

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

*Ninety-Eighth Legislature*

OF THE

STATE OF MAINE

VOLUME I

1957

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

## SENATE

Tuesday, March 26, 1957

Senate called to order by the President.

Prayer by Rev. Theodore Euson of Hallowell.

On motion of Mr. Brown of Washington, Journal of last Thursday read and approved.

### Papers from the House

Bill, "An Act Relating to Establishment of Game Management Areas." (S. P. 192) (L. D. 538)

In Senate on March 12, passed to be engrossed.

Comes from House, passed to be engrossed as amended by House Amendment A (Filing 113), in non-concurrence.

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

"Resolve for Laying of the County Taxes for the Years Nineteen Hundred Fifty-seven and Nineteen Hundred Fifty-eight." (H. P. 978) (L. D. 1363)

Reported by the House Committee on County Estimates, comes from the House, passed to be engrossed under suspension of the rules, without reference to a Joint Committee.

In the Senate, under suspension of the rules, the bill was given its two several readings and passed to be engrossed in concurrence, without reference to a Joint Committee.

Sent forthwith to the engrossing department.

Bill, "An Act Relating to Benefits on Lives of Children Under Foreign Fraternal Beneficiary Association Law." (H. P. 929) (L. D. 1322)

Bill, "An Act Relating to Qualifications for Membership in Foreign Fraternal Beneficiary Associations." (H. P. 930) (L. D. 1323)

Bill, "An Act Relating to Funds of Foreign Fraternal Beneficiary Associations." (H. P. 931) (L. D. 1324)

Bill, "An Act to Eliminate Discrimination Between Purchasers." (H. P. 932) (L. D. 1325)

Bill, "An Act Relating to Fair Trade Practices." (H. P. 933) (L. D. 1326)

Bill, "An Act Relating to Tax Refund on Motor Fuel." (H. P. 934) (L. D. 1327)

(On motion by Mr. Charles of Cumberland, referred to the Committee on Taxation in non-concurrence.)

Bill, "An Act Relating to Coercive Practices in Retail Sale and Distribution of Gasoline." (H. P. 935) (L. D. 1328)

Bill, "An Act Prohibiting Gasoline Suppliers from Engaging in Retail Sale of Gasoline." (H. P. 936) (L. D. 1329)

Which were severally referred to the Committee on Business Legislation in concurrence.

Bill, "An Act to Discontinue Fort Kent State Normal School and to Use the Buildings for Other Educational Purposes." (H. P. 937) (L. D. 1330)

Which was referred to the Committee on Education in concurrence.

Bill, "An Act Relating to Cutting of Christmas Trees." (H. P. 921) (L. D. 1321)

Bill, "An Act Relating to False Report of Deposit of Bombs or Other Infernal Devices." (H. P. 938) (L. D. 1331)

Bill, "An Act Relating to Equity Suit after Period of Redemption in the Collection of Taxes." (H. P. 939) (L. D. 1332)

Bill, "An Act Relating to Bail Provisions in Prosecutions Under Liquor Law." (H. P. 940) (L. D. 1333)

Bill, "An Act Relating to Appointment of Guardians for Adults Residing Out of the State." (H. P. 941) (L. D. 1334)

Bill, "An Act Prohibiting Officers of Certain Private Institutions to have Pecuniary Interest in Contracts." (H. P. 942) (L. D. 1335)

Bill, "An Act Relating to Costs in Actions on Small Claims." (H. P. 943) (L. D. 1336)

Bill, "An Act Relating to Time for Recording Conditional Sale Agreements." (H. P. 944) (L. D. 1337)

Bill, "An Act Relating to Date of State Convention." (H. P. 945) (L. D. 1338)

Which were severally referred to the Committee on Judiciary in concurrence.

Bill, "An Act Providing for Single Tax Assessor and Board of Assessment Review for City of Waterville." (H. P. 946) (L. D. 1339)

Bill, "An Act Relating to Disposition of Commissions on Pari Mutuel Pools." (H. P. 947) (L. D. 1340)

Bill, "An Act Relating to Off-Street Parking Facilities in City of Bangor." (H. P. 948) (L. D. 1341)

Which were severally referred to the Committee on Legal Affairs in concurrence.

Bill, "An Act Relating to Renewals of Malt Beverage Licenses." (H. P. 949) (L. D. 1342)

Bill, "An Act Permitting Sunday Sales of Malt Liquor Not to be Consumed on Premises." (H. P. 950) (L. D. 1343)

Which were referred to the Committee on Liquor Control in concurrence.

Bill, "An Act Revising Law Relating to Pharmacists." (H. P. 951) (L. D. 1352)

Which was referred to the Committee on Public Health in concurrence.

Bill, "An Act Relating to the Practice of Public Accountancy." (H. P. 952) (L. D. 1353)

Which was referred to the Committee on State Government in concurrence.

Bill, "An Act Refunding Gasoline and Use Fuel Taxes to Local Transit Operators." (H. P. 953) (L. D. 1354)

Which was referred to the Committee on Taxation in concurrence.

Bill, "An Act Relating to Compensation of Medical Examiners for View and Autopsy." (H. P. 954) (L. D. 1355)

Bill, "An Act Increasing Salaries of County Attorney and Assistant County Attorney of Cumberland County." (H. P. 955) (L. D. 1356)

Which were referred to the Committee on Towns and Counties in concurrence.

Bill, "An Act Relating to Operation of School Buses." (H. P. 956) (L. D. 1357)

Bill, "An Act Relating to Initial Motor Vehicle Number Plates." (H. P. 957) (L. D. 1358)

Bill, "An Act Relating to Record of Contents of Motor Trucks." (H. P. 958) (L. D. 1359)

Which were severally referred to the Committee on Transportation, in concurrence.

#### House Papers Received by Unanimous Consent

Bill, "An Act Relating to Income from Sale of Timber on Indian Township." (H. P. 962) (L. D. 1361)

"Resolve Authorizing Use of Passamaquoddy Trust Funds for Housing." (H. P. 961) (L. D. 1360)

Which were received by unanimous consent and referred to the Committee on Welfare in concurrence.

The PRESIDENT: The Chair at this time notes the presence in the Senate Chamber of a group of youngsters from the 8th grade of Riverside Grammar School in Vassalboro, accompanied by Beulah MacDonald, Principal, and by Mrs. Chute, Mrs. Paul and Mrs. Hamilton. On behalf of the Senate, and particularly on behalf of the Assistant Secretary of the Senate who joins me in welcoming his sister here this morning, the Senate welcomes you. We hope that you have a nice day and every one of us will do everything we can to make your day a happy one. Thank you for coming.

#### House Committee Reports Leave to Withdraw

The Committee on Business Legislation on Bill, "An Act Relating to Payments by Insurance Companies for Expenses of Administration of Fire Prevention Laws." (H. P. 680) (L. D. 969) reported that the same be granted Leave to Withdraw.

The same Committee on Bill, "An Act Relating to Amount of Insurance on Life of a Debtor Under Group Life Insurance." (H. P. 741) (L. D. 1055) reported that the same be granted Leave to Withdraw.

The Committee on Judiciary on Bill, "An Act Relating to Notice of Tax Sale to Real Estate Resident Owners." (H. P. 417) (L. D. 594)

reported that the same be granted Leave to Withdraw.

The same Committee on Bill, "An Act Relating to Election of Chairman and Vice Chairman of State Committees of Political Parties." (H. P. 508) (L. D. 718) reported that the same be granted Leave to Withdraw.

Which reports were severally read and accepted in concurrence.

#### Ought Not to Pass

The Committee on Inland Fisheries and Game on recommitted Bill, "An Act Relating to Hunting for Raccoons at Night." (H. P. 353) (L. D. 483) reported that the same Ought not to pass

The Committee on Judiciary on Bill, "An Act Recording of Municipal Road Records." (H. P. 413) (L. D. 590) reported that the same Ought not to pass

The same Committee on Bill, "An Act Recording of Action of Municipalities Concerning Land." (H. P. 414) (L. D. 591) reported that the same Ought not to pass

The same Committee on Bill, "An Act Relating to Closing Municipal Courts in Cumberland County on Saturday." (H. P. 419) (L. D. 596) reported that the same Ought not to pass.

Which reports were severally read and accepted in concurrence.

#### Ought to Pass

The Committee on Towns and Counties on Bill, "An Act to Change the Name of the Town of North Kennebunkport, York County, to Arundel." (H. P. 576) (L. D. 886) reported that the same Ought to pass

The same Committee on Bill, "An Act Relating to the Disposition of Fees of the Auburn Municipal Court." (H. P. 577) (L. D. 887) reported that the same Ought to pass.

The Committee on Welfare on Bill, "An Act Relating to Applications for Aid to the Blind." (H. P. 675) (L. D. 956) reported that the same Ought to pass

Which reports were severally read and accepted in concurrence, the bills read once and tomorrow assigned for second reading.

#### Ought to Pass—N. D.

The Committee on Legal Affairs on Bill, "An Act Relating to Definition and Installations Under Oil Burner Law." (H. P. 33) (L. D. 46) reported the same in New Draft (H. P. 959) (L. D. 1318) Under New Title: "An Act Relating to Installations of Certain Gas Burning Appliances." and that it Ought to pass.

The same Committee on Bill, "An Act to Amend the Charter of the City of Rockland." (H. P. 426) (L. D. 602) reported the same in New Draft (H. P. 960) (L. D. 1319) and Under New Title: "An Act to Amend and Supplement the Charter of the Rockland Port District and the Charter of the City of Rockland." and that it Ought to pass.

Which reports were read and accepted in concurrence, and the bills in New Draft read once and tomorrow assigned for second reading.

#### Ought to Pass—as Amended

The Committee on Business Legislation on Bill, "An Act Relating to Partial Closing of Banks on Saturdays." (H. P. 589) (L. D. 838) reported that the same Ought to pass as Amended by Committee Amendment A (Filing No. 110)

The same Committee on Bill, "An Act Relating to Adjustment of Losses by Certain Non-resident Insurance Adjusters." (H. P. 679) (L. D. 968) reported that the same Ought to pass as Amended by Committee Amendment A (Filing No. 109)

Which reports were severally read and accepted in concurrence and the bills read once. Committee Amendments A were read and adopted in concurrence, and the bills as so amended were tomorrow assigned for second reading.

#### Senate Papers

The following bills were transmitted by the Director of Legislative Research, pursuant to Joint Order (H. P. 43)

#### Appropriations and Financial Affairs

Mr. Carpenter of Somerset presented

Bill, "An Act Increasing Compensation for Members of Board of Dental Examiners." (S. P. 483)

Which was referred to the Committee on Appropriations and Financial Affairs and ordered printed.

Sent down for concurrence.

### Highways

Mr. Cole of Waldo presented Bill, "An Act Relating to Outdoor Advertising Near Controlled Access Roads." (S. P. 484)

Which was referred to the Committee on Highways and ordered printed.

Sent down for concurrence.

### Judiciary

Mr. Butler of Franklin presented Bill, "An Act to Provide for Liens on Real Estate by Judgment." (S. P. 485)

Mr. Carpenter of Somerset presented

Bill, "An Act Changing Name of Recorders of Municipal Courts to Associate Judges." (S. P. 486)

Mr. Lessard of Androscoggin presented

Bill, "An Act Creating Office of Hearing Examiner under Liquor Law." (S. P. 487)

Which were severally referred to the Committee on Judiciary and ordered printed.

Sent down for concurrence.

### Labor

Mr. Davis of Cumberland presented

Bill, "An Act Relating to Leave of Absence from Work for Certain Employees While in Temporary Military Training." (S. P. 488)

Which was referred to the Committee on Labor and ordered printed.

Sent down for concurrence.

### Legal Affairs

Mr. Farley of York presented

Bill, "An Act Relating to the Primary Law in the City of Biddeford." (S. P. 489)

Which was referred to the Committee on Legal Affairs and ordered printed.

Sent down for concurrence.

### Public Utilities

Mr. Lessard of Androscoggin presented

Bill, "An Act Relating to Valua-

tion of Property by Public Utilities for Fixing Rates." (S. P. 490)

Which was referred to the Committee on Public Utilities and ordered printed.

Sent down for concurrence.

### Retirements and Pensions

Mr. Davis of Cumberland presented (by request)

Bill, "An Act Relating to Restoration to Service on Part-Time Basis Under State Retirement System." (S. P. 491)

Which was referred to the Committee on Retirements and Pensions and ordered printed.

Sent down for concurrence.

### Taxation

Mr. Martin of Kennebec presented

Bill, "An Act Increasing Exemptions for Certain Beneficiaries Under Inheritance Tax Law." (S. P. 492)

Which was referred to the Committee on Taxation and ordered printed.

Sent down for concurrence.

### Towns and Counties

The same Senator presented

Bill, "An Act Increasing the Salaries of Judges and Recorders of Municipal Courts in Kennebec County." (S. P. 493)

Which was referred to the Committee on Towns and Counties and ordered printed.

Sent down for concurrence.

### Joint Order

On motion by Mr. Parker of Piscataquis

ORDERED, the House concurring, that the following bill be recalled to the Senate from the Engrossing Department: Bill, "An Act Designating a Certain Road as 'Mt. Katahdin Trail'." (S. P. 325) (L. D. 821)

Which was read and passed.

Sent down for concurrence.

### Senate Committee Reports

Mr. Rogerson from the Committee on State Government, pursuant to Joint Order (S. P. 61), reports "Resolve Relating to Investigating Special Resolve Pensions." (S. P. 498) with recommendation that the

same be referred to the Committee on Retirements and Pensions.

Which report was read and accepted, and the resolve referred to the Committee on Retirements and Pensions.

Sent down for concurrence.

#### Leave to Withdraw

Mr. Pike from the Committee on Business Legislation on Bill, "An Act to Incorporate Liberty Finance Company." (S. P. 362) (L. D. 985) reported that the same be granted Leave to Withdraw

Mr. Parker from the Committee on Highways on Bill, "An Act Combining Use of State Aid and Town Road Improvement Funds." (S. P. 96) (L. D. 226) reported that the same be granted Leave to Withdraw

Mr. Silsby from the Committee on Judiciary on Bill, "An Act Relating to Rules of Descent." (S. P. 53) (L. D. 83) reported that the same be granted Leave to Withdraw.

Which reports were severally read and accepted.

Sent down for concurrence.

#### Ought not to Pass

Mr. Parker from the Committee on Highways on Bill, "An Act Relating to Area Directional Signs on Turnpikes." (S. P. 340) (L. D. 919) reported that the same Ought not to pass.

(On motion by Mr. Lowe of Knox, tabled pending consideration of the report.)

Mr. Butler from the Committee on Judiciary on Bill, "An Act Authorizing Interlocal Cooperation." (S. P. 249) (L. D. 637) reported that the same Ought not to pass.

(On motion by Mr. Cole of Waldo, tabled pending consideration of the report.)

#### Ought to Pass

Mr. Hurley from the Committee on Business Legislation on Bill, "An Act to Incorporate the Liberty Loan Corporation of Bangor." (S. P. 363) (L. D. 986) reported that the same Ought to pass

The same Senator from the same Committee on Bill, "An Act to Incorporate Liberty Loan Corporation of Cumberland." (S. P. 364) (L. D. 987) reported that the same Ought to pass

The same Senator from the same Committee on Bill, "An Act to Incorporate Liberty Loan Corporation of Caribou." (S. P. 365) (L. D. 988) reported that the same Ought to pass

The same Senator from the same Committee on Bill, "An Act to Incorporate Liberty Loan Corporation of Auburn." (S. P. 366) (L. D. 989) reported that the same Ought to pass

The same Senator from the same Committee on Bill, "An Act to Incorporate Liberty Loan Corporation of Augusta." (S. P. 367) (L. D. 990) reported that the same Ought to pass

Mr. Silsby from the Committee on Judiciary on Bill, "An Act Empowering the Supreme Judicial Court of Maine to Prescribe Rules." (S. P. 178) (L. D. 457) reported that the same Ought to pass

Mr. Woodcock from the same Committee on Bill, "An Act Relating to Claims Against Estates of Deceaseds." (S. P. 237) (L. D. 638) reported that the same Ought to pass.

The same Senator from the same Committee on Bill, "An Act Authorizing the Annexation of Harbor Island to the Town of Brooksville." (S. P. 241) (L. D. 642) reported that the same Ought to pass

Mr. Boucher from the Committee on Liquor Control on Bill, "An Act Repealing Certain Duty of Liquor Commission." (S. P. 181) (L. D. 460) reported that the same Ought to pass

Which reports were severally read and accepted, the bills read once and tomorrow assigned for second reading.

#### Ought to Pass—N. D.

Mr. Carpenter from the Committee on Inland Fisheries and Game on "Resolve Regulating Fishing in Certain Waters in Piscataquis County." (S. P. 342) (L. D. 922) reported that the same Ought to pass in New Draft (S. P. 497) (L. D. 1378) under the same title.

Which report was read and accepted, the bill in New Draft read once and tomorrow assigned for second reading.

**Ought to Pass—as amended**

Mr. Carpenter from the committee on Liquor Control on Bill, "An Act Relating to Applications for Liquor Licenses." (S. P. 261) (L. D. 700) reported that the same Ought to pass as Amended by Committee Amendment A.

Mr. Martin from the Committee on Public Utilities on Bill, "An Act Relating to Authority of Public Utilities Commission over Construction of Water Supply Systems." (S. P. 285) (L. D. 744) reported that the same Ought to pass as Amended by Committee Amendment A.

Which reports were read and accepted and the bills read once. Committee Amendments A were read and adopted, and the bills as so amended were tomorrow assigned for second reading.

**Second Readers**

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

**House**

Bill, "An Act Relating to Depositions in Probate Courts." (H. P. 279) (L. D. 375)

Bill, "An Act Relating to the Appointment of the State Humane Agents." (H. P. 392) (L. D. 523)

Bill, "An Act Relating to Payment of Premium of Insurance Policies under Franchise Plan." (H. P. 591) (L. D. 840)

Bill, "An Act Relating to Coercion in Placing Insurance on Real and Personal Property." (H. P. 678) (L. D. 967)

Bill, "An Act Relating to Par Value of Trust Company Stock." (H. P. 699) (L. D. 1006)

Bill, "An Act Defining Dependent Child in Aid to Dependent Children." (H. P. 649) (L. D. 915)

Bill, "An Act Relating to Old Age Assistance." (H. P. 673) (L. D. 954)

Bill, "An Act Relating to Applications for Aid to the Disabled." (H. P. 674) (L. D. 955)

"Resolve Regulating Fishing in West Branch Ponds and Tributaries, Piscataquis County." (H. P. 275) (L. D. 371)

"Resolve in Favor of Alvin W. Coss of Bath." (H. P. 533) (L. D. 1271)

"Resolve to Reimburse Wilson C.

Ryder of Dresden." (H. P. 704) (L. D. 1272)

Which were severally read a second time and passed to be engrossed in concurrence.

**House—as Amended**

Bill, "An Act Relating to Open Season on Muskrat in Parts of Oxford County." (H. P. 208) (L. D. 292)

Bill, "An Act to Incorporate the Town of Fairfield School District." (H. P. 663) (L. D. 944)

"Resolve in Favor of Everett L. Scott of Calais." (H. P. 809) (L. D. 1274)

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

**Senate—as Amended**

"Resolve Regulating Fishing for White Perch in Certain Counties." (S. P. 198) (L. D. 543)

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

Sent down for concurrence.

**The PRESIDENT:** The Chair would ask the Senator from Cumberland, Senator Davis, to note the lonesomeness of the Chair up here this morning and the Chair asks that Senator to escort to the rostrum one of the attractive ladies to visit with him.

The Senator from Cumberland, Senator Davis, escorted his wife, Mrs. Earl W. Davis to the rostrum. (Applause.)

**Orders of the Day**

On motion by Mr. Carpenter of Somerset, the Senate voted to take from the table the 16th tabled and unassigned matter (H. P. 541) (L. D. 768) "Resolve Relating to Open Water Fishing Season in Certain Waters in Androscoggin County" tabled by that senator on March 14th pending passage to be engrossed; and on further motion by the same senator the resolve was recommitted to the Committee on Inland Fisheries and Game in non-concurrence and sent down for concurrence.

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



table Senate Report "Ought not to pass" on bill "An Act Relating to Area Directional Signs on Turn-pikes" (S. P. 340) (L. D. 919) which was tabled by that Senator earlier in today's session; and on further motion by the same senator the bill was recommitted to the Committee on Highways. Sent down for concurrence.

Mr. Davis of Cumberland was granted unanimous consent to address the Senate.

Mr. DAVIS of Cumberland: I would like to take this opportunity, presented by the relatively short Senate session today, to present to the Senate some of the thoughts that your Joint Standing Committee on Pensions and Retirements have related to legislative pensions, a problem currently involving some 250 existing grants that are costing around \$75,000 per year.

Although most of these facts may be known to many of you, I would first like to review the general concept of Legislative Pensions. As you know, we have at the State level eight general types of welfare problems that directly or indirectly involve cash payments by one of the State agencies.

The first 4 are those commonly called the categories and these are the programs related to Old Age Assistance, Aid to the Blind, Aid to Dependent Children and Aid to the Disabled. Each of these programs have costs that are federally shared and in general the division is about 60 per cent federal funds vs. 40 per cent State funds.

The 5th program is the one that takes care of committed children and finances the board and care for children committed into the custody of the State by the Courts. This program is financed entirely with State funds.

The 6th appropriation provides for the general relief program and generally, except for the home at Jefferson, these expenditures are represented in reimbursements made to the various cities and towns for city and town relief expenditures for indigent non-settled persons, citizens and non-citizens.

The 7th program is apart from the Department of Welfare and is the program wherein veterans and their

families are given financial aid by the Bureau of Veterans Affairs and this, also, is financed with State dollars.

The 8th program and the one that I would like to talk with you about this morning is the special legislative pension procedure.

I am not too well acquainted with the early origin of this program, but from what little study I have been able to do, this is very much a creation of the Legislature and at no time does it appear that statutory landmarks have been established to guide the program from one session to another, or to give to a legislative committee any broad principles that the committee should follow. Today, our statutes are silent as to eligibility rules, so one Legislature after another makes its own rules.

I did not go back beyond 1921 but it is interesting to note that in that 1921 session there were but 3 legislative pensions granted and the 3 of them in total amounted to only \$360 per year, or \$30 per month, divided among the 3 recipients. I next looked at the 1931 sessions laws and found an appropriation of only \$1,200 for special legislative pensions. I am only guessing at the next assumption but through the depression years of the early and mid '30's, there appears to have been a general legislative effort to place onto the legislative pension rolls more and more people, and this in spite of the adoption in the late '30's of 3 of the category programs. However that may have been, the 1943 session laws show that 101 individuals were either granted pensions or had legislative approval for an increase in their existing pensions, and the appropriation measure called, in 1943, for about \$20,000 per year. In 1948 the cost had reached \$76,000; 1949 it was \$82,000; 1950 and 1951, \$92,000; 1952, \$109,000; 1953, \$112,000; 1954 nearly \$120,000—the peak of legislative spending for legislative pensions.

At the Special Session called September 21, 1954, the 96th Legislature became the 43rd state to adopt the Aid to the Disabled program as the 4th categorical program and in adopting that progressive legislation, we were told its adoption would substantially eliminate the

special pension needs by providing for the disabled in the A D program.

As enacted, that program became effective on January 1, 1955 but was not in use until May of 1955. The end result of the year ending June 3, 1955 saw a slight downward trend to \$116,000 in the expenditures for special legislative pensions.

Still another very significant fact was recorded in the 1955 year. Under the able chairmanship of the Senator from Franklin, Senator Butler, the Committee on Retirements and Pensions made a most sincere effort, and a successful effort, I may say, to establish sound and reasonable principles in the granting of pensions. Whereas, the 1945 session had 79 names on the special pension resolve—1947 had 110; 1949 had 134; 1951 had 146; and 1953 had 148, the 1955 resolve had less than 60 names and only a handful of those names represented new pension grants—the remainder were increases.

The reflection of this more rational treatment shows 1956 expenditures down to \$82,600 and it is estimated this year there will be a further reduction to less than \$75,000. These reductions reflect, as your committee views it, 3 main factors. First, there is the impact in the growth of the Aid to the Disabled program, which from time to time gives grants under that program and takes the recipient from the special pension list. To be specific, there have been 59 suspensions resulting from the recipients going on to the Aid to the Disabled program. Another 63 special resolve recipients have had their special resolve amounts reduced because of an Aid to the Disabled grant. Still another factor is the operation of the statutory authority wherein the Welfare Department, upon study and investigation, can reduce or suspend legislative pensions for those deemed no longer in need of it and the 3rd factor is the normal mortality in the list. So that all of these factors together are serving to reduce the cost of this program and if we can continue the policies of the last session or even if we can refine those policies and still be consistent with fairness and justice, it is the

thought of our committee that we will be doing the thing expected of us by this Legislature.

And, this brings me to the real meat of my discussion with you this morning, which is a general summary of just what our philosophy should be.

At the very outset, I want to assure the Senate that we are well aware of the constitutional rights of any citizens of this State to petition this Great General Court on any matter that he wishes and if that wish is for a legislative pension, then certainly we have no thought that our action should seek to rule out such resolves.

Second, and of more importance, we recognize the constitutional rights of every member of both branches of this Legislature to disagree either in the principles we seek to establish or to disagree in the application of our principles to any resolve involving any individual. In other words, we have no illusions that this committee or any other committee can of itself determine for the majority of both branches any policy or principle. That is your right and not for one moment do we think we can take it away from you.

On the other hand, we would ask your sympathy and understanding of our problem and ask you to give serious consideration to supporting what we who have studied the program think may reflect fairness and justice to all of the taxpayers at all levels of government in the State of Maine.

With that worthy objective, I summarize that which I think are the present thoughts of the committee.

1. We see little justification in accepting the special resolve pensions as a means of relieving a relatively few municipalities of a part of what is a normal municipal relief expenditure. We see great inequities both among communities and among recipients in granting to a handful of communities what is really municipal assistance problem. We believe that with all of the broad general assistance programs available to the citizens of all Maine communities, to pick out a few individuals in a few communities reflects little fairness.

2. Carrying this principle a bit beyond that stage, we see little or no justice in picking up a municipal relief expenditure only because that particular community has an unusual relief burden with respect to one particular family or individual.

4. Another group that seems to be with little justification, if we wish to accomplish fairness and equity, is that type of resolve wherein the applicant just does not wish to make application for one of the categorical programs. We recognize that there may be well justified reasons, yet with some 15,000 or 20,000 Maine citizens going through procedures that are not at all unreasonable, we doubt the fairness of opening up a path that in many cases is taken only to avoid that which has been followed by so many thousands of other citizens needing and receiving public assistance.

4. We view with particular alarm the large number of pension resolves which state as their justifications the fact that they have been denied aid under one of the several categories and having been found ineligible they seek the legislative pension. I am reasonably sure that of all of the denials made consistent with the statutes, well under 1 per cent of those denials come to the Legislature seeking special treatment. To grant those requests would create a gross injustice to the other 99 per cent not using us as an appeal court.

5. There is still another small group seeking legislative pensions because the categorical grant is inadequate. Again, I am sure that something over 99 per cent of those persons do not seek that supplemental aid from legislative pensions and to grant such aid to the 1 per cent creates the same gross inequity with respect to the many who do in fact receive their supplemental aid from the cities and towns.

6. Among both the applicants and recipients, there are a few who seek a legislative pension not as an assistance grant but as a private and special amendment to the State Retirement Law. As an example --a retired State employee may be unhappy with his wage level at date of retirement, thinking that the wage

level should have been higher thereby increasing the level of his retirement pension. We have one example of that among our present recipients wherein some past Legislature did supplement a normal retirement pension by creating a special pension and today that special pension is being paid without any regard or respect to need and with no fairness to thousands of others who have no supplement to the retirement pension. We believe that tying retirement system into the legislative pension procedures is unfair, unjust and completely unsound.

There are other categories within the area of our problem but I think I have treated with most of them.

I would like to conclude this rather lengthy presentation of our problem by speaking a bit about the administration of the program. I am convinced that the Department is doing an excellent job carrying out the wishes of the Legislature by making reasonable investigations and suspensions where suspensions are indicated. I believe that it would be sound policy to repeal dozens and dozens of pensions authorized by prior Legislatures but suspended from as far back as 1946. I believe, too, that given a second legislative session of encouragement, such as the last Legislature gave to the Department, they will give much more effective administration to these special pension resolves.

I would ask your sympathetic understanding that the Department is specifically charged with effecting these suspensions and it would be my hope before the session is over to tell the Department of my personal conviction of legislative intent to the end that in time, legislative pensions will have gone the way of road resolves and the more orderly concept of assistance programs will in fact prevail.

Certainly, this isn't the most important problem facing this Legislative Session and it certainly isn't the intent of the committee to fill the Record with long debates on every pension resolve that we may turn down but come an "Ought not to pass" report, the Senate has my assurance that it will reflect what we believe to be sound, long term principles.

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

Mr. DUNN: Mr. President and members of the Senate: As a member of the Committee on Retirements and Pensions I heartily endorse the discussion by Mr. Davis of Cumberland.

---

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

Mr. LOW: Mr. President, as a member of the Committee on Retirements and Pensions I believe very strongly in the principles enumerated by the Senator from Cumberland, Senator Davis. These are the rules under which the committee of the 97th Legislature operated and under which this committee operated. I believe it will be valuable to future legislatures as well as to

town officials and others who are interested and who will know what they can expect when they ask for special resolve pensions. In order to do this, I believe that the remarks of the Senator from Cumberland, Senator Davis, should be printed, and to accomplish this I present an order and move its passage.

---

The order was read by the Secretary as follows:

ORDERED, that one thousand copies of the remarks of the Senator from Cumberland, Senator Davis, relating to legislative pensions be printed in document form.

The order received passage.

---

On motion by Mr. Davis of Cumberland,

Adjourned until ten o'clock tomorrow morning.