

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

Wednesday, April 29, 1953

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

Prayer by the Rev. Mr. Chauncey Wentworth of Augusta.

The journal of the previous session was read and approved.

**Papers from the Senate
Senate Reports of Committees
Leave to Withdraw**

Report of the Committee on Judiciary on Bill "An Act relating to the Commitment to Mental Hospitals" (S. P. 470) (L. D. 1313) reporting leave to withdraw.

Came from the Senate read and passed.

In the House, was read and passed in concurrence.

Ought Not to Pass

Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to Public Utility Rates" (S. P. 409) (L. D. 1110) as it is covered by other legislation.

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 Judiciary on Bill "An Act Authorizing Towns to Issue Revenue Bonds for Public Improvement" (S. P. 85) (L. D. 192) reporting same in a new draft (S. P. 579) (L. D. 1519) under title of "An Act to Confer Additional Powers Upon Municipalities in the State of Maine in Relation to the Supply and Distribution of Water and the Collection, Treatment and Disposal of Sewage, Including Industrial Wastes" and that it "Ought to pass"

Report of same Committee on Bill "An Act relating to Facilities Furnished by Public Utilities" (S. P. 254) (L. D. 678) reporting same in a new draft (S. P. 588) (L. D. 1527) under same title and that it "Ought to pass"

Report of the Committee on Transportation on Bill "An Act relating to Registration Fee for Boat Trailers" (S. P. 363) (L. D. 974) re-

porting same in a new draft (S. P. 590) (L. D. 1529) under same title and that it "Ought to pass"

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

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

Ought to Pass

The following two Reports from the Committee on Appropriations and Financial Affairs were reported under authority of Joint Order (S. P. 544):

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act to Appropriate Monies for Capital Improvements and Construction of State Government for the Fiscal Years Ending June 30, 1954, and June 30, 1955" (S. P. 75) (L. D. 182) reporting a Resolve (S. P. 580) (L. D. 1520) under title of Resolve relating to Post War Public Works Reserve Fund and Appropriating Moneys for the Women's Reformatory and that it "Ought to pass"

Report of same Committee on same Bill reporting a Resolve (S. P. 581) (L. D. 1521) under title of Resolve Providing for Expenditures on Airports and that it "Ought to pass"

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

In the House, Reports were read and accepted in concurrence, the Resolves read once and tomorrow assigned.

**Ought to Pass with Committee
Amendment**

Report of the Committee on Judiciary on Bill "An Act Requiring Children to Care for Parents According to Ability" (S. P. 401) (L. D. 1118) 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. 401, L. D. 1118, Bill "An Act Requiring Children to Care for Parents According to Ability."

Amend said bill by adding at the beginning of the first sentence the underlined abbreviation and figure 'Sec. 1.'

Further amend said bill by adding after the first paragraph the following underlined paragraph: **'Provided, however, that if, on petition by a child to the superior court in the county where such parent or parents reside, alleging that such parent or parents have forfeited his or their right to the support of petitioner by abandonment or gross abuse of petitioner during the period when such parent or parents were legally responsible for petitioner's support, at a hearing on said petition held after personal notice to the parent or parents and to the overseers of the poor of the town of residence of the parent or parents, the petitioner shall offer clear and convincing evidence as to the truth of the facts alleged, the judge may rule that such parent or parents have forfeited their right to support from the petitioner and the petitioner shall not thereafter be charged with the support of such parent or parents.'**

Further amend said bill by striking out the underlined word "preceding" in the 5th line of said bill and inserting in place thereof the underlined word '1st'

Further amend said bill by adding at the end thereof a new section as follows: "**Sec. 2, R. S. c. 82, §20, amended.** The first sentence of section 20 of chapter 82 of the revised statutes is hereby amended to read as follows: 'The father, mother, grandfather, grandmother, children, the grandchildren, by consanguinity, living within the state and of sufficient ability, shall support persons chargeable, in proportion to their respective ability unless excused under the provisions of section 22 of chapter 153.' "

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

Ought to Pass in New Draft Indefinitely Postponed

Report of the Committee on Legal Affairs on Bill "An Act relating to Fire Escapes" (S. P. 256) (L. D. 681) which was recommitted, reporting same in a new draft (S. P. 589) (L. D. 1528) under same title and that it "Ought to pass".

Came from the Senate with Report and Bill indefinitely postponed.

In the House: Report was read.

On motion of Mr. Sanford of Dover-Foxcroft, the Report and Bill were indefinitely postponed in concurrence.

Divided Report

Majority Report of the Committee on Legal Affairs on Bill "An Act relating to Charter Changes for City of Lewiston" (S. P. 508) (L. D. 1387) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Mr. CHAPMAN of Cumberland
—of the Senate
Messrs. CHILDS of Portland
WOODCOCK of Bangor
STEWART of Portland
GOWELL of Berwick
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:

Mr. WEEKS of Cumberland
—of the Senate
Mr. STEWART of Paris
—of the House

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

In the House: Reports were read.

On motion of Mr. Cote of Lewiston, the Majority Report, "Ought to pass" as amended by Committee Amendment "A", was accepted in concurrence.

Thereupon, the Bill was given its two several readings.

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

COMMITTEE AMENDMENT "A" to S. P. 508, L. D. 1387, Bill, "An Act Relating to Charter Changes for City of Lewiston."

Amend said Bill by striking out the period after the underlined word "**budget**" in the last line thereof and inserting in place thereof the following underlined words and punctuation:

" , and further provided that all such purchases in excess of the sum of \$100 shall be made only after public advertising notice thereof and the submission of competitive bids therefor."

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

"Effective date; referendum; 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 Lewiston at the next regular municipal election. The city clerk shall prepare the required ballots on which he shall reduce the subject matter of this act to the following question: "Shall an Act Relating to Charter Changes for City of Lewiston, passed by the 96th legislature, be accepted?" and the voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same. This act shall take effect for all the purposes hereof immediately upon its acceptance by a majority of the legal voters at said election, provided that the total number of votes cast for and against acceptance of this act equals or exceeds 20% of the total vote cast for all candidates for governor in said city at the next previous gubernatorial election.

The result of said vote shall be determined by the municipal officers of the City of Lewiston and due certificate thereof filed by the city clerk with the secretary of state.

Committee Amendment "A" was then adopted in concurrence, and the Bill was assigned for third reading the next legislative day.

Non-Concurrent Matter

Resolve to Apportion One Hundred and Fifty-one Representatives Among the Several Counties, Cities, Towns, Plantations and Classes in

the State of Maine (S. P. 493) (L. D. 1347) which was indefinitely postponed in the House on April 22 in non-concurrence.

Came from the Senate with that body voting to insist on its former action whereby the Resolve was passed to be engrossed as amended by Senate Amendment "A".

In the House:

The Chair recognizes the gentleman from New Limerick, Hr. Hand.

Mr. HAND: Mr. Speaker, I move that the House insist on its former action, whereby this bill was indefinitely postponed.

The SPEAKER: The gentleman from New Limerick, Mr. Hand, moves that the House insist on its former action whereby the report and the resolve were indefinitely postponed on April 22nd.

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

Mr. MCGLAUFLIN: Mr. Speaker and Members of the House: The question before you this morning is whether your written oath is worth the paper it is written on. Every last one of us have sworn to support the Constitution of the State of Maine. You not only swore to do it, but you signed your name to the paper that you so swore. Now you are under a test this morning. Is your oath worth the paper it is written on?

I did not speak on this matter before, but I want to call your attention to the fallacious arguments that were put up here the other day to get you to vote the way many of you did.

Some of the members of this House, instead of trying to support the Constitution, are trying to find out how they can avoid supporting the Constitution, and they have worked out this ingenious argument, which I propose to debunk right this minute.

They say that in Aroostook County they have gained population; they have not been able to say that the proportion over the State has changed at all and it is nothing but a guess, and on that guess they would go back on their solemn oath rather than to carry out the terms that they think will hurt them.

The fallaciousness of this argument is this: They are trying to

make out that the Constitution itself provides that you can avoid supporting the Constitution, and this is how they work it out: They say that the 1950 census is not correct. I want to point out to you that if you took the census of this State today, it would be wrong before night because the population of this State is changing every hour, and to put up such an argument is to argue that because you cannot get a correct population at the time you pass upon this matter, that you are excused from carrying out your oath, which is utterly absurd because the Constitution never makes a provision and at the same time makes a provision that you can avoid carrying out the provisions of that Constitution.

I want to call your attention to another matter that perhaps influenced some of you in your vote. We had a very interesting—I cannot call it an argument—but statement, by our friend, Mr. Hanson of Machiasport, but I want to call your attention to the fact that there wasn't one particle of argument in anything that he said. It was an appeal to your sympathies. Now Mr. Hanson, a man who can get every vote in his district, from both Republicans and Democrats, isn't going to lose any seat in this House because Washington County happens to have one less Representative.

I am amazed that there seem to be so many men in this House that take this oath to support the Constitution so lightly. Representative Dickey said if this failed to go through, he had a proposal that we stick to this same arrangement that we have now, twenty years or more old. Do you think that that is carrying out your promise to support the Constitution? That is simply another effort to find an excuse for not doing your duty. Because the Legislature in '41 failed to do its duty, and the Legislature of '51 also failed to do its duty is no excuse for us to dodge the issue.

I have stated, and I mean it, that I think this is one, I say not only one, but I think this is the best Legislature that I have ever worked with. The men and women that I have met here appear to be men and women of character, men and women who fear God and propose

to do their duty. Time and again you have passed measures against committee reports because you thought it was the right thing to do. This morning I am urging you, earnestly urging you, to keep your solemn oath to carry out the provisions of this Constitution.

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

Mr. FORD: Mr. Speaker, I move we recede from our former action whereby we indefinitely postponed L. D. 1347, and I request a ye and nay vote.

The SPEAKER: The gentleman from Waterford, Mr. Ford, moves that the House recede from its former action whereby it indefinitely postponed L. D. 1347, Resolve to Apportion One Hundred and Fifty-one Representatives Among the Several Counties, Cities, Towns, Plantations and Classes in the State of Maine.

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

Mr. DICKEY: Mr. Speaker, I rise to a personal privilege.

The SPEAKER: The gentleman may proceed.

Mr. DICKEY: My point is this: Certain reference has been made that I have not lived up to my oath. I would request, at this time, to have a copy of the oath that I have signed read by the Clerk.

The SPEAKER: The gentleman's request may be granted.

The House may be at ease.

House At Ease

The House was called to order by the Speaker.

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.

The SPEAKER: Without objection, the Clerk will read the actual certificate of oath of the gentleman from Brooks, Mr. Dickey.

The CLERK:

"Certificate of Qualification Representative STATE of MAINE

"I, Emery S. Dickey, do swear that I will support the Constitution of

the United States and of this State, so long as I shall continue a citizen thereof, so help me God.

(Signed) E. S. Dickey

"I, Emery S. Dickey, do swear that I will faithfully discharge to the best of my abilities the duties incumbent on me as a Representative in the 96th Legislature of the State of Maine, according to the Constitution and Laws of the State, so help me God.

(Signed) E. S. Dickey

Augusta, Maine, January 7, 1953."

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

Mr. DICKEY: Mr. Speaker and Members of the House: You have heard the Clerk read my oath of office. I think, in the Constitution, as printed in the special book on page 6 it says: "The House of Representatives shall consist of one hundred and fifty-one members."

It also says that: "The number of inhabitants of the State to be ascertained and they shall be apportioned as near as may be."

I said a few days ago that I would challenge any member in the House to try and unseat me. I believe that I have lived up to the Constitution as written. Any of my acts in regard to reapportionment I believe are sound, and therefore I believe that as far as any question of reapportionment under the Constitution the House was right and proper in their action before indefinitely postponing.

The gentleman from Portland, Mr. McGlaflin, our good Judge, just stated a short time ago that Washington County would only lose one. It is my belief that the move is on for Washington County to lose two. I don't know whether Cumberland now only wants two or whether they are endeavoring to steal the other one from York.

I certainly hope that the motion of the gentleman from Waterford, Mr. Ford, does not prevail.

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

Mr. JACOBS: Mr. Speaker and Members of the House: I signed the minority report in good conscience, believing I had a perfect right to

do so, if I believed that way. I was on the Apportionment Committee in 1931, '41 and '51. In 1941, of the committee of twenty-three members, there were twenty-one against reapportionment and two for reapportionment.

I base my conclusions largely on the words in the Constitution of this law "as near as may be."

I asked the late Judge Sanborn of Portland, who has recently died — he was on this committee in '41 — what those words meant. Of course he was in favor of reapportionment at that time. He didn't give me a decisive answer, and I asked him this: "As near as may be" means "as near as we can determine" — as near as we can agree in this House of the Legislature?" And he did not deny that.

I have never yet heard anyone express an opinion on what those words meant except "as near as may be" or "as near as we could conclude" in our determination on this proposition.

Now as far as apportionment is concerned, Cumberland County no doubt would get two more. As a fact, there are twenty-eight members in this Legislature from Cumberland County, one-eighth of the entire membership of this body and the Senate combined. I feel that we are doing an injustice to those counties that are going to lose representation in this House, and for that reason I voted against this reapportionment, honestly, and I think I had a right to do it, notwithstanding the remarks of the gentleman from Portland, Mr. McGlaflin, that the majority of us are criminals today, as we voted the other day. I shall still, in good conscience, vote against reapportionment this time. (Applause)

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

Mr. HAND: Mr. Speaker and Members of the House: I would like to say again today that if any of you feel that your conscience, and that your oath to support the Constitution of the State of Maine, would prevent you from voting against reapportionment, then you should not do it. You should be the sole judge of your actions.

I think that it is the duty of those of us who are members of the Reapportionment Committee to try to enlighten you with facts, and as I said the other day, not with sentiment, so that you may have, when you vote, a full understanding of the law and the facts, and there still in my mind is some question as to whether or not matters of equity should enter in.

This morning I read, in the office of the Attorney General, an opinion given by former Attorney General Ralph Farris, to Robert Haskell, now Senator Haskell, as to the effect of an order passed by the Legislature, and although I may not be able to quote word for word from his opinion, in effect, this is what it said: "That although an order cannot supersede a statute or a law which is now a part of the laws of this State, it does have the effect of clarifying, enlarging, broadening those specific sections of the law to which they may pertain."

Now you have a clause in your Federal Constitution relative to reapportionment, which, in effect states that the enumeration shall be made at the several times that the apportionment is being made. In other words, if we are going to reapportion today, we base our figures on today.

Now by way of clarification I would like to read to you what the Legislature's action has been concerning this section of the Constitution. The second paragraph of Joint Order, Senate Paper 157, has a basis for recommending the apportionment of Representatives among the several counties and within the counties. "The Committee shall first ascertain the number of inhabitants as of the present time."

Now, so far as I know, practically every member of this House voted to pass that order. Now I cannot see how anything could be any clearer, any more easily understood, than those words: ". . . . Shall first ascertain the number of inhabitants of this State as of the present time."

Now the gentleman from Portland, Mr. McGlauffin, has said that you could take a census today and it would change before night. That

may be. I don't know, but I do know, I have been prepared to establish, and I am still prepared to establish, that there has been a continuing increase in the population of Aroostook County to the extent that the '50 Federal census in no way reflects the true situation.

A lot of reference has been made as to the actions or failure to act of the last Legislature. I can tell you of one thing that happened in the last Legislature which nobody seemed to get to, concerning reapportionment. When the committee met, the member of that committee from Piscataquis County stood ready and prepared to show the committee that the census, as far as Piscataquis County was concerned, was in error. He did establish it, and as a result Piscataquis County did not lose, or was not slated to lose, and still isn't slated to lose, a member of this Legislature, based on the 1950 Federal census as modified.

Now, we come in this year with the Reapportionment Bill, prompted by an order such as I have read to you, with another county standing ready. I feel certain that we can establish so that there will be no doubt in the mind of a reasonable man that we are now in the same position, not entitled to lose a Representative.

There also has been some intimation that we could do no better than to use the 1950 Federal census; nothing more accurate could be obtained. My answer to that would be this: So far as I know, no one has tried very hard.

After this bill was reported into the House, I talked in the corridor, one afternoon, with the Senator from Penobscot, Senator Haskell; we had gone over the bill; he has been convinced that Aroostook had something to talk about. And his question to me was: "How can it be established?" After some discussion on the matter it was suggested that the Secretary of State has a mailing list of all the Town Clerks in the State of Maine, that they have a record of births and deaths up to date at all times.

Now bear in mind that the committee started to bring in reports of births and deaths. They got as far as 1951, couldn't go any further

because the Bureau of Vital Statistics didn't have those figures available and wouldn't have them until May.

I went down to see Paul MacDonald, the Deputy Secretary of State, and talked with him about the expense of circularizing the Town Clerks, the possible results, and he informed me that there with it except postage, and that it might be that he would have to keep a clerk or two in his office some night overtime to work on this mailing list, but that the cost would be very small. We then decided that this should be a co-operative step, that there was no point in trying to do it unless both the proponents and the opponents of this bill would agree that it was a fair and just thing to do. It hasn't been done, and the reason that it hasn't been done is that some of the proponents of this bill said that they would strenuously object to it.

So I suspect that you will hear, again and again and again, that this is all we can do, is to take the 1950 Federal census; there is nothing else available. There are figures available. The committee knew the figures were available. Mr. Finemore has figures with him today that will establish that this reapportionment is not on the basis of present population.

If you will read further in the Joint Order, you will find that the committee was not obligated even to base its recommendations on 1950 census, "and for this purpose"—I am reading from the Order—"and for this purpose is authorized to use the Federal census of 1950 with such modifications and adjustments as may be required to reflect accurately the changes in the number of inhabitants since the date of taking the Federal census."

Now the order has said that you are going to use the '50 Federal census, bring it up to date, but if you cannot do that "or to use any other method of enumeration which it may deem more accurate." Other methods were available but were refused.

Now I say to you that this Order, which was passed, is as much binding upon this Legislature as any article in the Constitution. It is a modification, it is a clarifica-

tion of constitutional provision which, under the Attorney General's opinion, the Legislature has a right to do. You are as much obligated, and perhaps more obligated, since this is a clarification, to follow this Order and to see that the House is reapportioned on the basis of this Order as you are to see that something is done even though it may be wrong.

Now if you want to vote for reapportionment, remember that this is what you are doing: You are deciding that you are simply taking the attitude that something has got to be done and we are going to do it and we don't care whether the counties that get hurt are the counties that should get hurt or not.

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

Mr. LOW: Mr. Speaker and Members of the House: I have heard many times in this debate and out in the corridor that certain counties are going to gain Representatives and certain counties are going to lose Representatives. Now as a matter of fact that is not correct. No county as such is going to gain a Representative and no county is going to lose, for the simple fact that counties are not represented here. It is people who are represented.

Now it doesn't make any difference whether all of the people in the State decide to live in the lower eight counties of this State or whether we decide to live in the upper eight counties of the State, it is the place where the people come from that should have the representation, not the counties themselves; the counties are merely a political subdivision of the State, and as such do not count for anything here.

Now if all of the people in the State decide to live in the eight southern counties, I believe firmly that the entire representation in this House should come from the lower eight counties, and the same applies if they happen to move for some reason to the northern eight counties. There is no reason why people living in Aroostook should be represented by people from Cumberland County. That is not where they live and they should not

be represented from there; they should be represented by people who live in Aroostook County or any other county.

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

Mr. FOGG: Mr. Speaker and Members of the House: To me this whole muddle that we are in on this reapportionment issue is a Republican chicken that has come home to roost.

Not only for years, but for generations, the Republican party has held the stewardship of the State of Maine through control of this Legislature. This control has been so absolute and so complete that any mistakes which have been made I think can justly be called Republican mistakes.

Now the ghost of this reapportionment issue has been chasing the Republican leadership around this State House for over twenty years and every time it stuck its head out to say "Boo" the Republican leadership seems to have been taken over by some sort of a paralysis from which it never seemed to recover.

The first fumble on this reapportionment came in 1941. I wasn't around here at that time so I don't know the reason for it. However, I was around here in 1951 when the next fumble took place. That happened because two factions in the Republican Party just could not make up their minds as to who was skinning whom, and while that battle was carried on, the really basic issue which should have been considered, and that was abiding by the Constitution, was completely ignored.

I will say, in justice to the Republicans, that the Democrats did not show any more of a sense of responsibility than the Republicans did at that time. However, I believe that the snarl which we got into two years ago should have been a warning to us and to the Republican leadership for this session. I think that this problem should have been foreseen and that plans should have been laid two years ago to iron out all of the difficulties which we are facing now.

It seems to me that the stumbling block in this whole problem is a

population figure which should be used to determine the reapportionment. I believe that early in this session this fact was apparent and something should have been done about it, but I don't think anything was really done about it. There does not seem to have been any early attempt to iron this out, so right now we are right back where we were two years ago. Who is skinning whom?

I also believe that the reshuffling of the legislative classes within the different counties in some instances is open to criticism, and there are certainly some of the divisions in some of the counties that I don't like.

To me, the whole attitude of the Republican leadership has been that "Somehow we will muddle through," but we are not going to muddle through; we never have muddled through; we simply have gotten thoroughly muddled up.

It is my opinion that plans for settling upon a population figure should have been done two years ago, and also two years ago they should have set the machinery in motion to iron out these other differences which you have here. However, due to the lack of willingness on the part of the Republican leadership to face the facts of life, they let this slide by. Now we have the choice of making what we individually consider the lesser of two evils. We can go ahead and continue to violate the Constitution, which we have been doing for twenty-two years, or we have the other choice, on the other hand, of voting for a bill which has been hastily conceived and loaded with a bunch of injustices.

Now some time ago I stated that the Democratic Party was going to go along behind reapportionment thoroughly because we had been violating the State Constitution. There is a question in my mind now just what should be done, and I am very much inclined to let the Democratic members of this House vote just as they see fit. We have been violating the Constitution for twenty-two years and now if we violate it for a couple more years I don't know as it is going to do an awful lot of harm. The main

harm has been done. But I do look at it this way: We are in an awful mess; it is a disgusting mess; and I think that what we should do is to make mighty sure that by the time the next legislative session comes around this thing is going to be taken care of so that we won't run into this argument that we are in now and we won't run into the civil war in the Republican Party that we are suffering from now. That is all I have to say.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I just simply stand to answer the Judge, the gentleman from Portland, Mr. McGlauffin. He has stated that our figures out of Aroostook County were guess work. I would like to state here that I hope that my guess is much better than the information that Mr. McGlauffin gave in this House yesterday that was very misleading and very incorrect.

I want to say that we only lack, in Aroostook County, 777 of a population for holding our Representatives. Now these figures are figures which have been handed me, but I understand that the births and deaths of Aroostook County would give us a raise of 835, and that was thrown out of the window, and that was 108 more than we need.

I do want to explain right here: Mr. McGlauffin said that it was impossible to get a correct population out of Aroostook County and we were guessing, grasping figures as a guess. I want to inform the gentleman from Portland, Mr. McGlauffin, and the members of this House this morning that in ten minutes I can get a true record of over 5,000 raise in population in Aroostook County, by walking to the telephone booth and placing one telephone call.

We alone, on our air base in Presque Isle, built 275 buildings, new, during the year of 1951 and 1952, that alone have population enough in them to give us our difference in Aroostook County. I wonder if this is a guess.

I will say that every figure I have given in this House, I have

tried to give with truth and honesty. I have never tried to mislead or misinform. I was told when I came here to look to so and so in this House as their word being law but I believe today we had better begin to look the second time and take caution as we go along, use our own judgment, rather than someone else's, because I believe we are being misled, and I am not trying to mislead. If anyone questions my statement in regard to the population of Aroostook County, I can prove it to them in five or ten minutes on the telephone, and I want this understood: That we have the population in Aroostook County, we are not trying to take any Representative away from anyone; we are just trying to hold our own, and we have the population to hold it, and as far as voting against the oath I took here is concerned, I am not a lawyer by any means, but I have studied it and I have gone over it with people whom I believe know, and I do not believe when I vote against this bill as it is written—I am not going to say, I am going to vote against apportionment—but as I vote against this one as written, I do not believe that I am voting against my oath or against the Constitution, and again I say that if anyone doubts my word in these figures, I can prove it to them because I am not trying to misinform, I am not trying to mislead this House in any way, nor have I at any time that I have spoken in this House.

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

Mr. McGLAUFFIN: Mr. Speaker, I would just like to explain that the gentleman from Bridgewater Mr. Finemore, has misinterpreted my statement. I said that we did not have any evidence that the proportion over the State had changed; I did not question his statement about the increase in Aroostook County at all but I did say that to know whether or not the proportion had changed was mere guess work, whatever Aroostook County may have. Other sections have also gained, which may have kept the proportion the same.

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

Mr. FORD: Mr. Speaker and Members of the House: Anything that I will say on apportionment will be a repetition of what I said the other day but I am amazed at the figures that are available this morning. As I told you the other day, I was on the sub-committee that attempted to get all of these figures and believe me I worked hard and I attempted to get those figures in there was nothing reliable about them; there was nothing accurate about them. I still feel that the only accurate figure that we can work on is the census of 1950 and if there are any inequities in that census of 1950, I think they will be straightened out in the census of 1960. I still believe that this is a bill of principle, a bill of moral obligation whether or not we are here to legislate.

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

Mr. HAND: Mr. Speaker, I can't quite understand that anybody who served on that committee should be surprised that now figures are available. The sub-committee upon which the gentleman from Waterford, Mr. Ford, served did bring in figures as I explained to you before which showed a trend. Possibly instead of three counties being involved on the losing side, there were five. Immediately after those figures were submitted, it was explained that the Bureau of Vital Statistics did not have the figures for 1952, and it was moved in that committee that nothing, no modifications would be allowed to the 1950 Federal Census. At that time, I explained to the committee that I did have figures available and that there were figures available and that I would like to be allowed to present them. If my memory serves me correctly, at the next meeting of that committee I moved to reconsider the action which the committee had taken which would prohibit the introduction of figures with the same result.

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

Mr. SANFORD: Mr. Speaker, I move the previous question.

The SPEAKER: The gentleman from Dover-Foxcroft, Mr. Sanford, moves the previous question. In order for the Chair to entertain the motion for the previous question it requires the consent of one-third of the members present.

All those in favor of the Chair entertaining the motion for the previous question will please rise and remain standing in their places until the monitors have made and returned the count.

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

The question before the House now is: Shall the main question be put now? All those in favor will please say aye; those opposed, no.

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

The SPEAKER: The question before the House is on the motion of the gentleman from Waterford, Mr. Ford, that the House recede from its former action whereby it indefinitely postponed Report and Resolve to Apportion One Hundred and Fifty-one Representatives Among the Several Counties, Cities, Towns, Plantations and Classes in the State of Maine, Senate Paper 493, Legislative Document 1347, and the same gentleman 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.

As many as are in favor of having the vote taken by the yeas and nays will kindly rise.

A sufficient number arose.

The SPEAKER: Obviously more than one-fifth of the members having arisen, the yeas and nays are ordered.

The House may be at ease during the distribution of the roll call sheets.

House at Ease

The House was called to order by the Speaker.

The SPEAKER: For what purpose does the gentleman from Brooks, Mr. Dickey, rise?

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

The **SPEAKER**: The gentleman may request his point of information.

Mr. **DICKEY**: Mr. Speaker, before the vote is taken, I would request the Chair to interpret how the voting will affect the issue.

The **SPEAKER**: The Chair will endeavor to do so. The question before the House is on the motion of the gentleman from Waterford, Mr. Ford, that the House recede from its former action whereby it indefinitely postponed the report and resolve on apportionment. When their names are called, those who are in favor of receding from the former action of indefinite postponement will answer the roll call by saying yes. When their names are called, those who, in effect, insist on the former vote of indefinite postponement of apportionment will respond to the calling of their names by saying no.

The Chair will be happy to try to restate that if that is not clear enough. In effect, it means that those who are in favor of this apportionment resolve will vote yes; those who are against it will vote no.

For what purpose does the gentleman from South Portland, Mr. Fuller, wish recognition?

Mr. **FULLER**: Mr. Speaker, I ask consent of the House to be excused from voting when my name is called because of the fact that I have paired my vote with that of the Representative from Warren, Mr. McCluskey. As we all know, Mr. McCluskey is away and unavoidably absent today because of the death of his brother. If present, Mr. McCluskey would vote no and if I voted my vote would be yes.

The **SPEAKER**: Is it the pleasure of the House to excuse the gentleman from South Portland, Mr. Fuller, from voting?

Thereupon, Mr. Fuller was excused.

The **SPEAKER**: The Chair recognizes the gentleman from Steuben, Mr. Stanley.

Mr. **STANLEY**: Mr. Speaker, I ask consent of the House to be excused from voting when my name is called, because of the fact that I have paired my vote with that of the Representative from South Portland, Mr. Berry, who is un-

avoidably absent today. If present, Mr. Berry would vote yes and if I voted, my vote would be no.

The **SPEAKER**: Is it the pleasure of the House to excuse the gentleman from Steuben, Mr. Stanley, from voting?

Thereupon, Mr. Stanley was excused.

The **SPEAKER**: The Clerk will call the roll.

Roll Call

YEA—Albee, Albert, Alden, Bailey, Bearce, Bibber, Boston, Butler, Call, Campbell, Carter, Caswell, Caverly; Center, Standish; Childs, Cianchette, Cormier, Cote, Couture, Curtis, Davis, Dodge, Dostie, Downing, Dumais, Duquette, Edwards, Evans, Ferguson, Fickett, Fogg, Ford, Frechette; Fuller, Bangor; Gilman, Gowell, Henry, Higgins, Jalbert, Kelly, Kimball, Larabee, Latno, Legard, Letourneau, Lord; Low, South Portland; Macomber; Martin, Augusta; McGlauffin, Nadeau, Osborne, Roundy, Scott, Alfred; Seaward; Senter, Brunswick; Steeves; Stewart, Portland; Tardif, Taylor, Tondreau, Totman, Trafton, Turner, Tuttle, Vaughan, Whitney.

NAY—Anderson, Archer, Baldic, Beal, Billings, Brockway; Brown, Bangor; Brown, Robbinston; Buckley, Burgess, Cates, Chase, Christie, Clements, Cole, Crabtree, Currier, Cyr, DeBeck, Denbow, Dennis, Dicker, Dickey, Dorsey, Emerson, Finemore, Fitaniides, Gardner, Gates, Gosline, Hand, Hanson, Harnden, Hilton, Hussey, Jacobs, Jewett, Keay, Lane, Lawry, Lovely; Low, Rockland; Ludwig, Morris, Murray, O'Dell, Peterson, Potter, Pullen, Reynolds, Rich, Riley, Roberts, Robinson, Rogerson, Sanford; Scott, Wales; Small, Smith, Stanley; Stewart, Paris; Story, Travis, Tupper, Wadleigh, Walker, Watson, West, Whiting, Willey, Williams, Winchenpaw, Woodcock, Wylie.

ABSENT—Abbott, Berry, Madore; Martin, Eagle Lake; McCluskey, Moulton, Ready.

Yes 67, No 74, Absent 7, Excused 2.

The **SPEAKER**: For what purpose does the gentleman from Westbrook, Mr. Travis, rise?

Mr. **TRAVIS**: Mr. Speaker, I would like to change my vote from yes to no for the purpose of moving for reconsideration later to offer an amendment.

The **SPEAKER**: The Clerk will call the name of the gentleman from Westbrook, Mr. Travis.

The **CLERK**: Travis.

Mr. **TRAVIS**: No.

Thereupon, Mr. Travis' vote was changed from "yes" to "no" on the preceding roll call.

Mr. Speaker, may I approach the rostrum?

The **SPEAKER**: The gentleman has that privilege. The Chair is in error, during the roll call vote you can not, sir. The Chair will grant you that permission in a few minutes.

Sixty-seven having voted in the affirmative, seventy-four having voted in the negative, seven being absent and two excused, the motion to recede from the former action of indefinite postponement does not prevail.

The Chair, at this time, will grant the gentleman from Westbrook, Mr. Travis, the privilege to approach the rostrum if he so desires.

The House will please be in order.

The question before the House at this time is on the motion of the gentleman from New Limerick, Mr. Hand, that the House insist on its previous action whereby it indefinitely postponed report and Resolve to Apportion One Hundred and Fifty-one Representatives Among the Several Counties, Cities, Towns, Plantations and Classes in the State of Maine, Senate Paper 493, Legislative Document 1347. Is this the pleasure of the House?

(Calls of "Yes" and "No")

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

A viva voce vote being taken, the motion prevailed.

Non-Concurrent Matter

Resolve in favor of Edward Carrier of Rumford (H. P.494) which was recommitted to the Committee on Claims in the House on April 27.

Came from the Senate with the Resolve failing to be recommitted in non-concurrence.

In the House:

The **SPEAKER**: For what purpose does the gentleman from Brooks, Mr. Dickey, wish recognition?

Mr. **DICKEY**: Mr. Speaker, why I tried to get the floor was to ask for a committee of conference on the existing motion.

The **SPEAKER**: Does the gentleman wish to have the House re-

consider its action whereby it insisted and now asks for insistence and a committee of conference?

Mr. **DICKEY**: No, Mr. Speaker.

The **SPEAKER**: The House is now proceeding under Item 12, Resolve in favor of Edward Carrier of Rumford, House Paper 494. Is it the pleasure of the House to recede and concur with the Senate?

Thereupon, the House voted to recede and concur with the Senate in the acceptance of the "Ought not to pass" report of the Committee on Claims.

The **SPEAKER**: At this time, the Chair notes the presence in the balcony of the Hall of the House of the Seventh and Eighth Grades from the Center School and Black Mountain School in Sweden in charge of Mr. Charles Bennett; a group of thirty-four Seventh and Eighth Grade pupils from the Jefferson Village School in charge of Mrs. Edna Parlin; and either now or just a few minutes ago a group of thirty-six pupils from Keyes Corner School in North Whitefield in charge of Mrs. Frank McCormack.

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

Ought to Pass in New Draft Tabled and Assigned

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act relating to Salaries of Officers of the Legislature" (S. P. 160) (L. D. 433) reporting same in a draft (S. P. 583) (L. D. 1523) under title of "An Act relating to Officers and Employees of the Legislature" and that it "Ought to pass"

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

In the House: Report was read.

(On motion of Mr. Jacobs of Auburn, tabled pending acceptance of the committee report in concurrence and specially assigned for tomorrow, April 30.)

Report of the Committee on Judiciary on Bill "An Act relating to the Board of Registration for Professional Engineers" (S. P. 58) (L. D. 128) reporting same in a

new draft (S. P. 584) (L. D. 1524) under same title and that it "Ought to pass".

Report of same Committee under authority of Joint Order (S. P. 554) reporting a Bill (S. P. 585) (L. D. 1525) under title of "An Act relating to Waiver of Restrictive Provisions in Deeds" and that it "Ought to pass".

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

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

Final Report

Final Report of the Committee on Public Buildings and Parks.

Came from the Senate read and accepted.

In the House, was read and accepted in concurrence.

Ought to Pass in Second New Draft

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act to Appropriate Monies for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1954, and June 30, 1955" (S. P. 476) (L. D. 1316) which was recommitted, reporting a second new draft (S. P. 587) (L. D. 1526) under same title and that it "Ought to pass".

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

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

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

SENATE AMENDMENT "A" to S. P. 587, L. D. 1526, Bill "An Act to Appropriate Monies for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1954, and June 30, 1955."

Amend said Bill by striking out the paragraph entitled

"MERIT AWARD
BOARD ——— ———"

and inserting in place thereof, the following:

'MERIT AWARD
BOARD \$10,614 \$10,661'

Further amend said Bill by striking out all of the last 3 lines, before the emergency clause, and inserting in place thereof the following:

'Total—All Appropria-
tions \$33,094,180 \$33,113,540

Amounting to \$33,094,180 for the fiscal year ending June 30, 1954, and \$33,113,540 for the fiscal year ending June 30, 1955.'

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

Mr. DICKEY: Mr. Speaker and Members of the House: My motion is for the indefinite postponement of Senate Amendment "A". My reason for this is that this has come before this House twice, once in the form of an appropriation which we turned down and in the second instance in regard to a bill where we substituted the bill for the report.

Without any lengthy discussion, I feel that the House will feel the same way today as they have felt twice before, and I so move.

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

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

Mr. TRAFTON: Mr. Speaker and Members of the House: On the two previous occasions I voted against the Merit Award Board. I did so on the first occasion not being adequately informed, and on the second occasion thinking that we should be consistent with our former action. It has come to my attention that there is merit to the Merit Award Board.

I thought anyone, an employee of the State who had an idea how the service could be improved, would automatically come forward with that idea because he would be interested in the best interests of the State. The experience, however, has been that employees have been reluctant to do so because their superior officers frowned on such suggestions from mere sub-

ordinates. For that reason, such suggestions were not forthcoming.

The system allows an anonymous suggestion to be submitted. The person making the suggestion is given a number and the suggestion goes over to the department affected with a number and they do not know who is involved. The employees are much more ready to make these suggestions. I think perhaps we are being picayune in sticking to our former action.

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

Mr. **CAMPBELL**: Mr. Speaker and Members of the House: I rise to support the motion of the gentleman from Brooks, Mr. Dickey. We have here a service of doubtful value and I am of the opinion that we can use the money to a much better advantage, perhaps to finance the elderly teachers' pensions which we passed yesterday, or the State employees' salary bill.

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

Mr. **FULLER**: Mr. Speaker and Members of the House: We frequently hear it said that the state government or the federal government, as the case may be, is less efficient than private capitalism as it exists in our country. Now here is a principle of incentive to employees which is recognized by the biggest of our private industries, General Motors, General Electric, DuPont and the other big ones which we feel are more efficient generally than our state and federal governments. If they find it worth while to offer these incentives to employees it seems to me that the State also ought to find it worth while to offer the same incentives.

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

Mr. **TRAVIS**: Mr. Speaker and Members of the House: I rise to oppose the motion of my good friend, the gentleman from Brooks, Mr. Dickey.

This suggestion system is catching on with industry not only throughout Maine but throughout the country and it is paying big dividends.

I checked this morning and I find that the suggestions which have been proposed by State employees are now saving the State of Maine \$44,000 annually. Since this cost is only about \$10,000 a year you can see that it is already on a paying basis and since the system has not been in effect too many years, I feel that it is going to mushroom and grow. It is an incentive for these workers to come out with brilliant ideas.

I will quote briefly from a letter which Governor Burton M. Cross sent to the State employees on February 25 in which he said: "Our own suggestion system has made a good start. Fifty-five suggestions now in use save \$38,235 annually; two suggestions approved in May 1952 should bring in at least a quarter of a million dollars. You will note that the latest report I have as of now is up to \$44,000 annually." He goes on to say: "I feel that every state employee should be encouraged to submit ideas; we can streamline our work, save material, machines and equipment, improve working conditions and save the taxpayers money. The field is wide open, be observant and alert."

I feel that this is an economy measure to continue the Merit Award System.

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

Mr. **JALBERT**: Mr. Speaker and Members of the House: I arise to support the motion of the gentleman from Brooks, Mr. Dickey. Two years ago, if my memory serves me correctly, temporarily at least, this House voted the Merit Award Board down. The House has done so on two occasions at this session.

I think further that I should state that we can at least see the hour of adjournment approaching. I think the House membership should be commended for having accepted this report. It steps on the toes of one and the other, I am speaking of the whole bill. I have talked with many, many members of the House who told me: "We are going along because the efforts of the committee in our opinion are not final. The amount of money is not in this new draft.

Consequently, in view of that fact and the fact that we have already voted the money out twice, I should think that without further delay we would go along with the gentleman from Brooks, Mr. Dickey.

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

Mr. DICKEY: Mr. Speaker and Members of the House: This involves \$21,000. I am sorry that the members of this House could not have been at the hearing when my bill was in to repeal the Merit Award Board. The gentlemen who are defending this Merit Award Board had not one concrete idea or in no instance could they show where there had been a saving in the State. As I stated before, when this was under the guidance of one certain Mr. Maurice Williams, I could see where it was definitely an advantage but at the present time I see no advantage in continuing the Merit Award Board, and it is the judgment of the good men of the Appropriations Committee and we will see on page 9 that it has been stricken out.

I therefore feel that my motion is correct and I hope that you will go along with my motion to indefinitely postpone.

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

A division of the House was had.

Eighty-six having voted in the affirmative and twenty-two having voted in the negative, the motion prevailed and Senate Amendment "A" was indefinitely postponed in non-concurrence.

The SPEAKER: The Clerk will read Senate Amendment "B".

The Clerk:

SENATE AMENDMENT "B" to S. P. 587, L. D. 1526, Bill "An Act to Appropriate Monies for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1954 and June 30, 1955."

Amend said Bill by striking out from the paragraph entitled "EDUCATION, DEPARTMENT OF" the line:

"Student Scholarship Fund	24,782 25,000"
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and inserting in place thereof, the line:

'Student Scholarship Fund	50,000 50,000"
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Further amend said Bill by correcting totals therein affected by the adoption of this amendment.

The SPEAKER: Is it the pleasure of the House to adopt Senate Amendment "B"?

The Chair awaits a motion. The Chair recognizes the gentleman from Brooks, Mr. Dickey.

Mr. DICKEY: Mr. Speaker, I move that we concur with the Senate in the adoption of Senate Amendment "B".

The SPEAKER: The gentleman from Brooks Mr. Dickey, moves that Senate Amendment "B" be adopted in concurrence.

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

A viva voce vote being taken, the motion prevailed and Senate Amendment "B" was adopted in concurrence.

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

Mr. DICKEY: Mr. Speaker and Members of the House: I now offer House Amendment "A" to L. D. 1526 and I would like to speak.

The SPEAKER: The gentleman from Brooks, Mr. Dickey, offers House Amendment "A" and moves its adoption. The Clerk will read House Amendment "A".

The CLERK:

HOUSE AMENDMENT "A" to S. P. 587, L. D. 1526, Bill "An Act to Appropriate Monies for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1954, and June 30, 1955."

Amend said Bill by striking out from the paragraph entitled "Treasurer of State" the line:

"Departmental Op- erations	45,139 45,811"
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and insert in place thereof the following:

'Personal Services	28,744	28,296
Other Departmental Operations	16,395	17,515
	<u>45,139</u>	<u>45,811</u>
Total Treasurer of State	45,139	45,811'

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

Mr. DICKEY: Mr. Speaker and Members of the House: I do not wish to take your time this morning, however, you will note that I have not changed the figures of the Appropriations Committee. This is simply to split the appropriation into two categories, Personal Services and Other Departmental Operations. I have talked with many of the members of the Appropriations Committee and I believe that they will concur with my thought in putting in this amendment. You may remember when we had the Appropriations Bill before us a short time ago, I offered this same amendment and the House went along with me on it.

I therefore move that House Amendment "A" be adopted.

The SPEAKER: The question before the House is on the motion of the gentleman from Brooks, Mr. Dickey, that House Amendment "A" to Bill "An Act to Appropriate Monies for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1954, and June 30, 1955," Senate Paper 587, Legislative Document 1526, be adopted.

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

A viva voce vote being taken, the motion prevailed and House Amendment "A" was adopted in non-concurrence.

Thereupon, the Bill in second new draft as amended by Senate Amendment "B" and House Amendment "A" in non-concurrence was assigned for third reading tomorrow.

Ought Not to Pass

Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to Limitation for Injuries by Defect in Highways" (S. P. 59) (L. D. 127)

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

In the House: Report was read.

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

Mr. SMALL: Mr. Speaker, I move that we concur on this matter with the Senate, and I would like to address a few words to the subject.

The SPEAKER: The gentleman from Mexico, Mr. Small, moves that the bill be substituted for the report of the committee in concurrence. Is this the pleasure of the House?

The motion prevailed and the Bill was then given its two several readings.

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

SENATE AMENDMENT "A" to S. P. 59, L. D. 127, Bill "An Act Relating to Limitation for Injuries by Defect in Highways."

Amend said Bill by striking out everything after the amending clause and inserting in place thereof the following:

"Sec. 88. Persons injured by highway defects; damages; notice. Whoever receives any bodily injury or suffers damage in his property, through any defect or want of repair or sufficient railing in any highway, town way, causeway or bridge, may recover for the same in a special action on the case, to be commenced within 1 year from the date of receiving such injury or suffering damage, of the county or town obliged by law to repair the same, if the commissioners of such county, or the municipal officers or road commissioners of such town, or any person authorized by any commissioner of such county or any municipal officer or road commissioner of such town, to act as a substitute for either of them, had 24 hours' actual notice of the defect or want of repair, but not exceeding \$2,000 \$4,000 in case of a town; and if the sufferer had notice of the condition of such way previous to the time of the injury, he cannot recover of a town unless he has previously notified one of the municipal officers of the defective condition of such way; and any person who sustains injury or damage, as aforesaid,

or some person in his behalf shall, within 14 days thereafter, notify one of the county commissioners of such county, or of the municipal officers of such town, by letter or otherwise, in writing, setting forth his claim for damages and specifying the nature of his injuries and the nature and location of the defect which caused such injury. If the life of any person is lost through such deficiency, his executors or administrators may recover of such county or town liable to keep the same in repair, in an action on the case, brought for the benefit of the estate of the deceased, such sum as the jury may deem reasonable as damages, if the parties liable had said notice of the deficiency which caused the loss of life; at the trial of any such action the court may, on motion of either party, order a view of the premises where the defect or want of repair is alleged, when it would materially aid in a clear understanding of the case.' "

Thereupon, Senate Amendment "A" was adopted in concurrence and the Bill as amended was tomorrow assigned for third reading.

The SPEAKER: The Chair notes, at this time, the presence of a group of 50 students from the Livermore Schools in the balcony of the Hall of the House under the supervision of Mrs. Cecil Mann and Mrs. Vivian Hinkley. On behalf of the House, the Chair extends to you a cordial and hearty welcome. (Applause)

The SPEAKER: For what purpose does the gentleman from Auburn, Mr. Jacobs, wish recognition?

Mr. JACOBS: Mr. Speaker, if it is in order, out of order, I would like to refer to Article 17 just passed and move that it have its third reading at this time. It would help expedite matters in this House and Senate.

The SPEAKER: The gentleman from Auburn, Mr. Jacobs, moves under suspension of the rules that the House reconsider its action whereby it just assigned for third reading tomorrow Bill "An Act to Appropriate Monies for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1954, and June 30, 1955", Senate Paper 587,

Legislative Document 1526. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair now understands that the gentleman from Auburn, Mr. Jacobs, moves that this item be given its third reading at this time under suspension of the rules. Is this the pleasure of the House?

The motion prevailed and the Bill was given its third reading.

On further motion of Mr. Jacobs, under suspension of the rules, the bill as amended by Senate Amendment "B" and House Amendment "A" was passed to be engrossed in non-concurrence.

The SPEAKER: The Chair now understands that the gentleman from Auburn, Mr. Jacobs, requests unanimous consent to have this measure sent forthwith to the Senate. Does the Chair hear objection? The Chair hears none and the measure will be sent to the Senate forthwith.

The House may be at ease.

House At Ease

The House was called to order by the Speaker.

The SPEAKER: The House is proceeding under Item 19.

Non-Concurrent Matter

An Act relating to Duties of Court Stenographers (S. P. 104) (L. D. 318) which was passed to be enacted in the House on April 8, and passed to be engrossed as amended by Committee Amendment "A" on March 26.

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

In the House:

The House voted to recede from its action of April 8 whereby the Bill was passed to be enacted and further voted to recede from its action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" on March 26. The House then voted to reconsider its action whereby Committee Amendment "A" was adopted and Committee Amendment "A" was then indefinitely postponed.

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

SENATE AMENDMENT "A" to S. P. 104, L. D. 318 Bill "An Act Relating to Duties of Court Stenographers."

Amend said Bill by striking out the words "Court Stenographers" in the Title and inserting in place thereof the words 'Official Court Reporters'.

Further amend said Bill by striking out all of the last paragraph thereof and inserting in place thereof the following underlined paragraph:

'At the request of the president of the senate and the speaker of the house of representatives, the chief justice of the supreme judicial court shall grant a leave of absence without pay, for not more than 5 months, to no more than 2 such official court reporters for legislative reporting. Such compensation as may be provided for official court reporters assigned for legislative reporting shall not be less than the salary provided for services as official court reporters.'

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

Non-Concurrent Matter

An Act relating to Number of Justices of Superior Court (S. P. 402) (L. D. 1117) which was passed to be enacted in the House on April 23, and passed to be engrossed as amended by Committee Amendment "A" in non-concurrence.

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

In the House:

The House voted to reconsider its action whereby the Bill was passed to be enacted on April 23, and further voted to reconsider its action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" on April 17.

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

SENATE AMENDMENT "A" to S. P. 402, L. D. 1117, Bill "An Act Relating to Number of Justices of Superior Court."

Amend said Bill by inserting at the beginning of the 1st line thereof the underlined abbreviation and figure "Sec. 1."

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

'Sec. 2. Appropriation. There is hereby appropriated from the general fund to carry out the purposes of this act the sum of \$10,500 for the fiscal year ending June 30, 1954, and \$10,500 for the fiscal year ending June 30, 1955.'

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

Non-Concurrent Matter

Bill "An Act relating to Salary of Members of the Legislature" (H. P. 250) (L. D. 280) which was passed to be engrossed in the House on April 9.

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

In the House:

The House voted to recede from its former action whereby it passed the Bill to be engrossed without amendment on April 9.

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

COMMITTEE AMENDMENT "A" to H. P. 250, L. D. 280, Bill "An Act Relating to Salary of Members of the Legislature."

Amend said Bill by striking out the underlined figures "\$1,250" in the 5th line of section 1, and inserting in place thereof the underlined figures '\$1,000'.

Further amend said Bill by striking out the underlined figures "\$1,400" in the 5th line of section 2, and inserting in place thereof the underlined figures '\$1,150'.

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

The Chair recognizes the gentleman from Whitefield, Mr. Chase.

Mr. CHASE: Mr. Speaker, I move the indefinite postponement of the amendment.

The SPEAKER: The gentleman from Whitefield, Mr. Chase, moves that Committee Amendment "A" be indefinitely postponed.

As many as are in favor of the motion will say aye: those opposed, no.

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

Ten having voted in the affirmative and fifty-three having voted in the negative the motion to indefinitely postpone Committee Amendment "A" did not prevail.

Thereupon, the House voted to recede from its former action whereby it indefinitely postponed Committee Amendment "A" on April 8.

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

Mr. CRABTREE: I do not have these amendments in front of me, Mr. Speaker, but I believe the intention of this amendment is to reduce the proposed increase in our own salaries from \$1200 to \$1000. May I ask if I am right in this matter?

The SPEAKER: The Chair will state that the term "our own salaries" is probably inadvertently used. The salaries refer to the Legislature that might follow us.

Mr. CRABTREE: All right, the ones that might follow us.

We have had to cut hither and yon in various things and necessarily so. I hesitate to vote for an increased salary anyway, but I certainly am in favor of this Senate Amendment which reduces the increase, and I think, to be consistent, we should go along with this reasonable and economical move.

The SPEAKER: The Chair understands that the gentleman from Island Falls, Mr. Crabtree, moves adoption of Committee Amendment "A". Is this the pleasure of the House?

The motion prevailed and Committee Amendment "A" was adopted in concurrence.

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

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

SENATE AMENDMENT "A" to H. P. 250, L. D. 280, Bill "An Act Relating to Salary of Members of the Legislature."

Amend said Bill by adding at the end thereof the following:

'Sec. 3. Appropriation. There is hereby appropriated from the general fund to carry out the purposes of this act the sum of \$13,800 for the fiscal year ending June 30, 1954, and the sum of \$13,800 for the fiscal year ending June 30, 1955.'

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

Non-Concurrent Matter

Bill "An Act Amending the Community School District Law" (H. P. 936) (L. D. 984) which was passed to be engrossed 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 House voted to recede from its former action whereby the Bill was passed to be engrossed without amendment on April 23.

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

SENATE AMENDMENT "A" to H. P. 936, L. D. 984, Bill "An Act Amending the Community School District Law."

Amend said Bill in the 4th line of that part of section 4 designated "Sec. 92-D" by indicating the striking out of the words and punctuation "exclusive of refundings," by drawing a line through said words and punctuation "exclusive of refundings."

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

Non-Concurrent Matter

Tabled Temporarily

Bill "An Act relating to Stock in Trade of Liquor Licensees" (H. P. 940) (L. D. 1000) which was passed to be engrossed as amended by Committee Amendment "A" in the House on April 23.

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

In the House: The House voted to recede from its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" on April 23 and further voted to recede from its action whereby it adopted Committee Amendment "A".

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

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H. P. 940, L. D. 1000, Bill "An Act Relating to Stock in Trade of Liquor Licensees."

Amend said Amendment by striking out all of the 1st paragraph.

Further amend said Amendment by striking out the first 2 words of the 2nd paragraph and inserting in place thereof the word 'Amend'

(On motion of Mr. Anderson of Greenville, the Bill with accompanying papers was tabled until later in today's session pending action on Senate Amendment "A" to Committee Amendment "A".)

Non-Concurrent Matter

Bill "An Act Prohibiting Sale of Malt Liquor in Non-Returnable Bottles" (H. P. 351) (L. D. 367) on which the House substituted the Bill for the Report of the Committee reporting leave to withdraw, and passed the Bill to be engrossed as amended by House Amendment "A" on April 27.

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

In the House:

The SPEAKER: The Chair recognizes the gentleman from Charleston, Mr. Rich.

Mr. RICH: Mr. Speaker and Members of the House: While I think the House was right, I can see no useful thing in continuing this and I move that we recede and concur with the Senate.

The SPEAKER: The gentleman from Charleston, Mr. Rich, moves that the House recede and concur with the Senate in the acceptance of the Leave to Withdraw Report of

the Committee. Is this the pleasure of the House?

The motion prevailed.

Non-Concurrent Matter

Resolve in favor of the Town of Canton (H. P. 1236) (L. D. 1429) 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 23.

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

In the House:

The House voted to recede and concur with the Senate in the acceptance of the "Ought not to pass" Report of the Committee.

Senate Insisted and Asked Concurrence

Bill "An Act to Make Uniform the Legal Hours for Sale of Liquor" (S. P. 137) (L. D. 325) which was indefinitely postponed in the House on April 23.

Came from the Senate with that body voting to insist on its former action whereby the Bill was passed to be engrossed without Amendments, and asking for a Committee of Conference.

In the House:

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

Mr. BROWN: Mr. Speaker, I move that we adhere. This is a bill that grew feathers after we closed our books and that is the reason that I make this motion.

The SPEAKER: The gentleman from Robbinston, Mr. Brown, moves that the House adhere. Is this the pleasure of the House?

The motion prevailed.

From the Senate:

The following Communication:

STATE OF MAINE
Senate Chamber

April 28, 1953

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

Sir:

The President of the Senate to-day appointed the following Con-

feres on the part of the Senate on the disagreeing action of the two branches of the Legislature on:

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

Senators: DUNHAM of Hancock
PARKER of Piscataquis
BOUCHER
of Androscoggin

Bill "An Act relating to Salary of Treasurer of State." (H. P. 1269) (L. D. 1483)

Senators: COLLINS of Aroostook
HASKELL of Penobscot
SINCLAIR of Somerset

Resolve in Favor of Bosworth Memorial Association (H. P. 23) (L. D. 18)

Senators: COLLINS of Aroostook
DENNETT of York
REID of Kennebec

Respectfully

(Signed) Chester T. Winslow
Secretary of the Senate

The Communication was read and ordered placed on file.

The SPEAKER: On the Committee of Conference on the disagreeing action of the two branches of the Legislature on H. P. 518, L. D. 521, Resolve opening Upper Rang Pond, Androscoggin and Cumberland Counties, to Ice Fishing, the Chair will appoint the following members on the part of the House: The gentleman from Raymond, Mr. Edwards, the gentleman from Mechanic Falls, Mr. Abbott the gentleman from Wales, Mr. Scott.

On the Committee of Conference on the disagreeing action of the two branches of the Legislature on H. P. 817, L. D. 901, Resolve opening Brackett Lake, Aroostook County, to Ice Fishing, the Chair will appoint the following members on the part of the House: The gentleman from Hodgdon, Mr. Williams, the gentleman from Guilford, Mr. Campbell, the gentleman from Portage Lake, Mr. Morris.

On the Committee of Conference on the disagreeing action of the two branches of the Legislature on H. P. 719, L. D. 1368, Resolve to Reimburse the Town of Jefferson for Conveyance of School Children, the Chair will appoint the following members on the part of the House:

The gentleman from Whitefield, Mr. Chase the gentleman from Winsdor, Mr. Hussey, the gentleman from Boothbay Harbor, Mr. Tupper.

Mr. CURTIS of Bowdoinham: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman from Bowdoinham, Mr. Curtis, wish recognition?

Mr. CURTIS: Mr. Speaker, out of order and under suspension of the rules I request unanimous consent to address the House.

The SPEAKER: The gentleman from Bowdoinham, Mr. Curtis, requests unanimous consent to address the House. Does the Chair hear objections? The Chair hears none and the gentleman may proceed.

Mr. CURTIS: Mr. Speaker and ladies and gentlemen of the House: A very serious situation has arisen in the lives and in the affairs of a large number of our citizens. Without notice or fanfare, there has been an explosion as it were, and they find that their jobs and their livelihood has been swept away, and it is to them a tragedy of extremely major importance. Had they had some notice of this dire calamity whereby they could have had a little time to adjust themselves, this serious plight might have been averted. I feel that this has been done unintentionally, but it is just as disastrous to these citizens. It is not too late, and it can be remedied now, although I realize that the time is late in this Legislature. Knowing you as I have come to know you, fair-minded, honest and sympathetic, I am going to ask you for your sympathy and support for these unfortunate citizens.

Therefore, Mr. Speaker, I now, under suspension of the rules, ask unanimous consent to present a bill.

The SPEAKER: The gentleman from Bowdoinham, Mr. Curtis, under the unanimous consent rule, introduces a bill. The Clerk will read the title.

The CLERK: Bill "An Act Regulating the Taking of Marine Worms."

The SPEAKER: Does the Chair hear objection to the reception of this bill?

The Chair hears objection and the bill is not received.

Orders Tabled and Assigned

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

Mr. GARDNER: Mr. Speaker, I present an order and move its passage.

The SPEAKER: The gentleman from Hartland, Mr. Gardner, presents an order and moves its passage. The Clerk will read the order.

ORDERED, the Senate concurring, that a Recess Committee to be composed of two members of the Senate, appointed by the President of the Senate, and three members of the House, appointed by the Speaker of the House, be appointed to study the services of the Department of Health and Welfare, especially those services pertaining to the Welfare Department, and be given the power to subpoena witnesses, to hire counsel, clerical assistance and other help necessary to carry out the study; and be it further

ORDERED, That the Recess Committee be paid their actual expenses incurred in the performance of their duties; and be it further

ORDERED, That all expenses incurred by the Committee will be taken from the regular legislative appropriation; and be it further

ORDERED, That the Recess Committee report the results of its study and any recommendations to the 97th Legislature.

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

Mr. GARDNER: Mr. Speaker, I now move that this order be tabled for the purpose of reproduction and specially assigned for Thursday, April 30.

The SPEAKER: The gentleman from Hartland, Mr. Gardner, moves that this order lie on the table and be reproduced and be specially assigned for Thursday, April 30, pending his motion for the passage of the order. Is this the pleasure of the House?

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

House Reports of Committees Leave to Withdraw

Mr. Watson from the Committee on Inland Fisheries and Game on Resolve Authorizing Construction of New Fish Hatchery and Rearing Station in Aroostook County from Capital Improvement Fund (H. P. 810) (L. D. 894) reported leave to withdraw.

Same gentleman from same Committee reported same on Resolve Authorizing Construction of Fish Rearing Station at Littleton in Aroostook County from Capital Improvement Fund (H. P. 811) (L. D. 895)

Same gentleman from same Committee reported same on Bill "An Act Increasing Fees for Hunting and Fishing Licenses and Creating a Capital Construction Fund Therefrom" (H. P. 1088) (L. D. 1235)

Reports were read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Walker from the Committee on Claims reported "Ought not to pass" on Resolve in favor of the Town of Jay (H. P. 1082)

Mr. Vaughan from the Committee on Inland Fisheries and Game reported same on Bill "An Act relating to Bulldozing of Streams" (H. P. 588) (L. D. 629)

Mr. Pitandides from the Committee on Judiciary reported same on Bill "An Act relating to Retirement of Certain Members of State Police" (H. P. 520) (L. D. 560)

Reports were read and accepted and sent up for concurrence.

Mr. Fuller from the Committee on Judiciary reported "Ought not to pass" on Resolve in favor of Miss Margaret Crosby of Bangor (H. P. 134) (L. D. 108)

Report was read.

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

Mr. FULLER: Mr. Speaker, my purpose in arising is to move the acceptance of the committee report, but if I might have unanimous consent of the House to make a few remarks on Items 7 to 15 inclusive, it might clear this up in

the minds of some of the proponents and save us time later on, because they are all "Ought not to pass" reports on resolves either for pensions or for extra credits so that people would become eligible for a pension.

The SPEAKER: The gentleman may proceed.

Mr. FULLER: Mr. Speaker and Members of the House: These matters were all referred to the Judiciary Committee, in view of the fact that there is no special committee on pensions and similar matters. We heard the proponents and heard the witnesses, and we felt that the cases, of course, were all deserving and that the people in question would make good use of the money if the State could afford to give it to them.

The committee felt that we would not be doing our duty if we automatically reported "Ought to pass" on all of them or if we reported "Ought not to pass" on all of them. Therefore we attempted to make a breakdown of the various resolves, and these that are in this first group are the ones on which we felt we could not conscientiously recommend passage at the present time, in the present state of the State's finances.

For example, the first three: The first one asks nineteen years' credit for teaching in a private school. Of course it is particularly hard for me to sign an "Ought not to pass" report on that one because this lady is from Bangor. The next one asks ten years' credit which also involves teaching in a private school; the next one nineteen years' credit in a private school.

Then the others, there is one for three years in a private school — the others involve pensions of different types, and in support of the committee I can only say that we did give this a conscientious consideration and we have done what we considered to be the best we could with them and on the others which appear later in the calendar, we recommended that they "Ought to pass."

The SPEAKER: The gentleman from Bangor, Mr. Fuller, moves that the "Ought not to pass" report of the committee be accepted and sent up for concurrence. Is this the pleasure of the House?

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

Tabled and Assigned

Mr. Fuller from the Committee on Judiciary reported "Ought Not to Pass" on Resolve in favor of E. Stanley Kitchin of Rumford (H. P. 184) (L. D. 179)

Report was read.

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

Mr. ANDERSON: Mr. Speaker, there are two of these resolves that I would like to do a little work on, and this is one of them. I don't propose to hold up the Legislature. I am not satisfied with what Mr. Fuller has just told me, also the members of the House, therefore I would like to have Item 8 tabled and assigned for tomorrow.

The SPEAKER: The gentleman from Greenville, Mr. Anderson, moves that the "Ought not to pass" report of the Committee on Judiciary on Resolve in favor of E. Stanley Kitchin of Rumford (H. P. 184) (L. D. 179) be tabled pending acceptance of the report and be specially assigned for tomorrow. Is this the pleasure of the House?

The motion prevailed, and the Report and accompanying papers were so tabled and so assigned.

Tabled and Assigned

Mr. Fuller from the Committee on Judiciary reported "Ought not to pass" on Resolve Granting a Retirement Pension to Hugh A. Smith of Charleston (H. P. 342) (L. D. 359)

Report was read.

(On motion of Mr. Rich of Charleston, the Report, with accompanying Resolve, was tabled pending acceptance of Committee Report, and specially assigned for tomorrow morning.)

Mr. Fuller from the Committee on Judiciary reported "Ought not to pass" on Resolve Providing Retirement Pension Increase, for Arthur L. Jordan of Augusta (H. P. 424) (L. D. 471)

Same gentleman from same Committee reported same on Resolve in favor of Earle B. Porter of Rockland (H. P. 657) (L. D. 700)

Same gentleman from same Committee reported same on Resolve in favor of Albert A. Anderson of Thomaston (H. P. 658) (L. D. 701)

Same gentleman from same Committee reported same on Resolve Providing Retirement Pension Increase, for Nina Staples of Whitefield (H. P. 926) (L. D. 933)

Same gentleman from same Committee reported same on Resolve Granting a Pension to Hubert E. Redding of Oakland (H. P. 928) (L. D. 1025)

Reports were read and accepted and sent up for concurrence.

Resolve Substituted for Report

Mr. Fuller from the Committee on Judiciary reported "Ought not to pass" on Resolve in favor of Arthur Payson of Brooks (H. P. 1098) (L. D. 1232)

Report was read.

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

Mr. DICKEY: Mr. Speaker and Members of the House: You have had a busy morning. I do not wish to have this tabled. This is a little different from what the gentleman from Bangor, Mr. Fuller, has stated about some of the others. This is only permissive legislation. It is a short resolve and I will read it.

The man's name is Arthur Payson, from the Town of Brooks, and it asks for his pension to be increased "Resolved that the pension of Arthur Payson, of Brooks, be increased from the funds of the Maine State Retirement System to comply with the provisions of Chapter 389 of the public laws of 1951." "Statement of Facts. In his best 5 years of earnings, Mr. Payson had better compensation than in his last 5 years. This resolve is to correct the inequity."

As I say, this is simply permissive. The Maine State Retirement System could not grant this extra pension to Mr. Payson if they found that his best five years earnings were greater than his last five years. Therefore I had to present this resolve. It may be that the board may not find that Mr.

Payson would be entitled to an increase, but yet with this resolve it would entitle the Maine State Retirement System to go over the matter and find out under the law and if his best five years were greater than his last five years he would automatically receive his pension. Therefore I move the substitution of the resolve for the report.

The SPEAKER: The gentleman from Brooks, Mr. Dickey, moves that the resolve be substituted for the "Ought not to pass" report of the committee.

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

Mr. MARTIN: Mr. Speaker and Members of the House: Going along with what the gentleman from Bangor (Mr. Fuller) has said in regard to these pensions and retirements, I would like to point out to this House that this whole system is set up, actuaries worked on the system, and there is a resolve pending in this House that would create a group which would study the entire system and report back at the next Legislature.

It was our feeling on the committee that those cases that did not come within the category that should pass the only thing we could do was report them out "Ought not to pass", so as not to upset the entire financial situation of the retirement and pension system.

I would like to point out to the members of the House that previously on the same list of pensions there was one from Augusta. I introduced it and I think it has fully as much merit as the pension on the one introduced by the gentleman from Brooks, Mr. Dickey.

I would further like to point out that the entire Judiciary Committee would have liked, if possible, to have reported out all of these "Ought to pass," but we thought that we would be disrupting the entire retirement system if we let one or two open up a wedge. I therefore hope that the motion of the gentleman from Brooks, Mr. Dickey, does not prevail.

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

Mr. DICKEY: Mr. Speaker, I never found before that the Ju-

diciary Committee had to confuse the issue by speaking on half a dozen resolves at the same time. My resolve is L. D. 1232. As I stated, it is only permissive legislation. Should this man be granted this extra pension which he is entitled to under the law he is not asking for nineteen years' credit or ten years' credit or two years' credit; he is simply asking for a review under the law which states that his pension would be based on his best five years of his earnings. He got his pension before this law came into effect. Previously the law said that it would be his last five years. Therefore I see no basis for their reasoning. I will admit that the report is the unanimous decision of the Judiciary Committee, but the law was the unanimous decision of the Legislature of 1951, whereby it granted a man the chance to receive his pension from his best five years of earnings. Therefore we are only defeating the law as it is if we do not allow this man under permissive legislation to go before the Maine State Retirement System and ask for a full review.

At the greatest, I believe, if this should be granted to the man he would probably get an increase of \$2.00 a month. I do not think that is going to break the Maine State Retirement System, and if it is going to open up the door I see no reason why we should not open up the door, if it is right. The law states it. Why not go along with the law?

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

Mr. FULLER: Mr. Speaker and Members of the House: The point involved here I believe is that we felt that this resolve would cause this man to receive a retirement pension under a different law from the one under which he actually did retire. It is true that the increase would be small.

The SPEAKER: The pending motion is the motion of the gentleman from Brooks, Mr. Dickey, that Resolve in favor of Arthur Payson of Brooks, House Paper 1098, Legislative Document 1232, be substituted for the "Ought not to pass" report of the committee.

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.

The SPEAKER: Sixty having voted in the affirmative and twenty-two having voted in the negative, the motion to substitute the resolve for the report of the committee prevails.

Thereupon the Resolve was given its first reading and assigned for second reading at the hour of convening of the next legislative day.

Reconsidered Tabled and Assigned

Mr. LOW of Rockland: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman from Rockland, Mr. Low, desire recognition?

Mr. LOW: Mr. Speaker, Item No. 11 was introduced by the gentleman from Warren, Mr. McCluskey, who cannot be here on account of the death of his brother. In order that he may be able to work on his own bill, I would like to ask reconsideration of our action in accepting the report of the committee so that the matter can be tabled until Friday when he will be back.

The SPEAKER: The gentleman from Rockland, Mr. Low, moves reconsideration of the action on Item 11, Resolve in favor of Earl B. Porter of Rockland (H. P. 657) (L. D. 700) whereby the House accepted the "Ought not to pass" report of the committee. Is there objection? The Chair hears none.

Thereupon the Report and accompanying papers were tabled and specially assigned for Friday, May 3rd, pending acceptance of the "Ought not to pass" report of the committee.

Reconsidered Resolve Substituted for Report

Mr. WINCHENPAW of Friendship: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman from Friendship, Mr. Winchenpaw, desire recognition?

Mr. WINCHENPAW: Mr. Speaker, I would like to request unanimous consent to reconsider Item 12.

The SPEAKER: The Chair understands that the gentleman from Friendship Mr. Winchenpaw, moves that the House reconsider its action whereby it accepted the "Ought not to pass" report on Item 12, Resolve in favor of Albert A. Anderson of Thomaston, House Paper 658, Legislative Document 701. Is this the pleasure of the House?

The motion prevailed, and the House voted to reconsider.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. WINCHENPAW: Mr. Speaker, I would like to state now that this resolve is similar to the one that Mr. Dickey had. This man retired under a system some time ago. It would probably cost the State two dollars a week extra, so I move that the resolve be substituted for the report.

The SPEAKER: The gentleman from Friendship, Mr. Winchenpaw, moves that Resolve in favor of Albert A. Anderson of Thomaston, House Paper 658, Legislative Document 701, be substituted for the "Ought not to pass" report.

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

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

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

Tabled and Assigned

Mr. McGlauffin from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act relating to Retirement of Coastal Wardens Under Maine State Retirement Law" (H. P. 143) (L. D. 141)

Report was read.

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

Mr. LOW: Mr. Speaker, this is also a bill of Representative McCluskey's, and I move that it be tabled and be specially assigned for next Friday.

The SPEAKER: The gentleman from Rockland, Mr. Low, moves that the report with accompanying bill be tabled and be specially assigned for Friday, pending accept-

ance of the "Ought not to pass" report of the committee. Is this the pleasure of the House?

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

Ought To Pass In New Draft

Mr. Stewart of Paris from the Committee on Legal Affairs on Bill "An Act to Create the Boothbay-Boothbay Harbor Community School District" (H. P. 536) (L. D. 532) reported same in a new draft (H. P. 1292) (L. D. 1541) under same title and that it "Ought to pass".

Mr. Call from the Committee on Towns and Counties on Bill "An Act to Increase the Salary of the Recorder of the South Portland Municipal Court" (H. P. 1247) (L. D. 1455) which was recommitted acting under authority of Joint Order (S. P. 546) reported a Bill (H. P. 1293) (L. D. 1542) under title of "An Act to Increase the Salary of the Recorder of the South Portland Municipal Court and the Salary of the Judge of the Portland Municipal Court" and that it "Ought to pass".

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

Ought To Pass Printed Bills

Mr. Fuller from the Committee on Judiciary reported "Ought to pass" on Resolve in favor of a Retirement Allowance for Edith V. Jack of Hollis Center (H. P. 16) (L. D. 10)

Same gentleman from same Committee reported same on Resolve in favor of Robert W. Johnson of Rumford (H. P. 30) (L. D. 24)

Same gentleman from same Committee reported same on Resolve Providing for a Retirement Pension for Lydia B. Otis of Carmel (H. P. 297) (L. D. 358).

Same gentleman from same Committee reported same on Resolve Granting a Pension to Ida M. Fuller of Mount Vernon (H. P. 425) (L. D. 472).

Same gentleman from same Committee reported same on Resolve in favor of Sadie M. D. Jewell of Orono (H. P. 927) (L. D. 1024).

Same gentleman from same Committee reported same on Resolve

in favor of Naomi G. Davis of Palermo (H. P. 1018) (L. D. 1144).

Mr. Martin from same Committee reported same on Bill "An Act relating to Eligibility for Retirement Under the Maine State Retirement Law" (H. P. 827) (L. D. 858).

Same gentleman from same Committee reported same on Bill "An Act Continuing Pensions of Retired Members of the State Police" (H. P. 924) (L. D. 992).

Mr. Trafton from same Committee reported same on Bill "An Act to Incorporate the Consumers' Finance Co." (H. P. 182) (L. D. 177).

Mr. Hilton from the Committee on Towns and Counties reported same on Bill "An Act to Increase the Salary of the Judge of Probate, Lincoln County" (H. P. 79) (L. D. 74).

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

Ought To Pass with Committee Amendment

Mr. Fuller from the Committee on Judiciary on Bill "An Act to Incorporate the Household Finance Company of Maine" (H. P. 46) (L. D. 47) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith:

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 46, L. D. 47, Bill, "An Act to Incorporate the Household Finance Company of Maine."

Amend said bill by adding at the end thereof the following:

'Sec. 7. Fee payable to secretary of state. The certificate mentioned in section 5 of chapter 49 of the revised statutes of 1944 shall not be received and filed by the secretary of state except upon payment to him, for the use of the state, of the sum of \$300, in addition to the fees prescribed by section 11 of said chapter 49.'

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

Mr. Fuller from the Committee on Judiciary on Resolve in

favor of a Retirement Allowance for Doris D. Ladd of Hallowell (H. P. 598) (L. D. 638) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Resolve read once.

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

COMMITTEE AMENDMENT "A" to H. P. 598, L. D. 638, Resolve in Favor of a Retirement Allowance for Doris D. Ladd of Hallowell.

Amend said resolve by striking out all after the underlined word "Resolved:" in the 2nd line of said bill and inserting in place thereof the following:

"That a retirement allowance of \$194.88 be, and hereby is, granted to Doris D. Ladd of Hallowell to be paid monthly from the funds of the Maine State Retirement System. Such retirement benefits shall be effective from July 20, 1952 and continue during her life. Such retirement allowance shall not be payable until the said Doris D. Ladd has paid to the Maine State Retirement System the sum of \$2,467.97 which has been refunded to Mrs. Ladd by the system.

Statement of Facts

Mr. Harland A. Ladd, the late husband of Doris D. Ladd, had served the State of Maine in the field of education 28 years and 9 months and at the time of his death on July 20, 1952 was Commissioner of Education.

The 95th Legislature, by Chapter 367 of the Public Laws of 1951, guaranteed a retirement option to deceased members of the system who had already attained eligibility toward retirement.

This resolve will guarantee to Mrs. Ladd that benefit to which she would have been entitled had Mr. Ladd served the State one year and two months longer.'

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

Mr. Martin from the Committee on Judiciary on Bill "An Act to Incorporate the Monroe Finance Corporation of Maine" (H. P. 179) (L. D. 174) 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 thereupon read by the Clerk as follows:

COMMITTEE AMENDMENT "A" to H. P. 179, L. D. 174, Bill "An Act to Incorporate the Monroe Finance Corporation of Maine."

Amend said bill by striking out the figure "180" in the sixth line of Sec. 3 thereof, and inserting in place thereof the figure '190'

Further amend said bill by adding at the end thereof a new section to be designated as "Sec. 7.", the same to read as follows:—

'Sec. 7. Fee payable to secretary of state. The certificate mentioned in section 5 of chapter 49 of the revised statutes of 1944 shall not be received and filed by the secretary of state except upon payment to him, for the use of the state, of the sum of \$300, in addition to the fees prescribed by section 11 of chapter 49.'

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

Mr. Martin from the Committee on Judiciary on Bill "An Act to Incorporate the Community Finance Corporation" (H. P. 419) (L. D. 494) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 419, L. D. 494, Bill "An Act to Incorporate the 'Community Finance Corporation'."

Amend said bill by adding at the end thereof a new section to be designated as "Sec. 7.", the same to read as follows:—

'Sec. 7. Fee payable to secretary of state. The certificate mentioned in section 5 of chapter 49 of the revised statutes of 1944 shall not be received and filed by the secretary of state except upon payment to him, for the use of the state, of the sum of \$500, in addition to the fees prescribed by section 11 of chapter 49.'

Committee Amendment "A" was thereupon adopted, and the Bill

was assigned for third reading tomorrow morning.

Mr. McGlaulin from the Committee on Judiciary on Bill "An Act relating to Retirement of Firemen Under Maine State Retirement Law" (H. P. 653) (L. D. 696) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 653, L. D. 696, Bill, "An Act Relating to Retirement of Firemen Under Maine State Retirement Law."

Amend said bill by adding at the beginning of the first line the following abbreviation and figure 'Sec. 1.'

Further amend said bill by adding another section to be numbered 2 and read as follows:

"Sec. 2. R. S., c. 60, § 16, amended. Section 16 of chapter 60 of the revised statutes, as amended, is hereby further amended by adding a new sub-section to be numbered IX and read as follows:

'IX. Any amendments to this chapter enacted by the 96th legislature, the benefits of which could apply to employees of participating local districts, shall be made effective only in the event any such district elects to adopt such benefits and agrees to pay into the system the required costs as developed by the actuary.'

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

Mr. Trafton from the Committee on Judiciary on Bill "An Act relating to Pensions for Firemen and their Dependents Under the Maine State Retirement System" (H. P. 1049) (L. D. 1190) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 1049, L. D. 1190, Bill, "An Act Relating to Pensions for Firemen and their Dependents Under the Maine State Retirement System."

Amend said bill by striking out the last two sentences in that part designated "Sec. 3."

Further amend said bill by adding another section to be numbered 4 and read as follows:

"Sec. 4. R. S. c. 60, §16, amended. Section 16 of chapter 60 of the revised statutes, as amended, is hereby further amended by adding a new sub-section to be numbered IX and read as follows:

'IX. Any amendments to this chapter enacted by the 96th legislature, the benefits of which could apply to employees of participating local districts, shall be made effective only in the event any such district elects to adopt such benefits and agrees to pay into the system the required costs as developed by the actuary.'"

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

Mr. Trafton from the Committee on Judiciary on Bill "An Act to Incorporate the Northern Finance Company" (H. P. 1199) (L. D. 1366) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 1199, L. D. 1366, Bill, "An Act to Incorporate the Northern Finance Company."

Amend said bill by striking out 7th and 8th lines of Sec. 3. thereof the following punctuation and words " , stocks and bonds of every description"

Further amend said bill by striking the following punctuation and words in the last 3 lines of Sec. 3. thereof: " : and otherwise to exercise all the powers and privileges of an individual owner in respect to both real and personal property which may be owned by or pledged to the corporation"

Further amend said bill by adding at the end thereof a new section, the same to be 'Sec. 7.' and to read as follows:

'Sec. 7. Fee payable to secretary of state. The certificate mentioned in section 5 of chapter 49 of the revised statutes of 1944 shall not be received and filed by the secretary of state except upon payment to him for the use of the state, the sum of \$500, in addition to the fees prescribed by section II of said chapter 49.'

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

Tabled and Assigned

Mr. Gowell from the Committee on Legal Affairs on Bill "An Act to Provide for a Civil Service Commission for the Town of Old Orchard Beach" (H. P. 273) (L. D. 301) which was recommitted, reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read.

(On motion of Mrs. Downing of North Kennebunkport, Report, with accompanying papers, was tabled pending acceptance of Committee Report, and was specially assigned for Friday, May 1)

Mr. FULLER of South Portland: Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from South Portland, Mr. Fuller, desire recognition?

Mr. FULLER: Mr. Speaker, I ask that under the unanimous consent rule and under the suspension of the rules that we pass over Items 36, 37 and 38 temporarily and go on to that part of the Calendar which says Bills in the Third Reading.

The SPEAKER: The Chair understands the gentleman from South Portland, Mr. Fuller, asks unanimous consent that Items 36, 37 and 38 on the calendar be passed over temporarily. Does the Chair hear objection? The Chair hears none.

The SPEAKER: For purposes of clarification the Chair requests the gentleman from South Portland, Mr. Fuller, to approach the rostrum.

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

Mr. FULLER: Mr. Speaker, 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 matter shall be entertained.

The SPEAKER: The Chair understands the gentleman said "two hours" instead of one hour and thirty minutes.

Mr. FULLER: That is right, Mr. Speaker. Please excuse me.

The SPEAKER: The Chair thanks the gentleman.

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 none, and it is so ordered.

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

Mr. FULLER: Mr. Speaker, I move that under suspension of the rules, we pass on to Third Readers.

The SPEAKER: The gentleman from South Portland, Mr. Fuller, moves that the House now pass on to the Third Readers. Does the Chair hear objection? The Chair hears none.

Passed To Be Engrossed

Bill "An Act relating to Keeping Open of Grocery Stores on Sunday" (S. P. 209) (L. D. 544)

Bill "An Act relating to Retirement Compensation of Members of Superior Court and Their Widows" (S. P. 551) (L. D. 1484)

Bill "An Act relating to Retirement Compensation of Members of Supreme Judicial Court and Their Widows" (S. P. 552) (L. D. 1485)

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

Tabled And Assigned

Bill "An Act Exempting Gas for Domestic Purposes from Sales Tax" (H. P. 995) (L. D. 1082)

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

Mr. Low of Rockland, 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. 995, L. D. 1082, Bill "An Act Exempting Gas for Domestic Purposes from Sales Tax."

Amend said Bill by striking off from the end thereof the following words "used for cooking or heating for domestic purposes" and inserting in place thereof the following underlined words "when bought for cooking and heating in homes, hotels and apartment houses, and other buildings designed both for human habitation and sleeping".

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

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

Mr. TOTMAN: Mr. Speaker and Members of the House: I think there is a curve in this one. As I recall it, and I certainly expect Mr. Low to correct me very quickly, as I recall last session, and this session, it has been the honest intention to have domestic needs exempted, in other words, make it possible for families who must have cooking gas and heating gas etcetera, because it is absolutely necessary, exempted. Now I can possibly see the cooking and heating in homes and apartment houses, but when we throw this word "hotels" in the middle—I hate to say it but I smell a rat. It sounds to me as though hotels are commercial business. If I am not mistaken, that has been my conception of the word "hotel"; it is a business; and if Mr. Low means a hotel where people live the year round, that is fine, but as it stands now, I do not think this is a good amendment.

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

Mr. LOW: Mr. Speaker and Members of the House: The Taxation Committee agrees with the gentleman from Bangor (Mr. Totman) but unfortunately the Supreme Court does not, and it is on that account that this amendment is written in this form.

The SPEAKER: The question before the House is on the motion of

the gentleman from Rockland, Mr. Low, that House Amendment "A" be adopted.

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

Mr. CRABTREE: Mr. Speaker, I would like to ask a question through the Chair of Mr. Low. What is the price tag on this exemption, please?

The SPEAKER: The gentleman from Island Falls, Mr. Crabtree, addresses a question through the Chair to the gentleman from Rockland, Mr. Low. The gentleman from Rockland, Mr. Low, may answer if he so desires.

Mr. LOW: Mr. Speaker, I am very sorry to say that I didn't hear the question. Will the gentleman repeat it?

The SPEAKER: The question, as the Chair understood it, was the price tag involved in the possible adoption of House Amendment "A".

Mr. LOW: Approximately \$65,000, Mr. Speaker.

The SPEAKER: As many as are in favor of the adoption of House Amendment "A" will kindly say aye; those opposed, will say no.

A viva voce vote being taken, the motion for adoption of House Amendment "A" did not prevail.

Thereupon, the Bill was given its third reading.

The SPEAKER: Before further action, the Chair will be willing to recognize the gentleman from Limestone, Mr. Burgess.

Mr. BURGESS: Mr. Speaker, I rise to make an inquiry of the gentleman from Rockland, Mr. Low. My question is: Does the price tag of \$65,000 still remain on L. D. 1082 whether or not this amendment is adopted?

The SPEAKER: The gentleman from Limestone, Mr. Burgess, requests information through the Chair of the gentleman from Rockland, Mr. Low. The gentleman from Rockland, Mr. Low, may answer if he so desires.

Mr. LOW: Mr. Speaker and Members of the House: The price tag is the same. It is simply clarifying the language which would not change the substance of the law in any way.

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

Mr. BURGESS: Mr. Speaker, in view of the statement now made by the gentleman from Rockland, Mr. Low, it would seem to me that the House should reconsider its action and adopt the amendment, in order to clarify it according to the interpretation by the courts. If the House voted against the amendment, with the idea of keeping the \$65,000 coming into the State, that is one thing, but if it voted on the amendment not understanding the situation then I believe that we should reconsider, and Mr. Speaker, if it is in order, so that we may place the question again before the House in a manner in which we will all understand what we are doing, I move that we reconsider our action whereby House Amendment "A" was adopted.

The SPEAKER: The Chair now understands that the gentleman from Limestone, Mr. Burgess, moves that the House reconsider its action whereby it failed to adopt House Amendment "A". Is this the pleasure of the House?

The motion prevailed.

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

Mr. LOW: Mr. Speaker, this amendment simply clarifies the language of the bill in line with the court decisions on the sales tax, and does not in any way change the intent of the law. It has been requested by the Taxation Commissioner as making his work easier for him and does away with some of the ambiguities which are in the present language. It does not change the bill in any way.

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

Mr. TOTMAN: Mr. Speaker and Members of the House: When I spoke on the auto sales tax I was very frankly interested in the question of fairness, and I realize that the question of fairness is again here. In other words, you are going to allow the exemption of oil and coal and wood and tax gas. Evidently we have decided that we are going to be fair, but I think you should realize that in going along

and giving this bill its third reading that you are still going to take \$65,000 out of the revenue, and I am beginning to ask myself also, if we are going to be fair right across the board,—I think this would be very expensive, but I think we have done a fairly good job at this session so far in correcting the greatest inequities in the sales tax bill, and therefore I believe it would be in order to seriously question whether we should give this bill a third reading.

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

Mr. CRABTREE: Mr. Speaker, I believe I want to thank the gentleman from Limestone (Mr. Burgess) for clarifying this matter. If I now have a clear understanding of it, the State is not losing \$65,000 by adopting this measure; we have lost it already, but if it is a matter of clarification, and if I still am right, I certainly have no objection to the present motion.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Low, for the purpose of clarification only.

Mr. LOW: Mr. Speaker and Members of the House: I am sorry to inform the gentleman from Island Falls (Mr. Crabtree) that he is not correct. The present Sales Tax Law taxes gas but does not tax coal and oil. This present bill, 1082, extends the exemption to gas, so that this bill will cost \$85,000 more in exemptions than the present law contains, and we are definitely reducing our income \$65,000 in the passage of this bill. That, Ladies and Gentlemen, is the price of fairness.

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mr. Bailey.

Mr. BAILEY: Mr. Speaker, I rise more for a point of information. In reading this bill over I notice it says, underlined words "when bought for cooking and heating in homes, hotels and apartment houses, and other buildings designed both for human habitation and sleeping."

Now if I am correct, there are hundreds of eating places in the state where they do not live, they do not have it for habitation, but they use gas for cooking purposes, and under this bill, if this

is passed, it looks to me as though the hotels as residences would get the advantage of the reduction in sales tax, but still the burden upon those eating places would still remain, and it seems as though if this bill were going to pass, there should be an amendment so they would all be treated the same.

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

Mr. BURGESS: Mr. Speaker, may I now inquire whether or not the amendment has been adopted or whether it is still the question before the House?

The SPEAKER: The pending question before the House is on the adoption of House Amendment "A".

The gentleman from Limestone, Mr. Burgess, has the floor.

Mr. BURGESS: Mr. Speaker, it would seem to me that the proper procedure for the House would be to adopt the amendment, and then if the House wishes to make a test as to whether or not it wishes the exemption to continue, and with the loss of \$65,000 to your general fund, that then a motion to indefinitely postpone the entire bill would be in order, to give the House the opportunity of clarifying the entire situation. I hope that the amendment will be adopted, in order to make it in workable form, and then if you wish to retest the question on the basis of the loss of money, I think that it would be a very proper procedure.

The SPEAKER: Does the Chair understand the gentleman from Rockland, Mr. Low, moves that this matter lie on the table and be specially assigned for tomorrow, pending adoption of House Amendment "A"?

Mr. LOW: Yes, Mr. Speaker, I do.

The SPEAKER: Is this the pleasure of the House?

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

The SPEAKER: For the purposes of procedure, the Chair would request anyone who has a House Amendment on any of the Third Readers to notify the Chair at this time, in order that we may temporarily pass over such items among the Third Readers.

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

Mr. TRAFTON: Mr. Speaker, I wish to state that I do have a House Amendment with respect to Item Number 9.

The SPEAKER: Item 9 will be temporarily passed over.

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

Mr. ARCHER: Mr. Speaker, on Item 7, I intend to make a motion on it, but it is not an amendment.

The SPEAKER: Item 7 will be temporarily passed over.

The Chair recognizes the gentleman from Sanford, Mr. Frechette.

Mr. FRECHETTE: Mr. Speaker, I have a House Amendment on Item 11.

The SPEAKER: Item 11 will be temporarily passed over.

The Chair recognizes the gentleman from Hallowell, Mr. Vaughan.

Mr. VAUGHAN: Mr. Speaker, I have an amendment on Item 20.

The SPEAKER: Item 20 will be temporarily passed over.

On motion of Mr. Fuller of South Portland,

The House recessed until 2:00 P. M., E. S. T. this afternoon.

After Recess. 2:00 P. M., E. S. T.
The House was called to order by the Speaker.

The SPEAKER: The House is proceeding under Item 5 listed in the Advance Journal under Third Readers.

For what purpose does the gentleman from Westbrook, Mr. Travis, desire recognition?

Mr. TRAVIS: Mr. Speaker, out of order and under suspension of the rules, I would like the privilege of addressing a few brief remarks to the House.

The SPEAKER: The gentleman from Westbrook, Mr. Travis, requests unanimous consent to address the House. Does the Chair hear objection? The Chair hears none and the gentleman may proceed.

Mr. TRAVIS: Mr. Speaker and Members of the House: This morning, after a vigorous debate on reapportionment and a roll call vote, I changed my vote from yes to no for the purpose of presenting an amendment. That amendment would have been sort of a compro-

mise, recognizing that the County of Aroostook had some basis for their claim that in 1951 they would not lose representation and I would have proposed to have taken the cut from the proposed increase in Cumberland County. However, I could find no sentiment for that compromise so I have asked for reconsideration.

I have no desire to prolong the session of the Legislature. I feel it was a good, hard fight. I am sorry that reapportionment lost. I worked hard for it but I congratulate the opponents, I think it was a good, hard fight and I now move that we get along with the business of the Legislature. Thank you. (Applause)

Passed to Be Engrossed (Cont'd)

Bill "An Act to Provide Additional State Office Space" (H. P. 1285) (L. D. 1533)

Bill "An Act relating to Report of Adoption Filed in Probate Court" (H. P. 1286) (L. D. 1534)

Bill "An Act relating to Reimbursement to Towns for Snow Removal" (H. P. 1289) (L. D. 1532)

Resolve Providing for Certain Construction at Portland Municipal Airport (S. P. 553) (L. D. 1486)

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

Amended Bills

Bill "An Act to Incorporate the Augusta School District" (H. P. 1054) (L. D. 1195)

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

Bill "An Act to Incorporate the Town of Eagle Lake School District" (H. P. 1190) (L. D. 1339)

Bill "An Act to Incorporate the Newport School District" (H. P. 1209) (L. D. 1380)

Resolve Authorizing Alfred Howard, Sr., and Ethel M. Howard of Bingham to Sue the State of Maine (H. P. 1171) (L. D. 1326)

Were reported by the Committee on Bills in the Third Reading, Bills read the third time, Resolve read the second time, all passed to be engrossed as amended by Committee

Amendment "A" and sent to the Senate.

Bill "An Act relating to Court Records and Official Court Reporters" (S. P. 219) (L. D. 585)

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

Resolve Appropriating Moneys to Effectuate Salary Plan for State Employees (H. P. 400) (L. D. 453)

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

Bill "An Act relating to Bounty on Bears" (H. P. 1043) (L. D. 1185)

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 by House Amendment "B" as amended by House Amendment "A" thereto and sent up for concurrence.

Reports of Committees of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature upon Bill "An Act Repealing the Merit Award Board", House Paper 899, Legislative Document 990, report that they are unable to agree.

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, Relating to Ice Fishing in Peabody Pond, Cumberland County, House Paper 66, Legislative Document 62, reporting that they have had the same under consideration and reporting that the House recede from its action whereby it passed the resolve to be engrossed as amended by Committee Amendment "A" and adopt House Amendment "A" which is submitted with this report and pass the resolve to be engrossed as amended by Committee Amendment

"A" and House Amendment "A" and that the Senate recede from its action whereby the "Ought not to pass" report of the committee was accepted and concur with the action in passing the resolve to be engrossed as amended by Committee Amendment "A" and House Amendment "A".

The Report was read and accepted.

The House then voted to recede from its action whereby it passed the Resolve to be engrossed as amended by Committee Amendment "A".

House Amendment "A", which was submitted with the report, was read by the Clerk as follows:

HOUSE AMENDMENT "A" to H. P. 66, L. D. 62, Resolve Relating to Ice Fishing in Peabody Pond, Cumberland County

Amend said Resolve by striking out in the last line thereof the words "on February 1st" and inserting in place thereof the words "during the month of February".

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

Passed to Be Engrossed (cont'd) Tabled and Assigned

The CLERK: Returning to Item 7 under Third Readers.

Bill "An Act relating to Binding of Logs, Lumber and Timber Carried by Motor Vehicles", (H. P. 1288) (L. D. 1531)

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

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

Mr. ARCHER: Mr. Speaker and Members of the House: This is another one of those things which almost got away. Are we going to force every little truck owner and every farmer to buy equipment enough to conduct a whole logging operation just to take a log to the mill or a small load of boards back to his home? The ordinary farmer does not have the equipment mentioned in this bill. He usually has one chain or perhaps two chains, one to yank the logs out of the

woods and another one to tie them onto the truck and then he fastens it with a grab hook without the use of one of these so-called binders. Now, these binders run any price, anywheres from \$7 to \$25, and it doesn't specify in the bill what kind of a binder they are to use. It does specify the kind of a chain and that might be all right.

Now, the bill specifies what kind of a chain he shall use and it says he must use two or three of them plus the binders. Now, in a case of a load of pulpwood, which the Supreme Court of Maine has decided might be called "logs" especially in a truck that hauls three tiers of pulpwood, he would have to have 3 times 2 is 6 chains and 6 binders and a truck that hauls four tiers of pulpwood would have twelve chains, or rather, 3 times 3 is nine, if it is over 8 feet high and 9 binders and 4 tiers would be 12 chains and 12 binders.

It seems a little bit absurd to me that you should force every person who wants to haul a few boards or a few logs down to the mill and a few boards away from the mill and make them comply with such a ridiculous thing as this. This bill does not cover any such thing as the large, round, metal culverts that are carried on trucks and run up and down the road, which we have seen, nor does it cover the big cement soil pipes, I believe they call them.

Therefore, in view of all I have said, I move the indefinite postponement of this bill.

The SPEAKER: The gentleman from Brewer, Mr. Archer, moves indefinite postponement of Legislative Document 1531.

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

Mr. TOTMAN: Mr. Speaker and Members of the House: I don't know who got Mr. Archer all stirred up. I am very much amused. As a member of the Transportation Committee and I hope that the other members of the Committee will follow me, this was one of the last bills to come out after a great deal of study, a great deal of re-working and re-writing and the re-writing was given to a man who is, in my estimation, one of the foremost authorities on woods operations

that this Legislature possesses. It seems to me that if a man is so stirred up and wrathful over a bill, the least he could do would be to come to a member of the committee before he denounced the bill and ask the committee what it is about.

Believe it or not, this bill was written and introduced in its original form as a safety measure to protect the motorists of the State of Maine and I am just one of them and you are the rest of them.

Now, this mathematical juggling that the gentleman from Brewer, Mr. Archer has done went too fast for me but I assure you that the intent of this bill was to handle these huge trucks that carry huge logs and there is absolutely no intention to include pulpwood and it says: "Binding of logs, lumber and timber." Now, if the courts are going to interpret logs as pulpwood, then maybe we are wrong but we distinctly understood from the people whom we thought knew before we approved the redraft of this bill that "logs" meant logs, and it simply means a load over 8 feet high, these huge, hard-wood logs particularly which you can see bearing down on you sometimes in a road have only got one chain or two chains and you ask yourself: "I just hope one of those chains doesn't break until I get by". That load has got to have three chains, but I don't think that they are any luxury chains, they are just plain, workmanlike chains. If a load is less than 8 feet high, it is two chains and I think that is little enough.

Now, if the farm population of this House and those who haul pulpwood think that this Transportation Committee which passed this bill out unanimously "Ought to pass" was trying to hurt the farmer or trying to hurt the small pulpwood operators, we stand properly reprimanded but I assure you from the bottom of our respective Transportation Committee hearts that we are trying to take care of road safety.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I am a member of the Transportation Committee and we spent some time on this

bill. I think my good friend, the gentleman from Brewer (Mr. Archer) has been misinformed in several respects especially in regard to an 8 foot load of pulp, which is almost impossible and I do not believe he ever saw a load that was piled 8 feet high, because they don't pile them that high and that would require 2 chains, which most trucks use, almost all trucks use a cross chain on the pulp now because they have to hold their body together, otherwise it would be impossible to haul pulp. Also, he has mentioned the seriousness of the cost of these chains. This bill only calls for a 3/8 chain and while we left it at a small load, we have had several accidents throughout our state by the small loads, of logs that have not been wrapped and they have swung opposite and hit vehicles and people along the road. Most farmers, someone in the community, has one or more chains which can be borrowed back and forth when they are hauling logs.

This is a one hundred per cent safety measure. We have had one accident just above the City of Bangor by one of the Ames trucks some years ago which caused the death of one person and the permanent disability of another and I think it has come to a point where we need some protection on this law in regard to hauling logs and as far as being a hindrance to pulp-owners, there are two members of that committee, one besides myself, who are very much interested in pulp, I am wrong, three on that committee, who are very much interested in hauling pulp. I do not believe that we would do anything that would hinder our own business. Therefore, I hope that this motion to indefinitely postpone does not prevail.

The SPEAKER: The Chair recognizes the gentleman from St. George, Mr. Robinson.

Mr. ROBINSON: Mr. Speaker and Members: I would like to ask a question through the Chair to any member of the Transportation Committee, on the last part of that. I feel that the merits of the first part are very good but on the last part "two chains", now that covers quite a broad——. On lumber you might have a load of finished lumber with two or three eighths

chains on delivery. That is quite a lot. That covers quite a lot of ground. Now, I would like to have that explained out by the Transportation Committee.

The SPEAKER: The gentleman from St. George, Mr. Robinson, addresses a question through the Chair to some member of the Transportation Committee.

The Chair recognizes the gentleman from Strong, Mr. Dodge.

Mr. DODGE: Mr. Speaker and Members of the House: I assume that it is my duty to answer this question. We have no intention of penalizing the man who might go to a retail yard and purchase four or five hundred feet of matched lumber or something of that nature. However, I will admit, that it possibly could be construed that way but I am sure that the conversation which we had with the State Police Enforcement Bureau that that would never be considered as a load of lumber.

While I am on my feet, I would like to express my appreciation of the thoughts expressed by my good friend, the gentleman from Bangor, Mr. Totman. It is my duty to write these things and I can assure you, ladies and gentlemen of the House, it was not with any intent or purpose other than a safety measure. We haven't anything, I believe, in the Statutes in the State of Maine protecting the traveling public from loads of logs and lumber that might fall off by accident or otherwise and it is certainly creating quite a hazard. I am in that type of business myself and I know what it means and it takes steps to prevent any such accident. The smaller operator, often times, such as a farmer or a small truck owner, is not usually covered with proper insurance in case an accident like this might happen to his equipment and it well could.

Now, another thing, there is at the present time and there has been and probably will be for some time to come quite a movement of this type lumber into our neighboring states which, in most part, have similar legislation. Therefore, our boys have to be equipped with chains and binders of this nature in order to haul into New Hampshire State and some of the others

and I do not feel that we are imposing any hardship upon anyone because the old slogan is: "We may save a life and it might be our own." I move that a division be taken.

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

Mr. CURTIS: Mr. Speaker and Members of the House: I know that my good friend, the gentleman from Brewer, Mr. Archer, did not get just the right sort of information on this thing. I am a member of the Transportation Committee but before I became a member and after I am a farmer and, on the side, I deal in pulpwood and lumber.

This bill does not affect me whatever because I am doing this very thing and have done it ever since I have been handling lumber which is a number of years. But occasionally I do see people on the road with one chain on and a log sticking out like this, which, if they are going to meet somebody, it is just as liable to go right through their windshield and do a lot of damage and might kill somebody and so I think it is necessary to have two chains.

Then again, when you get really into lumber, these hardwood logs that I see hauled up in the northern part of the State and I really am fearful every time I meet one of them until I see how they are bound whether or not I am going to get by without getting my neck broken. So I do not think we have anything to fear. Now, as far as pulpwood, we do have a lot of pulpwood and if we handle pulpwood without any sideboards on we do chain it, just as it says, we always have made that a practice and sometimes pulpwood is hauled in a stake body and this does not require that it be so chained.

So I think that when Mr. Archer understands the whole thing, he will be perfectly satisfied with it.

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

Mr. FERGUSON: Mr. Speaker and Ladies and Gentlemen: I was glad to see the Transportation Committee come through with this bill. There is quite a lot of lumbering going on up in my part of the coun-

try and I see a lot of trucks going along the highways which at times seem as though they couldn't go another mile without having an accident. There have been quite a number of trucks which have lost their loads. We have never had any serious accidents but I think this is a good bill and I do not believe that we should support Mr. Archer's motion for indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Call.

Mr. CALL: Mr. Speaker and Members of the House: I haven't seen a bill here yet that hurt any farmer and my heart bleeds for them. I move the question.

The SPEAKER: The gentleman from Cumberland, Mr. Call, moves the previous question. In order for the Chair to entertain the motion for the previous question it requires the consent of one-third of the members present.

All those in favor of the Chair entertaining the motion for the previous question will kindly rise and stand in their places until the monitors have made and returned the count.

Fifty-seven members arose.

The SPEAKER: One-third of the members present having arisen, the motion for the previous question is entertained.

The question before the House now is: Shall the main question be put now? All those in favor will say aye; those opposed, no.

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

The SPEAKER: The question before the House is on the motion of the gentleman from Brewer, Mr. Archer, that Bill "An Act relating to Binding of Logs, Lumber and Timber Carried by Motor Vehicles," House Paper 1288, Legislative Document 1531, be indefinitely postponed. The gentleman from Strong, Mr. Dodge, has requested a division.

As many as are in favor of the motion of the gentleman from Brewer, Mr. Archer, that Legislative Document 1531 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. Seven having voted in the affirmative and eighty-three having voted in the negative, the motion did not prevail.

Thereupon, the Bill was given its third reading.

The SPEAKER: The Chair recognizes the gentleman from St. George, Mr. Robinson.

Mr. ROBINSON: Mr. Speaker, I would like to table this bill and have it specially assigned for tomorrow for the purpose of an amendment.

The SPEAKER: The Chair will inform the gentleman that we are about to assign it for engrossment and the motion is in order.

The gentleman from St. George, Mr. Robinson, moves that the Bill be tabled pending passage to be engrossed and specially assigned for tomorrow.

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

A viva voce vote being taken, the motion prevailed and the Bill was tabled pending passage to be engrossed and specially assigned for tomorrow, April 30.

Amended Resolve

The CLERK: Item, 9, Resolve Providing for Construction of Highway to Sugar Loaf Mountain, Franklin County. (S. P. 296) (L. D. 828)

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

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

Mr. TRAFTON: Mr. Speaker, I offer House Amendment "A" and move its adoption.

The SPEAKER: The gentleman from Auburn, Mr. Trafton, offers House Amendment "A" and moves its adoption. The Clerk will read House Amendment "A".

The CLERK:

HOUSE AMENDMENT "A" to S. P. 296, L. D. 828, Resolve Providing for Construction of Highway to Sugar Loaf Mountain, Franklin County

Amend said Resolve by striking out the words "general highway fund" in the 2nd line thereof and substituting therefor the words "un-appropriated surplus of the general fund"

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

As many as are in favor of the adoption of House Amendment "A" will kindly say aye; those opposed, no.

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

Fifty-two having voted in the affirmative and twelve having voted in the negative, the motion prevailed and House Amendment "A" was adopted.

Thereupon, the Resolve was given its second reading, passed to be engrossed as amended by House Amendment "A" in non-concurrence and sent up for concurrence.

Amended Bill

The CLERK:

Item 11, Bill "An Act Amending the Maine Employment Security Law as to Definition of Employing Unit" (H. P. 755) (L. D. 780) as amended by Committee Amendment "A".

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

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Frechette.

Mr. FRECHETTE: Mr. Speaker, I now present House Amendment "A" to L. D. 780 and I would like to talk to it after it is read.

The SPEAKER: The gentleman from Sanford, Mr. Frechette, offers House Amendment "A" and moves its adoption. The Clerk will read House Amendment "A".

The CLERK:

HOUSE 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 adding at the end of the Title thereof the words 'and Employer'.

Further amend said Bill by inserting at the beginning of the 1st line thereof the underlined 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-§ IX, ¶ A, amended. Paragraph A of subsection IX 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 amended to read as follows:

'A. Any employing unit which for some portion of a day, but not necessarily simultaneously, in each of 20 different weeks, whether or not such weeks are or were consecutive, within either the current or the preceding calendar year, has or had in employment 3 or 4 or more individuals, irrespective of whether the same individuals are or were employed in each such day;'

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Frechette.

Mr. FRECHETTE: Mr. Speaker, this amendment was drawn up because it was felt that there was a need for this kind of legislation especially in the industrial centers of the State. It becomes a problem where the manpower shortage is being felt quite acutely by some employers. They have been approaching some of the Senators and the Representatives with their problem that it is hard for them to get the proper kind of assistance, help, in their line because of the fact that they would not be covered by this Unemployment Compensation. Also, I have a few statistics which I would like to bring out here that there are seventeen states which have already relaxed the provision to one or more individuals; two states have lowered them down to three and eight down to four and two down to six. The remaining twenty-two states which have stayed with this provision of eight include Alaska, Hawaii and the District of Columbia. I like the idea of the State of Maine being conservative. I think that this is a move whereby if the law stays as it is it affects both the employee and the employer. In fact, in the construction business, you go out and hire a good carpenter and if there is an awful lot of business in that town he prefers to go to work in the mill or somewhere where he can have permanent employment rather than have to loaf through the winter months. Therefore it becomes a problem for the employer that he is unable to get

the right kind of help for the work that is involved.

I had an incident in my home where I hired a painting company to come up to do a painting and wallpapering job in one room 8 by 14. They got through and I paid \$65 for that job. I asked the contractor how come it cost me so much and he told me that it was hard for him to get good painters and wallpaperers because they all went to work in the factories where they were permanently hired. And one year to another he has to have that problem come up and hire, as a last resort, he hires people who are too old for that kind of work or the habitual drunks who can't keep the job anyway. So that is one of the reasons why this legislation was put.

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

Mr. LEGARD: Mr. Speaker, I move the indefinite postponement of House Amendment "A". This is one of those usual bills which makes its appearance every session of our Legislature. If you will turn to Legislative Document 861, which this amendment Section 2-a is identically, word for word, as Legislative Document 861, which was heard before the Labor Committee, and a report was brought out unanimously that this bill "Ought not to pass". It looks to me as if we have kicked it out the front door and now is trying to sneak in through the back door.

Now, just let's read this and you can either turn to your Legislative Document 861 or to your amendment. It says: "Any employing unit which for some portion of a day," at any particular portion of a day—"but not necessarily simultaneously, in each of 20 different weeks, whether or not such weeks are or were consecutive, within either the current or the preceding calendar year . . ." Now, if I interpret the law right that means that if any individual who employs four people or more would come under this bill, if they hire them only for a half a day and then have a day constituted a week over a period of twenty weeks, in two years time, they would have to come under the Unemployment Compensation. This,

in my mind, is one of the worst things to throttle your small businessman. It affects any farmer who during a period of two years hires for any specific plan, even a short period of time, an employee. Your filling station men, your garages, your grocery store men, members of the House, the life blood of the State of Maine is your small industry and if you pass this you are giving them a knock-out blow.

This bill when it was originally, as I understand it, when the Unemployment Compensation was originally set up in order to find a number for definition, they didn't know what the definition should be so they assumed eight. It has been maintained at eight and has been perfectly satisfactory. If it is going to be changed, let us change it to ten or twelve. I move you the indefinite postponement of House Amendment "A".

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

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

Mr. TRAVIS: Mr. Speaker and Members of the House: I join in the motion to indefinitely postpone House Amendment "A". I am sorry to oppose the gentleman from Sanford, Mr. Frechette, but he has attempted to attach this amendment on one of my bills. My bill had a unanimous "Ought to pass" report. His bill had a unanimous "Ought not to pass" report so I do not like this heavy tail to my kite. (Laughter)

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

Mr. McGLAULIN: Mr. Speaker, I merely wish to say that this matter of reducing the number of employees from eight has been before this House three different times to my recollection and we have thrown it out every time and we should again and I also support the motion of the gentleman from Bath, Mr. Legard.

The SPEAKER: The Chair recognizes the gentleman from Mechanic Falls, Mr. Abbott.

Mr. ABBOTT: Mr. Speaker and Members of the House: As a small

grocery man I want to go along with the gentleman from Bath, Mr. Legard. Lots of us hire school boys and girls and work them part time and this would automatically include us and it is one of the worst things you could do to the small businessman.

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

Mr. COTE: Mr. Speaker and Members of the House: I have no personal interest in this bill, whatsoever, except this: There are many small contractors in the City of Lewiston. I have been approached by many and they could not get competent help, contractors, masons and whatnot, and I was asked to support this bill and I intend to and I would like the indefinite postponement of this bill not recognized.

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

Mr. ALBERT: Mr. Speaker and Members of the House: I am a small contractor and I am opposed to the bill. I move you that when the vote is taken it be by division.

The SPEAKER: The question before the House is on the motion of the gentleman from Bath, Mr. Legard, that House Amendment "A" be indefinitely postponed. The gentleman from Augusta, Mr. Albert, has requested a division.

As many as are in favor of the motion of the gentleman from Bath, Mr. Legard, 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.

One hundred and thirteen having voted in the affirmative and nine having voted in the negative, the motion to indefinitely postpone House Amendment "A" prevailed.

Thereupon, Bill "An Act Amending the Maine Employment Security Law as to Definition of Employing Unit" (H. P. 755) (L. D. 780) was given its third reading, passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

Amended Bill

Bill "An Act to Grant a New Charter to the City of Hallowell" (H. P. 1105) (L. D. 1241)

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

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

Mr. VAUGHAN: Mr. Speaker and Members of the House: I move that we accept the Committee Amendment to L. D. 1241 and I have another motion after we accept the Committee Amendment.

The SPEAKER: The gentleman from Hallowell, Mr. Vaughan, moves that the Committee Amendment be adopted.

Will the gentleman kindly approach the rostrum?

The Chair understands that the gentleman from Hallowell, Mr. Vaughan, offers House Amendment "A" to Committee Amendment "A" and moves its adoption. The Clerk will read House Amendment "A" to Committee Amendment "A".

The CLERK:

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H. P. 1105, L. D. 1241, Bill "An Act to Grant a New Charter to the City of Hallowell."

Amend said Amendment by striking out therefrom the following:

"Further amend said Bill by striking out line 1, 2, 3, and 4 of subsection (b), section 1 of article VI and inserting in place thereof the following:" and inserting in place thereof the following:

"Further amend said bill by striking out the first two lines of subsection (b) of section 1 of article VI and inserting in place thereof the following:

'(b) The following officers and boards shall be appointed by the City Manager subject to confirmation by the City Council.'

Thereupon, House Amendment "A" to Committee Amendment "A" was adopted and Committee Amendment "A" as amended by House Amendment "A" thereto was then adopted. The Bill as amended was then given its third reading, passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto and sent to the Senate.

The SPEAKER: At this time, the Chair notes the presence in the rear of the Hall of the House of the Honorable Clark W. Wilson, Chief Clerk of the New York Legislative Assembly; the Honorable Joseph Heck, Administrator for the State of New York of the Towns Road Improvement Fund; and Dr. Robert P. Coolidge, Surgeon of the Schenectady, New York, Fire Department.

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

Ladies and Gentlemen of the House: These three gentlemen just named have accompanied here today the Speaker of the New York Legislative Assembly, the Honorable Oswald David Heck. This gentleman from a neighboring state has proven to be very neighborly in the few moments I have had to know him. He is an attorney at law, a former editor of the Schenectady, New York, Herald Journal, he was educated at the Schenectady High School in New York, received his degree at Union College and Albany Law School and, later on, an honorary degree of Doctor of Human Laws from Union College in New York. He was admitted to the New York Bar in 1928 and began practice in 1930. However, public life called him to the point that he first held office in the New York Assembly in 1931. In 1936, he was elected that body's majority floor leader. He became Speaker in 1937 and has been re-elected every year from 1937 through and to the present time.

Ladies and Gentlemen, I am highly honored in presenting to you the Honorable Oswald David Heck, (Prolonged applause, the Members rising)

Mr. OSWALD DAVID HECK: Mr. Speaker, Ladies and Gentlemen of the House: I am very much delighted and I am honored to be here today to say these few words to you.

I do not know exactly where your Speaker got all the information about my background but I shall talk to my associates after I leave the rostrum, you may be assured of that.

I am here today with my associates. We decided after the New York

State Legislature adjourned three or four weeks ago that we wanted to get away from the jingling of bells and the ringing of doorbells and telephones and to see how our neighboring states operate in their legislative bodies. We came to learn, among other things, because we know we are going to have certain problems to face. Although the Legislature has adjourned, we are going to be called back within the next thirty days to take care of or to wrestle with a problem that nobody in New York State wants to wrestle with and I think that it is a similar feeling that exists here today. We are going to be called back to take care of the reapportionment of the State of New York, (Laughter and Applause) and we do not look forward to the task with any pleasure. Of course, coming from the up-state as we do, it is, shall I say, fortunate without bringing politics into the question that the City of New York in and of itself has not grown quite as much as the up-state so it is going to be relatively simple, (Laughter) not to say from the political standpoint, somewhat harmless. But, just the same, we do not like to go back for that purpose.

We are here, as I was telling your good friend, the Honorable Speaker, to see whether we can learn and get a few ideas from the Legislature. We have been in Vermont and we have been in New Hampshire and now we are in Maine. We have certain problems in the State of New York that unquestionably afflict you here. We are trying to find out if you have any solutions for the problems and one of the problems that we have is the increase, year by year, in the Legislature of the State of New York of the number of bills that are introduced for home consumption. Now, if there is any way in which the Legislature of Maine can give us any remedy, not a one hundred per cent remedy but any amelioration will help us, and when we get through here we are going to have a conference with your leaders, including your Speaker and see whether he can give us any suggestions.

There is another problem that confronts us, and I suppose you have a similar one which vexes you and your leadership here, and that is the

continued insistence of the members of the Legislature in the State of New York of introducing bills that require, directly or indirectly, the expenditure of money and then the neglect on the part of the introducers to introduce a tax bill to provide the necessary money. (Laughter and Applause) Now, if there is any way in which the Legislature of Maine can give us any suggestions along those lines, we shall be indeed very glad to accept them.

I know you are quite busy, you are going to have a mock session tonight. I want to take this opportunity, officially, of extending to you, the Members of this House, the Members of the Senate, the Governor and the Executive Officers of this State the best wishes of the State of New York and to thank you very much for the cordial reception, your friendliness and your kindness that you and all of your members and your officers have extended to us. We appreciate it very much and I can only say in retribution that we will be delighted at any time when the Legislature is in session in Albany to welcome you, or any delegation, however small or large, if you will only let us know when you are coming because we feel that you and your officials have gone way out of your way to be kind and cordial to us and I can assure you that we will be delighted and honored to extend the same kindness and cordiality to yourselves. Thank you very much. (Prolonged applause, the Members rising)

The SPEAKER: Mr. Speaker, I believe you told me that this was your first trip to Maine and I know everyone in this room joins me when I say that I hope it will not be your last trip. You will always be welcome. (Applause)

The SPEAKER: Without objection, the House is proceeding on Item 36, page 9, as Items 36, 37 and 38 were temporarily passed over in favor of the Third Readers.

House Reports of Committees (Cont'd) Divided Report

Majority Report of the Committee on Business Legislation reporting "Ought not to pass" on Bill "An Act relating to Permits for Out-

door Advertising" (H. P. 1142) (L. D. 1290)

Report was signed by the following members:

Messrs. DENNETT of York
CHAPMAN of Cumberland
CUMMINGS of Sagadahoc
—of the Senate

Messrs. FICKETT of Naples
ROGERSON of Houlton
TONDREAU of Brunswick
HENRY of North Yarmouth
STORY of Washburn
LANE of Waterville
—of the House

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

Report was signed by the following member:

Miss STEEVES of Lincoln
— of the House

Reports were read.

On motion of the gentleman from Naples, Mr. Fickett, the Majority "Ought not to pass" report of the committee was accepted and sent up for concurrence.

Divided Report Indefinitely Postponed

Majority Report of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act relating to Discrimination at Places of Public Resort or Amusement" (H. P. 1134) (L. D. 1284)

Report was signed by the following members:

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

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

Report was signed by the following members:

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

Mr. McGLAUFLIN of Portland
— of the House

Reports were read.

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

Mr. FULLER: Mr. Speaker and Members of the House: I move the acceptance of the Majority "Ought to pass" report.

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

The Chair recognizes the gentleman from Holden, Mr. DeBeck.

Mr. DeBECK: Mr. Speaker, I move that H. P. 1134, L. D. 1284 be indefinitely postponed and when the vote is taken I ask for a division of the House.

The SPEAKER: The gentleman from Holden, Mr. DeBeck, moves that the two reports with accompanying papers be indefinitely postponed.

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

Mr. McGLAUFLIN: Mr. Speaker and Members of the House: I am very much opposed to this bill.

A few years a negro attending Colby College went down to some bar to try to buy a glass of beer. He was refused. As a result of that incident a bill was introduced into this House of a similar nature to this. It was strongly supported by some of the people of Bangor. They came up here in large numbers in support of this measure.

The Judiciary Committee took the matter under consideration and they decided that there was no race problem in Maine and they wisely, I think—it was the unanimous opinion of those ten members of the committee that we should not pass this measure because if we did we would be creating a problem when there was no problem. I have heard of no further trouble with the negroes or anybody else until this bill was introduced.

I have been practicing law for almost fifty years. Every day I have associated with Jews. Some of my best friends are Jews. I meet them in court, I meet them on the street. We are friends; we like each other; we get along splendidly. I recently had my 80th birthday. Three Jewish persons gave me presents. I was presented with a beautiful birthday cake by a firm of Jewish lawyers. I have the highest regard for these men.

I want to state further that the Jews represent some of our best lawyers, our best doctors, actors scientists and statesmen. They are a great people and I am not opposing this bill to hurt the Jews. I am opposing it so that the Jews will be saved from committing suicide.

A few days ago I had a telephone call from a woman who said that she represented a Jewish organization from the State of New York. She said, "I am an American citizen and I insist upon having the rights of an American citizen. I have seen a sign in the State of Maine 'For Gentiles Only,' and I am going to insist upon my rights." She wanted me to support this measure. She said it was to be introduced by Senator Chapman. It was not. It was introduced by the gentleman from Bangor, Mr. Fuller, instead.

Now what is the situation? A person that feels that they have got certain rights and that they are discriminated against and they find a place where they are not wanted, that kind of a person would immediately insist upon their rights as an American citizen to go to the place where they were not wanted, and if they tried to get in and failed they would go back and prosecute and invoke this very heavy penalty that is provided for such discrimination. And then what is the result? That particular Jew would be hated, and not only that, the entire lot of Jews would be hated for the action of that one person.

I want to point out to you that there is not the slightest need of this legislation in the State of Maine. The people of Maine are not unfriendly to the Jews or to the Negroes. Some of the summer hotel people who refuse to take them do it not because they have any antipathy toward the Jews themselves but they have coming to those summer places people from New York, New Jersey, Ohio, Michigan and other states who prefer to associate with the Gentiles, and if they allow the Jews to come in those places, or the Negroes, they will lose the patronage that they now have.

At the present time we have a law that prohibits any summer

hotel or any other place entertaining people from advertising that they discriminate. That is as far as there is any necessity to go.

If I were a Jew I would oppose this bill as I would the plague. By arousing hatred of their own sect they are going to do more harm than all the discrimination that ever can result if you pass this law.

Discrimination is carried on by us all. We discriminate among our friends. We ask some friends to some parties and we do not ask them to others. We discriminate in lodges, we discriminate in churches. If you want to join a church you have got to join the creed of that church: they don't take in anybody, no matter who they are or where they come from. We discriminate in clubs. We constantly discriminate, and we do not consider that we are doing an injustice to anybody.

I think that it would be a great mistake to pass this law. There is no problem in Maine at the present time. The moment you pass this law you will have a problem.

I received a day or two ago from one of my lawyer friends in Portland an article by George Sokolsky, the noted commentator, in which he called attention to the troubles that had been stirred up in Lincoln, Illinois, and I will just read two short sections from his comment. He says:

"It is difficult to trace the origin of the excitement in Lincoln. Lincoln has a small Negro population which managed to get along all right until the Negroes were told that they were being discriminated against."

At the end, he says: "Why is the racial question stirred up in this rural community which has never before known any such problem?"

I join with Mr. DeBeck in moving for the indefinite postponement of this bill.

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

Mr. FULLER: Mr. Speaker and Members of the House: I think you will all agree with me that the subject of civil rights is a mighty important one but sometimes disagreeable to discuss.

This bill is the second one which has been before the Legislature, dealing with the general field of Civil Rights.

I would like to speak briefly on the matter of interest in this sort of thing on a nationwide scale and then come down to the situation in this State.

So far as the national interest is concerned, I would like to offer one quotation from the annual report of the New York State Commission against discrimination. The Commission said this: "A major factor in the battle against domestic and international communism is the elimination of discrimination based on creed, race, color, or national origin in employment and in places of public accommodation, resort, or amusement."

And I will remind you that the United States of America, through its Attorney General, Mr. Herbert Brownell, Jr., has filed a brief as friend of the Court in the recent proceeding involving discrimination in the District of Columbia.

I can assure you that the absence of adequate Civil Rights legislation anywhere outside of the Iron Curtain is a favorite topic for the controlled press of the Communist countries. It is part of the party line of the Communist Party that there should be no discrimination by reason of race, color, national origin or religion.

This proposed law is intended to be a step toward a goal; and that goal is the time when no resident of our State and our Country need feel that he or she is a "second class citizen."

Now to come down to the local situation. I am sure that there is a great misunderstanding of the present laws in the State of Maine, not only this bill that I have introduced, and not only the present law which this bill amends, but also the law on places of public accommodation such as hotels, inns and restaurants.

This bill has two purposes, however. The first is to modernize the State law relative to circulars, signs, and other advertising matter. We have had a law for some years forbidding discriminatory signs, circulars and other advertising matter

insofar as they apply to one's religious sect, creed, or denomination; or to one's social class or one's nationality. Nothing is said of race, color, or national origin. The more recent legislation elsewhere does cover race and color, as well as religious belief. And since a naturalized or natural born citizen can have no nationality but American, the more recent laws use the term "national origin," which is more accurate and includes both citizens and aliens.

The proposed law also adds to the present law in the field of actual discrimination by establishments catering to the public. We already have some legislation in this field in this State, of course.

The present law on inns or hotels provides as follows: "Every innkeeper shall, at all times, be furnished with suitable provisions and lodging for strangers and travellers, and he shall grant such reasonable accommodations as occasion requires to strangers, travellers, and others." The word "others" is about as broad as can be, and leaves the innkeeper very little room to pick and choose as long as he has accommodations available.

The present law on victualers who are more commonly thought of as the keepers of restaurants and lunch rooms is also found in the Revised Statutes. This provides that "Every victualer has all the rights and privileges and is subject to all the duties and obligations of an innkeeper, except furnishing lodging for travellers." So therefore victualers and the operators of restaurants and lunch rooms must provide provisions for strangers and travellers, and have no leeway at all to turn away anyone who behaves properly and is willing to pay the price.

I would like to call your attention particularly to the liquor laws as they exist in this State, covering places of public accommodation. Those of course are referred to in the liquor law as bona fide hotels and restaurants.

To be eligible for a liquor license, to sell liquor by the drink, one must first be a bona fide hotel and restaurant and it is specifically stated in the law, in the definition

of "hotel or restaurant," that they must cater to the public.

One who excludes any part of the public for arbitrary reasons appears to me, certainly in this State, to be ineligible to obtain either kind of a license, he would be ineligible to obtain a license for a restaurant or hotel for general purposes, and he would also be ineligible to obtain a liquor license.

Members of the Armed Forces are especially protected in this State. The inns, hotels and other establishments catering to the public are forbidden to discriminate against them.

Now it is obvious that not every eating and lodging place is intended to cater to the public. For example, if an establishment is one catering to fishing or hunting parties, the management does not wish the rooms filled with tourists or travelling salesmen on a night to night basis. The whole idea is to furnish accommodations to members of those parties on a weekly basis or something of that sort. What I have never been able to see is why such an establishment should be licensed as an inn or hotel, if such is the case.

Now likewise, I can readily understand a place which operates in a sort of semi-private manner, taking the same clientele from year to year and perhaps adding people who are friends of the older customers or patrons. I do not see why such an establishment should seek to be licensed as an inn, hotel, or restaurant. It conforms more nearly with the definition of a boarding house or lodging house or rooming house. With these establishments the law usually is said to be that the proprietor reserves the right to reject any or all applicants at his pleasure.

Or we can of course have an establishment which is intended to provide a rest cure, so to speak, for the patrons. The management naturally would not care to take guests who are interested in a much more active social life, to use a slang expression, those who are interested in "making whoopee," because, in the natural course of things that would tend to disturb the ones who are there for the purpose of resting.

Situations such as these I can understand. What I cannot understand is why places supposedly operated for the accommodation of the public, and licensed for the accommodation of the public, should then turn around and exclude part of the public for arbitrary reasons which have nothing to do with their conduct, their financial ability or a lack of accommodations on the part of the establishment.

As to the present bill, Legislative Document 1284, it is argued that the provisions would make it necessary to take in people who are disorderly. There is no more reason to do so than there is in the present law of the State. The words "strangers, travellers and others," say nothing about their being orderly or disorderly. It is implied that an innkeeper can refuse to accept as guests people who are actually disorderly, intoxicated, or of bad repute.

As to the wording of the bill, there has been a comment about its disjunctive and alternative provisions and so forth. I will read the introductory part of it: "No person, being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, resort or amusement shall directly or indirectly by himself or another, refuse, withhold from or deny to any person any of the accommodations, advantages, facilities or privileges thereof. . . ."

That is not anything which was dreamed up by me. I have here Book 8 of the Consolidated Laws of the State of New York, which contains the Civil Rights Law. If you could look in there, you would find the phraseology very, very similar to what I have just read you.

Some of the opponents are alarmed at the word "letter" which appears in my bill as an amendment to the original bill. I would remind you that the word "letter" means the same thing as the term "written communication," which appears in the model Civil Rights Act and also in the Civil Rights Law of New York.

It is objected to my bill that there will be a flood of litigation, but the actual facts in most other states are not so.

The next section in Legislative Document 1284, at the top of Page 2 in black type, provides for presumptive evidence in the case of advertising matter. That also was not brought up by me but appears in the Model Act on Civil Rights.

Now Legislative Document 1284 does make one other change in the law of the State relative to accommodations, and that is that it strikes out of the present law the part which has to do with persons seeking health, recreation or rest; in other words, to make the law more nearly applicable only to establishments catering to the members of the general public.

The final provision of this bill adds a civil penalty of not over five hundred dollars and changes the existing criminal penalty in the advertising law so that the fine can be as much as five hundred dollars. This is a limitation on the civil right which exists at the present time.

Now it has been questioned whether there was any need for this sort of litigation. I have here a folder containing circulars and letters of different types, all of which purport to establish racial restrictions for the establishments from which they originate, so it is useless to argue that this type of legislation is entirely unnecessary because certainly this policy exists, which is definitely in conflict with the basic law of the State which I have read to you.

In conclusion, if I can sum up my feeling in discussing this matter, it is to bring before the House the difference between the holders of commercial licenses for places of public accommodation and the status of others such as boarding houses, lodging houses and rooming houses which, as commonly understood, do not purport to cater to the public, and it seems to me simply that the ones who feel that they are in danger of being so adversely affected, it simply means to me they should not have commercial licenses at all on non-commercial activities and that L. D. 1284 is not going to have any particular effect upon them.

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

Mr. OSBORNE: Mr. Speaker and Members of the House: I regret very much to rise to speak against my good friend, the gentleman from Bangor, Mr. Fuller, because I know he is very sincere and in his feelings I sympathize with him because I feel the same way, but against this I feel that the results of this bill would accomplish the antithesis of what he hopes to accomplish. Believe me, I have seen some of the legislation passed elsewhere, and if you want to put race against race, class against class, creed against creed, just try to legislate it down the people's necks. Perhaps you can educate human nature, but you cannot legislate them.

When we broaden the scope of the present bill, under which I think we are getting along quite well, we will fan the fires of prejudice, strife, class hatred that is practically non-existent, but rears its ugly head again because some individual brings up an item. Perhaps there are cases, an isolated case, but it snowballs into an affair that becomes anything but what it started out with. Hatred, animosity, jealousy, cannot be legislated.

Mr. Fuller mentioned the matter of Communism. There is nothing a Communist would like better than a little indiscretion on someone's part in the matter of race, creed or something of that nature, that he can seize upon and make a large matter of discussion and create dissension.

I therefore hope that the motion of the gentleman, Mr. DeBeck, for indefinite postponement, does prevail.

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

Mr. BEARCE: Mr. Speaker and Members of the House: Personally, I want to go along with the gentleman from Bangor, Mr. Fuller.

I lived in the city of Washington, and nearby Maryland, for some thirty-seven years. I have seen race discrimination. I don't like it. In our Maine communities we have very little of it. We can have less of it if we follow along with the law such as is being proposed.

If you have been reading in the papers recently, especially in con-

nection with experiences in Africa, you have noticed some of the effects of the race discrimination. Now I believe the best way to avoid the troubles of race discrimination is to avoid race discrimination, and I believe that we will avoid these troubles by going along with the gentleman from Bangor rather than by going along with the ones who are on the other side of the fence.

I shall therefore go along with the gentleman from Bangor, Mr. Fuller, and hope that this bill may have passage.

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

Mr. WINCHENPAW: Mr. Speaker, and Members of the House: Coming from the seacoast summer resort area as I do, I feel that I should oppose this bill. I hope that the motion made by the gentleman from Holden, Mr. DeBeck, prevails, and I have a simple statement I would like to make.

One thousand, nine hundred and fifty-two years ago last Christmas, there was no room in the Inn.

The SPEAKER: The question before the House is on the motion of the gentleman from Holden, Mr. DeBeck, that the two reports and House Paper 1134, Legislative Document 1284, Bill "An Act Relating to Discrimination at Places of Public Resort or Amusement" be indefinitely postponed. The same gentleman requests a division.

As many as are in favor of the motion of the gentleman from Holden, Mr. DeBeck, 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.

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

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought to pass" on Bill "An Act Amending the Charter of the City of Portland re Election of Members to City Council" (H. P. 935) (L. D. 1029)

Report was signed by the following members:

Mr. CHAPMAN of Cumberland
—of the Senate

Messrs. STEWART of Paris
CHILDS of Portland
GOWELL of Berwick
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:

Mr. WEEKS of Cumberland
—of the Senate

Messrs. WOODCOCK of Bangor
STEWART of Portland
HAND of New Limerick
—of the House

Reports were read.

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

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

The SPEAKER: The gentleman from Portland, Mr. Childs, moves that the majority report of the committee "Ought to pass" be accepted.

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

Mr. MCGLAUFLIN: Mr. Speaker and Members of the House: This is an attempt to amend the charter of the City of Portland when the City of Portland has no desire to have its charter amended.

When this came up for hearing before the Legal Affairs Committee three persons appeared for the change, one man and his wife and one of the city council. How this ever got a majority report in the committee I do not know, but I do know this: we do not want any such change.

This is an attempt to get back, making an entering wedge to get back to the mayor and council form of government. We now have a City Manager.

I am one of the few men still living who served in the common council, and I was chairman of the board of aldermen when that body existed. Under the City Manager form of government our streets have been improved, our sewers have been improved, our homes, our schools have been improved, and our play-

grounds. We have progressed rapidly and gone far.

Now to show you how foolish some of the things that were done under the old city government I want to give you one illustration.

When we had wards in the City of Portland there were nine wards. I represented Ward 9. Under that system it was the custom for each alderman, particularly aldermen — there is one alderman and three councilmen for each ward — to try to get everything he could for his ward. I was as successful as anyone in my ward, and on one occasion in my ward we wanted to get an appropriation to build Pleasant Street, which runs from Forest Avenue to Stevens Avenue. There had been two pieces of road built on one side, one was macadam and the other was some other kind of pavement that they had built about two-thirds up Pleasant Street towards Stevens Avenue. The natural and sensible thing to do was to complete at least one side of that highway. But what did they do? The alderman from Ward 8 complained that McGlauffin had got more for Ward 9 than he had got for Ward 8 and he wanted that piece of road put up the other side and they foolishly did just that, so that we had a road with two kinds of pavement two-thirds of the way up the street and then they put a piece of pavement on the other side so that we had no complete way through at all.

I could repeat other foolish things that were done in that way.

Now this bill proposes to get back and elect the councilmen from the different wards. At the present time we elect some councilmen at large and a number of councilmen are elected that must come from a particular ward but they are elected by the whole people. The object of that was so that the representative, while he came from a particular ward he was supposed to represent the whole city and not just his ward. That system has worked very well indeed.

I move for the indefinite postponement of this measure.

The SPEAKER: The gentleman from Portland, Mr. McGlauffin,

moves that the two reports and Bill be indefinitely postponed.

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

Mr. GOWELL: Mr. Speaker and Members of the House: As one of the signers of the majority "Ought to pass" report I feel that perhaps I should make a brief statement concerning this matter.

As the gentleman from Portland, Judge McGlauffin, has stated, it provides for a change in the election of the councilmen at large.

At the hearing several appeared in favor of it, the case was very well presented, and they emphasized the fact that they would like to have the privilege of voting in their city in regard to the question, and the majority that signed the report saw no particular objection and we signed the report for it.

In deference to our old reliable from Cumberland County, we have heard him say many times that the people of Portland know what they want, and we know that he knows, we think he does, what the people want. As one member of the committee, even though I signed the majority report, I would be very happy to have any disposition of the case that may be agreeable to the gentleman from Portland, Judge McGlauffin.

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

Mr. CHILDS: Mr. Speaker and Members of the House: On many occasions the gentleman from Portland, Judge McGlauffin, and I may disagree on certain facts which are set up, but generally we do find out what the issue is and then we decide just what the merits of the case are. Here the Judge and I both disagree strenuously on the issue. He is arguing the case that one form of government is better than the other form of government.

Now these people came before the Legal Affairs Committee, and the opponents of the bill, I think there were seven of them, and it so happened that all seven of them are the present councillors of the city. Naturally they would be there to oppose the bill because it could possibly mean their jobs.

When these bills come before the Legal Affairs Committee we attempt to take two things into consideration, on bills for change in the form of a charter. The first thing we take into consideration is: Is the particular form which the proponents are asking for a recognized form in every city and county and so forth? What these people are asking for here, the proponents, is to have these councillors elected only from the district they represent.

Now there is not much question in anybody's mind here that that certainly is a well-recognized form of government. It is what is done in our national set-up. The people from the First District do not vote for the people in the Third District here in Maine. So we are all agreed it is a recognized form of government.

The second thing we take into consideration is whether there is any demand in the city for this change. Well, there have been two or three hundred cards which have been sent to the Committee on Legal Affairs which are now in the possession of the Legal Affairs Committee, demanding at least the opportunity to vote on it. I have received numerous toll calls in the last month in regard to the same thing. All they are asking for is the right to vote.

Now I have no interest in this whatsoever so far as Portland is concerned. I don't even know which way I would vote. When it comes up in the municipal election I may vote for the present set-up. But I still believe that if the people of Portland want the opportunity to vote they should be given that opportunity to vote.

The gentleman from Portland, Judge McGlaufflin, has also stated that it is an attempt to get back to the mayor and aldermen system of government. Well, I did not see anything of that, but if that is the truth and the people of Portland want the mayor and aldermen system let them vote on it and let them have it.

Also, the gentleman from Portland, Judge McGlaufflin, has stated that when he was there there were a lot of foolish things done by people who were aldermen at that

time. Let us remember that aldermen are individuals and it was human beings who made the mistakes and not the form of government that did it.

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

Mr. McGLAUFFLIN: Mr. Speaker, in reply to Mr. Childs, I want to state that two or three hundred cards produced by some agitators for this change are far from a demand from the City of Portland for such a change. We have something like 29,000 voters in the City of Portland, and the three hundred which you can stir up in a very short time do not represent the sentiment of the people of Portland.

Now it is not that I am afraid of what the vote would be; it is the nuisance of putting the City of Portland to the expense of passing upon this matter when every councilman in Portland is opposed to it, I oppose it, and at that committee hearing there were exactly three persons in favor of it, and the people who have sent these cards are simply a few that those three people have stirred up to try to make this change.

I still ask for the indefinite postponement of this bill.

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

Mr. ROUNDY: Mr. Speaker and Members of the House: For pretty nearly a quarter of a century I have been a citizen of the City of Portland, and I have felt, with the best judgment that I have been able to exercise, that the arrangement which we now have in the way of our city government is the one that personally I am very much in favor of, and personally I have not been interviewed to have it changed. I think this House would do a very great disservice if they do not follow in the line of the good judgment of the gentleman from Portland, Mr. McGlaufflin.

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

Mrs. LORD: Mr. Speaker and Members of the House: I introduced this bill at the request of citizens of Portland. I am a friend of the

council-manager form of government. I worked in 1927, when there was a referendum, to repeal it. I worked day in and day out, although I was not a citizen of the city at that time, and we went on afterwards to get the same system in South Portland.

Now it is a question whether you want the citizens in one district to elect someone to represent themselves or whether the whole electorate will vote for that person. Personally I do not know. I do not see any attempt to return to the old form of government.

At the present time, as I say, a person represents the district, they have to live in the district, but they have to be elected by the whole electorate. There is certainly something wrong in the voting in the city. The vote is so small when we have an election that it is hardly representative of anything at all, and if this thing would make a difference, make more people take an interest in it, I do not see that it could do any harm. Anyway, I do not see why we should not allow the people of Portland to vote on the referendum and decide once and for all how they want the thing done.

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

Mr. SENTER: Mr. Speaker, I consider this matter rather a local issue concerning the City of Portland. I rise simply to point out an inconsistency in the good Judge's remarks. This same gentleman, Judge McGlauffin, who just told you that he wanted to save the City of Portland the cost of this referendum election yesterday was not concerned at the cost of \$45,000 to the citizens of the State of Maine for our famous September Election. (Laughter)

Mr. CHILDS: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman from Portland, Mr. Childs, seek recognition?

Mr. CHILDS: I was under the impression I only spoke once, Mr. Speaker.

The SPEAKER: The gentleman may ask leave of the House to speak again.

Mr. CHILDS: Mr. Speaker, I request unanimous consent to address the House.

The SPEAKER: Does the Chair hear objection to the request of the gentleman from Portland, Mr. Childs, to speak? The Chair hears none and the gentleman may proceed.

Mr. CHILDS: Mr. Speaker, I rise for only one purpose. The good Judge, the gentleman from Portland, Mr. McGlauffin, mentions additional cost for putting it on the ballots. This referendum would go to the next municipal election so there would be no cost for any special election.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. McGlauffin, that the reports and Bill "An Act Amending the Charter of the City of Portland re Election of Members to City Council," H. P. 935, L. D. 1029, 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.

The SPEAKER: Twenty-two having voted in the affirmative and fifty in the negative, the motion for indefinite postponement does not prevail.

The question before the House now is on the motion of the gentleman from Portland, Mr. Childs, that the majority report "Ought to pass" be accepted. Is this the pleasure of the House?

The motion prevailed and the Majority "Ought to pass" Report of the committee was accepted and the Bill was given its two several readings and assigned for third reading on the next legislative day.

Passed to Be Enacted Emergency Measure

An Act to Validate Acceptance by the Town of Bristol of a Contract with Maine School Building Authority (S. P. 514) (L. D. 1401)

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

sary, a division was had. 115 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The SPEAKER: At this time, in the interests of procedure, the Chair will be happy to receive notification of any of the enactors the House is about to decide on which may need further action, so that they may be passed over temporarily.

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

Mr. DICKEY: Mr. Speaker, I would like to pass over Item 12 temporarily.

The SPEAKER: The gentleman from Brooks, Mr. Dickey, requests that Item 12 be passed over temporarily.

Passed to be Enacted

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

An Act relating to Licensing of Electricians (S. P. 455) (L. D. 1269)

An Act to Correct Errors and Inconsistencies in the 1944 Revision and the Session Laws of 1945, 1947, 1949 and 1951 (S. P. 490)

An Act relating to Collection of Excise Taxes in Unorganized Territory (S. P. 523) (L. D. 1420)

An Act relating to Inspection of Boilers (S. P. 535) (L. D. 1440)

An Act relating to Apprentice Barbers (S. P. 539) (L. D. 1453)

An Act relating to Definition of Elevator Under Board of Elevator Rules (H. P. 185) (L. D. 180)

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

An Act relating to Revolving Fund for Administration of Social Security for Political Subdivisions of State (H. P. 1007) (L. D. 1134)

Finally Passed

Resolve Providing for the Revision of the Statutes (S. P. 170) (L. D. 419)

Resolve Authorizing Treasurer of State to Convey Interest of the State in Property in Portland to Frank and K. Louise Bieske (S. P. 518) (L. D. 1406)

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.

Resolve on Final Passage Indefinitely Postponed

Resolve to Create a Special Committee to Study Safeguards in Construction Projects (S. P. 536) (L. D. 1441), which was Item 12.

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

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

Mr. DICKEY: Mr. Speaker and Members of the House: My motion is to indefinitely postpone L. D. 1441. The reason for my motion is to bring to your attention again this little commission that they desire to set up. It will cost \$1000, and in my estimation no good will come from it. I spoke with several who were interested in this legislation and suggested that we have a Research Committee and that any matters of this kind could be referred to them. They said they did not desire that this be referred to the Research Committee because they were not any good.

As I said before, it is a matter of only a thousand dollars. If I thought it would achieve its purpose I would go along with it, but I see no constructive idea in this L. D. 1441. It is simply a redraft of a silly little bill that came out here, L. D. 78, that they said we could not understand and could not go along with; but they had to water it down and come out with something, so they came out with this one.

I hope that you will go along with my motion to indefinitely postpone and save yourselves a thousand dollars from the general fund.

The SPEAKER: The gentleman from Brooks, Mr. Dickey, moves that the Resolve be indefinitely postponed.

The Chair recognizes the gentleman from Millinocket, Mr. Gates.

Mr. GATES: Mr. Speaker and Members of the House: I am a member of that Labor Committee and I signed the report that this "Ought to pass."

There was a bill introduced in this Legislature and it came before

our committee, and our committee agreed it was not right and proper. But still the problem existed. In other words, there should be some safeguards for these boys who are working on construction jobs. The original bill was not right and proper. A part of it was, the motive was good, but it had provisions of which we could not approve. Now we have decided that a Research Committee or a committee appointed for that purpose could study this thing and come up with some bill which would safeguard these construction workers and some bill that we could all agree upon. I do not understand how the gentleman from Brooks, Mr. Dickey, knows at this early date how there will be no results from it, and I hope that his motion is defeated.

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

Mr. SMALL: Mr. Speaker, here we go again. I realized early in this afternoon's session that it was going to be a rough day for the Labor Committee, and I was hoping we would get to L. D. 474 and L. D. 475 before we recessed for supper. However, I am not so good on my feet as I am in committee room, I realize, and I am a little bit slow, and I would not want to challenge anyone to debate as the gentleman from Brooks (Mr. Dickey) did the other day in the course of the session.

At the same time, although I am a little bit slow, when I arrive at a decision I am always pretty sure of the grounds that I have been over in getting there, and when I get there I know where I am. I do not need a compass like the gentleman from Dover-Foxcroft "Mr. Turner" does to get there. (Laughter)

Now I have taken it on the chin in this Legislature this winter. I had a nice bill in here so that when I looked at the clock I would not make the mistake that I did yesterday with the gentleman from New Sharon and be an hour late for supper. But because some people referred to it as a bill for an extra hour of hunting for rabbits, I did not get far with it.

This bill here, though, does not concern rabbit hunters or men of

leisure, or recreation; it concerns men working upon your State Highways, in your building trades, men who labor for a living and take chances with their lives and with their limbs.

The bill as originally presented before our committee was a burdensome one, very intricate, no doubt fitted to a city like Boston or New York and not at all fitted to a state like our own and our problems.

We considered the matter and put in considerable time on it as you men on the other committees do, and we felt that this was a matter deserving of consideration. We saw fit to pass a bill here and appropriate \$2,285 to print a pollen survey, or something about asthma, or some areas that are free from it, and if we can be that free with our money I certainly believe that we should have this committee. It is proposed to be composed of two from labor, two from industry, one from this body and one from the Senate, plus the Commissioner of Labor, and they will report back in two years. If we spend a thousand dollars for this purpose I think the money is well spent.

I hope that the motion of the gentleman from Brooks, Mr. Dickey, to indefinitely postpone this matter does not prevail.

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

Mr. TURNER: Mr. Speaker and Members of the House: I guess this is a good bill all right, but I feel the way that it is set up there it is \$1000 and expenses. Now this committee could travel all summer long, they might go to Florida or California and their expenses would be paid. So I think it would be all right to pass this bill but perhaps put a tag on it that the funds come out of the Department of Labor and Industry, and I make that motion.

The SPEAKER: The gentleman's motion is not in order.

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

Mr. DICKEY: Mr. Speaker and Members of the House: I did not say that I was opposed to the Labor Committee, but, as long as they bring it up, I am opposed to their

procedure. They admit that L. D. 78 was not any good and they have asked us to receive L. D. 1441 which has no bearing whatsoever on the original bill. There was not a public hearing on it. I say to you, ladies and gentlemen, that if I thought this thousand dollars would save a life I would go along with it. It does not ask you to do that. It asks you to set up a commission which will refer any of their findings to the next Legislature.

Now I assume that this Labor Committee has done a good job, I assume that the Labor Committee of the next Legislature will do a good job, and I think they can handle it very well without any recommendations from a few that are appointed on this commission. It is only a thousand dollars wasted, I can assure you, ladies and gentlemen.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Brooks, Mr. Dickey, that S. P. 536, L. D. 1441, Resolve to Create a Special Committee to Study Safeguards in Construction Projects, be indefinitely postponed.

Mr. SMALL: Mr. Speaker, may we have a division?

The SPEAKER: The gentleman from Mexico, Mr. Small, has requested a division.

As many as are in favor of the motion of the gentleman from Brooks, Mr. Dickey, for indefinite postponement of the resolve 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-two having voted in the affirmative and twenty-four in the negative, the motion prevailed and the resolve was indefinitely postponed in non-concurrence and sent up for concurrence.

Mr. Tupper of Boothbay Harbor was granted unanimous consent to address the House.

Mr. TUPPER: Mr. Speaker and Members of the House: I have tried to be very brief in my remarks this session and I now ask your patience on an extremely important matter. I feel that as time goes on now we will tend to be more impatient until final adjournment. During this session, I have at-

tempted to draw attention to the program of the restoration of the Atlantic salmon in the State of Maine.

My original plan was to submit an amendment to the General Appropriations Bill, asking that the entire appropriation of the Atlantic Sea Run Salmon Commission be cut, my reasoning being that either the Department of Inland Fisheries and Game or Sea and Shore Fisheries could better handle this work. After delving into the matter more deeply, I decided against this move. I am still convinced that either one of the two fisheries departments or both jointly could better administer this program than the Atlantic Sea Run Salmon Commission.

There seem to be several drawbacks to such reorganization, however, at this time. First, I doubt if either fisheries department is overly anxious to assume this responsibility. Second, the Federal Government might seize such an opportunity and give up their part in this important work. Third, I would not want to needlessly keep this House in session perhaps a day longer in debating Atlantic salmon.

I have decided that I can best contribute to the program of restoration of Atlantic Salmon in Maine by drawing the attention of the House members to this matter. The Atlantic Sea Run Salmon Commission is a separate commission, as I have indicated, made up of the Commissioner of Inland Fisheries and Game, the Commissioner of Sea and Shore Fisheries and an appointee of the Governor. The activities of this small department are necessarily very limited. The program could not exist at all without federal participation. The United States Fish and Wildlife Service maintains a hatchery, staffed with federal employees working solely on this restoration program. It is no secret that the Department of Fish and Wildlife is not completely satisfied with the cooperation they have been getting from the Atlantic Sea Run Salmon Commission. It would not be policy for the Federal Government to admit this but I have been informed by reliable sources that if

this cooperation is not forthcoming in the near future, they will abandon their aid to the State of Maine in this valuable work.

Some of the members in this Legislature, interested in sport fishing, will remember that at one time the Commission I am speaking of had the services of a man by the name of Doctor Rounsefell. It is safe to say that this gentleman knew more about Atlantic salmon than any other man in the country. It will also be remembered that this brilliant scientist was moved out of Maine, together with his chief assistant.

Allow me to read a reply to various questions sent to the United States Fish and Wildlife Service. In answer to a question posed to the United States Fish and Wildlife Service: "Why were Dr. Rounsefell and Floyd Bryant transferred from Maine?" Answer: "The sea-run salmon restoration project, involving as it does many interests, demands of the Federal representative the utmost tact and patience in dealing with cooperators. These are not among Dr. Rounsefell's many excellent qualities, and we transferred him at the request of the Atlantic Sea Run Salmon Commission. Mr. Bryant, who had been Dr. Rounsefell's assistant, does not have the qualifications to head a research project, and he was also transferred elsewhere at the same time, at the request of the Commission."

Question: "Do you expect either or both to return, or do you consider their work finished here?" Answer: "Since we have replaced Dr. Rounsefell with an excellent scientist who is acceptable to the Committee members, we do not anticipate returning Dr. Rounsefell to Maine. Since our appropriation for Atlantic Salmon research has been drastically reduced, we cannot in the foreseeable future replace Mr. Bryant."

You will remember that I spoke about this matter once before and pointed out that there are about one-half as many Atlantic salmon caught now in Maine as five years ago despite the work of this Commission. This is according to statistics given me by a State statistician. I pointed out the very high cost of each fish taken by rod and reel

since that time. I have discovered that the University of Maine provides a full-time research specialist and Inland Fish and Game contributes to this program. The cost of each salmon may be even higher than I first estimated.

It is easy to be critical but more difficult to provide a constructive remedy. First of all, I think that more people should be made aware of what this program is attempting to accomplish. No one can deny that Maine would benefit greatly if this king of all game fish returned in great numbers. If we go forward and build turnpikes to provide easy access to an international ferry to the provinces, where excellent fishing prevails, Maine might well stop and take inventory. We all know that the two things that have prevented Atlantic salmon, shad and striped bass from returning in great numbers to Maine are: One, lack of adequate fishways, and two, pollution.

There seems to be little we can do about pollution but we do have a law on our books respecting fishways. No one seems anxious to enforce this law however. Many dam owners — and I am not being profane—refuse to provide adequate fishways and to keep debris from plugging them up. Many of the dams are owned by powerful utilities in this State. It is a dim picture for our salmon. A bright spot for them were the disastrous floods of this spring. In 1936, floods washed the filth out of our rivers and many salmon and striped bass were caught that year. The same thing may well happen this year. You cannot expect any self-respecting Atlantic salmon to leave our invigorating Atlantic Ocean to come up some of our Maine rivers to spawn. To do so, they would sacrifice not only their own lives but their progeny. I think it is hypocrisy for us to appropriate the sum of \$16,262 or \$10.00 to prevent the extinction of Atlantic salmon in Maine and shut our eyes to the two known reasons why they will never return until corrected.

I would like your tolerance in reading just one other item from the letter to me from Philip Harriman, President of the Narraguagus Salmon Association in Cherryfield.

"Mr. Tupper: The Salmon Commission should be continued but

should be independent of the Inland Fish and Game Department. . . . The present commission is but a 'one-man' commission. There is a lack of competent engineering advice available. The present fishways are inadequate.

"The Bangor Hydro Company does not keep fishways open on the Penobscot. In 1952, no fishways were open above the Bangor Pool for several weeks. The 'Penobscot Patrol' was eliminated and the warden assigned to check fishways was assigned elsewhere. The Commission is slow in taking action where power companies are involved."

And another enlightening letter from the Chairman of the Atlantic Salmon Restoration Committee of Lincoln County, my own county, in which he states: "All work and its results have been insignificant in minor attempts to correct it. . . . We apparently have an inadequate fishway law, laxly supported by officials in enforcement." And this is very important, ladies and gentlemen. He said: "I have held this as confidential, but I have made an informal application to the Ford Foundation for assistance on our Atlantic salmon restoration project in Maine. They are making substantial appropriations for natural resources projects, including all phases of water resources. They are holding an important conference in Washington this Fall to discuss this subject with others. Apparently any business or assistance from them will be efficient and complete. However, I do believe that we may have to put our house in order and show good intentions before we can expect anything from them. I shall be kept informed of any action on their part . . . and possibly may attend the conference this Fall."

It behooves all of us to consider this problem carefully and insist on greater results during the next biennium. Thank you for your patience.

Orders of The Day

The SPEAKER: For what purpose does the gentleman from Augusta, Mr. Albert, seek recognition?

Mr. ALBERT: Mr. Speaker, I seek unanimous consent to take up

out of order and under suspension of the rules the fourth today assigned matter on page 15 of today's calendar, House Order relative to table clearance each day, tabled yesterday by myself and assigned for today.

The SPEAKER: The gentleman from Augusta, Mr. Albert, requests unanimous consent to take from the table the fourth tabled and today assigned matter, which is printed on page 15, House Order relative to table clearance each day, tabled on April 28 by the same gentleman pending passage. Does the Chair hear objection? The Chair hears none and the gentleman may proceed.

Mr. ALBERT: Mr. Speaker, I now move passage of the order.

The SPEAKER: The gentleman from Augusta, Mr. Albert, moves that the order receive passage at this time.

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

Mr. SENTER: Mr. Speaker, may I ask if the gentleman from Augusta, Mr. Albert, will explain what the order means?

The SPEAKER: The Chair will inform the gentleman from Brunswick, Mr. Senter, that the order was read yesterday and the Clerk will read the order if the gentleman so requests.

Mr. ALBERT: Will you request the Clerk to read the order, please, Mr. Speaker?

The SPEAKER: The gentleman from Augusta, Mr. Albert, requests the Clerk to read the order. The Clerk will re-read the order.

Thereupon, without objection, the Clerk re-read the order.

The SPEAKER: Is the gentleman from Brunswick, Mr. Senter, satisfied?

The Chair recognizes the gentleman from Kennebunkport, Mr. Bibber.

Mr. BIBBER: Mr. Speaker, I would like to present House Amendment "A" to House Order Relative to Table Clearance Each Day and speak briefly on my amendment.

The SPEAKER: The gentleman from Kennebunkport, Mr. Bibber, offers House Amendment "A" to the House Order under discussion. The Clerk will read House Amendment "A."

The CLERK:

HOUSE AMENDMENT "A" to House Order Relative to Table Clearance Each Day.

Amend said Order by inserting in the 4th line thereof after the word "today" and before the word "and" the following:

'Except that the divided reports of the Committee on Legal Affairs on Bill "An Act relating to Pari Mutuel Pool Contributions and Night Running Racing" (H. P. 976) (L. D. 1064) shall stand assigned for 2:00 P. M., E. S. T., Thursday, April 30, notwithstanding any other matters that may be in order for consideration at that time.'

The SPEAKER: The Chair recognizes the same gentleman.

Mr. BIBBER: Mr. Speaker, I may be setting a precedent in the House in taking a tabled matter away from my seatmate but I feel that this bill should be given a very, very fair hearing. That is the reason for definitely assigning a time when I thought all members of the House would be here to hear it. This has a bearing on two counties; it also has a bearing on the tax revenue of our State and I consider it a very important issue.

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

Mr. CHILDS: Mr. Speaker and Members of the House: When I say I am very much surprised at the amendment, I am much more surprised that the name of my seatmate is subscribed to it. This matter came before our committee and was given a thorough hearing. I was delegated by the committee to defend the majority committee report when it came before the House. I tabled the bill. I have or had definite intent in mind to specifically assign the bill. I was under the impression that it was certainly a courtesy which should be extended to all members of the House that anybody who had a bill tabled that they, themselves, would be allowed to take the bill off the table. I certainly go along with the House Order. I do not go along with the amendment. I, therefore, move the indefinite postponement of this amendment as a matter of principle and a matter of courtesy which

I would extend to other members of this House.

The SPEAKER: The gentleman from Portland, Mr. Childs, moves that House Amendment "A" to the House Order under discussion be indefinitely postponed.

The Chair recognizes the gentleman from Millinocket, Mr. Gates.

Mr. GATES: Mr. Speaker, I just wanted to ask a question of the gentleman from Augusta, Mr. Albert, through the Chair.

The SPEAKER: The gentleman may proceed.

Mr. GATES: Mr. Speaker, if this order which he has introduced receives favorable passage, does it deny any member of the House taking anything off the table out of order? In other words, must a person who has tabled a bill wait until it comes up in the regular order or can he have it removed and acted upon previous to that time?

The SPEAKER: The gentleman from Millinocket, Mr. Gates, addresses a question through the Chair to the gentleman from Augusta, Mr. Albert. The gentleman from Augusta, Mr. Albert, may answer if he so desires.

Mr. ALBERT: My understanding, Mr. Speaker and Members of the House, is that any item can be taken off the table even though it is specially assigned by moving unanimous consent out of order and under suspension of the rules.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. Childs, that House Amendment "A" be indefinitely postponed.

The Chair recognizes the gentleman from Windsor, Mr. Hussey.

Mr. HUSSEY: Mr. Speaker, I move that we ask for a division of the House.

The SPEAKER: The gentleman from Windsor, Mr. Hussey, requests a division.

As many as are in favor of the motion of the gentleman from Portland, Mr. Childs, for indefinite postponement of House Amendment "A" 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. Fifty-five having voted in the affirmative and fifty-one having voted in the negative, the motion

prevailed and House Amendment "A" was indefinitely postponed.

Thereupon, House Order Relative to Table Clearance Each Day received passage.

The SPEAKER: Under Orders of the Day, the Chair lays before the House the first item of unfinished business, House Divided Report, Majority Report "Ought to pass" as amended by Committee Amendment "A" and Minority Report "Ought to pass" as amended by Committee Amendment "B" of the Committee on Labor on Bill "An Act relating to Compensation for Death under Workmen's Compensation Act," House Paper 427, Legislative Document 474, tabled on April 24 by the gentleman from New Sharon, Mr. Caswell, pending acceptance of either report.

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

Mr. SMALL: Mr. Speaker, I move that the House accept the majority report of the committee.

The SPEAKER: The gentleman from Mexico, Mr. Small, moves that the House accept the Majority Report "Ought to pass" as amended by Committee Amendment "A." Is this the pleasure of the House?

The motion prevailed and the Majority Report was accepted.

Thereupon, the bill was given its two several readings.

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

COMMITTEE AMENDMENT "A" to H. P. 427, L. D. 474, Bill "An Act Relating to Compensation for Death Under Workmen's Compensation Act."

Amend said Bill by indicating the striking out of the figures "\$24" in the 7th line by drawing a line through said figures "\$24" and inserting immediately after said stricken out figures the underlined figures '\$30'.

Further amend said Bill by indicating the striking out of the figures "\$12" in the 7th line by drawing a line through said figures "\$12" and inserting immediately after said stricken out figures the underlined figures '\$15'.

Further amend said Bill by striking out the underlined figures "\$10,000" in the last line thereof and inserting in place thereof the underlined figures '\$8,000'

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

The Chair recognizes the gentleman from New Sharon, Mr. Caswell.

Mr. CASWELL: Mr. Speaker, I move the indefinite postponement of Committee Amendment "A" and if that is carried I would like to speak on the other amendment.

The SPEAKER: The gentleman from New Sharon, Mr. Caswell, moves that Committee Amendment "A" be indefinitely postponed.

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

Mr. SMALL: I want to take this opportunity, Mr. Speaker, to thank the gentleman from New Sharon for permitting me to introduce Amendment "A." I was hoping that discussion on Amendment "A" for this Legislative Document 474 would be postponed and taken up at the same time as the amendment to 475. Since it can not, I will give you at this time some of the reasons why the figures in Amendment "A" are as they are.

We have overrun our allotment and I won't go into any details of Workmen's Compensation as I had hoped to do for the benefit of some members who are new in the House and are unacquainted with it. I would just like to call your attention to a few things though. The first point is this: Some people think that a \$3.00 step is something sacred about this proposition, the same as they speak about sacredness in some other things. Now, that is not so. From the very beginning, the first step taken under the Workmen's Compensation Law was from the amount of \$10.00 to the amount of \$16.00. That was in 1915 and in 1919 the bill was re-written and the amount advanced. It was also advanced, I believe, in 1925. The purpose of this amount of money, which is paid to the employee when hurt and which he agrees to accept when he takes employment in an industry which has consented to this act prevents him from going into the courts at common law as he could in the past and suing a company. The figures set up under this act are small in comparison with the

judgments you see awarded in court on other accidents.

According to the statistics of the Bureau survey, the most recent, current report, the cost of living index since 1939 has gone up to 188 and a fraction. Judging the bill from that yardstick, \$33 and some cents would be a correct amount to ask for under this act. I do not take just that yardstick. Let us take the amount of money that was the maximum benefit on the 1920 period through into 1940 through the depression. You remember that in the middle thirties an N. R. A. Act was passed, setting up a standard of 40 cents an hour wage for a 40 hour week. You do not have to be a high school graduate to come to the conclusion that \$16.00 a week was the amount of pay set up by that law and, as you know, many businessmen and others thought that they couldn't even pay that amount of money. But, at the time that the base rate of pay was 40 cents an hour, \$16.00 for 40, your maximum benefit under this act was \$18.00. Now, what was the reason for that? Labor is concerned with everyone who works, whether he is a common laborer or whether he is a more skilled laborer and the more skillful types, machinists, carpenters, brick masons or papermakers, loom fixers, anyone who has graduated beyond the base rate make up the majority of the people that work. And so, the little man was entitled to two-thirds of his pay up to \$18.00 at that time. That \$18.00 would amount to more than the top weekly pay of the ordinary worker.

The point I wish to make to you is this: That the idea behind Workmen's Compensation is to take care of the workmen, not just the unskilled workmen but the better class of our workmen so that he will have a fairly decent living while he is laid up. I do not need to tell you that the amount of wages now earned on the average that two-thirds of them would be far above this maximum amount. This amount has been discussed at great length between labor and industry and as you know the majority report favors the amount stipulated in Amendment "A" 474 and 475 are, in a way, companion bills and Mr. West, the House Chairman, is going

to make the motion on 475 and I have an amendment which has been cut and has been distributed to you to replace the original amendment in which there were some errors which were not, I think, wholly the fault of the committee and got by and which we have corrected in that other amendment. These two bills should go together and I hope that you will not allow this motion to indefinitely postpone this present amendment prevail until you have considered 475. Then, if you see fit, against the report of the majority of the Labor Committee to kill these bills, that is your privilege.

I realize that in the House each of us are equal in some things, not equal in wealth, not equal in bodily strength, not equal in education, but we are all equal in the right to express our opinions and to have them treated with consideration and we are also equal in the right to cast one vote upon any matter. I hope that in casting your vote on this measure that you will go along with the majority of the committee and not indefinitely postpone this amendment.

The SPEAKER: The Chair recognizes the gentleman from New Sharon, Mr. Caswell.

Mr. CASWELL: Mr. Speaker and Members of the House: As the gentleman from Mexico (Mr. Small) has said, these two bills are companion measures and the action that you take on 474 should be repeated on 475. Now, if I am in order I would like to speak on 474 and what I say on 474 will apply equally to 475 and that probably is the only means by which I can successfully promote any economy measure in this House. By so doing, I shall only have to speak once and I will at least save a little newsprint. The only difference, as you will discover, in Bill 474 between the majority and the minority reports is on the figure, the maximum weekly payment under the Workmen's Compensation Act for dependents. The Amendment 407, Amendment "A" the figure reads "\$30" and Amendment "B", which was the one signed by the majority, which is 409, the figure is "\$27".

Now then, the reading of the bill would indicate this payment would

be based on the employee's average earnings. If I understand the matter correctly, the real thought behind this particular change in value and the same thought as appeared in other bills which have appeared before the Labor Committee on the word of labor representatives themselves is that the additions that have been made represent mainly a cost of living increase. Several bills, some of which received the majority or approved report of the committee, "Ought to pass," have been presented and some of them have gone through the House in which that thought was made public.

Now, the reason for the minority report setting the maximum at \$27 was this: That last raise to \$24 was made four years ago, and it was a \$3 jump at that time, \$21 to \$24. Now, the cost of living index since that time, if I am correctly informed, has risen, it varies a little bit but between twelve and a half and thirteen and a half per cent, and thirteen and a half per cent of \$27 is approximately \$3, and that was my reason, at least, and I believe that was the thinking of the minority members of the committee, for going along with that raise of \$3. Other than that, I think that what applies to 474 applies equally to 475. The amendment presented by Mr. Small, which we have here, 503, merely adds as they did not in the original amendment, adds the figure \$30 instead of \$24, which they didn't have in their original amendment so that the two bills are still more alike than they were originally. That, I hope, represents the feeling, it does my feeling in it, I think, and I hope it represents the feeling of the minority members of the Labor Committee.

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

Mr. LOW: Mr. Speaker, it seems to me that in jumping Workmen's Compensation from \$24 to \$30, a rise of 25 per cent, we are going too far and too fast. The amendment, filing No. 412, which is Committee Amendment "B" raises it from \$24 to \$27, which, it seems to me, reflects much more accurately the increased cost of living. I therefore move indefinite postponement of Committee Amendment "A".

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

Mr. GATES: Mr. Speaker and Members of the House: I am a signer of the majority report and I believe that it should read \$30. Now my thought for approving \$30 instead of \$27 is this: wages have increased, and I believe nobody will deny an increase has become necessary, and two-thirds of those increased wages are far in excess of the \$27 that the bill calls for, and I believe that, in keeping with two-thirds of any salary not in excess of or up to thirty dollars, it is right and just. Under this bill anything over \$45—you might go to \$50, you might go to \$70, but two-thirds of it would be in excess over your \$30, but in no instance would it be above \$30 and very few people in the State of Maine who are working a full week are earning less than \$45. If they earn less than \$45 they don't get the \$30.

I hope that the motion to indefinitely postpone does not prevail.

The SPEAKER: The pending motion before the House is the motion of the gentleman from New Sharon, Mr. Caswell, that Committee Amendment "A" be indefinitely postponed.

Mr. CASWELL: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman seek recognition?

Mr. CASWELL: I wanted to speak again on this measure.

The SPEAKER: Does the Chair hear objection to the gentleman from New Sharon, Mr. Caswell, asking leave of the House to speak on this matter again?

The Chair hears no objection and the gentleman may proceed.

Mr. CASWELL: Mr. Speaker, I don't know anything about the original passage of the Workmen's Compensation Act because I was not here when that was passed, but I can hardly believe that the intent of the law was that the dependents of an injured person who is suffering total incapacity or partial incapacity need be allowed to be supported in the manner in which they have learned to be supported by the vastly increased wages that the workman has been receiving in the past few years. My understanding of the law is simply that this

should give them enough to live on and provide them with the necessities of life.

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

Mr. SMALL: Mr. Speaker, I will only take up the time of the House for a couple of minutes more. To leave it fresh in your minds, gentlemen, the purpose of this law is so that industry will know what it will pay to any worker who is permanently disabled and unable to work, or, under other sections of the act, temporarily disabled so that he cannot work.

In the old days every time a man was hurt it meant money for my friends the lawyers because they had individual lawsuits under the common law. The amount set up at the present time to my mind—I won't say it is an injustice to the workingman, but he is certainly out on the short end of the horn. I think we could increase this a whole lot more and we would still be way below the amount of money the man injured would receive if it went before juries and courts.

I know of cases where men have not assented to this act, small people. In one instance, down below Brunswick and Harpswell, a lumber operator, one of these portable lumber mills, who was worth between forty and fifty thousand dollars. He had a bad accident. Three of his employees sued him and they received from the courts a judgment far in excess of his worth, which took every cent he had and forced him through bankruptcy. If he had been insured under this act, which he could have been, he would still be in business, because the payments to the men injured would have been way below what they received in the judgment of the Court.

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

Mr. BURGESS: Mr. Speaker, I would like to ask a question through the Chair of anyone who would care to answer.

The SPEAKER: The gentleman may proceed.

Mr. BURGESS: Mr. Speaker, would someone in the House inform me as to what the total cost to the employers who purchase Workmen's

Compensation insurance would be on the \$27 figure and how much it would cost on the \$30 figure?

The SPEAKER: The gentleman from Limestone, Mr. Burgess, addresses a question through the Chair to anyone.

The gentleman from Mexico, Mr. Small, is recognized for the answering of that question only.

Mr. SMALL: Mr. Speaker, I would not pretend to answer it and I do not believe that there is any man present or in the world who can foresee the number of accidents that will occur in the future. I can only say this: That the frequency rate in the State of Maine, thanks to the good work of your Labor Committee, has steadily declined and the Liberty Mutual Insurance Company, one of the largest insurers, would rather have business in the State of Maine than any state in the United States.

The SPEAKER: The question before the House—

The Chair recognizes the gentleman from Harrison, Mr. Davis.

Mr. DAVIS: Mr. Speaker and Members of the House: I would just like to say in regard to rates for this Workmen's Compensation insurance that they are based on experience, on loss experience, and they are allowed that by the Insurance Commissioner of this State. I do not want to call your attention to what effect this is going to have on the small businessman and the small employer who has only a few employees.

The rate or premium, of course, is based on the payroll and, this being small, the premium is small and in many of these cases the loss ratio is extremely high. I know from thirty years' experience in selling this insurance that it is very difficult right now to get the companies to write compensation insurance for the small risks. I don't doubt but what the Liberty Mutual is glad to write insurance for companies like the Oxford Paper Company, which has a large payroll, but if you increase the benefits, as it would under this amendment, you are going to increase the cost to the insurer so great that the small fellow can't afford to buy it and the loss ratio will be so high that the companies won't write it.

The SPEAKER: The question before the House is on the motion of the gentleman from New Sharon, Mr. Caswell, for indefinite postponement of Committee Amendment "A".

As many as are in favor of indefinitely postponing Committee Amendment "A" 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.

Seventy-three having voted in the affirmative and twenty-one having voted in the negative, the motion prevailed and Committee Amendment "A" was indefinitely postponed.

The SPEAKER: For what purpose does the gentleman from New Sharon, Mr. Caswell, rise?

Mr. CASWELL: Mr. Speaker, if I may, to propose the adoption of Committee Amendment "B".

The SPEAKER: The Chair must state that Committee Amendment "B" is not before the House.

Does the gentleman wish to approach the rostrum?

Thereupon, the Bill was assigned for third reading tomorrow.

On motion of Mr. Fuller of South Portland,

Adjourned until tomorrow morning at 8:30 E.S.T.