

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

Wednesday, May 8, 1957

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

Prayer by Captain Ash of the Salvation Army of Augusta.

The journal of the previous session was read and approved.

Papers from the Senate Senate Reports of Committees Ought Not to Pass

Report of the Committee on Retirements and Pensions reporting "Ought not to pass" on Resolve Providing for State Pension for Eva A. Scammon, of Franklin (S. P. 248) (L. D. 649)

Report of the Committee on Towns and Counties reporting same on Bill "An Act relating to Development and Promotion in Aroostook County" (S. P. 502) (L. D. 1416)

Came from the Senate read and accepted.

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

Ought to Pass in New Draft

Report of the Committee on Judiciary on Bill "An Act Repealing Prima Facie Provisions of Unfair Sales Act" (S. P. 28) (L. D. 19) reporting same in a new draft (S. P. 555) (L. D. 1551) under title of "An Act relating to the Unfair Sales Act" and that it "Ought to pass".

Report of the Committee on Towns and Counties on numerous bills related to salaries and clerk hire of municipal courts, acting by authority of Joint Order (S. P. 526) reporting a Consolidated Bill (S. P. 547) (L. D. 1537) under title of "An Act relative to Salaries and Clerk Hire of Municipal Courts" and that it "Ought to pass".

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

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

Ought to Pass

Report of the Committee on Retirements and Pensions reporting "Ought to pass" on Bill "An Act

relating to Employees of Maine Maritime Academy Receiving Federal Social Security Benefits" (S. P. 51) (L. D. 82)

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

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

Ought to Pass in New Draft Amended in Senate

Report of the Committee on Judiciary on Bill "An Act Amending the Rules of Descent" (S. P. 300) (L. D. 797) which was recommitted, reporting same in a new draft (S. P. 551) (L. D. 1540) under same title and that it "Ought to pass"

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

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

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

SENATE AMENDMENT "A" to S. P. 551, L. D. 1540, Bill, "An Act Amending the Rules of Descent."

Amend said Bill by striking out all of paragraph "B" of "Sec. 1" and inserting in place thereof the following underlined paragraph:

B. If the residue of the estate determined as provided in section 20-A is more than \$10,000, of the real estate, two-thirds to the widow and one-third to the next of kin of equal degree, not beyond kin in the 2nd degree.'

Further amend said Bill by adding after the underlined word "kindred" in the 1st line of the 2nd paragraph of paragraph "B" of "Sec. 1" the underlined words 'within the 2nd degree'

Further amend said Bill by striking out the 8th, 9th and 10th lines of "Sec. 2" the following underlined words "and in estates in which the deceased made no provision in his will for a surviving widow, or the widow waived the provisions of the will"

Further amend said Bill by striking out the 1st sentence of paragraph "B" of "Sec. 2" and insert-

ing in place thereof the following underlined sentences:

'If the residue found by the Probate Court was more than \$10,000, the sum of \$10,000, and of the remaining personal property, ½ to the widow and ½ to the next of kin of equal degree, not beyond kin in the 2nd degree. If no such kindred, the whole of the remaining personal property to the widow.'

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

Ought to Pass with Committee Amendment

Report of the Committee on Public Utilities on Bill "An Act relating to Fluoridation of Public Water Supplies" (S. P. 466) (L. D. 1379) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 466, L. D. 1379, Bill, "An Act Relating to Fluoridation of Public Water Supplies."

Amend said Bill by striking out in the 7th line the underlined word "six" and inserting in place thereof the underlined figure '9'

Further amend said Bill by striking out in the 22nd line the underlined figure "3" and inserting in place thereof the underlined figure '2'

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

'In the event that a municipality which shall have approved flouridation shall vote to discontinue such flouridation and the public utility or agency serving such municipality has constructed or installed flouridation facilities, such public utility or agency shall be entitled to amortize the remaining cost of its investment in such facilities, and to allocate the cost of such amortization among

its customers, over such period of time as shall be approved by the Public Utilities Commission.'

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

Report of the Committee on State Government on Bill "An Act relating to Membership in State Board of Education" (S. P. 481) (L. D. 1386) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 481, L. D. 1386, Bill, "An Act Relating to Membership in State Board of Education."

Amend said Bill by inserting at the beginning of the first line the underlined abbreviation 'Sec. 1.'

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

'Sec. 2. Intent. It is the intent of the Legislature that this act shall in no way affect the present tenure of office of the present members of the State Board of Education.'

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

Divided Report Indefinitely Postponed

Majority Report of the Committee on Constitutional Amendment on Resolve Proposing an Amendment to the Constitution Abolishing Offices of Judge and Register of Probate as Constitutional Offices (S. P. 296) (L. D. 793) reporting same in a new draft (S. P. 556) (L. D. 1552) under title of "Resolve Proposing an Amendment to the Constitution Providing for the Appointment of Judges of Probate by the Governor, with the Advice and Consent of the Council" and that it "Ought to pass"

Report was signed by the following members:

Mrs. LORD of Cumberland
 Mr. HURLEY of Kennebec
 — of the Senate.
 Messrs. BEYER of Cape Elizabeth
 TEVANIAN of Portland
 EMMONS of Kennebunk
 BRODERICK of Portland
 BEANE of Augusta
 HANCOCK of York
 — of the House.

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

Report was signed by the following members:

Messrs. BUTLER of Franklin
 WOODCOCK of Penobscot
 WYMAN of Washington
 — of the Senate.
 Messrs. EARLES of South Portland
 BROWNE of Bangor
 WALKER of Auburn
 CURTIS of Bowdoinham
 — of the House.

Came from the Senate with the Minority Report accepted.

In the House, the Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. Emmons.

Mr. EMMONS: Mr. Speaker, I move the acceptance of the Majority Report, would like a division, and would like to speak briefly.

The SPEAKER: The motion before the House is the motion of the gentleman from Kennebunk, Mr. Emmons, that the House accept the Majority "Ought to pass" Report in non-concurrence. The gentleman may proceed.

Mr. EMMONS: Mr. Speaker and Ladies and Gentlemen of the House: This is an important bill. It is one of the constitutional amendment bills. This is a new draft, and it provides for the appointment of judges of probate by the Governor with the consent of Council.

At the present time all judges of the Supreme Judicial Court, or the Superior Court, or your Municipal Court Judges and your justices, trial justices, are appointed by the Governor with the consent of Council. There is no good reason why the judge of probate should not also be so appointed. For those Members of

this House who suggest that our Constitution as originally written is a very good document, I wholly agree, and I say to them that as originally written the Constitution of the State of Maine provided for the appointment of the judges of probate along with all other judges. In 1855 there was an amendment which then provided for a popular election of judges of probate, judges of the municipal and police courts, sheriffs and so forth. That amendment stood on the books for twenty years. In 1875, that was changed, and under that amendment of 1855 the judges of the municipal courts were elected by the municipalities in which their courts were situated, so you certainly had the home rule then but apparently it didn't work too well. In '75 a change was made, and the only judges left not appointed by the Governor with consent of Council was the judge of probate. There is no good reason why a similar procedure should not be followed. I'll agree that appointments of judges are political, but remember this, that in practically every instance, the minute a judge is appointed, he rises above the political appointment, he tends to go on a non-party basis, and treats matters brought before him on a fair, legal basis.

Now your judge of probate is an important office. Briefly, let me say this. In the first place, he has jurisdiction of all matters pertaining to the administration of estates of deceased persons, to wills, and to trusts which are created by will or other written instrument. He has to do with the adoption of children, a matter in which the gentlewoman from Portland is greatly interested. He has to do with the change of names of persons. He may appoint guardians for minors, and others according to law, and has jurisdiction over persons under guardianship. If the parents of a minor child live apart, he may decree which parent shall have custody of the child, and may order the father to contribute to the support. He may make partition of real estate. He has charge of insolvent estates and allowance of claims. He may waive minor matters. He may waive the blood test and five-day law as to marriage. On complaint, he has control over neglected children. Those are impor-

tant matters, and particularly the matter of estates, trusts and guardianship.

This bill is a new draft of the original bill as it was introduced.

Your present Constitution reads in part as to the executive powers of the Governor: "He shall nominate, and, with the advice and consent of the Council, appoint all judicial officers (except judges of probate)." This is a change that has been advocated for many years, and for many years I have been unable to understand why the judge of probate should be elected, he shouldn't have to. He should be above the matter of a political campaign every four years. He can't help being biased to some extent, unconsciously I'll agree, but he must, but if he has to run for office every four years, he has to have it in mind to some extent.

The minute an appointment is made, and I have seen a good many judges appointed, and on many occasions have been in their courts when they first had court, particularly in the Superior Court, and let me say to you that all judges, practically, rise above the matter of their political appointment and deal out justice in accordance with their best judgment. I have nothing further to say on this matter, but it is an important matter and it is something that I think should be corrected now because it's been a good many years that this has gone along on this basis. Thank you.

The SPEAKER: The question before the House is the motion of the gentleman from Kennebunk, Mr. Emmons, that—the Chair recognizes the gentleman from Bridgton, Mr. Haughn.

Mr HAUGHN: Mr. Speaker, in all due respects and regards which I hold for my colleague the gentleman from Kennebunk, Mr. Emmons, there are certain factors as far as a layman's viewpoint would go that I cannot see the need of a change in the present way we arrive at having our judge of probate. So at this time without any further conversation and taking up time, I move the indefinite postponement of this bill and all accompanying papers.

The SPEAKER: The question now before the House is the motion of the gentleman from Bridgton, Mr. Haughn, that both Reports be indef-

initely postponed. Is the House ready for the question? The Chair recognizes the gentleman from Auburn, Mr. Walker.

Mr. WALKER: Mr. Speaker and Members of the House: As a signer of the Report, I believe the Minority Report, I haven't had an opportunity to check it, I object, and I would like to go on record as objecting to the taking away the right of the people to elect their chosen judge of probate. Not long ago this very House voted overwhelmingly to leave with the people the right to elect our clerk of courts. We have had no difficulty here in the State of Maine with our probate court system. If there had been abuses under our present system, then I would be in favor of making this change. However, under the certain and peculiar circumstances of this particular office, I feel that we should not be inconsistent and take this right away from the people. It is something they have had and cherished for a great many years.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. Emmons.

Mr. EMMONS: Mr. Speaker, I am caught a little bit in my own vise I am afraid. The matter of the clerk of courts bill, the clerk of courts is an administrative office. This bill has to do with a judicial office. I spoke for the clerk of courts bill knowing that I was licked badly on it before I started. Although I did not enter it by request, I did it because I was so requested.

I want to say to the House that I think this present bill is far more important that the matter of the clerk of courts. I think the matter of clerk of courts being elected would be alright. I still think it is better to have them appointed, but I think that this particular bill as to the judge of probate and keeping the judiciary as far as possible out of the level of the political arena every four years is very important. I don't think you are taking anything particular away from the people. It has proven as to all the other judicial appointments that on the whole they are very successful. You at least get good men appointed. Thank you.

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

recognizes the gentleman from South Portland, Mr. Earles.

Mr. EARLES: Mr. Speaker and Ladies and Gentlemen of the House: I don't wish to prolong this debate, but some of you may be inquiring in your own minds what is the experience and the practice of other states? I ran a check in the so-called book of states. Not all states call the probate judge, probate, or judge of probate. In some states it is called the surrogate court and there are other names for it in some other states. But of the states that call this office, the office of the judge of probate, it is very interesting to note that there are nineteen states that elect their judges of probate as opposed to three who appoint their judges of probate. So the State of Maine which has been observing for a great many years the practice of the belief that the judge who has jurisdiction of the dispensation of their properties via the will, who has jurisdiction over their matters as regards to adoption, and should have the close relationship of the community, the county-wide community in which he serves as judge of probate. All these other states, these nineteen states, have that same regard apparently and there are only three who make this office a matter of appointment. I hope the motion of the gentleman from Kennebunk, Mr. Emmons, does not prevail.

The SPEAKER: The Chair will state that the question before the House is the motion of the gentleman from Bridgton, Mr. Haughn, that both Reports be indefinitely postponed. The Chair recognizes the gentleman from Kennebunk, Mr. Emmons.

Mr. EMMONS: Mr. Speaker, I realize I have spoken twice—

The SPEAKER: The gentleman has not spoken twice to the present motion.

Mr. EMMONS: Mr. Speaker, I just want to suggest one thing that we have heard on some bills arguments that Maine shouldn't be bothered by what other states do. It makes a difference which side of the argument you are on. But I still say that I think Maine can go on its own way without paying too much attention to other states. Our appointments have been suc-

cessful here. Appointments in many other states have been successful if perhaps not as to the surrogate judges or judges of probate, they certainly are successful as to Superior Court and Supreme Court Judges and this is just as important an office as that. Thank you.

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

Mr. BEYER: Mr. Speaker, in opposing the motion of my colleague the gentleman from Bridgton, Mr. Haughn, to postpone this bill, I would like to point out one further aspect in favor of the measure. And that is that we have seen fit to entrust our greatest legal considerations to appointive judges. The Supreme and Superior, as Mr. Emmons, the gentleman from Kennebunk, just told you, are appointed by the Governor by consent of the Council.

I also point out that in matters of probate, estates of millions and millions of dollars can pass in just one estate, and then in our people that come from out of the state and settle here in Maine bringing a great deal of wealth, it is very important that we have men of high caliber. Now I know we have men of high caliber in elective offices, but we have seen fit as I say to consider that our judges in the Supreme and the Superior Court be appointed, and I submit to you that where millions and millions of dollars are being handled the same grave occasion arises in each of those cases.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Hickey.

Mr. HICKEY: Mr. Speaker, may I inquire of the gentleman from Kennebunk, Mr. Emmons, in the last forty years the caliber of judges of probate in my County of York if he wishes to answer that question.

The SPEAKER: The gentleman from Biddeford, Mr. Hickey, addresses a question through the Chair to the gentleman from Kennebunk, Mr. Emmons, who may answer if he so chooses. The gentleman is not obliged to answer if he does not wish.

Mr. EMMONS: Mr. Speaker, I would answer that I have no criticism of the judges of probate in our County in the past several terms as far as I know. I still say that those judges have been to some extent unconsciously affected by the reason that they have to run for office every four years. I still say that in our experience —

The SPEAKER: The Chair regrets the gentleman must confine his remarks to answering the question.

Mr. EMMONS: Thank you, Mr. Speaker.

The SPEAKER: The question before the House is the motion of the gentleman from Bridgton, Mr. Haughn, with respect to Resolve Proposing an Amendment to the Constitution Providing for the Appointment of Judges of Probate by the Governor, with the Advice and Consent of the Council, Senate Paper 556, Legislative Document 1552, both Reports be indefinitely postponed. The gentleman from Kennebunk, Mr. Emmons, has requested a division.

Will those who favor the indefinite postponement of both Reports please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

One hundred and one having voted in the affirmative and twenty-four having voted in the negative the motion prevailed, the Reports were indefinitely postponed and sent up for concurrence.

The SPEAKER: At this time the Chair would like to recognize the presence in the gallery of the House of a group of seventh and eighth grade pupils from the Edgcomb School chaperoned by Mr. and Mrs. Giles, Mrs. Chaney and Mrs. Pels. And a group of students from the Erskine Academy of South China accompanied by their Advisor, Richard Braley. 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 today. (Applause)

Non-Concurrent Matter

Bill "An Act Concerning Liability of Parents for Damage by Children"

(S. P. 33) (L. D. 35) which was indefinitely postponed in non-concurrence in the House on May 3.

Came from the Senate with that body voting to insist on its former action whereby the Bill was passed to be engrossed, and asking for a Committee of Conference.

In the House: On motion of Mr. Beyer of Cape Elizabeth, the House voted to insist on its former action and join in a Committee of Conference.

Non-Concurrent Matter

Joint Resolution Memorializing Congress to Enact Legislation Concerning Unjustified Price Increases of Crude Oil and Refined Petroleum Products (S. P. 378) (L. D. 1001) which was indefinitely postponed in non-concurrence in the House on April 24.

Came from the Senate with that body voting to insist on its former action whereby the Resolution was adopted as amended by Committee Amendment "A", and asking for a Committee of Conference.

In the House: On motion of Mr. Childs of Portland, the House voted to insist on its former action and join in a Committee of Conference.

From the Senate: The following Communications:

STATE OF MAINE
SENATE CHAMBER
AUGUSTA

May 7, 1957

Honorable Harvey R. Pease
Clerk of the House of Representatives
Ninety-eighth Legislature
Sir:

The Senate today voted to insist on its former action on Bill "An Act relating to Rate of Interest Charged by licensed Small Loan Agencies" (H. P. 593) (L. D. 842) and to join a Committee of Conference. The President appointed the following Conferees on the part of the Senate:

Senators:

LOW of Knox
CHARLES of Cumberland
LESSARD of Androscoggin

The Senate also voted to insist on its former action on "Resolve relating to Open Water Fishing Sea-

son in Certain Waters in Androscoggin County" (H. P. 1063) (L. D. 1521) and to join a Committee of Conference. The President appointed the following Conferees on the part of the Senate:

Senators:

CARPENTER of Somerset
BRIGGS of Aroostook
HILLMAN of Penobscot

Respectfully,

(Signed) CHESTER T. WINSLOW
Secretary of the Senate

In the House, the Communication was read and ordered placed on file in concurrence.

STATE OF MAINE
SENATE CHAMBER
OFFICE OF THE SECRETARY
May 3, 1957

Hon. Harvey R. Pease
Clerk of the House
98th Legislature
State House

Sir:

Acting on H. P. 999, L. D. 1427, Bill "An Act relating to Opening Obstructions in Waters to Maintain Fish Life" on which the House insisted and asked for a Committee of Conference on May 2, 1957, the Senate voted to adhere to its former action of May 1, when the "Ought not to pass" Report of the Committee on Inland Fisheries and Game was accepted.

Respectfully,

(Signed) CHESTER T. WINSLOW
Secretary of the Senate

In the House, the Communication was read and ordered placed on file.

Orders

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

The gentlewoman from Portland, Mrs. Hendricks, presented the following Order and moved its passage:

WHEREAS, the Augusta State Hospital has received provisional national accreditation from the National Board of Accreditation of Hos-

pitals after a survey by the Chief Inspector of American Psychiatric Association;

AND WHEREAS, this hospital is one of 41 hospitals which have received any recognition out of 208 in the United States;

AND WHEREAS, May 12 is Hospital Day at the Augusta State Hospital;

BE IT ORDERED, that the members of the 98th Legislature commend Doctor Sleeper, Superintendent of the Augusta State Hospital, for his accomplishments for the benefit of the people of the State of Maine;

AND BE IT FURTHER ORDERED, that the Clerk of the House be directed to send an attested copy of this Order to Doctor Sleeper at the hospital.

The Order received passage.

(Off Record Remarks)

The SPEAKER: At this time the Chair will request the Sergeant-at-Arms to escort the gentleman from Cape Elizabeth, Mr. Beyer, to the rostrum to serve as Speaker pro tem.

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

House Reports of Committees Leave to Withdraw

Mr. Edwards from the Committee on Appropriations and Financial Affairs on Resolve in favor of the Town of New Gloucester (H. P. 583) (L. D. 832) reported Leave to Withdraw.

Mr. Wood from same Committee reported same on Resolve relating to Sponsorship of Annual Conference of Auditors, Controllers and Treasurers (H. P. 808) (L. D. 1152), as it is covered by other legislation.

Reports were read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Bean from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act to Increase Salaries of Justices of Supreme Judicial

Court and Superior Court" (H. P. 310) (L. D. 427)

Same gentleman from same Committee reported same on Bill "An Act Appropriating Moneys for Anticipated Overdraft in Harness Racing Commission Due to Insufficient Appropriations" (H. P. 563) (L. D. 873)

Reports were read and accepted and sent up for concurrence.

Recommended

Mr. Bean from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Resolve Authorizing Forestry Resource Survey (H. P. 588) (L. D. 837)

Report was read.

(On motion of Mr. Brewer of Caribou, recommended to the Committee on Appropriations and Financial Affairs and sent up for concurrence.)

Mr. Bean from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Resolve Appropriating Money for Purchase of "History of Stockton Springs" (H. P. 677) (L. D. 966)

Mr. Bragdon from same Committee reported same on Resolve Establishing Control Program for Abatement of Mosquitoes in Cranberry Isles (H. P. 584) (L. D. 833)

Reports were read and accepted and sent up for concurrence.

Tabled and Assigned

Mr. Edwards from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act Creating the State Institutional Emergency Fund and the Personal Services Reserve Account" (H. P. 871) (L. D. 1239)

Report was read.

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen of the House: I think this is a very good bill, and for that reason I move you, Mr. Speaker, that we substitute the bill for the Report, if for no other reason than I would like to know the reason that the Committee had in bringing out "Ought not to pass" Report. I made a study of this and I find that this was put in by the

department because it is something that happens over and over and it was just simply to give them a little leeway to try to keep some of the men in their state departments that they are losing all the time. You have heard a great deal of evidence offered in regard to having a legislative session every year instead of every two years, because the Appropriations Committee—and we could not just tell what was going to happen. Then you have heard other evidence that has told you how many people are leaving the services. Well-trained people who are leaving because of the rate of pay. Now they do in some instances have three steps and they do sometimes step up some steps to try to hold them. This is just to take care of that. There must be some reason that I have not heard why this came out "Ought not to pass" and I would like to have some member of the Committee explain that.

The SPEAKER pro tem: The motion before the House is the motion of the gentleman from Bowdoinham, Mr. Curtis, that the Bill be substituted for the Report. The Chair recognizes the gentleman from Raymond, Mr. Edwards.

Mr. EDWARDS: Mr. Speaker, a request came to me to table this until tomorrow morning so we may have further discussion and I move that the bill be tabled and specially assigned for tomorrow.

The SPEAKER pro tem: The motion now before the House is the motion of the gentleman from Raymond, Mr. Edwards, that the Bill be tabled and specially assigned for tomorrow pending the motion of the gentleman from Bowdoinham, Mr. Curtis, that the Bill be substituted for the Report. Is this the pleasure of the House?

The motion prevailed.

Mr. Edwards from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Resolve for the Purchase of One Hundred Copies of "A History of Otisfield, Maine" (H. P. 86) (L. D. 123)

Same gentleman from same Committee reported same on Resolve for the Purchase of Two Hundred Cop-

ies of "A History of the Town of Porter, Maine" (H. P. 526) (L. D. 754)

Mr. Stanley from same Committee reported same on Bill "An Act Appropriating Moneys for Supplemental Appropriation for Treasurer of State" (H. P. 457) (L. D. 650)

Same gentleman from same Committee reported same on Bill "An Act to Authorize the Construction of Housing for the University of Maine" (H. P. 891) (L. D. 1277)

Reports were read and accepted and sent up for concurrence.

Tabled and Assigned

Mr. Stanley from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Resolve Creating University of Maine Scholarship Fund (H. P. 582) (L. D. 831)

Report was read.

(On motion of Miss Cormier of Rumford, tabled pending acceptance of Report and specially assigned for tomorrow.

Mr. Wood from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act relating to Program in Maintenance and Operation of Heavy Duty Equipment at Maine Vocational Technical Institute" (H. P. 872) (L. D. 1240)

Report was read and accepted and sent up for concurrence.

Ought to Pass Printed Bills

Mr. Bragdon from the Committee on Appropriations and Financial Affairs reported "Ought to pass" on Bill "An Act to Reactivate a Maine Committee on Problems of the Mentally Retarded" (H. P. 195) (L. D. 282)

Mr. Duquette from same Committee reported same on Bill "An Act relating to Teachers for Mentally Retarded Children" (H. P. 336) (L. D. 468)

Same gentleman from same Committee reported same on Resolve Appropriating Moneys for Testing Tanks for State Sealer of Weights and Measures (H. P. 586) (L. D. 835)

Same gentleman from same Committee reported same on Resolve relating to Construction of a Road

and Terminal in City of Rockland (H. P. 587) (L. D. 836)

Mr. Stanley from same Committee reported same on Bill "An Act relating to Expenses of Members of State Liquor Commission" (H. P. 695) (L. D. 1002)

Mr. Wood from same Committee reported same on Resolve Authorizing Preparation and Sale of Index to Private and Special Laws (H. P. 62) (L. D. 91)

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

Ought to Pass with Committee Amendment

Mr. Edwards from the Committee on Appropriations and Financial Affairs on Resolve Reimbursing Certain Municipalities on Account of Property Tax Exemptions of Veterans (H. P. 99) (L. D. 142) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Resolve read once.

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

COMMITTEE AMENDMENT "A" to H. P. 99, L. D. 142, Resolve, Reimbursing Certain Municipalities on Account of Property Tax Exemptions of Veterans.

Amend said Resolve by inserting after the 36th line, the following line:

'Greenbush — 275.02 — 275.02'

Further amend said Resolve by striking out the totals in the 37th line and inserting in place thereof the following totals:

'\$4,759.67 \$7,253.40 \$12,013.07'

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

Mr. Earles from the Committee on Judiciary on Bill "An Act to Revise the Laws relating to Vital Statistics" (H. P. 774) (L. D. 1107) 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. 774, L. D. 1107, Bill, "An

Act to Revise the Laws Relating to Vital Statistics."

Amend said Bill in that part designated "Sec. 390" of section 5 by striking out the underlined words "to an unmarried mother" in the 4th line of subsection IV and inserting in place thereof the underlined words 'of a child out of wedlock'

Further amend said Bill in that part designated "Sec. 397-A" of section 7 by striking out the period at the end of subsection I and inserting in place thereof the following underlined words and punctuation: 'or of petitioners for adoption or in response to court process.'

Further amend said Bill in "Sec. 10" by striking out the underlined figures "379," in the first line and the figures "379," in the 2nd line.

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

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act relating to Determination of Damages Caused by Taking of Land for Highway Purposes" (H. P. 656) (L. D. 937) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Mr. WOODCOCK of Penobscot
— of the Senate.

Messrs. NEEDHAM of Orono
BROWNE of Bangor
EARLES of South Portland
WALKER of Auburn
TEVANIAN of Portland
BRODERICK of Portland
— of the House.

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

Report was signed by the following members:

Messrs. SILSBY of Hancock
BUTLER of Franklin
— of the Senate.

Mr. HANCOCK of York
— of the House.

Reports were read.

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

Mr. QUINN: Mr. Speaker, and Ladies and Gentlemen of the House: Being responsible for this bill, I felt that I should say a few words in explanation of it. This bill has to do with the law of eminent domain, the taking of private property for highway purposes. Under our present Statute, if the highway sees fit to either change the route, widen the road, or make any change in the grade, they will go across your property—your privately owned property and stake it out, and then tell you what they consider the damage is. If you are satisfied with the damage that they have determined, you can settle with them then and there for it. If you are not satisfied that the X-dollars they offer in damage is not enough, the present provision of the law is that you may appeal or you may petition a joint board for determination of damages, and this joint board presently is composed of three highway commissioners, whose agent has already told you what they consider your damage to be, and the three town commissioners, and you go before that joint board for determination of what the damage is. If you are not satisfied with the damage as set by that joint board, then you have the right to appeal to the Superior Court, and have it determined there under the rules of the Court, either by jury or appraisers or by reference or by several other methods.

This bill does not in any manner criticize our State Highway Commission. In my opinion, the State Highway Commission of Maine is a very efficient, a very capable, and a very zealous working board. Under the law of eminent domain there are two propositions, one a taking of private property for public use to which objection cannot be made. They can take any of your private land for any public use that they see fit under the law and you have nothing to say about it. But they do have something to say about just compensation. The Constitution of the State of Maine, article one, section twenty-one provides "that private property shall not be taken for public use without just compensation." And it's the just compensation that enters into the determination that is set up in this

bill. Compensation has been determined by the state court of Maine to be that compensation allowed in damages by an impartial tribunal, and the Maine courts have already interpreted an impartial tribunal as being a disinterested tribunal, and it is my position in sponsoring this bill that the State Highway Commission, from the beginning, is a party to the taking of your land. They are one party, you're the other party. They have already made a determination through their agent of what your land was worth when their agent appeared before you and offered to settle for certain X-dollars. And it is my feeling that they shouldn't be able to sit on the joint board after they have already, through their agent, determined what they should pay you for your damage; that on your petition, you should be able to petition to an impartial board. The three highway commissioners should not sit on that board because they are interested. That would not make that board such a board as the Constitution of Maine contemplates in being a tribunal without interest, to adjust just compensation. They are interested. They are interested from the first time they step on your land to take it, and consequently should not sit in judgment on a review of the determination which they have already made of value of your land at taking.

Now this act would take the three highway commissioners off the board and leave just the three county commissioners. And by the way, the taking for highway use is the only condemnation proceeding in the state where there is a joint board set up. All other condemnation proceedings where land is taken for public use, for instance the telephone, electric lights, airports, sewerage, and all other taking of private land for public use under the present setup you go before the county commissioners solely. And this bill will just revert back to that kind of a proposition as far as the highways are concerned.

In your local communities if you are not satisfied with the assessment on your property for tax purposes, your first act is to go before your tax assessors for an abatement, and if you are not satisfied,

you appeal from their determination, who to? To the county commissioners. Therefore — but the county commissioners are a tribunal from these eminent domain propositions and also appeals for assessment of taxes, and I feel they should be able without any assistance or of interference by the highway commission to determine the taking of private property for highway purposes, and thereby have a disinterested tribunal, and they say that the highway commission is interested not only because of the fact that they have started a proceeding whereby they are taking your land, and it becomes State Highway vs you, but they are also interested because they are such a good board, they are trying to do a good job. They are trying to do a good job for the State in the work that has been given them to do, but by being such, that interest in doing a good job is just the kind of an interest that they shouldn't have in going around to a tribunal to determine just compensation.

Now further than this there is an amendment, I believe it is filing 354, and that amendment sets forth a new provision in the law whereby a person may petition for an allotment of the award. Now in the federal practice of eminent domain you can go before the judge of the Federal Court and ask for the payment of the award or part of it to assist in financing your appeal before that Court in eminent domain, and this amendment would do the same thing under the State law. In other words, after the matter had gone through the County Commissioners' Court and they had decided that X-dollars was the damage. The State has a right to appeal or the property owner has a right to appeal, and the property owner if he appeals or if he has to defend an appeal by the State, can petition the Judge of the Superior Court asking for an order to issue paying over to him the whole of the award or any part of the award that the judge feels fit of the sum the County Commissioners have determined to be the damage. This will assist a poor man who hasn't the means of prosecuting or defending an appeal to

have the wherewithal in the way of money to do so.

Therefore, I feel this is a very good bill for the people of Maine to see that when their private property is taken for public use just compensation will be paid and that just compensation will be determined by an impartial tribunal. I move for the acceptance of the Majority Report.

The SPEAKER pro tem: The motion before the House is the motion of the gentleman from Bangor, Mr. Quinn, that the House accept the Majority "Ought to pass" Report. Is this the pleasure of the House?

The motion prevailed, the Majority Report was accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 656, L. D. 937, Bill, "An Act Relating to Determination of Damages Caused by Taking of Land for Highway Purposes."

Amend said Bill by adding after "Sec. 2.", a new 'Sec. 2-A.', as follows:

"Sec. 2-A. R. S., c. 23, § 21-A, additional. Chapter 23 of the Revised Statutes is hereby amended by adding thereto a new section to be numbered 21-A, to read as follows:

"Sec. 21-A. Tender pending appeal. If either party is aggrieved by said decision of the county commissioners, he may appeal therefrom to the Superior Court as provided for in section 23. Pending such appeal, the owner may make application to a Justice of the Superior Court, in term time or vacation, citing the facts of the pending appeal from the condemnation proceeding, for an order directing the State Highway Commission to pay forthwith the sum allowed by the county commissioners, or any part thereof, for or on account of the just compensation to be awarded in said proceeding. If the compensation finally awarded on the appeal in respect of said lands, or any parcel thereof, shall exceed or be less than the amount of money so received by any person entitled, the Court shall enter judgment for the amount of the deficiency or excess to the appropriate party. The acceptance thereof by the person entitled under

his said application to said Justice as a payment pro tanto will be without prejudice to any right to have the remainder thereof assessed by the Superior Court on his appeal.'"

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

Divided Report Tabled and Assigned

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act Creating the Maine Motor Vehicle Financial Security Act" (H. P. 987) (L. D. 1411)

Report was signed by the following members:

Messrs. SILSBY of Hancock
WOODCOCK of Penobscot
BUTLER of Franklin
— of the Senate.

Messrs. BROWNE of Bangor
EARLES of South Portland
HANCOCK of York
WALKER of AUBURN
NEEDHAM of Orono
BRODERICK of Portland
— of the House.

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

Report was signed by the following member:

Mr. TEVANIAN of Portland
— of the House.

Reports were read.

(On motion of Mr. Stilphen of Rockland, tabled pending acceptance of either Report and specially assigned for Thursday, May 16.)

The SPEAKER pro tem: The Chair at this time would like to recognize the presence in the gallery of the House of a group of eighth grade students from St. Albans Consolidated School in the company of Mr. Robert Thomas. On behalf of the House the Chair would like to extend greetings to the class and hope that you will enjoy and profit by your stay with us here today. (Applause)

Divided Report

Majority Report of the Committee on Retirements and Pensions on Resolve Providing for State Pension for Beverly Ann Archer of Rumford

(H. P. 56) (L. D. 68) which was recommitted, reporting "Ought to pass" as amended by Committee Amendment "A" submitted t h e r e w i t h.

Report was signed by the following members:

Mr. DUNN of Kennebec
— of the Senate.

Messrs. JEWELL of Monticello
WARREN of Saco
LINDSAY of Brewer
CALL of Cumberland
DESMARAIS of Sanford
— of the House.

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

Report was signed by the following members:

Messrs. LOW of Knox
DAVIS of Cumberland
— of the Senate.

Messrs. SHAW of Bingham
FLYNN of South Berwick
— of the House.

Reports were read.

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

Mr. SHAW: Mr. Speaker, I would like to briefly state my reasons for signing the Minority "Ought not to pass" Report. As you recall some three weeks ago, I placed before this House on the record what I sincerely believe to be the thinking of the Joint Standing Committee on Retirements and Pensions. And in my opinion, to sign a Majority "Ought to pass" Report in this instance, would be a departure from what we were lead to believe was the thinking of this Committee. So therefore that is briefly my reason for signing the "Ought not to pass" Report. Now I do feel a little reluctant and perhaps I am shirking my duty in not pressing the issue of indefinite postponement in this instance, but I will refrain at this time and perhaps there will be forgiveness from some other source.

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

Miss CORMIER: Mr. Speaker and Members of the House: Being a former member of the Committee on Retirements, I realize the position that the gentleman from Bingham, Mr. Shaw, is in and I certainly respect

his stand. I feel very strongly in the same direction as he does and when I was approached after being elected to the House by seven members from Rumford for petitions for pensions, I turned down six of them and told them that I couldn't conscientiously introduce these resolves in their behalf. I did, however, introduce this one because I felt that it was a rather unusual situation, and I would like very briefly to tell you why I introduced it. Beverly Ann Archer is a twin eight years old. She is a cerebral palsy of the worst kind. Her twin sister is deaf. There are other children in the family. The father is a common laborer and he is under a terrific strain trying to make ends meet. He does not wish to become a pauper and he refuses to accept help from the town of Rumford. It is necessary to take both children to different clinics around the State and the cost has been terrific. I am told by the family physician that the father is really at the breaking point because he is working so many hours extra at the mill trying to keep the family together and not put these children in a home, and it is for that reason that I introduced this resolve, and refused to introduce six others for my constituents. I move the "Ought to pass" Report be accepted.

The SPEAKER pro tem: The question before the House is the motion of the gentlewoman from Rumford, Miss Cormier, that the House accept the Majority "Ought to pass" Report. The Chair recognizes the gentleman from Cumberland, Mr. Call.

Mr. CALL: Mr. Speaker and Ladies and Gentlemen of the House: Being a member of that Committee, I think this particular measure we held back three times for reinvestigation and screening, and we have had a lot of bills before that Committee and a very great many of them we turned down, but we felt that they could reapply to the Aid to the Disabled and the Old Age Pension and the Alien Law if it is passed. And in this particular case, the reason I signed it was after carefully screening it, this man is desperate, and I don't think I can add any more than what the gentlewoman from Rumford, Miss Cormier, has said,

and I hope we go along with the "Ought to pass" Report.

The SPEAKER pro tem: The question before the House is the motion of the gentlewoman from Rumford, Miss Cormier, that the House accept the Majority "Ought to pass" Report. Is this the pleasure of the House?

The motion prevailed and the Resolve was read once.

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

COMMITTEE AMENDMENT "A" to H. P. 56, L. D. 68, Resolve, Providing for State Pension for Beverly Ann Archer of Rumford.

Amend said Resolve by striking out the figure "\$50" in the 1st line and inserting in place thereof the figure "\$35"

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

Divided Report

Majority Report of the Committee on Retirements and Pensions on Bill "An Act Amending the Law Permitting Municipal Employees to Receive Federal Social Security Benefits" (H. P. 924) (L. D. 1313) reporting same in a new draft (H. P. 1086) (L. D. 1565) under same title and that it "Ought to pass"

Report was signed by the following members:

Mr. DUNN of Kennebec
— of the Senate.

Messrs. JEWELL of Monticello
LINDSAY of Brewer
WARREN of Saco
SHAW of Bingham
CALL of Cumberland
DESMARAIS of Sanford
— of the House.

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

Report was signed by the following members:

Messrs. LOW of Knox
DAVIS of Cumberland
— of the Senate.

Mr. FLYNN of South Berwick
— of the House.

Reports were read.

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

Mr. QUINN: Mr. Speaker and Ladies and Gentlemen of the House: As the sponsor of this bill I felt I should say a few words on it. Some years ago after the Federal Social Security Benefits were made available to municipal employees, many municipal employees took advantage of it, and they were allowed to do so provided they were not under some sort of a local pension or retirement plan. If they were, they were excluded, they couldn't come under the Federal Social Security bill. But in 1955 Congress amended the bill to allow such people to come under that bill. In order to do that it is necessary to have this enabling act in order for them to take advantage of the provisions of the bill. I am told that there are some eight or ten of our municipalities that are very actively interested in participating in this Federal Social Security program. Therefore, I move the acceptance of the Majority Report.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from Bangor, Mr. Quinn, that the House accept the Majority "Ought to pass" Report. Is this the pleasure of the House?

The motion prevailed, the New Draft was read twice and assigned for third reading tomorrow.

Divided Report Tabled and Assigned

Report "A" of the Committee on Judiciary on Bill "An Act relating to Judicial Separation" (H. P. 641) (L. D. 908) reporting same in a new draft (H. P. 1087) (L. D. 1566) under same title and that it "Ought to pass"

Report was signed by the following members:

Mr. WOODCOCK of Penobscot
— of the Senate.

Messrs. NEEDHAM of Orono
EARLES of South Portland
HANCOCK of York
TEVANIAN of Portland
— of the House.

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

Report was signed by the following members:

Messrs. SILSBY of Hancock
 BUTLER of Franklin
 — of the Senate.

Messrs. BROWNE of Bangor
 WALKER of Auburn
 BRODERICK of Portland
 — of the House.

Reports were read.

(On motion of Mr. Childs of Portland, tabled pending acceptance of either report and specially assigned for tomorrow.

At this point, Speaker Edgar returned to the rostrum.

SPEAKER EDGAR: The Chair would like to thank the gentleman from Cape Elizabeth, Mr. Beyer, very much, for his excellent services as Speaker pro tem.

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

Passed to Be Engrossed

Bill "An Act relating to Funeral Expenses in Aid to the Blind and Aid to the Disabled" (S. P. 114) (L. D. 271)

Bill "An Act relating to Crediting Railroad Tax on Books of State" (S. P. 426) (L. D. 1209)

Bill "An Act Increasing Compensation for Members of Board of Dental Examiners" (S. P. 483) (L. D. 1391)

Bill "An Act relating to Disposition of License Fees in the Bee Industry" (S. P. 510) (L. D. 1451)

Bill "An Act relating to Rehabilitation and Preservation of Covered Bridges" (S. P. 554) (L. D. 1545)

Bill "An Act relating to the Taking of Quahogs" (H. P. 14) (L. D. 13)

Bill "An Act relating to Payment of Fees of Auburn Municipal Court" (H. P. 574) (L. D. 884)

Bill "An Act relating to Payment of Expenses of Auburn Municipal Court" (H. P. 575) (L. D. 885)

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

Third Reader Amended Bill

Bill "An Act Classifying Certain Surface Waters in Maine" (H. P. 1085) (L. D. 1562)

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

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

Mr. BREWER: Mr. Speaker, Ladies and Gentlemen of the House: I present an amendment and move its adoption.

The SPEAKER: The gentleman from Caribou, Mr. Brewer, with respect to item number seven, offers House Amendment "A" and moves its adoption.

The Clerk will read House Amendment "A".

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

HOUSE AMENDMENT "A" to H. P. 1085, L. D. 1562, Bill, "An Act Classifying Certain Surface Waters in Maine."

Amend said Bill in that part of "Sec. 4" designated "XXX" by striking out the underlined letter "D" at the end and inserting in place thereof the underlined letter 'C'

Further amend said Bill in that part of "Sec. 4" designated "XLIV" by striking out the underlined letter "D" at the end and inserting in place thereof the underlined letter and figure "B-1"

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I am very reluctant to oppose the gentleman from Caribou, Mr. Brewer, in the matter of this amendment. However, I feel that several weeks of work has been spent on the part of the Committee and other groups in our State and in our County on this water classification bill. The Maine Municipal Association has been heard on it, and many other agencies of our State. And yesterday we accepted a bill which we felt had been approved, and it was one that we could go ahead with and make progress, both in industry and that we had made progress in the way of pollution. As I said in the beginning, I hesitate to oppose this

amendment, but I feel that it would perhaps be better to accept the bill as it is.

The SPEAKER: Is the gentleman making a motion regarding the amendment?

Mr. BRAGDON: I would move the indefinite postponement of the amendment.

The SPEAKER: The question before the House is the motion of the gentleman from Perham, Mr. Bragdon, that House Amendment "A" be indefinitely postponed.

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

Mr. BREWER: Mr. Speaker and Ladies and Gentlemen of the House: The bill that we accepted yesterday was not a bill that resulted from public hearings or from committee hearings or from hearings as suggested by the gentleman from Perham, Mr. Bragdon. I wish to further speak on this matter. If you will look at the items in question you will find that one of those items refers to the drinking supply of the Town of Caribou.

Now, there are fourteen thousand or better, people who use their water, their drinking supply from the Aroostook River. The original report, number 1311, the Water Improvement Commission, the Associated Industries, they were in favor of the original report raising this so that our drinking water supply would be protected. The other item is a stream that flows right through the heart of our Town. We just raised by subscription about half a million dollars to build a hotel in Caribou. This was raised by public and popular subscription, and this stream flows right in the dooryard, right in the back dooryard of this hotel. We have not asked that that be raised to a B classification but to a C.

Now, in these papers that you have before you it recommends that both of these bodies be of a D classification, which is more or less of an open sewer. Now, I submit to you people here in the Legislature that Caribou or any other town in the State of Maine doesn't want to receive its drinking supply from any such classification. It is not right, it is not logical, the Town was there long before other inter-

ests were there. And we are not going to create any hardship, and I repeat that for the benefit of those who think we are treading on anyone's toes, there will be no hardship imposed if we keep the drinking water at those levels.

I certainly hope that the motion of the gentleman from Perham, Mr. Bragdon, to indefinitely postpone this motion is defeated, and because of the importance of the question, I don't want to be a total failure when I go back to Caribou, I seem to have missed out on a statewide basis here with the water bill, we missed out on the bill of the gentleman from Bethel, Mr. Saunders, 1311. This is important, I don't think that you want Caribou to drink sewerage, and when the vote is taken I move that it be taken by a roll call.

The SPEAKER: The question before the House is the motion of the gentleman from Perham, Mr. Bragdon, that House Amendment "A" be indefinitely postponed. Is the House ready for the question?

The gentleman from Caribou, Mr. Brewer, has requested a roll call vote on the motion to indefinitely postpone House Amendment "A". Will those who desire a roll call vote please rise and remain standing until the monitors have made and returned the count.

A sufficient number arose.

The SPEAKER: One-fifth having expressed their desire for a roll call vote the roll call is ordered.

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

Mr. CURTIS: Has a division been ordered?

The SPEAKER: A roll call has been ordered.

Mr. CURTIS: I move a division when the vote is taken.

The SPEAKER: The gentleman's motion cannot be entertained since the roll call has been ordered by the House.

Is the House ready for the question?

The motion before the House is the motion of the gentleman from Perham, Mr. Bragdon, that House Amendment "A" be indefinitely postponed. Those who favor the motion for indefinite postponement will please say yes when their name is

called; those who oppose the motion will say no.

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

Mr. TOTMAN: Mr. Speaker, would I be in order to request further information on the motion of the gentleman from Perham, Mr. Bragdon, before we vote? Is debate still in order?

The SPEAKER: The gentleman would be in order.

Mr. TOTMAN: Mr. Speaker and Members of the House: Regardless of the way I may personally feel about the necessity of a roll call adopting an amendment affecting one stream, in deference to the gentleman from Caribou, Mr. Brewer, as it has been so ordered, I would now ask that some member who lives in the area representing the opposite side of the question, advise the House as to why they feel this stream should not be upgraded two steps, if I am correct in phrasing my question?

The SPEAKER: The gentleman from Bangor, Mr. Totman, has addressed a question through the Chair to any member of the House from the area involved and in opposition to the adoption of House Amendment "A", who may answer if he so chooses.

The Chair recognizes the gentleman from Minot, Mrs. Hatch.

Mrs. HATCH: Mr. Speaker and Members of the House: I would like to ask the number, I am a little bit confused, there is another amendment—all right.

The SPEAKER: The House Amendment is House Amendment "A", the filing number is 356.

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

Mr. JALBERT: Mr. Speaker, would I be in order to ask the Speaker to again count the members of the House present to decide whether or not we have one-fifth?

The SPEAKER: The Chair is advised that the roll call has been ordered and that another count is out of order.

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

Mr. BRAGDON: In reply to the question of the gentleman from Bangor, Mr. Totman, I don't know as I would elaborate any on what

I said, that I felt that the bill we had before us yesterday was a good bill and was agreeable to the area, and for that reason I oppose putting amendments on it.

The SPEAKER: Is there any other member who wishes to comment? The Chair recognizes the gentleman from Auburn, Mr. Wade.

Mr. WADE: Mr. Speaker and Members of the House: I feel that if this matter is important enough for a roll call we are entitled to some debate. I think the interested parties should be heard from.

The SPEAKER: The Chair will put the motion unless there is further debate on the subject.

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

Mr. SAUNDERS: Mr. Speaker and Ladies and Gentleman of the House: It was not my purpose to get into debate in any area not concerning my immediate area. However, I wish all you ladies and gentlemen would stop and think for just a moment, if your water supply was affected under this classification law certainly wouldn't you be interested to know that if it is not brought up to this classification then sewage can be dumped into that water supply.

I mentioned several instances yesterday, and this was one of them that was not brought out. However, it is important to their city water supply, and there are many, many others in the State. And this new draft did not take into consideration the drinking supplies of many towns and cities. Therefore, I think you should all think it over very carefully, and remember that it is drinking water that you are concerned with on this vote. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Chapman, Mr. Foss.

Mr. FOSS: Mr. Speaker and Ladies and Gentlemen of the House: In looking over this amendment it seems to me that the main thing that this will do aside from clearing up the Caribou drinking supply is to close several starch factories, one of which has done the most of any starch factory in the county to try to clean up their waste. The factory, I am not sure of my grounds

in all of these because I haven't much attended to it, but it seems to me that is what would happen. It would be one of the largest starch factories in the County and another one which has done the most of any factory to try to clean up.

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

Mr. CALL: Mr. Speaker and Members of the House: I would like to have Mr. Bragdon, the gentleman from Perham, give us more reasons why he would like to indefinitely postpone this amendment. I am all in the woods too as far as this is concerned, I want to be fair about it, if it is drinking water pertaining to the Town of Caribou.

The SPEAKER: The gentleman from Cumberland, Mr. Call, has addressed a question through the Chair to the gentleman from Perham, Mr. Bragdon, who may answer if he chooses. The gentleman is not under any obligation to answer unless he chooses.

Mr. BRAGDON: I don't think that I can add anything to what I have already said, Mr. Speaker and Members of the House, in reply to the question of the gentleman from Cumberland, Mr. Call. My position is, as I said before, definitely that a terrific amount of study has been given to this classification matter statewide, and that we now have before us a bill that has been hashed and rehashed in all of our communities, and is one that the majority of the Committee agreed upon, and the people in the communities have all had a chance to come in and express themselves on, and they finally came out with this bill. As I said before, I think it is a good bill and I hate to see it torn apart by amendment. I want to save it.

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

Mr. BEYER: Mr. Speaker, I am glad to see as many others of you who are as completely in the dark about this question as I am. I wonder if I might ask through the Chair of the gentleman from Caribou, Mr. Brewer, to tell us his version of why it is not a hardship on these starch factories. I think they are important to the economy of the

community in that part of the country but there are those of us who would like to know what the implication this upgrading would have on the starch factories in his opinion.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Beyer, asks a question through the Chair of the gentleman from Caribou, Mr. Brewer, who may answer if he so chooses.

Mr. BREWER: Mr. Speaker, may I also speak briefly as well as answering the question?

The SPEAKER: After answering the question.

Mr. BREWER: It will not put any starch factory out of business in any way, shape or manner. The classification of C is on the starch streams. The classification of B-1 is many miles below, and only if they have a tremendous increase in production would it have any effect on them. That is in answer to the gentleman from Cape Elizabeth, Mr. Beyer.

The SPEAKER: The Chair would inquire of the gentleman from Cape Elizabeth, Mr. Beyer, if his question has been answered satisfactorily?

Mr. BEYER: When the gentleman from Chapman, Mr. Foss, said it would put them out of business, some of us are in question as to what to understand here.

The SPEAKER: Does the gentleman wish further comment on his question?

Mr. BEYER: If the gentleman from Caribou, Mr. Brewer, would be so kind.

Mr. BREWER: Mr. Speaker, I don't know what further assistance I can give except to say that it isn't going to put them out of business. I don't know to what degree he wants the question answered further.

The SPEAKER: The Chair understands the gentleman is satisfied. The gentleman from Caribou, Mr. Brewer, may proceed.

Mr. BREWER: I would like to say again very simply and clearly that a public hearing on this classification of these streams was held in Presque Isle, Maine before this legislative session convened. From that hearing the Water Improvement

Commission later met, and it was their decision, the engineers and the men that you elect to the Water Improvement Commission, it was their recommendation that this classification of B-1 for our water supply would be accepted. The people in the area and the Water Improvement Commission went along with this, and I certainly feel that a word of such vital interest to fourteen thousand people that I represent, and a few more in that area, that the motion should not prevail.

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

Mr. JALBERT: Mr. Speaker, I am sorry to get up on this question. I am going to try to explain it as a freshman member of the Natural Resources Committee. My attendance record at the hearings could not be classed as one hundred per cent, nor my attendance as it concerns the executive sessions. But pertaining to this bill here I asked that we not meet at ten o'clock on a Friday morning but at eight-thirty in view of the fact that we were going into session at one o'clock. We met at eight-thirty. Every member but one or two was present. Regardless of the fact incidentally, that I would make friends or enemies, I am going to bail out and state my position just as it is. One of the members who was not present was the gentleman from Caribou, Mr. Brewer.

Now, I have been very sympathetic to this cause. I certainly have been very sympathetic to the representative from Bethel, Mr. Saunders, as proven yesterday when I voted with him to substitute the original bill for this report. Now, the fact of the matter is this. That that morning when we started the meeting, one other gentleman from the body that we cannot mention, who had worked on a draft, asked the gentleman from Bethel, Mr. Saunders, to sit with him. They had one long document and the original Saunders Bill. And they started out by talking about the various classifications, be it A, B, B-1, C, D, it was absolute Greek to me until about two-thirds through the session. I submitted and made one suggestion that was accepted. As far as

I was concerned, regardless of where my sympathy would lie, we came out of that meeting with the understanding that the bill in new draft would be printed and submitted to you people for your acceptance or rejection.

There has been some rumbling in so far as the present bill is concerned. I feel the time to have balked on that would have been in Committee, so that Committee "A" the original Saunders Bill could have been presented, Committee "B", the new draft, would have been submitted not as a new draft, but just as Committee Report "A" and Committee Report "B". I certainly can understand in view of the fact that the Brewer Bill had been reported but had not been debated, certainly the stand of the representative from Caribou, Mr. Brewer, was right in not participating in that, if that is his reason, and I cannot read his mind.

We have debated the issues very thoroughly in my opinion, yesterday. Let us say that as far as I am concerned I lost partially. I have lost so many decisions that one more doesn't affect me anyway. Now, this bill has become from a state issue to a local issue, the way I see it. So that if this amendment is accepted, I guarantee you there will be others forthcoming either to upgrade or downgrade. As I stated yesterday, I am not an expert in these things and I don't intend to be. You win or lose, either wholly or partially. And I don't particularly care for this particular amendment. There has been more strategy moves concerning this bill than there has been by either party at any of their meetings or caucuses or executive committee meetings or steering committee meetings at all. It is not my purpose in any way to—if I sound angry I certainly am not, I just want to state my position, I just want to explain to the membership what happened that day, exactly as I understood was to happen as far as the House was concerned, that is the situation. You can debate it as long as you wish, and it is certainly our prerogative to debate it. I thought I would explain that, and that is why I will go along with the motion of

the gentleman from Perham, Mr. Bragdon, for that reason that I explained, and for another reason that I understood from that body again that I cannot mention, someone told me today that they were going to make another move. So it is no wonder that you people are confused when even the freshmen members of the Committee are confused.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Union, Mr. Heald.

Mr. HEALD: Mr. Speaker, I don't want to oppose any upgrading of any of the streams in the State of Maine that can be upgraded without undue hardship to people in that vicinity. I just want to point out that this upgrading that is mentioned in this amendment goes from a D to a B-1, and that is a tremendous upgrading. And even though it probably won't put any starch companies out of business, I can't see why it wouldn't force them to spend a lot of money and perhaps an unreasonable amount, on cleaning up. Probably it is too late to do anything about it, but if the people are so concerned, and if the proponents of the amendment are deeply concerned then I for one would be willing to consider it more and let it be talked over more. I hate to slow things up, but I also hate to jump into anything blind. And I still want you to bear in mind that that is a tremendous upgrading.

The SPEAKER: The Chair must remind the gentleman that he has already spoken twice to the motion, and that further speaking requires the consent of the House.

Mr. BREWER: I would like unanimous consent to address the House to clear up one point.

The SPEAKER: The gentleman from Caribou, Mr. Brewer, requests the consent of the House to speak further to the motion. Is this the favor of the House?

Will those who favor the request please say aye; those opposed, no. A viva voce vote being taken unanimous consent was granted.

The SPEAKER: The gentleman may proceed.

Mr. BREWER: The present classification or the actual classification of the stream now is not D, this proposes that it be D. But the en-

gineers taking samples there it is not D, it is approximately a C, so it is just upgrading it from C to B, not D to B.

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

Mr. WILLIAMS: Mr. Speaker and Members: I am not sure on this grade here. D is quite bad water, in fact it is the Kennebec River. And C is approximately the present status of the Aroostook River. And I am not so sure that a starch factory could operate under a B-1, but it could operate under a C all right because that is what a lot of the present starch factories are operating under.

The SPEAKER: Is the House ready for the question?

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

Mr. SAUNDERS: Mr. Speaker and Members of the House: There is a lot of things that haven't been brought out, and it certainly is not my intent to prolong this debate. But all of you had placed on your desks Legislative Document 1491, which was the recommendations and the reasons for those recommendations by the Water Improvement Commission and on page forty of that document it refers to this section that we are debating right now. And in the upgrading to a B-2 it states that simply by the addition of effective disinfecting to certain wastes, such as sanitary sewerage, would do this thing to bring it up to a B-2. This cost is not great in comparison.

Now, this is in L. D. 1491 and each of you have had that on your desks for a month or a month and a half. And the Committee, at least most of us, have spent approximately two months on this thing trying to reason out why certain classifications are necessary. I would like to bring out one more fact, and I am not going to throw any reflections on anybody. But we had discussed in executive sessions some areas that were affected and they were in under the classification bill in 1311. At the last few days, I think the last day, there was a certain amount of pressure put on the Committee, and one stream was taken completely out of

classification because of certain conditions in an industrial area.

Now, you can see the things that we have been dealing with constantly on this Committee. And I realize that certainly most of you cannot have the time to put into such a long lengthy recommendation article such as this. However, I feel that this classification is not an undue hardship. And there is one more point that I am going to bring out, and I have withheld it publicly, because we didn't feel it was quite the time. But I certainly feel now that each and every one of you should know this. That there have been experiments and they have been successful, and I feel quite sure that a pilot plant is going to be started in the very near future, that the starch people can take their waste and make it into a satisfactory fertilizer for \$6 or \$7 a ton. Now, Ladies and Gentlemen, just stop and think what the economy of the Aroostook area could mean by developing a fertilizer from their waste products at a cost of only \$6 or \$7 a ton. This has been proven, Ladies and Gentlemen, this is certainly able to correct a situation. That is all, thank you.

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

The Chair recognizes the gentleman from Union, Mr. Heald.

Mr. HEALD: Mr. Speaker, I will just take a second to point out that this particular piece of water was classified as C-2 nuisance, and nuisance is considered worse than D. It is not approximately C, it was classified as from C to nuisance.

The SPEAKER: The question before the House is the motion of the gentleman from Perham, Mr. Bragdon, that House Amendment "A" to Bill "An Act Classifying Certain Surface Waters in Maine", House Paper 1085, Legislative Document 1562, be indefinitely postponed, and a roll call has been ordered.

Will those who favor the indefinite postponement of House Amendment "A" say yes when their names are called, and those who oppose the indefinite postponement say no.

The Clerk will call the roll.

Roll Call

YEA — Andrews, Baird, Bean, Winterport: Besse, Beyer, Blanch-

ard, Bragdon, Brewster, Brockway, Broderick, Brown, Ellsworth; Bruce, Call, Carville, Caswell, Childs, Christie, Cormier, Cote, Coyne, Crockett, Davis, Westbrook; Day, Denbow, Desmarais, Dostie, Edgerly, Edwards, Emerson, Emery, Ervin, Flynn, Foss, Gallant, Harrington, Harris, Hatch, Hatfield, Hathaway, Haughn, Heald, Hendricks, Higgins, Hilton, Hughes, Jacques, Jalbert, Johnson, Kelly, Kinch, Latno, Letourneau, Libby, Mann, Miller, Needham, Porell, Prue, Rich, Ross, Bath; Ross, Brownville; Sanborn, Smith, Falmouth; Storm, Tarbox, Thackeray, Totman, Wade, Webber, Whiting, Williams, Winchenpaw, Wood.

NAY — Babineau, Bartlett, Brewer, Browne, Bangor; Burnham, Carter, Etna; Cole, Couture, Bath; Couture, Lewiston; Curtis, Cyr, Dudley, Dumais, Duquette, Earles, Ellwell, Emmons, Farmer, Frazier, Frost, Fuller, Graves, Hanscomb, Hanson, Harriman, Hersey, Hickey, Hutchinson, Jack, Jewell, Jones, Karkos, Knapp, LaCasce, Lindsay, Mathieson, Maxwell, Maynard, Morrill, Nadeau, Pierce, Plante, Quinn, Rankin, Roberts, Rollins, Rowe, Limerick; Rowe, Madawaska; Roy, Saunders, Shaw, Shepard, Smith, Portland; Stanley, Tevanian, Turner, Vaughan, Violette, Walker, Walter, Warren.

ABSENT—Allen, Anthoine, Beane, Augusta; Carey, Carter, Newport; Davis, Calais; Hancock, Hendsbee, Hoyt, Lane, Leathers, Morway, Rancourt, Stilphen, Walsh, Wheaton.

Yes: 73, No: 61, Absent: 16.

The SPEAKER: Seventy-three having voted in the affirmative, sixty-one in the negative and sixteen absentees, the motion to indefinitely postpone House Amendment "A" does prevail.

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

Mr. WILLIAMS: Mr. Speaker and Members: I would like to present Amendment "B" to classification of Certain Waters.

The SPEAKER: With respect to item number seven under Third Readers, Bill "An Act Classifying Certain Surface Waters in Maine", House Paper 1085, Legislative Document 1562, the gentleman from

Hodgdon, Mr. Williams, now offers House Amendment "B" and moves its adoption. The Clerk will read the amendment.

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

HOUSE AMENDMENT "B" to H. P. 1085, L. D. 1562, Bill, "An Act Classifying Certain Surface Waters in Maine."

Amend said Bill in that part of section 1, designated "IV" by inserting in the 3rd line thereof following the underlined word and punctuation "exceptions:" the underlined words and punctuation 'Little Androscoggin River,'

Further amend said Bill in that part of section 1, designated "LI" by striking out the underlined words "Taylor Brook" in the 3rd line thereof, and inserting in place thereof the underlined words 'Range Brook, Mechanic Falls'

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

Mr. WILLIAMS: Mr. Speaker, this amendment of mine, I know of no controversy about it at all. In preparing a bill of that size it is quite a job to get everything ironed out. And we found out after it went that there had been some clerical errors in the thing. This one simply, on the Little Androscoggin simply tacks it down on the right brook. On the thing that went through here it said Taylor Brook, and we had that crossed out and written in Range Brook, and apparently when they got the thing going they got Taylor Brook in there instead of Range Brook. In the top part of it here Section IV, it simply adds this lower reach of the Little Androscoggin in so that one part of it won't contradict the other. I think there should be no controversy on this one.

The SPEAKER: The question before the House is the motion of the gentleman from Hodgdon, Mr. Williams, that with respect to Bill "An Act Classifying Certain Surface Waters in Maine", House Paper 1085, Legislative Document 1562, that House Amendment "B" be adopted. Is this the pleasure of the House?

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

Thereupon, the Bill was given its third reading and having had its

three several readings, 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.

Resolve Charging off Funds Advanced to Maine State Office Building Authority (S. P. 171) (L. D. 450)

Resolve Authorizing Attorney General to Investigate Title to Certain Island in B. Pond, Piscataquis County (H. P. 614) (L. D. 861)

Resolve Opening Swan Lake, Waldo County, to Ice Fishing (H. P. 982) (L. D. 1406)

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

Amended Bills

Bill "An Act relating to Retirement of Employee Option under Maine State Retirement System" (H. P. 617) (L. D. 864)

Resolve Amending Resolve for Memorial for Honorable Percival P. Baxter of Portland (S. P. 39) (L. D. 56)

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

Bill "An Act relating to Payments by Town of Northport to Northport Village Corporation" (S. P. 260) (L. D. 699)

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

Bill "An Act to Increase the Salary of Judge of Western Somerset Municipal Court" (H. P. 22) (L. D. 27)

Bill "An Act to Increase the Salaries of the Judge and Recorder of the South Portland Municipal Court" (H. P. 150) (L. D. 188)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be en-

grossed as amended by House Amendment "A" and sent to the Senate.

Bill "An Act Increasing Compensation of Members of Boards of Registration in Cities over 39,000 Inhabitants and Time of Session" (S. P. 469) (L. D. 1350)

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

Passed to Be Enacted

An Act to Correct Inconsistencies in State Prison Sentences (S. P. 201) (L. D. 546)

An Act Creating the Maine Weights and Measures Law (S. P. 274) (L. D. 732)

An Act relating to Compensation for Eye Empairment under Workmen's Compensation Act (S. P. 284) (L. D. 743)

An Act relating to the Appointment of A Temporary Deputy Commissioner (S. P. 375) (L. D. 998)

An Act Repealing Law Requiring Convicts to Give Notes for Fines and Costs (S. P. 403) (L. D. 1099)

An Act Clarifying the Outdoor Advertising Law (S. P. 418) (L. D. 1177)

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

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

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

An Act relating to Registration Fees on Certain Commercial Vehicles (S. P. 544) (L. D. 1526)

An Act Imposing a Tax on Dry Beans (H. P. 486) (L. D. 730)

An Act Creating the Lake Christopher Game Management Area, Oxford County and the Oak Grove Management Area, Kennebec County (H. P. 504) (L. D. 714)

An Act relating to Record of Contents of Motor Trucks (H. P. 958) (L. D. 1359)

An Act relating to Splash Guards

for Motor Trucks (H. P. 1010) (L. D. 1414)

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

Orders of the Day

On motion of the gentleman from Bingham, Mr. Shaw, by unanimous consent the House voted to take from the table out of order the first tabled and unassigned matter, Bill "An Act to Correct Inconsistencies in Maine State Retirement System Law, Senate Paper 87, Legislative Document 197, tabled on February 26 by that gentleman, pending passage to be engrossed.

On further motion of the same gentleman, the Bill was passed to be engrossed and sent to the Senate.

On motion of the gentleman from Bingham, Mr. Shaw, by unanimous consent the House voted to take from the table out of order the thirty-fifth tabled and unassigned matter, Bill "An Act relating to Survivor Benefits Under Maine State Retirement Law", Senate Paper 524, Legislative Document 1486, tabled on April 17 by the gentleman from Bingham, Mr. Shaw, pending passage to be engrossed.

Mr. Shaw of Bingham offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to S. P. 524, L. D. 1486, Bill, "An Act Relating to Survivor Benefits Under Maine State Retirement Law."

Amend Paragraph B. of Sub-Section VI in Sec. 11 of the Bill by striking out from the first line thereof, the underlined figures ".0025 per cent" and inserting in place thereof the underlined figure "¼ per cent"

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

On motion of the gentleman from Raymond, Mr. Edwards, by unanimous consent, the House voted to take from the table out of order the sixty-fourth tabled and unas-

signed matter, Bill "An Act relating to Age of Applicants to Pineland Hospital and Training Center, House Paper 94, Legislative Document 125, tabled on April 26 by that gentleman pending passage to be enacted.

The SPEAKER: The Chair recognizes the gentleman from Raymond, Mr. Edwards.

Mr. EDWARDS: Mr. Speaker and Members of the House: I have received the approval of both Chairmen of the Public Health Committee to recommit this bill to that committee and I so move.

The SPEAKER: The Chair would advise the gentleman that his motion is out of order. In order to recommit the bill to a Committee, the House must reconsider its action whereby it passed this bill to be engrossed.

Mr. EDWARDS: I now move that the House reconsider its action whereby it passed this bill to be engrossed.

The SPEAKER: The gentleman from Raymond, Mr. Edwards, moves that the House reconsider its action whereby it passed this bill to be engrossed on April 13. Is this the pleasure of the House?

The motion prevailed.

On further motion of the same gentleman, the Bill was recommitted to the Committee on Public Health and sent up for concurrence.

On motion of Mr. Rollins of Belfast, by unanimous consent, the House voted to take from the table out of order the twenty-fifth tabled and unassigned matter, Bill "An Act relating to Taxation of Domestic Fowl" House Paper 190, Legislative Document 253, tabled on April 10 by that gentleman pending assignment for third reading.

Mr. Storm of Sherman offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 190, L. D. 253, Bill, "An Act Relating to Taxation of Domestic Fowl."

Amend said Bill by inserting after the underlined paragraph "B" the following underlined paragraph:

'C. The tax shall be assessed upon the owner of the domestic fowl

raised exclusively for meat purposes or may be assessed upon the person in possession. If assessed upon the person in possession, he shall have the same right to recover said tax as is provided for in paragraph B of subsection III of section 9.'

Further amend said Bill by relettering paragraphs "C" and "D" to read 'D' and 'E' respectively.

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

The SPEAKER: Under Orders of the day the Chair now lays before the House item number one of unfinished business, House Report, "Ought not to pass" of the Committee on Welfare on Bill "An Act relating to Requisite for Old Age Assistance", House Paper 83, Legislative Document 109, tabled on May 1 by the gentlewoman from Rumford, Miss Cormier, pending acceptance of the Report.

The Chair recognizes the gentleman from Sumner, Mr. Cole.

Thereupon, on motion of the gentleman from Sumner, Mr. Cole, the Bill was retabled pending acceptance of the Committee Report and specially assigned for May 10.

The SPEAKER: Under Orders of the Day the Chair now lays before the House item number two of unfinished business, Bill "An Act relating to Examination for Certain Persons to Practice Barbering", Senate Paper 539, Legislative Document 1511, tabled on May 1 by the gentleman from Cumberland, Mr. Call, pending third reading.

The Chair recognizes the gentleman from Gardiner, Mr. Hanson.

Mr. HANSON: Mr. Speaker and Members of the House: I would first like to thank the gentleman from Cumberland, Mr. Call, for tabling this bill for me. The reason that it was tabled was because of a typographical error in the reprint of the Bill as it came on the calendar. I have no objections to this Bill but I really can't see where it does a great deal for anybody.

The SPEAKER: The Chair recognizes the gentleman from Belgrade, Mr. Bartlett.

Mr. BARTLETT: Mr. Speaker and Members of the House: I would like to indefinitely postpone this Bill.

The SPEAKER: The motion now before the House is the motion of the gentleman from Belgrade, Mr. Bartlett, that Bill "An Act relating to Examination for Certain Persons to Practice Barbering" be indefinitely postponed.

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

Mr. MILLER: Mr. Speaker, I think this Bill means too much to the barbers to indefinitely postpone. They came down here in large numbers and appeared before a Committee hearing. If this House today was to vote for indefinite postponement of that bill it would be slapping every barber in the face that came down here with good will and recognition and to talk to a Legislature and a committee that was here to listen to their troubles. This Bill was reported out of Committee "Ought to pass", and I think that we should go along and kill an indefinite postponement on this Bill.

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentleman: I was on this Public Health Committee, and I hate to disagree with my good friend from Portland, Mr. Miller, but all the people who appeared before that committee were not for it. In fact there were considerable against it. And one man that was against it has written me, and I think other members of the Committee, that he was discharged from his position as a barber because he appeared against the bill. Now, I think this bill does no good to anybody in particular, it simply says that if a barber does not practice barbering six months out of three years that he has to take an examination. And I would go along with that provided an examination could be taken when this fellow wanted to go to work. In other words, a barber might be out of business and be a perfectly good barber, and would plan to come back to work, we will say in February, and he would have to wait until June because they only have their hearings twice a year.

I tried to get the Committee to go along with a Committee amend-

ment to say that they would have to have a hearing every thirty days if it was requested. But they didn't think that was fair to the committee who had these hearings for barbers. And I have talked with many barbers over the state, and they say as far as they are concerned they are not too interested in it at all. Perhaps some barbers in the larger cities, they feel that someone out of barbering for several years or three years or some length of time, should not come back in because it upsets their business. But the barbers in the smaller areas are very much opposed to this for that same reason, because in the smaller areas we have barbers who just barber a few hours each week to take care reason, because in the smaller areas And the bill provides further on by an amendment, a rewrite of it, 1,000 hours of it, so that would affect them, so I will go along with the indefinite postponement of this thing because I don't think the barbers really want it, and it would do anybody any particular good and I can see where it would do considerable harm.

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

Mrs. HENDRICKS: Mr. Speaker and Members of the House: At the Maine State Barbers Association Convention in Rockland, Maine last September at which time twenty-five cities and towns were represented, there was a unanimous vote to present this bill before the Legislature. Before this Bill had its hearing a copy of the Bill was sent to every barber shop in Maine, asking them to read the Bill and fill out the card favoring or opposed, and return the cards. Nine hundred and fifteen cards and copies of L. D. 647 were sent out, and three hundred and fifty-one were mailed back from all points in Maine, showing three hundred and six in favor and forty-five opposed. I think this shows whether or not the barbers want the Bill. I hope that the indefinite postponement motion does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Bridgton, Mr. Haughn.

Mr. HAUGHN: Mr. Speaker, I want to concur with the remarks of

my colleague, the gentlewoman from Portland, Mrs. Hendricks, that she is absolutely right because I have certainly been in close contact with numerous barbers in Lewiston and Portland and throughout the State of Maine and certainly over eighty per cent are in favor of this Bill, and I hope the motion for indefinite postponement does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Kinch.

Mr. KINCH: Mr. Speaker, I want to concur with the gentleman from Belgrade, Mr. Bartlett, and the gentleman from Bowdoinham, Mr. Curtis, this bill will hurt the barbers in the small towns. I can see where a list of names sent out to barbers where the majority would come from the cities, the answers, because this will help the city barbers, but in the small towns it is going to hurt them and I concur with the motion for indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Baldwin, Mr. Sanborn.

Mr. SANBORN: Mr. Speaker, it appears to me if we have a bill before the House where a barber who appeared against it is fired, I believe that bill should be indefinitely postponed.

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

Mr. COUTURE: Mr. Speaker, May I ask a question? I understand that it was said that this bill might hurt some barbers in small towns. I would like to know how it would hurt them, please.

The SPEAKER: Are you addressing the question to any specific individual?

Mr. COUTURE: To the member who made the statement.

The SPEAKER: The gentleman from Bath, Mr. Couture, addresses a question through the Chair to the gentleman from Bowdoinham, Mr. Curtis, who may answer if he chooses.

Mr. CURTIS: The reason this would hurt the barbers in the small towns is that we have barbers in small towns who only operate about three or four hours a week, that is on one certain day. Now, he has to,

unless he operates one thousand hours, that is three years, why he would be out of business, and that would hurt him. And I might call attention to the fact, my good friend, the gentlewoman from Portland, Mrs. Hendricks, who was on the Committee says that there were twenty-five cities and towns who were represented at that convention. Just remember that there are over 400 towns and cities in Maine, so you can see just how few were there.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Winslow, Mr. Dostie.

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

The SPEAKER: The question before the House is the motion of the gentleman from Belgrade, Mr. Bartlett, that Bill "An Act relating to Examination for Certain Persons to Practice Barbering", Senate Paper 539, Legislative Document 1511, be indefinitely postponed. The gentleman from Winslow, Mr. Dostie, has requested a division.

Will all those who favor the indefinite postponement of this Bill please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Eighty-three having voted in the affirmative and thirty-two having voted in the negative the Bill was indefinitely postponed and sent up for concurrence.

The SPEAKER: Under Orders of the Day the Chair lays before the House the third item under unfinished business, Senate Report "Ought to pass" as amended by Committee Amendment "A" of the Committee on State Government on Bill "An Act relating to the Use of Public Ways and Parking Areas Maintained by the State at the Seat of Government", Senate Paper 148, Legislative Document 348, tabled on May 2 by the gentleman from Bridgton, Mr. Haughn, pending acceptance in concurrence, and the Chair recognizes that gentleman.

Thereupon, on motion of the gentleman from Bridgton, Mr. Haughn, the House voted to concur and the Bill was given its first and second readings.

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

COMMITTEE AMENDMENT "A" to S. P. 148, L. D. 348, Bill, "An Act Relating to the Use of Public Ways and Parking Areas Maintained by the State at the Seat of Government."

Amend said Bill in "Sec. 2" by striking out the final period and adding at the end thereof the following: ', who shall forward a copy thereof attested under the Great Seal of the State to the Municipal Court of the City of Augusta.'

Further amend said Bill in "Sec. 4" by striking out the final period and adding at the end thereof the following: ', which court shall take judicial notice of all rules and regulations adopted pursuant to the provisions of Section 2. In any prosecution for violation of any rule and regulation, the complaint may allege the offense as in prosecutions under a general statute and need not recite the rule or regulation.'

Further amend said Bill by striking out all of "Sec. 6".

Further amend said Bill by renumbering "Sec. 7." to read 'Sec. 6.'

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

The SPEAKER: Under Orders of the Day the Chair now lays before the House item number four under unfinished business, Bill "An Act Creating a Highway Safety Committee", House Paper 974, Legislative Document 1374, tabled on May 2 by the gentleman from Perham, Mr. Bragdon, pending further consideration, and the Chair recognizes that gentleman.

Mr. BRAGDON: Mr. Speaker and Members of the House, I believe the question on this Bill is passage to be engrossed, is it not?

The SPEAKER: The Chair would advise the gentleman that the House did engross this Bill without amendment. It was sent to the other end of the corridor where it was engrossed as amended by Senate Amendment "A", and it was returned to the House in non-concurrence. That is the present status of the Bill.

Mr. BRAGDON: I thought that my proper motion was to move that this Bill now be passed to be engrossed as amended by Senate Amendment "A".

The SPEAKER: The proper motion would be to recede and concur.

Mr. BRAGDON: I move that we recede and concur.

The SPEAKER: The motion before the House is the motion of the gentleman from Perham, Mr. Bragdon, that with respect to item number four, Bill "An Act Creating a Highway Safety Committee", that the House recede and concur. Is the pleasure of the House?

The Chair recognizes the gentleman from Southport, Mr. Rankin.

Mr. RANKIN: Mr. Speaker, I would like to ask a question through the Chair of any member of the Committee on State Government as to what this Bill will cost.

The SPEAKER: The gentleman from Southport, Mr. Rankin, addresses a question through the Chair to any member of the Committee on State Government who may answer if he so chooses.

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

Mr. CHILDS: If I remember correctly, and I stand corrected, I believe that it cost in the vicinity of \$4,000 per year. That money, the appropriation is just being used for the purpose of buying stickers and so forth to put on peoples' cars and correspondence.

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

Mr. TOTMAN: Mr. Speaker and Members of the House: I don't blame the gentleman from Southport, Mr. Rankin, for being a little bit confused perhaps because I think the Senate Amendment "A" 309 has been garbled in its printing. But basically the answer by the gentleman from Portland, Mr. Childs, is correct. What happened was that the Governor's Highway Safety Committee put a budget in and they presumed that the Budget Department realized that it was an annual request misunderstood, and they made the request for two years. The Committee tried to correct that by this amendment, and that is the amendment you have in front of

you, although it has been misprinted.

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

Mr. BRAGDON: Mr. Speaker, there seems to be a little confusion about this Bill and whether or not the answer of the gentleman from Portland, Mr. Childs, covers the whole territory. I think as the bill came out of the Committee on State Government that the amount of \$4,250 a year was correct. But I think that this Senate Amendment doubles that amount.

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

Mr. TOTMAN: Mr. Speaker and Members of the House: I must apologize to the Clerk of the House who has pointed out that the amendment is in order. At first glance it seemed to be a repetition, but the phraseology of \$4,000 from the general highway fund and \$4,000 from the general fund is correct. As I stated before, it was, as you may have seen in the newspapers, an error by some department when the request was put in by Mr. Jewett of the Highway Safety Committee. It was misunderstood, the budget was supposed to be an annual budget. And consequently Mr. Jewett came before the executive session of the Committee on State Government and explained the error, and the Committee had this amendment introduced to correct the error.

The SPEAKER: The question before the House is the motion of the gentleman from Perham, Mr. Bragdon, that the House recede and concur on Bill "An Act Creating a Highway Safety Committee", House Paper 974, Legislative Document 1374. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: Under Orders of the Day the Chair now lays before the House item number five under unfinished business, House Divided Report, Majority "Ought not to pass" and Minority "Ought to pass" of the Committee on Towns and Counties on Bill "An

Act relating to Expending Penobscot County Funds for Higgins Classical Institute", House Paper 646, Legislative Document 913, tabled on May 2 by the gentleman from Charleston, Mr. Rich, pending acceptance of either report, and the Chair recognizes that gentleman.

Mr. RICH: Mr. Speaker, I move that we accept the Minority "Ought to pass" Report, and I would like to speak a few minutes.

The SPEAKER: The gentleman may proceed.

Mr. RICH: Ladies and gentlemen of this House, I would like to call to your attention the contents of this Resolve L. D. 913. I presume that most of you, like myself, can't keep track of all these different bills and resolves that come before us. This is An Act relating to Expending Penobscot County Funds for Higgins Classical Institute:

"Emergency preamble. Whereas, Higgins Classical Institute has during the last 65 years filled an important place in the education of the youth of Penobscot County; and

Whereas, this institution suffered a major loss last April when its Boys' Dormitory was destroyed by fire; and

Whereas, the Trustees of Higgins Classical Institute are endeavoring to rebuild its Dormitory and have expended more than \$100,000 toward its reconstruction; and

Whereas, an additional \$100,000 is needed to finish this construction; and

Whereas, the Trustees of Higgins Classical Institute have exhausted all available funds; and

Whereas, education is an eminently proper purpose for the expenditure of county funds; and

Whereas, the immediate need for such funds is urgent if Higgins Classical Institute is to serve efficiently; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace,

health and safety; now, therefore, Be it enacted by the People of the State of Maine, as follows:

Appropriation for secondary education in Penobscot County. The County of Penobscot shall expend the sum of \$10,000 for the fiscal year ending June 30, 1958 and \$10,000 for the fiscal year ending June 30, 1959 for Higgins Classical Institute, to be paid to the treasurer of said Institute on or before July 1st of the year for which it is appropriated and to be expended by the Trustees of Higgins Classical Institute toward the completion of its Boys' Dormitory."

Please note that this L. D. does not ask for any state funds. Also that it will cost Penobscot County taxpayers only three cents on one thousand dollars valuation of property and that this resolve has been heartily endorsed by all three of our county commissioners, also that I wrote to every board of selectmen in the county and to several of the larger corporations, and had opposition from only one municipality. Also that Higgins serves as a secondary school for Charleston and several nearby towns.

I have had placed on your desks one hundred copies, I didn't have enough for every member, but there were one hundred copies of this enterprising brochure of the beautiful farms that was gotten out by the trustees of Higgins Classical Institute last summer. I am not trying to get funds from you individuals, but by the way if anybody here knows of a likely prospect who would like to give us twenty-five or fifty thousand dollars why we would be willing to accept it.

Please note that the front cover page shows a picture taken at the time of the fire April 4, 1956. You can readily see that our boys' dormitory was entirely destroyed. There were ninety boys and several teachers and their families living there at the time.

Within a few weeks after this disaster, construction was begun on our new building. I might say, by the way, that we had fifty thousand dollars insurance, which only partially of course, covered

the dormitory building. We began construction on a new building forty-two by one hundred twenty feet. By the end of September the first two floors were ready for occupancy with a temporary roof over the structure. The building is of brick, steel and concrete construction, and if you care to look at the floor plan inside of the brochure, you will see that we now have in the basement a dining room forty-two by sixty, with ample kitchen space, refrigeration room, store room, lavatories provided in full on that lower floor.

On the second floor, we have sixteen new rooms finished, and occupied by forty boys and two teachers. We plan to add two more floors with twenty rooms on each floor so that we will be able to accommodate one hundred boys and several faculty members when our building is completed.

Of our enrollment last year of one hundred ninety-three students, we had one hundred twenty students from twenty-five different cities and towns in Penobscot County. Therefore, we feel that we are justified in asking the county for help in the time of disaster.

We understand that an objection has been raised to using public funds for dormitory construction rather than for the usual school buildings. We believe that this boarding school fills the important place in education, and that this dormitory is really vitally necessary to continue our school as it has been. Many students who fail in the public schools make a new start when they enroll in our schools under closer supervision and go on to college or find their place in the business world.

If you would kindly turn to the back inside of the cover of this booklet, and will you please read the statements made by Philip Keith, William Tracy and Hugh Smith. Those are men who have spent a great many years in our school as teachers, and know what Higgins Classical Institute has done for the boys and girls of Maine during the last forty years. Please note particularly the statistics given by Mr. Smith of the

number of doctors, teachers, superintendents, engineers, ministers, nurses, lawyers, business men who received a basic part of their education at our school.

I believe you will agree with me that our record is one worth supporting. Our basic need right now is the completion of our boys' dormitory. Our trustees and many of the alumni have contributed liberally to this building fund. This Resolve, if approved, would give us an incentive to go on and finish the job. Please remember that this Resolve only authorizes the County Commissioner to spend Penobscot County funds for a purpose for which they, and a majority of Penobscot County citizens, whole-heartedly approve.

Thank you.

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

Mr. BROWNE: Mr. Speaker and Members of the House: It is a painful experience to have to rise in opposition to a gentleman for whom I have so much respect, the gentleman from Charleston, Mr. Rich. But as Mr. Rich has said, he is not asking for state funds, he is asking for a directive from this body or from the Legislature to direct Penobscot County to pay over its public funds for a private institution.

Now, I know that in the communities which I represent Bangor is opposed to this. It would mean to them something around \$3500 out of each \$10,000, if I am not correct, which is requested here. In order to make further inquiry I would like to table this matter until Friday of this week.

The SPEAKER: The question before the House is now the motion of the gentleman from Bangor, Mr. Browne, that Bill "An Act relating to Expending Penobscot County Funds for Higgins Classical Institute" House Paper 646, Legislative Document 913, be tabled until Friday, May 10, pending the motion of the gentleman from Charleston, Mr. Rich, that the Minority "Ought to pass" Report be accepted. Is this the pleasure of the House?

The motion prevailed and the Bill was so tabled

The Chair at this time would like to take the great pleasure of recognizing the presence in the rear of the House of a gentleman who was a member of this House in 1919, and who is today making his first return to the House since that session. The Chair refers to Mr. Royal Bradford of China, and the Chair wishes to welcome him most sincerely. (Applause)

The SPEAKER: Under Orders of the Day the Chair now lays before the House item number six under unfinished business, House Report "Ought not to pass" of the Committee on Judiciary on Bill "An Act relating to Publication of Legal Notices in Foreign Language Newspapers", House Paper 1015, Legislative Document 1445, tabled on May 1 by the gentleman from Lewiston, Mr. Jalbert, pending the motion of the gentleman from Lewiston, Mr. Jacques, that the Bill be re-committed to the Judiciary Committee.

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

Mr. JALBERT: Mr. Speaker and Members of the House: As you will recall my sympathies were with my colleague from Lewiston, Mr. Jacques, intent on this Bill. I thought that possibly time would be saved if the members of the Judiciary Committee be contacted and agree possibly upon an amendment. I spoke to the House Chairman and the other members of the Judiciary Committee, as well as the members in the other branch, and it appears that an amendment would be agreeable to them, and I now present House Amendment "A" and move its adoption.

The SPEAKER: The Chair must advise the gentleman that the question before the House is the motion to recommit.

Mr. JALBERT: I move to substitute the Bill for the "Ought not to pass" Report of the Committee.

The SPEAKER: The question now before the House—The Chair must advise the gentleman from Lewiston, Mr. Jalbert, that a motion to recommit takes precedence over a motion to substitute the bill for the report. The pending motion is the motion to recommit.

Mr. JALBERT: I move that the motion to recommit be indefinitely postponed.

The SPEAKER: The Chair must advise that such a motion is out of order.

Mr. JALBERT: Mr. Speaker, I move that we reconsider the motion

The SPEAKER: The Chair might suggest to the gentleman that the logical thing to do would be to take a vote on the motion to recommit, and if the motion fails then the gentleman may proceed with his plan.

Mr. JALBERT: I move that we vote on whether the motion of the gentleman from Lewiston, Mr. Jacques, to recommit prevails or not. I hope it does not prevail.

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

Mr. JACQUES: Mr. Speaker, I withdraw my motion to recommit.

The SPEAKER: The gentleman from Lewiston, Mr. Jacques, has withdrawn his motion that the Bill be recommitted to the Committee.

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

Mr. JALBERT: Mr. Speaker, I assure you that I will find my way to Mr. Pease's office to relook over the rules. I now move that we substitute the Bill for the "Ought not to pass" Report.

The SPEAKER: The question now before the House is the motion of the gentleman from Lewiston, Mr. Jalbert, that Bill "An Act relating to Publication of Legal Notices in Foreign Language Newspapers", House Paper 1015, Legislative Document 1445, be substituted for the "Ought not to pass" Committee Report. Is this the pleasure of the House?

Will all those who favor the motion to substitute the Bill for the Committee Report please say aye; those opposed, no.

A viva voce vote being taken the motion prevailed.

Thereupon, the Bill was given its first and second readings.

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

Mr. JALBERT: Mr. Speaker, I now present House Amendment "A" and move its adoption.

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

HOUSE AMENDMENT "A" to H. P. 1015, L. D. 1445, Bill, "An Act Relating to Publication of Legal Notices in Foreign Language Newspapers."

Amend said Bill by striking out the Title and inserting in place thereof the following Title: 'An Act Relating to Publication of Specimen Ballots, Constitutional Amendments and Referendums in Foreign Language Newspapers.'

Further amend said Bill by striking out everything after the enacting clause and inserting in place thereof the following:

"Sec. 1. R. S., c. 5, § 2, amended. Section 2 of chapter 5 of the Revised Statutes, as amended by chapter 397 of the public laws of 1955, is hereby further amended by adding after the 3rd sentence, a new sentence, as follows:

'Such specimen ballot may be published in the English language in a foreign language newspaper.'

Sec. 2. R. S., c. 10, § 19, amended. Section 19 of chapter 10 of the Revised Statutes is hereby amended by adding at the end thereof a new sentence, as follows: **'Such explanatory statement may be published in the English language in a foreign language newspaper.'**

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

The SPEAKER: The Chair now lays before the House the seventh item under unfinished business, House Report "Ought to pass" of the Committee on Inland Fisheries and Game on Bill "An Act Prohibiting Dogs Running at Large", House Paper 601, Legislative Document 848, tabled on May 1 by the gentleman from Bridgton, Mr. Haughn, pending acceptance of the Report.

On motion of Mr. Haughn of Bridgton, the "Ought to pass" Report was accepted, the Bill read twice and assigned for third reading tomorrow.

The SPEAKER: The Chair now lays before the House the eighth item under unfinished business, House Divided Report, Majority "Ought not to pass" and Minority "Ought to pass" of the Committee on Judiciary on Bill "An Act Authorizing Sunset Real Estate Corporation to Construct a Bridge Across Medomak River", House Paper 424, Legislative Document 601, tabled on April 26 by the gentleman from Friendship, Mr. Winchenpaw, pending acceptance of either Report and the Chair recognizes that gentleman.

Mr. WINCHENPAW: Mr. Speaker, Ladies and Gentlemen of the House: I hardly know how to begin this debate. As most of you know, I have been here every term since 1949, and every term is different. Every time I come here, it's hard to decide whether the duty to your state or your town is more important than the duties to yourself and your friends, but I think if you do your duty to your state and your town as you see it, you will at least go home with a clear conscience.

That's the situation I find myself in this morning, and by the looks of this eight to two Report "Ought not to pass", the duty to my state and my town conflict with the ideas of many of my friends. Now, I must tell you that this is my most important bill, this L. D. 601 authorizing Sunset Real Estate Corporation to construct a bridge across the Medomak River. Of all the bills in the legislature, I hoped this one would pass. If my memory serves me correctly, during the time that I have been here, this is the first time the citizens of Friendship have ever asked anything from the legislature, that is, anything special. Of course, we take our school money and our road money, but I maintain that the citizens of Friendship are asking for this measure because of the favorable vote they gave it in the March town meeting, and the simple facts of this bill are that we are not asking for a bond issue, we are not asking for appropriation. The bridge would be built with private funds. It would be taxable to the Town of Friendship, and the tax would accrue to the Town of Friendship, and since the hour is late, Mr. Speaker, and you all have on your

desks a prepared statement that I put there yesterday, I think that perhaps I will rest my case and move that we accept the Minority "Ought to pass" Report of the Committee.

The SPEAKER: The Chair recognizes the gentleman from North Haven, Mr. Baird.

Mr. BAIRD: Mr. Speaker, I dislike finding myself in the position of opposing my good friend from Knox County, but I must. I'm not a lawyer but I am going to quote from one opinion on a case similar to this, Justice Walton in *Brastow vs. Rockport Ice Co.*, 77 Me. 100 (1885). He discusses common liberties: "To fish and fowl on great ponds, to walk in a public park, or sail on public waters, are exercised in common with others enjoying the same liberty. To build a structure, however, necessarily excludes all others from the ground occupied. On a small island, a few exercises of building structures would virtually annihilate the whole." This applies to this small landing place.

This bridge will obstruct part of the landing which all the people of Maine have a right to use. Not only the people of Friendship, but anyone in Maine may go there to enjoy the beautiful view on salt water. It is a safe place to swim, or launch a small boat. This bridge will take fourteen feet of this right of way from you, and the people who voted for you, and give it to a private corporation to develop for its own benefit. One of the main assets of this area is the view. This bridge will spoil this view for all who live near it as well as the people who come there to enjoy it. It will take away from the value of the real estate on one side of the channel to increase the value on the other side.

The sole reason for approval in the town meeting was a promise, and this is only a promise, of development which would bring some money into the town. They voted to give your rights to this New York corporation. That is the reason the legislature has to decide on this in order to protect the people who had no voice in the town meeting.

This bridge will partially obstruct a branch of the Medomak River used by fishermen and yachtsmen. Any sailboat or fishing

boat with an antenna will be unable to use this channel without a much higher clearance than that provided for, which would only make it that much more obnoxious to the people who have to look at it.

It is stated in this brochure on your desk that the fishermen do not oppose it. The fishermen in Friendship don't, but the fishermen in back river that live above this bridge do oppose it, and the Representative from Waldoboro, Mr. Walter, has been contacted about this.

I believe passage of this bill might be prejudicial to the condemning of the land and flats of others for this purpose. We have seen attempts before, here, to take away islands and rights of way, and give them to private individuals. Here is a case of us being asked here today to take away this public right that every citizen of Maine may use, and enjoy free access to the seashore, and give it to a private corporation. I hope you will join me in retaining this right for the citizens of Maine intact.

I move indefinite postponement of this piece of legislation.

The SPEAKER: The question now before the House is the motion of the gentleman from North Haven, Mr. Baird, that both Reports be indefinitely postponed. The Chair recognizes the gentleman from Auburn, Mr. Walker.

Mr. WALKER: Mr. Speaker, as a Member of the Committee that signed the Minority Report, I feel that I should explain my position in this matter.

I was influenced by the fact that the Town of Friendship voted overwhelmingly in favor of this project. I assume the reason they voted this way was because of the potential tax benefits and the possibility of increasing employment on a local level.

We, here in Maine, spend many thousands of dollars in attempting to persuade people to come to Maine. We talk about our coastal villages and beautiful offshore islands. It seems inconsistent to me to now deny the right of a private individual to build a bridge to further our vacation industry. I, therefore, wish to go on record in opposition to the motion to indefinitely postpone.

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

Mr. BRODERICK: Mr. Speaker and Members of the House: I will not make any recommendation as far as the action of this House is concerned. I would like to point out the thinking of the Majority of the Committee on Judiciary. This island to which the proposed bridge would be built, as I understand it and as the Committee understands it, there is but one house on there presently. The Sunset Real Estate Corporation intends to build cottages there, it is a housing development of sorts, and they have to ask permission through the legislature before they can cross tidewaters in the construction of a bridge. The problem we were concerned with was before they can build that bridge, they must take land for the approaches to that bridge. This the township can do by its right of eminent domain given to the towns under Chapter 96 of our Statutes. Our law court has ruled, and I will quote in part: "The municipal officers before locating a private way, must determine its expediency or necessity." There was some question in the minds of many members of the Committee whether or not this would be a private way. If so, certainly there is no necessity for this bridge, except that which would serve the Sunset Real Estate Corporation. Certainly there is no expediency for it. A couple of weeks ago there was passed out here on—a certain question propounded by the Senate to our Supreme Court and it is dated April 26. This had to do with the developments in the City of Bangor, and apart from that once again on all floors, in reference to taking of land by eminent domain, the law court said—that was April 26 of this year: "It follows that a city may either raise money by taxation or acquire property by eminent domain for such purpose," and by such purpose they mean in reference to such things as this, private ways. I am not certain that it is a private way but that question did rise in my mind.

On that basis I signed the Majority "Ought not to pass" Report, feeling that the sole beneficiaries of this particular measure would be the

Sunset Real Estate Corporation. On the other hand, the question of whether or not the Judiciary Committee should concern itself with the actions of the town officers, for it was they who would be acting constitutionally or unconstitutionally in taking this land under eminent domain. So we are in some sort of a muddle here.

If this bill were passed, at least the town could proceed to take this land for the approaches to the bridge under its powers of eminent domain, and then if the opposition wished to get counsel and go to the law court, the question could be resolved at that time. But, as I have stated that was the question that was in our minds whether or not the townspeople themselves would be acting constitutionally in taking the land necessary for the approaches to this bridge.

The SPEAKER: The Chair recognizes the gentlewoman from Lovell, Mrs. Harriman.

Mrs. HARRIMAN: Mr. Speaker, I have a great deal of sympathy for the gentleman from Friendship, Mr. Winchenpaw, and his position in the matter. I also come from a small town and I know they depend mostly on the summer residents. This island it looks to me as though it was a matter for Friendship, the Town of Friendship, and they have approved the matter two to one. Then it has to be approved by the legislature and then the War Department. Now they have taken the first step. These large islands lying off our coast without any recourse to the mainland may become a matter of small value in time to come if some approach is not built to them. The town of Friendship realizes that this real estate company is not going to buy this island to hold it, it is going to develop it, which means more taxes for the Town of Friendship. I feel that we people here from other parts of the State which we don't know the revenues that come to the Town of Friendship, and I feel that we are being very unfriendly if we take an unfriendly attitude toward their whole affairs. I hope that the motion of the gentleman from North Haven, Mr. Baird, does not prevail.

The SPEAKER: The Chair recog-

nizes the gentleman from Southport, Mr. Rankin.

Mr. RANKIN: Mr. Speaker, I have known Mr. Winchenpaw, the gentleman from Friendship, since January, and I have found him to be a sincere, conscientious and honest member of this body. For that reason, I am accepting these two pages of paper which he has had distributed. I come from the coast just as he does, and we are a distressed area. Our shipyards are closed, the price of lobsters has fallen to a very low ebb this winter and lobsters have been very scarce. Now I am going to quote just two of the questions and answers. One. Why is the owner of this island going to construct this bridge entirely at his own expense? To develop the island into a summer colony by building about twenty-five cottages, thereby providing steady employment for approximately one hundred men for a year or two, providing a market for local merchants and suppliers for materials, supplies, etc. And more important, bringing more families, taxable property and commercial trade and prosperity to the town of Friendship. The second question and the most important one: Do the people of Friendship want this bridge? Yes. At a town meeting held on March 12, 1957 the people of Friendship voted in favor of this bridge one hundred and nineteen to fifty-three.

Now I have followed the policy as a Member of this body of voting "Yes" in favor of any town which wanted a resolve or act passed. I have followed a policy of voting "no" when the town did not want the act or resolve passed. Therefore, I think if we are to represent the people of the State of Maine, and when they give us a clear go-ahead signal by a vote of one hundred and nineteen to fifty-three, we should certainly abide by their wishes. Therefore, I hope the motion to indefinitely postpone does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Baldwin, Mr. Sanborn.

Mr. SANBORN: Mr. Speaker and Members of the House: I had the pleasure of going down to this place with my good friend the gentleman from Friendship, Mr. Winchenpaw, and I saw where the bridge was

planned to be built. There is a road leading down and then it follows the shoreline, and just before it gets to the shore there is a ledge on the right which I would consider worthless, and this bridge would go to another ledge, and then from there to the island. All this land I would say it was worthless. I don't know what the ledge could be good for except to place a bridge on. I would like to go along with my good friend the gentleman from Friendship, Mr. Winchenpaw.

The SPEAKER: Is the House ready for the question? The Chair recognizes the gentleman from North Haven, Mr. Baird.

Mr. BAIRD: Mr. Speaker, I just want to emphasize this one point again, that the reason the people in the town cannot give the last word on this is because that your rights are involved here, not just the rights of the people of the town of Friendship, but the rights of every person in the State of Maine that might want to go there and use this landing, and I have pictures here to show you, anyone that can see them, where this is. If you think that ledge there is worthless, I disagree. This is a beautiful spot, and that bridge will completely ruin it. I have pictures taken from all angles of this. If that bridge goes across that beautiful view, it can do nothing but ruin it, and as it has been stated here by the opposition, the main asset of the State of Maine is its beautiful views and its natural beauty, and that certainly won't add to the natural beauty of this place. I hope that all my friends here will go along with me in indefinitely postponing this piece of legislation.

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

Mr. CURTIS: Mr. Speaker, I would like to direct a question through the Chair to my good friend the gentleman from Friendship, Mr. Winchenpaw. Is the island large enough so there would be enough summer people get there and in a few years they would want to divide themselves away from Friendship?

The SPEAKER: The gentleman from Bowdoinham, Mr. Curtis, addresses a question through the Chair to the gentleman from Friendship,

Mr. Winchenpaw, who may answer if he so chooses.

Mr. WINCHENPAW: Mr. Speaker, I would say that the island has fourteen acres in it, so I doubt if it would ever want to divide from the town of Friendship, and if it did I would oppose it because we need our tax badly. May I say a few more words in rebuttal or will I be out of order?

The SPEAKER: The gentleman may proceed.

Mr. WINCHENPAW: There was a point I left out in my main speech that very few fishermen use this place. I have been down there three times recently, once in a boat and two times by car, and the only boat in sight the day I was there was the boat that I was in, and it is a very, very narrow channel. It is called Delano's Narrows on the chart. It is very, very narrow. There is seven feet of water there at low tide, and we are subject to the Army Engineers' specifications. If they say build it fifteen feet high why providing we get the permission, they are going to come in there and say how big to build that stand, and there will be a causeway of one hundred eighty-five feet to this ledge. Now that island already has one large cottage on it that could be lived in year round if you could get there, and has three cabins on it, a large boathouse and a large wharf, and this right of way that has been mentioned here, a town road goes to the shore, a state aid road goes to the shore. I have been criticized in the past because when I served as Selectman of the Town of Friendship, I spent a lot of State and Town money on that road and they told me I was doing it for my friends, and people in the other part of the town wanted that State money on their roads, but we felt this region was worth developing, and that is why I am standing here today urging the passage of this bill, and Mr. Speaker, if I wouldn't be out of order, I request a division.

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Shepard.

Mr. SHEPARD: Mr. Speaker, I am somewhat confused as to the standard procedure in cases like

this. It is my understanding that there are three steps involved. Number one, the interested parties make application to the Boards of Selectmen, and a public hearing is held at the site. Those opposed and in favor appear at the hearing and make their wants and wishes known. The second step, then that permit granted by the Selectmen is brought into the legislature and we in turn issue our permit for and along the lines of the one issued by the Board of Selectmen for the town. The third step is a review of the entire situation by the U. S. Army Engineers I would like to inquire of the gentlemen from Friendship, Mr. Winchenpaw, if that first step has been taken.

The SPEAKER: The gentleman from Stonington, Mr. Shepard, has addressed a question through the Chair to the gentleman from Friendship, Mr. Winchenpaw, who may answer if he chooses.

Mr. WINCHENPAW: Mr. Speaker, to my knowledge, it was — we were told that we should go at it in just reverse from what the gentleman from Stonington, Mr. Shepard, has mentioned. We contacted the Army Engineers last November sometime, and the Army Engineers told us it would have to pass town meeting and have to pass the legislature before they could do anything about it. Then they would come in and make their recommendations, there would be a hearing at the site, they would say that this span would be twenty-five or thirty feet wide and fifteen or eighteen or twenty feet clearance, whatever they specified. Now that is my honest understanding of it.

The SPEAKER: The Chair recognizes the gentleman from Buxton, Mr. Bruce.

Mr. BRUCE: Mr. Speaker and Ladies and Gentlemen of the House: There has certainly been enough debate on this question but there is one point that I would like to bring out. In Legal Affairs on every matter within reason that had attached to it a referendum, we sent it back to the people of the town or city for their action. Now the referendum has been taken as I understand it, and it has been said here today — I know nothing about the bridge, I know nothing about the

view, I have never been there, but the referendum has been taken in the town, and as I understand it the vote was one hundred nineteen for and fifty-one against, and it would seem to me that those of us here who are in the same position that I am in that know nothing about it, should let the matter rest with the town.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from North Haven, Mr. Baird, that with respect to Bill "An Act Authorizing Sunset Real Estate Corporation to Construct a Bridge Across Medomak River", House Paper 424, Legislative Document 601, both Reports be indefinitely postponed. The gentleman from Friendship, Mr. Winchenpaw, has requested a division. Will those who favor the motion to indefinitely postpone both Reports, please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Twenty-seven having voted in the affirmative and seventy-three having voted in the negative, the motion did not prevail.

The SPEAKER: The question now before the House is the motion of the gentleman from Friendship, Mr. Winchenpaw, that the House accept the Minority "Ought to pass" Report. Is this the pleasure of the House?

The motion prevailed and the Bill was read twice.

Mr. Winchenpaw of Friendship offered House Amendment "B" and moved its adoption.

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

HOUSE AMENDMENT "B" to H. P. 424, L. D. 601, Bill, "An Act Authorizing Sunset Real Estate Corporation to Construct a Bridge Across Medomak River."

Amend said Bill by striking out the Emergency Preamble.

Further amend said Bill by striking out everything after the enacting clause and inserting in place thereof the following:

'Construction of bridge across Medomak river authorized. Sunset Real Estate Corporation, its successors and assigns are hereby authorized and empowered to locate, erect and maintain a causeway and bridge

across the flats and tidewaters of Medomak river between Wolsgrover Island in the town of Friendship and the mainland of said town which lies opposite said Island. The location and route of said causeway and bridge shall be as follows: Beginning at the northwesterly end of the town way or highway leading from State route No. 220 to Timber Point, so called, in said town; thence in a northwesterly direction across the flats to a large rock near low water mark; thence continuing at a slight angle to the right in a northwesterly direction across tidewater and across flats of said corporation to the upland of said Island owned and improved by said corporation. Said causeway and bridge shall be 12 feet wide on top and may have an overall width of 14 feet at the point where it joins said road and a gradually increasing overall width proportionate to its height as it extends toward and over tidewater. Said bridge shall have a span between supports or pilings across tidewater at its deepest point of at least 25 feet and at such span shall have a clearance above mean high water of at least 15 feet and in any event not less than that specified therefor by the United States Army Engineers. Said causeway and bridge shall not be constructed unless and until either Sunset Real Estate Corporation, its suc-

cessors or assigns have acquired by deed a right of way therefor across the flats adjoining the mainland on which the same is to be located or a town way or private way across land, flats and tidewater from said town way or highway first above mentioned to the upland of said Island owned by said corporation, for the purpose of erecting and maintaining said causeway and bridge thereon, has been laid out, accepted and established or finally located pursuant to and subject to the provisions of sections 29, 31, 34, 40, 41 and 42 of chapter 96 of the Revised Statutes, such action being hereby authorized.'

House Amendment "B" was adopted and the Bill assigned for third reading tomorrow.

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

Mr. TOTMAN: This is for the Members of the House to help their planning. It is the intention of the House to start Monday sessions next week. I make this announcement only to help you plan.

(Off Record Remarks)

On motion of Mr. Totman of Bangor,

Adjourned until nine thirty o'clock tomorrow morning.