

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Eighth Legislature

OF THE

STATE OF MAINE

VOLUME I

1957

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Friday, May 3, 1957

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

Prayer by the Rev. Mr. Austin H. Wright of Augusta.

The journal of the previous session was read and approved.

**Report of Committee
of Conference**

Tabled Later in Today's Session

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act Relating to Educational Aid and Reorganization of School Administrative Units." S. P. 515, L. D. 1478, have had the same under consideration, and ask leave to report:

That the House recede and concur with the Senate in the adoption of Senate Amendment "B" and the indefinite postponement of House Amendments "D," "E," "F" and "I" and adopt Conference Committee Amendment "A" submitted with the report, and pass the Bill to be engrossed as amended by Senate Amendments "A" and "B" and House Amendments "A," "B," "C" and "G" and Conference Committee Amendment "A"

That the Senate recede and adopt Conference Committee Amendment "A" and pass the Bill to be engrossed as amended by Senate Amendments "A" and "B" House Amendments "A," "B," "C" and "G" and Conference Committee Amendment "A"

(Signed)

Messrs. FULLER of South Portland
FARMER of Wiscasset
HANCOCK of York

Miss CORMIER of Rumford

Messrs. BRAGDON of Perham
MAYNARD of Portland

—Committee on the part of House.

Senators:

LOW of Knox

SINCLAIR of Somerset

FARLEY of York

PARKER of Piscataquis

REED of Aroostook

—Committee on the part of Senate.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Beyer.

Mr. BEYER: Mr. Speaker, I am fully aware of the importance and gravity of this bill. I am also fully aware that it has been amended probably to the extent that any bill, no matter how important, should be amended and still be well understood. However, that report, it is the first time I have heard it, and for the purpose of more fully acquainting my people at home with the present status of it, I would hope that perhaps the members of this House would go along with me in allowing myself as well as other people that are interested in taking it home to their people over the week end and studying these amendment adjustments more carefully. It is not my purpose to obstruct this bill. I am doing my best to understand it and to try to do what I can for the State as well as for my town. And I do feel that further study would be both beneficial to the people I represent and possibly to further passage of the bill.

Therefore, at this time, I will move to table the bill pending further consideration of the Conference Committee Report.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Totman, but reminds the gentleman that the motion is not debatable.

Mr. TOTMAN: Yes sir. I request permission to approach the rostrum.

(Conference at rostrum)

The SPEAKER: For approximately five minutes the House may be at ease. The Chair would advise the House that the reason for this period is so the Committee Report and the amendments may be mimeographed and distributed to your desks.

House at Ease

Called to order by the Speaker.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Beyer.

Mr. BEYER: Mr. Speaker, for the purpose of having a good explanation and the best we can in the suddenness of the appearance of these amendments, I would certain-

ly like to withdraw my motion to table for the present so that they can be explained now and perhaps get up a little later and make the same motion.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Beyer, withdraws his motion to table. The Chair recognizes the gentleman from South Portland, Mr. Fuller.

Mr. FULLER: Mr. Speaker and Members of the House: I move that we adopt the Conference Committee Report and I would like to speak on that motion.

The SPEAKER: The gentleman from South Portland, Mr. Fuller, moves that the House accept the Conference Committee Report. The gentleman may proceed.

Mr. FULLER: Mr. Speaker, and Members of the House: I hope that you Ladies and Gentlemen understand that six of us in the House sat with six members in the other branch, and we have labored for at least eight hours, practically all of yesterday afternoon, practically all of last evening, and again this morning, and we came out with a unanimous report. I am sure in my eight years in the legislature I have served on several conference committees, and I am sure that no conference committee that I have ever served on ever accomplished as much. And I can assure all of you Ladies and Gentlemen here in this House, that we got things that we never expected to get, and the conference committee members from the other branch were most cooperative.

We don't wish to cram anything down your throats. I think you know us better than that, and we want you to have time to study it, but we realize that time is getting short and, after all, this bill is going to come back to us again. This is not the last we are going to see of this bill by a long ways. And so we hope that it may be passed to be engrossed over the week end, and if it can be it certainly will facilitate matters a lot.

We want you to study the amendments and then later if you have questions, we will debate them and we will try to answer any questions which you may have. But just to cite one example, we opposed an emergency clause because we felt

that some members of the other body wanted an emergency on this bill. We felt that wasn't fair to the people. If the people back home, after this is passed, if it is passed and becomes law, the people back home if they don't like it they may even initiate a referendum, so we are going all out to try and be as fair as we know how with all the people.

Now Mr. Speaker, I would move that under unanimous consent that this be made a special order of business later in today's session.

The SPEAKER: Before putting the motion to the House, the Chair would explain to the House that the motion of the gentleman from South Portland, Mr. Fuller, would have the effect of putting this matter in the first place under Orders of the Day on today's calendar.

The gentleman has requested by unanimous consent that this be made a special order of the day. Is there objection?

Mr. QUINN: Mr. Speaker?

The SPEAKER: The gentleman must either object or agree, it is not debatable.

Mr. QUINN: I rise for a point of information. This document which we have just been handed refers to Conference Committee amendment—Conference Amendment "A". Has that been reproduced?

The SPEAKER: The Chair is advised that they have been distributed to the desks with filing number 333.

The request before the House is the request of the gentleman from South Portland, Mr. Fuller, that by unanimous consent this matter Conference Committee Report on Bill "An Act Relating to Educational Aid and Reorganization of School Administrative Units, Senate Paper 515, Legislative Document 1478, be made a special order of the day on today's calendar. Is there objection? The Chair hears none and it is so ordered.

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

Report of the Committee on Appropriations and Financial Affairs on Resolve in favor of the Maine Historical Society (S. P. 92) (L. D. 223) reporting Leave to Withdraw.

Came from the Senate read and accepted.

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

Ought Not to Pass

Report of the Committee on State Government reporting "Ought not to pass" on Bill "An Act Placing Mining Bureau Within Department of Development of Industry and Commerce" (S. P. 468) (L. D. 1348)

Report of the Committee on Towns and Counties reporting same on Bill "An Act relating to Appointment of Deputy Treasurer, Kennebec County" (S. P. 57) (L. D. 87), as it is covered by other legislation.

Report of same Committee reporting same on Bill "An Act relating to Fees for Jurors" (S. P. 151) (L. D. 351)

Report of same Committee reporting same on Bill "An Act relating to Closing of Somerset County Offices on Saturdays" (S. P. 265) (L. D. 707)

Report of same Committee reporting same on Bill "An Act relating to Fees of Clerks of Courts" (S. P. 413) (L. D. 1146)

Report of same Committee reporting same on Bill "An Act relating to Fees of Registers of Deeds" (S. P. 451) (L. D. 1269)

Came from the Senate read and accepted.

In the House, the Reports were read and accepted in concurrence.

Leave to Withdraw Consolidated Resolve

Report of the Committee on Towns and Counties on the following Bills:

Bill "An Act Increasing Salaries of Judge and Recorder of Saco Municipal Court" (S. P. 56) (L. D. 86)

Bill "An Act relating to Salary of Judge of the Lewiston Municipal Court" (S. P. 88) (L. D. 198)

Bill "An Act relating to Salary of the Recorder and Clerk Hire of the Lewiston Municipal Court" (S. P. 89) (L. D. 199)

Bill "An Act to Increase Salaries of Judge and Recorder of the Caribou Municipal Court" (S. P. 223) (L. D. 566)

Bill "An Act Increasing Salaries of Judges and Recorders of Municipal Courts in Penobscot County" (S. P. 430) (L. D. 1213)

Bill "An Act Increasing the Salaries of Judges and Recorders of Municipal Courts in Kennebec County" (S. P. 493) (L. D. 1401)

Bill "An Act to Increase the Salary of the Judge of the Pittsfield Municipal Court" (H. P. 15) (L. D. 20)

Bill "An Act to Increase the Salary of the Recorder of the Northern Cumberland Municipal Court" (H. P. 39) (L. D. 52)

Bill "An Act to Increase the Salary of Recorder of Kennebunk Municipal Court" (H. P. 59) (L. D. 65)

Bill "An Act to Increase the Salaries of the Judge and Recorder of the Portland Municipal Court" (H. P. 149) (L. D. 187)

Bill "An Act Increasing the Salaries of the Judge and Recorder of the Westbrook Municipal Court" (H. P. 151) (L. D. 189)

Bill "An Act Increasing the Salary of the Judge of the Kennebunk Municipal Court" (H. P. 193) (L. D. 256)

Bill "An Act Increasing Salaries of Judge and Recorder of Piscataquis Municipal Court" (H. P. 244) (L. D. 305)

Bill "An Act Increasing Salary of Recorder of Norway Municipal Court" (H. P. 246) (L. D. 307)

Bill "An Act to Increase the Salaries of the Judge and Recorder of Madawaska Municipal Court" (H. P. 247) (L. D. 308)

Bill "An Act Increasing Salary of Recorder of Sanford Municipal Court" (H. P. 296) (L. D. 392)

Bill "An Act Increasing Salary of Judge of Sanford Municipal Court" (H. P. 297) (L. D. 393)

Bill "An Act to Increase Salaries of Judge and Recorder of Van Buren Municipal Court" (H. P. 299) (L. D. 395)

Bill "An Act to Increase Salaries of Judge and Recorder of Northern Aroostook Municipal Court" (H. P. 334) (L. D. 419)

Bill "An Act to Increase Salaries of Judge and Recorder of Presque Isle Municipal Court" (H. P. 394) (L. D. 525)

Bill "An Act to Increase the Salary of the Judge of the Western Washington Municipal Court" (H. P. 446) (L. D. 622)

Bill "An Act to Increase the Salary of the Judge of the Calais

Municipal Court" (H. P. 448) (L. D. 624)

Bill "An Act Increasing Salaries of Judge and Recorder of Lincoln Municipal Court, Lincoln County" (H. P. 493) (L. D. 677)

Bill "An Act to Increase Salaries of Judge and Recorder of Houlton Municipal Court" (H. P. 572) (L. D. 882)

Bill "An Act relating to Salaries of Judge and Recorder of Bath Municipal Court" (H. P. 672) (L. D. 953)

Bill "An Act relating to Salaries of the Judge and Recorder and Clerk Hire of the Auburn Municipal Court" (H. P. 687) (L. D. 976)

Bill "An Act relating to Clerk Hire for Livermore Falls Municipal Court" (H. P. 761) (L. D. 1043)

Bill "An Act relating to Salary of Judge and Clerk Hire of Franklin Municipal Court" (H. P. 795) (L. D. 1128)

Bill "An Act to Increase Salaries of Judge and Recorder of Fort Fairfield Municipal Court" (H. P. 795) (L. D. 1129)

Reporting Leave to Withdraw, as covered by the Consolidated Bill "An Act relative to Salaries and Clerk Hire of Municipal Courts" (S. P. 547) (L. D. 1537)

Came from the Senate read and accepted.

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

**Ought to Pass
with Committee Amendment**

Report of the Committee on Inland Fisheries and Game on Resolve Opening Pineo Pond, Town of Deblois, Washington County, to Fly Fishing Only (S. P. 298) (L. D. 795) which was recommended, reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 298, L. D. 795, Resolve,

"Opening Pineo Pond, Town of Deblois, Washington County, to Fly Fishing Only."

Amend said Resolve by striking out the period at the end and inserting in place thereof the following: ", which said Pineo pond shall be called a great pond."

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

Non-Concurrent Matter

An Act relating to Record of Contents of Motor Trucks (H. P. 958) (L. D. 1359) which was passed to be enacted in the House on May 1 and passed to be engrossed as amended by Senate Amendment "A" in concurrence on April 25.

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

In the House: The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act relating to Splash Guards for Motor Trucks" (H. P. 1010) (L. D. 1414) which was passed to be engrossed as amended by House Amendments "B" and "D" in the House on April 30.

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

In the House:

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

Mr. QUINN: Mr. Speaker, I would move that the House insist on its former action and ask for a Committee of Conference.

The SPEAKER: The motion before the House is the motion of the gentleman from Bangor, Mr. Quinn, who moves that the House insist on its former action and request a Committee of Conference.

The Chair recognizes the gentleman from Chelsea, Mr. Allen.

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

The SPEAKER: The motion now before the House is the motion of

the gentleman from Chelsea, Mr. Allen, that the House recede and concur. Will those who favor the motion of the gentleman from Chelsea, please say aye.

(Cries of "Aye")

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Quinn. The vote has not been finished.

Mr. QUINN: Mr. Speaker, if we recede and concur, it means that the matter is dead as far as the House action is concerned as I understand it.

The SPEAKER: With respect to the one amendment I believe.

Mr. QUINN: Yes, the House Amendment. And if we refuse to recede and concur, we can then go along on the motion to insist and have a committee of conference to see if we can come out with something from the Committee of Conference, so I hope the House will not go along on the action to recede and concur, and I ask for a division.

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

Mrs. HENDRICKS: Mr. Speaker, I go along with the motion of the gentleman from Chelsea, Mr. Allen, to recede and concur.

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

Mr. TOTMAN: Mr. Speaker and Members of the House: As House Chairman of the Committee on Transportation that brought this bill out in the form without House Amendment D, I would like to point out to the House that in earlier debate on this measure, I made it very clear that the Committee on Transportation felt that the bill without any House amendments was in the form that was most acceptable to the various interests of both the public and people in the trucking business. I would simply go on record as saying I doubt very much whether a Committee of Conference will accomplish one thing. I hope the motion of the gentleman from Chelsea, Mr. Allen, will prevail to recede and concur.

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

Mr. QUINN: Mr. Speaker, I did not put my amendment on with the

idea of affecting the trucking industry or any other industry. And I didn't put it on with any idea of any derogatory action of the Committee of Transportation. I felt that highway safety demanded that we consider all the vehicles on the highway and we try to safeguard the public who are using the highway, and that is all that my amendment would do. I think that if the House would go along with me, we might have an opportunity of conferring further on it with a Committee of Conference and perhaps not coming out with the full Amendment "D" but might come out with something a little better for the safety of our citizens who we are here representing. I hope the House will go along with me and not vote for the motion to recede, but wait and vote on the motion to insist.

The SPEAKER: The motion before the House is the motion of the gentleman from Chelsea, Mr. Allen, that the House recede and concur. The gentleman from Bangor, Mr. Quinn, has requested a division. Will all those who favor the motion to recede and concur, please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

Non-Concurrent Matter

Resolve to Reimburse Town of Whiting, Washington County (S. P. 459) (L. D. 1259) which was finally passed in the House on March 28 and passed to be engrossed in concurrence on March 26.

Came from the Senate recommitted to the Committee on Claims in non-concurrence.

In the House: The House voted to recede and concur.

Non-Concurrent Matter

Resolve relating to Open Water Fishing Season in Certain Waters in Androscoggin County (H. P. 1063) (L. D. 1521) which was passed to be engrossed in the House on April 26.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Cote of Lewiston, the House voted to insist on its former action where-

by the Resolve was passed to be engrossed in the House on April 26, and request a Committee of Conference.

Non-Concurrent Matter

Bill "An Act Relating to Rate of Interest Charged by Licensed Small Loan Agencies" (H. P. 593) (L. D. 842) which was passed to be engrossed in the House on April 17.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Morway.

Mr. MORWAY: Mr. Speaker, I move we recede and concur.

The SPEAKER: The motion before the House is the motion of the gentleman from Fairfield, Mr. Morway, that the House recede and concur. The Chair recognizes the gentleman from Topsham, Mr. Jack.

Mr. JACK: Mr. Speaker, I move we insist and request a Committee of Conference.

The SPEAKER: The Chair would advise the gentleman that the motion to recede and concur takes precedence. If the recede and concur motion does not prevail, the gentleman may then move to insist.

Mr. JACK: Mr. Speaker, I ask for a division.

The SPEAKER: The motion before the House is the motion of the gentleman from Fairfield, Mr. Morway, that the House recede and concur. The gentleman from Topsham, Mr. Jack, has requested a division. Is the House ready for the question? Will those who favor the motion to recede and concur please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Nineteen having voted in the affirmative and ninety-nine having voted in the negative, the motion to recede and concur did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Topsham, Mr. Jack.

Mr. JACK: Mr. Speaker, I move we insist on our former action and request a Committee of Conference.

The SPEAKER: The gentleman from Topsham, Mr. Jack, moves that the House insist on its former

action and request a Committee of Conference. Is this the pleasure of the House?

The motion prevailed.

Non-Concurrent Matter

Bill "An Act Authorizing Certain Members of the Penobscot Tribe to Borrow Money" (H. P. 801) (L. D. 1133) which was passed to be engrossed in the House on April 9.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Latno of Old Town, the House voted to recede and concur.

From the Senate: The following Communication:

STATE OF MAINE
SENATE CHAMBER
AUGUSTA

May 2, 1957

Honorable Harvey R. Pease
Clerk of the House of Representatives
98th Legislature

Sir:

The Senate today voted to insist on its former action on Bill "An Act relating to Salaries of Superintendents of Schools" (H. P. 639) (L. D. 906) and to join a Committee of Conference. The President appointed the following Conferees on the part of the Senate:

Senators:

LOW of Knox
SINCLAIR of Somerset
FARLEY of York

The President also appointed the following Conferees on the part of the Senate on the disagreeing action of the two branches of the Legislature on the following bills:

Bill "An Act relating to Apprentice Lobster Fishing Licenses" (S. P. 137) (L. D. 274)

Senators:

BAILEY of Sagadahoc
CHARLES of Cumberland
REED of Aroostook

Bill "An Act relating to Closed Time on Deer in Certain Counties" (S. P. 280) (L. D. 739)

Senators:

CARPENTER of Somerset

BRIGGS of Aroostook
HALL of York

Respectfully,

(Signed) CHESTER T. WINSLOW
Secretary of Senate.

The Communication was read and ordered placed on file.

On motion of the gentlewoman from Kittery, Mrs. Burnham, House Rule 25 was suspended for the remainder of today's session in order to permit smoking.

The SPEAKER: At this time, the Chair would request the Sergeant-at-Arms to escort to the rostrum the gentleman from Bangor, Mr. Stanley, to serve as Speaker pro tem.

Thereupon, Mr. Stanley assumed the Chair as Speaker pro tem amid the applause of the House and Speaker Edgar retired from the Hall.

**House Reports of Committees
Ought Not to Pass
Bill Substituted for Report
Tabled and Assigned**

Mr. Caswell from the Committee on Agriculture reported "Ought not to pass" on Bill "An Act relating to Purchase of Milk for Redistribution in Maine" (H. P. 309) (L. D. 426)

Report was read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Ashland, Mr. Prue.

Mr. PRUE: Mr. Speaker and Members of the House: I would like to explain this before I make a motion.

The SPEAKER pro tem: The gentleman may proceed.

Mr. PRUE: Mr. Speaker and Ladies and Gentlemen of the House: This milk bill L. D. 426 has been before the Agricultural Committee for some time and they brought out this "Ought not to pass" Report. I got in touch with the Commissioner of Agriculture and the President of the Farm Bureau, and we have now worked out an amendment that is satisfactory to the Agricultural Committee, so I would now like to move to substitute the Bill for the Report.

The SPEAKER pro tem. The motion before the House is the motion of the gentleman from Ashland, Mr. Prue, that the House substitute the Bill for the Report. Is this the pleasure of the House?

The motion prevailed, the Bill was substituted for the Report and read twice.

On further motion of the same gentleman, tabled pending assignment for third reading and specially assigned for Thursday, May 9.

Mr. Nadeau from the Committee on Highways reported "Ought not to pass" on Bill "An Act to Authorize the Issuance of Bonds in the Amount of Twenty Million One Hundred and Fifty Thousand Dollars on Behalf of the State of Maine for the Purpose of Building State Highways" (H. P. 995) (L. D. 1423)

Mr. Browne from the Committee on Judiciary reported same on Bill "An Act relating to Residence Requirements in Adoptions" (H. P. 775) (L. D. 1108)

Reports were read and accepted and sent up for concurrence.

**Ought to Pass
In New Draft
New Draft Printed**

Mr. Harris from the Committee on Inland Fisheries and Game on Bill "An Act relating to Maximum Charge for Licensed Dog Training Area Permits" (H. P. 706) (L. D. 1012) reported same in a new draft (H. P. 1082) (L. D. 1556) under title of "An Act relating to Licensed Dog Training Areas and Permits Therefor" and that it "Ought to pass"

Mr. Earles from the Committee on Judiciary on Bill "An Act relating to Careless Shooting of Human Beings While Hunting" (H. P. 415) (L. D. 592) reported same in a new draft (H. P. 1083) (L. D. 1557) under title of "An Act relating to Penalties for Careless Shooting of Human Beings While Hunting" and that it "Ought to pass"

Reports were read and accepted, the New Drafts read twice and assigned the next legislative day.

**Ought to Pass
Printed Bills**

Mr. Broderick from the Committee on Judiciary reported "Ought

to pass" on Bill "An Act Providing for Certified Mail under Small Claims Law" (H. P. 221) (L. D. 316)

Mr. Needham from same Committee reported same on Bill "An Act relating to Duties of Support under Uniform Reciprocal Enforcement of Support Act" (H. P. 708) (L. D. 1014) which was recommitted.

Reports were read and accepted, the Bills read twice and assigned the next legislative day.

Ought to Pass with Committee Amendment

Mr. Browne from the Committee on Judiciary on Bill "An Act relating to Elections in Towns" (H. P. 217) (L. D. 301) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 217, L. D. 301, Bill "An Act Relating to Elections in Towns."

Amend said Bill by inserting after the underlined word "same" in the 5th line thereof the underlined words 'or a nearby'

Further amend said Bill by striking out that part designated as "Sec. 2." and inserting in place thereof the following:

Sec. 2. R. S., c. 91, § 52, amended. Section 52 of Chapter 91 of the Revised Statutes is hereby amended to read as follows:

'Sec. 52. **Nomination of candidates.** Nominations for candidates may be made at a caucus or by nomination papers signed in the aggregate for each candidate by qualified voters of said town not less in number than one for every 50 voters, who have registered for the last preceding state election in said town; but the voters so signing shall in no case be less than 25 in number 2% of the entire vote cast for governor in said town in the last preceding state election. Each voter signing such nomination paper shall add to his signature his place of residence with the street and number thereof, if any; and each voter may subscribe to as many nomination papers for each office as there are members to be elected thereto and no more.'

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

Tabled and Assigned

Mr. Walker from the Committee on Judiciary on Bill "An Act relating to Trial Terms of Superior Court in Aroostook County" (H. P. 970) (L. D. 1370) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Caribou, Mr. Brewer.

Mr. BREWER: Mr. Speaker and Ladies and Gentlemen of the House: With all due respect to the Committee on Judiciary, I believe that this question should be one to be decided locally. Unfortunately it was placed before the Committee on Judiciary. What this piece of legislation does if passed, it removes a term of Superior Court from the Town of Caribou, and centralizes this court in Houlton, that is fifty-four miles below Caribou, and we have Fort Kent that is fifty-four miles to the northward. I submit that for the people involved that have to go to the courts, it is better to leave that term in the Town of Caribou. By doing this, we are not taking anything away from anyone else in the County of Aroostook. The delegation to my knowledge has never met and had any declaration on this item, and I feel sure that the Members of the Aroostook County delegation do not wish that Caribou should lose where none of the other towns are going to gain to any considerable extent.

The second section of this particular legislation refers to the transfer of the property. There is a court house in the Town of Caribou, and it says that it authorizes the County Commissioners to transfer this property to the Town of Caribou. Now to my knowledge there are few people if any, they haven't communicated with me, that want the court house if the law is passed. Perhaps in self-defense they would buy it, but they are not interested, they would rather have the term of court there. I believe that the courts are to serve the people and

when you centralize an area that is so far away you are inconveniencing the people.

Now I understand there is a problem as far as transporting records are concerned, but I would submit to you people that transporting the records could be arranged and done perhaps easier than it is to transfer the people who have to lose a day's pay or more and transport themselves back and forth that distance. I would move that this piece of legislation, Legislative Document 1370, and its accompanying papers, be indefinitely postponed.

The SPEAKER pro tem: The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker and Members of the House: I agree wholeheartedly with the position of the gentleman from Caribou, Mr. Brewer, that this is a county matter. And in order that we might have a meeting of the county delegation on it, I move that it be tabled until Wednesday of next week, May 8.

The SPEAKER pro tem: The motion before the House now is the motion of the gentleman from Perham, Mr. Bragdon, that item nine, Bill "An Act relating to Trial Terms of Superior Court in Aroostook County" be tabled until Wednesday, May 8, pending the motion of the gentleman from Caribou, Mr. Brewer, that the bill and all accompanying papers be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed and the Report was so tabled.

Mr. Haughn from the Committee on Public Utilities on Bill "An Act to Incorporate the Cumberland Water District" (H. P. 383) (L. D. 512) reported "Ought to pass" as amended by Committee Amendment "A" (L. D. 1560) submitted therewith

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 383, L. D. 512, Bill "An Act to Incorporate the Cumberland Water District."

Amend said Bill by striking out the last paragraph of "Sec. 1" and

inserting in place thereof the following paragraph:

"Starting at a point on the Falmouth-Cumberland town line in the center of the so-called West Falmouth road; thence northerly to a point 200 feet south of the Blanchard road and 200 feet west of the Ridge road; thence northerly to a point on the Greeley road 6,500 feet west of the junction of the Greeley road and Main street; thence easterly along the Greeley road to the Cumberland-North Yarmouth town line; thence in a general easterly direction following in different directions the Cumberland-North Yarmouth town line to the right-of-way of the Maine Central Railroad Company; thence southerly along the westerly boundary of said right-of-way to the Cumberland-Falmouth town line; thence to the point of beginning."

Further amend said Bill by striking out all of "Sec. 6" and inserting in place thereof the following section:

"Sec. 6. Trustees; how elected; meetings; officers. All of the affairs of said district shall be managed by a board of 3 trustees, residents therein, who shall be chosen as hereinafter provided.

As soon as may be after the acceptance of this act as hereinafter provided, the municipal officers of the town of Cumberland shall appoint 3 trustees of said district to hold office as follows: one to serve until the first annual meeting of said district following the acceptance of this act; one to serve until the 2nd annual meeting of said district following such acceptance; and one to serve until the 3rd annual meeting of said district following such acceptance. At each annual meeting of said district, beginning with the first annual meeting after the acceptance of this act, one trustee shall be elected by the district by ballot as hereinafter provided to serve until the annual meeting of said district occurring 3 years thereafter and until his successor is elected and qualified. Whenever any trustee ceases to be a resident of said district, he vacates the office of trustee. All trustees, if residents of said district, shall be eligible for re-election. Vacancies in the office of trustee shall be filled for the unexpired term at a special meeting

of the district, unless said vacancy shall occur within 3 months prior to the next annual meeting of said district, at which annual meeting such vacancy shall be filled.

As soon as convenient after their appointment, the first board of trustees shall hold a meeting at some convenient place in the district, to be called by any member thereof in writing, designating the time and place and delivered in hand to the other 2 members, not less than 2 full days before the meeting; provided, however, that they may meet by agreement without such notice. They shall then organize by electing from their own number a chairman and a clerk and, not necessarily from their own number, a treasurer. They shall adopt a corporate seal and may adopt by-laws and perform any other acts within the powers delegated to them by law. Following each annual meeting of said district, the trustees shall elect from their own number a chairman and a clerk and, not necessarily from their own number, a treasurer to serve until the next annual meeting of said district and until their respective successors are elected and qualified.

The trustees from time to time may choose and employ and fix the compensation of any other necessary officers and agents, who shall serve at their pleasure. The treasurer shall furnish bond in such sum and with such sureties as the trustees shall approve, the cost thereof to be paid by the district. Members of the board of trustees shall be eligible to any office under the board. The trustees, as such, shall receive as compensation for their services an amount to be determined by them not to exceed \$200 each per year; but the treasurer may be allowed such compensation as the trustees shall determine.

The trustees shall be sworn to the faithful performance of their duties as such, which shall include the duties of any member who shall serve as clerk or clerk pro tem. They shall make and publish an annual report, including a report of the treasurer, and such report may be included in, and published as part of, the Annual Town Report.

Further amend said Bill in the 14th line of "Sec. 11" by striking out the word "district" and inserting in

place thereof the word 'disinterested'

Further amend said Bill by adding after "Sec. 11" the following new section:

'Sec. 11-A. Authority re property in town of North Yarmouth. Said district, through its trustees, is authorized to sell or give away that portion of the property of the Cumberland Water Company located within the town of North Yarmouth.

The said district is further authorized to distribute water to the North Yarmouth Water District at such rates and under such terms as shall be established by the Maine Public Utilities Commission.'

Further amend said Bill in "Sec. 12" by striking out the semicolon in the 14th line of the first paragraph and inserting in place thereof a comma.

Further amend said Bill in "Sec. 12" by striking out the period at the end of the first paragraph and inserting in place the following:

' ; Provided, however, that the total indebtedness of the said district shall not exceed the sum of \$400,000.'

Further amend said Bill in "Sec. 12" by striking out in the 22nd line the figure "25" and inserting in place thereof the figure '40'

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

Mr. Plante from the Committee on Public Utilities on Bill "An Act relating to Proration of Registration Fees of Motor Buses in Interstate Commerce" (H. P. 984) (L. D. 1408) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 894, L. D. 1408, Bill "An Act Relating to Proration of Registration Fees of Motor Buses in Interstate Commerce."

Amend said Bill by striking out the underlined word "and" in the 5th line and inserting in place thereof the underlined word 'an'

Committee Amendment "A" was adopted and the Ball assigned for

third reading the next legislative day.

Mr. Rollins from the Committee on Public Utilities on Bill "An Act to Incorporate the Mexico Sewer District" (H. P. 387) (L. D. 518) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 387, L. D. 518, Bill "An Act to Incorporate the Mexico Sewer District."

Amend said Bill by striking out in the 8th line of "Sec. 3" the word "property" and inserting in place thereof the word "sewer".

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

Mr. Ross from the Committee on State Government on Bill "An Act relating to Appointment of Deputy Commissioner for Penal Institutions and One for Psychiatric Institutions" (H. P. 1006) (L. D. 1432) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 1006, L. D. 1432, Bill "An Act Relating to Appointment of Deputy Commissioner for Penal Institutions and One for Psychiatric Institutions."

Amend said Bill by striking out the Title and inserting in place thereof the following: 'An Act Relating to Appointment of Deputy Commissioner of Institutional Service and Member of Parole Board'.

Further amend said Bill in "Sec. 1" by striking out the underlined paragraph and inserting in place thereof the following underlined paragraph: "The Commissioner shall appoint, subject to the provisions of the Personnel Law, a Deputy Commissioner and shall assign to him such duties as are necessary to carry out the provisions of

this chapter. In the event of vacancy in the office of the Commissioner, or during his absence or disability, the Deputy Commissioner shall perform the same duties and have the same powers as prescribed by law for the Commissioner."

Further amend said Bill in "Sec. 2" by striking out the 5th and 6th lines and inserting in place thereof the following: 'Department of Institutional Service consisting, shall consist of the one person appointed by the Commissioner of Institutional Service and any'.

Further amend said Bill in "Sec. 3" in the 2nd and 3rd lines by striking out the figure "\$30,000" and inserting in place thereof the figure '\$11,000'.

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

Divided Report Tabled and Assigned

Report "A" of the Committee on Highways on Bill "An Act to Authorize Ferry Service for North Haven, Vinalhaven, Islesboro and Swan's Island" (H. P. 179) (L. D. 242) reporting a Resolve in a new draft "B" (H. P. 1080) (L. D. 1554) under title of "Resolve Authorizing Engineering and Economic Survey of Ferry Service for North Haven, Vinalhaven, Islesboro and Swan's Island" and that it "Ought to pass".

Report was signed by the following members:

Messrs. PARKER of Piscataquis
COLE of Waldo
FERGUSON of Oxford
— of the Senate.

Messrs. CARTER of Etna
NADEAU of Biddeford
— of the House.

Report "B" of same Committee on same Bill reporting a new draft "A" (H. P. 1081) (L. D. 1555) under same title and that it "Ought to pass".

Report was signed by the following members:

Messrs. DENBOW of Lubeck
HIGGINS of Scarborough
GRAVES of Mount Desert
ELWELL of Brooks
— of the House.

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

Report was signed by the following member:

Mr. TURNER of Auburn
— of the House.

Reports were read.

(On motion of Mr. Baird of North Haven, tabled pending acceptance of any Report and specially assigned for Wednesday, May 8.)

Divided Report

Majority Report of the Committee on Taxation on Bill "An Act relating to Registration Fees for Motor Busses Used for Transportation of Passengers for Hire" (H. P. 883) (L. D. 1251) reporting same in a new draft (H. P. 1084) (L. D. 1558) under same title and that it "Ought to pass".

Report was signed by the following members:

Messrs. LOW of Knox
WYMAN of Washington
BOUCHER of Androscoggin
— of the Senate.

Messrs. CYR of Augusta
BROWN of Ellsworth
WALSH of Brunswick
HANSON of Gardiner
— of the House.

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

Report was signed by the following members:

Messrs. ROLLINS of Belfast
FARMER of Wiscasset
BESSE of Clinton
— of the House.

Reports were read and on motion of Mr. Hanson of Gardiner the Majority Report "Ought to pass" in New Draft was accepted, the New Draft read twice and assigned for third reading the next legislative day.

Divided Report

Majority Report of the Committee on Taxation reporting "Ought not to pass" on Bill "An Act relating to Payments by Casualty Insurance Companies for Expenses of Administration of Fire Prevention Laws" (H. P. 981) (L. D. 1405)

Report was signed by the following members:

Messrs. LOW of Knox
BOUCHER of Androscoggin
WYMAN of Washington
— of the Senate.

Messrs. HANSON of Gardiner
WALSH of Brunswick
BESSE of Clinton
FARMER of Wiscasset
BROWN of Ellsworth
— of the House.

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

Report was signed by the following members:

Messrs. ROLLINS of Belfast
CYR of Augusta
— of the House.

Reports were read.

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

Mr. ROLLINS: Mr. Speaker and Members of the House: This bill was initiated for the simple reason that the Department—the Controller's records show that the Department was fifteen thousand dollars short last year. And there is a law in the fire prevention law that any year that they don't need to assess them, they can omit it. That has been done once in very recent years, and for that reason if they had assessed it the same as they do everything else that pays a tax in the State of Maine, they would have had ample money. But they did not, so they were short. The Commissioner informed me now that he thinks there is sufficient money to carry on, and of course there is another little kink in the law back there in 1938, the Commissioner's report assured the casualty people that they wouldn't ever assess them any more money. Well that is kind of objectionable to my thoughts of legislation. I thought the Constitution gave the power of taxation to the legislature, but that be as it may, having so much opposition, Mr. Speaker, I now move the acceptance of the Majority "Ought not to pass" Report.

The SPEAKER: The motion before the House is the motion of the gentleman from Belfast, Mr. Rollins, that the House accept the Majority

“Ought not to pass” Report of the Committee. Is this the pleasure of the House?

The motion prevailed, the Majority Report was accepted and sent up for concurrence.

Passed to Be Engrossed

Bill “An Act relating to Display of Maine Alcoholic Beverage Products in State Liquor Stores” (S. P. 543) (L. D. 1525)

Bill “An Act relating to Definition of Registered Mail under Municipal Tax Laws” (H. P. 72) (L. D. 99)

Bill “An Act Increasing Number of Medical Examiners for Cumberland County” (H. P. 846) (L. D. 1200)

Bill “An Act Amending the Charter of the Sanford Sewerage District” (H. P. 1075) (L. D. 1544)

Bill “An Act Revising Laws Relating to Boilers and Unfired Steam Pressure Vessels” (H. P. 1077) (L. D. 1547)

Bill “An Act relating to Negligently Operating a Motor Vehicle so as to Cause Death” (H. P. 1078) (L. D. 1548)

Resolve relating to Moneys to Obtain Plasma (H. P. 676) (L. D. 965)

Resolve Authorizing the Commissioner of Finance and Administration to Convey Certain Land of the State in York County (H. P. 1076) (L. D. 1546)

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

At this point, Speaker Edgar returned to the rostrum.

SPEAKER EDGAR: The Chair would like to thank the gentleman from Bangor, Mr. Stanley for, his excellent services as Speaker pro tem.

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

Amended Bills

Bill “An Act to Create a State Committee on Mental Health” (S. P. 534) (L. D. 1505)

Bill “An Act relating to Construction of a Building for Maine Employment Security Commission” (S. P. 538) (L. D. 1508)

Bill “An Act relating to Number of Medical Examiners in Penobscot County” (H. P. 170) (L. D. 217)

Bill “An Act relating to Systems of Drainage or Sewerage” (H. P. 753) (L. D. 1067)

Resolve Proposing an Amendment to the Constitution Changing the Date of the General Election (H. P. 66) (L. D. 93)

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

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

Mr. JALBERT: I would like to rise for a point of inquiry. I am somewhat confused on this last item. I would like to ask that the House reconsider its action whereby it passed this measure to be engrossed.

The **SPEAKER:** The gentleman from Lewiston, Mr. Jalbert, moves that the House reconsider its action whereby the House passed to be engrossed Resolve Proposing an Amendment to the Constitution Changing the Date of the General Election. Will those who favor the motion for reconsideration please say aye, those opposed, no.

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

Resolve relating to Deficiency Appropriation for Department of Agriculture and to Provide Funds for Salary of Assistant County Attorney of Aroostook County (H. P. 980) (L. D. 1404)

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

Resolve Proposing an Amendment to the Constitution Changing the Tenure of Office of the Governor to Four-Year Terms (H. P. 157) (L. D. 204)

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

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

Mr. ROSS: Mr. Speaker, the action just taken on Item 13 may have surprised some of you. I think that that was part of the plan of the opponents of these constitutional amendments. They want to debate at the enactment and they don't want to have to debate twice. If I were in their position I would feel exactly the same way. As some of you know, I am not quite in that position, so I want to force the action on this Item 15 and I have several remarks that I would like to make at this time.

It has been said that as a Republican I certainly should not sponsor any legislation changing the term of office of our governor. I don't think that is so. It is not a Democratic measure, it has been sponsored many more times by Republicans in this legislature than by Democrats, and it has not been without support. Three times it has passed the Senate and once it has passed the House. But perhaps there is another reason why it is not too bad for me to sponsor this and perhaps it's a little more of an earthy one and more logical. As you may or may not know the first Governor of our great State of Maine in 1820 was elected from the City of Bath, and he was elected for one year by the way. So if this move can be construed, in any way, as a measure to desecrate this office, why should not I from that same town be willing to take the blame?

Now prior to 1879, governors were elected in the State of Maine for one year, and one year only. At that time the job was not terribly difficult and it did not take too much time. We had no particular highway problems; the old horse could get along pretty well on most any road. We didn't have to worry about State Police because the horse couldn't go quite fast enough. Towns took care of their own school problems although we will grant that the teachers were only paid a few dollars a week. There was no such thing as the Department of Labor and Industry because industry not

only completely dominated but exploited their labor. The need for institutions was not as it is now because the world was not quite so complex. And if you were mentally ill it was considered a disgrace, and you were relegated either to the attic or to a closet. There were no particular fish and game problems. There were fish and game in our woods and in our streams, but the outsiders couldn't get into our state because they didn't have the good means of transportation that we have now, and the working man worked so hard that he didn't have time to do too much of it. Except for the fact that we had almost no luxuries whatsoever, that thousands of people died of disease, that man worked from dawn to dark to get barely enough to keep his soul and body alive, I guess they got along pretty well.

The Governor went to Portland until 1832, and then he came here to Augusta a few times a month. He chatted with a few friends and he signed a few papers and he attended a political dinner, and then he went home. But now as early as 1879, the people of this state realized that their problems were getting more complex so they changed that Constitution to have the Governor elected for a two-year term. Now it has been said to me that since then, or at least since 1900, our state hasn't grown very much in population, so why in the world has our government gotten so large and so complex, and why do we need any changes?

Without going into any particular ramification of these points, I would say that the reasons are pretty easy and you could put them in four categorical terms: education, transportation, communication, and equalization. No longer is man content with a life of drudgery, living in one place, and fortunately for the average working man, that no longer is necessary because he no longer is exploited. The standards of living have certainly been increased immeasurably, and the needs from our state are now tremendous, and in most instances the people are willing to pay for these in proportion. But now, of course, all of these changes have not been without their

pathetic side, and consequently we have this tremendous need for institutions, and we need things like the State Police to combat our tragic highway mishaps.

Now along with these changes, in my opinion, government must change from time to time. In this modern complex age, and notwithstanding those who still tell me that the Governor of the State of Maine is just a figurehead, I maintain that this job is one of the most difficult and thankless in our state. At the last meeting of the Citizens Survey of State Government, the Governor outlined to us his duties. I would like to relay them to you. First of all, he has the direct supervision of twenty-nine departments and eighty agencies. He is responsible for our policy and our planning. He, along with the Council, have to make three hundred appointments per year. Talking of the Council, he is the presiding officer at all times, of the Council. He is the Chief of Staff for the State for all sorts of political functions, and he gets three thousand invitations per year. Of course, he cannot attend all of these, but he attends the most important ones, and that certainly gets him over our state a great deal in the course of a year. He is the voice of the people, not only from the city level, but from the county level and the state level. His is the final place of appeal except on judicial matters, and on appeals such as this, he receives fifty thousand phone calls per year. Recently, he has been made to be also a legislator. He must present his own program and furthermore, he must carefully scrutinize every bill that comes out of the House or Senate for his signature.

Now if we are fortunate enough to have a capable man who is a competent executive, why should we make him interrupt this supervision of this program to conduct a strenuous political campaign? Some people will say that he should get out and get in touch with the people of our state; he should campaign and get around every two years. In his official capacity, he certainly gets around the state enough, and he is in contact with the people in the state, and getting around on these official functions is a great deal dif-

ferent than conducting a political campaign. Furthermore, our Governor is always available. I believe you all know that his home is open every day during the year. Anyone who has a genuine problem will certainly get his prompt attention, and if it is serious enough it will warrant a visit to your county or to your community. One of the strongest arguments that I have heard broached was, it would give an opportunity to remove a man after two years if we found out that we didn't like him. In the past eighty years, this has only been done five times, and four of those times were between 1910 and 1916. I was not in the legislature, as you probably know, at that time. I do not know of the political unrest or upheaval that was had then, but I do know that it was more than just the dislike of a governor. For instance, at the start of that period the Republicans had 99 members of this House. They went to a low of 64 members, and a high of 105 members. The Democrats went from a start of 52 to a low of 46 to a high of 86. In other words, this was a complete political switch for reasons, as I said, that I am not acquainted with. So I ask you, in these eighty years, when these men have not been reelected, was it because they had not done a satisfactory job, or was it a quirk of political fate? A few sessions ago, one of the major opponents in one of the key speeches against this measure said "Why should we worry about gubernatorial candidates anyway because the woods are full of them."

Perhaps it is either a change of time, or perhaps the job is getting more difficult, but I somehow think that these woods have been reduced to a pine grove, and as I see this pine grove, even this is not overcrowded with people who are first, willing; secondly, who are competent to assume this job, from either party.

Now, we have been sent up here as representatives to act for the people and to vote according to our conscience. I certainly realize that. I know that we cannot send every question to the people in referendum. But a question such as this that has been talked about so much, that has been publicized so much in

all of the media of radio, TV, and newspapers, I maintain that there are thousands of people in our state who are interested. I know there are those who are not interested, but I believe that those who are interested in good government are interested in this question either one way or another. Now, they have been deprived of their chance to vote for subjects such as this because we have usurped our prerogative to stop them. This measure and the measure of the change of election date are straightforward questions, and I certainly think that our people can vote logically and sensibly on them. And I sincerely hope that they are given an opportunity to do this.

In ending up my talk here today, I want to just mention one last thought. This has probably been mentioned before, it has probably been thought of before, but I just have never happened to hear it. In the benefit of those of you who are truly and honestly interested in economy, because of the nature of politics, it is necessary and absolutely necessary for the gubernatorial aspirant to propose certain programs which usually involve sizable appropriations. A suitable parallel to this might be collective bargaining. With the Legislature acting as the management side, think how much more of an economic advantage it would be to have a contract which would be binding for four years rather than have to renew it every two years.

Mr. Speaker, I now move that this resolve be given its second reading and that it be passed to be engrossed, and when the vote is taken, it be taken by roll call.

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

Mr. BRODERICK: Mr. Speaker and Members of the House: I agree with the eloquent presentation of the position of my colleague, the gentleman from Bath, Mr. Ross. I would like to state however, in relative to his opening remarks, that this is not necessarily a Democratic platform measure, and that the Republican Party has sponsored similar legislation on several occasions. I can assure you that the

Democratic Party is not interested in which party obtains the credit for the passage of this legislation. We are only interested in its passage.

The SPEAKER: The motion before the House is the motion of the gentleman from Bath, Mr. Ross.

The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker and Members of the House: I was sure when the gentleman from Bath, Mr. Ross, got up to speak, that the inference he said the first governor came from Bath, and I thought that I got the inference that he hoped possibly the first governor to be elected to the four year term might come from Bath. (Laughter)

I am not going to make any lengthy remarks because I have spoken on this matter several times and my views are well known. I believe in the two year term for governor, and I have said it many times, I am not going to say it again. But I do feel really that if they are sending a governor up here for two years there probably would not be any great difficulty in being reelected.

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

Mr. CHILDS: Mr. Speaker, I only want to say that when the vote is taken this morning, and the gentleman from Bath, Mr. Ross, has requested a roll call vote, in order that this Legislature expedite matters, I hope that they all will vote with the gentleman.

The SPEAKER: The Chair recognizes the gentleman from Perry, Mr. Frost.

Mr. FROST: Mr. Speaker, it seems as though this is high time that this piece of legislation was passed out to the people, and I would like to go along with my colleague, the gentleman from Bath, Mr. Ross, in doing the same, having it passed out to the people for referendum. It has been proposed by both parties time and time again, and now I think is the time to do it.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I thought I

might explain to the gentleman from Bath, Mr. Ross, and at the same time congratulate him for his splendid remarks, that the reason I asked for reconsideration whereby item twelve was passed to be engrossed was to take the thunder away from the opposition, in view of the fact that I was very carefully looking at one of the major opponents to both this and the other measure, and I did not see his lips move in either direction.

One of the other reasons I arise now is to state also concerning item twelve, which is the change in election date, is that I thought at least I would say one word to the effect that I hope that the identity of the sponsor of this measure has not completely been forgotten. Certainly such is the case where I perused the newspapers this morning concerning this present piece of legislation. It is true as others have said that the measure has been sponsored before by both parties. It is asked for us to allow the people to vote on the measure finally. I have no more to say, I just presume when the other measure comes up for enactment we will hear a little thunder.

The SPEAKER: Is the House ready for the question?

The Chair understands that the gentleman from Bath, Mr. Ross, has made two motions, which we must deal with one at a time.

The first motion before the House is that the Resolve be given its second reading, and if that motion prevails, the gentleman from Bath, Mr. Ross, has requested a vote be taken by roll call on the question of passage to be engrossed.

The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: I would just like to make a couple of comments if I may please.

The SPEAKER: The gentleman may proceed.

Mr. ROSS: As you will notice, this morning you have not heard from your opposition. I said that that was part of their tactics, and I said that if I was in their position I might well do the same thing so that I wouldn't have to debate it twice. But I certainly don't think that we should go so far as to make

this a matter that would not be along with your genuine convictions. The gentleman from Portland, Mr. Childs, made the suggestion that to expedite things you should all vote yea. Now, that is certainly a low blow to anybody. You should vote as you intend to vote, you have not heard the opposition, you will hear them next week. I am sure you have all heard them before, you know what their moves are. But I certainly hope that you vote today as you honestly believe on this measure.

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

Mr. CHILDS: Mr. Speaker, the only question before me this morning as far as I am concerned, is whether it would be expeditious and save time to vote yes. If I was voting this morning as far as my convictions were concerned on the matter of whether I am in favor of a four year term for governor I would vote no. This morning I shall vote yes, and when it comes up for enactment I shall give my reasons why I am opposed to this measure. I am only trying to expedite matters.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Crockett.

Mr. CROCKETT: Mr. Speaker and Members of the House: We have had before us this morning an eloquent speaker in our assistant floor leader, a wonderful man. But I am afraid you are going to be sold a beautiful package that you shouldn't buy.

The SPEAKER: Is the House ready for the question?

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

Mr. QUINN: Mr. Speaker, I feel that we should congratulate our assistant floor leader for the very eloquent and able talk he gave us today on his reasons why a four year term is in his judgement, the best thing for the State of Maine.

I myself, when it comes to the enacting stage, am going to express myself in opposition to his program, and at that time I will talk on it. Today I am going to vote yea as a compliment to him and his eloquent address which he gave us

here, solely for the purpose of making certain determinations.

The SPEAKER: Is it the pleasure of the House that the Resolve shall be given its second reading?

The motion prevailed and the Resolve was given its second reading.

The SPEAKER: This Resolve having had its two several readings and the Committee on Bills in the Third Reading having reported no further verbal amendments necessary, the question now before the House is shall this Resolve be passed to be engrossed.

The gentleman from Bath, Mr. Ross, has requested a roll call vote on the question of passage for engrossment.

The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker, if this House is not going to vote their convictions today, and I personally think they should, but if they are not I certainly don't want a vote of confidence for some silly little speech that I just made, and I will withdraw the motion for roll call, and when it comes up next week we can have our roll call then and the opposition can hear from me again. (Applause)

The SPEAKER: The gentleman from Bath, Mr. Ross, has withdrawn his request for a roll call vote.

This Resolve having had its two several readings and the Committee on Bills in the Third Reading—

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

Mr. WALSH: Mr. Speaker, in view of the fact of what has just happened, is there any objection to the sponsor of this Resolve if it lie upon the table specially assigned for Tuesday of next week as the first order of business?

The SPEAKER: The gentleman from Brunswick may make a motion to that effect. The motion will not be debatable.

Mr. WALSH: I will make a motion that this lie on the table until Tuesday of next week and be the first order of specially assigned business. No—you object to that?

The SPEAKER: The gentleman is out of order. If the gentleman has made a motion the Chair will put the motion.

The Chair will inquire of the gentleman from Brunswick, Mr. Walsh, as to whether or not his motion is that this be made a special order of business on Tuesday of next week?

Mr. WALSH: Mr. Speaker, may I approach the rostrum?

The SPEAKER: The gentleman may approach the rostrum.

(Conference at rostrum)

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

Mr. WALSH: Mr. Speaker, I will withdraw my motion.

The SPEAKER: The Chair understands that the motion for tabling has been withdrawn.

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

Mr. TURNER: Mr. Speaker, I think a good way to bring this thing to a head, I move indefinite postponement.

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

Mr. CHILDS: Mr. Speaker, I hope the House this morning will not go along with indefinite postponement until they have had an opportunity to have heard the arguments as far as our convictions are concerned. And until we have heard the arguments, until all the members of the House have heard both sides of the story I feel we should not decide this matter this morning, but I hope we will not go along with the indefinite postponement.

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

Mr. ROSS: Mr. Speaker, as I first heard the motion for indefinite postponement it seemed to me that that would be an excellent way to force the issue. But now the gentleman from Portland, Mr. Childs, who is one of the opponents, has expressed the same wish he did before, he wants everyone to vote against indefinite postponement. I still don't believe we are going to get a proper vote. But if the vote for indefinite postponement is made, I certainly hope that it does not prevail. And now, unless the gentleman from Auburn, Mr. Turner, takes the same action that I took

on my first motion, why I still want the roll call vote.

The SPEAKER: The motion before the House is the motion of the gentleman from Auburn, Mr. Turner, that Resolve Proposing an Amendment to the Constitution Changing the Tenure of Office of the Governor to Four-Year Terms, House Paper 157, Legislative Document 204, and all accompanying papers be indefinitely postponed. The gentleman from Bath, Mr. Ross, has requested a roll call vote.

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

Mr. TURNER: Mr. Speaker, I thought that was a good way to get things started, but I guess it is going to slow it up, so I will withdraw my motion.

The SPEAKER: The Chair understands that the motion of the gentleman from Auburn, Mr. Turner, has been withdrawn.

This Resolve having had its two several readings and the Committee on Bills in the Third Reading having reported no further verbal amendments necessary, is it now the pleasure of the House that this Resolve shall be passed to be engrossed?

The motion prevailed and the Resolve was passed to be engrossed as amended and sent to the Senate.

The gentleman from Fryeburg, Mr. LaCasse, was granted unanimous consent to address the House.

Mr. LaCASCE: Mr. Speaker, I don't know whether it is in order or not, but I would like to compliment the gentleman from Bath, Mr. Ross, on his speech. I think it has certain value from an educational point of view, not political. And I would like to move that we have 1500 copies printed so that we can send them home to our schools. Now, I don't have any idea of whether that motion is in order or not.

The SPEAKER: The proper procedure would be for the gentleman to have prepared an order to that effect and submit it to the House for a vote.

Passed to Be Enacted Emergency Measure

An Act Prohibiting Certain Implements and Devices in Certain Waters in Washington County (H. P. 769) (L. D. 1102)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 133 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act relating to Crab Fishing (S. P. 357) (L. D. 963)

An Act relating to Definition of Fiduciary under Law Appointing Nominees by Banking Institutions (S. P. 372) (L. D. 995)

An Act relating to Unclaimed Bodies (S. P. 450) (L. D. 1265)

An Act relating to Taking of Shellfish in Yarmouth and North Yarmouth (H. P. 485) (L. D. 675)

An Act relating to Digging Clams in Kennebunkport, York County (H. P. 513) (L. D. 723)

An Act relating to the Taking and Sale of Clams in the Town of Rockport (H. P. 551) (L. D. 778)

An Act relating to Digging of Clams, Quahogs and Mussels in Town of Yarmouth, Cumberland County (H. P. 571) (L. D. 881)

An Act relating to Penalty for Violation of Interstate Transportation of Shellfish (H. P. 791) (L. D. 1124)

An Act relating to Wholesale Sea Food Dealer's and Processor's License (H. P. 792) (L. D. 1125)

An Act Regulating Fishing for Tuna (H. P. 839) (L. D. 1193)

An Act Increasing Salaries of Judge and Recorder of the Yorkshire Municipal Court (H. P. 862) (L. D. 1225)

An Act relating to Sale of Lobster Meat Received from Outside the State (H. P. 909) (L. D. 1298)

An Act Regulating Taking of Alewives in Town of Mount Desert (H. P. 1060) (L. D. 1515)

An Act relating to the Operation of Bicycles (H. P. 1062) (L. D. 1517)

Finally Passed

Resolve Regulating the Taking of Clams in Steuben (H. P. 443) (L. D. 619)

Resolve Regulating Digging of Quahogs in Middle Bay, Cumberland County (H. P. 517) (L. D. 727)

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

The gentleman from Bangor, Mr. Totman, was granted unanimous consent to address the House briefly.

Mr. TOTMAN: Mr. Speaker and Members of the House: Before making a motion that we now recess until one o'clock, I would like to point out that we have a first order of business immediately after lunch which is the so-called Jacobs Bill, and we also have on unfinished business, nineteen items plus specially assigned for today twelve items. It is the intent and suggestion that we go until approximately three o'clock this afternoon. Therefore, with this plan in mind, I now make the motion that the House recess and return at one o'clock.

(Conference at rostrum)

The gentleman from Bangor, Mr. Totman, was granted unanimous consent to address the House.

Mr. TOTMAN: Mr. Speaker and Members of the House: It is quite obvious that Friday afternoon is a very controversial time to attempt to continue. We were advised this morning that many members would be willing to stay to work. Since then some people have pointed out that the snow is beginning to fall in Aroostook County, etc., etc., etc., so I sincerely hope that when I put this motion to recess, that you will indicate how you really feel and I would request a division.

The SPEAKER: The motion before the House is the motion of the gentleman from Bangor, Mr. Totman, that the House recess and reconvene at one o'clock this afternoon.

Mr. ERVIN: Mr. Speaker?

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Ervin. The Chair is advised

that a recess motion is not debatable but the time of reconvening is.

Mr. ERVIN: Mr. Speaker, just as a suggestion, there are some that do have a long ways to go and if we had a shorter recess, say until twelve-thirty, I think it would be very agreeable to the House.

The SPEAKER: The motion before the House is the motion of the gentleman from Bangor, Mr. Totman, that the House recess and reconvene at one o'clock this afternoon, and he has requested a division. Will all those who favor recessing now and reconvening at one o'clock, please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Sixty-six having voted in the affirmative and forty-nine having voted in the negative, the motion prevailed.

After Recess 1:00 P. M.

The House was called to order by the Speaker.

The following paper from the Senate not on the Advance Journal:

From the Senate: The following Order:

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Tuesday, May 7th, in the forenoon. (S. P. 557)

Came from the Senate read and passed.

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

Orders of the Day

The SPEAKER: Under Orders of the Day the Chair lays before the House the special order which was assigned earlier in this morning's session relating to the Committee of Conference Report on Bill "An Act Relating to Educational Aid and Reorganization of School Administrative Units", Senate Paper 515, Legislative Document 1478.

The pending motion before the House is that the House accept the Report of the Committee. Is it the pleasure of the House that the House accept the Report of the Committee?

The motion prevailed.

The SPEAKER: Is it now the pleasure of the House that the House recede from its former action whereby it passed to be engrossed Bill "An Act Relating to Educational Aid and Reorganization of School Administrative Units"?

The Chair recognizes the gentleman from Cape Elizabeth, Mr. Beyer.

Mr. BEYER: Mr. Speaker, if everybody has had all the time they wish to explain this matter further, I would like to say a few more words before I make a motion—I yield to the gentleman.

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

Mr. ELWELL: Mr. Speaker, and Members of the House: I thank the gentleman for the courtesy of inviting me to speak because it is my understanding that he intended to table the measure. At this point the Report of the Committee of Conference carries me back to the time in the last session where the House had enacted a measure, passed a measure which involved one of the principles which is involved in this bill. It was passed by a 99 to 24 roll call vote on a bill which I sponsored which would have provided school building aid to individual towns. And I certainly want to congratulate the Committee of Conference on their perseverance and successful compromise in this matter.

I'd like to say that I think that the Jacobs Survey and the subsequent report on the educational problems of the State are as candid an appraisal of the situation as it would be humanly possible for any man living in Chicago to make for the State of Maine.

I am happy to endorse and accept the principles of the equalization of educational opportunity for all Maine youth by use of the instruments proposed in the Sinclair bill. Those instruments are: an eventual uniform tax effort based upon state valuation of every town and city; consolidation of small schools to provide for a broader educational program and the establishment of a foundation program to which state dollars will be contributed in order to realize the

maximum value in terms of education.

I don't think that I need to convince you that it is the responsibility of all of us to see that every child in this state has an opportunity to have a better education than is offered at present in some of our rural communities. I do want to tell you that I think that there are certain benefits in our larger schools which are not available to our rural youth. I think that consolidation will allow the students in our smaller schools to have the benefits of a broader educational program which can only be realized by consolidation.

I would like to say in summary that this bill reaches into the hearts and the homes of nearly every parent with school children in this state.

In the final analysis this bill, if enacted, will be successful only to the extent that those individual parents take advantage of it in their individual town meetings, and it is my hope that we not only pass this bill here today with a good vote, but having passed it, that we go back into our own communities and try to encourage participation on the part of our own citizens in endorsing it. In so doing, I think we will be assuming our proper position of leadership in this movement which I think is probably destined to be the most progressive movement of this generation in the State of Maine.

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

Mr. FULLER: Mr. Speaker, I too would like to thank the gentleman from Cape Elizabeth, Mr. Beyer.

I hope just for the sake of getting out of here sometime before the fourth of July that maybe we could pass this Bill to be engrossed, because it is a long bill, and if it could be engrossed over the weekend it probably would facilitate matters so we could gain two or three days. And it certainly is going to come back in the House for further discussion if anybody cares to discuss it. You have had the amendments reprinted, reproduced, and they have been on your desks. You have had a chance to study

them, and Miss Cormier, the gentleman from Rumford, and I are willing to answer any questions you might have about them. And it seems to me that it would serve no purpose in tabling this matter for any longer. Mr. Speaker, I move that this Bill be passed to be engrossed, and when the vote is taken I move that it be taken by yeas and nays.

The SPEAKER: The Chair must advise the gentleman from South Portland, Mr. Fuller, that a motion at this time for passage to be engrossed is not in order. The pending question is the House receding from its former action.

The Chair recognizes the gentleman from Cape Elizabeth, Mr. Beyer.

Mr. BEYER: Mr. Speaker, I believe that if nothing else comes of this discussion today, you may agree with me that I have given everybody certainly the opportunity to discuss both the merits of the tabling as well as the merits of the bill, and that certainly there will be no arbitrary cutting off of any discussion of the matter.

When one takes a stand on such a controversial issue as this, it seems well to try to explain yourself to the Party as well as to the folks at home. And I believe that to those who have said that we will hurt the Republican Party by killing this measure, that I would answer that this is such a basic departure from our previous concept that it is something that we have to take home, discuss and try to satisfy the people. Of course, I always reserve the right to make the final decision myself, but you can tend to be influenced or much influenced by their thinking.

I'm not sure just what I'm going to say to the people at home when I go home and say that I participated in a bill which not only cut my town's subsidy 25 per cent, but which resulted in the necessity of passing a sales tax to support it, and they have now the program by which they can set up an administrative district. But the problem with my town, and possibly there are other towns, in setting up an administrative district are that the only other one, because we are on

one side of South Portland and the sea on the other, is Scarborough. My colleague the gentleman from Scarborough, Mr. Higgins, and I get along very well as do our towns and our school union. And we have progressed so far, in fact, we are above the standard set by the Jacob's Report, but in this case it would be difficult I think, for my people to vote that with only 40 per cent of the students they should pay over half of the cost because of our relative valuations. Therefore the bill, and again I don't know whether this is entirely selfish, I think you have to think of your town as well as the state when you vote on a measure in any legislature. My town not only has no incentive to form an administrative district geographically because our joint schools would not come up to the \$700 high school level, although I realize there is some give and take in there, but by its very terms it provides every motive financially for not doing so.

There are some amendments today that I haven't had much more than about half an hour of undivided attention to devote to and I would like to discuss them at home again; for example, it speaks of towns getting together and having a town meeting on the joint budget for the administrative district. I am not so sure what effect that would have. And to delay further time taking of yours today I would now like the indulgence of this body to table this bill, specially assigned for Wednesday next, in the hope that perhaps I could come back somehow changed by either my people at home or by further study of this bill and in the thought that perhaps others of you would like further time, and therefore, Mr. Speaker, I make that motion.

Mr. SPEAKER: The motion before the House is the motion of the gentleman from Cape Elizabeth, Mr. Beyer, that the Report of the Committee be tabled until Wednesday next pending the question of the House receding from its previous action of whereby it passed the Bill to be engrossed.

For what purpose does the gentleman arise?

Mr. TOTMAN: I arise to request a division on the motion.

The SPEAKER: The motion before the House is the motion of the gentleman from Cape Elizabeth, Mr. Beyer, that the Committee Report be tabled and specially assigned for Wednesday next pending the question of the House receding from its previous action whereby it passed the Bill to be engrossed. The gentleman from Bangor, Mr. Totman, has requested a division.

Will all those who are in favor of the tabling motion please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Thirty-eight having voted in the affirmative and eighty-four having voted in the negative the tabling motion did not prevail.

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

Mr. TOTMAN: Mr. Speaker and Members of the House: I want to speak to the motion that is upon us I believe now, to recede and concur.

The SPEAKER: The question before the House is that the House recede from its former action.

Mr. TOTMAN: I would like to speak to that motion.

The SPEAKER: The gentleman may proceed.

Mr. TOTMAN: And I would like to speak mainly to the fact that my sole reason for not supporting the motion just voted upon by the gentleman from Cape Elizabeth, Mr. Beyer, was definitely not because of any feeling that we have got to rush the measure through. I do feel that under our parliamentary procedure if this House sees fit as a result of the very serious hours of effort that our special Committee of Conference put in trying to reach agreement, and apparently they have done what I have seldom seen in this legislature, they have reached agreement, I feel that the Bill will spend the weekend being engrossed, which means that the members of this House, such as the gentleman from Cape Elizabeth, Mr. Beyer, will come back next Tuesday, and they find out that there are amendments that they feel very strongly about, if they wish to present them to the House a motion to reconsider on passage to be engrossed can be made next week, next Tuesday when

the Bill comes back before the House.

However, I hope that there will be a substantial majority in the House today who feel as I do, that this Bill has certainly received a very thorough and searching examination, and that further committee of conference and further work is quite frankly futile. We have absolutely attempted to reconcile all the major differences. And if we are to preserve the major frame up of the Bill, the time of issue is at hand this afternoon. And I sincerely hope that we will progress in debate and reach a final decision.

The SPEAKER: The question before the House is, is it the pleasure of the House that the House shall recede from its former action whereby it passed this Bill to be engrossed?

The motion prevailed.

The SPEAKER: Is it now the pleasure of the House that the House concur with the Senate in the adoption of Senate Amendment "B"?

The Clerk will read Senate Amendment "B".

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

SENATE AMENDMENT "B" to S. P. 515, L. D. 1478, Bill, "An Act Relating to Educational Aid and Reorganization of School Administrative Units."

Amend said Bill in that part designated "Sec. 237-H" of section 1 by striking out the period and the single quotation mark at the end and inserting in place thereof the following underlined words and punctuation: "and in smaller administrative units when in the judgment of the Commission the formation of a school administrative district by consolidation is not geographically or educationally practical."

Senate Amendment "B" was adopted in concurrence.

The SPEAKER: Is it now the pleasure of the House to recede from the adoption of House Amendment "D"?

The motion prevailed.

The SPEAKER: Is it now the pleasure of the House to recede from the adoption of House Amendment "E"?

The motion prevailed.

The SPEAKER: Is it now the pleasure of the House to recede

from the adoption of House Amendment "F"?

The motion prevailed.

The SPEAKER: Is it now the pleasure of the House to recede from the adoption of House Amendment "I"?

The motion prevailed.

The SPEAKER: Is it now the pleasure of the House to indefinitely postpone those amendments "D", "E", "F", and "I"?

The motion prevailed.

The SPEAKER: Is it now the pleasure of the House to adopt Conference Amendment "A" submitted with the Report?

The Clerk will read Conference Amendment "A".

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

CONFERENCE COMMITTEE AMENDMENT "A" to S. P. 515, L. D. 1478, Bill, "An Act Relating to Educational Aid and Reorganization of School Administrative Units."

Amend said Bill in that part of Section 1 designated "Sec. 237-E" by inserting before the 3rd underlined paragraph from the end the following underlined paragraph:

'Any administrative unit, approved by the School District Commission as a necessary and efficient administrative unit, in which the average net operating cost in any biennium exceeds the amount of the average net foundation program allowance shall be entitled to an additional subsidy allocation on that part of its average net operating cost which exceeds its net foundation program allowance, said subsidy to be 10 per cent of the percentage to which said administrative unit is entitled to receive in Table II.'

Further amend said Bill in that part of Section 1-B designated "Sec. 111-B" by inserting after the underlined word "Governor" in the 7th line, the underlined words 'with the advice and consent of the Council'; and by inserting after the underlined word "Governor" in the 10th line, the underlined words 'with the advice and consent of the Council'.

Further amend said Bill in that part of section 1-B designated "Sec. 111-K" by inserting after the 3rd

sentence the following underlined sentences: **'Except that in those school administrative districts composed of towns and no cities, such budget must be approved by the voters of the district at a district meeting to be held before April 1st of each year and to be called by the directors of the district and held in the same manner as town meetings. Notice of such district meeting shall be posted in each town in the same manner as town warrants. The secretary of the district shall be clerk of the meeting.'**

Conference Committee Amendment "A" was adopted.

The SPEAKER: The question before the House is now on the passage to be engrossed. The gentleman from South Portland, Mr. Fuller, has requested a roll call.

Mr. FULLER: Mr. Speaker, I move that the Bill be passed to be engrossed, and when the vote is taken it be taken by yeas and nays.

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

Mr. WINCHENPAW: Mr. Speaker and Members of the House: I would just like to ask a question through the Chair. Assuming that we pass this measure to be engrossed right now, and then some member comes back here next Tuesday or Wednesday when this thing comes up as an enactor, and an amendment should be accepted at that time, would that mean that would have to be engrossed all over again?

The SPEAKER: The House would have to recede from its action whereby it passed the Resolve to be engrossed today, which would take a two-thirds vote. And then it would have to be reengrossed after action on the amendment that you hypothetically mentioned.

Mr. WINCHENPAW: I just wanted to be sure that everyone understood that. It seems to me that we are being driven into this thing just a little bit too fast, and I am not too anxious to vote to have it passed today because there are things I would like to find out at home, whether they want to accept the penny sales tax that goes along with it or not.

The SPEAKER: The Chair recognizes the gentleman from Gouldsboro, Mr. Tarbox.

Mr. TARBOX: Mr. Speaker, after we have accepted all of these amendments, I too would like to go home and find out, because right now I shall vote no, whether it is a roll call or no matter how it is unless I find out whether they want to or not. That is my feeling right now and you don't need to call the roll to find out. I want to find out if my people are willing to accept these amendments, and if we are in too much of a hurry to get it through then I would certainly be opposed to it.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, I agree with the gentleman from Friendship, Mr. Winchenpaw, we are getting right into this thing pretty solid. And the assumption was from our floor leader that if we came back here next week and wanted to add an amendment or two to this Bill, it would be possible.

You realize if you vote to engross this Bill now, it will be quite a job from looking at this figure of eighty-four to thirty-eight, to get a two-thirds vote to recede from our former action.

The SPEAKER: The Chair recognizes the gentleman from Bucksport, Mr. Pierce.

Mr. PIERCE: Mr. Speaker, assuming a yea and nay is ordered, I would request distribution of the tally sheets.

The SPEAKER: The tally sheets will be available if the roll call is ordered.

The motion before the House is the motion of the gentleman from South Portland, Mr. Fuller, that the Bill be passed to be engrossed, and when the vote is taken—

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

Mr. WINCHENPAW: Mr. Speaker and Members of the House: I don't mean to stand here and oppose the leadership. Just as a matter of record and without bragging or boasting in any way, I held the same honorable post that the gentleman from South Portland, Mr. Fuller,

holds right now. In 1951 I was House Chairman of that Educational Committee, and I know what he is going through, I know there is all kinds of pressure being put on him. But in view of the fact that the sentiment has changed here a bit in the last few minutes, and maybe rather than having this put to a test right now, I move that it be tabled until Wednesday next.

The SPEAKER: The motion before the House is the motion of the gentleman from Friendship, Mr. Winchenpaw, that the Committee Report be tabled and specially assigned for Wednesday of next week. The gentleman from South Portland, Mr. Fuller, has requested a division. The Chair will restate the motion.

The motion before the House is the motion of the gentleman from Friendship, Mr. Winchenpaw, that the Committee Report be tabled and specially assigned for Wednesday of next week pending passage to be engrossed. The gentleman from South Portland, Mr. Fuller, has requested a division.

Will all those who favor the tabling motion please rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Thirty-five having voted in the affirmative and eighty-six having voted in the negative the tabling motion did not prevail.

The SPEAKER: The question now before the House is the question of whether this Bill shall be passed to be engrossed, and the gentleman from South Portland, Mr. Fuller, has requested a roll call.

For what purpose does the gentleman arise?

Mr. CALL: I would like to ask a question through the Chair of the gentleman from South Portland, Mr. Fuller, if I may.

The SPEAKER: The gentleman from Cumberland, Mr. Call, addresses a question through the Chair to the gentleman from South Portland, Mr. Fuller, who may answer if he chooses.

Mr. CALL: Mr. Fuller, the purpose of asking for the yea and nay vote I presume is for the matter of record. And my question is, would you be satisfied with a division so

as to make it possible to send this Bill along for engrossment?

The SPEAKER: The gentleman may answer if he chooses.

Mr. FULLER: For the sake of expediency I would withdraw my motion, Mr. Speaker.

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

Mr. JALBERT: Mr. Speaker, I am not an expert in so far as the Committee on Education is concerned. I want to take this opportunity however, to thank the experts, the experts being the six members of the House and the six members of the Senate who have worked hard, diligently and honestly on this Bill.

I would like to state that I went to the effort of going to many of the educators at home, business people, laymen, and my own superintendent of schools, and I am proud to say that he is one of the best in the State of Maine. According to these changes that have now been entertained by this Committee of Conference, he states in effect "Whether this change in the law is an improvement into the area of the philosophy that administers the practices is certainly to be recognized. No doubt the average citizen would feel a little more secure with this added check, which they have, and from all I have heard it has worked reasonably well in the presently established school districts." I could read this whole thing, it is a very well written letter, but what impresses me more, at the bottom of it "None of these provisions will effect Lewiston particularly, but only in a general scope of the law." Excuse me a moment —

I would like to say as far as discussing this thing and bringing this Bill back home, we have now arrived at the very stage that I have spoken about and screeched about for the last sixteen or seventeen weeks. We are at a point where we must make major decisions or else we will stay here until July Fourth, and that is no joke.

Now, as far as our own community is concerned, and I am sitting here and there are five others on the other side who are from Lewiston, I will read from page five of the Bill, and this stays in the Bill. "As larger and more efficient ad-

ministrative units are established throughout the state, the existing inequities in state subsidy will level off. As this condition progresses it is the intent of the Legislature to revise Table II towards the ultimate end that all administrative units will be required to exert a single uniform tax effort on state valuation to support the foundation program." And on page seven, roman numeral III, "To evaluate the impact upon consolidation on valuation per pupil in the larger district as compared to the individual towns comprising the district and make definite recommendations with respect to an eventual uniform minimum tax rate toward the support of a foundation program of education when these larger districts have been appropriately established throughout the State." This is in the Bill. This means that as far as we are concerned in our locality, the second largest city in the State, we will get some \$27,000 or \$28,000 for the next two years. It means, however, going back to page five, that as these units are efficiently established, and the subsidy levels itself off and the uniform tax rate levels itself off, the money must come from somewhere. And it can well be, unless the law would be amended, and after all we can amend this thing, the State of Maine is certainly not going to fold up within the next two years, but it means in a sense, even if it stays this way, that when these level offs come to the point, that the money would be probably taken from some of the wealthier communities or some of the large communities.

As far as I am concerned, I would like to see, naturally, my own community getting more and more subsidies, as anybody else would. But I am mindful of the fact, and I know my colleagues are, that coming from a larger community, we are also aware of the fact that on the Federal level the smaller and poorer states are helped, and on this level here we must contribute as the people from the small towns contribute on our main streets when they purchase our own products that they cannot purchase in their own communities.

In so far as the statement of the gentleman from Cumberland, Mr. Call, that this would put us on

record, his statement is extremely well taken, and it has been brought out twice before, that at times many have enjoyed the pleasantries of voting for all spending bills and no tax bills. A good pastime, but hardly in my estimation, statesmanlike. I can certainly recall a few years ago, seated in my usual seat, 108, standing alone killing off eighty-three year old pensions. I felt just as bad as anybody else, but it had to be done because the money was not available.

I again want to congratulate those people on the Conference Committee, and some of whom I have battled, I assure you, for the work they have done. The work that they have done is an improvement on this Bill. We have all had a chance to study it very thoroughly. They have done a splendid job. I feel we are really definitely ready to take a step forward in this piece of legislation. I move that when the vote is taken it be taken by roll call.

The SPEAKER: The question before the House is the question of passage for engrossment. The gentleman from Lewiston, Mr. Jalbert, has requested a roll call.

Will those who favor the request for a roll call please rise and remain standing until the monitors have made and returned the count.

A sufficient number arose.

The SPEAKER: Obviously more than one-fifth of the House having arisen in favor of the roll call, the roll call is ordered.

For what purpose does the gentleman arise?

Mr. CHILDS: I arise for the purpose of making an inquiry.

The SPEAKER: The gentleman may proceed.

Mr. CHILDS: I have on my desk House Amendments "J" and "K". Have they ever been offered?

The SPEAKER: The Chair is advised that neither of those amendments has been offered.

Mr. CHILDS: Well, I notice that they are filed by Mr. Roberts of Dexter. I wonder if the Chair would inquire if he intends to offer them, and that he should do it at this time before the Bill is passed to be engrossed.

The SPEAKER: The Bill is still subject to amendments and is still subject to debate.

The Chair would inquire of the gentleman from Dexter, Mr. Roberts, as to whether or not he wishes to offer either or both of Amendments "J" and/or "K".

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

Mr. TOTMAN: Mr. Speaker, in an effort to perhaps expedite the answer to the question of the gentleman from Portland, Mr. Childs, may I ask through the Chair of the gentleman from Dexter, Mr. Roberts, if he presented his proposed amendments to the special Committee of Conference as was suggested?

The SPEAKER: The gentleman states that he did.

Does the Chair understand that the gentleman from Dexter, Mr. Roberts, offers these two amendments and moves their adoption?

The Chair would advise the gentleman that the Clerk is in possession of copies of those amendments if that is what you are looking for.

Mr. ROBERTS: I present Amendment "J" and move its adoption.

The SPEAKER: The gentleman from Dexter, Mr. Roberts, offers House Amendment "J" and moves its adoption.

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

Mr. TOTMAN: Mr. Speaker, before consuming more valuable time discussing these individual amendments, I would request through the Chair of any member of the special Committee of Conference, what their feeling was on these two amendments, or the amendment now in progress.

The SPEAKER: Would the gentleman permit the reading of the amendment first, please?

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

HOUSE AMENDMENT "J" to S. P. 515, L. D. 1478, Bill "An Act Relating to Educational Aid and Reorganization of School Administrative Units."

Amend said Bill by striking out all of that part designated "Sec. 111-B" of section 1-B.

Further amend said Bill by striking out the underlined words

“School District Commission” whenever they appear in said Bill and inserting in place thereof the underlined words **‘State Department of Education’**

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

Miss CORMIER: Mr. Speaker, this first Amendment “J” is very clear I think. It would do away with the school district commission entirely and leave all of it up to the Department of Education. Now, as the Bill is written, this school district commission serves for a term of five years and then automatically is off the books, that is, this commission will serve only in the period they are trying to organize these districts. It was the opinion of the Committee that for the Department of Education to be able to take over this job it would mean personnel help, and it would mean that they would have to find someone just as we would have to find someone for the District, and they would become permanent members of the Department of Education. And consequently the Committee felt that since the school district commission is called for in the Bill, since it is only for five years, at the end of five years it is automatically dissolved, that it was better to leave it to this commission than to leave it in the Department of Education where someone — a Commission would have to be set up to do this work and would perhaps remain permanent personnel in the Department.

The SPEAKER: The question before the House is as to the adoption of House Amendment “J”.

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

Mr. FULLER: Mr. Speaker, I presented both of these amendments to the Committee as I told my friend, the gentleman from Dexter, Mr. Roberts, I would, and we discussed them very thoroughly, but the Committee just felt that they could not go along with them. And I would like to add one word to what the gentlewoman from Rumford, Miss Cormier, has said. This district commission serves without pay, and if you put it in the hands of the

Department of Education it is going to make a bureaucracy a still bigger bureaucracy, and after five years this commission goes out of existence automatically and it goes into the Department of Education because it is hoped by that time that most of the districts would be formed. Of course, it is in the power of the legislature if they see fit, to give the commission another five years, in case they feel that it is necessary.

While I am on my feet, if it is not out of order, I might as well mention the next amendment, and that practically does away with certification of the teachers. That is not any part of this new bill, that is in the general law and has been, long before I was born. And it says in effect that any teacher caught teaching without a certificate shall forfeit money which has been paid. You are just saying, in effect, if you adopt this amendment, that you are doing away with certification. We just feel that is ridiculous.

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

Mr. WINCHENPAW: Mr. Speaker, I would just like to ask a question of the gentleman from South Portland, Mr. Fuller. This district commission has been my pet gripe. I can't see any need for this commission and in that five years they are going to spend \$130,000, more than that, \$60,000 each two years, and half a year, \$150,000 they are going to have to spend. On page seven it says they will be paid \$10 a day and traveling expenses. Did any one of those amendments take that out? It is hard to follow those amendments around the corridors there.

The SPEAKER: The gentleman from Friendship, Mr. Winchenpaw, asks a question of the gentleman from South Portland, Mr. Fuller, who may answer if he chooses.

Mr. FULLER: It was not taken out. It wouldn't be fair or even sensible to ask any man to serve on a commission and travel to Augusta or any place else without giving him mileage. I also think that is ridiculous. But at least he is not getting the salary.

The SPEAKER: The motion before the House is the motion of the gentleman from Dexter, Mr. Roberts, that the House adopt House Amendment "J".

Those in favor of adopting House Amendment "J" please say aye; those opposed, no.

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

The SPEAKER: The Chair now understands that the gentleman from Dexter, Mr. Roberts, offers House Amendment "K".

The Clerk will read House Amendment "K".

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

HOUSE AMENDMENT "K" to S. P. 515, L. D. 1478, Bill, "An Act Relating to Educational Aid and Reorganization of School Administrative Units."

Amend said Bill by striking out all of section 79 and inserting in place thereof the following:

'Sec. 79. R. S., c. 41, § 187, repealed. Section 187 of chapter 41 of the Revised Statutes is hereby repealed.'

The SPEAKER: The motion before the House is the motion of the gentleman from Dexter, Mr. Roberts, that the House adopt House Amendment "K".

Those in favor of adopting House Amendment "K" will please say aye; those opposed, no.

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

The SPEAKER: The question now before the House is the motion of the gentleman from South Portland, Mr. Fuller, that the Bill "An Act Relating to Educational Aid and Reorganization of School Administrative Units", Senate Paper 515, Legislative Document 1478, be passed to be engrossed, and the gentleman from Lewiston, Mr. Jalbert, has requested a roll call, which has been ordered.

Will the Sergeant-at-Arms and the Doorkeeper please see that the aisles are kept closed and no one is allowed out the back door.

The House will please be in order and remain very much so, so the Clerk may accurately hear the voting.

The Clerk will call the roll.

Roll Call

YEA — Allen, Babineau, Baird, Bartlett, Beane, Augusta; Besse, Blanchard, Bragdon, Brewster Broderick, B r o w n e, Bangor; Bruce, Burnham, Call, Carey, Carter, Etna; Carter, Newport; Caswell, Childs, Christie, Cole, Cormier, Cote, Couture, Bath; Couture, Lewiston; Coyne, Crockett, Cyr, Davis, Westbrook; Dostie, Dudley, Dumais, Duquette, Earles, Edwards, Elwell, Emerson, Emmons, Ervin, Farmer, Flynn, Foss, Frazier, Fuller, Gallant, Hancock, Hanson, Harriman, Harrington, Harris, Hatfield, Hathaway, Haughn, Heald, Hendricks, Hendsbee, Hersey, Hickey, Hilton, Hutchinson, Jack, Jacques, Jalbert, Jewell, Johnson, Jones, Karkos, Kelly, LaCasse, Lane, Latno, Libby, Lindsay, Mann, Mathieson, Maynard, Miller, Morrill, Morway, Nadeau, Pierce, Plante, Porell, Prue, Quinn, Rancourt, Rankin, Ross, Bath; Rowe, Limerick; Rowe, Madawaska; Saunders, Shaw, Smith, Falmouth; Smith, Portland; Stanley, Stilphen, T e v a n i a n, Thackeray, Totman, Turner, Vaughan, Wade, Walker, Walsh, Walter, Warren, Webber, Wheaton, Whiting.

NAY—Bean, Winterport; Beyer, Carville, Denbow, Edgerly, Emery, Frost, Graves, Hatch, Higgins, Hughes, Knapp, Rich, Roberts, Rollins, Ross, Brownville; Sanborn, Shepard, Storm, Tarbox, Williams, Winchenpaw, Wood.

ABSENT — Andrews, Anthoine, Brewer, Brockway, Brown, Ellsworth; Curtis, Davis, Calais; Day, Desmarais, Hanscomb, Hoyt, Kinch, Leathers, Letourneau, Maxwell, Needham, Roy, Violette.

Yes 109, No 23, Absent 18.

The SPEAKER: One hundred and nine having voted in the affirmative and twenty-three in the negative, with eighteen absentees, the motion that this Bill be passed to be engrossed does prevail. It will be sent to the Senate.

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

Mr. FULLER: Mr. Speaker, I move that this Bill and its accompanying papers be sent forthwith to the Senate.

The SPEAKER: The gentleman from South Portland, Mr. Fuller, requests under unanimous consent that this Bill and accompanying papers be sent to the Senate. Does the Chair hear objection? The Chair hears none and it is so ordered.

The SPEAKER: Under Orders of the Day the Chair lays before the House the first item of unfinished business, Bill "An Act relating to Retirement of Members of Portland Police and Fire Department not under State Retirement System", House Paper 1057, Legislative Document 1512, tabled on April 24 by the gentleman from Portland, Mr. Broderick, pending third reading, and the Chair recognizes that gentleman.

Thereupon, on motion of Mr. Broderick of Portland, the Bill was retabled pending third reading and assigned to Tuesday, May 7.

The SPEAKER: Under Orders of the Day the Chair lays before the House the second item of unfinished business, House Divided Report, Majority "Ought to pass" and Minority "Ought not to pass" of the Committee on Public Health on Bill "An Act relating to Certificates Issued by Board of Commissioners of Pharmacy", House Paper 788, Legislative Document 1121, tabled on April 24 by the gentleman from Millinocket, Mr. Emerson, pending acceptance of either report, and the Chair recognizes that gentleman.

Mr. EMERSON: Mr. Speaker, I move the Majority Report be accepted and I would like permission to speak briefly on this Bill.

The SPEAKER: The gentleman from Millinocket, Mr. Emerson, moves acceptance of the Majority "Ought to pass" Report. The gentleman may proceed.

Mr. EMERSON: Mr. Speaker and Members of the House: I feel this Bill needs explanation to this body. Two years ago the National Board and Colleges of Pharmacy established a ruling that after 1960 all accredited colleges of pharmacy offer a five year course giving a B.S. Degree in pharmacy.

After 1960 it would be necessary to abolish the so-called qualified assistant or assistant pharmacist ex-

amination in order to comply with the other states in the union, and to have reciprocity and be acknowledged by them. All present qualified assistants will retain certificates. The Maine Pharmacy Association is desirous of going along with this national program. Therefore, I move the Majority Report be accepted.

The SPEAKER: The motion before the House is the motion of the gentleman from Millinocket, Mr. Emerson, that the House accept the Majority "Ought to pass" Report on Bill, "An Act relating to Certificates Issued by Board of Commissioners of Pharmacy", House Paper 788, Legislative Document 1121.

Is it the pleasure of the House to accept the Majority "Ought to pass" Report?

The motion prevailed and the Bill was given its first and second readings and assigned for third reading the next legislative day.

The SPEAKER: Under Orders of the Day the Chair now lays before the House the third item under unfinished business, Senate Report "Ought to pass" with Committee Amendment "A" of the Committee on Labor on Bill "An Act relating to Petition for Review of Incapacity Under Workmen's Compensation Act", Senate Paper 162, Legislative Document 409, tabled on April 25 by the gentleman from Houlton, Mr. Ervin, pending acceptance in concurrence of the "Ought to pass" Report.

Thereupon, on motion of the gentleman from Bingham, Mr. Shaw, the Bill and all accompanying papers were recommitted to the Committee on Labor in non-concurrence and sent up for concurrence.

The SPEAKER: Under Orders of the Day the Chair now lays before the House the fourth item under unfinished business, House Report "Ought not to pass" of the Committee on Business Legislation on Bill "An Act Prohibiting Gasoline Suppliers from Engaging in Retail Sale of Gasoline", House Paper 936, Legislative Document 1329, tabled on April 25 by the gentleman from Bangor, Mr. Quinn, pending acceptance

of the Report, and the Chair recognizes that gentleman.

Thereupon, on motion of Mr. Quinn of Bangor, the "Ought not to pass" Report was accepted and sent up for concurrence.

The SPEAKER: Under Orders of the Day the Chair now lays before the House the fifth item under unfinished business, House Report "Ought not to pass" of the Committee on Claims on Resolve in Favor of Eastern Maine General Hospital, House Paper 1037, Legislative Document 1468, tabled on April 25 by the gentleman from Orono, Mr. Needham, pending acceptance of the Report.

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

House at Ease

Called to order by the Speaker.

The SPEAKER; Under Orders of the Day the Chair now lays before the House the sixth item under unfinished business, House Report "Ought not to pass" of the Committee on Education on Bill "An Act relating to Town Budget for Educational Purposes", House Paper 705, Legislative Document 1011, tabled on April 25 by the gentleman from Gouldsboro, Mr. Tarbox, pending acceptance of the Report, and the Chair recognizes that gentleman.

Mr. TARBOX: Mr. Speaker and Ladies and Gentlemen of the House: I offered this bill to help small towns who are now spending sixty per cent and over of their budget for schools, and heading fast for sixty-five per cent if we legislators pass the Sinclair Educational Bill, which I think is a dangerous bill for every small town in the State. I represent thirteen small towns, and there are three small towns in my area, when you raise the teachers pay by one hundred dollars it raises their rate by one mill. And the worse part of it is that they don't qualify for help in the Sinclair Bill. Every school in Aurora, Amherst, Eastbrook, Otis, Waltham and Osborne doesn't have plumbing of any kind and if you were able to consolidate all of these towns they couldn't qualify as the distance is too far from the central point, and I don't believe there

would be over one hundred children, and I am sure this figure is away over, and the distance would be about thirty-five miles from the furthest point. Now this Bill was designed to help rural areas, whereas the Sinclair Bill is to help out larger towns, which certainly are better able to help themselves.

I now recommend we accept the Committee Report.

The SPEAKER: Is it the pleasure of the House to accept the "Ought not to pass" Report on Bill "An Act relating to Town Budgets for Educational Purposes", House Paper 705, Legislative Document 1011?

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

The SPEAKER: Under Orders of the Day the Chair now lays before the House the seventh item under unfinished business, Bill "An Act Creating the Maine Weight and Measures Law," Senate Paper 274, Legislative Document 732, tabled on April 25 by the gentleman from Bridgton, Mr. Haughn, pending third reading and the Chair recognizes that gentleman.

Thereupon, on motion of Mr. Haughn of Bridgton, the Bill was given its third reading and, the Committee on Bills in the Third Reading having reported no further verbal amendments necessary, was passed to be engrossed and sent to the Senate.

The SPEAKER: Under Orders of the Day the Chair now lays before the House the eighth item under unfinished business, House Report "Ought not to pass" of the Committee on Inland Fisheries and Game on Bill "An Act relating to Use of Decoys and Blinds in Merry-meeting Bay", House Paper 874, Legislative Document 1242, tabled on April 25 by the gentleman from Bowdoinham, Mr. Curtis, pending acceptance of the Report.

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

Mr. CALL: Mr. Speaker, whereas the gentleman from Bowdoinham, Mr. Curtis, is now absent, I ask that this be retabled and assigned the next legislative day.

The SPEAKER: With respect to item number eight, Bill "An Act relating to Use of Decoys and Blinds in Merrymeeting Bay" the gentleman from Cumberland, Mr. Call, moves that this item be retabled and specially assigned for Tuesday next pending acceptance of the Report. Is this the pleasure of the House?

The motion prevailed and the Bill was so retabled.

The SPEAKER: At this time the Chair would like to recognize the presence in the gallery of the House of a group of eighth grade pupils from the Dr. Lewis S. Libby School, accompanied by their Principal, Lionel L. Alley. On behalf of the House the Chair extends to you ladies and gentlemen a most cordial welcome and we hope that you will enjoy your visit here this afternoon. (Applause)

The SPEAKER: Under Orders of the Day the Chair now lays before the House item number nine under unfinished business, Senate Report "Ought not to pass" of the Committee on Judiciary on Bill "An Act Concerning Liability of Parents for Damage by Children", Senate Paper 33, Legislative Document 35, tabled on April 26 by the gentleman from Bangor, Mr. Browne, pending acceptance of the Report in concurrence, and the Chair recognizes that gentleman.

Mr. BROWNE: Mr. Speaker, I now move that this matter together with all its accompanying papers be indefinitely postponed, and wish an opportunity to speak on it.

The SPEAKER: The motion before the House is the motion of the gentleman from Bangor, Mr. Browne, for the indefinite postponement of the Report. Is this the pleasure of the House?

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

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

Mr. BROWNE: Mr. Speaker and Ladies and Gentlemen. This is another instance where there is an attempt—

The SPEAKER: The Bill is no longer before the House, Mr. Browne.

For what purpose does the gentleman arise?

Mr. BEYER: A point of parliamentary inquiry. I believe that the motion of the gentleman from Bangor, Mr. Browne, was that he would like to speak on the motion, and the Speaker's gavel fell before those of us who would like to speak on the Bill had a chance to get up and debate.

The SPEAKER: Does the gentleman move that the House reconsider?

Mr. BEYER: I do.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Beyer, moves that with respect to item number nine, the House reconsider its action whereby it indefinitely postponed Bill "An Act Concerning Liability of Parents for Damage by Children", Senate Paper 33, Legislative Document 35. Is this the pleasure of the House?

Mr. BEYER: Mr. Speaker, I request a division on that.

The SPEAKER: The gentleman requests a division.

Will all those who favor the motion to reconsider the action whereby the House indefinitely postponed this Bill, please rise and remain standing 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-nine having voted in the negative the motion to reconsider did not prevail.

The SPEAKER: Under Orders of the Day the Chair now lays before the House the tenth item under unfinished business, "Ought not to pass" Report of the Committee on Judiciary on Bill, "An Act relating to Injury to Monuments and Places of Burial", House Paper 920, Legislative Document 1310, tabled on April 26 by the gentleman from Bangor, Mr. Quinn, pending acceptance of the Report, and the Chair recognizes that gentleman.

Thereupon, on motion of Mr. Quinn of Bangor, the Bill and accompanying papers were retabled pending acceptance of the Report

and specially assigned for Wednesday, May 8.

The SPEAKER: Under Orders of the Day the Chair now lays before the House item number eleven under unfinished business, House Divided Report, Majority "Ought to pass" in New Draft, House Paper 1069, Legislative Document 1529, New Title "An Act relating to Coercive Practices in Trade or Commerce", and Minority Report "Ought not to pass" of the Committee on Business Legislation on Bill "An Act relating to Coercive Practices in Retail Sale and Distribution of Gasoline", House Paper 935, Legislative Document 1328, tabled on April 26, by the gentleman from Bethel, Mr. Saunders, pending the motion of the gentleman from Auburn, Mr. Wade, to indefinitely postpone the Bill and both Reports.

The Chair recognizes the gentleman from Bethel, Mr. Saunders.

Mr. SAUNDERS: Mr. Speaker, Ladies and Gentlemen of the House: The original bill relating to Coercive Practices in Retail Sale and Distribution of Gasoline was presented to the Business Legislation Committee and had absolutely no opposition in the hearing. However, the Committee after much deliberation decided that coercive practices should not only include gasoline but that it should be so written so as to include other commodities. Thus a new draft entitled "An Act Relating to Coercive Practices in Trade or Commerce" was brought out, and with a majority report of six to four that it "Ought to Pass."

First, I would like to define the word coercive so that we all may understand what the meaning is and the need for this legislation. To coerce means to compel or enforce, to restrain or to interfere. To explain further, large companies grant a lower price to a so-called jobber-retailer who sells his suppliers product at a discount, thus the small business man is compelled to lower his price in order to keep his own business.

It is estimated that approximately thirty per cent of the retail service stations and ten per cent of the retail grocery stores in the

State of Maine are forced out of business by economic adversity.

It can be noted that these coercive practices are one of the leading factors in the wide range in prices between the different sections of Maine. Not only the dealer's interest but that of the public as well is involved. This situation, being within the state and beyond the normal concept of interstate commerce, is another reason that this Legislature should act to prevent such discrimination.

Many of the details of coercion by supplying companies were described in their entirety before the Business Legislation Committee on April 10th, and in the presence of these same supplying companies, yet not one word of denial or reason for existence was forthcoming.

It has been stated that this bill is in the criminal section of our statutes, and rightly so it should be if it forces our small businesses out of business. There are in the State of Maine some 20,000 small, independent retail merchants, including gasoline service station operators and stores. Many of these independent businessmen went into business with a very small capital of probably \$3,000 to \$5,000. They are not castoffs of society. They are intelligent, honest, hard working citizens who want to be independent, yet one third of them are going out of business every year. When the rate of failure of our citizens is this high, we cannot believe that our citizens have failed, but rather there is a failure of the laws of Maine to protect them from the discrimination that L. D. 1529 would prevent.

Those who have opposed this type of legislation assert that they are not guilty of prohibitive practices and would do nothing that would harm their retail dealers. In view of this assertion it should be stated that there is nothing in these laws to harm an innocent or anyone else that conducts his business in an ethical, forthright manner.

Again I wish to state that this bill is a new draft brought out by a majority report of the Committee, and I have checked many wholesalers and dealers and they are definitely in accord with this bill. Therefore, I certainly hope that the

motion of the gentleman from Auburn, Mr. Wade, does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Bingham, Mr. Shaw.

Mr. SHAW: Mr. Speaker, due to the absence of the Chairman of the Business Legislation Committee, the gentleman from Auburn, Mr. Wade, I would now move that this item lay on the table until May 8, Wednesday next.

The SPEAKER: With respect to item number eleven, House Divided Report, Majority "Ought to pass" in New Draft, House Paper 1069, Legislative Document 1529, New Title "An Act relating to Coercive Practices in Trade or Commerce" and Minority Report "Ought not to pass" of the Committee on Business Legislation on Bill "An Act relating to Coercive Practices in Retail Sale and Distribution of Gasoline", House Paper 935, Legislative Document 1328, the gentleman from Bingham, Mr. Shaw, now moves that this item be retabled specially assigned for Wednesday next pending the motion of the gentleman from Auburn, Mr. Wade, that the Bill and both reports be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed and the Bill with accompanying papers was so retabled.

The SPEAKER: The Chair now lays before the House item number twelve under unfinished business, House Divided Report, Majority "Ought not to pass" and Minority "Ought to pass" as amended by Committee Amendment "A" of the Committee on Constitutional Amendments on Resolve Proposing an Amendment to the Constitution to Abolish the Governor's Council, House Paper 348, Legislative Document 478, tabled on April 26 by the gentleman from Bangor, Mr. Tottman, pending the motion of the gentleman from Portland, Mr. Broderick, that the Resolve be recommitted to the Committee on Constitutional Amendments.

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

Mr. BRODERICK: Mr. Speaker and Members of the House: I have long been an advocate of the aboli-

tion of the Governor's Council. I am of the opinion that the election of the chief executive by the electorate of the State of Maine is a manifestation of their faith and their trust in the ability and in the integrity of their chief executive. I cannot see how this faith and trust can be extended to include an archaic body such as the Governor's Council. The sole purpose for the existence of the Governor's Council is to safeguard certain, so it would appear, vested republican interests. I challenge any Member of this House to show any consistency between the democratic form of government and the continued existence of the all-republican Executive Council.

Several Members of this House during the debate on the Sinclair Bill this afternoon indicated a desire to table that bill so that they could confer with their constituents to obtain the thinking of their constituents and the thoughts of their constituents. That thinking is commendable. This is a referendum question. In effect you are putting this to your constituents. I hope those people, who certainly acted commendable this afternoon, will do so on this bill, and let their constituents decide through referendum. I wish to withdraw my motion, Mr. Speaker, to have this Bill recommitted. I move the acceptance of the Minority Report and ask for a roll call vote.

The SPEAKER: The Chair understands that the gentleman from Portland, Mr. Broderick, withdraws his motion that the bill be recommitted to the Committee, and moves the acceptance of the Minority "Ought to pass" Report. The gentleman has requested a roll call vote.

The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and fellow Members of this House: I think we all advocate government for and by the people. The Council is not elected by the people. Therefore the Council is not responsible to the people. The Council is also a part-time function. As a result they are not well informed to pass judgment on State government.

Only three states at the present time have a governor's council, and

one of these is elected by popular vote. Forty-five other states do not have a council, and a large percentage of these have just recently abolished the governor's council. I have a lot of respect for the legislative bodies in these other forty-five states.

The present Council is only successful in putting the Governor of the State in a position to bargain with the Council on various appointments. Although the appointments subsequently became known as the Governor's appointments, leaving the Councilmen who do not have to answer to the people, free from criticism from the people or groups of people.

It has been said that the Council is obsolete like the horse and buggy, but the Council is older than the buggy or the buckboard. Two hundred years ago the council was used as a check against the British Governor. I regret that Maine is still using this out-dated system. Now part of their function as I understand, is pardons. We should have and perhaps do have—I feel certain that soon we will have a working Board of Pardon and Parole. They should report to the Governor, and that should be the means of handling pardons. Now some will say: "What would they do about these appointments?" I know that worries a lot of people. I think the Senate could very well look after it and during their absence on off years, a joint committee could look after it, and so on.

Now you have already been told by our good representative the gentleman from Portland, Mr. Broderick, that this has a referendum on it. Of course this means the people have to vote on the thing. I think the people where I come from in this State as well as in this whole State are intelligent. I thought so last September; I think the most of you did, when they voted for you, you thought they were intelligent, that they did the right thing. And I still think they are. I thought so then and I think so now. I think they are very capable people. They certainly are capable of voting on a referendum to do away with the Governor's Council.

A few of you have taken the time to look at what the Governor's

Council cost in dollars and cents. Within the last two years it cost us thirty-three thousand nine hundred and forty dollars. Let's spend the taxpayers' money where it is more needed. Let's be modern—face the future. Vote to abolish the Governor's Council. I hope you will see fit to accept the Minority Report.

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

Mr. TOTMAN: Mr. Speaker and Members of the House: In making a motion to indefinitely postpone all Reports and papers in connection with this bill, I realize that there are many of you who have very strong personal convictions on the Governor's Council. I suspect, and this may be considered a cynical attitude, but I suspect that we could stay here for several hours this afternoon arguing back and forth the merits of the Governor's Council. But knowing the tremendous ramifications of how the Governor's Council and its approval measures go through our State government and our Statutes, and knowing that the majority of the Committee on Constitutional Amendments has seen fit "Ought not to pass", I see very little point in attempting to change people's minds here today. If a roll call vote is desired, I see no particular purpose other than to get on with the business and have the roll call vote.

The SPEAKER: The motion before the House is the motion of the gentleman from Portland, Mr. Broderick, that the House accept the Minority "Ought to pass" Report. The Chair recognizes the gentleman from Bangor, Mr. Totman.

Mr. TOTMAN: Mr. Speaker, I formally move that we indefinitely postpone this L. D. with all accompanying papers.

The SPEAKER: The motion now before the House is the motion of the gentleman from Bangor, Mr. Totman that the Bill and both Reports be indefinitely postponed. The Chair recognizes the gentleman from Portland, Mr. Broderick.

Mr. BRODERICK: Mr. Speaker, I request a roll call vote on the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: Something was just called to my attention by a former speaker about revising the Statutes. The Statutes can be revised and there are men not too far distant that are capable of doing it. I realize that has to be done and should be done, rightly so. And there are other questions that people would like to ask if they had time about who would take the place of this and that, but I say that to have a better form of government the Governor should have a field of experts in his office to help him.

Now we are fortunate our present Governor was an attorney, but our next Governor may not be an attorney. Therefore he should have a competent attorney in his office from his own party to advise him from whichever party he may come. He should have a man on budget. Do you people realize that all these bills that are put on the Governor's desk should be read and signed by the Governor? He should have a man there to advise him on these matters that understood legislation, and from the different fields. In other words, he should have a cabinet, that's what I am trying to say, he should have a cabinet made up of five or six men that he considered experts that he took in with him to help him. This job of Governor of Maine is getting to be a big job. He needs help. He doesn't need obstructionists. He doesn't need to be called from his work for a Council meeting to debate some ten cent item for three hours. He needs somebody to sit down and help him, whether it be this particular Governor or some other Governor. And the time has come when we should do something to modernize our State government. Thank you.

The SPEAKER: The motion before the House is the motion of the gentleman from Bangor, Mr. Totman that the Bill and both Reports be indefinitely postponed. The gentleman from Portland, Mr. Broderick, has requested a roll call vote. Will all those who desire a roll call vote please rise and remain stand-

ing until the monitors have made and returned the count.

Forty-one members rose.

The SPEAKER: More than one-fifth having expressed a desire for a roll call vote, a roll call vote is ordered.

The motion before the House is the motion of the gentleman from Bangor, Mr. Totman, that Resolve Proposing an Amendment to the Constitution to Abolish the Governor's Council, House Paper 348, Legislative Document 478, and both Committee Reports, be indefinitely postponed.

Those who favor the motion to indefinitely postpone will answer by saying aye when their name is called; those who oppose the motion to indefinitely postpone will say no.

The Clerk will call the roll.

Roll Call

YEA — Allen, Bean, Winterport; Besse, Beyer, Blanchard, Brewster, Browne, Bangor; Bruce, Burnham, Call, Carter, Etna; Carter, Newport; Carville, Caswell, Childs, Christie, Cole, Crockett, Earles, Edgerly, Emery, Emmons, Farmer, Flynn, Foss, Frazier, Frost, Fuller, Graves, Hancock, Hanson, Harriman, Harrington, Hatch, Hatfield, Hathaway, Haughn, Higgins, Hughes, Hutchinson, Jones, Knapp, LaCasce, Libby, Lindsay, Mann, Mathieson, Morrill, Pierce, Quinn, Rankin, Rich, Roberts, Rollins, Ross, Bath; Ross, Brownville; Rowe, Limerick; Sanborn, Shaw, Shepard, Smith, Fal-mouth; Stanley, Stulphen, Storm, Tarbox, Totman, Turner, Vaughan, Walker, Walter, Webber, Wheaton, Whiting, Williams, Winchenpaw, Wood.

NAY — Babineau, Beane, Augusta; Broderick, Carey, Cote, Couture, Bath; Coyne, Cyr, Davis, Westbrook; Dostie, Dudley, Dumais, Duquette, Edwards, Elwell, Gallant, Harris, Hendricks, Hendsbee, Hersey, Hickey, Hilton, Jacques, Jalbert, Johnson, Karkos, Lane, Latno, Maynard, Miller, Morway, Nadeau, Plante, Porell, Rancourt, Rowe, Madawaska; Saunders, Smith, Portland; Tevanian, Thackeray.

ABSENT — Andrews, Anthoine, Baird, Bartlett, Bragdon, Brewer, Brockway, Brown, Ellsworth; Cor-

mier, Couture, Lewiston; Curtis, Davis, Calais; Day, Denbow, Desmarais, Emerson, Ervin, Hanscomb, Heald, Hoyt, Jack, Jewell, Kelly, Kinch, Leathers, Letourneau, Maxwell, Needham, Prue, Roy, Violette, Wade, Walsh, Warren.

Yes 76, No 40, Absent 34.

The SPEAKER: Seventy-six having voted in the affirmative, forty in the negative and thirty-four absentees, the motion for indefinite postponement prevails. It will be sent to the Senate.

The SPEAKER: The Chair now lays before the House item number thirteen under unfinished business, House Divided Report, Report "A" reporting a New Draft, House Paper 1070, Legislative Document 1530 in New Draft, and Report "B" reporting "Ought not to pass" of the Committee on Business Legislation on Bill "An Act to Eliminate Discrimination Between Purchasers", House Paper 932, Legislative Document 1325, tabled on April 26 by the gentleman from South Portland, Mr. Earles, pending acceptance of either Report. The Chair recognizes that gentleman.

Mr. EARLES: Mr. Speaker, Ladies and Gentlemen of the House: With regard to Item 13, I would like to move the adoption of the "Ought to pass" report of the Committee, namely being Report A, and I would like to speak to the motion.

The SPEAKER: The gentleman may proceed.

Mr. EARLES: I realize that, looking at the clock, I am flying in the face of providence particularly after an extensive session of Constitutional Amendment oratory, extensive consideration of Jacobs Report with all the nuances and considerations that we have experienced today, and I realize that a bill collateral to this subject matter has been tabled because one member of the Business Legislation Committee is absent and I would have no objection to the tabling of it to a time certain if that were the case, but I will speak to the motion and allow anyone subsequently,—I would be very glad if anyone subsequently wishes to table it to a time certain. Now with regard to this particular Bill. The

title doesn't indicate a great deal to a great many people and inasmuch as this bill as originally drafted has been added to, I think it only fair, so that you may have the entire substance of the bill, that I read it to you. It's entitled: "Discrimination Between Purchasers", with one section entitled "Section 54".

"It shall be unlawful for any person engaged in commerce, in the course of such commerce, either directly or indirectly, to discriminate in price between different purchasers of commodities of like grade and quality, where the effect of such discrimination may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy or prevent competition. Nothing in this section shall prevent differentials which make only reasonable allowances for differences resulting from differing quantities in which said commodities are, to such purchasers, sold or delivered."

The second paragraph:

"Any gift, token, reward, emolument, kick-back, rebate, allowance, credit or benefit given or extended by a supplier of commodities to any retail dealer in the State of Maine, in consideration of any change in the retail price of such commodities shall be prima facie, a discrimination in price and a violation of this section unless such benefits shall have been extended to all retail dealers engaged in the retail sale of such commodities of like grade and quality. For the purposes of this section the term 'commodity' shall be deemed to include 'it' shall be deemed to include, but in no way limited to, gasoline or any other petroleum products."

Third paragraph:

"Any person, firm or corporation violating the provisions of this section shall be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months, or by both."

Now who are the people that are actively interested in this type of bill? The obvious answer is the retail dealer of gasoline, and the obvious answer is because they currently are having a well publicized

problem in a matter of price. We've seen an order passed to inquire into and inspect and obtain the reasons for the differentials in price. But this problem extends into many facets of the average economic life in the State of Maine: the average grocer, the average druggist, the average variety store operator, is faced with exactly or a similar problem. To give an illustration, and I don't wish to preempt time that should be that of others who are employed in the field and gain their livelihood from situations that I have enumerated, so I will only relate one type of example, namely, the gasoline dealer. The major companies in many and sustained instances over the years will select a station operator and cause him to depress the then existing retail price of gasoline, in many instances to the extent that this new depressed retail price is less than the wholesale price which this same retail operator would normally pay. There are various means and stratagem of subsidizing that person so that he will create havoc among the free competing retail gasoline dealers in that neighborhood or in that area. You see it specifically, those of you that have traveled in the Gray area or via the other route from Augusta, south. That is a concrete and specific example. And I think at this point it is only fair to permit others as I say, that are by livelihood engaged in this field and allied fields to carry on the specific advocacy of the "Ought to pass" Report motion. Thank you.

The SPEAKER: The motion before the House is the motion of the gentleman from South Portland, Mr. Earles, that the House accept Report "A" on Bill "An Act to Eliminate Discrimination Between Purchasers, House Paper 1070, Legislative Document 1530. The Chair

recognizes the gentleman from St. Albans, Mr. Hughes.

Mr. HUGHES: Mr. Speaker, due to the fact that the Chairman of the Business Legislation Committee is absent, I would like to have this tabled until Wednesday next, May 8.

The SPEAKER: The motion now before the House is the motion of the gentleman from St. Albans, Mr. Hughes, that both Reports be tabled until Wednesday, May 8, pending the motion of the gentleman from South Portland, Mr. Earles, that the House accept Report "A". Is this the pleasure of the House?

The motion prevailed and the Reports were so tabled.

The gentleman from Bangor, Mr. Totman, was granted unanimous consent to address the House briefly.

Mr. TOTMAN: Mr. Speaker and Members of the House: Before making the motion to adjourn, I would like to make two comments to help the Members of the House who are still present, plan next week. It is the intention, if possible, to hold double sessions next week, that is one in the afternoon, except on Wednesday. The idea being that if there are executive sessions that need to be held, they can all be funneled into Wednesday. We will attempt to hold afternoon sessions on Tuesday, Thursday and possibly Friday.

To further help you plan, we contemplate starting Monday sessions a week from this Monday, which will be May 13 at ten o'clock. That is a week from next Monday.

On motion of Mr. Totman of Bangor,

Adjourned until Tuesday, May 7, at ten o'clock in the morning.