

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*Ninety-Sixth Legislature*

OF THE

STATE OF MAINE

VOLUME II

1953

DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

**SENATE**

Tuesday, April 28, 1953.

The Senate was called to order by the President.

Prayer by the Rev. Royal Brown of Gardiner.

Journal of yesterday read and approved.

**House Papers**

Bill "An Act Relating to Operation of School Buses." (S. P. 281) (L. D. 770)

(In Senate, on April 9, passed to be engrossed as amended by Committee Amendment "A".)

Comes from the House, passed to be engrossed as amended; subsequently engrossing reconsidered under suspension of the rules, Committee Amendment "A" indefinitely postponed, and the Bill passed to be engrossed as amended by House Amendment "A" in non-concurrence. (Amendment Filing 363)

In the Senate, on motion by Mr. Haskell of Penobscot, the Senate voted to recede and concur.

**House Committee Reports**

The Committee on Claims on "Resolve in Favor of Edward Carrier, of Rumford." (H. P. 494) reported that the same ought not to pass.

Comes from the House, having been recalled from the Legislative Files to that Body by Joint Order; under suspension of the rules acceptance of the report was reconsidered, and the resolve was recommended to the Committee on Claims.

In the Senate, on motion by Mr. Haskell of Penobscot, the resolve was recommended to the Committee on Claims in concurrence.

The Committee on Taxation on Bill "An Act Relating to Inheritance Taxes on Property Passing to Wife," (H. P. 34) (L. D. 28) reported that the same ought not to pass.

Which report was read and accepted in concurrence.

The Committee on Towns and Counties on Bill "An Act to Increase the Salary of the Recorder of the South Portland Municipal

Court," (H. P. 1247) (L. D. 1455) reported that the same ought to pass.

Comes from the House, recommended to the Committee on Towns and Counties.

In the Senate, on motion by Mr. Weeks of Cumberland, the bill was recommended to the Committee on Towns and Counties in concurrence.

Bill "An Act Creating a Division of Indian Affairs."

(In Senate, on April 24, passed to be engrossed as amended by Committee Amendment "A" in non-concurrence.)

Comes from the House, that body having insisted on its former action whereby the bill was passed to be engrossed, without amendment, and now asks for a Committee of Conference.

In the Senate, on motion by Mr. Dunham of Hancock, the Senate voted to join with the House in a Committee of Conference, and the President appointed as Senate members of such committee, Senators Dunham of Hancock, Parker of Piscataquis and Boucher of Androscoggin.

"Resolve in Favor of Bosworth Memorial Association," (H. P. 23) (L. D. 18)

(In Senate, on April 24, the Majority Report, "Ought Not to Pass" was accepted in non-concurrence.)

Comes from the House, that body having insisted on its former action whereby the bill was passed to be engrossed, and now asks for a Committee of Conference, the Speaker having appointed as members of such a committee on the part of the House:

Messrs. BERRY of So. Portland  
FULLER of Bangor  
ROUNDY of Portland

(In the Senate, on motion by Mr. Collins of Arostook, the Senate voted to join with the House in a Committee of Conference.)

Bill "An Act Relating to Salary of Treasurer of State." (H. P. 1269) (L. D. 1483)

(In Senate on April 24 the Majority Report "Ought Not to Pass" of the Committee on Appropriations and Financial Affairs was accepted in non-concurrence.)

Comes from the House, that body having insisted on its former action whereby the bill was passed to be engrossed and now asks for a Committee of Conference.

In the Senate, on motion by Mr. Collins of Aroostook, the Senate voted to join with the House in a Committee of Conference, and the President appointed as Senate members of such committee, Senators Collins of Aroostook, Haskell of Penobscot and Sinclair of Somerset.

On motion by Mr. Haskell of Penobscot, the Senate voted to reconsider its action taken earlier in today's session whereby it recommended to the Committee on Claims, in concurrence, Resolve in Favor of Edward Carrier of Rumford (H. P. 494).

Mr. SILSBY of Hancock: Mr. President, if I understand correctly, the motion now before the Senate is on the matter of recommitting this resolve to the Committee on Claims. I would like to say to the members of the Senate that this is a claim that the Claims Committee gave a great deal of consideration to in the first instance. It involved an automobile operated by one Edward Carrier along the highway. A rock had been thrown down from the side of the road into the highway and he mistook it for a piece of ice and straddled the rock, thus doing some damage to the car. I think I am correct in saying that it was damage which amounted to about \$100. The committee felt that the operator of the car was not exercising due care because there was ample room for him to go around the rock, and therefore we did not feel that we could report it out favorably.

The bill was recommitting and we heard it again and I cannot see any purpose in recommitting it to the Claims Committee again, and I therefore move that the "Ought Not to Pass" report of the Committee be accepted in non-concurrence.

Thereupon, the Senate voted to refuse to recommit the bill to the Committee on Claims.

Sent down for concurrence.

The Majority of the Committee on Inland Fisheries and Game on bill, "An Act Relating to Taking of

Smelts from Songo River, Cumberland County," (H. P. 259) (L. D. 289) reported that the same ought to pass as amended by Committee Amendment A.

(Signed)

Senators:

WEEKS of Cumberland

Representatives:

FRECHETTE of Sanford

HARDEN of Rangeley

BUTLER of Franklin

VAUGHAN of Hallowell

WHITNEY of Bridgton

CURRIER of Caribou

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

(Signed)

Senator:

WIGHT of Penobscot

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

In the Senate:

Mr. WEEKS of Cumberland: Mr. President, I move the acceptance of the Majority Report Ought to Pass as amended by Committee Amendment A.

Mr. WIGHT of Penobscot: Mr. President and members of the Senate, I seem to have made a minority report on this legislation and I want to give the reason why. The original bill provided that "it shall be unlawful for any person not a resident in the towns of Naples and Casco, Cumberland County, to take smelts from Songo River," and so on. That was amended so that anybody could take smelts from that stream. Originally there were a great many smelts running up the stream to Sebago Lake and they furnished food for the salmon in Sebago Lake. The biologists take the position that those smelts should not be taken out but left there to provide food for the salmon. Therefore I signed the minority report and I hope that the motion of the Senator from Cumberland does not prevail.

Mr. WEEKS of Cumberland: Mr. President and members of the Senate, everything that the Senator from Penobscot, Senator Wight has said is true. It did start out as he describes it and then arguments

were made that it was not right to have such natural resources between the towns of Casco and Naples without having the chance to enjoy them by the eating process as well as the baiting process. I have seen these smelts going up and down the river for many years and I think our good Secretary can also vouch for their existence and the good eating they provide.

At the present time the only smelts that can be taken from the river are by those who have a particular license for fishing purposes only. The quota has been reduced to two quarts and they must be under six inches in length according to House Amendment A.

I don't believe any great damage will be done to the smelt population in Sebago. I am as much concerned with Sebago Lake as anyone. I hope that the motion prevails.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Weeks that the Senate accept the "Ought to Pass as amended" Majority Report.

A viva voce vote being had, the motion prevailed, the Majority Report "Ought to Pass as amended" was accepted in concurrence; and the bill read once, Committee Amendment A was severally read and adopted in concurrence; and under suspension of the rules, the bill was read a second time and passed to be engrossed as amended, in concurrence.

The PRESIDENT: The Senator from Androscoggin, Senator Boucher, has called the attention of the Chair to the fact that the group of students presently in the balcony of the Senate are from Rose de Lima school in Chisholm, Maine, accompanied by the Sisters who are their teachers.

In behalf of the Senate, we bid you welcome this morning and hope that you have an instructive and enjoyable day.

The Majority of the Committee on Judiciary on "Resolve Proposing an Amendment to the Constitution to Provide for a Bonus to Maine Veterans of World War II and the Korean Campaign," (H. P. 1132) (L.

D. 1283) reported that the same ought to pass.

(Signed)

Senators:

REID of Kennebec  
WARD of Penobscot  
HARDING of Knox

Representatives:

LOW of So. Portland  
FULLER of Bangor  
CIANCHETTE of Pittsfield  
MARTIN of Augusta  
FITANIDES of Saco

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

(Signed)

Representatives:

TRAFTON of Auburn  
McGLAUFILIN of Portland

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

In the Senate:

Mr. WARD of Penobscot: Mr. President, I move the acceptance of the Majority "Ought to Pass" report.

Thereupon, on motion by Mr. Haskell of Penobscot, the bill and accompanying papers were laid upon the table pending motion by the Senator from Penobscot, Senator Ward that the Senate accept the Majority "Ought to Pass" report.

The Majority of the Committee on Judiciary on Bill "An Act to Authorize Issuance of Bonds in the Amount of Twenty Million Dollars for Bonus to Maine Veterans of World War II and Korean Campaign," (H. P. 1132) (L. D. 1282) 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:

FITANIDES of Saco  
CIANCHETTE of Pittsfield  
MARTIN of Augusta  
LOW of So. Portland  
FULLER of Bangor

The Minority of the same Committee on the same subject matter

reported that the same ought not to pass.

(Signed)

Representatives:

TRAFTON of Auburn  
McGLAUFLIN

of Portland

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

In the Senate, on motion by Mr. Ward of Penobscot, the bill and accompanying papers were laid upon the table pending consideration of the reports.

(The Majority of the Committee on Appropriations and Financial Affairs on Bill "An Act relating to travel by State Employees," (H. P. 959) (L. D. 1049) reported that the same ought not to pass.  
(signed)

Senators: COLLINS of Aroostook  
SINCLAIR of Somerset  
HASKELL of Penobscot

Representatives:

CAMPELL of Guilford  
COLE of Liberty  
CATES of East Machias  
DAVIS of Harrison  
JALBERT of Lewiston

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

(signed)

Representative:

BURGESS of Limestone.

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

In the Senate, the Majority Report "Ought not to pass" was read and accepted in concurrence.

The Committee on Taxation on Bill "An Act Exempting from Sales Tax Motor Vehicles Not to be registered in State," (H. P. 1063) (L. D. 1200) reported the same in a new draft, (H. P. 1272) (L. D. 1468) under a new title, Bill "An Act Exempting from Sales Tax Passenger Automobiles Not to be Registered in State," and that the same ought to pass.

Comes from the House, the report read and accepted, and the bill in new draft and under new title passed to be engrossed as

amended by the House Amendment A.

In the Senate, the "Ought to pass in new draft" report was accepted in concurrence and the bill read once; House Amendment A was read.

Mr. HASKELL of Penobscot: Mr. President, I move the indefinite postponement of House Amendment A.

Thereupon, on motion by Mr. Dennett of York, the mill and accompanying papers were laid upon the table pending motion by the Senator from Penobscot, Senator Haskell, that House Amendment A be indefinitely postponed.

The Committee on Judiciary on "Resolve proposing Amendment to the Constitution Permitting Indians to Vote," (H. P. 423) (L. D. 470) reported that the same ought to pass as amended by Committee amendment "A"

Which report was read and accepted in concurrence, and the resolve read once. Committee Amendment "A" was read and adopted and under suspension of the rules, the bill was read a second time and passed to be engrossed in concurrence.

The Majority of the Committee on Legal Affairs on Bill "An Act to Repeal Running Horse Racing," (H. P. 662) (L. D. 705) reported that the same ought not to pass.

(signed)

Senators:

WEEKS of Cumberland  
CHAPMAN of Cumberland

Representatives:

STEWART of South Paris  
CHILDS of Portland  
WOODCOCK of Bangor  
GOWELL of Berwick  
HAND of New Limerick  
MARTIN of Eagle Lake

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

(signed)

Representative:

STEWART of Portland

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

In the Senate, on motion by Mr. Chapman of Cumberland, the

“Ought Not to Pass” report was accepted.

**Communication**

STATE OF MAINE  
House of Representatives  
Office of the Clerk  
Augusta

April 27, 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

Bill “An Act Relating to Salary of Treasurer of State.” (H. P. 1269) (L. D. 1483):

Messrs. OSBORNE of Fairfield  
JACOBS of Auburn  
FULLER of Bangor

and on

Bill “An Act Creating a Division of Indian Affairs.” (H. P. 245) (L. D. 226):

Messrs. FULLER of Bangor  
CLEMENTS of Belfast  
BROCKWAY of Milo

and on

Bill “An Act Relating to Sales Tax on Isolated Sales of Motor Vehicles.” (H. P. 282) (L. D. 279):

Messrs. DAVIS of Harrison  
TRAFTON of Auburn  
LOW of Rockland

Respectfully,

HARVEY R. PEASE

Clerk of the House

Which was read and ordered placed on file.

**First Reading of Printed Bills**

Bill “An Act to Confer Additional Powers Upon Municipalities in the State of Maine in Relation to Parking Facilities.” (S. P. 578) (L. D. 1518)

(Which was read once, and on motion by Mr. Boucher of Androscoggin, tabled pending assignment for second reading.)

Bill “An Act to Confer Additional Powers Upon Municipalities in the State of Maine in Relation to the Supply and Distribution of Water and the Collection, Treat-

ment and Disposal of Sewage.” (S. P. 579) (L. D. 1519)

“Resolve Relating to Post War Public Works Reserve Fund and Appropriating Moneys for the Women’s Reformatory.” (S. P. 580) (L. D. 1520)

“Resolve Providing for Expenditures on Airports.” (S. P. 581) (L. D. 1521)

Which were severally read once, and under suspension of the rules were read a second time and passed to be engrossed.

Sent down for concurrence.

Bill “An Act to Appropriate Monies for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1954 and June 30, 1955. (S. P. 587) (L. D. 1526)

Which was read once.

Mr. Ward of Penobscot presented Senate Amendment A and moved its adoption:

“Senate Amendment A to L. D. 526. Amend said bill by striking out the paragraph entitled ‘Merit Award Board’ and inserting in place thereof the following: ‘Merit Award Board \$10,614 = \$10,661.’

Further amend said bill by striking out all of the last three lines before the emergency clause and inserting in place thereof the following: ‘Total all appropriations: \$33,094,180 — \$33,113,540, amounting to \$33,094,180 for the fiscal year ending June 30, 1954 and \$33,113,540 for the fiscal year ending June 30, 1955.’”

Mr. WARD: Mr. President and members of the Senate, this is the amendment to L. D. 1526 which is now a printed document and which you will find with your other printed bills. What it seeks to do is to restore to the appropriations bill the amendments which were originally in the bill for the Merit Award Board. Those amounts being \$10,614 for the first year and \$10,661 for the second year. The remainder of the amendment of course would seek to correct the totals on the appropriations bill, in the event that you see fit to adopt the amendment.

I might say in connection with the Merit Award Board and the amounts which are stated in this

amendment, that these agree exactly with the recommendations of the Governor in his budget message.

I might also say that the amount of money which is represented here is exactly the same amount of money which was given to the Merit Award Board two years ago. It is one of the few departments in our state government which does not seek an increase in its appropriation. This amount was included in the original appropriations bill which came into this Senate and which the Senate accepted.

As you know when the appropriations bill went over to the other Body an amendment was filed to delete this amount for the Merit Award Board and subsequently we had no opportunity to act upon that amendment in the Senate, because the bill was subsequently recommitted to the appropriations committee. Consequently I assumed that when the appropriations committee got this bill back with the House Amendment on it, they would do nothing except to leave a blank space on the line which related to the Merit Award Board. You will also recall there was a bill presented to this legislature which seeks to abolish the Merit Award Board. This bill was referred to the Appropriations Committee and if my recollection is correct that bill was reported out of committee unanimously "Ought not to pass", and this Body accepted that ought not to pass report of the committee.

I do not wish to take up too much time in connection with this, but very briefly I would like to tell you one or two things about the Merit Award Board. This Board came into existence after the adjournment of the legislature in 1949. It has been operating a bit more than three years, and during that length of time, the Board has received an average of better than one suggestion a day. The Merit Award Board is made up of three people in the official family here in Augusta who serve with no compensation whatsoever, and in addition to that there are over forty committees in the various state departments throughout the state government and each committee consists of at least three members

of the department, and sometimes five members so you have in the vicinity of 120 upwards to 150 people in the state employment who are giving their services absolutely free to the State of Maine, to help the Merit Award Board along.

There are only two paid people, one is the Executive Secretary and the other a clerk or stenographer. During the length of time that the Board has been in existence there have been very many suggestions offered to them and a number of them have been adopted. You have from time to time received information in connection with this and I believe that the present figures are that they estimated that in the length of time that the Board has been in existence, they have saved approximately \$77,861. I think it might be well to call to your attention that on February 25, 1953 the Governor signed and sent to the various workers throughout the state government this letter:

State of Maine  
Office of the Governor  
Augusta

February 25, 1953

Dear Co-worker:

This booklet has been prepared for you; it will stimulate your thinking in respect to sources of ideas — ideas which you can present as suggestions.

Many frequently award winners in Industry and Big Business have been employed less than six years, so you do not have to be an old timer to make a good Suggestion. Women have been among big award winners as frequently, in proportion to number as have the men.

Our own Suggestion System has made a good start; fifty-five suggestions now in use save \$38,435 annually. Two suggestions approved in May, 1952, should bring in at least one quarter million dollars.

I feel that every state employee should be encouraged to submit ideas. We can streamline our work; save materials, machines and equipment; improve working conditions; and save the taxpayers money. Our Suggestion System will help us do all of this but it must have your participation. We know that the administration of our State Government can be improved by



the constructive thinking of state employees. For example, your ideas as to how the State can save money by eliminating waste, duplication, and overlapping, or by combining or revising forms can be presented as Suggestions, to the Merit Award Board.

The field is wide open—to be observant and alert! When you get an idea, think it over, check with your Supervisor, if necessary, and then submit it to the Merit Award Board where it will receive every consideration.

Best wishes for your success!

Sincerely,

(Signed) Burton M. Cross  
Governor

The one thing I have heard as an objection to the Merit Award Board is that state employees should be willing to submit their suggestions without receiving a prize for doing so. Of course the entire key to the Merit Award System is the fact that a state employee can submit an idea that goes to the Executive Secretary and immediately he gives that suggestion a number. It then goes to the various committees throughout the state government and nobody knows the person who originated the idea. If the idea is eventually accepted and if the person who makes the suggestion wants his name to be known, he can allow it. Otherwise his name is kept a secret. If and if it were otherwise, it might be that these employees would not have the courage to submit ideas and of course that has been proven over a period of years when this government has been operating and no ideas whatsoever have been submitted.

In my opinion this is an economy measure and a measure which saves the State of Maine a considerable sum of money for a very small expenditure and not only that, but it is a morale builder, so far as State employees are concerned.

I hope that the amendment will receive favorable action.

Mr. COLLINS of Aroostook: Mr. President, certainly the Committee on Appropriations did not have anything against the Merit Award Board. We demonstrated that when we came out with our original bill.

We have no quarrel with it at the present time. I think it is a good thing but when we made up our revised bill, certain things had to be cut out and in view of the action by the other Body we felt that it would be poor policy to include it in this new appropriations bill. Also there is the fact that if it is included, it would reduce operating gain by that much money.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Penobscot, Senator Ward that the Senate adopt Senate Amendment A.

Thereupon, Senate Amendment A was adopted and on motion by Mr. Haskell of Penobscot, the bill was laid upon the table pending assignment for second reading and assigned for later in today's session.

Mr. HASKELL of Penobscot: Mr. President, the last action of the Senate, placed upon the table the new draft of the appropriations measure. This afternoon, I hope there will be on the desks of each Senator, a completely detailed list of all the differences that exist between L. D. 1316 and the new draft. If the Senate wishes to consider the new draft in the light of this detailed tabulation, certainly the bill should remain on the table. If on the other hand, and I do not think this is the right procedure, but if it is the desire of the Senate to pass the bill to be engrossed prior to making a very careful examination of the bill, then a motion by someone other than myself could be made to suspend the rules and pass it to be engrossed, and give it to the other Body.

Personally I feel that it should stay on the table until every Senator has seen exactly where the cuts have been made but if every Senator has seen exactly where the cuts have been made but if there is unanimous feeling that the bill should be passed in new draft as it is now in your book and as it is with respect to the brief summary we gave you yesterday, then the motion to suspend the rules and engross, should be offered by someone else.

Mr. Boucher of Androscoggin was granted unanimous consent to address the Senate.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, going along with the thinking of the Senator from Penobscot, Senator Haskell, I for one would like to see where the cuts were made in the budget. I would like to have three separate sections if that is the pleasure of the Body. One to show the original budget of the Governor, one to show the budget brought in by the appropriations committee and one to show what they are doing now as far as cutting is concerned. I think it would help me in my thinking if I could see just where these cuts are made.

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

Mr. COLLINS of Aroostook: Mr. President and members of the Senate, in replying to the question of the Senator from Androscoggin, Senator Boucher, I would say that the report now is in the process of being made up. It will list the former appropriations bill, L. D. 1316. It will list the new appropriations measure with the amounts. It will show the differences between the two bills. It did not go back to include the Governor's budget and it would be rather difficult and would delay the preparation of it to include all the additional material that the Senator from Androscoggin has asked. There is no intent not to wish to give every Senate member all information that there is, but I do think it would slow up the process and I think with the facts available in this report, you will be able to see the differences in detail and your judgment can be determined by that so I would hope that the report which we will give to you would be satisfactory.

#### Senate Committee Reports Ought Not to Pass and Leave to Withdraw

Mr. Reid from the Committee on Judiciary on Bill "An Act Relating to the Commitment to Mental Hospitals," (S. P. 470) (L. D. 1313) reported that leave be granted to withdraw the same.

Mr. Harding from the same Committee on Bill "An Act Relating to Public Utility Rates," (S. P. 409) (L. D. 1110) reported that the same ought not to pass as it is covered by other legislation.

Which reports were severally read and accepted.

Sent down for concurrence.

Mr. Harding from the Committee on Judiciary on Bill "An Act Relating to Facilities Furnished by Public Utilities," (S. P. 254) (L. D. 678) reported the same in a new draft, (S. P. 588) under the same title, and that it ought to pass.

Which report was read and accepted and under suspension of the rules, the bill in new draft was given its two several readings and passed to be engrossed.

Sent down for concurrence.

Mr. Chapman from the Committee on Legal Affairs to which was recommitted Bill "An Act Relating to Fire Escapes," (S. P. 256) (L. D. 681) reported the same in a new draft (S. P. 589) under the same title, and that it ought to pass.

Mr. TABB of Kennebec: Mr. President and members of the Senate, I am going to ask to have this bill indefinitely postponed. I cannot see where there would be any advantage over what we have at present on our statutes and therefore I move that the bill be indefinitely postponed.

Mr. CHAPMAN of Cumberland: Mr. President and members of the Senate, this is a bill which was considered rather carefully by the committee taking into account the interest of the various parties involved. The essential purpose is to set up a set of reasonable and feasible standards to protect persons who are in hospitals, convalescent homes and the like, from the dangers which are attendant with inadequate fire protection facilities. The bill was considered by the committee and certain amendments that seemed reasonable were taken into account in the redraft, and the bill in its present form does not seem to be too overbearing or too over-reaching so far as too much regulation is concerned. I am rather sympathetic with the

statements expressed by the Senator from Kennebec, Senator Tabb, who resents too many rules and regulations upon persons in public buildings of a particular type such as hospitals and so forth. We did have regulations set up by law previously but they were inadequate and unenforceable, and the chief purpose of this bill was to make it possible to enforce such rules as we now have and results in very minor changes from the old standards.

If you don't think it is unreasonable I move that the ought to pass in a new draft be accepted, if the motion to indefinitely postpone does not carry, and I urge that it should not.

Mr. DENNETT of York: Mr. President, I rise in support of the motion of the Senator from Kennebec, Senator Tabb. I fully appreciate the work of the Legal Affairs Committee and I fully appreciate the remarks of the Chairman of that committee.

However, I would suggest, if the Senators would refer to this bill for a moment, they would find certain things are contained therein that are certainly overbearing and arbitrary. For instance the extent of these regulations to dwellings containing more than two families. In other words if you want to buy a large dwelling place and rent two apartments on the second floor, without question you would be forced to install a fire escape and in some instances even a fire alarm system. I believe this is arbitrary wherein the state that any person aggrieved by the action of the insurance commissioner, and again bear in mind that I am most friendly with the insurance department and have worked with them during most of this session, the right of appeal can be had of course but all the time that the appeal is being considered, they are put definitely out of business. They cannot operate their establishment until the appeal is heard.

I believe the fire laws as they now stand upon the statutes are sufficient. This is arbitrary legislation and not in accord with the best interest of the state. I hope that Senator Tabb's motion prevails.

Mr. CHAPMAN of Cumberland: Mr. President, I hesitate to rise on

this issue again because I know we have many important bills to come before us, but it seems obligatory for me to clarify a slight element of misunderstanding that the members now have. The bill and the existing law now on the statutes define the category of buildings covered by the provisions of this act. It applies to schoolhouses, hospitals, orphan asylums, hotels or boarding houses, and so forth. It defines the type of buildings involved and is simply a bill to put some teeth into the present bill and make it enforceable. All we have done is to rewrite the bill in some form which appeared to be enforceable so that the Insurance Department could do what we have told them to do. I am not going to be too insistent on the thing but I certainly think that the indefinite postponement motion should not prevail.

A viva voce vote being had, the bill was indefinitely postponed.

Sent down for concurrence.

Mr. Jamieson from the Committee on Transportation on bill "An Act Relating to Registration Fee for Boat Trailers," (S. P. 363) (L. D. 974) reported the same in a new draft (S. P. 590) under the same title, and that it ought to pass.

Which report was read and accepted and under suspension of the rules, the bill in new draft was given its two several readings and passed to be engrossed.

Sent down for concurrence.

#### Ought to Pass, as Amended

Mr. Reid from the Committee on Judiciary on Bill "An Act Requiring Children to Care for Parents According to Ability," (S. P. 401) (L. D. 1118) 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 under suspension of the rules was read a second time and passed to be engrossed.

Sent down for concurrence.

The Majority of the Committee on Legal Affairs on Bill "An Act Relating to Charter Changes for City of Lewiston," (S. P. 508) (L. D.

1387) reported that the same ought to pass as amended by Committee Amendment "A".

(Signed)

Senator:

CHAPMAN of Cumberland

Representatives:

CHILDS of Portland  
STEWART of Portland  
GOWELL of Berwick  
HAND of New Limerick  
MARTIN of Eagle Lake

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

(Signed)

Senator:

CHAPMAN

Representatives:

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

(Signed)

Senator:

WEEKS of Cumberland

Representative:

STEWART of South Paris

On motion by Mr. Boucher of Androscoggin, the Majority Report ought to pass as amended was accepted and the bill read once; Committee Amendment A was adopted without reading and under suspension of the rules, the bill was read a second time and passed to be engrossed.

Sent down for concurrence.

The PRESIDENT: With respect to the disagreeing action of the two branches on Resolve in Favor of Bosworth Memorial Association L. D. 18, the Chair at this time will appoint as Senate members of the Committee of Conference, Senators Collins of Aroostook, Dennett of York and Reid of Kennebec.

#### After Recess

The Senate was called to order by the President.

#### Orders of the Day

Mr. HASKELL of Penobscot: Mr. President, I would like to inquire whether Legislative Document 1271 bill, An Act To Exempt Automobiles Used In Driver Education Programs From the Sales and Use Tax, is in the possession of the Senate?

The PRESIDENT: In answer to the question of the Senator from Penobscot, Senator Haskell, the Chair will state that the document is in the possession of the Senate.

Mr. HASKELL: Mr. President, I move that we do reconsider our actions whereby we passed this bill to be enacted on the last legislative day. In support of the motion I will say that we did enact the bill and neglected to look carefully at it and it is an emergency measure so if we do reconsider enactment the pending question would still be the passage to be enacted as an emergency measure.

Thereupon, the Senate voted to reconsider its action of yesterday whereby bill An Act To Exempt Automobiles Used in Driver Education Programs From the Sales and Use Tax, (S. P. 457) (L. D. 1271) was passed to be enacted.

Thereupon, this being an emergency measure, a division of the Senate was had.

Thirty-one having voted in the affirmative and none opposed, the bill was passed to be enacted.

The President laid before the Senate Resolve, To Apportion One Hundred and Fifty-one Representatives Among the Several Counties, Cities, Towns, Plantations and Classes in the State of Maine, (S. P. 493) (L. D. 1347), tabled by the Senator from Franklin, Senator Butler, on April 24, pending consideration.

Mr. BUTLER of Franklin: Mr. President and members of the Senate, any lengthy talk relative to what we should do with this bill, with this matter of consideration, is needless. We have played with it, we have toyed with it, we have slept with it, it's fascinating, vacillating and it is intriguing, but we don't want to apparently do what we should do by principles.

We have known in our own minds what is just, yet it is so easy for us to excuse ourselves on

certain personal reasons, certain requirements which we say satisfy ourselves. Or we perhaps have other bits of legislation in mind whereby it has been expedient for us to do certain things to promote the legislation that we are interested in, and to act accordingly in legislation which we have now before us. It may be that we hesitate to take the stand which in our own conscience we should take the stand, because we refuse to acknowledge the principles which have been taking place in the State of Maine.

It is pertinent to some to acknowledge that population has changed and according representation which they are now entitled to should no longer be entitled to them, and they in their own minds will say, well, we can't do this because even though we are not going to be affected yet I'm going to go along on the sympathy of someone that is affected.

If we take a history of the State of Maine, we will show how over a course of years we have grown, and that growth has fluctuated. It is fluctuating today, and so I hope that when the vote is taken that we will act with our conscience and our guide, using our head and not our hearts, because if we use our heart there is only one stand that we can go by, and that is to uphold the Constitution which we have individually sworn to uphold when we took our oath of office. If we go by our hearts we are going to excuse ourselves. I therefore move that we insist upon our former action. When the vote is taken I ask for a roll call.

Mr. DENNETT of York: Mr. President and members of the Senate, I rise to support the motion of the Senator from Franklin, that we insist on our former action. I only wish that I possessed some of the oratorical ability of many of the members of this Senate that I could be afforded an opportunity to speak and apply to this bill and give it everything that it justly deserves.

Many of you may wonder why I arise as a member of the delegation from York, you can see that the county of York is concerned with this measure to reapportion, and again you will say he has an inter-

est, no wonder he rises and speaks on this measure, but I assure you the interest is far from a personal one. I rise to support the historical stand of the County of York, who, in every re-apportionment since the year 1850 have steadfastly voted to re-apportion the several representatives according to the population, and in each and every case the County of York has lost representation in this legislature. From 1850, when it boasted 25 representatives, to the present day when it has but 14. Eleven representatives from the County of York have gone forth to other counties where they were counted according to their population.

Now again I think the issue that faces this Senate today is more than one of re-apportionment. It's a question of constitutional government or government by political expediency. Now I am not ashamed, and I am very proud to call every member of this Senate 'friend,' regardless of how they vote, and if they vote with their conscience and their convictions I have no quarrel with anyone. I like them all, each and every one and in any remarks that I might make there is nothing personal intended.

But we will go to the very beginning of constitutional government, from that day when some 700 years ago the Byrons of England forced the then King to sign the great charter, down to the constitution of the United States, the constitution of our own State of Maine, when peoples and nations have been governed by constitutions rather than by the whims of man. Constitutional government is the very basis of our law. It is the very basis upon which nations and states are founded. If we disregard the constitution in little things perhaps later we may disregard the constitution in larger things. If we disregard the constitution in one, we may hereafter disregard the constitution in many and as a result our law is gone. There have been many arguments against this reapportionment. Particularly we have heard that the legislature is law unto itself, and that the legislature can do no wrong. I believe that thought was carried over the centuries, down past the middle

ages, when it was said that the King could do no wrong. The King occupied the throne by divine right. Once upon a time some 300 years ago a King's head rolled because he could do no wrong. It is very possible that some political heads might roll because they think they could do no wrong. Here we — and I speak now for the members of the Republican Party — we have taken upon ourselves our position in this legislature, we have raised our hands and we have sworn to defend this constitution. As a political party, the Republican Party, the leading party in this state, we have held forth at all times we supported the constitution and represented the will of the people.

Just think what political ammunition the opposing party can have when they go forth to the next election and say here is your Republican Party, they even failed to support the constitution of this state and they voted against re-apportionment. Now many have said we don't care what the Supreme Court says, it can't tell us whether we shall re-apportion or not. I don't believe that the Supreme Court of the State of Maine told us that we must re-apportion. I think, and it is my belief, that the Supreme Court has merely given an opinion, and pointed the way. They have said it is the duty of the legislature to re-apportion the several representatives according to the constitution.

I fully sympathize with many representatives in this legislature who feel that they will lose representation due to the fact that the state might be re-apportioned, but I will call your attention to something that again perhaps happened 100 years ago and in another land. I think it is something that you are all well acquainted with through your history down through the years.

About the time of the middle of the so-called Industrial Revolution in England, there existed at that time a political situation in which certain places known in history as "Rotten Burrows" sent representatives to Parliament. They were non-existent places the population of

England had left for the newer cities and the great industrial centers which were building up at that time, and these old towns were practically abandoned, and yet they consistently sent representation to the English Parliament. As a result, the political situation in England, the government of England at that time, reached one of its new lows. I am certain that there is no man in this legislature who seeks to set up a situation of "Rotten Burrows" in the State of Maine, places sending representation to the legislature that are practically non-existent. I can see no reason why when the population moves from one center to another that that population should not be justly and fully represented in the legislature of the state.

Now the cry has long since gone out in this country, it has reached the stage where it is kind of corny now, you have all heard it, Taxation without representation, and yet you are willing to tax the people in the larger centers and yet apparently some are not willing to give them the representation which they are justly entitled to.

I don't think there is much use of elaborating further on this, I think the idea has been conveyed fully to every member of this legislature. It is only a question of whether populations in other places are going to be entitled to representation or you are going to continue to give representation to populations that are virtually non-existent.

On the other hand, I realize the argument has been put forth that this place has changed population and that place has changed population and this town has more people than the census counted, but if we take that argument we can go on forever into infinity because there is absolutely no end to it. If we do not take the census as made by the United States Government and accept it as the true census of the state there can never be re-apportionment because you absolutely have no basis to go on. I truly hope as the Senator from Franklin, Senator Butler, has just stated, that you certainly at this moment vote with your conscience,

vote for what is just, vote for the constitution of the State of Maine and in the end let us truly hope that the right will prevail.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, I didn't intend to enter into this discussion, but the remarks of my good Senator from York, Senator Dennett, in pointing out to the majority party and minority party, there popped into my mind certain remarks I have heard in this legislature a short time ago. Some of them told me yes, you are interested because in Androscoggin County you are going to gain a Democrat and we are going to lose a Republican. I want to assure the Senate that I am not so sure of that. I am sure we will gain one Democrat in Lewiston, but re-apportionment will give the towns—will make them more Republican than they are now and I don't believe we will have much chance of getting some representation from the towns of Androscoggin County.

I also understand that a very prominent member of my party in the House has made a statement, and it is on record, saying that if this reapportionment is made he couldn't come back to Augusta because then he will be swamped by the Republicans in his district. Well, I am very sorry for the gentleman but I do believe that we must uphold the Constitution, and as they always say in finishing the ceremonies at the Governor's Inaugural, "God save the State of Maine," I hope that this morning you lady and gentlemen of the Senate will vote to save the State of Maine and keep faith with the people and citizens of the State of Maine.

Mr. HANSON of Washington: Mr. President and members of the Senate, in the first part of our legislative session I tried to say in my argument here on this measure that I thought this bill should not pass. I come from Washington County which is the county that stands to lose the most in this reapportionment in its number of representatives. But if that is what the Constitution says, I think it is as it should be but I still think that in reapportioning we should make a just and equitable reapportionment and there are so many details and

so many factors to this whole process that if we do it the way we are attempting to do it we will come out with an unjust and inequitable situation. I don't think the Constitution ever meant that. I think we should stick to our Constitution but I think also we should stick to any reasonable amendments of any reasonable procedures as regards the adherence to that Constitution. Thank you.

Mr. LITTLEFIELD of York: Mr. President and members of the Senate, I rise to support this bill on the simplest and most fundamental of principles, the principle first enunciated in our Constitution, to establish justice. I ask you what more just arrangement can be made than that the representatives shall be apportioned among the people in proportion to their numbers. The arguments which have been offered to delay this have been specious and fulsome. Simple justice demands that there should be a reapportionment and a reapportionment now.

Mr. SQUIRE of Kennebec: Mr. President and members of the Senate, I merely regret to take a position against the position of this reapportionment bill because as a member of the committee, I was sincerely interested in it, but I had some objections and some questions, as did some of the other members of the committee, and they were never resolved because this measure was coming through the committee in order to meet the March 12 deadline, and it is now pretty near May 1st.

My objections were to the inequalities in relation to Cumberland County as respects the rest of the state. I suppose I must put on my armor now for the boys from Cumberland County. Granted that we must deduct the population of Portland, and granted that according to the Constitution, the balance of the County should receive the benefit of the status quo of Portland, I think it might be well to pause a minute and see just what the benefits are.

First, after deducting Portland, the number of people that each legislative seat will represent in Cumberland County is 4,578 whereas in the rest of the state, each legisla-

tive seat represents over six thousand people. Second, under this procedure, the cities of South Portland, Westbrook and Brunswick will have one more representative than if located in any other county in the state. Third, the town of Gorham with a population of 4,742 people will have one representative, the Town of Falmouth with a population of 4,342 people will have one representative, the Town of Cape Elizabeth with a population of 3,816 will have one representative and Bridgton with a population of 2,950 will have one representative. And were these towns located elsewhere in the state they would be entitled to no representation.

Now, number four. If we look at the classification in Cumberland we will find that in four instances there is one representative for three class towns, and in three instances there is one representative for two class towns. Three class towns is the largest classification in Cumberland. Three class towns in other parts of the state will be represented as much as four or five or six class towns in widely separated areas.

Now, I do not feel that it was ever the intent of the Constitution, nor was it the intent of our forefathers, but these benefits should be so placed as to create such an inequality for the rest of the state. I feel that the fundamental issue before us is not only reapportionment but, possibly, corrective legislation in order to correct this inequality and safeguard the future of our state. To that end, you may recall that nearly a month ago I asked that this measure be recommitted to the Committee on Reapportionment so that we might study it further. That was not granted and so, in my opinion, the inequalities still exist and I trust that the members of the Senate will keep that in mind when they vote, and although we are representing different areas, to be good legislators we should represent the interests of all the people in all of the State of Maine. And, Mr. President, I trust that the motion of my good friend, the Senator from Franklin, Senator Butler, will not prevail.

Mr. BROGGI of York: Mr. President and members of the Senate, in the last session of the legislature were two Senators from the City of Bangor, three from the City of Portland, one from the City of South Portland and one from the Town of Sanford. Those seven senators stood up, voted and were counted for a new educational subsidy formula costing their respective towns well over one hundred thousand dollars per year in educational subsidy. I think probably the reason these men stood up and voted for the new subsidy formula was because they realized the new formula had an equalization aspect to it enabling all boys and girls in Maine to have somewhere near equal educational opportunities by virtue of the new formula. Winston Churchill, the Prime Minister of England, once said that he was not elected for the purpose of presiding over the dissolution of the British Empire. I am very sure the County of York did not elect me, nor were these other Senators elected, to preside over the dissolution of state funds for education in the respective counties.

These members had integrity enough to stand up to see, as I mentioned before, that the boys and girls in Maine might have somewhere near equal educational opportunities. My good friend and colleague, the Senator from York, Senator Dennett, has told you that it is a matter of record that the York County delegation has voted unanimously for all reapportionments since the year 1950 and lost representation each time because they felt it was their Constitutional right to so vote.

I hope the Senate will see our position as we vote for the first time in many years to gain representation.

Mr. BUTLER: Mr. President and members of the Senate, from the remarks of my good friend, the Senator from Kennebec, Senator Squire, those of you who did not serve on the Committee, possibly may be led to believe that bit of legislation was sort of log-rolled. I assure you that that was not the case. Every delegation had an opportunity to come in and be heard and it is quite interesting to note



in retrospect, that the good delegation from Kennebec, did not favor us with their pressure, did not favor us with their cooperation, did not favor us with anything except that "what you are doing we don't like, we can't understand it because we don't want to understand it," and we are hearing a reiteration of it again. This bit of legislation, as you know, was early introduced, and as you know, no one raised any objection to it and it was laid upon the table, and for one reason or another it finally got off the table at a time when it was hoped it was too late to accomplish anything, but knowing what had gone on before, knowing certain things that had to be done, when the Committee did finally meet the fundamental details relative to arriving at a conclusion intelligently were presented to that Committee in pamphlet form. That Committee had an opportunity to discuss, to correlate, to analyze, which was done. Several meetings were held in which they asked for later correlation and analysis which was down, with the result that after that deliberation the bill which was finally arrived at was presented for our consideration. In no instance was any log-rolling attempted, but a few did a lot of hard work and I don't believe that the members of the Committee from Kennebec participated too much in that labor work.

Mr. SQUIRE: Mr. President and members of the Senate, I am sorry I couldn't hear all my good friend, the Senator from Franklin, Senator Butler, said but I do recall, I think, that I attended every meeting of the Committee and I did put some time on the study of this measure. I went in there cold, I didn't know anything about it when I started and I tried to find out as rapidly as I could, and I still say the dateline had passed, and I don't blame the good Senator from Franklin, Senator Butler, for that but as far as Kennebec County was concerned I worked with them. They wanted changes made but didn't receive any, and then when the changes were made I went back to them but the dateline had passed and they couldn't do anything. They said, "we haven't had time to think it over properly." They were disrupt-

ed, upset, and they still are not in good humor and I think there is a possibility that if time had been granted that we could have brought Kennebec into line and they would have had support from Kennebec rather than opposition.

Mr. HANSON of Washington. Mr. President, I heard the good Senator from York, Senator Broggi, mention the dissolution of the British Empire. I would like to mention that I wouldn't like to see the economic dissolution of Washington County by that great and powerful county down in the southern part of the State.

Several railroads run into Portland, and as I understand it the Washington County railroad carried freight out of Washington County and is the major branch on the Maine Central at present. That does not accrue to Washington County but primarily accrues to Cumberland. We produce a lot of pulpwood in Washington County, it is manufactured eventually into pulp and finally made into paper and eventually distributed. The economic paper work for that is largely through Portland and Cumberland County.

All I ask you to consider is that we are losing two representatives. We have certain economic things to protect down there and I ask you to help us to protect them. Temporarily, until we can work out something that is equitable and just all the way around.

Mrs. KAVANAGH of Androscoggin: Mr. President and members of the Senate, I too feel we should live up to the Constitution of our State and I feel we should vote for reapportionment but I do feel there should be some amendments to take care of these discrepancies which have been mentioned this morning, and if that is done I shall vote for reapportionment.

Mr. TABB of Kennebec: Mr. President and members of the Senate, in the past I have been known as the fiery Senator from Kennebec. Today I am mad. I don't like the remarks from the Senator from Franklin, in regard to the Kennebec delegation. We did work, and worked hard to try and straighten out

Kennebec. It doesn't affect us, only within Kennebec. And when you say you have no co-operation from the Kennebec delegation and have said to me that if we didn't do it you would, those are harsh words to any member of this Senate. We have tried and tried to pacify the members from the Kennebec delegation, in every way that was possible. Unfortunately we had some of them that didn't want their class towns taken away from them. You can't blame them. We realize that it gives Augusta one more representative, and as I understand it from certain people in Augusta, they aren't worried whether they get it or whether they don't. It does seem to me that when you tell us we will either do it or you will do it, that is not right. We have taken our stand and I shall vote against reapportionment. I was on the fence until a few minutes ago.

Mr. BROGGI of York: Mr. President, very briefly for the record I want my good friend Dr. Hanson to know that the chief recipient of the educational fund voted out of their own county the one from Washington County.

The PRESIDENT: Is the Senate ready for the question? The question before the Senate is on the motion of the Senator from Franklin, Senator Butler, that the Senate insist on its action of March 24th whereby the bill was passed to be engrossed as amended by Senate Amendment A and the same Senator has requested that when the vote is taken it be taken by the Yeas and Nays. In order for the Yeas and Nays to be taken it requires, under the Constitution, the affirmative vote of one-fifth of the members of the Senate.

A division of the Senate was had.

Obviously more than one-fifth having voted in the affirmative, the Yeas and Nays were ordered.

YEA: Senators Boucher, Broggi, Butler, Carter, Chapman, Chase, Dennett, Fuller, Haskell, Nathaniel M., Haskell, Robert N., Kavanagh, Littlefield, Reid Sinclair, Sillsby, Weeks, Wight — 17.

NAY: Senators Brown, Carpenter, Collins, Cummings, Dow, Dunham, Greeley, Hanson, Harding, Jamie-

son, Parker, Robbins, Squire, Tabb, Ward — 15.

ABSENT: Senator St. Pierre.

Seventeen having voted in the affirmative and fifteen opposed, the motion to insist prevailed.

On motion by Mr. Haskell of Penobscot

Recessed until this afternoon at two o'clock Eastern Standard Time.

#### After Recess

The Senate was called to order by the President.

#### Additional House Papers. Out of Order and Under Suspension of the Rules

"Resolve Opening Upper Rang Pond, Androscoggin and Cumberland Counties, to Ice Fishing." (H. P. 518) (L. D. 521)

(In Senate, on April 27, the "Ought Not to Pass" report was accepted in non-concurrence.)

Comes from the House, that body having insisted on its former action whereby the resolve was substituted for the report, and passed to be engrossed, and now asks for a Committee of Conference.

On motion by Mr. Weeks of Cumberland, the Senate voted to join with the House in a Committee of Conference.

"Resolve Opening Brackett Lake, Aroostook County, to Ice Fishing." (H. P. 817) (L. D. 901)

(In Senate on April 27, the "Ought Not to Pass" Report was accepted in non-concurrence.)

Comes from the House, that body having insisted on its former action whereby the resolve was substituted for the report, and passed to be engrossed, and now asks for a Committee of Conference.

On motion by Mr. Weeks of Cumberland, the Senate voted to adhere to its former action whereby the Ought Not to Pass report of the Committee was accepted in non-concurrence.

Sent down for concurrence.

"Resolve in Favor of the Town of Stoneham." (H. P. 1239) (L. D. 1434)

(In Senate, on April 27, the "Ought Not to Pass" Report was accepted in non-concurrence.)

Comes from the House, that body having insisted on its former ac-

tion whereby the resolve was substituted for the report, and passed to be engrossed, and now asks for a Committee of Conference.

On motion by Mr. Carter of Oxford, the Senate voted to adhere to its former action whereby the Ought Not to Pass report of the Committee was accepted, in non-concurrence.

Sent down for concurrence.

On motion by Mr. Weeks of Cumberland, the Senate voted to reconsider its former action earlier in this afternoon's session whereby it voted to join with the House in a Committee of Conference on, Resolve Opening Upper Rang Pond, Androscoggin and Cumberland Counties, to Ice Fishing, (H. P. 518) (L. D. 521); and on further motion by the same Senator, the Senate voted to adhere to its former action taken on April 27, when the "Ought Not to Pass" report of the Committee was accepted in non-concurrence.

Sent down for concurrence.

Bill "An Act Repealing Certain Blue Laws." (S. P. 413) (L. D. 1121)

(In Senate, on April 27, passed to be engrossed.)

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

On motion by Mr. Haskell of Penobscot, the Senate voted to concur with the House in the indefinite postponement of the bill.

"Resolve to Reimburse the Town of Jefferson for Conveyance of School Children." (H. P. 719) (L. D. 1368)

(In Senate on April 27, indefinitely postponed in non-concurrence.)

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

On motion by Mr. Haskell of Penobscot, the Senate voted to join with the House in a Committee of Conference.

#### Joint Order

ORDERED, the Senate concurring, that bill "An Act to Change

the Deer Hunting Season," (H. P. 915) (L. D. 1016) be recalled from the Legislative files to the House for further consideration. (H. P. 1291)

Which was read and passed in concurrence.

#### Joint Order

ORDERED, the Senate concurring, that there be paid to Indian Representative Archie LaCoote of the Passamaquoddy Tribe of Indians and John Mitchell of the Penobscot Tribe of Indians, the sum of one hundred dollars each, which is the balance due on their compensation. (H. P. 1290)

Which was read and passed in concurrence.

#### Ought Not to Pass

The Committee on Appropriations and Financial Affairs on Bill "An Act Relating to Bookmobile Service," (H. P. 2) (L. D. 2) reported that the same ought not to pass.

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

On motion by Mr. Collins of Aroostook, the Senate voted to recommit the bill to the Committee on Appropriations and Financial Affairs in concurrence.

#### Senate Committee Report

Out of order and under suspension of the rules, Mr. Carter from the Joint Standing Committee on Public Buildings and Parks, submitted its Final Report.

Which report was read and accepted.

Sent down for concurrence.

#### First Reading of Printed Bills Out of Order and Under Suspension of the Rules

Bill "An Act Relating to Officers and Employees of the Legislature." (S. P. 583) (L. D. 1523)

Bill "An Act Relating to the Board of Registration for Professional Engineers." (S. P. 584) (L. D. 1524)

Bill "An Act Relating to Waiver of Restrictive Provisions in Deeds." (S. P. 585) (L. D. 1525)

Which were severally read once and under suspension of the rules read a second time and passed to be engrossed.

Sent down for concurrence.

The President laid before the Senate, Senate Report "Ought Not to Pass" from Committee on Legal Affairs on bill, An Act Relating to Pari Mutuel Pool Contributions to Stipend Fund (S. P. 275) (L. D. 763), tabled by the Senator from Cumberland, Senator Weeks, on April 24th, pending consideration of the Committee report.

Mr. WEEKS of Cumberland: Mr. President, I previously moved to table this measure as a courtesy to others. I have no further interest in the matter.

The PRESIDENT: The Chair will inquire of the Senator from Cumberland, Senator Weeks, whether he makes a motion to table this matter?

Mr. WEEKS: No, Mr. President, I simply made the remark that I did move to place it on the table as a courtesy to others.

The PRESIDENT: The question before the Senate is on the consideration of the Ought not To Pass report of the Committee on Legal Affairs on the bill.

Mr. HASKELL of Penobscot: Mr. President, I move that the Ought Not to Pass report be accepted and when the vote is taken I ask for a division.

Thereupon, on motion by Mr. Carpenter of Somerset, the bill and accompanying papers were retabled pending the motion of the Senator from Penobscot, Senator Haskell, that the Ought Not to Pass report of the Committee on Legal Affairs be accepted.

The President laid before the Senate House Report "Ought Not to Pass" from the Committee on Appropriations and Financial Affairs on Resolve in Favor of the Town of Canton, (H. P. 1236) (L. D. 1429) tabled by the Senator from Oxford, Senator Fuller, on April 24th, pending consideration of the Committee report, and today assigned.

Mr. CARTER of Oxford: Mr. President, in view of the fact that the Senator from Oxford, Senator Fuller is in a committee meeting, he asked me to move that the Ought Not to Pass report of the Committee be accepted.

Thereupon, the Ought Not to Pass report of the Committee was accepted in non-concurrence.

Sent down for concurrence.

The President laid before the Senate, Bill, An Act Amending the Community School District Law (H. P. 936) (L. D. 984) tabled by Senator from Cumberland, Senator Chapman, on April 27th, pending motion by the Senator from Cumberland, Senator Chase, that Senate Amendment A be adopted, and today assigned.

Thereupon, Senate Amendment A was adopted and under suspension of the rules the bill was given its second reading and passed to be engrossed as amended in non-concurrence.

Sent down for concurrence.

The President laid before the Senate, divided House Report, Majority Report "Ought to Pass", Minority Report, "Ought Not to Pass," on Resolve Proposing an Amendment to the Constitution Providing for Annual Sessions of the Legislature (H. P. 234) (L. D. 38) tabled by the Senator from Cumberland, Senator Chapman, on April 27th, pending consideration of the reports, and today assigned.

Mr. CHAPMAN of Cumberland: Mr. President and members of the Senate, this resolve, as the title indicates, proposes an amendment to the Constitution to provide for annual sessions of this legislature. The resolve has been much discussed in both Branches. It was the original plan that in order to provide for annual sessions the only technique of doing so was to propose an amendment to the Constitution. For that purpose the resolve was introduced, was heard by the Committee and as indicated by the report a majority of the Committee favored it. Nevertheless it did seem it would be a rather fine thing to do to put a resolve before the people calling for a session vote to be approved which would then be a mandate upon us from then on.

So we sought some means whereby it might be possible to have annual sessions of the legislature without changing the Constitutional law and it was suggested that it would be possible to do so

merely by phrasing the adjournment order at the time of final adjournment for reconvening on the first Wednesday of the next even year. This would give us an opportunity to reconvene, if we decided to do that—and that issue is not before us at this time—and it would give us an opportunity to determine whether or not practice an annual session would be technically feasible.

Although I am very enthusiastic about what we consider the necessities of annual sessions of the legislature, some of the other Committees were too, it seemed a little doubtful whether we could pass legislation changing the Constitution at this time. Consequently, this alternative technique of doing it by the adjournment order seemed to be more feasible and it is on that basis that I will make the motion I am about to make. However, if we search the language of the statutes we will find that phrase, which we are all familiar with, that all the bills and resolves we pass in a given session shall become effective ninety days after the date of the final recess of the legislature which enacts those bills and resolves. That term "recess", although it seems to mean recess, the type of recess that would result by such an adjournment might be construed by the Court to mean final adjournment and if it were so constructed we would be in a rather tough situation because our bills and resolves would not become law. Consequently, we decided to reserve this resolve as a vehicle for defining the word "recess," to leave the door open in the future in case we should ever decide to adjourn from one year to the next, and still be safe and protect our bills and resolves.

That change, as an amendment to this particular resolve, is now being prepared at the other end of the hall but that is not before us today. And with that explanation of what we have in mind I now move that this resolve be laid upon the table until tomorrow, at which time the amendment will be available.

Thereupon, the resolve was laid upon the table pending consideration of either report and was especially assigned for tomorrow.

Mr. PARKER of Piscataquis: Mr. President, I would like to inquire if bill, An Act Prohibiting the Sale of Malt Liquor in Non-Returnable Bottles (H. P. 351) (L. D. 367), is now in the possession of the Senate.

The PRESIDENT: The Chair will inform the Senator, in answer to his question that the bill is in possession of the Senate.

Mr. PARKER: Mr. President and members of the Senate, being unable to be present yesterday afternoon when this bill came in from the other Body and having some remarks to make on this bill which I believe might be of interest to the members of the Senate, I would ask to have this reconsidered.

Thereupon, the Senate voted to reconsider its former action taken on April 27th, whereby the Leave to Withdraw report of the Committee was accepted.

Mr. TABB of Kennebec, Mr. President and members of the Senate, you can see I am in a better mood than I was this morning. I don't want to be called the firey Senator from Kennebec on this issue. I have tried to have a record this year but evidently I have broke it myself. I am going to object to this bill being reconsidered on the grounds that we have done everything that is possible for the gentlemen who are in favor of this bill.

In the Committee of Conference on the first bill we couldn't agree. At that time this bill that is referred to here was on the table in the House. We took that matter up at the time and also told them what we would do in regard to this bill, and they agreed to it. They offered to withdraw this bill but evidently they have changed their minds. Now, when you stop and consider this bill that was defeated in this Senate by a vote of twenty-three to five that was practically the same bill and I don't see why we need to argue much more about a bill to be reconsidered especially when they haven't lived up to their agreement with the Committee of Conference. At that time they were perfectly satisfied to abide by the decision of that Committee but somehow or other I guess they probably must have found a few more beer bottles. In fact, someone put two or three beer bottles in front of my door

yard to remind me of the bill. Fortunately they were returnable bottles and a kid came along and I gave them to him.

It does seem to me that we are wasting our time in this session by trying to reconsider something that we have already killed in the Senate, and it is beyond me. I realize that the good Senator from Piscataquis, Senator Parker, how thoroughly honest he is in his bill. I believe a lot of things with him. I have talked with him on this subject and I know he agrees also with me about some of the methods that some of the members of that Committee want to try to bring this thing back again. I guess we will have to teach some people lessons in legislation and I sincerely hope that you will support the Three Musketeers, Senator Dennett, Senator Boucher and myself, and I hope that the motion for reconsideration will not prevail.

Mr. PARKER of Piscataquis: Mr. President and members of the Senate, I rise only to clear up a thought that my good friend the Senator from Kennebec, Senator Tabb would leave with you that this is just another return bottle bill. This that I am asking reconsideration on that I might, through your courtesy present to you if you will allow it to be reconsidered, doesn't resemble the original bill except that the title of it was similar to begin with. There is a House amendment to this bill that changes the whole picture and that is the only reason I am asking reconsideration. And when the vote is taken, Mr. President, I ask that it be taken by a division.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Piscataquis, Senator Parker, that the Senate reconsider its action taken yesterday whereby the "Leave to Withdraw" report of the committee was accepted, and the same Senator has asked that when the vote is taken it be taken by division. Is the Senate ready for the question?

A division of the Senate was had.

Fifteen having voted in the affirmative and twelve opposed, the motion to reconsider prevailed.

The PRESIDENT: The question now before the Senate is on the

consideration of the "Leave to Withdraw" report of the committee.

Mr. PARKER of Piscataquis: Mr. President and members of the Senate, while I was home over the last week end I attended a Grange meeting on Saturday night and a question was asked me, which embarrassed me to no great extent, and the question was this: "Why doesn't the legislature do something about the bottles on our roadsides?" As you remember, in our last debate I presented figures to you of what it cost the State of Maine to remove this menace. The figures I got from the Highway Department through Mr. Church's division and the figures he gave me were \$20,000 that it cost the State of Maine every year to pick up and dispose of this litter of bottles on our highways and roads.

Now those who love the State of Maine cannot but feel that something should be done to stop this nuisance, to clean up the litter and stop the damage caused by thoughtless people throwing bottles, because they never rust nor disintegrate from the elements, and actual surveys have shown that ninety percent of these are of the non-returnable variety. And why should many thousands of our good Maine citizens be penalized and subjected to this continued nuisance for the small additional mercenary profit of a few individuals, most of whom live outside our state? And why should our highways and beaches and lake shores be defiled when by the passage of a simple act we can remove most of the trouble? Can we point to our Vacationland with pride, knowing full well that when our visitors arrive in great anticipation they will find our highways and beaches strewn with bottles and looking in some cases like a public dump?

Now this act that we are considering is quite different from the previous bill that called for a specific deposit on bottles. This act simply states that all malt beverages must be bottled in returnable bottles. This allows the malt beverage industry to thus improve their public relations and set up their own system of return of bottles. It specifies no amount. It simply puts

this problem that you and I know, if we will be honest with ourselves, is a problem. Regardless of how you and I vote on this bill this afternoon, you know and I know that you cannot be proud, as you drive up and down the State of Maine, to see the mess we have on our roads, on our highways, on our beaches, on our roadsides. Regardless of how you vote here this afternoon you know you are not proud of it.

Under this act as amended — I tried to find the amendment but I don't just see it — but under this act with the amendment it simply says that this product shall be bottled in returnable bottles and it leaves the whole problem for the industry to say whether they want in two years from now someone to come down here to the legislature and ask them to further correct that problem or whether they will do it themselves in the next two years between now and the next legislature. I believe that the industry themselves, if we give them the opportunity, will set their own value on returnable bottles. I don't think they can afford to let this mess continue as we have it today, and under this bill I believe they will see that it is their own problem and that they will take measures to correct it.

I just want to say this in conclusion: If you are happy and contented to see this litter of bottles on the landscape wherever you go and if you can point with pride at this desecration of our Vacationland, vote against this bill. But if you love the State of Maine and cherish the beauty of its lakeshores, beaches and highways and if you believe we should preserve this beauty and protect the citizens from this nuisance and damage, I hope you will vote for it.

And, Mr. President, I am not too sure how I should word my motion to pass this bill. Should it be to substitute the bill for the report?

The PRESIDENT: In answer to the Senator's question, the Chair would feel that the proper motion undoubtedly would be to substitute the bill for the Leave to Withdraw report.

Mr. PARKER: I so move, Mr. President, and when the vote is taken I ask that it be taken by division.

The PRESIDENT: For the information of the Senator and the Senate, the amendment to which reference has been made is Filing Number 419. The question before the Senate is on the motion of the Senator from Piscataquis, Senator Parker, that the bill be substituted for the Leave to Withdraw report of the committee, and the same Senator has requested that when the vote is taken it be taken by division.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, I had agreed not to enter this discussion, but I am forced by the course of events to intervene on the same reasons given by the good Senator Tabb that in discussion a similar bill by a group of conferees that this bill would go without any question leave to withdraw.

Now an attempt is being made to disrupt that agreement so I feel at liberty to change my position regarding to the the commitment I made previously. I would have stuck to my guns had the other side of the controversial question stood by their guns and acted on that as they agreed to do on leave to withdraw. Apparently they are trying to force the issue, so I feel I must re-enter into this discussion and repeat what I have already said so many previous times this season and in previous sessions.

This is probably one of the oldest bills that has appeared before practically every session for the last ten years at least. If the bill meant to do away with all debris thrown out of automobiles I would go along with it. This is to cut one item out of twenty or twenty-five items that are picked up by the State Department on our highways. I say to you members of the Senate that there is enough law on our books now concerning throwing out of various automobiles that if they were enforced we wouldn't have this trouble.

I also want to tell you about a little incident that happened at my house this week end. Senator Tabb

reports that he found some bottles over the week end, and I had some non-returnable bottles on my lawn, several of them. I don't want to accuse the opposition of putting them there purposely, but I wonder whether they did or not, and I had to remove them. I don't believe that the passage of this bill will stop the throwing out of beer bottles out of cars. It is very evident that the person who has had beer bottles in his car and has drank them in the car or outside the car wants to dispose of them so that if he had an accident there would be no evidence that beer or ale had been consumed in that car. That is the reason and the only reason that they throw those bottles out, be they non-returnable or returnable it wouldn't make any difference, they will throw away the evidence, and I think there is no need for this bill. I say to you that those that are interested in stopping the throwing away of bottles from automobiles should go to the State Police and ask them to enforce the present laws that we have on our books. I say to you, and I repeat again what I have already said, that the roads should be posted throughout Maine calling attention to the fact that it is against the law and there is a fine if anybody throws anything out of automobiles, refuse or anything else, beer bottles or cans or whatever you've got.

I have driven through New Hampshire and I have seen that State for every mile along the main highway they have posted the fact of the law that if you do throw out things from your car that you are subject to arrest and a fine. I think that is where the trouble is, our laws are not being enforced, and I don't believe that this bill will correct that situation. But I do know that it will work a hardship on the legal industry of beer and ale who are doing their utmost to do a clean business, and they certainly are not to blame but we are going to punish them because some of our own citizens discard the law and throw those bottles away all over the state. To me this is an unnecessary law, to me it is a discriminatory law and if we pass it we are doing the wrong thing, I think we are taking a step in the wrong direc-

tion, because if we are going to pass any law now it would be a law to do the same thing to all the materials that can be thrown out of a car, and that of course is impossible.

We have enough law now that if it were enforced it would do away with this throwing out of beer bottles, whether they are returnable or non-returnable, out of automobiles.

Mr. TABB of Kennebec: Mr. President and members of the Senate, this amendment says, "No malt beverage shall be sold in non-returnable bottles." I wonder if you realize what that means to the stores that are selling malt beverages in non-returnable bottles. You are going to put them out of business. That is just what the prohibition people want. This is a scheme to dry up the State of Maine. And they are even trying to dry up Europe. Do you realize that? The malt beverage business is a legal business and you and I, most of us, voted for it, and here you say, "If it is not in returnable bottles you can't sell it." As my good friend, the Senator from Androscoggin, Senator Boucher, has said, there are plenty of laws on the books to cover everything that is needed but you can't stop anybody from throwing bottles out of a car. Now let me just tell you what we agreed to in the conference committee. We agreed, and I was asked if I would take those three members to the Governor and express our views to him as to how the present laws on our books should be enforced. And I did that. And they told their story to the Governor and asked his help to get the state police to enforce these laws. We then even went one step further. We offered, if they saw fit to have an order introduced, to go to the Research Committee and bring back some kind of answer to the next legislature, which they agreed to. I cannot understand it. I realize that I am one of those politicians that if I am with anybody I am with them and if I am opposed to them I am opposed to them, and I don't change over night. And I presume when a man gives me his word of honor and tells me what he will do, I expect



him to do it, and that is what was given to me.

And now I come to this bill. I don't blame the Senator from Piscataquis, Senator Parker. I know it isn't his doing. I know where that talk on this thing all comes from. I suppose I could stand here and conduct a filibuster by reading some of these books but I know there is no need of this. I see the honorable floor leader is looking at me, but just stop and think again. We have laws on the books that have been there for the last ten years, and we can't stop it. First they had a price on them. Now they haven't got any price on them. You are going to hurt a State of Maine industry that is doing a legal business if you pass this amendment. I wouldn't dare tell you what they told me this morning because I was going to try to kill this bill. I think perhaps I would be rapped down by the gavel, and this year I want to keep away from that. So I am asking you, in all goodness and fairness to the Malt Beverage Association that we protect the industry and don't worry about a few bottles they claim are on the roads. So I am asking you again not to forsake the Three Musketeers and I hope that the motion by the Senator from Piscataquis, Senator Parker, will not prevail.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Piscataquis, Senator Parker, that the Senate substitute the bill for the Ought Not to Pass report.

Mr. PARKER: Mr. President, I feel that anyone my size should at least have the knowledge that when they take on two able speakers, with the possibility of a third, in one afternoon and in one debate, that certainly there is one of two things that could very easily be said and I will leave to you which one it would be. But actually and seriously, as has been brought out by the opposition, for ten years this problem has existed in the State of Maine and nothing has been done that accomplishes the purpose. The laws have been on the books, the same laws that the two Senators have mentioned, and their alibi every time we get into debate on it is that we have

laws enough to do this and why doesn't somebody do something to enforce them. And we still have the litter and the mess on our roadsides. And regardless of what my opponents have said, this bill with the amendment puts the problem in the lily-white hands of the malt beverage industry. And where in the world could you ever get any group of people, any organization, so capable of handling their own problem? I will say no more. I will leave it right there.

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 report and that Senator has requested a division.

A division of the Senate was had. Six having voted in the affirmative and twenty-three opposed, the motion to reconsider did not prevail.

Thereupon, the leave to withdraw report of the committee was accepted.

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On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table bill, An Act to Make Uniform the Legal Hours for Sale of Liquor (S. P. 137) (L. D. 325) tabled by that Senator on April 24 pending consideration.

Mr. BOUCHER: Mr. President will you please tell me the status of the bill.

The Secretary read the endorsements:

"On April 10 in the Senate engrossed without amendment."

"On April 23, in the House indefinitely postponed."

Thereupon, on motion by Mr. Boucher of Androscoggin, the Senate voted to insist on its former action and ask for a Committee of Conference.

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On motion by Mr. Harding of Knox, the Senate voted to take from the table divided House Report; Majority report ought not to pass; Minority report, ought to pass, from the Committee on Sea and Shore Fisheries on bill, An Act Relating to the Use of Trawls in Washington County (H. P. 543) (L. D. 524) tabled by that Senator on March 10 pending consideration of the reports; and on further motion by the same Senator, the

Majority report "Ought Not to Pass" was accepted in concurrence.

Mr. COLLINS of Aroostook: Mr. President, there are several items on the calendar that were tabled for the Committee on Appropriations. I would like to take some of them off the table at this time and I might say first that any other members of the Appropriations Committee is at liberty to take off any of these items that he desires. That was the agreement between the members of the committee.

Thereupon, on motion by Mr. Collins of Aroostook, the Senate voted to take from the table Resolve Appropriating Money for the Lands Reserved for Public Trust Fund (H. P. 312) (L. D. 384) tabled by that Senator on March 19 pending final passage.

Mr. COLLINS: Mr. President, in explanation of this resolve, I would say, it involves some \$515 due to a bookkeeping error, and the money is to be taken from the surplus to correct the situation. I now move final passage of the resolve.

The motion prevailed and the resolve was finally passed.

On motion by Mr. Collins of Aroostook, the Senate voted to take from the table Bill, An Act Relating to Number of Justices of Superior Court (S. P. 402) (L. D. 1117) tabled by that Senator on April 24 pending passage to be enacted.

Mr. REID of Kennebec: Mr. President, this bill, which is pending enactment calls for an additional justice of the Superior Court and it seems as though he should be compensated. I propose to offer an amendment to do just that. I therefore move that the Senate reconsider its former action.

Thereupon, the rules were suspended and the Senate reconsidered its former action whereby the bill was passed to be engrossed, and the same Senator presented Senate Amendment A and moved its adoption.

Senate Amendment A to L. D. 1117. Amend said bill by inserting at the beginning of the first line thereof the underlined abbreviation and figure, 'Sec. 1'

Further amend said bill by adding at the end thereof the follow-

ing: 'Sec. 2. Appropriation. There is hereby appropriated from the general fund to carry out the purpose of this amendment, the sum of \$10,500 for the fiscal year ending June 30, 1954 and \$10,500 for the fiscal year ending June 30, 1955.

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

Sent down for concurrence.

On motion by Mr. Wight of Penobscot, the Senate voted to take from the table House Report "Ought to Pass" from the Committee on Claims on "Resolve in Favor of Ervin E. Hustus of Rockland" (H. P. 1202) (L. D. 1437) tabled by that Senator on April 15 pending consideration of the report.

Mr. WIGHT of Penobscot: Mr. President, this is a deer claim, and I realize that we have indefinitely postponed several of these claims in this session. However, this one has certain things in its favor and I believe that inasmuch as the damage occurred in 1949 and a former member of this Body had claim in his pocket during the previous session. I would now move the acceptance of the committee.

The motion prevailed and the "Ought to Pass" report of the committee was accepted in concurrence and under suspension of the rules, the resolve was given its two several readings and passed to be engrossed in concurrence.

On motion by Mr. Broggi of York, the Senate voted to take from the table House Report "Ought to Pass" with Committee Amendment A, from the Committee on Liquor Control on bill, "An Act Relating to Stock in Trade of Liquor Licensees (H. P. 940) (L. D. 1000) tabled by that Senator on April 24 pending consideration of the report.

Thereupon, on motion by Mr. Dennett of York, the Senate voted to accept the "Ought to pass as amended" report of the committee, the bill was read once, and Committee Amendment A was read and adopted.

Mr. DENNETT: Mr. President and members of the Senate, I have

a Senate Amendment here which I would like to introduce but before its introduction I would like to explain it a bit. This amendment is actually Senate Amendment A to the Committee Amendment. When this bill was originally heard before the committee it called for the stores selling malt beverages, for the amount of stock that they carried to be increased from the present \$750 to a thousand dollars. This is to protect the bona fide retailers and not just to set up stores simply for the purpose of selling malt beverages.

In the course of events came the committee amendment in which was contained the words "on display". Well, in the case of a great many stores that are bona fide stores selling malt beverages in this state, many do not have a thousand dollars worth of stock on display. They do in most instances have more than a thousand dollars worth of merchandise but not on display. This amendment would strike from the committee amendment, the words "on display" so as not to seriously interfere with the small businesses that are carried on. I present Senate Amendment A to Committee Amendment A and move its adoption.

Thereupon, the Senate voted to reconsider its former action whereby Committee Amendment A was adopted, Senate Amendment A to Committee Amendment A was adopted without reading; Committee Amendment A as amended by Senate Amendment A was adopted; the rules were suspended, the bill as so amended was given its second reading and passed to be engrossed in non-concurrence.

Sent down for 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 Judiciary on bill, An Act Relating to Limitation for Injuries by Defect in Highways (S. P. 59) (L. D. 127) tabled by that Senator in March pending consideration.

Mr. BOUCHER of Androscoggin: Mr. President, after consulting with two attorneys on the Judiciary Committee, they have agreed to go

along with me and I therefore move that the bill be substituted for the report so that I may present an amendment.

The motion prevailed, the bill was substituted for the "Ought Not to Pass" report of the committee, and given its first reading.

Mr. Boucher of Androscoggin presented Senate Amendment "A" and moved its adoption.

Thereupon, Senate Amendment "A" was adopted without reading, the rules were suspended and the bill was given its second reading and passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Haskell of Penobscot

Recessed for five minutes.

#### After Recess

The Senate was called to order by the President.

#### Additional Senate Papers Out of Order and Under Suspension of the Rules

Mr. Robbins from the Committee on Highways on Bill "An Act to Make Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1954 and June 30, 1955," (S. P. 77) (L. D. 184) reported the same in a new draft, (S. P. 591) under the same title, and that it ought to pass.

Which report was read and accepted and the Bill laid upon the table for printing under Joint Rule 10.

Mr. Greeley from the same Committee on Bill "An Act Relating to Town's Share for State Aid Construction," (S. P. 499) (L. D. 1263) reported the same in a new draft, (S. P. 592) under the same title, and that it ought to pass.

Which report was read and accepted and the Bill laid upon the table for printing under Joint Rule 10.

The Majority of the Committee on Agriculture on Bill "An Act Regulating the Marketing of Irish Potatoes Grown in the State of Maine," (S. P. 527) (L. D. 1423) reported that the same ought to pass

as amended by Committee Amendment "A".

(Signed)

Senator:

FULLER of Oxford

Representatives:

BAILEY of Woolwich

TAYLOR of Norridgewock

EMERSON of Corinna

DORSEY of Fort Fairfield

GOSLINE of Gardiner

CENTER of Standish

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

(Signed)

Senators:

DOW of Lincoln

TABB of Kennebec

Representative:

BEARCE of Hebron

On motion by Mr. Fuller of Oxford, the bill and accompanying papers were laid upon the table pending consideration of the reports; and especially assigned for April 28.

On motion by Mr. Butler of Franklin, the Senate voted to take from the table Bill, "An Act Relating to Following Motor Vehicles" (H. P. 1006) (L. D. 1092) tabled by that Senator on April 24 pending passage to be enacted, and on motion by the same Senator, the Bill was passed to be enacted.

On motion by Mr. Collins of Aroostook, the Senate voted to take from the table House Report "Ought to pass as amended by Committee Amendment A" from the Committee on Appropriations and Financial Affairs on Bill, "An Act Relating to Salary of Members of the Legislature" (H. P. 250) (L. D. 280) tabled by that Senator on April 10 pending consideration of the report.

Thereupon, on motion by Mr. Collins of Aroostook, the Secretary read the endorsements on the bill:

Comes from the House, Committee Amendment "A" having been indefinitely postponed and the bill without amendment passed to be engrossed.

Mr. COLLINS of Aroostook: Mr. President and members of the Senate, this is the bill relating to salary of the members of the legislature. In the bill as it came out of

committee, amended by Committee Amendment "A," the salary of the legislature was established at one thousand dollars per session. The bill called for \$1250 per session and this is the amount that was passed by the other branch. At this time, I would move that the Senate accept the "Ought to Pass as amended" report of the committee.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, I realize that the committee has a right to offer that committee amendment. Personally I feel that we have increased the state employees' salaries and the department heads, or most of them, and I feel that \$1250 as a salary for the future legislators is not too high in comparison to the cost of living. I can remember when I first came into the legislature twenty years ago, the salaries were \$600 and that was a good deal more than \$1250 is now according to my thinking, and I for one will oppose the committee amendment. I think we should leave the bill at \$1250. It is a fair price and low if anything. I think to consider the work that the legislators have to do and the time they have to put in, that a really fair price should be nearer \$2000. I am willing to go along with the bill and I do not think that the amendment is right.

Mr. HASKELL of Penobscot: Mr. President, I rise in support of the motion of the Senator from Aroostook, Senator Collins, that this sum of money is represented by the wage increase for the future legislatures, must be provided for by an appropriation from general fund. If we seek a wage increase of \$150 per session, the increased appropriation necessary to support that, and I will use round figures, is \$27,000. That is 108 times \$150. If on the other hand we seek for the next legislature, a wage increase of \$400 we must be prepared for an increased appropriation figure of \$72,000; again in round figures.

I think the arguments of Senator Boucher, are good arguments but I think we have all got to compare the needs with the existing legislative documents that we still have before us and there are many deserving documents. Such action as we have taken this afternoon con-

sidered with the modest amount of money available to this legislature for distribution among all worthwhile L. D.'s leads me to believe it might be just a little bit selfish if we sought for the next legislature, more than the amount suggested by the unanimous report of the committee. It seems to me that that would strike a fair balance between what we all know might be considered fair and reasonable compensation, and what we all know must come out of the balance available to us. For that reason I think that so far as our own consciences are concerned, we should not go beyond the thousand dollar mark.

I hope that the motion of the Senator from Aroostook, Senator Collins, prevails.

Thereupon, the motion prevailed, the "Ought to Pass as amended" report of the committee was accepted, and the bill read once: Committee Amendment A was read and adopted in non-concurrence and on motion by Mr. Collins of Aroostook, the bill was laid upon the table pending assignment for second reading.

On motion by Mr. Sinclair of Somerset, the Senate voted to take from the table bill, An Act Relating to Divesting Property in Qualifications for Old Age Assistance and Aid to the blind (H. P. 199) (L. D. 209) tabled on March 26 by the Senator from Aroostook, Senator Collins, pending passage to be enacted; and on further motion by Sinclair of Somerset, the bill was passed to be enacted.

On motion by Mr. Sinclair of Somerset, the Senate voted to take from the table bill, An Act Relating to Fire Inspection of Hospitals and Boarding Homes (H. P. 961) (L. D. 1051) tabled on April 16 by the Senator from Aroostook, Senator Collins, pending passage to be enacted, and on further motion by Mr. Sinclair of Somerset, the bill was passed to be enacted.

On motion by Mr. Sinclair of Somerset, the Senate voted to take from the table Resolve to Reimburse the Town of Pittsfield for Support of Dianne K. Edwards (S. P. 244) (L. D. 668) tabled on April

9 by the Senator from Aroostook, Senator Collins, pending final passage; and on further motion by the same Senator, the resolve was finally passed.

On motion by Mr. Wight of Penobscot the Senate voted to take from the table Resolve Authorizing Commissioner of Inland Fisheries and Game to pay Certain Claims (H. P. 90) (L. D. 94) tabled by that Senator on March 10 pending consideration.

Mr. WIGHT of Penobscot: Mr. President, at the conclusion of my remarks I shall move indefinite postponement of this resolve, which arises from the fact that three employees, Game Wardens, moved from one town to another and the Commissioner of Inland Fisheries and Game, not knowing that he didn't have the authorization to pay those moving expenses, agree to do so. When he found out he had no authorization to pay the claims he appealed to the Governor and Council and was refused permission to pay them.

The claim isn't large, \$357.00 for the three, but it might form a dangerous precedent. People in the employ of the State in various departments are moving from one town to another and if this measure should be passed there would be no reason why those other moving expenses shouldn't be paid. The State Police have, I believe in some instances, paid the moving expenses of some of their personnel and the Governor and Council have taken out of the Police regulations the clause given them permission to do this. I can also assure this Senate that there will be no more payments made by this Commissioner, at least according to his statement now. Whether or not the Senate should pass this resolve I believe goes out of circumstances surrounding it. I move indefinite postponement of the resolve.

Mr. SILSBY of Hancock: Mr. President and members of the Senate, this resolve was presented to the Claims Committee and we gave it very careful consideration. For your information, as we understand the fact is that certain members of the Inland Fish and Game Department were transferred to other areas of the State. It is your Com-

mittee's understanding that the transfer was against their wishes but was ordered at the discretion of the department and that the department had given the wardens to understand that the moving expenses would be assumed by the department. In view of those conditions we felt that it was a We further understand that when legitimate claim and should be paid. the moving price was contracted it was contracted in the name of the State of Maine and it was the understanding of all parties that the State of Maine should pay, and I believe that under those circumstances, because of the fact that the Governor and Council didn't have authority to authorize the payment of this claim that it is the moral obligation of the State, was contracted in the name of the State and it is up to the legislature to pay it.

The PRESIDENT: Is the Senate ready for the question?

The question before the Senate is on the motion of the Senator from Penobscot, Senator Wight, that the resolve be indefinitely postponed.

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

The PRESIDENT: Does the Chair understand that it will be satisfactory to the Senator from Hancock, Senator Silsby, that the resolve now go to the engrossing department?

Mr. SILSBY: Yes, Mr. President.

Thereupon, the resolve was ordered sent to the engrossing department.

On motion by Mr. Haskell of Penobscot, the Senate voted to take from the table, bill, An Act Relating to Duties of Court Stenographers (S. P. 104) (L. D. 318), tabled by that Senator on April 9th, pending passage to be enacted.

Mr. HASKELL of Penobscot: Mr. President, I now move that the Senate reconsider its former action whereby the bill was passed to be engrossed. I make that motion in order to permit an amendment which will make the bill consistent with another similar bill which does change the statutory nomenclature of this group from "Court Stenog-

raphers" to "Official Court Reporters."

Thereupon, the Senate voted to reconsider its action whereby the bill was passed to be engrossed and on further motion by the same Senator, Committee amendment A was indefinitely postponed.

The same Senator presented Senate Amendment A which was adopted without reading, and the bill so amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Butler of Franklin, the Senate voted to take from the table, Resolve in Favor of Carroll L. McKusick of Parkman (H. P. 159) (L. D. 733), tabled by that Senator on April 2nd, pending passage to be engrossed; and on further motion by the same Senator the resolve was passed to be engrossed in concurrence.

On motion by Mr. Collins of Aroostook, the Senate voted to take from the table, House Report "Ought to Pass as Amended by Committee Amendment "A" from the Committee on Appropriations and Financial Affairs" on bill, An Act Relating to Salary of Members of the Legislature (H. P. 250) (L. D. 280), tabled by that Senator earlier in today's session pending assignment for second reading; the same Senator presented Senate Amendment A which was adopted without reading and under suspension of the rules the bill as amended by Committee Amendment A and as further amended by Senate Amendment A was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Haskell of Penobscot, the Senate voted to take from the table bill, An Act To Appropriate Monies for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1954 and June 30, 1955, tabled by that Senator earlier in today's session pending assignment for second reading and this afternoon assigned; and that Senator yielded to the Senator from York, Senator Broggi.

Mr. BROGGI of York: Mr. President, I rise for the purpose of presenting an amendment to L. D.

1526 just taken from the table by the Senator from Penobscot, Senator Haskell. This amendment involves something very dear to my heart and I want to go back to the 95th Legislature for a moment and mention to the members about a bill that appeared before the Educational Committee at that session. That bill asked to double the tuition at the State Teachers Colleges. The entire Committee was vigorous in opposition to this bill for several reasons. First of all, there was a very definite teacher shortage existing. There were approximately 750 teachers teaching in Maine at that time on what is known as sanctions and permits. There weren't enough certified teachers to fill the classrooms and as a consequence the State Department of Education issued these sanctions and permits.

The Committee felt at that time that it was a poor time to double the tuition of the teachers colleges with their distinct teachers shortage and that it might discourage many young men and women from attending our teachers colleges, but inasmuch as Maine at that time was 39th or 40th in the United States in recompense for teachers for their services the general feeling was that it would not be satisfactory at that time and that such a bill should not receive passage. The Committee, however, because of the fact that our teachers colleges are not accredited, because the legislature had continually refused to allocate enough money to make teachers colleges accredited and to improve the teaching facilities, did pass this bill out unanimously Ought to Pass with a Committee Amendment which very specifically stated that allowing this tuition to be doubled, the increased revenue from the increased tuition to be used solely for the purpose of bettering the teachers facilities at the teachers colleges.

This bill passed both Branches unanimously, was enacted in both Branches and signed by the Governor, however, at 2 o'clock in the morning in the closing hours of the last day of the legislature this bill was recalled from the Governor and the increased revenue from the doubled tuition was allocated, not

to increase teaching facilities but to go into the general fund of the State. Our present Governor was President of the Senate at that time. I think Governor Cross showed his integrity and realized that possibly something took place that wasn't quite right at that time, because in his budget message at the beginning of this session he recommended that the teachers college tuition be halved and he also made an allowance in his budget for the halving of the tuition.

The Commissioner of Education in discussing this proposal of the Governor with the heads of the State Teachers College found that the heads of colleges preferred to have part of this used in the form of scholarships. In other words, there are approximately something over one thousand students in our teachers colleges and halving the tuition would be at the cost of fifty thousand dollars a year. The Education Committee agreed to leave half of this in the general fund and to use twenty-five thousand dollars a year in the form of scholarships for needy young men and women at our state teachers colleges. Since the passage of the bill last week to have the State collect on the net on cars rather than on the gross I admit the Appropriations has had to cut that back and many related things but it seems very unfair to me to have two consecutive legislatures in the final moments cut back and penalize the teachers colleges who need it as much, in my opinion, as any branch of our Government.

I stood by and saw ninety eight thousand dollars appropriated for the Bath Home involving thirty students. It is not my intent to attack that. I voted for it. I think it has merit. But I certainly think that over one thousand students in our teachers colleges are entitled to recognition as was recommended in the Governor's budget, and I propose that Senate Amendment B which restores the cut the Appropriations Committee has taken out.

Mr. COLLINS of Aroostook: Mr. President and members of the Senate, the facts that the Senator from York, Senator Broggi, has given you I think are entirely true. The Ap-

appropriations Committee in the first draft of their Appropriations Bill 1316 recognized the value of the scholarship fund and in that document recommended the sum of \$50,000 a year. I still would like to see it in there but I don't see how we can put in all of these things and still cut our Appropriations.

Now this seems to be one of the items that the Committee recommended be cut. It does leave the \$24,782.00 the first year and \$25,000 the second year for scholarship purposes. I think it is simply a matter that the Committee has got to decide where they want the money spent and the freeboard of what is going to be left is very small. I have no quarrel with the item itself but we must recognize the fact that if cuts are to be made they have got to be made somewhere and in the opinion of the Committee it seems justified that a cut be made in this bill.

Mr. BROGGI: Mr. President, I would just like to call the attention of the Senate to the fact that the amount the Appropriations Committee has left in the bill has been in there for a number of years. The amount I want restored is what was asked for at the last session and recommended by the Governor at this session. I repeat, if the Governor's recommendation had been followed by halving the tuition the State would have found its general fund with \$100,000 less in it. The recommendation of the Education Committee makes this deficit \$50,000 instead of the \$100,000 the Governor recommended and asked for \$50,000, or \$25,000 each year, to be added to this scholarship fund. I certainly hope the amendment receives adoption and when the vote is taken I ask for a division.

Mr. CHASE of Cumberland; Mr. President, when this bill first came out of Committee, discussion in both Branches and action in one, certainly indicated to me that the legislature did not want to appropriate a total such as the bill then called for. And that was my opinion. I said at the time I realized if appropriations were going to be reduced we would have to deal with some of those items and cut

appropriations in spots that we would not like, and that I recognized that responsibility and intended to do it. We now have before us a general appropriations bill and there are on the calendar numerous other bills calling for money. We have been advised, and I believe accurately as nearly as estimated revenues can be estimated, that we have a small margin after taking care of the appropriation bill in its present form which each of us can allocate as he may feel most desirable. The various L. D.'s would run to a substantial amount of money. It is unfortunate, but no one can possibly be blamed for the order in which these things come up but I happened to have picked out for myself a couple of items in the L. D.'s which I think are more important than the amendments which the Senator has now presented and when we get to those items I don't want someone to tell me that we have spent all the money and they cannot be considered, and in view of that fact that there must be a weeding out and we must start somewhere and we might as well try it out on this one in relation to the other things which we are not going to have money for if we easily go along with every amendment offered, even with good reasons for it. I move that the amendment be indefinitely postponed.

Mr. BUTLER of Franklin; Mr. President and members of the Senate: I am supporting the amendment which was presented by the Senator from York, Senator Broggi. I am for it for more than one reason. Fundamentally I am interested in education and I know that everyone else in the Senate is interested in education likewise. I am doing it in addition for the reason which has just been brought to our attention and I recall to your memory, those of you that were here previously, that when the tuition bill was left in its present state the State of Maine is deriving revenue which it is not fully, perhaps entitled to. It is putting that revenue into the general fund for you and I to distribute where we want to over the various L.D.'s in the legislature and are taking it out of the place from



which it came and that is in tuition. We have heard a great deal about the injustice and unfairness of the people's bill, or so-called automobile dealers bill and how unfair that was and yet on account of outside pressure, perhaps, we deemed it advisable to correct that irregularity, but here we have no outside pressure, we only have our own consciences as to where we have taken money and diverted that money from the source from which it originates and to which it should be returned. Even on the gasoline tax we recognize that must go to the highways but the little extra money the students pay we can spend any way we want to because when we cut them we are not getting anybody like the worm-diggers on our necks, we can cut this out without any quarrel, we aren't going to have any quarrel about liquor because that isn't before us, we have the best thing anybody could ask for, we don't have any question about taxation for water, that is out of the question for this away and apparently we have a good thing to cut and there are lots of good L.D.'s coming up, and never mind where we got this money in the first place, that is immaterial and accordingly we are going to say that this is going to be redistributed where we want it and not put it back in the department where it belongs. This is not spending money. This is invested money, and where better can we invest our money than where that source of money is coming from, the students who are contributing it? I hope you can see the justice and reasonableness of reallocating back to the source the funds which which the amendment provides for.

The PRESIDENT: Is the Senate ready for the question?

The question before the Senate is on the motion of the Senator from Cumberland, Senator Chase, that Senate Amendment B be indefinitely postponed.

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

A division of the Senate was had. Nine having voted in the affirma-

tive and twenty opposed, the motion to indefinitely postpone did not prevail.

Thereupon, Senate Amendment B was adopted.

Mr. Haskell of Penobscot, was granted unanimous consent to address the Senate.

Mr. HASKELL: Mr. President and members of the Senate, I think the pending question with respect to the Appropriations measure is assignment for second reading. I think there might be some justice in moving that the rules be suspended and the bill be given its second reading and passed to be engrossed and given to the other Branch. However, I think any such motion, before I would make it at least, ought to have pretty much unanimous acceptance and each member of the Senate, I would think, should be happy that he or she has no more amendment, up or down, that he or she wishes to offer.

It would seem to me, Mr. President, that this would be a timely opportunity for any other member of the Senate to rise and receive the courtesy of unanimous consent. If this measure should stay longer in this Branch for further amendments, if none of those do exist I think there is great merit in suspending the rules, passing it to be engrossed and giving it to the other Body. I move that the rules be suspended and the bill be given its second reading and passed to be engrossed.

Thereupon, under suspension of the rules the bill was given its second reading and passed to be engrossed as amended by Senate Amendment A and as further amended by Senate Amendment B, in non-concurrence.

Sent down for concurrence.

On motion by Mr. Haskell of Penobscot,

Ajourned until tomorrow morning at 8:30 o'clock Eastern Standard Time.