

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One-Hundredth Legislature*

OF THE

STATE OF MAINE

1961

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

**SENATE**

Friday, April 21, 1961.

Senate called to order by the President.

Prayer by Rev. Joseph Craig of Augusta.

On motion by Mr. Stilphen of Knox,

Journal of yesterday was read and approved.

On motion by Mr. Noyes of Hancock, out of order and under suspension of the rules

ORDERED, the House concurring, that when the Senate and the House adjourn, they adjourn to meet on Tuesday, April 25th, at ten o'clock in the morning. (S. P. 526)

Sent down for concurrence.

The PRESIDENT: The Chair notices in the Senate Chambers the wife of one of our Senators and would like to introduce Mrs. Lydia Chase and her two children, Peter and Marjorie. Will Mrs. Chase and the children please stand? (Applause)

In the Senate gallery, guests of Senator Boisvert, are the junior class of St. Dominic's High School for Girls, accompanied by the Dominican Sisters. (Applause)

It is a pleasure to have you with us this morning and we hope that your visit will be interesting and enjoyable. We hope that some day you young people will be sitting in these Chambers representing the County in which you live. To the group in the gallery, I would like to introduce your Senators. Senator Boisvert and Senator Jacques. Senator Couture is absent.

Also in the Senate Chambers this morning are the children of one of our Senators, Senator Marden of Kennebec County. I would like to introduce his children Bobby and Holly who will serve as Honorary Pages for today. (Applause)

**Papers from the House  
Non-Concurrent Matters**

Bill, "An Act Declaring Abandoned Cellars to be Nuisances." (S. P. 348) (L. D. 1081)

In Senate, April 7, passed to be engrossed as amended by Commit-

tee Amendment "A" (Filing S-65) and by Senate Amendment "A" (Filing S-96)

In House, April 12, passed to be engrossed as amended by Committee Amendment "A" and by Senate Amendment "A" in concurrence.

Comes from the House indefinitely postponed in non-concurrence.

In the Senate, on motion by Mr. Boardman of Washington, the Senate voted to recede and concur.

Resolve, in Favor of John W. McGuire of Houlton. (H. P. 951) (L. D. 1254)

In House, February 8, passed to be engrossed.

In Senate, April 19, passed to be engrossed, as amended by Senate Amendment "A" (Filing S-118) in non-concurrence.

Comes from the House, that body having insisted on its former action, and asked for a Committee of Conference.

In the Senate, on motion by Mr. Porteous of Cumberland, the Senate voted to insist on its former action and join in the Committee of Conference; the President appointed as Senate members of such conference Senators: Porteous of Cumberland, Parker of Piscataquis and Brewster of York.

Bill, "An Act Relating to the Inspection of County Jails." (S. P. 504) (L. D. 1518)

In Senate April 4, passed to be engrossed.

In House, April 12, passed to be engrossed as amended by House Amend. "A" (Filing H-177) in non-concurrence.

In Senate, April 19, Senate voted to insist.

Comes from the House, that body having insisted and asked for a Committee of Conference.

In the Senate, on motion by Mrs. Lord of Cumberland, the Senate voted to insist on its former action and join the Committee of Conference. Subsequently the President appointed Senators: Lord of Cumberland, Marden of Kennebec and Carpenter of Somerset.

**Non-Concurrent Matters**

Resolve, Proposing an Amendment to the Constitution Relating

to Residence Requirements to Vote for President and Vice-President. (S. P. 238) (L. D. 642)

In Senate, April 18, passed to be engrossed.

Comes from the House, Report "B", Ought not to pass, accepted in non-concurrence.

In the Senate, on motion by Mr. Porteous of Cumberland, the Senate voted to insist on its former action and ask for a Committee of Conference; the President appointed as Senate members of said Committee, Senators: Noyes of Franklin, Erwin of York and Porteous of Cumberland.

#### House Committee Reports Leave to Withdraw

The Committee on Election Laws on Bill, "An Act Relating to Notice in Disputed Elections." (H. P. 971) (L. D. 1335) reported that the same should be granted Leave to Withdraw, as covered by other legislation.

The same Committee on Bill, "An Act Relating to List of Polls Made by Municipal Assessors." (H. P. 973) (L. D. 1337) reported that the same should be granted Leave to Withdraw, as covered by other legislation.

#### Ought Not to Pass

The Committee on Legal Affairs on Bill, "An Act Providing for the Appointment of a Civil Engineer of the City of Lewiston by the Department of Public Works." (H. P. 99) (L. D. 139) reported that the same Ought not to pass.

Which report was read and accepted in concurrence.

#### Ought to Pass

The Committee on Legal Affairs on Bill, "An Act Relating to the West Paris Village Corporation" (H. P. 692) (L. D. 970) reported that the same Ought to pass.

Comes from the House, passed to be engrossed as amended by House Amendment "A". (Filing H-200)

In Senate, Report accepted in concurrence, and the Bill read once. House Amendment "A" was read and adopted in concurrence, and the Bill, as amended, tomorrow assigned for second reading.

#### Ought to Pass — As Amended

The Committee on Judiciary on Bill, "An Act Increasing Fee of Physicians in Commitment Proceedings of Insane Criminals." (H. P. 496) (L. D. 695) reported that the same Ought to pass, as amended by Committee Amendment "A" (Filing H-196)

The same Committee on Bill, "An Act Relating to Larceny by Trustee in Trust Receipt Transactions." (H. P. 599) (L. D. 866) reported that the same Ought to pass, as amended by Committee Amendment "A" (Filing H-197)

The same Committee on Bill, "An Act Relating to Allegation of Prior Conviction in Criminal Cases." (H. P. 751) (L. D. 1037) reported that the same Ought to pass as amended by Committee Amendment "A" (Filing H-195)

The Committee on State Government on Bill, "An Act Relating to Appointment of Director of Indian Affairs." (H. P. 1020) (L. D. 1421) reported that the same Ought to pass, as amended by Committee Amendment "A" (Filing H-194)

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

#### Ought to Pass — New Draft

The Committee on Judiciary on Bill, "An Act Permitting Indians to Bring Action for Money Due." (H. P. 992) (L. D. 1379) reported that the same Ought to pass in New Draft, under New Title: "An Act Permitting Governor of Penobscot Tribe of Indians to Bring Action for Money Due." (H. P. 1123) (L. D. 1547)

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

**MAJORITY — Ought Not to Pass**  
**MINORITY — Ought to Pass, As Amended by Committee Amend. "A"**

The Majority of the Committee on Claims on Recommended Resolve, to Reimburse Guy Cyr of Hamlin for Property Damage by Highway Relocation. (H. P. 578)

(L. D. 798) reported that the same Ought not to pass.

(Signed)

Senators:

PORTEOUS of Cumberland  
BREWSTER of York  
PARKER of Piscataquis

Representatives:

HUGHES of St. Albans  
ANDERSON of Greenville  
HAGUE of Gorham  
HUTCHINS of Kingfield  
BREWER of Bath

The Minority of the same Committee on the same subject matter reported that the same Ought to pass as amended by Committee Amendment "A" (Filing H-164)

(Signed)

Representative:

JOHNSON of Stockholm  
GALLANT of Eagle Lake

Comes from the House, Minority—Ought to Pass Report accepted; passed to be engrossed, as amended by Committee Amendment "A".

In the Senate:

Mr. CYR of Aroostook: Mr. President, I move that the Senate accept the Ought to Pass Minority report of the Committee.

Thereupon, on motion by Mr. Parker of Piscataquis, the bill and accompanying papers were laid upon the table pending motion by Mr. Cyr, and were especially assigned for one week from today.

**MAJORITY — Ought to Pass, as Amended by Committee Amendment "A"**

**MINORITY — Ought Not to Pass**

The Majority of the Committee on Transportation on Bill, "An Act Relating to Notification for Renewal of Operators' Licenses and Providing for a Two Year License." (H. P. 949) (L. D. 1297) reported that the same Ought to Pass as amended by Committee Amendment "A" (Filing H-130)

(Signed)

Senators:

STILPHEN of Knox  
COLE of Waldo  
GILBERT of Kennebec

Representatives:

BERRY of Portland  
WHITNEY of Winn  
FINLEY of Washington

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

(Signed)

Representatives:

NADEAU of Lewiston  
LINNEKIN of Liington  
BUSSIÈRE of Lewiston

Comes from the House, Reports and Bill indefinitely postponed.

In the Senate:

Mr. JACQUES of Androscoggin: Mr. President, I rise to a point of Order. There are only eight signatures on this bill. I do not see the name of the House Chairman and another member has not signed.

The Secretary read the report.

The PRESIDENT: One name was inadvertently omitted and will be added. The name of Mr. Bussiere of Lewiston.

Mr. JACQUES: Mr. President, that still makes only nine.

Mr. STILPHEN of Knox: Mr. President, to further clarify this matter, one member was absent at the time this report came out. I would now move that this be tabled and assigned for one week from today.

The motion to table and so assign prevailed.

**MAJORITY — Ought Not to Pass**  
**MINORITY — Ought to Pass, As Amended by Committee Amendment "A"**

The Majority of the Committee on Welfare on Recommitted Bill, "An Act Eliminating Residence Requirements in Public Assistance." (H. P. 564) (L. D. 761) reported that the same Ought not to pass.

(Signed)

Senators:

MARDEN of Kennebec  
BATES of Penobscot

Representatives:

KILROY of Portland  
PHILBRICK of Augusta  
HINDS of South Portland  
HANCOCK of Nobleboro  
SMITH of Strong  
MALENFANT of Lewiston

The Minority of the same Committee on the same subject matter reported that the same Ought

to pass, as amended by Committee Amendment "A" (Filing H-114)

(Signed)

Senator:

CYR of Aroostook

Representative:

STORM of Sherman

Comes from the House, Majority Report — Ought Not to Pass read and accepted.

(In the Senate, on motion by Mr. Cyr of Aroostook, tabled pending acceptance of either report and especially assigned for later in today's session.)

#### Senate Committee Reports

The Committee of Conference on the disagreeing action of the two branches of Legislature on Resolve, Proposing an Amendment to the Constitution to Permit the Term of Governor to Coincide with that of the President of the United States. (S. P. 360) (L. D. 1093) reported that the Bill and Report should be recommitted to the Committee on State Government.

Which report was read and accepted.

Sent down for concurrence.

#### Ought to Pass — New Draft — Same Title

Mr. Erwin from the Committee on Judiciary on Bill, "An Act Repealing Provision of Financial Responsibility Law Concerning Accident by Non-Licensed Driver." (S. P. 199) (L. D. 532) reported that the same Ought to pass in New Draft under the same title." (S. P. 525)

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

#### Ought to Pass — New Draft — New Title

Mr. Erwin from the same Committee on Bill, "An Act Relating to Unauthorized Charging of Telecommunication Service." (S. P. 423) (L. D. 1302) reported that the same Ought to pass in New Draft, under New Title: "An Act Relating to Unauthorized Charging of Long-Distance Telephone Toll Service." (S. P. 524) (L. D. 1548)

Which report was read and accepted, the Bill read once in New

Draft, and tomorrow assigned for second reading.

#### Second Readers

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

#### House

Bill, "An Act Providing for Professional Immunity to Physicians in Emergency Cases." (H. P. 62) (L. D. 104) amended by Committee Amend. "A" (Filing H-188)

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

Bill, "An Act Relating to Field Trials for Beagle Hounds." (H. P. 809) (L. D. 1123) amended by Senate Amendment "A" (Filing S-113)

Which was read a second time. (On motion by Mr. Stilhpen of Knox, tabled pending passage to be engrossed, and especially assigned for Tuesday next.)

#### Orders of the Day

Mr. MAYO of Sagadahoc: Mr. President and members of the Senate: In relation to Page 1, Item No. 1-1, Bill, "An Act Declaring Abandoned Cellars to be Nuisances." (S. P. 348) (L. D. 1081) I was late in arriving in the Senate and I understand that on this bill we voted to recede and concur.

I move that the Senate reconsider its action whereby it receded and concurred with the House action to indefinitely postpone this bill.

The PRESIDENT: Is it the pleasure of the Senate to reconsider its action taken earlier in today session whereby it voted to recede and concur with the House on this matter?

The motion prevailed.

Mr. MAYO of Sagadahoc: Mr. President and members of the Senate: I would like to speak just briefly on this bill as a matter of record and also to state that I am very much disturbed that the Senate would let this bill die on the vine as easily.

The reason I bring this up is that just this past week in my own town we very nearly had a very sad tragedy of a young boy playing on the banking of an ex-

cavated cellar and due to the high rains and increased water this excavated cellar became quite filled with water and had approximately five or six feet of water in it. The city has tried repeatedly to get this cellar taken care of, have it drained and filled in, have it fenced, but there are no State statutes covering this particular item. As I said before, this tragedy was averted simply because someone saw this child when he fell into this water.

Even though the bill will probably not go beyond its present stage, I would feel that we should at least have a committee of conference and find out why the House has indefinitely postponed this bill.

The PRESIDENT: Would the Senator from Sagadahoc, Senator Mayo, make a motion please?

Mr. MAYO: Mr. President, first I would yield to the sponsor of this bill, Senator Boardman.

Mr. BOARDMAN of Washington: Mr. President and members of the Senate: It was with a little bit of conflict in my mind that I took the action which I did this morning, and it was mainly for one reason. This particular situation so far as cellars are concerned, nobody has made any statement to me that they had the same situation. It is a local situation and that is why I happened to introduce this bill in the Senate. However, so far as Senator Mayo is concerned and all the other Senators, I would be very happy to see this bill passed because I actually feel that the purpose of it is worth while. However, there is a possibility, as we all know, that it will not pass.

The question in my mind was whether or not the City of Calais by ordinance could take care of the situation itself, and it is my understanding they could. For that reason I asked for the action this morning which I did. I wanted to explain the situation as to why I had done that. I would go along with whatever the Senate wishes to do, and I would hope that it might eventually pass.

The PRESIDENT: Would the Senator from Washington care to make a motion?

Mr. BOARDMAN: No, Mr. President, I would pass it back to Senator Mayo.

Mr. GILBERT of Kennebec: Mr. President, I rise in favor of the statement made by Senator Mayo. Being a member of the municipal government here in Augusta, I can say that we have notified people on several occasions as to these cellars and they never to anything although we have a so-called city ordinance. I think if this bill should go through it would be much more effective and reach each and every one of us in our respective communities.

Mr. MAYO: Mr. President, I would move that the Senate insist on its former action and ask for a Committee of Conference.

The PRESIDENT: Is it the pleasure of the Senate that we insist on our former action and ask for a Committee of Conference?

The motion prevailed. Subsequently, the President appointed as Senate members of such Committee, Senators: Noyes of Franklin, Erwin of York and Porteous of Cumberland.

Mr. CARPENTER of Somerset: Mr. President, may I inquire if L. D. 411, S. P. 165, Bill, "An Act Relating to Retirement of Chief Wardens of Inland Fisheries and Game" is in the possession of the Senate?

The PRESIDENT: The Chair will state that it is.

Thereupon, on motion by the same Senator, the Senate voted to reconsider its action whereby the bill was indefinitely postponed, and on further motion by the same Senator, the bill was tabled pending motion by Mr. Davis of Cumberland to indefinitely postpone, and especially assigned for Wednesday next.

Mr. EDMUNDS of Aroostook: Mr. President, may I inquire if the Senate has in its possession H. P. 1119, L. D. 1541, Bill, "An Act Relating to Weight of Commercial Vehicles"?

The PRESIDENT: The Chair will inform the Senator that it is, having been held at the request of Senator Edmunds of Aroostook.

Thereupon, on motion by Mr. Edmunds of Aroostook, the Senate voted to reconsider its action whereby this bill was passed to be engrossed; and that Senator yielded to the Senator from Waldo, Senator Cole.

On motion by Mr. Cole of Waldo, the bill was tabled pending passage to be engrossed and was especially assigned for Wednesday, May 3.

The President laid before the Senate the 1st tabled and today assigned item (S. P. 413) (L. D. 1455) Senate Report, Ought not to pass, from the Committee on Education on bill, "An Act Establishing Regional Technical and Vocational Centers," tabled on April 14 by Senator Farris of Kennebec pending acceptance of the report.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate: This Item No. 1 — and the same remarks actually apply to Item No. 2 — is a matter which will require a considerable amount of debate, I would say it would be at least an hour's debate, and I have been requested by several Senators to hold this up at least over the weekend so that they may have opportunity to give further study to the matter. I would be willing to specially assign it for any day, but I think we might proceed more rapidly if I can lay it on the table unassigned and I am prepared to go forward at any time when there is a lag in the Senate procedure and you wish to have something taken off the table.

The PRESIDENT: Is it the pleasure of the Senate that the matter be retabled unassigned?

The motion prevailed.

The President laid before the Senate the 2nd tabled and today assigned item (S. P. 316) (L. D. 992) Senate Report, Ought to Pass in New Draft and Under New Title of "Resolve Appropriating Moneys for Vocational and Technical Institute in Northeastern Maine;" from the Committee on Education on "Resolve Providing for a Vocational Technical Institute in Eastern Maine"; tabled on April 14 by Senator Farris of Kennebec pending acceptance of the report.

Mr. FARRIS of Kennebec: Mr. President, I move that this matter lie on the table unassigned, and it will be taken off simultaneously with the previous measure.

Mr. STANLEY of Penobscot: Mr. President, I wonder if the Senator from Kennebec, Senator Farris, would have the hour's debate mimeographed so that it would not take as much time. We could look it over prior to your taking it off the table.

Mr. FARRIS: Is that a question through the Chair, Mr. President.

Mr. STANLEY: It was a question.

The PRESIDENT: The Senator from Penobscot, Senator Stanley, made a request of the Senator from Kennebec, Senator Farris.

Mr. FARRIS: Mr. President and members of the Senate: I assure you that the one hour debate will not be consumed by my speaking for one hour but the entire matter before the body will probably require that time.

Thereupon the bill was tabled unassigned.

The President laid before the Senate the 3rd tabled and today assigned item (H. P. 746) (L. D. 1032) House Reports from the Committee on Highways on "Resolve, Authorizing Study of Road from Allagash Plantation to the Canadian Border," Majority Report, Ought not to pass; Minority Report, Ought to pass; tabled on April 14 by Senator Ferguson of Oxford pending acceptance of either report.

Mr. FERGUSON of Oxford: Mr. President and members of the Senate: I tabled this resolve at the request of the sponsor to give him a little time to do some work on it, certainly not intending to support the bill in any way. The evidence that we had at the hearing was that this resolve would not serve any good purpose. It is a vague bill.

The PRESIDENT: Would the Senator from Oxford, Senator Ferguson, care to make a motion to accept one of the two reports, and then you can speak on it.

Mr. FERGUSON: I move that this resolve and accompanying papers be indefinitely postponed.

As I said before, it is a vague bill. It would cost around \$1000 for



the preliminary survey. According to the information that we had, it doesn't lead anywhere, and if the road was to be built the cost would be in the vicinity of \$750,000; it is a three-quarters of a million deal. That is the reason that the majority of the committee—and I am sure I can speak for them—signed the "Ought not to pass" report. I hope that the Senate will go along with my motion for the indefinite postponement of this resolve.

On motion by Mr. Jacques,

A division of the Senate was had.

Twenty-four having voted in the affirmative and four opposed, the motion prevailed.

The President laid before the Senate the 4th tabled and today assigned item (H. P. 255) (L. D. 369) House Reports from the Committee on Labor on Bill, "An Act Relating to Costs of Witness and Attorney Fees Under Workmen's Compensation Act"; Majority Report, Ought not to pass; Minority Report, Ought to pass, tabled on April 14 by Senator Lovell of York, pending motion by Senator Mayo of Sagadahoc to accept the Ought not to pass report.

Mr. LOVELL of York: Inasmuch as the amendment to this bill has not yet been completed, I would like to retable this until Wednesday, April 26.

Mr. MAYO of Sagadahoc: Mr. President and members of the Senate, I would just like to briefly explain something that possibly—

The PRESIDENT: The Chair must remind the Senator that he cannot debate the tabling motion.

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

The PRESIDENT: The question before the Senate is on the motion of Senator Lovell of York that this bill be tabled and especially assigned for Wednesday, April 26.

A division of the Senate was had.

Twenty having voted in the affirmative and nine opposed, the tabling motion prevailed.

The President laid before the Senate the 5th tabled and today assigned item (S. P. 419) (L. D. 1358) Senate Report, Ought to pass, from the Committee on Industrial

and Recreational Development on Bill, "An Act to Create the Maine Recreational Facilities Authority Act"; tabled on April 14 by Senator Lovell of York pending acceptance of the report; and that Senator moved the pending question.

Mr. FARRIS of Kennebec: Mr. President, this is similar to another bill which we have pertaining to a Constitutional Amendment and enabling measure which is being referred to the 101st Legislature. If my memory serves me correctly, this should merely be referred to the 101st Legislature without action by this Body.

The PRESIDENT: The Senator from Kennebec is correct.

Mr. LOVELL: Mr. President, I move that the bill be referred to the 101st Legislature.

The motion to refer prevailed.

The President laid before the Senate the 6th tabled and today assigned item (S. P. 515) (L. D. 1535) "Resolve, Proposing an Amendment to the Constitution Pledging Credit of State for Guaranteed Loans for Recreational Purposes"; tabled on April 14 by Senator Farris of Kennebec pending passage to be engrossed; and on further motion by the same Senator, the resolve was passed to be engrossed.

Sent down for concurrence.

The President laid before the Senate the 7th tabled and today assigned item (H. P. 950) (L. D. 1298) House Report, Ought not to pass, from the Committee on Transportation on Bill, "An Act Providing for a Two Year Motor Vehicle Operator's License;" tabled on April 18 by Senator Porteous of Cumberland pending acceptance of the report; and on further motion by the same Senator, the bill was retabled and especially assigned for Wednesday next.

The President laid before the Senate the 8th tabled and today assigned item (S. P. 512) (L. D. 1529) "Resolve, Proposing an Amendment to the Constitution Exempting Certain Industrial Property from Taxation"; tabled on April 18 by Senator Noyes of Franklin

and pending motion by Senator Noyes of Franklin, the resolve was retabled and especially assigned for Tuesday next.

The President laid before the Senate the 9th tabled and today assigned item (H. P. 610) (L. D. 827) Bill, "An Act Eliminating Smokeless Powder from Explosives Regulations", tabled on April 18 by Senator Mayo of Sagadahoc, pending enactment.

Mr. MAYO of Sagadahoc: Mr. President and members of the Senate: Before I make a motion regarding this bill I would like to clarify a few points which seem to be necessary for the members of the Senate regarding this bill.

It seems that black powder has been eliminated from the regulations regarding powders under this bill. I have received many letters and phone calls in the past week before I tabled the bill and since I tabled the bill from the Muzzle Loading Association and other groups who do use black powder.

I checked the bill out with the sponsor and also with the Insurance Department, and I find that the reason that black powder has been eliminated and put on the so-called restricted basis is because it is considered a very dangerous and highly-explosive powder and it is also being used by certain groups for unlawful uses, namely possibly safe-crackers.

Now the way this bill is written black powder will be taken from the actual market, but anyone who wishes to have black powder for muzzle-loading guns and old musketry will be able to go to the Insurance Department and get a special permit from Mr. Flynn to buy as many pounds of this black powder as they feel is necessary. In doing it this way, Mr. Flynn says that he will be able to regulate the use of black powder, he will be able to know who has black powder in their possession, where it is stored and how it is stored, so that he can, by doing this, have some regulation over this dangerous commodity.

In case anyone should have calls from their constituents regarding this matter, I thought it was best at this time to clarify in the

minds of the Senate what this regulation will do. I therefore now, Mr. President, move that this bill be enacted.

Thereupon the bill was passed to be enacted.

The President laid before the Senate the 10th tabled and today assigned item (H. P. 1121) Joint Order Relative to Recalling L. D. 741 (Motor Vehicle Excise Tax) from the files; tabled on April 20 by Senator Edmunds of Aroostook pending passage.

Mr. EDMUNDS of Aroostook: Mr. President, I yield to the Senator from Hancock, Senator Edgar.

Mr. EDGAR of Hancock: Mr. President and members of the Senate: The bill which this joint order seeks to recall from the legislative files has to do with the location of the collection of the excise tax on motor vehicles.

As you probably are all aware, under the present law the excise tax on motor vehicles of all kinds, including contractors' equipment, is collected and payable to the community in which the main office of any business is located, and the bill to which this order refers was a bill which sought to change that so the excise taxes would be collected in those communities where the motor vehicles are customarily kept, with no regard to the main point of residence of the individual or the business.

This bill was heard by the taxation committee, it was sponsored by a member of the Taxation Committee, I believe at the request of the Taxation Department. Before proceeding any further, I see that the Chairman of the Taxation Committee has just arrived and I would like at this point, Mr. President, to yield to the Chairman of the Taxation Committee.

Mr. WYMAN of Washington: Mr. President and members of the Senate: I do not know too much about the reason for this joint order, and in order that I might find out more I would like to table it until Wednesday, April 26th if that motion is in order.

The PRESIDENT: Is it the pleasure of the Senate that this joint order be retabled and assigned for Wednesday next, April 26th?

The motion prevailed.

The President laid before the Senate the 11th tabled and today assigned item (H. P. 435) (L. D. 610) House Report, Ought to pass with Committee Amendment A, from the Committee on Transportation on Bill, "An Act Relating to Length of Motor Vehicle Trucks"; tabled on April 20 by Senator Edmunds of Aroostook pending acceptance of the report; and on further motion by the same Senator, the bill was retabled and especially assigned for Wednesday, May 3.

(Recess)

Called to order by the President.

Mr. Carpenter of Somerset, out of order and under suspension of the rules, presented the following order and moved its passage.

ORDERED, the House concurring, that free telephone service be provided for each member of the Senate and House to the number of twenty-five calls of reasonable duration from Augusta to points within the limits of the State of Maine and that each member of the Senate and House be provided with a card to be certified by the Secretary of the Senate and Clerk of the House respectively, charge for this service to be paid to the New England Telephone and Telegraph Company at regular tariff rates.

Mr. PORTEOUS of Cumberland: Mr. President, I would like to move that this order be tabled because I would like to find out how many Senators have used up all their phone calls. I think this is the first time the calls have been increased. I know that in my official business I have not even used up the first card. I would like to find out how many calls have gone out and who has used them up and how pressing this is.

Mr. PARKER of Piscataquis: Mr. President, in the matter of a minute and a half or two minutes I think we could get that information right here. I, for one, want to say that mine is used up and I was about prepared to offer such a resolution myself.

Mr. BROOKS of Cumberland: Mr. President, a point of order.

Are we not debating a tabling motion?

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Porteous, that this order be tabled pending passage.

Mr. MAYO of Sagadahoc: Mr. President, could I ask that the Senator specify the date of tabling?

Mr. PORTEOUS of Cumberland: Mr. President, it has been suggested by a learned gentleman of the Senate, that June 2nd be the date.

Mr. CARPENTER of Somerset: Mr. President, I ask for a division on the tabling motion.

A division of the Senate was had.

Six having voted in the affirmative and twenty-two opposed, the motion to table did not prevail.

The PRESIDENT: Is it now the pleasure of the Senate that this Order receive passage?

Mr. JACQUES of Androscoggin: Mr. President, I don't know how others feel but we Senators from Androscoggin who travel back and forth from home every day to Augusta have to make calls sometimes from our home. I remember recently I had to call the Skowhegan School for Girls and they would not accept the call because it had to be made either from Augusta or from home to Augusta. I would like to see the Order changed.

Mr. FERGUSON of Oxford: Mr. President, I don't agree with my good friend from Androscoggin, Senator Jacques because I make calls very often from my home and I have never been refused. I think that is something to be taken up with the telephone company. The sessions are getting longer and we have more demands. I want another card or I'll have to be paying for my own telephone calls. I am now on my second card and only have a few calls left.

Thereupon, on motion by Mr. Carpenter of Somerset, the Order was tabled until Wednesday next.

On motion by Mr. Cyr of Aroostook, the Senate voted to take from the table Item 6-12, Divided Report from the Committee on Welfare: Majority Report, Ought not to pass; Minority Report, Ought to

pass as amended by Committee Amendment A, on bill, "An Act Eliminating Residence Requirements in Public Assistance" (H.P. 564) (L. D. 761) tabled by that Senator earlier in today's session pending acceptance of either report.

Mr. CYR of Aroostook: Mr. President, to begin with I believe that this item has been misunderstood by a lot of people and I believe to clarify the thinking on this, if I were to explain two very important points, probably it would give a clearer picture of what this bill would do.

To begin with under our laws of the State of Maine, we have a law in Section 20, Chapter 94 regarding assistance given to persons in need by local overseers of the poor. Now this law requires that anybody that falls in distress in the State of Maine be taken care of by the overseers of the poor of the community where he happens to be. The second point to clarify is the residence law. The residence law that we have here in the State of Maine, actually is a physical presence law. It requires that a person, to be entitled to the benefits that might be coming to him, that he be physically present here in the State of Maine. So, if someone should leave the State of Maine with the intention of making residence outside the State, even though he is gone only one day, one week, or one month, if he leaves the State of Maine with the intention of making his residence outside the State of Maine by that very fact, he loses his rights under his residence requirement law. The problem that is before us is really, who will pay for a person that is distressed in the State of Maine? If the person involved has left the state and comes back, he will have lost his residence status and will not be entitled to a federally aided program. The present law on our statutes, which is called the residence law, as a matter of fact, is only a physical presence law, and if a person leaves the State of Maine and later comes back, he has to wait a year before he can apply for any one of these three categories. The result, if he is in dis-

tress, is that the community where he happens to have a settlement will have to pay the bill or if he has lost his settlement or has no settlement in the State of Maine, then the general relief will have to pay the bill. In either case it is pure money, it comes out of pure money. No federal money is involved.

This is what this legislation would do: It would eliminate this clause so if someone is distressed or in need in the State of Maine and this legislation passes, then he can apply under any one of the federal categories and will be given aid from those programs and the federal government will supply in some cases 75 percent of the bill and in other cases something like 60 percent of the bill.

This is all this bill would do. Last session the legislature passed a bill to dwindle down the five year requirement to one year. As a result the State of Maine was not penalized by that legislation. Neither will it be penalized by this legislation. In fact there is no appropriation attached to this bill at all. It is only a question of who is going to pay the bill. The bill has been amended to eliminate from it the category of ADC. The ADC Category will continue as it is today. It will only cover the three categories of Aid to the Blind, Aid to Disabled and Aid to Old Age.

Now it has been said that by eliminating this legislation we will have an influx in the State of Maine of people from outside the State that might apply under this legislation. Well, I don't believe that would happen for the reason that the states that surround us have a higher grant than we have here in Maine so somebody from Massachusetts or Connecticut will not leave their state to come in here to apply for a grant under this legislation because their grants are higher than ours.

All it will do is to help a community that would have to pay for a distressed person from pure money, money from the community from the pure relief.

To explain my thinking a little more, I will give you an example of a person that might live in the

State of Maine and go to Connecticut to live with his children. If something happens and he doesn't like the situation, he comes back to the State of Maine. After he is back to the State of Maine, if he is in distress and in need he cannot apply under the present conditions, he cannot apply under a federally subsidized program. So what happens? The community, if he has a settlement there, will have to foot the bill until the year is exhausted. If he is found with no settlement, then Paul McClay will have to pick up the tab. This has happened in many cases where we have special bills coming to us under claims, where a person, particularly in the category of Aid to the Disabled, if this same person should come back to the State of Maine and have an accident right here in front of the State House. Well, the Community would have to pay the bill and we have some bills of four thousand and five thousand dollars, and that is a very heavy bill for a small community and that is the reason why they came to the state with a claim. If not, then the pure relief has to foot the bill. All this would do is to give the community involved a chance to apply to the Welfare Department and place that distressed person under one of the federal categories involved, and as such, the federal government would pick up 75 percent or 60 percent whichever it might be and would relieve the community of that burden, and I hope you will accept this legislation.

Mr. BATES of Penobscot: Mr. President and members of the Senate: It is my responsibility to interpret to you my feeling as to why eight members of the Committee on Welfare submitted the majority report "Ought not to pass." I believe they were as concerned as I am with the State of Maine becoming a receiving state for individuals who are of the nature that they would migrate towards the state which would receive them with no residency requirements.

It is interesting to me to know that in the State of Illinois at the present time they seem to be re-considering their action with re-

spect to residence requirements. A letter from a State Senator of the State of Illinois, which I will read to you in part, states that they are terribly concerned with the tremendous increase in welfare payments, and among the recommendations in the form of legislation to be presented to the Illinois Legislature is to make a two-year residency requirement rather than their present situation.

"The advisory committee has recommended the passage of a two-year residence law, which the committee feels would help deter residents from coming to Illinois if it became generally known that a two-year wait would be necessary to obtain relief, so they have submitted a bill requiring a two-year residency law for applicants."

But more important than that, I believe, is the fact that there are many most worthwhile groups working on this situation, because if this should pass at the present time Maine would have reciprocity with only four or possibly five other states. For instance, the New England Governors Conference, the Council of State Governments, the National Governors Conference are all working on this along the same line.

It seems to me that the residence requirement ultimate goal will be the elimination of all residence requirements, but the immediate goal will be a reduction in maximum residence requirements to a period of one year, with the provision for those applicants who do not meet such a year's residence requirement 100 per cent federal funds be available to meet the cost of needed assistance.

The National White House Conference on Aged made that statement in its policy also. In short, Maine in a very short period of time has reduced the residence requirement from five years to one year. Ultimately I can see the reduction of that one year to no time at all, but only if the other forty-two states which are now in a variety of situations with respect to residency requirements from one year and up, meet the same requirement as Maine, or if an Interstate Welfare Compact should be

arranged whereby this goal could be achieved.

I am for indefinite postponement.

Mr. CYR of Aroostook: Mr. President, it was brought out at the hearing that every state has this common problem, and it was also brought out that in Illinois they are having a tremendous influx of colored people from the South that come to work in Illinois and then find themselves on relief. Here in the State of Maine we do not have that problem, plus the fact I brought out when I first started my presentation, that the State of Maine has a statutory law which requires the overseers of the poor to leave no person in distress. Now that is very important because there are many states that do not have that law. According to law, we have the obligation to take care of any distressed person that may land in our State, regardless of where they come from. It is impossible, for instance, that we may have a resident of another state that may come into our State. I mentioned a while ago the case of an accident. That person can have an accident here in the State of Maine and be on our relief rolls, and the only thing we can do is to write to that state and ask them for transportation money to send the patient back home. If they refuse we have to continue the relief, and there is no provision today whereby the State of Maine can recover from any other state, neither can a community of the State of Maine recover from a community in another state. So these are the drawbacks you might say we have in the State of Maine. Also we do not have the great migration into our State that some of the other states have and for that reason we do not have any problem from that standpoint. All this legislation would do would be to help out communities and help out the pure relief, to have that part of the bill subsidized by the federal program, so I hope that you will vote "No" on indefinite postponement.

Mr. MAYO of Sagadahoc: Mr. President, through the Chair I would like to pose a question to the Senator from Aroostook, Senator Cyr. Before I pose the question

I would qualify it by the statement he made that there is no money involved in this bill. My question is: Does he realize that in the Supplemental Budget there is an item of \$600,000 to cover repeal of the Relative Responsibility Law? I would like to ask the Senator if he is aware of that figure in the Supplemental Budget?

The PRESIDENT: The Senator from Sagadahoc, Senator Bates, asks a question through the Chair of the Senator from Aroostook, Senator Cyr, and that Senator may answer if he wishes.

Mr. CYR of Aroostook: Mr. President, the Relative Responsibility law is entirely different legislation than this; we are not talking of the same thing at all. This is only the one-year residency law. As I mentioned to you a while ago, this residency law is misnamed: it should be "physical residence." You have to be present in the community; you can not move to Connecticut and say, "I am going to keep my residence in Augusta." If you are physically away from your community, even though you still may regard it as your residence and even though you still may have a settlement in that particular community, you are still under this residency law. It has nothing to do with the Relative Responsibility. There is no appropriation for this bill. They figure that with the money they can save from the pure money that they can match the 25 per cent they would have to match under the federal category; they could match quite a few cases.

The PRESIDENT: The question is on the motion of Senator Bates of Penobscot to indefinitely postpone, and a division has been requested.

A division of the Senate was had.

Nineteen having voted in the affirmative and twelve opposed, the motion prevailed.

On motion by Mr. Stilphen of Knox, the Senate voted to take from the table the 39th tabled and unassigned item (H. P. 705) (L. D. 983) House Report, Ought not to pass, from the Committee on State Government on Bill, "An Act to Reimburse Town of Thomaston for Cost of Municipal Services Provided

for the State", tabled on March 31 by Senator Stilphen of Knox pending acceptance of the report; and on further motion by the same Senator, the bill was recommitted to the Committee on State Government.

Sent down for concurrence.

On motion by Mr. Davis of Cumberland, the Senate voted to take from the table the 6th tabled and unassigned item (H. P. 743) (L. D. 1199) "Resolve, Permitting Demolishing Certain Building at Maine State Prison"; tabled on March 1 by Senator Davis of Cumberland 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. Carpenter of Somerset, the Senate voted to take from the table the 46th tabled and unassigned item (H. P. 395) (L. D. 570) House Report, Ought to pass as amended by Committee Amendment A from the Committee on Inland Fisheries and Game on "Resolve Regulating Fishing in Certain Waters in Washington County", tabled on April 5 by Senator Carpenter of Somerset pending acceptance of the report; and on further motion by the same Senator, the Senate voted to recede and concur.

Mr. PORTEOUS of Cumberland: Mr. President. I move that the Senate reconsider its action whereby it tabled item 7 on page 6.

The PRESIDENT: The Chair will inform the Senator that a motion to table cannot be reconsidered.

Mr. MAYO of Sagadahoc: Mr. President, may I ask if this item was especially assigned?

The PRESIDENT: It was assigned for Wednesday next.

Mr. FARRIS of Kennebec: Mr. President, a point of information. Would it not be in order to suspend the rules and remove this from the table?

The PRESIDENT: Yes.

Mr. PORTEOUS of Cumberland: Mr. President, I thank the Senator from Kennebec for his information. In order to avoid any confusion I shall wait until the assigned date before removing this from the table.

The PRESIDENT: The Sena-

tor may request suspension of the rules.

Mr. PORTEOUS: Mr. President, I believe I shall wait until next Wednesday and I withdraw my motion.

Mr. FARRIS of Kennebec: Mr. President, I move that the rules be suspended and that Item 3 on Page 7 be removed from the table.

The PRESIDENT: Is it the pleasure of the Senate that the rules be suspended?

Mr. EDGAR of Hancock: Mr. President, may I inquire if the suspension of the rules requires unanimous consent?

The PRESIDENT: It requires a two-thirds affirmative vote.

Mr. EDGAR of Hancock: Mr. President, I for one rise in very strong objection to suspending the rules to remove from the table something which has been specially assigned. I think we would be setting an extremely dangerous precedent insofar as the fact that when an item is specially assigned I think the other members of the Senate have reason to rely upon that assignment. I do not know what this item is, I have not even looked at it, but it is quite conceivable that someone who was present at the time it was assigned for next Tuesday and who might be very much interested in it has since left the chamber, relying upon that assignment. I think this business of suspending the rules and removing from the table a specially assigned item is very bad procedure and I oppose it.

Mr. FARRIS of Kennebec: Mr. President, I agree with the remarks made by the Senator from Hancock, Senator Edgar, but as a general proposition I do feel we have exceptional instances and I think this particular measure is merely cluttering up the calendar now and costing money for printing. I tabled it in order to have an opportunity to check with the department that is interested. My only purpose was to clear the calendar, but it is immaterial to me and if the Senator from Hancock, Senator Edgar, objects I withdraw my motion.

The PRESIDENT: Thank you, Senator Farris.

Mr. EDGAR: Mr. President, I still very definitely object.

The PRESIDENT: The Senator from Kennebec, Senator Farris, has withdrawn his motion.

On motion by Mr. Noyes of Franklin,

Adjourned until Tuesday next at ten o'clock in the morning.