

# 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

**SENATE**

Tuesday, March 8, 1949

The Senate was called to order by the President.

Prayer by the Reverend Charles L. Kinney of Skowhegan.

Journal of Friday, March 4th, 1949, read and approved.

**From the House**

Bill "An Act Providing Vocational Rehabilitation for Sanatoriums." (H. P. 1863) (L. D. 1207)

"Resolve Authorizing State of Maine to Purchase Armory at Lewiston." (H. P. 1864) (L. D. 1208)

Which were severally referred to the Committee on Appropriations and Financial Affairs in concurrence.

"Resolve in Favor of Central Maine General Hospital of Lewiston." (H. P. 1865) (L. D. 1209)

"Resolve in Favor of Violet Dystart of Augusta." (H. P. 1906)

"Resolve in Favor of John Graves of Etna." (H. P. 1907)

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

Bill "An Act Relating to Teaching of Importance of Voting in Public Schools." (H. P. 1870) (L. D. 1210)

Which was referred to the Committee on Education in concurrence.

Bill "An Act Relating to Size of Traps for Wild Animals." (H. P. 1871) (L. D. 1211)

Which was referred to the Committee on Inland Fisheries and Game in concurrence.

Bill "An Act Relating to Procedure on Damages Caused by Location of Highways." (H. P. 1872) (L. D. 1212)

Bill "An Act Relating to Establishing Boundaries of State Highways." (H. P. 1873) (L. D. 1213)

"Resolve Proposing an Amendment to the Constitution to Abolish the Executive Council." (H. P. 1874) (L. D. 1214)

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

Bill "An Act to Incorporate the Town of Masardis School District." (H. P. 1875) (L. D. 1253)

Which was referred to the Committee on Legal Affairs in concurrence.

Bill "An Act Relating to Potato-Shaped Number Plates on Motor Vehicles." (H. P. 1878) (L. D. 1215)

Which was referred to the Committee on Maine Publicity in concurrence.

Bill "An Act Creating a State Lottery Commission." (H. P. 1843) (L. D. 1164)

(On motion by Mr. Batchelder of York, tabled pending reference to a committee.)

Bill "An Act Relating to Shipping of Clams, Quahogs, and Mussels." (H. P. 1886) (L. D. 1216)

Which was referred to the Committee on Sea and Shore Fisheries in concurrence.

Bill "An Act Relating to Conservation of Christmas Trees." (H. P. 1889) (L. D. 1217)

Which was referred to the Committee on State Lands and Forest Preservation in concurrence.

Bill "An Act Imposing a Sales and Use Tax to Raise Additional Revenue." (H. P. 1855) (L. D. 1204)

Which was referred to the Committee on Taxation in concurrence.

Bill "An Act Relating to Entrances to State Highways." (H. P. 1890) (L. D. 1218)

Bill "An Act Relating to Installation in Public Highways." (H. P. 1891) (L. D. 1219)

Bill "An Act Relating to Uncertain Boundaries of Highways." (H. P. 1892) (L. D. 1220)

Bill "An Act Relating to Notice to State Highway Commission in Re Highway Changes." (H. P. 1893) (L. D. 1221)

Bill "An Act Crediting Certain Fees to the General Highway Fund." (H. P. 1894) (L. D. 1222)

Bill "An Act Relating to Taking of Land by State Highway Commission." (H. P. 1895) (L. D. 1223)

Which were severally referred to the Committee on Ways and Bridges in concurrence.

Bill "An Act Relating to Motor Vehicle Excise Tax for Amputee Veterans." (H. P. 862) (L. D. 338)

(In the Senate on February 22nd passed to be engrossed in concurrence.)

Comes from the House, passed to be engrossed as amended by House Amendment "B" (House Amendment "A" having been indefinitely postponed) in non-concurrence.

In the Senate, on motion by Mr. Slocum of Cumberland, the Senate voted to reconsider its former action taken on February 22, House Amendment A was indefinitely postponed in concurrence, House Amendment B was read and adopted in concurrence, and the bill as amended by House Amendment B was passed to be engrossed in concurrence.

Bill "An Act Relating to Motor Vehicle Licenses for Amputee Veterans." (H. P. 929) (L. D. 402)

(In the Senate, on February 23rd, passed to be engrossed in concurrence.)

Comes from the House, passed to be engrossed as amended by House Amendment "A" in non-concurrence.

In the Senate, on motion by Mr. Slocum of Cumberland, the Senate voted to reconsider its action taken on February 23; House Amendment "A" was read and adopted in concurrence, and the bill as amended by House Amendment "A" was passed to be engrossed in concurrence.

The Committee on Salaries and Fees on Bill "An Act Relating to the Salary of the Register of Deeds in Cumberland County," (H. P. 190)

(L. D. 62) reported that the same ought not to pass.

Comes from the House, recommended to the Committee on Salaries and Fees.

In the Senate, on motion by Mr. Collins of Aroostook, the bill was recommended to the Committee on Salaries and Fees in concurrence.

The Committee on Salaries and Fees on Bill "An Act Relating to Salaries of Deputy Register of Deeds and Clerks in the Office of Register of Deeds, in the County of Cumberland," (H. P. 191) (L. D. 63) reported the same in a new draft (H. P. 1760) (L. D. 1032) under the same title, and that it ought to pass.

Comes from the House, the report read and accepted, and subsequently the bill was recommended to the Committee on Salaries and Fees.

In the Senate, on motion by Mr. Collins of Aroostook, the bill was recommended to the Committee on Salaries and Fees in concurrence.

#### House Committee Reports

The Committee on Legal Affairs on Bill "An Act Relating to Scope of Purchasing Authority," (H. P. 1504) (L. D. 809) reported that the same ought to pass.

The same Committee on Bill "An Act Relating to Duties of the State Auditor," (H. P. 403) (L. D. 763) reported that the same ought to pass.

The same Committee on Bill "An Act to Incorporate the Town of Otisfield School District," (H. P. 1169) (L. D. 625) reported that the same ought to pass.

The same Committee on Bill "An Act Repealing the Incorporation of the Town of Orono School District," (H. P. 1167) (L. D. 594) reported that the same ought to pass.

The same Committee on Bill "An Act Granting Additional Powers to the Ogunquit Village Corporation," (H. P. 1000) (L. D. 431) reported that the same ought to pass.

Which reports were severally read and accepted in concurrence, the

bills read once and tomorrow assigned for second reading.

The Committee on Legal Affairs on Bill "An Act to Incorporate the Town of Corinth School District," (H. P. 1259) (L. D. 558) reported that the same ought to pass as amended by Committee Amendment "A".

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

#### Orders

On motion by Mr. Brewer of Aroostook, it was

ORDERED that there be printed one thousand additional copies of S. P. 395, L. D. 733, An Act Relating to Branding of Potatoes.

On motion by Mr. Haskell of Penobscot, it was

ORDERED, the House concurring, that S. P. 65, L. D. 48, An Act Relating to a State Police Barracks in the County of Penobscot, and S. P. 111, L. D. 136, Resolve Relating to Impounded Bank Accounts of Certain Trust Funds be recalled to the Senate from the Governor for further consideration.

On further motion by the same Senator, the order was sent forthwith to the House.

On motion by Mr. Bowker of Cumberland, it was

ORDERED that all bills and resolves carrying or requiring appropriations that are in order to be passed to be engrossed or to be passed to be enacted or finally passed shall at the request of a member of the Committee on Appropriations and Financial Affairs, be placed on a special calendar to be called up for consideration only by a member of that committee. This order will continue in effect until the end of this regular session.

#### First Reading of a Printed Bill

Bill "An Act Relating to Maine Real Estate Commission and Brokers' Licenses and Fees." (S. P. 591) (L. D. 1248)

Which bill was read once and tomorrow assigned for second reading.

#### Senate Committee Reports

Mr. Ward from the Committee on Judiciary on Bill "An Act Relating to Liens on Logs, Lumber or Pulpwood for Advances of Money or Merchandise," (S. P. 210) (L. D. 272) reported the same in a new draft (S. P. 599) under the same title, and that it ought to pass.

Which report was read and accepted, and the bill in new draft laid upon the table for printing under the joint rules.

The Committee on Public Utilities on Bill "An Act Amending the Charter of Maine Public Service Company," (S. P. 175) (L. D. 235) reported that the same ought to pass as amended by Committee Amendment "A".

Which report was read and accepted, and the bill read once; Committee Amendment "A" was read:

"Committee Amendment A to L. D. 235. Amend Section 2 of said bill by striking out in the fourth line thereof, the words 'the Gould Electric' and inserting in place thereof the underlined words 'Maine Public Service.' Further amend Section 2 of said bill by striking out after the words 'Aroostook River' in the 8th and 9th lines thereof, the underlined words 'and developing water power' and inserting in place thereof, 'and to develop water power on the Aroostook River and its tributaries.'"

Which amendment was adopted and the bill as so amended was tomorrow assigned for second reading.

Bill "An Act Relating to Compensation of State Park Commissioners." (H. P. 1004) (L. D. 435)

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

Bill "An Act Relative to Stockholm Game Preserve." (H. P. 1289) (L. D. 655)

Bill "An Act Relating to Registration and Excise Taxes of Volunteer Fire Departments." (H. P. 195) (L. D. 66)

Bill "An Act to Incorporate the Trustees of Franco American Oblate Fathers." (H. P. 296) (L. D. 84)

Bill "An Act Relating to Powers of Baxter State Park Authority." (H. P. 831) (L. D. 316)

Bill "An Act to Incorporate the Town of Dexter School District." (H. P. 1052) (L. D. 468)

Bill "An Act to Incorporate the Town of Winthrop School District." (H. P. 1258) (L. D. 559)

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

Bill "An Act Relating to Advisory Committee on Budget." (S. P. 52) (L. D. 32)

Bill "An Act Relating to the Madison Water District and the Anson Water District." (S. P. 62) (L. D. 38)

Bill "An Act Relating to County and Local Agricultural Societies." (S. P. 63) (L. D. 46)

"Resolve in Favor of the University of Maine for General Operations." (S. P. 98) (L. D. 104)

Bill "An Act Amending the Charter of the Skowhegan Water Company." (S. P. 213) (L. D. 275)

Bill "An Act Relating to Railroad Crossing Signs." (S. P. 214) (L. D. 276)

Bill "An Act Appropriating Monies for Child Welfare Services." (S. P. 286) (L. D. 487)

(On motion by Mr. Bowker of Cumberland, tabled pending passage to be engrossed.)

"Resolve Authorizing the Treasurer of State to Convey Certain Land to the Town of Houlton." (S. P. 377) (L. D. 643)

Bill "An Act Relating to Election of Presidential Electors." (S. P. 386) (L. D. 650)

Bill "An Act Relating to Branding of Potatoes." (S. P. 395) (L. D. 733)

(On motion by Mr. Brewer of Aroostook, tabled pending passage to be engrossed.)

Bill "An Act Relating to Agricultural Societies." (S. P. 416) (L. D. 774)

"Resolve in Favor of the Central Maine Sanatorium at Fairfield." (S. P. 417) (L. D. 777)

"Resolve Providing for Purchase and Installation of Heating Equipment at the State School for Boys." (S. P. 419) (L. D. 776)

Bill "An Act Relating to Credit for Returns of Malt Liquor Bottles." (S. P. 448) (L. D. 800)

Bill "An Act Relating to Qualification for Liquor Licenses." (S. P. 450) (L. D. 798)

Bill "An Act to Establish and Define the Civil Liability of Radio Broadcasters Relative to Libel." (S. P. 559) (L. D. 1183)

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

Sent down for concurrence.

Bill "An Act Relating to the Tax on Commercial Fertilizer." (S. P. 284) (L. D. 485)

(On motion by Mr. Brewer of Aroostook, tabled pending passage to be engrossed.)

"Resolve Providing for Certain Construction at the Central Maine Sanatorium." (S. P. 336) (L. D. 567)

(On motion by Mr. Boucher of Androscoggin, tabled pending passage to be engrossed.)

Bill "An Act Relating to Insurance Agents and Brokers." (S. P. 408) (L. D. 745)

"Resolve Providing Funds to Augment Institutional Appropriations." (S. P. 418) (L. D. 775)

Bill "An Act Relating to Process Against Unauthorized Insurers." (S. P. 432) (L. D. 926)

(On motion by Mr. Boucher of Androscoggin, tabled pending passage to be engrossed.)

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

Sent down for concurrence.

The motion prevailed, the bill having been previously referred to the Committee on Judiciary.

Sent down for concurrence.

#### Orders of the Day

On motion by Mr. Haskell of Penobscot, the Senate voted to take from the table Senate Report "Ought Not to Pass" from the Committee on Judiciary on Bill, An Act Relating to Suits for False Arrest (S. P. 304) (L. D. 498) tabled by that Senator on March 4th pending consideration of the report; and on further motion by the same Senator the report of the committee was accepted.

Sent down for concurrence.

On motion by Mr. Haskell of Penobscot, the Senate voted to take from the table, Senate Report "Ought Not to Pass" from the Committee on Judiciary on Bill, An Act Relating to Duties of Attorney General (S. P. 302) (L. D. 496) tabled by that Senator on March 4th pending consideration of the report; and on further motion by the same Senator the report of the committee was accepted.

Sent down for concurrence.

On motion by Mr. Allen of Cumberland, the Senate voted to take from the table Bill, An Act to Provide Driver Education in Secondary Schools (S. P. 543) tabled by that Senator on March 2nd pending reference; and on further motion by the same Senator the bill was referred to the Committee on Education, and ordered printed.

Sent down for concurrence.

On motion by Mr. Slocum of Cumberland, the Senate voted to take from the table, Bill, An Act Establishing a State-wide Probation System (S. P. 533) tabled by that Senator on March 1st pending consideration.

Mr. SLOCUM: Mr. President, I move this bill take its regular course.

On motion by Mr. Ward of Penobscot, the Senate voted to take from the table Senate Report from the Committee on Judiciary on Bill, An Act Creating a Merit Award Board to Encourage and Reward Efficiency and Economy in State Government (S. P. 83) (L. D. 71); Majority Report "Ought to Pass in New Draft" (S. P. 537) (L. D. 1069), Minority Report "Ought Not to Pass", tabled by that Senator on February 25th pending consideration of either report.

Mr. WARD: Mr. President, I request that the Secretary read the reports of the Committee.

The reports of the Committee were read by the Secretary.

Mr. WARD: Mr. President, I move acceptance of the Majority "Ought to Pass" report and in support of that motion I would state that the bill provides for a board of three persons who might be State officers or State employees, and would be appointed by the Governor with the advice and consent of the Council, and this Board would serve without compensation and they would have the duties which are outlined under Section 6-B of the bill. This Merit Award Board would have power and it would be its duty to formulate and establish plans which would encourage and reward the unusual and meritorious services of State employees, which would tend to increase efficiency and economy in our State government. And in carrying out this plan that Merit Award Board would have the power to go into the various departments of the State and appoint what might be termed sub-committees, which would consist perhaps of the heads of departments and one or two others who would pass on these various suggestions which would be submitted by the employees and determine whether or not they would tend to increase efficiency

or economy in our State government.

If an employee submitted a suggestion which did have merit then the Merit Award Board would have the power to award either cash prizes or certificates or insignia, or they could, if they so desired, recommend a salary increase for the particular employee. This plan, if it was set up, would not only include the employees in the classified service of the State but would include every employee in the State of Maine, regardless of what department that employee might be serving in.

You may ask "What is the need for such a Board?" During the war, as you all know, as war industries expanded they found by adopting the so-called "suggestion box" it tended to increase greatly the efficiency and economy of that particular industry. The armed forces, during the war, also found it very desirable to adopt the same plan and since the termination of the war some of our largest industries in the United States and some of the industries which we may say are operating most efficiently and economically have adopted this suggestion plan.

There is nothing original about the bill which I have submitted. It was adopted over two years ago in the State of New York. The State of New York has operated over two years under this plan, and during that length of time on an expenditure of a little bit over \$25,000 they have found they have effected direct savings which have amounted to over \$200,000, which means they have saved over eight dollars for every dollar invested in the plan, and those figures do not include what might be cumulative savings over a period of years.

This plan has received considerable endorsement throughout the United States in various magazines and articles, and particularly the plan in the State of New York, and this bill presented here has received some favorable comment in the newspapers of our State and as re-

cently as February 26, 1949 the Lewiston Evening Journal carried this particular editorial: "A State Merit Board to reward efficiency on the part of Maine employees is favored by a majority of the Judiciary Committee. The board would pay cash and other prizes to employees whose ideas for economy and efficiency were adopted. This works in business and industry. It works in New York State Government. We believe that a \$10,000 fund for this purpose would be a good investment for the State."

It might be said that the State of New York, which is using this plan, is much larger and spends more money than the State of Maine and naturally would be expected to save more money than we could save here in the State of Maine. The Governor submitted to us a budget earlier in the session, and if I remember correctly, that budget called for a sum of money somewhere around \$113,000,000 to be expended over a two year period. If that is correct we are going to be spending money in excess of one million dollars a week and it would seem if we spend that kind of money and if we had this Merit Award Board, and even if they saved only a dollar for every dollar we invest in it, it would be a good investment for the State of Maine. Consequently, I hope the majority report "Ought to Pass" is accepted.

Mr. ELA of Somerset: Mr. President and members of the Senate, the motive behind this bill is fine. We all are interested in economy and efficiency in State government. That goes without saying. However, it is my opinion that in the long run legislation of this sort will perhaps do more harm than good. The eventual economy is perhaps questionable and until such legislation has proven beyond considerable doubt to me to be needed, I am not for it, particularly when it requires an additional Board, additional services and things of that sort. Experience, as far as State government is concerned, so far presented to us was limited to New York State.



Now, New York State cannot be compared to Maine at all. New York is many times our population and the expenditures of New York are many times ours. Services are sprinkled over a great thickly populated area. Furthermore, it has not been in existence in New York long enough for the defects, at least, to show themselves. For such legislation to be needed here—it must prove to me, at least, its need, its wisdom, whether or not we can afford it, and whether or not there will be abuses if it is enacted.

Now, as to our need. Our departments are relatively small. The routine in our government is relatively well established. It isn't something of a new order such as we would see if conducting major industries under the impact of war, changing conditions and all that sort of thing. The departments are now handling the services with reasonable dispatch. They have been investigated time and again and in my opinion, the need does not warrant the legislation.

As to the wisdom of it, the history of all enterprise, both of government and of business, nature has been such that rules and orders and procedure has sifted down from those in authority. That has worked from time immemorial and worked well. This legislation would have a tendency to force procedure up from the bottom from those who may or may not have a proper concept of the entire matter at hand, the entire procedure. Then when some of these suggestions are not accepted there may be irritation and distrust amongst those whose suggestions are not favorably received. Constant changes which might be suggested might have a detrimental effect upon procedure in various departments. This legislation would be an invitation for employees to look for trouble, to look for changes. It would invite criticism of procedure and create unrest. It would suggest new services of which we know of no need.

The price has something to do with it. There is in the bill an

appropriation of ten thousand dollars. I have no argument with that if it will save that amount of money or more, but in the long run over a long period of time I do not think it will save money. I think it will cost much more. This Board, as set up, would have authority to grant increases, and as I understand it, to shorten the length of time that an employee must stay in one bracket to earn a merit increase. The abuses under the system may spread. I can conceive of an executive who, of his own accord, thought of some procedure that might be changed. He might pass the suggestion along to some person, subordinate, and let him or her make the suggestion and perhaps take the salary increase that was not justified.

There is the matter of ridicule. Possibly it isn't worth while mentioning. I recall back in Sunday School days we got a star if we happened to know what the lesson was about, but as we got older it was a matter of ridicule to the older members of the group.

Many of these ideas which now come forward as a matter of course and which we have a right to expect of paid employees, would be held back for the purpose of waiting until they could accumulate and be transferred into merit badges, salary increases, etc. If our executives and heads of departments are worthy of their position they should continue to experiment with their procedure and give us the desired results in any case.

Added all up, to me it is just another Board which would flourish a while and then languish, which would be expensive. Nearly all of these changes and improvements should be presented to us and carried into effect by our executives. If they are not, a good gathering of the proper authority should produce the desired effects amongst the executives. I hope the motion of the Senator from Penobscot, Senator Ward, does not prevail.

Mr. WARD: Mr. President, if this plan were to be adopted by

the State of Maine the irritation and detrimental effects which the Senator from Somerset, Senator Ela, refers to, I think would be eliminated by virtue of the procedure which is adopted in all cases where these plans are put into effect. The employee submits a suggestion to the Merit Award Board and immediately that suggestion receives an identification number and the name of the sponsor of that particular suggestion remains anonymous. That suggestion is then referred to the proper department where the suggestion would be put into effect and that departmental committee, which would be made up of the head of the department and one or two others would pass on the suggestion without knowing who the author was, and decide whether or not that particular suggestion was worth while, and they would recommend back to the Board and the Board would be the sole power as to whether or not the suggestion would finally be accepted.

In regard to the advances in the brackets in the classified service, of course, as I have stated in the first place, this bill would apply to all employees, whether or not they are in the classified service. As a matter of actual and practical procedure, in the State of New York they do not give salary increases but confine their awards solely to cash awards, feeling that an employee will receive his advance in salary in due course of time anyway. The prime purpose, of course, of this bill is to stimulate on-the-job thinking.

When the vote is taken, Mr. President, I ask for a division.

A division of the Senate was had.

Nineteen having voted in the affirmative and ten opposed, the "Ought to Pass" report of the Committee was adopted. The bill was given its first reading and tomorrow assigned.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table bill, An Act Relating to Process against Un-

authorized Insurers (S. P. 432) (L. D. 926) tabled by that Senator earlier in today's session pending passage to be engrossed; and on further motion by the same Senator, the bill was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Barnes of Aroostook, the Senate voted to take from the table bill, An Act Relating to Service Retirement Benefits for Airplane Pilots Who are Employed as Such by the State of Maine (S. P. 473) (L. D. 925) tabled by that Senator on March 2 pending assignment for second reading, Senate Amendment A having been printed as L. D. 1174

Mr. BARNES of Aroostook: Mr. President, this bill, when it came before the Judiciary Committee was originally intended to take care of one class of employees who apparently had been omitted in the retirement bill, which was to take care of airplane pilots employed by the Maine Forestry District. If the Judiciary Committee had simply reported it out "Ought to Pass" there would have been no trouble about it and it would have passed right along but we had visions, we could see that perhaps there might be airplane pilots employed by other departments such as Sea and Shore Fisheries so we attempted to make the law broad enough to cover such airplane pilots without future amendments, but we didn't go far enough. We did make it cover any airplane pilots employed as such by the State of Maine but in another part of the bill which required information, as I recall it, to be furnished by the department head, we still made it by the Department of Forestry. So that if there were any of these pilots in the future who were in some other department, they still would have to go back to the head of the Forestry Department.

So, Senate Amendment A was designed to correct that and make it approved by the head of the department in which such pilot was employed. I know, I can't tell from

the calendar what the pending question is but I believe now the question is on the adoption of Senate Amendment A and that it was placed on the table pending printing of that amendment. I do not find the amendment on my desk but I assume that the Senate having ordered it printed, it is something like the Mikado who ordered a man's head cut off and it had to be cut off—the amendment must be printed, because the Senate ordered it.

In simple terms that is the purpose of the amendment. We ordered

one little change and we had to make one other change to this to make it conform to what was originally intended.

So, I move the adoption of Senate Amendment A.

Thereupon, Senate Amendment A was adopted and the bill as so amended was tomorrow assigned for second reading.

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On motion by Mr. Ela of Somerset

Adjourned until tomorrow morning at ten o'clock.