

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

Ninety-Fifth Legislature

OF THE

STATE OF MAINE

1951

**DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE**

SENATE

Thursday, April 12, 1951.

The Senate was called to order by the President.

Prayer by the Reverend Ed. W. Grilley Jr. of Augusta.

Journal of yesterday read and approved.

From the House

Bill "An Act to Appropriate Monies for the Expenditures of State Government and for other Purposes for the Fiscal Years Ending June 30, 1951 and June 30, 1953." (S. P. 495) (L. D. 1196)

(In Senate on March 22nd passed to be engrossed as amended by Senate Amendments "C," "F," "H," "J," "K," and "M.")

Comes from the House, the report accepted in concurrence, Senate Amendment J indefinitely postponed in non-concurrence, Senate Amendments C, F, H, K and M adopted in concurrence, House Amendments F, S, E, D and N adopted in non-concurrence, and the bill given its three several readings; subsequently a substitute bill under the same title (H. P. 1694) (L. D. 1272) passed to be engrossed in non-concurrence.

Mr. CROSBY of Franklin: Mr. President and members of the Senate, it would seem that in this appropriation bill that has been sent to us from the House both branches of the Legislature are very nearly in concurrence. At some later date there may possibly be some minor changes we will want to make but for the sake of harmony it seems to me it might be well this morning to accept this new draft from the House in concurrence and give it its first reading and then place it on the table and leave it there until we know what is going to happen in regard to a tax measure and see what we have to work with. Then we can make such minor changes as we believe are necessary at that time.

Therefore, Mr. President, I move that the Senate reconsider its previous action whereby Legislative Document 1196 was passed to be engrossed.

The motion to reconsider prevailed.

Mr. CROSBY: Mr. President, I now move that we substitute Leg-

islative Document 1272 for Legislative Document 1196.

Mr. BREWER of Aroostook: Mr. President and members of the Senate, I rise at this time to say that although this bill does not have in it everything I probably would have had in it had I had the entire say, yet for the record I would like to make the statement that the Appropriations Committee, when they sent out their report, did so with the thought that we had been asked to show what cuts could be made so that the state could live within its budget. And although that might be a hard thing to work out, nevertheless we were something like three million dollars below the Governor's budget.

I want to say at this time that while both branches felt that they were not willing to economize to the extent we should, by the same token we are ready—and I think I speak for the members of the Appropriations Committee — to go along with the suggestion of the floor leader.

Now to bring you up to date as to what happened in the Committee of Conference, they came out with a figure one million and three hundred thousand dollars below the original amount and if you will analyze it you will find that it is a little less than four hundred thousand dollars less than the Senate amendment put on this bill, to be exact \$398,183. And I would call to the attention of the Senate that if we don't get a tax measure we may have to cut four or five millions more to still come within our income. And with these few remarks, I hope that the motion of the Senator from Franklin, Senator Crosby, does prevail.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Franklin, Senator Crosby, that Legislative Document 1272 be substituted for Legislative Document 1196.

The motion to substitute prevailed and the bill was given its first reading.

Thereupon, on further motion by the same Senator, the bill was laid upon the table pending assignment for second reading.

The Committee of Conference on the disagreeing action of the two

branches of the Legislature on Bill "An Act Relating to Licensing Cats," (H. P. 1508) (L. D. 1103) reported that both branches recede from their former action and concur in granting "Leave to withdraw."

Which report was read and accepted.

Sent down for concurrence.

Bill "An Act Relating to Her Own Business Program." (H. P. 1233) (L. D. 786)

(In Senate on March 27th, passed to be engrossed, without House Amendment "A", in non-concurrence.)

Comes from the House, indefinitely postponed in non-concurrence.

In the Senate: On motion by Mr. Reid of Kennebec the bill was laid upon the table pending consideration.

The Committee on Claims on "Resolve to Reimburse the Town of Solon for Pauper Expenses," (H. P. 1519) reported that the same ought not to pass.

The same Committee on "Resolve Reimbursing the City of Hallowell for Pauper Supplies," (H. P. 1574) reported that the same ought not to pass.

The same Committee on "Resolve in Favor of Donald Ward of La-Grange," (H. P. 679) reported that the same ought not to pass.

The same Committee on "Resolve, to Reimburse the City of Hallowell for Medical Aid Furnished to Jennie Shaw," (H. P. 1572) reported that the same ought not to pass.

The Committee on Natural Resources on Bill "An Act Relating to Kindling of Fires in Unorganized Townships," (H. P. 1486) (L. D. 1093) reported that leave be granted to withdraw the same.

The Committee on Taxation on Bill "An Act Relating to Exemption from Taxation of Certain Charitable Corporations," (H. P. 1212) (L. D. 769) reported that the same ought not to pass.

The same Committee on Bill "An Act Increasing the Use Fuel Tax," (H. P. 851) (L. D. 490) reported that the same ought not to pass.

The same Committee on Bill "An Act to Impose an Excise Tax Upon Charges for Meals," (H. P. 1210) (L.

D. 768) reported that the same ought not to pass.

(On motion by Mr. Broggi of York, tabled pending acceptance of the report.)

The Committee on Welfare on "Resolve Providing for State Pension for Mrs. Lovina Brush of Unity," (H. P. 1380) reported that the same ought not to pass.

The same Committee on "Resolve Providing for a State Pension for Maurice Albert of Madawaska," (H. P. 863) reported that same ought not to pass.

The same Committee on "Resolve Providing for a State Pension for Lawrence Bouchard of St. Agatha," (H. P. 861) reported that the same ought not to pass.

The same Committee on "Resolve Providing for State Pension for Exilia Raymond of St. Agatha," (H. P. 859) reported that the same ought not to pass.

The same Committee on "Resolve Providing for an Increase in State Pension for Victor Gardner of Veazie," (H. P. 1452) reported that the same ought not to pass.

The same Committee on "Resolve Providing for State Pension for Harland E. Mace of South Orrington," (H. P. 1040) reported that the same ought not to pass.

The same Committee on "Resolve Providing for State Pension for Mrs. Edith Woodard of Springfield," reported that the ought not to pass.

The same committee on "Resolve Providing for State Pension for John Howard McClay of Olamon," (H. P. 1293) reported that the same ought not to pass.

The same Committee on "Resolve Providing for State Pension for Annie Pushard of Gardiner," (H. P. 1218) reported that the same ought not to pass.

The same Committee on "Resolve Providing for State Pension for Mrs. Agnes Melanson of Old Town," (H. P. 1384) reported that the same ought not to pass.

The same Committee on "Resolve providing for State Pension for Mrs. Josephine Sochia of Madison," (H. P. 1397) reported that the same ought not to pass.

The same Committee on "Resolve Providing for State Pension for John Melanson of Old Town." (H.

P. 1383) reported that the same ought not to pass.

The same Committee on "Resolve Providing for State Pension for Mary Ann Begert of Lewiston." (H. P. 1378) reported that the same ought not to pass.

The same Committee on "Resolve Providing for State Pension for Joseph A. Pratt of East Andover." (H. P. 250) reported that the same ought not to pass.

The same Committee on "Resolve Providing for State Pension for Bernard Dumond of Sinclair." (H. P. 1157) reported that the same ought not to pass.

The same Committee on "Resolve Providing for State Pension for Pearley Crummit of Newcastle." (H. P. 1151) reported that the same ought not to pass.

The same Committee on "Resolve Providing for State Pension for Francis E. Moddx of East Andover." (H. P. 249) reported that the same ought not to pass.

The same Committee on "Resolve Providing for State Pension for Joseph Michaud of Sinclair." (H. P. 1291) reported that the same ought not to pass.

The same Committee on "Resolve Providing for State Pension for Flora E. Mosher of Smithfield." (H. P. 1221) reported that the same ought not to pass.

The same Committee on "Resolve Providing for State Pension for Miss Lillian M. Sterling of Hallowell." (H. P. 1385) reported that the same ought not to pass.

Which reports were severally read and accepted in concurrence.

ORDERS

Mr. Ela of Somerset presented the following order and moved its passage:

"To the Honorable Justices of the Supreme Judicial Court:

"Whereas, it appears to the Senate of the Ninety-Fifth Legislature that the questions of law hereinafter propounded are important and that it is upon a solemn occasion, the following statements of fact and questions of law are herewith submitted:

"STATEMENT"

"There are pending before the Ninety-Fifth Legislature several tax

ills any one of which, if enacted, would institute a program of taxation designed to provide revenue for the state government on a large scale. If any one of these bills is enacted it is also contemplated that the revenue produced will be such that state government could and should withdraw from taxation of real and personal property (the state levy upon valuation). For this purpose, the pending legislation makes provision for the repeal of the state tax levy so-called. Whether the next tax, if enacted, be a sales or income tax or both or combination of both, it is contemplated that the field of taxation wherein a levy upon valuation is imposed will be left to municipalities for the production of revenues to support and maintain municipal functions of government.

"It is common knowledge that there are large areas of the state in which there are no organized municipal governments in which areas, commonly called the unorganized territory, it is necessary for the state to directly support and maintain governmental functions ordinarily the responsibility of local governments. One of the direct state responsibilities in the unorganized territories, there being no municipal government to provide therefor, is to provide for the support and maintenance of public schools. Attached hereto and made a part hereof is a copy of Legislative Document No. 562 entitled 'An Act to Create the Maine School District,' which, if enacted, purports to make provision for the support and maintenance of schools in the unorganized territory. "Now, therefore be it

ORDERED "That the Justices of the Supreme Judicial Court are requested to give to the Senate, according to the provisions of the Constitution on this behalf, their opinion on the following questions, to wit:

"Question 1."

"If Legislative Document No. 562 were duly enacted, assuming the administrative district purporting to be created thereby were created by direct terms, would the same be constitutional?

"Question 2."

"In view of the obvious purposes of Legislative Document No. 562, is

it constitutional, if enacted, to assess a tax upon property in an unorganized township in the unorganized territory in which township there are no inhabitants?

"A. Would such assessment in such territory be constitutional with respect to property in an unorganized township in which there are one or more inhabitants, but none of school age?

"B. Are unorganized townships within the unorganized territory a basic factor in the assessment of taxes?

"Question 3."

"Is it essential to the constitutionality of Legislative Document No. 562, if enacted into law, that it be submitted by referendum to the legal voters resident within such unorganized territory for acceptance or rejection?

"Question 4."

"If the answer to Question 3 is in the affirmative, may existing facilities provided by the election laws be utilized for such referendum or will additional legislation be required?"

Mr. ELA of Somerset: Mr. President and members of the Senate, I think the reasons for the questions posed are obvious. If some of the taxation measures proposed should pass and the State should retire from the property tax field it is generally recognized that unless something is done taxation on the unorganized territory would be lost. Legislative Document 562 which is a bill to create a school district is for the purpose of taxing that territory under about the same amount as the present state tax and if that can be done in constitutional manner we want to know it and we want to know it now. If it cannot be done we should know that now.

There are certainly other ways, if Legislative Document is not constitutional, proper methods of saving to the State taxation which is now coming, and properly should come, from property in those territories.

I think it would be no burden on the Court to answer these questions because it is very likely they will soon have other questions to answer.

Briefly, these are the purposes of the order. It is a friendly way of finding out whether this is a proper method to retain for the State this taxation revenue and if it is not the right way we should set about finding some other way.

Thereupon the order received a passage.

On motion by Mr. McKusick of Piscataquis it was

ORDERED, the House concurring, that House Paper 1471, Legislative Document 1083, bill An Act Relating to Schooling of Children of Parents Who Reside in State-owned Property, be recalled from the Governor to the Senate.

First Reading of a Printed Bill

Bill "An Act Relating to the Alumni Trustee of the University of Maine." (S. P. 536) (L. D. 1268)

Which was read once and tomorrow assigned for second reading.

Senate Committee Reports

Mr. Smart from the Committee on Claims on "Resolve in Favor of Louis Chute of Bridgton," (S. P. 476) reported that the same ought not to pass.

Mr. Collins from the Committee on Towns and Counties on Bill "An Act Increasing the salaries of the Judge and the Recorder of the Presque Isle Municipal Court," (S. P. 193) (L. D. 404) reported that the same ought not to pass.

The same Senator from the same Committee on Bill "An Act to Increase the Salaries of the Judge and Recorder of the Houlton Municipal Court," (S. P. 192) (L. D. 405) reported that the same ought not to pass.

Which reports were severally read and accepted.

Sent down for concurrence.

Mr. Brewer from the Committee on Agriculture on Bill "An Act to Control and Eradicate Bang's Disease," (S. P. 467) (L. D. 1100) reported that the same ought to pass as amended by Committee Amendment "A".

The Secretary read Committee Amendment A: "Amend said bill by inserting after the underlined

word "who," in the end of the first line of the third paragraph thereof, the underlined words "wilfully or deliberately."

Mr. Barnes from the Committee on Judiciary on Bill "An Act Relating to Fees of Registers of Probate," (S. P. 438) (L. D. 1001) reported that the same ought to pass as amended by Committee Amendment "A".

(On motion by Mr. Tabb of Kennebec, tabled pending acceptance of the report.)

The same Senator from the same Committee on Bill, An Act Relating to Legitimacy of Children (S. P. 413) (L. D. 973) reported that the same ought to pass as amended by Committee Amendment A.

The Secretary read Committee Amendment A: "Amend said bill by striking out the words, 'an illegitimate child born after the 10th of March, 1864' in the fourth line of said bill and inserting in place thereof the underlined words 'a child born out of wedlock.' Further amend said bill by striking out in the sixth line thereof the words 'an illegitimate child' and inserting in place thereof the underlined words, 'a child born out of wedlock.'"

The same Senator from the same Committee on bill, An Act Relating to Support of Paupers by Kindred (S. P. 412) (L. D. 972) reported that the same ought to pass as amended by Committee Amendment A.

The Secretary read Committee Amendment A: "Amend said bill by adding at the end of Section One thereof the following underlined words: 'as in action of tort.'"

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

The majority of the Committee on Legal Affairs on Bill "An Act to Authorize the Liquor Research Commission to Initiate an Educational Program," (S. P. 274) (L. D. 613) reported that the same ought to pass as amended by Committee Amendment "A".

(signed)
Senators: WEEKS of Cumberland
HASKELL of Penobscot

Representatives:

MARTIN of Augusta
HAND of New Limerick
BURKETT of Portland
HAWKES of Saco
WOODCOCK of Bangor
STEWART of Paris
THOMAS of Waterville

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

(signed)

Senator: ELA of Somerset

Mr. BARNES of Aroostook: Mr. President, I move the acceptance of the majority report of the Committee "Ought to pass."

Thereupon, on further motion by the same Senator, the bill and accompanying papers were laid upon the table pending the motion of that Senator that the majority report be accepted.

Passed to be Engrossed

Bill "An Act Relating to the Digging of Shellfish and Marine Worms in the Town of Freeport." (H.P. 652) (L. D. 371)

"Resolve Relating to the Protection of Clams Within the Town of Freeport." (H. P. 655) (L. D. 373)

Bill "An Act Relating to Joint Operation of Schools." (H. P. 883) (L. D. 525)

Bill "An Act Enlarging the Powers of Wiscasset Academy." (H. F. 1324) (L. D. 887)

Bill "An Act Relating to Payment to Androscoggin County Law Library." (H. P. 1417) (L. D. 1025)

Bill "An Act Relating to Crop Dusting by Aeroplanes." (H. P. 1466) (L. D. 1082)

Bill "An Act Relating to Showing of Cattle at Fairs." (H. P. 1507) (L. D. 1102)

Bill "An Act Relating to Supervision and Control of Certain State Lands." (H. P. 1551) (L. D. 1111)

"Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in the Island in Cumberland County to H. Norman Cole, of Gray." (H. P. 1589) (L. D. 1161)

"Resolve Authorizing the Maine Public Utilities Commission to Set Out and Maintain Buoys on Sebago Lake." (H. P. 1590) (L. D. 1162)

"Resolve Authorizing the State Forest Commissioner to Convey Certain Interest of the State in Property Formerly Owned by Anne Gray." (H. P. 1644) (L. D. 1207)

Bill "An Act to Create Town of Owl's Head School District." (H. P. 1652) (L. D. 1222)

Bill "An Act Relating to a Ferry Between Beals and Jonesport." (H. P. 1658) (L. D. 1230)

Bill "An Act Relating to Domestic Mutual Insurance Companies." (H. P. 1687) (L. D. 1262)

Bill "An Act Relating to Boards of Registration in Towns Under Three Thousand Five Hundred Inhabitants." (H. P. 1688) (L. D. 1263)

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

Bill "An Act Relating to Transportation of Poultry." (H. P. 1399) (L. D. 1012)

Bill "An Act Creating the Maine Frozen Dairy Products Law." (H. P. 254) (L. D. 190)

Bill "An Act to Incorporate the George H. Robertson School District in Belfast." (H. P. 200) (L. D. 122)

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

Bill "An Act Relating to Refunds of Gasoline Tax." (S. P. 395) (L. D. 942)

Bill "An Act Relating to Definition of Private Road in Right of Way at Entrances Thereof." (S. P. 431) (L. D. 994)

Bill "An Act Amending the Gasoline Road Tax." (S. P. 534) (L. D. 1265)

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

Sent down for concurrence.

Orders of the Day

Mr. Haskell of Cumberland was granted unanimous consent to address the Senate.

Mr. HASKELL of Cumberland: Mr. President and members of the Senate, I regret to state to the Senate that my County of Cumberland finds itself in an unusual and somewhat embarrassing posi-

tion this morning. The reason for that situation is that under the regular resolve passed last month for the laying of county taxes, which resolve was signed by the Governor on the 30th day of March as an emergency measure, there was listed in the same an item for the County of Cumberland in the amount of \$461,191 for the year 1951 and \$487,495 for the year 1952.

Unfortunately, or perhaps fortunately, it has now been discovered that in the making up of those particular items we in Cumberland forgot to look at Page Two and listed only our expenditures, forgetting we would have some receipts. Consequently we have been authorized to raise \$205,000 more than we need for the next two years.

In an effort to correct that situation I hope the Senate may be indulgent this morning and permit under unanimous consent the introduction of a resolve which would affect Cumberland County only and save approximately \$205,000 for each year. Therefore I request, Mr. President and members of the Senate, unanimous consent to introduce a resolve.

The PRESIDENT: The Senator from Cumberland, Senator Haskell, requests unanimous consent to introduce a resolve. Is there objection to the introduction of the resolve? The Chair hears none and the resolve may be received.

Thereupon that Senator presented Resolve for the Laying of the County Taxes for Cumberland County for the years 1951 and 1952 (S. P. 540), which resolve was received by unanimous consent; and on further motion by the same Senator under suspension of the rules the resolve was given its two several readings without reference to a committee and passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Collins of Aroostook the Senate voted to take from the table, Senate Report from the Committee on Labor on bill, An Act Repealing Industrial Homework (S. P. 241) (L. D. 511), Majority Report "Ought Not to Pass", Minority Report "Ought to Pass", tabled by that Senator on

April 5th pending acceptance of either report.

Mr. COLLINS of Aroostook: Mr. President and members of the Senate, the bill relating to industrial homework is of special significance to me because two years ago I introduced this same measure. I did it in all sincerity with the feeling it would be a help to industrial home workers in the State of Maine. I have found to my regret that such is not the case. The law is not working out and it is imposing a definite hardship upon hundreds and even thousands of women throughout the State of Maine.

I became aware of the fact that the industrial home work bill might not altogether be pleasing to the people of the State of Maine in September, I believe, following the last session of the Legislature. At that time I received several communications from selectmen and others in the region where industrial home work was being carried on and they asked whether the intention of the bill was to cut off the incomes that women so badly needed in certain areas. I replied to those letters that it certainly was not the intention of the legislature to deprive anyone of a livelihood but that the intent of the bill was to protect the women of the State of Maine from out of state operators who might take advantage of them.

Nevertheless, the bill did not do that and the fact that it did not seems to me sufficient evidence that we should now repeal the bill. It is true that the bill was complicated by a federal minimum wage law which came into being and established a wage rate of seventy-five cents an hour and it is very true that, in relation to goods shipped by out of state operators into the State of Maine, in interstate commerce, the federal minimum wage law was a major factor in creating dissatisfaction with the bill. And I guess it is likewise true that even though this bill is repealed, goods in interstate commerce will still be affected by the minimum wage law of the federal government. Nevertheless, the fact that this law is in effect in the business of interstate commerce is

annoying to very many people and the fact that it is on the books and is not doing any good seems to me sufficient evidence that we should repeal it.

In the Bangor Daily News of April 11th, there was an editorial entitled, "The Sin of Home Knitting," and under this heading these paragraphs appeared, and I quote.

"This law appears to be another of those 'things' that have become hopelessly involved in the maze of federal and state regulations to the point where all common sense has been tossed out the window in favor of regimentation.

"Basically it involves women who do knitting at home for pay. The fly in the ointment appeared when it developed that at least some portion of their product was marketed outside the State. This brought it under interstate commerce and simultaneously under the minimum wage of 75 cents an hour. For obvious reasons, not the least of which was the impossibility of keeping track of time—what with a few minutes here and a few minutes there throughout the day—it couldn't be done. Paradoxically, the women themselves didn't want the 75 cents an hour. They preferred to knit in fact for a mutually agreed sum than to knit in theory for 75 cents an hour. There is little money in theoretical knitting."

I could go on at length with the letters that I have received from women who feel that they really are under some hardship with the present law in effect. I think that we would be doing the right thing to correct this situation and I move you, Mr. President, that we accept the minority "Ought to Pass" Report of the Committee.

Mr. REID of Kennebec: Mr. President, I would like to make a few comments in support of the Majority Report of the Committee. This matter has become very controversial. As a matter of fact, the women are in disagreement amongst themselves. The Federation of Womens Clubs and other women's organizations wish to have this law remain upon the books. The women who do not wish it are those who have actually lost income from In-

dustrial Homework in which they previously engaged.

A large number of women appeared at the hearing and it is an understatement to say that the most of them were hopping mad about the law which was passed two years ago.

They are women who work at home and who earn, I understand, a total of several hundred thousand dollars a year in the State of Maine. But to review with you for a moment briefly the evidence that appeared before the Committee, it goes something like this. While it is true that these women work and would receive compensation over the years, it is also true that some out-of-state concerns were in many instances exploiting some of the women, not only in the matter of paying them slave wages for what they were doing but also in other ways such as an out-of-state concern writing an advertisement in the newspapers in the State of Maine indicating that women could buy apron cloth and make aprons and that the out-of-state concern would buy the aprons back, while it would turn out to be only a little scheme to sell the cloth to the women and the aprons were not bought back.

The Maine bill is not a minimum wage bill. It is a bill which attempted to make out-of-state employers pay a license fee of twenty-five dollars and set up within the Department of Labor the mechanics to review the whole Home Work industry and make sure that the women in the State of Maine were protected.

That bill became effective August 6, 1949 and that bill actually, in my opinion, is not responsible for the loss of income that the women received. On January 22, 1950, a few months later, the Federal Minimum Wage and Hour Law was amended to raise minimum wages from forty to seventy-five cents an hour and almost all of the out-of-state employers who were using women to work did not feel that it would be profitable to pay them on that basis and the work stopped.

I think it is a fair and logical statement to make that the Maine law was not the cause of the loss of revenue of those women. How-

ever, there is no question in my mind that they felt that it very definitely was responsible for the loss of income and sitting where the President now sits at the Committee hearing and listening to the women, I think it would be absolutely impossible to convince them otherwise.

I make these remarks to show why the majority of the Committee felt that the bill should not be repealed. I am sure that half of the State would like to see it repealed and the other half would not like to see it repealed.

I don't think the Maine law is responsible for the loss of revenue and that is why the majority of the Committee felt that the law should remain upon the books.

Mr. HASKELL of Penobscot: Mr. President and Members of the Senate, like the other Senators, I have received many communications from both sides of this proposition and before the Legislature convened, I think my conclusions were something like this. The Collins Bill of last session had no effect so far as manual home work was concerned and as the Senator from Kennebec, Senator Reid, has said, the impact of the increased federal wage and our minimum provisions brought about the reduction in work.

Therefore, I rationalized it like this. If these women really are convinced that the Collins Bill of last session was responsible for their loss of work and until there is some evidence that the bill has done some good, why not repeal it? And then I examined the recent change in the Federal Social Security Laws, and there is a very specific provision which requires an employer employing home workers in any state to contribute to Social Security accounts for the benefit of the workers provided that they work in a state that regulates home work. So that if there are recent records or recent evidence in that state of some semblance of order, some semblance of record keeping, and with that provision in there, I became convinced it would be a distinct hardship to take from these women, who may work in intra-state operations as well as interstate operations, the benefits of that provision.

The balance, therefore, in my mind at least, favors retention of the law since I never had believed that the repeal in any way would change the effect of the federal law with relation to minimum wages.

I think the retention of the law will protect the Social Security rights of those who may engage in it, even under the seventy-five-cent minimum. Therefore, I shall vote against the motion of the Senator from Aroostook, Mr. Collins, to accept the minority report.

Mr. NOYES of Hancock: Mr. President, since I introduced this bill, I feel I should explain to the Senate how I feel about it, very briefly.

I think Senator Collins told us, as did Senator Reid, the purpose for which the bill now on the books was created and that was to regulate industrial home work and to prohibit out - of - state operators from coming into the State of Maine and chisel and pay starvation wages.

However, the law hasn't worked as it was intended. Hundreds of thousands of dollars have been lost by Maine people as a result of its passage. It seems to me that the passage of the law is not at all unlike the farmer who burned down his barn to get rid of the rats.

They say that this didn't have anything to do with the seventy-five cents per hour regulation, but it was used as an instrument to find out who was engaged in industrial home work. It was used as an instrument to find out what women in their homes were doing that kind of work and I will now read Section 37-I of the law which says, "Every person desiring to engage in industrial homework within this state shall procure from the Commissioner a homework certificate," and it was through the Commissioner's office that your federal men found out who these women were that were engaged in industrial home work.

Now, it is easy to understand how these women, most of whom are in the older age bracket, brought up under the three "R's" of "reading" writing and 'rithmetic" resent the new three "R's" of "rules," "regulations" and "regimentation," and to show you that there are rules and regulations and regimentation,

let me quote from the law as it is in Section 37-O .It says, "The commissioner or his authorized representative is directed to investigate and gather data regarding the wages, hours and working conditions in the homework industry and is empowered to enter and inspect such places and records and investigate such matters as he may deem appropriate"—to investigate the home, to enter the home of every citizen of the State of Maine.

Now, as to the women who appeared in opposition to industrial home work and in favor of the repeal, those women are the people that are affected. The people who belong to your Federated Women's Clubs, as a rule do not do this kind of work. To substantiate the stand that has been taken, the Grange is one organization that is state-wide among your rural organizations and it has gone on record as opposed to the present law and in favor of its repeal. Likewise, the Maine Chamber of Commerce goes on record against the law and is for its repeal. The Chairman of the Maine Development Commission appeared at the hearing opposing the law and in favor of its repeal.

Now, at the hearing, there was one thing brought out which no one at that time refuted. But it was stated at the hearing by the Commissioner that this industrial homework was in competition with labor in the factories and that the factories had large overheads. Now, if any of the unmarried ladies in the State of Maine think there is no overhead in the operation of these homes in the State of Maine, I would suggest that they change their names to "Mrs." and move out into the highways and by-ways and raise families and they will find that they are suffering under a cruel disillusionment, I hope the motion prevails.

Mrs. KAVANAGH of Androscoggin: Mr. President and Members of the Senate, I feel that this law has created a great hardship among the women of Maine. There may be a few who are not in favor of repealing this law, but I think if we took a consensus of opinion, we would find that the majority of

the women are opposed to the law. When we hear the argument that this law takes work and people away from other industries, it is incorrect.

Most of these people who work at homework, are old or unable to leave their homes. In this way, by working in their homes, they are able to earn a little extra money.

I heard of a case recently of a woman who was a diabetic. She kept house for an old couple. This gave her room and board. She knitted sweaters which gave her enough money to buy her medicine, to buy her clothes and anything else she needed. But when this bill went into effect, it took away her livelihood and she had to go on relief.

When people have to go on relief, I think it takes something away from them, their morale, and I think we in Maine should do everything we can to keep up the morale of our women.

During the hearing, a certain point was brought out about the making of nets, how people were being exploited. Well, a certain party I know visited some of these net makers and she said, "Are you being exploited?" And they said, "Well, I don't think so. My husband and I listen to the radio in the evenings and we make nets and we make two and a half apiece. That is five dollars we make in an evening and we consider that very good." It is five dollars that they wouldn't have if they didn't make the nets.

It seems to me we will be doing a wonderful thing if we repeal this law which has created such a great hardship in our state.

Mr. BROGGI of York: Mr. President, I sincerely hope that the motion of the Senator from Aroostook to accept the minority report receives passage and I request a division when the vote is taken.

Mr. PALMER of Lincoln: Mr. President and members of the Senate, there are one or two things I would like to mention in connection with this bill before the vote is taken.

The question of how much the Federal Minimum Wage Law has affected these women, to me is quite problematical. How much interference was there before the

Minimum Wage was lifted from forty to seventy-five cents an hour?

The fact is that there was little or no interference at that time and if you investigate to see exactly how much it cost per hour to knit or whatever the project might have been, you would find that even then there might have been a violation of the Minimum Wage Law.

The statement of the Senator from Hancock, Senator Noyes, that this merely provided a medium through which the Federal Government could find out who was doing this knitting or whatever the project might have been to enable them to spy on the housewives and the elderly people of Maine, I believe, is essentially true.

I would also like to point out in this connection, though it may be a minor matter now that the appropriations bill has been considered, but it seems to me that when we are arguing about or debating these various things which are essential to state government that we at this time when we are debating these items might consider, too, what those things are which are essential to the well-being of the people of Maine. Does it seem possible that we in Maine have arrived at a point when we must have new, increased departmental expenditures in these various departments, by going into the various homes of the elderly people of Maine who are doing their best to earn a few dollars to stay off the welfare rolls which are costing more and more? Does it seem reasonable that, therefore, we should increase departmental costs and thereby increase taxes to take care of these same items.

Certainly, it can not be denied that many of these people who are participating in these projects are doing everything they can to keep off the welfare rolls in the various towns and cities of Maine, as well as Old Age Assistance.

It seems to me that we as a legislature should try to encourage these people who are trying to do their best by their individual labors to stay off welfare rolls, rather than institute programs which in essence over a period of years increase the welfare rolls by denying

these people a chance to make an honest living by their own hands.

Therefore, I, too, subscribe to the sentiment of the Senator from Aroostook, Senator Collins, and I hope that his motion prevails.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Collins, that the Senate accept the Ought to Pass report of the committee and the Senator from York, Senator Broggi, has requested a division.

A division of the Senate was had Twenty-one having voted in the affirmative and five opposed

The Ought to Pass report of the Committee was accepted.

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

On motion by Mr. Haskell of Penobscot the Senate voted to take from the table House Reports from the Committee on Public Health on bill, An Act Relating to the Importation of Poisonous Snakes (S. P. 327) (L. D. 187), Report A, "Ought to Pass", Report B, "Ought Not to pass", tabled by that Senator on April 10th pending motion of the Senator from Androscoggin, Senator Kavanagh, that Report A be accepted.

Mr. HASKELL of Penobscot: Mr. President and members of the Senate, this is one of those fortunate bills that come along once in while of no major importance, from my viewpoint at least, and it is a very short bill, L. D. 187 and provides an amendment to an existing statute which amendment reads as follows:

"Poisonous snakes shall not be imported into the state. No person shall introduce or import any poisonous snake into the state, or receive or have in possession such poisonous snake, so introduced or imported."

The Committee on Health, as they should, took the bill seriously and considered it carefully in executive session and divided themselves evenly on the question of whether the bill should pass or should not pass. I signed the Ought Not to Pass Report for two reasons.

I am extremely hesitant to bring up the first reason because I realize the difficulty of a person not

learned in the lawmaking reference to the Constitution. But as a humble layman who can read, the Federal Constitution, I believe, reserved to the Congress the right of controlling interstate commerce and I suspect it is true that throughout our Maine statutes there has been no attempt on the part of the Maine Legislature to take over that prerogative from the Federal Government. But I hasten to point out that that is a minor imperfection and the bill could be corrected by amendment so that it would make it illegal to possess the poisonous snakes.

So that is not a fundamentally serious objection except as to the structure of the bill.

I think my fundamental reason for signing the Ought Not to Pass Report was the thought that our statutes now very amply take care of the danger that might be created by a loose poisonous snake. In Chapter 22, it sets up local health officers in each community giving those local health officers the authority to examine any complaints of any inhabitants concerning any nuisance dangerous to life and health and to order the removal of that nuisance. And Chapter 128, the nuisance sections of our statutes are very clear in pointing out that the use of any place that creates an annoyance which becomes injurious or dangerous to health shall, itself, be declared a nuisance and the penalties for creating a nuisance are well spelled out in that chapter.

If I had a third reason, it is the practical question of wondering whereabouts in Portsmouth before they come into Kittery the World of Mirth, for instance—which I suspect the control of has passed from the County of Cumberland to the County of Knox—could find storage for poisonous snakes.

I believe that if they are required to store snakes in the City of Portsmouth, it might well be that come next season, we would want the World of Mirth and Barnum and Bailey to store their tigers and elephants and lions and rhinoceroses.

It doesn't seem practical to prohibit that sort of thing. It doesn't seem to me that it is quite in accordance with the Federal Constitu-

tion and it seems to me that our present statutes very adequately cover snakes as a nuisance, along with such other nuisances as public health officers can be convinced really are nuisances.

Mrs. KAVANAGH of Androscoggin: Mr. President and Members of the Senate, I realize that this sounds like a facetious bill but when you look into it, it is not quite so facetious as it sounds. Mrs. Moffatt, a Representative in the House, introduced this bill and her reason was this.

The World of Mirth had had a session down there in Bath and it was located very close to a housing project. One day—I guess it was about two or three days after the World of Mirth had departed—this little three-year-old child ran into the house scared to death. He said "Mummy, mummy, there is a snake out there." The mother went out and underneath this pan was this huge rattler. He had just shed his skin, fortunately, and was very lazy and didn't move about much.

But if it hadn't been for that, he might have attacked the child. The neighbors of that woman were quite stirred up and they asked Mrs. Moffatt if she would introduce a bill. She looked into the matter very carefully before she introduced this bill. During executive session it was brought up that there were other laws which covered this bill. But if there are they have not been enforced and I think it is about time that something was done about it.

When we talk of interstate commerce and say that we can't prohibit anything from being brought into the state, I talked with a man yesterday and he said that he was not permitted to bring a monkey into the State of Maine. Another man told me he was prohibited from bringing a parrot into the State of Maine. Why can't we keep out the snakes? In Hawaii, they are not permitted to have any snakes brought in.

A recent issue of the Wall Journal stated that every year one snake produces from eight to thirteen offspring and each year they have a snake hunt and they

kill as many snakes as they need for the making of shoes and pocketbooks and other things, and in spite of that fact, the snakes are getting ahead of them.

Mrs. Moffatt had a letter from a herpetologist when she presented this bill and this is what he wrote. This is part of the letter:

"I am a member of the Herpetologists' League. I was greatly interested in this bill. I have heard many rumors that poisonous snakes were being left in the State but as yet have not received any definite proof to that effect. Would you please write and inform me as to where the snakes are believed to have been left, also what species they are and how many were liberated.

"If poisonous snakes are actually being left in Maine, you have introduced a bill that is not only necessary to maintain the peace of mind of the citizenry, but which may some day save human lives."

She wrote him about this incident and she had a letter from another party who said it is a common occurrence by these circuses and other people that come showing snakes to throw out the sick snakes and any undesirable ones they don't care to keep.

Now, Maine is a vacationland. We have boys and girls coming from all over the United States to our boys and girls camps. Commissioner Cobb who is the Commissioner of Fish and Game said that he believed this was a good thing to prohibit snakes in the State of Maine. He said, "Maine is the only state in the Union where you can put out a blanket and lie down and feel that you are free from snakes."

One little incident which happened in Minnesota might be spoken of. Snakes were brought in from Texas and now there is not a county in the whole state of Minnesota where snakes do not exist.

I feel, Mr. President and members of the Senate, that we would be doing the State of Maine a great favor if we accepted the Ought to Pass report of the Committee.

Mr. BROGGI of York: Mr. President, three weeks ago we had a discussion in this body on the Bottle Law. At that time, our attention was called to the fact that

we have in our midst a man who kept sheep.

Feeling that if we have in our group a man who is an expert and who knows all relative to domestic and wild animals, I would hope he would enlighten us upon this very controversial matter.

Mr. HASKELL of Penobscot: Mr. President, noticing the reticence of the distinguished Senator from Knox, Senator Sleeper, to favor us with comments on this problem, I would ask that when the vote is taken, it be taken by a voice vote, having sat through seven consecutive division defeats.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Kavanagh, that the Senate accept Report A, "Ought to Pass."

A viva voce vote being had
The motion did not prevail.

Thereupon, on motion by Mr. Haskell of Penobscot, Report B, "Ought Not to Pass" was accepted in non-concurrence.

Sent down for concurrence.

On motion by Mr. Haskell of Cumberland, the Senate voted to take from the table bill, An Act Granting Additional Powers to Portland University (H. P. 1340) (L. D. 915) tabled by that Senator on March 30th pending passage to be engrossed; and on further motion by the same Senator the bill was passed to be engrossed in concurrence.

On motion by Mr. Noyes of Franklin, the Senate voted to take from the table bill, An Act Relating to Board of Registration of Medicine (S. P. 243) (L. D. 514) tabled by that Senator on March 29th 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. Reid of Kennebec, the Senate voted to take from the table bill, An Act Relating to Her Own Business Program (H. P. 1233) (L. D. 786) tabled by that Senator earlier in today's session pending consideration.

Mr. REID of Kennebec: Mr. President, this bill, I think, for one

thing or another was confused with the Industrial Homework Bill, particularly by the members of the other branch.

This bill received passage in the Senate and went to the House where it received an amendment and came back to the Senate where the amendment was indefinitely postponed. It went back to the House where the House indefinitely postponed the whole bill and it now comes back in the Senate.

The program had nothing to do with the Industrial Homework Bill. I think now it will make someone happy by the action of the Senate on that bill. Bill, "An Act Relating to Her Own Business Program" was originated by a group of women and the purpose of it is to provide information, counsel and general know-how in getting women to start up their own business. It has received wide and favorable attention all over the State of Maine and at the hearing no one opposed the bill. It doesn't call for any revenue. It is simply an educational program developed within the Department of Labor.

I think the only objection, if it could be called such, is that one woman thought that the activities might be transferred to the Department of Education. The Department of Education does not want it transferred. It was attempted to do that in the House and it was killed.

I, therefore, move that the Senate insist upon its former action and call for a Committee of Conference.

Mrs. KAVANAGH of Androscoggin: Mr. President and Members of the Senate, I feel that if this were really carried out, it would be a good thing but I feel it is a lot of money. While Senator Reid says it doesn't cost any money, it really does. It costs a great deal of money. It comes out of somebody and there aren't enough people profiting from this project.

I feel that it could be taken care of under the Development Commission. And as far as the Educational Department is concerned, I definitely know that Mr. Ladd asked Mrs. Moffatt to have that put under the Educational Department and that was why she introduced that amendment to the bill. And

then, later on, it was stated that the Educational Department didn't want it.

I feel that the money we spend on this project could be spent to better advantage in other ways and I hope that we indefinitely postpone the bill.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Kennebec, Senator Reid, that the Senate insist on its former action and ask for a committee of conference.

Thereupon, on motion by Mr. Ela of Somerset, the bill was laid upon the table pending the motion to insist and ask for a committee of conference.

Mr. BOUCHER of Androscoggin: Mr. President, while this bill is slowly dying on the table, I have three bills here that are under the death penalty and I suppose this is the day that they might as well die as any other day. I have been consistent, at least, in presenting these bills at different times throughout my legislative actions here but I, apparently, have not been able to impress the majority party with the righteousness of the bills. I would like to take them up jointly, but I suppose we will have to take them up individually.

First, I will take Item 43 which is the bill concerning the election of the Commissioner of Agriculture and State Auditor by the People.

Thereupon, on motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table Senate Report from the Committee on Judiciary on Resolve Relating to Election of the Commissioner of Agriculture and State Auditor by the People (S. P. 360) (L. D. 875), Majority Report "Ought Not to Pass," Minority Report "Ought to Pass", tabled by that Senator on April 5th pending acceptance of either report.

Mr. BOUCHER of Androscoggin: Mr. President, again repeating that I well know the fate of this bill and the other bills that I have here, I feel, nevertheless, that I want to go all of the way and do my duty right down to the last ditch and tell the members of the Senate and point out to them that Maine on these matters is again

different from the majority of the states and I dare say when I say the majority, the large majority of the states, elect their officials by the people. Our own New England States do so. Massachusetts, for one, does so and Connecticut and Rhode Island.

I told the Committee and at the time I had proper references and authorized sources showing that these officials were elected by the people of their different states, rather than by the Legislature as we do here in Maine. But I imagine it is our privilege to still be fighting the Civil War and using horses and buggies. We of the Democratic Party feel otherwise, but we have committed the great sin of being in the minority. So, we realize that it probably will be a long time before we can make the Majority Party see the light of day and come along and get up to modern times and get into automobiles and airplanes and leave the horse and buggy to the age that they belong to.

So, therefore, Mr. President, I move the acceptance of the Minority Report of the Committee, the Ought to Pass Report.

Mr. BARNES of Aroostook: Mr. President, could we have the names of those who signed the Majority Report and those who signed the Minority Report read, please.

The Secretary read: "Signers of the Majority Report—Senators Haskell of Cumberland, Barnes of Aroostook. Representatives McGlaughlin of Portland, Woodworth of Fairfield, Hayes of Dover-Foxcroft, Fuller of Bangor, Fay of Portland, Harding of Rockland. Signer of Minority Report—Representative Delahanty of Lewiston.

Mr. WARD of Penobscot: Mr. President, I was absent from the executive meeting of the Committee when this report was handed out but had I been there I would have signed the majority Ought Not to Pass Report.

Mr. BOUCHER of Androscoggin: Mr. President, I am very pleased that my good friend, the Senator from Aroostook, Senator Barnes, had those names read. That spells out political parties and lines and I am satisfied to go down with that ship. I would feel much worse if it

were done on the fact that I couldn't convince the Committee that I was right. If it is a political sin I have committed, I am willing to plead guilty to the political sin. And I am also very glad to see that my good friend, the Senator from Penobscot has made it unanimous for the majority by the statement he has made that he was out sick and would vote with the majority.

I am very glad that the thing has been made a political issue so that my defeat at least will not be dishonorable.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Boucher, that the Senate accept the minority report of the committee.

A viva voce vote being had

The minority report was not accepted.

Thereupon, on motion by Mr. Haskell of Cumberland the majority report of the committee "Ought Not to Pass" was accepted.

Sent down for concurrence.

Mr. BOUCHER of Androscoggin: Mr. President, we ought to have another burial and I believe I will take from the calendar the 44th tabled matter, L. D. 874, a resolve to elect the Secretary of State, Treasurer of State and Attorney-General by the People.

On motion by Mr. Boucher of Androscoggin the Senate voted to take from the table Senate Report from the Committee on Judiciary on Resolve Proposing an Amendment to the Constitution to Elect Secretary of State, Treasurer of State and Attorney General by the People (S. P. 159) (L. D. 874), Majority Report "Ought Not to Pass", Minority Report "Ought to Pass", tabled by that Senator on April 5th pending acceptance of either report.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, I would repeat the same arguments and give you the same reasons but I know the same results will occur. So therefore, I will save all of this time and oration and save your time and save my time and only move that the Minority Report Ought to Pass on this Resolve be accepted.

Mr. BARNES of Aroostook: Mr. President, on this one I would like to ask simply that the signers of the Minority Ought to Pass Report be read.

The Secretary Read: "Signer of the Minority Report, Representative Delahanty of Lewiston."

The PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Boucher, that the Minority Report be accepted.

A viva voce vote being had

The motion did not prevail.

Thereupon, on motion, by Mr. Barnes of Aroostook, the Majority Report of the Committee "Ought Not to Pass" was accepted.

Sent down for concurrence.

Mr. BOUCHER of Androscoggin: Mr. President, they say things never occur twice but they have to occur three times and I am going to have a third burial. I move to take from the table the 45th tabled and unassigned matter, being L. D. 873

On motion by Mr. Boucher of Androscoggin the Senate voted to take from the table Senate Report from the Committee on Judiciary on Resolve Proposing an Amendment to the Constitution to elect Members of the Executive Council by the People (S. P. 358) L. D. 873), Majority Report "Ought Not to Pass", Minority Report "Ought to Pass", tabled by that Senator on April 5th pending acceptance of either report.

Mr. BOUCHER: Mr. President and members of the Senate, although I realize this is also a lost cause. I feel that this one here is really a different resolve, not different in my mind, but different in this way and that is Maine is the only state which does not have its councilors elected by the people. Even our good State of Vermont, our sister state which at one time was the only other state that voted the same as Maine a few years ago, elects its councilors. New Hampshire elects their councilors. And every other state in this Union which has councilors elects their councilors by the people.

Again may I repeat that we here in Maine must be of a different color and different breed or a different faith because we don't seem

to be able to follow the ideas and opinions of the rest of the nation and I am not referring to my political party at this time. This is a matter of nationwide issue.

We are the only state left in the Union which has its governor's council elected by its legislature. I might go as far, Mr. President, and question the necessity of a governor's council in these modern times and days. I can realize that 130 years ago when this State of Maine was founded when it took weeks to come down here from Aroostook and days to come from Portland or Kittery that a council was necessary. But in these days of modern transportation and means of communication with the telephone and airplanes and automobiles, I don't believe that the council is necessary.

I believe that the Governor with the heads of the Departments could run the affairs of this state just as well without the council. But if we must have a council, if we must stick to the idea, if we must have it, then I say to you at least let's modernize a little bit; let's give the people of Maine a chance to elect a council and bear you in mind that these seven present councilors and councilors in the past have always been very good friends of mine and I have no fight with them.

I have a dispute with the way of electing those gentlemen and I have a dispute with the reason for there being a council in the State of Maine but not with the councilors, themselves. They are lovable people. They are honest, well-meaning and doing the best they can. But you will never make me believe that a one-party government, and that is what that is in there, a governor and council of the same color can't work for the best interests of the people, be it the county, state or nation.

We pride ourselves in this country on our bipartisan government but I say to you it is very near extinct in the State of Maine. I have been at times, as you well know, the one and only Democrat in this august body. At this session of the Legislature, there are two. We have had three. We have had five. That is the most we have had in

the last twenty years—in the last two decades—that I can remember. In the council, I am not that old. I can't remember when we had a Democrat on the Governor's council. By accident or the Grace of God, we had a Democratic governor in the last fifty years—one. And we call our government in the State of Maine a bipartisan government. To me, it is ridiculous and a joke and if we members of the Legislature were sincere, we would attempt to make it a bipartisan government and a first attempt can be made to change the Constitution whereby these councilors would be elected by the people.

Now, I don't want to be presumptuous, but if there were an election for a council in my district, I think I would attempt to be elected a councilor. I might by the Grace of God and the will of the people of that district become a councilor and you would have in that body at least one objectionist to some of the doings of the majority party. Not an obstructionist, gentlemen, but one who would object to certain ways and means of doing things. I don't believe in obstructionism but I do believe and my political experience of the last twenty years has proven that the best government you can have is a bipartisan government. The reason I believe in that is the fact that I was the only public official who fought for the new charter in the City of Lewiston. All of the others at that time were opposed to the new charter because the new charter gave representation to the minority party in Lewiston which happens to be the majority party in this state and I know that you know, but I can prove it if you want me to, the fact that we have bipartisan government in the City of Lewiston. On every commission the Republican party which is the minority party in Lewiston is represented and when I was an alderman I never wanted to have any extra sessions unless the Republicans were asked to sit in on those things. And I can well recollect that many and many a time as a Democrat that I voted with the few Republicans opposing the three other Democrats within the government of Lewiston, having what I thought

was the best interests of the City at heart.

So again I ask you and plead with you for fair play for good sportsmanship and give this resolve which I have introduced a chance to go to the people. Let the people of Maine decide. Why should you worry? You are the majority party. Let them decide. Let the people of Maine decide whether they want to elect their councilors or not. Let them give the answer. I am in no hurry. We will wait for the regular election. I don't want any extra expense. Let it go to the next election and just put the question to the citizens of Maine, "Do you want your councilors on the governor's council elected by the people?" That is the only question I want answered and let the people in Maine vote on it.

On the basis of that, members of the Senate, I plead with you to give me, not as a democratic member of this Senate, but as a member of this Senate not representing the Democratic Party here this morning, but representing the citizens of Androscoggin County who would like, I know, to have a chance to elect the councilors. I plead with you to forget party lines and send back to the people of Maine and let them decide whether they want the Legislature to elect the councilors or whether they want to elect them, themselves.

So, Mr. President, I move the Ought to Pass Report.

Mr. BARNES of Aroostook: Mr. President, I will oppose the motion of the Senator from Androscoggin and say briefly that these are my reasons for such opposition.

I realize that the value of an Executive Council has been called into question a great many times but I have always felt and I think that in all probability the majority of the people in the Legislature, both Democrats and Republicans, feel that the council serves this very useful purpose, at least. It is the body composed of the representatives of the members of the Legislature here in Augusta conferring with his Excellency the Governor and holding somewhat of a check and balance upon him during the time when the Legislature is not in session when we are not here in Augusta.

I can well imagine that my good friend, the Senator from Androscoggin, would feel that the Governor's council served a very useful purpose if by any chance the State of Maine were democratic and we Republicans became the minority party and were successful in electing a Republican governor with a heavy majority of Democrats in the Legislature. The check and balance would then come into play in real shape.

Now, if it is true that the council serves the useful purpose which I have mentioned, it seems to me that the members of the Legislature ought to be the ones to elect the members of the executive council. If they are representatives here in Augusta with the Governor when we are home, it seems as though we should be the ones to name them and I say that even in spite of the fact that Aroostook County delegation and my good friend, Senator Sleeper from Knox County, had some difficulties at the beginning of the session. I still feel the Legislature ought to elect the members of the council and I don't think it is quite fair—well, I don't mean fair—but it is not justified, perhaps for my good friend, the Senator from Androscoggin, to blame us for the fact that his party is so in the minority in Maine.

If perhaps the same zeal were displayed in organization that is displaying in shouting for positions on every committee in the legislature and matters of that sort, the minority might not be so small. But he certainly shouldn't blame us of the Republican Party for the smallness of the minority in the State of Maine.

I believe, Mr. President, that this was the feeling of the Judiciary Committee on this bill and I believe the Report of Ought to Pass was signed by the same member and no more. I hope that the motion does not prevail.

Mr. BOUCHER of Androscoggin: Mr. President, I would like to have just one word in rebuttal to my good friends, Senator Barns from Aroostook.

I can't go along with him and agree that the council represents the Legislature, although Councilor Snow is a good friend of mine, the

councilor from my district. I can't agree with Senator Barnes that he represents my thinking or that he even represents the majority of the people in Androscoggin County. I think that is not a true statement. I can't agree with him. I don't mean it is not made in good faith but I can't agree with that thinking.

I want to point out to this Senate that there is one thing here that is not proportionate. I am not blaming the Republican Party for the fact that the minority party has got a small representation here. It may be through some of our laxness; it may be through some of our difficulties in our own party; it may be through fighting amongst ourselves; because we should certainly have been able to build up a party in the last twenty years through the advantage of the money that has flowed into the State of Maine through Washington if we had been politically wise.

But I want to remind and point out to this Senate that although I know there are only two senators here, that we are a proportion of one to sixteen.

That does not hold true for the total return of the votes cast in the State. I want to point out to you that the total vote is only about three to two in favor of the majority party and if that proportion were here in this Senate, we might have different actions. If we had here eleven Democrats against twenty-two Republicans, the argument given by my good friend, the Senator from Aroostook, this morning, wouldn't sound too logical or too good.

The fact is that for years the State of Maine has been voting about three to two for the Republican Party, three votes for the Republican Party and two for the Democratic Party. The fact is that our votes are concentrated in a few large centers and that is probably why our representation in this Legislature is not larger. But that does not change the hard-headed facts that we have not got a bipartisan council and will never have if we stick to the present setup. I repeat, and this whole nation, at least, seems to agree that we should have bipartisan government.

I am not begging of the Senator from Aroostook to turn Democrat or to help the Democrats. I am just asking him to give us fair play. I don't call it fair play when his counsel is elected to represent 100,000 persons by one single vote, by the whim of one individual.

I know what has happened in my council district in the past. I have been there long enough to know. I know that out of nine voting, five voted for one and four voted for the other. So, one vote cast by a member of some legislature elected a councilor to represent 100,000 persons in the State of Maine and I say to you that it is not democratic. It is unfair.

I say to you that at least you could give us a fair deal, not for the Democratic Party, but give us a fair deal and send this back to the people and let them decide whether the Senator from Aroostook is right in his thinking or whether I am right in my thinking and I am willing—perfectly willing—to leave it to the people of Maine but I don't think I would want to leave it to this legislature because they have been partisan. You have voted along partisan lines, definitely partisan lines. I am sincere on this and I ask for fair play.

The PRESIDENT: The pending question is on the motion of the Senator from Androscoggin, Senator Boucher, that the Minority Report "Ought to Pass" be accepted.

A viva voce vote was had.

The PRESIDENT: The ayes have it unless doubted.

Mr. BOUCHER: Mr. President, I don't doubt it but I would like to have a division.

A division of the Senate was had.

Five having voted in the affirmative and eighteen opposed.

The Minority Report was not accepted.

Thereupon, on motion by Mr. Ward of Penobscot the Majority Report "Ought Not to Pass" was accepted.

Sent down for concurrence.

On motion by Mr. Ela of Somerset the Senate voted to take from the table bill, An Act Relating to Her Own Business Program (H. P. 1233) (L. D. 786) tabled by that Senator earlier in today's session

pending motion by the Senator from Kennebec, Senator Reid, that the Senate insist and ask for a Committee of Conference; and on further motion by the same Senator the Senate voted to insist on it former action whereby the bill was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Crosby of Franklin the Senate voted to reconsider its previous action whereby the report of the Committee on

Taxation "Ought Not to Pass" on bill, An Act Increasing the Use Property Fuel Tax (H. P. 851) (L. D. 490) was accepted; and on further motion by the same Senator his previous motion was withdrawn and the bill was laid upon the table pending acceptance of the report.

On motion by Mr. Boucher of Androscoggin

Adjourned until tomorrow morning at ten o'clock.