

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Seventh Legislature

OF THE

STATE OF MAINE

VOLUME II

1955

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Wednesday, May 11, 1955

Senate called to order by the President.

Prayer by the Rev. Haldon Arnold of Augusta.

Journal of yesterday read and approved.

Papers from the House

Bill "An Act Relating to Fees for Motor Vehicle Inspections." (S. P. 235) (L. D. 571)

In Senate on May 9, passed to be engrossed as amended by Committee Amendment A (Filing 100) and by Senate Amendment A (Filing 510).

Comes from House, passed to be engrossed as amended by Committee Amendment A, and amended by House Amendment F (Filing 320) in non-concurrence.

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

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

In House on May 4, passed to be engrossed as amended by House Amendment A (Filing 393) in non-concurrence.

In Senate on May 5, receded and concurred.

Comes from House, reconsidered now passed to be engrossed as amended by House Amendment B (Filing 490) in non-concurrence.

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

Bill "An Act Relating to Valuation of Property of Public Utilities for Fixing Rates." (S. P. 167) (L. D. 364)

In Senate Committee Report B, accepted and bill in New Draft B (S. P. 556) (L. D. 1505) passed to be engrossed.

Comes from House, Committee Report A accepted, and bill in New Draft A (S. P. 555) (L. D. 1504) passed to be engrossed in non-concurrence.

In the Senate, on motion by Mr. Martin of Kennebec, the Senate voted to insist on its former action

and ask for a Committee of Conference; and the President assigned as Senate conferees on said Committee: Senators Martin of Kennebec, Silsby of Hancock and Weeks of Cumberland.

Bill "An Act Relating to Medical Services under the Workmen's Compensation Act." (S. P. 560) (L. D. 1516)

In Senate on May 6, indefinitely postponed.

Comes from House, passed to be engrossed in non-concurrence.

In the Senate on motion by Mr. Hillman of Penobscot, the Senate voted to insist on its former action; and the President appointed as Senate conferees on said Committee: Senators Hillman of Penobscot, Reid of Kennebec and Silsby of Hancock.

"Resolve Providing for Refund for Tobacco Tax Stamps." (S. P. 565) (L. D. 1520)

In Senate on May 4, passed to be engrossed.

Comes from House, passed to be engrossed as amended by House Amendment B (Filing 491) in non-concurrence.

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

Joint Order

ORDERED, the Senate concurring, that the Legislative Research Committee be, and hereby is, directed to investigate and determine the activities of the Employment Security Commission relative to their functioning as a medium for the advertising of minimum hourly wage and acting as an agency for furthering information of the establishment of a predetermined hourly wage as it may pertain to the logging and lumbering industry of the State of Maine; and be it further

ORDERED, that such Committee ascertain the activities of the Department of Health and Welfare relative to the inspection of facilities provided for the housing and feeding of employees, by employers who provide such facilities and make a charge therefor, determining whether or not there is a schedule of inspection whereby any and all camps, providing food and shel-

ter for employees of the logging and lumbering industry, are inspected and that minimum standards of sanitation are met with as provided by statute; and be it further

ORDERED, that the Committee report the results of their study to the 98th Legislature. (H. P. 1249)

On motion by Mr. Low of Knox, the Order was laid upon the table pending passage.

House Committee Reports Leave to Withdraw

The Committee on Natural Resources on Bill "An Act Providing for Additional Public Members of the Water Improvement Commission." (H. P. 1032) (L. D. 1204) reported that the same be granted Leave to Withdraw.

Which report was read and accepted in concurrence.

Ought Not to Pass

The Committee on Appropriations and Financial Affairs on "Resolve in Favor of Bosworth Memorial Association" (H. P. 1167) (L. D. 1402) reported that the same Ought not to pass.

The Committee on Retirements and Pensions on "Resolve Providing for State Pension for Irving Hilton of Wiscasset." (H. P. 73) reported that the same ought not to pass.

Which reports were read and accepted in concurrence.

Ought to Pass

The Committee on Appropriations and Financial Affairs on Bill "An Act Relating to Airport Construction Fund." (H. P. 330) (L. D. 371) reported that the same Ought to pass.

The same Committee on "Resolve in Favor of Knox Memorial Association, Inc. for Support and Maintenance of 'Montpelier.'" (H. P. 954) (L. D. 1057) reported that the same Ought to pass.

Which reports were read and accepted in concurrence, the bills and resolve read once and under suspension of the rules, were read a second time and passed to be engrossed in concurrence.

Ought to Pass — N.D.

The Committee on Inland Fisheries and Game on "Resolve to Sim-

plify the Open Water Fishing Laws by Counties." (H. P. 529) (L. D. 1499), same title.

Comes from the House, report accepted and resolve in N. D. passed to be engrossed as amended by House Amendments

A (Filing 379)
B (Filing 382)
C (Filing 395)
D (Filing 398)
E (Filing 411)
F (Filing 414)
G (Filing 416)
H (Filing 434)
I (Filing 438)
K (Filing 505)
L (Filing 506)

and the resolve read once;

In the Senate, the report was accepted, House Amendments A, B, C, D, E, F, G, H, I, K, and L were adopted and under suspension of the rules, the resolve as amended was given a second reading and passed to be engrossed in concurrence.

The same Committee on "Resolve to Simplify the Ice Fishing Laws by Counties." (H. P. 530) (L. D. 622) reported that the same Ought to pass in New Draft (H. P. 1221) (L. D. 1500)

Comes from the House, report accepted and resolve in N. D. passed to be engrossed as amended by House Amendments

A (Filing 380)
B (Filing 381)
C (Filing 392)
D (Filing 394)
E (Filing 408)
F (Filing 413)
G (Filing 433)
H (Filing 440)
I (Filing 4242)
J (Filing 504)
K (Filing 507)

In the Senate, the report was read and accepted and the resolve read once; House Amendments A, B, C, D, E, F, G, H, I, J, and K were adopted and the resolve as amended was given its second reading under suspension of the rules, and passed to be engrossed in concurrence.

The Committee on Public Utilities on Bill "An Act to Establish the Limerick Sewage District." (H. P. 932) (L. D. 1060) reported that the same Ought to pass in New Draft (H. P. 1242) (L. D. 1534), same title.

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

**Ought to Pass
as Amended**

The Committee on Agriculture on Bill "An Act Relating to State Sealer of Weights and Measures." (H. P. 1120) (L. D. 1318) reported that the same Ought to pass as Amended by Committee Amendment A (Filing 472)

The same Committee on recommended Bill "An Act Providing for a Bounty on Porcupines." (H. P. 1158) (L. D. 1376) reported that the same Ought to pass as Amended by Committee Amendment A (Filing 446)

The Committee on Appropriations and Financial Affairs on "Resolve Appropriating Moneys for Construction and Repairs at the Maine Vocational-Technical Institute." (H. P. 732) (L. D. 814) reported that the same Ought to pass as Amended by Committee Amendment A (Filing 447)

The same Committee on "Resolve Appropriating Monies for the Purchase of 'Voter's Manual'." (H. P. 733) (L. D. 815) reported that the same Ought to pass as Amended by Committee Amendment A (Filing 448)

The Committee on Labor on Bill "An Act Relating to Compensation Benefits Under Workmen's Compensation Law." (H. P. 670) (L. D. 746) reported that the same Ought to pass as Amended by Committee Amendment A (Filing 449)

Which reports were severally read and accepted in concurrence and the bills and resolves read once. Committee Amendments A were read and adopted in concurrence, and the bills and resolve as so amended were read a second time under suspension of the rules, and passed to be engrossed in concurrence.

Report A — OTP
Report B — ONTP

Five members of the Committee on Public Health on recommitted Bill "An Act Transferring State

Sanatoriums from Department of Institutional Service to Department of Health and Welfare." (H. P. 1134) (L. D. 1332) reported that the same Ought to pass.

(Signed)

Senators:

LORD of Cumberland
ST. PIERRE

of Androscoggin

Representatives:

BIBBER of Kennebunkport
STILPHEN of Rockland
MALENFANT of Lewiston

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

(Signed)

Senator:

BOYKER of Oxford

Representative:

DICKER of Lakeville Plt.
CURTIS of Bowdoinham
MICHAUD of Madawaska
COYNE of Waterville

Comes from the House, Report A accepted and the bill passed to be engrossed.

In the Senate:

Mrs. LORD of Cumberland: Mr. President, I move that we concur with the House.

Mr. BOYKER of Oxford: Mr. President, as one of the members of this committee who signed the report "Ought not to pass," I would like to say just a few words.

Recently our tubercular institutions were transferred from the Department of Health and Welfare to the Department of Institutional Service, for what purpose it is not necessary to discuss at this time. Now this bill proposes that these institutions be transferred back to the Department of Health and Welfare, and for what purpose? I feel that in transferring these institutions back to the Health and Welfare Department the people in the southern part of our State, Androscoggin County, Oxford, Cumberland, York and Sagadahoc, are going to lose our Sanatorium because I feel that these institutions will be combined in one, and it is a risk that the citizens of the southern sections of our county have taken in transferring these institutions back into our Health and Welfare Department. I oppose strongly the motion of the

Senator from Cumberland, Senator Lord, that we accept the "Ought to pass" report of the Committee.

Mrs. LORD of Cumberland: Mr. President and members of the Senate: I think that the fears of the Senator from Oxford, Senator Boyker are ungrounded. This has nothing to do with the closing of the sanatoriums, it merely puts the sanatoriums under the Health Department where they belong. We have the benefit of the report of the Governor's committee that was established to study the needs in Maine, and it was the unanimous report of that committee that this should be done; and also the Tuberculosis Association of Maine notified me that they voted that this was a proper thing to do because the work would be coordinated much easier. Therefore I think it should pass.

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

A viva voce vote was had and the motion prevailed.

The bill was given its first reading and tomorrow assigned for second reading.

Order

Mr. Chapman of Cumberland presented the following Order and moved its passage:

ORDERED, that the Reverend W. Lloyd Williams of Portland be invited to officiate as chaplain of the Senate on the morning of Thursday, May 12, 1955.

Which order received passage.

Mr. LOW of Knox: Mr. President —

The PRESIDENT: For what purpose does the Senator rise?

Mr. LOW of Knox: Mr. President, I want to propose a motion that the Senate reconsider its action whereby it passed this morning a Joint Order, Item 6 on page 2.

The PRESIDENT: The Chair would note that the Joint Order is on the table, having been tabled by the Senator from Knox, Senator Low.

Mr. LOW of Knox: I apologize, Mr. President.

**Communication
State of Maine
HOUSE OF REPRESENTATIVES
Office of the Clerk
Augusta**

May 10, 1955

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

Sir:

The House today voted to join the Committee of Conference on the disagreeing action of the two branches of the Legislature on H. P. 190, L. D. 117, Bill "An Act Relating to Checking Speed of Motor Vehicles by Electrical Devices.", and the Speaker appointed the following conferees on the part of the House:

Representatives:

FULLER of South Portland
HILTON of Bremen
QUINN of Bangor

The Speaker also today appointed the following conferees on the part of the House on the disagreeing action of the two branches of the Legislature on H. P. 166, L. D. 157, Bill "An Act Relating to the Taking of Quahogs"

Representatives:

McCLUSKEY of Warren
WINCHENPAW
of Friendship
STANWOOD of Steuben

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

Representatives:

ANDERSON of Greenville
FINEMORE
of Bridgewater
CHILDS of Portland

Respectfully,

(Signed) HARVEY R. PEASE
Clerk of the House.

Which was read and placed on file.

Leave to Withdraw

Mr. Cole from the Committee on Highways on "Resolve Relating to a Weighing Station in Southern Maine." (S. P. 475) (L. D. 1344) reported that the same be granted Leave to Withdraw.

Which report was read and accepted.

Sent down for concurrence.

Ought to Pass—N.D.

Mr. Collins from the Committee on Appropriations and Financial Affairs on Bill "An Act to Appropriate Monies for Capital Improvements and Construction of State Government for the Fiscal Years Ending June 30, 1956, and June 30, 1957." (S. P. 54) (L. D. 44) reported that the same Ought to pass in New Draft (S. P. 578) (L. D. 1542)

On motion by Mr. Collins of Aroostook, the bill was laid upon the table pending acceptance of the report and was especially assigned under Orders of the Day today.

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

The Majority of the Committee on Claims on "Resolve in Favor of Wyman and Simpson, Inc., of Augusta." (S. P. 203) (L. D. 497) reported that the same Ought to pass as Amended by Committee Amendment A.

(Signed)

Senators:

SILSBY of Hancock
FOURNIER of York

Representatives:

ALDEN of Gorham
JACK of Topsham
ANDERSON of Greenville
COTE of Madison
GETCHELL of Limestone
COURTOIS of Saco
FULLER of China

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

(Signed)

Senator:

LOW of Knox

On motion by Mr. Low of Knox, the resolve and accompanying papers were laid upon the table pending acceptance of either report and was especially assigned under Orders of the Day today.

Mr. Chapman of Cumberland from the Joint Commission on Memorial for the Honorable Percival P. Baxter, presented the following report:

**Report of Temporary Memorial
Commission:
97th Legislature**

The following report is submitted in accordance with the directions contained in the Joint Order of April 22, on the subject of "A Memorial for the Honorable Percival P. Baxter", (S. P. 548)

The Commission, having convened according to the terms of the Order and having concluded its preliminary study strongly recommends that an appropriate memorial be erected in fulfillment of the objective set forth in the Order, and that a permanent Commission be established by Legislative Resolve with authority and directions to accomplish this objective and with authorization for expenditure of reasonable funds for the purpose.

In implementation of this recommendation, the Commission submits for consideration by Legislature the accompanying resolve and recommends that it Ought to pass.

(Signed)

Senators:

CHAPMAN of Cumberland
COLLINS of Aroostook

Representatives:

HENRY of North Yarmouth
ROUNDY of Portland
FILES of Portland

"Resolve for a Recess Commission to Erect a Suitable Memorial for Honorable Percival P. Baxter of Portland." (S. P. 568) (L. D. 1537)

Which report was read and accepted and the resolve read once.

Mr. Chapman of Cumberland presented Senate Amendment A and moved its adoption.

The Secretary read the amendment:

Senate Amendment A to L. D. 1537.

"Amend said resolve by striking out the period at the end of the 4th paragraph and inserting in place thereof the following: "; and be it further Resolved that the plans and specifications for such Memorial and all expenditures proposed for the erection and dedication thereof shall be subject to the approval of the Governor and Council."

Which amendment was adopted and under suspension of the rules, the resolve was read a second time

and passed to be engrossed as amended by Senate Amendment A. Sent down for concurrence.

Enactors

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

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

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

Bill "An Act Providing for the Uniform Trust Receipts Act." (S. P. 438) (L. D. 1211)

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

Bill "An Act Relating to Pensions for Dependents of Sheriffs and Deputy Sheriffs." (S. P. 471) (L. D. 1314)

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

Bill "An Act to Incorporate the Town of Harpswell Neck." (H. P. 282) (L. D. 266)

(On motion by Mr. Butler of Franklin, tabled pending passage to be engrossed.)

Bill "An Act Revising the Law Relating to Licensing of Electricians." (H. P. 487) (L. D. 532)

Bill "An Act Relating to Delivery of Motor Vehicles Sold by State on Bids." (H. P. 488) (L. D. 533)

Bill "An Act Relating to Licensing of Oil Burner Installers and Servicemen." (H. P. 1074) (L. D. 1269)

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

Bill "An Act Relating to Overweight of Motor Vehicles." (H. P. 1212) (L. D. 1438)

Bill "An Act Relating to Registration for Barbers and Apprentice Barbers." (H. P. 1227) (L. D. 1508)

Which bills were passed to be enacted.

"Resolve in Favor of Cecil A. York, North Windham, for Damage by Escapees from the State School for Boys." (H. P. 702) (L. D. 770)

(On motion by Mr. Collins of Aroostook, tabled pending final passage.)

Emergency

Bill "An Act Relating to Bartlett's Island as a Game Preserve." (S. P. 30) (L. D. 19)

Which bill, being an emergency measure, and having received the affirmative vote of 27 members of the Senate and none opposed was passed to be enacted.

(In accordance with the provisions of the Constitution of Maine, Section 14 of Article IX a two-thirds vote of the Senate is necessary to enact the following:)

Bill "An Act to Authorize the Construction of a Bridge Across Jonesport Reach." (H. P. 1237) (L. D. 1527)

On motion by Mr. Wyman of Washington tabled pending passage to be enacted.

Orders of the Day

The President laid before the Senate the 1st tabled and especially assigned matter Senate Reports from the Committee on Claims: Majority report "Ought to pass as amended"; Minority report "Ought not to pass" on "Resolve in Favor of Wyman and Simpson, Inc. of Augusta." (S. P. 203) (L. D. 497) tabled earlier in today's session by the Senator from Knox, Senator Low, pending acceptance of either report.

Mr. LOW of Knox: Mr. President and members of the Senate: I seem to be in somewhat of a minority on this bill and I am sorry again to oppose my good friend, the Senator from Hancock, Senator Silsby.

This claim arose from a bridge which was built in 1941. The war came along and costs went up, and now the contractor is claiming \$110,000 as his loss because the war increased his cost. A similar claim was entered in the 1947 legislature and the 1949 legislature, and in both cases the committee reported unanimously "Ought not to pass" and the committee report was accepted without debate. I feel that those legislators were much closer to the scene than we are, and since they turned down the claim I do not see why we should pass it fourteen years after the job is done. I move indefinite postponement of the bill and accompanying papers.

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

Mr. SILSBY of Hancock: Mr. President and members of the Senate: I do not know of any claim that we have had before our committee that has taken any more time or has been the subject-matter of any more differences of opinion than this claim of Wyman and Simpson. Very briefly, I would like to relate to you the facts in this case, because we realize in the Claims Committee that we are nothing more than a sub-committee and we must come up here for the good judgment and wisdom of this body, and if we have erred, the majority, in our judgment, I for one will stand corrected and abide by the vote.

Now in 1941 Wyman and Simpson entered into a contract with the State Highway Commission to build Martin Point Bridge by the Marine Hospital over in Portland, and the contract price was \$762,782.91. We all know what happened in 1942. I do not think any of us expected that we would be in World War II at that time, and neither did any of us expect that prices would spiral to the point that they did and that the dollar would have such little value, and Wyman and Simpson were the victims of this circumstance.

Now we examined very carefully the records that they submitted, and I think that my good friend, the Senator from Knox, Senator Low, will agree with me in this particular, that Wyman and Simpson did sustain a substantial loss, and I think the good Senator will further agree with me that they could not, nor could anyone else reasonably foresee the prices that would obtain the year after and the priorities that they must have in order to proceed with their work.

As I have said, we examined the records and we considered other projects that occurred under prices that obtained after 1942, and I think their statement of loss of \$111,000 was a very fair statement. But we as a committee felt that we wanted to put them in status quo in part, that is that the State would not receive an unjust enrichment. And we

asked many questions and one question in particular that I asked of one of the officials of the Department was on the matter of labor, and my question in substance was this: Could any man or any person have reasonably foreseen the increase in labor at the time this contract was placed? And the answer was no. And again I asked: How much did Wyman and Simpson lose, in your best judgment by the figures you have made on this subject matter by labor alone that anyone could not have reasonably foreseen? The answer was from thirty to forty thousand dollars. Now that thirty thousand your committee took as a base, the minimum.

Now we also have a letter from one of the officials of the department which I quote:

"I am sure the Commission fully appreciates the situation and the fact that existing conditions are of course beyond your control. It seems to us that this is a case which you could present to the legislature with justification."

Now even the Commission itself was willing to admit that there was an injustice and recommended the legislature. And where else could they go under present existing law than to the highest court of the land, the great and general court of the legislature, for an adjustment of their differences, and equitable adjustment. I do not argue for a moment that they had any legal right, but they do have an equitable right, and I think that the Commission in itself admits that there was an unjust enrichment.

The majority of the committee decided that the State should make some adjustment. We are not unmindful that this matter has been before the legislature in 1947 and 1949 and turned down, and we are not unmindful of the fact — and I examined the records — that there was no debate. That is my purpose, that this matter be debated and that all of you good citizens should have the benefit of the facts so that you can make your decision now, not just simply from a report but from a knowledge of all the facts so that you in your wisdom can satisfy your own conscience whether or not

there should be an adjustment. It has been a long time, I admit.

Further, we understand, and this is not disputed, that some adjustments were made with other contractors, and I know that some of you appreciate that this corporation might have gone into bankruptcy, but they didn't, and we have got to respect that. And we have also got to respect the fact that by reason of this loss they had to struggle along with small jobs because they did not have any capital. They had to pay their obligations and they kept struggling and they still are struggling, whereas before the war they had a fairly good working capital.

Now there are many other angles to this case which I won't trouble you by going into or even trying to explain them, but regardless of what other legislatures have done, I still believe that the State of Maine acquired this bridge which the department itself admits cost more than the contract price for reasons beyond the control of anyone, and I do not believe that we here can justify our conscience that the State of Maine should have an unjust enrichment. We at least should meet them half way, especially on the labor. Now you might say: Why not the equipment? The equipment cost them nothing; it is what they should have earned. But the out-of-pocket expense in any event, if we want to give full faith and credit to what was said by one member of the department, was thirty or forty thousand dollars. Are we going too far wrong when we say that under all those circumstances we will meet you half way and give you fifteen thousand dollars, which the committee amendment will carry.

I hope that the motion of my good friend, Senator Low, will not prevail.

Mr. REID of Kennebec: Mr. President, I put this bill in for Wyman and Simpson, which is a one-man company. Mr. Simpson is now aided by two of his sons who have grown up. I would like to reaffirm everything that the Senator from Hancock, Senator Silsby, has said. There are many more things which could be said about it. For example,

this contractor when prices spiraled right after Pearl Harbor had great difficulty in getting labor, they all left him and went over to the Bath Iron Works and he had to get along with youngsters and elderly people. He had the foresight at the time of Pearl Harbor to order top priority materials and when they came they had to be stored around the place at his expense. His direct damages as a matter of fact were \$111,000 and the indirect damages would run much higher than that. This particular job broke this gentleman and he has never recovered from it. This \$15,000 will be of some aid to him.

While this might be termed an ancient claim, the fact of the matter is that he worked a long time trying to get the federal government to give him some relief because it was a federal aid project but the federal government finally decided they couldn't because the state had done nothing for him.

I believe it is also true that this is the first time that all the facts have been gathered together and presented to the committee in great detail.

I most certainly hope that the motion to indefinitely postpone does not prevail.

Mr. CHAPMAN of Cumberland: Mr. President, I should like to direct a question through the Chair to the Chairman of the Claims Committee. I noted from the printed calendar that the final number of the amendment is not shown so I have not had an opportunity to examine it.

My question is this: Does the amendment contain in it a provision that this particular claim if paid in the amount suggested by the committee amounts to a full release of all claims and a full settlement of the matter?

The PRESIDENT: The Senator has heard the question and may answer if he chooses.

Mr. SILSBY of Hancock: Mr. President, it is the understanding of the committee that a release will be given. And I might add while I am on my feet that I thought it had been amended in that particular; also that it will be paid from the highway fund.

Mr. LOW of Knox: Mr. President, I think we are being asked to accept a very dangerous principle. As I understood the Senator from Hancock, Senator Silsby, he said the State should pay for losses sustained by a contractor when prices went up for reasons beyond his control. I can see that happening in all kinds of situations, and I believe that we would be adopting a philosophy which would come back to hurt us pretty badly.

Mr. SINCLAIR of Somerset: Mr. President and members of the Senate: I would like to inquire through the Chair of the Chairman of the Claims Committee if there was any delay in the awarding of the bid or the time to begin construction on this job after the bid was opened. By that I mean that quite often a bid is made and is accepted and for some reason which can be traced to the State the job is not awarded and construction does not begin, and I think in that case there would be some justification for the claim. If that is not true, I would have to agree with the Senator from Knox, Senator Low, that we are accepting a very dangerous precedent, because the situation that took place here with this particular contract must have existed with a great many other similar contracts at the time. It is true that the contractor had no control over the increased prices of labor and materials, but neither did any other contractor or any other type of business. So I would like to ask again if there was any delay between the awarding of the contract and the beginning of the contract that was occasioned by the State.

The PRESIDENT: The Senator has heard the question and may answer if he chooses.

Mr. SILSBY of Hancock: Mr. President, if I understand the question correctly, there was a delay by reason of the priorities which went into effect and which the company couldn't get. I have here a memo that they did not receive any rating and did not get any rating for their priority until October of that year. They had a A-2 rating which was fairly high but which was soon superseded by a higher rating and became worthless so far as expedit-

ing the job. Does that answer your question?

Mr. SINCLAIR of Somerset: Mr. President, the delay was occasioned by things beyond the control of the contractor but the contract was awarded in the normal time after the bid was opened and was accepted by the contractor, I presume. Am I right in that?

Mr. SILSBY of Hancock: Mr. President, I believe that the contract was awarded. I am not sure of that but I think it was. I don't know.

Mr. BOUCHER of Androscoggin: Mr. President, as this is not a lawyers' paradise I want to enter the discussion. The crux of the whole thing to me is what time the bid was made and what time the contract was awarded. Now my recollection of 1941 is that there were no priorities at that time, priorities were imposed in the spring of 1942. I know that because I had a contract with an oil company to build a filling station in Lewiston. We were ready to excavate and start the project, and in March, I don't remember the exact date, but in March I was notified not to start the contract and the contract was abolished but I was partly compensated for the money I had in the contract at that time. The contract did not proceed until after the war. So priorities were not put into effect until sometime in the spring.

My decision would be made wholly on the date of the bid and the date of the awarding the contract. That in my mind would decide the matter whether I should vote for or against the bill.

Mr. REID of Kennebec: Mr. President, I think maybe I can clear up this point. The bid was made and the contract was signed before Pearl Harbor. The difference — and here is where you can get away from the matter of establishing a principle or precedent — is what happened. This particular bridge was labeled as strategic by the federal government. All the contractors around that job, including the contractors who had a contract to build roads leading up to the bridge both ways, were excused from the performance of their contracts because that was not labeled

as strategic. This contractor could not be excused on that account and he had to suffer when everybody was allowed to renegotiate their contracts or be excused from them. In fact the roads that were intended to be built up to this bridge and which were rebuilt or reconstructed were delayed for several years and finally were rebuilt, and I dare say that when they were rebuilt they cost at least twice as much as they would have cost had the contractors been forced to go through with the job at the then higher prevailing costs of labor and materials. And so this gentleman, Mr. Simpson, stood alone on account of that strategic designation by the federal government.

Another thing, if the State is willing to go along and give him this small fraction of his actual direct losses I still think he might at least get something back from the federal government, at least I would hope so.

This certainly is an extreme hardship case. We have many precedents in the state for the state paying equitable claims, and this is a very, very small fraction of his actual loss. During this legislature we have established plenty of precedents. We have agreed to pay — and I guess some of the resolves have been enacted — we have agreed to pay persons for equities which we think they had, for instance in the case of the escape of these young boys from the State School, and there are many others.

The history of legislation here will show that where there is an extreme hardship case and the equities are in favor of the applicant that we do make some payments. I think that justice requires, even at this late date, that this contractor get at least some recognition of the fact that he did a job, that it broke him and he never recovered from it and that he alone in that whole area was the one who was compelled to go through with the performance of his contract at a time when wages doubled on him or tripled on him.

I certainly hope that the motion to indefinitely postpone does not prevail.

Mr. WEEKS of Cumberland: Mr. President and members of the Sen-

ate: I think the point made by the Senator from Knox, Senator Low is one which cannot be ignored. It is a very important principle. I have listened very carefully to everything that has been said, and as I was listening I recalled one case in which the State of Maine by a resolve paid \$50,000 to a certain contractor not too many years ago, but in that case the reason why the payment was made was that an engineer of the Highway Department gave him wrong information regarding soundings and the condition of sub-soil. In that case he was in effect led astray by the agents of the State and consequently should have been compensated. In this case here I have heard nothing that anyone from the State level or any of the employees of the State have in any way caused the damage. Obviously it was a very unfortunate thing, but I cannot resist the suggestion that if it had happened in 1932 and labor prices had gone down and commodity prices had gone down, that Mr. Wyman certainly would not have been around trying to give back to the State of Maine some money where they would have substantially more profit than they would have anticipated.

This principle is very serious. The Senator from Kennebec states we have some bad precedents during this term. Barring one case to which I recall objecting so much, there was always some basis for saying that the State was in some way responsible, even in the escape cases. There was some basis for saying that we had some moral responsibility so far as their conduct was concerned. In this particular case we have a clear case of a man suffering hardship, that is true, but I do not believe that we should step in at this time on this principle and compensate him any more than we would on the city level where the same problem comes up quite a few times.

I support the motion of the Senator from Knox, Senator Low.

Mr. PARKER of Piscataquis: Mr. President and members of the Senate: I hesitate to add my thoughts to this debate but I certainly think that we are voting on a claim that has in most cases our sympathy but

we are establishing something here that to my mind is a very dangerous precedent. I think we should consider whether we are going to allow our sympathies to be considered in our vote or whether we are going to vote according to principle. For that reason I certainly shall have to go along with the Senator from Knox, Senator Low.

Mr. FARLEY of York: Mr. President and members of the Senate: I am going to go along with the Senator from Knox for the simple reason that for two previous terms I have voted the same way on that bill and I am going to do so this morning.

Mr. BUTLER of Franklin: Mr. President and members of the Senate. This certainly is a claim which demands our consideration. With what we have done thus far it is inconceivable to me that we would presume to turn it down. This claim was heard March 8th before the Committee on Claims and on March 15th, the same date that they heard this claim they were able to turn out an "Ought not to pass" report. Now we have had many reports from the Committee on Claims prior to this. Here it is at the last of the session, so we have got only one thing to presume and that is that it has been held in the committee for the very explicit purpose of playing upon our passions and our desire—

The PRESIDENT: The Senator is out of order. The Chair will rule that the intent of any legislative committee is not subject to disparaging remarks that I interpret by the Senator from Franklin, Senator Butler.

Mr. BUTLER of Franklin: Mr. President, I apologize, and may I continue?

The PRESIDENT: The Senator may continue.

Mr. BUTLER: The fact is that this claim has come before this group twice and having come before this group twice it has been turned down. We are opening up a door which is going to open the way for many other claims of a similar nature. It may be a hardship, but if we are going to come in to run a program of highway construction, if we are going to ask for equities to be given, then those equities

should be as fair on one side as on the other. This firm has without doubt made money in the past and is making money now and it is still doing business, and yet we are asked to come in and contribute because on one deal they have lost money. We have also come onto the fact that our highways are costing money and we are having to raise additional funds to maintain them, but we are refusing to recognize that when these costs come in they are legitimate costs and are not costs which have been previously considered. I feel that where this has come before us twice this is only an inference that they are not going to be satisfied until they can get a legislature which will go along with their way of thinking and reimburse them, which prior legislatures have not done. I therefore certainly support the recommendation of the Senator from Knox, Senator Low.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate: After having been told that this contract was awarded pre-Pearl Harbor, which means at four to six months prior to the enforcement of priorities, I cannot go along with the payment of this claim. If we open the door at this time with this claim we are inviting every contractor who contracts with the state if he makes a loss to come back and file a claim at future sessions of the legislature. I think we are going to create a precedent and I think we are making a mistake. In fact, in my mind we are opening a bigger and better pork-barrel.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate: I had no intention of speaking upon this matter. I have known the parties in interest for many, many years and they have not even attempted in any way to lobby me upon it. I have known of this situation for many years. I was assigned to the War Department and I was in Military Intelligence in 1942 and I knew of this situation at the time it existed. I knew Mr. Simpson, I knew Mr. Simpson's sons. Mr. Simpson's sons were in military service, and Mr. Simpson well could have gone through bankruptcy at that time and quit on the job but he didn't quit the job. It was a vital

necessity to our national security at that time. He went ahead and completed this job at a great financial and personal sacrifice, and I do know as a matter of fact that he has never fully recovered from the impact of the loss which he took upon that job.

I certainly listened with interest to my able and learned colleagues in this Senate when they talk about matters of principle, but I certainly want to stand up and to be counted on a matter of justice and a little humanitarian spirit manifested when great exceptions exist and great hardships are being invoked. I certainly have no hesitancy on a matter of principle in voting against the motion to indefinitely postpone.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Knox, Senator Low, that the resolve and accompanying papers be indefinitely postponed and the Senator from Kennebec, Senator Farris has indicated his desire for a division. Is the Senate ready for the question?

A division of the Senate was had.

Sixteen having voted in the affirmative and twelve opposed

The Resolve was indefinitely postponed.

Sent down for concurrence.

The President laid before the Senate, the 2nd tabled and especially assigned matter being Senate report from the Committee on Appropriations and Financial Affairs "Ought to pass in new draft" (S. P. 578) (L. D. 1542) on bill "An Act to appropriate Monies for Capital Improvements and Construction of State Government for the Fiscal Years Ending June 30, 1956 and June 30, 1957" (S. P. 54) (L. D. 44) tabled by that Senator earlier in today's session pending acceptance of the report.

Mr. COLLINS of Aroostook: Mr. President and members of the Senate: The redraft of L. D. 44 contains some changes which I thought the members of the Senate might wish to know about before voting on the matter and accepting the report.

The essential differences as I remember them are these: We reduced the amount which was allowed the Park Commission to \$100,000 from the sum that was in

L. D. 44, I believe, of \$200,000 or \$250,000. That was a substantial reduction. We cut out the recommendation that was in L. D. 44 for the Boys' dormitory at Farmington. We reduced the amount allocated in 1944 for the gymnasium at the State School for Boys from \$100,000 to \$75,000. We added \$30,000 as a transfer to the highway fund for the weighing-station barracks at Kittery. This was as a result of a conference between the Committee on Highways and the Committee on Appropriations together with a conference with the Governor and Council, and is in the bill with the approval of the Governor. This amount would about pay for the construction part of the barracks and the rest of the money has been allocated from the highway fund. You will notice that we turned down the bill today, but it was felt that the bill was not necessary as an allocation had been made for the weighing station at Kittery.

Now there are before the committee two major construction bills which have not yet been passed out of committee. One of these is a classroom at Gorham, and the second is an addition to the Chemical Building at the University of Maine. Those are the only two items of building construction that have not been passed out by the committee. The others have been passed out of committee, among them being the list of armories which have been approved by the committee and which are on the table.

The total amount from unappropriated surplus that this bill provides is \$5,193,180 the first year and \$112,475. I have no desire to try to rush this thing through the legislature. I do realize that it is getting very late in the session and I believe that a motion to accept the "Ought to pass" report would be in order. If that report is accepted and there is objection to having the bill go to the other body right away I would be perfectly willing to table the bill, but I would move at this time, Mr. President, that the "Ought to pass" report of the committee be accepted.

The PRESIDENT: The Senator from Aroostook, Senator Collins, moves that the "Ought to pass" report of the committee be accepted.

The Chair recognizes the Senator from Franklin, Senator Butler.

Mr. BUTLER of Franklin: Mr. President, may I inquire through the Chair of the Senator from Aroostook, Senator Collins, the Chairman of our Appropriations Committee, if and when he would be able to have a report on the dormitory at Gorham and the University of Maine?

The PRESIDENT: The Senator has heard the question and may answer if he so desires.

Mr. COLLINS of Aroostook: Mr. President, the building at Gorham I believe is a classroom rather than a dormitory, and the one at the University of Maine is the chemical building. We are having an executive session of the committee this evening, and it is my hope that these two bills will be before the legislature tomorrow.

Mr. BOUCHER of Androscoggin: Mr. President, might I inquire what the committee has done as to Farmington Teachers College and the men's dormitory?

The PRESIDENT: The Senator has heard the question and may answer if he chooses.

Mr. COLLINS: The boys' dormitory at Farmington was taken out of this bill and an "Ought not to pass" report on the bill is before the legislature at this time.

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

The Chair recognizes the Senator from Cumberland, Senator Chapman.

Mr. CHAPMAN: Mr. President and members of the Senate: In regard to the question first posed by the Senator from Franklin, Senator Butler, I think it would be well to clarify that point of the classroom vs. the dormitory.

The matter which is now being discussed and which was proposed by the original draft of the bill was a classroom building. The dormitory which was sought for years was committed in the last legislature and is now under construction.

While we are on the subject of dormitories, perhaps I could just offer an observation in regard to the question proposed by the Senator from

Androscoggin, Senator Boucher. That is in regard to the Farmington dormitory. At the committee hearing it was determined with reasonable assurance that if that dormitory as proposed was built it would not be fully used, because at the present time there is an old school building which has been converted into a voluntary dormitory by the majority of the boys who attend the institution. They rather like it, they have a fond feeling of cordiality for it and it was indicated to the committee that they would continue to live in it, therefore the need for this dormitory did not seem to be as essential as for other capital construction projects.

While I am on my feet I would like to make just one more observation as to the committee's thinking and that is in regard to the reduction in expenditure for the Park Commission which was originally proposed to be \$225,000 but which has been reduced by this bill to \$100,000. We have no intention of discriminating against the expenditures in the pioneer field of park construction. The committee's thinking in regard to this particular item goes something like this. Upon inquiring into the details of intended park construction we found that there was much interest on the part of prior park owners to come forward in the field and construct parks which would be available for the use of tourists in connection with our general recreation business. They found that they were priced out of the market because we subsidized both capital construction and operation. On the operation end we suggested that park fees in the parks where the demand was great and where the use was even greater than the saturation point and people were turned away, that they be raised a little, and we found from checking with people who use these parks that they were very happy about it, they were agreeable to paying slightly higher fees.

In regard to the construction end of the thing, it occurred to us that if we confine our state construction to just the essential park expansion and induce the private operators to come forward by giving them a sound economic basis on which to construct, that in the long run we

would end up with two or three times as many park facilities available for tourists than we would if we continue on nothing but a subsidization program.

I think that probably summarizes the observations I wanted to make on this bill.

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

The motion prevailed, the ought to pass in new draft report of the committee was accepted and the Resolve in new draft was read once. On motion by Mr. Collins of Aroostook, the rules were suspended and the resolve was given its second reading.

Mr. BOUCHER of Androscoggin: Mr. President, I move that the resolve be laid upon the table.

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

Mr. Boucher of Androscoggin was granted unanimous consent to address the Senate.

Mr. BOUCHER of Androscoggin: Mr. President, apparently there is opposition to my tabling this bill. I shall state the reason why I haven't stopped the second reading, which I could have done, and I will also explain why I want to table it.

There is a question in my mind about this building in Farmington. I know that the Governor would like to have that building. I am informed that the present room in Farmington is very, very bad, in fact they tell me that they have to sleep three persons in one room, and that in addition to the shortage of teachers which we hope to be able to overcome, which would make it still worse. I would like to table it at this time and consult with the members on the question of adding \$300,000 to this bill. Apparently the rest of the bill is satisfactory and we would be glad to go along with it, but that one item is not quite settled, and that is why I would like to table it at this time.

The PRESIDENT: The Senate will be at ease for a moment.

Mr. Boucher of Androscoggin was granted permission to withdraw his motion.

Thereupon, on motion by Mr. Collins of Aroostook, the bill was laid upon the table pending passage to be engrossed.

On motion by Mr. Butler of Franklin, the Senate voted to take from the table bill, "An Act to Incorporate the Town of Harpswell Neck" (H. P. 282) (L. D. 266) tabled by that Senator earlier in today's session pending passage to be enacted; and on further motion by the same Senator, the bill was passed to be enacted.

The PRESIDENT: The Chair would note that with respect to today's Senate calendar, there are several items that have not been through the engrossing stage, such as Items 15, 22, 25, 26, 29, 30, 36, 37, 44, — all recited without any indication that the Chair can guess which bills are going to be enacted.

On motion by Mr. Farris of Kennebec, the Senate voted to take from the table House Report from the Committee on Business Legislation "Ought not to pass" on bill, "An Act Defining and Regulating the Collection Agency Business and the Budget Planning Business." (H. P. 1157) (L. D. 1375)

Mr. FARRIS of Kennebec: Mr. President, will the Secretary please read the reports.

The SECRETARY: Committee report "Ought not to pass". In the House the bill was substituted for the Report, House Amendment A was adopted and bill passed to be engrossed as amended by House Amendment A on April 28.

Mr. FARRIS: Mr. President, I move that the bill be substituted for the report, for the purpose of yielding to the Senator from Androscoggin, Senator Lessard, who will introduce an amendment.

Thereupon, the bill was substituted for the report, and read once.

The PRESIDENT: The filing number of House Amendment, which appears to be a new bill, is L. D. 1493.

Mr. LESSARD of Androscoggin: Mr. President, I rise at this time to offer Senate Amendment "A" to

L. D. 1375, and I would like at this time to state that this amendment provides for striking out all the bill and adding to it an amendment which will be under the title of "An Act Prohibiting Budget Planning business in the State of Maine"

Now this budget-planning business, I don't know whether many of you know about it, is something new and which has come into being in the State and luckily we have got only one or two of these boys that have come in on it.

I have here an excerpt from the Boston Record on the back page of which are many of these ads for budget planning. Perhaps I should explain to you just what they do.

This is not a loan agency nor is it a bank; it is merely somebody who comes to your city or town and sets up an office with a desk and telephone and proceeds with advertisements in the newspapers such as these: "Don't be a slave to debts," "Bills piling up," "Have you got bill trouble,"—and everyone has—"Pay your bills." You go in there and the party then sets up a schedule whereby you pay so much a week to him and he in turn attempts to distribute your money to your creditors. He charges you a fee for it and his contract provides that you are to make payments each and every week. He does not promise to pay the bills himself nor does he say if anything happens he will pay them. However, any time you miss a payment the contract is up and he proceeds to keep what money he has or distributes it, but in the meantime he gets his fee first.

First of all, I maintain it is illegal practice of law and in my opinion it is a racket. I have information that a group in Illinois was indicted by the United States Attorney out there and convicted, also a group in Ohio have been indicted.

As I say, they have only one office in Maine. I am not condemning this office. However, what started this whole thing, I think, was the amendment to the United States Bankruptcy Act which is called the Wage Earners Plan. About four or five years ago the United States Congress amended the Bankruptcy Act and provided for the wage earner to go to the United States Bankruptcy Court and there submit a

plan similar to what this proposes to do, that is they would go to an attorney or go to the United States District Court and file a petition setting out what you owe and how much you can pay, and on receiving the approval of the referee in bankruptcy then all attachments are withheld, all capias are withheld as long as you keep up your payments to the court for distribution to your creditors. Now these companies that are in the budget-planning business cannot do that, they are not attorneys, they cannot promise relief from attachment, they cannot promise you any service in regard to disclosure proceedings. All they do is take these people's money, and I think it could very well be a racket if they come here in our state. In fact, I notice in one of these ads in the Boston Record it says, "No charge for consultation and appointment. Service in Connecticut, Rhode Island, Vermont, Maine, New Hampshire and Massachusetts. Phone or write. So they are even reaching up into our state and getting people to come in there. So I propose by my amendment to make it unlawful for anyone to engage in the budget-planning business, so-called in the State of Maine. I offer this amendment.

The PRESIDENT: The Senator from Androscoggin. Senator Lessard, offers Senate Amendment "A" and moves its adoption.

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

SENATE AMENDMENT "A" to H. P. 1157, L. D. 1375, Bill "An Act Defining and Regulating the Collection Agency Business and the Budget Planning Business."

Amend said Bill by striking out all of the Title thereof and inserting in place thereof the following Title: "An Act Prohibiting Budget Planning Business."

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

"R. S., c. 137, §§ 51-53, additional. Chapter 137 of the revised statutes is hereby amended by adding thereto 3 new sections to be numbered 51 to 53, inclusive, to read as follows:

'Budget Planning Business.

Sec. 51. Budget planning business prohibited. No person, firm, associa-

tion or corporation shall engage in the business of budget planning. The provisions of sections 51 to 53, inclusive, shall not apply to those admitted to the practice of law.

Sec. 52. Definition. "Budget planning" means the making of a contract with a particular debtor, whereby the debtor agrees to pay a certain amount periodically to the person engaged in the budget planning, who shall distribute the same among certain specified creditors in accordance with a plan agreed upon.

Sec. 53. Penalty. Whoever, either individually or as the officer or employee of any person, corporation or association, violates any of the provisions of section 51 shall be punished by a fine of not more than \$500, or by imprisonment for not more than 6 months, or by both such fine and imprisonment."

Which amendment was adopted; House Amendment A was indefinitely postponed and the bill was laid upon the table pending assignment for second reading.

On motion by Mr. Lessard of Androscoggin, Senate Amendment A was ordered printed.

On motion by Mr. Lessard of Androscoggin, the Senate voted to take from the table House Report from the Committee on Legal Affairs: "Ought not to pass" on bill, "An Act Regulating the Solicitation and Collection of Funds for Charitable Purposes." (H. P. 111) (L. D. 119) tabled by that Senator on May 3 pending acceptance of the report; and that Senator moved that the Senate accept the Ought not to pass report.

Mr. REID of Kennebec: It is my understanding that this bill provides for the registration of persons who wish to solicit for charitable purposes, also that there is no price tag on it, no cost to it, also that anyone who intends to solicit will simply have to write and get permission from the Department of Health and Welfare. I cannot see what the objection is to it. I know that the various chambers of commerce are in favor of it.

I understand the purpose of the bill is to try and get rid of the type of person who runs around the state without any license to solicit and

makes false claims and takes money away from people who think they are giving money to worthwhile charities. I understand that a great many other states have this type of legislation.

I would like to read a letter written to a member of the House.

"In 1954 this Bureau handled over 4500 inquiries and complaints. The classification that had the largest number of requests for service was Solicitations. It accounted for over 9% of the total cases handled.

"I believe it signifies that the public is becoming aware of the many solicitations now taking place and are interested in knowing where their contributions are going.

"In our investigations of solicitations in this area we have discovered many interesting facts. In the first place the great majority are legitimate and worthy of the public's consideration. However, we have discovered some that went from out and out frauds to those who were paying a very high price for the money obtained.

"We have also found that some organizations located in other states having legislation pertaining to charity solicitations are making it a practice to come into Maine and solicit.

"Here are a few examples of solicitations we have investigated.

"A man, representing himself as a reverend, his wife and two children were soliciting for a children's home located in the state but some distance from Portland. In checking with the Chief of Police in that area he told us that the Police Department could find no evidence of the existence of such a home.

The Bureau was asked by the Police Department of several municipalities to check on an out of town charity that had requested permission to solicit in their areas. In checking with another Bureau we found that the principles involved in the organization were of questionable character. In addition the solicitors were paid a high commission and expenses, leaving very little for the institution.

"One state organization informed the Bureau that it had engaged the services of two solicitors and that payment was to be made at the rate of \$75.00 each per week or 50% of

the collections, whichever was greater.

"Again let me say that these are the exceptions. However every dollar taken by these organizations means one less dollar for the charities operated by reputable people at a reasonable cost.

"We believe that the public is entitled to know where his charity dollar is going. Legislation providing for the disclosure of this information protects both the public and the legitimate charities.

"Cordially,

Don Libby
293 State St.,
Portland, Maine."

I understand that this matter is under consideration in Massachusetts and has the hearty endorsement of the Attorney General of Massachusetts. To me, unless I have been misinformed, it seems to me that where it costs nothing and where legitimate organizations need only write in for a license to solicit and quickly obtain a license, that the public will have protection against the type of person who goes out and commits this type of fraud. For that reason I oppose the motion to accept the committee report and hope that this body will go along with the other branch.

Mr. LESSARD of Androscoggin: Mr. President and members of the Senate: The purposes of the bill are good. We had several hearings before our committee on this bill and we had consultations with Mr. Roger Libby. The Senator from Kennebec, Senator Martin, and myself worked many hours over this. No doubt some of you members of the Senate realize we also consulted you, including you, Mr. President, in attempting to get some help to rewrite this bill, because we felt the purposes of it were good. However, the bill as written we felt was too drastic, and I would like to point out some of the reasons why.

Section 247 of the bill provides that no person, firm, corporation or association shall solicit funds for charitable or benevolent purposes outside the municipalities where such persons reside or where such firm or corporation or association have their place of business without having in full force a written license

therefore from the Bureau of Health and Welfare. No license shall be granted for a term exceeding one year.

Now what does this provision provide?

The PRESIDENT: The Chair is always hesitant to break into debate but does the Senator have House Amendment B? Does the Senator wish to move for a recess while he examines House Amendment B?

On motion by Mr. Lessard of Androscoggin

Recessed for five minutes.

After Recess

The Senate was called to order by the President.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Lessard and apologizes for having broken up the debate.

Thereupon, on motion by Mr. Lessard of Androscoggin, the bill was laid upon the table pending motion of the Senator from Androscoggin, Senator Lessard, that the Senate accept the ought not to pass report of the committee.

On motion by Mr. Chapman of Cumberland, the Senate voted to take from the table bill, "An Act Providing for Reappointment of Active Retired Justices." (S. P. 157) (L. D. 351) tabled by that Senator on April 26 pending passage to be enacted.

Mr. CHAPMAN of Cumberland: Mr. President, for the purpose of presenting a short clarifying amendment I move that the Senate reconsider its former action whereby this bill was passed to be engrossed.

The motion prevailed and under suspension of the rules, engrossment was reconsidered and the same Senator then presented Senate Amendment A and moved its adoption.

The Secretary read Senate Amendment A as follows:

Senate Amendment "A" to S. P. 157, L. D. 351, "An Act Providing for Reappointment of Active Retired Justices."

Amend said bill by inserting at the beginning of the first line after the enacting clause the following under-

lined abbreviation and figure:
'Sec. 1.'

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

'Section 2. R. S., c. 107, Section 10 amended. The second paragraph of Section 10 of Chapter 107 of the Revised Statutes is hereby amended to read as follows:

Within ten days after the service of a bill of complaint or other petition of equity, the defendant prior to the filing of his answer thereto may make application to the Chief Justice of the Supreme Judicial Court for the assignment of a justice to preside on the matter other than the justice to whom the original complaint or application was presented. Upon receipt of such application the Chief Justice may assign another justice to hear the matter. After such assignment all petitions and motions relating thereto shall be presented to, and all matters relating to said cause shall be considered by said justice in the manner prescribed by law for equity matters.' Mr. President, in support of the mo-

Mr. CHAPMAN of Cumberland: tion I would like to say just briefly that this particular amendment clarifies an intricate and minor but somewhat important problem relating to the practice of law in equity matters. It has been discussed fully with the Chief Justice of our Supreme Court and he gives us his full support, and as a matter of fact made suggestions as to how the amendment should be drawn. It also has been cleared with the members of the committee who have cognizance of this bill. I move the pending question, the adoption of the amendment.

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

The PRESIDENT: Is there objection to the transmittal of all of the matters that are in the proper form, to the engrossing department forthwith?

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

On motion by Mr. Reid of Kennebec

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

After Recess

The Senate was called to order by the President.

On motion by Mr. Farris of Kennebec, the Senate voted to reconsider its former action taken earlier in today's session, whereby it passed to be enacted, bill, "An Act to Clarify the Employment Security Law." (S. P. 348) (L. D. 957); and on further motion by the same Senator, the bill was laid upon the table pending passage to be enacted.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table Senate Report from the Committee on Legal Affairs: "Ought to pass in New Draft" (S. P. 553) under new title "An Act Relating to Compensation of Boards of Registration in Cities of 50,000 Inhabitants or More." on recommended bill, "An Act Relating to Compensation of Boards of Registration in Cities of 39,000 Inhabitants or More." (S. P. 349) (L. D. 958) tabled by that Senator on April 28 pending acceptance of the report.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, I presented this bill at the request of members of the Board of Registration of Voters in the city of Lewiston. This bill was reported by the Committee, ought not to pass. At that time I accepted the report. I went along with the committee. Then it went to the other Body and that Body recommitted the bill to the Committee on Legal Affairs. They now report a new draft which would give Portland the effect of the bill I presented but would deny Lewiston so they would actually use my bill to give an increase to the members of the Board of Registration of Voters in Portland, but would deny Lewiston for which I presented the bill, and I call that not a fair, square deal. I call that a vicious way to use the vehicle I brought in here to give somebody else a good ride and throw me off. So, naturally I resent that a little and I shall move to substitute the bill for the redraft.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Boucher, that the bill be substituted for the "ought to pass

in new draft" report of the committee.

Mr. LESSARD of Androscoggin: Mr. President, I rise on a point of order.

The PRESIDENT: The Senator may state his point.

Mr. LESSARD: Mr. President, can a bill which has been in committee, a new draft, can that be substituted for the new title or is it necessary for an amendment.

The PRESIDENT: The original bill may be substituted for the new draft provided the Senate so votes, and the question before the Senate is on the motion of the Senator from Androscoggin, Senator Boucher, that the original bill be substituted for the report.

Mr. LESSARD: Mr. President, here we go again. It was my understanding that every two years this bill comes in for a raise in salary for members of the Board of Registration in two cities—Portland and Lewiston, being as I understand it the only two cities that have a full time Board. It comes in every two years. One year someone from Portland presents a bill which includes Lewiston and the next year someone puts in a bill on behalf of Lewiston, so every two years we have the bill. First of all, I don't think that is a fair proposition for either Lewiston or Portland. I think they should be separate. The problems in Portland cannot be the problems of Lewiston, nor those of Lewiston the same as Portland. And that is why I went along with the new draft, that if people in Portland wanted a raise for their members of the Board of Registration that that was their business. On the other hand, if the city of Lewiston wanted it then that should be the business of someone from that part of the state.

My objection at the time to the raise for Lewiston was first, it has always been my thought and that of many of the residents of Lewiston, that we really do not need a full time Board of Registration there—three members. There has been quite a bit of consternation among those who work at the city building to see how little work they do during the year. When the Board is open for registration they are quite busy but there are many days and many weeks they have nothing to do, and

there is a great deal of absenteeism. I assure you I know this from experience. I was mayor of the city there and I was also an alderman.

On the other hand, we have a Board of Finance in the city of Lewiston that controls all salaries. Now I have not heard from the Board of Finance nor have I had any recommendation from them that there should be raises given to the Board of Registration. I have checked with the city council in regard to what raises are going to be given this year in the city of Lewiston and I find there are some. The heads of departments are getting a small raise. The Chief of Police is getting a \$5.00 a week increase, the Chief of the Fire Department \$5.00 and possibly some of the health workers \$5.00 a week, but no one is getting a raise up to the amount required on this bill, which is \$300, for the Chairman of the Board and the same for the other two members. This Board of Registration is located in the building. Now the next office across the way is the Board of Assessors and I understand they are not going to receive any raises. Next door to them is the Health Department and I understand they are not getting any raises. You can imagine what is going to happen when it is time for this legislation to go into effect and there are two offices right in the same building and they are not going to get any raise. The legislation will give raises to these people in the Board of Registration only. For that reason I object to the raises for the Board of Registration.

And I think that we should consider each of these cities separately. I am sure that if the Board of Registration in Portland requires raises down there, then the people of Portland know their situation and I might go along with it. On the other hand, Lewiston feels that their Board of Registration should not be getting more money than what the other offices in the city building are getting, offices working right alongside them. That was the evidence presented to our committee and that is why our first report was ought not to pass. I sincerely hope that you will vote against the motion of my colleague, the Senator from Androscoggin, Senator Boucher.

Mr. BOUCHER of Androscoggin: Mr. President, I am sorry to oppose my brother Senator from Androscoggin County but I think this time he and the Committee are going too far in using one of my automobiles to transport Portland. They turned in this bill—I would have accepted their ought not to pass report—I did accept it the first time it came into the Senate—ought not to pass, I accepted it. But when they come here and say Portland is going to have it and not Lewiston, and it is my own automobile but Portland is going to ride in it and Lewiston can't, then I'm not going to buy that one.

The good Senator has informed you that he is an ex-mayor of Lewiston. Well I am an ex-mayor of Lewiston. He has just succeeded me in office. I was mayor before he was. I want to tell you that the Finance Board cannot set the salaries of the Board of Registration of Voters. This legislature must do that. They have the power to raise the fund if they want to but never have I known them to do that. They say, "You go to the Legislature and get your salaries fixed and we will pay it" and that has been their attitude ever since they came into existence sixteen years ago.

Now he quoted you salaries of other officials in the building but he forgot to tell you that these people receive about half the pay of the other department heads. They are asking an increase under this bill from \$2850 to \$3150 for the Chairman and from \$2500—less than \$50 a week—from \$2500 to \$2800. It is \$300 increase but remember the size of their salaries. \$2500 is less than \$50 a week and the janitor in the building gets more than that in the city of Lewiston and I think it is unfair to that Board not to get that increase of \$300.

He has cited the ones who have not been increased but I have here a dozen of the department heads who have had increases of almost as much, \$5.00 a week which is \$260 a year; another for \$4.00 a week, another \$3.00 a week. I have a whole list here if you care to consult it but there have been increases.

I also want to make the statement that the Board of Registration of Voters has only one chance in two

years, whereas the Department Heads and the employees of the city of Lewiston can come every year and ask for increases and they are usually granted. This year there were increases in all departments but the Registration Board, although the increase was asked, it was denied and the answer was, "You go to the legislature. They set your salaries." And we came to the legislature and asked for the increase which would include Portland because there are only two cities in the state that have full time Boards. It was asked for Lewiston and included Portland, but it was denied until this new draft to Lewiston and granted to Portland and I don't like it. I hope you can see your way to vote with me on the substitution of the bill for the report.

Mr. LESSARD of Androscoggin: Mr. President, I am very sorry I stated that the Finance Board could set the salaries of the Board of Registration. I did not intend to say that and I don't think that I did. If I did, I was wrong. However, the Senator from Androscoggin, Senator Boucher, has said that the Board of Finance can if they wish to give them more money so they have the right to come before the Finance Board any time they wish to get extra money if they want to.

I want to remind you that the city of Lewiston has about 38,000 population and the city of Portland has 72,000 so it is a little larger city. And here we have a bill from Senator Boucher to give them the same salary. This is not fair since Portland is twice as big and probably should have more money. I maintain that as far as work is concerned in the city building in Lewiston, the Board of Registration is amply paid for what they do. I assure you of that.

Mr. ST. PIERRE of Androscoggin: Mr. President, I move that when the vote is taken it be taken by a division.

Mr. WEEKS of Cumberland: Mr. President and members of the Senate, I am very reluctant to stand here and oppose the motion of the Minority floor leader, the Senator from Androscoggin, Senator Boucher. However, if his motion is carried, it would automatically substitute the original bill which doesn't have any-

thing to do with Portland for a bill which does. I apologize to the Senator for the conduct of some scoundrel who may have tampered with the Senator's bill. I am very sorry about that. As soon as I see him I shall inform him of the error of his ways and that he should never take a Democratic vehicle to carry him anyway.

I would suggest that possibly an amendment might be in order.

The PRESIDENT: Will the Senator from Cumberland, Senator Weeks, approach the rostrum?

At Ease

Mr. WEEKS of Cumberland: Mr. President, I was wrong. I gathered from the remarks of the Senator from Androscoggin, Senator Boucher, that the way the bill was now written it would deny him what he is looking for and that the original bill would deny us, but I understand differently now and I will withdraw my objections to his motion.

Mr. CHAPMAN of Cumberland: Mr. President, just by way of further clarification as I understand the proposed salary increases apply to the Board of Registration in Portland, in either event whether we accept the original draft or the redraft. Consequently it is not the concern of those from Portland to engage in a particular controversy which stems unfortunately in Lewiston. I do wish to point out that I hope in the whimsy, amusement and confusion that the bill is not indefinitely postponed, because that we would really be grieved about. It involves municipal officers in the city of Portland and representatives from Portland are wholeheartedly in agreement that either the draft or the redraft be accepted. But in any event, please don't kill the bill.

The PRESIDENT: The Chair will observe that if there is any possibility of the three members from Androscoggin County retiring for a moment, the Senate would be very pleased to entertain a motion that the Senate do recess for a few minutes.

Mr. BOUCHER of Androscoggin: Mr. President, I am perfectly willing to retire and confer but we would have to take in Cumberland because whether they want to be included in

this or not, they are. Under my bill, it would grant the same increase to both Portland and Lewiston. Under the redraft it is given only to Portland and nothing to Lewiston and that is the matter in dispute. They have used my bill which was to give it to both cities and now they want to give it to Portland and refuse it to Lewiston. If there is any compromise to be made, Portland will have to come into it.

Mr. LESSARD of Androscoggin: Mr. President, that is the reason why I did not make a motion to indefinitely postpone, because no matter what happens, Portland is taken care of. If Senator Boucher's motion passes, they are taken care of under that bill and if it is defeated they will still be taken care of. I think the President's point is well taken that a conference should be held, and I move that the Senate recess for a few minutes.

The motion to recess prevailed.

After Recess

The Senate was called to order by the President.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate in order to have peace in the family, we have come to a compromise and I wish to table this until after I have been able to draw up an amendment.

Thereupon, on motion by Mr. Boucher of Androscoggin, the bill and accompanying papers were laid upon the table pending motion by that Senator to substitute the original bill for the report "Ought to pass in new draft."

On motion by Mr. Woodcock of Penobscot, the Senate voted to take from the table Senate Report from the Committee on Highways "Ought not to pass" on bill, "An Act Relating to Free Tolls over Deer Isle-Sedgwick Bridge." (S. P. 323) (L. D. 889) tabled by that Senator on March 24 pending acceptance of the report.

Mr. WOODCOCK of Penobscot: Mr. President, I move that the bill be substituted for the report. I think it might be helpful if you could refer to your compilation of legislative documents and under L. D. 889, you will see the bill now to be de-

bated and if you will turn to it you will see in prominent black type the words "All persons going to or from public worship on the Lord's Day may pass over the bridge (Deer Isle-Sedgwick) free of toll. Every such person shall give to the toll collector his name and residence. Whoever refuses or omits to do so, or willfully renders a false answer, and thereby evades the payment of his legal toll, shall be punished by a fine of not less than \$10."

The genesis of the idea for this bill came to me by the reports of ministers in two denominations down there in that area who were upset by the action of the 96th Legislature which in Chapter 211, Public Laws, 1953, passed, bill An Act Repealing Certain Laws Relating to County Commissioners' Duties re Ferries and Toll Bridges. What that did among other things was to dissolve the freedom that a worshipper had to cross a state controlled toll bridge free of charge.

I went back into the history of that act in the State of Maine and found that in the Statutes of Maine 1821, Chapter 138, Section 5, An Act Defining the General Powers and Duties of Turnpike Corporations and this bill was approved on Feb. 15, 1821. I quote directly from that act. "That nothing in this act shall extend to entitle any turnpike corporation hereafter established, to demand or receive toll from any person that shall be passing on foot or with his horse or carriage, to or from his usual place of public worship."

Now to tie in, if I may, the closeness between what was the turnpike and is the toll bridge, may I quote from "Turnpikes of New England" by Frederic J. Wood, page 211.

He is referring to an act incorporating the Middle River Bridge and Turnpike Corporation in Machias, Acts and Resolves of Maine, 1822, volume 22, page 152, chapter 38. I quote: "An Act was passed in 1822 which from its title would seem to be the formation of a turnpike corporation, but it was not. For by it was created the company which built and operated for many years the Machias toll bridge across Middle River in Machias."

It was in the first revision of the statutes of Maine, so-called revision,

there were compilations heretofore, in 1841, chapter 80, section 14 that the phrase "tollbridge" did appear in the title "Of Turnpike Corporations, and Toll Bridges." I will quote from that directly: "No toll shall be receivable at any turnpike gate, from any foot passenger, nor from any person, riding to his usual place of public worship."

In 1857 the Revised Statutes of Maine the "toll bridge" phrase appeared alone, Section I, Chapter 50 of that revision: "All persons going to or from any funeral, or public worship on the sabbath, may pass over any toll bridge free of toll."

Down through the 132 years that have passed from 1821 to 1953 there has been no change in substance in the law. To understate it, it has become traditional in the State of Maine to encourage public worship by having no exaction of toll on a state controlled toll bridge. However in 1953 there was a bill presented to the legislature which did, among other things as I have said, wipe out that long standing tradition of complete religious encouragement in the state.

When I took the bill to the committee, I really feel I did a very mediocre job and I take the blame for the committee report, feeling that I failed and not the committee because I do certainly feel deeply that had I done a better job, the committee would have come out with an ought to pass report. The hearing was largely unattended, there being one proponent, your present speaker, and one person opposed who did so on the grounds that it would be a financial detriment to the state should my bill become enacted. During the hearing I did submit an amendment which would broaden the private and special law which would fit any toll bridge, there being only two others in the state at the present time.

I also amended it to include funerals, feeling that people were distressed enough without having to pay a toll. The committee declined to accept either amendment and turned down the bill.

Now the Deer Isle-Sedgwick situation is not a matter of a nickel here and a nickel there, although I am going to get into the principle of the thing in a minute but so far as

practical matters go it costs one dollar for a person to make a round trip across that bridge. Now you multiply that by the number of weeks in the year and you come up with a pretty tidy little sum and it is directly hurting, so I am told, some of the folks in that area.

So it is not a mere pittance. There is a substantial amount of money involved. Now, so far as the administration goes—there has been a little fun poked at this bill on the grounds that how are you going to follow through if you do enact such a bill. Well, I will place my stand on the innate honor of the people of the State of Maine and if there are a few among them—and I would not admit it without being shown, who would take advantage and go through the toll bridge and say they were going to public worship, well, at least our collective State of Maine conscience would be clear and let them wrestle with their own individual consciences if any there be.

As far as principle goes, I think we in the legislature would be well advised to link arms with our religiously inclined forefathers who took this language and lifted it directly from the Massachusetts statutes which enacted it in 1796, with the same exemptions, with the same encouragement to people who want to go and worship on Sunday instead of having a hand held up to say, "Now you give me a dollar for your round trip and then we will let you go." I would be inclined to rest my case with those fathers of ours who enacted this in 1821 and with those legislatures that intervened between then and now and who did nothing to change the substantial effect of this bill.

Mr. PARKER of Piscataquis: Mr. President and members of the Senate, I wish to explain some of the thinking of the committee in opposing this bill and reporting it out, ought not to pass. It is true as my good friend, Senator Woodcock, from Penobscot, has indicated, that in 1953 the legislature of that year repealed the act, as he said.

I expect they gave it thorough consideration. I never have heard it indicated that in any way it was hurried legislation. The committee certainly believed that persons using the toll bridges on Sunday if they

indicated they were going to church, we believed they would go to church. We did base to a large extent, our decision on this case on the fact that without crossing the toll bridge in the town of Deer Isle there are two churches, the Congregational and the Advent. In the town of Stonington which can be reached without crossing the bridge, there is a Catholic church and there are three others and the committee felt that it just was not proper to put this bill out ought to pass, contrary to the feeling of the legislature of 1953 when they repealed it and I certainly hope that the motion of the Senator from Penobscot does not prevail.

Mr. COLE of Waldo: Mr. President and Members of the Senate: I agree with my colleague, Senator Parker of Piscataquis. There is no question but people signing these permits would be truthful. However, I have some figures from the bridge department and I find there are 93,790 vehicles crossing this bridge per year and the tolls amount to \$53,198.20 and to me with a bridge of this size and the small amount of vehicles passing over it, it might be ill advised to exempt those going to worship.

It has been checked that on Sundays in August, which probably is the busiest time of the year, and it shows there were at least 30 cars making single crossing per Sunday. That would mean 60 round trips, or a loss of \$60.00. It is my opinion that we couldn't stand the loss of revenue from this particular bridge and that is why I signed the ought not to pass report.

Mr. WOODCOCK of Penobscot: Mr. President, I note reading in the papers lately that the State Highway Commission is considering lowering the toll on that particular bridge. I think the inference is clear there that if they are so considering, then they evidently feel that they are doing well enough financially to bring it down. Subtracting a few tolls on Sunday, one day out of the week, perhaps wouldn't be as serious to them as lowering the tolls. That is for you to decide in your own good judgment, I am just throwing the suggestion out. But even if that is not so, I cannot tie dollars and cents into this clean, clear cut matter of

principle. As far as the hearing of the 1953 committee and the legislature goes, I checked the record this morning and there was no debate on the bill. It was an ought to pass report that came out and very likely it did—I am just surmising—but very likely it didn't catch the eyes in the committee when they were voting and it just went by under the hammer. There was absolutely no word except for the title, in the public record, public legislative record in either the House or the Senate. I am just suggesting what might have happened. It might have got by with nobody knowing anything about it except the committee itself. I assume it was discussed thoroughly in the committee but certainly it was not in the Senate. I am sure that the committee considered it fairly and felt, as against some ninety-five other legislators that it was time for a repeal.

Mr. LOW of Knox: Mr. President and Members of the Senate: I yield to nobody in my respect for religion, for those who administer it and for those who worship but I can't feel that that is any reason to give free tolls on the bridge, any more than we should rebate on the gas used to drive to church or an exemption from the sales tax for the Sunday suit of clothes or to exempt the minister from the sales tax. I do not think that is a good reason to make such exemptions and I hope the bill does not pass.

Mr. BOYKER of Oxford: Mr. President, I have noticed here that we are not legislating on principle and so I do not give Senator Woodcock much encouragement for his wish.

Mr. SILSBY of Hancock: Mr. President and Members of the Senate: I still have reasonably good courage. I think this is a very serious matter and one point in particular I would like to bring out. We are all human beings and sometimes when we have enjoyed privileges or courtesies we resent having that privilege taken away from us. That is the crux of this matter that we are debating here now. It isn't dollars and cents, it is people. There is a principle involved.

The Deer Isle bridge was dedicated in 1940 or thereabouts and from that time until early last fall,

the good citizens of Deer Isle and there is little Deer Isle and Stonington, were permitted to attend the church of their choice on the island or off the island on the Sabbath day, free of toll and I can't see anything wrong about that. I think it is a very good gesture considering the amount of toll they were obliged to pay.

Somehow in 1953 this law was repealed. I don't know how, but I know myself, frequently, my constituents call me up, and I am here in the legislature, and they ask me about some bill, and I must confess, that it got by me and I don't know how. And I think you have all had the same experience and isn't that just about what happened in 1953? The ministers and priests of Deer Isle hadn't known of it and they didn't come and defend themselves and had they requested it, I haven't a doubt in mind but that it would have been granted.

Now, early last fall, and I am speaking from memory, on a particular Sunday I was swamped with telephone calls. How I happened not to be out fishing or poaching or something of that sort I'm certain I don't know, but they got me, and everybody was protesting that they had been denied the right to go to the church of their choice on the mainland and let me say to you that many of the people of Hancock and also from out of the state have cottages there and they do come across to go to the church of their choice. There was nothing that I could do, but I had to confess to all those that called me that I didn't know anything about it. It embarrassed me. I did get in contact with members of the Highway Department and they informed me that the law had been changed; again I was surprised, and that is what has caused all this controversy and that is what has caused the good citizens of that area to lose faith. They feel that something has been taken away from them that belonged to them because they had it over a long period of time.

In considering the purpose of exempting these people who want to go and worship God in their own way, I cannot believe that the State of Maine is so hard up that it has got to have that measly dollar. Talk about principle, politics, precedent

or anything. To me, the principles of Almighty God exceed everything else and I do hope that on this matter the legislature will go along and, let us say, vote with their hearts instead of their heads.

Mr. CRABTREE of Aroostook: Mr. President and members of the Senate, it is refreshing to find the good Senator from Hancock, Senator Silsby on the right side. A good many centuries ago, Moses gave to the world, ten laws which were pretty good. We here in this room and in many other rooms like it have been trying to improve on them ever since, without very much success.

Around two thousand years ago the proposition of peace on earth, good will to men was presented to us and there is quite a little bit to be done on that yet. Now we have a proposition that has to do with tradition and religious freedom and I am happy to stand up and support the motion of the good Senator from Penobscot. I admire his stand on it, and that of my good colleague from Hancock, Senator Silsby.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Penobscot, Senator Woodcock, that the bill be substituted for the ought not to pass report of the committee; the Senator from Piscataquis, Senator Parker has asked that the vote be taken by a division.

A division of the Senate was had. Fifteen having voted in the affirmative and sixteen opposed the motion did not prevail.

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

Sent down for concurrence.

On motion of Mr. Reid of Kennebec, the Senate voted to take from the table Senate Reports from the Committee on Judiciary: Majority Report, "Ought to pass as amended by Committee Amendment A"; Minority Report, "Ought not to pass"; on bill, "An Act Relating to the Merger, Consolidation, Etc., of Corporations." (S. P. 249) (L. D. 681) tabled by that Senator on May 5 pending acceptance of either report.

Mr. REID of Kennebec: Mr. President and Members of the Sen-

ate: This is one of the two so-called Bates bills, both of which I introduced and both of which have a favorable report. I would like to say at the outset that I will attempt to be brief and to get down to what I believe to be the basic point and then suggest that the Senators vote on that basic point according to their own convictions.

Bates Manufacturing Company was reorganized in 1945 and since that time has conducted a successful manufacturing operation in Lewiston and in other places where it has branches including the so-called Edwards Mill in Augusta.

Over the last few years one Lester Martin came to acquire a very substantial stock holding in this company and recently that acquisition reached the point where it was something in excess of fifty percent of the stock. Because of the rather widespread departure of certain types of industry from New England over the last several years, most of them moving south, plus the fact that we are now seeing and have for the last few years, it seems, many situations where individuals gaining majority control of rather large corporations, the fear was real that the Bates Manufacturing Company might leave the state. That, of course would be a very serious thing. It employs over 6,000 people with an annual payroll in excess of twenty million dollars, which I think is approximately two-thirds of what we in the State of Maine spend for Education, Institutions and Health and Welfare. So I think everyone will agree that if it could be legally and morally done, that we ought to legislate some protection for that industry. That appears to be the crux of the situation.

When the matter was first called to my attention, it was called to my attention in the form of two bills and this is one of them. I did not introduce the bills immediately but held them in my possession for a period of ten days so that certain persons who might be interested could let me know whether they thought they should or should not be introduced. After that ten-day period I did introduce them, having no personal interest in them whatsoever, not being at all a party to the two controversial factions, one being Bates

management and the other being Mr. Lester Martin and his group, the Consolidated Textile, Inc., which actually owns fifty-one percent of the stock.

The bills were referred to committee and we had rather a long hearing in the House of Representatives, lasting until ten-thirty or eleven in the evening and there was a lot of controversy, lot of debate during that hearing. Those who feared the loss of the industry came in great numbers. I received many letters, telephone calls and so forth from people interested in Edwards particularly. Chambers of Commerce were interested.

Then while the bills were in committee, came the strike and it was thought inadvisable to bring the bills out during the strike so that the issue would not be confused. The strike is settled and I understand there is a three-year contract with the union. I would say off hand that the original steam behind these bills has somewhat subsided. The serious question is whether or not this bill, if it passes, would tend to indicate that Maine is not a healthy place for industry. That is a serious question, and that I assume will be the basic question upon which most of you will vote. I can see the point.

I do not believe that anyone in this room has worked any harder than I have the last year or so to try to encourage new industry to come into Maine and I for one would not want to participate in any action legislative-wise which would in any way impair that effort.

I do think that we must consider doing what is legally and morally correct to keep industry here if we can. Now the original bill, the one before discussion, was amended by the committee to reduce the 80% in the bill which means that before an industry, a textile industry in this state can sell or merge, it would require 80% of the issued and outstanding stock voting in the affirmative. That was reduced to 70% and another change was made to eliminate the word "cotton" so that the bill would apply to all textiles. Mind you this bill under discussion proposed to change the general law and is not the other bill which I hope to take up later, which applies to Bates Manufacturing Company.

I think I shall move the acceptance of the ought to pass report of the committee and vote for it but I do so without trying to persuade any of my fellow Senators that that is the right course of action. I sincerely recognize now that there is a very good argument for the acceptance of the ought not to pass report and with those words and meaning sincerely that I am not attempting in any way to influence any other Senator against his own feeling that perhaps this is not proper legislation at this time, I will move to accept the ought to pass report as amended by the committee.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Kennebec, Senator Reid, to accept the ought to pass as amended report of the committee. Is the Senate ready for the question?

Mr. FARLEY of York: Mr. President and Members of the Senate: It is quite a hard job to offset the Senator from Kennebec, Senator Reid, but at no time since the bill was first introduced was I ever in favor of the bill. I do not believe in restricting legislation. I never have, but I believe at that time that did have a lot to do in restricting just one organization. I believe if we expect industries to come here to the State of Maine that we should not place restrictions upon them. We have a situation today in the city of Biddeford, Bates—and we have our own Pepperell mill that has been under strike now for three weeks. What is going to happen to our mills in the city of Biddeford, nobody can tell. I do not want to see anything happen to Pepperell although I understand it is a foreign corporation and is incorporated under the laws of Massachusetts.

We also have in the town of Sanford a serious condition. You only have to ride up there yourself and see what the condition is. I would hate to see anything in the line of restrictive legislation for any industry coming into the town of Sanford which badly needs industry today. I do hope that we in the Senate do not do anything to restrict any industry coming into the State of Maine.

Mr. COLLINS of Aroostook: Mr. President, may I inquire through

the Chair, if this is the bill on the general textile situation?

The PRESIDENT: The Senator has heard the question and may answer if he wishes.

Mr. REID: The answer, Mr. President, is yes.

Mr. FARLEY: Mr. President, I move the indefinite postponement of the bill.

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

Mr. BUTLER of Franklin: Mr. President and Members of the Senate: I think this is one of those unfortunate pieces of legislation which was presented to us and which, as has been stated, the purpose having passed, we should dispense with having to consider it.

Unfortunately we do have to take a stand upon the report of the committee. That report is ought to pass as amended. Now we are doing that on the one hand and on the other hand we are asking for industry to come in. We are not satisfied with what has been done but we are going out and even in the face of tentative new legislation to study state government and possibly create a new department to bring in industry. This bill is only curtailing industry already in the state and does not have any effect upon a company which, if we should pass this, certainly is not going to endear other corporations to come into the state and become organized. We are simply going to be a place where a legislature doesn't know whether it is passing good legislation or bad legislation and is going to be very whimsical if anything should come up relative to the business of a particular corporation.

I certainly hope that when the vote is taken we will keep that in mind and I, for one, support the motion of the Senator from York, Senator Farley.

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

A division of the Senate was had.

Twenty-one having voted in the affirmative and nine opposed, the bill was indefinitely postponed.

Sent down for concurrence.

On motion by Mr. Reid of Kennebec, the Senate voted to take from the table Senate Reports from the Committee on Judiciary: Majority Report "Ought to pass as Amended by Committee Amendment A"; Minority Report "Ought not to pass" on bill, "An Act to Amend the Purposes and Powers of Bates Manufacturing Company" (S. P. 238) (L. D. 574) tabled by that Senator on May 5 pending acceptance of either report.

Mr. REID of Kennebec: Mr. President and Members of the Senate: This is the other of the two Bates bills and this one applies only to the charter of the Bates Manufacturing Corporation which has a special legislative charter. It was intended to be a companion bill to the general bill, and as amended would require 70% of the affirmative vote of the issued and outstanding stock before this particular corporation can merge or sell.

There were negotiations between Bates Management and the Consolidated group which, unknown to me, continued right up to about forty minutes before the hearing, on the question of fixing up their by-laws to accomplish the purpose of requiring some percentage in excess of fifty percent of an affirmative vote of the outstanding stock in order to merge or sell. I found out afterwards that those negotiations were unsuccessful, one side holding out for 80% in the by-laws and the other side holding out for 66 2/3 percent.

After the hearing and after the bills were recommitted, it was suggested to me that those negotiations should continue to see if the parties could adjust their differences by way of fixing up their by-laws instead of by legislation. Of course I agreed that they would be permitted to do so by the legislature if they could settle their own disputes, this affecting Bates only. Bates Manufacturing Company would ask leave to withdraw. There was a considerable amount of negotiations on this particular subject and the Bates management at the suggestion of one of

the mediators so to speak, agreed that they would descend from 80% to 70% but the negotiations failed because the other group felt that 66 2/3% was as high as they would be willing to go.

After that there was a corporation meeting and the stockholders at that meeting did fix their by-laws so that now it requires 66 2/3% under the provisions of the by-laws. I believe it takes an 80% vote in order to change the by-laws. With respect to this particular bill I no longer have any particular thoughts on it one way or the other. It could be amended down from 70% to 66 2/3% so that by changing the charter we would be doing the same thing that they have already done by amending their by-laws.

As far as my position on this is concerned, having seen what action this Body took on the other, that it is one of indifference to the outcome.

Mr. BUTLER of Franklin: Mr. President and Members of the Senate: This, too, was a bad day in the life of the State of Maine when this bill was introduced. A corporation organized under the special laws was formed, people in good faith and conscience bought stock in that corporation without any thought of the legislature presuming to come in and interfere. Now, having settled those differences and that which has happened having become history, further repetition is useless and needless and I move the indefinite postponement of the measure and ask that when the vote is taken it be by a division.

Mr. BOUCHER of Androscoggin: Mr. President and Members of the Senate: This bill would directly affect the city of Lewiston to the tune of 4,000 employees so my feelings about this bill are very strong. I have lived in this state for 55 years and I don't recollect of any industry, any textile industry coming into the state. I do know of several that have gone from the state and, should Bates disappear from Lewiston, Lewiston would be a ghost city for the next 25 years. I have seen it happen in Manchester when the Amoskeag mills went out and it took them 25 years to rebuild. They are now better off I will admit, with some 200 small industries in place of

that one great big industry in the city of Manchester. It took 25 years of suffering for the people of Manchester to overcome that. I am afraid the same thing might happen in Lewiston. 4,000 employees would be affected and not only that, but the whole of Lewiston would be affected, both commercially and professionally if that payroll disappears from the city of Lewiston. Therefore, I feel very deeply about this and am very much opposed to the motion to indefinitely postpone this bill. I appeal to you to pass this bill to protect Lewiston.

Mr. BUTLER of Franklin: Mr. President and Members of the Senate: As I understand it this bill does nothing more than what is already provided for in the charter since an agreement has been reached in part. That is the reason that I felt as long as the measure would accomplish nothing not already in the by-laws of the Bates Manufacturing Company, that this is needless legislation and therefore we are neither injuring, nor helping, nor aiding and abetting one side or the other. We are simply making ourselves look a little bit foolish to agree to something that they have already accomplished. And I think it behooves the legislature of the State of Maine, they having arrived at a conclusion, to keep hands off and not open the door and ratify or disapprove the action of either party.

Mr. REID of Kennebec: Mr. President, just so that there will be no mistake, the agreement in the by-laws is 66 2/3 and this bill as amended by the committee as it now reads is 70%. I don't use this to persuade anybody. It is just a fact.

Mr. BOUCHER of Androscoggin: Mr. President, I want to point out that under regulations of Bates they have agreed to 66 2/3% but they can change those by-laws at any meeting at all. Whereas if we pass this legislation they could not do that. They would have to come to the legislature to change it. I say that just by-laws is not enough protection for the city of Lewiston. If they are sincere in the passage of the by-laws to 66 2/3% of their own will and accord, they should not have any objections to the legislature making it a law and I would gladly

go along with an amendment to make it 66 2/3% the same as they have on their by-laws now.

Mr. FARLEY of York: Mr. President and Members of the Senate: I listened to the debate all day in the House and the conclusion I came to was whether or not I was willing to clean out dirty linen in the corporation or to settle divorce laws in the State of Maine.

It seemed to be nothing but a wrangle between those who owned the stock and those who did not. Unfortunately the Senator from Androscoggin, Senator Boucher, and I came from communities that have been built around life in the textile mills. It is unfortunate. That is all we have and we will have to go along with it until something else comes along. I am going to go along with the motion of the Senator from Franklin, Senator Butler.

Mr. CHAPMAN of Cumberland: Mr. President and Members of the Senate: The observations made by the Senator from Androscoggin, Senator Boucher, indicate that there is perhaps one more fact that should be laid before you before we take the vote, and that is with regard to the matter of the amendment of the by-laws of this corporation.

It is my understanding that at the special meeting that was held approximately a month ago, at the time when the by-laws were amended to require a concurrent 66 2/3% on consolidation or merger, at that same meeting, another by-law was adopted, or changed to read that for further amendments to the by-laws, a concurrence of 80% of the stock issued and outstanding would be required.

In a large corporation we all know that you just can't get 100% attendance at a meeting. The mean average seems to be around 90 or 91% and I understand that to be the case here in the corporation concerned. That means that in order to change the by-laws you would have to have approximately 89 to 90 percent of the stock issued and outstanding to change this 66 2/3% requirement which now exists on consolidation and mergers.

That seems to provide ample protection for those who fear that the 66 2/3% might be changed with regard to consolidation and merger.

It seems to me, just as the Senator from Kennebec, Senator Reid has said, it would be a matter of some indifference as to whether or not we legislate 66 2/3% or even 70% at the present time. As a matter of fact, perhaps the most convincing point in the matter at issue here is the matter of changing rules in the middle of the game. That is on this particular measure. We are not changing the rules with regard to the general corporate law which I think would be very detrimental and disastrous to the industry and everyone concerned with it. Nevertheless if you change the rules in the middle of the game where there are contesting factions, you have changed the rules, and although you can do it legally because all charters are subject to change by this Body with the other, nevertheless it is manifestly unfair.

I therefore will go along with the motion to indefinitely postpone this bill.

Mr. REID of Kennebec: Mr. President, the Senator from Androscoggin, Senator Boucher, has, I think, intimated that he would be willing to reduce in this bill, the 70% down to 66 2/3% and it seems to me that if he wants to do that we could then table the measure until later in today's session, quickly prepare an amendment and then vote on that, so as to avoid confusion.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Kennebec, Senator Reid, that the bill be laid upon the table and especially assigned for later today.

The motion prevailed and the bill was laid upon the table pending motion by the Senator from Franklin, Senator Butler, that the bill be indefinitely postponed.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table Senate Report from the Committee on Legal Affairs: "Ought to pass in new draft" (S. P. 553) (L. D. 1502) under new title, "An Act Relating to Compensation of Boards of Registration in Cities of 50,000 Inhabitants or More" on bill, "An Act Relating to Compensation of Boards of Registration in Cities of 39,000 Inhabitants

or More." (S. P. 349) (L. D. 958); tabled by that Senator earlier in today's session pending motion by that Senator that the original bill be substituted for the "Ought to pass in new draft" report.

Thereupon, on motion by Mr. Boucher of Androscoggin, the "Ought to pass in new draft under new title" report of the committee was accepted and the new draft was read once.

Mr. Boucher of Androscoggin presented Senate Amendment A and moved its adoption:

Senate Amendment A to S. P. 553, L. D. 1052: "Amend said bill by indicating the striking out of the figure \$2850 in the 4th line thereof, by drawing a line through said figure and inserting immediately after the stricken out figure the underlined figure \$3050. Further amend said bill by indicating the striking out of the figure \$2500 in the 5th line thereof by drawing a line through said figure and inserting immediately after said stricken out figure the underlined figure \$2700."

Which amendment was adopted and under suspension of the rules, the bill in new draft, as amended, was read a second time.

Mr. FARRIS of Kennebec: Mr. President, this is merely a suggestion but I would suggest that the title of the bill be now amended to read "Cities of 39,000 Inhabitants or More." I move, Mr. President, that the bill be laid upon the table.

The motion prevailed and the bill was laid upon the table pending passage to be engrossed.

On motion by Mr. Collins of Aroostook, the Senate voted to take from the table Senate report from the Committee on Appropriations and Financial Affairs: "Ought to pass in New Draft" (S. P. 578) (L. D. 1542) on bill, "An Act to Appropriate Monies for Capital Improvements and Construction of State Government for the Fiscal Years Ending June 30, 1956 and June 30, 1957" (S. P. 54) (L. D. 44) tabled by that Senator pending passage to be engrossed.

Mr. COLLINS of Aroostook: Mr. President, I have discussed this matter with the Senator and I do not believe he has any objection to this being taken from the table and

moving along the legislative processes and unless there are objections from other members of the Senate, I would like to move the pending question.

The PRESIDENT: The pending question is on the suspension of the rules.

Mr. COLLINS of Aroostook: Mr. President, I move that the rules be suspended and the bill be passed to be engrossed.

The motion prevailed, the rules were suspended and the bill passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Reid of Kennebec, the Senate voted to take from the table the 40th tabled and unassigned matter (S. P. 293) (L. D. 803), Senate Report "Ought not to pass" from the Committee on Appropriations and Financial Affairs on "Resolve Appropriating Funds to Purchase Land for State House Parking Facilities," tabled by that Senator on May 6th pending acceptance of report.

Mr. REID of Kennebec: Mr. President, sometime before the start of the session I noticed that a house on the parking place just north of the new building on, I think, the northwest corner of the intersection, was vacant, and I did a little inquiring and I found out that was for sale, and also found out that the State from time to time had considered the purchase of it. In checking into it I found that is composed of two parcels, one being about one-quarter the size of the other. It seemed to me that it was rather strange that the State had not taken advantage of the chance it has to get that parking space next to a new three and a half million dollar building, and I still feel the same way. I suppose that the Governor and Council, if they act upon it, could take the money out of the contingent fund if they could get a good trade.

I found that the asking price on the three-quarter part was \$30,000, and I found that a person in Portland owned the one-quarter part and was willing to sell his at a pro-rated price. It seems high, but in checking it I find that back as far as the year 1950 on the three-quarter part they were negotiating at a price range of \$28,000 on the part of a

person who wanted to build an apartment house on it and who had an application for an F.H.A. loan.

I still think that the State ought to do something about it. That property will become increasingly valuable. My resolve is to appropriate a sum of money to be expended under the direction of the Governor and Council. I do not intend that the resolve be a specific purchase price because we all know we may be able to trade.

I would at this time move to substitute the bill for the report, hoping that this measure would stay alive and possibly be subject to an agreed - upon amendment between the Senator from Aroostook, Senator Collins and myself, or if my motion be lost at this time, if no one is interested in seeing the State do something to try to acquire what appears to me to be a very necessary parking space in connection the new building—if the new building cost three and a half million dollars and it becomes necessary to spend thirty or thirty-five thousand for that piece of property, I would think we ought to do it while we have a chance. So at this time I will move to substitute the resolve for the report of the committee.

Mr. SINCLAIR of Somerset: Mr. President and members of the Senate: As a member of the Appropriations Committee I will say that we did pass this bill out "Ought not to pass," and there was some thought in our minds in regard to the question raised by the Senator from Kennebec, Senator Reid, as to why the State had not acquired this property much earlier. We felt the price of \$37,000 was just out of reach, we thought it was too high, in fact, for an area that would park somewhere between fifty and sixty cars.

Realizing that the State perhaps could use that, as the Senator from Kennebec, Senator Reid, has stated, because of its location near the new office building, we went further and found that there probably will be an additional area adjoining the State office building for additional parking, and we just felt that the price was way out of line and felt that the Governor and Council might be able to do some dickering on that price and perhaps get

it for what we thought would be a reasonable figure. We did figure that the area was very small and that it was just too much money, and we did not feel that we wanted to spend the State's money in that way. So I would have to oppose the motion of the Senator from Kennebec, Senator Reid.

Mr. REID of Kennebec: Mr. President, I would like to inquire through the Chair of the Senator from Aroostook, Senator Collins, if he would see any merit in amending this resolve to delete the figure in the resolve down to what he or anybody else thinks might be close to a fair price, with the idea that if the State does have a chance to do it and they cannot get it for whatever this resolve calls for, at least the Governor and Council can take that amount of money and add to it out of the contingent fund if they deem it feasible.

The PRESIDENT: The Senator from Aroostook, Senator Collins, has heard the question and he may answer if he wishes.

Mr. COLLINS of Aroostook: Mr. President, I would be glad to answer that question. I think that the property is a desirable property for the State to own. Our principle objection was to the price of the property for the apparent amount of land that would be available for parking purposes, and we were aware that there were other parking facilities at the south end of that building which would take care of a considerable number of cars.

I would concede that it might be well to keep the bill alive, bearing in mind that some other price could be used other than the \$37,000 price. The only thing that comes to my mind in this regard is that I understand that the Governor and Council turned down an offer to purchase this land a year or so ago, thinking that the price then was too high, and I would not have in mind at this moment just what be set on it. However, in view of the remarks of the Senator from Kennebec, Senator Reid, I would be willing at this time to accept the report and then have it tabled for later consideration.

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

of the Senator from Kennebec, Senator Reid, that the resolve be substituted for the ought not to pass report of the committee.

Is the Senate ready for the question?

Mr. COLLINS of Aroostook: Mr. President, I would go along with that motion with the idea that the bill would then be laid upon the table before any price tag can be put on.

Thereupon, the resolve was substituted for the report and under suspension of the rules was given its two several readings and was then laid upon the table pending passage to be engrossed.

On motion by Mr. Farris of Kennebec, the Senate voted to take from the table bill, "An Act Relating to Compensation of Boards of Registration in Cities of 50,000 Inhabitants or More" (S. P. 553) (L. D. 1502) (new draft of L. D. 958) tabled by that Senator earlier in today's session pending passage to be engrossed; and the Senator from Androscoggin, Senator Boucher presented Senate Amendment B and moved its adoption.

The Secretary read the amendment.

Senate Amendment B to L. D. 1502: "Amend said bill in the title by striking out the figure '50,000' and inserting in place thereof the figure '39,000'."

Which amendment was adopted and under suspension of the rules, the bill as amended by Senate Amendments A and B was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Reid of Kennebec, the Senate voted to take from the table Senate Reports from the Committee on Judiciary: Majority Report, "Ought to pass as amended by Committee Amendment A"; Minority Report "Ought not to pass" on bill, "An Act to Amend the Purposes and Powers of Bates Manufacturing Company" (S. P. 238) (L. D. 574) tabled by that Senator earlier in today's session pending motion by the Senator from Franklin, Senator Butler, that the bill be indefinitely postponed.

Thereupon, Mr. Butler of Franklin was granted permission to withdraw his motion for indefinite postponement.

Thereupon, the ought to pass report of the committee was accepted and the bill read once.

On motion by Mr. Reid of Kennebec, Committee Amendment A was indefinitely postponed and the same Senator presented Senate Amendment A and moved its adoption.

The Secretary read Senate Amendment A:

Senate Amendment A to L. D. 574: "Amend said bill in the 13th line by striking out the figure '80%' and inserting in place thereof the figure '66 2/3' "

Which amendment was adopted.

Mr. REID of Kennebec: Mr. President, just briefly so that everyone will fully understand what we are voting on when as I think he will, Senator Butler again moves for indefinite postponement. Committee Amendment A reduced the 80% to 70%. Committee Amendment A was indefinitely postponed so that Senate Amendment A could be adopted which reduced the original 80% down to 66 2/3 so that when the vote is taken as whether or not the legislatures wishes to amend the charter to the effect that it will require a 66 2/3 vote.

Mr. BUTLER of Franklin: Mr. President and members of the Senate: I now move the indefinite postponement, and in support of that motion I wish to say that I feel that what we are doing is simply and plainly twiddling our thumbs with somebody else's business, that we are just satisfying ourselves that we have done something. They have not accomplished a thing, because by the charter of the Bates company the charter cannot be amended except by eighty per cent of its vote, and this saying sixty-six and two-thirds per cent is simply ironic, but the principle involved is more important.

Here the legislature is going into a private corporation which has settled its differences, and now having settled its differences the legislature is still not willing to keep its nose out but is trying to put onto the statute books something which I feel in the future is going to hurt

the dignity of the State of Maine and which I think is poor legislation. I move the indefinite postponement.

Mr. CHAPMAN of Cumberland: Mr. President and members of the Senate: I am a little reluctant to arise again on this issue but there is one thing which was not mentioned before when we discussed this bill and when I made my observations on it.

It is my understanding that at that particular special stockholders' meeting at which the 80 per cent provision was put in that I discussed a few moments ago, that all of the represented stock there and voting at the meeting agreed to both of the so-called by-law changes, the sixty-six and two thirds per cent on the Consolidated merger and the eighty per cent provision with regard to further changing the by-laws. It is my understanding, and I believe the reports come from an extremely reliable source, that all of the stock issued and outstanding and represented at that meeting concurred in those two by-laws. I think that is a significant fact when you talk about what people agreed upon in regard to the contesting factions.

I support the motion to indefinitely postpone the bill, but if the Senator from Kennebec, Senator Reid, has feelings about it other than the reasons he previously expressed I would feel somewhat compelled morally to go along with his suggestion, because we all know that this matter has been discussed and I do not like to violate what might be called the spirit of an understanding or agreement.

Mr. REID of Kennebec: Mr. President, I do not feel that any member of this body has in any way committed me on this subject. I would, however, like to tell the facts as I know them with respect to the stockholders meeting. It is true that at that meeting everyone agreed to go along with the sixty-six and two-thirds, but the reason for that was that the majority stockholders insisted on that and there wasn't anything to do about it anyway; they simply said, well, there is no sense fighting about it so we will go along.

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

A division of the Senate was had.

Six having voted in the affirmative and nineteen opposed, the motion did not prevail.

Thereupon, under suspension of the rules, the bill was read a second time and passed to be engrossed as amended by Senate Amendment A.

Sent down for concurrence.

On motion by Mr. Lessard of Androscoggin, the Senate voted to take from the table House Report from the Committee on Legal Affairs: "Ought not to pass" on bill, "An Act Amending the Charter of the City of Lewiston re Elections, Election of Mayor, Aldermen, Warden and Ward Clerk" (H. P. 437) (L. D. 483) tabled by that Senator on April 29 pending acceptance of the report.

The Secretary read the endorsements on the bill:

Comes from the House, the bill having been substituted for the ought not to pass report, and passed to be engrossed.

Thereupon, on motion by Mr. Lessard of Androscoggin, the Senate accepted the ought not to pass report in non-concurrence.

Sent down for concurrence.

On motion by Mr. Weeks of Cumberland, the Senate voted to take from the table Senate Reports from the Committee on Judiciary: Majority Report, "Ought to pass as Amended by Committee Amendment A;" Minority Report, "Ought not to pass" on bill, "An Act Relating to Eminent Domain by Maine Turnpike Authority" (S. P. 247) (L. D. 693) tabled by that Senator on April 29 pending acceptance of either report.

Mr. WEEKS of Cumberland: Mr. President and members of the Senate: I will try to be as brief as possible in regard to this measure, and I assure you that no matter how the decision goes I will be happy either way.

If you will examine the bill, it deals with the question of eminent domain when exercised by the Maine

Turnpike Authority. I move that the Senate be in order.

The PRESIDENT: The Chair would note that only with the permission of the Senate can a Senator occupy the seat of another Senator.

Mr. WEEKS (Continuing): In 1941 the Maine Turnpike Authority was created. At that time they were given certain powers and were created for a certain purpose. As everyone knows, they completed the first leg of their projected road speedway through the State of Maine up to the City of Portland.

Prior to April 23, 1953 they had worked on plans to make the next section from Portland to Augusta. Now under the authority granted by this legislature, it specified that they have the power to borrow money and issue bonds for the purpose of paying the cost of the turnpike, its connecting tunnels, bridges, overpasses and underpasses and to equip the turnpike in other respects. Nothing is said in the act about the question of compensating any public utility, whether it is a water company, power company, telephone company, for the expense which those companies might be put to in relocating their facilities because of the construction of the turnpike.

This measure before you today provides in its effect that I object to that the turnpike would have to do that. Now that has a very substantial effect. I am informed by my own Water District in Portland that it would cost \$70,000. I am informed that the Augusta facility would be compelled to spend some twelve thousand dollars; I am informed that the power company is spending somewhere in the neighborhood of seventy or seventy-five thousand dollars, and that various other utilities, telephone companies, would have to spend a substantial amount to relocate their facilities.

Now the purpose of this bill, which is retroactive in its effect, would be to compel the Turnpike Authority to pay for the cost of these relocations in the course of their development of their road. That is something that they had no way of foreseeing, except that counsel for both sides now inform me that it is a legal matter and that the question is now pending and

that they probably will go to court in the event that we do not pass this measure, and probably they will go to court in the event that we do pass it on the constitutional question. I am not going to attempt to debate the constitutional question because I do not consider this place the forum. It has always been rather difficult to consider constitutional aspects unless they are very apparent, in this forum. But the constitutional question is in doubt enough so that both sides, the proponents and the opponents have offered briefs on the subject sustaining their positions.

It has been interesting today to hear the discussion that has been going on regarding principle and rights of stockholders when we were talking about invasion of stockholders' rights as far as Bates Manufacturing Company was concerned, and the other day on the rate case there was the rights of the common stockholders discussed, or at least it was in the background: I suppose for the toll bridge bill which the Senator from Penobscot, Senator Woodcock, was discussing that in the background there must be some bonds that were issued and there must be some bondholders involved. And so far as this turnpike is concerned there are bondholders involved.

Now on April 23rd, which I referred to, the Turnpike Authority in projecting this extension issued a prospectus which related to the engineering facts which has been developed to show, so far as they were able to foresee, the reasonable amount tolls which could be anticipated. They also set forth the reasonable expenses which might be taken care of out of those tolls, for the purpose of interesting investors in buying those bonds with when they could then proceed to build the turnpike. At that time they had no way of knowing, as I said before, that they were going to be faced with the item of damages in relocating any public utility facility lines along the way. Now they are faced with it if this bill is passed and they are faced with it as of May 1st.

I want to call your attention to the fact that the passage of this

act making the turnpike liable for these expenses does, in my opinion, attack the rights of bondholders. They have the right to have the anticipated tolls as set forth in the prospectus devoted to those purposes set forth therein. Obviously there should be some contingency fund in any event on any project of this size, but certainly that would be set up with the idea of taking care of such foreseeable and other unforeseeable measures but not such as this, which would have been known to them if such had been the law and they could have anticipated it. This is not a small figure.

I have only mentioned those items of which I have personal knowledge, but the Bureau of Public Roads has reported so far as all types of speedways across the country are concerned that the cost of replacing those installations across the country runs approximately 2.6 per cent of the total cost of the venture. I do not say here that the turnpike will be faced with a million dollars to pay, which would be somewhere in the neighborhood of 2.6 per cent on forty million, but they will be substantially handicapped by having to pay out something above \$200,000. I do think it is an invasion of stockholders' rights.

I want to call your attention to this fact: During this same session by L. D. 985 a bill was introduced to compel the Highway Department out of your normal highway operating funds to pay water lines. This L. D. 985 did not apply to other utilities but it did apply to water companies. This L. D. 693 which we are discussing applies to all utilities, and that act had an unfavorable report and was accepted by this Senate.

Now the status of your Turnpike Authority is something in the nature of your Highway Department in the sense that it becomes the property of the State of Maine when all its indebtedness is discharged. Under the terms of the act when the bonds are paid for it becomes the property of the State of Maine and all revenue therefrom becomes payable to the Treasurer of the State of Maine as part of the highway fund of the State, and the maintenance and

care of it will rest in the Highway Department. The question therefore is whether or not these items of expense of relocation shall be paid by those who use the turnpike or whether each individual utility will have to pay its own costs. Now it will be very simple to resolve that, and I think we can all agree right today that if we were passing the act for the first time that that should be an element of cost. But when you realize that this element if saddled upon the turnpike now is retroactive legislation and might well be retroactive to two years ago instead of just to May 1st of this year. It was passed far enough back, to all intents and purposes, so the turnpike could have anticipated it, but they haven't done it, they had no reason to at the time. I firmly feel, although I would vote for it if it passed in due season I would vote for it for the future, that is so far as any future extensions are concerned, but this business of passing retroactive legislation which seriously handicaps the turnpike I do not think should receive favorable consideration.

I move the acceptance of the minority "Ought not to pass report" of the committee.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Weeks, that the Senate accept the minority "Ought not to pass" report of the committee.

The Chair recognizes the Senator from Kennebec, Senator Reid.

Mr. REID of Kennebec: Mr. President and members of the Senate: In opposition to that motion I will be as brief as I can.

There are some seventeen or eighteen states which have turnpikes and they do pay the costs of relocation. The argument is this in substance, at least as I see it. In paying the costs of relocation who should support that expense — the persons who are using the turnpike way or the individual ratepayers in the individual utilities who are forced to relocate, should they pay the expense? I will admit it would seem to me to have been proper in the first instance for our Turnpike Authority to have agreed, and I think they could have agreed under

the present law if they wanted to, to include in the total cost of the turnpike the costs of relocation: In Massachusetts quite recently the Public Works Commission did exactly that and did it on this theory, that they borrowed I think two or three hundred million dollars down there, and of course they had to start paying interest on it as soon as they borrowed it and before the job was done, so it was important for them to get the job done as quickly as possible, and they thought that by agreeing to pay the relocation costs that the contractors and utilities would do a smoother operation and the work would be expedited.

Now nothing was done on this matter so far as the original turnpike from Kittery to Portland was concerned. However, the extension Portland to Augusta is now under construction and the work is being done.

I would certainly be opposed to this measure if I thought the bondholders' security was being jeopardized, but I cannot quite see that. In the first place, I think I am right in saying that the bonds outstanding on this new extension are in the neighborhood of seventy-five millions of dollars, and I think I am right in saying that the security of the bondholders rests with the revenues to be derived from tolls. The total cost of paying for relocations on this new extension—and my interest is for the Augusta Water District—I think is in the neighborhood of \$200,000, which it seems to me would in no way compare as against the seventy-five million dollar bondholders' investment or jeopardize it in any way.

Some of these water districts have been in certain locations for forty years, and now the Turnpike Authority comes in and crosses their water pipes. In the case of the Augusta Water District it will cost them I think \$16,000 for one job just outside Western Avenue. Should they be required equitably to defray this unusual cost item and pass it on to the people who pay the water rates, or would it be fairer for the Turnpike Authority and the people who are paying tolls and using the turnpike to pay this

fourteen or sixteen thousand dollars?

What about the Portland Water District? There is an item of seventy thousand dollars. It is a little different than the way the State operates: it is usually a small operation here and there, but when we get one of these big new turnpikes going through over a long and extended area we are really upsetting the apple cart and putting on unusually heavy expenses on some of these smaller utilities, especially the water utilities. Should these costs fall on the people who are paying the water rates or should they fall on the people who are using this turnpike which resulted in the relocations becoming necessary?

Now on the question of constitutionality, I think that word and the word "principle" have sometimes been used to sidetrack us a little bit. We all know that the United States Supreme Court has in one year held a certain act to be constitutional and several years later have reversed themselves. There are many borderline cases on the question of constitutionality, and no one can predict in a borderline case what any given court will do. In this particular matter there was left with the Judiciary Committee some very learned arguments sustaining the constitutionality of this bill. If we here declare it to be unconstitutional then the Augusta water ratepayers will have no recourse, we have said that they cannot get their relocation costs. It would seem to me to be fairer, if there is a fair constitutional question involved and the weight of it seems to be in favor of the constitutionality of this bill, and if the Turnpike Authority wishes to contest it, at least the court can make their decision. The bill is not retroactive in the sense that it applies to the original turnpike stretch from Kittery to Portland: it is going to be made to apply if the bill passes to the turnpike now under construction.

I certainly agree with the Senator from Cumberland, Senator Weeks, that if this bill in its present form fails of passage we ought at least to take this same step at the late date when we consider moving the

turnpike from Augusta on up northward.

I believe that the City of Lewiston was paid for their relocation on some kind of a technical theory, if you will, that they actually had some kind of a title, so that the Turnpike Authority in its wisdom felt that in that case it had to take the property by eminent domain and pay for it. The theory of the Turnpike Authority on all other utilities facilities to be relocated is that they exist in their present location more or less by franchise, they are not corporeal hereditaments that need to be taken by eminent domain and paid for. But isn't that a little bit beside the question. I feel that the equities in this case are in favor of such type of utilities such as water districts who are going to suffer an unusual blow as against people who are going to use the highway. To me that is the only question and I certainly do not believe that there is any strong constitutional point involved, and I want to say once more in closing that if I thought that this bill would in any way impair the integrity of the investment of the bondholders I would be against it, but I just cannot see that. I cannot see why their investment is not tied to revenue, and I cannot see in a seventy-five million dollar proposition even if it was tied to a seventy-five million dollar investment, which it is not, that the sum of approximately \$200,000 would be anything but a drop in the bucket.

Mr. MARTIN of Kennebec: Mr. President, my interest in this bill is two-fold: No. 1, I am the sponsor, and as the Senator from Kennebec, Senator Reid, has pointed out, the turnpike is affecting the Augusta Water District to the tune of sixteen thousand dollars. I think all of us are glad that we have a turnpike and that the turnpike is being extended from Portland to Augusta, and I hope in the future it goes from Augusta on further north. But I do not think that any of us thought when the turnpike was created thought that we were creating an octopus which would crawl willy-nilly along and destroy and damage the utilities such as the water districts, and I agree with

my colleague, the Senator from Kennebec, Senator Reid, that if this bill should fail to pass we certainly ought to put a stop to these octopuses doing more damage. And so in closing I simply want to say that I oppose the motion of the Senator from Cumberland, Senator Weeks.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate: I think possibly one way to get at this would be to read over the first portion of this bill and remember that in 1941 we had a body sitting here the same as we have in 1955, and I certainly am convinced from the language as was originally incorporated that it was the intent of the legislature of the State of Maine that the turnpike authorities should assume all operational costs or relocation costs. Actually I feel this way: that we merely in this bill, if we support it and vote for it, are clarifying the intent of a previous legislature.

Mr. SINCLAIR of Somerset: Mr. President and members of the Senate: I am going to rise to support the motion of the Senator from Cumberland, Senator Weeks.

I recall that just a few days ago the statement was made in the Senate that what is good for the State of Maine is good for the utilities. I think the turnpike is good for the State of Maine and that we all recognize that, and I am a little fearful that if this bill passes it is not going to stop there but it is going to be used as an argument against our State Highway construction. Maybe I am wrong in that premise. We have already defeated the bill that would do the same thing in regard to our State Highway system.

The utilities have always enjoyed free use of our public highways with the full knowledge that their occupancy was secondary to the right of the traveling public. If this bill does pass I am afraid that some of the arguments might carry over into our State Highway Construction program which would do a great deal of damage, I think, as far as our construction costs are involved.

Now I was under the impression that the present liability rates are predicted upon the utilities' liability for this expense. I may be wrong

in that premise, but I do not want to see anything done that is going to curtail or take money away from our State Highway program particularly. I am afraid that if we do it under this bill we might do it under our State Highway program.

Mr. WEEKS of Cumberland: Mr. President and members of the Senate: I do not know of anything which has received as much favorable comment from the out-of-staters in the State of Maine as the turnpike, and it seems unfortunate in this day and age to refer to it as a horrible octopus. It does have a good many benefits and I dare say it will assist the people of Cumberland County to get to the capital city all the more readily, and I dare say they will be using the facilities around Augusta more than they would somewhere along the line. I dare say your motels and everything else will profit to the extent that people can make just another hour's run before bedding down for the night. I do not believe that the Senator from Kennebec would be unfavorable to that.

It is significant to me, as the Senator from Somerset, Senator Sinclair says, that you not only have turned down this rule of making them pay for relocations for all time until further legislation is presented, but you have not even considered the retroactive feature of it, you are thinking of the future. You are not going to compel the State Highway Department to pay for all relocations for water companies, but you do so far as the turnpike is concerned and you are asking that it be retroactive to any turnpike which has not been open prior to May 1.

As I said before, I do not find fault with the principle of the thing so far as the future is concerned but I do object to the retroactive feature which I think you should soundly consider before passing it. It is something which has passed very reluctantly in my history and I do not believe you should change now. I say that with full regard for the fact that my Portland Water District in the cities of Portland and South Portland are the only ones to sponsor the obligation and

they will be paying some \$70,000 according to the best estimates, but I think that the principle should be applied here and I do think there is some good faith to be preserved.

Mr. PARKER of Piscataquis: Mr. President and members of the Senate: I rise to support the motion of the good Senator from Cumberland, Senator Weeks. I believe we have the same principle involved here as the one that we acted on in regard to our highway bill, L. D. 985, in regard to water pipes in our highways, and I certainly believe and believe very seriously that this would be an entering wedge that might lead to eventually allowing the very same thing to take place in our highways. For that reason I shall have to support the Senator from Cumberland, Senator Weeks.

Mr. REID of Kennebec: Mr. President, I think it is a little unfortunate to confuse this issue by injecting the possibility that this same principle might apply in the case of the State Highway system. I would have no hesitation in voting on that subject if it became necessary at this or any other session which I happened to attend. It is an entirely different situation. The State of Maine is a sovereign body supported by the taxpayers of the State of Maine with a big, broad network of highways and proceeding rather slowly from time to time and in any one single instance not doing very much damage to water districts or other utilities. On the other hand the Maine Turnpike Authority is supported wholly by the people who use it through tolls; it is not a sovereign body, in a way it is a private body for the time being and will be until such time as the total cost is defrayed and it is turned back to the State of Maine for us to pay the expense of maintaining it. So I do not see any similarity between these two issues. I do not think they should be confused, and I do not think that the good Senator from Somerset, Senator Sinclair or the good Senator from Piscataquis, Senator Parker should have any fear as to what impact this particular bill might have now or in the future on the question of whether or not the state should pay relocation costs. I

do not believe it every will or should.

The only thing that I can see would happen if this bill passes, if it means another \$200,000 it might be that sometime in years to come instead of the turnpike being turned over on one day to the State of Maine for us to maintain it might be a few days later in order to recoup the necessary tolls in order to get this small extra expense out of the total expense of construction.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate: I will be very brief but I do wish to point out that in the City of Lewiston the Turnpike Authority did pay the water district for relocation. That came about because of the fact that the City of Lewiston owns the water district, but it is still the people, Maine citizens that are the consumers that are going to have to pay the freight, as well as the consumers in the Portland Water District and the Augusta Water District. So certainly I cannot see any great distinction in principle as to whether the Turnpike Authorities pay a municipally-owned water district or a privately-owned water district. The same principle is there, which I think is another very telling argument in favor of this legislation.

Mr. WEEKS of Cumberland: Mr. President, I will say to the Senator from Kennebec, Senator Farris, that the turnpike pays for all condemnation costs, but this has nothing to do with condemnation costs at all; the turnpike is not taking anything from anybody. In this particular situation under discussion the City of Lewiston owned the facilities and the turnpike took some of the facilities and paid for them, just like they would pay for any right of way cost or easement costs. This is not a case where they are taking anything from anybody, it is just that in the course of their movement across the State when the relocations are required then the utilities move to adjust themselves to the turnpike facilities.

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

Mr. CHAPMAN of Cumberland: Mr. President and members of the Senate: In view of the finality with which the Chair started to put the question, I rise with extreme reluctance, but there are two points that I would like to briefly comment upon.

No. 1, which is the crux of this issue, it has been mentioned but I do not think perhaps it was clearly emphasized: as far as the financial or economic impact is concerned it boils down to who shall bear the cost as between two types of rate-payers, namely the toll riders on the turnpike or the consumers of electricity, gas, sewerage facilities, water and so forth in small local areas. It seems to me that as far as the basic standard of equity is concerned we have a problem here which was not clearly anticipated in the beginning, that it is much fairer to have a voluntary user, such as a turnpike rider who can travel that road or not and who can travel a parallel road if he wants to, pay the extra cost. It has nothing to do with the revenue rights of the bondholders because they will be paid according to contract in the long run. It may mean that before the property reverts to the state under the provisions it will run another half year to pay that \$200,000; but the revenue rights of bondholders are not affected any more than the ownership of the small utilities that I speak of are affected. There the rate-payers will pay the cost and those rate-payers are the persons who do it involuntarily. They are the users of the telephone facilities and so forth and they will pay it. And because we now regard in all fairness the users of water facilities, electric and so forth pretty much as mandatory users of facilities that they cannot do without, they will have to pay it. Consequently it boils down to a question between a voluntary payment by somebody who can avoid it and a necessary payment for a necessity which cannot be avoided, and that to me is a very appealing argument.

The other point that I would just like to comment briefly upon is the matter of the retroactive feature here. That does not trouble me a

bit, for this reason: The retroactive feature in the principle bill is dated May 1st. The bill was put in the hopper long before that time and the turnpike and those interested in it knew of it. It didn't alter one whit their planning in regard to construction. They will obviously abide by the will of this legislature, but they are on notice and they have not been misled. May 1st is the date that was fixed because it relates to summer construction from May through the fall. That is when the turnpike is really going to move. The question is still one of financial impact upon voluntary users or involuntary users. I will support the position of the majority of the Judiciary Committee, and I hope that the motion of my brother Senator from Cumberland, Senator Weeks, will fail.

Mr. WEEKS of Cumberland: Mr. President, the Senator from Cumberland, Senator Chapman, apparently has not read the bill. This act provides "all roads not open to the public prior to May 1, 1955." How the turnpike could have any idea what this legislature was going to do in 1955 when it was making its plans in 1953 I don't know, but it applies to the whole link from Augusta to Portland. They made their plans and issued their bonds on the basis of a prospectus issued in April, 1953. They have sold those bonds to people who bought them bona fide, and the argument which has been made is the most un-bona fide argument that I ever heard.

The PRESIDENT: The question now before the Senate is on the motion of the Senator from Cumberland, Senator Weeks, that the Senate accept the majority "Ought not to pass" report of the committee.

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

A division was had.

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

On motion by Mr. Reid of Kennebec, the majority "Ought to pass"

report of the committee was accepted and the bill was given its first reading. On further motion by the same Senator Committee Amendment "A" was adopted without reading, and under suspension of the rules the bill was given its second reading and passed to be engrossed as amended by Committee Amendment "A".

Sent down for concurrence.

On motion by Mr. Hillman of Penobscot, the Senate voted to take from the table the 17th tabled and unassigned matter, (S. P. 490) (L. D. 1370) Senator Report "Ought not to pass" on Bill "An Act Restoring Violations of the Liquor Law to the Operation of the Criminal Law," tabled by that Senator on April 28th pending acceptance of the report of the committee.

Mr. HILLMAN of Penobscot: Mr. President, I now yield to the Senator from Cumberland, Senator Chapman.

Mr. CHAPMAN of Cumberland: Mr. President, I am going to move the acceptance of the committee report on this bill, "Ought not to pass." It relates to the rather complex matter of violations of the so-called Liquor Code. Inasmuch as a zone of agreement with regard to the interests of various parties has not yet been arrived at and since this is not a matter of life and death in the next two years and will probably be solved, I move the pending question.

The PRESIDENT: The Senator from Cumberland, Senator Chapman, moves that the Senate do now accept the "Ought not to pass" report of the committee. Is this the pleasure of the Senate?

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

Sent down for concurrence.

On motion by Mr. Reid of Kennebec,

Adjourned until 9:00 A.M., E.S.T. tomorrow.