

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

Thursday, May 5, 1955

Senate called to order by the President.

Prayer by the Rev. Alton E. Maxell.

Journal of yesterday read and approved.

Papers from the House

Bill "An Act Relating to Excise Tax on Aircraft." (H. P. 123) (L. D. 126)

In Senate, enacted; subsequently recalled from the Governor by Joint Order; sent to the House.

Comes from the House, enactment reconsidered and passed to be engrossed as amended by Committee Amendment A (Filing No. 185) and as amended by House Amendment (Filing No. 399), in non-concurrence.

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

Bill "An Act Relating to Admittance of and Charges for Patients at State Sanatoriums." (S. P. 212) (L. D. 553)

In Senate on April 27, Ought not to pass report from Committee on Appropriations and Financial Affairs accepted.

Comes from the House, bill substituted for the report and passed to be engrossed in non-concurrence.

In the Senate:

Mr. COLLINS of Aroostook: Mr. President, I move that the Senate insist on its former action and ask for a Committee of Conference.

Mrs. LORD of Cumberland: Mr. President, this is my bill, and as you will remember, when the bill first came up, I did not ask for it, I let it go through "Ought not to pass". I have a great deal of respect for this committee. I know that in their considered judgment they think it should not pass, but since it was passed in the other Body, I feel that I must speak for it very briefly.

We all know that tuberculosis is a crippling disease and if we can get a person in the sanatorium early, they may be cured and the reason they don't go now, some of

them, is because they haven't the money to pay for it. I have some statistics here that have been prepared and I find that the cost to the State of Maine now is over a million dollars and they pay about 92 per cent of all the expenses. I think it is \$1,114,632. The percentage cost paid by the state is 95.02 per cent, \$1,061,000. Now whether it would be better for the state of Maine to get these patients early and cure them and to save money in that way. I think it would be. Whatever the Senate votes to do will be all right with me.

Mr. COLLINS of Aroostook: Mr. President, I think that the committee was in full sympathy with the objective of the bill, feeling that if free treatment could be given to all the patients it certainly was a worthwhile motive. The fact that we did not report it out "Ought to pass" and put it out with the report that we did was because of the fact that the revenue that would be lost to the state amounted to some \$56,000 and while we felt that this was perhaps relatively small nevertheless it did, in our opinion indicate a sufficient amount to justify our report. And not only that, I think that most of the members of the committee felt it would not increase the number of patients that would be admitted to the sanatorium. For that reason and that reason only, the committee did take the action that it did and I believe that the action of the committee was justified.

Thereupon, on motion by Mr. Butler of Franklin, the bill was laid upon the table pending motion by the Senator from Aroostook, Senator Collins, that the Senate insist on its former action and as for a Committee of Conference.

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

In Senate on April 27, passed to be engrossed.

Comes from the House, passed to be engrossed as amended by House Amendment A (Filing No. 393), in non-concurrence.

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

Bill "An Act Relating to Instruction in High Schools on American Freedoms." (S. P. 110) (L. D. 271)

In Senate on April 14, passed to be engrossed.

Comes from the House passed to be engrossed as amended by House Amendment A (Filing No. 402) in non-concurrence.

In the Senate, on motion by Mr. Dow of Lincoln, the bill was laid upon the table pending consideration and was especially assigned under Orders of the Day, today.

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

In Senate on May 3, passed to be engrossed.

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

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

Joint Order recalling to the House from the Legislative Files Report of the Committee on Claims reporting Ought not to pass on Resolve to Reimburse the Town of Stetson for Aid Extended to Carlton Johnson (H. P. 809) (L. D. 846)

In Senate on April 27, indefinitely postponed in non-concurrence.

Comes from the House, insisting on former action whereby the Order was read and passed, asks for Conference.

In the Senate, on motion by Mr. Silsby of Hancock, the rules were suspended and the Senate voted to reconsider its former action whereby the Order was indefinitely postponed; and on further motion by the same Senator, the Order received a passage in concurrence.

Joint Order

ORDERED, the Senate concurring, that the Legislative Research Committee be and hereby is directed to study the question of current salaries of all county officials, county attorneys, and Judges and Recorders of the several municipal courts. This list to be prepared, together with information as to work loads, hours of service, fees and other remuneration which would be of assistance in determin-

ing the existence of inequities, if any. This study with such recommendations as the Research Committee may be pleased to make, shall be submitted to the 98th Legislature. (H. P. 1234)

Comes from the House, read and passed.

House Paper received by unanimous consent

"Resolve Designating New Bridge at Guilford as 'Guilford Memorial Bridge'." (H. P. 1233)

Comes from the House, under suspension of the rules, passed to be engrossed without reference to a Committee.

In the Senate, on motion by Mr. Parker of Piscataquis, the resolve was received by unanimous consent and under suspension of the rules, given its two several readings and passed to be engrossed in concurrence.

House Committee Reports Ought Not to Pass

The Committee on Highways on "Resolve to Construct Portions of Pequawket Trail, Cumberland County." (H. P. 891) (L. D. 999) reported that the same Ought not to pass.

The Committee on Retirements and Pensions on "Resolve Providing for State Pension for Theresa Bolduc of Lewiston." (S. P. 315) reported that the same Ought not to pass.

The same Committee on "Resolve Providing for State Pension for Mrs. Aurora Auclair of Lewiston." (H. P. 317) reported the same Ought not to pass.

The same Committee on "Resolve Providing for State Pension for John B. Herrick of Penobscot." (H. P. 322) reported that the same Ought not to pass.

The same Committee on "Resolve Providing for State Pension for Sylvia Price of Orland." (H. P. 323) reported that the same Ought not to pass.

The same Committee on "Resolve Providing for State Pension for Leverett Carter of Swan's Island" (H. P. 608) reported that the same Ought not to pass.

(On motion by Mr. Silsby of Hancock, tabled pending acceptance

of the report, and especially assigned under Orders of the Day, today.)

The same Committee on "Resolve Providing for State Pension for Edmund C. Ryder of Brownville." (H. P. 682) reported that the same Ought not to pass.

The same Committee on "Resolve Providing for State Pension for Clarence A. Lanpher of Winterport" (H. P. 79) reported that the same Ought not to pass.

The same Committee on "Resolve Providing for State Pension for Mattie C. Abbott of Union" (H. P. 793) reported that the same Ought not to pass.

Which reports were severally read and accepted in concurrence.

Ought to Pass

The Committee on Sea and Shore Fisheries on Bill, "An Act Relating to the Taking of Quahogs." (H. P. 166) (L. D. 157) reported that the same Ought To Pass.

(On motion by Mr. Silsby of Hancock, tabled pending acceptance of the report and especially assigned under Orders of the Day, today.)

Ought to Pass in Consolidated Resolve

The Committee on Highways on "Resolve Reappropriating Road Resolve Funds in Chesuncook Township." (S. P. 244) (L. D. 677)

"Resolve in Favor of Town of Caribou." (S. P. 343) (L. D. 952)

"Resolve Reappropriating Road Resolve Funds in Town of Carmel." (H. P. 100) (L. D. 108)

"Resolve Reappropriating Road Resolve Funds in Town of Boothbay Harbor." (H. P. 186) (L. D. 191)

"Resolve Reappropriating Road Resolve Funds in Town of Kennebunkport." (H. P. 353) (L. D. 391)

"Resolve Reappropriating Road Resolve Funds in the Town of Mars Hill." (H. P. 354) (L. D. 392)

"Resolve Reappropriating Road Resolve Funds in Town of Penobscot." (H. P. 468) (L. D. 513)

"Resolve Reappropriating Road Resolve Funds in City of Eastport." (H. P. 733) (L. D. 819)

Reported the same in a Consolidated Resolve (H. P. 1232) (L. D. 1518) under Title of "Resolve for the Reappropriation of Unexpended Spe-

cial Resolve Road Appropriations." and that it Ought to Pass.

On motion by Mr. Parker of Piscataquis, the resolve was laid upon the table pending acceptance of the report and was especially assigned under Orders of the Day, today.)

Ought to Pass — as Amended

The Committee on Legal Affairs on Bill, "An Act Revising the Law Relating to Licensing of Electricians." (H. P. 487) (L. D. 532) reported that the same Ought to Pass as Amended by Committee Amendment A (Filing No. 389)

Comes from House, Committee Report accepted and bill passed to be engrossed as amended by Committee Amendment A, as amended by House Amendment A (Filing No. 403) thereto.

In the Senate, the report was read and accepted, the bill read once; House Amendment A to Committee Amendment A was read and adopted; Committee Amendment A as amended was adopted, and under suspension of the rules, the bill as amended was given its second reading and passed to be engrossed in concurrence.

The Committee on Education on Bill, "An Act Relating to Approval and Accreditation of Secondary Schools." (H. P. 343) (L. D. 422) reported that the same Ought to Pass as Amended by Committee Amendment A (Filing No. 370)

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

The Committee on Legal Affairs on Bill, "An Act Relating to Licensing of Oil Burner Installers and Servicemen." (H. P. 1074) (L. D. 1269) reported that the same Ought to Pass as Amended by Committee Amendment A (Filing No. 388)

Which report was read and accepted and the bill read once;

Committee Amendment A was read and adopted and under suspension of the rules, the bill was read a second time and passed to be engrossed in concurrence.

Majority—Ought to Pass

Minority—Ought not to Pass

The Majority of the Committee

on Appropriations and Financial Affairs and Taxation, Acting Jointly by Authority of Joint Order H. P. 1195, on Bill "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1956, and June 30, 1957, and to Provide Additional Revenue to General Fund. (H. P. 1229) (L. D. 1512) reported that the same Ought to pass.

(Signed)

Senators:

COLLINS of Aroostook
SINCLAIR of Somerset
LOW of Knox
CHAPMAN of Cumberland
ALBEE of Cumberland
CUMMINGS of Sagadahoc

Representatives:

JACOBS of Auburn
CATES of East Machias
HANSON of Gardiner
STANLEY of Bangor
HENRY of North Yarmouth
ROGERSON of Houlton
SANFORD of
Dover-Foxcroft
SEAWARD of Kittery
WILLEY of Ellsworth
REED of Ft. Fairfield

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

(Signed)

Representatives:

EDWARDS of Raymond
WALSH of Brunswick
DUQUETTE of Biddeford

Comes from the House, Majority Report Ought to pass accepted and bill passed to be Engrossed.

In the Senate, on motion by Mr. Collins of Aroostook, the bill and accompanying papers were laid upon the table pending acceptance of the report and were especially assigned under Orders of the Day, today.

Majority—Ought to Pass
Minority—Ought Not to Pass

The Majority of the Committee on Claims on Recommended Resolve in Favor of Chester Fredericks of Norridgewock. (H. P. 183) (L. D.

1457) reported that the same Ought to pass.

(Signed)

Senators:

SILSBY of Hancock
FOURNIER of York

Representatives:

FULLER of China
GETCHELL of Limestone
COTE of Madison
COURTOIS of Saco
ANDERSON of Greenville

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

(Signed)

Senator:

LOW of Knox

Representative:

JACK of Topsham

Comes from the House Resolve and Reports indefinitely postponed.

In the Senate:

Mr. SILSBY of Hancock: Mr. President, I move that the Senate accept the "Ought to pass" report of the committee.

Mr. LOW of Knox: Mr. President and members of the Senate, the 1953 Legislature and this Legislature so far has gone along on the principle that deer claims should not be paid even though there is some sympathy for the farmer who loses his crop. If we are going to open deer claims even through one bill, the next legislature will have \$150,000 worth of claims presented to it and we would be practically back in the condition we were in 1949 and 1951. I think we should not do that and I move that the report be indefinitely postponed.

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

Mr. SILSBY of Hancock: Mr. President, would it be in order for me to make an inquiry as to procedure?

The PRESIDENT: It certainly would and the Chair to the best of his ability, will answer.

Mr. SILSBY: Mr. President, I understood a few days ago that the mechanics of the legislature would be enhanced quite a bit if we did

not debate matters while going through the calendar.

The PRESIDENT: The Chair believes that, but having heard half of this debate, the Chair would suggest the feasibility of hearing the other half at this time.

Mr. SILSBY of Hancock: Mr. President, I am not unmindful of what the previous legislatures have done in the matter of deer claims and I can well appreciate how the Senator from Knox, Senator Low feels in the matter of signing this particular case but we all know and realize every day of our life, there are exceptions to the general rule and believe me, if ever there was an exception to the general rule, in my humble judgment, the exception is now before you in this Resolve in Favor of Chester Fredricks of Norridgewock.

Let me first briefly analyze the position of the majority of the committee in this particular case. We concur with our previous legislatures in the matter of deer claims relative to auto damages and matters that a person or the owner of a certain vehicle could protect himself by insurance, we find no particular brief in that particular, but we have other matters which are not insurable and we have here a crop, and I do not know of any way that a man under these circumstances—and we go back to the exception again could have insured those crops. He is an elderly gentleman as I understand and lives up in the little town of Norridgewock on the cross roads and I believe as I said, that he is an elderly man and he is making every effort to earn a livelihood and through his efforts he has concluded that he cannot find employment. So, he endeavored to plant a crop of beans that he might realize some profit for him and his wife—I think I am correct—and he somehow acquired fertilizer and labor and he acquired the seed, and I understand the seed and what labor he had to have to plow, and the fertilizer undoubtedly exceeded \$175,—and we had farmers on our committee—and then the crop began to grow and got rather attractive to the deer herd. This man notified the game warden and the game warden came and killed a deer and put some blood meal out

and yet the deer continued to come to his crop and finally the game warden gave up and said to him, "There's nothing we can do, you'll just have to tolerate it and the best thing you can do is let the deer eat up the crop and you go down to the legislature for the money." Now I ask you, is there anything wrong in the fact that this man feels that he is entitled to \$175 to put himself in status quo.

Is it not a fact that the state, the department itself neglected to supervise that crop if the deer were damaging it? It seems to me that under all the circumstances that this man is entitled to \$175. Somehow I cannot make myself believe it could be otherwise.

So much for his part. Now I would like to speak briefly as to the precedent that you have heard the Senator from Knox, Senator Low speak of. Just how can this legislature establish a precedent in a matter of a claim for a crop damage that does not in any way relate to the automobile and if it were so is there any rhyme or reason that we in our wisdom would deny this man of \$175 when each and every one of us believes he is entitled to it but our alibi is that someone else might have the same damage and want some money. Somehow I can't go along with that reasoning. Maybe you'll accuse me of voting with my heart instead of my head but I thank God I have a heart. I hope that the motion to indefinitely postpone does not prevail.

Mr. CRABTREE of Aroostook: Mr. President and members of the Senate, the remarks of the Senator are profound, sobering, but it seems to me that in this case he is throwing out the baby with the bath water. I hope that the motion of the Senator from Knox, Senator Low, will prevail.

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

A division of the Senate was had.

Twenty-one having voted in the affirmative and eight in the negative, the motion to indefinitely postpone in concurrence prevailed.

Majority—ONTP**Minority—OTP—as Amended**

The Majority of the Committee on Liquor Control on Bill "An Act Relating to Hours of Sale of Liquor." (H. P. 840) (L. D. 930) reported that the same Ought not to pass.

(Signed)

Senators:

CRABTREE of Aroostook
CARPENTER of Somerset

Representatives:

ANTHOINE of Windham
RICH of Charleston
CHRISTIE of Presque Isle
CHARLES of Portland

The Minority of the same Committee on the same subject matter, reported that the bill Ought to pass with Committee Amendment A (Filing No. 286)

Senator:

BOUCHER of Androscoggin

Representatives:

PIERCE of Bucksport
DOSTIE of Winslow
COTE of Lewiston

Comes from the House, bill and reports indefinitely postponed.

In the Senate:

Mr. CRABTREE of Aroostook: Mr. President, this is another Sunday sale of liquor bill and I move the indefinite postponement of the bill in concurrence with the House.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate: Apparently I am in the minority in the thinking of the committee on this question of Sunday sales of liquor. This bill concerns hotels and hotels only when they serve meals. This puts it on the same basis as other New England states. Again I repeat that throughout other New England states in hotels they serve liquor with meals on Sunday. This is to bring up Maine in line with other states. I think eventually Maine will have to follow and not the other states and adopt a system of serving liquor with meals on Sunday in hotels. I regret that the Committee could not see a way to vote for this measure. I oppose the motion of the Senator from Aroostook, Senator Crabtree and if it is defeated I shall offer the minority report "Ought to pass". I ask for a division.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Crabtree that the bill and report be indefinitely postponed and the Senator from Androscoggin, Senator Boucher asks for a division.

A division of the Senate was had.

Twenty-four having voted in the affirmative and six in the negative, the motion prevailed and the bill was indefinitely postponed in concurrence.

Majority—ONTP**Minority—OTP—as Amended**

The Majority of the Committee on Transportation on Recommended Bill "An Act Relating to the Issuance of Operator's Licenses from Date of Birth with Notification," reported that the same Ought not to pass.

(Signed)

Senators:

COLE of Waldo
HALL of York
WYMAN of Washington

Representatives:

TOTMAN of Bangor
JACQUES of Lewiston
MADORE of Van Buren

The Minority of the same Committee on the same subject matter, reported that the bill Ought to pass as Amended by Committee Amendment A (Filing No. 342)

(Signed)

Representatives:

FINEMORE of Bridgewater
PALMETER of
Meddybemps
ALLEN of Chelsea

Comes from the House, Minority Report Ought to pass accepted. Bill passed to be Engrossed as Amended by Committee Amendment A.

In the Senate, on motion by Mr. Cole of Waldo, the bill and accompanying papers were laid upon the table and especially assigned for tomorrow.

Senate Committee Reports**Ought Not to Pass**

Mr. Farris from the Committee on Towns and Counties on Bill, "An Act to Increase the Salary of the Clerk of Courts of Kennebec County." (S. P. 102) (L. D. 232) reported

that the same Ought Not to Pass as Covered by Other Legislation.

Mr. Farley from the same Committee on Bill, "An Act to Increase the Salary of the Sheriff of Kennebec County." (S. P. 103) (L. D. 233) reported that the same Ought Not to Pass as Covered by Other Legislation.

Which reports were read and accepted.

Sent down for concurrence

Ought to Pass

Mr. Wyman from the Committee on Towns and Counties on recommitted Bill "An Act Relating to the Salary of Register of Probate, Cumberland County." (S. P. 278) (L. D. 708) reported that the same Ought to pass.

On motion by Mr. Weeks of Cumberland, tabled pending acceptance of the report and especially assigned for later in today's session.

Mr. Wyman from the same Committee on recommitted Bill "An Act Relating to Clerk Hire in Office of Register of Probate of Cumberland County." (S. P. 279) (L. D. 709) reported that the same Ought to pass.

On motion by Mr. Weeks of Cumberland, tabled pending acceptance of the report, and especially assigned for later in today's session.

Mr. Farley from the same Committee on Bill "An Act Increasing Salary of Register of Probate for Piscataquis County." (S. P. 383) (L. D. 1079) reported that the same Ought to pass.

On motion by Mr. Parker of Piscataquis, tabled pending acceptance of the report, and especially assigned for later in today's session.

Mr. Farley from the Same Committee on Bill "An Act Increasing the Salary of Register of Deeds for Piscataquis County." (S. P. 384) (L. D. 1080) reported that the same Ought to pass.

On motion by Mr. Parker of Piscataquis, tabled pending acceptance of the report, and especially assigned for later in today's session.

Ought to Pass—As Amended

Mr. Reid from the Committee on Judiciary on Bill "An Act to Re-

vis the Taxation Laws Relating to Towns." (S. P. 127) (L. D. 336) reported that the same Ought to pass as Amended by Committee Amendment A.

On motion by Mr. Reid of Kennebec, tabled pending acceptance of the report, and especially assigned for later in today's session.

Mr. Weeks from the same Committee on recommitted Bill "An Act Relating to Compulsory Committee Commitment of Persons Infected with Tuberculosis." (S. P. 367) (L. D. 1063) reported that the same Ought to pass as Amended by Committee Amendment A.

Which report was read and accepted and under suspension of the rules, Committee Amendment A was adopted without reading, the Bill was read twice and passed to be engrossed.

Sent down for concurrence.

Mr. Farris from the Committee on Towns and Counties on recommitted Bill "An Act Relating to the Salary of the Judge and the Recorder of the Portland Municipal Court." (S. P. 84) (L. D. 173) reported that the same Ought to pass as Amended by Committee Amendment A.

Which report was read and accepted and the bill read once. The Secretary read Committee Amendment A.

Committee Amendment A to L. D. 173: "Amend said bill by striking out the underlined figure \$5,000 in the 7th line thereof and inserting in place thereof the underlined figure \$4500.

Further amend said Bill by striking out the underlined figure \$4500 in the 6th line thereof and inserting in place thereof the underlined figure \$4000."

Which amendment was adopted and under suspension of the rules, the bill was read a second time and passed to be engrossed.

Sent down for concurrence.

Mr. Farley from the same Committee on Bill "An Act Relating to Salaries of County Officers of Kennebec County." (S. P. 276) (L. D. 706) reported that the same Ought to pass as Amended by Committee Amendment A.

On motion by Mr. Farris of Kennebec, the bill and accompanying papers were laid upon the table pending acceptance of the report.

Ought to Pass—New Draft—New Title

Mr. Albee from the Committee on Business Legislation on recommitted Bill "An Act Relating to Purposes of Companies Organized Under General Insurance Law." (S. P. 463) (L. D. 1307) reported that the same Ought to pass in New Draft (S. P. 571) (L. D. 1524) and under new title: "An Act to Incorporate the Maine Fidelity Insurance Company."

Which report was read and accepted and under suspension of the rules, the bill in new draft was given its two several readings and passed to be engrossed.

Sent down for concurrence.

**Majority—ONTP
Minority—OTP—N. D.**

The Majority of the Committee on Appropriations and Financial Affairs on Bill "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1956 and June 30, 1957." (S. P. 53) (L. D. 43) reported that the same Ought not to pass

(Signed)

Senators:

COLLINS of Aroostook
SINCLAIR of Somerset
CHAPMAN of Cumberland

Representatives:

JACOBS of Auburn
CATES of East Machias
HENRY of No. Yarmouth
BEAN of Winterport
STANLEY of Bangor

The Minority of the same Committee on the same subject matter, reported that the bill Ought to pass in New Draft (S. P. 569) (L. D. 1522) same title.

(Signed)

Representative:

EDWARDS of Raymond

On motion by Mr. Collins of Aroostook, the bill and accompanying papers were laid upon the table pending acceptance of either report and especially assigned for later in today's session.

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

The Majority of the Committee on Inland Fisheries and Game on Bill "An Act Relating to the Use of Lights for Lighting Deer." (S. P. 398) (L. D. 1112) reported that the same Ought to pass in a New Draft (S. P. 570) (L. D. 1523), Under New Title: "An Act Relating to the Use of Artificial Lights for Lighting Game."

(Signed)

Senator:

HILLMAN OF Penobscot

Representatives:

BRIGGS of Caribou
POTTER of Medway
HARDEN of Rangeley
ROSS of Brownville
GARDNER of Hartland

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

(Signed)

Senators:

CARPENTER of Somerset
HALL of York

Representatives:

DUDLEY of Enfield
REYNOLDS of Mt. Desert

On motion by Mr. Hillman of Penobscot, the bill and accompanying papers were laid upon the table pending acceptance of either report and was especially assigned for Tuesday, May 11.

**Majority—OTP—as Amended
Minority—ONTP**

The Majority of the Committee on Judiciary on Bill "An Act Relating to the Merger, Consolidation, etc. of Corporations." (S. P. 249) (L. D. 681) reported that the same Ought to pass as Amended by Committee Amendment A.

(Signed)

Senators:

REID of Kennebec
WEEKS of Cumberland
SILSBY of Hancock

Representatives:

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

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

(Signed)

Representative:

EARLES of South Portland

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

Majority—ONTP—as Amended Minority—ONTP

The Majority of the Committee on Judiciary on Bill "An Act to Amend the Purposes and Powers of Bates Manufacturing Company." (S. P. 238) (L. D. 574) reported that the same Ought to Pass as Amended by Committee Amendment A.

(Signed)

Senators:

REID of Kennebec

SILSBY of Hancock

WEEKS of Cumberland

Representatives:

McGLAUFLIN of Portland

NEEDHAM of Orono

BROWNE of Bangor

HANCOCK of York

DAVIS of Calais

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

(Signed)

Representative:

EARLES of South Portland

On motion by Mr. Reid of Kennebec, 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 resolve and bill:

House

"Resolve in Favor of John J. McDonough of Westbrook." (H. P. 96) (L. D. 5111)

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

House—as Amended

Bill "An Act Relating to Right of Officer to Kill Dogs." (H. P. 411) (L. D. 458)

Which bill was read a second time and on motion by Mr. Hillman of Penobscot was laid upon the table pending passage to be engrossed and was especially assigned for tomorrow.

Enactors

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

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)

Bill "An Act Relating to Disposition of County Fees in Kennebec County." (S. P. 534) (L. D. 1448)

(On motion by Mr. Farris of Kennebec, tabled pending passage to be enacted.)

Bill "An Act Relating to Public School Adult Education." (S. P. 537) (L. D. 1463)

(On motion by Mr. Collins of Aroostook, tabled pending passage to be enacted.)

Bill "An Act Repealing Licenses for Stores to Sell Milk." (H. P. 1) (L. D. 1)

(On motion by Mr. Collins of Aroostook, tabled pending passage to be enacted.)

Bill "An Act Creating an Airfield Zoning Ordinance for the Unorganized Territory of Aroostook County." (H. P. 279) (L. D. 263)

Bill "An Act Relating to School Age in Public Schools." (H. P. 1207) (L. D. 1476)

(On motion by Mr. Dow of Lincoln, tabled pending passage to be enacted, and especially assigned for later in today's session.)

Bill "An Act Relating to Collection of Excise Taxes in Unorganized Territory." (H. P. 1214) (L. D. 1491)

Bill "An Act Relating to the Public Debt Amortization Fund in City of Waterville." (H. P. 1215) (L. D. 1492)

Which Bills were severally passed to be enacted.

"Resolve Designating Route No. 182 as a State Highway." (S. P. 488) (L. D. 1357)

On motion by Mr. Butler of Franklin, tabled pending final passage and

especially assigned for later in today's session.

Constitutional Amendment

"Resolve, Proposing an Amendment to the Constitution Extending Pardon Powers of Governor and Council to Offenses of Juvenile Delinquency." (S. P. 429) (L. D. 1188)

Mr. CHAPMAN of Cumberland: Mr. President, in order to permit me to permit this to be grouped with other prospective Constitutional Amendments, I move that it lie on the table.

The motion prevailed and the Resolve was laid upon the table pending final passage.

Orders of the Day

The President laid before the Senate H. P. 115, L. D. 1294, House Report "Ought to pass in new draft, same title" on bill "An Act Relating to Overweight of Motor Vehicles," tabled on May 5 by the Senator from Waldo, Senator Cole, pending acceptance of the report.

Mr. COLE of Waldo: Mr. President, I move that the ought to pass in new draft report be accepted.

Mr. WEEKS of Cumberland: Mr. President, may I inquire if the new draft is L. D. 1483?

Mr. COLE of Waldo: It is, Mr. President.

The PRESIDENT: The Secretary will read the report.

The SECRETARY: House report from the Committee on Transportation reporting "Ought to pass in new draft under same title".

Comes from the House the report accepted and the new draft passed to be engrossed.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Waldo, Senator Cole, that the Senate accept the ought to pass in new draft report of the Committee.

The motion prevailed, the report was accepted and the bill in new draft was read once.

Mr. Cole of Waldo presented Senate Amendment A and moved its adoption.

The Secretary read the amendment:

Senate Amendment A to L. D. 1483. "Amend said bill by striking out the underlined words 'intention-

al and is' in the 11th line thereof. Further amend said bill by adding at the end thereof a new underlined paragraph to read as follows: '**provided, however, that when the excess is less than two thousand pounds the court may suspend the fine and cost of either of them.**'"

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

The President laid before the Senate S. P. 348, L. D. 957, bill "An Act to Clarify the Employment Security Law," tabled on May 4th by the Senator from Aroostook, Senator Jamieson pending adoption of Senate Amendment A.

Mr. JAMIESON of Aroostook: Mr. President, the differences of opinion that have been held by my good friend, the Senator from Kennebec, Senator Farris and I have been ironed out and I now yield to him.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Jamieson, that the Senate adopt Senate Amendment A.

Thereupon, Senate Amendment A was adopted.

On motion by Mr. Farris of Kennebec, the bill was passed to be engrossed as amended by House Amendment A and Senate Amendment A in non-concurrence.

Sent down for concurrence.

The President laid before the Senate (H. P. 608) "Resolve Providing for State Pension for Leverett Carter of Swan's Island," tabled earlier in today's session by the Senator from Hancock, Senator Silsby, pending acceptance of the ought not to pass report.

Mr. SILSBY of Hancock: Mr. President, I would move that I might be privileged to place this matter on the table and assign it for tomorrow morning.

The motion prevailed and the resolve was laid upon the table pending acceptance of the ought not to pass report.

The President laid before the Senate (S. P. 110) (L. D. 271) Bill "An Act Relating to Instruction in High Schools on American Freedoms," tabled earlier in today's session by

the Senator from Lincoln, Senator Dow, pending consideration.

Mr. DOW of Lincoln: Mr. President and members of the Senate, it is difficult for anyone to oppose a measure of this kind. I certainly do not want to appear to be opposing the good Senator from Cumberland, Senator Lord, either, but due to the fact that we had a unanimous decision in our committee on this bill I feel that I would like to defend their position.

We feel that the subjects are already covered and spelled out in the present law. If this bill is passed, what do we teach? It calls for American Freedoms. There are no textbooks to my knowledge written on that specific subject and I am quite sure when I say there is no text book company who will publish a book specifically designed for any one state, the cost would be prohibitive. In other words, what are American Freedoms, if they are not American History, civil government, Constitution, Declaration of Independence and the rights and voting privileges of citizens as already stated in the law.

The bill calls for this subject to be taught specifically in the junior and senior years. The reason we oppose that was because at the hearing the State Superintendents' Association appeared and spoke in opposition to this part of the bill in that it was mechanically not advisable. So I just want to assure all those concerned that our committee is not opposing the teaching of American Principles of Democracy but only opposing the duplication and the vagueness and the mechanics involved. I have not changed my mind nor have the members of the committee. Therefore, I ask that when the voted is taken on this that it be taken by division.

The PRESIDENT: The Chair would note that there is no motion pending.

Mr. DOW of Lincoln: Mr. President, I shall move that this bill be indefinitely postponed.

Mrs. LORD of Cumberland: Mr. President, I do not propose to talk very much about this bill. It has already been accepted once by the Senate and by the House. I believe that this committee and Senator Dow are not opposing me as a Sen-

ator. He is opposing ten thousand women in the State of Maine who asked to have this bill introduced. I believe that the women of the state know better the children and youngsters in high school than perhaps the men do because they are closer to them. I believe that the law is not a duplication. It does say that these subjects shall be taught. The amendment says that it shall be a required subject and nowhere in the law does it say that. It does say that for the elementary schools, so I hope that the motion does not prevail.

Mr. BOYKER of Oxford: Mr. President, I do not believe that it is a question of new books in our schools. We have the principles of American Freedoms on our statute books. The question is for our teachers to teach those principles to our students.

Mr. DOW of Lincoln: Mr. President, I would just like to make one more statement that this problem seems to revolve around the fact that the present law is not being taught. If two laws on our books which say the same thing will give assurance that that will be carried out, I am sure I would go along with it but I don't feel that two laws would do any better than one law and therefore I insist on my motion to indefinitely postpone.

Mr. FULLER of Oxford: Mr. President and members of the Senate, I do not feel that the Senator from Lincoln, Senator Dow should take the whole burden of opposing ten thousand women and therefore I would like to explain my feelings in regard to this bill which are somewhat similar to the unanimous report of the committee plus the fact that if the bill is adopted and it has now received the majority vote of both the Senate and the House, it does seem it is rather poorly drawn by requiring the subject to be taught in the last two years of the secondary school. It would seem that much of the objectives in the bill are defeated because of the fact that between elementary school and high school, many of our youngsters drop out of school and if it is the objective to teach all our young people something additional in regard to the American Freedoms, that it should be provided for earlier in

the school system. Something similar to the bill in regard to teaching of Maine Industry and Geography such as from grades seven to twelve. The bill as amended provides that this subject shall be a requirement for graduation and now the sixteen units for graduation are rather definitely prescribed and it would seem to need at least a revision of the requirements.

Now if what is specifically desired by way of American Freedoms could be spelled out in the bill and the grades 7 to 12 provided for, I think I could feel much more favorably toward this bill. As it is written I doubt very much if it will accomplish a single purpose that is thought to be the objective.

Mrs. LORD of Cumberland: Mr. President, could I make a motion to recede and concur?

The PRESIDENT: A motion to recede and concur would be in order and would have precedence over a motion to indefinitely postpone.

Mrs. LORD of Cumberland: Mr. President I so move and I would like to make one more statement. This course is taught in most of the states of the union. I can specifically recall the State of New Jersey which first started this course and first started the course in Problems in Democracy and discarded it for a better book. I hope that the Senate will go along with me on my motion.

Mr. BUTLER of Franklin: Mr. President, as I look over the amendment which I feel is limited to graduation in free public high schools. Well, if it is going to be worth so much to our students that they are going to have to study this, I don't see why the ten thousand women did not accept a responsibility that it be taught in all the schools. Apparently they did not see that point. I feel the amendment is good so far as it goes but I cannot see where it adds anything to the major item and it is only surplusage and is a typical illustration of what many who are not directly concerned with the schools try to run the schools when they don't know the fundamental problems of the schools. I say this because I served on the school Board and I know what the people

do that have tried to run the school Board.

I feel that this is only additional Legislation and I feel that members of the Committee on Education should be given consideration for the stand which they have taken. They are not against this project but they do not feel that it is not tackling it from the right source. I hope that when the vote is taken that thought will be kept in mind.

Mr. FARRIS of Kennebec: Mr. President, it seems that there is quite a bit of unanimity of agreement as to the intent of this legislation and some disagreement as to certain phrases and for that reason I would move that this lie on the table and be especially assigned for tomorrow morning.

The motion prevailed and the bill was laid upon the table pending motion by the Senator from Cumberland, Senator Lord, that the Senate recede and concur.

The President laid before the Senate bill "An Act Relating to the Taking of Quahogs" (H. P. 166) (L. D. 157) tabled by the Senator from Hancock, Senator Silsby earlier in today's session pending acceptance of the ought to pass report.

Mr. SILSBY of Hancock: Mr. President and members of the Senate, being a resident of coastal Hancock County, I think I have had some experience in digging clams for my own consumption as well as the amount of clams we now have on our flats and I have examined this bill which is L. D. 157 and it eliminates the size of the 2" clam. I say to you that a clam less than 2" should never be dug anyway. It would take weeks and months to get enough to eat to satisfy our own appetite and in view of the fact that there is I believe in the budget this year, a sum of money for the promotion of a clam regulation and that sum only being half of what is really required, it would seem to me that this is a poor time to legislate a size of the clam, that is, where there would be no limit, you could pick it up as big as the end of your thumb, and in view of that, at the present time and what may be done in the next two years when they get the program going, I think we

are jumping the gun if we pass the bill. Therefore I would move the indefinite postponement of this bill.

Mr. DUNHAM of Hancock: Mr. President, I am pleased to have the opportunity of going along with my colleague from Hancock County, Senator Silsby although I could not on his deer bill. Ever since I have been in the legislature I have gone along with bills which had something to do with the conservation of our resources along the coast of Maine and it seems to me that this is the last vestige of anything remaining which spells out a little something about conservation. I agree this is the wrong time to pass legislation of this kind. Let's wait and see what research does on this subject. Therefore, I am glad to endorse what the Senator from Hancock, Senator Silsby, has said.

Mr. BROWN of Washington: Mr. President, I have been associated with the clam business for about eight years and I don't know too much about it but the committee took the records of the biologist, Dana Wallace and Bob Dow who worked on this thing for about ten years. They feel that this is not a conservation measure. They feel that while we have had these laws protecting each clam area, each town and it took a good while to do that and everybody is protected now, but they think it is useless to continue along because these small clams in many areas as I see it won't grow in certain areas. Of course, as Senator Silsby says, they have got almost enough money to start a conservation measure perhaps through the department, but I think the committee kept in mind the fact that these gentlemen we hired, these biologists, know more about that stuff. Therefore I oppose the indefinite postponement of this bill and hope it will pass because it was passed out unanimously by the committee. The department wants it. The biologists want it and the people want it and the diggers want it. They say they can get more money out of it and God knows they need some money.

Mr. SILSBY of Hancock: Mr. President, I hope I have made it clear when the department advocated this program I am sure it

was the understanding that they would have about \$70,000 but in view of the fact that they haven't got that sum, it would seem to me that this matter should be delayed until such time as they can put their program into operation.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Hancock, Senator Silsby that the measure be indefinitely postponed. Is the Senate ready for the question?

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

Sent down for concurrence.

The President laid before the Senate Consolidated Resolve for the Reappropriation of Unexpended Special Resolve Road Appropriations (H. P. 1232) (L. D. 1518) tabled earlier in today's session by the Senator from Piscataquis, Senator Parker pending acceptance of the ought to pass Committee report.

Mr. PARKER: Mr. President and members of the Senate: I asked to have this item held up until we could discuss it at some length if it was necessary in order to answer any questions that might arise, but I wish to state that this consolidated resolve is the result of eight separate resolves that came to the Highway Committee asking to have funds that have accumulated in the Highway Department as a result of unspent special resolves over the years. We have held them up until we thought we had all of them in and then reported them out in the consolidated form. This is simply allowing these eight towns to use funds that are available and have been available for several years in some cases on roads in their town, for construction or reconstruction or whatever the original resolve called for. I can see no reason and the committee could see no logical reason to take any action except to allow them to do this. Therefore, Mr. President, I move that the "Ought to pass" report of the committee be accepted.

Mr. BOUCHER of Androscoggin: Mr. President and members of the

Senate: As this is the left-over from the pork barrel of 1953 I wish to remind my fellow members of the Senate that they ought to wait for that new pork barrel and pass the whole thing or kill the whole thing at the same time.

These resolves have been in this legislature for the last twenty-two years that I know of and probably for the last hundred years or more, and it is always the same old story: somebody comes up here to the legislature from some small town and complains that the town cannot afford to repair a piece of road that is in dire need of it, a road that is needed for the transportation of children to the schools, needed for the transportation of goods to the market and so forth and so on. A few of them get what they want and the others go home empty-handed. I had hoped that Ex-Governor Cross had cured that a few years ago when we adopted in these chambers a bill whereby there would be no more special resolves. However, it seems that we cannot cure this disease and it recurs at each legislature.

I hope that the motion of the Senator from Piscataquis, Senator Parker, does not prevail, and I shall attempt to table this matter until the other road resolves come in.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Piscataquis, Senator Parker, that the Senate accept the "Ought to pass" report of the committee.

The Chair recognizes the Senator from Somerset, Senator Sinclair.

Mr. SINCLAIR: Mr. President, as I understand the resolve this represents balances of previous appropriations made to these towns. I would ask through the Chair of the Senator from Piscataquis if I am right in that assumption.

The PRESIDENT: The Senator from Somerset, Senator Sinclair, asks a question through the Chair of the Senator from Piscataquis, Senator Parker, and that Senator may answer if he chooses.

Mr. PARKER of Piscataquis: Mr. President, that is correct, as you will note, if you read your L. D. 1518 and also at the very bottom of the item 19 on Page 3, it says, "Resolve

for the Re-appropriation of unexpended special road resolve appropriations." This is the unexpended balance that the Highway Commission has held down there, several small ones. It is the belief of the committee that this should be done regardless of whether any other action is taken on any other resolves this session.

Mr. SINCLAIR of Somerset: Mr. President, if that is the case I believe we have an obligation to the various towns for the appropriations that we made and I will support the motion of the Senator from Piscataquis, Senator Parker.

Mr. COLLINS of Aroostook: Mr. President, it happens that the town of Caribou is one of the towns listed in this list, and I would say that I am familiar with that particular situation. When the money was appropriated, I believe in 1951, it was on a State-aid Highway, and the reason that the money wasn't used on that particular highway was on account of the fact that a new access road was built to the Limestone Air Force Base, and it meant that the money for which this resolve had been originally set up didn't have to be used, but it did mean that the town of Caribou would be denied the use of that money and they wanted to transfer it to another State-aid road on which the State has already done the work beyond the town limits. I think with respect to this particular resolve that it is only fair that the town to which the money has been appropriated should have the money.

Mr. PARKER of Piscataquis: Mr. President, I now have some more information on some of these resolves than I did a few minutes ago. I wish to say that of these unexpended balances in these eight resolves the one in Boothbay Harbor was originally set up for reconstruction of State Aid No. 2 between Boothbay Harbor village and Southport town line. It was unable to use the funds for that purpose, and in order to make this fund available for use in that town on other roads it was necessary for them to have permission from the legislature.

The town of Caribou has been explained to you by the good Senator from Aroostook, Senator Collins. The

town of Carmel is in exactly the same category.

The town of Eastport had a road resolve that was unexpended and is asking to be allowed to use it on another road. The town of Kennebunkport has a similar resolve and they are asking to be allowed to use it on other roads.

The township of Lily Bay had an unexpended balance that they will be unable to use in that township and are asking to be allowed to use it on another portion of the same road in another township.

The town of Mars Hill is in exactly the same circumstances; they have a portion of the resolve money left over from I think the year 1949. The town of Penobscot has a small amount left over that they would like to use.

Now these balances are in the Highway Department; they are carried forward from year to year. They have no way of using these funds for other purposes, for other parts of the highway system, and this consolidated resolve simply is trying to clear up this situation in the Highway Department and allow the towns for which they were originally appropriated to use them for other roads in those towns.

Mr. BUTLER of Franklin: Mr. President and members of the Senate: This resolve is what could be expected to have come out of the Committee on Highways because they are not only trying to upset any planned program but they are going to try to keep for their home communities as much money as they possibly can, and the only way that they can do it is to get it re-appropriated and stop it from falling into the unexpended group.

Now when we come to the little town of Penobscot, they have only a minor sum I believe of \$1500; and we come to the City of Eastport and they have got two little "gimmicks," \$400 and \$1200. We come to the little town of Kennebunk and that is only \$1600, Boothbay just some \$950, and the town of Carmel, that they have not stated even in the original report, it is a certain unexpended sum; the committee did not know how much it was to they did not see fit to put it into the

original bill; and for Chensuncook, that is only \$747.37.

Now I know full well that this resolve is most likely going to receive passage because we have vacillated so much that it would be impossible for us to consider or adhere to any planned program. We have showed a decided ability to adhere to one thing when you are going to stop a man from getting only \$145 and some odd cents by reason of deer destroying his garden. We are to be commended for that. We really did stick to a principle. That is the only time thus far that we have stuck to a principle. In everything else we have done we have led with one hand and beguiled ourselves with the other. We have also got another road resolve in here that is going to come up later. That of course is a little "gimmick" that changed one word from "State-aid" to "State," and if we follow our policy we are going to vacillate, and you will most likely overrule my objections to the passage of that measure. But I do state that this is only an added criterion, and if we want to state a belief in maintaining a highway program for the benefit of the people then we should do it. Apparently we do not wish to do so, because we are turning around and one member of the committee will introduce a bill—you know it happened yesterday that it passed, at least in the Senate—to put 60,000 pounds onto our highways. That is not going to hurt the roads any. No question that size truck can go over any small feeder roads; that is not going to hurt a single thing; it is not going to cost anything. And yet the poor farmer who wants to go over that road to get his products out, we won't let him do that. He has not got force behind him.

I do not think we have got enough gumption to stand up to this little measure and say it ought not to pass, but I hope that we can think twice before we go too far towards the destruction of our present highway program.

Mr. BOUCHER of Androscoggin:

Mr. President, in plain words this is left-over pork of the pre-pork-barrel days. If you will notice these

resolves, they go back to 1943, 1941, there is even one that goes back to 1939. For over sixteen years they have not been able to eat the pork but have kept it back in the barrel, and we are going to hold it for sixteen years and serve it to them in 1955. I believe it must be getting stale.

Mr. COLE of Waldo: Mr. President and members of the Senate: I am very sorry that the good Senator from Franklin, Senator Butler, has lost complete faith in the Highway Committee, and I am only speaking for myself. I try to use what good judgment the Lord has given me and I try to be consistent.

Now I think that there is a principle involved right here. These are resolves, and I will agree with the Senator from Androscoggin, Senator Boucher, that they were "pork," there is no question about it. But as a matter of principle these resolves were not expended due to the fact, as the Senator from Aroostook Senator Collins, has told you, that every one of them were allocated for one special job, and they decided for some reason that they could not be expended on that particular job. As you know, the resolves clearly designated as to where and when they shall be expended. Now I think in fairness to the people of the towns that have already spent their so-called "pork" that we certainly should go along and show good faith with this one.

I hope that the motion of the Senator from Piscataquis, Senator Parker, will prevail.

Mr. BUTLER of Franklin: Mr. President, I made reference to passing the ball, and you know that was expertly handled. Today I feel that this is a line plunge, because they just were not going to take each one of them separately; they put the whole thing into a package and say, "Here, fellows, buy it." They are going to go right through the line and hope by their own force to gain enough support for their own localities that are involved, and by doing it they have consolidated their votes. The committee is to be commended!

Mr. BOUCHER of Androscoggin: Mr. President, I move for the indefinite postponement of the resolve.

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

The Chair recognizes the Senator from Hancock, Senator Silsby.

Mr. SILSBY of Hancock: Mr. President, I had no intention of getting into this cat and dog fight, but due to the fact that Penobscot is a little town situated in Hancock County and it is one of the subject-matters, I feel that it is my duty to get up and defend it.

I would like to make one thing plain, that this money has been allocated, you might say it has been deposited and credited, but by reason of circumstances the road in the town it is allocated to was not thought to be the place where the money should be expended. And we have the same situation in Penobscot County: the money was allocated to Route 175 but Route 175 did not require the money and they want the money in the town for Route 199. I cannot see why the town of Penobscot is not just as much entitled to that sum of money to spend in its town. It was the intent of the legislature, I think it was the 93rd Legislature, that they should have it and put it where it would be most useful for them. This is not new money, it is money that has already been allocated and is just being transferred to the party who is entitled to have it. We might have money deposited in the bank in our own name and we might pass on and we might want to have it transferred to our heirs or next of kin. I cannot see any difference here: they are just asking the Highway Department to transfer it, which they cannot do under the present law.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate: I am very glad my good friend, Senator Cole, has admitted that this is the old pork barrel; it definitely is. It is not a new one but it is the old one and it has been kept alive for years. The Senator from Hancock, Senator Silsby, has referred to the town of Carmel. I am very sympathetic with the town of Carmel because that town bears the name of my wife, and the

amount for the town of Carmel is very small, \$300, but it is queer that they haven't been able in four years to spend that money somewhere somehow.

The whole thing resolves itself into this, Mr. President: apparently past legislatures have been too kind to somebody; they have appropriated too much money for certain work. This money has been left over for as much as sixteen years and still they haven't been able to spend it. And when they claim that it is their money that has been appropriated for their purpose, I believe that you and I have paid by way of the gas tax for their money. It is not their money; it is not sacred; it is our money and they are trying to throw it away. I say to you: let's kill this measure and save the money for the roads we do need now and will need in the future. Let us be practical and let us not be too generous.

Mr. REID of Kennebec: Mr. President, it seems to me that the country boys are taking an unnecessary beating on this particular measure. They ought to get some credit for withholding money that could have been spent foolishly until such time as they could spend it wisely.

Mr. PARKER of Piscataquis: Mr. President, when the vote is taken I ask for a division.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Boucher, that the resolve be indefinitely postponed. The Senator from Piscataquis, Senator Parker, has asked for a division.

As many as are in favor of the motion of the Senator from Androscoggin, Senator Boucher, that the resolve be indefinitely postponed will rise and stand until counted.

A division was had.

Seven having voted in the affirmative and twenty-three in the negative the motion to indefinitely postpone did not prevail.

On motion by Mr. Parker of Piscataquis the Senate voted to accept the "Ought to pass" report of the committee. The resolve was then given its first reading and tomorrow assigned for second reading.

Mr. REID of Kennebec: Mr. President: I move that the Senate recess until 1:00 P.M. Eastern Standard Time this afternoon.

The PRESIDENT: Before the motion is acted upon, will the Senator allow the Chair to recognize in the gallery a group of students from Washington Normal School. We enjoy having you here; you are a very attractive addition to our Senate gallery, and we hope that after the session you will come down and we will especially assign the Senator from Washington, Senator Wyman, to personally escort you about the State House. Thank you for coming.

On motion by Mr. Reid of Kennebec,

Recessed until 1:00 P.M. E.S.T.

After Recess

1:00 P.M. E.S.T

The Senate was called to order by the President.

The PRESIDENT: The Chair now lays before the Senate the next tabled and specially assigned matter being (H. P. 1229) (L. D. 1512) "An Act Relating to Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the fiscal years ending June 30, 1956, and June 30, 1957, and to Provide Additional Revenue to General Fund," tabled earlier in today's session by the Senator from Aroostook, Senator Collins, and the Chair recognizes that Senator.

Mr. COLLINS of Aroostook: Mr. President and members of the Senate: At the conclusion of a few brief remarks I am going to move that the majority "Ought to pass" report of the committee be accepted.

This bill is the result of the joint order which was passed in the other branch on April 13th and passed in this branch on April 14th and which provided that we were authorized to report a bill which shall provide appropriations from the general fund as were not provided for in the general appropriations bill and printed as L. D. 1444 as they deemed necessary and desirable to provide funds for items in the so-called supplemental budget and other state expenditures and obligations, and, sec-

only, such tax assessments or tax adjustments as in their judgment may be required to finance the appropriations set out in said bill with a reasonable, safe and conservative excess to cover other possible legislative appropriations.

The Joint Committee on Appropriations and Taxation met and as a result of their deliberations brought out the supplemental budget in the form that a majority of the committee recommended in a total appropriation amount for the first year of the biennium of \$2,438,391 and the second year of the biennium a total of \$2,566,315.

Now I may say that prior to the time that the Joint Committee met that I, as Chairman of the Appropriations Committee, went in to see the Governor to make him aware of what the action of the Appropriations Committee had been in regard to his L. D. 43, the Supplemental Budget. At that time we found that we were in agreement on many of the things that were in the supplemental budget with a few exceptions, and of course those few exceptions did represent somewhat in excess of two million dollars a year.

When the Joint Committee met there were two reports before the Joint Committee, Report "A" which is in substance the report contained in L. D. 1512, and Report "B" which is reflected in another document which is on the table this morning, L. D. 1522. And after the committee had adopted their report it was our understanding at that time that the minority members of the committee would put out Report "B", which was all right with the Joint Standing Committee except we felt that in order to conform with the terms of the order they should also put out a tax measure at that time.

The day following the action of the Joint Committee I had a conference with the Governor, at which time he indicated that he did not care to put any particular tax measure along with the Report "B" report. And then later in the day he suggested that perhaps he would not have Report "B" put out but that we might bring out L. D. 43. However, L. D. 43 was just before the Appropriations Committee, and when I took that up with the other mem-

bers of the committee they felt it would not be advisable to put it out just then, and so we notified the Governor or his Administrative Assistant to that effect.

Finally when the report was to be issued we did contact the minority members of the committee on the Joint Committees of Taxation and Appropriations and suggested that if they wished to file their Report "B" even without a tax measure with it that we would be very willing that they do so, but apparently they did not care to do this.

But to get back to L. D. 1512, in most of the items that I think are essential for supplemental purposes of carrying out the needs of the State, particularly in regard to Education, particularly in regard to Institutions, I believe that this measure will do the job, and I would feel that the members of this body should accept the "Ought to pass" report of the committee.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Collins, that the Senate accept the majority "Ought to pass" report of the committee.

The Chair recognizes the Senator from Androscoggin, Senator Boucher.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate: I understand that the Governor will request a joint session of the legislature tomorrow morning, so therefore we of the minority party are not ready to debate this question until we have heard from the Governor as to his thinking. We want to hear what he has to say on these two bills that are now before the Senate before we shall debate.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Collins, that the Senate accept the "Ought to pass" report of the Committee. Is the Senate ready for the question?

As many as are in favor of the motion of the Senator from Aroostook, Senator Collins, that the Senate accept the majority "Ought to pass" report of the committee will rise and stand until counted.

A division was had.

The PRESIDENT: Twenty-three having voted in the affirmative and six in the negative, the motion prevails.

Thereupon the bill was given its first reading.

Mr. LOW of Knox: Mr. President, I intend to offer an amendment to this bill and I think it best if I read it myself in essence first and explain it.

In the first place, since this measure will not be an emergency measure it becomes necessary to have a date set for the effective time of the increase in the tax on cigarettes, and that is stated as September 1st of this year.

In the second place, since the corporate franchise tax is assessed on July 1st and since this bill will not be effective until sometime in August, Section 8, requiring the State Tax Assessor to make a new tax on July 1st is stricken out of the bill altogether.

Thirdly, we have a statement of intent which reads as follows:

"It is the intent of the Legislature that the provisions of this act are inseverable and that if any provision fails for any reason to become law the entire act shall be suspended and inoperative."

Mr. President, I offer Senate Amendment "A" and move its adoption.

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

SENATE AMENDMENT "A" to H. P. 1229, L. D. 1512, Bill "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1956 and June 30, 1957, and to provide Additional Revenue to General Fund."

Amend said Bill by inserting after Section 6 thereof a new section, as follows:

'Sec. 7. **Effective date.** The provisions of sections 4, 5 and 6 of this act shall become effective September 1, 1955.'

Further amend said Bill by renumbering "Sec. 7" to read "Sec. 8.'

Further amend said Bill by striking out all of Sec. 8 thereof.

Further amend said Bill by adding at the end thereof the following section:

'Sec. 11. **Intent.** It is the intent of the Legislature that the provisions of this act are inseverable, and that if any provision fails for any reason to become law, the entire act shall be suspended and inoperative.'

Senate Amendment "A" was adopted.

Mr. LOW of Knox: Mr. President, I move that the rules be suspended and that this bill be given its second reading at this time.

The PRESIDENT: The Senator from Knox, Mr. Low, moves that the rules be suspended to permit him to make a motion that the bill be given its second reading at this time.

As many as are in favor of the motion of the Senator from Knox, Senator Low, that the rules be suspended will rise and stand until counted.

A division was had.

The PRESIDENT: Twenty-six having voted in the affirmative and two in the negative, the rules are suspended.

Thereupon the bill was given its second reading and passed to be engrossed in non-concurrence.

Mr. LOW of Knox: Mr. President, I move that the rules be suspended and this bill be sent forthwith to the House.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate: I am just wondering if the majority party is trying to railroad this bill through. I have already informed the Senate that tomorrow the Governor will request a joint session and I think with due respect for the office of the Governor of the State of Maine we should at least table this matter until we have heard from him.

Mr. LOW of Knox: Mr. President, I am very glad to go along with the Senator from Androscoggin, Senator Boucher. I will request permission to withdraw my motion.

The PRESIDENT: The Senator from Knox, Senator Low, asks permission of the Senate to withdraw his motion. Is there objection? The Chair hears none and the motion is withdrawn.

The Chair laid before the Senate the next tabled and specially assigned matter, "An Act to Revise the Taxation Laws Relating to Towns," (S. P. 127) (L. D. 336) tabled earlier in today's session by the Senator from Kennebec, Senator Reid.

Mr. REID of Kennebec: Mr. President, I yield to the Senator from Cumberland, Senator Weeks.

Mr. WEEKS of Cumberland: Mr. President, I move the pending question.

The PRESIDENT: The Secretary will read the committee report.

The SECRETARY: Mr. Reid from the Committee on Judiciary on Bill "An Act to Revise the Taxation Laws Relating to Towns", reports the same "Ought to pass if amended by Committee Amendment 'A'."

On motion by Mr. Reid of Kennebec, the report of the committee "Ought to pass if amended by Committee Amendment 'A'" was accepted and the bill was given its first reading.

Committee Amendment "A" was then adopted without reading.

Mr. Weeks of Cumberland then presented Senate Amendment "A" which was adopted without reading.

Mr. REID of Kennebec: Mr. President, I now move that the bill be tabled until later in today's session in order to permit the preparation and introduction of Senate Amendment "B".

The motion prevailed and the bill was so tabled.

The PRESIDENT: The Chair now lays before the Senate the next tabled and specially assigned matter, L. D. 553, "An Act relating to admission of and charges for patients at State Sanatoriums," tabled by the Senator from Franklin, Senator Butler, pending the motion of the Senator from Aroostook, Senator Collins, that the Senate accept the "Ought not to pass" report of the committee, and the Chair recognizes that Senator.

Mr. BUTLER of Franklin: Mr. President, I now yield to the Senator from Aroostook Senator Collins.

Mr. COLLINS: Mr. President, if I remember the motion it was a motion to insist and ask for a committee of conference.

The PRESIDENT: The Senator is correct and the Chair apologizes.

Mr. COLLINS: Mr. President, I think on this matter, as I explained this morning, that with the objective of the bill the members of the Appropriations Committee were in complete accord. It was just due to the lack of revenue, the reason that we turned it down. I think in connection with this we ought to remember that there are other bills coming out which perhaps will be of equal importance to members of this Senate as to whether or not they want them enacted.

I am thinking particularly of two bills, one of which was before the Appropriations Committee, on Education of Retarded Children, and I am thinking also of the bill, which is in the supplemental Governor's bill but which we took out, in regard to Handicapped Children.

Now we took that out of that bill because it was before another committee and we felt that the members of the Legislature ought to have an opportunity to vote on it. It does carry a fairly considerable amount of money, but at the same time I would say it was a worthwhile project.

So I say to you I think it is a matter of determining which bills you may want to pass, and if we leave this situation as it is we are not doing anyone any particular injustice. It is just the way that the situation has been handled in the sanatoriums of the State for a long time. I believe the judgment of the committee was sound in putting the report out "Ought not to pass," and while it was passed in the other branch I would think that my motion to insist and ask for a committee of conference would be perfectly in order.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Collins, that the Senate insist on its former action and ask for a committee of conference. Is the Senate ready for the question?

Mr. BOUCHER of Androscoggin: Mr. President, I ask that when the vote is taken it be taken by a division.

The PRESIDENT: The question before the Senate is on the motion

of the Senator from Aroostook, Senator Collins that the Senate insist upon its former action and ask for a committee of conference. The Senator from Androscoggin, Senator Boucher, asks for a division.

As many as are in favor of the motion of the Senator from Aroostook, Senator Collins, that the Senate insist on its former action and ask for a committee of conference will rise and stand until counted.

A division was had.

The PRESIDENT: Twenty - six having voted in the affirmative and five in the negative, the motion prevails.

The Chair at this time will appear as conferees on the part of the Senate: The Senator from Aroostook, Senator Collins, the Senator from Somerset, Senator Sinclair, and the Senator from Cumberland, Senator Chapman.

The PRESIDENT: The Chair now lays before the Senate the next tabled and specially assigned matter, (S. P. 279) (L. D. 709) Bill "An Act Relating to the Salary of Register of Probate, Cumberland County, tabled by the Senator from Cumberland, Senator Weeks, earlier in today's session pending acceptance of the "Ought to pass" report of the committee, and the Chair recognizes that Senator.

Mr. WEEKS of Cumberland: Mr. President and members of the Senate: I placed this matter on the table this morning thinking I would obtain some additional information before this time this afternoon. I am fairly sure that we will receive some additional information by tomorrow morning, and therefore I would like to move that the matter be retabled until tomorrow morning.

The PRESIDENT: The Senator from Cumberland, Senator Weeks, moves that the bill be laid on the table pending acceptance of the "Ought to pass" report of the committee and be specially assigned for the next legislative day. Is this the pleasure of the Senate?

The motion prevailed and the bill was tabled and so assigned.

The PRESIDENT: The Chair lays before the Senate S. P. 279, L. D. 709, Bill "An Act Relating to Clerk

Hire in Office of Register of Probate of Cumberland County", tabled by the Senator from Cumberland Senator Weeks earlier in today's session pending acceptance of the "Ought to pass" report of the committee.

The Chair recognizes the Senator from Cumberland, Senator Weeks.

On motion by Mr. Weeks of Cumberland, the bill was indefinitely postponed.

Sent down for concurrence.

The PRESIDENT: The Chair now lays before the Senate S. P. 363, L. D. 1079, Bill "An Act Increasing the Salary of the Register of Probate for Piscataquis County," tabled by the Senator from Piscataquis, Senator Parker, earlier in today's session pending acceptance of the "Ought to pass" report of the committee, and the Chair recognizes that Senator.

Mr. PARKER of Piscataquis: Mr. President, this item and the following one, one pertaining to the Register of Probate and the other to the Register of Deeds in my county were presented by me at the request of the County Commissioners. Earlier in the session there was a fee bill introduced that would have made it mandatory that all fees collected by either one of these departments would have to be turned over to the County Treasurer, and for that reason they felt that these two departments in the county should have added to their salaries sufficient money to care for the fees that would be turned over to the county, and for that reason I introduced the bill. I think, although I am not entirely sure, that it is necessary to hold these Mr. President, I would like to hold them until tomorrow and check finally and if I find that the fee bill has not gone through I would be very glad to remove them and move for indefinite postponement, but I would like to hold them until tomorrow morning.

The PRESIDENT: With respect to L. D. 1029, the Senator from Piscataquis, Senator Parker, moves that the bill be tabled pending acceptance of the "Ought to pass" report of the committee and be specially assigned for the next legislative day. Is this the pleasure of the Senate?

The motion prevailed and the bill was tabled and so assigned.

The PRESIDENT: The Chair now lays before the Senate S. P. 384, L. D. 1080, Bill "An Act Increasing the Salary of the Register of Deeds for Piscataquis County, tabled earlier in today's session by the Senator from Piscataquis, Senator Parker, pending acceptance of the "Ought to pass" report of the committee.

On motion by Mr. Parker of Piscataquis, the bill was retabled and specially assigned for the next legislative day.

The PRESIDENT: The Chair now lays before the Senate S. P. 53, L. D. 43, Bill "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal years Ending June 30, 1956, and June 30, 1957, tabled earlier in today's session by the Senator from Aroostook, Senator Collins, pending acceptance of the "Ought not to pass" report of the Committee, and the Chair recognizes that Senator.

Mr. COLLINS of Aroostook: Mr. President and members of the Senate, L. D. 1522 is a redraft of L. D. 43, and it is what would have been Report "B" if Report "B" had been offered as a result of the joint order. It is the bill which indicates the Governor's present thinking in regard to supplemental appropriations. Of course the Appropriations Committee, in view of the fact that they had accepted the other bill, a majority of the committee reported this "Ought not to pass" and I would move the acceptance of the majority "Ought not to pass" report of the committee.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate: I won't plead with you; it is not my custom to plead with anybody, but I will try to convince you that the honorable and proper and fair thing to do is to keep this bill alive until the other measures has been settled, the other taxation measure. In all due respect to the Governor or our State who, after all, is the captain of the team, we should at least keep this bill alive so that if the other one might fail we could rely on this one to go through. So

I ask you in all fairness that this bill at this time lie on the table.

Mr. COLLINS of Aroostook: Mr. President —

The PRESIDENT: For what purpose does the Senator rise?

Mr. COLLINS: I was wondering if the Senator from Androscoggin, Senator Boucher, wishes to assign a time.

The PRESIDENT: The Senator from Aroostook, Senator Collins, asks the Senator from Androscoggin, Senator Boucher, if he would wish to assign a time on his tabling motion. The Senator has heard the question and he may answer if he chooses.

Mr. BOUCHER: Mr. President, would that I knew the fortunes of war and then I could assign a time, but the majority party has that power in its hands, so I do not feel at this time that I can assign a time. I can assure you that immediately upon the disposal of the other tax measure I will dispose of this one.

The PRESIDENT: Would the Senator by chance like to make a motion to recess for two minutes?

Mr. BOUCHER: I will make that motion, Mr. President.

The PRESIDENT: The Senator from Androscoggin, Senator Boucher, now moves that the Senate recess for two minutes. Is this the pleasure of the Senate?

The motion prevailed.

RECESS

Called to order by the President.

Mr. BOUCHER of Androscoggin: Mr. President, after a conference between the Senator from Aroostook, Senator Collins, and I, I will withdraw my motion with the understanding that he will make the same motion.

The PRESIDENT: The Senator from Androscoggin, Senator Boucher, asks permission to withdraw his motion. Is there objection? The Chair hears none and the motion is withdrawn.

On motion by Mr. Collins of Aroostook, the bill and accompanying reports were tabled pending the motion of the Senator from Aroostook, Senator Collins, that the Senate accept the "Ought not to pass" report of the committee.

The PRESIDENT: The Chair lays before the Senate the next tabled and specially assigned item, H. P. 1207, L. D. 1476, Bill "An Act Relating to School Age in Public Schools", tabled earlier in today's session by the Senator from Lincoln, Senator Dow, pending passage to be enacted and the Chair recognizes that Senator.

On motion by Mr. Dow of Lincoln, the Senate voted to reconsider its action whereby the bill was passed to be engrossed.

Mr. DOW of Lincoln: Mr. President, I now present Senate Amendment "A" and move its adoption, and I would like to state that this amendment does nothing to the age in the school age bill but merely makes a change in definition of one word, because another bill which we have already passed and has been signed by the Governor, which is a bill relating to the definition of residence of parents of children of school age would be repealed without this amendment.

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

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

Senate Amendment "A" to H. P. 1207, L. D. 1476, Bill "An Act Relating to School Age in Public Schools."

Amend said Bill by adding at the end of that part designated "Sec. 44" of section 1 thereof the following underlined sentences:

'Residence as used in the section shall mean the city or town where the father maintains a home for his family. If the parents of the child are separated, residency shall be considered to be the town where the person having custody of the child maintains his or her home.'

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

Sent down for concurrence.

The PRESIDENT: The Chair now lays before the Senate S. P. 483, L. D. 1357, "Resolve, Designating Route No. 182 as a State Highway," tabled by the Senator from Franklin, Senator Butler earlier in today's session pending passage to be en-

acted, and the Chair recognizes that Senator.

Mr. BUTLER of Franklin: Mr. President and members of the Senate: I fully appreciate the fact that this is another one of these little pet measures taking away from the Highway Department, that department which we have set up to try to maintain a planned program, its decision.

Now without doubt this motion which I will make for indefinite postponement and on which I will request a division will not prevail, because the "Garden Spot of the State", Aroostook County, has already received its proportionate share and Somerset is likewise well protected, and so with that combination and those that will go along with them we are going to forget the principles which we enunciated at the last legislature on the basis that what was stated at the last legislature is not binding upon this legislature, and you will without doubt grant the request contained in this measure. However, this cannot exactly be termed a lateral pass; we can't call it a rush because we had that this morning. We might almost consider this as a forward pass, because it is now finally going to be enacted and as such goes over the goal-line.

I sincerely feel that the principle in the action which we are taking is a wrong principle, but I seem to be alone in that enunciation.

Mr. President, I move that the act be indefinitely postponed and the vote be taken by a division.

Mr. COLE of Waldo: Mr. President and members of the Senate: I want to assure this honorable Senate that I am not taking the ball from the Chairman of the Highway Committee as I signed this particular resolve myself "Ought to pass", and I also want to assure the Senator from Franklin, Senator Butler, that I am not passing the ball to anyone in right field or left field.

This special resolve I think is very very worth while. This road is located in the town of Franklin, Route No. 182, and leads from Franklin Road, town of Hancock, Hancock County, to Cherryfield Lower Bridge so-called in Washington County. This particular road is used very, very

much; in fact about all the traffic that follows Route 1 does take this short cut, due to the fact that it is a better road, and the traffic count per day is eight hundred cars or more.

Now in my judgment a road in this condition, which is very good, should be in the State Highway System. We have eight miles in the town of Franklin.

What impressed me most was that on this very same road there are two plantations where the State Highway Commission is paying all the sanding and winter maintenance above \$35 per mile.

Now in this particular town, in the town of Franklin, they are paying all the cost over \$65 a mile which runs up to around \$300 per mile. Now for eight miles that figures into quite a substantial amount of money for winter maintenance where the towns on the same route in the plantations are not contributing it. I think it is very unfair to the town of Franklin to have to take money from their other roads within their town and make it available for this particular road so that traffic can proceed safely.

I am sure that the Senators from Hancock, either one of them, Senator Silsby or Senator Dunham, know more about this than I do. I certainly hope that the motion of the Senator from Franklin, Senator Butler, does not prevail.

Mr. SILSBY of Hancock: Mr. President and members of the Senate: I think the Senator from Waldo, Senator Cole, has well covered the factual aspects of this resolve and I want to confirm everything that he says and I shall vote with him.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate: This is a piece of road I happen to know about because I have traveled it several times going down to see the Indians. Senator Lord accompanied me once; she was my director and told me how to drive. It is supposed to be a short-cut between two points on Route 1 and it really is a short-cut; but the principle is still there. I maintain that if that is a short-cut and the best way to go Route 1 should be changed to that road and become a

straight road, and that part of Route 1 that detours around the coast should be changed to another set-up in the Highway Department.

They talk about the town of Franklin. I have driven through that town, and I believe that that short-cut on 182, although it may cost them money brings them business. I have had occasion to stop in the town and do some buying during the course of my travels on that highway. So I maintain again that this is another piece of pork, you are going down to the bottom of the barrel and pretty soon you will have it empty.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Franklin, Senator Butler, that the bill be indefinitely postponed and that Senator has asked for a division.

As many as are in favor of the motion of the Senator from Franklin, Senator Butler, will rise and stand until counted.

A division was had.

The PRESIDENT: Seven having voted in the affirmative and twenty-four in the negative, the motion to indefinitely postpone does not prevail.

Thereupon, a viva voce vote being taken, the resolve was finally passed.

The PRESIDENT: The Chair having laid before the Senate all of the specially assigned matters, the Senate continues to proceed under Orders of the Day.

On motion by Mr. Hillman of Penobscot, the Senate voted to take from the table the 68th tabled and unassigned matter, (S. P. 299) (L. D. 807) Senate Reports from the Committee on Labor on Bill "An Act to Provide Special Disability Compensation for Members of Organized Fire Companies," Majority Report "Ought to pass in New Draft" (S. P. 561) (L. D. 1517) under new title, "An Act to Provide Special Disability Compensation for Members of Organized Fire Companies", Minority Report "Ought not to pass," which reports were tabled on April 29th by the Senator from Penobscot, Senator Hillman, pending acceptance of either report.

Mr. HILLMAN of Penobscot: Mr. President, this is an act to provide

special disability compensation for members of organized fire departments. Members of the Senate, I would like to say that I put this bill in the hopper for the Maine State Federation of Fire-fighters, and because it is of a highly technical nature in the medical terms used I will ask your indulgence while I read my few brief remarks.

In presenting the medical aspects of the problems that confront Firemen in the discharge of their duties, the frequently occurring diseases that result in disabilities and death are heart diseases, tuberculosis and pneumonia, I would like to state these facts.

Among the various types of heart ailments, coronary thrombosis results most frequently. The effects of this heart disease may be either immediately fatal or lead to slow degeneration and corresponding weakness of the heart resulting in disability and eventual death. The younger as well as the older men have become victims.

The Chief factors involved in producing this ailment of heart disease are:

1. Effects from smoke and asphyxiation
2. Unusual stress and strain
3. Shock superimposed on predisposing conditions as diseased heart valves and blood vessels.

Disorder of heart functions frequently arise from severe or constant exposure to smoke, especially in cases following smoke asphyxiation or unconsciousness. This hazard is unavoidable in fire fighting. It must be understood that no one is immune or free from such an event in fire fighting because to be well and healthy on one day does not preclude an unfavorable fate to the further exposure to smoke in various degrees from time to time in producing some damaging effects of smoke to the hearts of firemen.

Again a factor that plays a leading role in the causation of heart disease is the unusual stress and strain in fire fighting. The use of gongs for fire alarms during the entire day, including the unusual sleeping hours, has been recognized by medical authorities as influencing heart action by shocking the heart and nervous system.

In addition, heart disease may very frequently be the result of effects of intoxication of carbon monoxide, the chief and most important constituent of smoke. In some cases it may result pathologically in an adverse effect on the heart.

There is a false impression that unless an individual dies from acute asphyxiation he escapes harm.

Tuberculosis

From an occupational point of view, as it affects firemen, the chief factors involved in producing this infection into a disease are: exposure to irritants (gases) and exposure to general resistance breakdown and also exposure to trauma or injury. Exposure to irritating gases such as chlorine and phosphene, need only be of short duration to result in a disability of varying degrees. The first effect of the gas is the immediate reaction to the firemen's eyes, throat, and lungs, which might be temporary but the next effect can be due to the absorption of these gases in producing shock and toxemia.

Pneumonia

Pneumonia as a disease affecting firemen is well known both as to the frequency of the occurrence and as to the severe disability of its immediate stages. Pneumonia was reported to be the second ranking disease among firemen, with heart disease as the first, in which permanent disability or death resulted.

Among the several factors of the occupation of a fireman that could be assumed to be the responsible cause from the onset of this disease are: severe overwork without proper rest, exhaustion, sudden change of body temperature as from hot to cold — cold to hot as well as from a state of dryness to wetness with chances of either hot or cold. Thus the very nature of a fireman's work could supply sufficient factors which under certain conditions could act as the inciting cause in producing pneumonia. When it occurs in a fireman it is, without possible exception, occupational in its cause, regardless of the individual's previous health.

Now I have here a number of letters from heart specialists in the

State of Maine. I won't read them all but I will just read the names: Albert Aranson, M.D., Portland, Dr. Harold L. Osher, Portland, Maine, Dr. Harold E. Libby, Portland, Dr. Lloyd Brown, Bangor, Maine, a letter from a famous heart doctor, Dr. Charles W. Steele, Lewiston, Maine,

I would like to read just one of these letters which perhaps covers a good deal of the contents of the other letters. This is from Dr. Carl W. Irwin, Bangor, Maine:

"Dear Mr. Hillman:

I would like to express my sincere endorsement of the proposed Workmen's Compensation Law relating to pulmonary and cardiac disabilities of firemen.

This endorsement is actually three-fold. As surgeon of the Association of Fire Chiefs of Maine, I am authorized to offer their whole-hearted approval of this proposed law. As a physician, I am quite aware that sudden and sustained physical and emotional stress may have a severe aggravating effect on heart disease. It seems almost unnecessary to point out that exposure to irritating smoke, fumes, and toxic gases can damage the lungs to such an extent as to be disabling. As an active fire-fighter, I can testify that even the immediate effects of exposure to these working hazards are most unpleasant and dramatic.

As in all types of compensation legislation, there is the possibility of abuse of the privileges afforded. However, these abuses should be kept at a minimum, both by the express provisions of the law and by the intelligent interpretation of the law.

Very truly yours,
Carl W. Irwin, M.D."

This data was procured for use in presenting evidence relative to the compensable nature of firemen's diseases. These include heart disease, tuberculosis, pneumonia and associated maladies which arose out of processes in the elements of hazards and exposure required in the line of duty of fire fighting that either aggravates, accelerates, precipitates or incites by resulting in diseases and thereby disabling.

In this age of advanced nuclear

science and the program of civilian defense and the protection of our citizens in their every day life, fire fighting has become a profession and not just a job. It demands the highest type of man, both as to intelligence, physical ability, character, and a willingness to accept this hazardous employment. For this kind of employment we must be willing to pay good salaries and furnish them with compensation in case of disability either on the spot or a condition following an injury or contact with gases as outlined previously.

In the city of Bangor we are very fortunate to have a competent fire department. Recently, a survey was made of our city fire rates and a very substantial reproduction in insurance premiums was obtained for the whole city. Due in great part as outlined in the report to the efficiency of our firemen. This type of legislation is not new. Other states have it including Mass., Conn., Florida, Oregon, and California, other states are considering it in their immediate legislative sessions.

Mr. President, I now move that we accept the majority report of the committee "Ought to pass".

Mr. FARRIS of Kennebec: Mr. President and members of the Senate: As the Senator from Penobscot, Senator Hillman, has told you, this is somewhat of a complicated and technical nature. I trust that I can do better in explaining myself before the Senate than I was able to do before the Labor Committee.

I wish to point out that to make pulmonary and cardiac diseases occupation diseases is opening the door and would be a very, very dangerous precedent.

Now the purpose of your occupational disease law under the Workmen's Compensation Act is to make it possible for any employee who contracts an occupational disease, that is a disease which is peculiar to the nature of his employment, to receive compensation. Now certainly pulmonary diseases and cardiac diseases are not peculiar in the field of fire-fighting. True, there is a lot of danger there, but if the cities and towns wish to provide disability benefits for their fire-

fighters who contract pulmonary and cardiac diseases then it certainly should not be in the occupational disease law, it should be a special pension act in the general law. And this goes to the point that if any fire-fighter within six months after a fire gets pneumonia or other pulmonary disease or develops heart trouble then he is in for disability benefits, and certainly it would be very difficult to prove or disprove whether that condition arose out of his participation in a fire six months prior thereto.

Now if this same fireman is injured at the time of a fire and he does sustain severe smoke inhalation, that would certainly be defined by law as an injury arising out of and in the course of his employment and he would thereby be covered under The Workmen's Compensation Act providing disability benefits for persons who do receive injury by accident. This particular legislation has no place in the occupational disease law, and yet I cannot help but be sympathetic with our fine fire - fighters throughout the State, and I am very sorry that I cannot vote affirmatively with them and support this measure, but I do feel that this is a bad bill to be placed in the category of occupation disease, because heart conditions certainly are not peculiar to fire-fighters. Heart disease is one of the greatest killers in the nation and affects every individual no matter what his employment may be. For that reason I shall vote against the motion of the Senator from Penobscot, Senator Hillman, for the acceptance of the majority report.

Mr. LESSARD of Androscoggin: Mr. President and members of the Senate: I rise to speak in favor of the motion of the Senator from Penobscot, Senator Hillman, for two reasons, one being Dr. Charles Steele of Lewiston and Dr. William Fayhe of the City of Lewiston who has been a member of the Lewiston Fire Department for many, many years, and who is probably one of our finest and ablest doctors in the State, and Dr. Steele is one of our finest heart specialists. I understand that both of these doctors endorse this legislation and both have said that from their experience fire-

fighters are susceptible to these cardiac conditions caused by smoke. For that reason I am in favor of the bill. Also while I am on my feet I want to explain that it is not because I want to be with the minority all the time, but I do not want to suffer from claustrophobia. (Laughter)

Mr. FARLEY of York: Mr. President, I don't know whether any of us here have ever been members of the fire department, but at the age of twenty-one I was a member for five years. I am heartily in accord with the statement made by the Senator from Penobscot, Senator Hillman. I do not believe that the average person on the outside understands what a member of the fire department goes through. The gentleman to my left, his father was assistant fire chief years ago and lost his life from pneumonia. He was hit over the head with an axe and received no compensation whatever. I saw the same thing happen at home. One does not realize what it means to go into a building with a line of hose and find no fire but smoke. You don't attack the fire, you attack the smoke, and possibly before you leave you are coming out with something that is going to be attached to you the rest of your life.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Penobscot, Senator Hillman, that the Senate accept the majority "Ought to pass" report of the committee. As many as are in favor of the motion will rise and stand until counted.

A division was had.

The PRESIDENT: Twenty-two having voted in the affirmative and nine in the negative, the motion prevails.

Thereupon the bill was given its first reading, and under suspension of the rules was given its second reading and passed to be engrossed.

On motion by Mr. Butler of Franklin, the Senate voted to take from the table bill "An Act Relating to Definition and Duties of 'Owner' in Motor Vehicle Laws." (H. P. 1187) (L. D. 1450) tabled by that Senator on April 28 pending passage to be enacted; and on further motion by the same Senator, the rules were sus-

pended and the Senate voted to reconsider its former action whereby the bill was passed to be engrossed.

Mr. BUTLER of Franklin: Mr. President, I offer Senate Amendment A and move its adoption, and in support of that motion I would state that when this bill was first presented to the Committee on Judiciary, it was in one form. Apparently in getting the bill rewritten, that Judiciary Committee forgot a few words. I don't know how it ever happened, coming from the Judiciary Committee, but it did and omission of those words were going to cost the State of Maine about twenty or thirty thousand dollars. Somehow it just got out of hand. This Senate amendment is to correct the omission which that committee somehow just overlooked and to reinstate a few words which were in the original bill and which were really pretty good words. I move the adoption of the amendment.

Senate Amendment A to L. D. 1324. "Amend said bill in 'Sec. 1' by striking out the last two lines and inserting in place thereof the following underlined words and punctuation: 'if such motor vehicle is properly registered by the owner or carrier in this or some other state;'"

Mr. REID of Kennebec: Mr. President, I move that this bill lie on the table until I can tell who is right between Senator Butler of Franklin and Paul MacDonald, Assistant Secretary of State.

Mr. BUTLER of Franklin: Mr. President —

The PRESIDENT: For what purpose does the Senator rise?

Mr. BUTLER of Franklin: To ask unanimous consent to address the Senate.

The PRESIDENT: The Senator from Franklin, Senator Butler requests unanimous consent to address the Senate. Is there objection?

There being objection, that Senator was denied unanimous consent to address the Senate.

Thereupon, on motion by Mr. Reid of Kennebec, the bill was laid upon the table pending motion of the Senator from Franklin, Senator Butler that the Senate adopt Senate Amendment A.

table Senate Reports from the Committee on Labor on bill "An Act Relating to Equipment of Rail Track Motorcars Used by Railroad to Transport Employees" (S. P. 162) (L. D. 356); Majority Report "Ought not to pass"; Minority Report "Ought to pass"; tabled by that Senator on April 28 pending acceptance of either report; and that Senator yielded to the Senator from Oxford, Senator Boyker.

Mr. BOYKER of Oxford: Mr. President, as to L. D. 356, I move you that we accept the Minority Report "Ought to pass".

Mr. FARRIS of Kennebec: Mr. President and members of the Senate, I believe that this bill merits some explanation and historical background as to what has happened since the beginning of the session.

Earlier in the session there were extensive hearings and the railroad employees wished to have legislation enacted whereby it would become necessary for the railroad to supply canopies on the motor cars, hand cars, formerly called, and now the small motor cars you see going up and down the track. It was the feeling of the majority of the committee that this was a matter of negotiation between management and labor yet there seems to have been quite some confusion as to whether or not management was willing to negotiate on this particular proposition. For that reason, the sponsor, Senator Reid of Kennebec, and myself independently did confer with representatives of management of the railroads and it was finally agreed and a letter directed to the Senator from Kennebec, Senator Reid, by the Maine Central Railroad Company which seems to be the principle ones concerned that if this bill was withdrawn that the railroad would supply canopies for the patrol cars. Those are the cars which have occasion to travel twenty miles maybe, ten miles one way and ten back, or maybe a bit more as a start upon a program to supply canopies. And so that was taken up with the representatives of the labor group and I was advised by the representative of the labor group that they did not wish to accept the offer of the Railroad Com-

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

pany and advised me that they had received instructions from the national brotherhood that they should make no compromises and should either get all of the cars with canopies or have none with canopies. Then the Senator from Kennebec, Senator Reid would have been willing to withdraw his bill providing that a compromise could be arrived at but he could not in good conscience to the railroad employees withdraw his bill because it was not rendered possible to bring it to the floor of the Senate and the House for debate. So the bill is now before you with a majority report of "Ought not to pass" and with a strong feeling on the part of the Committee that this is a matter for negotiation between management and labor on the railroad. This has engendered a great deal of spirited discussion and lobbying activity to the point that the railroad employees have apparently already received letters from one George E. Curtis, legislative representative for railroad signalmen advising as to who the people were that voted in committee, "Ought not to pass" and he very kindly sent me a copy of the letter indicating I am an anti-labor individual.

I wish to assure the representatives of labor representing the railroad I certainly am not anti-labor and that we as a committee went far beyond what was necessary but we did try to work out a compromise. We were anxious to work out a compromise which we thought was fair and we thought the railroads were certainly fair in their offer.

For that reason I am opposed to the Senator From Oxford, Senator Boyker's motion to accept the minority report and I would move indefinite postponement of the Senator's motion.

Mr. HILLMAN of Penobscot: Mr. President and members of the Senate, I have to concur with the Senator from Kennebec, Senator Farris in his remarks. I was one of those who signed the majority report "Ought not to pass". This is one of the bills in the Labor Committee that we spent hours discussing and did everything in our power to try to please labor and also show con-

sideration for management. The Bangor Arcoostook Railroad is already furnishing their crews with hand cars and the Maine Central Railroad said they would go along with furnishing their crews who operate the road cars, and we felt we had done a considerable amount of good for the boys who are operating these cars and make it not only comfortable for them, but they said it also was a safety factor and we agreed with them. I hope that the Senator from Oxford, Senator Boyker's motion does not prevail and I will go along with the motion made by Senator Farris of Kennebec.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Kennebec, Senator Farris, that the bill be indefinitely postponed. Is the Senate ready for the question?

A division of the Senate was had. Twenty-five having voted in the affirmative and four in the negative, the bill was indefinitely postponed.

Sent down for concurrence.

On motion by Mr. Reid of Kennebec, the Senate voted to take from the table bill "An Act to Revise the Taxation Laws Relating to Towns." (S. P. 127) (L. D. 336) tabled by that Senator earlier in today's session pending assignment for second reading.

Mr. REID of Kennebec: Mr. President, I have prepared Senate Amendment B which relates directly to L. D. 753 which is now on the table pending enactment. It is entitled, "An Act Exempting Persons 70 years of age from Poll Tax." The reason for the amendment is that since that bill is a revision of the entire chapter of the statutes, we obviously can't, or ought not to enact L. D. 753. If the legislature will adopt Senate Amendment B, if it wishes to we can act upon L. D. 753 by way of indefinite postponement later. I will offer Senate Amendment B and move its adoption.

The Secretary read the amendment:

Senate Amendment B to L. D. 336. "Amend said bill by striking out paragraph D or subsection IV of

section 10 of that part designated Chapter 91-A and inserting in place thereof the following underlined paragraph:

'D. The polls of all persons who have attained the age of 70 years and the polls and estates of all persons who by reason of infirmity or poverty are in the judgment of the assessors unable to contribute toward the public charges.'

Which amendment was adopted.

Mr. REID of Kennebec: Mr. President, may I now inquire the pending question?

The PRESIDENT: The pending question is assignment for second reading unless the Senator wishes to suspend the rules for second reading at this time.

Mr. REID of Kennebec: I so move, Mr. President.

Thereupon, under suspension of the rules, the bill as amended was given its second reading and passed to be engrossed.

On motion by Mr. Reid of Kennebec, sent forth with to the House.

On motion by Mr. Low of Knox, the Senate voted to take from the table Senate Reports from the Committee on Transportation: Majority report "Ought to pass", Minority report "Ought not to pass" on bill, "An Act Relating to Weight Tolerances for Motor Vehicles Carrying Firewood, Pulpwood, Logs or Bolts". (S. P. 418 (L. D. 1179) tabled by that Senator on April 22 pending acceptance of either report; and that Senator yielded to the Senator from Waldo, Senator Cole.

Mr. COLE of Waldo: Mr. President and members of the Senate, this bill L. D. 1179 appears to be an attempt to safeguard haulers of dry wood, pulp wood, logs and bolts from unintentional violations of the gross weight law. Unfortunately it does more than that. It makes an exception to section 19 which provides for registration of trucks. If this bill passes trucks can be registered for a smaller fee and still haul the loads now allowed thereby using the 10 per cent tolerance to reduce their registration.

It also applies to 111 which is the compulsory fines for overloads and permits hauling heavier loads without being fined. It makes exception

to section 110 which provides that excess loads must be removed.

It broadens the tolerance already allowed by section 36 which now allows 10 per cent over registration for vehicles up to 15,000 pounds and 5 per cent over registration for trucks above 15,000 pounds. It changes section 109 and allows transporters of these products when registered for 48,000 pounds to haul 52,000 pounds.

Now in L. D. 1483, that we acted on earlier in today's session we granted two thousand pounds exception without any fine and to me it seems that we have gone a long way in giving these extra tons without fine. Passage of this bill will permit loads far beyond the capacity of the vehicle. Loads of much more weight than the tires are built to carry. More weight than the breaks will stop. In my opinion they are increasing hazards to other highway users. As a minority signer, I move, Mr. President, that the Minority report "Ought not to pass" be accepted.

Mr. WYMAN of Washington: Mr. President, I wonder if the Secretary would be good enough to read the Committee report.

The Secretary read the endorsements on the bill.

Mr. WYMAN: Mr. President and members of the Senate, this bill, L. D. 1179 is designed to permit trucks to carry logs and pulp wood to carry legally the average load which the law intends them to carry. At first though the bill may seem to be discriminatory in favor of truckers of wood and logs since it allows a weight tolerance of 10 per cent. Actually it is quite the opposite. For instance, if I load a truck with 500 cases of blueberries, canned blueberries or 500 cases of canned sardines, I know within about a 100 pounds what my load is. But not so with the truckers of wood and logs. Their weight cannot be judged accurately due to the varying moisture condition of wood, hard wood and soft wood vary greatly and wet woods, green woods and dry woods vary greatly and even the woods at the top of the pile and those at the bottom. Loads which appear to look the same may vary as much as 4,000 pounds in weight. As a result, in order for the

truckers to comply with the law it is necessary for him to underload in order to provide a margin of safety so he can be within the law and he is not able to load to the limit which the law provides and for which he pays his registration.

It may be thought that if this tolerance is granted the wood truckers will go to the limit of their tolerance and so be another increase in weight. However the law is designed to prevent this. The gross vehicle weight is now 50,000 pounds and if a trucker overloads by a thousand pounds the fine is twenty dollars. Under this proposed law however, if a truck distributes the tolerance by a thousand pounds, the fine would not be \$20 but \$250 and certainly this is ample protection against abuse of the law.

Regarding a possible loophole in this law, if this bill is accepted as originally drawn I will offer an amendment that will protect against one of the abuses that the Senator from Waldo, Senator Cole mentions. The bill as originally drawn ties the ten per cent tolerance to the weight for which the vehicle is registered. This could possible result in excessive weights of the vehicle if the vehicle is over registered. To safeguard against this and to plug the possible loophole, it is advisable also to tie the ten per cent tolerance to the weight limits permitted by Section 109 of the present law and I have an amendment to add if this report is accepted and I hope that the motion of the Senator from Waldo to accept the minority report does not prevail. When the vote is taken I ask for a division.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Waldo, Senator Cole, that the Senate accept the minority ought not to pass report; and the Senator from Washington, Senator Wyman has asked for a division.

A division of the Senate was had.

Three having voted in the affirmative and twenty-seven in the negative, the motion did not prevail.

Thereupon, on motion by Mr. Wyman of Washington, the majority ought to pass report was accepted and the bill read once.

The same Senator presented Senate Amendment A and moved its adoption.

The Secretary read Senate Amendment A:

Senate Amendment A to L. D. 1179. "Amend said bill by striking out the period and single quotation mark at the end thereof and inserting in place thereof the following underlined words and punctuation, 'nor 110 per cent of the maximum gross weight permitted for such vehicle by the provision of section 109.'"

Which amendment was adopted and on motion by Mr. Wyman of Washington the rules were suspended, the bill as amended read a second time and passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Boyker of Oxford, the Senate voted to take from the table House Report from the Committee on Business Legislation "Ought not to pass" on bill "An Act Relating to the Establishment of a Fund for Fire Fighters" (H. P. 867) (L. D. 979) tabled by that Senator on April 28 pending acceptance of the report; and on further motion by the same Senator, the ought not to pass report was accepted in concurrence.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table bill "An Act Relating to Checking Speed of Motor Vehicles by Electrical Devices." (H. P. 109) (L. D. 117) tabled by that Senator on April 20 pending passage to be engrossed.

Mr. BOUCHER of Androscoggin: Mr. President I would like to have the Secretary read the endorsements.

The Secretary read the endorsements.

The SECRETARY: In the House on April 15 indefinitely postponed.

In the Senate on April 19, Committee Amendment A adopted, the bill read once and tomorrow assigned. In the Senate on April 20 bill read a second time and Senate Amendment A adopted and subsequently on motion by Mr. Boucher of Androscoggin the bill laid upon the table pending passage to be engrossed.

Mr. BOUCHER of Androscoggin: Mr. President, I move that the Senate concur with the House in the indefinite postponement of this bill.

Mr. JAMIESON of Aroostook: Mr. President, I think this bill if adopted would be one of the greatest safety factors that the state could ever adopt. I attended a demonstration with the Senator from Piscataquis, Senator Parker and Representative Ferguson down in Connecticut to see these radar units working. Now we are going to need a lot more patrolmen than we can afford to put on the road and I think that two of these units that are asked for in the Senate amendment would be a big help to take the place of quite a few troopers.

I might explain the way these radars work. They take them out of the road and they either set them up on the side of the road, the box, the radar unit itself or it can be placed in the trunk of the car, covered up. The rest of the equipment is in the front seat with the driver. He can check — also has a graph with a needle on it showing the speed of the cars and also the number of cars approaching, and if a car comes along and is breaking the speed limit, he has another trooper down the road about a quarter of a mile and he radios down to him, giving him the description of the car and the number and the trooper when the car comes along, flags him down.

In Connecticut, and I presume the same thing would happen in Maine, a man caught the first time is given a chance and warned and told the next time it happens he will be summonsed into court. I think reckless driving we have now and with the limited number of troopers we have as I said before, I think it would be a great safety factor. I hope that the motion of the Senator from Androscoggin, Senator Boucher does not prevail.

Mr. PARKER of Piscataquis: Mr. President, I rise in support of the Senator from Aroostook, Senator Jamieson. I cannot sit here and hear a bill that I am as interested in as I am in this one without adding my thoughts on the matter.

Certainly we are well aware that we have state laws in the state of Maine whether we abide by them

or do not, we know this, that unless prudent speed is maintained, we are adding to the hazards of our highways. I was greatly impressed with the opportunity that three of us had in watching the demonstration of these devices. There is no question in my mind but what for a small amount, something like \$1200 to \$1250 per unit that the efficiency of our highway police can be greatly increased.

I believe that two such units in Maine would increase the efficiency much more than the same amount of money spent in any other way in enforcement of our speed laws and in that way make our highways much safer to traffic. I certainly hope that the motion of the Senator from Androscoggin does not prevail.

Mr. JAMIESON of Aroostook: Mr. President, I would like to explain if I might, the action that was taken down in the House. It was thought by some of the members of the House that we were only going to have one plate and they said, "Oh well, if we are only going to have one plate, what good is the radar going to be?" The one that introduced the bill thought we were only going to have one plate so he just let the matter go, but if the House had understood and had known in time, the House never would have taken the action they did. I have been told that by a good many of the members.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, my colleagues have been talking about the efficiency of the state police. I want to tell you about the efficiency of the state police. They stopped me in Rumford in December, 1953. They hauled me into court and I had to spend my good money to go up to Rumford. It cost me money. I was actually, and I had my good wife to prove it, going 45 miles an hour during the time that the state police followed me, although the officer testified I was going seventy. The Judge of that Rumford court believed me and did not accept, luckily for me, the report of the state police.

I also experienced during that event, that they tried to deceive me

by running off on side roads and coming back on the road and following me and I want to inform the Senate that they followed me from Rumford to the New Hampshire line and beyond that. I call that real efficiency. I think they have got enough tricks now to arrest our citizens that I don't want to provide them with any more at the expense of our citizens.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate, I would like to inquire a bit more into the mechanical operation of this equipment. I do not understand whether or not it creates a permanent record or whether it is just the officers word that has to be taken. If the Senator from Aroostook, Senator Jamieson, would be so kind as to explain that.

Mr. JAMIESON of Aroostook: Mr. President and members of the Senate, as I said before, they have a graph, that is the only way to describe it. It is a piece of paper probably eight inches across and it winds around on a kind of tape.

That record is good as long as the paper lasts. The date when they check the car and find it speeding, right opposite they put the time of date and the speed it is going and they have another gauge that coincides with this chart.

For instance, if I was going along the road at sixty miles an hour this needle would check my speed and if the Senator from Androscoggin was going along the road at fifty eight it would drop back and pick him up. It is a permanent record.

Mr. REID of Kennebec: Mr. President, when this bill first came before the committee, it appeared to some of the members to have some undesirable features and it is my recollection that for that reason, it was reported out ought not to pass and later on I thought it had been recommitted by persons quite interested in the bill and the committee removed what they thought were undesirable features and passed it out ought to pass because the committee did believe it was a modern method of accurately checking speed and could be used to remove the objections of the Senator from Androscoggin, Sena-

tor Boucher, so there could be no doubt. The point that the Senator from Kennebec, Senator Farris made was whether or not the device would record the speed by needle and he would simply testify as to what the needle read and I am sure that it is a tape recording which could be introduced in court to show the actual speed, so that there could be no doubt. It seems to me that this is a modern device that could be used to help in this or in any other state.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Boucher, that the bill be indefinitely postponed. Is the Senate ready for the question?

A division of the Senate was had.

Fourteen having voted in the affirmative and seventeen opposed, the motion to indefinitely postpone did not prevail.

Thereupon, the bill was passed to be engrossed as amended by House Amendment A and Senate Amendment A in non-concurrence.

Sent down for concurrence.

On motion by Mr. Reid of Kennebec, the Senate voted to take from the table Senate Report "Ought not to pass" from the Committee on Claims on "Resolve in Favor of Bertram A. Gardner of Augusta." (S. P. 295) tabled by that Senator on April 12 pending acceptance of the report.

Mr. REID of Kennebec: Mr. President, inasmuch as the Senate has established itself on the question of payment on damages caused by deer, and inasmuch as this is one of those bills, I now move the acceptance of the ought not to pass report.

The motion prevailed and the ought not to pass report of the committee was accepted.

Sent down for concurrence.

On motion by Mr. Farris of Kennebec, the Senate voted to take from the table bill "An Act Relating to Registration for Barbers and Apprentice Barbers (H. P. 1227) (L. D. 1508) tabled by that Senator on May 3 pending motion by the Senator from Cumberland, Senator Lord,

that the Senate indefinitely postpone House Amendment A.

Mr. FARRIS of Kennebec: Mr. President, it is my understanding that the Senator from Cumberland, Senator Lord wishes to withdraw her motion and I yield to that Senator.

Thereupon, there being no objection Mrs. Lord of Cumberland was granted permission to withdraw her motion that House Amendment A be indefinitely postponed.

On motion by Mr. Farris of Kennebec, House Amendment A was adopted in concurrence, the rules were suspended, the bill was given its second reading and passed to be engrossed in concurrence.

Mr. Cole of Waldo was granted unanimous consent to address the Senate:

Mr. COLE of Waldo: Mr. President, I would like to discuss L. D. 1483. On this particular bill, both factions in the transportation bill have agreed. However, the amendment which I offered today and which was adopted this morning does not meet the approval of Chief Marx of our state police. In order to correct this amendment and I might state that all factions are agreed on the amendment now, I move, Mr. President, that we reconsider our action whereby the bill was passed to be engrossed as amended by Senate Amendment A.

The motion prevailed and the Senate voted to reconsider its action taken previously whereby the bill was passed to be engrossed and on motion by that Senator, Senate Amendment A was indefinitely postponed and Senate Amendment B was presented.

The Secretary read Senate Amendment B. "Amend said bill, in the 12th line thereof, by adding after the word 'pounds' and before the semi-colon, the following underlined punctuation and words 'and the above provision as to intent shall apply only to such excess as is less than 2,000 pounds.'"

On motion by Mr. Cole of Waldo, Senate Amendment B was adopted, the rules were suspended, the bill given its second reading and passed to be engrossed as amended by Senate Amendment B.

Sent down for concurrence.

Mr. CHAPMAN of Cumberland: Mr. President, I move that the Senate reconsider its action taken earlier today whereby it accepted the Temporary Commission report "Ought to pass" relative to the Resolve for the Hon. Percival Proctor Baxter.

The motion prevailed and the Senate voted to reconsider its previous action whereby it accepted the ought to pass report of the Recess Commission on Resolve to Erect a Suitable Memorial for the Honorable Percival Proctor Baxter; and on further motion by the same Senator the Resolve was recommitted to the Recess Commission.

Sent down for concurrence.

Mr. REID of Kennebec: Mr. President, I did not intend to be discourteous to the Senator from Franklin, Senator Butler, and if he wishes at this time to ask unanimous consent to address the Senate, I will voice no objection.

Mr. BUTLER of Franklin: Mr. President, I appreciate the courtesy extended to me by the Senator from Kennebec, Senator Reid, but I do not wish to speak at this time.

The PRESIDENT: Both of the Senators having spoken without unanimous consent, they are both out of order.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table bill "An Act Defining Malt Beverage Dispensing Parlors (S. P. 486) (L. D. 1355) tabled by that Senator on April 22 pending motion by the Senator from Cumberland, Senator Chapman that the Senate adopt Senate Amendment A; and that Senator yielded to the Senator from Cumberland, Senator Chapman.

Mr. CHAPMAN of Cumberland: Mr. President, understanding that the proposed Senate Amendment A meets all the objections that formerly existed by those that were interested in this bill, I now move the pending question which is the adoption of Senate Amendment A.

The motion prevailed, Senate Amendment A was adopted, the rules were suspended, the bill read a second time and passed to be engrossed as amended.

Sent down for concurrence.

On motion by Mr. Cummings of Sagadahoc, the Senate voted to take from the table bill An Act to Revise the Laws Relating to Savings Banks (S. P. 552) (L. D. 1501) tabled by that Senator on May 3 pending adoption of Senate Amendment A, and that Senator moved the pending question.

Mr. FARRIS of Kennebec: Mr. President, I would like to explain that Senate Amendment A in substance removes all limitations upon joint bank accounts. I might go back with a little history as to the legal aspects of joint bank accounts.

In 1929 or effective in 1929, the law became such that a parent and child, and husband and wife could open a joint bank account and up to \$3,000 it would go to the survivor. In 1949 that was extended, increasing the limitation to \$5,000 but it did not change the relationships of the parties as to who might open a joint account so our present law today as it pertains to joint accounts up to \$5,000 may be held in joint account between a husband and wife, or parent and child and that amount turned over to the survivor upon the death of the other person holding the joint deposit.

The proposed amendment, Senate Amendment A would remove all limitations as to the amount of money which may be held in joint account and also remove all limitations as to the degree of kinship or relationship of the parties who might open a joint account and if this amendment is accepted it would mean that two strangers, two persons strangers as far as relationship is concerned, it might be a business relationship, A and B enter into a joint venture and open up a joint account as a business convenience so that each may draw on that account. If one of those persons dies and this amendment takes affect, that amount of money regardless of amount, it might be fifty thousand dollars, it would go to the surviving joint bank account holding.

The danger, and I feel it is very vicious legislation because innocent people can suffer and by innocent people I primarily mean heirs, children and even widows. It is absolutely defeating the purpose of the

statute of will, the purpose of the statute of wills being that it is a solemn document witnessed by three persons and the intent of the testator, the person making the will is clearly set forth in the will and upon his decease you have as a rule a very clear cut picture as to what the intent of the deceased was when he made that will.

All of us as attorneys at least, have had the experience of where a man will set up a joint account with his housekeeper for the purpose of convenience. Of course there are plenty of times where the housekeeper derives benefits by virtue of will, but at least you do have witnesses who can tell what the testator's capacity was—in other words we have evidence available as to what his intent was, as to what his mental state was and that will have to be proven but under this amendment all barriers would be removed.

I feel very badly that I have to take this position as an attorney which I feel is for the best interest of the public. The reason I feel badly is that it seems some of my very best friends is in the banking industry and are desirous of this legislation. They will give you the argument that anyone who proposes to remove all limitations on joint bank accounts will say, "Well we have joint deeds and there is no limitation on that." That is true, we do have joint deeds but I have never in my experience as an attorney made up a conveyance in joint tenancy with right of survivorship except where the two joint tenants were husband and wife or close blood relatives. And even at that when a deed is drawn up, it is done by an attorney and the affect of the joint tenancy is explained to the individuals who are obtaining the grant in joint tenancy, and is explained by an attorney. Under this amendment, if two people went down and opened up a joint account they are merely going to the teller at the bank, signing, and opening up the account and that is it and you have no way of knowing what the real, true intent of those joint holders are when they do open up that account. Most of the attorneys that are representing the

banks or doing a lot of bank work, feel that we should go all the way and open the door and remove all limitations but the attorneys that I have contacted who do not particularly represent the banking industry, feel that this is a dangerous proceeding, to open the doors completely.

Unfortunately the Maine State Bar Association has never taken any formal action on this. I would doubt at the last annual meeting if they had knowledge that this was coming up or knew what the joint tenancy provisions were, but I would certainly feel much better if this matter was acted upon by the State Bar Association and its legislative committee were available to report the thinking of the Bar Association. That certainly could be done at the next annual meeting in August and if the majority of the Bar Association were of the opinion that this is good legislation I certainly would accede to the majority of the attorneys of that Association.

My sole purpose in objecting to this is that I feel we are not protecting children and we are not protecting widows and certainly the banks have ample protection under our laws today because even if strangers open a bank account, the banks are privileged to turn the money over to survivors and the personal representative or the administrator of the estate, or the executor may make demand upon that person who received the money and then see that the proceeds are properly distributed under orders of our Probate Courts.

We discussed this at great length in committee. The matter was explained very thoroughly in the committee and I did not take a positive stand in committee prior to explaining and after the law and the situation was explained to the committee, it was the thinking of the committee that we should leave the law as it now stands and then in a subsequent executive session meeting we were asked if we could make an extension to at least include brothers and sisters so in the redraft of this bill if it passes and the Senate Amendment is not adopted the law will be that joint accounts may be

established up to \$5,000 and the proceeds will go to the survivor provided that—and they will take it free and clear—providing that they stand in the relationship of husband and wife, parent and child, and or brother and sister.

So we have extended the present law already in the committee redraft and for the reason I have stated and probably there are many more I could state, but I did not realize it was coming up at this time. I move the indefinite postponement of Senate Amendment A.

Mr. REID of Kennebec: Mr. President, I think it was yesterday when I had occasion to make some remarks about this particular amendment and I will try not to repeat them, if I can help it. The law of joint tenancy is very deeply imbedded in Anglo Saxon jurisprudence and maybe the day will come when it will be eliminated but it has been with us and the English people for a long time. It has created in the past quite a lot of confusion and this confusion has resulted in a great part from the restrictions on the savings banks part of it. Today you can have joint tenancy in Government bonds, all types of securities, in real estate, in fact I know of nothing that you cannot have a joint tenancy in as far as you want to go except in the savings bank deposit.

Now, I think I read a letter from Boyd Bailey who is an attorney and a good constitutional attorney at that and I think I stated that the bank department, the inheritance tax department and a group of attorneys have been studying the whole banking bill including the two provisions with respect to joint tenancy and I believe I am correct in saying that they are unanimous in believing that this Senate Amendment A should be adopted and become a part of the banking bill which they have all worked on.

In my own case, I know of no attorney other than the Senator from Kennebec, Senator Farris who has approached me and stated any objection to allowing the restrictions on joint tenancies in bank deposits to be removed. I believe

that in the case of Senate Amendment A there are safeguards with respect to fraud and collusion if that is what Senator Farris was afraid of. If this amendment does not go in and if it is left the way the committee left it, we do have the opinion of Boyd Bailey so far as brother and sister provision is concerned that that would be an unconstitutional provision. It appears to me that Senate Amendment A would restore to the bank bill that part which the committee deleted and which as I said yesterday the Judiciary committee felt was a good provision and we removed it thinking that it would be included in this banking bill. I hope the motion of the Senator from Kennebec, Senator Farris, that the amendment be indefinitely postponed does not prevail.

Mr. FARRIS of Kennebec: Mr. President, I would like to explain what happened as far as Judiciary is concerned, as far as my own personal experience. I did go into the Judiciary committee when it was in executive session at the request of the Business Legislation Committee, to determine what the thinking of that committee was, from Kennebec, Senator Reid, was tied up with other matters and was not present at that executive session. I was advised that on 1120 the joint account provision was being taken out not with any thought as to putting it back in or that it should pass, but merely to leave it for us to come to a determination as to whether or not joint accounts should be extended with a removal of all limitations. And the members of the Judiciary Committee that were in session when I was there with no exceptions stated to me that they were in favor of leaving the law as it was and that is what I did report back to Business Legislation committee. If I am in error, naturally expect to be corrected apologize but that was definitely my understanding.

And one other matter. This question of constitutionality always seems to be a great thing to throw in. It confuses an issue. Now certainly in the state of Maine if for over twenty-five years we have

legislated and said that a husband and wife, a parent and child might open a joint bank account, and we wish to extend it and say that a brother and sister may also hold a joint bank account and the proceeds go to the survivor on the death of one, why there is no question of constitutionality but I certainly would be willing, if the inheritance tax division is concerned about the constitutionality, if House Amendment A is defeated, to add another amendment, eliminate brother and sister, and put the law right back to where it is today, because I certainly would not want to have unconstitutional brothers and sisters opening joint bank accounts and again, I urge as a matter of public policy—I am not concerned with matters of convenience for our banking industry—I am concerned with the protection of our children and heirs and next of kin of persons who die and leave money in joint accounts and for that reason alone I respectfully move the indefinite postponement of Senate Amendment A.

Mr. REID of Kennebec: Mr. President, I shall at this time read from a communication from Boyd L. Bailey, the Assistant Attorney General.

“My own view which may be born of pride of authorship, is that the Banking Act (1501) should be amended by insertion of what used to be Section 4 of L. D. 1020. There is an excellent argument for changing L. D. 1501, in that its effect is almost certainly unconstitutional. It attempts to give surviving brothers and sisters survivorship rights as respects accounts already opened. Suppose two brothers, with full knowledge of the law, open a joint account today. Each makes a deposit. After L.D. 1501 has become law, one brother dies. His widow says, ‘He knew the law when he opened the account. He wanted me to have the money.’ The surviving brother claims, ‘Under the Act, I get it all.’ The widow’s attorney says: ‘The brother who died had certain proprietary rights in the money he contributed to the account. The Legislature has attempted to deprive him of those rights

without due process.' Personally, I would rather represent the widow."

That may give you some indication of the feeling of the department of the confusion that might develop if the bill passes in its present form. I would not like to quarrel with the Senator from Kennebec, Senator Farris. It is true that when he was before the committee, I was not there but I certainly was under the impression that when we did discuss it that we would have inserted in the other bill, which Mr. Bailey feels would be wrong and that it belong here, these joint tenancy provisions.

Mr. SILSBY of Hancock: Mr. President and members of the Senate, I have before me the amendment and I take no brief on the matter of the parties involved in the joint bank account but I do take issue without there being some limitation. I think the other lawyers in this Senate will agree with me that if there is anything more confusing to the legal profession than joint tenancy accounts, it is probably the rule against perpetuities.

This is strictly a banking bill and my line of thinking is for the protection of public who may not be lawyers and may not be bankers and I believe that under the present practice of our banks that it is good legislation that there be a limitation on joint accounts and I favor that for this reason. My recollections as to the law of joint accounts and I will stand corrected by any of my good brothers here in order to legally establish the joint account you must have four units. Unity of time, unity of interest, unity of possession and unity of amount. Now in my humble practice, I have had this experience many, many times where some person has a bank account in a bank and they take down their wife or their son or they don't go as far as that, they simply go to their bank to have the name added. Well I question very seriously whether they have established a valid joint account because you can readily see that unity of interest, unity of possession and unity of amount, no one of the four have been complied with. Now it is my practice in making joint deeds and

I think you all have had the same experience that we always divest the party of title and through a straw bring it back so we can comply with the four unities.

So much for the legal aspects. Now eventually and I have known in my humble experience in the state where there have been joint accounts with other parties, brothers or sisters, where during the process of probating the estate that joint accounts have been considered and the banks under the present law with the \$5,000 limitation were fully protected to pay the survivor the \$5,000 but in excess of \$5,000 the bank retained because they couldn't pay any more and I have known on many occasions in settling the estate where the excess of the \$5,000 has been paid over to the estate and been distributed according to the testator's directions or in accordance with the law of the state. I believe that this amendment is a dangerous amendment to pass at this time and I hope that the motion of the Senator from Kennebec, Senator Farris prevails. I think we can well afford to wait a while and see if the legal profession can straighten out the law of joint tenancy.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Kennebec, Senator Farris, that Senate Amendment A be indefinitely postponed. Is the Senate ready for the question?

A division of the Senate was had. Fifteen having voted in the affirmative and nine opposed, the motion prevailed and Senate amendment A was indefinitely postponed.

Mr. Cummings of Sagadahoc presented Senate Amendment B and moved its adoption.

The Secretary read Senate Amendment B

Senate Amendment B to L. D. 1501. "Amend said bill in the 1st line of paragraph F of subsection II of section 19D by striking out the underlined words 'for banking premises.' "

Mr. CUMMINGS of Sagadahoc: Mr. President, I might say for the record that the intent of this amendment is simply to restore

the law to its present status as it now stands on the statute books.

Mr. REID: Mr. President, I am a little afraid that changes that were supposed to have been made may be in the picture and I therefore move that this lie on the table and be especially assigned for tomorrow.

The motion prevailed and the bill was laid upon the table pending motion by Mr. Cummings of Sagadahoc, that Senate Amendment B be adopted.

On motion by Mr. Reid of Kennebec

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