

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, April 22, 1953

The Senate was called to order by the President.

Prayer by the Rev. George F. Bolster of Gardiner.

Journal of Friday, April 17, 1953, read and approved.

House Papers:

Bill "An Act Relating to the Sales Tax on Motor Vehicles." (S. P. 509) (L. D. 1388)

(In Senate, on April 15, passed to be engrossed, without amendment, in concurrence.)

Comes from the House, engrossing having been reconsidered under suspension of the rules, and the bill as amended by House Amendment "E" as amended by House Amendment "A" thereto, was passed to be engrossed in non-concurrence.

In the Senate, on motion by Mr. Chase of Cumberland, the Senate voted to recede and concur with the House; and on motion by Mr. Cummings of Sagadahoc, the bill was sent forthwith to the engrossing department.

"Resolve, in Favor of Wesley Ramsay, of South Portland." (S. P. 245) (L. D. 1438)

(In Senate, on April 9, passed to be engrossed.)

Comes from the House, engrossing reconsidered under suspension of the rules, House Amendment "A" adopted, and the resolve, as so amended, passed to be engrossed, in non-concurrence.

In the Senate, on motion by Mr. Weeks of Cumberland, the Senate voted to recede and concur with the House.

Bill "An Act Relating to Expenditure of Potato Tax Funds." (H. P. 1253) (L. D. 1462)

Which was received by unanimous consent and on motion by Mr. Fuller of Oxford, tabled pending reference to a committee.

"Resolve to Create a Special Committee to Study Safeguards in Construction Projects." (S. P. 536) (L. D. 1441) (New draft of S. P. 50, L. D. 78)

(In the Senate, on April 16, passed to be engrossed.)

Comes from the House, indefinitely postponed in non-concurrence.

In the Senate, on motion by Mr. Reid, tabled pending consideration and especially assigned for later today.

The PRESIDENT: This being the day assigned for the taking of the Senate picture, is it now the pleasure of the Senate, that the Senate stand at recess for the purpose of taking the picture?

Thereupon, the Senate recessed.

After Recess

The Senate was called to order by the President.

House Committee Reports:

The Committee on Claims on "Resolve, in Favor of the Town of Castle Hill," (H. P. 208) (L. D. 1456) reported that the same ought to pass.

The Committee on Judiciary on Bill "An Act Relating to the State Personnel Board," (H. P. 654) (L. D. 697) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Appointment of Recorder of Eastport Municipal Court," (H. P. 972) (L. D. 1060) 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 Business Legislation to which was recommitted Bill "An Act Relating to Examination of Domestic Insurance Companies," (H. P. 315) (L. D. 387) reported the same in a new draft (H. P. 1250) (L. D. 1458) under the same title, and that it ought to pass.

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

The Committee on Public Utilities on Bill "An Act Relating to Fluoride in Public Water Supplies," (H. P. 762) (L. D. 797) reported the same in a new draft (H. P. 1251) (L. D. 1459) under the same title, and that it ought to pass.

On motion by Mr. Weeks of Cumberland, tabled pending consideration of the committee report.

The Committee on Business Legislation to which was recommitted Bill "An Act Relating to Deception as to Prices of Engine Fuel or Lubricating Oils," (H. P. 1014) (L. D. 1135) reported that the same in a new draft (H. P. 1252) (L. D. 1460) under a new title, Bill "An Act Relating to Deception as to Prices of Motor Vehicle Fuel," and that it ought to pass.

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

The Committee on Welfare on "Resolve, Providing for an Increase in State Pension for Clarence Thomas of Rumford Point," (H. P. 776) reported that leave be granted to withdraw the same.

Which report was read and accepted in concurrence.

The Committee on Judiciary on Joint Resolution Rescinding the Vote Taken by the 90th Legislature in 1941 Proposing an Amendment to the Constitution of the United States Relative to Taxes on Incomes, Inheritances and Gifts," (H. P. 1240) (L. D. 1443) reported that the same ought to be adopted.

Which report was read and accepted in concurrence, and the resolution was adopted in concurrence.

The Committee on Appropriations and Financial Affairs on "Resolve, for Repairs of Church and Convent at Peter Dana Point and Old Schoolhouse Used for Religious Purposes at Princeton," (H. P. 483) (L. D. 502) reported that the same ought to pass as amended by Committee Amendment "A".

(Amendment Filing 358)

The same Committee on Bill "An Act Relating to the Salary of the Reporter of Decisions," (H. P. 630) (L. D. 653) reported that the same ought to pass as amended by Committee Amendment "A".

(Amendment Filing 357)

The Committee on Claims to which was recommitted "Resolve to Reimburse the Town of Millinocket for Supplies Furnished the Warren

Dorr Family," (H. P. 62) (L. D. 59) reported that the same ought to pass as amended by Committee Amendment "A".

(Amendment Filing 359)

The same Committee on "Resolve, in Favor of the City of Auburn," (H. P. 491) (L. D. 510) reported that the same ought to pass as amended by Committee Amendment "A".

(Amendment Filing 360)

The Committee on Judiciary on Bill "An Act Relating to Duties of Parole Board," (H. P. 824) (L. D. 855) reported that the same ought to pass as amended by Committee Amendment "A".

(Amendment Filing 310)

(On motion by Mr. Reid of Kennebec, tabled pending consideration of the Committee report.)

The same Committee to which was recommitted Bill "An Act Relating to Penalty for Selling Narcotic Drugs to Minors," (H. P. 334) (L. D. 401) reported that the same ought to pass as amended by Committee Amendment "A".

(Amendment Filing 361)

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

The Committee on Welfare on "Resolve, Providing for an Increase in State Pension for Mary McMahon of Eastport," (H. P. 889) reported that the same be referred to the Committee on Judiciary.

Which report was read and accepted in concurrence.

The Committee on Taxation on Bill "An Act Relating to Taxation of Domestic Powl," (H. P. 945) (L. D. 987) reported that the same ought not to pass.

Comes from the House, indefinitely postponed.

In the Senate, the "Ought Not to Pass" report was accepted.

The Committee on Appropriations and Financial Affairs on "Resolve, to Loan Funds from the Unappropriated Surplus for the Construction of an International Ferry Terminal," (H. P. 311) (L. D. 383) reported the same in a new draft (H.

P. 1249) (L. D. 1457) under the same title, and that it ought to pass.

Comes from the House, the report read and accepted, and the resolve in new draft passed to be engrossed, as amended by House Amendment "A".

(Amendment Filing 365)

In the Senate, the report was read and accepted in concurrence and the resolve read once; House Amendment "A" was adopted in concurrence without reading and the bill as so amended was tomorrow assigned for second reading.

The Committee on Taxation on Bill "An Act to Clarify and Amend the Sales and Use Tax, as Respects Manufacturers," (H. P. 766) (L. D. 801) reported the same in a new draft (H. P. 1231) (L. D. 1425) under the same title, and that it ought to pass.

Comes from the House, the bill in new draft indefinitely postponed.

In the Senate, on motion by Mr. Chase of Cumberland, tabled pending consideration of the report.

The Majority of the Committee on Appropriations and Financial Affairs on "Resolve, in Favor of Northern Maine General Hospital, of Eagle Lake" (H. P. 1077) (L. D. 1216) reported that the same ought not to pass.

(Signed)

Senators:

COLLINS of Aroostook
SINCLAIR of Somerset
HASKELL of Penobscot

Representatives:

JACOBS of Auburn
CAMPBELL of Guilford
COLE of Liberty
CATES of Machias
DAVIS of Harrison

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

(Signed)

Representatives:

BURGESS of Limestone
JALBERT of Lewiston

Comes from the House, the Majority Report read and accepted.

In the Senate, on motion by Mr. Collins of Aroostook, the Majority "Ought Not to Pass" Report was read and accepted in concurrence.

Report "A" of the Committee on Judiciary on "Resolve Proposing an Amendment to the Constitution Changing the Date of the General Election," (H. P. 597) (L. D. 637) reported that the same ought to pass.

(Signed)

Representatives:

CIANCHETTE of Pittsfield
FITANIDES of Saco
MARTIN of Augusta
TRAFTON of Auburn
FULLER of Bangor

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

(Signed)

Senators:

REID of Kennebec
WARD of Penobscot
HARDING of Knox
LOW of South Portland
McGLAUFFLIN of Portland.

Comes from the House, Report "A" read and accepted, and the bill passed to be engrossed.

In the Senate:

Mr. DENNETT of York: Mr. President and members of the Senate, I move the acceptance of Report A, the Ought to Pass report of the committee.

The motion prevailed and the "Ought to Pass" report, Report A, was accepted in concurrence, and the bill read once.

Mr. DENNETT: Mr. President, I now move that the rules be suspended and the resolve be given its second reading at this time. In support of this motion I will state that there is no intention of sending this resolve to the other Branch forthwith, but rather that this resolve proceed in an orderly manner to the other Body where it may be given the careful consideration that this resolve merits.

Thereupon, the rules were suspended, the resolve was given its second reading and passed to be engrossed in concurrence.

The Majority of the Committee on Public Utilities on Bill "An Act Creating the Old Orchard Beach Sewerage District," (H. P. 279) (L. D. 266) reported the same in a new draft (H. P. 1225) (L. D. 1413) un-

der the same title, and that it ought to pass.

(signed)

Senators: SQUIRE of Kennebec
Representatives:

TUTTLE of Pownal
OSBORNE of Fairfield
LOVELY of Westfield
SCOTT of Alfred

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

(signed)

Senators: HARDING of Knox
COLLINS of Aroostook

Representatives:

O'DELL of Eastport
ARCHER of Brewer

Comes from the House, the Majority Report read and accepted, and the bill passed to be engrossed as amended by House Amendment "A".

In the Senate, on motion by Mr. Squire of Kennebec, the Majority "Ought to Pass" report was accepted in concurrence and the bill read once; House Amendment A was read and adopted in concurrence, and the bill as so amended was tomorrow assigned for second reading.

The Majority of the Committee on Bill "An Act Relating to Undesirable Political Activities," (H. P. 1192) (L. D. 1359) reported that the same ought not to pass.

(signed)

Senators: REID of Kennebec
WARD of Penobscot
HARDING of Knox

Representatives:

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

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

(signed)

Representatives:
FITANIDES of Saco

Comes from the House, both reports and bill indefinitely postponed.

In the Senate, on motion by Mr. Boucher of Androscooggin, tabled pending consideration of the reports.

Communication

STATE OF MAINE
House of Representatives
Office of the Clerk
Augusta

April 21, 1953

Hon. Chester T. Winslow
Secretary of the Senate
96th Legislature

Sir:

The Speaker of the House has appointed the following Conferees on the part of the House on the disagreeing action of the two branches of the Legislature on

Resolve Regulating Ice Fishing in Hopkins Pond, Penobscot County (H. P. 99) (L. D. 101):

Messrs. ARCHER of Brewer
CATES of East Machias
WHITNEY of Bridgton

and on

Resolve, Relating to Ice Fishing in Peabody Pond, Cumberland County (H. P. 66) (L. D. 62):

Messrs. DAVIS of Harrison
WHITNEY of Bridgton
MOULTON of Sweden

Respectfully,

HARVEY R. PEASE

HRP/rwb Clerk of the House

Which was read and ordered placed on file.

Order

On motion by Mr. Ward of Penobscot, it was

ORDERED, the House concurring that

WHEREAS, the Committee on Judiciary in executive session, has unanimously concluded that a minor amendment to chapter 79, "County Officers" should have legislative consideration and

WHEREAS the amendment relates only to mechanics of filing of deeds of conveyance and requires no public hearing, be it therefore

ORDERED that the Committee on Judiciary may forthwith present such a measure under title of "An

Act Relating to Waiver of Restrictive Provisions in Deeds".

First Reading of a Printed Bill

"Resolve in Favor of the Madawaska Training School." (S. P. 543) (L. D. 1461)

Which was read once and tomorrow assigned for second reading.

Senate Committee Reports

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act to Amend the Bracket Schedule in the Sales and Use Tax Law," (S. P. 191) (L. D. 439) reported that they are unable to agree.

Which report was read and accepted.

Sent down for concurrence.

Mr. Haskell from the Committee on Appropriations and Financial Affairs on Bill "An Act Relating to Salaries of Members of Superior Court," (S. P. 388) (L. D. 1099) reported that the same ought not to pass.

(On motion by Mr. Broggi of York, tabled pending consideration of the report.)

The same Senator from the same Committee on Bill "An Act Increasing Salaries of Members of Supreme Judicial Court," (S. P. 389) (L. D. 1095) reported that the same ought not to pass.

(On motion by Mr. Broggi of York, tabled pending consideration of the report.)

Mr. Dunham from the Committee on Highways on "Resolve Reimbursing Ira B. Hagan of Ellsworth Falls, for Storage of State Highway Equipment," (S. P. 350) (L. D. 963) reported that the same ought not to pass.

Which report was read and accepted and sent down for concurrence.

Mr. Reid from the Committee on Judiciary to which was recommitted Bill "An Act Relating to Evidence Before Grand Jury," (S. P. 407) (L. D. 1112) reported that the same ought not to pass.

On motion by Mr. Harding of Knox, tabled pending consideration of the report.

Mr. Haskell from the Committee on Appropriations and Financial Affairs on Bill "An Act Relating to Retirement Compensation of Members of Superior Court and Their Widows," (S. P. 390) (L. D. 1098) reported the same in a new draft (S. P. 551) under the same title, and that it ought to pass.

The same Senator from the same Committee on Bill "An Act Relating to Retirement Compensation of Members of Supreme Judicial Court and Their Widows," (S. P. 391) (L. D. 1097) reported the same in a new draft (S. P. 552) under the same title, and that it ought to pass.

Mr. Collins from the same Committee on "Resolve Providing for Certain Construction at Portland Municipal Airport," (S. P. 284) (L. D. 818) reported the same in a new draft (S. P. 553) under the same title, and that it ought to pass.

Which reports were severally read and accepted, and the bills and resolve in new draft were laid upon the table for printing under Joint Rule 10.

Mr. Ward from the Committee on Labor on Bill "An Act to Clarify the Employment Security Law," (S. P. 356) (L. D. 967) reported that the same ought to pass as amended by Committee Amendment "A".

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

The Majority of the Committee on Labor on Bill "An Act Relating to Compensation for Specified Injuries under the Workmen's Compensation Law," (S. P. 62) (L. D. 131) reported that the same ought not to pass.

(Signed)

Senators:

WARD of Penobscot
REID of Kennebec

Representatives:

COUTURE of Lewiston
SMALL of Mexico
WEST of Stockton Springs
CASWELL of New Sharon
LEGARD of Bath
GATES of Millinocket

The Minority of the same Committee on the same subject matter

reported that the same ought to pass.

(Signed)

Senator:

ST. PIERRE of Androscoggin

Representative:

LETOURNEAU of Sanford

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

Passed to Be Engrossed

Bill "An Act Relating to Acquisition of Schoolhouse Lots by Condemnation." (H. P. 269) (L. D. 297)

Bill "An Act Amending the Maine School Building Authority." (H. P. 522) (L. D. 556)

Bill "An Act Relating to Exemptions from Taxation of Veterans." (H. P. 1234) (L. D. 1428)

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

Bill "An Act Relating to Removal of Bodies to Crematories." (H. P. 989) (L. D. 1077)

Bill "An Act Relating to the State Board of Examiners of Funeral Directors and Embalmers." (H. P. 990) (L. D. 1078)

Bill "An Act Relating to Revolving Fund for Administration of Social Security for Political Subdivisions of State" (H. P. 1007) (L. D. 1134)

(On motion by Mr. Boucher of Androscoggin, tabled pending passage to be engrossed.

"Resolve Regulating White Perch Fishing in Lake Auburn, Sabattus Pond, and Little Sabattus Pond." (H. P. 1047) (L. D. 1188)

Bill "An Act Relating to Appropriation for Unorganized Territory Capital Working Fund." (H. P. 1073) (L. D. 1213)

Bill "An Act Relating to Persons Treating for Gunshot Wounds." (H. P. 1094) (L. D. 1228)

Bill "An Act Relating to the Registration and Practice of Osteopathic Physicians and Surgeons." (H. P. 1111) (L. D. 1246)

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

Bill "An Act to Provide for the Observance of Legal Holidays." (H. P. 819) (L. D. 850)

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 Duties of Clerk of the Lewiston Municipal Court." (S. P. 177) (L. D. 436)

Bill "An Act to Correct Errors and Inconsistencies in the 1944 Revision, and the Session Laws of 1945, 1947, 1949 and 1951." (S. P. 490)

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

Sent down for concurrence.

Bill "An Act to Validate Acceptance by the Town of Bristol of a Contract with Maine School Building Authority." (S. P. 514) (L. D. 1401)

On motion by Mr. Reid of Kennebec, the bill was given its second reading, passed to be engrossed, and sent forthwith to the House for concurrence.

"Resolve Authorizing Treasurer of State to Convey Interest of the State in Property in Portland to Frank and K. Louise Bieske." (S. P. 518) (L. D. 1406)

Bill "An Act Relating to Apprentice Barbers." (S. P. 539) (L. D. 1453)

Bill "An Act Declaring All Court Papers, Books and Records Pertaining to Adoption Confidential and Providing for Release Thereof." (S. P. 541) (L. D. 1454)

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

Sent down for concurrence.

Bill "An Act Relating to Joint Tenancies Between Husband and Wife." (H. P. 1246) (L. D. 1452)

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

Sent down for concurrence.

Emergency Measure

Bill "An Act to Control Vesicular Diseases." (S. P. 465) (L. D. 1296)

Mr. COLLINS of Aroostook: Mr. President, in view of the fact that

this carries an appropriation both from surplus and current revenue, I move that it lie on the table and be placed in that section of the journal which is reserved for Appropriation and Financial affairs.

The motion to table prevailed.

Orders of the Day

The President laid before the Senate, House Report from the Committee on Towns and Counties Ought Not to Pass on Bill, An Act Relating to Expenses of Maintaining Burying Grounds in Unorganized Territory (H. P. 947) (L. D. 1001), tabled by the Senator from Piscataquis, Senator Parker, on April 9 pending consideration of report, and today assigned.

Mr. PARKER of Piscataquis: Mr. President and members of the Senate, very briefly I would like to explain, first of all, that this bill was introduced in the other Body by a member of the Body from my county. I would also like to explain to the members of the Senate that on Page 1042 of the 1944 Revised Statutes under Chapter 54 and Section 5, that there has been enacted and put upon the statutes of our state an act that reads like this: "The county commissioners of any county in which there is an unincorporated place or places wherein are any ancient or public burying grounds shall cause the same to be suitably fenced and thereafter maintained. They shall also cause the burying grounds aforesaid to be kept in proper condition and any bushes therein to be cut."

The County Commissioners in the various counties in the State of Maine, under that act are required to perform a duty in unincorporated places and there is no provision whereby they may assess funds to comply with that statute. I might say that I have looked through the various State laws that have been passed since 1944 and there has not ever been an amendment to this act.

Mr. President, I am going to move at the end of my remarks that the bill be substituted for the report. Previous to that I want to say that if this motion is carried I will offer an amendment whereby this L. D. 1001 will apply only in Piscataquis

County. I have been led to believe that if that amendment is also carried it will meet with the approval of the committee and I have been led to believe that those in the other Body who objected to the original bill will change their opinion because of this amendment.

In our county we have three de-organized towns. In those three towns there are five burying grounds or cemeteries that have been very well kept up through the years, but since the towns became de-organized they are not being cared for properly. There are bushes growing on many of the lots, and the county commissioners who under this act are required to cut bushes in keeping the burying grounds and cemeteries in proper condition are unable to do that because there is no method under which they can assess funds for that purpose.

Therefore, Mr. President, I move that the bill be substituted for the report.

Mr. WARD of Penobscot: Mr. President and members of the Senate, I happen to be one of the members of the Committee on Towns and Counties, who reported this bill out "Ought Not to Pass." I have examined the amendment which the Senator from Piscataquis, Senator Parker, proposes to offer and so far as I am concerned it overcomes my objections to the bill and I am perfectly content to go along with this motion.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Piscataquis, Senator Parker, that the bill be substituted for the "Ought Not to Pass" report of the committee. Is that the pleasure of the Senate?

Thereupon, the bill was substituted for the report and given its first reading.

Mr. Parker of Piscataquis presented Amendment A and moved its adoption:

Senate Amendment "A" to H. P. 947, L. D. 1001, Bill "An Act Relating to Expenses of Maintaining Burying Grounds in Unorganized Territory."

Amend said bill by adding at the end of the title the words "in Piscataquis County"

Further amend said bill by striking out the emergency preamble.

Further amend said bill by striking out everything after the enacting clause and inserting in place the following:

"R. S., c. 54, § 5, amended. Section 5 chapter 54 of the revised statutes is hereby amended by adding at the end thereof the following:

'All expenses and costs incurred in Piscataquis county while carrying out the provisions of this section shall annually be assessed, by the county commissioners of Piscataquis county, against the estates of said county.'"

Senate Amendment A was adopted without reading and the bill as so amended was tomorrow assigned for second reading.

The President laid before the Senate Senate Report "Ought Not to Pass" from the Committee on Appropriations and Financial Affairs on Resolve to Provide for A Survey of Mentally Handicapped Persons (S. P. 241) (L. D. 666), tabled by the Senator from Oxford, Senator Fuller, on April 17th pending consideration of the report, and today assigned.

Mr. FULLER of Oxford: Mr. President and members of the Senate, in deference to the substantial number of people who are interested in this problem and to people who appeared at the hearing and spoke in its behalf, I would ask the indulgence of the Senate for a few minutes to explain the purpose of the resolve. Briefly, it provides for a survey of mentally handicapped persons between the ages of five and twenty-one, to study the needs of these persons and to recommend the type of training that might help to make these people useful members of society. It is thought that it is very possible that an economy to the State might be effected if a program of rehabilitation similar to what is being carried on in the State in our physically handicapped program were adopted. It is interesting to read in this connection the State of Connecticut has a school for the mentally handicapped people and that over a period of ten years it has been estimated that the graduates of this school have earned one million dollars. That, in

brief, is the purpose of the resolve. However, realizing that there will be many probably worthwhile bills and resolves discarded, hoping that with the start that has been made in this session that in two years the financial picture may be bright enough to embark upon this program, also realizing that large appropriations from little acorns grow, with regret I move the acceptance of the Ought Not to Pass report.

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

Sent down for concurrence.

On motion of Mr. Robbins of Aroostook the Senate voted to take from the table, bill, An Act to Increase the Salaries of Members of the State Police (S. P. 295) (L. D. 829), tabled by that Senator on March 25th pending passage to be engrossed; and on further motion by the same Senator the bill was recommitted to the Committee on Highways.

Sent down for concurrence.

On motion by Mr. Dunham of Hancock the Senate voted to take from the table, bill An Act to Extend the Charter of Castine Water District (H. P. 1215) (L. D. 1395) tabled by that Senator on April 16th pending passage to be enacted; and on further motion by the same Senator the bill was passed to be enacted.

On motion by Mr. Broggi of York, the Senate voted to take from the table, bill, An Act Relating to Education in Unorganized Territory (S. P. 448) (L. D. 1262), tabled by that Senator on April 21st, 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. Chase of Cumberland the Senate voted to take from the table, bill, An Act Exempting Certain Education Institutions from the Sales Tax (H. P. 524) (L. D. 1416) tabled by that Senator on April 21st, pending motion by the Senator from Kennebec, Senator Squire, that the Senate recede and concur with the House in passing the bill to be engrossed as amended by House Amendment A; and on

further motion by the same Senator the Senate voted to recede and concur with the House.

On the motion by Mr. Reid, of Kennebec, the Senate voted to take from the table, Resolve to Create a Special Committee to Study Safeguards in Construction Projects (S. P. 536) (L. D. 1441), being a new draft of S. P. 50, L. D. 78, which in the Senate on April 16th was passed to be engrossed and now comes from the House indefinitely postponed in non-concurrence; tabled by that Senator earlier in today's session pending consideration.

Mr. REID of Kennebec: Mr. President and members of the Senate, in justice to the many people who appeared at the hearing I think some remarks ought to be made on this bill. The original bill as proposed called for a rather thorough recommendation of the construction industry, the obvious purpose being to increase the safety measure in construction. We had a rather long and full hearing. Labor appeared, the labor commissioner appeared, construction people appeared and architects appeared, and there was a great deal said both pro and con. Finally, towards the end of the hearings all parties agreed that the objective to be obtained was the promotion of safety in this industry and they all agreed that probably the best thing to be done was to get a group together, that is, some of the construction people, the commissioner of labor and industry and employees, to study for the next two years ways and means of improving safety conditions with the idea that maybe a program could be developed so that no legislation be necessary.

The committee, feeling that it was acting upon the unanimous feeling of everybody at the hearing, organized a new draft which in effect calls for a interim committee consisting of two members representing the construction industry, two persons representing employees of that industry, one member of the House, one member of the Senate and the Commissioner of Labor and Industry. This bill calls for an ap-

propriation of \$1,000. It, of course, pays no salary but does pay out-of-pocket expenses. This bill comes from the other Branch indefinitely postponed. It seems to me it would be wise to pass this bill and I therefore move that the Senate insist on its former action whereby the bill was passed to be engrossed.

The motion to insist prevailed.
Sent down for concurrence.

On motion by Mr. Dunham of Hancock, the Senate voted to take from the table, Senate Reports from the Committee on Judiciary on Resolve Proposing and Amendment to the Constitution to Provide for Election of Members of the Executive Council (S. P. 110) (L. D. 314), Majority Report, "Ought Not to Pass," Minority Report "Ought to Pass," tabled by that Senator on March 4th pending consideration.

Mr. DUNHAM of Hancock: Mr. President and members of the Senate, I notice some of my colleagues are looking at the clock and I promise you I will make my remarks very brief. The only reason why I loaned my name to this bill is because I think it is time to put some of our government back in the hands of the people. I have no fault to find whatsoever with our council members. I think Maine can be justly proud of the type of men who make up our council. In fact as I have been reading articles in the Reader's Digest for the past few months I can go further than that and say that I think Maine should be justly proud of its legislature, as other States are mentioned and the goings on in the various legislatures. I think can be proud of the type of people who make up our legislators. My only criticism of the council is the manner in which they are selected.

It was my privilege a few months ago to debate this question in one of our cities along with Professor Pelletier of Bowdoin and a former council member Mr. Williams and myself. Out of that debate there was a poll taken by one of our newspapers in which they sent out questionnaires asking these questions which they sent out to sup-

posedly well-informed people, people who are supposed to know what goes on in their states: 1. "Do you know what the Executive Council is?" 2. "Do you think the Council has important powers?" 3. "How many members does the Council have?" 4. "How are the members picked?"

From that poll they received these answers: That 95% of those people said they knew we had a Council, 85% of them thought the Council had considerable power, and on the third question, "How many members does the Council have", only one out of three knew, and on the fourth question, "How are the members picked?" only one person out of four knew how the Council was selected.

It seems to me as I read some of the modern textbooks on state government that the thinking seems to go along with centralizing of authority. In fact, when Professor Dow of the University of Maine reported to the Research Committee all of his thinking seemed to be to centralize authority. Of course, I can't go along with his thinking. Nevertheless, there appears to be a trend and it would appear to me that here is one place where we should return to the people the power of electing their councillors.

I am going to give you three reasons why I think so and then I will turn it over to my colleague, the Senator from Androscoggin, Senator Boucher. First, I think it is basically unsound. I do not think it is Democratic. I think the people themselves should elect their councillors. Second, I think by popular election we might get over some of this apathy towards our State government and elections and get the people out to vote. And third, I think that thousands of our people are not represented on the Council because of no representation from the Minority party.

For those reasons I believe that we should accept the Minority "Ought to Pass" report.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate: I too want to pay my compliments to the Governor's Councils, past and present, men whom I have known, with whom I have worked both in the House and in

the Senate. They have been people of very high quality and have served the state well. I have no fight, no brief with Councils of the past or the present.

I do, however, believe and honestly believe, that the way we elect those Councillors is definitely wrong. It is not democratic. It is outmoded. It is one of those relics of the past, similar to some of the relics that the majority floor leader has been taking off the books of the state. Certainly those are laws that are outmoded and outlived. I say that this method of electing the Councillors should be done away with and they should be elected by the people.

We elect our Governor, we elect our Senators, we elect our representatives to the legislature, and I say to you we should elect our Council. As far as I know, Maine is the only state at this time which elects the Council the way we do—by the legislature. Very few states still have a Governor's Council. I think there are three or four or five, and of those, our neighboring states at least, have the Council elected by the people. New Hampshire does, Massachusetts does, and I believe that is the fair, democratic way of electing a Council, if we must have a Council. Apparently we are tied and married to the idea that the Governor of the state cannot run the affairs of state alone with the department heads. No, he must have a Council. If that is your belief, I will go along with you to that extent. We will let the Governor have a Council, a body of guardians who will pass on his doings and sayings. But if we must have a Council, let's do it the fair way, the democratic way and let the people elect the Council.

I have heard members of the majority party time and again complain and almost cry that the representation of the minority party is so small in both branches of the legislature. Lady and gentlemen, let me remind you that it is much smaller in the Council. That is a one way street with no possibility of it ever being any other way. I appeal to your fairness—and I know you are fair and that you think fair—and I hope you will play fair,

and vote on this bill that it ought to pass.

I am not saying to you that will give us minority representation on the Council, but I will say that I might be tempted to run for that office if there were any possibility of doing so. I think probably that would be one of the crowning glories of my life if I could sit in that August Body and be able to pass on the actions and the doings of the majority party.

In the city of Lewiston we have at the present time a charter, a unique charter. It is unique not only in Maine but in the whole country, whereby we give representation to the other party. I have seen this charter in operation for fourteen years. I think it makes for good government. I think when you have both parties represented, each is watching what the other is doing and the result will be much better government because even if the minority party is weak, it is still able to raise its voice and point out defects in proposed actions and the other party pays attention and tries to correct the faults and defects.

I believe it would be a great thing for the State of Maine to pass this bill. I can assure you, members of the Senate, that it will not change affiliations or effect the majority party in any great way. I would like to believe, but I am very much too practical to try to believe, that the Council in a few years will become Democratic, of the Democratic party. I fear that it will remain a Republican Council for a long time, but I hope that it may have some minority representation.

I was very pleased to see that my good friend, Senator Dunham, had presented a similar bill to the one I have presented and which is now on the table, but for the same purpose of electing the Council. Let me touch briefly on the fact that within your own party you have had

your troubles very recently about members of the Council, very serious troubles where you had to break away from precedence and rules established by your own selves. If these people had been elected you would not have had those headaches and those troubles. I believe it you want to better the government of the State of Maine, this is the first step in the right direction. Therefore I hope that you will vote to accept this ought to pass report.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Hancock, Senator Dunham, to accept the minority report "Ought to Pass" of the committee.

A viva voce vote being doubted by the Chair.

A division of the Senate was had. Twelve having voted in the affirmative and fifteen opposed, the motion did not prevail.

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

Sent down for concurrence.

On motion by Mr. Weeks of Cumberland, the Senate voted to take from the table House Report "Ought to Pass in new draft, new title (H. P. 1230) (L. D. 1424) "An Act Relating to Journeymen Welders", from the Committee on Legal Affairs on bill, An Act Relating to Certificates for Welders (H. P. 186) (L. D. 197) tabled by that Senator on April 16 pending consideration of the report; and further motion by the same Senator, the Ought to Pass in New Draft, under New Title report of the committee was accepted in concurrence and the bill read once; House Amendment A was read and adopted and the bill as so amended was tomorrow assigned for second reading.

On motion by Mr. Haskell of Penobscot

Adjourned until tomorrow morning at ten o'clock.