

# 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**

Wednesday, May 6, 1959

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

Prayer by the Rev. Mr. Victor Musk of Augusta.

The journal of yesterday was read and approved.

**Order Out of Order**

Mr. Nadeau of Biddeford, out of order and under suspension of the rules, presented the following Order and moved its adoption:

ORDERED, that Miss Janet Elaine Crocker of Augusta be appointed to serve as Honorary Page for today.

The SPEAKER: Before moving the passage of this Order, the Chair would like to advise the House that it has the happy privilege of introducing to the House a young lady, the daughter of Mr. Crocker, who exactly ten years ago today was named by the House of Representatives. The gentleman from Biddeford, Mr. Nadeau, was a member of that House.

Thereupon, the Order was adopted.

The SPEAKER: The Chair will request the Sergeant-at-Arms to escort to the place in the front of the House, Miss Janet Elaine Crocker, exactly ten years old and who was named by the House of Representatives.

Thereupon, Miss Crocker was escorted to the well of the House by the Sergeant-at-Arms amid the applause of the House, the members rising.

The SPEAKER: The Chair will invite the young lady to be the Speaker's guest on the rostrum. Won't you sit up here beside me?

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

Report of the Committee on Agriculture on Bill "An Act Permitting Importation of Fireworks for Protection of Agricultural Crops" (S. P. 360) (L. D. 1043) reporting same in a new draft (S. P. 470) (L. D. 1332) under same title and that it "Ought to pass"

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

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

**Ought to Pass**

Report of the Committee on Appropriations and Financial Affairs reporting "Ought to pass" on Bill "An Act Creating a Committee to Study Establishment of a Residential Treatment Center for Emotionally Disturbed Children" (S. P. 227) (L. D. 971)

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 Bill read twice and tomorrow assigned.

**Divided Report**

Majority Report of the Committee on Legal Affairs reporting "Ought to pass" on Bill "An Act to Prohibit the Selling of Motor Vehicles on Sunday" (S. P. 381) (L. D. 1107)

Report was signed by the following members:

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

Messrs. LINNELL of South Portland  
 BROWN of Cape Elizabeth  
 COTE of Lewiston  
 GOOD of Sebago  
 TRUMBULL of Fryeburg  
 KELLAM of Portland  
 —of the House.

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

Report was signed by the following member:

Mr. HUTCHINSON of Carthage  
 —of the House.

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

In the House: Reports were read.

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

Mr. GOOD: Mr. Speaker and Ladies and Gentlemen of the House: I move that the House accept the

Majority Report "Ought to pass." There were nine voted in favor and one opposed. This is a situation where you have had a particular industry themselves who have come in and requested that they be permitted to observe the Lord's Day. So the Committee, naturally, has gone along with them and there was no opposition at the hearing.

Mr. Richard Dubord, representing the Maine Automobile Dealers Association, stated that there was a questionnaire sent out to all the dealers in the State, requesting their opinion on this particular bill and that their reply was seventy-seven per cent in favor that the bill "Ought to pass."

Mr. Gerrish from Bangor, President of the Maine Automobile Dealers Association, was at the hearing and he spoke in favor of the bill.

Representative Dumais from the great City of Lewiston, spoke in favor of the bill and he pointed out that it is impossible to finance a sale on a Sunday, and he also stated that he never had a good deal on a Sunday anyway and that a great many of the people who come around on Sunday are just curiosity seekers and they may be back next week and they may not.

So, with this information at hand and there being no opposition, that is why the Committee took the stand that it did that the bill "Ought to pass" and they voted nine to one.

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

(Cries of "No")

A viva voce vote being taken, the motion prevailed.

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

#### **Non-Concurrent Matter Tabled Until Later in Today's Session**

Bill "An Act Creating Municipal Urban Renewal Authorities" (H. P. 555) (L. D. 811) which was passed to be engrossed in the House on May 1.

Came from the Senate passed to be engrossed as amended by Senate

Amendment "A" in non-concurrence.

In the House: On motion of Mr. Pike of Lubec, tabled until later in today's session pending consideration.

#### **Non-Concurrent Matter**

An Act to Create the Berwick Water and Sewerage District (H. P. 931) (L. D. 1317) which was passed to be enacted in the House on April 30 and passed to be engrossed as amended by House Amendment "A" on April 24.

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

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

#### **Non-Concurrent Matter**

Resolve Regulating Fishing in Wadleigh Pond, Piscataquis County (H. P. 199) (L. D. 291) which was finally passed in the House on April 28 and passed to be engrossed on April 17.

Came from the Senate indefinitely postponed in non-concurrence.

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

#### **Messages and Documents**

The following Communication:

STATE OF MAINE  
SUPREME JUDICIAL COURT  
AUGUSTA

May 5, 1959

Honorable Harvey R. Pease  
Clerk, House of Representatives  
State House  
Augusta, Maine

Dear Mr. Pease:

There are enclosed the Answers of the Justices to the Questions of April 17, 1959, relative to "An Act Providing for Severance Taxation of Certain Natural Resources." (L. D. 1271)

Respectfully yours,

(Signed)

ROBERT B. WILLIAMSON

### Answers of the Justices

To the Honorable House of Representatives of the State of Maine;

In compliance with the provisions of Section 3 of Article VI of the Constitution of Maine, we the undersigned Justices of the Supreme Judicial Court, have the honor to submit the following answers to the questions propounded on April 17, 1959.

**QUESTION (1):** Do any of the provisions of section 12 of Legislative Document 1271 assess a tax upon real or personal estates without regard to apportionment according to the just value of such real or personal estate in violation of section 8 of Article IX of the Constitution of Maine?

**ANSWER:** We answer in the negative.

Section 12 concerns itself not with assessment of a tax upon real or personal estate, but with

“a tax imposed upon the performance of an act, the engaging in an occupation or the enjoyment of a privilege.” . . . But our Constitution contains no provision limiting the legislative imposition of excise taxes or, to use the language of the Court: “Our Constitution imposes no restriction upon the Legislature in imposing taxes upon business.” *State v. Telegraph Co.*, 73 Maine, 518, 531.” **Opinion of Justices**, 123 Me. 576, 577, 578. See also *State v. Vahlsing*, 147 Me. 417.

**QUESTION (2):** Do any of the provisions of section 5 of Legislative Document 1271 assess a tax upon real or personal estates without regard to apportionment according to the just value of such real or personal estate in violation of Section 8 of Article IX of the Constitution of Maine?

**ANSWER:** We answer in the affirmative.

Section 5 does assess a tax upon real estate. Article IX, Section 8 of the Constitution of Maine reads:

“All taxes upon real and personal estate, assessed by authority of this state, shall be apportioned and assessed equally, according to the just value thereof; but the legislature shall have power to levy a tax upon intangible personal property at such rate as it deems wise and equitable without regard

to the rate applied to other classes of property.”

The purpose of Article IX, Section 8 is to equalize public burdens so that the taxpayer shall contribute to the entire tax burden in proportion to his property. While the Legislature in its wisdom has the authority to exempt from taxation by uniform laws any particular class of property, it does not have the authority, except in the case of intangible personal property, to provide for one mode of assessment as to one class of property and another mode as to another class.

Section 5 of the proposed Act provides for an “acreage share” computed at the rate of 10 cents per acre on all lands” designated as “Forest Crop Land” under the provisions of the Act. This is palpably a tax on real estate and is so designated in Section 5 II. As such it is not assessed according to the just value of the property. Such provision is a violation of the limitation imposed by Article IX, Section 8.

**QUESTION (3):** Do any of the provisions of Section 2, 4 and 5 of Legislative Document 1271 amount to a suspension of the sovereign power to tax in violation of Section 9 of Article IX of the Constitution of Maine?

**ANSWER:** We answer in the affirmative.

Article IX, Section 9 of the Constitution of Maine reads:

“The legislature shall never, in any manner, suspend or surrender the power of taxation.”

The Legislature has the “. . . power to determine what kinds and classes of property shall be taxed and what kinds and classes shall be exempt from taxation.” **Opinion of Justices**, 141 Me. 446, 447, and cases cited.

“No matter what words the Legislature uses, or what attempts it makes to pass an exemption statute without the right to change or repeal it, it cannot bind itself so as to prevent a future change or repeal. The Constitution would make the part which attempts the prevention of a change or repeal, a nullity.” (Italics supplied). **Greaves v. Houlton Water Co.**, 143 Me. 207, 213.

Sections 2, 4 and 5 cannot well be treated separately or apart from the remaining provisions. The Act purports first, to immunize "Forest Crop Land" from legislative power ever to change or repeal its tax status or liability by the device of an asserted contract between the State and the owner through a period of fifty years, unless sooner terminated, and second, to set for the life of such contract a tax, designated "acreage share" on the land without regard to just value. The Legislature cannot so suspend or surrender its power to tax under the Constitution.

QUESTION (4): Do the provisions of Section 4 of Legislative Document 1271 delegate legislative power to the Commissioner of Inland Fisheries and Game in violation of Section 1 of Part First of Article IV of the Constitution of Maine?

ANSWER: We answer in the affirmative.

No reference is made to the existing fish or game laws or administrative standards. No general policy of regulation or control is set forth in the document as to hunting or fishing on the lands concerned. There appears no legislative direction ascertaining or determining the duties imposed by the document upon the Commissioner of Inland Fisheries and Game or what ministerial acts are authorized and necessary for the performance of such duties. **McKenny v. Farnsworth**, 121 Me. 450.

QUESTION (5): Would House Paper 902, Legislative Document 1271 "An Act Providing for Severance Taxation of Certain Natural Resources," if enacted by the Legislature, be constitutional?

ANSWER: We believe our answers to the foregoing specific questions will be sufficient for the purposes of your inquiry. We cannot well anticipate all of the questions that could arise under the Act in its present form.

Dated at Augusta, Maine, this 5th day of May, 1959.

Respectfully submitted:

ROBERT B. WILLIAMSON  
DONALD W. WEBBER

(Signed)

WALTER M. TAPLEY, Jr.  
FRANCIS W. SULLIVAN

F. HAROLD DUBORD  
CECIL J. SIDDALL

The Communication was read and ordered placed on file.

### Orders

On motion of Mr. Lancaster of Dixfield, it was

ORDERED, that Rev. Lewis Mills of the United Congregational Church, Dixfield, be invited to officiate as Chaplain of the House on Monday, May 11, 1959.

On motion of Mrs. Smith of Falmouth, it was

ORDERED, that Mr. Jones of South Portland be excused from attendance for the duration of his illness.

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

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

Mr. KENNEDY: Mr. Speaker, I may be out of order, but being a father, I can't help but notice how uncomfortable your distinguished guest is this morning and I move that the Sergeant-at-Arms furnish her with a footstool.

The SPEAKER: The Chair would advise the gentleman from Milbridge that the Speaker's guest informs the Speaker that she is very comfortable.

### House Reports of Committees Ought to Pass with Committee Amendment

Mr. Linnell from the Committee on Legal Affairs on Bill "An Act relating to Certain Acts Constituting Lotteries" (H. P. 813) (L. D. 1151) 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. 813, L. D. 1151, Bill, "An Act Relating to Certain Acts Constituting Lotteries."

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

**"R. S., c. 139, Sec. 18, amended.** Section 18 of chapter 139 of the Revised Statutes is amended by adding thereto a new paragraph to read as follows:

**"This section shall not prohibit the awarding of a prize or thing of value as the result of a drawing of a signed slip or certificate where there is no monetary consideration required from the signatory in order to participate in the drawing."**

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

Mrs. Baker from the Committee on Towns and Counties on Bill "An Act relating to Effective Date for Salary Increase for County Officers and Judges and Recorders of Municipal Courts" (H. P. 869) (L. D. 1237) 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. 869, L. D. 1237, Bill, "An Act Relating to Effective Date for Salary Increase for County Officers and Judges and Recorders of Municipal Courts."

Amend said Bill by striking out all of the last two lines and inserting in place thereof the following underlined words and punctuation: **"effective until October 1st of the year in which such increases are granted."**

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

#### (House at Ease)

#### Divided Report

Report "A" of the Committee on Towns and Counties reporting "Ought to pass" on Bill "An Act Increasing Number of Medical Examiners in Lincoln County" (H. P. 823) (L. D. 1161)

Report was signed by the following members:

Mrs. LORD of Cumberland  
— of the Senate.

Messrs. PERRY of Hampden  
JONES of South Portland  
LEMELIN of Fairfield  
DOYLE of Caribou  
— of the House.

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

Report was signed by the following members:

Messrs. WYMAN of Washington  
FARLEY of York  
— of the Senate.

Mr. HODGKINS of Greene  
Mrs. BAKER of Orrington  
Mr. PORELL of Westbrook  
— of the House.

Reports were read.

Thereupon, on motion of Mr. Perry of Hampden, Report "A" of the Committee "Ought to pass" was accepted and the Bill was given its two several readings and assigned for third reading tomorrow.

#### Passed to Be Engrossed

Bill "An Act to Continue the Citizens Committee on Survey of State Government" (S. P. 321) (L. D. 897)

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

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

Mr. TURNER: Mr. Speaker and Members of the House: On this item, Bill "An Act to Continue the Citizens Committee on Survey of State Government," now, I am wondering what that thing is good for. We had quite a lot of reports out of that Committee during this session. I don't think a one of them passed. I would like to hear from some of the members on this to see if they really love this bill.

The SPEAKER: The Chair recognizes the gentlewoman from Rumford, Miss Cormier.

Miss CORMIER: Mr. Speaker and Members of the House: Would you please state the motion first, Mr. Speaker?

The SPEAKER: There is no motion. The question before the House is on the passage for engrossment of this item.

Miss CORMIER: The gentleman from Auburn, Mr. Turner, made no motion?

The SPEAKER: The gentleman made no motion.

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

Mr. TURNER: Mr. Speaker, if you would like a motion, I will make a motion that the whole business be indefinitely postponed.

The SPEAKER: With respect to Bill "An Act to Continue the Citizens Committee on Survey of State Government," the question now before the House is the motion of the gentleman from Auburn, Mr. Turner, that the Bill be indefinitely postponed.

The Chair now recognizes the gentlewoman from Rumford, Miss Cormier.

Miss CORMIER: Mr. Speaker and Members of the House: I was conversing at the time and that was the reason for my confusion. Perhaps if I had said nothing I would be in a better position now.

However, I certainly hope that the House will not go along with the motion to indefinitely postpone the Citizens Committee on State Government. It has been my privilege to serve on this Committee and the people who have served with me, irrespective of party politics, have been of a very high quality, and I think that it is very small potatoes when it comes to the point that a committee, because it has brought in recommendations with which some of us disagree, that we would try to indefinitely postpone that committee. I certainly want no part of it.

I assure you that it is very good government for citizens of this State to interest themselves in the problems of government, to at their own expense come down here and study the problems of State Government, to meet and discuss them in a very democratic manner, to reach recommendations and to send those recommendations on to the Legislature. It is then our privilege and our prerogative to agree or disagree. But I think it is very poor policy on our part to say to the Citizens Committee or to any other committee "We are going to dissolve you, we don't want you

around because you bring in conclusions with which we cannot agree." And I certainly hope that the members of this House will not go along with the indefinite postponement of this bill.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I must defend the position I took on the Committee when we reported this bill out as we did, to continue the Committee on State Government.

I wish that I had a list of the names of the people who served on that Committee. I wasn't aware that this was coming up this morning and I have not that with me. I think most of you are pretty well aware of who they are. It seems to me, and it was my feeling on the Committee when I signed that report, that this would be quite a slap at some very wonderful citizens of the State of Maine. I hope the motion of the gentleman from Auburn, Mr. Turner, does not prevail.

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

Mr. BAXTER: Mr. Speaker and Ladies and Gentlemen of the House: Much has been said already that I would say in connection with the Citizens Committee.

Actually the background of the Committee is that several bienniums ago the Legislature evidently thought that the organization of our State Government should be looked over and possibly changed because it had not been changed in a considerable period of time. Therefore, they authorized a survey of the Government which cost some thirty-five odd thousand dollars. It was carried out by the Public Administration Service in Chicago.

As is frequently the problem with surveys like this, things get surveyed and nothing gets done about it. They gather dust and nothing is carried on in connection with the survey to put it into effect. Now, to avoid that the Citizens Committee was formed, it was authorized and appointed. I believe that it consists of some forty-three members. I think there are upwards of six Legislative members. It is



definitely a cross-section of all parties and of many walks of life. There are a great many businessmen on the Committee and there are professors and professional men and so forth.

The object of the Committee is to go through this report, the survey and the reports that came from it and try to put what was recommended into legislative documents so that the branches of the Legislature may look these things over and decide which way they want to go.

I believe in the past, recommendations for legislation proposed by the Committee have been carried out. At this particular time the batting average is a little low, although I think the Committee did recommend the increase in the Governor's salary, which, I believe, was carried. So, it isn't one thousand per cent against it.

I might add one other thing, and that is that we are all interested in economy and in our Executive Department from the standpoint of the Legislature, and the principal matter under study at the moment by the Committee is the study of consolidation of departments in the Executive Department with a view to better administration and more economical administration, and that study is broken up into a group of sub-committees studying the various departments, and the head of the study is Brad Hutchins of Waterville who has had a certain amount of experience along this line. And again, as the gentlewoman from Rumford, Miss Cormier, has said, I think it would be very unfortunate if the Legislature who authorized this survey and authorized the appointment of the Committee, engaged in a form of censorship by saying that "What you sent in here some of us, at least, don't like and, therefore, we are going to cut off your head." It would seem to me that that is rather an unconstructive approach.

None of these things that are brought in or will be brought in in the future have to be accepted and certainly it would seem as though it were a constructive move, perhaps beneficial to all of us, to have these matters brought to light and discussed and debated, and

then if they are turned down we know that is the condition we want, and if they are not turned down, perhaps we will have made some progress. Therefore, I certainly hope that the motion to indefinitely postpone does not prevail.

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

Mr. CURTIS: Mr. Speaker and Members of the House: Why I am opposed to this particular survey is not — because I think that the people who are on this Committee are very fine people and I am not opposed to anything they may have said or done but because of the principle of the thing.

Now, our constitution has provided a government for the State of Maine, a legislature and a governor and executive council and so forth. Now, are we going to, as Legislators, are we going to try to go along and make the laws that are necessary to our progress or are we going to turn it over to somebody else?

Now, I am much concerned with some of the things that does happen with us Legislators. However, a great many times we seem to be concerned only with our own area. Perhaps that is why some people want this survey, but I don't think that that is too great a problem, perhaps I have been as much to blame as anybody in wanting things for my own area. But I think that this Legislature is set up by the Constitution to take care of these things and the Constitution does not provide that we are going to do it by committee, we are going to do it by legislation.

Now, perhaps you all read or heard last night about over in Iraq, about what is happening over there. In fact, there is some sort of a citizens outfit being set up that is not only stronger than the government but is stronger than the military.

Now, are we going to continue this committee thing until we are not going to have anything left whatever for the Legislature to do? It seems to me to be the duty of this Legislature to make these things themselves. If you don't intend to do that, if you don't intend to look at the government, if you

don't intend to do things that you are supposed to do by the Constitution, why in the name of common sense do you run for Legislature anyway, if you have got to pick a committee to do the things that you ought to do and that you have taken your oath to do. I hope the motion to indefinitely postpone does prevail.

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

Mr. EMMONS: Mr. Speaker and Members of the House: As to this Citizens Survey Committee, as the gentlewoman from Rumford, Miss Cormier, has said, this is composed of very many able people. They have put in a lot of time and they have done it largely at their own expense. The fact that their batting average isn't high doesn't mean a thing. It seems to me that they should continue and the Legislature cannot make studies in the interim period and here is a very able committee that definitely should be continued regardless of what the batting average may have been. They, at least, bring matters to the attention of the Legislature, make their reports and we know more when we get here about our State Government than we might otherwise. I hope that the motion of the gentleman from Auburn, Mr. Turner, does not prevail.

The SPEAKER: Is the House ready for the question?

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

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

Mr. WINCHENPAW: Mr. Speaker, I would like to ask two questions. I understand this has a \$20,000 price tag on it, and also I would like to ask who appoints this committee? Are they elected by the people or are they appointed by somebody?

The SPEAKER: The gentleman from Friendship, Mr. Winchenpaw, has addressed two questions through the Chair to anyone who may answer if they choose.

The Chair recognizes the gentleman from Rumford, Miss Cormier.

Miss CORMIER: Mr. Speaker, the Committee is appointed by the

Governor. The Citizens Committee on Survey of State Government is appointed by the Governor. As to the price tag, I don't know whether it is \$20,000 or not. Perhaps the gentleman from the Appropriations Committee can enlighten us on that.

The SPEAKER: Would the gentleman from Bangor, Mr. Stanley, advise the House as to that figure?

Mr. STANLEY: Mr. Speaker, the figure is \$20,000.

The SPEAKER: Is the House now ready for the question?

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

Mrs. CHRISTIE: Mr. Speaker, I would like to ask about this appropriation, because I understood that when the Chairman of the Committee came before Appropriations, he said that they had money that was appropriated two years ago and they didn't need any appropriation. That was my understanding.

The SPEAKER: The gentlewoman from Presque Isle, Mrs. Christie, has addressed a question through the Chair to anyone who may answer if he chooses.

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

Mr. BRAGDON: Mr. Speaker, I will answer it as I understand it. I think that there was about that amount which wasn't expended which would revert to the General Fund and that the \$20,000 is set up, practically the amount that they had left, I believe that is the correct answer.

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

Mr. BAXTER: Mr. Speaker, I believe the money was appropriated at least two bienniums ago in the amount of thirty odd thousand dollars, a small amount of which has been used and most of which is still available. The Chairman of the Committee, I believe, suggested that the balance over \$20,000, which I think is upwards of \$8,000, be turned back to the general fund and that the \$20,000 would not lapse.

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

Mr. TURNER: Mr. Speaker, I don't care much about this either

way, but I wish I had a handkerchief I could pass around to the people that love this bill so.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Auburn, Mr. Turner, that Bill "An Act to Continue the Citizens Committee on Survey of State Government," Senate Paper 321, Legislative Document 897, be indefinitely postponed. A division has been requested.

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

A division of the House was had.

Thirty-eight having voted in the affirmative and ninety-five in the negative, the motion did not prevail.

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

Bill "An Act relating to Increase in Temporary Loans for County of Kennebec" (S. P. 465) (L. D. 1329)

Was 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 Repealing Certain Disqualifications of Benefits under Employment Security Law" (H. P. 397) (L. D. 580)

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

The SPEAKER? The Chair recognizes the gentleman from Hope, Mr. Hardy.

Mr. HARDY: Mr. Speaker and Members of the House: On L. D. 580, "An Act Repealing Certain Disqualifications of Benefits under Employment Security Law," as you ladies and gentlemen know, this bill came out of Committee with a unanimous "Ought to pass" Report and I, of course, signed it.

Shortly after I signed this I had a call from one of the larger mills in my area and an older fellow said, "I understand that we who are going to retire should wait and retire after this bill becomes a law because not only will we be able to receive our social security and the benefits the plant has given

us, but we also at that time will be able to collect unemployment compensation for thirty-nine weeks," the statement was. It came to my mind then that that was so.

Now, this fund was not intended for those men who are going out of the labor field. This fund was intended for those men who are in the labor field and have no other income.

Most large companies today have a pension for the employee. There is another pension they have for the employee which is contributed by him also. Either one of those is in order. They also are collecting social security on retirement and, as I have already stated, this is two as I have already stated, this is two bits of income, whereas the man who is still in the labor field has no income and this thing is only drawing from that fund which was purposely set up to protect him.

Now, in consideration of these facts, I now move indefinite postponement of this bill and accompanying papers.

The SPEAKER: With respect to Bill "An Act Repealing Certain Disqualifications of Benefits under Employment Security Law," the gentleman from Hope, Mr. Hardy, moves that the Bill and all accompanying papers be indefinitely postponed.

The Chair now recognizes the gentleman from Lisbon, Mr. Karkos.

Mr. KARKOS: Mr. Speaker and Ladies and Gentlemen of the House: The gentleman from Hope, Mr. Hardy, stated what particular benefits different people will get. Now, under this bill, remember a person must be in the market. And to get this, understand, he must have worked to get his credits.

Now, I can't understand, if a person gets a pension, for instance, and he is generally over sixty-five years of age, now I can't understand why he should be penalized when he has worked, and if he is laid off after sixty-five, I know a man that retired at eight-two. Now, if a mill shuts down, or any factory he works in, why, this man was available. When he retires voluntarily he gets nothing. It is only when he is laid off that he is qualified, the same as anyone else.

I hope that they vote against the indefinite postponement of this bill. This bill has merit and it simply corrects a wrong that was done two years ago.

This gentleman himself looked the bill over and voted unanimously. He changed his mind before, I notice, and he has changed it again, so you can't rely on any report. That is all I have to say about it. I hope the motion to kill the bill does not prevail.

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

Mr. TREWORGY: Mr. Speaker and Members of the House: I would like to concur with the gentleman from Lisbon, Mr. Karkos. I think this is a very good bill. I know of situations where young men who started to work for, let's say the State, early in life and were able to retire at something under fifty years of age. Now, they still have a lot of years left and presumably want to continue to work. That means they are in the labor market. It also means that they are probably drawing some sort of pension or retirement pay, and I see no reason why they should be penalized if they are in the labor market, which they have to be in order to draw unemployment benefits, and for a particular period of time haven't been able to find work. I think this is a good bill and I hope that the motion to indefinitely postpone does not prevail.

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

Mr. COUTURE: Mr. Speaker and Members of the House: This bill certainly does not authorize people that retire on a pension, either on social security or other, to become automatically eligible for benefits under the unemployment. You still have a clause under your laws that he has to be able and available for work at any time. That is still there without being touched. And that will not make it compulsory for anybody to receive this unemployment after retirement. He will still have to be in the labor market and be able and available for work and making suitable effort to seek work. That is still in there.

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

Mr. WINCHENPAW: Mr. Speaker and Ladies and Gentlemen of the House: I hate to oppose my good friend from Hope, Mr. Hardy, this morning but we brought this out of the Labor Committee unanimous "Ought to pass" and I just want to substantiate that report. We felt this would only help a few people, a few of these older people and, as has already been stated, you have to be able and available for work. But on the other hand, in the Labor Committee we tried to respect everybody's individual rights and I don't blame the gentleman from Hope, Mr. Hardy, for making the motion he did because we each try to represent our area here, but I hope his motion does not prevail.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Hope, Mr. Hardy, to indefinitely postpone Bill "An Act Repealing Certain Disqualifications of Benefits under Employment Security Law," House Paper 397, Legislative Document 580. The Chair will order a division.

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

A division of the House was had.

Nine having voted in the affirmative and one hundred and fifteen 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 Restating and Revising the Law Governing Insurance Companies, Agents, Brokers, and Fees" (H. P. 928) (L. D. 1312)

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

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Bill "An Act relating to Disqualification of Benefits under Employment Security Law" (H. P. 957) (L. D. 1356)

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

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

Mr. HAUGHN: Mr. Speaker, I offer House Amendment "A" to L. D. 1356, Filing No. 310, and move its adoption.

The SPEAKER: The gentleman from Bridgton, Mr. Haughn, now offers House Amendment "A" to Bill "An Act relating to Disqualification of Benefits under Employment Security Law" and moves its adoption. The Clerk will read the amendment.

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

HOUSE AMENDMENT "A" to H. P. 957, L. D. 1356, Bill, "An Act Relating to Disqualification of Benefits Under Employment Security Law."

Amend said Bill by striking out the semi-colon and single quotation mark at the end and inserting in place thereof the following:

**" : . A separation shall not be considered voluntary without good cause when it was caused by the sudden and complete loss of transportation; ' "**

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

Mr. TREWORGY: Mr. Speaker and Members of the House: This amendment was before the Labor Committee along with some additional wording and it was the consensus of the majority of the Labor Committee that this was an unworkable thing.

It should be remembered that it is the duty, and the sole duty of the employee, to see to it that he gets to his place of employment. If he chooses to live away from his place of work, that is his choice but he also must take the risks that go with it. Now sudden and complete loss of transportation would include repossession of the employee's auto for non-payment to the bank or finance company; complete loss or destruction of the employee's auto due to the negligence of the employee; employee's loss of his drivers license due to conditions for drunken driving or suspension by Secretary of State for other violations; husband and wife live in town — move to camp in sum-

mer — wife works day shift and husband works night shift — she has no way to get to work and has lost transportation; employee's car is attached in law suit for debt which he has not paid; husband and wife are divorced and in the settlement the wife gets the auto and the husband has no transportation; employee's car is stolen or burns up in a fire; employee is in an accident without insurance and cannot file bond or insurance under Financial Responsibility Law; employee cannot reregister his car because of lack of funds; employee is in car pool but is so obnoxious that he is asked to resign from the group. Now, these are just a few of the reasons why we, as a majority on the Committee, decided that this was a wholly unworkable situation. I, therefore, move the indefinite postponement of this amendment.

The SPEAKER: The question now before the House is the motion of the gentleman from Orono, Mr. Treworgy, that House Amendment "A" be indefinitely postponed.

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

Mr. HAUGHN: Mr. Speaker and Members of the House: I want to thank the gentleman from Orono, Mr. Treworgy, for his explanation of the reasons given by the Committee for excluding this from consideration to be passed out to you, but I must say these are only assumptions that he has given you. They are not proven facts.

It is true, there are certain things that could happen but how many of them do happen, and this is not something that any law that you might make will never correct all wrongs or will never stop any violations of laws. At the same time, in my own particular areas, we are lacking transportation, for just cause a man cannot get to work. He starts out with another man to work, that man either leaves his job or gets another job, he is automatically without transportation. Now, that is just cause. The man just can't get there, there is no transportation.

We have one bus in the morning that goes down from Bridgton to Portland, we have another one that returns at night. If he should hap-

pen to work overtime on his job, he can't get the bus back home that night, he has got to stay in Portland over night.

There are so many ways of real reasons why the man cannot get to work, but those cases are not abused so far as they comply with the Unemployment Commission. It just doesn't sound sensible for a man who cannot get to work because he lives in a rural area where the train has been taken off and buslines discontinued which has happened throughout the State of Maine more frequently every day, that he should be disqualified because he just couldn't get to work because of lack of transportation. He cannot afford to live in the city because he has a family back home in the rural area, there is no employment within the rural areas for him, he has got to go these long distances to secure work. I just can't visualize and picture that this House would go along to eject an amendment of this kind because a man has to make a living and just can't get there to work. It is not being abused and that has been certainly shown by the Commission's records down there, so I certainly hope that this motion will not prevail and when the vote is taken I request a division.

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

Mr. WINCHENPAW: Mr. Speaker and Members of the House: Just in case there is any misunderstanding on this amendment, this amendment provides that if for any reason you cannot get to work, why then you could immediately draw unemployment for the period during which you have no transportation. Well, on the Labor Committee we just felt that that was not reasonable to pay a man for staying home from work just because he couldn't get to work because we felt it was his duty to get to work. I just wanted to make that point clear, and we feel that there are plenty of other reasons where you can draw unemployment for better reasons.

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

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

It is my feeling that if someone does lose his means of transportation, that he is penalized by not getting exemptions for so many weeks. Therefore, I think that this amendment presented by the gentleman from Bridgton, Mr. Haughn, is very fair.

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

Mr. KELLAM: Mr. Speaker and Members of the House: My understanding of the Unemployment law is that people are penalized if they voluntarily do not want to work for some reason, and I can't picture a situation where a person would lose his transportation under the circumstances that the gentleman from Orono, Mr. Treworgy, states. Why a person would get himself involved in drunken driving just for the sake of losing his job so that he could collect unemployment is a little bit farfetched to me. The fact remains that the man wants to go to work, is unable to get there and for that reason is out of work, and under those circumstances I see no reason why he should not be able to draw unemployment compensation.

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

Mr. MILLER: Mr. Speaker and Members of the House: I would like to go on record as a member of the Labor Committee as being in favor of this amendment that has been offered.

When we discussed the amendments of the bill in Committee, I was under the impression that this was included in the bill. The amendment that was supposed to have been then made should have had the transportation clause inserted in there. I came in late that day and they said that they had accepted the amendment, so, therefore, I went along with the amendment, but I definitely am in favor of this additional amendment that the gentleman from Bridgton, Mr. Haughn, has introduced here today because it definitely should be part of the law.

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

Mr. BRAGDON: Mr. Speaker, I pose as a friend to the laboring man

because I have worked all my life. There is an angle to this thing that I would think that laboring men living in the rural areas or areas where the transportation might be a little bit doubtful, would be hesitant to buy this idea because I think they might well question whether they would ever be hired in the first place if their means of transportation was at all hazardous.

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

Mr. HAUGHN: Mr. Speaker, I would like to clear up a point. Your Security Employment Commission can disqualify a man under those conditions which the gentleman from Orono, Mr. Treworgy, has mentioned, if it is not proven proper and right, and I think we should place some faith in our Commission. They certainly are not going overboard and just hand out unemployment. The procedure you have to use on disqualifications on several occasions has been questioned and doubtful and they have ruled in favor of the employer the majority of the time and made the disqualifications stick. So, many of these things that have been mentioned by the gentleman from Orono, Mr. Treworgy, well, they certainly, I don't believe, would go along if just loss of transportation was the real cause, unless it was just cause, they wouldn't approve of it. And I think we should place some faith in that Commission and believe that their findings should be accurate and right.

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 House Amendment "A" be indefinitely postponed on Bill "An Act relating to Disqualification of Benefits under Employment Security Law," House Paper 957, Legislative Document 1356.

A division has been requested.

Will those who favor the indefinite postponement of House Amendment "A" please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Eighty - five having voted in the affirmative and forty - six having

voted in the negative, the motion prevailed and House Amendment "A" was indefinitely postponed.

Thereupon, the Bill was given its third reading, passed to be engrossed and sent to the Senate.

#### Amended Bills

Bill "An Act relating to Powers of Board of Trustees of Maine Maritime Academy" (S. P. 245) (L. D. 628)

Bill "An Act to Create a State of Maine Authority for Emergency and Fire Fighting Training" (S. P. 361) (L. D. 1044)

Resolve Providing for Biographical Sketches of Maine Composers (S. P. 90) (L. D. 208)

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

Bill "An Act Revising the Laws relating to the Bureau of Public Improvements" (S. P. 439) (L. D. 1286)

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

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

Mr. HARRIS: Mr. Speaker, I would like to move for indefinite postponement of item nine, L. D. 1286.

The SPEAKER: With respect to Bill "An Act Revising the Laws relating to the Bureau of Public Improvements," the gentleman from Greenville, Mr. Harris, moves that the Bill be indefinitely postponed.

The gentleman may proceed.

Mr. HARRIS: Mr. Speaker and Members of the House: As you all know, this is a new department that has been set up by this body within the last two or three sessions and they are just commencing to function. Apparently, they must be working pretty near right because they have commenced to step on a few people's toes that were apparently getting away with some things that they shouldn't have done. Therefore, this legislation has been introduced to curb their authority.

Now, it is possible that, like some departments, they may have too much authority at times, but I think that we should give them a fair show, being a new department.

There are a couple of sections in this bill, one of them that says that they have to hire only Maine resident architects, which I don't think is fair. There are other provisions. There was an amendment introduced yesterday to correct the bill, so the bill wasn't wholly right. So, I hope that you indefinitely postpone this measure.

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

Mr. WADE: Mr. Speaker and Members of the House: As House Chairman of the Committee on State Government, I would like to give the House some background on this bill. As has been stated, this is a relatively new department and, as usually happens, there are some matters in connection with their operations that raise questions.

The basic question in connection to which this particular bill was directed was in the matter of architects. There was some question whether the department was exceeding what would be the logical job of the architectural portion of this department to the detriment of the architectural profession here in the State of Maine. The provisions of this bill were worked out in Committee with a thorough meeting of minds between the architectural profession and the department.

In the matter of Maine architects, the question that this bill attempted to correct was to provide that out-of-state architects, who were to do work on state projects, should be registered in Maine in much the same way that other professional men coming into Maine should be registered in connection with the practice of their profession here in Maine.

The amendment that was referred to, that we took up yesterday, was a very simple matter and only a clarification of the last paragraph of the bill. I hope that the motion of the gentleman from Greenville, Mr. Harris, for indefinite postponement does not prevail.

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

Mr. ALIBERTI: Mr. Speaker and Ladies and Gentlemen of the House: I would like to ask a question. What is wrong with Maine architects? About a month before I ran for this legislative office I read an article in a Portland newspaper to the effect that two post office buildings in the State of Maine, the architectural work for these two post offices was being given to a firm in New Hampshire. I think that is a terrible situation. We have a lot of very, very fine qualified architects in the State of Maine and if we in Maine do not stick by our own, how do we expect others to stick by us? I, therefore, hope that the motion of the gentleman from Greenville, Mr. Harris, does not prevail.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Greenville, Mr. Harris, that Bill "An Act Revising the Laws relating to the Bureau of Public Improvements," Senate Paper 439, Legislative Document 1286, 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 did not prevail.

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

The SPEAKER: At this time the Chair would like to recognize the presence in the gallery of the House of a group of seventh and eighth grade girls of the Notre Dame School of Waterville, Maine. On behalf of the House, the Chair extends to you young ladies a most hearty and cordial welcome and we hope you will enjoy and profit by your visit here today. (Applause)

#### **Enactor Indefinitely Postponed**

An Act Concerning Liability of Parents for Damage by Children (S. P. 58) (L. D. 91)



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

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

Mr. BROWN: Mr. Speaker, during the last session of the Legislature I heard some bills referred to as bad bills. I also heard some referred to as class legislation. I believe this bill is both a bad bill and class legislation. I, therefore, move that this bill and all accompanying papers be indefinitely postponed.

The SPEAKER: With respect to An Act Concerning Liability of Parents for Damage by Children, the gentleman from Ellsworth, Mr. Brown, moves that the bill and all accompanying papers be indefinitely postponed.

The Chair recognizes the gentleman from Yarmouth, Mrs. Knapp.

Mrs. KNAPP: Mr. Speaker and Members of the House: I think this bill was pretty well discussed and I find a notation in the paper where five or six more states have already taken this on.

I see no reason why we shouldn't give this bill a chance. In the next Legislature if it hasn't proven its worth, then we can throw it out. But I certainly hope that we do not go along with the motion of the gentleman from Ellsworth, Mr. Brown.

The SPEAKER: Is the House ready for the question?

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

Mrs. CHRISTIE: Mr. Speaker and Members of the House: Someone has said that they felt we didn't love the children very much if we accepted this bill. To my way of thinking, we do love the children and that is the reason we are trying to impress upon the parents the importance of controlling their children, because if they aren't controlled when they are little they are going to be uncontrolled when they are older, and so, I feel that we should pass this bill that there may be better control of our children and that they may grow up better adults.

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

Mr. MILLER: Mr. Speaker and Members of the House: As the father of three children and one that knows the responsibilities that go with having children, I would like to back the motion of the gentleman from Ellsworth, Mr. Brown, for the indefinite postponement of this bill. I think it is a bad bill and I believe he is sincere when he said it is class legislation.

Can you imagine my child being with three or four other children down the street, he happens to be with them, and somebody causes some damage down there and the owner of that property comes out and happens to grab my child, he then can blame my child for it and a warrant will be issued against me and I would be held liable for that damage. This is a bad bill and I hope that the members of this Legislature will definitely go along with the indefinite postponement.

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

Mr. KELLAM: Mr. Speaker and Members of the House: Since some of the members of the House have raised objections to some parts of this bill, I would like to have the motion of the gentleman from Ellsworth, Mr. Brown, to indefinitely postpone, tabled until next Tuesday until we can ascertain what the objections are and possibly correct them.

The SPEAKER: The motion that would be in order would be for the gentleman to move that the bill be tabled, pending the adoption of the motion of the gentleman from Ellsworth.

Mr. KELLAM: I so move, Mr. Speaker.

The SPEAKER: The question now before the House is the motion of the gentleman from Portland, Mr. Kellam, that Bill "An Act Concerning Liability of Parents for Damage by Children" be tabled and specially assigned for Tuesday next, pending the motion of the gentleman from Ellsworth, Mr. Brown, that the Bill be indefinitely postponed.

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

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

The SPEAKER: The question now before the House is the motion of the gentleman from Ellsworth, Mr. Brown, that the Bill be indefinitely postponed.

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

Mr. TRUMBULL: Mr. Speaker and Ladies and Gentlemen of the House: I spoke on this bill last Friday, that I approved the bill, and I certainly have not changed my position. In regards to the instance cited by the gentleman from Portland, Mr. Miller, I certainly think that we all should have enough faith in our law officers and our courts to see that justice is done, which it will be, and he doesn't have to worry about his youngster being blamed for the acts of others. I hope that the motion of the gentleman from Ellsworth, Mr. Brown, does not prevail.

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen of the House: I, too, think that this bill is not properly written. I don't know what we are going to do about it now except to go along with it. There doesn't seem to be anybody that wants to make any changes. I think there are some good points in it. But to make it so all inclusive, why it is just going to get everybody in a heap of trouble. Because, it lasts here up to twenty-one years of age. Well, after a child is away from home he may go into the army. What are you going to do, come back and sue dad for something that happens in the army? What are you going to do about all these things? If we could set some limit on it, why then there would be some sense to it. But as it is written now, I think it is a very bad bill and, while I hate to see the whole thing killed, and undoubtedly it will not be, but I think we should amend it and make it really worthwhile. But it is so all inclusive that it will not work and I don't think the courts would really try to make

it work because I think the courts would think it is a bad bill and think we were off our rocker when we passed it.

The SPEAKER: Is the House ready for question?

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

Mr. MILLER: Mr. Speaker, I hate to take any more of your time here because I know we are in for a busy session, but this bill does sort of hit my heart. I can't see anybody passing such legislation as this.

The gentleman from Fryeburg, Mr. Trumbull, stated that we have courts that will take care of these situations. Believe me, Ladies and Gentlemen, there are many laymen in this country in the poorer classification who are not in a position to hire a lawyer when a judgment or something is against them. And many a judgment has been issued against a person because of his lack of knowledge of the law and the lack of funds to hire a lawyer to protect his interests. Believe me, there could be a lot of embarrassing cases with this particular bill. I certainly hope that this House will go along with the indefinite postponement.

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

Mr. HILTON: Mr. Speaker and Ladies and Gentlemen of the House: I would like to go along with the motion of the gentleman from Ellsworth, Mr. Brown, on indefinite postponement on this bill.

I am the father of nine. I have only one that is under age and I don't expect her to do any bad damage, although she could I suppose. I have been away from home three months at a time when my family was small. The children have been on the school bus eight or nine hours a day. I don't know how their mother could have much supervision over them when they are away from home. I suspect there are other parents in the same boat that I have been in.

There is a young man in my town that has an automobile. He has done some damage with it. He bought the car with his own money and whether he has money to pay for what damage he is going to

do, I don't know. I know his folks sit up nights and they called me up, he works for me some, wanting to know what he was doing, if he has gone home, and there isn't anything that that family can do to stop that boy from driving the automobile. They have three other children. I would hate to see this bill pass. I think that parents have quite a lot of problems with their children as is.

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

Mr. BRAGDON: Mr. Speaker, I voted against this bill the other day because I felt that it was much too broad in scope. I still feel it is and I want to go along with the motion of the gentleman from Ellsworth, Mr. Brown.

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from Ellsworth, Mr. Brown, that Bill "An Act Concerning Liability of Parents for Damage by Children," Senate Paper 58, Legislative Document 91, be indefinitely postponed. The Chair will order a division.

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

A division of the House was had.

Sixty - eight having voted in the affirmative and fifty - five having voted in the negative, the Bill was indefinitely postponed and sent up for concurrence.

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

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

#### Passed to Be Enacted

An Act relating to Settlements or Releases from Injured Persons Confined in Hospitals (H. P. 56) (L. D. 78)

An Act relating to Discrimination at Places of Public Resort or Amusement (H. P. 560) (L. D. 846)

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.

An Act relating to Cutting of Christman Trees (H. P. 794) (L. D. 1126)

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

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

Mr. WINCHENPAW: Mr. Speaker and Members of the House: There are still quite a few items on the calendar that are going to require much debate today, and I request permission of this House in regard to this matter to table it until tomorrow.

The SPEAKER pro tem: For what purpose does the gentleman arise?

Mr. BROCKWAY: Mr. Speaker, I move that we have a division.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from Friendship, Mr. Winchenpaw, that the Bill be tabled specially assigned for tomorrow. A division has been requested.

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

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

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

Mr. WINCHENPAW: Mr. Speaker and Ladies and Gentlemen of the House: As you all know, I never liked this bill. The people I represent aren't too happy about it. I was hoping that I could get it tabled until tomorrow in order to prepare a better speech because I didn't realize it was going to be on the calendar this morning, but I, for one, cannot see how it is going to help any. I know everyone is all

steamed up about stealing Christmas trees, but the other day we had a bill in here that was going to call for a little more inspection. This will just call for more inspection and more regulation and I doubt if it will stop one thief. I am not sure but what it will help the thief. That seems to be the problem. I might as well get into it in good shape because I have been accused of being on the side of the thieves. Perhaps I better state my position.

I can't see if I buy a dollar license or a dollar and a quarter license for my truck to haul Christmas trees, as I understand the bill, I can get several permits for that same dollar and a quarter providing I have several trucks. Every truck I have will be licensed to haul Christmas trees. I see no trouble with getting a land owners permit because most of the land owners will say, "Well, I will sell you the tree." So they give you a land owners permit. Once you are fortified with this registration and once you are fortified with the land owners permit, how are they going to prove whose land you took the trees from? I can't go along with this thing and the people I represent can't accept it. That was why I was hoping I could table it until tomorrow in order to prepare a better speech.

I know that this is an association bill. We have all kinds of associations here working on us this winter, lobstermen's association, Christmas tree association, they say this is a good bill, but I cannot agree with them. I hate to see this bill pass, so once more I am going to move indefinite postponement of this bill.

The SPEAKER pro tem: The question now before the House is the motion of the gentleman from Friendship, Mr. Winchenpaw, that the Bill be indefinitely postponed.

The Chair recognizes the same gentleman.

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

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: I am not

too personally interested in this Christmas tree bill, but from my point of view, these people thought they needed the help and we gave them the best bill we knew how to give them. Perhaps this thing isn't perfect, I would be the last one to say it was but, at least, it was the best thing we would come up with.

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

Mr. BROCKWAY: Mr. Speaker and Members of the House: I again would like to call to the attention of this group that this bill came out of Committee with a unanimous "Ought to pass" Report. It was very thoroughly discussed here a few days ago in the House, and the motion was made by the gentleman from Friendship, Mr. Winchenpaw, to indefinitely postpone and was beaten down quite badly.

I am not going to take any more time of the House to discuss this. As far as I am concerned, I am ready to vote.

The SPEAKER pro tem: Is the House ready for the question? A division has been ordered. The question before the House is the motion of the gentleman from Friendship, Mr. Winchenpaw, to indefinitely postpone An Act relating to Cutting of Christmas Trees, House Paper 794, Legislative Document 1126.

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. Nineteen having voted in the affirmative and eighty-seven having voted in the negative, the motion did not prevail.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Orders of the Day

The SPEAKER pro tem: The Chair lays before the House under Orders of the Day the first tabled and today assigned matter, Senate Report "Ought to pass" with Committee Amendment of the Committee on State Government on Resolve Proposing an Amendment to the Constitution Pledging Credit of

State for Guaranteed Loans for Recreational Purposes," Senate Paper 178, Legislative Document 422, tabled on April 29 by the gentleman from Old Orchard Beach, Mr. Plante, pending acceptance in concurrence; and the Chair recognizes that gentleman.

Mr. PLANTE: Mr. Speaker, Ladies and Gentlemen of the House: Since the public hearing on this bill, new evidence was presented to our committee after the bill had been reported out by the Chairman of the Maine Building Authority, Mr. Carleton Lane, and since then, other members of the Maine Building Authority. In lieu of this new evidence, the House members of the Committee were all contacted to see if they would meet with the intent to recommit this bill to the Committee. The Chairman of the Committee concurs and also the sponsor of the bill concurs. Therefore, we are unanimous in our desire to try to salvage some good points of this bill, and therefore, I move that the bill be recommitted.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from Old Orchard Beach, Mr. Plante, that this Bill be recommitted to the Committee on State Government. Is this the pleasure of the House?

The motion prevailed. Sent up for concurrence.

The SPEAKER pro tem: On behalf of the House, the Chair welcomes in the balcony of the House a group of students from the seventh and eighth grades of the Harrison Village School in Harrison accompanied by Arthur L. Conary, Principal. On behalf of the House we welcome you, and we hope you will enjoy and profit by your stay with us today. (Applause)

The SPEAKER pro tem: The Chair now lays before the House the second tabled and today assigned matter, Bill "An Act to Repeal the Westbrook Sewerage District," Senate Paper 38, Legislative Document 36, tabled on May 1 by the gentlewoman from Falmouth, Mrs. Smith, pending passage to be engrossed; and the Chair recognizes that gentlewoman.

Mrs. SMITH: Mr. Speaker, I now move the indefinite postponement of this bill and all its papers, and wish to speak briefly to the motion. I feel that after reading the newspapers of last week many in the House will agree with me that Falmouth has been very patient and cooperative towards the Westbrook Sewerage problem, but if Westbrook is to be allowed to repeal this district, it creates a real question as far as we are concerned. Very briefly I will try to state the facts. First Westbrook accepted the Sewer District by a margin of two to one. Many of those who voted against the district are now convinced that the continuation of the Sewer District is in the best interest of the City. It should not be a political issue. It was established by a democratic administration in Westbrook and is strongly supported by the present republican administration in Westbrook, the municipal officers having voted ten to four against the bill of the gentleman from Westbrook, Mr. Porell.

There are several points to bear in mind. Mr. Porell, the gentleman from Westbrook has stated first why not let the people decide. The people did decide, and second, the people are still for the sewer district. Third, the whole project is held up while its fate is in doubt. Fourth, if it should be repealed through misleading statements, it can be very serious for Westbrook financially and Falmouth will be compelled to insist that Westbrook take care of its raw sewage and will have to have it declared a public health menace, and the seriousness of the situation is increasing.

I will briefly quote a little bit from the Sewer District and as it was set up, this is a portion of what it says. The greater portion of construction to date has been its sanitary sewers because the need was deemed much greater, but storm drains will be built when need arises and finances permit. With regard to the widespread inadequacies in the system, the section of the City considered most in need of correction by the consultants has been completely served with an entirely new system of storm drains

and sanitary sewers, with accompanying pumping station which has been in operation nearly a year. This was major project number one for the district and will provide for the gravity flow of the waste from the area served to the proposed treatment plant when the remaining construction is completed, and they were given permission to dump this raw sewage into the Presumpscot River because they were working toward this disposal plant, and then the last section says: A site for a proposed treatment plant of approximately twenty-five acres was purchased in 1957 at the location shown in the Camp, Dresser and McKee Report as being the only suitable property for this purpose. And this property is located on the Presumpscot River in the area of Halidon Village so-called. If they are allowed to repeal this, it upsets all the work that has been done to take care of this very great problem which Falmouth is suffering from because of Westbrook Sewerage, but because of financial strain has been very patient. I would like a division when the vote is taken.

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

Mr. DAVIS: Mr. Speaker, due to the absence of Mr. Porell, the gentleman from Westbrook, who called me this morning and said he was ill and would not be able to attend today, I ask that we lay this on the table until tomorrow.

The SPEAKER pro tem: The question now before the House is the motion of the gentleman from Westbrook, Mr. Davis, that this matter be tabled and specially assigned for tomorrow. Is this the pleasure of the House?

(Cries of "No")

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

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

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

on Labor on Bill "An Act relating to Minimum Wages," Senate Paper 82, Legislative Document 154, tabled on May 4 by the gentleman from Orono, Mr. Treworgy, pending acceptance of either Report.

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

Mr. MILLER: Mr. Speaker, Ladies and Gentlemen of the House: Today I rise to move that the Minority "Ought to pass" Report be accepted. I stand here today and urge your support of L. D. 154, An Act to establish a minimum wage scale in the State of Maine. This legislation has been presented on many occasions to this body, but the selfish forces who oppose such legislation seem to have sufficient power to win out. There seems to be a complete lack of understanding on the part of some legislators and employers of the principles of social justice.

It is difficult to understand how people can live on such low wages as are now being paid by many present day employers. They do not earn enough to provide them with the bare essentials of present day cost of living. These are the people who need to be protected from employers who pay just as little as they can get away with. These workers do not belong to unions and are at the mercy of their employers. Therefore the state, in my opinion, must protect them by enacting a minimum wage of at least \$1.00 per hour.

In the 98th session of the Maine State Legislature we came within a few votes of enacting a minimum wage.

It is about time that we stopped thinking of Maine as a vacationland and rather stress that it is a state where people can and are concerned with making a decent living. Does not the fact that people receive as little as \$12.00 per week demonstrate the urgent need for passage of such legislation? I hope the members of this Legislature will not oppose a minimum wage because they have permitted themselves to be blinded by vicious propaganda splashed around by greedy employers whose banner of profit quivers at the very thought of paying a decent living wage.

The passage of a minimum wage law would bolster the economy of the local communities. Workers would be making more money, and spending more money. Therefore more money would be in circulation to contribute to the economy of the state.

Apparently it all depends on how you think. As long as legislators continue to serve first the cause of big business, and as long as legislators continue to let themselves be pushed around by cleverly connived propaganda, then just as long will the ordinary every day man-on-the-street worker and his family be the victim of greed and selfishness.

Of course, there are a few employers, too few, who pay their workers everything they are able from the standpoint of investment and fair return. These employers recognize social justice not as a platitude but as a concrete fact, as a very necessary part of human relationship and trust.

Maine needs a minimum wage law of at least one dollar an hour. There can be no compromise. Business is screaming for tax relief, utility companies are constantly demanding higher rates, while all the little fellow wants is a living wage and he has been denied that time and time again.

This is not a matter of politics or partisanship. This is not a matter of profit and loss. This is a matter of justice, of christian living. It is a matter of right versus wrong.

Let me cite to you — I will come back to the other part later in the debate.

In closing I would like to say that your favorable consideration of such legislation as this will make many of our underpaid citizens very happy people.

Mr. Speaker, I rest my case, and I hope that the members of this Legislature will vote for the Minority Report "Ought to pass" on L. D. 154.

Mr. KARKOS of Lisbon Falls: I request a roll call, Mr. Speaker.

The SPEAKER pro tem: The question before the House is that of the gentleman from Portland, Mr. Miller, that the Minority "Ought to pass" Report be accepted. A roll call vote has been requested.

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

Mr. TREWORGY: Mr. Speaker, Ladies and Gentlemen of the House: These minimum wage proposals would regulate and impose a wage floor in all the small stores of Maine, such as clothing, drug, grocery and variety stores wherever located.

Not even the Federal Minimum Wage Law has ever regulated this type of business. Even in the heart of the depression when Franklin Delano Roosevelt proposed the idea of such wage control, he carefully avoided including what this law for Maine would include if the House passes this bill.

In 1949 when amendments to the Federal Act were proposed, Senator Robert A. Taft in the course of congressional debate again urged that retailing not be covered.

Right now in Congress, Senator John F. Kennedy has introduced certain AFL-CIO endorsed proposals which would, if enacted, include much of the retailing industry within the act. In presenting the administration suggestions, Secretary of Labor, James Mitchell, has urged that only the largest retail firms doing business in interstate commerce be covered by the act, doing at least \$1,000,000 worth of annual business. The Secretary of Labor has said many times regarding these proposals in justification of only covering the big fellows, if any, that the sought after gains cannot be achieved by any measure which would cause injury to the employers and employees in the small businesses of America; yet despite the Secretary of Labor's refusal to include such businesses, this bill before you today would do just that.

In retailing, no store can measure productivity and control the flow of customer traffic as manufacturers are able to control production in this situation. Let us remember the merchant is able to offer employment to many who cannot meet age and physical requirements of industry.

Consider who would be hit by this State Minimum Wage, not primarily or directly the big stores in the big cities but the thousands of small stores throughout the State, and especially those in smaller communi-

ties. What could happen? There are just so many sales dollars that can be used for salaries. If the rate is increased, the number of people employed must be decreased. Of necessity, personalized and better service would be impossible and the transfer of business away from the small and local storekeeper would be accentuated.

By the very terms of the bill with its apparatus and procedure for enforcement, there can only result an addition of another bureaucracy to the State Government, more powers of regulation and control to the Department of Labor and Industry, a considerable force of inspectors, check-ups and a new appropriation, and more expense to the taxpaying citizens of the State.

I now move that both Reports and all accompanying papers be indefinitely postponed.

The SPEAKER pro tem: The motion before the House is now that of the gentleman from Orono, Mr. Treworgy, that the bill and all its accompanying papers be indefinitely postponed.

The Chair recognizes the gentleman from Rumford, Miss Cormier.

Miss CORMIER: Mr. Speaker and Members of the House: I did not intend to participate in this debate this morning but since I am a small merchant, since I have a business which employs just three people, I feel that I would like to disagree with the gentleman who has just spoken. It has been our experience in my town that the small merchant is the one who is paying at least a dollar minimum wage, and that those who do not pay the dollar minimum wage are the chain stores who come into our town who hire our girls or young men, at very little money, who contribute very little to the economy of the town, who try to exempt themselves from as much tax as possible, they are the ones who are not meeting this requirement of a dollar minimum wage.

It has also been my experience, and I am sure the experience of many small merchants throughout Maine, that we get exactly the kind of help that we pay for. If we get a person that we pay a very small amount to, we cannot expect that

person to assume the responsibility that we would wish some of our clerks to assume. Consequently, just as in anything else, I think it is policy that you get exactly what you pay for. I sincerely believe that this dollar minimum wage will not be a hardship upon the small merchants and that it will force a great many of these chain stores who come into our communities to meet the current rate of the small businessman or woman who in fact is the life blood of that community, who contributes to its taxes and who contributes to its local economy, and I certainly would hope that this bill would not be indefinitely postponed.

The SPEAKER pro tem: The motion before the House is that of the gentleman from Orono, Mr. Treworgy, that the Bill and all its accompanying papers be indefinitely postponed.

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

Mr. ROWE: Mr. Speaker and Members of the House: I am going to beg your indulgence and speak very briefly, and I am speaking this morning because I feel very strongly about this matter here. I would like to point out merely the two reasons why I believe that this bill is justified, and I say because number one, it is morally justified, and number two it is economically justified. Beginning, just to mention three great men of the western world, beginning with Thomas Aquinas who once said, and with him, that in order to practice virtue, a modicum of the living necessities are necessary for every man. Another man who walked on the earth nine hundred and fifty-eight years ago had this to say, that it is not by bread alone that man doth live, but it is indeed by bread that he does. That it is impossible for men and women to live a good moral life unless they are given the tools to do it with.

I would like to point out another thing here. It is interesting that some of the states, unlike our own here, have been seriously considered with just what is needed for men and women to live an adequate and decent life. For instance, the State of Washington, they have done a report there and they have



estimated that for a single, self-employed woman, self-supporting, in order to live a minimum, adequate, decent life, she should have a gross income of \$2,900 per year.

The bill that we are presently considering calls for one dollar per hour, based upon a forty-hour week would gross a single, self-supporting employed woman in Maine, \$2,080 as opposed to the \$2,900 that is mentioned there in the Washington State study.

Point number two, I would like to point out if I may the study that was done by the U. S. Labor Department stating that for an average city family there \$2.25 an hour is a fair minimum to provide the essentials of life.

In answer to the gentleman from Orono, Mr. Treworgy, the Roosevelt — Kennedy bill, yes, if passed, will cover 4,500,000 people in the retail trade, which are presently uncovered by the Federal Minimum Wage Law. This will leave 2,004,020 people still uncovered, and I would ask him, are not the people that are uncovered, are not the people that are represented by the over almost two and a half million figure, as equally as important as the people who are represented and who would be covered if the bill were passed here, the people who are in the four and a half million figure there?

I think that one of the great problems and great challenges before us, in this twentieth century to me, is the final elimination of poverty. I think this represents one of the small parts of our state where poverty does exist because of subsistence, sub-normal, sub-marginal wages.

I think this is our duty and our task to bring our minds to bear and our judgment and to move ahead in this area. I think that with the passage of a dollar minimum wage law in the State of Maine, it represents real progress in that area in the final possible elimination of this great vacuum of human waste. Thank you.

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

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen: I think this

is a good bill and I hope it will not be indefinitely postponed. I can see where it would do no harm to the people who I have talked with and I support very much the conclusions of the gentlewoman from Rumford, that in my area the small businesses are paying, and if you take notice this is pretty well watered down, there's a lot of exclusions, and I can see where it would not do any harm, except I can see where it would do some good because I have checked with the chain stores, and I find they are the greatest offenders and just how they got out of it is more than I know. Now you take these chain stores like Woolworth's and Grants and all of those, and which have stores in a great many states, and how in the name of common sense they can get out of paying the minimum wage that is required by the Federal when little folks like we have in Bowdoinham, who sell a few chickens in Boston, and yet they have to pay the federal minimum wage. Now if anything can be done to straighten out this thing, I know how the big chain stores got out of it, they got out with the power of money. Now, I think it is only fair that they do the right thing as what is required of the rest of us who don't have any money. I hope the motion to indefinitely postpone does not prevail.

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

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

Mrs. CHRISTIE: Mr. Speaker and Members of the House: Since a roll call has been requested, I would like to make myself clear on this bill.

The SPEAKER pro tem: The Chair will advise the gentlewoman that the roll call is not requested on this motion.

Mrs. CHRISTIE: Oh, I see. Well, I want to make myself clear on this bill. I am not opposed to a dollar wage, and as I stated before, I pay it myself to a boy who shovels my walk. I even asked the man who works for me if he shouldn't have more because he was collecting less than a dollar, and I said "You ought to have a dollar,"

and he said "I'm not worth more than that." Well, this one thing that I think we should consider that there are people who could be employed for a lesser amount who are not worth perhaps the dollar, and there are those who would be deprived of work because people can employ, that is as someone else has said can pay just so much for labor and it would have to be on that basis that they would employ labor, and perhaps others would be prevented from working because of this bill. But the thing that I am more concerned about than anything else is the regimentation entailed in a bill like this, and for that reason, I shall vote against it even though I am in favor of a dollar wage for anyone who can earn it.

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

The Chair recognizes the gentleman from Jay, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: I am one of those small store operators. We have a small store. We have at the present time three people working. I would be ashamed, very much ashamed, if I couldn't pay a dollar as a minimum wage. I hope that the motion of the gentleman does not prevail.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Rumford, Miss Cormier.

Miss CORMIER: When the vote is taken, I would request that it be taken by a roll call.

The SPEAKER pro tem: A roll call has been requested.

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

Mr. HENDSBEE: Mr. Speaker, Ladies and Gentlemen of the House: I think one point that hasn't been brought out here in reference to this minimum wage law is that we are the only state in New England who does not have it. They have had it in Massachusetts since 1912. Now you know what the purchasing power of a dollar is today and then ask a man to work for less than a dollar, I think it's absurd because in all these smaller towns and particularly the one that I come from, we have quite a bit of employment there for people in stores and posi-

tions of that kind and they are forced to take it. I know in my town, right at the present day, there are women working fifty-four hours a week for \$25, and in gainful employment and people make a lot of money on the services of those people by paying them such a small amount, and I offer my full support to this dollar minimum wage. We should have had it years ago.

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

The Chair recognizes the gentleman from Bethel, Mr. Saunders.

Mr. SAUNDERS: Mr. Speaker, Members of the House: Several years ago, I am sure you can remember it, the federal government came in and said we had to pay one dollar. At that time there were many, many small industries in our state. I happened to be one of those small industries employing a few people. I believe at that time we were paying 45 cent an hour minimum, and we ransacked our brains and tried to think of some way we could ever reach a dollar minimum. Many, many days later, we found there were several ways. It isn't just something that you find overnight. These people who were receiving 45 cents an hour at that time were not actually making a living wage, and in industry we believed that it was. True at that time the dollar was worth more; however, as time progressed and we were on the dollar minimum, we even went above the dollar minimum, and we found that by giving the dollar or dollar and a quarter we were getting better help. We were getting better production, and all through the plant the spirit of the workers improved so much that half of our problems were not present. Now, today these industries who are not paying a dollar, who are wholly within our own state; they are not doing interstate commerce business, I am sure that many of them could well afford to pay the dollar minimum. Their profits in many cases are as large as some in industry today, and I can quote you on my own personal business last year, we grossed 4% profit and thought we were doing well. I am sure many of the stores

and many of the people affected are certainly grossing more profit than that, but we believe in business that if you can give your workers a fair wage, the harmony in your group is much better, your work is much better, and all along the line people are happier and whole. I certainly hope the motion of indefinite postponement does not prevail.

The SPEAKER pro tem: The Chair recognizes the gentleman from Lubec, Mr. Pike.

Mr. PIKE: Mr. Speaker, I have to confess I am going to vote against this bill, but my reasons for it are quite different from those that have been brought up. I do not agree with the breadth of the exemptions included in this bill. I have been unable to understand why the person who can't get along if engaged in trade or in a business, can however be prosperous in being exempted, his employer can be exempted by this Legislature if he is engaged in agriculture, if he's engaged in domestic service, if he's in a public supported organization, if he's engaged in commercial fishing, or he or she is a switchboard operator. This to me represents class legislation, preference, and, I suspect, although I wouldn't want to accuse any committee of anything, that these exemptions have been given so as to get the votes of the people who represent those classes of employers. I think the exemptions are too wide, the same line of reasoning applies, they are the same sort of human beings no matter where they are working, and I completely disagree with the width of these exemptions.

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

Mr. PLANTE: Mr. Speaker, Ladies and Gentlemen of the House: I am both amazed and pleased by the remarks of the gentleman from Lubec, Mr. Pike. We would welcome if this is adopted possibly amendments that would retail some of the exemptions which he objects to. As a point of information, I would advise the gentleman that L. D. 1337 has many more exemptions than L. D. 154. This is why we whole-

heartedly support L. D. 154. There are fewer exemptions.

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

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

Mr. KENNEDY: Mr. Speaker, Members of the House: For a great number of years, our nation has tried to legislate prosperity. I don't see the effect of it to this date. As we increase salaries, our products increase in price, but this is not a national issue, it's a Maine issue, and we have more small towns in Maine than we do large cities. I have heard many say that they have benefited their industries by hiring more productive labor, better people to work. Now, what has absorbed those — what industry has absorbed those that were layed off because they were not productive? Many of our small towns employ elderly women who don't work for entire support, but to supplement support from their meager incomes of deceased husbands or trust funds and such. What disturbs me as much as anything is how many of these people in small towns will be laid off from work, how much less service will be given to the communities because of stores closing earlier, and as Mr. Pike, the gentleman from Lubec mentioned, what about these exemptions? Now, if many of these other industries or occupations could be exempted, I would support probably a dollar an hour without question or a dollar and a quarter. I can't hire a man in my town for less than a dollar and a quarter an hour, but there are many elderly women; there are many young people working in the shops in the class towns that I represent which have less than 2,000 population. What's going to happen to those girls and boys, those elderly women, when they are layed off?

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

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

Mr. WINCHENPAW: I thought I wouldn't say any more on this subject this morning but there is one matter been brought up that I think perhaps needs a little explanation. There is much talk about these

large chain stores. Now, as I happen to be a member of that committee, and I don't remember of any of those people from those chain stores appearing before our committee, and I see sitting behind the railing several people who could take care of those chain stores if they wanted to. Those chain stores, I understand, are fairly well organized anyway and I doubt if this bill would bother them very much, and I'm inclined to go along with my friend from Milbridge, Mr. Kennedy and my friend from Lubec, Mr. Pike.

The SPEAKER pro tem: Is the House ready for the question? A roll call has been requested by the gentleman from Rumford, Miss Cormier.

In order for a roll call to be ordered, it must be desired by more than one-fifth of those present. Will all those who desire the yeas and nays to be taken, please rise and stand in their places until the monitors have made and returned the count.

A sufficient number arose.

The SPEAKER pro tem: Obviously more than one-fifth of those present having expressed their desire, the yeas and nays are ordered.

The Chair recognizes the gentleman from East Machias, Mr. Dennison.

Thereupon, Mr. Dennison of East Machias, who would have voted "yes" had he voted, was excused from voting as he paired his vote with Mr. Boone of Eastport, who was absent but would have voted "no" were he present.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from Orono, Mr. Treworgy, that both Reports on Bill "An Act relating to Minimum Wages," Senate Paper 82, Legislative Document 154, be indefinitely postponed. If you favor the indefinite postponement, you will answer "yes" when your name is called. If you oppose indefinite postponement, you will answer "no" when your name is called.

The Clerk will call the roll.

### ROLL CALL

YEA — Bacon, Baker, Baxter, Bragdon, Brockway, Brown, Ban-

gor; Brown, Cape Elizabeth; Brown, Ellsworth; Carter, Carville, Caswell, Chapman, Gardiner; Chapman, Norway; Choate, Christie, Clark, Danes, Dean, Dennett, Dodge, Dumaine, Dunn, Edgerly, Edmunds, Edwards, Stockton Springs; Emmons, Ervin, Frazier, Graves, Hancock, Hanson, Lebanon; Hardy, Harrington, Harris, Heald, Hobbs, Hodgkins, Jewell, Kennedy, Knapp, Lindsay, Linnell, Maddox, Mathews, Mathieson, Mayo, Monroe, Morse, Perry, Easton; Philbrick, Pike, Rankin, Smith, Exeter; Smith, Falmouth; Stanley, Storm, Treworgy, Turner, Wade, Walter, Weston, Wheaton, Whitman, Williams, Winchenpaw.

NAY — Aliberti, Barnett, Beane, Berman, Briggs, Cahill, Call, Cormier, Cote, Couture, Cox, Coyne, Crockett, Curtis, Cyr, Augusta; Cyr, Fort Kent; Davis, Westbrook; Desmarais, Dostie, Doyle, Dudley, Dufour, Dumais, Edwards, Raymond; Gallant, Good, Haughn, Healy, Hendricks, Hendsbee, Hilton, Hughes, Jacques, Jalbert, Johnson, Karkos, Kellam, Kilroy, Kinch, Knight, Lacharite, Lancaster, Lane, Lantagne, Lebel, Lemelin, Letourneau, Lowery, Maxwell, Miller, Moore, Nadeau, Perry, Hampden; Pert, Pitts, Plante, Prue, Reed, Rowe, Limerick; Rowe, Madawaska; Saunders, Shepard, Tardiff, Trumbull, Walls, Walsh, Warren, Whiting, Young.

ABSENT — Boone, Caron, Davis, Calais; Dow, Edgar, Earles, Hanson, Bradford; Hutchinson, Jewett, Jones, Parsons, Porell, Rollins, Russell, Sanborn.

EXCUSED — Dennison.

Yes 65. No 69. Absent 15, Excused 1.

The SPEAKER pro tem: Sixty-five having voted in the affirmative and sixty-nine having voted in the negative, with fifteen absentees and one excused, the motion does not prevail.

The question now before the House is the motion of the gentleman from Portland, Mr. Miller, that the House accept the Minority "Ought to pass" Report. The gentleman from Lisbon, Mr. Karkos, requested a roll call vote.

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

Mr. KARKOS: I withdraw my motion.

The SPEAKER pro tem: The gentleman withdraws his motion for a roll call vote.

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

Mr. PHILBRICK: Mr. Speaker, I ask for a division.

The SPEAKER pro tem: A division has been requested. All those in favor of accepting the Minority "Ought to pass" Report, please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Seventy having voted in the affirmative and sixty-four having voted in the negative, the "Ought to pass" Report was accepted, the Bill read twice and tomorrow assigned.

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The SPEAKER pro tem: The Chair now lays before the House the fourth tabled and today assigned matter, House Divided Report, Majority "Ought to pass" and Minority "Ought not to pass" of the Committee on Labor on Bill "An Act relating to Contributions under Maine Employment Security Law," House Paper 500, Legislative Document 713, tabled on May 4 by the gentleman from Lisbon, Mr. Karkos, pending acceptance of either Report.

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

Thereupon, on motion of that gentleman, tabled and specially assigned until later in today's session.

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The SPEAKER pro tem: The Chair now lays before the House the fifth tabled and today assigned matter, Senate Divided Report, Majority "Ought not to pass" and Minority "Ought to pass" in New Draft, Senate Paper 472, Legislative Document 1337, of the Committee on Labor on Bill "An Act Establishing a Minimum Wage," Senate Paper 59, Legislative Document 92, tabled on May 5 by the gentleman from Orono, Mr. Treworgy pending acceptance of either Report; and the Chair recognizes that gentleman.

Mr. TREWORGY: Mr. Speaker, when the vote is taken I request a roll call.

The SPEAKER pro tem: There is no motion before the House.

The Chair recognizes the gentleman from Rumford, Miss Cormier.

Miss CORMIER: Mr. Speaker, I move that this bill and its accompanying papers be indefinitely postponed.

The SPEAKER pro tem: The question now before the House is the motion of the gentleman from Rumford, Miss Cormier, that both Reports be indefinitely postponed.

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

Mr. PLANTE: Mr. Speaker and Ladies and Gentlemen of the House: Today I am very proud to be a member of this House. Prior to item five, regarding item three, this House has spoken. Therefore, I sincerely move that because there is no necessity for the item five, that the House concur with the gentleman from Rumford, Miss Cormier, and have this item indefinitely postponed.

I would like to point out that the gentleman from Lubec, Mr. Pike, in regards to the other debate, and others stated that there are too many exemptions in L. D. 154. I wish to reemphasize that if they voted against the other bill for that reason, that they would certainly be justified to vote on the motion to indefinitely postpone regarding this bill because this has several additional exemptions than did L. D. 154.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from Rumford, Miss Cormier, that the Bill and both Reports be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed, the Bill and both Reports were indefinitely postponed and sent up for concurrence.

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The SPEAKER pro tem: The Chair now lays before the House the sixth tabled and today assigned matter, Resolve Authorizing Survey and Plans for a Maine-Quebec Highway, House Paper 945, Legislative Document 1340, tabled on

May 5 by the gentleman from Perham, Mr. Bragdon, pending final passage; and the Chair recognizes that gentleman.

Mr. BRADON: Mr. Speaker and Members of the House: Yesterday you granted my request to table this bill. I didn't get the opportunity to obtain the information that I wished. I sincerely hope you will grant me authority to retable again until tomorrow, and I so move.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from Perham, Mr. Bragdon, that this resolve be retabled and specially assigned for tomorrow pending final passage. Is this the pleasure of the House?

(Cries of "No")

The SPEAKER pro tem: Will those who favor the tabling motion please say aye; those opposed, no. A viva voce vote being taken, the motion did not prevail.

Thereupon, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

At this point, Speaker Edgar returned to the rostrum.

SPEAKER EDGAR: The Chair would thank the gentleman from Bangor, Mr. Cousins, for his excellent job as Speaker pro tem.

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

The SPEAKER: The Chair now lays before the House the seventh tabled and today assigned matter, Bill "An Act to Appropriate Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1960 and June 30, 1961," Senate Paper 461, Legislative Document 1313, tabled on May 5 by the gentleman from Bangor, Mr. Stanley, pending passage to be engrossed; and the Chair recognizes that gentleman.

Thereupon, Mr. Stanley of Bangor offered House Amendment "B" and moved its adoption.

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

HOUSE AMENDMENT "B" to S. P. 461, L. D. 1313, Bill, "An Act

to Appropriate Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1960 and June 30, 1961."

Amend said Bill by striking out from the caption entitled "CONTRIBUTIONS AND TRANSFERS TO OTHER FUNDS" the lines:

"To General Highway Fund  
General Fund's Share of State  
Police Costs

Administration

\$1,007,891 \$1,000,988"

and inserting in place thereof the lines:

"To General Highway Fund  
General Fund's Share of State  
Police Costs

Administration

\$201,578 \$200,198"

Further amend said Bill by correcting totals therein affected by the adoption of this amendment.

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

Mr. STANLEY: Mr. Speaker and Members of the House: As most of you know, this amendment would take us back to prior to the last biennium, or the biennium that we are now in. Prior to that the highway fund carried ninety per cent of expense of state police and the general fund carried ten per cent of the cost of state police. Two years ago primarily because of the matching funds which were coming to the State from the Federal Government, we went along with the Highway Department in saying that the general fund will take fifty per cent of the cost of the state police along with you taking fifty per cent, so that we would have more money to match federal monies for interstate system.

In this particular session there is apparently no great need for extra money in the highway fund. The general fund in order to keep up with current services and pay our general purpose educational aid subsidy will have to have a new tax or cut out some expenses. So if we go back to the basis of ninety per cent of the state police costs for the State Highway Commission and ten per cent for the general fund, we will save for the general fund \$1,600,000. That would

mean \$800,000 roughly for each of the two years. Naturally that amount of money would have to be taken care of by the highway fund.

My proposal of how they would take care of it is that they would use \$800,000 each year out of the highway unappropriated surplus, and I am sure that you have all been told that if we should go back to the ninety-ten basis, if the Highway Department has to find \$800,000 per year, that they would have to cut out state projects, which is not true. In the highway allocation bill itself you will find in Section two allocation of the unappropriated general highway fund surplus. The unappropriated general highway fund surplus, with the approval of the Governor and Council, may be apportioned by the State Highway Commission for any of the purposes set forth in Section one hereof, and for the construction and reconstruction of state aid roads. So they in their own bill, they have set up the vehicle by which they can use the unappropriated surplus, and I might go on to say that the unappropriated surplus in the highway fund is somewhat different than the unappropriated surplus in the general fund. The general fund unappropriated surplus has been used only for or primarily for construction purposes, and when the departments don't use all of the funds appropriated to them, it goes into the unappropriated surplus, and it stays in the unappropriated surplus until the Legislature removes it. If we have more income than we anticipated, that amount of money goes into the unappropriated surplus and it is not used until the Legislature appropriates it. In the highway fund, that is not true. The unappropriated surplus in the highway fund naturally is money which they have over and above expenditures, but it can be used for any reason the Highway Commission sees fit for which to use it. So if we should go along with this proposal, we would not be hurting our opportunity of having the roads built which the highway department tells us would not be built should we do it, because the funds are available, and there is authority in the highway bill for the Commission to use them. All

the Legislature has to do is say this is the way we want you to use them. So I would move that we accept House Amendment "B".

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

Mr. CALL: Mr. Speaker and Ladies and Gentlemen of the House: I want to compliment Mr. Stanley, but I think we should have further time to study this, and I now move that the bill and House Amendment "B" lie on the table and be specially assigned for tomorrow.

The SPEAKER: The gentleman from Cumberland, Mr. Call, moves that Bill "An Act to Appropriate Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Year Ending June 30, 1960 and June 30, 1961," be tabled and specially assigned for tomorrow pending the adoption of House Amendment "B". Will those who favor the tabling motion please say aye; those opposed, no.

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

Sixty - seven having voted in affirmative and fifty - five having voted in the negative, the motion to table prevailed.

The SPEAKER: The Chair now lays before the House item four on page two of the calendar, a non-concurrent matter, tabled earlier by the gentleman from Lubec, Mr. Pike, Bill "An Act Creating Municipal Urban Renewal Authorities" House Paper 555, Legislative Document 811, which was passed to be engrossed in the House on May 1, and now comes from the Senate passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

The Chair recognizes the gentleman from Lubec, Mr. Pike.

Mr. PIKE: Mr. Speaker, I had not realized this morning when I moved to have this matter tabled for later in the day, that the gentleman from South Portland, Mr. Earles, was not here. I now understand that the gentleman from Rockland, Mr. Knight, wishes to table this until tomorrow and I would defer to him.

The SPEAKER: The Chair understands that the gentleman from Lubec, Mr. Pike, moves that this mat-

ter be tabled and specially assigned for tomorrow pending further consideration. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair now lays before the House item number four under tabled and today assigned matters on page five of the calendar which was tabled earlier in today's session by the gentleman from Old Orchard Beach, Mr. Plante, and especially assigned for later in today's session, House Divided Report of the Committee on Labor on Bill "An Act relating to Contributions under Maine Employment Security Law," House Paper 500, Legislative Document 713, Majority Report "Ought to pass" and Minority Report "Ought not to pass", pending acceptance of either report.

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

Mr. MILLER: Mr. Speaker, I move indefinite postponement of item number four.

The SPEAKER: The gentleman from Portland, Mr. Miller, moves that both reports be indefinitely postponed.

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

Mr. TREWORGY: Mr. Speaker, it was the feeling of the majority of the Labor Committee that this bill should receive passage. Under the present law, and this is the part that we are proposing to cut out, and I will explain the reasons why in just a minute, it states that if benefit payments during the first six months of the year exceed contributions by four and one-half percent, then the Commission is bound by law to increase all rates to 2.7. Now we feel that this should be struck out, the majority feel that this should be struck out and that is the way the bill is written, for at least two reasons. For example, if the fund should be in the vicinity of take any adequate figure, say \$100,000,000, it wouldn't seem as if there were much sense of increasing the employers' rates to 2.7 just because it so happened in a particular six months period that the contributions exceeded the income by four and one-half percent.

The other reason, the Commission already has the discretionary authority which can be exercised only after due notice and public hearing to raise all rates to 2.7, if it appears that the fund will drop below \$20,000,000. Therefore, I hope that the motion of the gentleman from Portland does not prevail.

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

Mr. MAYO: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to the motion of the gentleman from Portland, Mr. Miller. This bill happens to be my bill, it was heard before the Committee and had a fair hearing. There was very little opposition to this bill. I cannot say much more about the mechanics of it, any more than Mr. Treworgy, the gentleman from Orono has said. It came out of committee eight to two "Ought to pass" which shows that the bill had a fair hearing before the Committee. The strongest opposition to the bill came from a paid lobbyist. I understand in the past few days that this paid lobbyist has been lobbying in the corridors against this bill making threatening remarks which I won't repeat in this House, but as the gentleman from Orono, Mr. Treworgy has said, there is protection in the law as it is written now. Four years ago this clause should have been stricken from the law and is was not at that time. I hope this House will go along and pass my bill.

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

Mr. MILLER: Mr. Speaker and Members of the House: As a member of that Committee, the Labor Committee, I would like to state my position why I am against this. Very simply, it removes a safety valve. This law has been a workable law. There is no necessity for the change now, and the only people that appeared in favor of the bill were paid lobbyists, and the only people that appeared opposed to the bill were paid lobbyists and so registered. Actually no citizens who were not paid lobbyists appeared there, so therefore, it was just as right for a paid lobbyist to be on the op-



posite side as it was for paid lobbyists to be proponents. There was much opposition against this bill at the public hearing, so I hope that this House will vote for indefinite postponement because I don't believe that this law is necessary.

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

Mr. WINCHENPAW: Mr. Speaker, I can't add much to what has already been said, and I would like to go on record as favoring what the gentleman from Orono, Mr. Treworgy said, and what the gentleman from Bath, Mr. Mayo said, and I might tell you that this is one of the very few bills that industry put in here. There is no sense fooling ourselves, and this came out of the Labor Committee signed as "Ought to pass" by six republicans and two democrats, and I believe that the bill should pass and that the motion made by the gentleman from Portland, Mr. Miller, should not prevail.

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

Mr. GOOD: Mr. Speaker, I rise in opposition to the motion now before the House. We just voted a minimum wage law here which I voted for. Now this is an attempt to build up the fund to tax the employer further regardless of the size of the fund. There are adequate safeguards in the present law today, if the fund dropped below \$20,000,000 then the tax on the employer can be increased, but as the law stands today, if this change is not made, regardless of the size of the reserve that is there, the employer can be taxed. Therefore, I think that when the law was originally drafted this was an oversight and should be corrected at this time.

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

Mr. MAYO: Mr. Speaker I request a division.

The SPEAKER: The question before the House is the motion of the gentleman from Portland, Mr. Miller, that with respect to Bill "An Act relating to Contributions under Maine Employment Security Law",

both Reports be indefinitely postponed.

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

Mr. KARKOS: I request a roll call on this. This is a very important measure.

The SPEAKER: A request has been made for a roll call. For the Chair to order a roll call, the Chair must have the expression of a desire by one-fifth of the members of the House for a roll call.

Will those who desire a roll call please rise and remain standing until the monitors have made and returned the count.

A sufficient number did not arise.

The SPEAKER: Obviously, less than one-fifth having arisen, the Chair cannot order a roll call.

The question again before the House is the motion of the gentleman from Portland, Mr. Miller, that both Reports be indefinitely postponed, and 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-nine having voted in the affirmative and eighty-five having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Winchenpaw of Friendship, the Majority "Ought to pass" Report was accepted, the Bill read twice and tomorrow assigned.

The SPEAKER: Pursuant to the authority given the Speaker under the order regarding the clearance of the table of unassigned matters, the Chair now lays before the House the one tabled and unassigned matter on page eight on the calendar, Bill "An Act relating to Use of Draggers in Part of Penobscot Bay," House Paper 916, Legislative Document 1294, tabled on May 5 by the gentleman from Stonington, Mr. Shepard, pending passage to be enacted; and the Chair recognizes that gentleman.

Mr. SHEPARD: Mr. Speaker and Ladies and Gentlemen of the House: I would like to take this opportunity to thank the House membership for their courtesy in permitting me to

table this for two days pending the return of the sponsor, the gentleman from Vinalhaven, Mr. Maddox. I explained that I didn't want to attack it in his absence, but I still am not in agreement with this type of legislation. I admit that I am an odd-ball. I seem to have a compassion for the little fellow, the under-privileged class or the team, be it a basketball or baseball team that is outclassed or outnumbered, outmaneuvered. This seems to be the condition here, this legislation which is fostered and supported by the Maine Lobstermen's Association with a membership of approximately two thousand. The dragger fishermen involved in these two particular locations I should doubt would number over ten or twelve boats, possibly seventy-five to a hundred men involved. They are not organized or represented over here and on that basis I feel like going to bat and offering my feeble help, and I do again repeat that my feeble help has been volunteered, I haven't been requested or solicited to support their particular plight. Perhaps one reason why I reached this decision of offering assistance was following the hearing when one of the dragger operators following the hearing remarked very dejectedly "We are playing against a stacked deck, we just can't win." I thought at the time his remarks were brought about as the result of the Chairman's remarks that he was — he had stated openly at the hearing that he was opposed to draggers in general. I feel that that is not the customary procedure for a Committee Chairman to take, I think it was an error, but it did offer discouragement to the boys. They also have run up against additional handicaps. We find in the House supporting this measure some very able representatives. We have the gentleman from Rockland, Mr. Knight, who has been very fair. He has not participated in the debate either at the hearing or on the floor of the House, but he is a member of the law firm who is retained as legal counsel for the association, and as the gentleman from Lubec would say, "I suspect he has kind of talked up the lobstermen's position." We have the sponsor of the measure, one of the finest men you

could meet, who automatically finds himself on the side of the Association. I am referring of course to the gentleman from Vinalhaven, Mr. Maddox. It so happens that the President of the Association and the sponsor of the bill come from the same town, and certainly Mr. Maddox could not do otherwise than support this lobstermen's Association. We have others who are supporting the measure pretty much in the same category. I won't take your time to elaborate, but all in all the draggersmen who are outnumbered have run up against many handicaps.

We have in previous discussions presented the problem; stated that it wouldn't work. I have talked with several lobster dealers who are opposed to this type of legislation. I have talked with one member of the Sea and Shore Advisory Committee who admits there is a problem but opposes approaching it or trying to control it in this manner. I read yesterday and perhaps others did too, that our Representative, Frank M. Coffin, Representative to Congress, appeared before the Merchant Marine Committee pleading for help for the New England fisheries. One of his remarks. "The roots of the trouble in our New England fisheries is the flight of capital and plants into Canada, obsolescent vessels and processing machinery. Foreign competition have now taken hold to a point where the industry is now being fast choked out." I am sure that Representative Coffin would be very disappointed to learn that an organization such as the Maine Lobstermen's Association had banded together and attempted to solve their problems by ruling out another segment of the industry.

You will recall that there were two of these bills. The Association introduced and sponsored two, one closing the Sheepscot Bay area; this one that we are discussing closing part of the Penobscot Bay area. You will also recall that the Committee Report was divided, four for and six against. It would seem a fair compromise to me inasmuch as the Committee itself was divided, that we divide our legislation to the Association inasmuch as the Sheepscot bill has re-

ceived enactment. I would move indefinite postponement of the Penobscot Bay bill as the solution compromise. I thank you.

The SPEAKER: The question now before the House is the motion of the gentleman from Stonington, Mr. Shepard, that Bill "An Act relating to Use of Draggers in Part of Penobscot Bay" be indefinitely postponed.

The Chair recognizes the gentleman from Vinalhaven, Mr. Maddox.

Mr. MADDOX: Mr. Speaker, Ladies and Gentlemen of the House: I had hoped that it wouldn't be necessary for me to take your time to speak upon this measure again. However, it would not be fair in my present position if I did not do so. I admire the gentleman from Stonington, Mr. Shepard, in his presentation, but it has changed the situation in no way. The abuses do continue, they will continue to exist and they will increase without a doubt unless a remedy through legislation is offered.

This matter was thoroughly debated, I believe it was two weeks ago yesterday here in the House for a matter of some fifty minutes, and this honorable body gave a vote to accept the legislation overwhelmingly. Therefore, I am not going to debate this issue again at this time. I believe that conditions being the same, the results should be the same. But I do want to bring a point to the House that has been overlooked. It hasn't been mentioned in any of the debates. It is of value to the State of Maine, not alone of the product, the money involved in the \$9,000,000 returned to the State, it is the value to the State in an advertising way which is inestimable. We find in all our State literature pertaining to advertising issued by the Department of Economic Development; we find in our road maps, our cruising guides, and all literature pertaining to the State of Maine, symbolically imposed upon this literature, lobsters. Now this is recognized by people in this State, tourists coming into this State, it is a recognized symbol of the State of Maine, and the value to the State as I say cannot be estimated, but I firmly believe it far exceeds the appropriations the State makes for advertising purposes.

One other thing, and I believe unless we legislate to stop any threat to an industry that has such a potential we are doing the State a dis-service. One other thing I would like to mention in closing. Some years ago, possibly over a hundred, the State of Massachusetts in gratitude for the great part in the economic development of that state that the cod fishing industry had played, caused a replica of a cod fish to be made out of wood and hung in the State House and covered with gold leaf. It was known as the sacred cod. Today, the State of Massachusetts, the fishing industries of that State, are importing for packaging and resale codfish from Newfoundland and Labrador and Nova Scotia. Significantly, as the decline of the codfish industry took place in the State of Massachusetts, it coincided with the introduction of dragger fishing, and it has continued to decline proportionately with the increase in dragger fishing. Now if we want our symbolic lobsters upon our advertising matter that is so freely acknowledged by the State as being of so great a value, to maintain some degree of power, we must pass legislation to protect this industry. Otherwise the day is coming when you can look out and make up your mind to this fact that our symbolic lobster has become what the sacred cod of Massachusetts is, a monument to the depletion of natural resources and a memorial to a dying industry.

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

Mr. HENDSBEE: Mr. Speaker, Ladies and Gentlemen of the House: Being a former Nova Scotian and having been interested and affiliated with the fishing industry for quite some time, I feel that it is only right that I should stand up here and support the cause of the lobstermen. Now as we know around here, and you can see it from the lobster buoys that you see all around our coves and bays, the lobstermen fish in close to the shore in the shallow water. Now there are several reasons for that, because it is a hazardous occupation, it is very hard work if you fish in deep water more than a hundred and sixty feet

which is usually the limit, and not only that, but when these draggers come in shore, with their trawls on the mouth of that trawl, the so-called otter trawl, is a bag like, it has two large doors made out of oak and studded with iron, and those are dragged on the bottom of the ocean. Now you can visualize what they do to the bottom of the ocean with those doors and that trawl. They destroy the feeding grounds of the lobster, they destroy the lobstermen's gear, and they just raise hob with the whole industry.

Now there is plenty of ocean left for the draggers. The lobstermen through necessity must fish in the shallow water and near the shore, and we had the same problem many years ago in Nova Scotia when the draggers first came over from Grimsby, England, and they began working over there and they had to be restricted and kept out three miles from the shore, and that gave everybody a chance. The lobstermen were happy; the draggers didn't feel too bad about it because they could get more fish in the deep water than they could in the shallow, and I hope that this bill receives support, because I assure you that to our industry here and to our lobster fishermen, this is one of the most worthy things that we have tried in here for quite some time.

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

Mrs. KNAPP: Mr. Speaker and Members of the House: I have fought for this bill all the way along the line, and I truly believe in it. It has been thoroughly cussed and discussed for the last three or four or five weeks. I am opposed to the indefinite postponement and I now move the previous question.

The SPEAKER: The gentleman from Yarmouth, Mrs. Knapp, moves the previous question. For the Chair to entertain the motion for the previous question, the Chair must be authorized by at least one-third of the members of the House to entertain the previous question. Will those who favor the Chair's entertaining the motion for the previous question, please rise and re-

main standing until the monitors have made and returned the count.

A sufficient number arose.

The SPEAKER: Obviously more than one-third having arisen, the Chair is authorized to entertain the motion.

The question now before the House is, shall the main question be put now? This question is debatable with a time limit of five minutes for any member who wishes to speak.

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

Mr. RANKIN: Mr. Speaker, I admire the gentleman from Stonington, Mr. Shepard, for his tenacity. His favorite animal must be the bulldog —

The SPEAKER: If the gentleman is going to debate the merits of the bill he is out of order. He may only debate as to whether or not the main question shall be put now.

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

Mr. WINCHENPAW: Mr. Speaker, I don't think the main question should be put now. I am as anxious to get home as anyone, but there were a few of us who had a few things we would like to put into the record to prove to our constituents that we are up here on the job and, therefore, I don't believe the main question should be put at this time.

The SPEAKER: The question before the House, is shall the main question be put now? Is there any further discussion on that question?

Will those who favor the Chair putting the main question now please say aye; those opposed, no.

A viva voce vote being taken, the main question was ordered.

The SPEAKER: The Chair recognizes the gentleman from Vinalhaven, Mr. Maddox.

Mr. MADDUX: Mr. Speaker, when the question is put, I request a division.

The SPEAKER: A division has been requested. The question before the House is the motion of the gentleman from Stonington, Mr. Shepard, that Bill, "An Act relating to Use of Draggers in Part of Penobscot Bay," House Paper 916, Legislative Document 1294, be indefinitely postponed.

Will those who favor the indefinite postponement of this Bill please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Twelve having voted in the affirmative and ninety-seven having voted in the negative, the motion did not prevail.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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(Off Record Remarks)

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On motion of Mr. Karkos of Lisbon,

Adjourned until nine o'clock tomorrow morning.