

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Special Session

OF THE

Ninety-Sixth Legislature

OF THE

STATE OF MAINE

1954

DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

SENATE

Wednesday, September 22, 1954

The Senate was called to order by the President. Prayer by the Rev. Harvey F. Ammerman of Augusta. Journal of yesterday read and approved.

Order

On motion by Mr. REID of Kennebec, it was

ORDERED, the House concurring, that all excess copies of the paper bound 1954 revision be turned over to the Director of Legislative Research, for research purposes. (S. P. 643)

Senate Committee Reports

Mr. REID from the Committee on Judiciary on bill, "An Act to Revise and Consolidate the Public Laws of the State" (S. P. 642) reported that the same ought to pass.

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

Sent down for concurrence.

The same Senator from the same Committee on bill, "An Act to Repeal the Acts Consolidated in the Revised Statutes of the Year One Thousand Nine Hundred and Fifty - four" (S. P. 641) (L. D.1564) reported that the same ought to pass.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Reid.

Mr. REID: Mr. President, since these two bills have to do with the revision of the laws and since there are two collateral bills to follow, all of which I believe have been reported favorably by the Judiciary Committee, I would like to make a brief explanation of the work which the Revision Committee has done so that you will understand the purpose of these bills.

You are all undoubtedly familiar with the 1944 Revision which I have in my hand and which consists of two rather cumbersome volumes with an index which is generally considered to be inadequate.

At the last general session of the Legislature a Joint Select Committee on the Revision of Statutes was appointed to revise the statutes and bring them up to date. That committee consisted of two members of the Senate and three members of the House. We had our first meeting before the last session adjourned, and we speculated upon the possibility of modernizing and streamlining our revised statutes as some of the other states have done: in other words, to try to achieve a comprehensive professionally - done index and also to have an annotated revised statutes, and by that I mean that our courts have throughout the years construed almost all of our statutory provisions. In the 1944 Revision the only reference to judicial interpretations was the volume and page number of the cases which were thought to have some bearing on the particular provision which they followed. The more modern procedure is to annotate these provisions so that those who have occasion to use the revised statutes will know not only what the statutes say but how the courts have interpreted the meaning.

So the committee made contact with several nation - wide publishing companies and had their representatives come to see us and talk to us in the hope that out of our appropriation, which was \$125,000, we could do something else better than simply to reproduce what was done in 1944, merely by printing what you now have here and adding the same kind of index and bringing it up to date and consolidating the laws into two volumes.

At the outset the minimum figure was in the neighborhood of \$150,000, which was some twenty-

five thousand more than our appropriation, and we could not even exhaust the \$125,000 because a considerable amount of clerical work had to be done in Samuel Slosberg's office.

Working with these representatives during a period of several meeting days, we finally were able to make a contract or proposed contract with the Michie Company of Charlottesville, Virginia whereby they would undertake to furnish the State of Maine with two thousand sets of a five-volume Revised Statutes containing a comprehensive index and complete annotations for the sum of \$115,000, which left ten thousand dollars for the necessary clerical work. In order to produce that result, it was necessary for us to limit the number to two thousand volumes and to make certain other matters of consideration for the company, such as allowing the company to make out-of-state sales. It was all worked out in a great deal of detail by contract which the Governor and Council approved when the work was begun, and during the course of work of course there were other details to be worked out.

Now the gray volumes which you have before you are a sample of the consolidated laws. They are actually a revision of the text of our laws. The completed work will be delivered to the State of Maine on or before December 15th, so that they will be ready for the incoming Legislature and will consist of five volumes. The fifth volume is a comprehensive index of approximately the same size. This is a sample copy of Volume 2, and anyone who wants to look at it can see what the committee considers to be a remarkable work of annotation after each section has been construed by the court.

The collateral bills will have to do with sale outside the state and with the distribution of these sets. The committee, after thorough deliberation, came to the conclusion that in 1944 the number of sets ordered, 5500, was greatly exces-

sive, that they were in many cases wasted, that people ordered them who did not use them. As a matter of fact, at the last session I think there were still fifteen hundred wasting storage space in the library and which could be bought for one dollar a set.

The State Librarian, with the approval of the Governor and Council, will set the purchase price of this modern annotated code, so to speak, and, in the opinion of the committee, the cost to the ultimate consumer will be not much more, if any, than if it were simply reproduced in the same old way.

Those savings were effected in a variety of ways. In the first place, we have introduced legislation here which, if passed, will require everyone but members of the Legislature to pay something for the sets they receive. Some will be stamped "Public Property" and those will go to the cities and towns, and they will pay whatever the Governor and Council think they ought to pay, but they will pay something. The principle behind that is that if they have to pay something if they have no use for them they will not demand them and therefore it will probably not be necessary to have more than two thousand sets. Some six or seven hundred will be sold to lawyers and others who use them frequently, and the rest will be distributed around, but they will be paid for.

We hope that you will go along with this bill because it is part of our whole program. We suggest, for example, that the Executive Department in their budget provide for enough to pay one-half of the retail price of these volumes.

Another thing we have done is to eliminate distribution of these sets to wholesalers who mark them up thirty-three and a third per cent. If these bills pass you will have charge of the sale after the price is fixed and the consumers will buy them directly and therefore the cost will be reduced to the minimum. The committee is sincere in believ-

ing that it worked conscientiously to produce something which the legal and public-minded people of the state will be proud of. These sets, of course, will find their way to shelves all over the nation and in foreign countries. We intend to swap even with states that will supply us with an equivalent number, but the out-of-state sales I think will be directly by the Michie Company who produce them.

I think I ought to report this to the Senate so you will know about it, and I think it will not be necessary for me to take any more time as the several bills progress. If, however, any member of the Senate has any question about the work of the Revision Committee or about any of the bills, I will be only too happy to explain them if I can.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Haskell.

Mr. HASKELL: Mr. President, speaking to the same matter, I think each member of the Senate and each member of the House should have an appreciation and should express that appreciation to the Revision Committee. I know how much work they have put into the thing; I know they have done it very conscientiously under Senator Reid's very able direction. I think we can share with them some of the pride in an excellent job very well done.

Thereupon, the report was read and accepted and under suspension of the rules, was given its two several readings and passed to be engrossed.

Sent down for concurrence.

Mr. Reid from the Committee on Judiciary on bill, "An Act Relating to Distribution of Revised Statutes and Session Laws." (S. P. 640) (L. D. 1563) reported that the same ought to pass.

Which report was read and accepted and under suspension of the rules the bill was given its

two several readings and passed to be engrossed.

Sent down for concurrence.

Mr. Haskell from the Committee on Appropriations and Financial Affairs on "Resolve Relating to the Revision Committee," (S. P. 628) (L. D. 1559) reported that the same ought to pass.

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

Sent down for concurrence.

Mr. Collins from the Committee on Appropriations and Financial Affairs on "Resolve Providing for Emergency Repairs and Construction at Pownal State School," (S. P. 625) (L. D. 1556) reported that the same ought to pass.

Which report was read and accepted and the resolve read once.

Mr. COLLINS of Aroostook: Mr. President, in making up this bill, inadvertently there was a clause left off—the emergency clause. The bill had the emergency preamble but the emergency clause was left off the bill and so I submit Senate Amendment A and move its adoption.

The Secretary read Senate Amendment A:

"Senate Amendment A to L. D. 1556. Amend said resolve by adding at the end thereof before the Statement of Facts, the following:

'Emergency clause. In view of the emergency cited in the preamble, this resolve shall take effect when approved.'

Which amendment was adopted, the resolve read a second time and passed to be engrossed.

Sent down for concurrence.

Mr. Carpenter from the Committee on Inland Fisheries and Game on bill, "An Act Relating to the Fee for Stamping Beaver Skins," (S. P. 630) (L. D. 1560)

reported that the same ought to pass.

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

Sent down for concurrence.

Mr. Chapman from the Committee on Legal Affairs on bill, "An Act Amending the Charter of the City of Brewer High School District" (S. P. 634) (L. D. 1566) reported that the same ought to pass.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Chapman.

Mr. CHAPMAN: Mr. President, this bill was reported "Ought to pass" to keep it alive and to allow it to run through the mechanical process of engrossing. It was the one and only bill before the Legal Affairs Committee which could not be resolved in this morning's presentation. I take this opportunity to point out that the committee is not fully satisfied but they did not want to hold up the legislative process. I explain it now because occasion may arise for disposition of the bill by indefinite postponement, but at the present time we will allow it to ride on the "Ought to pass" report.

Thereupon, the ought to pass report was read and accepted and under suspension of the rules, the bill was given its two readings and passed to be engrossed.

Sent down for concurrence.

Mr. Center from the Committee on Liquor Control on "Resolve Providing for Additional Funds for the State Liquor Warehouse," (S. P. 635) (L. D. 1567) reported that the same ought to pass as amended by Committee Amendment A.

Which report was read and accepted and the bill read once.

The Secretary read Committee Amendment A:

"Committee Amendment A to L. D. 1567. Amend said bill by

striking out in the third line thereof the figure \$9,000 and inserting in place thereof the figure \$180,000."

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

Sent down for concurrence.

Mr. Butler from the Committee on Natural Resources on bill, "An Act Authorizing the Building of a Footbridge across Tidelwaters in Gilpatrick's Cove in the Town of Mount Desert," (S. P. 637) (L. D. 1569) reported that the same ought to pass.

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

Sent down for concurrence.

Mr. Weeks from the Committee on Towns and Counties on Bill, "An Act Relating to Power of Counties to Borrow Money," (S. P. 639) (L. D. 1571) reported that the same "Ought to pass" in New Draft and under new title, "An Act Relating to Power of Androscoggin County to Borrow Money." (S. P. 644)

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

Sent down for concurrence.

Mr. Squire from the Committee on Veterans and Military Affairs on Bill, "An Act Relating to the Adjutant General," (S. P. 636) (L. D. 1568) reported that the same ought to pass.

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

Sent down for concurrence.

Mr. Weeks from the Committee on Towns and Counties on bill "An Act Enabling County Commissioners of the County of Lincoln to Convey Real Estate."

(S. P. 638) (L. D. 1570) reported that the same ought to pass as amended by Committee Amendment A.

Which report was read and accepted and the bill read once.

The Secretary read Committee Amendment A:

"Committee Amendment A to L. D. 1570. Amend said bill by inserting after the second paragraph of the emergency preamble the following: 'Whereas the Old Colony Jail so-called, is badly in need of repairs and must be renovated in order to preserve the cultural and historical items which will be placed therein and ' "

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

Mr. Chapman from the Committee on Legal Affairs on bill "An Act Relating to Registers of Deeds" (S. P. 633) (L. D. 1565) reported that the same be referred to the 97th legislature.

Which report was read and accepted.

Orders of the Day

Mr. HASKELL of Penobscot: Mr. President, I move that the Senate recess until 3:15 Daylight Saving Time, and in explanation of that, I would say that it is quite certain that at that time there will be additional Senate Papers, and I am hopeful, additional House Papers.

The motion prevailed, and the Senate

Recessed until quarter past three this afternoon.

After Recess

The Senate was called to order by the President.

Order (Out of Order)

On motion by Mr. Dunham of Hancock, out of order and under suspension of the rules it was ORDERED, the House concurring, that the department of

Health and Welfare revise its rules and regulations relating to the ability of specified responsible relatives to support applicants or recipients of Old Age Assistance and Aid to the Blind. It is the desire of the Legislature that some inequities will be corrected and a more liberal and flexible measure of ability to support be adopted by the department. Such measure of ability to support should be based upon the theory of assuming income to be received by an applicant or recipient from such responsible relative. If the program of Aid to the Disabled is enacted, it is intended that the same method of determining ability of legally responsible relatives to support shall be used. (S. P. 645)

Sent down for concurrence.

Senate Committee Reports

Mr. Collins from the Committee on Appropriations & Financial Affairs on "Resolve Relating to Wages and Work-Week of State Employees" (S. P. 624) (L. D. 1555) reported that the same ought to pass

Which report was read and accepted and under suspension of the rules the Resolve was given its two readings and passed to be engrossed.

Sent down for concurrence.

The same Senator from the same Committee on Bill, "An Act Relating to Elderly Teachers' Pensions" (S. P. 629) (L. D. 1554) reported that the same ought to pass as Amended by Committee Amendment "A".

Which Report was read and accepted and the bill read once.

The Secretary read Committee Amendment A:

"Committee Amendment A to S. P. 629, L. D. 1554. Amend said bill by adding at the end thereof the 2 following sections:

'Sec. 6. Application. The increase in pensions hereinbefore authorized shall apply to all teachers who have heretofore or shall hereafter retire under the provisions of sections 1, 2 and 3.

Sec. 7. Appropriation. There is hereby appropriated from the unappropriated surplus of the general fund, the sum of \$38,600 for the fiscal year ending June 30, 1955 to carry out the provisions of this act.' "

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

Sent down for concurrence.

Mr. Sinclair from the Committee on Appropriations and Financial Affairs on Resolve in Favor of Maine Maritime Academy (S. P. 626) (L. D. 1557) reported that the same be referred to the next legislature.

Thereupon, on motion by Mr. Weeks of Cumberland, the resolve was substituted for the report and under suspension of the rules, was given its two readings and passed to be engrossed.

Sent down for concurrence.

The Majority of the Committee on Appropriations and Financial Affairs on "Resolve Providing Additional Funds for the Maine State Office Building," (S. P. 627) (L. D. 1558) reported that the same Ought to Pass as Amended by Committee Amendment "A".

(Signed)

Senators:

SINCLAIR of Somerset
HASKELL of Penobscot
COLLINS of Aroostook

Representatives:

SENER of Brunswick
CAMPBELL of Guilford
CATES of East Machias
BURGESS of Limestone
COLE of Liberty

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

(Signed)

Representative:

JALBERT of Lewiston

Thereupon, the Majority Report ought to pass as amended by Committee Amendment A, was accepted and the resolve read once.

The Secretary read Committee Amendment A:

"Committee Amendment A to L. D. 1558.

Amend said resolve by striking out all of the emergency preamble and all of the emergency clause."

Which amendment was adopted, and the rules were suspended.

Thereupon, on motion by Mr. Boucher of Androscoggin, the bill and accompanying papers were laid upon the table pending second reading.

Mr. Carpenter from the Committee on Inland Fisheries and Game on bill, "An Act Relating to Bartlett's Island as a Game Preserve," (S. P. 631) (L. D. 1561) reported that the same be referred to the 97th Legislature.

On motion by Mr. Silsby of Hancock, tabled pending acceptance of the report.

On motion by Mr. Haskell of Penobscot, all matters acted upon at this session of the legislature were sent forthwith to the House for concurrence.

Mr. Reid from the Committee on Judiciary on bill, "An Act Relating to Standard Time During the Month of October, 1954" (S. P. 632) (L. D. 1562) reported that the same ought not to pass.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Reid.

Mr. REID: Mr. President and members of the Senate: This bill is designed to extend by legislation Daylight Saving Time throughout the month of October. As far as the members of your committee were personally concerned, there seemed to be more or less indifference about it. However, we had a public hearing this morning and at that hearing there appeared representatives of the radio and television industries of the State, and they were very vehemently opposed to the extension of time for the reason that the great portion of their broadcast material

emanates in the State of New York which is not going to extend, at least this year, Daylight Saving Time throughout the month of October. They feel very strongly that they would suffer financial loss if this bill was enacted because of loss of advertising revenue. They claim, at least, that people have developed listening and looking habits with respect to radio and television and that the youngsters are accustomed to seeing Pinky Lee, or whoever it may be, at five o'clock, and now it will be deferred to six o'clock each time. They claim that it would seriously embarrass their advertising results. That was a surprise to me, but at least I am giving you the benefit of what those representatives did say. Also they claimed they had discussed it amongst the industry widely and had retained counsel to come here and present their point of view.

Our feeling in reporting this bill out "Ought not to pass" was that if any industry in the State of Maine was to suffer specific financial loss as a result of the passing of the bill it ought not to be passed.

There was one person, I think, who appeared before the committee on behalf of the employees of the St. Regis Paper Company who felt it would be a good thing if the bill were passed, so there seems to be a divided opinion.

Due to pressure of other things, I later learned that there were those in the Senate here from rural districts acquainted with the problems involved in rural districts who felt it would be an asset to the rural communities if the bill passed. So I can only say to you that the committee report "Ought not to pass" was on the basis of the evidence we heard this morning. So far as the committee is concerned, I am sure we would be perfectly willing to go along with the consensus of opinion of the Senate after what we heard this morning.

Mr. PARKER of Piscataquis:

Mr. President and members of the Senate, unfortunately this morning I was unable to attend the hearing on this bill because I had to be at another hearing. However, after learning that the Judiciary Committee reported this out "Ought not to Pass", I was not only surprised, I was astounded because I had never had, at any time since reading about this in the paper and hearing the Governor's message, any inkling that there was any opposition from anyone — any industry — or that any industry was going to suffer.

My purpose in rising and discussing this bill is simply that the agricultural interests in the state of Maine, all branches that I have had contact with during this season, have all told me that never in the history of the present generation have we had such losses in crops as we have had this year, due to the season and the tremendous amount of rain we have had day after day. Those crops that have matured to the point where they might be harvested certainly deserve some consideration, and I want to say to you ladies and gentlemen that the one time I believe you could ever get agriculture back of Daylight Saving Time is right now.

There are many things that can be said against changing time, either advancing or retarding it, but for the next thirty days, during the month of October, it will be one of the things you will find if you travel in rural areas of Maine as I have, that nine out of ten farmers want this extended during the month of October and certainly I think they are entitled to that consideration particularly in view of what they have suffered during this season.

The amount of money involved in crops that are raised in the State of Maine is of such importance that what little difficulty might be caused to some industry that has been mentioned, in comparison is simply peanuts. I say to you that I sincerely hope that you will vote to extend this for

thirty days during the month of October and I move that the bill be substituted for the report.

A viva voce vote being had, the bill was substituted for the report and under suspension of the rules, was given its two readings and passed to be engrossed.

On motion by Mr. Haskell of Penobscot, sent forthwith to the House for concurrence.

On motion by Mr. Haskell of Penobscot,

Recessed until 3:30 o'clock E.S.T.

After Recess

The Senate was called to order by the President.

Mr. Reid of Kennebec presented: Senate Resolution—Out of order and under suspension of the Rules.

STATE OF MAINE SENATE RESOLUTION

WHEREAS the members of the Senate of the Ninety-sixth Legislature have learned with profound sorrow of the untimely death of an esteemed colleague, Honorable Edward E. Chase, Senator from Cumberland, and a member of the Senate in 1953;

AND WHEREAS, in his association with the members of this Senate he was ever honorable and kindly, being highly regarded for his character and sterling qualities of mind and heart;

AND WHEREAS, the members of the Senate sense in his passing a personal loss and a genuine grief;

NOW, THEREFORE, BE IT RESOLVED that the State of Maine mourns the loss of a faithful and valued public servant, and the members of the Senate lament the departure of an esteemed and trusted friend;

AND BE IT FURTHER RESOLVED, that a copy of these Resolutions be sent to his family.

Which was read and adopted.

Thereupon, out of respect for the late Honorable Edward E. Chase, the Senate stood in silence for one minute.

House Committee Reports Out of order and under suspension of the rules.

The Committee on Appropriations and Financial Affairs on

“Resolve Providing for the Shipping and Packaging of the Revised Statutes of 1954,” (H. P. 1312) (L. D. 1581) reported that the same ought to pass.

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

The Committee on Judiciary on Bill, “An Act Relating to Sale of Revised Statutes and Session Laws,” (H. P. 1313) (L. D. 1582) reported that the same ought to pass.

The same Committee on Bill, “An Act Relating to Sale of 1954 Revised Statutes, Annotated, Outside of State,” (H. P. 1315) (L. D. 1584) reported that the same ought to pass.

The same Committee on “Resolve Approving Draft and Arrangement of the State Constitution Made by the Chief Justice of the Supreme Judicial Court, and Providing for its Publication and Distribution,” (H. P. 1314) (L. D. 1583).

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

The Committee on Highways on “Resolve Providing for the Replacements of State Police Vehicles,” (H. P. 1317) (L. D. 1586) reported that the same ought to pass.

The same Committee on “Resolve Providing for Furnishing, Maintaining and Operating Weighing Stations at Kittery,” (H. P. 1318) (L. D. 1587) reported that the same ought to pass.

Which reports were severally read and accepted, the resolves read once, and under suspension

of the rules read a second time and passed to be engrossed in concurrence.

The Committee on Welfare on Bill, "An Act Relating to Aid to the Disabled," (H. P. 1316) (L. D. 1585) reported that the same ought to pass.

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

The Committee on Taxation on bill, "An Act to Repeal the Tax on Cigars and Tobacco Products," (H. P. 1311) (L. D. 1580) reported that the same ought to pass.

Which report was read and accepted in concurrence and the bill read once.

Mr. REID of Kennebec: Mr. President and members of the Senate, I present an amendment and move its adoption.

The Secretary read the amendment:

"Senate Amendment A to H. P. 1311, L. D. 1580.

Amend said bill by inserting after section 15 thereof a new section to be numbered 15-A to read as follows:

'Sec. 15-A. Repeal of exemption of cigars and tobacco products under sales and use tax law. No tax on sales, storage or use shall be collected upon or in connection with sales of cigarettes.'

Further amend said bill by adding at the end thereof the following section:

'Sec. 18. Intention. It is the intention of the legislature to repeal any law or part thereof which taxes cigars or tobacco products; and that after January 1, 1955, except under the provisions of the sales and use tax law.'

Which amendment was adopted and under suspension of the rules, the bill was given its second reading and passed to be engrossed in non-concurrence.

Sent down for concurrence.

The Committee on Appropriations and Financial Affairs and the Committee on Highways, jointly, on Bill, "An Act Providing Emergency Relief to Municipalities from Hurricane Damage to Highways," (H. P. 1309) (L. D. 1578) reported that the same ought to pass.

Which report was read and accepted, the bill 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 Appropriations and Financial Affairs on Bill, "An Act to Provide for Additional Educational Subsidy Funds for the December, 1954 Payment," (H. P. 1310) (L. D. 1579) reported that the same ought to pass.

(Signed)

Senators:

COLLINS of Aroostook
HASKELL of Penobscot
SINCLAIR of Somerset

Representatives:

COLE of Liberty
BURGESS of Limestone
SENTER of Brunswick
CATES of East Machias
CAMPBELL of Guilford

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)

Representative:

JALBERT of Lewiston

Thereupon, the Majority Report Ought to Pass was accepted and under suspension of the rules, the bill was given its two several readings and passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Haskell of Penobscot, L. D. 1580, bill, An Act to Repeal the Tax on Cigars and Tobacco Products was sent forthwith to the House for concurrence.

On motion by Mr. Haskell of Penobscot, all remaining bills and resolves having been passed

to be engrossed, were sent forthwith to the engrossing department.

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

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, as the leader of my Democratic Party, I have been asked to read this statement of the Democratic members of this special session. It concerns Governor Cross' message of September 21.

"In the interests of better government and legislative fair play, we, the Democratic Minority, feel bound to make the following statement of principle at the outset of this special session.

With regard to basic principles of good government:

1. We deplore the practice of basing a call to a special session on three relatively minor matters and then, when the door is open, introducing what can only be called a major legislative program of such mammoth proportions that it is suitable only for the consideration of a lengthy regular session.

2. We cannot see that the best interests of the state are served by the consideration of a major legislative program in the inevitable haste of a special session.

3. We feel that the principles of democratic government are defeated when a law-making body, consisting of fifty lame ducks, under the leadership of a lame duck Governor repudiated eight days ago by the voters of Maine, attempts to enact legislation not only providing for emergencies and temporary conditions but vitally affecting the obligations of the state for years to come and its ability to meet those obligations.

4. We question the advisability of depleting the surplus not only for the traditional purpose of capital expenditures but also for items which will be recurring ones for all future legisla-

tures at the same time that an important source of income is abandoned, at a time when it is impossible to foresee whether and to what extent other sources of state income will continue to bring in a reduced amount, as they have according to the most recent report. We, whose party has been criticized in the past for its attitude toward spending, charge that the present proposals can be summed up only as a "Spend in haste and repent at leisure" policy.

5. We condemn much of the proposed program as an inexcusable attempt to usurp the powers and duties of the 96th Legislature.

6. We resent the locked door policy on new bills enforced with little warning after but a few hours of legislative sessions.

With regard to specific proposals we raise the following serious questions:

1. Is it sound planning to deplete the General Fund surplus to the extent planned, in view of the size of the General Fund biennial budget, and in view of emergencies that may occur in 1955 and 1956?

2. How is it possible to determine the amount of aid to hurricane - stricken cities and towns and the fair allocation as among cities and towns within the time limit of a special session? What thinking resulted in the arbitrary figure of one million dollars? Will this go down in history as the "hurricane pork barrel of 1954"? Why should there not be set up a Hurricane Damage Commission to insure fairness to all towns and cities.

3. If the Governor, who vetoed the tobacco - cigar tax repealer in 1953, felt that the 95th legislature had no right to subtract from the expected revenue of the 96th legislature, what has changed his mind? How can such legislation reasonably be classified as emergency legislation?

4. How can the legislature have confidence in any additional al-

location for the State Office Building when the people have several months ago been assured that a firm contract had been awarded? How could previous thinking have been half a million dollars in error? And when will a halt be declared to additional spending for the new liquor warehouse and the now proposed additions in the form of retail and wholesale stores and offices? Is this the best purpose for which \$95,000 can be spent? Are the freight weighing stations and patrol cars of emergency importance?

5. How is it proposed to meet the permanently added costs of state government in the future, after the surplus is spent?

The PRESIDENT: The Senate is proceeding somewhat irregularly. Is there any member who has any matter on the table which could be disposed of at this time?

On motion by Mr. Silsby of Hancock, the Senate voted to take from the table bill, An Act Relating to Bartlett's Island Game Preserve (S. P. 631) (L. D. 1561) tabled by that Senator earlier in today's session pending acceptance of the report and on further motion by the same Senator, the report (referred to the 97th legislature) was accepted.

Sent down for concurrence.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table Resolve Providing Additional Funds for the Maine State Office Building," (S. P. 627) (L. D. 1558); Majority Report ought to pass as amended by Committee Amendment A; Minority report Ought not to pass, tabled by that Senator earlier in today's session pending second reading.

Mr. BOUCHER of Androscoggin: Mr. President, I move that this bill be referred to the 97th Legislature, and in support of that contention I want to state you have all seen half a hole, not even a whole foundation but half a hole

being dug in back of this building at this time for the purpose of a state building.

The bill originally had an emergency preamble. The authors of that bill removed that emergency preamble. There is no emergency any more, and I say there is so little emergency that we can refer it to the next Legislature.

Other unforeseen things may happen to that proposed building before it gets to the point of being paid for. I think that we are usurping the powers of the next Legislature to set the extra amount of money that is needed to cover the building.

We were told originally that three million dollars was ample to build the proposed building. Before even the cellar is dug out a demand for half a million dollars is made on us. I imagine that at the next legislature they will want a couple of more million dollars to finish the building.

I say that there is no emergency. I say that three million dollars is now available to do the work and we should let the next legislature decide on what they want to spend of extra money on that proposed building. Therefore I move that this bill be referred to the next legislature.

The PRESIDENT: The Chair recognizes the gentleman from Somerset, Mr. Sinclair.

Mr. SINCLAIR: Mr. President and members of the Senate: As a member of the committee signing the majority report, I would just like to say that the committee discussed this bill at length this morning. As you may recall, this Legislature appropriated three million dollars and authorized the Governor and Council to enter into a contract for a state office building for the best interests of the State of Maine. I say they have entered into the contract to build the office building, the type of building that we, the people of the State of Maine, can be justly proud of. This three million dollar figure was an estimate, but in drawing up the contract the

Governor and Council, with the advice of the committee, chose an architect and selected plans for a certain type of building. Now the plans do not call for certain things that are very necessary for the building, one of which is the tunnel which would join this building with the so - called new office building; for the installation of a central heating plant, which is economical and more efficient; for movable partitions, granite facing for the building, steel framework and so forth.

We discussed this thoroughly this morning, and the majority of the committee reported "Ought to pass." I hope that the motion of the Senator from Androscoggin (Senator Boucher) does not prevail and that the majority report is accepted.

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

Thereupon, the resolve was given its second reading and passed to be engrossed.

On motion by Mr. Haskell of Penobscot, sent forthwith to the House for concurrence.

Mr. HASKELL of Penobscot: Mr. President, we are now awaiting additional papers from the House, and I will express my regret that these House Papers apparently are going to stay over there for another hour and it seems rather pointless to wait them out here. They certainly will give us plenty of time to have these House Papers and come back here and pass them to be engrossed, the only point being that unless we do engross them in concurrence we will have a long wait tomorrow in order to do it.

It seems wise to some of us at least, if we can accomplish that and have the enactors ready for tomorrow we should be able to clean up the job very comfortably tomorrow. I therefore move that the Senate recess until tonight at nine o'clock.

The motion prevailed and the Senate

Recessed until eight o'clock this evening, E.S.T.

After Recess

The Senate was called to order by the President.

Additional House Reports, out of order and under suspension of the rules.

The Committee on Judiciary on Bill, "An Act to Amend the Town of Palmyra School District," (H. P. 1320) (L. D. 1589) reported that the same ought to pass.

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

The Committee on Judiciary on Bill, "An Act to Incorporate the Bridgton Finance Company," (H. P. 1323) (L. D. 1574) reported that the same ought to pass, as amended by Committee Amendment "A".

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

The Committee on Judiciary on "Communication of the Chief Justice Submitting Revision of the State Constitution" (H. P. 1330) reported that the Communication and Revision be placed on file in the office of the Secretary of State.

Which report was read and accepted, in concurrence.

The Committee on Legal Affairs on Bill, "An Act to Amend the Charter of the Bangor Recreation Center," (H. P. 1326) (L. D. 1575) reported that the same ought to pass.

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

The Committee on Inland Fisheries and Game on Bill, "An Act Relating to Licenses to Hunt or Fish for Spouses and Children of Members of the Armed Forces of the United States," (H. P. 1322) (L. D. 1573) reported that the same ought to pass.

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

"Resolve Providing Additional Funds for the Maine State Office Building," (S. P. 627) (L. D. 1558)

(In Senate, earlier in today's session, Passed to be Engrossed as amended by Committee Amendment "A")

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" and by House Amendment "A" in non-concurrence.

In Senate, Engrossment reconsidered, House Amendment "A" adopted, and Resolve Passed to be Engrossed as amended by Committee Amendment "A" and by House Amendment "A" in concurrence.

"An Act Relating to Standard Time During the Month of October, 1954," (S. P. 632) (L. D. 1562).

(In Senate, earlier in today's session, Bill substituted for ought not to pass Report and Passed to be Engrossed.)

Comes from House, Bill Substituted for Report and Passed to be engrossed as amended by House Amendment "A" in non-concurrence.

In Senate, Engrossing reconsidered, House Amendment "A" adopted in concurrence, and bill passed to be engrossed as Amended by House Amendment "A", in concurrence.

On motion by Mr. Haskell of Penobscot, all bills and resolves considered at the evening session were sent forthwith to the engrossing department.

The PRESIDENT: At this time I would like to appoint under Section 12, Chapter 14 of the Revised Statutes, which relates to the Advisory Committee on Budget, as the Senate member on that committee, the Senator from Aroostook, Senator Collins.

Mr. HASKELL of Penobscot: Mr. President, subject to my usual inaccuracy, it is indicated that all measures introduced in this branch that are properly to be put through the engrossing stage by the Senate tonight have been acted on, and so far as I know would leave us tomorrow morning with only enactment problems in both branches. With what I think is very good news and very good progress, I move that we adjourn to 9:00 A. M., Eastern Standard Time tomorrow morning.

The PRESIDENT: The Senator from Penobscot, Senator Haskell, moves that the Senate adjourn to 9:00 A. M., Eastern Standard Time tomorrow morning. Is this the pleasure of the Senate?

The motion prevailed and the Senate so adjourned.