

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Ninth Legislature

OF THE

STATE OF MAINE

VOLUME II

1959
and
SPECIAL SESSION
1960

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Thursday, May 14, 1959

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

Prayer by the Rev. Mr. Alton E. Maxell of Augusta.

The journal of yesterday was read and approved.

Papers from the Senate Senate Reports of Committees Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Exempting Certain Fraternal Societies from Property Taxes" (S. P. 473) (L. D. 1338) reporting that both branches recede and concur in adopting Conference Committee Amendment "A" submitted herewith and pass the Bill to be engrossed as amended by Conference Committee Amendment "A".

(Signed)

CHARLES of Cumberland
WILLEY of Hancock
WYMAN of Washington

—Committee on part of Senate.

TREWORY of Orono
CHRISTIE of Presque Isle
MILLER of Portland

—Committee on part of House.

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

In the House, the Report was read.

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

Mr. TREWORY: Mr. Speaker, Ladies and Gentlemen of the House: I now move that we reject the Committee Report and that a new committee of Conference be appointed, and I would like to speak briefly to the motion.

The SPEAKER: The gentleman may proceed.

Mr. TREWORY: As a committee we thought we had found a satisfactory solution to this problem, but in view of the opinion of the Attorney General's Department

yesterday, it now appears that our decision is entirely unsatisfactory.

The SPEAKER: The motion before the House is the motion of the gentleman from Orono, Mr. Treworgy, that the House reject the Report of the Committee of Conference and that a new committee be appointed.

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

Mr. PLANTE: Mr. Speaker and Ladies and Gentlemen of the House: Apparently the so-called satisfactory solution would be to discriminate against fraternities. Therefore, if my motion has precedence I move that we recede and concur and adopt Conference Committee Amendment "A".

The SPEAKER: The Chair must advise the gentleman that the motion to recede and concur is not in order and that the question before the House is still the motion of the gentleman from Orono, Mr. Treworgy, that the House reject the Committee of Conference Report.

Viva voce votes being taken, the House voted in favor of rejecting the Committee Conference Report and the appointment of a new Committee of Conference.

The SPEAKER: At this time, the Chair will appoint to that Committee the gentleman from Orono, Mr. Treworgy, the gentlewoman from Presque Isle, Mrs. Christie, and the gentleman from Verona, Mr. Walsh.

Ought Not to Pass Covered by Other Legislation

Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Bill "An Act to Reactivate the Maine Committee on Aging and Authorize a Report to the 1961 White House Conference on Aging" (S. P. 284) (L. D. 746) as it is covered by other legislation.

Came from the Senate read and accepted.

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

Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass"

on Resolve Appropriating Moneys for Equipment for Aroostook State Teachers' College (S. P. 314) (L. D. 876)

Came from the Senate read and accepted.

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

Ought to Pass in New Draft Passed to Be Engrossed

Report of the Committee on Judiciary on Bill "An Act Affecting Certain Statutes Relating to Court Process and Procedure and to Kindred Matters" (S. P. 452) (L. D. 1314), which was recommitted, reporting same in a new draft (S. P. 486) (L. D. 1366) under same title and that it "Ought to pass"

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

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

Under suspension of the rules, the New Draft was given its third reading, passed to be engrossed and sent to the Senate.

Divided Report

Report "A" of the Committee on Claims on Resolve in favor of Jim Adams, Inc. of Bangor (S. P. 155) (L. D. 376) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. WEEKS of Cumberland
FOURNIER of York
— of the Senate.

Messrs. KENNEDY of Milbridge
CURTIS of Bowdoinham
GALLANT of Eagle Lake
— of the House.

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

Report was signed by the following members

Mr. PARKER of Piscataquis
— of the Senate.

Messrs. DUFOUR of Old Town
MATHEWS of Berwick
HUGHES of St. Albans
JOHNSON of Stockholm
— of the House.

Came from the Senate with the Reports and Resolve indefinitely postponed.

In the House: Reports were read. The SPEAKER: The Chair recognizes the gentleman from St. Albans, Mr. Hughes.

Mr. HUGHES: Mr. Speaker, I move we concur with the Senate.

The SPEAKER: The question before the House is the motion of the gentleman from St. Albans, Mr. Hughes, that the House concur.

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

Mr. EARLES: Mr. Speaker and Ladies and Gentlemen of the House: With reference to the pending motion of concurrence with the Senate, it has been brought to my attention that in the course of the discussion of this subject matter that a conceivable constitutional question has arisen, and it has been felt that it should be resolved and, therefore, for that reason I would move that this legislative document and both reports be tabled until Tuesday next pending the motion of the gentleman from St. Albans that the House concur with the Senate.

The SPEAKER: The question now before the House is the motion of the gentleman from South Portland, Mr. Earles, that the Bill and both reports be tabled and specially assigned for Tuesday next pending the motion of the gentleman from St. Albans, Mr. Hughes, that the House concur.

The Chair recognizes the gentleman from Eagle Lake, Mr. Gallant.

Mr. GALLANT: Mr. Speaker and Members of the House: I request a division on this.

The SPEAKER: A division has been requested. Will all those who favor the tabling motion please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

The SPEAKER: The pending question now is the motion of the gentleman from St. Albans, Mr. Hughes, that the House concur.

The Chair recognizes that gentleman.

Mr. HUGHES: Mr. Speaker, I do have a copy of a letter from the Attorney General's office to the Honorable Clarence Parker, State Senator, which I would like to read:

"Dear Senator Parker: This is in reply to your oral request for an opinion regarding the constitutionality of L. D. 376.

"Section 21 of Art. 1 of the Constitution of Maine prohibits the taking of private property for public uses without just compensation. The common law rule and that followed in Maine with respect to such a taking is that damages cannot be recovered for loss of business or business interruption. Our statutes provide only for land damages.

"It is my opinion that this resolve violates a well established principle of law that the legislature cannot grant a special privilege to one person that is denied to others under the general law. The legislature is attempting to exempt a particular corporation from the operation of the general law. The people have not conferred upon the legislature the power to exempt a particular person or corporation from the operation of the general law. (Sections 1 and 2, Art. 1, Constitution of the State of Maine.)

"The equal protection of the laws clause of the 14th Amendment of the U.S. Constitution was designed to prevent a person or class of persons from favoring or discriminating legislation.

"Based upon the foregoing reasons, it is my opinion that L. D. 376 is not proper legislation. Very truly yours, Frank E. Hancock, Attorney General."

The SPEAKER: Is the House ready for the question? The question before the House is the motion of the gentleman from St. Albans, Mr. Hughes, that the House concur. Will those who favor the motion to concur please say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed.

Non-Concurrent Matter

Bill "An Act relating to Fishing for White Perch"(H. P. 88) (L. D. 135) which was passed to be engrossed as amended by House

Amendment "A" in the House on February 24.

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

In the House:

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

Mr. BROCKWAY: Mr. Speaker and Members of the House: I would ask to have this item tabled until Tuesday next.

The SPEAKER: The gentleman from Milo, Mr. Brockway, moves that this Bill and all accompanying papers be tabled and specially assigned for Tuesday next pending further consideration.

Mr. Cyr of Augusta requested a division.

The SPEAKER: Will those who favor the motion to table and specially assign for Tuesday next please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Eighteen having voted in the affirmative and eighty-four having voted in the negative, the tabling motion did not prevail.

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

Mr. DUMAINE: Mr. Speaker, I move that we insist and that a Committee of Conference be appointed.

The SPEAKER: The gentleman from Readfield, Mr. Dumaine, now moves that the House insist and request a Committee of Conference.

Will those who favor the motion to insist and request a Committee of Conference please say aye; those opposed, no.

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

The SPEAKER: The Chair recognizes the same gentleman.

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

The SPEAKER: The Chair must advise the gentleman that in a matter of non-concurrence, the only motion in order at this time would be either to recede and concur or to adhere.

Mr. DUMAINE: To adhere.

The SPEAKER: The gentleman from Readfield, Mr. Dumaine, now moves that the House adhere. Will those who favor the motion to adhere please aye; those opposed, no.

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

Ninety having voted in the affirmative and fifteen having voted in the negative, the motion to adhere did prevail.

Non-Concurrent Matter

Bill, "An Act Relating to Salary of Members of Superintending School Committee of City of Portland" (H. P. 119) (L. D. 174) which was passed to be engrossed as amended by Committee Amendment "A" in the House on February 10.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mr. GOOD: Mr. Speaker, I move that we recede and concur.

The SPEAKER: The gentleman from Sebago, Mr. Good, moves that the House recede and concur. Will all those in favor of the motion to recede and concur, please say aye; those opposed, no.

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

The SPEAKER: Seventy having voted--

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

Mrs. HENDRICKS: Mr. Speaker, would it be in order to have this bill tabled because the gentleman from Portland, Mr. Kellam, is absent?

The SPEAKER: The vote having been taken, the motion would not be in order.

Seventy having voted in the affirmative and twenty-nine having voted in the negative, the motion to recede and concur prevailed.

Non-Concurrent Matter

Bill "An Act to Create a Parking Commission for City of Lewiston" (H. P. 843) (L. D. 1206) on which the House adhered on May 12 to its former action whereby the Bill was passed to be engrossed as

amended by Committee Amendment "A".

Came from the Senate with that body voting to insist on its former action whereby the Bill was passed to be engrossed as amended by Senate Amendment "A" in non-concurrence, with the following Conference appointed on its part:

Messrs. BOUCHER of Androscoggin
LESSARD of Androscoggin
ST. PIERRE
of Androscoggin

In the House:

On motion of Mr. Jalbert of Lewiston, the House voted to insist on adherence and join in a Committee of Conference.

Orders

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

Mrs. CHRISTIE: Mr. Speaker, I would like to inquire if the bill to provide a dormitory for Aroostook State Teachers College is in the hands of the Clerk?

The SPEAKER: The bill is in possession of the House.

Mrs. CHRISTIE: Mr. Speaker I would like to move that we reconsider our action.

The SPEAKER: For the sake of the record the Chair must state to the gentleman that Bill "An Act Appropriating Moneys to Construct a Women's Dormitory at Aroostook State Teachers' College" is in possession of the House. That is L. D. 561 on which the House adopted an "Ought not to pass" Report on May 13, yesterday.

Mrs. CHRISTIE: Mr. Speaker and Members of the House: I move that we reconsider our action whereby we accepted the "Ought not to pass" Report of the Committee and I would like to speak to that motion.

The SPEAKER: The gentleman may proceed.

Mrs. CHRISTIE: Mr. Speaker, this bill asks for a dormitory for Aroostook State Teachers' College. It is not a bill which anticipates needs far in the future, for the enrollment for next year exceeds by 29 students the housing capacity of the college. Even this fall if they are to take care of the students already enrolled for this fall's school, they will have to put three

in a room in order to accommodate them. This will create a problem as far as the morale of the students is concerned.

We are much concerned in Maine because of a shortage of teachers. If we do not provide adequate housing for our teachers in training, how can we provide teachers for our schools? There is no more urgent need than that of encouraging young people to enter this field. We cannot give this encouragement if we do not provide a place for them to live. I am definitely for economy in government, but there is an economy that leads to poverty rather than well being. A failure to provide means of teacher-training means poverty in education in which Maine is far below standard in our country.

Failure to get this dormitory will place a physical limitation on the growth of the college. This would make student costs higher and thus discourage registration. The college aims at a registration of four hundred. Until this building is built, they will not be able to accommodate people, all who can qualify for admission. If students cannot be accommodated, the only alternative is rentals in the city where because it is a defense area rentals are very high, and this again would constitute a problem for the management of the school.

Mr. Speaker, I move the bill be substituted for the report.

The SPEAKER: The Chair must advise the gentlewoman that the question before the House is on the reconsideration of the acceptance of the "Ought not to pass" Report.

Mrs. CHRISTIE: I move the reconsideration.

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

Mr. BRAGDON: Mr. Speaker, I wish to go along with the request of the gentlewoman from Presque Isle, Mrs. Christie. The reason that this bill was sent out of committee was because it lacked priority if I may use that word. However, there are several bills pertaining to construction still in the committee that fall in very much the same category as this bill, and I think that the gentlewoman has made a very legitimate request in that this

bill be tabled and give her an opportunity to consider it along with these others which logically fall in the same category.

The SPEAKER: Did the Chair understand the gentleman to make a tabling motion?

Mr. BRAGDON: I think that that would be what the--

The SPEAKER: The gentleman does not make the motion?

Mr. BRAGDON: I didn't make the motion. I assumed that the gentlewoman from Presque Isle would make that motion.

The SPEAKER: The question before the House is on the reconsideration of the acceptance of the "Ought not to pass" Report. Will those who favor the motion to reconsider please say aye; those opposed, no.

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

Mrs. CHRISTIE: I ask for a division.

The SPEAKER: The Chair has been doubted and orders a division. Will those who favor the motion to reconsider please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Fifty-six having voted in the affirmative and fifty having voted in the negative, the motion prevailed.

The SPEAKER: The Chair understands that the gentlewoman from Presque Isle, Mrs. Christie, now moves that the Bill "An Act Appropriating Moneys to Construct a Women's Dormitory at Aroostook State Teachers' College," House Paper 378, Legislative Document 561, be substituted for the "Ought not to pass" Report.

Will those who favor the motion to substitute the bill for the Report please say aye; those opposed, no.

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

The SPEAKER: The motion does not prevail but the Chair will order a division. Will those who favor substituting the bill for the report, 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 seventy-three having voted in the negative, the motion did not prevail.

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

On motion of M. Hughes of St. Albans, it was

ORDERED, that Mr. Maddox of Vinalhaven be excused from attendance for the remainder of the week because of business.

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

ORDERED, that Mr. Heald of Union be excused from attendance today because of business.

On motion of Mrs. Hendricks of Portland, it was

ORDERED, the Senate concurring, that the Legislative Research Committee be, and hereby is, directed to study the problems of the Department of Health and Welfare concerning its inability to fill certain administrative positions within the department with particular attention to the position of Director of Health; and be it further

ORDERED, that the Legislative Research Committee report the results of its study to the 100th Legislature. (H. P. 965)

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

The SPEAKER: At this time the Chair would recognize the presence in the House to the right of the Speaker of a group of four students, Mr. Randy Sterling and Mr. Dale Prescott of Waterville High School and Mr. David Audet and Mr. Doug Taylor of Winslow High School who are visiting the Legislature for the day. On behalf of the House, the Chair extends to you gentlemen a most cordial welcome and we hope you enjoy your visit with us. (Applause)

House Reports of Committees Ought Not to Pass

Mr. Stanley from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act Relating to Construction and Installation of Certain Capital Improvements at State

Teachers' Colleges and Fort Kent State Normal School" (H. P. 891) (L. D. 1260)

Report was read.

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

Mr. ROWE: Mr. Speaker and Members of the House: L. D. 1260 handles the full bond issue for the teachers' colleges and Fort Kent State Normal School. All of you are acquainted from your capital improvement book with the A, B, C and D priority items and the way they are set up. The Governor's request covers A and B. L. D. 1260 covers A, B, C and D, it covers the request for Gorham, Farmington, Aroostook State, Washington State and Fort Kent Normal School.

Yesterday the House saw fit to indefinitely postpone the revenue bill which would provide the money to retire the full bond issue for the teachers' colleges. I accept the House's judgment that they do not wish to finance the full bond issue, and therefore, I move the acceptance of the "Ought not to pass" Report.

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

The motion prevailed. Sent up for concurrence.

Ought to Pass with Committee Amendment Passed to Be Engrossed

Mr. Bragdon from the Committee on Appropriations and Financial Affairs on Resolve Appropriating Moneys for Construction of Enclosures for Stairwells in Corthell, Robie and Andrews Halls at Gorham State Teachers' College (H. P. 786) (L. D. 1118) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Resolve read once.

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

COMMITTEE AMENDMENT "A" to H. P. 786, L. D. 1118, Resolve, Appropriating Moneys for Construction of Enclosures for Stairwells in Corthell, Robie and

Andrews Halls at Gorham State Teachers' College. (Emergency)

Amend said Resolve by striking out in the 2nd and 3rd lines in the last paragraph before the Emergency Clause the words "the purposes of this resolve have been accomplished" and inserting in place thereof the word and figures 'June 30, 1961'.

Committee Amendment "A" was adopted and, under suspension of the rules, the Resolve was given its second reading, passed to be engrossed as amended and sent to the Senate.

Passed to Be Engrossed

Mr. Edwards from the Committee on Appropriations and Financial Affairs on Resolve Appropriating Moneys for a Sprinkler System in Andrews and Robie Halls at the Gorham State Teachers' College (H. P. 471) (L. D. 689) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Resolve read once.

Committee Amendment "A" was read by the Clerk as follows: COMMITTEE AMENDMENT "A" to H. P. 471, L. D. 689, Resolve Appropriating Moneys for a Sprinkler System in Andrews and Robie Halls at the Gorham State Teachers' College. (Emergency)

Amend said Resolve by striking out all of that paragraph immediately before the Emergency Clause and inserting in place thereof the following:

'Resolved: That the moneys appropriated by this resolve shall not lapse but shall remain a continuing carrying account until June 30, 1961.'

Committee Amendment "A" was adopted and, under suspension of the rules, the Resolve was given its second reading, passed to be engrossed and sent to the Senate.

Mr. Earles from the Committee on Judiciary on Bill "An Act relating to Pauper Settlement of Patients and Employees of Central Maine Sanatorium" (H. P. 247) (L. D. 358), which was recommitted, 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. 247, L. D. 358, Bill, "An Act Relating to Pauper Settlement of Patients and Employees of Central Maine Sanatorium."

Amend said Bill by deleting the words "or employee at" after the word "of" in the 4th line.

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

Third Reader Tabled and Assigned

Bill "An Act Relating to Augmenting of Stored Water" (S. P. 467) (L. D. 1363)

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

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

Mr. ALIBERTI: Mr. Speaker and Ladies and Gentlemen of the House: I was looking over this bill and I'm a little bit disturbed. I think the idea is very, very good. If you will turn to your legislative document 1363, this gives the authority for industry or companies or corporations or people to store and augment water storage and it has a provision in it whereby they may take land by eminent domain. Now ordinarily I would be for eminent domain, but in this particular case if you will look at the second page of that, page two, authorization for the eminent domain must be by act of Legislature and I believe in that also, and then going along further in section three, they are now asking authority or giving authority if this act is passed to the Central Maine Power Company to build and maintain and operate a storage development area in Pleasant Ridge Plantation in the County of Somerset and the State of Maine. Now I would like to ask a question as to whether or not there is eminent domain attached to this particular authorization to the Central Maine Power Company.

The SPEAKER: Is the gentleman directing his question to anyone in particular?

Mr. ALIBERTI: Anybody that could answer it, Mr. Speaker.

The SPEAKER: The gentleman from Rumford, Mr. Aliberti, has addressed a question through the Chair to anyone who may answer if they choose.

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

Mr. PIKE: Mr. Speaker, I wish I was better prepared for this question, but I am quite sure that under the Mill Act, which has been many times declared constitutional largely on account of its antiquity, this does involve the practical equivalent of eminent domain. I don't believe the words are in here. At least, I have not found them on a hasty search. The Mill Act as you know allows you to build a dam on a river and let the water back up to where it will and flood most anything else as long as you can pay the damages. I believe in this case that there is very little occupation here, but eminent domain I am sure is involved whether in such words or not, I don't know.

The SPEAKER: Does the gentleman from Rumford consider his question answered?

Mr. ALIBERTI: Mr. Speaker, if that is so, then I would say that we should probably tread lightly because here in this bill we are giving them the authority to exercise eminent domain and then we are also giving Central Maine the authority right now to exercise this power of eminent domain, and I would not mind if this was to come before the legislature to ask for eminent domain powers which is according to Section 39 C, but at least the Legislature would have a chance to study the pros and cons of this eminent domain that they would give authorization for. We are giving authorization, if this bill is passed, to Central Maine not knowing what the eminent domain entails. Therefore, I move that this be tabled until Tuesday of next week pending further investigation.

The SPEAKER: The question before the House is the motion of the gentleman from Rumford, Mr. Aliberti, that Bill "An Act Relating to Augmenting of Stored Water" be tabled and specially assigned for Tuesday next pending third reading. Is this the pleasure of the House?

The motion prevailed.

Tabled Until Later in Today's Session

Bill "An Act Relating to the Amount of the Annual Excise Tax on Railroads" (H. P. 254) (L. D. 365),

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

(On motion of Mr. Cousins of Bangor, tabled until later in today's session pending passage to be engrossed.)

Passed to Be Engrossed

Bill "An Act relating to Completion of Josias River Project in Ogunquit" (H. P. 964) (L. D. 1368)

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

Amended Bill

Bill "An Act relating to Source of Supply of Bangor Water District" (S. P. 476) (L. D. 1342)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed in non-concurrence and sent up for concurrence.

Constitutional Amendment Indefinitely Postponed

Resolve Proposing an Amendment to the Constitution Pledging Credit of State for Guaranteed Loans for Recreational and Industrial Park Purposes (S. P. 178) (L. D. 422)

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

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

Mr. DENNETT: Mr. Speaker and Members of the House: Earlier in the session this bill was brought before the Committee on State Government. At that time no objectors appeared, and the bill was passed out. At a subsequent meeting of the committee at a hearing on another matter objections were raised to this bill. It was thought at the time that the objections could be overcome by amendment. Apparently, this is not possible. The Maine Industrial Building Authority objects violently to this bill claim-

ing that it is greatly in variance with the purposes set forth in the Maine Industrial Building Act. On May 12 they voted unanimously to object to this bill. Recognizing the validity of their argument and their objections, I now move that this Resolve be indefinitely postponed.

The SPEAKER: The question now before the House is the motion of the gentleman from Kittery, Mr. Dennett, that this Resolve be indefinitely postponed. The Chair recognizes the gentlewoman from Falmouth, Mrs. Smith.

Mrs. SMITH: Mr. Speaker and Members of the House: I would like to go along with the gentleman from Kittery, Mr. Dennett, who has moved the indefinite postponement of this Resolve. I had very grave doubts as it went through the House, but since there seemed to be no opposition and I was not prepared at that time to debate the Resolve, I made no objection either, but I would like to call to your attention that the Industrial Building Authority was a carefully tailored bill tailored to industry and there was a year and a half of work put into it before it was presented to the Legislature. It is in no way adapted to just ask the addition of the words recreation and industrial park promotion. At the moment they do not seem to know what the words industrial park would do to the bill or how it would work in, because they are bricks and mortar, but the word recreation is very broad and should be defined, because we are pledging the full faith and credit of the State of Maine if we pass this. If we are to have a bill of this type which may be desirable and all, it should be a different bill than this one which was tailored especially for industrial building, and I hope the motion of the gentleman from Kittery does prevail.

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

Mr. PLANTE: Mr. Speaker, Ladies and Gentlemen of the House: I wish to concur with both the gentlewoman from Falmouth, Mrs. Smith, and the gentleman from Kittery, Mr. Dennett. I certainly am in favor of anything that would help recreational areas representing

a recreational oriented district, but I am in no way in favor of any legislative document that would jeopardize the already delicate position of the Maine Industrial Building Authority. This is why I regretfully concur with both of them, and I hope the Resolve will be indefinitely postponed.

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 will go along with this motion to indefinitely postpone. The principle arguments used in favor of the inclusion of recreational and industrial park sites in the Maine Industrial Building Authority Act were, the weak ones, that it would do no harm, the safeguards would prevent the credit of the State being pledged on unsound projects. I feel and felt in the committee that those arguments are not strong enough and, as I say, I will go along with the motion to indefinitely postpone.

The SPEAKER: Is the House ready for the question? The question before the House is on the indefinite postponement of Resolve Proposing an Amendment to the Constitution Pledging Credit of State for Guaranteed Loans for Recreational and Industrial Park Purposes. Will those who favor the motion to indefinitely postpone please say aye; those opposed, no.

A viva voce vote being taken, the Resolve was indefinitely postponed and sent up for concurrence.

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

Mr. PLANTE: I now move that we reconsider our action whereby we indefinitely postponed L. D. 422, and I trust that my motion will not prevail.

The SPEAKER: The gentleman from Old Orchard Beach, Mr. Plante, now moves that the House reconsider its action whereby it indefinitely postponed this Resolve. Will those who favor the motion to reconsider please say aye; those opposed, no.

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

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Resolve in favor of Grand Falls Hospital, Grand Falls, New Brunswick (H. P. 483) (L. D. 701) reporting that the Senate recede from its action whereby the Minority Report was accepted, accept the Majority Report and pass the Resolve to be engrossed as amended by Conference Committee Amendment "A"; that the House recede from its action whereby the Resolve was passed to be engrossed and pass it to be engrossed as amended by Conference Committee Amendment "A".

(Signed)

HUGHES of St. Albans

CURTIS of Bowdoinham

JOHNSON of Stockholm

— Committee on part of House.

PARKER of Piscataquis

COLE of Waldo

WEEKS of Cumberland

— Committee on part of Senate.

Report was read.

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

CONFERENCE COMMITTEE AMENDMENT "A" to H. P. 483, L. D. 701, Resolve, in Favor of Grand Falls Hospital, Grand Falls, New Brunswick.

Amend said Resolve in the second line by striking out the figures "\$1,189.25" and inserting in place thereof the figures '\$1,000'

Thereupon, the Report was accepted and the House receded from its action whereby the Resolve was passed to be engrossed, adopted Conference Committee Amendment "A" and the Resolve was passed to be engrossed as amended by Conference Committee Amendment "A" in non-concurrence and sent up for concurrence.

The SPEAKER: At this time the Chair would recognize the presence in the gallery of the House of a group of pupils from the Simpson's Corner School of Dixmont Maine, accompanied by Mrs. Arlene Smith, their teacher, and a group from the Dixmont Center School of Dixmont, accompanied by their teacher Edith Luce. On behalf of the House, the

Chair extends to you ladies a most cordial welcome and we hope you will enjoy your visit here today. (Applause)

Passed to Be Enacted Emergency Measure

An Act Empowering the Supreme Judicial Court to Promulgate Rules (S. P. 487) (L. D. 1359)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 120 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Authorize the Municipalities of Farmingdale and Hallowell to Form a School Administrative District and the Municipalities of Bingham, Caratunk Plt., Moscow, The Forks Plt., and West Forks Plt. to Form a School Administrative District (H. P. 959) (L. D. 1361)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a division was had. 119 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Correcting Certain Inconsistencies in the Probation and Parole Law (H. P. 290) (L. D. 437)

An Act relating to Appeals from Interlocutory Decrees (H. P. 792) (L. D. 1124)

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

An Act to Authorize Enfield, Greenbush, Greenfield, Howland, Maxfield, Passadumkeag, La Grange and Seboeis Plantation to Form a School Administrative District and to Authorize North Berwick and South Berwick to Form a

School Administrative District (H. P. 960) (L. D. 1362)

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.

Orders of the Day

The SPEAKER: The Chair now lays before the House the first tabled and today assigned matter, House Divided Report, Majority "Ought not to pass" and Minority "Ought to pass" of the Committee on Education on Bill "An Act relating to State Aid for School Construction," House Paper 3, Legislative Document 12, tabled on May 7 by the gentleman from Scarborough, Mr. Clark pending acceptance of either Report; and the Chair recognizes that gentleman.

Mr. CLARK: Mr. Speaker and Members of the House: This is a very important piece of legislation and affects many communities in this State, and since L. D. 1263 has been committed to the Committee on Appropriations and Financial Affairs, I now ask the House to go along with me and table this bill unassigned until that bill has been reported back to this House.

The SPEAKER: The question before the House is the motion of the gentleman from Scarborough, Mr. Clark, that both Reports be tabled unassigned pending acceptance of either report. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair now lays before the House the second tabled and today assigned matter, An Act Concerning Liability of Parents for Damage by Children, Senate Paper 58, Legislative Document 91, tabled on May 13 by the gentleman from South Portland, Mr. Earles, pending passage to be enacted; and the Chair recognizes that gentleman.

Mr. EARLES: Mr. Speaker and Ladies and Gentlemen of the House: As I think everyone is conscious of the fact that this particular document has caused varying opinions

and varying degrees within those specific opinions.

As I understand the status of the particular document, it is now pending passage to be enacted. Recollection will bring to your mind that the members of the Judiciary Committee and others had reservations about this bill because it was so extensive and the impact of a bill as broad in its coverage as this. The proponentcy of the bill and the people of interest in same have approached me on the basis of recognizing that the bill does need amendment. And therefore for the purposes of presenting for your consideration an amendment to this bill I would move that we reconsider our action whereby this particular document was passed to be engrossed.

The SPEAKER: The question before the House now is the motion of the gentleman from South Portland, Mr. Earles, that the House suspend the rules so that reconsideration may be moved.

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

Mr. ALIBERTI: Mr. Speaker and Ladies and Gentlemen: May I ask a question?

The SPEAKER: The Chair must advise the gentleman that the motion to suspend the rules is not debatable, but you may ask a question.

Mr. ALIBERTI: The question I would like to ask is this, is this for the purpose of an amendment?

The SPEAKER: The Chair understood the gentleman from South Portland to say that it was.

The question before the House is as to the suspension of the rules, which is not debatable.

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

Mr. BERMAN: Is another motion in order?

The SPEAKER: The motion to suspend the rules is the only motion in order at this time and it does require a two-thirds vote.

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

A division of the House was had.

One hundred two having voted in the affirmative and none in the

negative, the motion to suspend the rules prevailed.

On motion of Mr. Earles of South Portland, the House voted to reconsider its action whereby it passed the Bill to be engrossed.

That gentleman then offered House Amendment "B" and moved its adoption.

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

HOUSE AMENDMENT "B" to S. P. 58, L. D. 91, Bill, "An Act Concerning Liability of Parents for Damage by Children."

Amend said Bill by striking out all of that part designated "Sec. 22-A." and inserting in place thereof the following:

"Sec. 22-A. Liability of parents for damage by children. The parent or parents of any minor who is between 7 and 17 years of age and is living with said parent or parents, which minor or minors willfully or maliciously cause damage to any property or injury to any person, shall be jointly and severally liable with such minor or minors for such damage or injury to an amount not exceeding \$250, if such minor or minors would have been liable for such damage or injury if they had been adults. Nothing in this section shall be construed to relieve such minor or minors from personal liability for such damage or injury."

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

Mr. EARLES: Now first off, this amendment replaces in its entirety the bill as presented. Then secondly, what it does is this. It retains the parental responsibility of those minors between the ages of seven and seventeen years of age who live with their parents. In other words, it eliminates the responsibility of guardians; it constricts the age factor of a minor, in other words, under the parents bill responsibility of minor extended to either age twenty-one in the instance of a male or eighteen in the instance of a woman or girl unless they have been emancipated; and furthermore the responsibility extended even though the parents or guardians were living apart from the offspring or minor in charge of the guardian.

So with that explanation I will conclude my remarks, other than to move the adoption.

The SPEAKER: The question before the House is on the adoption of House Amendment "B".

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

Mr. DUMAINE: Mr. Speaker, may I ask a question through the Chair to anyone who would like to answer?

The SPEAKER: The gentleman may state his question.

Mr. DUMAINE: The question on this amended bill — the age seventeen to the age twenty-one, who is responsible for those minors?

The SPEAKER: The gentleman from Readfield, Mr. Dumaine, has addressed a question through the Chair to anyone who may answer if he chooses.

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

Mr. EARLES: Mr. Speaker, in response to the inquiry of the gentleman from Readfield, this bill would not cover, or make the parents responsible under this bill, for the willful or malicious act of a child beyond the age of seventeen years.

The SPEAKER: Does the gentleman from Readfield consider his question answered?

Mr. DUMAINE: Yes I do in a way, sir. Thank you very much. One comment, but I still believe that we should be responsible as parents until they have become of legal age.

The SPEAKER: The question before the House is on the adoption of House Amendment "B". Is the House ready for the question?

Will those who favor the adoption of House Amendment "B" please say aye; those opposed, no.

A viva voce vote being taken, the motion prevailed.

The SPEAKER: This Bill having had its three several readings and the Committee on Bills in the Third Reading having reported no further verbal amendments necessary, is it now the pleasure of the House that this Bill shall be passed to be engrossed as amended in non-concurrence?

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

Mr. HILTON: Mr. Speaker and Members of the House: I move indefinite postponement of L. D. 91 and all of its accompanying papers, and I would like to speak briefly on the bill.

The SPEAKER: The gentleman may proceed.

Mr. HILTON: Mr. Speaker and Members of the House: There are a number of people who have large families in my area who are somewhat disturbed by this bill. These people are good, honest, hardworking people who have only the necessities of life. Of course, they always pay their bills and probably would pay for any willful or malicious damage their children might do even without this law. Some of these people have a family of ten children.

Amendment "A" excludes all children who are not living with their parents. This excludes fifteen hundred state children who are boarded out in foster homes. This excludes children who are away from home attending boarding school or college. It excludes children visiting grandparents or other relatives during the summer vacation, and I am interested in that item. It exempts guardians from being liable for acts committed by their wards. Amendment "B" excludes children up to seven years old and beyond seventeen years old, but it does not exclude, either amendment, does not exclude 14,000 A.D.C. children which are in the custody, in most cases, of their mothers. Could you collect much money from an A.D.C. mother? There are many thousands other people who live from hand to mouth, have barely enough to go from one pay check to another. Would it be possible to collect much damage from this group? There are other families where one, sometimes both, of the parents are alcoholics. You can't do very much business with an alcoholic. One man told me yesterday we could only make those pay that could pay anyway.

Children do not play alone. They are in groups a good deal of the time. If they do play alone, they are not considered normal. If a willful or malicious act is committed by a group of five or six children, we will say from all walks

of life, is there not going to be a tendency to place the blame on the child whose parents are able to pay? This could be quite a serious matter for people with large families and of moderate means.

I went to school fifty years ago to a little country schoolhouse. We used to call these schoolhouses a knowledge box in those days. We had to walk sometimes a couple of miles, some of us did. We had work to do night and morning. We smelled of the barn. I afterwards attended the village high school.

In the village every storekeeper, every blacksmith knew every boy in town and they called each other by their first name. Even we used to see the train come in and we knew the engineer and fireman. The roads used to be full of teams and us boys were always riding with the teamster and talking horse. In those days the boys and girls were part of the community.

Today there is not much work that children can do. Nobody has any time to give them any attention. If they did work, they would have to come under a minimum wage very likely. About the only place they can gain admittance is a restaurant or soda fountain where they are expected to leave some money.

I know of a family who has an eighteen year old son who is very smart to work, is as good to work at most anything as lots of men are. He has bought himself two different cars and has been in all kinds of trouble. This family has absolutely no control over this young man now. He even drinks. Even the police are not making much headway with him. This family has a younger boy. I heard his mother say she wasn't going to let this boy earn any money as the other one had too much money. This boy has been earning money about three years.

I know of another young man who is now about twenty-seven or twenty-eight who has been in jail half the time since he was old enough to go to jail. His mother has done everything. She has paid his fines. She has got him out of all kinds of trouble. When he was a child he was always in trouble, and he always will be.

I was talking with a deputy sheriff last summer and I asked him how business was and he said it was good. He said we just picked up most of that gang that has been breaking and entering. Most of these boys were under seventeen. He said we got sixteen of them last night.

Ladies and Gentlemen, I say that these cases are a little too big a job for the parents to handle.

I know it sounds very good to blame the parents for the misdemeanors of their children. I have heard school teachers complain about the children having no discipline at home. I have known of too much discipline at home. It would cause the child to lie. I know of a man who got in jail for licking some boys, yet he was doing what some of you people would like to see done.

Seventy-five years ago when my mother went to school, the towns did very little toward paying the expenses of educating children. The parents had to board the school teachers, buy their books, other supplies, furnish wood for the school house, etc. It is all different today. It is everybody's job to educate our children, but the liability of the children's behavior still remains just the same as it did then with the parents, and we are trying to put more load on the parents by this bill.

I consider myself rather fortunate in bringing up my family. We lived for twenty-five years where the nearest neighbors were two miles away. People in thickly populated areas are not so fortunate. I come to Augusta every day through a section of the city where there are many children in the street. If some one of them should throw a rock through the glass in my car I could not tell which one it was. I imagine there are all kinds of children in these groups, both good and bad.

I think some of us people who do not have children in this seven to seventeen year age group could well afford to give these children a little attention once in a while, at least speak to them once in a while. I have had boys walk across country to my farm where I have been working and ask me if they

can stay around and watch me for a while.

Malicious mischief, willful and malicious mischief can cover a multitude of sins. I had a thirteen year old girl one time, as I was told that she told it, was walking on the school grounds with two other girls. They were arm in arm. A crowd of boys came behind and knocked these girls down. My girl was injured. She spent thirty days in the local hospital. She had to go for thirty days more in a Boston hospital. I had to pay the bills. It was \$1,100. I wonder if this act would be considered willful and malicious mischief, whether I should have sued the parents of the boys.

I have had malicious acts done to me before now. I had one a year ago that it really was. I did not know what to do. The damage was slight. I contacted the county attorney and I told him I would like to see done what was good for the boys. I did not care about the damage. He told me he thought we should take them before the judge. However, we were unable to catch one of the boys and we prolonged the case some time. In fact, we never did catch this other boy. Those boys did not want their parents to find this out. Those boys today do not know that we have dropped the case. We worried them considerable, but we did not worry the parents. I would like to quote the gentleman from Auburn, Mr. Turner, in regards to this bill as he spoke on another bill he said that "it was a bad bill; it was just no good." And I say this one is no good. This bill has been killed once. Let us kill it this time, and I hope it stays dead.

When the vote is taken, I ask for a division.

The SPEAKER: The question before the House is the motion of the gentleman from Anson, Mr. Hilton, that Bill "An Act Concerning the Liability of Parents for Damage by Children" be indefinitely postponed.

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

Mrs. KNAPP: Mr. Speaker, as we have no law now on our books this is a wedge in the door, and could still be amended by future legislation if not O.K. Chief FBI,

J. Edgar Hoover, has pleaded with us to do something about juvenile delinquency. There are over ten thousand mothers in our Federated Woman's Club in the State of Maine that are behind this bill. The lawyers now have thrashed this out and feel that this amendment is O.K. and that the bill should pass. I therefore hope that the motion of the gentleman from Anson, Mr. Hilton, does not prevail.

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

Mrs. SMITH: Mr. Speaker and Members of the House: It is my overwhelming conviction that the parent who cooperates most sincerely with the law authorities does his child the greatest good. The value of this law is not so much in recovering dollars as in creating a feeling of responsibility on the part of parents who have in recent years become more relaxed in their attitude toward the responsibility they have towards their children, and the responsibility the children have towards society. Hence, the large headlines that we read in the papers of juvenile crime at all levels of society. There is a time, I am quoting from a newspaper article, it says, "there are times when a child needs to have the fear of God put in him. He must be punished and not excused. He must accept discipline, and learn to respect the rights of others if he is to become a good citizen." I would like to leave these thoughts with you when you vote today. I would also like to remind you that if this bill does not pass, it will be back with you, and with you, and with you, because the women of the state who are mothers want a bill of this type.

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

Mr. MILLER: Mr. Speaker, and Ladies and Gentlemen of the House: As the father of three small children and who have a mother, I can assure that their mother is not in favor of this bill. I want to concur wholeheartedly with the gentleman from Anson, Mr. Hilton, Representative Hilton, and I hope that the Members of the House will vote the indefinite postponement of this very bad piece of legislation.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Caron.

Mr. CARON: Mr. Speaker and Members of the House: As a member of the Judiciary Committee that signed the report "Ought not to pass" on this bill. I will be very brief. Presently on the books we do have laws that a minor is responsible for his torts. Also the parents are responsible if they furnish the minor with an automobile, or a good example, if they furnish a minor with a .22 Rifle and he causes any kind of expenses or damages. I don't feel that this is good legislation, the reason being that how can you hold one man responsible for another one's act? This is not good legislation for the parents. We are penalizing the parents of large families or small families. I certainly cannot control my boy who is fifteen years old in Biddeford at this time. I am sure that my wife is doing so. Another good example, assuming there is a scuffle takes place in the yard of the school, the schoolyard rather, and two boys are scuffling and one of the boys gets a broken nose, which happens very often, and has a poor father working for \$40, \$45 a week with five other children and there is a hospital bill for \$200, are we going to penalize the father? This is not good legislation and I do not recommend it.

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

Mr. TURNER: Mr. Speaker, Members of the House: I kind of feel that this bill would cause more trouble than you are going to remedy out of it. You take a bunch of kids, they get mad with somebody or say you arrest some of them and get them mad, they are going to watch their chances and they are coming back in gangs and they are going to operate on you. I know one case over home where a bunch of kids got mad at an old man because he hired them to mow the lawn, and he didn't pay them. He cheated them out of it, and so they waited about the Fourth of July. They made him a visit the night before the Fourth. They took and removed his steps. They turned off the light in front of his house and commenced to holler and hoot and

when he came out the door he went end over end onto the lawn. He didn't know the steps were gone and they drove him back in the house with rotten eggs, and I think you will get into a lot more trouble. I think you are going to create a lot of outlaws under this bill, and I go along with my friend from Anson, Mr. Hilton to indefinitely postpone this bill.

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

Mrs. KNAPP: Mr. Speaker, this is a vandalism bill and these boys scuffling and break one boy's nose, that's the American way of life. But this is a vandalism bill.

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

Mr. DODGE: Mr. Speaker, Members of the House: We have been talking a lot about protecting the parents. Just who is going to protect the people whose cars and houses are damaged? This bill it seems to me would be a very fair bill especially with the amendment we have here, and it is going to call people's attention to the fact that you can't go around damaging property. The children can't do this, and if you don't pass this bill, does it mean that all the children can go around and break people's windows, smash up their cars and everything and nobody is responsible? Well, that don't seem to me that that is the kind of thing we can have.

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

Mr. ALIBERTI: Mr. Speaker, Ladies and Gentlemen of the House: My colleague from Anson, Mr. Hilton, painted a very, very gloomy picture of our youth and our youngsters, and from the way he spoke this morning it would seem that, I am very much surprised that a bill has not been introduced at this session asking for funds to build more reformatories and correctional institutions. I don't believe that is the case. Let us take the case of a boy who is in school, and he is taking a drink from a porcelain drinking fountain with a spigot and some youngster comes along and pushes his head down and breaks

his teeth. Now that boy will never get those teeth. He is in the age group where those teeth will never grow again, so therefore he is more or less crippled for the rest of his life in a spot where it will do the most harm in his facial expression. That is one instance. Now, if a lot of you members of the House are golfers, just suppose that a youngster walked along to your golf clubs while your bags are out on the side waiting for you to go out onto the first tee and poured some concrete into your bag so that all your clubs were stuck there, doing a damage of \$150 to \$250, you would be so screaming mad you would want to take that youngster and you would want to whip him yourself, and you probably would. Now these are the things that are important as far as the parents are concerned. If those parents are brought in and they have to pay just once for an item like that, they will make sure the youngsters don't do it again. Now brother Hilton spoke about the A.D.C. children. Just because they are A.D.C. children do we give them a blanket order and tell them to go out and damage property? Just because they are A.D.C. children, they have no responsibilities? Certainly the mothers might not have the responsibility in some cases of A.D.C. children, but I would say that they certainly should be made to be responsible youngsters at an age when they should be learning the rudiments of growing up. I come from a family of eight. I only had to make one mistake and my parents warned me so much that I was very, very sure that that mistake would not recur again, and I think that that is where it is going to hurt the most. You let one parent pay for one damage claim as a result of this act right here, and you will find out that the youngsters would not repeat that twice.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I think we have a few minutes this morning. I have heard good farmers oppose one another and good laymen, and I have been waiting for the Judiciary Committee to take issue with

one another so that I could tell a little story. A few years ago a gentleman by the name of Abe Goldberg was hit by a taxi cab in New York. He wound up in a hospital and back home and back in the hospital and for a year and a half the gentleman was on a stretcher or on his bed or being moved from one place to another, and the only muscles that he could move in his entire body was the muscles of his eyes and the muscles of his mouth. Of course, the wind up is in the court room. The firm representing the taxi cab outfit was the firm of Kelly, O'Brien, Murphy & O'Flaherty. The trial came and the trial went. Verdict for the plaintiff \$250,000. Mr. Kelly was somewhat aggravated. He looked down, before they went out of the court room, upon Mr. Goldberg and he said: "Abe, I know that you are faking. I want you to know that you are not going to enjoy too much of this money because" he said, "we are going to have detectives on you. We are going to be watching you night and day. If we ever catch you moving any muscle other than the muscles of your eyes or the muscles of your mouth, you will wind up back in this court room." Abe rolled up his eyes and he looked at Mr. Kelly. He said, "Mr. Kelly, when I leave this court room I am being driven by ambulance to Idlewild Airport. From the airport I am being flown to Montreal, and from Montreal I am being taken again by ambulance to Ste. Anne de Beaupre and there, Mr. Kelly, you are going to see the darnedest miracle you have ever seen in your life." (Laughter) I am with this bill and this amendment.

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

Mr. WILLIAMS: Mr. Speaker and Members: In the interest of safety, especially the safety of Mr. Turner, I will have to go along with Mr. Hilton.

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: In passing I would like to make this com-

ment. I am sure that the gentleman from Anson, Mr. Hilton, would have no such trouble with his children as is indicated in this bill today, because I am sure that he trains his children so that he wouldn't, so that they would not cause such trouble, and who but the parents can teach children right living? If the parents do not teach them, how are they going to be taught, and how are they going to know the right way to live? And if we put the responsibility on parents, I believe that they will be more careful to teach their children the responsibility they should have for the property of others and they won't be doing acts of wilful and malicious mischief, and so I hope that this amendment will be accepted and the bill will be passed to be engrossed.

The SPEAKER: Is the House ready for the question?

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

Mr. BEANE: Mr. Speaker, as a member of the Judiciary Committee, I would like to point out that while I was personally somewhat reluctant to take the bill in its original form, I would like to point out that the House Amendment which was just passed, which was introduced by the gentleman from South Portland, Mr. Earles, though it is a House Amendment was very carefully discussed with the other members of the Judiciary Committee before it was drawn up, and it was felt that the bill as limited by this amendment would take care of some of the objections which have been raised, the exclusions which have been mentioned by the gentleman from Anson, Mr. Hilton, and other opponents of the measure, including myself, and perhaps some other members of the Committee. We felt, I felt that the bill as amended limits the coverage to the type of children who would ordinarily come under the control of parents in such a way that those parents should be able to control those children and also to educate those children, according to what has always been the traditional standard of parental responsibility toward the education of their children's behavior. I would like to point out as the gentleman from

Anson mentioned the age exclusion in the amendment, I would like to point out that that is in recognition of the fact that under existing statutes, a child under the age of 17 is not ordinarily considered capable of committing a crime. A child under the age of 7 is supposedly not capable of committing a crime both under the common law and the statutes of Maine, which somewhat abrogates the common law in that respect. A child over the age of 17 years of age is supposed to be capable of having the judgment necessary to keep himself out of trouble, and have the capability of having the criminal intent to commit a crime. This amendment recognizes the existing law in that respect, and I feel that with the limitations especially where it is limited to minors or minors who are living with their parents, you now have a bill which is acceptable for the purposes intended by the original sponsors of the bill eliminating objections in the original bill. I, therefore, I hope the motion for indefinite postponement will not prevail.

The SPEAKER: The question before the House is the motion of the gentleman from Anson, Mr. Hilton, that Bill "An Act Concerning Liability of Parents for Damage by Children, Senate Paper 58, Legislative Document 91, be indefinitely postponed. A division has been requested.

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.

Forty-six having voted in the affirmative and seventy-two having voted in the negative, the motion did not prevail.

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

The SPEAKER: At this time the Chair would recognize the presence in the gallery of the House of a group of eighth grade pupils from the Kennebunkport Consolidated Grade School accompanied by their teachers Mr. Dominic Gonya and Mr. Obermyer. Also the

presence of a group of thirty students of the eighth grade of Corinna Grammar School with their teacher William Robinson and five chaperones. On behalf of the House the Chair extends to all you ladies and gentlemen a most hearty and cordial welcome, and we hope you will enjoy your visit. (Applause)

The SPEAKER: The Chair now lays before the House the matter tabled earlier in this morning's session, item 2 on page 4 of the calendar under Third Readers, and specially assigned for later in today's session, Bill "An Act relating to the Amount of the Annual Excise Tax on Railroads," House Paper 254, Legislative Document 365, by the gentleman from Bangor, Mr. Cousins; and the Chair recognizes that gentleman.

Thereupon, that gentleman offered House Amendment "A" and moved its adoption.

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

HOUSE AMENDMENT "A" to H. P. 254, L. D. 365, Bill, "An Act Relating to the Amount of the Annual Excise Tax on Railroads."

Amend said Bill by inserting at the beginning of the first line the underlined word and figure 'Sec. 1.'

Further amend said Bill by striking out the underlined words "transportation property" in the 24th line and inserting in place thereof the following underlined words 'railway property used in transportation service'

Further amend said Bill by adding at the end the following:

'Sec. 2. Effective date. This act shall become effective July 1, 1960.'

House Amendment "A" was adopted.

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

Mr. COUSINS: Mr. Speaker, I intended to speak on this before it was adopted. However, I would be glad to explain the amendment. You will notice the change in the words 'transportation property' to 'railway property used in transportation service'. This was requested by the Tax Assessor for the purpose of conforming with the statute. The important part is Section 2

which makes the effective date July 1, 1960. The reason for this is simple, the railroads in arguing and in lobbying this bill gave the impression that this act would not affect the year 1959-1960 as much as later years because of the date of tax assessment. The tax has already been assessed for the year 1959 on May 1, and therefore it won't change it for the remainder of this year. However, that relates to tax flow, the monies in and out. For budgetary purposes it is an entirely different thing and it does have full effect on the fiscal year. For that purpose and to keep the railroads honest with what they have said, we have made the act now become effective July 1, 1960 which would mean that for the next year of this next biennium this act would not be effective.

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

Mr. HAUGHN: Mr. Speaker, through the Chair I would like to ask the gentleman from Bangor, Mr. Cousins, if in this amendment the way it is worded it means trucks and all other transportation besides what is on the rails itself?

The SPEAKER: The gentleman from Bridgton, Mr. Haughn, has addressed a question through the Chair to the gentleman from Bangor, Mr. Cousins who may answer if he chooses.

Mr. COUSINS: The wording changes in no way the present law. All it does is get the bill in direct line with the laws on the books now. Transportation property would include all property, railway property used in transportation service. Now transportation service is more than actually just running the trains, so it would include any trucks used by the railroad for rail purposes. However, I don't believe it would include buses. They are segregated. Now that is bad, we would like to have them included, but the way the thing is set up now it is not, and this does not change it.

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

Mr. HAUGHN: Mr. Speaker, I appreciate the reply, it partially satisfies my curiosity, but I am still wondering when it says rail-

way property used in transportation service, now that can include buses; it does not define it or spell it out as railway properties, but that could include buses or any means of transportation, it does not spell it out.

The SPEAKER: The gentleman from Bridgton, Mr. Haughn, addresses another question through the Chair to the gentleman from Bangor, Mr. Cousins, who may answer if he chooses.

Mr. COUSINS: I am not just sure and I assure the gentleman that I will ask the tax assessor and get an answer for you.

The SPEAKER: The pending question now before the House is the passage for engrossment of this bill.

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

Mr. HAUGHN: Mr. Speaker and Members of the House: Where this amendment is still undecided—

The SPEAKER: The Chair must advise the gentleman that the amendment has been adopted.

Mr. HAUGHN: May I speak as to the passage?

The SPEAKER: The gentleman may proceed.

Mr. HAUGHN: Mr. Speaker, until such time as the definition of the entire bill is clear, I think it is only fair to the House and to the railroad companies and everyone concerned that we find out the full facts of this before reaching the engrossment stage. Once that is done then you have got to reconsider, there are so many things to go through and the cost of engrossment is to be considered. I think these things should be well understood prior to passage for engrossment of this bill and I would make the motion and it will be up to you ladies and gentlemen to decide, I would move that this bill be retabled and specially assigned for Monday of this comink week to give us ample time to find out these problems.

The SPEAKER: The gentleman from Bridgton, Mr. Haughn, moves that Bill "An Act relating to the Amount of the Annual Excise Tax on Railroads," be tabled and specially assigned for Monday, May

18, pending passage to be engrossed. The Chair recognizes the gentleman from Bangor, Mr. Cousins.

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

The SPEAKER: A division has been requested. Will those who favor the motion to table and specially assign for Monday next, please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Fifty-five having voted in the affirmative and fifty having voted in the negative, the tabling motion did prevail.

(Off Record Remarks)

On motion of Mr. Wade of Auburn,

Adjourned until nine o'clock tomorrow morning.