

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*Ninety-Ninth Legislature*

OF THE

STATE OF MAINE

1959

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## HOUSE

Thursday, April 30, 1959

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

Prayer by the Rev. Mr. Malcolm A. MacDuffie, Jr. of Hallowell.

The journal of yesterday was read and approved.

### Papers from the Senate Senate Reports of Committees Ought Not to Pass Bill Substituted for Report

Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act Concerning Liability of Parents for Damage by Children" (S. P. 58) (L. D. 91)

Came from the Senate with the Bill substituted for the Report and passed to be engrossed.

In the House: Report was read.

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

Mr. EARLES: Mr. Speaker and Ladies and Gentlemen: At this time I would move the acceptance of the unanimous "Ought not to pass" Report of the Committee on Judiciary in non-concurrence with the Senate action. I would speak briefly on the motion.

The SPEAKER: The gentleman may proceed.

Mr. EARLES: I know that this particular subject matter has created, shall we say, a reasonable interest. I am fully cognizant of the fact that in this morning's Press Herald that editorially the newspaper favored a preceding action by another body on this bill.

I think that we should consider this bill in the light of a particular background, first the background and the function of the committee. It is not the function of the Judiciary Committee to speciously or summarily kick bills out "Ought not to pass" nor is it the practice. Rather I think I can speak with candor that the gentlemen on the committee, in reference to this bill as in others, have been in no hurry to make a determination but have thought the thing out and made their decision in the light of what they felt was reasonable maturity. And the commit-

tee also is cognizant of the fact that in the final analysis you people are the persons who accept or reject our judgment. We are in some manner a screening device. We project a viewpoint whether it is for or against. You size it up and analyze it and then make your determination.

Now this particular subject matter, "An Act Concerning Liability of Parents for Damage by Children", this subject matter came before the Judiciary Committee two years ago and, if recollection serves me properly, the bill was then in the exact same form as it is now and it was the considered will and decision of the Legislature two years ago that this legislation should not become law.

Now I spoke of background. The second background to place this bill against is namely this; that there is a general rule of law specifically that a parent is not liable for the torts, in other words, the civil mistakes, errors to put it simply of a child unless the parent breaches or makes an error in some affirmative legal duty that he has toward the child. Now under the provisions of this bill, the parent or parents or the guardian of any unemancipated minor or minors which minor or minors willfully or maliciously causes damage to property or injury to any person, it is not limited simply to property, but to persons, if the parent or guardian as the case may be is liable up to an amount of \$250. That doesn't seem to be a particularly important or grievous amount, \$250, but consider first that this type of legislation controverts or turns against or overturns the general rule of law as to the responsibility of one person for another's civil misdeeds shall we say. People that are interested and earnestly and sincerely and justly so, that are interested in this bill, will say that acts of a similar nature have been passed in other states, and that is true, but it is a little bit like the song that says "every little word has a meaning all its own". These acts that have been passed in other states have rather distinctive variations. Bear in mind under this act that any child or any minor, that is up to the age of twenty-one, could conceivably create responsibility for

his parents. You ordinarily think of the child being at home under the control, the actual physical control of the parents, the parent having knowledge or cognizance of what the child is doing, but that doesn't necessarily pertain. A child may be away from the home and fireside and the apron strings or the kitchen of his mother and create some act, and the parents are liable up to \$250. Not only in the matter of damage to property, but conceivably damage to an individual.

Then too, the guardian, now the State of Maine in many instances through Health and Welfare is the guardian of a great many children. Now the query is, would they be liable up to \$250 if it was shown that some child created a malicious act? Then the second query would be that in many instances an individual other than a parent has been determined and legally determined to be the guardian of some child, or in some instances a financial institution like the bank or the trust department could be and they would be liable.

Another thing I want to reemphasize the fact that it is up to the age of twenty-one. Now in several states they have restricted it, in those few states, some ten, as I recall, they have restricted it in the amount of money, they have restricted it to the child under the actual control of the parent, they haven't included the guardian, and in some instances they have restricted it entirely to injury and damage, physical injury and damage, not personal injury and damage, and the physical damage has been restricted to property that has been owned by a political subdivision. Those are some of the reasons and some of the questions that occurred in our minds individually and collectively, and caused us some concern and ultimately caused us to decide against passing this out as an ought to pass but rather pass it out as an ought not to pass piece of legislation, and I think it is conceivable that there may be other members of the Committee that have their own individual thoughts on this subject matter that would care to make some comment. Thank you.

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

Mrs. KNAPP: Mr. Speaker and Members of the House: This is a good bill which calls for civil action and in no way a criminal proceeding gives the owners of private and public property a right to action for damages not to exceed \$250 against parents of minors. At least ten other states have such a law.

If this legislation results in increased parental supervision, it is only logical to assume that it will eventually have a deterrent effect upon other forms of delinquency. We would surely be proud of the parental responsibility bill if passed and signed by the Governor, and would consider it a step in the right direction.

This bill is a departure from the old common law custom of shielding parents from costs of a child's act. This bill was prompted by the idea that if vandalism costs the parents money, they will take a keener interest in where their children will be and what they are doing. Many feel that the bill will result in definite benefit to our young citizens and encourage the parents to take a more active interest in their children's leisure time activities.

Archbishop Cushing of Massachusetts recently called for an urgent and united campaign to root out and punish youth vandalism which the police cannot cope with. A few months ago Reverend Frederick Thompson, pastor of the Woodfords Congregational Church of Portland, called on the decent youth of Deering to take a lead in an all out war on these vicious practices. Instead of clogging our courts with litigation it should be made clear to parents what their legal responsibilities are and meet them. I am sure if this was made a law, the average parent would say, "Fair is fair, I'll pay the bill just as I expect the other fellow to pay the bill if his boy damaged my property."

I am very much in favor of this bill and hope it receives favorable recognition in the House. I can personally speak as having been police matron in my town for over fifteen years. I have found these young-

sters that have broken windows and such misdemeanors, you go to their parent and they say, "Well, don't say anything about it, don't put it in the paper. I'll pay the bill." All right, then the owner sends him a bill. In a few days I call him up, "Did you pay for the window?" "No, I found out I don't have to." Such a law as this would cover it and I hope it is passed.

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

Mrs. CHRISTIE: Mr. Speaker and Members of the House: Perhaps it is a little embarrassing to speak against judgement of people who have studied law and know much more about law than I do. On the other hand, it seems to me that there should be protection for the public from the vandalism of the children and young people. And this bill says "Wilfully or maliciously." It doesn't mention accidentally, just simply wilfully or maliciously, and it seems to me that if parents would they could teach their children better than to wilfully and maliciously destroy property or injure persons.

And I feel that a bill like this would be a deterrent to young people because it doesn't relieve them of the responsibility, it still leaves responsibility on the young people as well as on their parents. But it does cause the parents, I should think, to stop and consider whether they are teaching their children as they ought to be taught. We find that in most cases where children are properly taught at home they are not going out and committing deeds of vandalism. And I feel that this might help to remind parents that they need to teach their children the right attitude towards society. And so I am in favor of the enactment of this bill.

The SPEAKER: The Chair recognizes the gentlewoman from Lebanon, Mrs. Hanson.

Mrs. HANSON: Mr. Speaker and Members of the House: This has been a subject that I have had close to my heart for a long time. I have felt for some time that we should have some kind of a law which would jolt the parents into starting not particularly now to take care of their delinquents but to start at the

cradle. I have been called old-fashioned because I was of the opinion that a child should be taught from the time it was born practically that what was his was his, what was mine was mine, and it shouldn't touch mine without permission. If that rule was taught we wouldn't be needing a law like this.

I know of places where, and it is not simply the parents who are both working and their child on the streets that gets into this trouble. I know of one particular case in a town next to mine where several youngsters were roaming the streets one summer night and deliberately picking out the better cars along the curb, took a sharp instrument in their hand, and just casually walked along and dug the paint on all these cars. When these children, they were teenagers, were caught, the parents went to court, there was a banker, a doctor, several prominent businessmen who were parents, and they merely said, "Oh, I'll pay the bill, why bother the children, they're just having a good time." If they had done hundreds of dollars worth of damage I think the parents need to be jolted into thinking of the upbringing of their children mentally and morally as well as physically, and this might start the ball rolling and I am in favor of this bill.

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

Mrs. SMITH: Mr. Speaker, I would like to go along with my good friend, Mrs. Hanson. I just wonder why we worry about juvenile delinquency if we are not going to teach the children that they do have to respect other people's property. When they are brought up, and when their parents so many times do condone and will not pay for the damage their children do, then the children are given license to do those things. And certainly if we allow them to do it when they are young we certainly cannot expect them to have any more respect for other people's property when they are teenagers.

I personally did not know when my children were growing up that there was not a law to make me responsible. However, I would have felt it was my duty to pay for it and to make the children understand

that they were responsible for the acts they do, and I am very much in favor of this bill.

The SPEAKER: The Chair recognizes the gentleman from Dexter, Mr. Cox.

Mr. COX: Mr. Speaker and Members of the House: I would like to emphasize two or three matters about this bill. First, it would cover all children up to the age of twenty-one. Now briefly parents don't have very much control over twenty year old minors. Secondly, it is a radical change in our law. The basis of our laws is that there is no liability without default. This law would change it back. And thirdly, it would cover children no matter where they were, some of them who were away at school and not under the parental roof and not under parental control, their parents would be subject to this law.

Therefore, I hope that the motion of the gentleman from South Portland, Mr. Earles, will prevail.

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

Mr. KELLAM: Mr. Speaker and Members of the House: I think there has grown up over the last well, several years, several decades even, a lack of control over young people. I believe that the parents gave up controlling children back when I was a child. Fortunately or unfortunately for me anyway, at that time the school exercised a strict discipline over students, at least my school did. And I think that had some effect on the young people to keep them more in line than they do today. Today we do not even have that since teachers are not permitted, or at least do not feel that they are able, to chastise young people any more.

I believe that we need something else to impress the people of this country that they do have a responsibility. They bring these little monsters into the world and I think they are responsible for them. I think that responsibility carries a little bit more than some of these other people seem to feel. This law, while it may not be perfect, I think would be a good thing and if there was any defect which these legal people feel is serious, they could try to amend. But I feel it would

be a good idea to put some type of law into, to try to return to the people the feeling of responsibility for their children.

As to the radical change in the law it is true that parents are not responsible for the torts of their children. However, I do not feel that it is strictly such a radical departure to consider the negligence of their parents separately in the responsibility of the acts of their children.

I had a case not long ago, it folded up but it had this very point where children damaged an automobile, and my argument was that they had damaged several automobiles before and it could be proven, and that their parents were well aware they had damaged the automobile, and they sat in their living room window and let them do it again. Now I felt in that instance that possibly they could be held responsible. We have never determined it, but I think it is a good point. One thing I want to point out is that recently the City of South Portland had trouble with young people who damaged the schoolhouse, and at that time I never thought too much about it. Of course vandalism does happen and you are stuck with it, but we have a law protecting schoolhouses and the City of South Portland announced they were going to sue the parents of the children for the broken windows in the schoolhouse. I don't see too much difference, it is public property, but in the matter of proof and frequency of the acts it would have a bearing on it, but if parents must replace windows in schoolhouses I think they should be responsible for replacing broken windows in yours and the rest of the citizens' homes.

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

Mr. EMMONS: Mr. Speaker and Members of the House: This bill extends considerably further than the proponents suggested. In talking about this they speak of the children who are at home under the immediate control of their parents. The example the gentleman from Portland, Mr. Kellam, gave of the parents who sat in their window and watched the children doing an

act a second time is one in which I am sure those parents would be liable for the acts of those children. You have here the question of other children who are not at home. You have children in camps, are the parents liable for the damage they do while they are there? You have many children under State control who, as the gentleman from South Portland, Mr. Earles, suggested would not come under this bill, or if they did, the State is then liable. You have the question of children of divorced parents, custody may be to the mother but the father is still responsible under this bill for any acts of those children. You have the question of guardians. There is a necessity in many instances of guardians being appointed, and this bill makes those guardians responsible for the actions of those children. Banks are guardians and individuals are guardians, and there will be very considerable opposition to anyone accepting the job of guardian under this bill. I think there are many things that this bill would cover that we don't yet fully realize. The bill was thoroughly discussed. There was a considerable amount of feeling in some ways that perhaps the parents whose children are home immediately under their control should have some responsibility. Actually I think in many cases they do. I have known many cases where children living at home have caused damage and those parents have paid. There are other cases where they haven't of course, but this bill goes far into many things we do not yet allow for, and I certainly think it is one bill that should not be passed, and I definitely support the motion of the gentleman from South Portland, Mr. Earles, to accept the "Ought not to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Knight.

Mr. KNIGHT: Mr. Speaker and Members of the House: I endorse the stand of my fellow members on the Judiciary Committee and I would like to state that I feel there is no question here among any member of this House that the problem of juvenile delinquency should be dealt with severely. The name or term juvenile de-

linquent may be a misnomer, possibly it is adult delinquency and the adult should be dealt with, but today we are dealing with L. D. 91, a specific method of dealing with this problem, and this particular bill with all its ramifications is not the way to deal with it. For each instance or each occurrence that it would deal with fairly, there are three or four other instances that it would deal with very unfairly and unjustly.

As to the matter of the statute on schoolhouses, the person who would bring the action in that case is the community. They would decide whether or not through their attorney how to bring an action under a particular circumstance against the parents of the children who damaged community property. Definite weight would be given to the circumstances and the facts involved. No individual citizen could bring that action. Under this bill any and all citizens would be able to take action against either the father, the mother or the guardian or all three, whether or not any of those had parental control or any control whatsoever over the child. For those reasons, I must endorse the motion of the gentleman from South Portland, Mr. Earles.

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

Mr. TRUMBULL: Mr. Speaker and Members of the House: I personally feel this is a good bill. Most of us as parents have at one time or another paid for damage our youngsters have done. This bill will bring into line the few parents who have not seen fit to do as every good parent should do. As far as the statement of the gentleman from Dexter, Mr. Cox, about youngsters of twenty, if we teach our youngsters to have respect for the property of others when they are younger, we won't have to worry about them when they reach twenty. I hope the motion does not prevail.

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

Mr. BARNETT: Mr. Speaker and Ladies and Gentlemen: With all due respect to the members of the legal profession, basically I think

this is a good bill. After sitting here and listening to the pros and cons, I can see there would be problems from a legal standpoint, and I wonder if this bill were passed if it wouldn't be possible for the members to come up with an amendment that would solve the things mentioned this morning. I hope the motion does not prevail.

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

Mr. ALIBERTI: Mr. Speaker and Members of the House: I am very much in favor of this bill. I would like to present some facts for your perusal if I may. A few years ago a neighbor of mine had a brand new convertible car, a very bright red shiny car parked in front of his house, two or three houses from my own. My youngster and another playmate trampled on the back of that car and caused considerable damage, and of course the owner of the car came out and noticed the two youngsters and he called me and told me there was damage and I told him that it was probably one of the liabilities that goes with parenthood, to send the bill and I would see that it was paid. Now pursue that further. Supposing I had a new car in front of my house and two of the youngsters from a neighboring family had done the same damage to my car, and when I called the individual and said your son and another companion marked my car up and there was considerable damage, could I send the bill for the damage, he said, save it until he is twenty-one and give it to him. That would be very, very unfair. One parent assumes the full responsibility and on the other hand another parent dislikes responsibility.

A few years ago at the Junior High School in Portland on Munjoy Hill during a vacation week four or five youngsters went into that school and did \$800 worth of damage, tearing plumbing fixtures off the wall, blackboards and things like that. Those youngsters were brought in, they knew who they were, and still they didn't pay for the damage. Now the statement has been made that the city could take them to court for legal action. but

how criticized would they be if they did such a thing?

I had a new car just two days old parked on Middle Street in Portland, and similar to the circumstances of the gentleman from Yarmouth, Mrs. Knapp, some youngsters went by with some sharp object and ruined that car, right through the paint, enamel and everything else. I thought a polish job would take care of it, but it didn't. \$150 worth of damage. I had vandalism insurance or I would have had to pay for it out of my own pocket. Youngsters break windows, and if I break a window my parents assume the responsibility, but supposing they don't, students will break windows just for spite. We need this bill and I think the responsibility is there and they should accept it. If a person wants to become a guardian they would accept the responsibility that goes with it. Therefore, I would go along with the bill.

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

Mr. CURTIS: Mr. Speaker and Members of the House: I think there are some good points in this bill and there are some things that need correction. I think if I recall, last session there was a bill passed that made children over seventeen years old responsible for themselves, so with this in mind I wish we might table this for one day so to prepare an amendment which would take out some of the bad points and still keep in some of the good points. I so move and I wish the vote to be taken by a division.

The SPEAKER: The question now before the House is the motion of the gentleman from Bowdoinham, Mr. Curtis, that with respect to Bill "An Act Concerning Liability of Parents for Damage by Children," Senate Paper 58, Legislative Document 91, the Report be tabled and specially assigned for tomorrow pending the motion of the gentleman from South Portland, Mr. Earles, that the House accept the "Ought not to pass" Report. A division has been requested.

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



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

The SPEAKER: The question now before the House is the motion of the gentleman from South Portland, Mr. Earles, that the House accept the "Ought not to pass" Report. Is the House ready for the question?

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

The SPEAKER: A division has been requested. Will those who favor the motion to accept the "Ought not to pass" Report please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

Thereupon, the Bill was substituted for the Report in concurrence, the Bill read twice and tomorrow assigned.

On motion of the gentlewoman from Rumford, Miss Cormier, 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 Public Utilities reporting "Ought not to pass" on Bill "An Act to Repeal the Westbrook Sewerage District" (S. P. 38) (L. D. 36)

Report was signed by the following members:

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

Messrs. HAUGHN of Bridgton  
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  
Mr. CYR of Fort Kent  
— of the House.

Come from the Senate with the Majority Report accepted.

In the House: Reports were read.

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

Mr. HAUGHN: Mr. Speaker and Members of the House: As House Chairman of the Public Utilities Committee, I move acceptance of the "Ought not to pass" Report in concurrence.

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

The Chair recognizes the gentleman from Falmouth, Mrs. Smith.

Mrs. SMITH: Mr. Speaker and Members of the House: I also would like to second the motion of the gentleman from Bridgton, Mr. Haughn. I think that all of you have read in the papers of the problems that we have in Falmouth, and about a year ago the Water Commission gave permission to Westbrook to dump more raw sewage into the Presumpscot River. I spent a lot of time on this yesterday and Mr. MacDonald assured me one reason that they didn't ask Westbrook to put in septic tanks but allowed them to dump more raw sewage in the river was because of the fact they had agreed, although there was no law to make them, but they agreed they would soon have a disposal plant, and on that basis, and I think you are all aware of the problem in Falmouth, certainly we cannot allow them to repeal this act which makes them responsible for this sewage.

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

Mr. DAVIS: Mr. Speaker and Ladies and Gentlemen of this 99th Legislature: I rise to oppose the motion of the gentleman from Bridgton, Mr. Haughn, and the gentleman from Falmouth, Mrs. Smith. On the outset, I must say that I would be remiss if I did not rise and speak on this bill which means so much to the taxpayers of Westbrook. The Westbrook Sewerage Dis-

tract has plagued the people of Westbrook for some time. It has reached a critical situation, yes, I could say that it has really reached an explosive situation. For example, on Tuesday, April 28, the Portland Evening Express published the results of the Committee. This aroused the people of Westbrook, and that evening I was on the phone continuously answering questions regarding this bill. I wish now to relate some of the calls which I received that evening. A gentleman who recently returned from vacation in Florida would like to know why he had to pay for use of the sewer when away from his home five months whereby he didn't have to pay for any other utilities. Another lady who is a widow and owns a moderate home on Cumberland street where they installed a sewer was assessed \$700 for a sewer to go past her home, plus a fee which she received a bill for four months and she doesn't use this service. Another gentleman was assessed \$700 for the sewer to pass a lot of land which he paid \$500 for three years ago. He too receives a bill for this sewer every four months to go by his land which he doesn't have any real property on it. To those of you who were in the 98th Legislature, remember that this bill was presented to this honorable body at that time, and we were denied a chance for it to go back to the people to settle this situation, and it was referred to this Legislature. I believe it was on this issue alone that I received over sixty-three per cent of the votes to come back here as their representative from Westbrook. To this may I quote an old proverb: "To remember those to whom we are indebted is a sacred obligation." That's why I am speaking in their behalf today. I believe that I am indebted to my constituents.

At the Committee hearing there were several who spoke in favor of the district and there were several who spoke for its repeal. However, it is well to note that those who spoke in favor of this district were those who work for compensation for the district other than a former mayor and an alderman who spoke in favor of the district in its present form. As this former mayor and

alderman live in the rural section of the City of Westbrook, they never will have a sewer at their service, and therefore do not pay for its services at the present time. Our Mayor, the Honorable Mr. Elmer Currier of Westbrook and others who spoke in favor of the district stated it was a critical question and that they were in favor of it going back to the people and let them decide once and for all.

I believe that when the people in 1955 voted for this, they were misled by the wording on the ballot. I believe some of these ballots are misleading the way they are presented to the people. I want to quote the way the ballot read: "Shall an Act to Incorporate the Westbrook Sewer District Passed by the 97th Legislature be Accepted?" On the basis of this I believe naturally everyone who lived in the rural area and the people who did not have a sewer wanted one. Little did they realize that it was going to cost them money and that they would be assessed for the installation and that they would have to pay the rest of their lives. And little did they realize that they who had sewers which they already paid for during the period of time would have to pay continuously for them.

This bill has been presented to this Legislature I believe as an economy measure, and according to what we read in the papers today about this Legislature, I believe that they are all economy - minded, and I believe that this bill to repeal the Westbrook Sewer District is in the interest of economy and it has been a financial burden upon the taxpayers of the City of Westbrook. I do not believe there is anyone in this Legislature who would want to put a financial burden on any state, city or town where they live, or would they vote to put a financial burden on other people. As this is a local issue, and concerns only the people of Westbrook who are the ones who pay the bill, I urge you to let the people of Westbrook decide by a referendum.

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

Mr. PORELL: Mr. Speaker, Ladies and Gentlemen of this Legislature: Mr. Smith, the gentlewoman

an from Falmouth, brought up a very good point, I believe they are going to have to repaint their homes there in your town, and we feel that perhaps if it is the Westbrook sewerage that is doing it, why we really feel that we should do something about it, but if we give them all of the money that we can spare now to build each other a private sewer it isn't certainly going to help on a disposal plant because a disposal plant is going to cost at least a million or a million and a half, and I might add, that the sewer survey by the firm that did survey the City of Westbrook and the pollution in the river, Westbrook sewers pollute the river five per cent, and the S. D. Warren Company, ninety-five per cent, so I wonder how that is going to sound when that gets to the nice people of Westbrook and the people of your town that probably get in on this \$300,000 a week payroll. If we are going to talk pollution, that's one thing, but if we are going to talk sewers for the City of Westbrook, it is something that we, the two representatives from Westbrook, Mr. Davis and I, are the ones that are here to try to save the people of Westbrook this terrible expense. They have already spent over \$350,000 and they have had a thousand feet of sewers or a rate of \$35.00 a foot for sewers from six inches up to I believe they built a few at twelve inches.

While I was Mayor of Westbrook, I built a mile of sewers, and most of them twelve and eighteen inches, and we spent less than \$50,000 in the four years that I was building sewers, and I built over a mile of them. And we did have here a young man, a young man from our road department. He I suppose has an engineer's title, I don't know, of course now everybody is an engineer. He came up here before the Committee and said that his department couldn't build sewers and they didn't have the manpower and they never intended to build any more sewers. He is on the Westbrook City payroll, gets around \$100 a week for the job that we used to pay a road commissioner around \$50 or \$60. Of course the better title you have the more money you get, but imagine he coming down here telling us, the

people of Westbrook, that he is not going to build any more sewers even if the Sewer District dropped back in his lap. Well I think he's talking through his hat because we can hire men that can build sewers under the old system, and the men that he is using, the men that are being used today on this expensive Sewer District that is costing us \$50,000 a year for overhead alone before they even lay one inch of pipe, they charged their users \$35,000 and they come in to the city for another \$20,000 to service their manholes that we own and have owned for over a hundred and fifty years. I think this is an expense to our city that we should get rid of. I feel that the people of Westbrook should make the decision, and I am here for that reason.

Now I have here nearly 500 signatures of people that want to have an opportunity to vote on this matter, and they didn't pay much attention to this in the committee, they didn't even show it, but there is nevertheless 455 names. At the last session I had 1,000 names because I did ask for some support. And another thing that happened, just the day before we were to have our hearing here, it was postponed one week. We had over ten cars of people coming down here to speak in favor of this referendum going back to the people. I read in the morning paper a day or two before we were to have this hearing, that it had been postponed a week, and it was almost impossible for me to gather this group together again because they had actually lost interest because this thing had been done. And I know of no reason why it was done except that the Committee did say they had too much other work. Well that's possible, and I forgive them for it if that's true, but it nevertheless did make a big difference to me because we had ten carloads of people coming down here. They were here in strength, the opponents to this thing. The Sewer District boys were here because they were all on the payroll and it didn't cost them a dime to get here. Three of the trustees were here, and also this road commissioner was here, he gets \$100 a week, and there was two other gentlemen here that were on the city council

that were here, they get paid for being on the city council in Westbrook. It is a shame that this thing has been handled this way because there is no reason in the world why we don't put that back to the people at this time.

Two years ago they did say at the hearing that we ought to give it two more years. Well we have given it two more years and we are back here asking again, begging of you nice people here to give us this opportunity. I know this year we have given a lot of cities and towns referendums to create sewer districts and water districts and everything. I hope that these people will be very careful when they vote on these things and they should have a time element, because that was brought up at the other end of the House here the other day that in other words when they do create a district they ought to give them a certain number of years to prove whether they are good or bad, and I think we have had it long enough, and I think we are ready now, the people of Westbrook are ready now to make their own decisions, and I hope that this House will give us that opportunity, and I thank you.

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

Mr. HAUGHN: Mr. Speaker and Members of the House: As House Chairman of the Committee I think it is my duty to inform the House of a little of the past history of this particular case. As you recall in the 97th Legislature this bill was introduced by a democratic mayor, Mr. Libby, who came before the Committee on which I served as a member at that time. He asked for a referendum for the people of the City of Westbrook to establish a sewer district. This privilege was granted by the 97th Legislature and they started to prepare and become a district, and a referendum was submitted to the voters of the City of Westbrook, and there was 2557 people voted for it; there was only 1246 people voted against it. Now that's a two to one majority. As expressed by the gentleman from Westbrook, Mr. Davis, that the people did not know what the referendum said. I don't know how much

plainer English could be used on a piece of paper to convey to the people what they are voting upon. "Do you wish to accept a sewerage district as passed by the 97th Legislature?" Now that is very plain and explicit and myself I cannot understand his thinking why people were mislead in regards to the reading of that particular bill as presented to them.

After two years which took time for planning, preparation, setting up the district, making the long-range program as to what the needs were, which was very much needed in the City of Westbrook on the sewerage district, they started to function. So in the 98th Legislature the same gentleman, Mr. Davis from Westbrook, came in here with a bill to submit it right back to the voters again because a minority group felt that they were being discriminated against, after being voted in the previous two years prior to that by a two to one majority. This Legislature saw fit to defeat that bill for referendum once again but did grant the courtesy for it to be recommitted to the 99th Legislature, which was done. I was very sorry to hear the remarks of my good friend, Mr. Porell from Westbrook, to say what happened to the bill because of a quick hearing. I will relate to this House what happened. That bill was set for an early hearing by the Public Utilities Committee, and at the request of the gentleman from Westbrook, Mr. Porell, asked me as House Chairman if I would grant him the privilege to postpone this bill until sometimes in March as he had to go to Florida, which he did. I conversed with our senior Chairman of our Committee. He agreed to it as well. I also spoke to the opponents of the measure; they favorably accepted the same report, and said at the convenience of all parties concerned and the Committee that they were willing to accept the date as assigned by the Committee. Finally after we did agree upon a date, both parties were notified at the same time with no discrimination to either or advance notice to either, but both equally the same time, so I want to defend the position of this Committee why this bill was one of our last

bills heard. It was not the fault of the committee. We had an early date hearing set for it, so I feel sorry to hear that Mr. Porell might believe that we might have pulled a fast one on him and gave the opponents of this measure an advance notice. We did not, I honestly and sincerely tell this body that.

To get back to my good friend Mr. Davis from Westbrook once again, he said this thing has plagued the people of Westbrook for some time. I agree with him it has. But who is doing it; the minority group of the City of Westbrook. He also made the statement that you pay for sewerage whether you use it or not, and no other utilities. I want to correct that, that is wrong. If you are not home and you want to go on a vacation and your house is empty through - no tenants for whatever may be the position, I might state that you pay for electric lights and telephone and other utilities as well, if not, they shut them off. Unfortunately sewerage you cannot. So I don't believe that that particular issue stands too much weight. As far as sewerage by land charge, I might state that that is being done in water districts, it is being done in sewer districts and the simple reason is if they did not do it it would put the burden so heavy upon the users of the service, they could never afford to pay the bills that would be incurred, and I might say those people's lands where it goes by which is idle land increases the valuation double or triple-fold, so therefore they do not lose but they gain by the process.

In regard to pollution, we must face the fact that in the City of Westbrook through the Presumpscot River it is a terrific pollution problem. Through the setting up of this district they are now getting prepared to overcome a certain portion at least, I don't say all of it, but a certain portion of it by their program of setting up a filter bed which will prevent a lot of that pollution from going into the river, and I know this House is conscious of pollution the same as everybody in the State of Maine is. And the reason for that particular part being done first was to be able to create the filter bed and work the

system backwards so anything that is being used could go into the filter bed first before completion of the entire system to prevent pollution.

As far as my good friend's reelection, I am very happy for him and the City of Westbrook and I hope he returns again, because as a colleague I respect him and have highest regards for him. I don't think that has any bearing on this particular case. We are concerned with the sewerage problem, not a campaign problem or a re-election problem. That is a problem for the people to elect a man they have confidence in and I know he has done a good job on other problems, but this one, I cannot agree and be in accord with him.

In regard to those who were present that particular day, as expressed that those who appeared were paid by the district, in other words the people that worked for the district seemed to be the only ones in opposition. That is not true. I might say the city council of the City of Westbrook became so involved in this issue that they held emergency sessions and meetings, and in that meeting a vote was taken upon this issue as to what they wanted to do. They voted eight to four, in other words, two to one to keep the district intact as it is because they knew its worth and need and desire for the people of Westbrook and the best interests of those people.

Now as far as once again that ballot as it was marked, I think it was clear and very properly marked. We had a similar one in my own town. My people voted. They knew what they were voting upon.

Now as far as paying for something and getting nothing, we all know as individuals in this House that you get nothing for nothing, and when you ask for a bill you certainly get a bill. We appropriate and spend money here, we know that means taxation. We are all economy minded, and I know the people of Westbrook are the same as myself, but there is such a thing as false economy as well, and I think that is what he is looking at.

As far as the cost that they have gone into is involved, I might say that if they reverted back to the system that they desire you will practically wipe the debt limit of the City of Westbrook out. There is over \$200,000 involved it is very true, but what they have to show for that \$200,000 I think is tremendous under prevailing costs.

One more thing I must emphasize. As you know I have expressed several times on the Floor of this House, I am deeply concerned with local referendums and always voted in favor of them which I did in this particular case, but how many times do you have to have a referendum? I think the people clearly stated their position and their thinking and their desires and by having another referendum would just simply repeat what has already been done as far as I have been able to determine, and I don't live too far from this particular area and know the problem very well.

One more thing. If we should open the door to repeal on all these sewerage districts after they have had them one or two years, and people find out what it costs, as I said once before you get nothing for nothing, and when you create these districts they do cost money, but you are getting the services, you are getting increased valuation on your property, your inducement to industry to come into your town, all those things are an asset that offset the cost. But when you start repealing every two years on these certain districts you are going to open the door that is going to make this thing look ridiculous, and I might state through this particular bill come in that it was the thought of our Committee it would eventually come out with a joint order requesting a legislative study of the whole problem in the entire state because your Public Utilities Commission has no jurisdiction over rates on this particular thing, but they do over other utilities, and it is time that we set this up within our state agency to control and protect the people as far as outrageous rates if they do exist.

To get to my good friend Mr. Porell, the gentleman from Westbrook, whom I have the highest regard for, I will repeat the same

as I did for Mr. Davis, I am happy he was re-elected, but that has no bearing whatsoever on the issue at stake right here before us, but I will state that he said he built sewers for \$5.00 a foot, how many feet did he build and where did he build them? Also, how many years ago was it? How about the increased costs of everything, not only sewerage, but anything from the time that he did it until the present date?

He presented a petition here to wave in the air to you people to acknowledge that he had some friends, and I think he does, a lot of them, and that is why some of those signatures are on there, because they were friends, not because of the issue at stake. I can go out or get a lot of my friends to go out and they will sign them for me as a personal favor, not favoring the particular issue because they do not know enough about it. So therefore, as far as petitions go, I approve of them, they should be done, but they should be done in the fashion which they truly and really represent the problems they are signing for.

The issue involved by Mr. Porell, the gentleman from Westbrook, that we asked for two years in order to give this district an opportunity to prove itself. I will state that in two years they certainly have proved themselves, but by the last bill that was introduced by my good friend, Mr. Davis from Westbrook, it postponed that district for a whole year's activity because while pending legislation was on they could not let contracts nor they could not continue with their service until they knew what the final result would be before they could proceed. After the legislature turned it down, they did proceed and they have been working steadily during the time of year when it has been available and the weather has been right so they could work, so once again they bring this problem back to you and they have now stymied once again for one more year's progress of this program. I will agree with Mr. Porell, the gentleman from Westbrook, as he stated, the unmentionable body in their talks did say that the time element should be in all legislative bills from here in and I will agree to that issue, and

that is the only issue that he has spoken on that I will agree to. I think there should be a ten year period or five year period whereby these districts should be kept in force; that would give them ample time to prove themselves if they should be desirable if they are doing the right job, so as far as the debate that I have heard from my two colleagues from Westbrook, I will say I still stand the same as I did before and your Committee Report came out seven to three ought not to pass, and I sincerely hope that this House will go along with your Committee's Report.

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

Mr. DAVIS: Mr. Speaker, in rebuttal to the gentleman from Bridgton, Mr. Haughn, and Mrs. Smith, the gentlewoman from Falmouth, regarding a filter plant, our situation is that we—I doubt very much if we ever do have a filter plant. Our condition is something similar to that which you received a letter from a few weeks ago from some town down in the central part of the state, I have forgotten what it was now, Milbridge or Milltown, and it is the same as it is on the Saco River in the little town of Bar Mills where the Rogers Fiber Company pollutes the Saco River and they claim that it will cost them thousands of dollars to get rid of this pollution, and before they do this they will find other locations.

In order to build a filter plant in Westbrook, it would mean millions of dollars. Our sewer district as you know has a borrowing capacity of \$800,000, we first started in with \$300,000, but we thought we could not get along with \$300,000 because we had to have more money, so we started in with \$800,000. Today we have spent probably \$350,000 or half. We have laid 4,000 feet of sewer, and according to the financial report here it looks to me as if we might be in trouble already. It says accounts receivable \$13,809. And it says from sewer charges, and the sewer charges were \$50,000. It looks to me as if they weren't getting all their charges in; that the people refused to pay which I know that is

true because a lot of people can't afford to pay.

I wish now to congratulate the gentleman from Bridgton, Mr. Haughn, on his knowledge and his foresight and his knowing of what goes on in our City of Westbrook and I wish to congratulate him again, I think he has done a fine job.

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

Mrs. SMITH: Mr. Speaker, I do not wish to take up any more time to any length of the time of the House because I am sure you all understand the problem, but I would like to point out that I, as well as the gentleman from Westbrook, Mr. Davis, do represent some constituents. I would like to point out that I think the Town of Falmouth has shown some forbearance and some regard for the taxpayers of the City of Westbrook. I also would like to have the taxpayers of Westbrook show the same courtesy to the taxpayers of Falmouth, and many of the people who are now being troubled are not able to go to Florida in the winter, they have to stay in Falmouth.

This is a problem that probably has been building up as near as we know now. The final facts are not in, but it is organic matter. The planning board and the selectmen did protest the dumping of this new raw sewage about a year ago, but because the Water Development Commission felt that Westbrook was making some progress they did not wish to put them to any added expense. They also have not the full authority to do so. I was told that we do now have the power to declare this a public nuisance if we wish, and do as Lewiston did some years ago. It probably is not a very satisfactory answer to the problem. It probably will take a lot of forbearance everywhere, but certainly we shouldn't go backward, and Westbrook should not have this sewer district repealed, and when the vote is taken, I ask for a division.

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

Mr. PORELL: Mr. Speaker and Members of the House: One of the

famous sayings of the gentleman from Bridgton, Mr. Haughn, is "our responsibility to the people." He has always been a giant or a champion of the responsibility to the people, and I am glad, because that is why we are here. We are responsible to the people of Westbrook.

Now he speaks of a minority group that want this thing. Why doesn't he send it back to the Westbrook people to decide and we will show him what a minority group is. If he passed this bill two to one because they didn't know what they were voting on, and that I know because many people came to me and said: "Porell, why didn't you tell me?" Well we didn't say too much about it because we figured that the people of Westbrook knew what they were doing, but it is a fact that we are endangering our cities and towns by sending districts to them to vote on without explaining it to them. So I would say to Mr. Haughn, the gentleman from Bridgton, that if he wants to find out what this minority group is in Westbrook, that is one way to do it, just let them decide for themselves and save this money that we are wasting now, and we are wasting money that we would like to put into a filtering plant. It will cost \$3,000,000 to supply the City of Westbrook with the filtering plant connected to the present sewer system, and this new sewer district is the outfit that dropped this new raw sewage into the river. I don't know how they ever got permission to do it, but this project that they are now on that is the cause of this new entrance into the river is going to cost about another \$200,000. And if it ever did have to come back into the City of Westbrook to be pumped into our disposal plant, they would have to build nearly two miles of sewerage lines plus a pumping station that would cost another million dollars, so gentlemen and ladies, I hope that when you do vote, that you favor the little City of Westbrook.

The SPEAKER: Is the House ready for the question? The Chair recognizes the gentleman from Fort Kent, Mr. Cyr.

Mr. CYR: Mr. Speaker, Ladies and Gentlemen of the House: Having signed the Minority Report "Ought

to pass" I would like to explain my reason for it. There isn't any question in my mind that there is a serious problem in the City of Westbrook, and I don't stand here and claim to be qualified to tell the City of Westbrook what they should do, but I do believe in local option, and I believe that the people of this City of Westbrook are the qualified people to state what they want. It is possible that they came to this House a few years back and asked for what they did get and what they have now, but they certainly have a serious problem, and in my opinion I voted for it because there is a referendum attached to this, and if the people of Westbrook decide to repeal it, it is up to them and not to me. I live too far off to qualify as to just what is right by the City of Westbrook, and I signed the report in favor of giving the people of Westbrook, the taxpayers of Westbrook, the right to state what they need. That's all.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Bridgton, Mr. Haughn, that with respect to Bill "An Act to Repeal the Westbrook Sewerage District," Senate Paper 38, Legislative Document 36, the House accept the Majority "Ought not to pass" Report. A division has been requested.

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

A division of the House was had. Forty-one having voted in the affirmative and fifty-nine having voted in the negative, the motion did not prevail.

Thereupon, the Minority "Ought to pass" Report was accepted in non-concurrence, the Bill read twice and tomorrow assigned.

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(Off Record Remarks)

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#### Non-Concurrent Matter

Bill "An Act relating to Splash Guards for Certain Trucks" (H. P. 870) (L. D. 1215) which was passed to be engrossed as amended by House Amendment "A" in the House on April 24.



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

In the House: On motion of Mr. Haughn of Bridgton, the House voted to recede and concur with the Senate.

#### Non-Concurrent Matter

Resolve Permitting Ice Fishing in Certain Ponds in Androscoggin and Kennebec Counties (H. P. 550) (L. D. 785) which was passed to be engrossed as amended by Committee Amendment "A" in the House on April 17.

Came from the Senate with Committee Amendment "A" indefinitely postponed and the Resolve passed to be engrossed in non-concurrence.

In the House: On motion of Mr. Dumaine of Readfield, the House voted to recede and concur with the Senate.

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

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

#### Orders

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

Mrs. CHRISTIE: Mr. Speaker, I would like to inquire if L. D. 632, Senate Paper 249, Bill, "An Act relating to Distribution and Sale of Publications Depicting Crime and Torture," is still in the possession of the House?

The SPEAKER pro tem: It is.

Mrs. CHRISTIE: Mr. Speaker and Members of the House: Yesterday I moved that we insist on our former action whereby we passed this bill without amendment. Today I wish to exercise a woman's privilege and change my mind on this matter. Now I would ask reconsideration of this action which we took yesterday.

The SPEAKER pro tem: The question before the House is the motion of the gentlewoman from Presque Isle, Mrs. Christie, that the House reconsider its action whereby the House voted to insist on its former action whereby the bill was passed to be engrossed without amendment. Is this the pleasure of the House?

The motion prevailed.

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

Mrs. CHRISTIE: Mr. Speaker and Members of the House: I now move that we recede and concur with the Senate.

The SPEAKER pro tem: The question now before the House is the motion of the gentlewoman from Presque Isle, Mrs. Christie, that the House recede and concur in passing the bill to be engrossed as amended by Senate Amendment "B".

The Chair recognizes the gentleman from Pittsfield, Mr. Baxter.

Mr. BAXTER: Mr. Speaker, there are some members in doubt as to just which bill we are considering here.

The SPEAKER pro tem: The bill we are considering now is L. D. 632, An Act relating to the Distribution and Sale of Publications Depicting Crime and Torture.

Is it the pleasure of the House to recede and concur?

The motion prevailed.

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

Mr. PLANTE: Mr. Speaker, is the House in possession of L. D. 1338?

The SPEAKER pro tem: The Chair would advise the gentleman from Old Orchard Beach, Mr. Plante, that the House is in possession of both Reports on Senate Paper 473, Legislative Documents 1338, Bill "An Act Exempting Certain Fraternal Societies from Property Taxes." Does this answer the gentleman's question?

Mr. PLANTE: Yes sir. Whereas I voted on the prevailing side yesterday I now wish to move that we reconsider our action whereby this Act was indefinitely postponed by a vote of sixty-two to sixty.

The SPEAKER pro tem: The Chair recognizes the gentleman from Gorham, Mr. Sanborn.

Mr. SANBORN: Mr. Speaker and Ladies and Gentlemen of the House: I want first to thank the gentleman from Old Orchard Beach, my seat-mate, Mr. Plante, for his motion to reconsider this bill.

Mr. Speaker, I understand that the motion to reconsider allows debate on the main question. Am I correct?

The SPEAKER pro tem: The gentleman is correct.

Mr. SANBORN: I would ask you ladies and gentlemen to please refer to L. D. 1338. If the motion to reconsider prevails, I will at the proper time present an amendment to this bill which you will find on your desks under filing number 281. I would like to read that amendment:

"Amend said Bill in section 1 by striking out all of that paragraph designated 'E-1' and inserting in place thereof the following underlined paragraph: **E-1. The real estate and personal property owned by or held in trust by the Patrons of Husbandry, the Independent Order of Odd Fellows, the Knights of Pythias, the Masons, the Knights of Columbus and the Elks, and occupied by such societies, orders or associations or their officers solely for their charitable, fraternal, benevolent or moralistic purposes.**"

Will you please note that this amendment replaces all of paragraph E-1 under section 1 and names the specific societies that are exempted. Also, please note this bill excludes real estate and personal property of the above societies only when occupied solely for their charitable, fraternal, benevolent and moralistic purposes.

Let us now move down to subsection J of section 2. Please note that this section states that the assessors shall tax the portions of the building not used solely for lodge purposes. In other words, if a lodge owns a three story building, uses the top floor only for lodge purposes and rents the other two floors, then the two floors rented shall be taxed. Only that part of the building used solely for lodge purposes shall be exempt from taxation.

I am a member of only one of the orders named in the amendment.

Therefore the remarks I make must be confined to the Masonic Fraternity. I understand from talking with members of the other orders listed in the proposed amendment that they generally operate on the same principles as the Masonic Fraternity.

From the earliest history of this State, it has been the common understanding of public officers and inhabitants that real and personal property of fraternal societies of a charitable and benevolent nature, such as the Patrons of Husbandry, Odd Fellow, Knights of Pythias, Elks, Masons and Knights of Columbus, is and should be exempt from taxation when used only for lodge purposes.

This practice has been carried out until recently when five towns have begun to tax lodge property used solely for lodge purposes. In one particular case a Mason died and left a sum of money to build a Masonic Temple. The lodge carried out his request and built the temple. That town is now taxing the lodge building for \$1400 even though the building is used solely for lodge purposes. There are four other towns now doing the same thing.

Other town assessors are also thinking of taxing lodge buildings used solely for lodge purposes. If we don't pass this bill with the amendment, all lodges throughout the state can expect to have their real estate and personal property taxed.

Some of you may question the purposes of the Masonic Fraternity. Therefore I would like to read to you the Preamble of Masonry.

Freemasonry is a charitable, benevolent, educational, and religious society.

"It is religious in that it teaches monotheism, the belief in only one god. The sacred law which refers to the Bible is open upon its altars whenever a Lodge is in session. Worship of God is ever a part of its ceremonial, and to its neophytes and Brethren alike are constantly addressed lessons of morality; yet it is not theological.

"It is educational in that it teaches a perfect system of morality, based upon the Sacred Law; and it also provides libraries and opportunities for study therein.

"It is benevolent in that it teaches relief of the poor and distressed as a duty and exemplifies the duty by relief of sick and distressed Brethren by caring for the widows and orphans of the Brethren, by maintaining homes for aged and distressed Brethren and their dependents, and by providing for the education of orphans.

"It is charitable in that none of its income inures to the benefit of any individual, but all is devoted to the improvement and promotion of the happiness of mankind.

"It is a social organization only so far as it furnishes additional inducement that men may foregather in numbers, thereby providing more material for its primary work of training, of worship, and of charity."

I would now like to read to you a section of the Constitution of the Grand Lodge of Maine regarding the Masonic Charitable Foundation. And this is section 60 in the Constitution and Standing Regulations.

"The Masonic Charitable Foundation established by the Grand Lodge of Maine shall consist of the charity fund of the Grand Lodge and such other funds as are established or accepted for charitable, educational and other specific purposes which are in accord with the masonic principles and practices.

"The charity fund of the Grand Lodge shall from time to time be increased by adding thereto such monies as may be voted into it and by an annual assessment of each member of the constituent lodges. The interest rising from charitable funds of the Masonic Charitable Foundation and such other funds as may be available may be appropriated in full or in part for the relief to poor and worthy members of lodges, their widows and orphans, under this jurisdiction in cases where the funds of their own lodges are not adequate to the exigency of the case. Second, to all other worthy cases of distress within and without the Masonic Fraternity."

Besides the above charity furnished by the individual lodges and the Grand Lodge, blood banks are maintained throughout the state. Also, an eye bank is maintained.

The Grand Commandery Knights Templar has an educational loan fund for students at a small interest charge to cover only the cost. I am sure that every one of you here know about the Shrine Hospital for Crippled Children, where medical care is given without cost and without regard to race, creed or color.

We as Masons have done and are doing these and many other worthwhile projects. Probably we should have broadcast them to the world. I have been told by members of the other orders mentioned in the proposed amendment, that they also operate on similar principles as the Masons.

If you do not allow this bill to receive passage, it will mean that these worthwhile charitable and benevolent situations will have to suffer. Ladies and gentlemen, I have tried to the best of my ability to fairly present this to you. I sincerely hope that the motion to reconsider will prevail, which will allow this amendment under filing number 281 on your desks, to be considered. When the vote is taken, I ask for a division.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from Old Orchard Beach, Mr. Plante that the House reconsider its action of April 29 whereby it indefinitely postponed both Reports on Legislative Document 1338.

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

Mr. BEANE: Mr. Speaker, I should like to ask the gentleman from Gorham, I may have missed it in his speech somewhere, I should like to ask him if there are any other fraternal, benevolent, charitable or moralistic societies which would otherwise qualify under this bill, which are excepted by specifically enumerating in his amendment the particular societies which are to be covered by.

The SPEAKER pro tem: The gentleman from Augusta, Mr. Beane, has directed a question to Mr. Sanborn, who may answer if he wishes.

Mr. SANBORN: Mr. Speaker and Ladies and Gentlemen of the House: I will try to answer that by stating

that I thought and thought and tried to list in this list all of the orders or societies that were operating under the charitable, benevolent and moralistic systems. There may be others that I have overlooked. If there are, I am sorry.

The SPEAKER pro tem: Does the gentleman consider his question answered?

Mr. BEANE: I feel that that substantially answered my question, Mr. Speaker.

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

Mr. DODGE: Mr. Speaker, this amendment simply legalizes what more than eighty per cent of the towns and cities have been doing, the assessors have been doing, throughout the state. We have been doing this for years but we had no legal reason for doing it.

The SPEAKER pro tem: The Chair recognizes the gentleman from Verona, Mr. Walsh.

Mr. WALSH: Mr. Speaker and Members of the House: Only last week we turned own college fraternity boys in a tax exemption similar to this. Now I believe if we just exempt these certain six lodges that we have here, next year we are going to have a great deal more that are probably right now on the borderline. I feel this is a door-opener for more exemptions. Now these towns and cities right now have a great deal of tax problems and I would like to see this tax problem kept on the local level, let them run their own town affairs.

Now when this bill came into committee, it was just a grange bill, and since that time it has grown into quite extensive proportion here. Now I feel that this is a local problem, the local people are well qualified to determine which lodge is their rich lodge and can probably pay part of the services that they use in the cities and towns; their poor lodge they can determine whether it should be tax exempt or not. I believe these local assessors can be closer to the situation and wisely rule on it.

So I hope that this motion for reconsideration does not prevail.

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

Mr. DODGE: Mr. Speaker and Members of the House: I wish to call your attention to the fact that the local assessors have no authority to exempt any of these institutions from a tax, and if anybody should call the local assessor's office they would be glad to assess this property. I talked with the State Tax Assessor this morning on that very problem and that was why the first bill which was a department bill regarding the grange was brought out so to make this thing so it would be legal and they wouldn't be dodging around wondering whether the thing was all right or not. According to the law we cannot leave this up to the local assessor.

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

Mr. PLANTE: Mr. Speaker, I hold no hard feelings whatsoever regarding the fate of my fraternity bill. I wish to leave no misunderstanding whatsoever with the members of this House — I wish to go on record specifically endorsing L. D. 1338.

The SPEAKER pro tem: The Chair recognizes the gentleman from Verona, Mr. Walsh.

Mr. WALSH: Mr. Speaker and Members of the House: I believe your local assessors in the towns and cities do have the right for abatement and I feel that when they do away with this tax that if they use that abatement when they see fit, it is perfectly legal. And I think that they do have the authority to abate any or part of any taxes assessed in the community.

The SPEAKER pro tem: The Chair recognizes the gentleman from Gorham, Mr. Sanborn.

Mr. SANBORN: Mr. Speaker and Ladies and Gentlemen of the House: When the new draft, 1338, originally came out it was thought that was too broad; therefore the reason for the amendment listing just the six that we have here. I would also like to say that the bill 1338 is almost an identical copy of a statute passed by the Massachusetts Legislature in 1955.

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

The Chair recognizes the gentleman from New Sharon, Mr. Caswell.

Mr. CASWELL: Mr. Speaker, Ladies and Gentlemen: I think we are perhaps not looking at the whole picture. I have, during the last quarter of the century, attended a great many group meetings of assessors which are held all over the state at certain times of the year, and one thing that the master of ceremonies, someone from the Board of Assessors, always emphasizes is the fact that taxation is the rule and exemption is the exception. That is to say, under the law real and personal property of various sorts is all taxable at the same rate.

To this law have been added from time to time by the Legislature and by custom, various exemptions. And it has been the practice of most assessors to exempt such property as is listed in this amendment. That, of course, includes what hasn't been mentioned here, moralistic purposes which I assume refer to churches and organizations of that sort, which have never been taxed as far as I know.

Now I am more concerned perhaps about the second part of this bill which gives the authority to assessors to assess property upon which some return is being received by the town that is affected. And this bill in its entirety simply legalizes what has been the practice for some years but for which the assessors of the various towns have no legal authority for observing. And it seems to me that this is simply and mainly a device to legalize what has been the practice.

Now if certain towns, certain assessors, are commencing to tax in full which they have a perfect right to, these benevolent organizations, that thing is quite likely to spread over the state, and I should be very sorry to see that occur. Now someone has mentioned that assessors might assess rich lodges who can afford to pay and not assess poor lodges who cannot afford to pay. Now that isn't in accordance with our taxation system where we are supposed to tax all property regardless. We don't make any difference up in my town anyway, we

don't make any difference in taxing a man's farm whether he is well-to-do or poor, we tax it as to the value of the farm. And I think that is the law and must be obeyed.

Now I have no objection to adding to this group that are mentioned here any other group that can qualify under this bill. The matter of the fraternal organizations, the fraternities, which we turned down the other day, I opposed it from the fact that I felt it didn't qualify. Now I may be wrong but if I can be convinced that any organization is equally qualified with these organizations that are mentioned here, I have no objection to exemptions there.

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

Mrs. CHRISTIE: Mr. Speaker and Members of the House: Perhaps nobody has thought of the organizations which are too poor to own property of their own but they have to rent property, and this property is taxable because it is rental property and so they pay hidden taxes even though they do not own the property. I think we should think of this when we are voting on this bill.

The SPEAKER pro tem: Is the House ready for the question? The question before the House is the motion of the gentleman from Old Orchard Beach, Mr. Plante, that the House reconsider its action of April 29 whereby it indefinitely postponed both Reports on Bill "An Act Exempting Certain Fraternal Societies from Property Taxes," Senate Paper 473, Legislative Document 1338. A division has been requested.

All those in favor of reconsidering this action will please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Eighty having voted in the affirmative and twenty-seven in the negative, the motion to reconsider prevailed.

The SPEAKER pro tem: The Chair recognizes the gentleman from Gorham, Mr. Sanborn.

Mr. SANBORN: Mr. Speaker, I now move that the Majority "Ought to pass" Report be accepted.

Thereupon, the Majority "Ought to pass" Report was accepted and the Bill given its two several readings.

Mr. Sanborn of Gorham then presented House Amendment "B" and moved its adoption.

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

HOUSE AMENDMENT "B" to S. P. 473, L. D. 1338, Bill, "An Act Exempting Certain Fraternal Societies from Property Taxes."

Amend said Bill in section 1 by striking out all of that paragraph designated "E-1" and inserting in place thereof the following underlined paragraph:

**"E-1. The real estate and personal property owned by or held in trust by the Patrons of Husbandry; the Independent Order of Odd Fellows, the Knights of Pythias, the Masons, the Knights of Columbus and the Elks, and occupied by such societies, orders or associations or their officers solely for their charitable, fraternal, benevolent or moralistic purposes.'"**

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

Mr. PLANTE: Mr. Speaker and Ladies and Gentlemen of the House: As I stated I wholeheartedly endorsed L. D. 1338 specifically. Therefore I cannot go along with this amendment and I move that this amendment be indefinitely postponed. I should like to speak briefly on that motion.

The SPEAKER pro tem: The gentleman may proceed.

Mr. PLANTE: L. D. 1338 which is before you was not drawn up in haste. If I am correct I believe it was drawn up by a retired Chief Justice, namely Mr. Merrill, with the assistance of a very able attorney, Mr. Wheeler. I have given this particular bill very careful consideration and I feel that it merits passage in its present redrafted form. I feel that the amendment, however, is a distinction without a difference, or a sheet without form. I feel that in relation to other fraternal societies it is discriminatory and unfair, not only because of my strong feelings for college fraternities but also, for example, Lions Clubs that own their own property,

Eagle fraternities, the fraternity of Eagles that own their own property, in some instances Kiwanians that own their own property.

Therefore I feel that if we are going to establish the policy that fraternal societies, societies that are benevolent and non-profit, are to be exempted from real estate and personal property, then we should not discriminate once that policy has been established for a certain group, then all of them must be included.

For example, my good friend and seatmate, the gentleman from Gorham, Mr. Sanborn, refers to the fine organization known as the Masons. As an example, my own fraternity, Sigma Alpha Epsilon, has neophytes, they have brothers, they do charitable work, the national fraternity does grant scholarships, we do have educational facilities, in fact we are now in the process of building the finest fraternity library in the state, we are non-profit and we are without a doubt fraternal.

Therefore I feel that what is fair for one is fair for all and I urge you to indefinitely postpone House Amendment "B", filing number 281.

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

Mr. COTE: Mr. Speaker, I would like to ask a question through the Chair of the gentleman from Gorham, Mr. Sanborn, as to the effect this would have on non-profit social clubs.

The SPEAKER pro tem: The gentleman from Lewiston, Mr. Cote, directs a question to Mr. Sanborn who may answer if he chooses.

Mr. SANBORN: Mr. Speaker, all I am familiar with are those listed here on the amendment. I am sorry that I cannot answer the gentleman from Lewiston, Mr. Cote, who was formerly my seatmate. I am sorry I can't give you any information on this.

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

Mr. COTE: Mr. Speaker, I am in a quandary as to how I shall vote on this amendment. I feel that we have many fine clubs all over the state which are non-profit and also charitable in nature. Because I know Lewiston, for instance, many,

many of our clubs that donate hundreds and thousands of dollars every year to hospitals, they donate to the C.A.L. and many other organizations in Lewiston which are living by the charity that these clubs can offer them. And I don't know, as I said awhile ago, how I can vote on this amendment or on this bill when I don't know what it is going to do. So it seems to me that probably it would be in order, and I hate to do this, that this bill be tabled for a little further study, and I so move.

The SPEAKER pro tem: The Chair would ask the gentleman from Lewiston, Mr. Cote, if he would care to assign a time.

Mr. COTE: Mr. Speaker, one week from today.

The SPEAKER pro tem: You have heard the motion of the gentleman from Lewiston, Mr. Cote, that this bill be tabled and assigned one week from today. Is that the pleasure of the House?

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

Forty-two having voted in the affirmative and sixty-seven in the negative, the motion to table did not prevail.

The SPEAKER pro tem: The Chair recognizes the gentleman from Augusta, Mr. Beane.

Mr. BEANE: Mr. Speaker, I am sorry I didn't realize there was a tabling motion before us. Would it now be proper to ask the gentleman from Gorham, Mr. Sanborn, a question through the Chair?

The SPEAKER pro tem: The gentleman may proceed.

Mr. BEANE: I note that the amendment is limited to existing fraternal organizations. I would like to ask the gentleman if it is his intent that future fraternal organizations which would otherwise qualify under this but which are not now in existence, which someone might wish to organize in the State of Maine, would be excluded by this. In other words, that it is intended not to leave it open for future qualifying organizations to benefit from this exemption.

The SPEAKER pro tem: The gentleman from Augusta, Mr. Beane, has directed a question to

Mr. Sanborn, who may answer if he so chooses.

Mr. SANBORN: Mr. Speaker and Ladies and Gentlemen of the House: When I drew this amendment I tried to think of all those societies who could qualify. Now if this amendment is adopted and it is later found that there are some societies or orders who should be included then it would be in order to present an amendment at any time to try to include them in this bill.

The SPEAKER pro tem: Does the gentleman consider his question answered?

Mr. BEANE: Mr. Speaker, I feel that that substantially answers my question.

The SPEAKER pro tem: The Chair recognizes the gentleman from Verona, Mr. Walsh.

Mr. WALSH: Mr. Speaker and Members of the House: Now that we have the door open just part way, I think we might as well do away with the amendment and open it all the way. What is fair for one is certainly fair for all, and I heartily concur with the gentleman from Old Orchard Beach, Mr. Plante, to indefinitely postpone this amendment.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from Old Orchard Beach, Mr. Plante, that House Amendment "B" to Legislative Document 1338 be indefinitely postponed.

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

Mr. DODGE: Mr. Speaker, as an assessor I wouldn't like to see the amendment postponed, I wouldn't like to see the original bill, to have to go and check on these different organizations and decide what should be exempted and what shouldn't. I would feel that I want from the State Assessor's office with the idea of clarifying that very from idea of clarifying that very thing, to know what we are going to exempt and what we are not. We have been exempting on the rule of thumb with no authority. I don't feel too strongly on the bill one way or the other. I will vote for the amendment. But, as an assessor I would like to know what I am going to assess and I don't want to go

along figuring out and thinking what it is.

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

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

Mr. FRAZIER: Mr. Speaker, I think the more we discuss this thing the more we get confused here on just what amendments will do and what the bill will do. I think we have lived with this existing situation for a long time and I think we could certainly live with it for another two years while the organizations got together and presented a bill that would be workable. If I were in order at this time I would move indefinite postponement of the bill and all accompanying papers.

The SPEAKER pro tem: The Chair would have to rule that the motion of the gentleman from Lee, Mr. Frazier, is not in order.

Is the House ready for the question? The question before the House is the motion of the gentleman from Old Orchard Beach, Mr. Plante, that House Amendment "B" to Legislative Document 1338, be indefinitely postponed. Mr. Haughn of Bridgton requests a division. Will all those in favor of the motion please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Sixty-six having voted in the affirmative and fifty-two having voted in the negative, the motion to indefinitely postpone House Amendment "B" prevailed.

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

Mr. FRAZIER: Mr. Speaker, I would now move sir, in the light of my previous remarks, I am still confused, and I still will move that this bill and the accompanying papers be indefinitely postponed.

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

Mr. PLANTE: Mr. Speaker and Ladies and Gentlemen of the House: I think that you people here this morning have decided for yourselves exactly whether you wish to have fraternal societies exempted or not. You voted overwhelmingly in support to reconsider L. D. 1338

by eighty to twenty-seven votes. I certainly hope that you will stick to your original decision.

The SPEAKER pro tem: The Chair recognizes the gentleman from Orono, Mr. Treworgy.

Mr. TREWORGY: Mr. Speaker, we now have before us the bill as it was originally printed, and as it is before us now in its original form there is considerable doubt as to whether or not college fraternities are excluded. Because of this doubt, I present House Amendment "A" under Filing 277 and move its adoption.

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

HOUSE AMENDMENT "A" to S. P. 473, L. D. 1338, Bill, "An Act Exempting Certain Fraternal Societies from Property Taxes."

Amend said Bill in section 1 by adding at the end, before the single quotation mark, the following underlined sentence: 'This paragraph shall not apply to the real estate and personal property occupied or used solely for habitation or for their own purposes by any fraternal association of students in attendance at any institution in the State empowered to confer educational, literary or academic degrees.'

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

Mr. PLANTE: Mr. Speaker, on the outset may I move that House Amendment "A" filing 277 be indefinitely postponed and I should like to speak very briefly on that motion.

I have here before me a copy from the latest issue of the Enterprise with the Editorial lead "Wiser Now". At this point, I have my doubts just where I stand. However, I do not have any doubt regarding Amendment "A" to this redraft L. D. 1338. Now here without any doubt in my mind, if you people feel that you should support this amendment, I cannot see how you can find any justice in exempting any other fraternal societies. I have shown you on several occasions and I have tried to do so as honestly as I can that these college fraternities are charitable, are non-profit, are fraternal, are



educational, and I feel that if in this instance we openly discriminate against them, that it will certainly be unfair, and will certainly not be an indication of our votes taken in the House this morning.

Now I am not—as I stated I favored the original redraft. I do not feel that even as a member of the Elks and of the Eagles that you should discriminate against other fraternal associations. I would rather see the bill killed as much as I favor it than to see this House today give a death blow to the hopes that the fraternity men in this State have. This is exactly what this House Amendment would do. I certainly hope that you will have it indefinitely postponed.

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

Mr. JALBERT: Mr. Speaker, point of information through the Chair directed to the Chair, as it stands now, one gentleman has moved that we indefinitely postpone the bill and its accompanying papers. The motion to present an amendment supersedes that motion to indefinitely postpone, am I correct?

The SPEAKER pro tem: The amendment takes precedence over the motion to indefinitely postpone.

Mr. JALBERT: I think there was some confusion, and I thought I would ask to clarify the situation.

The SPEAKER pro tem: The Chair recognizes the gentleman from Orono, Mr. Treworgy.

Mr. TREWORGY: Mr. Speaker, it is not and was not the intent of the sponsors of this bill to include college fraternities. Now in case some of you have lost your filing 277, I will read that particular paragraph which is proposed to be inserted. It states: "This paragraph shall not apply to the real estate and personal property occupied or used solely for habitation or for their own purposes by any fraternal association of students in attendance at any institution in the State empowered to confer educational literary or academic degrees."

The SPEAKER pro tem: Is the House ready for the question? The question before the House is the motion of the gentleman from Old Orchard Beach, Mr. Plante, that

House Amendment "A" be indefinitely postponed. The Chair is going to order a division. Will all those in favor of the motion to indefinitely postpone House Amendment "A" please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Seventy-four having voted in the affirmative and thirty - three having voted in the negative, the motion prevailed.

The SPEAKER pro tem: The Chair recognizes the gentleman from Verona, Mr. Walsh.

Mr. WALSH: Mr. Speaker, I now move indefinite postponement of the bill and all accompanying papers.

The SPEAKER pro tem: The Chair would advise the gentleman from Verona, Mr. Walsh, that the gentleman from Lee, Mr. Frazier, had a motion ahead of his.

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

Mr. JALBERT: Mr. Speaker and Members of the House: In support of the motion of the gentleman from Lee, Mr. Frazier, I would like to read you the last paragraph of this L. D. 1338.

"If any real estate owned by or held in trust for an organization entitled to exemption under this subsection is occupied in part by persons or organizations not entitled to exemption, then the assessors shall value separately the portions of the building occupied wholly or partially for exempt purposes, and shall determine upon a percentage basis the extent of exempt occupation of portions used only partially for exempt purposes, and a partial exemption shall be granted to the extent of the valuation of the portion of the premises occupied wholly for exempt purposes, plus the valuation of the portion used partially for exempt purposes multiplied by the percentage of exempt occupation as so determined."

Now I think that the reading of that should be explanation enough. Again in support of the motion to indefinitely postpone, one should not necessarily classify himself as being opposed to any or part or all of this type of exemption, but I think that if anything at all calls for research, this is it, be it the Research Committee or another

Committee. However, we have a measure that has been suggested by one group, and it has been generally accepted. I think the bill actually if it is not signed by the Governor, it is at his door now, that would call for a study of our entire tax structure in Maine. This report will be made and I know this branch will act for or against the Report at the next session. I am certainly positive that this would come under that study of the tax structure, and for that reason I certainly wholeheartedly endorse the motion of the gentleman from Lee, Mr. Frazier.

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

Mr. BRAGDON: Mr. Speaker, I believe, as I said yesterday, that this bill as it now stands before us covers much more ground and has greater possibilities than we want to consider at this time, and I am wholeheartedly in favor of the position I took yesterday and hope the motion of the gentleman from Lee will prevail.

The SPEAKER pro tem: The Chair recognizes the gentleman from Gorham, Mr. Sanborn.

Mr. SANBORN: Mr. Speaker, Ladies and Gentlemen of the House: As the gentleman from Old Orchard has told you, this bill was drawn by three very eminent attorneys in the State of Maine. One of them is a former retired Chief Justice of the Law Court of Maine, and he definitely stated when he helped draw this bill, that it would only exempt those who were entitled to the exemption under section E-1 there.

Ladies and Gentlemen of this House, I sincerely hope that the motion to indefinitely postpone does not prevail.

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

Mr. EARLES of South Portland: Mr. Speaker, I request a division.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from Lee, Mr. Frazier, that Bill "An Act Exempting Certain Fraternal Societies from Property Taxes", Senate Paper 473, Legislative Document 1338, and all accompanying papers be indefinitely postponed. A division has been requested.

Will all those in favor of 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.

Seventy-four having voted in the affirmative and forty having voted in the negative, the Bill was indefinitely postponed and sent up for concurrence.

At this point, Speaker Edgar returned to the rostrum.

SPEAKER EDGAR: The Chair would thank the gentleman from Houlton, Mr. Ervin, for an excellent job as Speaker pro tem.

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

The SPEAKER: At this time, the Chair would recognize the presence in the gallery of the House of a group of seventh and eighth grade pupils from Northport School, accompanied by Mr. Sewall Weeks; and a group of grade eight pupils from West Peru accompanied by Evelyn Russell. On behalf of the House the Chair extends to you ladies and gentlemen a most cordial and hearty welcome, and we hope you will enjoy and profit by your visit here today. (Applause)

#### House Reports of Committees Leave to Withdraw

Mr. Emmons from the Committee on Judiciary on Bill "An Act relating to Powers of Sheriffs to Arrest without a Warrant" (H. P. 861) (L. D. 1229) reported Leave to Withdraw.

Report was read and accepted and sent up for concurrence.

#### Ought Not to Pass Covered by Other Legislation

Mr. Carville from the Committee on Inland Fisheries and Game reported "Ought not to pass" on Bill "An Act relating to Closed Time on Deer in Oxford County" (H. P. 544) (L. D. 779), as it is covered by other legislation.

Report was read and accepted and sent up for concurrence.

Mr. Earles from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act relating to the Augusta Municipal Court" (H. P. 896) (L. D. 1265)

Report was read and accepted and sent up for concurrence.

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

Miss Cormier from the Committee on Education on Bill "An Act to Authorize Burlington, Enfield, Greenbush, Greenfield, Howland, Lowell, Maxfield, Passadumkeag and Seboeis Plantation to Form a School Administrative District" (H. P. 829) (L. D. 1180) reported same in a new draft (H. P. 952) (L. D. 1351) under title of "An Act to Authorize Enfield, Greenbush, Greenfield, Howland, Maxfield, Passadumkeag and Seboeis Plantation to Form a School Administrative District and to Authorize North Berwick and South Berwick to Form a School Administrative District" and that it "Ought to pass"

Mr. Rowe from same Committee on Bill "An Act to Authorize the Municipalities of Farmingdale and Hallowell to Form a School Administrative District" (H. P. 742) (L. D. 1061) reported same in a new draft (H. P. 953) (L. D. 1352) under title of "An Act to Authorize the Municipalities of Farmingdale and Hallowell to Form a School Administrative District and the Municipalities of Bingham, Caratunk Plt., Moscow, Pleasant Ridge Plt., The Forks Plt., and West Forks Plt. to Form a School Administrative District" and that it "Ought to pass"

Reports were read.

On motion of Miss Cormier of Rumford, the New Drafts were re-committed to the Committee on Education and sent up for concurrence.

**Ought to Pass  
Printed Bill**

Mr. Emmons from the Committee on Judiciary reported "Ought to pass" on Bill "An Act Creating Municipal Urban Renewal Authorities" (H. P. 555) (L. D. 811)

Report was read and accepted, the Bill read twice and tomorrow assigned.

**Ought to Pass with  
Committee Amendment**

Mr. Earles from the Committee on Judiciary on Bill "An Act Revising the Laws Relating to the Registration of Vital Statistics" (H. P. 297) (L. D. 444) 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. 297, L. D. 444, Bill, "An Act Revising the Laws Relating to the Registration of Vital Statistics." Amend said bill by omitting the last sentence of Sec. 10, starting on the 9th line of said Section.

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

**Passed to Be Engrossed**

Bill "An Act Exempting Certain Motor Vehicle Fuel from the Sales Tax" (H. P. 799) (L. D. 1131)

Bill "An Act relating to Exemption from Taxation of Veterans Estates" (H. P. 943) (L. D. 1335)

Bill "An Act relating to Licenses for Pari Mutuel Harness Horse Racing" (H. P. 948) (L. D. 1344)

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

Bill "An Act to Clarify the Excise Tax on Aircraft, House Trailers and Motor Vehicles" (H. P. 949) (L. D. 1345).

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

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

Mr. DUMAINE: Mr. Speaker, I move that the bill and all accompanying papers be indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Dennett.

Mr. DENNETT: Mr. Speaker and Members of the House: This was my bill. I sponsored it for the Department of Taxation. I believe that it had a unanimous "Ought to pass"

Report in New Draft, and while I don't want to indulge in any lengthy debate upon the bill, I certainly would like to hear some reasons why the gentleman from Readfield wants this bill indefinitely postponed. I have every reason to believe it is a good bill and until I can be convinced it is otherwise, I should definitely resist any motion to indefinitely postpone.

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

Mr. DUMAINE: Mr. Speaker and Members of the House: This particular bill refers to three types of vehicles. You have definite taxation on motor vehicles which is already covered by most of our laws. Your house trailer probably is in question, and your aircraft are not only state-owned but moved from one state to another.

The aircraft people have asked me to indefinitely postpone this bill because they feel that the Federal Government and the taxes that they are already paying in the State is all that they need. Therefore, I hope my motion to indefinitely postpone this bill prevails.

The SPEAKER: The question before the House is the motion of the gentleman from Readfield, Mr. Dumaine, that Bill "An Act to Clarify the Excise Tax on Aircraft, House Trailers and Motor Vehicles" be indefinitely postponed. The Chair recognizes the gentleman from Bangor, Mr. Cousins.

Mr. COUSINS: Mr. Speaker, this bill came before the Taxation Committee, and my remembrance of the aircraft people's presentation was that they didn't have any, they did not let us know of any objection to the portion pertaining to aircraft. As a matter of fact, the changes from the present law in this bill are very, very small. They add the word "part" and a few other things, and I don't have my Committee book unfortunately, because the Department of Taxation really gave us a detailed explanation of all the changes, but the purpose of the bill in whole was to get all of this law together. They did not intend to make any substantive changes in the law. The bill came out in New Draft because the already passed

measure pertaining to housetrailer, that had been incorporated in this bill so that it is exactly the same as the bill we passed three or four weeks ago upping the lower limit on trailers. I don't see that the aircraft people or anybody else has anything to fear from the bill. It is basically a codification of your present law.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Dennett.

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

The SPEAKER: A division has been requested. Will all those who favor the indefinite postponement of Bill "An Act to Clarify the Excise Tax on Aircraft, House Trailers and Motor Vehicles" please rise and remain standing until the monitors have made and returned the count.

A division of the House was had. One having voted in the affirmative and ninety-five having voted in the negative, the motion did not prevail.

Thereupon, the Bill was passed to be engrossed and sent to the Senate.

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Bill "An Act Providing for Vocational Rehabilitation of Handicapped Individuals" (H. P. 951) (L. D. 1347)

Resolve to Reimburse the Town of Swan's Island for Aid Extended to Leverett and Marie Carter (H. P. 437) (L. D. 643)

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

#### Amended Bills

Bill "An Act Establishing Disability Due to Radioactive Properties as an Occupational Disease" (H. P. 833) (L. D. 1184)

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

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Bill "An Act to Tax Equipment Brought into the State after April First" (H. P. 675) (L. D. 967)

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.

#### **Passed to Be Enacted Emergency Measure**

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

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

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

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

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

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

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

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

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

An Act relating to Definition of Fish Weirs (H. P. 367) (L. D. 526)

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

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

An Act to Create the Berwick Water and Sewerage District (H. P. 931) (L. D. 1317)

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

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

#### **Finally Passed**

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 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 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 Committees on Legal Affairs and Veterans and Military Affairs jointly, on Bill "An Act to Authorize Issuance of Bonds in the Amount of Twenty-Two Million Dollars for Bonus to Maine Veterans of World War II and the Korean Campaign and Providing Revenue Therefor," House Paper 851, Legislative Document 1214, tabled on April 21 by the gentleman from Lewiston, Mr. Dumais, pending the motion of the gentleman from Carthage, Mr. Hutchinson, to accept the Majority Report.

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

Mr. DUMAIS: Mr. Speaker and Members of the House, with the absence of the gentleman who had made the previous motion, I would like to table this until tomorrow when I assume he will be here.

The SPEAKER: The gentleman from Lewiston, Mr. Dumais, moves that both reports be tabled and specially assigned for tomorrow.

Mr. DUMAIS: Mr. Speaker, I have just been informed that Mr. Hutchinson is ill. Would it be possible for me to table this bill for a week?

The SPEAKER: The gentleman's motion to do so is in order. The gentleman must first withdraw his first tabling motion, which the Chair assumes the gentleman does.

Mr. DUMAIS: I will withdraw my first tabling motion and move to table this for a week from today.

The SPEAKER: The gentleman from Lewiston, Mr. Dumais, moves that both reports be tabled and specially assigned for one week from today pending the motion of the gentleman from Carthage, Mr. Hutchinson, that the Majority Report be accepted.

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

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

Seventy-five having voted in the affirmative and twenty-five in the negative, the motion prevailed and the Bill with accompanying papers was so retabled.

The SPEAKER: The Chair now lays before the House the second tabled and today assigned matter, House Report "Ought not to pass" of the Committee on Appropriations and Financial Affairs on Bill "An Act Creating a Committee to Study Effects of St. Lawrence Seaway on Economy of State," House Paper 784, Legislative Document 1116, tabled on April 30 by the gentleman from Madawaska, Mr. Rowe, pending acceptance of the Report.

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

Mr. KELLAM: Mr. Speaker, I move that this matter be tabled until later in the day when the gentleman from Madawaska, Representative Rowe, returns.

The SPEAKER: The gentleman from Portland, Mr. Kellam, moves that the Report be tabled and specially assigned for later in today's session pending acceptance. Is this the pleasure of the House?

The motion prevailed and the Report was so tabled.

The SPEAKER: The Chair now lays before the House the third tabled and today assigned matter, Resolve Proposing an Amendment to the Constitution to Permit Voting by Civilians Residing on Federal Property, Senate Paper 71, Legislative Document 121, tabled on April 23 by the gentleman from South Portland, Mr. Earles, pending passage to be engrossed; and the Chair recognizes that gentleman.

Mr. EARLES: Mr. Speaker and Ladies and Gentlemen: I move that this L. D. and all accompanying

papers be indefinitely postponed and I wish to explain the reason for my motion.

The SPEAKER: The gentleman may proceed.

Mr. EARLES: This subject matter has come up on several occasions, Ladies and Gentlemen, and to say the least, it is complicated. The effort, of course, is to permit people who live on federal property to have an opportunity to participate in voting in the local localities.

Last time it was turned down because it should have required a constitutional amendment if it was going to be effective at all. Then subsequently, at the last session, it was referred to the Legislative Research Committee and their report back was in essence, that if you were going to grant the voting privilege to civilians living on federal installations in the local state elections and so forth in the State of Maine, that first you have to have an amendment to the Constitution to permit them to do so.

We discussed it in Committee and voted it out "Ought not to pass." Then we, as a matter of fact, I think I moved to have it recommended, so we rediscussed the thing with the sponsor, Senator Martin from Augusta. We had some hesitation and some doubt but we thought one way to resolve it would be to send it out and then we would know for certain, because it was one of these bills in which only the sponsor appeared, there were no objectors.

Subsequently, there were people concerned in various localities and municipalities where there were federal installations, other than the example of Togus across the water or the river, that were afraid of the impact of civilian personnel on a military or federal installation, the impact of those people upon local elections and so forth. And with the assent of one of the principal objectors, the gentleman from Stockholm, Mr. Johnson, and with Senator Martin, we worked out a proposed amendment, and that was the basis upon which this was tabled.

Last night as I was trying to get to sleep I began to think about the amendment, which would have read that these people on the federal installations shall be electors or voters

in elections for president and vice president and, therefore, there would be no impact upon local elections. And the thought came to me, well, if there are voting machines utilized in the near future or in the future, it would create a problem, and also the way the ballots are set up, they are not set up severally and, therefore, who would know whether these people voted for president or vice president or voted right down the length of the ballot, and I have checked with the respective State officials that have cognizance of this type of subject matter, and they agree that my late evening musing was right. I have talked with the sponsor of this bill and the objector from Stockholm, Mr. Johnson, and the people named are agreed that this motion to indefinitely postpone should prevail.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from South Portland, Mr. Earles, that Resolve Proposing an Amendment to the Constitution to Permit Voting by Civilians Residing on Federal Property, Senate Paper 71, Legislative Document 121, and all accompanying papers be indefinitely postponed.

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

A viva voce vote being taken, the motion prevailed and the Resolve was indefinitely postponed in non-concurrence and sent up for concurrence.

The SPEAKER: The Chair now lays before the House the fourth tabled and today assigned matter, House Report, "Ought not to pass" of the Committee on Taxation on Bill "An Act Taxing Advertising to Provide Educational Scholarships," House Paper 673, Legislative Document 965, tabled on April 28 by the gentleman from Verona, Mr. Walsh, pending acceptance of the Report.

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

Mr. KELLAM: Mr. Speaker and Members of the House: If you look at this bill you will notice that there are two parts to it, a taxing bill and an education bill.

The desire of this bill is to provide further education to the high school students of Maine beyond the twelfth year. Presently only about fifteen per cent of the high school graduates in Maine go on to college. The 1955 Bureau of Census data lists Maine last in the percentage of high school graduates who continue in college. It is felt that if students who get through high school and are qualified to go on in their education were to receive one more year of education, the first year of college, they would be more likely to continue in their schooling.

Although it is difficult to earmark receipts from a particular tax for this purpose, it is nevertheless necessary to indicate a source of funds to provide for this program. I have no desire to add to the tax load of those segments of our economy that are already overburdened. However, there is within our existing sales tax law an oversight that gives preferential treatment to the sales of advertising under certain circumstances.

If we recognize that the sales tax is a just tax, it should be a just tax for all products with certain exceptions that provide for the necessities of life, and advertising certainly does not fall in this category.

I propose that all advertising be subject to the general sales tax and not just selected areas. Under the present interpretation of the law, advertising printed by a job printer is subject to the tax. For example, if Sears Roebuck wishes to circularize ads on merchandise, they have two methods which they use quite frequently. One of them is to have their mat, the matrix that the printer uses, sent to a job printer to print up a tabloid type newspaper and mail it out to prospective customers. This particular advertising is taxed under our sales tax law. If they send the mats down to a newspaper and they have it printed up and take it around to different people's houses, it is not taxed. I believe that the main object of their endeavors is to have people sit in their living rooms and look at their advertising. This is accomplished under either method. Therefore, I feel that both methods should be taxed. And the advantage to the advertiser is the same, whether the

mailman brings this ad or the paper boy.

A principal objection raised to this tax measure is the argument that it violates constitutional rights. There are many freedoms granted to people and groups under our constitution but I do not believe that freedom from taxation is one of them. I have checked the cases on this matter and find none that guarantee exemption of a particular segment of our economy to a general sales tax.

When the advertiser is selling his product, he argues its merits with the same fervor with which he protests the taxing of the sale after the sale is completed.

The advertising industry has a great faith in the power of its product. This is demonstrated by the fact that it has advertised itself right out of the taxation field.

I hope that you will agree with me that this preferential treatment should no longer be extended to this particular commodity, and that it will be carried under our general sales tax law and, therefore, move that the original bill be substituted for the report.

The SPEAKER: The Chair must advise the gentleman that there is a motion before the House made by the gentleman from Verona, Mr. Walsh, that the House accept the "Ought not to pass" Report.

Mr. KELLAM: Mr. Speaker, I beg your pardon, I hope that the "Ought not to pass" Report will not be accepted.

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

Mr. COUSINS: Mr. Speaker and Members of the House: In the absence of the gentleman from Verona, Mr. Walsh, I will attempt to give you the Committee's thinking on this bill.

The Committee was unanimous in reporting the bill "Ought not to pass" for a number of reasons. One of them was the constitutionality of the measure, and I am not going into that other than to say that the very least you can say is that there is a grave doubt as to whether the measure is constitutional.

I call your attention to the recent legislation similar to this in the

City of Baltimore which was declared unconstitutional, and there are federal cases on the subject as well. Further than that, this would be an extremely unfair piece of legislation if we ever enacted it. Consider this: You would be taxing your newspapers and your advertising media within the State of Maine, but you could not tax advertising media outside the State of Maine which were advertising in the State of Maine, your radio stations, your television stations, your magazines mailed in, you would be penalizing a Maine enterprise by the imposition of such a tax. That certainly gives a strong reason to question the wisdom of such a matter.

Third, you are going to very definitely affect your pulp and paper industry. We all know that the pulp and paper industry within the State of Maine is your largest industry.

Advertising budgets are prepared for the various companies who are doing advertising on a yearly basis. I happen to, within my own duties, within my own company, have the preparation of an advertising budget, and I am allocated so much money at the beginning of the year to advertise. I get no more, as a matter of fact, it probably happens that the amount is cut. So, the minute you impose a three per cent tax, you are doing nothing but reducing the amount of advertising by three per cent. A good part of your advertising is done in newspapers. What you would be doing, in effect, would be cutting the production for use in the State of Maine by three per cent, and that, with the present state of our pulp and paper industry in the State of Maine is something that we should not do. They have been going through trials and tortures and they are now on their way back. We certainly wouldn't want to push them down any more. The whole sum total of the Committee's feelings on the thing was that this was a very bad bill. The purpose for which the bill was suggested is fine, educational scholarships are fine, we weren't arguing against them at all, we just thought the tax was very, very poor.



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

Mr. KELLAM: Mr. Speaker and Members of the House: I will just make a couple of comments. The question of constitutionality has been raised, and however I feel that that is not our objective to determine, whether it is valid or not, I did some research on this case before the matter was presented, was well aware of the existence of the City of Baltimore taxation measure before the bill was submitted, and a number of other tax measures.

The best case which I found on it was an Arizona case, which I cited, and which no one has ever come to me and told me it was overruled, which discussed a gross receipts tax, a Supreme Court case, and finds nothing wrong with it, and in its opinion says that this is just a general sales tax and, as far as I know, in Arizona advertising pays a sales tax. I know they may not have a very great pulp industry in Arizona, but I feel that three per cent of the expenditures here would do us just as much good as they will in Arizona.

The Baltimore case was an entirely different case. It was a seven per cent sales tax on a selected item and a couple of gross receipts, and in no way bears any relation to this particular tax bill.

The taxing of advertising in this state would obviously make a difference in price possibly with, say New Hampshire, in securing advertising there. This situation exists with every commodity that we sell under the sales tax law. And during the recess period before the beginning of this legislature, I received a report, and I am sure you other gentlemen did and the gentlewomen too, from the Legislative Research Bureau, that stated that this was not enough of a problem at this time to go into.

Now, we all know that we will have friction between states as witness the Massachusetts trouble with their income tax. But that should in no way deter us from taking this action. The problem of the taxation being different in the two states is already with us and this will not add to it.

I think I referred to the pulp industry. I am sorry if it would cut down on their use of that material, but I think that is true of any manufactured products, to some extent, that as the price goes up they sell less of them. But people spend all the money they have apparently, and will get our three per cent one way or the other, and I believe that that objection should be ignored.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Verona, Mr. Walsh, that the House accept the "Ought not to pass" Report of the Taxation Committee on Bill "An Act Taxing Advertising to Provide Educational Scholarships," House Paper 673, Legislative Document 965.

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

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

The SPEAKER: A division has been requested. Will all those who favor accepting the "Ought not to pass" Report please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

One hundred and two having voted in the affirmative and eight in the negative, the "Ought not to pass" Report was accepted and sent up for concurrence.

The SPEAKER: The Chair now lays before the House the fifth 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 28 by the gentlewoman from Rumford, Miss Cormier, pending acceptance of either report.

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

Mr. MILLER: Mr. Speaker, I move that we accept the Minority "Ought to pass" Report and I would like to briefly address the House.

The SPEAKER: The gentleman may proceed.

Mr. MILLER: Mr. Speaker and Members of the House: In regard to L. D. 515, this is a law that would allow an employee to hire an attorney in case he felt that he had a fair case before the Workmen's Compensation Commission. Now, this law allows the Commission the right to use its own discretion on whether the employee has a justified case. As it is now, an employee, if he goes before the Commission, he can defend himself, but he must have an attorney if he wants to do a thorough job in representing himself, because as you know, and I know, that the average working man is not in a position to prepare a case before the Industrial Accident Commission.

Now, I feel, and the members of the committee who signed the "Ought to pass" Report felt, that employees should have the right to hire an attorney and go before the Commission, and in the minds of the Commission, if he had a justified case, then the Commission would rule as to whether the lawyer would be justified in receiving a fee, and if so, then the Commission, the Workmen's Compensation Act, would pay the lawyer's fee.

Now, I don't think there is much more to say. It also takes in the witness if it is felt necessary that a witness should be called into this case, if it is felt that a doctor should be called into the case, then in the discretion of the Commission, they too would get their day's pay. I hope that the members of this House will go along with the Minority "Ought to pass" Report. Thank you.

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

Mr. TREWORGY: Mr. Speaker and Members of the House: As a member of the Labor Committee, I feel that I should explain to you the law as it now exists on the books and what the proposed bill before us, L. D. 515, attempts to do.

As the law is now written, if following an injury, the employee and the employer can agree on the amount of compensation involved, a memorandum of agreement is drawn up and sent to the Industrial Accident Commission. If the Com-

mission agrees with the facts as stated in the memorandum of agreement, then a warrant is allowed. If, however, the employer and the employee cannot agree on the amount of compensation involved, the Commission is so notified and in due course a hearing is called, at which time the employer and the employee are both present to state the two sides to the issue involved.

Now, under the present law the employee is permitted to bring with him an attorney and witnesses, whose fees he pays out of his own pocket. The employer is allowed to bring his own attorney and witnesses and he pays their fees out of his own pocket.

L. D. 515 seeks to have the fees, the attorneys fees and the witnesses fees for the employee paid by the employer or the employer's insurance company, and I don't see that there is too much difference, since by paying premiums the employer is really paying the bill in this case. I am quoting now from the bill, "when in the judgment of the Commission the attendance of such witnesses and the services of an attorney and medical witnesses were necessary for the proper presentation of the case."

As this bill is written, win or lose as far as the employee is concerned, the employer would pay the cost of the employee's attorney's fees and witness fees.

Grave doubts have been expressed as to the constitutionality of this bill, and I would refer to the Burns v. Shepard Case, which took place in 1954 in the State of Kentucky. The Kentucky statutes provided that the employer was required to pay one-half the claimant's attorney fees in the case of an award by the Workmen's Compensation Board. In this case an award was a condition precedent. An award was made by an agreement executed and filed and the Board allowed an attorney's fees, and ordered the employer to pay one-half. To this the employer objected and appealed, claiming that the statutes violated the due process clause of the Constitution of the United States as well as several provisions of the Constitution of Kentucky. In holding the Kentucky Act unconstitutional the Court

had this to say: "Unless based upon some unreasonable delay or wilful failure of the employer, there could be no more constitutional justification for requiring the employer to pay all or part of the employee's attorney fee than to require the payment of his grocery bill."

Mr. Speaker and Members of the House, I now move that this bill and all accompanying papers be indefinitely postponed.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Orono, Mr. Treworgy, that with respect to Bill, "An Act relating to Costs of Witness and Attorney Fees Under Workmen's Compensation Act," House Paper 356, Legislative Document 515, both Committee Reports be indefinitely postponed.

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

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

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

A division of the House was had.

Seventy-four having voted in the affirmative and forty-eight in the negative, the motion prevailed and the Bill with accompanying papers was indefinitely postponed and sent up for concurrence.

The SPEAKER: The Chair now lays before the House the sixth tabled and today assigned matter, Bill "An Act Authorizing Red Blinker Light for Volunteer Fire Department Vehicles," House Paper 841, Legislative Document 1192, tabled on April 29 by the gentleman from Farmingdale, Mr. Weston, pending adoption of House Amendment "C".

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

Mr. LEBEL: Mr. Speaker, I would like to withdraw House Amendment "C" to House Paper 841, Legislative Document 1192, Fil-

ing 278, so I may present another amendment.

The SPEAKER: The gentleman from Van Buren, Mr. Lebel, now withdraws his motion that House Amendment "C" be adopted. Is this the pleasure of the House?

The motion prevailed.

Thereupon, the same gentleman offered House Amendment "D" and moved its adoption.

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

HOUSE AMENDMENT "D" to H. P. 841, L. D. 1192, Bill, "An Act Authorizing Red Blinker Light for Volunteer Fire Department Vehicles."

Amend said Bill by striking out all of that part designated "Sec. 144-A" and inserting in place thereof the following:

"Sec. 144-A. Signal lights for volunteer fire departments authorized. When authorized by the municipal officers of a municipality, countersigned by the fire chief, a red blinker or flashing red signal light, not more than 5 inches in diameter, may be mounted as near as practicable above the registration plate on the front of a motor vehicle operated by a member of a volunteer fire department. Such light may be displayed but shall not be in operation except while such vehicle is in use for fire or other emergency service. No volunteer fireman shall operate a red blinker or flashing red signal light upon such motor vehicle, except while actually enroute to the scene of a fire or other emergency requiring his services and unless he shall be an active member of such department."

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

The SPEAKER: The Chair now lays before the House the second tabled and today assigned matter, House Report, "Ought not to pass" of the Committee on Appropriations and Financial Affairs on Bill "An Act Creating a Committee to Study Effects of St. Lawrence Seaway on Economy of State," House Paper 784, Legislative Document 1116, which was tabled earlier in today's session by the gentleman from Port-

land, Mr. Kellam, pending acceptance.

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

Mr. ROWE: Mr. Speaker, I have been advised that this item here is covered by other legislation and that the Department of Economic Development will be directed to include this in their study on the State Economy, so I now move that we accept the "Ought not to pass" Report.

The SPEAKER: The gentleman from Madawaska, Mr. Rowe, moves that the House accept the "Ought not to pass" Report. Is this the pleasure of the House?

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

On motion of the gentleman from Perham, Mr. Bragdon, the House voted to take from the table the eleventh tabled and unassigned matter, Bill "An Act relating to Pauper Settlement of Patients and Employees of Central Maine Sanatorium," House Paper 247, Legislative Document 358, tabled on April 16 by that gentleman, pending third reading.

On further motion of that gentleman, the Bill was recommitted to the Committee on Judiciary and sent up for concurrence.

On motion of the gentleman from Enfield, Mr. Dudley, the House voted to take from the table the second tabled and unassigned matter, Bill "An Act relating to Expenses of County Commissioners," House Paper 912, Legislative Document 1285, tabled on March 31 by that gentleman pending third reading; and the Chair recognizes the same gentleman.

Mr. DUDLEY: Mr. Speaker and Members of the House: This sounds like a very simple bill in nature and probably is. If some of you haven't looked it up, I will read the contents of it. "Any county commissioner who resides outside the county seat shall be allowed travel expenses at the rate of seven cents a mile to and from the place he resides to the necessary meeting place of the board."

Now, I would make a few comments in regard to this. Nearly every session most of these county

commissioners have appeared here for a raise, and nearly always they received it. This year I am speaking now for Penobscot County. I don't think they had quite the nerve to appear here for a raise. But still they wanted some little concession.

Now, we can keep giving these concessions forever and a day. They have never received this before, and our county tax keeps going up little by little and they keep finding means by which they can raise it, by small amounts sometimes and sometimes by larger degrees.

As you notice, this is a statewide measure, it is for all counties.

One other comment I would like to make is that I think these county commissioners, regardless of the county they are from, is one of the best paid political jobs in the State of Maine. They don't meet too many times. They are quite well paid. And we are starting something new. I hope that we indefinitely postpone this bill.

The SPEAKER: The question now before the House is the motion of the gentleman from Enfield, Mr. Dudley, that Bill, "An Act relating to Expenses of County Commissioners" and all accompanying papers be indefinitely postponed.

The Chair recognizes the gentleman from Dexter, Mr. Cox.

Mr. COX: Mr. Speaker and Ladies and Gentlemen of the House: I arise in opposition to the motion of the gentleman from Enfield, Mr. Dudley.

All this bill does more or less is put the county commissioners who live outside the county seat on an equal basis with those who live at the county seat. That is all the bill does. Therefore, I hope that the motion of the gentleman from Enfield, Mr. Dudley, will not prevail.

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Brockway.

Mr. BROCKWAY: Mr. Speaker and Members of the House: I also would like to go on record as opposing the motion of the gentleman from Enfield, Mr. Dudley.

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

Mr. FRAZIER: Mr. Speaker and Members of the House: I, too, would like to oppose the motion to indefinitely postpone. I am in partial agreement with the gentleman from Enfield, Mr. Dudley, and that is on the part of the salary, but I don't think that this is part of the salary. This is a bill to make something more equitable among our county commissioners.

Penobscot County is a pretty large county, and at the present time when they meet at the county seat, the county commissioners who reside outside the county seat get no expense money for going to and from the county seat, while those who reside in Bangor naturally have very little travel. However, when the county commissioners go outside of the county seat, then the county commissioner who does live there does get travel expense to serve anything that they may be investigating in other parts of the county. Therefore, I hope the motion does not prevail.

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

Mr. CURTIS: Mr. Speaker, I arise in support of indefinite postponement of this thing. Of all the good jobs in my county, the county commissioner has got them. He only has to get up for election every six years, and we keep raising his pay right along until we have got it up very well. Another thing I am afraid of is that it will keep anybody outside the county seat. Back in our county we don't get anybody outside the county seat anyway because they have the majority votes down there in the cities, and naturally they all come from there anyway, it isn't much use for anyone else to try. Once in a while there has been someone outside the county seat. But I should be very happy, and I may run for that job next year if I don't intend to run for legislature again, to drive down there which would be twenty miles, and I drive twenty-five miles up here for \$2.50, in other words, I make 200 miles a week up here and back for \$2.50. And I am sure if I could get the easy pay that the county commissioner gets, if I was lucky enough to be elected, which I probably won't inasmuch

as I don't live in Bath, why I would be very happy to drive that twenty miles on my own, because they only meet, not over fifteen times a year I don't think, in fact, they have to meet once a month, and that is about all they do meet, they may meet once or twice more, and I think it is quite ridiculous that we keep adding more and more to the county expense. I hope the motion to indefinitely postpone does prevail.

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

Mr. DUDLEY: Mr. Speaker, I didn't realize this was going to get into debate. However, if it is going to get into debate, I am fully prepared to talk all the afternoon if they so desire.

I would like to say that I have hired men sometimes, and I like to hire them on the basis that they are worthy of their hire, and I feel as though these people knew what the job paid when they were hired and they seemed to be quite willing to accept. And I know of no county where there has been any shortage of candidates on either ticket. That was one of the things that I had in mind. Another thing I would like to mention is that Penobscot County is the same size that it was 100 years ago, it hasn't changed. I can remember when a Mr. Harrington from Patten served. It isn't very far into the county and he traveled clear to the county seat. He never received any mileage. Since then the pay has been approximately doubled. I feel that this House—it is awful easy to settle all these problems by taking out your pocketbook, but I for one feel strong enough to say that I don't want to resolve this by paying out of the taxpayers money, and I hope that the motion to indefinitely postpone does prevail.

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

Mr. MILLER: Mr. Speaker, I am a little concerned with this as it does involve our county commissioners. The part that I am concerned about is that, of course, these county commissioners come into Portland, we have one that lives out in the outskirts and he comes

into Portland every day, but he practices his law practice too. Now, what are we going to pay him, \$14 a week to drive his car back and forth to the City of Portland? All he does is go into the county commissioners' office probably one or two hours a day, and that expense alone on this particular person, is going to run into \$700 or \$800 a year.

Now, I mean I am a little interested in this and I am not quite sure whether I am in favor of this bill.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Enfield, Mr. Dudley, that Bill, "An Act relating to Expenses of County Commissioners," House Paper 912, Legis-

lative Document 1285, and all accompanying papers be indefinitely postponed. The Chair will order a division.

Will all 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.

One hundred and five having voted in the affirmative and seventeen having voted in the negative, the Bill was indefinitely postponed and sent up for concurrence.

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On motion of Mr. Wade of Auburn,

Adjourned until nine o'clock tomorrow morning.