

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

Tuesday, May 10, 1955

Senate called to order by the President.

Prayer by the Rev. Tom G. Akeley of Gardiner.

Journal of yesterday read and approved.

Papers From the House

Bill "An Act Revising the Laws on Civil Defense and Public Safety." (S. P. 159) (L. D. 353)

In Senate on May 4, passed to be engrossed as amended by Senate Amendment A (Filing 420)

Comes from the House, passed to be engrossed as amended by Senate Amendment A as amended by House Amendment A (Filing 464) thereto, in non-concurrence.

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

Bill "An Act Relating to Equipment of Rail Track Motorcars used by Railroad to Transport Employees." (S. P. 162) (L. D. 356)

In Senate on May 5, Majority-Minority Reports and bill, indefinitely postponed.

Comes from the House, Minority Report, Ought to pass accepted, and bill passed to be engrossed, in non-concurrence.

In the Senate, on motion by Mr. Farris of Kennebec, that Body voted to insist on its former action and ask for a Committee of Conference; and the President appointed as Senate conferees of said Committee, Senators Farris of Kennebec, Hillman of Penobscot and Silsby of Hancock.

Bill "An Act Relating to Weight of Commercial Vehicles" (S. P. 452) (L. D. 1271)

In Senate on May 4, passed to be engrossed.

Comes from the House, passed to be engrossed as amended by House Amendment A (Filing 441) in non-concurrence.

In the Senate:

Mr. COLE of Waldo: Mr. President, this amendment attached to

L. D. 1271 clarifies the bill in this regard: It states that all wheels must be equipped with adequate brakes which I think is very necessary for safety. Therefore, Mr. President, I move that the Senate recede and concur.

The motion to recede and concur prevailed.

Bill "An Act Relating to Deception as to Retail Prices of Motor Fuel." (H. P. 1219) (L. D. 1495)

In Senate on May 3, passed to be engrossed, in concurrence.

Comes from the House, passed to be engrossed as amended by House Amendment A (Filing 462) in non-concurrence.

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

"Resolve Designating Road from Fort Kent to Allagash Plantation as a State Road." (H. P. 889) (L. D. 997)

In Senate on May 4, Minority Report Ought to pass accepted and resolve passed to be engrossed, in non-concurrence.

Comes from House, Minority Report accepted in concurrence, and bill passed to be engrossed as amended by House Amendment A (Filing 467) in non-concurrence.

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

Bill "An Act Relating to Directors of Corporations." (S. P. 262) (L. D. 700)

In Senate on May 6, Senate voted to insist on its former action whereby the bill was passed to be engrossed as amended by Senate Amendment A (Filing 377) and asked for Committee of Conference.

Comes from House, insisted on former action whereby bill was indefinitely postponed in non-concurrence, and joined Committee of Conference.

The Speaker appointed

Representatives:

SANFORD

of Dover-Foxcroft

ROSS of Brownville

HANSON of Gardiner

In the Senate, the President appointed as Senate conferees of said

Committee, Senators Woodcock of Penobscot, Reid of Kennebec and Silsby of Hancock.

Bill "An Act Relating to the Issuance of Operators' Licenses from Date of Birth with Notification." (H. P. 30) (L. D. 40)

In Senate on May 5, Majority Report, Ought not to pass, accepted in non-concurrence.

Comes from the House, insisted on former action whereby Minority Report, Ought to pass as Amended by Committee Amendment A (Filing 342) was accepted, and now asks for Committee of Conference.

In the Senate, on motion by Mr. Cole of Waldo, that Body voted to insist on its former action and join in the Committee of Conference; and the President appointed as Senate conferees of said Committee Senators Cole of Waldo, Wyman of Washington and Hall of York.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Providing for the Appointment of a Civil Engineer of the City of Lewiston by the Department of Public Works." (H. P. 436) (L. D. 482) reported that the Committee of Conference is unable to agree.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to the Board of Finance of the City of Lewiston." (H. P. 631) (L. D. 671) reported that the Committee of Conference is unable to agree.

Which reports were read and accepted in concurrence.

Joint Order

ORDERED, the Senate concurring, that the Joint Standing Committee on Reference of Bills, be directed to survey the present system of Joint Standing Committees, and report such recommendations as they may deem necessary and desirable to effect a more equal distribution of Committee work, together with the necessary Order amending the rules to carry into effect their recommendations. (H. P. 1244)

Which was read and passed in concurrence.

House Committee Reports Ought Not to Pass

The Committee on Highways on "Resolves to Construct Portions of Pequawket Trail, Oxford County." (H. P. 355) (L. D. 393) reported that the same Ought not to pass.

Which report was read and accepted in concurrence.

Ought to Pass

The Committee on Legal Affairs on Bill "An Act Relating to Licensing of Auctioneers." (H. P. 749) (L. D. 830) reported that the same Ought to pass.

Which report was read and accepted in concurrence, the bill read once, and under suspension of the rules was read a second time and passed to be engrossed in concurrence.

The Committee on Agriculture on Bill "An Act Increasing Potato Tax and Disposition Thereof." (H. P. 1119) (L. D. 1317) reported that the same Ought to pass in New Draft (H. P. 1239) (L. D. 1528), same title.

Which report was read and accepted in concurrence, the bill in new draft read once and under suspension of the rules was read a second time and passed to be engrossed in concurrence.

OTP — N.D. — New Title

The Committee on Legal Affairs on Bill "An Act to Provide for the Appointment of a Board of Commissioners for the Police and Fire Departments of the City of Saco." (H. P. 1107) (L. D. 1298) reported that the same Ought to pass in New Draft (H. P. 1236) (L. D. 526), under new title: "An Act Relating to the Appointment of the Fire Chief and the Chief of Police of the City of Saco."

Which report was read and accepted in concurrence, the bill in new draft read once and under suspension of the rules, was read a second time and passed to be engrossed in concurrence.

Ought to Pass—as Amended

The Committee on Transportation on Bill "An Act Relating to Lights on Rear of Trucks." (H. P. 1023)

(L. D. 1163) reported that the same Ought to pass as Amended by Committee Amendment A (Filing No. 358)

Comes from the House, Committee Amendment A indefinitely postponed; bill indefinitely postponed.

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

Ought to Pass in Consolidated Resolve

The Committee on Retirements and Pensions on:

Resolve Providing for an Increase in State Pension for Dorothy Bates of Hallowell. (S. P. 118)

Resolve Providing for State Pension for Clifton G. Spinney of Bath. (S. P. 136)

Resolve Providing for State Pension for Florence Watson of Richmond. (S. P. 231)

Resolve Providing for State Pension for Mrs. Christie Davis of Jonesboro. (S. P. 232)

Resolve Providing for an Increase in State Pension for Donald M. Laughlin of Great Pond. (S. P. 225)

Resolve Providing for State Pension for Madeleine Grant of Rockland. (S. P. 314)

Resolve Providing for an Increase in State Pension for Jane Antworth of Bath. (H. P. 26)

Resolve Providing for State Pension for Mrs. Delma Bragg of Bath. (H. P. 27)

Resolve Providing for State Pension for Leon C. Haynes of Dennysville. (H. P. 45)

Resolve Providing for an Increase in State Pension for Alabama Dumphy of North New Portland. (H. P. 47)

Resolve Providing for State Pension for Warner Wales of Limerick. (H. P. 70)

Resolve Providing for an Increase in State Pension for Lillian Sibley of Old Town. (H. P. 75)

Resolve Providing for an Increase in State Pension for Alice Sirois of Old Town. (H. P. 76)

Resolve Providing for an Increase in State Pension for Kenneth Graves of Brewer. (H. P. 77)

Resolve Providing for State Pension for Addie Johnson of Perham. (H. P. 115)

Resolve Providing for State Pension for Leroy Batron of Lubec. (H. P. 117)

Resolve Providing for Increase in State Pension for Harold Weymouth of St. Albans. (H. P. 158)

Resolve Providing for State Pension for Marian Martin of Rumford. (H. P. 209) (L. D. 294)

Resolve Providing for an Increase in State Pension for Raymond Longway of Rumford. (H. P. 210)

Resolve Providing for State Pension for Bertha M. Morrison of Lubec. (H. P. 211)

Resolve Providing for State Pension for Perley McEachern of Mapleton. (H. P. 212)

Resolve Providing for State Pension for Hazel Whalen of Gardiner. (H. P. 217)

Resolve Providing for an Increase in State Pension for Stephen G. Johnson of Old Orchard Beach. (H. P. 216)

Resolve Providing for State Pension for Stella Pocius of Rumford. (H. P. 223)

Resolve Providing for State Pension for Donat J. Clavette of Madawaska. (H. P. 224)

Resolve Providing for an Increase in State Pension for Marie A. Fongemie of Madawaska. (H. P. 227)

Resolve Providing for State Pension for Yvonne Jeanne Dubois of Madawaska. (H. P. 228)

Resolve Providing for State Pension for Roland Laurence Green of Orrington. (H. P. 243)

Resolve Providing for State Pension for Minnie Shaw of Sebago. (H. P. 245)

Resolve Providing for State Pension Increase for Jennie Mower of Belfast. (H. P. 318)

Resolve Providing for State Pension for Guy Brisley of Oakfield. (H. P. 383)

Resolve Providing for an Increase in State Pension for Harold Parsons of East Machias. (H. P. 387)

Resolve Providing for State Pension for Helena St. Pierre of Rumford. (H. P. 389)

Resolve Providing for State Pension for Bessie A. Trott of Wynn. (H. P. 392)

Resolve Providing for an Increase in State Pension for Allen M. Scott of East Machias. (H. P. 393)

Resolve Providing for State Pension for Donald Chaloult of Caribou. (H. P. 444)

Resolve Providing for State Pension for Roland Dunton of Rumford. (H. P. 448)

Resolve Providing for State Pension for Roland E. Whitney of East Newport. (H. P. 447)

Resolve Providing for State Pension for Roland Dunton of Rumford (H. P. 448)

Resolve Providing for State Pension for Franklin B. Leveille of West Enfield. (H. P. 449)

Resolve Providing for State Pension for Vena Cote of Augusta. (H. P. 453)

Resolve Providing for State Pension for Sturgis Piscopo of Augusta. (H. P. 454)

Resolve Providing for State Pension for Rita Label of Hamlin. (H. P. 501)

Resolve Providing for State Pension for Frank Eldridge of Milbridge. (H. P. 504)

Resolve Providing for State Pension for Richard A. Holbrook of Livermore Falls. (H. P. 554)

Resolve Providing for State Pension for George Blair of Norridge-wock. (H. P. 610)

Resolve Providing for State Pension for Lillian M. Dennis of Saco. (H. P. 677)

Resolve Providing for State Pension for Garnet Shaw of Dyer Brook. (H. P. 683)

Resolve Providing for State Pension for Zilda E. Ricker of Buxton. (H. P. 718)

Resolve Providing for State Pension for Hildred Leighton of Cherryfield. (H. P. 795)

Resolve Providing for State Pension for Raymond Guy of Mount Vernon. (H. P. 798)

Resolve Providing for State Pension for Simon Oakes of St. John Plantation. (H. P. 808) (L. D. 845)

Resolve Providing for State Pension for Edith Skinner of Eastport. (H. P. 811)

Resolve Providing for State Pension for Bessie Tibbetts of North Whitefield. (H. P. 847)

Resolve, in Favor of Nettie Johnson of Brownfield. (H. P. 1010)

Resolve Providing for State Pension for Lewis Schillinger of St. Albans. (H. P. 1116)

Resolve Providing for State Pension for Emily Page of St. Albans. (H. P. 1117)

Resolve Providing for State Pension for Jennie Nichols of Kingfield. (H. P. 1137) reported same in a Consolidated Resolve under the title of "Resolve Providing Pensions for Soldiers and Sailors and Dependents and Other Needy Persons." (H. P. 1240) (L. D. 1529) and that it ought to pass.

Which report was read and accepted in concurrence, the Consolidated Resolve read once, and under suspension of the rules was read a second time and passed to be engrossed in concurrence.

Senate Committee Reports Leave to Withdraw

Mr. Butler from the Committee on Retirements and Pensions on "Resolve in Favor of Elizabeth J. Stevens, of Augusta." (S. P. 257) (L. D. 686) reported that the same be granted Leave to Withdraw.

Mr. BUTLER of Franklin: Mr. President and members of the Senate, this was a retirement act and the lady in question had made application for benefits and in view of the fact that the Retirement Committee had received assurance from the Pensions Committee that this resolve would ultimately be taken care of by them, this "Leave to Withdraw" report was brought out. As yet they have not acted upon that case and I therefore concede my position to Senator Reid of Kennebec, who introduced the resolve, to take such action as he may desire.

Mr. REID of Kennebec: Mr. President, I think I have no alternative except to move that this resolve be substituted for the report of the Committee and I so move.

The motion prevailed and the bill was given its two several readings under suspension of the rules, and passed to be engrossed.

Sent down for concurrence.

Enactors

The Committee on Engrossed bills reported as truly and strictly engrossed, the following bills and resolves:

An Act Relating to Installations Within Highway Limits. (S. P. 93) (L. D. 223)

An Act Providing for Maintenance of Certain Roads in Baxter State Park. (H. P. 704) (L. D. 772)

An Act Relating to Corporate Mergers (S. P. 404) (L. D. 1118)

An Act to Require Public Buildings to be Safely Constructed (S. P. 420) (L. D. 1171)

An Act Relating to Fees of Bail Commissioners (H. P. 484) (L. D. 529)

An Act to Clarify the Liquor Laws (S. P. 254) (L. D. 685)

An Act to Revise the Laws Relating to Loan and Building Associations (S. P. 368) (L. D. 1064)

An Act Relating to "Antique Auto" Plates (S. P. 472) (L. D. 1315)

An Act Relating to Salary of Judge of Probate of Androscoggin County (H. P. 565) (L. D. 613)

An Act Amending the Maine Employment Security Law as to Advisory Council (H. P. 671) (L. D. 747)

An Act Increasing the Compensation of Aldermen of the City of Lewiston (H. P. 922) (L. D. 1030)

An Act Creating a Board of Assessment Review for Town of Brunswick (H. P. 1000) (L. D. 1148)

An Act Relating to Election of State Committees of Political Parties (H. P. 1128) (L. D. 1326)

An Act Relating to the Employment of Females (H. P. 1173) (L. D. 1411)

An Act Relating to Discontinuation of Vaughan Bridge and Approaches Thereto as a Public Way (H. P. 1225) (L. D. 1506)

Which bills were severally passed to be enacted.

An Act Relating to the Custody of State Funds (S. P. 241) (L. D. 674)

An Act Providing for a Record of Veterans of World War II and Korean Campaign by Division of Veterans Affairs (S. P. 389) (L. D. 1103)

An Act Relating to Funeral Expenses for Recipients of Old Age Assistance (H. P. 571) (L. D. 631)

An Act Increasing Salaries of County Officers of Oxford County (H. P. 1054) (L. D. 1229)

On motion by Mr. Collins of Aroostook, these several bills were laid upon the table pending passage to be enacted.

Resolve Providing for Construction of a Substitute Road in Howland (H. P. 356) (L. D. 394)

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

Resolve Providing for Survey of Railroad Crossings on College Avenue and Front Street in City of Waterville (S. P. 554) (L. D. 1503)

Resolve in Favor of Abigail D. Flynn, of Waldoboro (H. P. 735) (L. D. 817)

Resolve in Favor of Harold B. Gross, of Waldoboro (H. P. 736) (L. D. 1437)

Resolve Classifying Road from Rockwood to Jackman as State Highway (H. P. 1124) (L. D. 1322)

Which resolves were finally passed.

Resolve in Favor of John J. McDonough of Westbrook (H. P. 96) (L. D. 1511)

Resolve in Favor of the Town of New Gloucester (H. P. 573) (L. D. 633)

On motion by Mr. Collins of Aroostook, these two resolves were laid upon the table pending final passage.

Emergency

Bill, "An Act Relating to an Aerial Timber Survey." (H. P. 770) (L. D. 855)

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

Emergency

Bill, "An Act Relating to Pari Mutuel Pools at Harness Horse Race Meets." (H. P. 1222) (L. D. 1496)

Which bill, being an emergency measure, and having received the affirmative vote of 28 members of the Senate, was passed to be enacted.

Emergency

Bill, "An Act Relating to Records for Running Horse Race Meets." (H. P. 1223) (L. D. 1497)

On motion by Mr. Collins of Aroostook, the bill was laid upon the table pending passage to be enacted.

Emergency

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)

On motion by Mr. Collins of Aroostook, the bill was laid upon the table pending passage to be enacted.

Emergency

"Resolve in Favor of Caribou Armory Project." (S. P. 33) (L. D. 28)

On motion by Mr. Collins of Aroostook, the resolve was laid upon the table pending final passage.

Emergency

"Resolve in Favor of Calais Armory Project." (H. P. 33) (L. D. 50)

On motion by Mr. Collins of Aroostook, the resolve was laid upon the table pending final passage.

Emergency

"Resolve in Favor of Sanford Armory Project." (H. P. 87) (L. D. 98)

On motion by Mr. Collins of Aroostook, the resolve was laid upon the table pending final passage.

Emergency

"Resolve in Favor of Westbrook Armory Project." (H. P. 88) (L. D. 99)

On motion by Mr. Collins of Aroostook, the resolve was laid upon the table pending final passage.

Emergency

"Resolve in Favor of Fort Kent Armory Project." (H. P. 135) (L. D. 137)

On motion by Mr. Collins of Aroostook, the resolve was laid upon the table pending final passage.

Emergency

"Resolve in Favor of Skowhegan Armory Project." (H. P. 336) (L. D. 377)

On motion by Mr. Collins of Aroostook, the resolve was laid upon the table pending final passage.

Emergency

"Resolve in Favor of Houlton Armory Project." (H. P. 701) (L. D. 769)

On motion by Mr. Collins of Aroostook, the resolve was laid upon the table pending final passage.

Emergency

"Resolve in Favor of Auburn Armory Project."

On motion by Mr. Collins of Aroostook, the resolve was laid upon the table pending final passage.

Orders of the Day

The Chair laid before the Senate, the 1st tabled and especially assigned matter being Senate Reports from the Committee on Inland Fisheries and Game: Majority Report "Ought to pass in New Draft" (S. P. 570) (L. D. 1523) under new title "An Act Relating to the Use of Artificial Lights for Lighting Game"; Minority Report "Ought not to pass"; on bill, "An Act Relating to the Use of Lights for Lighting Deer" (S. P. 398) (L. D. 1112) tabled on May 6 by the Senator from Penobscot, Senator Hillman.

Mr. HILLMAN of Penobscot: Mr. President, I was asked to present this bill to the legislature by the Penobscot County Conservation Association, a group of over 200 business and professional men interested in the conservation of fish and game. It has the endorsement of the Maine Fish and Game Association and also has the approval of the Department of Inland Fisheries and Game.

I would like to say a few words in behalf of this bill. I would like to quote some figures from the Department of Inland Fisheries and Game that may be of interest to this Senate.

In 1940 the records show approximately 90,000 resident hunters and 3400 non-resident hunters within the state. Comparative figures for 1954 show that, at the present time, the number of resident hunters has increased to 144,000 and non-resident hunters to 23,000 an increase of almost 80 percent over the 1940 figures.

This increase in the number of hunters during the past 14 years has not been matched by a corresponding increase in the amount of law

enforcement personnel — as a matter of fact we have just about the same number of wardens now as we did in 1940.

Violations of the hunting laws—and night hunting violations in particular—have kept pace with the increase in the number of hunters, and in fact have increased at a faster rate. Our present laws are inadequate to cope with the problem, and if we are to expect our warden force to face and effectively deal with these increased violations, we must give them the tools to work with. I have heard objections based on the grounds that the bill is too broad—too all inclusive. I don't feel that this is so — for example, L. D. 1112 does not mean that a person will be convicted if his headlights happened to shine on a deer and he had a gun in the car. It does not mean that if he flashed a light at a deer along a main highway that he would be convicted. It simply means that he would be required to offer a reasonable explanation for his actions. Whether or not he is prosecuted or convicted would depend on his location.

Presently there is no law defining what constitutes a prima facie case of night hunting. Such a law in the hunting pamphlet would act as a deterrent and would prove of tremendous help to our warden force.

We here in the Senate increased the license fee for hunting and fishing and one of the major purposes which this extra income was to be used for was an increase of six permanent and fifty temporary wardens and equipping their cars with two way radios. How can we justify this expenditure unless we give the wardens the tools to work with.

I move the acceptance of the majority report of the committee.

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 in new draft" report of the committee.

Mr. CARPENTER of Somerset: Mr. President, I wonder if I could ask the Secretary to read the bill.

The Secretary read the bill.

Mr. CARPENTER of Somerset: Mr. President, as one of the mem-

bers who signed the Minority report of this particular bill, I am very much opposed to the bill and when I get through with my brief remarks I shall move for indefinite postponement. I do not believe we can take away the inalienable rights of people who want to go out and light wild animals without any guns, without a n y source of ammunition or any way of damaging the animal's life, I do not believe we want this type of bill. Under this particular bill, a farmer who has lost some cows could not go out and locate those cows without the possibility that rays of light might fall on a deer and if a warden should come along, the farmer is liable to arrest.

We have many instances of young people perhaps out on a lark who might want to light wild animals and I don't believe they should be liable for arrest. The minority report was four against and the majority was six for. I don't believe that the people of Maine want this legislation to go on the books. I move that the bill be indefinitely postponed.

Mr. HILLMAN of Penobscot: Mr. President, may I have the report read?

The Secretary read the report.

Mr. HILLMAN of Penobscot: Mr. President and members of the Senate, it might be well to bring out with reference to a statement made that this bill is directed to poaching. There is nothing that would prevent a farmer or a land owner from using a light to protect his property. His rights are safeguarded by a separate statute. For the benefit of those interested, I would like to repeat this statement: There is nothing in this bill to prevent a farmer or a land owner from using a light to protect his property. His rights are protected by a separate statute.

Mr. BOYKER of Oxford: Mr. President, I would like to say just this. We have a law on our statute books forbidding the jacking of deer and therefore we do not need this bill.

Mr. SILSBY of Hancock: Mr. President and members of the Senate, being a resident of Hancock County, known as the Hunters'

Paradise in the State of Maine and where we also with our good neighbors of Penobscot and Washington attract hunters every fall from every part of the nation, I would feel remiss in every particular if I did not expound on my analysis of this particular bill before us.

I have tried and have studied this bill 1523 in detail and I have tried to justify my line of thinking that we need this bill and that it has a purpose and that the results of this bill would be fair and equitable to our citizens of this state and to the people whom we invite here in the summer time, and try as I may I cannot justify my conscience and the duty that I owe to the people of this state to vote for the enactment of this bill.

We all know that in the fall—and I will plead guilty to it, I have had a great joy in taking my good wife and, when my children were small enough, took them in the car with me to go out looking for deer. I say to you who have not had that experience, it is a beautiful sight and I cannot conceive of a man really thinking of the welfare of his state who would want to take the unfair advantage of the wild animal under light. Some of you may not believe it but I have not been guilty of that offense, since I have reached the years of understanding let us add.

Are we going to deny our citizens that privilege? Are we going to deny our youngsters the spirit of adventure, of going out with flashlights and looking at deer? Or looking at any other wild animal? Somehow I cannot justify my conscience to that. They talk about the poacher. Do you believe for one moment that this law is going to in any way help the poacher? Can you believe that a man who has the intent to violate the night hunting law would go out and take with him a gun and a flashlight and deliberately be in the position that he could be caught shooting and killing a deer?

We must have all the elements to have night hunting. We must have the gun, the ammunition, the light and the deer and this bill does not in any way bring those elements together. It simply says, "You can not look." Now how long has it been

under the Constitution of this country that a man could not look or a person cannot look? We have all taken many peeks in our lifetime and I believe if this is enacted, I don't believe it is constitutional. I don't believe our courts would uphold it and I cannot say that we should enact something that is going to be the subject matter of our law court. I can't believe that we should enact a law that is going to deny us the privilege of going out and taking a peek, if you want to look at it that way. And furthermore the other law that is coupled with this. Now you all know that in misdemeanors, that all participants are principles, every one of them and if I take any one with me and flash a light to see a deer, I might turn the headlights of my car around and see a deer and hesitate a moment to look at it. Haven't I deliberately stopped? Isn't that the word in the bill, "deliberately"? Yes, I have stopped a moment to see the deer.

If I have with me some minors, perhaps my grandchildren and the game warden apprehends me, I am guilty of a misdemeanor. My grandchildren and my other friends are guilty because they are with me and in misdemeanors all participants are principles. I don't want to jeopardize my good friends and the youngsters and the citizens of this state to the end that they cannot take a look. I think it is unconstitutional and I shall go along with my good friend, the Senator from Somerset, Senator Carpenter.

The PRESIDENT: The Chair at this time would welcome to the Senate gallery a group of youngsters from the Eastland Elementary School in Corinna. You are unusually fortunate young people to be in the Senate Chamber this morning and hear our eloquent orator, our expert on constitutional law. You are also fortunate to have with you in the gallery, not only the Bank Commissioner of the State of Maine, but also the Commissioner of Inland Fisheries and Game. This is indeed a day.

On behalf of the Senate I welcome you and hope that you have a fine time today and at the end of the session, the Senators from Penob-

scot, Senator Woodcock, and Senator Hillman, would be more than pleased to escort you about the state house. Thank you again for coming.

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

Mr. CRABTREE of Aroostook: Mr. President and members of the Senate: I have enjoyed as usual the oratory from the Senator from Hancock, Senator Silsby, although I must admit that the power of his voice and the length of his debate seemed somewhat out of proportion to the importance of the bill, but I wouldn't wonder but what it might be in dreary shape as a result of that Senator's oration.

There are those among us, as there are in Kentucky and some of the southern states who are born congenitally or perhaps later develop an allergy towards game wardens and law enforcement officers, and among them I am sure there are a great many law-abiding citizens. But it does seem to me that when we pay out the money that we do for our game wardens that we should give them the tools to enforce the law.

This bill is aimed directly at the professional poacher. Now being a resident of Aroostook County, the "Garden Spot of Maine, I am very much interested in the natural beauties of our State in that spot, and I tell you, each and every one of you, that it is on that account that I rise rather unexpectedly this morning to support this measure.

I know that there are among our fine citizens in Aroostook — and I have heard also that there are some in Hancock County — who poach deer, take deer unlawfully, and they have developed somewhat of a science at it. There are two cars, they go in tandem: the first car has the light, the next car behind has the gun, and they throw the light and the man in the back car, if the distance is great, with a scope on has no difficulty in getting the game. The same tandem works very successfully in all of our counties, and I am sure Hancock and Aroostook are among them, to get the

game warden off the track. If the first car is stopped by the game warden then they know that the game is off and away they go.

It does seem to me that situation is growing to an extent where we must put more tools of enforcement in the game warden's hands. I see no reason why we law-abiding citizens should not give our support to this bill, and I hope that the motion before us for indefinite postponement fails.

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

Mr. WOODCOCK of Penobscot: Mr. President, I just want to recall briefly to the attention of the Senate that this bill calls for prohibition only for the hunting season duration, and for the other nine months of the year you can go out with a light and enjoy the natural beauties of our animals.

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

The Chair recognizes the Senator from Lincoln, Senator Dow.

Mr. DOW of Lincoln: Mr. President and members of the Senate: I too see quite a bit of merit in this bill. I see a lot of lighting of deer, and I believe that for every one that is out lighting deer for pleasure there are ten who are doing it for another purpose. I see lights flashing around my fields about twelve o'clock at night and at three a.m. in the morning we hear a rifle shot and at eight a.m. someone tags a deer shot between the eyes.

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

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

A division was had.

Nine having voted in the affirmative and twenty in the negative, the motion to indefinitely postpone did not prevail.

On motion by Mr. Hillman of Penobscot, the Majority "Ought to pass" report of the committee was accepted and the bill was given its first reading. The rules being suspended, the bill was given its second reading and passed to be engrossed.

Sent down for concurrence.

The PRESIDENT: The Chair lays before the Senate the second tabled and specially assigned matter, (S. P. 388) (L. D. 1102) Senate Report "Ought not to pass" from the Committee on Appropriations and Financial Affairs on Bill "An Act Relating to Automobile Travel by State Employees," tabled by the Senator from Kennebec, Senator Martin on May 6th pending acceptance of report.

Mr. MARTIN of Kennebec: Mr. President and members of the Senate: I understand from the Chairman of the Appropriations Committee that he has no objection to this matter being retabled. I therefore move that it be retabled.

The PRESIDENT: The Senator from Kennebec, Senator Martin, moves that the bill be laid on the table pending acceptance of the "Ought not to pass" report of the committee. Is this the pleasure of the Senate?

The motion prevailed and the bill was so tabled.

The PRESIDENT: The Chair lays before the Senate the third tabled and specially assigned matter (S. P. 485) (L. D. 1354) Senate Report from the Committee on Labor on Bill "An Act Relating to Minimum Wages," Report "A"—"Ought not to pass." Report "B"—"Ought to pass in New Draft" (S. P. 573) (L. D. 1531) tabled by the Senator from Kennebec, Senator Farris on May 6th pending acceptance of either report.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate: I would like to give a brief history as to what has transpired since early in the session in regard to minimum wage legislation.

A few weeks ago we had a very extensive hearing on the original bill which was presented. It was the unanimous feeling of our committee

that that particular bill which provided for the creation of wage boards or the convening of wage boards who would have authority to make a finding as to what should be the minimum wage in various industries and which finding might be in excess of any minimum wage set forth by statutory law—there did not seem to be any demonstrated need for such drastic legislation, and for that reason half of the Labor Committee who endorsed the principle of minimum wage wished to have a redraft presented, and L. D. 1531 is the redraft.

Now I certainly am not going to stand up here and say that this is a model piece of minimum wage legislation, but I can in good conscience say that this is a recognition of the principle of minimum wages; it is a start actually on minimum wage legislation, and if need is demonstrated in future years for extending or strengthening this particular bit of legislation we have a law upon the books which can be strengthened, or if it is the desire of the legislature in future years to abolish the minimum wage successive legislatures will certainly have that privilege.

Now I cannot help but feel that this is a very serious moral obligation to the people of the State of Maine that at least the principle of minimum wage be recognized. Both of our parties a year ago in convention adopted a platform in support of minimum wage legislation. The exact phraseology of the Republican Platform was that we would support fair minimum wage legislation. Now certainly this is a fair bill as it pertains to the State of Maine and as to what effect it may have upon the economic status of the State of Maine.

I certainly do not believe that any employer is going to have any undue hardships invoked upon him because of the passage of this particular bill.

First I wish to point out that this legislation applies only to employers who are employing eight or more persons. That immediately removes the so-called real small employer who has only one or two employees from the provisions of this law.

The exemptions are the standard exemptions found in our federal minimum wage law and in minimum wage laws in better than twenty-six states who have now recognized and adopted minimum wage legislation. We do have one exemption which is peculiar to the State of Maine and that is we are exempting employers who are engaged in commercial fishing. The reason for that is that many of our fishermen go out on a cooperative basis and they have a profit-sharing proposition whereby when they come back with a catch the crew share in the profits of the proceeding. We have another exemption listed as No. 7 in this bill which is that any individual who is regularly enrolled in an educational institution or on vacation therefrom is exempt from the provisions of this law. Now the reason for that is that in many of our hotels and summer resorts there are high school and college students who work and also have a vacation at the same time, and certainly the half of the committee that favors minimum wage legislation did not wish to deprive students of the opportunity of working in the summertime and augmenting the family income for their own educational purposes.

Now in addition to the exemptions we have given very limited powers to the Commissioner of Labor and Industry who would have the responsibility of administering this law. We have set up for waitresses who work in hotels, restaurants and so forth a minimum credit of seventy-five cents for each meal which is served and one dollar for each day of lodging, and the Commissioner may make a finding and set a credit up in excess of seventy-five cents a meal or in excess of a dollar a day for lodging if the employer can show that the cost is greater than those figures.

The bill in 132-C, Sub-section 2 in error does not show the exact feature of this law as it was redrafted, but I will offer an amendment which sets that forth very clearly, so that it will read: "Lodging in excess of \$1.00" and then a credit for the cost of other items will also be set up as a credit for the employer.

Now in order not to affect the economy where we have many of our elderly people who wish to work but possibly may not be able to compete with younger people, and probably they are not worth the same amount of money for a week's work or a day's work, we have provided that the employer is entitled to a credit for any insurance benefits, social security benefits or retirement benefits that that employee may be receiving from past employment.

Now under this provision, the only time — and this has bothered many people — all of us are very reluctant to open the door so that we as employers are going to be subject to administrative bodies coming upon our premises — therefore under this proposed legislation the only time that an employer would have to open up his books or have anyone from the Department of Industry on his premises would be when the department had received a written complaint under oath from an aggrieved employee.

I believe that that hits the main provisions of this legislation, except I might point out that there is no jail sentence to be imposed upon anyone who might not comply with the provisions of this law. There is a small fine, not to exceed \$200, and certainly we can trust our courts for the proper levying or imposing of fines or penalties upon employers who might not comply with these provisions.

Now many have said in my own party that just because it was a plank in our platform there is no reason why we should give it any consideration. Well, I feel very strongly that the same moral obligation which we felt existed as a party a year ago still exists today. Nothing has changed. As far as the moral obligation is concerned, as it happens there has been a change in the executive body of this state, we did elect a governor from what had been the minority party. I certainly as a Republican have stood upon that platform of a year ago, and just because many Republicans feel that that platform means nothing and that we should go ahead and do exactly as we see fit, unless good reason is shown why we should I

certainly am willing to stand up and be counted and stand upon the principles of Republicans who in convention endorsed this type of legislation. It is fair legislation and I am convinced that it is needed legislation. Therefore I move the acceptance of Report "B" and will offer an amendment, if that is accepted, clarifying the section I previously referred to that did come out in the redraft in error.

Mr. HILLMAN of Penobscot: Mr. President and members of the Senate: As a signer of the report "Ought not to pass," I believe I should make a few remarks.

I do not think there is a person in this room but who is interested in employees getting a living wage. I for one am certainly sure of that, but I believe we are building too high a fence around too small a field.

The proponents of the original bill admitted that it was too drastic and that something should be done, so they decided to redraft it. Bear in mind that the first bill as written was the one we held the hearing on, I think for seven hours, in the House Chambers. The opponents of that bill were heard and the proponents too. Now they come up with a redraft which I am told is copied after the Massachusetts law. Now what is good for Massachusetts is not necessarily good for Maine. Therefore I believe that if it was in the party platform of both parties some study should have been made of a law that would serve the people of Maine, not the people of Massachusetts. For instance, New Hampshire has a minimum wage law but their minimum is sixty cents. Why do we have to have seventy-five cents in Maine to start with. We should creep before we walk.

I am not going to take a long while to debate this bill because I do not think it is necessary. A reading of the declaration of policy satisfies me that this bill is not feasible in that it declares of this state shall be "that workers employed in certain occupations should receive wages sufficient to provide adequate maintenance and to protect health." Now in this bill we have here it exempts practically

everybody in the State of Maine. I say this bill accomplishes nothing; it is discriminatory; and I therefore move the indefinite postponement of the bill.

Mr. BOYKER of Oxford: Mr. President and members of the Senate, this bill, L. D. 1354 represents another of the many restrictions that have been put upon the people of our state during the past several years. Now this bill—I do not feel it was meant as such, but it does in fact discredit our free enterprise system of government.

Last September 13th, 1954, the citizens of our State went to the polls and by their vote in the ballot box said that they were opposed to restrictions, restrictions, restrictions being put upon their shoulders every two years. I say to you that if this bill is passed in one year from the coming September, 1956, those same persons will go to the polls and by their vote in the ballot box they will signify more fully than ever that they meant what they said on September 13, 1954.

Now our Secretary of Agriculture in Washington, Ezra Benson, said these words two years ago: "What we need today is a less paternalistic form of government." In other words, Mr. Benson was saying that our government today is attempting to control the lives and the conduct of the people and to hold over them the same power which a father holds over his children.

This bill places restrictions upon every business man or woman in our state. It places a restriction upon the students of our State and it places restrictions upon the mother and the grandmother in the homes of our state because this bill forbids the mother and the grandmother from knitting a pair of socks in their home and selling them to their neighbor or to their son-in-law to be worn around the farm and in the forest, because in knitting these socks at seventy-five cents an hour the price of those socks would be more than double what you could buy those socks for in the market.

Now this bill says to that father and mother and to the grandmother and the husband who is sixty years of age: You are not wanted any

longer here so just sit in your rocking-chair and there prepare to die.

When I was leaving Oxford County to come to the legislature a very prominent citizen of my county eighty years of age who had been in municipal government, in our House of Representatives, in the Senate, on the Governor's Council and on the courts of our State, whose advice in the different walks of life is held very highly, said this to me. "Now Mr. Boyker, you are going to the Senate. We want you to take off of our statute books all the unnecessary laws that are on there, and for Heaven's sake do not put any more on."

Well, being a politician, of course I said I would do it. But regardless of all this, I am standing here to keep faith with my citizens of Oxford County, and we say to you that we are opposed to this bill.

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

Mr. CHAPMAN of Cumberland: Mr. President, may I inquire as to what the pending motion is?

The PRESIDENT: The pending motion is the motion of the Senator from Penobscot, Senator Hillman, that the bill be indefinitely postponed.

Mr. CHAPMAN of Cumberland: Mr. President and members of the Senate: I should like to address myself briefly to the main subject-matter in this bill in support of the proposition taken by the Chairman of the Committee, Senator Farris of Kennebec.

I happen to be the sponsor of the original bill and I have a great deal of enthusiasm for its purpose. As has been pointed out in the remarks previously made, the original bill at the time it was presented for hearing was in pretty rigorous form and the hearing itself was a rather rigorous one. As has been mentioned, it lasted perhaps six and a half or seven hours, and there was much opposition as well as many vigorous proponents for it.

That particular situation as I reflect back on it reminded me of another occasion that occurred in another committee, and I would like to mention it to you briefly because

in a somewhat facetious way it epitomizes the problem we have today. A certain department head came down before the so-called money committee, the Appropriations and Financial Affairs Committee on a bill relating to his own particular interest, namely calling for a salary increase. He came all by himself which was rather unusual because the other bills of this type usually have four or five if not more additional proponents, and he explained why he was there alone. He said, "I am here alone because this reminds me of another situation in which a certain superintendent of schools up in the northern part of the State in a community school district went out and visited a school where a school teacher who was teaching English and who was also dramatic coach, had her children put on a play and it happened to be Uncle Tom's Cabin, and in it they used the original cast and the word 'nigger' appeared a number of times in the text. Right after the play was over the superintendent went up and talked with the dramatic coach and said, "You have done a wonderful job here but I would like to point out one little thing to you if I may: I think you ought to be awfully careful of the kind of language that you retain in these plays because of their social impact, and the word 'nigger' frankly is one that you should have been more cautious about." The next year rolled around and the dramatics teacher got ready to put on another play and this time she took one of the famous Shakespearian plays and she got all set. In the text it happened to have the good old English word "bastard" a number of times, and the English teacher got somewhat concerned and she wrote the superintendent and said, "Should we delete this word from the text of the play before we put it on?" The superintendent wrote right back and said, "Thanks very much for being so alert and telling me about it, but I do not think that in this particular instance you need to change the text at all. In the first place the language of the old, venerable bard in itself is too venerable and not a word should be changed, and in the second place

the 'bastards' are not organized." (Laughter)

If I am not out of order and if I may be permitted—and I hope nobody takes any offense, I will say that the "bastards" certainly were organized on both sides of the fence at this hearing. In other words, we had a vigorous situation both pro and con.

I am not going to go over the bill again because it has been rather explicitly called to your attention in regard to its various provisions, but I would like to make a few observations as to its purpose.

No. 1. The Senator from Penobscot, Senator Hillman, has mentioned that it is a living wage bill, and I am rather glad that he was the one who brought that concept to the attention of the other Senators in debate today, because it seems to me that if the bill were properly captioned it would be called a "living wage bill," because that is exactly what it is. It is not intended to impose an arbitrary market value for wages of labor; it is intended only to set a very minimum floor to insure that those people that are in marginal labor work, if you want to call it that, or very low-paid shall at least be paid a living wage, and seventy-five was the standard that was chosen. If you take the average forty-hour week and you multiply it out you will find that is thirty dollars before social security is taken out, and that assumes there are no exemptions at all. All you have got to do is to ask yourself from your own personal experience: Who can live on twenty-eight or twenty nine dollars a week? That is the purpose of the bill, to establish a living wage and not to establish an arbitrary value to labor.

As far as the declaration of policy is concerned, I think it is well to point out that in the laws of the State of Maine right now we have minimum wage legislation, although it is restricted to a particular class. In Chapter 30, Section 132, there are provisions relating to the fish packing industry in which there is minimum wage legislation. It is on an hourly basis, piece-work, and it does not apply to all workers, it applies particularly to women and

infants or persons of tender years. But I point that out to you to indicate that this legislature has in previous years endorsed the philosophy of minimum wage if the reasons for it were compelling enough. Now we say the reasons for a general minimum wage law are certainly compelling and the economic reasons for doing it are compelling enough.

I would like to point out also that this particular bill is not a political matter at all, and I honestly say that to you because I sincerely believe it. Both of the major parties have endorsed it formally in their platforms, and therefore it seems to me that we can say that it has no relationship to partisanship at all. It is just a fundamental economic issue, and of course I urge that Republicans and Democrats alike should go along with the platform planks which we have previously stated as a matter of dedicated policy.

I was a little bit amused and somewhat surprised by the remarks of the Senator from Oxford, Senator Boyker, that the occupation or business of knitting socks would be restricted and outlawed by this bill. I would just like to point out that the principal provision of the bill says it applies to employers of eight or more only in normal employment and has nothing to do with the independent person working in his own home and has nothing to do at the present time so far as its application is concerned with small business establishments where there are three or four employees. We think that is sensible, because there are small stores, small pharmacies and small concerns in which the imposition of this standard at the present time would create economic hardship and where the reasons for having a minimum wage are not nearly as compelling as they are if you apply it to the large concerns that set the pace for the economic side of labor.

In that regard let me point out also that minimum wage legislation as a philosophy is certainly well established so far as Maine is concerned economically because all of our larger industries and busi-

nesses are in interstate commerce and they comply with the federal wage act, the so-called Wagner law.

This particular bill is intended only to fill in the chink on intrastate business and to bring them up to the minimum standard of seventy-five cents to make it equitable for all concerned.

The economic effect as we have applied it statistically by way of estimates seems to give us this kind of picture: that a rather small group, some eight or ten thousand persons would be directly affected as employees by this bill. It is not going to upset industry and is not intended to, and as the Senator from Kennebec, Senator Farris, has pointed out, if there ever was economic jeopardy to a particular concern affected by this bill there is a provision whereby it can be relieved upon showing that economic jeopardy. It is fair and it is equitable and it has these safeguards in it. I urge all of you to give serious consideration to its passage.

In closing, I would like to make one quotation, if I may, from a very eminent historical Republican, a powerful leader of this country. I will read it first and then I will tell you who he is and I think you will be surprised. The quotation goes as follows:

"In my present position, I could scarcely be justified were I to omit raising a warning voice against this approach of returning despotism. It is the effort to place capital on an equal footing with, if not above, labor, in the structure of government. It is assumed that labor is available only in connection with capital; that nobody labors, unless somebody else, owning capital, somehow induces him to labor. Labor is prior to and independent of capital. Capital is only the fruit of labor and could never have existed if labor had not first existed. Labor is the superior of capital and deserves much the higher consideration. Capital has its rights, which are as worthy of protection as any other rights. Nor is it denied that there is and probably always will be a relation between labor and capital, producing mutual benefits.

"Many independent men everywhere in these States, a few years

back in their lives, were hired laborers. The prudent, penniless beginner in the world labors for wages a while, saves a surplus with which to buy tools or land for himself; then labors on his own account another while, and at length hires another new beginner to help him. This is the just and generous and prosperous system, which opens the way to all, gives hope to all, and improvement of condition to all.

"The struggle of today is not altogether for today — it is for a vast future also. With a reliance on Providence, all the more firm and earnest, let us proceed in the great task which events have devolved upon us."

That quotation, believe it or not, is from the second inaugural address of Abraham Lincoln.

The PRESIDENT: The Chair notes in the Senate Chamber one of Maine's most distinguished citizens and a citizen who has contributed at least in the opinion of the Chair, as much as any public servant who ever served the State of Maine in this State House. I consider it a real privilege to count him among my friends, and I am thoroughly convinced that he would honor the Senate by his presence up here with me at least for a short time this morning. I would ask the Assistant Sergeant-at-Arms to escort the Hon. George Stobie to the rostrum. (Applause, members rising)

Mr. FARRIS of Kennebec: Mr. President and members of the Senate: I wish to speak briefly to remove any doubt any of you may have in your minds as to where or what this particular legislation is modeled after.

My good friend, the Senator from Penobscot, Senator Hillman, is incorrect when he states that this is modeled after Massachusetts law. He would be correct if he said that the original proposal, the original bill that the wage board set up, was modeled after Massachusetts law, because to a great extent that is true. I might also point out that whereas our sister state, the Commonwealth of Massachusetts, has a seventy cents per hour minimum that seventy cents per hour minimum applies to all employers even

if they employ only one person. So, for that reason, where we have seventy-five cents, five cents more, only applying to employers of eight or more employees, I certainly think that we are fair and conservative, and, as far as the practical application is concerned, not competing with the economy of the great Commonwealth of Massachusetts. I can assure everybody in this Senate that this particular piece of legislation is not modeled after our federal wage legislation or that of any state or territory of the United States. This is a minimum wage bill designed solely for the economy of employers and employees of the State of Maine.

Mr. BUTLER of Franklin: Mr. President and members of the Senate: In view of the statement that there has been a stand taken in the party platform and that if somebody makes a stand that their vote on that issue will be used against them by those who may oppose their stand, I think it is only right that I express myself.

It was my good fortune or misfortune to have served upon the platform committee and to have assisted in writing in the minimum wage plank. That was only a declaration of policy. Did we actually believe that the people in the State of Maine should receive a living wage? Yes, we all subscribed to that. But that declaration does not in and of itself prevail, I feel, until it is shown that the State has come to such an economic status that we must take some legislative action to improve that status.

The bills which were presented were drastic, it has been admitted. Hearings were had upon those drastic measures and the bill which we now have before us is a result of that hearing, but this bill has not been given a public hearing. We are asked to act upon it irrespective of what our constituents at home may feel. While I feel that everyone is entitled to a living wage and I would go to the nth degree to see those people receive it, yet until we have a need shown in the State that we must have that to protect the rights of others I can do nothing else except to

support the motion to indefinitely postpone.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Penobscot, Senator Hillman, that the bill be indefinitely postponed. The Senator from Androscoggin, Senator Boucher, has asked that when the vote is taken it be taken by the roll call. Under the Constitution a one-fifth vote of the members is required for the yeas and nays.

A division of the Senate was had. Obviously more than one - fifth of the members having arisen the yeas and nays were ordered.

The Secretary then called the roll.

Yeas: Boyker, Brown, Carpenter, Cole, Collins, Crabtree, Dow, Fuller, Hillman, Low, Martin, Parker, Reid, Silsby, Sinclair, Weeks, Wyman. Yeas, 17.

Nays: Albee, Boucher, Butler, Chapman, Cummings, Farley, Faris, Fournier, Hall, Lessard, Lord, St. Pierre, Woodcock. Nays, 13.

Absent: Dunham, Jamieson.

17 having voted in the affirmative and 13 in the negative, the motion to indefinitely postpone prevailed.

Sent down for concurrence.

The PRESIDENT: The Chair now lays before the Senate the 4th tabled and specially assigned matter, (S. P. 493) (L. D. 1378) Senate Reports from the Committee on Business Legislation on Bill "An Act Regulating Automobile Finance Business," Majority Report "Ought to pass in New Draft" (S. P. 572) (L. D. 1530) Minority Report, "Ought not to pass," tabled by the Senator from Cumberland, Senator Albee on May 9th pending acceptance of either report.

Mr. ALBEE of Cumberland: Mr. President, this particular bill is a redraft of the original L. D. 1378. There were many objections at the time to this bill and I marked each objection by the opposition and then asked for a redraft without the objections, but there are still further objections to this bill, and I would move that we accept the majority "Ought to pass" report for the purpose of offering amendments.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland,

Senator Albee, that the Senate accept the majority "Ought to pass" report of the committee.

Mr. COLLINS of Aroostook: Mr. President, I am not entirely aware of what the amendments may be; I have a great respect for the amount of time that the Senator from Cumberland, Senator Albee, has put in on this measure, but nevertheless the bill in its present form I think represents changes in our method of regulation of automobile financing that are quite broad. This redraft has not had the opportunity of being studied by the people who are directly concerned, and for that reason I am opposed to the acceptance of the "Ought to pass" report.

The bill, I think, lacks proper definitions in the first instance; it does not define "motor vehicle," the disclosure clause seems inadequate, the insurance provisions also seem inadequate, and it does not provide for necessary prohibitions as to the form of contract or otherwise. There are a number of other items that I think should be considered. I think that possibly at another session of the legislature the people concerned, the banks, the finance officers, the automobile dealers and others, could bring in a bill that would suit all the parties concerned; but at the present time I think it would be a mistake to pass this redraft at this session of the Legislature. For that reason, Mr. President, I would move the indefinite postponement of it.

The PRESIDENT: The question before the Senate is the motion of the Senator from Aroostook, Senator Collins, that the bill be indefinitely postponed. The Chair recognizes the Senator from Cumberland, Senator Albee.

Mr. ALBEE: Mr. President and members of the Senate: I was hoping that you would accept this "Ought to pass" report for the purpose of offering these amendments.

I would answer my good friend, the Senator from Aroostook, Senator Collins, that when he states that the opposition will come in two years hence and prepare a bill, that in January of 1955 I called on the automobile dealers and I called on the opposition and sat in their office to

draft a bill which I have before me here and which was sent to me. They agreed that there were a lot of abuses and that they wished to correct those abuses. The bill did nothing to eliminate those abuses. They just took the original law and transferred it bodily from the insurance department to the banking department.

We have some ninety banks and finance companies in the State, and the law on our books says that they must apply for a license. However, there are only nineteen that are licensed out of those ninety-two in the State. There are no teeth in the law, in the original law, which I will prove by letters written to the Insurance Department, and they answer them by saying they have no authority to act upon it.

The opposition to this bill at the hearing was that it was unconstitutional, that you could not license a bank. We immediately sent telegrams to the states where they have automobile finance laws, where they are governed and regulated. We asked them directly, "Are national banks licensed?" The answer was, "Yes, if they purchase installment contracts from automobile dealers — 270 in the present licensing year." So that stopped the opposition as to the constitutionality of it.

Let me go into detail as to why I wish to regulate. I have no gripe about the interest charges but I do have one gripe upon the dealers' reserve; I think it is too great. I have another gripe upon the insurance that they place upon these cars without notifying the purchaser or the buyer, so-called buyer. I will just give you two or three instances here. I have a list of 270 — 271 now, where the abuses are in Maine. They came to me even yesterday and I offered to sit down with them to overcome the objections, which I have in these amendments.

Here is just one. Here is the purchase of an automobile for \$1500, down payment \$500, a balance of \$1000 to be paid in two years. Insurance for two years, \$105. That is perfectly all right, I have no objection to that. Interest \$128.30 on \$1000 for two years. That is six per cent plus. Now when they put on your bill six per cent plus, that is

discount interest, that six per cent is \$11.29 not \$6.00. Dealers' reserve \$76.60. That dealers' reserve is put into the kitty to take care of losses they may have, and any good business man must take care of his own losses through his own genius for doing business.

Here is another one here. This is a case where a car was purchased for \$3600. The allowance, the difference between the two cars, paying off the old balance of \$800 odd and \$1700, the difference between the two plus the old car.

Now these are facts. They have the audacity to add interest of \$521.66 and then deduct it and give them credit for the old car. They are paying interest on their old car.

Here is another one which was read before the committee. Here is a chap who purchased an automobile for \$450. He paid \$300 as a deposit on that car, leaving a balance of \$150 and a note for thirty months. Just think of these charges: Insurance, \$16.00, Handling Charge, \$15—I don't know what "handling charge" is—but they are not separately stated, they give you a package deal. Finance charge, \$107.60. Eighty-nine per cent finance charge on that one.

I have others I would like to read. I am withholding the names of these but if forced to do it I will name them publicly. Here is one under date of February, 1954 to the Insurance Department, addressed to Mr. Mahoney:

"In reply to your letter of February 9, 1954, we are enclosing a copy of a bill of sale that Mr. (I will omit the name) received from (I will omit the name of the company) The total amount of his contract was \$1372.80. The following are his payments. This contract was written on a two-year basis, \$57.20 per month. He paid it off in exactly nine months. There is a finance credit rebate due the gentleman (I have the name here) of \$44.75."

Now being in the insurance business, there is a short-term cancellation provision on insurance which I am quite familiar with, and he received no insurance rebate. Just let me continue on.

"At the time the gentleman opened his account with them he was advised that insurance was put on for one year. At the end of that period they had put it on for an additional year."

Here is a bill of sale that I have. The original purchase price of his car was \$1395, sales tax \$27.90, total price of \$1422.90. Down payment \$422.90; unpaid balance \$1000. Insurance cost, one year, \$49.00 plus one year \$49.00, recording fee \$2.00, total \$100. In the letter they state they put it on for one year and will extend it for an additional year. Then there are the finance and recording charges which I am opposing: finance charges, \$272.80 for two years. In other words, this man paid it off in nine months, they gave him credit for \$44.75 and he paid \$228.05 for financing \$1000 for exactly nine months. If that is not outrageous I don't know what is.

Before the committee two years ago, I recall that these same gentlemen came before the committee with crocodile tears and said that we should take the \$900,000 out of the pockets of the poor man, that we should give them that and not charge them the difference on the cars. Now the same gentlemen are here battling against this particular bill and yet they will charge up to 350 per cent interest. Now I do not say that they are all the same. There are some banks, there are some finance houses. They have admitted that there are abuses.

Let us go into the detail of what these abuses are.

Here is a case where a purchase was made of \$234.55—it doesn't have to be an automobile—my original bill took in times sales, and I am very sorry I withdrew that part of it. The service charge was \$40.27 which is not outrageous on a twenty-one months basis. The payments were \$12.87 per month. The buyer made four regular payments and then paid the balance in full on the date that the fifth payment was due. In this case the buyer received no rebate whatsoever despite the fact that the contract was only five months old. May I ask you members of the Senate: is that fair?

I have many, many cases here which I could read, but to save time and set this thing in motion, I would move that the Senate accept this report and I will withhold these other charges until such time as it is necessary to present them.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Collins, that the bill be indefinitely postponed. The Chair would note the precedence of the motion to indefinitely postpone.

Mr. ALBEE of Cumberland: Mr. President, I move that we accept the majority report. I oppose the motion of the Senator from Aroostook, Senator Collins.

Mr. LOW of Knox: 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 Aroostook, Senator Collins, that the bill be indefinitely postponed. The Senator from Knox, Senator Low, has asked for a division. Is the Senate ready for the question?

Mr. FARRIS of Kennebec: Mr. President, inasmuch as I was on the Business Legislation Committee and signed the majority report, I feel that a bit more explanation should be given this matter before we vote.

I might first explain that if the pending motion fails and the "Ought to pass" report of the majority is accepted there will be an amendment offered which will change Section 252, which is designated "Interest Charges," and that would be and there will be set up a schedule of four breakdowns rather than three, the first one being a charge not to exceed \$7.00 per hundred a year on new cars, \$9.00 per hundred per year on cars not more than two years old, \$12.00 per hundred on automobiles between two and four years of age, and \$15.00 per hundred on cars that are older than four years.

Now I have had occasion to talk with many, many interested persons on this bill, and if we had the original proposal before us I certainly would be the first to support the Senator from Aroostook, Senator Collins, on his motion for indefinite

postponement, but in this redraft there have been great pains taken to make sure that this very important automobile and financial industry is not disturbed in any way. That is the reason that commodities were deleted, that is the reason that trailers are not included and only motor vehicles are included.

Certainly we do have a duty to the public to protect them from the gypsy outfits. I have not talked with anyone from a legitimate outfit such as our banks and large financial institutions who have not said that they could live and live very comfortably with this particular bit of legislation. Probably the most important feature — I mean the finance charges, insurance rebates, refunds and so forth — they are important, and it does set up a definite guide — but actually the most important feature of this bill is to transfer enforcement from the Insurance Department to the Banking Department. The Insurance Department is not geared adequately to enforce our present law. They are engaged in insurance not in banking and finance. So for that reason I certainly feel very strongly that this should be transferred to the Bank Commissioner and our present law strengthened as has been done by the redraft so that the Bank Commissioner has some working tools to see that the unsuspecting public are not taken advantage of by the so-called unscrupulous or gypsy dealers. I shall support the motion of my colleague, the Senator from Cumberland, Senator Albee, and vote against the motion for indefinite postponement.

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

The Chair recognizes the Senator from Cumberland, Senator Albee.

Mr. ALBEE of Cumberland: Mr. President and members of the Senate: I would like to call your attention to this. Just what is there in the State of Maine that is not licensed outside of the banks or the automobile finance companies. Let me just read off a few of them. Barbers, beauticians, lawyers, doc-

tors, insurance men, liquor salesmen, real estate salesmen, security salesmen. Also dogs have to wear a tag; they have to be licensed. Everything is regulated in the State of Maine; every business is regulated in Maine with the exception of your automobile finance companies. They are not regulated and it is my purpose to regulate them for the purpose of giving people a refund like the digit 78 method used by General Motors in every state in the Union — and I am quite sure they use it here, but they still object to the bill.

Also with regard to insurance, and I can tell you this from personal contact myself in buying a car — I was not asked if I had insurance on my car; they automatically sent an insurance policy to me. There is another case of an employee here in the State House who has double insurance and has had it for two years on his car. If it is paid off in advance they get no refund or very, very little.

And may I say this: that the insurance man himself — and I happen to be one but I do not sell this type of insurance — but the insurance man is losing his business today because men in banks are licensed, men in garages are licensed and they are selling the insurance to them and it is just taking it away from the legitimate insurance man.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Collins, that the bill be indefinitely postponed. 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 bill be indefinitely postponed will rise and stand until counted.

A division was had.

Eighteen having voted in the affirmative and eleven in the negative, the motion prevailed and the bill was indefinitely postponed.

Sent down for concurrence.

The PRESIDENT: The Chair now lays before the Senate the fourth tabled and specially assigned matter, being S. P. 159, L. D. 353, "An Act Revising the Laws of Civil Defense and Public Safety,"

tabled by the Senator from Kennebec, Senator Farris, earlier in today's session.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate: The matter, as you will recall, was brought up before this body a few days ago and a Senate amendment was introduced by myself which deleted certain portions of the enforcement powers of civil defense personnel. When this went to the other body an amendment was added in the House which would strike out all of Sections 2 and 3 of the amendment, which in substance would put back into the civil defense law authorization for civil defense personnel to make arrests during practice alerts.

Now I certainly have no strenuous objection to giving these powers to our civil defense personnel in times of emergency, but I certainly do have strenuous objection to untrained personnel being made enforcement officers during these so-called practice alerts. I certainly would have no objection if there was a violation of the law during a practice alert and civil defense personnel involved who witnessed a violation took the name and number of the individual and made a complaint before the court and had him brought before the court. But to remove all limitations and in time of peace and during practice alerts to say that laymen shall have the power of arrest, I feel is a very, very dangerous precedent.

Now several members of the other body did contact me last evening and asked what had happened, and they were not clearly familiar with what the House Amendment did to the Senate Amendment. I trust that I have fully explained my position and I certainly have not changed my thinking as to our original thought in deleting that portion of the bill with our Senate Amendment, and therefore I move indefinite postponement of House Amendment "A".

Mr. REID of Kennebec: Mr. President and members of the Senate: I was in favor of the original bill as written because it had teeth in it. Senate Amendment "A" removed all of the teeth. House Amendment "A" restores the teeth in the bill,

at least to the extent that during practice alerts there will be some way of enforcing these alerts that should be enforced. For that reason I oppose the motion to indefinitely postpone House Amendment "A".

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

As many as are in favor of the motion will say aye; those opposed no.

A viva voce vote being doubted, a division was had.

Thirteen having voted in the affirmative and seven in the negative, the motion prevailed and House Amendment "A" to Senate Amendment "A" was indefinitely postponed in non-concurrence.

Sent down for concurrence.

The PRESIDENT: The Chair notes the hour of twelve and suggests that the Senate do now be at ease for two minutes.

At Ease

On motion by Mr. Boucher of Androscoggin, the Senate voted to reconsider its former action whereby it passed to be enacted, bill An Act to Clarify the Liquor Laws (S. P. 254) (L. D. 685) and to further reconsider its action whereby said bill was passed to be engrossed; and on further motion by the same Senator, the bill was laid upon the table pending passage to be enacted.

On motion by Mr. Reid of Kennebec,

Recessed until this afternoon at one thirty o'clock, E.S.T.

After Recess

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table bill "An Act to Clarify the Liquor Laws" (S. P. 254) (L. D. 685) tabled by that Senator earlier in today's session pending passage to be engrossed; and on further motion by the same Senator, the bill was passed to be engrossed and under suspension of the rules was passed to be enacted.

On motion by Mr. Farris of Kennebec, the Senate voted to take from the table bill, "An Act Relating to Weekly Benefit for Partial Unemployment Under Security Law. (H. P. 995) (L. D. 1143) tabled by that Senator on April 28 pending passage to be engrossed; an on further motion by the same Senator, the bill was passed to be engrossed in concurrence.

The PRESIDENT: The Chair would call to the attention of the Senate, that L. D. 1536 has been printed, presumably is in your books and is Senate Amendment A to L. D. 1465, the industry bill which was tabled pending printing. If it is in order, the Senate might wish to look that over.

On motion by Mr. Farris of Kennebec, the Senate voted to take from the table bill "An Act Relating to Weekly Benefits for Total Unemployment Under Employment Security Law." (H. P. 1189) (L. D. 1452) (New Draft of H P. 1070) (L. D. 1258) tabled by that Senator on May 9 pending passage to be engrossed; and on further motion by the same Senator, the bill was passed to be engrossed in concurrence.

On motion by Mr. Silsby of Hancock, the Senate voted to take from the table Senate Report from the Committee on Appropriations and Financial Affairs "Ought not to pass" on Bill "An Act Relating to Right of Officer to Kill Dogs." (H. P. 411) (L. D. 458) tabled by that Senator on May 6 pending motion of Senator Hillman that the Senate adopt Senate Amendment A.

Mr. SILSBY of Hancock: Mr. President and members of the Senate, I believe the pending motion is on the adoption of Senate Amendment A which attempts to define what "enclosure" means, the intent of the legislature and I want to read this amendment. As I understand it, it spells out the present word in our statutes under Chapter 37, Section 93, in the matter of an officer having the right to kill dogs who are chasing or wounding or worrying animals, both domestic and wild. And this amendment defines "en-

closure" to mean the "kennel, or kennel run or fenced in area in which the dog is ordinarily confined. I am a lover of dogs and I am not going into detail in debating this subject, but I shall vote against this amendment.

Mr. HILLMAN of Penobscot: Mr. President, I move the adoption of Senate Amendment A.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Penobscot, Senator Hillman, that the Senate adopt Senate Amendment A. Is the Senate ready for the question?

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

A division of the Senate was had.

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

Thereupon, on motion by Mr. Silsby of Hancock, Senate Amendment A was indefinitely postponed; and on further motion by the same Senator, the bill was indefinitely postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Farris of Kennebec, the Senate voted to take from the table Senate Report from the Committee on Towns and Counties: "Ought to pass as Amended by Committee Amendment A on bill, "An Act Relating to Salaries of County Officers of Kennebec County" (S. P. 276) (L. D. 706) tabled by that Senator on May 5 pending acceptance of the report; and on further motion by the same Senator, the ought to pass report was accepted and the bill read once.

The Secretary read Committee Amendment A.

Thereupon, on motion by Mr. Farris of Kennebec, Committee Amendment A was indefinitely postponed.

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

The Secretary read Senate Amendment A. "Amend said bill by striking out all of the 2nd paragraph of 'Sec 1' and inserting in place thereof the following: 'Kennebec, \$1,500 except that the chairman of the board of commissioners shall receive \$1,750.'

Further amend said bill in Sec. 4 by striking out in the 6th and 7th lines the underlined words 'by a

Justice of the Superior Court resident in said county or' "

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

Sent down for concurrence.

On motion by Mr. Reid of Kennebec, the Senate voted to take from the table bill, "An Act to Create the Department of Development of Industry and Commerce." (New Draft of H. P. 514, L. D. 620) (H. P. 1196) (L. D. 1465) tabled by that Senator on May 9 pending passage to be engrossed.

Mr. REID of Kennebec: Mr. President, this is Senate Amendment A to the Act to Create a Department of Development of Industry and Commerce which in effect is a new draft. It seems to be the last word in agreement between all parties in controversy and it seems to me that we should pass it to be engrossed unless there are some vigorous objections and I now move that the bill pass to be engrossed.

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

Sent down for concurrence.

On motion by Mr. Collins of Aroostook, the Senate voted to take from the table bill, "An Act to Appropriate Monies for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1956 and June 30, 1957" (S. P. 529) (L. D. 1444) tabled by that Senator on April 21 pending final passage.

Mr. COLLINS of Aroostook: Mr. President, this bill is up for final enactment and is the balanced budget bill that has been presented to the legislature for passage. As you know in this bill the amounts were very close to the recommendations of the Governor and so far as I know there has been no particular objection to the various items proposed in this appropriations bill and for this reason, at this time, I move that this bill be enacted.

This bill being an Emergency Measure,

A division of the Senate was had. Twenty-five having voted in the affirmative and none opposed, the bill was passed to be enacted.

On motion by Mr. Collins of Aroostook, the Senate voted to take from the table Senate Reports from 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): Majority Report: "Ought not to pass"; Minority report: "Ought to pass in New Draft" (S. P. 569) tabled by that Senator on May 5 pending acceptance of the Majority report; and that Senator subsequently was granted permission to retable the bill.

Mr. COLLINS of Aroostook: Mr. President, I apologize for making an error in the bill I just took off, they both relate to appropriations.

Thereupon, on motion by Mr. Collins of Aroostook, the Senate voted to take from the table 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); tabled by that Senator earlier in today's session pending passage to be enacted.

Mr. COLLINS of Aroostook: Mr. President and members of the Senate, this is the supplemental appropriations bill tied to the tax measure. It has passed the other branch as an emergency measure. I think I made comments on the bill and what it did do the other day. I now move that the bill be enacted.

Mr. BOUCHER of Androscoggin: Mr. President, I rise to oppose the motion of the Senator from Aroostook, Senator Collins. This bill to me does half a job and it doesn't do the complete job. What worries me the most is the long range construction part of L. D. 43 a similar bill for a supplemental budget. It seems that after all the waiting and dallying that we have had we are trying to jet propel this bill through the legislature.

As I understand under L. D. 43 the Governor was trying to get up and above what this bill contains, a long range building fund. I understand that under this bill no provision is made for that. I also understand that in the revenue that we think we are going to get in the next two years, the Governor already anticipates revenue of some \$400,000 over what had been projected last fall at the budget hearing. I understand that those who drew up this bill raised the thing about one million dollars so if that is true there will be no surplus and probably a deficit at the end of two years.

Now the demand for new construction of some 12 million dollars and under L. D. 43, I think the Governor and his budget committee have recognized about five to six million dollars of that construction leaving about 12 million dollars of revenue needed for other construction not recognized under L. D. 43.

Under this bill L. D. 1512, there is no construction being recognized and you know and I know at this time right now we need about 12 million dollars for new construction for institutions. Are we going to deny those needs and pass this bill? If we do, we are not acting in the best interest of the state. Some provision should be made somewhere along the line for construction.

I have been here 22 years and I have seen construction off and on depending on the amount of surplus at the end of the biennium. I can add 2 and 2 and it still makes 4 although it has been changed in later years. There will be no money available under this bill for that purpose of new construction. I cannot in sincerity, in conscience, go along with this bill. I shall vote against it on that one basis that it does not take care of the needs of the state and I hope that the members of the Senate will think this matter over very seriously before they go along with this bill.

Mr. LOW of Knox: Mr. President and members of the Senate, like my good friend, the Senator from Androscoggin, Senator Boucher, I also can add 2 and 2 but I can also add 2 and 2 and 2 and 2. It is my strong and firm belief that with the sur-

plus which will be left over at the end of this fiscal year on June 30, that we will not only have 4 million dollars on hand after giving effect to the increases of the next biennium, but we will have substantially in excess of that and we will have at least four million dollars to spend for capital construction two years from now.

As far as the ability of this bill to carry increased expenditures your taxation committee estimates that after the balanced budget bill and after L. D. 1512, the supplemental bill, we will have left for other expenditures \$574 thousand dollars in the first year of the biennium and \$451 thousand dollars in the second year of the biennium.

Mr. BOUCHER of Androscoggin: Mr. President, I have all the respect in the world for the Senator from Knox, Senator Low. I believe he is sincere in his remarks, but to me there is a limit to that phantom revenue. I may be wrong but if I understand the situation correctly, I repeat, the Governor already has raised the anticipated revenue by almost one half million dollars. Now the Committee on Taxation is proceeding to raise the anticipated revenue to the total of almost one million dollars. I think we have reached the sky, not the ceiling, but the sky and I do not want to be a pessimist but I cannot anticipate that there will still be a surplus at the end of the biennium. I think I will admit that his figures are correct only on the four million dollar balance, because we already have over five million dollars as a balance so that he admits in theory at least that we are going to be a million dollars short two years hence. In place of having five million dollars we will have four million. To me that surplus fund of the state would take care of emergencies that may come along. I don't wish for catastrophe, I don't look for one, but I cannot believe that the revenue of the state is going to be over that million and a half dollars that has been raised by the Governor and the Committee in the next two years so that we would be left with four million dollars to meet twelve million dollars of needed, and immediately needed new construction for the institutions of the state and I do not think it is fair

to the people of Maine to pass such a measure as this.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Collins that the bill be passed to be enacted. Is the Senate ready for the question?

Mr. REID of Kennebec: Mr. President, when the vote is taken I move that it be taken by a roll call.

The PRESIDENT: According to the Constitution, to order the Yeas and Nays requires the affirmative vote of one-fifth of the members present.

A division of the Senate was had.

Obviously more than one-fifth having arisen, the Yeas and Nays were ordered.

The Secretary called the roll:

YEAS: Albee, Boyker, Brown, Butler, Carpenter, Chapman, Cole, Collins, Crabtree, Dow, Farris, Fuller, Haskell, Hillman, Lord, Low, Martin, Parker, Reid, Silsby, Sinclair, Weeks, Woodcock, Wyman — 24.

NAYS: Boucher, Farley, Fournier, Hall, St. Pierre — 5.

ABSENT: Cummings, Dunham, Jamieson, Lessard — 4.

Twenty-four having voted in the affirmative and five opposed, the bill was passed to be enacted.

On motion by Mr. Chapman of Cumberland, the Senate voted to take from the table, bill, "An Act to Revise Certain Election Laws" (S. P. 94) (L. D. 225) tabled by that Senator on April 5 pending passage to be enacted; and on further motion by the same Senator, the bill was passed to be enacted.

On motion by Mr. Hillman of Penobscot, the Senate voted to take from the table Senate Report from the Committee on Public Utilities: "Ought not to pass" on bill, "An Act Relating to Operating Motor Trucks for Hire" (S. P. 415) (L. D. 1172) tabled by that Senator on April 15 pending acceptance of the report.

Mr. HILLMAN of Penobscot: Mr. President and members of the Senate, this bill is a very good bill, but certain conditions make it impossible to have it at this time. I therefore move that the Senate accept the ought not to pass report.

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

Sent down for concurrence.

On motion by Mr. Farris of Kennebec, the Senate voted to take from the table House Reports from the Committee on Highways: Majority Report "Ought not to pass"; Minority report "Ought to pass"; on bill, "An Act Relating to Terms of Office and Salaries of the State Highway Commission" (H. P. 651) (L. D. 728) tabled by that Senator on April 15 pending motion by the Senator from Piscataquis, Senator Parker, that the Senate accept the Ought not to pass report and on further motion by the same Senator, the Ought not to pass report of the committee was accepted in concurrence.

On motion by Mr. Silsby of Franklin, the Senate voted to take from the table Senate Report from the Committee on Judiciary: "Ought to pass as amended by Committee Amendment A" on bill, "An Act Relating to Night Hunting." (S. P. 139) (L. D. 444) tabled by that Senator on April 14, pending acceptance of the report; and that Senator yielded to the Senator from Penobscot, Senator Hillman.

Mr. HILLMAN of Penobscot: Mr. President, this act is covered by similar legislation which we have heard discussed here this morning. I now move the indefinite postponement of this bill.

The motion prevailed and the bill was indefinitely postponed.

Sent down for concurrence.

Mr. BUTLER of Franklin: Mr. President, while these individuals on my left are conferring hither, thither and you, I would appreciate it if the pages would kindly come to

my desk and distribute that which might be of a more tasty nature for those of us who are having to sit while weighty matters are being discussed and if this candy so softens your palate that you feel inclined to take things off the table thereafter, we might be able to proceed. This is just a bit of candy for the people present. We have not been in the habit of passing out candy lately and we might enjoy a taste of it ourselves. It is home grown, having come from the pure unadulterated maple trees of a fifth generation. The candy is pulled and its flavor is long lasting.

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 Operation of Motor Vehicles to Inspection Stations for Inspection." (H. P. 129) (L. D. 132) tabled by that Senator on March 8 pending acceptance of the report; and on further motion by the same Senator, the ought to pass report was accepted, the bill read once, the rules suspended, the bill read a second time and passed to be engrossed in concurrence.

The PRESIDENT: Is there objection to the sending of all bills that have been passed to be engrossed, directly to the engrossing department following adjournment of this day's session?

The Chair hears none and the bills will be sent forthwith.

On motion by Mr. Reid of Kennebec,

Adjourned until tomorrow morning at ten o'clock.