

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

Saturday, May 2, 1953

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

Prayer by the Rev. Mr. Howard Benson of Gardiner.

The journal of the previous session was read and approved.

Papers from the Senate Senate Reports of Committees Ought to Pass in New Draft

Report of the Committee on Judiciary on Bill "An Act relating to Hearings Before the Insurance Commissioner" (S. P. 44) (L. D. 57) reporting same in a new draft (S. P. 593) (L. D. 1538) 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 Amendment "A".

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

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

SENATE AMENDMENT "A" to S. P. 593, L. D. 1538, Bill "An Act Relating to Hearings Before the Insurance Commissioner."

Amend said Bill in that part designated "Sec. 309" by striking out the 6th underlined sentence thereof, which reads as follows:

"The commissioner or person conducting the hearing may adjourn any hearing from time to time or place to place without any notice of the adjournment other than an announcement thereof at the hearing."

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

Tabled Until Later in Today's Session

Report of the Committee on Judiciary on Resolve Proposing an Amendment to the Constitution to Exempt Revenue Bonds from the Limitations of Municipal Indebtedness (S. P. 84) (L. D. 191) reporting same in a new draft (S. P. 578) (L. D. 1518) under title of Bill "An Act to Confer Additional Powers Upon Municipalities in the State of

Maine in Relation to Parking Facilities" and that it "Ought to pass"

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

In the House: Report was read.

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

Mr. TOTMAN: Mr. Speaker, I rise for a point of information.

As I understand this, it means that the former bill to exempt revenue bonds was the one that was indefinitely postponed and that the new draft, "An Act to Confer Additional Powers Upon Municipalities of the State of Maine in Relation to Parking Facilities" was accepted by the other body? Is that correct?

The SPEAKER: The Chair will state that the action at the present time of the other body is indefinite postponement.

Mr. TOTMAN: Of everything, Mr. Speaker? May I ask to have this matter laid on the table until later in the day, please. It is quite an important measure and I don't understand it.

The SPEAKER: The gentleman from Bangor, Mr. Totman, moves that Item 2, Committee Report, with accompanying papers, lie on the table, pending acceptance of the report in concurrence. Is this the pleasure of the House?

The motion prevailed and the matter was so tabled.

Ought to Pass with Committee Amendment

Report of the Committee on Judiciary on Resolve Providing for an Increase in State Pension for Nancy A. Gilbert of Belfast (S. P. 425) (L. D. 1545) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 425, L. D. 1545, Resolve Providing for an Increase in State

Pension for Nancy A. Gilbert of Belfast.

Amend said bill by striking out the words "an increase in" in the title and inserting in place thereof the word 'a'

Further amend said bill by striking out all of the first paragraph after the underlined word "**Resolved**:" in the second line and inserting in place thereof the following:

"That Nancy A. Gilbert, of Belfast, be given credit for additional teaching time so that she may be entitled to a retirement benefit under the provisions of chapter 60 of the revised statutes."

Further amend said bill by striking out the statement of facts and inserting in place thereof:

'Statement of Facts

Nancy A. Gilbert was a teacher for 22 years prior to 1924. This resolve grants her additional credit of slightly more than three years in order to qualify for the minimum pension under the Maine state retirement system.'

Committee Amendment "A" was adopted in concurrence, and the Resolve was assigned for second reading the next legislative day.

Non-Concurrent Matter

An Act relating to Elderly Teachers' Pensions (S. P. 49) (L. D. 77) which was passed to be enacted in the House on April 29, and passed to be engrossed as amended by Committee Amendment "A" on April 28.

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

Mr. JALBERT: Mr. Speaker and Members of the House: This item brings the Elderly Teachers' pensions back to one hundred dollars from our previous action insisting on two hundred dollars. It appears, at this stage of the game, that this is what the teachers can expect, and no more. I am certainly appreciative of the fact that every member of this House would be

very happy to give them even more than two hundred dollars.

Also at this stage of the game I would suggest that this be placed in the hands of the Engrossing Department, in the other branch, and back here for enactment and back there for enactment and on the Governor's desk, so that it may be placed as a No. 1 priority and not allow some of these other matters, which might not be as successful, to go before this one.

I move that we recede and concur.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves that the House recede from its former action whereby it passed this measure to be enacted on April 29th. Is this the pleasure of the House?

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

Mr. FOGG: Mr. Speaker and Members of the House: I certainly hate to disagree with my colleague, the gentleman from Lewiston, Mr. Jalbert, but of all the ill-advised ways of saving money in this Legislature that I have run into in this session, I think that this is by far the worst.

These elderly teachers served the State of Maine back during the depression years and back in the years when wages were not high, and anybody that is at all acquainted with the wages that they got back in the 30's will certainly agree with me that they were what you might call pittance.

Now they are having a very hard struggle to get along. I have had that called to my attention in several different cases, and I think that the State has owed them more on their pensions for a long time, and we haven't paid it.

Now we went ahead and voted to give them the original amount here, but due to the fact that there seem to be a lot of people who had promised that they would cut the automobile tax, now we have to start to save and this is where we are going to save, on the elderly teachers. They are along in years; they can't do a very good lobbying job themselves; so they are more or less defenseless, so what do we do? We take it out of them.

I am certainly not in favor of the gentleman's motion.

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

Mr. FULLER: Mr. Speaker and Members of the House: I hate as much as anyone to see these elderly teachers not get what they have asked for. On the other hand, the other body has insisted on their former action, that it be cut from two hundred to one hundred, and the thing that I am worried about, and that could very easily happen, is, that if we don't recede and concur with the Senate, we lose it all, and I think a hundred dollars is better than nothing, and I certainly hope that the motion of the gentleman from Lewiston, Mr. Jalbert, does prevail.

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

Mr. BURGESS: Mr. Speaker, I might state, for the information of the House, that there have been over a period of years many increases for the elderly teachers, but no single increase exceeded one hundred dollars.

There are 118 teachers presently receiving \$600 per annum, 99 presently receiving \$700 per annum and 307 are receiving \$800 per annum. These are the minimum retirement benefit amounts which are currently divided under the law for 25, 30, and 35 years' of service respectively.

Now by adding the \$100 which you have done for them, it is an amount equal to what any previous legislature has done.

I hope that you will recede and concur with the Senate and not put us in the embarrassing position of not giving them any increase at all.

The SPEAKER: The motion before the House is the motion of the gentleman from Lewiston, Mr. Jalbert, that the House recede from its former action whereby it passed this measure to be enacted on April 29th. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The same gentleman moves that the House recede from its former action whereby it passed this measure to be engrossed as amended by Committee Amend-

ment "A" on April 28th. Is this the pleasure of the House?

The motion prevailed.

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

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

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

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

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

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

The SPEAKER: The Chair understands that the gentleman from Lewiston, Mr. Jalbert, made a motion that under suspension of the rules this matter be sent forthwith to the Senate. Is this the pleasure of the House?

The motion prevailed.

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

Non-Concurrent Matter

An Act to Provide for the Approval of Degree-Granting Institutions (S. P. 464) (L. D. 1299) which was passed to be enacted in the House on April 23, and passed to be engrossed as amended by Committee Amendment "A" on April 14.

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

In the House:

The House voted to recede from its former action whereby it passed the Bill to be enacted on April 23, and further voted to recede from its former action whereby it passed the measure to be engrossed as amended by Committee Amendment "A" on April 14.

Thereupon, the House voted to recede from its former 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 S. P. 464, L. D. 1299, Bill "An Act to Provide for the Approval of Degree-Granting Institutions."

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

Further amend said Amendment by striking out the 1st 2 words of the 2nd paragraph and inserting in place thereof the word 'Amend'.

Senate Amendment "A" to Committee Amendment "A" was adopted in concurrence.

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

Non-Concurrent Matter

Bill "An Act to Provide Additional State Office Space" (H. P. 1285) (L. D. 1533) which was passed to be engrossed in the House on April 29.

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

In the House:

The House voted to recede from its former action whereby it passed the Bill to be engrossed on April 29.

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

SENATE AMENDMENT "A" to H. P. 1285, L. D. 1533, Bill "An Act to Provide Additional State Office Space."

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

'Sec. 1. Appropriation. There is hereby appropriated from the unappropriated surplus of the general fund the sum of \$3,000,000; and the

governor, with the advice and consent of the council, is hereby authorized and empowered to expend said funds for the purpose of constructing and equipping additional state office facilities in Augusta.'

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

Messages and Documents

The following Communication:

Opinion of the Justices of the Supreme Judicial Court given under the provisions of Section 3 of Article VI of the Constitution.

* * *

Question propounded by the House of Representatives in an Order passed April 28, 1953.

Answered April 30, 1953.

House of Representatives Order propounding questions:

* * *

STATE OF MAINE

In House of Representatives

WHEREAS, there is now pending before the 96th Legislature H. P. 1283 a joint order under the provisions of which members of the House and Senate would be reimbursed for expense other than travel in attending the daily sessions of this Regular Session of the Legislature. The text of joint order being as follows:

"ORDERED, the Senate concurring, that the members of the Senate and House of Representatives be reimbursed for expense, other than travel, in attending the daily sessions of this Regular Session of the Legislature in the amount of \$7.00 for each day in attendance, and

BE IT FURTHER ORDERED, that the State Controller be, and hereby is directed to pay from current Legislative appropriations said reimbursement to members of the House and Senate, on account of expense, as aforesaid, upon the filing of sworn certificates of attendance."

WHEREAS, it is important that the Legislature be informed as to the Constitutional validity of said Order now pending;

WHEREAS, it appears to the House of the 96th Legislature that

the following is an important question of law and the occasion a solemn one;

NOW, THEREFORE, BE IT

ORDERED, That the Justices of the Supreme Judicial Court are hereby requested to give to the House according to the provisions of the Constitution on this behalf, their opinion on the following question, to wit:

QUESTION

Is it within the power of the Legislature to provide for the reimbursement of Senators and Representatives for expenses in attendance at daily sessions, other than travel, as provided in the pending joint order?

ANSWER OF THE JUSTICES

To the Honorable House of Representatives of the State of Maine:

The undersigned Justices of the Supreme Judicial Court, in accordance with the provisions of the Constitution, respectfully answer herein the question propounded by the House of Representatives in an Order passed by the House April 28 A. D. 1953 relative to House Paper No. 1283, a joint Order under the provisions of which members of the House and Senate would be reimbursed for expense other than travel in attending the daily sessions of this Regular Session of the Legislature.

The proposed Order concerning which the foregoing question has been submitted to the Justices provides for reimbursement of members of the Senate and House of Representatives for expenses other than travel in attending the daily sessions of the current Legislature.

There is a well recognized distinction between legislative expenses and personal expenses of members of the Legislature. This distinction is clearly stated in the case of **Griffith v. Turner**, 117 Kan. 755, 233 Pac. 510, which distinction is approved in **Dixon v. Shaw**, 122 Okla. 24, 253 Pac. 500. In **Griffith v. Turner** the Court said:

"The distinction between expenses that are legislative and those that are personal is that legislative expenses are those that are neces-

sary to enable the legislature to properly perform its functions, while those that are personal are those that must be incurred by a member of the legislature in order to be present at the place of meeting — expenses for his personal comfort and convenience, which have nothing to do with the performance of his duty as a member of the legislature. Personal expenses are those incurred for rooms, meals, laundry, communications with their homes, and other things of like character."

It is obvious from the Order submitted to us and concerning which the question is asked that the nature of the expenses for which reimbursement is therein provided is personal rather than legislative as above defined. By the very terms of the Order it is confined to expense in attending the daily sessions of the Legislature. This clearly refers to the personal expenses of the legislators as distinguished from such expenditures as they might make in the performance of and as an aid to their legislative duties as such.

It is common knowledge that it has been the practice of the Legislature by order as distinguished from act, bill or resolve to provide for payment of legislative expenses, as above defined, from current legislative appropriations. As said in **Dixon v. Shaw** as reported in 50 ALR at Page 1237:

"What are proper legislative expenses, in order to enable the body to function as not only a lawmaking, but an inquisitorial, body, and whatever amount in its judgment is necessary therefor, under the prevailing conditions of life, is a matter within the determination of the legislature, and over which the courts can and would exercise no control."

Such expenses can be provided for by legislative order. Not only are they not subject to review by the court, but they do not require the assent of the Executive branch of the Government, being purely a matter for determination by the Legislature with respect to its own functioning as a legislature. When,

however, the Legislature attempts to authorize or direct the payment of money for other than legislative expense such appropriation or payment is one of public concern and one which can be effected only by an act or resolve of the Legislature passed as a law by both branches thereof and submitted to the Executive for his executive approval in accordance with the Constitution.

The nature of the expenses for which reimbursement is provided in the proposed Order being personal, they cannot be authorized or payment thereof directed by a joint legislative order.

The fact that we have based our answer upon the ground that the proposed action is sought by a joint order rather than by an act or resolve must not be taken as an intimation by us that had the proposed action been taken by a legislative act or resolve it would have been either permitted by or would be in conflict with the Constitution of this State.

Whether or not personal expenses of legislators as distinguished from legislative expense incurred by them is compensation within the meaning of that word as used in constitutions (See Constitution of Maine, Art. IV, Part Third, Sec. 7) is a question upon which the courts are in irreconcilable conflict. This conflict is greatly increased by the fact that the constitutions of the several states, the courts of which have passed upon the question, are phrased in different language and have been adopted with different historical backgrounds.

Whether or not a bill or act would violate the provisions of our Constitution, even if it were possible in some manner to provide for reimbursement for the personal expenses of legislators, either current or prospective, a question upon which we neither express nor intimate an opinion, would depend upon the exact wording of such bill or act. No such bill or act is before us. For these reasons we deem it to be improper at this time to express an opinion as to whether or not under some or what conditions, if any, the constitutionality of an act for that purpose might be sustained. The question is not now before us, and could only be intel-

ligently answered by the consideration of a specific act or resolve.

Dated at Portland, Maine, this thirtieth day of April, 1953.

Respectfully submitted,

(Signed) Edward F. Merrill
Sidney St. F. Thaxter
Raymond Fellows
William B. Nulty

The Communication was read and ordered placed on file.

From the Senate: The following Communications:

STATE OF MAINE
SENATE CHAMBER

April 30, 1953

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

Sir:

The President of the Senate has today appointed the following conferees on the part of the Senate on the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Re-classification of State Aid Highways as Town Ways." (H. P. 1153) (L. D. 1301):

Senators:

PARKER of Piscataquis
SINCLAIR of Somerset
LITTLEFIELD of York

Respectfully,

(Signed) Chester T. Winslow
Secretary of the Senate

STATE OF MAINE
SENATE CHAMBER

May 1, 1953

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

Sir:

The President of the Senate today appointed the following conferees on the part of the Senate on the disagreeing action of the two branches of the legislature on:

Resolve in favor of Arthur Payson of Brooks. (H. P. 1098) (L. D. 1232)

Senators:

WARD of Penobscot
WIGHT of Penobscot
HASKELL of Penobscot

Respectfully,

(Signed) Chester T. Winslow
Secretary of the Senate

The Communications were read and ordered placed on file.

**Order
Tabled**

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

Mr. ANDERSON: Mr. Speaker, I present an order and move its passage, and after the order is read, I would like to say a few words on it.

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

WHEREAS, it is understood that the \$3,000,000 appropriated under the provisions of L. D. 1533 will not be sufficient to provide the additional office space at present needed or provide for any future needs

BE IT ORDERED, the Senate concurring, that the Governor and Council be advised that it is the recommendation of the Legislature that any construction under the provisions of this Act shall be units of a coordinated plan of orderly expansion whereby the beauty and dignity of the State House shall be maintained. That in the interests of economy and efficiency that the present State House be enlarged and such alterations be made as to remove the present hazards from fire and overloading, rather than the construction of one or more detached buildings of expediency in the vicinity of the State House which will not correct the present conditions. That office space shall be designed for the special services of the various departments so as to increase the efficient work demanded thereof. It is the intent of the Legislature to furnish necessary office space properly designed for the purposes for which it will be used rather than the uneconomical housing of State departments in a factory type structure.

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

Mr. ANDERSON: Mr. Speaker and Members of the House: In view of the nature of this order, and the importance of it, I would move that the order be tabled and reproduced and specially assigned for the next legislative day.

The SPEAKER: The gentleman from Greenville, Mr. Anderson, moves that this order be reproduced for distribution, and that it lie on the table pending his motion for passage. Is this the pleasure of the House?

(Calls of "No")

As many as are in favor of the motion of the gentleman from Greenville, Mr. Anderson, that this order be reproduced for distribution and lie on the table, pending his motion for passage, will say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed, and the Order was so tabled.

**House Reports of Committees
Ought to Pass in New Draft**

Mr. Gowell from the Committee on Legal Affairs on Resolve Authorizing the Towns of Porter, Parsonsfield and Cornish to Devise Formula for Cost of High School (H. P. 839) (L. D. 878) reporting same in a new draft (H. P. 1297) (L. D. 1548) under title of "An Act relating to a School District for the Towns of Porter, Parsonsfield, Cornish and Others" and that it "Ought to pass".

Report was read and accepted, and the Bill was read twice and assigned the next legislative day.

The SPEAKER: At this time the Chair will state that in the interests of procedure, if there are any matters listed under Third Readers which any of the members wish passed over, the Chair would appreciate being so informed so that they may be temporarily passed over.

The Chair recognizes the gentleman from Milo, Mr. Brockway.

Mr. BROCKWAY: Mr. Speaker and Members of the House: I ask that we pass over Item 3.

The SPEAKER: Item 3 is temporarily passed over.

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

Mr. TRAFTON: Mr. Speaker, Item 2 I believe is a subject of debate. I don't know whether you wish to pass over it or not at this time.

The SPEAKER: Item 2, Legislative Document 233, is temporarily passed over.

Passed to Be Engrossed

Bill "An Act Repealing Law on Canning of Clams and Mussels" (H. P. 1112) (L. D. 1247)

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

**Conference
Committee Report**

The SPEAKER: The Clerk will read a Conference Report.

The CLERK: The Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Resolve in Favor of Bosworth Memorial Association, House Paper 23, Legislative Document 18, reporting that the Senate recede from its former action whereby it accepted the majority "Ought not to pass" report and concur with the House in accepting the minority "Ought to pass" report, and pass the Resolve to be engrossed in concurrence with the House. (Signed)

Messrs. BERRY of South Portland
ROUNDY of Portland
FULLER of Bangor

—Committee on
part of House

COLLINS of Aroostook
REID of Kennebec
DENNETT of York

—Committee on part
of Senate

Thereupon the report of the committee was accepted and sent up for concurrence.

Passed to Be Engrossed (Cont'd)

Resolve Proposing an Amendment to the Constitution Providing for Two State Senators from Each County (H. P. 1170) (L. D. 1325)

Resolve in favor of the Several Academies, Institutes and Seminaries (H. P. 1170) (L. D. 1325)

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

Amended Bills

Bill "An Act relating to Book-mobile Service" (H. P. 2) (L. D. 2)

Resolve to Reimburse Calais Regional Hospital for Aid to

Edmund Lee (H. P. 1079) (L. D. 1217)

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

Bill "An Act Amending Law on Ferry Between Beals and Jonesport" (H. P. 443) (L. D. 487)

Bill "An Act relating to Expenditure of Potato Tax Funds" (H. P. 1253) (L. D. 1462)

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

The CLERK: Returning to Item No. 2:

Resolve in favor of George S. Bradbury of West Franklin (S. P. 98) (L. D. 233)

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

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

Mr. CRABTREE: Mr. Speaker and Members of the House: I thought there was going to be some debate, but maybe there isn't, so I will make this short. It happens that I know about George Bradbury. He was a game warden for some eighteen or nineteen years down in Hancock County. In the performance of his duty he fell and injured his hip and sustained other internal injuries. He has been an invalid ever since. Recently he has been confined to the hospital and had a lung removed. If he had not been injured in the performance of his duties, he would have received a pension equal to what this provides, an increase, \$50. a month.

The unfortunate part of it is anyway that Mr. Bradbury will probably not live more than a few months. When these matters were brought to the attention of the Senate, they took the action which they did, and I hope that we will go along with that Senate action.

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

Mr. TRAFTON: Mr. Speaker, I move the indefinite postponement of Item No. 2.

The SPEAKER: The gentleman from Auburn, Mr. Trafton, moves that Senate Paper 98, Legislative Document 233, Resolve in favor of George S. Bradbury of West Franklin, be indefinitely postponed.

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

Mr. TRAFTON: Mr. Speaker and Members of the House: Apparently there is some dispute as to the facts regarding this case.

It is an item which appeared before the last Legislature, and at that time the bill was indefinitely postponed and a Committee of Conference was obtained, and as a compromise the pension of Mr. Bradbury was increased \$20, I believe, making it \$77.

There are those who believe that Mr. Bradbury was injured when off duty at night helping a friend skin and clean a deer.

The pension, in the opinion of some of the Judiciary Committee, is the least deserving of those pensions that came before the Judiciary Committee this season, and for that reason I wish to bring it to the attention of the House.

The SPEAKER: The Chair recognizes the gentleman from Franklin, Mr. Butler.

Mr. BUTLER: Mr. Speaker, I am glad to know what the objection of Representative Trafton is on this. It just so happens that the warden, Bradbury, was injured in tagging a deer for my next door neighbor. The deer had been lifted into the top of the barn to age, and it was the day after the season closed and the man who had shot the deer was unable to take it down and have it tagged, and as a neighborly act Mr. Bradbury went up to tag the deer. He climbed down the ladder to the scaffold in the top of the barn to put the tag on the deer, and fell from there. I was there only a few minutes later, and any report that he was wounded while helping somebody in the night to skin out a deer, legal or illegal, is very much out of order.

I do hope that the motion for indefinite postponement will not prevail. And I can add to Rep-

resentative Crabtree's remarks that the man, within the last six weeks, has had one lung removed on account of cancer, in the Bangor Hospital, and he probably will not live more than a very few months.

The SPEAKER: The question before the House is on the motion of the gentleman from Auburn, Mr. Trafton, that Resolve in favor of George S. Bradbury of West Franklin, Senate Paper 98, Legislative Document 233, be indefinitely postponed. As many as are in favor of that motion will please say aye; those opposed, no.

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

Thereupon, the Resolve had its second reading, and was passed to be engrossed and sent to the Senate.

The CLERK: Item 3 under Third Readers.

Resolve Providing for State Pension for Rose LaPointe of Turner (S. P. 601)

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

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Brockway.

Mr. BROCKWAY: Mr. Speaker and Members of the House: Due to information which I have received since I tabled this matter, I now move that it be given its second reading.

The SPEAKER: The gentleman from Milo, Mr. Brockway, moves that the Resolve be given its second reading. Is this the pleasure of the House?

Thereupon, the motion prevailed, and the Resolve was given its second reading, passed to be engrossed and sent to the Senate.

Passed to Be Enacted Emergency Measure

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. 587) (L. D. 1526)

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 move that when the vote is taken on this measure that it be by yeas and nays.

The SPEAKER: The gentleman from South Portland, Mr. Fuller, has requested a roll call. All those who desire that the yeas and nays be taken will rise and stand in their places until counted and the monitors have made and returned the count.

Twenty-six members arose.

The SPEAKER: The monitors will return the count of the number of members in each division, please.

One hundred and nine members were reported present.

The SPEAKER: One-fifth having expressed their desire, the yeas and nays are ordered.

This being an emergency measure, under the Constitution it requires for its enactment the affirmative vote of two-thirds of the entire elected membership of the House.

The present membership of the House is one hundred and fifty-one. Those who are in favor of the passage of this bill to be enacted as an emergency will answer yes when the Clerk calls his name; those who are opposed will answer no.

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

House at Ease

The SPEAKER: For the purpose of clarification, the matter under discussion is the enactment as an emergency measure which requires two-thirds of the entire elected membership of the House, of Senate Paper 587, Legislative Document, 1526, 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. A roll call has been ordered. Those in favor of the passage of this bill as an emergency measure will answer "yes" when the Clerk calls his name; those opposed will answer "no." The Clerk will call the roll.

Roll Call

YEA—Abbott, Albee, Alden, Anderson, Archer, Bailey, Baldic, Beal, Bearce, Berry, Bibber, Billings, Bos-

ton, Brockway; Brown, Bangor; Buckley, Burgess, Butler, Call, Campbell, Carter, Caswell, Cates; Center, Standish; Childs, Christie, Cianchette, Clements, Cole, Cormier, Crabtree, Currier, Curtis, Cyr, Davis, DeBeck, Dennis, Dicker, Dickey, Dodge, Downing, Edwards, Emerson, Evans, Ferguson, Fickett, Finemore, Ford; Fuller, Bangor; Fuller, South Portland; Gardner, Gates, Gosline, Gowell, Hand, Hanson, Harnden, Henry, Hilton, Hussey, Jacobs, Jalbert, Jewett, Kelly, Larrabee, Lawry, Legard, Lord, Lovely; Low, Rockland; Ludwig, Macomber, McCluskey, Morris, Moulton, Murray, O'Dell, Osborne, Peterson, Pullen, Rich, Riley, Roberts, Robinson, Sanford; Scott, Wales; Seaward; Senter, Brunswick; Small, Smith, Stanley, Stanwood, Steeves; Stewart, Paris; Stewart, Portland; Story, Taylor, Tondreau, Totman, Trafton, Travis, Tuttle, Vaughan, Watson, West, Whiting, Whitney, Williams, Winchenpaw, Woodcock.

NAY — Couture, Fitanides, Fogg, Lane, Turner.

ABSENT—Albert; Brown, Robbinston; Caverly, Chase, Cote, Denbow, Dorsey, Dostie, Dumais, Duquette, Frechette, Gilman, Higgins, Keay, Kimball, Latno, Letourneau; Low, South Portland; Madore; Martin, Augusta; Martin, Eagle Lake; McGlaufflin, Nadeau, Potter, Ready, Reynolds, Rogerson, Roundy; Scott, Alfred; Tardif, Tupper, Wadleigh, Walker, Willie, Wylie.

Yea 110, Nay 5, Absent 35.

The SPEAKER: One hundred and ten having voted in the affirmative and five having voted in the negative, and thirty-five having been noted as absent, one hundred and ten being more than two-thirds of the entire elected membership of the House, the bill is passed to be enacted as an emergency.

Thereupon, on motion of Mr. Jacobs of Auburn, under suspension of the rules, the Bill was ordered sent forthwith to the Senate.

The CLERK: Item 2 is being passed over; it is not being placed before the House.

Emergency Measure

An Act relating to Registration Fee for Boat Trailers (S. P. 590) (L. D. 1529)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 109 voted

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

The CLERK: Item 2-b is being passed over and is not available for action at this time.

Finally Passed

Resolve Providing for Expenditures on Airports (S. P. 581) (L. D. 1521)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 113 voted in favor of same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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

Mr. EMERSON: At this time we could take up Item 2-b. I have an amendment right here.

The SPEAKER: The Chair has already ordered Item 2-b to be temporarily passed over, but we will get back to it later.

Will the gentleman kindly approach the rostrum?

Passed to Be Enacted

An Act relating to Duties of Official Court Reporters (S. P. 104) (L. D. 318)

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

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

An Act relating to Number of Justices of Superior Court (S. P. 402) (L. D. 1117)

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

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

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

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

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

An Act Amending the Community School District Law (H. P. 936) (L. D. 984)

An Act Accepting from Dorothea Dix Memorial Association a Deed of Gift of Dorothea Dix Park (H. P. 1213) (L. D. 1386)

Finally Passed

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

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

Resolve Regulating Fishing in Stearns Pond and Tributaries in the County of Oxford (H. P. 100) (L. D. 88)

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

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.

The CLERK: Items 18, 19 and 20 were requested to be passed over yesterday and are therefore passed over at this time.

Passed to Be Enacted

An Act relating to Limitation for Injuries by Defect in Highways (S. P. 59) (L. D. 127)

An Act relating to Duties of Clerk of Lewiston Municipal Court (S. P. 177) (L. D. 436)

An Act relating to Inspections by the Insurance Commissioner (S. P. 290) (L. D. 825)

An Act Requiring Children to Care for Parents According to Ability (S. P. 401) (L. D. 1118)

An Act relating to Charter Changes for City of Lewiston (S. P. 508) (L. D. 1387)

An Act relating to the Board of Registration for Professional Engineers (S. P. 584) (L. D. 1524)

An Act relating to Waiver of Restrictive Provisions in Deeds (S. P. 585) (L. D. 1525)

An Act relating to Facilities Furnished by Public Utilities (S. P. 588) (L. D. 1527)

An Act to Incorporate the "Household Finance Company of Maine" (H. P. 46) (L. D. 47)

An Act to Increase the Salary of the Judge of Probate, Lincoln County (H. P. 79) (L. D. 74)

An Act to Incorporate the Monroe Finance Corporation of Maine (H. P. 179) (L. D. 174)

An Act to Incorporate the Consumers' Finance Co. (H. P. 182) (L. D. 177)

An Act relating to Salary of Members of the Legislature (H. P. 250) (L. D. 280)

An Act to Incorporate the "Community Finance Corporation" (H. P. 419) (L. D. 494)

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

An Act relating to Retirement of Firemen Under Maine State Retirement Law (H. P. 653) (L. D. 696)

An Act Amending the Maine Employment Security Law as to Definition of Employing Unit (H. P. 755) (L. D. 780)

An Act relating to Eligibility for Retirement Under the Maine State Retirement Law (H. P. 827) (L. D. 858)

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

An Act Continuing Pensions of Retired Members of the State Police (H. P. 924) (L. D. 992)

An Act relating to Pensions for Firemen and Their Dependents Under the Maine State Retirement System (H. P. 1049) (L. D. 1190)

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

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

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

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

An Act to Incorporate the Northern Finance Company (H. P. 1199) (L. D. 1366)

An Act relating to Journeymen Welders (H. P. 1230) (L. D. 1424)

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

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

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

An Act to Create the Boothbay-Boothbay Harbor Community School District (H. P. 1292) (L. D. 1541)

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 (H. P. 1293) (L. D. 1542)

Finally Passed

Resolve relating to Post War Public Works Reserve Fund and Appropriating Moneys for the Women's Reformatory (S. P. 580) (L. D. 1520)

Resolve in favor of a Retirement Allowance for Edith V. Jack of Hollis Center (H. P. 16) (L. D. 10)

Resolve in favor of Robert W. Johnson of Rumford (H. P. 30) (L. D. 24)

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

Resolve Providing for a Retirement Pension for Lydia B. Otis of Carmel (H. P. 297) (L. D. 358)

Resolve Granting a Pension to Ida M. Fuller of Mount Vernon (H. P. 425) (L. D. 472)

Resolve in favor of Sadie M. D. Jewell of Orono (H. P. 927) (L. D. 1024)

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

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.

Emergency Enactor Reconsidered

The CLERK: Item 2-b. An Emergency Enactor:

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

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

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

Mr. GOWELL: Mr. Speaker, I move that we rescind the vote of this House whereby we passed Item 2-b to be engrossed. I do this to offer an amendment.

The SPEAKER: The gentleman from Berwick, Mr. Gowell, moves that under suspension of the rules the House recede from its former action whereby it passed this bill to be engrossed. Is this the pleasure of the House?

The motion prevailed.

Mr. Gowell 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. 1209, L. D. 1380, Bill "An Act to Incorporate the Newport School District."

Amend said Bill by adding after section 7 thereof, the following section:

Sec. 8. Authority to transfer by sale and application of proceeds. Authority is hereby granted to said town of Newport to sell and convey to said district, and said district is hereby authorized to purchase and hold, the new High School Building, land, fixtures and equipment recently constructed by said town of Newport, at a price mutually satisfactory to the inhabitants of said town and the trustees of said district, and the trustees of said district are authorized to pay for same with funds raised under the provisions of section 4 of this act; provided, nevertheless, that the amount so paid shall not exceed 85% of the cost of said new High School Building, land, fixtures and equipment and provided further, that any amounts received by said town shall be forthwith used to reduce the town debt and for no other purpose. If any provision of this act, or the application thereof, to any circumstance is held invalid such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application and to this end the provisions of this act are declared to be severable.'

Further amend said Bill by renumbering sections 8 and 9 to be sections 9 and 10.

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

Enactor Reconsidered

The CLERK: Item 18, under the Enactors:

An Act Designating Fluoride Poisoning as an Occupational Disease (H. P. 749) (L. D. 788)

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

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. West.

Mr. WEST: Mr. Speaker, I move that the House reconsider its action whereby it passed L. D. 788 to be engrossed.

The SPEAKER: The gentleman from Stockton Springs, Mr. West, moves that the House recede from its former action, under suspension of the rules, whereby it passed to be engrossed on April 23, Legislative Document 788. Is this the pleasure of the House?

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

Mr. SENTER: Mr. Speaker, would I be in order to speak on that? I am interested in this bill.

The SPEAKER: The gentleman may proceed.

Mr. SENTER: Mr. Speaker, would you please repeat the motion offered by Mr. West of Stockton Springs? I could not hear him.

The SPEAKER: The Chair understands that the gentleman from Stockton Springs, Mr. West, moves that under suspension of the rules the House reconsider its former action whereby it passed this measure to be engrossed on April 23.

The Chair recognizes the gentleman from Fairfield, Mr. Osborne.

Mr. OSBORNE: Mr. Speaker, I would like to inquire if this isn't for the purpose of an amendment, which is merely setting the date that it shall apply.

The SPEAKER: The gentleman from Fairfield, Mr. Osborne, requests information through the

Chair. The gentleman from Stockton Springs, Mr. West, may answer if he so desires.

Mr. WEST: Mr. Speaker, the reason for this amendment is only to make an effective date on the bill, if it should be passed.

The SPEAKER: The motion before the House is the motion of the gentleman from Stockton Springs, Mr. West, that under suspension of the rules the House reconsider its action whereby it passed this measure to be engrossed on April 23. Is this the pleasure of the House?

The motion prevailed.

Mr. West 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. 749, L. D. 788, Bill "An Act Designating Fluoride Poisoning as an Occupational Disease."

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

'Sec. 2 Effective date. This act shall become effective on November 30, 1953.'

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

Enactor Reconsidered

The CLERK: Item 19, under the Enactors.

An Act relating to Compensation for Loss of Hearing Under Workmen's Compensation Act (H. P. 829) (L. D. 860)

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

On motion of Mr. West of Stockton Springs, the House voted, under suspension of the rules, to reconsider its former action whereby it passed this bill to be engrossed on April 23.

Mr. West 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. 829, L. D. 860, Bill "An Act Relating to Compensation for Loss

of Hearing Under Workmen's Compensation Act."

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

'Sec. 2, Effective date. This act shall become effective on November 30, 1953.'

The SPEAKER: Is it the pleasure of the House to adopt House Amendment "A", on motion of the gentleman from Stockton Springs, Mr. West?

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

Mr. SENTER: Mr. Speaker, may I inquire of Mr. West the purpose of this amendment and the last one? I think it might clarify it.

The SPEAKER: The gentleman from Brunswick, Mr. Senter, asks for information through the Chair of the gentleman from Stockton Springs, Mr. West. The gentleman from Stockton Springs, Mr. West, may answer if he so desires.

Mr. WEST: Mr. Speaker, this was requested by the Commission. I understand that there is a revision of the rates at that time, that as this bill if passed would become effective before that time without the amendment, it would cause a new revision at an odd time, and they would like to have it at the regular time.

The SPEAKER: Is the gentleman from Brunswick, Mr. Senter, satisfied?

Mr. SENTER: Thank you, Mr. Speaker.

The question before the House is the adoption of House Amendment "A". Is this the pleasure of the House?

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

Enactor Reconsidered

The CLERK: Item 20, on the Enactors:

An Act relating to Weight of Commercial Vehicles (H. P. 1065) (L. D. 1164)

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

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

Mr. TOTMAN: Mr. Speaker, I wish to make the motion to reconsider our action whereby we passed this bill to be engrossed for the purpose of making an amendment and I wish to speak to the motion for reconsideration.

The SPEAKER: The gentleman from Bangor, Mr. Totman, moves that the House, under suspension of the rules, reconsider its action whereby it passed L. D. 1164 to be engrossed on April 23rd.

The gentleman may proceed.

Mr. TOTMAN: Mr. Speaker and Members of the House: Amidst the admonitions that I was going to be resoundingly beaten and that I might just as well sit down, I request your indulgence while a dying dog breathes his last gasp of life.

I am one of those people who believe that if a piece of legislation is bad I am going to fight it to the last ditch, and here I am.

The amendment I would like to offer is an amendment that the gentlemen of my committee who are in favor of the bill readily admit, at least they admitted during the committee hearing, and I presume they still feel the same way, and they feel it is only fair.

I was asked yesterday if in proposing this amendment it means that I have now become reconciled to the bill. It certainly does not. I like the bill no more now than I ever will, but I am one of those people who feel if you are going to be executed you might as well do it in the most painless manner possible, and, to me, trying to take this discriminatory angle out of this bill is the most painless way possible.

As a background for this amendment, I am going to read simply two lines out of this bill. This is the bill, I want to remind you, that your own State Highway Department has had on its books as its yardstick for truck weights for quite a few years.

Yesterday the gentleman from Standish, Mr. Center, and the gentlewoman from Portland, Mrs. Lord, got up and told you that you were about to vote on a bill that involved the public interest, and I believe they seriously fought against the

so-called hamburg bill because they felt it was of public interest. By the very same token, here is a bill that is certainly in the public interest, because, unless I am mistaken, I have been so lobbied and so ridiculed because of my stand on this bill I begin to believe that I am all alone. But somewhere I got the impression that our public roads were for motorists as well as trucks. I somehow got the impression that safeguarding the condition of our roads was a job for all of us, and that the special interests or special groups for special wheel-bases were secondary. Therefore I say I certainly hope that if you were willing to stand up and be counted yesterday in the public interest on a hamburg bill you will at least take enough interest to stand up and be counted today on a bill for your own highways whether you are a truckdriver or a motorist.

We also stood up in this Legislature recently and talked about discrimination and fairness. If I am not mistaken, we voted on the issue of Scarborough Downs yesterday on the issue of night running, and we voted on the automobile net sales tax, and I spoke on the auto net sales tax. Both of those bills passed because we believed they were fair. We said it was no different for a man to ride on top of a horse than it was for a man to ride behind a horse, and I say it is no different for a man who has got to haul coal or wood, fuel wood, or sardine meal over in the Eastport-Machias area, it is no different for him to want to have a truck with a sixteen-foot wheel-base than it is for a man who is in the contracting business.

Now last session we added a sentence to this law. That sentence read, "Except however that three-axle trucks with brakes on the wheels of all axles hauling forest products may be operated for a gross weight of 48,000 pounds."

That completely disrupts the State Highway Department's weight schedule for trucks, but we did it "with a distance between the extreme axles of not less than eighteen feet." I repeat that figure, "eighteen

feet," not sixteen feet, but eighteen feet.

Now this year we come along and the gentlemen who have trucks, which I understand are basically and largely dump trucks and cement mixing trucks, want this new sentence added: "Except however that three-wheel axle trucks with brakes on the wheels of all axles hauling construction materials may be operated for a gross weight of 48,000 pounds with a distance between the extreme axles of not less than sixteen feet."

Now ladies and gentlemen, I have been subject to quite a bit of pressure in lobbying, not only here but at home. I have had people who own cement mixers call me up in my home town and land on me with all fours, and they usually start out by saying, "Jim, if you voted to let the forest boys have such a privilege last session how in the name of heaven can you vote not to let us do it this time?"

Well, number one, I am not too proud of the fact I voted for it last time. I don't think I was as wide awake as I said I was before. I probably wouldn't do it again. But I did it basically because we were told that part of the forest products were hauled on the companies' own woods roads.

Now we come to public roads, and that is construction materials, 99 per cent. This is what bothers me. Not only do the boys in the ready-mixed concrete business and the road contracting business and the construction business—they are not asking for what we got last year, they want to go it two feet better. They are definitely not asking for the same treatment this Legislature gave them last session, they are not asking for the eighteen foot special amendment, they are asking for it to be two feet shorter, they want it down to sixteen feet.

Now I say to you that if you decide, and evidently you are going to decide that way from the way the vote has been going, if you don't care to pay attention to what your State Highway Department recommends—and no one can argue, I don't care how much he says they have been wishy-washy over there, with which I will

agree perhaps, in the State Highway Commission, they cannot argue that the man who designs the bridges, in the Good Roads Association meeting he himself voted against this bill. That is a fact, there is no doubt about that. He voted against this bill. I don't like it for that reason.

I believe that we are here to try to help out and uphold our State Departments, if they tell us things are not in the public interest, I don't care whether it is good roads or hamburgs or clams or whatever it is. But I am most definitely against bills that are class legislation and discriminatory legislation. If we have got to have this bill, as my fellow committeemen admitted, if we are going to break down all the barriers and all of the rules and regulations of weight, which is controversial at best—but in my estimation if something is controversial you had better keep the status quo until someone comes up and definitely proves that the change of status quo is safe—and they cannot prove it is safe—they just say that the State Highway Department has taken a neutral stand—but the State Highway Department has not come over here and said, "Gentlemen, it is safe to break this standard of weights." They have not said it is safe. The Bridge Department says it is dangerous. The rest of them do not take a firm stand, for which I do not admire them.

I say if you are going to go ahead and tear down these standards, all right, but I do say that if this Legislature does not want to be put in the category of passing class, discriminatory legislation they will make it just as legal for a man hauling coal, or sardine meal or chemicals to have a sixteen-foot truck as for a man hauling construction materials. And don't any one of you get the idea that this construction materials means contractor's trucks just on road construction jobs. I certainly presume you realize that this law allows them to haul concrete from Thomaston to Ripogenus Dam and allows them to haul steel girders, because that is construction material, from Kittery to Fort Kent. I presume you realize that. It

allows them to haul construction materials the length and breadth of Maine on this special, new lower than last session wheelbase.

I simply say if we adopt this amendment it will make no man better than his fellow man; it simply gives them the same privilege. If the amendment is adopted I will still vote against the bill. I still do not like it, but I will dislike it just a little bit less.

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

Mr. TONDREAU: Mr. Speaker and Members of the House: I wish to concur with the remarks of the gentleman from Bangor, Mr. Totman, as to the detrimental aspects of this bill. I would like to state that I was told a very short time ago by a contractor whose job it is to build roads in one of our neighboring states, that we could never here in the State of Maine receive enough compensation for the use of our roads by trucks to make up for the damage done to them because of the loads that they carry.

Now this bill would further liberalize what I understand are already exceedingly liberal laws as regards load limits on our roads. I personally cannot see any wisdom at all in legislation that will allow the investment that we have in our roads to be torn down faster than we can build them up. I think that it would be poor legislation to pass this bill, therefore I move for the indefinite postponement of the bill.

The SPEAKER: The gentleman from Brunswick, Mr. Tondreau, moves that the Bill and accompanying papers be indefinitely postponed.

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

Mr. CIANCHETTE: Mr. Speaker, I would like to say a few words on this measure.

Of course this measure was heard by the committee, given a lengthy hearing, a big majority of the committee voted for the bill, it has been through both branches of this legislature and it has been given thorough debate in both branches and it has been passed by this House, and these arguments were all brought up before and gone into

in great detail when we had a full membership here.

For instance, the argument of the gentleman from Brunswick, Mr. Tondreau, that this law would tear down the roads was refuted even by Mr. Totman who was opposed to the bill. He admitted that this law as it is written, the trucks operating under it would not do any more damage or even as much damage, if any, as is done by the trucks with two axles, that it was not a question of damage to the roads or safety.

The gentleman from Bangor, Mr. Totman, brought out the point that this was class legislation, discrimination, exempting one instead of all. I might point out that I do not think it is that, that this type of thing is not at all unusual. The other day we discussed the Blue Laws, there was a bill here to repeal the Blue Laws and it was overwhelmingly defeated, and immediately after that there was a bill to exempt the grocery stores and that was overwhelmingly adopted. Therefore this is nothing new and nothing discriminatory.

This has been given, as I said before, thorough discussion and debate in both branches. The committee favored it. I do not think that it is proper at this time when we have hardly more than a quorum to attempt to change our position upon this thing.

The SPEAKER: The pending motion before the House is the motion of the gentleman from Brunswick, Mr. Tondreau, that L. D. 1164 be indefinitely postponed.

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

Mr. SENTER: Mr. Speaker and Members of the House: I just want to say that I am very proud of my colleague from Brunswick for the courage he has shown and for the fact that I believe that he has put the public good above all other considerations, and I congratulate him on that stand.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: First I want to tell you that I am not interested in this bill because of using this class of trucks because I am not. I am beginning to resent

lobbying, whether that is off the record or on the record. This bill is being lobbied too much. But, to bring out a point, it is not fair to consider indefinite postponement of this bill in regard to its being detrimental to our roads. I will say right here and now, and I believe anyone who uses these trucks or uses any truck will go along with me, that this truck will not damage our roads nearly as much as the trailer truck—and they haul fifty thousand pounds, I might add here—because this truck travels at a very slow rate of speed on the road, especially when it is going to haul 48,000 pounds, therefore it does not beat our roads to pieces.

Our trailer trucks today, the ones that we are allowing to license at our greatest rate, are beating up our roads more especially if there is a hole in the road. I do know that this form of truck, sixteen feet or eighteen feet, either one, is a very, very good truck on roads. It is even and it does not ruin them in any way, shape or form. But, to go along with my good friend, Mr. Totman, I will say that I do believe that this amendment should be adopted. I was told, and I repeat it now, that the railroads would not go along with us if we used this amendment. Well, maybe they won't, but at the same time it is a good amendment. I am like Mr. Totman, I believe that everyone should have a right to use this. I will say here that there won't be too many vehicles using it other than the road construction trucks and maybe coal, because it is too short a wheelbase truck to use for almost any other kind of work.

This measure, I will tell you right here now, is some different from the woods one last session, because the woods truck is allowed to put dolly wheels, so-called, on, and there are not any brakes on those wheels. This truck, there is a safety measure in regard to that, because it is going to be a factory-built truck with brakes on all wheels, which makes it much more of a safety measure. There is also going to be a certain revenue coming into the State on this truck.

I am not going to argue any further, but I hope that you people will take this into consideration: that it is a slow-moving truck,

therefore it does not hurt the roads too much if any. I don't believe it will hurt them any. As my good friend, the gentleman from Bangor, Mr. Totman, has said, we couldn't find out whether the Highway Department is against it or for it. We were very much given the run-around on this. So I do hope that the motion for indefinite postponement does not prevail, and I hope the motion to adopt the amendment as written by Mr. Totman does prevail.

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

Mr. FERGUSON: Mr. Speaker and Members of the House: I have looked into this matter somewhat, being interested in highways. Where we have come to be dependent on trucks to a great extent, I don't think we ought to do anything to curtail their actions where we get more service. The people living out in the outlying districts do not have any railroads and so forth. I think that we ought to go along with this bill.

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

Mr. CURTIS: Mr. Speaker and Members of the House: As a member of the Transportation Committee I was opposed to this bill on just this ground: that our roads and bridges were not built to carry these great loads, and until such time as they are I do not think that it would be wise to allow these loads to be carried.

Now we did offer them in the committee, the contracting parties who were for this, to leave it to the Highway Commission and we would be agreeable to anything the Highway Commission said or would allow them for an area. They allow them in a certain area now, and we would leave it to the judgment of the Highway Commission, who should know what the roads were. If they thought it was safe to haul over a piece of road, even if it was a hundred miles, that would be all right. I think if you open the door you will just have this amendment Mr. Totman has, which is definitely worse, and you are just getting yourselves into more trouble. The fact of the matter is, as you know and I know, that there

is not enough money now available to properly care for the roads and keep them up in shape and to progress as we should. If we allow more to be torn down just to please some particular group of people we are just setting back the good roads in the State of Maine.

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

Mr. **TURNER**: Mr. Speaker and Members of the House: I think that amendment is fair. If a man is hauling logs and hauls them down to the mill with his truck and he wants to haul back a load of fertilizer or a load of grain or a load of most anything else, he cannot do it under the present law. This amendment would straighten that out, and I should think that would only be fair.

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

Mr. **SENDER**: Mr. Speaker and Members of the House: Mr. Curtis said that the Highway Commission should know whether or not the increased weight in this bill would affect the roads. I agree with him. They should know, and I believe it was their duty to inform the Legislature.

After the last discussion on this measure I appeared before the Highway Commission and told them that it was my opinion that their duty was to build the roads, to maintain the roads, and also to protect the roads, because it is a large public investment. It is their duty, I believe, to protect the roads when they know from engineering advice that any measure that the Legislature is considering will be detrimental or will be injurious to the roads.

But this is a different subject. We are dealing with roads, a physical asset. I think that is entirely different than when we are considering a policy. For example, if in the Department of Health and Welfare we are considering a policy as to aid to children or aid to old people, that is a matter of policy. I do not think the Department of Health and Welfare should interfere and tell the Legislature what to do. But when you are dealing with a

physical asset I believe it is the duty and that it was the duty of the Highway Commission to give this Legislature information that they had and could obtain. I so informed them, and I have been told by a high public official in the State that he thought my stand was correct.

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

Mr. **SMITH**: Mr. Speaker, I would like to mention once again that this measure had the approval of the Maine Good Roads Association. I spoke on this the other day and I do not care to repeat myself, but I would like to mention again that this type of truck and the load proposed in this piece of legislation has only 75 per cent as much weight carried on each tire as under the present legislation, under six-wheel trucks.

I certainly hope that this bill is enacted.

The **SPEAKER**: Is the House ready for the question?

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

Mr. **TOTMAN**: Mr. Speaker, I just do not want, in these last days of the Legislature when I probably will not be back again, to have Mr. Cianchette's statement go uncorrected. I do not think, in any waking moment, that I ever said that I thought these trucks would not do more damage to the roads, because it is as plain as the nose on your face that they are going to do more damage to the older bridges. Unfortunately all our bridges are not new, and I was referring then and refer now to the head of the bridge designing department of the State Highway Department, and he is the man who distinctly voted against this bill in the Good Roads Association meeting, and I still maintain that the Good Roads Association as of today is basically and largely road contractors.

I move the reconsideration of this bill.

The **SPEAKER**: The pending motion before the House is the motion of the gentleman from Brunswick, Mr. Tondreau, that L. D. 1164 be indefinitely postponed.

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

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

The SPEAKER: Thirty-three having voted in the affirmative and sixty having voted in the negative, the motion for indefinite postponement does not prevail.

The motion now before the House is the motion of the gentleman from Bangor, Mr. Totman, that the House reconsider its action, under suspension of the rules, whereby it passed to be engrossed L. D. 1164. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The gentleman from Bangor, Mr. Totman, offers House Amendment "A" to L. D. 1164. The Clerk will read House Amendment "A".

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

HOUSE AMENDMENT "A" to H. P. 1065, L. D. 1164, Bill "An Act Relating to Weight of Commercial Vehicles."

Amend said Bill by striking out the underlined words "**construction materials**" in the 8th and 9th lines from the end and inserting in place thereof the underlined words '**other than forest products**'.

The SPEAKER: As many as are in favor of the adoption of House Amendment "A" as just read to L. D. 1164 will say aye; those opposed, no.

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

The SPEAKER: Fifty-nine having voted in the affirmative and nineteen having voted in the negative, the House has voted to adopt House Amendment "A"

Thereupon the Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

Senate Paper Out of Order

The following paper from the Senate was taken up out of order and under suspension of the rules:

From the Senate: The following Order:

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Monday, May 4, 1953 at

9:00 o'clock in the forenoon, Eastern Standard Time. (S. P. 605)

Came from the Senate read and passed.

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

The SPEAKER: For what purpose does the gentleman from Auburn, Mr. Trafton, rise?

Mr. TRAFTON: Mr. Speaker, I would like to know, simply, what that last order was.

The SPEAKER: Does the Chair assume that the gentleman did not hear the order?

Mr. TRAFTON: Mr. Speaker, I request the Clerk to re-read the order simply for information purposes.

The SPEAKER: The Chair will request the gentleman to approach the rostrum and read the order. (Laughter and Applause)

Orders of the Day

The SPEAKER: The House is proceeding under Orders of the Day.

The Chair lays before the House the first item of Unfinished Business, House Report "Ought to pass" of the Committee on Legal Affairs on Bill "An Act relating to the Practice of Architecture", House Paper 676, L. D. 692, tabled on April 27 by the gentleman from Augusta, Mr. Albert, pending acceptance of the report.

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

Mr. PETERSON: Mr. Speaker, I offer Amendment "B" to L. D. 692 and move its adoption.

The SPEAKER: The Chair will request the gentleman to defer his motion until the committee report has been accepted.

Thereupon, the "Ought to pass" report of the committee was accepted, and the Bill was given its two several readings.

The SPEAKER: The gentleman from Bar Harbor, Mr. Peterson, offers House Amendment "B" to Legislative Document 692 and moves its adoption. The Clerk will read House Amendment "B".

Will the gentleman from Bar Harbor, Mr. Peterson, clarify the situation? Does the gentleman want House Amendment "A", House Amendment "B" or both?

Mr. PETERSON: Mr. Speaker I want House Amendment "B"; that takes in House Amendment "A".

The SPEAKER: The Chair thanks the gentleman and the Clerk will read House Amendment "B".

The CLERK:

HOUSE AMENDMENT "B" to H. P. 676, L. D. 692, Bill "An Act Relating to the Practice of Architecture."

Amend said Bill in section 2, by adding after the underlined words "apply to" in the 1st line of that part designated "Sec. 8" the underlined words 'the supervision of construction of residential property or to'

Further amend said Bill by striking out the first 7 lines of the last paragraph, down to "II." and inserting in place thereof the following underlined words and figures:

'Nothing in this chapter shall be construed to prevent any person from making a set of drawings or specifications for, or supervising the construction of, the occasional or incidental erection or construction of:

1. Any building or enlargement or alteration thereof intended for occupancy by himself or any person, association or corporation regularly employing him;'

Thereupon, on motion of Mr. Peterson of Bar Harbor, House Amendment "B" was adopted and the Bill as amended was assigned for third reading the next legislative day.

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

Mr. GATES: Mr. Speaker, I wish to request unanimous consent from the House to remove the sixty-second unfinished business on page 17 from the table and place it before the House for action, Legislative Document 474.

The SPEAKER: The gentleman from Millinocket, Mr. Gates, requests unanimous consent to take from the table the sixty-second item of Unfinished Business on page 17 of today's printed House Advance Journal and Calendar. Does the Chair hear objection? The Chair hears none.

The Chair lays before the House the sixty-second item of Unfinished Business, Bill "An Act relating to Compensation for Death under Workmen's Compensation Act", House Paper 427, Legislative Document 474, tabled on April 30 by the gentleman from Millinocket, Mr. Gates, pending third reading, and the Chair recognizes that gentleman.

Mr. GATES: Mr. Speaker, I would like to yield to the gentleman from New Sharon, Mr. Caswell.

The SPEAKER: The Chair recognizes the gentleman from New Sharon, Mr. Caswell.

Mr. CASWELL: Mr. Speaker, I would like to offer Committee Amendment "A" to L. D. 474 and move its adoption.

The SPEAKER: The Chair requests the gentleman to repeat.

Mr. CASWELL: Mr. Speaker, to adopt Committee Amendment "A" to L. D. 474. Mr. Speaker, I might add that Committee Amendment "A" represents the minority report which was accepted by the House.

The SPEAKER: The Chair will attempt to clarify the situation. Did the gentleman state Committee Amendment "A"?

Mr. CASWELL: It has been several days, Mr. Speaker, since this has been taken up and I may be twisted on it. Committee Amendment "A", as I understand it, filing number 407.

I apologize, I was in error, it is House Amendment "A" instead of Committee Amendment "A", which should be adopted.

The SPEAKER: The Chair believes that that information will help considerably.

The gentleman from New Sharon, Mr. Caswell, offers House Amendment "A" to Legislative Document 474, and moves its adoption. The Clerk will read House Amendment "A".

The CLERK:

HOUSE 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 '\$27'.

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'.

Thereupon, House Amendment "A" was adopted.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. West.

Mr WEST: Mr. Speaker, is this the proper time to offer House Amendment "B"?

The SPEAKER: The gentleman from Stockton Springs, Mr. West, offers House Amendment "B" to Legislative Document 474 and moves its adoption. The Clerk will read House Amendment "B".

The CLERK:

HOUSE AMENDMENT "B" to H. P. 427, L. D. 474, Bill "An Act Relating to Compensation for Death Under Workmen's Compensation Act."

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

'Sec. 2 Effective date. This act shall become effective on November 30, 1953.'

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

The SPEAKER: The House may be at ease.

House at Ease

The House was called to order by the Speaker.

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

Mr. FULLER: Mr. Speaker, I ask unanimous consent that all bills that have been enacted and resolves that have been passed be sent forthwith to the Senate as soon as they are signed by the Speaker.

The SPEAKER: Does the Chair hear objection to the unanimous consent request of the gentleman from South Portland, Mr. Fuller?

The Chair hears none and it is so ordered.

Will the gentleman from South Portland, Mr. Fuller, assume the Chair so that the Speaker may sign the enactors and the resolves?

Thereupon, Mr. Fuller assumed the Chair and the Speaker retired from the Hall.

The SPEAKER pro tem: The Chair lays before the House the second item of Unfinished Business House Report "Ought not to pass" in new draft, House Paper 1260, Legislative Document 1474, under title of "An Act relating to Salary of State Auditor" on Bill "An Act relating to Salaries of Certain Department Heads", House Paper 1035, Legislative Document 1179 from the Committee on Appropriations and Financial Affairs, tabled on April 27 by the gentleman from Augusta, Mr. Albert, pending acceptance of the report.

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

Mr. DICKEY: Mr. Speaker and Members of the House: This was tabled by our assistant floor leader, Mr. Albert. He isn't with us this morning. However, I am interested in this matter and in this position and I have an amendment to offer, which I think might be well received by the Appropriations Committee and in view of the fact that I wish to offer an amendment which I believe will be agreeable, I move the substitution of the bill for the report.

The SPEAKER pro tem: The gentleman from Brooks, Mr. Dickey, moves that the Bill be substituted for the "Ought not to pass" report of the committee. Is this the pleasure of the House?

(Cries of "No")

All those in favor of the motion of the gentleman from Brooks, Mr. Dickey, that the Bill be substituted for the report will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Twenty-two having voted in the affirmative and thirty-three having voted in the negative, the motion to

substitute the Bill for the Report did not prevail.

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

The SPEAKER pro tem: The Chair lays before the House the third item of Unfinished Business, Bill "An Act Amending the Water Improvement Commission and Creating Standards of Classification", Senate Paper 538, Legislative Document 1451, tabled on April 27 by the gentleman from Auburn, Mr. Trafton, pending third reading.

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

Mr. TRAFTON: Mr. Speaker, I offer House Amendment "D", D for doctor, and move its adoption.

The SPEAKER pro tem: The gentleman from Auburn, Mr. Trafton, offers House Amendment "D" and moves its adoption. The Clerk will read the amendment.

For what purpose does the gentleman from Auburn, Mr. Trafton, rise?

Mr. TRAFTON: To speak on the motion, Mr. Speaker.

The CLERK:

HOUSE AMENDMENT "D" to S. P. 538, L. D. 1451, Bill "An Act Amending the Water Improvement Commission and Creating Standards of Classification."

Amend said Bill by inserting in the 6th line of the paragraph beginning "Class C waters" in the section numbered "Sec. 2" after the underlined words "**stream flow**" the underlined words and punctuation '**for the particular season involved**'

Further amend said Bill by striking out the second sentence in the paragraph beginning "Class D waters" in the section numbered "Sec. 2" and substituting the following underlined sentence:

'During a period of temporary reduction in the dissolved oxygen content in this class water, due to abnormal conditions of temperature or stream flow for the particular season involved, the commission, provided a nuisance condition has not then been created in such water and in the opinion of the commission is not likely to be created during such season, shall take no action to reduce the amount of pollu-

tion from any source which is allowed in such class water under normal conditions.'

Further amend said Bill by adding at the end of the 3rd paragraph of that part designated Sec. 1-A of Sec. 2 thereof, the following underlined sentence:

'Such waters may be used for logging or other commercial purposes which will not lower its classification.'

Further amend said Bill by inserting in Section 4 after the words "The following rivers are exempted" the underlined words '**until the 1st day of September 1955 and no longer**', and by striking out in the 9th line of said section the words and punctuation ", mill wastes, shavings or fibrous materials" and inserting in place thereof the underlined words '**or shavings**'.

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

Mr. TRAFTON: Mr. Speaker and Ladies and Gentlemen of the House: In case there is confusion because of the number of amendments, Amendment "D" is a combination of preceding amendments. To my mind, it is the best strengthener that will pass this Legislature and has the agreement of those individuals who would logically oppose a stricter pollution bill.

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

The SPEAKER pro tem: Will the gentleman from Moose River Plantation, Mr. Watson, approach the rostrum, please?

The Chair lays before the House the fourth item of Unfinished Business, Bill "An Act relating to Minimum Salaries for Teachers," House Paper 324, Legislative Document 392, tabled on April 23 by the gentleman from Mexico, Mr. Small, pending third reading; the Chair recognizes the same gentleman.

Mr. SMALL: Mr. Speaker and Members of the House: I want to thank you for letting me go home and get a good night's rest last night, and I hope that you all have had a good one because my remarks are not going to be brief.

With that warning, I will start the discussion upon this M.T.A. Bill, so-called.

I do not suppose that it is often that the opposition has the Floor first. I shall bring you the facts concerning this as I see them from the way they have been presented to me, chiefly from others, because I do not claim to be an authority on education although I think I am a friend of education and all the people who work for a weekly check or a salary check.

This bill had its hearing in the House and there were not too many present from this body so I believe that it is altogether proper that you, if you have only read the title, read it over once again. The title is very appealing. I believe in minimum pay myself very much. I am not opposed to a minimum pay bill but I have risen in opposition to this particular bill.

In questioning me, several points have arisen and they concern two bills which are closely allied with education which were discussed here and were passed. One is now tabled in the Senate. Those two bills, one of which was the superintendents' stipend bill. One man very much interested in this bill said: "Why didn't you table that bill also?" All of you may not realize that this State's stipend is similar to the subsidy although it doesn't work out that way mechanically. It is a certain allotment of money given to the superintendents of the various unions and we increased that allotment by approximately \$250 by our vote here. It is not a set sum and the Department of Education can vary it according to the work and travel a superintendent does. I think that that idea of treating education appeals to everybody. It is recognized that all communities cannot give education equally unless they have State help but the other bill which seemed to disturb some members more was the bill which read similar to this: That any union which did not pay its superintendent an amount of money equal to the average payment to superintendents throughout the State would in that case come under the Department of Education in this way. If those unions did not meet the average payment, the State Department of

Education could change the member towns of those unions around. I did not appear but the people from my district were the only ones who appeared and this amount cut from the average of the State to the sum of \$4500. It had previously been \$3500.

What I am bringing to you at the present time is that the idea of the State helping the poorer communities that cannot so well afford to meet the charges of education receive help from the State.

Now, I assure you that I am for higher pay for teachers. I do not believe that they get enough. Some of them have had to seek relief, I heard and I agree that it must be so but we must provide that if we set up a standard of pay, a base standard even, that provision should be made for those communities which are not able to meet this impact that the State should assume a larger burden of.

I prepared, before our last Republican Caucus, an amendment to this bill, really a substitute bill. It was distributed to the Republicans at the caucus and it was also available to the Democrats. This bill took care of all teachers, certified and college graduates and those with masters and doctors degrees but the impact was not as severe as in this bill of the M.T.A.

Before discussing either one of them, I just would like to give you the remarks of Clyde Russell, the President of the M.T.A. and William Vaughan, their legislative agent, their remarks to me. They said: "Your bill would cost more than our bill." And I said: "Of course, it will because my bill takes care of all teachers and your bill takes care of only a class of teachers and I do not believe in any kind of class discrimination. I believe in equality among working people as well as among everybody else and I believe among teachers that the teachers who have served many years in the profession to the satisfaction of those who hire them are deserving of consideration as well as the one who steps out of college like a niece of mine is going to do this June from Maine with a Phi Beta Kappa key. There are many teachers in my profession and

in my family and I feel very strongly about teachers.

The M.T.A. bill, if you will look at it, says that the certified teacher can be paid as low an amount as \$1900 regardless of how long she has been teaching. We have in our schools at the present time, I believe, approximately 700 teachers that they call sub-standard or perhaps uncertified and the communities that employ those teachers do not receive the State funds that they would receive if they could get the certified teachers in their system. It was impossible to get them.

Our State Teachers Colleges are not filled to capacity. I would not try to tell you why they are not filled. It may be that good paying jobs are too plentiful at the present time and attracts them elsewhere and if that is so I agree with the sponsors of this bill that we should try to pay more money.

You have had these amendments and I hope you have read them. I have laid my cards upon the table ever since I tabled this bill for further study because I did not understand it too well and I have gone to considerable pains to go into it and the further I went the more I felt that this was not the bill we needed. I talked to Mr. Espy, Commissioner of Education, in his office at considerable length about education in Maine and I tried to pin him down, naturally, upon this particular bill. I am assured by the Commissioner of Education that he has higher pay for teachers in Maine on his agenda but first, unorganized townships need attention in Maine, that is his number one thought, he thinks about education that that seems to be the most pressing problem. Now, our Teachers Colleges come number two. A 100 per cent state subsidy is number three, which we failed to meet. You know my feelings on the state subsidy. I wouldn't go along with the gentleman from Brooks, Mr. Dickey, for 99 9/10 per cent. I would like to have 100 per cent of something. Say it is a formula if you want to but let's have some honest formula and pass the kind of honest legislation that

we promised to pass in the beginning.

I do not know just how my party feels about a minimum pay bill. You members know very well why I don't know. I am something like the hunter who was lost. They asked him how come he was lost. He said: "I am not lost, it is the party I have lost, the guys I was with." Maybe I am a lone stick, I don't know, and out on a limb but before we pass any legislation we should think upon the impact of it upon the people we represent. I know the Maine Teachers Association, the Parent-Teachers group and many others and the teachers themselves. Some of them who are not affected by this bill have been lobbying you because they have lobbied me but when your towns back home feel the impact I wonder if they are going to ask you: "Did you pass this hastily with only reading the title" and not looking ahead like a checker player and seeing what the effect is going to be upon your towns.

I would like to have gone into the details and operations of those two amendments but I told the President of the M.T.A., the floor leader of my party, and the gentleman from Island Falls, Mr. Crabtree, that I would go along with them; that if amendments were offered on this floor that they should be the people who should offer them. I have not arisen here with any purpose at the conclusion of my remarks to make a motion for indefinite postponement of this bill because I do not believe the bill should be passed and I am willing to let it go to a vote. I am not going to try to read all of the communications that I have had or pass the remarks on that I have heard from many others but I will assure you that not only in this end of the State House but in the other I believe if they keep their word as they gave it to me that members who signed this unanimous report and I believe they signed it for political reasons as much as any other are not going to stand up and defend the bill that they signed. When I sign a bill, I stand behind my action and tell you why I did it.

I would like to have you people realize in my own community, and I am just a little bit selfish, the effect of the Maine Teachers Association bill as they presented it to you. Two years ago my town, across the board, gave our teachers a \$200 raise, that affected 33 teachers and one superintendent. In this past town meeting we gave them another raise across the board of \$200 apiece and the superintendent was treated equally with them, and it was retroactive to last September when they began that year's teaching. My sister taught in my town for about \$600 some 17 or 18 years ago. We have a system with an increment and we pay from \$2,000 up and it hurts us enough.

But now, let me give you this example. As of last January 1, we hired a girl with some ten years of experience and a couple of degrees and she took over teaching with two other teachers at \$2200 a year. She was glad to take that job. We get our teachers sometimes like you buy your suit after Easter and pay \$10. The woman who lives across the road from me came to our town with much experience. She is a good teacher and she said that we pay her more than she ever got in her life and she has taught in some cities in Maine and that is the reason why I say teachers should be given more money. This girl that came in went in with the other two at \$2200; under the Maine Teachers bill, if it went into effect, she would receive \$3200 and if we wished we could drop the other two back to \$1900 and yet they would all be doing the same work. You call that fairness; I don't. After giving our raise, as of September 1 last year, the M. T. A. bill would affect my town which raised \$19,000 more this year for education than we did last and it is a town that depends wholly upon real estate for its taxes, no mills and industries. Two would get \$800 each more than the others; two would receive a \$700 increase; two \$600; one \$400 and the other \$300. Under that bill they took out the penalty clause. If we did not meet these payments in the beginning, all they do is take twice as much away from us if we fail to pay. But when they took the penalty clause out, what could happen

if we didn't meet that payment? The girl teaches and the law says she gets so much money. Somebody would bring a writ over — I don't know the Latin word, but it is some sort of a writ against our town and superintendent and they would take us to court to pay the minimum salary if we hadn't let that increase of \$600, \$800 or \$1,000 or the \$300 which they amended it to be effective each year. To us, the impact in my town for the first year would be \$6,100 according to the superintendent of schools in my town. I think that speaks for itself.

Now I would like to read you six or seven lines of his comments.

"The necessary increases would be given to fifteen of our staff. The largest increases would, for the most part, go to the newest members because of their additional training. Over half of the increase necessary would go"—now this is in the explanation of our superintendent and he signed his name to this — "Over half the increase necessary would go to the weaker members of our staff.

"I could not honestly recommend such increases merely to meet the law unless others, more deserving, could be increased equal amounts. To do so would, in my opinion, tend to destroy the morale of the whole group.

"Were this law to become operative it would almost seem that we would be forced to replace these teachers who, because of the high minimum, have become too expensive for us to afford."

One member and I put him in a group close enough so that you can see that he, too, is interested in education, a man with many years of experience, one of the men who helped to administer, I believe, your school building authority act. He came to me after he found this bill was tabled, like many more when you had your hearings here, I was here too, but I didn't know so much about the bill then. These people who have contacted me, public opinion and the people they work with kept them in their seats although they had thoughts in their minds, they didn't want the bill passed.

I would like to read you, and this will be the last, I said I would

not be brief, perhaps I am going to be. This is from another group.

"This memorandum" — I am not going to read the whole of it — "This memorandum concerns itself with an Act Relating to Minimum Salaries of Teachers, and if enacted with its subsequent effects, present and future, on conditions in the smaller towns of the State.

"It is conceded that this analysis is not exhaustive but it is believed to be considerably more so than some of the data made available to the Legislators, who will pass on this question. This document," referring to the one before the House, "is misleading in that it does not follow through and concern itself with the wider implications and consequences of this measure." And I agree with him. "The Bill itself in fact seems to partake of the nature of hasty legislation" — I would like to comment upon that and the President of their association is here. He will agree that he said it to me, that they did not expect this bill to be accepted as they prepared it and sent it in to us: "a measure that is passed without any adequate realization of its full and final consequences." That is the rest of that sentence. "When such are considered it is quite possible that this measure will create as many or possibly more problems than it solves.

"The Board of Education presenting this hasty analysis is justly concerned for whereas in this matter the Legislature faces a theory, the Board faces the practical condition of keeping its schools open, competently staffed and maintaining harmonious and workable relations with the tax payers. In fact, this Board does not reason as neophytes or theorists, nor is it unsympathetic in the face of this problem, for two of its members are professional educators with over forty years of experience.

"This Board is of the strong conviction that this measure cannot with intelligence be hastily passed. Would it not be reasonable to refer to the Legislative Research Committee" or some other committee "for a detailed study and for a report two years hence?"

They also have one or two other comments and then I will be through.

"We are of the opinion that such a practice is not inherent in the American Constitutional tradition. Would not this law, in reality compel smaller and poorer towns to pass up teachers with more than two or three years of training? Would this differ greatly from the practice prevailing in southern states in the provisions made for the education of negro children? In case this law is passed would the State stand ready to finance the additional cost, not the theoretical but the actual cost? We understand that the Legislature is eager to avoid imposing any further tax levies. This is laudable but to clean its own hands of its own acts is it willing to force by compulsion a heavy tax burden on the weaker towns of the state at the lower level? Is this justice or wisdom or is it political expediency? Is it not true that this problem in a large measure is being met at the local level and that the towns are remedying inequalities and injustices so far as their resources will permit and as fast as they can win and carry their taxpayers along with them in their educational programs."

Now, I ask you, ladies and gentlemen of this House, what is a trend when it comes to taxation? Are we fumbling through cigarette taxes, gasoline taxes, sales taxes, money in for Augusta, and then are we distributing it in an equitable manner? I also prepared an amendment and, as you know, I have agreed not to submit any, saying that when a town had met by its tax rate upon honest valuation an amount equal to the average rate by the cities and towns of this State that the State from its general fund give back to those towns all above the half-way amount to complete the amount of money needed for their program of education, a minimum program. We have books here. There is one of them, giving a list of everything from that they want one teacher for not more than 30 pupils to what the standards are for a class A school or a B school or a junior high

school, the type of buildings they want and I assure you they don't ask us to have outdoor privies and woodburning stoves for heat; they want something better and I concur with them in it. But isn't it fair if the State imposes upon some of the rural towns the demands for a type of education, not the comforts perhaps but the quality of education, so that in all parts of the State it shall be equal, that our State should assume part of the burden in what they insist that the towns do? I believe we should insist upon good education and I believe that this is a matter which should have had our consideration long ago and I do not believe that there is a Republican here but knows that I tried hard to make it a party issue and have our party take a stand, not only upon better education but how we could provide for the payment of it.

The proponents of this bill may now have the Floor. I hope you will not forget quickly what I have said to you. I hope that you will not let sentiment usurp the place of judgment and that in your voting you will be fair to me, your poor country relation, as well as those who live in the cities. I thank you.

The **SPEAKER**: The Chair recognizes the gentleman from Lisbon, Mr. Beal.

Mr. BEAL: Mr. Speaker, I was so tired last night I could not prepare a lengthy speech like that one. In fact I do not wish to discuss the bill itself per se, but I would like to make one or two suggestions which I hope you will keep in mind as you consider this bill—first, I think if you would look at your biographical sketches you would find that the members of this committee on Education are this year especially qualified by their education, their background and their experience to handle the job. They are on the whole all experienced legislators. They come from varied walks of life. The ministry is represented, the law is represented, business is represented, farmers are represented, and at least three if not four of that committee have had, in connection with their own work, intimate contact with schools and have a thorough knowledge of the

problems and understand thoroughly the situation.

Now that committee brought you this bill with the committee amendment unanimously approved; you permitted it to go to the third reading, and then we were up against this attempt at sabotage. That is definitely what it is, regardless of what else may be said.

The gentleman from Mexico (Mr. Small) first attacked this by way of amendments which he has not presented. He referred to his first amendment which is very definitely a Dr. Jekyll-Mr. Hyde affair. He shows an amazingly magnificent generosity to those poor teachers in that lower group. If you would look at that amendment you would see that he made provisions to raise them from the low certified group to the masters' group or the people with five years' experience and then put them up to the very top of the heap. In other words, he proposes to raise them from something like \$2,000 to \$3,200, and then he abruptly murders the whole bill by attaching a sentence which says, "No town shall raise beyond \$100 in any one year".

Now those old teachers are old, they have all got thirty or thirty-five years experience behind them. They would have to teach until they were eighty to have reached the point which Mr. Small held out to them.

He prepared Senate Amendment "B", which I have read and confess I do not understand, but I am very sure that it had the same object that this first amendment had. It was to confuse the issue, destroy that bill.

Now I think this issue is reasonably plain; either we wish to give the teachers a minimum salary law or we do not wish to give them a minimum salary law. I want to remind you that teachers are laborers. They may say it is the teaching profession, but we are laborers, and the gentleman from Mexico (Mr. Small) has consistently and enthusiastically worked for the interests of unionized labor in this whole Legislature. I wish he had the same attitude toward my group of non-unionized labor.

I simply ask you, if you do not wish to give the teachers a mini-

mum salary law, kill it dead but kill it honorably. Don't do it by subterfuge. You have nothing to lose. The teachers will continue to work for you. There are thousands of teachers in Maine who will be compelled to continue to teach by something within them that is stronger than any desire for a fair remuneration. If you do desire to give them a minimum salary law, I hope you will be governed by your committee which I think has thoroughly investigated every argument that Mr. Small has proposed and come up with this bill as the answer to it. (Applause)

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

Mr. FULLER: Mr. Speaker, I shall speak about five minutes.

What is Maine's most serious educational problem? Lack of teachers. Next fall there will be more first-graders than in any previous year in history, and for every one of the next four years there will be more first-graders than there have ever been up to now.

We believe that this is a good bill. If anything, it does not go far enough. Since the bill was introduced, a lot of towns in their annual town meetings, have increased the school budget to take care of an increase in teachers' salaries. Of course a lot of the cities and larger towns have gone way beyond what this bill recommends.

I was born and I have worked in a small town, and I think I know their problems. We in the Education Committee did not want to come up with a bill that would go beyond the small town's ability to pay.

It is estimated that we shall need six hundred new elementary teachers this next fall and seven hundred and fifty in 1954. Maine has the lowest salary scale in New England. The average for the United States is \$3405 annually. We do not expect to compete with some of the more wealthy states, but I think that the time has come when we have got to be more realistic about the whole teacher situation here in Maine and make the teaching profession more attractive or

we are going to be worse off instead of better. We want to keep a few of our good teachers in Maine.

This bill is not a cure-all but it will certainly help. It will also help to get a few more of the better students in our high schools to enter the teaching profession. The total cost of this bill is approximately \$100 a teacher. I would like to repeat that: the total cost of this bill is approximately \$100 a teacher.

There have been four amendments to the bill by your Education Committee, which we believe make a much better bill and which seems to satisfy every member of the committee. I will explain those amendments to you. No. 1. No town would be obliged to raise a teacher more than \$300 in any year. No. 2. The penalty clause has been removed. We did not feel that the penalty clause was necessary. No. 3. The act does not become effective until July 1, 1954. We felt that each town and city — of course very few of the cities would be affected anyway — should be given at least a year to get ready for any increase or whatever they would have to do to answer the requirements of the law. No. 4. We carried the first category, which ended at \$1800 by giving those teachers in that bracket one more step up to \$1900.

We had a very large audience when we heard this bill, probably two or three hundred on the floor of this House and in the balcony, and there was not a single person that opposed the bill. The hearing lasted practically all the afternoon, and, as I said, there was not a single person that opposed the bill.

Mr. Speaker, I move the third reading of the bill.

The SPEAKER: The gentleman from South Portland, moves that the Bill be given its third reading.

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

Mr. CRABTREE: Mr. Speaker and Members of the House: I am going to take about two minutes or two and a half.

I wish I could give you a picture of the hearing, those of you who were not here. There were not only the teachers themselves, whom one might expect to be present, there

was a farmer or two and a fisherman, and people just came down to say that they were greatly in favor of the minimum salary bill. It is a modest bill, if anything it is too modest, but it is a step in the right direction. No town, city or state was ever hurt by increasing the quality or the scope of their education. I think we have all had ample opportunity to go into the matter through the little pamphlets which were subsidized by the manufacturers. I think we know pretty well where we stand now. The State sets a standard in this case. It is aggravating to many of us to see superintendents, now on our better roads, come up here from Connecticut and New Hampshire and go back with a bag of four to six teachers in one day. That is just what they do. They are not asking for any minimum salary schedule which will equal New Hampshire or Connecticut or Massachusetts, where we lose most of our teachers, but we are asking to give them a little encouragement.

A young lady called me the other day, several days ago. She asked when this bill was coming up. I told her I wished to heaven I knew. She said, "Well, the eyes of the teachers and the eyes of the students in the normal schools will be on the Legislature." That was about a week ago. I imagine they are awful sleepy eyes by now.

I do not believe that it is necessary to go into any more details. I think we pretty much know what we want to do. I think that Maine has now come to a place where we want to take a modest step toward the quality of education. This is a modest step, but it is one which should have been taken a long time ago. I doubt if there is any other act coming before this Legislature this year that will receive the plaudits of the thinking people of our State as much as the passage of this measure. Thank you.

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

Mr. LEGARD: Mr. Speaker and Members of the House: I don't believe there is any bill that we have had under consideration that is more important than this bill. It

has been adequately sponsored, and I simply want to go on record, without taking any more time, as being one hundred per cent behind the passage of this bill.

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

Mr. ABBOTT: Mr. Speaker and Members of the House: For once I am going to vote with Mr. Crabtree. I have not seemed to hit it off with him too well this year, but I certainly want to go on record for this bill. I have two daughters, one who is a graduate of Farmington Teachers College and one a junior, and I can assure you that those girls and boys can go out in neighboring states and they are waiting for them, and we certainly need to pay them a fair price to stay in Maine.

The SPEAKER: The Chair recognizes the gentlewoman from Rumford, Miss Cormier.

Miss CORMIER: Mr. Speaker, there is just one point I would like to leave before you vote on this bill.

The first thing is that I deplore very much, just as the gentleman from Lisbon Falls, Mr. Beal, the attack that is being made on this bill through the back door.

The gentleman who is my neighbor, Mr. Small from Mexico, - I have discussed this thing with him several times, and I know that the very gentleman who is behind this sat in this hearing and he had told me prior to the hearing that he was opposed to this bill. He had every opportunity to express himself at that time.

The hearing was held all afternoon and he had ample time and ample opportunity to be heard. He didn't have the stamina to get up on his feet and be heard, and now he is trying to sabotage our bill through the back door. I deplore those kind of tactics. I think that as we have a Democracy, we should make use of the implements of that Democracy, and be heard at the proper time, in the proper way.

The second thing that I wish to leave with you very briefly is this: I am more concerned in this bill, not for the teachers themselves that are teaching today, but for the profession in the days to come. The

boys and girls in our high schools today do not want to go into teaching, as much as they would like to; there is no future for them in the teaching profession. The stalwarts who are holding the line today are doing it, and will continue to do it, as someone has told us today, whether we pass this bill or not, but there is a bigger obligation to the children who are coming. We will not attract teachers, men and women who desire to teach, we will not attract them to this profession unless we give them a bill that gives them a decent sense of living and also a promise for the future.

I was a teacher. I taught for ten years. I enjoyed it; it is a profession that I disliked leaving, but I felt that even as a teacher I was entitled to a decent living in this State, and I found out that I couldn't make it; there was no future for me in the teaching profession, so I left and went into business, and Ladies and Gentlemen, in one month alone I can triple the salary that I made as a teacher, and I was teaching in one of the towns which was paying tops to its teachers.

That is the situation that faces us today; not so much those who are in the field, because they are there and will continue to be there, but those who are coming along, and who would like to go into teaching, but who feel that even though they are teachers, they have the right to dress, to eat and to live as other citizens, and they know they cannot do it if they go into the teaching profession in Maine as it is today. So, rather than pleading for the teachers today, I am pleading for those who would like to be teachers in the future.

The SPEAKER: The pending motion before the House is the motion of the gentleman from South Portland, Mr. Fuller, that this bill receive its third reading.

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

Mr. LOW: Mr. Speaker, I don't think, if we talked the rest of the afternoon, that anybody is going to change his mind. I move the previous question.

The SPEAKER: The gentleman from South Portland, Mr. Low, 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.

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

A sufficient number arose.

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

The question 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 South Portland, Mr. Fuller, that H. P. 324, L. D. 392, Bill "An Act relating to Minimum Salaries for Teachers" be given its third reading, and the gentleman from South Portland, Mr. Fuller, requests a division.

As many as are in favor that this bill receive its third reading 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-three having voted in the affirmative and one having voted in the negative, the motion prevailed.

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

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

Mr. WINCHENPAW: Mr. Speaker, under suspension of the rules and unanimous consent I request permission to lift the fiftieth unfinished business from the table.

The SPEAKER: Does the Chair hear objection to the request of the gentleman from Friendship, Mr. Winchenpaw, that the fiftieth item of unfinished business be taken from the table? The Chair hears no objection. The Chair lays be-

fore the House, House Paper 1283, House Joint Order relative to reimbursing members of the Legislature for expenses, tabled by the gentleman from Friendship, Mr. Winchenpaw, pending passage.

Mr. WINCHENPAW: Mr. Speaker, do I move it "Ought not to pass?"

The SPEAKER: The Chair understands the gentleman from Friendship, Mr. Winchenpaw, moves that this order be indefinitely postponed. Is this the pleasure of the House?

(Calls of "No" and "Yes")

Mr. WINCHENPAW: Mr. Speaker, am I correct in assuming that the Supreme Court ruled against it, that the —

The SPEAKER: Will the gentleman kindly approach the rostrum?

In the interest of fairness the Chair will request the gentleman from Friendship, Mr. Winchenpaw, to make a statement.

Mr. WINCHENPAW: Mr. Speaker, my purpose was only to shorten the calendar, and Mr. Stewart said it was all right to take it from the table because the reports from the Supreme Court ruled against the thing.

The SPEAKER: As many as are in favor of the motion of the gentleman from Friendship, Mr. Winchenpaw, that this order be indefinitely postponed will please say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed, and the order was indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Fuller. For what purpose does the gentleman rise?

Mr. FULLER: Mr. Speaker, I move that under suspension of the rules, and out of order, we take the seventieth item of unfinished business on today's calendar off the table. I have permission from the gentleman who tabled it to do this and to bring up this matter.

The SPEAKER: The gentleman from South Portland, Mr. Fuller, requests unanimous consent to take from the table the seventieth item of Unfinished Business. Does the Chair hear objection? The Chair hears none.

The Chair lays before the House, House Paper 598, Legislative Docu-

ment 638, Resolve in favor of a Retirement Allowance for Doris D. Ladd of Hallowell, tabled on April 30 by the gentleman from Auburn, Mr. Turner, pending passage to be engrossed. Does the gentleman from Auburn, Mr. Turner, wish to be recognized?

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

Mr. FULLER: Mr. Speaker, I move that the resolve have passage to be engrossed.

The SPEAKER: The gentleman from South Portland, Mr. Fuller, moves that Legislative Document 638 be passed to be engrossed. Is this the pleasure of the House?

The motion prevailed, and the resolve was passed to be engrossed and was sent to the Senate.

The SPEAKER: The Chair lays before the House the fifth item of Unfinished Business, House Report "Ought to pass" in New Draft (H. P. 1280) (L. D. 1516) under title of Bill "An Act relating to Hunting with Bow and Arrow in Piscataquis County" on Bill "An Act relating to Hunting with Bow and Arrow in Penobscot County", tabled on April 27 by the gentleman from Milo, Mr. Brockway, pending acceptance of report; and the Chair recognizes that gentleman.

On motion of Mr. Brockway the "Ought to pass" in New Draft Report was accepted and the Bill was given its two several readings and was assigned for third reading the next legislative day.

The SPEAKER: The Chair lays before the House the sixth item of Unfinished Business, Bill "An Act to Create the Waterville Parking District", Senate Paper 307, Legislative Document 925, tabled on April 28 by the gentleman from Waterville, Mr. Lane, pending adoption of Committee Amendment "A", Filing Number 447; and the Chair recognizes that gentleman.

Mr. LANE: Mr. Speaker, I request unanimous consent to table this until next Monday.

The SPEAKER: The gentleman from Waterville, Mr. Lane, moves that the sixth item of Unfinished Business lie on the table pending adoption of Committee Amendment

"A" and be specially assigned for Monday, May 4th. Is this the pleasure of the House?

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

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

Mr. **FULLER**: Mr. Speaker, I move that the House adjourn until 9:00 A. M. Monday morning.

The **SPEAKER**: The gentleman from South Portland, Mr. Fuller, moves that the House adjourn until 9:00 A.M., Eastern Standard Time, Monday, 10:00 A.M., Daylight Time. Is this the pleasure of the House?

The motion prevailed, and the House so adjourned.