

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

Ninety-Eighth Legislature

OF THE

STATE OF MAINE

VOLUME I

1957

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Friday, May 10, 1957

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

Prayer by the Rev. Margaret Hendrichsen of Sullivan.

The journal of the previous session was read and approved.

**Report of
Committee of Conference**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Rate of Interest Charged by Licensed Small Loan Agencies" (H. P. 593) (L. D. 842) reporting that the House recede and concur in the indefinite postponement of the Bill; that the House adopt the Joint Order attached and made a part hereto; that the Senate concur with the House in the adoption of the following Joint Order:

"ORDERED, the Senate concurring, that the Legislative Research Committee be and hereby is authorized and directed to study the 'Small Loan' Statutes and via report to the 99th Legislature indicate its recommendations related to amendments, if any, that should be considered that may strengthen and improve the 'Small Loan' Statute.

The Committee is particularly requested to report upon the need for uniform and mandatory annual reporting to the State Banking Commissioner by each of the small loan licensees" (H. P. 1090)

(Signed)

JOHN L. JACK
LUCIA M. CORMIER
JOHN T. QUINN

— Committee on part of House

SETH LOW
ARTHUR H. CHARLES
ALTON A. LESSARD

— Committee on part of Senate

Report was read and accepted and the House voted to recede from its previous action and concur in the indefinite postponement of Bill "An Act relating to Rate of Interest Charged by Licensed Small Loan Agencies"; and to adopt the Joint Order.

**Papers from the Senate
Tabled Until Later
in Today's Session**

From the Senate: The following Order:

ORDERED, the House concurring, that the Joint Standing Committee on Labor be and hereby is authorized to report a bill related to State minimum wages (S. P. 567)

Came from the Senate read and passed.

In the House, the Order was read.

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

Mr. ROSS: Mr. Speaker and Members of the House: As a Courtesy to the gentleman from Portland, Mr. Smith, who is a sponsor of one of the minimum wage bills who is not present at this time, I hereby move that this be tabled until later in today's session.

The SPEAKER: The gentleman from Bath, Mr. Ross, moves that the Order which has just been read be tabled until later in today's session. Is this the pleasure of the House?

The motion prevailed.

Leave to Withdraw

Report of the Committee on Public Utilities on Bill "An Act relating to Valuation of Property by Public Utilities for Fixing Rates" (S. P. 490) (L. D. 1398) reporting Leave to Withdraw.

Report of the Committee on Towns and Counties reporting same on Bill "An Act Increasing Clerk Hire of County Officers in Androscoggin County" (S. P. 470) (L. D. 1349)

Came from the Senate read and accepted.

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

Ought Not to Pass

Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to Appointment and Fees of Registers of Probate" (S. P. 464) (L. D. 1345)

Came from the Senate read and accepted.

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

Ought to Pass in New Draft Tabled and Assigned

Report of the Committee on Judiciary on Bill "An Act Confirming Title to Harbor Island, Hancock County, in Franklin T. Kurt" (S. P. 240) (L. D. 641) reporting same in a new draft (S. P. 562) (L. D. 1564) under title of "An Act Authorizing the Forest Commissioner to Convey Harbor Island in Hancock County to Franklin T. Kurt" and that it "Ought to pass"

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

In the House, the Report was read.

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

Mr. PIERCE: Mr. Speaker and Members of the House: Mr. Speaker, I realize that we are not able to debate tabling matters. We have, at least I have in the past given various reasons for motions to table. It might be that we wish further study, companion bills, any number of a dozen reasons. I have a reason and it is wholly selfish, but I hope that you will go along with me. This Harbor Island was in the town at one time of Castine. On Tuesday next the entire senior class of the Castine High School, all thirteen of them, are going to be here. I would greatly appreciate if you would extend me the courtesy of permitting me to table this in order that these young ladies and gentlemen might have a discussion before them of local interest.

Furthermore, before I make my motion, Mr. Speaker, there is—while it is one island, there are three bills. I tabled one of the bills on March 28. There is another item on today's calendar, item fourteen on the same island. Out of courtesy to the ladies and gentlemen of Castine High School, and in order that we may discuss the three matters at one time, I therefore move that item five be laid upon the table and specially assigned for Tuesday, next.

The SPEAKER: The motion before the House is the motion of the gentleman from Bucksport, Mr. Pierce, that item five, New Draft titled "An Act Authorizing the Forest Commissioner to Convey Harbor

Island in Hancock County to Franklin T. Kurt" be tabled and specially assigned for Tuesday next, May 14, pending acceptance of the Report. Is this the pleasure of the House?

The motion prevailed.

Ought to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought to pass" on Bill "An Act to Reactivate the State Committee on Educational Television" (S. P. 165) (L. D. 444)

Report of same Committee reporting same on Bill "An Act relating to Hydrologic Surveys" (S. P. 291) (L. D. 790)

Report of same Committee reporting same on Bill "An Act relating to Advance Educational Subsidy Payments" (S. P. 380) (L. D. 1076)

Report of same Committee reporting same on Bill "An Act Authorizing a Motor Vehicle for Driver Education" (S. P. 434) (L. D. 1231)

Report of same Committee reporting same on Resolve Providing for Judicial Review of Certain Criminal Judgments (S. P. 257) (L. D. 695)

Report of same Committee reporting same on Resolve Reimbursing Liquor Commission for Working Capital for Warehouse Construction (S. P. 361) (L. D. 984)

Report of same Committee reporting same on Resolve Appropriating Money for Preparation of Court Rules (S. P. 404) (L. D. 1137)

Report of the Committee on Judiciary reporting same on Bill "An Act relating to Reciprocal Provisions for Penalties on Insurance Companies" (S. P. 177) (L. D. 456)

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

In the House, the Reports were read and accepted, the Bills read twice, Resolves read once and assigned the next legislative day.

Tabled and Assigned

Report of the Committee on Judiciary reporting "Ought to pass" on Resolve Authorizing Franklin T. Kurt of Huntington, New York to Sue the State of Maine (S. P. 242) (L. D. 643)

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

In the House, the Report was read.

(On motion of Mr. Pierce of Bucksport, tabled pending acceptance of Report and specially assigned for Tuesday, May 14.)

**Original Resolve
Ought to Pass**

Report of the Committee on Claims on Resolve to Reimburse Town of Whiting, Washington County (S. P. 459) (L. D. 1259) which was recommitted, reporting that the original Resolve (S. P. 295) (L. D. 792) "Ought to pass"

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

In the House, the Report was read and accepted in concurrence, the Resolve read once and assigned the next legislative day.

**Ought to Pass with
Committee Amendment**

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act relating to Salary of Official Court Reporters" (S. P. 40) (L. D. 55) 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. 40, L. D. 55, Bill, "An Act Relating to Salary of Official Court Reporters."

Amend said Bill by inserting at the beginning of the 1st line, before the headnote,

'Sec. 1.'

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

''\$122 per week year.'''

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

'Sec. 2. Appropriation. There is

hereby appropriated from the general fund of the State the sum of \$5,445 for the fiscal year 1957-58 and \$5,940 for the fiscal year 1958-59, to carry out the purposes of this act.'

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

Report of the Committee on Appropriations and Financial Affairs on Resolve for Purchase of Copies of Six "Maine Province and Court Records, Volume IV" (S. P. 93) (L. D. 224) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT "A"
to S. P. 93, L. D. 224, Resolve For Purchase of Copies of Six "Maine Province and Court Records, Volume IV."

Amend said Resolve by striking out the word "Six" in the Title.

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

Report of the Committee on Public Utilities on Bill "An Act relating to Operation of Diesel or Diesel-Electric Locomotives in Reverse" (S. P. 389) (L. D. 1085) 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. 389, L. D. 1085, Bill, "An Act Relating to Operation of Diesel or Diesel-Electric Locomotives in Reverse."

Amend said Bill by inserting in the 3rd line from the end, before the period, the underlined punctuation and words:

, and excepting where no facilities are available for turning such locomotives at the point of departure'

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

Divided Report

Report "A" of the Committee on Constitutional Amendments on Resolve Proposing an Amendment to the Constitution to Provide for Election of Members of the Executive Council (S. P. 95) (L. D. 225) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. WYMAN of Washington
WOODCOCK of Penobscot
— of the Senate.

Report "B" of same Committee on same Resolve reporting same in a new draft (S. P. 548) (L. D. 1535) under same title and that it "Ought to pass"

Report was signed by the following members:

Mr. HURLEY of Kennebec
— of the Senate.

Messrs. EARLES of South Portland
TEVANIAN of Portland
BEANE of Augusta
HANCOCK of York
BRODERICK of Portland
— of the House.

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

Report was signed by the following members:

Mr. BUTLER of Franklin
Mrs. LORD of Cumberland
— of the Senate.

Messrs. BROWNE of Bangor
WALKER of Auburn
BEYER of Cape Elizabeth
EMMONS of Kennebunk
CURTIS of Bowdoinham
— of the House.

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

In the House: The Reports were read and, on motion of Mr. Tevanian of Portland, Report "A" as amended by Committee Amendment "A" was adopted in concurrence and the Resolve read once.

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

COMMITTEE AMENDMENT "A" to S. P. 95, L. D. 225, Resolve, Proposing an Amendment to the Constitution to Provide for Election of Members of the Executive Council.

Amend said Resolve by striking out the question "Shall the Constitution be amended as proposed by a resolution of the Legislature to provide for election of members of the Executive Council?" and inserting in place thereof "Shall Section 2 of Part Second of Article V of the Constitution, which now provides that the Councillors shall be chosen biennially, on the first Wednesday of January, by joint ballot of the Senators and Representatives in convention, be amended so as to provide that each Councillor shall be elected by the qualified electors of the county of the district entitled to such councillor and shall hold office for two years from the first Wednesday of January next succeeding his election?"

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

Non-Concurrent Matter Tabled Until Later in Today's Session

Bill "An Act relating to Methods of Taking Clams and Marine Worms" (H. P. 689) (L. D. 957) which was passed to be engrossed in the House on February 27.

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

In the House: On motion of Mr. Childs of Portland, tabled until later in today's session pending further consideration.

Non-Concurrent Matter

Bill "An Act relating to Examinations for Certain Persons to Practice Barbering" (S. P. 539) (L. D. 1511) which was indefinitely post-

poned in non-concurrence in the House on May 8.

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 Mrs. Hendricks of Portland, the House voted to recede and concur.

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

Non-Concurrent Matter

Report "A" of the Committee on State Government reporting "Ought to pass" on Bill "An Act Creating One Racing Commission" (H. P. 824) (L. D. 1167) and Report "B" reporting "Ought not to pass" which Reports and Bill were indefinitely postponed in the House on May 7.

Came from the Senate with Report "A" accepted and the Bill passed to be engrossed in non-concurrence.

In the House: On motion of Mr. Childs of Portland, the House voted to adhere.

House at Ease

Called to order by the Speaker.

Order Out of Order

From the Senate: The following Order:

ORDERED, the House concurring, that there be recalled to the Senate from the office of the Governor (H. P. 1003) (L. D. 1437) "An Act to Create a Public Body in the City of Bangor to be Known as the Urban Renewal Authority" (S. P. 571)

Came from the Senate read and passed.

In the House: The Order was read.

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

Mr. STANLEY: Mr. Speaker, this is a bill which I introduced for the City of Bangor creating this Urban Renewal Authority. The Attorney General has discovered that there might be something unconstitutional, and to clear that up I would like to have unanimous consent to

bring it back to the Senate, and if this Order passes I would like to have it sent forthwith to the Senate.

The SPEAKER: Is it the pleasure of the House that this Joint Order shall be passed in concurrence?

The motion prevailed.

On further motion of the same gentleman, the Joint Order was sent forthwith to the Senate.

Non-Concurrent Matter Tabled Until Later in Today's Session.

Bill "An Act relating to the Taking of Quahogs" (H. P. 14) (L. D. 13) which was passed to be engrossed in the House on May 8.

Came from the Senate with Report "B" of the Committee on Sea and Shore Fisheries reporting "Ought not to pass" accepted in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Jonesboro, Mr. Andrews.

Mr. ANDREWS: Mr. Speaker, I move we recede and concur with the Senate.

The SPEAKER: Is it the pleasure of the House that the House recede and concur? The Chair recognizes the gentleman from Madawaska, Mr. Rowe.

Mr. ROWE: Mr. Speaker, I don't know just what motion is in order right now, but I know the gentleman from Portland, Mr. Miller, is very interested in this bill, and he is presently absent from the House. I would like to try to find that motion that would put this on the table until a later time during the day.

The SPEAKER: The Chair would advise the gentleman that a tabling motion is in order and would take precedence over the previous motion.

Mr. ROWE: I so make the motion. Thank you.

The SPEAKER: The motion of the gentleman from Madawaska, Mr. Rowe, is that item twenty-three Bill "An Act relating to the Taking of Quahogs" be tabled until later in today's session pending the motion of the gentleman from Jonesboro, Mr. Andrews, that the House

recede and concur. Is this the pleasure of the House?

The motion prevailed.

Non-Concurrent Matter

Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act relating to Death on Duty of Members of Portland Police Department" (H. P. 752) (L. D. 1066) which was recalled to the Senate from the Legislative Files by Joint Order (S. P. 559)

Came from the Senate committed to the Committee on Labor in non-concurrence.

In the House:

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

Mr. ROSS: Mr. Speaker and Members of the House: Although it is late in the session for recommitals, if the Senate Chairman has agreed to go along with this, as House Chairman, I would certainly agree too, because I know it will not require a long public hearing. It is a bill that comes under Workmen's Compensation which we have been discussing all year. The same type of bill was heard last year and it was agreed at that time to go along for firemen. This is for policemen. I don't think it will take long, so I move that we recede and concur.

The SPEAKER: The motion before the House is the motion of the gentleman from Bath, Mr. Ross, that the House recede and concur. Is this the pleasure of the House?

The motion prevailed.

From the Senate: The following Communication:

STATE OF MAINE
SENATE CHAMBER
AUGUSTA

May 9, 1957

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

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

Bill "An Act Concerning Liability of Parents for Damage by Children" (S. P. 33) (L. D. 35)

Senators:

LORD of Cumberland
PARKER of Piscataquis
DOW of Lincoln

Joint Resolution Memorializing Congress to Enact Legislation Concerning Unjustified Price Increases of Crude Oil and Refined Petroleum Products" (S. P. 378) (L. D. 1001)

Senators:

PARKER of Piscataquis
COLE of Waldo
SINCLAIR of Somerset
Respectfully,

(Signed)

CHESTER T. WINSLOW
Secretary of the Senate

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

House Reports of Committees Ought Not to Pass

Mr. Higgins from the Committee on Highways reported "Ought not to pass" on Bill "An Act relating to Certain Highways in the State Primary System and Providing Funds Therefor" (H. P. 864) (L. D. 1238)

Report was read and accepted and sent up for concurrence.

Ought to Pass Printed Bill

Mr. Thackeray from the Committee on Veterans and Military Affairs reported "Ought to pass" on Resolve in favor of Willis L. Cushing of Portland, Maine (H. P. 301) (L. D. 396)

Report was read and accepted, the Resolve read once and assigned the next legislative day.

Ought to Pass with Committee Amendment

Mr. Turner from the Committee on Highways on Bill "An Act to Authorize the Construction of a Bridge Across the Passagassawaukeag River at Belfast" (H. P. 997) (L. D. 1425) 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. 997, L. D. 1425, Bill, "An Act to Authorize the Construction of a Bridge Across the Passagassawaukeag River at Belfast."

Amend said Bill by inserting after "Sec. 9" a new section to read as follows:

'Sec. 10. Removal of old bridge. When the construction of the bridge authorized by the provisions of this act has been completed, the existing bridge across the Passagassawaukeag River shall be discontinued as a public highway and shall be removed by the State Highway Commission.'

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

Mr. Browne from the Committee on Judiciary on Bill "An Act relating to Repossession of Property Subject to Conditional Sales Agreement" (H. P. 418) (L. D. 595) 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. 418, L. D. 595, Bill, "An Act Relating to Repossession of Property Subject to Conditional Sales Agreement."

Amend said bill by striking out in the 6th line thereof the underlined words and punctuation "and, said vendor" and inserting in place thereof the following underlined words and punctuation 'or his assignee, said vendor or assignee'

Further amend said bill by inserting after the underlined word "vendor" in the 8th line thereof the underlined words 'or assignee'

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

'In all cases where a power of sale has been reserved in a conditional sales contract, the conditional sales vendee shall be given at least 10 days' written notice,

mailed to him either at the address stated in such contract, or at his last known place of abode, of the intention of the holder of such contract to sell said property, which notice shall state the date, time and place of such sale.'

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

Referred to Ninety-ninth Legislature

Mr. Walker from the Committee on Judiciary on Bill "An Act relating to Absent Voting" (H. P. 219) (L. D. 303) reported that it be referred to the Ninety-ninth Legislature.

Same gentleman from same Committee reported same on Bill "An Act relating to Physical Incapacity Voting" (H. P. 545) (L. D. 772)

Reports were read and accepted, the Bills referred to the Ninety-ninth Legislature and sent up for concurrence.

Divided Report Tabled

Majority Report of the Committee on Labor reporting "Ought not to pass" on Bill "An Act Amending Employment Security Law as to Benefit Eligibility Conditions" (H. P. 778) (L. D. 1111)

Messrs. CURTIS of Cumberland
ST. PIERRE of Androscoggin
— of the Senate.

Messrs. LETOURNEAU of Sanford
KARKOS of Lisbon
HANSCOMB of South Portland
SMITH of Portland
EMMONS of Kennebunk
— of the House.

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

Report was signed by the following members:

Mr. HILLMAN of Penobscot
— of the Senate.

Messrs. ROSS of Bath
WINCHENPAW of Friendship
— of the House.

Reports were read.

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

Mr. EMMONS: Mr. Speaker, I move that the Majority Report "Ought not to pass" be accepted and I would like to speak briefly.

The SPEAKER: The gentleman may proceed.

Mr. EMMONS: Mr. Speaker and Ladies and Gentlemen: This is a bill relating to unemployment security. Under unemployment security as most of you know, certain benefits are granted to people who are unemployed. Also, there are certain disqualifications, and this bill which has number 1111, would disqualify certain employees who have been retired under a pension plan to the extent of the pension which they receive. Now often or in many cases an employee retired at sixty-two or sixty-five may still wish to be employed. He is receiving a pension under a plan which he may have worked for many years, and it seems to me and it did to many members of the Committee, that a pension is payable regardless of whether a man is employed or not, and that he should not be subject or in unemployment. If he still wants to work and there is no work available, he should not be penalized by the amount of whatever pension it may be or as against his employment security. I don't think it affects too many people, but it is to my mind important that that pension which he has worked for just the same as social security should be paid to him regardless of whether he is also entitled for a number of weeks to unemployment security. Thank you.

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

Mr. ROSS: Mr. Speaker, in due reference to my father's childhood friend and neighbor from Kennebunk, Mr. Emmons, I would like to debate this question with him at this point, but I am going to make a tabling motion for the following reasons: An amendment is being prepared which is a bit more specific and inclusive covering the same subject on a bill that is presently tabled in the Senate, and so I move that this be tabled unassigned, and when that bill comes to

this legislative body we can discuss it at that time.

The SPEAKER: The question now before the House is the motion of the gentleman from Bath, Mr. Ross, that both reports be tabled pending acceptance of either Report. Is this the pleasure of the House?

The motion prevailed and the Reports were so tabled.

Passed to Be Engrossed

Bill "An Act Directing Review of Settlement Laws" (S. P. 505) (L. D. 1418)

Bill "An Act Authorizing Governor and Council to Sell or Lease Certain State Property" (S. P. 560) (L. D. 1561)

Bill "An Act Revising the Maine Mining Law" (S. P. 561) (L. D. 1563)

Bill "An Act to Authorize the Construction of a Causeway, Connecting Cousins Island with Littlejohns Island, and a Bridge and Causeway Connecting Littlejohns with Chebeague Island" (H. P. 19) (L. D. 24)

Bill "An Act Refunding Gasoline and Use Fuel Taxes to Local Transit Operators" (H. P. 953) (L. D. 1354)

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

Tabled and Assigned

Bill "An Act relating to Coercive Practices in Trade or Commerce" (H. P. 1069) (L. D. 1529)

Was reported by the Committee on Bills in the Third Reading and read the third time.

(On motion of Mr. Saunders of Bethel, tabled pending passage to be engrossed and specially assigned for Tuesday, May 14.)

Bill "An Act to Authorize Ferry Service for North Haven, Vinalhaven, Isleboro and Swan's Island" (H. P. 1081) (L. D. 1555)

Bill "An Act relating to Weekly Benefits for Total Unemployment under Employment Security Law" (H. P. 1089) (L. D. 1573)

Resolve to Reimburse Town of Caribou for Aid to Alpee Ouellette (H. P. 681) (L. D. 970)

Resolve Authorizing Study of Proposed Road from Millinocket to Grindstone (H. P. 768) (L. D. 1101)

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

Amended Bills

Bill "An Act Amending Employment Security Law as to Disqualification for Benefits" (H. P. 779) (L. D. 1112)

Bill "An Act relating to Disqualifications for Benefits under Employment Security Law" (H. P. 781) (L. D. 1114)

Were 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 sent to the Senate.

Bill "An Act relating to Superintending School Committee of City of Portland" (H. P. 835) (L. D. 1191)

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

Mr. Maynard of Portland offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 835, L. D. 1191, Bill, "An Act Relating to Superintending School Committee of City of Portland."

Amend said Bill by striking out the first and 3rd paragraphs of the Referendum and inserting in place thereof the following paragraphs:

'Referendum; effective date; certificate to Secretary of State. This act shall take effect 90 days after adjournment of the Legislature, only for the purpose of permitting its submission to the legal voters of the city of Portland at the next regular municipal election, an appropriate article being inserted in the call for such election.'

'This act shall take effect for the purpose of nominating and electing officers hereunder on September 1, 1958, and for all other purposes it shall take effect on the 2nd Monday in December, 1958; provided the total number of votes cast for and against the acceptance of this act at said election equals or

exceeds 20 per cent of the total vote for all candidates for Governor cast in said city at the next previous gubernatorial election.'

House Amendment "A" was adopted, the Bill read the third time, passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" and sent to the Senate.

Bill "An Act relating to Planning Board for City of Lewiston" (H. P. 84) (L. D. 110)

Bill "An Act relating to Injury to Monuments and Places of Burial" (H. P. 920) (L. D. 1310)

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

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

Mr. CURTIS: Mr. Speaker, I move that we reconsider our action where we voted to concur with the Senate on Legislative Document 1511, Bill "An Act relating to Examinations for Certain Persons to Practice Barbering". I took this up with the gentlewoman from Portland, Mrs. Hendricks, and she has no objection that we reconsider.

The SPEAKER: The gentleman from Bowdoinham, Mr. Curtis, with respect to item number twenty-one on page three of the calendar, Bill "An Act relating to Examinations for Certain Persons to Practice Barbering", now moves that the House reconsider its action whereby this morning it receded and concurred with the Senate. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair recognizes the same gentleman.

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

The SPEAKER: The gentleman from Bowdoinham, Mr. Curtis, now moves that the House insist and join a Committee of Conference. Is this the pleasure of the House?

The motion prevailed.

Orders of the Day

The SPEAKER: Under Orders of the Day the Chair lays before the House the first special order, House Divided Report, Majority "Ought to pass" as amended by Committee Amendment "A" and Minority "Ought to pass" as amended by Committee Amendment "B" of the Committee on State Government on Bill "An Act relating to Milk Commission Memberships", House Paper 331, Legislative Document 416, made a special order of the day pending the acceptance of either report.

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

Mr. CHILDS: Mr. Speaker, I now move that we accept the Majority "Ought to pass" Report as amended.

The SPEAKER: The gentleman from Portland, Mr. Childs, moves that the House accept the Majority "Ought to pass" as amended by Committee Amendment "A" Report.

The Chair recognizes the gentleman from Winthrop, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker, I was going to explain to you the composition of the present Milk Commission and the proposed changes, but I see the Farm Bureau has distributed a sheet of paper which outlines that quite thoroughly. Committee Amendment "A", in my opinion, offers the most practical method of doing away with a great deal of controversy over the Milk Commission. One point of controversy is the make-up of the Commission itself. Some people feel that it is asking too much of the Commission, made up mostly of people connected with the industry, to look upon its problems objectively. And I would call your attention to the fact that the only other price setting or rate setting commission in Maine is the Public Utilities Commission. In Section 2 of Chapter 44 of the Revised Statutes states that no member of the Public Utilities Commission shall have any connection with any public utility. Another major point of controversy is generated by the apparent reluctance of the Milk Commission to relax its regulations and provide for such things as price dif-

ferentials between milk purchased at a store and milk delivered to the doorstep, quantity discounts on home delivered milk, and the right to purchase milk on bid. All of these things are standard practice in other businesses. L. Ds. 423, 424 and 425, which I introduced for the Research Committee, cover these items. In general I do not favor writing into law things which can be done by regulation, particularly something which is as flexible as the food market.

If an impartial commission were in existence I doubt that there would be any need for such legislation. I see according to the other sheet distributed by the Farm Bureau that we are in complete agreement on this point. Paragraph three of that sheet states, I will quote: "In our statement before the Agriculture Committee we said that price discounts and quantity discounts should not be decided by legislative action. Such pricing should be a regulatory function of the Milk Commission with authority to initiate and sustain such discount practices."

My whole point is that I feel that critics of the Milk Commission would be more willing to accept the judgment of an impartial commission on such matters. And I hope the motion of the gentleman from Portland, Mr. Childs, prevails.

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen: I don't know what seems to be the matter with the milk laws or the milk situation except that the producers are able to pay their bills—when they are not making any money they are able to pay their bills, which hardly anyone in the agricultural business in the State of Maine is able to do at this time. I know the broiler people are in a terrible state and the egg situation has been just below cost, and the potato situation is even worse than that.

Now, because we do have a reasonable law, and looked after by the people who are interested in it, that is the consumer, the producer and the producer-dealer, and the Commissioner of Agriculture, we were taking care of this law, and mind you the thing is all being paid by

the people themselves, they do not come here and try to raid your treasury or ask anything, but it is all self supporting. And I cannot see where there would be any improvement, but a real detriment to change this law as is. And therefore, under the present law we have two milk producers, a milk dealer and a producer-dealer. A producer-dealer is one who produces milk and sells it the same as the small producers do, dealers of course are the larger ones. Then we have the consumer. I believe there will be a bill presented where they will put on an extra consumer and an extra milk producer, I would go along with that. But simply to take it out of the hands entirely of these people who know their business and who have done such a good job in the past I think would be a mistake, and I move the indefinite postponement of L. D. 416 and its accompanying papers.

The SPEAKER: The question now before the House is the motion of the gentleman from Bowdoinham, Mr. Curtis, that with regard to item one under special orders, both reports be indefinitely postponed.

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

Mr. CHILDS: Mr. Speaker and Members of the House, The Legislative Research Committee gave this problem a great deal of study. We had either two or three public hearings. Subsequent to the hearings, we spent many, many hours discussing the situation. The Milk Commission came into effect around 1933. At the time it came into effect, it was just subsequent to the depression. At that particular time there were, I believe, twenty-seven or thirty states who enacted legislation in regard to milk commissions. Subsequent to that, many of these states have repealed their milk commissions believing there is no longer a necessity of it, and the milk business should be as any other business and be under fair enterprise and competition. The other states who have not repealed the whole commission have repealed the price fixing at retail level.

There was a great deal of discussion whether we should repeal the Milk Commission as it is now. We finally determined that we should

give the consumers more representation. Since then we have discussed this on other occasions, I have discussed the situation with Mr. Maxwell, and we discussed the situation in the Committee of State Government. We have a situation here with a five member Commission. I take the breakdown as follows: a producer and two producer-dealers and a dealer, but the important thing is one consumer. Now here we have a situation such as this, the law states, it's right on the books, that people who are on the Milk Commission should have a vested interest. It's no different than having a law stipulated that as far as Public Utilities are concerned a member of the Public Utilities Commission, one member should be a large stock holder in the Central Maine Power Company, another member of the Commission should be a large stock holder in the New England Tel. & Tel. and another member should be a stock holder in the Bangor - Hydro. Now what kind of representation is that on a commission? The State of Maine has a population of almost a million people. You have four members who have a vested interest in the business being on the Commission. They represent a very, very small segment of the people. The other almost a million people is represented by one particular individual. The Milk Commission has taken a lot of abuse and has been criticized because of this setup. Now they will contend, the opponents of this measure will contend that if the law is, as we have now proposed, there will be members on the Commission who will not have any idea what is going on. Now, the Governor of a state is elected because the people have confidence in him, there is a mandate. They have confidence in his ability and his decisions. Now, a governor is not going to appoint men who have no knowledge of what is going on in the milk business. The matter also has to be confirmed by the Council.

This legislature, not too long ago, just enacted legislation as far as the State Board of Education was concerned that would eliminate those who have definite interests in education. Well, here we have a sit-

uation not only that they have definite interest, but that they have a pecuniary interest in it. They maintain that they will legislate for the benefit of the state, and I say that their intentions are probably good, but how does it look to the people of the State of Maine that people who have a definite pecuniary interest are fixing price controls? I think that this legislation will not only be good for the public, but I say it will be good for the milk industry themselves, and people will once again have confidence in the Milk Commission.

I think that eventually this should be repealed, the whole Milk Commission, and should be as any other business. But at the present time I'm certainly going along as with the Governor with the Council to confirm those appointments, I think it's good business for the State of Maine, and I hope that motion to indefinitely postpone does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Winterport, Mr. Bean.

Mr. BEAN: Mr. Speaker and Ladies and Gentlemen of the House: I would like to correct a statement of my good friend from Portland, Mr. Childs, on the date, the time the Milk Control Commission was enacted, it was the 1935 session of the Legislature because I clerked for both the Committee on Agriculture and Indian Affairs and it was at that session that this bill became a law right in the middle of the depression. The reason for it was that it had become absolutely necessary for those producing milk in this state to find some way whereby their product which is peculiar to most other products; it's something that you can't keep only a certain length of time; it's highly perishable, and, therefore, the legislature went along and passed the milk control law, and set up a Commission that the producers and dealers, upon an agreement between themselves, were willing to stand the entire cost. That law has worked pretty well over the years since that time. However, it's impossible to write a perfect law at any time. Therefore, there is another bill pending which will be considered later, which will take out some

of the objections which have been raised over the years. But this one under discussion today, will remove, will prevent rather, if passed, the producers and the dealers from having in any way as regards the make-up of this Commission which so far hasn't cost the State of Maine one penny of money. Nothing from the general fund has been contributed.

It's my opinion that this Commission doesn't compare in any sense of the word with the Public Utilities Commission, and if the taxpayer and the members of this legislature see fit to set up the same type of a commission, they must make up their minds that it's going to cost the State of Maine considerable more money than this commission has. I, therefore, hope that the members of this House will go along with the motion for indefinite postponement.

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

Mr. FROST: Mr. Speaker, this bill during the last twenty or more years hasn't been too bad. It has given the producer just a little more than other producers in other states, and sold the milk to consumer for just a little less than in comparative territories. It hasn't cost the state anything. They paid their own way. And as for membership being of the industry, I would like to ask how the lawyers would feel if the people set their fees or how the doctors would feel if the people set their fees. I want to go along with the indefinite postponement of this bill.

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

Mr. BROCKWAY: Mr. Speaker, Members of the House: I can't go along with this, I don't want to go along with this five board membership of the Maine Milk Commission appointed by the Governor from citizens of the State of Maine, unless we can be assured of representation of the milk industry on that board. We, in the industry, paid all the bills. We taxed ourselves to pay for this Commission. It hasn't cost the State a nickle, only what time we have spent fooling around with it here in every legislature that I've ever had any-

thing to do with, and that's been considerable. The industry has worked on this for the past two years, and we have tried to come up with something that's fair. I would like to refer to this yellow sheet the Farm Bureau has put out, and refer to L. D. 1214. We of the industry have recommended in that bill that we have two milk producers, a milk dealer, one producer-dealer and two consumers, thereby giving the consumers the equal representation that the producers have. And I think that is going a long ways to be fair with the consumers of the State of Maine. Therefore, I hope that the motion for indefinite postponement prevails.

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

Mr. CASWELL: Mr. Speaker and Members of the House: I don't know but what I ought to hesitate because it might lead directly against the object which I have in view. I would like to make a little further reference to the yellow sheet you have on your desks from the Farm Bureau as well as the one from the Maine Municipal Association. In the first place as regards a commission of this sort, I think I am correct in stating that there are nineteen boards and commissions in the State appointed by the Governor and Council. Some of these are paid by the State and some of these are paid by the industries which they represent. All of them without exception, the bill which gives them their authority also provides that they be members of those industries which are under control.

It would seem to me it would be decidedly unfair to now appoint a commission, as the gentleman from Wintthrop, Mr. Maxwell, has stated, and I think the gentleman from Portland, Mr. Childs, touched on that, it might be true that an absolutely impartial and well versed committee might be appointed by the Governor, but there is no assurance of that fact. And furthermore with an entirely new commission it would be quite likely that they would be at least pretty much unacquainted with the duties of the commission. I find that even in the more important and better

paid commissions the new members when they first receive their appointments are decidedly unable to—surprise me at the various duties which they are compelled to assume because of previous unacquaintance with that board or commission.

Now, under one of the bills which is yet to come up, various compromises bring that bill pretty closely in line, I think, with this bill under discussion and other bills which touch on only one or two points of the present law. And in this particular case, as it has already been pointed out, 1214 will provide for a membership on the commission comprised of two producers, one dealer, two consumers, one producer-dealer, and the Commissioner of Agriculture as a voting member, which gives a seven member commission which gives no chance for a tie vote in the commission.

Now, just one thing more, during the time that I have served, felt I was serving my constituents, hoped I was at least, and the State of Maine, and in discussion of these milk questions, I have never heard much objection on the part of the public or the consumers to the price received by the producers. They haven't questioned that the farmers were getting too much for their product. The main point of disagreement has been in the spread between producer and consumer prices. That is a matter that has been discussed and has been studied by the University of Maine, the University of Vermont, Cornell, and other universities I presume, and they all come up with practically the same decision that considering the cost of distribution, that the spread is not too great. Now, whether that be so or not I am not competent to state. But at least these universities are or should be nonpartisan and should be giving in their studies, should arrive at a just conclusion.

I think that most of the furor is in regard to this particular matter, and as already been stated by the gentleman from Winterport, Mr. Bean, the consumers in Maine are buying their milk at a slightly less price than other consumers in oth-

er states, and the producers are now enjoying rather better prices than producers in other states.

I see no reason for any change other than is proposed in the 1214 Bill, and I sincerely hope that the motion to indefinitely postpone prevails.

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

Mr. ROSS: Mr. Speaker, when I first read and studied the Research Committee Report on milk control, I thought that they had done a very objective and satisfactory job. I was disappointed, but not too surprised, when all of these bills were reported out "Ought not to pass." It's only human nature to uphold anything which protects us or our businesses. But there are many thousands of consumers in this state who do not believe that controls are necessary at all. It has been said that there's been no cost to the state, but what about the cost of milk to the consumer? I certainly do not maintain that without controls it would be less, but perhaps it would and perhaps it would not.

The only bill that we had before State Government relative to this subject was a bill which suggested that three consumers instead of one should be put on the Board. Now, there were several members of that Committee who originally thought that all five members should be consumers, but in fairness to all we recommended that it be five citizens of the State appointed by the Governor with the consent of the Council. Now, the Governor for all we know, may appoint exactly the same persons who are on there now, or at least the same persons from those vested interests. Nothing will prevent him from doing that. A governor of the state is certainly a reasonable man looking out after all of the interests of the state. But if the agriculturists are interested in keeping the Commission and control, I would certainly think that they would be interested in their public relations. Now if this Commission is good, and the agriculturists maintain that it is good and it does an excellent job, I cannot see why they are worried that the Board will not necessarily be maintained entirely

by persons who are prejudiced along one line.

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

Mr. RICH: Mr. Speaker and Members of the House, I can't speak with the eloquence that the gentleman from Portland and the gentleman from Bath do, but this subject strikes right at the heart of the farming industry. I, as a farmer, know something about the costs of production, and the returns that we get. As has already been stated, the potato industry is up against it very badly, then the poultry industry is in a very serious state. The milk industry, as far as I know, is the only measure of the farming industry which is fairly prosperous at the present time. Now, I believe that we are producing milk and selling it to the public at a fair price, at a price which is less than that paid in many other states, and I believe we are producing an excellent product, and I can't see why we need to upset the apple cart, so to speak, by turning out some new Commission.

The proponents to this measure have stated that probably the governor might appoint the same members we already have. Possibly so, possibly not. I want to go along with the gentleman from Bowdoinham, Mr. Curtis, in the indefinite postponement of this bill, because I believe we have a better bill coming up shortly. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Dexter, Mr. Roberts.

Mr. ROBERTS: Mr. Speaker, it seems to me that we are talking about half a dozen different bills here at the same time. It has been stated that this Commission doesn't cost the State any money, they are supported wholly by the industry. The original bill, L. D. 416, calls for two more consumers on the Milk Commission, and eliminates the Commissioner of Agriculture. Committee Amendment "A" would include the Commissioner without voting powers.

Possibly establish a commission which may be citizens of the State without any interest whatever in the industry, without any knowledge of

the industry. It might consist entirely of consumers. Amendment "B" would provide a much more representative group, but still the Commissioner would have no power to vote. I am sure I would not want to be on some commission without the privilege of voting, and I am informed the Commissioner of Agriculture has no desire to do so. Our present commission as set up is doing a fine job and I can see no reason for a change. And I want to go along with indefinite postponement.

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

Mr. TOTMAN: Mr. Speaker, Members of the House: I think it's perhaps well to point out to this House the primary duty of the Committee on State Government, because after all that Committee was created by the House and the other branch for the first time this session. As far as the particular background of this bill, and the merits of whether or not we should have milk control, I will certainly not discuss—there have been enough comments on that subject so far. But if you will recall, you authorized the State of Maine to spend about twenty-five thousand dollars on a so-called survey of state government, for the purposes of improving, streamlining, and modernizing. Many recommendations from that PAS survey were screened and analyzed by the Committee on State Government. There was one primary reason why that Committee was formed.

We had a bill just the other day, which has been previously mentioned, in which you members, without any discussion at all, agreed to do away with specified composition of the membership of the Board of Education. I have heard it said in this legislature this session that the education problem is probably the most important that will come before us this term. Yet I repeat, not one person got up and objected to allowing the Governor at his own discretion, as the PAS Report recommended, to make up the composition of the board of education which today has been very carefully specified and outlined. However, this morning for some reason I frankly can't find very consistent, the same committee is making the

same kind of recommendation that the Governor or the Milk Commission be allowed to appoint the members.

As the gentleman from Bath, Mr. Ross, has pointed out, any governor who has an ear to the ground and an eye to the future will not commit political suicide by appointing a board unfavorable to the agricultural interests of the State of Maine. Therefore, I believe that your committee, with all due sincerity, thought that if it was good enough for education it was good enough for agriculture.

Now, I suspect that there are those who feel regardless of how carefully or how seriously we try to streamline the government according to these various reports and surveys, and in spite of the fact that we have a Legislative Research Committee that spends hours on study, the status quo is going to be preserved, come, a proverbial phrase, hell and high water. I simply want to say that you appointed the Committee on State Government. You gave us a job to do and we tried to do it as objectively without prejudice as possible. And that is why this Committee came out with this "Ought to pass" Report.

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

Mr. ELWELL: Mr. Speaker and Members of the House: As a member of the Committee on State Government I would like to explain my position on this matter.

I think that the duties of the Milk Commission are at least quasi-judicial. They are similar to that of a jury. And it is their responsibility to see that equity exists at all times in the price fixing of milk. Any of you people who have ever served on a jury know that to be interested in any specific case would result in your being challenged and being disqualified from serving. And I think the same point should apply here.

It has been said by the proponents of the indefinite postponement that the expense of the Commission is borne entirely by the industry, and I will agree that that certainly is true. But I would say that the expense of the operation of the Commission is small in comparison to

the importance of the functions which they perform. And if this Report were to be accepted I think it would certainly be in order to transfer some of the expense or all of the expense to State Government by means of an amendment. I think that this bill would be a definite step forward in that it would contribute both to fair play and to good government. And I would like to support the motion of the gentleman from the Research Committee, Mr. Maxwell, the Report of the Majority of the Committee on State Government, and I would like to oppose the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Fryeburg, Mr. LaCasse.

Mr. LaCASCE: Mr. Speaker and Members of the House: I would like to support the motion for indefinite postponement. It seems to me that if we try to compare the milk industry with public utilities, there is no comparison at all. If we used the same basis for milk prices that we use in public utilities, milk would be practically out of the reach of all of us.

As far as the interest of the consumer in the milk price is concerned, it is very seldom that any consumer appears at any of the milk hearings. Since the membership of the Milk Commission is embodied in L. D. 1214, I would go along with indefinite postponement of L.D. 416.

The SPEAKER: The Chair recognizes the gentleman from Palmyra, Mr. Emery.

Mr. EMERY: Mr. Speaker and Members of the House: I have been on the Agriculture Committee and I have been a farmer for about thirty years, and I feel that the passage of this 416 would do a great injustice to the people of the State of Maine. I feel that our present Milk Commission with the few amendments that we have recommended will do the job for us. Therefore, I want to go on record in favor of indefinitely postponing this bill and accompanying papers.

The SPEAKER: Is the House ready for the question?

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

Mr. WALSH: Mr. Speaker and Members of the House: The Gov-

ernor and the Governor's Council certainly want to see any department or any commission within any department function smoothly and efficiently with a fairness and justice to all for all of the people of the State and not for any particular segment. When you say it is necessary to designate the membership within any commission that is just another way of saying that the Governor and the Governor's Council are not interested in seeing that fairness and justice is dealt to all of the people in the State, that they do not have the decency of seeing that all interested parties are fairly and equitably distributed on a commission. I will certainly strongly oppose the motion to indefinitely postpone this measure and urge its acceptance.

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

Mr. QUINN: Mr. Speaker and Ladies and Gentlemen of the House: I want to go along with the Committee that has worked so hard on this matter, following up hard work rendered in the problem by the Research and the Public Survey groups. They have made a special effort to do that for Maine which is for the best interests of all the citizens of Maine. And we look to the Governor and the Council to give us boards in all other things that are efficient qualified boards to do the business of the particular board that was created to do it. And I feel that they in this instance, if they were given the same privilege to make choices from qualified persons to run this industry they would do a good job, and do it with an eye for the best interests of every individual in the State of Maine. Therefore, I would go along in supporting this Bill. I hope that the House will not indefinitely postpone the Bill.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen: Now, this is going to be decided by you people, I would like to just briefly run over the situation. Before this Milk Commission was started, I and a great many farmers sold milk to the Hood Company in Lewiston at forty-two

cents per hundredweight. Now there are forty-six quarts and a half in a hundredweight. Now, you can see what it was doing. You wonder why we didn't dump it, well, I wonder sometimes too, but we didn't.

Now, there was a depression, but we find that where we were getting nine cents for milk, eight and nine cents for it on the farm, milk was selling for around fifteen, fifteen and sixteen, and in Boston around twenty, that the drop in the retail milk was only three cents, yet they dropped the farmer away back to nothing.

Now, this Milk Commission has done a real outstanding job. And furthermore, as far as the consumer is concerned, he is buying the best quart of milk today that he ever bought. I don't know how he can buy a better one, but if it is possible for him, you may be sure that the milk industry will make it better, but I don't know how they can make it any better.

Now in regard to the prices we are paying, the gentleman from Portland, Mr. Childs, said he wished we might be done with it all, well I would rather go along with that sort of a bill to can the whole shooting match because then the Federal Government would do just exactly what they have done in these other states that have kicked out the commission, they said, "Well, you children don't know enough to run your own business so we will run it for you." And so they came in with a Federal Order like they are doing in Boston, Massachusetts, and all these other states. The Federal Government came in and said, "You people don't know enough to run your own business so we will run it for you." And you will find that in Massachusetts the consumer is paying more for his milk than they are in the State of Maine.

Now, I just wonder how could anyone be so blinded to say these people who are buying the milk, who are producing the milk, and who are delivering the milk shouldn't have something to say about this Commission or should not be qualified to be on the Commission. I am sure these gentlemen lawyers who have been strenuously opposing this thing would have a fit if this House

should go along and want to appoint all of their commissions and take charge of everything they do. A gentleman mentioned public relations. Well, believe you me, Ladies and Gentlemen, we have public relations every day right with the housewife. She is the greatest public relation we have ever had, and when you deliver a quart of milk and it isn't what she thinks it should be and what she is paying for, she will be right there the next morning, public relations, and tell you all about it, and you don't argue with your customers.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Winthrop, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker and Members of the House: I would like to remind the House and the milk industry that the Research Committee at no time recommended removal of controls. We did consider it but we felt that it would work a terrible hardship on the industry at this time. As a matter of fact we hesitated to recommend some of the legislation which I did put in for the Research Committee because at the present time some of that can be covered by the regulation of the Milk Commission. The only reason we did it was because we felt it was possible that those things were not being given fair consideration by the present membership of the Board, and I am not criticizing them personally, I am merely criticizing the way the Board is made up. I feel that much of the criticism directed toward the Commission could be done away with if this impartial commission were established. And I hope that the motion to indefinitely postpone does not prevail.

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

Mr. TURNER: Mr. Speaker and Members of the House: I wonder when this new law takes effect whether the old commission will be dumped right out and then these five new men take right over or would these that are in power now, part of them would run along a few years?

The SPEAKER: The gentleman from Auburn, Mr. Turner, has ad-

dressed a question through the Chair, and anyone may answer if he so chooses.

Mr. MAXWELL: If I understand the procedure correctly, Mr. Speaker and Members of the House, ninety days after this law goes into effect the present law would be terminated and it would then be up to the Governor with the consent of the Council to appoint either a new board or the same one back again, either one.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I have listened to the discussion on this matter this morning and probably anything I might say will be more or less a repetition of what already has been said. The thing that somewhat impresses me in seeing it from the angle that I do, I wish when you vote, I wish you would think of this as an industry in the State of Maine, an industry trying to control their own business and trying to give you a good product and good service. I wonder how the shoe manufacturers would feel if they had a committee set up by the State to regulate their prices, to say what costs go into a product and one thing and another. I think it may be unfortunate that this Commission is set up in the State Government, maybe they should have set it up themselves. But they know what they want and need in the way of a commission and I feel that we should give it to them. They have given us good service in the past and I think they will continue to do so. The industry is opposed to this change in the Commission and I want to go along with the gentleman from Bowdoinham, Mr. Curtis in the indefinite postponement.

The SPEAKER: Is the House ready for the question?

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

Mr. CHILDS: Mr. Speaker, may I inquire to the Chair what the pending question is?

The SPEAKER: The question before the House is the motion of the gentleman from Bowdoinham, Mr. Curtis, that both reports in relation to Bill "An Act relating to Milk Commission Memberships" House

Paper 331, Legislative Document 416, be indefinitely postponed.

Mr. CHILDS: Mr. Speaker, may I point out to the members of the House that if you vote for this particular motion you are not only killing Committee Amendment "A" you are killing Committee Amendment "B", which also will give the consumer more representation on the Commission, so I hope you will not go along with indefinite postponement. And when the vote is taken I request a division.

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

The question before the House is the motion of the gentleman from Bowdoinham, Mr. Curtis, that with respect to Bill "An Act relating to Milk Commission Memberships" House Paper 331, Legislative Document 416, both Reports be indefinitely postponed. The gentleman from Portland, Mr. Childs, has requested a division.

Will those who favor the motion to indefinitely postpone please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

The SPEAKER: For what purpose does the gentleman arise?

Mr. CHILDS: Mr. Speaker, I move that the vote be taken by the yeas and the nays.

The SPEAKER: The gentleman from Portland, Mr. Childs, has requested a vote by the yeas and the nays, and the Chair must entertain the request.

Will those who desire that the vote be taken by a roll call please rise and remain standing until the monitors have made and returned the count.

A sufficient number arose.

The SPEAKER: Obviously one-fifth having expressed their desire for a roll call, the roll call is ordered.

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

Mr. BRAGDON: Mr. Speaker, I may be off in left field, but I am bothered by this procedure,—when was the original vote declared?

The SPEAKER: The original vote was not declared.

Mr. BRAGDON: I feel that the original vote should have been declared.

The SPEAKER: The Chair must rule that the gentleman is out of order and that the request for a roll call is in order. The roll call has been ordered.

The question before the House is the motion of the gentleman from Bowdoinham, Mr. Curtis, that with respect to Bill "An Act relating to Milk Commission Memberships," House Paper 331, Legislative Document 416, that both Reports be indefinitely postponed.

Those who favor the indefinite postponement of both Reports will say yes when their names are called; those opposed will say no.

The Clerk will call the roll.

ROLL CALL

YEA—Allen, Bartlett, Bean, Winterport; Besse, Beyer, Bragdon, Brewster, Brockway, Browne, Bangor; Bruce, Burnham, Call, Carter, Etna; Carter, Newport; Caswell, Childs, Christie, Cole, Curtis, Cyr, Edgerly, Edwards, Emerson, Emery, Farmer, Flynn, Frazier, Frost, Fuller, Harriman, Harrington, Harris, Hatch, Hatfield, Haughn, Heald, Hersey, Higgins, Hughes, Hutchinson, Jack, Jewell, Johnson, Karkos, Knapp, LaCasce, Latno, Leathers, Libby, Lindsay, Mann, Mathieson, Prue, Rich, Roberts, Ross, Brownville; Roy, Sanborn, Shaw, Shepard, Smith, Falmouth; Storm, Tarbox, Thackeray, Turner, Vaughan, Wade, Walker, Walter, Webber, Wheaton, Williams, Winchenpaw, Wood.

NAY—Andrews, Babineau, Baird, Blanchard, Brewer, Broderick, Carville, Cote, Couture, Bath; Couture, Lewiston; Coyne, Crockett, Davis, Westbrook; Dostie, Dudley, Dumais, Duquette, Earles, Elwell, Emmons, Gallant, Graves, Hancock, Hendricks, Hendsbee, Hickey, Hilton, Jacques, Jalbert, Jones, Kelly, Lane, Maxwell, Maynard, Miller, Morrill, Morway, Nadeau, Pierce, Plante, Porell, Quinn, Rankin, Rollins, Ross, Bath; Rowe, Limerick; Saunders, Smith, Portland; Stanley, Stiphen, Tevanian, Totman, Violette, Walsh, Warren, Whiting.

ABSENT—Anthoine, Beane, Augusta; Brown, Ellsworth; Carey, Cormier, Davis, Calais; Day, Denbow, Desmarais, Ervin, Foss, Hanscomb, Hanson, Hathaway, Hoyt,

Kinch, Letourneau, Needham, Ran-court, Rowe, Madawaska.

Yes: 74, No: 56, Absent: 20.

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

Mr. CHILDS: Mr. Speaker, when the vote was taken I voted no, I now wish to change my vote to yes.

The SPEAKER: The gentleman from Portland, Mr. Childs, wishes to change his vote from no to yes.

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

Mr. BRAGDON: Mr. Speaker, I wish to call attention to what I think is an apparent error in the voting—

The SPEAKER: The Chair is advised that the gentleman may talk only about any error or anything else about himself. If the gentleman wishes to change his vote he may.

For what purpose does the gentleman arise?

Mr. JALBERT: A point of information.

The SPEAKER: The gentleman may proceed.

Mr. JALBERT: Mr. Speaker, did the gentleman from Chapman, Mr. Foss, answer the roll call?

The SPEAKER: The Chair will advise the gentleman from Lewiston, Mr. Jalbert, that the gentleman from Chapman, Mr. Foss, is recorded as having voted. Does the House wish a recapitulation of the vote?

The Chair is going to order a recapitulation of the vote.

A recapitulation of the vote was had.

The SPEAKER: For what purpose does the gentleman from Caribou arise?

Mr. BREWER: I wish to record my vote.

The CLERK: Brewer.

Mr. BREWER: No.

The CLERK: Brewer, no.

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

Mr. SAUNDERS: Mr. Speaker, I would also like to record my vote.

The SPEAKER: The Clerk will call the gentleman's name.

The CLERK: Saunders.

Mr. SAUNDERS: No.

The CLERK: Saunders, no.

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

Mr. FROST: Mr. Speaker, in the call of that roll by mistake, I have been behind on two of our roll calls, and I got too far ahead and I answered in Foss's place and then my own, and I wish to rectify that mistake before you all.

The SPEAKER: Would the gentleman state what his vote was.

Mr. FROST: My vote was "yes".

The SPEAKER: It is so recorded. The gentleman from Perry, Mr. Frost, has advised the House that he answered to the name of the gentleman from Chapman, Mr. Foss, who is not in his seat. And the Chair will rule that the vote cast under the name of Mr. Foss will be stricken from the record.

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

Mr. BRAGDON: I wish to call attention to the recording of votes taken after the vote was closed. I again am ignorant of parliamentary practices but I would like a ruling on the two votes that were taken after.

The SPEAKER: The Chair is advised that the votes that the gentleman is asking about were perfectly in order.

Seventy-four having voted in the affirmative and fifty-six having voted in the negative with twenty absentees, the motion to indefinitely postpone does prevail.

For what purpose does the gentleman arise?

Mr. CHILDS: I would like unanimous consent to address the House very briefly for the purpose of explaining my procedure in this matter.

The SPEAKER: The gentleman requests unanimous consent to briefly address the House. Is there objection? The Chair hears none, the gentleman may proceed.

Mr. CHILDS: Mr. Speaker and Members of the House: I consider this milk problem one of the greatest problems in the State. I did not want the matter to become a partisan matter. I asked for a call of the yeas and the nays to show that both parties felt both ways on the matter.

On motion of the gentleman from Bangor, Mr. Totman, the House

recessed until one o'clock this afternoon.

After Recess

1:00 p.m.

The House was called to order by the Speaker.

Paper from the Senate out of Order.

Divided Report Recommitted

Report "A" of the Committee on Inland Fisheries and Game on Bill "An Act to Revise the Inland Fish and Game Laws" (S. P. 193) (L. D. 574) reporting same in new draft "A" (S. P. 563) (L. D. 1569) under title of "An Act relating to Rules and Regulations of the Department of Inland Fisheries and Game" and that it "Ought to pass"

Report was signed by the following members:

Mr. BRIGGS of Aroostook
— of the Senate.

Messrs. DUDLEY of Enfield
BARTLETT of Belgrade

Mrs. HARRIMAN of Lovell

Mr. WHEATON of Princeton
— of the House.

Report "B" of same Committee on same Bill reporting same in new draft "B" (S. P. 564) (L. D. 1570) under title of "An Act relating to Rules and Regulations of the Department of Inland Fisheries and Game" and that it "Ought to pass"

Report was signed by the following members:

Mr. HALL of York
— of the Senate.

Messrs. CARVILLE of Eustis
ROSS of Brownville
HARRIS of Greenville
— of the House.

Report "C" of same Committee on same Bill reporting same in new draft "C" (S. P. 565) (L. D. 1571) under title of "An Act to Revise the Inland Fish and Game Laws" and that it "Ought to pass"

Report was signed by the following member:

Mr. CARPENTER of Somerset
— of the Senate.

Came from the Senate with the Reports and Bills recommitted to the Committee on Inland Fisheries and Game.

In the House, the Reports were read and on motion of Mr. Dudley of Enfield, the House voted to concur and recommit the Bill and Reports to the Committee on Inland Fisheries and Game.

The SPEAKER: The House is proceeding under the special orders on page seven of the House calendar, and the Chair now lays before the House item number two, "Ought to pass" House Report of the Committee on Agriculture on Bill "An Act Revising the Maine Milk Commission Law," House Paper 851, Legislative Document 1214, made a special orders of the day pending acceptance of the Report.

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen: I am not going to oppose this acceptance or move the other, but I would just like you to know what you are doing if you accept this report as is. This would allow the people to sell milk, that is the producer, to sell milk on his premises outside of the law. Now what would that mean? Now it is being done now and the passage of this bill would legalize it, so that is why I am not going to say anything one way or the other, but I just want you to know what is happening now.

Now I am a producer-dealer, that is we produce our milk and we sell it, and we are under the law, and we go to a great deal of expense in order to produce a good quart of milk. We have to comply with all the rules and regulations, and I am for them, I think it is beneficial for everybody, I think it is beneficial for the producer and of course it is better for the consumer, but it costs a lot of money to do those things. Now we have to before we use any of our utensils, they have to be sterilized either with hot steam or some sort of a sanitary thing that will sterilize them thoroughly, and your hands must never touch the cap that goes on the bottle. Your hands must not touch the sanitary pads that the milk is strained through and all these things, and I think it is good—

The SPEAKER: May the Chair interrupt the gentleman long enough

to inquire whether or not the gentleman is talking to item number three rather than item number two?

Mr. CURTIS: Number three.

The SPEAKER: We are on number two.

Mr. CURTIS: I beg your pardon.

The SPEAKER: Does the gentleman wish to be recognized in connection with number two?

Mr. CURTIS: Not at this time.

The SPEAKER: The question before the House is the acceptance of the "Ought to pass" Report of the Committee on Agriculture on Bill "An Act Revising the Maine Milk Commission Law." The Chair recognizes the gentleman from Milo, Mr. Brockway.

Mr. BROCKWAY: Mr. Speaker, I move we accept the "Ought to pass" Report of the Committee.

The SPEAKER: The gentleman from Milo, Mr. Brockway, moves that the House accept the "Ought to pass" Committee Report. Is this the pleasure of the House?

(Cries of "No")

Thereupon, the "Ought to pass" Report was accepted on a viva voce vote.

The SPEAKER: The Chair now lays before the House item number three, House Report "Ought to pass" as amended by Committee Amendment "A" Report of the Committee on Agriculture on Bill "An Act relating to Sales of Milk on the Producer's Premises", House Paper 305, Legislative Document 422, made a special order, pending acceptance of the Report.

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen: I got off on the wrong foot so I needn't go over it any more. That is what you have to do to produce a quart of milk under that existing law. Now I do pick up milk from a great many producers, that is a number of producers, around thirty, and carry it to a dairy, and while I am not driving the truck now myself, but I have driven it for years, and do occasionally, now, and this is what I find. Now these producers are doing it and probably will do it anyway, and some of the neighbors it is handy to get their milk and so they get it. But I have been there at ten

or eleven o'clock on the last of the run to pick up the milk, and I find probably a four-quart jug or several bottles sitting there, the milk has just been put in, it hasn't been cooled, it is just sitting there and it doesn't improve it at all. And of course under their restrictions—in fact to sell raw milk, if we sell it or any producer-dealer sells it, he must have a certified herd. That means that they must be tested, must be under the veterinary set-up of our State at all times. They may be down there today testing my herd for Bangs disease or tuberculosis, in fact they did just test them, and they are certified. In order to put a cow in that herd why she might be tested a month ago and tested alright, but in order to put her in a certified herd you must have her tested over again. You must take her to your herd and isolate her for thirty days and then test her again for both T. B. and Bangs disease. Now all these things are done for the consumer and I believe in them, but if you are just going to allow milk to be sold from any old herd in any old way, as I say it is being done now and may be done, but if you pass this measure, you legalize it. That's all.

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

Mr. CASWELL: Mr. Speaker, I guess I am a little out of order. I had an amendment to L. D. 1214 that I intended to get on before item three was taken up. Will the Chair advise just what the proper procedure is?

The SPEAKER: The Chair will advise the gentleman that the bill has been assigned for third reading Monday, and the amendment could be presented at that time.

Mr. CASWELL: I will simply add that it is an amendment, sort of compromise, to one of the minor bills that are coming later on in the day's session.

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

Mr. FROST: Mr. Speaker, on this third item, I would like to say that to do away with the selling on the producers premises would work a hardship on a great many places in Maine. Now take in my own in-

stance, it is over four miles from the nearest milk delivery to my neighbors down there. Occasionally they want a quart of milk and I would say that they get it, but I would like to see it legal, and I would like to go along and pass this bill. It is marked "Ought to pass" and I would like to go along with the Committee Report, and move that we accept the Committee Report.

The SPEAKER: The Chair understands that the gentleman from Perry, Mr. Frost, moves that the House accept the "Ought to pass" as amended by Committee Amendment "A" Report. The Chair recognizes the gentleman from Winthrop, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker and Members of the House: I would like to concur with the gentleman from Perry, Mr. Frost. This is another Research Committee recommendation and I am pleased to say that it meets the approval of the Agriculture Committee and the Farm Bureau also.

The SPEAKER: The Chair recognizes the gentleman from Anson, Mr. Hilton.

Mr. HILTON: Mr. Speaker and Members of the House: I favor the passage of this bill, and I would second the motion of the gentleman from Perry, Mr. Frost. There are several farmers in my area that are doing this very thing, and I would like to make it legal for them to continue. They serve—there are whole roads of people that do not keep a cow. These men work in the woods or other work, and I asked one of my neighbors, I said: "How do those fellows get any milk?" and he said: "I have sold them milk for five or six years." I know another man that has twenty cows and he sells about all of his milk that way, they come from the village, and he is inspected to sell—both of these fellows are—in the Boston markets, and I don't think there would be any trouble on the sanitary end of it. It will allow as you know, the producer in the Boston market right now I think he gets about nine and a half cents. If he can sell for fifteen cents that is a good deal for the consumer and also a good one for the producer. I hope the Report of the Committee is accepted.

The SPEAKER: The Chair recognizes the gentleman from Lee, Mr. Frazier.

Mr. FRAZIER: Mr. Speaker, I am a bit confused. I rise for a point of information.

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

Mr. HENDSBEE: Mr. Speaker and Members of the House: I would like to go along with my colleague and fellow townsman, the gentleman from Anson, Mr. Hilton, and say that in the area that I live, it is two miles outside the town and there is one large dairy there and the folks go there and buy their milk. Now in that area close by that dairy we have a family with ten children and the father and the mother are both very badly off. In fact the father is in a rest home and the mother is not able to be around very much, she spends most of the time in bed, and they have ten children and they go there and buy their milk from this dealer by the gallon lots. If anything happened that that couldn't be done, it would work a tremendous hardship to them and to many of us who have to travel two miles to get this particular kind of milk because it is the only dealer selling raw milk. They have a very fine herd and it is inspected and all that but there is no other place in our area where you can buy milk that is not pasteurized and I would like to support it.

The SPEAKER: The Chair recognizes the gentleman from Palmyra, Mr. Emery.

Mr. EMERY: Mr. Speaker, as far as inspection is concerned, these people that sell milk have to have inspections the same as anybody else.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Perry, Mr. Frost, that the House accept the "Ought to pass" Report. Is this the pleasure of the House?

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

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

COMMITTEE AMENDMENT "A" to H. P. 305, L. D. 422, Bill, "An

Act Relating to Sales of Milk on the Producer's Premises."

Amend said Bill in the 5th line by adding after the underlined word "of" the underlined word 'raw'

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

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

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

The SPEAKER pro tem: The Chair recognizes the presence in the House gallery of a group of boys and girls from Islesford accompanied by teacher Miss Murphy. The Chair extends to you a cordial welcome and we hope you enjoy your visit here today. (Applause)

The SPEAKER pro tem: The Chair now lays before the House the fourth special order of the day, the "Ought not to pass" House Report of the Committee on Agriculture on Bill "An Act relating to Sales of Home Delivered Milk", House Paper 307, Legislative Document 424, made a special order of the day pending acceptance of the Report. The Chair recognizes the gentleman from Winthrop, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker, this is another Research Committee recommendation and its reasons can be explained very easily. I will quote from the Research Committee's Report:

"Under the present law and its administration no reduction in price is permitted for multiple sales of milk. The Committee believes that standard business practices whereby the price is reduced on quantity purchase should have equal application to the sale of milk. The Committee, in view of its recommendation for store differentials", which will come up later, "urges that such a reduction be allowed only with respect to home delivered milk." This came out of Committee with a

unanimous "Ought not to pass" Report, and according to a sheet distributed by the Maine Farm Bureau Association, they also oppose this bill. The Farm Bureau opposed the bill in the hearing, but I would like to quote from the Study Committee of the Maine Farm Bureau Association in regard to this matter. On page twenty-nine of that, paragraph twelve, under "Differentials and Discounts":

"We believe that serious consideration should be given to the possibilities of store differentials and volume discounts, as a means of reducing delivery costs. These could be realized without any additional capital outlay or increase in current operating costs of dealers, generally speaking. We wish to make clear that these innovations would not necessarily reduce the cost of a single quart of milk. It may require increasing the single quart price in relation to delivery of several quarts at a time. It may be true that store milk is not too high, but that home delivered milk is too low. Volume discounts more nearly reflect the actual cost of delivery relative to various sized customers."

And on the next page, under "Consumption and Price," I would like to give you this sentence: "There is some evidence that store differentials and volume discounts may increase per capita consumption."

In view of these findings of the Study Committee and the Maine Farm Bureau, I find it hard to realize why they are so actively opposed to this both before the Committee and on this printed sheet. I would move, Mr. Speaker, that the bill be substituted for the Report.

The SPEAKER pro tem: The gentleman from Winthrop, Mr. Maxwell, moves that the bill be substituted for the Report. Is this the pleasure of the House? The Chair recognizes the gentleman from Milo, Mr. Brockway.

Mr. BROCKWAY: Mr. Speaker, in regard to this item, this bill, I think the largest objection to it from the Farm Bureau and also from the Committee on Agriculture, is that it directs the Maine Milk Commission to make concessions for a differential in pricing. And we believe

that we should not set up a Commission and I have heard that said repeatedly in this session, and direct their duties,—and the legislature direct their duties. I believe that the Commission is fully capable of taking care of the rules and regulations if they are what we should have in the industry.

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

Mr. CURTIS: Mr. Speaker, I don't see any purpose in this bill, because it is already being done, and I can't understand just why in their profound study why they brought out this bill anyway, and I presume why they brought it out "Ought not to pass" was because it is already being done, so I don't see what good it will do or harm. Inasmuch as we are going to put any trust in our Agriculture Committee, they brought it out "Ought not to pass" and I move indefinite postponement of it.

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

Mr. CHILDS: Mr. Speaker, through the Chair I would like to inquire of the gentleman from Bowdoinham, Mr. Curtis, where that is being done. I know that it is not being done in Portland.

The SPEAKER pro tem: The gentleman from Portland, Mr. Childs, directs a question through the Chair to the gentleman from Bowdoinham, Mr. Curtis, who may answer if he so desires.

Mr. CURTIS: Well, I think a great deal of the gentleman from Portland. If he will move down in our area, we are doing it.

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

Mr. DUDLEY: Mr. Speaker, I understand if you do it under the existing law you are violating the law because the law I think states and cites that you would be violating the law if you cut the price of milk, and I would like to go along with our good representative, the gentleman from Winthrop, Mr. Maxwell, in substituting the bill for the report, because in my area I know of a lot of big families that would like to buy, and do buy, sometimes ten or more quarts of milk, and I

have in my family some of us in the milk business, and they see no reason why these people with big deliveries are not allowed a volume discount on several quarts of milk to these big families, and I see this is the only legal way you can do it is to accept this bill.

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

Mr. CASWELL: Mr. Speaker, to clarify this a little bit, it has been intimated and that is a fact, the reason for bringing—the Committee bringing this out “Ought not to pass” was the fact that it is our belief that the Milk Commission already has the authority to do this and we didn’t find it necessary to feel it advisable to further—make any further laws in the respect.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from Bowdoinham, Mr. Curtis, for indefinite postponement. The Chair recognizes the gentleman from Winthrop, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker, the gentleman from New Sharon, Mr. Caswell, is perfectly correct when he says that the Milk Commission can make such regulations at the present time. However, as I said earlier this morning, I feel that an impartial Commission would give more consideration to measures of this type, and that is the reason that I hope that bill will pass. I will quote again from the Maine Farm Bureau Study Committee Report: “There is some evidence that store differentials and volume discounts may increase per capita consumption.” Now one of the problems in the milk industry is overproduction, and it seems to me that any means whereby consumption could be increased, should be considered favorably.

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

Mr. BROCKWAY: Mr. Speaker and Members of the House: I don’t want to take up a lot of time on this item, but if this was put into effect it would be a very hard thing to police. In two or more family houses they would pool their milk and buy at a reduced price. Prob-

ably the milkman would have to carry it up to the top floor and in my experience, I don’t like to quote my experiences too much, but in my experience there are very few customers that take a steady supply of milk, they may take four quarts at one delivery and the next delivery might be two or ten. If we set any special discount on quantity, any special quantity discounts, it would certainly be awfully hard to police. I would like to ask this House, again I have one delivery that I make eighteen quarts to a delivery. Now that probably sounds as if I should make that quite a lot cheaper, but I drive five miles to make that delivery, so I am not—there are a lot of things that enter into this house to house delivery, and I don’t know of anybody else that are making home deliveries on items that would run probably seventy-five cents to deliver it. I hope the motion to indefinitely postpone will prevail.

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

Mr. LANE: Mr. Speaker and Members of the House: As a signer of the majority report, first I want to tell you members why I signed the majority report. As a democrat on that Committee if I had signed the minority “Ought to pass” report, I thought you people wouldn’t even look at the bill and I’d automatically vote for the bill. On our committee quite a few people came out for the bill. The only people against the bill were two or three farmers on our committee. I can’t see any reason why any dealer that wants to sell a poor family five or ten quarts of milk, he could sell it about two or three cents cheaper, I can’t see any reason in the world why he shouldn’t be allowed to do that. I want to go along with the gentleman from Winthrop, Mr. Maxwell.

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

Mr. CURTIS: Mr. Speaker and Members of the House: My good friend the gentleman from Waterville, Mr. Lane, can see no reason. The reason probably would be that it is advantageous to me as to any-

body else, it would be a disadvantage to me because it would create between dealers a very great lot of trouble and scrapping and fighting and probably you might want to do things you had not ought to do. Now this Commission, and whether you have appointed by the Governor or wherever you get them, undoubtedly they will be honest and true citizens of Maine, and the law now provides that they can set up this differential if they see fit after due hearing. Now I do not think that this body here has the chance to go into a hearing and know all the answers that this Commission does. Now if you adopt this bill why you are just saying that you don't believe the Commission as such, no matter who appoints them, and knows enough about the business to run it, and that we here know more about the business than they do, so we will tell them just how to sell this milk. Now I repeat, that the law already provides and it is already being done, making differential in the amount of milk being sold to one customer.

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

Mr. TOTMAN: Mr. Speaker and Members of the House: As you have probably noticed, we have some unfinished business on page eight and nine. At the expense of being accused of being both pessimistic and cynical, I have a sneaking suspicion that we are going to end up voting as the pattern so far, I think you have already had a test vote, and for those of us who feel like the long lost consumer I suspect that the gentleman from Portland, Mr. Childs, and myself with three or four children who take a regular delivery of eight quarts a day and come in here two or three sessions to try to see that the consumer gets some relief, you are batting your head against a stone wall. Now they say every session that the Milk Commission can do these things, but they don't do them, and I just think it is unfortunate to consume hours of debate when a roll call vote has been taken and I think it is pretty well decided how we all feel in our minds about this

basic question of milk control. Therefore, reluctantly, trying to expedite business, I move the previous question.

The SPEAKER pro tem: The gentleman from Bangor, Mr. Totman, moves the previous question. The consent of one-third of the members present is necessary to allow the Chair to entertain the motion. As many as are in favor of the Chair entertaining the motion for the previous question will rise and remain standing until the monitors have made and returned the count—obviously more than one-third of the members having risen, the previous question is ordered.

The question now before the House is shall the main question be put now. The Chair recognizes the gentleman from Enfield, Mr. Dudley.

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

The SPEAKER pro tem: The Chair recognizes the gentleman from Madawaska, Mr. Rowe.

Mr. ROWE: Mr. Speaker, point of information, I would like to have any member of the Committee answer, just a simple question. May I ask it?

The SPEAKER pro tem: The previous question has been ordered.

Mr. ROWE: It is not debate, it is a matter of point of information on the bill.

The SPEAKER pro tem: Does the gentleman wish to debate the question?

Mr. ROWE: No. I merely want a point of information answered.

The SPEAKER pro tem: The gentleman may state his question.

Mr. ROWE: Mr. Speaker, in regard to this bill 424, any member of the Committee may answer this. Would it be mandatory for the dealer to sell at discount prices or optional for him? I don't know that.

The SPEAKER pro tem: The gentleman is debating.

Mr. ROWE: Merely a point of information.

The SPEAKER pro tem: The gentleman may debate the question whether the main question shall be put at this time. The Chair recognizes the gentleman from Portland, Mr. Childs. For what purpose does the gentleman rise?

Mr. CHILDS: Mr. Speaker, apparently there are some members

seeking more information on it and do not have enough. Mr. Rowe has a question to ask and therefore I shall vote against the main question being put now.

The SPEAKER pro tem: The question before the House is shall the main question be put. All those in favor will say yes, those opposed, no.

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

The SPEAKER pro tem: The Chair recognizes the gentleman from Madawaska, Mr. Rowe.

Mr. ROWE: Mr. Speaker, through the Chair I would like to ask a question of any member of the Committee, it is merely informational for me. I will state the question again. Under this bill if it became law, would it be mandatory for the dealer to sell at discount prices or optional?

The SPEAKER pro tem: The gentleman from Madawaska, Mr. Rowe, directs a question through the Chair to any member who may answer if he chooses. The Chair recognizes the gentleman from Perry, Mr. Frost.

Mr. FROST: Mr. Speaker, it is my understanding, all the pricing that is done by the Maine Milk Commission is minimum prices, and maximum prices are not considered at all. Whether that would answer the question I wouldn't know, it wouldn't answer it for me.

Mr. ROWE: Is this permissive legislation or mandatory?

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

Mr. CASWELL: Mr. Speaker, not being of the legal profession I wouldn't be sure, but the bill reads the minimum price as established by the Commission shall provide for quantity discount. I would think that that would make it mandatory upon the Commission.

The SPEAKER pro tem: Does that answer the gentleman's question?

Mr. ROWE: Mr. Speaker, the question is not whether it is mandatory upon the Commissioner. As I understand if this bill goes through it is mandatory for him to allow for discount prices, but I am wondering whether it is necessary

for the dealer to sell at discount prices.

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

Mr. CURTIS: Mr. Speaker, the gentleman here answered that very fully and completely. It is not mandatory. In fact if I could get fifty cents a quart from my good friend from Bangor, Mr. Totman, which I don't think I could, I would charge him for it and get it probably, but I could get just as much as the consumer is willing to pay. It is not mandatory that—nevertheless it is left to the dealer. He could but if he didn't want to he need not. He probably would want to because the Commission had said so and he is a law abiding citizen and wanted to go along, but he probably could do it. Fact is the dealers are doing it now in these quart and two-quart sizes and gallon jugs they are accepting the recommendation from the Commission and are selling at a discount.

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

Mr. JALBERT: Mr. Speaker, I rise for three purposes. One is to state that I am not an attorney, but I know that this merely means permissive. Secondly, I wish I were an attorney. I have a great deal of respect for them and I am extremely serious when I say that sometimes even jokingly but particularly inside this railing, we should be somewhat careful how we approach that good and splendid profession particularly in view of the fact that there are so many members of that profession who are also members of this House. And I assure you that sometimes outside the railing or riding up or back from home some of the treatments that I have received from the Judiciary Committee I have not felt too kindly, but that is not the point. The point is that I think that not today but on other days the term has been used a little too lightly. The third reason that I rise is because I was asked by many members today after we adjourned this noon why I asked that the name "Foss" had been called out. The reason I did—

The SPEAKER pro tem: Is the gentleman debating the question?

Mr. JALBERT: I can read the dictionary if I care to, Mr. Speaker pro tem. I was asked by many members of the House why I asked whether the name "Foss" had been called. The reason I did it was because Mr. Foss, the gentleman from Chapman, was not here, I saw that he was not here, I didn't know which way he would vote on the question, and I didn't think he himself wanted to be recorded "yes" or "no" on a point when he was not here. Certainly I feel that the gentleman from Perry, Mr. Frost, did not have to arise to apologize, because I know on more than one occasion he has been confused as some of us have between the calling of the name Frost and Foss. I just feel he needn't feel he had made a mistake, he needn't apologize because I don't think we voted too many times on the same sides here and I don't think we will, but that doesn't alter the fact that I as well as all the members have a great deal of respect for him.

The SPEAKER pro tem: The question before the House is on the motion of the gentleman from Bowdoinham, Mr. Curtis, for the indefinite postponement of Bill "An Act relating to Sales of Home Delivered Milk," House Paper 307, Legislative Document 424. The Chair recognizes the gentleman from Portland, Mr. Childs.

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

The SPEAKER pro tem: A division has been requested. All those who favor the indefinite postponement will rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Thirty-seven having voted in the affirmative and sixty-six having voted in the negative, the motion did not prevail.

The SPEAKER pro tem: The question now before the House is the motion of the gentleman from Winthrop, Mr. Maxwell, to substitute the Bill for the Report. Is this the pleasure of the House?

The motion prevailed, the Bill was read twice and assigned the next legislative day.

The SPEAKER pro tem: The

Chair now lays before the House the fifth special order assigned for today, the "Ought not to pass" House Report of the Committee on Agriculture on Bill "An Act relating to Sales of Milk to Benevolent and Charitable Institutions," House Paper 308, Legislative Document 425, made a special order pending acceptance of the Report. The Chair recognizes the gentleman from Winthrop, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker, this is another Research Committee recommendation. I will give you our reasons for it very briefly. The Committee believed that private institutions operated on a non-profit basis which serve a beneficial public interest should be allowed the same benefits accruing to state institutions. I move that the bill be substituted for the report.

The SPEAKER pro tem: The gentleman from Winthrop, Mr. Maxwell, moves that the bill be substituted for the report. Is this the pleasure of the House?

The motion prevailed, the Bill was read twice and assigned the next legislative day.

The SPEAKER pro tem: The Chair now lays before the House the sixth special order assigned on today's calendar, the "Ought not to pass" Report of the Committee on Agriculture on Bill "An Act relating to Store Sales of Milk", House Paper 306, Legislative Document 423, made a special order pending acceptance of the Report. The Chair recognizes the gentleman from Winthrop, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker, I will give you very briefly the reasons for this bill. The Research Committee felt that the present policy establishing the same retail price for both store and home delivered milk is inequitable. Milk delivered and sold at the home is in nature an additional service to the consumer at greater cost to the dealer, and should merit a proportionately higher price over milk sold in stores with the price saving accruing to those consumers who choose to purchase their milk at stores. I again move that the bill be substituted for the report.

The SPEAKER pro tem: The gentleman from Winthrop, Mr. Maxwell, moves that the bill be substituted for the report. Is this the pleasure of the House?

The motion prevailed, the Bill was read twice and assigned the next legislative day.

The SPEAKER pro tem: The Chair now lays before the House the seventh special order on today's calendar which is the "Ought not to pass" House Report of the Committee on Agriculture on Bill "An Act relating to Policy of the Milk Commission", House Paper 304, Legislative Document 421, made a special order pending acceptance of the Report. The Chair recognizes the gentleman from Winthrop, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker and Members of the House: Very briefly, the reasons for this bill were that the Committee—the Research Committee has not been convinced that the Milk Commission has consistently acted in the spirit in which the law was written, and has frequently disregarded its responsibilities in failing to promote and adopt beneficial changes and improvements. This recommendation is in keeping with the temporary nature of economic controls, and stresses the importance of cooperative effort on the part of the Commission, the Commissioner of Agriculture and the industry to work toward the elimination of conditions necessitating detention of the present law. I move that the bill be substituted for the report.

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

Mr. TOTMAN: Mr. Speaker and Members of the House: Perhaps some of the people have wondered why I would vote in some cases against the Commission and now I am going to stand up and oppose the motion of the gentleman from Winthrop, Mr. Maxwell. I would like to make it very clear that I agree with the statement early this morning of the gentleman from Charleston, Mr. Rich, that if there is one thing left stable in the agricultural picture in the State of Maine, it is the milk industry. I don't think that the people of this House should be

fooled into believing that if we dispose of the Milk Commission we will not have a federal milk control in this state. If you do away with the State control, the federal government will step in. And it would be entirely hypocritical of me being associated in business with farmers, while I do stand up here on the three previous items and think and hope that by the Milk Commission bending and giving way on some of the items that the consumers are so impressed on and looking for relief, and hoping that by that bending the Commission will prove that they are not closed mind, I still say that basically, the Maine Milk Commission is a sound institution, with all due respect to the gentleman from Winthrop, Mr. Maxwell.

Any of us who has watched what has happened to the broiler industry recently, have seen the catastrophic years of the potato industry, must admit objectively that milk is the one common denominator to Maine farms that is reasonably stable. I rise now to defend the Milk Commission on the point that if they are protecting both the consumer and the industry basically, and are willing to give when relief is sought, then I certainly don't go along with throwing them out, and I certainly would urge the House to remember, that if we dispose of a state milk commission, we will have a federal milk order in the state. Therefore, I am very much opposed to substitute the bill for the Report.

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

Mr. RICH: Mr. Speaker, I am highly in accord with what the gentleman from Bangor, Mr. Totman, has just said in regard to the milk business being the one stable farming industry in Maine at the present time. I move the indefinite postponement of this measure.

The SPEAKER pro tem: The gentleman from Charleston, Mr. Rich, moves the indefinite postponement of the report. The Chair recognizes the gentleman from Palmyra, Mr. Emery.

Mr. EMERY: Mr. Speaker, I want to second the motion of the gentleman from Charleston, Mr. Rich, for the indefinite postponement of this House Paper 421.

The SPEAKER pro tem: The Chair recognizes the gentleman from Winthrop, Mr. Maxwell.

Mr. MAXWELL: This bill would not do away with the Milk Commission at the present time. It would simply have the Department of Agriculture, the Milk Commission and the milk industry work together toward devising some other means of stabilizing the milk industry rather than through governmental control. The Research Committee gave deliberate consideration to the feasibility of doing away with the controls at that time and we decided as I stated earlier in the day, that it would work too much of a hardship on the milk industry.

However, one of the basic problems in the milk industry is overproduction, and if controls are taken off at this time, the supply would soon exceed the demand and many producers would be forced out of business. As a matter of fact many of the smaller producers are going out of business at the present time. The Milk Commission does not seem to be able to control that situation. Overproduction is also a problem in many other segments of agriculture, and it appears to me that unless steps are taken to prevent it, many segments of agriculture will soon be either under governmental control or under the control of big business. There are two perfect examples of this. One of them is the milk industry which is already under governmental control, and another good example is the broiler industry. Until a few years ago, there were many independent farmers engaged in the broiler business when it was going very well. But due to unjustified overproduction and overexpansion by some of the larger broiler companies — larger poultry companies, the price went down due to that overproduction and many of the independent farmers were forced out of business.

The one way that I see to control this problem is through cooperatives. I made that suggestion before the Agricultural Committee and some of the opponents to some of these milk measures made the statement that this idea was idealistic and perhaps a little bit Utopian. It may be, but as far as I can see, that is the

one last remaining hope for the individual, independent farmer, before either he is taken over by governmental regulation or big business. That is the reason for this, the hope in my mind that the Milk Commission, the milk industry and the Department of Agriculture could work together and either come up with a cooperative idea or some other method that would stabilize the milk industry.

I will read the bill to you so you will know exactly what it says:

"The Commission in administering the provisions of this chapter shall adopt such policies as are consistent with the promotion of marketing programs which progressively eliminate those conditions in the milk industry necessitating the present law. The Commission shall cooperate with the Commissioner of Agriculture and with representatives of the industry in devising marketing programs to implement such policies."

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

Mr. FROST: Mr. Speaker, Members of the House: I would like to go on record with Mr. Rich on the indefinite postponement of this part of the bill. It seems if we wanted to try out some of these cooperative efforts and control, we had plenty of chance to do it without trying it out on an already stable industry. The potato men could use some of that cooperation or even the broiler men might do it, and it seems though I would have to go along with the indefinite postponement of this bill.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from Charleston, Mr. Rich, that we indefinitely postpone L. D. 421. The Chair recognizes the gentleman from Dexter, Mr. Roberts.

Mr. ROBERTS: Mr. Speaker, this bill requires that the Commission cooperate with the Commissioner of Agriculture. I point out that the Commissioner of Agriculture is already a member of the Commission and they do cooperate, always have had cooperation from the Commissioner of Agriculture.

I am in favor of the indefinite postponement of this bill.

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

Mr. STANLEY: Mr. Speaker, after reading the bill and listening to my good friend from Bangor, Mr. Totman, I'm wondering if he was referring to the same bill that I'm reading and that we are discussing. I see nothing in here that would eliminate the Milk Control Board or Commission. I think that the milk control has been for years probably a good thing. I wouldn't debate that at all, but I don't believe that the gentlemen who are under this control are people who like controls. I know that the people who live in this state and in this country are against controls, and in emergency situations why we do have to have them at times. I'm sure that the people who produce milk in the State of Maine and who sell milk would rather be doing it as free men through free enterprise. I know that they would prefer that. I see nothing in this bill that would eliminate the Commission at this time, and I think that to have this attitude by the Commission, which apparently they haven't had as given to us by the gentleman from Winthrop, Mr. Maxwell, who has given a great deal of consideration to this not only through the Research Committee but in cooperation with the P.A.S. I believe that this is a good bill. I think it's a step in the right direction, something that we all should vote for.

The SPEAKER pro tem: The Chair recognizes the gentleman from Madawaska, Mr. Rowe.

Mr. ROWE: Mr. Speaker, I think the problem here is quite simple in a sense, because the bill here is based on a proposition that controls in themselves are very bad. I think the heart of the matter here is not—is between good controls and bad controls, it is not the question of controls themselves. However, the bill goes on record as implying that we accept the premise that controls whether they are private or public are very bad indeed, when the question that we really are hammering out here in daily legislation

are the best kind of controls. Therefore, I hope that the motion of the gentleman from Charleston, Mr. Rich, prevails.

The SPEAKER pro tem: The Chair recognizes the gentleman from Anson, Mr. Hilton.

Mr. HILTON: Mr. Speaker, I can't see any object of this bill. We are regulating the Commission under some of these bills to quite an extent, and I would say let the Commission try what they can do with what we are going to give them to work with. The gentleman from Winthrop, Mr. Maxwell, spoke about cooperatives, and any of the cooperatives that I have had anything to do with, they don't keep a poor man from growing poorer at all times. In my case, there are a lot of farmers that are heavily in debt, and they have got to produce whether they can or not. I go along with the gentleman from Charleston, Mr. Rich, in indefinitely postponing this bill.

The SPEAKER pro tem: The Chair recognizes the gentleman from Winthrop, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker, this bill does not presuppose that controls are bad or good or anything, it does presuppose that governmental regulations are not in keeping with our professed belief in free enterprise. I believe that without controls at some future date the milk industry would be better off than it is now, through a medium of cooperatives or some other thing that the Department of Agriculture might come up with, the farmers would have an instrument through which they could control their product, could align it more nearly with consumption, and in that case, his product would then take its proper place in the overall economic scheme of things.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from Charleston, Mr. Rich, for the indefinite postponement of Bill "An Act relating to Policy of the Milk Commission", House Paper 304, Legislative Document 421. All those in favor of the indefinite postponement will say aye, those opposed, no.

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

Sixty-six having voted in the affirmative and thirty-one having voted in the negative, the motion prevailed, and the Bill was indefinitely postponed and sent up for concurrence.

The SPEAKER pro tem: Under Orders of the Day the Chair lays before the House the eighth special order of the day, House Report "Ought to pass" as amended by Committee Amendment "A" of the Committee on Agriculture on Bill "An Act relating to Sale of Pasteurized Milk Only to Certain Institutions", House Paper 738, Legislative Document 1052, made a special order pending acceptance of the report.

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

Mr. BROCKWAY: Mr. Speaker, I move that the House accept the "Ought to pass" Report.

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

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

COMMITTEE AMENDMENT "A" to H. P. 738, L. D. 1052, Bill, "An Act Relating to Sale of Pasteurized Milk Only to Certain Institutions."

Amend said Bill in the 5th line by striking out the first three underlined words and inserting in place thereof the following underlined words: '**Only pasteurized milk**'

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

The SPEAKER pro tem: The Chair recognizes the gentleman from Mexico, Mr. Thackeray.

Mr. THACKERAY: Mr. Speaker, I offer House Amendment "A", filing number 197, and move its adoption.

The SPEAKER pro tem: Does the Chair understand that the gentleman wishes to reconsider the assignment for third reading? Is this the pleasure of the House?

The motion prevailed.

The SPEAKER pro tem: What does the gentleman wish to offer for an amendment?

Mr. THACKERAY: Filing 197.

The SPEAKER pro tem: The gentleman from Mexico, Mr. Thackeray, offers House Amendment "A". The Clerk will read the amendment.

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

HOUSE AMENDMENT "A" to H. P. 738, L. D. 1052, Bill, "An Act Relating to Sale of Pasteurized Milk Only to Certain Institutions."

Amend said Bill by striking out the single quotation mark at the end and adding thereto the following underlined paragraph:

'The provisions of this section shall not apply to nursing homes.'

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

The Chair recognizes the gentleman from Dexter, Mr. Roberts.

Mr. ROBERTS: Mr. Speaker and Members of the House: This is a health measure and was introduced for the purpose of providing hospitals and institutions of that sort with pasteurized milk, and it has the support of the Commissioner of Health and Welfare, and I move the indefinite postponement of the amendment.

The SPEAKER pro tem: The gentleman from Dexter, Mr. Roberts, moves the indefinite postponement of the amendment.

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

Mr. LANE: Mr. Speaker and Members of the House: All of a sudden the gentleman from Dexter, Mr. Roberts, becomes interested in health. Two weeks ago I had a bill here that meat should be inspected. The gentleman from Dexter voted that meat should not be inspected. Here we have a bill to allow some institutions to use milk. We know they produce good milk in the State of Maine, and as far as I know nobody has died from just plain milk.

The SPEAKER pro tem: The Chair recognizes the gentleman from Mexico, Mr. Thackeray.

Mr. THACKERAY: Mr. Speaker, I don't know if I am in order now but I would like to make a few remarks about this amendment. Personally I think it is superfluous.

I don't think the bill applies to nursing homes anyway. It applies only to hospitals receiving State Aid. But I have a dairy man in my area who does deliver unpasteurized milk to quite a few customers, and they include a few nursing homes. They prefer it because it has a higher butterfat content than the other milk that they are getting, and thus the only person to assure him that it will not affect his business.

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen: I probably should go along with my friend from Dexter, Mr. Roberts, but this is really saying that no one can sell milk to these homes that the amendment refers to except pasteurized milk, which is really sort of a deal proposition it seems to me, and being a producer-dealer I suppose I really should not oppose it. But I want to be fair about the whole thing, I hope, and I do believe that the small fellow who can sell raw milk usually can not pasteurize it. It costs about \$40,000 or \$50,000 to set up a pasteurizing plant to produce a good quart of milk that is being produced today. But we can under the present law if you have a certified herd sell raw milk. And by certified herd it means that it is free of disease and entirely under State supervision, the veterinarian's supervision. You see that is what we pasteurize milk for, at least that is what we say we pasteurize it for, so it won't communicate any disease that the cow might have to humans. Now, under certification that is taken care of and there is no disease in the cow to communicate to humans.

But there are some things to be said for raw milk. Of course, pasteurizing and heating it up as they do now, and the late method of pasteurization to very, very high temperatures and pasteurizing it in twelve seconds, you know that it has to be very high, it does cut down considerably on vitamin D. Perhaps I shouldn't tell you some of these things of the industry. And I can see where perhaps a nursing home would like to have that raw milk. And I am sure they would not be able to buy it under existing

laws unless it were from a certified herd. So I am opposed to the indefinite postponement of this amendment.

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: I didn't intend to get into this milk thing. It is kind of out of my line. But I would like to remark that in my estimation if the good Lord had meant that the human people would drink pasteurized milk he would have had the cow pasteurized.

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

Mr. RICH: Mr. Speaker and Ladies and Gentlemen of the House: As I understand this bill, this applies only to State institutions, public hospitals and educational institutions which are supported wholly or in part by aid granted by the State or any municipality. It seems to me that is an institution fund, it does not come under that category. If I am mistaken then I stand to be corrected.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from Dexter, Mr. Roberts, for the indefinite postponement of House Amendment "A".

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

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

The SPEAKER pro tem: A division has been asked for. The question before the House is the motion of the gentleman from Dexter, Mr. Roberts, for the indefinite postponement of House Amendment "A" to Bill "An Act relating to Sale of Pasteurized Milk Only to Certain Institutions", House Paper 738, Legislative Document 1052.

Will all those who favor the indefinite postponement of House Amendment "A" please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Seven having voted in the affirmative and seventy-eight having voted in the negative the motion did not prevail.

Thereupon House Amendment "A" was adopted and the Bill assigned

for third reading the next legislative day.

At this point, Speaker Edgar returned to the rostrum.

SPEAKER EDGAR: The Chair would like to take this opportunity to thank the gentleman from Sherman, Mr. Storm, very much for his excellent services.

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

The SPEAKER: At this time the Chair would like to appoint the following Conference Committee to confer with the Senate on the disagreeing action of the two branches on Legislative Document 1511, Bill "An Act relating to Examinations for Certain Persons to Practice Barbering."

The members appointed to this Committee on the part of the House are the gentleman from Bridgton, Mr. Haughn; the gentleman from Rockland, Mr. Stilphen; and the gentleman from Portland, Mr. Miller.

The SPEAKER: The House is proceeding under unfinished business at the top of page eight on the calendar.

Under Orders of the Day the Chair lays before the House item number one under unfinished business," Bill "An Act relating to Purchase of Milk for Redistribution in Maine", House Paper 309, Legislative Document 426, tabled on May 3 by the gentleman from Ashland, Mr. Prue, pending assignment for third reading, and the Chair recognizes that gentleman.

Mr. PRUE: Mr. Speaker, before I present this amendment I would like to speak a few words on it. I don't want to take up too much of the House's time, it seems to have been all milk here today.

This amendment I have has withdrawn most of the objections to my bill, and I got one amendment out and there were objections to that. I have got another amendment out which has been approved by the Attorney General's office, and I have yet to see any member that I have talked with that is opposed to it,

openly at least. So rather than take up any more time I shall present House Amendment "B" and move its adoption.

The SPEAKER: The gentleman from Ashland, Mr. Prue, presents House Amendment "B" and moves its adoption.

The Clerk will read House Amendment "B".

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

HOUSE AMENDMENT "B" to H. P. 309, L. D. 426, Bill, "An Act Relating to Purchase of Milk for Redistribution in Maine."

Amend said Bill by striking out all of the part designated "Sec. 3-A." and inserting in place thereof the following:

'Sec. 3-A. Milk for redistribution in Maine. Any dealer or producer who purchases any milk, produced directly on Maine farms, which is marketed in Maine in controlled areas shall be subject to the price fixed by the Commission.'

House Amendment "B" was adopted and the Bill assigned for third reading the next legislative day.

The SPEAKER: Under Orders of the Day the Chair now lays before the House item number two under unfinished business, An Act relating to Legal Length of Lobsters, Senate Paper 422, Legislative Document 1181, tabled on May 7 by the gentleman from Jonesboro, Mr. Andrews, pending passage to be enacted, and the Chair recognizes that gentleman.

Thereupon, on motion of the gentleman from Jonesboro, Mr. Andrews, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The SPEAKER: Under Orders of the Day the Chair now lays before the House item number three under unfinished business, House Divided Report, Report "A" reporting "Ought to pass" and Report "B" reporting "Ought not to pass" of the Committee on Sea and Shore Fisheries on Bill "An Act Authorizing Towns to Control Shellfish Resources", House Paper 670, Legislative Document 951, tabled on May 7 by the gentleman from Portland,

Mr. Miller, pending the motion of the gentleman from Portland, Mr. Childs, that both reports be indefinitely postponed.

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

Mr. CHILDS: Mr. Speaker, it is my understanding that the gentleman from Portland, Mr. Miller, has got two amendments which he wishes to offer. I shall withdraw my motion to indefinitely postpone temporarily so he will have an opportunity to present his amendments.

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

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

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

Mr. MILLER: I would like to offer House Amendment "A".

The SPEAKER: The gentleman is not in order to offer an amendment at this time. We must accept either committee report first.

Mr. MILLER: I move that we accept the "Ought to pass" Report "A".

The SPEAKER: The gentleman from Portland, Mr. Miller, moves that the House accept Report "A", "Ought to pass". Is this the pleasure of the House?

The motion prevailed and the Bill was given its first and second readings.

Thereupon, Mr. Miller of Portland offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 670, L. D. 951, Bill, "An Act Authorizing Towns to Control Shellfish Resources."

Amend said Bill by striking out all of the 8th line and inserting in place thereof the following underlined lines: **'by the Department or by towns voting to regulate their fishery as provided by section 49.'**

Further amend said Bill by inserting after the underlined word and punctuation "**meeting,**" in the 16th line the following underlined words and punctuation **'limit such taking of clams, quahogs and mussels to the inhabitants of such town and may'**

House Amendment "A" was adopted.

The SPEAKER: Does the Chair understand the gentleman from Portland, Mr. Miller, to have a second amendment which he wishes to offer?

Mr. MILLER: Mr. Speaker, the second amendment is not being offered.

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

Mr. CHILDS: Mr. Speaker, it was my understanding that the objections to part of this Bill was from the areas where the clam flats were and have wardens. According to this Bill that now the areas and towns themselves would be responsible for the hiring of wardens and the paying of wardens.

Now, I certainly am not going to be in favor of putting a hardship on any of these towns. Now, if that is true I shall still put my motion to indefinitely postpone. If it is a hardship on the towns then I should like to hear from some of these towns.

The SPEAKER: The gentleman from Portland, Mr. Childs, is addressing a question through the Chair to anyone who may care to answer if he chooses.

The Chair recognizes the gentleman from Jonesboro, Mr. Andrews.

Mr. ANDREWS: Mr. Speaker, Ladies and Gentlemen of the House: It is going to put a hardship on the towns. I have seen that tried. At town meetings you can elect fish wardens or constables and put them down there, and they would have no more effect on those clam diggers than stakes would have up there, just as soon as their back is turned they are right back there digging. And I am going along with the gentleman from Portland, Mr. Childs, and his motion to indefinitely postpone this Bill and all accompanying papers.

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

Mr. TARBOX: I want to go on record as going along with the gentleman from Portland, Mr. Childs, because it will certainly put a hardship on all the towns, and that's

why I signed the "Ought not to pass" report.

The SPEAKER: To the Chair's understanding, there is no motion at the moment before the House.

Mr. TARBOX: I move that we indefinitely postpone.

The SPEAKER: The gentleman from Gouldsboro, Mr. Tarbox, moves that the bill and all accompanying papers be indefinitely postponed. The Chair recognizes the gentlewoman from Yarmouth, Mrs. Knapp.

Mrs. KNAPP: Mr. Speaker and Members of the House: I'll speak for my town. As far as the wardens go, they are nil, I don't care how many we have down there, they don't pay any attention to it. I go along with the gentleman from Portland, Mr. Childs.

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

Mr. MILLER: Mr. Speaker, Ladies and Gentlemen of the House: It's too bad we get confused on these things. Sometimes I wonder what these people do within their own town because actually the present law leaves the enforcement responsibility up to the towns. This doesn't change anything as far as the enforcement is concerned.

It is an honor and a privilege to be able to sponsor L. D. 951, An Act Authorizing Towns to Control Shellfish Resources. The 97th legislature ordered that the Legislative Research Committee review the shellfish and the marine worm laws and report their conclusions to the ninety-eighth legislature. The Legislative Committee in complying with terms of the ninety-seventh legislature order directing the review of the Maine shellfish and marine laws has conferred with the Commission and other representatives of Sea and Shore Fisheries, and with representatives of the United States Fish and Wildlife Service. In facilitating its studies, the Committee prepared a digest of all existing laws, resolves, town laws, and rules and regulations of Sea and Shore Fisheries Department relating to the taking of shellfish. The Committee as a result of its study, concludes that existing conditions affecting the shell-

fish industry would be improved with certain changes in the current shellfish laws. The Committee has recommended that present state laws governing shellfish be revised in accordance with the following specific recommendations. The specific recommendations I'm not going to read because you all have been presented a manual, and I feel sure that you must have read the manual that was presented to you as legislators.

In conclusion, I might say that much study has gone into this report, and a great deal of the taxpayers' dollars have gone into our research department to carry out their work. If we are going to continue to reject the recommendations of our Legislative Research Committee, I would suggest rejecting all money appropriated in the future for research work, and applying it to some source where it can be used in good cause. I hope that the members of this House will vote against the indefinite postponement of this bill. Thank you.

The SPEAKER: The question before the House is the motion of the gentleman from Gouldsboro, Mr. Tarbox, that the bill and all accompanying papers be indefinitely postponed. Is the House ready for the question? Will those who favor the indefinite postponement of Bill "An Act Authorizing Towns to Control Shellfish Resources" please say aye,—

Mr. MILLER: I request a division.

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

Mr. ROSS: Mr. Speaker, coming from Bath in the County of Sagadahoc I am interested in the problem because of the quahog digging around there so I have a question I'd like to ask. The gentleman from Portland, Mr. Childs, said that this was going to be more expensive to the towns, and I'd like to ask just how that is so.

The SPEAKER: The gentleman from Bath, Mr. Ross, has addressed a question through the Chair to the gentleman from Portland, Mr. Childs, who may answer if he so chooses.

Mr. CHILDS: The gentleman from Portland will direct the same question to the gentleman from North Haven, Mr. Baird, and let him answer it.

The SPEAKER: The question has been passed through the Chair to the gentleman from North Haven, Mr. Baird, who may answer if he chooses.

Mr. BAIRD: Mr. Speaker, my conception of this bill as it was originally advanced by the Department was that this would put the full burden of regulating the flats on the town. I had understood that there was an Amendment "B" which has not been offered so I won't discuss it, but as it stands now each town will have to pass laws at its own town meeting on how to manage these flats and it will be up to them to enforce the laws themselves, and they could conceivably get into more expense with special constables, and so forth. There have been times when areas have been opened up. There have been a lot of outside clam diggers come in. It's been a very difficult job to control digging. It happened at Owls Head this winter.

I would like to see the Department have some kind of a management program that would work. I signed the "Ought to pass" report in the Committee on this because the Department felt that this was the way to do it, but since that time in discussing it with the people at home, and so forth, they are afraid that if this is passed that in the interim between the time this law goes into effect and the time that they can pass their own law and get it working and manage it themselves that there will be a period when diggers will come in from other towns and deplete their resources there, so I'm going along in indefinitely postponing this measure.

The SPEAKER: Does the gentleman from Bath, Mr. Ross, consider his question answered?

Mr. ROSS: Mr. Speaker, not wholly, because I don't see where they are going to have to specifically police their flats under this. It says to finance and manage their flats. I know that in the Town of West Bath where they are interested in these quahogs, that is what the

town does now. They finance and manage the seeding of their quahogs and I can't see why, unless the other diggers are going to be allowed to come in, and this amendment precludes that, so I can't see how they are going to be worse off under this than they are now.

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

Mr. TEVANIAN: Mr. Speaker, I would like to address a question through the Chair to the gentleman from North Haven, Mr. Baird. I want to know what presently manages and controls the digging of clams and shellfish and quahogs.

The SPEAKER: The gentleman from Portland, Mr. Tevanian, has addressed a question through the Chair to the gentleman from North Haven, Mr. Baird, who may answer if he chooses.

Mr. BAIRD: Mr. Speaker, Members of the House: We presently have two types of rules and regulations controlling our flats, our rules and regulations that were passed by the legislature and are state laws and are enforced by the Department of Sea and Shore fisheries. There are other laws that were passed in town meeting and clam management programs carried on by some of the towns that are enforced locally, and they do call in outside help when they run into a real problem, which happened down there at Owls Head. But there are towns that have no law passed in town meetings and they are depending solely on this law that we pass for them over here. Representative Heald from Union has a bill in this time from his own district, one of the towns, Rockport, that gives the town a management program of its own to be passed by us, and if we pass this bill here today, it will override that bill. Some of those towns that don't have a town law of their own now will have a period between the passage of this bill when it becomes effective and the time they can have a town meeting to put their own program into effect when they will not be protected as they are now.

The SPEAKER: Is the House ready for the question? The Chair recognizes the gentleman from Portland, Mr. Miller.

Mr. MILLER: Mr. Speaker, I would like to say that the reason I became—of course this is a Department bill and also an offspring of the Legislative Research Committee. The reason I became so interested in this problem and I think it is worth bringing out here today, is that down in the Town of Castine and Brookville, Maine they had a situation which came up about six months ago in regard to the clamming areas. The clam diggers over in the Town of Brookville, their flats had gone down to a position we'll say of depletion, and they wanted to go over to Castine to dig. Now, I don't know how they happened to get a hold of me but, way up in Portland, but I was asked to come down and maybe I could help them out. So I went down to Castine and Brookville and I talked with the residents down there, and I talked to several of the residents in Castine and there is a problem there where over in Castine the first selectman and the second selectman, Mr. Langlois, who is now Executive Secretary of the Portland Port Authority, and Mr. Sawyer who is the Chairman, the first selectman down there, and they wanted to help out these people over in Brookville so they came down to the State House here and conferred with the Attorney General, and they found that there was no way that they could open up these flats to help these people out so that they could regain gainful employment and feed their children and take care of their families and pay their taxes, and so forth. The Attorney General told them that the only thing they could do was at the next session of the legislature was to put in a bill which would take care of these things in the future. Now, this was six months ago. For six months these people have been deprived of making a living even though the officials of the Town of Castine were willing to let them dig in their area. Now, if this law had been a law set up by the town in the town laws, then they could have gone into a special session or a special meeting whatever way their law provided for and have eliminated this situation and helped out these people. I feel the enforcement of these town laws should be within the town itself. There is no hardship

on any town in this bill, and those opponents who say that this will work a hardship, I can't understand what position they take as they have given no facts here. They just stand up and say "It's going to work a hardship. It's going to work a hardship." Now, this thing could go into a lengthy debate. There are so many things you could talk about and prove that they are wrong, but I think it is pretty well covered in a letter that was read before our Committee. It was a letter from a fellow who was a former member of the Commission of Sea and Shore Fisheries, a man that I have a great deal of respect for, former Commissioner Stan Tupper, and I would like at this time, with the permission of the House, to ask Mr. Rankin if he would be willing to read this letter to the members of this House today because the letter was given to him to read before the Committee.

The SPEAKER: The gentleman from Portland, Mr. Miller, has made a request of the gentleman from South Portland, Mr. Rankin, who may or may not grant the request as he may choose.

Mr. RANKIN: Mr. Speaker, Members of the House: I regret to inform the gentleman from Portland, Mr. Miller, that at the present time I am not in possession of the letter. If anyone in this House has a copy, I would be glad to have it. (Received a copy.)

This letter was written to me, a copy sent to several Members of the Sea and Shore Fisheries Committee on which I serve. It was sent to me by a former Commissioner of the Sea and Shore Fisheries, Stanley R. Tupper, who lives in Boothbay Harbor, Maine which is part of my district. This is the letter, I quote:

"I am very sorry that another commitment will prevent me from attending the hearing on L. D. 951 relating to repeal of the so-called town clam law, introduced by Hon. Edward C. Miller. As Representative from our class towns I would appreciate it if you would make my thoughts known to the Committee on Sea & Shore Fisheries on which you serve.

"I firmly believe that these many town clam laws should be repealed.

During my term as Commissioner of Sea and Shore Fisheries I observed with dismay, the rancor and resentment brought about by these unwise laws. From my 'ring-side seat' it seemed imperative that these restrictions be removed.

"From the time the first town was granted the right to exclude all except residents of that particular town from taking shellfish from within its boundaries, there has been an open floodgate of requests for similar privileges each Legislative session. It would appear that some towns had laws placed on the statutes purely as a retaliatory measure.

"During the 97th Maine Legislature the Legislature repealed all similar town laws on marine worms, and asked the Legislative Research Committee to study these shellfish laws. That Committee, after a thorough study, advocates repeal of the town clam laws.

"Admittedly there are a few towns with these clam laws that are wisely managing their shellfish resource. However, there are many others that show no interest in management programs. Some towns have town clam laws with no clams to be interested in; most towns with this type of law have more diggers than could make a living solely within the confines of their home town from this work. A resident of an inland town who purchased a commercial shellfish (diggers) license from the Dept. of Sea & Shore Fisheries would find it difficult to find a place in the State of Maine where he could legally dig clams.

"Towns that have these special laws expect Sea & Shore Fisheries Wardens to enforce same. If more than token attention was given to these many local laws, these Coastal Wardens would have no time to devote to the many fishery laws and regulations. If the State of Maine is to enforce these town clam laws properly there should be twice as many Coastal Wardens at as present!

"It is my understanding that the Dept. of Sea & Shore Fisheries is sponsoring amendments to Chapter 33, Sec. 49 of the Revised Statutes, 1954,—designed to provide a better solution to the problems of manage-

ment of shellfish resources by individual towns or in conjunction with neighboring towns.

"This section now provides that 'any town may, by vote at an annual town meeting, provide for regulations fixing the times and amounts in which clams, quahogs and mussels may be taken from any or all of the coastal waters and flats within the town and may likewise provide that Municipal licenses be required for the taking of any or all such species therein and fix the fees therefor': Under this section the towns shall be responsible for enforcement.

"The repeal of the present town clam laws would not go into effect under the proposal until June 1958. Every town that had any interest in the problem could submit an article in the warrant of the annual town meeting. Townspeople could decide if an appropriation for a management program was desirable; the section of that town that should be open to digging, and that which should be closed; whether a license fee should be required of residents, or non-residents, and if so, how much. As long as there is no disparagement of treatment between residents and non-residents without valid reason, this section of our Statutes will give all necessary protection afforded to towns now by special legislation.

"Repeal of the town clam laws will place more responsibility on the coastal towns to wisely manage this bounty of nature in the future. The Clam Management Program enacted by the 97th Maine Legislature, and repeal of the town clam laws by the 98th Maine Legislature could come to be looked upon as key steps in halting the decline of the soft-shelled clam in Maine."

May I add here, I think many of you from the inland districts, the farm districts, will understand well the next paragraph. "There is no reason why there cannot be an abundant yield of clams for many years to come if clams were treated like any other crop—and properly regulated and harvested.

"If the Committee on Sea & Shore Fisheries accepts the findings of the Legislative Research Committee and reports that this purely social legislation should not continue to clutter fishery laws, it will be performing

a great service to the shellfish industry in Maine.

Respectfully,
/s/ Stanley R. Tupper"

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

Mr. WINCHENPAW: Mr. Speaker, Ladies and Gentlemen of the House: I assure you I'll be brief but I always seem to be on opposite sides from my good friend the gentleman from North Haven, Mr. Baird, but this law we're discussing concerns a special area in my territory, the Georges River. Now, Georges River St. George has a private law, South Thomaston, Saint George and Cushing. I came up here several years ago asking for a law for Cushing and I was really on the spot that time because the Friendship clam diggers opposed it so strenuously I wasn't able to get it on the books. St. George has a private law, South Thomaston has a private law, but Cushing has no law but the Saint George people can all cross the river and dig in Cushing, the South Thomaston people can go across and dig in Cushing, but the Cushing people can't go across the river and dig in Saint George, so I had hoped that this law would pass so that maybe the towns of South Thomaston and Saint George and Cushing and maybe Friendship could get together and have a clam controlled area so I shall have to vote with the gentleman from Portland, Mr. Miller.

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

Mr. PIERCE: Mr. Speaker, I did not intend to inject myself into this discussion, but a town which I represent, Castine, has been named. I did send the bill down to many of my constituents in Castine. They want absolutely no part of this bill, period. They are mainly retired and summer people. . . They do not want to maintain a home and have clam diggers from adjoining towns come across their front lawns, go on to their, shall we say, their seashores.

While I was there, approximately a month ago, I was making a survey of the roads in the expectation that I would get some of the so-

called mud money. I did leave my home in Bucksport at approximately eight o'clock in the morning. At approximately two o'clock after I had covered all the back roads down there, a car passed me and stopped me. It was a biologist from the Sea and Shore Fisheries. He had been looking for me all day to lobby this bill. His duty is to, whatever a biologist does, not to lobby me. I am opposed to the bill, and my people are opposed to the bill.

The SPEAKER: The question before the House is the motion of the gentleman from Gouldsboro, Mr. Tarbox, that with respect to Bill "An Act Authorizing Towns to Control Shellfish Resources", House Paper 670, Legislative Document 951, the bill and all accompanying papers be indefinitely postponed. A division has been requested. Will 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.

Thirty-five having voted in the affirmative and fifty-two having voted in the negative, the motion did not prevail.

Thereupon, the Bill was assigned for third reading the next legislative day.

The SPEAKER: The Chair now lays before the House item number four under unfinished business "Ought not to pass" House Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Creating the State Institutional Emergency Fund and the Personal Services Reserve Account", House Paper 871, Legislative Document 1239, tabled on May 8 by the gentleman from Raymond, Mr. Edwards, pending the motion of the gentleman from Bowdoinham, Mr. Curtis, to substitute the bill for the Report. The Chair recognizes the gentleman from Raymond, Mr. Edwards.

Mr. EDWARDS: Mr. Speaker and Members of the House: Your Committee on Appropriations and Financial Affairs considered this bill in executive session and it was the unanimous feeling of the Committee that it should not be passed. We have in the regular appropriations

bill set aside \$231,238 in the institutional reserve fund. We do not see the need for the extra amount of three hundred and seventy-five dollars. In regard to the personnel services, a reserve account of one hundred thousand dollars, we feel that the State employees have received fair treatment in the past and will continue to receive fair consideration in the future. We fail to see the need for this amount. If this bill passes, it will mean that future committees on Appropriations and Financial Affairs and future legislatures will lose control of the above amount. I trust you will vote against the motion of the gentleman from Bowdoinham, Mr. Curtis.

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen: This is a department bill, and regardless of what they did in the Appropriations Committee, it would seem to me that there was some considerable need of it. Now there is in the other end of the corridor being considered, a bill for the term of annual sessions of the legislature which if passed, there would be no need of this bill. And for that reason I would ask that this bill be tabled unsigned until we see the outcome of what happens there.

The SPEAKER: The question now before the House is the motion of the gentleman from Bowdoinham, Mr. Curtis, that Bill "An Act Creating the State Institutional Emergency Fund and the Personal Services Reserve Account" be tabled pending the motion of that same gentleman to substitute the bill for the report. Will those who favor the tabling motion please say, aye, those opposed, no.

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

The SPEAKER: The question now before the House is the motion of the gentleman from Bowdoinham, Mr. Curtis, that the bill be substituted for the Report. The Chair recognizes the gentleman from Winterport, Mr. Bean.

Mr. BEAN: Mr. Speaker, my good friend and colleague the gentleman

from Raymond, Mr. Edwards, has stated the position that the Committee took, this bill was given serious consideration in committee. As he has stated, we put over two hundred and thirty-one thousand dollars in the balanced budget and it has been stated that this is a department bill, but a member of the department came in and said that they were perfectly satisfied with the amount of money we placed in the reserve account in the balanced budget. I hope the motion of the gentleman from Bowdoinham, Mr. Curtis, does not prevail.

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

Mr. STANLEY: Mr. Speaker, as a member of the Appropriations Committee, I certainly will go along with the other two gentlemen in what they have said, that we did give it serious consideration. I think in all fairness that just night before last we had another proposal made to us, by the personnel board, and I think that until we have decided that, that this should lay on the table until that is considered, and I would make that motion.

The SPEAKER: The question before the House is the motion of the gentleman from Bangor, Mr. Stanley, that the bill and report be tabled pending the motion of the gentleman from Bowdoinham, Mr. Curtis, that the bill be substituted for the report. Will those who favor the tabling motion please say aye, those opposed, no.

A viva voce vote was taken and the Chair being in doubt ordered a division.

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

Mr. TOTMAN: Mr. Speaker, since I just voted against the gentleman, may I ask a point of information through the Chair of the gentleman from Bangor, Mr. Stanley?

The SPEAKER: The gentleman may ask a question.

Mr. TOTMAN: Point of information, I would like to know what this proposal is that the Appropriations Committee is considering—

The SPEAKER: The Chair must rule that the gentleman is debating.

Mr. TOTMAN: That is a question.

The SPEAKER: The Chair hadn't heard the question. The gentleman may not debate the motion.

Mr. STANLEY: I move that we suspend the rules, I would be glad to answer it.

The SPEAKER: The Chair would rule that that motion is out of order. The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Point of information?

The SPEAKER: The gentleman may proceed.

Mr. JALBERT: I know what the answer is and I know I can't answer, and I'll debate the tabling motion, but would it be possible for the gentleman from Bangor, Mr. Stanley, to withdraw his motion to table and then he could explain it.

The SPEAKER: The gentleman may withdraw his motion.

Mr. STANLEY: Thank you gentleman from Lewiston, Mr. Jalbert, I will withdraw my motion.

The SPEAKER: The motion now before the House is the motion of the gentleman from Bowdoinham, Mr. Curtis, to substitute the bill for the report. The Chair now recognizes the gentleman from Bangor, Mr. Totman.

Mr. TOTMAN: Mr. Speaker, I presume I am in order now. I would like to repeat my question to the gentleman from Bangor, Mr. Stanley. Would he care to explain to the House what this measure is that is pending before the Appropriations Committee that would make this measure of a value?

The SPEAKER: The gentleman from Bangor, Mr. Totman, addresses a question through the Chair to the gentleman from Bangor, Mr. Stanley, who may answer if he so chooses.

Mr. STANLEY: Mr. Speaker, I don't believe that it is customary for a committee or any member of a committee to divulge what the committee has in mind in doing before it brings its report to the House. I will, however, try to answer the gentleman's question in that when the Personnel Board

came to us for a hearing this year before the budget document came out, they asked for the plan one of the P.A.S. Report. Besides that, they asked for a four and one-half per cent increase because the plan of the P.A.S. Report was made back in June I believe of last year, so that anything that we did now would take effect July 1 or shortly thereafter, I guess September 1 of this year if we adjourn in time. So the plan of the P.A. S. Report would now or at that time be over a year old, and since that time the States of New Hampshire, Vermont, Massachusetts, and Rhode Island have all given increases on which this plan was based. In my opinion, and this is just my opinion, and not the opinion of the Committee, if we don't do something to adjust the salaries of the people in government service, we will be in very bad difficulties in the next biennium. So if the Committee comes out with an "Ought not to pass" and the legislature accepts that report on the the four and one-half per cent increase for state employees, I would like to have this other reserve fund as something to fall back on. I think it is something that is very necessary. At the present time the Governor and Council have an emergency fund of which I believe they don't use it for anything that is reoccurring, so that would eliminate any salaries, any adjustment in pay. Where they do have such a fund set up for emergency things, such as building buildings and buying commodities for instance, I think that we would be remiss if we didn't do something about having an emergency fund for ourselves. I think that we should take care of our people as well as commodities and buildings. Does that answer the question? If I am in order, Mr. Speaker, with the consent of the gentleman from Bangor, Mr. Totman, I would like to make the motion to table this item.

The SPEAKER: The question now before the House is the motion of the gentleman from Bangor, Mr. Stanley, that with respect to item number four, Bill "An Act Creating the State Institutional Emergency Fund and the Personal Services Reserve Account" this be tabled pend-

ing the motion of the gentleman from Bowdoinham, Mr. Curtis, to substitute the bill for the report. Is this the pleasure of the House?

The motion prevailed and the Bill and Report was so tabled.

The SPEAKER: The Chair now lays before the House item number five under unfinished business, "Ought not to pass" House Report of the Committee on Appropriations and Financial Affairs on Resolve Creating University of Maine Scholarship Fund, House Paper 582, Legislative Document 831, tabled on May 8 by the gentlewoman from Rumford, Miss Cormier, pending acceptance of the Report. The Chair recognizes the gentleman from Brunswick, Mr. Walsh.

Mr. WALSH: Mr. Speaker, the main purpose for my livelihood coming from being a football coach at Bowdoin College, I suppose I should let this thing slide right on by "Ought not to pass" unless it was amended so that it applied only to females or to those males who are five feet four and weigh a hundred and forty pounds, but I note the absence of the gentlewoman from Rumford, Miss Cormier, who was called to New York on business, and I hope that you will allow this to lie on the table and specially assign it for Tuesday next when I know she will be back in the House.

The SPEAKER: The question before the House is the motion of the gentleman from Brunswick, Mr. Walsh,—

Mr. FULLER: Mr. Speaker?

The SPEAKER: The Chair recognizes the gentleman from South Portland but must remind him he may not debate the motion.

Mr. FULLER: I wonder if the gentleman from Brunswick, Mr. Walsh, would be willing to table this until Wednesday of next week, because Miss Cormier, the gentlewoman from Rumford, will be in Boston Monday and Tuesday of next week at the education meeting.

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

Mr. TOTMAN: Mr. Speaker, I would like to debate the time of assignment inasmuch as the gentlewoman from Rumford, Miss Cormier, said she was going to accept

the Committee Report, and move that it be tabled until later in the day, since she informed me that she is perfectly willing to accept the Committee Report.

The SPEAKER: The question before the House is the motion of the gentleman from Brunswick, Mr. Walsh,—

Mr. WALSH: Mr. Speaker?

The SPEAKER: The Chair recognizes that gentleman.

Mr. WALSH: Mr. Speaker, if the gentlewoman from Rumford, Miss Cormier, saw the gentleman from Bangor, Mr. Totman, and relayed that word to him, I am perfectly willing to withdraw my motion.

The SPEAKER: The Chair understands the gentleman from Brunswick, Mr. Walsh, withdraws his tabling motion. The Chair recognizes the gentleman from Portland, Mr. Childs.

Mr. CHILDS: Mr. Speaker, if I understood the gentleman from Bangor, Mr. Totman, he said the gentlewoman from Rumford, Miss Cormier, was willing to accept the Committee Report and then lay it on the table?

The SPEAKER: The gentleman from Bangor, Mr. Totman, may answer the question.

Mr. TOTMAN: Mr. Speaker, the gentlewoman from Rumford, Miss Cormier, advised me that she would be out of the House today and made it very clear that she was perfectly willing to accept this Committee Report "Ought not to pass", and I so move.

The SPEAKER: The question before the House is the motion of the gentleman from Bangor, Mr. Totman, that with respect to item number five, Resolve Creating University of Maine Scholarship Fund, the House accept the "Ought not to pass" Report. Is this the pleasure of the House?

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

The SPEAKER: The Chair now lays before the House item number six under unfinished business, House Divided Report, Report "A" reporting New Draft, House Paper 1087, Legislative Document 1566, and Report "B" reporting "Ought not to pass" of the Committee on Judiciary on Bill "An Act relating to Judicial

Separation", House Paper 641, Legislative Document 908, tabled on May 8 by the gentleman from Portland, Mr. Childs, pending acceptance of either Report. The Chair recognizes the gentleman from Bangor, Mr. Browne.

Mr. BROWNE: Mr. Speaker and Ladies and Gentlemen: There are several parties interested in this measure, some of them are absent this afternoon, and there is additional work that they desire to do on it. I therefore move that this be tabled until Tuesday, May 14.

The SPEAKER: The gentleman from Bangor, Mr. Browne, moves that item six be retabled specially assigned for Tuesday, May 14, pending acceptance of either report. Is this the pleasure of the House?

The motion prevailed and the Reports were so tabled.

House at Ease

Called to order by the Speaker.

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

Mr. RANKIN: Mr. Speaker, I rise to a question of privilege of the House.

The SPEAKER: The gentleman may state it.

Mr. RANKIN: Mr. Speaker, I wish to speak at this time on a matter of grave concern to the Members of the House of Representatives. I know the hour is late but I hope you will give me your attention. In this morning's Portland Press Herald, under the date of May 10, 1957, there appeared a letter from a Mr. Ralph Spiers of Cliff Island, Maine. I am somewhat acquainted with the gentleman. He appeared before the Sea and Shore Fisheries Committee, during a hearing on a bill "An Act relating to Apprentice Lobster Fishing Licenses." As I remember, there were not more than two proponents at that time. It was my understanding that this bill was one that he strongly favored. He has chosen and seen fit to write a letter to the Portland Press Herald, and I am going to read that letter. The heading: "Resents Injustice on Apprentice Lobstermen." I am quoting:

"Editor of the Press Herald:

A great injustice and a serious matter has taken place in reference to a bill presented by Senator Arthur H. Charles to allow minors and grant them a permit to work with a licensed lobsterman during school vacations providing they have been a Maine resident of one year.

Due to an unselfish attitude; "—he probably meant selfish—" Rep. Miller has turned it down and must be against youth opportunity. The problems of juvenile delinquency are terrific and if a boy has idle time on his hands he is bound to get into trouble. We have been Maine property taxpayers for seven years and became permanent residents one year ago. We are American citizens and my boy American born; still he is being deprived of a chance to earn something to get him through school.

We chose Maine as we have loved it for a long time and am now retired here. But the three-year law that the Sea and Shore Fisheries have certainly is unconstitutional and if I make it strong some of the men that voted against the bill are not even American citizens and that is the truth. I didn't want to make this a long letter, but felt I had to mention some of the facts. Ralph Spiers, Cliff Island."

I would remind the House of Representatives that the laws of the Sea and Shore Fisheries Department as well as all the laws of the State of Maine are constitutional until proven otherwise by the Courts of the State of Maine, and I would remind the members of this House, that in order to be elected a representative of the people of the State of Maine, one of the qualifications is American citizenship. And I feel that through this letter the House of Representatives of the State of Maine has suffered a grave insult.

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

Mr. TOTMAN: Mr. Speaker, I would like unanimous consent to explain the next motion please.

The SPEAKER: The gentleman may proceed.

Mr. TOTMAN: Mr. Speaker, it was our intention to adjourn at this time, but it has been called to my

attention that item eight could be well expedited and sent to the other branch. I would therefore like to move that we go on to item seven which will be tabled.

The SPEAKER: The Chair understands the motion of the gentleman from Bangor, Mr. Totman, to be that item seven, Bill "An Act relating to Apprentice Lobster Fishing Licenses", Senate Paper 137, Legislative Document 274, be tabled and specially assigned to Monday, May 13, pending acceptance of the Committee Report. Is this the pleasure of the House?

The motion prevailed and the Report was so tabled.

The SPEAKER: The Chair now lays before the House item number eight Bill "An Act relating to the Operation of Bicycles", House Paper 1062, Legislative Document 1517, tabled on May 9 by the gentleman from Portland, Mr. Childs, pending further consideration. In the Senate this bill has been engrossed as amended by Senate Amendment "A" and in the House enacted without amendment. The Chair recognizes the gentleman from Portland, Mr. Childs.

Mr. CHILDS: Mr. Speaker, I placed this matter on the table, I believe it was yesterday, because there was some question in my mind about the constitutionality of it. There still is, but the bill is more of an education bill than anything else, and I can assure the very gracious lady from Kittery, Mrs. Burnham, that I am not in a corner. Therefore, I move we recede and concur with the Senate.

The SPEAKER: The question before the House is the motion of the gentleman from Portland, Mr. Childs, that the House recede and concur.

Is this the pleasure of the House?
The motion prevailed.

The gentleman from Bath, Mr. Ross, was granted unanimous consent to address the House.

Mr. ROSS: Mr. Speaker, item one on our calendar today was tabled until later in the day. This is an order relative to the minimum wage laws that you have heard talked about. I wish to bring up out of

order item number one that was tabled earlier this morning until later in the day.

The SPEAKER: The gentleman requests consent out of order for the Chair to lay before the House item number one on the first page of the calendar under papers from the Senate. Is there objection? The Chair hears none, the gentleman may proceed.

Mr. ROSS: Mr. Speaker, this was an order that came to us from the Senate giving the Labor Committee permission to bring out a New Draft of two minimum wage laws. I tabled it because one of the sponsors of one of these measures, the gentleman from Portland, Mr. Smith, was not present. He has been here the rest of the day. He has given permission to let this order go by, and so that we can get a minimum wage law on the floor of this House for debate only, I suggest that we pass the order at this time.

The SPEAKER: Would the Clerk read the order again please?

The CLERK:

"ORDERED, the House concurring, that the Joint Standing Committee on Labor be and hereby is authorized to report a bill related to State minimum wages (S. P. 567)

Comes from the Senate read and passed.

Thereupon, the Order was passed in concurrence.

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

Mr. TOTMAN: Mr. Speaker, I now move that the House adjourn until one o'clock in the afternoon on Monday next.

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

Mr. BREWER: Mr. Speaker, I would ask unanimous consent to address the House.

The SPEAKER: The Chair must entertain the motion to adjourn first. If that motion does not prevail, the motion will then be in order. The Chair recognizes the gentleman from Bangor, Mr. Totman.

Mr. TOTMAN: Out of courtesy to the gentleman from Caribou, Mr. Brewer, I withdraw my motion to adjourn.

The SPEAKER: The gentleman from Bangor, Mr. Totman, withdraws his motion to adjourn, and the Chair recognizes the gentleman from Caribou, Mr. Brewer.

The gentleman from Caribou, Mr. Brewer, was granted unanimous consent to address the House.

Mr. BREWER: Mr. Speaker and Ladies and Gentlemen: I probably have as far to go as any of you, I am not planning to keep anybody here. I would ask at this time that you allow the gentlewoman from Presque Isle, Mrs. Christie, to make a tabling motion on item nine, page nine.

The SPEAKER: The Chair lays before the House item nine, Bill "An Act Classifying Certain Surface Waters in Maine", House Paper 1085, Legislative Document 1562, tabled

on May 9 by the gentlewoman from Presque Isle, Mrs. Christie, pending adoption of House amendment "A" and the Chair recognizes that gentlewoman.

Mrs. CHRISTIE: Mr. Speaker, I move this bill be tabled until Tuesday next, May 14.

The SPEAKER: The gentlewoman from Presque Isle, Mrs. Christie, moves that item nine be tabled and specially assigned for May 14, pending adoption of House Amendment "A". Is this the pleasure of the House?

The motion prevailed and the Bill was so tabled.

On motion of Mr. Totman of Bangor,

Adjourned until Monday, May 13, at one o'clock in the afternoon.