

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 14, 1957

Senate called to order by the President.

Prayer by Rev. Harvey F. Ammerman of Augusta.

On motion by Mr. Willey of Hancock, Journal of yesterday read and approved.

Papers from the House

Bill, "An Act Relating to Apprentice Lobster Fishing Licenses." (S. P. 137) (L. D. 274)

In the Senate on May 8, Conference Committee Report accepted and bill passed to be engrossed as amended by Conference Committee Amendment A (Filing No. 363)

Comes from House, Conference Committee Report accepted; subsequently, refused to recede, insisted, asked for another Committee of Conference.

In the Senate, on motion by Mr. Charles of Cumberland, the Senate voted to insist and join with the House on a Committee of Conference.

"Resolve Proposing an Amendment to the Constitution to Provide for Election of Members of the Executive Council. (S. P. 95) (L. D. 225)

In Senate on May 9, passed to be engrossed as amended by Committee Amendment A (Filing No. 376)

Comes from House, passed to be engrossed as amended by Committee Amendment A, and as amended by House Amendment A (Filing No. 391) in non-concurrence.

In the Senate, on motion by Mr. Low of Knox, the Senate voted to recede and concur.

Bill, "An Act Relating to the Taking of Quahogs." (H. P. 14) (L. D. 13)

In Senate on May 9, Report B, Ought not to pass, accepted in non-concurrence.

Comes from the House, that body insisting upon its former action whereby the bill was passed to be engrossed, now asks for Committee of Conference.

In the Senate, on motion by Mr. Bailey of Sagadahoc, the Senate

voted to insist and join with the House in the Committee of Conference.

House Committee Reports Leave to Withdraw

The Committee on Judiciary on Bill, "An Act Relating to Speed of Commercial Vehicles." (H. P. 300) (L. D. 398) reported that same be granted Leave to Withdraw, as covered by other legislation.

Which report was read and accepted in concurrence.

Ought Not to Pass

The Committee on Agriculture on Bill, "An Act Relating to Store Sales of Milk." (H. P. 306) (L. D. 423) reported that the same Ought Not to Pass.

On motion by Mr. Bailey of Sagadahoc, indefinitely postponed in concurrence.

The same Committee on Bill, "An Act Relating to Sales of Home Delivered Milk." (H. P. 307) (L. D. 424) reported that the same Ought Not to Pass.

On motion by Mr. Bailey of Sagadahoc, indefinitely postponed in concurrence.

The same Committee on Bill, "An Act Relating to Sales of Milk to Benevolent and Charitable Institutions." (H. P. 308) (L. D. 425) reported that the same ought not to pass.

In House, bill substituted for the report and subsequently indefinitely postponed.

In Senate:

Mr. BAILEY of Sagadahoc: Mr. President, I move that the bill be indefinitely postponed in concurrence.

Mr. BOUCHER of Androscoggin: Mr. President, I move that it lie on the table.

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

A division of the Senate was had.

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

Thereupon, on motion by Mr. Bailey of Sagadahoc, the bill was indefinitely postponed in concurrence.

The same Committee on Bill, "An Act Relating to Purchase of Milk for Redistribution in Maine." (H. P. 309) (L. D. 426) reported that the same ought not to pass.

In House, bill substituted for report and passed to be engrossed as amended by House Amendment A.

In Senate:

Mr. BAILEY of Sagadahoc: Mr. President, this is a bill that has had considerable discussion in the committee and I would ask that it be tabled at this time.

The motion prevailed and the bill was laid upon the table pending consideration of the ought not to pass report.

The Committee on Judiciary on Bill, "An Act Relating to Publication of Legal Notices in Foreign Language Newspapers." (H. P. 1015) (L. D. 1445) reported that the same ought not to pass.

In House, bill substituted for report and passed to be engrossed as amended by House Amendment A.

In Senate, on motion by Mr. Boucher of Androscoggin, the bill was substituted for the report, House Amendment A was read and adopted in concurrence, and the bill, tomorrow assigned for second reading.

Ought to Pass

The Committee on Labor on Bill, "An Act Relating to Employment of Minors." (H. P. 546) (L. D. 773) reported that the same Ought to pass

In House, report accepted; subsequently the bill was indefinitely postponed.

In Senate, on motion by Mr. Curtis of Cumberland, the ought to pass report was accepted, the bill read once and House Amendment A read and adopted in non-concurrence; tomorrow assigned for second reading.

The Committee on Agriculture on Bill, "An Act Revising the Maine Milk Commission Law." (H. P. 851) (L. D. 1214) reported that the same Ought to pass

In House, report accepted and the bill passed to be engrossed as amended by House Amendment A (Filing 280)

In Senate, on motion by Mr. Bailey of Sagadahoc, the report was accepted in concurrence, the bill read once, House Amendment A read and adopted in concurrence; tomorrow assigned for second reading.

The Committee on Veterans and Military Affairs on "Resolve of Willis L. Cushing of Portland, Maine." (H. P. 301) (L. D. 396) reported that the same Ought to pass

Which report was read and accepted in concurrence, the Resolve read once and tomorrow assigned for second reading.

Ought to Pass—as amended

The Committee on Agriculture on Bill, "An Act Relating to Sales of Milk on the Producer's Premises." (H. P. 305) (L. D. 422) reported that the same Ought to pass as Amended by Committee Amendment A (Filing 151)

The Committee on Highways on Bill, "An Act to Authorize the Construction of a Bridge Across the Passagassawaukeag River at Belfast." (H. P. 997) (L. D. 1425) reported the the same Ought to pass as Amended by Committee Amendment A (Filing 378)

The Committee on Taxation on Bill, "An Act Relating to Exemptions from Excise Tax of Motor Buses Used for Transportation of Passengers for Hire." (H. P. 884) (L. D. 1252) reported that the same Ought to pass as Amended by Committee Amendment A (Filing 208)

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.

The Committee on Agriculture on Bill, "An Act Relating to Sale of Pasteurized Milk Only to Certain Institutions." (H. P. 738) (L. D. 1052) reported that the same Ought to pass as Amended by Committee Amendment A (Filing No. 179)

Comes from the House, report accepted and bill passed to be engrossed as amended by Committee Amendment A and as amended by House Amendment A (Filing No. 197)

In the Senate, on motion by Mr. Bailey of Sagadahoc, the report was read and accepted and the bill read once; House Amendment A was read and adopted, Committee Amendment A was read and adopted; tomorrow assigned for second reading.

The Committee on Judiciary on Bill, "An Act Relating to Repossession of Property Subject to Conditional Sales Agreement." (H. P. 416) (L. D. 595) reported that the same Ought to pass as Amended by Committee Amendment A (Filing No. 379)

Comes from the House, report accepted and bill passed to be engrossed as amended by Committee Amendment A and as amended by House Amendment A (Filing No. 392)

In the Senate, the report was read and accepted in concurrence and the bill read once; House Amendment A and Committee Amendment A were read and adopted; tomorrow assigned for second reading.

The Committee on Transportation on Bill, "An Act to Revise Certain Motor Vehicle Laws." (H. P. 403) (L. D. 533) reported that the same Ought to pass as Amended by Committee Amendment A (Filing No. 221)

Comes from House, report accepted and bill passed to be engrossed as amended by Committee Amendment A as amended by House Amendment A thereto, and as amended by House Amendment A (Filing No. 360) (Filing No. 386)

In the Senate, the report was read and accepted in concurrence and the bill read once; House Amendment A was read and adopted, House Amendment A to Committee Amendment A read and adopted; Committee Amendment A as amended read and adopted; tomorrow assigned for second reading.

Majority—OTP
Minority—ONTP

The Majority of the Committee on Constitutional Amendments on "Resolve Proposing an Amendment to the Constitution to Reapportion the House of Representatives by the Superior Court if the Legislature Fails to Act." (H. P. 994) (L. D.

1422) reported that the same Ought to pass

(Signed)

Senators:

LORD of Cumberland
WOODCOCK of Penobscot

Representatives:

BEYER of Cape Elizabeth
EARLES of South Portland
BEANE of Augusta
HANCOCK of York
TEVANIAN of Portland
BRODERICK of Portland

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

(Signed)

Senators:

BUTLER of Franklin
WYMAN of Washington
HURLEY of Kennebec

Representatives:

WALKER of Auburn
BROWNE of Bangor
CURTIS of Bowdoinham
EMMONS of Kennebunk

Comes from the House, reports and resolve Indefinitely Postponed.

In the Senate, on motion by Mr. Woodcock of Penobscot, the Majority "Ought to pass" report was accepted in non-concurrence and the resolve read once and tomorrow assigned for second reading.

Majority — ONTP
Minority — OTP

The Majority of the Committee on Public Utilities on Bill, "An Act to Promote Safety on Common Carriers by Railroad." (H. P. 720) (L. D. 1042) reported that the same Ought not to pass.

(Signed)

Senators:

MARTIN of Kennebec
ROGERSON of Aroostook

Representatives:

BEANE of Augusta
FRAZIER of Lee
WALTER of Waldoboro
ROY of Fort Kent
ROLLINS of Belfast

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

(Signed)

Senator:

LESSARD of Androscoggin

Representatives:

HAUGHN of Bridgton
PLANTE of Old Orchard
Beach

Comes from the House, recommended to the Committee on Public Utilities.

In the Senate, on motion by Mr. Martin of Kennebec, recommended to the Committee on Public Utilities in concurrence.

**Majority — OTP — as amended
Com. "A"**

**Minority — OTP — as amended
Com. "B"**

The Majority of the Committee on State Government on Bill, "An Act Relating to Milk Commission Membership." (H. P. 331) (L. D. 416) reported that the same Ought to pass as Amended by Committee Amendment A (Filing No. 336)

(Signed)

Senator:

LESSARD of Androscoggin

Representatives:

CHILDS of Portland
ROSS of Bath
WALSH of Brunswick
TOTMAN of Bangor
ELWELL of Brooks

The Minority of the same Committee on the same subject matter, reported that the bill Ought to pass as Amended by Committee Amendment B (Filing No. 337)

(Signed)

Senators:

ROGERSON of Aroostook
PIKE of Oxford

Representatives:

BRAGDON of Perham
WADE of Auburn

Comes from the House, reports and bill Indefinitely Postponed.

In the Senate, on motion by Mr. Bailey of Sagadahoc, indefinitely postponed in concurrence.

Majority—ONTP

Minority—OTP

The Majority of the Committee on Towns and Counties on Bill, "An Act to Incorporate the Town of Harpswell Neck." (H. P. 713) (L. D. 1075) reported that the same Ought Not to Pass.

(Signed)

Senators:

WYMAN of Washington

FARLEY of York
LORD of Cumberland

Representatives:

WEBBER of China
ERVIN of Houlton

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

(Signed)

Representatives:

PRUE of Ashland
PORELL of Westbrook
HENDSBEE of Madison
LEATHERS of Hermon

Comes from the House Majority Report accepted.

In the Senate, on motion by Mr. Wyman of Washington, the Majority ought not to pass report was accepted in concurrence.

Communication

State of Maine
House of Representatives
Office of Clerk
Augusta

May 13, 1957

Honorable Chester T. Winslow
Secretary of the Senate
98th Legislature
Sir:

The House today voted to adhere to its former action on

Bill, "An Act Authorizing Forest Commissioner to Convey Interest of the State in Jaquish Island, Cumberland County." S.P. 440, L. D. 1237

which the House had indefinitely Postponed in non-concurrence on May 9, and the Senate had voted to Insist on its former action whereby the Bill was Passed to Be Engrossed, and asked for a Committee of Conference.

Very truly yours,

HARVEY R. PEASE
Clerk of the House

HRP/bjl

Which was Read and Ordered Placed on File.

Second Readers

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

House

Bill, "An Act Regulating Size of Mesh Used in Otter Trawls in Wa-

ters of Hancock County." (H. P. 515) (L. D. 725)

Which was read a second time and passed to be engrossed in non-concurrence.

Sent down for concurrence.

Bill, "An Act Relating to Weekly Benefits for Total Unemployment Under Employment Security Law." (H. P. 1089) (L. D. 1573)

(On motion by Mr. Curtis of Cumberland, tabled pending passage to be engrossed.)

House — as amended

Bill, "An Act Amending Employment Security Law as to Disqualification for Benefits." (H. P. 779) (L. D. 1112)

(On motion by Mr. Low of Knox, tabled pending passage to be engrossed.)

Bill, "An Act Relating to Disqualifications for Benefits Under Employment Security Law." (H. P. 781) (L. D. 1114)

(On motion by Mr. Low of Knox, tabled pending passage to be engrossed.)

Senate

Bill, "An Act Relating to Speed Regulations for Motor Vehicles." (S. P. 573) (L. D. 1576)

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

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 Definition of Registered Mail Under Municipal Tax Laws." (H. P. 72) (L. D. 99)

Bill, "An Act Relating to Number of Medical Examiners in Penobscot County." (H. P. 170) (L. D. 217)

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

Bill, "An Act Providing for Certified Mail Under Small Claims Law." (H. P. 221) (L. D. 316)

Bill, "An Act Relating to Duties of Support Under Uniform Reciprocal Enforcement of Support Act." (H. P. 708) (L. D. 1014)

Bill, "An Act Relating to Systems of Drainage or Sewerage." (H. P. 753) (L. D. 1067)

(On motion by Mr. Sinclair of Somerset, tabled pending passage to be enacted.)

Bill, "An Act Increasing Number of Medical Examiners for Cumberland County." (H. P. 846) (L. D. 1200)

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

Bill, "An Act Creating a Highway Safety Committee." (H. P. 974) (L. D. 1374)

(On motion by Mr. Sinclair of Somerset, tabled pending passage to be enacted.)

Bill, "An Act Relating to Proration of Registration Fees of Motor Buses in Interstate Commerce." (H. P. 984) (L. D. 1408)

Bill, "An Act Permitting Towns to Collect Sewer Charges." (H. P. 1058) (L. D. 1513)

Bill, "An Act Amending the Charter of the Sanford Sewerage District." (H. P. 1075) (L. D. 1544)

Bill, "An Act Revising Laws Relating to Boilers and Unfired Steam Pressure Vessels." (H. P. 1077) (L. D. 1547)

Bill, "An Act Relating to Penalties for Careless Shooting of Human Beings While Hunting." (H. P. 1083) (L. D. 1557)

Bill, "An Act to Correct Inconsistencies in Maine State Retirement System Law." (S. P. 87) (L. D. 197)

(On motion by Mr. Low of Knox, tabled pending passage to be enacted.)

Bill, "An Act Relating to Funeral Expenses in Aid to the Blind and Aid to the Disabled." (S. P. 114) (L. D. 271)

Bill, "An Act Relating to Payments by Town of Northport to Northport Village Corporation." (S. P. 260) (L. D. 699)

Bill, "An Act Relating to Crediting Railroad Tax on Books of State." (S. P. 426) (L. D. 1209)

Bill, "An Act Increasing Compensation of Members of Boards of Registration in Cities over 39,000 Inhabitants and Time of Sessions." (S. P. 469) (L. D. 1350)

Bill, "An Act Increasing Compensation for Members of Board of Den-

tal Examiners." (S. P. 483) (L. D. 1391)

Bill, "An Act Relating to Disposition of License Fees in the Bee Industry." (S. P. 510) (L. D. 1451)

Bill, "An Act Relating to Rehabilitation and Preservation of Covered Bridges." (S. P. 554) (L. D. 1545)

"Resolve, Authorizing the Commissioner of Finance and Administration to Convey Certain Land of the State in York County." (H. P. 1076) (L. D. 1546)

"Resolve, Relating to Moneys to Obtain Plasma." (H. P. 676) (L. D. 965)

"Resolve, Charging off Funds Advanced to Maine State Office Building Authority." (S. P. 171) (L. D. 450)

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

Emergency

Bill, "An Act Creating the Town of Milbridge School District." (S. P. 420) (L. D. 1179)

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

Emergency

"Resolve, Amending Resolve for Memorial for Honorable Percival P. Baxter of Portland." (S. P. 39) (L. D. 56)

Which resolve, being an emergency measure, and having received the affirmative vote of 30 members of the Senate, was Finally passed.

Emergency

"Resolve Relating to Deficiency Appropriation for Department of Agriculture and to Provide Funds for Salary of Assistant County Attorney of Aroostook County." (H. P. 980) (L. D. 1404)

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

Orders of the Day

The PRESIDENT: The Chair at this time notes in the gallery a group of young people from the 8th grade of Holy Cross School in South Portland, every one of us extends

to you a very hearty welcome. We will dedicate the rest of our day to making your stay here a happy one. We hope too that some of you will reach a real conclusion that you too desire to participate some day in the legislature of your state government.

Thank you very much for coming.

On motion by Mr. Sinclair of Somerset, the Senate voted to take from the table bill, "An Act to Appropriate Monies for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1958 and June 30, 1959." (S. P. 541) (L. D. 1520) tabled by that Senator on April 26 pending passage to be engrossed; and that Senator yielded to the Senator from Hancock, Senator Silsby.

Mr. Silsby of Hancock presented Senate Amendment A and moved its adoption.

Mr. SINCLAIR of Somerset: Mr. President, I rise in opposition to the adoption of this amendment. This is calling for a considerable increase of funds from the general fund. It is moving away from the policy of the general fund appropriation in regard to the state police fund. I recognize the need for highways. I think there is great need. I believe there is no one thing that contributes more to the safety program in the state of Maine than an adequate highway system, but I do feel there is a definite responsibility of the highway fund for the state police. Previously we have operated this fund on a ninety-ten basis. This particular session we have accepted the provision that fifty percent of the cost of the state police might be borne by the general fund. I think we establish a very definite precedent in taking any more than the fifty percent from the general fund for the highway and I hope the amendment is not adopted.

Mr. SILSBY of Hancock: Mr. President and members of the Senate, I hope, Mr. President, you will not rule me out of order because in order to debate this particular subject matter, I must indulge in a few presumptions. My purpose in offering this amendment is to take the state police out of the highway

funds and permit the payment of the state police one hundred percent from the general fund. If you will note in the bill we have before us, which is L.D. 1520 and which I wish to amend, the state police allocation of fifty percent is under the present number of state police that we already have. In the bill of the highway, 1503, the committee has allowed the first year of the next biennium an additional 25 police and an additional 25 for the second year. Therefore in this amendment I have assumed that the legislature in its wisdom will allow the additional state police, the first year of the biennium which gives me the sum of \$1,719,769 and in the second year with the additional 25, the figure that I arrived at is \$1,871,991.

I offered this amendment assuming that the sales tax will probably be increased one per cent. I understand that the present yield from the sales tax of 2 per cent with the present exemptions is 18 million plus each year. I also understand that if the sales tax is increased one per cent, that it will give another additional eight million making a total of 27 million. Therefore I can see justification for the state police being paid from the general fund.

There is also the opportunity, if you examine the record in 1943 to pay back to the highway fund the million six that was taken from the fund for general fund purposes which was the very purpose as I read the record in 1943 that prompted the Constitutional Amendment dedicating the revenue from highway to the highway fund and at that same time there was \$117,000 taken from the fund and used in the general fund and you will all remember it was acquired from the proof of title of automobiles.

Now there is also another report which I think worthy of consideration and I have questioned for some time, as a matter of fact since 1951, whether or not constitutionally speaking we had the right to take the money from the general fund which was received from the sale of automobiles and their equipment and use it in the general fund. It is a question in my mind as to whether or not that money might

be well dedicated to the highway fund.

If this amendment is adopted then we have sufficient money to pay the 24 million dollar bond issue in the present revenues of the highway department which I understand to amortize and pay the interest is approximately a million six each year. Somehow I cannot go along with the extra money it appears we will have and increasing the licenses one dollar to acquire approximately \$4,000,666 and the increase of 7 per cent registration. I honestly and sincerely believe that if it is feasible and logical for the legislature to go fifty per cent of the way, then it is just as logical to go 100 per cent of the way assuming that we will have this extra money available and I certainly hope that my amendment receives your favorable consideration.

Mr. LOW of Knox: Mr. President, I am very sorry I cannot go along with my good friend, the Senator from Hancock, Senator Silsby. In the first place all monies received by the highway department must be used for highway purposes and we are giving a considerable amount of constitutional protection to any tax which we enact which will pay off a bond issue provided it consist of highway revenue. Mainly I am against this amendment because it presupposes that the problems of the highway department are greater than the problems of the general fund. I would like to point out in the next ten years undoubtedly the enrollment at the University of Maine will double. Right now the university would like to have 21 million dollars. Undoubtedly doubling the university is going to involve more than 30 million dollars. Likewise our teachers colleges must be expanded at a cost of over 5 million dollars. It is well known that our institutions need further capital sums running into many millions of dollars more.

I believe if we start tapping the general funds for highway money we are literally going to starve those various classes of institutions and schools of the money which they so badly need for their own capital purposes. I do not believe we have any surplus revenue at this session. Whatever may be left

over from bare operating needs should be used to pay for some of these very pressing capital needs. I therefore, Mr. President, move that the amendment be indefinitely postponed.

Mr. SILSBY of Hancock: Mr. President and members of the Senate, I would be remiss in my duty if I did not answer my good friend, Senator Low of Knox County. I would like to explain to you members of the Senate that the amendment does not project ten years hence, it is simply for two years and nothing more. I do not believe I want to violate the prerogatives of the next legislature. I firmly believe that considering the ten cent dollar of the federal government which none of us expected but which is available that for the next two years we are certainly justified in taking from the general fund sufficient money to pay the state police and again I say if we can go half way, why can't we go all the way?

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

A viva voce vote being doubted by the Chair

A division of the Senate was had.

Twenty-two having voted in the affirmative and four opposed, the motion prevailed and the amendment was indefinitely postponed.

Thereupon, on motion by Mr. Sinclair of Somerset, 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 bill, "An Act to Make Allocations from General Highway Fund for the Fiscal Years Ending June 30, 1958 and June 30, 1959" (S. P. 533) (L. D. 1503) tabled by that Senator on April 23 pending passage to be engrossed.

Mr. SILSBY of Hancock: Mr. President and members of the Senate, I have pitched a great many ball games and I have always gone down swinging. Therefore I present Senate Amendment A and move its adoption for the same reasons I

have already spoken of and to be consistent.

Which amendment was read, and on motion by Mr. Parker of Piscataquis, was indefinitely postponed; 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 Senate Report from the Committee on Highways: ought not to pass on bill, "An Act Relating to Reimbursement to Towns for Snow Removal." (S. P. 234) (L. D. 634) tabled by that Senator on April 16 pending consideration of the report.

Mr. SILSBY of Hancock: Mr. President, I recall several years ago a member of this Senate who made a comment that his feet were on solid ground. I think I can make the same statement. I move acceptance of the ought not to pass report.

The motion prevailed and the ought not to pass report was accepted.

Sent down for concurrence.

The President appointed as Senate conferees on the disagreeing action of the two bodies relative to bill, "An Act Relating to Taking of Quahogs", Senators: Bailey of Sagadahoc, Fournier of York and Wyman of Washington.

On motion by Mr. Butler of Franklin, the Senate voted to take from the table the 32nd tabled and unassigned matter, "Resolve, Authorizing Boxing Commission to Change Decision on Rocky Marciano Case," (H. P. 765) (L. D. 1047) tabled by that Senator on April 24th pending final passage.

Mr. BUTLER of Franklin: Mr. President and members of the Senate: It appears to me that when we as a state place upon our statute books a resolve directing any department to do this or that it is assuming that that department is unable to arrive at a decision itself. Here is a resolve which in its first analysis authorized and directed and then by an amendment simply authorizes the Boxing Commission to take a different stand than that

which it has taken previously. Unfortunately this is referring to an individual who is well-known in the boxing field, but the principle is still there, whether it is a question of boxing or whether it is a question of reapportionment. Here we are suggesting to a commission or telling a commission to do this or to do that when we have already empowered that commission to do certain things. I feel that when the legislature is stepping in to assume and to supplant the duties of the commission that we are invading and breaking down and supplanting the principles of our government. For that reason I move the indefinite postponement of this resolve.

Mr. MARTIN of Kennebec: Mr. President and members of the Senate: I would be the first to agree with the Senator from Franklin, Senator Butler, if this resolve directed the Boxing Commission to change its decision, but the committee felt that this was not warranted and therefore it amended the bill to read that the commission may at their discretion change the decision that it has made.

Briefly, the facts are these. This resolve concerns Rocky Marciano, so-called, who, as you may know, is the undefeated heavyweight champion of the world. Sometime ago when he was the heavyweight champion he came to Maine on an exhibition tour. The tour was arranged for him by the management. There were certain advertisements that when he came to Maine he would box a certain person. Remember, this was just an exhibition. As it turned out, however, at the last minute his sparring partner was unavailable, so his brother, another well-known boxer, was substituted on the card, but, unfortunately, the public was not told. However again I point out it was simply an exhibition; it was in no way considered to be a match.

I again would agree with the Senator from Franklin, Senator Butler, that we as a legislature should never tell any commission that this legislature is directing them to change a decision or make other decisions. This resolve does not do that. The Boxing Commission feels that whereas the law which we

have set up for them apparently does not give any affirmative provision whereby they can change their decision that perhaps such a resolve as this is necessary, although I would again point out to you that it is within their discretion whether or not they wish to change their decision.

I would like to point out to the members of the Senate that Rocky Marciano, in a recent article in the Saturday Evening Post, apologized publicly to the State of Maine for the error, and he said it was the only blot upon his record.

This is a resolve that will go into the session laws but only for a one-year period. I would leave it up to the members of the Senate, in view of the unanimous report of the committee, whether or not such a measure should pass.

Mr. CHARLES of Cumberland: Mr. President and members of the Senate: I too realize that the legislature may be considered as doing something that they should not do. Although we are making laws here the final judgment of our laws rests in the Maine Law Court and the Supreme Court of the United States. If we do anything wrong in the legislature it can be tested as to its constitutionality in the Law Court. However, this is a matter that goes beyond law courts and everything else that I know of. It has to do with a man's character; it has to do with his reflection upon our youth of tomorrow. I consider Rocky Marciano as a hero; I consider him to be a good Christian man, because of his sportsmanship and consideration for everybody. He has since retired from his profession and that black mark has been set upon him by the State of Maine. As you know, his suspension really amounts to a thirty-day suspension. That is all it is; it is a minor violation.

It was also brought out before the Legal Affairs Committee that this brother was also involved, and if I am not in error, and I think I am correct, his brother has been vindicated of the suspension and his record has been cleared. Rocky did not then interest himself in going that far and he let it drop. However, the question has been brought to

us to help Rocky clear his record, and I think we would be placing a feather in the hat of this legislature by permitting the boxing commission to use their discretion. We are not telling them what to do; we are asking them to use their discretion. They may or may not vindicate Rocky. I do hope, in the interest of our heroes and in the interest of the regard of our people for such athletic personalities as Rocky Marciano, that this Senate does not choose to indefinitely postpone this resolve.

Mr. BUTLER of Franklin: Mr. President, it may be true that Rocky Marciano is a wonderful individual, but we are not trying Rocky Marciano, we are simply passing legislation telling a commission that they may change their opinion or may change their decision because they apparently have not the stamina or ability or desire to take a firm stand upon the issue. It is unfortunate that it happens to relate to a very popular individual. But we are not passing on his popularity; we are passing upon the principle of the legislature telling a commission that they may, if they want to, change their decision. Isn't that considerate of us! We have a commission and we say to them, "We do not like what you have done; you can change it; and don't be a bad boy and do it again; we know what you have done but we will forgive you and you can change it." It is simply playing around with popularity. Let us not confuse the issue with popularity or who this individual is with the blow we may be striking to ourselves in passing such legislation.

When the vote is taken, Mr. President, I ask that it be by a division.

Mr. DOW of Lincoln: Mr. President, I would like to ask a question through the Chair of the Senator from Kennebec, Senator Martin. Do I understand correctly that the com-

mission under the present set-up has no authority to change any decisions it makes without legislative action?

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

Mr. MARTIN of Kennebec: Mr. President, in answer to the question of the Senator from Lincoln, Senator Dow: I think it is a technical and legal question. The statute is silent upon the question of whether or not a commission, once having made a decision, can change it. Some will state that since there is nothing to prevent it they can do it, although there are two sides to the argument.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Franklin, Senator Butler, that the resolve be indefinitely postponed, and the same Senator asks for a division. Is the Senate ready for the question?

As many as are in favor of the motion of the Senator from Franklin, Senator Butler, that the resolve be indefinitely postponed will rise an stand until counted.

A division was had.

Eleven having voted in the affirmative and sixteen in the negative, the motion to indefinitely postpone did not prevail.

Thereupon, on motion by Mr. Martin of Kennebec, the resolve was finally passed.

The PRESIDENT: The Chair at this time appoints as a second group of Senate conferees on the disagreeing action of the two bodies on L. D. 274, "An Act relating to Apprenticeship Licenses: The Senator from Oxford, Senator Pike; the Senator from Waldo, Senator Cole; the Senator from Kennebec, Senator Hurley.

On motion by Mr. Low of Knox,

Adjourned until ten o'clock tomorrow morning.