

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

*Ninety-Ninth Legislature*

OF THE

STATE OF MAINE

1959

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

**SENATE**

Wednesday, April 29, 1959

Senate called to order by the President.

Prayer by Rev. Horace E. Colpitts of Augusta.

On motion by Mr. Dunn of Kennebec, journal of yesterday read and approved.

The PRESIDENT: At this time the Chair would like to welcome to the Senate Chamber members of the American Problems Class of Skowhegan High School, the senior members. It is a real privilege on behalf of the members of the Maine State Senate to welcome you young people here to our deliberations this morning. We trust that you will find it an enjoyable and educational day. I am sure that the Senators all extend a most cordial and hearty welcome to all of you.

**Papers from the House**

Bill, "An Act Relating to Hours, Vacations and Sick Pay for County Personnel." (H. P. 922) (L. D. 1304)

In Senate on April 21, passed to be engrossed in concurrence.

Comes from House, passed to be engrossed as amended by House Amendment A (Filing No. 268) in non-concurrence.

In the Senate, the Secretary read House Amendment A and the Senate voted to recede and concur with the House.

**House Committee Reports****Leave to Withdraw**

The Committee on Judiciary on recommitted Bill, "An Act Relating to the Fees of Attorneys." H. P. 812) (L. D. 1150) reported that same be granted Leave to Withdraw.

Which report was read and accepted in concurrence.

**Ought Not to Pass**

The Committee on Public Utilities on Bill, "An Act Permitting Rural Electrification Cooperatives to Exercise Eminent Domain." (H. P. 121) (L. D. 176) reported that the same Ought not to pass.

Which report was read and accepted in concurrence.

The Committee on Towns and Counties on Bill, "An Act Relating to Development and Promotion in Aroostook County." (H. P. 822) (L. D. 1160) reported that the same Ought not to pass.

In House, report and bill Indefinitely Postponed.

In the Senate, the Ought not to pass report was accepted.

**Ought to Pass — N. D.**

The Committee on Highways on "Resolve Authorizing Survey and Plans for a Maine-Quebec Highway." (H. P. 394) (L. D. 577) reported same in New Draft (H. P. 945) (L. D. 1340) under same title, and that it Ought to pass.

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

The Committee on Natural Resources on "Resolve Permitting the Building of a Wharf in Lake Maranacook, Kennebec County." (H. P. 445) (L. D. 651) reported same as a Bill in New Draft (H. P. 944) (L. D. 1336) under New Title: "An Act Permitting the Building of Marinas in Lake Maranacook, Kennebec County." and that it Ought to pass.

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

Mr. Carpenter of Somerset presented Senate Amendment A and moved its adoption.

Which amendment was read and adopted and on further motion by the same Senator, the bill was laid upon the table pending assignment for second reading.

The Committee on Legal Affairs on Bill, "An Act Amending the Charter of the City of Augusta." (H. P. 759) (L. D. 1077) reported same in New Draft (H. P. 936) (L. D. 1323) under same Title, and that it Ought to pass.

In House, report accepted and bill in New Draft passed to be engrossed as amended by House Amendment A (Filing No. 267)

In the Senate, the report was read and accepted in concurrence, the bill read once, House Amendment A read and adopted in concurrence, and the bill as amended,

tomorrow assigned for second reading.

**Ought to Pass — as amended**

The Committee on Appropriations and Financial Affairs on "Resolve Relating to Non-lapsing Moneys for Construction of Eastport - Perry Causeway-Dam." (H. P. 884) (L. D. 1253) reported that the same Ought to pass as amended by Committee Amendment A (Filing No. 262)

On motion by Mr. Stilphen of Knox, tabled pending acceptance of the report.

**Report A - OTP**

**Report B - ONTP**

Five members of the Committee on Legal Affairs on Bill, "An Act Relating to Retirement of Members of Portland Police and Fire Departments not under Retirement System." (H. P. 74) (L. D. 112) reported (Report A) that the same Ought to pass.

(Signed)

Senators:

CHARLES of Cumberland  
MacDONALD of Oxford

Representatives:

KELLAM of Portland  
COTE of Lewiston  
TRUMBULL of Fryeburg

Five members of the same Committee on the same subject matter, reported (Report B) that the bill Ought not to pass.

(Signed)

Senator:

MARTIN of Kennebec

Representatives:

LINNELL of South Portland  
BROWN of Cape Elizabeth  
HUTCHINSON of Carthage  
GOOD of Sebago

In House, Report B accepted.

In the Senate, on motion by Mr. Martin of Kennebec, Report B "Ought not to pass" was accepted in concurrence.

**Senate Committee Reports  
Legislation Inexpedient**

Mr. Bates from the Committee on Labor on Bill, "An Act Relating to Workmen's Compensation Insurance," (S. P. 37) (L. D. 35) reported Legislation Inexpedient at this time. Recommend that subject mat-

ter be referred to Legislative Research Committee.

Which report was read and accepted.

Sent down for concurrence.

Subsequently, on motion by Mr. Woodcock of Penobscot, the Senate voted to reconsider its action previously taken whereby it accepted the committee report; and on further motion by the same Senator, the bill was laid upon the table pending acceptance of the report.

**Ought to Pass — N. D.**

Mr. Bates from the Committee on Labor on Bill, "An Act Relating to Artificial Aids for Employees for Injuries Under Workmen's Compensation Law." (S. P. 276) (L. D. 738) reported same in New Draft (S. P. 477) (L. D. 1348) under Same Title and that it Ought to pass.

Mr. Martin from the Committee on Legal Affairs on Bill, "An Act Relating to St. Mary's Hospital of Lewiston." (S. P. 457) (L. D. 1310) reported same in New Draft (S. P. 478) (L. D. 1349) under Same Title, and that it Ought to pass.

Which reports were read and accepted, the bills in New Draft read once and tomorrow assigned for second reading.

The PRESIDENT: At this time the Chair would like to welcome to the Senate Chamber seventy students from the 8th grade of the public schools in Freeport, accompanied by teachers Mrs. DeRoche and Mrs. Webber. It is a real pleasure to have the opportunity, on behalf of the Maine Senate, to welcome you young people here this morning. We sincerely hope that you will find this to be an educational and profitable and enjoyable day here in the Senate. We wish you a very cordial and hearty welcome.

**Second Readers**

The Committee on Bills in the Second Reading reported the following bills and resolves:

**House**

Bill, "An Act Increasing Compensation of Clerks of the Law Court." (H. P. 506) (L. D. 719)

Bill, "An Act to Authorize the Municipalities of Limestone and

Caswell Plantation to Form a School Administrative District." (H. P. 604) (L. D. 864)

Bill, "An Act Creating Game Management Area of Towns of Deer Isle and Stonington, Hancock County." (H. P. 608) (L. D. 868)

Bill, "An Act Relating to Financial Responsibility of Vehicles Insured by Automatic Coverage." (H. P. 690) (L. D. 990)

Bill, "An Act Relating to Formation and Operation of Mutual Trust Investment Companies Under Supervision of Bank Commissioner." (H. P. 740) (L. D. 1059)

"Resolve Regulating Fishing in Richardson Lakes, Upper and Lower and Their Tributaries, Oxford County." (H. P. 942) (L. D. 1334)

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

**House — as Amended**

Bill, "An Act Relating to Temporary Fish and Game Wardens." (H. P. 85) (L. D. 132)

Bill, "An Act Increasing Salary of Commissioner of Education." (H. P. 318) (L. D. 465)

Bill, "An Act Relating to School Taxes in Unorganized Townships." (H. P. 466) (L. D. 684)

Bill, "An Act Relating to Pension for Members of Police and Fire Departments of City of Waterville." (H. P. 898) (L. D. 1267)

"Resolve Appropriating Moneys to Replace and Repair Songo Locks, Cumberland County." (H. P. 601) (L. D. 861)

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

Bill, "An Act Relating to Splash Guards for Certain Trucks." (H. P. 870) (L. D. 1215)

Which was read a second time and passed to be engrossed as amended by Senate Amendment A in non-concurrence. The Senate Indefinitely Postponed House Amendment A — Filing No. 261.

Sent down for concurrence.

Bill, "An Act Concerning Liability of Parents for Damage by Children." (S. P. 58) (L. D. 91)

Which was read a second time and passed to be engrossed.  
Sent down for concurrence.

**Enactors**

**The Committee on Engrossed Bills reported as truly and strictly engrossed, the following bills and resolves:**

Bill, "An Act Relating to Taxation of Household Furniture." (H. P. 449) (L. D. 655)

Bill, "An Act Revising Laws Relating to Slaughterhouses." (H. P. 363) (L. D. 979)

(On motion by Mr. Rogerson of Aroostook, the bill was laid upon the Special Appropriations Table pending enactment.)

Bill, "An Act Providing for Uniform Act for Simplification of Fiduciary Security Transfers." (H. P. 750) (L. D. 1068)

Bill, "An Act Relating to Appeal from County Commissioners in Eminent Domain for Location of Schools." (H. P. 810) (L. D. 1148)

Bill, "An Act Increasing Borrowing Capacity of Ashland Water and Sewer District." (H. P. 836) (L. D. 1187)

Bill, "An Act Amending the Charter of the Topsham Sewer District." (H. P. 846) (L. D. 1209)

Bill, "An Act Permitting Municipalities to Appropriate Moneys to Aid Conventions." (H. P. 925) (L. D. 1307)

Bill, "An Act Relating to Employment of Teachers." (S. P. 110) (L. D. 260)

Bill, "An Act Relating to Taxation of Domestic Fowl." (H. P. 122) (L. D. 272)

Bill, "An Act Providing for Forest Rehabilitation." (S. P. 127) (L. D. 322)

(On motion by Mr. Rogerson of Aroostook, the bill was laid upon the Special Appropriations Table pending enactment.)

Bill, "An Act Relating to Amounts for State Scholarships for Normal Schools and Teachers' Colleges." (S. P. 148) (L. D. 369)

Bill, "An Act Relating to Use of Draggars in Sheepscot Bay." (S. P. 194) (L. D. 490)

(On motion by Mr. Rogerson of Aroostook, the bill was laid upon the Special Appropriations Table pending enactment.)

Bill, "An Act to Create the Maine Fertilizer Law." (S. P. 254) (L. D. 667)

Bill, "An Act Providing Mandatory Jail Sentence for Second Offense of Driving Under the Influence." (S. P. 329) (L. D. 905)

Bill, "An Act Revising Laws Relating to Animal Industry." (S. P. 359) (L. D. 1042)

Bill, "An Act to Revise Certain Laws of the Department of Institutional Service." (S. P. 406) (L. D. 1174)

Bill, "An Act Repealing Gero Island, Piscataquis County, as a Game Preserve." (S. P. 411) (L. D. 1195)

Bill, "An Act to Create the Washington County Development Authority." (S. P. 417) (L. D. 1201)

Bill, "An Act Permitting the Town of Freeport to Provide Educational Scholarships." (S. P. 459) (L. D. 1311)

"Resolve to Aid Settlement of Refugees in Maine." (H. P. 105) (L. D. 161)

(On motion by Mr. Rogerson of Aroostook, the resolve was laid upon the Special Appropriations Table pending final passage.)

"Resolve Reimbursing Certain Municipalities on Account of Property Tax Exemptions of Veterans." (H. P. 135) (L. D. 193)

(On motion by Mr. Rogerson of Aroostook, the bill was laid upon the Special Appropriations Table pending final passage.)

"Resolve Regulating Fishing in Wadleigh Pond, Piscataquis County." (H. P. 199) (L. D. 291)

(On motion by Mr. Lewis of Somerset, the resolve was laid upon the table pending final passage.)

"Resolve to Reimburse Old Town School Department for Tuition for Children Living on Indian Island." (H. P. 435) (L. D. 641)

(On motion by Mr. Rogerson of Aroostook, the resolve was laid upon the Special Appropriations Table pending final passage.)

"Resolve Regulating Fishing in Horne Pond, Limington, York County." (H. P. 584) (L. D. 831)

"Resolve Authorizing the Maine Defense Commission to Convey Certain Land in Fort Kent." (H. P. 817) (L. D. 1155)

Which resolves were severally Finally Passed.

#### Bond Issue Authorization

Bill, "An Act to Authorize the Issuance of Bonds in the Amount of Thirteen Million Dollars on Behalf of the State of Maine for the Purpose of Building State Highways." (H. P. 418) (L. D. 602)

Which bill, being a bond authorization measure, and having received the affirmative vote of 26 members of the Senate, and one opposed was passed to be enacted.

#### Emergency

Bill, "An Act Relating to Training of Firemen." (S. P. 131) (L. D. 326)

Which bill, being an emergency measure, and having received the affirmative vote of 27 members of the Senate, was passed to be enacted.

#### Emergency

Bill, "An Act Relating to Marking and Detention of Substandard Grade Sardines." (S. P. 409) (L. D. 1193)

Which bill, being an emergency measure, and having received the affirmative vote of 26 members of the Senate, was passed to be enacted.

#### Orders of the Day

The President laid before the Senate the 1st tabled and especially assigned item being Bill, "An Act Relating to Use of Draggers in Part of Penobscot Bay." (H. P. 916) (L. D. 1294) tabled by the Senator from Cumberland, Senator Coffin on April 23 pending assignment for second reading; and on further motion by the same Senator, the bill was tomorrow assigned for second reading.

The President laid before the Senate the 2nd tabled and especially assigned item being House Report from the Committee on State Government: "Majority Report, Ought not to pass; Minority report, Ought to pass" on "Resolve Proposing an Amendment to the Constitution Providing for Annual Legislative Sessions." (H. P. 849) (L. D. 1212) tabled by the Senator from Penobscot, Senator Hillman on April 27 pending acceptance of either report.

Mr. HILLMAN of Penobscot: Mr. President, I move that we accept the majority "Ought not to pass" report of the committee.

Mr. LESSARD of Androscoggin: Mr. President, I rise in opposition to the motion of the Senator from Penobscot, Senator Hillman.

Now at the outset I might say that this bill for annual sessions has been sponsored in the past by not the Democratic Party but by the Republican Party, and this year, as you know, it has been sponsored by the Democratic Party, so I do not think it has perhaps had too partisan a flavor to it. However, it is my thought that we have come to a point in our legislative procedures that we should have annual sessions. One thing is the complexity of our appropriations and departmental expenditures are getting so that I believe it makes it very unfortunate at times and very hard for the departmental head to look forward for two years in order to bring his estimates in to operate his department. I think that an annual session whereby budgetary matters would be considered would be a great relief to the department head so that he might be able to operate more efficiently and be in a better position to estimate what his needs are for one year rather than for a two-year period. I think also that when we passed the Sinclair Act in the last legislature we more or less imposed upon ourselves a duty to meet annually, because the Jacobs report, if you recall, upon which the Sinclair Act was based, provided for all subsidies or payments to the towns under the Sinclair Act according to annual figures rather than biennial figures. In other words, the money that was to be paid to towns for relief of education the Jacobs report said that we should base it on their annual expenditure and number of school children enrolled. Now we are basing that on a two-year period if we continue to meet every two years. Therefore I think that we owe it as a duty to the towns, if we are to continue along with the Sinclair Act, that it should be based on an annual computation, and the only way we can possibly do that is by having annual sessions.

This is not something new in the State of Maine. As you all know, we had annual sessions when our State was first formed and for many, many years. It went along for a while and somewhere along the line it was changed. I might say that since the time it was changed we have had some twenty-seven special sessions. You all know the special sessions we have had in the last three years, and it shows that there is a definite need for annual sessions.

There is the argument that if we did have annual sessions many of the present members of the Legislature could not attend because it would take so much of their time. That is not true, because we find that in the State of New York where they have annual sessions, and where this year they had some eight thousand bills, of which probably two thousand bills were passed, still they adjourned on March 26th. So perhaps our procedures can be shortened up so that it will be possible for many of us, even though we feel that we should not spend so much time over here, if we had annual sessions I feel that the time we spent over here would be much shorter, and therefore we would be able to attend every year for a much shorter period of time. As you know, what has been happening is that we have been getting out of here about the thirtieth of May, and by the vote taken at the caucus last night it looks that we might be here for a long, long time; and so far as the budgetary considerations, if that should prevail I am sure we are going to have to be back in special session if these departments are allowed to be cut down in their current services budgets.

I think that the State of Maine has approached the time when we owe it to the people, especially under the Sinclair Act, and for good efficient government, that we should have these annual sessions. That is why I oppose the motion of the good Senator from Penobscot, Senator Hillman. When the vote is taken I request a division.

Mr. HILLMAN of Penobscot: Mr. President and members of the Senate: I signed the majority "Ought not to pass" report of this com-

mittee for reasons that are well-known to every member of this Senate, including my good friends from the Democratic Party. Further debate on this measure I know is unnecessary. That is no reflection on the fine presentation that the Senator from Androscoggin, Senator Lessard made. I concur in having a division.

Mr. ROGERSON of Aroostook: Mr. President, I had intended to speak on this measure, and then just before the session began I was informed or thought I was informed that this matter would not be debated today but rather would be tabled and discussed later. In the interest of expediting things, I am not going to ask that this be retabled, but I would like to make a few remarks to indicate that so far as I am concerned my feeling and thinking has changed in this matter. In the past, in spite of the fact that these have been Republican bills, I have voted against annual sessions because I felt at that time that in spite of the fact that government was growing increasingly complex that we were still able to come down here and do the sort of job which should be done. But during the last session when I was Chairman of the State Government Committee I began to have some doubts as to whether or not this was still true, and this session I have even more serious doubts whether or not we can come down here, in spite of the fact that we spend five months, and do the sort of job we should do. I find that on many subjects material which I would like to read and digest has to be left unread, and so I feel that the opinions I have formed sometimes are not as valid as they might be if we had time to look into all of these areas that interest us. So I feel that the time has come when we should give very serious consideration to the desirability of coming down here annually for somewhat shorter sessions in order to give more attention to this business of government which is indeed big business.

There are arguments, of course, against doing this, but I feel that if we are going to give the people of Maine the sort of attention to government details which they need

that the time has come to make this change, and I shall support the bill for annual sessions.

Mr. PIERCE of Hancock: Mr. President and members of the Senate: Having had the privilege of serving on the Appropriations Committee with the previous speaker, the Senator from Aroostook, Senator Rogerson, I most wholeheartedly concur with this thinking, and I most wholeheartedly concur with the arguments expressed by the distinguished Senator from Androscoggin, Senator Lessard. When the vote is taken I request a roll call.

Mr. FARLEY of York: Mr. President and members of the Senate: As I look around here this morning I realize that only a few of us who are in the Senate were members of the House in 1949-51 when the annual session argument was brought up by two Republicans, Arnold Brown and Horace McClure of Bath. I have been one of those who have screamed and screamed for annual sessions. I think it would be one of the best things that could happen in the State of Maine in regard to the budget that is now presented to us. Some of us who are businessmen in a small way believe that the State of Maine is not being run in a businesslike way and in the manner that you would run your own business. Many, many people at home ask us when we come back: "What are you doing down there? Why do we need so much money for this? Why do we need so much money for that? And they may wonder who gets all the graft.

Now when you throw a budget of over a hundred million at us—I have served under Republican government and I have served under Democratic government, and I believe that you would get better results and better men to come down here if we could come down here and have an opportunity to thoroughly understand it. Not only could we be Democrats and Republicans, but a great many of us could be independent in our own mind as to just where we should stand. Since 1949 I have believed that the annual session is the only thing to bring us back to where we belong, and I am going to vote along that line.



Mr. COLE of Waldo: Mr. President and members of the Senate: I did not intend to debate this bill, although I do have my convictions.

Now it seems to have been brought out in the debate that it is necessary that we have annual sessions in order to budget wisely. Now of the fourteen states in this country that have annual sessions only seven budget annually. Now I ask you: Why do only seven out of the fourteen budget on an annual basis? Why is it that the other seven still budget the same as we do, biennially. The good Senator from Androscoggin, Senator Lessard, has said that we need to meet annually to budget wisely. Now as a former member of the Appropriations Committee, I am very proud of this committee that we have and of the past committees, and I think that we have budgeted wisely. The records will show that we have budgeted wisely and that our estimates have been very conservative, in fact so conservative that our capital construction program has been continued, and I think wisely, by the surpluses that we have produced by our wise budgets.

I think one of the basic reasons why we have such long sessions is the fact that many of our bills stay in committees too long. Perhaps they should be filed before our session starts.

Now according to the records in the Council of State Government, the Book of the States, many states are starting studies. "Various studies in recent years have recommended the filing and printing of bills prior to the session, but the legislative response has been limited. Since earlier work by hearings committees is dependent on this pre-session activity, however, it is likely that this is a practice which will become more widespread in coming years. A few annual session states—Arizona, Michigan, New Jersey and New York—are considering the Congressional practice (and that of Georgia, South Carolina and Puerto Rico) of carrying over bills still on calendar from one session to the next during the life of the same legislature."

Members of the Senate, I really believe that with proper study by

some committee such as our Research Committee we could come up with some ideas on filing of bills that would certainly shorten the sessions. I thank you.

Mr. LESSARD of Androscoggin: Mr. President, I might say at this time that I have in my hand here a document which was presented to the legislature in the State of Vermont February 11, 1959 proposing to do the very same thing in the form of a resolution that the legislature there in the State of Vermont reconvenes on January 12, 1960 for a general appropriations bill for the fiscal year 1960. You see that the problem is not only becoming complex in the State of Maine but it is becoming complex in our sister State of Vermont.

I have yet to hear anyone say anything further about the Sinclair Bill and the communities they are attempting to organize under it, and also subsidy payments due the towns and cities. I think we at this session fully appreciate what has happened in the forming of districts under the Sinclair Bill. As you know, many cities and small towns are coming down here and trying to get out from underneath, realizing perhaps that they should not have gone into it. Now that is causing quite a bit of chaos back home. I understand that our good President has a situation in his own home county that is quite red-hot at the present time. Now if we have annual session that will give opportunity for them to come down and perhaps remedy some of the mistakes they have made under the so-called Sinclair Law.

Mr. NOYES of Franklin: Mr. President, as I understand this matter, we are now considering annual sessions and that the interim session or the one in between will be more or less a budget proposition.

I agree with the Senator from Androscoggin, Senator Lessard, that the time has come for annual sessions. I would only like to inject a thought: that perhaps we ought to have regular sessions on an annual basis.

Much has been said about the budget this morning, the planning of the budget and things of that sort. I would merely like to say that I

think we have to have more time to give consideration to the other bills which we are considering. I would only like to go on record as saying that beyond being in favor of annual sessions I hope we can consider these sessions to be regular sessions, and I am sure that we can follow the pattern in other states where they have a sixty or a ninety-day session—and in some cases, to be sure that the sessions do not go too long, they stop the pay after a given period.

Mr. BATES of Penobscot: Mr. President, I have had occasion, regardless of the sponsor, to vote against annual sessions before, and I rise in support of the motion of my colleague, the Senator from Penobscot, Senator Hillman.

It seems to be that we may be putting the cart before the horse. It seems to me that we should devote some attention, before we take too abrupt an action, to do something with respect to studying our legislative procedures. You may say to me: "Well, what do you have in mind? Such studies have been attempted and nothing of particular consequence has come up."

I would study legislative procedures with the objective in mind of determining each annual session to be on a shorter number of weeks basis. I would have as an objective the fact that we could then be more effective and more efficient on an annual basis only after we have studied our legislative procedure. For example, I have had a feeling for some time that all of the so-called department bills should come from the executive branch of the government with an accompanying statement backing up the justification for such a request and to be submitted to the legislature we will say no later than the first day of February. I have had a feeling for some time that "Ought not to pass" reports from committees and reports that do not at least receive a split five to five report would not even reach the legislative halls, with a provision perhaps that the sponsor of such a measure in such a predicament could call to the floor of the Senate or the floor of the House such a bill as received an unfavorable report only upon a

signed petition of a majority of the members of the branch of the legislature in which the bill originally saw light.

I would propose that we have in mind no tabling for more than one week of any measure except by provision that the end of that week the members of either branch would have to stand and be counted on a division vote as to whether the matter should be retabled, the justification for retabling.

I would certainly like to see greater use of special interim study committees as other states are doing—and this would lend itself to annual sessions, I grant you—whereby such specially assigned interim study groups given the authority and responsibility to a specifically assigned matter, would come back to either branch of the legislature, either in annual or biennial sessions with more concrete and specific information which we could work on.

It seems to me, Mr. President and members of the Senate, that we might be in the position of taking too abrupt action on annual sessions until we have had a very, very considered evaluation of our present legislative procedures for efficiency as well as economy. It seems to me that we should streamline our legislative sessions without losing efficiency — I must repeatedly say that — and perhaps with the gaining of efficiency we could point up the fact that an annual short session each year would produce better results than a longer session every two years.

It seems to me that such a study group could incorporate very easily into their program of studying legislative procedures enough material so each one of us could come to a better decision as to whether annual sessions are justified or whether sessions every two years should be continued.

Mr. FARLEY of York: Mr. President and members of the Senate: I am awfully glad that the Senator from Penobscot, Senator Bates rose and defended his position; but I can go back, having served with the gentlemen in the lower corridor here, to the time when we were called back into a special session when we spent three and a half million dollars without anyone know-

ing where we were going, when if we had had annual sessions we could have thoroughly gone into it. In later years along came another governor and before he was inaugurated we also had to spend three or four million dollars to carry along the State of Maine. I say that it is time that we had annual sessions.

Mr. COLE of Waldo: Mr. President and members of the Senate: One fact that has not been brought out in the debate so far is the cost of annual sessions. As you know, our sessions now run nearly five hundred thousand dollars or so. I am wondering if our annual sessions would not also run into a substantial amount of money. I find it is true in other states that have annual sessions that unless they are limited they do run longer and longer, and therefore the cost is going to be more.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Penobscot, Senator Hillman, that the Senate accept the Majority "Ought not to pass" report in non-concurrence, and a roll call has been requested. To order the roll call requires the affirmative vote of one-fifth the members of the Senate.

A division of the Senate was had.

Obviously a sufficient number having risen, the roll call was ordered.

The Secretary called the roll:

YEAS: Bates, Carpenter, Charles, Cole, Hillman, Parker, Stilphen, Weeks, Woodcock, Wyman — 10.

NAYS: Boucher, Coffin, Duquette, Farley, Fournier, Hunt, Lessard, Lewis, Lord, Martin, Noyes, Pierce, Rogerson, St. Pierre, Thurston, Willey — 16.

ABSENT: Briggs, Brown, Dow, Dunn, MacDonald, Ross — 6.

Ten having voted in the affirmative and sixteen opposed, the motion did not prevail.

Thereupon the Senate voted to accept the Minority Ought to Pass report in concurrence, the bill was read once, House Amendment A was read and adopted in concurrence, and the bill as amended was tomorrow assigned for second reading.

The PRESIDENT: At this time the Chair would like to welcome to the Senate Chamber two visiting groups of school students, a group from the 8th grade of the Rangeley Jr. High School and members of the senior Government Class of Rangeley High School, accompanied by Mrs. Doris Huntoon, Mrs. Ruth Morton and Mrs. Hellen Oakes. On behalf of the entire membership of the Maine State Senate, it is a real privilege to welcome you young folks and your instructors today and we trust that you will find it to be an educational and profitable day for you here in Augusta. A cordial and hearty welcome to all of you.

The President laid before the Senate the 3rd tabled and especially assigned item being Senate Reports from the Committee on Public Utilities: "Majority report, Ought not to pass; Minority report, Ought to pass, on bill, "An Act to Repeal the Westbrook Sewerage District." (S. P. 38) (L. D. 36) tabled by the Senator from Kennebec, Senator Martin on April 28 pending acceptance of the report.

Mr. MARTIN of Kennebec: Mr. President and members of the Senate, at the outset I would like to move the acceptance of the ought not to pass report of the committee and would like to speak briefly on that motion.

First of all there were several issues involved here, the first of which is whether a bill that has a referendum attached to it necessarily has to go back to the people. I think most of you will agree that this is not the case. If it were, then every bill that had a referendum on it, there would be no necessity to have a public hearing. I think every committee in this legislature has a duty to examine such a bill and to decide it for itself from the best facts available whether it should be recommitted or committed to the people for a vote.

The second reason I think is should this legislature create a district in one session and then attempt to repeal it the next session or the next session after that? I would point out to this Senate that the Westbrook Sewerage District was accepted by the citizens of

Westbrook by a two to one majority. I think in the committee there was some feeling that a district of this sort should perhaps have a time limit on it, that it could not be submitted back to the people for a vote so that it would give to the district some stability. However that is not the case here; there is no time limit involved. I think the committee found from the facts that for the first time in the history of the City of Westbrook, the people are receiving good sewerage and progress is being made, and I would point out to the Senate that every time a bill of this sort comes up it leaves the district in a quandary. Shall they let out new Contracts in the face of the fact that it may go back and be repealed?

I do not believe we should send a district bill back for a re-vote just because a few disgruntled people think it should be sent back. There was no real evidence at the hearing that the district was not providing for the citizens of Westbrook a sound and good sewage system.

Now there will probably be some mention made of petitions. I have a great deal of respect for petitions but I also think that possibly I could get a petition circulated saying that I was a fine fellow and I know the Senate would probably not believe it. I think that most of us realize that people sign a petition as a favor to the person presenting the petition and we have to look very carefully at the petition to determine whether the signatures were obtained under the right circumstances. My remarks have been brief but I certainly hope that the Senate will uphold the majority report of the committee which was "Ought not to pass."

Mr. HUNT of Kennebec: Mr. President and members of the Senate, I rise to oppose the motion of the Senator from Kennebec, Senator Martin. At the hearing which was had before the Public Utilities Committee, it was brought out that four years ago the people of Westbrook did vote to establish a new sewerage district. I imagine that at that time nobody was sure just how the district would work out an whether it would be suc-

cessful or not, but they voted to take a chance and try it. Very soon after the district was established, many people felt that it was not going to be satisfactory and two years ago a bill similar to this to repeal the district was filed. At that time I believe I understand the arguments were presented that the district had not had long enough to prove itself and that they should be given at least another two years.

At this session of the legislature the same bill to repeal the district is presented. Senator Martin mentioned something about petitions and I have here a petition signed by the citizens of Westbrook including something like 450 to 500 names of people willing to go on record as opposing the district. We had a very full hearing and there were many proponents and many opponents. The opponents of the bill said that much of the work that the district is having to pay extra money for was done by the Highway Department and that therefore the rates were very much cheaper previously than now. They cited substantial savings which were effected by the work being done by the street department when they were not busy otherwise.

It was also pointed out that the sewer assessments had increased to such an extent that many people were not able to pay the amount or found it very difficult to do so. It seems to me that this is a question which involves Westbrook citizens only. They are the ones that have the sewer district and they are the ones that will be affected by it. We here in the Senate, no matter how much we try cannot determine for certain whether a majority of the people of Westbrook are for this district or against it. Actually we do not know for sure whether it is for the best interests of the citizens there or not. But I believe that if this goes back to referendum, as it should, and the people of Westbrook vote that it will then be determined once and for all whether the majority of the citizens of Westbrook want this district or do not.

Whereas two years ago it might have been stated that there had not been enough time to have fully

tested the district, I feel that in the four years that have passed since the district was established, it has been a reasonable period for trial and if this number of citizens plus all those who appeared at the hearing still oppose it I feel there must be some basis for it. Why not let the citizens of Westbrook decide for themselves on this issue which is purely theirs to decide whether or not they want the district or want to go back to the former system.

I feel that we here cannot possibly decide fairly for them what they should have. I feel that if we allow them to vote on this referendum then they will be satisfied and we will not have these bills coming up every two years to be decided here. I therefore hope that the motion of the Senator from Kennebec will be defeated.

Mr. LESSARD of Androscoggin: Mr. President, I rise to oppose the motion of the Senator from Kennebec, Mr. Martin. Two years ago I was a member of the Public Utilities Committee and two years ago I debated this very issue before this very same Body. If you will recall, two years ago we had before this legislature a similar piece of legislation for the City of Saco, a very, very like piece of legislation which the legislature did in its wisdom refer back to the inhabitants of that city. When it was returned to the city for a referendum vote, it was overwhelmingly supported and the sewage district was done away with, and I understand by information that has been given to me that the City of Saco has a very fine utility down there and the people of Saco are very, very happy about the situation.

Now if we did that for the city of Saco I don't know why we can't do it for the City of Westbrook. I might remind the good Senator from Kennebec, Senator Martin, that the last time we debated this some two years ago, the good Senator finished his remarks by saying, "I therefore trust that you will let this district, which is just beginning to operate, operate at least another two year period and then take a fresh look at it another time." Well here we are taking another fresh

look and again we find the same opponents, the same reasons being set forth by the residents of that town and the people want it back for them to vote upon it.

There are strictly local matters and I am sure that if any one of you had it in your town or city and if the people signed a petition and wanted to vote on it, I am a firm believer in home rule and I am a firm believer that people should be allowed to vote on their questions. I am a firm believer in referendums. I think the people ought to have the opportunity to run their own government. I don't think we ought to substitute our judgment for theirs and if they believe that the sewer district should be turned back as a problem for the City of Westbrook, I believe that is the way it should be. I think it should be referred back to the people of Westbrook, let them vote whether or not they want to continue. We were very successful in Saco and I am sure it will be in Westbrook. At least one thing will happen. We will get rid of it up here and we should refer it back to Westbrook, and have a referendum instead of waiting another two years, for a fresh look. I think the fresh look days are over. I think we ought to let them vote upon it. I therefore hope that the motion of the good Senator from Kennebec, Senator Martin, will be defeated.

Mr. NOYES of Franklin: Mr. President, as a member of the Public Utilities Committee, who signed an ought not to pass report, I rise to support Senator Martin's motion. It has been stated here that we gave good and long consideration to the many people who appeared before us and we did. I think this illustrates another fact which is one of the burdens of this legislature. Every two years people come here and want something. Then the next year they don't want it. Well, I am all for home rule. But when you set up sewer districts and water districts and that sort of thing, there are many other problems involved. You have to sell bonds. You have to pledge the credit of the district. What is going to happen if we continue to keep changing our minds on these dis-

tricts? What is going to happen to the future purchase and the future arrangements of bonds? For that reason I support the committee report, Ought not to pass.

Mr. MARTIN: Mr. President, when the vote is taken I ask that it be by division.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, I think the whole story of the sewer districts has been thoroughly taken up and well explained. There is only one point in my mind that has not been cleared up. This question has come up for the last two or three sessions of the legislature. First we pass the sewer district and then two years afterwards the representative in the House, from Westbrook introduced a bill to repeal that district and it passed in the other body and was brought in here and was defeated. That same man was re-elected to the legislature after he had done that so that, in my mind at least, proves that there is a demand in Westbrook for a change in the sewer district because if there were not, I don't think the people of Westbrook would have re-elected that man to the legislature.

I, too, believe in home rule. I voted for home rule on the question of Lewiston for ten years, I believe, before the legislature gave me permission to go ahead and have the referendum in Lewiston and that bill had a vote of four to one, proving that I was right.

I believe that this gentleman who introduced the bill into the legislature staked his political life on that bill. I agree with the good Senator from Kennebec, that a referendum does not make a bill good, if there is no demand for it, but to my mind with this petition and with this bill coming in session after session, there must be a demand in Westbrook for a right to reconsider. Again I have gone along in this legislature on bills that they wanted to reconsider. I believe a person has a right to reconsider after taking certain action because something else might have been brought up that would throw a different light on the subject and he changes his mind and it is perfectly

right to change your mind if you think you were wrong in the first place.

Apparently the people of Westbrook think now that they have made a mistake and they would like to correct that mistake and I will go along with the thinking of the other Senators who say, "Let the people of Westbrook decide and let us not impose our wishes on them". After all, the people of Westbrook are paying the freight; they are paying the bill.

My understanding, Mr. President and members of the Senate is that the sewer district owed on May 21st, forty thousand dollars and I understand that the sewer district at the present owes \$200,000 so that may be the reason for the people of Westbrook to become alarmed at their sewer district. Let's send it back to Westbrook. Let's give them home rule. Let them decide whether they want to keep the district or get rid of it.

Mr. FARLEY of York: Mr. President and members of the Senate: Two years ago I voted on this same proposition and I am going to take the same stand this morning with respect to my good friend and floor leader, the Senator from Androscoggin, Senator Lessard. I do not come from Saco, I come from across the river. The situation in Saco and its entanglement with its sewer committee is far different from that of Westbrook, as I understand it, and I attended the hearing. In the City of Saco we have the situation of a Sewer Commission becoming dictators and trying to tell the people what they have to do, so they really had a good argument to come here before the committee and ask for a vote in the City of Saco.

I am a member of the Natural Resources Committee and have been for the last four sessions. Within two weeks here, we have had selectmen from the town of York who were identified with No. 717 which I signed along with the Chairman, Senator Briggs. If anyone studies No. 717 you will notice that Cumberland County is tied up in it and York and down through. But sewerage today has something to do with clean waters.

I know there is opposition in Westbrook, and I have had letters from many people, including ex-mayors. They seem to be satisfied with what is going on. I am going to go along with the Chairman of the Public Utilities Committee: I think they handled it right, and when the vote is cast I will cast my vote with him.

Mr. HUNT of Kennebec: Mr. President, I just want to say one word on the matter of bonds which the district has outstanding. It goes without saying that if the citizens of Westbrook vote for the repeal of the present district they will have to make their peace with the bondholders and it will be part of the vote that they take. If they vote for the repeal they will realize that the city will have to take care of the outstanding bonds. I am sure that the bondholders will be protected and that nobody will lose. If the district is repealed the citizens of Westbrook will have to pay for the bonds, so that is a matter I do not think we have to worry about.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Kennebec, Senator Martin, to accept the Majority Ought not to pass report of the committee and a division has been requested.

A division of the Senate was had.

Nineteen have voted in the affirmative and seven opposed, the motion prevailed.

Sent down for concurrence.

On motion by Mr. Parker of Piscataquis, the Senate voted to take from the table the 40th tabled item being House Reports from the Committee on Claims: "Majority Report, Ought not to pass; Minority Report, Ought to pass, on "Resolve to Reimburse the City of Portland for Support of Joseph A. and Madelon E. Glidden." (H. P. 788) (L. D. 1120) tabled by that Senator on April 8 pending motion by Senator Lord of Cumberland that the Senate accept the minority report in non-concurrence.

Mr. PARKER of Piscataquis: Mr. President, I now yield to the Senator from Cumberland, Senator Lord and at the conclusion of her remarks I

will read the report from the department on this case.

Mrs. LORD of Cumberland: Mr. President and members of the Senate: I think this claim is different than any we have had in this session. The City of Portland took care of this family of Joseph A. Glidden and his wife under the assumption that there had been a divorce and the child had been given to the mother. That was the information they had been given when they took care of the family. It was established afterward that there had been no divorce, that the child was the ward of the father and support for the child should come from the father who lived in another section of the State. I think it is only fair that the state should pay the claim. It is not a large sum of money, only \$1388.61, and it seems to me that the State should pay the claim as it is a just claim against the State.

Mr. PARKER of Piscataquis: Mr. President and members of the Senate: The report that I shall read is signed by the Director of the Division of General Relief of the Department of Health and Welfare, Paul D. McClay.

"This resolve to reimburse the City of Portland for the support of Joseph A. and Madelon E. Glidden: Joseph A. Glidden, former husband of Madelon E. Glidden, first became known to the Department of Health and Welfare on December 1, 1958 when an application for relief was received from the Town of Pittsfield, Maine. A subsequent investigation by the Division of General Relief showed that Joseph A. Glidden was emancipated as a minor by the death of his father Joseph W. Glidden who died March 25, 1948. Joseph A. Glidden was born February 1, 1932 and became of age January 31st 1953. At the time of his death his father, Joseph W. Glidden, was without legal settlement in any Maine municipality and was upon this date what is known as a State case.

During the process of investigating this application it was learned that the City of Portland, through error, had acknowledged Madelon E. Glidden, former wife of Joseph A. Glidden, as the responsibility of the City of Portland, for the reason

that they had assumed that when the parents of Joseph A. Glidden were divorced in 1943 that the custody of Joseph A. was given to the mother. If this had been correct Joseph A. would have assumed a settlement in the City of Portland for the reason that Joseph's mother secondly married Leo G. Wilson on September 22, 1944 and that Leon G. Wilson had a legal settlement in the City of Portland."

Now this final paragraph to me is the crux of the whole case:

"Had the officials of the City of Portland submitted an application for relief to the Division of General Relief when relief was first given in 1955, they would have been notified by that division that there was no legal settlement and they would not have become involved in the expense represented in this resolve."

I have nothing further to say on this. It is unfortunate that the City of Portland officials were not aware of some of their responsibilities. I only wish to say that if we allow this to be paid through the legislature to my mind we are doing something that many other towns have not been allowed to do. For that reason I would certainly oppose the motion to accept the minority report.

Mr. CHARLES of Cumberland: Mr. President and members of the Senate: I rise in support of my colleague from Cumberland, Senator Lord, and also in support of the City of Portland Overseers to the Poor Department relative to this account.

With due respect to the statement by the Senator from Piscataquis, Senator Parker, that this may appear to be a precedent to other towns, I believe that the merits of claims from all cities and towns should be weighed on their own basis: in other words, let the chips fall where they may. Now let's weigh the facts as we see them in each city and town. I believe that this particular claim is a just claim and should be granted, and I certainly hope that the motion of the Senator from Cumberland, Senator Lord, does prevail.

Mr. HILLMAN of Penobscot: Mr. President and members of the Senate: I sat on the Claims Com-

mittee last session and I feel definitely that the Claims Committee is a court of last resort. I don't think you should take into consideration the matter of precedent, because it is the last place you can go to get relief when it is justified. I certainly concur with the motion of the Senator from Cumberland, Senator Lord, on behalf of the City of Portland.

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

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Lord, that the Senate accept the Minority "Ought to pass" report of the committee in non-concurrence and a division has been requested.

A division of the Senate was had.

Thirteen having voted in the affirmative and ten opposed, the motion prevailed, the Minority Ought to pass report was accepted, the bill read once and tomorrow assigned for second reading.

On motion by Mr. Carpenter of Somerset, the Senate voted to take from the table the 84th tabled item being "Resolve, Permitting Ice Fishing in Certain Ponds in Androscoggin and Kennebec Counties." (H. P. 550) (L. D. 785) tabled by that Senator on April 23 pending passage to be engrossed.

Mr. CARPENTER of Somerset: Mr. President on this original bill, it was for Rack Pond, Round Pond, Turner Pond, Burgess Pond, Mud Pond and School House Pond, and Committee Amendment A would include Carleton Pond. Carleton Pond it so happens is the reservoir for the drinking water of the city of Augusta. Personally I do not think it should be opened to ice fishing with its accompaniment of garbage, refuse, and so forth. I therefore move that the Senate reconsider its action whereby it adopted Committee Amendment A.

The motion prevailed, Committee Amendment A was then indefinitely postponed and the bill passed to be engrossed in non-concurrence.

Sent down for concurrence.

The PRESIDENT: In accordance with Chapter 4, Section 243 of the Revised Statutes, the Chair appoints



Senator Dow from Lincoln as the member of the Education Committee to serve on the Maine School Building Authority.

On motion by Mr. Hillman of Penobscot, the Senate voted to take from the table the 13th tabled item being House Report from the Committee on Judiciary: "Ought to pass" on bill, "An Act Relating to Settlements or Releases from Injured Persons Confined in Hospitals." (H. P. 56) (L. D. 78) tabled by that Senator on March 17 pending acceptance of the report.

Mr. HILLMAN of Penobscot: Mr. President, the purpose of my tabling this bill was to prepare an amendment which I have already done and have cleared with the Chairman of the Judiciary Committee, Senator Weeks, and Senator Woodcock and Senator Lessard. I believe my motion now would be to accept the committee report and I so move.

The motion prevailed, the Ought to pass report of the committee was

accepted and the bill read once: Senate Amendment A was read and adopted, and the bill as amended was tomorrow assigned for second reading.

On motion by Mr. Hillman of Penobscot, the Senate voted to take from the table the 82nd tabled item being Bill, "An Act Relating to Awarding Contracts for State Construction." (H. P. 905) (L. D. 1274) tabled by that Senator on April 23 pending passage to be engrossed; and on further motion by the same Senator, the bill was indefinitely postponed in concurrence.

The PRESIDENT: The Chair would like to announce that commencing with tomorrow morning's session and until further notice, the sessions will commence at 9:30 o'clock in the morning.

On motion by Mr. Duquette of York

Adjourned until tomorrow morning at nine thirty o'clock.