

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

**OF THE**

*Ninety-Sixth Legislature*

**OF THE**

**STATE OF MAINE**

**1953**

**DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE**

**SENATE**

Wednesday, March 4, 1953.

The Senate was called to order by the President.

Prayer by the Rev. Robert Brackley of Hallowell.

Journal of yesterday read and approved.

**House Papers**

Bill "An Act Relating to Sale of Malt Liquor in Non-Returnable Bottles." (H. P. 145) (L. D. 143)

(In Senate on February 26, Report "B"—Ought Not to Pass, accepted in non-concurrence.)

Comes from the House, that body having insisted on its former action whereby Report "A" was accepted, and the bill passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto, and now asks for a Committee of Conference.

In the Senate, on motion by Mr. Parker of Piscataquis, that Body voted to insist on its former action and join with the House in a Committee of Conference.

The President appointed as Senate members of such committee, Senators Tabb of Kennebec, Dennett of York and Boucher of Androscoggin.

Bill "An Act Imposing a Tax on Milk Producers for Promotional Purposes." (H. P. 1032) (L. D. 1168)

Bill "An Act Limiting Milk Control to Producers." (H. P. 1033) (L. D. 1169)

Which were severally referred to the Committee on Agriculture in concurrence.

Bill "An Act Relating to Salaries of Certain Department Heads." (H. P. 1035) (L. D. 1179)

"Resolve Appropriating Moneys for Reconditioning Buildings at the Maine Vocational-Technical Institute." (H. P. 1036) (L. D. 1180)

"Resolve Creating a Fund for Scholarships for Vocational and Technical Training." (H. P. 1037) (L. D. 1181)

"Resolve in Favor of the Town of Garland." (H. P. 1038) (L. D. 1182)

Which were severally referred to the Committee on Appropriations

and Financial Affairs in concurrence.

Bill "An Act Relating to Payments of Death Benefits by Fraternal Beneficiary Societies." (H. P. 1039) (L. D. 1183)

Which was referred to the Committee on Business Legislation in concurrence.

"Resolve in Favor of the Town of Fort Fairfield." (H. P. 1080)

"Resolve in Favor of Fred E. Shapleigh, of Lebanon." (H. P. 1081)

"Resolve in Favor of the Town of Jay." (H. P. 1082)

Which were severally referred to the Committee on Claims in concurrence.

Bill "An Act Relating to General-Purpose Educational Aid" (H. P. 1040) (L. D. 1170)

Which was referred to the Committee on Education in concurrence.

"Resolve in Favor of the Town of Harpswell." (H. P. 1041) (L. D. 1163)

Which was referred to the Committee on Highways in concurrence.

Bill "An Act Relating to Free Hunting and Fishing Licenses for Indians." (H. P. 1042) (L. D. 1184)

Bill "An Act Relating to Bounty on Bears." (H. P. 1043) (L. D. 1185)

Bill "An Act Relating to Rabbit Hunting in Androscoggin County." (H. P. 1044) (L. D. 1186)

Bill "An Act Relating to Hunting Cock Pheasants in Androscoggin County." (H. P. 1045) (L. D. 1162)

"Resolve Closing Thompson Pond to Ice Fishing for Salmon." (H. P. 1046) (L. D. 1187)

"Resolve Regulating White Perch Fishing in Lake Auburn." (H. P. 1047) (L. D. 1188)

Which were severally referred to the Committee on Inland Fisheries and Game in concurrence.

Bill "An Act Relative to Prerequisite to Recording Deeds." (H. P. 1048) (L. D. 1189)

Bill "An Act Relating to Pensions for Firemen and Their Dependents Under the Maine State Retirement system." (H. P. 1049) (L. D. 1190)

Bill "An Act Relating to Fines and Costs for Violation of Truck

Weight Laws." (H. P. 1050) (L. D. 1191)

Communication from Governor Cross re. Maine Supreme Court decision on Public Utilities Commission's denial of Increased Telephone Rate. (H. P. 1076)

Which were severally referred to the Committee on Judiciary in concurrence.

Bill "An Act Relating to the York Beach Village Corporation." (H. P. 1051) (L. D. 1192)

Bill "An Act Relating to Organization of Police Department of City of Lewiston." (H. P. 1052) (L. D. 1193)

Bill "An Act Amending the Charter of the City of Westbrook." (H. P. 1053) (L. D. 1194)

Bill "An Act to Incorporate the Augusta School District." (H. P. 1054) (L. D. 1195)

Bill "An Act Amending the Charter of the City of Auburn." (H. P. 1055) (L. D. 1197)

Which were severally referred to the Committee on Legal Affairs in concurrence.

Bill "An Act Relating to the Sale of Liquor on May Thirtieth." (H. P. 1056) (L. D. 1171)

Bill "An Act Relating to Credit Sales and Other Sales Forbidden in Liquor Laws." (H. P. 1057) (L. D. 1172)

Bill "An Act Relating to Expenses of Towns and Counties Relative to Hearings for Liquor Licenses." (H. P. 1058) (L. D. 1173)

Which were severally referred to the Committee on Liquor Control in concurrence.

"Resolve Authorizing the Commissioner of Education to Convey Certain Interest of the State to Town of Unity." (H. P. 1059) (L. D. 1196)

Which was referred to the Committee on Natural Resources in concurrence.

Bill "An Act Relating to Apprentices in Hairdressing and Beauty Culture." (H. P. 1060) (L. D. 1174)

Which was referred to the Committee on Public Health in concurrence.

Bill "An Act Relating to Number and Salary of Trustees of Brun-

wick and Topsham Water District." (H. P. 1061) (L. D. 1198)

Which was referred to the Committee on Public Utilities in concurrence.

Bill "An Act Relating to Sales Tax on Farm Machinery." (H. P. 1062) (L. D. 1199)

Bill "An Act Exempting from Sales Tax Motor Vehicle Not to be Registered in State." (H. P. 1063) (L. D. 1200)

Which were severally referred to the Committee on Taxation in concurrence.

Bill "An Act Relating to Costs of Children in Maine School for the Deaf." (H. P. 1064) (L. D. 1201)

Which was referred to the Committee on Towns and Counties in concurrence.

Bill "An Act Relating to Weight of Commercial Vehicles." (H. P. 1065) (L. D. 1164)

Which was referred to the Committee on Transportation in concurrence.

Bill "An Act Relating to Leases of Island Shores for Penobscot Tribe of Indians." (H. P. 1066) (L. D. 1165)

Bill "An Act Relating to Dividends and Interest for Penobscot Tribe of Indians." (H. P. 1067) (L. D. 1166)

Bill "An Act Relating to Medical Aid for Penobscot Tribe of Indians." (H. P. 1068) (L. D. 1167)

Which were severally referred to the Committee on Welfare in concurrence.

### House Committee Reports

The Committee on Inland Fisheries and Game on "Resolve, Closing Big Benson Pond, County of Piscataquis, to Ice Fishing," (H. P. 589) (L. D. 630) reported that the same ought to pass.

The same Committee on "Resolve, Closing Parker Pond, Cumberland County, to Ice Fishing," (H. P. 513) (L. D. 519) reported that the same ought to pass.

The same Committee on "Resolve, Regulating the Taking of Smelts in Little Big Wood Pond and Long Pond in Somerset County." (H. P.

268) (L. D. 303) reported that the same ought to pass.

The same Committee on "Resolve, Regulating Fishing in Sandy Stream and Heald Stream, in Jackman Plantation, Somerset County," (H. P. 218) (L. D. 245) reported that the same ought to pass.

The same Committee on Bill "An Act Relative to Moosehorn Game Preserve," (H. P. 512) (L. D. 518) reported that the same ought to pass.

The Committee on Public Health on Bill "An Act Relating to the Use of the Prefix 'Dr.' by Optometrists," (H. P. 76) (L. D. 85) reported that the same ought to pass.

The same Committee on Bill "An Act Repealing Law of Manufacture and Sale of Bedding and Upholstered Furniture," (H. P. 148) (L. D. 145) reported that the same ought to pass.

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

The Committee on Legal Affairs on Bill "An Act Amending the Charter of the Capitol Island Village Corporation," (H. P. 74) (L. D. 70) reported the same in a new draft (H. P. 1071) (L. D. 1150) under the same title, and that it ought to pass.

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

The Committee on Inland Fisheries and Game on "Resolve Regulating Fishing in Nubble Pond and Its Tributaries in Cumberland County," (H. P. 262) (L. D. 292) reported that the same ought to pass as amended by Committee Amendment "A". (Amendment Filing No. 43)

The same Committee on "Resolve, Regulating Fishing in Coffee Pond, Cumberland County," (H. P. 265) (L. D. 295) reported that the same ought to pass as amended by Committee Amendment "A". (Amendment Filing No. 44)

The Committee on Legal Affairs on Bill "An Act Establishing a Water Department of the Bridgton

Centre Village Corporation," (H. P. 190) (L. D. 201) reported that the same ought to pass as amended by Committee Amendment "A" (Amendment Filing No. 46)

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

The Committee on Labor on Bill "An Act Relating to Definition of Elevator under Board of Elevator Rules," (H. P. 185) (L. D. 180) reported that the same ought to pass.

Comes from the House, passed to be engrossed as amended by House Amendment "A". (Amendment Filing No. 40)

In the Senate, the report was read and accepted in concurrence, the bill read once, House Amendment A read and adopted in concurrence, and the bill as so amended was tomorrow assigned for second reading.

Report "A" from the Committee on Claims on "Resolve in Favor of Lloyd Sargent of Mt. Desert," (H. P. 209) (L. D. 1178) reported that the same ought to pass.

(signed)

Senators:

SILSBY of Hancock  
KAVANAGH

of Androscoggin

Representatives:

TUTTLE of Pownal  
BROWN of Bangor  
ALDEN of Gorham

Report "B" of the same Committee on the same subject matter reported that the same ought not to pass.

(signed)

Senator:

PARKER of Piscataquis

Representatives:

HUSSEY of Windsor  
WALKER of Calais  
FOGG of Madison  
POTTER of Medway

Comes from the House, Report "B" read and accepted.

In the Senate:

Mr. SILSBY of Hancock: Mr. President and members of the Senate, as a member of the Claims Committee and also one of the members who signed the Ought to Pass report I feel that it is only fair to inform you members of the Senate of the facts in this case and of the reasoning of the committee. Briefly, I would like to inform you of the facts and at the end of my remarks I will make a motion to indefinitely postpone Committee Report B.

In the first instance, we in the committee are not unmindful that we are a sub committee of both branches. We do not feel that it is our duty or privilege to make policies and you will note that this report is evenly divided. We are not unmindful that the last legislature, the 95th legislature, enacted a law in substance stating that no more claims would be paid by the State of Maine for damage by wild birds and beasts. Let us examine first the bill. I note that it is a printed bill, Legislative Document 1178, and I quote from the bill: "Resolved, that there be, and hereby is appropriated the sum of \$274.45 from the funds of the department of inland fisheries and game to be paid to Lloyd Sargent, of Mt. Desert, as a full and final settlement for his claim against the state for damage to his car by deer." And then the Statement of Facts: "This accident occurred on November 5th, 1952, in Bar Harbor, and was investigated by Game Warden Lyle E. Smith. A buck deer jumped into the car and there was no way to avoid hitting the animal.

The facts of the case as the committee understands them are that Mr. Sargent with his good wife was driving to his home in Bar Harbor from the pictures, as I understand, and on the road that leads to his home, known as the Indian Point Road, he and a buck deer collided. There isn't any question about that. Now, the game warden makes his report, and this is the declaration of the department itself, that on November 5th, 1952 at eleven-thirty in the evening, the accident occurred in Bar Harbor on an unnumbered highway. "How far could the driver see ahead?" "Three hundred

feet." "How far was the animal seen?" "Five feet." Then it goes on with the make of the car and so forth and it also states, by the officer, that the grill will have to be replaced by a new one, the radiator was badly damaged, two headlights badly damaged, the hood badly damaged and will have to be replaced by a new one, and two front fenders badly damaged; there was liability insurance but no collision insurance. The committee has seen the bill that was paid by Mr. Sargent which is in the amount as set fourth in the resolve. So much for the facts.

Now it has been, over a period of years as I understand, the policy of the legislature to pay certain claims and to turn down other claims. There have been some limitations as to the amount but I say to you that I do not believe the 95th legislature can tell the 69th legislature what they may or may not do by enacting a law such as in Section 54-B of the Public Laws of 1951, Chapter 33. I do believe that the 95th legislature by constitutional amendment can tell us what to do. It is wholly and totally advisory as the law is written.

Now over a period of years, since Maine has become a state, and even under the common law if I may indulge for a moment in the legal aspects, it has been held that if damage is done to us by another party and we in no way have contributed, we are entitled to recover. In this particular case it demands approval or disapproval, or in other words for this Body to tell the members of the Claims Committee what the policy will be. Shall we abide by the law of 1951 and disregard justice or shall we overlook the law and say that if any citizen of this state is damaged by a deer and that citizen at the time of the accident was in exercise of due care then he should be compensated for his damage? It has been said that some of these accidents are deliberate. I say to you that I cannot conceive of any man and his wife out to ride and deliberately running into a deer, in the first instance jeopardizing his life and the life of his wife, and foregoing the use of his automobile over the period of time that he must go without it.

I cannot believe any citizen would do that.

It has been said that we do not have any claims from truck owners. I can easily understand that. You don't hurt an automobile by throwing a basketball at it. Now if we were people adjudicating this claim and the defendant, which is the State of Maine—and I am analyzing the facts so that you gentlemen and lady can tell us your policy—if I asked anyone who has caused damage to my automobile to compensate me for the damage and he took the witness stand and testified that he jumped in front of my car at a distance of five feet, I would say to you, "How can you blame me for any contributory negligence?"

Now, these people are citizens. The deer is protected. I will not say what the policy is to be but it is up to the state; if we are protecting the deer, the policy they have used in the past has been to compensate the people for their actual out-of-pocket expense and if that is not to continue we would like to know it so that we may get rid of some other bills that are bothering us. We do not feel, or at least I do not as one of the five, that these cases—and I hope I am not indulging in repetition — that in these cases where there is no contributing negligence of the party who is injured, he should be precluded from being reimbursed for his actual out-of-pocket expenses. I firmly believe that he should be acting in good faith and I think the report by the officer, which we have just heard should be accepted as fact and as made in good faith, and that reports does not justify the committee in saying that Mr. Sargent contributed negligence.

Now, there is a grave distinction—and I want to be consistent because I may have other matters which may have to be discussed—there is a grave distinction between a claim against the State whereby the State says "We will not pay" and a claim where the State says, "We will pay, but under certain conditions." I think we have got to be very careful to differentiate between the two. But this is a claim where the State says, "We will not pay and we will not reim-

burse you under any circumstances," and that, members of the Senate, is not what we are here for. We are here for justice. We are here to answer the just needs of this State. We have no room for sympathy. It is wholly cold, hard facts.

Now, I could take quite a bit of time in discussing this matter but I believe in my humble way I have put the issue fairly before you all, and I hope by your vote that you will say to the Committee, "We are not going to pay any claims under any circumstances" or "We are going to pay claims when we feel that justice and good equity can be satisfied."

Mr. President, I move that Report "B" be indefinitely postponed.

Mr. DUNHAM of Hancock: Mr. President, I would like to ask through the Chair of the Senator from the good county of Hancock, if the insurance policy—whether or not he had one I don't know—if the insurance policy covered a claim of this sort?

The PRESIDENT: The Senator from Hancock, Senator Dunham has asked a question, through the Chair of the Senator from Hancock, Senator Silsby. The Senator has heard the question and may answer if he cares to.

Mr. SILSBY: Mr. President, if I understand my good colleague's question to mean could Mr. Sergeant recover under the policy which he had at that time, the answer is no, it was strictly a liability policy insuring him against what damage he may do to others. He did not have a collision insurance policy or deductible policy so to speak.

Mr. PARKER of Piscataquis: Mr. President and members of the Senate, it is with a great deal of reluctance that I rise to oppose my good friend, Senator Silsby of Hancock. Nevertheless being the lone Senator who signed the Report B on the bill, I find that in all honesty to myself I should at least state some of the reasons why I signed Report B.

As the good Senator indicated, the law regarding payment for damages to automobiles caused by deer, was repealed in 1951. There is not a county in the State of

Maine but what has had claims of this nature within the past two years and they have not asked to be reimbursed because that law was repealed. I know in my own county of Piscataquis, of three very worthy cases of this very same nature that were called to my attention. I was asked to file a claim with the Fish and Game Department at the time they occurred, and in all honesty to myself and to the Fish and Game Department, I had to tell these claimants that there was no redress. The law had been repealed and they would simply have to repair their own automobiles or trucks without any possible redress from the state.

I cannot believe that now we should select one claim and pay it and not do something about these other many claims all over the State of Maine, that certainly are as needy and as worthy as this one. I also believe that if we pay this claim, and I might say here that there are several other claims before the committee at this time, it is just opening the door to many claims from all over the State of Maine, claims that are just as worthy as the one we are discussing. I hope that when we vote, we will have a policy as a claims committee by which we can conduct our future business.

Mr. WIGHT of Penobscot: Mr. President and members of the Senate, I think you probably understand what the situation is at the present time; that the 95th legislature recognized that there had been some abuses in the claims presented to the Fish and Game Department in regard to deer and cars. That legislature took action whereby no other claims could be paid by that department. I made inquiry of that department and I found that there had been a great decrease in the number of animals struck by cars—ninety percent I believe it was—and now they are checking up to find out exactly.

We find no other state paying claims for this kind of damage. This will simply open the door to various other claims that are pending and will be brought into the legislature. So I feel that we should not open the door at this time. Furthermore the finances of the Fish and Game department are

not too good right now and I do not think that they should pay these claims. Therefore I shall oppose Senator Silsby's motion.

Mr. SILSBY of Hancock: Mr. President, I ask for a division.

The PRESIDENT: The question is on the motion of the Senator from Hancock, Senator Silsby that Report B "Ought Not to Pass" be indefinitely postponed. And that Senator has requested a division.

A division of the Senate was had.

Eight having voted in the affirmative and twenty-four opposed, the motion did not prevail.

Thereupon, Report B "Ought Not to Pass" was accepted in concurrence.

### Communication

STATE OF MAINE  
Director of Legislative Research  
Augusta

March 3, 1953.

Honorable Chester T. Winslow  
Secretary of the Maine Senate  
State House  
Augusta, Maine

Dear Mr. Winslow:

In accordance with Joint Order (S. P. 29) I submit herewith a list of bills and resolves in process of preparation by the office of the Director of Legislative Research:

From the list submitted on February 24, 1953, the following Acts and Resolves have been withdrawn.

No. 92. Public Laws, House, "An Act Relating to Insurance Commissioner as Member of Maine Development Commission."

No. 41. Resolves, House, "Resolve Closing Alder Brook, Aroostook County, to All Fishing."

No. 15. Private and Special Laws, House, "An Act Relating to Taxes Paid to the York Beach Village Corporation."

No. 52. Public Laws, Senate, "An Act Creating a State Scholarship Fund for Normal School and Teachers' College Students."

Respectfully,

SAMUEL H. SLOSBERG  
Director.

SSH:FP  
Attachment

Which communication and accompanying papers were read and ordered placed on file.



### Senate Papers

The following bills and resolve were transmitted by the Director of Legislative Research, and on recommendation by the Committee on Reference of Bills, were referred to the following committees:

#### Appropriations and Financial Affairs

Mr. Wight of Penobscot presented, by request Bill "An Act Relating to Group Life Insurance for State Employees." (S. P. 446)

(Ordered printed.)  
Sent down for concurrence.

#### Business Legislation

Mr. Dennett of York presented Bill "An Act Providing a Uniform Deposit Law for Insurance Companies." (S. P. 447)

(Ordered printed.)  
Sent down for concurrence.

#### Education

Mr. Broggi of York presented Bill "An Act Relating to Education in Unorganized Territory." (S. P. 448)

(Ordered printed.)  
Sent down for concurrence.

#### Highways

Mr. Greeley of Waldo presented Bill "An Act Relating to Town's Share for State Aid Reconstruction." (S. P. 449)

(Ordered printed.)  
Sent down for concurrence.

#### Judiciary

Mr. Reid of Kennebec presented "Resolve in Favor of a Retirement Allowance for Gertrude E. Durost of Mars Hill." (S. P. 450)

The same Senator presented "Resolve in Favor of a Retirement Allowance for Harriet McClaskey of South Portland." (S. P. 451)

The same Senator presented "Resolve in Favor of a Retirement Allowance for Donald Mathieson of Freedom." (S. P. 452)

The Same Senator presented "Resolve in Favor of a Retirement Allowance for Annie Pierce of Weeks Mills." (S. P. 453)

Mr. Haskell of Penobscot presented "Resolve for a Recess Committee to Study All Phases of the Maine State Retirement System and Related Titles of the Social Security Act." (S. P. 454)

(Each ordered printed.)  
Sent down for concurrence.

### Legal Affairs

Mr. Weeks of Cumberland presented Bill "An Act Relating to Licensing of Electricians." (S. P. 455)

(Ordered printed.)  
Sent down for concurrence.

### Public Health

The same Senator presented Bill "An Act Relating to Apprentice Barbers." (S. P. 456)

(Ordered printed.)  
Sent down for concurrence.

### Taxation

Mr. Broggi of York presented Bill "An Act to Exempt Automobiles Used in Driver Education Program from the Sales and Use Tax." (S. P. 457)

(Ordered printed.)  
Sent down for concurrence.

### Towns and Counties

Mr. Jamieson of Aroostook presented Bill "An Act Relating to Expending Aroostook County Funds for Ricker College." (S. P. 458)

Mr. Parker of Piscataquis presented Bill "An Act Relating to Collection of Excise Taxes in Unorganized Territory." (S. P. 459)

(Each ordered printed.)  
Sent down for concurrence.

### Order

Mr. Haskell of Penobscot presented the following Order and moved its passage.

ORDERED, the House concurring, that the Joint Select Committee appointed by authority of Joint Order S. P. 157 relative to apportionment of representatives, shall be known as the Committee on Re-apportionment.

Mr. HASKELL, of Penobscot: Mr. President, in speaking to the motion that the Order have passage, I would assure the Senate that there is no sinister motive. It simply reflects the feeling of the two distinguished perfectionists, Mr. Winslow and Mr. Pease, who find that the record is continually and completely being confused between the words apportion and re-apportionment. This order simply assures them that we will all land on one word. That is all that the Order intends to do.

Thereupon, the Order received a passage.

Sent down for concurrence.

#### Senate Committee Reports

Mr. Harding from the Committee on Judiciary on "Resolve Proposing an Amendment to the Constitution to Elect Secretary of State, Treasurer of State and Attorney General by the People" (S. P. 176) (L. D. 415) reported that the same ought not to pass.

Mr. BOUCHER of Androscoggin: Mr. President, before that report is accepted, I would like to briefly address the Senate. I presented these three bills, Items 1, 2, and 3, which are practically the same nature, but had to be divided so I was told by Mr. Slosberg, so that they could be legally introduced into the legislature.

Either I did not make a good representation to the committee or I am way ahead of my time and should have waited about fifty years and sent one of my sons up here to present them. At least I have one consolation, one of my bills has a split report this morning. That is to elect the members of the Council. So you see, I am making progress. So long as I come back here I shall put these bills in and with great pleasure because I believe that this is the democratic way — to elect our state officials. I have not changed my mind. Apparently the committee in its wisdom thought I was wrong and I am willing to bow to the ruling power and admit that they have the right to report these bills out "Ought Not to Pass", but they cannot change my mind.

Thereupon, the "Ought Not to Pass" report of the committee was accepted.

Sent down for concurrence.

The same Senator from the same Committee on Bill "An Act Relating to Election of Commissioner of Agriculture and State Auditor by the People," (S. P. 174) (L. D. 416) reported that the same ought not to pass.

Which report was read and accepted.

Sent down for concurrence.

The same Senator from the same Committee on Bill "An Act Provid-

ing for the Election of all State Officials by the People," (S. P. 173) (L. D. 417) reported that the same ought not to pass.

Mr. BOUCHER of Androscoggin: Mr. President, I just want to call to the attention of the Senate that it is not a pleasure for me but I will go along with this report.

Thereupon, on motion by Mr. Haskell of Penobscot, a division of the Senate was had.

18 voted in the affirmative and 9 opposed.

Mr. BOUCHER: Mr. President, and members of the Senate, I sincerely thank you from the bottom of my heart for the very nice gesture made by Senator Haskell. I assure you that I appreciate it. It is another sign that I am making headway.

Eighteen having voted in the affirmative and nine opposed, the "Ought Not to Pass" report of the committee was accepted.

Sent down for concurrence.

Mr. Jamieson from the Committee on Transportation on Bill "An Act Relating to Insurance Coverage Required Under the Financial Responsibility Law," (S. P. 117) (L. D. 316) reported the same in a new draft (S. P. 460) under the same title, and that it ought to pass.

Which report was read and accepted, and the bill in new draft laid upon the table for printing under Joint Rule No. 10.

Mr. Reid from the Committee on Judiciary on Bill "An Act Relating to Corporate Powers of Railroad Corporations," (S. P. 171) (L. D. 418) reported that the same ought to pass.

Mr. Broggi from the Committee on Towns and Counties on Bill "An Act Relating to Salary of Judge of Probate of Kennebec County," (S. P. 193) (L. D. 441) reported that the same ought to pass.

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

Mr. Chase from the Committee on Taxation on Bill "An Act Amending the Sales and Use Tax Law as Respects Registration and Other Matters," (S. P. 116) (L. D.

319) reported that the same ought to pass as amended by Committee Amendment "A".

Mr. CHASE of Cumberland: Mr. President, this is a bill amending the Sales and Use Tax law with respect to registration and other matters. When the bill was heard by the committee and explained by the Department of Taxation, there was no objection offered to any of its provisions. The explanation of the State Tax Assessor has been distributed this morning in three mimeographed pages. While it is the committee's wish to move these bills along as expeditiously as possible, there is plenty of time to make sure that each member of the legislature understands what is contemplated in these changes and if there are such questions in relation to this bill, I shall be very glad to confer with any Senator along with the State Tax Assessor in order that there may be complete understanding of this committee report.

Thereupon, the report was accepted and the bill read once; Committee Amendment A was adopted without reading and the bill as so amended was tomorrow assigned for second reading.

The Majority of the Committee on Judiciary on "Resolve Proposing an Amendment to the Constitution to Provide for Election of Members of the Executive Council," (S. P. 110) (L. D. 314) reported that the same ought not to pass.

(signed)

Senators:

REID of Kennebec  
WARD of Penobscot  
HARDING of Knox

Representatives:

McGLAUFLIN of Portland  
FULLER of Bangor  
MARTIN of Augusta  
TRAFTON of Auburn  
LOW of South Portland

The Minority of the same Committee on the same subject matter, reported that the same ought to pass.

(signed)

Representatives:

CIANCHETTE of Pittsfield  
FITANIDES of Saco

On motion by Mr. Dunham of Hancock, the resolve and accompanying papers were laid upon the table pending consideration of the reports.

The Majority of the Committee on Judiciary on "Resolve Proposing an Amendment to the Constitution to Elect Members of the Executive's Council by the People," (S. P. 175) (L. D. 437) reported that the same ought not to pass.

(signed)

Senators:

REID of Kennebec  
WARD of Penobscot  
HARDING of Knox

Representatives:

McGLAUFLIN of Portland  
FULLER of Bangor  
MARTIN of Augusta  
TRAFTON of Auburn  
LOW of South Portland

The Minority of the same Committee on the same subject matter reported that the same ought to pass.

(signed)

Representatives:

FITANIDES of Saco  
CIANCHETTE of Pittsfield

On motion by Mr. Boucher of Androscoggin, the resolve and accompanying papers were laid upon the table pending consideration of the reports.

The Majority of the Committee on Judiciary on Bill "An Act Relating to Number of Signatures on Certain Nomination Papers," (S. P. 129) (L. D. 338) reported that the same ought to pass as amended by Committee Amendment "A".

(signed)

Senators:

REID of Kennebec  
WARD of Penobscot  
HARDING of Knox

Representatives:

FULLER of Bangor  
MARTIN of Augusta  
TRAFTON of Auburn  
LOW of South Portland  
CIANCHETTE of Pittsfield

The Minority of the same Committee on the same subject matter

reported that the same ought not to pass.

(signed)

Representatives:

McGLAUFILIN of Portland  
FITANIDES of Saco

Thereupon, the Majority Report "Ought to Pass as amended by Committee Amendment A" was read and adopted, the bill read once; Committee Amendment A was read as follows:

Committee Amendment A to L. D. 338. Amend said bill by striking out in the next to the last line thereof the underlined figure "5" and inserting in place thereof the underlined figure "1".

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

#### Passed to be Engrossed

Bill "An Act Relating to Transportation of Fish from Moosehead Lake." (H. P. 27) (L. D. 21)

"Resolve Authorizing the State Tax Assessor to Convey by Sale Certain Interest of the State in Lands in the Unorganized Territory." (H. P. 146) (L. D. 144)

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

Bill "An Act to Amend the Exemption in the Sales and Use Tax Law Respecting Hospitals." (S. P. 72) (L. D. 156)

(On motion by Mr. Hanson of Washington, tabled pending passage to be engrossed.)

Bill "An Act to Prevent Multiple Sales or Use Taxes." (S. P. 73) (L. D. 157)

Bill "An Act Relating to the Examination of Insurance Agents." (S. P. 106) (L. D. 306)

Bill "An Act Authorizing the Construction of an Intake Structure and the Taking of Water from Craig Pond, Hancock County." (S. P. 115) (L. D. 329)

Bill "An Act Relating to the Bangor Public Library." (S. P. 124) (L. D. 333)

Bill "An Act to Amend the Charter of Great Northern Paper Company, Formerly Northern Development Company." (S. P. 125) (L. D. 334)

Bill "An Act Relating to the Consolidation of Merger of Wholly Owned Subsidiaries Into Their Parent Corporation." (S. P. 126) (L. D. 335)

Bill "An Act Relating to Suspension and Revocation of Liquor Licenses." (S. P. 135) (L. D. 322)

Bill "An Act to Clarify the Sales and Use Tax Law." (S. P. 141) (L. D. 341)

(On motion by Mr. Ward of Penobscot, tabled pending passage to be engrossed.)

"Resolve Directing Review of Property Tax Statutes." (S. P. 189) (L. D. 428)

Bill "An Act Relating to Insects and Diseases of Trees." (S. P. 210) (L. D. 546)

Bill "An Act to Clarify the Exemption from Sales and Use Tax of Prescribed Medicines." (S. P. 211) (L. D. 547)

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

Sent down for concurrence.

Bill "An Act Relating to Financial Responsibility." (S. P. 61) (L. D. 125)

Bill "An Act Relating to Liability for Wilfully Injuring or Killing Dogs." (S. P. 128) (L. D. 337)

Bill "An Act Relating to the Advisory Council of Health and Welfare." (S. P. 119) (L. D. 317)

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

Sent down for concurrence.

#### Orders of the Day

The President laid before the Senate the "Ought Not to Pass" report from the Committee on Judiciary on Resolve Proposing an Amendment to the Constitution Changing the Tenure of Office of Governor to Four-Year Terms (S. P. 31) (L. D. 34) tabled by that Senator on February 24th by Mr. Chapman of Cumberland, pending consideration.

Mr. CHAPMAN of Cumberland: Mr. President and fellow members of the Senate, this particular proposal is not a new one to any of us. As a matter of fact, we rather jokingly refer to it as one of the "old chestnuts". Nevertheless, it is my feeling that it is a very sound

proposition, it is a sound proposal, particularly from the point of view of the intellectual ideal it proposes to establish relating to the tenure of office of Governor in our state. There has been over a period of years a large growing interest in changing our system for election of the Governor from two terms of two years to one term of four years without the power to succeed himself, on the part of the given Governor who serves. Nevertheless, as I say, despite the fact there has been much interest and I have felt it and I think you people have felt it—I think we began to feel, and I know it is true in my instance—I think this interest has been shown this year and perhaps the last couple of years on the part of intellectual individuals and those who have an academic approach to State government, and perhaps we on this level have a different viewpoint, and I will say a word about it in a minute.

There has been a general trend toward the four-year term. There are a few general reasons and a lot of corollary ones. I will mention the general ones and pass over those of minor consideration. The chief reason for this proposal is it would obviate the necessity of a very busy Governor in a very busy administration from taking out a material amount of his time, spending his money and money of personal friends and that of his supporters and also money of the Party to run for a second term, which is almost an acknowledged fact from the start. Again, historical experience over the last 50 years has indicated that no matter what has happened during the first term the general trend has been to re-elect the same Governor. It has not been universally so. There were split terms before this century—up to 1920 we had three and since then one in this state, but the general trend has been an acceptance of the Governor for a second term.

The second chief reason for this proposal is that the proponents felt it would take the political flavor away from the activities of the first term if the chief executive were assured of a four year term and if he could get down to busi-

ness for business' sake and perform the duties of state government, the obligations upon him, and not have to be worrying about a second term during the first two years. Well, without going into detail I think I can point it out to you that those of us here and also at the other end of the third floor here know there is a lot of merit to that kind of a suggestion.

Nevertheless, confining myself to the particular proposal of this bill, Legislative Document 34, before us today in 1953 in this legislative session, I have a slightly different viewpoint, which I will explain to you now. This bill was fully heard, discussed, has been before the Judiciary Committee and heard by ten men, good and true, all brothers of my own profession, conservative, sound men, and the members of that revered and influential committee reported unanimously "ought not to pass". I am not afraid to run in the face of a unanimous report, but I think there is a reason for their report and I think the reason is briefly this: In the last several years, the last two or three years particularly, there has been a general uneasiness because of certain unsavory and unfortunate things which have taken place, a general uneasiness regarding the performance of elective officers, and because of this, even though this ideal is a sound one and I am for it, it seems inappropriate to urge it at this time. People want a much closer, more direct and more frequent review of the activities of the Governor and of ourselves, because of the events I speak of. I only have to mention them, and the rest you know. And also because the need for this bill or this proposal has been discussed it has not articulated to a point where it seems to be a pressing need. In other words, we have not had 40 or 50 people come before the committee to urge this viewpoint on us as we do in certain other bills.

Because I think it is inappropriate to urge passage of this bill at this time, even though I am the sponsor of it, I am going to move, Mr. President, that the unanimous report of the committee be accepted.

Thereupon, the report of the committee, "ought not to pass" was accepted.

Sent down for concurrence.

The PRESIDENT: The Senate

is proceeding under Orders of the Day.

On motion by Mr. Haskell of Penobscot

Adjourned until tomorrow afternoon at one-thirty o'clock.