

# 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**

Monday, May 2, 1949

The Senate was called to order by the President.

Prayer by the Reverend Arthur G. Christopher of Augusta.

Journal of Saturday, April 30th, 1949, read and approved.

The PRESIDENT: At this time, the Chair will designate the Senator from Penobscot, Senator Haskell, as President pro tem of the Senate, and requests the Sergeant-at-Arms to escort that Senator to the Chair.

Thereupon, the Sergeant-at-Arms escorted Senator Robert Haskell of Penobscot to the Chair, the President retiring.

**From the House**

Bill "An Act Relating to the Salary of the Judge of the Portland Municipal Court." (H. P. 2077) (L. D. 1530)

(In Senate, on April 29th, that Body voted to insist upon its former action whereby the bill was passed to be engrossed as amended by Senate Amendment "A" in non-concurrence, and asked for a Committee of Conference.)

Comes from the House, that body having voted to join in the Committee of Conference.

In the Senate, the President pro tem appointed as Senate members of such Committee, Senators Collins of Aroostook, Bowker of Cumberland and Leavitt of Cumberland.

Bill "An Act Authorizing Cities and Towns to Assess a Charge for the Maintenance of Sewers." (H. P. 2034) (L. D. 1448)

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

Comes from the House, that body having insisted on its former action whereby it accepted the Minority Report "Ought Not to Pass" and now asks for a Committee of Conference.

In the Senate, on motion by Mr. Edwards of Oxford, the Senate voted to insist on its former action and join with the House in a Committee of Conference.

Bill "An Act Authorizing Cities and Towns to Assess a Charge for the Collection and Disposal of Garbage, Rubbish and Refuse." (H. P. 2035) (L. D. 1449)

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

Comes from the House, that body having insisted on its former action whereby the reports were indefinitely postponed, and now asks for a Committee of Conference.

In the Senate, on motion by Mr. Edwards of Oxford, the Senate voted to insist on its former action and join with the House in a Committee of Conference.

The Committee on Sea and Shore Fisheries on Bill "An Act Relating to Towns Regulating the Taking of Shellfish," (H. P. 1801) (L. D. 1143) reported that the same ought to pass.

Which report was accepted in concurrence, the bill read once and tomorrow assigned for second reading.

Bill "An Act Relating to the Duties of the Insurance Commissioner and State Fire Inspectors," (H. P. 1788) (L. D. 1127)

(In Senate, on April 20th 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, under suspension of the rules, that Body voted to reconsider its former action whereby the bill was passed to be engrossed, House Amendment A was read; on motion by Mr. Bowker of Cumberland, the bill and accompanying papers were laid upon the table pending adoption of House Amendment A.

The Committee on Labor on Bill "An Act Forbidding Employers to

Charge a Fee for a Medical Examination as a Condition of Employment," (H. P. 1306) (L. D. 633) reported that the same ought to pass as amended by Committee Amendment "A".

The Committee on Legal Affairs on Bill "An Act to Incorporate the Town of Lubec School District," (H. P. 1050) (L. D. 466) reported that the same ought to pass as amended by Committee Amendment "A".

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

The Committee on Legal Affairs to which was re-committed Bill "An Act to Incorporate the Topsham School District," (H. P. 1309) (L. D. 686) reported that the same ought not to pass.

Comes from the House, the bill substituted for the report, and passed to be engrossed as amended by House Amendment "B".

In the Senate on motion by Mr. Larrabee of Sagadahoc, the bill and accompanying papers were laid upon the table pending consideration of the committee report.

The Committee on Legal Affairs on Bill "An Act Amending the Charter of the City of Lewiston," (H. P. 939) (L. D. 321) reported the same in a new draft (H. P. 2068) (L. D. 1504) under the same title, and that it ought to pass.

Comes from the House, the bill in new draft passed to be engrossed as amended by House Amendment "A".

In the Senate, on motion by Mr. Boucher of Androscoggin, the bill and accompanying papers were laid upon the table pending consideration of the report.

The Committee on Inland Fisheries and Game on Bill "An Act Relating to Field Trials for Beagles," (H. P. 1823) (L. D. 1149) reported the same in a new draft (H. P. 2094) (L. D. 1579) under a new title,

Bill "An Act Relating to Training and Field Trials for Beagles and Other Rabbit Hounds," and that it ought to pass.

Comes from the House, the report read and accepted and the bill in new draft and under a new title was passed to be engrossed, as amended by House Amendment "A".

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

#### First Reading of Printed Bills

"Resolve Directing Commissioner of Sea and Shore Fisheries to Make Study of Herring and Means of Avoiding Their Depletion." (S. P. 687) (L. D. 1592)

Bill "An Act to Clarify and Simplify the Sea and Shore Fisheries Law." (S. P. 688) (L. D. 1594)

(On motion by Mr. Varney of Washington, tabled pending assignment for second reading.)

"Resolve Providing for a Continuous Survey of Closed Clam Areas and Mussel Control Program." (S. P. 689) (L. D. 1593)

Which were severally read once and tomorrow assigned for second reading.

#### Senate Committee Reports

Mr. Batchelder from the Committee on Legal Affairs on Bill "An Act to Incorporate the Woolwich School District," (S. P. 116) (L. D. 139) reported that the same ought not to pass.

Which report was read and accepted.

Sent down for concurrence.

Mr. Slocum from the Committee on Military Affairs on "Resolve Providing an Amendment to the Constitution to Provide for a Bond Issue for the Purpose of Paying a Sliding Scale Bonus to Maine Members of the Military and Naval Forces in World War II," (S. P. 615) (L. D. 1330) reported that the same ought not to pass as it is covered by other legislation.

Mr. BOUCHER of Androscoggin: Mr. President, before this report is accepted, I would like to have on the record at least, a few remarks concerning these bills. This bill and the next bill on today's calendar, which is a companion measure, were for the purpose of giving a bonus to those who served our country in the last world war.

I have spoken with Senator Slocum on this matter, and he informed me that the Committee on Military Affairs, as a body, are reporting another bill which they have redrafted which will give some kind of a bonus to our veterans of the second world war.

I have for the last three sessions of the Legislature offered different bonus bills and the ways of raising the money to pay those bonus bills. In this case, I well realize that I have offered no way of raising the money necessary to pay the bonus bill. The reason that I did not offer any, as I told the committee, was very simple. It was because I had attempted every method I knew of to raise money and I had received objection to every method I suggested.

I suggested raising money by a lottery. That was turned down. I suggested raising the money by an income tax earmarked for that one specific purpose of paying a bonus, with a very large exemption to the veterans, of at least three thousand dollars, and more for a veteran with a wife and dependents. That was turned down.

I want the members of this Senate to understand that I have no personal ambitions in this matter but I do feel that with conditions as they exist throughout the state, that our veterans do need a bonus and will need a bonus a good deal more in the near future. Perhaps it was an act of God that this bonus was not passed during the boom and heyday when the money might possibly have been spent for purposes that were not absolutely necessary.

I feel that our veterans at this time need a bonus and will need relief to the greatest extent that

this state can afford to give it to them, and therefore, being convinced after talking with Senator Slocum, that the Committee will attempt to take care of a bonus for our veterans by means of another bill, I therefore move that the Senate accept this "Ought Not to Pass" report.

Mr. SLOCUM of Cumberland: Mr. President and members of the Senate, the Committee on Military Affairs had six bonus bills before it. The Committee considered them all very carefully and we feel that the veterans of World War II would be discriminated against if they were not considered at least equally with the soldiers and sailors of previous wars. We tried to find a vehicle by which the people of the State of Maine might show their appreciation of the services rendered to our country by those who served in the armed forces during the so-called World War II. The Committee in its judgment decided on a bill which we feel will have the approval of both branches of the legislature and the approval of the people of the State of Maine.

It contains a referendum on the bonus issue, which will pay for the bonus and therefore the people will have the opportunity to show whether they believe that these veterans should have a little "thank you" from the State of Maine. The general provisions of the bill, which received a unanimously favorable report from the committee, are a little different than previous bonuses given by the State of Maine to the veterans of other wars.

In brief, it will be a paid-up insurance policy for \$250. It will have an immediate cash-in value of \$50. That will increase in cash-in value ten dollars per year until the amount reaches the sum of one hundred dollars. After that, it will increase at the rate of any paid-up life insurance policy. The estate of the veteran, however, is protected by this \$250 paid-up life insurance policy. This has been considered by the committee in a non-partisan manner because it is of course, a

non-partisan matter. In fact, in reporting the bill, the redraft of the enabling act is a redraft of a bill of a Republican member, and the bond issue is a redraft of a Democratic member. The service is above partisan politics. The appreciation of the service is above partisan politics and we appreciate the bipartisan support and interest both in the legislature and out.

The various details of this new draft will be printed I believe today, and you will be able to study the bill in detail before it comes to the Senate. I believe it is being reported today in the House. I therefore feel that the acceptance of the committee report is showing that the committee is unanimously in favor of paying a bonus and we felt that the best vehicle is the one that will be reported later today.

Thereupon, the "Ought Not to Pass" report of the committee was accepted.

Sent down for concurrence.

Mr. Batchelder from the same Committee on Bill "An Act to Provide for a Sliding Scale Bonus to Maine Veterans of World War II," (S. P. 616) (L. D. 1331) reported that the same ought not to pass as it is covered by other legislation.

Which report was read and accepted.

Sent down for concurrence.

The Majority of the Committee on Legal Affairs on "Resolve in Favor of James A. Boyle, of Portland," (S. P. 436) (L. D. 790) reported that the same ought not to pass.

(signed)

Senators:

BATCHELDER of York  
EDWARDS of Oxford

Representatives:

HAYES of Dover-Foxcroft  
MARBLE of Dixfield  
MARTIN of Augusta  
ATHERTON of Bangor  
CAMPBELL of Augusta

The Minority of the same Committee on the same subject matter

reported the same in a new draft (S. P. 691) under the same title, and that it ought to pass.

(signed)

Senator:

BAKER of Kennebec

Representatives:

CHAPMAN of Portland  
PAINE of Portland

On motion by Mr. Slocum of Cumberland, the resolve and accompanying papers were laid upon the table pending consideration of the reports.

The Majority of the Committee on Legal Affairs on "Resolve Authorizing Board of Registration of Medicine to Issue License to Stanley Beckerman, of Belgrade," (S. P. 612) (L. D. 1302) reported that the same ought not to pass.

(signed)

Senators:

BATCHELDER of York  
EDWARDS of Oxford

Representatives:

ATHERTON of Bangor  
PAINE of Portland  
MARBLE of Dixfield  
MARTIN of Augusta  
HAYES of Dover-Foxcroft  
CAMPBELL of Augusta

The Minority of the same Committee on the same subject matter reported that the same ought to pass.

(signed)

Senator:

BAKER of Kennebec

Representative:

CHAPMAN of Portland

On motion by Mr. Baker of Kennebec, the resolve and accompanying papers were laid upon the table pending consideration of the reports.

#### Passed to be Engrossed

"Resolve Providing for Construction of Dormitory for Female Patients at Augusta State Hospital," (H. P. 631) (L. D. 1444)

Bill "An Act Relating to Taxation of Goats." (H. P. 945) (L. D. 386)

"Resolve Appropriating Money to Set Buoys in Inland Waters." (H. P. 1779) (L. D. 1118)

"Resolve Authorizing State Highway Commission to Study Desirability of a Bridge Across the Androscoggin River." (H. P. 2098) (L. D. 1584)

Bill "An Act Relating to the Pollution of Streams by Dumping Rubbish." (H. P. 2100) (L. D. 1586)

Bill "An Act Relating to Aviation." (H. P. 2096) (L. D. 1581)

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

Bill "An Act Relating to Method of Issuance of State Highway and Bridge Bonds." (H. P. 1976) (L. D. 1357)

Bill "An Act to Create the Bangor Water District." (H. P. 2048) (L. D. 1474)

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

"Resolve in Favor of a Bridge Across the St. John River in Allagash Plantation." (S. P. 685) (L. D. 1588)

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

Bill "An Act Relating to Cattle Tested for Bang's Disease." (S. P. 335) (L. D. 566)

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

Sent down for concurrence.

At this point the President resumed the Chair, Senator Haskell retiring amid the applause of the Senate.

#### Orders of the Day

On motion by Mr. Brewer of Aroostook, the Senate voted to take from the table Senate Report "Ought Not to Pass as covered by other legislation" from the Committee on Legal Affairs on bill, An Act

Authorizing the city of Presque Isle to Provide for the Collection and Disposal of Garbage, Refuse and Rubbish and to Assess a Charge Thereof (S. P. 461) (L. D. 913) tabled by that Senator on April 7 pending consideration of the report.

Mr. BREWER of Aroostook: Mr. President, I would like to explain at this time to the Senate, that this bill was passed out of committee, with the idea that there was a bill covering all the cities and under that particular set-up there was no need for this particular bill.

However, at this time the other over-all bill seems to have had tough sledding and with the approval of the committee I now move to substitute the bill for the "Ought Not to Pass" report.

Thereupon, the bill was substituted for the report, was given its first reading and tomorrow assigned for second reading.

On motion by Mr. Varney of Washington, the Senate voted to take from the table bill, An Act to Clarify and Simplify the Sea and Shore Fisheries Law (S. P. 688) (L. D. 1594) tabled by that Senator earlier in today's session pending assignment for second reading; and that Senator presented Senate Amendment A and moved its adoption:

"Senate Amendment 'A' to S. P. 688, L. D. 1594, Bill 'An Act to Clarify and Simplify the Sea and Shore Fisheries Law.'

Amend said Bill by striking out in the last line of section 9 the underlined figure '\$5' and inserting in place thereof the underlined figure '\$3'."

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

On motion by Mr. Slocum of Cumberland, the Senate voted to take from the table Senate Report from the Committee on Legal Affairs—Majority Report "Ought Not to Pass", Minority report "Ought to Pass in new draft (S. P. 691) on Resolve in Favor of James A. Boyle

of Portland (S. P. 436) (L. D. 790) tabled by that Senator earlier in today's session pending consideration of the reports; and on motion by that Senator, the new draft was ordered printed and the resolve was laid upon the table pending consideration of the reports.

At this time the Chair appointed Senate members on several different Committees of Conference on the disagreeing action of the two branches.

On the disagreeing action of the two branches in relation to bill, An Act Authorizing Cities and Towns to Assess a Charge for the Maintenance of Sewers (H. P. 2034) (L. D. 1448) the Chair appointed as members of such committee on the part of the Senate: Senators Batchelder of York, Brewer of Aroostook and Edwards of Oxford.

On the disagreeing action of the two branches in relation to bill, An Act Authorizing Cities and Towns to Assess a Charge for the Collection and Disposal of Garbage, Rubbish and Refuse (H. P. 2035) (L. D. 1449) the Chair appointed as members of such committee on the part of the Senate: Senators Batchelder of York, Brewer of Aroostook and Edwards of Oxford.

On the disagreeing action of the two branches in relation to bill, An Act Relating to Inspection of Motor Vehicles (H. P. 1516) (L. D. 889) the Chair appointed as members of such committee on the part of the Senate: Senators, Crosby of Franklin, Noyes of Hancock and Brewer of Aroostook.

On the disagreeing action of the two branches in relation to bill, An Act Relating to Rental for Western Somerset Municipal Court (H. P. 1161) (L. D. 613) the Chair appointed as members of such committee: Senators Ela of Somerset, Barnes of Aroostook and Williams of Penobscot.

The PRESIDENT: The Chair will urge all members of Conference

Committees to make every effort to meet at the first opportunity and get these matters straightened out if possible. It is quite important that we have action on these matters.

On motion by Mr. Haskell of Penobscot, the Senate voted to take from the table Resolve Providing for Certain Improvement in the Property of the Maine Port Authority (S. P. 79) (L. D. 68) tabled by that Senator on April 15 pending assignment for second reading.

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, considering the number of Senators here this morning, I am sure that few of us want to attempt either to pass or indefinitely postpone those items which, while controversial, might be matters that might have final passage or final acceptance. I introduced the Resolve Providing for Certain Improvement in the Property of the Maine Port Authority. That resolve calls for four hundred thousand dollars. I then believed, and I now believe this is very much worthwhile for the entire economy of the state. But certainly, desirable as it is, it is not one of those things that is going to be at the top of the list when we list things that represent real need and failure of which would result in real hardship.

I would like very much to see the Port get money from unappropriated surplus. But in any list that I can put together with what little knowledge I have of these bills before Unappropriated Surplus, that one is not at the top of the list. And still not suggesting that this morning is the time to debate those things we hope to give financial passage to, but suggesting it might be the time to take those things off that unselfishness requires come off and be disposed of to better clarify the picture, I now move, Mr. President, that Resolve Providing for Certain Improvement in the Property of the Maine Port Authority be indefinitely postponed.



Mr. BOWKER of Cumberland: Mr. President and members of the Senate, as the signer of the minority report on this bill, I realize that the time has come that we must act on some of these. I concur with the Senator from Penobscot, Senator Haskell, that there is only so much surplus money. I believe in the Port Authority. I believe in the shipping industry and the beneficial effects received from a shipping not only to Portland but to the State of Maine. I realize that we do need more facilities down state. Ships don't make money tied at the dock. They make money at sea, and if we had the space to take care of the cargo, we could have more ships enter Portland Harbor.

Probably some of the Senators don't realize the tremendous amount of money that just one ship leaves in the City, but I can assure you it is several thousand dollars even if it is in only twenty-four hours.

But there are more important bills that we must consider out of surplus first, and I concur with the Senator from Penobscot when he moves to indefinitely postpone the bill.

Mr. SLOCUM of Cumberland: Mr. President, I appreciate the viewpoints of the Senator from Penobscot and the Senator and my colleague from Cumberland County. However, I believe this is a capital investment. I believe that any of these projects which are going to bring in money to our state should be given first consideration. There are many other worthy projects, but I am sorry I must disagree with them in the indefinite postponement of this bill. I think that we have got to encourage business in this state. We are a vacationland, but we are also an industrial state. If we are going to bring more business into this state, we have got to make these capital investments.

I know that the two speakers offering and seconding the motion to indefinitely postpone are really

in favor of this project. But they sincerely feel that it is not a must at this time. However, I rise in opposition to the motion of the Senator from Penobscot.

Mr. BOWKER of Cumberland: Mr. President, certainly, for the record, I am in favor of this. But if you have only got seventy-five cents in your pocket, you can't spend a dollar. We do have some needed buildings in Portland, and we have several resolves and bills on the table—and we will try to have a list, or I want to have a list of the total amount of capital money—that would come out of surplus that would be non-recurring.

Certainly, I believe the same as Senator Slocum that this is not a spending bill. It is an investment. So far as the building on Turnpike of the Maine Publicity for a hundred thousand dollars, I don't think that is a spending bill. I think that is an investment. But we have got only so much money in surplus. I haven't seen the latest figures. But if we have six and a half million dollars out of surplus, and we have marked two of it for working capital, and another one million two hundred thousand dollars has probably been signed by the Governor, we certainly must leave some surplus, and we must pick out the most important things the Senate thinks we want to spend the balance on.

I didn't want to give anybody the impression I was against the bill. I am for the bill, but we have got to start, and we might as well start now.

Mr. LEAVITT of Cumberland: Mr. President, I doubt if there has ever been a bill which I am more hesitant to speak about than this. I am in the shipping business in Portland, and if this money were invested in pier authority, most probably I would receive more income during the next few years. Therefore, I am involved financially in the passage of this bill. I also am more or less sent up here as a champion of the Portland wa-

terfront to protect their interests. Also, as you know, I have been told I have talked altogether too much about it. I am also a champion of education. So, I am torn between this which is a good bill for my own pocketbook and for the City of Portland and bills that will help education in the State of Maine. I believe education is the more important of the two matters under discussion here.

Therefore, reluctantly, I am going along with the indefinite postponement of my friend from Penobscot, Senator Haskell.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Penobscot, Senator Haskell, that the resolve be indefinitely postponed.

Thereupon, the resolve was indefinitely postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Bowker of Cumberland, the Senate voted to take from the table Resolve Regulating Fishing in Donnell's Pond in the County of Hancock (S. P. 298) (L. D. 492) tabled by that Senator on April 17 pending final passage; and on further motion by the same Senator, the resolve received a final passage.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table House Report "Ought to pass as amended by Committee Amendment A" from the Committee on Legal Affairs on bill, An Act Amending the Charter of the City of Auburn (H. P. 2000) (L. D. 1383) tabled by that Senator on April 27 pending consideration of the report; and on further motion by the same Senator, the report of the committee was accepted in concurrence and the bill was given its first reading, Committee Amendment A was read and adopted in concurrence and under suspension of the rules, was given its second reading and passed to be engrossed as amended in 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 Appropriations and Financial Affairs on Resolve in Favor of Canaan School District (S. P. 396) (L. D. 734) tabled by that Senator on March 25 pending consideration of the report.

Mr. HASKELL of Penobscot: Mr. President, this is a resolve in favor of the Canaan School District. I tabled it on March 25. In the absence of the Senator from Somerset, Senator Savage, who introduced the bill, and on the advice of that Senator, and realizing as the rest of us do that these school district bills do not fit into the existing unappropriated surplus, I now move that the "Ought Not to Pass" report of the committee be accepted.

The motion prevailed and the "Ought Not to Pass" report of the committee was accepted.

Sent down for concurrence.

On motion by Mr. Brewer of Aroostook, the Senate voted to take from the table Resolve to Provide for a Pollen and Fungus Survey of Maine (S. P. 385) (L. D. 649) tabled by that Senator on March 24 pending final passage.

Mr. BREWER of Aroostook: Mr. President, I yield to the Senator from Penobscot, Senator Haskell.

Mr. HASKELL of Penobscot: Mr. President, this resolve to provide for a pollen and fungus survey for the State of Maine calls for an appropriation of fifteen thousand dollars from the unappropriated surplus. It is a bill on which I think I did as much simple research as I have done on any bill I had over here. I found that without exception, the other recreation states have such maps and are able to tell their prospective visitors which areas within those recreational states, those visitors can go to and be free from these various allergies they try to avoid. I think, like many other bills, this resolve would increase the business of the state and in the long run probably would be

sound. But, it certainly is not up on top of the list, and having put into the appropriation bill some fifty-five thousand dollars a year for the Maine Development Commission over and above what they had last year, and this being well within the statutory provision that designates what the Maine Development Commission can do, it doesn't seem to me that even though the resolve had unanimous approval in committee and even though it has passed in the House and is up for final passage in this branch, again I reluctantly believe that this resolve should not crowd out matters of a more urgent nature.

The real sponsor of this resolve was the only allergy specialist in the State of Maine and he is a personal friend of mine. I know he is going to be very disappointed. I am disappointed, but I think all of us have got to exercise a lot of unselfishness and face these things. Therefore, I move the indefinite postponement of this resolve.

Mr. BOWKER of Cumberland: I am afraid, Mr. President, the Senate may not think I am very consistent on this, but I do hope on this particular bill that the Senator's motion does not prevail. I will take exception on this bill, and probably on other small bills that may call for ten to fifteen or twenty thousand dollars such as the bill here. We have killed one that called for four hundred thousand. This is a bill that is an investment. It is not a spending bill. The very good friend of the Senator from Penobscot presented a fine case to the Committee. I don't know how Senator Savage feels about this, but he has made a study of over two years on this particular item. And the Publicity Bureau of the Development Commission has had correspondence and letters from all over the United States asking if there are locations in Maine where people can come and be free of these certain types of things such as hay fever and what have you.

If we do have places in the State of Maine, those people will come

here, and they will spend a lot of money here. Now, I do feel that we may have to take items of three or four hundred thousand dollars and toss them out the window, but I think this is a good investment for the state costing fifteen thousand dollars. It is a good investment, and I am sorry to have to disagree with the Senator on this. I hope that the motion does not prevail.

Mr. HASKELL of Penobscot: Mr. President, Inasmuch as there is disagreement on this resolve, I move that the resolve and accompanying papers be laid upon the table pending my motion to indefinitely postponed.

The motion prevailed and the resolve and accompanying papers were laid upon the table pending motion by the Senator from Penobscot, that the resolve be indefinitely postponed.

The PRESIDENT: The Chair would like to make an observation with relation to the motion of the Senator from Aroostook, to yield to the Senator from Penobscot.

This is a very interesting parliamentary point, and I think it might be well to inform the Senate on it. I believe there is no branch of any legislature that has any rule with relation to yielding except the House of Representatives in Washington and the only point in that is that in the House of Representatives, each member is held to a limited time, sometimes as little as five minutes of debate, and if he wishes to give up the time allotted to him, to some other representative, he does it by yielding.

This Body having no limit on debate, there is no necessity to yield. The only result a Senator would accomplish would be to relinquish the floor himself, but any other Senator would have an equal opportunity to be recognized by the Chair. So if the Senators will refrain from making that motion, it will be much preferred by the Chair.

On motion by Mr. Haskell of Penobscot the Senate voted to take from the table bill, An Act to Amend the Charter of the City of Auburn to Provide for Two Councilmen at Large (H. P. 1999) (L. D. 1382) tabled by that Senator on April 30th pending motion by the Senator from Androscoggin, Senator Boucher that the bill be passed to be enacted; and the bill was passed to be enacted.

On motion by Mr. Haskell of Penobscot

Recessed until this afternoon at one-thirty o'clock, E. S. T.

#### After Recess

The Senate was called to order by the president.

From the House out of order and under suspension of the rules:

Bill :“ An Act Relating to Night Harness Horse Racing.” (H. P. 2008) (L. D. 1388)

(In Senate, on April 29th passed to be engrossed as amended by Senate Amendment “C” in non-concurrence.)

(Comes from the House, passed to be engrossed as amended by Senate Amendment “C” as amended by House Amendment “A” thereto, in non-concurrence.)

In the Senate, on motion by Mr. Barnes of Aroostook, the Senate voted to recede from its former action whereby the bill was passed to be engrossed as amended by Senate Amendment C, and to further recede from its action whereby Senate Amendment C was adopted; and on further motion by the same Senator, House Amendment A to Senate Amendment C was adopted in concurrence, Senate Amendment C as amended by House Amendment A thereto was adopted in concurrence, and the bill, as amended by Senate Amendment C as amended by House Amendment A thereto was passed to be engrossed in concurrence.

On motion by Mr. Denny of Lincoln, the Senate voted to take from

the table House Report “Ought to Pass in new draft (H. P. 2072) (L. D. 1524) from the Committee on Sea and Shore Fisheries on Resolve Relating to the Use of Purse, Drag or Stop Seines in Damariscotta River (H. P. 1321) (L. D. 690) tabled by that Senator on April 29 pending consideration of the report.

Mr. DENNY of Lincoln: Mr. President, I move that this bill be indefinitely postponed. It came out with an ought to pass in new draft report from the committee and I have talked with the members of the committee, and with the information they have received since this report left the committee they are raising no objection to the indefinite postponement.

The situation appears to be this: No one seemed to notice the advertisement of the hearing, no one appeared at the hearing opposing it, but after the hearing they apparently discovered what the bill meant and they are very much alarmed over it. This bill would permit seining by use of purse, drag or stop seines in the Damariscotta River, something that has not been allowed before and is wanted now only by a very few fishermen who live at the mouth of the river. In other words it is giving them something they never had before.

On the other hand, those at the other end of the river who make their living or a good part of it in smelt fishing, some hundred houses or more, a great many men and their families make a good winter's pay by smelt fishing, feel that dragging or seining the river would prevent the smelt from coming up the river.

Furthermore, we have alewives in that river and the people of Nobleboro and Newcastle from time immemorial have made a regular business of taking the alewives that come up the river and this would seriously affect that business.

This is just a case of trying to give half a dozen or so fishermen something they have never had before and at the same time denying those at the other end of the

river who have always had the privilege of smelt fishing, the privilege of continuing to do so. So with that argument I move the indefinite postponement of the bill.

Thereupon the bill was indefinitely postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Ward of Penobscot, the Senate voted to take from the table Bill, An Act Relating to Fees Payable to Registers of Deeds (H. P. 2041) (L. D. 1464) tabled by that Senator on April 28 pending adoption of Senate Amendment "A"; and on further motion by the same Senator, Senate Amendment "A" was adopted without reading and the bill was read once.

Thereupon, under suspension of the rules, the bill was given its second reading and passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Savage of Somerset, the Senate voted to take from the table Bill, An Act Relating to the Salary of the County Attorney of York County (S. P. 266) (L. D. 396) tabled by that Senator on April 1 pending passage to be enacted; and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Noyes of Hancock, the Senate voted to take from the table Bill, An Act Relating to Compensation for Specified Injuries Under the Workmen's Compensation Law (S. P. 673) (L. D. 1544) tabled by that Senator on April 25 pending passage to be engrossed; and the same Senator presented Senate Amendment "A" and moved its adoption:

"Senate Amendment 'A' to S. P. 673, L. D. 1544, Bill 'An Act Relating to Compensation for Specified Injuries Under the Workmen's Compensation Law.'

Amend said Bill by striking out all of the last 3 underlined paragraphs thereof and inserting in place thereof the following:

**'For the total and permanent loss of hearing in one ear, 25 weeks.**

**'For the total and permanent loss of hearing in both ears, 65 weeks.'**"

Mr. BOUCHER of Androscoggin: Mr. President, I don't wish to delay the functions of this Legislature, because I do hope we adjourn this week. However, I feel I must debate this amendment to a bill which I introduced, which was reported unanimously Ought to Pass, attempting to do away with more than half of this bill. I presented the bill that was for 42 weeks the permanent loss of hearing in one ear. It is now reduced to 25. My original bill called for 75 weeks for the loss of permanent hearing in both ears. This is now reduced to 65. The bill further called for 25 weeks for permanent and serious disfigurement of the face. That has now been done away with altogether.

This bill had a fair hearing. The opponents at that time had all the chance in the world to offer their opposition to this bill. They were present when the bill was heard. There was opposition, but the committee saw fit to report Ought to Pass on the bill. And at this very late hour, a serious attempt is being made to cut this bill in two.

I realize that the insurance companies are probably trying to protect their interests, but I believe that the working people of the State of Maine have certain rights and interests. I feel that this amendment is very much too radical to entertain it. If the amendment had been a slight amendment, or an amendment to clarify, as it was first suggested to me that the question of disfigurement, specifically, was questionable as to the legal viewpoint, I could agree to the amendment. I did agree that the change should be varied from say five weeks to fifty, or something of that kind, according to the amount of disfigurement caused to the person involved. But at that time, there was no question of reduction for the

loss of hearing in one ear or both ears.

Now, this amendment comes in, and is trying not to do away with the clause on disfigurement, but would do away with half of the relief that they would get under the compensation for hearing as covered in this bill.

This bill is no pet bill of mine. I want you to understand that very clearly, because I am an employer and not an employee. This bill will probably cost me more money, because if the insurance companies are made to lose money by the fact that this bill passes, then they will increase their rates and I shall have to pay more for the protection of my employees, which I am perfectly willing to do.

I introduced this bill at the request of a good friend of mine, an attorney, Judge of Probate, who felt that under the law there was no way that the Industrial Accident Commission could recognize the loss of hearing in one ear, or the loss of hearing in both ears, or disfigurement. And in order to clarify the law so that the Gentlemen who administer the Industrial Accident law could rule according to the law, he asked me to introduce this bill, which I did.

Again, may I repeat, Mr. President and Members of the Senate, that I have no personal motive. In fact, if anything, I should be opposed to this bill and go along with the amendment which possibly would relieve me of spending some few dollars per year on this matter. I feel that in all justice we owe the workmen of Maine protection, and I feel that this is a good law as the committee that heard it felt it was good law and reported unanimously Ought to Pass. I can't see this amendment at this 11th hour on the eve of enactment, written in order to kill half of the bill. So therefore, Mr. President, I hope that the motion of the Senator from Hancock does not prevail.

Mr. NOYES of Hancock: Mr. President, I, too, have a personal interest in this bill other than the

thought that perhaps we are taking a first step in this direction that is too far. As I understand it, in the present law there is no compensation for loss of hearing, either in one ear or both ears. The amendment which I have introduced would call for payment of compensation for 25 weeks, which I understand at the present time is about \$24.00 per week, making a total of \$600.00. That would be for the loss of hearing in one ear. For the loss of hearing in both ears, there would be 65 weeks of compensation awarded, or a total of \$1,560. And the amendment further strikes out the last provision in the bill which provides for the payment for 25 weeks for a serious disfigurement.

It is my belief that the interpretation of "serious disfigurement" would cause considerable trouble on the part of the Commission, and I believe it would be a very bad bill to enforce. Furthermore, there is some question as to how much a disfigurement may affect the earning capacity of any one of these workmen. I therefore hope that the amendment is adopted.

Mr. HOPKINS of Kennebec: Mr. President, I think the issues of this amendment are very clear to all the Senators. Of course, the original bill called for \$1,050 for the loss of one ear and something over \$4,000 for loss of both ears, and it is a matter for the Senate to decide whether they think those amounts are reasonable or whether the amounts mentioned by the Senator from Hancock, Senator Noyes, are more reasonable as the first step in dealing with this matter.

The matter of disfigurement of course is a difficult one for the Commission to handle because the amount allocated for that would vary according to age, circumstances and other things, and would require rather difficult discretionary judgment on the part of the Commission.

I have no feeling in this matter. If the Senate wishes to make a reduction in the amounts approved by the committee as a first

step, that meets with my approval and I think would meet with the approval of the committee. We gave this bill a careful hearing. Perhaps we were a little hasty in our position on it. I am not sure. But any decision the Senators wish to make I am sure would meet with my approval and that of the labor committees. I think it is important that the hearing compensation should be placed in the schedule of losses that should be compensated and I think it is proper that the matter of the amount be decided by the legislature.

The **PRESIDENT**: The question before the Senate is on the motion of the Senator from Hancock, Senator Noyes, that Senate Amendment A be adopted.

Mr. **BOUCHER** of Androscoggin: Mr. President, I ask for a division.

A division of the Senate was had.

Nineteen having voted in the affirmative and seven opposed, Senate Amendment A was adopted, and the bill as so amended was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Larrabee of Sagadahoc, the Senate voted to take from the table House Report "Ought Not to Pass" from the Committee on Legal Affairs on bill, An Act to Incorporate the Topsham School District (H. P. 1309) (L. D. 686), tabled by that Senator earlier in today's session pending consideration of the report.

Mr. **LARRABEE** of Sagadahoc: Mr. President, I move that we concur with the House and substitute the bill for the report. After talking this over during the recess period, I find that this is a little different than most of the school district situations. The reason that the committee reported this "Ought Not to Pass" was because they thought that the town of Topsham already had borrowing power enough. This town is free of debt and has a reserve built up of about thirty thousand dollars I think. They can go out now and hire a

hundred thousand dollars on their five percent credit. For that reason, the Committee did not think they needed a school district.

It seems that the town wants to build a larger building because they want to take in some of the surrounding towns which need a high school and can't afford to build one themselves, and for that reason they want to hire more than their legal five percent would allow them. So they asked for this legislation and this amendment will allow them about \$135,000 more. Knowing the town of Topsham as I do, I know it is in good hands and has always been well managed and probably will be. Some of our towns during the war had an influx of war workers and newcomers who tried to take the town over and run them into debt, but this town has gone along for many years the same way and now have the same population they always had. I am sure no harm would come by passing this bill.

While the town is not all in favor of it, I think perhaps it is nearly a fifty-fifty proposition, I think they would settle it in their own way and I don't think there would ever be any trouble over it. That is why I made my motion.

The **PRESIDENT**: The question before the Senate is on the motion of the Senator from Sagadahoc, Senator Larrabee to substitute the bill for the ought not to pass report of the committee.

Thereupon, the bill was substituted for the report and given its first reading; House Amendment B was read and adopted in concurrence, and the bill as so amended was tomorrow assigned for second reading.

On motion by Mr. Slocum of Cumberland,

Recessed until three o'clock this afternoon, Eastern Standard Time.

#### After Recess

The Senate was called to order by the President.

On motion by Mr. Barnes of Aroostook, it was

ORDERED, the House concurring, that the members of the Judiciary Committee and the Legal Affairs Committee be presented with copies of the 1944 Revised Statutes and the copies of the Laws of 1945 and 1947 used by them during the current legislative session.

On motion by Mr. Batchelder of York, the Senate voted to take from the table House Report "Ought Not to Pass" from the Committee on Legal Affairs on bill, "An Act to Incorporate the City of Brunswick (H. P. 1982) (L. D. 1366) tabled by that Senator on April 30 pending consideration of the report.

Mr. BATCHELDER of York: Mr. President, this bill came before the committee for hearing and at that time, practically no one appeared asking for this change of the town of Brunswick, incorporating it into a city, except I believe, the sponsor of the bill and one other party appeared for it.

Recently the town went on the town manager form of government and it appears that some of these parties that attempted recently to call another town meeting for the purpose of doing away with the town manager form of government, couldn't succeed and they now seek to incorporate it into a city. This is a radical change from what they have there at the present time.

The committee felt that there wasn't any demand for it at this time and later we had some petitions presented showing that there was some demand for it. Looking over the petitions presented to us, we found that there were very few people who had actually signed the petitions. In some cases several names were written in by the same party.

For those reasons I now move that the bill be indefinitely postponed.

Mr. SLOCUM of Cumberland: Mr. President, I have been asked by those who are favorable to this legislation to present their views to the Senate. Brunswick is the sec-

ond largest town in the State and has been under the government of a board of selectmen. A few years ago, some of the citizens of Brunswick felt that they did not have sufficient control over the government of their town and suggested that they would have better results with the town manager form of government. A bill was presented to the 91st Legislature enabling Brunswick to vote on such a change. This was sent to referendum and was defeated.

The question has been submitted to the people at other times with the same result. However, two years ago, the need for revaluation of the properties of the Town of Brunswick became evident. It was felt that through revaluation the rate of taxes could be kept from continuously increasing year after year along with good economy measures. Revaluation brought forth a great deal of dissatisfaction in the Town, because many of the town property owners which were heretofore valued too low found their properties valued at a higher rate, which of course increased their tax bill. This dissatisfaction brought about a request for a change of the form of government. The proponents of the town-manager form of government, recognizing that the opportunity had again risen, brought the measure before the people, that it be tried for one year.

It was finally accepted, but only by a small majority of 105 votes out of approximately 3,200 votes cast. The result of this balloting, along with the previous votes taken on this suggested change, shows that the people of Brunswick did not originally desire a town-manager form of government, but merely wanted a change and were willing to try the change for one year, this town-manager form of government being in effect for this year.

If the people of the Town of Brunswick are not satisfied, it will go back to the old system at the end of the year. This bill, if passed, would be simply a referendum of the people of the town to find out



whether they desire to continue the present form of government which is in existence and was voted in approximately a year ago. It provides for a referendum to be voted on at the regular town meeting of 1950, thereby creating no additional expense. It would seem from the letters from various citizens that I have before me that there is some interest in this legislation. In fact, as of this last town meeting, there was a majority interested in this town-manager form of government. I have talked with a number of people in the town, and I will be perfectly frank that all those I contacted, they were very reluctant either way. They felt that this would do no harm. It would merely give them a chance to find out whether to continue this present town-manager form, or return to the selectmen town government form they had previously. Therefore, I have presented the view of the proponents of this measure and hope that the motion of the Senator from York does not prevail.

Mr. LEAVITT of Cumberland: Mr. President, I have had several calls from Brunswick on this matter asking me to do everything I can to kill this bill. There was no town meeting in Brunswick to talk this matter over. Most of the people in Brunswick who are now cognizant of the fact that bill is in here have no idea where it came from. True, there will be another vote this year to decide whether they will continue the town-manager form of government, or whether they will go back to their old town government.

This bill calling for the incorporation of a city simply complicates the matter. If for any reason this year at their election, which is scheduled because of the bill that was passed two years ago, they decide that they do not want the town-manager form of government, they can go back to the old town government; then in another two years from now, if they want to vote and become a city, that is another proposition. But it would confuse the issue down there to have them

vote whether they want the town manager or want to go back to the town form or whether they want to become a city. This is altogether to involved for most people to try to work out. I have seen them try to work it out in my own city. I therefore wish to go along with the motion of Senator Batchelder that we accept the report Ought Not To pass.

Mr. BOUCHER of Androscoggin: Mr. President and Members of the Senate, I differ with the opinion of the Senator from Cumberland who just preceded me. I think the Town of Brunswick should have the opportunity at this time to settle their own affairs. I don't think it is the business of anybody outside of Brunswick what form of government they are going to follow. I have preached in these halls for years and years on local referenda for the City of Lewiston. Let the people of each city and town decide what they want for themselves.

Now, it is true as stated by the Senator from Cumberland, that there is a question of city-manager form or the city form, or going back to the old town form of selectman. I don't see how it is going to confuse things any more if the citizens of Brunswick desire to become a city and set up a form of government of mayor and alderman. I think they should be furnished the opportunity and not have to wait too many years to again debate that same question. I feel that it is up to them. It is their business to decide what form of government they want.

After all, they are American Citizens down there, as well as the rest of us. They have their own way of thinking and doing, and I believe that we should leave their home rule to them. Let them decide, not us here—let them decide down there in a referendum form what they do want and desire. If they want the old form of government, let them go back to it. If they want a city-manager or a town form of government, let them have it. And

if they have the population for a city, I don't see any reason why we of the Legislature should say to them, you will have to wait two years before we will agree with you. I say that they should have what they want and let them decide at the time exactly the form of government they want.

The **PRESIDENT**: The question before the Senate is on the motion of the Senator from York, Senator Batchelder, that the bill be indefinitely postponed.

**Mr. HASKELL**: Mr. President, I ask for a division.

**Mr. LEAVITT** of Cumberland: Mr. President, may I add one thought. If they have three different motions to vote on down there, the chances are that they will not get what they really want at all. It will not be a clear cut picture. We have seen what happens when you have three or four different choices on a ballot. Let them decide this on a clear cut issue on a two way basis. Either they do want it or they don't want it. I want the people of Brunswick to have their wish and to decide what form of government they want, but they still will not get what they want if they have too many things to vote on.

**Mr. BOUCHER** of Androscoggin: Mr. President, I am sorry to again have to differ with Senator Leavitt. If my recollection is right at every state election we have anywhere from four to six or eight liquor questions and nobody seems to be embarrassed about the way they want to vote on those. I think the people of Maine are intelligent enough to decide their own liquor questions in local option and I believe the citizens of Brunswick are intelligent enough to consider three propositions at the same time about their town. If I understand right, this question of local government in Brunswick has been discussed for several years until it has come to the boiling point and it is now at the point where a decision must be made. I don't

see where it is going to throw in any serious doubt or any more hesitation, in the choice between three forms of government or two forms of government.

I have seen in this legislature bills with amendments to amendments to amendments from A to Z as the President once stated and while some amendments were adopted and others were rejected, we finally passed those bills and I think in most cases they were acceptable. There is always the recourse as in the legislature, of amending at some future date any errors they might make at the present time. But I feel that this Senate should not go against the wishes of the citizens of Brunswick who request the privilege of voting on this question of a city form of government.

**Mr. BATCHELDER** of York: Mr. President, that was a matter I was trying to bring to the attention of the Senate. There is no demand from the town of Brunswick for this particular legislation. They recently had a town meeting there and no article was included in the warrant asking for this chance. It now appears that there are only a few who are dissatisfied with the town manager form of government and seek this change and ask to have the privilege of voting on it. I don't think the mere fact that the bill carries a referendum is any reason why we should send it back to the town to vote on. I believe the question should be disposed of right here.

The **PRESIDENT**: The question is on the motion of the Senator from York Senator Batchelder, that the bill be indefinitely postponed.

A division of the Senate was had. Sixteen having voted in the affirmative and eight opposed, the bill was indefinitely postponed.

Sent down for concurrence.

On motion by Mr. Haskell of Penobscot

Adjourned until tomorrow morning at nine o'clock Eastern Standard Time.