

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Ninth Legislature

OF THE

STATE OF MAINE

1959

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Monday, May 4, 1959

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

Prayer by the Rev. Mr. Andrew F. Cone of Gardiner.

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

The journal of the previous session was read and approved.

Papers from the Senate

From the Senate: The following Order:

ORDERED, the House concurring, that the Committee on Towns and Counties be and hereby is authorized to report in consolidated form such bills, relating to the salaries of County Officers and Municipal Court Officers, as are in possession of the Committee (S. P. 483)

Came from the Senate read and passed.

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

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

Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Bill "An Act Providing for a Review of Laws of Department of Institutional Service" (S. P. 128) (L. D. 323)

Came from the Senate read and accepted.

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

Ought to Pass in New Draft

Report of the Committee on Education on Bill "An Act Revising the law Relating to Education of Physically Handicapped or Exceptional Children" (S. P. 158) (L. D. 379) reporting same in a new draft (S. P. 480) (L. D. 1350) under same title and that it "Ought to pass"

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

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

**Ought to Pass
with Committee Amendment**

Report of the Committee on Judiciary on Bill "An Act Amending the Interpleader Compact" (S. P. 256) (L. D. 669) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

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

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

COMMITTEE AMENDMENT "A" to S. P. 256, L. D. 669, Bill, "An Act Amending the Interpleader Compact."

Amend said Bill by inserting after the enacting clause, the following:

"Sec. 1. R. S., c. 113-A, Sec. 1, Article 2, sub-§ III, amended. Subsection III of Article 2 of section 1 of chapter 113-A of the Revised Statutes, as enacted by chapter 245 of the public laws of 1955, is amended to read as follows:

'III. Interpleader shall mean a judicial procedure by which 2 or more persons who have adverse claims on account of the same debt or duty against a 3rd person may be required to litigate these claims in one proceeding.'"

Further amend said Bill by inserting at the beginning of the 1st line, the following: 'Sec. 2.'

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

Divided Report

Majority Report of the Committee on Education reporting "Ought not to pass" on Bill "An Act relating to Reimbursement for Professional Credits Obtained by Teachers" (S. P. 156) (L. D. 377)

Report was signed by the following members:

Mr. DOW of Lincoln
— of the Senate.
Messrs. MATHIESON of Montville
FRAZIER of Lee
Mrs. HANSON of Lebanon

Messrs. ERVIN of Houlton
 CLARK of Scarborough
 Miss CORMIER of Rumford
 — of the House.

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

Report was signed by the following members:

Messrs. BATES of Penobscot
 COFFIN of Cumberland
 — of the Senate.
 Mr. ROWE of Madawaska
 — of the House.

Came from the Senate with the Majority Report accepted.

In the House: Reports were read.

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

Mr. ROWE: Mr. Speaker, if it is in order, I would move the acceptance of the Minority "Ought to pass" Report.

The SPEAKER: The gentleman may proceed if he wishes to speak to his motion.

Mr. ROWE: Mr. Speaker and Members of the House: Very briefly and not to take up too much of the time of the members of the House, in 1947 the Legislature provided that any teacher who earned within a year's period six professional credit hours would be reimbursed by the State to the sum of \$50.00. This was done out of fairness to the teachers of our State who are required by law to earn six credit hours within a five-year period until those credit hours they must earn required by law equal eighteen professionally earned credit hours. The price tag is \$118,000 per year. Now I think that number one, out of fairness to our teachers who are required by law to earn six professional hours this is worthwhile and two, since 1947 the cost of tuition, travel and books has more than doubled since this law was originally passed, and thirdly, I think it would give the teachers a morale boost to know that there is somebody in the Legislature down here who does care, and cares very much that they are provided with the where-with-all and the means to earn these credit hours which they are required by law to do.

Fourthly, if we can just picture a teacher who does desire to im-

prove herself professionally, consider the income of \$100.00 to \$150.00 which will determine whether or not she can or cannot do this. Lastly, I would like to point out why this small item of \$50.00 is so important to the teachers. If I could take my own Town of Madawaska and take for example any member of our teaching staff of the high school, he has two choices, to go to school for the summer or work. If he works he can earn possibly \$800.00 for himself. If he goes to school and enrolls at the University of Maine on the campus for the summer, he is minus about \$800.00 plus the additional \$300.00 or \$400.00 he must spend on his summer course, so to attend summer school he is in his income minus \$1200.00, and I think it is only fair to our teachers that the extra increase of \$50.00 to \$100.00 is required in fairness to them.

My last thought, I think it is much too early in the latter hours of the session to move ought not to pass on this bill because I think it is a worthy one, I think it is one of the most worthy L. D.'s, and when the L. D. money is cut up and we decide which bills are worthwhile, I think this is one which deserves the consideration of the House members here. I think at this time it is too early to urge an ought not to pass motion on this L. D. Thank you.

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

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

Mr. MATHIESON: Mr. Speaker and Members of the House: One of the things that the gentleman from Madawaska, Mr. Rowe, didn't tell you is that they already have now a \$50.00 fee for this. This would increase it over the two-year period over two hundred and some odd thousand dollars and we didn't know where the money was coming from. Another thing, this credit can be given by sitting at home listening to the radio or by taking a course at any of the different places in the State where those courses are available, and it doesn't necessarily mean resident on the

campus work. We thought under the circumstances where we have just adopted a minimum wage, that we were doing about the best we could by the teachers at this time.

The SPEAKER: The question before the House is the motion of the gentleman from Madawaska, Mr. Rowe, that the House accept the Minority "Ought to pass" Report on Bill "An Act relating to Reimbursement for Professional Credits Obtained by Teachers". Will those who favor the motion to accept the "Ought to pass" Report please say aye; those opposed, no.

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

Thereupon, the Majority "Ought not to pass" Report was accepted in concurrence.

Divided Report Tabled and Assigned

Majority Report of the Committee on Labor reporting "Ought not to pass" on Bill "An Act relating to Minimum Wages" (S. P. 82) (L. D. 154)

Report was signed by the following members:

Messrs. BATES of Penobscot
ROSS of Sagadahoc
— of the Senate.

Messrs. TREWORGY of Orono
HANCOCK of Nobleboro
WINCHENPAW of Friendship

HARDY of Hope
— of the House.

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

Report was signed by the following members:

Mr. MacDONALD of Oxford
— of the Senate.

Messrs. KARKOS of Lisbon
LETOURNEAU of Sanford
MILLER of Portland
— of the House.

Came from the Senate with the Majority Report accepted.

In the House: Reports were read.

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

Mr. TREWORGY: Mr. Speaker and Members of the House: Since this minimum wage bill is being followed closely by another minimum wage bill which is currently in the

other branch today and which will probably be before us on Wednesday, I move this bill lie on the table and be assigned for Wednesday, May 6 in order that both bills may be debated at the same time.

The SPEAKER: The gentleman from Orono, Mr. Treworgy, moves that both Reports be tabled pending acceptance of either Report and be specially assigned for Wednesday, May 6. Is this the pleasure of the House?

The motion prevailed.

Report of the Committee on Highways

Report of the Committee on Highways to which was referred the Pilot Study of Maine State Highway Department by Ebasco Services Incorporated (S. P. 456) reporting that same be placed on file. The committee further reports that they endorse recommendations 1 and 2 on page 10 and feel that these recommendations should be given due consideration by the State Highway Department.

Came from the Senate with the Report read and accepted.

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

Non - Concurrent Matter

Bill "An Act relating to Cancellation of Automobile Physical Damage Insurance" (H. P. 930) (L. D. 1316) which was passed to be engrossed as amended by House Amendments "A" and "B" in the House on April 29.

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

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

SENATE AMENDMENT "A" to H. P. 930, L. D. 1316, Bill, "An Act Relating to Cancellation of Automobile Physical Damage Insurance."

Amend said Bill, in the 9th line, by striking out the underlined words "the insurance company" and inserting in place thereof the underlined word 'he'

The House voted to recede and concur with the Senate.

Orders

On motion of Mr. Barnett of Augusta, it was

ORDERED, the Senate concurring, that the Legislative Research Committee be, and hereby is, authorized and directed to study losses in tax revenues to municipalities in the State caused by the withdrawal of municipally taxed private property for public use; and be it further

ORDERED, that the Committee report the result of its study to the 100th Legislature.

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

On motion of Mr. Graves of Mt. Desert, it was

ORDERED, that Mr. Sanborn of Gorham be excused from attendance for the week because of business, and that Mr. Trumbull of Fryeburg be excused from attendance Monday and Tuesday because of business.

House Reports of Committees Leave to Withdraw

Mr. Miller from the Committee on Labor on Bill "An Act to Clarify the Employment Security Law" (H. P. 118) (L. D. 173) reported Leave to Withdraw.

Report was read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. Bragdon from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Resolve in favor of Town of Danforth (H. P. 806) (L. D. 1145)

Mr. Brown from same Committee reported same on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of Five Million Dollars to Provide for School Construction Aid to School Administrative Districts" (H. P. 736) (L. D. 1055)

Reports were read and accepted and sent up for concurrence.

Referred to 100th Legislature Tabled and Assigned

Mr. Jacques from the Committee on Appropriations and Financial Af-

fairs on Bill "An Act Providing Funds for Veterans for Farm and Home Purchases and Remodeling" (H. P. 783) (L. D. 1115) reported that it be referred to the 100th Legislature.

Report was read.

(On motion of Mr. Jacques of Lewiston, tabled pending acceptance of the Committee Report and specially assigned for tomorrow.)

Ought to Pass in New Draft New Draft Printed

Mr. Miller from the Committee on Labor on Bill "An Act relating to Petition for Review of Incapacity under Workmen's Compensation Act" (H. P. 92) (L. D. 139) reported same in a new draft (H. P. 955) (L. D. 1355) under same title and that it "Ought to pass"

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

Divided Report Tabled and Assigned

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Bill "An Act relating to the Working Capital of State Liquor Commission" (H. P. 382) (L. D. 565)

Report was signed by the following members:

Messrs. PIERCE of Hancock
ROGERSON of Aroostook
— of the Senate.

Mrs. SMITH of Falmouth
Messrs. DAVIS of Calais
BROWN of Ellsworth
BRAGDON of Perham
STANLEY of Bangor
— of the House.

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

Report was signed by the following members:

Mr. DUQUETTE of York
— of the Senate.

Messrs. EDWARDS of Raymond
JACQUES of Lewiston
— of the House.

Reports were read.

(On motion of Mr. Edwards of Raymond, tabled pending acceptance of either Report and specially assigned for Thursday, May 7.)

Divided Report Tabled and Assigned

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought to pass" on Resolve Appropriating Moneys to Aid Construction of Dormitory at Higgins Classical Institute (H. P. 853) (L. D. 1221)

Report was signed by the following members:

Messrs. ROGERSON of Aroostook
PIERCE of Hancock
DUQUETTE of York
— of the Senate.

Messrs. DAVIS of Calais
BROWN of Ellsworth
BRAGDON of Perham
Mrs. SMITH of Falmouth
Mr. EDWARDS of Raymond
— of the House.

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

Report was signed by the following members:

Messrs. JACQUES of Lewiston
STANLEY of Bangor
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. Brown.

Mr. BROWN: Mr. Speaker, I move that the House accept the Majority "Ought to pass" Report of the Committee.

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

Mr. PLANTE: Mr. Speaker, are we on item 7?

The SPEAKER: We are on item 7.

Mr. PLANTE: I would like to ask through the Chair a few questions of the gentleman from Ellsworth, Mr. Brown. I would first like to ask if Higgins Classical Institute is a private institution, and two, if there are any other private institutions in the State that have received State funds purposely for the construction of their high schools?

The SPEAKER: The gentleman from Old Orchard Beach, Mr. Plante, has addressed two questions through the Chair to the gentleman from Ellsworth, Mr. Brown, who may answer if he chooses.

Mr. BROWN: Mr. Speaker, I believe that it is a private institution, the first question; and the second is, that there have been other private institutions that have received money from the State.

The SPEAKER: Does the gentleman from Old Orchard consider his questions answered?

Mr. PLANTE: Yes sir, and I would like to give this very serious thought. Therefore, I would like to have this tabled until tomorrow.

The SPEAKER: The question now before the House is the motion of the gentleman from Old Orchard Beach, Mr. Plante, that with respect to this matter, both Reports be tabled and specially assigned for tomorrow pending the motion of the gentleman from Ellsworth, Mr. Brown, that the House accept the Majority "Ought to pass" Report. Will those who favor the tabling motion please say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed.

Divided Report Tabled and Assigned

Majority Report of the Committee on Labor reporting "Ought not to pass" on Bill "An Act relating to Dependency Allowances under Employment Security Law" (H. P. 9) (L. D. 18)

Report was signed by the following members:

Messrs. ROSS of Sagadahoc
BATES of Penobscot
— of the Senate.

Messrs. TREWORGY of Orono
HARDY of Hope
HANCOCK of Nobleboro
WINCHENPAW of Friendship
ship

KARKOS of Lisbon
— of the House.

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

Report was signed by the following members:

Mr. MacDONALD of Oxford
— of the Senate.

Messrs. MILLER of Portland
LETOURNEAU of Sanford
— of the House.

Reports were read.

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

Mr. TREWORGY: Mr. Speaker, as a member of the Labor Committee I feel that I should give some explanation of this bill since it is not the simplest of bills. Under this bill it is proposed to give to each individual who is eligible for receiving unemployment benefits an additional dependency allowance of \$4.00 per week for each of the individual's children or stepchildren not exceeding four in number. This dependency allowance would be paid regardless of whether or not the individual receiving benefits was partially unemployed or fully unemployed. It also would apply to either husband or wife, but not both at the same time. There is an estimated conservative price tag on this bill of \$1,400,000. Mr. Speaker, I now move the acceptance of the "Ought not to pass" Report.

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

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

Mr. ROWE: Mr. Speaker and Members of the House: I wonder if the House would do me this courtesy, I would like to check with my mill people in Madawaska and find out their feeling on this particular bill, and also I would like to even the score up for the day, and I would like to table this until Thursday of this week if I may.

The SPEAKER: The gentleman from Madawaska, Mr. Rowe, moves that both Reports be tabled pending the motion of the gentleman from Orono, Mr. Treworgy, that the House accept the Majority Report, and be specially assigned for Thursday, May 7. Will those who favor the tabling motion please say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed.

Divided Report Tabled and Assigned

Majority Report of the Committee on Labor reporting "Ought to pass" on Bill "An Act relating to Contributions under Maine Employ-

ment Security Law" (H. P. 500) (L. D. 713)

Report was signed by the following members:

Messrs. MacDONALD of Oxford
BATES of Penobscot
ROSS of Sagadahoc
— of the Senate.

Messrs. TREWORGY of Orono
HARDY of Hope
WINCHENPAW of
Friendship
LETOURNEAU of Sanford
HANCOCK of Nobleboro
— of the House.

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

Report was signed by the following members:

Messrs. KARKOS of Lisbon
MILLER of Portland
— of the House.

Reports were read.

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

Mr. KARKOS: Mr. Speaker, I would like to table this until Wednesday when we can get a chance to debate this.

The SPEAKER: The gentleman from Lisbon Falls, Mr. Karkos, moves that both Reports be tabled and specially assigned for Wednesday, May 6, pending acceptance of either report.

The Chair recognizes the gentleman from Union, Mr. Heald.

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

The SPEAKER: 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.

Sixty-nine having voted in the affirmative and twenty-five having voted in the negative, the motion prevailed.

Passed to Be Engrossed

Bill "An Act relating to Artificial Aids for Employees for Injuries under Workmen's Compensation Law" (S. P. 477) (L. D. 1348)

Bill "An Act relating to St. Mary's Hospital of Lewiston" (S. P. 478) (L. D. 1349)

Bill "An Act relating to Services of State Police on Maine Turnpike" (H. P. 605) (L. D. 865)

Bill "An Act Regulating Certain Insurance Sold in Connection with Credit Transactions" (H. P. 947) (L. D. 1343)

Resolve to Provide Funds for Matching Federal Funds for Training in Fisheries Trade (H. P. 82) (L. D. 129)

Resolve Creating a Committee on the Uniform Commercial Code (H. P. 681) (L. D. 981)

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

Amended Bills

Bill "An Act to Authorize the Construction of a Causeway Connecting Cousins Island with Littlejohns Island, and a Bridge and Causeway Connecting Littlejohns with Chebeague Island" (H. P. 145) (L. D. 201)

Bill "An Act relating to Income from Sale of Geological Survey Publications" (H. P. 260) (L. D. 392)

Bill "An Act relating to Sewage Pollution Surveys" (H. P. 432) (L. D. 638)

Were 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.

Resolve to Purchase One Hundred Copies of "History of Otisfield" (H. P. 21) (L. D. 44)

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

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

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

HOUSE AMENDMENT "A" to H. P. 21, L. D. 44, Resolve, to Purchase One Hundred Copies of "History of Otisfield."

Amend said Resolve, in the Title, by striking out the words "One Hundred" and inserting in place thereof the word 'Fifty'

House Amendment "A" was adopted, the Resolve passed to be engrossed as amended by Commit-

tee Amendment "A" and by House Amendment "A" and sent to the Senate.

Resolve for the Purchase of Two Hundred Copies of "A History of the Town of Porter, Maine" (H. P. 268) (L. D. 400)

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

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

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

HOUSE AMENDMENT "A" to H. P. 268, L. D. 400, Resolve, For the Purchase of Two Hundred Copies of "A History of the Town of Porter, Maine."

Amend said Resolve, in the Title by striking out the words "Two Hundred" and inserting in place thereof the word 'Fifty'

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

Resolve to Purchase One Hundred Copies of "A History of Aurora, Maine" (H. P. 530) (L. D. 765)

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

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

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

HOUSE AMENDMENT "A" to H. P. 530, L. D. 765, Resolve, to Purchase One Hundred Copies of "A History of Aurora, Maine."

Amend said Resolve, in the Title, by striking out the words "One Hundred" and inserting in place thereof the word 'Fifty'

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

Resolve Appropriating Moneys for Restoration of Certain Forts in Aroostook County (H. P. 712) (L. D. 1017)

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

Bill "An Act relating to Inheritance Tax Exemptions for Husband or Wife" (S. P. 29) (L. D. 9)

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

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

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

HOUSE AMENDMENT "A" to S. P. 29, L. D. 9, Bill, "An Act Relating to Inheritance Tax Exemptions for Husband or Wife."

Amend said Bill, in the Title, by adding after the word "Wife" the words 'and Inheritance Tax on Class C'

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

Passed to Be Enacted

An Act relating to Distribution and Sale of Publications Depicting Crime and Torture (S. P. 249) (L. D. 632)

An Act relating to Splash Guards for Certain Trucks (H. P. 870) (L. D. 1215)

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

Enactor Tabled

An Act relating to Use of Draggers in Part of Penobscot Bay (H. P. 916) (L. D. 1294)

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

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

Mr. SHEPARD: Mr. Speaker, with respect to item three, based on previous debate having taken place in the House, I feel you are

familiar with the fact that I am and others are opposed to this measure. It was our intention to debate this bill again today, but I notice the sponsor is absent and I would appreciate the privilege of tabling this pending his return.

The SPEAKER: The gentleman from Stonington, Mr. Shepard, moves that this matter be tabled pending passage to be enacted. Is this the pleasure of the House?

The motion prevailed.

Enactor Tabled and Assigned

Resolve Permitting Ice Fishing in Certain Ponds in Androscoggin and Kennebec Counties (H. P. 550) (L. D. 785)

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

(On motion of Mr. Dumaine of Readfield, tabled pending passage to be enacted and specially assigned for Thursday, May 7.)

Enactor Tabled and Assigned

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

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

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

Orders of the Day

The SPEAKER: The Chair now lays before the House the first tabled and today assigned matter, Bill "An Act to Make Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1960 and June 30, 1961," House Paper 946, Legislative Document 1341, tabled on April 29 by the gentleman from Scarborough, Mr. Clark, pending adoption of House Amendment "A"; and the Chair recognizes that gentleman.

Mr. CLARK: Mr. Speaker and Members of the House: Having looked into this matter I find that this House Amendment "A" would in effect destroy the true intent of what special state aid is intended for. I have been given to understand

that there are some small towns who don't raise units at all under their state aid program. This leaves it at the discretion of the State Highway Department to put money in to the bigger cities and further, this would put the large cities as well as the small towns on the same basis which I don't believe is the intent of the raising of these sums. Therefore, I move the indefinite postponement of House Amendment "A".

The SPEAKER: The Chair would state that House Amendment "A" bears filing 279.

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen: The gentleman from Raymond, Mr. Edwards, proposed Amendment "A" to House Paper 946, Legislative Document 1341, is a step backward in our highway program and if adopted will see the hands of time on highway progress backward many years.

It appears essential if we are to properly evaluate its effect upon our highway progress that we examine to some extent the highway situation as it has expanded for the past years, how by trial and test we have come to this point where we in the State of Maine have twenty per cent of all the roads in New England. The first real progress made in the rural or feeder roads was some thirty years ago. In 1927 the people of Maine approved a two cent a gallon gas tax by a referendum vote, which tax revenue was dedicated to the improvement of farm to market roads. This program was carried out for a number of years as state aid and later a third class road was added. Both of these programs provide that the state would match a certain sum of local municipality moneys usually two to one to construct these roads. About the time of World War II the third class road program was abandoned, in fact, the whole state aid program was drastically curtailed and in most cases cut out entirely.

Around 1945 a reconstruction program was adopted to rebuild the third class roads and make them a part of the state aid system, the state to furnish one and one-half

units to the towns' one unit. A little later the state contribution was two units to the towns, one unit for state aid roads, and four units if all the moneys so used was for reconstruction with a twenty per cent bonus. If a town elects to accept these four units for reconstruction purposes of state aid roads, they have to contribute an amount of money equal to two units. A unit is \$1066, but they cannot have any units for new construction.

By 1949 the need of the major lines, so-called, of the highway system became in such need of additional funds caused by the ever increasing volume of trucking which had been diverted from the railroads to the highways coupled with the fast rising costs of construction and maintenance of the state highway system, a curtailment of the state matching funds was made and by 1951 it became apparent that unless new revenue was provided either the state highway system would cease to keep pace with the need or the state's share of the costs of these town roads would have to be abandoned.

Therefore, the 1951 or 95th Legislature passed a resolve appropriating \$25,000 for a survey to be made by the Highway Commission and empowering them, the Highway Commission, to return to the towns such state aid highways for the respective towns to maintain and continue to construct without any state aid.

I think you are all aware what a furor the Highway Commission decision made when presented to the 1953, 96th Legislature. Governor Cross advised the Commission to hold in abeyance putting into effect this resolve until after the next legislature had convened.

When the 1955 or 97th Legislature had convened it became apparent to all who had examined our highway situation that if we were to continue our progressive highway building and maintaining, new revenue had to be had. Therefore, an increase of one cent a gallon on gasoline was introduced and enacted. This one cent increase brings in around \$3,000,000. Of this amount \$1,000,000 was allocated to the State Highway system; \$500,000 to the town road improvement fund; \$500,-

000 to state aid roads; and \$1,000,-000 to the special aid program.

Now, what is this special aid program? First, it must be used on designated state aid highways. Second, it is money to be used to connect two pieces of improved roads where it is evident that the towns involved are financially unable to construct the road.

Maine now has 6,846 miles of improved state aid highways. 6,033 of these are surfaced with tar or asphalt. One-third of the cost of these improvements has been furnished by the respective towns with property tax monies, the balance with gas tax monies of which the residents of these towns have contributed also.

The gentleman from Raymond, Mr. Edwards, says some towns don't get any of this money. This is true, since if they are not in need of this assistance they don't get it. Let us take a case in point. My own Sagadahoc County. This \$1,000,000 is equally divided into sixteen parts, one part being allocated to each county according to the miles of road in the county. Sagadahoc County is a small county; therefore, our share is \$20,000. Every municipality in our county gets a share except the City of Bath and the Town of Topsham. Bath has no state aid roads to build and the same is true of Topsham, whose need for special help is practically nil since it has large industries there and only a few miles of unimproved roads.

Let us look at Bowdoin, a town of \$296,000 valuation. The tax rate is 143 mills and they are now building a new school house costing \$108,-000. There are only 130 property owners in this town. They have 70 miles of dirt or unimproved roads, many miles of which are not improved so that the state will help pay the cost of snow removal. Therefore, they have to pay the full cost. The state pays \$65 per mile for snow removal on roads which have been improved to a certain degree and the town pays the balance. Sometimes the balance exceeds the state's contribution of \$65. The towns have only one source of revenue, the property tax source.

Perhaps the towns could take this added cost of highways were it not

for the rapidly increasing cost of education. The cost of education in my town is 60 per cent of the entire commitment. This town has 1,031 inhabitants with a 95 mills tax rate. Of the eighty odd thousand we raise and appropriate this year, \$45,000 is for schools. What is happening to my town is happening to the towns you represent. Therefore, if the state should say to your town and my town, we will give you \$1,000 or \$2,000 or \$10,000 for roads if you will match it, pray tell me how can we in our financial condition and the ever increasing cost of our schools match it, since we have only one source of revenue, the property tax method.

You will, upon examination of Amendment "A", find that small towns who are so desperately in need of help would get very little, with \$400,000 valuation, only \$150; \$1,000,000 - \$267. While the large towns who really don't need special help will get some \$2,000 or more.

In the foreseeable future many of the towns now receiving special state aid will not be eligible for it as the roads in those which are eligible will have been built. Unless a town road has at least fifty vehicles over it in a given 24-hour period it cannot be designated for a state aid highway.

My town, after 1960, will have no roads eligible for state aid construction, but undoubtedly we will use our town road improvement monies and our motor vehicle excise tax moneys to continue to improve the town highways and practically all towns so situated will do the same. If we adopt this amendment we will not be saving any money, we will just be giving to some towns, who do not need it, money which is so vitally needed by small towns in financial distress.

By careful examination and tabulation, I am persuaded that by 1968 the need of this special aid program will not exceed one-half million dollars, and by 1970 or '71 there will be no further need of it as the towns will have built all town roads eligible as state aid roads.

Therefore, Mr. Speaker, with all due respect to my good friend and fraternal brother, the gentleman from Raymond, Mr. Edwards, whose integrity and sincerity I

hold in the highest regard, I now move that House Amendment "A" to Legislative Document 1341 be indefinitely postponed.

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

Mr. EDWARDS: Mr. Speaker and Members of the House: I am glad you folks have taken the time to study my amendment over the weekend. In view of the words that have been spoken both by my good friend from Scarborough and my good friend from Sagadahoc County, I still feel that my amendment is a good one, in that it is an amendment of progress, that it doesn't hurt the small towns, if anything, it helps them.

I would like to say again what I said the other day, that this amendment increases the amount of the units by approximately fifty per cent that the towns would have to raise and it would increase the amount the towns would receive from the State by approximately fifty per cent, and if you should continue under the reconstruction plan and raise four units or any amount of reconstruction, instead of a bonus of twenty per cent, you will receive twenty-five per cent. Now I think I understood one remark that some of the towns do not need it. If they don't need it they don't have to raise it. I believe this program is one of long range. I don't believe that four years from now that our roads are going to be all rebuilt. I understand there are ninety miles of road each year built on our state aid classification, and to keep up the way the roads are being worn out you should reconstruct around two hundred miles a year. How are you going to do that with special state aid? I believe that as I said the other day, the state aid construction plan was started whereby the towns or municipalities joined together in a cooperative effort to improve the roads in the rural areas. Then sometime along the way, I don't remember the date, the State came in and took over the maintenance of these roads. I believe it is the duty, and the best way to handle this is that the towns or the municipalities in the State join together in a cooperative effort

to reconstruct the state aid highways and thus by reconstructing and by a long range program such as mine, you will eventually cut down on the cost of the maintenance of our state aid roads. Thus, you will be cutting down costs which we have to appropriate each year from the tax dollars of our citizens for the maintenance of the roads. There is no short road to that point. It must be approached gradually and determinedly, and that is what my amendment does.

Now, I believe that we are today approaching a fork in the road. To the left it leads to that program where eventually the state will have to come in and reconstruct all of our state aid roads. My proposition leads to the right whereby the state and the municipalities join together in a cooperative effort to reconstruct our roads and thus save the taxpayers' dollars. This afternoon when I arise in support of this motion and to start down this new highway which I have outlined, I trust I will not walk alone.

The SPEAKER: Is the House ready for the question?

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

Mr. HARRIS: Mr. Speaker and Members of the House: I must rise in opposition to this amendment. This special state aid was set up especially for hardship cases and I will cite one where I think this fund has done a very good job.

Piscataquis County, where the State has just accepted 500 and some odd acres for a State park, from the Greenville Town Line through to Kokadjo is county road, and up until three years ago they were building anywhere from 250 feet to 500 feet a mile per year. Under this State aid special fund there have been approximately six miles of road built. One or two more years of this special state aid in this case would build the road by what I think will eventually be one of the largest state parks in the state, so, therefore, I must oppose this amendment.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Etna, Mr. Carter.

Mr. CARTER: Mr. Speaker and Members of the House: I have no

intention of prolonging this debate. As a member of the Highway Committee, I certainly hope that the motion to indefinitely postpone prevails.

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

Mr. CROCKETT: Mr. Speaker and Members of the House: Also, as a member of the Highway Committee, I want to say that the 97th Legislature taxed the people a one cent gas tax in order to receive this special state aid money, and I am telling you folks, Ladies and Gentlemen, if you accept this amendment you are throwing that right down the drain, the very thing that the people back home voted for.

This has been a great help to the small towns, the special state aid. This amendment will do away with it, and I am telling you, if there is anybody that needs help, that hasn't got the money to match, it is your small towns.

The SPEAKER: The Chair recognizes the gentleman from Hodgdon, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker and Members of the House: I would like to support this motion of my friend, the gentleman from Scarborough, Mr. Clark. I was here when this thing passed and we were promised this money to help out some of these hardship cases.

Now, I represent a large number of small towns and it has been a great aid to them. They were quoting examples here. I have a little plantation they call Lee. In that plantation there is a small village called Wytopotlock. Those people were about seven miles off the good road. They were building state aid as fast as they could but they didn't progress very fast. We put in a considerable amount of this money in there and now they have quite a good road. I have another town now that has a strip about half completed and would like very much to see that done, so I would favor this amendment.

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

Mr. ROLLINS: Mr. Speaker and Members of the House: I rise in support of the motion before the

House, the indefinite postponement of House Amendment "A", and I would ask for a division when the vote is taken.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Scarborough, Mr. Clark, that House Amendment "A" be indefinitely postponed on Bill "An Act to Make Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1960 and June 30, 1961," House Paper 946, Legislative Document 1341. A division has been requested.

Will those who favor 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.

Sixty-one having voted in the affirmative and forty-two having voted in the negative, the motion prevailed.

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

The SPEAKER: The Chair now lays before the House the second tabled and today assigned matter, House Report "Ought to pass" in New Draft, House Paper 954, Legislative Document 1354, of the Committee on Inland Fisheries and Game on Bill "An Act Creating the Merry-meeting Bay Game Sanctuary," House Paper 716, Legislative Document 1021, tabled on May 1 by the gentleman from Bath, Mr. Pert, pending acceptance of the report.

The Chair recognizes the gentleman from Cumberland, Mr. Call.

Mr. CALL: Mr. Speaker, I now move we accept the "Ought to pass" in new draft report.

The SPEAKER: The gentleman from Cumberland, Mr. Call, moves that the House accept the "Ought to pass" in new draft report. Does the gentleman wish to speak to his motion? The gentleman may proceed.

Mr. CALL: Ladies and Gentlemen of the House: About three months ago a group of gunners got together and then they asked the gentleman from Southport, Mr. Rankin, to put in this draft, and then we made a survey of all the gunners. We held it in Committee,

we asked the Chairman of the Committee to hold it. Personally I talked to gunners in Richmond, Bowdoinham, Brunswick, a few from Bath, and to explain it briefly, the first sanctuary we picked out, there was dissatisfaction among the group. We moved it to another place and there was dissatisfaction there. Then to please everybody we moved it four miles up the bay from everybody and then it went through the Committee and came out "Ought to pass."

I am going to be as brief as possible. It is a conservation measure in one way and makes good gunning, all the gunners are for it, and I hope you will go along with me on the "Ought to pass" Report.

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

Mr. PERT: Mr. Speaker and Ladies and Gentlemen of the House: I tabled this bill on last Friday, I think partially because I was at a little bit of a disadvantage, not being a duck hunter myself. I wanted to obtain some additional information.

As my good friend, the gentleman from Cumberland, Mr. Call, stated, this is a new draft, a previous draft of the bill having been found unacceptable to many parties. Because I wanted additional information I went to our local group, the East Sagadahoc Rod, Gun and Skeet Association. They voted some two weeks ago to the effect that they were opposed to any type of a sanctuary up in the bay. I took this new draft down to them. Their board of directors discussed it yesterday. At the end of their discussion they came to the conclusion that they were still opposed to any sanctuary in the bay. Their opposition was based upon the following three points. One, they felt that a sanctuary in the bay was unnecessary. Two, they felt that the cost of maintaining a sanctuary, as far as policing was concerned, would create an additional unnecessary expense. Thirdly, they felt that the creation of this sanctuary would be just the beginning of a wide exclusion of territories in the bay to hunting. This is the information that I obtained. I hope that you

will consider these arguments in voting on the bill. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Call.

Mr. CALL: Mr. Speaker, very briefly I would like to answer the three questions that he brought up, if I may. The cost is negative because it will be done by the Inland Fish and Game because they are there on the bay most of the time. Secondly, it is approximately 340 acres of marsh and water, it is far removed from any gunning territory. I have talked to people that gun in what they call the abracadassite grass and they are tickled to death that we are going to put the sanctuary there. And third, it is only a very minority group that is dissatisfied with this compared to a great many more who want it, and I hope that you will go along with my motion.

The SPEAKER: The Chair recognizes the gentleman from Southport, Mr. Rankin.

Mr. RANKIN: Mr. Speaker and Members of the House: As the sponsor of this bill, I feel that I should give the gentleman from Cumberland, Mr. Call, some support, although I am not a hunter myself. The individual who asked me to sponsor this bill originally had the idea of establishing twelve game management areas and asked me to come up to Augusta with him in January to speak with the Inland Fisheries and Game Department about it. They could not see his viewpoint, nor could I. I didn't think it was fair to close off twelve different areas. On the way back from the tunnel my constituent seemed quite despondent. So I offered to introduce the bill to establish the old sanctuary.

Now, hunters have told me, and the Department of Inland Fisheries and Game agreed, that after the third day of hunting in Merrymeeting Bay there occurs what they call a "burnout". In other words, the birds have no place to go for sanctuary, that is, in the bay. As a result they go twenty to thirty miles at sea and there are very few birds left for the hunters. This sanctuary would establish a location, and by the way, the land surrounding the sanctuary is owned by my constitu-

ent, so in effect he is closing his own property to all hunting. The sanctuary would afford a place for the birds to go and stay. I believe there would be better hunting if the birds had some place to rest from the hunters from time to time. It would not interfere with hunting because the new birds toled in by the ones who are already in the sanctuary would stray beyond its areas.

By the way, Mr. Speaker, has a motion been made to indefinitely postpone?

The SPEAKER: The Chair would advise the gentleman that the question before the House is the motion to accept the "Ought to pass" Report.

Mr. RANKIN: And therefore, Ladies and Gentlemen of the House: I hope that you will go along with the unanimous "Ought to pass" Report of the Committee on Inland Fisheries and Game.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Cumberland, Mr. Call, that the House accept the "Ought to pass" in New Draft Report on Bill "An Act Creating the Merrymeeting Bay Game Sanctuary," House Paper 954, Legislative Document 1354.

Will those who favor the acceptance of the "Ought to pass" Report please say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed.

Thereupon, the Bill was given its first and second readings and tomorrow assigned.

On motion of the gentleman from Belfast, Mr. Rollins, the House voted to take from the table the eleventh tabled and unassigned matter, House Report, "Ought not to pass" of the Committee on Natural Resources on Resolve Authorizing the Release of State of Maine's Claim on T. 1, R. 13, W.E.L.S., Piscataquis County, House Paper 663, Legislative Document 955, tabled on April 17 by that gentleman pending acceptance.

On further motion of the same gentleman, the Bill was retabled pending acceptance of the report, specially assigned to Wednesday, May 13.

On motion of the gentleman from Portland, Mr. Briggs, the House voted to take from the table the eighteenth tabled and unassigned matter, House Divided Report, Majority "Ought not to pass" and Minority "Ought to pass" of the Committee on Legal Affairs on Bill, "An Act relating to Election of Council Members of City of Portland," House Paper 211, Legislative Document 302, tabled on April 29 by that gentleman pending acceptance of either report.

The same gentleman further moved the acceptance of the Minority "Ought to pass" Report.

The SPEAKER: Does the gentleman wish to speak to his motion? The gentleman may proceed.

Mr. BRIGGS: Mr. Speaker, this bill sets up a district system in Portland. It changes the election system slightly, whereby the councilor that is running from Ward 1, or any of the other wards, is elected only by his constituents in that ward.

We, in Portland, have a council consisting of nine members. Three of these members are elected at large and six from the wards. A candidate from Ward 1 is voted on by the voters from all the wards. The same holds true for all candidates. All councilor candidates from the several wards are elected by the city as a whole. I believe this is against all democratic principles and makes for a ruling clique in city hall, a palace guard. About one-fifth of the voters now elect our city councilmen. This minority controls our elections. If a district councilor had to vote through his district it would spark the interest of his district voters, consequently bringing a turn-out of three-fifths of the voters rather than a fifth that we have had in the past fifteen or twenty years. And I believe that any system that brings out the voters and faithfully reflects the wishes of the district, in my opinion, is better than the present type under which we now exist.

The system that we have now was set up as a social experiment and it has been a complete failure. It should be discarded. I therefore urge the Minority "Ought to pass" Report be accepted.

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

Mr. MILLER: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to request a few minutes of your valuable time, and to speak briefly in reference to L. D. 302, An Act relating to the Election of Council Members of the City of Portland.

Due to the indifference of the registered voters in our local elections, I feel that this is the most opportune time to urge your support for this particular bill.

The district system insures adequate representation to every section of the city. There is no danger that the wealthy districts will secure complete control of the council or that the poorer districts, will furnish most of the members. Every member of the council knows the needs of his district and sees that they are not neglected. If he neglects to properly represent his district his constituents will remember his infidelity at the next election, and choose a man who gives promise of serving more effectively. In this system no section is protected at the expense of other neighborhoods. The district system of election places no heavy burden on the voter. The voter knows the record of the man who is labeled as his councilman. When all councilmen are elected at large, every member represents every voter, at least in theory. But too often the average voter finds that to be represented by everybody is to be represented by nobody.

In our city, elections are non-partisan, but this means nothing more than that party names and symbols are omitted from the ballot.

A real defect of election at large that should not be overlooked is the increased expense of a campaign. Any man who wishes to be chosen by the people must first make himself known. In other words he must advertise and advertising costs money. The larger the group to be reached, the more it costs. Many a worthy citizen has been deprived of the opportunity to run for this reason. The residents of a single district can be approached with a minimum of time, trouble and ex-

pense, but the people of an entire city can be influenced by nothing short of a city wide campaign.

This bill, as well as some of the issues, has been presented several times by other legislators, but for some reason or other failed to pass after receiving favorable reports from the Committee and the House. If I did not feel that there was sufficient demand on the part of many of our citizens in Portland I would be the last to present such a measure.

The favorable endorsement of L. D. 302 by this honorable Legislature will enable the citizens of Portland the opportunity to, once again, vote on a change.

In conclusion let me say that after a careful study of this act, on a cross section basis, here are some of the pertinent issues of which our constituents (who are in favor of the bill) as well as myself feel are sound arguments.

This would widen our chance of candidates who otherwise may not have been able to finance a successful campaign. It would put the burden of election more directly on the people in a given district, also more responsibility. No other district could then dictate the vote of any individual district.

I feel that if L. D. 302 is accepted by the citizens of Portland it will create more local interest and better candidates in local elections.

Six Portland representatives have stated they are in favor of such a bill going to a referendum.

I hope that you will vote in favor of the Minority "Ought to pass" Report.

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

Mr. LINNELL: Mr. Speaker and Members of the House: In the absence of the House Chairman of the Committee on Legal Affairs, the very able gentleman from Sebago, Mr. Good, and at the risk of gaining infamy as a hatchet man for the Committee, I feel I should defend the seven to three "Ought not to pass" Report of the Committee.

The hearing was held on this item the eighth of April. At that time, its sponsor, the gentleman from Portland, Mr. Russell, withdrew his

support from the bill, saying that he felt further study of the matter by the newly formed Charter Review Committee was desirable. The bill was opposed in committee by the City Council which was represented by its authorized Chairman, Sumner Clark. It was opposed in Committee at the hearing also by a Mrs. Bertrand Cobb, who represented the League of Women Voters of the City of Portland. We are confronted each session by an ever increasing number of purely local issues which are usually somewhat controversial in the municipality which would be affected.

The City of Portland, apparently through its newly-formed Citizens Charter Review Committee, has made a bona fide effort to really hash over its problems at the local level before sending them to the Legislature. Now I know that this system has worked to a considerable degree in the City of South Portland. We too have there the Charter Review Committee which considered the legislation which was before the Legal Affairs Committee this session, and incidentally there was no opposition. Apparently there had been some objections at the local level, but the wrinkles had been ironed out before it got here. I would say, speaking for a majority of the Committee, that we should give the Portland Charter Review Committee a chance to prove its worth, and a chance to let local issues be discussed locally before they are brought to the Legislature. I move indefinite postponement of this bill and all accompanying papers.

The SPEAKER: The question now before the House is the motion of the gentleman from South Portland, Mr. Linnell, that both Reports be indefinitely postponed.

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

Mr. KELLAM: Mr. Speaker and Members of the House: To carry on the explanation of this bill a little bit further, I would like to say that the idea of representative government for Portland has been widespread throughout the City for a long period of time and is not anything new. This Bill was sponsored by Representative Russell at the request of Representative Miller.

Representative Russell spent considerable time with it and felt it was a good bill, and just before the hearing the City of Portland appointed a committee to study the City Charter. One of the members appointed was Representative Russell. Their theory in picking him was that they should pick people from different classifications and they would be representative of these classifications. However, of the various people on the committee, including the school committee man and the council people, as far as I know the picking was done by the Chairman of the City Council. I in no way feel that the people are representative of any particular group. The fact that the gentleman from Portland, Mr. Russell, feels that the study would do good for the bill or be good for the City or the charter is his opinion and he is entitled to it.

However, the only thing that bothers me about it and has bothered many about all the Portland bills is that we have had the problem with us years and years, and the only time a committee is appointed to study the problem is three or four weeks before the hearing, and the hearing consists solely of the presentation by the sponsor of the bill on the merits of the bill and the marching up to the front of the room by one man and saying we should study the matter, therefore, don't pass the bill.

This has had its effect upon some members of the committee. Looking at it abstractly I can see where they might feel we should study this. We should have studied it last year. This bill was here two years ago. It didn't go to referendum then; I don't know if it will now. But I believe the voters of Portland understand what representative government is and if they are allowed to vote on referendum they will know whether they want representative government and they can make an intelligent choice, and if this committee doing the studying wishes to make a report in order to affect the voting by these people they have until next December to do so.

The point was made that this is purely a local matter. There is no possible way to change the Char-

ter of our City except through legislative action. The representatives from the City of Portland have felt that certain changes were necessary and felt the changes should be submitted to referendum of the people and they have submitted bills accordingly. I can see nothing that can be more local than that. The fact that this committee supposedly is going to study these things and report back in a year or two and then supposedly have the City Government support the changes I feel has no bearing on these particular bills which were entered into the Legislature long before the Citizen's Committee was formed and in fact if they were not passed into the Legislature this session, I don't believe this committee would have ever been formed, at least not until such a thing as this happened. I hope you will not vote for indefinite postponement.

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

Mr. MILLER: Mr. Speaker and Members of the House: If I thought a study would be the means, I would be more than willing to let this go to the study committee, but I would like to inform you ladies and gentlemen of the House that this bill has been presented four times to my knowledge by former members of the House and Senate. Honorable Phillip Chapman presented a bill one session. Honorable Senator Hazel Lord presented the bill one session. Two years ago I had the honor of presenting the bill and this year I would have retained that honor, but I had many bills I was wrapped up in to take a lot of my time and so I asked Mr. Russell to present the bill for me.

I had gone on a business trip to Washington and when I returned I found he had been put on the Citizens' Committee. I asked him to leave the bill in by request which he did. I can assure you ladies and gentlemen that the people of Portland desire the opportunity to vote in a city election for the chance to change this charter. If there is any doubt in the minds of any of the people of this House as to the sincerity of the people in Portland of what the outcome would be, I

can assure you if they are against this type of government and you think the people are against it, they will vote it down. I think you should offer the people the opportunity to vote for this. This is the only way we can bring it about. This is the fourth time and I hope you will vote against the indefinite postponement of this bill.

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

Mr. BRIGGS: Mr. Speaker, when the vote is taken I move for a division.

The SPEAKER: A division has been requested.

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

Mrs. HENDRICKS: Mr. Speaker and Members of the House: I rise in support of the Minority Report. I think an article in the Portland Press Herald of November 18, 1958 describes our present city council very well.

This article was written November 18, 1958, but we still have the same city council members. "Mr. Bernstein Lays Bare the Issue of the City Council. Sumner T. Bernstein's indictment of the Portland City Council for passiveness, negativism and a propensity for being led from outside is at once an act of public service and personal courage.

"Here at last is an insider with the guts to state openly what has long been true but publicly unacknowledged by those in the best position to be believed. Mr. Bernstein's charges document what this newspaper has said more than once. He, however, speaks from the advantageous platform of one whose knowledge is direct and first hand.

"What Mr. Bernstein deplors is no more than Portlanders deserve, collectively and individually. For the councilors who have committed themselves to doing nothing, and have often been re-elected for doing it superbly well, could not have prevailed without public consent, expressed at the polls or, what is worse, implied by absence therefrom.

"Thus handfuls of voters have turned out desultorily to elevate men to fill a vacuum left when better men declined to serve. Pri-

vate persons who in turn move in to exploit and perpetuate this situation through the exercise of influence cannot entirely be blamed for what they do.

"Councilor Bernstein's words should be pondered long and well, and augmented by those who believe as he does. Portland does have a City Council unworthy of the City's potential for solving its problems. And it now has credible confirmation that a reactionary, powerful private clique which manipulates Council decisions is dangerously real. The recurrent suspicion about such a faceless group, reported scientifically some years back by the motivation researcher Ernest Dichter, has gained new dimensions from Mr. Bernstein's testimony about its activities.

"The next question is what Portland proposes to do about all this." I think the people have expressed to their representatives in Augusta their desire to have legislation passed that would enable them to elect representatives from districts. This way those representatives could represent them much better if they were elected by the people in the same districts. With the present form of election, I think this enables special interest groups to control the city, and I think it causes an apathy among the voters. I hope this legislation is passed because I think that a good many of the voters will come out and we will have better elections.

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

Mr. HEALY: Mr. Speaker and Members of the House: I would be remiss in my duty to my constituents if I didn't rise to briefly ask the members of this House to pass the Minority "Ought to pass" Report before you.

Since the formation of the City Manager Charter in Portland in

1923, there has been an appalling apathy of interest by the people to go to the polls and vote for the councillors. There are several reasons. The time of election particularly was one in December, we are trying to correct that, and another reason is that the people in the City of Portland don't have a fair opportunity to elect their councillors, and this would go to a referendum where it should go, and the people should have the answer to the problems, and I ask that this House here pass the Minority Report in this matter. Thank you.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from South Portland, Mr. Linnell, that both Reports on Bill "An Act relating to Election of Council Members of City of Portland", House Paper 211, Legislative Document 302, be indefinitely postponed. 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.

Thirty having voted in the affirmative and sixty-seven having voted in the negative, the motion did not prevail.

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

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

On motion of Mrs. Christie of Presque Isle,

Adjourned until nine o'clock tomorrow morning.