

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

Ninety-Ninth Legislature

OF THE

STATE OF MAINE

1959

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Tuesday, April 28, 1959

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

Prayer by the Rev. Fr. Roland H. Rancourt of St. Augustine's Rectory, Augusta.

The journal of yesterday was read and approved.

Papers from the Senate Senate Reports of Committees Ought to Pass in New Draft

Report of the Committee on Business Legislation on Bill "An Act Creating an Unfair Sales Act" (S. P. 179) (L. D. 482) reporting same in a new draft (S. P. 471) (L. D. 1333) under title of "An Act relating to Intent to Injure under Unfair Sales Act" and that it "Ought to pass"

Report of the Committee on Labor on Bill "An Act relating to Part-time Work Permits for Minors" (S. P. 404) (L. D. 1172) reporting same in a new draft (S. P. 449) (L. D. 1302) under title of "An Act relating to Employment of Minors" and that it "Ought to pass".

Report of the Committee on Liquor Control on Bill "An Act to Clarify the Liquor Laws" (S. P. 176) (L. D. 420) reporting same in a new draft (S. P. 466) (L. D. 1330) under same title and that it "Ought to pass"

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

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

Ought to Pass

Report of the Committee on Agriculture reporting "Ought to pass" on Bill "An Act relating to Definition of Misbranded Food" (S. P. 426) (L. D. 1244)

Report of the Committee on Judiciary reporting same on Bill "An Act relating to Administration on Estates of Persons Confined to Imprisonment for Life" (S. P. 335) (L. D. 911)

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

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

Orders

On motion of Mrs. Smith of Falmouth, it was,

ORDERED, that Mr. Cousins of Bangor be excused from attendance this week because of business, and that Mr. Lacharite of Brunswick be excused from attendance for the remainder of the week because of business.

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.

House Reports of Committees Leave to Withdraw

Mr. Cox from the Committee on Judiciary on Bill "An Act relating to the Fees of Attorneys" (H. P. 812) (L. D. 1150) which was recommended, reported Leave to Withdraw.

Report was read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Pike from the Committee on Public Utilities reported "Ought not to pass" on Bill "An Act Permitting Rural Electrification Cooperatives to Exercise Eminent Domain" (H. P. 121) (L. D. 176)

Report was read and accepted and sent up for concurrence.

Tabled and Assigned

Mr. Cousins from the Committee on Taxation reported "Ought not to pass" on Bill "An Act Taxing Advertising to Provide Educational Scholarships" (H. P. 673) (L. D. 965)

Report was read.

(On motion of Mr. Walsh of Verona, tabled pending acceptance of Committee Report and specially assigned for Thursday, April 30.)

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

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

Divided Report Tabled and Assigned

Majority Report of the Committee on Public Utilities reporting "Ought not to pass" on Bill "An Act to Protect the Health and Safety of Railroad Employees" (H. P. 767) (L. D. 1085)

Report was signed by the following members:

Messrs. MARTIN of Kennebec
NOYES of Franklin
HUNT of Kennebec
— of the Senate.

Messrs. PIKE of Lubec
PHILBRICK of Bangor
WALTER of Waldoboro
DOW of Eliot
— of the House.

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

Report was signed by the following members:

Mr. HAUGHN of Bridgton
Mrs. KILROY of Portland
Mr. CYR of Fort Kent
—of the House.

Reports were read.

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

Mr. HAUGHN: Mr. Speaker and Members of the House: Item four and item five are of similar nature, and whereas the potential of the two opposing factions getting together on these bills to settle the problem, I would like the privilege to table this bill and specially assign it for Tuesday next in order to get the two sides together and possibly eliminate these bills.

The SPEAKER pro tem: The gentleman from Bridgton, Mr. Haughn, moves that both Reports be tabled and specially assigned for Tuesday next, pending acceptance of either Report. Is this the pleasure of the House?

(Cries of "No")

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

Mr. HAUGHN: Mr. Speaker, the reason I requested this was that labor and management have both advised me this morning that they will get together and chat over this problem and there may be a solution to the problem for the railroad companies and the employees of the company, and two years ago they had bills of a similar nature, not like these, but of similar nature which the same procedure was used and it was accomplished to the satisfaction of both sides. That was the reason I wanted this opportunity before the Committee Report was accepted to give these two sides an opportunity to discuss their problem together and possibly come out with a solution, so seeing that I was not accorded that privilege, I would now move the acceptance of the Minority Report at this time.

The SPEAKER pro tem: The gentleman from Bridgton, Mr. Haughn, moves that the House accept the Minority "Ought to pass" Report.

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

Mr. CURTIS: Mr. Speaker, I think this is rather a very important bill, and I think it would be only fair if we did table it and let the people who are concerned talk it over. I don't see where we are in such a rush we have got to kill all these things.

Now of course I think perhaps everybody knows that I was a railroad man for many years having served on two different railroads, and I can see where there is a great need for something like this because in the old days when I railroaded a train probably was sixty cars which would be just about the limit, but now they are hauling a hundred and a hundred and fifty cars, and inasmuch as a train of fifty cars there is thirty feet of slack, that is in the springs in each coupling, and of course the engine or the locomotive has more braking power and of course the brakes go on quicker on the front end and there is always a slack running in more or less, especially down hill. You can imagine on a one hundred and fifty-car train with about a hundred

and fifty feet of slack running in and what a jar there is going to be back there in the caboose. Sometimes it will almost take it right off the track. And inasmuch as these railroad men, both sides, want a chance to discuss it, I think it is only fair that they should have it. Therefore, I move that we do table it until next Tuesday and give them a chance to discuss it.

The SPEAKER pro tem: The question now before the House is the motion of the gentleman from Bowdoinham, Mr. Curtis, that both Reports be tabled.

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

Mr. ALIBERTI: Mr. Speaker, through the Chair, may I ask the gentleman from Bowdoinham, Mr. Curtis, if he is referring to item four or item five? From the gist of his remarks I would assume he is talking about item five, lining up the railroad cars? — Okay.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from Bowdoinham, Mr. Curtis, that this item be tabled and specially assigned for Tuesday, May 5.

Mr. CURTIS: Mr. Speaker, I move it be taken by a division.

The SPEAKER pro tem: A division is requested. Will those who favor the tabling motion of the gentleman from Bowdoinham, Mr. Curtis, please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Sixty-five having voted in the affirmative and forty-six having voted in the negative, the motion prevailed and the Reports were so tabled pending the motion of the gentleman from Bridgton, Mr. Haughn, to accept the Minority "Ought to pass" Report.

Divided Report Tabled and Assigned

Majority Report of the Committee on Public Utilities reporting "Ought not to pass" on Bill "An Act relating to Use of Train Order Line-Ups for Railroad Track Motor Cars" (H. P. 768) (L. D. 1086)

Report was signed by the following members:

Messrs. MARTIN of Kennebec

NOYES of Franklin
— of the Senate.

Messrs. PHILBRICK of Bangor
PIKE of Lubec
WALTER of Waldoboro
DOW of Eliot
— of the House.

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

Report was signed by the following members:

Mr. HUNT of Kennebec
— of the Senate.

Mrs. KILROY of Portland
Messrs. HAUGHN of Bridgton
CYR of Fort Kent
— of the House.

Reports were read.

(On motion of Mr. Haughn of Bridgton, tabled pending acceptance of either Report and specially assigned for Tuesday, May 5.)

Divided Report

Majority Report of the Committee on Public Utilities reporting "Ought to pass" on Bill "An Act to Permit the Eastern Maine Electric Cooperative to Exercise Eminent Domain" (H. P. 818) (L. D. 1156)

Report was signed by the following members:

Messrs. MARTIN of Kennebec
HUNT of Kennebec
NOYES of Franklin
— of the Senate.

Mrs. KILROY of Portland
Messrs. HAUGHN of Bridgton
PIKE of Lubec
WALTER of Waldoboro
DOW of Eliot
— of the House.

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

Report was signed by the following members:

Messrs. PHILBRICK of Bangor
CYR of Fort Kent
— of the House.

Reports were read.

On motion of Mr. Davis of Calais, the Majority Report "Ought to pass" was accepted on a viva voce vote, the Bill read twice and tomorrow assigned.

Passed to Be Engrossed

Bill "An Act Increasing the Salary of the Governor" (S. P. 384) (L. D. 1110)

Bill "An Act relating to Duties of Municipalities Concerning Dutch Elm Disease" (S. P. 464) (L. D. 1328)

Bill "An Act Permitting the Building of Marinas in Lake Maranacook, Kennebec County" (H. P. 944) (L. D. 1336)

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 to Make Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1960 and June 30, 1961" (H. P. 946) (L. D. 1341)

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

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

Mr. EDWARDS: Mr. Speaker and Members of the House: I would like to take a few minutes this morning and explain my position pertaining to this bill. It was my intention when I first came down here this winter, to present a bill which would throw the million dollars each year for special state aid into the regular state aid account, but there was an obstacle placed in my path. One proposal was that it be eventually done away with, and I did not see at that time if it was going to be disposed of within a few years, that there was much use for me to continue with my idea.

I would like to say to you folks this morning, that I believe there is need for the million dollars each year on our state aid roads back in our rural areas, but I believe that the way to approach this problem is on a long-range basis, and not on one of these stop-gap methods such as the special state aid program.

Some have said that in another four years why the need of it will disappear. That was said four years ago that in four years the road

problem would be brought up where this would not be needed, and yet again it has come back and it is proposed for another four years. And I'm going to say to you this morning that this is a problem that is going to continue over the years, and if we are to save money in our highway program, we must save it through maintenance.

The state aid program was started years ago in a cooperative movement between the towns and the state, or the municipalities and the state, and then during that process the state came in and assumed the responsibility of the maintenance, and I believe if we are going to do a good job, present a good program to the people, that the rebuilding of our state aid roads should be a cooperative movement between the municipalities and the state.

Now how would I propose to do this? I propose by setting up the units, by increasing each unit approximately a half or fifty per cent, both on the municipal level and on the state level, and for the small towns in that range of state valuation from nothing up to 400,000, if they desire to raise the four units for reconstruction, they would for a sum of \$1,800 receive enough from the state to bring their total sum up to \$10,120. That wouldn't be for just one year, but it would be for the number of years for which they appropriated their money.

I believe that my idea is sound. I believe that it would stand the test of time, But I realize that the hours of this session are getting late, and I realize that many of you would like to get home to your work, and so this morning instead of presenting an amendment, I simply wish to take this opportunity to present my feelings toward this matter, and if it is your wishes that you wish to look into it farther at this session, I would at this time make a motion that this bill be tabled until tomorrow, and at that time I will present an amendment for your consideration.

The SPEAKER pro tem: The gentleman from Raymond, Mr. Edwards, moves that Bill "An Act to Make Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1960 and June 30,

1961" be tabled and specially assigned for tomorrow pending passage to be engrossed. Is this the pleasure of the House?

The motion prevailed.

Resolve Authorizing Survey and Plans for A Maine-Quebec Highway (H. P. 945) (L. D. 1340)

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

Amended Bills

Bill "An Act relating to Hearing Injuries under Workmen's Compensation Law" (S. P. 216) (L. D. 555)

Bill "An Act Providing Special Disability Compensation for Members of Organized Police Departments" (S. P. 234) (L. D. 617)

Bill "An Act Increasing Salary of Official Court Reporters" (S. P. 259) (L. D. 672)

Resolve relating to Non-lapsing Moneys for Construction of Eastport-Perry Causeway-Dam (H. P. 884) (L. D. 1258)

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

Passed to Be Enacted Emergency Measure

An Act relating to Training of Firemen (S. P. 131) (L. D. 326)

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, 119 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act relating to Marking and Detention of Substandard Grade Sardines (S. P. 409) (L. D. 1193)

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 elect-

ed to the House being necessary, a division was had, 122 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.

Enactor Requiring Two-Thirds Vote

An Act to Authorize the Issuance of Bonds in the Amount of Thirteen Million Dollars on Behalf of the State of Maine for the purpose of Building State Highways (H. P. 418) (L. D. 602)

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, 123 voted in favor of the same and one 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 Employment of Teachers (S. P. 110) (L. D. 260)

An Act relating to Taxation of Domestic Fowl (S. P. 122) (L. D. 272)

An Act Providing for Forest Rehabilitation (S. P. 127) (L. D. 322)

An Act relating to Amounts for State Scholarships for Normal Schools and Teachers' Colleges (S. P. 148) (L. D. 369)

An Act relating to Use of Draggers in Sheepscot Bay (S. P. 194) (L. D. 490)

(A motion to table to May 1, of Mr. Lowery of Brunswick, did not prevail on a viva voce vote.)

An Act to Create the Maine Fertilizer Law (S. P. 254) (L. D. 667)

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

Enactor Tabled and Assigned

An Act relating to Lands Needed by the State (S. P. 280) (L. D. 742)

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

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

An Act Providing Mandatory Jail Sentence for Second Offense of Driving Under the Influence (S. P. 329) (L. D. 905)

An Act Revising Laws Relating to Animal Industry (S. P. 359) (L. D. 1042)

An Act to Revise Certain Laws of the Department of Institutional Service (S. P. 406) (L. D. 1174)

An Act Repealing Gero Island, Piscataquis County, as a Game Preserve (S. P. 411) (L. D. 1195)

An Act to Create the Washington County Development Authority (S. P. 417) (L. D. 1201)

An Act Permitting the Town of Freeport to Provide Educational Scholarships (S. P. 459) (L. D. 1311)

An Act relating to Taxation of Household Furniture (H. P. 449) (L. D. 655)

An Act Revising Laws Relating to Slaughterhouses (H. P. 636) (L. D. 979)

An Act Providing for Uniform Act for Simplification of Fiduciary Security Transfers (H. P. 750) (L. D. 1068)

An Act relating to Appeal from County Commissioners in Eminent Domain for Location of Schools (H. P. 810) (L. D. 1148)

An Act Increasing Borrowing Capacity of Ashland Water and Sewer District (H. P. 836) (L. D. 1187)

An Act Amending the Charter of the Topsham Sewer District (H. P. 846) (L. D. 1209)

An Act Permitting Municipalities to Appropriate Moneys to Aid Conventions (H. P. 925) (L. D. 1307)

Finally Passed

Resolve to Aid Settlement of Refugees in Maine (H. P. 105) (L. D. 161)

(A motion to table, of Mr. Stanley of Bangor, did not prevail on a viva voce vote.)

Resolve Reimbursing Certain Municipalities on Account of Property Tax Exemptions of Veterans (H. P. 135) (L. D. 193)

Resolve Regulating Fishing in Wadleigh Pond, Piscataquis County (H. P. 199) (L. D. 291)

Resolve to Reimburse Old Town School Department for Tuition for Children Living on Indian Island (H. P. 435) (L. D. 641)

Resolve Regulating Fishing in Horne Pond, Limington, York County (H. P. 584) (L. D. 831)

Resolve Authorizing the Maine Defense Commission to Convey Certain Land in Fort Kent (H. P. 817) (L. D. 1155)

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.

At this point, Speaker Edgar returned to the rostrum.

SPEAKER EDGAR: The Chair would like to thank the gentleman from Orono, Mr. Treworgy, for a good job as Speaker pro tem.

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

Orders of the Day

The **SPEAKER:** The Chair now lays before the House the first tabled and today assigned matter, House Report "Ought not to pass" of the Committee on Towns and Counties on Bill "An Act relating to Development and Promotion in Aroostook County," House Paper 822, Legislative Document 1160, tabled on April 22 by the gentlewoman from Presque Isle, Mrs. Christie, pending acceptance of the Report; and the Chair recognizes that gentlewoman.

Mrs. CHRISTIE: Mr. Speaker and Members of the House: It is my understanding that there were people who intended coming to speak for this bill at the hearing, but something interfered and it was impossible for them to come that day so they were not able to come. I would like to move that we substitute the bill for the Report, and I would like to speak briefly.

The **SPEAKER:** The gentlewoman may proceed.

Mrs. CHRISTIE: Mr. Speaker and Members of the House: This bill, as I understand it, has the unanimous support of the Association of

Aroostook Chambers of Commerce and is a result of studies made by the executive secretaries of the four major chambers in the county and others who sat in. These secretaries are Mr. McGlaufflin of Houlton; Minick, then of Fort Fairfield, now of Caribou, and Keefe of Presque Isle, and another McGlaufflin of Caribou. They made a study and presented their findings to the association.

The legislation is permissive, that is, it simply asks that the County Commissioners be permitted to appropriate money to the amount of \$15,000 to \$25,000 for the purpose of advertising the county. If they make money available one year and it is not satisfactory, they can refuse it the next year. The objects of this bill are, first, publicity, advertisements in State of Maine Publicity Bulletin and other advertising programs. The second, highways, to study to see what can be done about improvement in this matter, especially regarding feeder roads. And the third, consideration of our relation to the new deep water port at Riviere-du-Loup. Fourth, publicity groups to assist government agencies. The Aroostook Association of Chambers of Commerce felt strongly in favor of this matter two years ago, and since it has safeguards all along the line, there should be no objection to accepting this bill.

I have talked with the President of the Association of Aroostook Chambers of Commerce, Clifford O. T. Wieden, who cannot understand any objection to the bill since it is only permissive legislation. It must have the approval of the county commissioners. If they do not feel that this is a good proposal, they can turn it down. I therefore move the enactment of this bill.

The SPEAKER: The question before the House is the motion of the gentlewoman from Presque Isle, Mrs. Christie, that the Bill be substituted for the "Ought not to pass" Report.

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

Mr. ERVIN: Mr. Speaker and Ladies and Gentlemen of the House: I am quite reluctant to stand up this morning and oppose the proposal that has just been made by

my good friend, Mrs. Christie, from Presque Isle.

It is true that this bill was in two years ago, practically word for word as it is at this time. It was talked over in the delegation quite thoroughly, and it appeared to us to be a very unworkable proposition, and for those of you who were here two years ago, you will remember it was indefinitely postponed. It is here again this year. It received a unanimous "Ought not to pass" Report from the Towns and Counties Committee. It is true that some of the Chambers of Commerce in the County are favorable to such a proposal. Our own Chamber of Commerce in Houlton did sit in on the discussion of the possibilities of a county development corporation. However, they did not approve of the proposition as it is given here. It seemed very unworkable, and they could not go along with it. Without any further words than that, I am going to move that this bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The question now before the House is the motion of the gentleman from Houlton, Mr. Ervin, that with respect to Bill "An Act relating to Development and Promotion in Aroostook County", the Committee Report be indefinitely postponed.

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

Mrs. CHRISTIE: Mr. Speaker, I request a division, please.

The SPEAKER: A division has been requested. Will those who favor the motion to indefinitely postpone the Committee Report, please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Ninety having voted in the affirmative and fifteen having voted in the negative, the motion prevailed, the Report was indefinitely postponed and sent up for concurrence.

The SPEAKER: The Chair now lays before the House the second tabled and today assigned matter, House Divided Report, Majority "Ought not to pass" and Minority "Ought to pass" of the Committee

on Labor on Bill "An Act relating to Costs of Witness and Attorney Fees Under Workmen's Compensation Act," House Paper 356, Legislative Document 515, tabled on April 22 by the gentlewoman from Rumford, Miss Cormier, pending acceptance of either Report; and the Chair recognizes that gentlewoman.

Thereupon, on motion of that gentlewoman, the Divided Report was retabled and specially assigned for Thursday, April 30, pending acceptance of either Report.

The SPEAKER: The Chair now lays before the House the third tabled and today assigned matter, House Divided Report, Report "A" reporting "Ought to pass" and Report "B" reporting "Ought not to pass" of the Committee on Legal Affairs on Bill "An Act relating to Retirement of Members of Portland Police and Fire Departments not under Retirement System," House Paper 74, Legislative Document 112, tabled on April 23 by the gentleman from Sebago, Mr. Good, pending the motion of the gentleman from Portland, Mr. Miller, to accept Report "A".

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

Mr. GOOD: Mr. Speaker and Ladies and Gentlemen of the House: Before I proceed further, let me make it quite clear that I oppose the motion of the gentleman from Portland, Mr. Miller, to accept Report "A", that being "Ought to pass." My stand on this bill is that it ought not to pass, that it is poor legislation, that it is unsound legislation, and that it is discriminatory. This bill, if passed, would pay \$760,000 of the taxpayers' money of the City of Portland to one hundred and twenty-three members of the police and fire departments who are already now under a pension plan, and this would be unfair to another group of firemen and policemen who are under the State Retirement System.

Now these pension plans can get confusing, and I will keep this as simple as possible so that we won't give away approximately a million dollars at this particular time of the City of Portland's money.

In 1927, there was adopted by the City of Portland a pension plan known and referred to hereafter as

a non-contributory plan. That plan is now in effect in the City of Portland. The members of the police and fire department who belong to that plan contribute nothing of a monetary nature to that particular plan. Now under that plan they can retire at the age of fifty-eight with one-half their pay for the remainder of their lives. We have no objection to that, that is the law today. There are one hundred and twenty-three members in the City of Portland who can if they wish when they arrive at the age of fifty-eight with twenty-five years of service, retire under this particular plan. Now these are the one hundred and twenty-three people we are talking about.

In 1949 the City of Portland adopted the State Retirement System, and under that system, those policemen and firemen who belong to that pension plan have taken out of each and every one of their checks five per cent of their money to go into that pension plan, and at the age of fifty-five they too retire at one-half pay, the same as those who made no contribution. Now the difference is this, the group who made no contribution retire at fifty-eight and those who made the contribution retire three years earlier if they wish, they don't have to, at fifty-five. Now the City has consulted insurance actuaries who have stated that retiring at the age of fifty-eight where no contribution is made is the same as retiring at fifty-five where five per cent of their wages are contributed to the plan.

I will read a statement, if I may, made by the Chairman of the City Council of Portland, Mr. Sumner S. Clark, in reference to the equality of the two plans as they now exist in the City of Portland today, and I quote: "It was the advice of our consulting actuary that a voluntary retirement age of fifty-eight for members of a non-contributory system would be the actuarial equivalent of voluntary retirement at fifty-five for those employees who do contribute toward the cost of their own pension." Now do we need to go further?

Now, the proposed change is this; and it is a simple matter, would make those who have made no con-

tribution eligible to also retire at the age fifty-five, and they have made no contribution. Now there is something further missing here. If we should pass this particular motion which is now before the House, what would happen to these fellows that have made a five per cent contribution over all these years? Are they going to be back at the 100th Legislature asking for a refund? And how about the boys that have already been retired at fifty-eight if you should pass this motion? Are they going to say to the 100th Legislature we should have been retired at fifty-five and we want a rebate for those three years? This in my mind is a give-away program if there ever was one. And it is an attempt upon the sponsors of the bill to play the usual role of Santa Claus for the privilege of a few at the expense of the taxpayers of the City of Portland.

Now in 1949, when the City adopted the State Retirement System, they decided at that time not to hire anybody else under the non-contributory plan. However, those on the non-contributory plan were given a choice. Unfortunately, or fortunately, none of them made the choice, because—let me read a letter that was sent to me by none other than Paul C. Tucci, President, P. B. A., I assume that means Police Benefit Association of Portland.

Now here is what he says about the options they had in 1949, and I will quote: "The non-contributory pension was an incentive and a major factor in our deciding to become a member of this great public safety team. When this State retirement system was proposed and explained to the members of both the Police and the Fire Departments, there was not a single man in either department who volunteered to give up his promised pension for one which he would be required to contribute to; henceforth then a deadline was set up and every member of either department hired within that time was forced into a pension system they did not want, on threat of dismissal from their respective departments. The theory of the men was logical, why pay for something which was promised us for free?" Now they

are getting it for free. That pension plan is still in effect in Portland, they are getting it for free. They didn't want to pay the five per cent to be taken out of their checks, which was all right, they are going to receive the same benefits, but the proposition here is to reduce the retirement age from fifty-eight to fifty-five just the same as those who have kicked in the five per cent each week.

Now at the hearing the proponents for the bill who came to speak in favor of the bill was a Captain Temple from the Fire Department, who I understand was here at the time, and I believe one other, the gentleman from Portland, Mr. Miller. That meeting was conspicuous by the absence of any members from the police or the fire department of the City of Portland who would have been the greatest beneficiary under this bill if it should pass. This bill was opposed by the City Council of Portland, naturally, it was costing the City \$760,000. I will read a statement which was made by the Chairman of the City Council at that particular time, and I quote: "The City Council of the City of Portland has voted unanimously to register our opposition to the adoption of this bill. As the City's governing body, we carefully studied this matter in 1957 and have again given it our thorough consideration, and on each occasion have rejected it as unfair and unsound legislation."

Now if you are not convinced that this is a poor piece of legislation, hear this. The 98th Legislature passed a bill, and it is on the books today, giving the City of Portland permissive authority to retire these one hundred and twenty-three men at the age of fifty-five. In other words, the City of Portland now has the authority to do what this bill would tell them to do. I realize that members of the police and fire departments of Portland are courteous, efficient and heroic men, and this concerns a matter of their families. However, this also concerns the matter of a greater number of families who would be required to contribute to a pension plan the beneficiaries of which have made no contribution themselves, and who are going to be able to retire, we

are not taking anything away from anybody, at the age of fifty-eight with one-half pay for life.

I could go into the financial condition of the City. They have a debt limit of \$8,250,000. They have outstanding debts as of December 31, 1958, in the amount of \$6,213,617. Their tax rate for the year 1959 will probably be \$.40 higher than it was in 1958. This noncontributory plan today is costing the City of Portland for the year 1959 \$146,000, and that does not include the proposed change here. Over the next forty years this non-contributory pension plan will cost the City of Portland over \$6,000,000, and it does not include the proposed change made here.

I don't believe that this Legislature is going to add another seven hundred and some odd thousand dollars to that obligation of the City of Portland in the face of the fact that Portland now has the authority to do what this particular bill would say you must do, and I believe the history of this Legislature is that it has never forced a pension plan upon that city.

Now I have been accused of being the hatchet-man for all bills from the City of Portland. I quote from the Portland Evening Express of last week in which the gentleman from Portland, Mr. Miller, is quoted as saying: "Representative Good, he said, 'seems to be the hatchet man on all bills from Portland.'" Now those of us who are not members of this Legislature reading that in the paper would think that we were indiscriminately whacking down any bills that had any relationship to the City of Portland. Now that is a discredit to me, to the Legal Affairs Committee, and to the wisdom of this House. I think this House is composed of the finest group that could be possibly assembled in any state.

Now as a little boy from a small town in the country, I believe that I should be given an opportunity at this particular time to defend that particular statement made by the gentleman from Portland, Mr. Miller. What is our record on bills pertaining to the City of Portland to date, and I wish the newspapers would make a note of this and see that that impression is corrected.

We had Legislative Document 581, relating to the time of elections for the City of Portland, presented by Mr. Healy of Portland. I am sorry he is not here this morning so that I could congratulate him on what I consider a fine piece of legislation. This was reported out of the Committee unanimously "Ought to pass" and it has been enacted by the House. Did we give the hatchet to that?

Legislative Document 174, presented by the gentleman from Portland, Mr. Kellam, relating to salary of members of superintending school committee of City of Portland, reported out of Committee unanimous "Ought to pass", enacted in the House. Is that giving it the hatchet? Legislative Document 110, an act relating to Chairman of Superintending School Committee of City of Portland, introduced by the gentleman from Portland, Mr. Kellam, recommended by the Committee "Ought to pass" and enacted in the House. Does that sound like a hatchet to you? The Coliseum Bill, Legislative Document 267 introduced by Senator Charles of Cumberland reported out of the Legal Affairs Committee unanimous "Ought to pass", enacted in the House, and we did this in spite of the fact that the debt limit of Portland is almost equalled by their debt, and that this piece of legislation had to be put in to set up a district of this type to give the voters of the City of Portland if they wished a method to exceed their debt limit, and finally Legislative Document 23 introduced by the gentleman from Portland, Mr. Miller, reported out unanimous "Ought to pass", signed by the Governor February 12. Now this particular piece of legislation, L. D. 112 has already got the axe. It received the hatchet by the opponents to this bill who appeared at the hearing. It got a few more chops of the hatchet by the absence from that hearing of those who would benefit most under the bill. I am giving this a few whacks myself because I feel that it is unsound legislation and purely a give-away program. And this bill got its final strokes of the hatchet from the President of the Portland Police Benefit Association.

Therefore, at this time, I hope that this House will quietly, and with dignity and reverently, give this bill its burial.

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

Mr. MILLER: Mr. Speaker, Ladies and Gentlemen of the House: The hatchet is really sharp this morning. The reason that this bill has been presented to the members of the 99th session is mainly to correct a wrong that has been done to non-contributing members of the Portland Police and Fire Departments. When the policemen and firemen involved in this problem joined the departments they were promised a pension that would be one-half of their base pay at retirement age. This was the incentive which prompted them to remain with the department, even though the salary was very low. A copy of the ad which appeared in the Portland Press Herald dated April 6, 1946 will bear out this fact.

When the State Retirement system was proposed in 1948 the City Government began to hedge on their previous agreement. They tried to force the men hired under the old system to join the new state retirement system. Now these men joined these departments with the promise of a pension and it seems right to me that they should not be forced into a system that was not a factor when they were hired. The men who joined with this understanding refused to contribute to the State Retirement fund, as they felt this applied only when it became a factor for employment established at a later date.

The City Council of Portland contends that this bill, if passed, would place a financial strain on the City treasury due to a mass request for retirement. This is not true as these men will not be eligible until they have put in twenty-five years of service and must have reached the age of fifty-five. They will only be eligible for retirement when they request same.

This is the law now, as passed by the previous session of the Maine State Legislature. The legal department of the City of Portland has ruled that this is permissive only on the part of the City. We,

the members who were here in the 98th Legislature, knew that when we passed this bill it was the intent of this Legislature that it was permissive on the part of the employees and not the City of Portland. In order to clear up this legal controversy, I have removed only the word 'may' and substituted in place thereof the word 'shall'.

I have discussed this matter with many of the citizens of Portland, and I have given several speeches with regard to the merits of this bill and as yet have never heard any objections. The citizens of Portland are more than willing to back up commitments made by the Manager and Council previous to 1948. These members of the Portland Police and Fire Departments are asking for no more than is justly theirs. I hope that when you cast your vote you will as members of this honorable body see that justice prevails by voting for Report "A", "Ought to pass."

Now my good friend, Mr. Good, the gentleman from Sebago, talks about discrimination. There definitely is discrimination, but the discrimination lies with the City Government. He talks about \$6,000,000. I don't know where he gets these figures, but he does have a habit of hauling these things out of the air. Let me report to you briefly, and these figures came from an actuary. To take first things first, he states that the budget — this was a statement by the Chairman of the Council before the Committee when he said that the pension system for the year 1959 will be \$146,000. This equals about \$1.46 on the tax bill of the citizens of this City. He adds further that by 1975 this will increase to \$210,000 or \$2.10 added to the tax bill. Actually what this means in over a period of sixteen years, this pension system will cost the citizens of the City sixty-four cents or about four cents a year.

We have heard no objections from the voters of the City and do not anticipate any. We are here as representatives of the City of Portland, and we are here because we received the popular vote and the most votes from the City of Portland in an election. And I can assure you that I would not involve

myself in any legislation that was going to jeopardize my position in coming back to this Legislature, and I do intend to run again. And I can assure you that if the citizens of Portland were in objection to this piece of legislation, as many of you know they have a great habit of knowing how to voice their objections to unfavorable legislation. And I doubt whether any members of this session have received any objectionable information in regard to this bill from the citizens of Portland.

The City Government came down here and made the statement that the City Council was unanimously against this proposition. Gentlemen, I don't want to argue with their statements, but I know of two members of the Council who did not vote on this matter. It was unanimous on the part of those present when the discussion took place. But all members of the Council were not present that evening.

We have many problems in the City of Portland and we are trying to straighten out our problems in the City of Portland. We are interested in the welfare of the citizens and just and fair play. Now I am not going to go on, I could talk on this all day, but I think you had probably much rather hear the gentleman from Sebago, Mr. Good, because he is quite an orator. He seems to know a little more about the City than we do who have lived there for forty or fifty years. But I do want to say to you ladies and gentlemen of the House that I hope that you will not be swayed by great orations of the gentleman from Sebago.

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

Mr. BRIGGS: Mr. Speaker and Members of the House: I too urge the passage of L. D. 112. The policemen, who urged passage of this bill, worked for a good many years for substandard wages, and believed that their contribution was made in this manner. All around them they could see fellow workers in filling stations, garages, factories, shipyards, making fifty, seventy-five and one hundred per cent more money per week and working many, many hours less and not having

to risk their lives, and not standing out in the rain and cold, freezing to death, trying to get some of our traffic through and getting knocked down by the traffic. They did not quit their jobs and leave the City of Portland flat when they couldn't get any other men at the rate they were paying these policemen and firemen.

Later and subsequent men hired and who contributed to the pension system, can afford to do so as their rate of pay is higher and they cannot get on the force unless they agree to in a contract with the City. As a heavy taxpayer of Portland, and I state, I myself am a heavy taxpayer of Portland and a proponent of L. D. 112, I spoke to numerous other taxpayers in Portland and the sympathy is with the policemen, who were underpaid for decades.

I received the following letter also from Mr. Tucci, President of the Portland Police Association:

"In order to clear any misunderstanding regarding the Bill L. D. 112, now before the House, we of the association would like to explain.

"Reason one, why we of the non-contributory pension refused to join the State Retirement System and number two, why we believe this Bill ought to pass, so that the age limit would correspond with that of the State Retirement System.

"When we of the non-contributory pension joined our respective departments, we were promised a pension by the City of Portland, which would be one-half of our base pay at retirement. This was the incentive which prompted us to remain with our departments, even though the salary was very low.

"Over the past ten years, the age limit was increased in some cases and decreased in others, even though with each change in hours and pay, a promise was made that any privileges we had enjoyed under the previous system, would not be taken away — slowly but surely some privileges were lost.

"When the State Retirement System was proposed in the latter part of 1948, and explained to the men of both departments, not one single man volunteered to give up something promised to him, and to pay

for the privilege that was promised him. This prompted the City to order the men hired after a certain date, to join the State Retirement System or face dismissal from their respective departments. Then, and only then, it was made a condition of employment.

"Reason number two. The City of Portland contends that this bill, if passed, would put a hardship upon it. This is not a fact. There will not be a mass petition for re-retirement, as they seem to think,"—and probably is the reason Mr. Good gave some of these outstanding numerical figures—"for most of these men have anywhere from one to twenty years to reach the retirement age." Therefore all these astronomical figures will be spread out. They will not hit us one year at a time.

"We have heard no objection from any member of the Police or Fire Department, who are members of the State Retirement System, as to why this Bill should not pass, and after a canvass of the men of both departments, we find that they feel as we do—that being the only departments under Civil Service and operating under rules and regulations, this Bill L. D. 112 ought to pass so that the age limit will conform under both plans."

Why should we pay for an incentive which was promised as a condition of employment where we were receiving substandard wages? Therefore, Ladies and Gentlemen of the House, I urge passage of L. D. 112.

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

Mr. KELLAM: Mr. Speaker and Members of the House: I think it is an unfortunate situation that the City should get in this position whereby it has two distinct retirement systems for its employees.

I believe that it arose through some defect in public relations or the dispensing of public information at the time of this change. I think the members of the committee will agree with me that there was some opposition raised at the hearing to the bill on the grounds that the city officials did not make

clear the advantages of joining the retirement system and did not, in fact, even advise them to do so. There was one statement that the then City Manager, Lyman Moore, said, "well, I wouldn't bother to if I were you fellows, we owe you this already under the hiring system in effect when you came in." And these few statements that were made were not denied by the city officials present who could do so. And of course as to the now deceased manager they naturally would be unable to anyway.

However, I would like to explain the situation a little bit on these retirement systems. The two systems are different in a great many respects. They are different in the amount of money received by the man who is retiring. They are different as to what he will receive on a disability and what he will receive on an ordinary disability and a service-incurred disability. They are different as to what his widow would receive.

In general the City plan does not take into account all these things that have probably come up over the passage of years as being desirable in a retirement system. They allow for the half pay and that is it. Under the State Retirement System if you do wish to resign from your job and take your money out of this system, they would give you three-fourths of the money you have paid in back. Under the City system, they would receive nothing on the theory that they had contributed nothing.

However, I am sure we all realize that when these jobs were made available and were advertised, and the fact is even from personal experience I know it to be true, that in the advertisements it always carried the retirement plan as being a very desirable feature; in fact, that they would not have to pay anything to it. Now I think they are advertising the State Retirement Plan or something. But this one here used to be noncontributory and obviously it was part of their pay. These people who received like thirty-five dollars a week back through the war years and right afterwards, when jobs were more plentiful in Portland and could have received a great deal more money,

they thought that this pay or they would have considered this pay, as all of us would have considered this contributory plan, or the non-contributory plan, as part of their pay. I feel that it is a fallacious argument to say that they have paid nothing and let it go at that. To pay nothing would be if it was some extraneous source altogether that was giving them this plan.

The benefits to the widow, I have explained I believe that there are a great many different things about the two plans, and all that the police people want and the firemen want is that they retire at the same age. Now I believe that it is common experience in all types of employment that factories and different things will have a retirement age and that age is the same for everybody. Obviously, people who make a different wage will receive different amounts of money in their system, and under this system, the city system, they would receive a different amount of payments than the State Retirement System would award or a different amount because of their income. And obviously their income might have been a little bit lower.

It is common knowledge that people retire at the same age and they feel that they should retire all at the same age. And this is a universal feeling, as far as I can determine, among all the firemen and police people, not just the ones who would derive some benefits from this. I believe the amounts of money might be a little bit misleading to some people when you realize that this is an actuarial figure based over a large number of years and does presuppose the voluntary retirement of all these people. In fact, we do have, I believe, it is five members of the fire department who are now fifty-eight and who can retire. They do not wish to do so, possibly because they feel that they are just barely living now and they don't want to take any less than what they are getting. So consequently that retirement is costing the City nothing, because these people do stay on the job and it is logical to expect that this trend may continue.

I want to take up the matter of the Ninety-eighth Legislature passing

this bill, the bill that the gentleman from Sebago, Mr. Good, referred to. I was not here at that time and could not say what reasons they passed the bill for, but it reads, referring to the people, this particular person who has creditable service of at least twenty - five years as a policeman or fireman who has reached the age of fifty-five years, may retire on one-half of his average final compensation provided such retirement is requested by the member.

Now this has been considered to be permissive legislation which obviously people recognize by the use of the word 'may'. I had wondered on whose part the 'may' referred to and it is quite possible it would refer to the city officials, the section later on refers to the requests by the member, but the only question I had on the bill, the previous bill, is, that we have had the pension plan since 1927, the City of Portland has altered the ages at various times, they have been sixty, they have gone to sixty-two, they have been sixty again, and they have been to fifty-eight. They have every right to change this age whenever they want to, or they have always considered they had every right to do so and they have always done it. I just wonder why we passed the bill, or why the people who were here last year or two years ago passed this particular bill, and I can't help but believe that a great many people in Portland in the Fire Department thought that that bill would give them what they now want. I think there must have been something misleading on someone's part or otherwise the State would not have bothered to take this matter up. This year this bill makes it compulsory that the city retire the men if they want to, to bring the system into uniformity with the State system as to the age when the different people retire.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Fryeburg, Mr. Trumbull.

Mr. TRUMBULL: Mr. Speaker and Ladies and Gentlemen of the House: I rise to make my position clear as a member of the Legal Affairs Committee. At the time of

the hearing of this bill, I endorsed the "Ought to pass" Report. Since that time I have been contacted by businessmen of Portland who pointed out to me that already on the books was a law permitting what this was asking for, and they did not feel it was up to us as legislators to compel them, and also it puts on an equal basis those who did contribute with those who did not contribute. So when the vote is taken, I shall change my stand and vote "Ought not to pass."

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

Mrs. SMITH: Mr. Speaker and Members of the House: In regard to the legislation passed at the last session, I cannot speak for anyone but myself, but I certainly as a member of Legal Affairs two years ago would not have felt that I should obligate the taxpayers of the City of Portland to pay equal pay to non-contributing firemen. Therefore, as far as I was concerned, I went as far as I could when I gave permissive legislation as I thought to the Council who is elected by the people to grant that if they wished.

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

Mr. ALIBERTI: Mr. Speaker, Ladies and Gentlemen of the House: I happened to be a resident of Portland during the years of this debate that we are talking about at the present time. Let me state something that hasn't been covered. During the war years 1941 through 1945 or '46 as you will remember during the progress of the building of the shipyards in South Portland, that quite a lot of fuss was made about trying to keep the protective departments of the Portland Police and Fire Departments intact as a working group, and one of the features that they were offering at the time was the fact that this non-contributory pension plan was something to be desired, and looking long range at the picture, they asked these firemen and policemen to remain with their respective police and fire departments because of this non-contributory pension plan of theirs, and a lot of these young men are very personal friends of

mine who stayed with the departments because of that particular feature, the security of non-contributory pension plan. Although there were other mass resignations at the time, a lot of these young men stayed with the departments because of that feature, and now this thing is being more or less taken from them, I don't think it is fair.

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

Mr. GOOD: Mr. Speaker, I have been accused of pulling figures out of the air. I can back up every figure that I have read here today. I have the evidence on my desk. I will read concerning the \$6,000,000 figure that I have been accused of pulling out of the air, and this is a statement made by Sumner S. Clark, Chairman of the City Council of the City of Portland, and I quote: "The total cost to the City of these pensions over the next forty years has been predicted at \$6, 213,617," and I confirmed that figure with City Hall this morning. I will say further that since that hearing no member of the governing body of the City of Portland has contacted me concerning these bills, although I have gone to them and various other citizens of the City of Portland. I am still waiting for a logical explanation of why we should tell the City of Portland to reduce the retirement age from fifty-eight to fifty-five when they have made no contributions, and, in reference to the statement made by Mr. Aliberti, the gentleman from Rumford, let me say this, these men are still on the retirement system, nothing has been taken away from them, nothing is to be taken away from them. They still have the right to retire at the age of fifty-eight with one-half pay, which is the same pay as those who are retiring at the age of fifty-five. I strongly urge you, do not go along with the motion now before the House.

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

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

The SPEAKER: A division has been requested. The Chair recognizes the gentleman from Portland, Mr. Miller.

Mr. MILLER: Mr. Speaker, just to clarify the \$6,000,000 figure, that is the total cost to the city of the persons under the non-contributing pension plan which if passed, and the persons now under the State Retirement Plan.

The SPEAKER: Is the House now ready for the question? The question before the House is that with respect to Bill "An Act relating to Retirement of Members of Portland Police and Fire Departments not under Retirement System," House Paper 74, Legislative Document 112, the motion of the gentleman from Portland, Mr. Miller, that Report "A" "Ought to pass" be accepted. A division has been requested. Will those who favor the acceptance of "Ought to pass" Report "A" 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-seven having voted in the negative, the motion did not prevail.

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

The gentleman from Auburn, Mr. Wade, was granted unanimous consent to address the House.

Mr. WADE: Mr. Speaker and Members of the House: I appreciate the opportunity as the representative from Auburn, to call attention to the House of the presence in the rear of the Hall of a prominent Auburn businessman, Mr. Frank Weston Winter of Auburn, who occupied seat 139 in the 80th Legislature back in 1921. Mr. Winter will be ninety-six in June of this year. I consider it a privilege to call your attention to his presence here today.

The SPEAKER: The Chair would request the Sergeant-at-Arms to escort Mr. Winter to the rostrum as the guest of the Speaker if Mr. Winter would care to join the Speaker on the rostrum.

Thereupon, the Hon. Frank W. Winter of Auburn was escorted to the rostrum by the Sergeant-at-Arms amid applause of the House, the members rising.

The SPEAKER: At this time the Chair would recognize the presence

in the gallery of the House of a group of eighth grade pupils from the Ingalls School in Farmington, Maine, and also the graduating class of St. Hyacinth School of Westbrook. On behalf of the House, the Chair extends to all of you ladies and gentlemen a most hearty and cordial welcome, and we hope you will enjoy and profit by your visit here today. (Applause)

The SPEAKER: The House is proceeding under Orders of the Day.

The Chair now lays before the House the fourth tabled and today assigned matter, Bill "An Act relating to Hours, Vacations and Sick Pay for County Personnel," House Paper 922, Legislative Document 1304 tabled on April 23 by the gentleman from Kennebunk, Mr. Emmons, pending passage to be enacted; 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 the bill was passed to be engrossed on April 16.

Mr. Emmons of Kennebunk offered House Amendment "A" and moved its adoption.

HOUSE AMENDMENT "A" to H. P. 922, L. D. 1304, Bill, "An Act Relating to Hours, Vacations and Sick Pay for County Personnel."

Amend said Bill in the 9th line by striking out the underlined word "uniform"

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

The SPEAKER: The Chair now lays before the House the fifth tabled and today assigned matter, Bill "An Act relating to Local Option for Sale of Malt Liquor in Part-time Hotels," House Paper 424, Legislative Document 608, tabled on April 24 by the gentleman from Norway, Mr. Chapman, pending adoption of Committee Amendment "A"; and the Chair recognizes that gentleman.

Mr. CHAPMAN: Mr. Speaker, Ladies and Gentlemen of the House: I now move that we adopt the amendment as written.

The SPEAKER: The gentleman from Norway, Mr. Chapman, moves

the adoption of Committee Amendment "A". The Clerk will read Committee Amendment "A".

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"

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

The SPEAKER: The Chair now lays before the House item number six, Bill "An Act Amending the Charter of the City of Augusta," House Paper 936, Legislative Document 1323, tabled on April 24 by the gentleman from Augusta, Mr. Barnett, pending passage to be engrossed; and the Chair recognizes that gentleman.

Thereupon, Mr. Barnett of Augusta offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 936, L. D. 1323, Bill "An Act Amending the Charter of the City of Augusta."

Amend said Bill in section 2 by striking out the first sentence of the second paragraph, and inserting in place thereof the following underlined sentence:

"The members elected on the first Monday in June, 1959 shall serve until the first Monday of January, 1961 and until their successors are elected and qualified."

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

On motion of the gentleman from Perham, Mr. Bragdon, the House voted to take from the table the second tabled and unassigned matter, Bill "An Act Authorizing Red Blinker Lights for Volunteer Fire Department Vehicles," House Paper 841, Legislative Document 1192, tabled on March 27 by that gentleman pending third reading.

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

Mr BRAGDON: Mr. Speaker and Members of the House: This bill calls for, as I read it, for a flashing red signal light on the front of the vehicles operated by members of volunteer fire departments. This matter was called to my attention by one of the town managers in my area and he was somewhat disturbed by the fact that it involves a tremendous number of vehicles, from the figure that I have it would appear that there are probably some twelve thousand vehicles which would come under this classification.

Of course this is permissive legislation but there is nothing that I can read in this bill as drawn that would put any restriction or any regulation as to who would authorize the putting on of these lights on these vehicles. I would point out to you that I believe these are private cars that we are talking about, that they would be operated by the members of the families of the volunteer fire departments at any time it seemed convenient, there is no penalty for any violations under this law. It seems to me that as is it is somewhat loosely drawn.

However, I understand there are amendments that might be offered and for the purpose of listening to these amendments and possibly discussing them along with the bill, I would move that the bill now have its third reading and that these amendments be offered.

Thereupon, the Bill was given its third reading.

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

Mr. HENDSBEE: Mr. Speaker and Members of the House: In reference to this bill that my friend from Perham, Mr. Bragdon, has

just spoken on. We in our town have talked this over with our fire department and we have a very well equipped and up-to-date fire department, very efficient, and of course as you know when the whistle blows why the men all get their cars and get to the scene of the fire as soon as possible.

Now we were thinking that maybe with these red lights on the cars that some of the boys might go overboard, and we do have some that have already done that. They have the feeling that they have the right-of-way over everybody and they can travel at any speed that they feel like and so on — and those people have seen the light. They have been shown that that was not right and proper, although we do not intend to try to stop anybody from getting to a fire and fulfill their duties, but we do not want people killed in doing it.

I have checked with the revised version, Chapter 250, Section 6, page 198, as amended in 1957. It says that there is a fine or a penalty attached of not less than \$10 nor more than \$100, or imprisonment of not more than ninety days, or both, for violations of this light. Now this light, as we want it, is only to be used in going to fires and at the present day, I presume it is the same in many towns as it is in ours, we have a lot more people going to fires than what actually should go, that is, outside the fire department, and we hope that we can leave this to local option at the discretion of the fire department so that we may be able to recognize the call firemen at night. Now, it is impossible to tell who is and who is not a fireman going to a fire at night unless they do have some marking on their car that you can distinguish. We do have small letters above the number plate but those cannot be seen at night, and I believe that with the penalty that there is attached to this and the assurance of the fire chief in my town that he will be very strict with the regulation, I would hope that we could have this measure passed.

The SPEAKER: The Chair recognizes the gentleman from Woodstock, Mr. Whitman.

Mr. WHITMAN: Mr. Speaker and Ladies and Gentlemen of the House: I would like to go on record as being opposed to this bill. As far as I can see, there is no great need for such legislation, and in my estimation the only thing that it possibly can accomplish is just to add to the general confusion of our present motor vehicle laws.

This bill brings to my mind the old fable of the little boy who often cried "wolf" just for the sport of frightening the townspeople. However, the townspeople soon became wise to his pranks and when the day came that there actually was a wolf, they paid him no attention.

Now, we have a great many vehicles authorized at this time to display these blinking red lights, a few of which would be the State Police cars, the sheriff departments' cars, fire fighting equipment, ambulances, wreckers, road crews and school buses. Now, this bill would, in effect, add another 12,000 vehicles authorized to use these blinker lights.

I would like to point out again that the vehicles that I have listed here are invariably used for one express purpose. Now, these volunteer fire department personnel would be applying these lights to their own private cars that they would use for many other purposes other than going to a fire, and I would also like to point out that there would be no discrimination made as to who would be entitled to use these cars or the blinker lights. In our volunteer fire departments we do not say that our young sixteen year old hot rod cannot be a member of the fire department, or perhaps even someone with criminal tendencies. In fact, we even have church deacons. We do not discriminate as to who can be a member of the volunteer fire departments, we are all fighting one general enemy and that is for the purpose of extinguishing fires.

It seems to me that we would be letting ourselves in for an awful lot of confusion by allowing all of these vehicles to be authorized to use these blinker lights, and I have talked with our present local volunteer fire chief and he is very much in opposition to it.

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

Mr. BRAGDON: Mr. Speaker, in the absence, and I believe that is an absence of the offering of any amendment, am I correct? I would feel obligated to move the indefinite postponement of this bill as is.

The SPEAKER: The question now before the House is the motion of the gentleman from Perham, Mr. Bragdon, that with respect to Bill, "An Act Authorizing Red Blinker Light for Volunteer Fire Department Vehicles," the bill be indefinitely postponed.

The Chair recognizes the gentleman from Readfield, Mr. Dumaine.

Mr. DUMAINE: Mr. Speaker and Members of the House: I have been and am at the present time a volunteer fireman in the Town of Readfield. I live a good half mile from my house to the department where the equipment is kept. I believe that in any transportation I can use, even running, in going to the assistance of a neighbor whose house is on fire is the most important thing, and if somebody was going to run and run into me, if I had a red light, well, there is a question, wouldn't he give me a little bit of right of way to help my people that are in distress? I hope the motion to indefinitely postpone does not prevail.

The Speaker: The Chair recognizes the gentleman from Bath, Mr. Mayo.

Mr. MAYO: Mr. Speaker and Members of the House: I rise in support of the motion to indefinitely postpone this measure, my main reason being that I own and operate a piece of equipment that has a red blinker on the top of my ambulance. I can assure you, gentlemen, that things are getting to the stage now where the red lights, the red blinkers, are being ignored by the general driving public and I am afraid if this measure goes through we are going to add approximately thousands of more red blinkers to confuse the public. Ambulances and the regular fire trucks now have enough problems trying to get to the place of emergency, and I definitely support the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Van Buren, Mr. Lebel.

Mr. LEBEL: Mr. Speaker, I would like to table this bill until tomorrow so we can put an amendment on it.

The SPEAKER: The question now before the House is the motion of the gentleman from Van Buren, Mr. Lebel, that Bill, "An Act Authorizing Red Blinker Light for Volunteer Fire Department Vehicles," House Paper 841, Legislative Document 1192, be tabled and specially assigned for tomorrow, pending the motion of the gentleman from Perham, Mr. Bragdon, that the bill be indefinitely postponed.

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

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

The SPEAKER: At this time the Chair would like to recognize the presence in the gallery of the House two groups of pupils, one from the Phippsburg Elementary School accompanied by George McPhail, and the other from the Woolwich Elementary School accompanied by John McPhail. 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)

Mr. Hendsbee of Madison was granted unanimous consent to address the House.

Mr. HENDSBEE: Mr. Speaker and Members of the House: Last Friday I spoke here and I made a very grievous error. I have been clobbered by the press and the radio for attempting comparisons and I went overboard on them. I assure you that I meant no disrespect or any reduction in dignity to anybody, but it was considered as such. It would be a very, very poor procedure on my part to have gone about that in a derogatory manner, in which I am sure I must have, because I have a lot of friends in the legislature in Boston and that was formerly my home town. But I do at this time, Mr. Speaker, wish

to say that our Clerk and our Speaker are held in very, very high regard down there, and to the House and Members of the House, and being a member of this House for a second term, I feel that I have brought disrespect to you, and that I humbly apologize to you for anything that I said and which was out of line, and I will assure you that it will not happen again. But, Ladies and Gentlemen, the irony of it all is that one misstatement can be terribly magnified.

Now, I, for three years here in this House, worked and worked hard for the passage of a bill on cystic fibrosis. I received your unanimous support for which I have thanked you many times and will again. I sought a clinic. Finally this year the clinic was opened in Portland. We are doing well. There was quite a write-up in the paper about the clinic. I did not receive one word, my name was not mentioned for all the work I had done, but I am very happy that through your help

and my efforts we have done something most worthwhile. And again, Ladies and Gentlemen of the House, Mr. Speaker and Mr. Clerk, I humbly apologize to you for anything I have done out of line. (Applause)

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

Mr. WADE: Mr. Speaker and Members of the House: In accordance with the rules of procedure in regard to the tabling motion, this item 11 at the top of page 10 on the calendar, I would like to give notice that it is my intention tomorrow to take this Order from the table.

The SPEAKER: The House is proceeding under Orders of the Day.

On motion of Mr. Chapman of Gardiner,

Adjourned until nine o'clock tomorrow morning.