

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Seventh Legislature

OF THE

STATE OF MAINE

VOLUME II

1955

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Wednesday, April 20, 1955

Senate called to order by the President.

Prayer by the Rev. Rodney W. Roundy of Portland.

Journal of yesterday read and approved.

House Papers

Bill "An Act Providing for the Appointment of a Civil Engineer of the City of Lewiston by the Department of Public Works." (H. P. 436) (L. D. 482)

In House on April 12, bill substituted for Ought not to pass report of Committee on Legal Affairs.

In Senate on April 14, Committee Report read and accepted in non-concurrence.

Comes from the House, voted to adhere and ask for Committee of Conference.

In the Senate, on motion by Mr. Lessard of Androscoggin, that Body voted to insist and join with the House in a Committee of Conference, and the Chair appointed as State members of such committee, Senators Woodcock of Penobscot, Martin of Kennebec and Lessard of Androscoggin.

Order (Out of Order)

On motion by Mr. Reid of Kennebec, out of order and under suspension of the rules:

ORDERED, the House concurring that bill, "An Act Relating to Excise Tax on Aircraft" be recalled to the Senate from the Governor.

Which was read and passed.

Sent forthwith to the House for concurrence.

House Paper Received by Unanimous Consent

"Joint Resolution Memorializing Congress to Pass Joint Resolution Designating the Fourth Saturday in August of Each Year as Children's Day in Sports." (H. P. 1203) (L. D. 1473)

Which was received by unanimous consent and on motion by Mr. Weeks of Cumberland, the rules were suspended and the Resolution was

adopted without reference to a committee.

Sent down for concurrence.

House Committee Reports Leave to Withdraw

The Committee on Highways on "Resolve Designating Part of Green Lake Road as State Aid Highway." (H. P. 588) (L. D. 644) reported that the same be granted Leave to Withdraw.

Which report was read and accepted in concurrence.

Ought Not to Pass

The Committee on Legal Affairs on Bill "An Act Relating to the Board of Finance of the City of Lewiston." (H. P. 631) (L. D. 671) reported that the same Ought not to pass.

Comes from the House, bill substituted for report; House Amendment A (Filing 291) adopted; bill as so amended passed to be engrossed.

In the Senate.

Mr. WOODCOCK of Penobscot: Mr. President, I move that the "Ought not to pass" report be accepted in non-concurrence.

Thereupon, on motion by Mr. Boucher of Androscoggin, the bill and accompanying papers were laid upon the table pending motion by the Senator from Penobscot, Senator Woodcock, that the "Ought not to pass" report be accepted in non-concurrence.

The Committee on Highways on Bill "An Act Relating to Maintenance of the Androscoggin Dam." (H. P. 807) (L. D. 848) reported that the same Ought not to pass.

The Committee on Labor on Bill "An Act Relating to Benefits for Total Unemployment Under Employment Security Law" (H. P. 62) (L. D. 67) reported that the same Ought not to pass, covered by other legislation.

The same Committee on Bill "An Act Relating to Dependency Allowances Under Employment Security Law." (H. P. 303) (L. D. 314) reported that the same Ought not to pass.

The same Committee on Bill "An Act Amending the Maine Employment Security Law as to Definition of Employment Total and Partial."

(H. P. 992) (L. D. 1140) reported that the same Ought not to pass.

The same Committee on Bill "An Act Amending the Maine Employment Security Law as to Weekly Benefits for Partial Unemployment." (H. P. 993) (L. D. 1141) reported that the same Ought not to pass.

The same Committee on Bill "An Act Amending the Maine Employment Security Law as to Employer's Contribution Rate." (H. P. 1130) (L. D. 1328) reported that the same Ought not to pass.

Which reports were severally read and accepted in concurrence.

Ought to pass

The Committee on Highways on Bill "An Act Relating to Construction of Entrances to Highways." (H. P. 253) (L. D. 238) reported that the same Ought to pass.

Comes from the House, Report accepted; House Amendment A (Filing 275) adopted; bill as so amended, passed to be engrossed.

In the Senate, on motion by Mr. Parker of Piscataquis, the bill and accompanying papers were laid upon the table pending acceptance of the committee report.

The Committee on Inland Fisheries and Game on Bill "An Act Repealing Prohibition to Hunt Muskrat in Lake Alamoosook and Dead River." (H. P. 896) (L. D. 1004) reported that the same Ought to pass.

Comes from the House, report and bill indefinitely postponed.

In the Senate, on motion by Mr. Carpenter of Somerset, the report and bill were indefinitely postponed in concurrence.

The Committee on Agriculture on Bill "An Act Repealing Expiration Date of Milk Tax." (H. P. 34) (L. D. 51) reported that the same Ought to pass.

The Committee on Claims on "Resolve in Favor of Allie Cota de Gray." (H. P. 1175) (L. D. 1416) reported that the same Ought to pass.

(On motion by Mr. Butler of Franklin, tabled pending acceptance of the report.)

The Committee on Judiciary on Bill "An Act Relating to the Rock-

land Municipal Court." (H. P. 616) (L. D. 624) reported that the same Ought to pass.

The Committee on Sea and Shore Fisheries on Bill "An Act Prohibiting the Taking and Use of Herring Under Four Inches in Length." (H. P. 1014) (L. D. 1155) reported that the same Ought to pass.

Which reports were severally read and accepted in concurrence, the bills and resolve read once and tomorrow assigned for second reading.

Ought to Pass in Consolidated Resolve

The Committee on Inland Fisheries and Game on "Resolve Regulating Fishing for White Perch in Knox County." (S. P. 311) (L. D. 850)

"Resolve Regulating Fishing for White Perch in Hancock County." (H. P. 145) (L. D. 145)

"Resolve Regulating Fishing for White Perch in Washington County." (H. P. 258) (L. D. 242)

"Resolve Regulating White Perch Fishing in Cochnewagon Pond." (H. P. 261) (L. D. 245)

"Resolve Regulating White Perch Fishing in Cobbosseecontee Lake." (H. P. 262) (L. D. 246)

"Resolve Regulating White Perch Fishing in Annabessacook Lake." (H. P. 263) (L. D. 247)

"Resolve Regulating White Perch Fishing in Wilson Pond." (H. P. 264) (L. D. 248)

"Resolve Regulating White Perch Fishing in Maranacook Lake." (H. P. 265) (L. D. 249)

"Resolve Regulating Fishing for White Perch in Unity Pond, Waldo County." (H. P. 781) (L. D. 864)

"Resolve Regulating Fishing for White Perch in Androscoggin County." (H. P. 783) (L. D. 866)

reported the same in a Consolidated Resolve, (H. P. 1199) (L. D. 1468) under the title of "Resolve Regulating Fishing for White Perch in Certain Counties and Waters." and that it Ought to pass.

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

Ought to Pass
N.D. — New Title

The Committee on Judiciary on Bill "An Act Creating the Portland-South Portland Bridge Authority." (H. P. 830) (L. D. 946) reported the same in New Draft (H. P. 1188) (L. D. 1451) and under New Title: Bill "An Act Creating a Commission to Survey Proposal for Portland-South Portland Bridge." and that it Ought to pass.

Comes from the House, report accepted; House Amendment A (Filing 274) adopted; bill in new draft, as so amended, passed to be engrossed.

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

The PRESIDENT: The Senator from York, Senator Fournier has called the attention of the Chair to the fact that we have four attractive guests in the Senate Chamber this morning from St. Andres High School in Biddeford, Maine, who are students in State Government.

We welcome you young ladies to our Senate Session this morning and the Senate would have me advise you that the Senator from York, Senator Fournier will look forward to giving you a personally conducted tour of the State house at the conclusion of our session. Thank you for coming.

Ought to Pass
N.D. — Same Title

The Committee on Highways on recommended Bill "An Act Authorizing the Purchase of the Westport-Wiscasset Bridge." (H. P. 410) (L. D. 457) reported the same in New Draft (H. P. 1200) (L. D. 1469), same title, and that it Ought to pass.

The Committee on Judiciary on Bill "An Act Relating to Definition and Duties of 'Owner' in Motor Vehicle Laws." (H. P. 1126) (L. D. 1324), reported the same in New Draft (H. P. 1187) (L. D. 1450), under same title, and that it Ought to pass.

Which reports were read and accepted in concurrence, the bills in

New Draft read once and tomorrow assigned for second reading.

Ought to Pass
as Amended

The Committee on Legal Affairs on Bill "An Act Relating to Payments by Town of York to York Beach Village Corporation." (H. P. 489) (L. D. 534) reported that the same Ought to pass as Amended by Committee Amendment A (Filing 244)

Comes from the House, report accepted; Committee Amendment A indefinitely postponed; House Amendment A (Filing 289) adopted; and bill passed to be engrossed as amended by House Amendment A.

In the Senate:

Mr. WOODCOCK of Penobscot: Mr. President, I move that the Senate concur with the House in their action on this item.

Thereupon, the report was accepted, the bill read once, House Amendment A was read and adopted in concurrence, Committee Amendment A was indefinitely postponed in concurrence, and the bill as amended by House Amendment A was tomorrow assigned for second reading.

The PRESIDENT: The Chair at this time is privileged to welcome as our guests this morning, a group of senior Girl Scouts from Bath, accompanied by Mrs. Harold Rubin and Mrs. Hazel Robbins.

We hope that you enjoy our Senate session and we hope you will get a little desire to someday participate in these deliberations yourselves. While you are here, I would convey in behalf of the Senator from Sagadahoc, Senator Cummings, his hope that he may escort you about the state house after the session and show you all the things you would like to see about state government.

Thank you again for coming.

The Committee on Claims on "Resolve in Favor of the Town of Bingham." (H. P. 581) (L. D. 641) reported that the same Ought to pass as Amended by Committee Amendment A (Filing 301)

The Committee on Judiciary on recommended Bill "An Act Relating to Highway Drains." (H. P. 194) (L. D. 199) reported that the same

Ought to pass as Amended by Committee Amendment A (Filing 299)

The same Committee on Bill "An Act Relating to Reports of Drivers of Vehicles Involved in Accidents." (H. P. 597) (L. D. 653) reported that the same Ought to pass as Amended by Committee Amendment A (Filing 298)

The same Committee on Bill "An Act Relating to Trespass on Certain Buildings." (H. P. 599) (L. D. 655) reported that the same Ought to pass as Amended by Committee Amendment A (Filing 300)

The Committee on Legal Affairs on Bill "An Act to Amend the Charter of the Ogunquit Village Corporation." (H. P. 64) (L. D. 69) reported that the same Ought to pass as Amended by Committee Amendment A (Filing 297)

The same Committee on Bill "An Act to Incorporate the Benton School District." (H. P. 1163) (L. D. 1392) reported that the same Ought to Pass as Amended by Committee Amendment A (Filing 296)

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

Order

On motion by Mr. Chapman of Cumberland

ORDERED, that the date of invitation, in Senate Order of April 13 inviting the Rev. W. Lloyd Williams of Portland to officiate as Chaplain of the Senate, be changed from April 19 to April 21, 1955.

Which was read and passed.

The PRESIDENT: Is it the pleasure of the Senate that the Senator from Penobscot, Senator Hillman, be given unanimous consent to address the Senate, on the matter of his thirty-ninth birthday? The Senator may proceed.

Mr. HILLMAN of Penobscot: Mr. President and honorable members of the Senate of the State of Maine: This is indeed an honor and I can only say that I wish it were for deeds instead of birthdays. No man wants to remember his birthday

when he gets as old as I am. There is an old saying, "To save face, keep the lower half closed" and with that I will say I appreciate this honor and thank you very much.

The PRESIDENT: The Sergeant-at-Arms in reversal of the normal order, will present these cigars to the Senator. (Applause)

Senate Committee Reports

Mr. Hillman from the Committee on Inland Fisheries and Game on Bill "An Act Relating to Bartlett's Island as a Game Preserve." (S. P. 30) (L. D. 19) reported that the same Ought to pass.

Which report was read and accepted, the bill read once; and on motion by the Senator from Somerset, Senator Carpenter, the bill was laid upon the table pending assignment for second reading.

Mr. Butler from the Committee on Retirements and Pensions on re-committed Bill "An Act Relating to Disability Retirement Benefits Under the Maine State Retirement System." (S. P. 380) (L. D. 1076) reported that the same Ought to pass.

Which report was read and accepted, the bills read once and tomorrow assigned for second reading.

Second Readers

The Committee on Bills in the Second Reading reported the following bills and resolves:

House

"Resolve Closing Little Jim Pond in Franklin and Somerset Counties to Fishing Except Fly Fishing." (H. P. 260) (L. D. 244)

"Resolve Regulating Ice Fishing for Trout in St. Croix Lake, Aroostook County." (H. P. 661) (L. D. 737)

Bill "An Act Amending the Charter of the Saco Sanitary District." (H. P. 929) (L. D. 1058)

Bill "An Act Relating to Additional Contributions by Employers Under Employment Security Law." (H. P. 963) (L. D. 1089)

Bill "An Act Relating to the Hunting of Wild Turkeys." (H. P. 1104) (L. D. 1295)

Bill "An Act Relating to Advice of Public Utilities Commission to Towns Concerning Water and Sew-

erage Systems." (H. P. 1197) (L. D. 1466)

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

House—as Amended

Bill "An Act Relating to Checking Speed of Motor Vehicles by Electrical Devices." (H. P. 109) (L. D. 117)

Which bill was read a second time.

Mr. JAMIESON of Aroostook: Mr. President, I offer Senate Amendment A and move its adoption. If it would be in order, before the Secretary reads the amendment I would like to give a little explanation of it. I have checked with Senator Reid and he says the amendment would be agreeable to his committee. I have checked with the Chairman of the Highway Commission and he agrees to take the money from the source the amendment calls for and I have checked with the Governor and he agrees that we should have a price tag on this bill.

The Secretary read Senate Amendment A:

Senate Amendment A to L. D. 117. "Amend said bill by inserting at the beginning of the first line thereof, the underlined abbreviation and figure: 'Sec. 1'.

Further amend said bill by adding at the end thereof the following section: 'Sec. 2. Appropriation. There is hereby appropriated from the general highway fund the sum of \$2400 for the purchase of two radar units by the Department of the State Police to carry out the purposes of this act.'"

Which amendment was adopted.

Thereupon, on motion by Mr. Boucher of Androscoggin, the Bill and accompanying papers were laid upon the table pending passage to be engrossed.

Bill "An Act Relating to Real Estate Brokers and Salesmen." (H. P. 179) (L. D. 186)

Bill "An Act to Incorporate the New Gloucester Water District." (H. P. 930) (L. D. 1059)

Bill "An Act Creating the Eagle Lake Water and Sewer District." (H. P. 1111) (L. D. 1302)

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

Senate

Bill "An Act Relating to Incurable Insanity as a Cause for which Divorce may be Granted." (S. P. 79) (L. D. 178)

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

Sent down for concurrence.

Senate—as Amended

Bill "An Act Relating to Interstate Water Pollution Control." (S. P. 450) (L. D. 1242)

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

Orders of the Day

On motion by Mr. Martin of Kennebec, the Senate voted to take from the table the 25th tabled and unassigned matter, being bill "An Act Relating to Preference to State Purchases for Products Raised or Manufactured in State." (H. P. 924) (L. D. 1032) tabled by that Senator on April 1 pending passage to be engrossed; and that Senator presented Senate Amendment A and moved its adoption.

The Secretary read the amendment: Senate Amendment A to H. P. 924, L. D. 1032. "Amend said bill by adding at the end thereof the following underlined words: 'and preference shall be given to Maine concerns selling such products.'"

Which amendment was adopted and the bill as amended by Committee Amendment A and by Senate Amendment A was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Wyman of Washington, the Senate voted to take from the table the 36th tabled and unassigned matter, being House Report from the Committee on Towns and Counties "Ought Not to pass" on "Resolve Authorizing Aroostook County Commissioners to Compensate Tax Collector in Township 17, Range 5." (H. P. 690) (L. D. 758) tabled by that Senator on April 12 pending acceptance of the report; and on further motion by

the same Senator, the resolve was recommitted to the Committee on Towns and Counties in non-concurrence.

Sent down for concurrence.

On motion by Mr. Low of Knox, the Senate voted to take from the table the 33rd tabled and unassigned matter being Senate Report from the Committee on Retirement and Pensions "Ought not to pass" on Bill "An Act Relating to Service Retirement Benefits for Employees at State Prison." (S. P. 416) (L. D. 1177) tabled by that Senator on April 8 pending acceptance of the report; and on further motion by the same Senator, the ought not to pass report was accepted.

Sent down for concurrence.

On motion by Mr. Low of Knox, the Senate voted to take from the table the 65th tabled and unassigned matter being bill "An Act Providing for Compensation for Members of the Board of Education of the City of Rockland." (S. P. 423) (L. D. 1169) tabled by that Senator on April 15 pending passage to be enacted.

Mr. LOW of Knox: Mr. President, this bill was originally proposed by me at the request of certain members of the Board of Education at Rockland and provided for giving them \$200 a year in salaries. It seemed to stir up quite a bit of controversy and now seems best all around, including the members of the Board of Education, that the bill be killed. I therefore move the indefinite postponement of the bill.

The motion prevailed and the bill was indefinitely postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Low of Knox, the Senate voted to take from the table the 72nd tabled and unassigned matter being, "Resolve in Favor of Chester Fredericks of Norridgewock." (H. P. 183) (L. D. 1457) tabled by that Senator on April 19 pending passage to be engrossed; and on further motion by the same Senator, the resolve was recommitted to the Committee on Claims in non-concurrence.

Sent down for concurrence.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table the 4th tabled and unassigned matter, being House Report from the Committee on Judiciary "Ought not to pass" on "Resolve Proposing an Amendment to the Constitution to Provide for Election of Members of the Executive Council." (H. P. 10) (L. D. 9) tabled by that Senator on March 9 pending consideration of the report.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate: I have offered a similar bill at three or four different legislatures and they have failed. I had imagined that the cause was because I was a Democrat, but this year a member of the Republican Party offered this bill to elect the council and to my great surprise he has fared no better with the committee.

I could not let this bill disappear without having a word to say about it. I want to remind you that there are in this nation only three states that have a Council, throughout the nation of 48 states. There are only two of those three that elect their Council by the people, and Maine is the only one that elects by the legislature. I believe this is a hang-over from Colonial days and we should stop fighting the Civil War and start modernizing our state in line with our program. As Maine bears the name of "Dirigo", it should be leading and not trailing along the last one on the list.

We are the only state now that has a system of electing the Council by the legislature. I believe that, although I have great respect for the present Councillors and have had great respect for all Councillors in the past, nevertheless they should be elected by the people of the state. You understand as well as I do that at no time can you have a bipartisan Council. It must be all of one party. It must be all Republican or all Democratic. I have had the experience of serving in government for the last twenty-five years and my experience has been that the more bipartisan a group is whether it be a Council, whether it be a legislature, whether it be a local city government, or whether it be a town set up, the better it

is for the citizens of that community.

It always makes for better government when you have a division of opinion and are able to discuss matters. You cannot have a discussion where the government is all of one thinking. I believe that someday Maine will wake up and will elect its Council. The day has come that we should get in line so that we won't be one of three that insist on a Council. Personally my belief is that we do not need a Council. It is antiquated, old-fashioned. It is the horse and buggy days of a hundred years ago where you had no congregations of any kind and could not get a group together quickly. In these modern days those things have changed and we should modernize our government in the same way. Therefore, Mr. President, I move that we substitute the bill for the report.

Mr. REID of Kennebec: Mr. President, I rise in opposition to the motion of Senator Boucher. This calls for no extended debate because it has been hashed and re-hashed over the years. I would simply like to comment that if the bill passes, it is quite unlikely that the smaller counties would ever be able to be represented on the Council. When the vote is taken I move that it be by a division.

A division of the Senate was had.

Six having voted in the affirmative and twenty-four opposed, the motion to substitute the bill for the report did not prevail.

Thereupon, on motion by Mr. Boucher of Androscoggin, the Ought not to pass report of the committee was accepted in concurrence.

The PRESIDENT: The Chair at this time notes in the gallery, one of the largest delegations we have been privileged to welcome, a group of Boy Scouts from Piscataquis County. Mr. Ernest Harvey, Mr. Eugene Conley, Mr. John Morrison and Mr. Leo Ashe brought down the group of boys from Greenville. Mr. Philip Bartram, District Commissioner brought boys from Dover-Foxcroft. Mr. William Peterson and Mr. Albert Preble brought boys from Sebec.

We hope that all of you boys will have a good time today and we hope you will long remember your first impressions — and I assume they are your first impressions—of your government in action. I would predict that it is now my privilege to be looking at one, two, three, four or more future members of this legislature and I hope some of the impressions that you get here today will help you just a little bit more to aim yourself in life toward taking your part in your civic responsibilities and civic government.

This is your government in action. It is going to be youngsters of your age who will have the responsibility in not too long a time. We all are very pleased that you came down here and hope you have a good time and after the session is over we hope that you will come down and visit with us.

Thank you very, very much for coming to visit with us.

The PRESIDENT: The Chair at this time also notes in the Senate Chamber a lady who has been a part of this Senate for more years than, I suspect, the combined services of the Senator from Androscoggin, Senator Boucher, and the presiding officer of the Senate. I do not recall that she has graced the rostrum. I think that she should, and it would be a great pleasure to me to have her come up and visit with the Secretary and myself so I instruct the Sergeant-at-Arms to escort to the rostrum, the attractive, helpful and personable Mrs. Secretary.

The Sergeant-at-Arms escorted to the rostrum Mrs. Chester T. Winslow, amidst the applause of the Senate, the members rising.

On motion by Mr. Farris of Kennebec, the Senate voted to take from the table Senate Report "Ought not to be adopted" from the Committee on Judiciary on Memorial: Joint Resolution Proposing an Amendment to the Constitution of the United States Relative to the Treaty Making Power (S. P. 188) (L. D. 440) tabled by that Senator on April 15 pending acceptance of the report.

Mr. FARRIS of Kennebec: Mr. President, at this time I wish to offer Senate Amendment A.

The PRESIDENT: The Chair will note, if the endorsements on the Memorial are correct, it has not yet been adopted and an amendment would not be in order at this time.

Mr. FARRIS: Mr. President, the amendment being an integral part of the motion I shall make to substitute the Memorial for the report, at this time I will make a motion that the Memorial be substituted for the report for the purpose of then presenting this amendment.

Mr. REID of Kennebec: Mr. President, as a courtesy to the Senator, I am willing that this be done, although I shall speak in opposition to the Memorial as amended later.

Thereupon, the Memorial was substituted for the "Ought not to be Adopted" report of the committee.

Mr. FARRIS: Mr. President, I now offer Senate Amendment A to the Memorial.

The Secretary read Senate Amendment A.

"Amend said Memorial by adding after the word 'treaties' in the 9th line from the end thereof, the words 'which conflict with the provisions of the Constitution of the United States'."

Which amendment was adopted.

Mr. FARRIS of Kennebec: Mr. President, I did not arise earlier because I intended to wait and see if there was more important business that might be transacted to clear up the calendar this morning. There seemed to be none and so this seemed to be an appropriate time to take this memorial from the table and as briefly as possible to explain the import of the memorial.

I was very much surprised, as were many of us several years ago, in 1953 I believe, when President Truman, under his emergency powers, as he thought, presumed to take over control of the steel industry in these United States, and following that, there was the action of the Supreme Court which did deny the President that power under our Constitution, and the Court in so doing upheld the due process laws of our Constitution that private property cannot be taken without due pro-

cess, and yet even though the court did deny the President that power and did make a finding based upon the Constitution of the United States, I was very much shocked at the dissenting opinion of the court. The dissent was written by the late Chief Justice Vinson and joined in by two of his associates. In fact the dissenting opinion set forth that President Truman did have the power to seize the steel mills and that he obtained that power by virtue of a treaty, the treaty provisions of the United Nations Charter; and if two other justices had joined in that dissenting opinion then our private industry, the great steel industry of the United States, would have been taken over by the government and not by virtue of any authority in the Constitution of the United States but by virtue of the provisions in the United Nations charter, which is a treaty; and it is provided in our Constitution that the provisions of a treaty, and law of the country or a state to the contrary notwithstanding, becomes the supreme law of the land. In recent years in our courts we have seen a trend to circumvent our Constitution of the United States by use of the so-called treaty-making power.

Now I wish at this time to state that I am in no way critical of the United Nations. As a matter of fact since its adoption I have consistently supported the United Nations. No document is perfect, but I do feel that the United Nations is a necessary part in our scheme of world affairs today and that it certainly has provided a great sounding board for world public opinion, and I do feel, regardless of what some critics may say of the United Nations, that we have made progress in the last ten years because of the fact we have had the United Nations to support the concept of government on the part of the so-called free world.

In inquiring as to the reason that our fine Judiciary Committee felt that this resolution should not be adopted I learned that there was the feeling on the part of many that memorials mean nothing, that they are meaningless. I do not agree with that theory. I feel that memorials have a very definite part in this

country and that we as legislators should at opportune times, necessary times, present memorials to our Congress so that they may know the sentiment of the legislatures in the various states. And certainly there is no more opportune time than today for this Senate in the next two weeks and for the House to join with us and present to the Congress our attitude as to the treaty-making power, because right today in Washington the Senate Foreign Relations Committee is listening to evidence on many, many, I believe it runs over two hundred resolutions that have come out of the United Nations and which if adopted become a part of the United Nations charter and become a treaty and can vitally affect the life of every citizen of the United States and every citizen of the State of Maine.

There has been, as I started to point out, a trend to utilize provisions of the United States Constitution, to enact laws by virtue of court decisions. It happened in California on several occasions, and the actual decision as rendered by the California Supreme Court based upon the United Nations charter — the result of the law I do concur in, but I still feel that the sovereign states should have certain powers reserved to them and should not be bound by the treaty provisions on matters that are developed in the United Nations.

The purpose of my memorial, which is L. D. 440, is to make it possible to amend the Constitution of the United States so as to prevent treaties which do conflict with the provisions of the Constitution of the United States from becoming internal and domestic law without implementing legislation enacted by the Congress. In other words, before any of these treaties become binding upon us as matters of law within the state I feel that they should be scanned and studied by our duly elected representatives so that we know specifically what the intent is of our Congress when they do give their approval to treaties.

Now many have referred to this memorial as a "Little Bricker Amendment," and I believe the papers so carry it. I wish to point

out that this is absolutely incorrect, that in this memorial I am in no way attempting to prescribe what sort of legislation should be written. The great debate on the Bricker Amendment arose over technicalities on the so-called "witch-laws", and on the George Amendment which modified some of the language of the Bricker Amendment, the vote in the Senate failed of passage by only one vote. In other words, a two-thirds vote was necessary in the Senate and there were sixty that voted in favor of modifying the treaty-making power and there were thirty-one opposed. If there had been one more vote in the Senate then this matter would have gone to the people for their decision. And here again I wish to point out that we cannot amend our Constitution of the United States without any proposed amendment being submitted to the states for ratification.

So we are not in any way attempting by virtue of this memorial to prescribe what language should be written. The only thing that is being attempted is that before any law becomes binding upon us as citizens by virtue of a treaty that our congressional membership will have spelled it out in statute form and will have given due and serious thought to just what the effect various provisions in treaties will have upon us in our domestic and internal law and it will not be left waiting until the Supreme Court makes a decision as to whether the treaty law is to be the binding law.

There are probably many, many things which I have not touched upon that are important, but I did want to get the calendar clear this morning. There is one matter which I do wish to bring forth at this time, and that is that during the committee hearings there was very little opposition to the Memorial. I believe two people appeared in opposition and three or four in favor. The opposition to the memorial produced a letter dated January 25, 1954, addressed to the Hon. William F. Knowland, United States Senator from California, from our President, Dwight D. Eisenhower, and in that letter President Eisenhower stated that he was unalter-

ably opposed to the Bricker Amendment as reported by the Senate Judiciary Committee. As you will recall, he did take part in and was opposed to the Bricker Amendment. In the last part of his letter to Senator Knowland this is what he said: "I fully subscribe to the proposition that no treaty or international agreement can contravene the Constitution. I am aware of the feeling of many of our citizens that a treaty may override the Constitution. So that there can be no question on this point, I will gladly support an appropriate amendment that will make this clear for all time."

Gentlemen of the Senate, that is exactly what this memorial proposes to do, to express our sentiment to our congressional delegation so that they may draft proper legislation to enact a constitutional amendment to be submitted to the several states for ratification that will once and for all clarify the situation so that we will know in these United States whether we will be governed by law enacted by duly elected representatives or whether we are to be bound by laws that are enacted by virtue of the treaty-making power. Our treaties do not have judicial scanning; they are drawn up in the State Department, and there are many, many things which our public servants have to consider of a political, economic and philosophical nature when drawing up these treaties, and it is very seldom that they are apt to have too much thought as to what the legal effect can be on the citizens of the several states.

For these reasons and for many, many others that I will not take the time to elaborate upon at this time, I sincerely urge that this Senate express its sentiment to the Congress, a sentiment which would be, if you vote favorably upon my motion, that we in the State of Maine wish to have laws which will be binding upon us enacted by our duly-elected representatives and not enacted or set up at the United Nations headquarters.

My motion now is, Mr. President, if it is in order, that the memorial as amended be substituted for the committee report.

The PRESIDENT: The Senator from Kennebec, Senator Farris moves that the Memorial as amended by Senate Amendment "A" be adopted. The question before the Senate is on the motion of the Senator from Kennebec, Senator Farris, that the Memorial as amended by Senate Amendment "A" be adopted.

Mr. REID of Kennebec: Mr. President, I seem to be one of the three senators on the Judiciary Committee, therefore it is my duty to speak upon this measure.

It is true that with the exception of Children's Day in Sports the committee generally forgets memorials. But, further than that, we are in a cold war to say the least, and the original resolve would have made it quite impossible for quick action to be taken on treaty-making by the President of the United States or the United States Senate. I will admit that the memorial as amended is much more palatable, but I further would like to say that the amendment was offered to the Judiciary Committee and it was the unanimous feeling on the part of the committee that even with the amendment the Memorial was inappropriate at this time and I therefore move, Mr. President, that the memorial be indefinitely postponed and when the vote is taken I ask for a division.

Mr. FARRIS of Kennebec: Mr. President, just in very brief rebuttal I wish to point out that the President certainly under emergency powers has ample power to protect the security of the United States and that the treaty-making power as it now exists will in no way be affected as it affects the relationships between the United States and other nations. It merely is to clarify the confused situation as to how treaties are to affect us here as individual citizens in the State of Maine as a matter of law.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Kennebec, Senator Farris that the Memorial as amended be adopted.

Mr. FARLEY of York: Mr. President and members of the Senate: I am going to vote against the memorial. I have followed the Bricker

Amendment for a few years and I personally do not believe in the Bricker Amendment, I believe that our United States Senate is security for us and I believe that we should take no powers away from the President of the United States, particularly now when he needs them more than at any other time. I believe the way they were used under Harry Truman was not as vague and as wrong as the Senator from Kennebec, Senator Reid, says. I do think we should leave our President without a memorial with reference to what treaties he partakes of in the interest of the United States, and I think we would be fully protected by the President and the United States Senate.

The PRESIDENT: The question before the Senate is the motion of the Senator from Kennebec, Senator Farris, that the Memorial as amended be adopted. The Senator from Kennebec, Senator Reid, has asked for a division.

Mr. FULLER of Oxford: Mr. President, is it my understanding that the motion of the Senator from Kennebec, Senator Reid was to indefinitely postpone?

The PRESIDENT: The point is well taken. The motion to indefinitely postpone does not have precedence.

The question before the Senate is on the motion of the Senator from Kennebec, Senator Farris, that the resolution as amended be adopted. The Senator from Kennebec, Senator Reid, has asked for a division.

Mr. CHAPMAN of Cumberland: Mr. President, may I request that the amendment be read?

The PRESIDENT: The Secretary will read Senate Amendment "A".

The SECRETARY: Senate Amendment "A" to S. P. 188, L. D. 440, Joint Resolution.

"Amend said memorial by adding after the word 'treaties' in the 9th line from the end thereof the words 'which conflict with the provisions of the Constitution of the United States'".

Mr. FARRIS of Kennebec: Mr. President, inasmuch as it is a very brief resolution would it be in order to have the entire resolution read

as amended so that the Senate fully understands the amendment?

The PRESIDENT: The Secretary will read the entire memorial as amended.

Mr. REID of Kennebec: Mr. President, I believe for the purposes of brevity all that will need to be read is the resolve section.

The PRESIDENT: The Chair would suggest that the Senator himself might read the resolve section as amended.

Mr. REID of Kennebec: The resolve section as amended reads: "Resolved that we, your Memorialists, recommend to the Congress the adoption of an appropriate amendment to the Constitution of the United States" — that is the amendment — "from becoming internal and domestic law without implementing legislation enacted by the Congress."

The PRESIDENT: Is the Senate now ready for the question? The question before the Senate is on the motion of the Senator from Kennebec, Senator Farris, that the memorial as amended be adopted by the Senate. The Senator from Kennebec, Senator Reid, has asked for a division.

As many as are in favor of the motion will rise and stand until counted.

A division was had.

The PRESIDENT: Four having voted in the affirmative and twenty-five in the negative, the motion does not prevail.

The question now before the Senate is on the motion of the Senator from Kennebec, Senator Reid, that the resolution be indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed and the memorial was indefinitely postponed.

The PRESIDENT: The Senate is proceeding under Orders of the Day.

The Chair has been informed that the House has joined the Senate in the committee on conference request of this body on the disagreeing action of the two bodies relating to L. D. 1238, "An Act relating to the Legislative Research Committee."

The Chair appoints on the part of the Senate as conferees:

The Senator from Somerset, Senator Sinclair, the Senator from Kennebec, Senator Reid, and the Senator from Androscoggin, Senator Boucher.

On motion by Mr. Fournier of York,

Adjourned until 10:00 A. M. tomorrow.