

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

One Hundred and First Legislature

OF THE

STATE OF MAINE

VOLUME II

MAY 10 - JUNE 22, 1963

and

SPECIAL SESSION

JAN. 6 - JAN. 17, 1964

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Thursday, January 16, 1964

Senate called to order by the President.

Prayer by the Rev. Thomas Neligan of Augusta.

On motion by Mr. Campbell of Kennebec,

Journal of yesterday was read and approved.

**Papers from the House
Non-concurrent matter**

Bill, "An Act to Amend the Paris Village Corporation." (S. P. 667) (L. D. 1640)

In Senate, January 9, passed to be engrossed.

Comes from the House indefinitely postponed in non-concurrence.

In the Senate, on motion by Mr. Ferguson of Oxford, the Senate voted to insist on its former action and request a committee of conference; the President appointed as Senate conferees; Senators: Ferguson of Oxford, Cole of Waldo and Wyman of Washington.

Joint Order

ORDERED, the Senate concurring, that it is the intent of the Legislature that the State Park and Recreation Commission be authorized to accept Federal matching funds for Crescent Beach State Park development in addition to those state funds already available. (H. P. 1168)

Comes from the House, read and passed.

In Senate, read and passed in concurrence.

Committee Reports — House

The Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Funds for Grants-in-Aid for Construction of Municipal Sewage Treatment Facilities." (H. P. 1135) (L. D. 1606) reported that the same Ought to pass in New Draft under New Title: An Act Appropriating Funds for Grants-in-Aid for Construction of Municipal Sewage Treatment Facilities and Relating to Issuance of Water and Sewer System Revenue Bonds by Municipalities. (H. P. 1164) (L. D. 1674)

Comes from the House, read and accepted.

In the Senate:

House Amendment "A" (H-536) was read and adopted, and the Bill in New Draft, as amended was passed to be engrossed.

In the Senate, on motion by Mr. Campbell of Kennebec, tabled until later in today's session pending acceptance of the report.

**Majority — Ought to be Adopted
Minority — Ought Not to be Adopted**

The Majority of the Committee on Judiciary on "Joint Resolution Ratifying the Proposed Amendment to the Constitution of the United States Relating to the Qualification of Electors." (H. P. 1162) (L. D. 1668) reported that the same Ought to be adopted.

(Signed)

Senators:

CAMPBELL of Kennebec
BOARDMAN
of Washington
FARRIS of Kennebec

Representatives:

SMITH of Bar Harbor
PEASE of Wiscasset
CHILDS of Portland
BERMAN of Houlton
KNIGHT of Rockland
THORNTON of Belfast

The Minority of the same Committee on the same subject matter reported that the same Ought not to be adopted.

(Signed)

Representative:

RUST of York

Comes from the House Majority—Ought to be adopted report read and accepted.

In the Senate, on motion by Mr. Farris of Kennebec, the Majority Report was read and accepted and the Joint Resolution was adopted in concurrence.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following Bills and Resolve:

Bill, "An Act Providing for an Additional Medical Examiner for York County." (H. P. 1157) (L. D. 1628)

Bill, "An Act Providing for Use of Photostatic Reproduction of Records as Evidence." (H. P. 1161) (L. D. 1667)

"Resolve Appropriating Funds for Development of Owl's Head Lighthouse Area." (H. P. 1133) (L. D. 1604)

Which Bills were passed to be enacted and the Resolve finally passed.

Emergency Measures

Bill, "An Act to Correct an Inconsistency in the Educational Foundation Program Allowance an Providing for Supplemental Payments of 1963 and 1964 Educational Subsidies for Various Special Programs." (S. P. 650) (L. D. 1656)

Which Bill, being an emergency measure and having received the affirmative vote of 28 members of the Senate, was passed to be enacted.

Bill, "An Act Relating to False Alarms and Reports Made to Municipal, County and State Departments." (S. P. 672) (L. D. 1635)

Which Bill, being an emergency measure, and having received the affirmative vote of 27 members of the Senate, was passed to be enacted.

Bill, "An Act to Make Allocations from the General Highway Fund for Motor Vehicle Driver Examination Program and for Maintenance of Certain Roads in Baxter State Park." (S. P. 691) (L. D. 1666)

Which Bill, being an emergency measure, and having received the affirmative vote of 27 members of the Senate, was passed to be enacted.

Bill, "An Act to Incorporate the South Berwick Sewer District." (H. P. 1154) (L. D. 1625)

Which Bill, being an emergency measure, and having received the affirmative vote of 27 members of the Senate, was passed to be enacted.

Bill, "An Act Providing Funds for a Special Court Counselor-at-

Large in the Division of Alcoholic Rehabilitation." (H. P. 1159) (L. D. 1660)

On motion by Mr. Edmunds of Aroostook, tabled until later in today's session pending enactment.

Emergency Measures, Cont'd

"Resolve Authorizing the Maine Defense Commission to Convey Certain Land in Gardiner and Authorizing Maine Sardine Council to Purchase Property in Brewer." (S. P. 666) (L. D. 1642)

Which Resolve, being an emergency measure, and having received the affirmative vote of 26 members of the Senate, was finally passed.

Orders of the Day

On motion by Mr. Stitham of Somerset

ORDERED, the House concurring, that there is appropriated to the Joint Interim Commission on Search and Seizure of the 101st Legislature from the legislative appropriation the sum of \$2,000 for commission expenses including the cost of printing its reports.

Which was read and passed and ordered sent forthwith to the House for concurrence.

On motion by Mr. Brown of Hancock,

WHEREAS, the position of Assistant Secretary of the Senate is of such antiquity and obviousness that the members of the Senate are inclined to take the office and the officer for granted; and

WHEREAS, the Assistant Secretary, under the direct personal supervision of the President and the Secretary of the Senate, attends to the smaller tasks and functions of this esteemed body during the course of each session; and

WHEREAS, the vital statistics of the incumbent of any office of the Senate, as a matter of public policy, is a matter of deep concern which is not open to question so that the full weight of Senatorial emotions are applied equally in both situations of beginnings and endings; and

WHEREAS, the present incumbent of the office of Assistant Secretary has held the office from

a time so remote that none here were present to testify to the actuality of the event of his beginning; and

WHEREAS, for purposes of practical expediency, the Senate may regard as done that which obviously was done and move as though the time were appropriate to consider the small beginnings of its present Assistant Secretary; now, therefore, be it

ORDERED, that the members of the Senate of the State of Maine as a mark of their esteem and respect rise to the man to commemorate the birth of Waldo H. Clark, its Assistant Secretary, and to offer to him the deep-rooted sentiments which lie in their hearts; and it is with the hope for many more to come that the last words of this Order are written. (Applause, members rising)

On motion by Mr. Farris of Kennebec

WHEREAS, the Constitutional Amendment on Apportionment, adopted by the people at the Special Election held November 5, 1963, made it mandatory that the 101st Legislature make the reapportionment in the year 1964; and

WHEREAS, from a practical standpoint, it was necessary that a great amount of groundwork be done prior to the convening of this Special Session of the 101st legislature to pave the way for putting these new constitutional provisions into effect; and

WHEREAS, an informal committee was appointed prior to the session by the leadership of both branches for this purpose; and

WHEREAS, the extensive research and implementation of the activity of this committee, as well as for the Joint Standing Committee on Constitutional Amendments and Legislative Reapportionment during the session, was efficiently handled by Miss Edith Lydia Hary, the State Law Librarian; now, therefore, be it

ORDERED, the House concurring, that the Senate and the House of Representatives of the State of Maine express their deepest thanks to Miss Hary for these splendid services, with the note

that through her efforts the work of the 101st Legislature on the problem of reapportionment was greatly expedited.

Which was read and passed.

The PRESIDENT: The Chair in behalf of the Senate is proud and happy to welcome in the Senate gallery today twenty-five seventh and eighth grade students from Walker Grammar School, Liberty, with their teacher, Mr. Russell Boynton, and the Principal's wife, Mrs. Leroy Keller. They are currently studying Maine's history and government.

We can think of no finer place for your practical knowledge in this field than to visit your own State House and your own legislature. You may be interested to know that a film has been prepared, taken at the regular session of this legislature, of Maine's government in action and that there are plans for this film to be shown to you and other students throughout the State in years to come. Regardless of this fact, we feel that there is no substitute for first-hand knowledge and hope that you will be able to spend some time here, talk with your representatives, and hopefully that some day you would like yourselves to take part in your own State government.

I believe Liberty is in a county called Waldo, and we have a Senator here who has represented Waldo County ably, efficiently, loyally and well for several years. We are proud of him and we think you should be too. May I introduce to you Senator Cole of Waldo County: (Applause)

Orders of the Day

The President laid before the Senate the 1st tabled and today assigned item (H. P. 1131) (L. D. 1602) Bill, "An Act to Appropriate Additional Moneys for Caribou Sewage Treatment Works"; tabled on January 15 by Senator Edmunds of Aroostook pending acceptance of the Leave to Withdraw report; and on further motion by the same Senator, the bill was retabled and especially assigned for later in today's session.

The President laid before the Senate the 2nd tabled and today assigned item Bill, "An Act to Appropriate Moneys to Increase Rate of Payment for Nursing Home Care for Public Assistance Recipients; tabled on January 15 by Senator Edmunds of Aroostook pending acceptance of either report; and that Senator yielded to the Senator from Kennebec, Senator Farris; on motion by Mr. Farris of Kennebec, the bill was retabled and especially assigned for later in today's session.

On motion by Mr. Farris of Kennebec, the Senate voted to take from the table S. P. 670, L. D. 1634, Bill, "An Act Repealing the Law Relating to the Application of Surplus in Real Estate Mortgage Foreclosure"; tabled on January 15 by Senator Farris of Kennebec pending consideration; and on further motion by the same Senator, the bill was indefinitely postponed in concurrence.

On motion by Mr. Farris of Kennebec, out of order and under suspension of the rules:

ORDERED, the House concurring, that there be created an interim committee to consist of two Senators to be appointed by the President of the Senate, three representatives to be appointed by the Speaker of the House, and three members to be appointed by the Governor, one of whom shall be a representative of the Maine State Bar Association, one of whom shall be a representative of a financial institution, and one to be appointed from the public, to study and report to the 102nd Legislature on the subject-matter of the period of redemption of mortgage foreclosures; and be it further

ORDERED, that the members of the committee shall serve without compensation but shall be reimbursed for their expenses incurred in the performance of their duties under the order; and be it further

ORDERED, that there is allocated to the committee from the legislative appropriation the sum of \$500 to carry out the purposes of this order.

Read and passed.

Sent forthwith to the House for concurrence.

The PRESIDENT: Is it the pleasure of the Senate that any matters requiring House action be ordered sent forthwith to the House? It is a vote.

On motion by Mr. Edmunds of Aroostook

Recessed to one o'clock this afternoon.

(After recess)

Called to order by the President.

The PRESIDENT: Before proceeding, the Chair is happy to welcome to the Senate Chamber in behalf of the Senate a group of students from Clinton High School, sophomores and seniors, with their teacher, Peter Hope. The Senate is glad to welcome you here. This is your State House and your government. We hope that you find the proceedings here not only interesting but educational and that some day as a result of your studies and perhaps your ambitions you might find yourselves here representing your particular area. Clinton, of course, is in Kennebec County and is represented here by Senators Farris, Campbell and myself. Senator Farris, will you stand and be recognized, please (Applause)

Additional Papers from the House — out of order Non-concurrent matters

Bill, "An Act Relating to Detention by Counties and Municipalities of Persons Arrested by Law Enforcement Officers." (S. P. 694) (L. D. 1672)

In Senate, January 10, passed to be engrossed.

In House, January 14, indefinitely postponed in non-concurrence.

In Senate, January 15, engrossing reconsidered and passed to be engrossed, as amended by Senate Amendment A — in non-concurrence.

Comes from the House, that body having Adhered in non-concurrence.

In the Senate, on motion by Mr. Johnson of Somerset, tabled until later in today's session pending consideration.

Bill, "An Act to Apportion One Hundred and Fifty-one Representatives Among the Several Counties, Cities, Towns, Plantations and Classes in the State of Maine." (H. P. 1167) (L. D. 1676)

In House, January 15, passed to be engrossed as amended by House Amendment "A" (H-529)

In Senate, January 15, passed to be engrossed as amended by House Amendment "A" in concurrence.

Comes from the House, engrossing reconsidered, House Amendment "H" (H-541) adopted, House Amendment "I" indefinitely postponed, and the Bill passed to be engrossed as amended by House Amendments "A" and "H" in non-concurrence.

In the Senate, that Body voted to reconsider its former action whereby the bill was engrossed; House Amendment "H" was adopt and the Bill as amended by House Amendments "A" and "H" was passed to be engrossed.

Enactors

Emergency measures

Bill, "An Act Authorizing the Municipalities of Bridgton, and Harrison to Form a School Administrative District." (H. P. 1139) (L. D. 1610)

Which Bill, being an emergency measure and having received the affirmative vote of 29 members of the Senate, was passed to be enacted.

Bill, "An Act Repealing the Shortening of the Period of Real Estate Mortgage Foreclosure." (S. P. 671) (L. D. 1633)

Which bill, being an emergency measure and having received the affirmative vote of 29 members of the Senate, was passed to be enacted.

Bill, "An Act to Appropriate Funds and Provide Staff for Public Assistance Programs." (S. P. 655) (L. D. 1647)

Which bill, being an emergency measure and having received the affirmative vote of 28 members of

the Senate, was passed to be enacted.

Bill, "An Act Appropriating Additional Funds for the Distribution of Donated Commodities Program." (S. P. 656) (L. D. 1648)

Which bill, being an emergency measure and having received the affirmative vote of 28 members of the Senate, was passed to be enacted.

Bill, "An Act to Appropriate Monies for Legislative Expenditures." (S. P. 657) (L. D. 1649)

Which bill, being an emergency measure and having received the affirmative vote of 28 members of the Senate, was passed to be enacted.

Bill, "An Act Relating to Aid to the Aged, Blind or Disabled, and Aid to the Medically Indigent and Transferring Burial Allowance Programs for Veterans to Department of Veterans Services." (S. P. 661) (L. D. 1653)

Which Bill, being an emergency measure and having received the affirmative vote of 28 members of the Senate, was passed to be enacted.

"Resolve Permitting Use of Appropriated Federal and State Funds at Maine Vocational Technical Institute." (S. P. 659) (L. D. 1651)

Which Resolve, being an emergency measure and having received the affirmative vote of 28 members of the Senate, was finally passed.

"Resolve Appropriating Funds for Community Mental Health Services." (H. P. 1134) (L. D. 1605)

Which Resolve, being an emergency measure and having received the affirmative vote of 28 members of the Senate, was finally passed.

Constitutional Amendment

"Resolve Proposing an Amendment to the Constitution Clarifying Procedure for Delivering Election Returns to the Secretary of State by Municipalities." (H. P. 1141) (L. D. 1612)

Which Resolve, being a Constitutional Amendment, and having received the affirmative vote of 29

members of the Senate, was finally passed.

On motion by Mr. Farris of Kennebec, the Senate voted to take from the table S. P. 654, L. D. 1646, Bill, "An Act to Appropriate Moneys to Increase Rates of Payment for Nursing Home Care for Public Assistance Recipients"; tabled earlier in today's session by that Senator pending acceptance of either report.

Mr. FARRIS of Kennebec: Mr. President, this matter has been cleared with the Chairman of the Committee on Appropriations and Senator Campbell of the Committee on Appropriations and conforms with the report of Senator Porteous for that committee, so at this time I would move that we accept the minority "Ought to pass" report for the purpose of offering an amendment.

Mr. HINDS of Cumberland: Mr. President and ladies and gentlemen of the Senate: I rise reluctantly today to oppose this motion at the request of several Welfare directors in my county.

This bill was opposed at the public hearing and has received a majority "Ought not to pass" report with two of our Senators in this body signing this report.

The president of the State Welfare Association opposed this measure. He did not oppose it for the whole association because it came up so hurriedly he had not had a chance to have a meeting. However, he did oppose it for several directors of welfare organizations around the State. He named them at the hearing and I am sure perhaps some members of the committee have their names.

My objection to this bill is not that I feel that nursing homes are not deserving of an increase in their rates; it is the feeling that we have other things to consider in this legislature besides nursing homes. If this was a problem it should have been a problem during the regular session when this legislation could have been considered with all other legislation pending for the Department of Health and Welfare. I believe that we have a problem here and I also

believe that we have a problem with our boarding home rates, our foster home rates and our grants to old age recipients.

At the present time nursing homes receive \$190 a month for the patients they have there; boarding homes for the aged receive \$110 a month; foster home care for children, they receive \$38 a month for the care of a child, and our old age grant was just raised at the last session of the legislature from a maximum of \$64 a month to, I believe — I am not positive whether it is \$80 or \$84 but it is in that vicinity that we pay people to live on in the State.

These are my objections to this. I feel that this is a regular session matter to be considered with all the financial problems of the Department of Health and Welfare, and I would very reluctantly move indefinite postponement of this bill and all accompanying papers and when the vote is taken I request a division.

Mr. EDMUNDS of Aroostook: Mr. President, just a few very brief remarks. 1. I would point out that this legislation was in the Governor's proclamation when he called us into session and that he felt that a legitimate emergency existed in this particular area else it would not have been there. 2. It was unfortunate, in my opinion, that at the committee hearing on this subject a rather poor presentation was made to the committee. The reason for that is that the regular representative, a gentleman from Gardiner, was ill, he was unable to be there, they did not have the direction that they might normally have and, very frankly, they did not make a good impression on the Appropriations Committee as to the emergency nature of this particular legislation. However, since our report, and I admit I signed "Ought not to pass" but I am now ready to support this at the reduced level of \$120,000. However, since then a number of facts have been made known, not only to myself but to Senator Campbell with respect to this particular piece of legislation. We now feel that at this \$120,000

level we could support it even though we are acting in opposition to the position that we took in the committee session. I think this has been done many times before the floor of this Senate, and I am not ashamed to stand here and admit I was wrong. Therefore I would certainly hope that the motion now before us would not prevail.

Mr. FARRIS of Kennebec: Mr. President, I certainly agree with my colleague, the Senator from Cumberland, Senator Hinds, that probably other areas in addition to nursing homes should also be examined, but I also would like to point out that this matter was at the regular session and was one of the items, along with others that he has mentioned, that were not acted on favorably, primarily due to the lack of appropriations that were indicated would be available at that time.

I might point out that we are talking in the nursing home area of skilled nursing care and this does represent a multi-million dollar payroll business and industry, and we do have in the State of Maine some very fine standards and regulations governing the operation of our homes but our rates have not, in the last couple of years, been commensurate with the demands which have been made upon the various homes to upgrade their standards and to provide better bedside care.

In an article in Consumers Reports, the January issue, 1964, it recognizes that ten dollars a day is the minimum amount necessary to operate a good nursing home. Under this proposal, if the \$120,000 should be accepted that means we would be able to increase our rate to \$200, which would still be less than seven dollars a day. I certainly feel that this is a minimum effort which we should make to see that our aged and our ill are given the fine bedside care which has traditionally been exercised here in the State of Maine in recent years, and I trust that the motion to indefinitely postpone will not prevail.

Mr. HINDS of Cumberland: Mr. President, one more brief word.

It was mentioned that this bill was before the session of the legislature. It has been my interpretation that any bill that was before the regular session of the legislature was not to be allowed before this session except for items in the Governor's call. If this were the case then this bill should not appear before the special session anyway. I understand these are the ground rules of the screening committee. I would correct that to the fact that during the Appropriations Committee hearing it was brought out that this bill was not before the regular session; it was proposed but had been deleted from the Governor's request before we met. This was information presented by Dr. Fisher and other members there.

Mr. PORTEOUS of Cumberland: Mr. President and members of the Senate, I would merely like to explain my position in signing the Minority Ought to Pass report. I was at the hearing and I will agree that it wasn't as well conducted as it might have been. I was not very much impressed by the hearing. I guess word got around to the nursing home operators that the hearing had not been well conducted and that evening I was called by three nursing home operators who were very sincere in their wishes asking me to vote for the Ought to Pass report. I didn't at that time know whether anybody would be signing an Ought Not to Pass or Ought to Pass report. I had not known what the deliberation of the other members had been. So my signing it was a unilateral decision on my part and I was much impressed with their particular arguments in favor of raising the amount of money per day that is paid for nursing home care.

It follows somewhat the same course this legislature took in raising hospital payments for state aid patients so that other patients in the nursing home or hospital do not have to lug as much of the load making up for money that they lose in taking care of these patients. I think these people have a legitimate reason for asking for

more money and that is the reason I signed the Ought to Pass minority report.

Mr. JACQUES of Androscoggin: Mr. President, I rise in opposition to the indefinite postponement of this resolve. I know we have a wonderful home in the city of Lewiston which is called the Marcotte Home and it is a place for old age people. I think this Senate should look into this more thoroughly than they have in the past. These gentlemen we have in this nursing home are very well taken care of but when they are told they have to go on the state, they are changed from one room to another and naturally that doesn't give them the service they would get in another part of the hospital. I think it is a shame. I have been there many times in that hospital and I was told of conditions that do exist and I think this is a very small amount of money for this state to spend on our senior citizens.

Mr. WHITTAKER of Penobscot: Mr. President and members of the Senate, I would like to express briefly and publicly what I have stated privately in regard to this bill. I am strongly in favor of passage of the bill as amended. I think it is the least we can do when we have opportunity for the better care of our aged. We all know that this is a national problem. We know that there are certain proposals being made nationally to take care of matters of this kind and I believe the state of Maine should do its share and not depend upon the federal government to do for us what we can do ourselves.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Hinds, that the bill be indefinitely postponed, and a division has been requested.

A division of the Senate was had.

Two having voted in the affirmative and twenty-nine opposed, the motion to indefinitely postpone did not prevail.

Thereupon, the Minority Ought to Pass report was accepted and the bill read once.

Mr. Farris of Kennebec offered Senate Amendment A and moved its adoption.

Which amendment was read and adopted and under suspension of the rules, the bill was read a second time and passed to be engrossed as amended.

Ordered sent forthwith to the House for concurrence.

The President laid before the Senate the 1st item on the Supplemental Journal, (S. P. 694) (L. D. 1672) Bill, "An Act Relating to Detention by Counties and Municipalities of Persons Arrested by Law Enforcement Officers"; tabled earlier in today's session by Senator Johnson of Somerset, pending consideration; and that Senator yielded to Senator Stitham of Somerset.

On motion by Mr. Stitham of Somerset, the Senate voted to insist on its former action and ask for a Committee of Conference. The President appointed as Senate conferees Senators: Stitham of Somerset, Cram of Cumberland and Jacques of Androscoggin.

The President laid before the Senate Item 6-1 on today's regular calendar Bill, "An Act Appropriating Funds for Grants in Aid for Construction of Municipal Sewage Treatment Facilities" (H. P. 1135) (L. D. 1606) tabled earlier in today's session by Senator Campbell of Kennebec pending acceptance of the Ought to Pass in New Draft report; and on motion by the same Senator, the report was accepted, the bill in New Draft read once, House Amendment A read and adopted.

The same Senator presented Senate Amendment A and moved its adoption.

Which amendment was read and adopted and under suspension of the rules, the bill was read a second time and passed to be engrossed in non-concurrence.

Ordered sent forthwith to the House for concurrence.

The President laid before the Senate Item 8-8 on today's regular calendar, Bill, "An Act Providing Funds for a Special Court Counselor at Large in the Divi-

sion of Alcoholic Rehabilitation" (H. P. 1159) (L. D. 1660) tabled earlier in today's session by Senator Edmunds of Aroostook pending passage to be enacted; and that Senator moved the pending question.

This being an emergency measure, a division of the Senate was had. Twenty-eight having voted in the affirmative and none opposed, the bill was passed to be enacted.

Mr. Edmunds of Aroostook was granted unanimous consent to address the Senate.

Mr. EDMUNDS of Aroostook: Mr. President and members of the Senate after we recessed this morning, I received a phone call which I would like to inform the Senate of. It was from Senator Spessard Holland the senior United States Senator from the State of Florida, and also the Senator who sponsored the proposed amendment to the United States Constitution to eliminate the poll tax as a voting requirement which we acted upon favorably here in the Senate Chamber this morning. He wanted to thank me because he had been informed that I had been interested in this. He wanted to thank our President because he knew of his efforts in this direction. And he wanted me to extend his thanks to each and every member of this Senate for the action which they took this morning. Thank you.

On motion by Mr. Edmunds of Aroostook

Recessed until 4:15 o'clock this afternoon.

After Recess

Senate called to order by the President.

Mr. Edmunds of Aroostook was granted unanimous consent to address the Senate.

Mr. EDMUNDS: Mr. President, I merely wish to state that we have determined that committee clerks during the special session will be paid at the rate of ten dollars a day, and all committee chairmen are requested to get the proper papers prepared and

presented to Roland Berry for that particular purpose.

Additional Paper from the House — out of order

COMMITTEE REPORT—House Majority — Ought to Pass in New Draft.

Minority — Ought Not to Pass

The Majority of the Committee on Labor on Bill, An Act Revising the Maine Employment Security Laws. (H. P. 1144) (L. D. 1615) reported that the same Ought to Pass in New Draft under the same title (H. P. 1166) (L. D. 1675)

(Signed)

Senators:

HINDS of Cumberland
JOHNSON of Somerset
COUTURE
of Androscoggin

Representatives:

DUNN of Denmark
EWER of Bangor
PRINCE of Oakfield
GIFFORD of Manchester
NOEL of Waterville
BROWN of South Portland

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass

(Signed)

Representative:

MENDES of Topsham

Comes from the House, Majority — Ought to Pass in New Draft report accepted.

Subsequently the Bill was Indefinitely Postponed and the motion to Reconsider — Lost.

Mr. JOHNSON of Somerset: Mr. President and ladies and gentlemen of the Senate: At this particular time I feel very much like the judge who was sitting on a murder case. The jury had been out for about sixteen hours and finally they straggled back in and the foreman stood up and said, "Your Honor, we think the defendant is guilty," and the judge said, "What do you mean you think the defendant is guilty?" and the foreman said, "Your Honor, we all know for a positive fact that the defendant was nowhere near the scene of the crime when the murder was

committed, but we do know that if he had had the chance and if he had been there he would have killed that man."

I will be brief on some of my remarks but I feel that there are many things to be said about this particular bill.

As you all recall, there had been a long study of this bill prior to the arrival of the 101st Legislature last January. At that time I was appointed on this committee and in my travels around these corridors I ran into several people who said they were going to put labor bills in to change the employment security law, and after I believe five or six had told me that, I began to wonder whether something should be done about this bill, so I spoke to the gentleman who was on this committee, Mr. Thaanum, and he said, "Yes, the committee will come out with a bill that they feel is a good, just and equitable bill." Subsequent to that I believe there were probably fifteen or sixteen other people who came to me and said they were going to put a bill in but they wondered whether the committee was coming out with a bill, and I told them yes, that the interim committee had planned to present a bill just about the last day, and that precluded many more bills going in to change this employment security law. The committee actually listened to eleven employment security bills that came before this committee, and I think that the introduction of the Thaanum bill at this session precluded at least another twenty bills from coming in. None of these bills that were in did the job completely, they all picked at little different isolated spots of the bill, and if you had been a member of this committee as long as we have and listened to as many people as we have I think you would realize our problem. I think Mr. Estey has put his finger on just about what it is. There is no way that I can see where you can change any one part of this law. It is like the triangle: you have got three sides to it and if you take any part of one side away the

whole thing will collapse, so I would like to have you all bear in mind, regardless of what your action is here today, that in the future if there are going to be changes in this particular law you have got to do it as a whole and not as any one isolated part. Those are my personal feelings.

We have seen bandied around here many figures and many statistics, many words pro and con on this particular bill, but the committee did come up with what they thought was an equitable bill. We discussed the Thaanum bill at length and we listened to many people speak for and against this bill. We felt that the committee had an obligation, that we were down here to come up with something that we thought was fair. The Governor requested it in his proclamation. We feel that we did our job. We have no ill feelings whether this bill passes or fails, but as far as the committee is concerned we came up with something we thought was probably good. It is probably not the best bill. It has many flaws in it and I can point them out to you, but I will say that the flaws are minor parts of it.

I would like to review some of the pertinent things that I think you ladies and gentlemen should know about this particular type of a hearing that we have. There are two sides, for and against these bills, and the committee has been, I will say, confused many times because the figures that one side give you—we know that they are given to us fairly and honestly, and that is the way they think, because we all know that figures can be used both ways to explain a point one way or the other. On the other hand, we have witnesses that tell us something else, and the first thing you know we say to ourselves, "Well, where do we get the facts?" The only place available to us is the Maine Employment Security Commission. We would like to thank and commend them for all the work and the time that they put in, their attorney over there, their statistician and the Commission-

ers, we would like to thank them for all the effort they put in and the information they have given to us. The State of Maine, so far as I am concerned, has probably a first-class Employment Security Commission compared with others. We have heard that our Employment Security Commission receives commendation from the federal government because of the way their figures have been sent in to Washington, their records and so forth.

We have listened to many people, we have seen people here in the lobby work and we know that is their job and we also know that if we were in their shoes we would do exactly the same thing.

In regard to this particular bill, the biggest objection in the beginning seemed to come from the sardine people, and I will quote some remarks here that people have made to give you an idea so that in the future I think perhaps you can be guided by some of these statements because they will be just as good two years from now as they are today. The committee heard many people, and I would merely say that at the last hearing the majority of the people there who were against the Thaanum bill—that is the bill I am speaking about now—were from the sardine industry. We have the problems of the people out there. I believe fifteen or twenty people mentioned that they had a way of life out there, that they have a hard time getting any outside employment, they work in the canning factories there while the run is on. As you know, the law presently says they can do it for four months and that is all. I had a letter from one man who told me that the legislature failed to give them an extra two months last year, but I think we did.

So far as the canning people are concerned, I would like to quote the name of the company, but I have had letters from four of these canning companies and in my opinion they are first-class companies that we have in this State. I would also like to

say that they are very honest people. This gentleman here—and I guess some of you have read some of these letters—says: "As you probably know, we in this industry are quite a contented lot and are satisfied to live on the standards that we have been enjoying, and most of us are satisfied to get through in the fall and take it easy the rest of the time on our twenty-six weeks' benefit, and it is a very small minority who attempt the double-barrel policy." Now "double-barrel" I presume is the double-dip. They also go further and say that something should be done to correct it.

Then we have another letter here from this same industry, a first-class outfit. They objected very strenuously to the high-quarter formula of the Thaanum bill. We eliminated that so we would not hurt these people, but even so they opposed any change, and we raised the amount from \$400 to \$500. I will go into that in just a moment. It says here in this particular letter from a packing company: "If the legislature feels that it absolutely must do something, then eliminate the high-quarter formula, spread the impact over five years and finally increase the packers' contribution." I know these people are sincere but I will say that four years from now when another bill of this type comes up, or six years, these same letters will be on someone else's desks; it will be the same words but it will be different people who will be sending and receiving the letters.

I have a statement here from one of the gentlemen of the House, a good friend of mine, Mr. Young. He has done a good job today, and he put a statement out a year ago on An Act to Revise the Employment Security Law. He said that it would decrease the benefits of those in the lower wage brackets, and if that is not true it would immediately and radically instead of gradually change the law, affecting thousands of families, the law that had been on the book for twenty-five years. Well, this law

we put out would not radically change it because we did eliminate this high-quarter formula which in many cases was objectionable.

If you will recall, in the last session the only bill that did anything for the workingman—and actually it did it for the disabled workingman—was to increase the compensation under the Workmen's Compensation law from the minimum of three dollars to fifteen or eighteen and the maximum from thirty-nine to forty-two. That was, as far as I can figure out, the only bill that was passed out of this legislature pertaining to labor in this last session. A peculiar thing happened there. We hear lobbyists report about the cost of it, and I think the figure they came up with — and their information is good, they get it from good sources and I believe private sources—the cost was approximately 3.8 per cent. But we passed that bill so we all assume it is costing industry 3.8 per cent, but a peculiar thing happened this past year: the insurance companies reduced their rates over-all on unemployment compensation on the premiums ten and a half per cent, which means a net gain to the companies of about five or six per cent, but you never hear that part of it.

We had a man before the committee who came from a town, and he said that this high-quarter formula would hurt the poor man who could not earn — or rather the raise from four to five hundred would hurt this person because he could not earn the additional money. He said that these people would then go on the relief rolls of the town and increase in some cases where we have a budget of say sixty or seventy thousand dollars, it would increase it to probably another thirty thousand just to take care of these people who work in the packing plants. And yet I have another letter here, I don't know where I picked it up but it must be from one of his buddies because it is from the office of the selectmen

also. He is writing to another person, and he says: "I think you will agree that the law needs revising. At the present time a person who becomes unemployed has to wait so long." "Six weeks," he says. "I trust you will be able to attend the hearing and let's get this bill through to liberalize the employment security law." So in the same paths you hear many people who differ on this. The sardine industry in particular; and, I understand, fifty per cent of the consumption in the United States is produced in this State, but I have gotten the impression now that if we had cut down this particular bill to four hundred dollars, which it is at present to be able to qualify for benefits, the sardine people would have gone along with it hand over fist, but we did not. I don't know whether you recall, but when this bill was put into effect, the original employment security bill, the wages in this particular processing business were approximately 40 cents an hour, and under the federal law it went up to 75 cents an hour and last year it went up to \$1.15 per hour and this year when they pack they will be getting \$1.25 an hour under the federal law. However, all we have gone up in the meantime is one hundred dollars for them to qualify, which means that the work load is being spread over a wider area, which is not right. In other words, according to the income of these same people at the time this law went into effect, the minimum qualifying wage for these same people now on the basis of their present hourly wage should be raised three times or nine hundred dollars, but you can imagine getting anything like that through if you couldn't get five hundred. It is something that the people in this particular business will have to face up to one of these days. I know they couldn't do it this time, but I hope, and I know they surely will one of these days, because it is to their own long-range advantage that they seriously go to work the minute this session closes and

figure out their problem and how they are going to adjust to it, because if they don't I am really afraid that someone else will do it for them and it will be worse.

Under the law there is one section that says you shall not be classified as a seasonal industry unless you are actively going for forty weeks of the year. Four months isn't forty weeks of the year, that is obvious, and there has been some talk about having the Employment Security Commission enforce this, and that is worse than what we were trying to do here, as far as I can see. It is a way of life for these people.

I will go back a couple of years ago and I will read the remarks in the legislative record. It is exactly the same thing that I am repeating here today, however this time it was made by Mr. Estey, a representative of the industry, the spokesman perhaps at times for the industry, and he says the same thing: "The qualifying wage has been in existence since the law was adopted," and he goes on to say they earn forty cents an hour, and everything I have said is verbatim practically in this book. It is a peculiar thing, but I dug this up after I had made my own analysis of this particular part. It is a case, I think, and I think we should think about it, of a third of the tail of the dog wagging the dog. That is about what it amounts to. Those are my feelings. I try to be fair to these people and I think all of us do, but sometimes you can help people and sometimes you can't.

I have figures here — I was going over the bill, but I know another senator will go over this and discuss the bill with you, but I really think you should know and understand some of the points in this particular bill. I am interested right now primarily in the figures that were put out by the committee. I am doing this to justify our report here. You all have this copy on your desks, I have had it for a few days, and it is the effect upon the fund of proposed legislation and the particular bills

that Senator Hinds will discuss with you. We take L. D. 1615, which is the original Thaanum bill, and on the right is our redraft. We come up with a total of \$160,000, the cost of the partials \$85,000, no change; the change in the qualification \$988,400; the savings from the double-dip and that is a hard thing to completely eliminate as some of the learned gentlemen in the corridors can say very truthfully, that it does not eliminate the double-dip. We have got to agree with them because, as near as we can figure out it only eliminates about eighty per cent of the double-dip and you still have twenty per cent of these freak cases. It might be compared to the man who buys his cigarettes in a machine year in and year out and he pays his thirty or thirty-five cents, but there is always somebody who can come along and find out how to beat that machine and get a package for a quarter. That is about the way that some of these things go in this world, and that is one of the reasons that possibly we may never be able to completely eliminate the double-dip, but I feel that some good lawyers could come up with some wording to put in a bill. However, we have raised the negative balance people, if they were in a ten per cent ratio or minus they went up a half of one per cent. However, we tried to protect the stable industry in case there was a run on the fund or an emergency on the fund so that even though some would be paying 3.2 that if there was an emergency and it went below the twenty million they would not go any higher than 2.7 per cent, so they would not necessarily go to 3.2 or 3.7. Those with the real consistent negative balances would go to 3.7.

Now these were our figures and these figures came from the statistical division of the employment security division. Of course you have seen a lot of people and you have had a letter probably this morning that said this was not so. It is not my

prerogative at this time to go over this, but we do have a letter from two of the commissioners that says "to the best of our knowledge"—and of course you wouldn't dare come out with it because you might still be open, but responsible people when they say that mean what they say. These are the best figures that the committee used. So we have no objection there, and we know that if we were on the other side we would be doing just what they are doing.

Now we have had people at hearings come and tell us that four out of five of these people in their areas would be thrown off this compensation from employment security. Of course you believe these people and then after you start checking you find out that only three out of ten under the original Thaanum bill would be disqualified. However, we come up with that compromise here, and less than three per cent of the people who are qualified under employment security would lose their benefits. That, of course, would be due to the increase from four to five hundred, but I would like to say that it would be less than three per cent because they would all manage to get their five hundred dollars.

I have no more to say. Senator Hinds will review the bill with you. It is a committee bill, it is not a labor bill, it is not a lobby bill, it is not the Governor's bill; it is a bill that came out of this Labor Committee all by itself. We had no one working for it or against it, although I believe one or two people did. If the Labor Committee were able to stay down here every night and talk with ten members of the legislature each night I have no doubt in my mind that this bill would have passed and I think it would have passed substantially. However, many people have said that we are in too much of a hurry to change it. I have got to disagree with that because I doubt if any committee in many years has put the time, the effort, plus the study of an interim committee, with many facets,

many groups of people from various parts of the State, labor, the public, industry—and of course one of the objections that the sardine industry raised was the fact that they had no representative on this committee. Well, I don't know as they should have because we had them on as someone in the chicken industry, someone in the upholstery business, but they have about 7000 employees in the sardine industry so far as I know. What I am saying is that we felt that our bill, and we still do, is a good bill. We know that some of you have made up your minds as to what you plan to do, and with the action of the House today I don't know as I blame you. I have no desire to prolong this session but after we have heard the pros and cons of this bill I would, Mr. President, request a division.

That is all I have to say. I have a great many other remarks I could make but I think I have covered generally what should be said at this time. I think it is something for all of you, if you come back, to consider again although I know some of you probably won't, but I hope that you will think about it and perhaps resolve some of these things. I will say they have got to be resolved sooner or later because they won't go much further. Thank you.

The PRESIDENT: The Senator from Somerset, Senator Johnson, the Chair understands, moves that we accept the majority "Ought to pass in New Draft" report of the committee and requests a division.

Mr. HINDS of Cumberland: Mr. President and members of the Senate: Something that was said during our hearing kind of amused me and I wrote it down because I thought it was very appropriate in connection with this bill and this legislation that we have been considering. Mr. Trenholm, the President of the Sardine Industry, said, and I will quote because I wrote it exactly as his words were quoted there: "There has been a long happy ride and we can see the end." This was a statement he made

there concerning his particular industry, and it does get a little involved when it comes to this particular piece of legislation.

I supported this piece of legislation because I feel that by doing so I have represented the employers in the State and the employees in the State, and I feel in my own heart that if this were honestly and truly explained to all our employers throughout the State of Maine, since we have over eight thousand that are in covered employment and since only nine hundred and forty-six of these had negative balances—I could understand their objection perhaps because it would cost them a little more money. However, for the seven thousand employers that it did not affect, I think they would certainly be most interested in this type of legislation. If we keep the law exactly as it is now, we are told by people on the staff of the commission that there is an increased cost of over two hundred thousand dollars and there are now ways in which we are stopping the drain on the fund. This bill here has several stop measures that would stop the drain on the fund and this two hundred thousand is just coming out with no stop measures whatsoever.

The federal government in a report a few years back, stated that our dip situation—and I have a quote here—was criticized severely because of the drain it does have on our unemployment fund.

Many people have been advising members of the legislature on this bill and they have been giving their own personal, frank opinions. However, the Labor Committee's information comes from the Employment Security Commission and their staff members, who, as far as I am personally concerned, have the best information available in our State. Some of them say this bill doesn't do this, others say it does, and so forth, and it confuses everyone, I know. However, the Commission is charged by law with enforcing these laws and I am sure that if they say this will

do it it will come pretty close to doing it, because they are the ones that are going to take the responsibility for this and they are the ones that have to enforce it and not members of the Legislature or members of the lobby.

I am not going into quite as much detail as I planned to go into. However, I do plan to go down through the bill briefly and review L. D. 1675. I am not going to take every little phase of it but I am going to cover the major parts of it, starting with section 1.

Section 1 and Section 2 and Section 3 of this legislative document are all concerned with the double-dip procedure. This, we were assured, would eliminate a large amount of double-dip. However there was one amendment to be offered that would even assure more elimination of double-dip. We did not have a chance to offer this amendment but the commission came up with it afterwards when they knew the lobby was interested in tying this down even tighter.

Section 4 was just a minor change and just allowed the advisory council to make recommendations to the legislature. There was never any objection to this at hearings or through the lobby or anyone else. This is one section that there was no problem with whatsoever.

Section 5 of the legislative document had to do with the benefits and the qualifying wage. We felt that the qualifying wage should be raised from \$400 to \$500; we felt that a person should not even be considered in the labor market until they are at least making five hundred dollars a year. We also felt that where the minimum wage in employment was going up this year to \$1.25, the federal minimum wage, that many people would be earning more money through this because we were told by statisticians from the department that when the minimum qualifying wage was raised from \$300 to \$400 that people just worked a little bit harder to make \$400 and the saving was not there that they expected and they would expect

that the same thing would apply here. This does not give as much of a saving as we think. Many people would like to see this, and industrial representatives and lobbyists have told me in the corridors it should be raised to nearer eight hundred or a thousand dollars to be fair. We were concerned with the benefit column and we raised the minimum qualifying wage from nine to ten dollars. It was raised in the last session from seven to nine and we raised it from nine to ten with a maximum raise of from thirty-four to thirty-five dollars.

Section 6 was the section that our Governor and the head of our State recommended and was interested in, and through his campaigning I know that he ran into this more than any other single phase or any other single complaint about the legislature, and this was on the partial. This would mean that an employee would be able to earn ten dollars without losing his unemployment benefit rather than the present seven dollars that is in the law at the present time.

Section 7 has to do with availability for work and it has to do with vacations. At the present time if I was an employee in the plant and the plant was closing down and I was given my vacation pay, say of two weeks or whatever you want to call it, severance pay or whatever it amounts to, I would not be eligible to apply for unemployment benefits even though I was unemployed because I had received this vacation pay or severance pay, so I couldn't even apply during that period, I would have to wait until that ran out before I could apply for unemployment benefits.

Section 8 is, I think, probably the biggest cost factor in this whole legislative document. Section 8 is the voluntary-quit so-called, as you probably have heard it referred to around the legislature. I cannot give you every example that had to do with voluntary-quit, but I know from the chart that was placed on your desks several days ago that Maine has the harshest penalty in the United States of America in regard

to voluntary-quit and also in regard to the transportation clause. We have those in the charts that were presented here the other day. We have the harshest of all of the States of the United States. This voluntary-quit section is a good example — and, as I say I cannot give every example, but one example I have given throughout the halls is the fact that if I were an employee of the Raytheon Company, and we know the Raytheon Company is closing up very soon, and I sought employment in some other field — and I can think of several around my greater Portland area that have gone into business lately that a person could seek employment in — and I was laid off before I worked there for five weeks or more I would not be eligible for unemployment benefits. This is one example and there are dozens of others, and I am sure the lobby have some on the other side, but this is the only one that comes to my mind at present.

We come down to Section 9, discharge for misconduct, which has been removed from the bill. It has nothing to do with misconduct, all it was adding a sentence after the present statute which would have tightened up on these unemployment laws by saying that earnings from self-employment shall not be considered for requalification purposes. They have quite a problem at the present time, and many people come in and say they have earned wages in self-employment and the deputies in the commission have a difficult time proving what that self-employment is. For instance, I could come in and say, "John Smith gave me a hundred dollars to paint his house" and this might help me to requalify. However, they cannot prove it and no one can prove it. This particular sentence is in several sections and was inserted here at the request of the Commission because at the present time they are having a terrific problem with it, this self-employed wage.

Section 11 is a tightening-up of the present law. At the present time if you receive a pension you are entitled to your full unemploy-

ment benefits. If you receive a pension and social security they scale it down so that you do not get the maximum benefit that you would receive if you only were receiving a pension. This corrects the law so that if you are receiving either a pension or social security you would not receive an unemployment check — you would receive one but it would be scaled down also. The way it is now it applies to pensions and if you get social security it doesn't, but it applies to both in this particular case.

Section 12 is just something that has to do with another section here, just correcting something in another section, striking out one paragraph.

Section 13 clarifies the law again and just adds in, which would be a tightening-up of our present law, "earnings from self-employment shall not be considered for re-qualification purposes."

Section 14 is our chart. Negative balance employers, of which we have 946 here in the State, with a total of taxable income of somewhere in the vicinity of over sixty million dollars, would have to pay more under this schedule. However, employers who run a plus balance would not pay anything more regardless of whether the fund went below the emergency level of twenty million dollars, they would pay no more than 2.7 per cent. An employer with a negative balance of up to minus 10 per cent would pay an additional half per cent of which our own good Senator, the Senator from Washington, Senator Wyman, testified at the hearing that the sardine people were perfectly willing to pay, an increased percentage of one-half per cent. The employers with minus 10 per cent, we felt that they should pay a little bit more and we increased that to a full per cent.

Sections 15 and 16 simply clarify the chart, Section 14, and Section 17 simply tells when these become effective, and they change the benefit year to April 1st.

I have not gone into as much detail as I had planned to but I feel I have explained it briefly

to you, and if anyone has any questions, which probably they won't, I would be very glad to answer them.

Mr. President, I would request a roll-call.

The PRESIDENT: The Senator from Cumberland, Senator Hinds, requests a roll call.

Mr. WYMAN of Washington: Mr. President and members of the Senate: I now move for the indefinite postponement of this bill and accompanying papers.

There seem to be a number of reasons why this third and many times changed Thaanum bill should not pass.

Yesterday, in the other branch, one of the proponents, a member of the Labor Committee, stated that it is a most intricate bill and highly complex. It certainly is that because even the proponents cannot agree as to what is in it or what it will do. During the debate one of the members of the committee stated that we must have this bill to protect the fund, while another stated it would cost the fund \$500,000 per year. Another proponent qualified his statements by saying, and I quote, "We are giving nearly proven facts." And no sooner had the bill reached the floor than it was necessary for the committee to sponsor an amendment to correct errors. And I wonder how many more errors there are in the bill. Even the Employment Security experts, as well as the Commission itself, cannot agree within a million dollars as to what this will cost. Again, an expert, Dr. Poulin, was called to answer questions at the last session of the committee hearing, and many of these he could not answer. Again, some say this bill will eliminate the double-dip, others say that it will not.

Now are we going to pass a bill when we don't know within a million dollars as to what it will cost? I hope not.

This bill would increase the contributions for negative balances by a 37 per cent increase — no small increase for many of these industries which are marginal. Again, it would increase the quali-

fyng figure by 25 per cent—again no small figure.

The proponents criticized those who voted for the Brown bill—and I was one who voted for it—for acting in haste. My father used to tell me that wise men change their minds, and I can agree that haste has no place in legislation of this kind which was given to us only yesterday.

Once more I urge that we do not pass legislation of this kind, the cost of which we cannot estimate within one million dollars.

Mr. COUTURE of Androscoggin: Mr. President and members of the Senate, I rise in support of the acceptance of the Committee report. I just heard my good friend Senator Wyman say that wise men change their minds. I can assure you at the beginning of the labor hearings I supported the Thaanum bill a hundred per cent. I was forced to support the Thaanum bill because it was placed in the hands of well qualified persons and it was studied and they reported to the following session of the legislature. After spending hours and days in meetings they gave us a report as to what would be best for the whole State of Maine for the employers and employees.

They talked about rejecting it at the last session of the legislature and it came back here and still the same people were opposing it at public hearings where we had spent hours and hours listening to the same stories that happened two, four, six, ten years ago and I could keep on naming them. On sessions when I was not on the Labor Committee I attended the hearings and the stories were the same. Most of the objection that we had there was from the sardine factories. In the Maine Unemployment Commission the law says that any seasonal work shall be classified as seasonal just as we have done with our summer resorts. They are classified one way. It has been proven that that was the drainage of the Unemployment fund. It has been the people that took advantage of the unemployment compensation law and the fund as it was created and then they come

down and oppose the Thaanum bill, depriving people of their rights, depriving the people of the State of Maine of what they are entitled to, just as they are entitled to it in every other state in the union. So after talking with the Labor Committee, our Chairman and others, I have decided to change my mind and not go along with the Thaanum bill but go along with this compromise. What do we gain by this change of mind and going along with the compromise? It goes down the drain and we go home and the people ask what took place and it will be the same answer. Nothing. You're going back home with less.

All during the labor hearings on this bill all I have heard about is the fund of unemployment compensation, how are we going to increase it? Why don't we check some six years ago or eight years ago and find out when the employer came in and persons from the third house came in with a proposed piece of legislation to allow them to go down on their tax paid to the unemployment fund. Start from there and trace it all the way, find out when the decrease started, and see if it didn't start when they were entitled to lower their taxes paid to the fund. This is exactly where you are reaching. First, caused by the third house bill that passed the Maine Legislature and second by the seasonal employers that we have here and then the draining of the funds. Then the people that should be entitled to it are forced with some kind of disqualification that they shouldn't have.

Let me say this. You will find some who will appeal and then there are here in the state of Maine, people drawing unemployment at least fifty to sixty percent who will not appeal, their pride will hold them back from appealing. I can tell you cases. In one case I begged a woman to appeal and said I would go with her to the hearing and I did. The woman was disqualified because they said she left her employment without good cause. She either had to go with her boss or lose her job. One or the other.

She was a married woman of 27 years and she had two children at home. Naturally, being a good married woman and honest and sincere and faithful to her husband, she left her job. She called me at nine o'clock one night and explained the whole thing. I told her to report for unemployment compensation and said that most likely she would be denied because she left her employment. I asked if she consulted the superintendent and told what took place and she said "Yes, and they laughed at me." She appealed the case. I practically forced her to.

The hearing was short and the decision was made within ten days. This is one case that if she had stayed home she would have faced disqualification and the fund wouldn't have been decreased, but she left voluntarily and it was for the benefit of her employer. What did the employer intend to do? Did he intend to keep this woman over there or did he intend to get rid of her? He was fired and the company gave her unemployment benefits.

As you go along this is what you are facing. I bring out the fact that factories are closing down or slowing down and an employee is facing two or three days a week and this doesn't give him enough money to support his family so if he is offered a job for five days a week or 45 hours a week and he can't see the day when his job will increase to five days again so for the good of his family and trying to do the best thing, he will leave his job and get a 40 hour week job so he can earn what he needs at home. Unfortunately sometimes he doesn't stay there long enough and then when he goes back to his former employer he is told there isn't much work and so he is disqualified. This has increased the funds because he doesn't get what he is entitled to get.

I could go on from now until tomorrow morning on these disqualifications. All they are looking for is clauses in the law so people can be disqualified. I have said it in the House before and I have said it here if I remember correctly, why doesn't the State of Maine notify the federal govern-

ment that we don't want any longer to be affected by the unemployment compensation law and let them handle it and the people of the State of Maine will be represented right.

Early in the spring the work was low in the local that I represent and the craft that I represent. I had made a call to Boston for six people to go to work there. I even used some of my own money to help a man establish himself. He couldn't live on \$29 or \$30 here in town and he went to Massachusetts and worked there until fall. Came back here and was working in this area. He was laid off recently and they are drawing out of the Massachusetts local, under Massachusetts law. Massachusetts is a state in New England, a state only some 150 miles from the capital city of the State of Maine. What is the man drawing? He is drawing \$45 a week plus \$8 a week for each dependent up to six dependents at home. What are we doing here in the State of Maine? They leave here in time to get work in Connecticut and they face the same thing. They work there a while, come back to their family after working six or seven or eight months until work starts here and when they are unemployed they draw automatically under Connecticut unemployment compensation. What are they drawing? \$48 a week plus dependency allowance up to 8 dependents. This is what the working people of the United States are entitled to under unemployment compensation law, but they are not in the State of Maine.

We are not taking care of our working people here in the State of Maine. Not at all. We are just encouraging the switch-ups and fly-by-nights and they will come here and penalize the working people. That's all we are doing.

They had the nerve to come to the hearing and say that Raytheon is leaving the state because of high taxes paid under Unemployment Compensation. I asked if they knew how much tax they were paying in other states where they are located. They didn't know. I told them. They found out that isn't the reason they are leaving. If they were leaving the

compensation, they wouldn't be too bashful to say it. They'd say it.

Now we have some figures as to what this bill would cost. We have some directly from the representative of the employer. It shows an amount of money out of question completely and it was given to legislators so they could defeat the bill. Then we receive another letter signed by our chairman Joseph E. Cote and the figure given to them by their attorney is the best figure they could find by anybody qualified here in the state.

I have to say here that I have served in the other body for six terms. I have served here in the Senate and since I have been a member of the legislature I have tried to represent the people of the State of Maine as a whole so far as the working people are concerned. You may say I am speaking like this because I am a labor representative. I am a labor representative and I am not ashamed of it. I believe in the working forces of the State of Maine. I believe we have the finest and best qualified people working in our craft here. We have them but we are losing them because these qualified people will not stay in the state where they are treated the way they are being treated by the legislature. They are leaving and they are learning how things are in other states. Out of those six that I mentioned a little while ago that worked in Massachusetts for a while, two of them are moving to Massachusetts because they are getting fed up. And they are well qualified, skilled men.

Mr. President and members of the Senate I wonder if there will ever be a day that a third house will not interfere with the action of the legislature in regard to labor. If I serve here another year or another fifteen years I don't think I will see that day. I am not the representative of the third house. I am a representative of the people as a whole. You say I am a labor representative. I am. In the City of Lewiston I represent a local of 110 people but I State of Maine because of the high taxes under unemployment

am not over here just to represent 110 people. I am fighting for the rights of the working forces of the whole state of Maine. When the legislature passes a law, they don't pass it for the city of Lewiston alone and my 110 members of that local. Whether they are union or not union—there is no discrimination in the union—they will receive the same benefits whether they are organized or not organized. They will be used the same way. They will be equal.

I was telling my wife last night that I am again getting discouraged. The more I attend these sessions the more I get tired because I can see what is coming again. There is one thing I can thank God for and that is that the federal government kept the jurisdiction over the social security act and old age assistance because if it had been left optional in each city and state, we would have no old age assistance for our old people. They would be used the same way we are using them under unemployment. We are defeating every session the purpose of unemployment compensation and I can say that the State of Maine is the lowest paid and the poorest in protection and the worst when it comes to disqualifying and disallowing the workers rights.

I even had a person come to the hearing and give us a letter saying that the State of Maine was the third highest under unemployment compensation. You don't have to go far. All you have to do is cross the line at Kittery. New Hampshire, Massachusetts, Connecticut—the three of them are ahead of Maine. We are at the bottom of it. That is where we really are and I defy any member of this Senate or the other branch to take time to write to every state in the United States and ask them their unemployment law and take a little time between now and the next session of the legislature to read about it and maybe then they will find out that I am telling the truth, that we are depriving the people of the State of Maine of their rights. They will say maybe, "Couture was right."

Mr. President, I certainly support also the request for a roll call and I hope that the committee report will be accepted.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Washington, Senator Wyman, that the reports and bill be indefinitely postponed. The Chair understands that the Senator from Androscoggin, Senator Couture requests a roll call.

Mr. CAMPBELL of Kennebec: Mr. President, ladies and gentlemen of the Senate, I rise to support the motion of the Senator from Washington to indefinitely postpone the bill. I can't buy the idea that this proposition has to be served in a blanket bill. It doesn't seem to me that we should have to vote for two things we don't like in order to get three things that we do like. It seems to me that a better and a more reflective course of action would be to present these different problems in separate bills. If there are five or six inequities in the Estey law why don't we consider them as individual bills and let them be passed on their merits? It doesn't seem to me that we should be forced to take this bill simply because the Committee on Labor feels that neither side like it. I remember in one debate that was carried on here, somebody referred to the lawyers and they said that when a jury verdict doesn't please either side it usually is a good verdict. I think probably that is true. It is true certainly in some cases. But I don't think that because the forces of labor are particularly enthused with this bill and certainly the employers are not enthused with it, I don't think this is any proof that the bill is a good bill.

In closing, I want to remind you of the mess we got ourselves into at the regular session with respect to the bill to shorten the foreclosure period on mortgages. This was something that we acted on in the closing hours of the session, hastily and were back in session to correct it and we still haven't been able to correct it. Now it is going back to the regular session. I, for one, would favor not passing

this bill hastily and that we let the matter come up at the next regular session.

Mr. EDMUNDS of Aroostook: Mr. President and members of the Senate, I think this is probably a better hour to debate this issue than the last time it was debated in this chamber. If I remember correctly that was about 2 or 3 A.M. I am familiar with this subject; I don't regard myself as an expert but I would mention that I did serve on the Labor Committee as a member of the 100th Legislature. I served on the interim study committee which gave birth to the Thaunum bill. I would point out that I was the one member of the interim study group that abstained. I did not sign the Ought not to pass so to speak but I refused to sign in support of that particular document.

I am familiar with this proposed bill. I am not nearly as familiar as I'd like to be because I have only had a day to look at it and a pretty hectic day at that. Frankly, I don't believe this is the time for us to act precipitously in this particular area a statute that is as complicated as this particular one is. We wrestled over it for 26 weeks during the regular session and we couldn't seem to solve the problem then. I don't think we can do it in a two week special session.

I am not going to try to be too long here but I do want to cover several areas. The first one are charges that have been leveled at me specifically and, I believe, by implication at the President of our Senate that the Special Appropriations Table at the regular session of the legislature was used to defeat the Thaunum bill and to pass the Brown bill. This is not true, categorically not true. I deny it. I defy anyone to stand on his feet and prove to me that the special appropriations table is used for this purpose. It is stated in one of the larger newspapers of this state; it is stated by a former member of this body. I would state again that they are both in error in this particular instance.

Now why do I oppose this bill? What is there that bothers me about it? I think the sardine in-

dustry has been singled out all through the debate in the House and the Senate and before the committee, as being the target, but basically this bill is no good for an area which has predominantly seasonal industry. Frankly, I represent such an area—Aroostook County. We have very little regular, steady industry there. Ours is an agricultural area and there are many more agricultural areas in the state where the work is of a seasonal nature. This bill may not be good for the sardine canners. I assure you it is not good for the potato packers and the potato processors and the other people in my particular area.

The second thing that bothers me is the question of cost. We have one opinion from the employment security commission that this bill might cost a million dollars a year. I have heard of another one which says that it might cost a million and a half. There is another that says it doesn't cost anything. If these people can't tell us, obviously more work has got to be done in this particular area.

The next point I would make is that this bill obviously does not do the job completely. If it did do the job completely, I suspect that it would not have the violent opposition it has had from industry, and I am sure we can all agree that this particular legislation is not openly embraced by labor.

Taking a look for a moment as to what this bill would accomplish. It would do away with the high quarter formula and I would point out that it increases the minimum qualifying wage so that there is no improvement in this area. It would change the partial benefit from the \$7 figure to the \$10 figure. I would point out that at least some segments of labor have absolutely no interest in seeing this partial change. It would change the benefits by one dollar a week. I do not think this one dollar a week increase is so imperative that we have got to go ahead and act on legislation hastily. It does change the penalty rate for deficit contributors to the fund. I think this is a very

serious problem for these deficit contributors and may I state that many of the contributors in Aroostook are deficit contributors because of the seasonal nature of their industry. It does propose to do away with the double dip language although I understand they haven't been able to use the English language effectively enough to do that as yet. I am going to surprise a few people in this room. I am not opposed to the double dip. I am not opposed to the double dip because prior to the conclusion of the last session of the legislature, Mr. Farrington and Mr. Bradford of the Maine Unemployment Security Commission told me in the presence of other members of this body that there was nothing wrong with the double dip, that in ninety percent of the cases where the double dip was used, it was justifiable, probably ten percent were getting a free ride. Do you penalize nine people to get at one person who is doing a little cheating. I say again I am not going to vote for this bill just because it proposes to do away with the double dip. You can't convince me that the double dip is necessarily wrong.

The major changes proposed in this bill are in the areas of disqualification, requalification, areas 7, 8, 9 or 8, 9, 10—I am not going to dig the bill out because you all heard it explained by Senator Hinds—this is the meat of the problem and I would point out to you that we did in the Brown bills which were passed in the closing hours of the last session, change these particular areas of the Maine Employment Security Act. We moderated them from the Estey bill. Unfortunately we did not moderate them quite enough to suit labor. I would say at the same time that we moderated them too much to suit industry and I would submit to you that if we came up with something that industry didn't like and labor didn't like, it probably was a pretty good compromise. They were moderated in the Brown bills that were presented to the executive branch of our state government and as

you know, they were vetoed by the Executive, which is his right under our constitution, as we all acknowledge. I would say again, a reasonable compromise, especially in this area which is the meat of the whole problem was presented to the Executive Branch; it was rejected there. I do not see how this new proposal is going to solve the problem when the other one didn't.

I am not anti labor. I think the record will bear me out on this. Almost all alone—I say “almost all alone”—the other person that helped me is our current presiding officer—in 1961 we beat the so-called right to work legislation on the floor of this Senate. The record will bear that out. Many of you that year were here with us at that time will agree that this is true. But in the interests of everyone, employee and employer alike, I just don't think we should rush ahead at this time and enact something that has as little area of agreement as this proposed legislation.

We in this state are trying to urge industry to come into the state. Recently Fortune magazine surveyed all of the major companies in the United States to find out their attitude as to how they like to be “wooed” shall we say, by communities, by states interested in industrial development. And they were asked to name the favorite states that they would like to go to as far as establishing their industry was concerned. The states in the country were grouped in nine different categories, New England, Mid Atlantic and so forth and of the nine groups, the New England group ran eighth. The only group that fared poorer than we were the so-called mountain states of Wyoming, Colorado, Idaho and that particular area. Of the six New England states, I think Massachusetts, Connecticut, Rhode Island received a ranking in that grouping of perhaps two percent interest, 1.5 percent. Unfortunately I must say to you that Maine, New Hampshire and Vermont received no ranking. There was just an asterisk where their ranking was supposed to be. Going on through that survey it

referred to the factors in a state's economic climate which would be considered by them as to whether or not they would place a new industry in a new state. Prominently featured among those factors was the employment security act currently in effect in a particular state.

This is important when you are talking about industrial development. If you adopt something such as this, hastily and without proper consideration, in my opinion you have created a more difficult problem for our Department of Economic Development and as I say from these figures in Fortune magazine, their job at the present time is almost insurmountable.

The Estey bill, which has been criticized so roundly, was badly needed in 1961 when it was enacted. I sat on the Labor Committee that reported it out and I voted for it in the Senate as did many of the people that are still sitting here. It was needed because the fund was in jeopardy. Everybody recognized that the fund was in jeopardy. Something had to be done to rescue the fund; otherwise there would have been no money available for these unemployed people who were laid off for any of a number of causes. The Estey bill was passed. It has since been called unjust. It has since been stated that there are inequities in it. I believe that the Attorney General's opinion rendered after we came into session in 1963, which you are all familiar with took the inequities, substantially all of the inequities out of the so-called Estey bill. I do not believe that the proposed legislation that we have before us now will correct any of the inequities which may possibly still exist in the Estey bill.

I would say again that we can't reexamine this question in my opinion. In the regular session we did pass legislation designed to correct this after months of debate. That legislation was not acceptable. I think that as far as I am concerned, this legislation is equally unacceptable. Thank you.

Mr. BOARDMAN of Washington; Mr. President, members of

the Senate, members of the other Body, and members of the third house, before the vote is taken so far as this particular bill is concerned, I do have a few comments. I have put them down in writing to make sure I get them somewhere near right.

This bill is not all bad. It has many good provisions which should be in the employment security law. However, it has some provisions which I would seek to change. When we vote, I shall vote to keep this bill alive so that amendments can be proposed. One amendment I have had prepared but not yet reproduced.

Section 5 of the bill, I believe, should be amended back to a minimum of \$400.00. The present section would immediately raise the 1963 earnings from \$400 to \$500 for a worker applying late in April and thereafter. An employee who has earned \$410.00 in 1963 and would now be qualified would become subject to the \$500.00 provision after the April effective date of Sec. 5.

I am also concerned with Section 21 of the Employment Security Law regarding seasonal industries and feel that a bill should not be passed at this special session to prevent the invoking of Section 21. I shall vote to keep the bill alive for the purpose of amendment.

Mr. JACQUES of Androscoggin: Mr. President and members of the Senate, the Governor has recommended that we take the action on this bill and I believe that being the Majority Party you people would go along with it. Being in the Minority Party, I go along with it and I would like to stress at this time that Lewiston has the biggest employer in the State of Maine—Bates Manufacturing Company. They belong to the Associated Industries of Maine and I have just been talking with the Vice President and he told me that he doesn't know anything about this new bill that has come out and he does not oppose it. So there is a company here that has the highest employment in the State of Maine and it does not oppose this bill, so why should

any of these other industries come here and say they are in opposition to this legislation and that it is not doing what it was going to do, it is doing less, half of what the original bill was going to do.

You people should look into your minds and vote with your conscience rather than what someone else is telling you.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Washington, Senator Wyman, that the reports and the bill be indefinitely postponed. The Senator from Androscoggin, Senator Couture has requested a roll call.

A division of the Senate was had.

Six Senators having voted in the affirmative, and six not being one-fifth of the members present, the roll call was not ordered.

Mr. CAMPBELL of Kennebec: Mr. President, I request through the Chair to be excused from voting because I have paired my vote with Senator Reed. Were Senator Reed here he would vote against the motion to indefinitely postpone and were I to vote I would vote for the motion to indefinitely postpone.

The request was granted by the Senate and Senator Campbell was excused from voting.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Washington, Senator Wyman that the reports and bill be indefinitely postponed.

A division of the Senate was had.

Seventeen having voted in the affirmative and thirteen opposed, the motion prevailed, the reports and bill were indefinitely postponed in concurrence.

Joint Order, Relative to Study of Hydro-electric projects by Public Utilities Commission (S. P. 692)

In Senate, January 15 read and adopted as amended by Senate Amendment A

Come from the House indefinitely postponed in non-concurrence.

On motion by Mr. Cyr of Aroostook, the Senate voted to insist on its former action and ask for a Committee of Conference. The President appointed as Senate conferees, Senators: Cyr of Aroostook,

Philbrick of Penobscot and Boivent of Androscoggin.

The PRESIDENT: The Chair will inform the Senate that with reference to An Act Relating to Detention by Counties and Municipalities of Persons Arrested by Law Enforcement Officers, this bill has come from the House, that Body having joined in the request for a Committee of Conference, and the Speaker having appointed as House conferees, Representatives Knight of Rockland, Rust of York and Wellman of Bangor.

It is suggested that Conference Committees make every effort to meet before tomorrow morning, as every effort will be made to adjourn by that time.

The President laid before the Senate the 1st tabled and especially assigned item, bill, An Act to

Appropriate Additional Moneys for Caribou Sewage Treatment Works; tabled earlier in today's session by Senator Edmunds of Aroostook; and on further motion by the same Senator, the bill was retabled and especially assigned for the next legislative day.

The PRESIDENT: With respect to interim committee appointments with regard to the matter of the period of redemption for real estate mortgage foreclosure, the Chair will appoint Senator Stitham of Somerset and Senator Atherton of Penobscot.

With respect to the interim committee having to do with bonding pollution abatement construction programs the Chair will appoint Senator Campbell of Kennebec and Senator Edmunds of Aroostook.

On motion by Mr. Edmunds of Aroostook, adjourned until tomorrow morning at ten o'clock.