

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Seventh Legislature

OF THE

STATE OF MAINE

VOLUME II

1955

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Tuesday, May 17, 1955

Senate called to order by the President.

Prayer by the Rev. Royal Brown of Gardiner.

Journal of yesterday read and approved.

Papers From The House

Bill, "An Act Relating to Pensions for Dependents of Deceased Policemen of City of Lewiston." (S. P. 163) (L. D. 357)

(On May 6, Conference Committee reported that the Committee agreed with the earlier action of the House of Representatives by which that branch referred the above entitled matter to the 98th State of Maine Legislature for its consideration)

In Senate on May 6, recommitted to the Committee on Conference.

Comes from the House, report rejected and new Committee of Conference asked. The Speaker appointed

Representatives:

DUMAIS of Lewiston
COUTURE of Lewiston
COTE of Lewiston

In the Senate, on motion by Mr. Woodcock of Penobscot, that Body voted to recede from its former action and join with the House in a new Committee of Conference; and the president appointed as Senate conferees on the new Conference Committee, Senators: Woodcock of Penobscot, Martin of Kennebec and Lessard of Androscoggin.

Bill, "An Act Relating to Pensions for Dependents of Deceased Firemen of City of Lewiston." (S. P. 413) (L. D. 1176)

(On May 6, Committee of Conference reported that the Committee agreed with the earlier action of the House of Representatives by which that branch referred the above entitled matter to the 98th State of Maine Legislature for its consideration.)

In Senate on May 6, recommitted to the Committee of Conference.

Comes from the House, report rejected and new Committee of Conference asked. The Speaker appointed

Representatives:

DUMAIS of Lewiston
COUTURE of Lewiston
COTE of Lewiston

In the Senate, on motion by Mr. Woodcock of Penobscot, that Body voted to recede from its former action and join with the House in a new Committee of Conference; and the President appointed as Senate conferees on the new Conference Committees, Senators: Woodcock of Penobscot, Martin of Kennebec and Lessard of Androscoggin.

Bill, "An Act Repealing Statement of Contributions and Expenses by Municipal Candidates." (H. P. 191) (L. D. 196)

In House on March 22, passed to be engrossed as amended by House Amendment D (Filing 111)

In Senate on May 12, bill and Ought to pass report indefinitely postponed in non-concurrence.

Comes from House, insisted and asked for Committee of Conference.

In the Senate, on motion by Mr. Chapman of Cumberland, that Body voted to insist on its former action and join with the House in a Committee of Conference; and the President appointed as Senate conferees on said Committee, Senators: Chapman of Cumberland, Low of Knox and Lessard of Androscoggin.

Bill, "An Act Relating to Transportation of Fish, Game and Fur-bearing Animals by Aircraft." (H. P. 778) (L. D. 861)

In House on April 21, passed to be engrossed.

In Senate on April 22, indefinitely postponed in non-concurrence.

Comes from House, insisted.

In the Senate, on motion by Mr. Carpenter of Somerset, that Body voted to recede and concur and the bill was given its two several readings and passed to be engrossed in concurrence.

House Committee Reports**Leave to Withdraw**

The Committee on Appropriations and Financial Affairs on "Resolve Authorizing the Construction of an Airport at Fryeburg, Oxford County." (H. P. 638) (L. D. 715) 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 Bill, "An Act Relating to the Salary of the President of the Senate, the Speaker of the House of Representatives, and the Members of the Legislature." (H. P. 86) (L. D. 97) reported that the same Ought not to pass.

Comes from the House, bill substituted for the report and passed to be engrossed as amended by House Amendment A (Filing 485)

In the Senate, on motion by Mr. Collins of Aroostook, the bill was laid upon the table pending acceptance of the report.

The Committee on Appropriations and Financial Affairs on "Resolve Providing for Landing Field for Aircraft at Machias." (H. P. 864) (L. D. 976) reported that the same Ought not to pass.

The same Committee on Bill "An Act Relating to Schooling of Non-Indian Children Living on Indian Reservations." (H. P. 1037) (L. D. 1212) reported that the same Ought not to pass.

The same Committee on "Resolve for Purpose of Accelerating Geological Explorations of the State of Maine." (H. P. 1038) (L. D. 1213) reported that the same Ought not to pass.

The Committee on Inland Fisheries and Game on "Resolve Relating to Daily Bag Limit in Red River Area, Aroostook County." that the same Ought not to pass covered by other legislation.

The Committee on Legal Affairs on Bill "An Act Providing for a 3-Year Term of Office for the City Clerk of Lewiston." (H. P. 435) (L. D. 481) reported that the same Ought not to pass.

The Committee on Retirements and Pensions on "Resolve Providing for an Increase in State Pension for Maggie Caird of Dexter." (H. P. 1012) reported that the same Ought not to pass.

Which reports were severally read and accepted, in concurrence.

Ought to Pass

The Committee on Appropriations and Financial Affairs on "Resolve in Favor of Addition to Chemical Engineering Building at University of Maine." (H. P. 334) (L. D. 375) reported that the same Ought to pass.

The same Committee on "Resolve in Favor of a Science Classroom Building at Gorham State Teachers College." (H. P. 335) (L. D. 376) reported that the same Ought to pass.

The same Committee on "Resolve in Favor of Farmington State Teachers College." (H. P. 865) (L. D. 977) reported that the same Ought to pass.

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

Ought to Pass

N.D. — same title

The Committee on Appropriations and Financial Affairs on recommitted "Resolve Relating to Construction of a Road and Terminal in City of Rockland." (H. P. 518) (L. D. 581) reported that the same Ought to pass in New Draft (H. P. 1254) (L. D. 1549), 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.

The Committee on Claims on "Resolve to Reimburse the Town of Stetson for Aid Extended to Carlton Johnson." (H. P. 809) (L. D. 846) reported that the same Ought to pass as Amended by Committee Amendment A (Filing 543)

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

Majority — Ought not to pass

Minority — Ought to pass

The Majority of the Committee on Agriculture on Bill "An Act Relat-

ing to Milk Control." (H. P. 1101) (L. D. 1291) reported that the same Ought not to pass.

(Signed)

Senators:

DOW of Lincoln
FULLER of Oxford
JAMIESON of Aroostook

Representatives:

CASWELL of New Sharon
ROBERTS of Dexter
SOULE of Merrill
BROCKWAY of Milo

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

(Signed)

Representatives:

BOWIE of Durham
FOSS of Chapman
ELWELL of Brooks

Comes from the House, Majority Report accepted.

In the Senate, on motion by Mr. Fuller of Oxford, the Majority Report: "Ought not to pass" was accepted in concurrence.

Majority—ONTP

Minority—OTP

The Majority of the Committee on Agriculture on Bill "An Act Relating to Marketing of Milk." (H. P. 1102) (L. D. 1292) reported that the same Ought not to pass.

(Signed)

Senators:

FULLER of Oxford
DOW of Lincoln
JAMIESON of Aroostook

Representatives:

CASWELL of New Sharon
SOULE of Merrill
ROBERTS of Dexter
BROCKWAY of Milo

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

(Signed)

Representatives:

BOWIE of Durham
FOSS of Chapman
ELWELL of Brooks

Comes from the House, Minority Report accepted; bill indefinitely postponed.

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

Mr. FARRIS of Kennebec: Mr. President and members of the Senate: I am not convinced that this would require action by a committee and I certainly apologize at this late date in having the audacity to even suggest that a bill be introduced, but last Friday night it was brought to my attention in Kennebec County that we are on the verge of a wave of gang terrorism, and it was also brought to my attention that an adult is encouraging and abetting this waywardness and delinquency on the party of juveniles in this gang. I was very much surprised to learn that there was no law on our statutes in Maine which makes it a crime for an adult to contribute to the delinquency of a juvenile. We do have many statutes—for example if a person sells cigarettes or firearms or takes juveniles or anyone into houses of ill fame or circulates literature which might tend to be detrimental to the morals of children and so forth—those things are covered specifically, but there is nothing in the general law to place a penalty upon any person who generally contributes to the delinquency of a juvenile.

I had intended to introduce this yesterday, but before so doing I wanted to check further, and I have checked with the Attorney General's Department and our municipal court judges, at least here in Kennebec County. The Attorney General's department is of the opinion that such legislation is desirable and necessary if we are to have a strict enforcement situation so that we can put a curb upon older people who do contribute to the waywardness and delinquency of juveniles. Municipal court judges who have had a great deal of experience have advised me that it would be very desirable to have a law upon the books such as is here suggested. For that reason, at this time, I request unanimous consent to introduce a bill without reference to a committee.

Thereupon, Mr. Farris of Kennebec was granted unanimous consent to introduce bill "An Act Relating to Aiding in Delinquency of Children under Seventeen." and under suspension of the rules, the bill

was given its two several readings, without reference to a committee, and passed to be engrossed. (Ordered printed.)

Sent down for concurrence.

Enactors

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

Bill "An Act Relating to Appointment of Special Deputy Sheriffs." (S. P. 250) (L. D. 682)

Bill "An Act Relating to Compensation for Members of Mediation Panel." (S. P. 340) (L. D. 949)

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

Bill "An Act Amending the Financial Responsibility Law." (S. P. 408) (L. D. 1183)

Bill "An Act Relating to Weight Tolerances for Motor Vehicles Carrying Firewood, Pulpwood, Logs or Bolts." (S. P. 418) (L. D. 1179)

(On motion by Mr. Parker of Piscataquis, tabled pending passage to be enacted.)

Bill "An Act Relating to Trespass on Certain Buildings." (H. P. 599) (L. D. 655)

Bill "An Act Relating to Fees of Kennebec and Penobscot Counties and Increasing Salaries of County Officials of Penobscot County." (H. P. 1226) (L. D. 1507)

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

Bill "An Act Validating Joint Tenancy Deeds." (S. P. 483) (L. D. 1352)

Bill "An Act Relating to Traffic Officers at Drive-In Theaters." (H. P. 1245) (L. D. 1538)

Bill "An Act Relating to Movement of Contractor's Equipment Over State Highways." (H. P. 1247) (L. D. 1540)

Bill "An Act Relating to Preference to Maine Residents in Certain Contracts." (H. P. 1248) (L. D. 1541)

Which bills were severally passed to be enacted.

"Resolve Authorizing Study of Proposed Maine-Quebec Highway." (H. P. 960) (L. D. 1086)

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

"Resolve to Simplify the Open Water Fishing Laws by Counties." (H. P. 1220) (L. D. 1499)

"Resolve to Simplify the Ice Fishing Laws by Counties." (H. P. 1221) (L. D. 1500)

"Resolve Providing for Splashboards on Waterville - Winslow Bridge." (H. P. 1246) (L. D. 1539)

Which resolves were finally passed.

Orders of the Day

The President laid before the Senate the first tabled and especially assigned matter being bill "An Act Relating to Weight of Commercial Vehicles." (S. P. 452) (L. D. 1271) tabled on May 13 by the Senator from Waldo, Senator Cole, pending passage to be enacted; and that Senator moved the pending question.

Mr. SILSBY of Hancock: Mr. President and members of the Senate: I do not believe that we have had any bill for our consideration in this session that has been any more controversial than the bill which we now have before us, L. D. 1271. I am opposed to the enactment of this bill and I suspect that some of you members of the Senate feel likewise. It is legislation which involves every citizen of this State because it is legislation that subjects our highways to an additional ten thousand pounds, and believe me, the citizens of our State are crying from the valleys to the hill-tops for better roads, for better maintenance and for less damage to our highways by persons using the highways, and this act has been brought to their attention by several editorials. I know that you all probably have read the editorials but yet I feel that it is proper and fitting for me to quote from the editorial that recently appeared in our Portland Press Herald, I believe last Sunday, because it is the knowledge that people have of our state and from that publicity they will be requesting an explanation for the way we vote and our justification in doing it. So very briefly I would like to quote from the editorial in the Portland Press Herald — I believe

it was Monday May 16th last — as follows:

“Excess Weight - Bearing” is the caption. “A waiting action at the State House is L. D. 1271, the so-called ‘excess weight-bearing.’ The weight is that of trucks. The bill, it is true, is said to have been introduced not for trucking associations but for a splinter group of industry. It proposes that the state sanction trucks of forty-five feet in length and of a weight of thirty tons and an increase of twenty per cent. To meet objections, which are strong, the proposal is to add another axle, thus distributing the weight further in the hope of saving the highways. It hardly needs argument that trucks of the present weight pound our highways to destruction. As to this business of the third axle, it might be more useful for the legislature to order them installed on the giants that now roll over the road. The proposed thirty-tonners of forty-five feet in length inadvertently would complicate the State’s traffic problem and make the expense of construction of highways and upkeep more costly. However the newspapers believe that the threat to highways, the really menacing angle is in the excessive weight bill, destructive bill. It must be hoped that the legislature will have arrived at the same conclusion when it comes up for action and will deny the passage.”

Now what is our present law? I would like to go on record of explaining my theory and my conclusions as to the additional weight and I think it might be well at the moment for us to consider the present law, and that is fifty thousand pounds. And if I understand the law correctly, there are the two front wheels, which is the steering wheel. Then we have the drive wheel, the next back, on the tractor, then we have the trailer which is hitched on the tractor and we have two wheels back of that. So we really have the axle in front, the drive axle in the middle and the axle which has no drive attached, on the rear of the trailer.

I have made inquiries as to how the distribution of that weight is involved and I have been told by

very good authority that the distribution of that weight over those axles under the present law, is as follows: Six thousand pounds on the front axle or the steering axle, twenty-two thousand pounds on the drive axle of the tractor which is the middle one, and twenty-two thousand on the rear and if you will add them together, you will have fifty-thousand.

Now let’s examine the new law. It has been estimated from good authority—and we only have to use our own common sense to come to a conclusion as to the additional weight and the distribution thereof—it has been estimated that the new law would probably carry six to eight thousand pounds on the front axle, or the steering axle. The new law specifically states that they cannot carry more than twenty-two thousand pounds on the rear axle of the tractor. Now here is the crux and the joke. The rear wheels of that box trailer, thirty-two thousand pounds. Now you gentlemen and lady, have some familiarity with the laws of physics. You don’t have to be an engineer to come to a conclusion that if you have that trailer on the front, on the tractor and the two wheels on the rear, even though there is tandem action to be sure isn’t the weight on the two wheels of the tractor pretty apt to be in excess of twenty-two thousand pounds, with thirty-two thousand on the rear? You have just two points, a central point to the tractor wheel. It isn’t distributed from two points on that particular rear of the trailer, it is distributed so that the tractor wheels have to carry it and balance it. And I can’t believe that you aren’t going to increase the weight of twenty-two thousand pounds on the rear of the tractor, which would be in violation of the law.

Now it will be said that the officers will check and if they are in violation, they will be apprehended, but the damage is done. It does no good to our highways to apprehend these persons who violate the law, and are fined.

Now without a doubt at the present time many are probably in excess of the fifty-thousand pounds and undoubtedly the weight is in

excess of twenty-two thousand on the axle. I haven't any question in that particular, and if they are violating it and it has been said in some instances that it goes as high as six or seven thousand pounds at the present moment. Now if we enact the new law with thirty-two thousand pounds on the rear, twenty-two thousand on the tractor wheel, six to eight thousand on the steering wheel, that isn't going to limit our highways to sixty thousand pounds because there will be overloads. There isn't any question about it and perhaps our highways will be jeopardized to the extent of seventy thousand pounds. They cannot catch them all.

Now, another very significant factor to me is the matter of the weight and the distribution of the weight which will depend a great deal upon the man who loads the truck. But somehow I can't seem to believe that a tractor wheel with twenty-two thousand pounds on the driving wheel is capable of hauling thirty-two thousand pounds. It seems to me that there has got to be some equalization to the end that those tractor wheels would have to have more weight to haul those dual wheels with twenty-two thousand pounds on them.

And it would seem to me that with that load unbalanced and with the traction that would be necessary to haul that tractor that you and I and other citizens may be stalled for the reason that we cannot get by the truck having difficulty with some of our hills and I don't need to say to you that we have plenty of hills.

Now again, speaking of the highway, it seems to me only common sense that our bridges are going to have more strain when this load hits it with sixty thousand pounds. We will have more strain on our bridges than we would have with fifty thousand.

Another significant factor is this. I have reason to believe and I think I am correct that the weights of our carriers are predicated upon a weight of fifty thousand pounds. If we increase the weight to sixty thousand pounds do you believe for a moment that the general public would receive a decrease in their rates? I say they would not. I do not see

how they who are not organized can petition for a reduction in rates. And this extra weight they are carrying of five extra tons is nothing more than a premium. The gasoline consumption I understand is not a great deal more. The equipment costs very little more and it is just a premium.

Now those matters to me are very, very serious, and I feel very serious about the entire matter because I want to go on record to the people of this state that I for one, cannot justify my thinking to the end that I can conscientiously permit a class of trucks to carry an additional ten thousand pounds of five more tons with our roads in the condition they are in today and with the roads that we have been told time and time again are inadequate for the load they already bear. I know I have taken some of your time but it is so serious that I want you to understand my line of thinking and my line of reasoning and I hope that we can stop the enactment of this bill.

Mr. WEEKS of Cumberland: Mr. President and members of the Senate: There is nothing I can add to the presentation of the Senator from Hancock, Senator Silsby, on this side of this issue. He has spoken most completely and exhaustively on this subject. I merely stand up to say that everything he has said today is backed up by the considered opinion of representatives of the trucking industry and highway men and everyone that I have talked to dealing with the general problem presented here today. They all agree that there is no question about the impact on the highways and the damage to our highway program.

It seems as though the passage of this bill is a little inconsistent with our other attitudes we have taken this session regarding more money and other problems of the Highway Department.

I will close by merely saying that so far as general opinion is concerned, the Senator from Hancock, Senator Silsby, referred to the Portland paper, but there also have been editorials in several of our other papers and all of them are on the same side, against this increase in rate. I certainly think this is a very solemn problem and I agree

with the Senator from Hancock, Senator Silsby, that it should not pass.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Waldo, Senator Cole, that the bill be passed to be enacted.

The Chair recognizes the Senator from Kennebec, Senator Reid.

Mr. REID of Kennebec: Mr. President, I intend to vote against enactment on the sole ground that our highways as presently constructed are inadequate to support any more weight than the weights that they are now subjected to.

Mr. COLE of Waldo: Mr. President and members of the Senate: It seems to me that we in the Senate are stressing our judgments pretty much as they are described in our local newspapers, and I wonder if we ought to stand on the judgment of the newspapers. I realize fully that they are very fair, but then again it is a matter of opinion as to who is right and who is wrong. Now I am sure that the writers of these editorials did their duty as they understood it. Personally, I think they got their information, which was very ill-advised, from groups opposing this bill.

Now I am one who believes in competition and free enterprise, and I think this does much to help free enterprise in the State of Maine. I love to talk about the little chicks down in Waldo County and the broiler industry which is now broadening throughout the State—and I am speaking strictly of those with feathers. The output in Waldo County alone from the two processing plants is on an average of 45,000 birds per day. There are two processing plants in Knox County that are processing an equal amount. In these two counties alone there are 90,000 dressed broilers going to market.

Let me bring in the conversion rate of grain per pound of meat. It is estimated that for every pound of chicken meat that is put on the market it takes at least three pounds of feed to get that pound of meat.

Now how does this feed come into the State of Maine? It comes in by transportation that is very much opposed to this bill. And how do we get the broilers, the finished product, to our markets? There is only one

way possible or feasible that we can get these broilers to our southern markets and that is by motor truck.

It seems to me that one group of conveyors are very much contented to sit on their glory and not go forward with better equipment. It seems that in many of our southern states the railroads have adopted ways of competition with the trucks. From New York to Chicago they have the piggy-back trailers that are doing an outstanding job, but here in Maine it seems we want to continue on in the same old rut.

Now again referring to the broiler business, we started on a shoestring; we had to meet competition; our main competition was from states near the New York market, such as Maryland. We here in the State of Maine have met that competition. Our location is detrimental to us both in the way of feed and many other angles, yet we have met this competition and the State of Maine now has as one of its principal industries the broiler industry, and I believe that the State of Maine product does command at least a two-cent premium over the product of our southern states.

Now you may ask why. It is because we in Maine know how to raise broilers, the relationship between capital and labor is so that we can meet this competition. Now that we want to encourage the industry and expand, certain groups of carriers are making it hard for us.

Referring back to the editorial that the Senator from Hancock, Senator Silsby, referred to, it stated that this bill was sponsored by a splinter group. As far as I am concerned, the trucking industry is not too concerned with this bill, but the industry as a whole, at least ninety-five per cent of the industry demands it, and at the hearing there were at least twenty-five different groups of business men that appeared for it.

It was also stated in this editorial that it was outrageous to allow vehicles of forty-five feet in length on our highways. I wonder if this is not ill-advised and I wonder where they got their information from. The length of vehicles now permitted is forty-five feet plus a foot and a half of tolerance, and that is forty-seven and a half feet. This bill,

L.D. 1271, permits fifty feet, that is true, but that is the limit. Do you think that an additional three and a half is very excessive? It was only several weeks ago that the authorities picked up a house trailer on the turnpike that was seventy-two feet long.

In regard to bridges and the formula designed by engineers, they state that this bill, L.D. 1271 in regard to bridge weights is much easier on bridges than either of the pulp and wood bills or the contractors' bills which we already allow on our highways.

It also has been stated in one of the editorials, it might have been in "Pete" Damborg's column, that we really would be put on the spot. There again they were ill-advised; they did not take into consideration the extra registration fees, the extra gas consumption which I think will offset any damage that is done under this bill. Even the engineers came up with this statement: "L.D. 1271 provides for no increase in axle loads over those allowed in the present general law but combines in one unit the 22,000 pound single axle and the 32,000 pound tandem axle at a specified distance apart." The engineers say, "We believe, as was stated before the hearing that if an increase in weight above fifty thousand pounds is to be considered the provisions of this bill should prevail."

Now to me the question is: shall we go forward industrially or shall we stay back in the same old rut? To me it is like Ford Motors or Chrysler Motors saying to General Motors, "Let's not come out with a new model this year, let's stick to our old models." Do you think that General Motors would agree to anything like that, or any of the others?

To me this means that we can do much for industry. I have a great amount of respect for the esteemed gentleman in the front office, Governor Muskie, and also for the Senator from Penobscot and our President of the Senate, Senator Haskell, when these men can forget their political philosophies and sit down together and come up with a compromise that I think is good for industry. I think that we should get our shoulders behind the wheel and push for prosperity in our State.

Mr. BUTLER of Franklin: Mr. President and members of the Senate: Without doubt every single one of us have got our minds made up as to how we are going to vote on this issue, but we are confused a little bit when we hear what other people have said as to what we have done, and if we look back to what we have done ourselves, well, maybe we can smile, maybe we can feel there is some justification.

We have highways and we are trying to improve those highways, and it does not seem that it is a question of helping industry whether or not this measure under consideration is passed. We do not have to go to the newspapers to find that out. The newspapers conclude only one thing that is the result of what we are doing. It is true they try to tell us what to do, but they have been trying to tell us what to do for a good, long period of time. If you recall, it was only two years ago when they tried to tell us what to do. At that time they very nicely laid on our desks certain definite proposals as to what we were to do. So we can disregard the attitude of the newspapers because they are the result and not the cause. Here we have a job to do, we have a job to make our highways the very best highways that we can have. I do not know how well we are doing it. We have got a lot of road resolves coming up. We have kind of taken those old road resolves and kicked them around hither, thither and yon. That is not helping our highways any. This bill is not going to help our highway construction. As to the Senator from Kennebec, Senator Reid, has said, that is the reason he is going to vote against the bill, and I certainly concur with him, that this is not doing us any good.

Now when it comes to "old models," well, if we turn around and pick up just one or two or maybe thirteen lines in the Bible I think we are going to find that a good many lines have been written to try to evade or improve upon that philosophy. And so we are only trying to run around and excuse ourselves in compromising upon something where there should be no compromise. I trust that when you vote you will seriously take into consideration the problem which we

have as we have heard it and not what other people have to say about us.

I certainly hope that the motion for the passage of this measure will not be favorably received.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Waldo, Senator Cole, that the bill be enacted.

Mr. COLE of Waldo: Mr. President, I request that when the vote is taken it be by a division.

A division of the Senate was had. Seventeen having voted in the affirmative and thirteen opposed, the bill was passed to be enacted.

On motion by Mr. Crabtree of Aroostook, the Senate voted to take from the table House Report from the Committee on Appropriations and Financial Affairs: "Ought not to pass" on "Resolve Creating the Maine Vocational-Technical Institute Scholarship Fund." (H. P. 332) (L. D. 373) tabled by that Senator on May 9 pending acceptance of the report.

Mr. CRABTREE of Aroostook: Mr. President and members of the Senate: I am going to present this in a very few minutes and then ask if the Senate would be willing to substitute the bill for the resolve and let it pass along at least to point of the tabled money bills. I have talked with the two members of the Appropriations Committee who are here this morning. Obviously this bill came out of that committee "Ought not to pass" because of the money situation; but I do think that the members of this Senate would like to consider just what the bill calls for and what it might accomplish in the Maine Vocational-Technical Institute now located in Portland.

I realize that probably I feel a little more keenly about this institution than other members of the Senate because I have followed it along since its Augusta days and since it has been established at Fort Preble.

The bill calls for \$5000 only and is to be spread out in scholarships for worthy young men in this Maine Vocational-Technical Institute at no more than \$300 per student.

Now we have a similar fund for scholarships in our Teachers Col-

leges and with that I certainly find no fault and possibly that should have had prior consideration. Nevertheless, we have in Portland in this school an institution that I believe is a two-edged sword: it not only furnishes our young men of the state with an opportunity to graduate in courses of mechanical arts, electrical arts, simple automobile mechanics, at very moderate cost, but it is at the same time providing a pool of skilled workers in this state for our own industry or any new industries which we might attract.

Now it is a very small amount of money, but many times within my knowledge this amount of money, just two or three hundred dollars, is the difference between a lad completing this course and not completing it. They give them good opportunities to work at the school. I am thinking of one lad from north of here who welcomed the chance, thought that it was a great privilege to be able to get up at five o'clock in the morning and work in the kitchen and thereby earn his board. Nevertheless, four years ago that lad could not have completed his course if it had not been for an amount of \$250, and there are others in this same category. Not only do young men of very, very modest means go to this school or institute, but young men and older men too from various economic levels. It does provide in our state an opportunity for these people to get a good working knowledge of the mechanical arts and electrical arts at a very modest cost, and because it does seem to attract men and young men from families in the lower income brackets in many cases it seems to me that this small amount money of \$5000 doled out in scholarships of not exceeding \$300 and only in cases where that is going to mean the difference between their graduating and completing their course, is a very worthwhile measure.

Now if the money is not there, all right, we will have to forget it I suppose; it might rate rather low on the totem pole, but if you fellow Senators would like to go along with me to the point at least where it lands on the money table I would appreciate it and I am sure that

future generations of young men would appreciate it.

Therefore, Mr. President, I move in this case to substitute the resolve for the report of the committee.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Aroostook, Senator Crabtree, that the resolve be substituted for the ought not to pass report.

The motion prevailed, the resolve was substituted for the report and under suspension of the rules, was given its two several readings and passed to be engrossed, in non-concurrence.

Sent down for concurrence.

On motion by Mr. Martin of Kennebec, the Senate voted to take from the table bill, "An Act to Establish the Limerick Sewage District." (H. P. 1242) (L. D. 1534) tabled by that Senator on May 12 pending passage to be engrossed; and that Senator presented Senate Amendment A and moved its adoption.

Which amendment was adopted without reading and the bill as amended by Senate Amendment A was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Farris of Kennebec, the Senate voted to take from the table House Report from the Committee on Highways: "Ought not to pass" on bill, "An Act Relating to Service Roads on Controlled Access Highways." (H. P. 648) (L. D. 725) tabled by that Senator on May 12 pending motion by the Senator from Piscataquis, Senator Parker, that the report be accepted; and that Senator yielded to the Senator from Cumberland, Senator Weeks.

Mr. WEEKS of Cumberland: Mr. President and members of the Senate, you are probably very familiar with the contents of this L. D. 725 and probably you are familiar with the situation which exists on that stretch of highway which is Route No. 1 as it goes through Freeport in Cumberland County. You will remember that beginning at Kittery and going the length of Route No. 1 there is no place which has limited access to it, and you can of course get on a public highway at any place. Now some other Senator can

explain more exactly and more in detail just how it happened to be this way. I believe it was under some federal program. However, it seems unfair to the people of Freeport who could use that area along there for commercial development that they are unable to get on the highway there.

This bill provides for the construction by the Highway Department of a road parallel to it for a certain distance which means between those points which already exist where access is possible. I believe beginning at the Freeport line where the limited access road begins to the place where it ends there are three roads which cross. Between two of those roads at some point you could set up the equivalent of a State Highway and have access to it and have a place there where you could have development of commercial projects.

I think it is unfair to that particular area that the whole of Route No. 1 should be the way it is while three miles approximately of this road is closed off completely. I therefore urge that the bill be substituted for the report.

Mr. PARKER of Piscataquis: Mr. President and members of the Senate: I will try to give you a clear picture of what a controlled access highway is. First of all, there is a statute in our state laws that says that the Highway Commission may purchase right of way. These are my words, not the words of the law. It says that the Highway Commission may purchase right of way for controlled access highways with the understanding of the owners of these rights of way that no commercial installations will be constructed on these roadsides.

Now why is that act on the books? First of all, in constructing four-lane highways it is necessary to have every safety feature possible and it is necessary to have everything done that can be done to make those highways safe. Therefore the Highway Commission in conjunction with the Federal government participate in these controlled access highways and pay a larger amount for damages to the owners of these lands with the understanding that there will be no commercial installations. The road in question

was constructed under those conditions. If by a vote of this legislature we should annul the statute under which this road was constructed it would mean this: that the State of Maine, the Highway Commission of the State of Maine must refund to the federal government that portion of funds that they have contributed to make this road a controlled access highway. Not only that, but the State of Maine would lose face with the federal government because it would appear, to my way of thinking at least, that we were not going to live up to our word, that we were not going to continue on controlling safety on these roads.

I certainly hope that the unanimous report of the committee, "Ought not to pass" will be accepted.

Mr. WEEKS of Cumberland: Mr. President and members of the Senate; I thank Senator Parker for his explanation as I was not informed exactly, but I would like to call the attention of the Senate to the fact that it is a free Route No. 1 all the way from Freeport and we are projecting an additional continuation of a four-lane highway from the end of this limited access highway into Brunswick, that is going to be open to the public on both sides, and consequently it still leaves this little section in Freeport as the only one affected by this limited access proposition.

This bill does not propose to violate any agreement between us and the federal government in relation to that road project; it merely provides that the Highway Department will provide something of a parallel road so that commercial developments can be set up on this parallel road and not on the limited access road itself.

I hope I have made myself clear. I think it is only fair, that being the only place on the entire length of Route No. 1 where no obstacle can be set up at all, it would not be violating any agreement, as I understand the Senator. I think it is just the expenditure of a few dollars and we have spent a few dollars in other places for surveys and what not. It merely provides that after petition by the municipal officers of a town where there is a

limited access highway of more than a mile within the limits that they would permit what would amount to a free highway to go parallel to the limited access highway.

I certainly hope that you will vote for this measure for Cumberland County.

Mr. PARKER of Piscataquis: Mr. President, just to clear up any possible misunderstanding by the good Senator from Cumberland, Senator Weeks, I want to point out that the service road that enters a controlled access highway at either end of such a road there is an increased traffic danger. It is specifically stated in the agreement between the State Highway Commission and the federal government that no such roads will be permitted when the federal government has put in matching funds.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Weeks, that the bill be substituted for the ought not to pass report.

A viva voce vote being doubted
A division of the Senate was had.

Eleven having voted in the affirmative and fifteen opposed, the motion to substitute the bill for the report did not prevail.

Thereupon, on motion by Mr. Parker of Piscataquis, the ought not to pass report was accepted in non-concurrence.

Sent down for concurrence.

On motion by Mr. Collins of Aroostook, the Senate voted to take from the table Resolve Relating to a Water System for the Penobscot and Passamaquoddy Indians (S. P. 318) (L. D. 884) tabled by that Senator on May 13 pending final passage; and on further motion by the same Senator, the Senate voted to suspend the rules and to reconsider its former action whereby the resolve was passed to be engrossed, and the same Senator presented Senate Amendment A and moved its adoption.

The Secretary read Senate Amendment A.

Senate Amendment A to L. D. 884. "Amend said resolve in the 2nd line thereof by adding after the

words 'from the' the words 'unappropriated surplus of the'."

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

Sent down for concurrence.

On motion by Mr. Dunham of Hancock, the Senate voted to take from the table House Reports from the Committee on Liquor Control: Majority Report "Ought to pass". Minority Report "Ought not to pass" on bill, "An Act Relating to Local Option for Sale of Malt Liquor by Part-time Hotels." (H. P. 441) (L. D. 487) tabled by that Senator on April 19 pending acceptance of either report; and on further motion by the same Senator, the Majority Report "Ought to pass" was accepted and under suspension of the rules, the bill was read twice.

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

The Secretary read Senate Amendment A.

Senate Amendment A to L. D. 487: "Amend said bill by striking out in the 1st line before the headline, the following 'Sec. 1'

Further amend said bill by striking out all of sections 2 and 3."

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

Sent down for concurrence.

On motion by Mr. Cummings of Sagadahoc, the Senate voted to take from the table bill, "An Act Relating to License Plates for Motor Vehicle Owners who Operate Amateur Radio Stations." (S. P. 546) (L. D. 1487) tabled by that Senator on April 27 pending passage to be engrossed; and that Senator presented Senate Amendment A and moved its adoption.

The Secretary read Senate Amendment A.

Senate Amendment A to L. D. 1487. "Amend said bill in the 7th line of that part designated Section 47A by striking out the underlined figure '\$1.00' and inserting in place thereof the underlined figure '\$3.00'.

Further amend said bill by striking out the last four lines of that part designated Section 47A and in-

serting in place thereof the following underlined words and punctuation: 'shall be issued passenger plates. The Secretary of State with the approval of the Governor and Council is authorized and directed to issue such plates of a color different from the regular issue and of a number and letter designation of such a type as to indicate the operators who own an unrevoked and unexpired amateur radio license to transmit signals from portable or mobile radio units issued by the Federal Communications Commission.'"

Mr. CHAPMAN of Cumberland: Mr. President and members of the Senate, in support of this amendment I should like to explain very briefly what it does. As you will recall, the committee redraft which was reported unanimously and which is the bill in its present form endorses the thesis that a special type of plate should be made available to amateur radio operators who have portable and mobile equipment in their cars and that such a type of plate be made available to them for the purpose of public identification when the cars are en route on a public way.

I point out that this particular legislation in its present form is different, quite different from what it was in past years. It is not a matter of personal vanity to identify the owners of such radio stations. It is a matter of public service in that persons who operate such mobile and portable equipment contained in their cars can be identified when they are on a public way. The purpose of it is to implement public safety in civil defense activities. It may interest you to know that of the radio amateurs in the State of Maine and there are some nine hundred of them, quite a percentage of them already have mobile and portable equipment in their cars and they are part of the civil defense communication in our civil defense setup. As a matter of fact, they are not only part of it, in a sense they are it, and they have something in the neighborhood of six to six hundred and fifty thousand dollars worth of equipment service for which is offered free for the implementation of public safety in civil defense.

They do this across the state line. In other words, they go into Massa-

chusetts or back and forth and are part of the regional public safety setup so that some sort of reasonably uniform identification for the people who have these units is definitely in the nature of public interest. It is not at all to be confused with the theory of having special plates just to identify them as people who have such equipment at home. There was a little bit of confusion or doubt as to just what style should be used for the designation, in the discussions we have had on the bill. In order to resolve that confusion we have put the power with the Secretary of State subject to the approval of the Governor and Council when he announces the plan that seems best fitted to do it and so that everybody will be happy in the long run and so that the essential purpose of the legislation will be accomplished and that is the purpose of this amendment. It is definitely in line with the thinking of the committee. I now move the acceptance of the amendment.

Thereupon, Senate Amendment A was adopted and the bill as amended by Senate Amendment A was passed to be engrossed.

Sent down for concurrence.

The PRESIDENT: The Chair will suggest that the Senate carefully scrutinize the table and see if there are bills or resolves that are liable to be engrossed. Is there objection to the Senate staff sending to the engrossing department following the morning session any bills that have been passed to be engrossed this morning? The Chair will remind the Senate that under the joint rules, reconsideration may be asked by any member of the prevailing side. Sending to the engrossing department might preclude that possibility.

There being no objection, all bills passed to be engrossed this morning, were ordered sent forthwith to the engrossing department.

On motion by Mr. Dow of Lincoln, the Senate voted to take from the table House Report from the Committee on Education: "Ought to pass as amended by Committee Amendment A" on bill "An Act Relating to Apportionment of School Funds on Basis of Pupil Enrollment" (H. P. 292) (L. D. 304)

tabled by that Senator on May 13 pending acceptance of the report; and on further motion by the same Senator, the bill was indefinitely postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Reid of Kennebec

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

After Recess

The Senate was called to order by the President.

On motion by Mr. Fuller of Oxford, the Senate voted to take from the table Senate Report from the Committee on Appropriations and Financial Affairs: "Ought not to pass" on "Resolve Appropriating Funds for Related and Supplemental Instruction Under Voluntary Apprenticeship Law." (S. P. 201) (L. D. 496) tabled by that Senator on March 13 pending acceptance of the report; and on further motion by the same Senator, the ought not to pass report of the Committee was accepted.

Sent down for concurrence.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table Senate Report from the Committee on Taxation: "Ought not to pass" on bill, "An Act to Exempt from the Sales and Use Tax Water Sold for Home Consumption." (S. P. 352) (L. D. 961) tabled by that Senator on April 1 pending acceptance of the report.

Mr. BOUCHER of Androscoggin: Mr. President and Members of the Senate, this bill was reported ought not to pass and I really cannot understand the position of the committee, because I understood when the sales tax was passed that all commodities of life were to be exempt and water, of all the commodities of life, water is the most essential. Water, I am told by physicians, is more important than food to keep life going, and because water is piped into many houses, yours and mine, a sales tax is put on. A man who owns a well does not have to pay that sales tax. The only reason they have given me in the past to put a sales tax on water that is piped into a home is because it is

an easy tax to collect. The records are kept by the city or town of the water used in the home, or by the water district so they could add the sales to it and collect it very easily.

I am wondering what fairness there is in that. I thought a tax should be fair and equitable. It should be applied to everyone. You are picking out citizens that reside in water districts, on cities and towns who have water supplies and because that water is piped into their homes, you put on a tax on their water bill. I really and honestly believe that this tax should be abolished. I never understood that it would be put on when the sales tax was offered in 1951 but to my surprise it was put on and is still on. Therefore, I move the substitution of the bill for the report, Mr. President.

Mr. LOW of Knox: Mr. President and Members of the Senate: I was on the Taxation Committee in 1951 when the sales tax was originally drawn up and I can assure you at no time did we use the yardstick of whether it should be on the necessities of life. If we had had exemptions for that reason we certainly would have had to exempt suits of clothes. They are a necessity of life. You have to have one on and a good many other things. The sales tax was passed that year as a revenue measure and while every single person in the state doesn't pay a tax on water, still a great many people do. My own house is at least of average size with three bathrooms and we water the lawn and so forth and my tax averages eight cents every three months. I can't think of any way that the state could raise sixty-five thousand dollars bearing as lightly on as many people as through the tax on water. I hope the motion of the Senator from Androscoggin, Senator Boucher does not prevail.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Boucher, to substitute the bill for the ought not to pass report. Is the Senate ready for the question?

A viva voce vote being doubted

A division of the Senate was had.

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

Thereupon, on motion by Mr. Low of Knox, the ought not to pass report was accepted.

Sent down for concurrence.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table House Reports from the Committee on Veterans and Military Affairs:

Majority Report: Ought not to pass.

Minority Report: Ought to pass as amended by Committee Amendment A on bill, "An Act to Authorize the Issuance of Bonds in the Amount of Twenty Million Dollars for Bonus to Maine Veterans of World War II and the Korean Campaign." (H. P. 1143) (L. D. 1340) tabled by that Senator on April 26 pending motion by the Senator from Cumberland, Senator Weeks, that the ought not to pass report be accepted.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate I would like to have the reports read.

The Secretary read the endorsements on the bill.

Mr. BOUCHER of Androscoggin: Mr. President, I wish to oppose that motion and the reason for my opposing that motion is that this bill does not ask the State of Maine to pay a bonus at this time to the veterans. All it asks the members of the legislature is to send a referendum back to the people of Maine to decide once and for all whether a bonus should be paid to the veterans.

This bill is for a bonus for the veterans of World War II and the Korean campaign. The five other New England states have already paid, or passed a law saying they will pay a bonus to those veterans, including Vermont. There was an old saying "As goes Maine, so goes the nation," and then later on the saying became, "As goes Maine, so goes Vermont," and today we should change it to "As goes Vermont so goes Maine."

The only attempt to pass a bonus in Maine that really was sent to the people was attached with taxation. Taxation that asked the veterans of Maine to pay back more money than they got for the bonus. I for one, toured the the entire state against that bonus at that time and

I explained to groups of veterans who thought I was wrong, why I was against it and I made them figure out in their own way what the tax bill on that veterans bonus would cost them and invariably they were satisfied they did not want that kind of bonus where they had to pay back more than they received.

I think we should send back in a referendum to the people of Maine, whether they favor a bonus without attaching to it a tax measure. If they do, then we shall, or rather future legislatures shall take means and ways of raising the money to pay for it. A certain member of the legislature attempted to initiate a referendum to put this bonus measure before the legislature without having it passed by it. He gathered thirty-two thousand names, of which twenty-four thousand were certified by town clerks and city clerks. He missed by about one thousand votes. The requirements are about twenty-five thousand and the reason he missed was that eight thousand of those thirty-two thousand were found according to the mechanics of this petition to be in the wrong petition. In other words, if your petition was circulated in Portland and a citizen of South Portland signed it, it was no good. If a petition was circulated in Augusta and a citizen from Hallowell or Gardiner signed it, it did not count. If one was circulated in Lewiston and somebody in Auburn signed it, that was no good. If one was circulated in Bangor and somebody across the river in Brewer signed it, that did not count.

Eventually, under the deadline of February 19 which was the date for filing the petition with the Secretary of State enough names came in to make it valid, but it was too late.

Are we going to tell the people of Maine on this week that has been proclaimed by the President of the United States as Armed Forces week and by the Governor of the State as Armed Forces week that we do not want to pay the veterans a bonus? Is that the bouquet we are going to offer them? Is that the thank you that we are going to give them? And how can we on Thursday in other states and on Sunday in this State go out along

the streets and wave the flag for those boys who will be marching by and tell them that we are sincere if we refuse them a referendum on this veterans' bonus?

There are in Maine 177,000 veterans of World War II and the Korean War, of which 1000 were killed in the European theater and 1700 were killed in the South Pacific area. There are 20,000 disabled veterans now in the State of Maine. 35,000 were wounded or killed and 14,000 have left the State. Any why? I wonder. It is nothing but disgust with the citizens of Maine who refuse to recognize their having done their duty toward us and who have refused to give them some kind of token of their gratitude and their appreciation.

All this bill calls for is \$100 for those who have served six months to a year, \$150 for those who served one year, and \$200 for overseas, and it is estimated that this would cost the State of Maine not quite \$20,000,000.

At present there are at Togus about 800 to 850 veterans hospitalized. Fifty to sixty per cent of them are Maine boys who are suffering and have suffered for the last ten years for the result of these wars. Having done that to protect us as citizens of Maine, do we not owe them some kind of a token of gratitude?

Twenty-five states in the Union have already voted to pay or have paid a bonus. The opponents of this bill have asked me: Where is the money coming from? I have a very easy suggestion to make. You have already passed and have on the books a sales tax, which I did not vote for but which I shall vote to increase by 1/7 of one cent to pay this bonus. That is all it would amount to, 1/7 of one cent increase in that sales tax, to pay this veterans' bonus. I am wondering if the boys that did serve in those wars, the boys and girls who did serve in those two wars, do not merit 1/7 of a cent increase in the sales tax.

I have here a clipping from a newspaper in Portland. The date-line is Hartford, Connecticut, May 12th.

"The House today concurred with the Senate in approving a bill to pay a bonus to the Connecticut veterans of the Korean War. The measure passed after an hour-long debate for the same bonus as was paid World War II veterans, ten dollars for each month of service up to a maximum of \$300."

That is one of our New England States, they just passed this yesterday.

Are we in Maine always going to be different from the other states? Are we ever going to stop fighting the Civil War and get up to modern times? Must we always be different from every other state in New England and practically all the other states in the country?

I appeal to you to send this bill back to the people in referendum and let them decide whether the veterans merit or do not merit a bonus.

The PRESIDENT: The question 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.

The Chair recognizes the Senator from Oxford, Senator Boyker.

Mr. BOYKER of Oxford: Mr. President and members of the Senate: Our soldiers of Maine, the living and the dead, have fought and helped to win two great world wars and the Korean war, the most cruelly devastating wars in the history of the world, and because of those wars thousands of our loved ones today lie buried in the cemeteries of Europe, in the fields and pastures of Asia, among the waves of the Pacific and the Atlantic. Those soldiers of ours did not bid their loved ones goodbye and cross the ocean and march up to the firing line of their own free will. We sent them there that our liberty, our freedom and our happiness might be preserved. The living have returned to us, many of them with shattered nerves, with fever, with limbs taken away and wounds unhealed.

Let us say that we are poor and that we are sending billions of dollars across the ocean to those countries where our soldiers' blood was spread, but never let it be said that Maine has refused to recognize in

some way the sacrifice which our soldiers have made for us.

"The tumult and the shouting dies;
The captains and the kings depart.
Still stands thine ancient sacrifice

A humble and a contrite heart.
Oh Lord of Hosts, be with us yet,
Lest we forget, lest we forget."

Mr. FARRIS of Kennebec: Mr. President and members of the Senate: I certainly do not believe and have no intention of even attempting to stand up here and through emotionalism attempt to sway any votes. I believe that practically all of us have fairly well made up our minds as to how we are going to vote on this issue.

I cannot help but think that when thirty-two thousand people have signed petitions wanting this question to go to a referendum that a loud voice has spoken and justifiably so.

I certainly first want to point out that I am not standing here and speaking in any way in self-interest, because even though I was born and brought up in Maine and returned to my native state I entered the military service in the Commonwealth of Massachusetts and I did receive a three hundred dollar bonus from the Commonwealth of Massachusetts.

This issue today is one of principle and it is not just the principle as to whether or not we should recognize our veterans of World War II and our veterans of the Korean War, but are we going to recognize the bad faith which a previous legislature inflicted upon the veterans of this State. Many of you will recall that when this same issue went to referendum, I believe in 1947, there was tied to the constitutional question a tax measure which called for an increase in the cigarette tax, and that was voted down and the opponents today of the bonus will say that that bonus once was voted down by the people. It was not voted down by the people. You do not know and I do not know whether the people voted down the bonus or whether they voted down the cigarette tax. And the reason that I make the charge of bad faith on the part of the previous legislature is that when the legislature came into ses-

sion again they passed the tax upon cigarettes which had just been voted down or been before the people upon a vote.

So I say again that we do not know whether the people of this state voted down the cigarette tax or the bonus, and certainly we are justified at this time in sending the issue unencumbered with any tax measure to the people of the state. And we certainly cannot say it is going to cost us any more money to have a referendum vote because we all know that there are several other constitutional issues which are going to the people. I for one certainly hope the we can set the record straight once and for all in the State of Maine as to whether or not the people are in favor of a bonus or whether when they voted previously they were voting in opposition to the increase in the cigarette tax. The cigarette tax was increased at that time and we have increased it again. I certainly have confidence in the good judgment of the people of the State of Maine that if they vote to pay a soldiers' bonus that they will be willing that a bond issue be floated and be willing to pay for that bond issue. I think the issue is that clear, that now, once and for all, that we will have this decided by the people: Do they believe in recognizing the honorable service of their veterans or do they wish not to pay the bonus? And the only way we can clear the atmosphere is by a vote on that clear-cut issue.

Mr. FULLER of Oxford: Mr. President, in spite of the large number of names which have appeared on petitions, and I am sure that those who are acquainted with the gentleman who did so much work on this matter appreciate his efforts, I am not convinced, through the lack of interest and testimony at the hearings on the two bonus bills at this present session, through my contacts with veterans in the community and veterans organizations in two of which I am a member, I am not convinced that the veterans themselves feel that they are going to be provided a service if a bonus is voted. I think that they are beginning to feel that in whatever way a bonus might be

financed at the state level, that they themselves would eventually, through the payment of principal and interest, be returning more than they would receive themselves. I think that in the majority of cases they are beginning to feel that in the matter of dollars and cents they would be having a disservice rather than a service.

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

Mr. FARLEY of York: Mr. President and members of the Senate: I hesitate to speak on this issue because I had boys in both conflicts and one who did not return.

I am opposed to this bonus more so because I believe we are selling the veterans of the State of Maine down the river when we say to them, "You vote upon the question and we will pick the money up in the next session." The veterans organizations in the State of Maine today, they are not flag-wavers, they have the interests of the veterans at heart, and they are there on Memorial Day or any day to honor the veterans who have given their lives for their country. These veterans organizations do not stand on the sidewalk; their ranks are thinned each Memorial Day when they march by in your city and town. That is one day when we honor those veterans who gave their lives for their country.

I say that I stand here reluctantly because I am affected by this measure; I hate to vote against anything of this kind and I know that I am voting against my own sons, but it is my belief and my honest belief that we are simply taking the veteran of the State of Maine and saying to him: "We voted for a bonus. Now try and find the money. I just cannot go along with it and I will vote for the majority "Ought not to pass" report.

The PRESIDENT: The Chair at this times notes a group of guests in the Senate Chamber from the eighth grade, Lincoln School, here in Augusta. We enjoy having you with us at our afternoon session.

You certainly are a well-behaved group. We hope that you enjoy every minute of your visit, and after the session we hope that you will come downstairs and get a little bit more exercise than I know you are getting up there. Thank you again for coming.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Weeks, that the ought not to pass report of the committee be accepted.

Mr. ST. PIERRE of Androscoggin: Mr. President, when the vote is taken I ask for a roll call.

The PRESIDENT: To order the Yeas and Nays requires the affirmative vote of one-fifth the members present. Is the Senate ready for the question.

A division of the Senate was had.

Seven having voted in the affirmative, and seven being more than one-fifth the members present, the Yeas and Nays were ordered.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Weeks, that the ought not to pass report of the committee be accepted. Is the Senate ready for the question.

The Secretary called the roll.

YEAS: Brown, Butler, Carpenter, Chapman, Cole, Collins, Crabtree, Cummings, Dunham, Farley, Fuller, Hillman, Lord, Low, Parker, Reid, Silsby, Weeks, Wyman—19

NAYS: Albee, Boucher, Boyker, Dow, Farris, Fournier, Hall, Lessard, Martin, St. Pierre, Woodcock,—11.

ABSENT: Jamieson, Sinclair—2.

Nineteen having voted in the affirmative and eleven opposed, the ought not to pass report of the committee was accepted in non-concurrence.

Sent down for concurrence.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table House Reports from the Committee on Veterans and Military Affairs:

Majority Report: Ought not to pass.

Minority Report: Ought to pass on "Resolve Proposing an Amend-

ment to the Constitution to Provide for a Bonus to Maine Veterans of World War II and the Korean campaign, (H. P. 1144) (L. D. 1341) tabled by that Senator on April 26 pending acceptance of either report; and that Senator moved that the Senate accept the Minority "Ought to pass" report.

A viva voce vote being had,

The motion did not prevail.

Thereupon, on motion by Mr. Weeks of Cumberland, the ought not to pass report was accepted in non-concurrence.

Sent down for concurrence.

Mr. Reid of Kennebec presented the following Order and moved its passage:

ORDERED, the House concurring, that bill "An Act Revising the Law Relating to Licensing of Electricians" (H. P. 487) (L. D. 532) be recalled to the Senate from the Governor.

Which order was read and passed. Sent down for concurrence.

On motion by Mr. Low of Knox, the Senate voted to take from the table House Reports from the Committee on Appropriations and Financial Affairs:

Majority Report — ought not to pass.

Minority Report — ought to pass in new draft (H. P. 1243) (L. D. 1535) on bill "An Act Creating Hospital Service for the Indigent." (H. P. 1093) (L. D. 1276) tabled by that Senator on May 10 pending acceptance of either report.

Mr. LOW of Knox: Mr. President and members of the Senate: This seems to be a day when high hopes are dashed into the ground and I might as well join with the Senator from Androscoggin, Senator Boucher, in taking a licking.

This bill is very well described in a very few words in the preamble: "Whereas State aid to hospitals falls short by sixty per cent of meeting the cost of medically indigent persons, and whereas the hospitals can only meet one-third of this loss through chest drives and such, and since hospitals have no means of absorbing the remainder of this cost except by overcharges to paying patients, and since the sick as a class

are least of all able to carry this burden"—and the bill goes on to assess the sum of \$550,000 through the various counties to be added to the state-aid fund which we now have.

It seems utterly unfair to me that people who are sick should be asked to carry part of the burden of other sick people. When you are sick you are in trouble, you are under heavy expense, you may be out of your job, you may have your income cut out. Certainly at that time you should not be called upon to take care of other sick people. It seems to me that all the people should join in taking care of the medically indigent, who are the people who are not paupers but who cannot meet the impact of a big hospital bill.

Unfortunately in the House this bill was defeated 85 to 45, not by people who did not believe in the principle but because they said this was an entering wedge on putting the real estate tax back on the towns. I realize that, but I think it is better to take that gamble than it is to impose on the sick people of the state. When the bill was revised to take the money out of the surplus for the next two years, after which it would be paid for by the regular appropriations, the vote was 55 to 45, and I believe that would have passed except that many people knew that the money was not available in the surplus. I still believe very strongly in the principle but I do not believe there is any use in having committees of conference, and so I move, Mr. President that we concur with the House.

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

The motion prevailed.

On motion by Mr. Chapman of Cumberland, the Senate voted to take from the table Senate Report from the Committee on Judiciary:

Majority Report: "Ought not to pass"

Minority Report: "Ought to pass" on "Resolve Proposing an Amendment to the Constitution Re-defining 'Recess' of the Legislature."

(S. P. 366) (L. D. 1062) tabled by that Senator on April 22 pending acceptance of either report.

Mr. CHAPMAN of Cumberland: Mr. President and members of the Senate: I was intending to remove this particular resolve from the table in the very near future and I was going to preface my remarks with an observation that runs something like this: that a day or so ago, a very lowery and unpleasant day outside, a certain responsible member of the Senate approached me and said, "In view of the impending poor weather and the rather cloudy day, this would be an excellent day to deliver a funeral oration on this particular bill." I told him that particular day was a little too lowery for me and I much preferred to wait until a nice, bright sunshiny day because I had some hopes for the particular resolve.

This seems to be a day when the sun is bright, and frankly my facetiousness ends at this point. I would like to briefly explain what this resolve is and what it proposes to do, and at the end of my remarks I am going to move the acceptance of the minority "Ought to pass" report.

I might say that this bill as it appeared on our calendar has a divided report with a rather heavily imposed majority recommending "Ought not to pass."

Briefly, the thesis behind this resolve is this: Under our present Constitution, particularly by virtue of the 1907 amendment which we adopted to it, the so-called peoples' initiative and referendum clause, all acts and resolves become valid only ninety days after the adjournment date of the legislature. The adjournment date in the Constitution is defined as the word "recess" however, and then it goes ahead to describe the adjournment date being the recess or adjournment without day. The only exception to that, of course, is the emergency bills which become effective upon their approval and signature by the Governor.

It is interesting that this particular phenonoma has existed only since 1907, because if you will examine the constitutional history of the state — and I had occasion to

do it and found it to be a very interesting process — you will find that from 1820, the very forming of our Constitution, through 1907, any such limitation upon the validity on legislation did not exist and the so-called 90-day period did not exist. We did not have an initiative and referendum which required waiting for ninety days in order for a referendum to get started. So at that particular time up until 1907 or during that period of eighty seven years the legislature could if it so desired adjourn until a particular day certain, of its own choosing after it had been called into session according to Constitutional mandate whereby the legislature meets on the first Wednesday of every January of the odd year. And it so happened historically, if you will examine the legislative records from 1820 on down and I had occasion to do that on several occasions, the legislature did just that. They had pending business of importance, felt that it was necessary to reconvene and in their adjournment order they reconvened to a day certain. On that day certain, they did reconvene according to the adjournment order, took up their business, finished their work and then adjourned without day.

It so happens that subsequent to the period of 1888, you may recall that we had annual sessions in the forming of our state up until that period from 1888 to 1907 there were some occasions on which the legislature felt it could best accomplish its purposes in the intervening, remainder of the biennium period by convening on the following January, in effect providing for itself an additional second session and it did just that on several occasions.

I have the record here, taken from the annals of the state library but I don't think it is necessary to burden the record with the details other than to indicate that there seemed to be some five occasions on which that was done.

We cannot do that now because of the 1907 amendment and I was curious to know whether or not the framework of the 1907 amendment which provided the referendum for us, that is the people's referendum, whether or not they anticipated the

problem so I went back and read the debate and found that peculiarly enough, that particular problem was not envisioned at that time.

The reason for seeking to amend the Constitution again at this time by this resolve and to put us into status quo as far as the situation existed from 1820 to 1907, the reasons are two. The first is that it seems that according to precedent and indicated necessity there may very well be occasions when the legislature might want to finish its business at some subsequent period and adjourn its session without jeopardizing the validity of its acts under the ninety day provisions. It did do it before. There is ample precedent for it, and I urge upon you the thought that this is not Constitutional tinkering. This is merely providing for something that existed for almost a hundred years before.

The second reason is that as the mounting pressures and the volume of business grows and we find ourselves morassed here in our regular session, the mounting desire or the increasing indication of the desirability of some sort of annual session provision at the proper date, and I don't say this is the proper date. As we view that phenomena, if we can adopt the change as proposed in this particular resolve it will make it possible for us to ease in an evolutionary way rather than in an abrupt way into the annual session phenomena. And I suggest briefly that it could be done something like this without going into detail, or without arguing the propriety or desirability of annual sessions at this time.

For instance, if we found that we wanted to adjourn in May and wanted to give the annual session technique an experimental try, in such a provision as is proposed here, we could adjourn just as the legislature did on previous occasions to a specific date in January of the even year, or for instance, applying the present analogy to January of next year. The same legislature, the committees exist, the current problems would be adequately reviewed in the meantime, we could get the business done just as quickly and efficiently

as we now do in our special sessions when we are in for a very short time and adjourn after a whole lot of preliminary organization.

I might say that if such a transitional change into the annual session technique were to be considered by the legislature at some future date, it would be appropriate to set in the adjournment order, some limitation as to business to be considered, some limitation upon the number of days and the other things that we seem to feel would be the safety requirements to keep the second annual session from running out of bounds, because that is one of the greatest criticisms that we have of the annual session technique.

I am not recommending annual sessions. I am merely saying that this sort of change makes it possible to make the transition into annual sessions without any Constitutional Amendment hanging over your head, without any abrupt or disagreeable sort of problem that you cannot anticipate. This particular change in the Constitution if we adopt it, doesn't cost any money, it doesn't do any harm, it doesn't require us to do a thing. It merely opens the door to these two particular types of activity if the legislature should find in some embarrassed moment that it wanted to embark on either one of those courses.

That, in brief, is the argument as I see it for this type of proposal which merely says that the "recess" as defined in the legislature which now means adjournment without day should mean adjournment without day or adjournment to a day certain, ninety days or more away from the adjournment date. Thus the validity of the acts of the legislature would be entirely unaffected. Because any proposed Constitutional change is such an important thing and so deep seated, I did of course review this very carefully with the Attorney General's Department to make sure there were no unanticipated difficulties and I can assure you right now that the thing is one hundred per cent on all fours in regard to creating no problems. I have that assurance from that department which assisted in the preparation of this

resolve. I therefore, respectfully and strongly urge you to accept the minority ought to pass report, the acceptance of which I move.

Mr. BOYKER of Oxford: Mr. President and members of the Senate, I remember in my Communism bill, to outlaw Communism, I said it would do no harm and the good Senator from Cumberland, Senator Chapman said it would do no harm but it would do no good; and so I say to him, as to this bill: It does not do any harm and on the other hand, it does not do any good.

Mr. REID of Kennebec: Mr. President, in view of the last remarks, I intend to be quite brief. The thinking of the majority of the committee was something like this. Under the present system, we meet once every two years and in order to provide for emergency meetings, we are entitled to call special sessions if they are needed. On the question of recessing for ninety days or more, it seemed to some of us at least that there would be a temptation for the legislature to keep putting things off and keep meeting at irregular times. For that reason the majority of the committee voted against the bill and I shall vote against the motion of the Senator from Cumberland, Senator Chapman to accept the minority ought to pass report.

Mr. CHAPMAN of Cumberland: Mr. President and members of the Senate, I would like to make just one brief remark. I do not believe I said that I thought this particular resolve would do no good. I just got through about ten minutes of exposition to the effect that I felt it would do a world of potential good. I am not trying to match wits with the good Senator from Oxford when I say that. With regard to the remark made by the Chairman of the committee whose views I respect, I would like to admit saying something that I omitted saying in my principal exposition on this resolve and that is that I have a great deal of confidence in the judgment of the legislature with regard to its determining how to do its own business and I think if the rest of us had the same confidence in the legislature's own judgment we would not have much difficulty in accepting such a proposal as is here.

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

A viva voce vote being had, the motion did not prevail.

Thereupon, on motion by Mr. Reid of Kennebec, the Majority Report "Ought not to pass" was accepted.

Sent down for concurrence.

On motion by Mr. Collins of Aroostook, the Senate voted to take from the table House Report from the Committee on Appropriations and Financial Affairs:

"Ought not to pass" on bill "An Act Relating to the Salary of the President of the Senate, the Speaker of the House of Representatives, and the Members of the Legislature." (H. P. 86) (L. D. 97) tabled by that Senator earlier in today's session pending acceptance of the report.

Mr. COLLINS of Aroostook: Mr. President, this bill came out of Committee with a unanimous ought not to pass report. The bill originally called for an increase in the salaries of the members of the legislature to \$2,000. It was amended in the other Branch down to \$1250. Then it was further amended to carry a ten dollar per day expense allowance and further amended to increase the mileage allowance from five to eight cents per mile for travel. While it might be desirable to have changes in the salaries of the legislature, it appeared to the committee that this was not the time to take such action. The 96th legislature increased the legislative salaries from \$850 to \$1,000 and I do not think that the money is going to be available at this session of the legislature. I think any money that is available could be used to greater advantage and for perhaps a better purpose and for this reason, Mr. President, I would move that the Senate accept the ought not to pass report of the committee.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate, I rise to oppose this motion of the Senator from Aroostook, Sen-

ator Collins, because I believe that the members of the legislature, of future legislatures should receive a proper salary in return for what they do. When I came to the legislature in 1935, \$600 was the salary then. Wages at that time for people in industry were about $\frac{1}{4}$ of what the wages are today in the same industry. The cost of living at that time was about fifty per cent what it is today. The length of the sessions at that time was about twelve weeks or thereabouts.

Since then salaries have only increased from \$600 to \$1000 and a transportation fee of five cents a mile which in my case amounts to \$4.00 a week which pays about one trip from my home to Augusta and back. According to the increase in wages and the cost of living, we should now be paying the members of the legislature about \$3000 a year. If this bill as amended passes, I would probably receive from the State of Maine for my services, \$2000 and that certainly is not out of line with the time that we have to put in now and the cost of commuting from Lewiston to Augusta during the season. Apparently we have enough money to increase everybody else connected with the state government, but no money to increase the pay of the legislators. Under the law we cannot increase our pay. That is very simple, but at least we should not punish future legislators and prevent them from receiving a proper remuneration for the amount of work they do and the amount of money they must spend either to live in Augusta during the session or to commute from their homes to Augusta.

I think this is a very fair bill in its present draft. It is little enough if we compare \$600 of 22 years ago and the \$1000 of today. Again I repeat, according to the statutes, in order to be fair and go along with industry and wages throughout the state, we should pay the legislators \$3,000 for their long sessions of 20 weeks or more. Therefore, I hope that the motion of the Senator from Aroostook, Senator Collins does not prevail.

Mr. BOYKER of Oxford: Mr. President and members of the Senate, all I can say in regard to this

bill is this: I can legislate more fully and more constructively on a full stomach than I can on an empty stomach.

Mr. FARRIS of Kennebec: Mr. President, may I inquire, through the Chair of the Senator from Aroostook, Senator Collins, if this bill were amended to make it a flat \$250 increase would that still be beyond the budgetary boundaries of the state?

Mr. COLLINS of Aroostook: Mr. President, I would say that possibly that could be done if you were willing to take some other bills that you thought of less importance and perhaps kill them. Just roughly if I have figured right, an increase of \$250 would amount to approximately \$6,000 and I would think that it would depend on the amount that you might want to spend on this bill against other bills of equal merit.

Mr. WYMAN of Washington: Mr. President, I am confused on this. Am I right in thinking that this

legislature cannot raise its own salaries?

The PRESIDENT: The Constitution provides that this legislature cannot increase salaries. Any action taken by this legislature would be effective only with respect to the next legislature.

Mr. WYMAN: Mr. President, I am opposed to this bill as it is written, but if the bill is not killed, and if the House Amendment is not accepted, I would offer an amendment to increase the mileage rate from five to seven cents.

Thereupon, on motion by Mr. Cummings of Sagadahoc, the bill was laid upon the table pending motion by the Senator from Aroostook, Senator Collins, that the Senate accept the report of the committee; and was especially assigned for tomorrow.

On motion by Mr. Reid of Kennebec,

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