

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

Wednesday, May 6, 1953.

The Senate was called to order by the President.

Prayer by Lt. Lloyd Scott of the Salvation Army of Augusta.

Journal of yesterday read and approved.

House Papers

Bill "An Act Relating to Carrying Motor Vehicle License by Operator." (H. P. 293) (L. D. 278)

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

Comes from the House, indefinitely postponed.

In the Senate, on motion by Mr. Butler of Franklin, the Senate voted to recede and concur.

Bill "An Act Relating to Real Estate Brokers and Salesmen." (S. P. 26) (L. D. 14)

(In Senate on April 7th passed to be engrossed as amended by Committee Amendment "A".)

Comes from the House, House Amendment "A" adopted, and subsequently the bill was indefinitely postponed in non-concurrence.

In the Senate, on motion by Mrs. Kavanagh of Androscoggin the Senate voted to insist on its former action and ask for a Committee of Conference; the President appointed as Senate members of such Committee, Senators Kavanagh of Androscoggin, Dennett of York, Reid of Kennebec.

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

(In Senate, on April 22nd, passed to be engrossed.)

Comes from the House, passed to be engrossed as amended by House Amendment "A" in non-concurrence. (Amendment Filing No. 559)

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

Joint Order

ORDERED, the Senate concurring, that the Joint Standing Com-

mittee on Sea and Shore Fisheries be directed to report out a bill repealing all restrictive laws relating to the digging, taking and selling of marine worms.

Comes from the House, read and passed.

In the Senate:

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, this order directs the Sea and Shore Fisheries Committee to report out a bill which, as I understand it, involves a consideration of laws that are very important to many segments of our population in many areas of the state. It doesn't seem to me that there is even a remote possibility of carrying out this order without immediately acknowledging we are going to be here at least another week on account of this alone. I do not mean to say that the importance of the order would not justify that but it does cost several thousand dollars a week to run this show. It costs the members money themselves by obliging them to stay longer away from their work and I just wonder if the sponsors are fair in coming into the legislature at this time and asking us to take on this task. Probably it is just another one of those things that all manner of criticism can be aimed at the Senate for refusing to buy the problem. When the vote is taken on the passage of the order, I am going to vote Yes on a motion that the order be indefinitely postponed.

Mr. BROWN of Washington: Mr. President, this order has been put in here at the last moment and you know as well as I do that all our business has been finished and done with in the Sea and Shore Fisheries Committee. This might mean another week's session in order to have a public hearing. I cannot see where any member of the committee would change his mind on this matter even if we did have a public hearing. These boys came up during the worm hearings and we changed some of the small laws but this was not even mentioned until a week ago and now they want to open up the whole coast. All these towns that have been here and asked for closure in their area have been granted that privilege. This situa-

tion has been discussed and decided and I cannot see where it would help the situation any to bring it all up again.

I want to go along with Senator Haskell in the indefinite postponement of the order and would suggest to these people that they come to the next session of the legislature at an early date and then present their problems. But I can't see why we should take it on at this late hour.

Mr. DOW of Lincoln: Mr. President, I have been wracking my brain trying to figure out an answer to this problem where one bill has put thirty men out of work. Many of these towns have closed their flats only for their own protection but they have said that they thought that type of legislation for the state as a whole, was bad and they would like to open the whole state up again. I had a call this morning from the representative of the worm diggers in Wiscasset who apparently was one of the sponsors of the Wiscasset bill. He said that the Wiscasset diggers are behind any move to open up the state on a statewide basis, one hundred per cent. Understand that this is the same group that have been pushing me to get this legislation to close the Wiscasset flats, and as an emergency. There is some opposition from having the town flats opened up. I don't know just how much but there is some. For that reason it is a controversial issue. I think it would require a public hearing. And I have been approached on the issue that if anything goes through on the worms, then some people would like to have a clam bill attached as a rider which would remove clam flat restrictions. There is opposition in the other branch and I know there would be a divided report from the committee.

I state all these problems just to show you what we are up against. So far as I am personally concerned, if I can do anything for those thirty worm diggers who are out of work, I would be glad to come back here and spend a couple of weeks to get this ironed out.

Mr. REID of Kennebec: Mr. President, I think we might move along to other business and put this on the table until later in the day

but I will say that I am opposed to any procedure that will delay this session.

Mr. CHASE of Cumberland: Mr. President I ask for a division on the motion to table.

A division of the Senate was had.

Eleven having voted in the affirmative and sixteen opposed, the motion to table did not prevail.

Thereupon, on motion by Mr. Haskell of Penobscot, the order was indefinitely postponed in non-concurrence.

Sent down for concurrence.

Ought Not to Pass

The Committee on Appropriations and Financial Affairs on "Resolve, in Favor of Erskine Academy," (H. P. 902) (L. D. 1003) reported that the same ought not to pass.

The same Committee on "Resolve, Providing for Certain Construction at Monmouth Academy," (H. P. 632) (L. D. 655) reported that the same ought not to pass.

The same Committee on "Resolve, in Favor of Litchfield Academy," (H. P. 481) (L. D. 500) reported that the same ought not to pass.

Which reports were severally read and accepted in concurrence.

The Committee on Judiciary on "Resolve, Authorizing the Release of State of Maine's Claim on T. 1, R. 13, W.E.L.S. Piscataquis County," (H. P. 1138) (L. D. 1288) reported that the same ought not to pass.

Comes from the House, the bill indefinitely postponed.

In the Senate, on motion by Mr. Reid of Kennebec, the Senate voted to recede and concur.

The Committee on Towns and Counties on Bill "An Act Relating to Closing County Offices on Saturdays," (H. P. 1145) (L. D. 1293) reported that the same ought not to pass.

Comes from the House, the bill substituted for the report and passed to be engrossed as amended by House Amendments "A" and "B".

In the Senate, on motion by Mr. Reid of Kennebec, tabled pending consideration.

The Majority of the Committee on Appropriations and Financial

Affairs on "Resolve, in Favor of Corinna Union Academy," (H. P. 900) (L. D. 1007) reported that the same ought not to pass.

(signed) Senators:

COLLINS of Aroostook
HASKELL of Penobscot

Representatives:

JACOBS of Auburn
COLE of Liberty
BURGESS of Limestone
CATES of East Machias
JALBERT of Lewiston

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

(signed) Senator:

SINCLAIR of Somerset

Representatives:

DAVIS of Harrison
CAMPBELL of Guilford

Comes from the House, the Majority Report accepted.

In the Senate, the Majority Report was accepted in concurrence.

The Majority of the Committee on Appropriations and Financial Affairs on "Resolve, in Favor of the Town of Monson to Aid in Completion of Gymnasium," (H. P. 785) (L. D. 902) reported that the same ought not to pass.

(signed) Senators:

HASKELL of Penobscot
COLLINS of Aroostook

Representatives:

BURGESS of Limestone
JACOBS of Auburn
CATES of Machias
JALBERT of Lewiston

The Minority of the same Committee on the same subject matter, reported that the same ought to pass as amended by Committee Amendment "A".

(signed) Senator:

SINCLAIR of Somerset

Representatives:

DAVIS of Harrison
COLE of Liberty
CAMPBELL of Guilford

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

In the Senate, on motion by Mr. Collins of Aroostook, the ought not to pass report was accepted.

The Majority of the Committee on Appropriations and Financial

Affairs on "Resolve, in Favor of Maine Central Institute," (H. P. 631) (L. D. 654) reported that the same ought not to pass.

(signed) Senators:

COLLINS of Aroostook
HASKELL of Penobscot

Representatives:

JACOBS of Auburn
BURGESS of Limestone
JALBERT of Lewiston
CATES of Machias

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

(signed) Senator:

SINCLAIR of Somerset

Representatives:

CAMPBELL of Guilford
COLE of Liberty
DAVIS of Harrison

Comes from the House, resolve and reports indefinitely postponed.

In the Senate, on motion by Mr. Sinclair of Somerset, the Majority Report "Ought not to pass" was accepted.

Senate Committee Reports

The Committee of Conference on the disagreeing action of the two branches of the Legislature on (S. P. 536) (L. D. 1441) "Resolve to Create a Special Committee to Study Safeguards in Construction Projects," reported

That the Senate recede from its former action whereby the Resolve was passed to be engrossed; that the Senate adopt Conference Amendment "A" whereby the \$1,000.00 appropriation and provision for expenses are stricken from the Resolve, and pass the Resolve to be engrossed as amended; and

that the House recede from its former action whereby it passed the Resolve to be engrossed and subsequently indefinitely postponed the Resolve, and concur with the Senate in the passage of the Resolve to be engrossed as amended by Conference Amendment "A".

Which report was read and accepted, and the Senate reconsidered its former action whereby the resolve was passed to be engrossed; Conference Amendment A was adopted and the resolve as amended

by Conference Amendment A was passed to be engrossed.

Sent down for concurrence.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on "Resolve Closing Little Sebago Lake, Cumberland County, to Ice Fishing," (H. P. 260) (L. D. 290) have had the same under consideration and reported

that the Senate recede from its action whereby the Resolve was passed to be engrossed, adopt House Amendment "A" and pass the Resolve to be engrossed as amended by House Amendment "A" as amended by Conference Amendment "A" thereto.

that the House recede from its former action whereby the Resolve was indefinitely postponed, and concur with the Senate in passing the resolve to be engrossed as amended by House Amendment "A" as amended by Conference Amendment "A" thereto.

Which report was read and accepted, and the Senate reconsidered its action whereby the resolve was passed to be engrossed; House Amendment A as amended by Conference Amendment A thereto was adopted; and the bill as amended by House Amendment A as amended by Conference Amendment A was passed to be engrossed.
Sent down for concurrence.

Mr. GREELEY from the Committee on Correctional Institutions, submitted its Final Report.

Which was read and accepted.
Sent down for concurrence.

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

Mr. BROGGI of York: Mr. President and members of the Senate, the other day my colleague from York County, Senator Dennett, mentioned the difficulties and tribulations that go with being a member of the Liquor Control Committee. He mentioned the dries on the left, dry as the Sahara desert, and the wets on the right as wet as the Atlantic Ocean. I think all of us appreciate the difficulties under which this committee has operated.

There is another committee, the Committee on Inland Fisheries and

Game, which in my opinion have just as many trials and tribulations as Liquor Control. They have to face those who want streams closed to fly fishing and those who want streams open to ice fishing and they have to try to appease a hundred odd fish and game clubs over the state. The things they have accomplished this session should be a matter of pride to any committee. I am sure the Senators all join me when I say to Senator Freeman Wight, and his committee, "Thank you very much for a job well done."

The Committee on Engrossed Bills reported as truly and strictly engrossed the following Bills:

Bill "An Act Relating to State Liquor Warehouse and Wholesale Store." (S. P. 357) (L. D. 968)

Which bill was passed to be enacted.

Emergency Measure

Bill "An Act to Make Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1954, and June 30, 1955." (S. P. 591) (L. D. 1536)

Which bill being an emergency measure and having received the affirmative vote of 28 members of the Senate and none opposed, was passed to be enacted.

After Recess

The Senate was called to order by the President.

Mr. CUMMINGS of Sagadahoc: Mr. President and members of the Senate, I could think of no better time to rise to such a worthy occasion as I am about to present to you, the way having been so nicely paved by my good friend and colleague, the Senator from Andros-coggin, Senator Boucher. Since there is to be a prize awarded to the member introducing the last resolve, or attempting to do so, I rise to meet the occasion.

Seriously, before attempting to have this resolve accepted under unanimous consent, I must state that I am very reluctant to take this step, being fully aware of the lateness of the session and of the many rules with which we have surrounded the sanctity of this legislature and its operations. However, the circumstances of this case

are so compelling and unusual that I find myself bound to present it with the introduction of this resolve.

This resolve has to do with a former teacher now residing in the town of Richmond, who for seventeen years taught in the State of Maine largely in the City of Bath. This teacher is a graduate of our Gorham Normal School. In 1932, some twenty-one years ago, this teacher retired due to ill health but in so retiring she made no appeal to the state for any sort of remuneration, disability or pension. For the past twenty years she has been living on her own funds and the funds of her family. Her father, if I may take up the cudgel of the Republican Party for a moment, is an outstanding member of the Republican Party in the county, has attended all of our county and state conventions in his lifetime. He has since departed.

At the end of this twenty-two year period this teacher finds her funds depleted and her family also have reached the point where they find they must request additional funds. I call your attention particularly to the fact that for the past twenty years they have been operating this family in the good old American tradition of standing on their own feet and having, perhaps, let their pride overwhelm their natural tendency to ask for their just rights. This teacher has been disabled for the past twenty years and for the last few years she has been totally bedridden with a very severe case of arthritis. I have talked with the Richmond Board of Selectmen and with the Educational Department. They have guided me in the presentment of this resolve.

I assure you I am reluctant to do this on general principles but I consider it an honor and a privilege to introduce this resolve at this time, due to the circumstances involved in this particular case. I ask your great indulgence — perhaps I don't deserve it — but I am going to presume upon you and ask for it. I therefore offer this resolve.

The PRESIDENT: Out of order and under suspension of the rules, the Senator from Sagadahoc, Sena-

tor Cummings, presents a resolve and asks that it be received by unanimous consent.

Mr. HASKELL of Penobscot: Mr. President, I would ask a question through the Chair of the Senator from Androscoggin, Senator Cummings, which can be answered Yes or No if he wishes.

The PRESIDENT: The Senator may ask his question and the Senator from Sagadahoc, Senator Cummings, may answer if he cares to do so.

Mr. HASKELL: Did the Department tell the Senator that had the resolve been in earlier it would have fitted into the criteria set up by the Department and thereby made the resolve eligible for an ought to pass report if the recommendations of the Department were followed?

Mr. CUMMINGS: Mr. President, in answer to the question of the good Senator from Penobscot, Senator Haskell, I would reply that the Department did so state, that this resolve met all of their requirements. The only reason it was not presented earlier was because it was not called to my attention at an earlier date. Before introducing this resolve I contacted the Chairman of the Judiciary Committee and have been assured by him that it would fall within the category of his committee and would be considered as one of its Ought to Pass resolves. It also has the blessing of every department I have been able to contact and they have, I believe, been fully contacted.

Thereupon, "Resolve in Favor of Florence Watson of Richmond" was received by unanimous consent; and on further motion by the same Senator the resolve was given its two several readings and passed to be engrossed, under suspension of the rules, without reference to a committee.

Sent down for concurrence.

After Recess

Senate called to order by the President.

Additional House Papers (Out of Order and Under Suspension of the Rules)

"Resolve, in Favor of the Several Academies, Institutes and Seminaries." (H. P. 1244) (L. D. 1446)

(In Senate, on May 4, resolve and reports indefinitely postponed in non-concurrence.)

Comes from the House, that body having insisted on its former action whereby the Majority Report "Ought to Pass" was accepted and the resolve passed to be engrossed, and now asks for a Committee of Conference, the Speaker having appointed as members of such a Committee on the part of the House:

Messrs: GOWELL of Berwick
DAVIS of Harrison
CAMPBELL of Guilford

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, I will not make the motion to adhere but if there is any member of this Senate who thinks that by a Committee of Conference anything could be worked out that would be paid into salaries for this Academy Aid bill, I certainly would support his motion that the Senate join in a Committee of Conference. However, I have some feeling that the motion to adhere might be the proper motion but if there is a single member of the Senate who thinks something can come out of this effort I will gladly support his motion that the Senate join in the Committee of Conference.

Thereupon, on motion by Mr. Sinclair of Somerset, the Senate voted to join in the Committee of Conference.

Bill "An Act Relating to Inflammable Oils and Liquids." (H. P. 673) (L. D. 716).

(In Senate, on May 4th passed to be engrossed as amended by Senate Amendment "A")

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

In the Senate: On motion by Mr. Chapman of Cumberland, voted to recede and concur.

Joint Order (S. P. 596) re Study of laws relating to Political Party Caucuses, etc. by Legislative Research Committee.

(In Senate, on April 29th, read and passed.)

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

In the Senate: On motion by Mr. Haskell of Penobscot, the order was indefinitely postponed in concurrence.

Bill "An Act Relating to Members of Executive Council and Manner of Selection." (S. P. 68) (L. D. 154)

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

Comes from the House, passed to be engrossed as amended by Committee Amendment "A" and by House Amendment "A" in non-concurrence.

In the Senate: On motion by Mr. Collins of Aroostook, the bill and accompanying papers were laid upon the table until later in today's session, pending consideration.

Bill "An Act Relating to the Issuance of Operators' Licenses from Date of Birth." (H. P. 878) (L. D. 870)

(In Senate, on May 5th, bill substituted for Ought Not to Pass report, and passed to be engrossed.)

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

In the Senate: On motion by Mr. Carter of Oxford, voted to insist and ask for a Committee of Conference.

Bill "An Act Authorizing Towns to Issue Revenue Bonds for Public Improvement." (S. P. 85) (L. D. 192)

(In Senate, on April 28th, the bill in new draft (S. P. 579) (L. D. 1519) and under a new title, Bill "An Act to Confer Additional Powers Upon Municipalities in the State of Maine in Relation to the Supply and Distribution of Water and the Collection, Treatment and Disposal of Wastes," passed to be engrossed.

Comes from the House, the bill in original draft (S. P. 85) (L. D. 192) substituted for the new draft, and passed to be engrossed.

In the Senate:

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, as I think I have already said last Friday night and on other occasions, I feel that we should let private business take care of parking, or at least let each town and city that wants a parking bill or a law concerning parking come in and demand it, and not create an enabling act that will give every Tom, Dick and Harry throughout the State of Maine the right to create their own private parking facilities

in their own cities and towns. Therefore, I move indefinite postponement of this bill.

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, this is the original bill which I presented to the Committee on Judiciary. It seeks to give to the municipalities the right to issue revenue bonds for the purpose of building sewers, water supply systems and parking facilities. As every Senator knows, these bonds are limited to five percent of the valuation of the city, except in the case of Portland where it is seven and one-half percent, and when any city or town is faced with a major expenditure they are forced into the subterfuge of creating a water or sewage district. Now most of the states, these bonds have been held to be outside the general Constitutional limits. This measure gives to the cities and towns from revenue bonds. I see nothing in the bill to view with alarm. This was written by attorneys for bond-selling companies. It was written over in a little community that happens to be the shire town of Penobscot County and if the great city of Lewiston under the thumb of whoever may control the political acts of that city doesn't want the city to build these public facilities the city doesn't need to issue these bonds. I do not claim that this is the most perfect document ever presented to this legislature but I do believe it has some merit and is deserving of consideration. And I do not believe the financial integrity of any individual in Lewiston is going to be completely upset in the rest of the towns do have the privilege of issuing revenue bonds for water, sewage and parking facilities. Therefore I hope the motion of the Senator from Androscoggin, Senator Boucher, does not prevail, and when the vote is taken, Mr. President, I ask for a division.

Thereupon on motion by Mr. Boucher of Androscoggin, the bill was laid upon the table pending the motion of that Senator to indefinitely postpone, and was tomorrow assigned.

The Committee on Judiciary on "Resolve, in Favor of Earle B.

Porter of Rockland," (H. P. 657) (L. D. 700) reported that the same ought not to pass.

The same Committee on Bill "An Act Relating to Retirement of Coastal Wardens Under Maine State Retirement Law," (H. P. 143) (L. D. 141) reported that the same ought not to pass.

Which reports were severally read and accepted in concurrence.

The Committee on Judiciary on "Resolve, in Favor of E. Stanley Kitchin of Rumford," (H. P. 184) (L. D. 179) 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 the House Amendment "A" (Amendment Filing 522)

The same Committee on "Resolve, Granting a Retirement Pension to Hugh A. Smith, of Charleston," (H. P. 342) (L. D. 359) 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 the House Amendment "B". (Amendment Filing 519)

In the Senate: On motion by Mr. Reid of Kennebec, the resolve was laid upon the table pending consideration until later in today's session.

On motion by Mr. Dunham of Hancock the Senate voted to take from the table House Report Ought Not to Pass from the Committee on Welfare on Resolve Providing for Pension for Clyde Spaulding of Hartland (H. P. 128) tabled by that Senator on April 23rd pending consideration of the report; and on further motion by the same Senator the resolve was substituted for the report and given its first reading.

The same Senator presented Senate Amendment A which was adopted and under suspension of the rules the resolve was given its second reading and passed to be engrossed as amended by Senate Amendment A in non-concurrence.

Sent down for concurrence.

On motion by Mr. Haskell of Penobscot, the Senate voted to take

from the table bill, An Act Exempting from Sales Tax Passenger Automobiles Not to be Registered in State (H. P. 1272) (L. D. 1468) (New Draft of H. P. 1063, L. D. 1200) tabled by the Senator from York, Senator Dennett on April 28th pending motion by the Senator from Penobscot, Senator Haskell, that House Amendment A be indefinitely postponed.

Mr. HASKELL: Mr. President, the calendar indicates that this bill was tabled by Senator Haskell of Penobscot pending a motion by the Senator from York, Senator Dennett. That is an error in printing the calendar. Actually, the bill was tabled by the Senator from York, Senator Dennett, pending motion by Senator Haskell to indefinitely postpone House Amendment A, and I yield to the Senator from York.

Mr. DENNETT of York: Mr. President and members of the Senate, I rise in opposition to the motion of the Senator from Penobscot, Senator Haskell, to indefinitely postpone this House amendment, and it is purely on technical grounds.

If you will turn to the amendment you will see that it strikes out the last line of the bill and in this line it states that a motor vehicle which is purchased and delivered to the purchaser by the dealer shall either bear out of state plates or dealer's plates. After conferring with the Secretary of State it seems that it is contrary to the law, after a dealer has made a sale to affix his own plates so consequently this line was stricken out by this amendment so that the bill would not actually conflict with the law. For that reason, I rise in opposition to the motion that the amendment be indefinitely postponed.

The PRESIDENT: For the information of the Senate the Chair will inform the Senators that the bill was tabled on April 28th by the Senator from York, Senator Dennett, pending the motion of the Senator from Penobscot, Senator Haskell, to indefinitely postpone House Amendment A.

Mr. HASKELL: Mr. President, I will withdraw my motion to indefinitely postpone House Amendment A.

The PRESIDENT: There being no objection, the Senator from Penobscot, Senator Haskell, withdraws his motion that House Amendment A be indefinitely postponed.

Thereupon, House Amendment A was adopted and under suspension of the rules the bill was passed to be engrossed as amended by House Amendment A in non-concurrence. Sent down for concurrence.

On motion by Mr. Reid of Kennebec, the Senate voted to take from the table, bill, An Act To Provide Additional State Office Space, (H. P. 1285) (L. D. 1533), tabled by that Senator on May 5th pending passage to be enacted; and on further motion by the same Senator the bill was passed to be enacted.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table, Senate Reports from the Committee on Labor on bill, An Act Relating to Compensation for Specified Injuries Under the Workmen's Compensation Law (S. P. 62) (L. D. 131), majority report Ought Not to Pass, minority report Ought to Pass; tabled by that Senator on April 22, pending consideration of the reports.

Mr. BOUCHER of Androscoggin: Mr. President, I will move that the minority report "Ought to Pass" on this bill be accepted and in trying to sustain that motion I want to explain to the Senate members that this bill is presented for one purpose only. It is to give additional relief, I would call it, or compensation, to injured persons under the law. Under the present law if a person is incapacitated from working through injury he receives certain maximums laid down by the law. But there is no provision in the law that would compensate that person for disfiguring him for life.

Under the present law if a person loses an eye, arm or leg or both of either, certain specified amounts are paid but there is no amount specified for disfigurements. For loss of ears or nose or marks on the face that would stay on for life, they receive only compensation for the time they are unable to work and at the time they return to work the compensation ceases

and they receive no extra compensation for that disfigurement that they may bear for the rest of their lives. What I am attempting to do under this bill is to set up, at the discretion of the commission a bill that would allow anyone from one week to a maximum of 52 weeks extra above their regular compensation due to loss of time from work.

You have seen people who are marked for the rest of their lives either on their hands or on their face or on their neck and it stays with them for the rest of their life. I feel that under such circumstances the Commission could very well decide what further compensation they should receive for these disfigurements. I feel that this is a useful, right and fair bill and I hope that you will go along with me in voting in favor of the minority report Ought to Pass.

Mr. WARD of Penobscot: Mr. President and members of the Senate, I rise in opposition to the motion made by the Senator from Androscoggin, Senator Boucher. The Workmen's Compensation Act was set up to compensate people for the loss of time which they would be absent from their work due to a disability. This particular measure would attempt to compensate a person, over and above their disability, which prevents them from pursuing their work and regular occupation. There would be instances, no doubt, under our present law where a person, due to their particular occupation, might be entitled to receive compensation for disfigurement as outlined in this bill but in those cases where a person fully recovers from an injury and goes back to work and they have received their compensation for that period of time, that is what the Workmen's Compensation Act contemplates. It does pay for disfigurement in the nature of permanent loss of members such as loss of a thumb or finger or an eye, or loss of hearing, and in those cases we provide that if a person, for example, suffers the loss of a thumb, then he receives in any event compensation for 50 weeks whether he is back to work in that length of time or earlier. But if you should pass this bill you are

in effect assessing damages over and above the amount which the person is entitled to as compensation and in addition to that you are creating a situation which is very impracticable and would be very difficult for the industrial accident commission to demonstrate. Therefore, I do not believe that this should receive favorable compensation and I hope the motion will be defeated.

Mr. REID of Kennebec: Mr. President, I agree with the Senator from Penobscot, Senator Ward, that the motion to accept the minority report should not prevail. A lot of us have scars for which we are not compensated and never will be. The Workmen's Compensation Law has a very definite purpose and it would appear to me that this bill contemplates something that was never intended. I hope the motion does not prevail.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Boucher, that the minority Ought to Pass report of the Committee be accepted.

Mr. WARD: Mr. President, I request a division.

A division of the Senate was had.

Three having voted in the affirmative and twenty-five opposed, the minority Ought to Pass report was not accepted.

Thereupon, the majority report Ought Not to Pass was accepted.

On motion by Mr. Haskell of Penobscot, the Senate voted to take from the table bill, An Act Relating to Administration of the Highway Commission (S. P. 598) (L. D. 1544) tabled by that Senator on May 1, pending consideration, and that Senator yielded to the Senator from Aroostook, Senator Robbins.

On motion by Mr. Robbins of Aroostook, Senate Amendment A was indefinitely postponed.

The same Senator presented Senate Amendment B and moved its adoption.

Mr. WARD of Penobscot: Mr. President, I present Senate Amendment A to Senate Amendment B and move its adoption.

The PRESIDENT: The Senator from Penobscot, Senator Ward, presents Senate Amendment A to Sen-

ate Amendment B to Senate Paper 598, Legislative Document 1544.

Mr. WARD of Penobscot: Mr. President and members of the Senate, as I understand the amendment which has been presented by the Senator from Aroostook, Senator Robbins, it is an amendment which simply clarifies the new draft which we had before us the other day, and it is my understanding from the amendment which he has presented that under the terms of the amendment the present Chairman of the Highway Commission would be permitted to hold office during his term of office provided that he was in a position to serve the full week, five days or six days whatever it may be.

It is also my understanding insofar as the present Chairman of the State Highway Commission is concerned he would not be in a position to fulfill that qualification and consequently if this amendment which has been offered by the Senator were adopted and became law it would be impossible for Chairman Morton to continue.

It is the feeling of a number of people that inasmuch as the State Highway Commission presented to this legislature two years ago a very fine plan, a seven-year plan involving nearly \$100,000,000 for the construction of highways that perhaps it might not be a good plan to change horses, so to speak, in the middle of the stream. If the amendment which I have presented is adopted the plan as outlined by the Highway Committee could be adopted if that was the pleasure of the legislature and Mr. Morton could continue as the Chairman of the Highway Commission under the present set-up until his term of office expires. For that reason I urge the adoption of the amendment.

Mr. ROBBINS of Aroostook: Mr. President and members of the Senate, in rising to oppose the amendment of the Senator from Penobscot, Senator Ward, it will be necessary for me to deliver the remarks that I had intended to deliver in support of my own amendment.

I had intended and I will call the attention of Senators briefly to the changes in this draft over the old one. They are chiefly that

the term of office of the Chairman shall be seven years instead of indefinite, the seven year figure being the one that we have applied to our term of office of our Finance Commissioner and our Public Utilities Commissioners, and that the Chairman shall be the chief administrative officer, but all policy decisions of the Commission must be by a majority of the total membership. This was added to preclude any squeezing out by the Chairman of the other two members in determining matters of policy. Section 2 was inserted to express the intent of the sponsors of this bill that the present chairman and the present members of the Highway Commission should be permitted to fill out their present terms provided only that the Chairman agreed to serve full time.

I call attention of the Senators the fact that the present Chairman is now in his seventh year of service. Now as for the reasoning back of this bill, it had its origin in that section of the Governor's message of January 8, 1953 wherein he discussed highways and bridges, and I would like to read six or seven lines from his address which have application to the situation. The governor said: "Place administration, contractual activity, budget and fiscal problems under a business manager or chief highway administrator. Leave all engineering, designing, and details of construction under the chief engineer, and you should have harmonious groupings of responsibility in the hands of specialists in each field. Pay the business manager adequately, protect him"—and this gentlemen is very important—"protect him from political pressure, and we will receive many more miles of road for our tax dollar. We cannot continue to operate this department with the Highway Commission constantly under political bombardment for special privileges as they are now."

In discussing this measure last week and I hesitate to repeat myself in any particulars because of the shortage of time that we have, I summarize the reasoning back of the Governor's proposal as being something like this. This de-

partment was established in present form in 1913 at a time when there were less than 20 employees and they had less than \$1,000,000 per year to spend. In the last fiscal year the highway department had 1900 permanent employees and spent \$31,000,000, and this year they will spend even more because of the accelerated highway program.

On the face of it, Mr. President and members of the Senate it would appear that this department has grown so as to justify application of a full time policy-making officer. The bill as originally introduced called for the installation of a business manager, if that was the exact title. There was a hearing held on the bill and very little interest was shown. After due consideration the Committee on Highways agreed unanimously that the highway department did indeed need some kind of a business manager. At the same time we all felt the same level as the chief engineer who has been the principal executive officer of the commission for many years would lead to friction, and looking around our State Government we noticed the fact several of our Commissions have full time membership or full time Chairman. For example, the Public Utilities Commissions are full time, Employment Security Commissions are all full time, the Chairman of the Industrial Accident Commission is full time, and up until very recently the Chairman of the Liquor Commission was full time. As I understand it today, the Liquor Commissioners have adopted a policy of rotation so that at least one and usually two members will always be here.

The Committee felt that there were several reasons making it desirable that the Chairman of the Highway Commission should also spend full time, and combine that duty with the duties of the business administration. I think most of us have had the experience of going to the Highway Department on Mondays, Tuesdays, Thursdays and Fridays, discussing our business with Mr. Barrows and having him tell us he would have to defer an answer until Commissioners met on

Wednesday, and I personally have had the experience of dealing with the Commissioners and having them refer to Mr. Barrows for an answer.

The fact of the matter is gentlemen and lady, that we all know that the Highway Department revolves around the Chief Engineer. It happens unfortunately that the Chief Engineer must retire under the provisions of the Retirement Law because of his age in 1955. It was our opinion that it was not desirable to combine in one individual trained only as an engineer all the functions of financial and personnel administration, which the present chief engineer has acquired over a long period of time. I said last week and I say today with equal sincerity that I have not met a finer gentleman than Mr. Barrows nor a more competent one. I do not believe even if it were desirable that all these functions be combined in a single individual that we will ever find another servant, public servant in the State of Maine with Mr. Barrows's patience, ability, tact and good nature. Unfortunately he cannot go on forever, and if we are going to make this change which many of us feel is so desirable, this seems the appropriate time to do it when Mr. Barrows will be with us another two years to help make the new system work.

Now the Senator from Penobscot, Senator Ward, in offering his amendment has brought to the surface—and I admire him for his honesty—what appears to me to be the chief focal point of objection to this bill. In my presentation last week and in all the conversations that I have had with Senators on this subject, I have never criticized a member of the Highway Commission. It was not in my heart to be critical, if it had been I wouldn't have said anything about it because I am one person who does not go around criticizing other people. Neither do I want to be hard-boiled to Mr. Morton or anybody, I'm not that way either. Feeling as I do, however, most sincerely, that this plan is for the best interest of the State of Maine, I must in all honesty say to the Senator from Penobscot that I do

not believe that the accident of the condition of the health of one individual, and that's what I understand to be the case, should prevent this plan taking effect at what seems to be the proper time from every other consideration. As I stated earlier, the Chairman, Mr. Morton, has already had 6½ years as Chairman, and I do not begrudge him another 2½, because this bill has been carefully drawn so that he may take advantage of the remainder of his service, and to me gentlemen nothing could be fairer than that.

I hope you will take my word for it that this bill is not aimed at anybody, it is aimed at a condition of affairs which after six years of study, intensive study, I sincerely believe needs remedying. It is aimed at the situation where responsible heads of a \$30,000,000 business come in and give it a look once a week and leave it entirely up to the chief engineer to run.

I hope Mr. President, that the amendment of the Senator from Penobscot will not prevail and will not be adopted and that this bill will be passed, because I believe it is conducive both to efficiency in the Highway Department which is our largest department in every sense, and that eventually adoption of this measure will result in a greater proportion of the highway fund finding its way to the roads which is where it belongs.

Mr. DUNHAM of Hancock: Mr. President and members of the Senate, I rise to support the remarks of the Senator from Aroostook County, I think this is progressive legislation. There was no bill before the Committee which received the attention that this bill did. We who are on the Committee have no axe to grind whatsoever. I myself receive very courteous and may I say very generous treatment from the present Highway Commission. The only fault I have to find is that we just can't see them often enough. I don't believe that a Commission handling the amount of money that they handle, handling the amount of problems which they handle which goes back to every town and city in the State, can give the people the attention which they

need as their representative by meeting once a week. Therefore, I shall support this bill.

Mr. CARTER of Oxford: Mr. President and members of the Senate, I too have had the occasion to go to the Commission at different times as a town official and it is very hard lots of times to see them. It seems to me that a Commission doing this amount of business some one of them should be on the job full time as a full time job, it shouldn't be a one day a week proposition.

Mr. WARD of Penobscot: Mr. President and members of the Senate, I simply wish to point out that so far as my amendment is concerned it does not affect the bill in any way whatsoever except that it would make this act effective upon the expiration of the term of the present Commissioner Chairman, and I understand his term of office expires in 1955, and if I understood the Senator from Aroostook correctly, that 1955 would be the time when Mr. Barrows, the Chief Engineer, will also perhaps retire. Consequently, if you saw fit to adopt the amendment which I have offered and then adopted the Senator's amendment as amended, this bill would become law and would become effective without any further action on the part of the legislature sometime in 1955. And Mr. President when the vote is taken I ask for a division.

Mr. REID of Kennebec: Mr. President and members of the Senate, it seems to me that this is an excellent piece of legislation and ought to become effective as soon as possible. In the first place, the Governor campaigned on this as one of his platforms and seems to still be in favor of this. In the second place it has had the review of the Highway Committee. In the third place I have had some personal experience with the present commission and past commissions, and I know every member of the present commission and I respect them all and like them all and am friendly with them all. But on several occasions I have found it very difficult to transact any business for the very reason that they are only there one day a week.

As a matter of fact very recently as a State Senator running upon a situation that I thought might save the State of Maine quite a lot of money, I proposed to them a couple of years ago, a meeting was arranged, they sent a representative, no one of the Commission had the time to come, he reported favorably on it and it remained dormant. I tried to pep them up several times upon it both last winter and this winter and nothing was done about it. It wasn't because in my opinion they didn't want to do anything about it, but that they didn't have the time to do it when they were in Augusta. I feel very strongly that the Highway Commission that handles such a great amount of business involving so much money that it has been in need of reorganization. I don't think that anybody can fight this bill because it attacks any member of the Commission and simply because by its indirect impact the health of one individual may cause him not to take the job that is open to him as I understand it, I do not think we should defer the passage of this kind of legislation on that account for that period of time. Therefore I will go along with the Senator from Aroostook, Senator Robbins.

Mr. ROBBINS of Aroostook: Mr. President, since speaking the other day I have checked on the retirement date of Mr. Barrows, it is August 1955. Mr. Morton's term does not expire until November of that year, and that would leave the Chairman going out under this plan after the Chief Engineer and we would entirely lose the benefit of the services and advice of the Chief Engineer in the interim. I would like to say one more thing about Mr. Morton. Mr. Morton has been a good friend of mine for a long time. He was the Chairman of the Republican State Committee in 1940 when I happened to be the Chairman of the Young Republicans of Maine. Probably nobody will remember who Mr. Morton's predecessor was, so I will say that Mr. Morton was the first Chairman in my time who encouraged and cooperated with the young republicans. I appreciated him then and when Governor Hildreth appointed him to the Highway Commission in

1946 I wrote him a letter and I still have my copy because I saw it not long ago, in which I congratulated Lloyd and the State of Maine on his appointment to the office. I want to reiterate, I am terribly sorry if my sponsorship of this bill has caused him to feel that I have aimed anything at him. I did not. I feel there is a needed reform and I regret that a man who had always been a very good friend of mine should be so much opposed to it.

Mr. PARKER of Piscataquis: Mr. President and members of the Senate, I rise only to state that I shall support Senate Amendment B, the one proposed by Senator Ward of Penobscot County because I think it is the only fair thing we can do under the circumstances we find ourselves in at the present time on this bill.

Mr. SILSBY of Hancock: Mr. President and members of the Senate, perhaps I misunderstood some parts of the debate that have been considered here today in the matter of whether or not the question of visiting the Highway Commission to ascertain a decision, if I read Senate amendment B correctly I think the last sentence of Section B and I quote "The Chairman shall be the Chief Administrative officer having general charge of the office and records, but all policy decisions of the Commission must be by a majority of the total membership." I do not understand that we who visit with the Highway Department have any definite information until the full commission meets, I would like to make that point, we are almost in the same position that we are now to the end that we have to wait for the board to get together to give us their policy and what the decision will be. I just want to make that point.

Mr. BUTLER of Franklin: Mr. President and members of the Senate. I fully appreciate the problems of what induced the presentation of Senate Amendment B, and I also fully appreciate Amendment A to Amendment B presented by Senator Ward which I heartily endorse. That this amendment is saying here, we recognize that you in the Highway Department have done a good job insofar as you have been able to do with what you have done

with you have done much. We recognize that the amendment presented for your consideration is a worthy contribution that you have given to the State of Maine, you will go on insofar as you possibly can in carrying out the policy. That, of course, simply stops the operation of this work of this proposed change until the expiration of the Chairmanship of the Commission, Lloyd Morton.

Certainly it is not within my heart to do other than to support one from my own county who has contributed greatly to your welfare and to my welfare, and not only as Committee Chairmanship but also as Chairmanship of the Republican Party, the predominating party of the State of Maine, one who has attempted to do the work faithfully and impartially as he has. When a vote is taken vote not only with your heads but also with your hearts. I trust that Senate Amendment A to Senate Amendment B will prevail.

The **PRESIDENT**: The question before the Senate is on the motion by the Senator from Penobscot, Senator Ward, that the Senate do now adopt Senate Amendment A to Senate Amendment B, and the same Senator has requested that when the vote is taken it be taken by division.

A division of the Senate was had. Seventeen having voted in the affirmative and thirteen opposed, Senate Amendment A to Senate Amendment B was adopted.

Thereupon, Senate Amendment B as amended by Senate Amendment A was adopted and the bill as so amended, under suspension of the rules, was given its second reading and passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Parker of Piscataquis, the Senate voted to take from the table House Report Ought Not to Pass, from the Committee on Appropriations and Financial Affairs on bill, An Act to Provide Facilities For Expansion of Research and Study in the Fields of Agriculture and Industry and Student Housing and Appropriating Moneys Therefore, (H. P. 1034) (L. D. 1175); tabled by that Senator on April 23, pending consideration

of the report; and on further motion by the same Senator the bill was indefinitely postponed.

On motion by Mr. Reid of Kennebec, the Senate voted to take from the table House Report Ought Not to Pass, on a resolve in favor of E. Stanley Kitchin of Rumford, (H. P. 184) (L. D. 179), tabled by that Senator earlier in today's session, pending consideration of the report.

Mr. **REID** of Kennebec: Mr. President and members of the Senate, this resolve can well be considered along with the following resolve in favor of Hugh A. Smith of Charleston, L. D. 359. I think I have previously stated that the Judiciary Committee had some 31 resolves involving certain persons and adopted a legal rule of thumb which resulted in some fifteen Ought to Pass reports and the remainder Ought Not to Pass. I think I also stated that the Ought Not to Pass reports did not mean that the Judiciary Committee believed each one should not be considered on its merits.

I understand that the other Branch put amendments on the Kitchin resolve and on the Smith resolve and passed both to be engrossed. Both of these gentlemen taught partly in private and partly in public schools. Neither of them has reached the retirement age of sixty. I think they are both somewhere in their early fifties. In the Kitchin resolve what House Amendment A proposes to do is to require Mr. Kitchin to pay into the retirement fund the sum of \$1,000 and in the case of Mr. Smith the amendment is to pay in \$1,720. These payments represent the amount of the contributions they would have made had they been working in public schools instead of private schools during that period, and if we tack on the numbers of years they worked in private schools to the number of years they worked in public schools they will be eligible legally for pension retirement when they retire. In both cases, where they are still working, there will be no present costs to the State. And they will not retire for some seven or eight years, at which time there will be

a cost attached to it of somewhere between \$400 and \$500.

I don't wish to make a motion in respect to either but I thought the Senate should have the information and Mr. Downing and Mr. Hayes have agreed to a statement of facts and the question, as far as I can see is whether or not you wish to tack on the private school teaching years to the public school years and allow these two men to make the contributions they would have made had they been teaching entirely in public schools.

Mr. BROGGI of York: Mr. President and members of the Senate, the Senator from Kennebec, Senator Reid, has given the proper background of this case. This man is willing to pay in the amount he would have contributed had he been in the present retirement system. He has seven or eight years further to go and must contribute during that period. The so-called private teaching he did in an academy which acted as a secondary school. I move that we concur with the House in this matter.

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, I have no particular desire to inject myself into this problem of credits for teaching years, and I would not have risen in this matter except that it has been brought out that at least one of the individuals and probably both of them have several years before they will be eligible for retirement. Now both Branches have enacted a resolve providing for the expenditures of \$25,000 to make a study of the entire pension system and my guess is that one of the subjects under study will be the treatment of these unusual cases and study of what prior legislations have done. Since this apparently will make a hardship by denying it in this session since presumably the pension will not become effective until three or four legislatures after this one, there might be some merit if the sponsors of the principle involved could say that where we are walking out into new ground on this one or where there is a question of policy and where it doesn't fit in the criteria already established, maybe common sense would say to either

that unusual motion that the resolve be referred to the next legislature and then with the background and study back of it we could maybe more intelligently operate on this one and probably there are hundreds of collateral ones that go with it. I have no deep conviction on it but common sense tells me that might be one of the most intelligent motions that could be made on this.

Mr. BROGGI of York: Mr. President and members of the Senate, it is not my intent to debate this matter. The Senator from Penobscot, Senator Haskell, did mention we are walking in new grounds. Of course, that is not the case for this particular type of resolve because I have in my hand seven or eight cases that prior legislatures have granted: The case of Ralph Hunt of Thomaston, who was allowed 12 years for teaching in an academy that acted as a secondary school; the case of M. P. Joy of Clinton, who was given 9 1/3 years; Herbert L. Bryant of Houlton was given credit for several years of service in Hebron Academy; Milton A. Philbrook of Westbrook; Irma G. Adams of Bridgton; and there are many other cases on record where prior legislators have granted this to people. So I don't think we are walking into new ground. I think this has a lot of merit and I hope the Senate will vote to concur with the House.

Mr. FULLER of Oxford: Mr. President and members of the House, just one additional comment in relation to the credit that has been allowed with respect to the resolve quoted by the Senator from York, Senator Broggi. In each one of those instances no contributions were made to the retirement system fund, which may or may not change the situation.

Mr. HASKELL: Mr. President and members of the Senate, I will be very happy whatever conclusion the Senate comes to but if you want to be sure you are doing the right thing and if you are going to give the same treatment to all those eligible, more deliberate thought on the thing leads me to believe that maybe I ought to have been a little more firm in pointing out the advisability of reference to

the next legislature. I know very little about the collateral problems going with it but I know enough about the general problem to know that we have some forty-one million dollars as potential liability in this retirement system with only a small part of it up in reserve. I think that when the legislature sees what that liability is you are going to be shocked. This one step isn't going to lead us into any tremendous problem but I don't believe we are creating any injustice to the person involved.

I believe this is a doubtful case and there is a great deal of merit that the matter be referred to the next legislative session, and, knowing it has priority, I make that motion.

Mr. SQUIRE of Kennebec: Mr. President and members of the Senate, I can well appreciate the feeling and the logic of the Senator from Penobscot, Senator Haskell. However, I want to say a little something about this. I happened to be in college with Mr. Kitchen and perhaps I know a little more about Mr. Smith. I think he will be eligible for retirement in the not too distant future and I know his health in the past few years has not been too good. Mr. Smith has contributed greatly to the welfare and education to the youth of our State, whether teaching in public schools or private schools, and is now teaching in what is an accredited public school, I believe. It seems to me that the years he has given to the interest to the youth of our State should be recognized. I can personally say that I think this man has contributed more to the education of our youth than any other person, in the State. He has contributed money out of his own pocket to enable some poor boy to go to college. I feel that he should be given consideration at this time. I know more about this case than I do Mr. Kitchen but I do know they are both fine people.

Mr. BUTLER of Franklin: Mr. President and members of the Senate, insofar as this particular case is concerned that is one thing. Insofar as what we do with this particular case being the type that it is in opening and admitting to

the retirement system, those teachers who have not been within our public school system, is another thing. The retirement teachers pay was established by the State to protect those teachers at a time when they were not receiving as much money as they perhaps should have received had they been employed in private schools. Do we now wish to open up the additional liability to the state in the future by admitting those teachers to have now the benefits of the retirement system? If that is what we wish to do then there is no need of our going into an analysis of our entire retirement system insofar as it pertains to our teachers. But where we have recognized that we should do this, isn't it more business-like to wait a little and see what the future will determine.

Mr. SINCLAIR of Somerset: Mr. President and members of the Senate, I am going along with the motion of the Senator from York, Senator Broggi. I sometimes feel that we do have to consider these individual cases. I can go along with the remarks of the Senator from Kennebec, Senator Squire, because I too have known Hugh Smith for twenty-five years and I understand that we are not opening the door. The door has already been opened and these two cases before us appear to be just as worthy as those which have gone through the door before. I also understand that these people are paying up the back retirement dues so to me they are meeting their obligations and it seems to me they should be entitled to the same consideration.

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, still being rather firmly convinced that the motion to refer to the next legislature makes good business sense, I would nevertheless ask the Senate to grant permission that I withdraw my motion and I shall then vote against the motion presented by the Senator from York, Senator Broggi.

Mr. Haskell of Penobscot, was granted permission to withdraw his motion.

The PRESIDENT: The question before the Senate is on the motion by the Senator from York, Senator

Broggi, that the Senate do concur with the House.

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

A division of the Senate was had.

Fifteen having voted in the affirmative and thirteen opposed, the motion to concur with the House in passing the bill to be engrossed as amended by House Amendment A, prevailed.

Thereupon, the resolve was substituted for the Ought Not to Pass report and given its first reading; House Amendment A was adopted in concurrence and under suspension of the rules the bill was given its second reading and passed to be engrossed as amended by House Amendment A in concurrence.

On motion by Mr. Reid of Kennebec, the Senate voted to take from the table, Resolve, Granting a Retirement Pension to Hugh A. Smith, of Charleston, (H. P. 342) (L. D. 359), tabled by that Senator earlier in today's session, pending consideration; and on further motion by the same Senator the resolve was substituted for the report and given its first reading; House Amendment B was adopted; and under suspension of the rules the resolve was given its second reading and passed to be engrossed as amended by House Amendment B in concurrence.

The Committee on Legal Affairs on Bill "An Act Relating to Issuance of Harness Horse Racing Licenses," (H. P. 931) (L. D. 996) reported that the same ought not to pass.

Comes from the House, the bill substituted for the report and passed to be engrossed as amended by House Amendment "B". (Amendment Filing No. 537)

On motion by Mr. Sinclair of Somerset, the bill was substituted for the report and given its first reading; House Amendment B was adopted in concurrence; under suspension of the rules the bill was given its second reading and passed to be engrossed as amended by House Amendment B in concurrence.

The Committee on Transportation to which was recommitted Bill "An Act Relating to Fastening of Logs

and Tubular Products Carried by Motor Vehicles," (H. P. 880) (L. D. 872) reported the same in a new draft (H. P. 1288) (L. D. 1531) under a new title, Bill "An Act Relating to Binding of Logs, Lumber and Timber Carried by Motor Vehicles," and that it ought to pass.

Comes from the House, report accepted, and the bill in new draft and under a new title, passed to be engrossed as amended by House Amendment "B". (Amendment Filing No. 592)

In the Senate, the report was accepted and the bill in new draft given its first reading; House Amendment B was adopted in concurrence; under suspension of the rules the bill was given its second reading and passed to be engrossed in new draft as amended by House Amendment B in concurrence.

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

(In Senate, on May 5th resolve indefinitely postponed in non-concurrence.)

Comes from the House, that body having insisted on its former action whereby the resolve was substituted for the "Ought Not to Pass" report, and passed to be engrossed, and now asks for a Committee of Conference, the Speaker having appointed as members of such a Committee on the part of the House:

Messrs. ROBERTS of Dexter
CRABTREE of Island Falls
McGLAUFILIN of Portland

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

Mr. BROGGI of York: Mr. President and members of the Senate, I have heard two expressions in the last two or three days most of which are very apropos. One of them is "come guillotine day", you know what that means, Guillotine day gets here and it means we have no further revenue for such things as some of these worthy LD's such as Nurses Training, Control of Vesicular Disease, Tobacco Stamp Discounts which everybody knows is worthy and necessary and just, Education, Secondary Education in the Unorganized Territories, come guillotine day without new revenue

those things definitely and specially will be guillotined. I also heard another expression, "come new revenue day." Without any question there are still existing titles in this legislature which will bring us new revenue. As a matter of fact I have voted for measures that have been defeated to bring the revenue necessary to carry out these things I have mentioned. We have given the Elderly Teachers \$200 instead of \$100 we voted for it. So I think the passage of this order, this joint order, by this body those that are in favor of new revenue day will vote for it, and those who are looking forward to guillotine day will vote against it.

Mr. REID of Kennebec: Mr. President and members of the Senate, I agree with the Senator from Penobscot, Senator Haskell, that this is a most important measure. We have had it before us a very short time. I have read it and re-read it and I don't like the wording of it frankly. Furthermore, before we vote on this measure I would like to ask two questions from any member of the Appropriations Committee with respect to our present financial standing. I think in all fairness that this order, either before we vote on it, I hope before we vote on it, or after, should lie upon the table at least for a period of hours if not until tomorrow morning. I move Mr. President this order lie on the table.

Mr. HASKELL: Mr. President and members of the Senate, I speak only to the matter of time. I shall vote against the tabling motion only to permit more complete discussions than I think the measure has had, and when the vote is taken I would ask for a division.

The PRESIDENT: The question before the Senate is on the motion by the Senator from Kennebec, Senator Reid, that the Joint Order lie temporarily upon the table and the Senator from Penobscot, Senator Haskell, has requested that when the vote is taken it be taken by division.

A division of the Senate was had.

Eleven having voted in the affirmative' and eighteen opposed the motion to table did not prevail.

The PRESIDENT: The question now before the Senate is on the passage of the order in concurrence.

Thereupon, on motion by Mr. Haskell of Penobscot, the Order was laid upon the table pending consideration and assigned until later in today's session.

Mr. HASKELL of Penobscot: Mr. President, I now move that the Senate do resolve itself into a Committee of the Whole and I would further move that the Commissioner of Finance and such of his assistants who are here in the Senate Chamber be invited to stay in the Senate Chamber. For this purpose I move that the Senate do now recess until the sound of the gavel.

After Recess

The PRESIDENT: The pending question before the Senate is on the consideration of the Joint Order which was tabled temporarily shortly before the recess.

Thereupon, on motion by Mr. Reid of Kennebec, the Order was taken from the table and indefinitely postponed.

Joint Order

WHEREAS, it appears that there exists a grave danger that revenues for the biennium may be insufficient for appropriations already enacted: and

WHEREAS, there remains still unenacted several measures which appear to be approved by a majority of both branches but for which no funds appear to be available; now, therefore be it

ORDERED, the Senate concurring, that the Committees on Appropriations and Financial Affairs and Taxation jointly be instructed to report forthwith what measures should be taken to satisfy needs deemed to be essential and to provide revenues sufficient therefor. (H. P. 1304)

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, this may be one of the most important decisions this Senate will have to make, certainly it is the most important decision that remains to be made. I haven't so far availed myself of the privilege of standing up as the Senator from

Cumberland, Senator Chase, and Senator Reid from Kennebec has and reciting to the Senate, but on this particular issue I stand just like this, that's where I stand. If I could present any reasonable excuse to the Chair I would ask permission that I not be required to vote on the thing, that's how unsettled my mind is on what we should do.

Speaking to the proposition that we should not concur with the House in the adoption of this order, I am prejudiced a little bit by the fact that in the '47 session particularly our action with respect to tax measures in the dying hours of the session was not good. On the other hand, such tax measures as might be brought out by these two committees undoubtedly would be measures that would have public hearings, follow the printing of public bills and follow full debate in both branches. I think it is extremely remote that any trick tax measure such as we had in '47 would come out of this. But even assuming that the two committees did bring out such a measure, we would still go back to the proposition of deciding whereabouts the new revenues should go. I am sure every one of us in five minutes could take a pencil and paper and list out the things that he or she would like to vote for if the money were available. It is unfair to speak of any particular tax measure, and I will not speak to any particular tax measure. I think I can do that in some fairness because except for the casual sales measure I voted against all measures that sought to cut revenue. It does pose a problem and you think ahead 24 or 48 or 72 hours it will pose many more problems as to how we should divide whatever comes in as revenue.

One particular tax measure I would like very much to revive, I think it is full of justice and equity, but on the other hand it is late in the session, we have a mechanical problem of reviving those spending bills that we want to spend money for, and still wavering between support of the order and opposition of the order I apologize as floor leader for standing in the middle, but honestly that is the way I feel. I will be very happy whichever way

it goes and I think in fairness I can say that the position of the Governor is not much different than the position I have recited to you this afternoon. I have a willingness to stay here this week and next week and the following week if need be to carry out the wishes of this Senate working as many hours as any of you will and trying to work as conscientiously, but if you have ever heard comments that stand right in the middle of the problem, that is it, and those are my convictions, I am in the middle.

The Committee on Taxation on Bill "An Act to Repeal the Exemption from the Sales Tax of Domestic Fuel," (H. P. 687) (L. D. 722) reported the same in a new draft (H. P. 1271) (L. D. 1467) under a new title, Bill "An Act to Amend and Clarify the Exemption of Fuel from the Sales and Use Tax," and that the same ought to pass.

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

Mr. CHASE of Cumberland: Mr. President and members of the Senate, the original bill proposed to tax all fuels. The Committee voting Ought Not to Pass on the original bill and utilized the bill in order to clarify the law and to bring the law into the condition which it has been put by reason of the court decisions which exempted certain hotels and apartment houses. If there is anyone who wishes to keep a vital spark in this original measure which would raise some money here he should vote for the report of the committee which is Ought to Pass on a bill that is simply to clarify the law and leave it as it now is.

Thereupon, on motion by Mrs. Kavanagh of Androscoggin, the bill and accompanying report were laid upon the table pending consideration of the report.

The Committee on Inland Fisheries and Game on "Resolve Closing Part of Sebago Lake, Cumberland County, to All Fishing," (H. P. 1238) (L. D. 1433) reported the same in a new draft (H. P. 1281) (L. D. 1517) under a new title, "Resolve,

Relating to Navigation on Part of Sebago Lake, Cumberland County," and that it ought to pass.

Comes from the House, the report accepted, and the resolve in new draft and under new title, passed to be engrossed.

In the Senate, the Ought to Pass in new draft and under new title report of the Committee was accepted in concurrence and the resolve was given its first reading; under suspension of the rules the bill was read a second time and passed to be engrossed in concurrence.

The Majority of the Committee on Taxation on Bill "An Act Exempting Gas for Domestic Purposes from Sales Tax," (H. P. 995) (L. D. 1082) reported that the same ought not to pass.

(signed)

Senators:

WIGHT of Penobscot
CHASE of Cumberland
CARTER of Oxford

Representatives:

SEAWARD of Kittery
SANFORD
of Dover-Foxcroft
KEYAY of Albion

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

Comes from the House, the bill substituted for the report, and subsequently indefinitely postponed.

On motion by Mr. Chase of Cumberland, the Ought Not to Pass Report of the Committee was accepted.

The Majority of the Committee on Appropriations and Financial Affairs on "Resolve, Providing Funds for Nursing Attendant Education," (H. P. 480) (L. D. 499) reported that the same ought not to pass.

(Signed)

Senator:

HASKELL of Penobscot

Representatives:

JACOBS of Auburn
COLE of Liberty
JALBERT of Lewiston
CAMPBELL of Guilford
CATES of Machias

The Minority of the same Committee on the same subject matter

reported that the same ought to pass.

(Signed)

Senators:

SINCLAIR of Somerset
COLLINS of Aroostook

Representatives:

BURGESS of Limestone
DAVIS of Harrison

Comes from the House, the Minority Report accepted, and the resolve passed to be engrossed.

On motion by Mr. Collins of Aroostook, the Minority Report Ought to Pass was accepted and the resolve was given its first reading.

Thereupon, on motion by Mr. Haskell of Penobscot, the resolve was laid upon the table pending assignment for second reading.

The Majority of the Committee on Appropriations and Financial Affairs pursuant to Joint Order (H. P. 1299) reported Bill "An Act to Appropriate Moneys for the Merit Award Board," (H. P. 1303) (L. D. 1552) and that it ought to pass.

(Signed)

Senators:

HASKELL of Penobscot
COLLINS of Aroostook
SINCLAIR of Somerset

Representatives:

COLE of Liberty
JACOBS of Auburn
BURGESS of Limestone

The Minority of the same Committee on the same subject matter, and under the same authority reported the same bill and that it ought not to pass.

(Signed)

Representatives:

CAMPBELL of Guilford
JALBERT of Lewiston
DAVIS of Harrison

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

On motion by Mr. Ward of Penobscot, the Minority Report Ought Not to Pass was accepted in concurrence.

The PRESIDENT: At this time the Chair will appoint the members on the part of the Senate of the Committee of Conference on the Disagreeing Action of the two

Branches of the Legislature with reference to Bill, "An Act Relating to the Issuance of Operator's Licenses from Date of Birth," (H. P. 878) (L. D. 870): Senators Carter of Oxford, Sinclair of Somerset, Dennett of York.

On motion by Mr. Haskell of Penobscot

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