

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 27, 1955

Senate called to order by the President.

Prayer by the Rev. Douglas H. Robbins of Augusta.

Journal of yesterday read and approved.

Papers from the House

Bill "An Act to Clarify the Employment Security Law." (S. P. 348) (L. D. 957)

In Senate on April 14, passed to be engrossed as amended by Committee Amendment A (Filing No. 294)

Comes from the House, Committee Amendment A indefinitely postponed and bill passed to be engrossed as amended by House Amendment A (Filing No. 354), in non-concurrence.

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

Bill "An Act Relating to Chiropractic Treatment Under Workmen's Compensation Law." (S. P. 373) (L. D. 1069)

In Senate on April 12, passed to be engrossed.

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

In the Senate, on motion by Mr. Weeks of Cumberland, that Body voted to recede and concur.

Bill "An Act Providing for Group Life Insurance for State Employees and Teachers." (S. P. 525) (L. D. 1429)

In Senate on April 8, passed to be engrossed.

Comes from the House, passed to be engrossed as amended by House Amendment A (Filing No. 312), in non-concurrence.

In the Senate, on motion by Mr. Butler of Franklin, that Body voted to recede and concur.

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

In Senate on April 20, passed to be engrossed as amended by Committee Amendment A (Filing No. 326)

Comes from the House, passed to be engrossed as amended by Committee Amendment A and as amended by House Amendment A (Filing No. 355), in non-concurrence.

In the Senate, on motion by Mr. Butler of Franklin, the rules were suspended, and that Body voted to reconsider its former action where-by the bill as amended by Committee Amendment A was passed to be engrossed; House Amendment A was adopted without reading, and the bill as amended by Committee Amendment A and House amendment A was passed to be engrossed in concurrence.

JOINT ORDER (S. P. 547) Relative to Consolidated Resolve for Highway Fund Appropriations.

In Senate on April 22, read and passed.

Comes from House, indefinitely postponed in non-concurrence.

In the Senate, on motion by Mr. Parker of Piscataquis, that Body voted to recede and concur.

Joint Order

ORDERED, the Senate concurring, that

'Whereas, there have been referred to the Committee on Highways, many Resolves providing for Highway Fund appropriations for State Aid Highway construction or reconstruction, and

Whereas, the final passage of any or all of these Resolves may create an inequality with respect to those members of this Legislature who did not offer road Resolves, and

Whereas, there has become apparent an urgent need for state financing of the reconstruction of certain state aid highways, not in the federal road system, and of the construction of unimproved sections of such highways lying between improved sections, in instances where the public use and safety require such construction or reconstruction, and there would be hardship for the town or city involved to provide matching funds for the project,'

Therefore, be it ordered that

(1) The State Highway Commission report as soon as may be to the legislative highway committee a list of the most urgently needed construction or reconstruction projects

on state aid highways, not in the federal system; the state highway commission to take into account in preparing said list urgency of the project, hardship and ability of the town or city involved to provide matching funds, and equity between counties.

(2) The legislative highway committee is authorized and directed to present by a consolidated resolve a road program to care for such roads, involving an appropriation of not more than \$500,000 for each year of the biennium.

(3) Further, the State Highway Commission is authorized and directed to prepare and submit such a report for the succeeding biennium to the 98th legislature. (H. P. 1216)

Mr. PARKER of Piscataquis: Mr. President, I believe this Order should be accepted by the Senate. The order passed last Friday in this Branch was criticized by some members for various reasons. However, I believe the order that is here before us this morning has removed those objections and I hope it will receive acceptance by this Body. I therefore move that the Senate concur with the House.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, this Order is not much better than the Order introduced last Friday. I have been accused of making political hay but I think this Order is for political expediency. It still smells of the pork barrel through another channel. We have in the budget now appropriations for town road improvement and to state aid roads and I believe those funds can take care of those matters. I think this order is just trying to create a new pork barrel, controlled or supposedly controlled by the Highway Commission. If you will notice in this order that the Highway Commission is directed to submit to the legislature the different locations that improvements should be made to the tune of half a million dollars. I have been here long enough to know what that means. That means that the Highway Commission whether they like it or not will have to submit to the legislature a certain list of towns for piece-meal construction of

roads, and it also means that the legislature may bargain and play politics to obtain such votes as they need to pass an increased gas tax by baiting them with road construction in their town.

Now we have a regular set up to deal with road construction throughout the state be it town or state or state aid roads and we should proceed under that set up. We should not play politics in here with the road set up. The Highway Commission is doing a wonderful job I think. Its leader is one of the finest men I have known in the state. I knew him when he was the head of the Welfare Department and have known him since he has been head of the Highway Department and I have all the respect and consideration for Dave Stevens and what he is doing.

When we direct him through this order to do such a thing as this, he is after all an employee of the state and under the ruling of this legislature and he must report. I think it is unfair to make that gentleman do certain things that he would not like to do. Let this thing take its natural course. I don't believe this order has any kind of reason to be brought into this legislature and I hope the members of the Senate will turn it down. It is not for the best interest of the state.

Mr. PARKER of Piscataquis: Mr. President and members of the Senate, we have in the state of Maine under our various categories of road systems, approximately six thousand miles of state aid roads that we are not able to take care of under existing funds without matching funds from the towns. Those are the miles of road I believe many members of the Senate are well aware that when they ask the Highway Commission for help in hardship cases, the answer is and has to be, "We have no funds we can use for reconstruction of these roads."

There is no thought I believe in anyone that helped draw this order, that there will be any partiality or any politics enter into its expenditures. I certainly hope that it receives acceptance.

Mr. LESSARD of Androscoggin: Mr. President and members of the Senate, I understand in answer to Senator Parker, that there are many projects in which towns

throughout the state are willing to pay a part of the program of their road needs, some towns are willing to pay some share. If this plan proposed by the order is going through, it would mean that towns would not have to pay any part of it. It would be completely paid by the State plan. There are some towns that would not have the money and there are some towns and cities that would have and have offered to pay under the participation proposal, a part of the expenses. Under this order they would not have to.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, again may I call your attention to what Senator Lessard has just stated. I know of several towns that have funds available if the state will match them. This order only means we will say to the towns, "Keep your money — we will give you plenty, but there is a little pay to this because you shall have to pay an increased gas tax."

Mr. REID of Kennebec: Mr. President, there are city boys and country boys. The city boys have had their say and the country boys have not. When the Senate on April 22nd, passed the Joint Order which has now been substituted for the House Order, immediately that I left the doors of this room, the newspapers and press came to me and said, "Is this in effect a pork barrel?" And I said this to them, "So far as I am concerned, it has no reference to pork barrel or gas taxes," and I predict that no gas tax move will result from this and I hope that I am right and that some people will be made to swallow their words.

This whole thing has been turned into a political rumpus and I don't blame our opponents of the Democratic party for so doing, but the fact of the matter is that Senator Parker of Piscataquis is dead right and there is no objection that I know of to the legislature having some control over a town road situation.

I bow to no one in my admiration for Dave Stevens. I have said that to him and I have said it publicly before but whether it be Dave Stevens or any other head of any State agency, it just doesn't make sense to have the legislature give

any one of them complete control of everything. That is what we are here for if we are here for anything.

This order has merit. It is not pork barrel. It does not have an ulterior motive. It does something to try to help the country boys in some way and give the legislature some control over them and it is a minimum of control in my judgment and I hope we go along with the Senator from Piscataquis, Senator Parker.

Mr. LESSARD of Androscoggin: Mr. President, I want to state that we recognize that the need is there. There is no doubt about that. However, our contention is that it should be done in an orderly fashion. As far as the pork barrel is concerned I agree with Senator Reid. As a matter of fact I think it should be filet mignon on a plate rather than pork barrel.

Mr. REID of Kennebec: Mr. President let me see if I can keep the sequence correctly. It is pork barrel to pork chop to filet mignon.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, I can assure you I will be glad to swallow the words I said about pork barrel and even swallow the barrel if I am wrong. I can assure you I have been here too long — that is the only trouble with me, that is why a lot of people might like to see me out, because I have been here too long and can see through these maneuvers. I, like Senator Lessard will admit the need. It is the way we are trying to do it. Let's do it through regular channels, in regular procedure. We have a Highway Commission which spends millions of dollars each year. They are doing a grand job. Let's keep our hands out of the barrel and let them do it.

Mr. WEEKS of Cumberland: Mr. President, I am a little bit tired and sick of hearing this pork barrel stuff. I have been mixed up in city government for a long time and the problem of running the state is just on a little bit higher level. I dare say that the next project we pass in our little city down there in South Portland is going to contain an appropriation for highways and if we find an emergency situation developing, subsequent to the adoption of that particular item for that

department, we are going to take some money out of that appropriation and put it over where it has to be for the benefit of the people. That isn't pork barrel on a city level and it isn't pork barrel on the state level. It is simply spending the people's money for absolutely necessary projects.

When I go up to the Highway Department on Route 1, the main free artery of the State of Maine, and the Highway Department says that project must be done, it is necessary and should be done, and we don't have the money to do it with because we have allocated every cent for the next five years, that is just too ridiculous for words. The main artery Route 1 is not going to be repaired in two places over there with very little money because they have pin-pointed every damned dime.

Now stop talking about pork barrel. This is an essential operation by the State of Maine and you are part of its operation. So far as your talking about town assistance is concerned, believe it or not, if you want to close your ears to it and not study it and find out, you will find out that some towns don't have any money to put on their highways. You've got the town of Poland which needs money and needs it badly and there is no other provision by which they can get the money. We have either got to do it on the county level and save the towns, and I don't think that is right, or we have got to put it on the state level and have it done by the Highway Department.

I, for one, have no consciousness of guilt in standing up here and voting for this resolve and voting it a hundred percent.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Piscataquis, Senator Parker, that the Order receive a passage in concurrence. Is the Senate ready for the question?

A division of the Senate was had.

Twenty-one having voted in the affirmative and eight opposed, the Order received a passage in concurrence.

Joint Order

ORDERED, the Senate concurring, that "Resolve to Reimburse the Town of Stetson for Aid Extended to Carlton Johnson," (H. P. 809) (L. D. 846) and the Ought not to pass report of the committee on Claims thereon be recalled from the Legislative files to the House for further consideration (H. P. 1217)

Mr. SILSBY of Hancock: Mr. President and members of the Senate. I think some time in the near future if we ever expect to adjourn, we have got to stop, in the Claims Committee especially, in re-hearing cases. We have heard the evidence on this particular case I am sure once, and passed it out with an ought not to pass report and if we erred in our judgment then I feel that the party involved and the sponsor of the bill should wait his time and present it to the next legislature. In view of the time, I oppose this order and hope it does not receive a passage.

The PRESIDENT: Does the Senator wish to make a motion?

Mr. SILSBY of Hancock: Mr. President, I move indefinite postponement.

A viva voce vote being had, The motion prevailed and the Order was indefinitely postponed in non-concurrence.

Sent down for concurrence.

House Committee Reports Ought Not to Pass

The Committee on Retirements and Pensions on "Resolve in Favor of George A. Bragdon of Lincoln." (H. P. 157) reported that the same Ought not to pass.

Comes from the House, Resolve substituted for Report and passed to be engrossed.

In the Senate, on motion by Mr. Butler of Franklin, the resolve was laid upon the table pending acceptance of the report.

Ought to Be Adopted

The Committee on Agriculture on "Memorial to Congress to Investigate and Regulate the Mercantile Exchange." (H. P. 1145) (L. D. 1360) reported that the same Ought to be adopted.

On motion by Mr. Fuller, the report was read and accepted, and

the Memorial read and adopted in concurrence.

Ought to Pass

The Committee on Claims on "Resolve to Reimburse Town of Washington for Support of Certain State Paupers." (H. P. 1192) (L. D. 1459) reported that the same Ought to pass.

The Committee on Taxation on Bill "An Act to Amend the Bracket Schedule in the Sales and Use Tax Law." (H. P. 564) (L. D. 612) reported that the same Ought to pass.

The Committee on Transportation on Bill "An Act Relating to Registration Fees for Certain Motor Trucks." (H. P. 768) (L. D. 844) reported that the same Ought to pass.

(On motion by Mr. Cole of Waldo, tabled pending acceptance of the report.)

The same Committee on Bill "An Act Relating to Motor Trucks Hauling Wood, Pulpwood, and other Forest Products." (H. P. 952) (L. D. 1055) reported that the same Ought to pass.

The same Committee on Bill "An Act Relating to Blinker Lights on Plowing and Sanding Units." (H. P. 1086) (L. D. 1247) reported that the same Ought to pass.

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

Ought to Pass—N. D.—Same Title

The Committee on Public Utilities on Bill "An Act to Incorporate the Westbrook Sewerage District." (H. P. 844) (L. D. 947) reported that the same Ought to pass in New Draft (H. P. 1211) (L. D. 1482), under the same title.

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

Ought to Pass

N.D. — New Title

The Committee on Inland Fisheries and Game on Bill "An Act Relating to Hunting Skunks and Raccoons in Somerset County." (H. P. 962) (L. D. 1088) reported that the same Ought to pass in New Draft (H. P. 1210) (L. D. 1481), Under

New Title: Bill "An Act Relating to Hunting Raccoons in Oxford, Somerset and Waldo Counties."

Comes from the House, report accepted; subsequently, the bill was indefinitely postponed.

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

Ought to Pass as Amended

The Committee on Business Legislation on Bill "An Act Relating to Legal Investments of a Town's Sinking Fund." (H. P. 178) (L. D. 185) reported that the same Ought to pass as Amended by Committee Amendment A (Filing 339)

The same Committee on Bill "An Act Relating to Investment of Municipal Trust Funds." (H. P. 408) (L. D. 455) reported that the same Ought to pass as Amended by Committee Amendment A (Filing 338)

The Committee on Labor on Bill "An Act Relating to Weekly Benefit for Partial Unemployment Under Employment Security Law." (H. P. 995) (L. D. 1143) reported that the same Ought to pass with Committee Amendment A (Filing 256)

(On motion by Mr. Farris of Kennebec, the bill was laid upon the table pending acceptance of the report.)

The Committee on Sea and Shore Fisheries on Bill "An Act Clarifying Certain Sea and Shore Fisheries Laws." (H. P. 165) (L. D. 156) reported that the same Ought to pass as Amended by Committee Amendment A (Filing 340)

Which reports were severally read and accepted in concurrence and the bills as amended were tomorrow assigned for second reading.

Majority — OTP in N.D. Minority — ONTP

The Majority of the Committee on Education on recommitted Bill "An Act Relating to School Age in Public Schools." (H. P. 54) (L. D. 60) reported that the same Ought to pass in New Draft (H. P. 1207) (L. D. 1476) (same title)

(Signed)

Senators:

DOW of Lincoln
FULLER of Oxford
CRABTREE of Aroostook

Representatives:

MANN of Paris
 KNIGHT of Searsmont
 FULLER of South Portland
 CARTER of Newport
 CORMIER of Rumford
 ROUNDY of Portland

The Minority of the same Committee on the same subject matter, reported that the bill Ought not to pass.

(Signed)

Representative:

EVANS of Cornish

Comes from the House, Majority Report accepted and the bill in New Draft, passed to be engrossed as amended by House Amendment A (Filing 345)

Mr. DOW of Franklin: Mr. President, I move that the Majority Report "Ought to pass in new draft" be accepted in non-concurrence.

Mr. SINCLAIR of Somerset: Mr. President, this bill seems to be a bill that has kicked around more or less. We have had the original bill. We have had the new draft. Now we have an amendment. I understand that the amendment has some value and that it was pretty well agreed and accepted by the committee until very recently and I understand that the Education Department doesn't want the responsibility of administering this amendment, which perhaps may be a little difficult.

It does seem to have some merit in the fact that if you are going to have a uniform date when these youngsters should go to school, in some towns where you don't have pre-schooling, that is the sub-primary, you are going to have youngsters not going to school until they are very nearly seven years old. I think the department will recommend that youngsters should have formal education prior to age 7. The amendment as I understand does give us a uniform schooling date of entrance but it does take care of some of these children who are exceptional — I don't know as you would call them exceptional but youngsters who would qualify for entrance prior to that. For that reason I would like to table this bill until later in today's session.

The motion prevailed and the bill was laid upon the table pending motion by the Senator from Lincoln, Senator Dow that the Senate accept the "Ought to pass in New Draft" report in non-concurrence.

**Majority—OTP in N.D.—New Title
 Minority—ONTP**

The Majority of the Committee on Highways on "Resolve Providing for Survey of 'Expressway' in City of Portland." (H. P. 880) (L. D. 988) reported that the same Ought to pass in New Draft (H. P. 1213) (L. D. 1484)—New Title:

"Resolve Providing for Survey to Re-route the Maine Central Railroad in City of Portland."

(Signed)

Senator:

JAMIESON of Aroostook

Representatives:

FERGUSON of Hanover
 PULLEN of Oakland
 NADEAU of Biddeford
 DENBOW of Lubeck
 HIGGINS of Scarborough

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

(Signed)

Senators:

PARKER of Piscataquis
 COLE of Waldo

Representatives:

CARTER of Etna
 DUNN of Poland

Comes from the House, Majority Report accepted and the bill in New Draft passed to be engrossed.

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

Communication

State of Maine
 HOUSE OF REPRESENTATIVES
 Office of the Clerk
 Augusta

April 26, 1955

Honorable Chester T. Winslow
 Secretary of the Senate
 97th Legislature

Sir:

The House today passed in concurrence the Senate Joint Order

relative to "Memorial to Honorable Percival P. Baxter", Senate Paper 548, and the Speaker appointed the following members of the House to the Commission created by the Order.

Mr. Roundy of Portland
Mrs. Files of Portland
Mr. Henry of North
Yarmouth

Respectfully

(Signed) HARVEY R. PEASE
Clerk of the House

Which was read and ordered placed on file.

Order

On motion by Mr. Silsby of Hancock

ORDERED, that the Reverend S. George Bovill of Ellsworth be invited to officiate as Chaplain of the Senate on the morning of May 4, 1955.

Which was read and passed.

The PRESIDENT: The Chair at this time notes in the gallery a group of young ladies from Gorham, being composed of Camp Fire Girls in that community accompanied by Mrs. Murray and Mrs. Lemieux. In behalf of the Senate, young ladies, we welcome you here. We hope you have a good time today and after the session is over we hope you come down and visit with us.

Thank you for coming.

Ought Not to Pass

Mr. Collins from the Committee on Appropriations and Financial Affairs on Bill "An Act Relating to Admittance of and Charges for Patients at State Sanatoriums." (S. P. 212) (L. D. 553) reported that the same Ought not to pass.

Mr. Sinclair from the same Committee on Bill "An Act Providing for Two Deputy Commissioners of Institutional Service." (S. P. 454) (L. D. 1285) reported that the same Ought not to pass.

Mr. Farris from the Committee on Business Legislation on Bill "An Act Relating to Purposes of Companies Organized Under General Insurance Law." (S. P. 463) (L. D. 1307) reported that the same Ought not to pass.

(On motion by Mr. Chapman of Cumberland, tabled pending acceptance of the report.)

Mr. Woodcock from the Committee on Legal Affairs on Bill "An Act Creating the Maine Board of Auctioneers." (S. P. 414) (L. D. 1184) reported that the same Ought not to pass.

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

Which reports were severally read and accepted.

Sent down for concurrence.

Ought to Pass

Mr. Collins from the Committee on Appropriations and Financial Affairs on Bill "An Act Relating to the Custody of State Funds." (S. P. 241) (L. D. 674) reported that the same Ought to pass.

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

Ought to Pass—as Amended

Mr. Albee from the Committee on Business Legislation on Bill "An Act to Revise the Laws Relating to Loan and Building Associations." (S. P. 368) (L. D. 1064) reported that the same Ought to pass as Amended by Committee Amendment A.

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

Majority—ONTP

Minority—OTP

The Majority of the Committee on Judiciary on Bill "An Act Declaring the Communist Party Illegal and Unlawful." (S. P. 444) (L. D. 1236) reported that the same Ought not to pass.

(Signed)

Senators:

REID of Kennebec
SILSBY of Hancock
WEEKS of Cumberland

Representatives:

NEEDHAM of Orono
DAVIS of Calais
HANCOCK of York
BROWNE of Bangor

**EARLES of South Portland
McGLAUFLIN of Portland**

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

(Signed)
Representative

MacDONALD of Rumford

On motion by Mr. Boyker of Oxford, the bill and accompanying papers were laid upon the table pending acceptance of either report.

Second Readers

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

House

Bill "An Act Relating to General-Purpose Educational Aid." (H. P. 645) (L. D. 722)

Bill "An Act Increasing Salaries of County Officials of Sagadahoc County." (H. P. 802) (L. D. 876)

Bill "An Act Relative to the Salary of the Judge and the Recorder and Clerk Hire of the Brunswick Municipal Court." (H. P. 1206) (L. D. 1475)

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

House—as Amended

Bill "An Act to Clarify Laws Relating to Bang's Disease." (H. P. 286) (L. D. 299)

Bill "An Act Relating to Vocational Rehabilitation." (H. P. 978) (L. D. 1126)

(On motion by Mr. Dow of Lincoln, tabled pending passage to be engrossed.)

Bill "An Act Relating to Determination of Physical Disability by Department of Education." (H. P. 979) (L. D. 1127)

Bill "An Act Relating to Evidence of Intoxication." (H. P. 987) (L. D. 1135)

Bill "An Act Amending the Charter of the Rumford Falls Municipal Court and Changing Its Name." (H. P. 1044) (L. D. 1219)

Bill "An Act to Amend the Charter of the City of Bath." (H. P. 1045) (L. D. 1220)

Bill "An Act Relating to Rules and Blanks of the Courts of Probate." (H. P. 1122) (L. D. 1320)

Bill "An Act to Increase the Salary of the Register of Deeds of Somerset County." (H. P. 1168) (L. D. 1403)

Bill "An Act Relating to Membership on State Soil Conservation Committee." (H. P. 1193) (L. D. 1460)

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

Senate

Bill "An Act Relating to Pensions for Dependents of Deceased Policemen." (S. P. 117) (L. D. 276)

Bill "An Act Repealing the Law Prohibiting the Transmission of Electric Power Beyond the State." (S. P. 166) (L. D. 363)

Bill "An Act Relating to License Plates for Motor Vehicle Owners Who Operate Amateur Radio Stations." (S. P. 546) (L. D. 1487)

(On motion by Mr. Cummings of Sagadahoc, tabled pending passage to be engrossed.)

Bill "An Act Relating to Size of Fish and Number and Weight of Catch." (S. P. 550) (L. D. 1488)

Bill "An Act Relating to Hospitalization of the Mentally Ill." (S. P. 551) (L. D. 1489)

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

Sent down for concurrence.

Senate — as Amended

Bill "An Act Relating to Board of Registration, Public Library Committee and Town Clerk in Caribou." (S. P. 350) (L. D. 959)

Bill "An Act Relating to Wards and Their Boundaries in the City of Eastport." (S. P. 375) (L. D. 1071)

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

Sent down for concurrence.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed, the following bill:

Emergency

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

Which bill, being an emergency measure, and having received the

affirmative vote of 30 members of the Senate and none opposed was passed to be enacted.

Orders of the Day

The Chair laid before the Senate House Reports from the Committee on Appropriations and Financial Affairs, Majority Report Ought to pass in new draft under new title "An Act to Create the Department of Development of Industry and Commerce" (H. P. 1196), Minority Report Ought not to pass, on bill, "An Act to Create the Department of Industry and Commerce and to Amend the Laws Relating to the Department of Labor and Industry and Maine Development Commission to Conform Thereto (H. P. 514) (L. D. 620), tabled on April 26 by the Senator from Aroostook, Senator Collins, pending acceptance of either report.

Mr. COLLINS of Aroostook: Mr. President and members of the Senate, when I tabled this bill yesterday, it was the intent that it would be fully discussed this morning. Due to the fact that several of the Senators have approached me and want further time to consider the bill, I now ask that it be retabled and be especially assigned for tomorrow, Thursday, April 28.

The motion prevailed and the bill was laid upon the table and especially assigned for tomorrow.

The Chair laid before the Senate bill, "An Act Changing Name of Madawaska Training School to Fort Kent State Normal School" (S. P. 342) (L. D. 951) tabled on April 26 by the Senator from Lincoln, Senator Dow, 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. Butler of Franklin, the Senate voted to take from the table the 74th tabled and unassigned matter being bill, "An Act Relating to Advice of Public Utilities Commission to Towns Concerning Water and Sewerage Systems" (H. P. 1197) (L. D. 1466) tabled by that Senator on April 26 pending passage to be enacted; and on further

motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Fuller of Oxford, the Senate voted to take from the table the 44th tabled and unassigned matter being, bill, "An Act Relating to Public School Adult Education (S. P. 537) (L. D. 1463) tabled by that Senator on April 15 pending passage to be engrossed; and that Senator presented Senate Amendment A and moved its adoption.

Senate Amendment A to L. D. 1463: "Amend said bill by adding at the end thereof a new section to read as follows: 'Sec. 3. Appropriation. There is hereby appropriated from the general fund of the state the sum of \$6,400 for the year ending June 30, 1956 and the sum of \$9,100 for the year ending June 30, 1957 to carry out the purposes of this act.'"

Which amendment was adopted and the bill as amended was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Butler of Franklin, the Senate voted to take from the table the 75th tabled and unassigned matter, being bill, "An Act Relating to Additional Contributions by Employers Under Employment Security Law." (H. P. 963) (L. D. 1089) tabled by that Senator on April 26 pending passage to be enacted; and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Parker of Piscataquis, the Senate voted to take from the table the 57th tabled and unassigned matter being House Report from the Committee on Highways, "Ought to pass" on bill, "An Act Relating to Construction of Entrances to Highways." (H. P. 253) (L. D. 238) tabled by that Senator on April 20 pending acceptance of the report; and on further motion by the same Senator, the report was accepted in concurrence, the bill read once, House Amendment A read and adopted and the bill as amended was tomorrow assigned for second reading.

On motion by Mr. Fuller of Oxford, the Senate voted to take from

the table the 31st tabled and unassigned matter being bill, "An Act Relating to Education in Unorganized Territory (S. P. 151) (L. D. 345) tabled by that Senator on April 8 pending consideration.

The Secretary read the endorsements on the bill.

In the Senate on March 31 passed to be engrossed.

Comes from the House, adoption of Committee Amendment A having been reconsidered, House Amendment A to Committee Amendment A having been adopted, and the bill passed to be engrossed as amended by Committee Amendment A as amended by House Amendment A thereto.

The Senator from Oxford, Senator Fuller moved the pending question. The motion prevailed and the Senate voted to recede and concur.

On motion by Mr. Reid of Kennebec, the Senate voted to take from the table the 35th tabled and unassigned matter being bill, "An Act Relating to Directors of Corporations." (S. P. 269) (L. D. 700) tabled by that Senator on April 26 pending passage to be engrossed.

Mr. REID of Kennebec: Mr. President, this bill removes the requirement that directors need to be stockholders and everyone seems to agree that that change is in line with the modern trend. Someone suggested that as the bill reads, there is a slight ambiguity and therefore I present Senate Amendment A and move its adoption.

Senate Amendment A to L. D. 700. "Amend said bill by striking out all after the enacting clause and inserting in place thereof the following: 'R. S. c. 53, Sec. 32, amended. The 4th sentence of Section 32 of Chapter 53 of the revised statutes is hereby amended to read as follows: "Directors need not be stockholders." ' ' "

Which amendment was adopted and the bill as amended was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Farris of Kennebec, the Senate voted to take from the table the 68th tabled and unassigned matter being House Report from the Committee on Labor

"Ought to pass with Committee Amendment A" on Bill "An Act Relating to Employment of Minors." (H. P. 306) (L. D. 282) tabled by that Senator on April 26 pending motion by Senator Weeks of Cumberland that the bill be indefinitely postponed; and that Senator yielded to the Senator from Cumberland, Senator Weeks.

Mr. WEEKS of Cumberland: Mr. President, I request permission to withdraw my motion to indefinitely postpone the bill.

Thereupon, permission was granted the Senator to withdraw his motion.

Mr. WEEKS of Cumberland: Mr. President, in making my motion I had overlooked an amendment which cures the effect to which I objected, and I therefore move the pending question.

Thereupon, the Ought to pass as amended report of the committee was accepted, the bill read once, Committee Amendment A was read and adopted in concurrence, and the bill as amended was tomorrow assigned for second reading.

On motion by Mr. Farris of Kennebec, the Senate voted to take from the table bill "An Act to Clarify the Employment Security Law." (S. P. 348) (L. D. 95) tabled by that Senator earlier in today's session pending consideration; and on further motion by the same Senator, the Senate voted to recede and concur.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table the 58th tabled and unassigned matter, (H. P. 631) (L. D. 671) House Report "Ought not to pass" from the Committee on Legal Affairs on Bill "An Act Relating to the Board of Finance of the City of Lewiston," tabled by that Senator on April 20th pending the motion of Mr. Woodcock of Penobscot for acceptance of the "Ought not to pass" report.

Mr. BOUCHER of Androscoggin: Mr. President, I oppose the motion of the Senator from Penobscot, Senator Woodcock for the acceptance of the "Ought not to pass" report for the purpose only of offering an amendment to this bill. Should my desire prevail I would offer this

amendment and then we could later on at a further stage debate this bill. I at this time would oppose the motion for one purpose only, in order to offer an amendment to the bill, and then later on after the amendment is adopted, if that is the pleasure of the Senate, I will debate the bill if the members of the committee so please.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Penobscot, Senator Woodcock, that the Senate accept the "Ought not to pass" report of the Committee. The Senator from Androscoggin, Senator Boucher, has indicated his hope that the motion does not prevail in order that he may offer an amendment.

Mr. WOODCOCK of Penobscot: Mr. President, in order to be completely courteous to one of his fellow Senators, the mover of this indefinite postponement motion is willing to ask permission of the Senate to withdraw it in order that Senator Boucher may present his amendment before subsequent debate on the bill.

The PRESIDENT: The Senator from Penobscot, Senator Woodcock, asks consent to withdraw his motion. Is there objection? The Chair hears none and the motion is withdrawn. The Senator from Androscoggin, Senator Boucher, now moves that the bill be substituted for the "Ought not to pass" report of the committee.

Mr. BOUCHER: And I wish to thank the Senator from Penobscot, Senator Woodcock.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Boucher that the bill be substituted for the "Ought not to pass" report of the committee. Is this the pleasure of the Senate?

The motion prevailed and the bill was substituted for the "Ought not to pass" report of the committee and given its first reading.

Mr. Boucher of Androscoggin then offered Senate Amendment "A" and moved its adoption.

Senate Amendment "A" was read by the Secretary as follows:

"Senate Amendment 'A' to S. P. 631, L. D. 671, An Act Relating to

the Board of Finance of the City of Lewiston.

Amend said bill in Section 2 by striking out all of the underlined paragraph designated Section 1 and inserting in place thereof the following underlined paragraph:

'Section 1. Members of Board of Finance. The Board of Finance shall consist of five members to be elected for a term of five years or until their successors have been elected and qualified, except that at the time of the election of the first board under the provisions of this act the one receiving the greatest number of votes shall serve for five years, the one receiving the second greatest number of votes shall serve for four years, the one receiving the third greatest number of votes shall serve for three years, the one receiving the fourth greatest number of votes shall serve for two years, and the one receiving the fifth greatest number of votes shall serve for one year, thereafter at each annual election one member shall be elected for five years. Each member of the board shall receive an annual salary of \$800. Members of the board shall elect its own chairman.'"

Senate Amendment "A" was adopted.

House Amendment "A" was then read by the Secretary and on motion by Mr. Boucher of Androscoggin, was adopted.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate. I want to thank the members of the Legal Affairs Committee for the courtesy extended to me that I may debate this bill at this time.

This bill as it was first introduced in its regular form was objectionable to me and I would have voted against it, but with House Amendment "A" with a referendum on the question of sending the bill back to the people of Lewiston, where I have in the past stood up here for years and years and pleaded with you that where there was a referendum on a bill concerning Lewiston to send it back home for the people of Lewiston to decide, I certainly would not this morning oppose this bill. I believe that the people of Lewiston know what they want. Some

others may not but I do. Because they sent me here for eleven terms they must know what they want. (Laughter) I cannot this morning with a grin on my face say that you don't know how to vote on this bill.

The amendment that is offered in the Senate also puts the bill back in the position it occupied originally in the charter, for five members of the Finance Board, and that gives a chance for more diversified elements on that Finance Board; it broadens it and gives better representation on that board, I believe.

Now the opponents of this bill will tell you that it is a dangerous bill. Possibly it is. I won't discuss that matter, but I certainly will insist that the citizens of Lewiston know how to vote and should know how to vote on this question.

The PRESIDENT: The Senator from Androscoggin, Senator Boucher, now moves that the bill be assigned for second reading on the next legislative day.

Mr. WOODCOCK of Penobscot: Mr. President, in line with my remarks on this motion earlier in the session, the courtesy as described by Senator Boucher was for the purpose of subsequent debate, and this particular member can see nothing to be gained by postponing the debate.

It is always most difficult to assign to oneself the prerogative of deciding on a bill where the alternative would be for the people themselves to so vote. However, we do live in a republican form of government as contrasted with a democratic form of government: it is a government of representatives who, once in a while at least, have to use their own judgment in preference perhaps to that of the people. This is one of those cases in the persuasion of the Legal Affairs Committee.

Those of us who have been on the legislative scene for more than one term at least have been ever hopeful that the good people of Lewiston would get together and present a new charter which could be seriously considered by the committee to which it was referred and thereafter by the House and the Senate. However, to date, in my experience

at least, such has not been the case.

The adoption of Senate Amendment "A" and House Amendment "A" has not changed my mind as to the non-merit of the bill. I move you, Mr. President, that this bill as amended by House Amendment "A" and Senate Amendment "A" be indefinitely postponed.

Mr. LESSARD of Androscoggin: Mr. President and members of the Senate: You are about to listen to a battle between Lewiston Democrats, something which is perhaps not unusual in the City of Lewiston and perhaps not too unusual here in the Legislature.

First let me give you a little history. In 1939—and I am going to admit these things—part of the officials of Lewiston were incarcerated in the county jail, the Mayor was under indictment, the city officials were scurrying under cover while the grand jury was in session, and our city's finances were in a horrible condition. A group of citizens got together and decided that the time had arrived for a change. Among those citizens was my colleague, the Senator from Androscoggin County, Senator Jean Charles Boucher.

After many weeks of study a new charter was born and it was borne here to the legislature by Senator Jean Charles Boucher. One of the provisions of the charter provided for a Finance Board to be appointed by the Mayor of the city, with a salary for the members of five hundred dollars per year. This finance board was given a great deal of power, mostly in the spending of the city's money and the buying of materials and supplies for the city as well as the control of salaries. These powers were given to the finance board because that seemed to be where all the ills lay in the old mayor and board of aldermen form of government. Everyone seemed to be interested in the salaries, everyone seemed to be interested in what they bought and everyone seemed to be interested in what they sold. And so this group of citizens, including the Senator, decided perhaps that if the mayor was allowed to appoint representative people throughout the city that from this group would be obtained a number of men, or women if necessary, to conduct the fi-

nancial affairs of the city, and this charter was passed and adopted by the people of Lewiston and it was finally passed here in the Legislature. As a result, the city did continue to improve its financial condition so that today it is in very fine financial condition, thanks to such men as Senator Jean Charles Boucher who has continued to uphold the charter.

But like all charters this charter is open to criticism, and in all forms of city government there are people who from time to time do not like certain functions and they openly criticize the same. And surely here was a board, the finance board which had control of the city's finances, which would naturally become the object of those who perhaps sought favors or who perhaps felt they were being treated unfairly in the purchase or sale of certain goods and commodities. So they became the object of criticism by many different groups to the point where there has been from time to time a lot of talk of doing away with the finance board. That may be very well: there may be too much power in the finance board. However, the opponents of the finance board are coming before this legislature and saying, "Don't cut their powers down, even though we don't like them, but let's elect them by the people instead of their being appointed by the Mayor." In other words, they are going in through the back door in order to liquefy this guarantee of good financial supervision which the city has had for quite some time.

Now you can imagine what would happen in the City of Lewiston if this bill should go through. First of all the five men who are now serving would be ousted and new members would be elected in the city at large. Well, there are not many people in a city the size of Lewiston who will run politically for a job that pays five hundred dollars a year, first of all because they have got to go into a campaign, and you know that campaigns in Lewiston get red hot. Believe me because I know. So if this bill goes through and there are five men elected to the Board of Finance this wouldn't cure the objections they have to the board at the present time because all you are

doing is replacing the personnel. It would cause more chaos and more disunion, because here you would have a board of aldermen elected by the people and you would have a board of finance, and all the hauling and pulling would be right there again.

I say that this bill here is merely an attempt to come in through the back door and to perhaps get rid of the finance board. That is not the issue at this time. I believe at some future time that this same charter committee of which Senator Boucher was a member—I believe this is his idea, because he is one of the men that came up with this idea for a five-man board but he has had a change of heart somewhere along the line—I believe that if this same group would get together and perhaps come up with amendments or with a new charter it would be corrected, but this bill and the one, two, five or six or ten Lewiston charter bills that are proposed by people each time the legislature meets I do not think are fair to the people of Lewiston and I do not think we ought to try to force it down their throats. They went down that long, long trail in 1939 when the situation was pretty bad, and I assure you that if this finance board is elected by the people we will surely head down that long, long trail again.

I support the motion of the Senator from Penobscot, Senator Woodcock. I would say that this bill is not any different now except that Senator Boucher has added two more members. It is the same bill which had a full hearing before the committee by both the proponents and the opponents and I am sure that the committee exercised good judgment.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate: It is quite enjoyable for me to debate with Senator Lessard because he is so fair in his statements that I most usually must fully agree with everything he says, but like a good attorney he has forgotten to give you the opposite side. All is true that he has stated, he has made no false statement, I will vouch for that, but he forgets that the original charter was needed for

a purpose and I will say I think it has served its purpose.

I was hoping that at this legislature a brand new charter would be offered, cutting off certain things and adding others. I think the old charter we are working under has served its purpose. It corrected certain things we wanted corrected back in 1939. I have also been told by my Republican colleagues both in the House and Senate that sometimes you have to change your mind whether you like it or not. Now definitely the people of Lewiston have spoken. They do not like the charter any more although they liked it in 1939. It is true that in 1939 I sponsored the charter, but there was a referendum on that charter. It went back home and I was the only person holding public office that was openly for that new charter: all the other politicians were hiding behind the bushes hoping to kill it. It went through and it had a pretty good majority in Lewiston and thank God for that.

How can I today, after the people of Lewiston voted against the present set-up about seven to one in the recent election when the only question that was asked them was "Do you like the present form of government?" and their answer was emphatically seven to one "No"—and I will be honest with you, I voted "Yes" and I think Senator Lessard voted "Yes"—but we are not here to represent ourselves, we are here to represent the people of Lewiston and Androscoggin County, and by their will they showed they wanted a change. Until this bill had had a referendum on it I was opposed to it and I would have gone along with the committee. As the bill was presented to them I would have signed the "Ought not to pass" report; but there was an amendment offered in the House and adopted in the House, and with this amendment I offered in the Senate to make it five members I cannot conscientiously vote against that bill and I do hope that the motion of the Senator from Penobscot, Senator Woodcock, does not prevail.

Before I sit down I want to give you the exact vote on that referendum put out by the mayor and board of aldermen of the City of

Lewiston. The people responded, and here are the exact figures gotten for me by the City Clerk of the City of Lewiston: 7431 No, 2436 Yes. So I cannot ignore the vote of the people of Lewiston, and that is why with a referendum on this bill I am glad to submit to them this bill and let them decide whether they want to elect the finance board or have one appointed by the mayor.

Mr. LESSARD of Androscoggin: Mr. President, in Lewiston or in the whole country the question could be presented on a referendum: "Are you satisfied with your city government?" Now there is a real question put up to a town or city and you will get an answer of "No" no matter where you go. "Are you satisfied with the present city government?" That is the question that was put before the people and it was not hard to get "No" votes. I don't care what form of government you have, city manager, board of aldermen, or even a dictator, they would say "No." That is the referendum question presented to the people of Lewiston. Now they didn't put the question "Are you dissatisfied?" or "Shall we change the finance board?"

I agree with Senator Boucher that perhaps there should be some changes in the charter but I do not say it should be done in this way. Every man who comes up and has some pet peeve puts in a bill, and you have some before the legislature now that are "beauts." The mayor appoints everybody from the head janitor right down to dog-catcher.

I would like to read an editorial which appeared in the Lewiston Journal last Saturday: "Accepted at Face Value"

"Sometimes Lewiston people wonder why a Legislature will pass some of the charter-tinker bills. To them these bills appear out of line—bad for the city—and so on. A Lewiston man wondered why the House overturned an "ought not to pass" report on a bill to make the Finance Board elective instead of mayoral appointive as now. The vote was 77 to 5 to pass. Here is the explanation: The House believes that the Lewiston members repre-

sent the majority of Lewiston people. One is mayor of the city. Others are also aldermen. If they speak for the majority the House is willing to let Lewiston have what their representatives propose. This bill, if it becomes a law will refer the decision to the voters. As a matter of fact, the House members don't represent the majority of the people of Lewiston. They represent the majority of the Democrats who nominated them in their party primary." That is what the Lewiston Journal says.

Again I want to repeat that if this Bill is allowed to pass and the City of Lewiston elects five members to the finance board we are going back down that long, long road, and I assure you members of the Senate that we will be back in two years facing a lot of bankruptcy and a lot of receivership. Please don't let that happen to us.

Mr. BOUCHER of Androscoggin: Mr. President, again I repeat that Senator Lessard is a very good attorney: he always takes the good side of the case. He has read you an editorial from the Journal today to which I agree to quite an extent, except the last indictment that the House members do not represent the citizens of Lewiston, that they were elected in the primary. That is true. But again the Journal does not tell the whole story. It is due to the lack of opposition from the Republican Party. I maintain that the House members do represent the whole of Lewiston regardless of who — "all the voters" if you prefer, Senator Lessard. It is a home battle as you say. Don't slap the people of Lewiston in the face. Send it back to them. It is their business; it is their problem. Let them decide it.

I am rather surprised that Senator Lessard has practically intimated that the people of Lewiston do not know how to vote. I cannot agree with him. I have been before them so many times, I think thirty times now that I don't dare to say that. I can't afford to. I tell you they do know how to vote and how to vote well.

Mr. WOODCOCK of Penobscot: Mr. President, I was under the impression when earlier in the session

Senator Boucher said that not only could he swallow the alleged pork but if he were proven to be wrong he would swallow the barrel, I thought he was being a little boastful, but after listening to this thunderous and formidable oratory which I cannot equal — although I am a little bit taller I am not quite so broad — I thought he was being a little bit boastful, but I was in error.

I want to make it clear to this body that it was not easy in our collective conscience on the Legal Affairs Committee to place our judgment beyond the control of the voters of Lewiston, but we did think we recognized a somewhat sorry situation that could deteriorate into something more than a little bit sorry and we did think that this was one occasion when we should state our feelings without returning by referendum the question to the people of Lewiston. I think the merits of the bill have been discussed, and I move that when the vote is taken it be by a division.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Penobscot, Senator Woodcock, that the bill be indefinitely postponed and a division has been requested. Is the Senate ready for the question?

A division of the Senate was had. Twenty-six having voted in the affirmative and four opposed, the bill was indefinitely postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Chapman of Cumberland, the Senate voted to take from the table the 70th tabled and unassigned matter being Senate Report from the Committee on Judiciary "Ought not to pass" on Bill "An Act Relating to Compulsory Commitment of Persons Infected with Tuberculosis." (S. P. 367) (L. D. 1063) tabled by that Senator on April 26 pending acceptance of the report.

Mr. CHAPMAN of Cumberland: Mr. President, notwithstanding the nature of the pending question on the acceptance of the report, I now move that this document and the accompanying papers be recommitted to the Committee on Judiciary.

I make that motion in concurrence with the views expressed by the Chairman of the Committee.

The motion to recommit the bill prevailed.

Sent down for concurrence.

On motion by Mr. Sinclair of Somerset, the Senate voted to take from the table House Reports from the Committee on Education: Majority report "Ought to pass in new draft, same title, H. P. 1207, L. D. 1476", Minority Report "Ought not to pass" on bill "An Act Relating to School Age in Public Schools" (H. P. 54) (L. D. 60) tabled by that Senator earlier in today's session pending motion by the Senator from Lincoln, Senator Dow, that the Senate accept the Majority report of the Committee.

Mr. SINCLAIR of Somerset: Mr. President I still do not like this bill and after looking over and studying the amendment I don't know as I like that either. I am going to move the pending question so as to move this along for the present.

Thereupon, the ought to pass report of the committee was accepted, the bill read once; House Amendment A was read, and on motion by Mr. Dow was indefinitely postponed in non-concurrence and the bill without the amendment was tomorrow assigned for second reading.

On motion by Mr. Parker of Piscataquis, the Senate voted to take from the table the 38th tabled and unassigned matter being, "Resolve Designating Route 182 as a State Highway." (S. P. 488) (L. D. 1357) tabled by that Senator on April 13 pending passage to be engrossed; and on further motion by the same Senator, the resolve was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Farris of Kennebec, the Senate voted to take from the table the 63rd tabled and unassigned matter being, Bill, "An Act Relating to Itemized Statements Filed by Legislative Counsel and Agents." (S. P. 246) (L. D. 679) tabled by that Senator on April 22 pending motion by the Senator from Somerset, Senator Carpenter that the bill be indefinitely postponed.

Mr. FARRIS of Kennebec: Mr. President, on the pending motion of the Senator from Somerset, Senator Carpenter, I merely wish to state that after studying this matter carefully, I feel that if there was any merit to the entire proposal it was in the original bill and I do not feel that the amendment does anything or improves the present legislation in any respect whatever. For that reason I shall vote in favor of the motion to indefinitely postpone.

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

A viva voce vote being had, the Chair was in doubt.

A division of the Senate was had.

Twenty having voted in the affirmative and seven opposed, the bill was indefinitely postponed.

On motion by Mr. Farris of Kennebec, the Senate voted to take from the table House Report from the Committee on Labor Ought to pass as amended by Committee Amendment on bill, "An Act Relating to Weekly Benefit for Partial Unemployment Under Employment Security Law" (H. P. 995) (L. D. 1143) tabled by that Senator earlier in today's session pending acceptance of the report; and on further motion by the same Senator, the report of the committee was accepted in concurrence, the bill read once, Committee Amendment A read and adopted in concurrence, and the bill as amended was tomorrow assigned for second reading.

On motion by Mr. Butler of Franklin, the Senate voted to take from the table House Report from the Committee on Retirements and Pensions "Ought not to pass" on "Resolve in Favor of George A. Bragdon of Lincoln" (H. P. 157) tabled by that Senator earlier in today's session pending acceptance of the report.

Mr. BUTLER of Franklin: Mr. President and members of the Senate: This is simply another instance of the retirement acts which we had in the committee under consideration and which has previously been considered by you. We have

already turned out similar "Ought not to pass" reports, one on resolve in favor of Florence Watson which would have invaded the retirement system by seven thousand odd dollars, another for J. Harriman Bailey for \$13,000, another for Dionne invading the system by over two thousand dollars.

Now this individual is simply asking for one year's credit for teaching back in 1930 and he is offering to put into the system \$90, which would be the amount he would have to pay if he had been teaching in a recognized institution at that time subject to the retirement system or the public school laws, and by granting him this permission of putting into the system \$90 he is going to have a return of the equivalent of \$690. Now while the return is not large it is the same principle that we have been working upon, and I trust that the Senate will coincide with the interpretation of holding the line and protecting the retirement system and supporting the report of the committee.

Mr. DUNHAM of Hancock: Mr. President and members of the Senate: If there is anybody here in the Senate who should go along with this resolve it is myself. I am a friend of this gentleman and his twin sister taught me for a good many years. They are a very fine family of people. But the committee adopted the policy that they would not allow any raids whatsoever on the retirement system. Now these people, these state employees, teachers and superintendents as well, put their money into this retirement fund in good faith thinking that some day of course when they reached the proper age and got in the correct number of years that that money would be there for them to get their annuity, and I don't believe that it is within my province to give away any of these funds.

Now there is no evidence that this gentleman is incapacitated. He lacks one year in order to get the required number of years. If he were sick, disabled, or anything of that nature, I should look at it differently, but if we allow this man to have this extra year which he asks for we are going to open up this whole thing and I would want to

go back into the committee and take up several other resolves. For instance, there is one here for two and a half years, there is another one for five years. I would not think it would be right to them if the principle is established that we should allow these encroachments on this retirement fund. I think we ought to give everybody the same right, therefore I am definitely opposed to it and I hope it does not prevail.

Mr. SINCLAIR of Somerset: Mr. President, to be brief, as a member of the committee I feel I should say a word or two in regard to this resolve. I agree wholly with what Senator Butler has said and what Senator Dunham has said. I would call attention to the fact that this man is still in active service, he still is teaching and in another year I understand he will qualify for the pension. I hope that the report of the committee is upheld.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Franklin, Senator Butler, that the Senate accept the "Ought not to pass" report of the Committee in non-concurrence.

Mr. SILSBY of Hancock: Mr. President, I move that the resolve be laid upon the table.

Mr. BUTLER of Franklin: Mr. President, I ask for a division.

A division of the Senate was had.

Twenty-three having voted in the affirmative and six opposed, the resolve was laid upon the table pending motion of the Senator from Franklin, Senator Butler, that the Senate accept the "Ought not to pass" report of the Committee in non-concurrence.

On motion by Mr. Chapman of Cumberland, the Senate voted to take from the table the 1st tabled and unassigned matter being House Report from the Committee on Claims "Ought to pass" on "Resolve in Favor of the Richmond, Maine, Camp Grounds of the Church of the Nazarene." (H. P. 91) (L. D. 102) tabled by that Senator on February 23 pending consideration of the report.

Mr. CHAPMAN of Cumberland: Mr. President, I should like to de-

fer consideration of this particular measure to the Chairman of the committee for whose particular benefit it was originally tabled by myself.

Mr. SILSBY of Hancock: Mr. President and members of the Senate: I am not unmindful that this matter has been on the table for a long time when it came to the attention of the Senate and I happened to be away for a short visit. Briefly I would like to explain to you the position of the committee in matters involving damages done by escapees and boys from the State School for Boys. It is the first opportunity I have had to explain the committee's position and I will be brief. Other matters follow similar to this particular resolve and I promise you I will not ask your indulgence to explain the committee's position again.

The committee in its hearings on all of these cases involving claims has each and every time tried to ascertain whether or not it was a legitimate claim, whether or not the damage was sustained by the person who filed the claim. And I say to you that in this case the committee is satisfied beyond any reasonable doubt that the boys from the State School did escape in April of 1954 and they went to this school or Church of the Nazarene where there were several buildings, I wouldn't dare to say how many there were now because I have forgotten, but I think there were ten or twelve buildings there that this church used in this undertaking and they went into almost every building, they broke windows, broke chairs, and there was a very substantial damage, a damage as we were satisfied much in excess of the amount that they asked for, \$1394. The fact that they did not ask for more money was because they had donated a great deal of the labor in repairing it themselves and a great deal of the materials were donated by them.

Now I believe there is a great difference between an escapee and a parolee. An escapee is a person who has been committed to an institution which is sort of a detention school and that is a red light that they are not to be trusted too

far. The institutions do not believe, and I agree with them, that persons or boys committed to a state school should be fenced in, they should have some liberty and in order to rehabilitate them you must give them some liberty and society must take the risk that we might rehabilitate them and bring them back where they can take their position in society.

Now in many other states they have a fund set up purposely to take care of the damage done by escapees, and here perhaps the claims are not handled properly in that we do not have a fund available, but be that as it may, the damage was done by the boys. I am not criticising the officers or person in charge; it was a risk they had to take; it was a risk we ask them to take, and the property here was such that it could not be insured against that particular risk.

The committee concluded that it was a risk that was justified by the department, that it was a risk which perhaps in many instances would rehabilitate the boys who had been committed, and being satisfied that the damage was there we believed that the people living in the locality of the State School, property owners in that locality, should not be obliged to take the risk to rehabilitate such boys themselves. We believe that the risks should be taken statewide, and therefore we believe that this bill should pass and the money should come out of the unappropriated general fund. By taking it from that fund then each and every citizen of the State shares in the risk that must be taken to rehabilitate these boys. For that reason and that reason alone I move the acceptance of the committee's "Ought to pass" report.

Mr. BOYKER of Oxford: Mr. President, I would like to state my position in regard to this bill. We are a government of the people. We, the people, erect buildings in which our government can carry on its functions. We erect buildings for the blind, and for those who are ill, mentally and physically. We have erected five correctional institutions in order that those persons among us who have committed crimes against society shall be retained in

those institutions and we have placed those patients, those inmates, in the care of our state in order that we, the people, may go about our days work without anxiety or fear. When one of those inmates escapes from their retention and mingles in society and destroys private property, then I for one, say this: That according to our Constitution, according to common law and according to common sense, the state should pay the bill.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Hancock, Senator Silsby, that the Senate accept the ought to pass report of the committee.

Mr. REID of Kennebec: Mr. President, I am in considerable doubt as to how I should vote on this measure I think because we have voted both ways perhaps during this session and certainly for the past several sessions, and at long last I have my own mind made up as to the future what we ought to do two or four years from now and from there on, and that is this: It seems to me that the final liability of the State should depend upon whether it through its agents and servants has been neglectful and if neglect has caused the escape and thereby the damage. We had a bill pending before the Judiciary Committee to authorize the State to be sued by a certain individual who actually had begun an action against the superintendent of the Boys' School I believe, and we did report out that that suit be authorized because it appeared from the evidence it ought to be tried out in a tribunal of three judges to determine whether or not neglect caused the damage. And there is a basic Maine case which upholds the proposition that if the State is neglectful through its servants and agents the State ought to pay and I think the State should be required to pay. So we have in a sense two tribunals, we have a court tribunal that sometimes passes on these matters and then we have the Claims Committee which happens to act as a tribunal.

I hope in the future that, whether it is the Claims Committee or whether it is an official tribunal, that is a court tribunal, that all of these things will be decided on that basis and on that basis alone. In the case of the State Prison, if the warden or his representatives are neglectful when they are supposed to keep those people incarcerated and an escape is made and the damage is done I think that a person is entitled to recover, but there ought to be some guide, some formula that we could stick to. In the absence of that, and relying upon the Claims Committee, I am going to vote with the Senator from Hancock, Senator Silsby on this issue.

Mr. SILSBY of Hancock: Mr. President, I just want to make one comment upon the neglect. I am sure that when the bill was heard in committee that we got information that they did not have sufficient personnel to guard the boys at all times and they did not believe in fencing them in but believed in giving them some liberty. We might say that the neglect is that they did not have sufficient personnel and furthermore that it is the policy that they be given that opportunity and they have to take some risk. When the vote is taken may it be by a division?

The PRESIDENT: The question before the Senate is on the motion of the Senator from Hancock, Senator Silsby, that the Senate accept the ought to pass report of the Committee, and that Senator has requested a division.

A division of the Senate was had.

Thirty having voted in the affirmative and none opposed, the ought to pass report was accepted, the bill read once and tomorrow assigned for second reading.

The PRESIDENT: The Chair at this time notes in the gallery a group of young men and women from the illustrious town of Raymond. You should be very proud of what your town gives to this Senate and has been giving to it for many years. We share with you our pride in "Chet" Winslow. The Senate thanks you for coming down and the Chair knows that "Chet"

will be very pleased to help you see all the things you want to see in the State House this afternoon. Thank you again for being with us. (Applause)

On motion by Mr. Farley of York,

Adjourned until tomorrow morning at nine o'clock, E.S.T.