

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Fourth Legislature

OF THE

STATE OF MAINE

1949

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Thursday, February 17, 1949.

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Fr. Pomerleau of Augusta.

The journal of the previous session was read and approved.

Papers from the Senate

From the Senate:

Bill "An Act Permitting the Declaration of Graduated Dividends by Savings Banks" (S. P. 389) (L. D. 705)

Came from the Senate referred to the Committee on Banks and Banking.

In the House, referred to the Committee on Banks and Banking in concurrence.

From the Senate:

Resolve in Favor of the Town of Parkman (S. P. 400)

Came from the Senate referred to the Committee on Claims.

In the House, referred to the Committee on Claims in concurrence.

From the Senate:

Bill "An Act Relating to Investigation of Fire Hazards and Causes of Fires" (S. P. 391) (L. D. 706)

Came from the Senate referred to the Committee on Legal Affairs.

In the House, referred to the Committee on Legal Affairs in concurrence.

From the Senate:

Bill "An Act Relating to Deer Isle-Sedgwick Bridge District" (S. P. 392) (L. D. 709)

Bill "An Act Relating to Maintenance of Bridges on State Aid and Third Class Roads" (S. P. 393) (L. D. 708)

Resolve in Favor of a Bridge across the St. John River in Allagash Plantation (S. P. 394) (L. D. 707)

Resolve in Favor of the City of Presque Isle (S. P. 413)

Came from the Senate referred to the Committee on Ways and Bridges.

In the House, referred to the Committee on Ways and Bridges in concurrence.

Senate Reports of Committees Ought to Pass in New Draft

Report of the Committee on Legal Affairs on Bill "An Act Relating to the West Gardiner School District" (S. P. 103) (L. D. 108) reporting same in a new draft (S. P. 371) (L. D. 587) under same title and that it "Ought to pass"

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed.

In the House, Report was read and accepted in concurrence and the Bill read twice and tomorrow assigned.

Ought to Pass

Report of the Committee on Taxation reporting "Ought to pass" on Bill "An Act Relating to Excise Tax on Bicycles with Motor Attached" (S. P. 195) (L. D. 248)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed.

In the House, Report was read and accepted in concurrence and the Bill read twice and tomorrow assigned.

Non-Concurrent Matter

Bill "An Act to Provide for the Surrender by Kingsbury Plantation of Its Organization" (H. P. 1168) (L. D. 595) which was referred to the Committee on Legal Affairs in the House on February 10th,

Came from the Senate referred to the Committee on Towns in non-concurrence.

In the House: The House voted to recede from its former action whereby the Bill was referred to the Committee on Legal Affairs, and the Bill was referred to the Committee on Towns in concurrence.

Non-Concurrent Matter

Bill "An Act Relative to Payment of Damage Caused by Collision Between Motor Vehicle and Deer" (H. P. 1271) which was referred to the

Committee on Claims in the House on February 11th.

Came from the Senate referred to the Committee on Inland Fisheries and Game in non-concurrence.

In the House: The House voted to recede from its former action whereby the Bill was referred to the Committee on Claims, and the Bill was referred to the Committee on Inland Fisheries and Game in concurrence.

From the Senate: The following Communication:

**STATE OF MAINE
SENATE CHAMBER**

February 16, 1949

Honorable Harvey R. Pease
Clerk of the House of the
Ninety-fourth Legislature
Sir:

On February 15th, 1949, the President appointed the following members, on the part of the Senate to serve on the Joint Select Committee created by Joint Order (S. P. 373):
Senators: Ward of Penobscot
Denny of Lincoln
Boucher of Androscoggin

Respectfully,
(Signed) CHESTER T. WINSLOW
Secretary

Was read and ordered placed on file.

The SPEAKER: The Chair, at this time, notes the presence in the balcony of the Hall of the House of the Seventh and Eighth Grades, Civics Class, of the South China School, in charge of Mrs. Edna Taber. On behalf of the House, we bid you welcome.

**Bills and Resolves Requiring
Reference**

The following Bills and Resolves were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Agriculture

Bill "An Act Relating to the Inspection and Regulation of Dog

Kennels" (H. P. 1441) (Presented by Mr. McGlauffin of Portland by request)

(Ordered Printed.)

Bill "An Act Relating to Records of Persons Buying or Selling Dogs" (H. P. 1442) (Presented by same gentleman by request)

(Ordered Printed.)

Bill "An Act to Regulate Live-stock Community or Commission Auctions" (H. P. 1443) (Presented by Mr. Stanley of Porter)

(Ordered Printed.)

Sent up for concurrence.

**Appropriations and Financial
Affairs**

Resolve Relating to Construction of Airports (H. P. 1444) (Presented by Mr. O'Connell of Van Buren)

(Ordered Printed.)

Sent up for concurrence.

Claims

Resolve in Favor of the City of Biddeford (H. P. 1445) (Presented by Mr. Duquette of Biddeford)

(Ordered Printed.)

Sent up for concurrence.

Resolve in Favor of Dr. H. O. Knowlton of Bangor (H. P. 1446) (Presented by Mr. Atherton of Bangor)

Resolve in Favor of Wilfred Simoneau of Livermore Falls (H. P. 1447) (Presented by Mr. Boothby of Livermore)

Resolve in Favor of Clyde W. Lingley of Dennysville (H. P. 1448) (Presented by Mr. Chapman of Portland)

Resolve in Favor of Woodrow W. Shaw of Mars Hill (H. P. 1449) (Presented by same gentleman)

Resolve in Favor of John C. Libby of Chester (H. P. 1450) (Presented by same gentleman)

Resolve in Favor of Lawrence H. Osgood of Kingman (H. P. 1451) (Presented by Mr. Cobb of Lee)

Resolve in Favor of John Richards of Rumford (H. P. 1452) (Presented by Miss Cormier of Rumford)

Resolve in Favor of Charles Nowak of Berlin, N. H. (H. P. 1453)

(Presented by Mr. DeSanctis of Madison)

Resolve in Favor of Christopher Hilton of Anson (H. P. 1454) (Presented by same gentleman)

Resolve in Favor of James E. Irish & Son of Hartford (H. P. 1455) (Presented by Mr. Fuller of Bucksfield)

Resolve in Favor of Ernest J. Bryant of Dover-Foxcroft (H. P. 1456) (Presented by Mr. Hayes of Dover-Foxcroft)

Resolve in Favor of Emery McIntyre of Bingham (H. P. 1457) (Presented by Mr. Hill of Bingham)

Resolve to Reimburse the Town of Jefferson (H. P. 1458) (Presented by Mr. Johnston of Jefferson)

Resolve in Favor of Knowlton Stuart of Coopers Mills (H. P. 1459) (Presented by same gentleman)

Resolve in Favor of Emile H. Lebel of Brunswick (H. P. 1460) (Presented by Mr. Lacharite of Brunswick)

Resolve in Favor of Richard Black of East Limington (H. P. 1461) (Presented by Mr. Leavitt of Parsonsfield)

Resolve in Favor of Albert F. Lessard of Springvale (H. P. 1462) (Presented by Mr. Letourneau of Sanford)

Resolve in Favor of Edward D. McKeon of Kennebunk (H. P. 1463) (Presented by Mr. Littlefield of Kennebunk)

Resolve in Favor of Emery L. Jordan of Plantation Number 21 (H. P. 1464) (Presented by Mr. Silsby of Aurora)

Resolve in Favor of New England Telephone and Telegraph Company of Augusta (H. P. 1465) (Presented by Mr. Payson of Union)

Resolve in Favor of the Town of Dedham (H. P. 1466) (Presented by Mr. Sargent of Bucksport)

Resolve in Favor of the Town of Dedham (H. P. 1467) (Presented by same gentleman)

Resolve in Favor of Eric A. Ohlson of New Sharon (H. P. 1468) (Presented by Mr. Tyler of Farmington)

Resolve in Favor of William Burgess of New Sharon (H. P. 1565) (Presented by same gentleman)

Sent up for concurrence.

Counties

Bill "An Act Permitting Counties to Raise Money for Airport Construction" (H. P. 1470) (Presented by Mr. O'Connell of Van Buren)

(Ordered Printed)

Sent up for concurrence.

Inland Fisheries and Game

Bill "An Act Relating to Closed Season on Deer in the Town of Islesboro" (H. P. 1471) (Presented by Mr. Foley of Winterport by request)

(Ordered Printed)

Bill "An Act Relating to Fishways" (H. P. 1472) (Presented by Mr. Johnston of Jefferson)

(Ordered Printed)

Bill "An Act Relating to Special Dog Training and Field Trial Areas" (H. P. 1473) (Presented by Mr. Martin of Augusta)

(Ordered Printed)

Bill "An Act Relative to Hunting of Deer on Mount Desert Island" (H. P. 1474) (Presented by Mr. Phillips of Southwest Harbor by request)

(Ordered Printed)

Bill "An Act Relative to License to Ship Deer Skins" (H. P. 1475) (Presented by Mr. Robbins of Houlton by request)

(Ordered Printed)

Bill "An Act Relative to Careless Shooting of Human Being" (H. P. 1476) (Presented by Mr. Stanley of Porter)

(Ordered Printed)

Bill "An Act Regulating Trapping of Fisher" (H. P. 1477) (Presented by Mr. Wight of Bangor)

(Ordered Printed)

Bill "An Act Relative to Open Season on Beaver" (H. P. 1478) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act Relative to Restricting Trapping on Streams and Water Courses" (H. P. 1479) (Presented by same gentleman)

(Ordered Printed)

Resolve Regulating Fishing in Moosehead Lake in the County of Piscataquis (H. P. 1480) (Presented by Mr. Campbell of Guilford)

(Ordered Printed)

Resolve Providing for a Dam and Fish Screen at Outlet of Chain-of-Ponds, in the County of Franklin (H. P. 1481) (Presented by Mr. Carville of Stratton)

(Ordered Printed)

Resolve Regulating Fishing in Certain Somerset County Waters (H. P. 1482) (Presented by Mr. Hill of Bingham)

(Ordered Printed)

Resolve Closing the Tributaries to Great Moose Pond to Fishing (H. P. 1483) (Presented by Mr. Laughton of Ripley)

(Ordered Printed)

Resolve Regulating Fishing in and Closing Tributaries to Lake Maranacook and Narrows Pond in the County of Kennebec (H. P. 1484) (Presented by Mr. Marsans of Monmouth)

(Ordered Printed)

Resolve Providing for a Fish Screen at Outlet of Tacoma Lakes Chain in the Town of Litchfield (H. P. 1485) (Presented by same gentleman)

(Ordered Printed)

Resolve Providing for a Fish Screen at Hot Brook Lake, in the County of Aroostook (H. P. 1486) (Presented by Mr. Maxell of Orient)

(Ordered Printed)

Resolve Opening Leighton Brook, Hancock County, to All Fishing (H. P. 1487) (Presented by Mr. Silsby of Aurora)

(Ordered Printed)

Resolve Providing for a Fish Screen at Outlet of Lake Auburn in the City of Auburn (H. P. 1488) (Presented by Mr. Williams of Auburn)

(Ordered Printed)

Sent up for concurrence.

Interior Waters

Bill "An Act Relating to the Sanitary Water Board and the Acceptance of the Provision of the Water Pollution Control Act" (H. P. 1469) (Presented by Mr. Campbell of Garland)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act Relating to the County Law Library of Pepooscot County" (H. P. 1489) (Presented by Mr. Atherton of Bangor)

(Ordered Printed)

Sent up for concurrence.

Referred to Committee on Labor

Bill "An Act to Amend the Workmen's Compensation Act as to Waiting Period and Compensation Benefits" (H. P. 1490) (Presented by Mrs. Fay of Portland)

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Fay.

Mrs. FAY: Mr. Speaker, I move that Item A-51 be referred to the Committee on Labor and printed.

The SPEAKER: The gentlewoman from Portland, Mrs. Fay, moves that Item A-51, Bill "An Act to Amend the Workmen's Compensation Act as to Waiting Period and Compensation Benefits" (H. P. 1490) be referred to the Committee on Labor, ordered printed and sent up for concurrence.

The Chair recognizes the gentleman from Union, Mr. Payson.

Mr. PAYSON: Mr. Speaker and Members of the House: I hesitate to rise in opposition to the motion of the gentlewoman from Portland (Mrs. Fay) but your Committee on Reference of Bills felt that, as these Workmen's Compensation measures had always gone to the Judiciary Committee, this measure should go there. I hope the motion does not prevail.

The SPEAKER: The question before the House is on the motion of the gentlewoman from Portland, Mrs. Fay, that the bill be referred to the Committee on Labor.

The Chair recognizes the gentlewoman from Portland, Mrs. Fay.

Mrs. FAY: Mr. Speaker, this is simply an act to increase the compensation and there is no legal question involved. I have spoken to members of the reference committee and it was agreed that the Labor Committee would be satisfactory to them. I did not, however, check back with Mr. Payson.

The **SPEAKER**: As many as are in favor of the motion of the gentleman from Portland, Mrs. Fay, will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed and the bill was referred to the Committee on Labor, ordered printed and sent up for concurrence.

Judiciary (cont'd)

Bill "An Act to Clarify the Law Relating to Clerks of the Judicial Courts" (H. P. 1491) (Presented by Mrs. Fay of Portland)

(Ordered Printed)

Bill "An Act Relating to Qualifications of Voters in Primary Elections" (H. P. 1492) (Presented by Mr. Gates of Millinocket)

(Ordered Printed)

Bill "An Act Relating to Inspections and Recounts in Municipal Elections" (H. P. 1493) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act Relating to Registration of Voters in Towns" (H. P. 1494) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act Relating to Acquisition or Loss of Pauper Settlement by Dependent Children" (H. P. 1495) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act Relating to Retirement of Justices of the Superior and Supreme Judicial Courts" (H. P. 1496) (Presented by Mr. Hayward of Machias)

(Ordered Printed)

Bill "An Act Relating to State Registered Bonds" (H. P. 1498) (Presented by Mr. Martin of Augusta)

(Ordered Printed)

Bill "An Act to Facilitate Voting by Members of the Armed Forces of the United States" (H. P. 1499) (Presented by Mr. Sargent of Bucksport)

(Ordered Printed)

Resolve Authorizing Completion and Printing of a Digest of the Opinions of the Law Court (H. P. 1497) (Presented by Mr. Campbell of Augusta)

(Ordered Printed)

Resolve to Provide for a Refund of Contributions to Certain Teachers (H. P. 1500) (Presented by Mr. Jalbert of Lewiston by request)

(Ordered Printed)

Resolve Proposing an Amendment to the Constitution Relative to Elections (H. P. 1501) (Presented by Mr. Sargent of Bucksport)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act Relating to the Workmen's Compensation Act" (H. P. 1502) (Presented by Mr. Campbell of Augusta)

(Ordered Printed)

Bill "An Act Relating to Duty of Department of Labor and Industry Concerning Buildings" (H. P. 1503) (Presented by Mr. Wight of Bangor)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act Relating to Scope of Purchasing Authority" (H. P. 1504) (Presented by Mr. Brown of Unity)

(Ordered Printed)

Bill "An Act Relating to the Bulk Sales Act" (H. P. 1505) (Presented by Mr. Chapman of Portland)

(Ordered Printed)

Bill "An Act Relating to Entertainment and Recreation on Sunday" (H. P. 1506) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act Permitting Basketball on Sunday" (H. P. 1507) (Presented by Mr. Gates of Millinocket)

(Ordered Printed)

Bill "An Act Relating to Other Purposes for Which Cities and Towns May Raise Money" (H. P. 1508) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act Relating to the Use of the Public Streets and Highways and to the Power of Cities and Towns to Install Parking Meters" (H. P. 1509) (Presented by Mr. Hayes of Dover-Foxcroft)

(Ordered Printed)

Bill "An Act Relating to the Right of Eminent Domain for

Municipalities for Recreational Purposes" (H. P. 1510) (Presented by Mr. Spear of South Portland)
(Ordered Printed)
Sent up for concurrence.

Library

Resolve for the Purchase of One Hundred Copies of "The History of Sumner and Hartford" (H. P. 1511) (Presented by Mr. Fuller of Buckfield)
Sent up for concurrence.

Mercantile Affairs and Insurance

Bill "An Act Relating to Group Life Insurance" (H. P. 1512) (Presented by Mr. Sanborn of Gorham)
(Ordered Printed)
Sent up for concurrence.

Military Affairs

Bill "An Act Relating to Military Law" (H. P. 1513) (Presented by Mr. Campbell of Augusta)
(Ordered Printed)
Sent up for concurrence.

Motor Vehicles

Bill "An Act Relating to Lights on Motor Vehicles" (H. P. 1514) (Presented by Mr. DeSanctis of Madison)
(Ordered Printed)
Bill "An Act Relating to Dealer's Registration" (H. P. 1515) (Presented by Mr. Plummer of Lisbon)
(Ordered Printed)
Bill "An Act Relating to Inspection of Motor Vehicles" (H. P. 1516) (Presented by Mr. Thomas of Hampden by request)
(Ordered Printed)
Sent up for concurrence.

Pensions

Resolve Providing for State Pension for John L. Sullivan of East Corinth (H. P. 1517) (Presented by Mr. Chaples of Hudson)
Resolve Providing for State Pension for Omer Garneau, Jr. of West Peru (H. P. 1518) (Presented by Mr. Fuller of Buckfield)
Resolve Providing for State Pension for Ina J. Alto of Jefferson (H. P. 1519) (Presented by Mr. Johnston of Jefferson)
Resolve Providing for an Increase in State Pension for Artell

Cookson of Newcastle (H. P. 1520) (Presented by same gentleman)

Resolve Providing for State Pension for Albert Parent of Frye (H. P. 1521) (Presented by Mr. Kelly of Rumford)

Resolve Providing for State Pension for Virginia Stacy of Augusta (H. P. 1522) (Presented by Mr. Martin of Augusta)

Resolve Providing for State Pension for Alvin Bickford of Nobleboro (H. P. 1523) (Presented by Mr. Palmer of Nobleboro)

Resolve Providing for State Pension for Rosa Sidelinger of Nobleboro (H. P. 1524) (Presented by same gentleman)
Sent up for concurrence.

Public Health

Bill "An Act relating to Barbering, Hairdressing and Beauty Culture" (H. P. 1525) (Presented by Mr. Albee of Portland by request)
(Ordered Printed)
Sent up for concurrence.

Public Utilities

Bill "An Act to Provide for the Installation of Head and Rear Lights on Track Motor Cars Operated by Railroads" (H. P. 1526) (Presented by Mr. Chaples of Hudson by request)
(Ordered Printed)

Bill "An Act relating to Permits for Interstate Carriers" (H. P. 1527) (Presented by Mrs. Fay of Portland)
(Ordered Printed)

Bill "An Act relating to the State Police" (H. P. 1528) (Presented by same member)
(Ordered Printed)

Bill "An Act relating to Street Openings by Public Utility Corporations" (H. P. 1529) (Presented by same member)
(Ordered Printed)
Sent up for concurrence.

On motion by Miss Cormier of Rumford, House Rule No. 25 was suspended for the remainder of today's session in order to permit smoking.

Salaries and Fees

Bill "An Act relating to the Salary of the County Treasurer of Hancock County" (H. P. 1530) (Presented by Mr. Dunham of Ellsworth)

(Ordered Printed)

Bill "An Act relating to the Salary of the Register of Probate of York County" (H. P. 1531) (Presented by Mr. Littlefield of Kennebunk)

(Ordered Printed)

Bill "An Act relating to Fees and Expenses of State Humane Agents" (H. P. 1532) (Presented by Mr. McGlauffin of Portland by request)

(Ordered Printed)

Bill "An Act relating to the Houlton Municipal Court" (H. P. 1533) (Presented by Mr. Robbins of Houlton)

(Ordered Printed)

Bill "An Act relating to Salary of Register of Probate and Clerks in the Office of Register of Probate, Hancock County" (H. P. 1534) (Presented by Mr. Silsby of Aurora)

(Ordered Printed)

Sent up for concurrence.

Sea and Shore Fisheries

Bill "An Act relating to Shipment of Clams" (H. P. 1535) (Presented by Mr. Dunham of Ellsworth)

(Ordered Printed)

Bill "An Act relating to the Packing of Sardines" (H. P. 1536) (Presented by Mr. Hanson of Machiasport)

(Ordered Printed)

Bill "An Act relative to Powers of Coastal Wardens as Inland Fish and Game Wardens" (H. P. 1537) (Presented by Mr. Hill of Bingham)

(Ordered Printed)

Sent up for concurrence.

State Lands and Forest Preservation

Bill "An Act relating to the Appointment of Municipal Town Forest Fire Wardens" (H. P. 1538) (Presented by Mr. Webber of Bangor)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act relating to Taxation of Organizations Holding Pari-Mutuel Racing Meets" (H. P. 1539) (Presented by Mr. Bennett of Raymond)

(Ordered Printed)

Bill "An Act Imposing a Personal Income Tax and a Sales and Use Tax to Raise Additional Revenue and Equalize the Tax Burden" (H. P. 1540) (Presented by Mr. Brown of Unity)

(1500 Copies Ordered Printed)

Bill "An Act relating to Tax Stamp Discounts in Cigarette and Tobacco Products Law" (H. P. 1541) (Presented by Mr. Campbell of Augusta)

(Ordered Printed)

Bill "An Act relating to Fees of Wholesalers and Sub-jobbers of Cigarettes and Tobacco Products" (H. P. 1542) (Presented by Mr. Foley of Winterport by request)

(Ordered Printed)

Bill "An Act relating to the Assessment of Taxes" (H. P. 1543) (Presented by Mr. Gates of Millinocket)

(Ordered Printed)

Bill "An Act relating to the Assessment of Taxes" (H. P. 1544) (Presented by same gentleman)

(Ordered Printed)

Sent up for concurrence.

Temperance

Bill "An Act relating to Local Option Liquor Voting in Unincorporated Places" (H. P. 1545) (Presented by Mr. Martin of Augusta)

(Ordered Printed)

Bill "An Act relating to Illegal Importation and Transportation of Malt Liquor" (H. P. 1546) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act relating to Sale of Malt Liquor and Vinous Liquor in Restaurants" (H. P. 1547) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act relating to Entertainment in Licensed Premises" (H. P. 1548) (Presented by Mr. Sander-son of Greene)

(Ordered Printed)

Bill "An Act relating to Hearings on Applications for Liquor Licenses" (H. P. 1549) (Presented by Mr. Stanley of Porter)

(Ordered Printed)

Sent up for concurrence.

Ways and Bridges

Bill "An Act Relating to Location and Alteration of State or State Aid Highways" (H. P. 1554) (Presented by Mr. Campbell of Augusta)

(Ordered Printed)

Resolve Providing Funds to Repair a Portion of U. S. Highway Number One in Aroostook County (H. P. 1555) (Presented by Mr. Maxwell of Orient)

(Ordered Printed)

Sent up for concurrence.

Resolve in Favor of the Town of Waldo (H. P. 1556) (Presented by Mr. Brown of Unity)

Resolve in Favor of the Town of Winterport (H. P. 1557) (Presented by Mr. Foley of Winterport)

Resolve in Favor of the Town of Frankfort (H. P. 1558) (Presented by same gentleman)

Resolve in Favor of the City of Westbrook (H. P. 1559) (Presented by Mr. Larrabee of Westbrook)

Resolve in Favor of the City of Westbrook (H. P. 1560) (Presented by same gentleman)

Resolve in Favor of the Town of Mexico (H. P. 1561) (Presented by Mr. Marble of Dixfield)

Resolve in Favor of the Town of Corinna (H. P. 1562) (Presented by Mr. Merrill of Stetson)

Resolve in Favor of the Town of Hiram (H. P. 1563) (Presented by Mr. Stanley of Porter)

Resolve in Favor of the Town of Hiram (H. P. 1564) (Presented by same gentleman)

Sent up for concurrence.

Welfare

Bill "An Act Relating to Aid to the Blind" (H. P. 1550) (Presented by Mr. Gates of Millinocket)

(Ordered Printed)

Bill "An Act Relating to Aid to Dependent Children" (H. P. 1551) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act Relating to Requisites for Old Age Assistance" (H. P. 1552) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act Repealing the Requisite for Citizenship for Old Age Assistance" (H. P. 1553) (Presented by Mr. Marble of Dixfield by request)

(Ordered Printed)

Sent up for concurrence.

The following paper from the Senate was received out of order and under suspension of the rules.

From the Senate: The following Order:

ORDERED, the House concurring, that notwithstanding Joint Orders now in effect, all Resolves and Acts, full and complete data for which were in the hands of the Director of Research on or before twelve o'clock, noon, February 16, 1949, shall be received notwithstanding said Joint Orders, and be it further

ORDERED, that the said Director of Research shall file a list of titles of the Resolves and Acts, the full and complete data for which is in his hands at that time, with the Secretary of the Senate and the Clerk of the House. (S. P. 452)

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

Orders

On motion by Mr. Chase of Cape Elizabeth, it was

ORDERED, That there be printed 500 additional copies of H. P. 184, L. D. 60, Bill "An Act Relating to Permits for Outdoor Advertising."

On motion by Mr. Knapp of Yarmouth, it was

ORDERED, that Rev. Wesley Rafter of Yarmouth, be invited to officiate as Chaplain of the House on Wednesday, March 2, 1949.

On motion by Mr. Roundy of Portland, it was

ORDERED, that Rev. Orville O. Lozier of Portland, Associate Min-

ister of the Congregational Christian Conference of Maine, be invited to officiate as Chaplain of the House on Tuesday, March 8, 1949.

On motion by Mr. Gauvin of Lewiston, it was

ORDERED, that Fr. Francois Drouin of St. Peter's Church, Lewiston, be invited to officiate as Chaplain of the House on Thursday, March 10, 1949.

On motion by Mr. McGown of Carmel, it was

ORDERED, that the Rev. John Miller of Newport, be invited to officiate as Chaplain of the House on Thursday, February 24, 1949.

House Reports of Committees Ought Not to Pass

Mr. McGown from the Committee on Pensions reported "Ought not to pass" on Resolve Providing for an Increase in State Pension for Everett Ervine, of Damariscotta (H. P. 307)

Mr. Brown from the Committee on State Lands and Forest Preservation reported same on Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Lands in Aroostook County to Burton Porter of Mapleton (H. P. 859) (L. D. 328)

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft

Mr. Burgess from the Committee on Judiciary on Bill "An Act Relating to the Inheritance Tax" (H. P. 478) (L. D. 153) reported same in a new draft (H. P. 1566) under same title and that it "Ought to pass"

Report was read and accepted and the new draft ordered printed under the Joint Rules.

Ought to Pass Printed Bills

Mr. Marble from the Committee on Legal Affairs reported "Ought to pass" on Bill "An Act relating to Number of Private Detectives" (H. P. 922) (L. D. 374)

Mr. Martin from same Committee reported same on Bill "An Act to Provide for the Election of a Board of Commissioners of Police for the town of Sanford" (H. P. 924) (L. D. 376)

Mr. Benn from the Committee on State Lands and Forest Preservation reported same on Resolve Appropriating Money for the Study and Control of the Spruce Budworm (H. P. 944) (L. D. 385)

Reports were read and accepted and the Bills and Resolve, having already been printed, under suspension of the rules, the Bills were read twice, the Resolve read once and tomorrow assigned.

The **SPEAKER**: The Chair notes, at this time, the presence in the balcony of the Hall of the House the Seventh and Eighth Grades of the Garret-Schenck School from Anson, Maine, under the direction of Mrs. Rid'ion and Mr. Taylor. On behalf of the Members, we bid you welcome. (Applause)

Mr. Leavitt from Committee on State Lands and Forest Preservation reported "Ought to pass" on Bill "An Act to Establish Date for Arbor Day" (H. P. 1006) (L. D. 437)

Mr. Dorsey from the Committee on Taxation reported same on Bill "An Act relating to Motor Vehicle Excise Tax for Amputee Veterans" (H. P. 862) (L. D. 338)

Reports were read and accepted and the Bills, having already been printed, were read twice under suspension of the rules and tomorrow assigned.

Ought to Pass With Committee Amendment

Mr. Campbell from the Committee on Legal Affairs on Bill "An Act relating to the Government of the town of Mount Desert" (H. P. 926) (L. D. 377) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted, and the Bill, having already been

printed, was read twice under suspension of the rules.

Committee Amendment "A" was read by the Clerk as follows:

COMMITTEE AMENDMENT "A" to H. P. 926, L. D. 377, Bill "An Act Relating to the Government of the Town of Mount Desert."

Amend said Bill by striking out all of section 2 thereof.

Further amend said Bill by renumbering "Sec. 3." to read "Sec. 2."

Committee Amendment "A" was adopted and the Bill was assigned for third reading tomorrow morning.

Mr. Campbell from the Committee on Legal Affairs on Bill "An Act to Incorporate the Town of Orrington School District" (H. P. 995) (L. D. 426) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted, and the Bill, having already been printed, was read twice under suspension of the rules.

Committee Amendment "A" was read by the Clerk as follows:

COMMITTEE AMENDMENT "A" to H. P. 995, L. D. 426, Bill "An Act to Incorporate the Town of Orrington School District."

Amend said Bill by striking out the 1st sentence of section 4 thereof and inserting in place thereof the following:

"To procure funds for the purpose of this act and for such other expenses as may be necessary to carry out said purposes, the said trustees are hereby authorized from time to time to borrow such sums of money as shall be fixed at an annual meeting of the town of Orrington or a special meeting thereof called and held for the purpose, and to issue bonds and notes of the district therefor, but shall not incur a total indebtedness exceeding the sum of \$150,000."

Committee Amendment "A" was adopted and the Bill was assigned for third reading tomorrow morning.

Mr. Hayward from the Committee on State Lands and Forest Preservation on Resolve Authorizing the Forest Commissioner to Lease Certain Land in Washington County to Eastern Pulp Wood Company (H. P. 499) (L. D. 168) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted, and the Resolve, having already been printed, was read once under suspension of the rules.

Committee Amendment "A" was read by the Clerk as follows:

COMMITTEE AMENDMENT "A" to H. P. 499, L. D. 168, Resolve Authorizing the Forest Commissioner to Lease Certain Land in Washington County to Eastern Pulp Wood Company.

Amend said Resolve by adding before the period and after the word "rate" in the third line from the end of said Resolve the following 'and that all flowage on the 200 acres shall be cut clean by January 1, 1950'

Committee Amendment "A" was adopted and the Resolve was assigned for second reading tomorrow morning.

Mr. Benn from the Committee on State Lands and Forest Preservation on Resolve Authorizing the State Tax Assessor to Convey by Sale Certain Interest of the State in Land with Buildings Thereon in Newcastle, in the County of Lincoln (H. P. 194) (L. D. 306) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted, and the Resolve, having already been printed, was read once under suspension of the rules.

Committee Amendment "A" was read by the Clerk as follows:

COMMITTEE AMENDMENT "A" to H. P. 194, L. D. 306, Resolve Authorizing the State Tax Assessor to Convey by Sale Certain Interest of the State in Land with Buildings Thereon in Newcastle, in the County of Lincoln.

Amend said Resolve by inserting after the word "sale" in the second line of said Resolve the following 'for not less than \$500.00'

Committee Amendment "A" was adopted and the Resolve was assigned for second reading tomorrow morning.

**Divided Report
Placed on File**

Majority Report of the Joint Select Committee created by Joint Order (H. P. 17) to consider need for revision of the Constitution of the State, submitting the following 6 Resolves:

Resolve Proposing an Amendment to the Constitution to Apportion the Number of Members of the House of Representatives to the Several Towns (H. P. 1567)

Resolve Proposing an Amendment to the Constitution to Change the Date of Filing Initiated Legislation (H. P. 1568)

Resolve Proposing an Amendment to the Constitution Empowering the Legislature to Authorize Municipalities to Create Indebtedness in Excess of the Present Limitation on Municipal Indebtedness (H. P. 1569)

Resolve Proposing an Amendment to the Constitution to Empower the Legislature to Authorize the Issuance of State Bonds for any Purpose Stated in the Constitution (H. P. 1570)

Resolve Proposing an Amendment to the Constitution to Empower the Legislature with the Consent of the People to Authorize the Issuance of State Bonds for any Purpose Stated in the Constitution (H. P. 1571)

Resolve Proposing an Amendment to the Constitution to Set Forth the Duty of the State and the Towns Towards Education (H. P. 1572)

Report was signed by the following members:

Messrs. HASKELL of Penobscot
BARNES of Aroostook
COBB of Oxford
—of the Senate.
CHASE of Cape Elizabeth
CAMPBELL of Augusta
BROWN of Unity
SARGENT of Bucksport

Mrs. FAY of Portland
Mr. TYLER of Farmington
—of the House.

Minority Report of the same Committee signed by

Mr. MUSKIE—of the House.

Reports were read and placed on file.

The SPEAKER: Is it the pleasure of the House that these several resolves be referred to the Committee on Judiciary, ordered printed and sent up for concurrence?

The Chair recognizes the gentleman from Waterville, Mr. Muskie.

Mr. MUSKIE: Mr. Speaker and Members of the House: I am not rising in opposition to the reference of these resolves, but I would like to explain why I am not of the majority opinion.

The SPEAKER: The gentleman may proceed.

Mr. MUSKIE: Mr. Speaker, this committee was formed some four weeks ago by the Legislature for the consideration of the demand or need for revision of all or part of the State Constitution. The majority report of the committee which you all have before you makes certain findings as to that need. With regard to the general revision of the Constitution, it makes these findings: (1) "That a general revision of the Constitution should not be attempted at this time," and (2) "The public interest in revision does not seem to be sufficient to justify the hope that Maine's ablest talent would be drawn to a Constitutional Convention to undertake a general revision."

I filed the minority report for the simple reason that I object to these conclusions. I am going to give you the basis of my objections as briefly as I can, and I think I can do it more briefly if I refer somewhat to the minority report which you have before you. I take the opportunity to do this orally because I know that all of us are busy and may not take the time perhaps to read the written report.

It seems clear to me that these instructions imposed upon the com-

mittee a twofold job: First, a study of the public demand for revision of any part or all of the Constitution; and the second part of that job was a study of the need for revision in the light of the problems which state government is today called upon to meet and the functions which our people expect state government to exercise.

This job could not be done in the time available and it was not done. The only study made of public demand for revision was confined to a poll of the opinions of the committee members. A thorough study of the Constitution as a whole could not be and was not undertaken. The bulk of the committee's time was devoted to the consideration of the five propositions which the majority report labels as urgent, and these five were not necessarily more urgent than at least nine others which were listed by committee members as worthy of consideration.

Since the committee did not, and could not do the job of basic research for which it was created, it was not justified in reaching any conclusions whatsoever as to the public demand or need for a general revision of the Constitution.

It seems to me, and I admit this is my personal opinion, just as the majority report reflects just the personal opinions of nine members—that there is considerable and growing volume of opinion throughout the State in support of various specific changes in the Constitution of Maine. This opinion has found expression in the public utterances of students of government, in editorial comment, in political campaigns, and in an increasing volume of legislation proposing such changes.

Public interest can be expected to concern itself with particular changes rather than overall revision. The complete instrument is a vague and complex thing to the average citizen. And yet, specific changes may so affect the entire structure of our government as to warrant or even make advisable

other changes which should not depend upon hit-or-miss amendment process. For example, elimination of the Governor's council might well raise the question of the advisability of annual sessions of the Legislature.

The question to be decided, the question that it is the committee's job to decide, is whether public interest in specific changes is such as to justify the calling of a Constitutional Convention to insure the study of such changes as an integrated whole.

The extent of general public interest does not determine the ability of the men elected to a Constitutional Convention. The talent which would insure competent technical study of the Constitution should not depend upon public interest or popular election. Presumably such talent would be summoned to such a Convention in a consulting capacity.

This is the real reason I object to this report, if I might sum it up very briefly:

We must assume that this Committee was called into existence out of an awareness on the part of the Legislature of public interest in the results of a thorough study of the subject. There is no question in my mind but what in future discussions of this problem the report of this committee is going to be cited as authority for the proposition that there is no need or demand for general revision. Since the committee is likely to carry that kind of weight, I object to a finding which is based not at all upon fact, not at all upon research, but upon the individual opinions of the majority report.

The only way in which I could give expression to my objection to this report was to give you this brief summary of my thoughts. The only concrete thing that the majority report does is recommend the passage or the consideration of six resolves which are the resolves to be referred to committees. Since these resolves could have been introduced in the ordinary course of

business and referred to committees in the ordinary course of business, I do not object to their reference at this time. The only effect I can give to my objections is to tell you what they are and my reasons, and I hope in some way that will discount the authority which the findings of the committee to which I object may have.

The **SPEAKER**: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Chase.

Mr. **CHASE**: Mr. Speaker, since the gentleman from Waterville (Mr. Muskie) agrees with the majority of the committee as to the specific things which are recommended to the Legislature as urgent in the sense of deserving consideration, I regret that it did not appear to be possible, in drafting the report of the committee, to incorporate views which were entirely congenial to him. As House Chairman of the committee, the duty fell upon me to express the opinion of ten members of the committee, some of whom presumably, as might be expected in any committee, thought the Constitution was pretty good, and some of whom thought the Constitution was pretty bad, some of whom thought it ought to be revised extensively, and others who thought that only a few amendments were necessary.

Now I take it that what a committee is for is to thresh out a problem as well as it can within the available time and try to come back to the Legislature with a consensus of opinion. I think it is too much to expect that any report coming from ten members should exactly express the view of every particular member; and the majority report itself does not express completely my personal views, although I wrote most of it myself, making amendments in an attempt to meet the objections which were made to the first draft.

Now the gentleman from Waterville (Mr. Muskie) and I are not very far apart on some of the views he expressed regarding the Constitution, and the only reason I speak at all is because I thought

the impression might be created by his remarks that the committee did not do the job that it was told to do.

This committee was created under this order which is quoted in part in the first paragraph of the majority report of the committee, and the instruction was: "To consider forthwith the need for revision of the Constitution of the State of Maine, either with respect to need for general revision or revision of particular sections, and, in case of a finding of apparent need, to report to the Legislature," etc.

Now, the gentleman from Waterville is entitled to draw from that order such conclusions as he may deem to be warranted; but I would like to call the attention of the House at this time to the sentence in the minority report in which he says: "It seems clear that these instructions imposed upon the committee a twofold job: First, a study of the public demand for revision of any part or all of the Constitution." Such language as "a study of public demand" does not appear in the order which constituted the committee. I am sorry that the gentleman from Waterville is not satisfied with the opinion expressed as the consensus of opinion of the nine other members, but I am very glad that he does agree with all of the other members of the committee in the propositions which are recommended to this Legislature as urgently deserving consideration.

The **SPEAKER**: The Chair recognizes the gentleman from Waterville, Mr. Muskie.

Mr. **MUSKIE**: Mr. Speaker and Members of the House: I did not expect to be involved in a boxing match over this thing this morning. As a matter of fact, it seemed to me, being alone in my report, I was the only one that needed any defending. However, I would like to point out with respect to the last remark made by Mr. Chase that his order called for this kind of work on the part of the committee "in case of a finding of apparent need."

"Finding of apparent need," it seems to me, requires a search of facts. If the majority report had stated that these conclusions to which I object were the conclusions or opinions of the nine signers of the majority report, I would not object, but this calls for a finding. A finding presumably must be based upon facts. Now on what kind of fact can you base that conclusion?

It seems to me that there are two kinds of facts: First, facts as indicated by public interest and demand for particular changes, and secondly, facts within the Constitution itself which we can ascertain by study of the entire instrument in the light of the problems which state government is called upon to meet. Now I submit that those facts were not determined, and the majority report says "the committee finds" not that "the committee thinks"; "the committee finds that there is no public interest," "the committee finds there is no public demand." I submit that is a conclusion which is not justified by the work which the committee put into this job. The committee could not do it in the time that was available. I am not criticizing the committee, but they are not justified in making findings of fact which they did not determine.

I am glad that the gentleman from Cape Elizabeth (Mr. Chase) has qualified that report and made it a matter of record that that report and those conclusions represent only the opinion of the nine people who signed the majority report. I thank him for making that statement which I think is an accurate report of the committee. I thank you.

Thereupon, the several resolves were referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

The SPEAKER: The Chair recognizes the gentleman from Limestone, Mr. Burgess.

Mr. BURGESS: Mr. Speaker and Members of the House: Assuming that sometime in the future these resolves may be on your election

ballot, I am going to move at this time that both the majority and minority reports be incorporated into the Legislative Record for the benefit of you and me at some future date. Both of these reports represent opinions which are worthy of consideration now and at a future date.

The SPEAKER: The gentleman from Limestone, Mr. Burgess, moves that both the majority and minority reports be incorporated into the Legislative Record. Is this the pleasure of the House?

The motion prevailed, and the reports follow:

REPORT OF THE JOINT SELECT COMMITTEE TO CONSIDER THE NEED FOR REVISION OF THE CONSTITUTION.

This Committee was instructed by joint order "to consider forthwith the need for revision of the Constitution of the State of Maine either with respect to need for general revision or revision of particular sections; and in case of a finding of apparent need by said committee, to report to this Legislature on or before February 16, 1949, its recommendations of appropriate procedure either by a bill creating a Constitutional Convention under instruction to consider and propose a general revision or by resolves proposing particular Constitutional Amendments deemed to be urgent and suitable for consideration in regular order by this Legislature including appropriate committee reference and public hearing or by any other method deemed appropriate."

The Original Constitution, enlarged as it is today by numerous amendments, is in poor form for reference use. It can today be improved greatly by a codification which combines into the basic document, all of the forty-three amendments, thus eliminating such parts of the amendment sections as are now obsolete. It can be further improved by minor amendments designed to transfer to the statutes details of procedure such as the method of voting by troops in the field. It contains some inconsistencies of minor importance, as well as

some provisions difficult for a citizen to understand because of the apparent literal meaning having been changed by interpretation. It also contains some provisions which seem to have been ignored or evaded.

Despite these defects, the Committee finds that a general revision of the Constitution should not be attempted at this time. The public interest in revision does not seem to be sufficient to justify the hope that Maine's ablest talent would be drawn to a Constitutional Convention to undertake a general revision. Without such talent, there would seem to be no reason to expect from a convention a production superior to the existing document. The Constitution of Maine commands a respect and reverence which ought not lightly to be sacrificed to the ambitions of the "stream-liner" and the modernizer.

The Committee finds that the need for revision is urgent with respect to particular sections of the Constitution and presents for consideration at this Legislature the following Resolves proposing Amendments to the Constitution.

An Amendment Relating to Apportionment of Representatives.

Under terms of the Constitution there must be a re-apportionment made by the Legislature meeting in 1951. The existing provisions contain an inconsistency as to the number of representatives. The old formula or principle appears to be inapplicable to the present population and its application was not even attempted in recent apportionments. An apportionment amendment can be considered on its merit as to sound principles at this session. If adopted by the Legislature and approved by the people at the general election in 1950, the problem of apportionment should be easy for the next Legislature.

An Amendment Relating to Limitation on Municipal Indebtedness.

The continuing evasion of the apparent intent of the Constitution with respect to municipal debt

limitation is a serious matter by itself, and tends to encourage other evasion. The method of evasion by creating districts is a waste of legislative effort, when the same ends can be achieved without resort to questionable devices. It is desirable that cities and towns should perform their legally required functions of government in their own names and identities so far as possible. Conflicts of authority should be avoided. Creditors should be kept in one classification with respect to rights and remedies. Owners of property liable to attachment for municipal debt should have at least the protection of knowing the extent of total liability.

An Amendment Relating to State Aid Policy in Education

Article VIII of the Constitution, which requires the Legislature to compel the cities and towns "to make suitable provision, at their own expense, for the support and maintenance of public schools" is hardly consistent in language or intent with what the state has been doing in state aid and in equalization. It certainly affords ground for questioning the constitutionality of any measure proposing that the state give money to the towns for building schools. If the state intends to pursue a policy of maintaining an approximate uniformity of instruction throughout the state by subsidy and equalization, the Constitution should be amended to justify the policy. This proposed amendment will afford a basis for discussion on what the state's educational policy ought to be.

An Amendment Relating to the Time of Presentation of Initiated Measures.

The Constitution now provides that a measure initiated by petition must be presented at least thirty days before the close of the Legislative session. Such a measure, if seasonably presented, must be passed by the Legislature without change or referred to the people. An initiated measure appearing so late in the session and before

a date which can never be known in advance, which may be inconsistent in its terms with laws already enacted, can upset the entire Legislative program. Laws already passed on related subjects may be challenged as competing measures or as substitutes, even though the Legislature never intended them as such.

The Initiative ought not to be used as an obstructive device. It was intended to be constructive and originative. It would seem that the Referendum affords sufficient protection to people who want to over-rule the Legislature. When the Initiative was adopted in 1908, Legislative sessions were usually less than 90 days in length, and 30 days represented a much larger percentage of Legislative working time.

The usual dead line for introduction of general bills by members of the Legislature is around February 15. It seems fair and reasonable that the sponsors of an initiated measure should meet the same requirements. It is also to their advantage that they should be assured that their efforts will not be made futile by an adjournment of the Legislature earlier than they anticipated. The Resolve now introduced would make the time limit 45 days after the convening of the Legislature in regular session.

An Amendment Relating to the Debt Limit of the State

The Constitution is now encumbered by numerous amendments authorizing bond issues for various purposes. Nearly every new bond issue has required a Constitutional Amendment. This procedure is slow and uncertain. Furthermore, it is dangerous when a bond issue is to be paid from proceeds of a tax, because the bond issue may be approved while the tax is defeated by the people. It is believed that the procedure can be greatly simplified and expedited without changing in any essential respect the rights of

the people to control borrowing by the state.

To accomplish this purpose, two methods are proposed as embodied in two Resolves. One of these Resolves proposes to amend the Constitution by including a section in the Constitution requiring a popular vote on bond issues as by referendum rather than by Constitutional amendment. A bond issue would be authorized in compliance with the terms of the Constitution, but it would not be part of the Constitution.

The other proposed method is to amend the Constitution so as to sweep away the numerous previous bond issue amendments by inserting a new amendment which would establish a Constitutional state debt limit ceiling under which ceiling the Legislature, by vote of two-thirds of both branches and by approval of the Governor, could issue bonds for construction of permanent facilities. The people would fix, and could later raise or reduce, the debt limit, leaving discretion to the Legislature within that limit. Obviously such an amendment, if adopted by this Legislature, would have to be framed, in amount and language, to conform to any other approved bond issue amendment, so that the amount first designated in the original resolve as the state debt limit should be regarded as tentative and subject to change later in this session.

* * * * *

The Resolves which will be introduced as herein recited are not necessarily regarded by your committee as ideal or perfect for the purposes in mind. We agree upon the urgency of need for Constitutional revision with respect to these matters, and we believe that the described Resolves, prepared for introduction in the regular order of Legislative procedure, are deserving of careful study by the appropriate committee and by the Legislature, always with a view to an improved final form.

The proposed Amendment (L. D. 30) providing for Codification of

the Constitution, if adopted, would presumably result in bringing into the codified form those amendments which are simultaneously approved by this Legislature and adopted by the people. By such actions and procedure the Constitution, as a practical working instrument for reference and guidance, should be improved.

In making these recommendations, your Committee has applied the test of urgency with the efficient functioning of the Legislature in mind. We express no opinion as to the urgency of several other proposed amendments in the Legislative mill and already referred to regular joint standing committees, such as the proposals for a four-year term for governor and for senators, for changing the date of the general election, and for annual sessions of the Legislature. The number of such proposals for change in the form of our state government, together with evidence of a growing sentiment for a general revision of the Constitution by a convention, indicate that there may be a need for careful study of the subject by a special recess commission, or by the Legislative Research Committee with a view to presenting to the next Legislature specific proposals, either by bill creating a Constitutional Convention or by recommendation of a limited program of revision for that Legislative session similar to the one now recommended and embodied in the resolves accompanying this report. February 15, 1949

SENATE

Robert N. Haskell
George B. Barnes
Roland H. Cobb

HOUSE

Edward E. Chase
Joseph B. Campbell
Harry M. Brown
Percy G. Sargent
Marguerite R. Fay
Jarvis L. Tyler

THE JOINT SELECT COMMITTEE TO CONSIDER THE NEED FOR REVISION OF THE CONSTITUTION.

Minority Report:

The Committee was created "to consider forthwith the need for revision of the Constitution of the State of Maine either with respect to need for general revision or revision of particular sections . . ."

It seems clear that these instructions imposed upon the Committee a twofold job: (1) a study of the public demand for revision of any part or all of the Constitution; and (2) a study of the need for revision in the light of the problems which State government is today called upon to meet and the functions which our people expect State government to exercise.

This job could not be done in the time available and it was not done. The only study made of public demand for revision was confined to a poll of the opinions of the Committee members. A thorough study of the Constitution as a whole could not be undertaken. The bulk of the Committee's time was devoted to the consideration of the five propositions which the majority report labels as urgent, and these five were not necessarily more urgent than at least nine others which were listed by Committee members as worthy of consideration. The latter included several which are deemed of sufficient importance and public interest by members of this Legislature to warrant the presentation of legislation to accomplish the changes desired.

Since the Committee did not, and could not do the job of basic research for which it was created, it was not justified in reaching any conclusions whatsoever as to the public demand or the need for a general revision of the Constitution. The following conclusions reached in the majority report cannot, therefore, be supported by the undersigned: (1) "that a general revision of the Constitution should not be attempted at this time", and (2) "The public interest in revision

does not seem to be sufficient to justify the hope that Maine's ablest talent would be drawn to a Constitutional Convention to undertake a general revision."

The following considerations were not given the careful study and analysis which should be given them before conclusions are reached as to the advisability of calling a Constitutional Convention:

1. There is a considerable and growing body of opinion throughout the State in support of various specific changes in the Constitution. This opinion has found expression in the public utterances of students of government, in editorial comment, in political campaigns, and in an increasing volume of legislation proposing such changes.

2. Public interest can be expected to concern itself with particular changes rather than overall revision. The complete instrument is a vague and complex thing to the average citizen. And yet, specific changes may so affect the entire structure of our government as to warrant or even make advisable other changes which should not depend upon the hit-or-miss amendment process. For example, elimination of the governor's council might well raise the question of the advisability of annual sessions of the Legislature.

3. The question to be decided is whether public interest in specific changes is such as to justify the calling of a Constitutional Convention to insure the study of such changes as an integrated whole.

4. The extent of general public interest does not determine the ability of the men elected to a Constitutional Convention. The talent which would insure competent technical study of the Constitution should not depend upon public interest or popular election. Presumably such talent would be summoned to such a Convention in a consulting capacity.

We must assume that this Committee was called into existence out of an awareness on the part of the Legislature of public interest in the

results of a thorough study of the subject. It is the opinion of the undersigned, therefore, that it is the duty of the Committee to report that it was unable to do a thorough job and to recommend the creation of the necessary agency to do the job. Such an agency might be a special recess committee to function during the next biennium, or it might be the Legislative Research Committee, or it might be a special commission, composed of a representative cross-section of our ablest citizens, to carry on the necessary research during the next biennium.

The undersigned endorses the recommendations of the majority report which relate to the five propositions presented therein. The problems raised merit the serious consideration of the Legislature. The Committee devoted considerable time to their solution. The solutions offered may be subject to criticism and change, but they are commended as a basis for discussion.

(Signed) Rep. Edmund S. Muskie

Passed to be Engrossed

Bill "An Act to Provide for Authorization of Issues of Stocks, Bonds or Notes by Public Utilities and Railroads" (S. P. 59) (L. D. 35)

Bill "An Act relating to Fares Between the Westerly End of Peaks Island and Portland" (S. P. 119) (L. D. 140)

Bill "An Act relating to Chief Inspector of Utilities" (S. P. 176) (L. D. 234)

Bill "An Act relating to Suspension of Public Utility Rates" (S. P. 177) (L. D. 233)

Bill "An Act relating to Caboose Cars Used by Railroads" (S. P. 192) (L. D. 245)

Bill "An Act to Incorporate the 'Progressive Loan Co.'" (H. P. 179) (L. D. 55)

Bill "An Act to Incorporate the Dover-Foxcroft School District" (H. P. 837) (L. D. 334)

Bill "An Act to Create the Boothbay Region Community School District" (H. P. 839) (L. D. 335)

Bill "An Act Amending the Charter of the Town of Litchfield School District" (H. P. 925) (L. D. 401)

Bill "An Act relating to Travel for Members of the Legislature" (H. P. 1253) (L. D. 557)

Bill "An Act relating to Joint Bank Accounts" (H. P. 1438) (L. D. 710)

Bill "An Act to Incorporate the Prentiss School District" (H. P. 1440) (L. D. 712)

Bill "An Act to Incorporate the Carroll School District" (H. P. 1439) (L. D. 711)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed and sent to the Senate.

Tabled

Resolve Proposing an Amendment to the Constitution Changing the Date of the General Election (H. P. 51) (L. D. 14)

(On motion by Mr. Jalbert of Lewiston, the Resolve was tabled pending second reading.)

Resolve to Open Third Debsco-neag Lake in T. 1, R. 10 and T. 2, R. 10, Piscataquis County to Ice Fishing (H. P. 286) (L. D. 693)

Was reported by the Committee

on Bills in the Third Reading, read the second time, passed to be engrossed and sent to the Senate.

Passed to be Enacted

An Act to Incorporate the Town of Burnham School District (H. P. 810) (L. D. 263)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

Orders of the Day

On motion by Mr. Bird of Rockland, out of order and under suspension of the rules, it was

ORDERED, that Rev. Charles R. Monteith of Rockland, be invited to officiate as Chaplain of the House on Wednesday, February 23, 1949.

The SPEAKER: The Chair is proceeding under Orders of the Day.

If there be no further items of business to come before the House, the Clerk will read the notices.

On motion of Mr. Martin of Eagle Lake,

Adjourned until 10 o'clock tomorrow morning.