

# 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**

Tuesday, May 7, 1957

Senate called to order by the President.

Prayer by Rev. Austin H. Wright, Augusta.

On motion by Mr. Rogerson of Aroostook,

Journal of last Friday read and approved.

**Papers from the House**

Bill, "An Act Relating to Rate of Interest Charged by Licensed Small Loan Agencies." (H. P. 593) (L. D. 842)

In Senate on May 2, report and bill indefinitely postponed in non-concurrence.

Comes from House, that body having insisted upon former action whereby the bill was substituted for the ONTP report from Committee on Business Legislation and passed to be engrossed; now asks for Committee of Conference.

In the Senate, on motion by Mr. Charles of Cumberland, the Senate voted to insist and join; and the President appointed as Senate Conference, Senators Low of Knox, Charles of Cumberland and Lessard of Androscoggin.

"Resolve Relating to Open Water Fishing Season in Certain Waters in Androscoggin County." (H. P. 541) (L. D. 768)

In Senate on May 2, divided report of Committee on Inland Fisheries and Game, and the resolve, indefinitely postponed in non-concurrence.

Comes from House, that body having insisted upon its former action whereby the Majority Report (OTP in New Draft—H. P. 1063, L. D. 1521) was accepted and the resolve passed to be engrossed; now asks for Committee of Conference.

In the Senate, on motion by Mr. Briggs of Aroostook, the Senate voted to insist and join; and the President appointed as Senate Conference, Senators Carpenter of Somerset, Briggs of Aroostook and Hillman of Penobscot.

Bill, "An Act Concerning Liability of Parents for Damage by Children." (S. P. 33) (L. D. 35)

In Senate, bill substituted for ONTP report and passed to be engrossed.

Comes from House, report and bill indefinitely postponed in non-concurrence.

In the Senate, on motion by Mrs. Lord of Cumberland, the Senate voted to insist and ask for a Committee of Conference.

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

In Senate (Ought to pass as amended by Committee Amendment A) Report accepted; bill passed to be engrossed as amended.

Comes from House, recommitted to Committee on Labor in non-concurrence.

In the Senate, on motion by Lessard of Androscoggin, tabled pending consideration.

The PRESIDENT: The Chair notes in the gallery, a group from Lincoln Academy in Newcastle, a civil government class in the charge of their teacher, Harry Hilderbrant. Also in the gallery are the 3rd and 8th grades from Peru School with Mrs. Russell and Mrs. Fraser. We have with us also the senior class in Home Economics from M.C.I. in Pittsfield, accompanied by Mrs. Philbrook and Mrs. Sinclair. On behalf of the Senate we welcome all of these groups to our Senate session. We will dedicate ourselves this day to making your visit with us pleasant and instructive and the Senate sincerely hopes that among you there are some who will be inspired to some day participate in this phase of civil activity. We hope you will be impressed with the dignity, the seriousness and the importance of your legislature in action and while you are here, please call on any of us to do any of the things you want done that will make your day happy. Thank you very much for coming.

**House Committee Reports  
Ought Not to Pass**

The Committee on Business Legislation on Bill, "An Act Prohibiting Gasoline Suppliers from Engaging in Retail Sale of Gasoline." (H. P.

936) (L. D. 1329) reported that the same Ought Not to Pass.

The Committee on Claims on "Resolve in Favor of Eastern Maine General Hospital." (H. P. 1037) (L. D. 1468) reported that the same Ought Not to Pass.

The Committee on Education on Bill, "An Act Relating to Town Budgets for Educational Purposes." (H. P. 705) (L. D. 1011) reported that the same Ought Not to Pass.

The Committee on Highways on Bill, "An Act to Authorize the Issuance of Bonds in the Amount of Twenty Million, One Hundred and Fifty Thousand Dollars on Behalf of the State of Maine for the Purpose of Building State Highways." (H. P. 995) (L. D. 1423) reported that the same Ought Not to Pass.

(On motion by Mr. Parker of Piscataquis, tabled pending consideration of the report.)

The Committee on Judiciary on Bill, "An Act Relating to Residence Requirements in Adoptions." (H. P. 775) (L. D. 1108) reported that the same Ought Not to Pass.

Which reports were severally read and accepted in concurrence.

#### Ought to Pass

The Committee on Highways, pursuant to Joint Order (H. P. 838) reported a Resolve under title of "Resolve Authorizing the Commissioner of Finance and Administration to Convey Certain Land of the State in York County." (H. P. 1076) (L. D. 1546) and that it Ought to Pass.

Comes from the House, report accepted and the resolve passed to be engrossed.

In the Senate, the report was read and accepted in concurrence, the resolve read once and tomorrow assigned for second reading.

The Committee on Appropriations and Financial Affairs on "Resolve Relating to Moneys to Obtain Plasma." (H. P. 676) (L. D. 965) reported that the same Ought to Pass.

The Committee on Judiciary on Bill, "An Act Relating to Definition of Registered Mail Under Municipal Tax Laws." (H. P. 72) (L. D. 99) reported that the same Ought to Pass.

The Committee on Towns and Counties on Bill, "An Act Increas-

ing Number of Medical Examiners for Cumberland County." (H. P. 846) (L. D. 1200) reported that the same Ought to Pass.

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

#### Ought to Pass — N. D. — same title

The Committee on Legal Affairs on Bill, "An Act Revising Laws Relating to Boilers and Unfired Steam Pressure Vessels." (H. P. 509) (L. D. 719) reported same in New Draft (H. P. 1077) (L. D. 1547) Under Same Title, and that it Ought to pass.

The Committee on Public Utilities on Bill, "An Act Amending the Charter of the Sanford Sewerage District." (H. P. 290) (L. D. 386) reported same in New Draft (H. P. 1075) (L. D. 1544) Under Same Title, and that it Ought to pass.

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

#### Ought to Pass — as amended

The Committee on Appropriations and Financial Affairs on "Resolve Appropriating Moneys for Anticipated Overdrafts in Department of Agriculture Due to Insufficient Appropriations." (H. P. 980) (L. D. 1404) reported that the same Ought to pass as amended by Committee Amendment A (Filing No. 299)

The Committee on Public Utilities on Bill, "An Act Relating to Systems of Drainage or Sewerage." (H. P. 753) (L. D. 1067) reported that the same Ought to pass with Committee Amendment A (Filing No. 301)

The Committee on Towns and Counties on Bill, "An Act Relating to Number of Medical Examiners in Penobscot County." (H. P. 170) (L. D. 217) reported that the same Ought to pass as amended by Committee Amendment A (Filing No. 310)

Which reports were severally read and accepted in concurrence and the bills and resolve read once. Committee Amendments A were read and adopted in concurrence,

and the bills and resolves as so amended were tomorrow assigned for second reading.

**Majority — OTP as amended**  
**Minority — ONTP**

The Majority of the Committee on Constitutional Amendments on "Resolve Proposing an Amendment to the Constitution Changing the Date of the General Election." (H. P. 66) (L. D. 93) reported that the same Ought to pass with Committee Amendment A (Filing No. 272)

(Signed)

Senators:

HURLEY of Kennebec

Representatives:

TEVANIAN of Portland  
BEYER of Cape Elizabeth  
BEANE of Augusta  
BRODERICK of Portland  
WALKER of Auburn  
EARLES of South Portland  
BROWNE of Bangor  
HANCOCK of York

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

(Signed)

Senators:

BUTLER of Franklin  
LORD of Cumberland  
WYMAN of Washington

Representatives:

EMMONS of Kennebunk  
CURTIS of Bowdoinham

Comes from House, Majority Report accepted and the resolve passed to be engrossed as amended by Committee Amendment A.

In the Senate, on motion by Mr. Low of Knox, tabled pending consideration of the reports.

**Majority—ONTP**  
**Minority—OTP as amended**

The Majority of the Committee on Constitutional Amendments on "Resolve Proposing an Amendment to the Constitution to Abolish the Governor's Council." (H. P. 348) (L. D. 478) reported that the same Ought not to pass.

(Signed)

Senators:

BUTLER of Franklin  
LORD of Cumberland

WOODCOCK of Penobscot  
WYMAN of Washington

Representatives:

EMMONS of Kennebunk  
BEYER OF Cape Elizabeth  
WALKER of Auburn  
HANCOCK of York  
CURTIS of Bowdoinham  
EARLES of South Portland  
BROWNE of Bangor

The Minority of the same Committee on the same subject matter, reported that the resolve Ought to pass with Committee Amendment A (Filing No. 273)

(Signed)

Senator:

HURLEY of Kennebec

Representatives:

TEVANIAN of Portland  
BEANE of Augusta  
BRODERICK of Portland

Comes from House, reports and resolve indefinitely postponed.

In the Senate, on motion by Mr. Butler of Franklin, tabled pending consideration of the reports.

**Majority—ONTP**  
**Minority—OTP in N. D.**

The Majority of the Committee on Judiciary on Bill, "An Act Relating to Negligently Operating a Motor Vehicle so as to Cause Death." (H. P. 366) (L. D. 496) reported that the same Ought not to pass.

(Signed)

Senators:

WOODCOCK of Penobscot  
BUTLER of Franklin

Representatives:

WALKER of Auburn  
TEVANIAN of Portland  
BRODERICK of Portland

The Minority of the same Committee on the same subject matter, reported the bill in New Draft (H. P. 1078) (L. D. 1548) and Under Same title, Ought to pass.

(Signed)

Representatives:

BROWNE of Bangor  
EARLES of South Portland  
NEEDHAM of Orono  
HANCOCK of York

Comes from House, Minority Report accepted, and bill in New Draft passed to be engrossed.

In the Senate,  
Mr. SILSBY of Hancock: Mr. President, I move that the Senate accept the Majority ought not to pass report in non-concurrence.

Thereupon, on motion by Mr. Lesard of Androscoggin, the bill and reports were tabled pending motion by Mr. Silsby of Hancock.

**Majority—ONTP**  
**Minority—OTP**

The Majority of the Committee on Taxation on Bill, "An Act Relating to Payments by Casualty Insurance Companies for Expenses of Administration of Fire Prevention Laws." (H. P. 981) (L. D. 1405) reported that the same Ought not to pass.

(Signed)

Senators:

LOW of Knox  
WYMAN of Washington  
BOUCHER of Androscoggin

Representatives:

HANSON of Gardiner  
WALSH of Brunswick  
BESSE of Clinton  
FARMER of Wiscasset  
BROWN of Ellsworth

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

(Signed)

Representatives:

ROLLINS of Belfast  
CYR of Augusta

Comes from House, Majority Report accepted.

In the Senate, on motion by Mr. Low of Knox, tabled pending consideration of the reports.

**Senate Committee Reports**  
**Ought Not to Pass**

Mr. Rogerson from the Committee on State Government on Bill, "An Act Establishing Minimum Wages of Employees in Public Works by State of Maine." (S. P. 424) (L. D. 1183) reported that the same Ought not to pass

(On motion by Mr. Charles of Cumberland, tabled pending consideration of the report.)

Mr. Farley from the Committee on Towns and Counties on Bill, "An Act Relating to Development and Promotion in Aroostook County."

(S. P. 502) (L. D. 1416) reported that the same Ought not to pass

Which reports were read and accepted.

Sent down for concurrence.

**Ought to Pass**

Mr. Rogerson from the Committee on State Government on Bill, "An Act Directing Review of Settlement Laws." (S. P. 505) (L. D. 1418) reported that the same Ought to pass

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

**Ought to Pass—N.D.—same title**

Mr. Ferguson from the Committee on Natural Resources on Bill, "An Act Revising the Maine Mining Law." (S. P. 398) (L. D. 1094) reported same in New Draft (S. P. 561) (L. D. 1563) Under the same title, and that it Ought to pass

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

**Ought to Pass**

**New Draft — New Title**

Mr. Rogerson from the Committee on State Government on Bill, "An Act Authorizing Governor and Council to Sell or Lease State Property." (S. P. 537) (L. D. 1507) reported same in New Draft (S. P. 560) with New Title: "An Act Authorizing Governor and Council to Sell or Lease Certain State Property." and that it Ought to pass

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

**Second Readers**

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

**House**

Bill, "An Act Providing for Disability Retirement under State Police Retirement System." (H. P. 326) (L. D. 443)

Bill, "An Act to Increase Clerk Hire for Probation Officers in Androscoggin County." (H. P. 1008) (L. D. 1434)

Bill, "An Act Granting a New Charter to the Town of Old Orchard Beach." (H. P. 1073) (L. D. 1538)

Bill, "An Act Relating to Countersignature by Resident Agents on Insurance Policies." (H. P. 1072) (L. D. 1539)

Bill, "An Act Relating to Systems of Water Supply." (H. P. 1074) (L. D. 1543)

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

#### House—as amended

Bill, "An Act Relating to Payment of Expenses of Lewiston Municipal Court." (H. P. 152) (L. D. 190)

Bill, "An Act Relating to Permissive Closing of County Offices on Saturday." (H. P. 445) (L. D. 621)

Bill, "An Act Relating to Employer's Contribution Rate Under Employment Security Law." (H. P. 815) (L. D. 1158)

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 Licensing of Special Insurance Brokers." (H. P. 1014) (L. D. 1444)

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

#### Senate

Bill, "An Act Relating to Employees of Maine Maritime Academy Receiving Federal Social Security Benefits." (S. P. 51) (L. D. 82).

Bill, "An Act Relating to the Unfair Sales Act." (S. P. 555) (L. D. 1551)

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

Sent down for concurrence.

#### Senate — as amended

Bill, "An Act Relating to Fluoridation of Public Water Supplies." (S. P. 466) (L. D. 1379)

Bill, "An Act Relating to Membership in State Board of Education." (S. P. 481) (L. D. 1386)

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 Taking of Shellfish in Yarmouth and North Yarmouth." (H. P. 485) (L. D. 675)

Bill, "An Act Relating to Digging Clams in Kennebunkport, York County." (H. P. 513) (L. D. 723)

Bill, "An Act Relating to the Taking and Sale of Clams in the Town of Rockport." (H. P. 551) (L. D. 778)

(On motion by Mr. Sinclair of Somerset, placed on the Special Appropriations Table pending passage to be enacted.)

Bill, "An Act Relating to Digging of Clams, Quahogs and Mussels in Town of Yarmouth, Cumberland County." (H. P. 571) (L. D. 881)

(On motion by Mr. Sinclair of Somerset, placed on the Special Appropriations Table pending passage to be enacted.)

Bill, "An Act Relating to Penalty for Violation of Interstate Transportation of Shellfish." (H. P. 791) (L. D. 1124)

Bill, "An Act Relating to Wholesale Sea Food Dealer's and Processor's License." (H. P. 792) (L. D. 1125)

Bill, "An Act Regulating Fishing for Tuna." (H. P. 839) (L. D. 1193)

Bill, "An Act Increasing Salaries of Judge and Recorder of the Yorkshire Municipal Court." (H. P. 862) (L. D. 1225)

Bill, "An Act Relating to Sale of Lobster Meat Received from Outside the State." (H. P. 909) (L. D. 1298)

Bill, "An Act Regulating Taking of Alewives in Town of Mount Desert." (H. P. 1060) (L. D. 1515)

Bill, "An Act Relating to the Operation of Bicycles." (H. P. 1062) (L. D. 1517)

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

Bill, "An Act Relating to Crab Fishing." (S. P. 357) (L. D. 963)

Bill, "An Act Relating to Definition of Fiduciary Under Law Appointing Nominees by Banking Institutions." (S. P. 372) (L. D. 995)

Bill, "An Act Relating to Unclaimed Bodies." (S. P. 450) (L. D. 1265)

"Resolve, Regulating the Taking of Clams in Steuben." (H. P. 443) (L. D. 619)

"Resolve, Regulating Digging of Quahogs in Middle Bay, Cumberland County." (H. P. 517) (L. D. 727)

(On motion by Mr. Sinclair of Somerset, placed on the Special Appropriations Table pending final passage.)

Which bills were passed to be enacted and the Resolves Finally passed.

#### Emergency

Bill, "An Act Prohibiting Certain Implements and Devices in Certain Waters in Washington County." (H. P. 769) (L. D. 1102)

Which bill, being an emergency measure, and having received the affirmative vote of 31 members of the Senate was passed to be enacted.

#### Orders of the Day

On motion by Mr. Davis of Cumberland, the Senate voted to take from the table Senate Report Ought not to pass from the Committee on Natural Resources on bill, "An Act Authorizing Forest Commissioner to Convey Interest of the State in Jaquish Island, Cumberland County," (S. P. 440) (L. D. 1237) tabled by that Senator on April 19 pending consideration of the report; and that Senator yielded to the Senator from Franklin, Senator Butler.

Mr. BUTLER of Franklin: Mr. President and members of the Senate, this particular bill came before the Natural Resources Committee and it was felt at that time that it should not receive passage. However, since the hearing my good friend Senator Davis of Cumberland has received additional information which information I feel is sufficient to warrant further consideration of this particular message.

It happens that there is a legal title to this property recorded in the registry of deeds from 1836 on. That being so, during this same period of time if I am correct in my understanding of the law, there was on our books a statute of limita-

tions running against the state, which statute was repealed in the middle 1870's. The state now is taking the position that if it, the state, has never ceded or deeded away the property of these islands, it is very reluctant to do so.

The Committee has been in favor of recognizing the rights of people who have an interest in these islands and as such has felt that the state should relinquish such rights as it might have in favor of them. I think this information not having been presented to the committee at the original hearing is sufficient for further consideration, and accordingly I feel that the bill called for in the original instance should be adopted and that we should give these people the rights to their island which legal title enabled them to have. With these few remarks I now yield to the Senator from Cumberland, Senator Davis.

On motion by Mr. Davis, the bill was substituted for the report, given a first reading and tomorrow assigned for second reading.

On motion by Mr. Parker of Piscataquis, the Senate voted to take from the table Joint Resolution Memorializing Congress to Enact Legislation Concerning Unjustified Price Increases of Crude Oil and Refined Petroleum Products (S. P. 378) (L. D. 1001) tabled by that Senator on April 25 pending consideration; and on further motion by the same Senator, the Senate voted to insist on its former action and ask for a committee of conference.

On motion by Mr. Silsby of Hancock, the Senate voted to take from the table bill, "An Act Amending the Rules of Descent" (S. P. 551) (L. D. 1540) tabled by that Senator on May 2 pending passage to be engrossed; and that Senator presented Senate Amendment A.

Which amendment was adopted without reading and the bill as amended was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table bill, "An Act Relative to Salaries and Clerk Hire of Munic-



ipal Courts" (S. P. 547) (L. D. 1537) tabled by that Senator on May 1 pending passage to be engrossed; and on further motion by the same Senator, the bill was passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Silsby of Hancock, the Senate voted to take from the table House Report Ought not to pass, from the Committee on Claims on "Resolve to Reimburse Town of Caribou for Aid to Alphee Ouellette." (H. P. 681) (L. D. 970) tabled by that Senator on April 16 pending acceptance of the report.

Mr. SILSBY of Hancock: Mr. President and members of the Senate, when the Claims Committee heard this bill we did not have all of the information available and certain investigations were made and we felt that in following the policy of the committee over a period of years, this bill should have been reported out Ought to pass rather than Ought not to pass. As a matter of fact this Ouellette was a person who was residing in a plantation situated near the town of Caribou which we did not know at the time we made our report. I have conferred with all members of the committee and they agree that this bill Ought to be substituted for the report and I so move.

The motion prevailed, the resolve was substituted for the Ought not to pass report of the committee in non-concurrence, read once and tomorrow assigned for second reading.

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

Mr. LOW of Knox: Mr. President and members of the Senate about a week ago I pointed out that we had 383 bills still in committee and if the committees could report them all out last week, we might hope to adjourn at the end of next week. Unfortunately as of this morning, there are still 257 bills remaining in committee. It would therefore seem that we will not be able to adjourn at the end of next week in all probability and we will have to hustle to get through by May 25. I do hope that during this week we can get

rid of every single bill in committee. They all have to come out sometime. It is just a question of holding executive sessions and doing the work. Thank you.

Mr. Sinclair of Somerset was granted unanimous consent to address the Senate.

Mr. SINCLAIR of Somerset: Mr. President and members of the Senate, I pointed out this morning to the President that I had quite a handful of bills just passed out of the committee on Appropriations, 37 to be exact, so that will reduce the list to 220 and I assure you that the Committee on Appropriations is meeting every possible minute that we have available and I would expect this week we will make considerable advancement on the remaining bills. We will do everything we can to cooperate.

On motion by Mr. Sinclair of Somerset, the Senate voted to take from the table the 8th item on the Special Appropriations Table being bill, "An Act Relating to Lobster Traps" (H. P. 167) (L. D. 214).

Mr. SINCLAIR: Mr. President and members of the Senate I realize that by taking this off the table it is taking off a very small item from the calendar but when this bill first was passed to be engrossed, a memo was received by our committee indicating there would be a small cost. It has now developed that the enactment of this bill will not involve additional funds and we have a memo from the Department of Sea and Shore Fisheries to that extent. Therefore I would move final enactment.

The motion prevailed and the bill was passed to be enacted.

On motion by Mr. Butler of Franklin, the Senate voted to take from the table Senate Report from the Committee on Constitutional Amendments; Majority report Ought not to pass; Minority report Ought to pass with Committee Amendment A on "Resolve Proposing an Amendment to the Constitution to Abolish the Governor's Council." (H. P. 348) (L. D. 478) tabled by that Senator earlier in today's session, pending consideration of the reports; and on

further motion by the same Senator the resolve and reports were indefinitely postponed in concurrence.

On motion by Mr. Martin of Kennebec, the Senate voted to take from the table Senate Reports from the Committee on Constitutional Amendments; Majority report Ought to pass in new draft; Minority report Ought not to pass, on "Resolve Proposing an Amendment to the Constitution Abolishing Offices of Judge and Register of Probate as Constitutional Offices (S. P. 296) (L. D. 793) tabled by that Senator on May 3 pending consideration of the reports.

Mr. SILSBY of Hancock: Mr. President, I move acceptance of the Majority Ought to pass report of the committee.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate: I rise to oppose the motion of the Senator from Hancock, Senator Silsby. I think that our judges of probate have been elected ever since the State has been a State, and I think we should continue with the program of electing our Judges of Probate. I do not see where it would be any better to have judges appointed by the Governor. I really feel that they should be elected by the people of their county.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Hancock, Senator Silsby, that the Senate accept the Majority "Ought to pass" report of the committee.

Mr. BUTLER of Franklin: Mr. President and members of the Senate: This particular resolve, as I explained last week, is a new draft. The bill originally provided that the judge of Probate and the Register of Probate be removed as constitutional officers. By that it would take the appointment out of the Constitution and place it on our statute books. The Committee felt, under the new draft, that the Judge of Probate along with the other members of the judicial system should be appointed by the Governor with the advice and consent of the council. The new draft simply reinstates the original constitutional provision.

From 1820 until around in the seventies the Judge of Probate was appointed by the Governor with the advice and consent of the council. At that time a movement was on foot to take these appointments, together with municipal judges and the sheriffs, and have them elected by the people. Subsequently the provision for the appointment of municipal judges has been taken away from the people and put back to the Governor with the advice and consent of the council. This particular act is simply another amendment to that amendment of the original Constitution and in effect deletes it. I signed the "Ought not to pass" report. I signed it because I felt that people at one time had felt that this office should be subject to the will of the people and should be by popular election. I may have been wrong in that. I am simply stating the position of the committee and that the resolve itself under the new draft reinstates the original constitutional provision, placing the appointment of the judge with the Governor and Council.

Mr. LESSARD of Androscoggin: Mr. President, I rise to speak against the motion of the Senator from Hancock, Senator Silsby.

I think perhaps if we are going to go along with this sort of legislation to take away from the people their representatives, why should we not give consideration to taking it all away from them? Why not take the County Attorney away from them; why not take the sheriff, if you want to go back to the original constitution? I am not in favor of that kind of government. I believe we should return our government to the people and let them elect their representatives. I am sure that their choice will be just as good as perhaps that of the Governor and Council. After all, we all know the saying, "If you want to be a judge you just have to be a lawyer who is a personal friend of the Governor." Maybe that is not true, but that is what the ordinary layman thinks. I am personally opposed to this thing because I can very well see that if it is continued along there won't be much left for the people of our counties to vote for. The Lord knows it is hard enough now to get people out to vote. We

are continuously criticizing the public because of their apathy, because they do not go to the polls to vote when it comes election time. If we are going to take away county offices and place them under appointment by the Governor there is one more reason for them not to go to the polls.

In my experience in the practice of law in Maine—and, by the way, I have been Judge of Probate too—I have not seen too many bad judges of probate; I think they have all been well-qualified, and I am sure that most of our counties have very well-qualified judges. I personally feel that the right of the people should not be taken away from them and that we should not say to them, "You are no longer allowed to elect your representatives." For that reason I rise to oppose the motion of the Senator from Hancock, Senator Silsby.

Mr. SILSBY of Hancock: Mr. President and members of the Senate: I think we all know that most of our judicial offices are appointed by the Governor and confirmed by the council. Our Supreme Court justices are appointed; our Superior Court justices are appointed; our municipal court justices are appointed, and the purpose of this bill is to be consistent.

The office of the Judge of Probate is one of the most important judicial functions of this State. The Judge of Probate, whether we like to admit it or not, is pretty much the guardian of each and every one of us. I have no criticisms to make of the judges of our probate courts. We have sixteen fine probate judges. But I do know from experience that we can reasonably expect some difficulties in some of our smaller counties in the future. The Judge of Probate must be a lawyer, and there are few experienced attorneys who feel they are justified in giving up their probate practice, because it quite frequently happens that an estate, just one estate, will be far in excess of the salary of the Judge of Probate. I know of two counties at the moment in this State where the situation is getting very serious because the judges are getting quite old. One, I know, is contemplating resigning, and who would be elected to take his place?

I suspect that it would probably be an inexperienced person; and I do not believe that the dollars and cents involved in the different petitions filed in Probate Court should be thrown into jeopardy by some person who might be easily influenced.

I honestly and sincerely believe this is a good bill and that it is consistent with the rest of our judicial timber, and I am sure that the judges appointed by the Governor and confirmed by the council would be men of experience and men who would have a desire to make a donation to the people of the State in order that persons who have passed on, and some who are victims of circumstance and who are incompetent, would have a proper supervision. I believe that an office as serious as this, that carries with it the responsibility that the office of Judge of Probate does carry, should by no means be the subject-matter of politics. I do hope that you members of the Senate will go along with the "Ought to pass" report of the committee.

Mr. LESSARD of Androscoggin: Mr. President, I agree completely with the facts as put forth by the Senator from Hancock, Senator Silsby, that perhaps there are some counties that do not have a sufficient number of attorneys who want to become Judge of Probate, but I do not think that answers the situation. If the shortage is there, the mere fact that the Governor is going to appoint them is not going to increase the number of attorneys available. I still feel that the voters of the respective towns and cities still have sufficient intelligence to elect men who will carry out the situation as it should be carried out. Senator Butler, said, it is perhaps true that in a few counties there is some difficulty, but in the larger counties we do not have that trouble, and we have very fine men running for office. In fact, in Cumberland County, he continues on and on, and they have a very fine Judge of Probate.

I still feel this should not be taken away from the people. Let us not take our state government away from the people; let us get it closer to them; let us give it back to

them; let us let them have a say as to what happens in the State.

In regard to the judiciary, I might say that Pennsylvania elects all its judges, New York State elects all its judges all the way down the line, and I have not heard any criticism of New York decisions or Pennsylvania decisions, or decisions from many other states throughout the country. I firmly believe that the Judge of Probate should be elected by the people.

Mr. BOUCHER of Androscoggin: Mr. President, I am afraid of this bill because it is a step in doing away with county government. If we give the appointment of the Judge of Probate to the Governor and council why not give them the appointment of the County Attorney, the Assistant County Attorney, the Clerk of Courts and so forth, and even, as mentioned by the Senator from Androscoggin, Senator Lesard, the office of Sheriff. I think it is a step in the wrong direction. I think State government should get closer to the people rather than be remote from the people. Rather than appointing the Judge of Probate I would favor electing all judges of municipal courts and the Superior Court. I think it is a step in the wrong direction and I hope you will see it my way.

Mr. WOODCOCK of Penobscot: Mr. President, I rise to oppose this attempt to whittle away the people's interest in their government. It is also a step towards further centralization of power in the hands of a small group, a circumstance and a trend which I detest. As far as playing politics goes, let's be realistic about it. It is far easier to play politics when a tight little group is concerned than it is when you are facing the people as a whole. For that reason alone, I certainly would strongly object to this fundamental change in our choice of Judges and Registers of Probate in the State of Maine.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Hancock, Senator Silsby, that the Senate accept the majority "Ought to pass" report of the committee.

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

A division of the Senate was had. Four having voted in the affirmative and twenty-five opposed, the motion did not prevail.

Thereupon, on motion by Mr. Butler of Franklin, the Minority ought not to pass report of the committee was accepted.

Sent down for concurrence.

The PRESIDENT: The Chair at this time notes the presence in the Senate gallery of the 8th grade of Crescent Park School in Bethel, accompanied by Mrs. Heino. In behalf of the Senate we welcome all you youngsters to the Senate session. After the session we hope you will come down and say hello to us. We will do everything we can to make your day a pleasant one. Thank you for coming.

On motion by Mr. Butler of Franklin, the Senate voted to take from the table bill, "An Act to Exclude Town of Cooper, Washington County, from Maine Forestry District." (H. P. 821) (L. D. 1164) tabled by that Senator on April 24 pending enactment; and that Senator yielded to the Senator from Washington, Senator Wyman.

On motion by Mr. Wyman of Washington, the rules were suspended and the Senate voted to reconsider its former action whereby the bill was passed to be engrossed; and that Senator presented Senate Amendment A, which was read by the Secretary.

Mr. WYMAN of Washington: Mr. President and members of the Senate: When the State was revalued by the State Tax Assessor a few years ago it increased the valuation in organized towns—I think there are twenty-eight of them—by a considerable extent. I think in the town of Cooper the amount Cooper was paying into the Forestry District was increased by something like from \$300 to \$1100, which was the cause of this bill being introduced.

The Forestry Commissioner and the Forestry Department are afraid that if this bill goes through as it is written that in another legislature there will be other towns which will want to keep out of the Forestry

District also, and as a result the district will be weakened.

Last week Commissioner Nutter went down and had a conference with the town officials of Cooper and they agreed to this amendment, which in effect eliminates buildings in assessing the tax for the Forestry District.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Washington, Senator Wyman, that the Senate adopt Senate Amendment "A".

On motion by Mr. Low of Knox, the bill and accompanying papers were tabled pending the motion of the Senator from Washington, Senator Wyman, that the Senate adopt Senate Amendment "A".

On motion by Mr. Silsby of Hancock, the Senate voted to take from the table Senate Report ought not to pass from the Committee on Retirements and Pensions on "Resolve Providing for State Pension for Eva A. Scammon of Franklin," (S. P. 248) (L. D. 649) tabled by that Senator on April 4 pending consideration of the report.

Mr. SILSBY of Hancock: Mr. President and members of the Senate, this particular resolve has been on the table since April 4. It is a very worthy resolve, a request to this Honorable Body, because it involves a person who is a victim of rather unusual circumstances. I have had it on my mind for some time dreading the day when I must stand here and ask you members of the Senate to listen to my remarks and trusting that you will go along with me on this particular pension request.

I think probably I should sort of describe the lady who is requesting this pension. She is a person 81 years of age, married in 1897 to Sherman Scammon. If any of you people live down or around Hancock County you will know Sherman Scammon. He started teaching school in the rural areas in 1885, and he taught school for some twenty-five or thirty years. Then he was superintendent for ten or fifteen years. This little 81 year old lady was his wife. She substituted, she assisted him in teaching school and in his clerical work. She is very active. She hasn't any next of

kin that I know of or any very close next of kin; she has a moderate income which I will tell you about in a few moments but very inadequate to support and maintain her. She has not too many years to expect and she has had quite a struggle to get by for the last few years because she is not able to work and earn and supplement her modest income.

Sherman Scammon, her husband retired under the old system and received approximately \$900 a year from the state, for all the years of service rendered and many times for less than \$100 a month. He did have a pension under the old law from 1942 to 1946 when he deceased and at that time and under that law he could not elect for the benefit as I understand it of his widow, to leave her something when he was gone. But shortly after his death we passed a law in 1947 which gave superintendents and teachers the right to elect where they take a few dollars less and leave something for the widow. Now, Mr. Scammon, after he retired, not having sufficient money to provide for him and his wife, he went into the lumbering business and not being a lumberman or knowing all the ins and outs of the lumbering industry, he operated at a loss. He did not supplement, and what money they had been able to save he spent to pay off his creditors and they did salvage their modest little home in Franklin. After his death, Mrs. Scammon sold the home and she used very good judgment. She bought an annuity that would pay her as long as she lived, as I understand it, and the sum which she received from that annuity, and I think I am correct, perhaps a few cents off, was \$52.16 a month. She had no home. She bought a few shares of American Tel and Tel with the balance of that money for her burial and her income for the past few years has been \$52.16 a month, and the few dividends from the telephone stock to aid in her living expenses.

She is precluded from old age assistance because she does not feel she wants to be buried by public funds and the value of the telephone stock is more than the department

under the law will approve and so in order to live through the past years she has acquired some friends who gave her a ride to St. Petersburg, Florida where she has lived in the Central House in the upper floor, sort of an attic room and she has a hot plate and I think without doubt they probably have some sympathy for her and the rent is minor and it eliminates the expense of heat and so forth and she doesn't need extra clothing as she would in the State of Maine. She has done some writing for the so-called Ellsworth American, a little paper we are very proud of in Hancock County, she writes the St. Petersburg column. Now, her hand is getting very unsteady by reason of age and I have here as an example, some of her writing. I doubt very much if she will be able to carry on.

It seems to me that we have certain duties as a state government to perform. I am not in favor of pensions to persons who have lived their lifetime in utter disregard of their own welfare. I do not believe a person is entitled to a pension who has never donated anything to society or the state but has squandered his money over a period of years. I do not feel that those people are entitled to a pension because they are not victims of circumstances, they are victims of their own utter disregard and there is a grave difference. My conception of a pension, Mr. President and members of the Senate is for a person who might become a public charge for reasons beyond his control, for reasons which he never promoted. I believe that the State of Maine over a period of years — and I am not unmindful of the discourse of Senator Davis of Cumberland, I agree with him in part — but I still think there are cases where people have worked and donated to our public schools, at a small salary over a period of years and have worked for small wages that are entitled to some consideration from this state of Maine for the very few years they have left. I do not think we people are justified in turning our shoulder to them and saying "Let the towns take care of it." I don't think it is right

because the price tag is too small and because of services rendered, they are entitled to consideration.

And that is the position that I take and feel very strongly in behalf of Mrs. Scammon.

In summary it seems that if her husband had lived another year, without a doubt she would have had a pension, but he did not. A victim of circumstances. I do not believe she should be obliged to liquidate what little security she has and apply for old age assistance,—and whether or not she could get it with her \$52.16, I don't know—I doubt it — but it seems to me that in respect to her and to her husband who donated so many years to the school system of this state that we members of the legislature would be justified in granting this rather small pension. I feel very serious about this matter. I have received quite a bit of correspondence from her. I have visited her personally in St. Petersburg. I know her circumstances and I am not unmindful that in the last session of the legislature we granted 55 pensions and I just can't conceive that Mrs. Scammon could do otherwise than qualify as did the 55 in the last session.

I do hope you will go along with me in substituting the bill for the report. I have every consideration for the committee and without a doubt when I appeared before them, with my other activities, I may not have given all the facts. And so, Mr. President and members of the Senate, I now move to substitute the bill for the report.

The PRESIDENT: The question before the Senate is on the motion by the Senator from Hancock, Senator Silsby, that the resolve be substituted for the "Ought not to pass" report of the committee.

Mr. DAVIS of Cumberland: Mr. President and members of the Senate: Your Retirements and Pensions Committee considered this case very carefully and voted unanimously "Ought not to pass." As I recall it, the information that we had at that time indicated that this lady has an income of approximately \$900 a year. The committee felt that if there was further need that this was a town problem and not a State problem.

I think one of the rules that the committee adopted earlier in the session describes our thinking very well in this type of case, and I would like to read one paragraph:

"We see little justification in accepting the special resolve pension as a means of relieving 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 a municipal assistance problem. We believe that with all the broad general assistance programs available to citizens of all Maine communities that to pick out a few individuals in a few communities reflects little fairness."

I also believe I am right in saying that this same resolve was presented to the 97th Legislature and was rejected.

I hope that the motion of the Senator from Hancock, Senator Silsby, does not prevail.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Hancock, Senator Silsby, that the resolve be substituted for the "Ought not to pass" report of the Committee.

As many as are in favor of the motion of the Senator from Hancock, Senator Silsby, that the resolve be substituted for the "Ought not to pass" report of the committee will say aye; those opposed no.

A viva voce vote being doubted, a division was had.

Eight having voted in the affirmative and nineteen in the negative, the motion did not prevail.

Thereupon, on motion by Mr. Davis of Cumberland, the "Ought not to pass" report of the committee was accepted.

Sent down for concurrence.

On motion by Mr. Wyman of Washington, the Senate voted to take from the table the first tabled and unassigned matter, Bill "An Act Relating to Packing of Food," (H. P. 288) (L. D. 384) which was tabled on February 26th by that Senator pending passage to be engrossed; and on further motion by the same Senator the bill was passed to be engrossed in concurrence.

On motion by Mr. Low of Knox,

Adjourned until 10:00 a.m. tomorrow.