

# MAINE STATE LEGISLATURE

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OF THE

*Ninety-Sixth Legislature*

OF THE

STATE OF MAINE

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## HOUSE

Tuesday, May 5, 1953

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

Prayer by the Rev. Mr. Marvin G. Palmerlee of Augusta.

The journal of the previous session was read and approved.

### Papers from the Senate Final Report

Final Report of the Committee on Legal Affairs.

Came from the Senate read and accepted.

In the House, was read and accepted in concurrence.

### Non-Concurrent Matter

Resolve in favor of the Several Academies, Institutes and Seminaries (H. P. 1244) (L. D. 1446) on which the House accepted the Majority Report of the Committee reporting "Ought to pass" and passed the Resolve to be engrossed on May 2.

Came from the Senate with the Reports and Resolve indefinitely postponed in non-concurrence.

In the House:

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

Mr. CRABTREE: Mr. Speaker, reluctantly I move that we recede and concur with the Senate.

The SPEAKER: The gentleman from Island Falls, Mr. Crabtree, moves that the House recede and concur with the Senate. It is the pleasure of the House?

The motion prevailed and the House voted to recede and concur with the Senate in the indefinite postponement of the Reports and Resolve.

### Non-Concurrent Matter

An Act relating to Duties of Official Court Reporters (S. P. 104) (L. D. 318) which was passed to be enacted in the House on May 2, and passed to be engrossed as amended by Senate Amendment "A" in concurrence on April 29.

Came from the Senate passed to be engrossed as amended by Senate

Amendments "A" and "B" in non-concurrence.

In the House:

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

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

Amend said Bill by striking out the underlined word "shall" in the last sentence thereof and inserting in place thereof the underlined word 'may'.

Thereupon, the House voted to recede from its former action whereby it passed this Bill to be enacted on May 2; and further voted to recede from its former action whereby it passed this Bill to be engrossed as amended by Senate Amendment "A" on April 29.

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

### Non-Concurrent Matter

An Act Permitting Reassignment of Justice in Equity Matters (S. P. 484) (L. D. 1342) which was passed to be enacted in the House on April 23, and passed to be engrossed as amended by Committee Amendment "A" in concurrence on April 15.

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 Clerk will read Senate Amendment "A".

SENATE AMENDMENT "A" to S. P. 484, L. D. 1342, Bill, "An Act Permitting Reassignment of Justice in Equity Matters."

Amend said bill by striking out the word "applications" where it appears in the 2nd line of the 2nd paragraph thereof, and inserting in its place the word 'application'.

Further amend said bill by inserting after the words "petition in writing" in the 3rd line of the 2nd paragraph of said bill, the words 'for good cause shown'.

Further amend said bill by striking out the word "described" in the last line of said bill and inserting in place thereof the word 'prescribed'.

Thereupon, the House voted to recede from its former action whereby it passed this Bill to be enacted on April 23; and further voted to recede from its former action whereby it passed this Bill to be engrossed as amended by Committee Amendment "A" on April 15.

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

#### Non-Concurrent Matter

An Act relating to Funeral Expenses of Deceased Recipients of Old Age Assistance and Aid to the Blind (H. P. 198) (L. D. 208) which was passed to be enacted in the House on March 18, and passed to be engrossed on February 25.

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

In the House:

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

SENATE AMENDMENT "A" to H. P. 198, L. D. 208, Bill "An Act Relating to Funeral Expenses of Deceased Recipients of Old Age Assistance and Aid to the Blind."

Amend said Bill in that part of section 1 designated "Sec. 269" by striking out the underlined figures "\$150" and inserting in place thereof the underlined figures "\$125".

Further amend said Bill in that part of section 2 designated "Sec. 291" by striking out the underlined figures "\$150" and inserting in place thereof the underlined figures "\$125".

The House then voted to recede from its former action whereby it passed this Bill to be enacted on March 18; and further voted to recede from its former action whereby it passed the Bill to be engrossed without amendment on February 25.

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

#### Non-Concurrent Matter

An Act relating to Salaries and Travel of Superintendents of Schools (H. P. 325) (L. D. 393) which was passed to be enacted in the House on April 23.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mr. CRABTREE: Mr. Speaker, very reluctantly, because this is one of my bills, I move that we recede and concur with the Senate.

The SPEAKER: The gentleman from Island Falls, Mr. Crabtree, moves that the House recede and concur with the Senate in the indefinite postponement of this bill. Is this the pleasure of the House?

The motion prevailed.

#### Non-Concurrent Matter

Bill "An Act relating to Weight of Commercial Vehicles" (H. P. 1065) (L. D. 1164) which was passed to be engrossed as amended by House Amendment "A" in non-concurrence in the House on May 2.

Came from the Senate with that body voting to insist on its former action whereby the Bill was passed to be engrossed without amendment on April 27.

In the House:

On motion of Mr. Smith of Farmingdale, the House voted to recede and concur with the Senate.

#### Non-Concurrent Matter

An Act relating to Appropriation for Unorganized Territory Capital Working Fund (H. P. 1073) (L. D. 1213) which was passed to be enacted in the House on May 2, and passed to be engrossed as amended by Senate Amendment "A" in concurrence on April 30.

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

In the House:

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

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

Amend said Bill by adding after the word "appropriated" in the 4th and 5th lines of that part designated "Sec. 148-A" the underlined words "from the unappropriated surplus of the general fund".

Thereupon, the House voted to recede from its former action whereby it passed this Bill to be enacted on May 2; and further voted to recede from its former action whereby it passed this Bill to be engrossed as amended by Senate Amendment "A" on April 30.

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

#### Non-Concurrent Matter

An Act to Establish a State Committee on Aging (H. P. 1197) (L. D. 1349) which was passed to be enacted in the House on April 8, and passed to be engrossed on March 18.

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

In the House:

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

SENATE AMENDMENT "A" to H. P. 1197, L. D. 1349, Bill "An Act to Establish a State Committee on Aging"

Amend said Bill by striking out in the 3rd line of section 3 the figure "6" and inserting in place thereof the figure '3'

Further amend said Bill by striking out in the 2nd line of section 4 the figures "\$2,000" and inserting in place thereof the figures '\$1,200'

Thereupon, on motion of Mr. Senter of Brunswick, the House voted to recede from its former action whereby it passed this Bill to be enacted on April 8; and on further motion of Mr. Senter the House voted to recede from its former action whereby it passed the bill to be engrossed without amendment on March 18.

On further motion of Mr. Senter, Senate Amendment "A" was then adopted, and the Bill was passed to be engrossed as amended by Senate Amendment "A" in concurrence.

#### Non-Concurrent Matter

Resolve to Reimburse George H. Morong of Portland (H. P. 401) (L. D. 454) which was finally passed in the House on April 28.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mr. STEWART: Mr. Speaker, I move we insist and ask for a Committee of Conference.

The SPEAKER: The gentleman from Portland, Mr. Stewart, moves that the House insist on its former action whereby this Resolve was finally passed and request a Committee of Conference.

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

Mr. SANFORD: Mr. Speaker, I move that we recede and concur.

The SPEAKER: The gentleman from Dover-Foxcroft, Mr. Sanford, moves that the House recede and concur. As many as are in favor of the motion of the gentleman from Dover-Foxcroft, Mr. Sanford, that the House recede and concur will please say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed, and the House voted to recede and concur with the Senate in the indefinite postponement of this Resolve.

#### Non-Concurrent Matter

Resolve for Repairs of Church and Convent at Peter Dana Point and Old Schoolhouse Used for Religious Purposes at Princeton (H. P. 483) (L. D. 502) which was finally passed in the House on April 28, and passed to be engrossed as amended by Committee Amendment "A" on April 21.

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 Clerk will read Senate Amendment "A".

SENATE AMENDMENT "A" to H. P. 483, L. D. 502, Resolve for Repairs of Church and Convent at Peter Dana Point and Old Schoolhouse Used for Religious Purposes at Princeton.

Amend said Resolve by adding at the end of the 1st line thereof after the word "from" the words 'the unappropriated surplus of'.

Further amend said Resolve by striking out the period at the end

thereof and inserting in place thereof the following: ‘; and be it further

**RESOLVED:** That there be, and hereby is, appropriated from the unappropriated surplus of the general fund of the state the sum of \$5,000, to be expended for the purpose of repairing existing homes and building new homes for the Indians at the several reservations; these funds to be expended on authorization of the department of health and welfare.’

Thereupon, the House voted to recede from its former action whereby this Resolve was finally passed on April 28; and further voted to recede from its former action whereby it passed the Resolve to be engrossed as amended by Committee Amendment “A” on April 21.

Senate Amendment “A” was then adopted and the Resolve was passed to be engrossed as amended by Committee Amendment “A” and Senate Amendment “A” in concurrence.

#### **Non-Concurrent Matter**

Resolve in favor of Albert A. Anderson of Thomaston (H. P. 658) (L. D. 761) on which the House substituted the Resolve for the “Ought not to pass” Report of the Committee and passed the Resolve to be engrossed on April 30.

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

In the House: The House voted to recede and concur with the Senate in the acceptance of the “Ought not to pass” Report of the Committee.

#### **Senate Report of Committee Divided Report**

Majority Report of the Committee on Business Legislation on Bill “An Act relating to Certain Policies of Insurance by Companies Organized under General Law” (S. P. 433) (L. D. 1210) which was recommitted reporting “Ought to pass” as amended by Committee Amendment “A” and Committee Amendment “B”.

Report was signed by the following members:

Messrs. DENNETT of York  
CUMMINGS of Sagadahoc

CHAPMAN of Cumberland  
—of the Senate

Messrs. TONDREAU of Brunswick  
LANE of Waterville  
Miss STEEVES of Lincoln  
Messrs. ROGERSON of Houlton  
HENRY of North Yarmouth  
—of the House

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

Messrs. FICKETT of Naples  
STORY of Washburn  
—of the House

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

In the House: Report was read.  
The Speaker: The Chair recognizes the gentleman from Yarmouth, Mr. Henry.

Mr. HENRY: Mr. Speaker, I move the acceptance of the majority report as amended by Committee Amendments “A” and “B”, and I would like to say a few words on this bill.

The SPEAKER: The gentleman may proceed.

Mr. HENRY: Mr. Speaker, because it appeared that some new evidence might be available, the Committee on Business Legislation asked to have this bill referred back to them when it appeared on the Floor of the House here before but such new evidence as appeared seemed only to confirm the previous opinion of the committee.

This bill was given a regular, public hearing. Everyone who took the trouble to appear was given a chance to voice his opinion, and then the committee in executive session made their decision. I believe that to fully explain this bill in the terminology of the industry would require the services of a full-fledged insurance salesman or at least someone connected with the insurance industry, a man who can talk a lot longer and a lot faster than I can. I am not an insurance salesman or any other kind of a salesman for that matter. I guess today you would call me a buyer because I am sold that this bill is in the interests of the average people of the State of Maine, per-

haps I might say the low-income people of the State of Maine, people like the members of the Legislature. (Laughter)

To put it in as plain language as I am able, I think you might call this bill permissive legislation. It does not require any insurance company to offer the type of policy covered by it nor does it require anyone to buy it if they don't see fit. It does permit those companies which so desire to write automobile liability policies with certain extended coverage provisions of medical, hospital, surgical, funeral and death benefits that we believe many citizens would like to have. The companies which so desire may offer this coverage, and this is the part which appeals to me, in a package form and in such a simple policy form that the average man like me can understand it and know what he is getting and at a price that the average man can afford to pay.

The opposition to this bill seems to come largely from the insurance companies and their salesmen. Certain insurance companies which write a certain type of insurance only. These insurance companies claim that, to a certain extent, it is encroaching on their business. The committee does not feel that that is true, a majority of the committee, I should say. They believe it is going to hit a type of people who do not ordinarily get a health and accident insurance. Anyway, I do not think the committee was too much interested in what the insurance companies thought. They were primarily interested in what was good for the people.

It has also been rumored around that this State is being used as a guinea pig in this legislation. The committee does not believe that is so. We have a telegram here in which 20 states are listed that already have legislation covering this type of policy, perhaps not in the same form as is offered by this bill but in similar form. There are three other states acting on it now; the State of Vermont, for instance, from the last report it had passed the House and was up to the Senate. That is in the form of a rider on another bill. So I think

we are far from being a guinea pig.

There is just one more point I would like to make and that is, as I said before, we believe this covers a type of insurance buyers who are not ordinarily covered by the regular health and accident policy, the lower income bracket people, perhaps. In this State, there are roughly 300,000 automobiles. If the large companies like Travellers, and Aetna put out this policy, and I believe they will, we feel that quite a large proportion of those automobile owners will buy that coverage and on every policy the State will collect a two per cent sales tax. It could amount to a little bit of income to the State that was not previously figured on.

I do not know that there is anything else I want to say about the bill. We hope that you will go along with the committee majority report. Thank you.

The SPEAKER: The gentleman from Yarmouth, Mr. Henry, moves the acceptance of the majority report of the committee "Ought to pass" as amended by Committee Amendment "A" and Committee Amendment "B".

The Chair recognizes the gentleman from Naples, Mr. Fickett.

Mr. FICKETT: Mr. Speaker, I move the indefinite postponement of this bill and the accompanying amendments.

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

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

Mr. ALBEE: Mr. Speaker and Members of the House: I have policies here and I have literature but I would like to correct the gentleman from Naples, Mr. Henry. First of all, the sales tax. There is no sales tax on insurance policies in the State of Maine; there is a direct tax on insurance policies. Secondly, he states there are 26 states which are selling this type of insurance. That is absolutely true. The State of Maine has it: Lumbermen's Mutual, Mass. Bonding Company sell it in Maine but they apply by the law of standard provisions in the law, which this

particular bill proposes to by-pass. I have literature. For example, I have no objection to this bill provided they will use standard provisions to protect the public. That is all I ask and that is all any insurance company asks.

Now, he says he has some insurance companies. The most reputable men I know of, John Hancock Company, Metropolitan, Aetna, Union Mutual, they all came and opposed this bill. But there was a man who was a very clever attorney from Hartford, Connecticut, and I have talked with him, and he has promised to send me the rates on this thing which he hasn't done. Of course, I can read his literature.

Here is Orville B. Graham, Vice President and General Counsel of the Underwriters Insurance Companies. He says: "We understand that there is a bill to permit casualty companies to write disability and death benefits for accident as well as medical, hospital service as part of an automobile liability policy in your Legislature. We think this is going too far. Such policy should have the usual protection of the standard provisions." Now, that is all they ask is the standard provisions. That is the General Counsel.

This is from the National Bureau of Casualty Underwriters, this is what Mr. McWilliams says, "At this writing," now get this, members, "At this writing the proposed program is still in the development stage and has yet to be considered by the American Mutual Alliance and the National Association of Independent Insurers." Signed, Mr. McWilliams.

Here is one from the Mutual Benefit: "The bill is in effect to avoid the standard provision of accident insurance according to law. I can see no reason why this bill could not be passed if the policy so states that it is limited accident contract and providing it carries the standard provisions. Every insurance company wishes to carry the standard provision in that policy."

This is a very interesting one: "Of course, I do not object," I won't give the gentleman's name, this is Connecticut Mutual, "I do

not object to the sale of accident insurance but I do believe all accident insurance should meet the legal requirements and state that they are" — may I pause there and just explain that in 1949, the 94th Legislature presented a bill here to clarify that and insist that they put on the front of their policies in bold type "This is a limited policy. This policy is subject to cancellation. This policy is subject to certain limits and limitations." That is in bold type and that is required by law. This eliminates that. This bypasses all that law. "The effect of this quotation would permit a company to issue such a policy without stating that the coverage was limited. This does not appear to be fair." It is my understanding that such insurance may be issued now and we do, in the State of Maine, have it. However, under the present policy, there is printed on the face in large type the fact that it is a limited policy. The above regulation would eliminate the necessity of this description. This is medical protection.

Now, he stated the other states that have just put this bill through. I wish to state that New York four years ago passed this in the legislature with standard provisions. They have not written one of the policies there yet and it is not a policy that they write, may I say, it is a rider attached to a policy and not a policy.

Now, I have a letter here, also, from the Union Mutual which I don't want to read; it is a very long letter but I do want to state what standard provisions are. I have a policy here, in fact, I have several policies, and they are not facsimiles, ladies and gentlemen, they are actual policies issued to insureds. In all policies of accident insurance, it starts with provision one. Now, let me explain it. This policy shall include the endorsement and attached papers if any and contains the entire contract of insurance and no reduction in the indemnity here provided by reason of change of occupation. May I say that this Document 1210 they are issuing now, and it is stated so by the sponsor of the bill, if a man should buy this or have the rider attached to his policy and



become unemployed and then become injured or taken sick, he cannot collect one cent. This is so stated, and if you will look over the record you will get it.

Now, here is Article 10, Standard Provision. Now, most of you here who sell automobile insurance know of many cases and I have a case now on my own accident of December 28, 1951 which has not been settled yet. But here is what the law says on accident insurance: "Subject to due proof of law," — this is Article 10 of Standard Provisions required by law on accident insurance—"Subject to due proof of law or the accrued indemnity for loss of time on account of this shall be paid at the expiration of 30 days." That is the law. Now, I request this House to kill this bill for that one reason, because it does not protect the insurer.

Now, I have New York Life policies here and life companies are willing to write this. I am willing to write it, we write it and I have no objection for a medical reimbursement rider or a funeral rider that they have on their policies; that is perfectly all right. But, when you go into accident indemnity—and may I read, and here is all I ask them to do. They have a rider on here now, an amendment; I can't understand it and I do not believe anyone else can. It says: "beneficiaries or personal representatives of persons who are killed as a result." Now, they say it is not an accident policy. There is the word "injured" twice in this particular policy and "killed" and I don't know how you would get killed except by an accident. You don't get killed by sickness. It says: "And such provision shall not be deemed an accident automobile policy." Now, if they have the word "injured" in two cases and if they have the word "killed", I don't know what you can call it. And may I say that I have built a history in insurance; it is my thirtieth year in the business in personal accident, health insurance and life insurance, and I can recall the history of Everett Hughes back in 1905 calling the insurance men of this country together to set up same standard of laws to protect the public. I agree with many members of this House, I re-

member that I talked with one or two here, and these men tell me they can remember back when you had to fight an insurance company to get your money and you have to today on a lot of them, and don't forget that.

We started in 1916 the Accident, Health and Security Insurance Companies of America and they did not want to bypass; they wanted to make some laws. So they started to build to protect the public. What they did was to put these standard provisions in to protect the public. They started to sell noncancellable accident insurance, which they can not alter, change or take away as required by the law, which I wish they would do in this particular State in this bill. They have built that up from 1916 to 1952, they have built an amendment and they have fixed this law, of which I am going to read just one or two sections of your chapters here, which are your standard provisions as set forth in Chapter 421 of your Public Laws of the State of Maine. They want to take just one stroke of the pen and just wipe out all these laws that they have in this book and have had them for years. Here is Chapter 421, let me read just one or two little sections in it, it is very interesting. "No statement made by the accident insurer not included herein shall void the policy or be used in a legal proceeding thereon." That is not in the policy mentioned. "Unless the exceptions of a policy", this is Section F of Standard Provisions, it says, "unless the exceptions of a policy be put in with the same promise of the benefits to which they apply, provided however, that any portion of such policy which purports by reason of the circumstances under which the loss is incurred to reduce any indemnity promised therein to an amount less than provided from the same loss occurring under the ordinary circumstances shall be printed in bold face type and with greater prominence than any portion of the text of the policy." This is not the case in this particular thing. In fact, I would like to know what this is; this is permissive legislation. I am going to give you some rates, too, estimated rates. I just want to show you now

the law. Here is Section 10 I read out of the policy: "Upon the request of the insured and subject to due proof of loss, accrued indemnity for loss of time on account of disability will be paid at the expiration of each 30 days." That is in the laws of our State. There are several different sections here. Here is a very fine one to read: "Copy of the application" — now some of you members write automobile insurance. I would like to see if you have this, which the law says they should have to have in accident insurance: "Copy of application: Every accident or casualty policy of insurance issued to a resident of this State by any insurance company, assessment, association or fraternal order which contains a reference to the application of the insured either as a part of the policy or having a bearing thereon shall be attached thereto. A correct copy of the application, unless such copy is attached, the application shall not be considered a part of the policy or to be received in evidence."

So, you can see there are so many loopholes and there are many court cases. I would be very happy to go over this at other time with any individual. I asked to have that tabled back two weeks ago and I was to go before the committee, to which reference was made by Mr. Henry, but it happened to be the evening of the mock session and Mrs. Albee was coming down to the mock session and I was to wait for her here and I had to wait. When I got down to the Augusta House to meet the committee, they had left for the Worster House and I was unable to go and I certainly go along with the gentleman from Naples, Mr. Fickett, in the indefinite postponement of this bill.

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

Mr. FERGUSON: Mr. Speaker and Members of the House: I can very readily see that this is a little competition between the casualty lines and the life insurance companies: I want to go along with the gentleman from Yarmouth, Mr. Henry. I have had some experience with some of our accident, health insurance and life companies, some of the so-called good companies

that are supposed to pay on an accident or sickness. I would like to know just what the poor ones would do if the average policy holder had to go through the trouble that I had to go through to collect. I noticed in the discussion of the gentleman from Portland, Mr. Albee, that he discussed on life companies. So, I wonder if this isn't an act to forestall the casualty companies from coming into the accident and health field. I do not know the law of insurance very well but I should think that I would be inclined to go along with Mr. Henry on his motion and I hope the motion of the gentleman from Naples, Mr. Fickett, does not prevail.

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

Mr. TONDREAU: Mr. Speaker and Members of the House: I suppose that I am at a disadvantage in speaking upon this matter inasmuch as I am not an insurance salesman. I would like to agree first that a difference here exists between the different types of insurance companies. The gentleman from Portland, Mr. Albee, has said that the large companies are not in favor of this and I believe that he named the Metropolitan and others, which I didn't get. Those companies are engaged in the sale of life insurance and they do make a business of selling this insurance covering medical payments, hospitalization and so forth and it was stated at the hearing by one of the members representing those companies that the casualty companies wanted to get by without using the standard provisions; they wanted to take the plum. I do not know whether or not the casualty companies would be getting the plum out of this but I would like to agree with our House Chairman, Mr. Henry, who, I think, did a very good job in explaining why the committee felt that this was a good measure. We felt that it was in the public interest and would allow the common, ordinary citizen who could not afford the premium on medical insurance and hospitalization to buy a complete protection on his automobile which every driver of an automobile should have when he is on a highway to fully protect him.

It was well explained to the committee that there was no logical reason why the casualty companies should come under the standard provisions such as the life insurance companies do. The reason for that being that this type of insurance, when sold to apply only on automobiles, does not depend at all on the type of occupation that the person buying the insurance happens to be in and most of these standard provisions have to do with just that.

Now, the insurance adjustment would be forthcoming no matter what type of work the buyer of the insurance happens to be in. Therefore, it seems to the committee and it seems to me that this legislation is in the interest of the citizens of this State and I move for the acceptance of the committee report.

The SPEAKER: The question before the House is on the motion of the gentleman from Naples, Mr. Fickett, that the two reports and bill be indefinitely postponed.

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

Mr. LOW: Mr. Speaker and Members of the House: The worst reason that can be advanced for passing any legislation is that the State is going to get something out of it. If that was the only criterion we were going to use, I can think of a lot of businesses that we could go into that would really put this State on its feet. Now the only protection the people have in buying an insurance policy is actually the words on it that "this is a limited insurance policy, a limited accident policy". Just think, how many individuals know the contents of an insurance policy when some smart insurance agent sells it to him? You don't know because you don't pay attention to what he is saying but you can read the words "this is a limited accident policy," and that will put anybody on guard. Now, just ask yourself, why don't they want these words put on? That is the only objection we have to the bill because they don't want those words put on. This is a limited accident policy. They don't want to help the public; they want to gyp the public. Now, I am an attorney and, believe me, I know that insurance companies use every phrase

there is in the policy to avoid paying. Now, this bill will be right up their alley. The whole point is that some accident companies are taking a licking on their accident policies and this bill will enable them to sweeten the pot. They can sell this policy and people will think they are getting something but the companies will seldom have to pay. This income can then be used to offset the losses they are taking.

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

Mr. FOGG: Mr. Speaker and Members of the House: I think I am inclined to go along with the gentleman from Portland, Mr. Albee, on this bill because I am inclined to look upon it as a sort of risky piece of legislation.

Now, insurance is very confusing for anybody to understand. I don't think I have to offer any proof of that, and to describe this whole thing thoroughly would take a lot of time and it would just get everybody mixed up. I think the best way that I could describe my feeling on it is that this rider which the policy would permit would be very much the same as buying a \$50 automobile. It enables the owner to say that he owns a car but it is very likely not to provide transportation at a time when he needs it the most.

The SPEAKER: The Chair recognizes the gentleman from Harrison, Mr. Davis.

Mr. DAVIS: Mr. Speaker and Members of the House: I arise in opposition to the indefinite postponement of this bill. I looked it over and I think it is a good bill and I would like to point out to the members, as the gentleman from Portland, Mr. Albee, did that I have had an insurance agent's license for 30 years, to sell general insurance. I have sold this medical payment coverage ever since it came out in 1939 and that is one form of coverage which we have never had any dispute about in settling the claims. They have been paid promptly. The coverage is described in some seven or eight lines in the policy; you can understand it and I can understand it. Now, the gentleman is just trying to confuse the issue when he wants to attach

these standard accident provisions. Anyone who has had any experience with these accident policies know how many questions can arise under them. I can point out to you that the automobile policies are regulated by the Insurance Commissioner.

This medical payment coverage is the best buy, to my mind, on the market as far as the public is concerned. If you ever want to do something to benefit the public, you will vote to pass this bill.

The SPEAKER: The Chair recognizes the gentleman from Washburn, Mr. Story.

Mr. STORY: Mr. Speaker, I didn't intend to say anything on this subject but the greatest objection I have: They insist that this shall not be called an accident policy and come within the law and it is nothing but an accident insurance policy because the benefits are paid only on an automobile accident.

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

Mr. BURGESS: Mr. Speaker and Members of the House: I feel that if I can explain the subject before you well enough, it will leave no doubt in your minds as to the course of action the House should take.

You will note from your calendar what has happened to the measure up to this time. Now, insurance written in Maine, whether on lives, health or property, must be authorized by the statutes enacted by the Legislature and the insurance business, whatever kind it may be, is controlled by the law the Legislature passes and these laws can be found in Chapter 56 and some other provisions throughout the Revised Statutes.

Now, with respect to the automobile policies, you will find fifteen sub-sections, each one of them enumerating a phase of insurance that you can buy. The question before you deals with accidents and it adds the sixteenth section to those sub-sections which care for or provide for the issuance of these particular policies.

Now, on your medical payments—something has been said already with respect to it but I would like to read that section from the stat-

utes which is also in your policy, which relates to medical payments and then I will try to go on from there to the phase which is proposed in L. D. 1210. "To pay all reasonable expenses incurred within one year from the date of accident for necessary medical, surgical, ambulance, hospital, professional, nursing and funeral services to or for each person who sustains bodily injury, sickness or disease caused by accident while in or upon any or alighting from the automobile if the automobile is driven by the man insured or with his permission."

Now, starting in a small way, this medical coverage has now reached the point where perhaps close to 60 per cent of the buyers of automobile insurance are carrying that medical coverage in their regular automobile policy. You do not have to buy it and if you buy it along with your liability policy, you pay an additional premium for the provisions which it guarantees to you under the policy. So that L. D. 1210, the subject before the House, simply proposes to add another extension, another section to your laws, which would provide an additional coverage, namely that of insuring yourself and your wife while in your automobile, whether you are hit by a taxicab, another motor vehicle or wherever it may occur providing the accident is by automobile.

L. D. 1210 is designated to authorize the extension of the present medical coverages under automobile liability insurance policies to cover any accident involving the operator; to subject that coverage to the laws of Maine governing automobile liability policies and accordingly to except the extensions from the laws governing personal accident and sickness insurance policies, which are generally written by life insurance companies.

I do not know that I need to take too much of your time but let me point out just briefly, what this type of insurance would do. It would authorize, this automobile policy of yours, to provide that you receive \$25 or \$50 a week for 200 weeks if you were disabled in any accident involving an automobile. Additional premiums for the \$25

weekly would be \$3.50 and for the \$50 weekly, \$7.00. That week, it would pay your wife or your estate, if you were killed by an automobile, such sum as you choose to carry from \$1,000 to \$10,000 at a premium of \$1.00 per \$1,000. Understand that this is strictly and completely enabling and permissive legislation. No company is compelled to sell it and no buyer is compelled to buy it.

Now, if there is any question in your mind as to whether it would come under the regulations of the Insurance Department, you need only to look at Committee Amendments "A" and "B", particularly Committee Amendment "B" and if you apply Committee Amendment "B" to L.D. 1210, it would read, the last line: "and such provisions shall not be deemed to be an accident insurance policy within the life, personal accident or health insurance provisions of the revised statutes."

Ladies and gentlemen of the House, I am firmly convinced that the greatest opposition to this particular measure is that it will set up competition to certain companies who are selling this type of insurance at the present time at a higher rate. No company has to write it and no buyer has to buy it, but, in my opinion, it will provide a type of accident and life insurance within the reach of people who cannot afford that type of insurance at the present time and therefore do not carry that type of insurance.

I hope that the motion of the gentleman from Naples, my good friend, Mr. Fickett, to indefinitely postpone does not prevail and that you will accept and follow through what has happened to the bill by the acceptance of the majority "Ought to pass" report. I firmly believe that you will be doing the public and particularly the lower income groups of the State a special favor.

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

Mr. ALBEE: Mr. Speaker and Members of the House: I think a few corrections should be made here. They have been making a few misleading questions. You will

note that I said: "I am very happy that any company may write medical reimbursement;" they all write it and they are real policies here now and they say that life companies object to this. They are absolutely wrong. There are only 22 life companies now writing health and accident insurance. It is all done by individuals, accident and health companies governed by the standard provisions of our State.

I note that the gentleman from Limestone, Mr. Burgess, has made some statements here on this medical reimbursement and has made some statements on the cost of the insurance. I have talked and I have asked, and if you will recall in my first remarks I said I was expecting a letter from Mr. Harbenson of the Travellers Insurance Company setting forth the rates. Mr. Mahoney of the Insurance Department yesterday, whom I contacted and asked him if he had a facsimile, I knew the policies; he said: "I have no riders and I have no rates." The only thing I have is the information that I listened to at the hearing, which was medical expense \$250 to \$5,000, which you can buy now in the State of Maine under a policy that the gentleman from Limestone (Mr. Burgess) mentioned. Also \$3.00 to \$8.00 and he didn't know what that was, but this is estimated figures. \$25 a week, and this is what I want to go into with you, members, \$25 a week, now believe this, if you have a policy here that belongs to a gentleman in Augusta, an accident policy that cost him for \$50 a week, it cost him \$52 a year with \$1,000 accidental death. They have refused to sell it for \$50 a week for \$7.00 a year. I am just wondering how they can do it.

Now, \$1,000 for accidental death, \$1.00 per \$1,000; that is perfectly all right; they can do it because in automobile accidents last year there were about 99,000 odd people killed in the United States through automobiles so they can very well settle for 25 cents a thousand and make money. These rates have not been substantiated; they have not been given the Insurance Department. As he says, it is permissive legislation and that is true. Ladies and

gentlemen, this is just something to get through; you don't know what the rates are going to be and if you will read, as I said before, it says: "This shall not be deemed an accident policy" and, as the gentleman from Limestone (Mr. Burgess) mentioned, they are going to pay \$25 a week for accident up to 200 weeks. Ladies and gentlemen, is that an accident policy?

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

Mr. FERGUSON: Mr. Speaker and Members of the House: I am not too concerned about getting the limited policy into any of these policies. I think that you will have just as good a chance of collecting from them as some of the companies which are writing non-cancellable and guaranteed renewable policies. These fellows I refer to couldn't collect on either. And another thing: We do not have to buy this policy. It is permissive legislation and I want to say again that I hope that the motion of my friend, the gentleman from Naples, Mr. Fickett, does not prevail.

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

Mr. FULLER: Mr. Speaker and Members of the House: I sympathize with the proponents of this measure in that they want to provide low-cost insurance to more people but I am compelled to go along with the gentleman from Portland, Mr. Albee, to the extent that I am doubtful about writing death and disability insurance outside of the standard provisions.

The SPEAKER: Is the House ready for the question?

The question before the House is on the motion of the gentleman from Naples, Mr. Fickett, that the two reports and Bill "An Act relating to Certain Policies of Insurance by Companies Organized under General Law", Senate Paper 433, Legislative Document 1210, be indefinitely postponed.

Mr. ALBEE: Mr. Speaker, I request a division.

The SPEAKER: The gentleman from Portland, Mr. Albee, has requested a division.

As many as are in favor of the motion of the gentleman from

Naples, Mr. Fickett, that the two reports and bill be indefinitely postponed will kindly rise and remain standing in their places until the monitors have made and returned the count.

A division of the House was had. Thirty-four having voted in the affirmative and fifty-eight having voted in the negative, the motion to indefinitely postpone the two Reports and Bill did not prevail.

Thereupon, on motion of Mr. Henry of Yarmouth, the majority report was accepted in concurrence and the Bill was then given its two several readings.

The Clerk then read Committee Amendment "A" as follows:

COMMITTEE AMENDMENT "A" to S. P. 433, L. D. 1210, Bill, "An Act Relating to Certain Policies of Insurance Companies Organized under the General Law."

Amend said bill by inserting the underlined word 'automobile' in the 13th line after the underlined word "an"

Committee Amendment "A" was adopted in concurrence.

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

COMMITTEE AMENDMENT "B" to S. P. 433, L. D. 1210, Bill, "An Act Relating to Certain Policies of Insurance Companies Organized under the General Law."

Amend said bill by striking out the underlined punctuation at the end thereof "." and adding the following underlined words and punctuation 'within the life, personal accident or health insurance provisions of the revised statutes.'

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

#### Non-Concurrent Matter

Bill "An Act relating to Minimum Salaries for Teachers" (H. P. 324) (L. D. 392) which was passed to be engrossed as amended by Committee Amendment "A" in the House on May 2.

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

Mr. FULLER: Mr. Speaker, Senate Amendment "A" is a constitutional matter and I therefore move that we recede and concur with the Senate.

The SPEAKER: The gentleman from South Portland, moves that the House recede and concur.

The Clerk will read Senate Amendment "A" to Committee Amendment "A".

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

SENATE AMENDMENT "A" to Committee Amendment "A" to H. P. 324, L. D. 392, Bill "An Act Relating to Minimum Salaries for Teachers."

Amend said Amendment by striking out the word "sentence" in the 3rd line of the 3rd paragraph and inserting in place thereof the word 'sentence'.

Further amend said Amendment by adding at the end of the 3rd paragraph the following underlined sentence: **'Any city, town, plantation or community school district which fails to comply with any of these conditions shall have deducted from its apportionment a sum equal to that by which it is delinquent.'**

The SPEAKER: The gentleman from South Portland, Mr. Fuller, moves that the House recede from its action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" on May 2 and recede from its action whereby Committee Amendment "A" was adopted; that Senate Amendment "A" to Committee Amendment "A" be adopted in concurrence; that Committee Amendment "A" as amended by Senate Amendment "A" thereto be adopted in concurrence and the Bill be passed to be engrossed as amended by Committee Amendment "A" as amended by Senate Amendment "A" thereto in concurrence and sent to the Senate.

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

Mr. RICH: Mr. Speaker and Members of the House: I just feel that there is something overlooked in this bill.

As I understand it, a person who has a Bachelor's degree and who has had eight years of experience cannot be hired by any school board for less than \$3,200. I grant that the teacher probably should receive that amount, but I was talking with one of the teachers in our neighboring town, who is a University of Maine graduate and had had eight years' experience or more in teaching, and she said this bill was going to legislate her out of a job, and she is teaching in a small country town, the Principal of a Grammar School, at a salary of \$1,900.

Now I realize that your Committee Amendment "A", saying that no town shall be required to raise a salary more than \$300 in any one year partly takes care of that matter, but if she continued to teach, we will say for five years, and it is going to get up to that point where this town—where the School Board—would be inclined to hire an inexperienced teacher rather than pay \$3,000 or \$3,200 to this teacher with the larger experience and probably better ability than a new teacher would have.

I do not like legislation that deprives a community or a teacher of freedom of action. Just suppose that I wanted to get a job teaching school, and I am not going to, I couldn't hire, as I understand this bill, with any school to teach we will say a course in mathematics, history or something that I might be qualified, or maybe at some time in the past I was qualified, to teach, for less than \$3,200. If I wanted a job as a teacher in the adjoining town of Bradford, in our High School, I could get it because they couldn't pay \$3,200 for an assistant in the High School.

Our Minister in our home church supplements his earnings—we parishioners don't pay him enough—and he supplements his earnings by teaching two or three courses in history, and he gets \$1,800 a year. As I see this bill, if he moved over into the town of Bradford to preach, he couldn't teach in that town for less than \$3,200, no matter if he only taught two hours a day or

three hours a day, as the case might be.

I don't want to throw any cold water on this legislation. I am entirely in favor of teachers getting adequate pay and I think they have been greatly underpaid, but I just wonder if we could have some amendment that would take care of some of these isolated cases, and maybe there are more than you think. I know two or three men in my town are getting along in years and who have Masters' degrees. According to this law, as I see it, they couldn't be hired to teach for less than \$3,600, and perhaps they might, in their later years, be willing and glad to accept a position as a teacher of history or science or whatever they might be qualified for and to teach for \$2,500 or \$3,000 rather than have to be idle for the rest of their lives.

Perhaps I am speaking out of order and just killing time here, and I don't want to do that, but I just wonder if we could have some sort of an amendment to this bill to take care of it. I think Committee Amendment "A" was a big step in the right direction, but I just wonder if we couldn't make another amendment there that might take care of some of those cases.

The SPEAKER: The Chair understands that the gentleman from Charleston, Mr. Rich, has no amendment to offer and thereby the Chair understands that the gentleman is primarily requesting information of anyone.

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

Mr. CRABTREE: Mr. Speaker, I don't want to start another lengthy discussion about this matter. We have had it. There will always be isolated cases, I am sure, in every attempt to set standards of education. That is almost unavoidable.

I think the thing that most of us feel - it seems as though we do - is the simple fact that this year there are twenty-four thousand children in this State who are being taught by teachers who do not have certification standards, and in another year there will be another ten thousand. The bill is cushioned on the \$300. increase each year, and it seems to me it comes

as near as possible to doing the job of setting a standard and encouraging an increase in the quality of our education in the State of Maine. It truly is an almost too modest bill.

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

Mr. FULLER: Mr. Speaker, I could offer a suggestion to help the gentleman from Charleston, Mr. Rich, I think. If the school committee at any time wanted to put that teacher on a substitute basis, they could pay her as little or as much as they wanted to pay.

The SPEAKER: The question before the House is on the motion of the gentleman from South Portland, Mr. Fuller, that the House recede from its former action whereby it passed Bill "An Act relating to Minimum Salaries for Teachers", House Paper 324, Legislative Document 392, to be engrossed as amended by Committee Amendment "A"; and its action whereby Committee Amendment "A" was adopted; that the House adopt Senate Amendment "A" to Committee Amendment "A"; and then adopt Committee Amendment "A" as amended by Senate Amendment "A" thereto; and that the House now pass the Bill to be engrossed as amended by Committee Amendment "A" as amended by Senate Amendment "A" thereto, in concurrence.

In the interests of fairness, the Chair has just been informed that another amendment to this matter is being prepared at this moment.

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

Mr. CRABTREE: Mr. Speaker, if I am in order on this matter, the amendment is one by Mr. Small. He told me in the corridor a few minutes ago that he does not intend to present that amendment, if that is the one you are talking about.

The SPEAKER: The Chair thanks the gentleman and appreciates the information.

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



The SPEAKER: The Chair understands that the gentleman from South Portland, Mr. Fuller, has a unanimous consent request to introduce at this time.

The Chair recognizes that gentleman.

Mr. FULLER: Mr. Speaker, I ask unanimous consent that unless previous notice is given to the Clerk of the House of intention to move reconsideration, that the Clerk be authorized to send to the Engrossing Department forthwith, after action by the House, all matters passed to be engrossed at this morning's session, and to send to the Senate all matters acted upon at this morning's session that require Senate concurrence, one and one-half hours after the House recesses, and after such matters have been sent forward by the Clerk, no motion to reconsider shall be entertained.

The SPEAKER: Does the Chair hear objection to the unanimous consent request as presented by the gentleman from South Portland, Mr. Fuller? The Chair hears none, and it is so ordered.

#### Non-Concurrent Matter

Bill "An Act relating to Explosives" (H. P. 671) (L. D. 714) on which the House accepted the "Ought not to pass" Report of the Committee on April 15.

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

In the House:

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

Mr. LOW: Mr. Speaker and Members of the House: It seems to me that this is almost a perfect example of how not to pass legislation. The original bill "An Act relating to Explosives" was referred to the Legal Affairs Committee as L. D. Number 714. This bill had its hearing, and the House, on April 15th, accepted the "Ought not to pass" report. Thereupon, the proponent proceeded to make an entirely new draft, L. D. 1550, which you have before you. It is five pages long, it has all kinds of regulations, penalties, fines and so forth. As far as I know, the bill has never had a

hearing—the new draft has never had a hearing; the people like the cement companies, the quarries, the contractors and others who use explosives have had no chance to even find out what is proposed, let alone criticize it. We are in the last few days of our session; there is no way to have a hearing so far as I can see, and we are expected to pass this legislation on faith or hope or something or other.

In view of these facts I move indefinite postponement of L. D. Number 1550 and the accompanying amendments and papers.

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

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

Mr. LOW: Mr. Speaker. I move that we adhere.

The SPEAKER: The gentleman from Rockland, Mr. Low, moves that the House adhere.

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

Mr. STEWART: Mr. Speaker, this bill, as was noted by the gentleman from Rockland, (Mr. Low) was recommitted to the Committee on Legal Affairs, and at that time the representatives of the Insurance Commission indicated that there was need for such a measure to protect the public and to protect the public safety.

The bill was gone over in some detail in committee. Some of the more objectionable features of the original legislation were taken from the bill, and the bill was passed out in new draft, as indicated by Legislative Document 1550.

Now I feel that we have something here that we need to give serious consideration to. It is something which gives proper protection to the life and safety of the public.

It is true that the new draft was not given any hearing but it differs only in detail from the original draft, which was given a hearing, and if the gentleman from Rockland (Mr. Low) wishes to take this up with people from his section who may be interested in it, to see whether or not it affects them harmfully, I think there is still an element of time that will permit that, and so, for that purpose, Mr.

Speaker, I move that this item be laid upon the table, unassigned.

(Calls of "No")

The SPEAKER: The gentleman from Portland, Mr. Stewart, moves that the matter lie on the table unassigned. The motion is in order.

As many as are in favor of the motion of the gentleman from Portland, Mr. Stewart, that this matter lie on the table unassigned will please say aye; those opposed, no.

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

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

Mr. JACOBS: Mr. Speaker and Members of the House: The handling of explosives in the State of Maine is surrounded by laws that are sufficient to take care of this proposition. I probably have handled explosives for as many years as anyone in this House or anyone in the State of Maine, for forty-five years, and I am here, alive, to tell it.

Explosives are handled today in a different manner than they were handled years ago. In my town for many years explosives were handled beneath a hotel for twenty-five or thirty years, and no accidents. I am allowed to have fifty pounds of explosives in my store, my own building, with nobody else but myself and my employees.

I have a magazine two miles from the town, the city of Auburn, half a mile from the main road, surrounded by a ten-foot barbed wire fence, and I think that this business is surrounded by all the necessary laws in this five-page pamphlet on explosives. If you want to buy a stick of dynamite from my store, you would have to get a police officer to come along with you, to take you out of town. Now if that should go off, where would the police officer and you be? It is perfectly safe to handle this explosive if it is handled properly and under the section of the provisions of the State of Maine, and we are doing so, so I hope that the members of this House will vote to adhere.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Rockland, Mr. Low, that the House adhere to its

former action. Is this the pleasure of the House? All those in favor will please say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed and the House voted to adhere.

#### Non-Concurrent Matter

Bill "An Act relating to Inflammable Oils and Liquids" (H. P. 673) (L. D. 716) which was recommitted to the Committee on Legal Affairs in the House on April 17.

Came from the Senate with the Report of the Committee reporting "Ought to pass" as amended by Committee Amendment "A" accepted, Committee Amendment "A" indefinitely postponed and the Bill passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

In the House:

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

Mr. STEWART: Mr. Speaker, on this Item, Bill "An Act relating to Inflammable Oils and Liquids," I move that the House recede and concur with the Senate.

The SPEAKER: The gentleman from Paris, Mr. Stewart, moves that the House recede and concur.

Thereupon, the motion prevailed, and the House voted to recede from its former action whereby the Bill was recommitted to the Committee on Legal Affairs on April 17; and further voted that the report of the Committee, "Ought to pass" as amended by Committee Amendment "A", be accepted in concurrence.

The Bill was then given its two several readings.

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

COMMITTEE AMENDMENT "A" to H. P. 673, L. D. 716, Bill "An Act Relating to Inflammable Oils and Liquids."

Amend said Bill by striking out all of the first paragraph of section 41-O appearing after the section number and head note.

The SPEAKER: The Chair understands that the gentleman from Paris, Mr. Stewart, moves that Committee Amendment "A" be indefinitely postponed in con-

currence with the Senate. Is this the pleasure of the House?

The motion prevailed.

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

SENATE AMENDMENT "A" to H. P. 673, L. D. 716, Bill "An Act Relating to Inflammable Oils and Liquids."

Amend said Bill by striking out all after the enacting clause and inserting the following:

"Sec. 1. R. S., c. 85, sections 41-N and 41-O, additional. Chapter 85 of the revised statutes is hereby amended by adding thereto 2 new sections, to be numbered 41-N and 41-O, to read as follows:

**Sec. 41-N. Keeping of flammable liquids restricted.** It shall be unlawful for any person, firm or corporation to keep, store, transport, sell or use any liquefied gas, manufactured or artificial gas, crude petroleum, coal oils, burning fluids, benzine, benzol, gasoline, naphtha, ether, or other like volatile combustibles, or other compounds, in such manner or under such circumstances as will unreasonably jeopardize life or property.

**Sec. 41-O. Regulations authorized.** The insurance commissioner is hereby authorized to make, amend or rescind, after public hearing thereon, notice of which has been duly advertised in the state paper, reasonable rules and regulations to enforce the provisions of Section 41-N. Such rules shall prescribe the materials, construction and design of tanks, receptacles, buildings and vehicles used in connection with the keeping, storage, use, manufacture, sale, handling, transportation or other disposition of the inflammables referred to in Sec. 41-N by any person, firm or corporation and may establish minimum standards for correctness of design, construction and performance of appliances containing or using such fluids or gases, or generating the same. All rules and regulations so promulgated, when approved by the governor and council, and filed with the secretary of state, shall have the force of law, insofar as they are not inconsistent with the provisions of this section and section 41-N, and shall be enforced by the commissioner. The commissioner and his

representatives shall have free access at all reasonable hours to all premises in which inflammable liquids may be kept or stored.

Any person, including officers and agents of any corporation, violating any provision of sections 41-N or 41-O, or any lawful rule or regulation promulgated thereunder, shall be punished by a fine of not more than \$200, or by imprisonment for not more than 3 months, or by both such fine and imprisonment.

**Sec. 2. Appeal.** Any person aggrieved by any such rule and regulation or the reasonableness of same, or any act or order of the insurance commissioner in enforcing any such rule or order, may appeal to the justice of the superior court by presenting to him a petition therefor in term time or vacation, and such justice shall fix the time and place of hearing and cause notice thereof to be given to the commissioner; and after such hearing, the justice may affirm, modify or reverse the decision of the commissioner and shall remand the case to the commissioner for execution in accordance with the court decree.

**Sec. 3. Repealing clause.** Section 42 of chapter 85 of the revised statutes is hereby repealed, provided, however, that any rules and regulations adopted by the Insurance Commissioner under section 42 shall be deemed to have been adopted under the provisions of this act and shall continue in full force and effect until amended or revised in accordance with the provisions of this act.'

The SPEAKER: The same gentleman moves that Senate Amendment "A" be adopted in concurrence. Is this the pleasure of the House?

The motion prevailed; and the Bill was assigned for third reading tomorrow morning.

#### Non-Concurrent Matter

Bill "An Act relating to Duties of Parole Board" (H. P. 824) (L. D. 855) which was passed to be engrossed as amended by Committee Amendment "A" in the House on April 21.

Came from the Senate passed to be engrossed as amended by Com-

mittee Amendment "A" and Senate Amendment "A" in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Jay, Mr. Macomber.

Mr. MACOMBER: Mr. Speaker and Members of the House: I move that we recede and concur with the Senate.

The SPEAKER: The gentleman from Jay, Mr. Macomber, moves that the House recede and concur with the Senate.

The Clerk will read Senate Amendment "A".

SENATE AMENDMENT "A" to H. P. 824, L. D. 855, Bill "An Act Relating to Duties of Parole Board."

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

'**Sec. 11. Appropriation.** There is hereby appropriated from the general fund for the purposes of this act the sum of \$720 for the fiscal year ending June 30, 1954, and \$720 for the fiscal year ending June 30, 1955.'

Thereupon, on motion of Mr. Macomber, the House voted to recede from its former action whereby it passed this Bill to be engrossed as amended by Committee Amendment "A" on April 21.

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.

#### Non-Concurrent Matter

Resolve Proposing an Amendment to the Constitution Providing for Two State Senators from Each County (H. P. 1170) (L. D. 1325) on which the House accepted the Minority Report of the Committee reporting "Ought to pass" and passed the Resolve to be engrossed on May 2.

Came from the Senate with the Majority Report of the Committee reporting "Ought not to pass" accepted in non-concurrence.

In the House:

On motion of Mr. Childs of Portland, the House voted to recede from its former action and concur

with the Senate in the acceptance of the "Ought not to pass" report.

#### Non-Concurrent Matter

An Act relating to Salaries of Public Utilities Commission (H. P. 1211) (L. D. 1382) which was passed to be enacted in the House on April 8, and passed to be engrossed on March 26.

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

In the House:

The House voted to recede from its former action whereby it passed this Bill to be enacted in the House on April 8; and further voted to recede from its former action whereby it passed the Bill to be engrossed without amendment on March 26.

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

SENATE AMENDMENT "A" to H. P. 1211, L. D. 1382, Bill "An Act Relating to Salaries of Public Utilities Commission."

Amend said Bill by inserting after section 1, the following:

'**Sec. 2. Appropriation.** There is hereby appropriated from the general fund to carry out the purposes of this act the sum of \$5,000 for the fiscal year ending June 30, 1954 and \$5,000 for the fiscal year ending June 30, 1955.'

Further amend said Bill by re-numbering section 2 to be section 3.

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

The SPEAKER: At this time the Chair notes the presence, in the balcony of the Hall of the House, of thirteen members of the Tri-Hi-Y Club from Winthrop.

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

#### Orders Tabled

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

Mr. CRABTREE: Mr. Speaker, I present an order and move its pas-

sage, and after it is read by the Clerk I would like to say just a couple of words about it.

The SPEAKER: The gentleman from Island Falls, Mr. Crabtree, presents an order and moves its passage. The Clerk will read the order.

ORDERED, That the Educational Department be requested to have reproduced sufficient copies of the mimeographed manual entitled "Administrative Agencies, Structure and Functions" which was issued by the Citizens State Government Committee in October, 1952, for distribution to teachers of Social Sciences and Problems of Government and Democracy in the several secondary schools of the state and that the several state departments be requested to cooperate with the Department of Education in furnishing information and stencils for that purpose.

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

Mr. CRABTREE: Mr. Speaker, it is so long ago that we received this, I am going to move now that we lay this on the table so that the members can become familiar with the order and refer possibly to this manual of Administrative Agencies, Structure and Functions. It is the only thing of its kind that I know about in the State, and it seems to me a very small cost which may be incurred. It would be highly valuable in the classes as read, but I do want the members to know what I am talking about and have an opportunity to study it so I will move to lay it on the table.

The SPEAKER: The gentleman from Island Falls, Mr. Crabtree, moves that this order be reproduced, and lie on the table, unassigned, pending his motion for passage. Is this the pleasure of the House?

The motion prevailed.

On motion of Mr. DeBeck of Holden, it was

ORDERED, that Mr. Tupper of Boothbay Harbor be excused from attendance on Tuesday, Wednesday and Thursday of this week because it is necessary for him to be out of the State on business.

AND BE IT FURTHER ORDERED, that Mr. Frechette of San-

ford be excused from attendance this week because of business.

#### Tabled

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

Mr. SENTER: Mr. Speaker, I present an order and move its passage, and after the order is read I would like the privilege of speaking on it.

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

ORDERED, that the Department of Government of the University of Maine be requested to prepare a simplified manual of legislative procedure, including information desirable to acquaint new legislators with their duties and that the same be reproduced at legislative expense and distributed to members elect of the 97th Legislature in advance of the convening of same.

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

Mr. SENTER: Mr. Speaker and Members of the House: Before the last session adjourned, that is, before the 95th Legislature adjourned, the House adopted the order which I will read, which is similar to this order. I offered that order. It was "Ordered, that the Clerk of the House be requested to prepare a simplified manual of legislative procedure adapted to the use of newly elected members and investigate the advisability of inaugurating a series of instructional meetings at the opening of the next regular session."

I would like to say that a great deal of material on this subject was gathered. At the present time that material has been gathered and is at the Maine State Library.

The Clerk of the House, who has in his mind, a wealth of material on this subject, has tried to put down some of that material, but because he has to earn a living like you and I, after the Legislature adjourns, he was unable to prepare this manual which he is vitally interested in. It is my understanding that he will cooperate with the department of government of the University of Maine in the prepara-

tion of that part of the manual referring to legislative procedure.

Our present Speaker did inaugurate, as you know, several instructional meetings on legislative procedure.

It is my belief that we could do a better job for the State of Maine and for our respective communities if we were better prepared to do that job early in the session. I think it is ridiculous to ask a man to do a job if you don't give him tools, and once you give him those tools, tell him how to use those tools.

I thought you might be interested to know what one state at least has done on this subject, and I have before me here a manual for new legislators, prepared by the Wisconsin Legislative Research Library. I would just like to read you the topic considered here, and I would like to ask you to consider that if you had had the opportunity to read such a manual, don't you think it would have helped you this session?

**"The First Day of the Legislative Session**

The rules Governing the Legislative Process

The Committee System

The Steps in Passing a Bill

Voting in the Legislature

Documents used by the Legislature, the Calendar, the Journal, Resolutions, a Bill

Legislative Service Agencies

The Staff of the Senate and Assembly

The Wisconsin Blue Book

Administrative Departments, which is covered in the order which has just been presented

Miscellaneous Problems of the New Legislature

How does a Legislator Get Paid?

The Handling of Legislative Mail

What Material does the Legislator Receive to Assist him, and so forth."

Now, I submit to you that it may be difficult for you now to put yourself in the position that you were in on that day in January when you entered upon your duties, particularly if this was your first session, and if you can put yourself back in that position, I think you agree that some aid of this kind would

have been extremely helpful, and you will note that the order reads that "the manual should be sent to the homes of the elected Representatives before the Legislature convenes."

It is my opinion that we have so many reports and information presented to us after we take on our duties that we don't have time to read them.

I hope, with these few remarks, that the order will have passage.

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

Mr. CRABTREE: Mr. Speaker, I feel that there may be a lot of merit in that order; it goes further than my little order, but I think that that too should be reproduced and tabled so as to give us an opportunity of looking it over and checking on modus operandi and so forth.

I move that we table the order and have it reproduced.

The SPEAKER: The gentleman from Island Falls, Mr. Crabtree, moves that the order be tabled and reproduced pending the motion of the gentleman from Brunswick, Mr. Senter, that it receive passage.

For what purpose does the gentleman from Portland, Mr. McGlaufflin, desire recognition?

Mr. McGLAUFFLIN: Mr. Speaker, I think that the method that was pursued —

The SPEAKER: The Chair has to inform the gentleman that a motion to table is not debatable except as to time only.

Mr. McGLAUFFLIN: Mr. Speaker, I beg your pardon.

The SPEAKER: The question before the House is on the motion of the gentleman from Island Falls, Mr. Crabtree, that this order be reproduced and lie on the table, unassigned, pending the motion of the gentleman from Brunswick, Mr. Senter, that it receive passage. Is this the pleasure of the House?

The motion prevailed, and the Order was so tabled and ordered reproduced.

The SPEAKER: The Chair notes the presence, in the balcony of the Hall of the House, of a group of seventeen pupils from Owl's Head School, in charge of Mr. Ashley Gray, Principal, as well as Mrs.

Knowlton, Mrs. Ross and Mrs. Edward.

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

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

Thereupon, Mr. Woodcock was escorted by the Sergeant-at-Arms to the rostrum, where he assumed the Chair, amid the applause of the House, and Speaker Bates retired.

The Speaker pro tem: The House is continuing under orders.

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

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

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

Because of the following obvious facts,

WHEREAS, that in 1951 two special chairs had to be and were purchased for two members of the 95th Legislature;

WHEREAS, these two chairs were distinctly out-size and suitable only to members whose personal type of architecture is of a most unusual cubic area and while conforming with reasonable comfort to these two members of the 95th and 96th Legislatures that it is not likely that at the completion of the term or terms of these members that ever again will chairs of this size and peculiar architecture be needed;

WHEREAS, that even with proposed additions to the State House that a serious storage problem is involved in these two chairs;

WHEREAS, stress and strain may have had serious effects on the chairs anyway;

BE IT NOW ORDERED, that this 96th Legislature present with its compliments these two above mentioned special chairs to Representative Cote of Lewiston and Representative Crabtree of Island Falls, to be delivered to them at the completion of the 96th Legislature, the only provision being that if they are subsequently elected to

the Maine Legislature that they bring their chairs with them.

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

The order received passage.

#### House Report of Committee Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act relating to Local Option for Horse Racing" (H. P. 974) (L. D. 1062)

Report was signed by the following members:

Mr. WEEKS of Cumberland  
— of the Senate

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

Minority Report of same Committee on same Bill reporting same in a new draft (H. P. 1301) (L. D. 1551) under title of "An Act relating to Referendum for Pari Mutuel Horse Racing" and that it "Ought to pass"

Report was signed by the following members:

Mr. CHAPMAN of Cumberland  
— of the Senate  
Mr. STEWART of Portland  
— of the House

Report was read.

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

Mr. STEWART: Mr. Speaker, I move the acceptance of the minority report. If you will study the report in your hand very carefully I am sure that you will probably suggest that I should have lobbied the members of my committee a little bit more diligently and gotten a few more of them to sign my side of the report before presenting this matter to the Legislature for your consideration.

However, I would like to say that the idea presented in this bill, the idea of the referendum, has been approved many times in this Legislature. On many types of discus-

sion we have concluded with the remarks that this sort of thing ought at least to be considered by the people in the areas involved, and sometimes that has sold legislation to the members of this body. It is my feeling that on this type of measure that this ought especially to be true. We are affected by running race activities in the Cumberland County area, and it seems to me that we in that area ought to have the opportunity of passing upon whether or not we want in our area a type of activity which siphons out of the general business of the community over \$6,000,000 in the course of two months every summer.

It seems to me that the people of that area ought to have something to say about whether or not we want running racing thrust upon us.

Now the idea of a referendum or local option in regard to this type of activity have been approved similarly to the sale of liquor. Now it might be said that when a man sets up in business and sets up an investment that we ought not lightly to take away from him. The idea of a referendum was presented in connection with this bill originally, and it was turned down by a very close vote. We have a local option each and every two years on the question of liquor, in which the people have a chance to say whether or not they want liquor in their community, so we have a solid precedent for this type of legislation.

This will not cost any more; I think the item of cost enters into your consideration at this stage of legislative procedure; this referendum would be at a regular election, also it would be upon the solicitation of ten per cent of the people of that area who voted in the previous gubernatorial election. I would like also to point out that in case this Legislature finally adopts the provisions of night racing, that those provisions might also be included in your referendum bill.

Now in conclusion I would like to say that perhaps no one will be more surprised than I will be if you accept the minority report, and yet it does seem to me that the people

of our area ought to have a chance to say whether or not we want running racing. I move the acceptance of the minority report.

The SPEAKER pro tem: The gentleman from Portland, Mr. Stewart, moves the acceptance of the minority report, "Ought to pass" in New Draft.

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

Mr. CHILDS: Mr. Speaker and Members of the House: I want to say that Mr. Stewart has already given you my thoughts in the matter. I generally would go along with a referendum on measures such as this, but as only two sessions ago we established this place, and there has been a tremendous investment out there, as you all know—we have heard enough about it in the last week—I don't believe, in all fairness to them, that it would be right to now put in a local option and very possibly put them out of business. I therefore move the indefinite postponement of both reports and the bill.

The SPEAKER pro tem: The gentleman from Portland, Mr. Childs, moves that both reports and bill be indefinitely postponed.

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

Mr. GOWELL: Mr. Speaker, I wish to state that the majority of the Legal Affairs Committee considered this bill very impractical, and as many of the members recall, a hearing was held in this House and the Secretary of State's Department were present, and they pointed out that this bill would involve quite a considerable amount of work in that department, and also there would be considerable expense incurred. I trust the majority report of the Committee, "Ought not to pass," will be accepted.

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

Mr. SENTER: Mr. Speaker, I would like to address an inquiry to the gentleman from Portland, Mr. Stewart.

The SPEAKER pro tem: The gentleman from Brunswick, Mr. Senter, wishes to address an inquiry to the gentleman from Portland, Mr. Stewart. The gentleman may place the inquiry through the Chair.



Mr. SENTER: Mr. Speaker, I would like to ask Mr. Stewart if this referendum applies to pari-mutuel harness horse races as well as pari-mutuel running horse races.

The SPEAKER pro tem: The gentleman from Portland, Mr. Stewart, may reply to the inquiry if he so sees fit.

Mr. STEWART: Mr. Speaker, in answer, I would like to say that it applies to only pari-mutuel running horse racing. We have tried to sell the idea to both the representatives of Scarborough and the representatives of Gorham, and neither of them seem to buy the idea, so I think perhaps the only ones that might are the public. I hope that the public, as represented here, may accept the minority report.

The SPEAKER pro tem: The gentleman has answered the question.

The question before the House is on the motion of the gentleman from Portland, Mr. Childs, that both reports, together with the bill, be indefinitely postponed. Is this the pleasure of the House?

(Calls of "No" and "Yes")

All those in favor of the indefinite postponement of both reports, together with the bill, will say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed, and the two Reports, with the Bill were indefinitely postponed and were sent up for concurrence.

#### Passed to Be Engrossed

Bill "An Act relating to the Issuance of Operators' Licenses from Date of Birth" (H. P. 878) (L. D. 870)

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

#### Indefinitely Postponed

Resolve Prohibiting the Use of Live Bait in Lakes and Ponds of T. 15, R. 9, Aroostook County (H. P. 171) (L. D. 167)

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

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker and Members of the House, I fail to see the need or the reason or the demand for this resolve. Sportsmen

who have fished this chain of lakes have told me they have never seen anyone fish those waters with live bait. Live bait fishing there is certainly not prevalent; it is not prevalent sufficiently to constitute a menace, therefore I believe this resolve is unnecessary, and Mr. Speaker, I move for the indefinite postponement.

The SPEAKER pro tem: The gentleman from Eagle Lake, Mr. Martin, moves the indefinite postponement of this resolve.

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

Mr. WATSON: Mr. Speaker and Members of the House: This may come as quite a surprise, but since we have held our hearings on these a lot more information has been given to us and we are very agreeable that both Item 2 and Item 3 be indefinitely postponed.

The SPEAKER pro tem: The question before the House is on the motion of Mr. Martin of Eagle Lake, for the indefinite postponement of Resolve Prohibiting the Use of Live Bait in Lakes and Ponds of T. 15, R. 9, Aroostook County, House Paper 171, Legislative Document 167. Is it the pleasure of the House that this resolve be indefinitely postponed?

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

Mr. DeBECK: Mr. Speaker, I ask for a division of the House.

The SPEAKER pro tem: The gentleman from Holden, Mr. DeBeck, requests a division.

All those in favor of the motion of the gentleman from Eagle Lake, Mr. Martin, for the indefinite postponement of this resolve will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

One hundred and six having voted in the affirmative and none having voted in the negative, the motion prevailed, and the Resolve was indefinitely postponed and was sent up for concurrence.

#### Indefinitely Postponed

Resolve Closing Island Pond, T. 15, R. 9, to Fly Fishing Only (H. P. 172) (L. D. 181)

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

The SPEAKER pro tem: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, as Mr. Watson has already intimated, I will make the motion for indefinite postponement of this resolve also.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, moves the indefinite postponement of this resolve. Is this the pleasure of the House?

The motion prevailed, and the Resolve was indefinitely postponed and was sent up for concurrence.

Resolve in favor of the Town of Garland (H. P. 1038) (L. D. 1182)

Was 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 to Provide a New Charter for the City of Saco" (H. P. 430) (L. D. 477)

Resolve Authorizing Forest Commissioner to Convey Certain Land in Hancock County (S. P. 480) (L. D. 1334)

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 relating to Compensation of State Police and Wardens of Inland Fisheries and Game and Sea and Shore Fisheries Departments" (S. P. 603) (L. D. 1546)

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

Bill "An Act to Repeal the Tax on Cigars and Tobacco Products" (H. P. 1144) (L. D. 1292)

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

At this point Speaker Bates returned to the rostrum.

SPEAKER BATES: To the gentleman from Bangor, Mr. Woodcock, I am sure each and every member of the House is pleased to have had you as Speaker pro tem, and in behalf of the House members and personally I thank you sincerely.

Thereupon, the Sergeant-at-Arms conducted the gentleman from Bangor, Mr. Woodcock, to his seat on the Floor, amid the applause of the House, the members rising, and Speaker Bates resumed the Chair.

#### Enactor Reconsidered Bond Issue

An Act to Authorize Issuance of Bonds in the Amount of Twenty Million Dollars for Bonus to Maine Veterans of World War II and Korean Campaign (H. P. 1132) (L. D. 1282)

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

The SPEAKER: In accordance with the provisions of Section 14 of Article IX of the Constitution, for its passage this measure requires a two-thirds vote of both Houses of the Legislature.

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

Mr. ALBERT: Mr. Speaker and Members of the House: I move that the House recede from its former action whereby this bill was passed to be engrossed, for the purpose of presenting an amendment.

The SPEAKER: The gentleman from Augusta, Mr. Albert, moves that the House reconsider its former action whereby it passed this Bill to be engrossed on April 27. Is this the pleasure of the House?

The motion prevailed.

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

The SPEAKER: The gentleman from Augusta, Mr. Albert, offers House Amendment "A" and moves its adoption. The Clerk will read House Amendment "A" to Legislative Document 1282.

HOUSE AMENDMENT "A" to H. P. 1132, L. D. 1282, Bill "An Act to Authorize Issuance of Bonds in the Amount of Twenty Million Dollars for Bonus to Maine Veterans of World War II and Korean Campaign."

Amend said Bill by striking out the words "at the next general or special state-wide election" in the 6th and 7th lines of the 1st paragraph of section 3 and inserting in place thereof the words 'at a special state-wide election to be held on the 2nd Monday of September 1953'.

Further amend said Bill by adding after the word "act" in the 3rd line from the end of the 2nd paragraph of section 3 the following punctuation and words: ', provided that the total number of votes cast for and against the acceptance of this act at said election equals or exceeds 20% of the total vote for all candidates for governor at the next previous gubernatorial election'.

Further amend said Bill by striking out all of section 10 thereof.

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

Mr. CRABTREE: I suppose this can be a dynamite bill, but let her dynamite, Mr. Speaker. I have sat here as long as I can without making a remark and making my position clear.

I have found no general demand for this twenty million dollar bond issue among the veterans themselves. I asked one or two when it first came up and they gave me no reason why it should pass. I have talked with more since and have had only one inquiry on it. I think we ought to give it a little rethinking somewhere along the line, and maybe this is the last chance.

A twenty million dollar bond issue, that would result, if it went by, in the boys getting \$100 or \$200 which would shortly be gone, and over the next twenty years these same boys would be paying this thing off. The first year the figure would be something like a million, four hundred thousand dollars out of our general fund. Now it just seems common horse-sense to me that if such a move was favored we would have to have in two years another major tax, and I just can't sit still any longer on it.

It had one referendum. Sure it was tied up with a tax bill, which seems sensible. It was turned down by a terrific majority; and now, just as I expected this morning, along comes an amendment making a special election, which will of

course be the greatest hope. I cannot vote for this bill or for this amendment and I do not intend to.

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

Mr. BURGESS: Mr. Speaker and Members of the House: As this session of the Legislature has progressed I think all of us have been aware of certain disagreeing actions between the two branches and what the results usually are. It would seem to me at this time very proper to adopt the amendment, to place the two branches in disagreement and take everybody off the hook.

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

Mr. LOW: Mr. Speaker and Members of the House: The gentleman from Island Falls, Mr. Crabtree, apparently never attended a veterans' convention. For the last seven years both the American Legion and the Veterans of Foreign Wars have gone on record at their conventions in favor of a bonus. If he had attended the Judiciary Committee hearing on the bonus he would have seen and heard many veterans representing veterans organizations who were in favor of a bonus.

Now I for one definitely favor a bonus, and I favor letting the people themselves vote on whether or not they want to pay a bonus. It is very true that the last time this bonus bill came before the people they voted it down. I remember the veterans of my Post, Veterans of Foreign Wars, South Portland Post 832, voted almost solidly against it. They voted against it because there was a tax on tobacco and they all smoke. I do not blame them for voting against it.

This is a bill which would simply decide whether or not the people of the State want to pay the veterans a bonus. Do they or don't they? If they do, then it is up to the next Legislature to dig up the money.

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

Mr. McGLAULFLIN: Mr. Speaker and Members of the House: I do not care how you vote on this matter, but I shall vote against it; but I want to point out to you once more that I feel you should not

vote for it unless you yourself believe it should pass, and for this reason: The people of the State look to you for leadership. If you put your vote that you are for this bonus, if that is what you believe, I have no objection whatever to your doing so. But the Constitution says that when we put a matter before the people for a constitutional amendment we ourselves, two-thirds of us, should decide that that is the proper thing to do, in other words, that it is necessary.

Now I say again: if you think this is necessary, by all means vote for it. If you don't, I think it is your duty to vote against it.

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

Mr. CHILDS: Mr. Speaker, I have to go along with the gentleman from South Portland, Mr. Low, in regard to the demand for it. I know that in Portland a great many have made inquiries of me: How is the bonus bill coming out? But I also realize another thing, that this is going to be paid by all the people of the State of Maine, and any bonus that we get is nothing but a gift, and I think that all of the people should have the opportunity to vote on it. I see no reason for or need of a special election. I believe it should go along at our regular election.

I move the indefinite postponement of House Amendment "A".

The SPEAKER: The gentleman from Portland, Mr. Childs, moves the indefinite postponement of House Amendment "A".

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

Mr. ALBERT: Mr. Speaker, as far as the amendment is concerned, I do not care too much about it myself one way or the other. If you are against the amendment I do not think you should make the bill suffer for it, so consequently it might be in order to get rid of the amendment.

The gentleman from Portland, Mr. McGlauffin, speaks of leadership. I think the last Legislature showed to the people of Maine that when they needed money they knew how to find it by passing a sales

tax without a referendum. It seems to me that if the next Legislature needs money they too will know how to find it without going to the people with it.

This, in my opinion, boils down to a simple item of fairness. Give the people an opportunity to vote "Yes" or "No" on one question and one question alone: Shall they or shall they not be paid a bonus?

The SPEAKER: The Chair recognizes the gentleman from Warren, Mr. McCluskey.

Mr. McCLUSKEY: Mr. Speaker and Members of the House: The gentleman from Portland, Mr. McGlauffin, brought out a good point, I think, that it takes two-thirds of the members of the House to pass this thing. I therefore ask for a roll call when the vote is taken.

The SPEAKER: Does the Chair understand that the gentleman wishes a roll call vote on the motion now pending before the House, which is the adoption of House Amendment "A" or does the gentleman have in mind a roll call vote when the bill itself comes up for final passage?

Mr. McCLUSKEY: On the bill, Mr. Speaker.

The SPEAKER: The Chair thanks the gentleman.

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

Mr. FOGG: Mr. Speaker and Members of the House: Again I say that I think that this all boils down to one thing, to the matter of keeping a promise. As I said the other day, the State at one time promised these veterans a bonus, and, on the strength of that promise, they put through a tax on tobacco, then they reneged on their promise. Now I think that the time has come to carry out this promise, so I am very much in favor of this bonus bill.

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

Mr. CIANCETTE: Mr. Speaker and Members of the House: I cannot accept the suggestion of the gentleman from Limestone, Mr. Burgess, to get off the hook on this thing. I am willing to continue the stand that I took from

the time this bill was reported out of the committee.

I am definitely opposed to this amendment. The original Albert bill and the original Dumais bill both provided this question to appear upon the ballots at the next general election, which will be September, 1954. The subject of this amendment was not raised at the hearing before the committee and it has never before been raised on the floor of the House. I actually cannot see the purpose for this amendment unless it is to get somebody off the hook.

I, and at least some of the other members of the committee favored this bill simply because we felt that the question of a veterans' bonus should be finally decided by the people and that it should be with a clear and unequivocal expression of their opinion. This result will not be achieved if this amendment is adopted. Past experience has proven that if this amendment is adopted and this question voted upon at a special election at which this is the only question that appears upon the ballot, the only question that could be acted upon by the people, we will not get that expression of opinion. We can be sure that the vote will be exceedingly light, a fact which is recognized by the sponsor of this amendment, as is indicated by the fact that it specifically provides that the vote must equal 20 per cent of the last vote for Governor. I am not willing that this question should be decided by 20 per cent of the electorate, which might well be the case.

We must also recognize the fact that if this measure went to the people in a special election those who were especially and specifically interested in this matter would make certain that those who would support this matter get to the polls, but there would be no organization of the taxpayers and the others who might oppose this thing to get out the vote to oppose it. Certainly the veterans have waited for seven years to vote upon this measure, and I see no reason why they cannot wait one more year.

As to the merits of this measure, my reason, as I think I stated be-

fore, for favoring this bill, was simply as I have pointed out, to get that expression of the people. I am not always willing that any question should go to referendum. I do think, in the light of what has gone on in the past and the argument that on the previous vote the tax measure was more important than the question of the bonus, that we have here a method which will resolve this thing once and for all, and that is the only reason that I am in favor of this bill, but I certainly hope that the amendment will be indefinitely postponed.

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

Mr. McGLAUFFLIN: Mr. Speaker, I would like to ask a question of the gentleman from Madison, Mr. Fogg through the Chair. He says that the State of Maine promised these men a bonus. I have been in this House about as long as most men and I never heard of that promise, so I would like to ask him when, where and how such a promise was made.

The SPEAKER: The gentleman from Portland, Mr. McGlaufflin, addresses a question through the Chair to the gentleman from Madison, Mr. Fogg. The gentleman from Madison, Mr. Fogg, may answer if he so desires.

Mr. FOGG: Mr. Speaker and Members of the House: I don't know just when that promise was made. I wasn't here in the State at that time. But if it was not made there are an awful lot of veterans organizations that have been wrong, because they have approached me and told me that the promise was made.

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

Mr. LOW: Mr. Speaker and Members of the House: I am very sorry that this amendment was ever introduced. I am glad to see that Mr. Albert isn't very interested in it.

I too want to see a fair election; I do not want to see any rigged election in which just the proponents of the bill show up. I am perfectly willing to see this amend-

ment defeated and I hope it will be. 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 is necessary to obtain the consent of one-third of the members present. As many as are in favor of the motion for the Chair entertaining the previous question —

Mr. JALBERT of Lewiston: Mr. Speaker —

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

Mr. JALBERT: To speak on the motion.

The SPEAKER: To speak on the motion for the previous question?

Mr. JALBERT: That is right, Mr. Speaker.

The SPEAKER: The gentleman may proceed as long as he confines his remarks to the motion for the previous question.

Mr. JALBERT: You have the gavel, Mr. Speaker.

I speak on the motion for the previous question merely because I feel, frankly, that an individual who might speak twice on a bill could conceivably refrain from moving the previous question. There have been many times when I myself have hoped that the previous question would be moved. I will go a step further and say that on certain instances pertaining to marine worms and some of our fish bills, I might have even asked or hinted or hoped that somebody would move the previous question. I think that on an important issue such as this if we entertained the motion for the previous question it might be that the people of Maine, and there are many who care to read the record, will say, "Why do you stop debate or conversation by moving the previous question on some very important issues?" I hope that the motion for the previous question does not prevail on this issue.

The SPEAKER: In order for the Chair to entertain the motion for the previous question it is necessary to obtain the consent of one-third of the members present.

As many as are in favor of the motion for entertaining the previous

question will kindly rise and remain standing until the monitors have made and returned the count.

An insufficient number arose.

The SPEAKER: Obviously less than one-third of the members present having arisen, the previous question is not entertained.

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

Mr. ALBERT: Mr. Speaker, if I am in order at this time I will withdraw House Amendment "A".

The SPEAKER: The Chair understands the gentleman from Augusta, Mr. Albert, withdraws House Amendment "A".

The House may be at ease.

### House at Ease

Called to order by the Speaker.

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

Mr. CHILDS: Mr. Speaker and Members of the House: There is a certain part of this bill, Section 10, on account of legal technicalities and so forth there is no need of this section. It has no bearing on the merits of the bill whatsoever.

I therefore offer House Amendment "B" and move its adoption.

The SPEAKER: The gentleman from Portland, Mr. Childs, offers House Amendment "B" and moves its adoption.

The Clerk will read House Amendment "B".

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

HOUSE AMENDMENT "B" to H. P. 1132, L. D. 1282, Bill "An Act to Authorize Issuance of Bonds in the Amount of Twenty Million Dollars for Bonus to Maine Veterans of World War II and Korean Campaign."

Amend said Bill by striking out all of Section "10" thereof.

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

The Chair recognizes the gentleman from Millinocket, Mr. Gates.

Mr. GATES: Mr. Speaker, I do not understand this amendment. Section 10 says that this bill will become effective upon the action in No. 3. In other words, as I understand the bill, and if I am wrong I will be corrected, I am sure of

that, the idea is this, as I understand it; this goes to a referendum. If this goes to a referendum it becomes effective, and Section 10 says it shall not be effective until it has been to referendum. If we take out No. 10 it looks to me as if whether or not it has been adopted in referendum it becomes effective. Will somebody explain it to me before we vote on it?

The SPEAKER: The gentleman from Millinocket, Mr. Gates, requests information through the Chair.

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

Mr. FULLER: Mr. Speaker and Members of the House: There has been a change in the State Constitution on the matter of bonds. This change was made and proclaimed by the Governor on September 26, 1951. This change is this: "Whenever two-thirds of both houses shall deem it necessary by proper enactment ratified by a majority of the electors voting thereon at a general or special election, the Legislature may authorize the issuance of bonds on behalf of the State at such times and in such amounts and for such purposes as approved by such action."

That and the other phraseology going with it means that we no longer have to amend the Constitution each time we want to issue State bonds.

The SPEAKER: Is the gentleman from Millinocket, Mr. Gates, satisfied?

Mr. GATES: As much as I will ever be, I guess, Mr. Speaker.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. Childs, that "House Amendment "B" be adopted. Is this the pleasure of the House?

The motion prevailed and House Amendment "B" was adopted.

The gentleman from Westbrook, Mr. Larrabee, then offered House Amendment "C" and moved its adoption.

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

HOUSE AMENDMENT "C" to H. P. 1132, L. D. 1282, Bill, "An Act to Authorize Issuance of Bonds in the Amount of Twenty Million Dollars for Bonus to Maine Veterans

of World War II and Korean Campaign."

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

**'Sec. 10. Spanish War Bonus.** Each honorably discharged soldier and sailor or member of the armed forces, resident of the state of Maine who served in the quota of Maine in the war with Spain, shall be paid a bonus of \$78 from the "Veterans' Bonus Fund". The "Veterans' Bonus Board" is hereby authorized and directed to determine the validity of the claims filed with the board for said bonus. The claims so approved by the board shall be forwarded to the state controller for payment.'

The SPEAKER: The question before the House is on the motion of the gentleman from Westbrook, Mr. Larrabee, that House Amendment "C" be adopted.

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

Mr. CHILDS: Mr. Speaker and Members of the House: On any matter, in my opinion, which goes before the public where we give them the opportunity to vote upon it I believe that there should be some demand for it. Now this is the first time I have even heard anything about a bonus going to the Spanish War veterans or any demand for it whatsoever. Until that has been brought to my attention I will not go along with any such amendment as this. I therefore move the indefinite postponement of House Amendment "C".

The SPEAKER: The gentleman from Portland, Mr. Childs, moves that House Amendment "C" be indefinitely postponed.

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

Mr. ALBEE: Mr. Speaker and Members of the House: On this particular amendment for a bonus to the Spanish War Veterans perhaps the gentleman from Portland, Mr. Childs, does not understand, but I believe this Legislature or the State agreed to give them a hundred dollars back a number of years ago and paid them \$22 of it and neglected to pay the balance of \$78, as I understood it, when the gentleman from South Portland, Mr. Berry, explained it to me the other day.

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

Mr. LARRABEE: Mr. Speaker and Members of the House: The Civil War veterans were paid a hundred dollar bonus; the Spanish American War veterans, of which there are very few now, a little over three hundred in number, were promised a hundred dollar bonus and they were paid twenty-two dollars, leaving a balance of seventy-eight dollars. The First World War veterans were paid a hundred dollar bonus. Now this bill proposes to pay the veterans of World War II a bonus of two hundred dollars. Therefore, I can see no reason why this amendment and the payment of the seventy-eight dollars due to the Spanish American War veterans is not justified.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. Childs, that House Amendment "C" be indefinitely postponed.

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

Mr. CHILDS: Mr. Speaker, now that I am more aware of the fact, I withdraw my motion.

The SPEAKER: The Chair understands that the gentleman from Portland, Mr. Childs, withdraws his motion.

The question now before the House is on the motion of the gentleman from Westbrook, Mr. Larrabee, that House Amendment "C" be adopted. Is this the pleasure of the House?

The motion prevailed and House Amendment "C" was adopted.

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

#### **Passed to Be Enacted Emergency Measure**

The SPEAKER: The House is proceeding under Item 2 under enactors.

An Act to Make Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1954, and June 30, 1955 (S. P. 591) (L. D. 1536)

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

The SPEAKER: The present membership of the House is 151. This being an emergency measure, under the Constitution it requires for its passage the affirmative vote of two-thirds of the entire elected membership of the House.

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

Mr. DICKEY: Mr. Speaker and Members of the House: I realize it is getting to the lunch hour, but I think this should be reviewed a little bit, and I hope you will bear with me because it involves a lot of money, as a matter of fact, it is around fifty million dollars.

Ladies and gentlemen of the House: I do believe that when this L. D. 1536 came before us it was simply a test act, testing whether we would swallow this as a package. I would like to give you the figures of the L. D's of a similar nature two years ago.

At that time, in special resolves we had \$160,000, in the Town Road Improvement Fund we had \$500,000; for the Betterment Fund we had \$1,000,000. That is for one year of the biennium. On this L. D. that we have before us we do not see anything for the Betterment Fund, we don't see anything for special resolves, we simply have the Town Road Improvement Fund for \$1,000,000. Now I ask you: Where is \$660,000? To be sure, this House defeated the special resolve. The reason it was defeated, in my estimation, was simply because, as I stated before, they offered you a little bait of \$500,000 in your Town Road Improvement Fund.

You have had the opportunity since then to look over L. D. 1536 and see that the betterment fund of \$1,000,000 was left out. Therefore they want you to buy this package, showing you that you will have a million dollars in your Town Road Improvement Fund; but I have not seen anyone on the Highway Committee point out to you that you have lost one million dollars of the betterment fund or \$160,000 on your special resolves.

Now I ask the gentleman of Sagadahoc, the gentleman of Lincoln, the gentleman of Knox, the gentleman of Waldo, the gentleman of Hancock, and the gentleman of Washington, who are desirous of



having the feeder roads leading off from the Turnpike down to the shore area, to take this into consideration. If they want feeder roads or feeder roads improved, where are they going to get the money? Previously we had our million dollars in the betterment fund and it could be used for this purpose, but you do not see it on this L. D. 1536.

I call your attention to the fact that this is an emergency act and it will take 101 in this House to pass it. I am sure that there are enough of you who want to see the betterment fund brought back in or want to see the special resolves brought back in. I could have offered amendments to this but I thought it would be confusing and it would tie up our legislative closing.

I think it would only be right and fair that the Highway Committee should look this over again. As I said before, this is only a test L. D. to see whether you would swallow it or not. My idea would be to recommit this back to the committee and let them come out and show you just how far they will go, if they are going to sell you this package to do away with the special resolves. I told you before and I still believe it, that they will come out with a million and a half for your Town Road Improvement Fund. They can either do that or else they can bring back what was right and proper before, \$500,000 on your Town Road Improvement Fund and bring back the special resolves and bring back your betterment fund. I tell you, ladies and gentlemen, that \$660,000 is buried in some other items here. They will come out with a lot of "glibbey-duck," but I am telling you that there is \$660,000 that they have used for some other purpose other than what we want.

Now my motion is that we recommit it back to the committee. I so move, Mr. Speaker.

The SPEAKER: The gentleman from Brooks, Mr. Dickey, moves that this matter be recommitted to the Committee on Highways.

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

Mr. LUDWIG: Mr. Speaker and Members of the House: Your committee has worked long and diligently on this allocation bill. I do not think that if you return it to us we could come out with anything better.

I said yesterday on another matter that we are giving the municipalities \$1,049,000 more than they got last year. We have added \$500,000 to the Town Road Improvement Fund. We have added \$487,000 to State Aid under a twenty per cent bonus. We have given \$250,000 this year to take care of flood damage, which will be matched by the towns where they have had a lot of flood damage. We have added \$162,000 for snow removal which gives each and every plowed road \$15 a mile more than they have been getting, making a total of \$1,049,000 which we have given the towns and cities than they had before. That estimate on revenue is a great deal more than the original bill that was presented. We had to add \$1,000,000 to the bond retirement to take care of the bonds which were approved by referendum last September. We had to add interest to take care of that \$27,000,000 bond issue and we had to cut out \$370,000 this first year under the State construction program in order to make this budget balance. We gave it back the next year so this is a very important matter. It is going to take a two-thirds vote of this House, the membership of this House to pass it. Any other action would just delay the session and I cannot see that it would accomplish any different result.

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

Mr. DICKEY: Mr. Speaker, I am very glad to have the figures from my very good friend, the gentleman from Hope, Mr. Ludwig. Ladies and gentlemen, we heard a bit about reclassification. I think most of you know that we could have reclassification that would start tomorrow. Perhaps it wouldn't start tomorrow, while we are in session, but it can start at any time and any time they decide to have reclassification, they can do it and

they can say to you: "Why are you against reclassification and send all these town roads back to the towns to take care of? We have given you \$1,000,000 to take care of the roads and now you should be willing to go along with reclassification." That is exactly what will happen, ladies and gentlemen. He says that they needed more money to pay for the bond issue but at the time we decided on the bond issue, and I voted for it, the amount of money it would cost for interest would be lessened by maintenance. However, we don't see that. They say we have got to have more money for interest on the bond issue.

Some time ago, the gentleman from Hope, Mr. Ludwig, said that this town road improvement money could be used for any purpose. And at that time I tried to point out to you that you couldn't use it for building bridges on State aid roads in excess of \$200. I am from a small community; I represent nine small communities. I realize that \$1,000,000 would look good to them for two years but the ultimate purpose of this \$1,000,000 at the present time is simply to do away with \$1,000,000 of betterment fund which could be well used and to do away with special resolves and I say to you, ladies and gentlemen, if you recommit this back to the committee you will see them come out with something over \$1,000,000 for town road improvement because I know they will offer more bait to do away with \$1,000,000 of betterment fund and special resolves. I am sure that they will come out with \$1,500,000 and if you stick with me they will give it to you.

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

Mr. TURNER: Mr. Speaker and Members of the House: Of course, you will bear in mind that there is a dividing line somewhere with what you would put into your common roads and your State aid construction and your main highways and after due consideration we came out with these figures. If you members don't like them of course that is wholly up to the parties who are against this bill

but it is as fair a set-up as we could present to you.

The SPEAKER: The Chair recognizes the gentleman from Etna, Mr. Carter.

Mr. CARTER: Mr. Speaker and Members of the House: I have probably as much interest in these under-privileged roads as any member present and the committee will bear out that I held forth as long as it was possible to have more money in this town road improvement fund. However, after very much deliberation, we decided that this package is the very best thing that we could bring out and I certainly hope that the report of the committee is accepted.

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

Mr. WINCHENPAW: Mr. Speaker and Members of the House: I believe I talked on this bill, yesterday, but I would just like to sound one more warning note that if we have reclassification thrown in along with this, some of us are going to be sitting pretty.

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

Mr. LUDWIG: Mr. Speaker, I think most of you members realize that no one is any more against this reclassification than I am, but I found that not every member here knew of the letter that the Governor made public and I will quote just one paragraph, if you haven't all read it: "As Governor,"—this is addressed to the Highway Commission—"As Governor, I am requesting you to hold in abeyance any final action until the next Legislature which will give us ample time to digest further the facts and conclusions and present them to the next Legislature before taking final action on reclassification."

Now, that is the statement that the Governor issued and it is in the papers. I think there will be no classification until the next Legislature meets. Now, it seems to me if the gentleman from Brooks, Mr. Dickey, didn't like this allocation bill that he should have offered an amendment, not to send it back to the committee because I do not think the committee can possibly

come out with anything else. If he wants to change it, he should offer an amendment to add some money to some item, but if he did that he would also have to offer an amendment to take it away from some other item because we have just so much money.

The SPEAKER: The question before the House is on the motion of the gentleman from Brooks, Mr. Dickey, that Bill "An Act to Make Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1954, and June 30, 1955," Senate Paper 591, Legislative Document 1536, be recommitted to the committee.

In order for this to be accomplished, the Chair will attempt to clarify. The House passed this measure to be engrossed. The rules must be suspended, which takes a two-thirds vote, in order that the House may reconsider its action whereby this bill was passed to be engrossed on May 1. Therefore, the Chair rules that the question before the House is on the motion of the gentleman from Brooks, Mr. Dickey, that the House reconsider its action, under suspension of the rules, whereby the bill was passed to be engrossed on May 1, and which requires a two-thirds vote.

As many as are in favor of the House reconsidering its action whereby it passed this bill to be engrossed on May 1 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.

Six having voted in the affirmative and forty-four having voted in the negative, the necessary two-thirds did not vote for reconsideration.

The SPEAKER: The Chair will restate that this being an emergency measure, under the Constitution, it requires for its passage to be enacted the affirmative vote of two-thirds of the entire elected membership of the House.

As many as are in favor of the passage of this bill to be enacted as an emergency will kindly rise and remain standing in their places until the monitors have made and returned the count.

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

Mr. LUDWIG: To ask for a yeas and nays vote, Mr. Speaker.

The SPEAKER: The gentleman from Hope, Mr. Ludwig, requests that when the vote is taken, it be taken by the yeas and nays. In order for the vote to be taken by the yeas and nays it requires the consent of one-fifth of the members present.

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

A sufficient number arose.

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

The question before the House is the passage of An Act to Make Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1954, and June 30, 1955, Senate Paper 591, Legislative Document 1536, as an emergency enactor.

When your name is called, if you are in favor of the passage of this measure to be enacted as an emergency, you will answer the roll call by saying "yes"; if you are opposed to the passage of this measure to be enacted as an emergency, you will answer the roll by saying "no".

The Clerk will call the roll.

#### ROLL CALL

YEA—Albee, Albert, Alden, Archer, Bailey, Baldic, Beal, Bearce, Billings, Boston; Brown, Bangor; Brown, Robinson; Buckley, Burgess, Butler, Call, Campbell, Carter, Caswell, Caverly; Center, Standish; Chase, Childs, Christie, Cianchette, Clements, Cole, Cote, Couture, Crabtree, Davis, Dodge, Dostie, Downing, Dumais, Duquette, Edwards, Evans, Ferguson, Pickett, Fogg, Ford; Fuller, Bangor; Fuller, South Portland, Gates, Gilman, Gosline, Gowell, Hand, Hanson, Harnden, Henry, Jacobs, Jalbert, Jewett, Kelly, Kimball, Larrabee, Latno, Lawry, Legard, Letourneau, Lord, Lovely; Low, Rockland; Low, South Portland; Ludwig, Macomber; Martin, Augusta; Martin, Eagle Lake; McCluskey, McClauffin, Morris, Moulton, Nadeau, O'Dell, Osborne, Peterson, Reynolds, Rich, Roberts, Roundy, Sanford; Scott, Alfred; Scott, Wales; Senter, Brunswick; Smith, Stanley, Stanwood, Steeves; Stewart, Portland; Taylor, Tondreau, Trafton, Travis, Turner, Tuttle, Vaughan, Walker, Watson, West, Whiting, Whitney, Willey, Bates.

NAY—Cormier, Curtis, DeBeck, Denbow, Dennis, Dickey, Finemore, Fitanides, Gardner, Hilton, Hussey, Keay, Lane, Pullen, Riley, Robinson,

Small, Totman, Williams, Winchenpaw.

ABSENT—Abbott, Anderson, Berry, Bibber, Brockway, Cates, Currier, Cyr, Dicker, Dorsey, Emerson, Frechette, Higgins, Madore, Murray, Potter, Ready, Rogerson, Seaward; Stewart, Paris; Story, Tardif, Tupper, Wadleigh, Woodcock, Wylie.

Yea 105, Nay 20, Absent 26.

One hundred and five having voted in the affirmative and twenty having voted in the negative, twenty-six being absent, the Bill was passed to be enacted as an emergency, signed by the Speaker and sent to the Senate.

#### **Constitutional Amendment Indefinitely Postponed**

Resolve Proposing an Amendment to the Constitution to Provide for a Bonus to Maine Veterans of World War II and the Korean Campaign (H. P. 1133) (L. D. 1283)

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

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

Mr. ALBERT: Mr. Speaker, since the last constitutional amendment was adopted at the last election, this resolve is no longer necessary and I move for the indefinite postponement of the resolve.

The SPEAKER: The gentleman from Augusta, Mr. Albert, moves that the resolve, Legislative Document 1283, be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed and the resolve was indefinitely postponed and sent up for concurrence.

The SPEAKER: The Clerk has a notice to read.

On motion of Mr. Fuller of South Portland,

The House recessed until 1:30 P. M., E.S.T.

After Recess 1:30 P.M., E. S. T.  
The House was called to order by the Speaker.

#### **Orders of the Day**

The SPEAKER: Under Orders of the Day, the Chair lays before the House the first item of Unfinished Business, House Divided Report, Majority Report "Ought not to

pass" on Resolve in favor of Corinna Union Academy, House Paper 900, Legislative Document 1007, and Minority Report "Ought to pass" of the Committee on Appropriations and Financial Affairs tabled on April 15 by the gentleman from Corinna, Mr. Emerson, pending acceptance of either report.

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

Mr. JALBERT: Mr. Speaker and Members of the House: At first I want to thank the gentleman from Corinna, Mr. Emerson. I would like to speak very, very briefly concerning not necessarily this resolve pertaining to academies but all resolves pertaining to academies.

The present statutes so far as operating costs are concerned place academies and high schools on the same basis. In that respect, the academies have done very well and I am glad that they have because they are an important part of our educational system. As of right now, all but six of them have the special subsidy relating to home economics and manual training and that the six can and will qualify for, so academies and high schools are on the same basis.

Now as to capital. I know all about the Ricker deal and I know all about the other inequities relating to academies. They were first passed as G. I. bills and as such I certainly forgot my principle and worked and voted for them. But here we are right now. We have denied capital appropriations to cover public schools. We exclude such appropriations from all subsidy calculations. We say: "We will help you with operating expense but you build your own schools."

Now, why as a matter of principle, can we grant this or any other resolve pertaining to academies? It is unfair to every public school in the State because, carried to a conclusion, less money must be available for the real State obligations; normal schools, the institutions, the University of Maine must rely on State funds. And, more important, who is there in this House who knows or even thinks that this academy in this amount or any other academy in any amount represents equity among all of the other dozens of

academies? If you ever wanted to vote on principle, you have it here with a chance to mark this Legislature as the one Legislature with sufficient sense of equity and justice as to have the moral courage to say "No". Ricker led us up this blind alley but the 96th brought us out into the light of justice and equity. I hope the gentleman from Corinna, Mr. Emerson, will concur with my sentiments and statement.

The SPEAKER: The Chair recognizes the gentleman from Corinna, Mr. Emerson.

Mr. EMERSON: Mr. Speaker, I move the acceptance of the majority "Ought not to pass" report and I certainly hope that the other eight trustees of Corinna Academy never read the record. (Laughter and Applause)

The SPEAKER: The gentleman from Corinna, Mr. Emerson, moves that the majority report "Ought not to pass" on Resolve in favor of Corinna Union Academy, House Paper 900, Legislative Document 1007, be accepted, and sent up for concurrence. Is this the pleasure of the House?

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

The SPEAKER: The Chair lays before the House the second item of Unfinished Business, an Act relating to Carrying Motor Vehicle License by Operator, House Paper 293, Legislative Document 278, tabled on April 15 by the gentleman from Lewiston, Mr. Dumais, pending passage to be enacted; and the Chair recognizes that gentleman.

Mr. DUMAIS: Mr. Speaker, I move that this document be indefinitely postponed.

The SPEAKER: The gentleman from Lewiston, Mr. Dumais, moves that the bill be indefinitely postponed. Is this the pleasure of the House?

(Cries of "Yes" and "No")

Does the gentleman from Lewiston, Mr. Dumais, wish to continue?

Mr. DUMAIS: Mr. Speaker, I wish to state now that after looking into this matter here we have found if a person is stopped anywhere he would have to return there to show his license. In other words, a person being stopped in Kittery, Maine,

with his residence whether it be in Rockland or Bangor, will have to return to Kittery and show his license. Therefore, I think the law we have at present will cover everything that we need. This is only something added to it and I was given to understand that the word "arrest" in this case, the amendment 194, you would have to pay the costs of court anyway. Therefore, I move indefinite postponement.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: Just one word of clarification on what the gentleman has said. It is customary for the state police if they stop someone who doesn't have his driver's license, operator's license, with him, they allow him to show the operator's license to a state policeman in their home town. Therefore, they do not have to come back to show their operator's license to anyone. That is just sent right back to the office in Augusta or wherever they are arrested and it is taken care of in that way. People will not be put to any trouble by not carrying their operator's license if they already have it.

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

Mr. TRAVIS: Mr. Speaker and Members of the House: I will try to be very brief. In the first place, this is a good bill, I think, because it is my bill. (Laughter). There is quite a bit of misunderstanding about this bill. At the present time, if you are stopped by an officer of the law and you do not have your license, he can now order you into court. However, the burden of proof is on the officer of the law to prove that you do not have a license. This bill, with the amendment, is in accord with uniform code, and puts the burden of proof on you and if you have a license you should not be afraid to prove that you have one. In other words, if this bill goes into effect, suppose you had a summons to appear at the Augusta court at 10 o'clock Monday morning to show that you had a license. If you showed up there and didn't have your license, you would be subject to conviction. However, if

you later produced your license, you would not pay any costs of court and the conviction would not stand. That is very clear. This is simply at the request of the state police and we feel that it would help them.

Now, as you know, in 1952 there were issued 357,866 drivers licenses. There is over \$700,000, which the State gets in license fees. Now, with the bill, which we gave third reading this morning and which we expect to go into effect the first of next year, whereby our licenses will be renewed on our birthdays, you can see that the state police are going to have quite a burden on checking up on everybody whether you have got your license or not. They are going to see how forgetful we in the State of Maine are.

Also, this Legislature has passed another bill recently, which is going to make enforcement of the law more difficult for the state police and I feel that we can afford to go along with them and try this. If they should be obnoxious, we could repeal it but I feel that while this is a minor bill and it means nothing to me personally, it won't hurt my feelings if you kill it, I still feel that it is good legislation. They have a uniform law in effect in most states and I hope the motion to indefinitely postpone does not prevail.

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

Mr. **TOTMAN**: Mr. Speaker, may I direct a question, please, through the Chair to the gentleman from Lewiston, Mr. Dumais? If this proposal to carry the operator's license is so obnoxious, what is the difference between an operator's license and the registration certificate which you now have to carry?

The **SPEAKER**: The gentleman from Bangor, Mr. Totman, asks a question through the Chair of the gentleman from Lewiston, Mr. Dumais. The gentleman from Lewiston, Mr. Dumais, may answer if he so desires.

Mr. **DUMAIS**: Mr. Speaker, in answer to the question: These are both. These are operator's and the registration of automobiles. They do not concern me as I am a deal-

er and I can leave mine at home but when you change your clothes often and you are stopped anywhere and you have to produce your license sometimes you may forget it at home, they could require you to drive back quite a distance to show your license. After being advised on this, I was told that the word "arrest" in there would mean that in the event you did return to show your license you have already been arrested, therefore you would be subject to pay the costs of court, anyway.

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

Mr. **ARCHER**: Mr. Speaker, as I understand this law, the gentleman from Westbrook, Mr. Travis, says it is permissive legislation in that one trooper can request you to show your license to another trooper in another part of the State. This may be true, it would be permissive, but as I see it if a trooper requested you to appear from Kittery up to Fort Kent he makes you come up to Fort Kent and show him that license. I think also that Mr. Travis has got enough other things in so that even us lawyers in the House can vote without any conscience to indefinitely postpone this measure.

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

Mr. **CIANCHETTE**: Mr. Speaker, this bill came before the Judiciary Committee and I am not certain but I believe it was unanimously reported "Ought to pass". It isn't a piece of major legislation but I think it is good legislation. I think the gentleman from Westbrook, Mr. Travis, explained it quite well.

I think I might attempt to make an explanation of the point raised by the gentleman from Lewiston, Mr. Dumais. A person isn't necessarily arrested if he does not have his license with him. As is the usual case in traffic violations, he is given a summons to appear in court. There is no arrest and if the man comes into court and produces his driver's license, that is it. He is not guilty under this bill and he would have no record, there would be no arrest and I can see no harm in it what-

soever and I think it would be a help to the state police and I think it should be passed.

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

Mr. TRAVIS: Mr. Speaker, I don't want to prolong this discussion but for those of you who have worried about traveling to work and leaving your license at home, I might point out that by the small investment of 25 cents you can procure an additional driver's license which I recommend that you put in the glove compartment of your car with your registration.

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

Mr. DIOKEY: Mr. Speaker and Members of the House: In reading over this bill, I am wondering if someone in the legal profession could clear it up for me. It says that: "The certificate of registration and operator's license" shall be placed in an easily accessible place in or about the vehicle therein described. I wonder what is described in the operator's license. It says you have got brown eyes and brown hair but it says "the vehicle therein described." It seems to me that the thing either needs to be killed or amended.

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

Mr. TRAFTON: Mr. Speaker, I beg to differ with my associate on the Judiciary Committee. There are two of these bills. This bill was heard by the Transportation Committee and was indefinitely postponed in the House. It was another bill, which I think is slightly more preferable, that was heard by the Judiciary Committee and was indefinitely postponed in the Senate. Now, this one which we now have has an amendment on it and it was one we previously in this body indefinitely postponed.

The SPEAKER: The question before the House is on the motion of the gentleman from Lewiston, Mr. Dumais, that Bill "An Act relating to Carrying Motor Vehicle License by Operator", House Paper 293, Legislative Document 278, be indefinitely postponed.

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

A viva voce vote being taken, the motion prevailed and the Bill was indefinitely postponed and sent up for concurrence.

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

Mr. STEWART: Mr. Speaker, I ask permission to approach the rostrum.

The SPEAKER: The gentleman may approach the rostrum.

The SPEAKER: The Chair lays before the House the third item of Unfinished Business, House Report "Ought not to pass" of the Committee on Appropriations and Financial Affairs on Resolve in favor of Erskine Academy, House Paper 902, Legislative Document 1009, tabled on April 15 by the gentleman from Windsor, Mr. Hussey, pending acceptance of the report; and the Chair recognizes that gentleman.

Thereupon, on motion of Mr. Hussey of Windsor, the "Ought not to pass" report was accepted and sent up for concurrence.

The SPEAKER: The Chair lays before the House the fourth item of Unfinished Business, Bill "An Act relating to Real Estate Brokers and Salesmen", Senate Paper 26, Legislative Document 14, tabled on April 17 by the gentleman from Auburn, Mr. Turner, pending third reading.

The Chair recognizes the gentleman from Lincoln, Miss Steeves.

Miss STEEVES: Mr. Speaker, I intended to bring an amendment but I couldn't think of one (laughter) so I move that we now have the third reading of this bill.

The SPEAKER: The gentleman from Lincoln, Miss Steeves, moves that this bill be given its third reading. Is this the pleasure of the House?

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

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

Mr. SANFORD: Mr. Speaker, is this the time to put an amendment

on this particular bill? If so, I have one I would like to put on.

The SPEAKER: The gentleman from Dover-Foxcroft, Mr. Sanford, may proceed.

Mr. SANFORD: Wait until I find it, Mr. Speaker.

The SPEAKER: The Chair understands that the gentleman from Dover-Foxcroft, Mr. Sanford, offers House Amendment "B" and moves its adoption.

Mr. SANFORD: That is right, Mr. Speaker.

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

The CLERK:

HOUSE AMENDMENT "B" to S. P. 26, L. D. 14, Bill "An Act Relating to Real Estate Brokers and Salesmen."

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

"**Sec. 4. Exception.** The provisions of this act shall not apply in the county of Piscataquis."

The SPEAKER: Is it the pleasure of the House that House Amendment "B" be adopted?

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

Mr. BURGESS: Mr. Speaker and Members of the House: I do not at this time address myself to the merits or demerits of the bill. I assume with all the amendments that have been prepared and placed on my desk and yours too, of course, that there is an attempt to enjoy yourselves this afternoon but may I point out to you that on private and special legislation amendments of this type, which eliminate a certain area, would certainly be in order but on a public law it would rather be inadequate and unnecessary and perhaps the attorney general's office would rule, in fact I feel certain, that they would rule that they were not legal and right to do. I hope that you will not accept any amendments and that when the time affords itself, if the bill needs further discussion that you will discuss the merits and demerits of the bill without any attempt to sabotage it by segregating or eliminating one county and then another. I move the indefinite postponement of House Amendment "A".

The SPEAKER: The Chair understands that the gentleman refers

to the matter before the House, House Amendment "B".

The gentleman from Limestone, Mr. Burgess, moves that House Amendment "B" be indefinitely postponed.

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

Mr. SANFORD: Mr. Speaker, I move the indefinite postponement of the bill.

The SPEAKER: The gentleman from Dover-Foxcroft, Mr. Sanford, moves that the bill be indefinitely postponed.

The question before the House is on the motion of the gentleman from Limestone, Mr. Burgess, that House Amendment "B" be indefinitely postponed.

The Chair recognizes the gentleman from Lincoln, Miss Steeves.

Miss STEEVES: Mr. Speaker and Members of the House: I think it is about time somebody explained this a little more thoroughly than the way it has been explained so far. As a member of the Business Legislation Committee and also a person who holds a real estate license, I think I will explain a few points that perhaps haven't been cleared up so far in the discussions that have been going on in the corridors and in this House.

This started out to be a nice little bill and it is a nice little bill but somehow it has mushroomed into something like an atomic bomb, all out of reason. In the first place, this was not introduced by me; it is not my bill. This bill was introduced by a member in the other branch. It has reached the stage in the other branch so that it was about to be engrossed. In the second place, it came out of the committee, the Business Legislation Committee, as unanimously "Ought to pass". In the third place, it isn't doing the damage that people have been led to think that it was planned to do by the discussions that have been going on around here.

What is left to be considered in the bill is: What is left after the committee amendment, which was filing number 235, and struck out Section 7-a. If anyone cares to look at it, it is very simple to read



it and I think anyone can understand it. So what is left is the paragraph which asks that a person before becoming a broker in the real estate business should serve as a salesman and that isn't asking very much. In fact, I think a person should be glad when he goes into a new business to have that training period and be able to go into business feeling that he did have a little experience behind him. There are college courses now offered for the real estate business. In California and also in New Jersey, there is a rule that two years experience is necessary before a broker's license can be issued. Now, this does not ask for two years. Some people thought that it did. This bill asks for one year.

Another thing that it doesn't do that people think it does, it does not interfere with anyone buying or selling a house of his own or ten houses of his own. There is no law in the State of Maine or there is no law in the United States that interferes with anyone buying or selling his own property.

I think if you just took a little time to read over the section which is the section that is the most vital one in this paragraph, you will find that it is not damaging at all, it is not anywhere near as damaging as some people have been led to think it is as far as danger is concerned.

I hope that we do not indefinitely postpone this bill. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Lane.

Mr. LANE: Mr. Speaker and Members of the House: I am a member of the Business Legislation Committee too and I signed the majority report. When I looked at the bill and I didn't like the bill and I didn't want to sign the minority report because if I signed the minority report as a Democrat, I knew you members would look at the bill and pass it right away.

This bill reminds me of a little corporation. The real estate brokers want to make it a family affair and once you pass this bill, you are going to have a family affair and people in the small towns will never be able to get a license.

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

Mr. SMALL: Mr. Speaker, I ask the indulgence of the members of this House for a moment or two. In all seriousness, I went home and asked a gentleman in my community, who I considered fitted to give an opinion upon this bill what that opinion was; if he knew anything about it. He has been in the real estate business some 40 years and is a director of our local bank and is a respected citizen of both Rumford and Mexico. And he told me this: That perhaps in Massachusetts, Connecticut, Rhode Island, thickly populated states that this bill might be adapted but that for the State of Maine he did not believe we needed it. He said that perhaps it might be difficult for a man to get a job as salesman, even if he went down to Lewiston or Portland or some of our larger cities to fulfill the requirements of the bill to become a real estate broker. I, myself, do not know too much about it and that was only one of his reasons. There is a difference of opinion, even within my own community, as to the merits of the bill. I talked to another man who has been in the business for about 15 years and he gave me different reasons from this gentleman.

I believe I speak for the majority of the delegation from Oxford County, who have considered this matter in a spirit of levity, but, in their best judgment, when I say that we hope that Oxford County's amendment exempting our county from the effects of this bill will be accepted when we have the opportunity to submit it. Thank you.

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

Mr. FORD: Mr. Speaker, I too am from Oxford County. I had two telephone calls this morning: one from the town of Mexico which the gentleman from Mexico, Mr. Small, represents. This gentleman is a responsible, reliable, real estate dealer. He asked me to go along with the bill. He knew about Mr. Small's amendment. I asked him one question which I discussed with Mr.

Small. I said: "They tell me that I, living in the small town of North Waterford, if I wanted to sell real estate I would have to move to Lewiston or I would have to move to Portland in order to do that." He said: "Read the bill carefully, 'a salesman sells to a brokers office' but he can sell anywhere and I would not have to move."

I would be very glad to go along with the gentlewoman from Lincoln, Miss Steeves, on this bill.

The SPEAKER: The Chair recognizes the gentlewoman from North Kennebunkport, Mrs. Downing.

Mrs. DOWNING: Mr. Speaker and Members of the House: It seems that we women of the House have got to stick together. I would like to bring to your attention that anyone who can produce evidence satisfactory to a real estate experience enables businessmen with business knowledge and experience to have a broker's license without being a salesman. The Maine Real Estate Commission, which has already been established is the judge of this experience and knowledge. I would like to go on record as favoring this bill.

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

Mrs. LORD: Mr. Speaker, I believe when any profession seeks to improve itself that we should go along with it. It seems to me that where a real estate broker has the handling of the largest amount of money that the average person spends in a lifetime, sometimes it is a full life's savings of a person, so I want to be in favor of any program which tends to improve the standards of the vocation. This is in keeping with the trend in most of the states to keep the profession with a direct responsibility to the public and to require high standards.

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

Mr. CALL: Mr. Speaker and Members of the House: Going back here just about last week, we are going to pick this snowball up from where it started. There is a certain gentleman in the House who belongs to a certain profession, sitting in his seat right now and

he is smirking, having a good time over this whole bill. He knows whom I am referring to at the present moment because I have talked with him several times on it. You read in section 4, "Qualifications for license." You will see the words in there "trustworthy and competent to safeguard the interests of the public." Now, primarily, I think this bill is a wonderful bill because, I assure you, if you are going to have any electrical work done, plumbing or carpentry, you would go out and ask a qualified man to do so. And, not to take up too much time, that certain gentleman is primarily interested in a certain legal profession because they know that if this bill was passed that it would stop them primarily from handling real estate, brokers. But they, themselves, in the legal profession would have to become an apprentice to a broker. Now, that is the primary object of this whole thing and he knows I am saying the right thing. Now, he ought to understand, and I am only a layman, that there was never at any time a large deal put through without an attorney being there to see that the buyer or the seller was defended in the contract. Now, you know that as well as I do and you would be a simpleton if you did not have an attorney there to look out for your interests. I think that this whole bill is edging right on that one thing: that they want to have the privilege themselves of being a broker, an attorney and a sucker and I hope that the motion of the gentleman to indefinitely postpone this will not prevail and that we give this considerable thought while we act on the motion of the gentlewoman from Lincoln, Miss Steeves.

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

Mr. HENRY: Mr. Speaker and Members of the House: I suppose as House Chairman of the Business Legislation Committee I should get into this scrap a little bit.

Some of us in the House here are old enough to remember when some of the present highly respected professions were not quite so well thought of as they are today. Per-

haps, they have those in the professions whom you might call by the name that sounds like the noise a duck makes. Through proper legislation and through proper education, they have got rid of the so-called quacks. I think that the real estate profession is growing up today. They were in the same spot that some of the older professions were years ago.

I believe that this is a good bill. It does not change the present requirements but very little, all it does is clarify the law. As the gentlewoman from Lincoln, Miss Steeves, says, there have been a great many statements made about what will happen to the fellow in a small town. I can't believe that there is much that is going to happen to him. In fact, those of us who live in the smaller towns where everybody knows everybody perhaps don't see the need of this bill quite so much as they do in the city places. In your larger towns and villages where you need the services of a real estate broker or a real estate salesman, you do not know whom to go to. I think it is up to the State to protect that kind of person. I think the requirement should be such that you can go to any real estate agent or salesman or any real estate broker and be sure that he has met certain qualifications.

I hope you will go along with the committee on the "Ought to pass" report.

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

Mr. FICKETT: Mr. Speaker and Members of the House: When this bill came up in committee, the gentleman from Yarmouth, Mr. Henry, the Chairman of the Committee, who spoke of us coming from small towns, opposed it and when we got through we thought we had dragged all the fangs out of it.

I think most of the present opponents are confused with the present broker laws that are not on the books. This bill, as amended, certainly does not interfere with any private enterprise but does guarantee some additional protection to the buying public.

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

Mr. ALBEE: Mr. Speaker and Members of the House: I haven't made up my mind how I am going to vote on this bill until just now, but I note the reverse of the Business Legislation Committee. This morning they didn't care to safeguard the public and I note in this one, the gentleman says that that is to safeguard the interests of the public. It is quite a reversal on their thinking.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Fitanides.

Mr. FITANIDES: Mr. Speaker and Members of the House: the gentleman from Cumberland, Mr. Call, brought out a few words that are in this real estate chapter. He mentioned "trustworthy, competent to transact business" and so forth. That is already in the law and along with that I think there is another section that you have to take a test for a real estate broker's license.

Now, the amendment that is going in requires that every applicant for a broker's license shall have served a bona fide apprenticeship as a licensed real estate salesman for one year under the supervision of a licensed real estate broker, who did not fulfill any of these qualifications but merely got a license without any kind of a precedent whatsoever. I know plenty of real estate brokers in my home town, who were barbers and went right straight into the real estate business. You would think that you had to go to school and take some kind of a course to be a real estate agent. So far as I can see, and I have watched many real estate men operating in town, all you have to do is get the listing and bring a person over and see if he wants to buy the house or not. It is just a bill to get a lot of agents out so you can take a slice of that commission.

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

Mr. TURNER: Mr. Speaker and Members of the House: I offered to oppose this bill. It originated from the other branch but a lady who comes from my county — if I could snap out this one year appren-

ticeship part of it — I would like it all right but I have talked with her about it and she says that is the bill so I don't see how we are going to get that out. As I said before, I would rather go home and kill the family cat than to try to hurt the feelings of this lady but we have got to admit from the start that this is kind of a friendly bill. This bill started in the other branch and got along to the Business Legislation Committee and — well, I appeared before that committee and a couple of other fellows, there were four fellows on that committee who said the bill was no good and they would go along and try and help kill it. But the feminine powers on that committee evidently changed their minds so here we have it out here unanimous "Ought to pass". I would like to go along with the gentleman who moved indefinite postponement of the bill.

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

Mr. SANFORD: Mr. Speaker and Members of the House: I had 29 pages all written up to talk on this bill and my good friend over there, the gentleman from Portland, Mr. Low, I told him I had thrown it in the wastebasket and he said it was a very good idea. So I have. This I am reading is an Atlas Lawyers Corporation report and I have been reading it since I have been talking and I think I have said enough. But speaking about cats, I haven't got a family cat but my neighbor next door has one and if this bill passes I think I will go home and kill that cat. (Laughter)

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

Mr. TONDREAU: Mr. Speaker and Members of the House: Apparently there seems to be some disagreement as to the merits of this bill. When it was heard by the committee, the original bill provided for a two year apprenticeship. Because of the objections that were put up by some of the members of the House here and some of the people who appeared at the hearing, the committee saw fit to change that from two years to one year and to further liberalize the provision so that anyone who could show evidence of experience could

receive a license. Therefore, we felt that no one would be deprived of their livelihood if they were in the business at the present time. We also felt on inquiring around that this amendment was satisfactory to all parties concerned. Apparently, from the number of amendments that have been offered, some people take issue with it.

I won't quarrel with the point about the year provision in the bill but if there is so much sentiment against the year provision, I hope you will not kill the bill. I think that there are other provisions in the bill that are very meritorious in my estimation. There is provision in the bill calling for a written contract and a closing statement on every real estate transaction. I know that you will agree with me that it is only good business for the buyer, the broker and the seller to be protected from one another, and many times from their own ignorance and since the real estate broker deals in large sums of money, sums of money that often represent the savings of a lifetime to some people, I think that this is a proper safeguard and I think it is not too much to ask of anyone who professes to be in the business of selling real estate to ask that they provide a contract and a closing statement. I think it is a measure that ought to be on the books in the interest of safeguarding every person here in the State of Maine who is buying or selling real estate.

I think that that measure is good and I say I won't quarrel with the yearly provision but if you don't like that I would at least recommend that you go along with the amendment of the gentleman from Auburn, Mr. Turner, and save the rest of the bill.

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

Mr. ARCHER: Mr. Speaker and Members of the House: I am a real estate broker. I like this bill very much because it would give me an opportunity to have several fellows come into my office and sell for reduced rates which I cannot do now. Another thing I want to remind the people of the House is

that the Real Estate Commission is set up with commissioners appointed by the Governor. We have a very rigid set of rules that we are supposed to comply with at present. If we don't comply with them, we are subject to the Commission in that it is possible for the Commission to take our license away from us. Therefore, I hope that this bill is indefinitely postponed.

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

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

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

All those in favor of the Chair entertaining the motion for the previous question will please 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 Limestone, Mr. Burgess, that House Amendment "B" be indefinitely postponed. Is this the pleasure of the House?

Mr. BUTLER of Franklin: Mr. Speaker - - -

The SPEAKER: For what purpose does the gentleman seek recognition?

Mr. BUTLER: Mr. Speaker, when the vote is taken, I ask for a division.

The SPEAKER: The gentleman from Franklin, Mr. Butler, requests a division.

As many as are in favor of the motion to indefinitely postpone House Amendment "B" 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.

Sixty-five having voted in the affirmative and one having voted in the negative, the motion prevailed and House Amendment "B" was indefinitely postponed.

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

Mr. TURNER: Mr. Speaker, I present House Amendment "A" and move its passage.

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

The CLERK:

HOUSE AMENDMENT "A" to S. P. 26, L. D. 14, Bill "An Act Relating to Real Estate Brokers and Salesmen."

Amend said Bill by striking out the last paragraph of that part designated "Sec. 4" of section 2.

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

Mr. FICKETT: Mr. Speaker, this can go on indefinitely all the afternoon. All these amendments from "A" to "Z" were compiled and filed and instigated by two of the greatest pranksters who have probably ever been in the House.

The SPEAKER: In the sense of fairness the Chair will call to the attention of the gentleman from Naples, Mr. Fickett, that to the Chair this amendment does not seem to be comparable to House Amendment "B".

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

Mr. HAND: Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER: The gentleman may proceed.

Mr. HAND: My inquiry, Mr. Speaker, is this: Do I understand that there has already been a motion made for indefinite postponement of the entire bill? And my question is, does that take precedence over the motion to adopt House Amendment "A"?

The SPEAKER: The Chair will call to the attention of the gentleman from Limerick, Mr. Hand, the blue sheet which many of you have which is called "House Order of Business," also to the rules of

the House, page 44, number 29. "When a question is under debate no motion shall be received but—To adjourn, to lay on the table, for the previous question, to commit, to postpone to a day certain, to amend or to postpone indefinitely."

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

Mr. ARCHER: Mr. Speaker, would it be in order to move that the bill and all its accompanying papers be indefinitely postponed at this time?

The SPEAKER: The Chair would not want to foreclose on possible amendments that should now be before the House.

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

Mr. FULLER: Mr. Speaker, I think it would be ridiculous to go through all of the different amendments and take up a lot of time. I have counted all of these different amendments and I don't know how many more there are but there are 15 counties that would be exempt from this bill. Now, I hope in a spirit of fairness that you will either vote for the bill or against the bill and let's get along with the business of the day.

The SPEAKER: The question before the House is on the motion of the gentleman from Auburn, Mr. Turner, that House Amendment "A" to Legislative Document 14 be adopted.

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

Mr. BURGESS: Mr. Speaker and Members of the House: If I may prevail upon you for just one moment and read the section which this amendment proposes to delete as it now appears if you wrote in the committee amendment, it would read like this: "Every applicant for a broker's license shall have served a bona fide apprenticeship as a licensed real estate salesman for one year under the supervision of a licensed real estate broker or produce evidence of satisfactory real estate experience." Now, the whole meat of the entire bill it seems to me lies in that new sentence as amended. I have had an unusual experience in the last year which causes me to be in favor of the bill as it is written and would

favor it if it were written in a stronger manner.

But if you will permit me about two minutes, I would like to point out to you what has actually happened in a case which I am directly in connection with. A real estate broker made negotiations with several contractors to build in an area in which I am particularly interested. I know that there will be unethical practices in every profession, but the manner in which he handled the deal and it was a sizeable deal at least, two of the contractors have gone broke, the banks have had to foreclose on the property and as a result some of the homes are not now completed and they are being rented and they are being rented to people whom I consider to be undesirable in an area that I believe is quite an outstanding development. And for that reason, I believe that any tightening up of the requirements which will require a real estate agent or a broker to become more learned in his profession is a good piece of legislation.

Now, this has actually happened to me. How much it is going to cost me in the end, I do not know but it is going to have several zeros on it. Therefore, I move the indefinite postponement of the amendment. I don't know the lettering of it but the gentleman from Auburn, Mr. Turner, has offered it and I hope you will vote on the merits or demerits of the bill as it is written, for should you adopt the amendment then you might as well indefinitely postpone the entire bill.

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

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

Mr. TURNER: Mr. Speaker and Members of the House: When we go home from this session and in about three months from the time this bill goes into effect some of these retired men who want to work a little time, have a little time to sell a little real estate on the side, now they can't do this. They have got to affiliate themselves with some broker for a year and then some of these young fellows who

come back from the services and they want to set up an office and go into business selling real estate, they can't do it under this bill. And I would like to have you all know what you are voting on when you kill this amendment because you are just butting the little fellow out who wants half-time jobs or wants to go into real estate. It is just sort of a closed shop deal, it seems to me.

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

Mr. **FICKETT**: Mr. Speaker, I tried to explain to the gentleman from Auburn, Mr. Turner, it says: "or produce evidence of real estate experience." Anybody who has ever passed a deed, that is real estate experience.

The **SPEAKER**: The Chair recognizes the gentlewoman from Rockland, Miss Lawry.

Miss **LAWRY**: Mr. Speaker and Members of the House: I think in all fairness to the real estate brokers and the profession as it should be, I believe that this bill should certainly receive passage and I think the day is gone when men, retired business men and persons desiring just some little sideline, are the ones who are entering into this field. I think the young men and women of today are more or less the ones who are looking upon this as a field that they should work in and make a real profession, not just these, as I say, little side issues, selling one or two houses, making many false moves and I think that it is quite necessary that they have the proper experience and work with dependable brokers, so, if they really go into the field they will make the reliable brokers we want in our State.

The **SPEAKER**: The Chair recognizes the gentleman from Saco, Mr. Fitanides.

Mr. **FITANIDES**: Mr. Speaker and Members of the House: The sum and substance of this entire piece of legislation as I see it, and I will start right from the beginning, they have added "or listing for sale or soliciting for sale of real estate." That is all that has been added to the first section. The very same is added to the third section. In the fourth section, some-

one has already told you what is in there, "apprenticeship or evidence of satisfactory real estate experience thereto". That is all that has been added there. And if the gentlewoman from Lincoln, Miss Steeves, is correct section 7-a has been lopped off so there is only one piece that is going in here for an amendment on this new piece of legislation and that is the apprenticeship and I would like to point this out. A lawyer usually has four years of college training and three years of law school and he doesn't serve an apprenticeship anywhere when he goes out to start practice. A doctor doesn't. Certainly they are in more complicated technical skills than real estate brokers. To me this is nothing but class legislation, pure and simple, a piece of criminal legislation.

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

Mr. **CALL**: Mr. Speaker and Members of the House: I know two professional men that ought to resent what the gentleman just said over there. I assure you that the medical profession does not call it an apprenticeship but you do know that they have to serve an internship for two years before they are allowed to practice. Perhaps the attorneys ought to serve two years of internship before they are allowed to practice.

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

Mr. **CURTIS**: Mr. Speaker and Members of the House: This bill does not affect me because I am a broker and I would really hate to see the thing narrowed down so that somebody else couldn't have a chance to be a broker if they wished. Now, I want to say to you members here who are worrying about everybody getting to be a broker, you just go up and try to take that examination and you have got something to learn if you think you can just fall into that thing. I have taken several examinations, five I think of Civil Service, postmaster and letter carrier and what have you and I have never had a bit of difficulty with any of them but I am going to con-

fess that this is the first examination that I ever had to take over again and I didn't get through the first time. I had to go back and buy a set of law books and almost became a lawyer, and I think, really, if I had had the time I could just about as easily have been an apprentice for a year as to dig up all the things to know that I had to know. Now, I am satisfied that whether you pass this bill or not that a real estate broker has got to know something about the business or he won't get there. If you don't believe it, just go up there tonight, tomorrow, and try to pass that examination.

The SPEAKER: The question before the House is on the motion of the gentleman from Limestone, Mr. Burgess, for indefinite postponement of House Amendment "A".

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

A viva voce vote being doubted,

A division of the House was had.

Thirty-five having voted in the affirmative and seventy-two having voted in the negative, the motion to indefinitely postpone House Amendment "A" did not prevail.

The SPEAKER: There is a motion by the gentleman from Auburn, Mr. Turner, before the House at the present time that House Amendment "A" be now adopted. Is this the pleasure of the House?

The motion prevailed and House Amendment "A" was adopted.

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

Mr. ARCHER: Mr. Speaker, I move the indefinite postponement of this bill and all of its accompanying papers.

The SPEAKER: The Chair will state that the same motion has been made by the gentleman from Dover-Foxcroft, Mr. Sanford.

Are there any further amendments?

The question before the House at this time is on the motion of the gentleman from Dover-Foxcroft Mr. Sanford, that Bill "An Act relating to Real Estate Brokers and Salesmen", Senate Paper 26 Legislative Document 14, together with accompanying papers, be indefinitely postponed. Is this the pleasure of the House?

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

The SPEAKER: The Chair lays before the House the fifth item of Unfinished Business, House Divided Report, Majority Report "Ought not to pass" and Minority Report "Ought to pass" as amended by Committee Amendment "A" of the Committee on Appropriations and Financial Affairs on Resolve in favor of the Town of Monson to Aid in Completion of Gymnasium, House Paper 785, Legislative Document 902, tabled on April 21 by the gentleman from Guilford, Mr. Campbell, pending acceptance of either report; and the Chair recognizes that gentleman.

Mr. CAMPBELL: Mr. Speaker, I tabled this matter a few days ago because the gentleman who introduced the resolve was not in the House, and I see that he is not here today, but I believe that he will be here tomorrow, so I would like permission to table this until tomorrow's session.

The SPEAKER: The gentleman from Guilford, Mr. Campbell, moves that the fifth item of Unfinished Business be retabled. As many as are in favor of that motion will please say aye; those opposed, no.

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

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

Mr. CAMPBELL: Mr. Speaker, I now move that the minority report, "Ought to pass" as amended by Committee Amendment "A" be accepted.

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

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

Mr. JALBERT: Mr. Speaker, I move the indefinite postponement of this bill and reports, and ask you when you vote to keep in mind the remarks that I made pertaining to Turner which are the same identical remarks that I would make on this measure here.



The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves that the two reports and resolve be indefinitely postponed. Is this the pleasure of the House?

Thereupon, the motion prevailed, and the two Reports with accompanying papers, were indefinitely postponed and sent up for concurrence.

The SPEAKER: The Chair lays before the House the sixth item of Unfinished Business, House Divided Report, Majority Report "Ought not to pass" and Minority Report "Ought to pass" of the Committee on Appropriations and Financial Affairs on Resolve in favor of Maine Central Institute, House Paper 631, Legislative Document 654, tabled on April 21 by the gentleman from Guilford, Mr. Campbell, pending acceptance of either report.

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

Mr. CIANCHETTE: Mr. Speaker, I am quite certain that I am on the right bill this time as I introduced this one.

This bill, I sincerely believe, has a great deal of merit. This school is in a unique position. It has a problem which ultimately must be solved and probably by this Legislature. However, as I understand the thinking of the Appropriations Committee and the Chief Executive regarding the academy bills, I shall certainly not attempt to take any of the time of this House at this session in regard to this matter.

I move that both reports be indefinitely postponed.

The SPEAKER: The gentleman from Pittsfield, Mr. Cianchette, moves that both reports and resolve be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed, and the two Reports, with accompanying resolve, were indefinitely postponed and sent up for concurrence.

The SPEAKER: The Chair lays before the House the seventh item of Unfinished Business, Resolve Authorizing the Release of State of Maine's Claim on T. 1, R. 13, W. E. L. S., Piscataquis County, House Paper 1138, Legislative Document 1288, tabled on April 22 by the gentleman from Hodgdon, Mr. Wil-

liams, pending second reading; and the Chair recognizes that gentleman.

Mr. WILLIAMS: Mr. Speaker and Members: This township in question, Township 1 Range 13,—this town went tax delinquent in 1934, after being stripped of its timber. The land involved comprised 13,437 acres, that was the land, timber and grass, and 1,264 acres of public lots, involving the timber and grass, not the land.

When land goes tax delinquent, the owner has one year to redeem it. If this is not done in two years, the title becomes vested in the State, and in the case of the timber and grass on public lots, can never be redeemed by the owner. This the Ross Heirs well knew. The Legislature of 1933, in return for about \$2,000 and a claim on a camp which was burned illegally, gave the Ross Heirs a deed to the 13,437 acres. The public lots were not mentioned which is necessary, if they were to be included.

The then Attorney General ruled they were not included as of 1940; that was when the ruling was.

Now, ten years later, we are asked to return the timber and grass to the Ross Heirs for the back taxes. It would seem to me that if they had owned this land, they would have been paying taxes on it.

The Forestry Department estimates there is, as of now, 5,000 to 6,000 cords of spruce and fir pulp on one of these lots, valued at \$5.00 per cord. They say the other one is as good.

Legally, they belong to the State. The fact that this bill is before you is the best proof you can have of that fact.

The present Attorney General's office is still of the opinion that the State owns the timber and grass. It looks to me like poor business to swap the timber and grass on 1,247 acres of Public Lots for \$399.94 of back taxes. Most people, when they receive a deed, don't wait ten years to read it; they read it when they get it.

Now I move that this resolve be indefinitely postponed and ask for a division.

The SPEAKER: The gentleman from Hodgdon, Mr. Williams, moves that this resolve be indefinitely

postponed and requests a division.

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

Mr. FULLER: Mr. Speaker and Members of the House: In any discussion of this resolve what we have to try to do is to determine whether we are to carry out what was intended and what was enacted by the 1943 Legislature, that is, the 91st.

As the gentleman from Hodgdon (Mr. Williams) has told you, this is a case where land became tax delinquent.

If it had been an ordinary case, then the ordinary course would have been followed. In this case Colonel Ross had a claim against the State for the burning of certain camps of his, located on another township, Township 3, Range 9, in Piscataquis County. To settle the whole matter, Colonel Ross was to pay the State two thousand dollars and the Forest Commissioner was authorized and directed by the Governor and Council to do this, and I quote: "to cancel all deeds and other records in his department relating to claim for taxes on Township 1, Range 13, as against Harry F. Ross or the Estate of Minnie Ross Holman." And the Council Order went on to say that Colonel Ross was to make no claim against the State for the destruction of his camps, and that he was to pay two thousand dollars.

It of course developed that that the Executive branch of the government did not have jurisdiction to convey the State's interest in the lands without an act of the Legislature. So the 1943 Legislature, by Chapter 48 of the Resolves of that session, provided that the Forest Commissioner was authorized to give Colonel Ross a deed, quotation—"in the name of the state of all interest of the state in Township 1, Range 13, West of the East Line of the State, Piscataquis County." Colonel Ross was to pay the two thousand dollars and what would have been the 1943 taxes.

Colonel Ross paid the money and received a deed by lot numbers. However, he did not find out until later, or did not notice until later, that the timber and grass on Lots 15 and 18 were not included in the deed. He says that he submitted

this to his attorney but evidently that omission still didn't crop up until later. It appeared that the State employee who prepared the deed believed that the timber and grass on these Public Lots should be excluded, due to the usual policy of the State.

It seems as if, from the wording of the resolve, that the land itself would be included, but this seems not to be so as these lots were Public Lots and subject to special provisions.

This present matter has nothing to do with the ordinary case, as it was a special arrangement to take care of the Ross claim for the destruction of his camps. It is simply a matter of doing what is necessary to carry out the terms of the agreement between Colonel Ross and the agents of the State.

In the ordinary case, of course, he would ask for specific performance of the agreement. However, to sue the State for specific performance would take another special resolve, followed by a bill in equity, so we have here a resolve to take care of the whole matter.

The resolve provides that Colonel Ross pay the amount which is estimated by the Bureau of Taxation to be the amount of taxes which would have been assessed on this timber and grass since 1939 if it had remained in private ownership.

The State valuation on the timber and grass has been estimated by the State Tax Assessor's office at \$1,180 for the year 1952. It was less than that for the years back to 1942. Of course when the Rosses owned it, it was assessed for more, so that is probably where the trouble started. This amount, \$399.94, has been computed by the State Tax Assessor's office as being the amount of taxes which could have been paid had the lots continued to be privately owned; I should say had the timber and grass on the lots continued to be privately owned. And then interest has also been computed to take care of the delay in paying.

As I say, it has been suggested that there should have been a resolve to permit Colonel Ross to bring suit against the State, but for the amount involved he would have to go through another proceeding

in court, and it seems as if we could settle this matter here because the resolve enacted by the Legislature, providing just what is asked for here, provided that he was to receive all the interest of the State in Township 1, Range 13, and he didn't get all of it, and this resolve would give him just what the earlier resolve of 1943 provided.

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen of the House: It is my understanding that the members of this Legislature are here to represent all of the people of Maine and the State as well. I have not had too much time to study into this thing but I have made some research, and without any further ado I just want to say what seems to be the monkey wrench in the machinery is an old camp that was burned by one of the State officials who thought it was a fire hazard, and which was taken advantage of by Colonel Ross, or whatever his name is.

They let it go for taxes and for ten years there were no taxes paid and of course there has been some increase in value. Now it seems that he came back and got a settlement for this old camp, because it was illegally burned, because I don't think, at that time, as I understand it that it had returned to the State, and so he really got a killing out of that transaction, and now he is after another one.

I think that the indefinite postponement of the whole shooting match would be the thing to do.

The SPEAKER: The Chair recognizes the gentleman from Hodgdon, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker and Members: I am willing to confess that I haven't got a legal mind; that being so, I must depend on the facts. I am not interested in second guessing of what the "43rd" Legislature meant to do. What I am interested in is what they did do, and they did not convey the timber and grass on the Public Lots of Township 1, Range 13. Witness, two opinions from the Attorney General's department plus the fact that this bill is before you. A lot of water has run over the dam since

the 1943 Legislature adjourned. I am interested in the 1946 Legislature and the future of what little land the State has left. It looks to me to be the height of folly to swap 1,247 acres of timber and grass school lots in Township 1, Range 13, in which they have absolute title to ten years' back taxes.

I understand the original resolve was to return the town for the old camp and the committee tacked on the \$2,000 because the first resolve looked fishy. We just had a lot of talk about killing the family cat. Now it looks to me as though the 43rd Legislature killed the "critter" and got the meat and now they are back and they want the 96th Legislature to give them the hide.

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

Mr. FULLER: Mr. Speaker and Members of the House: All this resolve is to carry out the resolve of the 1943 Legislature, which obviously never was carried out in accordance with its terms.

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

Mr. BROCKWAY: Mr. Speaker and Members of the House: I haven't had the opportunity to look into this very much but I have some, and it is my opinion that the Ross heirs have no more title to this timber and grass than they have to the State House. I believe that we should indefinitely postpone this measure, and if some future Legislature wants to give them the right to sue the State, I think it could be settled in that manner.

The SPEAKER: The question before the House is on the motion of the gentleman from Hodgdon, Mr. Williams, that House Paper 1138, Legislative Document 1288, Resolve Authorizing the Release of State of Maine's Claim on T. 1, R. 13, W. E. L. S., Piscataquis County, be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed and the resolve was indefinitely postponed and sent up for concurrence.

The SPEAKER: The Chair lays before the House the eighth item of Unfinished Business, House Report "Ought not to pass" of the Committee on Appropriations and

Financial Affairs on Resolve in favor of Litchfield Academy, House Paper 481, Legislative Document 500, tabled on April 22 by the gentleman from Litchfield, Mr. Dennis, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. DENNIS: Mr. Speaker and Members of the House: It is with deep regret that I move that the House accept the "Ought not to pass" report of the committee.

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

The motion prevailed.

The SPEAKER: The Chair lays before the House the ninth item of Unfinished Business, House Report "Ought not to pass" of the Committee on Appropriations and Financial Affairs on Resolve Providing for Certain Construction at Monmouth Academy, House Paper 632, Legislative Document 655, tabled on April 22 by the gentleman from Litchfield, Mr. Dennis, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. DENNIS: Mr. Speaker and Members of the House, it is with regret that I move the acceptance of the "Ought not to pass" report of the committee.

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

The motion prevailed.

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

Mr. LOW: Mr. Speaker, out of order and under suspension of the rules I ask permission at this time to take up the twenty-sixth item of Unfinished Business.

The SPEAKER: Does the Chair hear objection to the request of the gentleman from Rockland, Mr. Low, to take the twenty-sixth item of Unfinished Business from the table at this time? Is there any objection? The Chair hears objection.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Totman. For what purpose does the gentleman desire recognition?

Mr. TOTMAN: For a parliamentary inquiry, Mr. Speaker.

The SPEAKER: The gentleman may proceed.

Mr. TOTMAN: Is the motion debatable? Is the former motion to take from the table the twenty-sixth item debatable?

The SPEAKER: The Chair understands that the gentleman wishes to know if the motion that the House just acted upon is debatable?

Mr. TOTMAN: Mr. Speaker, Because I am the one who said "No" I would like to ask that question.

The SPEAKER: The Chair will state that the matter needs unanimous consent. It is not debatable.

The Chair lays before the House the tenth item of Unfinished Business, House Report "Ought to pass" in New Draft, House Paper 1271, Legislative Document 1467, Bill "An Act to Amend and Clarify the Exemption of Fuel from the Sales Tax" on Bill "An Act to Repeal the Exemption from the Sales Tax of Domestic Fuel", House Paper 687, Legislative Document 722, tabled on April 22 by the gentleman from Rockland, Mr. Low, pending acceptance of report; and the Chair recognizes that gentleman.

Mr. LOW: Mr. Speaker and Members of the House: There are two items on the calendar which refer to the exemption of the tax on gas. Item Number 26 takes off the tax on gas; I thought that it would be better to handle that before we came to the present tenth item. However, it is not necessary. The tenth item simply clarifies the language of the present law, and I move that the "Ought to pass" in new draft report of the committee be accepted.

The SPEAKER: The gentleman from Rockland, Mr. Low, moves that the "Ought to pass" in new draft report of the committee be accepted. Is this the pleasure of the House?

The motion prevailed and the report was accepted.

Thereupon, the Bill was given its two several readings, and was as-

signed for third reading tomorrow morning.

The SPEAKER: The Chair lays before the House the eleventh item of Unfinished Business, House Report "Ought not to pass" of the Committee on Legal Affairs on Bill "An Act relating to Issuance of Harness Horse Racing Licenses," House Paper 931, Legislative Document 996, tabled on April 23 by the gentleman from Standish, Mr. Center, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. CENTER: Mr. Speaker and Members of the House: I move that we substitute the bill for the report. I make that motion, ladies and gentlemen of the House, because this bill will benefit the agricultural fairs of the State of Maine without hurting anyone.

It is extremely important to the fairs that there be no conflict of schedules. A few days of rainy weather will almost ruin a fair, and if, due to conflicting schedules, only a part of the horses are available for Saturday racing, the results become disastrous.

Inexperienced members of the Harness Racing Commission have, in the past, authorized other meets under these conditions, and have made the decision to do so at the last minute.

Let me point out to you that the provisions in this bill apply "in fair season only." It protects charitable institutions against charitable institutions as well as against business concerns.

The fairs operate but six days each per year, and they must make their profit during these few days. This bill involves the fairs primarily, and the Fairs are requesting the bill; not one, but twelve communities are involved in this matter.

I would like to remind you that pari-mutuel betting was first legalized in Maine for the benefits of the fairs and not for profit, and it should be so continued. In many communities, fair week is the most important week of the year, and therefore successful fairs are necessary to the community.

There is a great deal of public interest in the State of Maine in fairs, but some of you may wonder

why I have so much interest in them. I firmly believe that the fairs are educational institutions promoting the interests of agriculture, and as such I have had a deep and general interest in fairs throughout my entire life.

In recent years, that interest has been further stimulated by the splendid job that the fairs are doing in promoting 4-H and future farmers' organizations. I am convinced that these organizations are the finest youth organizations influencing the young people in our rural communities. The effect of 4-H on building citizenship cannot be emphasized too much.

To prove my point I would like to read to you a very short essay on citizenship, written by Warren Robbins, a fifth grade 4-H boy, from Amboy, Illinois. "Although our report cards have one side full of big words for scoring 'Citizenship,' I went to school four years without trying to pronounce them because I wouldn't know what they meant anyhow.

"I like to learn the meaning of citizenship by adventure. My adventure is with a Holstein calf which my father gave me for the 4-H project. In spite of what I did, sometimes she runs away, but I am trying to do a good job of raising her, so I can make money without being a nuisance in my home or neighborhood. I can learn many things about citizenship by caring for her. I have been told how important it is to feed her and to keep her from getting loose on the neighbor's fields or the public road, lest she destroy crops or cause an accident that would cost my father much money. My parents call that civic responsibility.

"I try to learn new ways of tending her for grazing; that is initiative. Giving her plenty of bedding and exercising and feeding her well develops industry and dependability. Caring for my sister's calves when they are ill is co-operation or helpfulness. There is a chance for courtesy too, when we all want to use the same equipment. Sometimes I need self-control when my sister's big calf pushes mine away at the watering tank.

"Grooming a calf regularly and training her to pose for show days is what my 4-H leader calls 'noticing details.' Finishing my calf chores in time to be ready for school when the bus comes by is promptness. With the adventure I have in caring for my calf, citizenship doesn't look like such a forbidding word even when it is spelled this way: 'C' for civic responsibility, 'I' for industry, 'T' for trustworthiness, 'I' for initiative, 'Z' for zest, 'E' for effort, 'N' for noticing details, 'S' for self-control, 'H' for helpfulness, 'I' for independence, and 'P' for promptness."

And so these, Ladies and Gentlemen, are just but some of the reasons why I believe that we should do everything in our power to assist the agricultural fairs which are the only organizations that donate prizes for 4-H and offer an incentive to our youth who are interested in agriculture.

By passing this bill we will help the fairs to accomplish their purposes, and I earnestly ask you to go along with me in substituting this bill for the report. If you do substitute this bill for the report, I will offer an amendment at the proper time which will, I feel sure, remove any objections to this bill in its present form. In fact, I have talked with some members of the Legal Affairs Committee and with the opponents of this bill who agree with these statements. Thank you.

The SPEAKER: The gentleman from Standish, Mr. Center, moves that the bill be substituted for the "Ought not to pass" report of the committee.

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

Mr. STEWART: Mr. Speaker, the Harness Racing Commission has been given the authority by law to regulate dates. Now this would attempt to influence their discretion in the awarding of dates. It would place the race meet in the position of asking other harness race meets whether or not they might have permission to operate, and it does in that way affect the discretion of the Commission.

It seems to me that if you pass this bill you will be inviting these

meets to enter into bargains with each other or attempts to apply pressure to each other to consent to giving of time to the other types of organizations.

I would like to just read this bill which is being sought to be substituted for the report of the Legal Affairs Committee, which was "Ought not to pass." It says ". . . it may issue a license to an agricultural fair association for a pari mutuel harness meet in connection with its annual fair, but no other person, association or corporation shall be licensed to operate either day or night pari mutuel harness meet, when an agricultural fair association is operating a pari mutuel harness meet at the time of its annual fair, without the consent of said fair association."

Now some discussion of fairness entered into the debate the other day on the question of allowing night racing. It seems to me that if you are going to be completely fair and completely impartial, you ought to have the provision in the law that no other person, association or corporation shall be licensed to operate a day or night pari mutuel meet without regard to the words harness meet, when an agricultural fair association is operating a pari mutuel harness meet at the time of its annual fair, and I am sure, by your vote of the other day, that you would not go along with that. But in complete fairness and complete equality, it seems to me that you should treat all of these racing organizations alike, and if a long meet is going to have to get permission from the fairs to operate, it seems to me that the running race meets, too, ought to get permission from the fairs to operate.

It was the judgment also of the committee, although the amendment, I know, which will be offered will affect this, that anyone, anyone, anywhere in the State, who happens to conduct an agriculture fair, could say to any other racing operation that you cannot conduct a fair at some particular time.

I do not believe that the amendment would go far enough in curing the defects of the bill. It seems to me that you have once given discretion to a harness racing commission to award dates. It seems to me

that if you adopt this bill, you are taking away that discretion, therefore I move that this bill be indefinitely postponed.

The SPEAKER: The gentleman from Portland, Mr. Stewart, moves that the report and bill be indefinitely postponed.

The Chair recognizes the gentleman from Norridgewock, Mr. Taylor.

Mr. TAYLOR: Mr. Speaker and Members of the House: Of course we know why they don't want racing and fairs at the same time.

Now if I had a horse, and I couldn't go along with "Doc", the gentleman from Standish (Mr. Center) and have it from A to Z, the same as he did with his calf, but just the same I do feel that this thing is aimed against long meets. Now the only place in the State that we can have long meets is Gorham, and that is what this thing is aimed at.

Now I have raced over this State for eighteen years, nineteen years, and I know that we have, at the time of the fair in Cumberland, conflicting dates, the same dates in fact, that we have in Lewiston. That seems to go along all right, but when you come to speak of long meets in Gorham, it does not go along. I don't think that we should go along with the gentleman from Standish, Mr. Center, on this because I think if he should include harness race meets, he should also include Scarborough Downs, and certainly, as much as I would like to go along with Mr. Center, I don't think he has a point there, and I don't think it should be carried.

The SPEAKER: The gentleman from Portland, Mr. Stewart, requests a division.

The Chair recognizes the gentleman from Standish, Mr. Center.

Mr. CENTER: Mr. Speaker and Members of the House: I certainly have to disagree completely with my good friend on the Agricultural Committee, the gentleman from Norridgewock, Mr. Taylor, when he says this bill in any way discriminates against Gorham. I don't think that he has read the amendment which I propose to offer, which is Filing Number 537.

It might have been interpreted by someone, although it was unin-

tentional, that this bill, in its present form, might have worked a hardship on Gorham. However, Gorham's long meet has never attempted, and has no desire to run after the 15th of August, and my amendment makes this apply only to "within the same or any adjoining county."

Now the fair schedule is, and always has been, that Bangor Fair is the first one which runs from August 3 to 8, and Presque Isle from August 10 to 15. Those would be entirely exempted under my limit, so that this amendment will not work against Gorham, and will do, as I said in my opening remarks, as much against one fair as against another as against a race meet other than a fair.

And I might say that I have talked this matter over with the officials of the town of Gorham, and I have also talked it over with some of the people that are vitally interested in Gorham Raceways, and they tell me they have no objection to this bill as amended.

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

Mr. STEWART: Mr. Speaker, it seems to me that the one to whom an application for a racing date should be made is the Harness Race Commission. It seems to me that if the application is going to be made to other fairs in the same business, it is going to result in corrupt bargaining or could result in corrupt bargaining with other organizations. It seems to me that this is a vicious bill and it ought to be indefinitely postponed.

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

Mr. BAILEY: Mr. Speaker and Ladies and Gentlemen: As I understand the fair situation here in the State, there has been an agreement between the various fair organizations and the running meets in Portland and at Scarborough Downs, and from what I have studied on this bill, I believe that the gentleman from Standish, Mr. Center, has stated it very correctly, and I hope the motion to indefinitely postpone this bill will not prevail.

The SPEAKER: The Chair recognizes the gentleman from Norridge-wock, Mr. Taylor.

Mr. TAYLOR: Mr. Speaker and Members of the House: I am very much in accord with the agricultural fairs. I have been secretary to agricultural fairs for a great many years, and I have also been secretary of race meets, and I am pulled between the two, but I do feel that we should go along and in some way halfway compromise with these two bills.

The SPEAKER: The gentleman from Portland, Mr. Stewart, moves that the report —

The Chair recognizes the gentleman from Windsor, Mr. Hussey.

Mr. HUSSEY: Mr. Speaker and Members of the House: I am very much in accord with the small fairs throughout this State, and I think everybody should do everything they can to help them along. I hope the motion to indefinitely postpone does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Alden.

Mr. ALDEN: Mr. Speaker, I have thought this thing over a great deal and talked with a great many interested in the Gorham Raceways, and in the past they have had their races during the part of the season when it would not be affected by the agricultural fairs or affect them in any way, and I am perfectly willing to go along with the gentleman from Standish, Mr. Center, on his proposal.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. Stewart, that House Report "Ought not to pass" on House Paper 931, Legislative Document 996, Bill "An Act Relating to Issuance of Harness Horse Racing Licenses" together with accompanying papers, be indefinitely postponed. The same gentleman requests a division. As many as are in favor of the motion for indefinite postponement of the report and bill 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.

Seventeen having voted in the affirmative and sixty-seven having

voted in the negative, the motion to indefinitely postpone did not prevail.

The SPEAKER: The question before the House now is on the motion of the gentleman from Standish, Mr. Center, that the bill be substituted for the "Ought not to pass" report. Is this the pleasure of the House?

The motion prevailed, and the Bill was substituted for the "Ought not to pass" report of the committee.

Thereupon, the Bill was given its two several readings.

Mr. Center then offered House Amendment "B" and moved its adoption.

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

HOUSE AMENDMENT "B" to H. P. 931, L. D. 996, Bill "An Act Relating to Issuance of Harness Horse Racing Licenses."

Amend said Bill by inserting after the word "meet" in the 3rd from the last line thereof the following underlined words and punctuation 'within the same or any adjoining county'.

Thereupon, House Amendment "B" was adopted and the Bill as amended was assigned for third reading tomorrow morning.

The SPEAKER: The Chair lays before the House the twelfth item of Unfinished Business, An Act relating to State Liquor Warehouse and Wholesale Store, Senate Paper 357, Legislative Document 968, tabled on April 23 by the gentleman from Fairfield, Mr. Osborne, pending passage to be enacted; and the Chair recognizes that gentleman.

Mr. OSBORNE: Mr. Speaker and Members of the House: I yield to the gentleman from Cumberland, Mr. Call.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Call, in his own right.

Mr. CALL: Mr. Speaker, may I have permission to approach the rostrum?

The SPEAKER: The gentleman may approach the rostrum.

Mr. CALL: Mr. Speaker and Members of the House: At this time I wish to offer an apology to the gentleman from Saco, Mr. Fitanides, and to the legal gentlemen of this House that I was wrong in



regard to the medical profession having to serve some internship.

In regard to An Act relating to State Liquor Warehouse and Wholesale Store, this bill was presented by a gentleman from the other branch. I was asked by members who worked in the warehouse in Portland, Me., if I would make some appeal to this Legislature in regard to moving this warehouse.

In regard to the liquor that is being sold in the State of Maine, in the Portland area alone 25 per cent, and if you take and include an area from Portland, Lewiston, into Oxford County, and including York County, it is 40 per cent, giving you a total of being served 65 per cent in what we call the Greater Portland, York and Androscoggin and Oxford Counties.

Now the families affected by this moving proposition would be thirty odd families who have served for years in the warehouse in Portland; it would approximately affect ninety people, probably.

With reference to moving this warehouse, the great argument of the gentleman who proposes to move it, is that they would take \$325,000 out of the carrying account. I have talked with different gentlemen who are very much interested in this bill, and the saving I will admit, over the course of the years, in rent is a large amount, but I have some figures to contradict that also. Now according to the figures given to me in Portland, they pay approximately \$18,000 for the warehouse and \$3,000 for the wholesale store and liquor stores, making a total of \$21,000.

Now ten years ago this building was moved down there primarily as an economy measure. If the warehouse was moved to Augusta, Maine, presumably so, it would cost about \$80,000 to \$90,000 a year for freight, to move liquor back into the areas I just mentioned.

Now I will go along with them in saying that it would, in the course of ten or twelve years, pay to own their own building, but at the same time, if we did move the building up here, they would still have to pay that amount for freight, so by paying \$21,000 a year and not having to pay that freight, I can

see a saving of approximately \$60,000 to the State of Maine every year.

Another thing, and this is a thought of my own: Why was this bill introduced in the first place if it wasn't primarily in the interests of one person or certain parties in a winery that was located nearby? In the past they sold the State of Maine 70,000 cases of wine in a year, and I am going to leave this thought with you: The freight bill from Gardiner to Augusta would be very small, but from Gardiner to Portland it would be very tremendous. So I hope that you will go along with me on the indefinite postponement of this bill.

The SPEAKER: The gentleman from Cumberland, Mr. Call, moves that the bill be indefinitely postponed.

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

Mr. JALBERT: Mr. Speaker and Members of the House: This was a recommendation of the Research Committee, and two members from that committee came from Cumberland County. It was a unanimous recommendation.

So far as the service that Mr. Call mentions, and includes the greater Portland area and a coverage of the Lewiston-Auburn area, in Androscoggin County, I would just remind the members that the distance from Lewiston to Portland is thirty-five miles; the distance from Lewiston and Auburn to Augusta is twenty-eight miles.

The money that we would save, as far as freight is concerned, counteracts that argument. I might suggest that on any freight sent from New York or beyond that comes in to Maine, there is no further charge if it stops at Portland and there is no further charge if it goes even this side of Bangor.

The reasons that were stated as to why this warehouse was moved to Portland, and his reason is well taken, I will give you another reason: The Governor informed the Chairman of the Liquor Commission that he appointed, with specific instructions to move the warehouse to Portland. It was strictly and purely and simply a political gesture, and it costs the State of Maine a great deal of money. We have our office force in Augusta and our

warehouse in Portland; needless to say, that costs money. With the rental that we pay we can build a building here, and in a few years we own the building and we don't have to pay the very high rental.

To counteract the argument which was presented by Mr. Call about the families that live in Portland, I would suggest that the families that lived in Augusta, those people who worked in the warehouse, were also affected when they transferred the warehouse to Portland.

Mr. Speaker and Members of the House: I hope the bill is finally enacted.

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

Mr. ALBERT: Mr. Speaker and Members of the House: A few years ago, during the war, the warehouse was moved to the city of Portland and that was, at the time, not an economy measure but strictly a political measure on the part of some of the members at that time in the Legislature.

I submit to you that this bill was presented before the Liquor Committee. I saw no one appear at the committee hearing from Cumberland or any other county, opposing the bill; every one who appeared there was in favor of the bill, because there was some savings in sight.

This bill calls for \$325,000. It doesn't come out of the general fund or the surplus; it comes out of the working capital of the Liquor Commission. The rent that is now being paid by the State for the present establishment in Portland will more than amortize this loan over a period of years.

Two years ago there was a bill presented in this House to take the Vocational School away from Augusta and move it to South Portland. The people of Augusta didn't like to see the school go but we made our appearance in the committee. When the Appropriations Committee came out on the floor with a unanimous report "Ought to pass" we gracefully bowed out of the picture and it went to Portland, and I submit to you that there were more than thirty families affected at that time. All the instruc-

tors at the school were moved down there along with it.

Now two years ago, when that was brought before this House, it was pointed out to us that by moving to Portland it would have numerous buildings available and the buildings were in good condition. However, this year I have noticed appropriations for \$60,000 to keep those same buildings at Fort Preble in repair.

I sincerely hope the motion of the gentleman from Cumberland (Mr. Call) does not prevail.

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

Mr. FULLER: Mr. Speaker and Members of the House: I should like to concur with the remarks of these two gentlemen who have spoken on the reasons for the bill. This originated with the Research Committee investigations, and it did seem that the State was spending an amount of money which, in the case of a private individual, would be considered altogether too high over a long period of time to spend for rent. Therefore we felt that we should recommend that the State seriously consider the construction of a warehouse in a central point where it would be convenient for the employees of the Liquor Commission.

I see that the committee has submitted an amendment also so if that is also considered, then what we came down to is not the case of a building located in any one particular place, but one designated by the State Liquor Commission, and then the question of whether we wish a State-owned building to be amortized out of rentals or whether we wish to go on paying rent to the owner of private property.

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

Mr. ALBEE: Mr. Speaker and Members of the House: Being from Portland, I am certainly in favor of this bill. I would like to see it move back to Augusta. I would like to ask through the Chair of the gentleman from Lewiston, Mr. Jalbert, if we are not paying \$23,000 rent and renting the top floor for

\$3,600. I would like to know if those are the right figures.

The SPEAKER: The gentleman from Portland, Mr. Albee, requests information through the Chair of the gentleman from Lewiston, Mr. Jalbert. The gentleman from Lewiston, Mr. Jalbert, may answer if he so desires.

Mr. JALBERT: That information is correct, Mr. Speaker.

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

Mr. ANDERSON: Mr. Speaker, as a member of the Committee on Liquor Control, I would like to say a few words supporting my action on this bill. All of you have seen the Bird report of the Research Committee and probably have read it. If you haven't read it, look at section 9 which refers to location of warehouse buildings and I quote from the committee report: "The committee feels that the supervisory duties of the State Liquor Commission will be more readily handled if the Commission offices were located near the liquor warehouse. We are advised that the net rental paid for the warehouse is \$19,416.43 a year and that the rental paid for the wholesale store in Portland is \$3,000 a year." Now, just a little figuring would indicate to me that the warehouse building and I don't particularly care where they build it but I personally would like to see it in Augusta. I don't say they are going to build it here just because I would like to see it here but I think it is only common-sense that we should build a building, own it and pay in the neighborhood of \$25,000 a year.

The SPEAKER: The question before the House is on the motion of the gentleman from Cumberland, Mr. Call, that Bill "An Act relating to State Liquor Warehouse and Wholesale Store," Senate Paper 357, Legislative Document 968, be indefinitely postponed.

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

A division of the House was had.

Three having voted in the affirmative and sixty-seven having voted in the negative the motion to indefinitely postpone did not prevail.

The SPEAKER: This bill having had its three several readings in the House and having been passed to be engrossed and having had its two several readings in the Senate and having been passed to be engrossed and the Committee on Engrossed Bills having reported that it is truly and strictly engrossed, is it now the pleasure of the House that it be passed to be enacted?

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The SPEAKER: The Chair lays before the House the thirteenth item of Unfinished Business, House Divided Report, Majority Report "Ought to pass" and Minority Report "Ought not to pass" of the Committee on Legal Affairs on Bill "An Act relating to Membership of State Harness Racing Commission," House Paper 663, Legislative Document 706, tabled on April 24 by the gentleman from Portland, Mr. Childs, pending the motion of the gentleman from Standish, Mr. Center, to accept the Majority Report.

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

Mr. HAND: Mr. Speaker, during the noon recess the gentleman from Portland, Mr. Childs, informed me that it would be impossible for him to be present at this afternoon's session and asked me if I would move to have this item retabled and I so move.

The SPEAKER: The gentleman from New Limerick, Mr. Hand, moves that the thirteenth item of Unfinished Business be retabled. Is this the pleasure of the House?

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

A viva voce vote being taken, the motion prevailed, and the two reports with accompanying papers were retabled pending the motion of the gentleman from Standish, Mr. Center to accept the majority report.

The SPEAKER: The Chair lays before the House the fourteenth item of Unfinished Business, House Divided Report, Majority Report "Ought to pass" and Minority Report "Ought not to pass" of the Committee on Legal Affairs on Bill

"An Act Creating a Racing Commission," House Paper 1188, Legislative Document 1337, tabled on April 24 by the gentleman from Norridgewock, Mr. Taylor, pending acceptance of either report; and the Chair recognizes that gentleman.

Mr. TAYLOR: Mr. Speaker and Members of the House: The fact that I tabled the bill of the gentleman from Portland, Mr. Childs, I think it is only courtesy to Mr. Childs that we retable this bill, 1337.

The SPEAKER: The gentleman from Norridgewock, Mr. Taylor, moves that the fourteenth item of Unfinished Business be retabled. Is this the pleasure of the House?

The motion prevailed and the two reports with accompanying papers were retabled pending acceptance of either report.

The SPEAKER: The Chair lays before the House the fifteenth item of Unfinished Business, Bill "An Act Declaring All Court Papers, Books and Records Pertaining to Adoption Confidential and Providing for Release Thereof," Senate Paper 541, Legislative Document 1454, tabled on April 24 by the gentleman from Pittsfield, Mr. Cianchette, pending third reading.

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

Mr. CIANCHETTE: Mr. Speaker, I will yield to the gentleman from Portland, Mr. McGlauffin, who has an amendment to offer.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. McGlauffin, in his own right.

Mr. McGLAUFFIN: Mr. Speaker and Members of the House: I hope I do not have to offer this amendment, because, before I do I am going to ask for the indefinite postponement of the bill itself.

When I look at this bill I feel somewhat like the boy in a story I heard. He had been out in the snow and he had some little boots and he got them wet, and the next morning when he tried to pull them on they pulled hard. He said, "Oh the 'd - - -,'" and just at that moment his mother came in. He said, "Mother, I was just going to say 'Oh, the devil,' but I remem-

bered just in time 'Thou shalt not take the name of the Lord thy God in vain.'"

Now I feel that this is one of the damndest bills I ever saw introduced in this Legislature, but I am not going to say that because it isn't proper language to use before the Legislature, so I am merely going to say I think it is one of the worst.

We are suppressing records that have been open to the public for a hundred and thirty-two years. What is the good of records if no one can see them? And as it is proposed here nobody can see them but a few privileged persons. If I can see those records why isn't it fair for you to see the same records?

I pointed out to you the other day why I thought these records should not be suppressed. I pointed out to you that you are legalizing deceit, that you are going contrary to former precedent, and it is not going to help the child by keeping gossips quiet, that it was going to interfere with the search of titles, that it was going to interfere with the right of descent of an illegitimate child, and that it was leaving the matter just to the whim of whoever happens to be Judge of Probate.

I think all sects of the lawyers in the House voted against me, but I have had more experience than any two of them put together, and while they think their judgment is so much better than mine I do not happen to agree with them.

When this came up, in spite of anything I could say, this House, whether you had been lobbied or whether for some foolish, sentimental reason of your own, you felt this was a good bill and you voted me down very decidedly.

This bill originated in the other body. It was introduced by a lady. The bill was so obviously a bad bill that even those members that supported it on the Judiciary Committee could not swallow that, but they did swallow the idea, hook, line and sinker just as most of you did.

Now I come to what you have got as a result. I don't think most of you realize what you did, but I am going to point it out to you just the same. I will read this: "Adoption records confidential." Why

should they have any records if you can't see them? Why not just say, "We won't have any records at all." Now we have got records but just a few privileged persons can see them, and those are the ones that can satisfy the Judge that they have some special interest.

And let me say right in that connection, that there is not one person in ten thousand, probably not in forty thousand who ever wants to look at those records, but when somebody does want to look at them they may want to see them very badly.

I can illustrate what I mean by this: I have all the Maine Reports in my office. There are cases in those reports that I may not look at in the course of ten years, but when, by searching the Digest, I find reference to a particular case that I want that is when I want that case very badly and I want just that case. Now bear in mind that you members of the House may be the ones that want to see that record and you may not be able to do it.

Now I am going to read just this: "Adoption records confidential. All probate court records relating to any adoption decree on or after the effective date of the act are declared to be confidential. The Probate Court shall keep the records of such adoption segregated from the other court records." Now get this point, because it is important. Those records are segregated. Up to that point you can't allow anybody to see them. But the last clause is all the way you can see them. "Such adoption records may be examined"—they are segregated—"upon authorization of the Judge of the Probate Court." It gives him no other authority.

I talked to the Register of Probate yesterday who told me that he had talked with some of the judges of the Supreme Court who stated that as that stood it needed clarification. You don't know what the rights of the judge are, even, as I am going to illustrate.

Let us suppose for illustration that a man adopts a child in this State. He later moves to California and somehow or other he has lost his certificate of adoption. He writes

to the Probate Court of Cumberland and asks for a copy of that certificate. There is not any authority here for even the judge to give it. All that the judge is allowed to do is to allow somebody to examine the record. That is all the authority he has got.

I recently had occasion to write the Probate Court in Cambridge to find out if a certain person who died there had left an estate, showing who her heirs were. If they had in Cambridge that law they could not have told me what I wanted to know—I mean if she had been adopted, I couldn't find out whether she had any heirs or not.

Another point. This does not provide that you can give a certificate; it does not provide that you can copy those records; you can only examine them. Now suppose a person in another state or from another part of the same state wants some information, they want to know whether the records show that there was an adoption. They can't even find that out. All they can do is examine the records. They have either got to come from the other state to Portland or from Aroostook to Portland, or from wherever they happen to be, even to examine the records, or they have got to hire an attorney in Portland to go to the Judge of Probate and file a written petition to see those, because our Judge of Probate—and I talked it over with him—he said, "If you pass this law if anybody gets any information from me they have got to file a written petition, they will have to have a hearing on it, and they have got to show the reason why they want to see those records." You have got to hire an attorney even to find out that there was an adoption. I say that is damnable, and I mean it. This time I am saying it. Before you can tell what this law means someone has got to take it to the Law Court.

Now I am moving for the indefinite postponement of this measure because if you have got to have a law of this kind, as many of you think you have to, then for heavens sake let us get somebody to draw up a bill, a lawyer who knows what he is talking about and that

is something that we want. Thank you.

The SPEAKER: The gentleman from Portland, Mr. McGlauffin, moves that the bill be indefinitely postponed.

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

Mr. CIANCHETTE: Mr. Speaker and Members of the House: Mr. Speaker, I really did not expect that we were going to review this bill again today. After this was debated the other day and the House had expressed their sentiments, I might say overwhelmingly, at least by a very substantial majority in favor of this bill, I thought that that should be sufficient.

I will not go through all of the arguments that I went through the other day on this matter in which I felt that I answered the objections of Mr. McGlauffin. I might point out that Mr. McGlauffin mentioned to me that he had talked with one Register of Probate who felt that he did not like the bill and that the point that records could not be sent should be amended. Well, my feeling on that, and the feeling of other members of the Committee with whom I talked concerning that point was that in the case of a person from out of the State who desired those records, a letter to an attorney in a city in this State where the records were kept would be sufficient. That lawyer could go and examine the records and send his report back to the person requesting the information.

Now somebody might think that this is a big deal for the lawyers, but I might point out that at least in my county on work in the Probate Court, work such as this, the schedule of fees is five dollars an hour. Certainly this would not take an hour, so there would be a fee of five dollars which certainly should not affect this bill.

Of course you might find Registers of Probate or possibly Judges of Probate who for one reason or another, personal or otherwise, might not like this bill, and not liking it, if they wanted to they could perhaps, to a certain extent sabotage it. But certainly this bill as written, and I have gone over it since the hearing with a great many

lawyers, and I will not consider myself a competent attorney, but I have gone over this with other lawyers who have a very high reputation in this State, who are very highly regarded, and they can see nothing wrong with this, and they are convinced that anybody who wants to administer this law and administer it effectively can do so.

Now as to this amendment, my opinion was that I have no objection to the amendment. I was under the impression that this amendment would somewhat satisfy the objections of the gentleman from Portland, Mr. McGlauffin. Actually I do not think the amendment is necessary, but I have no objection to it. As I said before, I think this thing was thoroughly discussed, the House expressed their opinion overwhelmingly in favor of it. I am not going back into all the merits and demerits of this bill again, but I certainly hope that we will not now reverse ourselves and indefinitely postpone this measure.

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

Mr. SMALL: Mr. Speaker, when this amendment first came out I talked it over with my seatmate, Mr. Anderson, and I have been studying it for several days, and I was glad to hear the gentleman from Pittsfield (Mr. Cianchette) make the remarks that he did because he has clarified certain points in this amendment.

I voted against the bill the first time, but with this amendment and the explanations I feel myself that I am satisfied with it. I do not want to see the bill indefinitely postponed and I shall be glad to vote for it with this amendment.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. McGlauffin, that L. D. 1454 be indefinitely postponed.

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

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

The gentleman from Portland, Mr. McGlauffin, then offered House

Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to S. P. 541, L. D. 1454, Bill "An Act Declaring All Court Papers, Books and Records Pertaining to Adoption Confidential and Providing for Release Thereof."

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

**"In any case where it is considered proper that such examination be authorized, the judge may in lieu of such examination, or in addition thereto, grant authority to the register of probate to disclose any information contained in such records by letter, certificate or copy of the record."**

The SPEAKER: All those in favor of the motion of the gentleman from Portland, Mr. McGlauffin, that House Amendment "A" be adopted will please say aye; those opposed, no.

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

The Bill was thereupon given its third reading, passed to be engrossed as amended by House Amendment "A" in non-concurrence and sent up for concurrence.

The SPEAKER: The Chair lays before the House the sixteenth item of Unfinished Business, Senate Report "Ought not to pass" of the Committee on Legal Affairs on Bill "An Act to Clarify Issuance of Harness Horse Racing Licenses", Senate Paper 272, Legislative Document 764, tabled on April 27 by the gentleman from Farmingdale, Mr. Smith, pending further consideration; and the Chair recognizes that gentleman.

Thereupon, on motion of Mr. Smith of Farmingdale, the House voted to concur with the Senate in substituting the Bill for the Report and further voted to indefinitely postpone the Bill and accompanying papers in concurrence.

The SPEAKER: The Chair lays before the House the seventeenth item of Unfinished Business, House Report "Ought to pass" in New

Draft, House Paper 1281, Legislative Document 1517, under title of Resolve relating to Navigation on Part of Sebago Lake, Cumberland County of the Committee on Inland Fisheries and Game on Resolve Closing Part of Sebago Lake, Cumberland County, to All Fishing, House Paper 1238, Legislative Document 1433, tabled on April 27 by the gentleman from Raymond, Mr. Edwards, pending acceptance of the report; and the Chair recognizes that gentleman.

Thereupon, on motion of Mr. Edwards of Raymond, the "Ought to pass" in New Draft Report of the Committee was accepted.

The Resolve was given its first reading and assigned for second reading tomorrow.

The SPEAKER: The Chair lays before the House the eighteenth item of Unfinished Business, House Report "Ought not to pass," covered by other legislation, of the Committee on Inland Fisheries and Game on Bill "An Act relating to Bounty on Bears," House Paper 808, Legislative Document 892, tabled on April 28 by the gentleman from Millinocket, Mr. Gates, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. GATES: Mr. Speaker and Members of the House: You will note from your calendar that the report on this bill was "Ought not to pass" as covered by other legislation. There is another bill pending which I approve which covers this bill but that particular bill is bogged down in the Senate and as I am rather reluctant to relinquish my hold on the doorknob until I get a firm grip on another one, I move that this be retabled without date.

The SPEAKER: The gentleman from Millinocket, Mr. Gates, moves that the eighteenth item of Unfinished Business be retabled. Is this the pleasure of the House?

All those in favor of the motion of the gentleman from Millinocket, Mr. Gates, to retable, will please say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed and the matter was retabled without assignment.

The SPEAKER: The Chair lays before the House the nineteenth item of Unfinished Business, Resolve in favor of School for the Deaf, Senate Paper 571, Legislative Document 1503, tabled on April 28 by the gentleman from Portland, Mr. Roundy, pending second reading; and the Chair recognizes that gentleman.

Mr. ROUNDY: Mr. Speaker, the reason for my tabling this bill has been resolved and I move that it go forward for second reading.

The SPEAKER: The gentleman from Portland, Mr. Roundy, moves that the Bill now receive its second reading. Is this the pleasure of the House?

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

The SPEAKER: The Chair lays before the House the twentieth item of Unfinished Business, Bill "An Act relating to Closing County Offices on Saturdays," House Paper 1145, Legislative Document 1293, tabled on April 28 by the gentleman from Augusta, Mr. Albert, pending passage to be engrossed; and the Chair recognizes that gentleman.

Thereupon, Mr. Albert of Augusta offered House Amendment "B" and moved its adoption.

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

HOUSE AMENDMENT "B" to H. P. 1145, L. D. 1293, Bill "An Act Relating to Closing County Offices on Saturdays."

Amend said Bill by adding at the end of the Title the words 'and the County of Kennebec'

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

**'The county offices in the county of Kennebec may, in the discretion of the county commissioners, remain closed on Saturdays from May 15th to September 15th, inclusive.'**

Thereupon, House Amendment "B" was adopted on motion of the gentleman from Augusta, Mr. Albert.

The Bill as amended by House Amendment "A" and House Amendment "B" was then passed to be engrossed and sent to the Senate.

The SPEAKER: The Chair lays before the House the twenty-first item of Unfinished Business, House Divided Report, Majority Report "Ought not to pass" and Minority Report "Ought to pass" of the Committee on Appropriations and Financial Affairs on Resolve Providing Funds for Nursing Attendant Education, House Paper 480, Legislative Document 499, tabled on April 27 by the gentleman from Island Falls, Mr. Crabtree, pending acceptance of either report; and the Chair recognizes that gentleman.

Mr. CRABTREE: Mr. Speaker and Members of the House: This morning, most reluctantly, I arose to help in the kiss of death of two educational bills as it seemed wise and expedient. Now, I arise to ask you to cooperate on a thing that is highly important to all of us. This should be classified, possibly, as an educational measure but actually the only way that our educational institutions come in is that we will do the job—I don't mean we, I mean the educational institutions, probably the State teachers colleges, a couple of them, will do the job for the hospitals and for your homes and the institutions. Now, I realize perfectly well that we are getting very, very short on money and I realize perfectly well that there is considerable doubt about there being money enough to take care of this highly important matter. I do think that it is important enough to every one of us, our institutions and our hospitals and our own homes, so that we ought to keep this matter alive and accept the minority report of the Appropriations and Financial Affairs Committee.

Now, I have talked with the majority of them in both branches of the Legislature and they agree with me, those whom I have seen; there are possibly one or two whom I haven't been able to contact. It was with some reluctance but I think it is a fair question, a fair statement that they brought out this majority "Ought not to pass" report. The hearing was attended by the medical association representatives, the hospital associations, and there were several of them, the nurses association and many others, the orthopathic hospital association,



and so forth. It was considered by everyone, I think, who attended the hearing, that there was a crying need for this training.

Now, I am going to take just a minute to explain what this bill calls for. It calls for the establishment of two units of training for what we used to call, years ago, practical nurses. I found out a few things about nurses during the progress of this bill and I found out that there was one classification, a supervisory nurse. That is a person who has graduated from a college with a degree and then goes on to study nursing and she almost always is the boss of the hospital. She is on the top round. Well, it isn't those we are seeking for, I am told by a varied doctors' report, official report.

Then there is the professional nurse who takes the regular training and I was somewhat surprised to find that the shortage, although one exists, wasn't so terrible in that category.

Then we come to this nurse's attendant proposition and there, ladies and gentlemen of the House, is where the shoe is pinching just terribly. There are wards closed down in our hospitals, state wards, because of the lack of so-called practical nurses. It seems that if we did have a suitable supply of practical nurses, this type of nurse would then relieve the professional nurse for operating room and that type of work so the shortage is for this type of nurse, which these two units would provide.

Now, what it means is the 48 week course of nursing in this classification, 16 weeks they attend schools and take the theory part of it and then for 32 weeks they will be trained in the hospitals. The cost of the tuition is very small indeed. It is only \$100 plus a 16 week board and during the 32 weeks in the hospital they have got their money back. There are only 700, I am very sure the figure was, practical nurses in this whole State. 500 of them came in through a waiver clause and I think that that waiver clause is something like the old horse doctor, who, years ago, when they made them race a little so many people doctored horses that they let them stay anyway. Well,

I think this is something similar to that. But anyway we have got some of those and thank the Lord we have. 200 of them came from other states; it might be interesting to you to know that there are only 2 other states which do not have some kind of training for these practical nurses. There is a desperate need, we have been told in a very loud voice by everyone who knows about this training.

I am going to move the acceptance of the minority report, realizing full well that this in its course of shuffling back and forth and its readings will land at the appropriate time on the table in the other body and it will have to wait its course to see whether or not there is any chance of financing it. And so, with this motion, I am asking you to keep it alive if you think it is worthy so that it may possibly have a chance of supplying this very critical need.

The SPEAKER: The gentleman from Island Falls, Mr. Crabtree, moves that the minority "Ought to pass" report be accepted.

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

Mr. SENTER: Mr. Speaker, I rise to support the motion of the gentleman from Island Falls, Mr. Crabtree.

There were, years ago, quite a few private hospitals that had a training program that would train local girls to become nurses. Now many of those training programs have been closed. I know that has happened in our community. Our only hospital does not now have a training program so if girls in Brunswick graduating from our high school want to train to become nurses they have to go a considerable distance and oftentimes out of state and it is very expensive. I think that the objective in this bill is very worthy. As the gentleman from Island Falls, Mr. Crabtree told you, these practical nurses or nursing attendants relieve a registered nurse for more important duties. I have had the experience and I know many of you have had the experience of finding it a real difficulty to have someone come into your home to take care of a parent

or a loved one when perhaps all you need is a practical nurse.

I do hope that the House will accept the motion.

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

Mr. JALBERT: Mr. Speaker and Members of the House: When Mr. Crabtree states that he spoke to some of the members of the committee who signed the report "Ought not to pass" with reluctance he makes a very true statement. I am one of those who did sign the report "Ought not to pass" purely based on the fact that the funds might not be available. I think that this is a measure upon which even some of you members who joined me in signing the "Ought not to pass" report have stated to me that it had high priority, should be kept alive, and if the funds are available the measure will become law, and if the funds are not available I am sure the proponents of the measure will be the first ones to join us and say we will postpone it for another two years.

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

Mr. CAMPBELL: Mr. Speaker and Members of the House: I rise to concur with the remarks made by the gentleman from Island Falls, Mr. Crabtree.

When this bill was before us in the committee every member of the committee recognized the value of this service, and I assure you it was only because we were doubtful whether the revenue would be sufficient to provide this service that we presented an "Ought not to pass" report on the matter. I certainly hope that we will go along with the motion of Mr. Crabtree.

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

Mr. CENTER: Mr. Speaker and Members of the House: I don't want anyone to think that I am in any way opposed to advanced education, but I have as a physician for some time felt that many of our hospitals have made their training too technical to turn out good private duty nurses. I am afraid that there is a tendency today to turn out specialists or girls who want to go into

specialty fields. This training is all right to a certain extent, but I assure you it does not particularly help them to give a patient a bath or to carry a bedpan, and that is the crying need in the care of patients today. I think that these nursing attendants are very, very essential to public welfare, and I hope that the motion of the gentleman from Island Falls, Mr. Crabtree, prevails.

The SPEAKER: The Chair recognizes the gentleman from Harrison, Mr. Davis.

Mr. DAVIS: Mr. Speaker and Members of the House: As one of the signers of the minority "Ought to pass" report I rise to support the motion of the gentleman from Island Falls, Mr. Crabtree.

I consider our Vocational Technical Institute one of the most important parts of our educational system and I think that this thing here would be equally as important in its field. I hope that it will receive favorable consideration.

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

Mr. LOW: Mr. Speaker and Members of the House: I am President of the Knox County General Hospital in Rockland and I can confirm the statement of the gentleman from Island Falls (Mr. Crabtree) that there are wards closed in the State because they cannot be manned, because we have one and we have had it that way for months. Furthermore, our situation as regards nurses is getting worse all the time instead of better. Now we are further away today from opening up that ward than we were many months ago. Years ago we too had a training school and we turned out very good nurses, but the standards now are so high that to all intents and purposes you cannot do it any more. I believe there are only three schools in the State for training registered nurses in the State, in Bangor, Lewiston and Portland. They cannot begin to supply our need for nurses and we do not need that well trained nurse. A well trained one year practical nurse would meet our situation perfectly and we would be able to give very good care. I certainly hope that the motion of the gentleman from Is-

land Falls (Mr. Crabtree) prevails.

The SPEAKER: The pending question is on the motion of the gentleman from Island Falls, Mr. Crabtree, that the minority report "Ought to pass" on Resolve Providing Funds for Nursing Attendant Education, House Paper 480, Legislative Document 499, be accepted. Is this the pleasure of the House?

The motion prevailed and the minority "Ought to pass" report was accepted.

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

Mr. COLE of Liberty: Mr. Speaker—

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

Mr. COLE: Under suspension of the rules I would like unanimous permission to address the House for a short time.

The SPEAKER: Does the Chair hear objection to the request of the gentleman from Liberty, Mr. Cole, that he be given unanimous consent to address the House?

The Chair hears no objection and the gentleman may proceed.

Mr. COLE: Mr. Speaker and Members of the House: Before we go too far I would like to have the members of the House have a few figures to sleep on. I realize that the members have been very cooperative this afternoon, especially the proponents of the academy bills, they have gone along very nicely and helped us expedite the session very much, and I appreciate it as a member of the Appropriations Committee.

But I would like to leave with you these figures. They are this. As of this noon we had \$136,000 available in our general fund account. This House has passed \$72,000 for the elderly teachers. They also passed a bill requiring \$10,000 for an additional judge, \$24,000 for tobacco stamp exemption, \$20,000 for sales tax exemption on schools and fuel and so forth, \$5,000 for salary increase for the Public Utilities Commission, \$6,500 for Court Reporters. This adds up to \$137,500. So you can see, members of the House, just one thing as compared to \$136,000 available.

I did not want to report this to you before my good friend, the gentleman from Island Falls, Mr. Crabtree, spoke, as this is another very worthy bill. This calls for \$45,000. We also have another very worthy bill presented by the lady from Portland, Mrs. Lord, the Bookmobile bill. This calls for \$10,000. We certainly will have to cut back some of the bills that we have passed or else pass additional revenue bills. Thank you.

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

The Chair lays before the House the twenty-second item of Unfinished Business, Senate Report "Ought to pass" in new draft (S. P. 583) (L. D. 1523) under title of "An Act relating to Officers and Employees of the Legislature," on Bill "An Act relating to Salaries of Officers of the Legislature" (S. P. 160) (L. D. 433) tabled on April 29 by the gentleman from Auburn, Mr. Jacobs, pending acceptance of report; and the Chair recognizes that gentleman.

Mr. JACOBS: Mr. Speaker, in order to offer an amendment to this, I ask that this matter be tabled until tomorrow.

The SPEAKER: The gentleman from Auburn, Mr. Jacobs, moves that the twenty-second item of unfinished business be retabled. Is this the pleasure of the House?

The motion prevailed and the Report and accompanying papers were retabled pending acceptance of report.

The SPEAKER: The Chair lays before the House the twenty-third item of Unfinished Business, House Joint Order relative to Recess Committee to Study Department of Health and Welfare (H. P. 1294) tabled on April 29 by the gentleman from Hartland, Mr. Gardner, pending passage.

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

Mr. GARDNER: Mr. Speaker and Members of the House: You will notice that the order calls for a study of the Health and Welfare Department. I use the word "study" and not "investigation."

It is my opinion that we should from time to time re-examine our

policies and procedure. I believe that careful study by competent persons should be of great assistance to the State.

In order to avoid any misunderstanding, let me say that the present commissioner is a good administrator. I understand, as a result of a study several years ago, the department was given several suggestions that helped this department. Considering what we are spending in this department I am confident that there is no department which cannot be improved and that an unbiased study may produce recommendations which, if adopted, could prove most beneficial both from the standpoint of economy and ascertaining whether there is any streamlining of the department necessary.

I hope that the order receives passage.

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

Mr. CRABTREE: Mr. Speaker, I apologize for being on my feet so much this afternoon. I wish that I had one one-hundredth as much regard for this joint order as I do for the gentleman from Hartland, Mr. Gardner, but I don't. It seems to me that here is an opportunity of saving an unlimited amount. It is almost scary to see what this order provides for. It gives them the power to subpoena witnesses, to hire counsel, clerical assistance and other help necessary to carry out the study and so on.

It was in 1951, I am very sure, that a survey was made by our Research Committee which is set up to do just this thing. It was, I think, only three or four years ago that there was some considerable amount of money expended to check on the A.D.C. at least and perhaps some of the other departments, and it seems as though we have had enough of that type of thing.

The department is certainly an important one, and I agree heartily with Mr. Gardner that the administrator is a fine administrator. It seems to me that it is totally unnecessary for such a joint order as this and that it is a good place to begin to save some money on it right now. If anyone feels that

there is a need for an examination or investigation or study, why that is just exactly what we have the Research Committee for.

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

Mr. FULLER: Mr. Speaker and Members of the House: I also am opposed to this order, for these reasons. The Legislative Research Committee has done this work at least partially. I will not claim that we did the type of thing that the gentleman who sponsored this order had in mind, but I will remind you of what has been accomplished.

The latter part of the second volume of our report deals with the effective federal laws upon the Health and Welfare program. A study of that particular part of it was made because a great many of the policies and in fact even a number of the personnel employed in the Health and Welfare Department are not dependent upon our own desire but are dependent upon the laws enacted by the Congress of the United States and by the regulations which emanate from Washington. That means that however good a study is made it may not be possible to do anything effective about it.

The other report that the Research Committee made was the so-called Ferguson report. That was a spot check of some of the cases in the Health and Welfare Department. That was given to the press, as I recall it, but if the Legislature cared to do so that could be reproduced and distributed at a nominal cost.

Again I will say that if the order contemplates what I think it does, and that is a study to see if there is an over-supply of personnel or possibly to see if the recipients are worthy recipients, that that whole matter is so inextricably involved with the Federal policies that I recommend to the House that we at least wait another two years and see whether there have been any changes in policy there in Washington. If that is done, I feel that that money at that time could be better expended on this subject than it can be at present.

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

Mr. BROCKWAY: Mr. Speaker and Members of the House: I think that this matter has been covered rather thoroughly and I concur with the gentleman from Bangor (Mr. Fuller) that this money could be better spent maybe in giving something to some of these poor people that we had to turn down for pensions. After sitting on that committee most of the time for four months and hearing all the distress there is in the State I am reluctant to go along with this order, and I move you that it be indefinitely postponed.

The SPEAKER: The gentleman from Milo, Mr. Brockway, moves that this joint order be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed and the order was indefinitely postponed.

The SPEAKER: The Chair lays before the House the twenty-fourth item of Unfinished Business, House Report "Ought not to pass" of the Committee on Judiciary on Resolve in favor of E. Stanley Kitchin of Rumford (H. P. 184) (L. D. 179) tabled on April 29th by the gentleman from Greenville, Mr. Anderson, pending acceptance of report.

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

Mr. FULLER: Mr. Speaker and Members of the House: This is one of the few resolves that I have introduced in this Legislature this year. I move that the resolve be substituted for the report.

Just to show you how ridiculous some things can get, if this gentleman, Mr. Kitchin, had been fortunate enough to have started teaching in 1924 instead of 1923 he would have automatically come under the retirement system, but because he did start in 1923 instead of 1924 he does not get any credit for those ten years. He is not going to retire immediately. It will probably be ten years before he retires, and he may never collect the pension, but what he is trying to do is to get his pension status settled so that when he is eligible for retirement he may retire. It is just

because of an idiosyncrasy in the law that he does not get credit for ten years of service that he had at Hebron Academy when it was strictly considered a private school.

Now if you will go along with me to substitute the resolve for the report, Mr. Anderson has an amendment which seems to clear up all the objections that the Judiciary Committee had to this resolve. It does not require any appropriation. This amendment says in effect that he will pay to the State Retirement Association what is due them for those ten years of teaching experience.

What I say about Mr. Kitchin would also apply to the next resolve. These gentlemen are both practically in the same category.

As I say, I have talked with members of the Judiciary Committee in both the House and the other branch, and they have told me that this amendment would be favorable to them if it were adopted.

I now move that we substitute the resolve for the report.

The SPEAKER: The gentleman from South Portland, Mr. Fuller, moves that the resolve be substituted for the "Ought not to pass" report of the committee. Is this the pleasure of the House?

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

Mr. TOTMAN: Mr. Speaker and Members of the House: I rise to gain information only. If I recall correctly, one of my colleagues presented a bill somewhat similar to this bill and the one that is to be discussed next for a woman in our town who had taught in a private school for a certain period of years.

The information I seek is this: What is the feeling of the Judiciary Committee regarding teaching in a private school? In other words, do they feel that the policy of the State of Maine should be to allow teaching in a private school to be counted for a pension, and, if so, I wonder why the other resolve for women teachers who have taught in private schools was turned down.

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

Mr. McGLAUFFLIN: Mr. Speaker, when this pension matter came be-

fore the Judiciary Committee so far as I know as individuals we would have been glad to favor these bills. We had to work out our reports along the line of some policy. We studied these and had assistance from the outside and went over these people in detail to see if they came under any particular system that we had adopted. Following that out, we found some that we could report favorably on. There were others who did not seem to come under any classification that we had before us, and so we decided that we would report to the House as we have "Ought not to pass," but it was definitely decided that many of the members of the Judiciary Committee themselves were bound to support that report.

Take this matter that is coming next, the Smith report. I shall heartily recommend that we pass that. It is a very worthy case. I think that every member on the Judiciary Committee will vote for it, but we believe it is the responsibility of the Legislature to take care of a specific case.

I want to say further that as far as I was concerned, I was in favor of reporting favorably every one of those cases that came before the Judiciary Committee. While I am speaking, I may say, although that Smith case has not come up yet, it is a particularly worthy case and I hope that every member of this House votes for it.

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

Mr. FULLER: Mr. Speaker and Members of the House: I am in possession of the statistics that we used, and I take the same position as the gentleman from Portland: we recognized all of these cases as deserving.

In the case of Stanley Kitchin, what was reported to us was that the cost the first year would be \$448.03, and the total cost would be in excess of \$8000. Now you can see if he is going to pay into the retirement fund this amount to cover this period that he taught at Hebron then I would say that would eliminate the cost to the State for at least two or three years, after

which we hope that the State's finances will be in a better position.

The SPEAKER: The question before the House is on the motion of the gentleman from South Portland, Mr. Fuller, to substitute the resolve for the "Ought not to pass" report of the committee.

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

Mr. SMALL: Mr. Speaker, I objected to this resolve because I did not like it the way it came in. It happens that I met my seatmate out in the hallway and he took his action after talking with me, and since he made that amendment I am perfectly satisfied to vote for this resolve.

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

Mr. ANDERSON: Mr. Speaker, you will note that I tabled this matter and I want to say that it wasn't a hatched-up case. This is not my resolve. However, I am very much interested in this one and the one following, and I am interested for several reasons. I have noticed that this Legislature has passed some measures out somewhat similar to this and I also know that the 95th Legislature did, and every other Legislature that I know anything about, although I was not here in the 95th.

As Mr. Fuller has already pointed out to you, it is just unfortunate that this man started teaching in 1923. If he had flunked a year in college and had to go another year and had started in 1924 he would be all right anyway. Now to report "Ought not to pass" in a particular case like that does not make much sense.

I also know that the State grants credit for teachers who teach outside the State, not only that, they grant credits for teachers who teach in foreign countries. That is certainly one of the reasons why I think that both these matters should pass, and both have indicated that they are perfectly willing to make the necessary contributions.

I want to further assure you that we have no evidence whatsoever that this may never cost the state anything. We do not know that

it will. But if it does, when we come to that problem we can take care of it.

The SPEAKER: The question before the House is on the motion of the gentleman from South Portland, Mr. Fuller, that Resolve in favor of E. Stanley Kitchin of Rumford, House Paper 184, Legislative Document 179, be substituted for the committee report. Is it the pleasure of the House that the resolve be substituted for the "Ought not to pass" report of the Committee?

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

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

Thereupon the Resolve was given its first reading.

The gentleman from Greenville, Mr. Anderson, offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 184, L. D. 179, Resolve in Favor of E. Stanley Kitchin of Rumford.

Amend said Resolve by adding at the end of the 1st paragraph thereof the following sentence:

'Such retirement allowance shall not be payable until the said E. Stanley Kitchin has paid to the Maine State Retirement System the sum of \$1,000.'

House Amendment "A" was adopted and the Resolve as amended was assigned for second reading at the hour of convening on the next legislative day.

The SPEAKER: The Chair lays before the House the twenty-fifth item of Unfinished Business, House Report "Ought not to pass" of the Committee on Judiciary on Resolve Granting a Retirement Pension to Hugh A. Smith of Charleston (H. P. 342) (L. D. 359) tabled on April 29 by the gentleman from Charleston, Mr. Rich, pending acceptance of report of the committee.

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

Mr. RICH: Mr. Speaker and Members of the House: I would like to substitute the resolve for the

report, and if I may I would like to say a few words about this case.

The SPEAKER: The gentleman may proceed.

Mr. RICH: I want to thank the gentleman from Portland, Judge McGlaulin, for his endorsement of this case and also our floor leader, Mr. Fuller.

I introduced this resolve believing that it was a very worthy case. Hugh Smith was more unfortunate in a way than Mr. Kitchin. He started teaching before 1913, and therefore it was still more difficult for him to qualify for the retirement contribution.

Mr. Smith taught in the public schools of Carey and Amity a year and six months and twelve days and some of that prior to 1913. He then went to Ricker Classical Institute, worked his way along, and taught one year there as a substitute teacher in 1917 and 1918. He worked his way through Colby College. I think I am in error. He was in Colby College when he stayed out a year and taught at Ricker.

After graduating from Colby College about 1920 he went to Higgins Classical Institute. There he taught seven years as sub-master and science instructor. Then he went to Ricker, where he had graduated, and taught there from 1927 to 1932 as sub-master and science instructor. Then the opportunity came to Mr. Smith to assume the principalship of Coburn Classical Institute. Coburn Classical Institute was one of our good old schools but it was in a little distress at that time financially. Mr. Smith took hold of that school and kept it going and taught there for nineteen years as principal of that school until his health obliged him to give it up. After six months of rest he wanted to get back to teaching again and he came up to Higgins where there happened to be a vacancy, and since January, 1952 he has been at Higgins Classical Institute as a teacher. He is a very valuable man.

I want to say that Mr. Smith has probably helped as many boys and girls, but particularly boys, to an education in the State of Maine by his encouragement and by his financial assistance as any man or woman in the State of Maine, and

just because he was in a private school for those nineteen years he was deemed ineligible for retirement benefits.

I would move that this resolve be substituted for the report and I have an amendment to offer if that is done.

The SPEAKER: The gentleman from Charleston, Mr. Rich, moves that the resolve be substituted for the "Ought not to pass" report of the Committee.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I was not on my feet when the twenty-fourth matter was taken up. I am not necessarily singling out the Smith resolve, but I would like to state that in that case it would not cost any money now but when they start drawing it will cost a pretty penny. I have no doubt that this is a worthy cause. I know of many, many others who are just as worthy and probably more worthy, people who have spoken to me on it when this system was put in. You have to have a starting point. The same principle here applies to the academies, only more so. Is is not a pleasant job to keep standing and keep moving for indefinite postponement of measures such as these, but I assure you of one thing: you are opening the door, and just as sure as I am standing before you, if you pass these two and others like them you can get ready for five or six hundred more at the next session of the Legislature.

I move the indefinite postponement of this resolve.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves that this report and resolve be indefinitely postponed.

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

Mr. ROUNDY: Mr. Speaker and Members of the House: I want to bear witness to the worthy character and the deserving pension for Mr. Smith. We certainly must think in terms of what is reasonably to be considered a part of the pension system which we have already put into operation. I certainly hope that we shall not vote to indefinitely postpone this resolve.

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

Mr. ANDERSON: Mr. Speaker, I think I made it quite plain in my remarks a few moments ago that this Legislature has done just this thing and so have other Legislatures. You are not establishing or starting any precedent, and I would not be at all afraid even if you were. I think each one of these cases has to be handled on its own individual merit.

I happen to know Hugh Smith. He was my sub-master for four years, and as I said when I spoke on the other matter the State has by its Legislature in the past few years granted credit to individuals who are a lot less deserving than Mr. Smith. I have also stated that the State advanced credit for instructors who teach outside the State, and I am informed that the reason they do that is to entice them to come back to the State in later years. And don't tell me that does not cost money. It certainly does cost money.

I might say, with reference to Mr. Smith, that the citizens of the State of Maine got nineteen years benefit from his teaching, and if they teach outside the State you do not get any benefit from the individual. If Mr. Smith, or any other individual who is in a similar circumstance has devoted his entire life to teaching the boys and girls of this state, I for one think that they ought to have some consideration. I am not so enthused over the fact that we do give consideration for ten years teaching outside the State of Maine as well outside the boundaries of the United States.

I certainly hope that the motion of the gentleman from Lewiston, Mr. Jalbert, does not prevail.

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

Mr. MCGLAULIN: Mr. Speaker, I merely want to say that when I was Judge of the Portland Municipal Court they used to come to me and say, "Judge, you are establishing a precedent." My reply was, "There are no precedents in this court so far as I am concerned. I decide these cases on their merit."



And that is exactly what this Legislature has been doing in this House, and I am very proud of the fact that you have done just that. We are not establishing precedents or opening any door when we turn over the report of a committee to do what we think is justice. We decide each case according to its merit as we see it, and no precedent is established so far as we are concerned.

The SPEAKER: The question before the House is on the motion of the gentleman from Lewiston, Mr. Jalbert, that the report and resolve be indefinitely postponed.

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

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

The SPEAKER: The question before the House is on the motion of the gentleman from Charleston, Mr. Rich, that the resolve be substituted for the report. Is this the pleasure of the House?

The motion prevailed and the resolve was substituted for the "Ought not to pass" report of the committee.

Thereupon the resolve was given its first reading.

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

Mr. RICH: Mr. Speaker, I introduced an amendment, Amendment "A", and I would like to withdraw that amendment for the purpose of introducing Amendment "B", if that is the correct procedure.

The SPEAKER: The Chair understands that the gentleman from Charleston, Mr. Rich, offers House Amendment "B" and moves its adoption. The Clerk will read House Amendment "B".

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

HOUSE AMENDMENT "B" to H. P. 342, L. D. 359, Resolve, Granting a Retirement Pension to Hugh A. Smith of Charleston.

Amend said Resolve by adding at the end of the 1st paragraph thereof, the following sentence:

'Such retirement allowance shall not be payable until the said Hugh A. Smith has paid to the Maine State Retirement System the sum of \$920.'

House Amendment "B" was adopted, and the Resolve as amended was assigned for second reading at the hour of convening of the next legislative day.

On motion of Mr. Fuller of South Portland,

Adjourned until 8:30 A. M., E.S.T., tomorrow.