

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, April 23, 1947.

The Senate was called to order by the President.

Prayer by the Rev. Alfred J. N. Henriksen of Augusta.

Journal of yesterday read and approved.

From the House

"Resolve in Favor of Knox Memorial Association, Inc., for Support and Maintenance of 'Montpelier.'" (H. P. 1045) (L. D. 684)

Comes from the House, recommended to the Committee on Appropriations and Financial Affairs.

In the Senate, that Body concurred with the House in the recommendation of the resolve to the Committee on Appropriations and Financial Affairs.

Bill "An Act Relating to Veteran's Permit to Hunt and Fish Free." (S. P. 178) (L. D. 523)

(In the Senate on April 4, 1947 passed to be engrossed.)

Comes from the House, recommended to the Committee on Inland Fisheries and Game in non-concurrence.

In the Senate, that Body concurred with the House in the recommendation of the bill to the Committee on Inland Fisheries and Game.

Bill "An Act Relating to Damages to Poultry." (H. P. 1367) (L. D. 989)

(In the Senate on April 9, 1947 passed to be engrossed in concurrence.)

Comes from the House, engrossing reconsidered; House Amendment "A" adopted, and the bill as amended passed to be engrossed in non-concurrence.

In the Senate, on motion by Mr. Greeley of Waldo, the Senate voted to recede from its former action whereby the bill was passed to be engrossed, House Amendment A was read and adopted in concurrence and the bill as so amended was passed to be engrossed in concurrence.

Bill "An Act Relating to the Fort Fairfield Municipal Court." (H. P. 1653) (L. D. 1348)

(In Senate on April 2, 1947, passed to be engrossed in concurrence.)

Comes from the House, engrossing reconsidered; House Amendment

"A" adopted, and the bill as amended, passed to be engrossed in non-concurrence.

In the Senate, on motion by Mr. Barnes of Aroostook, the Senate voted to recede from its former action whereby the bill was passed to be engrossed, House Amendment A was read and adopted in concurrence, and the bill as so amended was passed to be engrossed in concurrence.

Bill "An Act Concerning Agricultural Cooperative Associations." (S. P. 405) (L. D. 1154)

(In Senate on April 8, 1947, passed to be engrossed.)

Comes from the House, engrossing reconsidered; House Amendment "B" adopted, and the bill as amended, passed to be engrossed in non-concurrence.

In the Senate, on motion by Mr. Blanchard of Aroostook, the Senate voted to recede from its former action whereby the bill was passed to be engrossed, House Amendment B was read and adopted in concurrence, and the bill as so amended was passed to be engrossed in concurrence.

Bill "An Act Relating to the Digging of Clams for Commercial Purposes in the Towns of Waldoboro and Bremen." (H. P. 1320) (L. D. 917)

(In the Senate on April 8, 1947, passed to be engrossed as amended by House Amendment "A" in concurrence.)

Comes from the House, engrossing reconsidered; House Amendment "B" adopted, and the bill as amended by House Amendments "A" and "B" passed to be engrossed in non-concurrence.

In the Senate, on motion by Mr. Morrill of Cumberland, the Senate voted to recede from its former action whereby the bill as amended by House Amendment A was passed to be engrossed; House Amendment B was read and adopted in concurrence, and the bill as amended by House Amendments A and B was passed to be engrossed in concurrence.

Bill "An Act Relating to Fees for Licenses for Recreational Camps and Roadside Places." (S. P. 285) (L. D. 804)

(In the Senate, on April 18, 1947, passed to be engrossed.)

Comes from the House, passed to be engrossed as amended by House

Amendment "A" in non-concurrence.

In the Senate, on motion by Mr. Cross of Kennebec, the bill was laid upon the table pending consideration.

House Committee Reports

The Committee on Public Utilities on Bill "An Act to Amend the Charter of Winthrop Water District," (H. P. 875) (L. D. 487) reported the same in a new draft (H. P. 1640) (L. D. 1324) under the same title, and that it ought to pass.

Comes from the House, passed to be engrossed as amended by House Amendments "A" and "C".

In the Senate, on motion by Mr. Batchelder of York, the bill was laid upon the table pending consideration.

The Committee on Legal Affairs on Bill "An Act Relating to Time of Racing Meets," (H. P. 1509) (L. D. 1108) reported that the same ought to pass.

Comes from the House, passed to be engrossed as amended by House Amendment "A".

In the Senate, on motion by Mr. Batchelder of York, the bill was laid upon the table pending consideration of House Amendment A.

At this point, the President designated the Senator from Cumberland, Senator Morrill as President pro tem of the Senate, and that Senator was escorted to the rostrum by the Sergeant-at-Arms.

The Committee on Public Utilities on Bill "An Act to Establish the Old Orchard Beach Sewage District," (H. P. 1595) (L. D. 1248) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was read and adopted in concurrence and the bill read once; Committee Amendment "A" was read and adopted in concurrence, and the bill as amended was tomorrow assigned for second reading.

The Committee on Appropriations and Financial Affairs on Bill "An Act Relating to State Normal Schools' Reserve Accounts," (H. P. 581) (L. D. 356) reported the same in a new draft (H. P. 1708) (L. D. 1434) under the same title and that it ought to pass.

The same Committee on "Resolve

Appropriating Money to the 'Permanent Trust Funds' to Offset Losses," (H. P. 1498) (L. D. 1123) reported the same in a new draft (H. P. 1709) (L. D. 1435) under a new title, "Resolve Relating to Impounded Bank Accounts," and that it ought to pass.

The Committee on Public Health on Bill "An Act Relating to the Manufacture and Sale of Bedding and Upholstered Furniture," (H. P. 1312) (L. D. 891) reported the same in a new draft (H. P. 1714) (L. D. 1439) under the same title and that it ought to pass.

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

Communication

STATE OF MAINE
House of Representatives
Office of the Clerk
Augusta

April 22, 1947

Honorable Chester T. Winslow,
Secretary of the Senate
of the 93rd Legislature.

Sir:

Pursuant to Joint Rule 8, the Senate is hereby notified that Bill "An Act Permitting the Declaration of Graduated Dividends by Savings Banks," (S. P. 167) (L. D. 426) which the Senate had passed to be engrossed, was indefinitely postponed in the House today.

Respectfully,

HARVEY R. PEASE,

Clerk of the House.

Which was read and ordered placed on file.

Order

Mr. WELCH of Aroostook: Mr. President, I present an Order and move its passage and I might say that this Order is to recall from the office of the Governor, a bill which we have found has an amendment which is not workable and we would like to recall it for the purpose of removing the amendment.

Thereupon, the motion by the same Senator, it was

ORDERED, the House concurring, that S. P. 353, L. D. 985 Resolve Relating to a State-Wide Highway Planning Survey by the State Highway Commission, be recalled from the office of the Governor to the Senate.

Senate Committee Reports

Mr. Murchie from the Committee on Claims on "Resolve in Favor of the George Green Estate," (S. P. 435) (L. D. 1228) reported that the same ought not to pass.

Mr. Willey from the Committee on Federal Relations on Bill "An Act to Amend the Unemployment Compensation Law with Respect to Coverage," (S. P. 276) (L. D. 816) reported that the same ought not to pass.

Which reports were severally read and adopted.

The same Senator from the Committee on Claims on "Resolve in Favor of Arthur H. Ashmore, of Camden," (S. P. 252) (L. D. 714) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was adopted and the resolve was given its first reading. The Secretary read Committee Amendment A:

"Committee Amendment A to L. D. 714. Amend said resolve by striking out after the word 'the' in the 2nd line, the following words, 'general funds of the state' and inserting in place thereof the following 'state police appropriation.'"

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

Mr. Davis from the Committee on Inland Fisheries and Game on Bill "An Act Relative to Closed Season on Deer on Swan's Island, in the County of Hancock," (S. P. 277) (L. D. 817) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was adopted and the bill was given its first reading. The Secretary read Committee Amendment A:

"Committee Amendment A to L. D. 817. Amend said bill by inserting the following words after the word 'Stonington' in the 6th line of said bill "and for a period of two years in the town of Swan's Island."

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

The Majority of the Committee on Legal Affairs on Bill "An Act Relating to Elections in the City of Biddeford," (S. P. 368) (L. D. 1042) reported that the same ought to

pass as amended by Committee Amendment "A".

Senators:

BATCHELDER of York
BLANCHARD of Aroostook
BAKER of Kennebec

Representatives:

ANDERSON of New Sweden
ATHERTON of Bangor
SNOW of Auburn
PAYSON of Union

The Minority of the same Committee on the same subject matter reported that the same ought not to pass.

(signed)

Representatives:

WEEKS of South Portland
WOODWORTH of Fairfield
RANKIN of Bridgton

On motion by Mr. Batchelder of York, the reports and accompanying papers were laid up on the table pending consideration of the reports.

Passed to be Engrossed

Bill "An Act Relating to Election of Town Auditors." (H. P. 513) (L. D. 308)

"Resolve Closing Saddleback Stream to All Fishing." (H. P. 906) (L. D. 605)

"Resolve Opening the South Branch of Dead River and Tributaries (Except Nash Stream) to both Fly and Bait Fishing." (H. P. 908) (L. D. 607)

Bill "An Act Relating to Salary of the Register of Deeds of Kennebec County." (H. P. 1086) (L. D. 704)

"Resolve Relating to Impounded Bank Accounts of Kennebec Bridge Fund." (H. P. 1483) (L. D. 1084)

Bill "An Act Relating to Regulation of Smelt Fishing in Casco Bay." (H. P. 1519) (L. D. 1142)

Bill "An Act Relating to Conveyance of Elementary School Pupils." (H. P. 1681) (L. D. 1392)

Bill "An Act Relating to the Town Road Improvement Fund." (H. P. 1689) (L. D. 1406)

Bill "An Act Relating to Billboards." (H. P. 1702) (L. D. 1425)

(On motion by Mr. Cross of Kennebec, tabled pending passage to be engrossed.)

"Resolve, Sale of Hatcheries and Feeding Stations Property Authorized." (H. P. 1703) (L. D. 1426)

Bill "An Act Relating to State Owned Cars." (H. P. 1704) (L. D. 1427)

Bill "An Act Relative to Open Season on Partridge and Pheasants." (H. P. 1705) (L. D. 1428)

Bill "An Act Relating to Open Season for Trapping Beaver During the Month of January of Each Year." (H. P. 1706) (L. D. 1429)

Bill "An Act to Amend the Act Providing for the Board of Commissioners of Police for the City of Augusta." (H. P. 1707) (L. D. 1432)
(On motion by Mr. Cross of Kennebec, tabled pending passage to be engrossed.)

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

"Resolve in Favor of W. S. Christie, of Orneville." (H. P. 1049) (L. D. 688)

Bill "An Act Relating to Permanent State Trust Funds." (H. P. 1479) (L. D. 1080)

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

Bill "An Act to Incorporate the Lubec Sewerage District." (H. P. 465) (L. D. 271)

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

Sent down for concurrence.

Bill "An Act Relating to Control of Tuberculosis." (S. P. 529) (L. D. 1437)

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

Sent down for concurrence.

"Resolve Providing for Certain Construction at the Pownal State School." (S. P. 174) (L. D. 526)

Bill "An Act to Amend the Charter of the City of Augusta by Providing for the Appropriation of School Funds by the City Council." (S. P. 215) (L. D. 572)

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

Sent down for concurrence.

At this point, the President resumed the Chair, Mr. Morrill of Cumberland retiring amidst the applause of the Senate.

Passed to be Enacted

Bill "An Act Relating to the Control of Rats on Public Dumping Grounds." (S. P. 241) (L. D. 662)

Bill "An Act Relating to Allocation of Moneys by Governor and Council." (S. P. 247) (L. D. 710)

(On motion by Mr. Savage of Somerset, tabled pending passage to be enacted.)

Bill "An Act to Increase the Working Capital of the State Liquor Commission." (S. P. 248) (L. D. 711)

(On motion by Mr. Savage of Somerset, tabled pending passage to be enacted.)

Bill "An Act Relating to Unorganized Townships Fund." (S. P. 398) (L. D. 1147)

(On motion by Mr. Savage of Somerset, tabled pending passage to be enacted.)

Bill "An Act to Provide a Town Council and Manager Form of Government for the Town of Old Orchard Beach." (H. P. 20) (L. D. 11)

Bill "An Act to Provide for an Increase to be Paid for Clerk Hire in the Office of the Register of Deeds in the County of Cumberland and Salary of Deputy Register of Deeds." (H. P. 180) (L. D. 128)

Bill "An Act Relating to Construction of Dormitories at the University of Maine." (H. P. 193) (L. D. 138)

Bill "An Act Relating to Close Time on Scallops." (H. P. 471) (L. D. 276)

Bill "An Act Relating to Taxation of Savings Banks." (H. P. 692) (L. D. 467)

(On motion by Mr. Haskell of Penobscot, tabled pending passage to be enacted.)

Bill "An Act Relating to Trapping of Foxes." (H. P. 1022) (L. D. 653)

Bill "An Act Relating to Inheritance Taxes." (H. P. 1024) (L. D. 655)

Bill "An Act Relating to Auctions and Auctioneers." (H. P. 1289) (L. D. 943)

Bill "An Act Relating to Open Season for Scallops in Certain Waters." (H. P. 1550) (L. D. 1180)

Bill "An Act Relating to Trial Justices." (H. P. 1636) (L. D. 1316)

(On motion by Mr. Barnes of Aroostook, tabled pending passage to be enacted.)

Bill "An Act to Incorporate the Public Loan Corporation of Augusta." (H. P. 1675) (L. D. 1388)

Bill "An Act to Incorporate the 'Family Finance Corporation.'" (H. P. 1676) (L. D. 1387)

Bill "An Act Relating to Pollution of Streams." (H. P. 1677) (L. D. 1389)

Bill "An Act Relating to Convictions Affecting Credibility and Constituting Criminal Records." (H. P. 1682) (L. D. 1399)

Finally Passed

"Resolve in Favor of the Maine Historical Society." (H. P. 152) (L. D. 145)

(On motion by Mr. Cleaves of Cumberland, tabled pending final passage.)

"Resolve in Favor of the Belfast Home for Aged Women." (H. P. 153) (L. D. 118)

(On motion by Mr. Cleaves of Cumberland, tabled pending final passage.)

"Resolve Relating to Teachers' Pensions for Certain Persons." (H. P. 237) (L. D. 166)

(On motion by Mr. Cleaves of Cumberland, tabled pending final passage.)

"Resolve Appropriating a Fund to Repair and Recondition the Lot and Monument of a Former Maine Governor." (H. P. 1016) (L. D. 649)

(On motion by Mr. Cleaves of Cumberland, tabled pending final passage.)

"Resolve Providing Water Facilities for the Passamaquoddy Indians at Pleasant Point." (H. P. 1535) (L. D. 1166)

(On motion by Mr. Cleaves of Cumberland, tabled pending final passage.)

Bill "An Act Relating to County and Local Agricultural Societies." (H. P. 411) (L. D. 243)

(On motion by Mr. Batchelder of Ycr, tabled pending passage to be enacted.)

Emergency Measure

Bill "An Act to Permit the Town of Scarborough to Take Advantage of a Proposed Government Project." (H. P. 1657) (L. D. 1352)

Which bill being an emergency measure and having received the affirmative vote of 26 members of the Senate and none opposed, was passed to be enacted.

Orders of the Day

Mr. MURCHIE of Washington: Mr. President, may I inquire if Legislative Document 975 is in the possession of the Senate?

The PRESIDENT: The Chair will state L. D. 975, Resolve in Favor of the City of Calais to Aid in Rebuilding School is in the possession of the Senate, the Senate having adopted the "ought not pass" report of the Committee on Appropriations.

Upon motion by Mr. Murchie, the Senate voted to reconsider its action

whereby the "ought not to pass" report of the committee was accepted; and on further motion by Mr. Murchie, the Resolve and accompanying papers were laid upon the table pending consideration of the "ought not to pass" report of the committee.

Mr. Batchelder of York was granted unanimous consent to address the Senate.

Mr. BATCHELDER: Mr. President, I am about to ask unanimous consent to introduce another measure. I might say this bill pertains to Eliot Water District. Back in 1941 this bill came before the Public Utilities Committee and a charter was granted to the town of Eliot for creating a district. The bill provided a referendum and it was voted by the town to create the district. Due to the war it was impossible to get some of the needed materials and so the project was held up. Recently they attempted to proceed, not realizing that the time had expired, and I ask to introduce this measure in order that they may proceed. I do not believe it will delay the action of the legislature because of the fact that the bill has previously been heard and the district created, and so I ask unanimous consent to introduce this measure.

Thereupon, unanimous consent was granted for the introduction of Bill, An Act to Extend the Charter of the Eliot Water District.

Upon motion by Mr. Batchelder, under suspension of the rules the bill was given its two several readings without reference to a committee, and passed to be engrossed. Sent down for concurrence.

**Joint Order
(Out of Order)**

From the House, out of order and under suspension of the rules, the following order:

"ORDERED, the Senate concurring that Bill, An Act giving Commissioner of Agriculture authority to establish quarantines (H. P. 1365) (L. D. 897) be recalled to the House from the Governor."

Which order received passage in concurrence.

The President laid before the Senate, House Report from the Committee on Labor on Bill, An Act to Protect the Public Interest in and to Facilitate the Settlement

of Controversies Between Employers and Employees, Majority Report, "Ought to Pass in a New Draft" (H. P. 1688) (L. D. 1404), Minority Report "Ought Not to Pass"; tabled by Mr. Hopkins on April 22nd pending consideration of the reports, and today assigned.

Mr. HOPKINS of Kennebec, Mr. President and members of the Senate, if the bill before you for consideration receives final approval by the Legislature it will constitute one of the most extensive if not the most extensive pieces of legislation to be passed at this session. I am sure it will be given your careful consideration. I'd like to say at the outset that the Committee on Labor, of which I have the privilege of acting as Chairman, has done very extensive work on this bill. In my opinion, it has been given more consideration than you could really expect any committee of the Legislature to give any particular measure. I have no idea concerning the opinions of the Senators relative to the need for this bill and I am not interested in the opinions of the Senators as I do not speak here to influence your votes in any way. I speak only in order to bring to you certain information which I think you would like to have.

It is not possible for me to entirely cover the measure in discussion. In fact, I doubt if any of the Senators know the bill well enough so they could stand and tell you in detail all of the provisions of this measure. I will say that it has been given careful consideration and it has been drafted and redrafted. I believe the members of the Committee have had an understanding, and a complete understanding of every provision in it. The bill has been rather inactive in the last week or more and it is natural that minor amendments have been presented, due to defects discovered in the bill. Up to the last few days the bill has not been given considered attention by attorneys, as it should have been, but I now have amendments which have been suggested by certain attorneys who have studied it carefully. If the bill meets the approval of the Senators, I shall present the amendments as soon as possible. I hope the measure will be allowed to be given consideration and we may receive the expression of the Senators at this time.

How did we get into the condition we appear to be in on state and national levels as regards control of labor at the present time? In the first place, I suppose injustices inflicted by employers on labor 25 to 50 years ago resulted in natural reactions. Violence on the part of labor was controlled by injunctions on State and federal level, and I think in considering this bill we should take a moment to think about those injustices and what has been done to correct them. On the federal level immunity of labor unions from legal responsibility, probably more than any one thing, resulted in the belief that labor unions had suffered at the hands of the courts from the unnecessary use of injunctions. As far back as 1914 we got reactions to this and the Clayton Act was passed which prohibited federal courts from issuing injunctions except to prevent personal injury or irreparable property damage. Later the Norris-LaGuardia Act was passed, which barred all injunctions by federal courts and this Act construed that labor disputes were possible even though the disputants were not in the relative position of employer and employee. This suspension of federal injunctions resulted in what seems to be, and I think the Senators will agree, a civil war on the labor front, nationally. It is only by suspension of injunctive powers by the courts that labor unions were allowed to go across State lines and commit violence. I can cite many cases where this was the result. In one case, you will be interested to know, labor crossed a State line and committed damage of \$2,000,000 on property of a company that was in no way engaged in a labor dispute and there was absolutely no recovery on the part of the corporation that suffered damage.

In 1935 the National Labor Relations Act was passed and I am sure the Senators are familiar, to some extent at least, with the provisions of the Act. That Act unquestionably denied fundamental rights to employers and its interpretation has been very liberal and to the advantage of labor unions. I think this can be demonstrated by the fact that from 1941 to 1945 of all the labor disputes which were taken by court action through to the Supreme Court, labor unions won 80% of the cases.

You will be interested to know,

and I assume most of you do know, that in 1933 Maine apparently thought there was excessive use of injunctions in labor disputes and we passed at that time what is now Section 36 of Chapter 95 of the Revised Statutes which forbid injunctions and permitted a five-day stay in labor disputes. That law is still on the books and you will be interested to know that it is covered in one of the last sections of the bill before us, and will be suspended insofar as the operation of this particular bill is concerned. We are in the process now of making labor contracts binding on parties under specified rights. I heard a nationally known speaker who has had wide experience in labor negotiations say recently that up to now labor contracts are more like agreements with the Hague Machine of Jersey City than they are like agreements with the Chase National Bank of New York. I think that is a fairly good comparison. We are now on both national and state levels attempting to write into the law the the responsibility and privileges of both employers and employees.

When the Anti-closed shop bill which has passed both branches of the legislature and is now on the table here, was passed, I spoke to you briefly about the general problems of labor legislation. I gave at that time my reasons for the contention that the closed shop must be barred if the traditional regulated competitive economy is to continue in America. It is not necessary to give further consideration to that matter today and I do not propose to do so.

The bill which we are now considering is an extensive administrative measure which, as I have said, permits union shop agreements. As you all know, a union shop agreement is one in which the workers must join the union after a specified time in order to keep their jobs. If they do not join the union they must retire from their jobs. It is evident to you, I am sure, as it is evident to me, that a union shop agreement can result in conditions varying from those found under the most restrictive closed shop agreements to those found under the best union contracts which I could cite here in Maine. The nature of the so called union shop contracts depend entirely upon the provisions of the contract and those provisions should be restricted by law so that

contracts are written in the interests of employers and employees and the public and will protect every citizen in securing and maintaining a job.

Now, where is the line beyond which powers must be denied unions and labor leaders in order to protect American citizens, both union and non-union members, and to promote and preserve the American way of a regulated free competitive economy. It is definitely in the regulated shop where rights and responsibilities of union leaders, workers and employees and the public are all clearly defined. This is the line limiting the powers of employers and employees.

There are those who believe that the only type of unionism consistent with American democracy is labor democracy, which has in its membership only those who want to be members because they recognize the value of membership in the union. The prevailing opinion today seems to be, however, that union shop agreements which force workers to be members are often desirable and should be permitted if the right and responsibilities of workers, employers, and the public are clearly defined for the mutual protection of all. This bill which we have before us for consideration attempts to define those rights and those responsibilities.

I'd like to speak a few minutes about the history of the bill you have before you. You will remember that the original bill was presented to us late in the session, that the public hearing on the bill had to be called within only a few days after it was received, and that the proponents came here unorganized. The opponents came also — I assume unorganized, and at the hearing such persons as appeared, both representing management and labor, appeared almost entirely as proponents of the measure. The author of the original measure told us at the time of the hearing that he would prepare a redraft, this being done in cooperation with a representative of labor who spoke at the hearing for labor, and this draft was received within a few days after the hearing and the Committee began intensive work on it. The first committee redraft was printed, I understand under special privilege, and it was made available to the legislators and the public for their study and all

through these processes large numbers of communications were received from labor and management alike, and I have a brief case well filled with them, which is available to any Senator who wishes the pleasure of reading them. After extensive work the committee finally reported the bill in redraft, as you know. I want again to compliment the Committee for the amount of work which it did. I believe the bill is well drawn, and if it meets with the approval of the Senators, as I have previously said, there are some very minor amendments which will have to be presented.

I'd like to speak briefly on the provisions of the bill. It would take longer than you would care to listen to me for me to attempt to really analyze the provisions of the bill. The bill permits unionism up to the lines I have just mentioned. It is a very extensive piece of administrative law. It spells out the responsibilities of the rights of employers and employees alike. It provides for a State labor board to supervise labor disputes in a manner consistent with these defined rights and responsibilities. It provides for mediation. It provides for enforcement. It provides for modifying or setting aside of findings of the board by the courts. It provides for court review of the findings of the board.

Briefly, those are general provisions of the law and I cannot well discuss them further without taking longer than I ought to take. Perhaps you are more interested, anyway, in exchanging ideas on the need for the bill. When the other labor bill was introduced sometime ago I pointed out to you that probably only 25% of Maine employers have closed or union shop agreements, less than 5% closed shop and 22% union shop. These agreements might or might not include more than 25% of the industrial workers in the State. It would be my opinion they cover about 25%. Most employers are, of course, in interstate commerce and the federal law takes precedence. Rulings have been handed down denying the power of State Labor Relations Boards under conditions where the employer is in interstate commerce and that is, of course, as you would know it to be. Why then, is a bill of this sort needed in Maine? Well, it is needed

in my opinion, for two purposes. It is needed to bring the control of intrastate labor under proper rules and regulations, and it is needed in order to make Maine labor law more consistent with the changing conditions taking place in labor legislation on the federal level. I was interested in noting only about two days after this bill came out of committee in redraft that the bill reported out by the United States Senate was so near it in its provisions that one would have thought we were copying our law from theirs. I assure you this was not the case. The Committee, as far as I know, gave no consideration to what was being done on the federal level when the bill was drawn. A few days later the Hartley bill was reported out of the United States House of Representatives and I have it here. It, too, is similar to the measure before you. It is a little more restrictive bill than the Senate copy.

For the past two or three weeks there has been continuous information on proposed modifications and changes in similar legislation on the federal level. Such legislation must be adopted on the federal level and I think it must be adopted on the state level eventually if Democratic processes of government are to survive. During the past few days we have had a round of wage increases in industries where bargaining is virtually on the nationwide level. You might not think this fact has much relationship to the bill before you but it has a definite relationship. The first agreements were arrived in steel. The agreement in steel was reflected in electrical equipment and in automobiles and as a pattern for adjusting the strike of national telephone workers. This is the result of nation-wide bargaining.

I'd like to express the opinion that the interests of the workers and interest of the nation would have been much better served if the wage increases could have been extended to the workers in the reduction of the dollar cost of things they buy and need. The reason is very evident. Less than half of the union workers of the country are in large unions and most people are not in organized labor at all. Any time there is nation-wide bargaining which results in an upward trend in prices, a person who hap-

pens to be under contract and has the benefit of increased wage gets his share of the increase but the higher prices hit all of the people. It is obvious that this process cannot continue and it can only be stopped by returning the control of labor to the State level because nation-wide bargaining sets aside competition processes and automatically permits procedures which are to the detriment of all people. Real wages have been dropping over a period of months, as all the Senators will admit, and I think all well informed labor leaders will admit.

There is grave doubt in my mind that a competitive economy can be maintained, with bargaining even on a State level.

If you are familiar, as I think I am, with Maine industry, you must realize that there is considerable difference in the competitive position of those industries. If they all bargain together in the same lines of production and give it the same wages, the marginal producers will be gradually forced out of business and the State will take a terrific loss. There is a similar thought which I would like to present and that is that statewide ownership, especially if it is out of state, of industry produces the same result. In some industries in Maine where ownership is largely outside, we are marginal producers in those lines and you know as well as I do that when there is a recession in those lines, we here in Maine are usually the first to suffer.

There is no hope of ever leveling the competitive position of industry. It could not be done on account of the uncontrollable factors such as climate, transportation, availability of power and many other things. Labor is the number one element in all productive industry, and if that has to be bargained for on a national or state level, all of the uncontrollable factors must be thrown over into the other elements of production cost and marginal producers will gradually be eliminated.

We can hope that the restraining power of our federal courts will eventually be reestablished to control labor warfare, and that labor control will again be returned largely to the state level. In my opinion the safety of America needs and must have that action. I see no indication that this will happen until there is a serious upheaval but I still think it must come. It is because of this condition that I be-

lieve that the bill which you have before you is one which should now be placed on the books of the State of Maine. We need it in order to encourage Congress to face the labor issue. The two houses of Congress are far apart in the provisions of labor legislation at the moment. It is estimated that they will be all summer getting together, if they do get together, in enacting proper federal law. I think it would be an encouragement to Congress if every state would meet this problem, which is one of the most serious which affects us at the present time, and enact laws which we believe protect the public, the worker and the employer.

I suppose I should say something about the cost of this measure if it is enacted. You will notice that the bill calls for \$25,000 for the first year of the biennium and \$35,000 the second year. Under present labor conditions in Maine I doubt if it will cost nearly that amount but in time of real labor difficulty it might cost more. In my opinion it would be worth it.

I am not going to speak further on this measure. If there are points raised in debate that need clarification I will try to answer them. I move the adoption of the Majority Report "Ought to Pass."

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, as the signer of the Minority "Ought Not to Pass" Report of the Committee on this bill, I would like to explain to you very briefly my firm convictions as to why this bill should not pass.

I find myself in complete agreement with Senator Hopkins on three or four major points. I heartily agree that without any question this is the most extensive administrative bill to be considered by this legislature and probably it is the most extensive one we have considered since the year that we set up the law court. I also agree with him that probably no member of the Senate understands this bill. I am in complete accord with that. I also thoroughly agree that the bill is generally similar to the bill under consideration at Congress. There is no question about that. And I agree that eventually state legislatures will follow the pattern of federal legislation.

I offer no serious objection to the fact that there are many amendments necessary. I do not point out

to you the fact that in the bill there is a complete inconsistency between some of the things this measure seeks to correct and the expression we have had from our law court concerning the constitutionality of another bill in this legislature and I refer to the secondary strikes.

I don't object to the fact that there are innumerable provisions in this bill that are doubtful federal constitutionality. Those possibly could be taken out by amendment. But I do object that this bill when first presented to us came to us as a bill supposedly supported by both Labor and Management but with both Labor and Management telling the committee, "We like the bill but we want our own amendments in it," and each party certainly performed major surgery on that bill before they got their amendments in it so the bill as it is before you today undoubtedly has neither the support of labor nor industry. However, those in general are minor objections.

My major objection to the bill is this. Here in the State of Maine—and I have had a modest part in labor relations in Maine, both representing employers and as a member of various parts of the War Labor Board—I think I can point with a great deal of pride to the record of both labor and industry in Maine as far as good labor relations are concerned. It happened to be my misfortune to handle many labor disputes in the other New England States. Before the War Labor Board when we had a dispute from Maine we considered ourselves fortunate because we met with reasonable people on both sides of the question. Yet, as Senator Hopkins said, this bill will probably be a milestone in the history of labor relations in this country. And to pick out the State of Maine to set up any third court such as this bill seeks to set up without any demand from labor is to me a little absurd. Even the War Labor Board set up to handle such disputes had no such power, no such authority, no such confusion as this third court that this bill seeks to set up in Maine.

If you will read the bill you will find that in the first place they set up as a chairman, a modest \$6,000 a year job and they provide for four other members at \$35 a day or \$10,000 a year and I assure you they will be busy because the bill is so cumbersome that they cannot help

but be in session continually, and not content with that they give the court the right to appoint Boards of Arbitration at \$100 a day to settle disputes they cannot handle and I assure you there will be plenty of Boards operating all over this state settling disputes that we in industry and our friends in labor settle around the conference table in fair, honest, collective bargaining and submit the statement that the number of serious labor disputes in Maine have been very very small.

Now if this legislature wants to say to the State of Maine that this problem is so serious in Maine, it is more serious than in West Virginia, it is more serious than it is in Pennsylvania where no such procedure holds forth, it is so serious that 48 states breathed a sigh of relief when the Labor Board passed out of existence and on both sides of the table we said to ourselves, "Isn't it fine that we can sit down now and ourselves settle our own grievances," if this legislature wants to pick this state out with its fine record, you can do it in my opinion for a cost of \$100,000 a year.

True, the bill only asks for \$60,000 but was there ever a court or a commission set up that maintained its original modest budget? I assure the Senate, speaking as one who has participated in labor-management relations and who has participated in arbitration, that you have got a child here that will grow and grow plenty. The bill seeks to define all of my rights as an employer and all of your rights as an employee if you are in that class. Members of the Senate, that is something our Supreme Court has struggled unsuccessfully with for several decades and yet in one bill written by ten members of this legislature we seek to do things that our own Supreme Court has been unable to do and that our own Congress today is debating on the federal level. For whom? For those few employees and employers in Maine who are in intra-state commerce.

Now those in inter-state commerce are controlled by federal law. Yet we are seeking to set this thing up at a state level when I honestly believe it ought to be at the United Nations level. It goes away beyond anything the courts at the federal level have attempted.

I will close by making one comparison. In the last two years our

State Board of Arbitration and Conciliation which is wiped out under this bill, spent \$45.93 of your money and I wonder and seriously question whether labor relations in the State of Maine are so bad or so serious now or will be in the future as to justify the things that this bill attempts to do. I hope the motion of the Senator from Kennebec, Senator Hopkins, does not prevail.

Mr. HOPKINS of Kennebec: Mr. President and members of the Senate I have been interested in the comments which the Senator from Penobscot made on the bill. Who understands the bill? That is always a good point. Who understands most other administrative laws here on the books of the State. How many of you understand all of the administrative laws? I would like to point out to the Senator, and also to the other members of the Senate, that administrative law largely means what it has been found out to mean after it has been on the statute books, over a period of time. It has to be amended over and over again in order to make it mean what we believed it to mean when we passed it, and what we think we want it to mean when we pass it may not be what subsequent legislatures think they want it to mean. One could talk a long time about the constitutionality of labor legislation on both state and federal levels but it would be just wasted effort. I would not want to ask you to listen to me while I attempted to say anything about the decisions which have been handed down by the Supreme Court in recent years. I think we have had a different court than we have had in this country for a long time previous and I think the opinions of courts change.

The bill, as I stated here, will have to be amended. The Senator has pointed out the amount of money spent by the State Board of Conciliation and Arbitration. We know there has been no extensive work done by that Board and the cost has been slight. I see no reason to believe that the enactment of this bill, which simply lays down the rights and responsibilities of all parties in labor, is going to bring labor war in Maine. I see no connection with it at all.

I would like to ask the Senator to consider one question. If we had a serious labor dispute in Maine today in intra-state industry and

not in the field of federal control, and we had violence (and we have had just that situation) protection would rest only on the immediate injunctive action of the courts. Now what is the difficulty with immediate injunctive action on the part of the courts in labor disputes? Well, I can tell you in a very few words. Labor disputes are disputes in which labor leadership is leading large numbers of people, and large numbers of people can be led into violence contrary to the law without thinking what they are really doing.

Anyone who knows human nature knows that mass people will do things which no one of them would do if they were giving consideration to their acts. That in itself justifies this type of legislation before us because it gives a slowing up process and gives an opportunity for the state to act without resorting to an injunction. The most difficult situation that exists in labor trouble is when labor difficulty is carried to the courts, and the public officials are faced with controlling a large number of people by court injunctions. I think that is very important in considering this type of legislation and justifies its passage.

Mr. SPEAR of Cumberland: Mr. President and members of the Senate, I did not sign this bill. I think I should make an explanation why. I want to congratulate the committee on working hard and long. I think they gave the bill more consideration than it deserved. In the first place I can't read it. In the second place if I could, I couldn't understand it or interpret it. This bill would create a new Board, another new Bureau which we have talked against federally for a long time. We have a Commissioner of Labor and Industry, we have a Building Inspector, we have a State Board of Conciliation and we have courts. This is a lawyers' bill and even they don't agree. They have been writing in to the committee with suggestions, and then the other side would find fault with it. Little business could not stand this procedure. It is geared up too high for them. I cannot see that the bill accomplishes anything definite or binding. It is just more mediation. The fine for violence is \$50. The bill is confusing. I don't believe in it. I have tried to. \$60,000 won't finance

it. If business is good it will cost many times that. There is a labor bill coming before the voters for their decision. This bill may well mislead the people into believing they have something that they haven't. This bill in my opinion is not the answer to our labor problem. I think we are trying to make a silk purse out of a pig's ear.

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

A division of the Senate was had.

Ten having voted in the affirmative and eighteen opposed, the motion did not prevail.

Thereupon, on motion by Mr. Haskell, the Minority Report "Ought Not to Pass" was adopted.

On motion by Mr. Morrill of Cumberland, the Senate voted to take from the table Senate Report from the Committee on Public Health—Majority Report "Ought to Pass" Minority Report "Ought Not to Pass" on bill An Act Relating to the Enrichment of Flour and Bread (S. P. 243) (L. D. 660) tabled by that Senator on April 21 pending consideration of the bill.

Mr. MORRILL of Cumberland: Mr. President, I think I ought to make a brief explanation of the bill to the Senators. Yesterday in the House, a bill having to do with repealing the present law was indefinitely postponed, and this bill amends the present law by cutting out some of the red tape having to do with certification and some of the details. I move the adoption of the Majority Report "Ought to Pass."

The motion prevailed and the bill was given its first reading and tomorrow assigned for a second reading.

On motion by Mr. Barnes of Aroostook, the Senate voted to take from the table bill, An Act Relating to Trial Justices (H. P. 1636) (L. D. 1316) tabled by that Senator earlier in today's session pending passage to be enacted; and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Cross of Kennebec,

Recessed until this afternoon at three o'clock.

After Recess

The Senate was called to Order by the President.

The PRESIDENT: The Senate is proceeding under Orders of the Day.

On motion by Mr. Cross of Kennebec, the Senate voted to take from the table Resolve Providing for an Additional State Pension for George H. Babb of Augusta (H. P. 1449) (L. D. 1322) tabled by that Senator on April 17 pending consideration.

Mr. CROSS of Kennebec: Mr. President, this particular resolve had the unanimous approval of the Pensions Committee, and in its passage no provision was made for the fund from which the pension should be paid. After some discussion and inquiry by myself, Senate Amendment A was adopted which would have it come from the pension accumulation fund. This apparently displeased some people, and the amendment was indefinitely postponed. I am going to offer Senate Amendment B, and I think the Senate will go along with me in seeing that this man gets his pension. This will merely state which fund this pension shall come from. I present Senate Amendment B and move its adoption.

"Senate Amendment B to L. D. 1322. Amend said resolve by inserting after the period at the end thereof, the following, 'to be paid out of the fund for pensions allowed by special legislative resolves.'"

Which amendment was adopted and the bill as so amended was passed to be engrossed in non-concurrence.

On motion by Mr. Ela of Somerset, the Senate voted to take from the table bill, An Act Relating to Fees of Registers of Deeds (H. P. 1699) (L. D. 1416) tabled by that Senator on April 22 pending passage to be engrossed.

Mr. ELA of Somerset: Mr. President and Members of the Senate, if the Senate will turn to Document 1416, I think possibly they can follow one or two items which I think should be corrected. This is a bill which raises fees drastically practically all the fees which you have to pay when you use the registries of deeds. The various registries in the state, in my opinion, do not need this bill at all but I defer to the committee on Salaries and Fees, and will only try to amend those portions of the bill which I think are particularly out of line.

The register of deeds has two functions. One is to provide a place where citizens of the state, or resi-

dents, may safely record their legal instruments where they may be preserved from loss of fire and where they may prove the existence of the instruments. The person who so records those instruments should pay what it costs to record and preserve the instruments but the registry has a further value than that and it has always been so recognized. It is of value to any citizen of the state who wishes at any time to investigate any of those records and find out any information which he may desire to learn. As I said, it has always been recognized that the citizens, the taxpayers, could probably assume a moderate share of the cost of those offices. At the present time there is not, in my opinion, any great need for revenue. Those offices are not merely self supporting now, but have been for the last twenty-five years at least. In fact, in some of the offices the receipts do now more than come up to the cost of salaries and the cost of maintaining the office.

On the first page of L. D. 1416, on the bottom of the printed document there is a paragraph, "for entering in the margin of a record a discharge of the mortgage or attachment to be signed by the person discharging it 50c;". Now what is done is that the clerk or the employee takes a rubber stamp, slops it down on the margin of the page, hands you a pen and you sign your name. For that, the pay is to be doubled. My amendment proposes to eliminate that 50c fee and put it back to 25c.

On page 3 on the next to the last paragraph it reads, "In all cases where books with printed forms are not furnished therefor, registers of deeds shall receive for receiving, filing, and recording any instrument by law entitled to record, the sum of \$1 \$1.50 for the first 500 300 words, and the sum of 20c 30c for each 100 words or fraction thereof in excess of 500 300 words."

It is proper now to charge \$1.50 for the first 300 words rather than one dollar for the first 500 and then for any additional words, 30c for the first 100 rather than 20c for the first hundred.

My amendment would change those back to the original prices. Anybody who has had much to do with recording deeds will know if they happen to run over the number of words included in the minimum charge, they can run into

money pretty fast, and I don't believe we want to do too much to discourage prompt recording of deeds. With those words I will offer Senate Amendment "B" and move its adoption.

"Senate Amendment B to L. D. 1416. Amend said bill by striking out the 8th paragraph thereof and inserting in place thereof the following: "Entering in the margin of a record a discharge of the mortgage or attachment to be signed by the person discharging it, 25c." Further amend said bill by striking out the next to the last paragraph thereof and inserting in place thereof the following: "In all cases where books with printed forms are not furnished therefor, registers of deeds shall receive for receiving, filing, and recording any instrument by law entitled to record, the sum of \$1.00 for the first 500 words, and the sum of 20c for each 100 words or fraction thereof in excess of 500 words."

Mr. DUNBAR of Washington: Mr. President and members of the Senate, this matter did not come from the committee on which I have served and I did not expect to speak on it, but as I understand it, this is a county commissioners bill. They feel that their counties need a little additional revenue for the services that are being rendered through the office of the register of deeds and in looking over the proposed bill it seemed to me that the increases were very, very reasonable, that no one would be harmed very much if they had to pay fifty cents instead of twenty-five cents for having the discharge of an attachment or of a mortgage entered on the margin of a record.

In the aggregate during the year it might amount to quite a bit of additional revenue that would help take up some of the added expense in that department that has occurred over the last twenty year period. For instance, the books in the registry of deeds in which the instruments are recorded have advanced considerably in price within the last ten years and so it doesn't seem fair for the rest of the citizens of the county who are not doing business there to have to stand the burden and it seems to me that the burden should be placed on those who are doing business there.

Paper, as everyone knows, has advanced. Those are some of the

things that the county commissioners have in mind to get in a little extra money to take up those extra costs that the counties have been put to. The chief reason in my opinion, as the Committee on Salaries and Fees knows, and which every Senator must know is that the salaries in those offices have been materially increased. I have seen bills go through here this winter, several of them, increasing salaries of registers of deeds, raising salaries for clerk hire in the registry of deeds, and that has been going on for the past few sessions that I have been here. Someone has got to pay the freight for that. This little added revenue they are asking for doesn't hurt anybody.

My county is one of the poor counties of the state. We are trying to pay a debt of \$350,000 on railroad bonds of the old Washington county railroad made in 1898. Just figure that in comparison with some of the rest of the counties and the burden they carry. So when it comes to twenty-five or fifty cents I can quite reason it out but it isn't going to hurt anybody very much and over a period of a year you will get some additional revenue to take up some of this extra cost, cost of your paper and books and salaries of the register and the clerks and for that reason I hope that the motion of the Senator from Somerset, Senator Ela, to adopt the amendment, does not prevail.

Mr. BISHOP of Sagadahoc: Mr. President, the county commissioners of Sagadahoc county are in favor of these increases. We have increased our clerical help and the register of deeds salaries and they feel that the office should pay its own expenses.

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, this bill had more consideration in the Committee on Salaries and Fees than any other one bill that we had this year. I will review for you very briefly the history of the bill. The county commissioners naturally seek to have as many county offices as possible self supporting, and they came to us with a representative committee of registers of deeds and submitted detailed evidence for the last four years of three of the more substantial offices in the state and showed to us that the highest income in any one of those years represented 59c on a dollar of expense and the lowest

income of 51c on a dollar of expense, and they said to us, "We think it is a little unfair to have the other real estate tax payers in the county make up all that difference." They prepared a bill which brought that income up to 85c. There were objections to that bill and I introduced a second bill which is the one before you which will produce 90c out of each dollar leaving a small part of the cost of the offices to the other real estate taxpayers in the county. We don't think that every penny of those fees should be paid by the users of the service because there is a general service in there that the taxpayers should participate in.

As far as this amendment is concerned the detailed data given indicates the change from 25 to 50 cents will produce very little revenue and isn't important. The amendment insofar as it is indicated on page 3 will make a very substantial cut in the increase that the county commissioners and the registers of deeds hope to get from this bill. As a member of the committee I was convinced that their request was justified so I must hope that the amendment presented does not prevail.

Mr. ELA of Somerset: Mr. President and members of the Senate, I will call to your attention one item which perhaps is immaterial, a bill recently came out of Judiciary with a fee attached to it of fifty cents which is comparable to those in this bill, which have been raised from 75 cents to a dollar. In some of the counties in their report which had a list of their receipts and costs over a period of time, and I won't bore you with too many of the details, but in Penobscot County in 1925 receipts were \$3,830 and costs were \$5,180; in 1935 receipts were \$5,600 in round numbers and costs were \$6,060; in 1946 receipts were \$10,942 and costs were \$9,618. The receipts have been steadily out-distancing the costs.

The bill as I understand it originated in Cumberland county. In 1924 receipts were \$7500 and costs were \$9500. In 1935 receipts were \$9100 and costs were \$10,431. In 1946 receipts were \$18,000 and costs of the office were \$16,800. Now you will still have left, if you adopt this amendment, many increases. This amendment will only take out two of a probable dozen. It is apparent that the offices are in much better financial shape now than they have

been for many years. For that reason I think we can well afford the amendment.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Senator Ela that the Senate adopt Senate Amendment B.

A viva voce vote being had, the Chair was in doubt.

A division of the Senate was had.

Thirteen having voted in the affirmative and sixteen opposed, the motion did not prevail.

Thereupon, the bill was passed to be engrossed in concurrence.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table Senate Report "Ought Not to Pass" from the Committee on Military Affairs on bill, An Act to Provide for the Payment of a Cash Bonus of \$500 to Maine Veterans in World War II (S. P. 370) (L. D. 1057) tabled by that Senator on April 21 pending consideration of the report.

Mr. Boucher of Androscoggin: Mr. President and members of the Senate, I have not changed my mind concerning a bonus. I have found out that the revenue measure that accompanied this proposed bonus—it was a lottery measure—has been defeated in the other unmentionable Body, so therefore since this revenue will not be available I realize that the present financial conditions of the state makes it impossible to pay a \$500 bonus at this time. Therefore, I move the adoption of the report.

The motion prevailed and the "Ought Not to Pass" report was adopted.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table Senate Report "Ought Not to Pass" from the Committee on Military Affairs on Resolve Proposing an Amendment to the Constitution to Provide for a Bond Issue for the Purpose of Paying a Cash Bonus of \$500 to Maine Veterans in World War II (S. P. 378) (L. D. 1060) tabled by that Senator on April 21 pending consideration of the report.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, for the same reason that I gave previously, this being the bond issue for the proposed \$500 bonus, it now becomes inexpedient and I move the adoption of the report.

The motion prevailed, and the "Ought Not to Pass" report of the Committee was adopted.

Mr. WELCH of Aroostook: Mr. President, I would like to inquire if S. P. 353, L. D. 985 is in the possession of the Senate.

The PRESIDENT: The Chair will state that the document is in the possession of the Senate having been recalled by Joint Order from the office of the Governor.

Thereupon, on motion by the same Senator, the rules were suspended and the Senate voted to reconsider its former action whereby Resolve, Relating to a State-Wide Highway Planning Survey by the State Highway Commission, S. P. 353, L. D. 985 was finally passed; and further voted to reconsider its former action whereby the resolve was passed to be engrossed.

Mr. WELCH: Mr. President, in explanation I would like to say briefly that Committee Amendment A to this bill is not workable. This is the Highway Planning Survey Bill, and the bill in its original form is all right, but with this amendment, the Attorney General and some of the members of the Highway Commission have said that it is unworkable. Therefore, I move the indefinite postponement of Committee Amendment A.

The motion prevailed and Committee Amendment A was indefinitely postponed in non-concurrence.

On further motion by the same Senator, the resolve was passed to be engrossed in non-concurrence

Sent down for concurrence.

On motion by Mr. Bishop of Sagadahoc, the Senate voted to take from the table Senate Report "Ought Not to Pass" from the Committee on Judiciary on bill "An Act Relating to Eviction of Tenants (S. P. 401) (L. D. 1150) tabled by that Senator on March 20 pending motion by the Senator from Androscoggin, Senator Dube that the Senate substitute the bill for the report.

Mr. DUBE of Androscoggin: Mr. President and members of the Senate, when I asked to substitute the bill for the report I had a Senate Amendment to put on this bill, because I wanted to have stricken out the five words in the bill which might have caused hardship to certain landlords throughout the state. It was brought to my attention sev-

eral times in our Lewiston locality that landlords when renting an apartment to tenants would place before the tenant a written statement which read as follows: "No children will be tolerated so we agree that if we bear any children, we will not remain in said apartment." That paper had to be signed by the man and woman who were to be tenants and it was approved by the landlord. I felt that it was vicious on the part of some landlords to present such a statement to those people. It is impossible for people to say whether they will or will not have children.

Section 4 of this bill reads as follows: "Process of forcible entry and detainer. The process of forcible entry and detainer shall not be commenced for a period of 2 years after the effective date of this section against any tenant with children or any tenant a member of whose family is with child on a doctor's certificate of such fact."

Mr. President and members of the Senate, I would like to substitute the bill for the report and if this is done I shall present Senate Amendment A.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Dube that the bill be substituted for the report.

Mr. BARNES of Aroostook: Mr. President, this bill is one that came out of the Judiciary Committee. If you will refer to it as it is drawn it would simply make it impossible for any landlord in the state of Maine to evict any tenant for a period of two years. The bill came out of committee with an unanimous "Ought Not to Pass" report. This bill goes way beyond anything that the OPA ever did to some of us who were in the defense rental areas so called.

The suggested amendment that Senator Dube wishes to place on the bill has so little relation to the bill itself that I don't feel it is even germane. I hope the motion does not prevail.

Mr. DUBE: Mr. President, I ask for a division.

A division of the Senate was had.

One having voted in the affirmative and seven opposed, the motion to substitute the bill for the report did not prevail.

Thereupon, on motion by Mr. Barnes of Aroostook, the "Ought

Not to Pass" report of the Committee was adopted.

On motion by Mr. Batchelder of York, the Senate voted to take from the table Senate Report from the Committee on Legal Affairs — Majority Report "Ought to Pass as Amended by Committee Amendment A" Minority Report "Ought Not to Pass" on Bill An Act Relating to Elections in the City of Biddeford (S. P. 368) (L. D. 1042) tabled by that Senator earlier in today's session pending consideration of the reports.

Mr. BATCHELDER of York: Mr. President, back in 1933 if you recall, our country went somewhat democratic and with the exception of two states, all states went into the democratic ranks. Our state elected a democratic governor and also a great many members of the legislature, both Senators and Representatives. At that time, one of our large Democratic communities, the city of Biddeford, came before us with a bill asking for a special caucus. As I understand that particular law, it provided for two different parties. Prior to that time it was permissible for three parties to run. I don't believe any other place in the state has had any such caucus law.

At the present time it is felt by not only the Republicans, but a great many of the Democrats that if it were permissible for three parties to run it might be that some of them would vote on an Independent ticket and it might make some change in the city affairs. This bill has been modeled somewhat after the Lewiston bill and it corrects some of the particular things of which I speak. It may be said that this bill does not provide for any referendum. When the bill was presented to the legislature it was passed and put across without giving the people any opportunity for referendum on the bill.

If the bill is passed carrying a referendum at the present time, the present administration probably will keep the matter as it now is and it will be voted in all probability "Ought Not to Pass." I move the adoption of the Majority Report of the Committee.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, I do not enjoy the privilege of having to oppose the Senator from York (Senator Batchelder). It

is just one of those things where I feel that as the Minority Leader it is my duty to do so. I have tried to come to an agreement with the Senators from York on this matter, but to no avail. I did suggest to them that if they would allow me, or if they would themselves put on a referendum to the people of Biddeford in this matter then I would not oppose the measure but would let it go along, but for some reason better known to themselves, they do not care for a referendum in this matter.

I for one, do not care to impose on the citizens of Biddeford a bill which is foreign to them. This bill was introduced by a Senator who is not a resident of Biddeford. The city of Biddeford has three representatives in the legislature and it seems to me that through regular channels, if it were a good bill for Biddeford, it would have been introduced into the legislature by one of the representatives of Biddeford.

What I most seriously object to is the fact that they do not want a referendum. Now, to me, the democratic way of handling city and town affairs in this State and this country is by direct appeal to the city or town or state or country. A referendum would give the people of Biddeford the opportunity to decide whether or not this law should go into effect. Therefore, I appeal to you in all fairness to reject the motion to adopt the Majority Report, and I shall offer, if you do that, a motion to accept the Minority Report, "Ought Not to Pass". It seems to me that if the Legal Affairs Committee, composed entirely of Republican members have got a majority and minority report, where it concerns the Democratic stronghold of Biddeford, something in the bill is not quite right. Therefore, I appeal to you on the basis of fair play to reject this Majority Report at this time or allow me at the proper time to offer an amendment for the people of Biddeford.

Mr. BLANCHARD of Aroostook: Mr. President and members of the Senate, as one of the Senate members of the Legal Affairs Committee signing the Majority Report "Ought to Pass," I wish to state it seemed to the Majority Report members that this bill would take party politics out of the city election in Biddeford. Ordinarily a referendum is inserted in one of these bills but it is self-evident that with the

strong political party there is in Biddeford, a referendum would not have the usual effect and I hope the motion of the Senator from York, Senator Batchelder, prevails.

Mr. BOUCHER: Mr. President and members of the Senate, I beg to differ with my good friend from Aroostook, Senator Blanchard, in the statement he made, giving the reason for not having a referendum. I will go back to the argument of Senator Batchelder, who said it was a bill similar to the one in the city of Lewiston. That is true. It is very, very similar. I happened to be at the hearing before the Legal Affairs Committee when this bill was heard, not because I was personally interested in hearing it but because I was present at the hearing on bills that Lewiston was to have heard that same afternoon. I agree with Senator Batchelder that it is patterned on the Lewiston bill but I want to point out to Senator Blanchard that this Lewiston bill had a referendum on it when it was sent back to Lewiston. I put in that bill in the legislature in 1939 and it was sent back to Lewiston with a referendum. I think Lewiston is as good Democratic stronghold as Biddeford, and in Lewiston the bill was carried by a good majority and we are living under that law now, and we like it. I think it is the duty of the Senator from York, Senator Batchelder, to sell the idea to the people of Biddeford that it is a good bill. It is patterned after the Lewiston bill and it is a good bill, and through a referendum it should be put over. I do not agree that the proper procedure is to put the thing over without giving the people of Biddeford the right to vote on it.

Mr. DAVIS of York: Mr. President, I introduced this bill at the request of numerous citizens of the city of Biddeford, citizens of both political parties who felt that a change in the present law would be most desirous and beneficial. It simply substitutes the Lewiston caucus law which it has been admitted is working well in Lewiston for the present Biddeford caucus law. It might be said that this measure is really a non-partisan measure and as far as a referendum is concerned, I think we should hark back to the time when the original law was passed—there was no referendum at that time and I don't know why there should be now.

Mr. DUNBAR of Washington: Mr.

President and members of the Senate, the Constitution of the State of Maine calls for home rule. By that it means that the people of their home cities and towns ought to have something to say as to under what law they should be governed. I dislike to disagree with my friend,—and he is my friend,—the Senator from York, Senator Batchelder, but I am in favor of going along with this bill if you permit the Senator from Androscoggin, Senator Boucher, to put on the amendment. If the amendment is not permitted to go on, I want to stand here as one opposed to the bill because I believe in the doctrine of home rule.

If the city of Biddeford has, through any party manipulation—I don't care what—if they have built up an organization down there where they are much in excess of the vote of the party to which I belong, they have done it evidently through hard work and organization. But when this bill goes back to them to be voted upon under the referendum, if you will permit it, whoever those organization men and women are, when they go into the booths to vote they have only one vote and they cannot control the voter when he goes into the polling place. So if there are a number of citizens of Biddeford who belong to both of the political parties, want to vote on this matter they can vote on it, and they can vote on it as they see fit, either for or against it. Let's not deny to the citizens of the city of Biddeford the right to vote on this matter that particularly affects them and does not affect any other part of the State of Maine.

There was a bill that went through this legislature this winter in regard to one of the so called school districts that affects my town and affects it seriously, and if the people of the town vote to adopt the charter and carry out a program that some of them believe in, in the building of a school building, they will saddle a debt on the town that generations yet unborn will be paying for, but I made my position clear before the Legal Affairs Committee, that I could not conscientiously oppose that bill if it carried, as it did carry, a referendum. When the matter comes to vote in my town I shall strenuously oppose it, but I want the people of that town to have the

right to express themselves. Let's give that right, please, to the citizens of Biddeford.

Mr. LEAVITT of Cumberland: Mr. President, talk has been made about Biddeford people and home rule. Early this year and last year I was called in by some people from Biddeford, as State finance chairman, to see if something could be done there to get fair play, and during the whole conversation I had with the citizens, I found that fair play had not been the rule in Biddeford, and I believe definitely this is one case in the State of Maine where the legislature should pass this bill and without a referendum.

The PRESIDENT: The question before the Senate is on the motion of the Senator from York, Senator Batchelder, to adopt the Majority Report, "Ought to Pass as amended by Committee Amendment 'A'"

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

Nineteen having voted in the affirmative and ten opposed, the Majority report was accepted, and the bill was given its first reading.

The Secretary read Committee Amendment "A":

"Committee Amendment A to L. D. 1042. Amend said bill by striking out in the 8th line, 6th line as printed, of Section 5 the underlined figure and word 'one year' and inserting in place thereof the underlined figure and word 'two years'.

Further amend said bill by striking out in the 9th line, 8th line as printed, of Section 7 the underlined word 'alderman' and inserting in place thereof the underlined word 'councilman'.

Further amend said bill by striking out in the 17th line of that part of Section 7 designated as section 2, the word 'alderman' and inserting in place thereof the word 'councilman'."

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

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table, Bill, An Act Relating to Registration in Optometry (S. P. 291) (L. D. 818) tabled by that Senator on March 12th pending passage to be engrossed.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, after the result of the pre-

vious vote my better judgment tells me not to take this off the table. I don't suppose the attitude of the members of the Senate will change over night or over a week, and in order to go along with the idea that the table be cleared, I wish to move indefinite postponement of this bill. I will be very honest and very frank with you in telling you that the reason, the main reason for my tabling this bill and for my motion at this time is the fact that again we are trying to ignore the minority party.

The reason I do not like this bill is the fact that you are taking from the members of this group the representation that the minority party has now under the law. The words in the bill to the effect that the minority party should be represented, have been deleted. There is also another reason, the fact that the time that a person's license may be revoked has been shortened from 30 days to 10 days. It has been brought to my attention by members of that profession that it is their livelihood. If a person was suspended ten days he might not have proper time to see that his license was not revoked. The law now says 30 days and the members of the profession thought it was none too much, and that it should not be shortened to 10 days.

My main reason, as I have stated, is the fact the Minority Party will be ignored as to appointment to membership on that committee. It is true that at present a great number; yes, a majority of the commissions of the State have no party designation. It is also true and a matter of fact that the full time commissions have, by law, a minority representation. Now, what is good for full time commissions I believe is good for part time commissions. I believe the fact the Minority Party is represented on all commissions would do the State no harm.

I certainly object to the fact that we are trying to whittle little by little to a one party system. If it is what the State of Maine wants, why don't we come out openly and say we want the State to be a one-party system instead of claiming we have a two party system in Maine? It is a two party system in name only, but not in fact. For that reason I move indefinite postponement of this bill.

Mr. BARNES of Arrostook: Mr.

President and members of the Senate, before proceeding to the two points that my colleague, the Senator from Androscoggin, Senator Boucher objects to, I would like to point out to the Senate that this bill, which was my bill, was very carefully drawn by the Maine Optometrical Society or association and its design, entirely apart from the two provisions that my colleague objects to, was to improve the profession of optometry in the State of Maine. I won't go into the details of that. The bill is No. 818 and you can see the provisions throughout the bill.

As to the matters the Senator from Androscoggin, Senator Boucher objects to, I entirely differ with him that it is a Party measure. I see no reason why there should be anything about Party representation in the bill. I will go farther than he has and say in my investigation of various boards throughout the State, and I believe there are 16 or 17 of them, this is the only board in which there is provided for minority party representation, or party representation at all.

I can say that any board set up in the State should be the best board available. It might well be that the five best optometrists in the State of Maine might be all Democrats and in such case the Governor should be free to appoint all Democrats, but on the other hand, the five best might be all Republicans and I can see it would be for the best interests of the State regardless of the party, for the best men to be appointed to the job.

So far as the objection that has made to the ten days it was changed to make it conform to another section in the statutes as in one place it said 30 days and in another it said 10 days. The association itself, a member of which came from the same city as the Senator from Androscoggin, Senator Boucher,—they all agreed that ten days is enough, and to make the statute conform they agreed they would change it from 30 to 10 days.

I do not see it as a Party issue at all. The other boards do not have it. It is for the best interests of the people of the State who are to be treated by optometrists that the best men be appointed to the job.

It is true that there has been an

expression by a member of the Minority Party here today of his views as to whether or not the Minority Party is being ridden out of the State, and it seems to me it is one of the poorest places he could have made that argument because there is no political question involved, and if he was entirely sincere he would probably have offered an amendment to strike out that section. The other parts of the bill are much more important than that one section. I hope the motion of the Senator from Androscoggin, Senator Boucher, does not prevail.

Mr. BOUCHER: Mr. President and members of the Senate, when the Senator from Aroostook, Senator Barnes, has mentioned his investigation of various boards and the political party representation, and I am wondering, and would be very curious to know the boards he has mentioned that have party membership, how many Democrats there are on those boards. I don't believe, Mr. President, he will find any board with five Democrats. I think he might find that there are 95% with five Republican members.

I agree it doesn't make a better professional man, the fact he is a Republican or Democrat, but I think it makes for a better commission for the whole State of Maine if the two parties are represented.

In the previous discussion this afternoon concerning the Biddeford bill it was brought out that it should be non-partisan. We have a non-partisan system in Lewiston but even in non-partisan systems if you want peace and harmony and good will you must have it bi-partisan. The commissions in the city of Lewiston are bi-partisan—both parties represented on them, and what Lewiston can do for the Minority Party it seems to me the State of Maine could do for the Minority Party. The rules are reversed, I will agree, but what is good in Lewiston should be good in Maine and what is good in the State of Maine should be good in Lewiston.

I do not care to kill the bill of the Senator from Aroostook, Senator Barnes, but I have told you what I would like to rectify and if you will let me amend the bill to keep our Party representation on the board, I will agree to withdraw the motion very gladly and go along with the suggestion that

we amend the bill so that party representation on the board may continue.

Mr. DUNBAR of Washington: Mr. President, I hesitate to arise a third time in one day. Senator Boucher has asked the Senator from Aroostook, Senator Barnes, if he could point out an instance if any board where there are members of the Minority Party. I will answer that in regard to one board with which I have been familiar and it is the State Board of Bar Examiners, on which I had the honor to serve fifteen years, finishing my term last August. The members of that board are nominated by the Chief Justice of the Supreme Judicial Court and appointment comes through the Governor of the State. It consists of five members and my mind goes back to the year 1906 when I took my examination, and it was a Republican administration in Maine, Republican Chief Justice, Republican Governor, and of the five members of the board at the time, three of them were Democrats,—the late Judge Morrill of Androscoggin county, the late Judge Madigan of Aroostook and the late Matthew Laughlin of Bangor.

While I was on the Board of Bar Examiners there were times there were five Republicans on the Board and before I left the board there was serving and is serving now one Democrat, Scott Brown of Houlton. I cannot see any reason the Optometric board should have some designation that some member of the opposite party be included as a member of the board. I can see where it might be well in such a department as the highway department, but I was surprised to know when I came before the committee that the Minority Party would have to be represented on a board, the purpose of which was to fit eye glasses. For that reason I hope the motion of the Senator from Androscoggin, Senator Boucher, will not prevail.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Boucher, that the bill be indefinitely postponed.

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

Thereupon, the bill was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Haskell of Pen-

obsco, the Senate voted to take from the table, Bill, An Act Relating to Increasing the Maximum Payment in Aid to the Blind (S. P. 488) (L. D. 1354) tabled by that Senator on April 3rd pending passage to be engrossed; and on further

motion by the same Senator, the bill was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Barnes of Aroostook

Adjourned until tomorrow morning at ten o'clock.