

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*Ninety-Third Legislature*

OF THE

STATE OF MAINE

1947

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

## SENATE

Wednesday, February 26, 1947.

The Senate was called to order by the President.

Prayer by the Reverend Tom G. Akeley of Gardiner.

Journal of yesterday read and approved.

Papers from the House referred in concurrence.

**House Committee Reports**

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Union Schools," (H. P. 1192) (L. D. 780) reported that the House recede and concur with the Senate in referring the bill to the Committee on Education.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Superintendence of Schools Through Union Towns," (H. P. 1191) (L. D. 779) reported that the House recede and concur with the Senate in referring the bill to the Committee on Education.

Which reports were severally read and adopted in concurrence.

The Committee on Appropriations and Financial Affairs on "Resolve in Favor of Maine Maritime Academy," (H. P. 888) (L. D. 595) reported that the same ought to pass.

Which report was read and adopted in concurrence and the bill read once; on motion by Mr. Leavitt of Cumberland, under suspension of the rules, the bill was read a second time and passed to be engrossed in concurrence; and on further motion by the same Senator, the bill was sent forthwith to the House.

The Committee on State Lands and Forest Preservation on "Resolve Authorizing the State Tax Assessor to Convey Certain Interest of the State in Lands in Aroostook County to Fred B. Simpson, of Bangor," (H. P. 1094) (L. D. 739) reported that the same ought to pass.

The same Committee on "Resolve Authorizing the State Tax Assessor to Convey Certain Interest of the State in Lands in Oxford County to John Westleigh, of Mason," (H. P. 1042) (L. D. 668) reported that the same ought to pass.

The same Committee on "Resolve Authorizing the State Tax Assessor to Convey Certain Interest of the State in Lands in Aroostook County to Wilfred Rossignol, of Guerette, (F. C. Stockholm)" (H. P. 1090) (L. D. 735) reported that the same ought to pass.

The same Committee on "Resolve Authorizing the State Tax Assessor to Convey Certain Interest of the State in Lands in Oxford County to Dr. W. B. Twaddle, of Bethel," (H. P. 1091) (L. D. 736) reported that the same ought to pass.

The same Committee on "Resolve Authorizing the State Tax Assessor to Convey Certain Interest of the State in Lands in Aroostook County to Fred Marquis, of Sinclair," (H. P. 1092) (L. D. 737) reported that the same ought to pass.

Which reports were severally read and adopted in concurrence, the bills read once and tomorrow assigned for second reading.

The Committee on State Lands and Forest Preservation on "Resolve Authorizing the State Tax Assessor to Convey Certain Interest of the State in Lands in Oxford County to Verne E. Mills of Bethel," (H. P. 353) (L. D. 223) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on "Resolve Authorizing the State Tax Assessor to Convey Certain Interest of the State in Lands in Aroostook County to Wilfred Rossignol (Nightingale) of Stockholm (Guerette RFD)" (H. P. 985) (L. D. 640) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on "Resolve Authorizing the State Tax Assessor to Convey Certain Interest of the State in Lands in Oxford County to Dr. W. B. Twaddle, of Bethel," (H. P. 1089) (L. D. 734) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on "Resolve Authorizing the State Tax Assessor to Convey Certain Interest of the State in Lands in Aroostook County to Jules St. Peter, of Guerette," (H. P. 1093) (L. D. 738) reported that the same ought to pass as amended by Committee Amendment "A".

Which reports were severally read and adopted in concurrence, and the bills read once; Committee Amendments "A" were severally read and adopted in concurrence, and the bills as amended were tomorrow assigned for second reading.

The Committee on Judiciary on Bill "An Act Relating to Proceedings to Bar Action on Undischarged Real Estate Mortgages," (H. P. 169) (L. D. 123) reported the same in a new draft (H. P. 1457) (L. D. 1041) under the same title, and that it ought to pass.

Which report was read and adopted in concurrence, and the bill in new draft was read once and tomorrow assigned for second reading.

The Committee on Sea and Shore Fisheries on Bill "An Act Relating to the Packing of Sardines Caught Outside the Territorial Waters of the State," (H. P. 1031) (L. D. 667) reported the same in a new draft (H. P. 1476) (L. D. 1058) under a new title, Bill "An Act Relating to the Packing of Sardines," and that it ought to pass.

Which report was read and adopted in concurrence, and the bill in new draft and under a new title, read once.

Mr. DUNBAR of Washington: Mr. President and members of the Senate, I move that the rules be suspended and this bill be given its second reading at this time, and briefly my reasons for so doing are these: This is an emergency measure and under the provisions of Chapter 34, Section 24 of the Revised Statutes, there is a closed time for the packing of sardines which extends from December first to April 15 of the following year. During the war period, in the first session of 1945 the first paragraph of that section that relates to that period of time for the packing of sardines was suspended for two years and the second session of 1945, the term having expired, it was then continued again for two years more, and the time has now expired as of January first of this year.

A few of the sardine packers are already set up from the war emergency and are ready to pack sardines and this bill is to permit the packing for two years additional beginning March first of this year and ending December first. In order to save time, as March first is this coming Saturday, they probably wouldn't take fish that day, but they probably would like to take them the following week, and those who do not care to pack sardines during that six week period do not object to this bill.

I therefore move that the rules be suspended and that the bill be given its second reading and passed to be engrossed in concurrence.

The motion prevailed, and under suspension of the rules, the Bill was given its second reading, and passed to be engrossed in concurrence.

### Referred to Committees

Pursuant to Joint Order, the following bills and resolves were transmitted by the Revisor of Statutes, and on recommendation by the Committee on Reference of Bills were referred to the following committees:

#### Agriculture

Mr. Williams of Penobscot presented Bill "An Act Relating to Advancing Moneys for 'Dog Licenses' Fund." (S. P. 396)  
(Ordered printed.)

Sent down for concurrence.

#### Appropriations and Financial Affairs

Mr. Bishop of Sagadahoc presented "Resolve Appropriating moneys for Essential Facilities at Reid State Park." (S. P. 397)

Mr. Leavitt of Cumberland presented Bill "An Act Relating to Unorganized Townships Fund." (S. P. 398)

(Each ordered printed.)

Sent down for concurrence.

#### Judiciary

Mr. Cleaves of Cumberland presented "Resolve to Modify the Conditions of the Gift from B. C. Jordan to the State for the Purpose of Encouraging Cultivation of Forests." (S. P. 399)

Mr. Baker of Kennebec presented Bill "An Act Forbidding Impersonation of Liquor Inspectors." (S. P. 403)

Mr. Dube of Androscoggin presented Bill "An Act Relating to Eviction of Tenants." (S. P. 401)

(Each ordered printed.)

Sent down for concurrence.

#### Legal Affairs

Mr. Hopkins of Kennebec presented Bill "An Act Relating to Veterinary Surgeons." (S. P. 402)

Mr. Boucher of Androscoggin presented by request Bill "An Act Relating to Pari-Mutuel Harness Racing." (S. P. 403)

The same Senator presented Bill "An Act Relating to Rental of Arm-

ory in City of Lewiston." (S. P. 404)

Mr. Denny of Lincoln presented Bill "An Act Concerning Agricultural Cooperative Associations." (S. P. 405)

(Each ordered printed.)  
Sent down for concurrence.

**Motor Vehicles**

Mr. Cross of Kennebec presented Bill "An Act Relating to Fees for Registration of Motor Trucks and Basis Therefor." (S. P. 406)

(Ordered printed.)  
Sent down for concurrence.

**Public Buildings and Grounds**

Mr. Bishop of Sagadahoc presented "Resolve to Increase the Powers of the State Park Commission." (S. P. 407)

(Ordered printed.)  
Sent down for concurrence.

**Sea and Shore Fisheries**

Mr. Morrill of Cumberland presented Bill "An Act Creating an Agency to Rehabilitate the Atlantic Sea Run Salmon." (S. P. 408)

(Ordered printed.)  
Sent down for concurrence.

**State Lands and Forest Preservation**

Mr. Cleaves of Cumberland presented Bill "An Act Relating to Forestry Cutting Practices." S. P. 409)

The same Senator presented Bill "An Act Creating a State Forestry Commission." (S. P. 410)  
(Each ordered printed.)  
Sent down for concurrence.

**Temperance**

Mr. Boucher of Androscoggin presented Bill "An Act Relating to Privileges of Club Liquor Licenses." (S. P. 411)

(Ordered printed.)  
Sent down for concurrence.

**Towns**

Mr. Boutin of Androscoggin presented Bill "An Act Relating to Assessment of Costs for Construction of Drains." (S. P. 412)

(Ordered printed.)  
Sent down for concurrence.

**Senate Committee Reports**

Mr. Blanchard from the Committee on Legal Affairs on Bill "An Act Relating to Marriage After Intentions are Filed." (S. P. 213) (L. D. 574) reported that the same ought not to pass.

Which report was read and adopted.

Mr. Williams from the Committee on Appropriations and Financial Affairs on Bill "An Act Relating to Disposal of Poll-Taxes Collected in Unincorporated Places," (S. P. 117) (L. D. 293) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act Relating to Permanent School Fund," (S. P. 166) (L. D. 427) reported that the same ought to pass.

Mr. Baker from the Committee on Legal Affairs on Bill "An Act Amending the Charter of the Town of Rumford," (S. P. 214) (L. D. 573) reported that the same ought to pass.

The same Senator from the same Committee on Bill "An Act Relating to Unredeemed Tickets on Parimutuel Pools," (S. P. 212) (L. D. 575) reported that the same ought to pass.

Which reports were severally read and adopted, the bills read once, and tomorrow assigned for second reading.

Mr. BARNES from the Committee on Judiciary on Bill "An Act Relating to Fire Wardens in Organized Towns" (S. P. 141) (L. D. 336) reported that the same ought to pass as amended by Committee Amendment "A". Which report was read and adopted and the bill read once.

The Secretary read Committee Amendment "A".

"Committee Amendment "A" to bill An Act Relating to Fire Wardens in Organized Towns (S. P. 141) (L. D. 336). Amend said bill by striking out all of that part designated as Section 1 thereof; further amend said bill by renumbering these parts designated as Section 2, 3, and 4 respectively, to be Section 1, Section 2 and Section 3."

Which amendment was adopted and the bill as so amended was tomorrow assigned for second reading.

The same Senator from the same Committee on Bill "An Act Relating to Trial Justices" (S. P. 168) (L. D. 425) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was read and adopted and the bill read once.

The Secretary read Committee Amendment "A".

"Committee Amendment "A" to bill an Act Relating to Trial Justices (S. P. 268) (L. D. 425). Amend said bill by striking out all of Section 2 and Section 4 thereof; further amend said bill by renumbering Section 3 as Section 2 thereof."

Which amendment was adopted, and the bill as so amended was tomorrow assigned for second reading.

Mr. BLANCHARD from the Committee on Legal Affairs on Bill "An Act to Repeal the Incorporation of the Norway Village Corporation." (S. P. 169) (L. D. 424) reported the same in a new draft, (S. P. 413) under the same title, and that it ought to pass.

Which report was read and adopted, and the bill laid upon the table for printing under the joint rules.

#### Passed to Be Engrossed

Bill "An Act Declaring Maine Maritime Academy as a State Agency." (H. P. 57) (L. D. 44)

Bill "An Act Relating to Bank Accounts and Deposits of Town Treasurers." (H. P. 273) (L. D. 185)

Bill "An Act Relating to the Board of Commissioners of Pharmacy." (H. P. 611) (L. D. 376)

Bill "An Act Amending the Charter of the Chestnut-street Methodist Society in Portland." (H. P. 613) (L. D. 378)

Bill "An Act Relating to Freedom Academy." (H. P. 658) (L. D. 456)

Bill "An Act Relating to Appointment of Directors of Corporations by Court." (H. P. 663) (L. D. 460)

Bill "An Act to Authorize the Treasurer and County Commissioners of Lincoln County to Procure a Loan and Issue Bonds of Said County Therefor for the Purpose of Building a Court House or Adding to the Present Court House." (H. P. 664) (L. D. 437)

Bill "An Act to Authorize the Town of Norway to Acquire Property." (H. P. 671) (L. D. 466)

Bill "An Act Relative to Penalties." (H. P. 837) (L. D. 534)

Bill "An Act Repealing the Farm Lands Loan Act and Disposing of Assets." (H. P. 841) (L. D. 484)

Which were severally read a second time and passed to be engrossed in concurrence.

Bill "An Act to Incorporate the City of Belfast School District." (H. P. 667) (L. D. 438)

Which was read a second time and passed to be engrossed, as amended, in concurrence.

Bill "An Act Relating to the Board of Registration of Nurses." (S. P. 125) (L. D. 290)

Bill "An Act to Provide for Plant Railroads." (S. P. 133) (L. D. 282)

Bill "An Act Relating to Validity of Signature of Outgoing State Controller." (S. P. 142) (L. D. 337)

Bill "An Act Relating to Liens on Articles of Clothing and Household or Office Goods." (S. P. 143) (L. D. 338)

Bill "An Act to Validate the Use of Check Marks in Elections." (S. P. 144) (L. D. 339)

Mr. Bishop of Sagadahoc presented Senate Amendment "A" and moved its adoption.

The Secretary read Senate Amendment "A":

"Senate Amendment "A" to S. P. 144 L. D. 339, a bill An Act to Validate the Use of Check Marks in Elections. Amend said bill by adding at the end of section 5, thereof, the following: 'Wherever a cross has heretofore been required, including referendum elections held pursuant to private and special acts, a cross or a check mark shall both be valid.'

Further amend said bill by adding at the end thereof a new section as follows:

'Sec. 6. R. S., c. 80, S 52, amended. Section 52 of chapter 80 of the revised statutes is hereby amended by striking out the 10th sentence and inserting in place thereof the following:

'The ballots shall be so printed as to give each voter a clear opportunity to designate by a cross or a check mark in a square at the right of the name and designation of each candidate, his choice of candidates and his answer to the question submitted, and in the ballot may be printed such words as will aid the voter to do this, as 'vote for one', 'vote for three,' 'yes', 'no', and the like.'

On motion by Mr. Barnes of Aroostook, the bill and accompanying amendment were laid upon the table pending adoption of the amendment.

Bill "An Act Relating to Service of Writs in Western Somerset Municipal Court." (S. P. 160) (L. D. 400)

Bill "An Act Permitting Soil Conservation Districts to Acquire Surplus Property." (S. P. 161) (L. D. 398)

Bill "An Act Relating to the Commitment of Patients to Mental Hospitals." (S. P. 181) (L. D. 539)

Which were severally read a second time and passed to be engrossed.

Sent down for concurrence.

Bill "An Act Amending the Law Relative to Publication of Notice of Hearing on Application for Liquor Licenses." (S. P. 73) (L. D. 65)

Which was read a second time and passed to be engrossed, as amended.

Sent down for concurrence.

### Orders of the Day

On motion by Mr. Denny of Lincoln, the Senate voted to take from the table Bill "An Act Prohibiting Erection of Billboards Adjacent to Turnpikes" (S. P. 349) tabled by that Senator on February 19th pending reference; and on further motion by the same Senator, the bill was referred to the Committee on Judiciary.

Sent down for concurrence.

On motion by Mr. Hopkins of Kennebec, the Senate voted to take from the table, Joint Order relative to "Register of Bills of Close of Present Session" (H. P. 1458) tabled by that Senator on February 21st pending passage; and on further motion by the same Senator, the order received passage in concurrence.

On motion by Mr. Welch of Aroostook, the Senate voted to take from the table, Senate Report "Ought to Pass" from the Committee on Judiciary on Bill, "An Act Relating to Reinstatement of Dismissed State Employees" (S. P. 33) (L. D. 416) tabled by that Senator on January 31st pending adoption of the report.

Mr. WELCH of Aroostook: Mr. President and Members of the Senate, I probably owe the Senate an apology for this bill being on the table for so long a time but after having it tabled I have been asked to leave it there until certain members were present and it seems this morning that probably a sizable number of the members are here. I want to state first my reason for tabling this bill, and that is that the bill was not printed and I didn't feel

it was right to even ask the Senate to accept the committee report without having the bill to look at.

Now the bill is printed and is Legislative Document No. 416. If you will go along and bear with me a few minutes I'd like to just go over the bill and go over the law as it now is without this amendment. Under the present law if the head of a department or appointing authority as the bill reads, "dismisses a classified employee whenever he considers the good of the service to be served thereby. In every case of such dismissal, at the request of the dismissed employee, the board shall investigate the circumstances relating to the dismissal and the fairness thereof and, if it shall find the charges unwarranted." — and I am going to read the present form — "find the charges unwarranted, the board may recommend the transfer of the dismissed employee to the same or similar class of position in another department or institution, provided that such transfer shall be made to such department or institution only with the approval of the appointing authority thereof. In case such transfer is not affected, the name of the dismissed employee may be placed on the appropriate eligible register"

I think the present law covers the situation very nicely and I think it is much better than it would be if amended, both for the head of a department and for the employee because when you put in the amendment they want there where they say "the board shall order reinstatement of the employee in the same position from which removed, without loss of pay or other service rights." you are going to put that dismissed employee right back under the same department head regardless of whether he wants to go there or not. I do not think it is good for any department and I don't think it is best for the interests of the State as a whole that a law like this be on our books, and I am going to move this bill and accompanying report be indefinitely postponed.

Miss CLOUGH of Penobscot: Mr. President and Members of the Senate, as a member of the committee passing on this unanimously "ought to pass" I want to briefly defend my reasons. It seems to me that this proposed amendment is a matter of simple justice. As the law now stands there doesn't seem to

be any opportunity given to the dismissed person who has been found innocent to be reinstated into his position and filling the rights of seniority which he would have had if he continued in his position. I don't believe that the heads of the departments feel they are infallible in their judgment and I don't believe they want us to feel that they are. I think if we are to insure to the 3500 some employees in the State security in their jobs, we should at least give them the opportunity to return to those positions from which they were dismissed and for which they were found innocent. I hope that the motion of the Senator from Aroostook, Senator Welch, will not prevail.

Mr. BARNES of Aroostook: Mr. President and Members of the Senate, I hate to disagree with my distinguished colleague on the Judiciary Committee but while the report appears to be a unanimous report, I, for one, did not vote for it. I did not sign a minority report.

The matter received considerable discussion in committee and it was felt by some of us in there at least, that this was a bad bill. I would not for one moment object to that part of it which would restore to an employee who had had his hearing before the Personnel Board and had been found not at fault, his pay when out of employment. But I do object quite strenuously to that part which says that the head of a department must thrust a square peg back into a round hole in his department. I feel strongly it would lessen the efficiency of the department as a whole if this had to be done.

It seems to me apparent and obvious that even though a hearing before a different tribunal were held and a state employee was found not at fault, if he were placed back in the same position he might well be arrogant and might well upset the morale of the whole department. As I said before, I would have no objection to restoring his pay but maybe you may wonder why I do not propose an amendment to strike out that part of the bill which would place an employee back in the place he had formerly and give him his pay, but out of 3500 employees my worthy colleague has mentioned, there have been a very insignificant num-

ber of problems arise which this would correct. The distinguished Chairman of the Committee at one time had a list and could tell you the number, but as I recall it, there were only five or six cases in which an employee was found to be right. There is an opportunity, as every member of the legislature knows, to present a claim to the legislature, and I feel in my own mind under those circumstances the pay would be restored by the legislature if the case was worthy.

My interest in this bill, as I stated before, is for efficiency in departments. You cannot accomplish perfect results in every case. You have to get at what is best for the most people, and with the little trouble that has arisen in the State of Maine that this bill seeks to correct, I would say it would be much better for the bill to be indefinitely postponed and for any of those who have suffered loss of wages to present claims to the legislature, and to maintain the efficiency of the departments in this great business of ours by saying to the department heads, "You don't have to push a square peg into a round hole in your department."

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Welch, to indefinitely postpone the "ought to pass" report of the committee.

Mr. DUNBAR of Washington: Mr. President and Members of the Senate, as a member of the Judiciary Committee that passed favorably on this bill, I want to rise in defense of it. In doing so, I feel that I am rising in defense of the employees in the classified service of the State of Maine.

In 1937, I believe, we passed the so-called Personnel Law. It is a sort of civil service set-up within the state. As I understand the way it operates, anyone seeking a job in one of the state departments makes application to the Personnel Board and is at some time given an examination. If they pass the examination they then go on the available list and a department has the right to pick such employee or employees at it needs. Now, having passed the examination and having been employed they then go on a probationary period that may extend for one year. At the end of six months the hiring department, under blanks furnished by the Personnel Board is supposed to make



report to the Personnel Board, of that employee and if the department is satisfied to end the probationary period at that time, it may do so or it may request that the probationary period be continued for another six months, but in no event longer than one year.

So, in one year's time the department head has a pretty good idea of that employee if he is himself efficient in his department. Now, having gone on this civil service list the employees then start contributing from their salaries a certain amount that will entitle them to some degree of security after they have arrived at the age of 65 when they may retire and from which they must retire at 70. The amount, of course, that they receive depends on the amount paid in as well as the time of service.

The distinguished Senator from Aroostook, Senator Barnes, says there have not been many violations, if you can term them violations, of this act. But, Senators, one error, one mistake in the dismissal of an employee who might be close to the retiring age and summarily dismissed and not being able to be reinstated within the department from which he or she has been dismissed, whereby he or she has lost the security that they have been building up, would justify this bill.

There was only one department head of all the departments of this state who appeared before our committee in opposition to this bill. After the hearing had closed we took an informal vote which showed that we were divided—I believe a majority favored the bill—but I took it up with the Secretary of the Personnel Board and asked him for a list and I have the list before me. I don't need to read all of it and I don't want to read any of it unless the Senators request, because in some instances there are cases that might reflect upon the head of some department and I don't want to rut them in any embarrassing light. But after this list was read giving each case and what had happened I had thought then that we had voted out the matter unanimously but as my friend from Aroostook (Senator Barnes) has stated he didn't care to sign the minority report. All the rest of us felt that we needed this amendment.

In one department on the report that I have here a certain woman

who was approaching the retirement age and who has since retired, because of illness asked for an extension of leave and it was granted both by the Personnel Board and by the department in which she worked. She was gone nearly a year because of that illness and then returned to what she thought was to be her previous employment, only to find that another clerk had taken her place and that her salary, if she wanted to re-enter that department, had been reduced \$3.00 a week.

Now within this organization there is set up a sort of liaison committee composed of five members representing the employee and within the state government, and an employee who feels that a wrong has been done him first goes to that committee and if that committee feel that the employee has some ground to ask for an appeal, they recommend it. If they do not feel that way they have nothing further to do with it and will not sponsor an appeal. But in this case an appeal was taken and after a hearing and a discussion by the Personnel Board with the head of the department, they showed him wherein he was wrong, and he took the woman back and she continued to serve.

Now suppose that she had not been taken back, what could the Personnel Board do? Nothing. They can recommend that the employee be taken back as the law stands now. The department does not have to take them back and the only thing the Board can do is to recommend that some other department take them over and if that department doesn't want to do it, the employee is out, except that they go on an eligible list for possible employment some time in the future. But they are out. Their security is gone.

Now this a good law. There should be the right of appeal. There should be the right to go back into the department that they know and in which they have worked and where they understand the work. And after all, Senators, just remember this that the head of a state department is just as much an employee as the employees within that department because we of this legislature elect some of the heads of those departments and they become the employees of the state of Maine, and

they are human beings and can make errors just the same as you and I can make errors.

In another instance in this report, two men were discharged from the State Prison under a former warden. After the hearing before the Personnel Board, the Board ruled that the charges were not sustained, but the warden would not take them back. Since then the situation has changed and the new warden has taken those two employees back, but during the period of time that they were out, they have lost their wage, and I presume they were family men with a family to take care of. They were out. They are now back, but the wage is gone.

So, Senators, I feel — and there is much more I could say—I would like to read these cases but for the reasons stated, I am not going to do it—but I do hope for the good of the service, if you are going to have a civil service you will give these employees the right of an appeal and for heaven sake if the removing body cannot justify the firing, why shouldn't the employee be returned and the wage that they have lost be restored to them.

For those reasons, Mr. President and members of the Senate, I hope that the motion of the Senator from Aroostook, Senator Welch, to indefinitely postpone this bill, will not prevail and I will ask for a division when the vote is taken.

Mr. HASKELL of Penobscot: Mr. President and Members of the Senate, my only excuse for speaking on this bill is the fact that I did attend the hearing and did listen to the evidence introduced and frankly, I was amazed to hear a responsible State department head stand up and tell that committee that regardless of the fact that equity and justice may not have been served in the discharge of an employee, he, because he was a department head, wanted no appeal from his conclusion that that man or woman should leave his department.

In labor relations, in industry at least, it is a fundamental principle that every discharged worker shall have the right of appeal to an impartial board and if that impartial

board rules for him he is reinstated and he goes back on the job with his chin up in the air. I don't believe there is any way you can more thoroughly disturb labor relations in the State of Maine than to tell the employees that the State of Maine doesn't want them to have that privilege, and I certainly hope the motion of the Senator from Aroostook, Senator Welch, does not prevail.

Mr. WELCH: Mr. President and members of the Senate; referring to the remarks of the last speaker, Senator Haskell, I don't believe this legislature is now voting labor laws or laws pertaining to labor unions. We are voting on this bill, Legislative Document No. 416.

It has been stated that when a person becomes an employee of the State he has one year of probation. That I believe is time enough for him to decide whether or not he wants to be on the job, also time enough for the employer to find out whether his work is satisfactory.

Now, I don't believe that one case out of 3500 justifies the passage of this bill. Only one case was cited where an injustice was done and it was corrected without this law being on the books. I still believe this is bad legislation I believe it is bad not only for the head of the department but it is bad also for the employee. I can see no reason why, for the number of cases which have been mentioned here, if there are cases of this kind, the number is so small and few and far between, I don't believe this bill is at all necessary.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Welch, that the "ought to pass" report of the committee be indefinitely postponed.

A division of the Senate was had.

Fifteen having voted in the affirmative and fourteen opposed, the report of the Committee was indefinitely postponed.

Sent down for concurrence.

On motion by Mr. Savage of Somerset,

Adjourned until tomorrow morning at ten o'clock.