

# 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**

Wednesday, May 22, 1957

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

Prayer by the Rev. Mr. J. Stanley Stevens, Pastor of the All Souls Congregational Church of Bangor.

The journal of the previous session was read and approved.

**Report of  
Committee of Conference**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Hours of Selling Liquor" (H. P. 429) (L. D. 605) reporting that the Senate recede from acceptance of the Majority Report "Ought not to pass" of the Committee on Liquor Control and recommit this Bill to the Committee on Liquor Control in concurrence.

(Signed)

AUGUSTA K. CHRISTIE  
CATHERINE I. HENDRICKS  
BENJAMIN S. CROCKETT  
— Committee on part of  
House

MILES F. CARPENTER  
JEAN CHARLES BOUCHER  
RICHARD C. WILLEY  
— Committee on part of  
Senate

Report was read and accepted and sent up for concurrence.

**Papers from the Senate  
Conference Committee Report**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Joint Resolution Memorializing Congress to Enact Legislation Concerning Unjustified Price Increases of Crude Oil and Refined Petroleum Products (S. P. 378) (L. D. 1001) reporting that the House recede and concur with the Senate in the passage of the Joint Resolution.

(Signed)

C. W. PARKER  
WILLIAM R. COLE  
ROY U. SINCLAIR  
— Committee on part of  
Senate

DANA W. CHILDS  
JEROME G. PLANTE  
R. E. ROSS JR.

— Committee on part of  
House

Came from the Senate with the Report read and accepted.

In the House, the Report was read and accepted.

The SPEAKER: The question now before the House is the question of the passage of receiving and passing the Joint Resolution Memorializing Congress to Enact Legislation Concerning Unjustified Price Increases of Crude Oil and Refined Petroleum Products.

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

Mr. BEYER: Mr. Speaker, would it be in order to ask through the Chair of a member of the Conference Committee the reasons for the change now in their opinion?

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

Mr. PLANTE: Mr. Speaker and Members of the House: The reasons why those of us in the House, who had formerly opposed basically all memorials to Congress, conceded in this particular time was because Margaret Chase Smith herself requested that we support this memorial so before a committee that she was to appear she would have some support. She personally requested that we support this memorial. And in view, we thought that we should give her some help if she thought it would be of some assistance.

The SPEAKER: The question before the House is the adoption of the Joint Resolution. Is it the pleasure of the House that this Joint Resolution shall be adopted?

The motion prevailed.

The SPEAKER: At this time the Chair would like to recognize the presence in the gallery of the House of a group of seventh and eighth grade pupils of St. Mary's School of Augusta, accompanied by Sister Gertrude and Sister Macarius. On behalf of the House the Chair extends to you young ladies and gentlemen a most cordial welcome

and we hope you will enjoy your visit here today. (Applause)

### Senate Reports of Committees Ought Not to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Resolve Providing for a Vocational Technical Institute in Eastern Maine (S. P. 463) (L. D. 1344)

Came from the Senate read and accepted.

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

### Ought to Pass in New Draft

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1958 and June 30, 1959" (S. P. 64) (L. D. 119) reporting same in new draft (S. P. 591) (L. D. 1594) under same title and that it "Ought to pass"

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

In the House, the Report was read.

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

Mr. JALBERT: Mr. Speaker, I intended to make a motion to table this after having been asked to, but for the expedition of time I would allow it to be given its first and second readings at this time.

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

### Ought to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought to pass" on Bill "An Act relating to Construction Reserve Fund in Department of Finance and Administration" (S. P. 442) (L. D. 1260)

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

In the House, the Report was read.

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

Mr. TOTMAN: Mr. Speaker and Members of the House: In line with the suggestion of the gentleman

from Lewiston, Mr. Jalbert, I would like to point out that I think we could expedite matters by giving this bill its first two readings and then if we wish to offer amendments offer them on the third reading.

The SPEAKER: The question before the House is the question of accepting the "Ought to pass" Committee Report. Is this the pleasure of the House?

The motion prevailed and the Bill was given its first two readings and tomorrow assigned for third reading.

### Ought to Pass with Committee Amendment

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Increasing Compensation of Clerks of the Law Court" (S. P. 290) (L. D. 789) 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. 290, L. D. 789, Bill, "An Act Increasing Compensation of Clerks of the Law Court."

Amend said Bill by striking out the underlined figure "\$2,500" in the 9th line and inserting in place thereof the underlined figure "\$2,000"

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

### Divided Report

Majority Report of the Committee on Labor, acting by Authority of Joint Order (S. P. 567) reporting a Bill (S. P. 583) (L. D. 1583) under title of "An Act relating to Minimum Wages" and that it "Ought to pass"

Report was signed by the following members:

Messrs. CURTIS of Cumberland  
ST. PIERRE of  
Androscoggin  
—of the Senate.  
Messrs. ROSS of Bath  
EMMONS of Kennebunk

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

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

Report was signed by the following members:

Mr. HILLMAN of Penobscot  
 —of the Senate.  
 Mr. WINCHENPAW of Friendship  
 —of the House.

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

In the House, reports were read.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: Two years ago after the minimum wage discussion in this House, the newspaper report the next morning said "minimum wage dies a quiet death." Now, this may be scheduled for the same fate, but since it affects so many thousands of people, I don't feel it should die without a fight. As I watched the progress two years ago I watched with at great deal of interest. At that time there were two groups in opposition. There were those who favored the theory but didn't like the controls or interference from the Department, and those who felt that it would be an excellent idea for somebody else if their group could only be exempted too, and I knew that the feelings of this legislature were very sincere and also very deep seated. For this reason I tried to keep this out of the Republican platform. Not because I am not in favor of it, because I am, but because I realize the improbability of this enactment and I don't like to see any member lose any face with any segment of the voters.

Under our Constitution it is necessary that we have platform planks. Now this plank was not decided by a small group of people, a platform committee, this plank was put in our platform on the floor of our convention where everybody had an opportunity for their say and their

vote. Now, for this reason, two bills were presented to the legislature, a Democratic bill calling for a dollar minimum wage and a Republican bill calling for a seventy-five cent minimum wage. The Labor Committee felt that it was their duty to present to this legislature the most workable solution. At the hearing much of the opposition was opposed to two things, record keeping and the various wage boards. As we redrafted the bill, we eliminated both the record keeping and the boards and made it just as simple as possible to give the members of this House and Senate an opportunity to decide whether or not they want to make mandatory living wages because this wage is just seventy-five cents an hour.

The exemptions contained herein certainly cover all of the genuine inequities. The excessive interference and supervision by the Department of Labor and Industry has been done away with. I think all of us admit that everyone deserves a living wage. If this could be done without any controls, it would certainly be wonderful, but if all businesses at all times would be completely fair, we would not need any federal controls at all, and as a matter of fact to carry that one step further, you would not need any unions anywhere. But unfortunately even now it is only human nature to try to buy everything as cheaply as possible. That even carries down to buying labor, and the working man and woman, in many segments of our State and the business, still to this day in some instances is being exploited. Those are the only remarks I have to say on this. I move the acceptance of the "Ought to pass" majority report.

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

Mr. WINCHENPAW: Mr. Speaker, I hate to oppose my good friend the gentleman from Bath, Mr. Ross, but it seems so every session we get into a situation like this. Last session, it was canopies on motor cars. This session it is minimum wage. I know the gentleman is very sincere. There are a lot of others of us here who are very sincere in the stand we have taken. A

friend of mine came to me the other day and said "How happen you haven't spoken more on various bills?" Well, it is getting near the end of the session and I felt there was no need to reiterate what other people had said. So this morning I am going to speak, but I am not going to speak very long.

I believe that ever since the pilgrims landed on Plymouth and ever since Ben Franklin trudged the streets of Philadelphia with the two loaves of bread under his arm, and ever since Washington wintered at Valley Forge, and ever since Abner Coburn munched his apples and crackers riding in his sleigh from one logging camp to another, free enterprise has been the foundation of this nation and state. And I think this piece of legislation is aimed at free enterprise, and I would like to read a little item into the record. It came from the newspaper.

"The proponents of this legislation are seeking to have minimum wage legislation apply to all local businesses, and yet, on the Washington scene, Senator Margaret Chase Smith is trying her best to get some of our women workers exempted from the Federal Minimum Wage Law. These women are thrown out of work by that law and at their request she is trying to get them out from under. If this bill passes, she will have wasted her time because this would put the workers right back where they are now, to wit, unemployed because of minimum wage legislation."

Under Washington date line of February 15, 1957, there appeared the following press release which I quote in part as follows: "Senator Margaret Chase Smith of Maine today introduced a bill to amend the Fair Labor Standards Act of 1938, to exempt home workers in rural areas from the minimum wage, and maximum hour provisions of the law, in certain cases."

"Many women in rural Maine who have made extra money crocheting and hand sewing in odd moments at home have been deprived of this source of extra income by the Fair Labor Standards Act, and many appeals have been made to the Senator to help make it legally possible for them to do this sort of work."

Under Washington date line of February 15, 1957, U. S. Secretary of Labor Mitchell had this to say about minimum wage legislation as it would affect small local business, and I quote:

"This administration does not propose to extend this act to the millions of small local businesses," Mitchell said. "To do this would place a burden on them and might seriously curtail employment of many employees."

In view of the fact that such law is not needed nor suited to the State of Maine and would adversely affect small local business and employees alike, I wish to go on record as opposed to this bill. Now, I had intended to make a motion to concur with the Senate. Would that be in order at this time, Mr. Speaker?

The SPEAKER: The Chair would advise the gentleman that such a motion would be in order.

Mr. WINCHENPAW: Mr. Speaker, I move that we concur with the Senate.

The SPEAKER: The question now before the House is the motion of the gentleman from Friendship, Mr. Winchenpaw, that the House concur. The Chair recognizes the gentleman from Madison, Mr. Hendsbee.

Mr. HENDSBEE: Mr. Speaker, Ladies and Gentlemen: Possibly I have no right to stand up here and speak on this bill being a member of organized labor, but I do not and I will not accept the attitude of "the heck with you Jack, I'm all right."

We are asking people to take a minimum wage of 75 cents an hour which is not even enough to buy a pound of coffee. I came here to represent the low paid people of which I have a large group in the towns that I represent. That was my purpose when I came here. It is my purpose while I am here and will be my purpose when I leave, and when I come back in 1959, it will be my purpose again.

I feel that this is very bad legislation. I attended some of the hearings on this minimum wage and I was very much interested to hear a man, a business man get up and speak about how rough things were in his business. He could not afford to pay his help any money. I didn't

want to embarrass that gentleman in my own rough, crude way, but when the hearing was over I met him outside, and I told him how I had almost shed tears of sympathy for him knowing how tough things were, because things had been so bad with him that the previous year he had only been able to spend six months in Europe and take his wife and another lady along as a guest. When things get that bad, why it is rough, and it is made possible by paying the help little or nothing.

I would like to, and will, support the gentleman from Friendship, Mr. Winchenpaw, because I feel that, and knowing, I am one of the very few men in this legislature that works for an hourly pay. One of the very few, and you can realize what a financial licking a man takes that works for an hourly pay to come to the legislature, but I knew that before I came here. And consequently I am going to be here to help the people who get very low pay, very low hourly pay, and I feel that we have got to do something about it sooner or later, because after all, ladies and gentlemen, I believe that you will agree with me that the greatest friend that you have in this world, is the one that carries George Washington's head on it and you carry that in your pocket if you are lucky, and the business men I am sure will realize that a lot of their business comes from the man who makes an hourly pay and if you are not going to give him 75 cents an hour, gentlemen, business looks like it might be rough.

The SPEAKER: The Chair recognizes the gentleman from Lisbon, Mr. Karkos.

Mr. KARKOS: Mr. Speaker, there are about 19,000 of these underpaid workers in the State of Maine. Now I can't see where it will be too much of a hardship to pay 75 cents an hour when the minimum wage, federal wage, is \$1.00 an hour. Now, if this money is paid, this money will be funneled right into business. These people will buy necessities of life as my colleague the gentleman from Madison, Mr. Hendsbee, said you can't even buy a pound of coffee for 75 cents, so I want to go

along with 75 cents an hour. I had a petition signed by a few businessmen in my town, but they don't represent the town, only a few people, so I want to oppose this concurrence with the Senate.

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

Mr. JACQUES: Mr. Speaker, when the vote is taken, I move that it be taken by a yea and nay vote.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen: Like my good friend the gentleman from Friendship, Mr. Winchenpaw, I favor the bill of my good friend the gentleman from Bath, Mr. Ross, and for several reasons. This bill has been so watered down, I don't think it is going to hurt anybody and it isn't going to help anybody too much, but there will be a few it will help. The ones that I am really interested in are some of the workers that I think should be helped by the federal bill.

I am thinking of the Woolworth stores and the Grant stores, somehow somebody had pull enough to say that they were not in the interstate business. That seems a funny thing to me because we had a little business down in our town that was employing seventy people where they were dressing chickens and because they sent some to New York markets and to the Boston markets they ruled that they come under the federal government \$1.00 an hour, and so they had to pay \$1.00 an hour. The great Woolworth people and the Grant people and all of those people, someone had pull enough to say that they didn't, although they buy their stuff in other states, that they were not interstate. And so the workers in there, they have to work for what they please to give them. And this would correct that one situation and for that reason and that alone, I intend to vote for it if I get a chance, and I hope we do not concur with the Senate.

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

Mr. EMMONS: Mr. Speaker, since

the gentleman from South Portland, Mr. Hanscomb, and I signed the majority report, I feel that I should speak in favor of this bill, but there was one condition upon which he and I had agreed. There has been considerable question as to this bill in the matter of people who work particularly in the summer hotels or restaurants where they receive tips, and it was agreed by Mr. Hanscomb that when this bill reached the point where another amendment would be possible that we would present an amendment which would read about like this: any individual, to exclude from the effects of this bill any individual customarily receiving gratuities in the form of tips. Now that might take away some of the objections that other people may have. Certainly it would clear the summer hotels. It would clear a lot of the girls working in restaurants, waitresses who do receive tips. They would not be subject to this bill because it is, and would be difficult for an employer to be able to state definitely or get the actual facts as to the amount of tips. Other than that Mr. Hanscomb and I, and I speak for him with his assent, were strongly in favor of the passage of this bill because it does affect a lot of people, particularly in stores, department stores, whom we feel should at least have the benefit of a 75 cent minimum wage.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen: I would just like to make two brief statements in rebuttal first to the gentleman from Friendship, Mr. Winchenpaw, who said that Margaret Chase Smith is working for the part time workers, the workers who do a little sewing and knitting at home and so forth. On page two of this bill under exemptions, item E: "Any individual who is regularly enrolled in an educational institution or on vacation therefrom, or part time worker working no more than fifteen hours per week for any one employer." That would take care of that situation.

In answer to a situation the gentleman from Bowdoinham, Mr. Curtis, raised that this probably was

not going to hurt anybody, it also wouldn't help anybody, it is intended to help those people who are the low paid people, who are really low paid in our state, such as: chamber maids, elevator operators, people working in department stores, dishwashers, in chain stores, laundry help and so forth and so forth. So if enacted it certainly would be a help. I would rather see a division than a roll call on it though.

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

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

The SPEAKER: The gentleman may state his question.

Mr. HANSON: Mr. Speaker, probably I should know but I don't see it in the bill. How does this affect employees that they have in the rest home, convalescent home and hospitals?

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

Mr. ROSS: Mr. Speaker, on page two: "Any individual engaged in the activities of a public supported non-profit organization or in a program controlled by an educational non-profit organization." Now if the rest home was a profit organization, it might not be included in here. This exemption was put in specifically for hospitals and institutions like that, and the rest home is probably not included here. It is a profit organization.

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

Mrs. HARRIMAN: Mr. Speaker, usually if you wait long enough, you get the question asked. The gentleman from Gardiner, Mr. Hanson, has just asked it. I am very much interested in nursing and the problems that affect nursing homes. We have in Norway nursing homes where they provide care for people who need,—well, just that, and they feel that they won't be able to operate under the 75 cent minimum wage, and I had planned to introduce an amendment to this bill if



it passes, and I would like to ask of the Chair if that could be done at third reading if the bill goes through.

The SPEAKER: The Chair would advise the gentlewoman that an amendment may be offered at the time of third reading. The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker, again I did not intend to speak on this bill, but I have listened to the arguments presented both for and against it, and I certainly hate to vote the passage of a bill that you immediately see various segments of our economy have got to immediately come in and ask for exemption from this and exemption from that. If the bill is good, I see no reason why it shouldn't apply to everybody. I hope that the motion of the gentleman to concur with the Senate will prevail. I might further state that I have no objection to a roll call.

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

Mr. SMITH: Mr. Speaker, as the sponsor of the \$1.00 an hour minimum wage bill, through the efforts of the Committee on Labor of which I was a member we tried to come out with a bill that would be in favor of everybody, but it seems as though that as we went along that this one and that one wanted an amendment, wanted to be exempted, but through the efforts of my colleague, the member,—and the Chairman of the House on Labor, Mr. Ross, we thought we brought out something that was agreeable and satisfactory to everybody, but it seems as though there is a little bit of a doubt, but I can say now in closing that it has been a pleasure. I had a speech already made but I see that a shift like a redraft, there is no sense in getting up here and wasting your time. So I want to go along with my colleague, the Chairman of the House Committee on Labor, as favoring the 75 cents minimum wage law. Thank you.

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

Mrs. SMITH: Mr. Speaker, I am very sorry but I don't want to go along with my colleague the gentleman from Bath, Mr. Ross. I also find that he has an entirely different position than he had two years ago. I would not think it was necessary to discuss the plank that is in the Republican platform. I think many of us in this House were at that convention and know how and at what hour the plank was at last inserted. However, were I to support the plank in the Republican platform, I would support it courageously. I would not come in with this type of bill which is only a token to salve the public and the newspapers. If I wanted to write a bill for labor, I would write a true bill. This bill is very simple. It is simple enough in my mind to be dangerous.

It will not cover, and once the exemptions are written in, it will cover very few people. It will cover the people who are not capable of earning what other people earn. They are a group like the aged. We set up Committees to work for the aged. We set up committees to get jobs for handicapped and all those people. Those people will never be able to earn what we might consider a living wage. They could only assist in earning their living. If we were to pay any wage at all, it makes no difference whether it be 75 cents or \$1.00 or \$1.50, the ordinary worker who is capable of earning must be paid in excess of that or they are not going to work. Now when that time comes, we only start another inflationary spiral, and who gets hurt? The people on the fixed income.

This bill has been deleted until it only affects those types of people. It will be further amended, so I say we are only giving token support to it. I do not object to the federal wage control law because it levels out the wages and if I wish to hire in my business anyone who is capable of earning the same amount somewhere else, I must compete with them, and I must pay that wage. I do pay above this minimum wage, but this is a vicious law which will only hurt those whom it proposes or supposes to help.

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

Mr. COUTURE: Mr. Speaker and Members of the House: I will not feel right in this session again by going home and not supporting anyone on these lower brackets paid in the state. These stands here that we have taken prior to this session and also intended to take in this session or some of them that we have already taken, in raising the salaries of state employees as we go on, raising the salaries of county employees as we go on. Did we ever sit down and figure who is paying the taxes, especially on this sales tax to support the many, so to pay the state employees their wages, how these people can afford to pay sales tax, especially those that work under 75 cents an hour? I will not feel right by opposing a bill that will help them at least earn 75 cents per hour if they have to go out and buy themselves a piece of clothing, as I would and the rest of you, and pay the same amount of money that we are paying for it, and pay a sales tax on it, including other items that are taxable by sales tax and not getting the revenue to do so. I certainly felt a dollar of maximum pay was sufficient. It is 75 cents and still there is objection. I hope the members of this House realize that these people will still pay taxes in this state and help support the wage increase that we have taken prior and that we have taken already in this session and which we have the intention of taking in this session and which we are coming forth with.

The money has got to come from some place to be able to give them that raise, and they are part of our citizens in the State of Maine that pay out to it so let's go along and give them at least 75 cents an hour in the minimum wages if we are going to tax them which at 75 cents they cannot even afford to pay any taxes in this state to support similar legislation.

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

Mr. EARLES: Mr. Speaker and Ladies and Gentlemen of the House:

A few moments earlier in the course of this discussion reference was made to the free enterprise philosophy of Washington and Ben Franklin and another gentleman. It would appear to me that if the Republicans will not vote for this very minimum wage, there will be a great many people in the State of Maine who will be convinced that the Republican Party is still in the eighteenth century.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Letourneau.

Mr. LETOURNEAU: Mr. Speaker and Members of the House: Signing the majority report, I feel I should say a few words about this. It is pretty hard to argue for 75 cents minimum an hour wage. I feel kind of ashamed to speak for such a low wage. I don't know how anybody can survive on 75 cents an hour. I have a little girl that comes home from college next week and she would like to go to work to earn some money during the summer, but if she went to work in some of these summer places for the type of money that it will pay, it would not be worthwhile. She certainly could not earn a living and naturally I have to subsidize her, and everyone in this House who have children of working age going to school, if you send them to work in some of these places that is what you are doing, you are subsidizing some kind of industry or hotels or restaurants or what have you. I know for a fact and I can prove this that we have people in our town that are working in business places for 40 cents an hour. It is almost unbelievable in this day and age that anyone would go out and work for 40 cents an hour but evidently there are some, much to my sorrow.

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

Mr. RICH: Mr. Speaker and Members of the House: I have just had a letter handed to me which is written by one of my college friends of fifty years ago which I think is pertinent to this measure. This was written to one of the members of the Portland delegation, and I trust he does not object to my reading the letter, the gentleman from Portland, Mr. Tevastian.

"I am writing you in regard to Legislative Document 1583, entitled 'An Act Relating to Minimum Wages.' This, in my opinion, is a very unwise measure, which is likely to do more harm than good; therefore ought not to pass. My reasons are as follows:

"1. This measure is open to the same objections that a general price fixing measure on commodities would be. Labor is in the nature of a commodity and is only worth what it can produce. To assume that every laborer, no matter how unskilled, lazy or inefficient he may be, is worth 75c an hour, is to think very superficially about the economic value of such labor. The labor of any man or woman is only worth what it can earn for the employer, who must make a profit on this labor, or dispense with it. To my mind, it is far more important that laborers should have jobs at whatever wage they can earn than that only the best of them should have jobs and the rest of them loaf, as would happen if this bill were enacted.

"2. Our experience to date with minimum price fixing of labor on a national basis has been this: to steadily increase the price for goods, thereby adding to the inflationary spiral, which is still going up. This is only one of the factors, to be sure, that has contributed to this spiral, but a very real factor from which no good has come. It is like trying to lift oneself by his bootstraps. The net effect of it and other factors has been to reduce the value of the dollar from 100 cents in 1932 to about 42½ cents as measured by the Wholesale Price Index."

I won't read the rest of it, but I want to go along with my seat mate here, the representative from Friendship, Mr. Winchenpaw, and concur with the Senate.

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

Mr. MILLER: Mr. Speaker, Ladies and Gentlemen of the House: I too am the proud recipient of a letter from this gentleman from Portland. Believe me, as a representative from Portland, I do not agree with him in any way, shape or manner. This is the least that we can offer the working class of people in the State of Maine today, and

I want to go on record as being in favor of the minimum wage bill presented in this House today.

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

Mr. TEVANIAN: Mr. Speaker, the gentleman from Charleston, Mr. Rich, has read a letter that was mailed to me which I have not yet read. I might say that since the gentleman has read it to me, I heartily disagree with it, and I want to go on record as being in favor of the minimum wage.

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

Mrs. HENDRICKS: Mr. Speaker, I feel this is one of those real opportunities when the ninety-eighth legislature can do something for the small man and I say "Let's do it".

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

Mr. WINCHENPAW: Mr. Speaker, I think that perhaps I should say just one word in rebuttal. I don't think that the 75c an hour is the issue. The issue is governmental control. I have no quarrel with the 75c an hour, but I do object to giving the government control over our very lives.

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

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: Until I retired in 1952 I was the head of the largest organized labor movement in the State of Maine at the Saco-Lowell Shops, and when I heard about this minimum wage law as it was being proposed, I looked over both bills and saw many defects in the bill pertaining to the working men and women of the State of Maine. Now this bill has come out of Committee with a majority "Ought to pass," and signed with a minority of two members. What are you here in this legislature going to do? Are you going to upset day in and day out the majority report of your duly elected membership? And I know that I am not satisfied with this bill as written. The only thing that I wish to say in regards to it is, it is a start of going to work and putting Maine

in a progressive state of mind and going along with the rest of our country.

Now, you are trying very hard through your Development and Economic Commission to bring in industries here. What do you want to bring in? Sweat shops? Or do you want to bring in people who can see the value of the working men and women of this state. They are intelligent, skillful, and I defy any member in this House to go through this whole state in any factory or anywhere else where those who unfortunately are unemployed through the failure of the textile industry at the present moment that are not skilled workers, and all the money, mind you, that has ever been made in the State of Maine and has been expanded throughout this United States of ours, has been earned through the skillful workers of the State of Maine. I will take the Pepperell Manufacturing Company in our city, I will take the Saco-Lowell in our city, I'll take the York and Saco and I will go right around and I will tell you now that the money was earned by the skillful workers in our state who have been, and always have been, industrious in every way and attended to their jobs day in and day out without any loafing or feeling hurt in such a way now when you won't give them the minimum wage, I say it is a shame, I go along with the gentleman from Bath, Mr. Ross, and I ask that you and the rest of you do the same. Thank you.

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

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

Mrs. SMITH: Mr. Speaker, I figure it is superfluous to point out to you that the 40 cents that they are quoting here are for percentage employees and that many of those employees are making anywhere from five to ten and eleven dollars a day on the floor of our restaurants. I further agree with my friend from Bath, Mr. Ross, that it is very diffi-

cult to determine just how much they do make, but you must remember that this legislation is not dealing with the ordinary working person. It is dealing with these outer fringe cases. Now I maintain that if those people cannot earn a certain amount that they still should be allowed to work. We have seen this tried under N.R.A, we saw where people could not produce, they were not given jobs. It was taken away from them. We saw machines being put in. I say these people are going to be hurt. They are the ones. You are excluding all those that can compete for wage, and those that can compete for wage believe me are not working for 40 cents an hour. I also agree with my friend from Biddeford, Mr. Hickey, that a business is only as good as the people they employ and the loyalty they give to it, and I think that many of us who are in business feel that way about our businesses since we have been up here. And I certainly feel very deep gratitude to any of my employees who faithfully take care of my business and anything that I can afford to pay them, they certainly should have, but we should not exclude these people whom we are setting up Committees for whereby work is almost a medicine to them, these older people who can do some of these small things if they do not have to hurry about them, we should not get into that type of legislation.

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

Mrs. HARRIMAN: Mr. Speaker and Members of this House: I have to greatly differ with my colleague the gentlewoman from Falmouth, Mrs. Smith. This is not dealing with the outer fringes of society or the workers like the impaired worker or the aged worker. This is dealing with employees in laundries where they get a great deal less than 75 cents an hour. This is dealing with clerks in chain stores where they are getting a great deal less than 75 cents an hour. I cannot let her remarks go unopposed.

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 rise in support of the gentleman from Bath, Mr. Ross, in his motion. I realize there is a motion pending that has priority over his, but I feel that 75c an hour is little enough in this day of high prices for anyone to receive for their talents and labor. That only amounts for an eight hour day to \$6.00 a day, on a five-day week to \$30.00 a week, and if anyone has a family of any size, they are not going very far on \$30.00 a week. I feel that there are too many exemptions in the act, much too many exemptions and there are not too many people that this bill is going to cover because all the folks belonging to the unions are getting much more than this, all the skilled workers in the state are getting much more than this. This only affects unskilled people that do not come into the skilled classes. It does not affect the people who are in the production of goods in interstate commerce because they are regulated by the federal act, but it would be at least a starter to give the unskilled worker an opportunity to get nearer a living wage, and therefore in order to support the motion of the gentleman from Bath, Mr. Ross, I will have to oppose the motion to indefinitely postpone of the gentleman from Friendship, Mr. Winchenpaw. I urge the House to give the poor worker in the State of Maine a break.

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

Mr. MAYNARD: Mr. Speaker, Members of the House: As a representative from Portland I feel slighted in not having received one of these letters that the other representatives seem to have received, and even some who are not from Portland. Perhaps the author of the letter knew he would be wasting his time anyway.

When a department store in the largest city of the state pays only 62½ cents an hour, and gets the prices that they do for the goods that they supply their customers, I think a bill like this is very timely. I feel it is a rather insipid bill. It ought to be a dollar minimum. I feel there are too many exemp-

tions, but at least it hasn't been quite exempted to death, so I would like to go on record as going along with this bill.

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

Mr. EMMONS: Mr. Speaker, just briefly because the gentlewoman from Falmouth, Mrs. Smith, mentioned the matter of gratuities, very definitely if this gets to the third reading I shall offer an amendment which she can then support perhaps.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Friendship, Mr. Winchenpaw, that the House concur with the Senate in indefinitely postponing both reports on Bill "An Act relating to Minimum Wages", Senate Paper 583, Legislative Document 1583. The gentleman from Lewiston, Mr. Jacques, has requested a roll call. Will those who desire a roll call vote please rise and remain standing until the monitors have made and returned the count. Obviously more than one-fifth having risen, a roll call is ordered.

The Chair will restate the question. The question before the House is the motion of the gentleman from Friendship, Mr. Winchenpaw, that the House concur with the Senate in indefinitely postponing both Reports on Bill "An Act relating to Minimum Wages". Those who favor the indefinite postponement of both Reports will say "yes" when their name is called; those who oppose the indefinite postponement will say "no". The Clerk will call the roll.

#### Roll Call

YEA — Allen, Bartlett, Bean, Winterport; Besse, Blanchard, Bragdon, Brewster, Brockway, Burnham, Carville, Caswell, Christie, Cole, Edgerly, Foss, Fuller, Graves, Hancock, Hanson, Harrington, Harris, Hatch, Haughn, Heald, Hilton, Hutchinson, Jewell, Knapp, La-Casce, Libby, Mann, Mathieson, Maxwell, Morrill, Rankin, Rich, Roberts, Shepard, Smith, Falmouth; Stanley, Storm, Tarbox, Vaughan, Walter, Webber, Winchenpaw.

NAY—Andrews, Babineau, Baird, Beyer, Brewer, Broderick, Brown,

Ellsworth; Browne, Bangor; Bruce, Call, Carter, Etna; Carter, Newport; Cormier, Cote, Couture, Bath; Couture, Lewiston; Coyne, Curtis, Cyr, Davis, Calais; Day, Desmarais, Dostie, Dudley, Dumais, Duquette, Earles, Edwards, Elwell, Emerson, Emmons, Farmer, Flynn, Frazier, Frost, Gallant, Harriman, Hatfield, Hendricks, Hendsbee, Hersey, Hickey, Higgins, Hughes, Jack, Jacques, Jalbert, Johnson, Jones, Karkos, Kelly, Kinch, Lane, Latno, Leathers, Letourneau, Lindsay, Maynard, Miller, Morway, Needham, Pierce, Plante, Porell, Prue, Quinn, Rancourt, Rollins, Ross, Bath; Ross, Brownville; Rowe, Limerick; Rowe, Madawaska; Roy, Saunders, Shaw, Smith, Portland; Stilphen, Tevanian, Thackeray, Totman, Violette, Wade, Walsh, Warren, Wheaton, Whiting, Wood.

ABSENT — Anthoine, Beane, Augusta; Carey, Childs, Crockett, Davis, Westbrook; Denbow, Emery, Ervin, Hanscomb, H a t h a w a y, Hoyt, Nadeau, Sanborn, Turner, Walker, Williams.

Yes: 46, No: 87, Absent: 17.

The SPEAKER: Forty-six having voted in the affirmative, eighty-seven in the negative and seventeen absentees, the motion for indefinite postponement does not prevail.

The question now before the House is the motion of the gentleman from Bath, Mr. Ross, that the House accept the Majority "Ought to pass" Report. Is this the pleasure of the House?

The motion prevailed, the "Ought to pass" Report was accepted in non-concurrence, the Bill given its first and second readings and assigned for third reading tomorrow.

#### Non-Concurrent Matter

Bill "An Act relating to Obstructions in Windows of Malt Liquor Licensed Premises" (H. P. 430) (L. D. 606) which was passed to be engrossed as amended by House Amendment "A" in the House on May 16.

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

In the House:

On motion of Mr. Frazier of Lee, the House voted to recede and concur.

#### Non-Concurrent Matter

Resolve Authorizing Forestry Resource Survey (H. P. 588) (L. D. 837) which was passed to be engrossed in the House on May 20.

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

In the House:

On motion of Mr. Brewer of Caribou, the House voted to insist on its former action and request a Committee of Conference.

(Off Record Remarks)

#### Non-Concurrent Matter

Bill "An Act relating to Local Option for Sale of Liquor by Certain Part-time Hotels" (H. P. 665) (L. D. 946) which was passed to be engrossed as amended by House Amendment "A" in the House on May 16.

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

In the House:

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

Mr. HANCOCK: Mr. Speaker, I move we insist on our former action and request a Committee of Conference.

The SPEAKER: The question before the House is the motion of the gentleman from York, Mr. Hancock, that the House insist upon its former action and request a Committee of Conference.

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

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

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

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

Mr. HANCOCK: Mr. Speaker, may we have a division please?

The SPEAKER: The question now before the House is the motion of the gentleman from Charleston, Mr. Rich, that the House recede and concur with the Senate in accepting the "Ought not to pass" Report. A division has been requested.

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

A division of the House was had.

Forty-two having voted in the affirmative and sixty-six 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 York, Mr. Hancock, 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

Bill "An Act relating to Initial Motor Vehicle Number Plates" (H. P. 957) (L. D. 1358) on which the House accepted the Majority Report of the Committee on Transportation reporting "Ought to pass" as amended by Committee Amendment "A", and passed the Bill to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto on May 20.

Came from the Senate with the Minority "Ought not to pass" Report accepted in non-concurrence.

In the House:

On motion of Mr. Haughn of Bridgton, the House voted to insist on its former action and request a Committee of Conference.

#### Non-Concurrent Matter

Bill "An Act relating to Fortnightly Payment of Salaries and Wages to State Officers and Employees" (S. P. 462) (L. D. 1317) (new draft title) on which the House accepted Report "B" of the Committee on State Government reporting "Ought not to pass" (S. P. 149) (L. D. 349) in non-concurrence on May 20.

Came from the Senate with that body voting to insist on its former action whereby Report "A" reporting "Ought to pass" was accepted

and the new draft passed to be engrossed.

In the House:

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

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

The SPEAKER: The question before the House is the motion of the gentleman from Perham, Mr. Bragdon, that the House recede.

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

Mr. CYR: Mr. Speaker, I move we insist on our previous action and request a Committee of Conference.

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

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

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Perham, Mr. Bragdon, that the House recede. A division has been requested.

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.

Forty-five having voted in the affirmative and fifty-seven 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 Augusta, Mr. Cyr, 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

Bill "An Act relating to Employment of Minors" (H. P. 546) (L. D. 773) on which the House voted to insist on its former action whereby the Bill was indefinitely postponed, on May 20.

Came from the Senate with that body voting to insist on its former action whereby the Bill was passed to be engrossed as amended by House Amendment "A" in non-concurrence, and asking for a Committee of Conference.

In the House:

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

Mrs. HARRIMAN: Mr. Speaker, I move that we adhere.

The SPEAKER: The gentlewoman from Lovell, Mrs. Harriman, moves that the House adhere.

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

Mr. TEVANIAN: Mr. Speaker, I now move we recede and concur.

The SPEAKER: The gentleman from Portland, Mr. Tevanian, now moves that the House recede. Will those who favor the motion to recede please say aye; those opposed, no.

A viva voce vote was taken and the ruling of the Chair being doubted a division was ordered.

Mrs. SMITH of Falmouth: Mr. Speaker?

The SPEAKER: For what purpose does the gentlewoman arise?

Mrs. SMITH: I think it is not clear just how we will be voting if we vote. Would you mind —

The SPEAKER: The Chair will restate the question. Previously the House had voted to insist on its former action whereby the bill was indefinitely postponed. The other branch has now passed the bill to be engrossed as amended by House Amendment "A" in non-concurrence and has voted to insist on that action and request a Committee of Conference.

The question before the House is the motion that the House recede on its insistence whereby it indefinitely postponed the bill. Does the House understand the question? For what purpose does the gentleman arise?

Mr. BRAGDON: Is a little discussion or explanation in order at this time?

The SPEAKER: Debate is in order.

Mr. BRAGDON: I notice that some of the members who were interested in the action that the House took the other day are absent, but just by way of explanation, I might say that the House the other day voted on this matter in regard to the employment of minors. This is the bill in regard to the employment of minors which was very

thoroughly discussed in the House the other day and the House took a definite action. I would hope that they would stand by that action.

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

Mr. TEVANIAN: Mr. Speaker, my impression was that my motion was merely to join the Committee of Conference. Am I correct in assuming that?

The SPEAKER: The gentleman from Portland made the motion to recede. The motion does not mean that the House would join in a Committee of Conference. The motion means that the House would recede from its former action and thereby agree with the action of the other branch. If the gentleman wishes a Committee of Conference, the motion in order would be for the gentleman to move that the House further insist and join in the Committee of Conference.

Mr. TEVANIAN: Mr. Speaker, I would now like to withdraw my motion to recede and I now make a motion that we insist and join the Committee of Conference.

The SPEAKER: The gentleman withdraws his motion to recede. The question now before the House is the motion of the gentleman from Portland, Mr. Tevanian, that the House again insist and join in the Committee of Conference. Is this the pleasure of the House?

The motion prevailed.

#### Non-Concurrent Matter

Resolve Proposing an Amendment to the Constitution to Provide for Election of Members of the Executive Council (S. P. 95) (L. D. 225) which failed of final passage in the House and which was ordered placed on file on May 20 and sent up for concurrence.

Came from the Senate ordered returned to the House.

In the House:

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

Mr. TOTMAN: Mr. Speaker and Members of the House: This very familiar face is before us again and I am arising to make the motion to reconsider, first, because I was on the prevailing side that made the



last motion to file the measure. Secondly, because I am basically in favor of attempting to have as harmonious a legislature as possible. I see absolutely no point in encouraging friction that might arise. I feel that there has been some misunderstanding perhaps on this measure as to why it was that on two out of three measures we voted to reconsider, but on one measure we failed to reconsider. Since I am the person who made the motion to file, I feel personally to blame. I can simply say that it was a personal impression at the time because of the lateness of the hour on that particular day that the House was not in a mood to reconsider this particular measure. I have since had members tell me that they could not see the consistency of that logic, and furthermore I have had members tell me that they quite frankly did not understand so bright and early in the morning, the first item on the agenda, the motion to file. It has never been my policy to make motions that were either confusing or deceiving or meant to cut off debate. Therefore, if there is a considerable majority of this House who would like to reconsider this measure, I feel it is up to me to make the reconsideration motion at this time, and I so move.

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

Mr. BRAGDON: Mr. Speaker, somewhat reluctantly I rise to oppose the motion of our distinguished floor leader. This again is a matter in which the House, this House has spoken very decisively at least two or three times. I hope that we will stand by our former action and that the motion of our floor leader does not prevail.

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

Mr. ROSS: Mr. Speaker, is debate in order at this point?

The SPEAKER: The Chair is going to state the motion of the gentleman from Bangor, Mr. Totman, as two motions. The first motion would be that the House suspend the rules, and the second motion would be that the House reconsider under suspension of the rules. Both motions require the approval of two-thirds of the House. The motion to

suspend the rules is debatable at this time.

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: The House has already and quite unbelievably enacted two constitutional amendments. Shortly thereafter several Republicans have spoken to me and said one of two things. First of all if we were going to let two of these go, why not let all three go; and secondly, if any of them have popular appeal and they were not sure whether they did or not, but if any of them did, this third one certainly had the most. Now, those who voted for the other two did it for one of two reasons. First because they honestly subscribe to the idea or secondly, because they felt that for once and for all they should give the people of the state an opportunity to vote on these subjects.

Now as far as this third one goes, without trying to convince or sway anybody, I personally am in favor of the idea and not just to put it to the people to give them an opportunity to vote. I feel that if we are living in and have a true democracy that this is certainly only fair. Why should the prevailing party only because of their numerical strength have complete control over any one segment of our government? Now, for those who claim that this is a Democratic measure, and why must we give in to the Democrats, and are we afraid of the Democrats, I would think that this would be the easiest way possible to show everybody that we, as Republicans, are definitely not afraid of the Democrats. I know that we would lose Republican seats in the Council, but if we have confidence in the Republican party, and I have heard that mentioned by many opponents, if we have confidence and I do have, I think that we will maintain a substantial majority nevertheless what we do if we put up the qualified candidates. Now, another side of this question is, is the House always going to have Republican control of this legislature? Now selfishly, as a Republican, I certainly hope that we always do have that control, but it has happened before. I don't believe because I do have confidence in our party, I don't believe it's going to happen again, but in 1911

and in 1912, in also 1915 and 1916 the Democrats had seven Democratic councilors, so I certainly hope the motion to reconsider prevails.

The SPEAKER: The question before the House— The Chair recognizes the gentleman from Old Orchard Beach, Mr. Plante.

Mr. PLANTE: Mr. Speaker, Members of the House:

It has been said that there are few, if any, issues where all the truth and all the right and all the angels are on one side. However, I feel that this is a real test of our sincerity. It is a real test of our attitude on constitutional changes because popular election of the Council is a far more important issue than either the four-year term or the change of the election date. Shorn of all details, the election of the Governor's Council stands as a significant test of our intentions.

Inconsistencies of opinion arising from changes of circumstances are often justifiable, but there is one sort of inconsistency that is culpable. It is the inconsistency between a man's conviction and his vote, between his conscience and his conduct. The first duty of a public man is a frank and sincere expression of his opinions. I intend to do just that, very briefly. This vestige, the Governor's Council, of the days when Charles I of England needed a council to bird-dog his colonial governors is in need of basic reform. The question is could Maine get along without an Executive Council? Forty-five other states do. Political realities of life being what they are, it will be just a few years before the Council is abolished. However, to date, I have heard no logical reason why its members should not be elected by the people and responsible to them. The longer we wait the longer we will have a governmental body operating behind an iron curtain. We must do more than merely refer this item to a constitutional convention which I doubt very much will ever be called.

The Council is elected by the Legislature and on paper is responsible to it. In practice it is a free-wheeling body answerable to no one. The average voter does not know who his councilor is and even if he did, he is in no position to exert

pressure. This is not a partisan matter. True, the Democrats would prefer to abolish the Council altogether, but there is a rising tide of unhappiness in Republican ranks also. This was evident by (1) The young Republicans' proposal to have Councilors elected by the people, and (2) The Republican Standard Bearer for Governor, during the last election supporting it.

The attitude of the public toward the political profession has too often been characterized by apathy, indifference, disrespect and even amusement. If we continue on this course, we will arrest the dual trends of an electorate indifferent to their representatives, and representatives indifferent to their electorate. We must reflect a far different attitude toward the electorate than the distrust which will be evident if it's not given the opportunity to vote on this question.

The 17th amendment to the U. S. Constitution almost immediately made the U. S. Senate more responsive to popular will, both in theory and in fact. This change would be equally effective.

I honestly feel that the people of Maine are generally receptive to plans to improve their form of government and are not likely to write the defeat of this measure off as summarily as some would wish them to do.

This body or another has not a monopoly of the truth. Truth emerges from the clash of diverse ideas and it is considered a mark of the health of democracy to have many independent thinkers studying, questioning and developing their own political ideas. I feel the people of this state can detect the value of this measure for themselves. It is our obligation to give them that opportunity.

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

Mr. QUINN: Mr. Speaker and Ladies and Gentlemen of the House: I arise in opposition to the suspension of the rules for reconsideration of this matter. This matter has been debated here in the House and it has been batted back and forth for the last week or ten days from one House to the other, and if we

are ever going to go home we have got to cut that kind of stuff out.

I feel that the governor's council is an advisory board to the Governor. Seven men of good, sound judgment should be on that board. Men of experience in life, successful men in life, because from such a group you will get your best advice. Now, it is my feeling that in order to get that type of men on the governor's council, he must be put there by selection rather than having him run in a popularity contest. I feel that the seven men on the Governor's Council should be men placed there by selection to get the best men of the highest ability and you certainly will not get that type of man running a rat race to get on that council. I think we ought to have seven men of ability rather than seven men selected in a popularity contest.

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

Mr. WALSH: Mr. Speaker, if I understand this motion, a vote for reconsideration, if we vote yes in favor of reconsideration it means that we believe in popular election of a governor's council. Is that correct?

The SPEAKER: The Chair would advise the gentleman that the first question which will be put to the House is shall the rules be suspended to permit reconsideration?

Mr. WALSH: Mr. Speaker, when the vote is taken I move that it be taken by the yeas and the nays.

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

Mr. BRAGDON: Mr. Speaker, I would like to ask a question of the Chair if I might in regard to the explanation made to the gentleman from Brunswick, Mr. Walsh.

The SPEAKER: The gentleman may proceed.

Mr. BRAGDON: Mr. Speaker, if we suspend the rules by that action, do we also suspend the provision that we must have a two-thirds vote for reconsideration?

The SPEAKER: We do not sir.

Mr. BRAGDON: Thank you.

The SPEAKER: The motion to suspend the rules requires the approval of two thirds of the House.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen: As a member of the Committee on Constitutional Amendments, I would just like to give you a little of our thinking on why we brought this out "Ought not to pass." In our research, it was brought out very forcibly and conclusively that this Council was set up as a legislative body somewhat. That is one of the fundamental principles—in fact it was that they were serving you as the legislature, and after you folks went home, they stayed here and were sort of watch dogs over what you carried out regardless of what the Governor might think, regardless of his politics, whoever he might be, and that was the reason that our forebears in their wisdom saw fit to say that this legislature or any legislature, should elect these men because after all they were the legislature after they returned home.

The basis of our Constitution is that the people shall rule regardless of what party may be in power and so we send our representatives up here to the legislature to do our will on grass roots level and on the individual level, and after we go home we have left things, we passed laws, appropriated money and fixed taxes and so this Council is left here to represent us of the legislature from each district to see that our rules and laws and wishes are carried out, and I don't see how you can help anything out by carrying it back to the people again because they are your representatives and are serving you in that capacity.

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

Mr. MATHIESON: Mr. Speaker, I think we are losing sight of the concept of the government where you have checks and balances. I have never heard of the governor or anyone suggesting that the governor surrender his right of veto of the legislative acts. The Council is the only body that has a check on the Governor relative to those things, and I think we have got away from fundamental government

when we attempt to change those checks and balances, and I certainly am not in favor of this motion.

The SPEAKER: The Chair recognizes the gentleman from Webster, Mr. Wood.

Mr. WOOD: Mr. Speaker, last week I opposed this bill for one reason and that is if we have a Republican majority, I believe in a Republican Council. If we have a Democratic majority, I believe in a Democratic Council which I am not afraid of. Therefore, I move that this bill be sent from whence it came and await their will and their pleasure on voting on it.

The SPEAKER: The Chair will have to advise the gentleman that the motion to suspend the rules must take precedence. The Chair recognizes the gentlewoman from Presque Isle, Mrs. Christie.

Mrs. CHRISTIE: Mr. Speaker, it is my opinion that we might save time if we have no further discussion that we take this vote on suspension of the rule.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I assure the lady from Presque Isle, Mrs. Christie, that I will not take too much time. There is something that has never been clear in my mind insofar as the governor's council is concerned. I would like to ask any member to explain it to me. I will explain my question first. As I understand it, using my own councilor district as a kick-off point, in my councilor district, the third district is made up of Androscoggin, Sagadahoc and Franklin Counties. Presently the councilor representing that district is from Franklin County for two years, these two years, then it comes back to our county for four years and it goes back to Sagadahoc for two, back to us for two, and then back to Franklin and so forth. I tried to get this question explained to me quite often. As I understand it, and I believe in majorities, and I believe the majority should rule. As I understand it in my own county two years ago the Republican members of the county, six in number up against ten Democrats in number met and selected

their representative to the Council. Now my question is: does that vote of their six to represent the voters of the third district, does that hold or does it come into the House or Senate or separately in a caucus or otherwise of the majority?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, has addressed a question. Was the gentleman addressing the question to anyone in particular? Would the gentleman name the individual?

Mr. JALBERT: Why don't you explain it, Mr. Speaker?

The SPEAKER: The Chair is not permitted to enter into debate. Does the gentleman rise to answer the question? The gentleman may proceed.

Mr. CALL: Mr. Speaker, I think the gentleman from Lewiston, Mr. Jalbert, is referring to the minority party in regard to his county. It was only six as far as selecting the Councilman and the majority was ten and they were Democrats but still it was a Republican councilman elected from their district. Is that right Mr. Jalbert? Or am I all screwed up? Am I right? Well, I can't debate any further on the question, but I would love to.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Bangor, Mr. Totman, that the rules be suspended to permit reconsideration. The gentleman from Brunswick, Mr. Walsh, has requested a roll call vote. Will those who desire a roll call vote, please rise and remain standing? Obviously more than one-fifth having expressed a desire for a roll call, it is so ordered.

The question before the House is the motion of the gentleman from Bangor, Mr. Totman, that the House suspend the rules to permit reconsideration of Resolve Proposing an Amendment to the Constitution to Provide for Election of Members of the Executive Council, Senate Paper 95, Legislative Document 225. The approval of two-thirds of those present is required to authorize suspension of the rules.

Those who favor suspending the rules will say aye when their name is called, and those who are opposed will say no when their names are called. The Clerk will call the roll.

**ROLL CALL**

YEA — Andrews, Babineau, Bean, Winterport; Broderick, Cormier, Cote, Couture, Bath; Couture, Lewiston; Coyne, Cyr, Desmarais, Dostie, Dudley, Dumais, Duquette, Edwards, Elwell, Fraizer, Frost, Gallant, Hancock, Harrington, Harris, Hendricks, Hendsbee, Hersey, Hickey, Hilton, Jacques, Jalbert, Johnson, Kelly, Kinch, Lane, Latno, Letourneau, Maynard, Miller, Morway, Plante, Porell, Prue, Rancourt, Rollins, Ross, Bath; Rowe, Madawaska; Roy, Saunders, Shaw, Shepard, Smith, Portland; Stanley, Stilphen, Storm, Tevanian, Thackeray, Totman, Vaughan, Violette, Wade, Walsh, Warren, Wheaton, Whiting.

NAY — Baird, Bartlett, Besse, Beyer, Blanchard, Bragdon, Brewer, Brewster, Brockway, Brown, Ellsworth; Browne, Bangor; Bruce, Burnham, Call, Carter, Etna; Carter, Newport; Carville, Caswell, Christie, Cole, Curtis, Davis, Calais; Day, Earles, Edgerly, Emerson, Emery, Emmons, Ervin, Farmer, Flynn, Foss, Fuller, Graves, Hanson, Harriman, Hatch, Hatfield, Haughn, Heald, Higgins, Hughes, Hutchinson, Jack, Jewell, Jones, Karkos, Knapp, LaCasce, Libby, Lindsay, Mann, Mathieson, Maxwell, Morrill, Needham, Pierce, Quinn, Rankin, Rich, Roberts, Ross, Brownville; Rowe, Limerick; Smith, Falmonth; Walker, Walter, Webber, Winchenpaw, Wood.

ABSENT—Allen, Anthoine, Beane, Augusta; Carey, Childs, Crockett, Davis, Westbrook; Denbow, Hanscomb, Hathaway, Hoyt, Leathers, Nadeau, Sanborn, Tarbox, Turner, Williams.

Yes 64, No 69, Absent 17.

The SPEAKER: Sixty-four having voted in the affirmative and sixty-nine in the negative with seventeen absentees, the motion to suspend the rules does not secure the required two-thirds approval and therefore does not prevail.

Thereupon, on motion of Mr. Totman of Bangor, the House voted to adhere.

From the Senate the following Communication:

STATE OF MAINE  
SENATE CHAMBER  
OFFICE OF THE SECRETARY

May 20, 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:

Resolve Authorizing Study of Proposed Road from Millinocket to Grindstone (H. P. 768) (L. D. 1101) and to join a Committee of Conference. The President appointed the following Conferees on the part of the Senate:

Senators:

COLE of Waldo  
FERGUSON of Oxford  
SINCLAIR of Somerset

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

Bill "An Act relating to Services of State Police on Maine Turnpike" (H. P. 106) (L. D. 144) and the President appointed the following Conferees to join a Committee of Conference:

Senators:

PARKER of Piscataquis  
COLE of Waldo  
FERGUSON of Oxford

Respectfully,

(Signed) WALDO H. CLARK  
Assistant Secretary  
of the Senate

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

From the Senate: The following Communication:

STATE OF MAINE  
SENATE CHAMBER  
OFFICE OF THE SECRETARY

May 21, 1957

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

The President of the Senate today appointed the following Conferees on the part of the Senate on the disagreeing action of the two branches of the Legislature on Bill "An Act to Repeal the Westbrook Sewerage District" (H. P. 668) (L. D. 949)

Senators:

MARTIN of Kennebec  
ROGERSON of Aroostook  
DAVIS of Cumberland

Respectfully,

(Signed) WALDO H. CLARK  
Assistant Secretary of  
the Senate

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

#### Orders

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

Mr. PIERCE: Mr. Speaker, I present an order and move its passage and would like to speak very briefly on it.

The Order was read by the Clerk as follows:

ORDERED, that the Superintendent of Buildings be and hereby is directed to open the Observation Tower and Dome to Members and Officers of the Legislature only, today between the hours of 1:00 and 2:00 Eastern Daylight Time.

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

Mr. PIERCE: Mr. Speaker, in explanation of this order may I say that until approximately six years ago the tower and the observation balcony was open to the public at all times. Because of the very crowded conditions which existed in the State House, it was necessary that certain files and records be stored in the basement of the tower, therefore it was closed to the public. The Superintendent wishes to open it only on order such as I have just introduced. I have discussed the matter very thoroughly with the gentleman, Mr. Russell, this morning. He is in accord with the order. There is one stipulation, that there must be absolutely no smoking in that tower at any time. I have arranged for two members of the Augusta Fire Department to be present, and with the assurance of Mr. Russell that if we will not smoke, he will not object to the order, I assure you that it is a well worthwhile trip and I hope my order has passage.

Thereupon the Order received passage.

Mr. Allen of Chelsea presented the following Order and moved its passage.

The Order was read by the Clerk as follows:

WHEREAS, the United States Coast Guard Cutter Spar has been stationed in Bristol, Rhode Island; and

WHEREAS, upon May 19th she left New England to seek a north-west passage to the Arctic and will be gone for six months, being the first United States Coast Guard Cutter to go around the continent for that special purpose; and

WHEREAS, the Cutter Spar is commanded by Lt. Charles V. Cowing of Jefferson, Maine, and the State of Maine is proud of her native son;

NOW THEREFORE BE IT ORDERED, that the members of the House of Representatives of the Ninety-eighth Legislature extend their best wishes to Lt. Charles V. Cowing and crew of the Spar for a successful passage; and

BE IT FURTHER ORDERED, that the Clerk of the House be directed to send an attested copy of this order to Lt. Charles V. Cowing, in care of the Fleet Post Office, San Francisco, California.

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

Mr. ALLEN: Mr. Speaker, I would just like to say a few words to this order. I attended the bon voyage ceremonies in Bristol, Rhode Island on this, and at this time a resolution was presented from the General Assembly of Rhode Island, and I didn't feel that the State of Maine should be too much outdone. This is quite an accomplishment if accomplished, and I think it is fitting and proper that this assembly should send best wishes to the Skipper of the ship and the crew.

Thereupon, the Order received passage.

(Off Record Notice)

The SPEAKER: Would the gentleman from Bangor, Mr. Totman, approach the rostrum?

(Conference at rostrum)

### House Reports of Committees Leave to Withdraw

Mr. Stanley from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide for Technical Assistance by Water Improvement Commission to Municipalities" (H. P. 256) (L. D. 354) reported Leave to Withdraw.

Report was read.

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

Mr. STANLEY: Mr. Speaker, just for information, this leave to withdraw came out from the Committee, because in the supplemental budget there is \$25,000 provided for the same thing that this bill would provide.

Thereupon, the Report was accepted and sent up for concurrence.

### Ought Not to Pass Tabled and Assigned

Mr. Davis from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act relating to Maximum Grants in Public Assistance Cases" (H. P. 806) (L. D. 1150)

Report was read.

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

Mr. ROWE: Mr. Speaker and Members of the House: On items two and three I have several important questions that have to be answered in order for these two bills to be properly disposed of, and I would like therefore to table them and specially assign item two for tomorrow.

The SPEAKER: The gentleman from Madawaska, Mr. Rowe, moves that with respect to Bill "An Act relating to Maximum Grants in Public Assistance Cases", the Report be tabled and specially assigned for tomorrow pending acceptance. Is this the pleasure of the House?

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

Mr. TOTMAN: Mr. Speaker, I would like to ask through the Chair of the gentleman from Madawaska, if he would be willing to assign these for later in the day in order to expedite the session at this point.

The SPEAKER: The gentleman from Bangor, Mr. Totman, has addressed a question through the Chair to the gentleman from Madawaska, Mr. Rowe, who may answer if he chooses.

Mr. ROWE: If later in the day is the best I can get, I would accept that, but I would prefer tomorrow if I could.

The SPEAKER: The Chair understands that the gentleman from Madawaska, Mr. Rowe, moves that with respect to Bill "An Act relating to Maximum Grants in Public Assistance Cases" this Committee Report be tabled and specially assigned for tomorrow pending acceptance of the Report. Is this the pleasure of the House?

The motion prevailed and the Report was so tabled.

### Tabled and Assigned

Mr. Stanley from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act Increasing Maximum Grants in Public Assistance Cases" (H. P. 965) (L. D. 1365)

Report was read.

(On motion of Mr. Rowe of Madawaska, tabled pending acceptance of Report and specially assigned for Thursday, May 23.)

### Ought to Pass in New Draft New Draft Printed

Mr. Edwards from the Committee on Appropriations and Financial Affairs on Resolve for Repairs to Teachers' House at Peter Dana Point, Washington County (H. P. 458) (L. D. 651) reported same in a new draft (H. P. 1097) (L. D. 1596) under same title and that it "Ought to pass"

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

### Ought to Pass with Committee Amendment

Mr. Bean from the Committee on Appropriations and Financial Affairs on Resolve Providing for Survey of Abandoned Agricultural Lands (H. P. 522) (L. D. 750) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Resolve read once.

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

COMMITTEE AMENDMENT "A" to H. P. 522, L. D. 750, Resolve Providing for Survey of Abandoned Agricultural Lands.

Amend said Resolve by striking out all after the word "of" in the 9th line and inserting in place thereof the following:

'\$3,000 be appropriated from the unappropriated surplus of the general fund of the State for this purpose for the biennium ending June 30, 1959.'

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

Mr. Wood from the Committee on Appropriations and Financial Affairs on Bill "An Act relating to Pollution Abatement" (H. P. 257) (L. D. 355) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 257, L. D. 355, Bill, "An Act Relating to Pollution Abatement."

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

Further amend said Bill by striking out all of "Sec. 2."

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

On motion of Mr. Totman of Bangor,

Recessed until 2:00 o'clock this afternoon.

**After Recess  
2:00 P. M.**

The House was called to order by the Speaker.

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

From the Senate: The following Orders:

ORDERED, the House concurring, on this June like, bright morning,

with the elm trees approaching their full green foliage, that the Senate be permitted to express to the House their sincere appreciation of the excellent Mock Session of last evening and that the Senate be furthermore privileged to express their congratulations to each of the legislators who participated in one of the outstanding entertainment sessions in many legislative years (S. P. 592)

ORDERED, the House concurring, that there be recalled from the Office of the Governor to the Senate, House Paper 851, Legislative Document 1214, An Act Revising the Maine Milk Commission Law (S. P. 593)

Came from the Senate read and passed.

In the House, the Orders were read and passed in concurrence and returned forthwith to the Senate.

The SPEAKER: The House is proceeding under House Reports.

**Divided Report  
Tabled**

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Resolve Appropriating Moneys to Effectuate Salary Plan for State Employees (H. P. 405) (L. D. 582)

Report was signed by the following members:

Messrs. SINCLAIR of Somerset

DAVIS of Cumberland

LESSARD

of Androscoggin

— of the Senate.

Messrs. BEAN of Winterport

DUQUETTE of Biddeford

WOOD of Webster

BRAGDON of Perham

— of the House.

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

Report was signed by the following members:

Messrs. EDWARDS of Raymond

STANLEY of Bangor

DAVIS of Calais

— of the House.

Reports were read.



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

Mr. COUTURE: Mr. Speaker, I move this item lie on the table unassigned until we receive the three per cent tax measure that is supposed to come out of the Tax Committee.

The SPEAKER: The gentleman from Bath, Mr. Couture, moves that with respect to Resolve Appropriating Monies to Effectuate Salary Plan for State Employees, both Committee Reports be tabled unassigned pending acceptance of either Report. Is this the pleasure of the House?

The motion prevailed and the Reports were so tabled.

#### Divided Report

Report "A" of the Committee on Appropriations and Financial Affairs reporting "Ought to pass" on Resolve Appropriating Moneys to Aid Construction of Dormitory at Higgins Classical Institute (H. P. 527) (L. D. 755)

Report was signed by the following members:

Messrs. BEAN of Winterport  
DUQUETTE of Biddeford  
EDWARDS of Raymond  
DAVIS of Calais  
BRAGDON of Perham  
— of the House.

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

Report was signed by the following members:

Messrs. DAVIS of Cumberland  
SINCLAIR of Somerset  
LESSARD  
of Androscoggin  
— of the Senate.

Messrs. STANLEY of Bangor  
WOOD of Webster  
— of the House.

Reports were read.

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

Mr. RICH: Mr. Speaker, I move that we accept the "Ought to pass" Report, and I would like to speak briefly on this resolve.

The SPEAKER: The gentleman may proceed.

Mr. RICH: Mr. Speaker, Ladies and Gentlemen of the House: A few days ago I asked your support on a resolve which would enable Penobscot County to contribute toward the rebuilding of our dormitory. I am grateful for your support of that measure. That resolve went to the other branch and at present is on the table in that body. I cannot predict at this time what the outcome will be, but I do know that many members of that body favor its passage.

Today, I bring before you another resolve which if passed would take \$25,000 from the unappropriated surplus and allocate it to our building fund. Many of the reasons in favor of the other resolve are equally applicable to this resolve. We do need the money to help us recover from the disaster which struck us a year ago. Much has been said during this session about helping education. You have passed the Sinclair bill which will undoubtedly help many schools, but what does it do to us? Teachers' salaries will be increased by several hundred dollars each, rightfully so. Therefore, our costs will be increased but we will get no state subsidy unless we are able to go into an administrative unit which I doubt very much. However, I believe that we can handle the situation. The reconstruction of our dormitory is our major problem. I believe that the record of our school warrants state support. Of our 193 students last year, 182 are Maine residents coming from about 75 cities and towns in Maine. I presume that the opponents of this measure will object on the grounds of setting a precedent by spending public funds for private schools. Please note that the 97th Legislature passed a resolve granting Portland University \$26,000. The 95th Legislature passed resolves granting \$136,750. to several academies, institutes and seminaries, including Traip Academy, Lincoln Academy, Corinna Union Academy, Hampden, Foxcroft and Freedom Academies, Leavitt Institute, Portland Junior College and the Towns of New Gloucester and New Sharon. The 94th Legislature gave Lee Academy \$25,000. The 93rd Legislature gave Anson Academy \$10,000, Portland

Junior College \$50,000, Freedom Academy \$29,000, Bridgton Academy \$30,000. Higgins Classical Institute to my knowledge has never been granted a special resolve. It has only participated in a blanket resolve when many academies received \$1,000 or more each. I trust that you will vote favorably for my resolve. Thank you.

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

Mr. STANLEY: Mr. Speaker, Ladies and Gentlemen of the House: I again will have to oppose the gentleman from Charleston, Mr. Rich, who is a good friend of mine, but I don't believe that we should appropriate state monies for private institutions. I don't like to say that we are setting a bad precedent. I didn't think of that at all. I think every issue should be considered on its merits itself. Certainly the school, Higgins Classical Institute, has a wonderful record and they have done a beautiful job for education in the State of Maine. I don't think for that reason that public funds should be expended for a private school. I think a private school should stand on its own two feet. Certainly they have had a disaster this past year, and no one would like to see it back in its original shape more than I would, but I think that there are better ways of doing it. I know that we used to pass resolves for all of the academies, but the legislature a year ago saw the error of its ways and decided not to do that any longer. I don't believe that this is good legislation and that is the reason why I signed the minority "Ought not to pass" report." Did the gentleman make a motion?

The SPEAKER: The Chair would advise the gentleman from Bangor that the gentleman from Charleston moved the acceptance of Report "A" the "Ought to pass" report.

Mr. STANLEY: Mr. Speaker, I would hope that his motion would not prevail.

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

Mr. BEAN: Mr. Speaker and Members of the House: For reasons which have been explained by our

good friend the gentleman from Charleston, Mr. Rich, and for reasons that this school is serving several communities and doing a real job at it, I felt justified in signing the "Ought to pass" Report and I hope that this House will go along and give this school a chance to recover and continue serving that area as well as the entire State of Maine.

The SPEAKER: Is the House ready for the question. The question before the House is the motion of the gentleman from Charleston, Mr. Rich, that with respect to Resolve Appropriating Moneys to Aid Construction of Dormitory at Higgins Classical Institute House Paper 527, Legislative Document 755, the House accept Report A "Ought to pass". Will those who favor the acceptance of the "Ought to pass" report please say aye; those opposed, no.

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

A division of the House was had. Sixty-six having voted in the affirmative and forty-nine having voted in the negative, the motion prevailed, the Resolve was given its first reading and assigned for second reading tomorrow.

On the disagreeing action of the two branches of the Legislature on Resolve Authorizing Forestry Resource Survey (H. P. 588) (L. D. 837) the Speaker appointed the following Conferees on the part of the House:

Mr. BREWER of Caribou  
Miss CORMIER of Rumford  
Mr. VAUGHAN of Hallowell

On the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Fortnightly Payment of Salaries and Wages to State Officers and Employees" (S. P. 462) (L. D. 1317) the Speaker appointed the following Conferees on the part of the House:

Messrs. CYR of Augusta  
CROCKETT of Freeport  
KINCH of Livermore Falls

On the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Initial Motor Vehicle Number Plates" (H. P. 957) (L. D. 1358) the Speaker ap-

pointed the following Conferees on the part of the House:

Messrs. HAUGHN of Bridgton  
STILPHEN of Rockland  
CROCKETT of Freeport

On the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Employment of Minors" (H. P. 546) (L. D. 773) the Speaker appointed the following Conferees on the part of the House:

Messrs. TURNER of Auburn  
TEVANIAN of Portland  
HATHAWAY  
of Columbia Falls

On the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Local Option for Sale of Liquor by Certain Part-time Hotels" (H. P. 665) (L. D. 946) the Speaker appointed the following Conferees on the part of the House:

Messrs. HANCOCK of York  
JALBERT of Lewiston  
PIERCE of Bucksport

**Passed to Be Engrossed  
Tabled Until Later  
In Today's Session**

Bill "An Act relating to Constructing a Fishway at Aroostook Falls" (S. P. 360) (L. D. 932)

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

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

Mr. HENDSBEE: Mr. Speaker, I would request permission to table item one, L. D. 932, until Friday for further consideration.

The SPEAKER: The question before the House is the motion of the gentleman from Madison, Mr. Hendsbee, that item one be tabled until Friday, May 24, pending third reading. Is this the pleasure of the House?

(Cries of "No")

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

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

Mr. TOTMAN: Mr. Speaker, I would like to move that item one be tabled until later in today's session.

The SPEAKER: The gentleman from Bangor, Mr. Totman, moves that Bill "An Act relating to Constructing a Fishway at Aroostook Falls" be tabled and specially assigned until later in today's session pending third reading. Is this the pleasure of the House?

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

Bill "An Act to Allocate Monies for the Administrative Expenses of the State Liquor Commission for the Fiscal Years Ending June 30, 1958 and June 30, 1959" (S. P. 586) (L. D. 1587)

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

**Third Reader  
Amended**

Bill "An Act Increasing Pensions of Elderly Teachers" (H. P. 258) (L. D. 356)

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

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

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

HOUSE AMENDMENT "A" to H. P. 258, L. D. 356, Bill "An Act Increasing Pensions of Elderly Teachers."

Amend said Bill by inserting after the Title and before the enacting clause the following Emergency Preamble:

**'Emergency preamble.** Whereas, elderly retired teachers have faithfully served the youth of this State for many years; and

Whereas, pensions now given by the State to such teachers are in appreciation of their services; and

Whereas, due to increased cost of living such pensions are inadequate to provide for the bare necessities of life; and

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

health and safety; now, therefore,'

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

'**Emergency clause.** In view of the emergency cited in the preamble, the provisions of this act shall become effective July 1, 1957.'

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

Bill "An Act relating to Benefit Eligibility and Definition of Unemployment under Employment Security Law" (H. P. 780) (L. D. 1113)

Resolve to Repeal Certain Special Reserve Pensions (S. P. 589) (L. D. 1588)

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

#### Amended Bills

Bill "An Act to Clarify the Employment Security Law" (S. P. 419) (L. D. 1178)

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

Resolve Proposing an Amendment to the Constitution Pledging Credit of State for Guaranteed Loans for Industrial Purposes (S. P. 580) (L. D. 1581)

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

#### Passed to Be Enacted

An Act Authorizing Interlocal Cooperation (S. P. 249) (L. D. 637)

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 Tabled and Assigned

An Act relating to Powers of State Board of Education (S. P. 479) (L. D. 1384)

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

(On motion of Mrs. Christie of Presque Isle, tabled pending enactment and specially assigned for tomorrow, May 23.)

An Act relating to Investment of Certain State Funds (S. P. 509) (L. D. 1450)

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

An Act relating to Calhoun Vaccination (H. P. 579) (L. D. 828)

An Act to Reactivate a State Committee on Aging (H. P. 767) (L. D. 1100)

An Act Directing Revision of Sea and Shore Fisheries Laws (H. P. 830) (L. D. 1186)

An Act to Incorporate the Rangeley and Eustis Light and Power District (H. P. 907) (L. D. 1293)

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

An Act relating to Voluntary Admissions and Discharges at Pine-land Hospital and Training Center (H. P. 1092) (L. D. 1586)

#### Finally Passed

Resolve Amending the Resolve in favor of George E. Bagnall of Houlton (S. P. 582) (L. D. 1582)

Resolve in favor of Maple Grove Cemetery Association of Randolph (H. P. 635) (L. D. 902)

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.

#### Orders of the Day

The SPEAKER: The Chair now lays before the House the first tabled and today assigned matter, Bill "An Act relating to Salary of Official Court Reporters", Senate Paper 40, Legislative Document 55, tabled on

May 16 by the gentleman from Winterport, Mr. Bean, pending passage to be enacted, and the Chair recognizes that gentleman.

Mr. BEAN: Mr. Speaker, I move under suspension of the rules that the House reconsider its action whereby we passed this bill to be engrossed.

The SPEAKER: The question before the House is the motion of the gentleman from Winterport, Mr. Bean, that the House reconsider its action whereby it passed to be engrossed Bill "An Act relating to Salary of Official Court Reporters". The Chair will advise the House, to secure favorable action this motion must receive the approval of two-thirds of the members of the House present. Will those who favor the motion to reconsider the action of the House whereby it passed this bill to be engrossed, please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Seventy-six having voted in the affirmative and two having voted in the negative, the motion to reconsider prevailed.

Under suspension of the rules the House voted to reconsider its action whereby it adopted Committee Amendment "A".

Mr. Bean of Winterport offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S. P. 40, L. D. 55, Bill, "An Act Relating to Salary of Official Court Reporters."

Amend said Amendment by striking out all of the 6th line and inserting in place thereof the following:

"\$6,500 per year."

Further amend said Amendment in that part designated "Sec. 2" by striking out the figure "\$5,445" in the 2nd line and inserting in place thereof the figure '\$6,875'; and by striking out the figure "\$5,940" in the 3rd line and inserting in place thereof the figure '\$7,500'

House Amendment "A" to Com-

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

The SPEAKER: The Chair now lays before the House item number two under tabled and today assigned matters, Bill "An Act relating to Confidential Character of State Tax Assessor's Records Under Blueberry Tax Law", Senate Paper 439, Legislative Document 1236, tabled on May 21 by the gentleman from Bangor, Mr. Browne, pending passage to be engrossed, and the Chair recognizes that gentleman.

Thereupon, on motion of Mr. Browne of Bangor, the Bill was passed to be engrossed, and sent to the Senate.

The SPEAKER: The Chair now lays before the House item number three under tabled and today assigned matters, Bill 'An Act Directing Review of Election Laws' Senate Paper 23, Legislative Document 14, tabled on May 21 by the gentleman from Brooks, Mr. Elwell, pending third reading, and the Chair recognizes that gentleman.

Thereupon, on motion of Mr. Elwell of Brooks, the Bill was given its third reading, and having been reported by the Committee on Bills in the Third Reading, was passed to be engrossed as amended and sent to the Senate.

The SPEAKER: The Chair now lays before the House item number four under tabled and today assigned matters, Bill "An Act to Correct Inconsistencies in State Highway Laws", Senate Paper 66, Legislative Document 113, tabled on May 21 by the gentleman from Raymond, Mr. Edwards, pending third reading.

Thereupon, the Bill was given its third reading, and having been reported by the Committee on Bills in the Third Reading, was passed to be engrossed as amended and sent to the Senate.

The SPEAKER: The Chair now lays before the House item number five under tabled and today as-

signed matters, Bill "An Act relating to Registration of Dealers in Boat Trailers and Temporary Registration Plates", Senate Paper 391, Legislative Document 1087, tabled on May 21 by the gentleman from Belfast, Mr. Rollins, pending third reading, and the Chair recognizes that gentleman.

Mr. ROLLINS: Mr. Speaker, I now move the indefinite postponement of Senate Amendment "A".

The SPEAKER: The Chair understands that the gentleman from Belfast, Mr. Rollins, moves that under suspension of the rules the House reconsider its action whereby it adopted Senate Amendment "A" on May 20. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair now understands that the gentleman from Belfast, Mr. Rollins, moves that the House indefinitely postpone Senate Amendment "A". Is this the pleasure of the House?

The motion prevailed.

Thereupon, the Bill was given its third reading, and having been reported by the Committee on Bills in the Third Reading, was passed to be engrossed in non-concurrence and sent to the Senate.

The SPEAKER: The Chair now lays before the House item number six under tabled and today assigned matters, Bill "An Act relating to Expending Aroostook County Funds for Ricker College", Senate Paper 224, Legislative Document 567, tabled on May 21 by the gentleman from Houlton, Mr. Ervin, pending the motion of the gentleman from Portland, Mr. Maynard, to indefinitely postpone.

The Chair recognizes the gentleman from Houlton, Mr. Ervin.

Mr. ERVIN: Mr. Speaker, I would like to make a few brief remarks before a vote is taken on this bill and perhaps to correct one or two statements that were made yesterday. First I would like to point out that it was stated yesterday that the 97th Legislature gave to Ricker College the sum of \$25,000. I believe that was confused a little bit with the grant that was made to Portland Junior College that the gentleman from Charleston, Mr. Rich,

mentioned just a few minutes ago. The 97th Legislature did, however, give the County Commissioners the authority to expend \$10,000 a year for that biennium for the support of Ricker College. I believe that the county is generally agreed that Ricker is a very valuable asset, not only to that county, but to the state, and that we in that community and surrounding communities are doing everything possible to preserve this asset.

Just to illustrate some of the efforts that have gone on in the past two years. Two years ago we found that the institution had a deficit of between \$20,000 and \$25,000. The Rotary Club of the town took it upon itself to erase that debt within two years. They accepted the challenge very cheerfully, and in the first year which was last fall after many weeks of work they put on a radio auction, and realized a little over \$10,000. This spring between the Rotary Club and the Lions Club they have raised another \$1,500. The trustees in the past two or three years through a program with their alumni have raised annually \$4,000. So you can see that the community and the people are solid behind this movement to keep Ricker progressing. They have already erased almost half of that deficit.

The New England Council of higher education in a recent survey statement came out with the survey report that within eight years, under the present demand for college educations, that there will be 20,000 students in the New England area that will be unable to enter college because of lack of proper facilities. All of our major Maine colleges in this state, Colby, Bates and Bowdoin have indicated that they do no plan to expand their facilities above their present level insofar as accepting new students is concerned. Presently, the University of Maine has 3,500 students and if the University continues to expand in the same proportion, they will have an enrollment of 7,000 by 1965. Many of the noted educational authorities predict that the gap must be taken up and filled by these small colleges, and we are fortunate indeed in having Ricker already in existence to help do that little job.

The gentleman from Portland, Mr. Maynard, has mentioned yesterday and suggested that perhaps Ricker could become a part of the University of Maine. I believe that such a movement has considerable merit and that with the University of Maine's expanding program we should give this idea every consideration, but I don't feel that this is the time to do that. Our problem in Northern Maine at the present time is to maintain and keep Ricker going so that in perhaps two years a comprehensive plan may be presented to the legislature for such a move.

A comparison was also made yesterday that we graduated last year only twelve students with an AB degree at an approximate cost of \$904 compared to a cost I think of \$907 at the University of Maine. I think perhaps this is an unfair comparison because the college has 89 students and if you are dividing that 89 by \$10,000 a year contributed by the county, the cost is not \$900 but only \$112. Many of the Ricker College students take a two-year junior course and transfer to other schools within the state and outside. Many take the two-year junior course in accounting and advanced secretarial work and enter the business field.

I believe that Ricker College serves Aroostook County very well.

Many of the students in northern Maine would never receive any college training at all if it was not there. I think it might be of interest to the members of this House that Ricker has the distinction of having two of her former students that were Speakers in the House of Representatives, the late Nathaniel Tompkins and George B. Barnes. And I would like to say in closing that in all sincerity I believe it is the duty of this House to preserve and to promote this valuable educational asset in northern Maine, and I hope that the motion of the gentleman from Portland, Mr. Maynard, does not prevail.

The SPEAKER: The question before the House is the motion of the gentleman from Portland, Mr. Maynard, that the House indefinitely postpone Bill 'An Act relating to Expending Aroostook County Funds for Ricker College.' The

Chair recognizes the gentleman from Fort Fairfield, Mr. Hersey.

Mr. HERSEY: Mr. Speaker, Members of the House: I would just like to correct one statement that was just made by the gentleman from Houlton, Mr. Ervin. I believe yesterday I stated that Ricker College had graduated an average of a little over eleven students per year during the past four years. I did not specify any particular year. I think the total of the last four years was 46. It was on those figures that I based my estimates of \$910 per student as compared to \$907 for the cost of the year's education at the University of Maine, which incidentally is only approximately a hundred miles distant.

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

Mr. STANLEY: Mr. Speaker, if this is in order now, I would ask consent of the House to be excused from voting because of the fact that I have paired my vote with the representative from Hodgdon, Mr. Williams, who is unavoidably absent today. If present the gentleman from Hodgdon, Mr. Williams, would vote "no" and if I voted, my vote would be "yes".

The SPEAKER: Is it the pleasure of the House to excuse the gentleman from Bangor, Mr. Stanley, from voting?

The motion prevailed.

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

Mr. ROWE: Mr. Speaker and Members of the House: I am going to be very brief because I think the case for Ricker College has been adequately handled by the gentleman from Houlton, Mr. Ervin, and I want to indicate my position. I was not at the meeting of the county delegation, but I do concur with them and I think that this is a worthwhile appropriation. Furthermore, these are county funds that are going to be expended on Ricker College and I think those of you who sincerely and firmly believe in the home rule when it can work that this is an opportunity for you to give expression to those beliefs.

The SPEAKER: Is the House ready for the question? The ques-

tion before the House is the motion of the gentleman from Portland, Mr. Maynard, that the House indefinitely postpone Bill "An Act relating to Expending Aroostook County Funds for Ricker College." The Chair is going to take it on itself to order a division. Will those who favor the motion of the gentleman from Portland, Mr. Maynard, 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.

Twenty having voted in the affirmative and ninety-one having voted in the negative, the motion to indefinitely postpone did not prevail.

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

Mr. CHILDS: Mr. Speaker and Members of the House: Whereas we just took a vote on whether this matter should be indefinitely postponed or not, the issue before us then was whether we should allocate public funds for a private institution. This matter is now coming up before us as an emergency matter, and I think that the only issue that should be before us now on how you vote or not is whether it is an emergency or not. There have been no arguments brought forward that there is not an emergency here. Therefore, I hope that those who have voted against this measure as far as indefinite postponement will not vote against it as far as the emergency is concerned.

The SPEAKER: This being an emergency measure, it requires under the constitution the approval of two-thirds of all the members elected to the House.

Will those who favor the passage for enactment of this measure please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Mr. CHILDS: Mr. Speaker?

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

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

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

Mr. CHILDS: My point of order is that apparently from the last vote not all the members voted. I would request the Chair to ask the monitors to take a count of those present.

The SPEAKER: The Chair would advise the gentleman from Portland, Mr. Childs, that his request is not a point of order and the count cannot be requested until after the Chair has declared the vote.

Ninety-five having voted in the affirmative and three having voted in the negative, the measure fails of enactment.

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

Mr. TOTMAN: Mr. Speaker, inasmuch as I voted on the prevailing side, I now move that we reconsider our vote whereby this failed of passage.

The SPEAKER: The question before the House is the motion of the gentleman from Bangor, Mr. Totman, that the House reconsider its action whereby the House failed to give passage to Bill "An Act relating to Expending Aroostook County Funds for Ricker College". The Chair recognizes the gentleman from Bangor, Mr. Totman.

Mr. TOTMAN: I would like to speak to my motion.

The SPEAKER: The gentleman may proceed.

Mr. TOTMAN: Mr. Speaker and Ladies and Gentlemen of the House: As you may have noticed, I deliberately sat down, I was afraid that there would be a shortage, so I stood alone. I would agree with the gentleman from Portland, Mr. Childs, that I do think there were some people who did not vote. Therefore, I hope that you will approve my motion to reconsider, and the next time we will have a complete count.

The SPEAKER: The question before the House is the motion of the gentleman from Bangor, Mr. Totman, that the House reconsider its action which it has just taken whereby it failed to enact Bill "An Act relating to Expending Aroostook County Funds for Ricker College". Is it the pleasure of the House that the House reconsider its action? Will those who favor the motion for



reconsideration please say aye; those opposed, no.

A viva voce vote being taken, the motion to reconsider prevailed.

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

Mr. CHILDS: Mr. Speaker and Members of the House: May I once again reiterate and I hope at this time that the only thing you will question here is whether there is an emergency or not, and I hope you will vote this time that this receives passage.

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

Mr. TOTMAN: Mr. Speaker, before taking a second division may I request that the monitors take a count of each section?

The SPEAKER: The Chair will ask the gentleman from Bangor, Mr. Totman, whether or not he raises a question of a quorum being present? The Chair is advised that a request for an actual count of the House is not in order.

Mr. TOTMAN: Yes, I do question it.

The SPEAKER: The Chair will rule that there is a quorum present. The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: I request permission to approach the rostrum.

The SPEAKER: The gentleman from Perham, Mr. Bragdon, may approach the rostrum.

(Conference at rostrum)

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I move that we reconsider our action whereby this bill has been passed to be engrossed.

The SPEAKER: The gentleman from Perham, Mr. Bragdon, moves that under suspension of the rules the House now reconsider its action whereby it passed to be engrossed Bill "An Act relating to Expending Aroostook County Funds for Ricker College" on May 15. Will those who favor the motion to reconsider the action whereby this bill was passed to be engrossed please say aye; those opposed, no.

A viva voce vote being taken the motion to reconsider did prevail.

Mr. Ervin of Houlton offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to S. P. 224, L. D. 567, Bill, "An Act Relating to Expending Aroostook County Funds for Ricker College."

Amend said Bill by striking out all of the Emergency Preamble and the Emergency Clause.

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

Mr. CHILDS: Mr. Speaker, I move this matter lie upon the table until later in today's session.

The SPEAKER: The question before the House now is the motion of the gentleman from Portland, Mr. Childs, that Bill "An Act relating to Expending Aroostook County Funds for Ricker College" be tabled and specially assigned for later in the day pending the motion of the gentleman from Houlton, Mr. Ervin, that the House adopt House Amendment "A".

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

A viva voce vote being doubted,

A division of the House was had.

Twenty-nine having voted in the affirmative and eighty-five having voted in the negative, the motion to table did not prevail.

The SPEAKER: The question now before the House is the motion of the gentleman from Houlton, Mr. Ervin, that the House adopt House Amendment "A". Will those who favor the adoption of House Amendment "A" please say aye; those opposed, no.

House Amendment "A" was adopted on a viva voce vote.

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

Mr. ROLLINS: Mr. Speaker, when the gentleman from Madawaska, Mr. Rowe, spoke about home rule, I voted with him. I believe in home rule. But as I look this bill up, it isn't home rule. We are telling the County Commissioners, the bill says "shall". I don't think that is our prerogative as a legislature to demand or tell the County Commissioners to spend the money, and I

am opposed to the bill and I move its indefinite postponement.

The SPEAKER: The question now before the House is the motion of the gentleman from Belfast, Mr. Rollins, that the House indefinitely postpone Bill, "An Act relating to Expending Aroostook County Funds for Ricker College." Is the House ready for the question?

The Chair is going to order a division. Will those who favor the motion to indefinitely postpone this bill, please rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Seventeen having voted in the affirmative and ninety-four having voted in the negative, the motion to indefinitely postpone did not prevail.

Thereupon, the Bill having been reported by the Committee on Bills in the Third Reading, was passed to be engrossed as amended in non-concurrence and sent to the Senate.

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

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

The SPEAKER pro tem: At this time the Chair will give an opportunity for any members to remove from the table any of the tabled and unassigned items.

The Chair now lays before the House the matter that was earlier today tabled and assigned for later in the day, Bill "An Act relating to Constructing a Fishway at Aroostook Falls", Senate Paper 360, Legislative Document 932, pending third reading. The Chair recognizes the gentlewoman from Lovell, Mrs. Harriman.

Mrs. HARRIMAN: Mr. Speaker and Members of the House: When this bill came before us yesterday, there was no doubt in our minds that we were laboring on L. D. 932 which was assigned to the Committee of Inland Fisheries and Game. At that time that this bill came up I told you that the Department of

Inland Fisheries and Game was in favor of the bill and willing to go along with it. I made inquiries of the department prior to making this statement and they assured me that they were in favor of the bill if the waters were not down graded in the pollution survey. They knew that I was referring to this bill before the Committee of Inland Fisheries and Game and not to the bill that was before the Appropriations Committee.

This morning I found on my desk a letter which you probably all found which stated: "On Tuesday, May 21st, Senate Paper number 360, L. D. 932 was removed from the table and debated in the House. Statements were made that the Department of Inland Fisheries and Game favored construction of this fishway, and were, in effect, willing to pay the proportionate share of the initial cost of that construction in amount of the stated bill. The Inland Fisheries and Game Department would point out that when Commissioner Cobb appeared before the Appropriations Committee he stated that while he favored construction of the fishway, he felt that the appropriation for construction cost should come from the general fund. Since the Atlantic Salmon Commission operates under appropriations from the general fund, it is the conviction of Fish and Game Department officials that the cost of this fishway should come from general fund appropriations, and they, therefore, oppose L. D. 932. It may be further pointed out that the Department supported in public hearing and will continue to support L. D. 1479," which, by the way, hasn't come out of Committee yet "An Act to Construct a Fishway at Aroostook Falls." Signed: Roland H. Cobb, Commissioner — Inland Fisheries and Game."

Ladies and gentlemen, if this fishway was to be constructed from funds from the Department, I was in favor of it because the Department of Inland Fisheries and Game would receive the license money that came through any increase in fishing in Aroostook River, but I am not in favor of the money coming out of the general fund and I, therefore, withdraw my support of the bill.

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

Mrs. CHRISTIE: Mr. Speaker and Members of the House: I wonder if we in this legislature are going to be controlled by Departments or if we are going to make our own decisions. It seems to me that it is fair and reasonable that the money for this fishway should come from the Fish and Game Department. I believe they have the money there available, and we don't have too much money in the general fund, that is, money that is not earmarked at least, and I am in favor of this bill with the financing from the Fish and Game Department.

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

Mr. DUDLEY: Mr. Speaker, I move that this bill have its third reading at this time.

The SPEAKER pro tem: The motion before the House is that this bill be given its third reading. Is this the pleasure of the House?

Thereupon, the Bill was given its third reading, and having been reported by the Committee on Bills in the Third Reading, was passed to be engrossed and sent to the Senate.

On motion of the gentleman from Eustis, Mr. Carville, the House voted to take from the table the fifth tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Labor on Bill "An Act relating to Employment of Minors", House Paper 855, Legislative Document 1218, tabled on April 16 by that gentleman pending acceptance of the Report.

The SPEAKER pro tem: The Chair recognizes the gentleman from Eustis, Mr. Carville.

Mr. CARVILLE: Mr. Speaker, for the purpose of offering an amendment drafted by the Department of Labor, I now move that we substitute the Bill for the Report.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from Eustis, Mr. Carville, that the Bill be substituted for the Report. Is this the pleasure of the House?

(Cries of "No")

The SPEAKER pro tem: Will those in favor of substituting the Bill for the Report please say aye; those opposed, no.

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

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

Thereupon, the "Ought not to pass" Report was accepted and sent up for concurrence.

On motion of the gentleman from Greenville, Mr. Harris, the House voted to take from the table the first tabled and unassigned matter, Resolve Regulating Fishing in Kennebec River, Somerset and Piscataquis Counties, House Paper 121, Legislative Document 159, tabled on April 10 by that gentleman pending further consideration. In the Senate the Minority Report "Ought not to pass" was accepted; in the House the Resolve was passed to be engrossed.

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

Mr. HARRIS: Mr. Speaker, I still believe that this bill has some merit and you cannot believe all the testimony that has been given to us in the unmentionable branch, but seeing that I have a son graduating from high school this year and commencement is May 31 and I feel as though I should attend, I move we concur with the Senate.

The SPEAKER pro tem: The gentleman from Greenville, Mr. Harris, moves that the House recede and concur. Is this the pleasure of the House?

The motion prevailed.

On motion of the gentleman from Greenville, Mr. Harris, the House voted to take from the table the second tabled and unassigned matter, Resolve Regulating Fishing in Kokadjo, Piscataquis County, House Paper 123, Legislative Document 161, tabled on April 10 by that gentleman pending further consideration. In the Senate the Minority Report "Ought not to pass" was accepted. In the House it was passed to be engrossed.

On further motion of the same gentleman, the House voted to recede and concur.

On motion of the gentleman from Orono, Mr. Needham, the House voted to take from the table the twenty-third tabled and unassigned matter, Bill "An Act relating to Determination of Damages Caused by Taking of Land for Highway Purposes, House Paper 656, Legislative Document 937, tabled on May 9 by that gentleman pending passage to be engrossed.

On further motion of the same gentleman, the Bill having been reported by the Committee on Bills in the Third Reading was passed to be engrossed and sent to the Senate.

On motion of Mr. Childs of Portland, the House voted to take from the table the ninth tabled and unassigned matter, House Report "Ought to pass" of the Committee on Transportation on Bill "An Act relating to Maintaining Financial Responsibility in Motor Vehicle Accidents," House Paper 252, Legislative Document 313, tabled on April 18 by that gentleman pending acceptance of the Report.

On further motion of the same gentleman the "Ought to pass" Report was accepted and the Bill read twice.

Mr. Curtis of Bowdoinham offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 252, L. D. 313, Bill "An Act Relating to Maintaining Financial Responsibility in Motor Vehicle Accidents."

Amend said Bill by striking out the single quotation mark at the end of the Bill, and inserting in place thereof the following underlined sentence and punctuation: **The Secretary may waive the requirement of filing proof after three years from the date of the original filing thereof.**

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

On motion of the gentleman from Milo, Mr. Brockway, the House vot-

ed to take from the table the last item on today's calendar, a recalled matter in the hands of the Clerk, Bill "An Act Creating the Maine Commercial Feed Law", House Paper 254, Legislative Document 352, recalled to the House by Joint Order from the Engrossing Department.

On further motion of the same gentleman under suspension of the rules the House voted to reconsider its action whereby it passed the bill to be engrossed as amended by Committee Amendment "A".

On further motion of the same gentleman under suspension of the rules the House voted to reconsider its action whereby it adopted Committee Amendment "A".

Mr. Brockway of Milo offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H. P. 254, L. D. 352, Bill, "An Act Creating the Maine Commercial Feed Law."

Amend said Amendment by striking out at the end of the 5th line the words "all of the" and inserting in place thereof the words 'the first paragraph of'

House Amendment "A" to Committee Amendment "A" was adopted.

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

On motion of the gentleman from Buxton, Mr. Bruce, the House voted to take from the table the eleventh tabled and unassigned matter, House Report "Ought not to pass" of the Committee on Judiciary on Bill "An Act Prohibiting Television Advertising of Alcoholic Beverages", House Paper 606, Legislative Document 853, tabled on April 19 by that gentleman pending acceptance of the Report.

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

Mr. BRUCE: Mr. Speaker, I have a commitment to about five lobby-

ists, and several members of the House that I would not take this off unless they were present. I thought a moment ago that one of them, in fact I talked with him within a minute just before I came in the room and I hope that he would follow me into the room, and I see he is not here. Can I, therefore, withdraw my motion for a minute or two.

The SPEAKER pro tem: The Chair would advise that the item has been removed from the table by a vote of the House. Does the gentleman wish to retable the item?

Mr. BRUCE: Mr. Speaker, I see the gentleman is now here. It is not my intention to debate this issue at any great length. I have a feeling that the subject has been very thoroughly discussed up to this point, and I would like to make just one or two or perhaps three brief statements in regard to this bill. I am not going to attempt to discuss the moral issue to any great extent.

I would like to say that the television stations themselves voluntarily bar the advertising of hard liquor. They do not feel apparently and apparently they abolish or refuse to accept hard liquor on a moral ground. I maintain that there is no distinction between the two, that beer and wine are just as harmful if used in excess as is hard liquor. I object strenuously to having this particular type of invasion into our homes. I object to having my children and your children and the lower teenagers be subjected to this type of advertising on television. If beer were advertised in our high school textbooks on every other page, we would have no difficulty in getting a bill in here to ban such advertising. I thoroughly believe from my personal observation that the eyes of our youngsters are glued to their television sets longer, and more effectively, and more directly than they are to their textbooks. Drinking has become a problem in our schools, in our high schools, among our teenagers. That is a question that you must decide for yourselves whether you want it from that point of view.

I will speak briefly on the legal aspects of this question. This appeared before the members of Judiciary. It was reported out by the

ten lawyers on that Committee unanimously "Ought not to pass." The only questions that were asked me before the Judiciary Committee were questions of points of law. I have made a personal study of the law in this situation. I have cleared it with the Attorney General and had a ruling from him that it was legal, which was questioned in Judiciary. I have had other attorneys, whose opinion I respect, tell me that it is perfectly legal. You heard on the floor of this House when a similar issue was debated, that the President of the United States, a letter from him was read, and I hope, but doubt, that it will be read again today stating that it was a matter for the states. I do not want to get into the technicalities of it. If it is not legal, the courts will be the final word and will decide the issue. I hope that you do not vote on this today from a technical or a legal point of view.

The third point that I want to make is to offset the propaganda that has been used, let me say, in lobbying this House, that we will lose on television our sports programs, our ball games and our fights. Nothing could be further from the truth. The ball games, one third of one game—of a series of games that are broadcast on one station, three innings are sponsored by beer. Incidentally, by their own figures 21 per cent of those watching those games are youngsters and teenagers. If the advertising of beer were prohibited in this state, there would be a line waiting to take up that time by other sponsors. The only possible exception would be one program which I understand is controlled by a brewery. The others are open programs and can be sold to anyone. The only reason that you see so much beer advertising is the fact that they have the choice spots, and those times could be readily sold.

One other point that has been used in the lobby is that we could not prohibit the advertising of beer coming across state lines. That is true. Channels out of Boston we could not stop. There is some question about a channel whose transmitter is in New Hampshire and its studios are in the State of Maine. I am not particularly, in fact I can

say that I would dismiss that question because if, ladies and gentlemen, if we can accomplish that which I have set out to accomplish, that is to ban it on the Maine stations, I shall consider it a terrific victory and a forward-looking point of view for the people of the State of Maine. Thank you very much.

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

Mrs. CHRISTIE: Mr. Speaker and Members of the House: I would like to speak very briefly in regard to this matter. A short time ago I read a letter in the Christian Science Monitor in regard to this subject of advertising of alcoholic beverages, and I would like to read the item from that letter: "Not to be overlooked at this point is the argument that public opinion is so softened up by constantly displayed liquor advertising that it no longer offers organized resistance that something may have happened to public morality on the subject — that fashionable people have been made to look so responsible and so respectable in liquor advertisements that drinking is accepted by many as a normal condition of American life."

As you have heard me say before on the floor of this House, my greatest concern in regard to advertising of alcoholic beverages is what it does to young people. Older people have pretty much made their decisions and it does not matter so much to them, but if you will watch the TV programs for a little while, you will see how very intriguing and enticing are these programs put on by the brewers, and I feel that the influence on children is very detrimental, and as this little article said, public opinion is being softened up by this advertising to the point where children are becoming accustomed to this sort of drinking and to the idea that drinking is a normal way of life. I hope that the people of this House will be interested enough in protecting our young people that they will vote for this bill.

The SPEAKER pro tem: The Chair recognizes the gentleman from Sanford, Mr. Desmarais.

Mr. DESMARAIS: Mr. Speaker, I don't believe this bill is fair to the general public, and I move that we indefinitely postpone this bill.

The SPEAKER pro tem: The question now before the House is the motion of the gentleman from Sanford, Mr. Desmarais that this bill be indefinitely postponed. The Chair recognizes the gentleman from Bangor, Mr. Browne.

Mr. BROWNE: Mr. Speaker and Ladies and Gentlemen: I arise at this time to explain the position of the Judiciary Committee in taking the position it did with reference to this matter. First of all I would like to say that any remarks made earlier by the gentleman from Buxton, Mr. Bruce, with reference to commitments he had made to other members of the legislature and so forth would not include myself. I believe I have never mentioned the subject to him, never asked to be informed when the matter was coming off the table. I left it entirely with his discretion.

Now, there are several reasons why this measure received the unfavorable report of the Committee. I would like to discuss some of these. First of all, it is impossible to control the airways. Programs originating from New Hampshire, Massachusetts and other neighboring areas will come across our borders and into this state regardless of what action we take with reference to this measure. The station at Mt. Washington comes as far east as Bangor and I presume that it is one of the favorite stations of the people living in the western portion of our state. The Massachusetts stations are received all around our coastal areas, from Eastport down through to the western border. Therefore, a vast majority of our population would be exposed to this type of advertising regardless of what we do with this measure and therefore I say it is impossible to do anything or to accomplish anything with this type of legislation.

Now this legislation is discriminatory. It discriminates against television stations located within our boundaries as an advertising media as compared with newspapers, magazines, billboards and what have you. We would prohibit television

stations from accepting beer advertisements but every day we would be permitting into our homes magazines, newspapers and all other forms and media with full page and sometimes in color ads of not only beer and ale but your hard liquors as well. We would also be discriminating against our television stations in another way because we would be placing them in an unfavorable position to compete with stations located outside our boundaries and serving similar areas.

Now, my third reason would be that we are attempting to legislate morals which is also an impossible task. If the parents do not want their children to see a program, they can turn the television set off. In the May issue of the Presbyterian Life, the official organ of the Presbyterian Church, there appeared the following and I quote: "Firm decisions about programs for children must begin at home." When you get down to the basic issues this is a problem for the parents. This, of course, is true. We have had problems of overindulgence long before the advent of television, and I don't think it can be argued effectively and honestly that television advertising has increased this problem. In 1953 there was \$125,000,000 spent for advertising by the brewers. Of this amount, only \$37,000,000 was spent on television. Certainly if these other mediae which received the lion's share of this money were not effective, then we can be sure that they would not have been employed by the industry. Now, if this premise is correct, I think we can assume that our children would be subjected to some effective form of advertising regardless of whether or not we pass this legislation or not. The history of this type of legislation is that it has been sponsored throughout the United States by prohibitionists in an attempt to negate what the 21st amendment of the U. S. Constitution made legal. Nowhere have they been successful.

In 1954, the State of Washington, a weaker law was introduced into that state, weaker than this in that it would limit advertising only between the hours of eight in the morning and ten at night. The people of the State of Washington voted

it down. It went to referendum. The people of that state voted it down by a three to one margin and it is significant that all thirty-nine counties of the state voted it down. I believe this to be a true indication that the vast majority of the people sanction beer and ale advertising on TV. I certainly wish to support the motion to indefinitely postpone.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from Sanford, Mr. Desmarais, for the indefinite postponement of the Report. The Chair recognizes the gentlewoman from Kittery, Mrs. Burnham.

Mrs. BURNHAM: Mr. Speaker and Members of the House: I would like to make a few observations about this bill. The strength of the opposition to this bill could be measured by the opening remarks of the gentleman from Buxton, Mr. Bruce, in his most sincere effort to try to protect the children of our state. The gentleman from Bangor, Mr. Browne, has stated that this is discriminatory legislation. I agree with those remarks. It is discriminatory in favor of the brewing industry and against the children of our state. I would like to support the gentleman from Buxton, Mr. Bruce's amendment and vote against indefinite postponement of this bill.

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

Mr. ALLEN: Mr. Speaker and Members of the House: I have been a friend of the Civic League, in fact, I have sponsored some of their legislation and I have voted pretty much down the line on their bills, but here is where I have to differ and in doing so I must reveal my conscience just a little bit in looking this thing over. It is kind of hard for me to oppose them, but there is two sides to every story. As in the beginning God created heaven and earth; he divided the land from the sea; he divided the lightness from the dark. Therefore, there are two sides to look at, as he made man and put Adam in the Garden of Eden and made Eve. Eve did not have to partake of the forbidden fruit. She had a choice. I don't believe that we could legislate morals.

This type of legislation, it seems to me, does just that sort of a thing. I believe that we are made free moral agents and that it is up to us to make our own decisions as to the course or how we should plan our lives.

As far as children watching the TV, I will admit they watch it a great deal, but the fact that there is beer advertised before them a great deal, I believe, might just effectively build up an immunity to it as it is to encourage them to go on the wrong path and later on start in drinking beer. I think the more they put before the children, the more that they realize what they might face when they grow up. If we are going to ban them from all of these things, from seeing what the other side of the world is like, therefore, not knowing what they are to face when they go out into the world, I am wondering what effect it's going to have on them. They won't be guarding against this sort of a thing. In addition, this legislation just isn't against the breweries, it is also against free enterprise, against the television stations.

I believe that the Christian Civic League is doing a very great and very needed work. There should be more of them and in bringing this legislation before the people they are doing a service, but I do not feel that I can go along with this bill. I don't think that we ought to pass such legislation at this time.

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

Mrs. CHRISTIE: Mr. Speaker and Members of the House: I just want to correct one assumption of the gentleman from Chelsea, Mr. Allen. This is not a Civic League bill. It is not a bill of the Women's Christian Temperance Union. It is Mr. Bruce's bill, and he is the one responsible for it and not any organization with which I am connected or of which I know.

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

Mr. RICH: Mr. Speaker, I have a great deal of respect for the gentleman from Chelsea, Mr. Allen, but I can't agree with him on this issue. I can't see that bringing this form of advertising before our children is

going to be beneficial in any way, that it is going to build up any immunity to their thinking that drinking is not just the thing and practiced by a great many people. I want to support the gentleman from Buxton, Mr. Bruce.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen: I think this has been pretty clearly covered from the children's standpoint, and I agree with all that has been said in regard to that, but I just want to make a little remark to bring your attention to some of us older people. I am sick, sore and tired of these funny faces that appear every time you listen to a good program — a brewer's gold, and jingle and jingle and monkey faces, now I'm awful sick and tired of it, and I'm so sick of it I have to jump up and run to shut the thing off and then have to leave it on a little mite because if I shut it off entirely the thing goes out and why the program is half gone before I turn it on again, and anything you can do to get rid of some of that junk I would be awful glad. If I wanted a glass of beer I know where to go and get it. I don't have to have brewer's gold and monkey faces all the time, so I'm going to support the gentleman from Buxton, Mr. Bruce.

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

Mr. HANCOCK: Mr. Speaker and Ladies and Gentlemen, I would presume from the remarks of the gentleman from Bowdoinham, Mr. Curtis, that there would be other advertising that he would object to as well as beer and ale, and I must state, as a member of the Judiciary Committee, one of the reasons that I was in favor of the "Ought not to pass" is that basically I disagree with the premise that the proponents throw out that this is harmful to children. I have three young children. They are not at an age yet where after seeing advertising of beer, they're going to come and ask me for a glass, but the objection that we received in the Committee and that the proponent himself stated was that he was sick and tired of watching a ball game and ev-



ery third inning have someone say "go to your refrigerator and have a glass of beer." It is just as objectionable to me to watch the Friday night fights and have them tell me to go and shave every other round with Gillette razor blades.

I think you will agree that there is objectionable advertising in the way that it is portrayed on television and sometimes on the radio, but because the article is not in itself objectionable, as these proponents say that beer is, what are we going to do, ban advertising from television and radio? Certainly if we do that then we should ban it from our newspapers and from our magazines.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from Sanford, Mr. Desmarais, for indefinite postponement of the Report. The Chair recognizes the gentleman from Buxton, Mr. Bruce.

Mr. BRUCE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to confirm what the gentlewoman from Presque Isle, Mrs. Christie, said, that I did not put this bill in under the sponsorship or at the direction of or in cooperation of any organization with which I am affiliated or any organization with which I am not affiliated. I would also, in rebuttal if I may, answer the gentleman from York, Mr. Hancock, that under the laws of the country and I am not an attorney and he is, he full well knows as do all attorneys, that liquor is the only legal product against which you can legislate. This state could not ban, for instance, the importation of cheese into Maine, but we could very definitely ban the importation of liquor into Maine, and the same thing holds true in regard to the banning of advertising on television. I repeat that I hope that you do not look at this from a technical point of view but purely on your own convictions of the merits of the bill.

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

Mr. BEAN: Mr. Speaker and Ladies and Gentlemen of the House: Somewhere in my travels I have

read these words; "what a child sees makes the most lasting impressions." I would like to go along with my good friend the gentleman from Buxton, Mr. Bruce, and I hope the motion of the gentleman from Sanford, Mr. Desmarais, does not prevail.

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

Mr. BRODERICK: Mr. Speaker, Members of the House: I hesitate to go into the constitutionality of this because I am scared to death of the gentlewoman from Kittery, Mrs. Burnham, but I would like to point out very briefly if I may, the thoughts that passed through my mind being a member of the Judiciary Committee, and perhaps one of the reasons why I looked unfavorably upon this particular bill. I am concerned primarily with the due process clause not of our federal constitution because that does not apply here. As you may or may not know, the federal constitution in its due process section is directed to the federal courts and not the state courts.

I am concerned, however, with Article I, Section 4 of our own Maine Constitution, and I would like to read what that contains here: "No person shall be deprived of his liberty, his life, property or privileges" and that word "privilege" incidentally, our state constitution goes much further than our federal constitution. The word "privilege" is not mentioned in our federal constitution. "No person shall be deprived of his life, liberty, property or privileges, but by judgment of his peers or by law of the land." Now what do we mean by law of the land? Our law court has ruled and that is the law of our land here and I am quoting from Adams v. Palmer, 51 Me. 480: "The law of the land as used in the Constitution has long had an interpretation which is well understood and practically adhered to. It does not mean an act of the legislature." Any act that we do here as legislators is not the law of the land. One other brief quote again from Allen v. Jay, this is from 60 Me. 124: "Every enactment is not of itself necessarily the law of the land. To declare it to be so would render

this portion of the Constitution amendatory and ineffectual." Once again I repeat here that this legislative body is bound by the provisions of our constitution. To deny the television people the right to telecast, or to deny the right to the brewers to advertise their products for sale is a violation of their rights under our state constitution inasmuch as it violates the due process clause. I just point this out for your consideration.

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

Mr. ALLEN: Mr. Speaker and Members of the House: I wish to apologize to the Civic League. I mentioned their name. I thought that it was quite likely that they were behind this bill, but apparently they are not, and furthermore—maybe they are, I don't know. Furthermore to support my theory that those who are deprived of even getting a glimpse of the wayward side of life, when they are thrown out into the world, they go adrift. To support that theory I know of some men who are ministers' sons and they have turned out to be some of the worst hellions that I know of.

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

Mr. DESMARAIS: Mr. Speaker and Members of the House: I want to state my reason why I am opposed to this bill. As you walk down the street in any town or city and all you have to do is look up and you see a beer sign. In other words, I am not a drinking man, but I like sports, and I watch sports when it is on television and I don't think it ever affected me in telling me that I should start drinking. That is the reason why I am opposed to the bill.

The SPEAKER pro tem: The Chair recognizes the gentleman from Kittery, Mrs. Burnham.

Mrs. BURNHAM: Mr. Speaker and Members of the House: I think I could state without fear of contradiction that the Civic League would have been proud to have sponsored this bill, and we have welcomed it most wholeheartedly. I have been interested, we have

gone back to the earliest times of the Bible for justification in this, mentioned Adam and Eve, and some of the excuses that have been brought here this afternoon and have been mentioned on the floor of the House remind me of Adam's excuse.

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

Mr. CASWELL: Mr. Speaker, it seems to me that we are being somewhat inconsistent in our arguments. I recall very vividly, and I suppose because it was very early in my first session down here, a case where I was enviegled into sponsoring a bill which had to do with something of this sort. It was a bill designed to protect the youth of our state. Actually, as I remember it, the bill was to prevent a child, a teenager under 18, under the original bill, he might employ someone else to go into a beer place or place where liquor was sold and get the purchase for him. I remember this so vividly because I recall how frightened I was appearing at the hearing before the Liquor Commission. I thank God it was not the Judiciary that I had to appear before because I should probably have had a much worse time. During that hearing several other liquor bills, so-called liquor bills, had come up and the various interests were well represented, liquor interests, and those bills had a very hard time. Fortunately for me the bill which I was sponsoring was merely designed to correct a loophole in the original bill and those interests did not oppose it in the least and I got off very easily, but it seems to me that it this bill really is a protection for our youth, that we have struggled some years since we changed from prohibition time to protect our young people, our children from the evils of liquor traffic and if as the gentleman from Chelsea, Mr. Allen, suggested, it is not a protection but rather they are taught to go against the use of beer and ale that it might be a good idea for us to arrange the use of beer and ale that it might be a good idea for us to arrange for our youth to be conducted through all these beer establish-

ments as a treatment which might lead them to learn better than to drink, and instead of enacting laws which we feel, like the one I speak of that I sponsored, instead of enacting such laws to prevent their going to such places, we attempt to encourage them to spend their time in those places and thereby learn to become non-drinkers.

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

Mr. TOTMAN: Mr. Speaker, only because I made a promise earlier today to give the reporters a recess, I would now like to move the previous question.

The SPEAKER pro tem: The gentleman from Bangor, Mr. Totman, now moves the previous question. In order for the Chair to entertain the previous question, the Chair must have the consent of one-third of those present. Will those who are in favor of entertaining the previous question, please rise and remain standing until the monitors have made and returned the count.

Obviously more than one-third having expressed a desire for the previous question the previous question is ordered. The question before the House now is shall the main question be put now. All those in favor of the main question being put now please say aye; those opposed, no.

The main question was ordered on a viva voce vote.

The SPEAKER pro tem: The Chair recognizes the gentleman from Winslow, Mr. Dostie.

Mr. DOSTIE: Mr. Speaker, I would ask for a division.

The SPEAKER pro tem: the question before the House is the motion of the gentleman from Sanford, Mr. Desmarais, for the indefinite postponement of the "Ought not to pass" Report on Bill "An Act Prohibiting Television Advertising of Alcoholic Beverages", House Paper 606, Legislative Document 853. Will all those in favor of the indefinite postponement of the Report please rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Seventy having voted in the affirmative and forty having voted in the negative, the motion prevailed, the Report and Bill were indefinitely postponed and sent up for concurrence.

(Off record remarks)

At this point, Speaker Edgar returned to the rostrum.

SPEAKER EDGAR: The Chair would like to thank very much the gentleman from Lee, Mr. Frazier, for such an excellent job as Speaker pro tem.

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

On motion of Mr. Totman of Bangor,

The House recessed until 4:45 p.m. this afternoon.

After Recess  
4:45 p.m.

The House was called to order by the Speaker.

#### Order Out of Order Tabled and Assigned

The gentleman from Brunswick Mr. Walsh, out of order and under suspension of the rules presented the following Order:

ORDERED, The Senate concurring, that the Legislative Research Committee be, and hereby is requested to

(a) Study State participation in the federal flood insurance program enacted by the Federal Flood Insurance Act of 1956, Public Law 1016, 84th Congress, Second Session; and

(b) Inquire into existing statutes and constitutional provisions concerning the extent to which the state may engage in the flood insurance program and the flood zoning requirements;

BE IT FURTHER ORDERED, That the Committee report to the next Legislature the result of its study with such recommendations

as it deems appropriate. (H. P. 1100)

(On motion of Mr. Walsh of Brunswick, tabled pending passage, specially assigned for tomorrow and ordered reproduced.)

The SPEAKER: The House is proceeding under tabled and unassigned items.

On motion of the gentleman from Bangor, Mr. Browne, the House voted to take from the table the eighth tabled and unassigned matter, Bill "An Act relating to the Employment of a Physician by Municipalities", House Paper 630, Legislative Document 891, tabled on April 17 by that gentleman pending passage to be enacted.

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

Mr. BROWNE: Mr. Speaker and Ladies and Gentlemen: I have the dubious pleasure at this time to dispose of the bill which I introduced into this House in the early part of the session. Subsequent to my introducing this measure, I found that there was other related material coming along which if both received passage would result in a conflict. The other bill being more inclusive, covered this same subject matter, and is receiving favorable results, I therefore now move that this matter with all accompanying papers be indefinitely postponed.

The SPEAKER: The question before the House is the motion of the gentleman from Bangor, Mr. Browne, that the House indefinitely postpone Bill "An Act relating to the Employment of a Physician by Municipalities". Will those who favor the motion to indefinitely postpone, please say aye; those opposed, no.

A viva voce vote being taken the motion prevailed, the Bill was indefinitely postponed and sent up for concurrence.

The SPEAKER: Does any other member wish to remove any item from the table before we proceed in order?

The Chair now lays before the House item number three, Bill "An Act relating to Location of Harness

Race Meets", House Paper 819, Legislative Document 1162, tabled on April 11 by the gentleman from Lewiston, Mr. Jalbert, pending first reading.

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

Mr. CHILDS: Mr. Speaker, I see that the gentleman from Lewiston, Mr. Jalbert, is not present. I believe he wants to put an amendment on this bill but I know he can still do it when it gets to its third reading, so I move first reading of the bill.

Thereupon, the Bill was read twice and assigned for third reading tomorrow.

The SPEAKER: The Chair now lays before the House item number four under tabled and unassigned matters, House Divided Report, Report "A" "Ought to pass" and Report "B" "Ought not to pass" of the Committee on Legal Affairs on Bill "An Act relating to Hours for Public Dance Halls", House Paper 227, Legislative Document 322, tabled on April 11 by the gentleman from Portland, Mr. Childs, pending the motion of the gentleman from Bangor, Mr. Quinn, to accept the "Ought not to pass" report.

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

Mr. CHILDS: Mr. Speaker, when I asked to have this tabled April 11, my reasons for tabling were that I thought we should be consistent as far as the hours of dancing and hours of drinking are concerned. If I remember correctly the bill as far as the hours of drinking which will bring us back to twelve o'clock is now in a Committee of Conference. If the House ends up receding with the Senate that would mean that the one o'clock law would be in effect, and I would at that time move for—hoping the House would not go along with the motion of the gentleman from Bangor, Mr. Quinn. If we end up killing the bill which would mean there would be drinking until one, I would then hope we would go along with this measure, so I therefore move that this lie upon the table until we dispose of the item which is in reference to drinking.

The SPEAKER: The question now before the House is the motion of the gentleman from Portland, Mr. Childs, that both Reports lie upon the table unassigned pending the motion of the gentleman from Bangor, Mr. Quinn, that the House accept Report "B". Is this the pleasure of the House?

The motion prevailed and the Reports were so tabled.

The SPEAKER: The Chair now lays before the House item number six on page nine, House Report "Ought not to pass" of the Committee on Taxation on Bill "An Act Exempting Children's Clothing of Cloth Material from Sales Tax," House Paper 841, Legislative Document 1195, tabled on April 16 by the gentleman from Lewiston, Mr. Couture, pending acceptance of the Report. The Chair recognizes the gentleman from Bangor, Mr. Totman.

Mr. TOTMAN: Mr. Speaker, the gentleman from Lewiston, Mr. Couture, spoke to me earlier today and said that he might have to be out of the House this afternoon, but regardless of his personal absence, this act does tie into our final action on the sales tax. Therefore, I think it would be perfectly in order to request that it be tabled unassigned with the understanding that as soon as we act on the sales tax it will be put before the House again.

The SPEAKER: The question before the House is the motion of the gentleman from Bangor, Mr. Totman, that the House table the "Ought not to pass" Report unassigned pending acceptance of the Report. Is this the pleasure of the House?

The motion prevailed and the Report was so tabled.

The SPEAKER: The Chair now lays before the House item number seven, House Report "Ought not to pass" of the Committee on Retirements and Pensions on Resolve Providing for an Increase in State Pension for Viola Michaud of Soldier Pond, tabled on April 16 by the gentleman from Eagle Lake, Mr. Gallant, pending acceptance of the report and the Chair recognizes that gentleman.

Mr. GALLANT: Mr. Speaker and Members of the House: I would like

to substitute the Resolve for the Report, and speak to the motion.

The SPEAKER: The gentleman may proceed.

Mr. GALLANT: Mr. Speaker and Members of the House: This lady is partially mentally affected and not capable of working and having only two sisters to depend upon and one of them on a state pension and the other one, I don't know her financial statement, but she says she can't take care of her sister.

It is my hope that this legislature agrees with me and will grant Viola Michaud the increased pension of \$35.00 a month. Thank you.

The SPEAKER: The question before the House is the motion of the gentleman from Eagle Lake, Mr. Gallant, that the Resolve be substituted for the Report. Will those who favor the motion to substitute the Resolve for the Report please say aye; those opposed, no.

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

Forty-six having voted in the affirmative, and fifty having voted in the negative, the motion did not prevail.

Thereupon, the "Ought not to pass" Report was accepted and sent up for concurrence.

The SPEAKER: The Chair now lays before the House item number ten, House Report "Ought not to pass" of the Committee on Towns and Counties on Bill "An Act relating to the Appointment of Deputies by County Sheriff", House Paper 731, Legislative Document 1035, tabled on April 18 by the gentleman from Enfield, Mr. Dudley, pending acceptance of the Report.

Thereupon, the "Ought not to pass" Report was accepted and sent up for concurrence.

The SPEAKER: The Chair now lays before the House item number twelve, House Divided Report, Majority "Ought not to pass" Report and Minority "Ought to pass" Report of the Committee on Agriculture on Bill "An Act relating to Premiums to Commercial Poultry Growers", tabled on April 19 by the gentleman from Palmyra, Mr. Emery, pending acceptance of either report.

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

Mr. ELWELL: Mr. Speaker and Members of the House: I have discussed this matter with several members of the Agricultural Committee and we have worked out an amendment which I would like to present upon the third reading. So I move that we now accept the Minority "Ought to pass" Report.

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

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

The SPEAKER: The Chair now lays before the House item number thirteen, House Report "Ought not to pass" of the Committee on Inland Fisheries and Game on Bill "An Act relating to Fishing and Hunting Licenses for Non-resident Students in Maine Colleges", House Paper 919, Legislative Document 1209, tabled on April 23 by the gentleman from Augusta, Mr. Beane, pending acceptance of the Report.

Thereupon, on the motion of Mr. Beane of Augusta, the "Ought not to pass" Report was accepted and sent up for concurrence.

The SPEAKER: The Chair now lays before the House item number fourteen, House Divided Report, Majority "Ought not to pass" and Minority "Ought to pass" of the Committee on Sea and Shore Fisheries on Bill "An Act Repealing the Prohibition Against Use of Trawls in Waters of Washington County", House Paper 514, Legislative Document 724, tabled on April 24 by the gentleman from Stonington, Mr. Shepard, pending the motion of the gentleman from Gouldsboro, Mr. Tarbox, to accept the Majority Report.

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

Mr. SHEPARD: Mr. Speaker and Members of the House: Inasmuch as this item was tabled pending the motion of the gentleman from Gouldsboro, Mr. Tarbox, and during his absence, I think we should retable it for tomorrow. His intentions

were to withdraw his motion and that would permit me to substitute the bill with amendments for action by the House.

The SPEAKER: The question before the House is the motion of the gentleman from Stonington, Mr. Shepard, that this item be tabled and specially assigned for tomorrow pending the motion of the gentleman from Gouldsboro, Mr. Tarbox, that the House accept the Majority "Ought not to pass" Report. Is this the pleasure of the House?

(Cries of "No")

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

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

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

Mr. TOTMAN: Mr. Speaker, I think it is only fair to explain to the members of the House on this measure that the gentleman from Gouldsboro, Mr. Tarbox, told me he would have to be absent and the only matters he called specifically to my attention were not the ones before us now, and I think the gentleman from Stonington, Mr. Shepard, would be in order to proceed with the procedure he outlined.

The SPEAKER: The question before the House is the motion of the gentleman from Gouldsboro, Mr. Tarbox, to accept the Majority "Ought not to pass" Report. The Chair recognizes the gentleman from Stonington, Mr. Shepard.

Mr. SHEPARD: Mr. Speaker, I am a little confused on the correct procedure. If we accept the Majority "Ought not to pass" Report that would eliminate discussion of the bill.

The SPEAKER: The gentleman is correct. The gentleman may debate the motion that is pending if he wishes.

Mr. SHEPARD: Mr. Speaker, I would request that the House vote against the pending motion.

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

Mr. WINCHENPAW: Mr. Speaker, maybe I am out of order, but there is an amendment somewhere that goes on this bill, and I have

been trying to find it—oh, Mr. Shepard has the amendment? Well, alright, we'll have to keep the bill alive then.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Gouldsboro, Mr. Tarbox, that the House accept the Majority "Ought not to pass" Report. Will those who favor accepting the Majority "Ought not to pass" Report 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 Stonington, Mr. Shepard.

Mr. SHEPARD: Mr. Speaker, I move that we substitute the Bill for the Report and I would like to speak briefly to the motion.

The SPEAKER: The Chair understands the gentleman from Stonington, Mr. Shepard, now moves that the House accept the Minority "Ought to pass" Report. The gentleman may proceed if he wishes.

Mr. SHEPARD: Mr. Speaker and Members of the House: Most of you know that for about eight years now Washington County has been closed to dragger fishing operations. This prohibition came about as a result of the conflict between the lobster fishermen and dragger fishermen over lobster traps that were being damaged and destroyed. The destruction of lobster traps wasn't deliberate on the part of the dragger operators. On the Washington County coastline the tide is very heavy and during the process of operation they would drag over lobster pot buoys that would be run under in the tide. As a result of this conflict, the bill was introduced and passed prohibiting draggers from operating within the three mile limit of the Washington coastline. During this session a bill was introduced to repeal the prohibition of this use of trawls. There was considerable opposition to it and support for it, but the Committee's Divided Report was a Majority "Ought not to pass". When the Report came into the House you recall I made the tabling motion, and in the meantime I have attempted to work out a compromise. I have contacted representatives of the lobster fishing industry

and also representatives of the draggers and they have offered an amendment, compromise settlement, which does permit dragging in two small sections of the Washington County shoreline. One is about a three and a half mile section between Titman End and Nash Island Light. I have explained it to the members of the Sea and Shore Fisheries Committee and all of the members of the Washington County Delegation excepting the gentleman from Lubec, Mr. Denbow. These two sections will, as I have pointed out, permit some dragger operations and will not interfere with the lobster fishermen. I hope the House will adopt this amendment.

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

The motion prevailed, the "Ought to pass" Report was accepted and the Bill read twice.

Mr. Shepard of Stonington offered House Amendment "A" and moved its adoption.

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

**HOUSE AMENDMENT "A" to H. P. 514, L. D. 724, Bill, "An Act Repealing the Prohibition Against Use of Trawls in Waters of Washington County."**

Amend said Bill by striking out all of the Title and inserting in place thereof the following Title: 'An Act Relating to Use of Trawls in Waters of Washington County.'

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

"R. S., c. 38, § 27, amended. The last sentence of the 1st paragraph of section 27 of chapter 38 of the Revised Statutes, as revised, is hereby amended to read as follows:

"The use of either otter or beam trawls within the territorial waters of Washington county is prohibited, **except within the International Boundary line from West Quoddy Head to Robbinston and except within the following lines:**

**A line drawn South by East from Pond Island bell buoy as the westerly boundary;**

A line drawn from Pond Island bell buoy to Nash Island Light as the northerly boundary;

A line drawn South by West from Nash Island light as the easterly boundary.’ ”

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

The SPEAKER: The Chair now lays before the House item number fifteen, Bill “An Act relating to Bank Deposits or Loan and Building Shares in Two or More Names”, House Paper 918, Legislative Document 1308, tabled on April 24 by the gentleman from Bangor, Mr. Quinn, pending third reading, and the Chair recognizes that gentleman.

Mr. QUINN: Mr. Speaker and Ladies and Gentlemen of the House: This bill which is a third reader would amend the bank deposit law to include grandparents and grandchildren. When it was in the third reading it was brought to my attention that there was another bill that had been advanced on the legislative calendar even further than mine, L. D. 343, entitled “An Act relating to Joint Bank Accounts and Joint Building and Loan Shares”. This bill, if passed, this last one I referred to, would include the provisions that I have in mine, and go even further, and because of this other bill, I ask that this bill of mine be tabled pending the final enactment of L. D. 343 which I find is item nine on the other body’s calendar and the pending action there is passage to be engrossed. Therefore, it appeals to me that my bill should continue to remain on the table until final action on that one and then possibly be disposed of. In the event that something happens to this then I could go on beyond the third reader on mine, so I would move that this item remain on the end of the tabled list to be disposed of at the appropriate time.

The SPEAKER: The gentleman from Bangor, Mr. Quinn, with respect to Bill “An Act relating to Bank Deposits or Loan and Building Shares in Two or More Names” moves that this item be retabbed unassigned pending third reading. Is this the pleasure of the House?

The motion prevailed and the Bill was so retabbed.

The SPEAKER: The Chair now lays before the House item number sixteen, House Report “Ought not to pass” of the Committee on Judiciary on Bill “An Act relating to Equity Suit after Period of Redemption in the Collection of Taxes”, House Paper 939, Legislative Document 1332, tabled on April 24 by the gentleman from Bingham, Mr. Shaw, pending acceptance of the Report and the Chair recognizes the gentleman.

Mr. SHAW: Mr. Speaker, I tabled this item out of courtesy to the gentleman from South Portland, Mr. Earles, during his absence, and again today he is not in his seat and I would ask that it be retabbed unassigned.

The SPEAKER: The question before the House is the motion of the gentleman from Bingham, Mr. Shaw, that the “Ought not to pass” Report be retabbed unassigned pending acceptance. Is this the pleasure of the House?

(Cries of “No”)

Will those who favor the retabbing motion 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 Bangor, Mr. Totman.

Mr. TOTMAN: Mr. Speaker, I I would move that this item be tabled and specially assigned until tomorrow.

The SPEAKER: The gentleman from Bangor, Mr. Totman, moves that this Committee “Ought not to pass” Report be tabled and specially assigned for tomorrow pending acceptance. Will those who favor the tabling motion please say aye; those opposed, no.

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

The SPEAKER: The Chair now lays before the House item number seventeen House Divided Report, Majority “Ought not to pass” and Minority “Ought to pass” of the Committee on Education on Bill “An Act Excluding Federal Aid as an Incidental Receipt in State Subsidy



Allocation", House Paper 654, Legislative Document 935, tabled on April 25 by the gentlewoman from Rumford, Miss Cormier, pending acceptance of either report, and the Chair recognizes that gentlewoman.

Miss CORMIER: Mr. Speaker and Members of the House: This bill was tabled until the so-called Sinclair Bill had finally been disposed of. Since the Sinclair Bill has passed, as far as I am concerned, I think that this matter, perhaps we could accept either report. It does not involve me in any way. I do think however, that those whose towns are affected by this should know that this is not being deducted in their foundation program, and consequently it is not entirely taken care of in the Sinclair Bill and for that reason only I move the acceptance of the "Ought to pass" report.

The SPEAKER: The question before the House is the motion of the gentlewoman from Rumford, Miss Cormier, that the House accept the minority "Ought to pass" report. The Chair recognizes the gentleman from Chelsea, Mr. Allen.

Mr. ALLEN: Mr. Speaker, I would like to ask a question to anyone on the Committee how this would affect towns that may not enter into the administrative unit?

The SPEAKER: The gentleman from Chelsea, Mr. Allen, has addressed question through the Chair to anyone who may answer. The Chair recognizes the gentlewoman from Rumford, Miss Cormier.

Miss CORMIER: Mr. Speaker, I would say this that this bill—these towns where there are government projects, the national government contributes to those towns in two ways. First, for the students who live on the government project and attend local schools, and secondly to those children who belong to employees of the government project but do not live on the project. This money is used as an incidental receipt and is—I will say this, it is a rather difficult thing to explain. In lieu of taxes, the towns cannot tax these projects so the federal government sends this in lieu of taxes and it is considered an incidental receipt and consequently it penalizes the towns whether the

towns consolidate or whether the towns do not consolidate. It still penalizes the town.

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

Mr. ALLEN: Mr. Speaker, I for one would like to see this bill pass so I hope that we do not accept the majority report.

The SPEAKER: The question before the House is the motion of the gentlewoman from Rumford, Miss Cormier, to accept the minority "Ought to pass" report. The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker, I am not familiar with the operation of this bill, but it would appear to me that if it has been desirable in the past, the setup has been desirable in the past, I would hesitate to change that until these towns which are affected came under the provisions of the Sinclair law. I see no reason why it would not be advisable to leave the thing as it has been, and I hope the motion of the gentlewoman from Rumford, Miss Cormier, does not prevail.

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

Mr. BROWNE: Mr. Speaker, I rise to support the motion of the gentlewoman from Rumford, Miss Cormier. This would mean quite a bit to the communities situated such as Bangor and other areas located near or adjacent to one of the federal installations. We are being penalized somewhat if we are not successful in the passage of this minority "Ought to pass" Report.

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

Mrs. BURNHAM: Mr. Speaker, I arise in support of the motion of the gentlewoman from Rumford, Miss Cormier. If the motion is good enough, if the context of the motion is good enough to be included in the Sinclair Bill it should be good enough to be included in our local educational bill for the towns who do not come under that provision. My area is affected.

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

Mr. BRAGDON: Mr. Speaker, coming from a community that I believe is probably greatly affected, I would ask, in order that I might get a little more information that the matter be tabled until tomorrow.

The SPEAKER: The question now before the House is the motion of the gentleman from Perham, Mr. Bragdon, that with respect to this Bill "An Act Excluding Federal Aid as an Incidental Receipt in State Subsidy Allocation", House Paper 654, Legislative Document 935, both Reports be tabled and especially assigned for tomorrow pending the motion of the gentlewoman from Rumford, Miss Cormier, 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.

The SPEAKER: The Chair now lays before the House item number eighteen, House Divided Report, Majority "Ought not to pass" and Minority "Ought to pass" of the Committee on Liquor Control on Bill "An Act relating to Sale of Certain Beverages to Minors", House Paper 381, Legislative Document 510, tabled on April 25 by the gentleman from Bucksport, Mr. Pierce, pending acceptance of either report and the Chair recognizes that gentleman.

Mr. PIERCE: Mr. Speaker, this is my sixth term in the House, I assure you ladies and gentlemen, I have never been more sincere on any item on which I have spoken than I am on this one. Rather than ask you to attempt to dig out from under your desk the bill, I will briefly explain it. Before the Committee on Liquor Control, a very minor-looking bill was presented to us. It was presented by the gentlewoman from Kittery, Mrs. Burnham. I signed the "Ought not to pass" report. The bill roughly relates to the sale of certain beverages to minors. That is the title. To save you the effort of looking up the bill, I will read it. "Any person who shall sell to a minor any non-alcoholic cereal beverage under the name of (near beer) or any other name which is capable of conveying the impression to the purchaser that such beverage has an alcoholic content, or has

the appearance of being alcoholic because of the type of container in which it is sold, shall be guilty of a misdemeanor." There are a few other words in there. The arguments given to us at the hearing were that in Michigan a type of beer container was openly being sold to any person who wanted to purchase it regardless of hours, age limit or anything else. We felt that inasmuch—I felt that inasmuch as this did not exist in our state, I could see no reason for the passage of this bill. Therefore, I signed the majority "Ought not to pass."

Very few hours after I had signed this bill and before it was reported to this body, a member of this House told me that he had purchased a can of this, a can in this state. I immediately tabled the bill when it was reported to this body. I asked him to purchase some of this so-called beverage and he did purchase two cans. I took one of the cans before as many members of the Committee as I could get together. We did open, in hearing room one, one of the cans. I wish to apologize to the gentleman from Freeport, Mr. Crockett, because of my lack of experience in opening a beer can, I sprayed him. I am sorry. It was very obviously beer. It had a good head on it. It smelled like beer as I recall, and I did take a sip of it, and again as I recall, it tasted like beer. It was beer as far as I could determine. I took the other can and gave it to Dr. Fisher for analysis. The analysis came out alcoholic content .728 alcohol by volume.

We have no law against the sale of that stuff at this moment. What that means is this, that any child of any age at any time could buy this stuff and there would be absolutely nothing to prohibit them from so doing. This is probably one of the most vicious pieces of business I have ever seen because I did check through certain investigatory bodies and I did find that they are just waiting for this legislature to adjourn, ladies and gentlemen, before the State of Maine will be flooded with that stuff. On that I am sincere and I have evidence.

I don't know whether or not any of you ladies and gentlemen know, but two years ago immediately upon

the adjournment of the legislature the State of Maine was starting to be flooded with cooking sherry because we had not passed a bill prohibiting cooking sherry, so the Committee has taken care of that one this year.

I sincerely believe that we should definitely pass this bill to prohibit the sale of this, and it will not be sold through any regular beer wholesalers or any regular beer retailers in so far as I can determine. This is a bunch of gypsy bootleggers or call them what you want to. I definitely want to reverse my position, and I now move the acceptance of the minority "Ought to pass" report.

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

Mr. BRODERICK: Mr. Speaker, I would like to address a question through the Chair. I just read this bill now, and as I understand it it has reference to certain cans which apparently contained beer. He had a chemical analysis made of it. I am speaking of the gentleman from Bucksport, Mr. Pierce. Now, this bill reads that any person who shall sell to a minor any non-alcoholic cereal beverage. What this bill refers to is non-alcoholic cereal beverage. I wonder what we are getting into there. As I understand him he had opened some can apparently which he had objection to which contained an alcoholic beverage.

The SPEAKER: The gentleman from Portland, Mr. Broderick, addresses a question through the Chair to the gentleman from Bucksport, Mr. Pierce, who may answer if he chooses.

Mr. PIERCE: In reply to the gentleman I will say that under the laws of the state an alcoholic beverage contains one per cent by volume. Does that answer the gentleman's question?

Mr. BRODERICK: Mr. Speaker, may I direct just one more question to the gentleman if he would be so kind?

The SPEAKER: The gentleman may proceed.

Mr. BRODERICK: Would the passage of this bill prohibit the selling of root beer?

Mr. SPEAKER: The gentleman from Bucksport, Mr. Pierce, may answer the question if he chooses.

Mr. PIERCE: I have heard that an amendment is about to be presented but the wording of the bill itself takes care of that, giving the impression to the purchaser that such beverage has an alcoholic content or has the appearance of being alcoholic because of the type of container in which it is sold. Does that answer the gentleman's question?

Mr. BRODERICK: Thank you. I thank the gentleman, I think it is a question of interpretation. I don't agree with him however, I do thank him.

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

Mrs. CHRISTIE: Mr. Speaker, Members of the House: Perhaps I can call to the attention of the gentleman from Portland, Mr. Broderick, the fact that this bill says non-alcoholic cereal beverage. As I understand it root beer is not a cereal beverage. Perhaps I am mistaken about that, but I did not consider it a cereal beverage.

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

Mr. TEVANIAN: Mr. Speaker, I would like to inquire through the Chair of the gentlewoman from Kittery, Mrs. Burnham, what is a cereal beverage?

The SPEAKER: The gentleman from Portland, Mr. Tevanian, has addressed a question through the Chair to the gentlewoman from Kittery, Mrs. Burnham, who may answer if she chooses.

Mrs. BURNHAM: Mr. Speaker, I think I am being taken for a ride. (Laughter) If he will come up some morning at my house, I will give him a cereal beverage for breakfast.

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

Mr. FRAZIER: Mr. Speaker, I had no intention of becoming involved in this discussion, but the remark has been made that a certain member of the House purchased these so-called cans and I must admit that I am the purchaser of it. It was called to my attention by

people who live in my particular area, they said their children were coming home from the drive-in theatres with cans labeled "Pilsner's Brew" on the can exactly the same type of can in which beer is distributed in the State of Maine. The parents of these children informed me that they had brought some home that were full and it tasted and looked like beer, and wanted to know if there was anything that could be done so I did bring it down and found to my surprise that legislation had already been introduced.

I must say that it does certainly give the impression of intoxicating liquors, of beer. To me it is a bad start for the kids to be sold that type of thing because it would indicate to me that it would be a trend or progressive step toward something in the future. I don't know whether the law is properly written or not. It is labeled on the can for those gentlemen who have asked the question: "A cereal beverage" as well as being called a malt crust brew. It states on the can that it is non-taxable under law. However, in talking with the federal agent within the past week, he informs me that according to the federal law this particular beverage which I purchased is illegal and there is action now being taken by the federal authorities to prevent the sale of that type of thing in the State of Maine. As I understand it, the State of Maine law and the federal laws defining an alcoholic beverage are not alike. The State of Maine law calls for one per cent before it is an alcoholic beverage. The federal law calls for only one-half of one per cent, and in the analysis of the State of Maine chemist this material does not contain a full per cent but it does contain enough to make it illegal under federal law. I just wanted to point that information out. I certainly am opposed to what is being done. I do not know whether this bill will correct it or not.

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

Mr. BRAGDON: Mr. Speaker, my only desire on this question is to vote intelligently, and I don't believe that I can now, but in view of what the gentleman has just said

for the first time last Sunday night I attended a drive-in theatre and I noticed on their screen as they were advertising, I believe, I hope I can get this straight, but I believe that they said we do not believe in selling beer at drive-in theatres, but they were advertising a product which now as I recall might closely resemble, that is, it was not beer but kind of tasted like it. Now, if this is to smoke out bootleggers, why I don't know how to vote. Thank you.

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

Mr. BRODERICK: Mr. Speaker and Members of the House: I know I am delinquent here in not having read this particular bill before and in order that all of us thoroughly understand, I would ask the privilege of tabling this until tomorrow, if I may.

The SPEAKER: The question now before the House is the motion of the gentleman from Portland, Mr. Broderick, that both reports on Bill "An Act relating to Sale of Certain Beverages to Minors", House Paper 381, Legislative Document 510, be tabled and assigned for tomorrow pending the motion of the gentleman from Bucksport, Mr. Pierce, 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.

The SPEAKER: The Chair now lays before the House item nineteen, Bill "An Act relating to Compensation of Medical Examiners for View and Autopsy", House Paper 954, Legislative Document 1355, tabled on April 25 by the gentleman from Bangor, Mr. Quinn, pending passage to be engrossed and the Chair recognizes that gentleman.

Mr. QUINN: Mr. Speaker and Ladies and Gentlemen of the House: It has been my privilege in the past to serve about ten years as County Attorney of Penobscot County and in connection with that work I have had considerable association with medical examiners and their activities. In the discovery of wrongful death that would be prosecuted as a homicide, it is necessary to prove the cause of death by very

technical evidence to make it certain that the death was caused by the particular allegation in the indictment. Under the present law, the medical examiner is allowed \$15 to go to the scene of a sudden death, an unexplained sudden death to make an investigation. They call that a view and inquiry, and then after that under the present law he is allowed \$50 for an autopsy and he is also allowed \$10 per day for an inquest.

This bill would increase the price of the autopsy from \$50 to \$100. Now, without exception my experience has been in Penobscot County that when you got into a situation that was going to develop into a manslaughter or a murder trial, the medical examiner would disclaim his ability to properly make an autopsy to produce the evidence that is necessary to prove the case, which resulted in getting a pathologist, a specialist along that line, and invariably the medical examiner got his \$50 for his part in the autopsy, but the pathologist presented a bill for \$100, which is always approved by the court. It appeals to me that there is no necessity to change the price of the autopsy for the medical examiners from \$50 to \$100 and then pay a pathologist another hundred dollars for an autopsy to present evidence in a manslaughter or murder case. It is adding too much cost to the procedure and to the county, and because of that fact, I would now move this bill and accompanying papers be indefinitely postponed.

The SPEAKER: The question now before the House is the motion of the gentleman from Bangor, Mr. Quinn, that Bill "An Act relating to Compensation of Medical Examiners for View and Autopsy" be indefinitely postponed. Is this the pleasure of the House?

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

The SPEAKER: The Chair now lays before the House item twenty, Bill "An Act relating to Employer Defenses in Logging Operations Under Workmen's Compensation Law", Senate Paper 158, Legislative Document 405, tabled on April 25 by the gentleman from Bingham, Mr.

Shaw, pending adoption of House Amendment "A", and the Chair recognizes that gentleman.

Mr. SHAW: Mr. Speaker, I believe the gentleman from Wilton, Mr. Blanchard, would like recognition on this particular item.

The SPEAKER: The Chair recognizes the gentleman from Wilton, Mr. Blanchard.

Mr. BLANCHARD: Mr. Speaker, Members of the House: I would like to thank my colleague the gentleman from Bingham, Mr. Shaw. I did not know but he wanted to speak on this before I did. This amendment that I presented coincides with the federal wage and hour law of a twelve-man exemption, and I understand that in the past logging and lumbering never has been covered by this act. I thought by putting this exemption at twelve to go along with the other one it would benefit some medium sized operators that operate for a few months in the winter from not only the added expense but a burden of the bookkeeping where they don't have office force to take care of it, and I move the adoption of the amendment.

The SPEAKER: The gentleman from Wilton, Mr. Blanchard, moves the adoption of House Amendment "A". The Clerk will read House Amendment "A".

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

HOUSE AMENDMENT "A" to S. P. 158, L. D. 405, Bill, "An Act Relating to Employer Defenses in Logging Operations Under Workmen's Compensation Law."

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

"R. S., c. 31, § 4, amended. Section 4 of chapter 31 of the Revised Statutes is hereby amended to read as follows:

'Sec. 4. Section 3 not applicable to certain actions; 5 or less employees; farming; domestic service; logging. The provisions of section 3 shall not apply to employers who employ 5 or less workmen or operatives regularly in the same business. Said provisions shall not apply to actions to recover damages for the injuries aforesaid, or for death resulting from such injuries, sustained by employees engaged in

domestic service or in agriculture;. Said provisions shall not apply to employers who employ 12 or less workmen or operatives or in the operations of cutting, hauling, rafting or driving logs, including work incidental thereto. Any such logging operations, however, incidental to any business conducted by an assenting employer, shall be presumed to be covered by his assent to the Act as to such business unless expressly excluded in such assent.'”

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

Mr. SHAW: Mr. Speaker, I feel that I would be remiss in my responsibility as a legislator if I did not at least place in the record my thinking in regard to this particular amendment. From my experience in writing workmen's compensation insurance, I have found out that it is definitely one of the most hazardous occupations perhaps in the State of Maine according to the statistical reports, and I do feel that if logging and lumbering is coming under the terms of the act which is proposed by this particular bill, L. D. 405, that there should be no exception from the present law as it exists. The amendment would exempt those with twelve or less employees, and as the provision is presently written there is an application of five or less employees as far as coverage is concerned. Now, in regard to the coverage, it is impossible, I think most agents would agree to this at this time, to place workmen's compensation through ordinary channels. The companies exercise the privilege of rejecting an application for this type of coverage and refer the agent to the use of National Casualty Bureau's assigned list pool. Now I think that in itself is indicative of the hazzard involved in this particular occupation and I don't propose to make any motion at this time, but I did want to insert in the record my thinking in regard to the amendment. I oppose the amendment although I will not make a motion in regard to the amendment.

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

Mr. HILTON: Mr. Speaker and Members of the House: I feel if we

adopt this amendment, we remove about all the protection that this bill will give any woodsman. Most jobs in organized towns or along the Maine highways are small jobbers, are conducted by small jobbers employing twelve or less and in the big woods where they have big operations, some of them probably fifty or sixty men, 80 per cent of those laborers are Canadian woodsmen, and I understand that Canadian woodsmen are covered by workmen's compensation through an agreement with the United States government. That would leave 20 per cent of our own men that would not be covered. I don't like the idea of giving protection to foreigners and not giving our own men the same protection. There is another thing. I used to work in the woods. I worked considerable in my younger days. There used to be these big jobs that we cut up with small jobbers. It might be five or six of the small jobbers on the big jobs, and I don't know whether there would be a question who was the operator, who would be responsible for the insurance. Most of these woodsmen that live in organized towns and work are very poor people. You see them living in shacks along the road. They are not in any shape to stand much of an accident. It is hard work, and they are not very well educated. They have to do that kind of work. I have been both a laborer and a jobber. If I was a jobber I should want the men insured. I would hate to see some bad accident happen to some poor man who is working that you don't know where it might lead to. You will probably wonder why I am interested in this at all. I probably will never work in the woods again. Probably I will never have another woods job. I did have quite a bad accident one time. I was working for small pay and had a big family and I had to pay my own bills. I did not pay it all in one year. I did after a spell though. I still have not forgotten it. That is why when this bill came up I was interested in it. I can't see a paper company will operate, and they will have insurance on the men at the mill with all the benefits of labor, but there are no benefits in regard to insurance on

men they employ cutting or hauling or driving of the pulpwood.

I think that if this working man's compensation law has been in effect some time is good for industrial workers, I think it would be good for men working in the woods. I don't know what stand I should really take. I have both jobbers and I have both laborers in my district. I have not consulted any of them but I am going to take the side of the laborers. I guess that is all.

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

Mr. CALL: Mr. Speaker, will the Chair inform us the number of the amendment please?

The SPEAKER: The filing number of the amendment is 258.

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

Mr. TEVANIAN: Mr. Speaker, I now move for indefinite postponement of House Amendment "A", filing 258.

The SPEAKER: The question now before the House is the motion of the gentleman from Portland, Mr. Tevanian, that the House indefinitely postpone House Amendment "A", to this bill. Will those who favor the indefinite postponement of House Amendment "A" please say aye; those opposed, no.

House Amendment "A" was indefinitely postponed on a viva voce vote.

Thereupon, the Bill was given its third reading, and having been reported by the Committee on Bills in the Third Reading was passed to

be engrossed and sent to the Senate.

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

Mr. JALBERT: Mr. Speaker, I thank the gentleman from Bangor, Mr. Totman, I believe he was going to move for adjournment. I would like to ask unanimous consent to address the House very, very briefly.

The gentleman from Lewiston, Mr. Jalbert, was granted unanimous consent to address the House briefly.

Mr. JALBERT: Mr. Speaker, merely to ask you if you would care to discuss with us for just as brief as my remarks are going to be, the schedule for the remainder of the week, and whether or not we might still have hopes of adjournment Saturday night. I am not trying to set up any policy or anything. Many members are talking about it and some want to go for the weekend and some want to stay, and I thought possibly you might want to discuss it.

The SPEAKER: The gentleman from Lewiston has addressed a question to the Chair who may answer if he chooses. The Chair chooses to answer off the record.

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(Off Record Remarks)

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On motion of Mr. Totman of Bangor,

Adjourned until nine-thirty o'clock tomorrow morning.