

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

Monday, May 9, 1955

Senate called to order by the President.

Prayer by the Rev. Michael Con-cannon of Augusta.

Journal of Friday, May 6, read and approved.

House Papers

Bill "An Act Relating to the Tak-ing of Quahogs." (H. P. 166) (L. D. 157)

In House on May 4, passed to be engrossed.

In Senate on May 5, indefinitely postponed in non-concurrence.

Comes from House, insisted; asked Committee of Conference.

In the Senate, that Body voted to insist on its former action and join with the House in a Committee of Conference; and the Chair appointed as Senate conferees on such Com-mittee, Senators Silsby of Hancock, Wyman of Washington and Weeks of Cumberland.

Bill "An Act Relating to Standard Time." (H. P. 596) (L. D. 652)

In Senate, May 4, passed to be engrossed as amended by Senate Amendment A (Filing No. 427), and as amended by House Amendment B (Filing No. 461) in non-concur-rence.

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

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

In House, April 15, bill indefinite-ly postponed.

In Senate, May 5, passed to be engrossed as amended by Committee Amendment A (Filing No. 124), and as amended by Senate Amendment A (Filing No. 460)

Comes from House, adhered.

In the Senate:

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

Mr. BOUCHER of Androscoggin: Mr. President, I move that the bill

be indefinitely postponed in concur-rence.

Mr. PARKER of Piscataquis: Mr. President, I ask for a division.

Mr. FARRIS of Kennebec: Mr. President, as a point of information, once this comes from the House and they have adhered, is it still in order to insist and ask for a Committee of Conference?

The PRESIDENT: The motion of the Senator from Piscataquis, Sena-tor Parker is in order.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, I do not see why we insist all the time to ask for a Commit-tee of Conference from the House. This bill has been killed by the House twice and passed the Senate by a very small margin, 17 to 14. I think we are wasting time to ask for a Committee of Conference and I hope the Senate will go along with my motion to indefinitely post-pone.

The PRESIDENT: The question before the Senate is on the motion of the Senator f r o m Androscoggin, Senator Boucher that the bill be in-definitely postponed and the Senator from Piscataquis, Senator Parker asks for a division.

Thirteen having voted in the af-firmative and fifteen opposed, the motion to indefinitely postpone did not prevail.

Thereupon, the Senate voted to in-sist on its former action and ask for a Committee of Conference.

House Paper Received by Unanimous Consent

"Resolve Regulating Fishing in Chain of Ponds in Chain of Ponds Township, County of Franklin." (H. P. 1214)

Comes from the House, read twice under suspension of the rules and passed to be engrossed without ref-erence to a Committee.

In the Senate, the resolve was re-ceived by unanimous consent and under suspension of the rules was given its first reading without ref-erence to a committee.

Thereupon, on motion by Mr. Carpenter of Somerset, under sus-pension of the rules, the resolve was read a second time and passed to be engrossed in concurrence.

House Committee Reports Leave to Withdraw

The Committee on Sea and Shore Fisheries on Bill "An Act Permitting Importation of Lobster Meat for Commercial Freezing and Canning." (H. P. 1081) (L. D. 1264) reported that the same be granted Leave to Withdraw.

Which report was read and accepted in concurrence.

Ought Not to Pass

The Committee on Highways on "Resolve to Rebuild Part of Highway Route No. 7." (H. P. 1164) (L. D. 1393) reported that the same Ought not to pass.

Comes from the House, report and bill indefinitely postponed.

In the Senate, the resolve was indefinitely postponed in concurrence.

The Committee on Appropriations and Financial Affairs on "Resolve for the Purchase of One Hundred Copies of 'History of Bridgewater, Maine'." (H. P. 176) (L. D. 183) reported that the same Ought not to pass.

The same Committee on "Resolve for the Purchase of One Hundred Copies of 'History of Otisfield, Maine'." (H. P. 331) (L. D. 372) reported that the same Ought not to pass.

The same Committee on "Resolve Creating the Maine Vocational-Technical Institute Scholarship Fund." (H. P. 332) (L. D. 373) reported that the same Ought not to pass.

(On motion by Mr. Crabtree of Aroostook, tabled pending acceptance of the report.)

The same Committee on "Resolve for the Purchase of One Hundred Copies of 'Genealogical History of Morrill, Maine'." (H. P. 517) (L. D. 580) reported that the same Ought not to pass.

The same Committee on "Resolve in Favor of Maple Grove Cemetery Association of Randolph." (H. P. 636) (L. D. 713) reported that the same Ought not to pass.

The same Committee on "Resolve in Favor of New Canada Plantation to Repair Daigle School." (H. P. 637) (L. D. 714) reported that the same Ought not to pass.

The same Committee on "Resolve in Favor of Aroostook State Teachers College." (H. P. 731) (L. D.

813) reported that the same Ought not to pass.

The same Committee on Bill "An Act Relating to Interest on Organized Townships Fund." (H. P. 769) (L. D. 854) reported that the same Ought not to pass.

The same Committee on Bill "An Act Relating to Auto Travel for Inland Fish and Game Wardens." (H. P. 975) (L. D. 1123) reported that the same Ought not to pass.

The same Committee on Bill "An Act Providing for Medical Aid to Indians." (H. P. 1092) (L. D. 1275) reported that the same Ought not to pass.

The Committee on Highways on "Resolve Constructing Part of Route No. 35 in York County." (H. P. 887) (L. D. 995) reported that the same Ought not to pass.

The same Committee on "Resolve in Favor of Town of Canaan." (H. P. 981) (L. D. 1129) reported that the the same Ought not to pass.

The Committee on Labor on Bill "An Act Relating to Compensation for Total Incapacity under The Workmen's Compensation Act." (H. P. 542) (L. D. 599) reported that the same Ought not to pass, covered by other legislation.

The Committee on Sea and Shore Fisheries on Bill "An Act Relating to Penalty for Taking Clams and Quahogs." (H. P. 849) (L. D. 935) reported that the same Ought not to pass.

The Committee on Taxation on Bill "An Act Relating to the Taxation of and Motor Vehicle Registration or Licensing Fees of Multiple State Motor Vehicle Common Carriers." (H. P. 1152) (L. D. 1367) reported that the same Ought not to pass.

Which reports were severally read and accepted in concurrence.

Senate Committee Reports Ought to Pass—as Amended

Mr. Martin from the Committee on Public Utilities on Bill "An Act Amending the Charter of the Gardiner Water District." (S. P. 563) (L. D. 1519) reported that the same Ought to Pass with Committee Amendment A.

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

Committee Amendment A to (L. D. 1519) Amend said bill by inserting after the underlined word 'authorizes' in the 7th line of Section 4 thereof, the underlined words and punctuation, "with the approval of the Public Utilities Commission."

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

On motion by Mr. Farris of Kennebec, out of order and under suspension of the rules, the bill was sent forthwith to the House.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Legislative Research Committee." (S. P. 446) (L. D. 1238) reported that the House recede and concur with the Senate.

Which report was read and accepted.

Sent down for concurrence.

Second Readers

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

House

"Resolve Relating to Anticipation of State Aid Funds by Town of Bremen." (H. P. 775) (L. D. 858)

Which was read a second time and,

On motion by Mr. Parker of Piscataquis, tabled pending passage to be engrossed.

House—as Amended

"Resolve Granting Master Plumber's License to Ernest L. Douglass of Bangor." (H. P. 925) (L. D. 1033)

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

Senate

Bill "An Act Relating to Valuation of Property of Public Utilities for Fixing Rates." (S. P. 556) (L. D. 1505)

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

Sent down for concurrence.

Senate—as Amended

Bill "An Act Relating to Descent of Real Estate in Divorce Cases." (S. P. 38) (L. D. 27)

"Resolve Providing for a Recess Committee to Study School Finances and Needs in the State." (S. P. 317) (L. D. 886)

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

Orders of the Day

The President laid before the Senate the 1st tabled and especially assigned matter being Senate Reports from the Committee on Business Legislation: Majority Report "Ought to pass in new draft" (S. P. 572) (L. D. 1530); Minority Report "Ought not to pass" on bill "An Act Regulating Automobile Finance Business" (S. P. 493) (L. D. 1378) tabled on May 6 by the Senator from Cumberland, Senator Albee pending acceptance of either report.

Mr. ALBEE of Cumberland: Mr. President since there is one paragraph left out of this bill and two other omissions, I would ask permission to retable this measure until tomorrow.

The motion prevailed and the bill was retabled and especially assigned for tomorrow.

On motion by Mr. Silsby of Hancock, the Senate voted to take from the table House Report from the Committee on Retirements and Pensions "Ought not to pass" on "Resolve Providing for State Pension for Leverett Carter of Swan's Island." (H. P. 608) tabled by that Senator on May 6 pending acceptance of the report.

Mr. SILSBY of Hancock: Mr. President and members of the Senate: With all due regard to the Pension and Retirements Committee, I find that it is probably my own fault that the resolve for a pension for Leverett Carter was not favorably reported. As a matter of fact, the Chairman, the good Senator from Franklin, Senator Butler, informed me that he must have letters on a certain date as to the physical condition of applicants, and I made every effort to get the letter. As a matter of fact, it was sent to me and I mislaid it. At

Swan's Island where Mr. Carter resides they do not have any doctor. After quite a search I found the letter, which was the information that the Chairman wanted in the matter of his physical condition.

In brief, I will say that this man is an epileptic imbecile, and the doctor so reports. He is around twenty-six or twenty-seven and the family has been pauperized for some time, but due to a misunderstanding between the town and the selectmen of Swan's Island, Swan's Island had to take this man on as their own responsibility when as a matter of law it should not be their responsibility. It is a matter of a technical situation and understanding.

Now I have asked for a pension of some fifty or fifty-five dollars a month for Leverett Carter, and if I am permitted to substitute the bill for the report I will amend that particular resolve to ask for a pension for a sum that would meet with the approval of the Chairman of the Pension's Committee.

I might say to you that this Leverett Carter has cost the little town of Swan's Island in the past four or five years some sixteen or seventeen thousand dollars and they cannot continue to keep Leverett Carter in his present condition; they must have some help and should have some help.

Mr. President, I move to substitute the resolve for the report of the committee.

Mr. BUTLER of Franklin: Mr. President and members of the Senate: This particular bill bears House number 608 and was introduced by Representative Reynolds. It is true as my good friend, the Senator from Hancock, Senator Silsby, stated, that the medical report was not presented though requested, and that the medical report when it was presented bore the date of 1950. It was the report from the institution at Bangor where Leverett Carter had spent some time. Swan's Island is responsible owing to derivative settlement of the man's mother and receiving pauper supplies.

In taking this up with the committee there was nothing presented in the absence of the medical re-

port. There was other information also requested as to the financial responsibility of the parties and whether or not the towns were doing their share in it, and also whether or not this man was of such a nature and so low-minded and all as to have been capable of being taken into the classification of total disability. It is doubtful whether or not this man would be taken in the absence of a true medical report of recent date. On that account your committee felt that it had no other choice except to handle the situation as it handled the others and reported the "Ought to pass" report.

Mr. SILSBY of Hancock: Mr. President, it is my understanding that this Leverett Carter may not be eligible under the disabled cases, that his physical condition is not such that it could be improved, and for that reason I am asking for this pension to the end that the little town of Swan's Island may have some relief, because I am sure from the report from the Bangor Hospital that he is a person who will never be able to provide for himself.

Mr. BUTLER of Franklin: Mr. President and members of the Senate: It was the practice of your committee in recognizing these hardship cases and in granting resolves that there must be some additional medical expense and undue hardship in order to enable these people to receive this fund. In the past it has been the custom simply to enter these resolves willy-nilly with the expectation that during the last moments of the legislature, or, for that matter, at any time in the legislation, that they would receive the requested amount, because it is something which everybody likes to do, to help those that are less fortunate. In this instance we have passed out many "Ought not to pass" reports on resolves under the same or similar circumstances. When you vote, please bear in mind that full opportunity was given for the committee to have acted upon the matter if the requested information had been presented to it.

Mr. SILSBY of Hancock: Mr. President, I think I forgot to make

the motion to substitute the bill for the report, and I so move.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Hancock, Senator Silsby, that the resolve be substituted for the "Ought not to pass" report of the Committee.

The Chair recognizes the Senator from Somerset, Senator Sinclair.

Mr. SINCLAIR: Mr. President and members of the Senate: I feel I should rise in support of the motion of the Senator from Franklin, Senator Butler, in that the committee has gone over these various resolves very carefully and it is my feeling that if this bill is substituted for the report it is just going to open up a good many cases that are probably just as worthy as this case. The committee did not have an opportunity, because the reports and so forth were not brought in before the committee, and by substituting this bill for the report we are just going to give a pension to someone who might fall in the class of a good many other people that we turned down, and I shall go along with the Senator from Franklin, Senator Butler.

Mr. BOYKER of Oxford: Mr. President and members of the Senate: Regardless of whether this is going to open up a precedent, this is a worthy case and I am going to support Senator Silsby in his motion that we substitute the bill for the report.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Hancock, Senator Silsby, that the resolve be substituted for the "Ought not to pass" report of the committee.

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

A division of the Senate was had.

Twelve having voted in the affirmative and fifteen opposed, the motion did not prevail.

Thereupon, on motion by Mr. Butler of Franklin, the ought not to pass report of the committee was accepted.

On motion by Mr. Cole of Waldo, the Senate voted to take from the table bill, "An Act Relating to Fees for Motor Vehicle Inspections." (S. P. 235) (L. D. 571) tabled by

that Senator on April 28 pending passage to be engrossed; and on further motion by the same Senator, the bill was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Parker of Piscataquis, the Senate voted to take from the table bill "An Act Relating to Registration Fees for Farm Trucks." (H. P. 1179) (L. D. 1419) (New Draft of H. P. 691, L. D. 759) tabled by that Senator on April 13 pending passage to be engrossed.

Mr. PARKER of Piscataquis: Mr. President, I tabled this bill in order to have time to check the revenue producing elements of it. It appears that the Division of Motor Vehicles can give no accurate estimate of any reduction in fees or any increase. It is my belief that if there is any reduction it will be very small. For that reason, Mr. President, I move that the bill pass to be engrossed.

The motion prevailed and the bill was passed to be engrossed.

Thereupon, on motion by Mr. Cole of Waldo, the Senate voted to reconsider its action whereby it passed the bill to be engrossed and that Senator presented Senate Amendment A and moved its adoption.

The Secretary read the amendment. Senate Amendment A to L. D. 1419. "Amend said bill by striking out in the 20th line thereof, the underlined figure '7' and inserting in place thereof the underlined figure '15'."

Mr. COLE of Waldo: Mr. President, as far as I have been able to ascertain, there will be no loss of revenue from this amendment or any gain, as Senator Parker has stated.

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

The motion prevailed, Senate Amendment A was adopted and the bill as amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Butler of Franklin, the Senate voted to take from the table bill "An Act Relating to

Fraudulent Practices in Operation of Motor Vehicles for Profit" (S. P. 111) (L. D. 272) tabled by that Senator on April 26 pending passage to be enacted; and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Parker of Piscataquis, the Senate voted to take from the table House Report from the Committee on Claims: "Ought to pass as amended by Committee Amendment A" on "Resolve in Favor of Dudley Carter of Newport." (H. P. 641) (L. D. 718) tabled by that Senator on April 6 pending acceptance of the report.

Mr. PARKER of Piscataquis: Mr. President, this claim, a resolve in favor of Dudley Carter of Newport, was tabled by me in order to get all the information that was available from the Highway Department. Very briefly it states that the Highway Department in constructing a piece of road across the land of Mr. Dudley Carter removed the growth of trees and agreed to pile the same at the side of the road, that Mr. Carter might remove them. The Highway Department insists that they did their part of the contract. Mr. Carter also insists that at no time was he able to drive to where the logs were piled in order that he might remove them. Both Mr. Carter and the Department agree that Mr. Carter never did receive the logs.

After rather a lengthy conference between Mr. Carter and the Highway Department at which I was present, it is my belief that this is a just claim and I shall not oppose it. Therefore, Mr. President I move acceptance of the report.

The motion prevailed, the ought to pass report was accepted and the bill read once. Committee Amendment A was read and adopted in concurrence and on motion by Mr. Silsby of Hancock, the resolve was laid upon the table pending assignment for second reading.

On motion by Mr. Cole of Waldo, the Senate voted to take from the table House Report from the Committee on Transportation: "Ought to pass" on bill "An Act Relating

to Registration Fees for Certain Motor Trucks." (H. P. 768)(L. D. 844) tabled by that Senator on April 27 pending acceptance of the report; and on further motion by the same Senator, the ought to pass report was accepted, the bill read once and under suspension of the rules, read a second time and passed to be engrossed in concurrence.

Mr. Dow of Lincoln was granted unanimous consent to address the Senate.

Mr. DOW: Mr. President, it would not seem right if I did not have at least one chance to talk about clams in a legislative session.

The recent action of this body has had a far-reaching effect on the clam flats of Lincoln County and other parts of the State of Maine which prompts me to make the following remarks.

By the Senate's action clam diggers of this state have needlessly been deprived of over half a million dollars additional revenue in the State of Maine. This is according to the report recently given me by the Commissioner of Sea & Shore Fisheries, Stanley R. Tupper.

We should not legislate against increased income from these poor clam diggers, most of whom have large families to support. These clam diggers cannot afford to lobby. They thought it was enough when the Committee on Sea and Shore Fisheries voted unanimously for the repeal of this unfair restriction.

The Department of Sea and Shore Fisheries says that this two-inch clam law is not a conservation measure. They are backed up in that by every marine scientist in this country and in Canada. All of them say that conservation interests are best served by protecting certain areas rather than protecting the small clams. The reason for this is that the small clams turned over in the flats are left to the mercy of the green crabs, bulls and other predators. Many more are killed by breakage in the process of packing.

Another reason is that there are many areas where clams never grow to two inches. Certainly those

clams should not be left to die in the flats or be eaten by green crabs, yet they cannot be sold legally under the present law.

The judges of our courts look upon this law as a very unwise and inhumane law; they dislike to fine these poor people, yet in some instances clam diggers have gone to jail for having possession of small clams. There is even the case of one man with several children who was sent to jail for that offense and who died in jail. This is not fancy but cold, hard facts. Other than the three Senate members of the Sea and Shore Fisheries Committee there was not another Senator at these hearings.

I urge you now to consider the recommendations of us who heard all the evidence. We heard the testimony from marine scientists that this two-inch clam law has no conservation effect. We saw the hearing room packed with clam diggers who only asked that they be able to go out on the flats and make a living for their families.

Gentlemen, we would not be acting consistently if we approved \$60,000 more for clam research and management if we pay no attention to recommendations already made by these highly-trained specialists. We have ignored the good advice of experts and deprived the clam diggers a chance to make more money just to protect a few selfish interests. There has been too much fishery legislation in the past for the benefit of individuals. We should get rid of this unjust law.

I have many clam diggers in my county and I want them to know my feelings on this matter.

On motion by Mr. Silsby of Hancock, the Senate voted to take from the table "Resolve in Favor of Dudley Carter of Newport." (H. P. 641) (L. D. 718) tabled by that Senator earlier in today's session pending assignment for second reading; and on further motion by the same Senator, the rules were suspended, the resolve was given its second reading and passed to be engrossed in concurrence.

The PRESIDENT: The Chair would note that at the start of the

last legislative week, we had 94 matters on the table, and at the start of this day's session we have 75 matters on the table. The Senate may draw its own conclusions.

On motion by Mr. Parker of Piscataquis, the Senate voted to take from the table House Report from the Committee on Taxation: "Ought to pass" on Bill "An Act Exempting Towns from the Use Fuel Tax." (H. P. 763) (L. D. 839) tabled by that Senator on March 24 pending acceptance of the report.

Mr. PARKER of Piscataquis: Mr. President and members of the Senate: You will note that the Committee on Taxation reported this bill out "Ought to pass." By so doing it exempts towns from a rather unwilling, a rather tedious job of book-keeping and filing reports, and we know the towns certainly have their share of this sort of work. However, by accepting the "Ought to pass" report of the committee the Highway Department will be losing revenue which, when we are talking in millions, seems very small, but it does amount to something like six or eight thousand dollars a year, and for the biennium it means approximately the cost of constructing a mile of State Aid road. That is the reason why I am going to move that the bill be substituted for the report, and I sincerely hope that each and every one of you when you vote will consider whether a little extra work on the part of the officials in the towns is worth that much.

The PRESIDENT: The Chair would note that it is an "Ought to pass" report.

Mr. PARKER: I expect, Mr. President, that the "Ought to pass" report does what I have been attempting to say the "Ought not to pass" report would do. The "Ought to pass" report on this bill will mean that the towns will not have to file their reports for the small amount of fuel tax but it will mean that the Highway Department will not have approximately six to eight thousand dollars a year, and for the biennium a matter of approximately what it cost to build a mile of State Aid road.

I sincerely hope that the "Ought to pass" report of the committee is

not accepted, and I move for the indefinite postponement of the bill.

Mr. LOW of Knox: Mr. President and members of the Senate: The committee thought out of a total highway program of thirty-five million that six or eight thousand dollars a year wasn't very important.

In the case of the City of Rockland, they make twelve reports a year and the total tax they pay is \$40 a year. This six or eight thousand dollars which is received by the Highway Department of course has some expense connected with it because every month there are something like five hundred reports coming in and they have to do something to these reports. It seemed to us to be more of a nuisance tax than a revenue tax. For that reason I hope that the motion of my good friend, the Senator from Piscataquis, Senator Parker, does not prevail.

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

Mr. PARKER: Mr. President, I ask for a division.

A division of the Senate was had.

Eight having voted in the affirmative and twenty in the negative, the motion did not prevail; and on motion by Mr. Low of Knox, the ought to pass report of the committee was accepted, and on further motion by the same Senator, the rules were suspended, the bill was given its two several readings and passed to be engrossed in concurrence.

On motion by Mr. Chapman of Cumberland, the Senate voted to take from the table Senate Report from the Committee on Judiciary, "Ought not to pass" on bill "An Act Relating to Nominations for State Senators from Cumberland County." (S. P. 325) (L. D. 891) tabled by that Senator on April 13 pending acceptance of the report.

Mr. CHAPMAN of Cumberland: Mr. President and members of the Senate: As I look upon my left and look upon my right and take note of the colleagues with whom I serve it is with some pride that I am prepared to say I have no quarrel with

the committee's rejection of the proposal in this bill, and I am about to move the pending question, which is acceptance of the "Ought not to pass" report. Before I do so, I would like to make one brief remark and that is this: This bill emanated from a rather strong desire on the part of our rather large country group in Cumberland County to assure for themselves some sort of representation in the Senate. This vehicle may not be the best, but at any rate it seems rather clear at the present time that in Cumberland County we have not arrived at a concurrence as to how this should be done and as to whether or not it should be done, therefore we will leave the question for future years. I now move the pending question.

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

Sent down for concurrence.

The PRESIDENT: The Chair would note that unless a motion is made and adopted by the Senate that none of the bills that we have passed to be engrossed will be sent to the engrossing department until the end of today's session. However, a motion at any time would be in order that the bills be sent forthwith to the engrossing department, but they will not be sent unless the Senate so orders.

The Chair would also note that on Friday last the Senator from Aroostook, Senator Jamieson, in telling the Chair of his enforced absence for the first three or four days, stated that the Chair might announce to the Senate that the Senator from Waldo, Senator Cole, or the Senator from Piscataquis, Senator Parker, had his permission to take from the table such matters as were tabled by the Senator from Aroostook, Senator Jamieson.

On motion by Mr. Cole of Waldo, the Senate voted to take from the table House Report from the Committee on Transportation: "Ought to pass as amended by Committee Amendment A" on bill "An Act Providing for Flares, etc. for Large Trucks." (H. P. 134) (L. D. 135) tabled by the Senator from Aroos-

took, Senator Jamieson on March 10 pending acceptance of the report; and on further motion by the same Senator, the ought to pass as amended report was accepted and the bill read once; Committee Amendment A was read and adopted; House Amendment A was read and adopted and under suspension of the rules, the bill as amended was given its second reading and passed to be engrossed in concurrence.

On motion by Mr. Silsby of Hancock, the Senate voted to take from the table "Resolve Requesting Judicial Council to Study Problem of Common Law Pleading and Procedure" (H. P. 989) (L. D. 1137) tabled by that Senator on March 30 pending passage to be engrossed and that Senator presented Senate Amendment A and moved its adoption.

The Secretary read Senate Amendment A to L. D. 1137. "Amend said resolve by adding after the first paragraph thereof the following: 'Resolved that the Judicial Council be and hereby is requested to study the procedural and jurisdictional problems relating to bills with exceptions in both civil and criminal cases with the end in view of eliminating the hardships on the party agreed now prevalent under existing statutes and \$2,000 is hereby appropriated from the unappropriated surplus of the general fund to the Judicial Council to carry out the purposes of this paragraph and be it further.'"

Which amendment was adopted and the bill as amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Parker of Piscataquis, the Senate voted to take from the table Senate Report from the Committee on Retirements and Pensions: "Ought not to pass" on "Resolve Providing for an Increase in State Pension for Earl Whittemore of Sebec" (S. P. 101) tabled by that Senator on April 28 pending acceptance of the report.

Mr. PARKER of Piscataquis: This resolve asking for an increase in state pension is for a person that has an incurable disease and is unable to get proper board and

lodging for the small amount he is now receiving. However, after learning that the Committee on Retirements and Pensions was reporting this out "Ought not to pass" and checking with the Health and Welfare Department I find that they have investigated this case and that in all probability it will be taken care of under the total disability act. I therefore move to accept the "Ought not to pass" report of the committee.

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

Sent down for concurrence.

On motion by Mr. Parker of Piscataquis, the Senate voted to take from the table Senate Report from the Committee on Retirements and Pensions: "Ought not to pass" on "Resolve Providing for an Increase in State Pension for Colby Whittemore of Sebec" (S. P. 100) tabled by that Senator on April 28 pending acceptance of the report.

Mr. PARKER of Piscataquis: Mr. President, this item is exactly the same as the previous one. They are brothers and they both have the same reason for asking for an increase. However, having checked on the case as I did on the other, I move that the Senate accept the ought not to pass report of the committee.

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

Sent down for concurrence.

Mr. REID of Kennebec was granted unanimous consent to address the Senate.

Mr. REID: Mr. President and members of the Senate: For the benefit of those who may not have seen one, I have in my hand a Geiger counter. The Senator from Washington, Senator Brown, told me he would like to have me get one. I think it is interesting to know that it is made by the Tracerlab Company of Massachusetts, that being the company that started in a few years ago on practically a shoe-string and working in a barn and is now manufacturing a very wide assortment of electronic instruments of all kinds, I think more

particularly allied to nuclear developments such as this. Uranium gives off alpha, beta, gamma rays as they exist in nature, and this instrument is designed to detect those rays and in so doing enable the person who is prospecting for uranium to locate the uranium.

I think this instrument weighs about six pounds, it comes equipped with a battery and a special tube, all this being manufactured by Tracerlab or associated industries. It is an example of the kind of thing that it is my hope that the State of Maine can get into the manufacture of in the near future. It costs \$225; it is a very sensitive instrument; and as I said before it only weighs six pounds, which from a manufacturing standpoint helps with the cost of transportation problem.

I would now like to yield to the Senator from Washington, Senator Brown, who might tell us why he wanted me to procure this instrument for him.

Mr. Brown of Washington was granted unanimous consent to address the Senate.

Mr. BROWN: Mr. President and members of the Senate: I am associated in some ways with a couple of fellows who have money enough to buy certain things, and in talking together here a short time ago they wanted to know how they could get hold of a Geiger counter of proper strength and so forth to see whether there were any minerals down in our part of the State.

Perhaps as most of you know, there is a lot of this work being done and has been done for the last two years in New Brunswick. They have found a great many minerals of all sorts and there are a lot of big companies making surveys there all the time. In the last three or four months there has been a helicopter that has been working in our area some, in the eastern part of New Brunswick and in the eastern part of Maine. We thought perhaps if we could get hold of proper instrument we might try a little and see in a minor way what we might do with minerals of that sort. You know it is going on all over the country and even in this State. We thought perhaps we could find out

what these fellows were trying to do in New Brunswick and perhaps find a little something over on our side of the border. We are also prepared, if this thing works out satisfactorily, to put one on an airplane, which would cost, I understand from Senator Reid, about \$2400, if we can get results where we think they could afford to do it. I don't know much about this, but if we can't find uranium I am going to see if we can't find some sardines.

On motion by Mr. Fuller of Oxford, the Senate voted to take from the table "Resolve Proposing an Amendment to the Constitution to Exempt Rental Agreements with the Maine School Building Authority from the Limitations of Municipal Indebtedness" (S. P. 313) (L. D. 852) tabled by that Senator on April 13 pending passage to be engrossed; and on further motion by the same Senator, the resolve was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Cummings of Sagadahoc, the Senate voted to take from the table the 8th tabled and unassigned matter, (H. P. 921) (L. D. 1029) House Report "Ought not to pass" from the Committee on Legal Affairs on Bill "An Act Relating to Real Estate of the Bath Water District," tabled on March 30th by that Senator pending acceptance of report.

Mr. CUMMINGS of Sagadahoc: Mr. President and members of the Senate: This particular bill "An Act Relating to Real Estate of the Bath Water District," is a rather thorny little issue in the County of Sagadahoc, and there was some little difference of opinion between the Town of Woolwich and the Bath Water District as to the taxation of certain lands held in part by the Bath Water District in the town of Woolwich. After quite a lengthy period of negotiation and with the fine cooperation of the committee on Legal Affairs, I would move at this time that we substitute the bill for the report of the committee.

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

first reading. Mr. Cummings then presented Senate Amendment "A" and moved its adoption. Senate Amendment "A" was read by the Secretary as follows:

SENATE AMENDMENT "A" to H. P. 921, L. D. 1029, Bill "An Act Relating to Real Estate of the Bath Water District."

Amend said Bill by striking out all after the enacting clause and inserting in place thereof the following:

"P. & S. L., 1915, c. 197, § 13, amended. The 1st sentence of section 13 of chapter 197 of the private and special laws of 1915 is hereby amended to read as follows:

"The property of said district shall be exempt from taxation, except that any real estate acquired by said district after September 1, 1955 in the town of Woolwich shall be hydrants, conduits, gatehouses, pumping stations, reservoirs and dams, as provided by the general taxation provisions of the Revised Statutes."

Senate Amendment "A" was adopted, and under suspension of the rules the bill was given its second reading and passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

Sent down for concurrence.

On motion by Mr. Low of Knox, it was voted that all bills and resolves which were passed to be engrossed and not already sent to the the engrossing department at the close of this morning's session.

On motion by Mr. Reid of Kennebec.

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

After Recess

The Senate was called to order by the President.

On motion by Mr. Farris of Kennebec, the Senate voted to take from the table the 28th tabled and unassigned matter, (H. P. 1070) (L. D. 1258) House Report "Ought to pass in new draft" from the Committee on Labor on Bill "An Act Relating to Weekly Benefits for Total Unemployment Under Employment Security Law," tabled by that

Senator on April 19th pending acceptance of report.

Mr. FARRIS of Kennebec: Mr. President, I wish to explain before I make the next motion that this matter will be put back on the table pending engrossment so that another bill pertaining to penalties may go through at the same time. At this time I move the acceptance of the committee report.

The motion prevailed and the "Ought to pass in new draft" report of the committee was accepted and the bill was given its first reading. House Amendment "A" was then adopted without reading, and under suspension of the rules the bill was given its second reading.

On motion by Mr. Farris of Kennebec, the bill and accompanying papers were tabled pending passage to be engrossed.

On motion by Mr. Silsby of Hancock, the Senate voted to take from the table the 55th tabled and unassigned matter, (H. P. 924) (L. D. 1032) Bill "An Act Relating to Preference in State Purchases for Products Raised or Manufactured in State," tabled by that Senator on April 28th pending passage to be enacted. On further motion by the same Senator the Senate voted to reconsider its action whereby the bill was passed to be engrossed on April 28th. The same Senator then offered Senate Amendment "B" and moved its adoption.

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

Senate Amendment "B" to H. P. 924, L. D. 1032.

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

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table the 52nd tabled and unassigned matter, (H. P. 813) (L. D. 905) House Report "Ought not to pass" from the Committee on Appropriations and Financial Affairs on Bill "An Act Increasing Old Age Assistance," tabled by that Senator on April 28th pending acceptance of report.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate: After consulting Dr. Fisher about this matter I have come to the conclusion that we ought to accept the "Ought not to pass" report of the committee and I so move.

The motion prevailed and the "Ought not to pass" report of the committee was accepted in concurrence.

On motion by Mr. Farris of Augusta, the Senate voted to take from the table the 51st tabled and unassigned matter, (S. P. 340) (L. D. 949) Senate Report "Ought not to pass" from the Committee on Appropriations and Financial Affairs on Bill "An Act Relating to Compensation for Members of Mediation Panel," tabled by that Senator on April 28th pending acceptance of the report.

Mr. FARRIS of Kennebec: Mr. President, in order that an amendment may be offered to this legislative document I move that the Bill be substituted for the report.

The motion prevailed and the bill was substituted for the "Ought not to pass" report of the committee and the bill was given its first reading. Mr. Farris then offered Senate Amendment "A" and moved its adoption.

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

SENATE AMENDMENT "A" to S. P. 340, L. D. 949, Bill "An Act Relating to Compensation for Members of Mediation Panel."

Amend said Bill in the 4th line by striking out the underlined figure "\$35" and inserting in place thereof the underlined figure "\$25"

Mr. COLLINS of Aroostook: Mr. President, this bill relating to compensation for the members of the Mediation Panel originally called for an increase from twenty dollars a day to thirty-five dollars a day and the members of the committee thought that it "Ought not to pass" which would have left the compensation at the twenty dollars a day. The Senator from Kennebec, Senator Farris, spoke to me this morning about the matter and suggested an increase of five dollars. I told him that I do not have any objection to that particular increase

because it is a panel which is not used on many occasions and I think it is a relatively small amount, so, for that reason, I do not object to the motion of the Senator from Kennebec, Senator Farris.

Senate Amendment "A" was thereupon adopted, and the rules being suspended the bill was given its second reading and passed to be engrossed as amended by Senate Amendment "A".

Sent down for concurrence.

On motion by Mr. Reid of Kennebec, the Senate voted to take from the table the 47th tabled and unassigned matter, (S. P. 306) Senate Report "Ought not to pass" from the Committee on Retirements and Pensions on "Resolve Providing for State Pension for Frank Leslie Burt of Hallowell," tabled by that Senator on April 28th pending acceptance of report.

Mr. REID of Kennebec: Mr. President and members of the Senate, this resolve is in the same category as those which met with a fate worse than death, and I therefore move the acceptance of the committee report.

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

Sent down for concurrence.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table the 48th tabled and unassigned matter, (S. P. 230) Senate Report "Ought not to pass" from the Committee on Retirements and Pensions on "Resolve Providing for State Pension for Antonio Bourget of Lewiston," tabled by that Senator on April 28th pending acceptance of report.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate: Having faith in the good judgment of the Senator from Franklin, Senator Butler, I move that we accept the report of the committee.

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

Sent down for concurrence.

On motion by Mr. Reid of Kennebec, the Senate voted to take from the table the 30th tabled and unassigned matter, (S. P. 250) (L.

D. 682) Bill "An Act Relating to Appointment of Special Deputy Sheriffs," tabled by that Senator on April 19th pending passage to be engrossed.

Mr. REID of Kennebec: Mr. President, I introduced this bill, being L. D. 682, in order to add to the present existing statutes that special deputies might be appointed in case of emergency under the provisions of Chapter 12 relating to Civil Defense and Public Safety. For some reason unbeknown to me that came out of committee with everything deleted, the first four lines deleted so that the law if it is passed the way it come out of committee would be that "Sheriffs may appoint male citizens more than eighteen years of age," etc. without any connection as to whether there was a state of war or civil emergency or anything else. The objection to that is that special deputies are allowed to serve without bond whereas regular deputies have to have a bond, and if our sheriffs can appoint any number of special deputies they want to, the special deputies can be running around and committing unlawful acts and so it would not be for the protection of the public. I can see no reason why it should come out that way and I see plenty of reasons for the original bill. Therefore I move, Mr. President to substitute the bill for the report of the committee.

The PRESIDENT: Will the Senator from Kennebec, Senator Reid, approach the rostrum?

Senate at Ease

Mr. REID of Kennebec: Mr. President, I ask unanimous consent to withdraw my motion.

The PRESIDENT: The Senator from Kennebec, Senator Reid, asks unanimous consent to withdraw his motion. Is there objection? The Chair hears none and the motion is withdrawn.

On motion by Senator Reid of Kennebec, Committee Amendment "A" was indefinitely postponed and the bill was passed to be engrossed without amendment.

Sent down for concurrence.

On motion by Mr. Collins of Aroostook, the Senate voted to take from the table the 53rd tabled and unassigned matter, (H. P. 514) (L. D. 620) House Reports from the Committee on Appropriations and Financial Affairs on Bill "An Act to Create the Department of Industry and Commerce and to Amend the Laws Relating to the Department of Labor and Industry and Maine Development Commission to Conform Thereto," Majority Report "Ought to pass in New Draft" (H. P. 1196) (L. D. 1465) under new title, "An Act to Create the Department of Development of Industry and Commerce," Minority Report "Ought not to pass," tabled by that Senator on April 28th pending acceptance of either report.

Mr. COLLINS of Aroostook: Mr. President: This bill is the bill creating the Department of Development of Industry and Commerce that came out of committee with a majority "Ought to pass" report. It is my understanding that there are amendments which will be offered, but I now move, Mr. President, that the "Ought to pass in new draft" report be accepted.

The PRESIDENT: The Senator from Aroostook, Senator Collins, moves that the majority "Ought to pass in new draft" and new title report of the committee be accepted.

Mr. BOYKER of Oxford: Mr. President and members of the Senate: You all know how I stand in regard to this bill because of what I have said before. Now in this bill we have a goal to reach and that goal is to bring new industry into our State of Maine. Now we do not all agree on this bill as the best way to accomplish our purpose but we do agree and we must agree that nothing can be settled until it is settled in the right way, and as we reach out to grasp that which is in the future I believe that the best way and the safest way and the less expensive way to reach our goal is through that implement which we already have of our Maine Development Commission.

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 in new

draft under new title" report of the committee.

As many as are in favor of the motion of the Senator from Aroostook, Senator Collins, will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed.

The bill was thereupon given its first reading.

House Amendment "C" was read by the Secretary.

Mr. REID of Kennebec: Mr. President, there are three House Amendments and it is my intention before this is passed that each one successively be indefinitely postponed. I will then offer Senate Amendment "A" which is in substance a redraft of the bill and in Senate Amendment "A" will be incorporated all of the changes made by House Amendments "A", "B" and "C". House Amendment "C" strikes out the emergency, and there will be no emergency under the proposed Senate Amendment "A". House Amendment "B" simply provides the appropriations for the new department, and House Amendment "A" divorces the Maine Dairy Council from the new department, which I understand is what everybody wants, and all those changes will be incorporated in Senate Amendment "A". Senate Amendment "A" is a redraft of L. D. 1465 to effect at least some kind of a compromise between some of us and the head office with respect to the following things: No. 1, that L. D. 1465 appeared to some of us to be entirely too verbose and had a great deal of language in it of an administrative nature; but more particularly there was no sufficient emphasis in the law itself on making more contact work with industries outside the State.

In that connection, I have been satisfied by the assurance that whatever funds were appropriated for industry will be so allocated that there will be a proper balance between the money spent within and the money spent without the State.

One more change, incorporating the suggestion made by the Senator from Hancock, Senator Silsby, there has been a change in the advisory council section in the new proposed amendment so that one

member from each county will be appointed by the Governor with the advice of the council, and in addition thereto there will be seven members at large, and the bill will provide that the present public citizens of the present Maine Development Commission will be those public members at large until their present terms expire. They will, of course, not be commissioners but will simply be members of the advisory council along with the other sixteen.

After offering Senate Amendment "A" I will then offer Senate Amendment "B" which in effect will add an appropriation of \$50,000 to the measure, and I would like to say that if Senate Amendment "A" is adopted I will then move that the bill and accompanying papers lie on the table pending the printing of Senate Amendment "A" so that everyone will have an opportunity to read and scan it.

Mr. President, I move the indefinite postponement of House Amendment "C".

The PRESIDENT: The question before the Senate is on the motion of the Senator from Kennebec, Senator Reid, that House Amendment C be indefinitely postponed.

The motion prevailed and House Amendment C was indefinitely postponed in non-concurrence.

Thereupon, on motion by Mr. Reid of Kennebec, House Amendment B and House Amendment A were indefinitely postponed in non-concurrence.

Mr. Reid of Kennebec then presented Senate Amendment A and moved its adoption.

Senate Amendment A was adopted without reading.

The same Senator then presented Senate Amendment B and moved its adoption.

Senate Amendment B was adopted without reading.

On motion by Mr. Reid of Kennebec, the rules were suspended and the bill as amended was given its second reading and on further motion by the same Senator, the bill was laid upon the table pending passage to be engrossed.

On motion by the same Senator, the rules were suspended and Sen-

ate Amendment A was ordered printed.

On motion by Mr. Fuller of Oxford, the Senate voted to take from the table bill "An Act Relating to Fees for Jurors and Witnesses." (H. P. 1185) (L. D. 1440) tabled by that Senator on April 21 pending passage to be enacted.

Mr. FULLER of Oxford: Mr. President, there is no objection to this bill by county officers in Oxford, but it was found that since this was enacted or pending enactment the county officers found that there was no provision in the estimates to pay for the increase. Since tabling this bill I have found that at least two other counties had the same situation, and in order to retain the benefits of the bill and also to at least reduce some of the impact that the somewhat minor increase might perhaps have had, an amendment has been prepared, I yield, Mr. President, to the Senator from Washington, Senator Wyman.

Thereupon, on motion by Mr. Wyman of Washington, the rules were suspended and the Senate voted to reconsider its former action whereby the bill was passed to be engrossed.

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

The Secretary read the amendment.

Senate Amendment A to L. D. 1440 "Amend said bill by adding a new section to be designated Section 3 to read as follows: 'Sec. 3. Effective date. The provisions of this act shall become effective June 1, 1956.'"

Which amendment was adopted and the bill as amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Dow of Lincoln, the Senate voted to take from the table bill "An Act Relating to Vocational Rehabilitation" (H. P. 978) (L. D. 1126) tabled by that Senator on April 27 pending passage to be engrossed; and that Senator presented Senate Amendment A and moved its adoption.

The Secretary read the amendment.

Senate Amendment A to L. D. 1126: "Amend said bill by inserting before the emergency clause a new section to be numbered section 4 to read as follows: 'Sec. 4. Appropriation. There is hereby appropriated from the general fund the sum of \$26,412 for the fiscal year ending June 30, 1956 and \$52,621 for the fiscal year ending June 30, 1957 to carry out the purposes of this Act'."

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

Sent down for concurrence.

On motion by Mr. Wyman of Washington, the Senate voted to take from the table bill "An Act Increasing Certain County Salaries in Androscoggin County." (H. P. 1050) (L. D. 1225) tabled by that Senator on May 4 pending motion by the Senator from Androscoggin, Senator Boucher that the Senate adopt Senate Amendment A.

Mr. WYMAN of Washington: Mr. President, the Senator from Androscoggin, Senator Boucher, is going to withdraw his motion to adopt Senate Amendment A and offer Senate Amendment B which will be agreeable to the Senate members of the committee.

Thereupon, the Senator from Androscoggin, Senator Boucher, was granted permission to withdraw his motion that Senate Amendment A be adopted and the Senator from Androscoggin, Senator Boucher presented Senate Amendment B and moved its adoption.

The Secretary read Senate Amendment B: "Amend said bill by adding at the end thereof the following section: Section 7, r. s., c. 39, § 114 amended. That part of Section 114 of chapter 89 of the revised statutes which relates to the salary of the County Attorney and Assistant County Attorney of Androscoggin County is hereby amended to read as follows: 'Androscoggin, \$3300, Assistant County Attorney, \$2700.'"

Which amendment was adopted and the bill read once.

Under suspension of the rules, the bill was read a second time and

passed to be engrossed in non-concurrence.

Sent down for concurrence.

The PRESIDENT: With reference to what was previously the 53rd tabled and unassigned matter, "An Act to Create the Department of Development of Industry and Commerce," the Senate action on this bill was that Senate Amendment "A" be printed. The Senator from

Aroostook, Senator Collins, moves that as a part of that printing Senate Amendment "B", the appropriation paragraph, be included. Is this the pleasure of the Senate?

The motion prevailed and it was so voted.

On motion by Mr. Reid of Kennebec,

Adjourned to 9:00 A.M. tomorrow E.S.T.