

# 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**

Tuesday, May 14, 1957

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

Prayer by the Rev. Mr. Theodore Euson of Hallowell.

The journal of the previous session was read and approved.

**Papers from the Senate**

From the Senate: The following Orders:

**ORDERED**, the House concurring, that the Committee on State Government be and hereby is directed to study, forthwith, the question of land acquisition immediately south of the State House and to report by Resolve or otherwise its recommendations (S. P. 576)

**ORDERED**, the House concurring, that the Committee on Retirements and Pensions be and hereby is authorized to report a Resolve providing for a minor Amendment to Chapter 82 of the Resolves of 1957.

The Resolve so reported shall be exactly in accordance with House Amendment "A" which was distributed as filing 296 and which by inadvertence was not offered prior to the final passage of H. P. 550, L. D. 777, Resolve in favor of George E. Bagnall of Houlton (S. P. 577)

Came from the Senate read and passed.

In the House, the Orders were read and passed in concurrence.

**Senate Reports of Committees  
Ought Not to Pass**

Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Resolve Providing for a Traveling Clinic for Education of Mentally Retarded Children (S. P. 94) (L. D. 222)

Report of the Committee on Judiciary reporting same on Bill "An Act relating to Minimum Speed of Motor Vehicles" (S. P. 60) (L. D. 90), as it is covered by other legislation.

Came from the Senate read and accepted.

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

**Ought to Pass in New Draft  
Amended in Senate**

Report of the Committee on Highways on Resolve Authorizing Legislative Research Committee to Make Study of Public Ways of the State (S. P. 350) (L. D. 920) reporting same in a new draft (S. P. 545) (L. D. 1531) under title of "Resolve Authorizing the State Highway Commission to Make a Study of the Public Ways of the State" and that it "Ought to pass"

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

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

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

**SENATE AMENDMENT "A"** to S. P. 545, L. D. 1531, Resolve, Authorizing the State Highway Commission to Make a Study of the Public Ways of the State.

Amend said Resolve by striking out everything after the Title and inserting in place thereof the following:

**'Highway Commission; authorized to study.**

**Resolved:** That since Section 210 of the Federal Highway Act of 1956 requires the State Highway Commission to make certain surveys and studies related to Maine's highway system, the State Highway Commission is authorized and directed to so conduct that survey and study as to present via a report to the 99th Legislature essential data as may permit reasonably accurate legislative conclusions on the following questions:

1. Do current tax statutes reflect reasonable fairness in accomplishing an equitable distribution of costs among highway users or those otherwise deriving benefits from Maine's highways?
2. If the answer is in the negative, what changes should be made in the tax structure?

and be it further

**Resolved:** That the Legislative Research Committee be, and hereby is, authorized and directed to receive from the Highway Commission such

data as from time to time may be available to the end that the Research Committee may make recommendations to the 99th Legislature as the Committee may wish to conclude from its study and consideration of the data developed in the Highway Commission survey.

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

#### **Ought to Pass with Committee Amendment**

Report of the Committee on State Government on Bill "An Act relating to Tenure of Office of Members of Highway Commission" (S. P. 540) (L. D. 1519) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

**COMMITTEE AMENDMENT "A"**  
to S. P. 540, L. D. 1519, Bill, "An Act Relating to Tenure of Office of Members of Highway Commission."

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

**'Staggering of terms of State Highway Commission.** Notwithstanding the provisions of section 3 of chapter 23 of the Revised Statutes, the terms of office of the members of the State Highway Commission next to be appointed shall be, one for a term of 2 years and one for a term of 3 years. This act shall apply only to the terms of the next 2 appointees.'

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

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

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

to the Senate from the Engrossing Department by Joint Order (S. P. 575)

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

In the House:

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

Mr. MORRILL: Mr. Speaker and Ladies and Gentlemen of the House: This changing of the date of elections would be a financial blow to some areas of the State where some so-called summer residences are held. In the western part of the State, where there are many people from all the eastern states and some from Texas who are changing their legal residence to the State of Maine so as to be able to vote in the early elections, many of these people are spending more and more of their time in the State of Maine each year. And as this is one phase of the economy of the State that is building up and our early elections are helping this cause, I am for the early elections. Therefore I am going to move the indefinite postponement of this bill and accompanying papers.

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

Mr. ROSS: Mr. Speaker, I believe that this House decided that they would fight these two matters when they came up for enactment. Today is not the enactment stage. Today the Senate has reported to us just that they concurred with changing the ballot situation whereby they put the checks instead of the yes and no. This will come up in the House tomorrow for enactment and I think there will be a great deal of debate on both of them and at that time we will have our roll call vote, but I don't believe today is the time the House wants to do it.

The SPEAKER: The question before the House is the motion of the gentleman from Harrison, Mr. Morrill, that Resolve Proposing an Amendment to the Constitution Changing the Date of the General Election, and all accompanying papers, be indefinitely postponed. Is the House ready for the question?

Will those who favor the motion to indefinitely postpone please say aye; those opposed, no.

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

The SPEAKER: Is it now the pleasure of the House to recede and concur with the Senate?

The motion prevailed.

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

Resolve Proposing an Amendment to the Constitution Changing the Tenure of Office of the Governor to Four-Year Terms (H. P. 157) (L. D. 204) which was recalled to the Senate from the Engrossing Department by Joint Order (S. P. 575)

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

In the House: On motion of Mr. Ross of Bath, the House voted to recede and concur.

The SPEAKER: The Chair would inquire, is it the pleasure of the House that by unanimous consent items number seven and number eight be sent to the engrossing department when the House recesses at noon?

The motion prevailed.

The SPEAKER: At this time the Chair would like to recognize the presence in the gallery of the House of a group of thirteen senior and junior students from Castine High School escorted by their principal, Mr. Stephen Smallidge. On behalf of the House the Chair extends to you ladies and gentlemen a most cordial welcome and we hope you will enjoy your visit here today. (Applause)

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

Bill "An Act relating to Injury to Monuments and Places of Burial" (H. P. 920) (L. D. 1310) which was passed to be engrossed as amended by House Amendment "A" in the House on May 10.

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

In the House: On motion of Mr. Quinn of Bangor, the House voted

to insist on its former action and request a Committee of Conference.

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

#### **Orders**

Mrs. Smith of Falmouth presented the following Order and moved its passage:

WHEREAS, the members of the House have learned that today is the thirtieth wedding anniversary of Mrs. Harriman of Lovell,

NOW BE IT ORDERED, that the House extend congratulations to Mr. and Mrs. Harriman and best wishes for future years.

The Order received passage.

#### **Passed to Be Engrossed**

Bill "An Act relating to Expending Penobscot County Funds for Higgins Classical Institute" (H. P. 646) (L. D. 913)

Bill "An Act to Repeal the Westbrook Sewerage District" (H. P. 663) (L. D. 949)

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

#### **Amended Bill**

Bill "An Act relating to Beneficial Devises, Bequests and Legacies to Subscribing Witnesses" (S. P. 566) (L. D. 1567)

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

#### **Passed to Be Engrossed Emergency Measure**

An Act to Incorporate the Cumberland Water District (H. P. 383) (L. D. 512)

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. 117 voted in favor of same and none against, and accordingly the Bill was passed

to be enacted, signed by the Speaker and sent to the Senate.

#### **Passed to Be Enacted**

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

An Act relating to the Use of Public Ways and Parking Areas Maintained by the State at the Seat of Government (S. P. 148) (L. D. 348)

An Act relating to Fluoridation of Public Water Supplies (S. P. 466) (L. D. 1379)

An Act relating to Membership in State Board of Education (S. P. 481) (L. D. 1386)

An Act relating to Survivor Benefits under Maine State Retirement Law (S. P. 524) (L. D. 1486)

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

#### **Enactor**

##### **Tabled and Assigned**

An Act relating to the Unfair Sales Act (S. P. 555) (L. D. 1551)

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

Thereupon, on motion of Mr. Browne of Bangor, the House voted to reconsider its action whereby the bill was passed to be engrossed.

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

Mr. BROWNE: Mr. Speaker and Ladies and Gentlemen: The present law on our books with reference to this unfair sales, provides that in substance any retailer or wholesaler who advertises or sells at less than his cost, that action is prohibited and that it is punishable by a fine of not more than five hundred dollars. They must show, however, that there was an intent to injure his competitors or destroy competition. The law on the books at the time goes one step further, however, and provides that in all prosecutions under the provisions of this section, proof of any advertisement, offer to sell or sale of any item of merchandise by any retailer or wholesaler at less than cost to him, shall be prima facie evidence of intent to in-

jure competitors and destroy competition. Now the Courts have ruled that this last paragraph which would make this act prima-facie evidence of an attempt to injure, they ruled this to be unconstitutional. Therefore, this bill was introduced which we are considering here at the moment, among other things, to strike out the prima-facie provision. However, through error, the requirement that they must show an intent to injure or destroy competition was omitted from the bill, and it would make any act whereby a retailer or a wholesaler sold any goods for less than they cost him, regardless of his reasons, punishable under this act, and I don't think we wish that. Therefore, I now offer House Amendment "A", which is Filing Number 401, and move its adoption. This would put the intent back into the act.

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

Mr. CALL: Mr. Speaker and Ladies and Gentlemen of the House: I would go along with the gentleman from Bangor, Mr. Browne, that it is a very fine bill, and I heartily endorse it, all but that one word: "with intent" that he has in the amendment that he is offering. It has been our experience, to people who have been in business and have tremendous competition with the larger stores, as for example, if I buy ten cases of merchandise and I get rid of eight, and then I have two cases on hand, that the only possible way I can get rid of them is to lump pile them in the middle of the store and to mark them down to actual cost or below cost to get rid of them. Now we all know that that is the only way in competition or in business that you can do today, and I would really go along with the amendment if that word "intent" wasn't there, to injure competitors or destroy competition. Now for example, about a year ago we had a six per cent law on the books and one of the larger chains turned around and intentionally lowered price on a product hoping that somebody would call the attention of those of the State or those that have charge of it, and he took it to Court, and it went to the Superior Court. Now they couldn't prove — that is

the thing I was getting at — he couldn't prove that he intended to injure his competitors. The intent was there, but they couldn't prove it. That's why I don't like it.

Now I would like to have some time, and if I may request that we table this 'til tomorrow unassigned and until we talk it over further with the learned men of this House.

The SPEAKER: Would the gentleman defer his motion until the Clerk has had a chance to read the amendment? Would the gentleman allow the Clerk to read the amendment and then the Chair will recognize the gentleman?

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

HOUSE AMENDMENT "A" to S. P. 555, L. D. 1551, Bill, "An Act Relating to the Unfair Sales Act."

Amend said Bill in that part designated "Sec. 2" of section 1 by striking out all of the 1st sentence and inserting in place thereof the following sentence:

**'Any It is hereby declared unlawful for any retailer who, with intent to injure competitors or destroy competition, advertises, offers to sell or sells to advertise, offer to sell or sell at retail any item of merchandise at less than cost to the retailer, or for any wholesaler who, with intent as aforesaid, advertises, offers to sell or sells to advertise, offer to sell or sell at wholesale any item of merchandise at less than cost to the wholesaler shall be punished by a fine of not more than \$500.'**

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

Mr. CROCKETT: Mr. Speaker, I have been a salesman for practically all my life and I have come in contact with a lot of people, that from time to time they will have an accumulation of plugs, commonly called "plugs" in the trade. Merchandise gets out of style, something along that order, or the color isn't just right. Now that man in order to cover some of his investment goes out and sells that at a great loss. Now I believe this doesn't clarify the thing to my satisfaction. If he has that power to do that without subject to getting in trouble of some sort. I know there is many a merchant here that has taken a loss on merchandise from time to

time simply to try to recover part of their investment. Therefore, the bill isn't just clear to me. I believe there is an opportunity for a legitimate merchant. Now I say legitimate merchant, to get in trouble if he sells that merchandise below cost simply trying to recover part of his investment.

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

Mr. CALL: Mr. Speaker, I ask permission of the House to table this assigned specially for tomorrow.

The SPEAKER: The question before the House is the motion of the gentleman from Cumberland, Mr. Call, that Bill "An Act relating to the Unfair Sales Act", Senate Paper 555, Legislative Document 1551, be tabled and specially assigned for tomorrow pending the adoption of House Amendment "A". Is this the pleasure of the House?

The motion prevailed.

An Act to Incorporate the Mexico Sewer District (H. P. 387) (L. D. 518)

An Act relating to the Maine Forestry District (H. P. 821) (L. D. 1164)

An Act relating to Appointment of Deputy Commissioner of Institutional Service and Member of Parole Board (H. P. 1006) (L. D. 1432)

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

### Orders of the Day

The SPEAKER: Under Orders of the Day, the Chair lays before the House the special order, House Divided Report, Majority "Ought not to pass" and Minority "Ought to pass", of the Committee on Taxation on Bill "An Act to Provide Additional Revenue by Severance Taxes on Severer of Timber or Producer of Timber Products", House Paper 975, Legislative Document 1377, made a special order by the gentleman from Madawaska, Mr. Rowe, pending acceptance of either Report, and the Chair recognizes that gentleman.

Mr. ROWE: Mr. Speaker and Members of the House: There has been an amendment that has been

prepared which is on your desks today under filing 394. I would like to keep the bill intact and be able to propose the amendment and therefore, in order to do so, I will have to move the acceptance of the Minority Report, which was four votes to six, and the bill will have to have its first and second readings, at which time I will propose the amendment, after which time you will have your opportunity to dispose of the bill as you see fit.

The SPEAKER: The question before the House is the motion of the gentleman from Madawaska, Mr. Rowe, that with respect to Bill "An Act to Provide Additional Revenue by Severance Taxes on Severer of Timber or Producer of Timber Products," the House accept the Minority "Ought to pass" Report. Is this the pleasure of the House?

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

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

Mr. ROWE: Mr. Speaker, I now offer House Amendment A, filing 394 to L.D. 1377.

The SPEAKER: The gentleman from Madawaska, Mr. Rowe, 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. 975, L. D. 1377, Bill, "An Act to Provide Additional Revenue by Severance Taxes on Severer of Timber or Producer of Timber Products."

Amend said Bill by striking out the 8th, 9th and 10th lines of that part designated "Sec. 1" and inserting in place thereof the following underlined lines:

**'Pulpwood, 50c per cord, except that the first 100 cords shall be exempted from the tax imposed by this chapter.**

**Lumber—softwood, 20c per thousand board feet, except that the first 50,000 board feet shall be exempted from the tax imposed by this chapter.**

**Lumber—hardwood, 20c per thousand board feet, except that the first 50,000 board feet shall be exempted**

**from the tax imposed by this chapter.'**

Further amend said Bill by adding at the end of that part designated "Sec. 6" the following underlined sentence: **'At the end of each fiscal year, there shall be apportioned and paid by the State from the taxes received under the provisions of this chapter to the several counties, 10% of all such taxes on the basis of the amount collected from each county.'**

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

The SPEAKER: The Chair now lays before the House item number one under tabled and today assigned matters, House Divided Report, Majority "Ought not to pass" and Minority "Ought to pass", of the Committee on Education on Bill "An Act Creating a Salary Grant for Teachers", House Paper 964, Legislative Document 1436, tabled on May 9 by the gentleman from Madawaska, Mr. Rowe, pending acceptance of either report.

The Chair recognizes the gentleman from Madawaska, Mr. Rowe.

Mr. ROWE: Mr. Speaker, I would still like to keep this bill intact until the severance bill is debated, and if the third reading will come for the severance bill tomorrow I will move that this item here be tabled and specially assigned for tomorrow.

The SPEAKER: The gentleman from Madawaska, Mr. Rowe, moves that with respect to Bill "An Act Creating a Salary Grant for Teachers", both reports be tabled until tomorrow pending acceptance of either report.

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

Mr. TOTMAN: Mr. Speaker, I request permission to approach the rostrum and request the gentleman from Madawaska also to approach the rostrum.

The SPEAKER: The gentleman from Bangor and the gentleman from Madawaska may approach the rostrum.

(Conference at rostrum.)

The SPEAKER: The question before the House is the motion of the gentleman from Madawaska, Mr.



Rowe, with respect to Bill "An Act Creating a Salary Grant for Teachers," that both Reports be tabled and specially assigned for tomorrow pending acceptance of either Report. Is this the pleasure of the House?

The motion prevailed and both Reports were so tabled.

The SPEAKER: The Chair now lays before the House item number two under tabled and today assigned matters, Senate Report "Ought to pass" in New Draft under new title, Senate Paper 562, Legislative Document 1564, of the Committee on Judiciary on Bill "An Act Confirming Title to Harbor Island, Hancock County, in Franklin T. Kurt", Senate Paper 240, Legislative Document 641, tabled on May 10 by the gentleman from Bucksport, Mr. Pierce, pending acceptance of the "Ought to pass" Report in concurrence.

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

Mr. PIERCE: Mr. Speaker, I became interested in this bill because in the dim dark ages of approximately one hundred fifty years ago this island was in my legislative district which includes the town of Castine. Approximately one hundred fifty years ago the land agent of the Commonwealth of Massachusetts did grant titles to certain properties in the state. The land agent did grant property surrounding this island, but at no time was title ever passed between the Commonwealth of Massachusetts and any citizens. Normally, as the attorneys know, twenty years of occupancy does in some sense give title. However, inasmuch as the title was never given, and as my brother attorneys know, *nullum tempus occurrit regi*, that means no time runs against the King, title is not clear and we should not in any way give this island to the party requesting it. There are other ladies and gentlemen here who will discuss it in more detail with you. I realize I cannot yield, but I intend to have additional remarks. Thank you.

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

Mr. WILLIAMS: Mr. Speaker and Members: Now in my estimation

the very fact that this bill is before us shows these people have no case. If you buy a piece of land you take possession of it and you pay taxes on it. In this act we are being asked to deed an island off the town of Brooksville to one Franklin T. Kurt for the munificent sum of one dollar. Now this includes the beach to low tide and all the outlying rocks and reefs and all surrounding waters I guess.

Now Mr. Kurt reports to trace the claim back to 1833, that is sixty-nine years ago, when his father bought the island for an unknown sum from a Mr. William Robbins who never had a deed. In other words, Mr. Kurt's father, rich and unsophisticated, paid for something he never got. He never tried to take possession of the island, he never paid any taxes on it. If he ever had any claim he long since lost it through delinquent taxes. As space travel seems to be possible in the near future, I have not the least doubt that when the first space ship lands on the planet Mars and the men step out they will step on land which some New York gentleman will have established at least a shadow of claim and not on the public domain.

The SPEAKER: The Chair recognizes the gentlewoman from Kittery, Mrs. Burnham.

Mrs. BURNHAM: Mr. Speaker and Members of the House: I became interested in this bill in the first place because our Natural Resources Committee was not too busy and when I saw a bill to give away an island I was quite interested and attended the hearing. There was quite a bit of testimony brought out about the use to which the island was to be put. It is an island off Castine and in the testimony it said it was about three miles in length I think. During the testimony they said that some of the yacht clubs in the area would like to build a landing site and a fireplace in co-operation with Mr. Nutting's Forestry Commission. This has been objected to and I suppose that gave rise to this particular bill.

Along that line I have in my hand an abstract as regards the title of this island by the Attorney General addressed to Mr. Nutting, the For-

rest Commissioner. I would like to read some excerpts from it.

"Dear Sir:

Your inquiry about the title to Harbor Island in Buck Harbor off Brooksville was referred to me for search and report. The question was, 'Does the State own this island, as the records in your office indicate, or does it belong to Mr. Kurt who has claimed to own it?'

"Correctly, it belongs to the State of Maine, unless it shall have been conveyed by the State or by the Commonwealth of Massachusetts. There was no other way by which a good title could be acquired by any private owner.

"The records show that the Commonwealth disposed of the mainland parcels of land in this vicinity a few years before Maine became a State. The maps showing the original parcels with names of some of the first private owners are in the Registry of Deeds at Ellsworth. The maps do not include and do not show the island, which was on the extended dividing line between Castine and Sedgwick, at that time.

"A somewhat broken chain of conveyances, purporting to convey title to the island or undivided parts of it is traceable back from Mr. Kurt to a Mr. Howard who had obtained a parcel from the Commonwealth in 1805, which parcel was numbered 75, being 50 acres, etc. and located on a point of land just westerly of Bucks Harbor.

"On November 18, 1805, this Edward Howard gave a warranty deed, (and this deed specifically as a warranty exempts any claim holding title against any claims to be brought by the general court, which I suppose refers to the State of Maine.) From then on there were nine conveyances purporting to give title to this part. Then the next purported conveyance is in 1887 when a William Robbins, whose name seems not to appear otherwise, made a deed for a one-quarter interest to E. C. Chatto & Son.

"Following are many conveyances purporting to convey. As with the Brooklyn Bridge, a deed could be given if title could not. Chatto & Son, it appears, proceeded to sell the whole island, and many deeds have been passed around since that

time. None of them had any real foundation, and it must be said that the island belongs to the State of Maine."

Now in view of the policy of this Legislature and the Natural Resources Committee trying to follow the policy of the Forest Commissioner, we have tried not to give away any of the shore islands, believing they should be kept for recreational and development purposes. I looked at a map on Sunday that was sent to me and of all the areas, all the states around, Maine is the only one that has no landing places, public landing places, state-owned landing places, for yacht clubs and that sort of thing. I hope that these motions will not prevail and we will decide to keep the island for the State of Maine.

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

Mr. PIERCE: Mr. Speaker, I move that Item number two be indefinitely postponed.

The SPEAKER: The question now before the House is the motion of the gentleman from Bucksport, Mr. Pierce, that with respect to Bill "An Act Confirming Title to Harbor Island, Hancock County, in Franklin T. Kurt", both reports be indefinitely postponed.

The Chair recognizes the gentleman from York, Mr. Hancock.

Mr. HANCOCK: Mr. Speaker and Members of the House: I think there is some mistaken thought by other members on these particular bills, and I will give the Committee's thinking on them. Item number two relating to confirming title, if you will check the new draft you will note that the word "directed" has been stricken out so that the original bill called for the Forest Commissioner being authorized and directed to convey title. The new draft authorizes him to convey title. The second bill, or item number three, authorizes Mr. Kurt to sue the State of Maine.

Now it was the feeling of the Committee that the proponents of the bill did have a pretty good abstract themselves as to the title to the island, and since the State was there objecting to the bill and indicated certainly a color of title

in the State, it was felt that if we changed the bill from "authorized and directed" to simply "authorized" it would then give the Forest Commissioner an opportunity to sit down with the particular parties and if they could agree at all as to where the title was, then he could convey, but he is not directed to convey and if he still insists that title belongs in the State of Maine, he simply can forget about item number two, but item number three would authorize Mr. Kurt to sue the State of Maine and at that time our Courts will determine who has title to it. Therefore I hope that the motion does not prevail.

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

Mr. BROWNE: Mr. Speaker and Ladies and Gentlemen: Possibly to enlarge on the remarks just made, it was the feeling of the Committee that there were good points on both sides of this question. We did not feel that we as a Judiciary Committee should sit and exercise judicial powers. Therefore we felt it was not within our province to act upon the title in this matter. However, if the State in following out its plans and claiming title to this island as of the moment should determine in some future instance upon further examination that they may have erred, that Kurt has a better title than they at this moment anticipate, they are authorized if they so choose to convey the land to him.

This is not directing the State to do so. It will only save them and Kurt the additional expense of bringing suits in a court of law to try his title if the parties both agreed that Kurt had title to this land. We are not directing the State to convey any of its rights. As a matter of fact I agree wholeheartedly with the gentlewoman from Kittery, Mrs. Burnham, that the State should guard its rights jealously with reference to any offshore properties.

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

Mr. PIERCE: Mr. Speaker, while I have not personally studied the records of the deeds, it was brought out in the hearing that at no time had any revenue stamps been at-

tached to any transfer of the property. Nobody has apparently ever paid any money for this property. The present bill we are discussing would give the island, assuming that the remarks of the gentleman from Bangor, Mr. Browne, are correct, for the sum of one dollar. I hope that my motion to indefinitely postpone does prevail.

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

Mr. TEVANIAN: Mr. Speaker, Members of the House: I am certain it's not the purpose of any member of this Legislature to give away anything that belongs to the state, but by the same token I don't feel that we want to deprive anybody of property that may rightfully be theirs. All this bill and the accompanying bill does is give them the right to go to court. Although it is true that a right by possession does not run against the state, there may be statutes here involved which previous legislatures have enacted that may give this party, Mr. Kurt, an absolute title, an absolute right, and all we have done in Judiciary is seek to have him litigate his matter before the proper tribunal, and if he doesn't have title, I certainly wouldn't want to give him the land. But if he does have title by legislation that other legislators have passed, I think we owe him the courtesy and the decency, to sue the State of Maine and effect his claim if any he has.

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

Mr. HEALD: Mr. Speaker, I want to agree with the gentleman from Bangor, Mr. Browne, that we should jealously guard our property, our state-owned property. I think this is an excellent chance for us to guard it. I want to point out again, as I did yesterday, the nation has twenty-seven per cent of this land that's publicly owned, public-owned property, the State of Maine only has three per cent. I called a doctor that has a yacht that he keeps in Camden Harbor and I mentioned this island that's in question to him, and he said "Hang on to that by all means," he says, "that is the safest harbor on the Maine coast in case of a

storm" and he said "incidentally if you're thinking of selling it for a dollar, how about accepting a bid for twenty-five thousand dollars?" So I think that this, we had better hang on to this. I have been told once that we were the highest court in the state, so why can't we hang on to it without going somewhere else?

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

Mr. WADE: Mr. Speaker, I missed the first part of this debate, and perhaps it has been cleared up, but I would like to ask any of the lawyers whether passage of item three is contingent upon the acceptance of item two.

The SPEAKER: The gentleman from Auburn, Mr. Wade, addresses a question through the Chair to any attorney in the House who may answer if he so chooses.

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

Mr. BROWNE: Mr. Speaker, Ladies and Gentlemen: It was the thinking of the Judiciary Committee that both items two and three were necessary. We were not attempting to give away any title which might be in the State of Maine, but Item two permits the State of Maine through its duly qualified officers if it is subsequently determined that title would now be in Kurt, I don't think there any of us here who would wish to deprive anyone of a legally acquired title regardless of our desire to guard jealously our own title which might be in the State of Maine, Item two would permit the state if they found or if they felt that the title was incurred, to convey to him clearing up any cloud that may exist. Item three would permit Kurt to sue the State of Maine if he wanted to try his title and if he could not convince the State of Maine that his title was supreme under item two, And I would suspect that the state would never convey it to him anyway, unless he proves his title if the expression we heard here this morning is any indication. However, if they are satisfied, they can without forcing either party to involve themselves in litigation and further expense.

The SPEAKER: Does that answer the gentleman's question satisfactorily? The Chair recognizes the gentleman from Kittery, Mrs. Burnham.

Mrs. BURNHAM: Mr. Speaker, it would seem to me that on the face of it that if the state confirmed the title to Mr. Kurt, it would be unnecessary to sue the State of Maine. I'm not versed in the legal end of it there at all, and I did forget to state when I was on my feet before that at no time have any taxes been paid on this island to any town at all, so it would indicate that they felt they were not owning the island as we all have to pay taxes on what we own.

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

Mr. PIERCE: Mr. Speaker, on my motion to indefinitely postpone, I ask for a division.

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

Mr. BROWNE: Mr. Speaker and Ladies and Gentlemen of the House: I would only like to point out once again that we are not confirming title in any one. We make no disposition as to where title was, that's a judicial disposition. We did not wish to become involved in it. We made no determination as to where the title is. We merely authorized the State, if they found that title was incurred, to convey it to him to clear up his title. If they do not determine such, then all they have to do is withhold and stand their present position, and we suggest under item three that Kurt should have an opportunity then to go to a court of law to prove his title. We've made no determination as to where title is.

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

Mr. QUINN: Mr. Speaker, I would like to address a question through the Chair to the Chairman of the Committee of Judiciary.

The SPEAKER: The gentleman may proceed.

Mr. QUINN: I would like to ask the Chairman of the Committee on Judiciary whether or not this is the sole bill of this type that was re-

ferred to his Committee dealing with the offshore islands.

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

Mr. BROWNE: That is correct.

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

Mr. QUINN: Mr. Speaker, Ladies and Gentlemen of the House: I wish to bring to your attention legislative document 641 which is an "An Act Confirming Title to Harbor Island, Hancock County, in Franklin T. Kurt." That reads as follows: "All right, title and interest in and to the island lying in Buck Harbor, in that part of the town of Brooksville called South Brooksville, in the County of Hancock, being designated on the official map of the United States Geological Survey as 'Harbor Island' and also known as 'Buck's Harbor Island,' is hereby confirmed" — title is hereby confirmed — "unto Franklin T. Kurt of Huntington, New York, his heirs and assigns forever; together with adjacent and connected and outlying rocks and reefs to the line of lowest tide on all sides of the same."

Ladies and gentlemen, what does that do? That is an act of the legislature to give away this island without anyone conveying title, merely the legislature is to convey the title on this island. It's not directing the Forest Commissioner, or authorizing the Forest Commissioner to give title to this island. Now, is it a coincidence that this particular piece of legislation was referred to the Judiciary Committee rather than the Committee on Natural Resources? I want to go along with the motion to indefinitely postpone the redraft of this original L. D. 641, the redraft being 1564, since the next Item three will give the authority to anyone claiming any title in this island to sue the State of Maine for it. And this Item two has no bearing upon that particular item. Therefore, I wish to go along and support the motion of the gentleman from Bucksport, Mr. Pierce, to indefinitely postpone this L. D. 1564. Now I am told that this island has no buildings on it. It is being

used by the summer people in and around Brooksville. There's a beach on it where they bathe, and it's used generally by the public, and the revised statutes of 1954, chapter thirty-six, section sixty-four recites that all of these offshore islands are reserved for public use. If you give title to that island to any private individual, he can keep the public off the island and they lose the benefits of this island in Buck Harbor. Thank you.

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

Mr. RANKIN: Mr. Speaker, I come from a district, as I mentioned before, which is composed of islands and seacoast. Fifty years ago sea coast property had almost no value. It was gradually purchased by out-of-state residents, until my own town of Southport is eighty per cent owned by out-of-state people. Fifty years ago, Maine was land poor, but with the purchase of property by out-of-state residents, Maine has certainly become along the coast land rich. And what happens, the out-of-state people erect fences, erect "no trespassing" signs. At the present time in the entire town of Boothbay Harbor, there is not a single public place for either the summer people or the residents to go. You may know of another incident in the Town of Boothbay where a man, a Maine native, many generations having lived in Maine, moved away from East Boothbay because a certain Rock, known as Cunner Rock was purchased by out-of-state people. And this man and his family who had gone to that rock for year after year to picnic were told not to come any more. I hope the motion of the gentleman from Bucksport, Mr. Pierce, prevails.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Hancock.

Mr. HANCOCK: Mr. Speaker, I think the gentleman from Bangor, Mr. Quinn, has done a bit of disservice to the Judiciary Committee in reading 641 which is out in new draft and reads entirely differently. The Judiciary Committee is confirming title in no one, nor wants the Legislature to do so. 1564, new draft, simply authorizes the Forest

Commissioner to convey title, if that Forest Commissioner through the Attorney General's Department determines where the title lies. If they determine that it's still in the State of Maine, and say so, then the second bill authorizes Mr. Kurt if he thinks he's able to do so to prove his own title. To clear up one other matter the gentlewoman from Kittery, Mrs. Burnham, brought up on taxes, there was another bill 642 which was more or less a companion bill, which in effect annexed the island to the Town of Brooksville. No taxes have been paid on the island for the simple reason that no town has claimed it. There was a dispute apparently between Castine and Brooksville, the bill came along to annex it to Brooksville. That bill has been signed by the governor and is now a part of Brooksville. We, I believe, agree with very many things that the opponents of this bill have said, but we are not asking this Legislature to confirm or convey title to anyone, but we are authorizing one of the agents of the state to do so if his Department and if the Attorney General so determines. Now, I don't think it's asking too much, and the bill certainly isn't as dangerous as it sounds. As far as it's being referred to the Committee on Judiciary, it's simply my personal opinion that all such bills should be sent to Judiciary because they involve legal matters relating to title, and I would simply ask that those who haven't read the bills to read them because they're not as vicious as they might sound or seem to be made by the opponents of the bill.

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

Mr. PIERCE: Mr. Speaker, a statement was made by the gentleman, the previous speaker, that there's a bill annexing this to the Town of Brooksville, has been signed by the governor. On page seven, item eight, I have on the table "An Act Authorizing the Annexation of Harbor Island to the Town of Brooksville." It is in our possession.

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

Mr. QUINN: Mr. Speaker, just a

few words to reply to the gentleman from York, Mr. Hancock, As I understood him when he first spoke on this matter, he said that 641 directed the Forest Commissioner to convey title to this island, and that that L. D. was amended by 1564 to authorize him rather than direct him. Now I read the Act to you, and you can recall from my reading there was no reference to directing the Forest Commissioner to convey. There was no reference to the Forest Commissioner. It was merely an Act to hand over the island.

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

Mr. CALL: Mr. Speaker, I don't think anybody is enjoying this debate any more than I am, but I would like to ask a question, through the Chair to clarify, of any gentleman on that Committee, how long ago did this Mr. Kurt, or the last title or the deed to this island that Mr. Kurt took when he started to prepare this, how long ago, which relation was he to anybody that gave him title to the island? Do I make myself clear?

The SPEAKER: The gentleman from Cumberland, Mr. Call, addresses a question through the Chair to any Member of the Judiciary Committee who may answer if he so chooses. The Chair recognizes the gentleman from Portland, Mr. Tevanian.

Mr. TEVANIAN: Mr. Speaker, as I recall the facts, the title can be traced back to 1803, and it has been in the family of Kurt, as I recall it, around 1890, and there have been intermediate conveyances but in the family of Kurt I believe it was around 1890, I am not positive, but that's as I recall it.

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

Mr. CALL: To a certain extent it does Mr. Speaker, but as I understand it there have been no taxes paid on it since 1890. It has been in the possession of the State of Maine since that time.

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

Mr. TEVANIAN: Mr. Speaker, as I understand the facts, as I recall them, the State of Maine made no claim upon this land until about three or four years ago, and of

course the land was not taxable because it was not a part of any town. There was no one to assess the taxes. The claim of the state is of recent vintage, and the state base their claim upon the land for this reason. Whether or not it was conveyed by the Commonwealth of Massachusetts prior to 1803 and to whom, no records can be found on it, but the Attorney General's Department never denied that there may have been an earlier conveyance by the Commonwealth of Massachusetts, but it was their position they could find nothing prior to 1803 or 1805. There may have been an earlier conveyance, we don't know. And I would like to point out that there are other statutes involved. One that gives clear title by statute after continuous use of forty years if under claim of deed, and I certainly can't determine, I don't know any way I can determine whether—who the title is in, and for that reason I believe that in all justice and in equity we have got to give these people the opportunity to go to court and let the court decide who owns the land.

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

Mr. EMMONS: Mr. Speaker, in view of the very apparent sentiments of many Members of this House, I would suggest that they definitely would want the Judiciary to determine the title. If we indefinitely postpone Item two and accept the Report "Ought to pass" on item three, we have taken it out of the hands of the Forest Commissioner or any individual and give Mr. Kurt a chance to try his case in court which I think is the sentiment of the House.

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

Mr. SHAW: Mr. Speaker, I want to concur with the remarks of the gentleman from Kennebunk, Mr. Emmons. There seems to be a great quandary here in regard to title, and if the Judiciary Committee didn't want to sit as a judicial board and decide as to who the title was vested in, I can't quite understand how they have so much confidence in the Forest Commissioner to decide the issue. I would think that he would be in quite a quandry also,

and so, therefore, I would like to go along with the indefinite postponement of this particular draft L. D. number 1564, and let the gentleman prove his title before the court.

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

Mr. BRODERICK: Mr. Speaker, Members of the House: As a member of the Judiciary Committee, I have not spoken yet on this matter. I would like to also concur with the gentleman from Kennebunk, Mr. Emmons. There probably is some doubt. The state claims title to this property, also Mr. Kurt. I will go along with the indefinite postponement of number two here, and certainly allow this man to try his title in the court, and that right will be given him under item three. That would settle it.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Bucksport, Mr. Pierce, that Bill "An Act Confirming Title to Harbor Island, Hancock County, in Franklin T. Kurt", Senate Paper 562, Legislative Document 1564, or rather that the report of the Committee in relation to that bill be indefinitely postponed. The gentleman from Bucksport, Mr. Pierce, has requested a division. Will all those who favor the indefinite postponement of the Committee Report please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

One hundred twenty-seven having voted in the affirmative and none in the negative, the motion prevailed, the Report was indefinitely postponed in non-concurrence and sent up for concurrence.

The SPEAKER: The Chair now lays before the House item number three under tabled and today assigned matters. Senate Report "Ought to pass" of the committee on Judiciary on Resolve Authorizing Franklin T. Kurt of Huntington, New York to Sue the State of Maine, Senate Paper 242, Legislative Document 643, tabled on May 10 by the gentleman from Bucksport, Mr. Pierce, pending acceptance in concurrence. The Chair recognizes that gentleman.

Mr. PIERCE: Mr. Speaker, I move that we accept the Report of the Committee.

The SPEAKER: The question before the House is the motion of the gentleman from Bucksport, Mr. Pierce, that the House accept the "Ought to pass" Report. The Chair recognizes the gentleman from York, Mr. Hancock.

Mr. HANCOCK: Mr. Speaker, I am not going to say a thing about this except that I would like to take this time to apologize to the gentleman from Bangor, Mr. Quinn. In my remarks I was referring to a proposed new draft that did not come out, and not the original bill, and I am sorry that I mentioned that.

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

Mr. WILLIAMS: Mr. Speaker and Members: I am not altogether satisfied with the explanation of the Judiciary Committee. I happen to know that Mr. Nutting, as the Commissioner of Forestry, who is also in charge of the State lands, was approached before these bills were introduced into the legislature, and he told them, which is in my estimation true, that this island belonged to the State, had belonged to the State ever since Maine was a part of Massachusetts. Now in the debate, I think it was on the twenty-eighth of March on a bill about schoolhouse land, my good friend the gentleman from Bangor, Mr. Quinn, said that basic law is that no property is without an owner. In this case it was the State. Now my friend the gentleman from Bangor, Mr. Browne, in support of that bill, told us that the law was there and that the expense was nominal to establish title. Now I assume that these gentlemen are correct. I can't see why it doesn't apply equally well to this thing. Now why should the State be asked to spend the taxpayers' money to give away the title to a valuable island of their own? I now move indefinite postponement on this.

The SPEAKER: The question before the House is the motion of the gentleman from Hodgdon, Mr. Williams, that the report be indefinitely postponed. The Chair recognizes

the gentleman from Bangor, Mr. Quinn.

Mr. QUINN: Mr. Speaker, I would like to explain to the gentleman from Hodgdon, Mr. Williams, that without the authority of the legislature, a private individual cannot sue the State, and this is an authorization to give this private individual an opportunity to test his title.

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

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

Mr. EMMONS: Mr. Speaker, in view of what I said before on item two and also number three, and in view of the possible change in the vote of some of the members of the House, because of those remarks I would like to express my hope that this motion to indefinitely postpone will not prevail. I think it is only fair to the gentleman to have a chance to try his title in the courts.

The SPEAKER: The Chair recognizes the gentlewoman from Kittery, Mrs. Burnham.

Mrs. BURNHAM: Mr. Speaker and Members of the House: I shall go along with the motion of the gentleman from Bucksport, Mr. Pierce, that—

The SPEAKER: The Chair would advise the gentlewoman that the question now before the House is the motion of the gentleman from Hodgdon, Mr. Williams, for indefinite postponement.

Mrs. BURNHAM: May I say that I hope it does not prevail?

The SPEAKER: You certainly may.

Mrs. BURNHAM: I think the gentleman should have a chance to prove his title in court.

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

Mr. JALBERT: Mr. Speaker and Members of the House: We had bills such of this nature before the Natural Resources Committee and several times during the hearings or in executive session I would make comment that I thought those bills belonged before the Judiciary Committee, they entailed legal matters and legal matters only. I know that the Natural Resources Commit-



tee did a splendid job. As a matter of fact they are battling for a thousand insofar as these bills are concerned in my opinion. It is remarkable in view of the fact that all but one member of that Committee was an attorney. And on all of these bills of this nature, I personally referred myself to him because he not only was a member of the legal fraternity, he was a member of the unmentionable branch and chairman of the Committee and also an attorney and a member of the Judiciary Committee. I think certainly this man should have the right to have his day in court, and this only bears out what I have stated for many years, that a thorough study through the Research Committee should be made of what we own, who can sue, and what we don't own as far as islands are concerned with the thought in mind of finally preserving what we want to preserve.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Hodgdon, Mr. Williams, that the "Ought to pass" Report on Resolve Authorizing Franklin T. Kurt of Huntington, New York, to Sue the State of Maine, Senate Paper 562, Legislative Document 1564, be indefinitely postponed. The gentleman from Hodgdon, Mr. Williams, has requested a division. Will those who favor the motion to indefinitely postpone, please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Nine having voted in the affirmative and one hundred and five having voted in the negative, the motion to indefinitely postpone did not prevail.

Thereupon, on motion of Mr. Pierce of Bucksport, the "Ought to pass" Report was accepted in concurrence, the Resolve read once and tomorrow assigned.

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

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

The SPEAKER pro tem: The Chair now lays before the House. Item four House Divided Report, Report "A" reporting New Draft, House Paper 1087, Legislative Document 1566, and Report "B" reporting "Ought not to pass" of the Committee on Judiciary on Bill "An Act relating to Judicial Separation, House Paper 641, Legislative Document 908, tabled on May 10 by the gentleman from Bangor, Mr. Browne, pending acceptance of either report.

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

Mr. CHILDS: Mr. Speaker, I move on this matter that both Reports be indefinitely postponed.

The SPEAKER pro tem: The gentleman from Portland, Mr. Childs, moves that both reports be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed, the Reports were indefinitely postponed and sent up for concurrence.

The SPEAKER pro tem: The Chair now lays before the House item five Bill "An Act Classifying Certain Surface Waters in Maine," House Paper 1085, Legislative Document 1562, tabled on May 9 by the gentlewoman from Presque Isle, Mrs. Christie, pending adoption of House Amendment "A", filing 356, and House Amendment "B" adopted, filing 358. The Chair recognizes the gentleman from Caribou, Mr. Brewer.

Mr. BREWER: Mr. Speaker and Ladies and Gentlemen: At this time as a matter of courtesy and also expediency I wish to withdraw my motion for House Amendment "A" and yield to the gentleman from Bethel, Mr. Saunders.

The SPEAKER pro tem: The gentleman may withdraw House Amendment "A" but at this time he may not yield to the gentleman from Bethel, Mr. Saunders, but the Chair will recognize the gentleman from Bethel, Mr. Saunders, in his own right.

Mr. SAUNDERS: Mr. Speaker and Members of the House: I offer House Amendment "C" which is in the nature of a substitute. However, this amendment I have filed with the Clerk for printing and reproduction.

The SPEAKER pro tem: the gentleman from Bethel, Mr. Saunders, offers House Amendment "C", which is an amendment in the nature of a substitute. It has been filed with the Clerk and has been sent to the printer. Under the House Rule an amendment in the nature of a substitute cannot be acted upon until it is printed or reproduced. The matter will lie on the table until the printed amendment is received. It is so ordered.

The SPEAKER pro tem: The Chair now lays before the House item six, Bill "An Act Authorizing Towns to Control Shellfish Resources" House Paper 670, Legislative Document 951, tabled on May thirteenth by the gentleman from Gouldsboro, Mr. Tarbox, pending third reading. The Chair recognizes the gentleman from Gouldsboro, Mr. Tarbox.

Mr. TARBOX: Mr. Speaker, I wish now to offer House Amendment "C" and move its passage, and the amendment only does this, it puts the duty of the Department of Sea and Shore Fisheries to enforce any regulations adopted under the provision of this section which was part of the amendment that the gentleman from Portland, Mr. Miller, asked me if I would go along with and did not offer.

The SPEAKER pro tem: The gentleman from Gouldsboro, Mr. Tarbox, presents House Amendment "C" and moves its adoption. The Chair recognizes the gentleman from Portland, Mr. Miller.

Mr. MILLER: Mr. Speaker, Ladies and Gentlemen of the House: If this amendment is passed, it's going to cost the state between a hundred and a hundred and fifty thousand dollars a year. Therefore, I would move the indefinite postponement of this amendment.

The SPEAKER pro tem: Before the Chair entertains the motion to indefinitely postpone the amendment, the Clerk will read the Amendment.

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

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

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

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

Further amend said Bill by inserting after "Sec. 3", the following section:

**"Sec. 3-A. R. S., c. 38, § 49, amended.** The last sentence of the 3rd paragraph of section 49 of chapter 38 of the Revised Statutes is hereby repealed and replaced as follows:

**'Any town that adopts any regulation under authority of this section shall be responsible for enforcement of the same. It shall be the duty of the Department of Sea and shore Fisheries to enforce any regulation adopted under the provisions of this section.'**

The SPEAKER pro tem: The question before the House is the motion of the gentleman from Portland, Mr. Miller, that House Amendment "C" be indefinitely postponed. All those who favor the motion for indefinite postponement will say aye, those opposed, no.

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

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

Mr. RANKIN: Mr. Speaker and Ladies and Gentlemen: If you allow this amendment to go through, it is the equivalent of killing the bill, because the Sea and Shore Fisheries Department cannot spend, as the gentleman from Portland, Mr. Miller, said between a hundred and a hundred and fifty thousand dollars just to enforce the law. The towns must help. So that passage of the amendment is about the same as killing the entire bill.

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

Mr. TARBOX: Mr. Speaker, you probably know I did try to indefin-

itely postpone the bill, but by offering his amendment we went along with it, but then he didn't only offer part of his amendment. If the Sea and Shore Fisheries has taken care of it all of these years, I can't see any reason why they can't take care of it now. And it didn't cost them any hundred and fifty thousand dollars.

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

Mr. MILLER: Mr. Speaker, it's amazing to me how some Members of this House try to confuse a situation. The Sea and Shore Fisheries, at the present time, does not enforce these laws. They are not compelled to enforce these laws. The enforcement now is in the local laws, and the enforcement takes part on the local level. The amendment that I offered when this bill was presented was Amendment "A". It was read to every member that was present in this House. There were no signs of deception, no means of deception on my part when this was presented. There were two amendments here "A" and "B" and I offered "A" and it was read by the Clerk of the House, and it was accepted. I still hope that everybody goes along with the indefinite postponement of this Amendment "C".

The SPEAKER pro tem: The Chair recognizes the gentleman from Lubec, Mr. Denbow.

Mr. DENBOW: Mr. Speaker, Members of the House: I hope you go along with the amendment offered by the gentleman from Gouldsboro, Mr. Tarbox, for these reasons: First, there is no more reason why the State of Maine shouldn't enforce a natural resource like clams, which is statewide, than it should lobsters, deer or anything else. Next, the load has been partly under the towns in the past, this present structure of enforcing them to enforce the law will work a desperate hardship. And in the third place, although under the present law, perhaps it is the town's authority; however, at least fifty per cent of the arrests have been made by wardens of the Sea and Shore Fisheries who are already available. There is no reason why

they can't continue. And I hope the amendment is accepted.

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

Mr. CROCKETT: Mr. Speaker, I also live on the coast. Many of you Members of the House here wonder what I know about enforcing the laws on Sea and Shore Fisheries. I don't know too much about it, but I do know this, that we have several clam diggers in our town. We also have a Sea and Shore Fisheries warden who lives in our town. He polices at this time our district. Now we also have wardens who are appointed by our town fathers to help along to see that the laws are enforced, and I believe this amendment would be, if we do adopt this amendment,—if we don't adopt this amendment, it's going to put a great burden of expense upon little towns like mine. Therefore, I hope that we adopt the amendment.

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

Mr. MILLER: Mr. Speaker, Ladies and Gentlemen of the House: Another note of deception. I pointed out before that this new bill will not cost the towns any more than what it cost them under the present law. It is a means of deception, and I ask you to go along with the indefinite postponement of this bill because it is entirely, it is absolutely impossible to pass this bill with this amendment attached to it because it would have to go back to appropriations, for a special appropriation. It would mean putting on twenty or thirty more wardens, and it's not necessary because the laws have been carried out the way they are now. The purpose of this bill is not to do harm to towns and cities, but to do them some good in the future. It was explained in debate on the floor here when the original bill was passed, that, it was a recommendation of various members of the legislature, former Commissioners of Sea and Shore Fisheries, the present Sea and Shore Fisheries, the Legislative Research Committee and you saw fit to pass the original bill. Now, I hope that we can go along with the question and not debate this any longer and kill the amendment to this bill here.

The SPEAKER pro tem: The Chair recognizes the gentleman from Columbia Falls, Mr. Hathaway.

Mr. HATHAWAY: Mr. Speaker, through the Chair, I would like to ask Mr. Miller a question.

The SPEAKER pro tem: Through the Chair the gentleman from Columbia Falls, Mr. Hathaway, asks a question of the gentleman from Portland, Mr. Miller, who may answer if he so chooses.

Mr. HATHAWAY: The question, Mr. Miller is talking about deception, I was wondering where the figure of a hundred to a hundred fifty thousand dollars more was, he got that figure from if this amendment was passed, would cost to enforce it.

The SPEAKER pro tem: The gentleman from Columbia Falls, Mr. Hathaway is directing a question to the gentleman from Portland, Mr. Miller, who may answer if he so chooses.

Mr. MILLER: Mr. Speaker, just passed out to the Members of the House is Addendum number seven, adjustments to original tabulations, and L. D. number 951 "An Act Authorizing Towns to Control Shellfish Resources." I might say I guess I was about twenty-five thousand dollars out of the way because it says a hundred and twenty-five thousand dollars.

The SPEAKER pro tem: The gentleman is recognized only to answer the question.

Mr. MILLER: That is answering the question, Mr. Speaker.

The SPEAKER pro tem: The Chair recognizes the gentleman from Columbia Falls, Mr. Hathaway.

Mr. HATHAWAY: Mr. Speaker, the Sea and Shore Fisheries have been enforcing the laws and they have been getting along very well with these regulations that we've had so far down there. Sitting here myself and studying the situation as best I can with all these amendments and things, I really can't see any reason for changing the law the way it's been. So, therefore, I make a motion that we indefinitely postpone the bill, L. D. 951 and all its papers and amendments.

The SPEAKER pro tem: The motion of the gentleman from Columbia Falls, Mr. Hathaway, to indefinitely postpone the bill is not

in order at this time. We must first, so the Chair is informed, dispose of House Amendment "C." The Chair recognizes the gentleman from Southport, Mr. Rankin.

Mr. RANKIN: Mr. Speaker, I would remind the House that the bill we are discussing is the bill which was brought out to put clams on a farming basis. Many counties today have very few clams. The only county that has any in great number is Washington County and naturally they seem to be opposed to this bill, but this is an attempt by serious-minded men in the Department of Sea and Shore Fisheries, by biologists of the Sea and Shore Fisheries and by the Commissioner of the United States Fisheries and the biologists employed by the United States government to try and restore the clam to its former province in the flats. It is not an attempt to put anything over on anyone. Naturally, there is opposition to anything that is new, but this is not a radical plan. It is a sincere effort to conserve clams just as a farmer through his farm extension courses has learned over the years how to conserve his crop, to properly plant his crop.

The SPEAKER pro tem: Is the House ready for the question? The question is upon the motion of the gentleman from Portland, Mr. Miller, to indefinitely postpone House Amendment "C." The Chair has ordered a division. All those in favor of the indefinite postponement of House Amendment "C" will rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

The SPEAKER pro tem: The Chair recognizes the gentleman from Columbia Falls, Mr. Hathaway.

Mr. HATHAWAY: Mr. Speaker, is my motion in order now to indefinitely postpone?

The SPEAKER pro tem: The gentleman's notion is now in order.

Mr. HATHAWAY: I move that we indefinitely postpone legislative doc-

ument 951 and all its connecting papers.

The SPEAKER pro tem: The gentleman from Columbia Falls, Mr. Hathaway, moves that House Paper number 670, Legislative Document 951 and all of its accompanying papers be indefinitely postponed. The Chair recognizes the gentleman from Gouldsboro, Mr. Tarbox.

Mr. TARBOX: Mr. Speaker, if you would look at legislative document 951 you'll see where in section four they are repealing under chapter thirty-eight, section fifty, fifty-three, fifty-seven, sixty-one, sixty-five, sixty-six, sixty-nine, seventy, seventy-one, seventy-five, seventy-nine, eighty-three, eighty-seven repealed in section fifty, fifty-three, fifty-seven, sixty-one, sixty-five, sixty-six, sixty-nine and seventy-eight of the revised statutes. Now if they took care of all of those things in the previous legislature, and they didn't cost very much money, I think they can afford to do it now and I want to go along with the gentleman from Columbia Falls, Mr. Hathaway.

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

Mr. RANKIN: Mr. Speaker, I have said this on another day, but I will say it again to refresh your memories. For many years each town had laws which closed its flats to worming. The result was confusion. Diggers were being arrested for worming in flats of a town other than their own. Many diggers had no place to dig, because they lived in a town somewhat inland. Now the last Legislature repealed all the town laws on worm digging. I have heard the argument that worms are migratory; clams are not. But clams do migrate. The spawn travel many miles before they find a bank on which they will settle. Now this is just an experiment, and it's backed by scientific research, and we can laugh at the scientists of the Sea and Shore Fisheries Department, but none of us are laughing at the medical scientists. We're not ridiculing their efforts to cure carcinoma cancer. A great many people laughed at Pasteur, and people, through the ages, have ridiculed anything new. This is new, but if it works

out badly and I do not believe it will, the 99th Legislature can repeal it. Therefore, I hope the motion of the gentleman from Columbia Falls, Mr. Hathaway, to indefinitely postpone does not prevail.

The SPEAKER pro tem: The Chair recognizes the gentleman from Columbia Falls, Mr. Hathaway.

Mr. HATHAWAY: Mr. Speaker, I don't quite get the drift of this really. Washington County is about the only place we now have very many clams. I don't know why the other sections of the state are so awfully interested if we want to leave it the way it is. Down in Washington County, it is a means of income and more or less a food value for the people in these small towns. They have control on them now so they can dig up just a certain amount and they dig clams for their own consumption. I don't know if it's a question of conserving clams or a question of a hundred and twenty-five thousand dollars a year, and that figure I just can't digest it, I can't get it in my mind why it's going to cost any more than it does now. We in Washington County would like to see the laws the way they are. I hope my motion prevails.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Yarmouth, Mrs. Knapp.

Mrs. KNAPP: Mr. Speaker, I want to go along with the suggestion of the gentleman from Columbia Falls, Mr. Hathaway. I came from down in Washington County and I know what it means to those people. I bought clams the other day and I said: "Where did you get these clams?" They said, "Washington County, that's the only place you can get them." I hope the suggestion of the gentleman from Columbia Falls, Mr. Hathaway, prevails.

The SPEAKER pro tem: The Chair recognizes the gentleman from Lubec, Mr. Denbow.

Mr. DENBOW: Mr. Speaker, I want to go on record too in support of the motion of the gentleman from Columbia Falls, Mr. Hathaway, and I want to say this, that it seems to me not only silly but unfair to any other section of the state to legislate against a particular county which probably has the longest coastline and produces nine hundred thou-

sand worth of clams. We produce over five hundred thousand. We are reasonably happy as it is and I think it is unfair to create legislation for other counties which do not pertain to issues of their own counties, and I hope we go along with the motion to indefinitely postpone.

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

Mr. CROCKETT: Mr. Speaker and Members of the House: I personally myself wouldn't have any right — I would have the right alright, but the knowledge on this bill, to go up on a potato bill and tell the people up there what we should have in Aroostook County. I believe the people in Washington County and Hancock County where, what clams we have, should be considered in this matter. They know what the situation is better than the folks that live on the inland. Therefore, I hope that we along with the gentleman.

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

Mr. RANKIN: Mr. Speaker, I guess I'm fighting a losing battle. This piece of legislation was not meant to discriminate against Washington County, it is legislation for all the people who live in every county along the sea coast. I will admit my county today has very few clams. I wonder if the present trend continues how many years it will be before Washington County has very few clams.

The SPEAKER pro tem: The Chair at this time wishes to greet in the gallery pupils of the eighth grade of Holy Cross School, South Portland with their principal Sister Mary Albert. The Chair and the Members of the House welcome this group and hope that you will profit by your experience in today's session. (Applause)

The Chair now recognizes the gentleman from Kennebunk, Mr. Emmons.

Mr. EMMONS: Mr. Speaker, coming from a shore county I just have a couple of brief comments to make. I don't know too much about the clams, but I do know that down in York County we would like to have the clams we used to have back

again. I also have this comment to make that if we hire biologists, we ought to have little faith in them or just not hire them. Now, if Washington County feels that this particular bill is harmful to them, it might be possible to amend just to exclude Washington County, but certainly I do say this that York County would like to have its clams back if there's any way of getting them.

The SPEAKER pro tem: Is the House ready for the question? The question now is the motion of the gentleman from Columbia Falls, Mr. Hathaway, that Bill "An Act Authorizing Towns to Control Shellfish Resources", House Paper 670, Legislative Document 951, be indefinitely postponed. The gentleman from Gouldsboro, Mr. Tarbox, has requested a division. Will those who favor the indefinite postponement please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

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 Lewiston, Mr. Jalbert, and congratulate him on the fact that the Chair called him up as Speaker pro tem as a complete surprise to him. I think he did very well.

Thereupon, the Sergeant-at-Arms conducted the gentleman from Lewiston, Mr. Jalbert, 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 seven, 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 Belfast, Mr. Rollins,

pending acceptance of the Report. The Chair recognizes that gentleman.

Mr. ROLLINS: Mr. Speaker and Members of the House: At this time I request the members to allow me to substitute the new draft, L. D. 1514 for the Report of the Committee that I may offer House Amendment "A" under filing 346. This new draft was a compromise agreed upon by industry from L. D. 1464 to allow pilotage in Penobscot Bay, that area which extends from the sea a distance of sixty miles providing we omitted the harbor masters which would control the several ports, and this new draft, when amended, will leave those to local control, and I would speak on the bill and the amendment.

The SPEAKER: The question before the House is the motion of the gentleman from Belfast, Mr. Rollins, that the House substitute the new draft of L. D. 1464, the new draft number being 1514 for the "Ought not to pass" Report of the Committee. The gentleman may proceed.

Mr. ROLLINS: The amendment I will offer — may I speak upon that amendment?

The SPEAKER: Will the gentleman defer until we take care of the question now pending. The question before the House is the motion of the gentleman from Belfast, Mr. Rollins, that the New Draft be substituted for the "Ought not to pass" Report. Is this the pleasure of the House?

The motion prevailed, and the New Draft was read twice.

Mr. Rollins of Belfast offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 1059, L. D. 1514, Bill, "An Act to Create a Board of Pilot Commissioners for Penobscot Bay and River."

Amend said Bill by striking out the words "and River" in the Title.

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

**Sec. 1. Board of Pilot Commissioners created; vacancies, how filled.** Four persons shall be selected in the manner provided in sec-

tion 2, to be known as the Board of Pilot Commissioners for the Waters of Penobscot Bay, hereinafter referred to as the "Board." Whenever a vacancy occurs in the Board by reason of the expiration of the term of office, the Governor, with the advice and consent of the Council, shall fill such vacancy, and the person so appointed shall hold said office for a term of 4 years. In the event of death or resignation of any member of said Board or his removal from the State, the Governor, with the advice and consent of the Council, shall fill said vacancy by the appointment of a resident of the State for the unexpired portion of the term.

**Sec. 2. Choice of members of first Board, how effected; tenure of office; organization.** As soon as may be after the effective date of this act, the Governor, with the advice and consent of the Council, shall appoint 4 suitable persons, selected as provided in section 1, as Pilot Commissioners and said persons shall constitute the members of the Board hereby created. As soon as such appointments are made, the 4 persons so appointed shall meet and proceed to elect from their membership a Chairman. Said Board may adopt a corporate seal and may, then or at any time thereafter, adopt such rules and regulations as are necessary for the proper conduct of the business of said Board. At the same meeting, or as soon thereafter as practicable the Board shall determine by lot the term of office of each member, so that one member shall retire each year. A record of such action shall be made by the clerk of the Board; and a certificate thereof, signed by the Chairman and attested by the clerk, shall be filed and recorded in the records of the Secretary of State.

**Sec. 3. Limits described.** The waters of Penobscot Bay shall include, and said Board shall be vested with jurisdiction over, all tidal waters which are situated due north of a line extending from the western ear of Isle au Haut to Monhegan Island, so far as the jurisdiction for pilotage service of the State extends, including all channels and entrances into said Penobscot Bay, so far as

the same are not under the exclusive control of the United States, not to include coves, inlets and other parts where the tide ebbs and flows within the limits of any port in said area.

**Sec. 4. Pilots; Board may issue a branch upon examination; shall be recorded; subject to revocation.** Said Board shall appoint such number of pilots for the waters of Penobscot Bay as it deems necessary for the safety and convenience of commerce, fix and establish such compensation for the services of said pilots as may, from time to time, be deemed just and reasonable. Every inward bound vessel, drawing 9 feet of water and upwards, except yachts, cruising schooners, coasting and fishing vessels, shall be held to pay such pilots the regular fees for pilotage, provided a pilot boat is on her station and prepared to furnish a pilot to such vessel; a pilot boat shall not be obliged to remain on her station at all times; every outward bound vessel, except as above provided, shall be held to pay the regular fees to the pilot who brought her in, or if no such pilot, then to the pilot first offering his services; a pilot shall have a lien for his pilotage fees on all vessels liable therefor. Persons desiring a branch shall make written application to said Board, stating their qualifications therefor, except that said branch shall be issued by the Board to any pilot who has as his principal occupation been regularly engaged in piloting in those waters during the 12 months next preceding the effective date of this act. Said Board shall make careful examination and investigation of the qualifications of the applicant, and if satisfied that he has the requisite qualifications may give the applicant a branch under the hands of its members and the seal of the Board, authorizing such person to act as pilot for the term of 5 years from the date of his appointment. Thereafter, said Board may from time to time renew the same.

Said branch may be revoked at any time by said Board for negligence or incapacity. The branch so granted shall be recorded by the clerk of said Board in a book kept for that purpose, entitled "Pilots for

the Waters of Penobscot Bay"; and the clerk shall receive from the applicant, for making said record, the sum of \$5.

**Sec. 5. Board to report annually.** The Board shall, on the first day of December of each year, or as soon thereafter as practicable, submit a report of the doings of the Board to the Governor and Council. It shall also make such recommendations respecting legislation both by the State and Federal Governments as in its opinion may be necessary or expedient to improve the pilotage service at said port.

**Sec. 6. Compensation of members of Board.** The members of the Board shall receive no compensation for services performed by them.'

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

Mr. ROLLINS: Mr. Speaker and Members of the House: This amendment which I offer leaves all harbors under present local control as in section three. It does not include coves, inlets, and other parts where the tide ebbs and flows within the limits of any port in said area. That is to withdraw some objection that several harbors had. Also the change in the striking out of the word "river" describing the limits as the main channels to eliminate, "to entrances to all ports and to the river". That eliminates the river. This is the only deep water port on the Atlantic coast opened to all comers. This allows foreign ships to enter without pilots for the area. No American ship can do this under regulation of the U. S. Coast Guard, but Coast Guard has no jurisdiction over foreign registered ships. Many of these ships have been paid for by the U. S. taxpayer and now registered under foreign flags. Just one more way of subsidizing foreign ships to those same ships which are driving the American Merchant Marine off the seas.

We are proud of our Maritime Academies. We pay out good money each year to train officers, and then allow foreign ships this special privilege in Penobscot Bay, the only port on the Atlantic seaboard that it is allowed.

Here in section four, have eliminated in addition to coast and fishing



vessels, yachts, cruising schooners, spelled it out to satisfy the Camden folks who were so disturbed.

The pilot's fee from Monhegan to off Searsport or the mouth of the river is one hundred dollars, which nets the average pilot sixty-five dollars over his expenses of transportation to meet the vessel and transportation back. Those coming up the Eggmon Reach the charge is thirty dollars. While in Portland Harbor, a distance of only eleven miles from Portland Light, the fee is a hundred and eighty dollars, and they pay that fee even if they sail into Portland Harbor without a pilot. My amendment does not call for pilotage unless a pilot is aboard. Most of our American ships either take a pilot or have a skipper who has a pilot's license for this area. All pilots are examined and licensed by the U. S. Coast Guard, and only those who pass the rigid test of the Coast Guard would be certified by this Pilots' Board.

Some will no doubt introduce a letter from the Association of Maritime Pilots in New York in opposition to this measure. Sure they would oppose. Why? So their members who do not hold a license for Penobscot Bay could continue to come along after passing Cape Cod canal and bay into the open seas, right up to our ports, because Penobscot Bay has no restriction as to pilots. It is open sea.

These ships, foreign registry, will come all the way up from the open sea when weather is fair, but let them strike foul weather, snow, rain, fog, then they call for a pilot. This is very unfair to our local pilots, since in such weather they jeopardize their judgment every trip. If they are to be available in foul weather, they certainly should be used in fair weather.

Mr. Speaker, I move the adoption of House Amendment "A" and when the vote is taken I request a division.

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

Mr. PIERCE: I agree wholeheartedly with the remarks of my colleague, the gentleman from Belfast, Mr. Rollins, insofar as they affect pilots. I disagree with the

bill as written and before making my motion to indefinitely postpone the new draft, may I preface my remarks by saying that a great many of my ancestors were sea captains. As sea captains, I have been handed down, shall I say, many interesting antiques. Among them is this book called the "Shipmasters' Statistics." This book to the sea captains is to us what this book is. This book was written one hundred years ago. It covers many interesting subjects, one of them pirates and their disposal. Another one the freight rates on opium; another one the freight rates on elephant tusks. We also discuss slave trading in this book. Also in this book are the pilot laws on Penobscot Bay. With a very few and very minor exceptions the present pilot laws are contained in this hundred year old book. In my opinion, the laws definitely need rewriting, but I do not believe the vehicle that we are discussing, L. D. 1514, is the proper method of so doing. There are several parties interested in the bill. One of them are the shippers, another one are the terminal operators such as the oil tanks, and the manufacturers along the river, the ship owners and another the pilots themselves. With one exception they are all opposed to this present document, with one exception, and that is the pilot. To properly revise these laws we are going to require many hours of consultation among all the interested parties. I sincerely believe that it will take considerable time and I will not attempt to table. Very frankly, it will probably, and I intend to personally make a survey and consult with the interested parties, it will probably take me, we'll say, a year and a half. In order that I may properly personally introduce the bill at the 99th session of Legislature, I now move that this bill be indefinitely postponed, and I do not know at this time, Mr. Speaker, whether it shall be a House Paper or a Senate Paper.

The SPEAKER: The House will be in order. Will the gentleman defer just a moment please. The Chair must advise the gentleman from Bucksport, Mr. Pierce, that his motion to indefinitely postpone the bill is not at the moment in

order. The question before the House is to the adoption or rejection of House Amendment "A."

The question before the House is the motion of the gentleman from Belfast, Mr. Rollins, that House Amendment "A" be adopted. The Chair recognizes the gentleman from Madison, Mr. Hendsbee.

Mr. HENDBEE: Mr. Speaker, Members of the House: As a member of the Committee which heard this particular bill, I found myself in a very delicate position, being the only man who had spent any time on the various oceans and being somewhat familiar with what was going on. I do not wish to take sides, on either side of this particular issue, but I think there's a few things that should be brought to your attention to be judged on your merit. As the portly gentleman from Belfast, Mr. Rollins, has said, this port that we are speaking about now, Searsport, is an open port. Foreign ships may sail in there without taking any pilot, and that is the only port on the Atlantic Coast in the United States or Canada that that can happen. Now on the other hand, we, or myself and some of the other members of the Committee who were somewhat bashful detected "cahootism." That is a word which I have adopted some years ago, on the part of some tug owners. They were down there but they said that they had no interest in the bill. That reminds me, ladies and gentlemen, of a story that I heard in New Hampshire a few years ago about an old country minister was telling about how so few people turned out to church. He only got fourteen, fifteen people out to church on Sunday, but one Sunday the church burned down and there was ten thousand people came and watched it.

Now, there is a point there that these pilots are asking adoption of a bill which will regulate them to handle shipping in that port, and it has been explained that on bad weather, snow storms and foggy weather, they want pilots and they send out to get them. It's been told to you how much money the pilots make, and it's all been told to you how much money they make in Portland and Boston whether they're on the ship or not. They get that fee

anyway. But here is a question which I think that both sides will have to think over carefully. Both gentlemen who spoke on this bill, spoke a very true picture of it, but being a deep water man, I will have to go along with the portly gentleman from Belfast, Mr. Rollins.

The SPEAKER: The question before the House is the motion of the gentleman from Belfast, Mr. Rollins, that House Amendment "A" be adopted. The Chair recognizes the gentleman from Bucksport, Mr. Pierce.

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

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

Mr. TOTMAN: Mr. Speaker, Members of the House: I was hoping that someone else in the House would stand up to speak on this bill, and to me the most fundamental question, is this piece of legislation necessary? I frankly have not delved into the matter as far as trying to prepare a very elaborate statistical rebuttal to the bill, but I do know some rather basic facts.

Penobscot Bay, unlike the relatively crowded harbors of New York, Boston and Portland, as you all know without my telling you, is a large open expanse of water. Foreign ships, at present, I do not believe have any occasion to visit Belfast. What you are really talking about if, as I understand correctly, they have now removed in this third bill in effect—the amendment before you now is in effect a third bill, which to me proves that the entire proposition has been changed, and changed, and changed. The third bill does exclude the Penobscot River, is more or less boiling down its aim in the direction of the Town of Searsport. Without speaking whatsoever in a selfish way, as a matter of fact I shall exclude any comments I have or any personal experience which I might add, and I will confine my remarks to the use of probably the two only public docks that exist in Searsport which is one, the Sprague Corporation and one is the B. & A. Railroad. I don't think there's any argument that the Town of Searsport has seen a revival of

the two main docks in Searsport in the past ten years. The people in the area, particularly such people as the Great Northern Paper Company and the Sprague Company, hope that Searsport will continue to grow as it has this past ten years, and I am certain that they feel that we are carrying on a very fine edged battle in opposition to other ports because of our geographical location.

If we were talking about a bill that affected a large segment of our population, I am sure we would all be more sympathetic, but without knowing the exact number, I suspect we are talking about a bill that affects perhaps less people than can be counted on the fingers of two hands. Let there be no misunderstanding. Some of my very best personal friends are men who have spent their lives on Chesapeake Bay as pilots, and I have spent some time myself with pilots on Chesapeake Bay. But here is a case where you have only one port in a large body of water fighting and struggling to come back. Fighting and struggling in spite of geographical location to keep Maine on the deep water map, and I think the bill in front of us is directed to a very small group of people who, with good intentions, might seriously hamper the efforts of Searsport to continue its revival. It has been suggested, while it's not in the bill, if this amendment were adopted, there is a possibility that the tug boats could be pulled in which would add to the cost of pilotage. I simply say to you, is it necessary to impose upon an area which has been progressing favorably, a new law which I do not believe is necessary, and which I believe is patterned for the benefit of a few people who, incidentally, are not unanimous in their desire for the bill. I think that's a very important point. They are not unanimous in their desire for this bill. Therefore, I sincerely hope that this bill will not prevail, and I would move, if it has not been made, the motion that the amendment be indefinitely postponed.

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

Chair recognizes the gentleman from Houlton, Mr. Ervin.

Mr. ERVIN: Mr. Speaker, as a member of the Towns and Counties Committee hearing this bill, the Committee reported it out originally "Ought not to pass" because of the various objections that were raised by the different people that attended that hearing. However, it appears to me that on the rewrite of the new draft by the gentleman from Belfast, Mr. Rollins, that he has eliminated the greatest number or the majority number of those objections, and it appears now that, in my way of thinking, that this bill is very acceptable. I would like to go along against the motion to indefinitely postpone.

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

Mr. ROLLINS: Mr. Speaker, Members of the House: The gentleman from Bucksport, Mr. Pierce, spoke of the oil tankers. There isn't an oil tanker comes up there without a pilot, not one. And my good friend, Mr. Hendsbee from Madison, who supported me to some extent spoke of "cahootism" or something, I don't know that word, it's a new one on me, but that is the thought that some had advanced that opposed it, that it would, there's a little collusion between the pilots and the tugs. That is absolutely eliminated in the amendment which has nothing to do with harbors. The tug is used in docking. There certainly is no ship that comes up that large expanse of water that our friend the gentleman from Bangor, Mr. Totman, spoke of that needs a tug, but they do need a pilot, because even if it is a large expanse of water, it is full of islands, full of rocks and full of shoals, and on a foggy, rainy, stormy, snowy day, they certainly lay to until they get a pilot. Any man can tell you that. Whether they are going to the chemical plant or hauling oil to the air base. The gentleman from Bangor, Mr. Totman, spoke about the Great Northern Paper Company. One of the strongest lobbys against this bill is the Great Northern Paper Company. This stepping into it after I had changed my bill to conform

with the Sprague companies, and the different industries that were first down here, who agreed to go along with me on the pilots issue. They are not satisfied, the Great Northern Paper Company, to control the Penobscot River from the headwaters of the north branch and south branch the west branch down to Millinocket, but now to my surprise they want to control it to the open sea.

All you have to refer to is right on your calendar here, which was killed on May 8, legislative document 1427 a bill to opening obstruction in waters to maintain fish life. You see where that power is. Or look at L. D. 1496 to see their handy work "Weight Tolerances on Pulpwood, etc." Something Mr. Totman, himself opposed and fought on the floor of the House.

The SPEAKER: The Chair must remind the gentleman to refer to another Member as "the gentleman from."

Mr. ROLLINS: The gentleman from Bangor, Mr. Totman, I beg your apologies. One of the biggest deals passed by this legislature and most destructive to our highways is that legislative document 1496. I'm not surprised that they want to subsidize foreign ships. They have for years been subsidizing the Canadian woodsmen. Labor who pay no taxes, no social security, take back a hundred cents on the dollar earned in this country.

In opposition to the new draft of this bill, they are running true to form, subsidizing the foreign ships. Yesterday, I heard several speak of twenty-two years ago on a bill before this House, which some of you, I will speak of twenty-five or more years ago, which some of you older members can remember. When we were recovering from the bank holiday and all that went before, we had a governor who really wanted to help the Maine laborer when there was no labor. And he did everything in his power, but the lobby in Washington the same as in Augusta was too strong and the Canadian labor still was allowed to enter and go get the jobs which belonged to American citizens who were out of work. I remember a remark of one Edward LaCroix,

who was a member of the Ottawa colony, and a good friend of mine, and I did a lot of business with him. He was a contractor for the Great Northern Paper Company and he used Canadian labor. He came down here to an accidental hearing one time, on his way back he stopped with me and said, "Harry what kind of a governor have you, he shoot, he shoot, he shoot and now he wants to see the game he shoot at." In other words, he did everything within his power to stop Canadian labor coming in and then he wanted to make amends. That's the old adage "If you can't lick them, join them." And that's something like is going on in this legislature today. Is that what your people elected you to do? To come to Augusta to pass everything for the special interests? No, they thought you were elected to guard their interests, not just to see how much more tax you could levy upon them, the people.

Let us once more become the United States of America, and have a pilotage for Penobscot Bay, same as every other deep water port in our country. I hope the motion does not prevail.

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

Mr. HEALD: Mr. Speaker, I was sent here to guard the interests of my constituents in Rockport, and they are opposed to this legislation, this bill. I am not a deep water man; I am a shallow water man, and I don't know what it is all about but I want to guard the interests of my constituents in Rockport.

The SPEAKER: The Chair recognizes the gentleman from Camden, Mr. Libby.

Mr. LIBBY: Mr. Speaker, Ladies and Gentlemen of the House: L. D. 1464 "An Act to Create a Board of Harbor Commissioners for Penobscot Bay" first went before this Committee which was to take away all authorities from the towns and cities which have harbors, rivers and to control the coastal bay in four counties.

Finding that this was too drastic a bill, a new draft was introduced 1514 and they struck out "harbors." Now an amendment to strike out rivers has been introduced. As stat-

ed before, this bill has been before Committee twice and an "Ought not to pass" Report.

The people along the coast are well satisfied as things are now. The maritime coast pilots, which are pilots for the largest steamship companies on the Atlantic seaboard, definitely are opposed to the passage of this bill. The Coast Guard is not in favor. The people in the towns and cities along the Penobscot Bay coast are very much opposed to this bill. I now move for indefinite postponement of this bill and all accompanying papers.

The SPEAKER: The Chair would advise the gentleman that his motion at the moment is not in order. The question before the House is the motion for the indefinite postponement of House Amendment "A"

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

Mr. PIERCE: Mr. Speaker, this is strictly compulsory pilotage in spite of some remarks that have been made to the contrary. I quote from the proposed amendment: "Every inward bound vessel," and there are very few exceptions, "shall be held to pay such pilots the regular fees for pilotage". Also "they shall be held to pay the regular fees to the pilot who brought her in." That means whether or not the pilot is on board, coming in or going out. The pilot would have a lien against the boat. Now I am sincere in stating that I am not speaking for any industry in my district. I am speaking for the five pilots, it is possible there are six, I do recall five, without exception, all those pilots with one exception are opposed to this proposed amendment.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Bangor, Mr. Totman, that House Amendment "A" to Bill "An Act to Create a Board of Pilot Commissioners for Penobscot Bay and River", House Paper 1059, Legislative Document 1514, be indefinitely postponed. The gentleman from Belfast, Mr. Rollins, has requested a division. Will those who favor the indefinite postponement of House Amendment "A" rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Fifty-three having voted in the affirmative and fifty-three having voted in the affirmative, the Chair voted against the motion to indefinitely postpone the amendment.

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

Mr. ROLLINS: Mr. Speaker, I would raise a point of order if the Speaker would have a count of the members in their seats.

The SPEAKER: Will the monitors please count the members in their seats. The Chair recognizes the gentleman from Belfast, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, I withdraw my request.

The SPEAKER: The gentleman from Belfast, Mr. Rollins, withdraws his request. The question now before the House is the adoption of House Amendment "A". The Chair recognizes the gentleman from Bucksport, Mr. Pierce.

The SPEAKER: The gentleman requests a division. Will those who favor the adoption of House Amendment "A" please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Sixty-seven having voted in the affirmative and forty-two having voted in the negative, House Amendment "A" was adopted, and the Bill assigned for third reading tomorrow.

On motion of Mr. Tarbox of Gouldsboro,

Recessed until one-thirty o'clock in the afternoon.

#### After Recess 1:30 P.M.

The House was called to order by the Speaker.

The SPEAKER: The Chair at this time would like to announce the following Conference Committee to confer with the Senate on the disagreeing action of the two branches of the Legislature on Bill "An Act relating to the Taking of Quahogs", House Paper 14, Legislative Document 13. The Members appointed to this Committee on the part of the House are the gentleman from Friendship, Mr. Winchenpaw, the gentleman from Portland, Mr.

Miller, and the gentleman from Southport, Mr. Rankin.

The Chair would announce the following Conference Committee to confer with the Senate on the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Apprentice Lobster Fishing Licenses", Senate Paper 137, Legislative Document 274, on the part of the House, the gentleman from Bridgton, Mr. Haughn, the gentleman from Wiscasset, Mr. Farmer and the gentleman from Portland, Mr. Miller.

The SPEAKER: The Chair now lays before the House item number eight, Bill "An Act relating to Methods of Taking Clams and Marine Worms", House Paper 689, Legislative Document 957, tabled on May 13 by the gentleman from Bucksport, Mr. Pierce, pending adoption of House Amendment "A" and the Chair recognizes that gentleman.

Mr. PIERCE: Mr. Speaker and Ladies and Gentlemen: The Hancock County delegation had a meeting this noon. The gentleman from Gouldsboro, Mr. Tarbox, was to make the motion. He is not in his seat. He will be here momentarily. Therefore, I move that this be tabled and assigned until later in today's session.

The SPEAKER: The gentleman from Bucksport, Mr. Pierce, moves that item eight be tabled and specially assigned for later in today's session. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair now lays before the House item number nine, An Act relating to Elections in Towns, House Paper 217, Legislative Document 301, tabled on May 13 by the gentleman from Raymond, Mr. Edwards, pending passage to be enacted.

Thereupon, the Bill, having had its three several readings in the House and having been passed to be engrossed, and having had its two several readings in the Senate and having been passed to be engrossed, and the Committee on Engrossed Bills having reported it as being truly and strictly engrossed, Bill

was passed to be enacted, signed by the Speaker and sent to the Senate.

The SPEAKER: The Chair now lays before the House item number ten under tabled and today assigned matters, Bill "An Act relating to Licensed Dog Training Areas and Permits Therefor", House Paper 1082, Legislative Document 1556, tabled on May 13 by the gentleman from Gardiner, Mr. Hanson, pending passage to be enacted.

Thereupon, on motion of the gentleman from Gardiner, Mr. Hanson, under suspension of the rules, the House voted to reconsider its action whereby the bill was passed to be engrossed on May 27.

Mr. Hanson of Gardiner offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 1082, L. D. 1556, Bill, "An Act Relating to Licensed Dog Training Areas and Permits Therefor."

Amend said Bill by striking out all of "Sec. 1" and the underlined abbreviation and figure "Sec. 2" at the beginning of the next paragraph.

House Amendment "A" was adopted and the Bill passed to be engrossed in non concurrence and sent up for concurrence.

The SPEAKER: The Chair now lays before the House item five tabled and today assigned matters which was this morning tabled and specially assigned for later in the day, Bill "An Act Classifying Certain Surface Waters in Maine, House Paper 1085, Legislative Document 1562, and the pending question before the House is the passage to be engrossed as amended by House Amendment "B". The Chair recognizes the gentleman from Bethel, Mr. Saunders.

Mr. SAUNDERS: Mr. Speaker, I would like to present House Amendment "C", but before presenting it I would like to speak briefly.

The SPEAKER: The gentleman may proceed.

Mr. SAUNDERS: Mr. Speaker and Ladies and Gentlemen of the House: In presenting the Amendment, House Amendment "C", to L. D. 1562, these few brief remarks

may refresh your memories very slightly on what it contains. I certainly realize that this classification bill is certainly an immense thing to understand. I myself have spent approximately two months on it and there are many things which I am not sure of at the present time. However, this amendment that we are dealing with right now, is the recommendation of the Water Improvement Commission. These recommendations are part of your Governor's program. The Governor of our State has been very strong in starting a program of classification of water. He was elected by a fair-sized majority and he felt naturally that the people of the State of Maine were for the classification program.

Now I am sure Governor Muskie does not want to drive out one single business out of the State of Maine, and he has so stated so in many instances, and certainly it is not the wish of anyone to hurt municipalities in any way by putting a terrific burden on them instantly. The Governor feels, as well as many of us do, that we must start our program to reach a goal. It is not an easy one and it will take a long time, and it has been said many times that it cannot be done in one year or two years, it may take from ten to fifteen. So that if this classification program is not started, then certainly we are going to delay action on starting what we believe is a really necessary program. Now I don't think very many of you know who comprises the Water Improvement Commission. I know I didn't until I went over and checked on it, and I am going to read you the names of that Committee and who they represent, because I think it is a big factor in this whole program. The Chairman of the Committee is Clifford Chase, who is a retired man and had been for the most part of his life employed by the St. Croix Paper Company. The next man is Roy Weldon, who today is the Executive Vice President of the Great Northern Paper Company. The next one is Edward Colby who is a sanitation Health Officer representing the City of Portland. Millard Quimby is the Town Manager of Farmington, Maine. Seymour Wrightman

is a Professor of Sanitary Engineering at the University of Maine. Mr. Walter Tweedie, a potato trucker and broker. Llewellyn Collomy a farmer also I believe from the Aroostook area. Robert Ashman, the Professor of Forestry at the University of Maine, and Dean Fisher, Dr. Dean Fisher, who is presently head of our Health and Welfare Department. Now Ladies and Gentlemen, I submit to you those names as the Water Improvement Commission of our State of Maine. Two from paper industries, two from municipalities, two from the public at large, and stop and think for just a moment. Do you think that any of these people would hurt industry today, would hurt municipalities today? Certainly they are not going to drive anybody out of business, and I hope that you can see my point of view by naming the Water Improvement Commission. That very briefly is all I am going to say. We certainly do not want to downgrade any streams, and in presenting this amendment, it is merely keeping our streams at a point where we believe we can eventually reach that grade. Thank you very much. I would now move that we adopt House Amendment "C".

House Amendment "C" being Legislative Document 1578, was read by the Clerk.

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

Mr. ROSS: Mr. Speaker, I would like to ask a question of the gentleman from Bethel, Mr. Saunders, through the Chair.

The SPEAKER: The gentleman may proceed.

Mr. ROSS: My question is, how does this L. D. 1578 differ, in what way does it differ from our original document 1311.

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

Mr. SAUNDERS: Mr. Speaker, Ladies and Gentlemen: Practically there is no difference, only as I understand the parliamentary procedure, that if a new draft is presented, any amendment, any change, even a

complete change of a redraft is permissible.

The SPEAKER: The Chair might state that the Chair's understanding of House Amendment "C" is that House Amendment "C" is offered by way of substitute for the bill. It is amendable and the amendments must be added to it before we can vote on the adoption of House Amendment "C". The Chair is reminded that all amendments to L. D. number 1562 must also be offered and adopted or acted upon, and the House is dealing with two separate issues or propositions and they must both be perfected as to amendments before the House may make a choice between the two propositions. The Chair recognizes the gentleman from Bangor, Mr. Totman.

Mr. TOTMAN: Mr. Speaker, according to our calendar the pending motion is the adoption of House Amendment "A" to L. D. 1562, and I would interpret the motion of the gentleman from Bethel, Mr. Saunders, that he now moves that L. D. 1578 as House Amendment "C" be adopted.

The SPEAKER: The Chair is advised that House Amendment "A", to which the gentleman refers, was withdrawn this morning.

Mr. TOTMAN: Therefore, we are in order to speak to this proposed House Amendment "C"?

The SPEAKER: That is in order.

Mr. TOTMAN: Mr. Speaker and Members of the House: I would simply like to state my own personal opinion without casting any reflections on the purpose of the move of the gentleman from Bethel, Mr. Saunders, that I understood, if my memory serves me correctly, that this House has already acted once upon the motion to substitute in effect the original bill for the new draft. The question was just asked by the gentleman from Bath, Mr. Ross, if this so-called Amendment "C" is not in effect the original bill, and if not in effect if that's true, you are not being asked to reconsider by way of amendment an action already taken. I think the House has made its position fairly clear, and frankly I think that we should move on to what the majority of us had believed would be the progress of business to amend if we wish L.

D. 1562 as is on your calendar. Therefore, I would move that this so-called House Amendment "C" be indefinitely postponed.

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

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

Mr. WALSH: Mr. Speaker, when a vote is taken, I move it be taken by division.

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

Mr. QUINN: Mr. Speaker, through the Chair I would like to address a question to the gentleman from Bethel, Mr. Saunders and it would be, did I understand him to say that this L. D. 1578 is practically the same as 1562?

The SPEAKER: The gentleman from Bangor, Mr. Quinn, has addressed a question through the Chair to the gentleman from Bethel, Mr. Saunders, who may answer if he chooses.

Mr. SAUNDERS: Mr. Speaker, in reply to that question, it is similar to L. D. 1311.

Mr. QUINN: May I address another question to the same gentleman?

The SPEAKER: The gentleman may proceed.

Mr. QUINN: I notice on L. D. 1578 the new one, in comparing that page eleven with that of 1562, relative to the Kenduskeag Stream, that this new one upgrades the Kenduskeag Stream from a Class D to a Class B-2.

The SPEAKER: The gentleman from Bethel, Mr. Saunders, may answer if he chooses.

Mr. SAUNDERS: Mr. Speaker, you'll pardon me just a moment while I locate myself on this. In L. D. 1562 the Class is a D. Remember that 1562 was a redraft of 1311, and that Legislative Document 1578 which is now our present amendment, is the recommendation, the original recommendation of the Water Improvement Commission. Does that answer your question, Mr. Quinn?

Mr. QUINN: I thank the gentleman from Bethel, Mr. Saunders, for



his answer. It appears to me that there must be other changes here that affect other communities as it has the community of Bangor in this situation, and it seems to me that this is a very lengthy document and that we ought to be given a little more time on it, and I move that it be tabled and specially assigned for tomorrow.

The SPEAKER: The question now before the House is the motion of the gentleman from Bangor, Mr. Quinn, that Bill "An Act Classifying Certain Surface Waters in Maine" and all accompanying papers be tabled and specially assigned for tomorrow pending the motion of the gentleman from Bangor, Mr. Totman, that House Amendment "C" be indefinitely postponed. Will those who favor the motion to table, please say aye; those opposed, no.

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

The SPEAKER: The Chair recognizes the gentlewoman from Presque Isle, Mrs. Christie.

Mrs. CHRISTIE: Mr. Speaker, in looking over this amendment "C" I find that it upgrades several places in Aroostook County, and perhaps those in Aroostook County would like to know what they are if they haven't looked over this bill. It upgrades article eight the Limestone Stream from a D to C, and Machias River, Ashland from D to B-2, Salmon Brook, Washburn C to B-1, and Salmon Brook and tributaries upstream of the dam, upstream of Washburn Village from C to B-1, and Presque Isle Stream from its junction with the Aroostook River to the Bangor and Aroostook bridge from D to C, Presque Isle Stream from the Bangor and Aroostook Railroad Bridge near Chapman and High Streets to its junction with the north branch of Presque Isle Stream from B-2 to B-1. There are several places where this amendment upgrades 1582 recommendations on the Aroostook River main stem from a point a hundred yards down stream of the Caribou water supply intake to a point three miles upstream to the starting point it grades it from C to B-2, from D to B-2 I should say. I think otherwise, oh yes, there is the Fish River, the main stream is graded from a D to a C, and Sugarbowl Brook from Route 1 to the St. John

River is up from D to C. I think that's all as far as Aroostook County is concerned.

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

Mr. BRAGDON: Mr. Speaker, Members of the House: I would like to address a question to the gentleman from Bethel, Mr. Saunders.

The SPEAKER: The gentleman may proceed.

Mr. BRAGDON: The question is, in what respect does this bill, this amendment "C" which we now have before us differ from the bill that we, the senator's bill, so-called, which we refused to accept the other day?

The SPEAKER: The gentleman from Perham, Mr. Bragdon, has addressed a question through the Chair to the gentleman from Bethel, Mr. Saunders, who may answer if he so chooses.

Mr. SAUNDERS: Mr. Speaker, Ladies and Gentlemen: I thought that question was answered. There is practically no difference between this and L. D. 1311 which was the original classification bill. However, this is not presented as a substitute for a report. It is being submitted as an amendment to a redraft.

Mr. BRAGDON: One more question.

The SPEAKER: The gentleman may proceed.

Mr. BRAGDON: If there is any difference, Mr. Saunders, would you tell us one difference?

The SPEAKER: Would the gentleman restate his question?

Mr. BRAGDON: Mr. Speaker, I'm sorry. I asked this question through the Chair of the gentleman from Bethel, Mr. Saunders, if I may. The question is, if there is any difference, would you tell us what that difference is?

The SPEAKER: The gentleman from Perham, Mr. Bragdon, has addressed a question through the Chair to the gentleman from Bethel, Mr. Saunders, who may answer if he chooses.

Mr. SAUNDERS: Mr. Speaker, frankly, I haven't had time to check each page of it myself. There is probably one or two minor changes, maybe typographical errors, I'm not sure, but it practically is the same thing. There is no change.

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

Mr. TOTMAN: Mr. Speaker, Members of the House: In all fairness to this House I would like to restate a point I made earlier, and I do not believe the gentleman from Bethel, Mr. Saunders, would do anything but try to be fair with us. When he says it's practically the same bill, I believe he means that, and in fairness to him, I don't believe he's had a chance to check for typographical errors, but Amendment "C" is the L. D. 1311 which this House had before it when the motion was made to substitute the original bill for the new draft and this House turned it down. Now, we are being asked to do the same thing over again, to give the same consideration over again in effect. The only difference is that the L. D. number has been changed. Instead of calling it 1311, it's now called number 1578 and it is called House Amendment "C", and you are being asked to do the same thing over again. Therefore, that's why I made the motion to indefinitely postpone. I further call your attention to the fact that on your desks are a total of five or six amendments which we will have to consider, I presume, to 1562 which I think is the bill this House decided it wanted to go along with.

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

Mr. WILLIAMS: Mr. Speaker, I would like to make my position clear on this. As the Chairman of the Natural Resources Committee I spent about every spare minute since on the first of January trying to iron out a bill that would upgrade the waters. You understand these waters could not be upgraded or downgraded because they never were graded. You can't upgrade a stream or downgrade a stream that never was graded because it never had a grade to start on. What this bill is attempting to do is to grade the waters in the first place, and in some cases, you take the same stream in high water it could be a B-2, in low water it could be a D to a nuisance, actually the flow of water. Another thing if you attempt to grade the streams just below a

factory you get a bad sample. If you can go down four or five miles you get a much better sample.

We went over this thing thoroughly in the Committee and we spent a lot of time on it, and we came up with what the majority of the Committee considered was the best bill possible under the circumstances. It isn't perfect. No bill of this sort is perfect. It just couldn't be perfect, but the future Legislatures, if they find bugs in it, will have to iron them out. Now, if we intend to adjourn any time short of Christmas, I would submit to this House that if the members of the Natural Resources Committee had a hard time to agree on even this, what chance has this House got? They'd have to start right in now and spend two, three months to understand this thing, and our point of view is we did the best possible thing we could so this bill would hurt no one very much. It may do no one, the other side will say, very much good, but it will tag the rivers. It will grade them so that it will make it possible for the Water Improvement Commission to at least keep them at the present grade, and in our estimation, it was about the best thing we could come up with. Thank you.

The SPEAKER: Is the House ready for the question?

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

Mr. BREWER: Mr. Speaker, Ladies and Gentlemen of the House: The reason I believe that this has been brought up again is that it was voted upon on the particular day that we voted on Legislative Document 1311, and I think a great deal of confusion exists, existed then, and of course, it's going to exist because it's such a complicated bill. The gentlewoman from Presque Isle, Mrs. Christie, did name several upgradings from the present quality that she noticed. And I would like to say as a point of information to the gentlewoman from Presque Isle, Mrs. Christie, and also to House Members, that the vested interests in the County of Aroostook went along with that 1311 the Water Improvement Commission classification and they are all aware of that. Now, I didn't go

along with it particularly. I thought we should have made perhaps a little more rapid progress, but it still has been discussed, and discussed at great length by the Water Improvement Commission and those people that the gentlewoman from Presque Isle, Mrs. Christie, is concerned over, so it is not new to them, and I believe that's why this second attempt to pass this legislation is in order. It is also the reason that I withdrew my House Amendment "A". This 1311 doesn't give me as high a classification by a B-1 or 2 as I did ask for in House Amendment "A", but I wouldn't quibble over that small difference and I would be very happy to go along with the Amendment "C", which is an amendment that contains, unless there are typographical errors, the legislative document 1311. And with all due respect to our majority floor leader, I hope that the motion does not prevail to indefinitely postpone.

The SPEAKER: Is the House ready for the question?

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

Mr. SAUNDERS: Mr. Speaker, and Members of the House: I have one statement from the Water Improvement Commission and I would like to read it so that you folks will know what their position is and where they stand exactly: "It should be remembered that these recommendations are intended by the Commission to represent a water quality to be achieved ultimately over a period of time consistent with the magnitude and difficulty of the necessary program. But it is necessary under existing statute to establish these classifications before effective control and abatement of pollution can take its initial steps. The Commission feels that herein is in effect represented a means of gradual abatement of existing, undesirable conditions by successive steps through a program which can be applied without an irretrievable cut-back to any business or person concerned."

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

Mr. BRUCE: Mr. Speaker, I hesitate to prolong the debate on this,

but I have seen this amendment for the first time ten minutes ago, and I find that it upgrades the river on which I live from a D to a B-1. I live about a quarter of a mile below the leatherboard factory there, and we use that water during the summer for swimming. My grandchildren use it. I sent a sample of it, perhaps an eighth of a mile upstream nearer the mill to the department — one of the departments here, it went through a water company, I don't know which it was, with the idea of using that water for drinking water for my chicken houses, and it was approved. The paint directly below the mill is a bad situation, and I was told by the owner of the mill that this bill would make it impossible for him to operate. It's a small mill employing sixty people, but the economy of our town is dependent upon that mill, and I certainly support the motion of the gentleman from Bangor, Mr. Totman, to indefinitely postpone.

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

Mr. EMERY: Mr. Speaker, Members of the House: The town which I represent has taken a survey which cost them twenty - five hundred dollars and they have found out that it would cost them in the neighborhood of a million dollars to have a sewer disposal that would meet with this classification. If we had ten years to do the job, that would mean over a hundred thousand dollars a year with a forty thousand dollar interest the first year. I have several amendments to offer if this amendment is accepted, and, therefore, I move that we do not accept the amendment.

The SPEAKER: The Chair would advise the gentleman from Palmyra, Mr. Emery, that he can, if he wishes, offer his amendments at this time.

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

Mr. ALLEN: Mr. Speaker, Members of the House: I would like to rise in support of this motion to indefinitely postpone this House Amendment "C". This is new to us. We haven't had time to look it over and I believe any expensive bill like this should be studied real well, and where we aren't sure, I think it

would be a lot wiser to indefinitely postpone it, then if the bill has merits, it will surely be back before us again.

The SPEAKER: Is the House ready for the question?

The question before the House is the motion of the gentleman from Bangor, Mr. Totman, that House Amendment "C" be indefinitely postponed. The gentleman from Brunswick, Mr. Walsh, has requested a division.

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

A division of the House was had.

Sixty-eight having voted in the affirmative and sixty-three having voted in the negative the motion prevailed and House Amendment "C" was indefinitely postponed.

The SPEAKER: The question now before the House is the passage to be engrossed of L. D. 1562 as presently amended by House Amendment "B".

The Chair now recognizes the gentleman from Rockland, Mr. Stilphen.

Mr. STILPHEN: Mr. Speaker, I would like to offer House Amendment "D" to House Paper 1085, Legislative Document 1562, under filing of 403, and this is only to retain our status as a city in Rockland rather than being a town.

The SPEAKER: The gentleman from Rockland, Mr. Stilphen, offers House Amendment "D" to L. D. 1562, and moves its adoption.

The Clerk will read House Amendment "D".

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

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

Amend said Bill in that part of 'Sec. 9', under the caption "Knox County", which is designated "XV" by striking out the underlined word "Town" and inserting in place thereof the underlined word 'City'

House Amendment "D" was adopted.

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

Mr. BREWER: Mr. Speaker, I wish to present House Amendment "A" and move its adoption.

The SPEAKER: The gentleman from Caribou, Mr. Brewer, offers House Amendment "A" and moves its adoption.

The Clerk will read House Amendment "A".

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

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

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

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

The SPEAKER: The Chair recognizes the gentlewoman from Presque Isle, Mrs. Christie.

Mrs. CHRISTIE: Mr. Speaker, this is the amendment which was before us last Friday, I believe, and I feel that in spite of the fact that I dislike very much to oppose the gentleman from Caribou, Mr. Brewer, I feel that we had better leave this situation as it is now rather than to upgrade these waters as would be done by this amendment.

The SPEAKER: The question before the House is the motion of the gentleman from Caribou, Mr. Brewer, that the House adopt House Amendment "A".

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

Mr. BRAGDON: Mr. Speaker, Members of the House: I opposed this motion the other day. I don't remember what I said at that time. I suppose I could get the records and go back and then I wouldn't make any errors. I could repeat what I said at that time. I still feel the same. I did agree with the findings of the Committee. I felt at that time that they had studied the matter thoroughly and they'd had the assistance of many groups in our state and that they came up with a bill that was a good bill and would accomplish—given time, it would

accomplish the things which we had hoped to do. In regard to the—I do not wish to go into the Caribou area too much, but I was somewhat disturbed when I got home over the weekend and I found that the Aroostook Republican, a paper which I've subscribed to for many years, accused me of spearheading a drive to make Caribou people drink dirty water. I think that some people at least, in Caribou, know me better than that. I certainly do not wish to make them drink dirty water.

As to whether all of the people of Caribou agree with the amendment of the gentleman from Caribou, Mr. Brewer, I have in my possession a letter, a copy of a letter, which I would like the privilege of reading at this time if I can get my glasses adjusted so that I can do it. You will have to bear with me. This letter was written on November 5, 1956, to The Water Improvement Commission, Augusta, Maine. "Dear Sirs: The Caribou Town Council has discussed the pollution of the Aroostook River and of the Caribou Stream in the vicinity of Caribou. It is the opinion of the Caribou Town Council that we want to do everything in our power to help improve the pollution problem, but we do not feel that we can possibly correct the condition in a year or two that has been developing over many years. The Town of Caribou has a debt at the present time of approximately one million dollars. Our tax rate increased fifteen per cent in 1955 over the previous year, and another fifteen per cent in 1956. We cannot possibly see how the Town of Caribou can finance a sewer project at this time.

"The Town of Caribou cannot exist at the established level of operation of all municipal functions without the support of Loring Air Base payrolls and the potato industry. The Maine potato industry today is obliged to operate under the influence of a federal marketing agreement order if it is to survive, and they must have the starch factories to go hand in hand with the marketing order.

"We feel that legislation affecting the classification of water in the Aroostook River and the Caribou Stream should be enacted. However,

in the event that the State Legislature should pass measures to reclassify streams, we feel that they would then be obliged to subsidize any project with state money. In our opinion, the good to be accomplished should be carefully weighed against the need for starch factories and the expense of any project related to improving pollution problems, in order for the people of Caribou to be able to meet their tax obligations." This is signed by the Caribou Town Council. Paris L. Snow, Pat Ouellette, Arthur Iott, Lawrence K. Hutchinson and Philip L. Lavery.

Apparently they are not as concerned about the quality of their water supply and their pollution problems as possibly the gentleman from Caribou, Mr. Brewer, might try to make you believe.

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

Mr. BREWER: Mr. Speaker, Ladies and Gentlemen of the House: The letter that you have just heard read was dated November sixth. I left Caribou last evening at a quarter to midnight, and I had just been talking with the members of the Town Council, the Town Manager and the Members of the Sewer District. They are unanimous in that they want Caribou's drinking water not downgraded to a D. They want better drinking water for the Town of Caribou. There was some minor division in the group, and there was a division as to the classification below the dam, thinking that perhaps some technicality might occur that would cost them some money, but they were not united on that and they told me to use my best judgment and vote my convictions, but on the matter of the water, they were unanimous as to their drinking supply.

On the other thing, this is the amendment that came up the other day. You graciously, in the House, said that you would reconsider it, and it has been reconsidered. The time element did not allow me to talk with every individual in the House, nor did it allow me to talk with everybody in the Town of Caribou, but in the House here I did talk with thirty-nine of the seventy-

three people that voted against this amendment, and some of them were confused and did say so. Thirty-two of the thirty-nine pledged to support me on this amendment for the drinking supply of the Town of Caribou.

I can assure each and every one of you sincerely and honestly that this bill is not going to hurt any existing industries or put them out of business, and it would be good sound legislation and I rest my case with the ladies and gentlemen of the House.

The SPEAKER: Is the House ready for the question?

The question before the House is the motion of the gentleman from Caribou, Mr. Brewer, that the House adopt House Amendment "A".

Will all those who favor the adoption of House Amendment "A" please say aye; those opposed, no.

A viva voce vote being taken the motion prevailed.

The Chair recognizes the gentleman from Harrison, Mr. Morrill.

Mr. MORRILL: Mr. Speaker, I would like to offer House Amendment "E" to L. D. 1562. This is a case of six cases of down grading, and this amendment is trying to bring the grade up to the present level.

The SPEAKER: The gentleman from Harrison, Mr. Morrill, offers House Amendment "E" to L. D. 1562 and moves its adoption.

The Clerk will read House Amendment "E".

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

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

Amend said Bill in "Sec. 1" by striking out the underlined letter "C" in that part designated "XIII" and inserting in place thereof the underlined letter and figure "B-2".

Further amend said Bill in "Sec. 1" by striking out the underlined letter "C" in that part designated "XL" and inserting in place thereof the underlined letter and figure "B-1".

Further amend said Bill in "Sec. 2" by striking out all of the underlined part designated "XCVIII" and inserting in place thereof the following:

'XCVIII. Wilson Stream, main stem, from outlet of Wilson Pond to the Route 133 crossing — Class D.

XCVIII-A. Wilson Stream, main stem, from Route 133 crossing to junction with Sandy River — Class C.'

Further amend said Bill in "Sec. 2" by striking out the underlined letter "C" in that part designated "CXXI" and inserting in place thereof the underlined letter and figure "B-2".

Further amend said Bill in "Sec. 2" by striking out all of the underlined part designated "CLII" and inserting in place thereof the following:

'CLII. Wilson Stream (Monmouth), main stem, from outlet of Wilson Pond to the junction with the branch of Wilson Stream entering from the vicinity of Monmouth Village below the tracks of the Maine Central Railroad — Class D.

CLII-A. Wilson Stream (Monmouth), main stem, from the junction with the branch of Wilson Stream entering from the vicinity of Monmouth Village below the tracks of the Maine Central Railroad to its entrance to Annabessacook Lake — Class C.'

Further amend said Bill in "Sec. 4" by striking out all of the underlined part designated "XLI" and "XLII" and inserting in place thereof the following:

'XLI. Aroostook River, main stem, from Machias River confluence to the Castle Hill-Ashland town line — Class D.

XLI-A. Aroostook River, main stem, from the Ashland-Castle Hill town line to the Wade-Washburn town line — Class B-2.

XLII. Aroostook River, main stem, from Wade-Washburn town line to the crossing of the Aroostook Valley Railroad about 6 miles below Washburn — Class D.

XLII-A. Aroostook River, main stem, from the crossing of the Aroostook Valley Railroad about 6 miles below Washburn to the junction with Presque Isle Stream — Class C.'

Further amend said Bill in "Sec. 4" by striking out all of the underlined part designated "XLIV" and inserting in place thereof the following:

**'XLIV. Aroostook River, main stem, from the dam of the hydro-electric generating station in Caribou to a point 3 miles upstream of the Caribou water supply intake — Class B-2.'**

House Amendment "E" was adopted.

The SPEAKER: The question now before the House is the passage for engrossment of Legislative Document 1562 as amended by House Amendments "A", "B", "D" and "E".

The Chair recognizes the gentleman from Clinton, Mr. Besse.

Mr. BESSE: May I inquire what Amendment "B" is?

The SPEAKER: Amendment "B" was adopted several days ago. If the Clerk has it in his possession I will ask him to read it.

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

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

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

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

Thereupon, the Bill "An Act Classifying Certain Surface Waters in Maine", House Paper 1085, Legislative Document 1562, as amended by House Amendments "A", "B", "D", and "E", was passed to be engrossed and sent to the Senate.

The SPEAKER: The Chair now lays before the House item number eight on page five which was tabled earlier in the session by the gentleman from Bucksport, Mr. Pierce, Bill "An Act relating to Methods of Taking Claims and Marine Worms", House Paper 689, Legislative Document 957. The Bill is tabled pending the adoption of House Amendment "A".

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

Mr. BAIRD: Mr. Speaker, I now move that we accept House Amendment "A" and that the Bill be passed to be engrossed in non-concurrence.

The SPEAKER: The question before the House is the motion of the gentleman from North Haven, Mr. Baird, that the House adopt House Amendment "A".

The Clerk will read House Amendment "A".

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."**

House Amendment "A" was adopted.

The SPEAKER: Is it now the pleasure of the House that Senate Amendment "A" and Senate Amendment "A" thereto shall be indefinitely postponed?

The motion prevailed.

Thereupon, the Bill "An Act relating to Methods of Taking Clams and Marine Worms", House Paper 689, Legislative Document 957, was passed to be engrossed in non-concurrence as amended.

On motion of Mr. Totman of Bangor, out of order and under suspension of the rules, it was

ORDERED, that Rev. J. Stanley Stevens, Pastor of the All Souls Congregational Church of Bangor be invited to officiate as Chaplain of the House on Wednesday, May 22, 1957.

(Off Record Remarks)

On motion of the gentleman from Caribou, Mr. Brewer, the House voted to take from the table the fifty-fourth tabled and unassigned matter, Bill "An Act relating to Sales Financing of Motor Vehicles", House Paper 993, Legislative Document 1421, tabled on April 30 by that gentleman pending third reading.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. BREWER: Mr. Speaker, Ladies and Gentlemen of the House: I had this tabled because when it was brought up it was in my absence. It does concern my particular business and I did want to look it over. I thought I would perhaps want to amend it. I can find nothing that I want to amend, and since having it tabled I have been contracted by most of the banks in the state, the finance companies, and members of the Automobile Dealers' Association. They spent a lot of time on the bill. They feel that it is a worthy bill, and I would move at this time that it be given its third reading.

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

Mr. CHILDS: Mr. Speaker, this bill, as the gentleman from Caribou, Mr. Brewer, has stated is a bill from the automobile finance companies, is a bill in effect which on three-year-old cars, as far as the rate of interest is concerned would be higher than the rate of interest charged by small loan companies. They will maintain, the finance people, that none of them at this time are charging such rates of interest, but if we pass this bill, we will now be giving them a license to charge exorbitant rates of interest. They may maintain they may not do it, but I certainly am leery of giving them such a license, and I shall, therefore, move that this bill and accompanying papers be indefinitely postponed.

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

Mr. WADE: Mr. Speaker and Members of the House: This bill has come up rather suddenly. I haven't had a chance to look at the particular sections, but I would like to point out that this bill was pre-

pared through the—I thought, unusual cooperation of the automobile dealers, the banks, and the finance companies. All of the provisions of it were worked out rather carefully. I think that the maximum interest rates that they put in were placed relatively high in order that no difficulty would be provided on some very poor risk, but I am sure that the automobile financing business as carried on by the various organizations that do it, all of the Maine banks and the finance companies, and to quite an extent by the automobile dealers, that competition will see to it that the rates charged in the industry will not be exorbitant, and I hope that the motion of the gentleman from Portland, Mr. Childs, does not prevail.

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

Mr. CHILDS: Mr. Speaker, may I point out again that this same argument could be true with the small loan companies. I certainly feel that if this House felt so strong about small loan companies, that our feelings should remain consistent as far as financing automobiles is concerned, and these people have the best security in the world. Every time you finance an automobile, it is done on a conditional sales basis and they have the security. They maintain they will not charge these rates, but I say why should we give them a license to do it? And I am certainly opposed to it, and I hope my motion prevails, and when the vote is taken I request a division.

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

Mr. CURTIS: Thank you, Mr. Speaker, Ladies and Gentlemen: This is one time that I am heartily in accord with my good friend the gentleman from Portland, Mr. Childs. I am not against this bill because of our good friendship, although there is nothing wrong between us. I am against it because I see so much of it every day as an insurance agent. It's astounding the awful rates that these people are charging. A person came into my place the other day for insurance and I said "Did you know just what you're losing? Have you



gone to the bank and hired this money for six per cent? That your credit is plenty good enough to do it? And taking your insurance from an ordinary company rather than taking it where they put you?" He said, "No" and I said "I'm afraid to tell you. You have a nineteen hundred dollar loan and for two years they are going to charge you a little over four hundred dollars." And now that is true of them all. My friend who lives just above me and is perfectly capable to pay for a car if he wanted to, why he took this for one year on a six hundred dollar loan, the thing extra it would cost him one hundred eight dollars if he had not been down to the bank. Now why the banks could be for this thing, I don't know except that I have heard they hire the money to these finance companies in great large sums and it doesn't take the paper work. I think that something should be done somewhere, somehow to correct this awful situation, and I heartily support the motion of the gentleman from Portland, Mr. Childs, to indefinitely postpone.

The SPEAKER: Is the House ready for the question?

The question before the House is the motion of the gentleman from Portland, Mr. Childs, with respect to Bill "An Act relating to Sales Financing of Motor Vehicles" and the gentleman moves that the Bill and all accompanying papers be indefinitely postponed. The gentleman from Portland has requested a division.

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

A division of the House was had.

One hundred and seven having voted in the affirmative and thirteen having voted in the negative the motion prevailed and the Bill and all accompanying papers were indefinitely postponed.

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

Mr. CHILDS: Mr. Speaker, I voted on the prevailing side, I now move we reconsider our action whereby this matter was indefin-

itely postponed. I hope you shall vote against me.

The SPEAKER: The gentleman from Portland, Mr. Childs, moves that the House now reconsider its action whereby it indefinitely postponed Bill "An Act relating to Sales Financing of Motor Vehicles", House Paper 993, Legislative Document 1421.

Will those who favor the House reconsidering its action please say aye; those opposed, no.

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

On motion of the gentleman from Lewiston, Mr. Jalbert, the House voted to take from the table the first tabled and unassigned matter, House Divided Report, Majority Report "Ought not to pass", and Minority Report "Ought to pass" of the Committee on Liquor Control on Bill "An Act relating to Hours of Selling Liquor", House Paper 429, Legislative Document 605, tabled on March 13 by that gentleman pending the motion of the gentlewoman from Presque Isle, Mrs. Christie, to insist and ask for a Committee of Conference.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. JALBERT: Mr. Speaker and Members of the House: I would like to state that I have consulted with the gentlewoman from Presque Isle, Mrs. Christie, who informed me that it was all right for me to remove this item from the table. Before I talk on it, I would like to thank you Mr. Speaker for the honor you conveyed upon me this morning. I know when you get up there you have all kinds of thoughts come into your mind, the first thing that occurred to me when I found myself alone is the thought, "Harvey whatever differences you and I've had in the last twelve years, forget them right now." I would like to go along with my good friend Harvey, and I think when Marciano is coming down here again I'll make certain that you will be left alone. The other thought that occurs to you looking down upon this sea of faces, in the first place I found myself in an odd position. The bill that they debated upon, two years ago I was lobbying for, so that I kept looking

at the faces, the only thing, two things you can do is say, "thank you to one hand, you too to the other."

On this particular measure here, I am neither hot nor cold on it. This actually is in effect now by law. It calls for during the United States Eastern Standard Time, daylight so-called, for the places who want to remain open till one o'clock to do so. They are actually doing it now. I feel very definitely that particularly during this time of year when we have so many thousands of our people or people that come into our state, in most states they are allowed this privilege and even much later, no one brings them to these places if they don't want to go, at the point of a gun, if they want to go into some of our places and listen to the music, talk among themselves, possibly have a little libation, it is their privilege.

I think we must bear in mind exactly what the liquor and the malt beverage industry means to Maine. Certainly there are those who would say that we would probably be better off without it. The fact remains the laws are on the books. This brings millions of dollars of revenue to our state. These people who are in this industry are honorable people. We certainly are an honorable state. We are in the business ourselves through our liquor stores. The people who are involved in the malt beverage industry are also, in my opinion, honorable people. I had other pieces of legislation that I presented by request. There's the bill that was so obnoxious to many which would allow the purchasing of a drink so-called, during meal hours on Sunday. At the Committee hearing I apparently was desecrating the Lord's Day and I assure you that that certainly is not so. I have as much respect for the Lord's Day as anyone.

As I stated previously this is already on the books. It means a great deal to the revenue of some of our summer places. It is permissive legislation. You may close if you want to; you may stay open till that hour if you want to. For that purpose, Mr. Speaker and Members of the House, I move the indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The Chair recognizes the gentlewoman from Presque Isle, Mrs. Christie.

Mrs. CHRISTIE: Mr. Speaker, Members of the House: My motion before this bill was tabled was that it be recommitted because a member of the Committee had signified his desire to change his vote on this bill. If that motion is accepted, I will not speak further now on the bill. Otherwise, I would like to speak further on it.

The SPEAKER: Does the Chair understand that gentlewoman is moving that the bill be recommitted to the Committee?

Mrs. CHRISTIE: Yes, the motion was that a Committee of Conference on the recommitting of the bill be permitted. We insisted and asked for a Committee of Conference on the question of recommitting the bill to Committee.

The SPEAKER: The Chair is advised that the past history of the Bill was that the House voted to recommit the Bill to Committee, the Senate in non-concurrence accepted the Majority "Ought not to pass" Report, and the motion of the gentlewoman from Presque Isle was that the House insist and request a Committee of Conference on the question of recommitting.

The motion of the gentleman from Lewiston, Mr. Jalbert, for indefinite postponement does take priority over the desire of the gentlewoman from Presque Isle, Mrs. Christie, to insist on the question of recommitment.

Is the House ready for the question?

The question before the House is the motion of the gentleman from Lewiston, Mr. Jalbert, that with respect to Bill "An Act relating to Hours of Selling Liquor", both reports be indefinitely postponed.

The Chair recognizes the gentlewoman from Presque Isle, Mrs. Christie.

Mrs. CHRISTIE: Before this vote is taken, I would like to speak briefly on this bill.

The SPEAKER: The gentlewoman may proceed.

Mrs. CHRISTIE: Mr. Speaker, what this bill does is simply to put the liquor dealers, those who serve liquor, on the same basis as other people are on as far as time is concerned. At the present time, they are

given the privilege of operating on United States Eastern Standard Time which gives them until one a.m. for closing from the last of April until the last of October. I feel that there is no reason why these people should operate on any different time from that which is in force for everybody else. Daylight Time, Eastern Daylight Time is the legal time in the State of Maine now, and I do not see any reason why the liquor people should operate on any different time. For them to remain open until one a.m., when under the law of the state they are supposed to close at twelve midnight, does not seem to me fair. Of course, I realize the clause that we are striking out of the law is a part of the law at the present time, but I do not think it's a fair law, and I feel that it should be repealed, and for that reason I am asking that this privilege of recommitting this bill be given.

The SPEAKER: The Chair recognizes the gentlewoman from Kittery, Mrs. Burnham.

Mrs. BURNHAM: Mr. Speaker and Members of the House: As long as we are speaking on this question, I would like to support the motion of the gentlewoman from Presque Isle, Mrs. Christie, and also add to her remarks by saying that I question the value that's brought into this state by this extra hour of liquor sales, and I think it could much better be used by the people who frequent those places of amusement as a sobering off hour before they drive home which would be of value to the state.

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

Mr. JALBERT: Mr. Speaker and Members of the House: It seems that anyone who has the audacity to put in legislation that has the word "liquor" on it wears horns. Now, if we are going to start preaching, in so far as I personally am concerned, three years ago I had an unfortunate occurrence in my family. I made a promise on a Sunday morning in church that if events would turn out well, I would not touch a drop of hard liquor for one year. I would not go to the races and gamble for one year. I would not

touch a dice or a card for one year. There's no law in heaven that says I can't play for matches. Three years have elapsed, and I have played cards once in the last three years.

Now, we have thousands upon thousands upon thousands of people that come into our state. We do not have a sign at the door of Kittery that says you must do this, and you can't do that. Now, there are times when I like to get up early in the morning and enjoy myself. There are times when I get up early in the morning, and most mornings I have to work. There are times in the evening that I have to do my work. There are times that I like to enjoy myself. Now, no one, whether it's six o'clock in the morning or one o'clock in the morning ties me, opens my mouth and pours a bottle down my throat. And, as far as I personally am concerned, I claim this, that the industry of liquor and malt beverage is an honest, legal, and profitable business conducted by honest people. When you attend hearings and you see these people who are in this industry, who are on Boards of Directors of Chambers of Commerce, Y. M. C. A. directors, bank directors, graduates of some of our better universities, contributing weekly to all and any charitable organization, personally I take my hat off to them.

On all of the legislation that I have been asked to present, by request, I refused split reports. I think I have been extremely fair and honest in so far as this particular bill is concerned because as I stated, I went to the gentlewoman from Presque Isle, Mrs. Christie, and asked her "Is it all right for me to take this bill off the table?" I respect the opinion of the gentlewoman from Presque Isle, Mrs. Christie. I certainly respect what she stands for. I have my own opinion. I see absolutely nothing wrong with this in so far as the fact that it is on the books. We are actually doing it now. It's not a harmful measure, and those unfortunates who can't restrict themselves, I assure you are hardly tolerated in those places to begin with. You just can't break up a card game by throwing the deck away.

I am not, as I stated, I certainly did not intend to make a big issue

out of this measure, but I think it's sound, and I think the thousands of people that come in here, we'll show them our museums, but if they want to stray away from the reservation and find the cocktail lounge, that's their business, it's their money.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen: It is perfectly legal to sell alcoholic beverages within our state, and I shall not mention the fact, which we all too well know, that some eighty per cent of our accidents on our highways, there's always the question of liquor involved. We all know that, and we all know that probably as long as human nature exists, they will use alcoholic beverages, but I think it's unfair that they want to take any advantage. Now the farmer has to abide by this law and it is bad for everybody that farms to have to adopt this daylight saving, they call it, and I don't need to go into that because all farmers know what happens, dew doesn't go off until such a time, about time he gets ready to work, it's time for his men to quit. It is a hardship, but we go along with it. We don't scrap too badly about it, and I think it is unfair to let somebody else, because of this unfair law to us as farmers, to try to reap a harvest from some people which might involve in some accidents and all such things. I could go on a great deal, and tell about how that seven million dollars that the state gets from the tax of alcoholic beverages varies directly with the welfare load. If it's more, the welfare load is more. If it's less, the welfare load is less, but people will have alcoholic beverages. They always will do, I presume, I know they will do in my life time, but I think this is unfair and I hope the indefinite postponement does not prevail.

The SPEAKER: Is the House ready for the question?

The question before the House is the motion of the gentleman from Lewiston, Mr. Jalbert, that both reports with respect to Bill "An Act Relating to Hours of Selling Liquor" be indefinitely postponed.

The Chair recognizes the gentlewoman from Presque Isle, Mrs. Christie.

Mrs. CHRISTIE: Mr. Speaker, I would like to call the attention of this House to one matter. There is another bill on the table which has been introduced in behalf of the dance halls, asking that they also be permitted to operate on United States Eastern Standard time, which would give them until one A.M. through the summer. I think we should consider this also when we consider this bill, I mean we should consider the implications, and I ask for a division on this.

The SPEAKER: The Chair recognizes the gentlewoman from Paris, Mrs. Mann.

Mrs. MANN: Mr. Speaker, Ladies and Gentlemen of the House: I agree very heartily with all that the other two ladies of the House have said. I think that drinking, if they drink until twelve o'clock Saturday night, that's enough. I think we have too much of it anyway, so I very heartily concur with the gentlewoman from Presque Isle, Mrs. Christie, and the gentlewoman from Kittery, Mrs. Burnham, in what they have said.

The SPEAKER: Is the House ready for the question?

The question before the House is the motion of the gentleman from Lewiston, Mr. Jalbert, that with respect to Bill "An Act relating to Hours of Selling Liquor", House Paper 429, Legislative Document 605, both reports be indefinitely postponed. A division has been requested.

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

A division of the House was had.

Fifty-one having voted in the affirmative and seventy-two having voted in the negative the motion did not prevail.

The SPEAKER: The Chair understands now that the question now before the House is the motion of the gentlewoman from Presque Isle, Mrs. Christie, that the House insist on its former action whereby it agreed to recommit the Bill and ask for a Committee of Conference. Is this the pleasure of the House?

Will those who favor the motion to insist and ask for a Committee of

Conference please say aye, those opposed, no.

A viva voce vote being taken the motion prevailed.

The SPEAKER: The Chair would remind the House that several weeks ago the House adopted an order allowing the Chair to remove from the table on Tuesdays, Wednesdays and Thursdays, time permitting, tabled and unassigned matters in numerical sequence in which they appear on the calendar. The Chair will first state however, that before exercising this authority it will invite members to take matters of the table now of their own choosing.

On motion of the gentleman from Charleston, Mr. Rich, the House voted to take from the table the sixth tabled and unassigned matter, House Divided Report, Majority "Ought not to pass" and Minority Report "Ought to pass" of the Committee on Liquor Control on Bill "An Act relating to Approval of Applications for Retail Store Liquor Licenses", House Paper 692, Legislative Document 979, tabled on March 26 by that gentleman pending acceptance of either report.

The SPEAKER: The Chair recognizes that same gentleman.

Mr. RICH: Mr. Speaker and Members of the House: I was one of those who signed the Minority Report "Ought to pass", but I see no useful purpose in debating that thing here now, and I will move the acceptance of the "Ought not to pass" Majority Report.

The SPEAKER: The gentleman from Charleston, Mr. Rich, with respect to Bill "An Act relating to Approval of Applications for Retail Store Liquor Licenses" moves that the House accept the Majority "Ought not to pass" Report. Is this the pleasure of the House?

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

Mr. JALBERT: Mr. Speaker, I can't seem to find the Bill. Is this the bill that calls for outside liquor outlets?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, addresses a question through the Chair to the gentleman from Charleston, Mr.

Rich, who may answer if he chooses.

Mr. RICH: Mr. Speaker, this Bill refers to having the municipal officers of the town approve liquor licenses, having them referred to municipal officers rather than as presently is done, the Liquor Commission granting licenses.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I wholeheartedly support the motion of the gentleman from Charleston, Mr. Rich. I wouldn't want to contaminate our municipal town and city officials in having them in the liquor industry, so I for once join the league.

The SPEAKER: Is the House ready for the question?

The question before the House is the motion of the gentleman from Charleston, Mr. Rich, that the House accept the Majority "Ought not to pass" Report on Bill "An Act relating to Approval of Applications for Retail Store Liquor Licenses", House Paper 692, Legislative Document 979. Is it the pleasure of the House to accept the Majority "Ought not to pass" Report?

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

On motion of the gentleman from Freeport, Mr. Crockett, the House voted to take from the table the third tabled and unassigned matter, House Divided Report, Majority Report, "Ought not to pass" and Minority Report "Ought to pass" of the Committee on Highways on Bill "An Act relating to Services of State Police on Maine Turnpike", House paper 106, Legislative Document 144, tabled on March 19 by that gentleman pending the motion of the gentleman from Auburn, Mr. Turner, to accept the Majority Report.

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

Mr. CROCKETT: Mr. Speaker, Members of the House: This bill has been laying on the table quite a long while. I became interested in this bill when my constituents came to me and said: "Ben, why should

we, taxpayers of the State of Maine, pay for policing a private corporation? Before I am through, I will prove to you that it is a private corporation; namely, the Maine Turnpike Authority, as established and agreed by the Supreme Court Justices of the State of Maine.

I have prepared this list for your information: namely, fifteen turnpikes, if you will notice I have distributed today, in the United States. We will take the Denver Turnpike, the Merritt River Parkway, Indiana Toll Road, Kansas City Turnpike, Kentucky Turnpike, Maine Turnpike, two turnpikes in New Hampshire, the Eastern Turnpike and the Central Turnpike, New Jersey Turnpike, Garden City Turnpike, New York Thoroughway, Ohio Turnpike, Oklahoma Turnpike, Pennsylvania Turnpike, West Virginia Turnpike. Now it tells you there on the face of this that the cost paid by the turnpike authorities out of fifteen, the Denver Turnpike which is now being considered in Colorado, to reimburse the state fund or the state police for policing. The Merritt Parkway is paying one half from the motor vehicle receipt tax and the other half from the general fund. Now the rest of them all down the line, excepting the State of Maine, our state, I think is being taken out for policing our highway out of our general fund, highway funds. Now, who is paying for this? It's your people back home that are paying to police a private-owned corporation. Now, during the hearing some of you here have looked over this, what I've had reproduced. I asked a spokesman, as a private citizen, that is the attorney for the Maine Turnpike Authority, if he doubted any of these questions that I asked him that you will find in this reproduction. There was no comment. I will read to you. We have looked into the problem as you can see, and you can follow me as I go along, of who pays for policing of toll roads. "Taking some representative toll roads as examples as outlined below, it would appear that it is the general practice to use state police for the enforcement of turnpike regulations, and to reimburse the state for the expenses incurred." Now, just get that. The following are taken from the several toll roads authorities re-

port. "The New Jersey Turnpike Authority in its 1952 annual report, page twenty-eight, Policing is an integral part of the safety for the users of the turnpike, rigid enforcement of regulations with respect to speed and other violations is one of the best accident preventatives." The turnpike is policed by a special detachment of the New Jersey State Police. All expenses of this operation of the turnpike are borne by the Authority, including the training, salaries and maintainance of the troopers for which reimbursement is made to the state. The Authority provides the vehicles and radio equipment and maintains these facilities. That is just what we are not doing in the State of Maine here, but they are reimbursing them in New Jersey. It might be added in 1955 traffic control and police on this turnpike cost seven hundred fifty-four thousand eight hundred and one dollars. The same holds true for the Garden City Parkway, and expenses for these items in 1955 came to the tune of four hundred seventy-five thousand four hundred twenty-seven dollars. On the New York Thoroughway, the same thing. There is no need of me going through it, you have the copy there. They are all being reimbursed, as I said, except the State of Maine, the Merritt Parkway, the Wilbur Cross Parkway and the Boulder Dam.

It also tells you here. I am going to shorten this up as much as I can because obviously we are subsidizing the Maine Turnpike Authority. There is no question about it. However, without any more knowledge of the Maine Turnpike situation than we have at present on this subject, it would appear that Maine Turnpike Authority is receiving a substantial subsidy from the state. Now, do you and I want to go along and keep on subsidizing a private corporation? Now you're going to have come up here, I imagine somebody is going to say, well we're entitled to the gas tax which is used on that road. I suppose all that will be questioned, but according to our Constitution, ladies and gentlemen, there is no division of our gas tax from the highway. So they're out of luck there. They can't ask for that money.

Now, we'll take a question that has been asked by the Legislature

in 1941, and this was the answer given by our Supreme Court Judges. Now that decision should be final. We have to accept it whether we want to or not. "The Maine Turnpike Authority, not being a state department, would to the meaning of the said Constitution, the payment to it or any part of the revenues as referred to in said provision of the Constitution provided by House Paper 686, Legislative Document 416, being an act entitled "An Act to Facilitate the Extension of the Maine Turnpike" either in its present form or if amended as proposed by Exhibit B would constitute a diversion, therefore, contrary to said provisions of the Constitution. Our answer to questions three and five is yes. In view of question one, three and five, it seems unnecessary to answer question two. Dated at Portland, Maine this twenty-first day of April, 1951. Respectively submitted, Harold H. Murchie, Sidney F. Thaxter, Raymond Fellows, Edward S. Merrill, William B. Nulty and Robert B. Williamson."

Now, those are your Supreme Court justices and that is their decision and that is not deniable that the Maine Turnpike Authority is not a state department. Now, if you folks want to keep your constituents back home paying, supporting a private corporation, that is up to you. I say you and I should not let the people of the State of Maine be robbed any more. Thank you.

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

Mr. HAUGHN: Mr. Speaker, Members of the House: In addition to what has already been said by the gentleman from Freeport, Mr. Crockett, with which I concur wholeheartedly, this coming Wednesday you have a Massachusetts turnpike opening up. They will be employing forty state police officers, expense to be borne by the Massachusetts Turnpike Authority. They are supplying them with Chrysler New Yorker cars which are souped up to go roughly a hundred and thirty-five miles an hour to catch any speeders, which I doubt anybody will get away from, but nevertheless they have a speed limit of sixty-five miles an hour on that highway. But

there is another instance added to the list already submitted to you to show that the money derived from revenue from it should be self-contained to pay the costs of operation, and I am firmly convinced too, where the request has been made for the need for additional state troopers in the State of Maine, here's an opportunity to get that additional money to pay for those troopers, without putting an additional tax burden on the people of the state, and I use this turnpike, the Maine Turnpike, one complete round trip a week, and I'm willing to pay my share for the cost of operation to make it self-sustaining, and I don't believe that anybody else would object to that. If they do, then there's other highways to use without using the Maine Turnpike. And I certainly will go along wholeheartedly with the gentleman from Freeport, Mr. Crockett, and hope this Majority of the Committee Report should be not accepted, but the Minority "Ought to pass" Report be accepted.

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

Mr. CROCKETT: Mr. Speaker, I did want to say I'm not in favor of police officers more than a lot of us here, but however we must have them, and we must have them on the turnpike. But let the private corporation pay for them like the others are doing. The price tag that was given to me by Colonel Marx of the State Police is a hundred and sixty-four thousand dollars that we are subsidizing the turnpike. Now, he ought to know what he is talking about, and I don't think there's any reason for him to give me any false figures. I do now move that the Minority Report be accepted.

The SPEAKER: The Chair must advise the gentleman that the pending question before the House is is the motion of the gentleman from Auburn, Mr. Turner, that the House accept the Majority "Ought not to pass" Report. That was the pending question at the time the gentleman from Auburn tabled the bill.

Mr. CROCKETT: I must now ask for the Minority Report to be accepted?

The SPEAKER: The Chair must advise the gentleman that the motion of the gentleman from Auburn takes precedence at this time.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen: I wish that we might consider what this turnpike did for us when we were so much in need of roads, and so short of funds. This was a highly speculative thing for anyone to put their money into. They didn't know whether it would pay off or not, and the state went so far as to say the credit of the state will not be pledged to you. You are out here trying to do a job for the people of the State of Maine, but we will not back you up. Now this is your hard luck if it doesn't go through. And yet it did go through. Now these people who have their money invested there, and I have none, and don't ever expect to get enough to have any, are only getting the fair amount that anybody is paying and less than what I am paying for money that I hire, on their investment.

Now, as far as this police protection is concerned, I don't see where it has any connection with the road or its maintainance. They are purely out here to do a job to save life. They come down into my town, all I have to do is call them, when the boys get running around on two wheels, and they come down and they don't ask the town to pay them for coming down. They come down and set the thing right. That is their duty. That is their duty on the turnpike, and I believe that to go along with the idea that my good friend from Freeport, Mr. Crockett, it would be all wrong.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Lubec, Mr. Denbow.

Mr. DENBOW: Mr. Speaker, Members of the House: I would like to express the reasons I signed the Minority Report on this measure. First, at the time this turnpike authority was created, it was apparently the intent that it be self-supporting, and I think it should remain that way. Second, in the

event that it needed a change in rates, any extra money that was taken in would certainly be sixty per cent out-of-state cars, and third, this would release money we might need badly before we are done here to bolster the highway program, and I think that we should go along with the turnpike paying the bills.

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

Mr. COTE: Mr. Speaker, I move when the vote is taken it be taken by division.

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

Mr. TURNER: Mr. Speaker, and Members of the House: When this bill came out of Committee, we came out eight to two "Ought not to pass." Of course, it only involved about a hundred and fifty thousand dollars, which is really peanuts in the way we handle money around here, but I would like to quote a few paragraphs here from the report, special report of the Maine Turnpike Authority by their executive director, Mr. Getchell, and it reads here, it says: "The original enabling act creating the Authority provided that the services of the State Police may be utilized to enforce the rules and regulations with respect to tolls, volume, weight and speed of traffic and with respect to other matters of enforcement. The law did not provide that the cost of such enforcement would be paid for by the Authority, although the law was specific in providing for reimbursement to the State Highway Commission if its services were enlisted for purposes of maintenance and repairs. Had the Legislature intended that costs of enforcement should be a lien upon the tolls, it could have been readily incorporated in the legislation.

"The ninety-third Legislature in 1947 considered a bill which, among other things, provided that the cost of State Police on the Turnpike should be borne by the Authority. The rejection by the Legislature of this proposal appears conclusive in establishing legislative intent.

"Ninety per cent of the costs of the State Police department are financed from the General Highway



Fund and all State motor fuel taxes accrue to this fund. Motorists on the Maine Turnpike pay this fuel tax to the State and thence, by legislative allocation, to the State Police.

"The Maine Turnpike Authority has a present bonded debt of seventy-eight million, six hundred thousand dollars. These bonds bear a coupon of four per cent producing an annual interest cost of three million, one hundred forty-four thousand dollars. This interest burden will continue until such time as the capital debt can be reduced with excess earnings.

"Actually, one million, one hundred fifty-two thousand dollars in interest costs during 1956 were paid with borrowed money, capital funds, as a part of the construction cost of the Augusta extension. But the foregoing accounts, however, point up the fact that the time has not arrived when the Authority can safely assume liability for any financial burden not contemplated in the original financing.

"The State of Maine, through its Legislature, in authorizing its own agency, the Maine Turnpike Authority, to issue bonds payable solely from tolls, directed that the faith and credit of the State should not be pledged for the payment of the debt created. It would appear logical, however, that the investors in Turnpike bonds could rely upon the State not to impose a financial burden upon the strictly limited resources of the Authority which was not included in the original concept of the project.

"While those closely associated with the financing of the Maine Turnpike are confident that it will prove a sound project."

I noticed about two weeks ago in the paper over here in Oxford where the police, the troopers raided a store, and it says here: "Oxford — Maine State Police raided a grocery store of John King, High Street, Oxford Village, Sunday.

"King, about forty-five years of age, was charged with selling intoxicating beverages on Sunday, illegal sale and illegal possession. He was admitted to \$1,000 bail and is to appear in Norway Municipal Court, Monday.

"Sgt. Stanley Haskell and Trooper Raymond Sinclair, Roger Parlin and Keith Littlefield, all assigned to the Maine Turnpike, were the raiding officers."

In the first ten months of 1956 the Turnpike users paid the highway department in the form of gasoline taxes seven hundred fifty-five thousand dollars. In 1957 this figure should exceed a million dollars which, of course, goes to the Highway Department and will be ten times the amount the Highway Department will pay for the State Police on the Turnpike.

The real purpose of the Maine Turnpike is to provide the State of Maine with adequate express highway. Last year tolls collected were not sufficient to properly maintain the road and pay interest on the bonds. To pass this bill, which would add another one hundred to one hundred fifty thousand dollars per year to the cost of maintenance, can only mean that the Authority will either have to neglect maintenance items or raise tolls.

You see, the Police, they have a blank check now to expand as they see fit, and the toll payers or users of the Turnpike are required to pay the bill. The Authority has no control over the State Police. Every State Police officer in Maine has a pass and goes and comes and performs the duties assigned him by the Chief. All fines and forfeitures collected through his efforts on the Turnpike, whether for violations of State Laws or for violations of the Turnpike's Rules and Regulations, go to the State or County.

I move indefinite postponement of the bill.

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

Mr. HAUGHN: Mr. Speaker, In all due regard and respect to the words of my good friend from Auburn, Mr. Turner, we know in regard to that piece he read and in regard to troopers coming off the Maine Turnpike to make a raid and arrests, you people here in Augusta employ police officers by the City

of Augusta. For them to continue pursuit to perform their duties they must go into another town often times to perform it. There are different cases whereby you even have to continue pursuit into another state, so as far as coming off the beat, patrol of a highway, the Maine Turnpike, evidently it was something that warranted, demanded immediate attention. It was an emergency which required them whether employed by the Turnpike Authority or who, they are still state police, and they must perform their duties. As I said once before, there is no business can be subsidized by another business. They must take their costs from their profits or derive from their income taken in and the same thing should apply to the turnpike.

The SPEAKER: Is the House ready for the question?

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

Mr. CROCKETT: Mr. Speaker, my good friend the gentleman from Auburn, Mr. Turner, read a very lovely speech. I don't know who wrote it, but it sounds like somebody connected very close with the Maine Turnpike Authority. All respect to my good friend again, I hear no comment so it must be so.

I don't know how you and I can decide any other way, but let the Turnpike Authority pay for policing their turnpike. They do this, they maintain their own road, they don't ask the state department to do it. They plow their own road, they don't ask the Highway to do it. But they do want us to spend a hundred and fifty, a hundred and sixty-four thousand dollars, a hundred and sixty-four thousand was the figure that I got from Colonel Marx of the State Police. Now, why don't they ask us to plow their roads out for them if we are policing them? Now you can't make fish out of one and flesh out of the other. They are getting away, whatever happens from now on, ninety days from now to the twenty-fifth of this month, I don't know, but they have got away with it and they will still get away with it and you and I will let them, and I'm out to see that they don't. I can be licked, but that's all right. I've been licked before.

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

Mr. CHILDS: Mr. Speaker, I would like to submit a question to any member of the Highway Committee. The question of safety enters my mind here. It seems that somewhere during the testimony it was stated that the Turnpike Authority may use the facilities of the State Police. Now, if that is true, are we going to be in the position if the Turnpike Authority is going to pick up the tab, are they going to be in a position to lower the personnel the State Police uses? If that's so, I think we could be running into a very serious safety factor.

The SPEAKER: The gentleman from Portland, Mr. Childs, has addressed a question through the Chair to any member of the Highway Committee who may answer if he chooses.

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

Mr. ELWELL: Mr. Speaker and Members of the House: I will attempt to answer the gentleman's question after which I would like to speak briefly. I would say that if it were to be my understanding that if it were held that it was the responsibility of the Authority to stand the expense that you would run into a problem of constitutionality, at least if you didn't allow them the right to determine the number of officers. It would be to their discretion.

I would say this much, first, Mr. Speaker and Members of the House, it was two months ago when we heard this bill and reported it out. I was not aware that it was coming off the table, and I find myself in the position of not having a speech written for me.

In looking at this material which was passed out to us, however, I would say that the first sheet of it, my first impression is that it is irrelevant, at least, to the question while it is, I'll admit, interesting. The point here I think is how was the Maine Turnpike set up in the first place? And how was their financing set up as regards to the State Police? And I think it's been agreed by both sides in the argument that it was the intention in

the beginning that the State Police should be paid by the State Highway Commission and out of the general fund. Therefore, if you were to ask the Turnpike Authority to stand this expense now, you would be using money which they are setting aside to retire bonds and it would take just that much longer for them to pay for the turnpike, and you would find also that there would be less money for them to maintain it with, and at the day when we receive it which we will, when it is paid for, it will be in poorer condition than it would be as though we allowed them this money for maintenance purposes.

I further understand that the Turnpike Authority has not been, in the last few months, operating in the black, and while this issue essentially is just a matter of picking money out of one pocket and putting it in another, the pocket that you are reaching into doesn't have any money in it. There are a few pertinent questions that I think should be posed here, and I would like to point them out. First off, that for the purposes of police protection, this is a public way and, therefore, it is the responsibility of state government to provide the policing. The second point that I would like to repeat is that when the turnpike is completed, it is the property of the State of Maine and, therefore, the Authority is really working as your agent, and I would like to concur with the statements made by the gentleman from Bowdoinham, Mr. Curtis, relative to the fine job that they have done and the pioneering which they have done in the field of turnpike financing. I think that to accept this bill at this time would be certainly not in order when actually what the Turnpike Authority deserves today is a vote of confidence from the people.

The SPEAKER: Is the House ready for the question?

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

Mr. CHILDS: Mr. Speaker, originally I had intended to support this measure but if the statement of the gentleman from Brooks, Mr. Elwell is correct that the Turnpike Authority is going to be in a position to determine the personnel, I certainly think that this House should take in-

to consideration the safety measure. Even though it's going to cost the state over a hundred thousand dollars, I think saving a few lives is much more important than that, and I shall now go along with the indefinite postponement.

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

Mr. TARBOX: Mr. Speaker, I didn't intend to say anything on this. This report I have here is for another issue that's coming up later, but this came from the traffic division of the Maine State Police and I wish you would listen to the report. "Kittery to Portland on the Maine Turnpike, 1955. No one assigned - on call." That means that after the accident why the police arrived. In January there were seven, February eight, March eight, April six, May seven, June six, July nine, August twelve, September sixteen, October eleven, November fourteen, December fifteen. "Kittery to Augusta, 1956 - sixteen troopers assigned." January thirty-six, February twenty-two, March fifty, April sixteen, May nine, June twenty-one, July twenty-six, August twenty-three, September twenty-four, October twenty-five, November thirty-seven, and December forty-two.

Now the accident rate has increased tremendously. I know the road is a little longer, but the main traffic is from Portland to Kittery or Kittery to Portland. Therefore, I can't see where the troopers have averted any accidents, so I want to go along not supporting the indefinite postponement.

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

Mr. MILLER: Mr. Speaker, Ladies and Gentlemen of the House: I'm going to be very brief as there's been much debate on this, but I would like to go along and be put on record as in favor of the indefinite postponement of this bill.

The SPEAKER: Is the House ready for the question?

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

Mr. CROCKETT: Mr. Speaker, Members of the House: I've heard it said here that the Turnpike is running in the red. In March they were forty-five per cent higher, and

for your information, which a lot of you have read in the paper, their bonds sell higher than any other turnpike in the country, and they are paying four-five interest on it while the most of them are paying only around three. The Maine Turnpike Authority is paying four-five and they are ninety-nine dollars and fifty cents per share and they are the highest priced of any turnpike in the country, so if they're a poor company, I'm awful sorry. That report of Roger Babson doesn't say so.

The SPEAKER: Is the House ready for the question?

The question before the House is the motion of the gentleman from Auburn, Mr. Turner, that with respect to Bill "An Act relating to Services of State Police on Maine Turnpike" House Paper 106, Legislative Document 144, that both reports be indefinitely postponed. A division has been requested.

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

A division of the House was had.

Sixty-one having voted in the affirmative and sixty-six having voted in the negative the motion did not prevail.

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

Mr. HAUGHN: I now move for the Minority Report "Ought to pass".

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

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

Mr. CURTIS: Mr. Speaker, I think there was some misunderstanding. Not throwing any monkey wrenches in the machinery but that it might be clear, I would move a division on this.

The SPEAKER: The question before the House is the motion of the gentleman from Bridgton, Mr. Haughn, that the House now accept the Minority "Ought to pass" Report. A division has been requested.

Will those who favor the acceptance of 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 fifty-five having voted in the negative the motion prevailed.

Thereupon, the Bill was given its first and second readings and assigned for third reading tomorrow.

### House at Ease.

Called to order by the Speaker.

On motion of the gentleman from Augusta, Mr. Beane, the House voted to take from the table the forty-ninth tabled and unassigned matter, House Report "Ought to pass" as amended by Committee Amendment "A" of the Committee on Legal Affairs on Bill "An Act to Grant a Council-Manager Charter to the City of Augusta", House Paper 425, Legislative Document 632, tabled on April 26, by that gentleman pending acceptance of the Report.

Thereupon, on motion of the same gentleman the "Ought to pass" Report was accepted and the Bill given its first and second readings.

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

COMMITTEE AMENDMENT "A" to H. P. 425, L. D. 632, Bill, "An Act to Grant a Council-Manager Charter to the City of Augusta."

Amend said Bill by striking out all of "Sec. 2" of Article II and inserting in place thereof the following:

**'Sec. 2. Composition, election, tenure of office.** The city council shall be composed of a mayor and 8 other members. The members shall be elected, one from each of the 8 voting wards provided for in section 1 of this article. The candidate from each ward receiving the largest number of votes cast in each ward shall be elected councilman from his ward and shall serve for a term of 2 years or until his successor is elected and qualified. Each member shall be a voter and a resident of the ward from which he is elected. Each member, except the mayor, shall serve without pay and shall not be eligible while a member of the council to hold any office of emolument or profit under the city charter or ordinances, nor

to hold the office of city manager, nor to act as city manager during the term for which he was elected.'

Further amend said Bill by striking out of "Sec. 1" of Article VI all of sub-paragraph (a) and inserting in place thereof the following:

'(a) The following officers and boards, except as herein otherwise provided, shall be appointed by the city council:

1. City Manager.
2. Trustees of Lithgow Library and Reading Room.
3. Wardens and Ward Clerks.'

Further amend said Bill by adding at the end of "Sec. 6" of Article VIII the following punctuation and words: "No provision of this Act shall be held to modify the terms of the trustees of the Augusta Water District, including present incumbents or their successors in office.'"

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

On motion of the gentleman from Bingham, Mr. Shaw, the House voted to take from the table the seventh tabled and unassigned matter, Bill "An Act relating to Application and Qualification for Real Estate Brokers' Licenses", House Paper 740, Legislative Document 1054, tabled on March 26 by that gentleman pending passage to be engrossed.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Needham.

Mr. NEEDHAM: Mr. Speaker and Members of the House: Before speaking on this bill I would like to offer House Amendment "B", filing 326.

The SPEAKER: The gentleman from Orono, Mr. Needham, offers House Amendment "B" to Bill "An Act relating to Application and Qualification for Real Estate Brokers' Licenses" and moves its adoption.

The Clerk will read House Amendment "B".

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

HOUSE AMENDMENT "B" to H. P. 740, L. D. 1054, Bill, "An Act Relating to Application and Qualification for Real Estate Brokers' Licenses."

Amend said Bill by striking out the last 3 lines of section 1, and inserting in place thereof the following: 'of age or over. Every applicant for a license as a broker shall have first served a bona fide apprenticeship for a period of one year as a duly licensed real estate salesman in this state, or in the discretion of the commission, by furnishing to the commission proof of experience equivalent thereto, or by furnishing to the commission a certificate that said applicant has passed a real estate course of study at an accredited college or university.'

Further amend said Bill by striking out all of section 2 thereof.

Further amend said Bill by striking out immediately after the enacting clause, the phrase "Sec. 1".

House Amendment "B" was adopted.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. NEEDHAM: Mr. Speaker and Members of the House: I now move that the Bill as amended be passed to be engrossed.

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

Mr. SHAW: Mr. Speaker, I would object to the passage of this being engrossed, I intend at this time to debate the measure.

The SPEAKER: The gentleman may proceed.

Mr. SHAW: Mr. Speaker, I find myself in a rather embarrassing position here today sitting beside my good friend the gentleman from Orono, Mr. Needham, and finding that we are at odds on this particular measure. However, it is my firm conviction that this piece of legislation has no place in our statutes, and I will state my reasons why.

L. D. 1054 would impose a year period of involuntary servitude on any person who wishes to become a real estate broker in the State of Maine. Presently certain standards of qualification are established and in order to become a real estate broker, you must qualify through the media of examination. It is my opinion that if the examinations as presently set forth are not rigid enough to insure the public of qualified licensed brokers, that it is well

within the jurisdiction of the Real Estate Commission to make the examination more rigid. I think that you are all probably aware of the relationship between a real estate salesman and a broker. A salesman gives the broker, through an agreement, usually one half or more of his commissions. If this bill is passed you, as an individual, would not be permitted to take a broker's examination prior to serving for one year as a salesman at the disposal of a broker. I personally have a broker's license myself and I deal in real estate with all deference to the gentleman from Bowdoinham, Mr. Curtis. And if the bill receives favorable consideration, it might definitely be to my advantage to call my fellow brokers together and arrange with them to reject or discourage anyone from trying to associate themselves with us as salesmen, which they would be compelled to do under the terms of this bill in order to become a licensed broker. The bill could very well leave the entire licensing procedure within the control of those who presently have a broker's license.

Now, if your son or daughter chooses to become a broker or to engage in the sale of real estate, I am sure that you would feel as I do, that this barrier should not be placed before them. If they can qualify for a broker's license on the basis of their knowledge of the business, then I think that they should well have the right to take the examination and qualify in that manner the same as any other system of qualifying to engage in the various practices, professional and otherwise in this state.

Those of you who may be familiar with the plumbing licensing code are probably well aware of the fact that if you have the qualifications of a master plumber, you do not have to settle for that of a journeyman. If you qualify as a master plumber, then you are licensed as a master plumber.

Were I of the opinion that the attorneys were wholeheartedly behind such legislation as this, I don't think it would be too unreasonable to submit legislation whereby, due to the very complicated nature of their profession, that an attorney prior to his taking the bar examination,

should serve an apprenticeship of three years. I think that would be fairly consistent with compelling those who choose to engage in real estate to serve one year prior to their being permitted to take the examinations.

I certainly am bitterly opposed to it. There are some exceptions made to it by the amendment, and I don't think that does too much to change the import of the bill. You still have practically the same bill before you, and I would refer to the bill and what the amendment does to it now. The L. D. number is 1054, and the amendment proposes that in Section 1, Revised Statutes, Chapter 84, Section 4 amended, it would go on to read now: "Brokers licenses shall be granted only to persons who are twenty-one years." Now that's all we would have left of the original bill as submitted, and you would now go on with the amendment, twenty-one years where I left off "of age or over. Every applicant for a license as a broker shall have first served a bona fide apprenticeship for a period of one year as a duly licensed real estate salesman in this state, or in the discretion of the Commission, by furnishing to the Commission, proof of experience equivalent thereto." Now, I don't know what you could interpret to be proof of experience equivalent to a year as a salesman, a year's service as a salesman. I think that would be quite difficult to define, "or by furnishing to the Commission a certificate that said applicant has passed a real estate course of study in an accredited college or university." Now, I don't know if within the legal profession those who have studied to practice law whether they have a specific course in law school that is referred to as a real estate course or not.

It's not wholly a matter of what it would do to the legal profession. I'm not so greatly concerned over that, only I do think that if my son, when he becomes twenty-one years of age, wants to engage in the practice of real estate, and has the ability to qualify from a standpoint of examination, that we should not subject him to a year of involuntary servitude and leave him no

choice prior to his being permitted to take the examinations to qualify.

I would move the indefinite postponement of the bill and all accompanying papers.

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

Mr. BRODERICK: Mr. Speaker, Members of the House: With reference to remarks made that lawyers may not be supporting this bill, I for one lawyer at least wholeheartedly concur with my good colleague, the gentleman from Bingham, Mr. Shaw. I will go along with him on his motion to indefinitely postpone this bill.

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

Mr. EMMONS: Mr. Speaker, I wish to go on record as supporting the gentleman from Bingham, Mr. Shaw. I have a real estate broker's license, and although I don't use it a great deal, I do know something about the business of real estate brokers, salesmen, and it seems to me that if a person can pass the examination required, as presently required by the Real Estate Commission, they certainly should be entitled to get their broker's license. I think this is a very restrictive bill, and I concur with Mr. Shaw that it should be indefinitely postponed.

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

Mr. WILLIAMS: Mr. Speaker and Members: At the previous session, we had a similar bill, almost identical with this. At that time, I moved myself indefinite postponement on it, so I'd like to go along with the gentleman from Bingham, Mr. Shaw this time. He just beat me to it.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Needham.

Mr. NEEDHAM: Mr. Speaker and Members of the House: I would like to preface my remarks, if I may, by briefly referring to the existing real estate law. Prior to 1937, we had no real estate law in this state, and the law was passed in that year defining, regulating and licensing brokers and real estate salesmen, and creating the Maine Real Estate Commission. Prior to 1937 there had been many abuses. In many in-

stances advantage had been taken of the owners of real estate, and this law was passed in 1937 for the protection of the public. To show you that the real estate law was intended mainly and primarily for the protection of the public, I would like to read Chapter 84 of the Revised Statutes, Section 4, you find the following language: "Licenses shall be granted only to persons who are trustworthy and competent to transact the business of a real estate broker or real estate salesman in such manner as to safeguard the interests of the public, and only after satisfactory proof has been presented to the Commission." And again in Section 5 of the same law, you find this language, "The Commission with due regard to the paramount interest of the public may require such other proof as shall be deemed desirable as to the honesty, truthfulness, integrity, reputation and competency of the applicant." Thus you see in this real estate law, which was passed as recently as 1937, a special emphasis is placed on the protection of the public, and the necessity that real estate brokers and real estate salesmen be not only honest but that they be competent. The reason for this should be very clear to you. Because of the very close relationship between a broker and client, not only the utmost good faith is required on the part of the broker, but it is absolutely essential that he be competent, because the broker is handling the money and property of the owner, and in many instances, the property that is being handled is the only real asset which this owner has, and it becomes necessary that it be protected.

How does a broker become competent? Certainly when he starts in, without any training, without any experience, he certainly is not competent, and if there is any business relationship that requires competency, it is that dealing with real estate. I have been practicing law for thirty years, and I have had very much contact with brokers in the handling and selling of property and title work, and I have found that the experience that these brokers have accumulated over the years has served their clients to very excellent advantage, and that,

Mr. Speaker and Members of the House, is the purpose of this bill, to provide training and experience before he becomes licensed as a broker.

The bill as amended by House Amendment "B" adds the following provision to the present law: "Every applicant for a license as a broker shall have first served a bona fide apprenticeship for a period of one year as a duly licensed real estate salesman in this state, or in the discretion of the Commission, by furnishing to the Commission proof of experience equivalent thereto, or by furnishing to the Commission a certificate that said applicant has passed a real estate course of study at an accredited college or university." The language used in this amendment is recommended by the National Association of Real Estate Boards, and it is to be found in the model real estate license law which has been distributed by the National Association, and is one of its recommended, basic license law provisions. Fourteen other states have passed similar laws requiring an apprenticeship of from one to three years. When this bill was heard before the Committee on Business Legislation, no one appeared in opposition to this bill, and it was reported out unanimously "Ought to pass."

Those in the real estate business who appeared and spoke in favor of the bill were the President of the Maine Real Estate Board, the presidents or representatives of the Bangor, Portland, Lewiston, Augusta, Waterville, Lincoln County, Penobscot Bay, York County Boards and others. In addition, all three members of the Maine Real Estate Commission were present and spoke in favor of the bill, as did a former chairman of the State Commission.

It is evident, therefore, Mr. Speaker and Members of the House, that the persons who appeared before this Committee, and some of them were women, were the leaders in this vocation, and were and are the most active and experienced people in this business and, in my opinion, the most expert and qualified to speak on this subject. They desire this legislation because they honestly feel it is for the best interest and protection of the public, and

will raise the standards of their profession.

The opponents of this bill, in my opinion, their argument ignores the public interest and looks solely to the individual interest. If you consider the individual interest above the public interest, you will never get a progressive law. It has been mentioned, I believe by one of the gentlemen that this same or similar legislation came up before and was defeated. It is my understanding that at the last legislature there was a similar bill, but it is also my understanding that the wife of a member of the Committee that heard this bill had taken a broker's examination and was unable to pass it, and that as a result of his wife's failure to obtain a broker's license and pass the examination, that this member was quite furious about it and did everything he could to defeat the bill at that time.

At this session, this bill had a fair hearing before the Committee. There was no opposition and it came out unanimously "Ought to pass." The bill as amended is now more flexible than the original bill. Under the amendment, the one year apprenticeship can be waived by the Commission on proof that the applicant has experience equivalent to one year's apprenticeship, and where the applicant can show he has passed a real estate course of study at some college or university. It was my understanding that there was some opposition to the original bill because those things were not provided for as they are in this amendment.

The gentleman from Bingham, Mr. Shaw, has mentioned the fact about lawyers should be required to have an apprenticeship if this bill should go through. Well, it has been my experience, and I think it's been the experience of every lawyer that when you are first admitted to the Bar, you go through a long apprenticeship, a voluntary imposed apprenticeship before you ever really begin to do very much on your own. From the very first, you hardly make a move without consulting some older attorney or some judge. That's the way it goes in the law profession after having studied three years in law school you come out



as far as actually practicing law, and knowing how to practice law, you're a babe in the woods, and that is pretty much the same in respect to the business of selling property, and that is why this training is, in my opinion, so necessary.

Now as to what a salesman can be paid by a broker during that year or during any time that a salesman happens to be employed by a broker. Under the statutes, that is wholly up to the parties. They are free to negotiate the terms of the employment.

We say that this bill does not impose any undue burden upon anyone, that it is not unreasonable legislation. We say that it is reasonable. That it's necessary and needed for the protection of the public, and that is evidenced by the fact that the outstanding leaders in this business appeared before the Committee and were in favor of the bill, and it's evidenced by the fact that the Real Estate Commission of Maine, all three members and a former chairman of the Commission appeared before the Committee and advocated this bill. Those people have been in the real estate business for years. They were appointed by the governor as the members of the Commission, and they have the opportunity of looking at this business from their position. They can see it as a whole, not as it affects any one individual but as it affects every individual connected with the business, and they know what good this can accomplish. We say it's not a burden. On the contrary, being a salesman, whether it's for apprenticeship for one year or whether it is indefinitely, has certain advantages over being a broker. A salesman has the advantage and benefit of all the broker's listings, and also generally speaking, he has no expenses for advertising, office maintenance, or other overheads. He has a chance, if he is just starting in the business, to get on his feet, to get known in the community, and usually the broker has been in business for many years and has prestige with the public. The salesman has the benefit of the broker's prestige. There are a lot of advantages to a salesman who goes into a broker's office, and there are

some salesmen who prefer never to be brokers. So I say this is a good piece of legislation. and I sincerely hope that the gentleman's motion does not prevail.

The SPEAKER: Is the House ready for the question?

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

Mr. SHAW: Mr. Speaker, I have just one brief comment to make. I don't care to belabor the issue any longer, but I think the gentleman from Orono, Mr. Needham, was highly complimentary when he said real estate brokers with whom I have been in contact have served their clients competently, and I think that has every justification for continuing the present system of licensing brokers. Thank you.

The SPEAKER: Is the House ready for the question?

The question before the House is the motion of the gentleman from Bingham, Mr. Shaw, that Bill "An Act relating to Application and Qualification for Real Estate Brokers' Licenses", House Paper 740, Legislative Document 1054, be indefinitely postponed.

Will those who favor the indefinite postponement of this bill please say aye; those opposed, no.

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

The gentleman from Bangor, Mr. Totman, out of order and under suspension of the rules presented the following order and moved its passage.

ORDERED, that at the time assigned for third reading of (S. P. 541) (L. D. 1520) Bill "An Act to Appropriate Monies for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1958 and June 30, 1959", the bill shall be open for general debate and that when the bill is read the third time it be read paragraph by paragraph and that each paragraph as read be open to debate item by item and amendment of that part of the bill and any Senate Amendment of such paragraph shall be considered and disposed of first but without amendment thereto.

Amendments to be considered without reproduction and without approval of the Committee on Rules and Business of the House, and that when the third reading of the Bill is completed no further debate or amendment shall be permitted.

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

Mr. TOTMAN: Mr. Speaker and Members of the House: This order is presented and it will have to lay on the table without being acted upon today inasmuch as it is in effect an amendment to the rules of the House. It is presented with a view toward the balanced budget which we anticipate receiving on our calendar tomorrow. I would now move that this order be reproduced and distributed and specially assigned for tomorrow.

The SPEAKER: The question before the House is the motion of the gentleman from Bangor, Mr. Totman, that the order which the Clerk has just read be tabled specially assigned for tomorrow and be reproduced for distribution to the members' desks. Is this the pleasure of the House?

The motion prevailed.

On motion of the gentleman from Bangor, Mr. Quinn, the House voted to remove from the table the tenth tabled and unassigned matter, Bill "An Act relating to Weight of Commercial Vehicles", Senate Paper 352, Legislative Document 930, tabled on April 2 by that gentleman pending passage to be engrossed.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. QUINN: Mr. Speaker, at the time the House considered the matter and I placed it on the table it was because of the wording of the

last sentence, which read "All trucks with four or more axles shall have adequate brakes on all axles." Since then I have drafted an amendment called House Amendment "A", but it was kind of long and involved and I was dissatisfied with it after discussing it with interested people, and since then I have had drafted House Amendment "B", which is filing number 389, and which will merely insert the three words, "the wheels of" before "all axles" in that sentence. So that as amended that sentence would read "All trucks with four or more axles shall have adequate brakes on the wheels of all axles." I move the adoption of the amendment.

The SPEAKER: The gentleman from Bangor, Mr. Quinn, offers House Amendment "B" to Bill "An Act relating to Weight of Commercial Vehicles", and moves its adoption.

The Clerk will read House Amendment "B".

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

HOUSE AMENDMENT "B" to S. P. 352, L. D. 930, Bill "An Act Relating to Weight of Commercial Vehicles."

Amend said Bill by inserting after the underlined word "on" in the last line of the Bill, the underlined words "the wheels of"

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

On motion of Mr. Totman of Bangor,

Adjourned until nine-thirty o'clock tomorrow morning.