

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

One-Hundredth Legislature

OF THE

STATE OF MAINE

1961

**DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE**

SENATE

Wednesday, February 15, 1961

Senate called to order by the President

Prayer by Rev. James Waugh of Hallowell

On motion by Mr. Erwin of York Journal of yesterday read and approved.

The PRESIDENT: The Chair notices in the Senate Chamber the presence of a group of students from St. Dominic High School, Lewiston, accompanied by Brother Louis. It is certainly a pleasure to have you folks with us in the Senate Chamber and we hope you enjoy your stay and that you will come back again.

Among the group there are members of the champion hockey team: Richard Goulet, Raymond Duchette, Andy LaChance, Norman Lacasse, Bertrand Ouellette, Dudley Caron, Leo Bergeron, and Alexis Cote. We hope that this team goes on and wins the state championship. It is nice to have you folks with us. (Applause)

Last week end, as you know from reading the papers, we had the trek of the Caravan to the City of Quebec. I understand that our Senator from York, Senator Brewster, had quite a hard time finding his way around the City of Quebec; he was lost most of the time, so I have been told. But during the course of the festivities there, there was an honor bestowed upon one of our distinguished Senate members, the Senator from Androscoggin, Senator Jacques. I would now ask our genial doorkeeper to come over to the center of the Senate Chamber. I would ask the Senator from Androscoggin, Senator Jacques, who is Mayor of Lewiston, to stand alongside of our doorkeeper.

Mr. MAURICE KNOWLES: Mr. President and members of the Senate: What I have to do is not particularly connected with the Legislature but it is connected with a member of the Legislature, the Honorable Mayor of Lewiston, Emile J. Jacques.

To give you just a brief outline of why I am doing this, I will

say that last Thursday as I was leaving the Senate Chamber to go to Ashland to make the trip to Quebec through the woods, Senator Jacques—or Mayor Jacques—as you prefer, handed to me a letter signed in his capacity as Mayor of Lewiston, our largest French-speaking city in Maine. He instructed me to hand that letter to the Mayor of Quebec personally. On Saturday night I did that, Mayor, and performed my duty.

Now if you will come forward, I have something to present to you from the Mayor of Quebec. This is a scarf or sash that is widely worn in Quebec during the Carnival season, and the Mayor of Quebec wants you to have it with his compliments.

Mr. JACQUES: Believe me, I have a uniform to go with this too. (Applause)

The PRESIDENT: I am sure it is a compliment to the Senate of the State of Maine to have one of our colleagues honored by the Mayor of Quebec. (Applause.)

(The Senate then recessed for the taking of the official picture.)

After Recess

Senate called to order by the President.

At this point, at the invitation of the President, the Senator from Hancock, Senator Edgar, assumed the Chair, the President retiring.

Papers from the House

Communication:

STATE OF MAINE
Bureau of Public Improvements
Augusta

February 6, 1961

To the Honorable Senate and House of Representatives of the 100th Legislature

In accordance with the provisions of Section 25, Chapter 15-A, Revised Statutes (1954) of Maine, as amended, we are submitting herewith "Requests for Capital Improvements" for the fiscal years 1961-62 and 1962-63.

Respectfully,

NIRAN C. BATES
State Director of
Public Improvements

Comes from the House, read and placed on file.

The PRESIDENT pro-tem: At this time the Chair would like to recognize the presence in the rear of the Senate, a former State Senator and by way of welcome, the Chair would ask the Sergeant-at-Arms to escort to the rostrum, former Senator Paul Slocum from Cumberland County. (Applause.)

House Papers

Bill, "An Act Relating to Insurance Coverage on Motor Vehicles for Hire." (H. P. 1051) (L. D. 1451)

Which was referred to the Committee on Business Legislation in concurrence.

Bill, "An Act Revising the Election Laws." (H. P. 970) (L. D. 1460)

Which was referred to the Committee on Election Laws in concurrence.

Bill, "An Act Providing that Employment Shall not be Conditioned Upon Membership or Nonmembership in a Labor Organization." (H. P. 999) (L. D. 1459)

Which was referred to the Committee on Labor in concurrence.

Bill, "An Act Relating to Fines for Overweight Violations." (H. P. 1048) (L. D. 1448)

Bill, "An Act Relating to Definition of Owner Under Motor Vehicle Law." (H. P. 1049) (L. D. 1449)

Bill, "An Act Relating to Registration of Self-Propelled Wheelchairs." (H. P. 1050) (L. D. 1450)

Which were severally referred to the Committee on Transportation in concurrence.

Bill, "An Act Relating to Payment of Last Sickness Expense by Department of Health and Welfare." (H. P. 1052) (L. D. 1452)

Bill, "An Act Relating to Appointment of Guardians of Persons Receiving Old Age Assistance." (H. P. 1053) (L. D. 1453)

Bill, "An Act Relating to Election of Governors and Representative to the Legislature of Passamaquoddy Tribe of Indians." (H. P. 1054) (L. D. 1454)

Which were severally referred to the Committee on Welfare in concurrence.

Communication:

STATE OF MAINE
Bureau of Public Improvements
Augusta

February 13, 1961

To the Honorable Senate and House of Representatives of the 100th Legislature

In accordance with the provisions of Section 25, Chapter 15-A, Revised Statutes (1954) of Maine, as amended, we are submitting herewith "Status of Capital Improvement Projects Authorized by the 98th and 99th Legislatures."

Respectfully,

NIRAN C. BATES
State Director of
Public Improvements
(S. P. 459)

Which was read and placed on file.

Sent down for concurrence.

On motion by Mr. Noyes of Franklin

ORDERED, the House concurring, that the members and officers of the legislature be furnished with express and parcel transportation for all packages and department reports in a sum not exceeding \$10 for each member and officer thereof and that such transportation be furnished and expended under the direction of the Secretary of the Senate and the Clerk of the House respectively and that the unexpended balance at the end of the year 1961 shall be available for use in 1963 prior Orders notwithstanding.

Which Order received a passage.

Reports of Committees
House — Leave to Withdraw

The Committee on Highways on Bill, "An Act Relating to Facilities at Picnic Grounds." (H. P. 305) (L. D. 457) reported that the same be granted Leave to Withdraw.

Ought Not to Pass

The Committee on Agriculture on Bill, "An Act Relating to Killing Deer Which Damage Crops and Orchards." (H. P. 239) (L. D. 353) reported that the same Ought not to pass.

The Committee on Claims on Resolve, to Compensate William H. Barker of Newry for Injuries While Training with National Guard. (H. P. 296) (L. D. 448) reported that the same Ought not to pass.

The same Committee on Resolve, Reimbursing Town of Canton for Aid Extended to Kenneth Crocker and Family. (H. P. 297) (L. D. 449) reported that the same Ought not to pass.

The Committee on Liquor Control on Bill, "An Act Prohibiting the Advertising of Price of Liquor." (H. P. 413) (L. D. 588) reported that the same Ought not to pass.

Which reports were severally read and accepted in concurrence.

House — Ought to Pass

The Committee on Inland Fisheries and Game on Bill, "An Act Relating to Closed Time on Deer in Long Island Plantation." (H. P. 138) (L. D. 201) reported that the same Ought to pass.

The Committee on Judiciary on Bill, "An Act Relating to Facsimile Signature of Forest Commissioner." (H. P. 77) (L. D. 119) reported that the same Ought to pass.

The same Committee on Bill, "An Act Relating to Unlawful Use of Motor Vehicle Operators' Licenses." (H. P. 399) (L. D. 574) reported that the same Ought to pass.

The Committee on Public Utilities on Bill, "An Act to Clarify the Eminent Domain Appeal Procedure in the Bowdoinham Water District Charter." (H. P. 30) (L. D. 64) reported that the same Ought to pass.

The same Committee on Bill, "An Act Increasing Indebtedness of Limestone Water and Sewer District." (H. P. 161) (L. D. 224) reported that the same Ought to pass.

The same Committee on Bill, "An Act Relating to Source of Supply for Hampden Water District." (H. P. 336) (L. D. 488) reported that the same Ought to pass.

The same Committee on Bill, "An Act Relating to Lien Notices and Time of Annual Meeting of Kennebunk Sewer District." (H. P. 337) (L. D. 489) reported that the same Ought to pass.

The same Committee on Bill, "An Act to Amend the Charter of the Kennebec Water District." (H. P. 417) (L. D. 592) reported that the same Ought to pass.

The same Committee on Bill, "An Act Relating to Water Supply and Indebtedness of South Berwick Water District." (H. P. 529) (L. D. 727) reported that the same Ought to pass.

The same Committee on Bill, "An Act Relating to Charges and Real Estate Liens by Westbrook Sewerage District." (H. P. 620) (L. D. 837) reported that the same Ought to pass.

(On motion by Mrs. Lord of Cumberland, tabled pending acceptance of the report.)

The same Committee on Bill, "An Act to Incorporate Starks Water District." (H. P. 622) (L. D. 839) reported that the same Ought to pass.

The same Committee on Bill, "An Act to Incorporate the Jay Village Water District." (H. P. 623) (L. D. 840) reported that the same Ought to pass.

The same Committee on Bill, "An Act to Increase Service Area and Borrowing Capacity of East Boothbay Water District." (H. P. 624) (L. D. 841) reported that the same Ought to pass.

The same Committee on Bill, "An Act Increasing Borrowing Capacity of Mars Hill Utility District." (H. P. 625) (L. D. 842) reported that the same Ought to pass.

Which reports were read and accepted in concurrence, the Bills read once and tomorrow assigned for second reading.

Ought to Pass — New Draft — Same Title

The Committee on Public Utilities on Bill, "An Act Relating to Signals at Railroad Crossings." (H. P. 418) (L. D. 593) reported that the same Ought to pass in New Draft under same title. (H. P. 1058) (L. D. 1319)

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

The Committee on Sea and Shore Fisheries on Bill, "An Act Regu-

lating the Digging of Clams in Wells, York County." (H. P. 4) (L. D. 23) reported that the same Ought to pass in New Draft under same title (H. P. 1059) (L. D. 1320)

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

Mr. Brewster of York presented Senate Amendment A and moved its adoption.

Which amendment was adopted without reading and the bill as amended was tomorrow assigned for second reading.

Ought to Pass — As Amended

The Committee on Inland Fisheries and Game on Resolve, Closing Hay Pond, Penobscot County, to Ice Fishing. (H. P. 149) (L. D. 212) reported that the same Ought to pass as amended by Committee Amendment "A" (Filing H-21)

The Committee on Transportation on Bill, "An Act Relating to Registration of Saddlemount Motor Vehicles." (H. P. 281) (L. D. 395) reported that the same Ought to pass as amended by Committee Amendment "A" (Filing H-22)

Which reports were read and accepted in concurrence, Committee Amendments "A" adopted in concurrence, the Bills read once and tomorrow assigned for second reading.

Interim Committee Report

The Joint Interim Legislative Committee on Rules and Procedure of the Maine Legislature submitted its report to the Governor and to the 100th Maine Legislature.

To Governor John H. Reed and to the 100th Maine Legislature:

Gentlemen:

In compliance with Joint Order of the Ninety-ninth Maine Legislature, I am submitting for your consideration the report of the Joint Interim Legislative Committee on Rules and Procedure of the Maine Legislature.

Respectfully submitted,
 ROSWELL P. BATES
 Chairman

(S. P. 460)

The Joint Interim Legislative Committee on State Aid to Municipalities

for School Construction and a Study of the Withdrawal Provisions of the School Administrative District Law submitted its report to the Governor and to the 100th Maine Legislature.

To Governor John H. Reed and to the 100th Maine Legislature:

Gentlemen:

In compliance with Joint Order of the Ninety-ninth Maine Legislature, I am submitting for your consideration a report for the Joint Interim Legislative Committee on State Aid to Municipalities for School Construction and a Study of the Withdrawal Provisions of the School Administrative District Law.

Respectfully submitted,
 ROSWELL P. BATES
 Chairman

(S. P. 461)

Which reports were read and placed on file.

Sent down for concurrence.

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

Mr. LOVELL: Mr. President and members of the Senate: About two and a half weeks ago I placed on the various desks of the members of the House and Senate an item stating that I would give a week's vacation to two persons if they left with me leads which would result in a new industry in the State of Maine employing twenty-five or more people. As of today, I would like to report that I have had seven leads from House members, and yesterday I also received a letter from a manufacturer in Chicago, Illinois. This is a plant at Harrison, where they manufacture file cabinets, desks, bookcases, medicine cabinets, hospital cabinets, shower stalls and so forth. He states, "The thought of starting two plants in Maine arose, one making office desks with about fifty employees in one town, another making file cabinets, employing about thirty-five, in another town." He goes on to state that his present wage scale averages \$3.27 per hour in Chicago and the labor is made up mostly of Mexicans, Negroes and Puerto Ricans

with union control "which hampers our production to forty-five per cent plant efficiency. The desire to work and the average wage scale (in Maine) to be worked out at \$2.25 per hour with eighty per cent efficiency could very well allow us to compete with the eastern market."

I will not bother to read the rest of the letter but I think this is certainly a step in the right direction. I feel very confident that many of the members of the Senate must have friends in the manufacturing business outside of the State, and I would appreciate it if the Senate could do as well as the House in regard to this, because certainly we might get an industry or two in Maine and they in turn might get a nice vacation at Rangeley Lakes. Thank you.

Senate — Ought Not to Pass

Mr. Cole from the Committee on Transportation on Bill, "An Act Relating to Furnishing List of Recipients of Aid to the Blind for Motor Vehicle Purposes." (S. P. 214) (L. D. 547) reported that the same Ought not to pass.

Which report was read and accepted.

Sent down for concurrence.

Ought to Pass

Mr. Brooks from the Committee on Election Laws on Bill, "An Act to Authorize a Bond Issue for Purchase of Voting Machines for Resale to Municipalities." (S. P. 281) (L. D. 882) reported that the same Ought to pass.

Which report was read and accepted, the Bill read once and tomorrow assigned for second reading.

**Majority — Ought to Pass
Minority — Ought Not to Pass**

The Majority of the Committee on Liquor Control on Bill, "An Act Permitting Bars in Taverns." (S. P. 235) (L. D. 639) reported that the same Ought to pass.

(Signed)

Senators: MAYO of Sagadahoc
JACQUES of Androscoggin

Representatives:
MORRILL of Harrison

LACHARITE
of Brunswick
STEVENS of Portland
DOSTIE of Winslow

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

(Signed)

Senator: CHRISTIE of Aroostook

Representatives:
CHAPMAN of Norway
HUMPHREY of Augusta
COOPER of Albion

Thereupon, the Majority ought to pass report was accepted, the bill read once and tomorrow assigned for second reading.

**Majority — Ought to Pass
Minority — Ought Not to Pass**

The Majority of the Committee on Transportation on Bill, "An Act Relating to Fees for Replacement Motor Vehicle License Plates and Inserts." (S. P. 211) (L. D. 544) reported that the same Ought to pass.

(Signed)

Senators: STILPHEN of Knox
COLE of Waldo
GILBERT of Kennebec

Representatives:
WHITNEY of Winn
BERRY of Portland
DUNN of Poland
LINNEKIN of Limington

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

(Signed)

Representatives:
FINLEY of Washington
BUSSIERE of Lewiston
NADEAU of Lewiston

On motion by Mr. Stilphen of Knox, the Majority Ought to Pass report was accepted, the bill read once and tomorrow assigned for second reading.

At this point, President Hillman resumed the Chair, the Senator from Hancock, Senator Edgar, retiring amid the applause of the Senate.

Second Readers

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

House

Bill, "An Act to Authorize the Municipalities of Cumberland, North Yarmouth and Pownal to Form a School Administrative District." (H. P. 190) (L. D. 286)

Bill, "An Act Relating to Snow Removal and Maintenance of Certain Portions of Controlled Access Highways." (H. P. 234) (L. D. 348)

Bill, "An Act to Create a School Administrative District in the Town of Lubec." (H. P. 301) (L. D. 453)

Bill, "An Act Relating to Allowance to Distributors for Gasoline Losses." (H. P. 361) (L. D. 513)

Resolve, in Favor of Charles A. Dean Memorial Hospital of Greenville. (H. P. 130) (L. D. 193)

Resolve, to Reimburse the Town of Limestone for 1958 Connor Poll Taxes Paid the State. (H. P. 132) (L. D. 195)

Resolve, Designating Bridge at North Rumford as "Howe Bridge." (H. P. 235) (L. D. 349)

Resolve, Designating Certain Waters in Porter as "Black Lake." (H. P. 335) (L. D. 487)

Resolve, Designating Howard Cushman Brook, Aroostook County. (H. P. 415) (L. D. 590)

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

House — New Draft

Bill, "An Act Relating to Depositing Refuse." (H. P. 952) (L. D. 1255) New Draft of (H. P. 334) (L. D. 486)

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

House — As Amended

Bill, "An Act to Incorporate the Town of Bucksport School District." (H. P. 117) (L. D. 157)

Resolve, Regulating Fishing in Wadleigh Pond, Piscataquis County. (H. P. 144) (L. D. 207)

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

Senate

Bill, "An Act to Authorize the Issuance of Bonds in the Amount of Six Million Dollars in Behalf of the State of Maine to Build State Highways." (S. P. 162) (L. D. 408)

Bill, "An Act Relating to Refund of Sales Tax." (S. P. 239) (L. D. 643)

Bill, "An Act Amending the Use Fuel Tax Act." (S. P. 240) (L. D. 644)

Bill, "An Act Relating to Revocation of Sellers' Certificates Under Sales and Use Tax Law." (S. P. 242) (L. D. 646)

Bill, "An Act to Incorporate the Oxford Water District." (S. P. 299) (L. D. 910)

Bill, "An Act Relating to Time of the Report of the Judicial Council." (S. P. 324) (L. D. 999)

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

Sent down for concurrence.

Senate — As Amended

Bill, "An Act Relating to Definition of Indecent Liberties." (S. P. 19) (L. D. 19)

Bill, "An Act Relating to Work on Shade and Ornamental Trees." (S. P. 201) (L. D. 534)

(On motion by Mr. Farris of Kennebec, tabled pending passage to be engrossed.)

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

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 Use of Names by Corporations Organized Under the General Law." (H. P. 88) (L. D. 128)

Bill, "An Act Relating to Payments to Maine Forestry District for Fire Protection Within Indian Township." (H. P. 123) (L. D. 163)

Bill, "An Act Relating to Limit of Endowment Fund of Foxcroft Academy." (H. P. 153) (L. D. 216)

Bill, "An Act Increasing Number of Trustees and Executive Commit-

tee of Lincoln Academy." (H. P. 155) (L. D. 218)

Bill, "An Act Relating to Request for Payment to the Town of Limestone of Poll Taxes Collected by State from Residents of Connor." (H. P. 176) (L. D. 239)

Bill, "An Act Relating to Maintenance of the Waldo-Hancock Bridge." (H. P. 195) (L. D. 290)

Bill, "An Act Relating to Bank Checks with Bids on Highway Construction." (H. P. 196) (L. D. 291)

Bill, "An Act Relating to Revenues for Lewiston Parking District." (H. P. 330) (L. D. 482)

Bill, "An Act Relating to Notification to Attorney General on Petitions for Pardon and Commutation of Sentences." (S. P. 11) (L. D. 11)

Bill, "An Act Relating to License Fee for Non-resident Hunting Licenses." (S. P. 17) (L. D. 17)

Bill, "An Act Repealing Reports by Trappers of Wild Animals." (S. P. 27) (L. D. 52)

Bill, "An Act Repealing Reports by Guides Under Fish and Game Laws." (S. P. 28) (L. D. 53)

Bill, "An Act Regulating Fishing for White Perch in Certain Counties." (S. P. 30) (L. D. 55)

Bill, "An Act Prohibiting the Use of Power Boats on Quimby Pond, Rangeley." (S. P. 40) (L. D. 82)

Bill, "An Act Providing for Reciprocity Between States Relative to Funeral Directors and Embalmers." (S. P. 72) (L. D. 172)

Which Bills were severally passed to be enacted.

Resolve, Designating Winslow Bridge as "The Fort Halifax Bridge." (H. P. 136) (L. D. 199)

Resolve, in Favor of Wayne Innis of Bath. (S. P. 35) (L. D. 77)

(On motion by Mr. Davis of Cumberland, placed on the Special Appropriations Table pending enactment.)

Which Resolve was finally passed.

The PRESIDENT: The Chair recognizes in the Senate Chamber a very distinguished guest and would like very much to introduce to the Senate, Mrs. Ellen Thomas, Vice President of the Republican State Committee. (Applause)

Emergency

Bill, "An Act to Increase the Indebtedness of the Town of Wiscasset School District." (H. P. 154) (L. D. 217)

Which bill, being an emergency measure, and having received the affirmative vote of 29 members of the Senate, was passed to be enacted.

Emergency

Bill, "An Act Relating to Permits for Applicants to Practice Barbering." (S. P. 93) (L. D. 189)

Which bill, being an emergency measure, and having received the affirmative vote of 30 members of the Senate, was passed to be enacted.

Orders of the Day

The PRESIDENT: The chair will state that

Bill, "An Act to Prohibit the Taking of Lobsters and Crabs During Hours of Darkness." (H. P. 206) (L. D. 301) having been recalled from the Governor by Joint Order (S. P. 458), is now in possession of the Senate.

Thereupon, on motion by Mr. Brewster of York, under suspension of the rules, the Senate voted to reconsider its former action whereby the bill was passed to be enacted and to further reconsider its former action whereby the bill was passed to be engrossed.

Mr. Brewster of York presented Senate Amendment A and moved its adoption.

Which Amendment was adopted without reading, and the bill as amended by Senate Amendment A was passed to be engrossed in nonconcurrence.

Sent down for concurrence.

The President laid before the Senate the first tabled and today assigned item, (H. P. 254) (L. D. 368) House Report "Ought to Pass in New Draft, same title (H. P. 1055) (L. D. 1264) from the Committee on Labor on Bill, "An Act Relating to Employment of Minors Under 18 Years of Age," tabled on February 14 by the Senator from Sagadahoc, Senator Mayo pending acceptance of the report.

Mr. MAYO of Sagadahoc: Mr.

President and members of the Senate, I would like to take just a few moments to explain my stand as to why I tabled this bill and also to explain my stand in regard to signing the new draft "Ought to Pass."

L. D. 1264, which is a Committee new draft of L. D. 368, "An Act Relating to Employment of Minors Under 18 years of Age" would amend Section 22 of the child labor laws to include in its scope the construction industry, tree surgery and public utilities. This section does not establish a minimum age for all employment in the industries covered, but provides a method of protecting minors under 18 years of age from employment on certain particularly hazardous machinery, in connection with dangerous explosives or in other situations where the likelihood or probability of serious injury is high.

This section of the law has worked very well for the industries presently covered by it — manufacturing and mechanical establishments, laundries, dry cleaning establishments, and bakeries. It has not prevented these industries from employing 16 and 17 year olds on jobs which are not hazardous. Shoe and clothing manufacturers, canneries and poultry processing plants, in particular, employ large numbers of minors between 16 and 18 years of age.

Jobs are not put on the hazardous list without consultation with the industries involved, and any person in interest has the right of appeal if he thinks the job is not dangerous enough to be included.

While the construction industry has an alarming number of fatalities and crippling injuries and it is very likely that the operation of cranes, payloaders, dumpsters, earth movers and other such machines would be prohibited, as well as the high climbing, especially where there are high tension wires, in connection with tree surgery and utilities as well as construction, there would still be many other opportunities for employment in these fields.

It is not the intent, nor would it be the result, of this bill to curtail employment opportunities

for youth, but rather, to avert, insofar as possible, crippling accidents and deaths in this age group, when the youngsters are just beginning their lives and careers.

I therefore, Mr. President, move the acceptance of the unanimous Ought to pass report in non-concurrence.

Mr. EDGAR of Hancock: Mr. President, may I address a question through the Chair to the Senator from Sagadahoc, Senator Mayo?

The PRESIDENT: The Senator may ask his question.

Mr. EDGAR: I would like to ask the Senator what the mechanics for an appeal by anyone who feels he has been unfairly prevented from taking a job may be?

The PRESIDENT: The Senator from Sagadahoc, Senator Mayo, may answer if he wishes.

Mr. MAYO: Mr. President, it is my understanding that the appeal is made to the Commissioner of Labor. Originally, when the construction or utility groups are brought under this law, there will be a public hearing, at which time the meeting, so-called, of the minds will take place as to what is considered hazardous in these various types of jobs and at that time it will be decreed or decided between the Commissioner of Labor and the employers as to just what categories the minors will be excluded from working on or about. Now if the employer feels that he has been unduly prosecuted by not allowing these people to work, he can appeal to the Labor Commissioner and after a hearing it will be decided whether this minor will be allowed to work on what is considered a hazardous job. It is a so-called group which gets together and decides which parts of these jobs are hazardous and which are not. I hope that answers the question of the Senator from Hancock, Senator Edgar.

Mr. EDGAR: Mr. President, I would like to assure the Senator from Sagadahoc, Senator Mayo, that I am not trying to make things difficult for him. My only concern with this bill is the fact that in my area, and I know it must apply in many other areas also, summer jobs on road con-

struction, cutting brush for public utilities and so forth, mean a very great deal to a considerable number of sixteen and seventeen-year-old boys. In connection with this, as I say, my only concern is to see to it that those boys of sixteen and seventeen are in no way deprived of these much-needed summer jobs. I am not debating with the Senator, but I would like to explain to him why I am concerned about it, and I would like to feel certain in my mind there is no question. I suppose there is a question of some of them not being able to get the jobs they have had in the past; but under the terms of this bill and under the mechanics of it as described by the Senator it leaves it pretty much up to the discretion of the Commissioner of Labor as to what jobs might be hazardous and what might not. Our good Commissioner, as everybody realizes, is subject to human error, and I am very concerned about protecting these summer jobs.

Mr. STILPHEN of Knox: Mr. President and members of the Senate: I too am concerned with protecting the youth and in having them have an opportunity to work during the summer. I do not like to disagree with my seat mate here, but I feel the more restrictions we place on it by statute the more we put these jobs in the hands of one person and give them the opportunity to say, "You can work here" and "You can't work here." I think it is dangerous. I think we are already restricting the sixteen and seventeen-year-old boys now so that they cannot go and work at an enterprise to earn their way to go to school.

Furthermore, this appeal business does not appeal to me particularly, because by the time you get through on an appeal from the Commissioner of Labor these summer jobs will be all over. The boys have only a short time during the summer to work. As soon as they get through school they get their permits to go to work, and if they are then deprived of the opportunity of working I feel it is very bad.

I would move that we indefinitely

postpone this bill in concurrence.

Mr. CYR of Aroostook: Mr. President, may I ask Senator Mayo a question through the Chair?

The PRESIDENT: The Senator may state his question.

Mr. CYR: Mr. President, this is a matter of clarifying the meaning of this particular act. I would like to inquire of Senator Mayo whether this refers only to road construction projects or whether it refers to all types of construction projects as mentioned in the act?

The PRESIDENT: The Senator from Sagadahoc, Senator Mayo, may answer if he wishes.

Mr. MAYO: Mr. President and members of the Senate: I am afraid again I am being asked questions which I cannot completely clarify, not being a barrister or a lawyer. But I would assume that "construction" means construction, and it probably would include house construction also, but I cannot conceive of more than one or two instances in house construction where it would be considered hazardous. If you get into the construction of large apartment-type buildings, I can see that a group contractor or a good employer would not want to send a minor into high level work but I would assume in answer to the Senator from Aroostook, Senator Cyr, that it would include house construction.

Mr. CYR of Aroostook: Mr. President, if that is the case then I would be opposed to this bill. I feel the same way as my seat-mate Senator Stilphen, and also Senator Edgar, that we are restricting too far the work of these minors and certainly I think we should leave it up to the discretion of the foreman on the job not to assign a job that would require extreme risks for minors. I believe most of them have done that in the past and certainly I don't believe we need legislation to do it and so I would oppose this bill for those reasons.

Mr. LOVELL of York: Mr. President, I rise in support of Senator Mayo of Sagadahoc.

From my experience, in 1954 for example, the boys and girls that continued on and went to high

school were 54½ percent. Consequently some 46 percent of boys and girls had to find work and if they didn't find work then they were apt to become juvenile delinquents, steal, and various other things. Certainly I think we can depend on this bill to put over the fact that they will not be put into heavy occupations but will be given a chance to work and make a livelihood. So I would like to go on record as supporting Senator Mayo.

Mr. FARRIS of Kennebec: Mr. President, I might be able to shed a little light on this inasmuch as I personally had an experience with the department on this same law pertaining to the baking industry. There is a young man seventeen years of age, married and with a child. Under the regulation of the department he was legally prohibited from carrying on his occupation. It was very disturbing actually. I went to the department and they sent a field investigator out to investigate this particular establishment and found that in that establishment the work which he was doing, even in most bakeries the mechanical equipment was such that it would seem to be hazardous, in this particular bakery it was not hazardous.

But you are left solely at the mercy of the Commissioner who is very fair at the present time — our present Commissioner, but we do have the problem of our 16 and 17 year old youngsters who have left school and I think that as far as the working around tree surgery, construction and so forth, that the men who are running that type of an industry are going to be careful of their own employees and we should not go any further in extending the provisions of this present law in regulatory power of the Commissioner.

For that reason I support the motion of Senator Stilphen to indefinitely postpone.

Mr. COUTURE of Androscoggin: Mr. President and members of the Senate: Of course I certainly agree that depriving our youth of the right to work certainly would be a bad policy but I do believe that this bill has its merits. Now you have mentioned construction. We

will all concede that in some construction contractors use heavy equipment which has resulted in the past in serious accidents, in one way or another because these contractors have tried to save a few dollars a week on wages and have used these youths on heavy equipment. This is one of the features of this bill on which I have to support the Senator from Sagadahoc, Senator Mayo, the Chairman of the committee.

Possibly as we go on in the future, we can see fit to have an amendment put on and certainly I am in hopes that the indefinite postponement of this bill does not prevail for the simple reason that part of it has merit in preventing youths from operating heavy equipment in construction. This is a dangerous operation and the matter of safety depends on the operator himself in certain construction, and in that special line of operating heavy equipment, I believe that we should have some restrictions. I hope the motion to indefinitely postpone does not prevail.

Mr. MAYO of Sagadahoc: Mr. President and members of the Senate: I think I am entitled to one more rebuttal. I also am very much concerned with the 17 and 18 year old minors who want to work. I don't want to see them running loose, getting into trouble because they cannot find work, but I hope there are enough Senators in this room, when the vote is taken, to realize that the present law covers many categories now. All this law is trying to do is to include three other dangerous types of employment and I think we have discussed this bill very thoroughly and I would request a division when the vote is taken.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Knox, Senator Stilphen that the bill be indefinitely postponed, since the motion to indefinitely postpone takes precedence over the motion by Senator Mayo of Sagadahoc. Is the Senate ready for the question?

A division of the Senate was had.

Twenty having voted in the affirmative and twelve opposed, the

motion to indefinitely postpone in concurrence prevailed.

On motion by Mr. Lovell of York, the Senate voted to take from the table the 20th tabled item, (S. P. 104) (L. D. 249) Senate Report, Ought not to pass, from the Committee on Highways on Bill, "An Act to Authorize the Issuance of Bonds in the Amount of Fifty Million Dollars on Behalf of the State of Maine for the Purpose of Building State Highways." tabled by that Senator on February 14 pending acceptance of the report; and on further motion by the same Senator, the ought not to pass report was accepted.

Sent down for concurrence.

On motion by Mr. Bates of Penobscot, the Senate voted to take from the table the 16th tabled item, (H. P. 1018) (L. D. 1419) Bill, "An Act Relating to Definition of Public School Under Maine State Retirement System." tabled by that Senator on February 14 pending reference; and on further motion by the same Senator, the bill was referred to the Committee on Retirements and Pensions in concurrence.

On motion by Mr. Farris of Kennebec, the Senate voted to take from the table the 17th tabled item, (H. P. 1019) (L. D. 1420) Bill, "An Act Creating the Passenger Tramway Safety Board." tabled by that Senator on February 14 pending reference to a committee.

Mr. FARRIS of Kennebec: Mr. President, this matter was referred in the House to the Committee on State Government. This is another act creating a new Board for the purpose of operating ski lifts, etc. and there is other legislation of a similar nature, of a legal nature, pending before the Legal Affairs

Committee. I have talked with the sponsor of this bill, Mr. Baxter, and he is in agreement that undoubtedly this matter should go to the Committee on Legal Affairs. We do have bills of a similar nature that will be coming up for hearing. I move that the bill be referred to the Committee on Legal Affairs in non-concurrence.

The motion prevailed.

On motion by Mr. Farris of Kennebec, the Senate voted to take from the table the 18th tabled item, (H. P. 1021) (L. D. 1422) Bill, "An Act Relating to Duties of the Attorney General." tabled by that Senator on February 14 pending reference.

Mr. FARRIS of Kennebec: Mr. President, this is also another bill that has many legal ramifications pertaining to the duties of the Attorney General and particularly in relation to performance of his office in relation to various county attorneys of the state, and for that reason I move that this L. D. 1420 be referred to the Committee on Judiciary in non-concurrence.

The motion prevailed.

On motion by Mr. Sampson of Somerset, the Senate voted to take from the table the 19th tabled item, (H. P. 1030) (L. D. 1431) Bill, "An Act Imposing a Tax on Gross Receipts of Trading Stamp Companies." tabled by that Senator on February 14 pending reference to a committee; and on further motion by the same Senator, the bill was referred to the Committee on Taxation in concurrence.

On motion by Mr. Noyes of Franklin

Adjourned until tomorrow afternoon at two o'clock.