a majority of the committee was in favor of this one. It seemed to me that the positions were inconsistent and that it couldn't help resulting in a misunderstanding among the parties involved.

Before allowing a suit against the State, rather than having a claim presented to the Committee on Claims, it seems that there should be more than a reasonable reason for doing so. As one member of the minority, I was unable to see a reasonable reason for it so that accounts for my position on the matter.

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

Mr. McGLAUFN: Mr. Speaker, I have frequently voted against allowing a person to sue the State of Maine and particularly so when it was possible for him to come before the Claims Committee to present his claims. This particular case was one where it was not possible for the man to get his claim before the Claims Committee. A woman, I think, was injured. If she was to have the privilege to get anything

she would have to wait for at least two years. The circumstances of this particular case differed from any other that has previously been presented so that a majority felt that it was only justice to these people to give them an opportunity to present their claim before the court.

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

Mr. WATSON: Mr. Speaker and Members of the House: I entered this claim. I am quite interested in it. I think it is a very deserving case and I think all they are asking the Legislature to do is give these people permission to take this to court and I hope that you will go along with the majority report.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. McGlauffin, that the majority report of the Committee on Judiciary on Resolve Authorizing Alfred Howard, Sr., and Ethel M. Howard of Bingham to Sue the State of Maine, House Paper 1171, Legislative Document 1326, reporting "Ought to pass" as amended by Committee Amendment "A" be accepted.

As many as are in favor of the motion of the gentleman from Portland, Mr. McGlauffin, will say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed and the majority report was accepted and the Resolve was given its first reading.

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

COMMITTEE AMENDMENT "A" to H. P. 1171, L. D. 1326, Resolve Authorizing Alfred Howard, Sr. and Ethel M. Howard of Bingham to Sue the State of Maine

Amend said resolve by striking out after the word "and" as it appears the second time in the 17th line thereof the words "the liabilities of the parties shall be the same as the liabilities between individuals" and inserting in place thereof the following:

"nothing herein shall be construed to determine the liabilities as between the parties, which liabilities as well as the matter of damages shall be determined by the tribunal hereinafter described"

Further amend said resolve by inserting after the next to the last sentence thereof the following sentence:

'In no case shall damages be assessed for more than the sum of \$5,000.'

Committee Amendment "A" was adopted and the Resolve was assigned for second reading tomorrow.

Passed to Be Engrossed

Bill "An Act relating to the Superintendent of Public Buildings" (S. P. 182) (L. D. 423)

Bill "An Act Authorizing Appointment of Special Guardian" (S. P. 549) (L. D. 1464)

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 Bill

Bill "An Act Providing for a Deputy Commissioner of Institutional Service" (H. P. 897) (L. D. 883)

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

Mr. Cote of Lewiston then offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 897, L. D. 883, Bill "An Act Providing for a Deputy Commissioner of Institutional Service."

Amend said Bill by striking out all of section 2 and inserting in place thereof the following:

'Sec. 2. **Appropriation.** There is hereby appropriated from the general fund for the fiscal year ending June 30, 1954 and the fiscal year ending June 30, 1955 such sum as the governor and council shall deem necessary to carry out the purposes of this act.'

House Amendment "A" was adopted and the Bill as amended was given its third reading, passed to be engrossed and sent to the Senate.

Bill "An Act Providing for Towns Sharing in Profits from State Owned Lands" (H. P. 1279) (L. D. 1515)

Resolve in favor of the Augusta State Hospital (S. P. 555) (L. D. 1487)

Resolve in favor of Maine State Prison (S. P. 556) (L. D. 1488)

Resolve in favor of the Forestry Department (S. P. 557) (L. D. 1489)

Resolve in favor of the Department of Adjutant General (S. P. 558) (L. D. 1490)

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

Amended Resolve

Resolve in favor of Central Maine Sanatorium (S. P. 559) (L. D. 1491)

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

The SPEAKER: The Chair recognizes the gentleman from East Machias, Mr. Cates.

Mr. CATES: Mr. Speaker, I would like to pass over Item 9 for the purpose of making an amendment after the rest of the third readers are taken care of, or I will present it now, either one. I would like to speak—

The SPEAKER: The Chair will state that if the gentleman's amendment is prepared and reproduced, it is in order for presentation at this time.

Mr. CATES: Mr. Speaker, I have House Amendment "A" to L. D. 1491 and move its adoption and I would like to explain further.

The SPEAKER: The gentleman from East Machias, Mr. Cates, offers House Amendment "A" and moves its adoption. The gentleman may proceed.

Mr. CATES: Mr. Speaker, this amendment to L. D. 1491 carries a price tag of \$14,000. When the Appropriations Committee heard this item, the department wanted a new X-ray machine for the Central Maine Sanatorium. Due to the closeness of the budget, we did not allow it but since the Appropriations Bill and the revenues are now somewhere near in balance they feel that perhaps the Central Maine Sanatorium should be allowed to have this new X-ray equipment and for that purpose this amendment was presented. Thank you.

The SPEAKER: The Clerk will read House Amendment "A".

The CLERK:

HOUSE AMENDMENT "A" to S. P. 559, L. D. 1491, Resolve in Favor of Central Maine Sanatorium

Amend said Resolve by striking out the figures "\$7,700" in the 2nd line and inserting in place thereof the figures "\$21,700".

House Amendment "A" was adopted on motion of Mr. Cates of East Machias.

The Resolve as amended was then given its second reading and passed to be engrossed in non-concurrence and sent up for concurrence.

Resolve in favor of Pownal State School (S. P. 560) (L. D. 1492)

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

Tabled and Assigned

Resolve in favor of State School for Girls (S. P. 561) (L. D. 1493)

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

(On motion of Mr. Trafton of Auburn, the Resolve was tabled pending second reading and specially assigned for tomorrow.)

Resolve in favor of Gorham State Teachers' College (S. P. 562) (L. D. 1494)

Resolve in favor of Western Maine Sanatorium (S. P. 563) (L. D. 1495)

Resolve in favor of Baxter State Park (S. P. 564) (L. D. 1496)

Resolve in favor of Northern Maine Sanatorium (S. P. 565) (L. D. 1497)

Resolve in favor of Reid State Park (S. P. 566) (L. D. 1498)

Resolve in favor of Lake St. George State Park (S. P. 567) (L. D. 1499)

Resolve in favor of Washington State Teachers' College (S. P. 568) (L. D. 1500)

Resolve in favor of Aroostook State Teachers College (S. P. 569) (L. D. 1501)

Resolve in favor of Sebago State Park (S. P. 570) (L. D. 1502)

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

Tabled

Resolve in favor of School for the Deaf (S. P. 571) (L. D. 1503)

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

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

Mr. ROUNDY: Mr. Speaker, I move that this matter lie on the table pending the second reading for the purpose of offering an amendment.

The SPEAKER: The gentleman from Portland, Mr. Roundy, moves that Item 21, Legislative Document 1503, lie on the table pending second reading. Is this the pleasure of the House?

The motion prevailed and the Resolve was so tabled.

Resolve in favor of Aroostook State Park (S. P. 572) (L. D. 1504)

Resolve in favor of the Bangor State Hospital (S. P. 573) (L. D. 1505)

Resolve in favor of the Reformatory for Men (S. P. 574) (L. D. 1506)

Resolve in favor of the Department of Public Buildings (S. P. 575) (L. D. 1507)

Resolve in favor of Farmington State Teachers' College (S. P. 576) (L. D. 1508)

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

Amended Bills

Bill "An Act relating to Construction of State Aid Highways" (H. P. 326) (L. D. 394)

Bill "An Act Creating the Maine Food Law" (H. P. 344) (L. D. 351)

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

Bill "An Act relating to Education in Unorganized Territory" (S. P. 448) (L. D. 1262)

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

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

Mr. BURGESS: Mr. Speaker, may I ask that Item 29 be temporarily set aside until after we have finished with bills in the third reading and then address myself to the House in respect to that item?

The SPEAKER: Item 29, upon request of the gentleman from Limestone, Mr. Burgess, is temporarily passed over.

Subsequently, the Chair recognized the gentleman from Limestone, Mr. Burgess.

Mr. BURGESS: Mr. Speaker, may I ask whether or not I need unanimous consent to address my remarks to this item?

The SPEAKER: The Chair will state that this is the matter pending before the House at this moment. The gentleman may proceed.

Mr. BURGESS: Mr. Speaker and Members of the House: I would like to point out to you exactly what this bill proposes to do, in order that each of us, when voting for or against, will be able to decide whether we wish the State to set up a new service in unorganized townships.

I might say at the start that the price tag is \$20,000 and briefly, it is to provide and authorize the State Department of Education to convey children in unorganized townships to school. Now, it is my belief that we should be very careful about passing legislation which will encourage the de-organization of border-line towns or plantations. It is my further belief that we should do everything to encourage them to remain organized and this item, in my opinion, is another bait held out which would in the future encourage the de-organization of some towns in order to have the State pay for the conveyance of their pupils to their public schools.

Believe me, I am fully aware of the problem in these unorganized and de-organized townships and my sympathy goes out to them but we have in the past passed legislation which has done considerable for them, namely by setting up a revolving fund to enable them to have constructed adequate housing for their pupils and we have enacted many other pieces of legislation which will help out their educational system but it still leaves the responsibility of paying the bill upon them.

Mr. Speaker, with those remarks and in view of the fact that we are operating on a close budget and that the money which this bill would use, namely \$20,000, could very well be used for a better purpose and for the additional reason that I do not want to be a part of encouraging towns to de-organize to get under the State's umbrella, I move the indefinite postponement.

The **SPEAKER**: The gentleman from Limestone, Mr. Burgess, moves that Bill "An Act relating to Education in Unorganized Territory," Senate Paper 448, Legislative Document 1262, as amended by Committee Amendment "A" and Senate Amendment "B" be indefinitely postponed.

The Chair recognizes the gentleman from Island Falls, Mr. Crabtree.

Mr. **CRABTREE**: Mr. Speaker and Members of the House: I could not help but wonder what arguments could be brought forth in support of indefinite postponement. I suppose it is possible that there may be a border-line town that might be encouraged by this bill to de-organize. I can't quite imagine it but I suppose it is possible.

I want to set forth a few of the facts that we heard in the Committee on Education on this matter before we vote on it. You see, unfortunately, there is no lobby to speak for the children in the large families in the unorganized townships. They are humble families, most of them, and they are large families; that seems to go hand in hand some way. The State has a responsibility there and it has assumed it very well. At the hearing, I remember very well the people who came forward to express the need on this transportation problem; that's what it is. I won't take time to go over the many cases that were set before us, but to illustrate the situation which is common in many unorganized townships, I would bring to your attention the one that I remember most vividly, I think it was Lee Academy. They have a large number of children from the unorganized and de-organized townships. Lee Academy is not a rich academy as I guess most of us know. It is true of all academies. They transport these children from

as far away as forty miles one way a day to Lee Academy. That is 80 miles a day that these youngsters have to go to get their education. The charge, if my memory is right, I could be a few cents out of the way, is \$3.50 a week. I think I am right on that. Now, there were mothers at this hearing who pointed out to us that they could handle the situation when they had one or two children and take care of this transportation but there were numerous cases indeed where they could not, simply could not, pay this \$3.50 a week to transport more than perhaps one.

The Principal of Lee Academy was at the hearing also and he pointed out several cases where Lee Academy had carried this cost indirectly as long as they could. They are very open-hearted in the matter, they don't press the claims, but, still and all, they don't have the money to pay it all. When the bills became so badly overdue he would send a statement to these homes which meant that all of the children were withdrawn from school. I do not think that is right; I do not think that you want it that way.

A few minutes ago, we found, suddenly and much to my amazement, that we had money enough, \$21,000, to buy an X-ray machine and I don't doubt the need of it. They probably need it. Now, we want \$10,000 a year, a total of \$20,000, to insure the education of these large families in very modest circumstances and if equal education to all means anything, it seems to me that we should go along with it. We have money for the X-ray machine. It seems to me that we should have money for these large families in unorganized and de-organized townships, so that they can get to school. I hope that the motion of the gentleman from Limestone, Mr. Burgess, to indefinitely postpone does not prevail.

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

Mr. **SMALL**: Mr. Speaker, I would just like to say two or three words in support of this measure and to agree with the gentleman from Island Falls, Mr. Crabtree. I spent some time down in the Education Department working upon different

things and I didn't get far with most of them as you well know but I want to assure you that in the estimation of your new Commissioner of Education that the problem of the unorganized townships in this State are getting and are receiving his number one attention. He told me that the problem there is the most serious one of all. It does not represent the largest expenditure in dollars and cents but the problem is most urgent and I hope that you will go along with this bill.

The SPEAKER: The Chair recognizes the gentleman from Lakeville Plantation, Mr. Dicker.

Mr. DICKER: Mr. Speaker, this happens to be one of the bills I have been working for and I hope that the motion of the gentleman from Limestone (Mr. Burgess) does not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Limestone, Mr. Burgess, that Bill "An Act relating to Education in Unorganized Territory", Senate Paper 448, Legislative Document 1262, as amended by Committee Amendment "A" and Senate Amendment "B", be indefinitely postponed.

As many as are in favor of that motion will kindly say aye; those opposed, no.

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

Thereupon the Bill as amended was given its third reading.

Mr. ROUNDY of Portland: Mr. Speaker —

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

Mr. ROUNDY: Mr. Speaker, I rise to inquire about two amendments that—

The SPEAKER: Will the gentleman please defer his inquiry for just a minute until we complete action on the matter before us? The Chair apologizes, I believe the gentleman is still on this matter?

Mr. ROUNDY: Mr. Speaker, I would move that if we have already adopted Committee Amendment "A" to L. D. 1262, I would like to move reconsideration in order to put in another of different character. Mr. Speaker, if I should explain further what I wish to do is to with-

draw this amendment which takes the sum from the unappropriated surplus and in its place introduce an amendment that will take from the general fund.

The SPEAKER: Under suspension of the rules, the gentleman from Portland, Mr. Roundy, moves that the House reconsider its action whereby it adopted Committee Amendment "A". Is this the pleasure of the House?

The motion prevailed, and on further motion of Mr. Roundy, Committee Amendment "A" was indefinitely postponed.

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

Mr. ROUNDY: Mr. Speaker, I now move the adoption of Senate Amendment "B".

The SPEAKER: The Chair will inform the gentleman that Senate Amendment "B" has been adopted.

Mr. ROUNDY: Then that is all right, Mr. Speaker. Thank you very much.

The Speaker: The Chair thanks the gentleman.

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

Bill "An Act relating to the Salary of the Judge of the Waldo County Municipal Court" (H. P. 856) (L. D. 930)

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

Tabled

Bill "An Act relating to Closing County Offices on Saturdays in the County of Androscoggin" (H. P. 1145) (L. D. 1293)

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

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

Mr. ALBERT: Mr. Speaker, I would like to table Item 31 until later on in today's session for the purpose of preparing an amendment.

The SPEAKER: The House has just acted on Item 31. Does the

Chair understand that the gentleman wishes to move to table?

Mr. ALBERT: I move to reconsider, Mr. Speaker.

The SPEAKER: On Legislative Document 1293, Item 31, the gentleman from Augusta, Mr. Albert, moves that the Bill and accompanying papers be tabled pending passage to be engrossed. Is this the pleasure of the House?

The motion prevailed and the Bill was so tabled.

Bill "An Act relating to Holidays for County Offices in the County of Androscoggin" (H. P. 1146) (L. D. 1294)

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

The SPEAKER: The Chair will state while the gong is ringing that we will act on the first four matters under enactors and then the Chair will request anyone having an enactor from No. 5 on who wishes to have debate on that matter to kindly notify the Chair for the purpose of passing over that matter until later in today's session.

Passed to Be Enacted Emergency Measure

An Act relating to Expending Aroostook County Funds for Ricker College (S. P. 458) (L. D. 1273)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 132 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act for the Assessment of a State Tax for the Year Nineteen Hundred Fifty-three and for the Year Nineteen Hundred Fifty-four (H. P. 120) (L. D. 121)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members

elected to the House being necessary, a division was had. 134 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Withdraw the Town of Steuben from the West Washington Community School District (H. P. 1243) (L. D. 1445)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 139 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Resolve On Final Passage Failed of Passage

Resolve Proposing an Amendment to the Constitution Changing the Date of the General Election (H. P. 597) (L. D. 637)

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

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

Mr. FULLER: Mr. Speaker and Members of the House: As I offered a motion when this matter was considered before, I would like to explain my position if that is in order.

I have been advised that the leadership of the Republican party is somewhat cool toward this proposition, but I still don't feel that that needs to be particularly involved here. I may as well be frank about it, and I will say why, and it has nothing to do with the present leadership at all.

But here are a couple of things that happened in the past: At one time some years ago, when none of the present people are involved at all, there was dislike on the part of the Chairman of the Republican State Committee for one of the candidates, so he was asked at one time, or it is reputed that he was asked, what the policy of the party should be, and his remark was:

"Hold your nose and vote the straight Republican ticket."

Another time we had two bills named the Tabb Bill and the Barlow Bill, which were on the ballot, and of course they had been passed by the Legislature and signed by the Governor, and the Republican party, being in control of both branches, of course our party was responsible for them. At that time what did the leadership of the party do? They didn't do anything. They couldn't make up their minds which bill to take or whether to reject both of them. The result was that the party was made to look very badly in the election.

Now it seems to me, if the party could survive such things as this, that the party will survive all right if we decide to allow the people to vote on the date of their election.

I was told also that the National Committee would like to have the election held still in September. If that is so, if the National Committee wants an early election, as an indicative trend, they should help finance it, which they have not done for some years past.

The SPEAKER: The Chair recognizes the gentleman from Medway, Mr. Potter.

Mr. POTTER: Mr. Speaker and Members of the House: There are certain things in New England and in this State of ours which are traditional. The elms here in our city, the boy with his fish pole going up to a little brook fishing, the cat, which we find in the farmhouses lying on the rug, are old New England and State of Maine traditions.

Now, as a small boy growing up in Massachusetts, I remember father watched the papers very closely. We had no radios in those days, and he watched the vote in the State of Maine, to see what would probably happen in the other states in our elections. This has been a tradition since I can remember, to watch the vote in the State of Maine as a barometer. It hasn't always been a barometer, I will admit, but should we give up all of our ancient landmarks?

September elections are as traditional as turkey on Thanksgiving, and I hope you will vote "no" on this Constitutional Amendment, and

I ask that when the vote is taken the yeas and nays be recorded.

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

Mr. MCGLAUFLIN: Mr. Speaker and Members of the House: I feel somewhat in the position of a certain cowboy. He had recently been converted. One day he went out on the plains without his horse and without his pistol, and suddenly he looked up and he saw a bear coming. He thought that it was a good time for him to pray. He said, "Oh Lord, there is a bear coming, turn him away." But the bear kept right on coming. He then prayed again: "Oh Lord, whatever you do, do quick. There is a bear coming." And still the bear came on. But the cowboy had a bowie-knife in his belt. Once more he lifted his head up to heaven and he said, "Oh Lord, don't help the bear and I will show you one of the prettiest fights you ever saw in your life." (Laughter)

Now I have not any weapons today but a few facts and a little common sense, and I am going to outline to you my argument and then I shall proceed to give it. I propose first to debunk the two propositions that were presented for you to vote for on this matter. Second, I intend to show you too the reason why you should keep the September election. Third, I propose to show you how complacent the Republicans have been outmaneuvered in what has taken place in this State, and I will close with another story.

First, the great argument, the strongest argument they have got is the cost of the state election and that we should save that enormous amount of money. The largest figure that it has ever been reported that it cost the State for the September election is \$45,000. We have in this state more than nine million inhabitants. If you multiply nine million by five-one hundredths, you get exactly \$45,000.

Now let me point out to you that this great expense that they tell about occurs once in four years, because if you change the September election to November it is going to cost you just as much for the November election as it does now for the September election. That

means, therefore, that we spend \$45,000 once in four years. Let's see how terrible that tax is. This means, if you figure it out as I have very carefully, that it costs you each individually five cents once in four years to hold this election, or one and a quarter cents a year. Every time any one of you buys a gallon of gasoline for your car you pay more tax to the State of Maine than this September election costs you in four years. Every time you buy a package of cigarettes it costs you more in taxes than this September election costs you in eight years. Every time you buy an ice-cream soda you pay for that soda as much as it costs to hold these September elections — extra, I am talking about — in twelve years; and if any of you happen to be rich enough to buy a twenty-five cent cigar, just one, it costs more or as much extra as it does to hold these September elections for twenty years.

Now, with those facts, are we not pretty darned near bankrupt by holding this September election? That is debunking argument No. 1, and that is the chief one they have.

The next argument is the one just presented by my friend, the gentleman from Bangor, Mr. Fuller: Let the people vote on it. I am going to debunk that one.

I want to ask you: how many of you, if any, had any thought when you came here of introducing this measure? Outside of the man who introduced it, I venture to say not one of you.

I will ask you next: How many letters have you received from home urging you to vote for this September election? I venture to say that you can count them on your fingers, if any.

When this matter came before the Judiciary Committee I can recall but three persons who came in to show their interest in changing the September election. Now don't you think, if there was any demand for this change, that some of us would have heard about it somewhere?

The point that I am making is that there is not any general demand for any such change.

They say: Why don't you let the people vote on it? Why don't you let the people vote on whether or not women should pay a poll tax? You never have done that. You can pick out a hundred things that the people have never voted upon. But can you not realize the foolishness of putting a matter before the people on a constitutional amendment until there is some general demand for such a change? Do you not think that if there was such a demand that that would have been in the Republican Platform? You do not find any such plank in the Republican Platform.

Now I come to two reasons why we should keep the September election. I consider it one of the best advertising mediums that we have. Last spring, just before our caucus, I met a man from New York who was much interested in politics, and I said to him, "I want to ask you a question. It is my belief that the State of Maine gets a great deal of valuable advertising by having its election in September. What do you say?" He replied, "There is no question at all about it. We watch that Maine election with the greatest of interest."

I had a friend from California visit my home last summer. I asked him the same question: Does the September election tend to advertise the State of Maine? And he too replied, "There is no question about it. We follow that election with the greatest of interest."

It is only a short time ago that the summer business of the State of Maine was figured to be one hundred million dollars. Last year it reached a volume, according to reports, of one hundred and seventy-five million dollars, and it is predicted that this year it will amount to two hundred million. Do not think for a moment that this advertising does not mean something. I honestly believe that the day Margaret Chase Smith was elected to the Senate in the September election that that advertising alone was worth a million dollars to the State of Maine.

The second point I want to make in this case is that Maine is the only state in the Union that has its state election free from the

national election. And what is the result? Take this Legislature. We elect members for honest ability and character that cannot be exceeded in this country. You do not find legislators, as a rule, that can compare with the men and women we have right here today. Now, as the gentleman from South Portland, Mr. Fuller, has just said, the National Committee wants to get their hands on the Maine election. I am telling you: that is exactly what we don't want. We can handle our own local affairs with our own local election.

Now I come to the next point. This bill was introduced by a Democrat. Every Democrat in this House, I am informed, voted for it. You remember that I left after speaking briefly the other day, and I was not here, but I am informed that not a single Democrat voted for the bill. But, believe me, they lobbied for the bill, and I have not any doubt at all but what you were approached, one and all, and asked: "Why don't you let the people vote on it?" And they so cleverly instilled that into the minds of Republicans that when it came to a vote they said nothing, they let the Republicans carry the ball; in other words, they made the Republicans of this House the monkey to pull the chestnuts out of the fire for the Democrats.

Now another argument has sprung up. This was passed over to the Senate and the Senate sent it back, and now I hear the argument that we should insist on our former action, foolish though it was, so as to show the Senate that we are an independent body. I want to tell you that you have made a mistake and the time to correct that mistake is now.

And here is my final story. A woman was said to have died and the pall-bearers were carrying the coffin to the cemetery when one of them tripped and it caused the coffin to fall, the lid broke open and the woman walked out. Ten years later she died again, and as the pall-bearers were conveying this coffin to the grave, the husband said, "You remember what happened ten years ago. Don't let it happen again." (Laughter)

The SPEAKER: The Chair recognizes the gentleman from Boothbay Harbor, Mr. Tupper.

Mr. TUPPER: Mr. Speaker and Members of the House: In answer to the gentleman from Portland, Judge McGlauffin, on his question: "Is there a Republican who would have introduced this bill?" Let me say "yes." I had intended to submit this resolve if two others, one a Republican, one a Democrat, had not indicated that they would do so.

I do not like the inferences that this body treated this matter lightly the other day. Nothing has happened since that time to change my mind in the least. For Republicans in this House to vote against this resolve is to admit to weaknesses that we do not have, in my opinion, and to deny the people the right to vote on this question would surely be a weakness. If the earlier election is traditional, then why should we be afraid to let the people reaffirm their faith in this tradition? There is no greater American tradition than allowing the people the right to decide some things themselves. Thank you.

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

Mr. DICKEY: Mr. Speaker and Members of the House: I was interested in one of the remarks of our good Judge, the gentleman from Portland, Mr. McGlauffin. As I heard it, I think he said the population was nine million. I realize the reapportionment bill is still active, and I hope he is not going to claim eight million more people for the County of Cumberland. (Laughter)

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

Mr. SENTER: Mr. Speaker and Members of the House: I may be a monkey, but I am going to vote for this resolve, to change the date of the election.

Now the Honorable Mr. McGlauffin, from Portland, has gone into some detail about the expense, indicating that he doesn't think a cost of \$45,000 is very much. I say that every cent of the \$45,000 is waste; it is an unnecessary expense.

I indicated to you some time ago, when we spoke on this measure, that if the Republican Campaign Headquarters were willing to pay this \$45,000, or whatever amount that this special election costs, if they would pay it, I would go along with it, but they will not pay it. The citizens of our State will pay it.

I believe that the people in our State who have a right to decide who they want to vote for should have the right to decide when they want to vote.

Now twenty-four sessions of this Legislature have considered this matter. I say it is high time we let the matter be decided by the people of this State—when they want the State election to be held. I believe that if the National election, instead of being held in September, was held at the same time as the State election, that we would have a more intelligent vote. Our citizens then would have the opportunity to hear the discussions over the radio, to see and hear programs offered by television, they would become more familiar with the platforms of both and all parties, and I believe that they would be better informed and more able to cast an intelligent vote.

The gentleman from Portland, Mr. McGlauffin, has mentioned the fact that we have not received any letters urging us to change the date of the election; he has implied that this might mean that the people of the State are not interested. One impression that I have gained, in two sessions in this Legislature, is that while we have public hearings, the only people who are present at public hearings are those who are either personally to be benefited by the measure being discussed, or personally hurt, and also the lobbyists; they are present. We don't hear from the people whose lives will be affected by the various measures.

I say I am not surprised that the people of the State of Maine have not flooded you with telegrams and letters, because no one has urged them to do that.

It has been mentioned that the special election in September is of tremendous value to the State in an advertising way. I doubt this. Maine people are noted for thrift,

and I think, if this Legislature goes along with this resolve, to give the people a chance to vote, and if they do what I think they will do, change the date of the election, then the people in this country will know that Maine people are still thrifty and do not want to see money wasted.

This does advertise the Republican Party. I don't think there is any relation between the date of election and the number of tourists who will visit our State. If the number of tourists is increasing, it is because the Maine Development Commission and other agencies are doing a good job. I think one result of having both elections on the same date is that we would have a larger vote, and I think a larger vote is to be desired. For that reason, I am going to vote for the change in the date of the election.

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

Mr. CURTIS: Mr. Speaker and Members of the House; I think we are getting too many politics mixed up with this thing. I do sympathize with my good friend from Brunswick (Mr. Senter), being a Republican, elected by a Democrat town. I can see how he feels as he does. Perhaps that is about the only politics that I think enters into it.

Now I am interested in this election for September for what I believe it is worth. It may be worth something for advertising; I have no doubt but what it is, but I know it is worth something to the people of the State of Maine in selecting their Representatives, both to this Legislature and otherwise. I know that these State issues should be decided by the people themselves and not on a national basis when the whole country is seeking something nationally.

I think that if we changed the election date we would lose a great deal of efficiency for the State of Maine. I know that undoubtedly the Democrats feel, and I think they are right in feeling that way, that a great many times that officials in this State would be put in the position of riding in on the coattails of the nationals. That would be wrong for the State. I like to see all

State issues settled on a State basis, and that is why I think that we should continue as we are.

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

Mr. **FULLER**: Mr. Speaker and Members of the House: Some of you know I have taken some abuse because of this bill. I can take it, but I don't like it. I think it is about time that we, here in the House, settled some of our own affairs and therefore I hope that when you vote, that you will vote against this change of election.

The **SPEAKER**: The Chair recognizes the gentleman from Westbrook, Mr. Travis.

Mr. **TRAVIS**: Mr. Speaker and Members of the House: I just wish to make the observation that I think that since this bill has been brought before the press of this State and the nation, that we have received much more favorable publicity than we have previously by our being out of step with the rest of the country.

I note, going back to the time when this change was put into effect, it was changed with very little debate.

I think we have covered the situation, therefore I move the previous question.

The **SPEAKER**: The gentleman from Westbrook, Mr. Travis, moves Chair entertaining the motion for the Chair to entertain the motion for the previous question it requires the consent of one-third of the members present.

As many as are in favor of the Chair entertaining the motion for the previous question will kindly rise and remain standing in their places until the monitors have made and returned the count.

A sufficient number arose.

The **SPEAKER**: Obviously more than one-third of the members present having arisen, the motion for the previous question is entertained.

The question now 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**: This being a Constitutional Amendment, under the Constitution it requires for its passage the affirmative vote of two-thirds of the House.

The gentleman from Medway, Mr. Potter, has requested a roll call.

In order for the vote to be taken by the yeas and nays, it requires the consent of one-fifth of the members present. All those who desire that the yeas and nays be taken will please rise and stand in their places until counted and the monitors have made and returned the count.

A sufficient number arose.

The **SPEAKER**: Obviously more than one-fifth of the members present having expressed their desire, the yeas and nays are ordered.

The Chair will state the question. A roll call has been ordered on House Paper 597, Legislative Document 637, Resolve Proposing an Amendment to the Constitution Changing the Date of the General Election. If the member is in favor of this Resolve Proposing an Amendment to the Constitution Changing the Date of the General Election, he or she will respond by saying yes when their name is called; if the member is opposed to this resolve, he or she will respond by saying no. The Clerk will call the roll.

ROLL CALL

YEA—Abbott, Anderson, Archer, Beal, Bearce, Billings, Brockway; Brown, Bangor; Buckley, Call, Campbell, Carter, Caswell, Chase, Childs, Cianchette, Cole, Cormier, Cote, Couture, Crabtree, Cyr, DeBeck, Dennis, Dickey, Dostie, Dumais, Duquette, Edwards, Evans, Ferguson, Fitanides, Fogg, Ford, Frechette; Fuller, Bangor; Gardner, Gosline, Hanson, Harneden, Jalbert, Jewett, Keay, Kelly, Kimball, Lane, Larrabee, Latno, Legard, Letourneau, Lovely, Ludwig; Martin, Augusta; Martin, Eagle Lake; Morris, Moulton, Murray, Nadeau, O'Dell, Osborne, Peterson, Pullen, Ready, Reynolds, Rich, Roberts, Robinson, Rogerson; Scott, Wales; Senter, Brunswick; Small, Smith, Stanley; Stewart, Paris; Tardif, Taylor, Tondreau, Totman, Trafton, Travis, Tupper, Tuttle, Vaughan, Wadleigh, Walker, Watson, West, Williams, Winchenpaw, Woodcock, Wylie.

NAY—Albee, Albert, Alden, Bailey, Berry, Boston; Brown, Robbinston; Burgess, Butler, Cates, Caverly; Center, Standish; Christie, Clements, Currier, Curtis, Davis, Dicker, Dodge, Downing, Emerson, Finemore; Fuller,

South Portland; Gates, Gilman, Gowell, Hand, Henry, Higgins, Hilton, Hussey, Jacobs, Lawry, Lord, Low, Rockland; Low, South Portland; Macomber, McGlauffin, Potter, Riley, Roundy, Sanford; Scott, Alfred; Seaward, Stanwood, Steeves; Stewart, Portland; Turner, Whiting, Whitney, Willey.

ABSENT—Baldic, Bibber, Denbow, Dorsey, Fickett, Madore, McCluskey, Story.

Yes 91, No 51, Absent 8.

The **SPEAKER**: One hundred and forty-two having voted, ninety-one voted affirmatively and fifty-one voted against.

Ninety-four being necessary for two-thirds, and ninety-one being less than the two-thirds necessary, the Resolve fails of passage.

The gentleman from South Portland, Mr. Fuller, was granted unanimous consent to address the House.

Mr. **FULLER**: Mr. Speaker and Members of the House: I ask unanimous consent that unless previous notice is given to the Clerk of the House of intention to move reconsideration, that the Clerk be authorized to send to the Senate one hour and thirty minutes after the House recesses all matters acted upon this morning that were passed to be engrossed or that require Senate concurrence, and after that time no motion to reconsider any such matters shall be entertained.

The **SPEAKER**: Does the Chair hear objection to the unanimous consent request on the part of the gentleman from South Portland, Mr. Fuller? The Chair hears no objection.

On motion of Mr. Fuller of South Portland,

The House recessed until 2:30 P. M., E. S. T., this afternoon.

After Recess — 2:30 P. M., E. S. T.

The House was called to order by the Speaker.

Conference Committee Reports

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature, on Resolve relating to Ice Fishing in Hopkins Pond, Penobscot County (H. P. 99) (L. D. 101) reporting that the Senate recede

and concur with the House in passing the Resolve to be engrossed.

(Signed)

Messrs. **ARCHER** of Brewer
CATES of East Machias
WHITNEY of Bridgton
— Committee on
part of House

WEEKS of Cumberland
CARPENTER of Somerset
— Committee on
part of Senate

Report was read and accepted and sent up for concurrence.

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Resolve to Repeal Certain Special Resolve Pensions (H. P. 612) (L. D. 732) reporting that the Senate recede and concur with the House in passing the Resolve to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto.
(Signed)

Messrs. **DICKEY** of Brooks
BIBBER of Kennebunkport
CLEMENTS of Belfast
— Committee on
part of House

DUNHAM of Hancock
PARKER of Piscataquis
BOUCHER of Androscoggin
— Committee on
part of Senate

Report was read and accepted and sent up for concurrence.

The **SPEAKER**: On the Committee of Conference on the disagreeing action of the two branches of the Legislature on House Paper 1239, Legislative Document 1434 Resolve in Favor of the Town of Stoneham, the Chair will appoint the following members on the part of the House: The gentleman from Hanover, Mr. Ferguson, the gentleman from Waterford, Mr. Ford, and the gentleman from Bangor, Mr. Fuller.

The **SPEAKER**: The next items before the House are the Enactors.

At this time, as in the morning session, the Chair will request anyone who wishes an enactor to be passed over temporarily to notify the Chair of that number.

The Chair has been notified that Item 6 and Item 51 should be passed over. Are there any others?

The Chair recognizes the gentleman from Limestone, Mr. Burgess.

Mr. BURGESS: Mr. Speaker, may I request that we pass over Item 33 temporarily?

The SPEAKER: Item 33 will be passed over temporarily.

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

Mr. CHILDS: Mr. Speaker, may I request that we pass over Item 8 temporarily?

The SPEAKER: Item 8 will be passed over temporarily.

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

Mr. STEWART: Mr. Speaker, may I request that we pass over Item 37 temporarily?

The SPEAKER: Item 37 will be passed over temporarily.

Passed to Be Enacted (Cont'd.)

An Act Providing for Construction of Dormitory at the University of Maine and Appropriating Moneys Therefor (S. P. 47) (L. D. 124)

An Act relating to Members of Executive Council and Manner of Selection (S. P. 68) (L. D. 154)

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

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

An Act relating to Delisting and Discontinuance of Purchasing Liquor by the Commission (S. P. 224) (L. D. 592)

An Act relating to Application for Writ of Habeas Corpus (S. P. 248) (L. D. 671)

An Act relating to Requirements of Group Accident and Sickness Insurance Policies (S. P. 288) (L. D. 826)

An Act to Dissolve the First Parish of Freeport (S. P. 320) (L. D. 806)

An Act relating to Tax Stamp Discounts in Cigar and Tobacco Products Law (S. P. 333) (L. D. 833)

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

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

An Act Exempting Certain Educational Institutions from the Sales Tax (S. P. 524) (L. D. 1416)

An Act to Provide Public Services for Certain Deorganized Townships (S. P. 529) (L. D. 1432)

An Act relating to Fees of Sheriffs and Deputies (S. P. 534) (L. D. 1439)

An Act relating to Acquisition of Schoolhouse Lots by Condemnation (H. P. 269) (L. D. 297)

An Act relating to Penalty for Selling Narcotic Drugs to Minors (H. P. 334) (L. D. 401)

An Act relating to Salaries of Certain County Officers of Washington County (H. P. 359) (L. D. 375)

An Act Amending the Maine School Building Authority (H. P. 522) (L. D. 556)

An Act Amending the Charter of the Municipal Court of the City of Lewiston re Payment of Expenses and Salary of the Judge (H. P. 547) (L. D. 527)

An Act relating to the Salary of the Reporter of Decisions (H. P. 630) (L. D. 653)

An Act relating to the State Personnel Board (H. P. 654) (L. D. 697)

An Act relating to Appointment of Recorder of Eastport Municipal Court (H. P. 972) (L. D. 1060)

An Act relating to Removal of Bodies to Crematories (H. P. 989) (L. D. 1077)

An Act relating to the State Board of Examiners of Funeral Directors and Embalmers (H. P. 990) (L. D. 1078)

An Act Amending the Charter of the City of Westbrook (H. P. 1053) (L. D. 1194)

An Act relating to Acceptance by State of Funds for Unorganized Territory Capital Working Fund (H. P. 1072) (L. D. 1212)

An Act relating to Persons Treating for Gunshot Wounds (H. P. 1094) (L. D. 1228)

An Act relating to the Registration and Practice of Osteopathic Physicians and Surgeons (H. P. 1111) (L. D. 1246)

An Act to Change the Name of Portland University Extension Courses, Inc. and to Grant It Certain Powers (H. P. 1139) (L. D. 1289)

An Act relating to Exemptions from Taxation of Veterans (H. P. 1234) (L. D. 1428)

An Act relating to a Method of Creating Joint Tenancies in Real Property (H. P. 1246) (L. D. 1452)

An Act relating to Examination of Domestic Insurance Companies (H. P. 1250) (L. D. 1458)

An Act relating to Deception as to Prices of Motor Vehicle Fuel (H. P. 1252) (L. D. 1460)

Finally Passed

Resolve in favor of the Town of Aurora (S. P. 95) (L. D. 231)

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

Resolve in favor of George L. McLellan of Lamoine (S. P. 165) (L. D. 410)

Resolve in favor of Northern Maine Sanatorium (S. P. 240) (L. D. 665)

Resolve in favor of Wesley Ramsey of South Portland (S. P. 245) (L. D. 1438)

Resolve to Reimburse the Town of Brooks for Pauper Claim (H. P. 25) (L. D. 1447)

Resolve to Reimburse the Town of Millinocket for Supplies Furnished the Warren Dorr Family (H. P. 62) (L. D. 59)

Resolve for the Purchase of One Hundred Copies of "Highlights of Westbrook History" (H. P. 207) (L. D. 238)

Resolve in favor of the Town of Castle Hill (H. P. 208) (L. D. 1456)

Resolve for Repairs of Church and Convent at Peter Dana Point and Old Schoolhouse Used for Religious Purposes at Princeton (H. P. 483) (L. D. 502)

Resolve in favor of the City of Auburn (H. P. 491) (L. D. 510)

Resolve in favor of the Town of Jay (H. P. 798) (L. D. 1448)

Resolve in favor of Town of Van Buren (H. P. 963) (L. D. 1449)

Resolve Appropriating Moneys for Reconditioning Buildings at the Maine Vocational-Technical Institute (H. P. 1036) (L. D. 1180)

Resolve Regulating White Perch Fishing in Lake Auburn, Sabattus Pond and Little Sabattus Pond (H. P. 1047) (L. D. 1188)

Resolve in favor of the Town of Fort Fairfield (H. P. 1080) (L. D. 1450)

Resolve to Loan Funds from the Unappropriated Surplus for the Construction of an International Ferry Terminal (H. P. 1249) (L. D. 1457)

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

Enactor Reconsidered

An Act relating to Elderly Teachers' Pensions (S. P. 49) (L. D. 77)

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

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

Mr. COLE: Mr. Speaker and Members of the House: I ask for a reconsideration of this bill, whereby we passed this to be engrossed so that I may offer an amendment.

The SPEAKER: The gentleman from Liberty, Mr. Cole, moves, under suspension of the rules, that the House reconsider its action whereby it passed Legislative Document 77 to be engrossed on April 23, 1953. Is this the pleasure of the House?

(Calls of "No" and "Yes")

The SPEAKER: The House will be in order. As many as are in favor of the motion of the gentleman from Liberty, Mr. Cole, under suspension of the rules, for reconsideration whereby this bill was passed to be engrossed will kindly rise and remain standing in their places until the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: One hundred and two having voted, sixty-eight having voted in the affirmative and thirty-four having voted in the negative, the necessary two-thirds for suspension of the rules for reconsideration prevails.

The Chair recognizes the same gentleman.

Mr. COLE: Mr. Speaker and Members of the House: I offer House Amendment "A" to Senate Paper 49, Legislative Document 77, Bill, "An Act relating to Elderly Teachers' Pensions." I also would like to speak to the amendment.

The SPEAKER: The gentleman from Liberty, Mr. Cole, offers House Amendment "A" and moves its passage. The Clerk will read House Amendment "A".

HOUSE AMENDMENT "A" to S. P. 49, L. D. 77, Bill "An Act Relating to Elderly Teachers' Pensions."

Amend said Bill by striking out the underlined figure "\$1,000" wherever it appears in that part designated "IX", including the headnote, and inserting in place thereof the underlined figure '\$900'.

Further amend said Bill by striking out the underlined figure "\$900" wherever it appears in that part designated "X", including the headnote, and inserting in place thereof the underlined figure '\$800'.

Further amend said Bill by striking out the underlined figure "\$800" wherever it appears in that part designated "XI", including the headnote, and inserting in place thereof the underlined figure '\$700'.

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

Mr. COLE: Mr. Speaker and Members of the House: This is undoubtedly one of the hardest duties that I have been asked to perform this session. We all know that this bill is one of the most worthy of all that have been presented, and I have letters from retired teachers whom I know need the two hundred dollar raise that they have asked for, but if the members will just look at the summary of the budget, on the last page, they will note that our operating gain is very small, \$210,147. It is absolutely wrong for us to spend money over and above the sum that I have just quoted you; in other words, our Chief Executive says that he will not approve any measure that will put the budget in the red, and I don't blame him for not doing it.

This amendment does give them an increase of \$100 right straight across the board, and although it isn't as much as I had hoped that they would get, it is a little something.

I have letters here from teachers that I know need more money, but it is absolutely impossible for us to give it to them.

I have a letter here, and I would like to read part of it to you. It says: "We, the older teachers, ask that you favor this increase, knowing that at our age we shall not need it too long," which is very true. "We gave the best years of our lives to make worthy men of today. Remember us now for what we have done for you in the past years." That, Ladies and Gentlemen, is very true.

I hope that the amendment is adopted.

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

Mr. DICKEY: Mr. Speaker and Members of the House: As long as my good friend, the gentleman from Liberty, Mr. Cole, is crying so hard and desiring to get off the hook, I certainly will be very happy to make the motion that House Amendment "A" be indefinitely postponed.

The SPEAKER: The gentleman from Brooks, Mr. Dickey, moves that House Amendment "A" be indefinitely postponed.

The Chair recognizes the gentleman from Rumford, Miss Cormier.

Miss CORMIER: Mr. Speaker and Members of the House: I rise in opposition to this amendment. I feel that this is one class of people to which we, this Legislature, owe a moral obligation. Without going into the sentiment of this, these teachers worked, some of them for \$3.50 a week, from \$3.50 to \$9.00 a week; they couldn't save any money for their old age; they have done a tremendous job — they were the pioneers, a great many of them, in education here in the State of Maine; they have done their job and they have done it well.

As we read in that letter, they have a few years more to spend on this earth, and I don't think the State of Maine will go bankrupt if this amendment is not passed. I think that we should not lose our sense of values while we are slashing away at funds here in the House in these final days, and if there is one worthy cause in the State of Maine today, it is our elderly teachers, and for Heaven's sake, let us not cast them out to the wind

in these last moments of the Legislature. (Applause)

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

Mrs. CHRISTIE: Mr. Speaker and Members of the House: Some years ago I taught school for a while and for a while I taught for \$7.00 a week. Some of these teachers are older than I, and probably, as the gentlewoman from Rumford, Miss Cormier said, they taught for \$3.50 a week, and they could not save money. If there is any place in the world we should not cut, certainly this is the place, and I am opposed to this amendment.

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

Mr. FOGG: Mr. Speaker and Members of the House: I can understand Mr. Cole's position when he says that this is one of the hardest things he ever had to do. One of the hardest things I have had to do in this Legislature was when I sat here the other day and voted against the cut in the automobile tax because there was an awful lot of pressure put on me to go along with that bill, and the reason why I didn't go along with that bill was that I figured that sooner or later we would start in this kind of economy.

So I certainly hope that this amendment fails.

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

Mr. SANFORD: Mr. Speaker and Members of the House: I would like to know the price tag on this, just how much it will cost.

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

Mr. TRAFTON: Mr. Speaker and Members of the House: The bill was heard before the Judiciary Committee. The bill, as originally printed, was stated to cost \$144,800. The amendment would cut that amount in half because it was a \$200 increase, and this reduces it to a \$100 increase.

I would like to point out, with respect to this Amendment "A", that the figure of \$700 for the teachers who have taught twenty-five years or more, and not thirty, is only

\$40 more than you are giving people receiving Old Age Assistance. I think that is a pretty contrast. I hope that Amendment "A" is indefinitely postponed.

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

Mr. McGLAUFFLIN: Mr. Speaker and Members of the House: I want to state that I am against this cut. I am for the original bill.

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

Mr. SMALL: Mr. Speaker, I want to take this opportunity to go along with the gentleman from Portland (Mr. McGlaufflin). It isn't often that I do have that opportunity. And I also want to say that before we voted on that automobile tax bill, I made my position clear. I would have gladly voted to tax automobiles for a hundred per cent of the sales tax if we had known where the money was going, and this is one of the spots where I think it ought to go, to the elderly teachers.

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

Mr. CIANCHETTE: Mr. Speaker, I cannot help mentioning again, as others have, the automobile tax that we put through this House. At that time we heard the arguments that we had more money than we needed; we heard that we had a moral obligation; we heard that we should practice economy. If we had more money than we needed, I think we should have enough for this measure. I do not call this an "economy measure." If we owe any moral obligations to anybody, certainly we owe it to these elderly teachers. I think that the amendment should be indefinitely postponed.

The SPEAKER: The question before the House is on the motion of the gentleman from Brooks, Mr. Dickey, that House Amendment "A" be indefinitely postponed. As many as are in favor of that motion will kindly rise and remain standing in their places until the monitors have made and returned the count.

A division of the House was had.

One hundred and seventeen having voted in the affirmative and three having voted in the negative,

the motion prevailed and House Amendment "A" was indefinitely postponed.

Thereupon An Act relating to Elderly Teachers' Pensions, Legislative Document 77, was passed to be engrossed in concurrence.

**Enactor
Indefinitely Postponed**

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

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

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

Mr. CHILDS: Mr. Speaker and Members of the House: The law in regard to this entertainment now reads that the Commission shall make rules and regulations governing this entertainment. There is an attempt here to put a provision in, saying that these rules would have no effect if other rules and regulations were passed under by-laws and ordinances of municipalities; therefore there would be no point in the Commission making any rules because they would be nullified by any other rules under the by-laws and ordinances that the different municipalities passed. Also these entertainers whose entertainment was questionable would be going from town to town, not knowing which rules they would go by, so therefore the bill in itself has no effect whatsoever. I therefore move the indefinite postponement of this bill.

The SPEAKER: The gentleman from Portland, Mr. Childs moves that An Act relating to Entertainment in Licensed Liquor Premises (S. P. 132) (L. D. 320) be indefinitely postponed.

The motion prevailed and the Bill was indefinitely postponed in non-concurrence and was sent up for concurrence.

**Enactor
Reconsidered**

An Act relating to Appropriation for Unorganized Territory Capital Working Fund (H. P. 1073) (L. D. 1213)

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

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

Mr. BURGESS: Mr. Speaker, I have an amendment drawn up which, if given an opportunity, I would like to present and I would ask the Chair if it be in order for me to address myself to the subject before I move to reconsider?

The SPEAKER: Does the Chair understand that the gentleman wishes to speak to an amendment which he proposes to offer before he offers the amendment?

Mr. BURGESS: What I would like, Mr. Speaker, is to explain why I am proposing that the House reconsider its action, the reasons.

The SPEAKER: The gentleman may proceed.

Mr. BURGESS: Mr. Speaker, when this L. D. 1213 was in committee, we were in possession of certain facts which have changed materially in the last few days, based on the information given us by an official of the Educational Department who handles this type of work.

Now in explanation of the entire law, which was put into effect two years ago, the State appropriated the sum of \$140,000 for capital construction in unorganized and deorganized townships, for the reason that there being no corporate head in an unorganized or deorganized township, therefore they could not go to the bank and borrow or lease under the State School Building Authority.

The only method of finance they had was for the County Commissioners or the State Educational Department, and I don't believe they had any authority, to build up a small fund, so the State, recognizing that problem, set up this so-called revolving fund for their construction problems.

This fund has to be paid back, and by statute is paid back at the rate of one per cent annually, based on their valuation.

There was, at the time the committee heard the bill originally during this session, approximately \$123,000 unexpended of the \$140,000 appropriated two years ago, but

we did not learn until a few days ago that that entire amount had been committed, due to the fact that in some location in the State where a lease had been in operation, allowing that particular unorganized town to hold its school in a leased building, had been cancelled, therefore the State had to step in and step in very quickly, leaving them without any funds for the rest of the State or for the other unorganized or deorganized towns.

The amendment which I would offer at this time, if given the opportunity, would increase the figure by \$60,000 which is the minimum which the Educational Department feels that they can carry out the necessary construction for the next biennium.

I might add that this money comes from your unappropriated surplus and not out of current revenues, because it is of a non-recurring type and, as I mentioned, will be paid back over a period of years to the State.

Therefore, Mr. Speaker, with that explanation, I would move under suspension of the rules, that the House reconsider its action where it passed to be engrossed Item 33, being House Paper 1073, L. D. 1213, in order that I might offer this type of an amendment.

The SPEAKER: The gentleman from Limestone, Mr. Burgess, moves under suspension of the rules, that the House reconsider its action whereby it passed to be engrossed House Paper 1073, Legislative Document 1213, Bill "An Act relating to Appropriation for Unorganized Territory Capital Working Fund" on April 16, 1953. Is this the pleasure of the House?

The motion prevailed.

Mr. Burgess then offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 1073, L. D. 1213, Bill, "An Act Relating to Appropriation for Unorganized Territory Capital Working Fund."

Amend said Bill by striking out the figures "\$16,906.35" in the 5th line of that part designated "Sec.

148-A" and inserting in place thereof the underlined figures '\$76,906.35'

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

An Act Creating the Old Orchard Beach Sewerage District (H. P. 1225) (L. D. 1413)

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

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

Mr. STEWART: Mr. Speaker, it is with some hesitancy that I rise to make a motion on this matter at this late date, and I would like to preface my motion with a few brief remarks.

This bill, as you know, deals with the problems of Old Orchard and is a bill which does have a referendum, so it is quite possible that you may very well take the view that I should not be concerned with it. However, I did receive a letter from a taxpayer in Old Orchard, asking me to look into this bill, which received a five and four committee report, more carefully, and for that reason I move at this time that this item lie upon the table.

(Calls of "No")

The SPEAKER: The gentleman from Portland, Mr. Stewart, moves that Item 37, Legislative Document 1413, An Act Creating the Old Orchard Beach Sewerage District, lie on the table pending passage to be enacted. As many as are in favor will say aye; those opposed, no.

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

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

Finally Passed

Resolve to Reimburse George H. Morong of Portland (H. P. 401) (L. D. 454)

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

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I would like to make a motion to indefinitely postpone this resolve. I would like to speak on the motion.

Members of the House, I don't want you to think I am a poor loser because I lost on this claim the other day, but I do believe that I have some information that, if the committee had had this information, they would not have brought in this claim as they did. I want to stress it just a minute or two, as I know time is short.

This program began on June 17th, 1951, and ended on December 15th, 1951, this being a period of two days less than six months.

Now I would like to ask a favor of you, to take your pencils and jot down some figures here that I am going to give you as they would look much better before you than they would by me repeating them, and these figures are in a letter from Mr. Morong, dated December 17th, 1951, and mailed to Mr. George Meloon.

\$ 378	for telephone calls
1,030	for auto expense
1,035	for meals and lodging for self and Indians
950	for workshop expense
25	for photograph displays
50	for moving expenses
75	for advertising expense
250	for salary for Evelyn Sopial
250	for Ernest Morong

Now this is a total of \$4,043. And in his own letter Mr. Morong has stated that "even though I feel that I am entitled to the entire amount, as stated above, rather than to have any disagreement or misunderstanding, I am willing to settle for \$2,500. This would be a loss of \$1,543."

Now I have some new information in the form of a petition. I have been able to obtain only one petition although I understand that there are two, and at this time I would like to read this petition to you. This petition is from Burton Cross's office. It says: "Enclosed is the petition and memo received by former Governor Payne re George

Morong." Signed "Burton M. Cross."

And this letter is dated February 21, 1952:

"Honorable Frederick G. Payne, State House, Augusta, Maine.

Dear Governor:

"Enclosed herewith you will find a notice sent to George Morong of Portland, whom we feel is trying to exploit our tribe for his own interests.

"We have our own tribal basket industry and would be glad to have assistance in marketing . . ."

Now heading this petition, it says "To George Morong of Portland in the County of Cumberland and State of Maine:

"We, the undersigned members of the Passamaquoddy Tribe of Indians request that you refrain from interference with our internal affairs and slandering us with your reports as to our morals. We feel that the best interests of the Tribe would be served if you would no longer visit the reservation and therefore suggest that you refrain from doing so."

This petition was signed by some of the Tribe and was sworn to by a Notary Public.

Inasmuch as this petition involves some morals that are mentioned in the petition, I hope that some members interested in this matter would go along with me, especially my good friend, the gentleman from Portland, Mr. Stewart, who I feel should not oppose my motion as I know he is opposed to this same thing.

We have listened to the rights and wrongs by the quotations from God's Book this morning, so let's remember them as we vote on this, regarding a padded bill, with intentions to mislead the committee, also the question of morals.

We turned down some fifty to sixty special resolves for increases for pensions, and I find that this amount was very just as the Committee on Welfare could not pay them but I found there were ten in that group that were asking for an increase of ten dollars per month.

Now this claim here that we are letting slip through our fingers, which I believe beyond a doubt is

an unjust claim—these ten good resolves that are needed could be paid for one year or five of them could be paid for two years, out of this \$1200.

Now I know that there is going to be another petition presented here and letters. Now if Mr. Morong's attorney or his supporters had this information, why was it withheld from the Claims Committee? It seems as though a lot of work is being done on the outside, and which it is stated, they do not expect any compensation. It may be that in 1955 the Legislature will receive another claim for reimbursement for this work.

I therefore hope my motion for indefinite postponement prevails.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore, moves that Resolve to Reimburse George H. Morong of Portland (H. P. 401) (L. D. 454) be indefinitely postponed.

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

Mr. McGLAULIN: Mr. Speaker and Members of the House: This matter came up the other day and was thoroughly gone into. It was found that Mr. Morong had presented a bill for something more than \$4,000. He did the work, as the evidence before this House showed, thinking he was going to be reimbursed, and the committee, after carefully considering the matter, as I recall it, voted unanimously that he should receive as a part payment for what he had done and expended the sum of \$1,200.

After, the discussion went along with that measure, as I recall it, very strongly.

It has been called to my attention by a reliable source that this petition that Mr. Finemore presents here was originated, started, by a woman who had been running a house of prostitution and who Mr. Morong succeeded in putting out of business. I am further informed that many of these names on the petition that Mr. Finemore has are fictitious names. I think we should stand by our committee's report, stand by the vote we passed, and not indefinitely postpone this measure.

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

Mr. STEWART: Mr. Speaker, I regret that it is again necessary to rise to the defense of this very worthy claim. Inasmuch as a petition has been brought to your attention, I would like to quote from two very brief letters, indicating that responsible people from that area do not feel the way the petition just quoted seemed to indicate, and that they do seem to agree and concur with the views that were expressed by the letter from the member of the Research Committee, Mr. Allen, and by former Governor Baxter.

This letter is from the Chaplain of Saint Ann's Church in Perry, Maine:

"Mr. George Morong,
116 High St.,
Portland

Dear Mr. Morong:

"The baseball shirts arrived Tuesday, thus making up the complete baseball uniforms with socks, caps and shoes for fifteen Indian players, which you furnished through your good services.

"If you gave a thousand dollars to the Indians, it would not do half the good or inspire their gratitude and enthusiasm as you most certainly have by your generous interest in their baseball team.

A Blessing on you!

Sincerely yours,

(Signed)

Chaplain Ste Jean Rice"

Another petition:

"July 15, 1951

"The Hon. Frederick Payne,
Governor of Maine,
Augusta, Maine.

Sir:

"We, the undersigned members of the Passamaquoddy Tribe of Indians of Pleasant Point, Perry, Maine, believe that the proposed project of setting up an industry to manufacture Indian novelties will benefit us considerably.

(Signed)

Gov. Louis J. Francis
Lt. Gov. Philip Nicholas
Rep. Joseph A. Nicholas

Councilmen: J. H. Nicholas
 Horace M. Nicholas
 Joseph J. Socoby
 Frederick Francis
 David Francis
 David Doyle"

and there is a list of others which are here for you to examine in case you care to do so.

I would like to read still further a letter from Governor Payne, upon which, it seems to me, a person might very well justify his belief that he was supported by the Governor and Council. In the last paragraph Governor Frederick Payne states:

"In talking with the members of the Council it is our feeling that this project should originally be planned to be established at the Passamaquoddy Tribe, and that it be on a small scale basis at first in order to determine whether there is a real possibility, and what interest is taken by members of the tribe. In short, the plan should embrace starting on a small scale, with a minimum of expense, in order to test out this plan. Then, if the test is successful, it is always possible to expand the operation as the demand requires."

There is another letter from David Stevens, encouraging this project. I will not take your time to read it.

It is my hope that you will affirm your former action, that you will not indefinitely postpone this very worthy claim by a gentleman whose heart and soul is in the work of helping the Indian Tribes of the State of Maine.

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

Mr. FOGG: Mr. Speaker and Members of the House: In the absence of Mr. Potter, I feel I should say something, from the standpoint of the Claims Committee, on this matter, as the ones that considered it.

As I told you once before, on the Floor of the House here, we did go over this claim and we boiled it down a lot, to \$1,200, which we thought at that time was a just figure.

So far as these petitions are concerned, they weren't presented to the Claims Committee; we didn't know anything about them. In fact,

the other gentlemen here who have spoken today know more about it than I do so far as those petitions are concerned. But I want you to know that the Claims Committee, in considering this claim, with everything that had been presented before it, considered it very carefully and we did come to \$1,200, which we thought was a just figure.

Now I do wish that these petitions had been presented to the Claims Committee so that people who had any criticism of the petitions to make could have appeared at the same time and criticized the petitions so that we could have had the complete picture on it. That is the position of the Claims Committee.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I don't know whether you noticed or not, but the petition that my good friend, the gentleman from Portland, Mr. Stewart, mentioned is a petition that was made up before this work started, before it was given a chance to see how it was going to work out. Also the talk from Governor Payne was also made up before this was carried out; therefore I do not think they should have much bearing on the case, and I agree with Mr. Fogg very much, and the committee members, that this evidence and these petitions — I should say this information and petitions — were not presented to the committee; and the reason why the one that I had wasn't presented to the Committee was that I wasn't able to obtain it until these last two or three days, but I do understand that the letters and the petition that Mr. Stewart has now have been in their hands some time and could have been given to the committee.

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

Mr. STEWART: Mr. Speaker, in regard to the question of the time of the petitions, I would like to state that the Legislative Research Committee examined the work done by this gentleman some considerable time after the date of any

petitions which have been read here, and it was the judgment of their Chairman, former Senator Allen, that a fine job had been done, that a worthy work had been done amongst the Indians. It seems to me that if there had been any repercussions of the nature that is suggested by this petition which has been brought by Mr. Finemore, if that had been the widespread feeling of the people of the tribes up there, that that would have come to the attention of that group and also of the Maine Council of Churches which had a committee up there also, working to start a project amongst the Indians.

I hope again that you will give this claim enactment.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Bridgewater, Mr. Finemore, that Item 51, Resolve to Reimburse George H. Morong of Portland, House Paper 401, Legislative Document 454, be indefinitely postponed.

As many as are in favor of that motion will kindly say aye; those opposed, no.

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

Forty-nine having voted in the affirmative and sixty-four having voted in the negative, the motion for indefinite postponement did not prevail.

Thereupon, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Order Out of Order

Mr. DeBeck of Holden, presented the following order, out of order and under the suspension of the rules, and moved its passage.

The Order was read by the Clerk as follows:

ORDERED, that Mr. McCluskey of Warren be excused from attendance until Friday of this week because of the death of his brother.

The Order received passage.

Orders of the Day

The SPEAKER: Under Orders of the Day, 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 Appropriating Moneys to Effectuate Salary Plan for State Employees, House Paper 400, Legislative Document 453, tabled on April 22 by the gentleman from Bangor, Mr. Fuller, pending acceptance of the report.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I have an amendment which I would like to present so that I could talk on the amendment and therefore let this issue be decided upon the amendment rather than the original resolve which the Appropriations Committee voted "Ought not to pass." Therefore, at this time, in order that I may talk upon the amendment, I would like to have the resolve substituted for the report of the committee.

The SPEAKER: The gentleman from Augusta, Mr. Martin, moves to substitute the resolve for the "Ought not to pass" report of the committee. Is this the pleasure of the House?

The motion prevailed, and the Resolve was then given its first reading.

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

Mr. MARTIN: Mr. Speaker and Members of the House: In March of 1951, the last Legislature voted a redraft of pay raise for the Maine State employees and the pay raise was four and one-half per cent. Had the State been a private industry, I think you will agree that it will be true that by September of that same year the State would have appropriated another four and a half per cent raise to the employees. However, the Legislature had gone home and there was no way possible that the employees could be given a raise in order to keep pace with the increased cost of living, so, therefore, they received no raise.

Now, I would like to point out at this time that the Appropriations Committee has in their new budget recommended a raise of four and a half per cent for these employees starting July 1 of this year and I assure you that the Maine State employees are grateful to the committee but I do not think that this

is a situation which can be covered by the word "grateful." We have a situation in this State where the average turnover of workers is thirty-one per cent, a far higher figure than many private industries, and if you do away with the averages and take the mental hospitals and the sanatoriums, the average turnover in those institutions in some cases is over one hundred per cent. No private industry could stand such a turnover.

Where does this lead us? It means that by and large this State and most of its departments are simply running a training school for private industry in the other states and I say that, as a state, we cannot afford to do this.

I would like to correct, at this time, any misunderstanding about a remark that I made in an earlier debate on a prior bill in which I said, as I recall it, that I did not want to see any inefficient workers in the State. I meant by that remark not to convey certainly that we have inefficient workers now but simply that if you do not pay adequate pay to workers and if you have a large turnover in your departments and if you have some dissatisfied workers because of the low pay, then you will get inefficiency. We certainly will not get efficiency.

I would like, at this time, to quote from a man who has given many years of service to this State, a man who, in my judgment, should know about the conditions of the State first-hand and I quote: "If we want continued efficient, honest, conscientious State employees, we must see to it that our personnel rates and working conditions are such as to keep in effect only the best of State service. In line with this, I recommend that a one step increase in employees' salary be granted, retroactive to January 1, 1953." That quotation, members of the House, is from the Governor's Inaugural delivered to us in January. I suggest that you refer to your budget message which contains in it substantially the same language. Truly here is a man who knows firsthand the needs of the State.

I think I would be remiss in my duty if I did not mention the large number of letters and calls that I

have received and, out in the corridors, I understand that some of you have received calls, too. I hope that they did not disturb your sleep and I certainly do not wish you to condemn the employees of this State for merely trying to express to you as their Legislators their sentiments on this bill.

Now, some of you may want to know if you grant the amendment why this has to come out of unappropriated surplus, and I think there are two reasons for this. The first one is that the general fund, according to most of the experts, is becoming fast depleted. The second one, and I think the most important reason, is that the surplus which has accumulated over the last two years, or at least a good deal of it, was due to the fact that for the last two years we have underpaid our state workers; in other words, that we have not kept up with private industry. This amendment, or this pay increase, would mean giving to the employees of this State one week of extra pay and I say, ladies and gentlemen of this House, that the State of Maine owes much and a lot more to many, many workers of this State who give to the people of this State, day in and day out, their devoted service.

I therefore move, Mr. Speaker, the adoption of House Amendment "A" and when the vote is taken, I ask for a division.

THE SPEAKER: The gentleman from Augusta, Mr. Martin, offers House Amendment "A" and moves its adoption, and the same gentleman requests a division.

The Clerk will read House Amendment "A".

THE CLERK:

HOUSE AMENDMENT "A" to H. P. 400, L. D. 453, Resolve Appropriating Monies to Effectuate Salary Plan for State Employees

Amend said bill by adding in the 15th line after the words "general fund" the words "unappropriated surplus".

Further amend said bill by striking out in the 16th line thereof the figures "\$400,000" and substituting therefor the figures "\$200,000".

Further amend said bill by striking out in the 17th line the words and figures "July 5, 1952" and sub-

stituting therefor the words and figures 'January 3, 1953'.

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

Mr. JACOBS: Mr. Speaker, this problem came before the Appropriations Committee. I think we did very well by the employees of the State of Maine to allow the four and a half per cent, thus giving them \$400,000. The last speaker has mentioned that some of the workers of our State are leaving the State. Naturally, out of 6,000 people who are working for this State there are times when there would be vacancies but there are always enough to fill those places whenever a vacancy occurs.

If you adopt this amendment, it is going to cost the State \$200,000 for the next two years. I feel that we have done well for the employees of the State. I think some of them are indebted to the State for their employment. It is just as fair one way as it is the other. I move that the amendment be indefinitely postponed.

The SPEAKER: The gentleman from Auburn, Mr. Jacobs, moves that House Amendment "A" be indefinitely postponed.

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

Mr. JALBERT: Mr. Speaker and Members of the House: This bill did come out in its present form from the committee with a unanimous "Ought not to pass" report. I am a member of that committee. I would have gone along with the "Ought not to pass" report of the committee if the bill had remained in its present form, which called for retroactivity dating back to July 1, 1952 and also for the money to come out of the general fund.

Regardless of that fact, I went, this morning, before every member of the Appropriations Committee and I approached them individually and told them that in spite of the fact that the bill being actually a new bill, I felt that in principle I should go to them and allow me to speak favorably on this amendment.

The State of Maine in 1951 hired the Public Administration Service to make a survey of the State's wage structure and to recommend a new pay plan. This group of experts did a workmanlike and thorough job

producing a mechanically sound pay plan based on rates paid by Maine private industries for similar jobs at that time. This study and recommendation was made immediately following the outbreak of the Korean War at a time when prices and wages were rising rapidly with no indication as to when they would level off. The Public Administration Service warned that their pay plan would be good only so long as it was linked directly to the fluctuation of industrial wages and prices. In order to keep this plan current, the P.S. people advertised the adoption of the escalator bill which would link various pay raises assigned to state workers to the consumers price index for the City of Portland. The Principle was simple. If the consumer price index went up a sufficient number of points, all salaries were raised by one range, that is, four and a half per cent; and if the index went down a sufficient number of points the employees lost only one range in pay. In order to make this plan operative, a reserve fund of some \$400,000 was needed to finance a raise if one became necessary.

Now, the 95th Legislature bought the pay plan. They appropriated sufficient money to pay for the original adjustment and to continue to pay at that level for the next biennium. They could not produce the money needed to be placed in escrow for the escalator bill so that bill was killed. The present pay plan was placed in effect in March of 1951. By September of 1951, six months after the effective date of the new plan, the consumer price index in Portland had risen to the point where, had the escalator bill been in effect, all employees would have received a one range increase, that is, four and a half per cent. The State employees have been behind the cost of living for over a year and a half and, at the present time, are about seven per cent behind.

I have heard some comment as far as some of the letters, telegrams and telephone calls that we have received. I take my stand along with the gentleman from Augusta, Mr. Martin, and I will go one step further and I want to commend the State employees for writing to us.

I think it is their prerogative; they have a perfect right to do it. I will say that no one State employee in this building during working hours has approached me to discuss the pay raise with me. If they see fit to set up a lobby of their own, I want to commend them because this morning, my friend, the gentleman from Portland, Mr. McGlauffin, stated that we in Maine enjoyed a fine body of men as far as Legislators are concerned. I think the State House lobby for themselves is doing a workmanlike job. I think that if we are to say that we enjoy two fine branches, certainly a lot of us here know that many members of the third branch personally will say what I have said publicly before that we in Maine enjoy the finest lobby in this country, and I say that sincerely. The lobbyists can't vote for me, they are on the other side of the railing, so if I am going to romance anybody I should romance this body.

The money is coming out of surplus to the amount of \$200,000. It does not belong in the general fund to begin with because it is of a non-recurring nature. It merely dates back the four and a half per cent to January 3, 1953 as against the proposal of July 1, 1952. The \$400,000 a year from then on will be a continuation of the dating back and with the \$200,000, if you vote that, it will give a four and a half point increase.

I leave the thought with you in that I am certain that our State employees, if this request is granted, will do equally as efficient work and by the same token I am sure that it will please them to the extent that it could certainly be conceivable that they would repay us two or three times over in appreciation for what we have done for them.

Speaking of a surplus, we are responsible, partly, for setting up surpluses. We have got to go along that the State employees also should be given a little of the credit for their work that makes it possible for that part of the surplus that they contend with and possibly, in effect, are making it possible for us to have a little bit of that surplus.

I certainly hope that the amendment has passage.

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

Mr. McGLAUFFIN: Mr. Speaker, I am happy for once to go along with my friend, the gentleman from Lewiston, Mr. Jalbert. We have fought it out many times on the Floor of this House. We have both disagreed but I fully agree with him and with the gentleman from Augusta, Mr. Martin, who spoke in favor of this amendment.

We, the State of Maine, have not hesitated to spend \$50 a day for a man to make investigations, long investigations that cost the State a great deal of money and, so far as I can see, the results of which amounted to absolutely nothing. I have never known a Legislature that has granted so many increases in salary as this one. If you look over the list, you will find that judges and clerks and recorders and reporters, almost without number, have been given increases way beyond the proportion that this gives to these men in the lower class. You have not hesitated to give men who receive much more pay than most of these men receive an increase and the reason you gave it was because of the increased cost of living. Don't you realize that that increased cost of living hurts the workers of this State just as much as it hurts the rest of us?

I am opposed to the indefinite postponement of this measure and I hope that the amendment is carried.

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

Mr. WILLEY: Mr. Speaker, I should like to go on record as favoring this amendment.

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

Mr. ALBERT: Mr. Speaker and Members of the House: I am very happy that my colleague from Augusta, Mr. Martin, has introduced this amendment. As a matter of fact, I considered it myself some time ago until I found out that he had his hands on it.

I want to point out to the members of this House I feel that I know a little something about construction. The men whom you have working for the State today, who operate trucks for the State on the State highways, get an hourly pay of 87½ cents an hour working alongside of a contractor who pays his driver, who does the very same work, \$1.25 an hour. I do not believe that is being very fair, down the line. That is the reason that the State today, not only in the Highway Department but in every other department, has difficulty keeping its employees.

In the past year or so we have heard and read a lot in the papers about consulting engineers. Since the Fore River Bridge in Portland was started and now the construction of the Bangor-Brewer bridge is about to get underway, the Highway Commission has had to employ consulting engineers coming as far as New York to take care of the projects. They do not have enough engineers in the department. The Highway Department pays some \$5500 a year for their engineers, which is something like \$120 a week. These consulting engineers whom they are bringing from out of the State, they have to pay \$10,000 a year for them. Secondly, they have to pay their expenses while they are up here and lastly, which hurts, they have to give them a third bonus of all they have picked up while they have been working in the State of Maine on that one project. That is the way they operate.

To cite one more example, take a clerk or a secretary in an office in this State House, or working anywhere for the State of Maine, who gets some \$30 a week and there are a lot of them who get that. An increase of four and a half per cent will mean to that person only \$1.35 increase a week. When you deduct your Social Security and income taxes that person will be lucky to go home with 75 cents a week. I will grant that as far as the over-all picture is concerned it will cost \$400,000 but to the individual employee it does not amount to very much.

If we have, today, a surplus of \$10,000,000, the State employees are

certainly directly responsible for having that surplus and what they are asking you of this surplus is only four per cent of it to give them a slight kick, to bring them up, and even at that they will not be up to the competition. If they have saved you \$10,000,000, certainly you can give them four per cent of it. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Millinocket, Mr. Gates.

Mr. GATES: Mr. Speaker and Members of the House: I have received a letter from a young lady who is employed as the head of one of the clerical departments in one of the State institutions. She is a personal friend of mine and in this letter she told me that she had been eight weeks trying to get a clerk for her office. When this young lady she interviews learns the salary, she immediately backs away. She is no longer interested. This would hardly indicate that we have a surplus of labor who are clamoring for State jobs.

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

Mr. JACOBS: Mr. Speaker, I do not want the members of this House to be confused on the issue. We have already granted the four and a half per cent to the employees amounting to \$400,000. It is a question here now of whether that pay should begin July 1 this year or back to January 1, which means \$200,000 difference to the State of Maine. That is all the difference there is. Don't misunderstand this. They are already granted the four and a half per cent. Some of these people are just hoping to confuse this issue, in my opinion. But all the difference there is, is whether this pay shall begin July 1 this year or go back to January 1.

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

Mr. OSBORNE: Mr. Speaker, as far as I am concerned, there is no misunderstanding in this matter. I believe that we are fortunate in having State employees who have conducted themselves so orderly in trying to get to us their message. I have been approached by many. I do not think that it has made any

difference in how I felt about the matter but we are very fortunate in this State, in my opinion, that we do not have radical labor organizations in our State employees, who would try to cause dissension or by some other means try to interfere with the actions within this group. Those who have voiced their opinion, I felt, probably had a feeling that they had got caught in the wringer and they were just crying out loud and it seems to me that inasmuch as the Legislature only meets every two years, it is impossible to look ahead and see exactly what the situation is going to be and I believe had we met a year ago that we would have given them some consideration at that time. However, had this amendment not been presented, I too would have felt that the expenditure was excessive. However, under the circumstances, I believe that the State employees are asking only for a just difference until the first of this year, that is only back until about the time we went into session. I do not believe that we are going to bankrupt the State in trying to help them out to the extent that they have requested.

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

Mr. BURGESS: Mr. Speaker and Members of the House: I arise to support the House Chairman and the Committee on Appropriations and wish to preface my remarks with a very brief statement in order that I may not be misunderstood. The record will prove that for ten years I have gone down the line for the State employees and you will recall only yesterday that I put up a losing battle on the mileage bill.

I am still in favor of an increase in pay to State employees on a current basis but I am not in favor of retroactivity in this instance and I doubt if I would be in any instance and I state my reasons why. There is every indication that conditions and costs have levelled off and that they will in the near future show a decline. There is every reason to believe that the salaries of the State employees will continue at the increased level after conditions have changed downward so that they

would not have lost any more than they consider that they are behind at this time. In other words, it will equalize itself.

I can not tell you why the State employees have picked this opportunity to do a lobbying job on me for I have been a staunch supporter of theirs, as I stated, for a long period of years, and this is the first lobbying job anybody has ever done and it has worked in reverse. I have the highest regard for these people. I do not think they are getting all the pay that they should but the \$400,000 annually for the next two years in the Appropriations bill will correct that situation, four and a half per cent, and, if that is not enough, I will vote for more then but I am not going to vote to pay them retroactively.

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

Mr. FOGG: Mr. Speaker and Members of the House: I do not know as I can quite concur with the gentleman from Limestone, Mr. Burgess, that prices are going down. I read in the paper the other day that steel companies are laying plans to ask for a rise in steel prices and the Great Northern Paper Company 7 cent hour raise for their employees, the union did, and I am not going to be too sure that prices are going to go down at all. I do know that a lot of these highway workers, as the gentleman from Augusta, Mr. Albert, has said, are getting very little pay. In fact, I think I called that to the attention of this Legislature some time ago. I think that there are a lot of the rest of the State employees who are getting very low pay. This raise here is still not going to bring them up a great deal and inasmuch as it is still going to leave behind the rest of the crowd, as you might say, I think that it is only just that we should go back to the first of January and pay it.

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

Mr. McGLAUFFIN: Mr. Speaker, I would just like to say that the gentleman from Limestone, Mr. Burgess, and nobody else knows whether prices are going down or whether they are going up. It is

purely guesswork at this time. It can not be anything else and what we are trying to do is to take care of the situation as it is, not something that may happen in the future.

The SPEAKER: The question before the House is on the motion of the gentleman from Auburn, Mr. Jacobs, that House Amendment "A" to Resolve Appropriating Moneys to Effectuate Salary Plan for State Employees, House Paper 400, Legislative Document 453, be indefinitely postponed. The gentleman from Augusta, Mr. Martin, has requested a division.

As many as are in favor of the motion of the gentleman from Auburn, Mr. Jacobs, that House Amendment "A" be indefinitely postponed will kindly rise and remain standing in their places until the monitors have made and returned the count.

A division of the House was had. Twelve having voted in the affirmative and one hundred and eighteen having voted in the negative, the motion to indefinitely postpone House Amendment "A" did not prevail.

Thereupon, House Amendment "A" was adopted on the motion of Mr. Martin of Augusta and the Resolve as amended was assigned for second reading tomorrow.

The SPEAKER: The Chair lays before the House the second tabled and today assigned matter, Bill "An Act Amending the Maine Employment Security Law as to Definition of Employing Unit" (H. P. 755) (L. D. 780) tabled on April 2nd by the gentleman from Rockland, Mr. Low, pending first reading; and the Chair recognizes that gentleman.

On further motion of the same gentleman, the bill was given its two several readings.

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

COMMITTEE AMENDMENT "A" to H. P. 755, L. D. 780, Bill "An Act Amending the Maine Employment Security Law as to Definition of Employing Unit."

Amend said Bill by inserting at the beginning of the first line thereof the abbreviation and figure 'Sec. 1.'

Further amend said Bill by adding at the end thereof, the following:

'Sec. 2. R. S., c. 24, § 3, sub-§ XI, ¶ E, repealed. Paragraph E of subsection XI of section 3 of chapter 24 of the revised statutes, as repealed and replaced by section 1 of chapter 430 of the public laws of 1949, is hereby repealed.'

Committee Amendment "A" was adopted, and the Bill as amended was assigned for third reading at the hour of convening of the next legislative day.

The SPEAKER: The Chair lays before the House the third tabled and today assigned matter, House Divided Reports, Majority Report "Ought not to pass" and Minority "Ought to pass" of the Committee on Taxation on Bill "An Act Exempting Gas for Domestic Purposes from Sales Tax" (H. P. 995) (L. D. 1082) tabled on April 22nd by the gentleman from Westbrook, Mr. Larrabee, pending acceptance of either report.

The Chair recognizes the gentleman from Westbrook, Mr. Travis.

Mr. TRAVIS: Mr. Speaker and Members of the House: I realize that we are now in what we all hope may be the closing week of this session. Whether it is or not remains to be seen. But I appeal to you not to be stampeded into doing things which you will regret during the next two years.

I was in the 95th Legislature and among those who voted for the sales tax. There were many features of that tax that I was not satisfied with but I was asked to be patient, let the 95th Legislature adjourn, and come back to the 96th Legislature and straighten out whatever inequities time showed needed correcting.

I think that all of you will agree that when you exempt coal, oil and wood used for cooking or heating for domestic purposes and tax gas which competes with coal and oil, because gas as sold in this State is made from oil bought from their competitors, it is definitely discriminatory.

Now I am not sure of the price tag on this bill. I have been told by a member of the Taxation Com-

mittee that it is \$65,000. I think that figure may have been a little high, but I feel that we cannot say that we cannot afford to do that in view of the auto bill that we have passed.

I wonder how many of you have looked carefully at L. D. 1526, which we will probably consider tomorrow. It is a little bit early, but I want to say at this time that I feel that the gentleman from Auburn, Mr. Jacobs, and the other members of the Appropriations Committee have done a wonderful job on this bill. They have trimmed \$1,355,110 from the previous measure reported, L. D. 1316. Consider those figures, \$1,355,110, and then you say that even though you admit this is right you cannot afford \$65,000. Now you cannot justify such a statement, ladies and gentlemen.

The sales tax, I feel, will bring in the next two years a great deal of extra revenue in one field which is just coming into Maine. Those of you who now live in Bangor know that Bangor now has a television station. This August Portland will have a television station, and inside of two years ninety per cent of the families in this State will probably own a television set. Just consider the revenue that this is going to bring in. That will certainly more than offset the \$65,000 on this discriminatory bill.

Now I hope that you will consider this very, very carefully. As far as I am personally concerned, or as far as you are personally concerned, the amount of money involved is very small, but I think we should all agree that the principle here is right, and this is one of the minor inequities of the sales tax that was passed two years ago that this Legislature should have the courage to correct.

Mr. Speaker, I now move the acceptance of the minority "Ought to pass" report.

The SPEAKER: The gentleman from Westbrook, Mr. Travis, moves acceptance of the minority "Ought to pass" report.

The Chair recognizes the gentleman from Rockland, Mr. Low.

Mr. LOW: I was one of the signers of the minority report on this bill, and I think I ought to tell you a little of the history of the tax.

At the last session of the Legislature originally all fuel was taxed, but a certain member of the Legislature who is no longer a member was in the coal and oil business and naturally he took care of his own and he was not particularly interested in gas which was competing with him, so he did not bother to have that taken off. Now here we are with a tax that is just as unfair as it can be on a fuel that is competing with the other two fuels which are not taxed and gas is taxed. You have got to admit it is unfair, but here we have it. We have taken care of the automobile dealers, and here we are.

The SPEAKER: The motion before the House is the motion of the gentleman from Westbrook, Mr. Travis, that the minority "Ought to pass" report of the committee be accepted.

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

Mr. ARCHER: Mr. Speaker and Members of the House: Above all we ought to be fair. Now we have taken several thousand dollars away from the people that I thought could afford it. I feel now that we can afford a few thousand dollars for the little people who really need this money.

The SPEAKER: Is the House ready for the question?

The question before the House is on the motion of the gentleman from Westbrook, Mr. Travis, that the minority "Ought to pass" report of the committee be accepted.

Mr. TRAVIS: Mr. Speaker, I ask for a division.

The SPEAKER: As many as are in favor of the motion of the gentleman from Westbrook, Mr. Travis, that the minority "Ought to pass" report of the committee on Bill, "An Act Exempting Gas for Domestic Purposes from Sales Tax", H. P. 995, L. D. 1082, be accepted will rise and remain standing in their places until the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Ninety-seven having voted in the affirmative and seven in the negative, the motion to accept the minority "Ought to pass" report prevails.

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

hour of convening of the next legislative day.

The Chair lays before the House the fourth tabled and today assigned matter, Motion of Mr. Turner of Auburn to reconsider acceptance of Report of 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) tabled on April 23rd by the same gentleman.

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

Mr. TRAFTON: Mr. Speaker, I would like to speak on this motion for it was made on my behalf by my confrere from Auburn.

This is a small bill but there are some who love it. We have a chance in the State of Maine to go into the ski business in competition with our neighboring states of New Hampshire and Vermont and with the Dominion of Canada. New Hampshire grosses five million dollars a year from their ski business. They have appropriated funds and a complete development on Cannon Mountain that is run by the State.

This bill, to repeat, is a modest one. It is a request for the sum of \$15,000 for the improvement of a road that has already been constructed as a winter road for access to Sugar Loaf Mountain. If this money is appropriated it might mean that private capital can do the rest of the work and build a modern lift of some sort on that mountain.

Now it originally appeared before the Highway Committee and the Highway Committee was jealous of its funds, the pork barrel bill was being assaulted, and they did not wish this money to come from their funds.

It is my intention, if you look favorably upon reconsideration, to offer an amendment that the \$15,000 will come from unappropriated surplus, and, as this is in the nature of a capital project, I believe that such an appropriation would be justified.

If the project goes through, the proponents of the project feel it would mean five hundred or more people coming to the vicinity of Sugar Loaf to ski. It would mean

revenue from lodgings, revenue from the automobile trips made to the State for that purpose and for the whole community around Sugar Loaf. It is a chance to put "Vacationland" after the word "Winter" and make it "Winter Vacationland" as well as "Vacationland." I hope that you will look with favor on reconsideration and that this small bill will have its chance.

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

Mr. DODGE: Mr. Speaker and Members of the House: There is a little more than skiing here to be considered on L. D. 828. There is a vast forest area in that particular location, some twenty-five or thirty thousand acres of more or less wild land, heavily wooded with matured growth, with some very healthy growing timber of most all species adapted to that climate.

We are all familiar with the Keep Maine Green program and, by the same token we are all very interested in keeping the State green. The building of this road would furnish adequate means of transportation for mechanical fire-fighting equipment back into this location about center way of the twenty-five or thirty thousand acres that it would serve. It is needless to say that being able to move this type of equipment in there in the case of a forest fire, which can easily be started by lightening or any other means, would simply speed up the arrival of the equipment, shorten the length of the fire, and in turn save more of our natural resources. I urge upon you fellow legislators to consider the importance of this as a fire-fighting, conservation measure when you vote upon L. D. 828, and I hope that you will vote favorably for it. Thank you.

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

Mr. VAUGHAN: Mr. Speaker and Members of the House: It seems that we are very generous with some of our recreational facilities this morning. I recall that Reid State Park received \$245,000, not to mention Sebago or Aroostook State Park. It seems that we are paying a great deal of attention to

these little matters that are going to return a great deal and glossing over those items that call for a large amount of money that seem to be very favorable with certain interests.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Currier.

Mr. CURRIER: Mr. Speaker and Members of the House: We have had a chance to help schools and old age recipients but we seem to have turned them all down, as well as different resolves for highways and so on and so forth. This resolve has been before the House twice and was turned down both times by quite a majority, and I do not feel that we are able at this time to change our mind to build what seems to me to be a dead-end road for skiers at a cost to some of our essential country roads. If a company plans to spend two or three hundred thousand dollars on a ski tow and a ski-way into this area, if they plan to do that, it would seem to me that they could afford to build their own highway instead of taking it out of our main fund which go to more deserving roads and more deserving people. I hope that this does not pass.

The SPEAKER: The motion before the House is the motion of the gentleman from Auburn, Mr. Turner, that the House reconsider its action whereby it accepted the "Ought not to pass" report of the Committee on Highways. Is this the pleasure of the House?

As many as are in favor of the motion will please say yes; those opposed, no.

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

The SPEAKER: Sixty-four having voted in the affirmative and forty in the negative, the motion to reconsider prevails.

The gentleman from Auburn, Mr. Trafton, now moves that the resolve be substituted for the "Ought not to pass" report of the committee. Is this the pleasure of the House?

As many as are in favor of the motion of the gentleman from Auburn, Mr. Trafton, that the resolve be substituted for the "Ought not to pass" report of the Committee

will kindly rise and remain standing in their places until the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: Fifty-five having voted in the affirmative and forty-three having voted in the negative, the motion to substitute the resolve for the "Ought not to pass" report of the committee prevails.

Thereupon the resolve was given its first reading and assigned for second reading at the hour of convening on the next legislative day.

Mr. STEWART of Paris: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. STEWART: Mr. Speaker, I wish unanimous consent to take from the table out of order the fourteenth today assigned matter.

The SPEAKER: The gentleman from Paris, Mr. Stewart, requests unanimous consent, out of order and under suspension of the rules, to take up at this time the fourteenth today assigned matter. Does the Chair hear objection to the gentleman's request? The Chair hears none.

The matter now before the House is House Order asking opinion of Justices, presented by the gentleman from Paris, Mr. Stewart, tabled under the rules pending passage.

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

Mr. STEWART: Mr. Speaker, I move passage of the order.

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

As many as are in favor of this order receiving passage will please say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed and the order received passage.

The SPEAKER: The Chair lays before the House the fifth tabled and today assigned matter, House Report "Ought to pass" of the Committee on Inland Fisheries and Game on Bill "An Act relating to Bounty on Bears" (H. P. 1043) (L. D. 1185) tabled by the gentleman from Sweden, Mr. Moulton, pending acceptance of report of the committee.

The Chair recognizes the gentleman from Island Falls, Mr. Crabtree.

Mr. CRABTREE: Mr. Speaker, it is refreshing now to come to a very important matter this afternoon, the matter of bears and bear bounty. It is particularly appropriate inasmuch as the last two or three weeks the whole money markets of the world have been beary; in fact I understand the committee dealing with it could hardly bear with it. They did, however, in their wisdom, report out my favorite bill unanimously "Ought to pass," but I understand unofficially that they did it in a democratic spirit so that we here in the House might select the better parts of it or discard the bad parts of it according to our points of view.

Now I have worked out, in my feeble way, a modus operandi to deal with the bears that I hope is agreeable to all. I have tried to make it agreeable to everybody; I just want everybody to be happy about this bear matter, and that is a difficult situation to tackle. But the bill as reported out unanimously "Ought to pass" leaves it exactly the way it was, which suits me to a "T". I have plenty of reason to know that it does not suit a lot of you good people, so I have tried to work out something that, quickly, I hope, might bring the matter to focus and deal with this matter in a provincial manner.

This is one thing, I believe, that should be dealt with in a provincial manner. We in the Garden of Maine know what we want, I think, without any doubt. I understand that the people from Penobscot and Piscataquis are fairly well set on their desires in the matter, but there are two schools of thought, both vocal and vigorous, in the other counties. So the modus operandi would be this: That I move to accept the committee report. I understand that there is an amendment which would increase this bounty from the present fifteen dollars to twenty-five dollars. That you may do with as you wish and you of course will. The next amendment which I will propose will limit this bear bounty to three northern counties aforementioned.

I have another amendment, which will be offered after that, dealing with Franklin County. It seems that Franklin is divided in its opinion on bear bounties, and there again I think it only democratic and proper in the case of bear bounty to let Franklin do with it as they darned please.

I do not mean to treat this matter too lightly. It is not a light matter in my area by any manner of means. It has been booted around a great deal and has been the subject of certain jests, "bear in sheep's clothing," and all this, that and the other. It is, I recognize, a nuisance when you set your lunch bucket down out in the woods to have the bears come along and take your lunch. That frequently happens up our way. But that is a minor matter.

The serious import of this whole thing is the fact that we in the great County of Aroostook, in the southern part at least, would like to raise some sheep. We try to raise sheep, but on account of the bears we are not successful in raising sheep by any manner of means. I suppose — it is my theory, and shared in by others, that because of the Park area in Mount Katahdin, where all game is protected, it serves as a great breeding ground for bears, and they come down in our area in great numbers and they certainly ravage the sheep and some other livestock.

Now this does not have to come out of unexpended surplus; it does not have to come out of current funds; we do not have to worry ourselves about that. It comes out of the dog tax, right exactly where it should, and so it is not going to cost anybody anything on that.

My first motion, therefore, and I hope with this motion you will agree, is that we accept the unanimous report of the committee "Ought to pass" and then we will carry on as quickly as possible with the rest of this bearish matter.

The SPEAKER: The gentleman from Island Falls, Mr. Crabtree, moves that the House accept the "Ought to pass" report of the Committee on Inland Fisheries and Game. Is this the pleasure of the House?

The motion prevailed and the "Ought to pass" report of the Committee on Inland Fisheries and Game was accepted, and the bill was given its two several readings.

The SPEAKER: The Chair recognizes the gentleman from Medway, Mr. Potter.

Mr. POTTER: Mr. Speaker and Members of the House: As the gentleman from Island Falls, Mr. Crabtree, has already mentioned, the bears do a great deal of damage to the sheep industry, especially in the northern part of Penobscot County and the southern part of Aroostook. I did have a bill in here, which I think was partially misunderstood, to protect the bears in the really wild areas way back. I did not have any bill for bounties, to take the bounties away from the areas where they have them now, which bill — and this is the bill — covers the organized towns and the towns adjoining the organized towns.

We have had this measure on the books for some years at a bounty of fifteen dollars. Fifteen dollars is not enough to encourage the cleaning-up of the bear. We simply trap off the increase without destroying the breeding stock. All it really does is pay a man \$15 for what he would go out and do anyway, shoot a bear. He would naturally shoot the bear if he had an opportunity. If a man goes trapping bear, when this bounty was put on the cost of a bear trap was \$12.50, and he got his bait back, the cost of his trap on the first bear. Today the bounty is \$15, and the cost of an ordinary, small bear trap is \$23.50, so he has got to catch two bears before he gets back the total cost of his trap. If we had a bounty that was high enough to encourage the actual killing off of bear and not doing it as a sport, I think perhaps we would clean down the breeding stock and in the long run it would save us some money. As the gentleman from Island Falls, Mr. Crabtree, has mentioned, this money comes from the dog tax money and the dog tax money, what comes back to your town is very small. I think our town in one year got \$1.38. What is left from the money after the bear bounty is paid goes to pay

sheep damage and it does not make much difference whether you pay it out in sheep damage or bear bounty, it is gone anyway and the town gets back a very small proportion.

I therefore wish to offer House Amendment "A" and move its adoption.

The SPEAKER: The gentleman from Medway, Mr. Potter, offers House Amendment "A" and moves its adoption. The Clerk will read House Amendment "A".

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

HOUSE AMENDMENT "A" to H. P. 1043, L. D. 1185, Bill "An Act Relating to Bounty on Bears".

Amend said Bill by indicating the striking out of the figures "\$15" in the 5th line by drawing a line through said figures "\$15" and by inserting immediately after the stricken out figures the underlined figures "\$25".

House Amendment "A" was adopted.

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

Mr. CRABTREE: I now offer, Mr. Speaker, House Amendment "B" which limits the bounty on bear to the three counties, Aroostook, Penobscot and Piscataquis.

The SPEAKER: The gentleman from Island Falls, Mr. Crabtree, offers House Amendment "B" and moves its adoption. The Clerk will read House Amendment "B".

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

HOUSE AMENDMENT "B" to H. P. 1043, L. D. 1185, Bill "An Act Relating to Bounty on Bears."

Amend said Bill by striking out in the 4th and 5th lines thereof the words "except in Franklin County".

Further amend said Bill by inserting after the word "plantations" at the end of the 7th line thereof the following underlined words 'in the counties of Aroostook, Penobscot and Piscataquis'.

The SPEAKER: The Chair understands the gentleman from Island Falls, Mr. Crabtree, has House Amendment "A" to House Amendment "B" to offer?

Mr. CRABTREE: Mr. Speaker, I offer House Amendment "A" to

House Amendment "B" if this is the right time to do it.

The SPEAKER: The gentleman from Island Falls, Mr. Crabtree, offers House Amendment "A" to House Amendment "B". The Clerk will read House Amendment "A" to House Amendment "B".

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

HOUSE AMENDMENT "A" to HOUSE AMENDMENT "B" to H. P. 1043, L. D. 1185, Bill "An Act Relating to Bounty on Bears."

Amend said Amendment by inserting after the word "Aroostook" the word 'Franklin' .

House Amendment "A" to House Amendment "B" was adopted.

House Amendment "B" as amended by House Amendment "A" there-to was adopted, and the Bill as amended was assigned for third reading at the hour of convening of the next legislative day.

On motion by Mr. Fuller of South Portland,

Adjourned until 8:30 E. S. T. tomorrow morning.