

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*Ninety-Ninth Legislature*

OF THE

STATE OF MAINE

1959

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

## HOUSE

Friday, April 24, 1959

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

Prayer by the Rev. Evans Wilson of the People's Methodist Church, North Anson.

The journal of the previous session was read and approved.

### Papers from the Senate Senate Reports of Committees Leave to Withdraw

Report of the Committee on Education on Bill "An Act to Authorize the Municipalities of Bremen, Waldoboro and Washington to Form a School Administrative District (S. P. 286) (L. D. 748) reporting Leave to Withdraw.

Report of the Committee on State Government reporting same on Bill "An Act Conferring upon Others the Powers Now Vested in the Executive Council" (S. P. 427) (L. D. 1245)

Came from the Senate read and accepted.

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

### Ought Not to Pass

Report of the Committee on Claims reporting "Ought not to pass" on Resolve in favor of Ronald and Nancy Bradstreet of Beverly, Massachusetts (S. P. 353) (L. D. 1008)

Report of the Committee on Election Laws reporting same on Bill "An Act to Eliminate the Straight Party Ballot in Elections" (S. P. 46) (L. D. 74)

Came from the Senate read and accepted.

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

### Ought to Pass in New Draft

Report of the Committee on Highways on Resolve Appropriating Moneys to Preserve Covered Bridges (S. P. 272) (L. D. 734), which was recommended, reporting a Bill (S. P. 463) (L. D. 1322) under title of "An Act relating to Covered Bridges" and that it "Ought to pass"

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

In the House, the Report was read and accepted in concurrence, the New Draft read twice and assigned the next legislative day.

### Orders

On motion of Mr. Walsh of Verona, it was

ORDERED, that Miss Holly Brown, Miss Bonnie Brown and Dwight Brown, Jr., of Ellsworth, be appointed to serve as Honorary Pages for today.

The SPEAKER: The Chair would advise the House that these are the youngsters of Representative Dwight Brown of Ellsworth.

Thereupon, the Sergeant-at-Arms conducted the Honorary Pages to their places in the well of the House. (Applause)

On motion of Mr. Monroe of Monroe, it was

ORDERED, that Miss Laureen Pinkham of Bucksport be appointed to serve as Honorary Page for today.

Thereupon, the Sergeant-at-Arms conducted the Honorary Page to her place in the well of the House.

The SPEAKER: The Chair would advise the House that this Honorary Page is already in the front of the House, and that she is the granddaughter of Representative Shepard Edwards from Stockton Springs. (Applause)

### House Reports of Committees Ought Not to Pass

Mr. Bragdon from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Resolve for the Purchase of Five Thousand Copies of "The Picture History of Maine" (H. P. 828) (L. D. 1179)

Mr. Stanley from same Committee reported same on Bill "An Act Appropriating Moneys for Office of Treasurer of State" (H. P. 515) (L. D. 750)

Mr. Earles from the Committee on Judiciary reported same on Bill "An Act relating to Limitation of Financial Responsibility Law" (H. P. 242) (L. D. 353)

Reports were read and accepted and sent up for concurrence.

**Tabled and Assigned**

Mr. Emmons from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act Revising Laws Relating to Financial Responsibility" (H. P. 349) (L. D. 508)

Report was read.

(On motion of Mr. Mathews of Berwick, tabled pending acceptance of Committee Report and specially assigned for Monday, April 27)

Mr. Trumbull from the Committee on Legal Affairs reported "Ought not to pass" on Bill "An Act Providing for the Appointment of a Civil Service Commission for the Police and Fire Departments of the City of Biddeford" (H. P. 465) (L. D. 683)

Report was read and accepted and sent up for concurrence.

**Ought Not to Pass  
Covered By Other Legislation**

Mr. Bragdon from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Resolve Providing for a Study of Maine's Economy Structure (H. P. 892) (L. D. 1261), as it is covered by other legislation.

Mr. Brown from same Committee reported same on Resolve Appropriating Moneys to Provide for National Advertising for Maine's Recreational Industry (H. P. 341) (L. D. 501), as it is covered by other legislation.

Mr. Edwards from same Committee reported same on Resolve Appropriating Moneys for Booklets Promoting Maine's Recreational Industry (H. P. 340) (L. D. 500), as it is covered by other legislation.

Mr. Jacques from same Committee reported same on Resolve Appropriating Moneys to Provide for a Survey of Maine's Recreational Industry (H. P. 267) (L. D. 399), as it is covered by other legislation.

Reports were read and accepted and sent up for concurrence.

**Ought to Pass in New Draft  
New Draft Printed**

Mr. Dudley from the Committee on Inland Fisheries and Game on Resolve Regulating Fishing in Richardson Lakes, Upper and Lower, and

their Tributaries, Oxford County (H. P. 719) (L. D. 1024) reported same in a new draft (H. P. 942) (L. D. 1334) under same title and that it "Ought to pass"

Report was read and accepted, the New Draft read once and assigned for second reading the next legislative day.

**Ought to Pass  
Printed Bills**

Mr. Clark from the Committee on Education reported "Ought to pass" on Bill "An Act to Authorize the Municipalities of Limestone and Caswell Plantation to Form a School Administrative District" (H. P. 604) (L. D. 864)

Mr. Wheaton from the Committee on Inland Fisheries and Game reported same on Bill "An Act Creating Game Management Area of Towns of Deer Isle and Stonington, Hancock County" (H. P. 608) (L. D. 868)

Mr. Cox from the Committee on Judiciary reported same on Bill "An Act relating to Financial Responsibility of Vehicles Insured by Automatic Coverage" (H. P. 690) (L. D. 990)

Mr. Wade from the Committee on State Government reported same on Bill "An Act Increasing Salaries of Justices of Supreme Judicial Court and Superior Court" (H. P. 447) (L. D. 653)

Same gentleman reported same on Bill "An Act Increasing Compensation of Clerks of the Law Court" (H. P. 506) (L. D. 719)

Reports were read and accepted, the Bills read twice and assigned the next legislative day.

**Ought to Pass with  
Committee Amendment**

Mr. Jacques from the Committee on Appropriations and Financial Affairs on Bill "An Act relating to School Taxes in Unorganized Townships" (H. P. 466) (L. D. 684) 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. 466, L. D. 684, Bill, "An

Act Relating to School Taxes in Unorganized Townships."

Amend said Bill by striking out all of that part designated as Section 2 and inserting in place thereof the following:

'Sec. 2. Appropriation. There is hereby appropriated from the General Fund, to be added to the Unorganized Territory School Fund, the sum of \$55,000 for each of the fiscal years ending June 30, 1960 and 1961, to carry out the provisions of this act. The breakdown of the above funds to be as follows:

	1959-60	1960-61
All Other	\$ 55,000	\$ 55,000'

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

Mr. Jacques from the Committee on Appropriations and Financial Affairs on Resolve Appropriating Moneys to Replace and Repair Songo Locks, Cumberland County (H. P. 601) (L. D. 861) 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. 601, L. D. 861, Resolve, Appropriating Moneys to Replace and Repair Songo Locks, Cumberland County.

Amend said Resolve by deleting in the 2nd line the figure "\$15,000" and inserting in place thereof the figure "\$10,000'.

Further amend said Resolve by deleting in the last line the words "the purpose of this Resolve has been accomplished" and inserting in place thereof the word and figures 'June 30, 1961'.

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

Mr. Linnell from the Committee on Legal Affairs on Bill "An Act relating to Pension for Members of Police and Fire Departments of City of Waterville" (H. P. 898) (L. D. 1267) 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. 898, L. D. 1267, Bill, "An Act Relating to Pension for Members of Police and Fire Departments of City of Waterville."

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

"P. & S. L., 1941, c. 88, § 1-A, additional. Chapter 88 of the private and special laws of 1941, as amended, is further amended by adding thereto a new section 1-A, to read as follows:

'Sec. 1-A. "Regular member," defined. The phrase "regular member," for the purpose of this act only, shall be limited exclusively to members of the police and fire departments who were duly appointed regular members before January 1, 1960, and have not waived the benefits and provisions of this act by electing to participate in the Maine State Retirement System."

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

Mr. Heald from the Committee on Natural Resources on Bill "An Act relating to Cutting of Christmas Trees" (H. P. 794) (L. D. 1126) 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. 794, L. D. 1126, Bill, "An Act Relating to Cutting of Christmas Trees."

Amend said Bill by striking out the first 3 lines after the enacting clause and inserting in place thereof the following:

'R. S., c. 36, §§ 67-A - 67-J, additional. Chapter 36 of the Revised Statutes is amended by adding 10 new sections, to be numbered 67-A to 67-J, to read as follows:'

Further amend said Bill in the 14th, 15th, 16th and 17th lines by striking out the 3rd sentence and inserting in place thereof the fol-

lowing underlined sentence: 'The annual fee for such registration, when obtained from the Forestry Department, shall be \$1 payable to the Treasurer of State and credited to the State Forestry Department for administration of sections 67-A to 67-J; and if such registration is obtained from any town or city clerk, the annual fee shall be \$1.25, \$1 of which shall be payable to the Treasurer of State and credited to the State Forestry Department for administration of sections 67-A to 67-J, and 25 cents shall be retained by the town or city clerk for the service of issuing the certificates of registration.'

Further amend said Bill in that part designated "Sec. 67-B" by striking out in the 2nd and 5th lines the underlined figures and letter "67-I" and inserting in place thereof the underlined figures and letter '67-J'

Further amend said Bill in that part designated "Sec. 67-C" by striking out in the 6th line, the underlined figures and letter "67-I" and inserting in place thereof the underlined figures and letter '67-J'

Further amend said Bill in that part designated "Sec. 67-D" by striking out in the 2nd line the underlined figures and letter "67-I" and inserting in place thereof the underlined figures and letter '67-J'

Further amend said Bill in that part designated "Sec. 67-E" by striking out in the 4th line and in the 3rd line from the end the underlined figures and letter "67-I" and inserting in place thereof the underlined figures and letter '67-J'

Further amend said Bill in that part designated "Sec. 67-F" by striking out in the 3rd line and the last line the underlined figures and letter "67-I" and inserting in place thereof the underlined figures and letter '67-J'

Further amend said Bill in that part designated "Sec. 67-G" by striking out in the 2nd line the underlined figures and letter "67-I" and inserting in place thereof the underlined figures and letter '67-J'

Further amend said Bill in that part designated "Sec. 67-I" by striking out in the 4th line the underlined figures and letter "67-H" and inserting in place thereof the underlined figures and letter '67-J'

Further amend said Bill by striking out the single quotation mark at the end and adding the following section:

"Sec. 67-J. Yearly Christmas tree harvest or sale report. On a voluntary basis, without penalty, every person, firm, corporation, partnership or agent shipping or transporting Christmas trees, evergreen boughs, wreaths or tips, shall render a yearly written report to the Forest Commissioner not later than January 31st of each calendar year, giving the amount of Christmas trees, evergreen boughs, wreaths and tips, shipped or transported during the preceding calendar year; location of area cut; and the places within and outside the State to which the trees, boughs and tips were shipped. Forms for this report shall be provided by the Forest Commissioner. Information obtained from these reports shall be confidential. The Forest Commissioner shall prepare a summary of these reports and copies shall be sent to registered Christmas tree dealers and shippers.'"

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

Mr. Plante from the Committee on State Government on Bill "An Act Increasing Salary of Commissioner of Education" (H. P. 318) (L. D. 465) 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. 318, L. D. 465, "An Act Increasing Salary of Commissioner of Education."

Amend said Bill in the 8th line by striking out the underlined figure "\$15,000" and inserting in place thereof the underlined figure '\$14,000'.

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

On motion of the gentlewoman from Buxton, Mrs. Dean, House

Rule 25 was suspended for the remainder of today's session in order to permit smoking.

### Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act relating to Appropriation for Support of Public Schools for City of Portland" (H. P. 399) (L. D. 582)

Report was signed by the following members:

Messrs. MARTIN of Kennebec  
CHARLES of Cumberland  
— of the Senate.

Messrs. GOOD of Sebago  
LINNELL  
of South Portland  
TRUMBULL of Fryeburg  
BROWN of Cape Elizabeth  
HUTCHINSON of Carthage  
— of the House.

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

Report was signed by the following members:

Mr. MacDONALD of Oxford  
— of the Senate.

Messrs. COTE of Lewiston  
KELLAM of Portland  
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Sebago, Mr. Good.

Mr. GOOD: Mr. Speaker and Members of the House: I move that the House accept the Majority "Ought not to pass" Report.

The SPEAKER: The question before the House is the motion of the gentleman from Sebago, Mr. Good, that the House accept the Majority "Ought not to pass" Report.

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

Mr. KELLAM: Mr. Speaker and Members of the House: I oppose the acceptance of the Majority "Ought not to pass" Report and wish to explain my position on this bill. We currently have some difficulty in the City of Portland in regards to the interpretation of the City Charter in relation to who has the power to make up the school budget. The present City Charter adopted in 1923 provides the school committee will make up its school

budget and that the City Council will appropriate a lump sum for that purpose. Over the years we have had a great deal of trouble with this thing because it does not specify whether the city council may delete items from the budget or may not. At some times they have gone along very well with the school committee and other times there has been difficulty and the city council has tried to eliminate certain items from the budget.

This bill would clarify the situation in that it would specifically state that when the city council appropriates the funds for the budget they may not cut down the amount of the budget. The last several years this thing has been coming more and more to a point of discussion, in that particularly this year from about January 1st on, we have had one continuous squabble between the city council and the school committee.

Now, my feelings in this matter is that we elect people to two different bodies. They are elected because of their qualifications to any particular job. After we have elected people to a school committee they should be allowed to function in the job for which they are intended. As it happens in a city of our size, we have numerous candidates for these offices, and we have in no way an inferior body on the school committee. The members of the school committee are at least equally respected and of equal ability. And as to school matters, the function for which they are elected and the only function for which they desire to make any controls over, or desire to have any controls over, I believe they are much better qualified in this respect. I believe that to allow the city council to change the appropriation of the school budget is to allow them control over the school system, which was not intended.

As a matter in point, a few years ago we eliminated the four-year kindergarten program in the City of Portland in an effort to save funds. The people felt, and I believe it was fairly well unanimous, that we could do better with our appropriation by having these funds available for the rest of the school program. However, if it were to

happen that the school committee did not wish to go along with the cutting out of kindergarten, and I certainly believe that they are better suited to determine whether we need a kindergarten program or not, if the city council refused to O.K. the appropriation for the kindergarten, we consequently would not have that program due to lack of funds. Consequently, I feel that the only way to have a responsible school committee is to have its power over the budgetary program. This is the system which is used in the community school district's program and somewhat of an expense under the new school systems whereby the towns must appropriate the funds once the budget has been determined by the school district.

Now, if for no other reason, whether we desire to have the city council appropriate these funds or have the school committee appropriate the funds, we should determine which it is going to be. And to my way of thinking, the easiest way to determine that is to place it before the people at a referendum at the next city election in December. If they turn down this bill, then we will have the city council in paramount control, and if they accept the bill then we will have the school committee having control over its own budget.

I fail to see any reason for prolonging this situation, especially for another two years. We have this school committee cropping up every year, and particularly this year, as I have said, we have had from the first or the middle of the winter on the school problem, and particularly in the paper. Now, I believe that this type of thing is a harbinger of spring which we could very well do without. We could settle the matter once and for all by passing this bill and allowing it to go to the people who vote next year.

An odd situation arose at the hearing in this matter in that the city council did not in any way question the desirability of this bill. They did not oppose the bill, they did not do anything. They came in, or I should say, one man came in, the chairman of the city council, and said that they had decided to study the matter and, therefore,

they felt that they should not have this bill passed. Well, I submit that a recurring problem which has been going on since 1923, has had sufficient study already, it is sufficiently well entrenched in the people's mind without them having to have a further study on it, and particularly when the study committee arose that was appointed by the city council in March of this year.

Now, I believe that it is only logical that a city charter will be in need of changes over a period of years. I believe that we should have a continuing program of periodic study, at least to clarify the technical aspects of the charter to make the workings of the city a little bit smoother, if for no other reason; and, of course, also if it happens that there is a need for change for public opinion, that could come about through a study committee and would be magnified by the study committee.

However, I do not favor appointing study committees as a deterrent for pending legislation. We had sufficient time to have had a study committee quite some time ago and, as I say, this committee was appointed solely by the city council and although I do not question the people involved, I feel that some of them, at least, were picked with an idea toward what their viewpoint was, particularly when some of them have expressed their opinion in the past as to what they thought should be done.

We have before this body two other bills concerning the city school committee which we have passed, which were unanimously reported out of committee. One of them would make a member of the school committee its chairman, a function which is now done by a city council member and which he has no vote. Presumably it is a liaison type of thing, he could do it very well by not being a chairman but by being just a member, and that would simplify proceedings when he does not show up for the meeting.

We have another bill to pay the school committee people \$300 a year. The school committee of the City of Portland has the power, or at least the budget of the school



committee runs to nearly \$4,000,000 in the City of Portland. I feel that we should at least pay transportation costs or some small fee to these people, and the bill has been passed by committee and passed by this House for \$300 payment. However, the body down the hall has tucked that bill away, feeling that it needs more study. Now, I submit to you gentlemen, there is a limit to how much study we need to do. I believe this bill, also being a referendum measure, that the citizens of the City of Portland can well determine, without having too exhaustive a study being conducted, whether they wish to pay a school committee man \$300. We have managed to survive by paying the city council people \$750 a year, and I feel we should pay them something. I only point that out to indicate to you that the nature of the bill is not opposed, or I do not know what I would have to do to show the merit of the bill since no objections have been raised to it, other than the study proceedings. I did some research on it and, of course, it always seems a shame among speakers to do research and not state some of the facts. But in going over a poll conducted about ten years ago among school committees at that time, 72 per cent of the people answering the poll, school districts answering the poll, which were about half of the school districts across the country, and which was representative of the school districts across the country, 72 per cent of those have the fiscal responsibility for the school program allocated to the school committee and I feel that we should do the same in a city the size of the City of Portland where we have so many people available, and we could do away with this constant bickering every year. And I thank you, Ladies and Gentlemen. To repeat my stand on the matter, I hope that the Majority "Ought not to pass" Report is not accepted.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: This bill now before us appears to be a matter only affecting the City of Portland and, as you all well know, I

do not inject my ideas into matters involving sections of the State.

However, in reading this thing, I think it is a problem, in my opinion, that does, and is presently, something that is being considered in every municipality in the State. The principle involved here, if I might say so, is whether or not we disregard wholly the opinions of the taxing authority, and for that reason I feel that I must express myself in favor of the "Ought not to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Sebago, Mr. Good.

Mr. GOOD: Mr. Speaker, Ladies and Gentlemen of the House: I respect the great interest the gentleman from Portland, Mr. Kellam, has shown in this bill and, I realize that his interest is solely on behalf of good government in the City of Portland.

Now, you can complicate most of these bills a great deal. I thought that I was looking at the wrong bill when he got into the \$300 salary of the members of the school board. This bill has nothing to do with that. And then to transportation, and I see nothing in there about kindergarten.

Now, the law as it is today is this, and I will read from Legislative Document 582: It says "they", in this particular instance it means the school board, "in the City of Portland, shall annually as soon after the organization of their board as practical, furnish the city council an estimate in detail of the several sums required during the ensuing municipal year for the support of public schools." In other words, the school board furnishes the city council a detailed estimate of the money that they will need during the ensuing year, that is the present operation in the City of Portland. Now, it goes on further to say: "On the basis of such estimate, the city council shall make one gross appropriation." So, you have the school board and the city council working together.

Now, the proposed change is that the school board submit the budget, and here is what the proposed change says: "The city council shall, without change, appropriate such sum." I think that is poor

legislation. The school budget of the City of Portland amounts to approximately \$3,600,000 a year, which is 35 per cent of the total budget of the City.

The gentleman from Portland, Mr. Kellam, stated that things would run more smoothly if we didn't have any checks and balances. They certainly will, they will run in several different directions. What if we didn't have any checks and balances in the state government, no one had any control over what the governor was to do, no one had any control over this legislature, or the attorney general? The system of checks and balances is in our Federal Constitution and, I think, you will find in every constitution in the states throughout the United States.

Now, I have tried to simplify what the change is. The change is simply to take away the checks and balances which are now existing in the City of Portland. The city council and the school board has just resolved a situation in the City of Portland together. It wasn't resolved until after there was a great deal of discussion, but the school board received approximately all of the requests that they asked for, which is going to reflect an increase in the tax rate of the City of Portland of approximately \$5.40 per thousand.

Now, the gentleman from Portland, Mr. Kellam, stated that this proposed change was not opposed. Yes, it was opposed, and vigorously. I have a statement here which was read at their meeting by Mrs. Bertrand E. Cobb of the Citizens Charter Review Committee, and I will read in brief. "As the gentleman from Portland, Mr. Kellam, has pointed out, the whole charter of the City of Portland is going to be reviewed, and we don't feel that any change should be made at this time until that study and report has been made and the recommendations made to the 100th Legislature." And she states: "The Citizens Charter Review Committee is a representative group of Portland citizens which has been given the specific assignment of studying the City's charter." There is more I could say, but I will skip to another paragraph, from, this is

the statement of Mrs. Bertrand E. Cobb, who was sent up here to oppose this particular bill, and she represented the Citizens Charter Review Committee. Now, I will quote again: "I would like to urge, therefore, that these bills. . . ." and there was three at that particular time, one of them was L. D. 582, ". . . be recommended Ought not to pass."

I have another statement here made by Sumner S. Clark, Chairman of the Portland City Council. I will read in part what he has to say about L. D. 582: "L. D. 582 would give the school system complete fiscal economy with unchecked authority to spend as much for schools as the superintending school committee might consider desirable. This is a far reaching proposal which is contrary to our pattern of local governmental responsibility in Maine. It might well have many unanticipated effects in addition to the change in budgetary procedures."

And in closing, not to prolong the discussion any more, it was brought out in the Committee that the school board at one time was opposed to this change five to two.

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

Mr. MILLER: Mr. Speaker and Ladies and Gentlemen of the House: I hate to prolong this thing but I feel that I must stand and speak on the merits of this bill after my worthy colleague, Mr. Vinal Good from Sebago, representing Sebago, seems to be the hatchet man for all of the bills that are coming out from Portland this year, from City Hall.

I might say that Mrs. Bertrand Cobb was speaking for a representative group, not of the citizens of Portland, but of the committee appointed by the nine man council in Portland, which had no recommendations from any of the citizens of Portland. As a matter of fact, the seven representatives from Portland sitting here in the House today were never consulted in regards to the Citizens Committee. And although we have bills pertaining to change in the charter of the City of Portland, it seems to me, in all fairness to the legis-

lation that we had in, that if they were to be fair they would have consulted us previous to March 12.

This committee was set up some time in March. We went into session some time in January. It seems to me that the Committee was set up at a rather convenient time for those who wanted to put up sort of an obstruction to the bills that were presented in this legislature. I might say that all of the important bills do have a referendum attached to them, and the merits of the bills we can fight on the local front. They are local bills and pertain to our local government, and I can assure you that many of the citizens of Portland who were not able to come here to the legislature to defend the merits of these bills at public hearing are certainly behind them and endorse these bills one hundred per cent. Thank you.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Rumford, Mr. Aliberti.

Mr. ALIBERTI: Mr. Speaker and Ladies and Gentlemen of the House: I believe that in a short time every community in the State of Maine is going to be faced with this problem or similar problems with regard to education and budgets. As a matter of fact, I believe that in the not too distant future you will probably have a Supreme Court ruling on this type of thing that has just been going on in Portland.

Seven or eight communities in the State of Maine have had problems just as they have been described here this morning. In order to probably clarify your thinking when it comes to a vote, may I state briefly what some of the functions of the school boards are.

School boards are the responsible custodians of the public schools and are designed as a policy making group in education and should be responsive to the needs and wishes of the citizens of their respective communities. School boards are the connecting links between the public which supports the schools, the professional personnel which administers the schools, and they are in a position to interpret one to the other. Almost universally school

boards are voluntary servants of the people, a striking example of democracy in action. School boards have their legal responsibility for the conduct of public schools, and is the only official agency in the community that has.

As a legislative group, school boards perform the following functions: They formulate policy for governing schools. Approval of plans to carry out these established policies. To approve the workability of the policies and the effectiveness of the plans. They are set up to delegate authority and responsibility to the administration of these policies and plans to the board chief executive officer, the superintendent of schools. Now, these policies help realize the schools' many goals, the general nature of the educational program and services to be provided. The rules and regulations governing personnel. The school facilities to be provided and the amount of money to be spent. We believe, therefore, that school boards are set forth for a particular purpose, and these purposes have just been outlined to you.

I believe that these school boards, 97 per cent of the cases in the State of Maine are elected just as you and I. And if they have been elected to carry out the mandates of the people in the local communities, then I believe they should receive the backing of the communities which they represent.

Now, these budgets that are presented, in most cases in the State of Maine, usually have open hearings, and at those hearings the people, the citizens of the city or town or community, has the right to go in and speak for or against any portion of the budget that they feel is unwarranted. Therefore, I would not go along with the gentleman from Sebago, Mr. Good. I would like to see the Minority Report passed.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Barnett.

Mr. BARNETT: Mr. Speaker and Ladies and Gentlemen of the House: I don't like to participate in a bill of this type that pertains to a local problem. However, as a past chairman of the Finance Committee here in Augusta, I feel that I have some

qualifications to state a couple of my thoughts.

Augusta also elects their school board committee and, apparently has a similar setup to the City of Portland with perhaps one exception. The school board in Augusta gets their budget ready and submits it to the city council, and in order for the city council to eliminate anything from that budget, they have to state a specific item that they want to eliminate. They can't, for example, if the budget is submitted in a lump sum, it is an itemized budget, but they can't just say well, chop of ten thousand, or twenty thousand or what have you. They have to pick out the specific item. Now, for example, this year the Augusta school board budget asked for a sprinkler system to be installed in the balance of the schools that do not have it, for a cost of upwards of \$70,000, which is more than one mill on our tax rate. Now, the city council, based on past experience, knew that over a period of years by the right kind of financing, that if they so wanted to, they could install that complete sprinkler system this year with a down payment of about five per cent, and the taxpayers would not feel the burden all in one year. And also the savings in insurance rates, etc., would help to pay this off.

Now, I feel, and believe me when I say that I am all for education, in fact, I supported new school buildings in Augusta when I at times was in the minority, but I think that the body that sets the tax rate should have something to say in all departments as to what they are going to spend. If such a measure as this was passed, I am sure that there would be a similar bill for the City of Augusta at the next session. And I think that you are then bypassing your other departments such as highway, which is a major one here in Augusta, and so on, and they would feel that they ought to be able to have, whatever they submit for a budget, theirs get a rubber stamp also.

I hope that there are other ways that the Portland charter could be amended to perhaps help their situation, but I think that this thing here would be carrying it a little

too far and perhaps start something that would really snowball all over the State. Thank you.

The SPEAKER: Is the House ready for the question?

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

Mr. KELLAM: I beg your indulgence, Ladies and Gentlemen: I didn't expect to have the situation arise where we were going to have so many speakers on this thing, and I would like to explain a couple of questions that have come up.

The question on the taxing authority. There has been some talk in the past that the taxing authority should be the responsible authority for the spending of the money. In the City of Portland we have a system, I know the city council does not make out the tax bill, we have a director of finance who makes out tax bills. And with the tax bill we have an explanation of the tax. We have, well, about three and a half to four million dollars, as stated, school budget, is big fat letters and everybody sees it. Then we have another five million general budget, and that is in big letters and everybody sees it. And opposite each one we have the mill tax or the tax per thousand as to that particular budget. Then we have the two columns totaled up and that is the tax that the people pay.

Now, to say that the school committee does not have the tax is a little bit misleading in the fact that when a person gets his tax bill, he knows very well just how much of that is going to school purposes. And if he complains to the city manager or the city council, he gets the answer, "Well, of course, I have no responsibility for that part, that is the school budget, complain to the school people." And of course, the school people could shrug him off, the school committee could say, "Well, the city council passed it." So, we have a passing of the buck, so to speak, as to the school budget. If anyone wants to praise the budget, they will all stand up. And if anyone wants to complain, there is nobody around. So, I don't believe it is going to mislead anybody as to what tax is appropriated for school purposes

and who is responsible for it, if this bill goes through.

There is a lot of question about checks and balances, and the city council should have a check on the school committee. Well, it sounds all right, but the fallacy there, I believe, is that the school committee has no check on the city council. We have two bodies here who check on each other, but we aren't always the underdog at this end. If there is any need for a check and balance, the place for it is the ballot box. We have a great many fire stations. Nobody walks any more than a block and a half to vote, and if they don't like somebody they will get rid of them. And a case in point, one of the members of the present Citizens Study Committee was recalled, when he was a member of the city council about ten years ago, by the voters. That has never happened before, and is a very unusual situation. I don't know what segment of the population he represents now on this Citizens Review Committee, but I will leave that for someone else to determine.

As to the vagueness of the city charter at present. Well, if you read it over you could say, well no it isn't, and yes it is. Well, this was recognized as vague back in 1929. It was passed in '23. A 1929 proposed amendment said that the city council have absolute control over the budget. It said that among a number of other things. It went to referendum and it lost. Well, 1929 was a bad year for a lot of things. And the city council didn't come out so good that year so they forgot about it for a while. This particular referendum would do the same thing, only it works the opposite way. I believe it is the school committee's chance to have it worded on their side. And if it loses, then the city council is in power. I don't think anyone would question that in the City of Portland.

I have one little news item, or a paragraph I want to read from a news item back in January's paper. This is strictly a news story by the Portland Press Herald. It discusses the bill that is now pending, it was introduced before that time, for this change in the charter. And they say "The meas-

ure, if passed, would decide once and for all the thorny issue of who holds the purse strings to school department spending. Vague wording in the city charter has left the financial powers of the school committee unresolved for many years." Now, that is supposed to be objective reporting, and as a citizen of the city who listens to this stuff all the time, I know that it is unresolved.

As to the waiting for the Citizens Committee to report, we could do that. However, I really feel that if this bill is not passed, the Citizens Charter Review Committee's mission will be accomplished. Then the City of Portland will have to receive whatever by-product might be available from their study. But their fundamental purpose is to kill this bill, and I don't see how anyone could ever overlook that fact when the Citizens Committee was not appointed until March of this year, just before the hearing came on this thing. And we held off the hearing on this until the last day. I could have had this heard before the committee was appointed. I wanted to see what they were going to do, if anything, and I was disappointed in the way they went about it. No one else was asked about it. The city council has a three-man committee on appointments, and zip, there they were, eleven people who were going to review this thing and come up with an objective decision. And I feel there ought to be a little different way of appointing committees than that.

As to the necessity of deciding this matter, I point out a newspaper story where John Sturgis, a member of the school committee, who is an attorney, says, and he is quoted in the paper: "It is time for a case says Committeeman John W. Sturgis. It is reported that the school committee which voted to boost salaries without waiting for the council to appropriate the money, agreed." It says, "No where in the charter is the power of the council to cut the school committee's budget clearly defined. Sturgis says he believes it is time to determine the financial powers of the two bodies through a court interpretation."

Now, I ask you, Ladies and

Gentlemen, should we have to have legal battles over this thing for the next two years before it will come before this body again? Even if the Citizens' Committee does make a recommendation, the charter change has to be made right up here, and this bill allows for a referendum on it. If they want to study the matter and report that this bill is absolutely no good, worthless and anything else, they have got until December 2 to do it. They have ample time to make their decision, and I will guarantee you, Ladies and Gentlemen, if this bill is passed they will make a report. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Sebago, Mr. Good.

Mr. GOOD: Mr. Speaker and Ladies and Gentlemen of the House: In brief summary, I am relying on your good judgment that this vote along with the Majority of the Committee's 7 to 3 report that this "Ought not to pass," in view of several things, of course, and one of them, that the charter is being studied. And there is a member of this legislature on that Charter Review Committee, Representative Roswell Russell from Portland.

The city council has a picture of the entire financial position of the City of Portland. The school board has one thing in mind, that is the appropriation for education. It composes 35 per cent of the entire budget for the City of Portland, amounting to some \$3,600,000. I think that the amount appropriated should be resolved by their conferring with the City Council, which is responsible for the complete budget.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Portland, Mrs. Hendricks.

Mrs. HENDRICKS: Mr. Speaker and Members of the House: I feel that this is Portland's problem and I think a good way to settle it is by referendum of the people. I would like to say that somebody didn't use good judgment when they put a former member of the city council on this Charter Study Committee. This former member of the

council was recalled by the citizens of Portland, and now he ends up on a Charter Study Committee. How asinine can this be?

The SPEAKER: Is the House now ready for the question? The question before the House is the motion of the gentleman from Sebago, Mr. Good, that the House accept the Majority "Ought not to pass" Report on Bill, "An Act relating to Appropriation for Support of Public Schools for City of Portland," House Paper 399, Legislative Document 582.

Will all those who favor the acceptance of the Majority "Ought not to pass" Report please say aye; those opposed, no.

A viva voce vote being doubted by the Chair,

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

The SPEAKER: At this time the Chair would recognize the presence in the gallery of the House of a youth group from the Community Presbyterian Church of West Mills of the Town of Industry, accompanied by Reverend Dean R. Bem-bower. On behalf of the House, the Chair extends to you ladies and gentlemen a most hearty and cordial welcome and we hope that you will enjoy and profit by your visit here today. (Applause)

#### Divided Report Tabled and Assigned

Majority Report of the Committee on Liquor Control on Bill "An Act relating to Local Option for Sale of Malt Liquor in Part-time Hotels" (H. P. 424) (L. D. 608) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. WILLEY of Hancock  
CARPENTER of Somerset  
BOUCHER of Androscoggin  
— of the Senate.

Messrs. BROWN of Bangor  
CHAPMAN of Norway  
MAYO of Bath  
LACHARTE of Brunswick

DOSTIE of Winslow  
COUTURE of Lewiston  
— of the House.

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

Report was signed by the following member:

Mrs. CHRISTIE of Presque Isle  
— of the House.

Reports were read.

On motion of Mr. Dostie of Winslow, the Majority Report "Ought to pass" was accepted and the Bill read twice.

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

COMMITTEE AMENDMENT "A" to H. P. 424, L. D. 608, Bill, "An Act Relating to Local Option for Sale of Malt Liquor in Part-time Hotels."

Amend said Bill in the title by striking out the words "Malt Liquor in Part-time Hotels" and inserting in place thereof the words "Wine and Spirits in Clubs"

Further amend said Bill in the 5th line by striking out the underlined roman numeral "IX" and inserting in place thereof the underlined roman numeral "VII"

Further amend said Bill in the 12th line by striking out the underlined roman numeral "IX" and inserting in place thereof the underlined roman numeral "VII"

(On motion of Mr. Chapman of Norway, tabled pending adoption of Committee Amendment "A" and specially assigned for Tuesday, April 28.)

#### Passed to Be Engrossed

Bill "An Act relating to Duties of the Clerk of the House of Representatives" (S. P. 419) (L. D. 1203)

Bill "An Act relating to Investment of Certain Charitable Trust Funds" (S. P. 462) (L. D. 1315)

Bill "An Act Clarifying Laws Relating to Secondary Schools" (H. P. 281) (L. D. 412)

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

#### Third Reader Tabled and Assigned

Bill "An Act Amending the Charter of the City of Augusta" (H. P. 936) (L. D. 1323)

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

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Barnett.

Mr. BARNETT: Mr. Speaker, I would like to ask a question if I may. Rather than put something on the table, may I still amend it between now and the enactment stage?

The SPEAKER: The Chair would advise the gentleman that if the item is passed to be engrossed at this time, any attempt to amend it would be subject to a motion to reconsider the action whereby the House passed it to be engrossed.

Mr. BARNETT: Therefore, I thought this was already taken care of, but it was just brought to my attention that we had a mistake, so in respect to this item, I would like to table it until next Tuesday for the purpose of an amendment.

The SPEAKER: The gentleman from Augusta, Mr. Barnett, moves that this matter be tabled pending passage to be engrossed and be specially assigned for Tuesday, April 28. Is this the pleasure of the House?

The motion prevailed.

Bill "An Act relating to Itinerant Vendors" (H. P. 937) (L. D. 1324)

Bill "An Act relating to Lighting all Places Licensed to Sell Liquor to be Consumed on the Premises" (H. P. 938) (L. D. 1325)

Bill "An Act Designating Certain Dermatitis Diseases as Occupational Diseases" (H. P. 939) (L. D. 1326)

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

#### Third Reader Tabled and Assigned

Bill "An Act relating to Chiropractic Treatment under Workmen's Compensation Law" (H. P. 940) (L. D. 1327)

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

(On motion of Mr. Plante of Old Orchard Beach, tabled pending passage to be engrossed and specially assigned for Friday, May 1)

Resolve Opening Hancock Pond, Oxford and Cumberland Counties to Ice Fishing (H. P. 493) (L. D. 706)

Resolve Opening Sand Pond, Oxford County to Ice Fishing (H. P. 494) (L. D. 707)

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

### Third Reader Amended

Resolve Proposing an Amendment to the Constitution Providing for Annual Legislative Sessions (H. P. 849) (L. D. 1212)

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

Mr. Jalbert of Lewiston offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 849, L. D. 1212, Resolve, Proposing an Amendment to the Constitution Providing for Annual Legislative Sessions.

Amend said Resolve by striking out all of lines 24, 25, 26 and 27, and inserting in place thereof the following:

"at which the Legislature shall consider only bills which supplement appropriations made for the fiscal year in which the budget session is held, make appropriations for the succeeding fiscal year, provide for necessary revenues therefor and such acts, resolves and resolutions as shall be filed with the Clerk of the House and the Secretary of the Senate, respectively, prior to the convening of such budget session."

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

### Amended Bills

Bill "An Act to Incorporate the East Boothbay Water District" (S. P. 319) (L. D. 881)

Bill "An Act Increasing Burial Expenses under Workmen's Compensation Act" (H. P. 862) (L. D. 1230)

Bill "An Act Providing for Civil Service for the Old Orchard Beach Police Department" (H. P. 899) (L. D. 1268)

Resolve Opening Waters in Lincoln County to Taking of Salt Water Smelts (S. P. 311) (L. D. 857)

Resolve Creating a Tax Policy Advisory Committee (H. P. 131) (L. D. 189)

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

Bill "An Act relating to Open Season for Fishing on Brooks and Streams in Cumberland County" (H. P. 240) (L. D. 351)

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

### Amended Third Reader Tabled

Bill "An Act Increasing Salaries of Judge and Recorder of Waterville Municipal Court" (H. P. 525) (L. D. 760)

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

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

Mr. LANE: Mr. Speaker, I had a talk with the House Chairman of the Committee and he told me they have another bill that will take care of this one, and I would like to table this unassigned.

The SPEAKER: The gentleman from Waterville, Mr. Lane, moves that this bill be tabled unassigned pending third reading. Is this the pleasure of the House?

The motion prevailed.



### **Passel to Be Enacted Emergency Measure**

An Act Authorizing Construction of Dock in Town of Lincolnville (H. P. 743) (L. D. 1062)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 113 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

### **Passed to Be Enacted Enactor Requiring Two-Thirds Vote**

An Act to Authorize the Construction of a Bridge Across the Passagassawaukeag River (H. P. 146) (L. D. 202)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution a two-thirds vote of the House being necessary, a division was had. 113 voted in favor of the same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

### **Passed to Be Enacted**

An Act relating to Rental of Northern Cumberland Municipal Court (H. P. 17) (L. D. 26)

An Act Permitting Ferry Service for Long Island Plantation (H. P. 55) (L. D. 77)

An Act relating to Qualifications for Examination for Registered Pharmacists (H. P. 215) (L. D. 306)

An Act relating to Use of Power Boats in Hunting Waterfowl (H. P. 715) (L. D. 1020)

An Act relating to Taxation on Sparkling Wines (H. P. 821) (L. D. 1159)

An Act relating to Time of Enrollment of Voters (H. P. 858) (L. D. 1226)

An Act relating to Permit Before Examination for Applicant to Practice Barbering (H. P. 927) (L. D. 1309)

### **Finally Passed**

Resolve Relating to Determination of Damages Caused by Taking of

Land for Highway Purposes (S. P. 233) (L. D. 616)

Resolve Opening County Road Lake in Aroostook County to Ice Fishing (S. P. 274) (L. D. 736)

Resolve Regulating Fishing on Deer Meadow Pond in Lincoln County (S. P. 275) (L. D. 737)

Resolve Regulating Fishing in Part of West Branch of Penobscot River, Piscataquis County (H. P. 585) (L. D. 832)

Resolve in favor of A. R. Palmer of Litchfield (H. P. 634) (L. D. 926)

Resolve Closing Second Great Brook Lake, Washington County, to Ice Fishing (H. P. 831) (L. D. 1182)

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: Under Orders of the Day the Chair now lays before the House the first tabled and today assigned matter, House Divided Report, Majority "Ought not to pass" and Minority "Ought to pass" of the Committee on Judiciary on Bill "An Act relating to Description of Real Estate in Tax Deeds and Tax Liens," House Paper 832, Legislative Document 1183, tabled on April 17 by the gentleman from Augusta, Mr. Beane, pending acceptance of either report.

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

Mr. BARNETT: Mr. Speaker, I had a note handed to me at 9:00 o'clock that asked me to retable the bill of the gentleman from Augusta, Mr. Beane, until later in the day, that he would be here within an hour, so I will retable it momentarily so if he gets here prior to our closing. Otherwise, I will retable it until later.

The SPEAKER: The gentleman from Augusta, Mr. Barnett, moves that both reports be retabled and specially assigned for later in today's session pending acceptance of either report. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair now lays before the House the second tabled and today assigned matter,

Bill "An Act relating to Definition of Fish Weirs," House Paper 367, Legislative Document 526, tabled on April 22 by the gentleman from Milbridge, Mr. Kennedy, pending passage to be engrossed as amended by House Amendment "A," and the Chair recognizes that gentleman.

Thereupon, on motion of that gentleman, the House voted to suspend the rules and to reconsider its action whereby it adopted House Amendment "A."

Mr. Kennedy of Milbridge then offered House Amendment "A" to House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to House Amendment "A" to H. P. 367, L. D. 526, Bill, "An Act Relating to Definition of Fish Weirs."

Amend said Amendment in the 3rd and 4th lines by striking out the underlined words "A weir structure that is not built by the 15th day of July", and inserting in place thereof the underlined words "A weir that is not under active construction by July 15th."

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

The SPEAKER: The Chair now lays before the House the third tabled and today assigned matter, Bill "An Act to Create the Berwick Water and Sewerage District," House Paper 931, Legislative Document 1317, tabled on April 23 by the gentleman from Bridgton, Mr. Haughn, pending adoption of House Amendment "A"; and the Chair recognizes that gentleman.

Thereupon, on motion of that gentleman, House Amendment "A" was adopted, the Bill passed to be engrossed as amended and sent to the Senate.

The SPEAKER: The Chair now lays before the House the fourth tabled and today assigned matter, Bill "An Act relating to Duties and Powers of Department of Labor and Industry," House Paper 209, Legislative Document 300, tabled on

April 23 by the gentleman from Friendship, Mr. Winchenpaw, pending the motion of the gentleman from Auburn, Mr. Turner, to indefinitely postpone.

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

Mr. WINCHENPAW: Mr. Speaker and Ladies and Gentlemen of the House: First, I want to thank you for allowing me to table this bill for a few days. I know there is quite a bit of opposition to this bill, and I am not going to try to fool anyone. This is what we call a department bill, and as you know each Committee has a certain number of department bills, and probably the Labor Committee has as few department bills as any Committee. And I also know that a well-groomed legislative agent has been working pretty hard against this bill, and the opposition will tell you that this is just broadening State government, more State government control, and the opposition will tell you that this will provide inspection of everybody's home. They also tell me it will provide inspection of every farm, and they even tell me that it means inspection of all my lobster boats that I am interested in, but if you read Section 3 of this bill, you will see that all of those things are exempted from inspection by the Labor Department. Now I am beginning to believe that this is a pretty good bill. I have taken it up with the Department of Wealth and Welfare—Health and Welfare, and the Department of Labor and Industry, and they both work on this bill together. The Department of Health and Welfare has a right to inspect many of these places for sanitary conditions, but they have no control over the safety angles, and certain places that are covered by this bill are not subject to the inspection of the Department of Labor and Industry, and I would just like to read one paragraph before I finish. "With the continued growth in new processes and new machines, it is more than ever imperative that the Department of Labor and Industry have authority to order correction of any hazardous condition found in a manufacturing plant or other business establishment. As one example

of the limitation placed upon a safety inspector, the law gives authority to such inspectors to cause vats filled with molten metal, hot liquids or inflammables to be properly safeguarded, but no authority over vats of acid or caustic, which can be equally dangerous if not properly guarded. In addition, the Department has no jurisdiction over electrical hazards, housekeeping, floor conditions, unguarded openings and any number of similar death traps."

Now from 1954 to 1957 there were 146 fatal accidents in the State of Maine or fatal injuries, and 18 of those were electrocutions, 35 involved vehicle accidents, 8 drownings, and the remainder of 85 were falls and slips, struck by, or crushed primarily due to a fault or failure in working surfaces.

Mr. Speaker and Members of the House, I won't take any more of your time, but I hope that the motion made by the gentleman from Auburn, Mr. Turner, does not prevail.

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

Mr. TURNER: Mr. Speaker and Members of the House: I don't care anything about this bill anyhow, but there are two reasons why I wanted to see it killed, and that was, this has been before the Legislature for three former sessions, and Harry Williams, the gentleman from Hodgdon, and I, have been lucky enough to kill it each time, so we are now batting for 1000, and we would like to continue and keep our batting average up, but of course if we get licked of course we are still batting 750 which is pretty good.

I just got a note from one of my colleagues up by here and he sent it down and it says "Department of Wealth and Hel fare." Well now I think that's pretty good. But for old times sake, as I say, we would like to kill this bill, that's one reason; and the other reason is, it's no good.

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

Mr. HENDSBEE: Mr. Speaker and Ladies and Gentlemen of the House: I would like to speak a word in defense of this bill as a man who works in industry, and many of

our larger industries, our paper mills, have gone along with all safety measures that they can reasonably find, and are always open to suggestions. In fact we do have committees of that sort. Now we do have industries in this State who pay very little attention to any safety measures whatever. I can quote from one case that I know of very well, having assisted the man in some of his conferences, in a mill where this man was working out in the yard, and they had a couple of men out that day and he was called in to work on a saw. He was not familiar with the operation of this machine, and consequently he lost his hand. There was no safety guard whatever on that saw, although one had been proposed, but had never been put on. Now they said that the man was careless. Well, that is a matter that is debatable to the extreme, because the man was unfamiliar with it and he did not know how it worked and consequently he was penalized for the rest of his life. I think this is a good bill and I offer my support to it.

The SPEAKER: The Chair recognizes the gentleman from Guilford, Mr. Dodge.

Mr. DODGE: Mr. Speaker, Ladies and Gentlemen of the House: I highly favor this bill. Most industries are very good about putting on all safety devices that are asked for and some that aren't, but a few aren't, and as a worker in industry, I know the things that they do sometimes, a worker has to go along with it and it is very dangerous. Some industries don't seem to care at all about this, and we need some kind of legislation to control that can compel them to go along with the safety devices needed.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I for one don't want to broaden State government any further, and this would have to employ in order to be very effective a lot of people. And another thing if you read the bill, the bottom part of it, it is too many exemptions, it leaves out too many

people. It is too full of loopholes. In my opinion, the bill is no good.

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

Mr. WINCHENPAW: Mr. Speaker, I might say one more word, in sort of an apologetic vein, if I said anything I shouldn't have it was purely a slip of the tongue, and I wondered why there were so many grins on people's faces at the time, and I would like to add just one more thought here, that there has been much interest in doing something for labor this session, and we on the Labor Committee have heard continually all winter that people had rather work and get a full week's pay than being laid up by injuries and being laid off for various reasons and this is a chance to really do something for labor. This will not cost anybody very much, and I firmly believe that there are certain places that must have pretty bad conditions or there wouldn't be so much opposition to this bill. Thank you very much.

The SPEAKER: The Chair recognizes the gentleman from Milbridge, Mr. Kennedy.

Mr. KENNEDY: Mr. Speaker and Members of the House: I concur very much with our good friend from Enfield, Mr. Dudley. I notice in this exemption here that the ones that are exempted would seem to me to be dangerous operations such as logging and fishing. I am deeply concerned because pharmacy is not in the exemption. We have so many inspectors now that we have little time to take care of the sick in preparing their medicines. I feel that this is just one more call that we will have to endure during the year.

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

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

The SPEAKER: A division has been requested. The question before the House is the motion of the gentleman from Auburn, Mr. Turner, that Bill "An Act relating to the Duties and Powers of Department of Labor and Industry," House Paper 209, Legislative Document 300, be indefinitely postponed.

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

A division of the House was had.

Eighty-one having voted in the affirmative and twenty-five having voted in the negative, the motion prevailed, the Bill was indefinitely postponed and sent up for concurrence.

The SPEAKER: The Chair now lays before the House the matter tabled and specially assigned for later in today's session House Divided Report, Majority "Ought not to pass" and Minority "Ought to pass" of the Committee on Judiciary on Bill "An Act relating to Description of Real Estate in Tax Deeds and Tax Liens," House Paper 832, Legislative Document 1183, tabled earlier today by the gentleman from Augusta, Mr. Barnett, pending acceptance of either report.

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

Mr. BEANE: Mr. Speaker and Ladies and Gentlemen: First I wish to thank my colleague from Augusta, Mr. Barnett, for tabling this matter for me this morning. Before I make a motion on this matter, I would like permission to address the House.

The SPEAKER: The gentleman does not need permission to address the House, he is perfectly in order.

Mr. BEANE: Mr. Speaker, Ladies and Gentlemen of the House: I should like to briefly explain the purpose behind this bill, An Act relating to Description of Real Estate in Tax Deeds and Tax Liens. We have a situation in several Maine towns now where they will file tax liens against delinquent taxpayers, what I consider a rather radical departure from long established practice. Within the last two or three years, apparently at the instigation of the organization which leads municipal thinking in this State, many of these towns are filing tax liens with no description of the property being subjected to the lien, except by reference to the map or some other book or writing that will be usually located in the town office.

Now anyone having to do with a taxpayer's property, working through the Registry of Deeds, which would be the normal place to check up on such things, there is no way unless there is some description of this property on the record there, to find out what property is being taxed. A man may have more than one lot in a town and there is no way of knowing which lot is subject to that lien. This works a hardship on the taxpayer, on any buyer or other town tax officials, highway, right-of-way men or anyone that has occasion to use the Registry, and runs into a thing like that, should be able to determine in the records of the Registry what property is being discussed. I am sorry I haven't been able to adequately get across to my brethren on the Committee the urgency of this situation. I feel that as a way of explanation of this, I would like to give an example. We will say you are a taxpayer. There are many taxpayers who for some reason beyond their own control, perhaps they have been thrown out of work or been sick or some other reason, but they have become delinquent in their real estate taxes. The town will file a lien against them. If the man has more than one piece of property, he may—a lot of these people in good faith trying to clean up their tax liens will go and get a loan from some lending institution to get the money to pay off their liens. It is rather a sorry situation, but they are incurring further debts to pay off that one. Now under the present system that some of these towns are using, those lending institutions will of course check their title before they will give them the money to pay off those liens. If they run into one of these descriptions referring to a map in some town office, they have to scurry around to that town office to find out whether the title of the property is good, when they should be able to find out right in the Registry. That merely adds more cost to the financing cost and the interest on the tax that that taxpayer is already saddled with. It is a very difficult situation in some cases.

Now many of these lending institutions are lending money for improvements on the property which

creates more taxable property for these towns. Many of your town tax officials have raised a cost question, if they record a map to comply with what I have asked for here or if they record some reference, all they need to do is record a reference to some book and page in the Registry which they must have since they are required to file a lien against a record-holder, anyway, they have such records in their town office which they have got from the Registry, and it has always been in the past their practice to go in the Registry and either check up on these things or file a description right in the lien that would identify the property, a simple description.

The present Statutes say that the description shall be of sufficient certainty to identify the property or words to that effect. Apparently there is some question in the minds of town officials as to what is an adequate description. Under this new procedure, these liens that are being filed, they will just say map in town assessor's office or something to that effect. Very many attorneys that I have discussed this with feel that these descriptions are invalid. In other words, these towns are using a type of lien which is to say the least of a very questionable legal validity, and if someone were to contest one of these liens before the Law Court, and the Law Court ruled that those liens were invalid, you would find many towns in this State in a difficult position of having a whole lot of liens that they have already filed thrown right out and unenforceable. These town officials don't seem to realize the benefit that they would get from that. They also run the risk if they don't record the thing that they refer to, a town could record two or three hundred tax liens and refer to something in their town office but nothing in the records, and if that town office burned or their records they wouldn't be able to enforce one single lien.

I realize there are some doubts on the parts of some of the towns as to what it would cost to comply with what I asked for in this Act, and there seems to be some idea on the part of some of them that I have asked for some new procedure.

Actually what this calls for is that they either continue their old procedure which was satisfactory, or work out some better system. Now I have had discussions with some of the leaders or town fathers and it has been pointed out to me that there is a bill before the Appropriations Committee authorizing a survey at the State Tax Assessor's request of the whole tax valuation system in municipalities in the State. I understand there is some question whether they will have that appropriation, whether that Committee will be created to study that. I hope to get this bill tied to them if there be no action taken now. I also offered a new draft before the Committee which I felt was more acceptable to the opposition than this bill. That is not before you now. The Judiciary Committee has been very tied up with a great many bills and the time involved in this session, I think I am fairly stating the position of some of the signers of the other report that they do feel that I definitely have a point and this is a situation that the State should be concerned with, but there isn't the time in this session for them to work out an adequate adjustment of this problem. I had considered recommitting it to hold it to tie with that other bill, but I do feel now I don't wish to delay the session at this stage of the game, but I do feel that the Legislature should be made conscious of this as well as the town officials. So I shall now move reluctantly, that both reports be indefinitely postponed.

The SPEAKER: The question before the House is the motion of the gentleman from Augusta, Mr. Beane, that both reports on Bill "An Act relating to Description of Real Estate in Tax Deeds and Tax Liens," be indefinitely postponed. Is this the pleasure of the House?

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

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

Mr. SHEPARD: Mr. Speaker, under suspension of the rules, I would move that the House reconsider its action whereby the item three on

page two, the "Ought not to pass" Committee Report was accepted.

The SPEAKER: The Chair would advise the gentleman from Stonington that there is no suspension of the rules necessary in this case. The Chair understands the gentleman from Stonington, Mr. Shepard, to move that the House reconsider its action in regard to item three on page two of the calendar, Bill "An Act relating to Limitation of Financial Responsibility Law" whereby the House accepted the "Ought not to pass" Report earlier in today's session. Is it the pleasure of the House to reconsider?

(Cries of "No")

The SPEAKER: Will those who favor the motion to reconsider the action whereby the House accepted the "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 House is proceeding under Orders of the Day.

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

Mr. JACQUES: Mr. Speaker, is the Clerk in possession of L. D. 859?

The SPEAKER: The Chair would advise the gentleman that that document is in the possession of the House.

Mr. JACQUES: Mr. Speaker and Members of the House: I would like very much to have the courtesy of the House today to reconsider our action where we yesterday accepted the Majority Report, and I would like to say Mr. Speaker, that I voted in favor of the Majority Report.

The SPEAKER: The gentleman from Lewiston, Mr. Jacques, moves that the House reconsider its action whereby with regard to Bill "An Act Providing Moneys for Construction of Patient Building at Western Maine Sanatorium" House Paper 599, Legislative Document 859, the House accepted the Majority "Ought not to pass" Report. The gentleman may proceed.

Mr. JACQUES: Mr. Speaker, the reason is, that we have a bill pending on the table that is being heard next Wednesday, and I would like to have these two bills heard together, and in the meantime three counties

are supposed to meet together and discuss those two bills.

The SPEAKER: Is the House ready for the question? Will those who favor the motion to reconsider the acceptance of the "Ought not to pass" Report please say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed.

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

Thereupon, on motion of that gentleman, the Reports and Bill were tabled pending acceptance of either Report and specially assigned for Wednesday, April 29.

On motion of the gentleman from Hodgdon, Mr. Williams, the House voted to take from the table the fifth tabled and unassigned matter, Bill "An Act relating to Splash Guards for Certain Trucks," House Paper 870, Legislative Document 1215, tabled on April 3 by the gentleman from Hodgdon, Mr. Williams, pending third reading.

Thereupon, Mr. Williams of Hodgdon offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 870, L. D. 1215, Bill, "An Act Relating to Splash Guards for Certain Trucks."

Amend said Bill by adding at the end before the period the following underlined words: 'or to motor vehicles with stake bodies which extend not less than 6 feet beyond the rear axle'

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

On motion of the gentleman from Lewiston, Mr. Cote, the House voted to take from the table the thirteenth tabled and unassigned matter, Bill "An Act relating to Residence Requirements for Voters in City of Lewiston," House Paper 865, Legislative Document 1233, tabled on April 15 by that gentleman pending assignment for third reading.

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

Mr. JACQUES: Mr. Speaker, I move indefinite postponement of this bill as it is covered by other legislation.

The SPEAKER: The gentleman from Lewiston, Mr. Jacques, moves the bill be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed. Sent up for concurrence.

The gentleman from Stonington, Mr. Shepard, was granted unanimous consent to address the House.

Mr. SHEPARD: Mr. Speaker, I feel that perhaps I owe the House an explanation on my attempted move on item three. It is the usual courtesy that we extend to a sponsor of a measure if he is not present, we do table his measure pending his return. That was the motive I had in mind. Items three and four are companion bills, the sponsor being the gentleman from Kittery, Mr. Dennett. I was attempting to table it pending his return Monday or Tuesday. Thank you.

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

Mr. WADE: Mr. Speaker, I now move that we recess until 1:00 p. m. this afternoon. I wish to explain that the only business to be taken up at that time will be the adoption of the joint adjournment order.

The SPEAKER: The Chair will emphasize the fact that there will be no business taken up at 1:00 o'clock except the adjournment order.

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

Mr. PLANTE: Mr. Speaker, simply a point of inquiry, will a quorum be mandatory to entertain a motion to adjourn at 1:00 p. m.?

The SPEAKER: It is the obligation of the Chair to rule as to whether or not a quorum is present. The Chair may rule if the Chair deems the presence of a quorum and if the question is raised. The Clerk advises the Chair only if the question is raised.

The question before the House is the motion of the gentleman from Auburn, Mr. Wade, that the House recess and reconvene at 1:00 o'clock this afternoon. Is this the pleasure of the House?

The motion prevailed.

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**After Recess**

**1:00 P. M.**

The House was called to order by the Speaker.

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The following paper from the Senate not on the Advance Journal:

From the Senate: The following Order:

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Monday, April 27, at four o'clock in the afternoon. (S. P. 469)

Came from the Senate today read and passed.

In the House, the Order was read and passed in concurrence.

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On motion of Mr. Knight of Rockland,

Adjourned until Monday, April 27, at four o'clock in the afternoon.