

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*Ninety-Ninth Legislature*

OF THE

STATE OF MAINE

1959

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

**SENATE**

Friday, May 8, 1959

Senate called to order by the President.

Prayer by Rev. Victor P. Musk of Augusta.

On motion by Mr. Pierce of Hancock, Journal of yesterday read and approved.

**Orders**

On motion by Mr. Woodcock of Penobscot, out of order and under suspension of the rules

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Monday, May 11, at four o'clock in the afternoon. (S. P. 488)

Which was read and passed.  
Sent down for concurrence.

On motion by Mr. Woodcock of Penobscot, out of order and under suspension of the rules

ORDERED that Michael Parker of Kenduskeag, twelve year old grandson of Senator Parker of Piscataquis, be permitted to act as assistant page of the Senate for the remainder of this day.

Which was read and passed.

**Papers from the House**

Bill, "An Act to appropriate Monies for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1960 and June 30, 1961. (S. P. 461) (L. D. 1313)

In Senate on April 21, passed to be engrossed.

Comes from the House, passed to be engrossed as amended by House Amendment C (Filing No. 318) in non-concurrence.

In the Senate, on motion by Mr. Woodcock of Penobscot, tabled pending consideration.

Bill, "An Act Repealing the Two Inch Clam Law. (H. P. 177) (L. D. 248)

In Senate on May 6, Indefinitely Postponed in non-concurrence.

Comes from the House, that body having Insisted upon its former action whereby the bill was passed to be engrossed as amended by Committee Amendment A (Filing No.

158) now asks for Committee of Conference.

The Speaker appointed the following conferees on the part of the House:

Representatives:

RANKIN of Southport  
WINCHENPAW of Friendship  
DENNISON of East Machias

In the Senate, on motion by Mr. Woodcock of Penobscot, tabled pending consideration and especially assigned for later in today's session.

"Resolve Opening Cross Lake, Aroostook County, to Ice Fishing for Cusk." (H. P. 113) (L. D. 168).

In Senate on May 6, Indefinitely Postponed in non-concurrence.

Comes from the House, the body having Insisted upon its former action whereby the Resolve was passed to be engrossed as amended by House Amendment A (Filing No. 60), now asks for Committee of Conference. The Speaker appointed the following conferees on the part of the House:

Representatives:

JOHNSON of Stockholm  
PRUE of Ashland  
LEBEL of Van Buren

In the Senate, on motion by Mr. Hillman of Penobscot, the Senate voted to insist on its former action and join with the House in a Committee of Conference; the President appointed as Senate members of such Committee, Senators: Carpenter of Somerset, Briggs of Aroostook and Hillman of Penobscot.

"Resolve Permitting Ice Fishing in Certain Ponds in Androscoggin and Kennebec Counties." (H. P. 550) (L. D. 785)

In Senate on April 29, passed to be engrossed in non-concurrence.

Comes from the House, passed to be engrossed as amended by House Amendment A (Filing No. 313) in non-concurrence.

In the Senate, on motion by Mr. Briggs of Aroostook, tabled pending consideration.

**Joint Order**

ORDERED, the Senate concurring, that the Legislative Research

Committee be, and hereby is, directed to study and report to the 100th Legislature on the feasibility of placing Rural Electrification Cooperatives under the jurisdiction of the Public Utilities Commission for regulatory purposes in the same manner as private utilities are now regulated under the Revised Statutes of 1954, chapter 44, as amended, and specifically as to whether or not said Cooperatives should be permitted to exercise the power of eminent domain. (H. P. 961)

In House, received passage.

In the Senate, on motion by Mr. Woodcock of Penobscot, tabled pending passage.

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#### House Committee Reports Ought to Pass — N.D.

The Committee on Highways on Bill, "An Act to Make Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1960 and June 30, 1961." (H. P. 147) (L. D. 203) reported same in New Draft (H. P. 946) (L. D. 1341) under same title, and that it Ought to pass.

Which report was read and accepted in concurrence, the bill in New Draft read once and on motion by Mr. Stilphen of Knox, the rules were suspended, the bill read a second time and passed to be engrossed in concurrence.

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#### Ought to Pass — as amended

The Committee on Legal Affairs on Bill, "An Act Relating to Certain Acts Constituting Lotteries." (L. D. 1151) reported that the same Ought to pass as amended by Committee Amendment A (Filing No. 315)

On motion by Mr. Martin of Kennebec, tabled pending acceptance of the report, and especially assigned for Wednesday next.

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#### Majority — OTP Minority — ONTP

The Majority of the Committee on Appropriations and Financial Affairs on "Resolve, Appropriating Moneys to Aid Construction of Dormitory at Higgins Classical Institute." (H. P. 853) (L. D. 1221)

reported that the same Ought to pass.

(Signed;  
Senators:

ROGERSON of Aroostook  
PIERCE of Hancock  
DUQUETTE of York

Representatives:

DAVIS of Calais  
BROWN of Ellsworth  
BRAGDON of Perham  
SMITH of Falmouth  
EDWARDS of Raymond

The Minority of the same committee on the same subject matter reported that the Resolve Ought not to pass.

(Signed)

Representatives:

JACQUES of Lewiston  
STANLEY of Bangor

In House, Majority Report Accepted, and Bill Passed to be Engrossed as Amended by House Amendment A (Filing No. 308)

In the Senate, on motion by Mr. Rogerson of Aroostook, the Majority ought to pass report was accepted in concurrence and the bill read once: House Amendment A was read and adopted and the bill tomorrow assigned for second reading.

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#### Majority — ONTP Minority — OTP

The Majority of the Committee on Appropriations and Financial Affairs on Bill, "An Act Relating to the Working Capital of State Liquor Commission." (H. P. 382) (L. D. 565) reported that the same Ought not to pass.

(Signed)

Senators:

PIERCE of Hancock  
ROGERSON of Aroostook

Representatives:

SMITH of Falmouth  
DAVIS of Calais  
BROWN of Ellsworth  
BRAGDON of Perham  
STANLEY of Bangor

The Minority of the same committee on the same subject matter reported that the bill Ought to pass.

(Signed)

Senator:

DUQUETTE of York

**Representatives:**

EDWARDS of Raymond  
JACQUES of Lewiston

In House, Majority Report Accepted.

In the Senate, on motion by Mr. Pierce of Hancock, the Majority ought not to pass report was accepted in concurrence.

**Majority — ONTP**  
**Minority — OTP**

The Majority of the Committee on Labor on Bill, "An Act Relating to Dependency Allowances Under Employment Security Law" (H. P. 9) (L. D. 18) reported that the same Ought not to pass.

(Signed)

**Senators:**

ROSS of Sagadahoc  
BATES of Penobscot

**Representatives:**

TREWORY of Orono  
HARDY of Hope  
HANCOCK of Nobleboro  
WINCHENPAW of  
Friendship  
KARKOS of Lisbon

The Minority of the same committee on the same subject matter reported that the bill Ought to pass.

(Signed)

**Senator:**

MacDONALD of Oxford

**Representatives:**

MILLER of Portland  
LETOURNEAU of Sanford

In the House, Majority Report Accepted.

In the Senate:

Mr. BATES of Penobscot: Mr. President, I move that the Majority ought not to pass report of the Committee be accepted in concurrence.

Mr. MacDONALD of Oxford: Mr. President and members of the Senate: I know that the "Ought not to pass" report is going to prevail, but when you are voting that way I want you to remember this: that it shows by the record that twenty-two dollars plus is the average received by people under this unemployment insurance law. This bill refers to four children, so you are going to have a man and his wife and four children living on twenty-two dollars a week. Think of that, not only now but in the future.

Mr. ROSS of Sagadahoc: Mr. President and members of the Senate: Persons are hired now and should always be hired according to their ability and not because they have or have not dependents. I will grant that it is much harder for a man with a large family to exist on unemployment compensation checks. This problem, if it is a problem, certainly is a problem in the field of Welfare and not the Unemployment Security fund. Employers certainly should not be penalized because of the size of their workers' families. If this were so, it might well become such a drain on the Unemployment Security funds that one of the first questions that a person hiring a man would ask would be: How many children do you have? Consequently I feel that this particular piece of legislation is not sound for our program at the present time, and I support the motion of the Senator from Penobscot, Senator Bates.

A viva voce vote being had, the motion prevailed and the ought not to pass report of the committee was accepted in concurrence.

**Majority — OTP**  
**Minority — ONTP**

The Majority of the Committee on Labor on Bill, "An Act Relating to Contributions Under Maine Employment Security Law" (H. P. 500) (L. D. 713) reported that the same Ought to pass.

(Signed)

**Senators:**

MacDONALD of Oxford  
BATES of Penobscot  
ROSS of Sagadahoc

**Representatives:**

TREWORY of Orono  
HARDY of Hope  
WINCHENPAW of  
Friendship  
LETOURNEAU of Sanford  
HANCOCK of Nobleboro

The Minority of the same committee on the same subject matter reported that the bill Ought not to pass.

(Signed)

**Representatives:**

KARKOS of Lisbon  
MILLER of Portland

In House, Majority Report Accepted and the Bill passed to be engrossed.

In the Senate, on motion by Mr. Bates of Penobscot, the bill and reports were tabled pending that Senator's motion to accept the Majority ought to pass report.

**Report A — OTP**

**Report B — ONTP**

Five members of the Committee on Towns and Counties on Bill, "An Act Increasing Number of Medical Examiners in Lincoln County" (H. P. 823) (L. D. 1161) reported (Report A) that the same Ought to pass.

(Signed)

Senator:

LORD of Cumberland

Representatives:

PERRY of Hampden  
JONES of So. Portland  
LEMELIN of Fairfield  
DOYLE of Caribou

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

(Signed)

Senators:

WYMAN of Washington  
FARLEY of York

Representatives:

HODGKINS of Greene  
BAKER of Orrington  
PORELL of Westbrook

In House, Report A Accepted and the Bill passed to be engrossed.

In the Senate, on motion by Mr. Wyman of Washington, tabled pending acceptance of either report.

**Majority — ONTP**

**Minority — OTP**

The Majority of the Committee on Veterans and Military Affairs and the Committee on Legal Affairs Jointly on Bill, "An Act to Authorize Issuance of Bonds in the Amount of Twenty Two Million Dollars for Bonus to Maine Veterans of World War II and the Korean Campaign and Providing Revenue Therefor." (H. P. 851) (L. D. 1214) reported that the same Ought not to pass.

(Signed)

Senators:

CHARLES of Cumberland

BRIGGS of Aroostook  
FARLEY of York  
MARTIN of Kennebec  
MacDONALD of Oxford

Representatives:

HUTCHINSON of Carthage  
GOOD of Sebago  
TRUMBULL of Fryeburg  
BROWN of

Cape Elizabeth

COUSINS of Bangor  
EARLES of So. Portland  
MATHEWS of Berwick  
LINELL of So. Portland  
KELLAM of Portland  
EDGERLEY of

Sangerville

The Minority of the same Committees on the same subject matter, jointly reported that the Bill Ought to pass.

(Signed)

Representatives:

TARDIFF of Lewiston  
HENDSBEE of Madison  
BRIGGS of Portland  
COTE of Lewiston

In House, the Majority Report Accepted.

In the Senate, on motion by Mr. Charles of Cumberland, the Majority ought not to pass report was accepted in concurrence.

**Communication**

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
OFFICE OF THE CLERK  
AUGUSTA

May 7, 1959

Honorable Chester T. Winslow  
Secretary of the Senate  
99th Legislature

Sir:

The Speaker of the House today appointed the following Conferees on the part of the House, on the disagreeing action of the Two Branches of the Legislature on:

Bill, "An Act Exempting Certain Fraternal Societies from Property Taxes." (S. P. 473) (L. D. 1338)

Mr. TREWORGY of Orono  
Mrs. CHRISTIE of Presque Isle  
Mr. MILLER of Portland

Respectfully,

(Signed) HARVEY R. PEASE  
Clerk of the House

Which was read and ordered placed on file.

**Senate Committee Reports  
Ought to Pass — N. D.**

Mr. Cole from the Committee on Natural Resources on Bill, "An Act Relating to Augmenting of Stored Water." (S. P. 391) (L. D. 1135) reported same in New Draft (S. P. 467) (L. D. 1363) under the same title, and that it Ought to pass.

Which report was read and accepted, the bill in New Draft read once and on motion by Mr. Ross of Sagadahoc, tabled pending assignment for second reading.

**Ought to Pass — as amended**

Mr. Weeks from the Committee on Judiciary on Bill, "An Act Revising the Probation and Parole Laws" (S. P. 334) (L. D. 910) reported that the same Ought to pass as amended by Committee Amendment A.

Which report was read and accepted and the bill read once. Committee Amendment A was read and adopted, and the bill as so amended was tomorrow assigned for second reading.

Mr. Hillman from the Committee on State Government on recommitted "Resolve Proposing an Amendment to the Constitution Pledging Credit of State for Guaranteed Loans for Recreational and Industrial Park Purposes." (S. P. 178) (L. D. 422) reported that the same Ought to pass as amended by Committee Amendment A (Filing No. 270)

Which report was read and accepted.

This bill previously having had its two several readings, was passed to be engrossed, as amended.

Sent down for concurrence.

**Second Readers**

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

**House**

Bill, "An Act Relating to Disqualification of Benefits Under Employment Security Law." (H. P. 957) (L. D. 1356)

(On motion by Mr. Bates of Penobscot, tabled pending passage to be engrossed.)

**House — as amended**

Bill, "An Act Providing for a State Tuberculosis Annex to Community General Hospital in Fort Fairfield." (H. P. 890) (L. D. 1259)

"Resolve Refunding Motor Vehicles Fees to Certain Canadian Residents." (H. P. 741) (L. D. 1060)

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

Bill, "An Act Relating to Chiropractic Treatment Under Workmen's Compensation Law." (H. P. 940) (L. D. 1327)

(On motion by Mr. Lessard, tabled pending passage to be engrossed and especially assigned for later in today's session.)

**Senate**

Bill, "An Act Relating to Juvenile Offenders." (S. P. 485) (L. D. 1357)

Bill, "An Act to Create a Committee to Study the Relocation of the State School for Boys." (S. P. 484) (L. D. 1358)

Bill, "An Act Empowering the Supreme Judicial Court to Promulgate Rules." (S. P. 487) (L. D. 1359)

Which were severally 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 resolve:**

Bill, "An Act Providing the Laws Relating to the Registration of Vital Statistics." (H. P. 297) (L. D. 464)

Bill, "An Act Establishing Disability Due to Radioactive Properties as an Occupational Disease." (H. P. 833) (L. D. 1184)

Bill, "An Act Relating to Cancellation of Automobile Physical Damage Insurance." (H. P. 930) (L. D. 1316)

Bill, "An Act Increasing Compensation of Aldermen and Members of Various Boards of City of Lewiston." (H. P. 935) (L. D. 1321)

Bill, "An Act Relating to Exemption from Taxation of Veterans Estates." (H. P. 943) (L. D. 1335)

Bill, "An Act Relating to Licenses for Pari Mutuel Harness Horse Racing." (H. P. 948) (L. D. 1344)

(On motion by Mr. Dow of Lincoln, tabled pending passage to be enacted.)

Bill, "An Act Providing for Vocational Rehabilitation of Handicapped Individuals." (H. P. 951) (L. D. 1347)

Bill, "An Act Relating to Inheritance Tax on Class." (S. P. 29) (L. D. 9)

Bill, "An Act Amending the Interpleader Compact." (S. P. 256) (L. D. 669)

Bill, "An Act Relating to Artificial Aids for Employees for Injuries Under Workmen's Compensation Law." (S. P. 477) (L. D. 1348)

Bill, "An Act Revising the Law Relating to Education of Physically Handicapped or Exceptional Children." (S. P. 480) (L. D. 1350)

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

Which bills were severally passed to be enacted.

#### Emergency

Bill, "An Act Relating to St. Mary's Hospital of Lewiston." (S. P. 478) (L. D. 1349)

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

#### Orders of the Day

The President laid before the Senate, the 1st tabled and today assigned item being bill, "An Act Permitting Sale of Liquor on Election Days after Polls Close." (H.P. 765) (L. D. 1083) tabled by the Senator from Cumberland, Senator Weeks, on May 7 pending consideration.

Mr. WEEKS of Cumberland: Mr. President, with reference to this measure I was requested by the Senator from Somerset, Senator Carpenter who opposes the measure, to postpone debate until Tuesday. If it is the will of the Senate, so be it and I therefore make that motion, to table the bill until Tuesday next.

The motion prevailed and the bill was retabled pending consideration, and especially assigned for Tuesday next.

Mr. BRIGGS of Aroostook: Mr. President, may I inquire if L. D. 1025 is in the possession of the Senate?

The PRESIDENT: It is, having been held at the request of the Senator from Aroostook, Senator Briggs.

Thereupon, on motion by Mr. Briggs of Aroostook, the Senate voted to reconsider its action of yesterday whereby it passed to be engrossed, "Resolve Opening Long Lake, Aroostook County to Smelt Fishing" (L. D. 1025); and the same Senator presented Senate Amendment A and moved its adoption.

Which amendment was read and adopted and the resolve as amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Woodcock of Penobscot, the Senate voted to take from the table bill, "An Act Repealing the Two Inch Clam Law." (H. P. 177) (L. D. 248) tabled by that Senator earlier in today's session pending consideration; and that Senator yielded to the Senator from Washington, Senator Wyman.

On motion by Mr. Wyman of Washington, the Senate voted to insist on its former action and to join with the House in a Committee of Conference, and the Chair appointed as Senate members of such committee, Senators Wyman of Washington, Cole of Waldo, and Martin of Kennebec.

On motion by Mr. Wyman of Washington, the Senate voted to take from the table the 64th tabled item being House Report from the Committee on Appropriations and Financial Affairs: Ought to pass as amended by Committee Amendment A, on "Resolve, Creating a Tax Policy Advisory Committee." (H. P. 131) (L. D. 189) tabled by that Senator on April 27 pending acceptance of the report.

Mr. WYMAN: Mr. President, may I inquire on a point of procedure?



The PRESIDENT: The Senator's motion would be to accept the ought to pass report of the committee.

Mr. WYMAN: Mr. President, I so move.

The motion prevailed, the ought to pass as amended report of the committee was accepted in concurrence and the bill read once; Committee Amendment A was read and adopted in concurrence.

Mr. Wyman of Washington presented Senate Amendment A and moved its adoption.

Thereupon, on motion by Mr. Woodcock of Penobscot, the bill was laid upon the table pending motion by Mr. Wyman that Senate Amendment A be adopted.

On motion by Mr. Martin of Kennebec, the Senate voted to take from the table the 72nd tabled item bill, "An Act to Permit the Eastern Maine Electric Cooperative to Exercise Eminent Domain." (H. P. 818) (L. D. 1156) tabled by that Senator on April 30 pending assignment for second reading.

Mr. MARTIN of Kennebec: Mr. President, at the outset I would like to move second reading of this bill, but I would like to state briefly for the committee the reasons why.

At the beginning of the session there were two bills introduced, one to give electric cooperatives eminent domain as a whole, and this bill gives it to an electric cooperative in Washington County. Now electric cooperatives up to this time have not had this privilege, the reason being that they are not considered to be and are not under the Public Utilities Commission's orders and directions. However, in this particular cooperative there is a serious problem, and the committee decided to give to this cooperative this power. You will notice that today a Research Committee order was introduced for that committee to study the whole situation. The committee felt that they could do this one act but hoped that it would not set a precedent until the entire matter had been studied by the Legislative Research Committee.

I therefore move that this bill have its second reading.

The PRESIDENT: Does the Senator wish to move that the rules be

suspended and the bill be given its second reading?

Mr. MARTIN: I do, Mr. President.

The motion prevailed, the rules were suspended, the bill given its second reading and passed to be engrossed in concurrence.

On motion by Mr. Bates of Penobscot, the Senate voted to take from the table the 93rd tabled item being bill, "An Act Relating to Petition for Review of Incapacity Under Workmen's Compensation Act." (H. P. 955) (L. D. 1355) tabled by that Senator on May 7 pending passage to be engrossed; and on further motion by the same Senator, the bill was passed to be engrossed in concurrence.

On motion by Mr. Lessard of Androscoggin, the Senate voted to take from the table bill, "An Act Relating to Chiropractic Treatment Under Workmen's Compensation Law." (H. P. 940) (L. D. 1327) tabled by that Senator earlier in today's session pending passage to be engrossed, and that Senator presented Senate Amendment B and moved its adoption.

Mr. LESSARD of Androscoggin: Mr. President, and members of the Senate: I would like to explain the reason for this amendment. It has been brought to our attention that the word "licensed" is perfectly all right and means any physician who is licensed to practice in the State of Maine by the Board of Registration. However, I am told that there are many places along the borders of our State where it is necessary sometimes for the employers to employ men in an adjoining state, or sometimes up in the northern counties, to get a licensed physician or surgeon to come from Canada to take care of the workmen. Because of that and the way the law is now written, which says "licensed by the Board of Registration," it means that they have to be licensed in the State of Maine. I have changed that to "duly authorized," whereby the Board of Medical Examiners or the Osteopathic Board can authorize these men who are practicing in New Hampshire or Canada. I think it will relieve a hardship which might be imposed on the employers if this bill went through as it is.

Thereupon, on motion by Mr. Weeks of Cumberland, the bill was laid upon the table pending the motion of Senator Lessard of Androscoggin to adopt Senate Amendment B.

Mr. Charles of Cumberland was granted unanimous consent to address the Senate.

Mr. CHARLES of Cumberland: Mr. President, recently the Governor signed a new law, an amendment to the Unfair Sales Act, which made certain changes. Since that time it has come to our attention that there is some doubt as to whether this amendment is unconstitutional. However, it is very difficult at this point to say whether it is or is not constitutional, and the only source that we have for determining this finally is our Maine Law Court. Such cases are probably also in doubt on other laws we may have passed, but until such time as these things are taken to the Law Court we do not know exactly what the status would be. Therefore, in order to help clarify it and to take any doubts out of the minds of our businessmen and legislators, I have prepared an order which I would like to present that would call for a Legislative Research Committee study of business practices as related to enforcement under the Maine Unfair Sales Act and in particular any amendments that the Committee on Business Legislation may have adopted. Therefore, Mr. President, I present this order and move its adoption.

The order was read by the Secretary as follows:

ORDERED, the House concurring, that the Legislative Research Committee be and hereby is authorized and directed to study the Unfair Sales and Marketing Practices adversely affecting the sale of commodities in commerce, with particular attention to the impact of such practices upon business in the State, the need, if any, for corrective unfair sales legislation and the manner by which any controlling law may be adequately enforced.

And be it further ordered that the Committee report the results of its studies to the 100th Legislature.

On motion by Mr. Woodcock of Penobscot, the order was tabled

pending motion by Mr. Charles of Cumberland that the Order receive a passage.

On motion by Mr. Woodcock of Penobscot.

Recessed for ten minutes.

#### After Recess

The Senate was called to order by the President.

The PRESIDENT: In the gallery of the Senate this morning we are happy to welcome a group of students from the Lisbon Grammar School in Lisbon Village in the charge of Mr. John Weldon, Principal. On behalf of the Maine Senate I certainly extend a cordial welcome to you young people and to Principal Weldon. We trust that you will enjoy your visit here in the statehouse this morning and that you will profit by your observations of the Senate procedures. A cordial welcome on behalf of the Maine Senate.

On motion by Mr. Briggs of Aroostook, the Senate voted to take from the table "Resolve Permitting Ice Fishing in Certain Ponds in Androscoggin and Kennebec Counties." (H. P. 550) (L. D. 785) tabled by that Senator earlier in today's session pending consideration; and on further motion by the same Senator, the Senate voted to recede and concur.

On motion by Mr. Martin of Kennebec, the Senate voted to take from the table the 18th tabled item being House Reports from the Committee on State Government: Report A, ought to pass; Report B ought not to pass, on bill, "An Act to Reimburse City of Augusta for loss of Tax Revenue" (H. P. 178) (L. D. 249) tabled by that Senator on March 26 pending motion by Senator Hillman of Penobscot to indefinitely postpone in concurrence.

Mr. MARTIN of Kennebec: Mr. President, it is with deep regret that I move the pending question.

I would like to say that one only has to look around the State House in the last few years to see the valuable taxable property which has been taken from the City of Augusta. I know it is a large problem and affects not only the City of

Augusta but communities throughout the State. As the Senate knows, there is a Legislative Research order to study this. So, with this in mind, I again move the pending question.

The motion prevailed and the bill and reports were indefinitely postponed in concurrence.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table the 44th tabled item, being Bill, "An Act to Create a Parking Commission for City of Lewiston." (H. P. 843) (L. D. 1206) tabled by that Senator on April 21 pending assignment for second reading; and on further motion by the same Senator, the bill was tomorrow assigned for second reading.

Subsequently, on motion by Mr. Boucher of Androscoggin, assignment for second reading was reconsidered by the Senate and the same Senator moved the indefinite postponement of Committee Amendment A.

The motion prevailed and Committee Amendment A was indefinitely postponed in non-concurrence.

The same Senator then presented Senate Amendment A and moved its adoption.

Which amendment was read and adopted and the bill as amended by Senate Amendment A in non-concurrence was tomorrow assigned for second reading.

On motion by Mr. Hillman of Penobscot, the Senate voted to take from the table the 41st tabled item being House Reports from the Committee on State Government: Report A, Ought to pass; Report B, Ought not to pass, on Bill, "An Act Providing for Appointment of Commissioner of Education by the Governor and Council." (H. P. 847) (L. D. 1210) tabled by that Senator on April 17 pending acceptance of either report.

Mr. HILLMAN of Penobscot: Mr. President, I move that we accept the "Ought not to pass" report of the Committee, Report B, in concurrence with the House.

Mr. LESSARD of Androscoggin: Mr. President and members of the Senate: I rise to oppose the motion made by the good Senator from Penobscot, Senator Hillman.

As you know, this bill provides for the appointment of the Commissioner of Education by the Governor and confirmed by the Council. Now it is my thought that this is another one of the bills which provides for responsibility of our Governor.

Now if there is any justification for this appointment as it is now, the Commissioner of Education being appointed by a committee, there should be justification for all department heads being so appointed. In other words, what is good for Education is good for Health and Welfare, Sea and Shore Fisheries, Fish and Game and other department heads; we should have committees throughout the whole State and they in turn would appoint the department heads.

This has been considered by the Citizens Committee on State Government, and it has been recommended by many surveys that there should be executive responsibility. If we are going to hold the Governor of the State responsible for his actions and for his administration during the time he is in office, I think we should place in him enough confidence and give him that responsibility so that he can perhaps give as good an administration as his department heads give to the people. Now if a Commissioner of Education or any commissioner appointed by the Governor does not work out and the executive head of our State government does not do that which is right, then the people will have a right to show their displeasure at the polls and vote him out of office. That is just another reason why we feel that it should be instituted here in Maine. I am not saying it in regard to the present Commissioner of Education. I do not like to bring personalities into it. No doubt we have one of the finest and perhaps we will continue to have the finest, but the mere fact that he was appointed by the Committee on Education instead of the Governor does not indicate that the Governor would not have appointed a good Commissioner too. We know that we will continue to have good department heads in spite of who appoints them.

So I think, in order to bring State government into better line and

place the responsibility in the hands of the Governor and close to the people where it belongs, that the motion of the Senator from Penobscot should be defeated and that the "Ought to pass" report should be accepted. That would be for more logical state government.

Mr. President, when the vote is taken I request a division.

Mr. PIERCE of Hancock: Mr. President, to refresh my memory could we have the Secretary read the names of the signers of the report?

The PRESIDENT: The Secretary will read the names of the signers of Report A, "Ought to pass," and Report B, "Ought not to pass."

(The reports were read by the Secretary)

Mr. HILLMAN of Penobscot: Mr. President and members of the Senate: During our hearing on this measure we had many opponents and only two proponents. It was apparent from the testimony given us that a position of this importance should not be left in the hands of the Executive Department. We feel that a Commissioner of Education, if we should happen to lose the fine one we have now, would be reluctant to depend upon a political appointment. He certainly would not want to tie his administration with a four-year term. The people who came before the committee in opposition to this measure were such men as Mr. Lawrence Bagley, Joseph Coupal, City Manager, Bangor, Lewis Webber, Superintendent of Schools, Auburn, Senator Wilmot Dow, Mr. William Bailey, former member of the Department of Education, Mr. Roland Carpenter, former Superintendent of Schools in Bangor, Mr. Charles Bickford, Mr. David Dillard, Legislative Chairman, Congress of Parents and Teachers Associations and many more.

Now in some states it has been the custom to appoint the Commissioner of Education by the Governor, but that is certainly being changed in the past few years. I will read a few of them:

In 1940 there were 32 states that elected the commissioner by the people; in 1959 there were only 23. In 1940 there were eight states where the commissioner was appointed

by the Governor, but in 1959 there were five. Now in 1940 the commissioner was appointed by the State Board of Education in eight states, and in 1959 there were twenty-two states. So that shows the trend over the country, that people are relying on their Boards of Education to appoint their Commissioner.

I know that this problem came about by the PAS report, but apparently they did not spend as much time on the matter of school administration as they did on other phases of State government. I certainly hope that this group in this room will take into consideration the feelings of the many people who came before us in regard to this measure and accept the motion that I have presented.

Mr. DOW of Lincoln: Mr. President and members of the Senate: I rise in support of the motion of the Senator from Penobscot, Senator Hillman.

In the first place, the present method of appointing the Commissioner by the State Board of Education is working very satisfactorily. In the second place, I would hate to see the Department of Education become a political football. Thirdly, I would be fearful that the type and the caliber of men to become available for the position of Commissioner of Education might not be what it should be if candidates felt that the job was good only until we had a change in government. Our educational system is free of political influence and for goodness' sake let's keep it that way.

Mr. LESSARD of Androscoggin: Mr. President and members of the Senate: In the case of any change in State government, the first thing you hear is "Keep it out of politics," "Keep it out of politics," and I don't know what they mean by keeping it out of politics. You would think that perhaps the executive head of our State government was the most horrible politician in the world. No matter what move he makes or what party he represents, whether the present one or the past one or the one before, the minute he becomes Governor of State he becomes a horrible, terrible figure, he becomes a politician, with sinister motives for every-

thing he does. I think that is a very, very poor argument.

I only wish that the former Senator from Knox, Senator Low, were here, because he perhaps would support this bill. I know he did it last time. And perhaps he could give us a little resume of what happened the last time that a Commissioner of Education was hired by the State of Maine. Maybe some of the older members who are present here know the exact story of what happened, so much so that Senator Low favored the bill and debated it here. I am not discussing keeping it out of politics. It would be just as much out of politics if the Governor appointed the Commissioner as if he were appointed by the State Board of Education. I do say this: We have had in the State of Maine two professional surveys, and we have had surveys within our own State government which recommend this very act, and still we are not satisfied to go along, and we still want to substitute our judgment for that of those who are much more qualified to pass upon it.

Mr. HILLMAN of Penobscot: Mr. President and members of the Senate: Just to set the record straight: if there were a Republican in the front office I would still take the same action I took on this committee report.

The PRESIDENT: The question before the Senate is on motion of the Senator from Penobscot, Senator Hillman to accept the ought not to pass Report B of the Committee in concurrence, and a division has been requested.

A division of the Senate was had.

Sixteen having voted in the affirmative and eleven opposed, the motion prevailed.

On motion by Mr. Hunt of Kennebec, the Senate voted to take from the table Senate Report Ought not to pass from the Committee on Education on Bill, "An Act Relating to Reapportionment of School Directors of School Administrative Districts." (S. P. 345) (L. D. 972) tabled by that Senator on April 16 pending acceptance of report.

Mr. HUNT of Kennebec: Mr. President, I move to substitute the bill for the committee report. In

explanation of that, I would say that I have an amendment to present which meets all of the original objections to the bill and has the approval of the Education Committee. So I now move to substitute the bill for the report of the committee.

The PRESIDENT: The Senator from Kennebec, Senator Hunt, moves that the bill be substituted for the "Ought not to pass" report of the committee. In this the pleasure of the Senate?

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

Mr. Hunt then presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A" was read by the Clerk.

Mr. DOW of Lincoln: Mr. President, just to correct the record, I would like to correct the statement that was made by the Senator from Kennebec, Senator Hunt, that this amendment had the approval of the Committee on Education. I think what he meant to say was that it had the approval of the Chairman of the Committee who had checked with the Department of Education and found that they approved it and the Commissioner of Education approved it, and therefore, in my opinion the bill with this amendment is all right.

Senate Amendment "A" was adopted and the bill was assigned for second reading on the next legislative day.

On motion by Mr. Hillman of Penobscot, the Senate voted to take from the table the 39th tabled item being Senate Reports from the Committee on State Government: Majority Report, Ought to pass; Minority Report, ought not to pass, on "Resolve, Proposing an Amendment to the Constitution to Provide for the Apportionment of Senators for and Within Each County." (S. P. 371) (L. D. 1054) tabled by that Senator on April 16 pending acceptance of either report.

Mr. HILLMAN of Penobscot: Mr. President, I move the acceptance of the Majority Ought to pass report of the committee.

The motion prevailed.

Mr. HILLMAN: Mr. President, I move that the Senate recess briefly to the sound of the gong.

The motion prevailed.

#### After Recess

The Senate was called to order by the President.

Mr. LESSARD of Androscoggin: Mr. President, I move the indefinite postponement of L. D. 1054, and when the vote is taken I ask for a division.

Mr. WYMAN of Washington: Mr. President and members of the Senate: This resolve has been presented in an endeavor to bring about within counties a more equitable geographical distribution of State Senate seats. This resolve would refer to the people for their consideration a proposal to amend the Constitution to provide that in those counties with more than one State Senator the senators would be elected from senatorial districts and not at large within the county as at present. Our mother state of Massachusetts selects her senators in this way as does every other state in New England except Vermont, also a large majority of the forty-nine states do likewise: Such large states as New York, Pennsylvania, New Jersey and Minnesota do this, while on the other hand small states like New Hampshire and Delaware do the same. Maine did likewise also in the early days of her statehood. However, I do not advocate this change because other states follow this method. That in itself is not a good reason, but it does show that the argument is not new nor is it confined to either large or small states. I do, however, propose the change in the interest of fairness. Let us now look at a few counties where the less populous areas find it difficult if not impossible to have representation in the Maine Senate.

Let us first look at York County. Up to and including the 1953 session of the legislature the Senate seats were well distributed through York County. Recently though, the trend which makes it so difficult for candidates outside the large metropolitan areas to be elected has reached York County. Since 1953 Biddeford and Saco, with about one-

third of the population of York County have furnished at least two-thirds and part of the time all of our State Senators from York County.

Let us look at Cumberland County. The area outside of Portland and South Portland has approximately one-half of the population of Cumberland County, yet in the past fifteen years this area has not at any time furnished half of the State Senators; in fact there has been only one session of the legislature since 1943 when Portland and South Portland have not furnished three of the four State Senators that came from Cumberland County, and in two sessions during this period all of the State Senators from Cumberland County have been from Portland.

Again let us look at Kennebec County. Augusta, Hallowell and Gardiner, with about forty per cent of the population, have held all of the State Senate seats for Kennebec County since 1943 except for three sessions when one seat was held in Waterville and one session when the Senator came from Vassalboro.

Or look at Penobscot County. Bangor has about one-third of the Penobscot County population, yet Bangor has held two-thirds of the seats in Penobscot County in all but two of the legislative sessions since 1943, and in two bienniums Bangor with one-third of the population of Penobscot County has held all of the Penobscot County Senate seats.

And now for the most glaring example of the lack of representation from the rural areas: Androscoggin County. In Androscoggin County Lewiston has less than one-half of the population of the county but has held all of the State Senate Seats since 1943.

Let me say at this time that the desire to change this geographical representation of State Senators does not in any way reflect upon the honorable, able and conscientious service of the State Senators who have been sent to this Senate from the aforementioned counties, but I ask you members of the Senate: Are there not able and conscientious men and women outside of the cities who have the ability and the desire to serve their State but who, coming from the rural

areas, have tried and failed, or who from past observation realize they have little chance of election? It is discouraging both to the electorate and to the candidates in the less populous areas. I ask you: Should not the citizens of those areas feel that they too can have a State Senator who understands the problems of the rural areas just as the State Senators from the metropolitan areas better understand the problems of the cities. While I would be the last to deny the cities their representation, neither do I want to deny representation in the Senate to the rural areas.

This resolve proposes to let the voters of State make the final decision in a statewide referendum. The referendum, if adopted, could not affect the choice of State Senators until after the next reapportionment or in 1963, so at least in the interest of fair and equitable geographical distribution of our State Senators, I hope that you may give the voters of the State an opportunity to express themselves on this resolve.

Mr. FARLEY of York: Mr. President and members of the Senate: We seem to be the first one that got hit with that typewritten sheet of the gentleman down in Washington County. We had reapportionment here a few years ago and I was one of those that jumped the fold with Washington County, Aroostook County and Knox County, and I think that the Senator from Washington County fully realizes that at that time it took a lot of courage to get away from York County and try to protect some of the small counties of the State of Maine.

But the Senator has made reference to York County. It is true that we are here today because a great many of us had fought for years to get away from "You may control Biddeford and we will go along with you in the county." We got away from that scheme of the Republican and the Democratic Leadership in York County.

One of the greatest troubles I can see with the Republican Party in York County is this: too many men for political office stick their noses out and say: Who is going to be Congressman, who is going to be

Governor of the State of Maine? If they would stick to their own knitting and go out and get votes for themselves who is going to be Senator and never mind the other big fellows, I think they would surely get representation upon the Republican ticket. But as it is now the coffee-cream or whatever you want to call it generally goes to these fellows and then they solicit the little fellows to go along with them. There is no question but what at this time we did have a terrific vote in York County. I was one of those who was supposed to be counted out. I was on my own. Every one of them was against me from the County Commissioners, the Sheriff, the city administration and all of them, but I stuck to my own knitting to get Pete Farley nominated and I did. I think there are many Republicans in York County who, if they want to do the same thing, if they want to get their names on the ballot, all they have got to do is to keep away from the topnotchers and go out and work for themselves. I think the law now is a good law and I am going to vote against the Chairman of the Towns & Counties Committee.

Mr. HILLMAN of Penobscot: Mr. President and members of the Senate: I want to make it plain that I do not think this is a partisan issue. In our county, Penobscot County, it seems to be a matter of Republicans against Republicans. In my campaigns over the county I have been told many times that it was useless for a man outside of the City of Bangor to run for public office, particularly a Senate seat, because he could not get elected because of the City of Bangor. I have always felt that there are good men outside of the City of Bangor, and perhaps that is one of the reasons they do not run. But if there is any way we can let the people back home feel that we are not "hogging" so to speak—and that is a slang word — the whole senatorial delegation, I certainly felt that this bill should certainly have a favorable report out of committee, and that is one of the reasons why I voted "Ought to pass." We had a number of people come in from all over the rural areas and the various counties and par-

ticularly in Penobscot County. They were sincere in their desire to have legislation like this passed.

I do not think there is any more I can say on it except I do think that the Senator from Washington, Senator Wyman, attempted to do just that, to make a fair and equitable distribution of senatorial seats.

Mr. HUNT of Kennebec: Mr. President, it seems to me that the mechanics of the thing would be almost impossible to satisfactorily carry through. I cannot imagine anyone who could satisfactorily carve up these districts in various counties so they would be satisfactory to the people. Cumberland County, how would you divide that into four parts? And once you had divided it how could you be sure that it was the way you wanted it? Would there not be at each session of the legislature a different division of the counties? I cannot imagine at this time any division of Kennebec County that would be satisfactory to all the people. The mere fact that at some time you seem to have more candidates from one section of the county or the other, it might be just the reverse at the next election. So to me it would seem almost an impossibility to divide up the counties so that everyone would be satisfied.

Now with automobiles and the possibilities of radio advertising, there is no candidate but what can cover his county satisfactorily, and if there are any candidates from the smaller towns who want to be on the ballot there is certainly nothing to stop them and they have an opportunity to campaign in the county just the same as the others. For that reason, I would oppose the motion.

Mr. LESSARD of Androscoggin: Mr. President and members of the Senate: I take issue with the good Senator from Washington County, Senator Wyman, in some specific cases. In Cumberland County I am sure that the voters of Cumberland County at this last election sought out a very fine and capable man to send here, the able Senator from Freeport, Senator Coffin. They did not go to the City of Portland or South Portland to find that man; he had ability and they found him. I refer to the gentleman from

Franklin County, the good Senator there. Farmington is a very large town, but in spite of that they recognized ability and they let the little town of Rangeley send to us a very fine senator. I could go through this whole body and pick out different good men who come from other parts of the county. I might say to the good Senator from Washington County, Senator Wyman, that if he wants to put a gerrymander bill in here let us put one into the House too and let's give the people in the City of Portland and the City of Lewiston the representatives in the House that they need instead of cutting them down to a small amount representing a great number of people and then offer some towns with a smaller population the same representation in the House. So I say in all fairness to Senator Wyman: Let's put a real bill up if we want it to pass.

Mr. WYMAN of Washington: Mr. President and members of the Senate, in answer to the good Senator from Kennebec as to how the state could be apportioned in the counties into senatorial districts, it is being done now in a great many states. It is being done in a great many New England states. I think the Republicans and Democrats both do it when they are in power in Massachusetts, when reapportionment comes up there doesn't seem to be any great trouble. I will admit that in the matter of reapportionment, everybody is not satisfied, even Portland is limited to seven representatives.

As for the fact that the city of Portland is limited to seven representatives, I think there is good reason for it. Our federal constitution provides for two Senators from each state, regardless of the size and our national House of Representatives is apportioned strictly according to population. However, those who framed the Constitution of Maine, in their wisdom, departed from this practice. If they had followed the pattern of our federal constitution we would have had four state senators from each county. Instead the apportionment of Senate seats is based in a measure on population, with the small counties



having one state Senator and the largest having four. Therefore, in view of these differences in apportioning State Senators which is clearly in favor of population, it does not seem unfair to depart from this pattern of our federal constitution by putting a limit on the number of State Representatives from our larger cities.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Lessard, that the bill be indefinitely postponed, and a division has been requested.

A division of the Senate was had.

Seventeen having voted in the affirmative and ten opposed, the motion prevailed and the bill was indefinitely postponed.

Sent down for concurrence.

On motion by Mr. Parker of Piscataquis, the Senate voted to take from the table the 20th tabled item being bill, "An Act Relating to Employment of Minors Under 18 years of Age." (S. P. 102) (L. D. 220) tabled by that Senator on March 26 pending passage to be engrossed.

Mr. PARKER of Piscataquis: Mr. President and members of the Senate, I tabled this bill in order to do a little studying on it. I hope everyone here has read the bill. It provides that the present law shall be deleted of the manufacturing establishments of three or four different items and in place of that it gives the Commissioner of Labor and Industry the power to regulate any industry in the State of Maine regardless of what they are manufacturing.

I have no quarrel at all with the Commissioner of Labor. I am sure that office is being conducted very wisely. However, I do object to giving more power to that office regardless of whether it is our present commissioner or any other one that may serve in subsequent years. But if this law is passed I believe that we are not only doing a disservice to our boys and girls under eighteen years of age, I believe we are setting up the authority here that may mean that minors under eighteen will have less opportunity

to secure employment and worthwhile employment. For that reason, Mr. President, I am going to move indefinite postponement of L. D. 220.

Mr. ROSS of Sagadahoc: Mr. President and members of the Senate, L. D. 220, was a bill sponsored by me but at the request of the department. It seems that I quite often get tangled up in controversial things and not only are most of my bills defeated, but yesterday one of them was even declared unconstitutional. But on Friday the 13th of March I debated this bill at length against my good friend and seatmate, Senator Dow, and I received substantial Senate approval. So for me, Friday the 13th was not unlucky. Since it has already passed the Senate once, I am not going to take that chance today, and reluctantly and to the end of speeding things up in the legislature because I understand this is also very controversial in the other Branch, I am willing to concede to my good friend, the Senator from Piscataquis, Senator Parker, and accept his motion to indefinitely postpone.

The motion prevailed and the bill was indefinitely postponed.

Sent down for concurrence.

The PRESIDENT: At this time the Chair would like to thank young Michael Parker for his excellent services this morning as page pro tem here in the Senate. We are very pleased to have the grandson of the distinguished Senator from Piscataquis County here with us this morning. I know the Senate joins me in extending young Michael a round of applause (Applause.)

Mr. MacDONALD of Oxford: Mr. President, there is a bill in here which I want to table and have it especially assigned for July 4th but I cannot find the bill. Therefore I will not make the motion. (Laughter.)

On motion by Mr. Noyes of Franklin

Adjourned until Monday next at four o'clock in the afternoon.