

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Eighth Legislature

OF THE

STATE OF MAINE

VOLUME I

1957

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Wednesday, April 24, 1957

Senate called to order by the President.

Prayer by Rev. Father Crozier of Lewiston.

On motion by Mrs. Lord of Cumberland, Journal of yesterday read and approved.

Order

On motion by Mr. Lessard of Androscoggin, out of order and under suspension of the rules,

ORDERED, that in recognition of Androscoggin Day, the Senate appoint as Temporary Pages, three attractive young ladies from Androscoggin: Judy Cronk, Edward Little Majorette; Jeanne Gladu, Lewiston High Majorette; Clair Derome, St. Dominic Majorette.

Which was read and passed.

The PRESIDENT: The Chair would request that the three young ladies stand. (Applause.)

On behalf of the Senate we welcome you here this morning and we are very appreciative of your attendance at our session.

The Chair notes the presence in the Senate Chamber of Miss Annette Baril, Maine Apple Queen. Miss Baril is another attractive product of Lewiston, and the Chair would ask the Senator from Androscoggin, Senator St. Pierre, to escort the attractive young lady to the rostrum.

This was done amid the applause of the Senate.

Miss ANNETTE BARIL: Mr. President and Senators, I would like to say that I am very happy to be here with the President of the Senate and all the Senators of the State of Maine. Thank you.

Mr. LESSARD of Androscoggin: Mr. President and members of the Senate, today is Androscoggin County Day. Two weeks ago we honored the "Garden Spot of Maine," Aroostook County, and today I would like to call the attention of my colleagues and our visitors to Androscoggin County.

We too are very proud of our county. We too are proud of our people and our industries. I would like to call your attention to the

displays which have been set up in the rotunda today, and even though there are only six or seven of these exhibits, space did not permit us to have as many as we wished. I would like to call your attention to the display of Geiger Brothers and that is a new industry in our area. They came to us from other parts of the country. We are so proud to have them and they are happy to be with us.

We also have the display of DeLar, Inc., manufacturers of combination doors and windows and this too is a brand new industry in Androscoggin County. Of course, we have our old fine industries such as Lewiston Division of Pepperell Manufacturing Company which also has a branch in York County and which manufactures the marvelous sheets and pillow cases that all of us have used. And then we have the Bates Manufacturing Company, which we have read so much about recently, and which we hope will expand and remain with us for many years and contribute to the economy of the State. We have the Paine Incense Company, and you will see on your desks some little samples from that company. I hope they are not all lighted up at one time, but they will be something for you to take home as an example of some of the products manufactured in Androscoggin County. We have the Stover Broom Company, who keep the county clean by sweeping all the time, and they have a nice display of their products. We are also proud to have a display from the Berry Hill Orchards, Livermore, Maine, who will have a display of their products this afternoon, and the Apple Queen is going to distribute to those who are thirsty some of their Maine apple juice.

I could go on for a long time, but I see the President is shaking his head, so I guess it is time that I spoke my piece. On behalf of Androscoggin County I thank you for the privilege of standing up here to tell you about our fine part of the State.

The PRESIDENT: On behalf of the Senate the Chair expresses our appreciation to Senator Lessard for presenting these interesting and en-

couraging facts about the industrial heart of Maine.

The Chair also on behalf of the Senate welcomes into our proceedings this morning the representatives of New England Champions of the High School Ski team from Edward Little High School of Auburn; the Maine State High School Football Champions from Edward Little High School of Auburn; the Western Maine High School Champion Basketball Team from Edward Little High School of Auburn, accompanied by Mrs. Amy Ashton; the Maine State Hockey Championship team from St. Dominic High School of Lewiston, accompanied by Brother Gogues; and the Chair regrets that the State of Maine Champions of One Act Play Groups from Lewiston High School are not here because they are practicing in preparation of becoming New England champions in that activity.

Friends from Androscoggin, you have sent many distinguished members to this body. The Senate likes them and enjoys working with them. I hope that among the youngsters here today are a few who will first aspire and then accomplish membership in this body. Regardless of your party interests, you will experience a sound and a good civic activity, one in which you can be of great help to your fellow citizens. As you watch our proceedings this morning, I hope that more than a handful of you will aspire to membership in this top legislative body of the State of Maine.

Papers from the House Ought Not to Pass

The Committee on Labor on Bill, "An Act Relating to Limited Medical Services Under Workmen's Compensation Act." (H. P. 747) (L. D. 1031) reported that the same Ought not to pass

Comes from House, recommitted to the Committee on Labor.

In the Senate, the bill was recommitted to the Committee on Labor in concurrence.

The Committee on Inland Fisheries and Game on "Resolve Closing all Waters of Cumberland County to Bass Fishing." (H. P. 770) (L.

D. 1103) reported that the same Ought not to pass

The same Committee on "Resolve Opening Aroostook River, Aroostook County, to Ice Fishing." (H. P. 899) (L. D. 1285) reported that the same Ought not to pass

The Committee on Legal Affairs on Bill, "An Act Relating to Explosives and Inflammable Liquids." (H. P. 32) (L. D. 45) reported that the same Ought not to pass

The Committee on Retirements and Pensions on "Resolve Providing for State Pension for Samuel Benson of Baring." (H. P. 822) (L. D. 1165) reported that the same Ought not to pass

Which reports were severally read and accepted in concurrence.

Ought to Pass

The Committee on Agriculture on Bill, "An Act Revising the Potato Tax Law." (H. P. 917) (L. D. 1307) reported that the same Ought to pass

The same Committee on Bill, "An Act Relating to Killing of Dogs Chasing Livestock or Poultry." (H. P. 990) (L. D. 1419) reported that the same Ought to pass

The Committee on Legal Affairs on Bill, "An Act Relating to Police Department and Pension System for Employees of City of Westbrook." (H. P. 1016) (L. D. 1446) 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—as amended

The Committee on Highways on Bill, "An Act Relating to the Disposition of Fines in Certain Motor Vehicle Violations." (H. P. 537) (L. D. 764) reported that the same Ought to pass as Amended by Committee Amendment A (Filing 222)

The Committee on Public Utilities on Bill, "An Act Relating to the Winthrop Sewer System." (H. P. 232) (L. D. 325) reported that the same Ought to pass with Committee Amendment A (Filing 230)

The same Committee on Bill, "An Act to Create the Falmouth Sewer District." (H. P. 669) (L. D. 950) reported that the same Ought to

pass with Committee Amendment A (Filing No. 228)

The same Committee on Bill, "An Act to Create the South Freeport Sewer District." (H. P. 829) (L. D. 1171) reported that the same Ought to pass with Committee Amendment A (Filing No. 229)

The same Committee on Bill, "An Act to Create the Cape Elizabeth Sewer District." (H. P. 856) (L. D. 1219) reported that the same Ought to pass with Committee Amendment A (Filing No. 231)

The same Committee on Bill, "An Act Creating the Mars Hill Utility District." (H. P. 985) (L. D. 1409) reported that the same Ought to pass with Committee Amendment A (Filing No. 232)

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.

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

The Majority of the Committee on Claims on "Resolve in Favor of Maynard Lindsey of Harrington." (H. P. 407) (L. D. 584) reported that the same Ought to pass as Amended by Committee Amendment A (Filing No. 187)

(Signed)

Senator:

SILSBY of Hancock

Representatives:

JACK of Topsham

FOSS of Chapman

GALLANT of Eagle Lake

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

(Signed)

Sensors:

FOURNIER of York

HILLMAN of Penobscot

Representatives:

HICKEY of Biddeford

SHAW of Bingham

Comes from House, reports and resolve indefinitely postponed.

In the Senate, on motion by Mr. Silsby of Hancock, tabled pending consideration of the reports.

Majority—ONTP

Minority—OTP

The Majority of the Committee on Claims on "Resolve in Favor of Chester Fredericks of Norridgewock." (H. P. 596) (L. D. 1273) reported that the same Ought not to pass.

(Signed)

Sensors:

HILLMAN of Penobscot

FOURNIER of York

Representatives:

HUTCHINSON of Carthage

FOSS of Chapman

JACK of Topsham

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

(Signed)

Senator:

SILSBY of Hancock

Representatives:

HICKEY of Biddeford

GALLANT of Eagle Lake

JOHNSON of Stockholm

Comes from House, Minority Report accepted; subsequently, the resolve was indefinitely postponed.

In the Senate, on motion by Mr. Silsby of Hancock, tabled pending consideration of the reports.

Majority—OTP

Minority—ONTP

The Majority of the Committee on Legal Affairs on "Resolve Granting Master Plumber License to Vernon M. Hooper of Castine." (H. P. 686) (L. D. 975) reported that the same Ought to pass

(Signed)

Sensors:

REED of Aroostook

CHARLES of Cumberland

Representatives:

COTE of Lewiston

SMITH of Falmouth

CHILDS of Portland

QUINN of Bangor

BRUCE of Buxton

HATHAWAY

of Columbia Falls

MAXWELL of Winthrop

The Minority of the same Committee on the same subject matter,

reported that the resolve Ought not to pass

(Signed)

Senator:

MARTIN of Kennebec

Comes from the House, reports and resolve indefinitely postponed.

In the Senate, on motion by Mr. Martin of Kennebec, the resolve and reports were indefinitely postponed in concurrence.

Report A — OTP

Report B — ONTP

Five Members of the Committee on Transportation on Bill, "An Act Prohibiting Motor Vehicles with Excessive Horsepower on Maine Highways." (H. P. 455) (L. D. 630) reported (Report A) that the same Ought to pass

(Signed)

Senator:

ROGERSON of Aroostook

Representatives:

TOTMAN of Bangor

STILPHEN of Rockland

ALLEN of Chelsea

KELLY of Rumford

Five members of the same Committee on the same subject matter, reported (Report B) that the same Ought not to pass

(Signed)

Senators:

HALL of York

COLE of Waldo

Representatives:

BEYER

of Cape Elizabeth

JACQUES of Lewiston

HERSEY of Fort Fairfield

Comes from the House, reports and bill, Indefinitely Postponed.

In the Senate, on motion by Mr. Rogerson of Aroostook, the bill and reports were indefinitely postponed in concurrence.

Order

Mr. Parker of Piscataquis presented the following Order and moved its passage:

WHEREAS, it appears to the Senate of the 98th Legislature that the following is an important question of law and the occasion a solemn one, and

WHEREAS, there is pending before the Senate of the 98th Legisla-

ture, a bill entitled "An Act Relating to Cost of Relocating Facilities in Federal-Aid Interstate Highway Projects," (Senate Paper 385, Legislative Document 1081) as amended by Senate Amendment A (Legislative Document 1510) and

WHEREAS, it is important that the Legislature be informed as to the constitutionality of the proposed bill, be it therefore

ORDERED, that in accordance with the provisions of the Constitution of the State, the Justices of the Supreme Judicial Court are hereby respectfully requested to give the Senate their opinion on the following question: Would Bill, "An Act Relating to Cost of Relocating Facilities in Federal-Aid Interstate Highway Projects," (Senate Paper 385, Legislative Document 1081) as amended by Senate Amendment A (Legislative Document 1510), if enacted by the Legislature, be constitutional?

Which was read and passed.

Senate Committee Reports Leave to Withdraw

Mr. Farley from the Committee on Towns and Counties on Bill, "An Act Relating to Compensation of Medical Examiners for a View Without Autopsy." (S. P. 402) (L. D. 1098) reported that the same be granted Leave to Withdraw—Covered by Other Legislation.

Which report was read and accepted.

Sent down for concurrence.

Ought Not to Pass

Mr. Ferguson from the Committee on Highways on "Resolve Authorizing Survey and Plans for a Maine-Quebec Highway." (S. P. 235) (L. D. 635) reported that the same Ought not to pass

On motion by Mr. Reed of Aroostook, tabled pending consideration of the report.

Mr. Rogerson from the Committee on State Government, pursuant to Joint Order (S. P. 61) reported Bill, "An Act Relating to Tenure of Office of Members of Highway Commission." (S. P. 540) with recommendation that the same be referred to the Committee on State Government.

Which report was read and accepted and the bill referred to the Committee on State Government and ordered printed.

Sent down for concurrence.

Ought to Pass

Mr. Woodcock from the Committee on Judiciary on Bill, "An Act Relating to Definition of Fiduciary Under Law Appointing Nominees by Banking Institutions." (S. P. 372) (L. D. 995) reported that the same Ought to pass.

The same Senator from the same Committee on Bill, "An Act Relating to Unclaimed Bodies." (S. P. 450) (L. D. 1265) reported that the same Ought to pass.

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

Ought to Pass—as Amended

Mr. Bailey from the Committee on Sea and Shore Fisheries on Bill, "An Act Relating to Crab Fishing by Minors." (S. P. 357) (L. D. 963) reported that the same Ought to pass as amended by Committee Amendment A.

Mrs. Lord from the Committee on Towns and Counties on Bill, "An Act Increasing Compensation of Members of Boards of Registration in Cities over 39,000 Inhabitants and Time of Session." (S. P. 469) (L. D. 1350) 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.

The PRESIDENT: The Chair at this time notes the presence in the Senate Chamber of another group of visitors—sixty eighth grade students from Gorham Jr. High School with the teacher Dean W. Evans. On behalf of the Senate we welcome you youngsters here. We will give you our attention the rest of the day so that you may take home with you a real impression of the way your Maine legislature operates. Thank you for coming and we hope you have a fine time.

Majority—OTP as Amended Minority —ONTP

The Majority of the Committee on Inland Fisheries and Game on Bill, "An Act Relating to Closed Time on Deer in Certain Counties." (S. P. 280) (L. D. 739) reported that the same Ought to pass with Committee Amendment A.
(Signed)

Senators:

BRIGGS of Aroostook
CARPENTER of Somerset
HALL of York

Representatives:

BARTLETT of Belgrade
DUDLEY of Enfield
WHEATON of Princeton

The Minority of the same Committee on the same subject matter, reported that the bill Ought not to pass

(Signed)

Representatives:

CARVILLE of Eustis
HARRIMAN of Lovell
HARRIS of Greenville
ROSS of Brownville

On motion by Mr. Briggs of Aroostook, the ought to pass Majority report was accepted and the bill read once; Committee Amendment A was read and adopted and the bill was tomorrow assigned for second reading.

Majority—ONTP Minority—OTP

The Majority of the Committee on Sea and Shore Fisheries on Bill, "An Act Relating to Apprentice Lobster Fishing Licenses." (S. P. 137) (L. D. 274) reported that the same Ought not to pass.

(Signed)

Senators:

BROWN of Washington
FOURNIER of York

Representatives:

RANKIN of Southport
MILLER of Portland
BAIRD of North Haven
ANDREWS of Jonesboro
BREWSTER of Wells
VAUGHAN of Hallowell

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

(Signed)

Senator:

BAILEY of Sagadahoc

Representative:

TARBOX of Gouldsboro

On motion by Mr. Bailey of Sagadahoc, the bill and reports were laid upon the table pending consideration of the reports; and especially assigned for later in today's session.

Majority—OTP as Amended
Minority—ONTP

The Majority of the Committee on Sea and Shore Fisheries on Bill, "An Act Relating to Legal Length of Lobsters." (S. P. 422) (L. D. 1181) reported that the same Ought to pass as amended by Committee Amendment A.

(Signed)

Senators:

BAILEY of Sagadahoc
BROWN of Washington
FOURNIER of York

Representatives:

TARBOX of Gouldsboro
BREWSTER of Wells
MILLER of Portland
BAIRD of North Haven
VAUGHAN of Hallowell

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

(Signed)

Representatives:

RANKIN of Southport
ANDREWS of Jonesboro

On motion by Mr. Brown of Washington, the Majority ought to pass report was accepted and the bill read once; Committee Amendment A was read and adopted and the bill tomorrow assigned for second reading.

The PRESIDENT: The Chair at this time notes the presence in the Senate Chamber of two most distinguished former Senators, a Senator from Aroostook who performed great service to the state as Chairman of the Appropriations Committee and another Senator from Aroostook who served as majority floor leader in the session of 1945 I believe. Aroostook County may well be proud of the services they give to the state and the Chair would ask the Assistant Sergeant at arms to escort to the rostrum former Sen-

ators from Aroostook, Collins and Brown.

This was done amid the applause of the Senate.

Second Readers

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

House

Bill, "An Act Relating to Examinations and Instruction Permits for Motor Vehicle Licenses." (H. P. 171) (L. D. 218)

Bill, "An Act Authorizing Copying of Volume Six, Oxford County, Western District, Registry of Deeds." (H. P. 828) (L. D. 1170)

Bill, "An Act Creating Bartlett's Island, Hancock County, as a Game Management Area." (H. P. 897) (L. D. 1283)

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

Bill, "An Act Authorizing Construction of a Breakwater Across Mill Cove, Hancock County." (H. P. 1054) (L. D. 1500)

Bill, "An Act Amending Law on Inspection of Records of Clerks of Courts." (H. P. 1055) (L. D. 1501)

"Resolve Regulating Taking of Smelts in Valley Brook, Cumberland County." (H. P. 90) (L. D. 124)

"Resolve in Favor of John F. Choate of Winslow." (H. P. 549) (L. D. 776)

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

House—as amended

Bill, "An Act Relating to Sick Leave Benefits for Employees of the Department of Public Works of the City of Lewiston." (H. P. 374) (L. D. 504)

Bill, "An Act Providing for Short Form Record of Civil Cases." (H. P. 544) (L. D. 771)

Bill, "An Act Relating to Jurisdiction of Trial Justices in Towns of Kittery and York." (H. P. 684) (L. D. 973)

Bill, "An Act Relating to Uniform Law for Organization and Supervision of Fraternal Benefit Societies." (H. P. 992) (L. D. 1438)

"Resolve in Favor of George E. Bagnall of Houlton." (H. P. 550) (L. D. 777)

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

Senate

Bill, "An Act Relating to Examinations for Certain Persons to Practice Barbering." (S. P. 539) (L. D. 1511)

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

Senate—as Amended

Bill, "An Act Relating to Time Limitations for Filing Petitions Under Workmen's Compensation Act." (S. P. 259) (L. D. 697)

Bill, "An Act Relating to Petition for Review of Incapacity Under Workmen's Compensation Act." (S. P. 162) (L. D. 409)

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

Sent down for concurrence.

Enactors

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

Bill, "An Act Relating to Amount Recovered in Actions for Injuries Causing Immediate Death." (H. P. 777) (L. D. 1110)

Bill, "An Act Relating to Granting Mining Rights by Forest Commissioner." (H. P. 786) (L. D. 1119)

Bill, "An Act Relating to Removal of Persons from Indian Tribal Reservations." (H. P. 799) (L. D. 1131)

Bill, "An Act to Exclude Town of Cooper, Washington County, from Maine Forestry District." (H. P. 821) (L. D. 1164)

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

Bill, "An Act Relating to Duties of Animal Husbandry Specialist." (H. P. 963) (L. D. 1364)

Bill, "An Act Relating to Damages Done by Dogs and Wild Animals." (H. P. 979) (L. D. 1403)

Bill, "An Act Relating to Payments by Town of Georgetown for

MacMahan Island." (S. P. 132) (L. D. 270)

Bill, "An Act Relating to Vacations for Members of the Lewiston Police Department." (S. P. 205) (L. D. 550)

Bill, "An Act Relating to Uniforms for Members of the Police Department of the City of Lewiston." (S. P. 206) (L. D. 551)

Bill, "An Act Pertaining to Retirement Benefits for Members of the Lewiston Police Department not under the Maine State Retirement System." (S. P. 212) (L. D. 557)

Bill, "An Act to Authorize the State of Maine to Enter Into a Compact with the States of Vermont and New Hampshire to Establish a Tri-State Regional Medical Needs Board." (S. P. 256) (L. D. 694)

Bill, "An Act Relating to Unlicensed Dogs." (S. P. 474) (L. D. 1380)

Bill, "An Act Relating to Pensions for Widows and Children of Deceased Policemen of the City of Lewiston." (S. P. 523) (L. D. 1485)

"Resolve, Authorizing Boxing Commission to Change Decision on Rocky Marciano Case." (H. P. 765) (L. D. 1047)

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

"Resolve, Giving Recognition to the Eastern Orthodox Church as a Major Faith in Maine." (H. P. 1046) (L. D. 1487)

"Resolve, to Reimburse the Town of Houlton for Pupper Supplies." (S. P. 293) (L. D. 1488)

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

Which bills were severally passed to be enacted and the resolves finally passed.

Orders of the Day

The President laid before the Senate the first tabled and especially assigned matter being bill, "An Act Relating to Apprentice Lobster Fishing Licenses." (S. P. 137) (L. D. 274) tabled by the Senator from Sagadahoc, Senator Bailey earlier in today's session pending consideration of the reports.

Mr. BAILEY of Sagadahoc: Mr. President, ladies and gentlemen, this bill, L.D. 274, is a bill which in out-

ward appearance is a very minor problem but in the bills that I have heard since being here in the legislature this term, I don't know of anything that actually impressed me any more than this bill, and I will read the bill so that you may all understand it.

"Apprentice license. An Apprentice lobster fishing license shall be issued to a minor under the age of 18 years if he has been a resident of Maine for at least one year prior to the date of the application. The fee for such license shall be \$5. The license shall permit the holder only to assist a person who holds a lobster fishing license under the provisions of section 112, but shall not permit such apprentice to set his own traps or haul traps of another unless such other person holds a lobster license under the provisions of section 112 and accompanies the apprentice."

Now the Sea and Shore Fisheries as has been recommended by reorganization of State Government should be part of Agriculture and in this case I wish to compare these boys and girls if they are so inclined, who are under the age of 18 who come into the state and have had a chance to live here for a year, their parents are residents of this state and have paid taxes here for some years past, to have a chance to have the same privileges as the 4-H has in Agriculture. I wonder what the people would think if we drew a restriction saying to our boys and girls here in the state, "You cannot raise a calf, you cannot plant a garden, you cannot have a flock of hens until you have been here three years." That is not the principle of those interested in any other occupation of the state. The opponents of this bill will tell you that the fishermen don't want them. Now I come from the southern part of the state, I am not a fisherman but I live with fishermen and generally speaking the fishermen are an intelligent class of people and broadminded but to think of such a thing as the general run of them saying they don't want these boys to go out with their fishermen, can't have a chance to go out until they have been here three years. We are trying to pass various laws of education to upbuild our boys and

girls; to eradicate the idea of crime. Well, how can you eradicate it any better than to give them the opportunity, to keep them busy doing something they like. They may earn a little something by going out to help the fishermen, we trust they will. Let's do something to keep them busy and encourage them and that is why I felt so serious about this bill. I think it is very unfair to have restrictions here that the boys and girls can't have some chance to learn the idea of fishing. As I said before, we don't ask for the privilege of them going out and hauling their own traps, it is simply to go out with fishermen and learn and help. I hope that the members of this Body when they come to vote will consider this. Mr. President, when the vote is taken I ask for a division.

Mr CHARLES of Cumberland: Mr. President and members of the Senate, this is my bill and before I go too far with it, I would like to say that there have been about fourteen or fifteen applications with Sea and Shore Fisheries for such a license, that is for a full fledged license and I have talked with the Commissioner of Sea and Shore Fisheries and he tells me that this matter has no serious consequences in the fishing industry. However, my personal purpose in introducing this legislation was in the interest of the youth of our state in order that more industry and self employment opportunities be available under our competitive system of free enterprise and the right to participate in gainful employment.

To my surprise I found that under our present statutes, no person may obtain a license for lobster fishing or trapping unless such person has had a residence here for three years. There are exceptions to the rule because of military service and to our permanent residents this regulation would give licenses to persons anywhere from five years of age and up. I chose the lower age as I understand that such a license has been issued by the Department of Sea and Shore Fisheries. As we approach the youthful ages entering their high school and college gainful productive employment period, we find a very differ-

ent situation, one that finds one boy staying on the shore while his friends hop up on the lobster boats and sail off to pull up their traps to bring in a few dollars for their personal use or education. This boy left on the shore cannot go because he has been a state resident less than three years, but he would give his life if he had to in the defense of his state or nation.

Many of our summer residents have been and still are local area taxpayers for two or three months of the year. They have been summer residents for several years perhaps and then they fall in love with our state and decide to make Maine their permanent home the year round, believing that our state is a good place to live and work, and for their children to be brought up in a good surrounding.

We then find the situation of promoting our state by use of thousands of our taxpayers dollars to bring more people and business to our state with opportunities for youth and on the other hand say to these kids "sorry, but you can not work on our shores for lobstering for the next three years."

This bill which is now before you, cannot be of any possible competitive disadvantage to our present industry. All I am asking you to do is to permit those minors under the age of 18 years who have become residents of our state for at least one year to be given the opportunity to work with a fully licensed lobsterman as an apprentice. This limited license would only give these young residents the right to work alongside the regular licensee as a helper. He would not be permitted to set his own traps nor to work alone in the boats. Let me make it very clear and on the record that this bill in no way interferes with those children that were born in our state or the young folks who have established their full three year residence. They can secure their full fledged fishing license but the fellow who has been here one year would be permitted the right under this bill to work with this boy only for the purpose of tending traps and working on the boats. He can't go out and fish by himself.

May I also report for the record

that I have personally contacted the Maine Lobstermen's Association. I know I did not mention that and you might want to say "Why should the Maine Lobstermen's Association be involved in this question." I did this out of courtesy because I felt that they represent a good portion of the lobstering industry. I discussed the matter with Leslie Dyer its president and he was in sympathy with me and said that he thought it would be a good idea. It was Mr. Dyer's wish that this bill be drafted in the way that it was. The bill is exactly in the same words that he gave me and I put it into proposed law.

Mr. Dyer also prepared a questionnaire which went out to some two or three thousand lobstermen and I want to say truthfully that the questionnaire came back in opposition to this bill about four to one. However, I want to explain how the questionnaire was issued. I have a copy of it here before me on which there are six questions. There is no explanation as to what the bill is or what it does. On the particular bill that I was interested in, the question read, "Do you favor a law to permit non-resident minors under 18 to obtain an apprentice lobster license after one year residence in Maine?" The first impression that a lobsterman would have on that is that first of all he doesn't know what it is all about and he is afraid that this may be an opening wedge or a door opening for other people to come in and take over our lobster industry in Maine.

And that is a false impression and no doubt they decided that they would prefer to stay status quo and vote against the bill rather than take any chances. I have since that time contacted many lobstermen in our state and particularly in my own county where I am a resident and discussed the matter with them and they are fully in accord with me and say that it is a good bill and should be passed

Mr. BAILEY: Mr. President, I move that the Senate accept the Minority report.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Sagadahoc, Senator Bailey, that the Senate accept the Minority report to pass report.

Is the Senate ready for the question?

A viva voce vote being had

The motion prevailed, the Minority ought to pass report was accepted, the bill read once and tomorrow assigned for second reading.

On motion by Mr. Wyman of Washington, the Senate voted to take from the table bill, "An Act Relating to Record of Contents of Motor Trucks" (H. P. 958) (L. D. 1359) tabled by that Senator on April 17 pending passage to be engrossed; and that Senator presented Senate Amendment A and moved its adoption:

"Amend said bill by striking out the period at the end of that part designated Section 9 and inserting in place thereof the following underlined words and punctuation, **except that seals on refrigerated trucks shall not be so broken.**"

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

Sent down for concurrence.

On motion by Mr. Martin of Kennebec, the Senate voted to take from the table House Report ought not to pass from the Committee on Inland Fisheries and Game on "Resolve, Closing Chain of T a c o m a Lakes to Ice Fishing" (H. P. 132) (L. D. 170) tabled by that Senator on February 14 pending consideration of the report; and on further motion by the same Senator, the ought not to pass report was accepted in non-concurrence.

Sent down for concurrence.

Mr. HILLMAN of Penobscot: Mr. President, I would like to ask if bill, An Act Relating to Workmen's Compensation is in the possession of the Senate?

The PRESIDENT: The Chair will state that bill, "An Act Relating to Workmen's Compensation Insurance, H. P. 902, L. D. 1288 is in the possession of the Senate, having been held at the request of the Senator from Penobscot, Senator Hillman, following the action of the Senate on the last legislative day in accepting the ought not to pass report.

Thereupon, on motion by Mr. Hillman of Penobscot, the bill was re-

committed to the Committee on Labor.

Sent down for concurrence.

On motion by Mrs. Lord of Cumberland, the Senate voted to take from the table Senate Report ought not to pass from the Committee on Judiciary on bill, "An Act Concerning Liability of Parents for Damage by Children" (S. P. 33) (L. D. 35) tabled by that Senator on February 28 pending consideration of the report.

Mrs. LORD of Cumberland: Mr. President and members of the Senate, after a few brief remarks, I will ask to have the bill substituted for the report, and I will also offer a Senate amendment.

The actual purpose of this bill is to combat juvenile delinquency. The idea of requiring a parent to respond in damages for injuries caused by his minor child is not novel. Several New England States now have legislation similar in purpose.

Vermont, for one, has legislation in which the only practical difference is the larger amount (\$300) which may be recovered from the parent. New Hampshire has a juvenile law under which the parent of a minor who has been arrested for an offense recognized under their juvenile law may be summoned before the Court. The Court has the power to make orders and to punish for contempt for failure to carry out its orders. One of the orders it may make is for the parent to pay for damage caused by the minor to the maximum extent of \$500.

Maine, to date, has been much more fortunate than other states, in that we have as yet, no really grave juvenile problem. This bill is designed and intended to impress upon parents the responsibility of the family for the behaviour of the children. It is a bill which cannot harm any innocent person. It does impressively fix the responsibility for the misbehavior of children upon the parents, where it belongs. It is a weapon which will help keep the record of the state, already good in comparison with other jurisdictions in the matter of juvenile delinquency, in the forefront with respect to the low incidence of juvenile offenses.

The bill calls for civil action and is in no way a criminal proceeding. If this legislation results in increased parental supervision, it is only logical to assume that it will eventually have a deterrent effect upon these forms of delinquency.

This bill is a departure from the old common law custom of shielding parents from the costs of a child's acts. It is based on the theory that control of the child is by law placed in the parent. The liability of the parent is based upon the rules of negligence, rather than the relationship of parent and child. The primary responsibility for the proper training, discipline and upbringing of children rests with their parent or parents. There has been a marked and shocking failure on the part of many parents to assume this responsibility. As a result of this parental negligence, vandalism by children has occurred and parents of children perpetuating such acts should be liable for the damages to property caused thereby.

In the words of an editorial in the local paper as to who shall pay the bill for acts of vandalism by children: "If it has to be somebody we would say the parents, not because it represents perfect justice, but because it involves the least injustice. As a matter of fact, it is amazing to hear that parents haven't been financially responsible all along."

Mr. President, I might add that I have had a lot of support on this bill all over the state and I now present an amendment which I think will take care of all of the objections of the committee.

The PRESIDENT: The Chair would note that the presentation of the amendment would not be in order unless the motion to substitute the bill for the "Ought not to pass" report of the committee should prevail.

Mrs. LORD: I make that motion and I ask for a division, Mr. President.

The PRESIDENT: At the expense of fear of prejudice, the Chair would note that the Senator from Cumberland, Senator Lord, may speak to the amendment in speaking to her motion that the bill be substituted for the report.

Mr. SILSBY of Hancock: Mr. President and members of the Senate: It is not a duty that I enjoy to stand up in this sovereign body and oppose the only lady member of the Senate, who has the respect and confidence of each and every one of us; but, nevertheless, as Chairman of the Judiciary Committee I have a duty to perform and that duty is to defend the unanimous decision of the Judiciary Committee. And I also have a duty to defend some four hundred thousand parents in this State of Maine; and again I have a duty to defend the right of our boys and girls to enjoy the privileges that we have all enjoyed and that is the right of youthful misadventure, which each and every one of us, I am sure, have enjoyed.

Now I want to be fair with the lady Senator from Cumberland, Senator Lord. I do not know what her proposed amendment will do to the bill, and I do not think it would be fair for me at this time to indulge in any analysis of the bill as it is written and as it would be applied from a technical legal sense. Therefore, Mr. President, may I inquire through the Chair if it would be in order to have the amendment read at this time?

The PRESIDENT: The Chair would note that it is not only proper but the Chair believes it would clarify the debate. The Chair will ask one of the pages to pick up the proposed amendment and will ask the Secretary to read it.

The amendment was read by the Secretary as follows:

Amend said bill by inserting after the underlined word "adults" in the 11th line the following underlined words and punctuation: '**provided that negligence on the part of said parent, parents or guardian be found to be contributory cause of said damage or injury.**'

The PRESIDENT: The Senate may be at ease.

At Ease

Called to order by the President.

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

Mr. SILSBY of Hancock: Mr. President, having had the opportunity to read the amendment, I am still under a duty to proceed with my remarks.

The bill holds parents responsible for damage by their children. First, I would like to call to your attention in substance just what this bill would do.

This bill would make a parent or parents of a minor child liable for any damage that child might do to some good citizen's property, speaking from the civil aspect, up to the sum of \$500. Now there is in this bill, and I quote: "The parent or parents or guardian of any unemancipated minor or minors, which minor or minors wilfully or maliciously caused a m a g e," Now let us analyze for just a moment "guardians or parents," and I say to you: just think for a moment: does that definition take in all of our children? The answer is "No." There are children who are unfortunate enough to be the subject-matter of domestic trouble, and the custody of one of those children could be in the mother or could be in the father. Are you going to make the father responsible for a child's tort or damage to property when he has no control over that child? Are you going to make the mother responsible when perhaps the father has custody? That is just one example, members of the Senate, if you please, and there are others.

Now we have enjoyed through our adolescent ages the right of youthful misadventure; we have all been guilty of it; and yet the common law still says that a parent is liable for the tort of his minor child if it is committed under the parent's direction or in his presence or under his coercion. Now that is a broad field. Yet, on the other hand, the child is always liable if he is of sufficient age to entertain criminal intent. And you are speaking here perhaps of malicious mischief, that is criminal intent.

We are trying to change the law a bit here, because I remember in the old days at law school the professors stated time and time again, "Gentleman, you cannot hang a civil suit on a criminal peg." And that is exactly what we are doing.

How are you going to prove it? In order to collect the damage the child has first got to be found guilty perhaps of malicious mischief. Perhaps he cut down someone's cherry tree; perhaps he has broken a few windows, but it is malicious mischief. So you have got to have a criminal peg in the first instance. Then in the next instance he might be a child under seventeen years of age, and the most he could be found guilty of would be juvenile delinquency, and each and every one of you know that is a private hearing. So how are we going to prove it?

Now there are many things concerned here. There are some children who may unfortunately have been black sheep in some municipality. I might plead guilty that in my younger days I was accused probably of many things I never committed, and I have some evidence. I remember back many years ago when a good old lady, God rest her soul, used to say, "Oh dear, dear, here comes that awful Silsby boy. Lock up your barn, lock up your house and everything else." And I wasn't guilty! But if we had had this law perhaps a case could have been fabricated.

Mr. President and members of the Senate: look into the faces of the children that come here and visit this Senate. Are we going to say to them, "You cannot have the right of youthful misadventure any longer, because your parents are going to be liable for it?" Let me say to you that any blue-blooded parent in this State, if their child commits a tort or does damage to your property or my property, they will do exactly as you and I have done; we have gone and said, "Go and see how much." This is not going to reach the other class of people because you cannot make that criminal peg to hang a civil suit on.

Senator Lord of Cumberland, I humbly apologize for the position I have had to take, but it has been my duty.

Mrs. LORD of Cumberland: Mr. President, we should also consider the person who sustains the loss. In many cases they are old persons, or an old couple who are not able to pay for the damages. Also in

cemeteries, where these juveniles come in and tip over stones, I think we should consider the person who sustains the loss. I honestly and sincerely believe this is a good bill and I hope that the Senate will vote in favor of the substitution of the bill for the report.

Mr. PARKER of Piscataquis: Mr. President and members of the Senate, I hesitate to rise in opposition to the Senator from Hancock, Senator Silsby. However, I must in all justice to many of my constituents in Piscataquis County support the motion of the Senator from Cumberland, Senator Lord. I am not a lawyer. I have no legal background to attempt to argue the points that have been presented, but I want to make just this one point. Many of my constituents in the small towns in my county have spoken to me on this particular bill and have been in favor of seeing it pass because they find that they are unable to collect for damages that are caused by young people such as breaking of windows and damage to unoccupied buildings even in the center of some of our towns and they believe that the passage of this bill would allow them to collect damages. Those are some of the reasons why I shall vote in support of this measure.

Mr. BAILEY of Sagadahoc: Mr. President, I am loath to speak a second time this morning, but, as I said before, I am quite interested in the problem of juvenile delinquency which we have today. In thinking of the debate by the Senator from Hancock, Senator Silsby, I must say that I cannot exhibit such a silver tongue; but I just wish to speak on a few facts which I have had experience with. In listening to these remarks it reminded me of an instance in the case of my little grandson when he was about five years old and was in his first year in school. He was out one day with some of the older boys and they came to an old building and some of them thought it would be nice to hear the glass rattle, so they started throwing rocks. While they were at it one of the neighbors called the police and the police came and caught them at it. The policeman was going down the line, asking each one, "What did

you do? What did you do?" And he said to this boy, "Lee, did you break any glass?" Lee says, "No, I couldn't throw far enough." (Laughter) Well, I don't know but what there is something in that. But at the same time, why should not parents feel that they have responsibility for their children?

This lack of responsibility is one of the great difficulties with our juvenile delinquency today. Under the present law if they do damage they can say, "Never mind, no one can do anything."

If my cattle go out and get into somebody's garden I am responsible for it; if my dog goes out and kills somebody's hens I have to pay for them. Why should not the parent be responsible for his child? I hope that this bill will pass.

Mr. FARLEY of York: Mr. President and members of the Senate: After giving consideration to the remarks of the Senator from Cumberland, in view of my experience in raising a family I have got to concur with the Senator from Hancock, Senator Silsby. I do so more from the fact that if this law had been in effect as my family came along I might have been in considerable difficulty. I know that some of my kids skipped school and others broke windows, so I don't know where I would be today. It does seem to me it hits a little further back.

I will agree with the lady Senator from Cumberland, Mrs. Lord, that a similar bill was passed in a neighboring state, but I want to say that in the State of Maine we have a great many mothers who are forced to work in the mills and shops to take care of family expenses and everything else. I think if you pass this bill you are placing a burden on those who are striving hard to go through life and raise their children. I am heartily opposed to the bill and I hope that the motion of the lady Senator from Cumberland, Senator Lord is defeated.

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

Mr. BUTLER of Franklin: Mr. President and members of the Sen-

ate: I rise in opposition to the motion to substitute the bill for the report of the committee as proposed by my good friend, the Senator from Cumberland, Senator Lord.

This bill came to the Judiciary Committee and it was reported out not on a divided report but on a unanimous report.

We are here dealing with human individuals; we are dealing with the rights of individuals. The instant that a child is born that child is a human individual. We are attempting to treat a human individual as a chattel; we are attempting to treat that individual as a nonentity; we are attempting to treat that individual as some thing of ownership.

As has been stated, a person is liable for the acts of their dog, but they are not liable for the acts of their children because of that one element. We are dealing with this individual, this person who is developing knowledge of right from wrong. And we are treating, under this bill, with a relationship which is a relationship to a chattel rather than to a human individual. The proposed amendment does nothing except to confuse an already confused issue.

It has been stated in support of the measure that other states have done it. We must keep in mind that in Maine we are one of the few common law states in the country. We have adopted the old common law custom and we have incorporated that into our law. These other states which have passed it have met with various results. The law that has been passed in some of the states is now sought to be repealed because it is not accomplishing its purpose. We are cognizant in this State of the juvenile problem and we are working on a bill at the present time to properly supervise the adolescent age so that children, due to the protection which they do have, can better be controlled for the benefit of all. But when we come to say that a parent should be responsible only on the condition, as the amendment provides if I understand it correctly, that the parent has in some way been guilty of contributing to the act, I ask you: In what manner could a parent who has gone to work and

whose child has gone to school be responsible for an individual act of that child when the parent is not there?

Now we are going to say that the parent has the responsibility, that the parent should pay for those things, and actually, the idea may have some merit from a moral standpoint and from the enforcement standpoint—and that is what we are all striving for—I feel that the bill has been carefully reviewed by the Judiciary Committee, and the committee has felt that the bill should not pass and has reported it out “Ought not to pass.” I do not feel that this amendment has done anything to change that view.

When the vote is taken, I ask for a division.

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

A division of the Senate was had. Sixteen having voted in the affirmative and fourteen opposed, the motion prevailed, the bill was substituted for the ought not to pass report, read once and tomorrow assigned for second reading.

On motion by Mr. Martin of Kennebec, the Senate voted to take from the table Senate Report ought not to pass from the Committee on Towns and Counties on bill, “An Act to Lay out Public Right of Way to Great Ponds,” (S. P. 266) (L. D. 706) tabled by that Senator on April 9 pending acceptance of the report; and on further motion by the same Senator, the ought not to pass report was accepted.

Sent down for concurrence.

On motion by Mr. Farley of York, the Senate voted to take from the table bill, “An Act Relating to Itemized Statements Filed by Legislative Counsel and Agents,” (S. P. 376) (L. D. 999) tabled by that Senator on April 5 pending motion by that Senator to recede and concur.

Mr. ROGERSON of Aroostook: Mr. President and members of the Senate, before the vote is taken, I would like to review very briefly the thinking of the committee at the time of the hearing on this measure.

It was the feeling of the committee basically that there was no need for this legislation and no evidence was submitted to indicate a need. Secondly, it was felt that should there have been a need that this bill would not accomplish the purpose for which it was designed.

In the first place, I should like to point out that there is no penalty for not complying with this measure. I believe that there is in effect in Washington a similar bill which experience has shown to be ineffective. Basically, however, the feeling of the committee was that there was no need for such legislation.

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

The PRESIDENT: The question before the Senate is on the motion of the Senator from York, Senator Farley that the Senate recede and concur.

A division of the Senate was had.

Twelve having voted in the affirmative and eighteen opposed, the motion did not prevail.

Thereupon, on motion by Mr. Rogerson of Aroostook, the Senate voted to insist.

On motion by Mr Fournier of York, the Senate voted to take from the table House Report from the Committee on Sea and Shore Fisheries on bill, "An Act Relating to Methods of Taking Clams," (H. P. 138) (L. D. 251) ought to pass in new draft (H. P. 689) (L. D. 957) under new title: "An Act Relating to Methods of Taking Clams and Marine Worms" tabled by that Senator on February 28 pending consideration of the report; and on further motion by the same Senator, the report was accepted, the bill read once and tomorrow assigned for second reading.

On motion by Mrs. Lord of Cumberland

Adjourned until tomorrow morning at ten o'clock.