

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Eighth Legislature

OF THE

STATE OF MAINE

VOLUME II

1957

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Monday, May 20, 1957

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

Prayer by the Rev. Mr. Richard Hulburt of Hallowell.

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

The journal of the previous session was read and approved.

Papers from the Senate

From the Senate: The following Communication:

STATE OF MAINE
SENATE CHAMBER
OFFICE OF THE SECRETARY

May 17, 1957

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

Sir:

On motion by Senator Wyman of Washington, the Senate today voted to return to the House: "Resolve, Proposing an Amendment to the Constitution to Provide for Election of Members of the Executive Council." (S. P. 95) (L. D. 225)

Respectfully,

(Signed)

WALDO H. CLARK
Assistant Secretary
of the Senate

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

The SPEAKER: At this time the Chair would like to recognize the presence in the gallery of the House of a group of eighth grade pupils of St. Dominic's School in Portland accompanied by their teachers, Sister Mary Rafferata and Sister Mary Denise. On behalf of the House the Chair extends to you ladies and gentlemen a most sincere welcome and we hope you will enjoy yourselves here today. (Applause)

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

which was passed to be engrossed as amended by Committee Amendment "A" in the Senate on May 9; was passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" in the House on May 13, in non-concurrence; on which the Senate receded and concurred in engrossing as amended by Committee Amendment "A" and House Amendment "A" on May 14; which failed of final passage in the House on May 15; on which the Senate voted to insist on May 16, and ordered returned to the House on May 17.

In the House: On motion of Mr. Totman of Bangor, ordered placed on file and sent up for concurrence.

(Off record remarks)

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

Report of the Committee on Retirements and Pensions reporting "Ought not to pass" on Resolve Relating to Investigating Special Resolve Pensions (S. P. 498) (L. D. 1402), as it is covered by other legislation.

Report of the Committee on Towns and Counties reporting same on Bill "An Act relating to Fees of Deputy Sheriffs in Attendance at Court" (S. P. 317) (L. D. 814)

Came from the Senate read and accepted.

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

Ought to Pass

Report of the Committee on State Government, acting by authority of Joint Order (S. P. 576) reporting a Bill (S. P. 585) (L. D. 1584) under title of "An Act Permitting Governor and Council to Purchase Real Estate Adjacent to State House" and that it "Ought to pass"

Report of the Committee on Appropriations and Financial Affairs reporting "Ought to pass" on Bill "An Act to Amend the Amount of Supplement Loans by Maine School Building Authority" (S. P. 153) (L. D. 400)

Report of the Committee on Taxation reporting same on Bill "An Act relating to Confidential Character of State Tax Assessor's Records under Blueberry Tax Law" (S. P. 439) (L. D. 1236)

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

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

**Ought to Pass with
Committee Amendment**

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Directing Review of Election Laws" (S. P. 23) (L. D. 14) 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. 23, L. D. 14, Bill, An Act Directing Review of Election Laws."

Amend said Bill by inserting after the word "assistance" in the 10th line, the words an hold such public hearings'

Further amend said Bill by striking out all of "Sec. 2" and "Sec. 3" and inserting in place thereof the following:

'Sec. 2. Appropriation. There is hereby appropriated from the unappropriated surplus of the general fund of the State the sum of \$7,500 to carry out the purposes of this Act. Said sum shall not lapse but shall remain a continuing carrying account until June 30, 1959.'

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

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act relating to Citizens Committee on Survey of State Government" (S. P. 321) (L. D. 817) 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. 321, L. D. 817, Bill, "An Act Relating to Citizens Committee on Survey of State Government."

Amend said Bill by striking out the figure "\$35,000" in the 3rd line of "Sec. 3" and inserting in place thereof the figure '\$20,000'

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

Report of the Committee on Appropriations and Financial Affairs on Resolve Establishing a Theodore Roosevelt Centennial Commission of Maine (S. P. 62) (L. D. 112) which was recommitted, reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 62, L. D. 112, Resolve, Establishing a Theodore Roosevelt Centennial Commission of Maine.

Amend said Resolve by striking out all of the 4th and 5th paragraphs.

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

Report of the Committee on Highways on Bill "An Act to Correct Inconsistencies in State Highway Laws" (S. P. 66) (L. D. 113) 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. 66, L. D. 113, Bill, "An Act to Correct Inconsistencies in State Highway Laws."

Amend said Bill by striking out the last 5 lines of "Sec. 1" and inserting in place thereof the following:

"as practicable feeders to the state highway; 3rd, 3rd class highways, which shall mean other highways designated, determined and accepted by the State Highway Commission to receive aid from the State as provided by law; 4th, 4th class highways town ways, which shall mean all other highways not included in the first 3 2 classes above mentioned, which are maintained by the towns."

Further amend said Bill by adding at the end thereof another section to read as follows:

"Sec. 8. R. S., c. 23, § 63, amended. The first sentence of section 63 of chapter 23 of the Revised Statutes is hereby amended to read as follows:

"No money from this fund shall be expended on the improved sections of any road which is a part of the federal aid, state, or state aid systems, 3rd class or so called CCC roads, as it is intended to apply only to the unimproved roads of the State; provided, however, that the above. This limitation shall not apply to the \$200 referred to in section 61."

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

Ought to Pass Amended in Senate

Report of the Committee on Education reporting "Ought to pass" on Bill "An Act relating to Board of Pupils Who Reside on a Coast Island Attending School Away from Home" (S. P. 297) (L. D. 794)

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

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

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

SENATE AMENDMENT "A" to S. P. 297, L. D. 794, Bill, "An Act Relating to Board of Pupils Who Reside on a Coast Island Attending School Away From Home."

Amend said Bill by inserting the abbreviation and figure "Sec. 1." at the beginning of the 1st line.

Further amend said Bill by striking out the underlined figure "\$540" in the 13th line and inserting in place thereof the underlined figure '\$353'

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

"Sec. 2. R. S., c. 41, §108, amended. The last sentence of the last paragraph of section 108 of chapter 41 of the Revised Statutes is hereby amended to read as follows:

'Upon the approval of said return, the Commissioner shall apportion to such town a sum equal to ½ the amount thus paid by such town but not to exceed \$700 annually for this purpose.'

Sec. 3. Appropriation. In addition to any sums which may be appropriated by the Legislature for the fiscal years 1957-58 and 1958-59 for the purposes of this act there is hereby appropriated from the general fund the sum of \$3,878 for fiscal year ending June 30, 1958 and \$3,878 for fiscal year ending June 30, 1959 to carry out the purposes of this act."

Senate Amendment "A" was adopted in concurrence.

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

Mr. FULLER: Mr. Speaker and Members of the House: I present House Amendment "A" and move its adoption.

The SPEAKER: The gentleman from South Portland, Mr. Fuller, 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 S. P. 297, L. D. 794, Bill, "An Act Relating to Board of Pupils Who Re-

side on a Coast Island Attending School Away From Home."

Amend said Bill in the Title thereof by striking out the words Who Reside on a Coast Island"

Further amend said Bill by adding after "Sec. 1", a new section, as follows:

"Sec. 1-A. R. S., c 41, §43, amended. The last sentence of section 43 of chapter 41 of the Revised Statutes is hereby amended to read as follows:

"The Commissioner is further authorized to make similar provisions for the transportation of any children who reside with a parent on state owned property located in towns of less than 100 inhabitants and in which conveyance for no other pupils is being provided by the town."

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

Report of the Committee on Transportation reporting "Ought to pass" on Bill An Act relating to Registration of Dealers in Boat Trailers and Temporary Registration Plates" (S. P. 391) (L. D. 1087)

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

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

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

SENATE AMENDMENT "A" to S. P. 391, L. D. 1087, Bill, "An Act Relating to Registration of Dealers in Boat Trailers and Temporary Registration Plates."

Amend said Bill in that part designated "Sec. 30-A" in section 1 by striking out at the end the single quotation mark and inserting the following underlined sentence:

"The Secretary of State shall furnish the manufacturer of, or dealer in, boat trailers with one registration number plate free of cost."

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

Ought to Pass with Committee Amendment Amended in Senate

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Reestablishing the State Museum" (S. P. 144) (L. D. 342) 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" and Senate Amendment "A".

In the House, the Report was read.

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

Mrs. BURNHAM: Mr. Speaker and Members of the House: I hesitate to interrupt the smooth running of our proceedings here but I would like to make an objection to the passage of this bill that carries with it an appropriation of thirty-five thousand dollars and two full time personnel. We have just completed extensive repairs to the State House in order to carry out the business of the state government. This, it seems to me, will also require further alterations in the rooms as at present constituted. I think, at this time, that we should keep the State House for the business for which it was originally intended and as much as I enjoy a museum, and think that it would be of benefit to the children of the state, I do not think that this is the building under which it should be housed.

The SPEAKER: Does the Chair understand the gentlewoman shall make a motion?

Mrs. BURNHAM: I move that this Bill and its accompanying papers be indefinitely postponed.

The SPEAKER: The question before the House is the motion of the gentlewoman from Kittery, Mrs. Burnham, that with respect to Bill "An Act Reestablishing the State Museum" the committee report be indefinitely postponed.

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

Mr. HAUGHN: Mr. Speaker and Ladies and Gentlemen of the House: I was very disheartened to hear this

motion brought before this body on an issue of this nature because I believe this thing goes much deeper than the fact that the appropriation concerned, which seems to be the only issue brought out this time. It seems to me that we have the interest of the children, the publicity of the state, and ever so many things in general concern this issue that I'm really disturbed if we should turn it down, and I know there are others here who feel the same as I do, and I know they will probably speak on this measure, and I hope that this motion does not prevail because we'd better look a little deeper into this issue rather than just simply say get rid of it at once because there is a lot concerned with this issue.

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

Mr. CROCKETT: Mr. Speaker and Ladies and Gentlemen of the House: This museum is one of the greatest assets that the State of Maine can put in this wonderful house, the State House. Thousands and thousands of people during the year visit the State House, and when they're there, they can get a lot of information from the museum. The state spends thousands of dollars to advertise the State of Maine, and I don't know if there is any better way to advertise it than right here in our own State House, to show them what we have, what we can produce, and what has happened in bygone days. I appeared before the Appropriations Committee and told the story about some students from my town. There were sixty-three of them visited here this session. One of them came up to me and said: "Mr. Crockett, my father told me to ask you to show me the museum." Now, I'm going to tell you it was a pretty hard pill for me to swallow at that time. A lump came up in my throat when I had to say: "We had to do away with the museum temporarily on account of space, but now since we have the new office building, I'm in hopes that it will be restored." I say it's one of the greatest selling agents that we have in the State of Maine if we can revive the state museum.

The SPEAKER: Is the House ready for the question?

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

Mr. HAUGHN: Mr. Speaker, I just request a division when the vote is taken.

The SPEAKER: Is the House ready for the question?

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

Mr. BRAGDON: Mr. Speaker, I would like to defend my position on the Committee on Appropriations and Financial Affairs on this matter. This appropriation is not enough, in my opinion, to make a very big start on a museum, but I felt along with the other members of this Appropriations Committee that this was a very desirable project to get started again, and I would like to see it started. That's the reason, and I hope that the motion of the gentlewoman from Kittery, Mrs. Burnham, does not prevail.

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

Mr. EDWARDS: Mr. Speaker and Members of the House: As a member of the Appropriations Committee, it was my feeling that there was a necessity for, to bring back the state museum. I know the first time I ever came to Augusta, I came and went through the old state museum. It has always left a memory with me, and I know that others have come here and have asked: "Where is the museum?" and we say: "It is here, no more." Now I hope that the members of this House will stand with the Appropriations Committee and defeat this measure to indefinitely postpone the bill.

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

Mrs. HENDRICKS: Mr. Speaker, just so that there won't be any misunderstanding, I understand that the Committee Amendment filing 461 takes care of those two extra employees and they won't be needed, the Department of Economic Development takes care of that. I hope the motion for indefinite postponement does not prevail.

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

Mrs. BURNHAM: Mr. Speaker, I hope that no one on that Committee will feel that I don't appreciate their position in the matter, and really it is an unusual position for me to take, not to go along with the sentimental aspects of the bill, but I think what they have said carries out one of the points that I have tried to bring out, that this is the State House and it should not be used for advertising purposes. And also this will be a continuing expense at this time, and I would like our children to be able to come here and remember the government that we are trying to carry out here and not the birds, and the bears, and the other animals that are in the museum much as we do enjoy them.

The SPEAKER: Is the House ready for the question?

The question before the House is the motion of the gentlewoman from Kittery, Mrs. Burnham, that with respect to bill "An Act Reestablishing the State Museum" the "Ought to pass" report be indefinitely postponed. A division has been requested.

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

Mr. TOTMAN: Mr. Speaker, I am very reluctant to see the gentlewoman from Kittery, Mrs. Burnham, stand alone on this issue, and inasmuch as the state museum is one of my most sincere interests, I am one of the foremost advocates of a separate building. I would like to have her know why I'm going to vote against her. The point is, and I think it's rather well taken, that while many of us want to see a separate building as soon as possible, we do feel that this is the modest way to start. We cannot afford a building now. We do feel that the exhibits should start to be collected and should start to be reinstated, and as soon as possible, we hope we will have a bona fide separate state museum building. I regret again that I have to vote against her motion at this time.

The SPEAKER: Is the House ready for the question?

The question before the House is the motion of the gentlewoman from Kittery, Mrs. Burnham, that with respect to Bill "An Act Reestablishing the State Museum", Senate Pa-

per 144, Legislative Document 342, the "Ought to pass" Committee Report be indefinitely postponed. A division has been requested.

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

Three having voted in the affirmative and ninety having voted in the negative the motion did not prevail.

Thereupon, the "Ought to pass" Committee Report was accepted in concurrence and the Bill given its first and second readings.

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

COMMITTEE AMENDMENT 'A' to S. P. 144, L. D. 342, Bill, "An Act Reestablishing the State Museum."

Amend said Bill by striking out all of the last underlined paragraph of that part designated 'Sec. 8-B' of section 1.

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

'Sec. 2. Appropriation. There is hereby appropriated from the general fund the sum of \$25,000 for the fiscal year ending June 30, 1958 and \$10,000 for the fiscal year ending June 30, 1959 to reestablish, equip and maintain the State Museum.'

Committee Amendment "A" was adopted in concurrence.

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

SENATE AMENDMENT "A" to S. P. 144, L. D. 342, Bill, 'An Act Reestablishing the State Museum.'

Amend said Bill in the 11th and 12th lines by striking out the underlined words "Development of Industry and Commerce" and inserting in place thereof the underlined words 'Economic Development'

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

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

Divided Report

Report "A" of the Committee on State Government on Bill "An Act relating to Fortnightly Payment of

Salaries and Wages to State Officers and Employees" (S. P. 149) (L. D. 349) reporting same in a new draft (S. P. 462) (L. D. 1317) under same title and that it "Ought to pass"

Report was signed by the following members:

Mr. ROGERSON of Aroostook
— of the Senate.

Messrs. TOTMAN of Bangor
BRAGDON of Perham
WADE of Auburn
ELWELL of Brooks
— of the House.

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

Report was signed by the following members:

Messrs. PIKE of Oxford
LESSARD of Androscoggin
— of the Senate.

Messrs. ROSS of Bath
WALSH of Brunswick
CHILDS of Portland
— of the House.

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

In the House: The Reports were read.

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

Mr. CHILDS: Mr. Speaker, I move the acceptance of the "B" "Ought not to pass" report.

The SPEAKER: The question before the House is the motion of the gentleman from Portland, Mr. Childs, that the House accept Report "B" "Ought not to pass. Is this the pleasure of the House?

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

Mr. TOTMAN: Mr. Speaker, before we simply accept the motion without any debate, I think that the "A" side of the question should be, at least, told to the members of the House. Frankly, it is not a major issue, but there is a possibility of saving twenty-one thousand dollars by paying certain employees on a fortnightly basis. I would like to reiterate this is not a hotly contested issue. We brought this out divided hoping that the members of the House would indicate whether they were or were not interested

in saving twenty thousand dollars by paying employees fortnightly, and it might be well to point out that the bill has been rewritten so that some of the original objections were removed for it now says: "state officers and employees normally considered as salaried employees shall be paid their salary fortnightly, the dates of payment to be determined by the State Controller. Other employees normally considered as employed in a labor division shall be paid their wages weekly." I think the choice is up to you. It's simply a question whether you want, talking economy, to save twenty thousand dollars.

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

Mr. CHILDS: Mr. Speaker, I will admit that this would save the state some twenty thousand dollars, but I think there is more to it than just saving the state twenty thousand dollars. As far as wage, salaries and scales in the State of Maine are compared to the rest of the country, we're down pretty far, and I certainly think that if we can do something which is going to make for better public relations with the state employees, I'm all for it. Now I admit that if they are paid every two weeks, you are going to save twenty thousand dollars. Why don't we pay them every month, you will save that much more, or every six months? I just think that the way things are now, they're fine. The state employees are happy with the present situation, and I certainly hope that my motion to accept the "B" report will prevail.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: As one of the other signers of the "B" report, let me explain my reasons. Our state employees are now paid weekly, and it seemed to me a bit unkind to make them change their whole way of life as far as their budgetary matters go for a small saving to the State of Maine, and the number of persons who would be affected are five thousand, even under the amendment, so it is five thousand persons you're

going to make change their way of spending money and saving money for a saving of twenty thousand dollars.

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

Mr. CROCKETT: Mr. Speaker and Ladies and Gentlemen: There is another consideration, something to be considered here, and that is the merchant where they buy groceries from and so on. If these payments are made every two weeks, it means that your grocer man has got to carry them another week. Now can he afford it? We must consider the grocer man as well as others because he has his money invested, and he can use his money every week the same as the employees.

The SPEAKER: Is the House ready for the question?

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

Mr. BRAGDON: Mr. Speaker, as one of the signers of the "Ought to Pass" report I wish to defend my position in this matter, and I want to call to the attention of this House that in our federal installations here in Maine payment is only made once every two weeks. Apparently they have no difficulty in getting employees for those federal installations. Also it has been pointed out here in this House that Maine is one or two of all the states in the United States who still continue to pay on a weekly basis. I just wanted to point out these few facts that haven't been given to you. I'm in favor of the "Ought to pass" report.

The SPEAKER: Is the House ready for the question?

The gentleman has spoken twice to the question and must have consent of the House to speak further. Does the gentleman wish that consent?

Mr. CHILDS: Yes, I do please.

The SPEAKER: Will those who favor permitting the gentleman from Portland, Mr. Childs, to speak a third time please say aye; those opposed, no.

A viva voce vote being taken, consent was granted.

The SPEAKER: The gentleman may proceed.

Mr. CHILDS: Mr. Speaker, another thing which I think should be

brought out, that if we open the door here, as far as state employees are concerned, it is very possible that all industry may point to the State and say, "The State is now doing it so why shouldn't all industry be paid on a fortnightly basis." I do not think that would go over too well with the people now being employed by all industry.

The SPEAKER: Is the House ready for the question?

The question before the House is the motion of the gentleman from Portland, Mr. Childs, that with respect to Bill "An Act relating to Fortnightly Payment of Salaries and Wages to State Officers and Employees", Senate Paper 149, Legislative Document 342, the House accept Report "B" "Ought not to pass."

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

Mr. TEVANIAN: Mr. Speaker, I request a division when the vote is taken.

The SPEAKER: The gentleman from Portland, Mr. Tevanian, requests a division.

Will all those who favor the acceptance of Report "B" "Ought not to pass" please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Sixty-nine having voted in the affirmative and thirty-five having voted in the negative the "Ought not to pass" Report was accepted in non-concurrence.

The gentleman from Bingham, Mr. Shaw, was granted permission to approach the rostrum.

Divided Report Tabled until Later in Today's Session

Majority Report of the Committee on Constitutional Amendments reporting "Ought not to pass" on Resolve Proposing an Amendment to the Constitution Providing for Limited Even-Year Budget Sessions of the Legislature (S. P. 427) (L. D. 1210)

Report was signed by the following members:

Messrs. WYMAN of Washington
BUTLER of Franklin
HURLEY of Kennebec

Mrs. LORD of Cumberland
Mr. WOODCOCK of Penobscot
— of the Senate.

Messrs. BEYER of Cape Elizabeth
BROWNE of Bangor
WALKER of Auburn
CURTIS of Bowdoinham
EARLES of South Portland
HANCOCK of York
EMMONS of Kennebunk
— of the House.

Minority Report of same Committee on same Resolve reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. BEANE of Augusta
TEVANIAN of Portland
BRODERICK of Portland
— of the House.

Came from the Senate with the Reports and Resolve indefinitely postponed.

In the House: The Reports were read.

The SPEAKER: Is it the pleasure of the House to concur?

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

Mr. TEVANIAN: Mr. Speaker, I move that Report "B", the Minority Report "Ought to pass" be accepted.

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

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

Mr. ELWELL: Mr. Speaker, I would like to move that this item lay on the table until later in today's session.

The SPEAKER: The question now before the House is the motion of the gentleman from Brooks, Mr. Elwell, that with respect to Resolve Proposing an Amendment to the Constitution Providing for Limited Even-Year Budget Sessions of the Legislature, Senate Paper 427, Legislative Document 1210, both reports be tabled until later in today's session pending the motion of the gentleman from Portland, Mr. Tevanian, that the House accept the Minority "Ought to pass" Report. Is this the pleasure of the House?

The motion prevailed and the Reports were so tabled.

Ought Not to Pass Bill Substituted in Senate and Amended in Senate

Report of the Committee on Highways reporting "Ought not to pass" on Bill "An Act relating to Cost of Relocating Facilities in Federal-Aid Interstate Highway Projects" (S. P. 385) (L. D. 1081)

Came from the Senate with the Bill substituted for the Report and passed to be engrossed as amended by Senate Amendment "A" as amended by Senate Amendment "A" thereto.

In the House: Report was read.

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

Mr. WADE: Mr. Speaker, I move that the House substitute the bill for the report.

The SPEAKER: The gentleman from Auburn, Mr. Wade, moves that the House concur in substituting the bill for the report.

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

Mr. ELWELL: Mr. Speaker and Members of the House: You will see that this bill had a unanimous "Ought not to pass" Committee report, and I still concur with the original thinking of the Committee on Highways. I feel it is still, with Senate Amendment "A" it is still state dollars which we are being asked to contribute to this project. I can't agree with the proponents who argue that the new concept, that there is an unlimited amount of money in the Interstate System. Their argument that this is based on the need rather than on a final appropriation, I think you will find will not hold water. I submit to you that every dollar that we spend for this purpose, we will have that much less for highway construction. We are opening a door here to something which will cost the State of Maine a good many dollars in the future if we allow it to happen. Mr. Speaker, I would move the indefinite postponement of this bill and all its accompanying papers.

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

Mr. WADE: Mr. Speaker, I would like to point out that this bill applies only to the interstate highway program, a program which involves expenditure of tremendous amounts of money, and is very apt to place many of the smaller utilities in a position to be faced with almost insurmountable expense arising from removal or relocation of their facilities.

This interstate highway program is entirely for the benefit of the traveling public. In many cases, particularly with the smaller utilities as the passage of such a system through a town is not only of no benefit, but an actual disadvantage to that community, and if we add to that the necessity for the utilities of the area to foot the bill for moving all of their public utility facilities, it seems to me that we are getting away from basic principles of fair play. As I said, it applies only to the Interstate System, and although all of this federal money does naturally in the end come out of all of us taxpayers, nevertheless, I feel that it is basically sound for the federal program to bear a portion of the cost of relocating these facilities because otherwise 100 per cent of every dollar will be borne by the Maine rate payers for the water companies, light companies or whatever the public utility is, and I very much hope that the motion of the gentleman from Brooks, Mr. Elwell, does not prevail, and I will ask for a division.

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

Mr. HAUGHN: Mr. Speaker and Members of the House: I want to concur with the remarks of my friend and colleague, the gentleman from Auburn, Mr. Wade. It sounds probably a little unusual for me to take this stand, but I am concerned with the bill this House has just passed, assigned to maintain equality within the rate-paying rate payers of the State of Maine on utilities. Wouldn't it look fine if this body should pass one type of bill to try and bring something that is equally just to both sides of the picture, and pass another one which in turn would force upon the rate payers of this state a burden that we by one token say shouldn't be

when we pass, if we pass something of this nature, really forces upon them an increase in rates? We do all realize somebody has to pay for this, and this only pertains to one particular type of roads where we get 90-10 return money, and I am sure it's much easier to spend ten per cent of the state's money than it is to spend one hundred per cent of the rate payers, money which will reflect in rates, and I hope the motion of my colleague, the gentleman from Brooks, Mr. Elwell, does not prevail.

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

Mr. QUINN: Mr. Speaker and Ladies and Gentlemen of the House: I want to go along with the two previous speakers, particularly the gentleman from Auburn, Mr. Wade. This Act is an enabling Act and without it we will not get the 20-10 money to help in changing utilities. Now this is very important to a lot of our communities. I know it is important to my community because in my community, the plan, as I understand the plan, to go under at least three of the main thoroughfares of this interstate highway, and that's going to mean a tremendous expense to our community and our sewerage system in changing it and the water mains, and it is too much of a burden to place on a local community to make those changes, particularly when you consider that this highway is made for the traveling public more than it is for the locality, and if this Act is passed, it will be an enabling Act and make the Federal payment of 90-10 available to eventually take care of the cost of these changes in order to have this highway properly constructed, so I urge and hope that you will vote against the motion of the gentleman from Brooks, Mr. Elwell, to indefinitely postpone.

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

Mr. EMMONS: Mr. Speaker, Ladies and Gentlemen of the House: If I felt that this would be confined to the federal interstate highway, I would be in favor of substituting the bill for the report. At one meeting that part of the House

had, at least, with the representatives of the Highway Commission, one of the gentlemen of the Commission was asked this particular question as to whether relocation of utilities would enable us to get the 90-10 allotment for that relocation, and the answer was that they were uncertain, that in those states where relocation of utilities on all highways was paid for by the state as a general law covering all highways, the Bureau of Public Roads accepted that and would pay the 90-10, but if we pass a bill here which limited that relocation assistance to the Federal Interstate Highway, there was no certainty that the 90-10 assistance would be given by the Federal Government, and if we pass the bill there is nothing, to put it the other way, it would be quite logical if we pass the bill that we should help one interstate highway to relocate public utilities, certainly the same logic would hold that the towns, the state should pay on relocating utilities on all of our roads, and I think that would be a tremendous burden. For that reason, I hope that the motion of the gentleman from Auburn, Mr. Wade, does not prevail.

The SPEAKER: The Chair would advise the gentleman from Kennebunk that the question before the House is the motion of the gentleman from Brooks, Mr. Elwell, for indefinite postponement.

Mr. EMMONS: I will go along with that motion.

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

Mr. WADE: Mr. Speaker, there is a couple of things I would like to point out in connection with what has been said. First, it is referred to as an opening wedge, but I think that that argument doesn't have very much weight because future legislatures like this one will stand on their own feet. We have seen illustrations in recent weeks where this legislature has acted contrary to some previous actions of — repeated previous actions of earlier legislatures. Furthermore, on the question of whether we will be paid under this bill, it is absolutely certain that if we don't enact it we won't, and there is still a legal question of whether we will be paid as

Mr. Emmons said, but it is absolutely sure we won't be if we don't enact this legislation. I repeat, I hope the motion of the gentleman from Brooks, Mr. Elwell, does not prevail.

The SPEAKER: Is the House ready for the question?

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

Mr. JACK: Mr. Speaker, Ladies and Gentlemen of the House: This is similar to a bill that I had before this House two years ago on water mains in our district in Brunswick and Topsham. It cost us a little over thirty thousand dollars to reinstate the pipeline which we had to move on account of the highway. That is a district in which we are a non-profit organization. We are governed wholly by the Public Utilities, and we came very close to having to raise the water rates from the takers who had to stand the entire cost for something that we had to have, pipes in there when the selectmen authorized them, gave them the right to put the pipe lines in the highway and it was turned down by the Commissioners and it came back to the state. I do hope that this motion does not prevail.

The SPEAKER: Is the House ready for the question?

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

Mr. TURNER: Mr. Speaker, Members of the House: My colleague, the gentleman from Auburn, Mr. Wade, is very much disturbed over this bill and I promised him I won't bat it too hard, but I've still got to stick to my "Ought not to pass" report.

The SPEAKER: Is the House ready for the question?

The question before the House is the motion of the gentleman from Brooks, Mr. Elwell, that with respect to bill "An Act relating to Cost of Relocating Facilities in Federal-Aid Interstate Highway Projects" the Committee report be indefinitely postponed. A division has been requested.

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

Mr. BRAGDON: Mr. Speaker, I hesitate to say anything on this matter, but I fear—you may tell me that I don't understand it myself when

I get through, but I fear there is a point here that may not be understood. We will say, for instance, if this Federal System goes through a city like Portland or along the lines that is now proposed, supposing they build this Portland loop, so-called, that an enormous amount of money is going to be involved in the moving of these facilities, and if some enabling legislation is not passed to take care of that, that they are not going to get the ninety per cent that would normally come out of the federal share, that the state is going to pay one hundred per cent if they insist that the facilities must pay these costs themselves. I think perhaps the rest of you understood that, but I wondered. I believe that is a situation that will develop. It seems to me that it is a pretty dim view to take of the thing to say that we are going to pay one hundred per cent when we could well, by passing this enabling legislation, we could well get ninety per cent of it from the Federal Government, and we are definitely going to lose that ninety per cent if we don't pass this legislation. That's the way I understand it.

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

Mr. ROWE: Mr. Speaker, may I ask of any member of the Committee if this 90-10 money is not passed and this bill is enacted as legislation, who picks up the tab or the money bill for relocating these facilities?

The SPEAKER: The gentleman from Madawaska, Mr. Rowe, 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 Mount Desert, Mr. Graves.

Mr. GRAVES: Mr. Speaker, the local utilities will have to pay.

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

Mr. ROWE: Mr. Speaker, I don't know if I am clear on this or not, Mr. Speaker. Let me put the question again. If the Federal Government in passing the Federal Interstate Highway System monies does not recognize, does not figure that

they will match and provide monies for relocating our facilities, if this kind of legislation which we are considering today goes on the books as a law and they refuse to provide matching funds for these displaced facilities, my question is this. Is it not the state government and not the local municipalities and so on, the public utilities that will have to pick up the fund? In other words, I think I will put the question this way in a statement. I think that it is the state government that is going to be stuck with providing these funds.

The SPEAKER: The gentleman from Madawaska, Mr. Rowe, has addressed a further question to any member of the Highway Committee who may answer if he chooses.

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

Mr. DENBOW: Mr. Speaker, as I understand it the question asked by the gentleman from Madawaska, Mr. Rowe, the state would pick up the tab if we pass this legislation and the Federal Government doesn't see fit to match it. As a member of the Highway Committee, I would like to express my stand in the matter. I think this legislation is discriminatory and vicious, and my reason for thinking is this.

The SPEAKER: Would the gentleman for the moment confine his remarks to answering the question.

Mr. DENBOW: Mr. Speaker, I've answered the question.

The SPEAKER: Does the gentleman from Madawaska consider his question answered?

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

Mr. DENBOW: Mr. Speaker, I consider this discriminatory for the reasons that there is no more reason to pay for relocating the water line or sewer line than there is the telephone line or an electric line, and it should apply to all of them. I also think that if we were going to pass such legislation, it should be made to apply to all of them. That is my major reason for signing the "Ought not to pass" report, and I also would like to say that having been a trustee for a water company for many, many years in the past, we have picked up the tab. We are doing it again right now on

state constructed highways. I will admit we have had to increase the rates a few times, but in doing so the expense has been paid and we have got along all right, and I think instead of costing what somebody mentioned in Committee hearing will be two hundred and fifty thousand dollars for the coming year that this tab could easily run into millions and be never ending, and I certainly think it could be the opening wedge for a state-wide proposition. I think that is half the purpose for putting it in there and I hope the motion to indefinitely postpone does prevail.

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

Mr. BRAGDON: Mr. Speaker, may I ask a question through the Chair of the gentleman from Brooks, Mr. Elwell, in regard to his opinion as to whether or not if this legislation is not passed, whether or not any Federal money will be put into the cost of relocating these facilities on this Federal Interstate System.

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

Mr. ELWELL: Mr. Speaker and Members of the House: As I understand the question, the answer would be no. The Federal Government would not contribute unless this legislation is passed. I might elaborate on the question. Let us say the vote for indefinite postponement of this bill would be to vote for the status quo, that would be to continue as you are doing now on all other highway projects. The reason, as I understand, for the bill, was the fact that the Federal law is written such that it only applies to those states which already have a law whereby they will pick up the tab on these relocations, and any state where it's contrary to the state law, then the Federal Government would go along with existing state laws. So then that is the purpose for this legislation, as enabling legislation, so that the state could participate in the relocation of these utilities.

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

Mr. QUINN: Mr. Speaker, the superintendent of our municipal water supply in Bangor urged me to support this particular bill in order to get the federal 90-10 aid. As I understood him in Bangor, the program is to go under three of our main streets, our main arteries, and in each one of those main arteries are some of our largest water mains and also some of our largest sewer trunk lines, and without this enabling legislation, it is going to throw a tremendous burden of the expense upon those local utilities to underpass those main highways for the public benefit. It would be a very inequitable thing for the large communities that have these large plants, it is going to cost thousands of dollars to change them.

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

Mr. ALLEN: Mr. Speaker, in answer to some of the questions already brought up, the Federal legislation is already passed and it is already in effect as has been answered somewhat, that the Federal Government will pick up ninety per cent of the tab, providing the state governments make arrangements to go along with that. Now this only applies to the Interstate System as I understand it, and it will apply to all utilities, not just water, although probably water and sewer will be the most expensive ones to move. It might involve the most money. Now in contrast to your Federal aid secondary and Federal aid primary systems which are different matching funds which we have been going along with very long, those utilities that are presently in the highway system are there by permit only. The highway came first. The highway was there first. They suffered the utilities to be there, and the utilities are only there by permission and with that understanding, but now we have got a whole different concept in that the Interstate System is going to take right off cross-country and is going to make a brand new road, and any utility that is presently there, to me, should take preference

over any other government construction.

Therefore, I can't see making these utilities or our small towns pay for moving their water systems and sewer systems or power lines that have been there right along just because this highway system is coming in, and as it has been stated, it is going to make a tremendous expense to these utilities and they are going to have to come to the Public Utilities Commission and ask for increased rates, and Lord knows that our rates on power, telephone or anything are high enough now, and the average person won't be able to stand one hundred per cent whereas we have an opportunity to pick up ninety per cent of it from the federal government. I hope that the motion of the gentleman from Brooks, Mr. Elwell, does not prevail.

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

Mr. BROWNE: Mr. Speaker and Ladies and Gentlemen: I have been reading over Senate Amendment "A" to Senate Amendment "A," filing number 466, which seems to answer some of the questions as to the effect of the passage of this legislation. I would like to read section 2 which is entitled "Limitation." It says: "The provisions of this act shall apply only to projects in said Interstate System for which the contracts are signed prior to June 30, 1959, and at no time during the fiscal year 1957-58 or the fiscal year 1958-59 shall the amount paid from the general fund operating capital for the purposes of this act exceed the amount of the 90 per cent Federal funds to be available for projects in said interstate system under the Federal-Aid Highway Act of 1956 to match a State appropriation of \$12,500." In other words, it would appear that if the federal matching funds are to become available, this would attempt to comply with those matching funds. If such funds were not to become available to us, the state would be assuming no obligation under this because this limitation would limit the state to 10 per cent of what the funds might be available from the Federal Government, and if the Federal Government was contributing

nothing, the state's share would be nothing under this enabling legislation. Therefore, I am opposed to the motion to indefinitely postpone.

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

Mr. TEVANIAN: Mr. Speaker, I would like to direct a question through the Chair to either the gentleman from Lubec, Mr. Denbow, or the gentleman from Brooks, Mr. Elwell. I would like to know that if under the present 90-10 program if the utilities would be entitled to be reimbursed for all the damages done wherever the Interstate System is to be and does affect them.

The SPEAKER: The gentleman from Portland, Mr. Tevanian, has addressed a question through the Chair to either the gentleman from Brooks, Mr. Elwell, or the gentleman from Lubec, Mr. Denbow. The gentleman from Brooks, Mr. Elwell, may answer if he chooses.

Mr. ELWELL: Mr. Speaker, as I understand the gentleman's question, the answer is no.

The SPEAKER: Is the House ready for the question?

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

Mr. FULLER: Mr. Speaker and Members of the House: After all this is only enabling legislation, and it seems to me that if there are no federal funds available, the law just becomes inoperative. We have several laws on our books which were passed, and no funds were available and they just stay there and become inoperative, and personally, I am not an expert on highways, but I just can't see how we can afford to turn this down, because whether it is relocating sewers or any public utilities which comes out of the taxpayers' pocket, and if he has to relocate them without federal aid, he has to pay 100 per cent of the cost, and if there are federal funds available, and we pass this enabling legislation, it seems to me that it is only going to cost us ten cents on a dollar, and I just can't see how we can afford to pass it up.

The SPEAKER: Is the House ready for the question?

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

but must remind the gentleman he has spoken twice. Does the gentleman wish consent to speak a third time?

Mr. BRAGDON: Yes, very briefly, Mr. Speaker.

The gentleman from Perham, Mr. Bragdon, was granted unanimous consent to speak a third time on the motion.

Mr. BRAGDON: Mr. Speaker, I merely wanted to comment that I have heard a figure mentioned in regard to the cost, possible cost of this project under the present surveys for the next two years, and if some Members of this House haven't heard this figure, it might be impressive. It is, I believe, a quarter of a million dollars. If anyone wishes to refute that I can't prove it, but I have heard this figure mentioned.

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

Mr. EDWARDS: Mr. Speaker, Members of the House: When I first saw this bill, I was opposed to it, but after studying it, I feel that it does have merit, and it would be a saving to the people living in the communities where the interstate system will go through, and I would like to support the motion of the gentleman from Auburn, Mr. Wade, to substitute the bill for the report.

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

Mr. EMMONS: Mr. Speaker, having listened to the gentleman from Bangor, Mr. Browne, and having read for the first time this Senate Amendment "A" to Senate Amendment "A" I now wish to go along with the gentleman from Auburn, Mr. Wade.

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

The question before the House is the motion of the gentleman from Brooks, Mr. Elwell, that the Committee Report be indefinitely postponed, the "Ought not to pass" Report on Bill "An Act relating to Cost of Relocating Facilities in Federal-Aid Interstate Highway Projects", Senate Paper 385, Legislative Document 1081, be indefinitely postponed. A division has been requested.

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

Thirteen having voted in the affirmative and ninety-five having voted in the negative the motion did not prevail.

The SPEAKER: The question now before the House is the motion of the gentleman from Auburn, Mr. Wade, that the House concur in substituting the Bill for the Report. Is this the pleasure of the House?

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

Senate Amendment "A", printed as L. D. 1510, was read by the Clerk as follows:

SENATE AMENDMENT "A" to S. P. 385, L. D. 1081, Bill, "An Act Relating to Cost of Relocating Facilities in Federal-Aid Interstate Highway Projects."

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

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

'Sec. 23-A. Payment for cost of relocating facilities in interstate system. Any utility which is required to move or relocate its facilities under the provisions of this section from or in any way because of construction needs in building the interstate system under the Federal-Aid Highway Act of 1956 on projects for which the contracts are signed after the effective date of this act shall be reimbursed for the cost of relocation of such facilities as said cost is defined in said Federal-Aid Highway Act. The State Highway Commission may make rules and regulations for the determination of such cost in conformity with applicable Federal rules and regulations under said Act. The Commission shall have such rights to inspect the books of account of the utility as may be required in determining the reimbursable costs provided in this section.

Whenever the Commission shall determine that any utility facility

which now is, or hereafter may be, located in, over, along or under any way should be moved or relocated because of construction needs in building said interstate system, the utility owning or operating such facility shall relocate or move the same in accordance with an order of the Commission. If the failure of the utility to move such facility within the time specified in such order should delay the work of the contractor on the project involved, the utility shall be liable to the State for the damages that the State may be required to allow to the contractor under the contract between the State and the contractor for delay in the work caused by the presence of the facility. The utility shall not be liable for such damages if its failure to move shall be for reasons beyond its control. If the Commission and the utility shall not agree as to the liability of the utility for such damages, either party may petition any Justice of the Superior Court for a determination thereof. Such liability shall not exceed such reimbursable costs as may be determined by the provisions of the preceding paragraph.

“Utility” as used in this section shall mean and include any public utility under the jurisdiction of the Public Utilities Commission and also any corporation which owns and operates a telephone or telegraph system or an oil pipe line system and which is subject to the jurisdiction of the Federal Communications Commission or Interstate Commerce Commission.’

Senate Amendment “A” to Senate Amendment “A” was read by the Clerk as follows:

SENATE AMENDMENT “A” to SENATE AMENDMENT “A” to S. P. 385, L. D. 1081, Bill, “An Act Relating to Cost of Relocating Facilities in Federal - Aid Interstate Highway Projects.” (L. D. 1510)

Amend said Amendment by inserting the underlined abbreviation and figure ‘Sec. 1.’ before the headnote at the beginning of the 2nd paragraph.

Further amend said Amendment by striking out the single quotation mark at the end and by adding the following underlined paragraph:

“The reimbursable costs provided in this section shall be paid from the general fund operating capital under the direction of the State Highway Commission, and said general fund operating capital shall be repaid in full for any costs so paid from reimbursements received by the State Highway Commission from the Federal Government on account thereof.”

Further amend said Amendment by adding thereto the following:

‘Sec. 2. Limitation. The provisions of this act shall apply only to projects in said interstate system for which the contracts are signed prior to June 30, 1959, and at no time during the fiscal year 1957-58 or the fiscal year 1958-59 shall the amount paid from the general fund operating capital for the purposes of this act exceed the amount of the 90 per cent federal funds to be available for projects in said interstate system under the Federal-Aid Highway Act of 1956 to match a State appropriation of \$12,500.

Sec. 3. Appropriation. There is hereby appropriated from the general fund, to be expended under the direction of the State Highway Commission, for the purposes of this act the sum of \$12,500 for the fiscal year ending June 30, 1958 and the sum of \$12,500 for the fiscal year ending June 30, 1959. Any unexpended balance on June 30, 1958 shall not lapse, but shall carry forward into the next fiscal year for the same purposes. All unexpended balances on June 30, 1959 shall lapse into the unappropriated surplus of the general fund.’

Senate Amendment “A” to Senate Amendment “A” was adopted, and Senate Amendment “A” as amended by Senate Amendment “A” was adopted in concurrence and the Bill assigned for third reading tomorrow.

Non-Concurrent Matter

Bill “An Act to Grant a Council-Manager Charter to the City of Augusta” (H. P. 425) (L. D. 632) which was passed to be engrossed as amended by Committee Amendment “A” and House Amendment “A” in the House on May 15.

Came from the Senate with House Amendment “A” indefinitely postponed and the Bill passed to be en-

grossed as amended by Committee Amendment "A" as amended by Senate Amendment "A" thereto in non-concurrence.

In the House: On motion of Mr. Beane of Augusta, the House voted to recede and concur.

Non-Concurrent Matter

An Act to Create a Public Body in the City of Bangor to be Known as the Urban Renewal Authority (H. P. 1003) (L. D. 1437) which was recalled to the Senate from the Governor by Joint Order (S. P. 571)

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

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

Non-Concurrent Matter

Report "A" of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act relating to the Appointment of Clerks of the Judicial Courts by the Chief Justice of the Supreme Judicial Court" (H. P. 322) (L. D. 439) and Report "B" reporting "Ought not to pass" which Reports and Bill were indefinitely postponed in the House on April 2.

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

In the House:

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

Mr. EMMONS: Mr. Speaker, as to Item 17, I move that we recede and concur. This is a bill that some time ago the House acted upon and somewhere in this building there must be an oxygen tent. This is a good bill as I have said once before, the clerks of courts are part of the judiciary system and should be so, and it is a bill which provides for the appointment of those clerks by the Chief Justice of the Supreme Judicial Court. As I have also said prior to this, there is no doubt that the present clerks of courts would be reappointed when their terms expire.

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

Mr. PLANTE: Mr. Speaker and Members of the House: If I may be permitted, I would like to ask a question of the gentleman from Kennebunk, Mr. Emmons.

The SPEAKER: The gentleman may state his question.

Mr. PLANTE: Mr. Speaker, I would like to know how the present appointments of the clerks of the Judicial Court are appointed, and how many are there?

The SPEAKER: The gentleman from Old Orchard Beach, Mr. Plante, has addressed a question to the gentleman from Kennebunk, Mr. Emmons, who may answer if he chooses.

Mr. EMMONS: Mr. Speaker, did I understand the gentleman to say the clerks of courts or the assistant clerks?

The SPEAKER: Would the gentleman from Old Orchard Beach, Mr. Plante, restate his question please.

Mr. PLANTE: Mr. Speaker, the question was how many and how are the clerks of the Judicial Courts appointed at the present time.

Mr. EMMONS: Mr. Speaker, the clerks of court are now elected. There is a clerk of court for each county. There are two clerks of the Supreme Judicial Court. I believe those two are appointed, but I am not too sure, but the clerks of court as provided in this bill are now elected at the county office and there is one for each county.

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

Mr. CHILDS: Mr. Speaker, I hope that the gentleman's motion will not prevail. By receding and concurring we are now changing our position on this bill. We were opposed to it the other day. My opposition to it today remains the same as it was some few weeks ago when we discussed the matter. We are putting the chief of the courts right into a political situation. It would be up to him at that time to appoint clerks of courts, and I feel quite sure that we are going to find state committees of both parties pressing upon the chief to make appointments which they believe, in their opinion, to be the best for the state or best for their party. I hope this motion does not prevail because I feel quite sure we are putting poli-

tics right into the middle of the courts.

The SPEAKER: The Chair recognizes the gentleman from Greenville, Mr. Harris.

Mr. HARRIS: Mr. Speaker and Members of the House: I rise in support the statement made by my colleague, the gentleman from Portland, Mr. Childs. I think it is one of those things we are taking away from the vote of the people, and the people are losing more and more of their say in the government every day, so I hope the motion to concur does not prevail.

The SPEAKER: Is the House ready for the question?

The question before the House is the motion of the gentleman from Kennebunk, Mr. Emmons, that the House recede.

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

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

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

Mr. CHILDS: Mr. Speaker, I now move that we adhere.

The SPEAKER: The question before the House is the motion of the gentleman from Portland, Mr. Childs, that on Bill "An Act relating to the Appointment of Clerks of the Judicial Courts by the Chief Justice of the Supreme Judicial Court", House Paper 322, Legislative Document 439, that the House adhere. Is this the pleasure of the House?

The motion prevailed.

Non-Concurrent Matter

Bill "An Act relating to Employment of Minors" (H. P. 546) (L. D. 773) which was indefinitely postponed in the House on May 13.

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

In the House:

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

Mr. TURNER: Mr. Speaker and Members of the House: I move that the House insist and request a Committee of Conference.

The SPEAKER: The question before the House is the motion of the gentleman from Auburn, Mr. Turner, that the House insist and requests a Committee of Conference.

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

Mr. EMMONS: Mr. Speaker and Members of the House: It is unfortunate I think that seventeen came just before eighteen here. As to item eighteen, this is the bill on which we had considerable argument the other day. As I remember it, the vote was very close, and this bill came out from the Committee on Labor with an "Ought to pass" report. What it does is add simply, is simply add to our present laws two or three more exemptions as to people under eighteen years of age. They now cannot be employed in or by a manufacturing or mechanical establishment in any capacity which the Commissioner may determine to be hazardous. Now this does not extend that requirement, that the Commissioner must determine this to be hazardous still operates. The only thing this does, it does add to those other matters which were included before, construction activities, woods operations, tree surgery, transportation companies.

Now as to the employment of minors under sixteen years of age, they are now prohibited from employment. This simply adds those dangerous occupations, which have been proven to be dangerous, and which the records of labor accidents have proven to be dangerous. That would be construction activities, woods operations, tree surgery plus transportation companies. There is an amendment which exempts from this bill the original processing of agricultural products on the farms. Now in connection with the bill, as a result of the discussion the other day, I have a memorandum which says in part this, as to employment of minors and the matter of jobs that are available to them. At the present time any minor eighteen years old may do any work that any adult is allowed to do. Minors of sixteen and seventeen years of age may be employed in any type of business or industry, but may not perform those particular jobs that

the Commissioner determines to be hazardous. Now as to minors who are fifteen years old, they may be employed in stores, restaurants, sporting camps, motels, filling stations, and so forth, and minors under fifteen may work in agricultural employment, in domestic work, in children's camps, in hospitals, and caddyng and paper routes. It seems to me that this is very definitely a safety measure. It adds to the prior exemptions where these activities that are on the record have proven to be dangerous and hazardous, and I feel that we should recede and concur rather than to go along with the motion of the gentleman from Auburn, Mr. Turner.

The SPEAKER: Is the House ready for the question?

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

Mr. TURNER: Mr. Speaker, this was another one of those department bills where they are trying to pinch a little tighter and to help put you out of business a little more, and these fellows get some boys working in the woods and want to take them in Saturdays to pile up wood and one thing or another, I can't see any harm in it, and I know that this bill is no good.

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

Mrs. CHRISTIE: Mr. Speaker and Members of the House: I wonder sometimes if these employments are more hazardous to young people than idleness. A good many times because young people cannot be employed in certain areas, they have nothing to do and so they're roaming the streets and getting into mischief, and I feel myself that this was all right, the action the House took the other day, and I'm opposed to any change.

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

Mrs. HARRIMAN: Mr. Speaker and Members of the House: I think it is time that we left these children who have got ambition enough to do anything, do it. I don't believe that any child after they are fifteen years old or younger gets hurt any more by trying to do something constructive than they do doing something destructive. When I was

twelve years old I was thrown fifty feet by a mule. I was working on a farm, and it didn't kill me, and I don't believe that any of these things that have been brought up in this bill are going to harm our children. I believe they will be much better cutting wood and piling it than they will be running around and getting into mischief.

The SPEAKER: Is the House ready for the question?

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

Mr. HICKEY: Mr. Speaker and Ladies and Gentlemen of the House: This bill was put in by the gentleman from South Portland, Mr. Hanscomb. Unfortunately, he has not been able to attend any of these meetings on account of being sick, and he is now, as I understand it, in a hospital, and I think it is a shame that we here, as Members of this legislature, would go on record without thinking about this amendment that has been produced by the gentleman from Kennebunk, Mr. Emmons, and there is nothing wrong with the bill in any way, shape or manner, and I think it is in courtesy to the disabled member of this legislature that we should pass this legislation as is. When the vote is taken, I move that it be taken by division.

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

Mr. HAUGHN: Mr. Speaker, Members of the House: I appreciate the remarks made by the gentleman from Biddeford, Mr. Hickey, but I had an opportunity to talk with our colleague and friend the gentleman from South Portland, Mr. Hanscomb, and he has no axe to grind or any serious thoughts in this matter, except he put it in as a departmental bill.

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

Mr. ROWE: Mr. Speaker, I have worked with young children, young students for a given number of years, and I have observed for a given number of years what we term, and sometimes glibly so, juvenile delinquency problems, and I know this is my observation, you may take it for what it is worth,

that this bill has nothing to do with the juvenile delinquency question. They are two very simple and different problems. Two weeks ago in New York City a group of about seventy-five experts in the country, and I exclude myself from that expertee group, sat around for six hours discussing and trying to pinpoint available solutions to the problem. I only wish that those who so easily this afternoon say that idleness is the problem, should have been there that afternoon so we could have considered their solution. The problem is not idleness, it is the problem of trying to find worthwhile activities for the children in these age groups. Now, a hazardous occupation cannot by any stretch of the imagination be thinking people be considered as worthwhile constructive activities. Secondly, I would say this, that I have talked with the sponsor of this bill the gentleman from South Portland, Mr. Hanscomb, who politely sponsored this bill for a number of different reasons but not simply because he was asked to sponsor the bill. He had available, and he was going to return to me on the following day, available statistics to be sent here to you members in the House that would show that there is a higher incidence of accidents among these age groups here, and, therefore, that this kind of legislation was worthwhile and worth your consideration.

I want you to hold this in the back of your mind, and when you vote on this bill if you vote to recede and concur or against the motion to recede and concur, that I go along with the House members in concurring with them that juvenile delinquency is a problem, that the solution is to find worthwhile activities, and the question is whether this House is going to go on record today and say that hazardous jobs or occupations are worthwhile industries for youth.

The SPEAKER: The Chair would remind the gentleman from Madawaska, Mr. Rowe, that the question before the House is the motion of the gentleman from Auburn, Mr. Turner, that the House insist.

The Chair recognizes the gentleman from Yarmouth, Mrs. Knapp.

Mrs. KNAPP: Mr. Speaker and Members of the House: With all due respect to the gentleman from Madawaska, Mr. Rowe, he is talking from what somebody has told him or what he has learned. The gentleman from Lovell, Mrs. Harriman, and I speak as mothers, and we know what we are talking about. I think we do at least, we should, and I want to go along with the gentleman from Auburn, Mr. Turner.

The SPEAKER: The Chair recognizes the gentleman from Sangerville, Mr. Ederly.

Mr. EDGERLY: Mr. Speaker, Members of the House: I am in favor of the bill for the young boys to work on the roads. They make very nice help. Sometimes I have a hard time to get a crew if I couldn't get some of the high school boys, and they adapt themselves to the work better than a man my age. Come in with an oldish man and I've got to look out for him all the way through. You can put these young fellows in amongst the equipment and they are lively and they adapt themselves to the work better than older people. Of course, I like if there is an old man my age, I like to hire him, can hire him most always and have a place for them. You take an oldish man, put him out cutting bushes. He is just the man I want. The boys don't know how to handle an axe, but they will do the other work and do it well.

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

Mr. ROWE: Mr. Speaker, in reply to the gentlewoman from Yarmouth, Mrs. Knapp, where she has mothered so many children; I also father one hundred and twenty-five a day, and I have for some years now. On page forty-seven, this is just a question I would like to clear up myself,— did not the motion to recede and concur take precedence over the motion to insist and adhere?

The SPEAKER: It does. Does the Chair understand that you make that motion?

Mr. ROWE: Yes, I so desire.

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

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

Mr. TURNER: Mr. Speaker, I move indefinite postponement of the whole business.

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

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

Mr. EMMONS: Mr. Speaker, as to the matter that the gentleman from Sangerville, Mr. Edgerly, spoke of working on the roads, may I say that in this notation I have, that boys of sixteen years old would be allowed to work on the roads even under this bill as it is now drawn. I would also say that I had a fellow work on the roads when he was sixteen, and I certainly would have been very much opposed to either of my boys working at that age, sixteen and seventeen, in hazardous occupations because you all know that boys take a much greater chance at that age than they do when they're eighteen, and this simply provides that in those two years in between, they cannot work in hazardous occupations. I think this certainly is a safety measure and we should go along with it.

Might I point out also that many of the people that we're not talking about, if they are in interstate commerce are already regulated by the Federal Fair Labor Standards Act, and that applies to the sixteen years of age and the eighteen years in hazardous jobs.

The SPEAKER: Before recognizing any further speakers, the Chair will have to advise the House that where we are dealing with a non-concurrent matter, a motion to indefinitely postpone does not apply. Therefore, the question now before the House is the motion of the gentleman from Madawaska, Mr. Rowe, that the House recede.

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

Mr. TEVANIAN: Mr. Speaker, I move the previous question.

The SPEAKER: The gentleman from Portland, Mr. Tevanian, has moved the previous question. In order for the Chair to entertain that motion, the Chair must have the approval of one-third of the House.

The Chair must advise the gentleman that debate is not in order at this time.

Mr. TURNER: May I ask to adhere? That isn't debating.

The SPEAKER: Will those who are in favor of the Chair entertaining the motion for the previous question please rise and remain standing until the monitors have made and returned the count.

A sufficient number arose.

The SPEAKER: Obviously more than one-third having arisen, the Chair is authorized to entertain the motion for the previous question.

Does the gentleman wish to arise to a point of order?

Mr. TURNER: No, I move that we adhere.

The SPEAKER: The Chair must advise the gentleman from Auburn, Mr. Turner, that a motion to recede and concur takes precedence over a motion to adhere.

The Chair recognizes the gentleman from Lewiston, Mr. Jalbert, but must advise him that debate must apply only to putting the main question.

Mr. JALBERT: I believe you will recall the five or six or seven times when I have spoken in the past and moved the previous question on bills that were not too important. I did it to a point where one day I practically had made up my mind to carry on with a little filibuster. And it is not my intention at any time to step on the toes of any legislators. I for one am one of those who was caught in a jam here in that it concerns finances in time lost here, where we have been here for so long and we have argued so long about naked scythes and lobsters, and I love lobsters, and many other pieces of legislation. And since last Friday morning I have seen legislation discussed that should have been discussed further, I see one piece of legislation is being discussed now that should be discussed. I see members who have had their mikes up to speak for it. Now, I am like any other member of the House or the other branch, I am fully aware of the fact that if one is sometimes obnoxious or if one is sometimes too vociferous he may make enemies and the time to make them or be operating under that theory is earlier in the session,

because sometimes the last feelings of people is the one that prevails. Now in that I have stood here for so many times to warn the members of the House of what would happen, I promise you one thing, with due respect to my friend from Portland, Mr. Tevanian, and it is no slap at him or any other member of the House, if the previous question is moved on legislation that is of importance such as this one, and when four or five or six mikes go up for people to start to talk, the promise I made, and I don't care if I wind up going out of here with the one thing I don't want, that's enemies, if I wind up with nothing but enemies I will stand here on my feet and start a filibuster that will keep us here until Christmas. I definitely feel in speaking to the point germane and on important issues no matter what the hour is, how late in the day it is or what time of the month, we should very definitely listen to the arguments pros and cons.

The SPEAKER: The question before the House now is shall the main question be put now.

Will those who favor the Chair putting the main question now please say aye; those opposed, no.

A viva voce vote being taken the motion prevailed.

The SPEAKER: The main question before the House now is the motion of the gentleman from Madawaska, Mr. Rowe, that the House—

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

Mr. ROWE: Mr. Speaker, may I ask for a division on this please.

The SPEAKER: The question before the House is the motion of the gentleman from Madawaska, Mr. Rowe, that with respect to Bill "An Act relating to Employment of Minors", House Paper 546, Legislative Document 773, the House recede. A division has been ordered.

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

A division of the House was had.

Thirteen having voted in the affirmative and ninety-nine having voted in the negative the motion did not prevail.

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

Mr. TURNER: Mr. Speaker, I now move that we insist upon our former action.

The SPEAKER: The question before the House now is the motion of the gentleman from Auburn, Mr. Turner, that the House insist upon its previous action. Is this the pleasure of the House?

The motion prevailed.

Non-Concurrent Matter

Bill "An Act to Repeal the Westbrook Sewerage District" (H. P. 668) (L. D. 949) which was passed to be engrossed in the House on May 14.

Came from the Senate indefinitely postponed in non-concurrence.

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

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

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

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

Mr. PORELL: Mr. Speaker, I move that we insist on our former action and request a committee of conference.

The SPEAKER: The Chair must advise the gentleman that a motion to recede and concur takes precedence over a motion to insist.

Does the gentleman from Westbrook, Mr. Porell, wish to debate the motion?

Mr. PORELL: I would like a division on that motion.

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

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

Mr. PLANTE: Mr. Speaker, Members of the House: As a member of the Committee which reviewed this particular document, I think it would only be a courtesy to the gentleman from Westbrook, Mr. Porell, if we granted him a Committee of

Conference, so I hope that this House does not go along with the motion to recede and concur.

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

Mr. HAUGHN: Mr. Speaker, I very reluctantly have to once again speak on this particular issue, because as you recall the Committee brought this out 7 to 3 "Ought not to pass," and I will concede the fact that we should not interfere with home rule or with a situation where it concerns a small district, but this seems to extend a little bit farther than that. It seems to be that there has been a vote taken in that town to determine in the minds of the people, a little over 2 to 1 that have not had an opportunity to prevail itself to be put to use, and therefore I cannot see where we would benefit the will of the people back there as they have expressed themselves, and the Committee once again I say, they brought out 7 to 3 "Ought not to pass" on that grounds.

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

Mr. DAVIS: Mr. Speaker and Ladies and Gentlemen of this House: I did not wish to discuss this any further. We went over it thoroughly on May 13th last, but I believe that it has become a political issue. There are certain things that have happened during the last weekend which lead me to believe that it has become a political issue there with the people of Westbrook. However, I do not believe this because in 1955 when our mayor, who is a Democrat, had this bill introduced to this legislature, and now the present mayor, who is now a Republican, who takes no stand on this issue, for that reason I do not believe it's become a political issue for the people of Westbrook. It only concerns the small taxpayer. The taxpayer who pays for the use of his sewer. This, out of five thousand taxpayers in the City of Westbrook, two thousand of those pay for sewers. This puts an extra burden upon the small taxpayer. I wish to relate at this time some of the plans which have come about over the weekend.

I understand that they are to spend \$155,000 on a new sewer

which will not benefit anyone. I understand that above my house on a small street they are to spend \$12,000 for a sewer which benefits seven people. Last Friday night one of the owners called upon me and he told me that the Westbrook sewer was to assess him \$750 for putting the sewer by his house, and in order to enter that sewer he has to give \$500 more which makes \$1,250.00 this gentleman has to pay. He is in no position to pay this money. He owns a modest house, and he is now paying for it through a mortgage plan. I do not believe that we can honestly say that this is a good thing for the people of Westbrook. It's costing them, the small men, thousands and thousands of dollars and he in return is paying for something that will never come about.

We have \$8,000 bonds or notes which this district can borrow at 5 per cent interest, that's \$40,000, and at the rate they're going and the plans that have been laid, it will be no time before this amount has been spent, and that they will be down here asking this legislature for more money. As we only take in \$33,000 each year, I wonder how we're ever going to pay for this enormous amount. I could go on and discuss this thing forever. However, I believe that I have said quite a bit about it, and I wish to decline at this moment. Thank you.

The SPEAKER: Is the House ready for the question?

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

Mr. PORELL: Mr. Speaker, the gentleman from Freeport, Mr. Crockett, mentioned a few minutes ago that he had a lump in his throat because he wasn't able to show the gymnasium or the, shall I say the museum to his children from Freeport. If I go back to Westbrook without giving the people of Westbrook an opportunity to vote on this measure in a referendum, I will have a big lump in my throat too, and probably somebody will have one on their head, but I was elected by the people of Westbrook to represent them here and they have spoken. I have over a thousand signatures here that were signed by people that would like a referendum. That's all they're asking. This same privilege was given to the City of

Saco and I see no reason why we, in Westbrook, are going to be discriminated against just because a few people here that have been talking to a certain party, that I know is down here lobbying this thing, against, they are for the sewer district because they stand a wonderful chance to save \$20,000 a year, but the rest of us are going to have to pay what they were supposed to pay as their portion of the cost of this sewer district, so I feel that we should certainly have a Committee of Conference, and I hope that the motion of the gentleman from South Portland, Mr. Fuller, does not prevail.

The SPEAKER: Is the House ready for the question?

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

Mr. FULLER: Mr. Speaker, I would like to bring out a few pertinent facts in regards to this bill. In 1950 Westbrook spent \$20,000 for a sewer survey which revealed a serious sewer situation. Two years ago this same gentleman from Westbrook sponsored the bill for the sewer district which was passed, and in December, 1955 the voters of Westbrook accepted the District by a good 2 to 1 margin. The district has just completed its first year of operation and is ready to roll. The same gentleman now wishes us to throw out the District claiming that the city could do the job cheaper. My friend from Westbrook has just pushed a bill for a Parking Authority through this legislature. How can he justify such inconsistency? This is not a political measure. Prominent Democrats as well as leading Republicans in Westbrook feel the District deserves a fair trial, and that to repeal it now would be a great backward step. Two years hence will be early enough to weigh the District, its cost and its accomplishments. As Chairman of the Greater Portland Area Planning Commission, I realize the importance of the continuance of the Westbrook Sewer District for community progress, and I hope my motion prevails.

The SPEAKER: Is the House ready for the question?

The question before the House is the motion of the gentleman from

South Portland, Mr. Fuller, that the House recede and concur on Bill "An Act to Repeal the Westbrook Sewerage District", House Paper 668, Legislative Document 949. A division has been requested.

Will those who favor receding and concurring on this measure please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Forty-five having voted in the affirmative and sixty-five having voted in the negative the motion did not prevail.

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

Mr. PORELL: Mr. Speaker, I now move that we insist on our former action.

The SPEAKER: The question now before the House is the motion of the gentleman from Westbrook, Mr. Porell, that the House insist on its former action and request a Committee of Conference. Is this the pleasure of the House?

The motion prevailed.

Non-Concurrent Matter

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 finally passed in the House on May 16, and passed to be engrossed as amended by Committee Amendment "B" as amended by House Amendment "A" thereto, and Senate Amendment "A" on May 14.

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

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen: Although I had to vote against her earlier I have something in common with the gentlewoman from Kittery, Mrs. Burnham. I also have been intimately associated with a lawyer for forty years, my father is a member of that honorable profession. I have always appreciated the friendship that I have had with lawyers, I ad-

mire their ability and respect their vocation, but sometimes I find them just a little bit difficult.

The first of last week one of the barristers in the Secretary of State's Department found a technicality in this bill in reference to the referendum section, so we had to take it back and have it engrossed over again. Last Friday after we had finally enacted it we ran into another legal snag in no less a place than the Attorney General's office. The question is in the event of the death of the Governor. If that death occurs more than ninety days before the next regular election it is all right, because a special election is held, a new governor is elected and the President of the Senate just fills out the first two years. But if it occurs less than ninety days before the election the President of the Senate, as it is written now, fills out the unexpired term.

Now, I raised the question two months ago whether or not this unexpired term would be the entire term of two years, in other words whether there would be two senate presidents in question, and thus making the newly elected senate president tantamount to the office of Governor, and having the Governor of our State elected by a handful of state senators. I was informed at that time that when the President of the Senate became Governor he was Governor in fact and no longer President of the Senate and a new President of the Senate was elected. So I thought we were all right, but after we enacted it several other competent lawyers got together and they have decided that it is wrong, they have made an amendment and the amendment is supposed to clarify this whole situation. Now, since this is just a technical question I hope we don't have to have many more roll call votes on it, but if we do please may I remind you that today it is just in the reengrossment stage and not in enactment, and it will be enacted, I hope tomorrow, so I now move that we recede and concur with the Senate.

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

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

From the Senate: The following Communication:

STATE OF MAINE
SENATE CHAMBER
OFFICE OF THE SECRETARY

May 17, 1957

Honorable Harvey R. Pease
Clerk of the House of Representatives

Ninety-eighth Legislature

Sir:

The Senate today voted to insist on its former action on:

Bill, "An Act to License and Regulate the Operation of Trading Stamp Companies." (H. P. 895) (L. D. 1281) and to join a Committee of Conference. The President appointed the following Conferees on the part of the Senate:

Senators:

LESSARD of Androscoggin
FARLEY of York
CARPENTER of Somerset

Respectfully,

(Signed) WALDO H. CLARK

Assistant Secretary of
the Senate

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

Orders

On motion of Mr. Hatfield of Orlington, it was

ORDERED, that Mr. Nadeau of Biddeford be excused from attendance three days of this week because of business, and that Mr. Williams of Hodgdon be excused from attendance the entire week because of business;

AND BE IT FURTHER ORDERED, that Mr. Call of Cumberland be excused from attendance because of illness in the family.

The SPEAKER: The Chair requests the Sergeant-at-Arms to escort the gentleman from South Portland, Mr. Fuller, to the rostrum for the purpose of presiding as Speaker pro tem.

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

House Reports of Committees Leave to Withdraw

Mr. Warren from the Committee on Retirements and Pensions on Resolve Providing an Increase in State Pension for Lillian M. Dennis of Saco (H. P. 626) (L. D. 888) reported Leave to Withdraw.

Report was read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Draft Printed

Mr. Ross from the Committee on Labor on Bill "An Act relating to Death on Duty of Members of Portland Police Department" (H. P. 752) (L. D. 1066) reported same in a new draft (H. P. 1095) (L. D. 1592) under title of "An Act to Provide Special Disability Compensation for Members of Police Departments" and that it "Ought to pass"

Report was read and accepted, the New Draft read twice and tomorrow assigned.

Passed to Be Engrossed

Bill "An Act relating to Geological Survey Publications" (S. P. 232) (L. D. 633)

Bill "An Act Authorizing Inter-local Cooperation" (S. P. 249) (L. D. 637)

Bill "An Act relating to Investment of Certain State Funds" (S. P. 579) (L. D. 1450)

Bill "An Act relating to the Distribution and Sale of Publications Depicting Crime and Torture" (S. P. 579) (L. D. 1580)

Bill "An Act relating to Closed Season on Deer in Towns of Deer Isle and Stonington" (H. P. 160) (L. D. 207)

Bill "An Act relating to Travel by Inspectors of Table Stock Potatoes" (H. P. 497) (L. D. 709)

Resolve Amending the Resolve in favor of George E. Bagnall of Houlton (S. P. 502) (L. D. 1582)

Resolve Authorizing Forestry Resource Survey (H. P. 588) (L. D. 837)

Resolve Authorizing Legislative Research Committee Study of the Problems of the Uninsured Motorist (H. P. 1093) (L. D. 1589)

Resolve relating to Research and Experimental Work in Relation to the Eradication of Aquatic Weeds (H. P. 1094) (L. D. 1590)

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

Amended Bills

Third Reader

Tabled and Assigned

Bill "An Act Creating a State Administered Probation and Parole Law" (S. P. 552) (L. D. 1542)

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

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

Mr. TEVANIAN: Mr. Speaker, I have in my possession two amendments to that item eleven that I would like to have an opportunity to look over a little further, they are both very long and involved, a total of five or six pages. I would now move that this item lie upon the table until tomorrow to give me an opportunity to present these amendments.

The SPEAKER pro tem: The gentleman from Portland, Mr. Tevanian, has moved that this Bill be tabled and specially assigned for tomorrow pending passage to be engrossed. Is this the pleasure of the House?

The motion prevailed and the Bill was so tabled.

Bill "An Act Revising the General Laws Relating to Municipalities" (H. P. 320) (L. D. 437)

Bill "An Act relating to Acknowledgment and Validation of Certain Instruments" (H. P. 369) (L. D. 499)

Resolve Appropriating Money for Forest Rehabilitation (H. P. 337) (L. D. 469)

Resolve Authorizing Funds for Medical and Dental Education for New England Board of Higher Education (H. P. 581) (L. D. 830)

Resolve Authorizing Research of Cystic Fibrosis, a Disease of Children (H. P. 803) (L. D. 1134)

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

Passed to Be Enacted

An Act relating to Appointment of Institutional Heads in Department of Institutional Services (S. P. 186) (L. D. 465)

Was 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**Passed Over Temporarily**

An Act Authorizing the Annexation of Harbor Island to the Town of Brooksville (S. P. 241) (L. D. 642)

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

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

Mr. FARMER: Mr. Speaker and Members of the House: I originally voted for this, but after thinking it over I don't know as I can see the necessity of letting this legislation go through at this time. The main argument, as I understand it, for this, was that in the case of Mr. Kurt, through title to this he could then pay taxes. Well, it has been my experience as an assessor that if Mr. Kurt has title now he has the deed for it, and by passing this the assessors in Brooksville would probably accept his taxes. Now, I don't know just what that would do in his case of trying to prove his title but I think it would have some bearing, and at this time I would move indefinite postponement of item three.

The SPEAKER pro tem: Would the gentleman defer just a moment until the other items have been disposed of? Thank you.

An Act relating to Time Limitations for Filing Petitions under Workmen's Compensation Act. (S. P. 259) (L. D. 697)

An Act relating to Speed Regulations for Motor Vehicles (S. P. 573) (L. D. 1576)

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

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

An Act relating to Publication of Specimen Ballots, State Financial

Reports, Constitutional Amendments and Referendums in Foreign Language Newspapers (H. P. 1015) (L. D. 1445)

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

Resolve in Favor of Harmon Rogers of Topsham (H. P. 594) (L. D. 843)

Resolve Opening Swan Lake, Waldo County, to Ice Fishing (H. P. 932) (L. D. 1406)

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

Passed to Be Enacted

An Act Authorizing the Annexation of Harbor Island to the Town of Brooksville (S. P. 241) (L. D. 642) item three, which was passed over temporarily.

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

Mr. SHEPARD: Mr. Speaker, I still see that Harbor Island has some enemies. We discussed this pretty thoroughly the other night and the point that has now been raised I feel sure that the Board of Assessors in the Town of Brooksville will determine ownership by the State or Mr. Kurt before they do assess. The status of the island now is similar to that of a man without a country. It is alleged to be owned by the State but it still hasn't been declared whether it is situated in the Town of Castine or Brooksville. This Act will establish it or determine the fact that Harbor Island does lay in the Town of Brooksville. I certainly hope that the motion of the gentleman from Wiscasset, Mr. Farmer, does not prevail.

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

Mr. FARMER: Mr. Speaker, I apologize to the House for taking so much time on this item, but if I were an assessor of the Town of Brooksville and this was passed I would then receive taxes from Mr. Kurt. That would be my interpretation of what would happen. The as-

sessors are looking out for the interests of the Town and to collect the money that they can, and I believe that is what they would do. He does have a deed to that which is recorded and they are not lawyers to determine whether it was a good title or not. I believe they would accept it at its face value and accept the taxes from him. I would like to ask a question of some member of the bar here if that might not have some bearing on the ownership if he took that to court, and if he didn't take it to court, if he did not sue the State under this authorization we have given him, couldn't he possibly not just leave it the way is now and pay taxes for a number of years and perhaps derive ownership of it that way in possibly twenty years?

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

Mr. BROWNE: Mr. Speaker, in answer to the gentleman from Wiscasset, Mr. Farmer, in answer to his question I would say that regardless of what attitude the town took with reference to assessing taxes, they could not jeopardize the rights of the state, they would not decide issues relating to title. If it belongs to the state, regardless of who they assess it to, they couldn't by that manner deprive the state from its claim on the property.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from Wiscasset, Mr. Farmer, that the Bill be indefinitely postponed. Is the House ready for the question?

The Chair recognizes the gentleman from Montville, Mr. Mathieson.

Mr. MATHIESON: Mr. Speaker, I would like to know if this legislature did set it off wouldn't it remove the title of the state if the state did have one?

The SPEAKER pro tem: Does the gentleman ask the question of any particular member? Would the gentleman kindly pose the question again please.

Mr. MATHIESON: The question has come to me as to whether or not if this legislature sets this off into the Town of Brooksville, if the

state wouldn't be giving up its title if it has one?

The SPEAKER pro tem: The gentleman from Montville, Mr. Mathieson, asks a question through the Chair and the gentleman from Bangor, Mr. Browne, may answer if he so chooses.

Mr. BROWNE: Mr. Speaker and Ladies and Gentlemen: I thought we had discussed this pretty thoroughly the other day, this would merely declare that it was within the physical confines of the particular town, it would not affect title at all.

The SPEAKER pro tem: Is the House ready for the question? All those in favor of indefinite postponement of Act Authorizing the Annexation of Harbor Island to the Town of Brooksville, Senate Paper 241, Legislative Document 642, will say aye; those opposed, no.

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

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

Orders of the Day

The SPEAKER pro tem: Under Orders of the Day the Chair lays before the House the first item of unfinished business, House Report "Ought not to pass" of the Committee on Judiciary on Bill "An Act relating to Evidence of Intoxication and Chemical Tests for Alcoholic Content of Blood of Motor Vehicle Drivers," House Paper 507, Legislative Document 717, on which the House was engaged at time of adjournment May 16. Pending Question—Motion to reconsider acceptance of Report.

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

Mr. HANSON: Mr. Speaker, Ladies and Gentlemen of the House: I asked for this privilege to reconsider because, as I stated before, when the bill came out in the first place why it had an amendment on it when it came out of Committee that it should pass with this amendment, and then they found that it was the wrong amendment and they went right back to Committee, and I understood that it's going to be amended again, so therefore I wasn't watching the bill quite as closely as I should have been.

The reason that I would like to have this reconsidered is because I feel that it is one of the most important highway safety measures that has come before this session of legislature and it is backed by the Maine Law Enforcement Association consisting of your municipal officers, your county officers as well as members of the State Police. I would like the privilege to speak on this if the legislature would move to reconsider, and if not, why I would still like the privilege to speak.

The SPEAKER pro tem: The question is the motion of the gentleman from Gardiner, Mr. Hanson, that we reconsider our action whereby the "Ought not to pass" report of the Committee was accepted. Is this the pleasure of the House?

Cries of no.

The Chair recognizes the same gentleman.

Mr. HANSON: Mr. Speaker, Ladies and Gentlemen of the House: Explaining in the first place this bill was presented for the Maine Law Enforcement Officers, Enforcement Association. I find that as time has gone on that it appeared as though the Maine Civic League was planning to sponsor such a bill which I knew nothing about at the time that I presented the bill for the Association. There seems to be a bit of misunderstanding between the Maine Civic Association and the Maine Civic League and the Governor's Highway, Chairman of the Governor's Highway Safety Committee. I will say that I'm in the middle, I knew nothing about those, and this bill was presented by members who belong to the Governor's Highway Safety Committee as well, but at the hearing, it was late in the afternoon and they had had four relating to the Governor's Highway Safety Committee, so, therefore, this one was confused. It was late in the afternoon in a hot smoke filled hearing room, and I greatly appreciate the courtesy that the Committee extended to me. I have a great deal of respect for all the attorneys who are on that Committee, but I believe that we should also have consideration for our motorist who is on the highway. There are many of us who have wives or children who are on the

highways a great deal of the time when we are not. There are a great many people who are injured innocently and it's because of intoxicated drivers. This was prepared to minimize intoxicated or drunken drivers on the highways, to save the lives of the innocent and especially those who are maimed. It would be of great assistance to our courts in determining absolute proof instead of the old line of can you walk this straight line? are you bleary-eyed, can speak straight, and so forth.

I may seem a little hard-hearted in some of my remarks, but especially the younger driver who is on the highway today has a great deal of responsibility. He hasn't only his own life at stake when he's at the wheel, but he has those that's with him. Now, in cancer and heart trouble, and so forth, they're a great many of the older ones which die off, but a great many dollars are spent in research, and so forth, in trying to reduce that number. Now, the non-fatal or personal injuries accidents take a terrific toll in causing complete or partial disability, long periods of lost production time, hospital and doctors' bills, to say nothing of the pain and suffering and anguish that is suffered in the families. Most accidents are preventable and I think that we will all concede to that, but a large portion of the highway accidents involve persons who have been drinking, and I would like to explain to you what the chemical test involves because it is a protection to the public who faces a drunken driver, is also a protection for the social drinker as well.

Now, effective, casual identification cannot be accomplished by the traditional methods, in all cases, it brings in a positive proof as to the chemical content that is in the blood at the time. If the driver is a bit intoxicated, we won't say what percent of alcohol he might have in his blood, his judgment is a great deal, is greatly impaired, his vision is impaired, and we know that is hazardous today with the speed, the highways that we have, to say nothing about the increase in traffic that a great deal amounts to the judgment that we have. Now, the chemical test evidence supports the opinion of the witnesses. With the chem-

ical tests, results presented in court, the opinion of the officer is plainly supported by the evidence which is not of opinion, but is factual. Thus it is more than likely to satisfy the question that is in the mind of the juror or those who are hearing the case, small amounts of alcohol, a cocktail, a bottle of beer taken by the average person in an hour, gives them an alcoholic level in the blood which does not appear to impair driving ability in most persons, and if however four to eight cocktails, or bottles of beer, are consumed in an hour's time, the alcoholic content will lie in the range of .1 to .15, which is at the dangerous stage.

In 1955 police officers in the State of Maine arrested and convicted 1,909 persons for driving under the influence of intoxicating liquor. In 1956, 2,030 persons were convicted of this charge. It is impossible at this time to present the total number of chemical tests given these drivers since it would involve obtaining records from every police agency in the state. However, the State Police records show that in 1955, 1,141 persons were arrested for drunken driving by State Police officers throughout the state and that out of this number 407 were given chemical tests for intoxication, and by policy state troopers are required to ask the person arrested for drunken driving if he or she would be willing to take the chemical test for intoxication. Police records also show that in 1956, 1,275 drivers were arrested for this same charge, 449 of these accepted the chemical test or only 34 per cent again submitted to this type of testing. It is interesting to note from these records that the drivers who submitted to the chemical tests were convicted in court of drunken driving at the rate of 95.4 per cent. Only twenty-two cases were lost in the court throughout the state in cases where the chemical tests had been given. In cases where no chemical tests were administered however, the average rate of conviction was 93.7 per cent, so at least there is very little difference in the percentage of convictions.

I do not want to take up too much of your time because it is late in the session. This bill has been in

Committee a great deal, a great length of time I should say. I would also say that many of the attorneys will claim that this bill is unconstitutional. I'm not an attorney. I don't know the exact particulars, but I've been told that it could be considered as unconstitutional, declaring the fifth amendment or something like that, at the hearing and so forth, but regardless of that I think that the State of New York has adopted practically the same bill as written. It has worked very well, and there are, I believe, two other states which are considering very seriously of adopting the same, or trying to adopt the same at their sessions of legislature. I don't think this is a case of where it will make any particular difference in attorney's fees as to the amount of money or salary they probably could get, but there is a possibility that it wouldn't leave them quite the loophole in some cases of defending the case. I will say that this bill was backed by the Maine Law Enforcement Association. I have had many calls and many letters from various church organizations, the Maine Civic League, the Maine State Grange and, in my opinion, it is a step along the right track. I don't think that any bill is perfect as written, I think that as times go on, we should change, but our rate of traffic is increasing at the rate of even where they're advertising garden furniture, lawn furniture, barbecue, and so forth, to keep the people off from the highways for they claim that in a short period of time in the more congested areas, they will be riding bumper to bumper and, therefore, it will be much safer to be off the highways anyway. We do know that traffic will increase in the State of Maine, if it runs true to trend, by a large percentage. We do know that we have a great problem in the drinking driver. I sincerely believe that this is a bill which will protect the social drinker as well. I received a card from one individual, and I thank God this isn't Russia, but this is the way that card read: "Dear Sir: I'm in favor of all sound and firm bills that will help reduce drunken driving on our main highways. If Russia can make it a crime punishable by death to be

involved in a fatal accident due to drunkenness, surely we, as the American citizens of Maine, can stand some laws with some of that backbone." At this time if this legislature, if this House would move to reconsider, I would appreciate it very much because I feel it's a step in the right direction.

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

Mrs. CHRISTIE: Mr. Speaker and Members of the House: It doesn't seem to me that anyone would object to this bill unless he's afraid he might get caught by it himself, because when forty-two per cent of the accidents in 1955 in the State of Maine were due to drinking drivers, it seems to me that we should be concerned enough to do anything in our power to curb this tendency to drink and drive. If people must drink, then surely they should have enough intelligence not to drive, and if they are willing to drink and drive, they surely should be subject to the penalties, and it seems to me that any loyal citizen of Maine would be willing to consent to a test for drinking driving. I'm sure I would. When the lowest accident rate in the United States is, 25 per cent of all the accidents on the highways are due to drinking driving, it seems to me that it's time for us in the State of Maine to go the limit in trying to prevent such accidents on our highways, and I hope this bill will pass.

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

Mr. HANCOCK: Mr. Speaker, I know this motion is being debated right along, but is it debatable? We have not moved to reconsider our action as yet.

The SPEAKER pro tem: The gentleman is correct.

The question before the House is the motion of the gentleman from Gardiner, Mr. Hanson, that the House reconsider its action whereby it accepted the "Ought not to pass" report. The Chair recognizes the gentleman from Portland, Mr. Broderick.

Mr. BRODERICK: Mr. Speaker, I rise for a point of order, first whether or not we have already taken our vote, and secondly wheth-

er or not at this state it requires a two-thirds vote to reconsider? I don't know, and I am directing that question to the Chair.

The SPEAKER pro tem: The Chair would inform the gentleman that as I understand it, the gentleman from Gardiner, Mr. Hanson, did move to reconsider and then the Bill was tabled.

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

Mrs. BURNHAM: Mr. Speaker, shall I speak on the question or the move to reconsider?

The SPEAKER pro tem: You may speak on the question which is the same thing, reconsideration.

Mrs. BURNHAM: I have some evidence that I would like to present to the House that has come up since the hearing. We may joke, a great deal, about the members of the legal profession, but I am sure that in the final analysis we all refer to their opinions, and it is one of these opinions that I wish to read into the record at this time. "The case went all the way to the top following an accident in which a truck crashed into an automobile near Carlsbad, New Mexico causing the death of three persons. A doctor drew a blood sample from the unconscious truck driver at the hospital at the direction of a state trooper. The sample showing the truck driver to be under the influence of alcohol was used in evidence. The driver was convicted of involuntary manslaughter and sentenced to six to ten years in the penitentiary. The case was appealed on the basis that the blood sample was taken without the subject's knowledge or permission. The Supreme Court rejected the appeal. Justice Tom Clark delivering the majority opinion said: Modern community living requires modern scientific methods of crime detection lest the public go unprotected as against the rights of the individual that his person be held inviolable must beset the interests of society in the scientific determination of intoxication, one of the great causes of the modern hazards of the road." from the United States Supreme Court.

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

Mr. HANCOCK: Mr. Speaker, to give the Committee's feeling on this and with regard to the inference of the gentlewoman from Presque Isle, Mrs. Christie, all of the members on the Committee are not drinkers and drivers at the same time.

The bill which is called the implied consent law, you will notice is tied in with one other section of the statutes, and this is to explain how it was passed out before. We intended to amend the first part which has nothing to do with the implied consent and to strike out the implied consent law, but there was a mistake, a clerical mistake and it came out of Committee as if we had passed the bill before. That was not our intent and that is why it was recommitted.

This bill was not passed over by any means by the Committee on Judiciary. It was given a great deal of thought, and I believe, at least I do, and I think other members believe a bill of this nature may be coming in the State of Maine and may be coming throughout the country, but this particular bill in which we did question the constitutionality, I'm glad someone else raised the point, that is not for us to decide necessarily although it had some bearing on our decision in the Committee, but if you read the bill over, it's difficult to determine when certain hearings shall be held before the Secretary of State, some of the wording in the bill as to, for an example, "when a police officer having reasonable grounds to believe such person to have been driving in an intoxicated condition" gives the police officer quite a lot of latitude in such a particular instance as driving under the influence.

We weren't sure as the bill reads if a person refused to take such a test then the Secretary of State could revoke his license after a speedy hearing, whether or not that hearing came before the actual trial in municipal court or whether such trial should be held before such hearing. I think it was the feeling of the Committee that the bill, as a whole, was, at least in our minds, rather poorly drafted. Whether or not it is now a law in New York State, we don't know, but

that doesn't necessarily make it a good law. I would say that I am not particularly opposed to the idea of the matter if our courts would speak on it, if possible beforehand, as to whether or not a license is purely a privilege or a right and whether or not you can make a person take a blood test, thereby, in effect, making him testify against himself. I assure you again that those members of the Judiciary Committee are as intensely interested in highway safety as any other members of this House. This bill was given a great deal of thought, and on the basis of the bill as it now reads, could not buy it, and passed it out 'Ought not to pass.' Therefore, I hope that you will not at this time reconsider the question.

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

Mrs. CHRISTIE: Mr. Speaker, I'm sorry if I passed that inflection upon members of the Judiciary Committee. I know that at least some members of that Committee are total abstainers so I know it couldn't be because they are afraid of being apprehended themselves that they voted against this bill. I just wanted to make that clear.

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

Mr. HAUGHN: Mr. Speaker, I hope my colleague, the gentlewoman from Presque Isle, Mrs. Christie, also refers to other members of the House besides Judiciary because I happen to be one of those abstainers as well. I will agree the principle theory of this bill is fine because a drunken driver is a potential killer on the highway, but I talked to a few medical men, to get away from the legal aspect now, who in their opinion it seems to create some doubt as to what you can convict a man on as far as alcoholic content in his blood by this test. It seems that there is a question arising in the medical minds at least, whereby you can eat an awful lot of candy and still show an alcoholic content in your body or through medication, there are several things. I am wondering whether this was given consideration whether this bill is drafted properly to determine as to how the al-

coholic content in the blood will show whether or not he is drunk or not. It is a question in my mind and if anybody can answer it, I will appreciate it.

The SPEAKER pro tem: The Chair recognizes the gentleman from Gardiner, Mr. Hanson, for the purpose of answering the gentleman's question.

Mr. HANSON: Mr. Speaker, I will endeavor to answer the question in this way. I have talked with medical men as well and they claim that it is one of the ways of determining, either by blood, urine or breath tests of whether there is alcohol in the blood, alcoholic content, or whether it is possibly a drug or whether a driver could possibly be sick, that also brings up the question of where they figure there will be still more safety. If that answers your question, they claim that it does.

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

Mr. HAUGHN: Mr. Speaker, I appreciate the replyability of my colleague, the gentleman from Gardiner, Mr. Hanson, but it still does not answer the question that I asked fully, to the extent in legal minds maybe yes, but medical men, there is still a question of doubt arising. That is what I am more or less interested in, as to medical men, for medical men to find out and determine first and for legal minds to prosecute afterwards. The first one is what I am after, the determination first.

The SPEAKER pro tem: Does the gentleman care to answer the question?

Mr. HANSON: If I may answer that was the answer that I received from the medical man that I was talking with, that's the only answer I can give.

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

Mr. CROCKETT: Mr. Speaker and Ladies and Gentlemen of the House: I suppose a lot of you will be surprised if I arise on this particular question. However, I was probably one of the first members of the Highway Safety Committee, I served on the interim committee to write up some of these bills that

have been proposed for safety. I was not here when this bill was first heard last Friday, if I was I would oppose the "Ought not to pass" Report which I do now, which will be quite a surprise to people.

The SPEAKER pro tem: Is the House ready for the question?

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

Mr. BRODERICK: Mr. Speaker and Members of the House: I would like to point out an additional factor. The courts of this country jealously guard the rights of an accused, in fact they are so closely guarded that the prosecution cannot even comment on the fact that an accused does not testify in his own behalf. This bill here would penalize a man for exercising his constitutional rights against self incrimination, penalizing him in this manner, by forfeiting or having his license suspended by the Secretary of State by refusing to take a blood test which is his constitutional right. The lady from Kittery, Mrs. Burnham, in all due respect to her, mentioned the ruling by the Supreme Court of the United States, I believe, in the case of the New Mexico arrest. That case was handed down, it was my understanding, on the admissibility of the evidence once obtained on the blood test, and not on the original taking of the blood sample from the unconscious man. I doubt very much if the Supreme Court of the United States would condone that taking of that blood sample, and I am heartily opposed to this motion now to reconsider this bill.

The SPEAKER pro tem: Is the House ready for the question? The question before the House is the motion of the gentleman from Gardiner, Mr. Hanson, that the House reconsider its action whereby it accepted the "Ought not to pass" Report of the Committee on Judiciary on Bill "An Act relating to Evidence of Intoxication and Chemical Tests for Alcoholic Content of Blood of Motor Vehicle Drivers", House Paper 507, Legislative Document 717.

The Chair recognizes the gentleman from Augusta, Mr. Cyr.

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

The SPEAKER pro tem: The gentleman from Augusta, Mr. Cyr, has requested a division.

Those in favor of reconsideration will rise and stand in their places until the monitors have made and returned the count.

A division of the House was had.

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

At this point, Speaker Edgar returned to the rostrum.

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

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

The SPEAKER: Under Orders of the Day the Chair now lays before the House item number two under unfinished business, House Report "Ought not to pass" of the Committee on Judiciary on Bill "An Act relating to Municipal Court and Trial Justice Court Costs and Fines", House Paper 1000, Legislative Document 1428, tabled on May 16 by the gentleman from Bath, Mr. Ross, pending acceptance of the "Ought not to pass" Report, and the Chair recognizes that gentleman.

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen: It seems that now I am in the midst of them again. This is a lawyers' bill strictly, although I sponsored it. It is a bill to do away with all costs of court and includes them in the fines. I have already plead nolo before the Judiciary Committee so I will not offer that plea again today, but this was the idea of and it was drawn up by the Society of Municipal Judges and Court Recorders. They worked on the idea for three consecutive years. Costs of court, the collection of them, the accounting for them and the distribution of them is a most complicated and outmoded thing. Now, several members of the Judiciary Committee have admitted that the bill has a

great deal of merit but they claim that it is just a bit too complicated. In opposition at the public hearing there were only two persons who claimed it would be a loss to their cities but the idea was sound. It was not the intent of the sponsors to make any municipality lose money, and we were willing to offer an amendment which we did in committee, but the amendment was also drawn up by a lawyer and Judiciary claimed that that also was too complicated. We have another more simple amendment now filing number 435, and I would like to substitute the bill for the report in order that this amendment could be offered, and after the legal talent in this House has had an opportunity to give it more careful study, if they want to indefinitely postpone it at third reading of enactment I certainly will have no recourse then, but I hope that they will go along up to that point and I move that the bill be substituted for the report.

The SPEAKER: The question before the House is the motion of the gentleman from Bath, Mr. Ross, that with respect to Bill "An Act relating to Municipal Court and Trial Justice Court Costs and Fines", House Paper 1000, Legislative Document 1428, the Bill be substituted for the "Ought not to pass" Report.

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

Mr. BROWNE: Mr. Speaker, I am informed that the proponents have done a great deal of work on this since it was reported out of Committee, and we are in accord in going along with the motion of the gentleman from Bath, Mr. Ross, to substitute the Bill for the Report, and in the interim we will have an opportunity to further study the amendment and make our final decision at that time.

The SPEAKER: Is the House ready for the question?

The question before the House is the motion of the gentleman from Bath, Mr. Ross, that the Bill be substituted for the 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 Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker, I now offer House Amendment "A".

The SPEAKER: The gentleman from Bath, Mr. Ross, now offers House Amendment "A" and moves its adoption.

The Clerk will read the amendment.

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

HOUSE AMENDMENT "A" to H. P. 1000, L. D. 1428, Bill, "An Act Relating to Municipal Court and Trial Justice Court Costs and Fines."

Amend said Bill by striking out all of "Sec. 2."

Further amend said Bill in "Sec. 3" by adding after the underlined word "than" in the 10th line the underlined word 'hereinafter'.

Further amend said Bill in "Sec. 4" by striking out the underlined words "and for operating without a license" in the 9th line.

Further amend said Bill in that part designated "Sec. 10" of section 10 under the caption "Fees in criminal cases." by drawing a line through the following words as follows:

"Witnesses in civil and criminal cases:

For each day's attendance 2.00

For each mile's travel going and returning home .06."

Further amend said Bill in that part designated "Sec. 2-A" of section 11 by adding at the end of the 3rd paragraph of subsection IV the following underlined sentences:

The county, except in the case of a municipal ordinance violation, shall pay the municipality \$4 each time one of the latter's law enforcement officers duly signs, as arresting officer, the return of a criminal warrant, issued by a trial justice or municipal court which is located within that county. Such \$4 fee shall be paid within a reasonable time after the county commissioners have met, examined and corrected the monthly report of the court. Such fees shall be paid regardless of the final disposition of the case. Neither the county nor the court shall be required to pay any fee for the services or expense of any municipal law enforcement officer before such

a court in any criminal proceeding as an aid, as a witness or in any other capacity.'

Further amend said Bill in that part designated "Sec. 2-A" of section 11 by adding at the end of the 3rd paragraph of subsection IV the following underlined blocked paragraph:

'The county, except in a case where any part of any fine collected would accrue to the State Highway Commission, shall pay the latter \$4 each time a State Police officer duly signs, as arresting officer, the return of a criminal warrant issued by a trial justice or municipal court which is located within the county. Such \$4 fee shall be paid within a reasonable time after the county commissioners have met, examined and correct the monthly report of the court. Such fee shall be paid regardless of the final disposition of the case. Neither the county nor the court shall be required to pay any fee for the services or expense of any State Police officer, as an aid, a witness or in any other capacity.'

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

The SPEAKER: Under Orders of the Day the Chair now lays before the House item number three under unfinished business, Bill "An Act Prohibiting Dogs Running at Large", House Paper 601, Legislative Document 848, tabled on May 16 by the gentleman from Orono, Mr. Needham, pending third reading.

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

Mr. SHAW: Mr. Speaker, I now offer House Amendment "A" which has been reproduced under filing 408, and move its adoption.

The SPEAKER: The gentleman from Bingham, Mr. Shaw, now offers House Amendment "A" and moves its adoption.

The Clerk will read the amendment.

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

HOUSE AMENDMENT "A" to H. P. 601, L. D. 848, Bill, "An Act Prohibiting Dogs Running at Large."

Amend said Bill by striking out in the 7th, 8th, 9th and 10th lines

of that part designated "Sec. 96-A" the following underlined words: 'Except that hunting dogs, commonly used for hunting purposes, may be used for this purpose, during the period from February 1st to March 31st, when accompanied by the owner or other authorized person.'

Further amend said Bill by striking out in the 11th and 12th lines of that part designated 'Sec. 96-A' the following underlined words: 'which fine and costs shall not be suspended.'

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

The SPEAKER: Under Orders of the Day the Chair now lays before the House the fourth item under unfinished business, Bill "An Act relating to Appointment of Deputy Commissioner of Institutional Services and Member of Parole Board", House Paper 1006, Legislative Document 1432, tabled on May 16 by the gentleman from Lewiston, Mr. Jalbert, pending further consideration. This Bill has been enacted in the House as amended by Committee Amendment filing number 322, was engrossed in the Senate as amended by Senate Amendment "A" in non-concurrence. Is it the pleasure of the House to recede and concur?

The motion prevailed.

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

Mr. BRAGDON: Mr. Speaker, I don't know what part of this afternoon I was asleep but I wonder if at this time we could reconsider our action on the first item under Bills in the Third Reading for the purpose of offering an amendment which I was handed earlier, it merely corrects an error in the Bill.

The SPEAKER: The gentleman from Perham, Mr. Bragdon, moves that the House reconsider its action with respect to Bill "An Act relating to Geological Survey Publications", Senate Paper 232, Legislative Document 633, whereby the House passed this Bill to be engrossed earlier in the day. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. BRAGDON: Mr. Speaker, I now offer House Amendment "A" and move its adoption.

The SPEAKER: The gentleman from Perham, Mr. Bragdon, now 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 S. P. 232, L. D. 633, Bill, "An Act Relating to Geological Survey Publications."

Amend said Bill in that part designated "Sec. 6-D" by striking out the underlined words "Development of Industry and Commerce" in the 2nd line and inserting in place thereof the underlined words "Economic Development"

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

The SPEAKER: Under Orders of the Day the Chair lays before the House the first tabled and today assigned matter, House Report "Ought not to pass" of the Committee on Appropriations and Financial Affairs on Bill "An Act Increasing Salary of Members of the Legislature", House Paper 1023, Legislative Document 1456, tabled on May 17 by the gentleman from Bangor, Mr. Totman, pending the motion of the gentleman from Bucksport, Mr. Pierce, to substitute the Bill for the Report.

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

Mr. PIERCE: Mr. Speaker, a few years ago, I believe it was in 1951, the legislature was fresh out of money in attempting to balance its budget. One of our members at that time did introduce a bill saying that in an attempt to balance the budget all members of the legislature should remit their check back to the Treasurer of State, their salary checks. That bill was referred to the Committee on Correctional Institutions. (Laughter) Somewhere between that point and the point of the bill we are now discussing, which I did introduce and I told

you I introduced it in a hurry taking the figure out of mid-air of two thousand dollars, there is a happy medium for the salary that we legislators and future legislators should receive. That exact figure should not have been determined and it was not determined by the Committee of Appropriations and Financial Affairs. I assure you, ladies and gentlemen, I introduced that only as a vehicle in order that we should determine what is a fair value upon the future legislators.

As I attempted to discuss the other day, Friday I believe, I suggested that if you permitted me to substitute the bill for the report we, in turn, would discuss it with the other body. Frankly, in my opinion, two thousand is too much of a jump. I did prepare an amendment which you have on your desk now, filing number 470, reducing that figure to fifteen hundred dollars for the basic legislator. I do believe that we should submit this bill, substitute the bill for the report. I realize that we cannot refer to any action taken by the other body, but I have been discussing the matter with the other body. I believe that the amended bill, if you will go along with me, will be defeated over there and I am not referring to any past legislation. I do believe that we should then come up with a Committee of Conference between the two branches because in that way, we legislators could then come up with a proper figure. This, I believe, is the proper method. Therefore, in order that I may present this amendment and in order that it may be discussed between the two branches, Mr. Speaker, I move that we substitute the bill for the report.

The SPEAKER: The Chair would advise the gentleman that that is the pending motion.

The question before the House is the motion of the gentleman from Bucksport, Mr. Pierce, that with respect to bill "An Act Increasing Salary of Members of the Legislature" the House substitute the bill for the "Ought not to pass" report.

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

Mrs. CHRISTIE: Mr. Speaker and Members of the House: I guess I'm

the one who has to take out the knife every little while, but the first term in my present chair in the legislature, we were receiving \$850.00 appropriation. That year the legislature voted to make it \$1,000.00 for the next term. The second term I was here, another bill was introduced asking for \$2,000.00 appropriation, but that was cut to \$1,250.00. This term we are asked to make another increase in our appropriation or our salary. To my way of thinking, we are trying to economize as far as we can in government. There are a good many things that are necessary and among them is one to which I referred Friday, the pensions for retired teachers. I am quite concerned about that, that we pass that bill which would help the aged teachers to live a little more comfortably during the last years of their life. I feel that those who come here to this legislature can do so on the appropriation we now receive. It's enough to take care of expenses as far as I can see, and I feel that this bill should not pass.

The SPEAKER: Is the House ready for the question?

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

Mr. COUTURE: Mr. Speaker, Ladies and Gentlemen of the 98th Legislature: I think perhaps that it would be quite apropos if I were to say a few words in regards to the subject matter increasing the legislator's pay. I don't believe that one has to do too much quandering in regard to the merits of an increase. I am of the firm opinion that this record-breaking session and the near record-breaking session of the 97th Legislature more than speaks for itself.

I know there are certain members of this present body who will be in opposition to any increase in pay. One of the arguments they will use and have used in the past is that they feel that it is an honor and privilege to be a member of this great, august body. To this argument I offer no retaliation because I concur sincerely with their thinking. Other opponents who are adverse to raising salaries of future legislative members argue that the people back home would be very much opposed to such action. I doubt this argument to be

valid and I shall substantiate my thoughts pertaining to this subject.

I am convinced that most of our folks back home have only a vague idea respecting our salaries. I say this in all sincerity, because after being a member of the last body that had the audacity to increase the pay for future legislatures, after we adjourned and I went back to work, I made it a point to discuss this very issue with the people who pay the bill. Much to my surprise I found that they were not angry, to the contrary they never realized that we received so little for our services.

The people back home know that after we adjourn we still have a lot of time left and we are called upon by many of these same people to pursue certain matters of vital interest to them. Many of these people have problems and I dare say that there isn't one of us here that hasn't rendered a considerable amount of services to the people back home, after we have finished our duties at the State House. These are some of the things that we as representatives have to do, and do them for the full two years that we are elected for. They are also very sympathetic and realize the high cost of living here in Augusta when we are in session.

The citizens of this state are well aware and appreciate the fact that just and adequate compensation can be of tremendous value in luring able and competent legislators to the State House and keeping them here for several sessions. Being able to lure them back is very important to good government. Mostly everyone realizes that we spend the better part of our first term getting acquainted and learning the parliamentary procedure which is so important for a smooth working body such as this. Our first term we spend building up a reputation and acquiring seasoning that will eventually be of great value as we gain our seniority. People are well aware that seniority is a deciding factor and has a lot of bearing on what their representatives can do. How can we expect good lawmakers to come back when I have heard so many of them say to me, I can't come back here because this session

has been so costly. A lot of us cannot afford to come back.

There are many people in this state with patriotic interests and talent but with limited means. They would enjoy serving this state in such a capacity. But because of financial limitation they cannot. This barrier then is certainly an injustice to this particular group of people. We must do all we can to encourage these people to run. The fact that someone has the means to serve in this legislature does not indicate that he is the most qualified or has more love for the state. All I want to say is that we must pay enough to allow citizens who desire an opportunity to serve, to do so. Then we can say that it is a government by the people, of the people, and for all of the people.

For instance I read where the State of Ohio had doubled the pay of its legislature, going from \$1000 to \$2000. Immediately most members were seeking second terms and many more people became interested. This is not true in Maine and the large turnover from two years ago is proof conclusive. This also has been true in other states. The world of lawmaking, unlike the world of economics, does lend itself with mathematical precision to the old saying that you get what you pay for. We all know that high pay is not always a sure fire guarantee for high quality, but the point is in low pay we have a definite obstacle.

Until two years ago legislators whose salaries are fixed by statutes, as they should be and not anchored by constitutional limits, received one thousand dollars, then the 97th Legislature raised it to the present \$1250, a figure far too low. The remaining weeks we will spend here bears me out. Some states pay as high as \$5000. I do not believe in this high figure even if we could afford to pay it. We should never make a legislator's job a full time business. It should remain just as it is now, a part time job. I feel that something of great value would be lost if the element of sacrifice were eliminated altogether, but we must be very realistic about the amount of sacrifice we make or subject others to. Many people feel that under our present setup the handi-

cap is too severe. Thus we are eliminating many a person who could and would render the great State of Maine their competent services. We owe it to ourselves and our people to pay their legislators a somewhat reasonable token for their services. Common sense does not dictate otherwise.

In closing, I would like to say that in general, democracy gives largely to the community, but very sparingly to those who govern it. As good conscientious legislators we must have the courage of our convictions and grant just compensation for public spirited citizens who are willing to give so much for the sake of serving this great state and its people. I hope that we substitute the bill for the report.

The SPEAKER: Is the House ready for the question?

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

Mr. WALKER: Mr. Speaker, Members of the House: On Friday last, I objected to raising our pay by the method of going through the back door. I rise today to object to raising our pay by going through the front door. We have all received, or at least a number of us have received telegrams from various employees asking us, that is state employees, asking us how we could fail to vote them an increase in automobile mileage. That is only one of the many questions that we will be asked to answer if we reverse the field here today on the following legislative day and raise our own pay. For that reason and many others it would take a long time to discuss here, I move indefinite postponement of this bill.

The SPEAKER: The question now before the House is the motion of the gentleman from Auburn, Mr. Walker, that with respect to bill "An Act Increasing Salary of Members of the Legislature" the "Ought not to pass" report be indefinitely postponed.

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

Mr. TOTMAN: Mr. Speaker, before making the motion to ask for a division, I would simply like to state my feelings that having raised our salaries as the gentlewoman from Presque Isle, Mrs. Christie, has so ably pointed out, for two

sessions in a row, I don't think that I shall be able to vote to raise my salary, or raise a salary of the legislature a third time. Therefore, I'm in favor of indefinite postponement.

The SPEAKER: Is the House ready for the question?

The question before the House is the motion of the gentleman from Auburn, Mr. Walker, that with respect to bill "An Act Increasing Salary of Members of the Legislature" the Committee Report be indefinitely postponed. A division has been requested.

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

Mr. BRAGDON: Mr. Speaker, I am not going to speak at this time either for or against this measure, but I would hope that if it is the feeling that we may be going to reverse ourselves at this time, I do want to say that I think it is unwise at this time. I would rather see it done after action is taken on salaries of state employees. I will not make a motion to table, but I merely point that out.

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

Mr. PIERCE: Mr. Speaker, point of order, I believe the gentleman from Auburn, Mr. Walker, moved that the Committee Report be indefinitely postponed. The Committee Report was "Ought not to pass".

The SPEAKER: That is correct, an indefinite postponement of a Committee Report indefinitely postpones the Bill and all its papers.

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

Mr. CHILDS: Mr. Speaker, may I inquire from any member of the Appropriations Committee, is there a bill in at this time for the purpose of raising the State employees?

The SPEAKER: The gentleman from Portland, Mr. Childs, has addressed a question through the Chair. The gentleman from Perham, Mr. Bragdon, may answer.

Mr. BRAGDON: The answer is yes.

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

Mr. CHILDS: Did the gentleman from Perham, Mr. Bragdon, make

a motion that this lay on the table?

The SPEAKER: The gentleman did not.

Mr. CHILDS: I therefore move this matter lay upon the table pending the acceptance of either report.

The SPEAKER: The question before the House is the motion of the gentleman from Portland, Mr. Childs, that with respect to Bill "An Act Increasing Salary of Members of the Legislature", House Paper 1023, Legislative Document 1456, the Committee Report be tabled unassigned pending the motion of the gentleman from Auburn, Mr. Walker, that the Report be indefinitely postponed.

Will those who favor the tabling motion please say aye; those opposed, no.

A viva voce vote being taken the motion prevailed and the Report was so tabled.

The SPEAKER: At this time the Chair would lay before the House the matter tabled earlier today and assigned for later in today's session. The Chair refers to the Constitutional amendment, Resolve Proposing an Amendment to the Constitution Providing for Limited Even-Year Budget Sessions of the Legislature, Senate Paper 427, Legislative Document 1210, tabled earlier in the day by the gentleman from Brooks, Mr. Elwell, pending the motion of the gentleman from Portland, Mr. Tevanian, to accept the Minority "Ought to pass" Report. This Resolve came from the Senate with the reports and the Resolve indefinitely postponed.

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

Mr. JALBERT: Mr. Speaker, if my motion is in order, and in view of the fact that there are many members here who are interested in this measure pro and con, it is a major piece of legislation, I would move that it be tabled until tomorrow.

The SPEAKER: The question now before the House is the motion of the gentleman from Lewiston, Mr. Jalbert, that Resolve Proposing an Amendment to the Constitution Providing for Limited Even-Year Budget Sessions of the Legislature, that with respect to that Resolve both

reports be tabled and specially assigned for tomorrow pending the motion of the gentleman from Portland, Mr. Tevanian, that the House accept the Minority "Ought to pass" Report.

Will those who favor the tabling motion please say aye; those opposed, no.

A viva voce vote being taken the motion prevailed and both reports were so tabled.

On motion of the gentleman from Bridgton, Mr. Haughn, the House voted to take from the table the fifteenth tabled and unassigned matter, Bill "An Act relating to Initial Motor Vehicle Number Plates", House Paper 957, Legislative Document 1358, tabled on April 23 by that gentleman pending the motion of the gentleman from Lewiston, Mr. Jacques, to indefinitely postpone.

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

Mr. JACQUES: Mr. Speaker, I believe that when a change is to be made relative to any further categories of plates that with our present six-year plate setup, we must consider the time element to save extra expense in the administration costs plus the cost of labor and dies to make these special plates.

The Motor Vehicle Department must set up an entire new section to handle all of the various initials that will be requested which will all have to be checked before they are sent to the prison to be made up so that there will be no duplications, and if there are duplications, a person will have to be written to and advised of the same and write back to the Motor Vehicle Department for a new initial. As there are six branch offices, the delay and time involved will certainly be a hardship to the customer and the Motor Vehicle Department due to delays along the line.

This particular bill sets November first as the deadline for the first year, but each and every year thereafter, no deadline has been set.

Chief Marx of the State Police, when testifying before the Committee, stressed that he could not see how an automobile directory as used

today could be compiled and that the State Police or Motor Vehicle Department would have to have a twenty-four hour, around the clock bureau open to check numbers. All other law enforcement agencies will suffer by paying large telephone bills to check the numbers of violators.

If this bill passes and a large number apply for initial plates, the State will be put to a big expense to recall the regular plates now in the possession of the applicant. I believe that all initial bills should be deferred until the new plates are issued.

Therefore, I hope that the indefinite postponement of this bill does go through.

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 rise to speak on this bill because I happened to introduce it. I would like to explain very briefly what it's all about. This bill allows any person who is willing to pay \$5 a year to have their initials or their initials and a number on their license plates. The reason for putting this bill in was an attempt to satisfy groups who have been before the Transportation Committee for the fourth session in a row, particularly groups such as ham radio operators, and this year we had Civilian Defense, we had sheriffs and we had promised us that in the near future, doctors would come in the same as they do in New York. The State of Connecticut has had initial plates for many years, but recently discontinued the practice of offering initials on the basis of a safe driving record because that was too complicated. That feature is not in this bill in front of you.

The State of New Hampshire at this year's session passed a bill authorizing the Secretary of State to issue initials or numbers, or initials and numbers in combinations for an annual fee.

We had in front of our Committee the so-called Ham Radio Bill permitting the hams to have their call letters on their plates. I have always been in favor of this bill, and I still am. I don't know any more deserv-

ing group, and I think when that bill comes before us, which is a companion bill to this one, that you will understand why. Now, it seems to me that if the trend is towards allowing more simple designation of plates, particularly since it's voluntary, if a person is willing to pay \$5 a year for this privilege, I do not feel that they can accuse us of trying to put a tax on the privilege. The reason that I put the bill in was that for years, the last three sessions, the Department of State has opposed the ham bill on the basis that if you give it to them, other groups will come in. Therefore, I put a bill in doing exactly what they have argued letting all groups have initials if they wish to pay \$5 a year.

You have just heard from the gentleman from Lewiston, Mr. Jacques, of the various complications and the reasons why it shouldn't be done. Unfortunately, I do not believe that there is too much serious concern about some of the arguments raised. I do know that the only serious opponent that I have heard to date has been the police chief of the City of Lewiston, and from whence comes his opposition is not too clear since other police chiefs in the state have not registered their objections with the Committee.

This is not a major piece of legislation, but it is an enabling act. It is permissive, and I understand that there are many amongst the two branches of the legislature who prefer to see this go through rather than the bill just for the hams alone. Frankly it is up to you people to decide whether you want this bill or prefer to see only the hams allowed to have their call letters, which I certainly hope you will give serious consideration. I hope you will think twice before you go along with the measure to indefinitely postpone since the Department of State itself has argued session after session that they would rather see the door open to all groups than to just one group.

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

Mr. BEYER: Mr. Speaker, Ladies and Gentlemen of the House: As

the gentleman from Bangor, Mr. Totman, has said this is not a very vital issue to the state or to us this session. We did feel, some of us on the Committee, that you will be confronted with these bills in sessions hereafter as you have been confronted with them before, and although we do admit that there will be some further problems to the Secretary's office in administering such a bill, that is is a revenue measure and it will take care once and for all of all these special interest groups who come in and want special plates, and, to be consistent, some of us on the Committee voted in favor of this bill as opposed to the other bill for just one particular group and I believe that that is the way that perhaps some of us will vote today, but again I think that those items that the gentleman from Lewiston, Mr. Jacques, brought out can be corrected and that this is a good bill as far as both raising money and as far as meeting the problems that will come to every session of this legislature in accordance with the past events that have shown up before the Transportation Committee.

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

Mr. JACQUES: Mr. Speaker, at present, Ladies and Gentlemen, we have a directory which our law enforcement agencies have like the Sheriff's Department in Andros. All you have to do is call the Sheriff's Department and ask them who has so and so plate, and they can give you that number within a minute, and if this bill goes through, this would put a hardship on these law enforcement agencies because they wouldn't be able to have this directory. They would have to have a man at the State House here and call the State House any time that they want a number. They could not have a directory in their own office. The City of Lewiston is the same thing. The City of Augusta is the same thing. Even in garages they have those directories to show who owns certain numbers and what kind of cars that they have. Now this bill is not,—was put in here to identify the person who is driving the car.

Well, this plate wasn't meant for that. It was meant for a number of plates to show that this certain person owns the car. Well now, ladies and gentleman, I hope that this enough on this bill and I hope that you all vote against it.

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

Mr. ALLEN: Mr. Speaker, as a signer of the "Ought to pass" report, I think I should explain my position on this bill. I signed the "Ought to pass" report on this bill and also one for the ham radio operators. Of the two bills, I prefer to see this one pass because it opens the door for anybody who desires initial number plates and it also lets the ham radio operators have what they have been asking for several sessions.

In rebuttal to remarks of the gentleman from Lewiston, Mr. Jacques, this service that is performed in the form of listing the numbers of license plates numerically in a book for police and garages is a very good service. This bill was drafted with that in mind. We had the opposition before the Committee and it was decided that if we set a date of November first for time for applying that anybody with initials would have to have their initials assigned to them before the first of the year, and, therefore, those could be listed alphabetically and there would be no further additions to it throughout the year, and as far as I can see, it would create no problem whatever as far as listing numbers go. I think it is a good bill and I hope you will vote against the motion to indefinitely postpone it.

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

Mrs. SMITH: Mr. Speaker, may I ask a question through the Chair to any member of the Committee? Is the \$5.00 going to cover the cost of making these plates? That isn't clear, I don't think.

The SPEAKER: The gentlewoman from Falmouth, Mrs. Smith, addresses a question through the Chair and the gentleman from Bangor, Mr. Totman, may answer.

Mr. TOTMAN: Mr. Speaker, I will attempt to answer the question by saying that the Committee investigated the cost of plates last session. The cost of metal plates per pair made by the State Prison is roughly 26 cents per pair, but the cost of our present metal plates with the reflective scotchlite on them is approximately \$1.26. It is understood that with six-year plates, if you pay \$5.00 a year, that's a \$30.00 income and I suspect that \$30.00 against \$1.26 cost of material will cover quite a bit of administrative costs.

The SPEAKER: Is the House ready for the question?

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

Mr. HAUGHN: Mr. Speaker, Members of the House: I did not intend to speak on this particular bill, but I'm really forced to now because I'm certainly concerned with the ham operators' bill which is still pending, and as I understand, it seems to be the intent and the opinion that if this bill is turned down, the ham operators' bill should almost automatically go likewise, so to defend my position of thinking on the ham operators' bill, so there will be no discrimination of special legislation, I am forced now to take the side of my good friend, the gentleman from Bangor, Mr. Totman, against what I previously said before that I wouldn't, but I find it necessary now because if we are going to single out single ones which seems to be the opponents, theory, then we must have the same for all. When we face the real issue or what the meaning of it is, doctors, nurses, anybody in professional services, coming back to ham operators, the services rendered to this state free without any cost to the taxpayers or citizens of this state, I think all of them deserve some consideration, and I certainly hope the motion for 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. Jacques, that Bill "An Act relating to Initial Motor Vehicle Number Plates," House Paper Plates," House Paper 957, Legisla-

tive Document 1358, and all its accompanying papers be indefinitely postponed.

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

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

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

The SPEAKER: A division has been requested.

Will all 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. Thirty-two having voted in the affirmative and seventy-four having voted in the negative the motion did not prevail.

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

Mr. TOTMAN: Mr. Speaker, may I ask through the Chair if the Clerk is in possession of an amendment to this Bill? There was one prepared, if the bill passed.

The SPEAKER: The Chair would advise the gentleman from Bangor that Committee Amendment "A" has already been adopted if that is the one he refers to, filing 233.

Mr. TOTMAN: Mr. Speaker, I would advise the Chair that there is a second amendment that hasn't been adopted to clarify the first one. I request a few moments to locate that.

The SPEAKER: The gentleman may.

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

Mr. TOTMAN: Mr. Speaker, I now offer House Amendment "A" to Committee Amendment "A", filing 416.

The SPEAKER: The gentleman from Bangor, Mr. Totman, offers House Amendment "A" to Committee Amendment "A" and moves its adoption.

Before the House may act on House Amendment "A" to Committee Amendment "A" it will be necessary for the House to reconsider its action on Committee Amendment "A" whereby it adopted that amendment. Does the Chair understand the gentleman to so move?

Mr. TOTMAN: I so move, Mr. Speaker.

The SPEAKER: The gentleman from Bangor, Mr. Totman, moves that the House reconsider its action whereby it adopted Committee Amendment "A" on April 19. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Clerk will read House Amendment "A" to Committee Amendment "A".

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

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H. P. 957, L. D. 1358, Bill, "An Act Relating to Initial Motor Vehicle Number Plates."

Amend said Amendment by striking out the date "January 1, 1958" at the end thereof and inserting in place thereof the words and figures 'with the registration year 1958'

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

Mr. TOTMAN: Mr. Speaker, I would like to explain that this amendment simply gives the Secretary of State a little more leeway by saying "the registration year 1958" rather than "January 1, 1958", and if I may I would like to clarify that House Amendment "A" does away with the objection that the gentleman from Lewiston, Mr. Jacques, previously stated, it does require that all applications must be received by November 1.

The SPEAKER: The gentleman is referring to Committee Amendment "A".

Mr. TOTMAN: To House Amendment "A", right.

The SPEAKER: Committee Amendment "A" which is amended by House Amendment "A".

Mr. TOTMAN: I was trying to explain, Mr. Speaker, the full context of the amended amendment.

The SPEAKER: The gentleman may proceed.

Mr. TOTMAN: The fully amended amendment will remove the objections I just stated of those who claim that this will upset the so-called directory system by requiring all individuals to have their applications on file by November 1 preceding the year they receive their plates, and no subsequent applications may be received after November 1 for the entire year. I would like to stress that because I am sure you members may be requested to change your vote later on the basis that it will harm the directory system, and this amendment was worked out in cooperation with the gentleman who runs the directory system.

The SPEAKER: Is it the pleasure of the House that House Amendment "A" to Committee Amendment "A" shall be adopted?

The motion prevailed.

The SPEAKER: Is it now the pleasure of the House that Committee Amendment "A" as amended by House Amendment "A" shall be adopted?

The motion prevailed.

Thereupon the Bill was passed to be engrossed as amended and sent mittee Amendment "A" as amended to the Senate.

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

Mr. BEYER: Mr. Speaker, in accordance with my promise and agreements if this Bill passes through it will not be necessary to pass item thirty-two on your tabled and unassigned matters, and therefore to see what success the present bill we just passed has at the other end of the corridor I will not, according to my agreement, bring it off at this time but wait for further developments. I just wanted to be sure to get that on the record so that everybody would remember what the plan was.

On motion of Mr. Totman of Bangor,

Adjourned until nine-thirty o'clock tomorrow morning.