

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*Ninety-Seventh Legislature*

OF THE

STATE OF MAINE

VOLUME II

1955

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## SENATE

Saturday, May 21, 1955

Senate called to order by the President.

Prayer by the Rev. Rodney W. Roundy of Portland.

The PRESIDENT: The Chair at this time wishes to express on behalf of the Senate, our appreciation to Mr. Roundy for his willingness to join us so many mornings. We appreciate too, the sincere and inspiring prayers he has given to us and we are deeply grateful for his courtesy.

Journal of yesterday read and approved.

### Papers from the House

Bill "An Act Providing for an Additional Assistant Attorney General and Directing Review of General Statutes of Towns." (S. P. 596) (L. D. 1557)

In Senate, passed to be engrossed.

Comes from the House, passed to be engrossed as amended by House Amendment A (Filing No. 602) in non-concurrence.

In the Senate, on motion by Mr. Chapman of Cumberland, the Senate voted to recede and concur.

"Resolve, Granting a Pension to Katharine M. Rolfe of Bridgton." (H. P. 338) (L. D. 1509)

In Senate, Ought not to pass Report of the Committee on Retirements and Pensions accepted, in non-concurrence.

Comes from the House, insisted on former action whereby Resolve was substituted for the report and passed to be engrossed, and Committee of Conference asked. The Speaker appointed:

Representatives:

CHARLES of Portland  
WALSH of Brunswick  
PALMETER of

Meddybemps

On motion by Mr. Butler of Franklin, the Senate voted to insist on its former action and join with the House in a Committee of Conference. The President appointed as Senate conferees, Senators: Butler

of Franklin, Dunham of Hancock and Sinclair of Somerset.

Bill "An Act Relating to Hospitalization of the Mentally Ill." (S. P. 551) (L. D. 1489)

In the House, indefinitely postponed.

In Senate, passed to be engrossed as amended by Senate Amendments A (Filing No. 582) and B (Filing No. 601)

Comes from the House, insisted—asked Committee of Conference. The Speaker appointed:

Representatives:

FINEMORE of Bridgewater  
MALENFANT of Lewiston  
CURTIS of Bowdoinham

In the Senate, on motion by Mr. Reid of Kennebec, tabled pending consideration.

### Senate Committee Reports Ought to Pass

Mr. Parker from the Committee on Highways pursuant to Joint Order S. P. 591, reported Bill "An Act to Make Supplemental Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1956 and June 30, 1957," and that it Ought to pass.

Which report was read and accepted and the bill read once. Under suspension of the rules, the bill was given its second reading and passed to be engrossed without reference to a Committee.

The PRESIDENT: The Chair will note that the next item is not on the printed calendar. It is an additional House Paper.

Resolve in Favor of Helen Madson of Portland. (L. D. 1406)

In the Senate on May 20 indefinitely postponed.

Comes from the House, that Body insisting on its former action whereby the bill was passed to be engrossed and now asks for a Committee of Conference, the Speaker having appointed as House conferees, Representatives: Fuller of South Portland, Shaw of Bingham, Cormier of Rumford.

Mr. BUTLER of Franklin: Mr. President, I move that the Senate insist and join.

Thereupon, on motion by Mr. Silsby of Hancock, the resolve was

laid upon the table, pending motion by Mr. Butler of Franklin, that the Senate insist and join.

Thereupon, the Senate voted that all bills and resolves requiring action by the House, be sent forthwith to the House; and all bills and resolves having been passed to be engrossed, be sent forthwith to the engrossing department, for the rest of this legislative day.

On motion by Mr. Reid of Kennebec, the Senate voted to take from the table "An Act Relating to Hospitalization of the Mentally Ill." (S. P. 551) (L. D. 1489) tabled by that Senator earlier in today's session pending consideration; and on motion by the same Senator, the Senate voted to insist on its former action whereby the bill was passed to be engrossed, and join with the House in a Committee of Conference.

The President appointed as Senate conferees on said committee, Senators: Reid of Kennebec, Silsby of Hancock, Weeks of Cumberland.

On motion by Mr. Silsby of Hancock, the Senate voted to take from the table Resolve in Favor of Helen Madsen of Portland (L. D. 1406) tabled by that Senator earlier in today's session pending motion by Mr. Butler of Franklin, that the Senate insist and join; and Mr. Silsby of Hancock yielded to Mr. Butler of Franklin.

Thereupon, Mr. Butler of Franklin was granted permission to withdraw his motion that the Senate insist and join; and on further motion by Mr. Butler of Franklin, the Senate voted to reconsider its action whereby the resolve was indefinitely postponed.

On further motion by the same Senator, the ought to pass report of the committee was accepted, the bill read once and the same Senator presented Senate Amendment A and moved its adoption:

SENATE AMENDMENT "A" to H. P. 1171, L. D. 1406, Resolve in Favor of Helen M. Madsen of Portland.

Amend said Resolve by striking out everything after the title and inserting the following:

**Helen M. Madsen; state pension.**

Resolved: That a pension of \$15 per month be, and hereby is, granted to Helen M. Madsen, of Portland, to be paid monthly from the appropriation for special legislative pensions. Such pension shall begin on July 1, 1955 and continue until otherwise provided by the legislature.'

Mr. BUTLER of Franklin: In explanation of the procedure which has taken place, I will say that there is a precedent for it in that the resolve itself would have constituted a new type of invasion by the State under the social security system. The resolves asks the pensioner be given credits which at the time of the resolve she was not entitled to, but if the accident had taken place at the present time under the present act she would have received greater compensation as of the date of the accident. To do this would have permitted others to have come in and made similar requests.

This is a parallel to the invasion of the retirement act, and in that situation the committee handled it by requesting the petitioner to withdraw the bill and then to substitute an ordinary resolve supplementing the money which she was receiving from the retirement act.

Here is an individual who is in need of money, and it was on that account that the committee in the first instance felt that she was entitled to it. The committee was more conscious of protecting the retirement system that it was relative to the precedent which would have been established if this act had been permitted to continue along its way. For that reason, the act was tabled by the Appropriations Committee for the reason that it was calling for money from our State. This having been brought to my attention, and I then fully realizing what we had done, directly opposite to that which we were trying to stop, I then requested yesterday the indefinite postponement.

Here we are fully realizing our responsibility to the petitioner and yet we are granting that request in accordance with the regulations and the ordinary procedure established by statute.

Thereupon, Senate Amendment A was adopted and under suspension of the rules, the resolve was read a second time and passed to be engrossed in non-concurrence.

Sent down for concurrence.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman, who asks permission of the Senate to take some pictures while the Senate is in action. The Senator realizes an historical rule of the Senate prohibiting the taking of pictures. Is there objection to the Senator from Washington, Senator Wyman, playing around with his camera? The Chair hears none and the Senator may play. (Laughter)

Mr. Collins of Aroostook was granted unanimous consent to address the Senate.

Mr. COLLINS: Mr. President and members of the Senate, I would like to present to you the financial picture at this time and review briefly what has been accomplished as I see it.

I am referring to the appropriations of the General Fund and the Unappropriated Surplus of the General Fund.

In the first place we passed an appropriation bill which took care of the State's needs on the basis of current services. This bill, L. D. 1444, appropriated the amount of \$34,315,285 the first year of the biennium and \$34,760,082 the second year of the biennium. It provided the basic needs to carry on State services which included the pay increases to employees of the State made at the special session of the Legislature of last fall. Revenues for this major appropriation bill were adequate from existing services to take care of the appropriations.

The next step that the Legislature did in so far as an appropriation bill is concerned was to pass L. D. 1512, which contained the so-called supplemental program. The amount of this program was \$2,438,391 the first year of the biennium and \$2,566,315 the second year of the biennium. Under the items provided for in this Act, education and the institutions of the State are able to provide more

services to meet the needs of the State. It takes care of those things which we as citizens of Maine and not as Republicans or Democrats want done. To provide the revenues for the supplemental appropriations we passed a revenue measure at the same time. This bill has now become law.

Thus far, good. The Legislature and the Governor are in concurrence. At this point we find that there are Legislative Documents that should be passed to the extent of \$1,100,000 for the biennium. To accomplish this end, the revenue side of the picture was reviewed, and the Republicans came up with revised estimates of revenue of about \$1,000,000. These estimates were made sincerely and reflected a realistic attitude based on current economic conditions. However, at this point the Governor did not agree with the Republican viewpoint, basing his thinking on the reports of his budget officer. It was perfectly proper for him to take this viewpoint. However, after searching around for additional revenue, a measure was passed which provided \$241,000 for each year of the biennium, or a total of \$482,000. In the meantime, the Governor had agreed that he would accept money bills in excess of his revenue estimates up to the amount of \$300,000 for each year of the biennium. This agreement was reached provided that the Republicans were willing to accept the responsibility for the increase of revenues, a responsibility in which he, the Governor, shared. It is under this agreement that we have proceeded. Under this plan, the total available revenues would be as follows:

1955-56	\$37,862,003
1956-57	\$37,809,458
Total	\$75,671,461

This includes all General Fund revenues to take care of all appropriations from General Funds at this session. No appropriations are recommended by the Appropriations Committee in excess of this amount.

So much for the General Fund operating account. Now we come to the Unappropriated Surplus. This surplus is estimated to be \$8,568,529.73 at the end of the current fiscal year ending June 30, 1955.

This surplus is estimated on 9 months of actual experience and 3 months estimated determination. The breakdown is as follows:

	1955
Balance at Start of Year	\$ 7,341,341.38
Adjustment of Previous Year	(430.83)
	\$ 7,339,883.55
<b>Additions:</b>	
Transfers from Operating Accounts	4,528,972.83
Reduction in Reserve for Contingencies	201,442.35
Estimated Gain last 3 months over Budget	600,000.00
	5,330,415.18
Total	\$12,670,298.73
<b>Deductions:</b>	
Appropriations from Surplus	3,256,428.00
Restoration of Contingent Account, June 30, 1955	70,018.00
Institutional Reserve Fund Restored	325,323.00
Restoration of Contingent Account, June 30, 1956 (& 1957)	450,000.00
Total Deductions	4,101,769.00
Balance June 30 Available for Appropriation	\$ 8,568,529.73

From this amount available, the Appropriations Committee feels that we should leave a reserve of \$1,000,000. In addition to this, we must provide for the contingency fund of the Governor and Council. This has been provided for in the breakdown I just read in so far as 1956 is concerned, and is undoubtedly sufficient for the two-year period. However, the law provides that \$450,000 must be available at the end of each fiscal year, so that another \$450,000 must be set aside for this purpose.

Taking the figure of \$8,568,529 available and subtracting from it the million dollar reserve and the contingency fund reserve, we have a balance of \$7,118,529.

We have already passed bills from surplus amounting to \$6,790,113.44. There are now on the table and L.

D.'s in process of passage, bills totalling \$695,777.40. These would total \$7,485,890.84.

I do not believe it to be sound practice to pass bills in excess of \$7,118,529.

I feel that this is a fair picture of the financial situation and reflects the opinion of the Senate members of the Committee on Appropriations and Financial Affairs.

Out of order and under suspension of the rules, Mr. Woodcock of Penobscot presented the following Order and moved its passage:

ORDERED, the House concurring, that the members of the Joint Standing Committees on Judiciary and Legal Affairs be sold the copies of the Revised Statutes of 1954 that they have used this session; such used copies to be sold at the request of such members, by the state library at one-half the retail price.

Which order received a passage. Sent down for concurrence.

#### Conference Committee Reports

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Frontage Roads on Controlled Access Highways." (H. P. 649) (L. D. 726) reported that the Conference Committee is unable to agree.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on "Resolve for a Recess Committee to Study All Phases of Stream and Water Pollution with a View toward Determining a Practical Solution and the Cost Thereof." (H. P. 966) (L. D. 1092) reported that the Committee is unable to agree.

Which reports were read and accepted.

On motion by Mr. Hillman of Penobscot, the Senate voted to take from the table bill "An Act Relating to the Use of Artificial Lights for Lighting Game" (S. P. 570) (L. D. 1523) tabled by that Senator on May 20 pending passage to be engrossed.

Mr. HILLMAN of Penobscot: Mr. President and members of the Senate, before I put my motion, I

would like to take this opportunity to thank the Senators, and the Senate staff for the kindness and the help they have given to me during this session. I want to thank the Senators for their support in my effort to pass legislation for the conservation of game, and with the full approval of the sponsor of this bill, I now move that it be indefinitely postponed.

The motion prevailed and the bill was indefinitely postponed in non-concurrence.

Mr. Silsby of Hancock was granted unanimous consent to address the Senate.

Mr. SILSBY of Hancock: Mr. President and members of the Senate: You have heard during the session frequent allusions to that "Gardenspot of Maine" the Empire of Aroostook County, and very briefly I would like to speak on the matter of another "Gardenspot of Maine", that spot known as Bar Harbor in Hancock County.

There will occur this summer in the town of Bar Harbor an event which has already been recognized as having a major importance in the general picture of tourist business in the State of Maine. I refer to inauguration of the car and passenger ferry service to be operated between the Maine terminal at Bar Harbor and the town of Yarmouth, Nova Scotia. The over-all cost of this ferry is about eight million dollars, including the ship and boat terminal. The ship will make one round trip daily between Maine and Nova Scotia and will accommodate 150 cars and 600 people.

As many of you know, the 96th Legislature made possible the construction of the terminal at Bar Harbor in Hancock County by lending towards the project the sum of one million dollars. For this the town of Bar Harbor will be grateful for many years to come.

On the day of the maiden voyage of this ship Bar Harbor is planning a major celebration which we hope will serve as recognizing the size and proportions of the event. It is my happy privilege to rise here today to most cordially invite all of you members of the 97th Legislature and your friends to be in Bar Har-

bor on that momentous day. The exact date of this occasion remains yet to be definitely established, but we have every reason to believe it will be on or about August 1st next. Whatever day it may be, we would be highly honored to have you all with us. While the detailed plans for our party have yet to take definite shape, I can assure you that all of you will be welcome with the most sincere and cordial greetings. Within the conditions and the ability of our village to cope with it, you will be accorded the honor and the gratitude which you as representatives of this State so richly deserve. Watch the newspapers for the final plans and please do us the honor to be with us. I thank you.

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

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

Bill "An Act Relating to Official Court Reporters." (S. P. 109) (L. D. 270)

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

Bill "An Act Repealing Obsolete Highway Laws and Clarifying Project Completion Dates." (S. P. 564) (L. D. 1521)

Bill "An Act Relating to Powers of the Greater Portland Public Development Commission." (S. P. 595) (L. D. 1559)

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

(On motion by Mr. Boucher of Androscoggin tabled pending passage to be enacted.)

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

Bill "An Act Relating to Local Option for Sale of Malt Liquor by Part-time Hotels." (H. P. 441) (L. D. 487)

Bill "An Act Relating to Joint Ownership Re Inheritance Tax Law." (H. P. 912) (L. D. 1020)

Bill "An Act Relating to Qualifications for Real Estate Brokers' Licenses." (H. P. 1043) (L. D. 1218)

Bill "An Act Classifying Additional Surface Waters in Maine." (H. P. 1230) (L. D. 1513)

Bill "An Act Amending Laws on Water Pollution Control." (H. P. 1231) (L. D. 1514)

Bill "An Act Relating to Bonds for the Treasurer of State, His Deputy and Employees." (H. P. 1263) (L. D. 1561)

Which bills were passed to be enacted.

Resolve in Favor of Matinicus Island. (H. P. 1267) (L. D. 1563)

Resolve in Favor of Elizabeth J. Stevens of Augusta. (S. P. 257) (L. D. 686)

Resolve in Favor of the Eastport Highway Bridge. (S. P. 310) (L. D. 849)

(On motion by Mr. Sinclair of Somerset, tabled pending final passage.)

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

Which resolves were Finally Passed.

#### Emergency

Bill "An Act to Appropriate Moneys for Legislative Expenditures for the Fiscal Year Ending June 30, 1955." (S. P. 592) (L. D. 1562)

Which bill, being an emergency measure, and having received the affirmative vote of 29 members of the Senate, was passed to be engrossed.

#### Emergency

Bill "An Act to Make Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1956 and June 30, 1957." (S. P. 594) (L. D. 1556)

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

#### Emergency

"Resolve Providing for Non-Lapsing of Expenditures for Airports." (S. P. 108) (L. D. 269)

Which resolve, being an emergency measure, and having received

vote of 28 members of the Senate, was finally passed.

#### Emergency

"Resolve Granting a Complimentary Fishing License to the President of the United States of America." (H. P. 1266)

Which resolve, being an emergency measure, and having received the affirmative vote of 29 members of the Senate, was finally passed.

On motion by Mr. Silsby of Hancock, the Senate voted to take from the table bill "An Act Relating to Weight Tolerances for Motor Vehicles Carrying Firewood, Pulpwood, Logs or Bolts" (S. P. 418) (L. D. 1179) tabled by that Senator on May 19 pending motion by Senator Wyman of Washington that the Senate adopt Senator Amendment B; and Mr. Silsby of Hancock, yielded to that Senator.

Thereupon, Mr. Wyman of Washington was granted unanimous consent to withdraw his motion that the Senate adopt Senate Amendment B and was then granted permission to withdraw the amendment.

Mr. WYMAN of Washington: Mr. President, I now move that the bill pass to be engrossed in concurrence.

Mr. CHAPMAN of Cumberland: Mr. President, for the sake of clarification of the present status of the bill may I ask through the Chair just which amendment this is? May I ask the Senator from Washington, Senator Wyman, if he would care to identify what it is?

The PRESIDENT: The Senator has heard the question and may reply if he wishes. The Senator from Cumberland, Senator Chapman, has queried the Senator from Washington, Senator Wyman as to the amendment which the Senator from Washington, Senator Wyman, just withdrew. The Senator may answer if he wishes.

Mr. WYMAN of Washington: Mr. President, it was an amendment to provide for this bill to take effect at a later date if it did not conflict with other federal legislation.

The PRESIDENT: If the Senator would wish, the Secretary will read what was proposed as Senate Amendment "B".



Mr. CHAPMAN: Mr. President, I would like to have that done.

The PRESIDENT: The Secretary will read Senate Amendment "B". Senate Amendment "B" was read by the Secretary.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Washington, Senator Wyman, that the bill be passed to be engrossed.

The Chair recognizes the Senator from Franklin, Senator Butler.

Mr. BUTLER of Franklin: Mr. President, in the passing of this bill as I understand it now, the status of the bill is exactly as it was in its original state, allowing a ten per cent increase. Now if I am correct in my understanding of the legislation or the tentative legislation which is now pending in Washington, and for the purpose of which the amendment was presented and has now been withdrawn by the Senator from Washington, Senator Wyman, we had under consideration what was known as the so-called Gore bill. Now this was an amendment to get around that Gore bill, and upon further consideration it was deemed advisable not to enter that amendment.

Now that leaves us as if the passage of this act is assuming that the Gore bill is not ever going to receive passage. That all may be true. However, when we assume that thing and if Washington acts as our legislature acts, you never could tell until the last moment what is going to get passed and what is not, then we are assuming that this legislation in Washington is not going to take place.

Now what have we got as against that? We have got a little bit of a fund, it doesn't amount to much, it is perhaps \$97,000,000, we say it is small, and that is not going to do anything as far as the State of Maine is concerned; we have not paid any attention in this legislature to the welfare of our highway system as a whole; we have done a beautiful job in looking after patchwork bills and picking up pieces of road which are deemed as hardship cases, but for a straight constructive program of improving our system as a whole we have done a beautiful snafu job.

The PRESIDENT: The Senator is out of order.

Mr. BUTLER: I apologize, Mr. President. And as we consider this Gore bill then we must consider the implication which this Gore bill is going to have upon our highway program. If the bill passes and it should provide under its proposals that it is going to affect the highways and put in limitations relative to the weights of our highways and the weights of our trucks and the rest, then we are continuing a blindfold policy of ignoring what might come out of Washington and ignoring what might be a great advantage to the state.

On this account it seems perhaps advisable that we give serious consideration to a proposition which will deprive the State of Maine of participating in that program. On that account I feel that where we passed this bill to be engrossed we are doing our highway system an injustice and placing up behind the restrictions in favor of this measure which would bar us in that.

Now what does this do? Originally I was in favor of granting a ten percent overload because it is a well-known fact that a lumber operator or contractor if he is in the woods is going to load his truck at night in order to get an early start in the morning. If a shower should come up at night it is also a well-known fact that unless he has covered that truck with canvas or a tarpaulin that rain will fall upon that wood and that wood will absorb part of the moisture and accordingly will become increased in weight. This is proposed to look after that. But by doing that we are perhaps jeopardizing a participation in a program which is going to bar those same individuals from carrying loads over a better highway system, and it seems to me inadvisable at this time to pass this, in view of the possibilities of the advantages which our highway system can have if this legislation in Washington is enacted. When we vote upon the question I ask for a division.

Mr. WYMAN of Washington: Mr. President and members of the Senate: It seems to me we are working on a good many ifs and a good many assumptions if we kill this bill.

The good Senator from Franklin, Senator Butler, has explained the purpose of the bill very clearly. I think probably if we examined all of the bills in Congress we could find a good many that if they were passed in their present form would place some restriction on us. It seems to me, while it is a matter of opinion, it is very, very unlikely that this bill will pass in its present form. Furthermore, I have been told on a very good authority that there is a grave question of whether this could conflict with the Gore bill, since this does not provide for an increased weight but it adjusts the fine so that up to 55,000 pounds the truck does not pay any fine. In other words, it does not provide for a 55,000 pound weight. Now the fact that if a bill is pending in the federal congress is going to stop legislation in the Maine Legislature, then we can never safely legislate without fear of what trouble we are going to find ourselves in.

Previously we favored this bill by a vote of 27 to 5, and I sincerely hope we may do so again.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate: I have voted for this bill continuously on account of the federal legislation that is going on, the Gore bill, that the State may be able to participate in that program, but on account of the drawing of the proposed amendment that would have gotten around that Gore bill I cannot support it any further, and I shall vote in opposition.

Mr. LESSARD of Androscoggin: Mr. President and members of the Senate: I, like my colleague from Androscoggin, supported this bill, but I also feel at this time that I must change my position. I for one cannot go on record as voting for something which may take from the State of Maine ninety-five millions of dollars. I cannot bring myself around to the point where I can take that chance.

It has been very well stated by the Senator from Washington, Senator Wyman, that we should not be guided by legislation passed on Congress. However, we have a definite interest in this, and I have a telegram here which was sent to our Governor by United States Senator

Payne of this State, which states "The Public Works Committee reported favorably on May 13th in Congress on this bill." I have a copy of the bill with me and I have read it many times and I have tried to reason out whether this so-called L. D. 79 would affect us. I have heard it discussed among attorneys pro and con, and after all those are only our own opinions; we may differ; attorneys often do. However, the stakes are too great, ninety-five millions of dollars, to risk it on what my opinion may be or what opinion some other attorneys here may have, and I for one am going to favor the motion which has been made against the passage of this bill.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Washington, Senator Wyman, that the bill be passed to be engrossed.

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

Mr. CRABTREE of Aroostook: Mr. President, I would like to ask through the Chair of the Senator from Androscoggin, Senator Lessard, if there is any further information in the telegram from Senator Payne, and if so, if he would be willing to read it.

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

Mr. LESSARD of Androscoggin: Mr. President, I have the telegram here. I just saw it about an hour ago and I have not read the whole thing, but I will be very glad to give it to the Senator if he wishes to read it.

Mr. FARRIS of Kennebec: Mr. President, I myself, like many others, have consistently supported this particular measure, but I certainly feel at this time I must reverse my position. We do not know and have no way of knowing what is going to happen in Congress, but I am convinced that whatever may happen in Washington as to the over-all road program that we undoubtedly will have to have a special session, because this is embracing many, many features apparently and will be a very com-

prehensive measure, and I do not feel at this time that we should take any action which might possibly jeopardize our participating in the over-all federal program, and, Mr. President, I move that we indefinitely postpone this measure.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Kennebec, Senator Farris, that the bill be indefinitely postponed. The Senator from Androscoggin, Senator Boucher, has asked that when the vote is taken that it be taken by the roll call. In order for the roll call to be entertained at least one-fifth of the members present must indicate that desire. As many as desire the roll call will rise and stand until counted.

A division was had.

The PRESIDENT: Six having indicated their desire for the roll call and thirty-one being present, and six being less than one-fifth of the members present, the roll call is not in order.

The Chair recognizes the Senator from Cumberland, Senator Weeks.

Mr. WEEKS of Cumberland: Mr. President and members of the Senate: I too was one of the many members who voted for this measure in the beginning. It was my conception of my responsibility that if there was a handicap to industrial activity as well as to individuals in the State of Maine because of the problem of transporting logs, pulpwood, and firewood, that if it could be adjusted so as to relieve the burden on industry we should pass legislation which would assist. This ten per cent tolerance, apparently, was desirable and would have assisted, and I was one of those who voted for it, and I still feel, other factors being out of the picture, I still would continue to vote for it. However, as has been explained to you in the last few moments by other speakers, a very serious doubt remains in my mind at the present moment. It is a serious responsibility. As the Senator from Androscoggin, Senator Lessard, has stated, the problem is a big one and there is much at stake. I for one must insist that my responsibility says that this matter should be put over until a later date.

The Senator from Kennebec, Senator Farris, indicated that possibly we would have a special session at an early date, and I feel that is quite possible. At least if the industry has to proceed for another two years under the rules and laws as they now affect that operation, I do not believe that the handicap is such as to outweigh the jeopardy which we might be placing upon our participation in this large sum of money. I regret to oppose the motion of the Senator from Washington, Senator Wyman, but I must put myself in the opposition.

Mr. FARLEY of York: Mr. President and members of the Senate: I voted for the bill and I see no reason why I should change my vote, and I would be glad to stand on a roll call. When the vote is taken I will vote for the bill.

Mr. WYMAN of Washington: Mr. President and members of the Senate: I still think there are a lot of ifs in this bill. We are talking about losing ninety million dollars of road money, and I certainly would not want to see this legislature called together to repeal this law if it were passed and proved to be wrong. However, I am sure that the people of Maine would not hesitate to repeal this law before they would lose ninety or a hundred million dollars.

Mr. LESSARD of Androscoggin: Mr. President and members of the Senate: In answer to what Senator Wyman just stated, this part of the telegram says: "Any amount which is withheld from apportionment to any state pursuant to the foregoing provisions of this section shall be reapportioned immediately to the states which have not been denied apportionment pursuant to such provision."

I am wondering now whether, if it were found that perhaps we were not entitled to our apportionment because of the fact the present bill had passed, we would have time to call a special session of the legislature to take it from our books. Perhaps the word "immediately" would mean that our part would be apportioned somewhere else and we would be a little bit too late. Those things are very, very serious and I just cannot gamble with them.

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

A division of the Senate was had.

Thirteen having voted in the affirmative and sixteen opposed, the motion did not prevail.

The PRESIDENT: The question is on the motion of the Senator from Washington, Senator Wyman, that the bill pass to be engrossed in concurrence.

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

The PRESIDENT: The question now before the Senate is on the passage of the bill to be enacted. Is the Senate ready for the question?

Mr. BOUCHER of Androscoggin: Mr. President, being involved in this matter, I want to be sure that I am recorded as against it, against the possibility of losing to the State of Maine ninety-seven million dollars in the next five years.

Again I appeal to the Senate to go on record with a roll call. I think that those who do vote for it should be able to stand up and be recorded and those who oppose it should do the same thing. I am willing to be recorded and I hope that the other members of the Senate will be. This is a matter of ninety-seven million dollars; it is mighty important to the State of Maine, and I hope I can get enough votes this time to get a roll call on it.

The PRESIDENT: The request of the Senator is in order. The Senator from Androscoggin, Senator Boucher, asks that when the voted is taken it be taken by a roll call.

The Chair recognizes the Senator from Cumberland, Senator Chapman.

Mr. CHAPMAN of Cumberland: Mr. President, I rise to a point of inquiry. Do I understand that the pending motion on the bill is the motion for enactment.

The PRESIDENT: The question before the Senate is on the request of the Senator from Androscoggin, Senator Boucher, that when the vote is taken it be taken by a roll call. The basic question is the question of enactment.

Mr. CHAPMAN of Cumberland: Mr. President, I still rise to a point of parliamentary inquiry. If I understood correctly, I thought that we changed this bill by reconsidering our engrossment and removed an amendment. My question is: does that not require concurrence on the part of the other body?

The PRESIDENT: The Chair will state that it does not require concurrence in that it was a Senate amendment which was never acted on in the House. The two branches are in concurrence on the engrossment of the bill and the Chair so stated.

The question now before the Senate is on the request of the Senator from Androscoggin, Senator Boucher, that the vote be taken by a roll call. Under the Constitution, to order a roll call requires the affirmative vote of one-fifth of the members present.

A division of the Senate was had.

Obviously more than one-fifth having risen, the roll call was ordered.

The PRESIDENT: The question now before the Senate is on the motion of the Senator from Washington, Senator Wyman, that the bill pass to be enacted. Those in favor of enactment will answer Yes; those opposed, No.

The Secretary called the roll:

YEAS: Boyker, Brown, Collins, Crabtree, Dow, Dunham, Farley, Fuller, Hall, Hillman, Lord, Low, Silsby, Sinclair, Woodcock, Wyman—16.

NAYS: Albee, Boucher, Butler, Carpenter, Chapman, Cole, Cummings, Farris, Fournier, Lessard, Martin, Parker, Reid, St. Pierre, Weeks—15.

The PRESIDENT: The Secretary will call the name of the President.

The SECRETARY: Haskell.

The PRESIDENT: Nay.

Sixteen having voted in the affirmative and sixteen opposed, the bill failed of enactment.

On motion by Mr. Parker of Piscataquis, the Senate voted to take from the table House Reports from the Committee on Highways:

Majority Report — ought to pass in new draft under new title "Resolve Providing for Survey to Re-route the Maine Central Railroad in City of Portland," (H. P. 1213)

Minority Report — ought not to pass on "Resolve Providing for Survey of 'Expressway' in City of Portland," (H. P. 880) (L. D. 988) tabled by that Senator on April 27 pending acceptance of either report.

On motion by Mr. Chapman of Cumberland, the ought to pass report was accepted, the bill read once, the rules suspended and the bill read a second time.

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

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

Sent down for concurrence.

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

Mr. DOW of Lincoln: Mr. President and members of the Senate, as the final word in my legislative career, I wish to make the following remarks. After tabulating the gains granted to education in this state by enactment of numerous bills by this 97th legislature, I feel it is safe to say that increases in aid to towns and cities, teachers colleges and other segments in the education field has never been exceeded by action of any previous legislature.

It has been very gratifying to me personally to note the sympathy displayed by this legislature toward the many problems that education has had throughout the state by the heavy increase in enrollment of our native children. I am sure that any dissatisfaction of the results produced for education must certainly come from a very small minority.

The PRESIDENT: On behalf of the Senate, the Chair would express to the Education Committee a very sincere hope not expressed by the Senator from Lincoln, Senator Dow. I hope that the Senate joins with me in believing that the educators should have a feeling of appreciation for what this legislature has done.

#### Conference Committee Reports

The Committees of Conference on the disagreeing action of the two branches of the Legislature on Bill

"An Act Relating to Officers of the Legislature." (S. P. 461) (L. D. 1305) reported that both branches of the Legislature recede and concur in passing the bill to be engrossed as amended by Conference Committee Amendment A (Filing 603)

In the Senate, on motion by Mr. Collins of Aroostook, the report was read and accepted, the bill given its two several readings under suspension of the rules; Committee Amendment A read and adopted and the bill passed to be engrossed.

Sent down for concurrence.

"Resolve in Favor of George A. Bragdon of Lincoln." (H. P. 157) reported that the Committee is unable to agree.

"Resolve Granting a Pension to Katharine M. Rolfe of Bridgton." (H. P. 388) (L. D. 1509) reported that the Committee is unable to agree.

Bill "An Act Relating to Hospitalization of the Mentally Ill." (S. P. 551) (L. D. 1489) reported that they are unable to agree.

Which reports were read and accepted.

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

"An Act Directing Review of General Statutes of Towns." (S. P. 596) (L. D. 1557)

Which bill was passed to be enacted.

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.

The Committees of Conference on the disagreeing action between the two branches of the Legislature 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) reported unable to agree.

On motion by Mr. Farley of York, the report was accepted.

"Resolve Proposing an Amendment to the Constitution to Provide for a Bonus to Maine Veterans of World War II and the Korean Campaign (H. P. 85) (L. D. 82) reported unable to agree.

On motion by Mr. Farley of York, the report was accepted.

Mr. Low of Knox presented the following Order and moved its passage:

ORDERED, that the Legislative Research Committee be and hereby is directed to study the desirability of a public address system in the Senate Chamber. If the Committee finds such a system to be desirable and within reasonable cost, the Committee is authorized to cooperate with the superintendent of Public Buildings in the installation of the system, the cost of which shall come from Legislative Expense.

The PRESIDENT: Does the Senator from Androscoggin (Senator Boucher) wish to have the order read again?

Mr. BOUCHER of Androscoggin: Mr. President, I heard it the first time and I am in favor of it.

Thereupon the order received a passage.

Sent forthwith to the House.

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

Majority Report — ought to pass in new draft (S. P. 600) (L. D. 1558)

Minority Report — ought not to pass on bill "An Act to Provide Training to Organized Fire Companies" (S. P. 73) (L. D. 166) tabled by that Senator on May 20 pending acceptance of either report.

Mr. CHAPMAN of Cumberland: Mr. President, I move the acceptance of the majority "Ought to pass in new draft" report, and in support of that motion I might just make observation or two.

In the first place, I find that this is one of those bills presenting one of those very rare situations in which I find that I am not quite in agreement with my brother senatorial colleagues on the committee. I feel very happy that it has occurred as rarely as it has.

This bill in its original form called for the setting up of a mobile training unit under the supervision of the Department of Education, with ten thousand dollars to come out of surplus to buy the unit and the equipment and ten thousand dollars for each year of the biennium from the operational fund of the state to operate the unit.

After the hearing was held it seemed that the budget estimates presented to the committee were somewhat unrealistic, as one can imagine from the roundness of the figures presented. Some of us who were interested in the project inquired into the possibility of putting this training unit under another department which we thought might more appropriately be the one to engage in this type of activity, namely the Public Safety and Civil Defense departments. We found that in order to avail ourselves, if we accept this proposal of federal matching funds, and they are available, by the way, under the so-called Smith - Hughes act of the United States, that the Department of Education is the appropriate and the only appropriate department to conduct the activity. We therefore reviewed the matter with the department and came up with what then seemed to be a realistic set of estimates, pinning it right down in Yankee fashion to the rock-bottom cost of doing the job. When we did that we came out with a figure of \$15,000 for the whole project, capital acquisition and training, including the instructors' salaries and so forth for the whole biennium. The matter was then reviewed with the Budget Officer of this State to see if, in view of the fact that this was not a regular program of the state and was regarded as a pilot program, if you want to call it that, whether it would not be appropriate to take the program as a unit and put the cost of it into the unappropriated surplus, and the purpose of that was not just to escape the onus of the general fund, believe me; it had a philosophical purpose, and we were advised by the finance officer that would be appropriate. As it now stands, it requests \$15,900 for

the whole two-year biennium for the whole project.

Briefly, the project is to acquire and equip with fire-fighting training equipment a sort of bus training truck and to put on it a skilled instructor who would have a part-time instructor during peak periods, and to go into the smaller rural areas of the state where the organized but volunteer fire companies are who have difficulty in getting expert training because it costs money to send them to a college and because it costs money to have expert instructors come to them; to send this unit on a yearly tour to towns and areas where it is sought on a schedule basis, and that the personnel with this equipment would train volunteer organized fire companies throughout the state in effective fire-fighting techniques.

That, in brief, is what the proposal is. As I say, there were some who thought, as indicated by the minority report, that perhaps it was not too important at this time, and there were others who feel as I do, that now, for sixteen thousand dollars over a two-year period we were buying expert instruction for fire companies that needed it in the field and that the results by way of benefit to the state, particularly to the rural areas where fire protection is poor to say the least, would be intangible but tremendous.

In supplementation of that attitude, I would like to tell you about three small incidents that were told to me by the proponents of this particular project.

Some years ago, as is indicated incidentally by the memorandum which has been put on your desks about four days ago, entitled "Brief upon an Act to Provide Training to Organized Fire Companies relative to L. D. 166," which if you still have it before you I would commend it to you to read. But there has been a precursor project of this type in this state in the northern area up in Aroostook County and it has worked pretty well. As I say, there this same training unit which I would like to call to your attention in which real benefits have been obtained from the precursor program, if you want to call it that, or the

first pilot program. No. 1 was a situation which occurred some years ago in the town of Mars Hill, as I understand it, when a large potato storage shed caught fire, as they sometimes do on a spontaneous combustion basis. It was a somewhat isolated shed but it was a large one, with a lot of valuable property in it, and the only means of fighting the fire was through these organized volunteer companies. It just so happened that four months before they had completed their training program on this first project that I speak of. They rolled out what equipment they had and rallied to the call. They couldn't get the water pump close enough to the fire by using single fire equipment, but they set up a tandem pumping system which they had been instructed in especially by this particular project and they blocked the fire and put it out when it was about half burned, and those who engaged in that particular incident traced their knowledge and experience and training directly to that particular project.

Another situation, which I understand occurred in Presque Isle some years ago and which was also after this preliminary training program, was when a business block caught fire there. Of course they have a regular fire department, but the fire was so intense, so serious so far as danger to the town was concerned, that all of the fire companies in the surrounding areas were called in, including many of these volunteer companies from the smaller towns, and it took the aggregate activities of the whole group to check the fire. They checked the fire; they didn't put it out; the block burned, but it prevented the whole area from burning in what might have been a disastrous conflagration.

The third instance, which is much more petty but it is illustrative, is a situation where again after some of the home-grown training one of these units some six or seven men were having one of these test meets and they posted a large triple-extension ladder and they broke it in the process and they did not replace it right away. About a month later this same training unit which I speak of, which was the first one in

the field, came there for a demonstration and they had the same kind of a ladder as part of their own equipment, and the boys in the local department said, "For Heavens sake, how are you going to handle that? We snapped one with about eight men handling it just a few weeks ago." The instructor and one man, with the proper supervision, set the ladder up all the way and then took it down. They were quite amazed to see how efficiently the equipment could be used.

I know it is late in the day and late in the session, and I am not going to say very much more other than to make mention of one other significant fact, and that is that this type of activity has promoted the uniform use of equipment, couplers and so forth, so that these fire companies in the field anticipate the necessity of working one with the other; they have the same kind of wrenches and tools and so forth so that they can hook in tandem and work together. I think it is an important project; the insurance companies, who were represented at the hearing, and firefighters generally, including the Maine State Federation of Firefighters, have endorsed this very strongly, and for the price that it costs I think it is a grand project and I urge you to buy it.

Mr. COLLINS of Aroostook: Mr. President and members of the Senate: I am in opposition to the proposal to provide training to organized fire companies, and in this respect our committee was in disagreement. You will note that the minority report is "Ought not to pass", but it is my understanding that there were several members who were absent from the committee, and it is just my personal belief that if all those members had signed the report that the majority report would have been "Ought not to pass." But, regardless of that, the fact is that you are initiating a program under the Department of Education that I do not believe in itself has enough worth to merit its passage. I believe that the training of these fire companies has been pretty well accomplished by the means that they have had to date. It is true that there has been much standardization of equipment;

the people who sell equipment naturally like that, they sell the same items to the fire departments in the various towns, and many of the towns do have that standardized equipment that they use.

Also in the towns there is an opportunity for the firemen to go to the schools, and I believe it is the responsibility of the towns to see that their fire departments are properly instructed, and I really and sincerely believe, outside of the fact that there is some money involved, that it is not a worthwhile project for the State to get into at this time. For that reason, Mr. President, I oppose the motion of the Senator from Cumberland, Senator Chapman, and I would move, Mr. President, the indefinite postponement of this bill.

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

The Chair recognizes the Senator from Cumberland, Senator Weeks.

Mr. WEEKS of Cumberland: Mr. President and members of the Senate: I was going to take a few moments to give my observations regarding this bill, but the Senator from Cumberland, Senator Chapman, has done such a comprehensive and complete job in explaining it that I do not believe that it should be or can be enlarged upon. I do believe there is a place in our system for this kind of a measure, and I do not believe that the price tag is too high at this time.

I know that we all appreciate what it means to have fires raging, large or small; we have had many experiences with it in the last few years. It is true, as the Senator from Aroostook, Senator Collins, says, that improvements have been made over the last few years in getting standard equipment, but from the reports which I have obtained from what may be called very enthusiastic members of the fire companies in the State of Maine who have organized themselves somewhat, I find there are still many inadequacies, especially in their actual training and use of equipment. It is one thing to have standardized equipment, but they



find that many of them are not as well prepared in the use of it as they might be. I think there are in the use of it as they might be. I think there are lives to be saved; I think there is property loss to be saved. I won't enlarge any more on what Senator Chapman has said, but I do think that there is a good deal of merit in this bill and I urge that his motion be sustained.

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

Mr. FARRIS of Kennebec: Mr. President, may I inquire through the Chair of the Senator from Aroostook, Senator Collins, as to whether, if this passes, would it necessitate voting against other legislative documents that are now on the table, as an appropriation matter.

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

Mr. COLLINS of Aroostook: Mr. President, as I understand it, this matter is to come out of surplus, and so far as this sixteen thousand dollars is concerned it might be that there would be sufficient money provided other measures were not passed, but I think it would be a matter, certainly, of taking your choice.

Mr. SINCLAIR of Somerset: Mr. President, as a member of the Appropriations Committee who signed the "Ought not to pass" report, I would merely like to say that this appeared to us like an extension of services which we felt the State just could not take on at this time. I realize that this comes out of surplus, but at the same time if this is going to accomplish what it is supposed to accomplish it is going to be a recurring expense. I would like to point out that this particular program of training to my knowledge has not been endorsed by the Association of Fire Chief of the State of Maine. I realize that this is the Association of Firefighters. I do understand that the Association of Fire Chiefs, although I am not quoting any individual, feel that there may be need of a training program, but there is some doubt as to whether this is the type of program the

fire chiefs would like to have. I will go along with the motion of the Senator from Aroostook, Senator Collins.

Mr. CHAPMAN of Cumberland: Mr. President and members of the Senate: It is with some reluctance that I rise again in the hope that I can clear up just a couple of points.

In the first place, the importance of this general type of program seems to me to be pretty well exemplified by the fact that substantial federal matching funds are available. It comes under the category of the protection of persons and property, and that is perhaps the most important and fundamental duty that any government has in comparison with all others: the so-called police and safety powers of the State. That is just a brief observation as to the relative importance of this type of activity as it fits into our whole structure.

Now as to how the other members of the committee — and I am not trying to be critical at all, believe me — might have signed this I do not know, and I do not believe anyone else in this chamber does, and I do not think we can presume how they would have signed. The only thing I ask of you is that you disabuse yourselves of the notion of what the majority and minority reports were in this instance and review the thing on its merits as you see it right here and now. If you do that I will be satisfied.

With regard to the point that has been made by the sellers of equipment as helping to standardize, let me say that just the reverse is true. There are any number of competitive sellers of fire equipment, just as any other kind of equipment, they sell their own, and they are not standardized as to threads and couplings or anything else. They tend to obscure the judgment of the people that buy it rather than having an objective person determine it, a person who knows and who has no financial axe to grind, to tell these fellows in the field what they really should have and what is best. All this public selling goes on by those who sell for their own purpose.

Incidentally, the Civil Defense Department of our state is very keen about this program and they would have been tickled to death to have had it if legally they could, but they could not have it because they did not qualify under the peculiar arrangement as to the federal matching money. They have matching moneys of their own but they do not apply to this. Consequently they said, and of this I can give you good assurance, "Put the program through if you can because it will supplement everything we are doing in disaster relief."

Now I am perhaps a peculiar one to be standing here and talking about this project because of all the areas in the state the one that will benefit the least is Cumberland County, which is relatively urban and has rather well-trained fire companies. But it does seem to me that in our smaller and more rural areas — and I am not trying to make any special geographic appeal, I am just talking about the situation as it is — this kind of thing should sell itself. And in conclusion I would like to say, in opposing the motion of the Senator from Aroostook Senator Collins, to indefinitely postpone this bill, that one good fire prevented by just one unit trained under this program will buy the whole program that is before you now.

Mr. BOYKER of Oxford: Mr. President, I have been a fireman myself and I know what they go through, how they risk their lives for the people and the property of our state, and I am not for indefinitely postponing this bill.

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

A division of the Senate was had. Nineteen having voted in the affirmative and twelve opposed, the bill was indefinitely postponed.

Sent down for concurrence.

The PRESIDENT: The Chair would like to make an observation to the Senate. At the morning session, by unanimous consent, the staff was directed to send forthwith to the House such papers as required House action. At the noon recess a

Senator asked that one of those papers be held for reconsideration. The Chair, on his own motion, concluded that courtesy required that the item be held, despite the unanimous order of the Senate that papers would be sent forthwith to the House. The bill is being held.

Is there objection to the action of the Chair in holding that bill despite the order?

Mr. BOUCHER of Androscoggin: Mr. President, I would like to inquire which bill it is.

The PRESIDENT: The bill is the 8th item on today's calendar, being An Act Relating to Weight Tolerances (S. P. 418) (L. D. 1179) and the request for reconsideration was by the Senator from Waldo, Senator Cole.

Mr. BOUCHER: Thank you, Mr. President.

The PRESIDENT: Is there objection to the action on the part of the Chair?

The Chair hears none and the item is held at the request of Senator Cole of Waldo.

Mr. COLE: Mr. President, I move that the Senate reconsider its action whereby this bill failed of enactment.

Mr. WYMAN of Washington: Mr. President and members of the Senate, I believed in this bill and I still believe in it but on account of the lateness of the hour and the action that was taken on the bill, I think it is time that we killed it and I intend to vote with the Senator from Waldo, but if his motion does prevail I shall then move that the bill be indefinitely postponed.

Thereupon, the motion to reconsider did not prevail and on motion by Mr. Wyman of Washington, the bill was indefinitely postponed in non-concurrence.

Sent down for concurrence.

Mr. CHAPMAN of Cumberland: Mr. President and members of the Senate: During the two and a half minute recess period—

The PRESIDENT: For what purpose does the Senator rise?

Mr. CHAPMAN: I move to take from the table Item 1, Page 2, on the tabled and unassigned calendar.

On motion by Mr. Chapman of Cumberland, the Senate voted to

take from the table the first tabled and unassigned matter, (S. P. 334) (L. D. 898) Senate Report "Ought not to pass" from the Committee on Taxation on Bill "An Act Relating to Tax Refund on Motor Fuel," tabled by that Senator on April 1st pending acceptance of report.

Mr. CHAPMAN of Cumberland: Mr. President and members of the Senate: My prematurity indicates my enthusiasm for this measure and I apologize for being temporarily out of order. During the few minutes recess we have arrived at an arrangement between the conference committee and myself as to what a fair technique would be in putting the bill in its amended form before you so then you may decide it. For that purpose, I move that the bill be substituted for the "Ought not to pass" report of the committee for the purpose of offering an amendment.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Chapman, that the bill be substituted for the report.

Thereupon, on motion by Mr. Silsby of Hancock, the bill was laid upon the table pending motion by Senator Chapman of Cumberland, that the bill be substituted for the report.

On motion by Mr. Silsby of Hancock, the Senate voted to take from the table, the bill just tabled by that Senator; and Mr. Silsby of Hancock moved the pending question.

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

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

Mr. MARTIN of Kennebec: Mr. President, I rise to a point of inquiry. I would like to have the chair rule as to the germaneness of the amendment.

#### Senate At Ease

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Chapman, that the Senate adopt Senate Amendment "A". The Senator from Kennebec, Senator Martin, has questioned the ger-

maneness of the amendment. The Chair will rule as follows:

Section 163 of Chapter 16 relates among other things to a credit allowed by the State Tax Assessor on gasoline taxes paid by distributors. The bill, being L. D. 989, proposed an addition to Section 163 of Chapter 16 by providing that the retail sellers of gasoline should also be granted a refund not in excess of two per cent on gasoline taxes. As the Chair views the point of order, the amendment seeks to reduce by some amount the refund, now a statutory requirement accruing to the benefit of the distributor. What accrues to the benefit of the retailer, in the opinion of the Chair, is of no importance. The importance, so far as the Chair is concerned, is that the amendment changes to a degree the rebate received by the distributor. The Chair would again repeat that the original bill in no way changed that statutory protection the distributor had and simply added a credit to the retailer. The Chair will therefore rule that the amendment is not germane. The Chair would note that his ruling is debatable.

Mr. CHAPMAN of Cumberland: Mr. President, I will accept the ruling of the Chair. I am not going to debate it, but do request unanimous consent to address the Senate.

The PRESIDENT: The Senator from Cumberland, Senator Chapman, asks unanimous consent to address the Senate. Is there objection? The Chair hears none and the Senator may proceed.

Mr. CHAPMAN: Mr. President and members of the Senate: I am aware of the lateness of the day, the hour and the session and I am aware, as we all are, of the impracticality of expecting at this stage of the game with any degree of assurance that any piece of legislation starting from the report stage, particularly a somewhat complex one and one on which there is a division of viewpoint, as I assure you there is, could be processed from the report stage through to final enactment. So I start with that assumption and I am not going to take very long, but as long as the issue is before us and has been delivered to us from the calendar

in some form, it is important enough, I believe, to at least bring it to the attention of my colleagues of the Senate for whatever future consideration may be appropriate to give it and possibly in future days or months to act upon it.

Very briefly, this particular bill, L. D. 989, "An Act relating to Tax Refund on Motor Fuel," proposed to do this: it proposed to permit the retail sellers of gasoline, the station pumps as you know them, to obtain a two per cent refund on the gasoline tax that they prepay to the State of Maine through the distributor for proved loss of product between acquisition and sale by virtue of shrinkage and evaporation.

It is a very tenable argument on the fact, and if you have had an opportunity as I know some of you have, to review the general situation as carefully as I have had it brought to my attention you will realize that there is no question about the existence of shrinkage or evaporation losses of gasoline while in the possession of the retail seller. But more about that in just a minute.

The phenomena of shrinkage and evaporation, as a matter of fact, is so well-recognized in the industry that the wholesalers and distributors—and I am not criticizing them, I am just talking about the law and the facts as they are—became somewhat aware in a sensitive way of the losses in their own gas taxes which they pay by virtue of shrinkage and evaporation losses on gasoline while in their possession, and many years ago they sought legislative relief and obtained it in a statute which is the section just previously referred to by the President and referred to in the bill, which permits them to obtain a one per cent refund on the gas taxes paid to the State of Maine for gas they lose before they sell it from gasoline that is delivered to them, and they are allowed an additional one per cent if they have retransported it in the State of Maine and lose even more.

The thing sounds a little complex at this stage, but just let me illustrate it and I think you will understand it fully. A wholesaler or dis-

tributor will import, let us say for example, 100,000 gallons of gasoline from outside the State of Maine and it will be brought in by tank car or barge or ship and unloaded into the tank farm; we will say they get 100,000 gallons of gasoline and it is put into the tanks in their own storage depot. They turn around and sell that same gasoline over a period of time, but they keep careful inventories and records, as a matter of fact the law requires them to do so. They sell it either to a distributor or to retailers direct, but in any event they keep a record of the sale. When they get through selling all the gasoline that was in that tank the industry experience has universally proved that some of the gas is lost by virtue of shrinkage and evaporation. It is a very volatile product, as we all know, and you cannot keep it completely under control. As a matter of fact it is dangerous if you enclose it entirely; it has to be vented and it keeps on evaporating. As we all know, it is very expansive, and when it is put into the tanks, particularly in the collar type tank, it shrinks, and when they sell it there just isn't that much gasoline as they bought, by volume.

So, following this example, they sell all the gasoline out of the big tank and there are 99,000 gallons instead of the hundred thousand they bought. But the State of Maine has a control on that gasoline that says that every gallon that is imported into the state must be accounted for, and those import records are audited by the State of Maine as well as those sales records. Now the wholesaler or company must prepay the gas tax of six cents per gallon on every gallon that comes into his possession, therefore if he sells 99,000 gallons and imports 100,000 gallons he loses 1000 gallons, and since he is bound by the primary part of the law to pay the tax on all of the gasoline he imports he will in effect pay a six cents per gallon gas tax—possibly seven in the future, we do not know—on the extra thousand gallons which he does not have the benefit of selling. The State of Maine says, "That is shrinkage and we will pre-

mit you a refund or an allowance for that 1000 gallons."

Now if that same wholesaler turns around and retransports it to another point in the State he handles it again, it is volatile, there is shrinkage and there is a certain loss, and he is allowed between that depot shipment point and the new one to which it was delivered another one per cent, if he can prove the loss. And I might say that all of these refund allowances are on the basis of proved losses by submitting affidavit verified by the state tax auditor. There is no such thing as a standard refund deduction; there must be a proved loss.

Now that total of two per cent refund which has been permitted distributors and wholesalers in the general company has been upon our law books for a number of years and I do not quarrel with it and I do not think anybody else does. They use a good portion of that refund. Experience proves that now the controls are a good deal tighter than they used to be as far as company operations are concerned and experience proves that they do not quite use the one and one per cent that they are allowed but they use a substantial portion of it and it is important to them in their business, and it is just as important that they do not pay a tax on gasoline that they are not allowed to sell. Now in recent years a much smaller group and more modest group in the industry, known as the retail dealers, have become sensitive to the fact that when gasoline is put into their tanks by the wholesalers and they turn around and sell it to you and me and everybody else in five, ten or twenty gallon lots, that they too have a loss, and it is due to shrinkage and evaporation.

But there is another little feature here which is certainly worth bearing in mind, that when a gasoline retail dealer buys his gasoline he prepays the tax at the time he buys it, so it is not a question of accounting for it and then asking for a refund credit at the time he pays his tax. The wholesalers, of course, as you know pay the tax at the end of the accounting period and then they claim a refund and get it on

the basis I discussed a minute ago. But in the case of the retail bulk man they are charged direct or pay cash at the time the gasoline is delivered to the station, the retail station. He has paid the tax on every gallon he received. Let us assume again for example that he receives a thousand gallons, because they do business on a much more modest basis. When he sells all his gasoline he ends up with let us say 970 or 980 gallons, let's say 980 gallons because that is a good example for this particular purpose. That means that he lost twenty gallons in the process of the exchange, the purchase and sale. He has prepaid the tax on that gasoline.

Now if you take the average station you would be surprised how much gallonage a small station, such as the one opposite the Augusta House, actually pumps in a year. It ranges anywhere from 240,000 to 250,000 gallons a year. That is for the small, modest station with two pumps. If you can realize — and this is from direct experience — that frequently their loss is greater than two per cent by volume, they have paid the tax on gasoline they have never been permitted to sell. They bought it and prepaid the tax, they sold the gas but it evaporated a bit in the meantime.

Now there is a distinction that I think should be borne in mind at this point. Gasoline is a volatile fluid. You can ask yourself, "Why do they worry? They lose their gas. They bought it. It is an incidental risk. They sell 980 gallons on a 1000 gallon deal. Why gripe about the six cent tax? Why not gripe about the price of 18, 19 or 21 cents for gasoline, which is three or four times as much?" The answer to that is this: He who deals with the product bears the risk of handling the product, and if it is volatile and he loses it that is part of doing business, but the tax is an entirely different matter, because the statute itself says that it is a motor fuel use tax, imposed upon the seller but collected at the wholesale level through the retail dealer who pays it and then collects it on the individual sales to the buyer. Philosophically, we are off on the wrong foot, because we have said what the law is and what

it shall do, and then over a period of years we find that the tax itself was paid out of the pocket of the retail dealer on that two per cent or whatever that shrinkage loss may be, it varies from station, he pays it out of his pocket and he should not. And that is the very sort of thing that we complained about in this session in regard to the sales tax: the man should not be required to pay the tax himself if it is a retail tax.

So much for the general thesis of why this bill was introduced and why it is now being presented at least in representative oral form although I do not think you have got to worry too much about the action you take on the legislation. The amendment, which I believe probably is not germane, sought to do what was considered by some members to be a fair and equitable thing, and that is this: if the wholesaler and distributor is allowed two per cent refund on his tax and the retailer is not allowed anything yet, and if we do allow the retail fellow something and we impose a new loss of revenue on the State of Maine, and let's not kid ourselves, we will, because if you refund a total of two per cent on all the gas you sell at the retail gas pump the loss will be considerable; it could be in the neighborhood of \$270,000 or \$280,000 a year, and that is something we just can't buy right now because our financial planning is stabilized, particularly in the highway budget—so we sought to do an equitable thing, and that was this. What is sauce for the goose is sauce for the gander in this instance. Why would it not be reasonable to share the burden and allow the retail dealer to take half of that loss which is already recognized and accounted for in our financial procedure and revenue planning, and allow the retail seller to take the other half of it so they would both be on the same footing with regard to the same proposition. It seems like a fair proposal.

Now it is not quite as simple as that, because the language of any act is a little bit on the complex side, and I recognize that difficulty, I recognize the fact that to

some of you the concept is new and the issue might be raised: "Well, this thing has not been fully heard in all of its ramifications at this stage of the game, and it would seem unfair to go along with it." I will accept all that now that I have explained to you the thesis why this legislation is here and what I sought to do with it. I do hope that all of us will bear this in mind and will make a very strenuous effort and be sensitive enough to the situation to correct it in future months when the opportunity presents itself.

I wish to thank the members of the Senate for being so kind and patient on my unanimous consent address, I know it is the longest of this session and I claim no distinction in that regard. I now move that the bill and accompanying papers be indefinitely postponed.

The motion to indefinitely postpone prevailed.

Sent down for concurrence.

On motion by Mr. Chapman of Cumberland, the Senate voted to take from the table bill, An Act Relating to Increase in Temporary Loans for County of Cumberland (H. P. 1261) (L. D. 1555) tabled by that Senator on May 20 pending passage to be enacted; and on motion by Mr. Farris of Kennebec, the bill was retabled.

On motion by Mr. Cole of Waldo, the Senate voted to take from the table bill "An Act Relating to Weight of Commercial Vehicles" (S. P. 452) (L. D. 1271) tabled by that Senator on May 18 pending passage to be enacted.

Mr. COLE of Waldo: Mr. President and members of the Senate: I wish to call to the attention of all the members of the Senate, the fact that this particular bill has passed the hurdles of both branches, has been enacted by both branches on its merits. I am very sincere in admitting that when the Gore bill was brought up, that it was possible that the State of Maine could lose \$97 million. I am one who feels that I cannot go along and jeopardize the State of Maine to that extent. I am thoroughly sold on the bill. I am sure that the members must be or they would

not have enacted it in both branches.

Industry as a whole was solidly behind this measure, also the trucking industry in the State of Maine. In my judgment I feel it would have done much for industry as a whole.

Before I move for the indefinite postponement of the bill, I would like to thank all the Senators who have supported me in this bill and I want to assure all other Senators who opposed me that there is no animosity on my part. I am sure you all voted according to your convictions and I wish to thank each and every one of you for the help that you have given to me. Now before we give this very good bill a proper funeral and consign it to the "oval files" of the Senate where there it will collect dust, I hope that in the future, some good Senator will come along and resurrect it.

Mr. President, I move that the bill be indefinitely postponed.

The motion prevailed and the bill was indefinitely postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Farris of Kennebec, the Senate voted to take from the table bill "An Act Relating to Increase in Temporary Loans for County of Cumberland" (H. P. 1261) (L. D. 1555) tabled earlier in this afternoon's session pending passage to be enacted; and on further motion by the same Senator the bill was passed to be enacted.

On motion by Mr. Cole of Waldo, the Senate voted to take from the table bill "An Act Relating to Registration Fees for Certain Motor Trucks" (H. P. 763) (L. D. 844) recalled to the Senate from the Governor, by Joint Order; and on further motion by the same Senator, the Senate voted to reconsider its action whereby the bill was passed to be enacted; 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 for ten minutes.

Senate called to order by the President.

### Papers from the House

Bill "An Act to Make Supplemental Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1956 and June 30, 1957." (S. P. 602)

In Senate, passed to be engrossed.

Comes from the House, passed to be engrossed as amended by House Amendment A (Filing 606) in non-concurrence.

In the Senate, on motion by Mr. Parker of Piscataquis, the Senate voted to recede and concur with the House.

### Conference Committee Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Duties of State Park Commission as to Recreation." that the Senate recede and concur with the House in passing the bill to be engrossed as amended by the House.

Which report was read and accepted and the bill was substituted for the ought not to pass report, given its first reading; House Amendment A was read and adopted and under suspension of the rules, the bill was read a second time and passed to be engrossed in concurrence.

On motion by Mr. Collins of Aroostook, the Senate voted to take from the table "Resolve Appropriating Monies for Civil Defense Matching Funds." (H. P. 772) (L. D. 857) tabled by that Senator on April 12 pending final passage.

This being an emergency measure,

A division of the Senate was had. Thirty having voted in the affirmative and none opposed, the resolve was finally passed.

On motion by Mr. Collins of Aroostook, the Senate voted to take from the table the following enactors:

"An Act Providing for Group Life Insurance for State Employees and Teachers" (S. P. 525) (L. D. 1429)

"Resolve to Purchase Additional Sets of the Revised Statutes of 1954" (S. P. 407) (L. D. 1121)

"Resolve Authorizing a Survey of State Government" (S. P. 441) (L. D. 1233)

Which bill was passed to be enacted and resolves were finally passed.

On motion by Mr. Collins of Aroostook, the Senate voted to take from the table "An Act to Appropriate Monies for the Purchase of Salk Vaccine" (S. P. 543) (L. D. 1485) tabled by that Senator on May 19 pending passage to be enacted; and on further motion by the same Senator, the bill was passed to be enacted.

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

"Ought not to pass" on Bill "An Act Relating to Automobile Travel by State Employees" (S. P. 388) (L. D. 1102) tabled by that Senator on May 10 pending acceptance of the report.

Mr. MARTIN of Kennebec: Mr. President, this bill concerns a travel pay increase for the State employees who use their cars in connection with state business. In view of the favorable action taken by the legislature on other measures, I am sure that the state employees appreciate the generosity of the legislature and I move at this time the acceptance of the ought not to pass report.

The motion prevailed.

Sent down for concurrence.

On motion by Mr. Low of Knox, the Senate voted to take from the table Joint Order Relative to Legislative Research Committee (H. P. 1249) tabled by that Senator on May 11 pending passage; and on further motion by the same Senator, the order was passed in concurrence.

On motion by Mr. Low of Knox, the Senate voted to take from the table Joint Order Relative to Legislative Research Committee (H. P. 1253) tabled by that Senator on May 13 pending passage; and on further motion by the same Senator, the order was passed in concurrence.

On motion by Mr. Low of Knox, the Senate voted to take from the

table Joint Order relative to Legislative Research Committee (H. P. 1256) tabled by that Senator on May 10 pending passage; and that Senator moved indefinite postponement of the Order.

Mr. MARTIN of Kennebec: Mr. President, this I merely wish to point out that this Joint Order was the result of the unanimous action of the Labor Committee. We did feel that this was a matter that did deserve more serious consideration, or consideration where more time could be devoted to it. This is one matter in which both parties are in agreement, Republicans and Democrats alike. I would yield to the Senator from Knox, Senator Low, to explain why he is opposed to the Order.

Mr. LOW of Knox: Mr. President and members of the Senate having served one term on the Research Committee, it is my opinion that other than providing a sounding board for possible conflicting statements I do not believe the research committee could be of any use whatsoever in regard to this proposition.

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

A division of the Senate was had.

Seventeen having voted in the affirmative and fourteen opposed, the joint order was indefinitely postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Low of Knox, the Senate voted to take from the table Joint Order Relative to Legislative Research Committee (H. P. 1264) tabled by that Senator on May 20 pending passage; and that Senator moved indefinite postponement.

Mr. BOUCHER of Androscoggin: Mr. President I ask for a division.

A division of the Senate was had.

Twenty-four having voted in the affirmative and seven opposed, the motion prevailed and the order was indefinitely postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Low of Knox, the Senate voted to take from the table Joint Order Relative to Legislative Research Committee (H. P.



1265) tabled by that Senator on May 20 pending passage; and on further motion by the same Senator, the Order was indefinitely postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Sinclair of Somerset, the Senate voted to take from the table Resolve in Favor of Eastport Highway Bridge (S. P. 310) (L. D. 849) tabled by that Senator earlier in today's session pending final passage; and that Senator moved that the resolve be indefinitely postponed.

Mr. BROWN of Washington: Mr. President and members of the Senate: I haven't talked much here this winter, but you are now going to hear a great speech on this bridge bill because it is the last bill on the calendar. I don't know why it could not have been put on there a couple of months ago so that we might have had plenty of time to thresh it out.

I am going to read a short article in regard to this proposed bridge or causeway:

"In the accelerated road program given us in Washington County in July, 1952 we were to have seven million dollars of road and bridge construction in seven years, but owing to the increased costs we understand the fund will be used up in 1957.

Among the projects was a bridge which cost at the time \$900,000 to replace the old bridge between Eastport and Perry.

A leading company, Fay, Spoford and Thorndike of Boston, figured a bridge would cost \$1,400,000. We feel that in that area that that plan was wholly out of line with what we wanted. The plans showed a bridge sixty feet wide was contemplated and we don't know — in that county we do not know much anyway — of a bridge that wide in Maine anywhere, a road bridge.

This brings us to the fact that we were told that a bridge at that price was out of the question, and we thought that sort of a causeway, to make a pool, with conduits in this would do what we wanted to do, enclose a salt-water pool three miles long and half a mile wide that could be developed into a recrea-

tional area with part of it as a swimming area that we could warm up, if properly handled, by shutting off the tides except when we wanted to renew the same, and it would warm up the water to about 68 degrees which would be all right for salt-water swimming. Also that we could run boat racing because we have about thirty-five outboard motor-boat racers in that area. They race every Sunday in the summer somewhere, either at Eastport or on the lake. We thought if we could get this thing built we would have a children's playground, overnight cabins, hotels, saltwater fishing outside the pool where during the summer months many tourists and local sportsmen catch pollock, cod and other fish with rod and reel, anything from ten pounds to fifteen pounds each, and it is as good for sport fishing as fishing for salmon or other fish. This would mean that during the summer months we could build up a recreation area that would attract several thousand fishermen to the area.

Governor Cross and all the members of the Highway Commission at that time, two years ago, told me that if we could build either a bridge, but preferably a causeway, to help build up the tourist business for \$900,000 they would go along with us in doing the same.

At the last State Legislature they created a Washington County Recreational Authority, consisting of five men. These are the fellows, who, if this was built, would handle the set-up: two from Eastport, the biggest town in the area; one of those fellows would be one of our county commissioners, another man was a selectman from Perry — that is the adjoining town which would be part of this pool — Representative Davis of Calais is a member of the committee, the lawyer for the committee, and then the president of the Washington County Chamber of Commerce, Arnold Brown of Woodland.

We felt that if this causeway was built this crowd would do their best to develop this project and help both Eastport and Perry to build something that would be a great advantage not only to those towns but to

the entire county and also the State of Maine.

We think a causeway could be built with conduits of metal and concrete or creosoted timber, which would last for a hundred years, and in two places in the county some of them have been in for fifty years now and are still in good shape. These should be put near the bottom of the causeway with steel shutters on the same to let the water in and out when needed to be changed, which would need to be done only once in a while. So the change would not be like the proposed plan they have now, which would keep the water flowing in on every tide. As you know, we have high tides down there.

A pool of this same type was built across this same bay by the Canadian Pacific Railway for their guests at the Algonquin Hotel at St. Andrews, N. B., fifteen miles on the other side of this proposed pool of ours. I have the model that they used down there and that is how we got this idea that we can do this perhaps differently than it was proposed in this set-up.

The people who use this pool are people who probably have to pay twenty dollars a day at the hotel, and this pool is about half of the area that we have. This pool was built by the hotel for the facilities of their guests and it had to be light. It is a beautiful pool with sandy beaches and many bath houses. They also allow other people to go in there and bathe and use their facilities.

If done this way, it would make the cost of the structure that we would like to have much less than the one proposed.

We have not had any new roads built down in that area except a small amount in the town of Eastport for the last fifteen years. Perry has had about one mile out of seventy-five miles of road—I mean new construction—in that time. The piece built in Eastport cost \$22,000 two years ago. Perry, as I say, has seventy-five miles of road in that small town and has one mile of new finished road now.

Ninety-five per cent of the people of Washington County would like to see the new causeway built and let us try to help ourselves. I have let-

ters from the Washington County Chamber of Commerce, Eastport Chamber of Commerce, Calais, Lubec, Machias and Jonesport, all in the county, who have sent us letters—I won't read them—asking for this pool with us.

One other little matter I would mention that has been brought up here today by Senator Silsby. We in the legislature, the Washington County delegation, when the State loaned the Canadian National Railway a million dollars for thirty years without interest for constructing the ferry slip at Bar Harbor. The treasurer of the State of Maine tells me that it will cost the State of Maine when the facility is paid for in thirty years about \$450,000 which he could get for that money invested at three per cent.

Now the Washington County delegation went along with the Hancock boys at that time without any opposition when they knew that it would naturally affect tourist business east of Bar Harbor. We wished them the best and we voted with them for their ferry.

I will say that I feel that the share of the money which Washington County has received from the accelerated program to date and from 1950 to 1957 has been very fair, and we have just hit Route 190, that is Eastport to Perry. I hope that the gentleman's motion does not prevail.

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

Mr. SINCLAIR of Somerset: Mr. President, I am very reluctant to rise in opposition to my good friend and colleague, the Senator from Washington, Senator Brown. I am in sympathy with the swimming pool that he refers to and the recreational area. But this is a highway matter; this is something that involves both the surplus fund and the highway fund also.

Now the reason this bill was brought out at this time, I assure you, was not because the committee or the "Ought not to pass" signers of the report wanted to kill the bill. The bill was held in committee primarily at the request of

the "Ought to pass" signers, who were trying to work out something whereby some plan could be arranged whereby something could be done for Eastport and that area of Washington County. We had a number of executive committee meetings on this subject.

At the original hearing the room was full of folks from Washington County, and I will say that most of them were from the Eastport area and most of them, in fact the great majority of them, were in sympathy with this bill and approved the bill. There were, I think, one or two maybe three opponents.

In order to come to a solution and clear the matter, we even had a night meeting, at which time we invited in Highway Department engineers along with representatives from the Washington County area who were here in the legislature to discuss this bill.

It boils down to a matter of one of two roads. The whole matter came about in the first place because there is a bridge on one route that is badly in need of repair, as the committee understood. The Highway Department, in looking over the situation, had surveyed an alternate route, shall we say, from Point A to Point B, and I believe at the request of some folks in that area they were asked to survey another route also.

Now this second route would include the so-called recreational area or the place that Senator Brown refers to, where would be a swimming pool, where they could hold boat races and develop a recreational area.

The Highway Commission did that, issued bids on the two projects. One project, the so-called Carlo Island route, was bid in at \$461,000, I believe, plus some engineering costs and right of way costs. The other contract, which did not include the full distance from Point A to Point B, but did include replacing of the bridge and the building of a causeway, spillway and dam with approaches at both ends of the bridge, was around \$720,000, and an estimate of the completion of the full route from Point A to Point B would add about \$500,000 to the project. So we have a road through the Carlo Is-

land route that is going to cost somewhere in the neighborhood of half a million dollars against a route which includes the causeway of around \$1,200,000.

Now it is my understanding that federal funds that were available for the Carlo Island route if they were applied to the route that includes the causeway, there would still between the cost of the two projects of around \$637,000, and I understand the Highway Department is willing to find the \$137,000, but they could not underwrite the bill for the balance which is \$500,000, and hence the bill was introduced to take out of surplus half a million dollars. As the bill now reads with the amendment, I think it calls for \$400,000.

I say again that I am in sympathy with the project. I understand fully the conditions in Washington County and at Eastport, but I cannot see how we can possibly take four or five hundred thousand dollars out of the unappropriated surplus to meet this cost. And I would like to point out that if we do that we are going to be in the neighborhood, if my figures are correct, of \$367,379 in the red.

Now in all fairness to the faith of the committee and other commitments, I say we should not go into the red, and therefore I hope that the motion for indefinite postponement prevails, and when the vote is taken I ask for a division.

Mr. COLLINS of Aroostook: Mr. President, I rise in support of the motion of the Senator from Somerset, Senator Sinclair, to indefinitely postpone this bill, and I do it simply for the reason that the funds in the violated to the extent almost to the extent that this bill would require.

I told you this morning that according to your estimates from the budget officer we had some \$8,568,529 available for appropriation, but after the bills which we have now passed if we leave a million dollars in reserve, which seems to be a reasonable figure, and if we leave \$450,000 each year of the biennium as a reserve for the contingency fund, namely \$900,000, then we would be in the red this \$367,000 that the Senator from Somerset, Senator Sinclair declared. I think too that this

is essentially a highway program. I believe we would not be keeping faith with the people of Maine if we passed this resolve. I sincerely believe that it would not be for our best interests.

Mr. WYMAN of Washington: Mr. President and members of the Senate: I rise in support of my colleague from Washington County who has covered this matter very thoroughly.

This bill if enacted will give a great boost to the whole of Washington County. The Agnew Foundation of Boston, an impartial and experienced and respected group, has investigated this matter thoroughly and has pronounced it practical and feasible. The Authority is controlled by a Commissioner appointed by the Governor with the advice and consent of the Council. Now it is a highway matter, as the good Senator from Somerset, Senator Sinclair, said, which is the reason that the people are coming to the legislature with it. He twice told us that he had a great deal of sympathy for it, but it is not sympathy that we need, we need help. It is my understanding that the Governor had not signed any highway revenue measures, and therefore I urge you to enact this bill and let it take its chance with the others.

Mr. BUTLER of Franklin: Mr. President, I rise to support the motion of the Senator from Somerset, Senator Sinclair. Unfortunately I am not as well versed in the financial situation as he is, but, briefly, at the last session I stood up asking for what was known as a little bit of "sugar" for Sugarloaf. Now that is a mountain up in Franklin County, and in no uncertain terms we were informed that there was so sugar for Sugarloaf, and as a result the State would not make it a habit of going out and help develop this area. I urged strongly that we should develop the state, and I was as strongly informed that it was not the state's business to go out and develop private enterprises. This is not state-owned property. And as a result of that good, sound spanking we proceeded to develop Sugarloaf Mountain as a skiing proposition and we are progressing favorably along that

line. Now down here, this is, I wouldn't exactly want to call it a pork barrel because that would not be fair. You would not want to call it sympathy because that is not fair. But I do not feel that this is any time when the state should attempt to develop its areas when we are not in a financial position to do it. This measure should, however, in the future be considered, because if we do not develop our state along certain lines then we are going to be backward in it. Unfortunately, I feel that it has value but in view of our financial situation I must support the motion of the Senator from Somerset, Senator Sinclair.

Mr. WYMAN of Washington: Mr. President and members of the Senate: I would like to point out that this is a Highway matter and if we don't do something here today, the Highway Department is going to build the road the alternative way. In that case there never will be an opportunity where we will be able to have the recreational area and the causeway completed. Obviously they couldn't afford two roads.

Mr. BROWN of Washington: Mr. President, just two or three other things that have been brought out in the talks. Being a private pool which is how it will start out, it isn't going to cost the state any money to develop. All we are asking is to build something there that we can do some work on in the next four or five years and perhaps do something for the county.

One other thing I forgot, is the condition of the Eastport water system. The Eastport water company brings the water seven miles from Boyden Lake and the pipes go over the bridge that will be replaced and that means that Eastport will have to pay the costs of any charge in this matter of bringing water to them. The situation is that eight years ago the cost of hydrant rental in my town was \$5,000. Six years ago the rental was raised to \$7500 and two years ago it was raised to \$15,000 for hydrant rental alone for 3100 people and water users costs doubled. Now if the causeway were built, the pipes could be put in the structure for about \$2,000 and if not, we will have to keep the old bridge in condition to support these

pipes which over the years would be a great burden to a poor small city.

Another thing I find from talking to the city manager, any expense we have to put out on this water way under the water would be very expensive and we would either have to do that or keep up that bridge to hold those pipes. It is a sad situation for Eastport. We are a poor town and when you have to pay \$15,000 for Hydrant Rental in a town the size of ours it is hard.

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

A division of the Senate was had.

Twenty-one having voted in the affirmative and nine opposed, the motion prevailed and the resolve was indefinitely postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table bill "An Act Relating to Checking Speed of Motor Vehicles by Electrical Devices" (H. P. 109) (L. D. 117) tabled by that Senator earlier in today's session pending passage to be enacted.

Mr. BOUCHER of Androscoggin: Mr. President, this particular bill has given me more headaches and more of a bad reputation than I have been accused of in many, many years. In debating this bill the other night I was accused of being a speeder. I challenge the member of the Senate to get up, anyone that hasn't gone over the speed limit at some time in his life. I have been accused even of wanting to trade my good wife for radar. Although I deny these charges, they still stick. I believe that this mechanical affair is a new way of trying to trap unsuspecting motorists of our state. Their way, the opposition say that this is a safety measure. I believe that a state policeman in a state police car is more effective in slowing down the speed of our drivers than this monstrosity would be.

I know for one I have no more respect for a state policeman than I would have for this "rigamajig".

If we want safety on the highways of Maine, and I am one of those that want it then I believe we should start educating our people. I am all for training our young people in the high schools and teaching them how to drive and I don't see where this equipment of radar is going to talk to these young people and make them understand the importance of good, careful driving.

To me it is a useless expense to the state, and some have challenged it on its Constitutionality. I hope that this Senate will today go along with me on the indefinite postponement of this thing.

Mr. PARKER of Piscataquis: Mr. President and members of the Senate, I had thought, perhaps erroneously, that we had reached an agreement the last time this bill was discussed here in the Senate. Evidently we have to go through it again. I want to point out in opposing Senator Boucher of Androscoggin, that he and I both agree that we should educate our children in our high schools to be better drivers. I will go farther. I think that those of us who are inclined to drive faster than we should, if there is, through posted roads, and equipment to check speed, better ways of enforcing our highway speed laws, I think we will all agree that we also want that.

I want to point out that in the appropriation from the Highway Department from the general appropriation, that the Highway Committee considered very strongly the request of adding equipment to our state highway police. We went as far as we thought it was safe to go in allocating money for that purpose. It is my sincere belief that considering the small appropriation it calls for we should try out this radar equipment and increase the efficiency of our state police much more than the same amount of money spent in any other way to the state police appropriation.

It is my hope that we do not indefinitely postpone this bill.

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

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

Eight voted in the affirmative and twenty-two opposed.

Mr. BOUCHER of Androscoggin: Mr. President, I believe that one member of the Senate did not vote.

A division of the Senate was had.

Eight having voted in the affirmative and twenty-three opposed, the motion to indefinitely postpone did not prevail.

Thereupon, on motion by Mr. Collins of Aroostook, the bill was passed to be enacted.

On motion by Mr. Collins of Aroostook, the Senate voted to take from the table bill "An Act Relating to the Salary of the President of the Senate, the Speaker of the House of Representatives, and Members of the Legislature" (H. P. 86) (L. D. 97) tabled by that Senator on May 20 pending passage to be enacted; and on further motion by the same Senator, the bill was passed to be enacted.

The PRESIDENT: The Chair notes at this time that the one remaining paper in the possession of the Senate so far as the Chair knows, is bill "An Act Relating to Preference to Maine Residents in Certain Contracts" (H. P. 1248) (L. D. 1541) being a bill which was recalled from the Governor by joint order.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Hancock, Senator Silsby, that the Senate reconsider its action whereby it passed this bill to be enacted.

Thereupon, the rules were suspended and the Senate voted to reconsider its former action whereby the bill was passed to be enacted; 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 seven o'clock tonight, E.S.T.

#### After Recess

The Senate was called to order by the President.

#### Conference Committee Reports

The Committees of Conference on the disagreeing action of the two branches of the Legislature on:

Bill "An Act Relating to Eligibility for Old Age Assistance." (S. P. 141) (L. D. 333) reported that the Committee were unable to agree.

Bill "An Act Relating to Determination of Damages Caused by Taking of Land for Highway Purposes." (H. P. 1250) (L. D. 1543) reported that the Committee was unable to agree on the Bill; and recommends that the subject matter be referred to the Legislative Research Committee.

Bill "An Act Creating a State School Building Fund and Providing Moneys Therefor." (H. P. 1015) (L. D. 1167) reported that they are unable to agree.

Which reports were read and accepted in concurrence.

Bill "An Act Relating to Officers of the Legislature." (S. P. 461) (L. D. 1305)

Bill "An Act to Make Supplemental Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1956 and June 30, 1957." (S. P. 602)

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

Which bills were passed to be enacted.

Resolve in Favor of Helen Madson of Portland. (H. P. 1171) (L. D. 1406)

Resolve Providing for Survey to Re-route the Maine Central Railroad in City of Portland. (H. P. 1213) (L. D. 1484)

Which resolves were finally passed.

Out of order, the President presented Veto Message from the Governor on Bill "An Act Increasing the Tax on Gasoline and Providing for Additional Construction and Reconstruction of State Aid Highways in Hardship Cases." (H. P. 1251) (L. D. 1544)

Bill comes from the House, having been returned by the Governor together with his objections to the same pursuant to the provisions of the Constitution of the State of Maine.

The House voted on the question: Shall this Bill become a law notwithstanding the objections of the Governor:

93 voted in favor—32 against

And it was the vote of the House that the Bill become a law, notwithstanding the objections of the Governor, since two-thirds of the members of the House so voted.

STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE

To the Honorable Senate and House of Representatives of the Ninety-seventh Legislature:

There is returned, herewith, without approval, House Paper 1251, Legislative Document 1544, entitled "An Act Increasing the Tax on Gasoline and Providing for Additional Construction and Reconstruction of State Aid Highways in Hardship Cases," for the following reason:

In January of this year, I discussed our highway problems at length. I pointed out that there were two over-all problems, one short-range and one long-range. The short-range problem was that, in the next biennium, we would fall somewhat short of our current \$15,000,000.00 annual construction program as bond issue proceeds ran out. The long-range problem was that we would fall seriously short, by several millions of dollars annually, of such a program for the years beginning July 1, 1957.

In the weeks that followed there appeared to be general agreement among all of us that these were the two major highway problems. There was disagreement as to what approach we should take to resolve those problems.

My position is that we do not have all of the facts upon which to base final decisions reaching years into the future. There are several proposals in Congress to expand the Federal Highway program. These vary widely in their impact upon what we should do. Some of them would increase the Federal gasoline tax. Some of them would expand federal support of the Federal primary and secondary systems, and at the same time relieve state funds for use on other state systems. Others would increase federal matching funds, and also increase state matching requirements.

Under these circumstances I felt it unwise to increase the state gasoline tax at this time. I proposed that we submit a highway bond issue to the people, the proceeds of which would serve as a base for whatever highway program appeared to be sound in two years.

Those of you who disagreed with me advocated at first an increase in the gasoline tax coupled with a smaller bond issue. Although I did not approve this program, I must say that it was a real effort to meet the two problems which we faced. Later, you dropped the bond issue. This weakened the effort. Now you have sent to my desk this measure which makes no pretense at solving the long-range problem which we will face beginning July 1, 1957. In other words, it does not do the job which it was supposed to do when it was first introduced.

If it was before me in its original form, it would be merely a question as to whether your approach to the long-range problem was preferable to mine, and whether I should yield to your collective judgment. As it is, the issues are far different.

As I see it, we should establish a base for a long-range highway program which will insure maximum utilization of our resources to provide for the highway needs of all areas of the State.

This bill will seriously cripple our ability to provide the minimum construction needs of our State highway system. Even if the federal highway program remains at its present level, we will not begin to have the funds necessary to match available federal dollars. Every dollar we lack will mean loss of a federal matching dollar. If the Federal program is expanded in accordance with the Gore bill, so-called, we would find ourselves in even more serious difficulty. We would probably be forced to consider an increase in the gasoline tax in addition to the one here proposed. The alternative would be to allow our State highway system to deteriorate to the detriment of the economy of the entire State.

This bill is not a sound nor realistic approach to the needs of our State aid road system. Our pro-

gram in this connection has been and ought to be a partnership effort, with participation on the part of both State and local government. Neither can carry the entire load alone. This bill ignores that principle, tends to destroy the incentive on the part of local government to participate, and invites raids on the available funds by political pressures. Furthermore, there is no assurance that the funds allocated will be distributed on the basis of sound standards.

On the point of local incentive, in the case of many of the projects listed as hardship cases, local government has expressed a desire to expend local funds if they are allowed to anticipate State aid funds. They have been refused. Now this bill says to them that the State will provide all the funds.

On the point of equitable distribution, let us turn to Waldo County for an illustration. There are 26 towns in Waldo County. It is indicated that the county may get sufficient funds under this act to build 3 to 4 miles of road. It appears that a single stretch of road will probably benefit. What of the needs of the other 25 towns? Isn't it sounder to invite local matching funds to participate in order to do a bigger job?

In this connection, there is before me L. D. 1431, An Act Permitting Towns to Appropriate Money in Anticipation of State Aid Highway Appropriations. Here is a sound and equitable means of providing joint State and local participation. My criticism is that it is too restrictive. Nevertheless, it does permit the towns to anticipate to a greater extent than is now the case. For that reason, I will approve it.

Our present method of allocating funds for the construction and reconstruction of State aid roads is also sound. It preserves the principles of partnership, incentive, and sound standards to which I have referred.

Any expansion of our State aid road construction program ought to be in the same direction. The departure from those principles which is proposed in this bill will, in the long run, be detrimental to the

State aid system as well as to our entire highway program.

A program keyed to whatever federal program is developed will be beneficial to all areas of the State. It will provide for an expanded effort on our State highways, our State aid roads, and towns roads. The program incorporated in this bill runs counter to that objective.

It is my firm conviction that this bill will complicate our problems and leave us in a worse position than we were in last January. For that reason I cannot give approval to it.

Respectfully submitted,  
(Signed) EDMUND S. MUSKIE  
Governor of Maine

The PRESIDENT: The question before the Senate is: Shall this bill become a law notwithstanding the objections of the Governor. According to the Constitution, the vote will be taken by the Yeas and Nays. A vote of Yea will be in favor of the bill; a vote of Nay will be in favor of sustaining the veto of the Governor. Is the Senate ready for the question?

The Secretary called the roll.

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

NAYS: Boucher, Butler, Farley, Fournier, Hall, Lessard, St. Pierre — 7.

The PRESIDENT: The Secretary will call the name of the President.

The SECRETARY: Haskell.

The PRESIDENT: Yea.

Twenty-five having voted in the affirmative and seven opposed, the bill became a law notwithstanding the objections of the Governor.

On motion by Mr. Silsby of Hancock, the Senate voted to take from the table bill "An Act to Make Supplemental Allocations from the Fiscal Years Ending June 30, 1956 and June 30, 1957" (S. P. 602) tabled earlier in today's session by the Senator from Piscataquis, Senator Parker, pending passage to be enacted; and on motion by Mr. Silsby of Hancock, the bill was passed to be enacted.



**Additional Paper from the House**

Bill "An Act to Provide Training to Organized Fire Companies." (S. P. 600) (L. D. 1558)

In Senate, indefinitely postponed. Comes from House, passed to be engrossed—insisted, asked Committee of Conference.

The Speaker appointed:

Representatives:

CHARLES of Portland  
CATES of East Machias  
EDWARDS of Raymond

In the Senate, on motion by Mr. Weeks of Cumberland, the Senate voted to insist on its former action and join with the House in a Committee of Conference; the President appointed as Senate Conferees on said committee, Senators Collins of Aroostook, Sinclair of Somerset and Butler of Franklin.

Bill "An Act Relating to Duties of State Park Commission as to Recreation." (H. P. 1121) (L. D. 1319)

Which was passed to be enacted.

**Papers from the House****Joint Order**

ORDERED, the Senate concurring, that the Legislative Research Committee be requested to study the problem of determining damages caused by the taking of land for highway purposes; and be it further

ORDERED, that the Committee report the results of its study to the next session of the Legislature with any recommendations that it deems advisable. (H. P. 1269)

Mr. LOW of Knox: Mr. President, it does seem to me that a couple of good lawyers at the next session of the legislature could probably do as good or better a job than the Research Committee could do and I therefore move that the Order be indefinitely postponed.

The motion to indefinitely postpone prevailed.

The PRESIDENT: The Chair would note that so far as the Chair knows, there is only one bill left to be enacted, it being the final supplemental appropriation measure of the Appropriations Committee, brought out in accordance with joint order earlier this week to permit the com-

mittee to appropriate money for such bills as did not have appropriation clauses on them.

The Chair is informed that the bill will be here in a matter of minutes and then we will have the normal adjournment orders.

**Communication**

Department of State  
State of Maine  
Augusta

May 21, 1955

Hon. Chester T. Winslow  
Secretary of the Senate  
Augusta, Maine

Dear Sir:

I acknowledge receipt of H. P. 1251, L. D. 1544, entitled "An Act Increasing the Tax on Gasoline and Providing for Additional Construction and Reconstruction of State Aid Highways in Hardship Cases" which was not signed by the Governor, but returned to the House of Representatives with his veto.

As the endorsements certify, this bill became a law notwithstanding the objections of the Governor. By the affirmative action of two-thirds of the members of the House of Representatives and two-thirds the members of the Senate, this bill has become Chapter 436, Public Laws, 1955.

Respectfully

(Signed) Paul A. McDonald  
Deputy Secretary of State

Which communication was received and placed on file.

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

Mr. REID of Kennebec: Mr. President, once there was a little fiery man from New York. His name was Fiorello LaGuardia. I think in this Senate we have his counterpart. I think that we have enjoyed the alertness and the brilliance of the Senator from Androscoggin, Senator Jean Charles Boucher. As Minority Floor Leader, I believe he has cooperated with us in every respect and I think we owe him the same type of respect. I am very happy, Jean Charles, to say that it has been a great pleasure to serve you in this Senate. (Applause, members rising.)

### Senate Committee Report Ought to Pass

Mr. Collins from the Committee on Appropriations and Financial Affairs, pursuant to Joint Order S. P. 590, reports the following Bill: "An Act Making Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1956 and June 30, 1957." and that it Ought to pass.

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

Sent down for concurrence.

### Final Reports

Mr. Collins from the Joint Standing Committee on Appropriations and Financial Affairs, submitted that Committee's Final Report.

Mr. Parker from the Joint Standing Committee on Highways, submitted that Committee's Final Report.

The PRESIDENT: Before we accept these final reports, the Chair on behalf of the Senate will express the Senate's appreciation of the conscientious work that has been done by the Senate members of these two important committees.

These two committees are responsible for the expenditure of nearly one hundred million dollars of state money. Upon the shoulders of those individuals has rested the responsibility for the second largest income receiving unit in the State of Maine. I am sure that the Senate would do well to rise with me in acknowledging the work that these Senators have done (Applause, members rising.)

Mr. Chapman of Cumberland presented an order and moved its passage:

ORDERED, the House concurring, that bill An Act Relating to the Powers of the Greater Portland Development Commission, S. P. 595, L. D. 1599 be recalled from the Governor to the Senate.

Which Order received a passage. Sent to the House forthwith.

The PRESIDENT: The Chair at this time will appoint as Senate

members of the Committee responsible for the Baxter Memorial, Senator Chapman of Cumberland and Senator Butler of Franklin.

The Chair will appoint as Senate members of the Legislative Committee to Investigate Elections as provided under Section 44, Chapter 4, Senator Reid and Senator Wyman.

With respect to the Committee on Interstate Cooperation, at this time there is one vacancy on that Committee and the Chair will appoint the Senator from Waldo, Senator Cole.

With respect to the Legislative Research Committee, the Chair will remind the Senate that until ninety days have gone by the Chair is limited in the committee appointments to the present statutory number of the committee. At this time the Chair will appoint three members, noting that the three members so appointed might wish to hold up any organization efforts of the committee this year, until the law passed by this legislature becomes effective, in that it does provide for a quite different procedure than that of committee organization.

With those comments, the Chair would appoint as the three members of the committee, the Senator from Somerset, Senator Sinclair, the Senator from Knox, Senator Low and the Senator from Piscataquis, Senator Parker.

Mr. Boyker of Oxford was granted unanimous consent to address the Senate.

Mr. BOYKER: I believe that in the closing days of this session we would have liked to have taken home something to our constituents, but as we were not able to take any pork barrel with us or anything which might be left in that pork barrel, I feel that we might be able to take home something for ourselves, something for us to reminisce on in the days which lie ahead, and we might bring to our attention some of the established ways which some of us have fallen into during this legislative session.

Now I believe that the cigarette, the pipe and the cigar have taken not too small a role in determining our decisions on some of our controversial measures. I have noticed

how some of our leaders have quietly smoked their cigar in serenity and tranquillity during some of our most controversial questions. I have also noted how our Senator from Cumberland, Senator Chapman in driving home his points, has depended a good deal on his pipe. I have noticed how our winning Dorothy Dennett has enjoyed her cigarette and I have been surprised to note how many things a cigar can do.

To demonstrate to you what that cigar will do, I am going to take for example our learned President as he takes his cigar when he is not on duty. He can talk and he can fume and he can smoke all at the same time. Now we have all noticed this, that our Senator from Cumberland, Senator Weeks, soft spoken, has driven his eloquence down into his system unto himself instead of throwing it out to we Senate members.

I have noticed our Senator from Franklin, Senator Butler standing up and propounding his philosophy on the ways and the rights of man.

I have also noted that our Senator from Androscoggin County, Senator Boucher in his desire, his ambition and his zeal in speaking for the working men and women of our state, has been able to raise his voice to that point where but a few can go, the high B flat.

The PRESIDENT: The Chair would note that the Joint Order relative to the return to the Senate of a bill from the Governor's office, having been passed in concurrence in the House, bill, "An Act Relating to Powers of Greater Portland Development Commission (L. D. 1559) is in the possession of the Senate.

Mr. CHAPMAN of Cumberland: Mr. President, I am going to make a motion to indefinitely postpone this bill after making the motion to reconsider its enactment. Although I am somewhat reluctant to do so, I feel that under the circumstances, convenience and expediency compel that it be done. Apparently there is a constitutional question of some sort involved in this bill and one that would result I understand in a veto of the bill. There is nothing political about it and this seems to

be the neat way to handle the problem.

Thereupon on motion by Mr. Chapman of Cumberland, the Senate voted to reconsider its former action whereby the bill was enacted; and on further motion by the same Senator, the bill was indefinitely postponed in non-concurrence.

Sent down for concurrence.

Mr. Low of Knox was granted unanimous consent to address the Senate.

Mr. LOW of Knox: Mr. President and members of the Senate, without in any way meaning to be disparaging, a good many of the members of this Senate have "Acted Up" at one time or another. As I look around I can see people who have been obstreperous who have made trouble for themselves and for others, and the one man who tied all those people together so that we have a party has been our Floor Leader, Jim Reid. I don't think this session should end without saying how much we appreciate the work he has done, the time he has put in, and the success which has been his in making a really strong Republican Majority in this Senate. I want to say, Jim, that we thank you, we appreciate it, and we wish you the best of luck. Thank you. (Applause)

Mr. REID of Kennebec: Mr. President and members of the Senate, the hour is getting late. I would say the I certainly appreciate those words. I don't believe there is a place on this earth where Democracy has been expressed as much as it has been during this session of the Maine Legislature. I would only say "God Bless America."

The Committee of Conference on the disagreeing action of the two branches of the Legislature on "An Act to Provide Training to Organized Fire Companies." (S. P. 600) (L. D. 1558) (new draft of S. P. 73, L. D. 166) reported that the Committee is unable to agree.

Which report was read and accepted in concurrence.

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

Bill "An Act Making Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1956 and June 30, 1957." (S. P. 605)

Which bill was passed to be enacted.

### Communication

#### STATE OF MAINE HOUSE OF REPRESENTATIVES OFFICE OF THE CLERK AUGUSTA

May 21, 1955

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

Sir:

The Speaker of the House today appointed on the part of the House of the 97th Legislature the following members to serve on recess Committees:

On Maine Commission on Interstate Cooperation

Mr. ROGERSON of Houlton

Mr. FULLER of South Portland

Mr. ANDERSON of Greenville  
on Legislative Research Committee.

Mr. PULLEN of Oakland

Mr. CHILDS of Portland

Mr. BIBBER of Kennebunkport

Mr. McCLUSKEY of Warren

Mr. MAXWELL of Winthrop

Mr. STANLEY of Hampden

Mr. DUQUETTE of Biddeford

On Commission for Memorial to former Governor Percival P. Baxter

Mr. POTTER of Medway

Mrs. FILES of Portland

Mr. ROUNDY of Portland

On Election Expenditures

Mr. CASWELL of New Sharon

Mr. LATNO of Old Town

Mr. HANCOCK of York

Respectfully,

(Signed) HARVEY R. PEASE

Clerk of the House

Which was read and ordered placed on file.

On motion by Mr. Silsby of Hancock

ORDERED, that the desk, chair and equipment in the office of the President of the Senate, together with the remainder of such supplies as were required to carry out the

duties of his office, be presented to the President of the Senate, and delivered to his home address.

Which was read and passed.

On motion by Mr. Carpenter of Somerset,

ORDERED, that the Superintendent of Buildings be directed to deliver to the Secretary of the Senate such equipment and supplies as the Secretary shall deem necessary for use in completing and indexing the Journal of the Senate.

Which was read and passed.

On motion of Mrs. Lord of Cumberland

ORDERED, that the office of the Secretary of the Senate including the furniture and equipment therein shall remain in the custody of the Secretary.

Which was read and passed.

On motion by Mr. Cole of Waldo

ORDERED, that the Superintendent of Public Buildings shall have custody and supervision of the Senate Chamber whenever the Legislature is not in session.

Which was read and passed.

On motion by Mr. Crabtree of Arrostook

ORDERED, that the State Librarian be directed to forward bound copies of the legislative record to members and officers at their home addresses.

Which was read and passed.

On motion by Mr. Cummings of Sagadahoc,

ORDERED, that the State Librarian mail to each member of the Senate and House, the balance of the Legislative Record.

Which was read and passed.

On motion by Mr. Dow of Lincoln

ORDERED, that the State Librarian mail to each member and officer of the Senate a copy of the laws of this session when completed.

Which was read and passed.

On motion by Mr. Parker of Piscataquis

ORDERED, that the Office of the President of the Senate, including the furniture and equipment therein

shall remain in the custody of the President.

Which was read and passed.

On motion by Mr. Hall of York, ORDERED, the House concurring, that there be prepared after adjournment of the present session, under the direction of the Clerk of the House, a Register of all Bills and Resolves considered by both branches of the Legislature, showing the history and final disposition of each Bill and Resolve, and that there be printed six hundred copies of the same. The Clerk of the House is hereby authorized to employ the necessary clerical assistance to prepare such Register.

The Clerk shall mail a copy of the Register to each member and officer of the Legislature and the State Library shall receive such number of copies as may be required. (S. P. 608)

Which was read and passed.  
Sent down for concurrence.

On motion by Mr. Reid of Kennebec

ORDERED, that a message be sent to the House of Representatives, informing that body that the Senate has transacted all the business which has come before it and is ready to adjourn without day.

Which was read and passed.

The Senator from Kennebec, Mr. Reid, was appointed to convey the message, and subsequently reported that he had discharged the duty assigned to him.

A message was received from the House of Representatives that that body had transacted all the business before it, and was ready to adjourn without day.

On motion by Mr. Boucher of Androscoggin

ORDERED, the House concurring, that a Committee of three on the part of the Senate, with such as the House may join, be appointed to wait upon the Governor and inform him that both branches of the Legislature have acted on all matters before them and are now ready to receive any communication that he may be pleased to make. (S. P. 606)

Which was read and passed.  
Sent down for concurrence.

The President appointed as members of such a Committee on the part of the Senate:

Senators:

BOUCHER of Androscoggin  
FARLEY of York  
REID of Kennebec

Subsequently the foregoing Order was returned from the House having been read and passed in concurrence.

Mr. Boucher from the Committee, subsequently reported that the Committee had attended to the duties assigned to it, and that the Governor was pleased to say that we would attend forthwith and present a message.

At this time, the Hon. Edmund S. Muskie, Governor of Maine, entered the Senate Chamber and addressed the Senate as follows:

The GOVERNOR: Mr. President and members of the Senate: I wanted this little personal pleasure of making this final report to you personally. Perhaps I had a frustrated desire to appear in this Senate, an ambition which I never could have achieved otherwise, and so I would like to read this little formal report which is customary for the Governor to make at the closing hour of the Senate.

To the Honorable Senate and House of Representatives of the Ninety-seventh Legislature

I herewith submit a tabulation of the results of the 97th Legislature.

Acts approved:	697
Resolves approved:	184
Vetoed presented:	2

We began this session under unusual circumstances to which we have all found it necessary to adjust ourselves. We faced serious problems to which we brought differing viewpoints. That so many of them have been adjusted to constructive purposes in an atmosphere relatively free of bitterness as between the two political parties is testimony to the healthy influences of two party government.

Socially Mrs. Muskie and I have enjoyed our association with all of you this winter. Despite the tensions and the pressures which at times may have seemed burdensome, we will retain many fond memories of your kindness and courtesy. We

want you to know that we would enjoy seeing each of you whenever you may have occasion to visit Augusta and as you journey home to your families and to your work we wish you Godspeed and happiness. Thank you.

Mr. BOYKER of Oxford: Mr. President, I move that we now in

harmony and good will adjourn without day.

Thereupon, at 11:45 (E.S.T.) P.M. on Saturday, May 21, 1955, the Honorable Robert Haskell, President of the Senate, declared the Senate of the Ninety-seventh Legislature adjourned without day.