

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Eighth Legislature

OF THE

STATE OF MAINE

VOLUME I

1957

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Monday, May 13, 1957

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

Prayer by the Rev. Mr. R. Andrew Cone of Gardiner.

The members stood at attention during the playing of the National Anthem.

The journal of the previous session was read and approved.

Papers from the Senate

From the Senate: The following Communication: (S. P. 568)

April 28, 1957

To the Honorable Senate and House of Representatives of the Ninety-Eighth Legislature

The Survey Commission for the Portland-South Portland Bridge, created by Chapter 169, Private and Special Acts of 1955, has the honor to report that it has organized and has begun negotiations leading to the surveys and studies authorized. Further progress is dependent upon consideration and action by the municipalities involved.

A report of the Survey Commission's findings will be submitted when this information is available.

Respectfully,

(Signed) HOWARD B. FLEMING
Chairman

PHILIP G. WILLARD
(representing the city of South Portland)

RAYMOND E. JENSEN
GERALD COLE
(representing the city of Portland)

CHARLES O. SPEAR,
JR.

RALPH D. BROOKS
ROBERT L. CRAM
(Cumberland County Commissioners)

J. W. WIGGINS
(representing Portland Terminal Company)

DAVID H. STEVENS
CLARENCE S. CROSBY
HAROLD B. EMERY
(State Highway Commission)

Came from the Senate read and ordered placed on file.

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

Senate Reports of Committees Leave to Withdraw

Report of the Committee on Labor on Bill "An Act relating to Extension of Unemployment Benefits under Employment Security Law" (S. P. 435) (L. D. 1232) reporting Leave to Withdraw, as it is covered by other legislation.

Came from the Senate read and accepted.

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

Ought Not to Pass

Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act Revising Statutes Relating to Licensing of Electricians" (S. P. 454) (L. D. 1302)

Came from the Senate read and accepted.

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

Ought to Pass in New Draft Amended in Senate

Report of the Committee on Judiciary on Bill "An Act relating to Beneficial Devises, Bequests and Legacies to Subscribing Witnesses" (S. P. 303) (L. D. 800) reporting same in a new draft (S. P. 566) (L. D. 1567) under same title and that it "Ought to pass"

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

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

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

SENATE AMENDMENT "A" to S. P. 566, L. D. 1567, Bill, "An Act Relating to Beneficial Devises, Bequests and Legacies to Subscribing Witnesses."

Amend said Bill by striking out the underlined words "or more" in the 7th line.

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

Referred to 99th Legislature

Report of the Committee on Judiciary on Bill "An Act relating to Filling Vacancies on Boards of Registration" (S. P. 334) (L. D. 900) reporting that it be referred to the Ninety-ninth Legislature.

Came from the Senate with the Report read and accepted and the Bill referred to the Ninety-ninth Legislature.

In the House, the Report was read and accepted in concurrence and the Bill referred to the Ninety-ninth Legislature in concurrence.

**Divided Report
Tabled**

Majority Report of the Committee on Transportation on Bill "An Act relating to License Plates for Motor Vehicle Owners Who Operate Amateur Radio Stations" (S. P. 139) (L. D. 276) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. ROGERSON of Aroostook
COLE of Waldo
HALL of York
— of the Senate.

Messrs. STILPHEN of Rockland
KELLY of Rumford
ALLEN of Chelsea
— of the House.

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

Report was signed by the following members:

Messrs. TOTMAN of Bangor
BEYER of Cape Elizabeth
HERSEY of Fort Fairfield
JACQUES of Lewiston
— of the House.

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

In the House, the Reports were read.

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

Mr. BEYER: Mr. Speaker, some of you may remember that earlier in the session we received for discussion, a bill, item forty-four on

your tabled and unassigned matters. This bears very closely on this particular subject and some of the members of the Committee thought that to be consistent in our action here on this type of legislation, that that would be the most logical way to vote on it, vote on that one first, so at this time, although I realize there is some disagreement as to the approach, I would like to table this matter until that item forty-four comes off the table, and at that time I assure you I will take it off, because those of us feel that item forty-four will take care of all segments that came before our Committee and asked for special license plates, and there were three segments that did. This is the one that came out "Ought to pass", yet the overall initial license plate would allow any and all to have their special license plates and some of us feel that they are very important, and that this bill — if the other bill passes there will be no need of this bill. So at this time I move to table it unassigned.

The SPEAKER: The Chair recognizes the gentleman from Bridgton, Mr. Haughn, but must remind the gentleman that the motion is not debatable.

Mr. HAUGHN: I realize that Mr. Speaker, and just would like to question through the Chair if another time of assignment could be made for tabling.

The SPEAKER: The gentleman from Bridgton, Mr. Haughn, has addressed a question through the Chair to the gentleman from Cape Elizabeth, Mr. Beyer, as to whether or not he would be willing to assign a special date.

Mr. BEYER: I would be willing to assign a special date if he will take his item off and similarly assign it.

Mr. HAUGHN: At the appropriate time I will, Mr. Speaker, but I just —

The SPEAKER: The Chair must rule the gentleman out of order. The question before the House is the motion of the gentleman from Cape Elizabeth, Mr. Beyer, that item six, Bill "An Act relating to License Plates for Motor Vehicle Owners who Operate Amateur Radio Stations", with respect to both reports, that both reports be tabled

unassigned pending acceptance of either report. Is this the pleasure of the House?

The motion prevailed and the Reports were so tabled.

Non-Concurrent Matter

Bill "An Act Authorizing Forest Commissioner to Convey Interest of the State in Jaquish Island, Cumberland County" (S. P. 440) (L. D. 1237) which was indefinitely postponed in non-concurrence in the House on May 9.

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:

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

Mr. WILLIAMS: Mr. Speaker and Members, I move that we adhere to our former action.

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

Mr. CALL: Mr. Speaker, I desire that we recede and concur with the Senate, and I move a division.

The SPEAKER: The question before the House now is the motion of the gentleman from Cumberland, Mr. Call, that the House recede.

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

Mr. HEALD: Mr. Speaker, is this bill debatable at this time?

The SPEAKER: Yes, the bill is debatable.

Mr. HEALD: Mr. Speaker, I asked that question, yet I really don't want to debate the bill. The only thing I wanted to do is to point out to the House that this bill came out of committee unanimous "Ought not to pass", the committee feeling that they were carrying forth the wishes of the State in conserving its public lands or its lands for the public. I just two minutes ago got a message from the Forestry Department. I was concerned as to the amount of land we have for public use in the State of Maine. I was amazed to find that the national average—or rather twenty-seven per cent of the nation's land is either nationally or state-owned public land. The State of Maine average is three per cent.

The State of Maine, of all states in the Union, that depends so on its public recreational areas and its tourist business, I feel it is very, very important and we should not treat it lightly. The State of New Hampshire has seventeen per cent and the State of Vermont eight and a half. I just got this message just before we started and I didn't have time to go into other states, but I believe even the little old state of Rhode Island has got more public land than we have here in Maine and that is the reason I voted the way I did on this bill.

The SPEAKER: The question before the House is the motion of the gentleman from Cumberland, Mr. Call, that the House recede. Will all those who favor the motion to recede, 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 Hodgdon, Mr. Williams, that the House adhere. Will those who favor the motion to adhere, please say aye, those opposed, no.

A viva voce vote being taken the motion prevailed.

The SPEAKER: The Speaker has received a communication which is not on the printed calendar, and which the Clerk will read at this time.

The following communication was read by the Clerk:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
OFFICE OF THE SPEAKER
AUGUSTA

May 13, 1957

Hon. Joseph T. Edgar
Speaker of the House
98th Legislature

I herewith resign from the Committee of Conference appointed by the Speaker of the House on Bill, "An Act relating to Examinations for Certain Persons to Practice Barbering" (S. P. 539) (L. D. 1511), this resignation to be effective upon acceptance by the House.

Respectfully,

(Signed) ORVILLE B. HAUGHN
CARL M. STILPHEN
EDWARD C. MILLER

The communication was accepted and ordered placed on file.

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

Mr. HAUGHN: Mr. Speaker, it seems that while a little explanation is due from me at least, and I know other members of the Committee who just resigned, due to the fact that we were proponents of the bill, in fact all three of us were, and I realize the position it placed our worthy Speaker in, which it was no intent of ours to ever do, because he is fair and aboveboard in all matters, but I do say, before I make a motion, if it is in order, that there is a little explanation due this House for the reason for the course of action which will be coming up. It seems though misinformation was given this House in regards to this bill in the absence of a member who was a proponent of this bill, by one of my worthy colleagues in the House. I believe it was probably more of a misunderstanding than it was an error, but it does need some correction and some consideration by this House, and Mr. Speaker, if I am in order, I request to ask if that bill is now in possession of the House.

The SPEAKER: The Chair will advise the gentleman that the bill is in possession of the House.

Thereupon, on motion of Mr. Haughn of Bridgton, the House voted to reconsider its action on Bill "An Act relating to Examinations for Certain Persons to Practice Barbering (S. P. 539) (L. D. 1511) whereby it voted to insist on its former action and requested a Committee of Conference.

On further motion of the same gentleman, the House voted to recede, the Bill was given its third reading, passed to be engrossed in concurrence and sent to the Senate.

Orders

On motion of Mr. Graves of Mt. Desert, it was

ORDERED, that Rev. Ronald Mosley of the Congregational Church of Bar Harbor be invited to officiate as Chaplain of the House on Wednesday, May 15, 1957.

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

House Reports of Committees Leave to Withdraw

Mr. Browne from the Committee on Judiciary on Bill "An Act relating to Speed of Commercial Vehicles" (H. P. 300) (L. D. 398) reported Leave to Withdraw, as it is covered by other legislation.

Report was read and accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Towns and Counties reporting "Ought not to pass" on Bill "An Act to Incorporate the Town of Harpswell Neck" (H. P. 713) (L. D. 1075)

Report was signed by the following members:

Messrs. WYMAN of Washington
FARLEY of York
Mrs. LORD of Cumberland
— of the Senate.
Messrs. WEBBER of China
ERVIN of Houlton
— of the House.

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

Report was signed by the following members:

Messrs. PRUE of Ashland
PORELL of Westbrook
HENDSBEE of Madison
LEATHERS of Hermon
— of the House.

Reports were read.

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

Mr. CALL: Mr. Speaker and Ladies and Gentlemen of the House: Two years ago this same act was before this House and the people were given the right on Harpswell Neck to vote and it was defeated, not to separate. Again this House has before it the same bill. It has come out again "Ought not to pass" on a Majority Report. This town a year from next July will celebrate its two hundredth anniversary as being a town incorporated. About seven or eight years ago a gentle-

man moved into this town and he tried to make trouble and he has still got this trouble and wanted these certain people to come up here to the legislature and put before them a bill again. At the hearing there was over a hundred people opposed it against about six for it. Now I am not going to take up your time, but it is like your own little town, all those matters should be settled in town meeting. I ask this House to go along with the Majority Report "Ought not to pass" and I ask for a division.

The SPEAKER: The question before the House is the motion of the gentleman from Cumberland, Mr. Call, that the House accept the Majority "Ought not to pass" Report on Bill "An Act to Incorporate the Town of Harpswell Neck". The gentleman has requested a division. Is the House ready for the question? Will all those who favor the acceptance of the Majority "Ought not to pass" Report, please rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Ninety-eight having voted in the affirmative and one in the negative, the motion prevailed, the "Ought not to pass" Report was accepted and sent up for concurrence.

The SPEAKER: The Chair recognizes the gentleman from Portland, for the purpose of a reconsideration. Mr. Childs.

Mr. CHILDS: Mr. Speaker, I rise for the purpose of a reconsideration. May I inquire from the Clerk if he has in his possession Legislative Document 416, which is an act in relation to the membership of the Milk Commission which was indefinitely postponed in this House on Friday last?

The SPEAKER: The Chair would advise the gentleman that the papers are in possession of the House.

Mr. CHILDS: Mr. Speaker, I move we reconsider our action whereby this House indefinitely postponed both these Reports on Friday last.

The SPEAKER: The question before the House is the motion of the gentleman from Portland, Mr. Childs, that the House reconsider its action of last Friday whereby it indefinitely postponed both reports on

Bill "An Act relating to Milk Commission Membership". Is this the pleasure of the House?

(Cries of "no")

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

Mr. CHILDS: Mr. Speaker, the purpose that I ask for a reconsideration at this time is that very shortly we shall have bills in the third reading coming up. Last Friday this House passed three measures which possibly should be handled by rules and regulations of the Commission. It is my opinion and the opinion of many that if the make-up of the Commission was on a different basis, that the people of the State of Maine would feel less critical toward the Milk Commission. It is my intent at this time and my desire that if we reconsider our action on this matter and accept the Report "A" which would change the make-up of the Commission, that I shall for one who fought for these other bills which I consider more or less rules and regulations, I shall do everything in my power to at that time defeat them. If this receives the favorable Committee Report "A" at this time, with the permission of this House I will place on the table the other bills pertaining to the Milk Commission. If the Report "A" gets favorable reception from this Legislature in both branches, at that time I shall do everything in my power to defeat the other two bills. I am not going to go into the merits of the Milk Commission again, I think they were thoroughly discussed last Friday, but I certainly hope that we can do something at this time to shed a more favorable light on the Milk Commission of the State of Maine, and I hope that my motion to reconsider shall prevail, and when the vote is taken I request a division.

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

Mr. MAXWELL: Mr. Speaker, I would like to concur with the gentleman from Portland, Mr. Childs, on all points. I still feel that matters such as volume sales and store differentials should be handled through regulation, but I do feel that the Commission which handles

such regulations should be impartial. Until such time as it is, the only other course that we have is to do it through legislation.

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

Mr. ROBERTS: Mr. Speaker, Members of the House: L. D. 416 calling for two more or a total of three consumers on the Commission and eliminates the Commissioner of Agriculture.

Committee Amendment "A" would include the Commissioner without the power to vote, also establish a Commission who shall be citizens of the state, which might prove to be a Commission without any knowledge of the industry. It might consist entirely of consumers.

Committee Amendment "B" would provide for a much more representative group and still the Commissioner would have no power to vote.

I am sure I would not want to serve on a Committee or a Commission without the privilege of voting, and I am also sure our Commissioner of Agriculture has no desire to do so and in this instance he has said he will not.

As you know the Commission is supported wholly by the industry and I feel the industry should be well represented on the Commission. Our present Commission as set up is doing a fine job and I see no good or valid reason for a change. The law states that the State Board of Barbers and Hairdressers shall be composed of two barbers and two hairdressers who have had five years of experience and the Director of Health who shall serve as executive secretary. Also that members of the Plumbers Examining Board shall be plumbers with two years' experience.

The State Board of Dentists, Osteopathy and Board of Registration on Medicine must be composed of practitioners in their respective professions, none of them would approve or dream of having anyone but members of the profession on any of these boards.

The law also provides that the Board of Bar Examiners shall be composed of five competent lawyers of the state. I don't believe the lawyers in this House would approve

of a Board of Bar Examiners composed wholly or in part of laymen.

There are many other boards or commissions the membership of which must by law be composed of men and women of their respective professions.

Yet Amendment "A" does not provide for any member of the milk industry to serve on the Milk Commission. Amendment "B" calls for three consumers on the Commission and the industry in a spirit of cooperation are in agreement with adding another consumer, making two consumers on the Commission instead of one as now provided.

I know of no other industry that consults the consumer in the management of their business or in establishing the price of their product. I hope the gentleman's motion does not prevail.

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

Mr. FROST: Mr. Speaker, I hope this motion to reconsider does not prevail. We have only asked for just an equal representation, and the other boards have their own representation. I don't know why the milk industry should have to put up with or I say have on their board members that might not be too interested. I hope this motion does not prevail. We already have a good vote and we shouldn't change our minds quite so frequently.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen: In connection with these problems before us regarding the agricultural well-being which so vitally concerns the economy of our whole state, I wish that we might consider for a few minutes the 1957 Economic Report of the President of the United States.

In giving these figures, I will give them in round numbers, and I quote: "In 1950 there were living on farms in the United States twenty-five million people or sixteen and five tenths per cent of the population. In 1956 there were only thirteen and two tenths of our people living on farms, a decrease of three million and three tenths." Now the increase in population na-

tion-wide for these six years was near seven million. I add this increase of three million people who left the farms to the seven million and we have ten million people who have to find employment at something besides farming, and seemingly this slack is being taken up by putting men in the armed forces and establishments for production of war materials.

Since the progress of a people is measured in exact ratio by the production of material things of economic value, this vast shift of our people from this production to the production of materials of destruction is bound to cause trouble which is becoming more and more serious.

This report says and I quote: "Although the farm population in these six years decreased three and one-half million, farm crop production reached an all time high; so did crop production per man hour." Now here we have a nation-wide business that although it is doing a better job of production which is the fundamental basis of progress yet this particular business is steadily and progressively getting worse off economically.

There must be an answer, and I believe there is an answer, and I quote again: "In 1956 the farm population was thirteen and two tenths per cent while our farms got only five per cent of the national income, while in 1947 our farm population was eighteen and nine tenths per cent and they received ten per cent of the national income. The farm debt during these ten years more than doubled reaching a new all time high of near seventeen billion dollars and is still rising."

Now I submit to you ladies and gentlemen, is it not high time for the good of us all to do something to correct this fast declining economy rather than to enact laws to further its destruction. Let us ever remember that all major depressions begin in the agricultural economy, that if we are to have a successful economy in all the varied phases of our human endeavors, we must maintain a comparable agricultural economy.

In all honesty and sincerity, ladies and gentlemen, I ask of you in view of this Presidential Report

and its serious implications of the destruction of a major industry, I ask you how much real study, how much real research was done by the P.A.S. or the Legislative Research Committee or anyone who seeks the enactment of these bills which will only make bad matters worse.

I can see no reason why we should make any change in the Commission. They have been doing a good job. There is an extra consumer added in the bill which you have already passed and I do not see how possibly the change to people who know nothing of this industry and the terrible situation it's in, I can see no reason why we should make a change.

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

Mr. CHILDS: Mr. Speaker, the opponents of this measure seem to put a great deal of thought into the proposition that it certainly would be a bad situation if men were appointed to this Board who had no knowledge of industry. Now we certainly have a great deal of faith in our present Governor and in our governors who will succeed him. No governor is going to put any man on any Board who does not have some knowledge of it. That is only logical and common sense. Now, certainly the Members who are proponents of this and the Legislative Research Committee had no intentions of doing anything which was going to cause an injustice or injure the milk industry at all. We have to take into consideration that we're not here representing an industry. We are here representing almost a million people of the State of Maine, and our actions should be for which is for the best for the whole state and for no particular industry.

Now as far as how would the plumbers or the electricians or the bar or the physicians care for boards regulating their prices, well of course we wouldn't want that. As a matter of fact I certainly do not go along with the proposition of the Milk Commission, but industry itself is the one who favors the Milk Commission, and they are the ones who want a Milk Commission

to control prices and so forth. I'm opposed to it because I don't think it's a good system of government. Certainly there are times when they do have an effect and they may be needed. Those are in times of depression and economic needs when you need governmental regulations. We are not in that situation in this present day and age. At least I hope we're not. And if we are in it, there should be other industries under Boards also. Now I think this will be a service to the people of the State of Maine and I hope my motion will prevail.

The SPEAKER: Is the House ready for the question? The Chair recognizes the gentleman from New Sharon, Mr. Caswell.

Mr. CASWELL: Mr. Speaker, I can't do much but repeat what I said the other day, and I don't know as I remember what I said then, but probably you don't any of you. Here's a Commission which is supported by the milk industry. I won't say this thing in perhaps defense of the Committee, various Committee reports on these milk bills. Not only producers, dealers, consumers, their interests are not so far apart as this House seems to feel. In many cases in the various bills that have come before us in the hearings and in our discussions in the executive session afterwards, some points are brought out that don't come up in the debate. I'd like, just as an example of that, this is not directly concerned with this matter, but I'd like to point it out as an example. In the discussion of the quantity discount matter on Friday, it was mentioned, and merely mentioned in the House, that one of the Research Committee's requests was that there be a flat quantity discount. The objection which the Committee saw to that was the flat requirement without ifs or ands, certain quantity discounts should be given by dealer, and a specific instance was noted where a dealer furnished a certain customer with a quantity of milk and did allow a discount, a reasonable amount, that customer being a considerable distance from his regular route. The Committee was probably blamed for opposing the requirement, absolute

requirement that quantity discounts be in all cases allowed for this reason in that particular case. Here was a customer who lived some distance from the dealer's route, it cost as much or more to deliver that milk in quantities as it would to his regular customers in small quantities.

Now what would happen in case that were made mandatory that we give special discounts in that case. You can't compel any dealer to do business at a loss. What the dealer would do in that case would be to buy so much less milk, inform that customer that he could no longer supply him with that milk, and in that way both the customer who would have to find a new supplier for himself and he might have some difficulty locating one. The producer, in order that the dealer could reasonably see that he hadn't the milk, he could have to drop off some producer. The consumer, the producer and the dealer, all three would be inconvenienced by that being made a mandatory provision of the law. That's an example of one of the things that are discussed in our Committee meetings and which explains—now, certainly the Committee has no objection to quantity discounts. That's reasonable, but the Commission itself has the authority to grant those in cases where reasonable and needed, and to make it mandatory if all dealers and under all circumstances would, just as I said, would inconvenience all three, and the rights and privileges of the consumer, the producers and the dealers are so tied in together that things as brought up in the House, do not in many cases fully present the picture.

Now, as to this particular matter at hand, I realize the position of the gentleman from Portland, Mr. Childs, it is true and for the past two sessions at least, we have seen evidence of some dissatisfaction over certain rulings of the Milk Commission. Those rulings as I have tried to indicate sometimes cover matters that are not as in the cases that I have just mentioned, cover matters that are not fully understood. It is more a case of misunderstanding I believe than a feeling—any indication the Commission might act in favor of any one branch of this industry, or against

the consumer. I feel because of the fact that the dealers, the industry itself is supporting this Commission, that it would be still well to be certain that various segments of the industry, and I might add that in this 1214 a change has been made in the number and membership of the Commission, I still feel that the membership might very well remain as it will be under the bill 1214.

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

Mr. FROST: Mr. Speaker, as we have already made a record of our votes once on this matter, I would like to see this taken by a roll call. I move that this be a roll call vote. If we are going to be inconsistent, let's have a record of it.

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

Mr. BEAN: Mr. Speaker, twenty-two years ago, right in the very low of the depression, when you could hire a man for two dollars a day on a dairy farm, it became necessary for the dairy people of the State of Maine to come to the legislature in order that they might be able to enact a law in order that they might be able to continue in the dairy business. Instead of coming to the legislature with a bill that would set up a commission payable by the State, they came here with a bill that the producers and the dealers agreed upon and the services of the Commission after the bill passed and was appointed, had been met entirely by the industry itself, combination of producers, producer-dealers and dealers. The cost of production today for milk on the farms compared to twenty-two years ago has more than tripled. This whole thing sums up to the point as to whether or not we will enable the people of Maine to buy milk for less money than they are buying it today, and I submit to you, that if we should—if that thing should happen, that Maine would become an importing state of milk inside of the next six months because it would force the producers out of business. If the consumer buys his milk for less money than he is getting it today,

it is going to fall right back onto the producer. Now this Commission has operated very well over the years. It is impossible to provide for any Commission that is going to suit everybody one hundred per cent. But inasmuch as this Commission has operated satisfactorily, to a greater portion of the people of Maine, I hope that the motion of the gentleman from Portland, Mr. Childs, does not prevail.

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

Mr. ELWELL: Mr. Speaker and Members of the House: Unlike most of the other proponents who were concerned primarily with the position of the consumer, I am concerned with the position of the producer. I was born on a dairy farm myself and I was milking cows when I was five years old. I have been talking with milk producers in my district and those whom I have been talking with can't understand why the adverse price of milk has to be reflected in the price that is paid to the producer. I believe that the Commission could better do its work if special interests were kept to a minimum. The spread between the consumer and the producer I think is the nub of the whole problem and again the producers are asking why the changes do not reflect the conditions in line with the prices paid to both the producers and the dealers. Producers and dealers buy their equipment for instance on the same markets. They have the same problems of labor and taxes and the different costs that go into producing milk. One producer in my area told me that his labor costs last year, that is his labor return, figured at thirty-seven cents an hour return for himself.

We picked up a newspaper some two weeks ago and we read where the Milk Commission had dropped the price of milk two cents to the consumer, the whole two cents to come out of the producer. This I think in itself is an indictment of the present policies of the Milk Commission. That is not equity as I see it. Either equity didn't exist in the previous order or it didn't exist in the current order. I think

that the motion of the gentleman from Portland, Mr. Childs, is definitely a step in the right direction.

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

Mr. TEVANIAN: Mr. Speaker, let us look at the present composition of the Milk Commission. There are two producers, one producer-dealer and one dealer and one consumer. This board meets and they set minimum prices on the price of milk. Now let me take you back twenty-two years to follow in line with the gentleman from Winterport, Mr. Bean. The then President of the United States, Franklin Delano Roosevelt felt that in order to cure the ills of the nation, the economy of the nation, it would be best if all industry and all manufacturers should be consulted in the setting of minimum prices. To effectuate this program, he introduced the N.R.A. The N.R.A. has since been held unconstitutional. Sometimes I wonder whether I am in support of the bill of the gentleman from Portland, Mr. Childs. Maybe we can cure the ills of our State if we have all types of boards, including Public Utilities Commission, industry and have minimum prices set in that new deal fashion and set by the industry itself rather than what is best for the State. This is nothing but an offspring of the N.R.A. which was held unconstitutional, unhealthy and certainly not free enterprise. If I were a milk producer I certainly would be in favor of this bill. Four people from my industry as opposed to one consumer and I understand that 1214 increases one more consumer on the board, to set the minimum prices that I can charge. If we want to go along with it and allow every industry, the potato industry, the bean industry and all other foods and all industries including manufacturers to that type of system, I would be willing to go along, but to single out the milk industry and give them all the advantage with eighty per cent representation on the Commission and then set minimum prices, then I submit this is not for the State of Maine. There is not a necessity for it and with a Milk Commission we will never get into the basic philosophies of free enter-

prise and that of competition. I thank you.

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

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: In the original bill 416 the Research Committee asked for on the board, they wanted two producers, a dealer, a producer-dealer and three consumers. In L. D. 1214 they have given them all they asked for except one more consumer. I don't feel there is any need for this bill.

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

Mr. BROCKWAY: Mr. Speaker and Ladies and Gentlemen of the House: I wasn't disgusted for not being recognized, it was some of the things that disgusted me some. I will try to keep this on the subject as near as I can. I would like to make reference to L. D. 1214 which has had its first and second reading in the House last Friday, does provide for a change in our Maine Milk Commission personnel to put in two consumers, two milk producers and two milk dealers, one of them would be a producer-dealer, and I submit to you that I think that is very, very fair. We have given this subject an awful lot of study, we have studied it for two years, the industry has, thinking we would have something for a recommendation to bring to this legislature, and I feel that we have done an excellent job, and I hope that the gentleman's motion does not prevail, and I believe where we had a roll call last Friday on this same subject, that it is hardly necessary again today, although I have no objection to a roll call.

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

Mr. BRODERICK: Mr. Speaker, this bill was discussed intelligently Friday and we have listened to considerable debate today. I now move the previous question.

The SPEAKER: The gentleman from Portland, Mr. Broderick, has moved the previous question. In order for the Chair to entertain the motion for the previous question, the Chair must have the approval

of one-third of the House. Will those who are in favor of the motion for the previous question, please rise and remain standing until the monitors have made and returned the count.

Obviously more than one-third having risen, the Chair is authorized to entertain the motion for the previous question. The question now before the House is shall the main question be put now. This motion is debatable, each member being limited to five minutes of debate to that particular motion. Is it the pleasure of the House that the main question shall be put now?

The motion prevailed.

The SPEAKER: The question before the House is the motion of the gentleman from Portland, Mr. Childs, that with respect to L. D. 416, Bill "An Act relating to Milk Commission Membership", the House reconsider its action of last Friday whereby it indefinitely postponed both Reports. The gentleman from Perry, Mr. Frost, has requested a roll call. Will those who desire a roll call, please rise and remain standing until the monitors have made and returned the count.

Less than one-fifth having arisen the motion for a roll call did not prevail.

The SPEAKER: The gentleman from Portland, Mr. Childs, has requested a division. Will those who favor the House reconsidering its action whereby it indefinitely postponed both Reports on Bill "An Act relating to Milk Commission Membership" please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Twenty-nine having voted in the affirmative and sixty-nine having voted in the negative, the motion to reconsider did not prevail.

Passed to Be Engrossed

Bill "An Act to Reactivate the State Committee on Educational Television" (S. P. 165) (L. D. 444)

Bill "An Act relating to Reciprocal Provisions for Penalties on Insurance Companies" (S. P. 177) (L. D. 456)

Bill "An Act relating to Hydrologic Surveys" (S. P. 291) (L. D. 790)

Bill "An Act relating to Advance Educational Subsidy Payments" (S. P. 380) (L. D. 1076)

Bill "An Act Authorizing a Motor Vehicle for Driver Education" (S. P. 434) (L. D. 1231)

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 Indefinitely Postponed

Bill "An Act relating to Store Sales of Milk" (H. P. 306) (L. D. 423)

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

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

Mr. EMERY: Mr. Speaker, I wish to speak on this bill, should I wait until we get through these or speak now?

The SPEAKER: The gentleman may proceed.

Mr. EMERY: On this L. D. 423 I feel we have no need for this bill. We now have a discount of five and one-half cents a quart from volume basis. The Maine Milk Commission prices as of April first are twenty-three cents and a half per quart on a single quart, multiple quart twenty-three cents, bulk in cans eight to nineteen quarts is twenty and five cents and on twenty to forty quart cans it's twenty cents per quart. On two hundred quarts or more, it's nineteen cents per quart. This is up to forty per cent discount of the dealers' profit as he only has a ten cents spread.

How much more can you expect the dealer to give on any merchandise sold on a competitive basis? I believe that the establishment of store differential price problem should be left to the Milk Commission and not to the Legislature. I recommend this bill should be indefinitely postponed.

The SPEAKER: The question before the House is the motion of the gentleman from Palmyra, Mr. Emery, that this bill and all accompanying papers be indefinitely postponed.

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

Mr. MAXWELL: Mr. Speaker, I have no desire to turn today into

another milk day and like the gentleman from New Sharon, Mr. Caswell, I don't know that I can add anything to what was said last week on milk. However, I would merely repeat what—how the Research Committee felt in regard to these several milk bills. We felt that home delivery is an additional service to the consumer at a greater cost to the dealer, and should merit a proportionally higher price over milk sold in stores, and that the consumer willing to go to the store and purchase his milk should accrue that saving. As to volume sales, we felt that whereas a discount for volume sales is standard practice in many other businesses, that it should have equal application to the milk business. And we felt that charitable and benevolent institutions which serve the beneficial public interest should have the same rights to purchase milk on bid as the State. That's all I am going to say on milk today, Mr. Speaker.

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

Mr. BRUCE: Mr. Speaker and Members of the House: I am not in the milk business. We buy our milk at the farm just the same as all other consumers in spite of the fact that we have fifty or sixty cows running around there all the time, but after listening to the debate and making a rather careful—or giving rather careful thought to this situation, it seems to me we should do either one of two things, either let the Milk Commission which you have set up function and function properly the way you do other commissions, or you should abolish it, but if you set up a Milk Commission and then attempt to dictate to the Commission the manner in which it shall function, and really you are getting beyond the realm of possibilities. Now there are certain phases of this bill that would be very definitely unworkable without going into the merits of it, and I firmly believe it should be left up to the Commission. Thank you.

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

Mr. CALL: Mr. Speaker, Ladies and Gentlemen of the House: Having been a farmer and sold thou-

sands of gallons of milk, I am vitally interested, because at home there's five large milk producers, that the committee report of "Ought not to pass" should prevail.

The Commission has the authority to regulate these prices under L. D. 1214. In requiring the Commission to administer this bill, we should bear in mind that delivery costs will vary with each dealer. Some homes take more milk than some stores. In the city stores may be close together while out of the city, it may be several miles between stores with home deliveries in between. Milk routes extending to neighboring country villages may have home deliveries a mile apart or they may go off on a side road to take care of three or four families. The results of a delivery cart study by Dr. Metzger, of the University of Maine, shows the average delivery cost of all milk sold by a dairy is about five cents per quart.

The passage of this bill would cause an unworkable problem for the commission. There are no figures on wholesale and retail delivery costs available for such a breakdown as this bill makes mandatory, due to the various economic problems of distances traveled to either homes or stores and the amount of milk supplied to either homes or stores. Some stores taking a large volume and near the dairy might have a delivery cost of one cent a quart while a store four miles away in the same city or in a nearby village might have a delivery cost of five or six cents. To add further confusion to arriving at store delivery costs, the milk routes of most dealers deliver to both stores and homes. This is especially true except in the city proper or by a few large dealers who have strictly wholesale routes in the larger cities.

I hope that I have shown the members of this body that the passage of L. D. 423 would place upon the Milk Commission the responsibility of administering an unworkable law. I move the indefinite postponement.

The SPEAKER: The question before the House is already the question of indefinite postponement as moved by the gentleman from Pal-

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

Mr. BROCKWAY: Mr. Speaker, I would like to ask through the Chair of any Member of the Research Committee, where they got their information that store deliveries could be made cheaper than home deliveries, and after it is answered, if it is answered, I would like to speak further.

The SPEAKER: The gentleman from Milo, Mr. Brockway, addresses a question through the Chair to any Member of the Research Committee who may answer if he so chooses.

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

Mr. CHILDS: Mr. Speaker, I am not in a position to give the gentleman a specific answer, but any information that the Committee came up with came from the producers and dealers, because when the public hearings were held on this matter, naturally the only people who appeared on the bill were those who were opposed to it, the producers and dealers, and it was the same old situation as far as the public was concerned, nobody was there to represent them.

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

Mr. BROCKWAY: Mr. Speaker, it is my understanding that there is only one milk concern in the State of Maine that delivers—keeps their store deliveries and their home deliveries separate. There is one in the City of Portland that does that, and I heard the manager make a statement one day that the store deliveries cost them slightly more than the home deliveries. Now that may not sound right to people who don't know anything about delivering milk. We expect a bottle in a home delivery which costs us around a dime or maybe slightly less, by choosing carloads, to make around fifty trips, but a paper bottle which we have to put in the stores costs us a little strong two cents, and that—we have to pay that two cents every time we deliver a quart of milk to the stores. And therefore, there isn't any saving, and I heard Mr. Bennett of

Oakhurst say that their books, where they keep every item separate, in the two deliveries, showed that it is costing them slightly more to deliver their milk, and I will not take up any more of your time. I hope the motion for indefinite postponement does prevail.

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

Mr. CHILDS: Mr. Speaker, we have either two or three other bills which were recommendations of the Research Committee which were passed in this House last Friday. I don't see any sense of spending any more time on it now because I think the handwriting is on the wall for all of them. Therefore I move the previous question.

The SPEAKER: The gentleman from Portland, Mr. Childs, has moved the previous question. In order for the Chair to entertain this motion, it must have the approval of one-third of the House. Will those who favor the Chair entertaining the motion for the previous question, please rise and remain standing until the monitors have made and returned the count.

Obviously more than one third having risen, the Chair is authorized to entertain the motion for the previous question. The question now before the House is shall the main question be put now. Will those who favor the main question being put now, please say aye, those opposed, no.

A viva voce vote being taken the motion prevailed.

The SPEAKER: The question before the House is the motion of the gentleman from Palmyra, Mr. Emery, that with respect to Bill "An Act relating to Store Sales of Milk," House Paper 306, Legislative Document 423, this bill and all accompanying papers be indefinitely postponed. The Chair is going to order a division. Will those who favor the motion to indefinitely postpone this bill and all accompanying papers please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Seventy having voted in the affirmative and twenty-four having voted in the negative, the motion

prevailed, the Bill and accompanying papers were indefinitely postponed and sent up for concurrence.

Third Reader Indefinitely Postponed

Bill "An Act relating to Sales of Home Delivered Milk" (H. P. 307) (L. D. 424)

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

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

Mr. ROBERTS: Mr. Speaker, for the same reasons as on the previous bill, I would move the indefinite postponement of this item seven.

The SPEAKER: The question before the House is the motion of the gentleman from Dexter, Mr. Roberts, that item seven, Bill "An Act relating to Sales of Home Delivered Milk" and all accompanying papers be indefinitely postponed. The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Members of the House: As a member of the State Government Committee, although I didn't speak on the make-up of the Commission, I would like to explain my views now. I agreed in substance with the Research Committee Report because I thought it would provide some relief for the consumers. I certainly am not enough of an authority to specifically condemn the Milk Commission. But when all of these reports were turned down by our Committee, I was a little bit annoyed to see the consumer once again was getting no relief, but in whatever I have done in life I have always had to give and take a little bit, and the results of the action last Friday in the House where the House agreed to accept several recommendations which would give relief to the consumer, I thought that was very fair and a step in the right direction. So at that time I agreed with the motion and voted for the motion which would indefinitely postpone the bill that said the Commission in the future would take steps to do away with the Commission. Now today as we started in, it seemed to me that perhaps this is another step properly in negotiation, and if the agriculturists had agreed with the change in the make-up of

the Commission, the opponents to indefinite postponement of these three bills asserted they certainly would withdraw their objections. I thought that perhaps these were scheduled for eventual indefinite postponement, so I voted along with those people then, and now it seems that they are scheduled for indefinite postponement, it certainly is not give and take, it is all one way again.

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

Mr. Childs: Mr. Speaker, I wholeheartedly concur with the gentleman from Bath, Mr. Ross; I move the previous question.

The SPEAKER: The gentleman from Portland, Mr. Childs, has moved the previous question. In order for the Chair to entertain his motion it must have the approval of one-third of the House. Will those who are in favor of the Chair entertaining the motion for the previous question, please rise and remain standing until the monitors have made and returned the count.

Obviously more than one-third having arisen, the Chair is authorized to entertain the motion. The question now before the House is shall the main question be put now. Will those in favor of the main question being put now, please say aye, those opposed, no.

A viva voce vote being taken the motion prevailed.

The SPEAKER: The question now before the House is the motion of the gentleman from Dexter, Mr. Roberts, that with respect to Bill "An Act relating to Sales of Home Delivered Milk", that this bill with all accompanying papers be indefinitely postponed. The Chair recognizes the gentleman from Bowdoinham, Mr. Curtis.

Mr. CURTIS: I move the vote be taken by a division.

The SPEAKER: The gentleman from Bowdoinham, Mr. Curtis, has requested a division. Will all those who favor the indefinite postponement of Bill "An Act relating to Sales of Home Delivered Milk" please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Fifty-seven having voted in the affirmative and forty having voted in the negative, the motion prevailed, the Bill was indefinitely postponed and sent up for concurrence.

**Third Reader
Indefinitely Postponed**

Bill "An Act relating to Sales of Milk to Benevolent and Charitable Institutions" (H. P. 308) (L. D. 425)

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

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

Mr. CHILDS: Mr. Speaker, in order to be on the prevailing side sometime during this session, I now move that this bill be indefinitely postponed.

The SPEAKER: The question before the House is the motion of the gentleman from Portland, Mr. Childs, that item eight, Bill "An Act relating to Sales of Milk to Benevolent and Charitable Institutions" and all accompanying papers be indefinitely postponed.

Will those who favor the indefinite postponement motion please say aye, those opposed, no.

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

Fifty-five having voted in the affirmative and thirty-nine having voted in the negative, the Bill was indefinitely postponed and sent up for concurrence.

Bill "An Act Revising the Maine Milk Commission Law" (H. P. 851) (L. D. 1214)

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

Mr. Caswell of New Sharon offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 851, L. D. 1214, Bill, "An Act Revising the Maine Milk Commission Law."

Amend said Bill in "Sec. 3" by inserting before the period at the end thereof the following underlined punctuation and words: 'except State owned and operated institutions.'

House Amendment "A" was adopted, the Bill read the third time, passed to be engrossed as

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

Resolve Providing for Judicial Review of Certain Criminal Judgments (S. P. 257) (L. D. 695)

Resolve to Reimburse Town of Whiting, Washington County (S. P. 295) (L. D. 792)

Resolve Reimbursing Liquor Commission for Working Capital for Warehouse Construction (S. P. 361) (L. D. 984)

Resolve Appropriating Money for Preparation of Court Rules (S. P. 404) (L. D. 1137)

Resolve in favor of Willis L. Cushing of Portland, Maine (H. P. 301) (L. D. 396)

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

Amended Bills

Bill "An Act relating to Salary of Official Court Reporters" (S. P. 40) (L. D. 55)

Bill "An Act relating to Operation of Diesel or Diesel-Electric Locomotives in Reverse" (S. P. 389) (L. D. 1085)

Bill "An Act relating to Sales of Milk on the Producer's Premises" (H. P. 305) (L. D. 422)

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.

**Third Reader
Tabled Until Later
in Today's Session**

Bill "An Act relating to Repossession of Property Subject to Conditional Sales Agreement" (H. P. 418) (L. D. 595)

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

(On motion of Mr. Tevanian of Portland, tabled pending third reading and specially assigned for later in today's session.)

Bill "An Act to Authorize the Construction of a Bridge Across the Passagassawaueag River at Belfast" (H. P. 997) (L. D. 1425)

Resolve for Purchase of Copies of "Maine Province and Court Rec-

ords, Volume IV" (S. P. 93) (L. D. 224)

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

Resolve Proposing an Amendment to the Constitution to Provide for Election of Members of the Executive Council (S. P. 95) (L. D. 225)

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

Mr. Ross of Bath offered House Amendment "A" and moved its adoption.

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

HOUSE 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 next to the last paragraph and inserting in place thereof the following paragraph:

'And the inhabitants of said cities, towns and plantations shall vote by ballot on said question and shall indicate by a cross or check mark placed against the words "yes" or "no" their opinion of the same. The ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the office of the Secretary of State in the same manner as votes for Governor and Members of the Legislature, and the Governor and Council shall count the same, and if it shall appear that a majority of the inhabitants voting on the question are in favor of the amendments, the Governor shall forthwith make known the fact by his proclamation, and the amendment shall thereupon, as of the date of said proclamation, become a part of the Constitution.'

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

Mr. ROSS: Mr. Speaker and Members of the House: This amendment is presented because the referendum wording in this constitutional change is wrong. As it is written,

if it should ever get to the people, the voters would write in "yes" or "no". This procedure has not been followed recently. Such questions now require voters to put a check mark in the "yes" or "no" column only. The mistake was found by the engrossing department on the referendum question on the four-year term for Governor and the change of election date. Consequently, it is going to be necessary to recall those and offer the same amendments for them, and there will be an order later on this afternoon to do that, and if the order is presented, that is the purpose of the order only.

House Amendment "A" was adopted, the Resolve given its second reading, passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" in non-concurrence and sent to the Senate.

Bill "An Act relating to Sale of Pasteurized Milk Only to Certain Institutions" (H. P. 738) (L. D. 1052)

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

Third Reader

Tabled and Assigned

Bill "An Act Authorizing Towns to Control Shellfish Resources" (H. P. 670) (L. D. 951)

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

Mr. Tarbox of Gouldsboro offered House Amendment "C" and moved its adoption.

The SPEAKER: The Chair is advised that House Amendment "C" contains some of the same provisions that are contained in House Amendment "A" which has already been adopted, and in order to adopt House Amendment "C" the House must first reconsider its action whereby it first adopted House Amendment "A" and then indefinitely postpone House Amendment "A" and then may proceed with the adoption of House Amendment "C". The Chair recognizes the gentleman from Gouldsboro, Mr. Tarbox.

Mr. TARBOX: Mr. Speaker, I move this be put on the table until tomorrow until I can get that straightened out.

The SPEAKER: The gentleman withdraws his motion that the House adopt Amendment "C". That will be in order tomorrow if the gentleman wishes. The question before the House is the motion of the gentleman from Gouldsboro, Mr. Tarbox, that with respect to item twenty-three, Bill "An Act Authorizing Towns to Control Shellfish Resources" be tabled pending third reading and specially assigned for tomorrow. Is this the pleasure of the House?

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

Bill "An Act relating to Purchase of Milk for Redistribution in Maine" (H. P. 309) (L. D. 426)

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

Passed to Be Enacted Emergency Measure

An Act Creating the Town of Mil-bridge School District (S. P. 420) (L. D. 1179)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 106 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 103 voted in favor of same and none against,

and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Emergency Measure

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 109 voted in favor of same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act to Correct Inconsistencies in Maine State Retirement System Law (S. P. 87) (L. D. 197)

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

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

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

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

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

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

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

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

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

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be en-

acted, all signed by the Speaker and sent to the Senate.

Enactor

Tabled and Assigned

An Act relating to Elections in Towns (H. P. 217) (L. D. 301)

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

(On motion of Mr. Edwards of Raymond, tabled pending passage to be enacted and specially assigned for tomorrow.)

An Act Providing for Certified Mail under Small Claims Law (H. P. 221) (L. D. 316)

An Act relating to Duties of Support under Uniform Reciprocal Enforcement of Support Act (H. P. 708) (L. D. 1014)

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

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

An Act Creating a Highway Safety Committee (H. P. 974) (L. D. 1374)

An Act relating to Proration of Registration Fees of Motor Buses in Interstate Commerce (H. P. 984) (L. D. 1408)

An Act Permitting Towns to Collect Sewer Charges (H. P. 1058) (L. D. 1513)

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

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

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

Enactor

Tabled and Assigned

An Act relating to Licensed Dog Training Areas and Permits Therefor (H. P. 1082) (L. D. 1556)

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

(On motion of Mr. Hanson of Gardiner, tabled pending passage to be

enacted and specially assigned for tomorrow.)

An Act relating to Penalties for Careless Shooting of Human Beings While Hunting (H. P. 1083) (L. D. 1557)

Finally Passed

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

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

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

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

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

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

(Off record notice)

Orders of the Day

The SPEAKER pro tem: The Chair lays before the House the first item of unfinished business, House Report "Ought to pass" as amended by Committee Amendment "A" of the Committee on Public Utilities on Bill "An Act to Incorporate the Rangeley and Eustis Light and Power District", House Paper 907, Legislative Document 1293, tabled on May 2 by the gentleman from Eustis, Mr. Carville, pending acceptance of the Report.

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

Mr. ROLLINS: Mr. Speaker and Members of the House: As I understand it, the Fish and Game Committee of which the gentleman from Eustis, Mr. Carville, is a member,

are on a junket today somewhere, and I also see that Mr. Carville has an amendment prepared here, so I would move that this item lie upon the table until tomorrow morning.

The SPEAKER pro tem: The gentleman from Belfast, Mr. Rollins, moves that this item lie on the table pending acceptance of the report and be specially assigned for tomorrow. Is this the pleasure of the House?

The Chair recognizes the gentleman from South Berwick, Mr. Flynn, for the purpose of debating only the time of assignment.

Mr. FLYNN: Mr. Speaker, to save further confusion on this bill, the gentleman from Eustis, Mr. Carville, informed me that he wouldn't be back until Wednesday morning, therefore I move that it be laid on the table until Wednesday next.

The SPEAKER pro tem: The gentleman from Belfast, Mr. Rollins, amends his motion to specially assign it until Wednesday next. Is this the pleasure of the House?

The motion prevailed and the Report was so tabled.

The SPEAKER pro tem: The Chair now lays before the House the second matter under unfinished business, House Report "Ought not to pass" of the Committee on Welfare on Bill "An Act relating to Requisite for Old Age Assistance", tabled on May 8 by the gentleman from Sumner, Mr. Cole, pending acceptance of the Report. The Chair recognizes the gentleman from Sherman, Mr. Storm.

Mr. STORM: Mr. Speaker, in the absence of the gentleman from Sumner, Mr. Cole, I would make the motion for him, for the indefinite postponement of this bill.

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

Mr. GALLANT: I request a division on this, Mr. Speaker.

The SPEAKER pro tem: The gentleman from Sherman, Mr. Storm, moves that the Bill "An Act relating to Requisite for Old Age Assistance" be indefinitely postponed. The gentleman from Eagle Lake, Mr. Gallant, has requested a division. The Chair recognizes the

same gentleman from Eagle Lake, Mr. Gallant.

Mr. GALLANT: Mr. Speaker, I would like to put an amendment on the bill please.

The SPEAKER pro tem: The Chair would like to point out to the gentleman from Eagle Lake, Mr. Gallant, that the bill presently is not before the House in a position to be amended. Before it will be before the House to be amended, the House must act on acceptance of the Report by the Committee which is presently "Ought not to pass". Now a motion has been made by the gentleman from Sherman, Mr. Storm, that the bill be indefinitely postponed. If this motion prevails, the bill will not be before the House for amendment. The Chair recognizes the same gentleman if he cares to speak to the motion for indefinite postponement at this time.

Mr. GALLANT: I request a division on the motion.

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

Mr. MILLER: Mr. Speaker, there seems to be a little confusion here, and whereas the person that previously has tabled this is absent today, I would move that this be tabled until Wednesday, May 15 until he is back here, the person that previously tabled it.

The SPEAKER pro tem: The question now before the House is the motion of the gentleman from Portland, Mr. Miller, that this Bill "An Act relating to Requisite for Old Age Assistance" and Report be tabled and specially assigned for Wednesday next. Is this the pleasure of the House?

The motion prevailed and the Report was so tabled.

The SPEAKER pro tem: The Chair now lays before the House the third item of unfinished business, House Divided Report, Majority "Ought not to pass" and Minority "Ought to pass" of the Committee on Towns and Counties on Bill "An Act relating to Expending Penobscot County Funds for Higgins Classical Institute", House Paper 646, Legislative Document 913, tabled on May 8 by the gentleman from Bangor, Mr. Browne, pending the motion of the gentleman from Charles-

ton, Mr. Rich, to accept the Minority Report.

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

Mr. BROWNE: Mr. Speaker, Ladies and Gentlemen: I don't wish to make a long, involved issue with reference to this matter. I respect the gentleman from Charleston, Mr. Rich. I sympathize with him and with his problem. However, if he were successful in gaining passage of this measure, we would have opened the door wide open for many and varied requests. We would be directing Penobscot County to pay out of its public funds money to be used in the construction of a dormitory at a private institution. Now the principle here is one hundred per cent law. We have other private institutions within our County which I am sure would be interested in participating in these public funds if they were to become available. Certainly if it is right for one, it is right for another.

My city is definitely opposed to it. Our share of the twenty thousand dollars which is being requested under this measure would be something less than eight thousand dollars. This is not a lot of money, but if it were to become available I am sure that our own school department would enjoy receiving it. I am informed that there are many other members of our own delegation who are opposed to this measure and, therefore, I move that this bill together with all its accompanying papers be indefinitely postponed.

The SPEAKER pro tem: The question before the House is now the motion of the gentleman from Bangor, Mr. Browne, that the report of the Committee, two reports and the bill be indefinitely postponed.

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

Mr. RICH: Mr. Speaker, Ladies and Gentlemen of the House: I spoke upon this measure last Wednesday and gave you some data and I am very sorry that the measure couldn't have been decided right then, because this was all fresh in your minds and I don't want to hash it over again. Our school met with a major calamity a year ago. The county commissioners in Penobscot County are wholeheartedly in

sympathy with this resolve and came down before the Committee on Towns and Counties, all three of them, and spoke in favor of this resolve.

In regard to the amount that Bangor would be contributing, I agree pretty much with the gentleman from Bangor, Mr. Browne. If I figured it correctly their share would be thirty-three hundred and ninety dollars for each of the two years or a little less than seven thousand for the two years.

I want to just give you a few figures which might perhaps offset to some extent the expenditure that the taxpayers of Bangor would have to make. The regular expenditures of our school during the year 1955-56 were a hundred and five thousand dollars. The expenditures on our dormitory building last summer were one hundred and fifteen thousand dollars.

Now among the Bangor firms benefiting from these expenditures were Campbell Electrical Company, eight thousand seven hundred dollars, C. H. Babb Company eight thousand five hundred dollars, R. M. Flag Company two thousand dollars, Bangor Roofing Company three thousand dollars. In our regular expenditures in our dormitory, in the kitchen for food and so forth, we spend perhaps a year something over twenty-seven thousand dollars. Among the firms in Bangor which benefited were Arthur Chapin Company, C. H. Rice Company, Swift and Company, Armour Company, Penobscot Beef Company, Byron H. Smith Company, General Ice Cream Corporation, Vickers Food Company, Brown and White Company. I don't have the total of the expenditures of those firms or the individual amounts, but they were a major part of that twenty-seven thousand dollars we spent for food.

Our athletic department spent for equipment two thousand and thirty-five dollars, and that is mostly spent in Bangor with Dakins and White's. For lights and power we spent two thousand two hundred and sixty-one dollars. That certainly benefited Bangor citizens. For fuel we spent forty-five hundred dollars and the major part of that went to Stiekney and Babcock and one of our representatives from Bangor is the

president, I believe, of that company. For equipment, we spent last year, various pieces of equipment, five thousand one hundred and twenty-eight dollars. I didn't figure out just how much of that went to Bangor but I'd say a major portion, a lot of it to the R. M. Flag Company. I maintain that the money spent in Bangor by our school brings to the businessmen of Bangor an excellent return for the three cents additional tax that might be assessed by the county on each one thousand dollars of property. In addition to this, we assist in the education each year of a number of boys and girls from Bangor. There were nine last year. I would name many business and professional men in Bangor who received a valuable part of their education at Higgins. I believe that Higgins does serve an important part in the education of Penobscot County, and as I told you the other day, we had one hundred and twenty students last year from Penobscot County from twenty-five different cities and towns in that county.

As regards the precedent, I realize that some of you may feel that that is a bad thing to have passed, but this isn't the first time that county funds have been authorized to be spent, in fact the legislature last year did a similar thing in another county. I believe that under the stress of the disaster we have had and the fact it is such a small tax comparatively that I am justified in asking this House to approve this measure. Thank you.

The SPEAKER pro tem: Is the House ready for the question? The Chair recognizes the gentleman from Fryeburg, Mr. LaCasce.

Mr. LACASCE: Mr. Speaker, Ladies and Gentlemen of the House: I believe that this is a matter of allowing Penobscot County to expend funds, but since the gentleman from Charleston, Mr. Rich, says that the County Commissioners have agreed to such expenditure, possibly it is in the nature of an order for Penobscot County to pay such funds. However, it wanst so many years ago that the state in such a situation would help a private institution which was doing a public service. Higgins Classical Institute is located in an isolated area,

and serves as an area school for that section. Such schools do not benefit at all by the Jacobs Bill which is in the process of being passed by the Legislature, yet in the scheming of things Higgins Classical Institute should continue to serve that area, and reduce the expenses to people in that area.

You might ask why the county should be asked to assist when a dormitory is lost. I would point out that there are many people living in this state who come from areas where they can't get to a school on a day basis, and a few schools with dormitories are absolutely necessary. And to add to that, the children who come from broken homes, and there always must be some children in the State of Maine who need a school where there is a dormitory. I would also like to point out that in a school, an area school, if you have dormitories the youngsters who come from outside do add a great deal to that school. So that I believe that the dormitory in a school, such as Higgins, is very important. One other item which it does is to increase the number of students so that more courses can be offered.

I certainly hope that the motion of the gentleman from Bangor, Mr. Browne, to indefinitely postpone does not prevail.

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

Mr. STANLEY: Mr. Speaker, Ladies and Gentlemen of the House: I certainly sympathize with the gentleman from Charleston, Mr. Rich, and I appreciate his position. I have a great deal of respect for the type of student that has come out from Higgins Classical Institute. In fact, two members of my immediate family graduated from that fine school. I think that the private schools certainly have a position, and a fine position, in our scheme of things. It was only a few years ago that the State did expend funds for these academies and for private institutions. That was done away with, and I think rightfully so.

I will have to admit that my company does supply the fuel for Higgins Classical Institute, and for that reason I would like to go along with the gentleman from Charleston, Mr.

Rich, but even,—I know that Mr. Rich will not hold this against me that I will have to vote against him because the people of the City of Bangor are not in favor of it and I myself don't feel that it's the proper thing to do. I would go along with the gentleman from Bangor, Mr. Browne, in his motion for indefinite postponement.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Patten, Mrs. Harrington.

Mrs. HARRINGTON: Mr. Speaker and Members of the House: I hate to go against those nice Penobscot County boys, but I'd like to remind the House that there are other towns that pay county taxes besides Bangor.

The SPEAKER pro tem: Is the House ready for the question? The question before the House is the motion of the gentleman from Bangor, Mr. Browne, that both reports "Ought not to pass" and "Ought to pass" of the Committee and the bill be indefinitely postponed. The Chair recognizes the gentleman from Charleston, Mr. Rich.

Mr. RICH: Mr. Speaker, if I am not out of order, I would like to move that the Minority Report be accepted, the "Ought to pass" Report be accepted. I ask for a division.

The SPEAKER pro tem: The Chair would have to inform the gentleman that the motion of the gentleman from Bangor, Mr. Browne, does have precedence. Is the House ready for the question? All those in favor of the motion of the gentleman from Bangor, Mr. Browne, that the Committee Reports and Bill "An Act relating to Expanding Penobscot County Funds for Higgins Classical Institute, House Paper 646, Legislative Document 913, be indefinitely postponed please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Thirty-nine having voted in the affirmative and fifty-one 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 Charleston, Mr. Rich, that the Mi-

nority "Ought to pass" Report be accepted. Is this the pleasure of the House?

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

The SPEAKER pro tem: The Chair now lays before the House the fourth item of unfinished business, Bill "An Act relating to Publication of Specimen Ballots, Constitutional Amendments and Referendums in Foreign Language Newspapers", House Paper 1015, Legislative Document 1445, tabled on May 9 by the gentleman from Old Orchard Beach, Mr. Plante, pending third reading.

Thereupon, the Bill was given its third reading, passed to be engrossed as amended, and sent to the Senate.

At this point, Speaker Edgar returned to the rostrum.

SPEAKER EDGAR: The Chair would like to thank the gentleman from Bangor, Mr. Totman, very much for his excellent services.

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

The SPEAKER: The Chair now lays before the House item number five under unfinished business, House Report "Ought not to pass" of the Committee on Towns and Counties on Bill "An Act to Create a Board of Harbor Commissioners for Penobscot Bay and River", House Paper 1032, Legislative Document 1464, tabled on May 9 by the gentleman from Bath, Mr. Ross, pending acceptance of the report.

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

Mr. ROLLINS: Mr. Speaker, I rise on a point of order.

The SPEAKER: The gentleman may state his point of order.

Mr. ROLLINS: Mr. Speaker, as I understand it, the new draft of that bill was presented to the Committee at a hearing, and it was reported "Ought not to pass". This doesn't refer to the new draft at all. That is not Harbor Commissioners, it is Pilot Commissioners, and I move

sir, that that lie upon the table until tomorrow morning.

The SPEAKER: The question before the House is the motion of the gentleman from Belfast, Mr. Rollins, that item five, under unfinished business, that the Report on item five be tabled and specially assigned for tomorrow pending acceptance. 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 six under unfinished business, Bill "An Act to Revise Certain Motor Vehicle Laws", House Paper 403, Legislative Document 533, tabled on May 9 by the gentleman from Portland, Mr. Tevanian, pending third reading. The Chair recognizes the gentleman from Cape Elizabeth, Mr. Beyer.

Mr. BEYER: I would like to offer House Amendment "A", filing 360.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Beyer, with respect to Bill "An Act to Revise Certain Motor Vehicle Laws" now offers House Amendment "A". The Chair recognizes the gentleman from Cape Elizabeth, Mr. Beyer.

Mr. BEYER: Mr. Speaker, may I ask that this bill be tabled until later in the day please.

The SPEAKER: The question now before the House is the motion of the gentleman from Cape Elizabeth, Mr. Beyer, that item six, Bill "An Act to Revise Certain Motor Vehicle Laws" be tabled and be specially assigned for later in the afternoon, pending third reading. Is this the pleasure of the House?

The motion prevailed and the Bill was so tabled.

The SPEAKER: The Chair now lays before the House item number seven, Bill "An Act Relating to Methods of Taking Clams and Marine Worms", House Paper 689, Legislative Document 951, tabled on March 10 by the gentleman from Portland, Mr. Childs, pending further consideration.

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

Mr. BAIRD: Mr. Speaker, I don't intend to be meddling in the affairs of Hancock County, but inadvertently this bill was amended in another place by another group, and the amendments conflicted somewhat and destroyed the meaning of the bill. Inasmuch as this bill was a bill introduced by myself and intended to accomplish something for the worm diggers and clam diggers in my area, I am offering House Amendment "A" to take care of this conflict, so I move we recede from engrossing this item.

The SPEAKER: The question before the House is the motion of the gentleman from North Haven, Mr. Baird, that the House recede from its action whereby it passed to be engrossed Bill "An Act Relating to Methods of Taking Clams and Marine Worms". Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. BAIRD: Mr. Speaker, I now offer House Amendment "A" under filing number three eighty-five.

The SPEAKER: The gentleman from North Haven, Mr. Baird, now offers House Amendment "A" and moves its adoption. The Clerk will read the amendment.

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

HOUSE AMENDMENT "A" to H. P. 689, L. D. 957, Bill, "An Act Relating to Methods of Taking Clams and Marine Worms."

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

"The provisions of this section shall not apply to any Maryland type dredge operated solely within the limits of Hancock county, provided permission to operate such dredge shall be obtained from the municipal officers of the municipality wherein such dredge is operated and provided no marine worms taken by these machines shall be marketed in any form or manner."

The SPEAKER: The question before the House is the motion of the gentleman from North Haven, Mr. Baird, for the adoption of House Amendment "A". The Chair recognizes the gentleman from Bucksport, Mr. Pierce.

Mr. PIERCE: Mr. Speaker, without in any way intending to impede the due process of this legislature, but I have discussed this matter with some other members of the Committee. We had three amendments on the same subject. One pertains to a Maryland type dredge, one pertains to a Long Island hydraulic dredge, another one, back in again, is the Maryland type. One of these amendments is offered by a gentleman not of this body from York County, one from Lincoln County and one from Knox County. In order that we of Hancock County can find out what this is all about, I request and move that this be tabled and specially assigned for tomorrow. Frankly, none of us know what it is.

The SPEAKER: The question before the House is the motion of the gentleman from Bucksport, Mr. Pierce, that item seven, Bill "An Act relating to Methods of Taking Clams and Marine Worms" be tabled and specially assigned for tomorrow pending adoption of House Amendment "A". Is this the pleasure of the House?

The motion prevailed and the Bill was so tabled.

The SPEAKER: The Chair now lays before the House item number eight under unfinished business, Bill "An Act relating to the Taking of Quahogs", House Paper 14, Legislative Document 13, tabled on March 10 by the gentleman from Madawaska, Mr. Rowe, pending the motion of the gentleman from Jonesboro, Mr. Andrews, to recede and concur. The Chair recognizes the gentleman from Portland, Mr. Miller.

Mr. MILLER: Mr. Speaker and Ladies and Gentlemen of the House: In our previous action on this bill we voted to accept it, and I am going to ask you in all fairness to vote against the motion to recede and concur.

The SPEAKER: The question before the House is the motion of the gentleman from Jonesboro, Mr. Andrews, that the House recede and concur with the Senate in accepting the "Ought not to pass" Report. Will all those who favor the motion to recede and concur, please say aye, and those opposed, no.

The motion did not prevail on a viva voce vote.

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

Mr. MILLER: Mr. Speaker, I would like to insist on our previous action and request a Committee of Conference.

The SPEAKER: The question now before the House is the motion of the gentleman from Portland, Mr. Miller, that the House insist upon its previous action and request a Committee of Conference.

Will all those who favor the motion to insist please say aye, those opposed, no.

The motion prevailed on a viva voce vote.

The SPEAKER: The Chair now lays before the House item number one under tabled and today assigned matters, Conference Report of the Committee of Conference on Bill "An Act relating to Apprentice Lobster Fishing Licenses", Senate Paper 137, Legislative Document 274, tabled on May 10 by the gentleman from Bangor, Mr. Totman, pending acceptance of the Conference Committee Report.

The Chair recognizes the gentleman from Wiscasset, Mr. Farmer.

Mr. FARMER: Mr. Speaker, I move the Report of the Conference Committee be rejected.

The SPEAKER: The question before the House is the motion of the gentleman from Wiscasset, Mr. Farmer, that the Report of the Conference Committee not be accepted.

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

Mr. RANKIN: Mr. Speaker and Ladies and Gentlemen of the House: L. D. 274, An Act relating to Apprentice Lobster Fishing Licenses, has affected me, a member of the Committee on Sea and Shore Fisheries, as a mosquito would. It has been an annoyance in the manner of a mosquito, with no more importance than a mosquito. On several occasions in this House, in the corridors outside, and in other Augusta locations, I have listened to many impassioned orations in defense of this bill. Often the speaker in his zeal to convince me of the merits of this bill, has wrapped it in the American Flag. If L. D.

274 is indeed a patriotic measure, it may well take its place in American history along with the Declaration of Independence and the Constitution of the United States. On that occasion, if I am alive, I shall certainly regret my part in reporting this measure out of Committee as "Ought not to pass", because at the present time there is at least one boy in the State of Maine who is anxiously awaiting the opportunity to obtain his apprentice lobster fishing license, as provided by this bill. I shall not impede its progress. Perhaps I am unfair in considering this bill as one-boy legislation, for there may be two boys who would benefit by the passage of this bill. In such case, it will be two-boy legislation. No, ladies and gentlemen, I shall do nothing to impede the passage of this bill. Instead I shall await the decision of this body knowing full well that whatever action you ladies and gentlemen take, it will cause this mosquito to fly away from me, never more to return.

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

Mr. TARBOX: Mr. Speaker, out of courtesy to the Committee and the faith we have put in them to resolve this question, and as a result of the unanimous approval of the joint committee, I now move we accept the report as amended.

The SPEAKER: The gentleman's motion is not in order. A motion is already before the House that it not be accepted, that it be rejected. The Chair recognizes the gentleman from Bridgton, Mr. Haughn.

Mr. HAUGHN: Mr. Speaker, for a point of information, may we have the report of the Committee what the decision was?

The SPEAKER: The Clerk will read the Committee Report.

The CLERK: "Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill 'An Act relating to Apprentice Lobster Fishing Licenses', have had the same under consideration and ask leave to report that the Senate recede from its action whereby the bill was passed to be engrossed and adopt Conference Committee Amendment A submitted herewith,

and pass the bill to be engrossed as so amended, and that the House recede from its former action whereby the bill was indefinitely postponed, and accept the Minority Report Ought to pass, adopt Conference Committee Amendment "A" and pass the bill to be engrossed as so amended." The Report was signed by all the members of the Senate Committee and by all the members of the Committee on the part of the House.

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

Mr. HAUGHN: Mr. Speaker and Members of the House: A Committee's Report such as that, I can't condone going along with a measure to disrupt their thinking and their report brought back to us. That is the reason—maybe I misunderstood the reading because I couldn't quite hear it all because evidently the mike wasn't up quite loud enough, and I didn't get the full drift of it. If I understood it rightly the Committee agreed to accept it?

The SPEAKER: The Chair will instruct the Clerk to read the Conference Report again.

The Conference Committee Report was read by the Clerk again.

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

Mr. RANKIN: Mr. Speaker, there may be some from the inland counties who do not understand this bill, I can understand that. This Bill does not permit the individual to fish for lobsters. It merely says that if an individual has been in the State of Maine for one year, he can apply for an apprentice lobster fishing license. Now, that's almost as though you were running a tractor and had another man sit on the seat beside you to help you, because the average fisherman does not need an apprentice. In the summer, he usually fishes alone. In the winter he fishes with another man; they go out in pairs. There are many, many boys in my district who were born there, who come from families without a great deal of money. They have the right even to have their own lobster licenses if they're only five years old. Why

do we have to hire other people? We have our own boys.

Now what I'm afraid this bill is, is a door opener. At the present time, a man or a woman must be a resident of the State of Maine for three years before he or she can apply for a lobster and crab fishing license. And right now the field is overcrowded. It has been said in Liniken Bay, whose boundaries are Boothbay and Boothbay Harbor that in the summer you can almost walk across the Bay on the lobster pot buoys. I don't think at the present time there's any real need for an apprentice lobster fishing license, and suppose twenty boys did apply, even then the cost of issuing the licenses could not be made up by the fees, and therefore I hope the motion of the gentleman from Wiscasset, Mr. Farmer, prevails.

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

Mr. HAUGHN: Mr. Speaker, the only thing that disturbs me is we insist on our action, we have a Committee of Conference, it seems to me that in the future Committee of Conferences might be a wasteful thing. The usual procedure generally is, but this one seems — that is the thought I have in mind. It was brought out that they have gone over the situation fairly evidently from the way I understand this Report back that they have agreed, and I certainly wouldn't want to try to discourage any future Committee of Conferences on any bill but evidently if this bill is defeated, such as requested, then to me the Committee of Conference had better be stricken off our records.

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

Mr. TARBOX: Mr. Speaker, I would like to clear up some of this for the ladies and gentlemen from the inland areas. A few years back you didn't need a lobster license to assist in hauling lobster traps, but now they have it on the books that in order to assist you have to have a license. Now, the men do go in pairs sometimes during the summer. As the gentleman from Southport, Mr. Rankin, said, his boys could get a license to go out and haul or even sell the lobsters, but

these other boys that we are speaking about giving them permission to go fishing to learn how to fish can't because they weren't born in the State of Maine.

Now you can come into the State of Maine and go farming and do anything else, clamming or any other thing there is but lobster fish, without staying here for three years. Now I think this is a mean thing not to allow a boy at the age of fourteen who would like to become a lobster fisherman not to go and learn how. So therefore I hope we don't go along with the gentleman from Wiscasset, Mr. Farmer, in indefinitely postponing this.

Mr. HAUGHN of Bridgton: I request a division.

The SPEAKER: The Chair recognizes the gentleman from Wiscasset, Mr. Farmer.

Mr. FARMER: Mr. Speaker, I do not intend to infer any disrespect for any Committee of Conference, but it is my understanding that a Committee of Conference should — both sides should give a little, that has been my experience with a Committee of Conference. The one I was on we both gave in a little and thereby achieved something. It is also my understanding that this particular Committee of Conference did nothing to that effect, they just completely reversed the stand of this House on this Report. That is my understanding of it.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Plante.

Mr. PLANTE: Mr. Speaker, in all fairness I feel that we have heard both sides of the question, and I move for the previous question.

The SPEAKER: The gentleman from Old Orchard Beach, Mr. Plante, has moved the previous question. In order for the Chair to entertain this motion, the Chair must have the approval of one-third of the House. The Chair recognizes the gentleman from Bangor, Mr. Totman, but at the moment debate is not in order.

Mr. TOTMAN: Mr. Speaker, I would like unanimous consent to read a letter from a member of the public before we take this—

The SPEAKER: The Chair would advise the gentleman it would be

out of order, the previous question has been ordered.

The Chair recognizes the gentleman from Old Orchard Beach, Mr. Plante.

Mr. PLANTE: Mr. Speaker, I withdraw my motion out of courtesy to the gentleman from Bangor, Mr. Totman.

The SPEAKER: The gentleman from Old Orchard Beach, Mr. Plante, now withdraws his motion. The Chair now recognizes the gentleman from Bangor, Mr. Totman.

Mr. TOTMAN: Mr. Speaker and Members of the House: I have before me a letter which is not a letter which will contribute to the pros and cons of this debate. However, since it is one of those rare letters of apology to the Legislature and I enjoy reading it. I would like to read it to you if I may at this time. It is on this subject. It was addressed to one of our representatives and copies were sent to the Speaker, myself, and several other members of the House. It reads as follows:

"I have received communication to the effect that my letter to the Editor of the Portland Press Herald of May 10th, has not met with the approval of members of the Legislature and after reading the item over again I can hardly blame them.

"As I stated at the public hearing, I am heart and soul for giving youth a chance to work with our Maine lobstermen. However, in my excitement and hasty manner, I rushed off my remarks to the editor. It is with great regret that I find that my letter has caused you and members of the Legislature concern and hope that you will forgive me.

"My health is not what it should be and am forced by this into retirement. I most certainly do not consider you or the Legislature as not being good American citizens. It is as I said, one of those excited moments of expression. You have all worked very hard on the Apprentice Lobster License Bill and I wish to commend you for your consideration and patience in the process. My reference to 'Citizenship' was intended to bring out the fact that many of our present licensees are not citizens. The voting reference was not that of the Legislature,

but of a private poll early in January in the industry.

"Please accept my humble explanation in the spirit in which it is written, the incident of which I regret very much.

Sincerely

/s/ RALPH P. SPIERS"

The SPEAKER: The question before the House is the motion of the gentleman from Wiscasset, Mr. Farmer, that the Conference Report be rejected. The gentleman from Bridgton, Mr. Haughn, has requested a division. Will those who favor the motion to reject the report please rise and remain standing until the monitors have made and returned the count.

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

The SPEAKER: Is it now the pleasure of the House to accept the Conference Report?

The motion prevailed.

The SPEAKER: Is it now the pleasure of the House that the House recede from its former action whereby the Bill "An Act relating to Apprentice Lobster Fishing Licenses", Senate Paper 137, Legislative Document 274, was indefinitely postponed? Will those who favor the House receding from its former action, please say aye, those opposed, no.

A viva voce vote being doubted,

A division of the House was had.

Forty-three having voted in the affirmative and forty-five having voted in the negative, the motion to recede did not prevail.

The SPEAKER: The Chair will read to the House, Rule 13 under Joint Rules. "Committees of Conference shall consist of three members on the part of each House representing its vote, and their report if agreed to by a majority of each committee shall be made to the branch asking the Conference, and may be either accepted or rejected, but no other action shall be had except through another Committee of Conference."

At this time a motion is in order to insist and request another Committee of Conference. The Chair

recognizes the gentleman from Bridgton, Mr. Haughn.

Mr. HAUGHN: Mr. Speaker, I move we insist on our action and ask for another Committee of Conference.

The SPEAKER: The question before the House is the motion of the gentleman from Bridgton, Mr. Haughn, that the House insist and request another Committee of Conference. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair now lays before the House Bill "An Act relating to Repossession of Property Subject to Conditional Sales Agreement", House Paper 418, Legislative Document 595, which earlier this afternoon was tabled and specially assigned for later this afternoon. The Chair will state that this bill was tabled by the gentleman from Portland, Mr. Tevanian, pending third reading. The Chair recognizes the gentleman from York, Mr. Hancock.

Mr. HANCOCK: Mr. Speaker and Members of the House: I would like to thank the gentleman from Portland, Mr. Tevanian, for tabling this for me. I forgot about it. I would like now to offer House Amendment "A" and move its adoption.

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

HOUSE 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 the underlined words "**within 5 days of said sale**" in the 6th line and inserting in place thereof the underlined words '**upon request of the vendee made at any time, and within 5 days of said request**'

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

The SPEAKER: The Chair now lays before the House item six under unfinished business tabled this morning and assigned for later this afternoon, Bill "An Act to Revise Certain Motor Vehicle Laws" House Paper 403, Legislative Document

533, which was tabled by the gentleman from Cape Elizabeth, Mr. Beyer, pending third reading.

Mr. Beyer of Cape Elizabeth offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 403, L. D. 533, Bill, "An Act to Revise Certain Motor Vehicle Laws."

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

"Sec. 6. R. S., c. 22, § 89, amended. The last paragraph of section 89 of chapter 22 of the Revised Statutes is hereby repealed and the following paragraph enacted in place thereof:

'Any person who operates a vehicle past a "yield right of way" sign, and collides with a vehicle or pedestrian proceeding on the intersecting street shall upon conviction be guilty of a misdemeanor.'

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

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

The following Order:

ORDERED, the House concurring, that there be recalled to the Senate from the Engrossing Department H. P. 66, L. D. 93, Resolve Proposing an Amendment to the Constitution Changing the Date of the General Election, and H. P. 157, L. D. 204, Resolve Proposing an Amendment to the Constitution Changing the Tenure of Office of the Governor to Four-Year Terms (S. P. 575)

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, this is the order that I spoke about earlier requesting that these two papers be recalled for a change in the referendum clause making not "yes" and "no" answers, but placing X's beside "yes" and "no" if they should be sent to the people. I move the order receive passage and be sent forthwith to the Senate.

The SPEAKER: The gentleman from Bath, Mr. Ross, moves that the Order be adopted. Is this the pleasure of the House?

The motion prevailed, and on motion of the same gentleman, by unanimous consent, the Order was sent forthwith to the Senate.

On motion of the gentleman from Portland, Mr. Childs, the House voted to take from the table the fifty-fourth tabled and unassigned matter, House Divided Report, Majority "Ought to pass" and Minority "Ought not to pass" of the Committee on Constitutional Amendments on Resolve Proposing an Amendment to the Constitution to Reapportion the House of Representatives by the Superior Court if the Legislature Fails to Act", House Paper 994, Legislative Document 1422, tabled on April 26 by that gentleman pending acceptance of either Report.

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

Mr. CHILDS: Mr. Speaker, I now move the acceptance of the Majority "Ought to pass" Report.

The SPEAKER: With respect to item number fifty-four, Resolve Proposing an Amendment to the Constitution to Reapportion the House of Representatives by the Superior Court if the Legislature Fails to Act, the gentleman from Portland, Mr. Childs, now moves that the House accept the majority "Ought to pass" Report. Is this the pleasure of the House?

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

Mr. TOTMAN: Mr. Speaker, Members of the House: I frankly dislike having to arise to disagree with the majority report of the Committee. However, in this particular case, and if for no other reason than to call your attention to the motion just made because I suspect that some of you have not seen the significance of that motion. The motion was the majority "Ought to pass" on a constitutional amendment proposing that the House be reapportioned by Superior Court if the Legislature fails to act. Inasmuch as this last session, after a great deal of effort and time spent by the very able representative from

Hampden, Mr. Stanley, I feel that frankly this legislation is not particularly necessary nor am I particularly enthused speaking personally over the idea of the Superior Court reapportioning the House of Representatives. However, I think this constitutional amendment is just as much your own personal preference, is not a particularly major item to get into a long debate on, I simply call it to your attention and I hope you realize that if you let this motion go under the gavel you know what the motion is.

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

Mr. HAUGHN: Mr. Speaker, Members of the House: This is probably a hard job for me to have to do at this time because I was one who opposed this particular bill before the Committee, not being in favor of this particular type of legislation, and I believe that we under the Constitution ourselves took an obligation on a job to do, and I do not like to disagree with my good colleague and friend from Portland, Mr. Childs, because he in his wisdom believes this to be right and just; but it seems to sum down to a matter of opinion, and of course they will argue the point whereby over the years they did not perform this duty as imposed upon them by the Constitution, but I can't speak for them, but I can for myself, and the 97th Legislature where we took upon ourselves a duty and an obligation and performed it. So I assumed in the future when the required time came, that that particular legislature in session would perform their duties and obligations. There is quite a long debate could be had on this but to prevent that, not to prevent it but to bring it to a point, I move the indefinite postponement of this bill and all of its accompanying papers.

The SPEAKER: The question before the House is the motion of the gentleman from Bridgton, Mr. Haughn, that both reports be indefinitely postponed. The Chair recognizes the gentleman from Portland, Mr. Childs.

Mr. CHILDS: Mr. Speaker and Members of the House: First of all there seems to be quite a bit of

confusion as to what this bill is going to do. It, in no way, is going to take away the rights, the obligations or the duties of the Legislature. The only time that this bill would take effect is if the Legislature fails to reapportion. The Constitution as set out says that the Legislature shall not reapportion less than five years nor more than ten. Mr. Haughn, the gentleman from Bridgton, has stated that the 97th Legislature did their duty, which is correct. But I was also a member of the 96th Legislature. The 96th Legislature failed to do that duty. Even after they had been told by the Supreme Court of the State of Maine that it was their duty to do it, they still failed.

Now, the only time that the Courts will reapportion is when the Legislature has failed to do their duty. It's nothing unusual. This bill is a law in many other states, as they have other bodies set up for the purpose of reapportioning if the Legislature fails. The reason that I have picked the five members of the Superior Court to do it is because I was trying to keep the matter out of politics. Last session they had a body set up which consisted of the Attorney General, I believe, and the Secretary of State and so forth, and there was a lot of opposition to it because that body was elected by the Legislature and they felt politics would be brought into it.

There's not much more that I can add to it except that I think that it would be good legislation, and I think that where the Constitution says that the legislature shall reapportion and they fail to do it, there should be some sort of mechanism set up so that it would be done, and therefore I hope this motion to indefinitely postpone does not prevail. When the vote is taken, I request a division.

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

Mr. BEYER: Mr. Speaker, in supporting the motion of my good colleague from Portland, Mr. Childs, I would like to add one thing. Some people have asked, why not the Supreme Court? But I know I for one agree with those who feel that way that the Superior Court would lend an element of distribution, of geo-

graphical distribution to that group that was doing it, and if those of you who feel that the Legislature doing it provides that distribution, I also feel to a lesser extent that having the Superior Court do it because of the judge from many of the counties involved. Therefore, for that and many other reasons, mainly that it has occurred before that the Legislature has not always done its duty, I support this motion.

The SPEAKER: The Chair would state that the question before the House is the motion of the gentleman from Bridgton, Mr. Haughn, for indefinite postponement.

The Chair recognizes the gentleman from Paris, Mrs. Mann.

Mrs. MANN: Mr. Speaker and Ladies and Gentlemen of the House: I was in the Legislature two years ago and I remember what a furor we had over the failure of the House in doing its duty in several sessions past, did not do their duty in reapportioning which they should have done. So I'm going to go along with my good friend, Mr. Childs from Portland, and say that I think this should be done. I think that if the Legislature doesn't do it, doesn't perform its rights they should have some quick orders to make it do it. It seems to me there is no harm done because if they do their duties, why it's all right. So I should concur with my friend, Mr. Childs from Portland.

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

Mr. HAUGHN: Mr. Speaker, not to make a long drawn out affair of this thing, but I would only like to inject these remarks, that I believe this Legislature has a duty to perform, it is their job to do and with all these constitutional amendments coming in you start to yield the powers of your Legislature, you're yielding your rights, and if you wish to do that then you'll certainly go along with my colleague and friend from Portland, Mr. Childs. If not then you certainly will indefinitely postpone this bill.

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

Mr. BRODERICK: Mr. Speaker, Members of the House: This bill

does not give up any of our legislative powers we have here today. We are still the lawmakers. All this bill does in effect, as my good colleague, Mr. Childs from Portland, has already stated, it sees to it that this legislature carries out the duties with which it is charged under the Constitution, and that is the duty of reapportionment. If our quarrel is with the Constitution, it is up to the members of this body to change that Constitution. But while it is in effect, it is the cornerstone of law under which we operate and live in this State of Maine, we should abide by it, and that's all this bill does. It says in effect that the five members of the Superior Court will apportion only when the Legislature itself fails to act. Nothing is taken away from this body.

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

Mr. EARLES: Mr. Speaker, just one word. By voting for this Constitutional amendment, and by permitting the people to make their decision, you're giving them an opportunity to buy reapportionment insurance.

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

Mr. CALL: Mr. Speaker, Ladies and Gentlemen of the House: Remarks here this afternoon, and I went through the years past on this reapportionment bill, and I will go along with the gentleman from Bridgton, Mr. Haughn, and the remarks of the gentleman from Portland, Mr. Broderick. His remark was that if we fail to reapportion then they shall. In other words, we've got a club held over our heads during this session. If we don't do it, we know they're going to do it. So we've got to do it. This body doesn't have to take orders from the Supreme Court, Superior Court or no other body. We make the laws here right in this room, and you decide for the people who's making the law, we are. If you want to go along with Mr. Childs it's all good and well with me. If you want to go along with Mr. Haughn it's all right with me, but give that some thought will you? You make the laws, you don't have to take orders from anybody.

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

Mr. ELWELL: Mr. Speaker and Members of the House, the county which I come from, a hundred years ago, had about twice as many people in it as it has today. A hundred years ago your state had about half as many people as it has today, and over that period of time our representation from our county has had to be cut back in order that other sections of the state could be increased. And sooner or later, if trends continue as they are going now, we will be asked again to give up representation, and I would be in favor of this motion of the gentleman from Portland, Mr. Childs, even though this would take place, because I think it is not the proper position for us to take here that we should disfranchise any other section of the state in order to maintain unfair representation in our own section, and I think there's a principle involved and we should stand on principle and I certainly would go along with the gentleman's motion.

The SPEAKER: The Chair would clarify the situation by stating that the question before the House is not a motion by the gentleman from Portland, Mr. Childs, it is a motion by the gentleman from Bridgton, Mr. Haughn, for indefinite postponement.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Not necessarily meaning to inject myself into this debate, I will go along with the gentleman from Cumberland, Mr. Call, when he states that we make the laws and no one can tell us. That is very true. I think the people send us here to pass on legislation, and our judgment, good or bad, if we should seek reelection lies there. However, I might remind others who have spoken that this thought occurs to me that this is a constitutional amendment, and let's be mindful of the fact, and I'm not necessarily speaking on this particular bill, but all constitutional amendments, even if we are the last word on legislation that we pass or we do not pass, the people, by our own constitution, are the last

word in that it concerns constitutional amendments. That is the only way that we can operate. That is the only way that the bill can be brought, or resolve amending the Constitution can be brought, before the people, by two-thirds vote of both branches of the members present at all times. That is the only way that we can bring a constitutional amendment to the people, and it is the only way that the changes up or down can be entertained by this body or any other body, so the Constitution says. I just thought I would remind the members of that in view of the fact that there are other constitutional amendments coming.

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

Mr. EMMONS: Mr. Speaker, this is certainly a personal opinion, but we have numerous constitutional amendments coming forth. I certainly think that some of them ought to be sent to the people, and this to my mind is a rather innocuous one. We will not lose any powers unless we do it by default. I hope that the motion of the gentleman from Bridgton, Mr. Haughn, to indefinitely postpone will not prevail.

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

Mr. CURTIS: Mr. Speaker, three times as a member of this legislature, I have attended the meetings of instructions for legislators, and three times I have heard it said to the new members of the legislature that you are supreme in your powers in this legislature. You are over the courts, and you must well consider your duties and what you are going to do. Now as a member of the Committee on Apportionment the last time and in the 97th legislature, it might be a little enlightening to some of the newer members here, there is a great question there and to me what always happens, why the previous legislatures had not gone along with it. As the Constitution sets up the other branch, they have their members and they do not have to be apportioned, but the great county of Cumberland is growing faster than the other counties and the

members from the other counties saw that they would be helping out them against their own defense. Whether that is the right attitude I don't know, but they were willing at all times that they would make some provision for changing the representatives in the Senate that the House would always be glad to go along with it. In fact they did go along with that.

Now if we accept this thing, and the people do accept it, what have we done? We have taken away from our government the participation of the people in this thing. We've said to them that your legislature is not supreme. Your legislature will be under the rules as far as this is concerned of the courts, these five men. And who are these men? Are they elected by the people? They are appointed, are they not? I think you are taking from the people much, and I think probably it would be safe to send this to the people if someone had time to explain it to them because I am sure they will turn it down, and I do hope that the motion to indefinitely postpone does prevail.

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

Mr. BRODERICK: Mr. Speaker, Members of the House: It is true that we are the lawmaking body of this state, and if we saw fit we could put the question to the people of a constitutional change relative to this question of reapportionment. We could do away with it. We could amend our Constitution in that manner, through referendum, but neither this House nor any individual body individually or collectively can ignore the Constitution as it now exists. The Constitution now calls for reapportionment every ten years. If your quarrel lies there with reapportionment, I suggest that legislation be introduced which changes the Constitution and submit that to the people. But this bill, all it does in effect is if this legislative body does not act according to the terms of the Constitution, then the five members of the Superior Court, and only then, will step in and see that the reapportionment is brought about. We cannot substitute ourselves for the Constitution.

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

Mr. CHILDS: Mr. Speaker, to elaborate for one very brief moment on what my friend the gentleman from Cumberland, Mr. Call, had to say as far as the court telling this legislature what to do, their opinion only was based on what the Constitution said. The Constitution says that the legislature shall reapportion. The courts were not telling the legislature to do it, they were telling the legislature what the Constitution in itself said, and it said it was the continuing duty of the legislature, and our good friend the gentleman from Bridgton, Mr. Haughn, says that he believes this legislature would reapportion. Possibly this legislature would reapportion, but we've got to take care of things in the future, and all this is going to be is going to be a body or a commission which is set up which will do the duty if the legislature fails to do the duty which they are told to by the Constitution and nobody else, and the Constitution is what is supreme.

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

Mr. ALLEN: Mr. Speaker and Members of the House: As I understand our government is made up of three branches, the administrative, the legislative, and the judicial. I don't believe that the judicial branch should be doing work that this branch should be doing, nor their powers be intermingled. Now this legislature, at the last session, did apportion and I am confident that future legislatures will apportion as they should. In voting for this bill, you will be voting against the confidence of future legislators, so I support the motion of the gentleman from Bridgton, Mr. Haughn.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Bridgton, Mr. Haughn, that with respect to Resolve Proposing an Amendment to the Constitution to Reapportion the House of Representatives by the Superior Court if the Legislature

Fails to Act, House Paper 994, Legislative Document 1422, both reports be indefinitely postponed.

The gentleman from Portland, Mr. Childs, has requested a division. Will those who favor the motion to indefinitely postpone both reports please rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Sixty-one having voted in the affirmative and forty-three having voted in the negative, the motion prevailed, the Reports were indefinitely postponed and sent up for concurrence.

On motion of the gentleman from Gardiner, Mr. Hanson, the House voted to take from the table the thirty-sixth tabled and unassigned matter, Bill "An Act relating to Exemptions from Excise Tax on Motor Buses Used for Transportation of Passengers for Hire", House Paper 884, Legislative Document 1252, tabled on April 18 by that gentleman pending third reading.

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

On motion of Mr. Bragdon of Perham, the House voted to take from the table the thirty-fourth tabled and unassigned matter, Bill "An Act relating to Employment of Minors", House Paper 546, Legislative Document 773, tabled on April 17 by that gentleman pending third reading.

Mr. Bragdon of Perham offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 546, L. D. 773, Bill, "An Act Relating to Employment of Minors."

Amend said Bill by striking out the single quotation mark at the end of "Sec. 1" and adding thereto the following underlined sentence: "Processing as used in this section shall not include original processing of agricultural products processed on or adjacent to the farms."

Further amend said Bill by striking out the single quotation mark

at the end of "Sec. 2" and adding thereto the following underlined sentence: "Processing as used in this section shall not include original processing of agricultural products processed on or adjacent to the farms."

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

Mr. TURNER: Mr. Speaker, I was just glancing over this bill and I notice under section twenty-three it says "woods operation, no minor under sixteen years of age shall be employed, permitted, or suffered to work in, about or in connection with any manufacturing, processing or mechanical establishment, construction activity, woods operation."

Well now I don't like that part of it, I have fellows come in, working for me in the woods, and Saturdays and nights they have the boys come in and help them pile up the wood. I think I'll move indefinite postponement of the whole business and if I can't get that done —

The SPEAKER: The Chair would remind the gentleman that the pending motion before the House is the adoption of House Amendment A. That must be disposed of before the gentleman's motion can be considered.

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

Mr. BRAGDON: Mr. Speaker, I had intended to make a few remarks on the Amendment, if I may do so now.

The SPEAKER: The gentleman may proceed.

Mr. BRAGDON: I wanted to say to the Members of the House that I have cleared this amendment with the Chairman of the Labor Committee, and so far as I know it's okay with the Committee.

The SPEAKER: The Chair recognizes the gentlewoman from Fal-mouth, Mrs. Smith.

Mrs. SMITH: Mr. Speaker, could we get the number of that amendment again? I don't seem to be able to find it.

The SPEAKER: The filing number on the amendment is number 334. The question before the House is the motion for the adoption of House Amendment "A". Is the House ready for the question? Is it now

the pleasure of the House that House Amendment "A" shall be adopted?

The motion prevailed.

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

Mr. TURNER: Mr. Speaker, do I get to state my case all over again?

The SPEAKER: The Chair will state the motion if the gentleman so wishes.

Mr. TURNER: I move the indefinite postponement of this bill and all accompanying papers.

The SPEAKER: The question now before the House is the motion of the gentleman from Auburn, Mr. Turner, that with regard to bill "An Act relating to Employment of Minors" the bill and all accompanying papers be indefinitely postponed.

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

Mr. WILLIAMS: Mr. Speaker and Members: In my estimation this is bad legislation. In effect, it denies the right to work for our young citizens along with the life and liberty which was supposed to be guaranteed to all. It so happens I have near me a family of three boys whose father is blind. Last year they obtained a job nailing potato barrels, certainly not a hazardous — unless you chance to hit the wrong nail. A couple of weeks later, their employer, although their work was satisfactory, was forced to fire them because they were less than eighteen years old. The balance of the summer they paced and sat on the doorsteps.

Perhaps I was born thirty years too soon, but when I was sixteen, eighteen years of age, I'd been doing a man's work for several years and it would have taken a bold, bad man to have convinced me that I was too young to hold a responsible job. Now at least in Aroostook we need the help of our boys and girls. They are needed state-wide. These boys need the training a steady job gives them, they need training in spending the money they earn. In my opinion it would hurt no youngster to shovel gravel or cut a little pulp or drive a truck. I can see no reason, under the light of heaven why this legislature should deny a job to any boy or girl simply be-

cause they are not eighteen years of age.

The SPEAKER: Is the House ready for the question? The Chair recognizes the gentlewoman from Falmouth, Mrs. Smith.

Mrs. SMITH: Mr. Speaker, Members of the House: This bill does not affect me personally but the rest of the industry in Maine have not been able to employ under sixteen without a permit for a long time. However, I am disturbed by this type of legislation. We are denying too many young people the right to work. I just wonder how far these young people are going to get through school; how they are going to earn their way through school if we continually deny them the right to work. Then we have a juvenile delinquency problem, and in my opinion, these young people would be much better off occupied than they would on the streets and in their cars.

I have been very much interested in this delinquency problem for a good many years, and only more recently have we begun to see judges and other people working on the problem or interested in it. Not too long ago we had an article about our antiquated labor laws in the Readers' Digest in which it said many of these laws were passed in the days of sweat shops, and I assure you we do not have sweat shops today and yet we are continually increasing this type of legislation which was needed years ago, and which is really not needed today. I'd like to go along with the gentleman from Auburn, Mr. Turner, for indefinite postponement.

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

Mr. ROSS: Mr. Speaker, this came up rather suddenly. As Chairman of the Labor Committee though I can explain a few things about it. It was presented by the gentleman from South Portland, Mr. Hanscomb, and as you know he has been ill and he is not with us today. But nevertheless he has given me the authority to go ahead and express to the House his views on this when and if it ever did come off the table.

Now he, in presenting this bill and the Labor Committee in approving it; had no desire or intention to take away from the youngsters of our state the right to work. But this bill is a safety measure. It prohibits them from working in certain industries. In certain industries now they are prohibited. Our laws already cover manufacturing and mechanical establishments, laundries, dry cleaners and bakeries, because these places of employment are considered to be dangerous to our youngsters. Now this bill would propose to extend this coverage to include processing, construction, woods operation, tree surgery and transportation, the dangerous industries in the state. Last year the disabling industries in the state under these categories numbered two thousand six hundred and ninety-three or thirty-three point two per cent of all the disabling industries in the state.

So it certainly would seem that if a third of these are disabling that they should be covered as a safety measure, and not because we want to put the people out of work, and that was the reason of the Committee and the reason alone.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Plante.

Mr. PLANTE: Mr. Speaker, I would like to ask a question through the Chair if I may please?

The SPEAKER: The gentleman may proceed.

Mr. PLANTE: I'd like to know from the gentleman from Bath, Mr. Ross, if he has the figures on how many individuals under eighteen doing this particular work were injured last year.

The SPEAKER: The gentleman from Old Orchard Beach, Mr. Plante, is asking a question through the Chair to the gentleman from Bath, Mr. Ross, who may answer if he chooses.

Mr. ROSS: I don't have that answer.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Plante.

Mr. PLANTE: Mr. Speaker, it wasn't so long ago when I was eighteen years of age, and it wasn't so long ago when I did construction work. I did not always hold

an executive position. Also not to be prejudiced as one who has dealt with athletes during the past year, but it's important that during the off year that our athletes in the area stay in condition, and one of the primary ways to stay in condition is either doing lumbering work or construction work, and of the individuals that we have coached in the area I have known of no serious injuries from these athletes doing this type of construction. I don't think the American youth is getting so soft that we can't do this type of work. I hope that we will support the motion to indefinitely postpone.

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

Mr. RICH: Mr. Speaker, Members of the House: I would like to go along with the gentleman from Old Orchard Beach, Mr. Plante. I believe that we are pampering our youth altogether too much. There is a limit to the protection we can throw around them. I believe these boys would benefit by getting out into some of this work during their school vacation. I'd like to go along with the motion to indefinitely postpone. Thank you.

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

Mr. EMMONS: Mr. Speaker, I think that one point has not been brought out as to this particular bill. You all have been speaking as if minors under eighteen were prevented from being employed. That isn't quite so as for those under eighteen. They are prevented from being employed in any capacity that the Commissioner determines to be hazardous, dangerous for their lives or limbs, injurious to morals or where their health will be injured. The sixteen-year old proposition in section twenty-three is a definite determination that they shall not be employed, but as for the eighteen year old, it's only for those in that capacity which the Commissioner determines to be hazardous.

The SPEAKER: The Chair recognizes the gentlewoman from Falmouth, Mrs. Smith.

Mrs. SMITH: Mr. Speaker, may I address a question through the

Chair to the gentleman from Bath, Mr. Ross?

The SPEAKER: The gentlewoman may proceed.

Mrs. SMITH: I would like to have the gentleman from Bath, Mr. Ross, point out to us some of the places where young people may work in safety to earn a living. I think now we have got to the point with safety and with these things until I am not sure of the few things that they can do, and if you don't mind, we would like very much that we—

The SPEAKER: The gentlewoman from Falmouth, Mrs. Smith, addresses a question through the Chair to the gentleman from Bath, Mr. Ross, who may answer if he chooses.

Mr. ROSS: Mr. Speaker, that's an interesting question to have come up all of a sudden certainly, but there are many places that our people can work, and there are many places that they can get employment that is very beneficial, outdoor employment. I am sure that these youngsters sixteen years of age for instance, they can work on farms, they can work as golf course caddies, they can work in summer restaurants, they can work in a lot of places.

But let me point out just one more thing. This is not my bill. I'm not lobbying this bill, or trying to talk too strenuously for it. But let me read one statement that the gentleman from South Portland, Mr. Hanscomb had here. "The proposed extension of coverage will have no practical effect on any industry which is engaged in interstate commerce and subject to the provisions of the Fair Labor Standards Act which sets a minimum of sixteen years for employment and eighteen years for any particular hazardous job. It will however clear up the confusion now existing because these industries operate under two jurisdictions, federal and state. Some employers have employed youngsters under sixteen, after checking our state laws, and finding no prohibition against such employment only to find them in trouble under the federal law. This change will make the two jurisdictions more compatible and tend to avoid many of the cases of illegal

employment." The federal law has that restriction now. Our state law does not.

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

Mr. ROWE: Mr. Speaker, Members of the House: I am going to go very contrary to what is said. I think there are many, many parts and segments of the different industries here in Maine which are very much unprotected, and place eighteen year olds and sixteen year olds in very dangerous conditions. I would ask the elder members of the House here to reflect upon this fact here that these particular kinds of jobs which they were working in ten, twenty, and thirty years ago, and even on construction work myself as a college student, now are employing very technical and complicated kinds of machinery which is dangerous, and in one particular industry in my area, a five square mile area last year, one child lost two limbs and another child one limb which doesn't even come under the protection of the law as it is presently written. I find it strange too that the particular industries which are doing a very good job in protecting minors from dangerous and hazardous working conditions are not the industries which are opposing this sort of thing.

I'm thinking particularly of Frazier Mills in Madawaska, Maine, and these are the Commissioner of Labor—her own words when she said that in her opinion she would allow any minor in our high schools, sixteen years and older to work in that particular mill because they would be supervised. And when at the same time there when the question was put to the supervisors of the Mill as to whether or not they would go along with us in the high school, on-the-job educational program, even though the Commissioner had said "Yes" they, knowing the conditions, said "No."

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

Mr. QUINN: Mr. Speaker and Ladies and Gentlemen of the House: I am going to support the motion of the gentleman from Auburn, Mr. Turner, for indefinite postponement,

for the reason that I feel that any youngster in that age group that's ambitious enough, industrious enough to want to get a job should have the opportunity. Many youngsters in that age group of poor families are good students in school and would like to have advanced education. The only way they can get it is by getting out and building up a little reserve money by their summer employment to do so, and I don't believe in throwing any road blocks in their way in doing that. Further than that, I feel that work of youngsters in that age group builds character, and prevents delinquency. The youngsters in that age group that are ambitious enough to work in the summer are industrious and it builds traits of thrift, and jobs are scarce here in Maine, and there are very few jobs available to that kind of a group. And we must leave these jobs open to them in their communities, near their homes, so they can live at home and do this summer work. Consequently, I urge you to support the motion for indefinite postponement.

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

Mr. HAUGHN: Thank you, Mr. Speaker. I began to think that I was quarantined. Ladies and gentlemen of the House, I am deeply concerned and interested in this bill because this bill is not written to cover what it is intended to do. We passed legislation here not a short while ago authorizing our Commissioner of Industry and Labor to correct any wrongs or place of hazardous conditions existing that she has the power to correct. I happen to be in the position whereby I employ over forty under sixteen years of age in the State of Massachusetts. Some of these children are on probation for violating juvenile delinquency, and through the courts and on their recommendation, I have hired them. Through that and giving them activity, they are no longer violaters or juvenile delinquents because the activity has kept them out of that kind of mischief and trouble.

We had a place here in Maine, just a week ago, whereby teenagers, twenty of them in number,

were brought into court because of inactivity whereby they were caught with liquor. They were found guilty, and had placed a fine of five dollars apiece upon them, and placed on probation. Now if this is the kind of encouragement we want to give by this kind of legislation, I say pass it. If not, I certainly will endorse the program as outlined by the gentleman from Auburn, Mr. Turner, for indefinite postponement because we are not offering juveniles to be part of our community and be part of the increasing world and give them the knowledge and the rights they should have by denying them the privilege to work.

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

Mr. HICKEY: Mr. Speaker, to me this is just a camouflage of some people to hire labor at starvation wages at the expense of the youth of our state, so that many of the older people who cannot get jobs with a family because of the hiring of these youths. Now, I am interested in the youth movement and also in the labor movement. I figured it out that the labor people, the people who have to be hired, should get a decent wage for the job that they do, and in doing that they can keep their youths, their sons from going to work and going bad if they have the opportunity of being with them, and fishing with them, going hunting with them, and so on and so forth like that.

Now, personally I'm not opposed to youths being hired at all, with just one exception, that before they are hired by these people who are doing the hiring, that they find out for themselves whether there is a man in that locality that is looking for that same kind of a job, driving a truck, working on a farm, working in a gravel bank, that is out of work. Then, I would be satisfied, but they don't say that. They simply say that they want to hire these youths. For what? As I said in my first part of my talk, it's because that they perhaps can hire them for fifty cents an hour. Unless in the near future a bill comes into this legislature, which I think is coming, of a minimum wage, then they won't be talking of hiring youths then,

they'll try to get older people. Thank you.

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

Mr. BEYER: Mr. Speaker, I'll try to be very brief, but I did want to bring up one other point. In connection with work on town roads, there must be others of you here that are overseers of the poor. We have what we call a very beneficial policy that when we increase our summer crews for work on the town roads in the summer, we took on a few of these more healthy and older high school youngsters who for some reason or other were in an unfortunate situation, and we knew their families were, either the father had died or he was away or something and they needed support, and they would rather make the money, have the family make the money, than they would come on the relief rolls. And so we have been able to suggest to our road commissioner, would you care to hire so and so when you increase your crew this summer, and he's always cooperative and we have been able to take care of those boys.

But it seems to me under this bill, if I construe construction activity to mean work on the roads, and I believe it is, I believe it would rule out these people that the operation was dangerous. And I don't mean that these boys can't take care of themselves, and in answer to the gentleman from Biddeford, Mr. Hickey, we start our boys out at a dollar and ten cents an hour, and they can make higher as they go on. So I don't believe we do this as a starvation wage measure either.

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

Mr. ROWE: Mr. Speaker, Members of the House: I dislike to interject myself twice into the debate here, but either I am grossly misinformed or the people who are in favor of the indefinite postponement of this bill are somewhat misinformed. I think the question largely hinges around one point. Are there areas that are presently uncontrolled which represent a danger to these age groups? And does the Commissioner lack the kinds of con-

trol which she desires to have in these areas which she has identified as being dangerous to these age groups? Now, I understand further that this is a department bill, that she has asked for this kind of legislation. Therefore, I assume that she has made the judgment that there are dangerous and critical areas for these age groups which should be under control of her department. We will leave it at that.

The SPEAKER: Is the House ready for the question? The Chair recognizes the gentlewoman from Presque Isle, Mrs. Christie.

Mrs. CHRISTIE: Mr. Speaker, I was just going to move the previous question.

The SPEAKER: The question before the House is the motion of the gentleman from Auburn, Mr. Turner, that with respect to Bill "An Act relating to Employment of Minors", House Paper 546, Legislative Document 773, the Bill and all accompanying papers be indefinitely postponed. Will all those who favor the indefinite postponement of the bill say aye, those opposed, no.

The motion prevailed on a viva voce vote, the Bill was indefinitely postponed and sent up for concurrence.

On motion of the gentleman from Bangor, Mr. Browne, the House voted to take from the table the forty-second tabled and unassigned matter, House Divided Report, Majority "Ought not to pass" and Minority "Ought to pass" of the Committee on Public Utilities on Bill "An Act to Promote Safety on Common Carriers by Railroads", House Paper 720, Legislative Document 1042, tabled on April 19 by that gentleman pending acceptance of either report.

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

Mr. HAUGHN: Mr. Speaker, I want to thank the gentleman from Bangor, Mr. Browne, for removing this from the table and after talking with the Senate Chairman of the Committee and myself as House Chairman of this Committee, we would like to have this recommitted back to Committee for further study and possible redrafting.

The SPEAKER: The gentleman from Bridgton, Mr. Haughn, moves that with respect to Bill "An Act to Promote Safety on Common Carriers by Railroads", both reports be recommitted to the Committee on Public Utilities. Is this the pleasure of the House?

The motion prevailed and the two Reports and Bill were recommitted to the Committee on Public Utilities and sent up for concurrence.

On motion of the gentleman from Westbrook, Mr. Porell, the House voted to take from the table the forty-first tabled and unassigned matter, Bill "An Act to repeal the Westbrook Sewerage District, House Paper 668, Legislative Document 949, tabled on April 19 by that gentleman pending acceptance of either Report.

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

Mr. PORELL: First of all, I feel confident that I'm going to have success here today because this item appears on page thirteen. I was one of thirteen children and the thirteenth child in our family was born on the thirteenth day of the month in 1913, so I don't feel that I have any danger. However, "An Act to Repeal the Westbrook Sewerage District", House Paper 668, Legislative Document 949, tabled by me on April nineteenth pending acceptance of either report.

First of all I want to thank all of the members of the ninety-eighth Legislature for the lovely flowers and cards I received during my recent illness. I also want to thank this Legislature for the fine support it has given the Westbrook measures that have come before them thus far, such as the Westbrook Parking Authority that will provide for some off street parking so badly needed to relieve traffic on Route twenty-five and Westbrook's main street, one of the worst bottle necks of the state.

By far the most important measure for Westbrook is the bill now before you, the repeal of the Westbrook Sewerage District. After one year of wasteful spending of nearly forty thousand dollars, the people of Westbrook have asked to put a

stop to this waste and put the sewers back where they belong in the Street Department, under an able Road Commissioner, where it has been for the last one hundred and fifty years. Our Road Commissioner has all the necessary office space, telephones, trucks, equipment, warehouses and man power to do the job.

The four years that I was mayor, our road commissioner built more than a mile of sewers, and at a cost lower than the present Sewer District spent last year on twelve hundred feet of sewers. Over the past years Westbrook's Public Works Department has built more than twenty-five miles of sewers and nearly four hundred catch basins, and at a saving to the taxpayers of Westbrook as compared to the cost that is being done by the Sewer District.

The City of Westbrook has a borrowing capacity of over two million dollars. We now owe less than five hundred thousand so we can borrow a million and a half for any emergency that may arise for sewers or even the construction of a disposal plant if and when it is necessary. The Westbrook Sewerage District has a borrowing capacity of eight hundred thousand dollars, and if and when borrowed could cost the taxpayers an additional forty thousand dollars a year in interest alone. We do not need additional borrowing capacity.

The Westbrook Sewer District was introduced at the 97th Legislature by request by a handful of people. We had three charter changes on our December, 1956 ballot that needed a "yes" vote to correct mistakes made at the 96th Legislature. The voters voted "yes" on all the measures as they thought the Sewer District was not going to cost them anything, but when on April first, 1956, they received a Sewer District bill, they soon rose in protest and over a hundred and ten voters signed a petition to the Mayor and Council to put a stop to the Sewer District. I have those petitions right here. They were delivered to the Mayor and Council and they ruled that this Sewer District was a going business and it had to be. We were told that it had to go be-

fore the 98th Legislature, so that's why we're here with this proposition.

Nearly a thousand voters and taxpayers of Westbrook signed petitions asking for an opportunity to repeal the mistake they made in 1956. I have them right here, over a thousand names, and I hope this House of Representatives will not fail to recognize the desire of thousands of Westbrook people to correct the mistake they made in December, 1956.

I asked for a recommittal to the Chairman of the Public Utilities Committee and he told me that he would rather not have it recommitted. I have talked to three of the signers of the majority report, and they assured me they would not now object to this referendum going to the people of Westbrook for their own decision. So I now move that we accept the minority report of the Committee.

The SPEAKER: The question before the House is the motion of the gentleman from Westbrook, Mr. Porell, that the House accept the Minority "Ought to pass" Report.

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

Mr. HAUGHN: Mr. Speaker and Members of the House: As Chairman of the Public Utilities Committee, the House Committee, it has not been brought to my knowledge to ask to recommit this bill back because if it had, I certainly would have given my approval and blessing because I think all factors should be given due consideration. So, as far as that point as expressed by my colleague the gentleman from Westbrook, Mr. Porell, I have no knowledge of that, but I will say this. It's an awful hard job for me to get up here before this body and to have to oppose the bill, but I do have to protect the Committee and speak in behalf of the majority signers who brought out "Ought not to pass" and express some of the feelings why that report was brought out.

It was brought to the attention of the Committee at the public hearing that up to the point of the hearing that only five thousand dollars had been spent in a possible survey, a program had been mapped out, lined out, being prepared to be put into effect when this bill was

put in the legislature. Now, I'm only quoting the words of those people who appeared, and one gentleman who brought out the fact was the gentleman who was mayor of Westbrook at the time, Mayor Libby, and I served on that Committee in the 97th Legislature and heard that same bill presented to us. They asked for three million dollars. The Committee saw fit to reduce that to eight hundred thousand dollars borrowing debt capacity because they felt it was excessive for the need, and what the City of Westbrook could stand. They agreed to that eight hundred thousand, and since it has come to life whereby the S. D. Warren Company is certainly concerned and interested in the pollution down there, that they have some sort of a program in the making. I don't know yet what it is, but they have expressed that there is some, and this referendum as far as the people getting something for nothing, I can't swallow that because I'm certain that we grant them the right for referendum to express whether they want a District or not which was done in the 97th Legislature. That referendum was held and the vote was two to one in favor of it, and whereby the program is now starting to roll, it seems to me this bill would upset the future chances of a real sewer district down there, and the pollution problem I know is bad due to the S. D. Warren Company, no fault of theirs, but due to conditions existing which they are making up to correct, and Mr. Libby, who is now the ex-mayor, was an opponent to this measure which is now before us. So there's a few of the reasons why the Committee brought out "Ought not to pass."

The SPEAKER: Is the House ready for the question? The Chair recognizes the gentleman from Old Orchard Beach, Mr. Plante.

Mr. PLANTE: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the minority I would like to explain my reasons for signing the minority report. Now, I believe that if this measure did not pass and was not given to the people that it would even affect our own Committee. My reasons for saying so are because: One, our Committee, this year,

which I have been proud to serve on, has never, I repeat, never have we refused any individual or any charter with a referendum clause. This would be the first one. Never have we rejected anyone who desired a sewer district or any water district that had a referendum clause, and we also had before us another sewer district requesting a repeal. We gave that district an opportunity to either accept or reject it. This is a similar measure. I see no reason why we should discriminate on this particular bill in all fairness to the other bills which we have had and have given a favorable report on all referendum vote. I think that this one should also be granted.

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

Mr. HAUGHN: Mr. Speaker, I am very sorry to hear a few remarks that were cast because it does reflect on the thinking of the Committee in the minds of a few evidently. I will refer to a case of which we gave the repeal back to, or chance to repeal as expressed by the gentleman from Old Orchard Beach, Mr. Plante, was the City of Saco. The picture was entirely different due to the fact that the City of Saco has spent over three-quarters of the money of the debt limit. They had evidently, through confusion, misunderstanding in that particular area, did not realize the position they arrived at or got themselves into and they were going defunct. This situation is not similar because these people have only spent five thousand, according to the hearing, for survey and with a plan ready to progress with out of a possible eight hundred thousand dollars debt limit they had. So I don't want any misunderstanding in regards to why the Committee did return unanimous the right to the people of Saco to repeal if they saw fit in another referendum. I just want that point cleared up.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Plante.

Mr. PLANTE: Mr. Speaker, Ladies and Gentlemen of the House: I do not feel that the question here is whether a sewer district has

operated successfully or unsuccessfully. The question which is important is that will the people have an opportunity to accept it or to reject it? Will they, if the sewer district has been functioning well, give it a vote of approval as we here in this House have to have every two years, or a vote of disapproval which some of us have and which some of the sewer districts have? That is the question. Not a question of how successful it has been operating.

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

Mr. DAVIS: Mr. Speaker and Members of this 98th Legislature: As this bill concerns the people of Westbrook, I believe before we take any action on this bill "An Act to Repeal the Westbrook Sewerage District," I believe there are certain facts and figures that you should know.

This is one bill that has been presented to this Legislature that is an economy measure, and I am sure that every member of this Legislature is interested in economy.

Through the assessment of sewer users from April first to January first, it collected \$33,834.43. This money was spent for personnel, office equipment, new trucks, and only thirteen hundred feet of six and eight inch sewer has been laid. The original bill, as passed, has a borrowing clause whereby it can issue bonds or notes for the amount of \$800,000. As of this date \$5,000 has been borrowed, adding this to the \$33,834. that was paid by sewer users through assessments, we have approximately \$39,000. as only thirteen hundred feet of six and eight inch sewer has been laid. It has cost the taxpayers of Westbrook thirty dollars per foot. I believe that no city can afford any cost that is so expensive as this.

This has been a topic of conversation amongst the people of Westbrook for some time, and they feel that they have had imposed upon

them a great injustice. The taxpayers are opposed to this system and favor its repeal. The people back home have put a lot of pressure on us as their representatives to have the sewer system of our city turned back to the city government. Over half of its users have signed petitions to this effect. By appropriating money in our budget for sewers, we will know where we are going and will not have this bonded debt which our children's children will be paying for.

I cannot entertain the thought that this Legislature will not give the people of Westbrook a chance to vote on this issue. In regard to S. D. Warren Company favoring against this repeal, they themselves saved over twenty thousand dollars each year on taxes alone because they have their own private sewers, they do not have to pay this tremendous cost. I now move that the motion of Mr. Porell does prevail.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Westbrook, Mr. Porell, that the House accept the Minority "Ought to pass" Committee Report on Bill "An Act to Repeal the Westbrook Sewerage District", House Paper 668, Legislative Document 949. The gentleman requests a division.

Will those who favor the motion to accept the Minority "Ought to pass" Report please rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Seventy-seven having voted in the affirmative and seven having voted in the negative, the motion prevailed, the Minority "Ought to pass" report was accepted, the Bill read twice and tomorrow assigned for third reading.

The Clerk read a notice.

On motion of Mr. Totman of Bangor,

Adjourned until nine-thirty o'clock tomorrow morning.