

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

Thursday, April 30, 1953

The Senate was called to order by the President.

Prayer by the Rev. Arthur Christopher of Augusta.

Journal of yesterday read and approved.

House Papers

Bill "An Act Relating to Use of Lights to Illuminate Wild Birds or Animals." (H. P. 805) (L. D. 889).

(In Senate, on April 27th, passed to be engrossed as amended by Committee Amendment "A" in non-concurrence.)

Comes from the House, that body having adhered to its former action whereby the bill was indefinitely postponed. On motion by Mr. Carpenter of Somerset, the Senate voted to insist on its former action and ask for a Committee of Conference.

"Resolve to Create a Special Committee to Study Safeguards in Construction Projects." (S. P. 536) (L. D. 1441).

(In Senate, on April 22nd voted to insist on its former action whereby the bill was passed to be engrossed.)

Comes from the House, that body having receded and concurred with the House, and subsequently indefinitely postponed.

On motion by Mr. Reid of Kennebec, the Senate voted to insist on its former action and ask for a Committee of Conference.

"Resolve Providing for Construction of Highway to Sugar Loaf Mountain, Franklin County." (S. P. 296) (L. D. 828).

(In Senate, on April 21st, the "Ought Not to Pass" report read and accepted.)

Comes from the House, the resolved substituted for the report and passed to be engrossed as amended by House Amendment "A". (Amendment Filing 476)

On motion by Mr. Butler of Franklin, tabled pending consideration until later in today's session.

**House Committee Reports
Ought to Pass, as amended**

The Committee on Legal Affairs on Bill "An Act Amending the

Charter of the City of Auburn," (H. P. 1055) (L. D. 1197) reported that the same ought to pass as amended by Committee Amendment "A". (Amendment Filing 439)

The same Committee on Bill "An Act to Incorporate the Newport School District," (H. P. 1209) (L. D. 1380) reported that the same ought to pass as amended by Committee Amendment "A". (Amendment Filing 440)

The same Committee on Bill "An Act to Incorporate the Town of Eagle Lake School District," (H. P. 1190) (L. D. 1339) reported that the same ought to pass as amended by Committee Amendment "A". (Amendment Filing 450)

Which reports were severally read and accepted in concurrence, and the bills once; Committee Amendments "A" were read and adopted in concurrence, and under the suspension of the rules, the bills as amended were read a second time and passed to be engrossed in concurrence.

Ought to Pass, N. D.

The Committee on Appropriations and Financial Affairs on Bill "An Act to Provide Additional State Office Space," (H. P. 22 (L. D. 17) reported the same in a new draft (H. P. 1285) (L. D. 1533) under the same title, and that it ought to pass.

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

The Committee on Highways on Bill "An Act Relating to Reimbursement to Towns for Snow Removal." (H. P. 581) (L. D. 623) reported the same in a new draft (H. P. 1289) (L. D. 1532) under the same title, and that it ought to pass.

Which report was read and accepted in concurrence, and the bill in new draft was read once, and under suspension of the rules read a second time and passed to be engrossed in concurrence.

The Majority of the Committee on Judiciary on Bill "An Act Relating to Report of Adoption Filed in Probate Court," (H. P. 656) (L. D. 699) reported the same in New Draft "A" (H. P. 1286 (L. D. 1534)

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

(signed)

Senators.

REID of Kennebec
WARD of Penobscot
HARDING of Knox

Representatives

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

The Minority of the same Committee on the same subject matter reported the same in new draft "B", (H. P. 1287) (L. D. 1535) under the same title and that it ought to pass.

(signed)

Representative:

McGLAUFN of Portland

Comes from the House, the Majority Report read and passed, and the bill in new draft "A" passed to be engrossed.

On motion by Mr. Reid of Kennebec, the majority report was accepted and the bill was given its first reading; under suspension of the rules the bill was given its second reading and passed to be engrossed.

The Majority of the Committee on Judiciary on "Resolve Authorizing Alfred Howard, Sr. and Ethel M. Howard of Bingham to Sue the State of Maine," (H. P. 1171) (L. D. 1326) reported that the same ought to pass as amended by Committee Amendment "A". (Committee Amendment Filing 446)

(Signed)

Senators:

REID of Kennebec
HARDING of Knox

Representatives:

McGLAUFN of Portland
TRAFTON of Auburn
FITANDES of Saco
CIANCHETTE of Pittsfield

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

(Signed)

Senator:

WARD of Penobscot

Representatives:

FULLER of Bangor
LOW of South Portland
MARTIN of Augusta

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

On motion by Mr. Ward of Penobscot, the bill was laid upon the table pending consideration and later in today's session assigned.

The Majority of the Committee on Judiciary on Bill "An Act Relating to Discrimination at Places of Public Resort or Amusement," (H. P. 1134) (L. D. 1284) reported that the same ought to pass.

(Signed)

Representatives:

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

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

(Signed)

Senators:

WARD of Penobscot
HARDING of Knox
REID of Kennebec

Representative:

McGLAUFN of Portland

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

On motion by Mr. Littlefield of York, the bill and both reports were indefinitely postponed in concurrence.

The Majority of the Committee on Business Legislation on Bill "An Act Relating to Permits for Outdoor Advertising," (H. P. 1142) (L. D. 1290) reported that the same ought not to pass.

(Signed)

Senators:

DENNETT of York
CHAPMAN of Cumberland
CUMMINGS of Sagadahoc

Representatives:

FICKETT of Naples
ROGERSON of Houlton
TONDREAU of Brunswick
HENRY of North Yarmouth

STORY of Washburn
LANE of Waterville

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

(Signed)

Representative:

STEEVES of Lincoln

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

On motion by Mr. Dennett of York, the majority Ought Not to Pass report of the Committee was accepted in concurrence.

The Committee on Legal Affairs on Bill "An Act to Grant a New Charter to the City of Hallowell," (H. P. 1105) (L. D. 1241) reported that the same ought to pass as amended by Committee Amendment "A". (Amendment Filing 451)

Comes from the House, passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto. (Amendment Filing 463)

In the Senate, the Ought to Pass as Amended report of the Committee was accepted and the bill was given its first reading; House Amendment "A" to Committee Amendment "A" was adopted without reading; Committee Amendment "A" as amended by House Amendment "A" thereto, was adopted without reading; and under suspension of the rules the bill as amended was given its second reading and passed to be engrossed in concurrence.

The Committee on Appropriations and Financial Affairs on "Resolve, Appropriating Moneys to Effectuate Salary Plan for State Employees," (H. P. 400) (L. D. 453) reported that the same ought not to pass.

Comes from the House, the resolve substituted for the Report and passed to be engrossed as amended by House Amendment "A". (Amendment Filing 442)

On motion by Mr. Haskell of Penobscot, tabled until later in today's session.

The Committee on Labor on Bill "An Act Amending the Maine Employment Security Law as to Definition of Employing Unit," (H. P.

755) (L. D. 780) reported that the same ought to pass as amended by Committee Amendment "A". (Amendment Filing 389)

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

In the Senate, the Ought to Pass report was accepted and the bill was given its first reading. Committee Amendment "A" was adopted without reading. Thereupon, on motion by Mr. Boucher of Androscoggin, tabled until later in today's session pending assignment for second reading.

The Committee on Legal Affairs on Bill "An Act to Incorporate the Augusta School District," (H. P. 1054) (L. D. 1195) reported that the same ought to pass as amended by Committee Amendment "A". (Amendment Filing 441)

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

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Repealing the Merit Award Board," (H. P. 899) (L. D. 990) reported that they were unable to agree.

Mr. WARD of Penobscot: Mr. President, I move that the Committee report be accepted.

Thereupon, on motion by Mr. Reid of Kennebec, the bill and accompanying papers were laid upon the table pending the motion of the Senator from Penobscot, Senator Ward, that the report of the Committee of Conference be accepted and later in today's session assigned.

The Committee of Conference on the disagreeing of the two branches of the Legislature on "Resolve Relating to Ice Fishing in Peabody Pond, Cumberland County," (H. P. 66) (L. D. 62) reported that the House recede from its action whereby it passed Resolve to be engrossed as amended by Committee Amendment "A", adopt House Amendment "A" submitted with this report and pass the Resolve to be engrossed as

amended by Committee Amendment "A" and House Amendment "A".

That the Senate recede from its action whereby the "Ought Not to Pass" Report of the Committee was accepted and concur with the House in passing the Resolve to be engrossed as amended by Committee Amendment "A" and House Amendment "A".

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

On motion by Mr. Weeks of Cumberland, the Senate voted to reconsider its former action whereby the Ought Not to Pass report of the Committee was accepted and a Conference Committee Ought to Pass report was accepted and the bill given its first reading; House Amendment A was adopted without reading; Committee Amendment A was adopted without reading; under suspension of the rules the bill was given its second reading and passed to be engrossed as amended in concurrence.

The Committee on Inland Fisheries and Game on Bill "An Act Relating to Bounty on Bears," (H. P. 1043) (L. D. 1185) reported that the same ought to pass.

Comes from the House, report accepted, and the bill passed to be engrossed as amended by House Amendment "A" and by House Amendment "B" as amended by House Amendment "A" thereto.

On motion by Mr. Weeks of Cumberland, the bill and report were laid upon the table pending consideration of the report.

On motion by Mr. Collins of Aroostook, it was

ORDERED, the House concurring, that the Committee on Appropriations and Financial Affairs be authorized to present such bills and resolves as may be required to carry out the intent of the legislature with respect to general fund matters. This order shall not authorize the Committee to present any new matters.

On further motion by the same Senator the Order was sent forthwith to the House.

On motion by Mr. Chapman of Cumberland, it was

ORDERED, the House concurring, that the Legislative Research Committee is requested to study the general proposal of annual sessions of the legislature and present to the 97th Legislature a summary of the study.

Senate Committee Report

Mr. Reid from the Committee on Judiciary on "Resolve Providing for an Increase in State Pension for Nancy A. Gilbert of Belfast," (S. P. 425) reported that the same ought to pass as amended by Committee Amendment "A".

(Amendment changes title)

Which report was read and accepted, and the resolve laid upon the table for printing under Joint Rule No. 10.

Enactors

Bill "An Act Relating to Definition of Elevator Under Board of Elevator Rules." (H. P. 185) (L. D. 180)

Bill "An Act Relating to Open Season on Muskrats in Cumberland County." (H. P. 804) (L. D. 888)

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

Mr. COLLINS of Aroostook: This item involves transferring \$10,000 from surplus for the purpose of using this revolving fund. I move that the item lie upon the table until later in today's session.

The motion to table prevailed.

Bill "An Act relating to Elderly Teachers' Pensions." (S. P. 49) (L. D. 77)

Mr. COLLINS of Aroostook: This bill calls for an expenditure of \$144,800.00 each year from the general fund. This is the \$200.00 per year increase in the several classifications. I move that we reconsider our action, under suspension of the rules, whereby this resolve was passed to be engrossed.

Under suspension of the rules the Senate voted to reconsider its former action whereby the resolve was passed to be engrossed.

Mr. COLLINS: Mr. President, I wish to present an amendment. The

purpose of the amendment would be to change that \$200.00 figure to make it \$100.00. I present Senate Amendment A and move its adoption.

Mrs. KAVANAGH of Androscoggin: Mr. President, I move that the resolve and accompanying papers be laid upon the table pending the adoption of Senate Amendment A.

Mr. HASKELL of Penobscot: Mr. President, I rise to speak only to the matter of time. This bill, involving zero seventy-two thousand dollars per year or a hundred and forty-four thousand dollars a year will, with respect to time, determine our action on literally dozens of other measures before both Branches. I would be very hopeful that the Senator might wish to especially assign it for later in today's session.

Mrs. KAVANAGH: I will be glad to do that, Mr. President.

Thereupon, the resolve and accompanying papers were laid upon the table pending the motion by Mr. Collins of Aroostook that Senate Amendment A be adopted, and later in today's session assigned.

Bill "An Act relating to Licensing of Electricians." (S. P. 455) (L. D. 1269)

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

Bill "An Act relating to Collection of Excise Taxes in Unorganized Territory." (S. P. 523) (L. D. 1420)

Bill "An Act relating to Inspection of Boilers." (S. P. 535) (L. D. 1440)

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

"Resolve Providing for the Revision of the Statutes." (S. P. 170) (L. D. 419)

On motion by Mr. Collins of Aroostook, tabled pending final passage.

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

Which bills were severally passed to be enacted and resolves finally passed, and having been signed by the President, were by the Secre-

tary presented to the Governor for his approval.

Emergency

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

Which bill being an emergency measure and having received the affirmative vote of 29 members of the Senate and none opposed, was passed to be enacted, and having been signed by the President was by the Secretary presented to the Governor for his approval.

Orders of the Day

The President laid before the Senate, Senate Report Ought Not to Pass from the Committee on Judiciary on Resolve in Favor of George S. Bradbury of West Franklin (S. P. 98) (L. D. 233), tabled by the Senator from Kennebec, Senator Reid, on April 29th pending consideration of the report, and that Senator yielded to the Senator from Hancock, Senator Dunham.

Mr. DUNHAM of Hancock: Mr. President and members of the Senate, this is a resolve which is very close to my heart because I know the circumstances. This man worked for the State for 18½ years as a devoted servant of the State. In most cases when a man retires he is able to supplement his income in some way. This man has been unable to do so because of illness. He is a man who brought up a large family and anybody who brings up a large family has certain obligations. The State recognized its responsibility in this case two years ago when I introduced the resolve. At that time the man was receiving \$57.50 from the Fish and Game Department and when I introduced the resolve two years ago the Committee of Conference in their wisdom increased the amount by \$17.70 which gave the man \$75.00 per month. I appreciated this little bit but of course you recognize the fact that it isn't enough. This resolve calls for \$125.00 per month. I don't think the Committee has any quarrel with me about it, in fact the Chairman tells me he is very sym-

pathetic and will go along with it. Therefore, I move to substitute the bill for the report.

Mr. WARD of Penobscot: Mr. President and members of the Senate, the Judiciary Committee has a matter of approximately 33 resolves before it which have a bearing on the State Retirement System. We also had before the Committee a resolve which would create a recess group which would retain professionals to go over the entire retirement system of the State and examine, perhaps, the various types of resolves which have been presented at this session and at previous sessions and generally analyze the entire retirement set-up and make some kind of a report to the next legislature whereby it might be able to approach these problems more intelligently.

We went over these various resolves and there were a large number of them which the Committee felt were in the category that ought not to pass at this time but should receive consideration from the study during the next two years and at that time perhaps the next legislature could more intelligently approach the problem. What we have before us now is something which perhaps is over and above the retirement principle. It is looking for a donation to go along in addition to the amount of retirement which the recipient is entitled to, and it seemed to some of us, at least, that if you are going to take one of these Ought Not to Pass reports and substitute the bill for it then in all fairness we should do it likewise with the rest of them, and where this procedure will lead us I am not prepared to say.

Mr. REID of Kennebec: Mr. President and members of the Senate, I agree with the remarks of the Senator from Penobscot, Senator Ward, and for the information of the Senate, I have before me a table of facts and statistics which I will be very glad to give to any Senator who wishes to review it. There were 33 L. D.'s before the Judiciary Committee. Those are in the first column. The names of the parties involved are in the second column. The type of request for assistance is in the

third column. The amount involved is in the next column, the recommendation of the committee is in the next column and in the next column is given the reasons for the recommendation. And finally in the last column appears a list of whether or not the particular bill needed to be amended to make them all uniform, and I think in those cases where it was needed they were amended. The committee didn't seek to decide the merits of each particular case on the basis of whether there was need. We thought our responsibility was passing out Ought to Pass those bills that would permit the tacking on of a short period of time in order to make the recipients eligible. Of the 33 I believe we passed out 14 Ought to Pass and the others Ought Not to Pass, and that was simply by rule of thumb. On the Ought to Pass reports we simply tacked on a period of time. For example in the Doris Ladd claim, if Mr. Ladd, who unfortunately and prematurely died, had lived one and one-sixth years longer he would have been eligible for retirement benefits. It happened that he didn't and so she received the amount of money equal to his contributions plus interest. Her bill provides that if she returns that money to the state then she would receive the money that would have been received had she been eligible.

In this particular case the man is receiving \$75 a month which is more than he would have received had he been perfectly eligible for retirement benefits under the retirement system. I could go through the whole list but I don't think I should in detail. I hope the Senate understands the problems of the committee which we tried to solve as best we could. If the Senate wants to go along with this there certainly is no objection on the part of the committee members.

Mr. SILSBY of Hancock: Mr. President and members of the Senate I have every respect for the wisdom of the Judiciary Committee and I had no intention of taking part in this debate but as I sat here in my seat I have heard no mention of the fact, the general rule we all apply and we know the results, but there

are exceptions to the general rule and although the Judiciary Committee has applied this rule, I think it well if I explain to you the facts, it might well be the exception.

George Bradbury I have known for many years. He was a game warden and we had our differences of opinion. I know at the time, he did his job and did it well and through the scope of his work, he was unfortunate to break his leg, a bad break near the hip and he was in a private hospital for twelve to fifteen months. I believe he was in a suspension constantly and they could not find any healing of the bone. Then he was taken to the Eastern Maine General and I believe he was there for some time. He was a middle aged man and he did not want to retire, but by reason of the fact that his bone would not find the proper union, he was obliged to retire.

I have no criticism of the retirement pay, had the man gone along as he should have been able to go along. He has been obliged to go along for years on crutches. Now by reason of his illness I am informed, he has recently had to submit to another operation by which part of his lung was removed. He has not very long to live. To be sure, with his retirement and the pension he is receiving \$75 a month but I ask you, can any man and his wife and two children - I believe there are two children at home - can they live on \$75 a month. He has no other income. He hasn't much time I am told, in which to stay on this earth and I am firmly convinced that we all vote according to what we believe is the proven need in the case of these individuals and I honestly believe that we in all wisdom will not be going wrong if we pass this bill.

Mr. WARD: Mr. President, I ask that they vote be taken by division.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Hancock, Senator Dunham, that the resolve be substituted for the report of the committee.

A division of the Senate was had.

Twenty having voted in the affirmative and eight opposed the resolve was substituted for the report and under suspension of the

rules was given its two several readings and passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Haskell of Penobscot, the Senate voted to take from the table House report from the committee on Appropriations and Financial Affairs "Ought not to pass" on Resolve, Appropriating Moneys to Effectuate Salary Plan for State Employees (H. P. 400) (L. D. 453) tabled by that Senator earlier in today's session pending consideration of the report.

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, this is the retroactive pay bill for state employees. The bill itself called for approximately \$800,000 to make a 4½ wage increase retroactive to July 1 of last year. The bill as amended by the House Amendment, changes the retroactive date from July 1st of last year to January 1st of this year, thereby providing for six months retroactivity. The cost on that amounts to \$400,000 for the six months period. Of the \$400,000, and I will use round figures, \$200,000 comes from general fund and the remainder from the highway fund and from other dedicated revenue such as Fish and Game etc.

I will first speak to the principle of the use of unappropriated surplus for operating expenses. State finances rarely permit of substantial capital expenditures in operating budget. As a matter of state policy they do include such minor items as replacement of automobiles, replacement of filing cabinets, typewriters and so forth but major capital expenditures come from unappropriated surplus or from bond issue. There are members of the Senate who will remember general fund bond issues for such things as the construction of an armory and so forth. When the sales tax measure was passed we had gone through a period where it was necessary to use all of the unappropriated surplus of the general fund in order to operate the state, and deliberately we did levy the state property tax so as to rebuild that fund and thereby did rebuild it to the tune of between 5 1/2 and 6 1/2 million dollars. That is the basis of the general fund accumulation upon which the

Committee on Appropriations has brought out the various capital bills.

In the determination of the amount that should be recommended out of capital, the committee had the benefit of the advice of the Governor and these comments I am privileged to make to you.

We first put the general fund appropriation measure out and then went into consideration of the surplus bill. Our first problem was to determine how much the sum total of the capital bill should be in relation to the estimated surplus of June 30th of this year.

We knew we started with 6½ million on June 30 of last year and the best available estimate—and I am sure it is on the low side—was that if this accumulation is not subjected to operating expense charges, there might be approximately 10½ million by June 30 of this year. Therefore it was concluded that the accumulated capital needs of the state might be get up to about 8½ million dollars. There were before us in the Budget document and by other L. D.'s, seventeen million dollars of capital requests.

We have the benefit of the Governor's budget, we had the advantage of his advice with respect to capital needs and did present to the legislature, capital bills calling for 8½ million and in doing this we did work on the assumption that the retroactive bill would not be passed and would not come out of surplus.

To me the principle of paying operating expenses out of surplus is wrong. To me the principle of granting retroactivity on this particular labor contract is wrong. If I use the terms of private industry it would be to indicate that by the inclusion in the appropriation measure, of the sum of \$400,000 per year for general funds and the highway bill includes the same general proposition for their expenditures, and the Governor has assured the departments whose wages are set by the Governor and Council that they will take action consistent with the legislative determination on the appropriation bill, it was the opinion of all of us that we have done fairly well with

the state employes in granting to them in effect a two year wage increase without benefit of a wage re-opening clause, and I believe that in private industry, and by that I indicate the taxpayers who pay this bill, few indeed would be the group of employees who would not in this period of our economy be happy to accept a wage adjustment upward wherein that wage adjustment upward was guaranteed for the next two years without the wage re-opener that most contracts call for.

I think it is true that I have consistently favored generous wage treatment for state employees and I hope to continue but I think consistency would indicate that we ought to go along with the proposition that granted the wage increase in the appropriation bill which has been passed to be engrossed in both branches and which included that figure that no amendments have sought to change, we have satisfied a reasonable conscience that state employes have been taken care of in a pretty fair manner.

I am not going to in any way indicate that the passage of this bill means that you must kill some brick and mortar bill. That would be absurd but I do believe the surplus should be left as surplus, so that come the next legislature that will be available for teachers colleges, state prisons, the institutions and such other capital needs as do accumulate in a two year period.

I assure you those needs are real and I believe that the action of the committee was correct. And so, Mr. President, I move the acceptance of the ought not to pass report of the committee.

The motion prevailed and the ought not to pass report of the committee was accepted in non concurrence.

Sent down for concurrence.

On motion by Mr. Butler of Franklin, the Senate voted to take from the table, Resolve Providing for Construction of Highway to Sugar Loaf Mountain, Franklin County (S. P. 296) (L. D. 828), tabled by that Senator earlier in today's session pending consideration.

Mr. BUTLER of Franklin: Mr. President and members of the Senate: In this resolve, as it originally came out of committee, the funds provided for the road going to Route 27, which is the road leading from Kingfield up to Stratton, there was an unanimous Ought Not to Pass report. Personally, I was dumbfounded. I thought there might be someone in that committee who would feel that a little bit of money spent for developing Maine, especially when that money would be given back—because you cannot get to that place unless you go over the highway—would be a benefit to the state. The bill went to the House and there they voted to put on an amendment to take the \$15,000 which the item calls for out of the surplus and I can't quite go along with that.

This Sugar Loaf Mountain happens to be a mountain in the sunbelt area of the State which is very advantageous for those who enjoy skiing which predominates the winter sports in New England. As yet the State of Maine has not seen fit to go along and take advantage of this natural resources which we are entitled to be privileged with. Here is a mountain above the tree line with a drop of around twenty-one hundred feet. It is ideal. You could go there today and ski if you wished to. This bill calls for improving the road from Route No. 27 to the base of the mountain. If the road is built there will be a public road through. Let's look at it from a protection standpoint. There is no road there now which affords fire protection. This is worthy of consideration because with this road to the foot of the mountain and the ski trail which now goes up the mountain a jeep can travel to the top of this mountain and constitute a fire-break separating the town of Kingfield and up through to Stratton and across into Rangeley, so I move that we substitute the resolve for the Ought Not to Pass Report.

Mr. SINCLAIR of Somerset: Mr. President and members of the Senate, I rise in opposition to this bill. I recognize that Maine is a vacation land and we want to do all we can to attract business to the State of Maine, both in the summer and in

the winter. But this piece of legislation as I understand it, calls for the construction of a road that would be a private road. We have cut our appropriations to the core. I think it is time we started to choose some of the things we need and some of the things we may have to get along without for the time being. I could think of a good many bills we have had before this legislature that I would like to have seen passed, but we have had to choose. It seems to me this is one we might do without, particularly, where this comes from the general fund. I don't see how we can cut revenue as we did last week by a million dollars, and continue to keep on spending and spending. I think it is folly to operate on that basis. I believe this calls for fifteen thousand dollars for this highway and it does seem to me that if we keep nipping, as I said the other day, nipping and nipping away with what we have to work with from the balance of this general fund, we are going to find that some things are going to be left undone that we wish might have been done. For that reason I hope the motion of the Senator from Franklin does not prevail.

Mr. ROBBINS of Aroostook: Mr. President and members of the Senate, the Senator from Franklin, Senator Butler, has stated that he was amazed at the unanimous Ought Not to Pass report of the Committee.

I don't think he should have been amazed because practically every week all winter the Senator would ask me how this bill was coming along and I would say, "Ben, I don't think it has a chance." Now I would like to explain, and it won't take me very long, why the Committee brought out this adverse report. We all sympathize with the development of Maine as a recreational area and I can't argue with the Senator from Franklin that probably this ski development would bring some revenue to the State. However, all winter long the highway committee was obliged to bring out adverse reports on resolves to improve and construction various stretches of recognized highway around the State. We also know that we have insufficient funds to

build up our main highways to the condition they should be and we don't feel justified in bringing out an Ought to Pass report on a project which although it would build a piece of road is not actually a recreational development.

Mr. BUTLER: Mr. President and members of the Senate, it is true, as the Senator from Aroostook has stated, that inquiries were made about this matter during the session. It is also true that before we can get everything we wish, got to spend a little bit of money as an investment to get it. It is true that there are adverse reports by which the Committees have had to turn down certain resolves because they haven't had sufficient funds and they have had to choose. So it is now for us to decide whether or not this is a measure of sufficient importance and benefit to the State Highway Department to spend some of those funds in this particular area.

Mr. SINCLAIR of Somerset: Mr. President, I don't know whether I understood the Senator from Franklin, but I understood him to say that we had purchased the Dorothea Dix land. I would like to make a correction, because I do not believe there was any purchase involved in the state's acceptance of the Dorothea Dix Park. We did take that land over for the state. It was recommended that the state might use it for a picnic area. If on the same basis, the Senator wants to give us this road, that is going to cost the state \$15,000, I think we would be very happy to take it over if someone else would furnish the \$15,000.

The PRESIDENT: The Chair understands that the Senator from Franklin, Senator Butler, moves that the Senate reconsider its action whereby it previously accepted the "Ought Not to Pass" report of the committee.

A viva voce vote being had

The motion to reconsider did not prevail.

The PRESIDENT: The Chair notes in the Senate Chamber, the presence of one of our honored citizens of Maine and would request the Sergeant at Arms to escort the lady to the Rostrum in order that

she may be presented to the Senate. The lady is seated next to Mrs. Harold Owen.

The Sergeant-at-Arms escorted the lady to the Rostrum.

The PRESIDENT: The Chair is very happy to be able to present to the Senate, Mrs. Henry Penoyer of Windsor, who has been selected as the Maine Mother of the Year for this year.

Among her many other accomplishments, she is the mother of ten children and has also raised a nephew. All of these children with one exception being college graduates. Mrs. Penoyer herself is a graduate with an A.B. degree from Iowa Teachers College.

It might be of further interest to the Senate to know of the manner of selection of the Mother of the Year. It is my understanding that the selection is made by means of sponsors making suggestions to the Golden Rule Foundation, of which Miss Mary Leo is the State Director. The selectee of this year was sponsored by Mrs. Harold Owen. Both Miss Leo and Mrs. Owen are here this morning.

The Chair is very happy and very proud to be able to present from the Rostrum to the Senate, the Maine Mother of the Year.

On motion by Mr. Silsby of Hancock, the Senate voted to take from the table House report "Ought to Pass as amended by Committee Amendment A" from the Committee on Sea and Shore Fisheries on bill, An Act Relating to the Taking of Soft Shell Clams, Quahogs and Mussels in Jonesport. (H. P. 234) (L. D. 259) tabled by that Senator on February 25 pending consideration, and on further motion by the same Senator, the bill was indefinitely postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Hanson of Washington, the Senate voted to take from the table House Report "Ought not to pass" from the Committee on Towns and Counties on bill, An Act Amending Law on Ferry Between Beals and Jonesport. (H. P. 443) (L. D. 487); tabled by that Senator on March 26 pending consideration of the report.

Mr. SILSBY of Hancock: Mr. President, this bill involves a special piece of legislation enacted I believe in 1951. The bill as enacted is not applicable to the situation that obtains in the matter of the ferry. The only objection to the bill was the language in the matter of equity jurisdiction. That matter is pending in the law courts. The matter of whether or not the town of Beals will be obliged to employ a resident of the town to operate the ferry is very important and in view of the fact that I have prepared an amendment to strike out the objectionable part of the bill, I would move that the bill be substituted for the ought not to pass report of the committee.

The motion prevailed, the bill was substituted for the ought not to pass report of the committee, and under suspension of the rules was given its two several readings.

Thereupon, Senate Amendment A was presented by the Senator from Hancock, Senator Silsby; and on further motion by the same Senator, Senate Amendment A was adopted and the bill as amended by Senate Amendment A was passed to be engrossed in non-concurrence.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table, bill, An Act Amending the Maine Employment Security Law as to Definition of Employing Unit (H. P. 755) (L. D. 780) tabled by that Senator earlier in today's session pending assignment for second reading.

Mr. BOUCHER of Androscoggin: Mr. President, the reason I had tabled that was to offer an amendment to the bill. However, I have agreed to go along at this time and I move that the bill be given its second reading at this time.

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

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, I have heard through all these years that I have been in the legislature, how very much the members of this Body like me, love me in fact. Now I am going to give you a chance to prove it. I

am going to ask a very unreasonable favor of you and that is that you permit me to introduce a resolve for a poor old lady who called me last night at eleven o'clock and begged me to introduce this.

Thereupon, Mr. Boucher of Androscoggin was granted unanimous consent to introduce Resolve Providing for a State Pension for Rose LaPoint of Turner.

Mr. HASKELL: Mr. President, I rise to suggest the possibility to the Chairman of the Committee on Welfare that he, having examined the resolve and having told me that he agrees with the Senator from Androscoggin, might now wish to suspend the rules and give this resolve its first reading.

Thereupon, on motion by Mr. Dunham of Hancock, the rules were suspended, and the resolve given its two several readings and passed to be engrossed without reference to a committee.

Sent down for concurrence.

On motion by Mr. Reid of Kennebec, the Senate voted to take from the table Conference Committee report on the disagreeing action of the two branches of the legislature on bill, An Act Repealing the Merit Award Board (H. P. 899) (L. D. 990) tabled by that Senator earlier in today's session pending acceptance of the conference committee report; and on further motion by the same Senator, the Conference Committee Report (unable to agree) was accepted in concurrence.

On motion by Mr. Ward of Penobscot, the Senate voted to take from the table Joint Order (S. P. 577) Recalling from Legislative Files to the Senate bill, An Act Relating to Definition of Employer under Employment Security Law (H. P. 830) (L. D. 861) tabled by that Senator on April 23 pending passage; and on further motion by the same Senator, the Order received a passage.

Sent down for concurrence.

On motion by Mr. Wight of Penobscot, the Senate voted to take from the table Resolve in Favor of Rodolphe H. Morais of South China (H. P. 498) (L. D. 1354)

tabled by that Senator on April 9 pending final passage; and that Senator presented Senate Amendment A.

Thereupon, the Senate voted to reconsider its former action whereby the resolve was passed to be engrossed; Senate Amendment A was adopted and the bill as amended by Senate Amendment A was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Dennett of York, the Senate voted to take from the table, bill, An Act Relating to Liquor Commission Functions (S. P. 223) (L. D. 593) tabled by that Senator on March 12 pending passage to be enacted.

Mr. DENNETT of York: Mr. President, I will move the indefinite postponement of this bill and in support of that motion I would state that this has been cleared through the Chairman of the Liquor Control Committee and it is pretty well covered by other legislation.

The motion to indefinitely postpone the bill in non-concurrence prevailed.

Sent down for concurrence.

On motion by Mr. Robbins 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 Claims on Resolve in Favor of Clyde W. Tibbetts of Hampden (H. P. 492) (L. D. 574) tabled by that Senator on March 25 pending consideration of the report.

Mr. ROBBINS of Aroostook: Mr. President, I move that the bill be indefinitely postponed.

Mr. PARKER of Piscataquis: Mr. President and members of the Senate, the reason I rise is because of the fact that this resolve was heard before the Committee on Claims of which I happen to be a member, and also because the Chairman, our good Senator from Hancock, Senator Silsby, of that Committee, was absent for some length of time because of illness this winter, and this claim was heard during the time he was out.

I will try to explain why the committee was unanimously in favor of this claim. The evidence brought out at hearing was that a

neighbor living just above Mr. Tibbetts' residence, constructed a building that protruded into the highway a distance of about ten feet. This was a state highway. It was Route 9 in the town of Hampden. Upon being notified by the State Highway Department that this building was on the property of the state highway, they were asked to remove it. This was done by contract. At the end of the removal of this building, debris that was in the ditch was not removed by the contractor. It stayed there according to the notes I have made of the hearing, it stayed there all winter. During the spring following the removal of the building, with the debris still in the ditch, during the heavy rain, water that could not go down the ditch went across the claimant's land and damaged his building and cellar to the extent of what the claims calls for \$1580.

Now just to try to give you a clear picture. This highway is under patrol by state patrolman under the employ of the State Highway Department. The headquarters of that highway division is only six miles from the actual residence where this damage took place. It is in the city of Bangor, and Hampden is six miles from Bangor. It was the unanimous belief of the committee, first, that the claim was justified and two that there was a possibility that it was, or might be, in excess of the actual damage and under an amendment by the committee, it was amended to \$1200.

To be fair to the highway department, I expect that if I were a member of that Body that was trying to protect funds for that department to take care of roads for the next two years, and this bill came up I probably would oppose it. I have no reason to believe that the good Senator from Aroostook, Senator Robbins, is opposed to it for any other reason than that.

But, is this right or is it wrong? The committee believed the claim to be right.

Mrs. KAVANAGH of Androscoggin: Mr. President, I too, am a member of the Claims Committee and at the hearing we had members of the highway commission and I asked them if it was not the duty of the highway commission to keep the gutters clear. He said that

it is. Therefore I believe it was negligence on the part of the highway department and that this claim is legitimate.

Mr. ROBBINS of Aroostook: Mr. President, if I thought this claim was just one, I certainly would not oppose it simply because it comes out of the highway fund, but after studying it as carefully as I can, and I have two folders of material on the subject, I have come to the conclusion along with the department, that there is no claim either in fact or law, to support this resolve. The stoppage of the drainage ditch occurred in October 1951 at which time the claimant advised the local patrolman that there was an obstruction in the ditch. The patrolman immediately told the neighbor of Mr. Tibbetts, with whom incidentally he (Mr. Tibbetts) had been feuding, to come down and clear the ditch. He failed to do so and it is true that the patrolman did not go back to see that he had removed the debris. The reason he did not go back was that he was taken ill, but in any event, Mr. Tibbetts never complained again until the following March. Now he personally knew that patrolman and yet he didn't say another word about it for six months. Then the highway department sent down two engineers to examine his house and they found some cracks in the basement which in their considered judgment—and I have this in writing—were much older than this six month period. It also happens that there is a swamp in back of the house and the engineers were of the opinion that whatever seepage came into that basement, came from the swamp.

Now as a matter of law, Mr. Tibbetts had three courses open to him. One was to complain to the town selectmen who under the law would have been obliged to remove that obstruction in the ditch and they in turn would have collected from the state highway. Mr. Tibbetts did not do that. He could have brought action against his neighbor and Mr. Tibbetts did not do that. He could have adopted the common sense thing that the rest of us would have done and called the patrolman and said, "Look, Joe, this obstruction is still here." But Mr. Tib-

betts did not do that. He didn't do any of those things. So I am opposed to this first, because there is no proof of damage and Mr. Tibbetts seemed very unwilling to go before a jury and tell what damage he thought had been done, and second, he didn't take any of the steps open to him at the time.

Thereupon, the motion prevailed and the resolve was indefinitely postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Ward of Penobscot, the Senate voted to take from the table Divided House Report from the Committee on Judiciary; Majority Report "Ought to pass as amended by Committee Amendment A"; Minority Report "Ought not to pass" on Resolve Authorizing Alfred Howard, Sr. and Ethel M. Howard of Bingham to Sue the State of Maine (H. P. 1171) (L. D. 1326) and that Senator moved that the Minority Report "Ought not to pass" be accepted.

Mr. REID of Kennebec: Mr. President, I do not feel very strongly about this matter one way or the other but for the information of the Senate, as briefly as I can, I would like to mention the facts. The injured parties in this case own some property and have a private right of way out to the main highway. The state undertook to bar the exit. The plaintiffs if we may call them that undertook to remove the state bar. One morning while on the way to the post office, the state crew was engaged in re-erecting the bar - a series of posts. They the plaintiffs came back from the post office and came upon the men working there and in order to avoid a collision they swerved, the car was upset and they were seriously injured. I think the question is one of policy.

As I said I do not feel strongly one way or the other.

Mr. WARD of Penobscot: Mr. President, the Judiciary Committee had two resolves before it where two different parties sought to sue the state. The other resolve in the opinion of the committee was very clear and there was definitely no liability. That resolve was reported ought not to pass. On this particular resolve you will note that

there was a difference of opinion when the committee reported as to whether a right to sue should be granted. A minority of us were of the opinion that it should not be granted. It has always been the practice of the legislature to be very careful in granting these rights to sue the state and liability must be quite clearly established. In this particular case, Mrs. Howard did not appear before the committee but sent representatives. The facts were not too clear. Later people came back and presented additional facts or supposed facts which are in conflict somewhat with the original story. My recollection is that the original contention was that a hole had been dug somewhere on these people's own property. It later developed that the obstruction they complained of was actually within the rights of way of the highway and the state highway attempted to block off this approach to the highway and placed an obstruction there. These people came and removed the obstruction and continued to use the way and then at a later date the highway commission again attempted to block off the right of way. These people had no permit for the entrance on the highway at this particular point.

It turned out that these people were going to be very stubborn about the matter and regardless of the fact that they knew the state highway did not want to use that point to enter the highway, they were quite insistent that they were going to anyway.

I believe the original contention was that they went into a hole that was dug. Later on that was changed to the contention and swerved to avoid it and suffered damage. Deposition was taken by a man in charge of the work and he claimed that the crew dug a hole and immediately placed rocks in it to set up an obstruction so that this unlawful entrance to the highway would be stopped.

In my opinion it is not one of the cases where we would customarily grant the right to sue the state and for that reason I signed the ought not to pass report.

Thereupon, the motion prevailed and the ought not to pass report was accepted in non-concurrence.

Sent down for concurrence.

On motion by Mr. Collins of Aroostook, the Senate voted to take from the table bill, An Act Relating to Aid to the Disabled (H. P. 1181) (L. D. 1309) tabled by that Senator on March 26 pending passage to be enacted.

Mr. DUNHAM of Hancock: Mr. President, this is a pretty sad question to have to decide on an empty stomach, but inasmuch as it is now before us I suppose we have got to debate it.

Here are the facts. L. D. 1309 will provide a grant not to exceed \$55 a month for persons as follows: Who are 18 years of age or more and who are permanently and totally disabled; disability would be divided by the Department of Health and Welfare and at the outset would consist of persons bed-ridden or chair-ridden. Later it would include persons house-ridden. Next those who are in need after all income and resources are considered. Then those who have resided in the State of Maine for five or more years within the last nine years and for one year immediately preceding the day of application. Next, those who are not inmates of a public institution except persons in a certain type of public institution, and there are only two of those in the state of Maine. Fifth, those who have no spouse, parent, adult or children residing in the state and able to support them.

The bill, of course has a price tag. It is estimated by the department that approximately a thousand cases will be added but it does of course have this in its favor. That the federal government will participate in the program by about 60%.

At the present time there are 298 special resolve pensions. It is estimated that by the first of May there will be around 350. This of course is one of the best features of this bill that instead of the Committee on Health and Welfare having to use their judgment on these particular cases, these people who are in need will be cased by the case workers.

It is estimated that 60% of these cases will be taken over in the Aid to Disabled program out of the

special resolve pensions. It is believed that the state will save approximately twenty to twenty-five thousand dollars per year in this particular program. It was estimated also that four hundred general relief cases would be absorbed on the Aid to Disabled program. This is only a question of whether or not the state can afford to embark on such a program. It would appear to me that some ceiling should be put on the amount of money to be spent in this program. I so thoroughly believe that it is a good bill. I believe in the principle of the thing.

Mr. COLLINS of Aroostook: Mr. President, the things that Senator Dunham of Hancock has said regarding the bill are absolutely true, but it does embark the state on a new enterprise to affect a new category of people. It was a proposition that was quite close I think to the Governor's heart, but the fact remains that in order to carry out the provisions of the act it would cost the state \$133,500 the first year and \$254,500 the second year. It would seem to me that it is just impossible for us to carry it out at this time.

For these reasons, I regretfully move that the bill be indefinitely postponed.

Mr. BOUCHER of Androscoggin: Mr. President, I respect and can understand the position taken by the Senator from Aroostook on this matter but I think that when the story is all told, the difference in the amount of money involved is not quite what he states. We must realize that under the special resolve system and it has grown by leaps and bounds, it is going to grow and grow. I can well remember the first four or five terms that I sat in this legislature and had no claims or special resolves. About ten years ago I had one. Eight years ago I had two or three. Three years ago I had four or five. This year I have about ten. I am afraid if I come back here again, I will have fifteen or more and I'm worried about what is going to happen.

I think this bill would take care of that, not only to take care of it but it would give us a good deal of relief from the fact that the

Federal Government will pay 60% of the cost.

These cases are pitiful. They come in sometimes with disinterested parties, parents or relatives or friends and they have letters from doctors proving that they are in the condition they claim they are in. They have even come in personally. We had a pitiful case of a party in Augusta who came in personally and he couldn't say a word but was represented by somebody else who talked for him and that case really was pitiful.

I don't believe that committee members most of whom are business men cannot decide on the merits of these cases as well as a social worker could and under this system it would be given to social workers to decide the need, and what can be done about it.

I signed the bill and signed it gladly knowing very well that the state would be saddled with a major expense but also believing that it will not be saddled any more than it will be saddled with special claims under the present set-up.

I believe we should pass this bill because I believe it will be a step in the right direction. I realize too what the Appropriations Committee is up against. Again I repeat, if we find that we need more money, I will vote for an increase in the sales tax as much as I dislike a sales tax. You have heard me voice my opinion on that subject many times but I feel that this time the proper thing is to vote for this bill, get what relief we can from the federal government.

Mr. HASKELL of Penobscot: Mr. President I speak in support of the motion of the Senator from Aroostook, Senator Collins, that the bill be indefinitely postponed. I would ask the Senate to remember that we are debating an enactor. The failure of the motion of the Senator from Aroostook, Senator Collins, to prevail, will mean that you will put upon the Governor's desk, following the President's signature, a bill that will substantially over-run the available dollars in the estimated income compared with the appropriation measure. That I think would be a mistake because I think the Senate has hoped for

finding room in that area for something for elderly teachers pensions and I am sure there are many who still hope we might have exemptions for certain colleges and I am sure there are other measures that will have equal support. While I do not believe that this is particularly a party measure, I would remind the Senate that so far as the Republican Party is concerned, we did state in our platform statement of principles that as a party we did not believe that new state services should be undertaken. This is a new service venture which would require substantial expenditure. I hope that when the vote is taken by division the motion of the Senator from Aroostook, Senator Collins will prevail.

Mr. SINCLAIR of Somerset: Mr. President and members of the Senate, I rise in support of the motion of Senator Collins. I have great sympathy for the remarks made by the Senator from Hancock and the Senator from Androscoggin, but I just cannot see how, even though this bill were passed, it would eliminate or cure our problems in regard to the claims and pensions. I hope that the motion prevails.

Mr. PARKER of Piscataquis: Mr. President, I rise to oppose the motion of the Senator from Aroostook, Senator Collins because to me, this bill means this. Most of these cases would eventually come before the Welfare Committee for a state pension. In that case, to me, it means that the State of Maine would pay the entire amount and under this bill, it would pay approximately 40 per cent and the federal government 60 per cent.

Furthermore I am sincere when I say that I think we have a duty, each of us, to do something for our disabled people, those that have been receiving in some cases old age assistance and because of the inflated dollar that you and I are using today, some of their dependents are earning a few dollars more than the maximum that is allowed under the rules and regulations set up by the Department of Health and Welfare, to the extent that approximately 750 cases have been taken from the list in

the last two years. Under this bill many of them would receive some assistance.

I sponsored a bill in the earlier days of the session to liberalize old age assistance to the extent of \$100 under the different brackets of the earning power of dependents that would in some cases I admit put back on the old age assistance payroll some of these 750 cases.

I full well realize that my bill which is now in the other branch on the table cannot pass but I do believe and believe sincerely that this bill would take care of some of those cases and would do it with \$60 out of every \$100 paid by the federal government. For that reason I shall vote to oppose the motion pending.

Mr. COLLINS: Mr. President, I rise to speak only briefly. This is a very important matter. It involves a change in our policy. I think we should certainly give it very serious consideration and I move that when the vote is taken, it be taken by Yeas and Nays.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Collins that the bill be indefinitely postponed and that Senator has requested the Yeas and Nays. To order the Yeas and Nays requires the affirmative vote of more than one-fifth the members present.

A division of the Senate was had. Obviously more than one-fifth having risen, the Yeas and Nays were ordered.

YEAS: Senators Broggi; Brown; Butler; Carpenter; Carter; Chapman; Chase; Collins; Cummings; Dennett; Fuller; Hanson; Harding; Haskell, Robert M.; Jamieson; Kavanagh; Littlefield; Reid; Robbins; Sinclair; Silsby; Squire; Tabb; Ward; Weeks; Wight—26.

NAY: Senators Boucher; Dunham; Parker; St. Pierre—4.

Absent: Dow; Greeley—2.

Twenty-six having voted in the affirmative and four opposed, the motion to indefinitely postpone prevailed in non-concurrence.

Sent down for concurrence.

The PRESIDENT: At this time the Chair would like to appoint

members on the part of the Senate to the Committee of Conference with respect to H. P. 805, L. D. 889, bill, An Act Relating to the Use of Lights to Illuminate Wild Birds or Animals. The Chair appoints Senators Carpenter of Somerset, Wight of Penobscot and Weeks of Cumberland.

On the Committee of Conference with respect to H. P. 719, L. D. 1368, Resolve to Reimburse the Town of School Children, the Chair appoints as members of such committee on the part of the Senate, Senators Haskell of Penobscot, Ward of Penobscot and Chase of Cumberland.

On the Committee of Conference with respect to S. P. 536, L. D. 1441, Resolve to Create a Special Committee to Study Safeguards and Construction Projects, the Chair appoints as members of such committee on the part of the Senate, Senators Ward of Penobscot, Reid of Kennebec, St. Pierre of Androscoggin.

On motion by Mr. Haskell of Penobscot,

Recessed until this afternoon at 1 o'clock E. S. T.

After Recess

The Senate was called to order by the President.

Mr. DENNETT of York: Mr. President, out of order and under suspension of the rules I request leave to submit a committee report, as follows:

The Committee of Conference appointed on the 9th day of April relative to the disagreeing action of the two Branches on H. P. 275, L. D. 262, An Act Relating to Liquor Billboards and Signs, have attended to that duty and now request leave report to the Senate:

This bill now numbered among the unburied dead
Specter-like still flutters overhead
Forever doomed to haunt these hallowed halls

With others—such as time alone recalls.

This Senate group comprising three

Report that they cannot agree.

Mr. DENNETT: Mr. President, I now move acceptance of the re-

port of the Committee of Conference.

The report was accepted and ordered placed on file.

Mr. Robbins from the Committee on Highways on Bill "An Act Relating to Administration of the Highway Commission," (S. P. 463) (L. D. 1298) reported the same in a new draft, (S. P. 598) (L. D. 1544) 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 read once and on motion by Mr. Haskell of Penobscot, tabled pending assignment for second reading.

Mr. Collins from the Committee on Appropriations and Financial Affairs pursuant to Joint Order (S. P. 599) reported "Resolve Relating to Appropriation for Recess Committee to Study Maine State Retirement System and Titles of Social Security Act," (S. P. 602) and that it ought to pass.

Which report was read and accepted and under suspension of the rules the resolve, S. P. 602, was given its two several readings and passed to be engrossed.

Mr. Ward from the Committee on Judiciary on "Petition of Victor A. Schlich, President, and 3 others of the Portland Newspaper Guild in favor of (S. P. 409) (L. D. 1110) Bill "An Act Relating to Public Utility Rates," and commending Frank E. Southard, former Commissioner, for his high sense of public service, etc." (S. P. 519) reported that the same be placed on file.

Which report was read and accepted.

Sent down for concurrence.

The Majority of the Committee on Judiciary on Resolve Proposing an Amendment to the Constitution Providing for Three State Senators from Each County (S. P. 405) (L. D. 1114) reported that the same ought not to pass.

(signed)

Senators:

REID of Kennebec
WARD of Penobscot

Representatives:

McGLAUFILIN of Portland
TRAFTON of Auburn

FULLER of Bangor
 LOW of South Portland
 MARTIN of Augusta

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

(signed)

Senator:

HARDING of Knox

Representatives:

FITANIDES of Saco
 CIANCHETTE of Pittsfield

On motion by Mr. Ward of Penobscot, tabled pending consideration of the report.

The Majority of the Committee on Business Legislation on Bill An Act Relating to Certain Policies of Insurance Companies Organized under the General Law, (S. P. 433) (L. D. 1210) reported that the same ought to pass as amended by Committee Amendments A and B.

(signed)

Senators:

DENNETT of York
 CUMMINGS of Sagadahoc
 CHAPMAN of Cumberland

Representatives:

TONDREAU of Brunswick
 LANE of Waterville
 STEEVES of Lincoln
 ROGERSON of Houlton
 HENRY of No. Yarmouth

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

(signed)

Representatives:

FICKETT of Naples
 STORY of Washburn

On motion by Mr. Dennett of York, the Majority Report "Ought to Pass as amended by Committee Amendments A and B" was accepted and the bill read once.

Thereupon, on motion by Mr. Chase of Cumberland, the bill and accompanying papers were laid upon the table pending consideration and especially assigned for later in today's session.

Mr. HASKELL of Penobscot: Mr. President, with respect to item eleven on page three of today's calendar, I move that we reconsider our action taken earlier today

whereby we accepted the ought not to pass report of the committee. In support of the motion I will remind the Senate that I made a few comments on the measure this morning in support of the motion to accept the ought not to pass report of the committee. There are those who did wish to speak against that motion. If the motion to reconsider does prevail then I will again make the motion to accept the ought not to pass report of the committee. I wish to give an opportunity to those who wish to debate the motion.

Thereupon, the Senate voted to reconsider its action taken earlier in today's session whereby it accepted the "Ought Not to Pass" report of the Committee on Appropriations and Financial Affairs on Resolve Appropriating Moneys to effectuate Salary Plan for State Employees (H. P. 400) (L. D. 453)

Mr. HASKELL: Mr. President, I again move the acceptance of the ought not to pass report of the committee.

Mr. SQUIRE of Kennebec: Mr. President and members of the Senate, I wish to thank the Senator from Penobscot, Senator Haskell very much for his courtesy in reconsidering this matter.

I think that we all realize that the employees of the state are underpaid. Inasmuch as we passed an increase of 4½ percent it seems that we recognized that fact but I call to your attention that the 95th legislature increased the employees salaries by 7 per cent which has been in effect for the last two years. During that period of time, the increase in wages in industry have on an average been 18½ per cent so that our employees, so to speak, have been working on a basis of 11½ percent under what industry is paying in this state.

Now we propose to give them 4½ percent which will bring them to a level 7 percent under statewide industry wages. I realize that is as far as we can go and we have strained ourselves to do that but had we been in session last year we would have granted the 4½ percent increase then. All that the employees are asking now is retroactive action to revert to January of this year, which is about half the time.

I don't know how we get employees for the state. Sometimes I think they must labor for love. I do feel that in consideration of their situation, the least we could do would be to make this retroactive to January. It doesn't come out of unappropriated surplus and I realize we have been picking away at that. I for one would be glad to substitute the welfare and interests of our employees for a little masonry and mortar and a little brick for some of our buildings. I trust that the motion of the Senator from Penobscot will not prevail.

Mr. BOUCHER of Androscoggin: Mr. President, I, too, want to thank the Senator from Penobscot for his courtesy. To me, this is a bonus. Some don't agree with me, but I still call it a bonus to good employees. It is just a quarter of a bonus because we should have given them that increase two years ago. We did not do so. We should have given them the entire increase that they requested. We still have \$200,000 floating around the state at this time, so there is money to do this with, and I think we should give the employees this one-quarter of a loaf as I call it as a bonus.

It is well known throughout the state that state employees are not paid on a par with private industry. Some of you may ask me why don't they go into private industry. Well, there are some advantages. State employment is more secure and more permanent than private employment and you do have certain privileges and this is probably why we keep those employees. Nevertheless let's not take advantage of them by paying them such small salaries.

Let's give our employees of the state this bonus. Let's give it to them. It is not a recurring expense as you know. I think these employees are as deserving as most of the things we have passed here this session, certainly as deserving as buildings and masonry and carpentry as Senator Squire has said. And so I do hope that the motion of Senator Haskell will not prevail.

Mr. HASKELL of Penobscot: Mr. President, I acknowledge the disadvantage of having to argue a motion made several hours ago and I promise the Senate I will make

no attempt to rehash that argument. I would like to correct the Senator from Androscoggin forthwith. The price tag on this item is \$400,000 and not \$200,000. The requirement from general fund is \$200,000, but we have some other problems relating to wages and those do relate to the highway department and to the dedicated revenues in the Fish and Game Department and so we are really talking about a headline that says that the legislature passes out a \$400,000 bonus on the same day that they had to cut elderly teachers pay or they had to cut the fourth category or had to do all the other things that take money away from Health and Welfare.

It is very difficult and certainly an unpopular position to consistently debate against tax cuts and almost as consistently debate against spending. All of the advantage lies with those who would cut taxes and spend more money. As a matter of principle, I would bore you again by stating that the only way that the State of Maine can get the dollars to do the things that need to be done is to enhance and try to protect the surplus. Of all times in this session, when deserving bills must be amended downward or indefinitely postponed, the idea of a legislature that has provided pretty reasonably well for these employees who do have pretty generous vacation plans, and pension plans and a 4½ percent increase, it does seem to me that the State of Maine might well say in view of all these things, which is the more important? This is an unpopular position to have to take. But as a matter of principle I am thoroughly convinced that it is right and I will be in the first row of those supporting a sound state wage structure and sound state fringe benefits, but it seems to me that the employee group after having received consideration in both branches in three documents, the Governor's recommendation, L. D. 1316 and the Appropriations bill that should by now be engrossed, without so far as I know a word against it, it seems to me a grateful group of employees would say to this legislature, "You did pretty well for us." And I am satisfied in my conscience with hav-

ing helped to make those things possible. I am satisfied in my conscience that we have done pretty well for the state employee.

Mr. BOUCHER: Mr. President, I believe that Senator Haskell is sincere in his remarks but I suppose his attitude and viewpoint are quite different from mine. He happens to be one of the top officials of a very large corporation. I happen to be a small employer of small employees. If I were in his position I might have his attitude and if he were in my position he might have my attitude. I am paying now at the present time for help without special training, what we call common help, as much and in some cases more than some state employees who have professional training. Now I ask you is that a fair proposition for state employees? I think I beat him to the punch when I said that the only salvation they had was that they did have certain fringe benefits. But that is also true of all large corporations. Again I wonder, if our employees were under certain unions that I know of, would they not perhaps be better off than they are now? The unions would do their fighting for them.

I repeat, for my money I would rather give the state employees a bonus than go out and build a piece of road or some other similar improvement which may be necessary but to me is not as important as a human being.

Mr. SQUIRE of Kennebec: Mr. President, I don't wish to unduly prolong this debate but there is just one other thing. I don't believe that in some of these instances that we have taken money away from hospitals and so forth. We may not have given as much as they have asked for, but in most cases they are getting more than they did before.

I also believe in regard to the employees, it isn't all a matter of feelings, but it is a matter of economy to maintain in the state employ the most qualified employees. It seems to me that if we do not get this wage scale up where it belongs we will suffer, as we have been suffering, from competition. We are losing some of our best em-

ployees and that is something that we want to watch out for.

When the vote is taken I move that it be by the Yeas and Nays.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Penobscot, Senator Haskell, that the ought not to pass report of the committee be accepted and the Senator from Kennebec, Senator Squire, has requested that the vote be taken by the Yeas and Nays. To order the Yeas and Nays requires the affirmative vote of one-fifth the members present. Is the Senate ready for the question?

A division of the Senate was had. Obviously more than one-fifth having risen, the Yeas and Nays were ordered.

The Secretary called the roll:

YEAS: Senators Brown, Butler, Carter, Chapman, Chase, Collins, Cummings, Dow, Fuller, Greeley, Hanson, Haskell, Littlefield, Sinclair, Ward, Weeks, Wight—17.

NAYS: Senators Boucher, Broggi, Carpenter, Dennett, Dunham, Harding, Jamieson, Kavanagh, Parker, Reid, Robbins, St. Pierre, Silsby, Squire, Tabb—15.

Seventeen having voted in the affirmative and fifteen opposed, the ought not to pass report of the committee was accepted in non-concurrence.

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.

Mrs. KAVANAGH: Mr. President, for the benefit of the Senate, when an amendment which we have not had or which has not been printed, comes up, I would like to make the motion that said amendment be read so that we will know what we are voting for.

Additional House Papers, Out of Order and Under Suspension of the Rules

House Committee Reports

The Committee on Judiciary on Bill "An Act to Incorporate the Consumers' Finance Co.," (H. P.

182) (L. D. 177) reported that the same ought to pass.

The same Committee on Bill "An Act Continuing Pensions of Retired Members of the State Police," (H. P. 924) (L. D. 992) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Eligibility for Retirement Under the Maine State Retirement Law," (H. P. 827) (L. D. 858) reported that the same ought to pass.

The same Committee on "Resolve, in Favor of Naomi G. Davis of Palermo," (H. P. 1018) (L. D. 1144) reported that the same ought to pass.

The same Committee on "Resolve, in Favor of Sadie M. D. Jewell of Orono," (H. P. 927) (L. D. 1024) reported that the same ought to pass.

The same Committee on "Resolve Granting a Pension to Ida M. Fuller of Mount Vernon," (H. P. 425) (L. D. 472) reported that the same ought to pass.

The same Committee on "Resolve, Providing for a Retirement Pension for Lydia B. Otis, of Carmel," (H. P. 297) (L. D. 358) reported that the same ought to pass.

The same Committee on "Resolve, in Favor of Robert W. Johnson, of Rumford," (H. P. 30) (L. D. 24) reported that the same ought to pass.

The same Committee on "Resolve, in Favor of a Retirement Allowance for Edith V. Jack of Hollis Center," (H. P. 16) (L. D. 10) reported that the same ought to pass.

The Committee on Towns and Counties on Bill "An Act to Increase the Salary of the Judge of Probate, Lincoln County," (H. P. 79) (L. D. 74) reported that the same ought to pass.

Which reports were severally read and accepted in concurrence, and under suspension of the rules the bills and resolves read twice and passed to be engrossed in concurrence.

The Committee on Judiciary on "Resolve, in Favor of Albert A. Anderson of Thomaston," (H. P. 658) (L. D. 701) reported that the same ought not to pass.

Comes from the House, the resolve substituted for the report, and passed to be engrossed.

In the Senate, on motion by Mr. Ward of Penobscot, the ought not to pass report was accepted in non-concurrence.

Sent down for concurrence.

The same Committee on "Resolve, in Favor of Arthur Payson, of Brooks," (H. P. 1098) (L. D. 1232) reported that the same ought not to pass.

Comes from the House, the resolve substituted for the report, and passed to be engrossed.

In the Senate, on motion by Mr. Harding of Knox, the ought not to pass report was accepted in non-concurrence.

Sent down for concurrence.

The Committee on Legal Affairs on Bill "An Act to Create the Boothbay Harbor Community School District," (H. P. 536) (L. D. 582) reported the same in a new draft (H. P. 1292) (L. D. 1541) under the same title, and that it ought to pass.

Which report was read and accepted in concurrence, and the bill in new draft, under suspension of the rules, was read twice and passed to be engrossed in concurrence.

The Committee on Towns and Counties to which was recommitted Bill "An Act to Increase the Salary of the Recorder of the South Portland Municipal Court," (H. P. 1247) (L. D. 1455) acting under authority of Joint Order (S. P. 546) reported Bill "An Act to Increase the Salary of the Recorder of the South Portland Municipal Court and the Salary of the Judge of the Portland Municipal Court," (H. P. 1293) (L. D. 1542) and that it ought to pass.

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

In the Senate, the report was read and accepted, the bill read once, House Amendment A read and adopted and under suspension of the rules, the bill was given its second reading and passed to be engrossed in concurrence.

Bill "An Act Relating to Reclassification of State Aid Highways as Town Ways." (H. P. 1153) (L. D. 1301)

(In Senate, on April 29, indefinitely postponed in non-concurrence.)

Comes from the House, that body having insisted on its former action and now asks for a Committee of Conference.

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

The Committee on Judiciary on Bill "An Act to Incorporate the Northern Finance Company," (H. P. 1199) (L. D. 1366) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on Bill "An Act Relating to Pensions for Firemen and Their Dependents Under the Maine State Retirement System," (H. P. 1049) (L. D. 1190) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on Bill "An Act Relating to Retirement of Firemen Under Maine State Retirement Law," (H. P. 653) (L. D. 696) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on Bill "An Act to Incorporate the 'Community Finance Corporation'," (H. P. 419) (L. D. 494) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on Bill "An Act to Incorporate the Monroe Finance Corporation of Maine," (H. P. 179) (L. D. 174) reported that the same ought to pass as amended by Committee Amendment "A".

The same Committee on Bill "An Act to Incorporate the 'Household Finance Company of Maine'," (H. P. 46) (L. D. 47) reported that the same ought to pass as amended by Committee Amendment "A".

Which reports were severally read and accepted in concurrence, and the bills read once; Committee Amendments "A" were severally read and adopted in concurrence, and under suspension of the rules the bills as amended were read twice and passed to be engrossed in concurrence.

The Majority of the Committee on Legal Affairs on Bill "An Act

Amending the Charter of the City of Portland re Election of Members to City Council," (H. P. 935) (L. D. 1029) reported that the same ought to pass.

(Signed)

Senator:

CHAPMAN of Cumberland

Representatives:

CHILDS of Portland

GOWELL of Berwick

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:

WEEKS of Cumberland

Representatives:

WOODCOCK of Bangor

STEWART of Portland

HAND of New Limerick

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

In the Senate:

Mr. CHAPMAN: Mr. President, I move the acceptance of the Majority ought to pass report.

Mr. WEEKS of Cumberland: Mr. President my remarks in opposition to the motion are few and to the point. It is the purpose of the measure to change the manner of electing the members of the city council of the city of Portland. I suppose the first argument in favor of the measure would be that it is strictly a referendum problem. Send it back to the people. Those who have anything to do with city government know that the tendency of any referendum is to upset the moral affairs of government no matter what the question, and this affects in many aspects, the normal state of affairs. I do not believe that there is a wide demand for this. There has been some desire for it express, but then again there is always that inarticulate group of individuals who say nothing but are very satisfied with the results.

In the last few years since we have had a city management form of government in the city of Portland, the administration has been carried on very well. Nobody can convince me that the affairs of government would be anything near

as efficiently carried out as they are today under the old system.

I oppose the motion to accept the ought to pass report.

Mr. CHAPMAN of Cumberland: Mr. President and members of the Senate, this is one of those peculiar issues that divides a couple of colleagues from the same area.

This bill seeks an enabling referendum to go back to the city of Portland for the purpose of submitting to the voters there a proposed amendment to the city charter. The purpose of that amendment by the way, is not to return to the mayor-alderman system, good or bad as that system may be. We have a city manager form of government in Portland. It has functioned extremely well. I concur with the Senator from Cumberland, Senator Weeks, in that statement. That is not the issue at this time.

Our city councillors, of which we have nine, are elected from six council districts. When the election takes place, there are three councillors elected each year for a term of three years, one each from two of the districts and one at large and we go to the next two districts the next year and the next two the third year and then start all over, which is a good way to do it. It so happens that under the present form, the election of all councillors, whether they be at large or a councillor from the particular six districts, are voted for by the voters of the whole city. There are persons in the city of Portland who think it would be better if those councillors who represent the six districts were elected by the representative voters of that district only.

It has been alleged and there may be some truth in it although I am not to sure, but it has been alleged that this would inject ward politics back into the city of Portland. This I am inclined to doubt because we have a rather efficient party machine in Portland starting with the city manager and going down the line, with all the technique that modern city government has. But there certainly is a lot of merit to the argument, if presented by a substantial number of responsible people, that the other technique might be better.

It has been said that the request for this change, even though we get the referendum that will be voted on by the state at large, is not a responsible nor a measurable one. In answer to that I can say this, that on four previous occasions such a bill has been presented to this legislature and turned down, and possibly it was turned down properly. I don't know. But each year a larger number has become interested in this and a little more unhappy because they haven't had an opportunity to review this problem. So this year we have the same group again asking that this particular section be received in the forum in Portland and not decided here.

When the hearing was held on this measure they came, as they had a right to do, appeared against the measure and argued their point well. The proponents argued their point as well, and during the time this bill was before the legislature the members of the committee, including the chairman, received over 500 communications in favor of the measure. Those communications are in the form of letters, telegrams and postcards. We regard as a rather casual device with which to seek enforcement of a bill and because of that I will say that only about half of the number of communications were postcards and the others were letters. Those letters came from responsible people including two municipal court judges, some 25 professional men, attorneys, doctors, and so forth. During this time the chairman of the committee and other members received some eighteen or nineteen letters, well written by responsible people, opposing this measure.

I can only say that it is the feeling of the majority of the committee, in the light of that demonstration, that there was a substantial demand, at least a substantial enough demand to let the decision for this to be made by the voters of Portland.

I want to tell you of a little episode that had a lot of bearing on this development, that occurred four years ago when this bill was pending before the legislature, the same bill, incidentally. A certain member of the city government approached me and urged me to as-

sist in disposing of the bill here on the legislative level. I asked him why and his answer was this: "Because if the bill goes back to Portland they might be just foolish enough to pass it." I asked him if he meant it and he said he did. And I said, "If that is true, don't you believe that is the best argument for passing it in the legislature and sending it back to the people to vote on?" There was no reply.

Just one more word as to the philosophy of the committee in regard to our approach to this particular problem. If a city or town comes up and asks for a change we first examine it to see whether it is unusual. Then we examine to see if there is enough demand to send it back for a referendum vote. In other words, you try to decide whether it is sound municipal practice before sending it back to be ultimately decided by the people who are going to live within its provisions. I will tell you that in all honesty I feel that in this matter the majority report of the committee should be accepted in concurrence with the House.

Mr. WEEKS of Cumberland: Mr. President and members of the Senate, it amuses me somewhat to see the overwhelming support for this measure. The City of South Portland has the same situation and has had ever since 1933 and no one has asked for a referendum and the affairs of the city are in better shape than they ever were before under the old form of government. I don't believe there is any real demand for this bill and I don't think it is our privilege to submit the issue here to the voters on every occasion. I still oppose the motion and when the vote is taken I ask for a division.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Chapman, that the Senate accept the ought to pass report of the committee. The Senator from Cumberland, Senator Weeks, has requested that the vote be taken by a division.

A division of the Senate was had.

Two having voted in the affirmative and twenty-five opposed, the motion did not prevail.

Thereupon, the ought not to pass report of the committee was accepted, in non-concurrence.

Sent down for concurrence.

On motion by Mr. Collins of Aroostook, the Senate voted to take from the table Resolve to Loan Funds from the Unappropriated Surplus for the Construction of an International Ferry Terminal (H. P. 1249) (L. D. 1457) tabled by that Senator on April 29 pending final passage.

Mr. COLLINS of Aroostook: Mr. President, this resolve calls for the appropriation of one million dollars from unappropriated surplus. I would move final passage.

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 Providing for Construction of Dormitory at the University of Maine and Appropriating Moneys Therefor" (S. P. 47) (L. D. 124) tabled by that Senator on April 29 pending passage to be enacted.

Mr. COLLINS: Mr. President, this resolve calls for an appropriation of \$400,000 from surplus. I move the enactment of the bill.

The motion prevailed and the bill was passed to be enacted.

On motion by Mr. Collins of Aroostook, the Senate voted to take from the table Resolve in Favor of Northern Maine Sanatorium (S. P. 240) (L. D. 665) tabled by that Senator on April 29 pending final passage.

Mr. COLLINS: Mr. President, this resolve calls for an appropriation of \$25,000 out of surplus. I believe this was in the Governor's budget. I move final passage.

The motion prevailed and the resolve was finally passed.

On motion by Mr. Collins of Aroostook, the Senate voted to take from the table Resolve Providing for Construction of Dolphins at Maine Maritime Academy (S. P. 162) (L. D. 405) tabled by that Senator on April 29 pending final passage.

Mr. COLLINS: Mr. President, this resolve calls for an appropriation of \$15,000 from surplus. It was cut down from the original amount estimated at \$25,000. I move final passage.

Mr. BOUCHER: Mr. President, I have been accused of being a man who wants to spend money. I am going to oppose this spending measure. I oppose the motion for final passage and move indefinite postponement of the measure.

On motion by Mr. Haskell of Penobscot, the resolve was laid upon the table pending motion by Mr. Boucher of Androscoggin to indefinitely postpone.

On motion by Mr. Collins of Aroostook, the Senate voted to take from the table Resolve Appropriating Moneys for Reconditioning Buildings at the Maine Vocational Technical Institute (H. P. 1036) (L. D. 1180) tabled by that Senator on April 29 pending final passage.

Mr. COLLINS: Mr. President, this resolve calls for approximately \$60,000 from the unappropriated surplus. It is for the purpose of reconditioning buildings at the Maine Vocational Technical Institute. I think the resolve should have passage and I so move.

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 the Taking of Clams and Marine Worms in the Towns of Searsport and Stockton Springs (H. P. 1216) (L. D. 1396) tabled by that Senator on April 16 pending passage to be enacted; and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Fuller of Oxford, the Senate voted to take from the table bill, An Act Relating to Expenditure of Potato Tax Funds (H. P. 1253) (L. D. 1462) tabled by that Senator on April 22 pending consideration.

Mr. FULLER: Mr. President and members of the Senate, this bill which provides for the expenditure of the potato tax money for the enforcement of the branding law has been considered at several

meetings with the representatives of the potato industry. There has been much support in regard to the matter. It has been cleared with the potato tax committee who say that they will go along with the bill if it is not made compulsory. There is an amendment which will make it permissive which has been cleared with the Attorney General and seems to be satisfactory to the industry and to the potato tax committee.

With that in mind I move that this bill be given its first reading without reference to a committee.

The motion prevailed and under suspension of the rules, the bill was given its first reading without reference to a committee.

Mr. FULLER: Mr. President, the amendment will strike out the section following the enacting clause in the bill which provides that the money be taken from 25% of the potato tax fund earmarked for advertising and provides that the money be taken from Section 4 which applies to the funds remaining after the earmarked funds have been spent and it also adds the permissive clause to the bill. I present Senate Amendment A and move its adoption.

Which amendment was adopted and under suspension of the rules, the bill was given a second reading and passed to be engrossed.

Sent down for concurrence.

The PRESIDENT: The Senator from Sagadahoc, Senator Cummings has called the attention of the Chair to the fact that we have in the balcony of the Senate Chamber five of the girls from the Bath High School, who are candidates from that area for Girls State, sponsored by the American Legion Auxiliary. In behalf of the Senate, we welcome you here and hope that you have an enjoyable and instructive day.

On motion by Mr. Sinclair of Somerset, the Senate voted to take from the table Resolve Relating to Construction of a Road and Terminal in the City of Rockland (H. P. 24) (L. D. 19) tabled by the Senator from Aroostook, Senator

Collins on April 9 pending final passage.

Mr. SINCLAIR: Mr. President, this calls for \$50,000 out of surplus. I move the final passage of the resolve.

The motion prevailed and the resolve was finally passed.

On motion by Mr. Sinclair of Somerset, the Senate voted to take from the table bill, An Act Relating to Building Committee of Eastern States Exposition (H. P. 628) (L. D. 652) tabled on April 24 by the Senator from Aroostook, Senator Collins pending passage to be enacted.

Mr. SINCLAIR: Mr. President and members of the Senate, this calls for \$3,000 out of surplus and relates to the repairs of the main building at the Eastern States Exposition. I move that the bill be enacted.

The motion prevailed and the bill was passed to be enacted.

On motion by Mr. Sinclair of Somerset, the Senate voted to take from the table Resolve in Favor of Presque Isle Armory Project (S. P. 121) (L. D. 1320) tabled on April 24 by the Senator from Aroostook, Senator Collins pending final passage.

Mr. SINCLAIR: Mr. President, this resolve calls for \$35,000 which is matched by the city of Presque Isle in the same amount; and the city of Presque Isle has also purchased the land. At the present time there are also federal funds that may be available for this project. I move that the resolve be finally passed.

The motion prevailed and the resolve was finally passed.

On motion by Mr. Collins of Aroostook, the Senate voted to take from the table Resolve Providing for a Continuous Survey of Closed Clam Areas and Study of Fuel Oil Pollution (S. P. 94) (L. D. 229) tabled by that Senator on April 9 pending final passage; and on further motion by the same Senator, the resolve was finally passed.

On motion by Mr. Ward of Penobscot, the Senate voted to take from the table Divided Report from

the Committee on Judiciary; Majority Report "Ought Not to Pass"; Minority Report "Ought to pass" on Resolve Proposing an Amendment To the Constitution Providing for Three State Senators from Each County, L. D. 1114; tabled by that Senator earlier in today's session pending consideration; and on further motion by the same Senator the Majority "Ought Not To Pass" report was accepted.

On motion by Mr. Weeks of Cumberland, the Senate voted to take from the table House Report from the Committee on Inland Fisheries and Game on bill, An Act Relating to Bounty on Bears (H. P. 1043) (L. D. 1185) tabled by that Senator earlier in today's session pending consideration of the report; and on further motion by the same Senator the ought to pass report was accepted and the bill read once; House Amendment A to House Amendment B was read and adopted; House Amendment B as amended by House Amendment A was adopted.

Thereupon, the Senator from Oxford, Senator Carter presented Senate Amendment A to House Amendment B, and moved its adoption.

Senate Amendment A to House Amendment A to House Amendment B was adopted.

Mr. BOUCHER of Androscoggin: Mr. President, I move that the bill be indefinitely postponed.

Thereupon, on motion by Mr. Wight of Penobscot, the bill was laid upon the table pending motion by the Senator from Androscoggin that the bill be indefinitely postponed and was especially assigned for Friday, May 1.

On motion by Mr. Haskell of Penobscot, the Senate voted to take from the table Senate Report from the Committee on Highways ought to pass in new draft (S. P. 598) (L. D. 1544) on bill, An Act Relating to Administration of the Highway Commission (S. P. 463) (L. D. 1298) tabled by that Senator earlier in today's session pending assignment for second reading.

Mr. ROBBINS of Aroostook: Mr. President, this is one of the most important bills that will come out of the Highway Committee or has

come out, and the Senate is entitled to an explanation of it so I will give one and make it as brief as possible. The only purpose of the bill is to require that the Chairman of the Highway Commission devote his full time to that position. As originally drafted, this bill called for a business administrator in the Highway Department to implement the message of the Governor in January. When the Committee considered that proposal it was felt that it offered several drawbacks, not the least of which was that for many years the chief engineer has been the principal administrative officer. The Highway Department was organized in its present form in 1913. At that time it had three commissioners, about twenty employees and spent less than one million dollars a year. Since then there has been no change whatever in the set up of the Highway Department. Last year it spent in excess of \$31 million. It has nearly two thousand permanent employees and as I say, no change has been made since 1913.

I would call your attention to the fact that the Liquor Commission which spends only about \$20 million a year and employs about four hundred people, has for a number of years had a full time Commissioner over there who happens to be the Chairman under the present set-up. I doubt very much whether any member of the Senate would care to be a stock-holder in a business turning over thirty, and this year it will be forty million dollars where the responsible managers attended to the business only one day a week and spent most of that day holding hearings and letting contracts. You may ask if the machinery over there is as antiquated over there as I say it is, why the department has not fallen apart years ago.

The answer is that the State of Maine has been extremely fortunate to have over there as Chief Engineer, Mr. Lucius Barrows and I would like to take this opportunity, because he is retiring, I would like to pay my personal tribute to his character as a gentleman and his ability as an engineer. He is just about the finest man I have ever met in my life and it is indeed

fortunate for the state that a man who enjoyed nothing but a technical training was able to grow up with the department. He joined it in 1910 before it really was a department. He became Chief Engineer in 1925, and like Topsy, he "just grew" with the department. Mr. Barrows has acted as Chief Engineer, Chief Administrative Officer and Chief Planning Officer and he has carried out those duties extraordinarily well. Unfortunately he must retire during the next two years.

It seemed to us that now the responsibility should be kept at the Commissioner level and if this is done now, it will provide an orderly transition period of two years so that the Commissioner may take over the reins in an orderly way, and when the Chief Engineer is appointed two years from now, it will be understood that he will be the Chief Engineer only.

Mr. PARKER of Piscataquis: Mr. President, I would like to ask through the Chair, addition information on this proposed transition. What is the price tag on this proposition?

Mr. ROBBINS: Mr. President, I should have said that in addition to making the Chairman full time, the other change is to put in the hands of the Governor and Council the salaries of the Commission.

All three Commissioners may keep their present positions. However, the Chairman must spend full time on that job, and I have no way of knowing whether the present Chairman will desire or be able to devote full time. Eventually, when it becomes necessary to fill that position, we hope to get a man who has a wealth of business and administration experience, and in order to attract such a man, its going to be necessary to pay him a substantial amount of money. I don't know just how much. Mr. Barrows has been drawing a little over \$10,000 a year and I would expect that in order to attract the kind of a man we will need, it is going to be necessary to pay at least that, and the decision would be left to the Governor and Council.

Mr. CHASE of Cumberland: Mr. President, I don't necessarily in-

tend to object to the principal of this form of organization but it does seem to me that the discretion given to the Governor and Council to fix salaries must necessarily establish standards with which other state department heads and commission members will compare their own. It further provides that each member of the Commission including the chairman shall receive his actual expenses incurred in the performance of his official duties while away from his home. Since the chairman is to devote full time to his work in Augusta, it suggests that if his home is elsewhere his entire expenses are going to be paid in addition to a salary. I think that is a point which should be cleared up.

Mr. ROBBINS: Mr. President, the provision that the members receive expenses away from home has always been in the law. There is no change there. It is my personal idea about this that if we can obtain the services of an experienced business man who is willing to devote five days a week to the state and wishes to go home on weekends, we should be content with that. I don't care where he makes his home, so long as he is in Augusta during the week.

Mr. WARD of Penobscot: Mr. President and members of the Senate, I believe that sometime prior to this, similar legislation was enacted by the legislature whereby a section was repealed and replaced, and it was held by so doing the legislature legislated the people who were in office, out of office and that it required a new appointment for those people to function.

I notice that this says that instead of the Section 3 being amended, that Section 3 is repealed. I do have in mind, of course, that the Senator from Aroostook, Senator Robbins, has pointed that the phrase in there is intended to continue those men in office, but I would question very much if we should repeal this section under which they were appointed, whether they will be continued in office without a new appointment.

Mr. ROBBINS: Mr. President, I would like to say to the Senator from Penobscot, Senator Ward, that this point was discussed quite thoroughly. There is no desire to

legislate anyone out. I move that this bill lie on the table until tomorrow morning.

The motion prevailed and the bill was laid upon the table pending assignment for second reading and was especially assigned for Friday, May 1.

On motion by Mr. Collins of Aroostook, the Senate voted to take from the table Bill, "An Act Relating to Revolving Fund for Administration of Social Security for Political Subdivisions of State (H. P. 1007) (L. D. 1134) tabled by that Senator earlier in today's session pending passage to be enacted.

Mr. COLLINS of Aroostook: Mr. President, this bill means a transfer of ten thousand dollars from surplus to department administrative social security act. I would move enactment of the bill.

Mr. BOUCHER of Androscoggin: Mr. President, I want to oppose the opening of a second bank for the State of Maine. We have a bank of two million dollars now. Now you want to start another one and if it goes like everything else around here, it will grow and grow and grow until it eats up the State of Maine.

Ten thousand dollars is a small amount of money for the State of Maine I know, especially when we have twelve million to spend, and we are doing pretty well spending it too. We've spent \$25,000 for an armory up in Aroostook. I recall when the city of Lewiston spent \$300,000 for a building that would cost over a million today for which it got no aid from the state or the federal government. Lewiston paid it all.

I want to oppose this opening up of a new bank. I think it is wrong in principle. We have one Revolving Fund. If the department needs money, let it go to the Revolving Fund and borrow it.

Mr. HASKELL of Penobscot: Mr. President, I rise in support of the motion of the Senator from Aroostook, Senator Collins, that the resolve be finally passed. The enabling legislation referred to in this resolve is that section of the statutes which authorizes cities and towns of the state to use state machinery in the administration of certain social security funds.

When the federal law was liberalized it was apparent to the legislature that cities and towns would be aided by having the state perform those services for them, in that the state could do it more economically and more efficiently.

The state has used state funds in an effort to maintain integrity with respect to payment dates. The authorization of ten thousand dollars of surplus funds gives legal authority for the use of that as an earmarked fund and should not be tied together with the two million dollar working capital fund. I have given up all hope that the Senator from Androscoggin, Senator Boucher, will ever be reconciled to the fact that we have two million dollars in working capital. The record may as well show that the action of the legislature in earmarking two million dollars for working capital has in effect put an effective cushion on state spending. Should the unfortunate day come that state income so far fails to meet estimates as to require that working capital fund for operating expenses, it has the exact same treatment as the unappropriated surplus of the general fund. I don't ask the Senator from Androscoggin to believe that but it is true. When the vote is taken I ask for a division.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Collins, that the bill be passed to be enacted, and the Senator from Aroostook, Senator Haskell, has requested that the vote be taken by division.

A division of of the Senate was had.

Twenty-five having voted in the affirmative and two opposed, the bill was passed to be enacted.

On motion by Mrs. Kavanagh of Androscoggin, the Senate voted to take from the table Bill, An Act Relating to Elderly Teachers' Pensions (S. P. 49) (L. D. 77) tabled by that Senator earlier in today's session and especially assigned for this afternoon; and on further motion by the same Senator, the bill was retabled pending passage to be enacted and was especially assigned as the first order of business on the

next legislative day, Friday, May 1st.

On motion by Mr. Chase of Cumberland, the Senate voted to take from the table bill, An Act Relating to Certain Policies of Insurance by Companies Organized Under the General Law (S. P. 433) (L. D. 1210), Divided Report from the Committee on Business Legislation, Majority Report Ought to Pass, Minority Report, Ought Not to Pass, tabled by that Senator earlier in today's session pending consideration.

Mr. CHASE of Cumberland: Mr. President and members of the Senate, the field of insurance is one in which ignorance is great in all dimensions. This bill at the hearing was opposed by some people whom I regard as leaders in the insurance business in the State of Maine. They are friends of mine and men of high character whose opinion I value greatly. They were apparently too greatly impressed by the impression they thought they made upon the Committee. Because the bill came out of the Committee unanimously Ought to Pass and was subsequently recommitted and is now before us on a Divided Report. These people are still very much disturbed about the bill. As they informed me the type of policy or provision which this bill contemplates can be sold now as an insurance policy under existing law if it states on its face that it is a limited policy. They are not opposed to this bill if the provision at the end which says, "and such provision shall not be deemed to be an accident insurance policy" is eliminated.

I have been unable to contact them this afternoon since I put the matter upon the table but it is my opinion that they do not object to the bill but they do want to delete that provision on the end. It is my understanding that that will not prevent the offering for sale of the type of policy contemplated in this bill if the policy states on its face that it is a limited policy.

I therefore present Senate Amendment A. If it should be adopted it would be necessary, I believe, subsequently to indefinitely postpone Senate Amendment B. The Senator from York, Senator Dennett, is

interested in this bill and I will have no objection if he cares to table the amendment but I am putting it in today in order to save time so that he can have an opportunity, if he wishes, tomorrow morning. I offer Senate Amendment A and move its adoption.

Thereupon, the Senate voted to reconsider its former action whereby on April 21 the bill was passed to be engrossed, and on motion by Mr. Dennett of York, the bill was laid upon the table pending motion by the Senator from Cumberland, Senator Chase, that the Senate adopt Senate Amendment A, and especially assigned for Friday, May 1st.

Mr. BOUCHER of Androscoggin: Mr. President, I move that the Senate adjourn until tomorrow morning at eight-thirty o'clock, E.S.T.

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

On motion by Mr. Chapman of Cumberland, the Senate voted Divided Senate Report from the Committee on Judiciary on bill, An Act Creating a State Crime Commission (S. P. 521) (L. D. 1422) Majority Report "Ought to pass as amended by Committee Amendment A;" Minority Report, "Ought not to pass," tabled by that Senator on April 29 pending consideration of the reports; and on further motion by the same Senator the Majority Report "Ought to Pass as Amended by Committee Amendment A" was accepted, the bill read once, Committee Amendment A read and adopted and under suspension of the rules the bill was read a second time and passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Haskell of Penobscot

Adjourned until tomorrow morning at eight-thirty o'clock, E. S. T.