

# 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, January 28, 1960

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

Prayer by the Rev. Mr. Alfred H. Ives of Gardiner.

The journal of yesterday was read and approved.

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

Mr. WADE: Mr. Speaker, I move that by unanimous consent all matters today passed to be engrossed in concurrence and matters that require concurrent action by the Senate, be sent forthwith to the Senate as soon as the House action is completed.

The SPEAKER: The gentleman from Auburn, Mr. Wade, moves that by unanimous consent these matters be sent forthwith to the Senate. Does the Chair hear objection? It is a vote.

(Off Record Remarks by the Speaker)

**Papers from the Senate  
Senate Reports of Committees  
Refer to 100th Legislature**

Report of the Committee on State Government on Bill "An Act Authorizing Governor and Council to Sell or Lease Western Maine Sanatorium" (S. P. 536) (L. D. 1443) reporting that it be referred to the 100th Legislature.

Came from the Senate with the Report read and accepted.

In the House, the Report was read and accepted and the Bill referred to the next Legislature in concurrence.

The SPEAKER: At this time the Chair would like to recognize the presence in the gallery of the House of a gentleman from Damascotta, in Lincoln County, Mr. Daniel Bisbee, who served in this House in the years 1943, '45, '47 and '49. It gives the Chair a great deal of pleasure to welcome Mr. Bisbee to the House on behalf of the House. (Applause) It is very nice to have you with us, Mr. Bisbee.

**Passed to Be Engrossed**

Bill "An Act Appropriating Monies for Office of Director of Legislative Research" (S. P. 522) (L. D. 1429)

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**

Resolve Providing Matching Funds for Federal National Defense Education Act Allotments (H. P. 1012) (L. D. 1423)

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

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.

**Passed to Be Enacted  
Emergency Measure**

An Act Authorizing Town of Franklin to Receive Legacy for Water System (S. P. 526) (L. D. 1433)

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

**Emergency Measure**

An Act relating to Appeals from Decisions of the Joint Board in Highway Condemnation Proceedings (S. P. 527) (L. D. 1434)

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 relating to Revenues and Eminent Domain of Lewiston Parking District (S. P. 529) (L. D. 1436)

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

### Emergency Measure Fails of Enactment

An Act Regulating Certain Rockets (H. P. 1015) (L. D. 1444)

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

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

Mr. HARDY: Mr. Speaker, I would like permission to briefly address the House.

The SPEAKER: The gentleman does not need permission. He is perfectly within his rights to proceed.

Mr. HARDY: Mr. Speaker and Members of the House: I have here some notes that I would like to read to the members of the House in regard to this bill. I don't think that any of us are entirely brought up-to-date on this thing and I am not going to make any motion in regard to it, but I do want to read these notes.

To begin with, this is the bill to prohibit rocketry in the State of Maine and I think contrary to some of the things that we have heard, the Department who sponsored this thing, introduced it into this special session of the Legislature, had plenty of time to give us a bill that regulated rocketry rather than prohibit it in the State of Maine. To go on a bit further before I start my notes, if you will consider the fact that the State of Maine is up here in the corner of the northeast with a relatively inactive coastline, no heavy schedule of airlines, a lot of empty bay out there that the rockets may fly into, you will realize that we

are in a position in this country that is rather unique among the states — we have probably the best spot to develop amateur rocketry, which of course goes on to professional activities.

Now, as I have said, this bill is not a bill to regulate rocketry; it merely prohibits it, professional and amateur alike. Before the House enacts this bill that would ban all rocketry in Maine, I think the members should know more. The Society of Applied Rocketry was incorporated in New York last year and has since concerned itself chiefly with designing, engineering and constructing mail-carrying rockets. The Society could draw on its own membership for a number of the scientific skills which were needed — if needed could be had — chemical engineering, electronics, aeronautical engineering etc. To develop much of this device meanwhile, certain components, this one that they were going to use here in Lincolnville, were constructed for the Society by other contractors. This Society that contemplated the firing of this mail rocket in Lincolnville was definitely not an amateur group. By this past November we had two identical rockets ready for testing over limited range of about one mile in Penobscot Bay. An open field there was available to them and local lobstermen had agreed to help them recapture these devices which were to be released by parachute and picked up in the bay. The Society was ready to obtain liability insurance to protect against any damage done by these rockets and the Coast Guard was willing to co-operate in policing the test area so long as research was permissible under Maine law. Now note that the Coast Guard had agreed to police this test area.

The Post Office Department had authorized a special cancellation to be used on the letters that were to be carried in this rocket. Mind you these boys had, well, I think it was in excess of \$6,000 involved in this rocket and it is true that they anticipated a certain amount of revenue from the cancellation of these stamps. I'll grant them, they weren't a moneyed group, they must

have some income from this venture.

The town officials down to Lincolnville and the local people were generally delighted when they heard about these tests. It was not only that the party would be spending money in Camden and Lincolnville, but also because the project seemed right in line with Maine's bid to attract professional and research groups into the State of Maine. Wide interest in the project was reflected in Maine newspapers. The New York Times had a rocketry expert at the Lincolnville site. Sports Illustrated was following the project underway in Maine, and since have published an article in their recent edition which I have here.

The Society of Applied Rocketry had failed, however, to reckon with Maine's Division of Fire Prevention. Their party had come to Lincolnville expecting that they might go through the routine of applying for a permit. Instead, they were greeted by an Inspector, State Inspector, who told them that all forms of rocketry were absolutely forbidden in Maine. And when they drove to Augusta to talk to Mr. Flynn over here in the Insurance Department, he applied his Maine fireworks law which since then as I'll tell you, has been turned down.

After this event, they started picking up their equipment and they found that they could possibly get permits in Vermont, and decided to give it up and see what would happen in the Courts. At this point they hired a lawyer down there and the thing has been given to the Superior Court where it has recently been ruled that Mr. Flynn's private law — fireworks law does not affect rocketry of this type.

Under all of these circumstances, and with the national attention now focused on the Maine Legislature, in regard to this thing, I believe it would be a mistake to pass this bill and flatly ban all rocketry. The publicity would certainly discourage any new space-age industries from locating in our State. If there is a need for regulating amateur rocketry, there is plenty of time before we sit next January to prepare a bill that will regulate it rather

than prohibit it. And I contend that if our next session of Legislature continues on as long as our last one did, it will be two summers gone or two years of rocketry season before we can get anything on the books that will help this thing.

If this bill becomes law, it will close the door at once to all scientific research in this field on a professional level even. It would give our State one of the bluest of blue laws. Instead of further publicity of this kind in the past few weeks, I think we should let this space-age come to Maine and as I have said, I feel that we are in a very definite position here in Maine to receive any activity, any interest that might be forthcoming in this line, and if this thing is passed, I am sure it will be two years before either professional or amateur groups can get active here again. Thank you.

The SPEAKER: The Chair understands the gentleman from Hope not to have made any motion.

The Chair recognizes the gentleman from Norway, Mr. Chapman.

Mr. CHAPMAN: Mr. Speaker, if I may be in order, I would like at this time to move the indefinite postponement of this bill.

The SPEAKER: The motion to indefinitely postpone this bill is in order, and that is now the question before the House.

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

Mr. EMMONS: Mr. Speaker, since this was a bill which I sponsored and in view of what the gentleman from Hope has read into the record, I perhaps should reiterate what I said the other day in response to the request of the gentleman from Bath.

This letter, a part of which has been read into the record, was sent to me — written to me, and I had gone over it. It wasn't that I knew too much about rocketry, that's for sure, even though a paper which has reached us this morning says that I apparently have allocated to myself complete knowledge.

Relative to the Lincolnville experiment, there was an appeal to the Courts and I have been told, which is only hearsay as far as I am concerned right now, but I was

told this morning that that Court has ruled that there is nothing in our statutes that would prevent this experiment which was going to be tried in Lincolnville. If that is so, it seems to me even more should this bill be passed. At the time of the hearing the Insurance Department came in and pointed out various difficulties and dangers with the use of rocketry. Although the term fire prevention has been used here, that was not the real difficulty and danger. It was the danger of explosives, and possible injury to persons and to property.

At that time also, two gentlemen from the Maine Aeronautics Commission, Mr. Scott Higgins who is the Director and John B. Nichols who is the Inspector, came in too in favor of the bill. They advised us that in experiments of this kind, it has been usual to advise the Aeronautics Commission that such an experiment was to take place, so that all aircraft that could possibly be in that area would be warned to keep away from it during the period of the experiment. They received no such notice, and they said that there are airplanes going over that area at various times. They further said that on the day that the experiment was to take place the clouds were rather low and from the strength of this rocket, that is, the distance it was to travel, it would very definitely in their opinion have had to go up into the clouds and would have possibly endangered an airplane that might have been going over that area.

Now we are talking about rocketry. If I read the newspapers correctly, at Cape Canaveral they had difficulties and explosions. I will agree that this proposed rocket is a small one, but there is nothing to say what rockets could be tested in the State of Maine. All this will do, and it will do that, and in view of the Court decision as I say, I think it is even more highly necessary than it was before, will prevent these experiments in the State of Maine until such time as the Legislature may act. The Insurance Department in appearing in favor of this bill said very definitely all we want to do is to give us a

chance to draft a bill that will promote rocketry under controlled conditions which will protect the safety of people and property. It seems to me that that is perfectly logical. The gentleman from Hope says that they have had time enough to have drafted a bill prior to this session that would do that. I would doubt if this Legislature has anyone in it, I would doubt if any of our departments at the moment without a considerable amount of study has anyone in it who could properly draft a bill realizing to what an extent rocketry has been developed at Cape Canaveral.

As I said in my previous explanation, this bill does not prevent any federal experiments. The federal government if it wishes can come in. It seems to me that we should prevent the uncontrolled use of rocketry experiments until at least the next regular session. The gentleman from Hope has said that that would prevent it for perhaps two summers. Well, if it does, I still think that we should have control and that this bill should pass on the basis particularly of the statement of the Insurance Department that they plan to and promised really at the hearing to draft a bill that would—in which they would hope to promote rocketry experiments, but under controlled conditions that would protect both persons and property.

The SPEAKER: The question before the House is the motion of the gentleman from Norway, Mr. Chapman, that the bill be indefinitely postponed. Is the House ready for the question? The Chair will order a division.

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.

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

The SPEAKER: The question now before the House is on the enactment of this measure. The Chair recognizes the gentleman from Belfast, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, I move this lay on the table until later in the day's session.

The SPEAKER: The question now before the House is the motion of the gentleman from Belfast, Mr. Rollins, that this bill be tabled and specially assigned for later in today's session.

The Chair will remind the gentleman that a tabling motion is not debatable.

Mr. RANKIN of Southport: A parliamentary question.

The SPEAKER: The gentleman may state his question.

Mr. RANKIN: We just acted on Legislative Document 1444?

The SPEAKER: That is correct.

Mr. RANKIN: Well, that doesn't require a two-thirds vote, I am mistaken.

The SPEAKER: It does require a two-thirds vote, it's an emergency measure.

Mr. RANKIN: Two-thirds of those present, not of the total membership?

The SPEAKER: Two-thirds of those present — the Chair stands corrected, it is two-thirds of the entire membership.

Mr. RANKIN: Mr. Speaker, what was the final decision on the bill?

The SPEAKER: There was no final decision on the bill. The Chair would advise the gentleman that the motion on which the House voted was to indefinitely postpone the bill. That motion did not prevail.

Mr. RANKIN: Thank you sir.

The SPEAKER: The question before the House is the motion of the gentleman from Belfast, Mr. Rollins, that this matter be tabled and specially assigned for later in today's session. 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 enactment of this measure. The chair recognizes the gentleman from Friendship, Mr. Winchenpaw.

Mr. WINCHENPAW: Mr. Speaker, I believe the measure now is properly before the House again?

The SPEAKER: That is correct.

Mr. WINCHENPAW: I would like to say just a few words in defense of Mr. Hardy's stand. How much

longer can we hope to run this State of Maine if we come in here every session and stifle off free enterprise? Last session we passed the minimum wage law. You don't need to question me, you know all about that. That's been a great detriment to our free enterprise. Now here is a bill that is going to bring a lot of business into that area, and I am afraid that we are licking ourselves every time we put restrictions on free enterprise.

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

Mr. DODGE: Mr. Speaker, are we getting so afraid that we don't dare to take any chance of anything that is going to be progress for us? Now many of us went to Portland last night. We rode down through the snow; we came back through the snow. I assure you that each one of us took much more chance then than anyone will take from these rockets.

Every experiment of this kind has been opposed by the bureaucrats from the time the first fellow made a boat, and we have a chance here — amateurs to be sure, but amateurs are the ones that have developed most of these things to start with. The first rocket — or the talk of a rocket to the moon was talked of here in the United States. At the time after that second world war when they commenced to talk about rockets, they wanted to know, the experts from Europe, they told us we have a man here that's been talking about this in Massachusetts and he knows more about these things than the experts from Europe, but he never was recognized. He never got much recognition anywhere in the states.

Now this is an amateur thing to be sure, but amateurs are the ones that come up with new ideas, and it might be the ideas that they develop would be the thing that would put us ahead of Russia.

The SPEAKER: Is the House ready for the question? The question before the House is on the enactment of this measure, An Act Regulating Certain Rockets, House Paper 1015, Legislative Document 1444. This being an emergency measure, it requires under the Con-

stitution the approval of two-thirds of all the members of the House.

Will those who favor the passage for enactment of this measure, please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Fifty-three having voted in the affirmative and sixty-seven having voted in the negative, the Bill failed of enactment, not having secured the necessary two-thirds vote.

#### Finally Passed Emergency Measure

Resolve Providing for Decrease in Retirement Benefit for Helen D. Perry of Rockland (S. P. 535) (L. D. 1442)

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

#### Orders of the Day

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

(Off Record Remarks)

On motion of Mr. Wade of Auburn,

Recessed until the sound of the gong.

#### After Recess

The House was called to order by the Speaker.

Mr. Cousins of Bangor presented the following Order out of order and moved its passage:

ORDERED, that the Clerk of the House is directed to grant the use of the Hall of the House of Representatives to the State Department of Education for the purpose of inviting the Council for the Advancement of Small Colleges to hold their annual workshop August 8th through August 10th, 1960.

The Order received passage.

Mr. Crockett of Freeport presented the following Order out of order and moved its passage:

ORDERED, the Senate concurring, that the Legislative Research Committee which was authorized and directed to make arrangements for the celebration of the 100th An-

niversary of the Maine Legislature by H. P. 987, passed at the regular session of the 99th Legislature, be authorized to expend from the legislative appropriation an additional \$400 for such purpose. (H. P. 1029)

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

Mr. CROCKETT: Mr. Speaker, Ladies and Gentlemen: When I presented this order it called for \$100 appropriation to celebrate the 100th Anniversary of this Legislature of the State of Maine. We find that the \$100 wouldn't do anything at all. It wouldn't pay for decorations of both branches, we would have banners up and so forth, and we would want some banners on the entrances to the State House here. Therefore, it is a proposition that we should take care of because, after all, it is our 100th Anniversary which is quite a thing, since 1820, since we were organized here, a regular session, and I hope this order passes because I know when we come in here next year, if you come back here, you want to see this thing done up right and be a credit to the State of Maine.

Thereupon, the Order received passage.

On motion of Mr. Wade of Auburn,

Recessed until 2:00 o'clock this afternoon.

#### After Recess 2:00 P.M.

The House was called to order by the Speaker.

Mr. Kennedy of Milbridge presented the following Order out of order and moved its passage:

ORDERED, that the Board of Commissioners of the Profession of Pharmacy be allowed the use of the House of Representatives on June 22, 1960 for the purpose of examinations.

The Order received passage.

The following matters appearing on House Supplement No. 1 were taken up out of order.

#### Senate Reports of Committees Divided Report

Majority Report of the Committee on Appropriations and Fi-



nancial Affairs on Bill "An Act Appropriating Moneys to Maine Port Authority for Maine State Pier Operations" (S. P. 521) (L. D. 1428) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

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

Messrs. JACQUES of Lewiston  
DAVIS of Calais  
Mrs. SMITH of Falmouth  
Messrs. EDWARDS of Raymond  
BRAGDON of Perham  
— of the House.

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

Report was signed by the following members:

Mr. PIERCE of Hancock  
— of the Senate.

Messrs. STANLEY of Bangor  
BROWN of Ellsworth  
— of the House.

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

In the House the reports were read.

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

Mr. STANLEY: Mr. Speaker, just to explain my position on voting on this question, the Maine Port Authority had a bill in for some \$52,000 for operation during the rest of this biennium. \$20,000 of it was for notes that they owe on a building which they built back in 1949. The remainder of it was for operating expenses.

My feeling on the situation is that since the Maine Port Authority was established, the intent was that the Port Authority would pay back some money to the State, which never has happened. The Port Authority has operated for a number of years, and during the last war they leased the terminal to the Navy or Army — the United States Government anyway, at a rate which gave them a nest egg of money, and after the war was

over, they used the nest egg and borrowed some money to build on to the pier another building. That building is half paid for and these two notes that I speak of were two of the notes that should be paid this next year.

Since the war their business has been going down hill, dropping off each year. Prior to the war they were able to pay their own expenses. After the war they came to the Legislature and asked for money for promotion of the pier so that they could do more business and be able to operate in the black. The Legislature granted them \$36,000 per year for promotion. Since that time the business has steadily dropped off. Normally when you put out money for promotion you expect to get returns, and we have had no returns. They now have come to us saying that this is the first time in the thirty-seven years of operation that they have asked the State to give them any money for operation. The State has given them \$36,000 per year for promotion, and we have got no results from it. So it would be my thought that they do away with the promotion, the \$36,000 that they have, and use it for their operating expenses.

I haven't gone over the amendment which I believe the Committee passed upon this morning, but apparently it cuts it down from \$52,000 for the two years to \$27,000. I still feel that the Maine Port Authority can operate without any appropriation from us at this session, and that is the reason why I signed the Minority Report.

The SPEAKER: Is the gentleman making a motion of any kind?

Mr. STANLEY: Thank you, I would move that we accept the Minority "Ought not to pass" Report.

The SPEAKER: The gentleman from Bangor, Mr. Stanley, moves that the House accept the Minority "Ought not to pass" Report in non-concurrence.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I signed the Majority "Ought to pass" Report on this bill knowing full well that the facts — what the facts

were as Mr. Stanley has just stated them. I think one thing that we discussed in the Committee that bothered me a little at the time we were considering it was that the State perhaps was establishing a precedent of paying off indebtedness of this Authority which was no obligation of the State. However, this is a State operated proposition supposedly for the benefit of industry and the benefit of the State in general, so I, feeling that we had a big investment in it perhaps and that the time had not come that we should recognize an interest in the deal, I went along with it.

In regard to this conference this morning, I believe Mr. Stanley wasn't there. As I understand it, the proposal was that there was no necessity to establish the precedent of retiring bonds or notes or what have you of this Authority, but they would do that out of their monies which they receive. We were simply putting this money in to help make up a deficit which they would find in their final accounts.

I think the reduction we see here in the amendment was due to the fact that in considering the thing in Committee the other day, perhaps we failed to recognize that they did have some revenue and for this reason I understand the Port Authority agrees to go along with the reduction. I hope the motion of the gentleman will not prevail.

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

Mr. STANLEY: Mr. Speaker, I think one of the things discussed at the meeting this morning, and I think it should be brought out to you, was that the presentation made to us by the Maine Port Authority, on the back page as a postscript — I guess I don't have it with me, but the postscript said our income does not show \$900 which we receive from the ferry service. The gentleman who met with the Committee this morning apparently explained to them that they had been receiving that \$900 for seventeen months or some such time, which meant a \$15,300 income which they had not reported.

I think rewarding people for mismanagement is something that we should stay away from. And I think when we get reports from our State Departments or whatever function of government that it is, that they hold back information from us, that we should be very stringent with our appropriations to them. I do accuse them of bad management and of withholding information which they could have given to us but didn't.

So with those thoughts in mind—there may be other things that they could have told us, but because nobody asked, the answer wasn't forthcoming, so I would still go along with my motion to accept the Minority "Ought not to pass" Report.

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

Mr. EDWARDS: Mr. Speaker and Members of the House: I didn't know too much about the meeting that was being held this morning, but it was my feeling in Committee that here is a place where the State has a large investment and it seems as though that we should at least bridge them over until another regular session. The amendment that has come back from the Senate, I understand that those that are connected with the state pier operation are agreeable to going along with, and I hope that we as members of the House will not do anything here today which might hurt the investment which the State has already in that State pier, and I certainly think that as another State Legislature will be coming in about another year, that if there is too much wrong, that wrong can be righted. And I certainly hope that the members of the House will go along with the Report of the Committee, the Majority Report "Ought to pass" and will not kill the bill entirely.

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

Mr. GOOD: Mr. Speaker and Ladies and Gentlemen of the House: I was interested in the two bills, one of them pertaining to the Maine State Pier now before you, and also in the bill providing mon-

ey for the ferry service. So prior to this session I had occasion to have a conference with Mr. Langlois, the Manager of the Maine State Pier in Portland, concerning these two bills, and I talked with him extensively in his office concerning these matters.

Now usually I agree with the gentleman from Bangor, Mr. Stanley, on the appropriations of money, because I know that he has a thorough understanding of the present financial condition of the State and knows that if we go on spending that we are going to spend ourselves right into another tax and perhaps another bond issue, as we did in the last session. However, on this particular matter here I am opposed to the motion of the gentleman from Bangor, Mr. Stanley, that the minority report be accepted and I would favor passage of the bill.

Now talking with Mr. Langlois there, and his accountant, in his office, I got the impression, and I don't intend to stand here and say that I know all about that pier, the management of it, or the operation of the ferries, but I got the impression that they were trying to operate economically and that he was laying everything on the table and hiding nothing from me. Now maybe they did, I don't know. Maybe it was inadvertently left out. And I also got the impression that they were trying to operate as economically as possible. I didn't see any excess help around there and the furniture looked as though it certainly could be replaced. So I would say that they were operating on a Spartan-like basis.

Now there are certain reasons why they are asking for money for that Maine State Pier at this particular time. I won't go into all of those, but one of them is that they have lost their newspaper print business. Apparently foreign markets are buying their newsprint outside of this Country and the Maine manufacturers of newsprint are not shipping through this pier at this particular time. Also the flour business that that pier handled for some time has gone elsewhere.

I am going to sum up the posi-

tion here — my position here for the appropriation of this money in the summary that I did a few weeks ago, and here are the conclusions I came to as to why the money should be appropriated, at least until next session and then we can do something, we can make a definite stand at that particular time. The pier, Mr. Langlois pointed out — I asked him why we should appropriate this money and he said this. We should keep the pier in existence because we have a Department of Economic Development and we may get some new industry into the State here that would like to use this pier, it being the largest in the State. Therefore it should be maintained at least on a standby basis.

He said the Coast Guard uses this pier and that the personnel of the Coast Guard spends in this State approximately five million dollars a year. He said that it is the only pier in the State where railroads and trucks can come in on an equal basis. There is no discrimination as to rate. The pier has been in operation since 1922. He says they haven't asked for current services money since 1937. Other piers, he says, are not large enough to handle certain particular shipments, this being the largest pier. And finally, the State has an investment of approximately \$620,000 in the pier. The alternative, of course, would be to close the pier and they could rent the space out to others. Therefore, it is my earnest conviction that the motion now before the House should be defeated.

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

Mrs. SMITH: Mr. Speaker and Members of the House: I think that we all regret that we did not have the necessary information. I think probably we questioned when the hearing was before us whether we were being given all the facts. But because of the situation with the notes and the fact that the State of Maine has a great deal of money invested in the pier, and regardless of whether it is well managed or not well managed, of which I am not capable of making any comments, I think that there

has been a reasonably thorough investigation done this morning by some of the Senators. And I would hope that at this time we would go along with the bill and with the amendment from the Senate and then, at the regular session, decide what we are to do with this port and whether we like the management or not. But I am afraid that we don't have much of an alternative this time to decide whether we do or not, we simply have to decide whether we are going to keep it in operation.

The SPEAKER: Is the House ready for the question?

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

Mr. HEALY: Mr. Speaker, Ladies and Gentlemen of the House: I have a few figures here that might throw a little light onto this situation. The Port Authority is maintaining an office in New York City, and a couple of the boys — one of the boys is getting \$11,000, another one \$8,000. There is a travel expense in New York City of \$12,000 and I won't mention all of these items here, but there is one that intrigues me, something about \$5,200, that's probably for the bourbon and hot suppers. It would seem to me that if they cut out this New York office, and incidentally I spoke to Mr. Langlois about this New York office and asked him if they had produced anything down there, and he said well, no, they hadn't done very well, and I said well why don't you fire him and he says well, we are thinking about doing that.

Now it occurs to me that there are things going on here that the Legislators should do something about, and I feel now that inasmuch as they have come up with this error of omission of \$900 per month for some seventeen months, coupled with the information that I obtained, that I shall go along with Mr. Stanley in his move that this amendment not be passed. Thank you.

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

Mr. RANKIN: Mr. Speaker, I too am as concerned as is the gentleman from Bangor, Mr. Stanley. I cannot say too much and I will

not at this time, but I do know that a bond issue of \$2,500,000 was floated for the Penobscot Ferries and if I am not mistaken, and I hope if I am I will be corrected, not too long ago the Governor and Council appropriated a sum of money to the Maine Port Authority for the support of those ferries. Without saying more, ladies and gentlemen, you will not go wrong if you believe what Mr. Stanley has told you.

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

Mr. MILLER: Mr. Speaker and Ladies and Gentlemen of the House: I am quite ashamed here today to have listened to some of the remarks that have been made by a fellow Representative from Portland.

I have just retired as a member of the Portland Harbor Commission in Portland, and have been appointed to the Greater Portland Development Commission by our late Governor. I have come in contact with many of the operations by the Maine Port Authority, and I have nothing but the highest regard for the job they are doing to encourage industry and to encourage the economy in our City of Portland and the State of Maine. They have done a tremendous job under great handicaps and believe me, the management of that pier is not to be disrespected. They have done a noble job and I will stand up here and defend them to the best of my ability, and I hope that you will go against the Minority "Ought not to pass" Report here today.

Mr. HEALY: Mr. Speaker?

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Healy, but with a request that personal remarks be omitted. The gentleman may proceed.

Mr. HEALY: You seem to be anticipating something here, Mr. Speaker. I shall control myself except to say that the gentleman from Portland, Mr. Miller, is at the present time I would say operating a little bit against the Statutes of the State of Maine in holding the position of member of the Greater Portland Public Development Commission and also a member of this body of the Legis-

lature. Maybe he should resign that too.

The SPEAKER: The question before the House is on the motion of the gentleman from Bangor, Mr. Stanley, that the House accept the Minority "Ought not to pass" Report in non-concurrence. The Chair will order a division.

Will those who favor the acceptance of the Minority "Ought not to pass" Report on Bill "An Act Appropriating Moneys to Maine Port Authority for Maine State Pier Operations," please rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

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

Thereupon, the Majority "Ought to pass" Report was accepted in concurrence and the bill read twice.

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

COMMITTEE AMENDMENT "A" to S. P. 521, L. D. 1428, Bill, "An Act Appropriating Moneys to Maine Port Authority for Maine State Pier Operations."

Amend said Bill by striking out all of the first paragraph after the enacting clause and inserting in place thereof the following:

'**Appropriation.** There is appropriated from the General Fund, 1959-60 fiscal year, the sum of \$42,869; of this appropriation \$17,650 to be expended during the 1959-60 fiscal year and \$25,219 to be carried at June 30, 1960 and expended during the 1960-61 fiscal year.'

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

Mr. HARRIS: Mr. Speaker, I move we concur with the Senate in the indefinite postponement of Committee Amendment "A".

The SPEAKER: The gentleman from Greenville, Mr. Harris, moves that Committee Amendment "A" be indefinitely postponed in concurrence. Is this the pleasure of the House?

The motion prevailed.

Senate Amendment "A" was read by the Asst. Clerk as follows:

SENATE AMENDMENT "A" to S. P. 521, L. D. 1428, Bill, "An

Act Appropriating Moneys to Maine Port Authority for Maine State Pier Operations."

Amend said Bill by striking out all of the first paragraph after the enacting clause and inserting in place thereof the following:

'**Appropriation.** There is appropriated from the General Fund, 1959-60 fiscal year, the sum of \$27,569; of this appropriation \$13,150 to be expended during the 1959-60 fiscal year and \$14,419 to be carried at June 30, 1960 and expended during the 1960-61 fiscal year.'

The SPEAKER: The question before the House is on the adoption of Senate Amendment "A". Is it the pleasure of the House that Senate Amendment "A" shall be adopted in concurrence?

The motion prevailed.

The SPEAKER: Is it now the pleasure of the House to suspend the rules and give this bill its third reading at this time without reference to the Committee on Bills in the Third Reading? Is there objection? The Chair hears none.

Thereupon, the bill was given its third reading.

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

Mr. STANLEY: Mr. Speaker and Ladies and Gentlemen: If this bill is to be passed, a part of the argument for passing it is that we don't have knowledge enough now to make real good decisions on the situation at the Maine Port Authority and that we will at the next session of the Legislature. It would be my suggestion that something be done at this session of the Legislature to look into the operation of the Maine Port Authority with an eye to finding out just how they operate, because no one in State Government knows exactly what they do. I say that without trying to hurt anybody. You just can't get the information that you want. It is a segment of our State that you can't get any information from. The Budget Office knows very little about it and all we do is appropriate money to them and they expend it as they see fit.

While I am on my feet I would say that it is a duplication of what the Department of Economic Development is doing now, that we

have people travelling over the country to get new industry for us. These people have brought no results to us whatsoever and they still have an office in New York. That's all I have to say.

**THE SPEAKER:** The pending question is the passage to be engrossed of this measure. Is it the pleasure of the House now that this Bill, An Act Appropriating Moneys to Maine Port Authority for Maine State Pier Operations," Senate Paper 521, Legislative Document 1428, shall be passed to be engrossed?

The motion prevailed and the Bill was passed to be engrossed as amended by Senate Amendment "A" and sent to the Senate.

**THE SPEAKER:** At this time the Chair would recognize the presence in the gallery of the House of the Problems of Democracy Class from Winterport High School accompanied by Mrs. Nelson.

On behalf of the House the Chair extends to you ladies and gentlemen a most cordial welcome, and we hope you will enjoy your visit here today. (Applause)

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

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

#### Ought Not To Pass

Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act to Authorize the Withdrawal of the Town of Liberty from School Administrative District No. 3" (S. P. 531) (L. D. 1438)

Came from the Senate read and accepted.

In the House the Report was read.

**THE SPEAKER** pro tem: The Chair recognizes the gentleman from Belfast, Mr. Rollins.

**MR. ROLLINS:** Mr. Speaker and Members of the House: As sad as it seems, we in this Legislature

don't seem to care much about home rule. Nevertheless, this is a situation which has been hashed over, everybody knows all about it, and there is not much sense in debating the subject too much, but I would like to read into the record for you to read after you have gone home and for the public to realize, an editorial from the paper with the largest distribution in the State of Maine, the Bangor Daily News as of yesterday, January 27: "Clear The Way for Consolidation".

"It appears to us that the state's entire consolidated school program is going to be stymied if Liberty, Brooks and Perham are not permitted to withdraw, as they now wish to do, from formative districts which they originally voted to join.

"The voters of these communities acted in good faith in the first instance. They got a second look at the financial picture and decided, again in good faith, that the arrangement was not suitable.

"It is understandable that they could err. They were tussling with a new situation, consolidation under an untried formula set up under the new Sinclair Act. Some seventy Maine communities have voted to join school administrative districts. It is not surprising that three should change their minds after further study.

"If the district system under the Sinclair Act had been in operation for some time and experience with it, therefore, available to newcomers, we would not feel sympathetic. But such is not the case. The towns acted too hastily on something that was new and now wish to correct what they believe to have been a mistake.

"For the sake of the scores of Maine cities and towns interested in consolidation of schools and for the sake of the Sinclair Act, as well as the three communities, we urge the Legislature to grant the petitions for withdrawal, for which provision is made, by the way, in a clause of the Sinclair Act itself.

"The lesson of haste has been learned. The unfortunate situation should be marked off to experience for all hands and the district

system be allowed to move ahead without the handicap of discontentment."

There is discontentment, and there will be discontentment. Of course we hear a lot about the money-lenders. Of course we have got to look out for the money-lenders, there is no question about that. That has always been our motto here, 'look after the big boys, never mind the taxpayer, the fella that digs up the money to pay the bill.' Of seventeen states who have this consolidation act, have no withdrawal clause. Well that I claim was the gimmick that fooled the people, the withdrawal clause, because now they are sending it back onto the legality of it that they can't withdraw. Well now they went into that thinking that they could get out. Now there seems to be no avenue of escape unless this Legislature will keep faith with the people that joined under their ruling. But when you read the Constitution of Maine, Section 11, you wonder how they are going to get out. Section 11 of the Constitution of Maine: "The legislature shall pass no bill of attainder, ex post facto law, nor law impairing the obligation of contracts, and no attainer shall work corruption of blood nor forfeiture of estate." That is the gimmick that they are holding them in on but they are going to be dissatisfied. You are not going to have progression, and at the present time the way this thing is hung up in the Courts they are not going to get anywhere for a couple of years. They get a report from the Superior Court, they will go to the Supreme Court with it, and it's just a mess. If we had let them out last winter the thing would have rolled along and been smooth. And now we are up against the situation that was one of the things this special session was called for along with the school bus question. Those were the two major projects, and they both represent home rule, and evidently home rule is a thing of the past in the State of Maine, which I am sorry to say. But nevertheless, there has been enough said on this both ways and everybody understands the situation. All I ask is

that you keep faith with the people of the State of Maine, and I move the substitution of the Bill for the "Ought not to pass" Report.

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

Mr. LINNELL: Mr. Speaker and Members of the House: I think everyone realizes that both the proponents and opponents to this measure have been sincere, that they have fought hard as they did a year ago, and that there are three towns in this State which have a problem. As you also realize, I am sure, this body acted recently on the Perham Bill. It was determined by this body as it was by a majority of the Committee on Legal Affairs that at this time and under the current law, Perham should not be let out.

The bill now before the House deals with the Town of Liberty. I would hasten to say that the problems of the Town of Brooks are no different from those of the Town of Liberty, substantially at least, and the problems of those two towns are not greatly different from the situation in Perham. The law involved seems to be quite clear. It was clear to the entire Committee on Legal Affairs to which this measure was referred, and that law states under what is commonly being referred to as the escape clause: "No such withdrawal shall be permitted while such school administrative district shall have outstanding indebtedness or shall be obligated to the Maine School Building Authority pursuant to any contract, lease or agreement."

At the time School District No. 3 was formed there was indebtedness assumed by the towns in that district of some \$90,000. Today, the district has indebtedness of some \$74,000. It is clear, is it not, that there is indebtedness? The law states withdrawal shall not be allowed while there is indebtedness. Some controversy has arisen over what the word indebtedness means. Some say it means capital indebtedness; others say it means any indebtedness including operating expense indebtedness. Taking the interpretation in the most favorable light to the proponents of the

measure, we still have capital indebtedness.

I would now like to attempt to answer some of the various propositions presented in argument quite recently on behalf of the proponents. Number one, that the towns — or especially here that the town of Liberty was over-sold. I don't say that there could not have been misunderstandings. I only say that there was an adequate opportunity for the entire situation to be thoroughly studied. Perhaps there were some mutual misunderstandings. They say that the geographic location of that town is prohibitive to the proper functioning of their participation in the district. How else could it be but that the various towns at the time they joined the district had to know that some town was going to be on the edge. They have talked about keeping faith with the people. There again I refer you back to the section of the Statute. The provisions are clear in that Statute. They talk about home rule. The good gentleman from Belfast, Mr. Rollins, spoke just now on home rule. I ask you this, what about the other towns within the district? Is it promoting home rule to tell them that they are losing part of their assets as a district? I think that would be equally in opposition to the home rule argument.

The proponents have indicated that there would be little effect upon the bond market. This I believe is speculative. There are bonds of other school districts in this state which have not been sold which are on the market, and which have not been moved or have not been purchased by certain banking institutions in this State merely because of the fear that the Legislature might allow free movement into or out of the various districts.

Also set forth was an argument that if we don't let them out, then there is going to be Court action ad infinitum, it will just keep going on and going on. This is something that the Legislature cannot stop in any event. Heaven help the State of Maine if the Courtroom doors are not open to everybody. The Court action which is pending will be decided perhaps within a year, perhaps

not. In any event, there is no way that I can think of or that anybody has proposed where you can guarantee that Court action is going to be absent from the entire picture. If the Town of Liberty is let out, it would seem to me that you would have some actions being brought by the remaining towns in the district on the question of damages perhaps, on the question of the contract arrangements.

As some of you may know, there was an article in one of the papers regarding this so-called escape clause. I think I would agree and I think the Committee agrees with the gentleman who was quoted in the newspaper article which said that perhaps this escape clause should be looked into, perhaps it should be taken out altogether in order that there may be no further misunderstandings.

In conclusion, I would say once again that the Committee devoted a great deal of time; that the proponents and opponents and their counsel as well were very sincere and very determined. Your Committee has made its decision, and it is my hope that it will stand and that the motion of the gentleman from Belfast, Mr. Rollins, will not pass. Thank you.

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

Mr. GOOD: Mr. Speaker, I move that the House concur with the Senate.

The SPEAKER pro tem: The Chair would rule at this time that the motion of the gentleman from Belfast, Mr. Rollins, is in order.

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

Mr. ROLLINS: Mr. Speaker, I might say that Liberty had no debt, and no debt has been contracted since that time only through picking up the debts of the other towns in the district. That is what makes your debt. But it is clear that no district will ever be out of debt when they pick up the tabs on the different towns that join the district. They will never be out of debt. Therefore, any town in the future that joins a district will be in for life, and that should be made very



clear to any that are proposing to get in.

They spoke of damages. The Towns of Liberty and Perham, they all agreed to pay their part of any damage just like any other contract. When the vote is taken I would ask for a division.

The SPEAKER pro tem: The question before the House is the motion of the gentleman from Belfast, Mr. Rollins, that Bill "An Act to Authorize the Withdrawal of the Town of Liberty from School Administrative District No. 3," Senate Paper 531, Legislative Document 1438, be substituted for the "Ought not to pass" Report. A division has been requested.

Will those who favor the motion of the gentleman from Belfast, Mr. Rollins, that the Bill be substituted for the Report, 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 sixty-eight having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Linnell of South Portland, the "Ought not to pass" Report was accepted in concurrence.

At this point, Speaker Edgar returned to the rostrum.

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

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

#### **House at Ease**

Called to order by the Speaker.

(Off Record remarks  
by the Speaker)

The SPEAKER: On the record, continuing with Senate Reports on Supplement No. 2 which has been distributed to the desks.

#### **Ought to Pass**

##### **Passed to Be Engrossed**

Report of the Committee on Public Utilities reporting "Ought to

pass" on Bill "An Act to Authorize the Maintenance and Operation of a Dam at the Outlet of Sebec Lake" (S. P. 534) (L. D. 1441)

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 Bill read twice.

On motion of Mr. Haughn of Bridgton, the rules were suspended, the Bill given its third reading, passed to be engrossed and sent to the Senate.

#### **Ought Not to Pass**

Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act to Authorize the Withdrawal of the Town of Brooks from School Administrative District No. 3" (S. P. 530) (L. D. 1437)

Came from the Senate read and accepted.

In the House the report was read and accepted in concurrence.

#### **House at Ease**

Called to order by the Speaker.

The SPEAKER: The House is proceeding under Senate Reports with Supplement No. 3.

#### **Ought to Pass with Committee Amendment Passed To Be Engrossed**

Report of the Committee on Judiciary on Bill "An Act to Correct Errors and Inconsistencies in the Public Laws" (S. P. 528) (L. D. 1435) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

In the House, the report was read and accepted in concurrence and the Bill read twice. Committee Amendment "A" was read by the Asst. Clerk as follows:

COMMITTEE AMENDMENT "A" to S. P. 528, L. D. 1435, Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws."

Amend said Bill by adding after section 7, a new section to read as follows:

**'Sec. 7-A. Effective date.** Section 7 shall become effective April 1, 1960.

Further amend said Bill in section 42 by striking out the underlined words "**the tentative list**" in the 9th and 10th lines.

Further amend said Bill in section 42 by striking out the underlined words "**in July**" in the 11th line.

Further amend said Bill by striking out all of sections 13, 14, 15, 16, 33 and 72.

Further amend said Bill in section 45 by striking out the underlined word "**and**" between the underlined words "**Governor**" and "**Council**" in the 9th line and inserting the underlined words '**with the advice and consent of the**'

Further amend said Bill by adding after section 72, a new section to read as follows:

**"Sec. 72-A. R. S., c. 103, §15, amended.** The first sentence of section 15 of Chapter 103 of the Revised Statutes, as amended by section 69 of chapter 317 of the public laws of 1959, is further amended to read as follows:

'The following cases only come before the court as a court of law: Cases on appeal from the Superior Court or a single justice of the Supreme Judicial Court; criminal cases in which there are motions for new trials upon evidence reported by the justice; questions of law arising on reports of cases, including, **in civil cases**, interlocutory orders or rulings of such importance as to require, in the opinion of the justice, review by the law court before any further proceedings in the action; bills of exceptions in criminal cases; agreed statement of facts; cases, civil or criminal, presenting a question of law; all questions arising in cases in which equitable relief is sought; motions to dissolve injunctions issued after notice and hearing or continued after a hearing; questions arising on writs of habeas corpus, mandamus and certiorari.

Further amend said Bill by adding after section 73, the following sections:

**"Sec. 73-A. R. S., c. 106, Par. 5, amended.** The last sentence of section 5 of chapter 106 of the Revised Statutes, as repealed and replaced by section 74 of chapter 317 of the public laws of 1959, is amended to read as follows:

'A single Justice of the Supreme Judicial Court also shall have and exercise jurisdiction, and have and exercise all of the powers, duties and authority necessary for exercising the same jurisdiction as the Superior Court, to hear and determine, with his consent, any issue in a civil action in the Superior Court as to which the parties have no right to trial by jury or in which the right to trial by jury has been waived, except actions for divorce or annulment.'

**Sec. 73-B. R. S., c. 106, par. 14, amended.** The last sentence of section 14 of chapter 106 of the Revised Statutes, as enacted by section 76 of chapter 317 of the public laws of 1959, is amended to read as follows: 'In any civil case a defendant **any party** aggrieved by any judgment, ruling or order may appeal therefrom to the law court within 30 days or such further time as may be granted by the court pursuant to a rule of court.'

**Sec. 73-C. R. S., c. 107, par. 23, repealed.** Section 23 of chapter 107 of the Revised Statutes, as amended by chapter 306 and as repealed by section 86 of chapter 317, both of the public laws of 1959, is repealed.

**Sec. 73-D. R. S., c. 107, par. 37-A, additional.** Chapter 107 of the Revised Statutes, as amended, is further amended by adding thereto a new section, to be numbered 37-A, to read as follows:

**'Sec. 37-A. Interlocutory appeals.** Any party may appeal to the law court from an interlocutory order granting or denying a preliminary injunction in a case involving or growing out of a labor dispute, but such preliminary injunction shall not be stayed by the taking of such appeal. Any such appeal shall be heard at the first term of the law court commencing not less than 14 days after the appellant has filed

the record on appeal with the clerk of the Superior Court and furnished the required copies of his brief to the clerk of the law court. Copies of the briefs of other parties shall be furnished to the clerk of the law court not more than 10 days after the appellant's brief has been filed. The law court shall affirm, modify or set aside the order with the greatest possible expedition and shall give such proceedings precedence over all other matters except older matters of the same character.'

Sec. 73-E. R. S., c. 114, par. 5, amended, Section 5 of chapter 114 of the Revised Statutes, as amended by section 209 of chapter 317 of the public laws of 1959, is further amended by adding at the end thereof, the following paragraph:

'When trustee process is used in connection with a counterclaim arising out of the transaction or occurrence that is the subject matter of the opposing party's claim, the alleged trustee may be summoned to appear in the county in which the action is pending, even though he does not reside or maintain a usual place of business in that county.' "

Further amend said Bill by re-numbering the sections of said Bill to read consecutively.

The S P E A K E R: The Chair recognizes the gentleman from South Portland, Mr. Earles.

Mr. EARLES: Mr. Speaker, if it is appropriate, and in support of the acceptance of this amendment, I would like to make a brief explanation as to a deletion from this particular bill.

You will note that the amendment provides for the striking out of section 33 of the so-called parent bill or the omnibus bill, and this relates to the question of whether or not a municipality comes within the operation of the minimum wage law which we passed this immediately last session. In excluding or cutting out from the parent bill this section, it was the intent of the Committee to do so for this reason: It was the opinion of the Committee that on the basis of citations of cases rendered by the Maine Supreme Court, that the State and in this instance, the political subdivisions, the muni-

cipalities, are regarded as excluded from the operation of so-called positive legislation unless they are specifically stated within the legislation, and in this particular instance in the minimum wage law there was no specific reference to municipalities; therefore, it was our opinion, based upon the search that we did, that municipalities were not within the embrace or under the obligations of the minimum wage law and therefore, the inclusion of this section in the parent bill so-called, or the omnibus bill, was unnecessary. And with that explanation I will conclude. Thank you very much.

The SPEAKER: The pending question is on the adoption of Committee Amendment "A" in concurrence.

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

Mrs. CHRISTIE: Mr. Speaker, I presume I am very obtuse, but I know I am in legal phraseology, at least I don't understand it very well, but may I ask a question through the Chair?

The SPEAKER: The gentlewoman may state her question.

Mrs. CHRISTIE: Then it is the opinion of the Committee that the municipalities are exempt from the provisions of this law?

The SPEAKER: The gentlewoman from Presque Isle has addressed a question through the Chair to the gentleman from South Portland, Mr. Earles, who may answer if he chooses.

Mr. EARLES: To respond through the Chair to the gentlewoman from Presque Isle, that is specifically it, that we feel to rephrase it, that the municipalities are not within the operation of the minimum wage law, and the purpose for which I was making this brief statement was that in the event there was a question or contest between people feeling that they were and the municipalities, and it went to the Courts, and the Courts were seeking to find out what legislative intent is, I think there are times that we recognize it is a little bit obscure, we were attempting to specify what the intent was of the Committee when it

excluded this particular section 33 from the Act before us.

The SPEAKER: The question before the House is on the adoption of Committee Amendment "A" in concurrence. Is it the pleasure of the House that Committee Amendment "A" shall be adopted in concurrence?

The motion prevailed, and on motion of the gentleman from South Portland, Mr. Earles, under suspension of the rules, Bill "An Act to Correct Errors and Inconsistencies in the Public Laws," Senate Paper 528, Legislative Document 1435, was given its third reading, passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

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Mr. Whitman of Woodstock was granted unanimous consent to address the House.

Mr. WHITMAN: Mr. Speaker and Members of the House: Several members of the five southern counties have expressed a desire to be further acquainted with the progress of our Committee investigating the transfer of the South Portland School for Boys. For that

reason we attempted to organize a meeting this morning of the five county delegations, but due to the uncertainty of the program here today we were unsuccessful in getting together all the members of the five counties concerned. For that reason, I would like to announce that for those who are interested in learning the progress and problems involved in the relocation of the South Portland School for Boys, we will endeavor to hold a meeting tomorrow morning at nine o'clock in the Legal Affairs Room at which time we will meet with the two members of the Committee from the Legislature, and they will attempt to bring us up to date on their progress in the relocation of the South Portland School for Boys.

I hope all of the members from the five southern counties of York, Cumberland, Androscoggin, Oxford and Franklin can be present at that meeting, nine o'clock tomorrow morning in the Legal Affairs Room. Thank you.

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On motion of Mr. Wade of Auburn,

Adjourned until ten o'clock tomorrow morning.