

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Eighth Legislature

OF THE

STATE OF MAINE

VOLUME II

1957

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Wednesday, May 15, 1957

Senate called to order by the President.

Prayer by Rev. Horace E. Colpitts of Augusta.

On motion by Mr. Woodcock of Penobscot,

Journal of yesterday read and approved.

Out of order and under suspension of the rules,

Mr. LESSARD of Androscoggin presented the following order and moved its passage:

ORDERED, the House concurring, that H. P. 310, L. D. 427, "An Act to Increase Salaries of Justices of the Supreme Judicial Court and Superior Court" be recalled to the Senate from the legislative files. (S. P. 581)

Which order received a passage. Sent down for concurrence.

Papers from the House

Bill, "An Act Authorizing the Forest Commissioner to Convey Harbor Island in Hancock County to Franklin T. Kurt." (S. P. 562) (L. D. 1564) (New draft of S. P. 240) L. D. 641)

In Senate on May 9, passed to be engrossed.

Comes from the House, Indefinitely Postponed.

In the Senate, on motion by Mr. Silsby of Hancock, the Senate voted to indefinitely postpone in concurrence.

Bill, "An Act Relating to Weight of Commercial Vehicles." (S. P. 52) (L. D. 90)

In Senate on February 27, passed to be engrossed as amended by Senate Amendment A (Filing No. 46)

Comes from the House, passed to be engrossed as amended by Senate Amendment A and as amended by House Amendment B (Filing No. 89) in non-concurrence.

In the Senate, on motion by Mr. Cole of Waldo, the Senate voted to recede and concur.

Bill, "An Act Relating to Hours of Selling Liquor." (H. P. 429) (L. D. 605)

In Senate, March 6, Majority Report Ought not to pass accepted in non-concurrence.

Comes from House, that body insisting upon its former action whereby the bill was recommitted to the Committee on Liquor Control, now asks for Committee of Conference.

In the Senate, on motion by Mr. Carpenter of Somerset, the Senate voted to insist on its former action and join with the House in a Committee of Conference; the President appointed as Senate conferees on said committee, Senators: Carpenter of Somerset, Boucher of Androscoggin and Willey of Hancock.

Bill, "An Act Relating to Injury to Monuments and Places of Burial." (H. P. 920) (L. D. 110)

In Senate on May 1, Ought not to pass report from the Committee on Judiciary accepted in non-concurrence.

Comes from the House, that body insisting upon its former action whereby the bill was substituted for the report and passed to be engrossed as amended by House Amendment A (Filing No. 357, now asks for a Committee of Conference.

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

Bill, "An Act Relating to Methods of Taking Clams and Marine Worms." (H. P. 689) (L. D. 957)

In Senate on May 9, passed to be engrossed as amended by Senate Amendment A (Filing No. 380), as amended by Senate Amendment A (Filing No. 377) thereto, in non-concurrence.

Comes from the House Senate Amendment A indefinitely postponed, and bill passed to be engrossed as amended by House Amendment A in non-concurrence.

In the Senate on motion by Mr. Dow of Franklin, the Senate voted to recede and concur.

Bill, "An Act Relating to Licensed Dog Training Areas and Permits therefor." (H. P. 1082) (L. D. 1556)

In Senate on May 9, passed to be engrossed in concurrence.

Comes from House, engrossing reconsidered and bill passed to be engrossed as amended by House Amendment A (Filing No. 405) in non-concurrence.

In the Senate, on motion by Mr. Dow of Lincoln, tabled pending further consideration.

Ought to Pass—as Amended

The Committee on Business Legislation on Bill, "An Act Relating to Sales Financing of Motor Vehicles." (H. P. 993) (L. D. 1421) reported that the same Ought to pass as Amended by Committee Amendment A (Filing No. 269)

In House, report accepted; subsequently, report and bill Indefinitely Postponed.

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

Ought to Pass

The Committee on Business Legislation on Bill, "An Act Relating to Application and Qualification for Real Estate Brokers' Licenses." (H. P. 740) (L. D. 1054) reported that the same Ought to pass

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

In the Senate, on motion by Mr. Charles of Cumberland, the ought to pass report was accepted in non-concurrence and the bill read once; House Amendment B was read and the bill was laid upon the table pending consideration of House Amendment B.

Report A — OTP — N. D.

Report B — ONTP

Five Members of the Committee on Judiciary on Bill, "An Act Relating to Judicial Separation." (H. P. 641) (L. D. 908) reported same (Report A) in New Draft (H. P. 1087) (L. D. 1566) Under Same Title, and that it Ought to pass.

(Signed)

Senator

WOODCOCK of Penobscot

Representatives:

NEEDHAM of Orono
EARLES of So. Portland
HANCOCK of York
TEVANIAN of Portland

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

(Signed)

Senators:

SISLBY of Hancock
BUTLER of Franklin

Representatives:

BROWN of Bangor
WALKER of Auburn
BRODERICK of Portland

Comes from the House, reports and bill Indefinitely Postponed.

In the Senate on motion by Mr. Silsby of Hancock indefinitely postponed in concurrence.

Majority — ONTP

Minority — OTP

The Majority of the Committee on Liquor Control on Bill, "An Act Relating to Approval of Applications for Retail Store Liquor Licenses." (H. P. 692) (L. D. 979) reported that the bill Ought not to pass.

(Signed)

Senators:

CARPENTER of Somerset
BOUCHER of Androscoggin
WILEY of Hancock

Representatives:

CROCKETT of Freeport
COUTURE of Lewiston
DOSTIE of Winslow
ANTHOINE of Windham

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

(Signed)

Representatives:

CHRISTIE of Presque Isle
PIERCE of Bucksport
RICH of Charleston

Comes from the House, Majority Report accepted.

In the Senate, on motion by Mr. Carpenter of Somerset, the Majority Ought not to pass report was accepted in concurrence.

Majority — OTP N. D.

Minority — ONTP

The Majority of the Committee on Natural Resources on Bill, "An Act

Classifying Certain Surface Waters in Maine." (H. P. 922) (L. D. 1311) reported same in New Draft (H. P. 1085) (L. D. 1562) Under Same Title, and that it Ought to pass.

(Signed)

Senators:

BUTLER of Franklin
FERGUSON of Oxford
FARLEY of York

Representatives:

BURNHAM of Kittery
SAUNDERS of Bethel
MORRILL of Harrison
WILLIAMS of Hodgdon
HEALD of Union
JALBERT of Lewiston

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

(Signed)

Representative

BREWER of Caribou

Comes from the House, Majority Report accepted and the bill in New Draft passed to be engrossed as amended by House Amendment A (Filing No. 356), B (Filing No. 358), D (Filing No. 403 and E (Filing No. 407).

In the Senate, on motion by Mr. Briggs of Aroostook, tabled pending consideration of the reports and especially assigned for later in today's session.

Majority—ONTP

Minority—OTP

The Majority of the Committee on Public Utilities on Bill, "An Act to Repeal the Westbrook Sewerage District." (H. P. 668) (L. D. 949) reported that the same Ought Not to Pass.

(Signed)

Senator:

LESSARD of Androscoggin

Representatives:

PLANTE of Old Orchard
BEANE of Augusta

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

(Signed)

Senators:

MARTIN of Kennebec
ROGERSON of Aroostook

Representatives:

HAUGHN of Bridgton

FRAZIER of Lee
WALTERS of Waldoboro
ROY of Fort Kent
ROLLINS of Belfast

Comes from the House, Minority Report Accepted, and the Bill Passed to Be Engrossed.

In the Senate, on motion by Mr. Martin of Kennebec, tabled pending consideration of the reports and especially assigned for later in today's session.

Report A—OTP

Report B—ONTP

Five members of the Committee on Sea and Shore Fisheries on Bill, "An Act Authorizing Towns to Control Shellfish Resources." (H. P. 670) (L. D. 951) reported (Report A) that the same Ought to Pass.

(Signed)

Representatives:

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

Five members of the same Committee on the same subject matter reported (Report B) that the same Ought Not to Pass.

(Signed)

Senators:

BROWN of Washington
BAILEY of Sagadahoc
FOURNIER of York

Representatives:

ANDREWS of Jonesport
TARBOX of Gouldsboro

Comes from the House Report A Accepted, and the Bill Passed to Be Engrossed, as Amended by House Amendment A (Filing No. 390)

In the Senate:

Mr. BROWN of Washington: Mr. President, I have been a member of this committee for five terms and have heard all the clam laws and the lobster laws quite thoroughly. This particular bill opens all the flats from Kittery to Eastport to any digger that wants to go in if this bill is passed. We in Washington County feel we have a great stake at hand in this matter. I would like to read the record for 1956 as to the clam business in the state:

Cumberland 82,145 pounds sold for \$42,168.00; Hancock County sold

22,000 pounds at \$87,345.00; Knox, 283,000 at a price of \$108,532.00; Lincoln, 147,000 at a price of \$66,-674.00; Washington 1,486,265 pounds and they got \$500,391.00; Sagadahoc, 4,575 for \$2,749.00; York 246 pounds sold for \$176.00. The total sales of clams in the state was \$808,635.00 last year and 62 per cent of all these clams came out of Washington County in 1956 and for the past ten years it has averaged from 57 per cent to 65 per cent from that county.

We are in the throes of a depression in Washington County perhaps a little more than anywhere else at this time on account of the sardine business being shifted west a lot of it and our people in our county are trying to find ways to make a living more than they ever did before.

Now these clam diggers, the fellows in my particular area and there are no clam diggers for perhaps thirty miles up the St. Croix River because we haven't any clams. They dug them all out years ago. But in the center of the county, there are probably 500 clam diggers who work in the summer in the sardine factories and fish otherwise and as you know, it is a very short season, about four to five months. Those people, it shows by the record, that those people the rest of the season earn money digging clams in the center of the county, and it means that much money \$500,000 to them and it enables them to make a living. Now the law has said for a long time that a legal clam is two inches long in the shell. What is the good of a clam one inch long to the trade. This bill we are talking about is to dig any clam in the flats regardless of size, and I will just read a little bit more.

If this law should pass anybody who could buy a clam license, if the town had not passed special laws to keep them out could go into any town and dig clams whenever he wished to. Objections would be if the town passed laws to set aside certain parts of their flats they would have to pay a special warden for policing and it takes at least three years for a small clam to reach the present legal size of two inches. I can tell you about the town

of Jonesport in our county, three terms ago, was not protected as are all the towns from Kittery to Eastport, protected by laws which allow only their diggers to dig in the town flats. And at that time I was on the committee and Jonesport didn't have that protection and they had set aside a section called the Great Bar, consisting of many acres and not allowing even their own diggers to dig in this area. They opened them when they thought they were large enough to dig and not only the Washington County diggers around them came in, but many came from as far as Boothbay Harbor and in a few weeks they dug them all out, \$4,000 worth.

The same thing happened at Owls Head this year. You may remember that this section was closed on account of pollution for seven or eight years and they felt that it was all right and opened them up and what happened? Fifty or more outsiders came in there and you know the mess they made. They had to call in the police and the wardens and sheriffs and arrested quite a number and fined them small fines.

If this bill passes many outside diggers will go into the non-protected towns and clean them up and leave the residents holding the bag. Now we don't want that to happen, in Washington County because it really is a big matter for us, so I will ask for the indefinite postponement of this bill.

The PRESIDENT: The question is on the motion of the Senator from Washington, Senator Brown, that the bill be indefinitely postponed in non-concurrence.

A viva voce vote being had

The motion prevailed.

Sent down for concurrence.

Majority — ONTP

Minority — OTP

The Majority of the Committee on Towns and Counties on Bill, "An Act Relating to Expending Penobscot County Funds for Higgins Classical Institute." (H. P. 646) (L. D. 913) reported that the same Ought not to pass.

(Signed)

Senators:

WYMAN of Washington

FARLEY of York
LORD of Cumberland

Representatives:

HENDSBEE of Madison
LEATHERS of Herman
WEBBER of China

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

(Signed)

Representatives:

PRUE of Ashland
ERVIN of Houlton

Comes from the House, Minority Report Accepted, and the bill Passed to be engrossed.

In the Senate, on motion by Mr. Wyman of Washington, tabled pending consideration of the reports.

Communication

State of Maine
HOUSE OF REPRESENTATIVES
Office of the Clerk
Augusta

May 14, 1957

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

Sir:

The Speaker of the House today appointed the following Conferees on the part of the House on the disagreeing actions of the two branches of the Legislature on: Bill, "An Act Relating to the Taking of Quahogs." (H. P. 14) (L. D. 13)

Messrs. WINCHENPAW
of Friendship
MILLER of Portland
RANKIN of Southport

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

Messrs. HAUGHN of Bridgton
FARMER of Wiscasset
MILLER of Portland

Respectfully,

(Signed) HARVEY R. PEASE
Clerk of the House

Which was read and ordered placed on file.

**Senate Committee Reports
Leave to Withdraw**

Mr. Woodcock from the Committee on Judiciary on Bill, "An Act to Create the Maine Industrial

Building Authority." (S. P. 239) (L. D. 640) reported that same be granted Leave to Withdraw.

Which report was read and accepted.

Sent down for concurrence.

Ought to Pass—N.D.—New Title

Mr. Silsby from the Committee on Claims on "Resolve in Favor of James Adams, Inc. of Bangor." (S. P. 294) (L. D. 791) reported same in New Draft (S. P. 578) (L. D. 1579) under New Title: "Resolve Authorizing Jim Adams, Inc. to Sue the State of Maine." and that it Ought to Pass.

Ought to Pass—N.D.—Same Title

The same Senator from the Committee on Judiciary on Bill, "An Act Relating to the Distribution and Sale of Publications Depicting Crime and Torture." (S. P. 282) (L. D. 741) reported same in New Draft (S. P. 579) (L. D. 1580) under Same Title, and that it Ought to Pass.

Mr. Woodcock from the same Committee on "Resolve Proposing an Amendment to the Constitution Pledging Credit of State for Guaranteed Loans for Industrial Purposes." (S. P. 460) (L. D. 1301) reported same in New Draft (S. P. 580) (L. D. 1581) under Same Title, and that it Ought to Pass.

Which reports were severally read and accepted, the bill and resolves in New Draft read once, and tomorrow assigned for second reading.

**Majority—ONTP
Minority—OTP**

The Majority of the Committee on State Government on Bill, "An Act Relating to Powers of State Board of Education." (S. P. 479) (L. D. 1384) reported that the same Ought Not to Pass.

(Signed)

Senators:

ROGERSON of Aroostook
PIKE of Oxford

Representatives:

TOTMAN of Bangor
BRAGDON of Perham
WADE of Auburn
ROSS of Bath
WALSH of Brunswick
ELWELL of Brooks
CHILDS of Portland

The Minority of the same Committee on the same subject matter, reported that the bill ought to Pass. (Signed)

Senator:

LESSARD of Androscoggin

Mr. ROGERSON of Aroostook: Mr. President, I move the acceptance of the Majority ought not to pass report.

Mr. LESSARD of Androscoggin: Mr. President and members of the Senate, no doubt you know I stood alone on the ought to pass report and I thought I would explain my position. This was a recommendation of the PAS which was taken up by the citizens committee and after due study they recommended that this action be taken. However, the majority of the committee did not feel that way. I, as a member of the PAS felt that perhaps it should pass and that is the reason why I signed the minority report. I still think that it was a good recommendation.

The PRESIDENT: The question is on the motion of the Senator from Aroostook, Senator Rogerson, that the Senate accept the ought not to pass majority report.

A viva voce vote being had, the Chair was in doubt.

A division of the Senate was had.

Eighteen having voted in the affirmative and thirteen opposed, the motion prevailed.

Sent down for concurrence.

Second Readers

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

House

"Resolve in Favor of Willis L. Cushing of Portland, Maine." (H. P. 301) (L. D. 396)

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

"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)

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

House—As Amended

Bill, "An Act Relating to Sales of Milk on the Producer's Premises." (H. P. 305) (L. D. 422)

(On motion by Mr. Bailey of Sagadahoc, tabled pending passage to be engrossed.)

Bill, "An Act to Revise Certain Motor Vehicle Laws." (H. P. 403) (L. D. 533)

Bill, "An Act Relating to Repossession of Property Subject to Conditional Sales Agreement." (H. P. 418) (L. D. 595)

(On motion by Mr. Reed of Aroostook, tabled pending passage to be engrossed.)

Bill, "An Act Relating to Sale of Pasteurized Milk Only to Certain Institutions." (H. P. 738) (L. D. 1052)

Bill, "An Act Revising the Maine Milk Commission Law." (H. P. 851) (L. D. 1214)

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)

Bill, "An Act to Authorize the Construction of a Bridge Across the Passagassawaukeag River at Belfast." (H. P. 997) (L. D. 1425)

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

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

Bill, "An Act Relating to Publication of Specimen Ballots, Constitutional Amendments and Referendums in Foreign Language Newspapers." (H. P. 1015) (L. D. 1445)

Which was read a second time.

On motion by Mr. Boucher of Androscoggin, the Senate voted to reconsider its previous action whereby it adopted House Amendment A, and the same Senator presented Senate Amendment A to House Amendment A. Which amendment was read and adopted; House Amendment A as amended by Senate Amendment A was read and adopted in non-concurrence; and the bill as amended by House Amendment A as amended by Senate Amendment A thereto was passed to be engrossed in non-concurrence.

Bill, "An Act Relating to Employment of Minors." (H. P. 546) (L. D. 773)

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

Sent down for concurrence.

The PRESIDENT: The Chair at this time notes in the Senate the freshmen civics class of the South Paris High School. On behalf of the Senate we welcome you here today. If after the session you will come down and visit us, each one of us will try to make your day a happy one, try to show you around and answer your questions.

We hope that at least a few of you will be impressed with what you see here today and that you may take home at least a faint desire that you some day may take part in your state government. Thank you very much for coming and we hope you have a grand time.

Enactors

The Committee on Engrossed Bills reported as Truly and Strictly Engrossed the following Bills:

Bill, "An Act Relating to Elections in Towns." (H. P. 217) (L. D. 301)

Bill, "An Act to Incorporate the Mexico Sewer District." (H. P. 387) (L. D. 518)

Bill, "An Act Relating to the Maine Forestry District." (H. P. 821) (L. D. 1164)

Bill, "An Act Relating to Appointment of Deputy Commissioner of Institutional Service and Member of Parole Board." (H. P. 1006) (L. D. 1432)

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

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

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

Bill, "An Act Relating to the Use of Public Ways and Parking Areas Maintained by the State at the Seat of Government." (S. P. 148) (L. D. 348)

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)

Bill, "An Act Relating to Survivor Benefits Under Maine State Retirement Law." (S. P. 524) (L. D. 1486)
(On motion by Mr. Sinclair of Somerset, tabled pending passage to be enacted.)

Which bills were severally passed to be Enacted.

Emergency

Bill, "An Act to Incorporate the Cumberland Water District." (H. P. 383) (L. D. 512)

Which bill, being an emergency measure and having received the affirmative vote of 32 members of the Senate was Passed to be Enacted.

Orders of the Day

The President laid before the Senate the first tabled and especially assigned matter being bill, "An Act Classifying Certain Surface Waters in Maine." (H. P. 922) (L. D. 1311) tabled earlier in today's session by the Senator from Aroostook, Senator Briggs pending consideration of the Committee reports; and on motion by the same Senator, the Majority Ought to pass report was accepted and the bill read once. House Amendment E was read and adopted, House Amendment D was read and adopted. House Amendment B was read and adopted and House Amendment A was read and adopted.

The same Senator then presented Senate Amendment A and moved its adoption.

Mr. BRIGGS of Aroostook; Mr. President and members of the Senate, I feel like David when he was confronted by Goliath. Situations seem to develop on this matter just about the same way each session of the legislature.

Two years ago we were confronted after the more or less initial steps in an effort to classify the waters of the state, with a new draft which was brought out by the committee. This session we are confronted with the same situation. This classification scheme is not one

which I have been whole heartedly in accord with at the outset. I believe it is more or less a study in stalling propositions upon which the polluters can beat the rap at every turn. I recognize that according to the proof of recent actions the Maine legislature evidently is not yet ready to take any more forthright steps in attempting to abate the bad water pollution condition in the waters of our state. However each time I end up falling back on the classification law which has been drawn before you on the end of a string as a moderate, middle of the road, slow, progressive step. Now during the course of the public hearings on this classification and on the more stringent bills which we considered, opponents to clean up the waters have continuously and piously declared that we should let this present law work. "It was a good law... it is showing progress... don't put any law on the books that would cause any upset... drive out industries, close schools and hospitals." and all such nonsense as that, and they say, go along with this classification law which we have on the books and give it a chance to work" Then the minute we do try to go along with by public hearings held in the various areas and which they present to the legislature, then they clobber that.

How long are those people going to continue to sing this tuneful song to let the present law work and at the same time kill any effort that is made to let it work. I submit to you that in the classification recommendations that were proposed to this legislature, these were the first that actually began to pinch a few persons and would have at least in a minor way, set up some control which the water commission could use to try to upgrade some of our filthy waters.

In the recommendations that were made this time there were approximately 105 upgradings recommended. We found that in the new draft which we have been considering here today, there were only remaining about 37 upgradings and none of those you bet, bothering anyone very much. As a matter of fact, also in the new draft we find there are ac-

tually 26 or 27 downgradings from present water conditions. I know that the complexity of this problem leaves a great deal of doubt in anyone's mind. No one wants to do anything that will irreparably damage our economic progress. On the other hand there are some very important considerations, I think, for trying very seriously to make progress in this matter.

You have probably read in the newspapers some of the material distributed to them, by persons who were not especially interested in improving the waters, which declared that we have hundreds of miles of clean waters all over the state, that actually we are not very bad off at all and you know for sure that most of those waters are waters that are no problem to classify that are located in the wilderness of the state and no industry or anyone else is going to be interested in locating on the Allagash River or such places. So it has been very easy to classify those and it is very easy to brag about all the pure waters that we have. The truth of the matter is that all of the waters that flow through our thickly populated centers where any industry would want to locate, are so grossly defiled that sooner or later we are coming to a condition where industry which normally requires a certain amount of pure water are going to be reluctant to locate there because the cost of treating the water before they can use it is going to be so great that it will be prohibitive.

Another important consideration I feel is that we have a vastly valuable recreational economy here in the state. I don't believe we have ever scratched the surface. If we are going to continue manhandling these valuable natural resources that we have to offer to outsiders, we are not going to get our share of the increasing recreational trade. It is discouraging to me to note the continuation of styming any effort at all that is made to improve these waters even under this moderate bill which I do not basically agree with.

Now this is not a partisan matter. The protection of our valuable natural resources in Maine should be a bi-partisan issue and should be faced honestly and squarely by all

of us. However, it is rapidly becoming an item of partisan interest. I think it behooves all of us to put that aside and do what in our hearts we believe is best for Maine, regardless of our respective party philosophy. It is almost impossible for me to understand when there are so many persons of average walks of life, who want to see some progress made in this, to see it refuted by this legislature. I would like to recommend seriously that you folks do your best to consider this matter very carefully. This is a conservation issue. It affects a great many persons. Many people are suffering in the state because of the desperate condition of our waters and you know that you have heard recited here how even municipal water supplies are being driven out from their equal use of the river. Other industries are finding it difficult because of the encroachment of this creeping paralysis.

I have examples of all kinds of correspondence and clippings I have taken from the newspapers which show plainly enough that we are not making very much progress. I know that the merchants operating here that are successful and helping to keep this state dirty for another generation or so, lead you to believe that there are all sorts of disadvantages that will accrue from us trying to take any forward steps in the protection of our vital natural resources. Everyone tells you at great length about the cost that would accrue to industry and those are largely exaggerated, also to municipalities, which in many cases are exaggerated and they give scant attention to the benefits that would be derived and I think it is necessary to consider benefits when you want to talk about cost, cost to wash your car, to take a bath, to paint your house, there are all sorts of costs that are hard to take and I would like to tell you too, there is not going to be any progress in this matter whatsoever until we have some kind of law on the books which requires it. They are not going to volunteer—it is foolish for us to expect industries and municipalities to take this matter upon themselves voluntarily. I know they will declare to

you that they are doing that but it just isn't so. They won't do that any more than they would voluntarily pay their income tax or that you and I would voluntarily buy our driver's license. When they are required to do it they will do it. Experience in other states has shown satisfactorily that progress has come about and that industry and municipalities and everyone has been satisfied and once they experience this good step they don't want to return again to the law of the jungle. Even some of the industries who fought it the hardest turned out to be the most outspoken proponents and the moment anyone up the river from them puts anything in the water to dirty it up, they are the first to run to the state authorities and declaring that that fellow upstream is dirtying the water.

I would like very much to substitute the bill, the original bill for the new draft of the committee and return it to the other branch that way, and I so move.

THE PRESIDENT: The question is on the motion of the Senator from Aroostook Senator Briggs, that the Senate adopt Senate Amendment A and perhaps the Senator would wish to explain Senate Amendment A.

MR. BRIGGS: Thank you, Mr. President. Senate Amendment A which I have presented is, in fact, the work which has been done by the water commission for the last two years, which industry and everyone else has been applauding up to this point and it would enforce those recommendations of upgrading which have been accepted through the public hearings and recommended by the water commission. It is the same as the original Saunders bill put in by our water commission which is represented by two citizens representing industry, two representing municipalities, two representing the public at large and two representing conservation interests.

They have submitted these classifications we have spoken about and Senate Amendment A would recommend those 16 odd upgrades.

THE PRESIDENT: Does the Chair understand the Senator to say that the Senate Amendment was on the books as L. D. 1578.

Mr. BRIGGS: I believe, Mr. President, that that is correct.

Mr. BUTLER of Franklin: Mr. President and members of the Senate, I rise in opposition to the adoption of Senate Amendment A. As has been explained, Senate Amendment A is L. D. 1578, or turning back to your books, L. D. 1311. Now let's look a moment at the operation of 1311. And to do that we should refer to our worksheet which is L. D. 491. This worksheet is the recommendations upon which L. D. 1311 otherwise identified as 1578, are based.

Now let us look at the system which we have instituted in this state. We are attempting to classify our waters under the classification procedure. We have done this at the last session of the legislature and at the session of the legislature before that, in Chapter 78 we further amended that chapter by providing that after a classification was established, the commission in order to raise that classification should have certain powers and should present to the legislature certain things and I quote from that amendment which appears in chapter 425, on page 464 of the Laws of Maine of 1955: "The commission shall make recommendations to each legislature with respect to abatement of pollution of rivers, waters and coastal flats and sections thereof within the state for the purpose of raising the classification thereof to the highest possible classification so far as economically feasible. Such recommendations to relate to methods, costs and the setting of time limits for compliance."

Now that was inserted to enable the commission once the water had been classified to raise that classification to a higher level. In the original instance—and that is what we now have under consideration of these miles of waterways which, as yet have not been classified—the commission presented certain recommendations in the form of worksheets which have ultimately been prepared in document 1491 and if you will refer to that under the remarks and recommendations of that committee, in no instance have any costs or anything been inserted because in no instance was any cost necessary as provided under the

amendment to the original act as we are not reclassifying.

Now when we use the word classification, we are using it in a loose frame of terminology. We are not downgrading. We are classifying for the first time. At the hearing it was pointedly established that some of our municipalities on the highways were greatly perturbed as to how they would be affected if the proposed classification went into effect especially on the Sebasticook River. There they came and demonstrated the problem which they had. There are other municipalities in the state which are likewise in as hard a position as any locality on the Sebasticook.

It was also brought out that we have a double problem and that double problem is that once we have classified a river are we going to freeze that river? Are we going to make that river so that anybody who is using that river to excess is going to deprive other people of the right of the use of it? So much so in fact that in the committee we had quite a discussion as to the advisability of leaving that river unclassified in order to permit a further study but we did feel that those municipalities who had not taken the care or the time or the realization of what this proposed item had to do—and it must be borne in mind that fundamentally people are not aware of their immediate problems, they did not attend the hearings the way they should have which is no one's fault except their own. But they do have a problem of their own municipality and of cleaning up their own waste which was first inserted into our law in the 1951 session and is now arriving at the point where further work and realization on the part of these communities is being realized.

We are aware of the many sewer districts which we have already permitted to be incorporated to take care of this, so people are aware that they do have a problem and are approaching that problem from a realistic position. As a result of this, the committee sat down; part of the committee's work is in conjunction with the water improvement board for the purpose of preparing something which

would look after those communities which were likewise struck by the impact of this proposed legislation as those communities which were aware of it and other members of the committee worked independently and then the entire committee sat down as a committee and prepared the redraft.

Now this redraft in many instances goes completely along with the original draft and I now present to you a memorandum of a breakdown of this worksheet so that you may have some idea as to the differences which the committee arrived at in the redraft. It is unfortunate indeed to insert into anything of this nature a partisan program. Fundamentally the state belongs to the people and all of us are interested in doing our share in working towards that end.

Now as we proceeded,—you will note that with the exception perhaps of a few municipalities we were realistic and if you will turn to your work sheet, there are notations on that as to the recommendations of your work sheet on 1941 and the grading which the committee felt was a realistic grade. We are classifying these waters for the first time, and our laws provide for reclassification and the procedure under which that reclassification may and should take place. With these brief remarks I hope that you will deem the work that the new draft is in line with the best interests of us all and I hope that the motion of the Senator from Aroostook, Senator Briggs to adopt Senate Amendment A to the new draft will not prevail. When the vote is taken, I ask that it be by division.

Mr. BRIGGS of Aroostook: Mr. President and members of the Senate, just to again briefly fill in, I want to be sure that the members of the Senate realize that our Maine Water Improvement Commission has arrived at nothing that was approved of except the recommendations which they presented, which were in L. D. 1311. Also there was reference made to the fact that there were no down gradings being done. In going through the worksheet of the commission, which describes what they were trying to do I arrived at various items where

the present quality of the water was found to be Class C and where the new draft recommended it should be Class D. Now if the present quality of the water is C and the new draft puts it at D. I don't know whether that is down grading or not. It is true enough that this is the first time they were being classified. I know it is stated in the chapters that the methods, cost, time limit, etc., would be specified. That question was raised at one of the hearings by one of the lobbyists who was hoping to have a lower class placed on some of these waters.

Two years ago, if you will bear with me for harkening back, we had quite a problem about our potato processing industry in Aroostook County. Everyone was declaring, and it was written on the records here and the records at the public hearings and in the debate in both branches, that it was discriminatory. All the streams had not been classified. As soon as they were all classified, they would go along. Now we had the classification of the rest of them last summer and they are right in there doing everything they can to keep from going along just the same.

I don't believe it is reasonable for us to expect any progress if we are going to come in here and knock down these recommendations that are made through the public hearings and allow these various political influences to take sway on the matter. I think that there is ample protection in the statutes for right of appeal. It isn't a head chopping proposition. There is a chance for folks to appeal to the courts and in the final analysis to show through the courts that it is not economically feasible, and that they are the struggling paupers that some of them would like to have you believe they are. It is just not so, and I feel that they expect that the courts won't be as impressed with their tales of woe as some of their political friends perhaps will be. There is not a thing wrong with these recommendations that were made. They are very moderate. There are only 137 upgradings of them. I thought folks would come in and attack this classification by saying, "Well I've got a good case

for my stream. The reasons are thus." And then an amendment would be presented to remove that stream. I thought that would surely happen and if it was good enough, I knew you would accept the amendment. It didn't happen that way, members of the Senate. The way it happened was that this new draft was prepared and everything they wanted was included in it in one fell swoop and now some of us are trying to return some of the classifications to protect our own municipal drinking water and sanitary conditions that are quite intolerable.

We have small towns in my area and some folks would like you to believe they are all up in arms over this but they've lived with the stench so long that they are anxious to do their part to acquire sanitary facilities even though they are not wealthy and they have the same problems as all other towns. No town ever put this first by preference because the problems before them are so great. It is something we'll have to require them to do. No industry is going to put it first by preference because their attention is turned to production and profit and I have no complaint at all with that.

I hope that my motion will prevail.

Mr. FERGUSON of Oxford: Mr. President, I rise in opposition to the motion of the Senator from Aroostook, Senator Briggs. I am going to go over a few facts. He spoke about lobbyists coming in and appearing before the committee. I was a member of that committee my second term and I might say the greatest objection came from the various small municipalities that would be hurt by this 1311 bill, the Saunders bill.

This bill has been indefinitely postponed in the House twice now. After spending the best part of two days on it, I don't believe we should send this bill back into the House in the form of Senate Amendment A. So I hope that the motion of the Senator from Aroostook, Senator Briggs will not prevail.

Mr. FARLEY of York: Mr. President and members of the Senate, I have been a member of the committee for two terms. Two years

ago I came away from the hearing far more polluted than any waters in the State of Maine. This year I followed a little different plan at the hearing. I was vitally interested in municipal organizations in the State of Maine. Within a short time after our hearing a gentleman who signed the bill and I had a discussion. He gave me information he had heard something about somebody writing another bill. I agreed with him that if there was another one written I would let the bill he had go down through the mill. The following afternoon I walked into the house and there was a meeting of seven of the members of the Natural Resources Committee. They asked me to sit down with them and I did. They took the Senator's bill and they were working upon it and they were classifying it up or down. We adjourned from that meeting to the lower part of the State building and we had a gentleman from the Water Improvement Commission come in to us and give us some information. I left him half an hour before we concluded there and went back again the next afternoon. The gentleman who signed the bill at the executive session was fully satisfied with the redraft, and when he was fully satisfied with the redraft I signed with him.

I do not know of any committee that gets any more of a rap than the Natural Resources Committee. We seem to find a lot of Monday morning quarterback, but they don't come to the hearing so we can get the benefit of their knowledge in regard to cleaning up the waters.

Two years ago in this same committee I leaned over backwards with the Senator from Aroostook to get something in that he wanted, but this year I could not see where I could change my mind to go along with those all in good faith, and I say in good faith. We all attended that meeting with the exception of one member, and I am fully satisfied to go on record with the Senator from Franklin, Senator Butler.

Mr. SINCLAIR of Somerset: Mr. President, I rise in opposition to Senate Amendment A. I think we should move not too fast in the classification of these streams. I think we are making real progress in ac-

cepting this redraft. I think there are phases of economic development in the State of Maine that are being affected and we should not do anything that is going to put a burden on our small towns. I am very happy to go along with the Senator from Franklin, Senator Butler.

Mr. BUTLER: Mr. President and members of the Senate, in reference to the down grading which I previously stated had not taken place and which I re-affirm, in many instances, the commission had found that a stream without limiting its points was a C in one part and a D in another, and a nuisance in the third part, without giving to the committee a breakdown. Accordingly in those instances, the committee came up with the realistic position that as long as we were not in a position to say what was C, we knew very well we were not in a position to say what would be D. In those instances one could easily say we had gone from C to D on a proposed downgrade. Now remember, a proposal is not a downgrade classification. Bear in mind, it has never been classified.

The amendment which has been offered as Amendment E is a breakdown of those classifications of instances which, if they had been before the committee would simply have been incorporated. The other amendments are similar in nature. The Committee was in error when it called the city of Rockland a town and we must correct that situation and outside of that the amendments go along. In many instances the higher recommendations have been taken which are not in fact the condition of the water. These instances, and the committee goes along with them, which are not on the worksheet are where the river through natural causes is polluted and they have arbitrarily stated that it would be a higher quality than it is in fact. But at least it does no harm to designate a higher value because it will stop or prohibit the introduction of man made waste and we can protect it to that extent and perhaps in time correct the other situations along with it.

The PRESIDENT: The question is on the motion of the Senator from Aroostook, Senator Briggs that the

Senate adopt Senate Amendment A. The Senator from Franklin, Senator Butler has asked for a division.

A division of the Senate was had.

Ten having voted in the affirmative and twenty-one opposed, the motion did not prevail.

Mr. Briggs of Aroostook presented Senate Amendment A to House Amendment E and moved its adoption.

Which amendment was adopted and under suspension of the rules, the bill was read a second time and passed to be engrossed as amended by House Amendments A, B, D, and by House Amendment E as amended by Senate Amendment A in non-concurrence.

Sent down for concurrence.

Mr. BRIGGS: Mr. President and members of the Senate, I would like to thank you for your tolerance and kindness in listening to this matter.

The President laid before the Senate the second tabled and especially assigned matter being bill, "An Act to Repeal the Westbrook Sewerage District." (H. P. 668) (L. D. 949) tabled earlier in today's session by the Senator from Kennebec, Senator Martin pending consideration of the reports.

Mr. MARTIN of Kennebec: Mr. President, I move that this L. D. 949 be indefinitely postponed in non-concurrence.

Thereupon, on motion by Mr. Lesard of Androscoggin, the bill and accompanying papers were laid upon the table pending Mr. Martin's motion to indefinitely postpone.

Mr. Brown of Washington was granted unanimous consent to address the Senate.

Mr. BROWN: Mr. President and members of the Senate: You heard the clam story recently and acted on it very satisfactorily to me. Now as I have been a member of this committee for a long time I would like to place before you for the record the whole situation as to the value of fish to the State of Maine. It will take me only a few minutes.

This is the catch of lobsters by counties: Knox, 5,108,206 pounds, worth \$2,358,144; Hancock, 5,167,144 pounds, worth \$2,359,645; Cumberland, 3,217,901 pounds, worth

\$1,380,728; Lincoln, 2,580,844 pounds, worth \$1,144,415; Washington, 2,403,775 pounds worth \$1,017,442; York, 1,495,409 pounds, worth \$652,901; Sagadahoc, 599,056 pounds, worth \$248,532, or a total of lobster business of \$9,119,807. Other shellfish, \$1,810,000, and that includes scallops, worms and so forth. Ocean perch or rose fish, 64,966,871 pounds worth \$2,464,204. Herring, that is sardines and so forth, 140,472,327 pounds, worth \$2,299,320. All other fish, \$1,681,610. Fish, total \$6,045,134 for the State of Maine last year, and lobsters, \$9,119,807, making a total of fish products of \$16,965,576.

Now I will just make this little suggestion if I may. As Chairman of Sea & Shore Fisheries for five terms I have one suggestion I would like to make at this time for the better enforcement of the fisheries law, and that is I hope that before the next legislature the Commissioner of Sea and Shore Fisheries will be given at least double the present number of wardens to properly handle the control of all fishing laws along our coast of 2500 miles.

On motion by Mr. Butler of Franklin, the Senate voted to take from the table Bill, "An Act Relating to Employees of Maine Maritime Academy Receiving Federal Social Security Benefits," (S. P. 51) (L. D. 82) which was tabled by that Senator earlier in today's session pending passage to be enacted.

Mr. BUTLER: Mr. President, I tabled this item because I felt it did nothing more than express an intent. It is not actually giving them the right to have social security, but at the same time it will give them an opportunity perhaps to go to Washington and try to have the Federal Security Act amended as others have done, and for that reason I move its enactment.

Thereupon the bill was passed to be enacted.

On motion by Mr. Butler of Franklin, the Senate voted to take from the table the 97th tabled and unassigned matter, (H. P. 170) (L. D. 217) Bill, "An Act Relating to Number of Medical Examiners in Penobscot County," which was

tabled by that Senator on May 14th pending passage to be enacted.

Mr. BUTLER of Franklin: Mr. President and members of the Senate: I tabled this item for the purpose of seeing if it would be possible to correct a situation which is now appearing in regard to medical examiners in that they are not being properly allocated, and for that reason I had hoped to correct the situation; but I feel it is rather late in the session and the entire section should be corrected, which can be done at a later time, and therefore I move its enactment.

Thereupon the bill was passed to be enacted.

On motion by Mr. Butler of Franklin, the Senate voted to take from the table the 98th tabled and unassigned matter, (H. P. 846) (L. D. 1200) Bill, "An Act Increasing the number of Medical Examiners for Cumberland County," which was tabled by that Senator on May 14th pending passage to be enacted; and on further motion by the same Senator the bill was passed to be enacted.

On motion by Mr. Lessard of Androscoggin, the Senate voted to take from the table the 70th tabled and unassigned matter, (H. P. 896) (L. D. 1281) House Report "Ought not to pass" from the Committee on Business Legislation on Bill, "An Act to License and Regulate Operation of Trading Stamp Companies," which was tabled by that Senator on May 10th pending consideration of report.

Mr. LESSARD: Mr. President, I now move that the Senate accept the unanimous "Ought not to pass" report of the committee.

Mr. REED of Aroostook: Mr. President and members of the Senate: This is a matter on which I would like to take some time to tell you the various ramifications and so forth of the particular bill and to rise in opposition to the motion of the Senator from Androscoggin, Senator Lessard.

Now this bill has to do with the regulation of and taxing the operations of trading stamp companies here in the State of Maine.

I think most of you are somewhat familiar to more or less degree with how these trading stamp companies operate here in Maine and in the United States. They are a big business. I find, from checking into various publications that have been written about the trading stamp business that they are doing about a six hundred million dollar gross business in the country, and as near as we can tell about a ten million dollar gross here in Maine. So we are talking about big business when we are talking about the trading stamp companies. Now the business has become so big that many, many new companies have got into the field in recent years, in fact, according to statistics we have, the largest trading stamp company is doing a gross business of around a hundred million dollars. The second largest company in size as far as volume of business is concerned have been in business two years now, and in the first year, 1956, they grossed thirty million dollars, so you can see that the business has mushroomed in recent years into a tremendous operation.

Most of these stamp companies operate on a two and a half per cent basis; you can figure that the shopper gets about two and a half cents of purchasing power for each dollar spent. Now of course it is obvious that stores operating on a low margin find it almost impossible to absorb the cost of these stamps into their regular business. Therefore in most cases, not in all cases of course, we find that merchants issuing stamps must raise the cost of their merchandise or curtail some services they are giving or make some cut in their budget in order to take care of the cost of these trading stamps.

Now as near as I am able to determine these stamp companies make their profit by three phases of their operation. First, they make some money on the stamps they sell to the retailers; secondly they make money on the premiums. They buy, of course, in tremendous volume and they sell at top retail prices. In fact the largest company in the country is now the largest purchaser of silverware in the entire United States, and they rank very

high as being the largest appliance buyer; so obviously they are going to receive greater reductions or discounts when they make purchases. So there is probably where they make the bulk of their money. Thirdly, they make money on the unredeemed stamps. You can understand that many people take stamps that are offered to them at stores and filling station, put them in their pockets or put them in the glove compartment of their car and they never end up in the premium book and are not turned in for redemption. Now how many actually go unredeemed is a moot question. I understand some of the companies have estimated it at five per cent and I have heard it to be as high as forty or fifty-five per cent. It is difficult to determine just how many they are not called on at any time to redeem, but it certainly is a sizeable figure.

If this motion is defeated, I propose to offer an amendment which I think will be acceptable and which I think is a reasonable one. It does not have anything to do with the actual operation, whether you are against trading stamps or whether you are for them; it is merely a set-up, first, to regulate in a sense the operating of trading stamp companies in Maine. I say "regulate," and believe it or not, the State of Maine has absolutely no regulations of any type to control the stamp companies; they are here doing business under no license from the State of Maine. That sounds hard to believe but actually it is the truth. The Federal Trade Commission, and I am sure that most of you are familiar with that federal board, have now started to investigate the operation of trading stamp companies in the United States, particularly along the lines of deceptive promotion, price discrimination, exclusive dealerships and so forth. Now I think that that alone would indicate to us that it would be wise for the State of Maine to set up some sort of regulation as far as operate here in the State of Maine are concerned.

I have clippings and so forth that indicate they have had many, many complaints regarding the operation of these companies, and they are

commencing investigations. So it seems to me reasonably valid that the State of Maine had better look into the matter and set up some sort of regulation by which these companies can be regulated here in Maine.

Now the business has become so profitable it has been the practice of so-called "motel operators" or "fly-by-night" individuals to move into an area, get some retailers to handle their stamps and then pull out without redeeming them. Maybe they can stay in business a year and make a windfall that way. That is not my particular thought on it but I have read in publications that it has been the case in some instances where these operators have come into an area and made a killing and then pulled out without redeeming their stamps. Therefore there is another good reason, in my opinion, why we should do something to regulate this. In fact, if I were an official of one of the legitimate companies I certainly would favor some sort of regulation so my industry would not be blighted by the fact that we have operators of this type in the field, but, nevertheless, that is not the case.

In addition to this, it seems to me that these companies are here in Maine and it would only be reasonable that they should contribute some fair share of the tax burden to run the great State of Maine.

I have read some of the information put out by the various stamp companies and they say they are willing to contribute their share. However, they do not suggest what their share might be, so I think it might be wise for us to levy some sort of a reasonable tax, not a discriminatory one, not a confiscatory tax, but some reasonable tax upon these companies so that they can shoulder some of the burden for the revenue and the money and the profit that they are making by doing business in Maine.

It is very difficult to determine the volume of these companies. The largest one is a secret corporation, and as far as I know there are no figures available outside of the ones issued by the companies themselves. At the public hearing on trading stamps it was stated that the larg-

est company here in Maine sold \$1,250,000 worth of five hundred million individual stamps in the year 1956. They also reported that they paid to the State of Maine \$24,000 worth of taxes, but they did not indicate the fact which we found on checking into this matter, that \$21,000 of this \$24,000 worth of taxes was sales taxes that they collected from consumers or people calling upon them for redemption of these stamps. In other words, they acted as the collector and turned it into the State. Now that leaves a grand total of \$3000 of taxes that this largest company doing over a million dollars worth of business thought was their tax contribution. Whether they considered it their fair share or not I do not know, but it seems to be mighty small in comparison with the amount of business they are doing. It is difficult to get comparisons on this, but a tax burden is a tax burden no matter what it is on.

In my particular business back in Aroostook County, potato farming, we have many, many farms up there with an average set of buildings and maybe 125 or 140 acres of land on which the taxes would run probably a thousand dollars to this farmer. Now if he raises an average crop, say from fifty or sixty acres on that type of farm he might gross, and certainly in recent years this would be good, maybe twenty thousand dollars. Now that is gross without taking out the cost. So he has paid a thousand dollars real estate tax, not what he pays in sales tax, auto registration fees and so forth. He is paying \$1000 on his twenty thousand gross whereas this largest company doing business in the State of Maine is paying—think of it—three thousand dollars and doing \$1,250,000 gross; and that does not include what they are getting on their unredeemed stamps. I point that out: the farmer on his real estate alone is paying twenty times as much as this particular company, and, besides, is shouldering all these other tax burdens. So, from that angle, it seems to me that to be fair and equitable in this matter that some sort of tax should be levied, and I think it is our opportunity to look into the matter,

listen to the arguments for and against, and see if we think this is just and if we think it is a fair tax burden for these folks to be shouldering. I know that there are going to be other things brought out in regard to it, but I submit it is entirely reasonable that some regulation should be set up under which these companies can operate and pay a fair share of their tax burden.

Now just a brief word regarding an amendment I have ready to offer for your consideration if you would care to give it some consideration. First we propose to have a hundred dollar license fee annually for each trading stamp company doing business in the State of Maine, and then they would have to post a bond and do some other things that are strictly in accordance with good business practices as far as concerns their business operation here in Maine. That is number one. Number two: we would propose a gross receipts tax upon the total volume of stamps sold of two per cent of gross receipts.

Now I have discussed the thing with quite a few folks and I know that various ones have various feelings on it. Some say, "Well, you are selecting out one particular industry to put a tax on." Well, I for one would not want to be a part of a discriminatory action, but upon investigation I find that we have quite a few other business here in the State. I would refer to the report of the Bureau of Taxation, State of Maine, 1955-56. On Page 1 of that report we have corporation taxes in which the railroads, including street railroads, are paying a tax to the State of Maine of \$1,600,000. I am giving these in rough figures. The telephone companies are paying \$1,800,000. The express companies are paying \$6,500,000. Credit unions are paying a million dollars each year. Insurance companies are paying two per cent gross on the gross premiums on policies that they sell here in the State of Maine, or \$1,800,000. This is based on gross receipts. And so on down to trust and banking stock which is paying \$134,000. So you see we have plenty of precedent for setting these folks up under this sort of a taxation program.

Now these stamps have been termed a means of saving: the housewife gets the stamps and she cannot redeem them at once, so it is in effect a form of saving. So it seems to me that a very logical place to place these folks is under this particular category. As I say, I do not feel it is a discriminatory tax or a confiscatory tax; it is merely an equitable tax so that some revenue is derived from the money they are making in the State of Maine.

I point these facts out for our consideration; I think it is a reasonable amendment and a reasonable and just thing for the State of Maine to do. At this time I would certainly urge your favoring my position for the time being so that I can present that amendment and see how you consider that amendment.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Lessard, that the Senate accept the "Ought not to pass" report of the committee.

Mr. LESSARD of Androscoggin: Mr. President and members of the Senate: I don't know whether this bill is for regulation or for taxing. I have read the bill and I have heard proponents and opponents of the bill, and I have not made up my mind yet which side they are taking, and whether the tax is to come in the back door in order to regulate them, I don't know that either. However, I do know what it means to the people of my county and surrounding counties in my area, and that is why I rise here today.

The trading stamp companies have bought from industries in Androscoggin County, York County, from the industries there, such as Pepperell Manufacturing Company \$1,200,000 per year of their manufactured goods. From the Bates Manufacturing Company, which has mills in Lewiston, Biddeford and Augusta, some \$300,000. From the Libbey Blanket Company, which is a very fine textile company in my town, some two to three hundred thousand per year. From a company in Oxford County, in Buckfield, some fifteen or twenty thousand per year. Some two million dollars a year goes to these companies that

are manufacturing concerns in the central part of Maine.

Now this is an indirect way of saying to these industries, "We are going to tax your customer; he is making too much money." I do not know whether these figures which have been quoted are true, but I assume they are, that is, the figures as to the gross. However, here is this same company returning to our manufacturers in my area two million dollars. So you say you want to tax them some more. I wonder if that would be the same situation if I proposed an amendment to this bill that said "Tax the chain stores; they take a lot of money out of the State of Maine." And I say to them, "Let's tax you from now on because you are taking a lot of money from the State of Maine." These chain stores are perhaps great customers of the County of Aroostook. Suppose I say, "I think you are making too much money and I guess we will put a tax on you," I wonder if the gentleman from Aroostook would feel the same as he does now.

So if it is for revenue purposes let's get them all in; let's make the bill all-comprehensive. What does this bill do? It taxes a few companies. Let's take in cigarettes, they have got coupons, you get a premium there. Let's take that new gadget they have got now where you get a premium even before you get a coupon. What about those coupons? Why not take those fellows in? What about Mother's Oats, where you get coupons and finally a set of dishes? What about all these premiums? Why, just the other evening I came home and took some orange juice out of the ice box and I found that from H. P. Hood, if you get four top covers you get a set of four glasses. What about them? It is the same thing. What does it do; what is it for? It is to increase trade and to increase sales. This bill does not do it; it is not all-comprehensive, it just takes a few of them and says to them, "We are going to make you the whipping-boy; you are going to pay the tax." How about these large markets that have the tape and where instead of giving you a coupon or a stamp that you can put in your book you take the tapes after you have paid your bill,

and after you have so many tapes you can go back and get a premium? They are not going to be taxed. How about the stores that have their own? This bill doesn't take care of that.

But the most important thing, as I have stated before, is: "What are we doing to our industry here in Maine?" Now \$1,200,000 for a company like Pepperell Manufacturing Company is quite an order. I spoke to the superintendent of the factory in Lewiston and I said, "What does it mean to you?" He says, "It means one month's business." One month's business! I know the proponents are going to say, "Well, they would buy it anyway, they would still buy Pepperell sheets because they have good sheets." And they do have good sheets; they have the best. But supposing you are the buying agent for one of these trading stamp companies and you were placing business to the tune of two million dollars in the State of Maine and the State of Maine says, "You are making too much money; we want to regulate you," what would you do in regard to buying? Wouldn't you kind of look around somewhere to someone who was a little more friendly, perhaps some other textile manufacturing company who makes good sheets and say to yourself, "Maybe we can buy somewhere else." I think you would.

I think we are indirectly hurting the industries of Maine, and if we are going to do that with this sort of legislation, if we are going to spread it out to the country and tell them, "We don't want you here, we are going to tax you, we want part of your profits," if you are going to do that why spend half a million dollars for this industry department; you are just wasting a lot of money. If we pass this legislation we are hurting our industry which, believe me, is on a touch and go basis. You may not feel it in Aroostook County but I guarantee to you that we feel it in York County and Androscoggin County and Kennebec County. We have just lost a few mills, and our textile industry is on a touch and go basis right now and we do not know from day to day whether the mills are going to

continue or close up. We will just take a \$1,200,000 order away from the Pepperell Manufacturing Company and take a \$300,000 order away from Bates, and the same with other companies. That could happen. Things are that serious. I have been told that by the superintendents of these factories. As late as this morning I received a telegram from Scott Libby of the Libby Manufacturing Company, which makes blankets. \$200,000 for him is quite an order.

Now as for the constitutionality of this thing, I do not see how it could be constitutional unless you covered them all, unless you covered every single one of these trade practices. I am told that down in Sagadahoc County, down in Bath, there is a small Maine company, wholly owned by Maine people and operating some twenty-seven years, and I am told by the representative from Bath that if this bill goes through that company is out of business. Is that encouraging industry and commerce? I can't see it. If we need tax money, that is one thing; let's get everybody in; let's turn it over to the Taxation committee and see what we can do to these people who are making too much money in Maine, but let's include them all. I do not think that a single little industry should be picked out as the whipping-boy because somebody does not want them to be in business. I do not know who that someone is, whether it is some merchant who does not want to buy the stamps, whether it is some gas station that does not want to buy the stamps and wants some legislation to get rid of the stamps so he won't have that competition. We did that two years ago, if I remember correctly, with the circus-sign bill, because some fellow did not want to lower his price of gasoline. We passed the bill and you know what happened in the Supreme Court: it was found unconstitutional very quickly. I assume this one would be found unconstitutional too.

As I said before, I do not know who is behind this bill, but it must be someone who does not want competition. Just because it allows a small merchant or a small gasoline station operator to perhaps in-

crease his volume of business someone doesn't want it and it should be taxed.

I remember that two or three weeks ago on my desk was a beautiful box of potatoes from Aroostook County, all washed and wrapped up in nice tin-foil. I thought it was beautiful. And why did they do it? They did it because they wanted to increase the sales. It is a sales promotion. It costs money, it must. Now there must be somebody in the potato business who cannot afford to buy that washing machine to wash his potatoes, and there must be somebody in that industry who cannot afford to buy the tin-foil. So what are we going to do? Shall we put in a bill regulating or taxing the men who can afford the tin-foil, who can afford to wash potatoes, to protect that fellow who perhaps just does not want to bother doing it? It is the same principle there that they are asking here today.

I agree with the good Senator from Aroostook, Senator Reed, that the Federal Trade Commission is investigating fair trade practices, and I am sure that in a short time, if they do find that there are unfair practices in that business, that an interstate commerce regulation will be issued by them whereby these companies will be regulated. Let's wait and see what happens; perhaps Uncle Sam will give us a federal regulation.

Now many of these companies are in interstate commerce; many of these practices cannot be controlled by the State of Maine because the product comes across state lines.

I say to you: the committee in all its wisdom — and it was unanimous, there was not one single member of the committee who voted it ought to pass — they heard the evidence, they heard labor, they heard management, they heard proponents and heard opponents, and they came out unanimously that the thing ought not to pass, and I think we should go along with our committee.

Mr. BRIGGS of Aroostook: Mr. President and members of the Senate: I have been intrigued by this trading stamp process for quite some time now. I would like to rise to inform the Senator from Andros-

coggin, Senator Lessard, that we people of Aroostook presented the potatoes more or less for two reasons: initially we think that we grow the best potatoes that there are anywhere in the world, and we knew you would appreciate that; and secondly, we thought we would be able to keep some of them out of the river if we sent them down here.

Now on this trading-stamp problem, I have found in visiting around in various towns in northern Maine that there is a tremendous amount of opposition toward the trading stamps. I am not convinced that we are going to be able to resolve the differences of opinion on whether or not we would be able to put the trading stamps out of business or any such thing as that. However, if we accept the old adage of death and taxes, and if all the rest of us are paying taxes — and I assume that Hood is paying considerable taxes in Maine, and also that Raleigh cigarettes and various of the others mentioned are too — then there is no reason why these people should not pay their fair share.

The trading stamps are something that have been with us for a great many years, as has been described; they have had a rather rapid growth in recent years; they are one of those cute gimmicks where you get something for nothing. Most of the members of the Senate, I feel sure, are aware of that kind of a gimmick. They offer you a stamp for so much of a purchase and so forth under the guise that you will get quite a lot back in premiums. The true fact of the matter is that the amount which you recover in premiums has no relation to the cost of the stamp. It has been stated that the stamps that are distributed cost around two to two and a half per cent to the merchant. Now there are a great many businesses, particularly the largest one which is distributing trading stamps, the retail grocery line, who are operating on a very close margin. Their operation is very often close to two per cent net. Now if these stamps cost them two or two and a half per cent — and it is very near that, I am sure — it doesn't take very much imagination among anyone to

know who pays the difference: you don't get anything for nothing.

Now that is not the important part. The important part of this discussion as far as I am concerned, the main feature of it is that I feel that these people are getting away with murder in not paying their fair share of the taxes here. I am a little bit amused about the references to the fact that the purchases will not continue, that they will not operate here, that they will look to some other places. Believe me, the businesses that are operated on a national scale will operate anywhere there is any opportunity for lucrative business and profits and they will continue to operate here even if they have to pay a tax. They have to pay it to some other state, and if they have to pay it here they will still buy our good blankets and sheets, and I only wish that we could include potatoes. I rise in support of the contention of my friend, the Senator from Aroostook, Senator Reed.

Mrs. LORD of Cumberland: Mr. President and members of the Senate: I rise in support of the Senator from Androscoggin, Senator Lessard. I can not add very much to what he has said. I think he explained it very carefully.

This bill as originally introduced and as first amended contained tax rates which would have prohibited the operation of independent trading stamp companies in Maine. I believe that this was the intent and purpose of its sponsors. As now amended, a tax of one tenth of a mill per stamp would equal 50 cents on a book of 5000 stamps, which normally sells for \$12.50. Although this tax is not prohibitive I still believe it is discriminatory in that it taxes one type of trade promotion to the expulsion of all others. Furthermore, I believe that this is just the opening wedge and that next session its sponsors will be back to increase the tax to a point where it is prohibitory.

I like stamps. I save them, as do many of my women friends. Last Christmas, I was able to obtain a Christmas present with the stamps I had saved. I also know of businesses which have been benefitted by stamps. I know of one which, by giving stamps only for cash pur-

chases or for prompt payment by the 10th of the month, has almost done away with the problem of collections and has improved its financial position.

I urge you from the housewife's point of view to defeat this bill.

Mr. FARLEY of Biddeford: Mr. President and members of the Senate: Coming from a textile town, I know just what it means to our industries. The textile industry today in the New England states is practically on its way out. I do not think we should do anything here in the Senate to hurt any of the textile mills in the State of Maine, and more so in the City of Biddeford. Today we have many people unemployed in the Pepperell Manufacturing Company and Bates is on the way out.

I do happen to know something about the blankets. Being engaged in trucking from the Pepperell Manufacturing Company I see the shipments that are going out, and I say to you gentlemen that each and every day there are thousands going out of there. I think we should consider the people who work in these towns and that we should support these bills as much as we can.

I received a telegram this morning from the Pepperell Manufacturing Company which states "Employment of many of our employees will be affected by the passage of L.D. 1212. Will appreciate your cooperation in voting against this bill." I think that shows what it means to a community the size of mine. I am going along with the Senator from Androscoggin, Senator Lessard.

Mr. CHARLES of Cumberland: Mr. President and members of the Senate: I rise in a most difficult position. First, I believe that the Senator from Androscoggin, Senator Lessard, has a good point, and yet I believe that the Senator from Aroostook, Senator Reed, has a good point too in presenting his amendment.

First of all, I want to go on record myself as opposing any tax on trading stamps. I feel that a tax on trading stamps is not the answer for the purpose intended. I know from personal investigation that if

any tax is placed on trading stamps that the tax will be directly reverted upon the retailer who is now handling trading stamps, and I would estimate that there are possibly from 900 to 1000 stores in Maine that handle trading stamps, and it is my opinion and probably the opinion of many that the additional burden on the unfortunate handlers of these stamps will not be to their benefit.

Now I have a telegram here to contradict some of the remarks made by those who handle stamps. It comes from a grocer in Kittery, and I will give his name when I am through. He says, "Trading stamp companies should only be controlled by state legislation to the degree of proving definite financial responsibility to the public for stamps issued." This same grocer, and this is my estimate alone, handles about \$1500 worth of stamps a week, which totals \$68,000 a year. Now there is a man there who is in favor of state legislation to protect the consumer. This gentleman's name is Dan Driscoll of Driscoll's Supermarket, Kittery, Maine. I make that public because he has written to me as a legislator, he has signed the telegram, and I will put it in the record.

Now I believe that if the vote is taken, because of the features in the proposed amendment I shall have to vote against indefinite postponement, in order to give the Senator from Aroostook an opportunity to present his amendment. I shall also oppose his amendment relative to the section relating to—

The PRESIDENT: The Chair would note that the question before the Senate is on the motion of the Senator from Androscoggin, Senator Lessard, that the Senate accept the "Ought not to pass" report of the committee, and the Chair would note that there is no amendment before the Senate.

Mr. CHARLES: Mr. President, I apologize for the remarks made on any attempted amendment.

I am trying to make my point clear so that it will be understood, that I am opposed to the tax because it may be passed on to the retailer.

As far as regulations are concerned, I do not believe at the pres-

ent time we have fly-by-night trading stamp companies. However, it is good for this legislature to look towards the future and to follow the trend that has been coming in for the last five or six years on trading stamps all over the country. We are going to have a tremendous overload of trading stamp companies. We have legitimate companies operating right now in Maine and they are doing a good job. However, as a member in the other branch of this legislature told me just the other day, he says, "This looks like a good business. I have got five hundred dollars and I am going in the business when this is over.

Now I am referring to those of limited capital, people who think they can get rich over night by going into this kind of business. What is going to happen if these people once get distribution of their stamps and they fold up and they have no responsibility whatsoever to the retailer or the consumer who is saving their stamps? I believe that some legislation should be drafted to license these firms in a very modest sum, just enough so their names will be on record and we will know where they are, we will know what they are doing, we will know what they are charging, and we will also have some knowledge of their financial responsibility. If we are going to continue in the stamp business then we should certainly have some protective measures for the consumer. Thank you.

Mr. BOUCHER of Androscoggin: Mr. President and members of the Senate: I should certainly be remiss if I did not get up and take a stand on this question.

Androscoggin County is now, through its textile industry mostly, in a bad fix. We have lost mills down there, and I certainly do not want to do anything that will put a greater burden on them. I feel that if this was a tax matter it should have gone to the taxation committee. This was supposed to be a regulation matter and now it has turned into a tax matter, and I believe that it was not sent to the proper committee: it should have been sent to the taxation committee as it was a tax matter.

I also feel that Androscoggin Coun-

ty is being given a good amount of work by the present set-up of these stamps, because they do but a lot of their premiums from industry in Androscoggin County. I have a secondary reason that I want to express, and that is that I would not want to cause the ladies of Androscoggin County to be displeased by removing their stamps. I know that the ladies in Androscoggin County do collect those stamps and they appreciate them, and I think they would really miss them if we voted them out of existence.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Androscoggin, Senator Lessard, that the Senate accept the "Ought not to pass" report of the committee.

Mr. REED of Aroostook: Mr. President and members of the Senate: I have made a few notes here on some of the articles that have been presented by the opponents of my bill.

First let me say that as far as concerned I have no axe to grind whatsoever. It was something that was brought to my attention by some of my constituents. I looked into the matter and I was really amazed to find that here in Maine we have these companies doing business with no regulation and no taxation. It seemed to me utterly fantastic that this thing was going on and doing such a tremendous business. For that reason, I felt that I would be derelict in my duty if I did not come down here and try to set up some reasonable regulation and reasonable taxation. So that is my position in it. There is no one behind me pushing me, nobody financing me on it whatsoever; it is just my own personal interest in the matter after it was called to my attention.

Now in regard to passing it back to the retailers. It is my contention that these companies are making enough profit to absorb this small tax. Incidentally the new amendment that I propose is two per cent on gross sales, which would tax the largest company—and those are the only figures that have been given to us—only \$25,000 on their business done last year. So if it is passed back I am sure the business is lucra-

tive enough so that other companies are going to get into this field, and if one company is going to try to pass the tax back I am sure there are going to be other companies come in and say, "Well, let's have the tax and we will absorb the tax," the feeling being, "We are making enough money; we can absorb that tax and we will take them on as one of our accounts." I think that could correct quite a lot of that. As the business is mushrooming quite rapidly I think that might take care of some of that passing-back to the retailers.

Now we have heard some reference to the fact that trading stamps would be a help to small business. I have here a clipping from the Wall Street Journal, headed up with the headline, "Trading Stamps May Cause End of Small Stores, Agency Hints." "Trading stamps may step up the swing to food supermarkets by forcing small stores out of business, the Agriculture Department suggested." And I would read here some figures from this unbiased organization. "Food supermarkets using stamps increased their sales volume 10.2 per cent in the first half of 1955, according to surveys quoted in the report. Supermarkets which did not use stamps gained only 6.7 per cent. Superettes—stores with annual sales of \$75,000 to \$375,000—gained 9.5 per cent when they used stamps, 3.9 per cent when they did not. Small stores using stamps lost 4.4 per cent in sales volume, while those getting along without stamps lost only 1.2 per cent."

Now I know there are going to be exceptions, because we probably all know where stamps have helped the small stores, but I submit here that the Department of Agriculture, which is certainly an unbiased group, made a survey and came up with these figures which I quote for your consideration. I think that has a lot of merit to counteract the argument that the trading stamps are designed to help the small store.

As far as buying Maine products, I am sure that other segments of industry here in Maine, especially our farmers and fishermen and so forth, buy a lot of these products themselves. I do not have any fig-

ures available, but certainly they are in the market for Maine labor and Maine products of all descriptions, and they are buying these Maine products and in addition to that they are certainly shouldering their share of the tax burden. I sympathize, of course, with the problem that we have in our textile industry now, but I do not think it is any more just to relieve these people of taxes and help them than it would be to relieve the farmer, we will say, in Aroostook County from the additional sales tax that might possibly be enacted. To me it means about the same thing.

Now it was brought out by the good Senator from Androscoggin, Senator Lessard, that he did not know whether it was a tax or regulation. I thought I made it clear that it is a bill to tax and to regulate, I hope both on a reasonable basis. I certainly would not stand up here to put on a discriminatory tax.

The Senator from Androscoggin, Senator Boucher, also mentioned that it should have gone to the Taxation Committee. Well, it says in the bill here, "An Act to License and Regulate the Operation of Trading Stamp Companies," and down in the third paragraph it says, "Tax on Trading Stamp Companies." Now I am not blaming anybody, but it first went to Business Legislation—it didn't make any difference to me personally where it went—that is the bill L. D. 1281.

Now as for the loss of business, it seems to me that these stamp companies buying Maine products are up here as business men and not as philanthropists. In other words, they are getting the quality they want at the price they want to pay. Maybe they are doing it to help Maine business out, but I strongly suspect that they are up here as sound businessmen. I think that is wiser.

As far as the ladies are concerned, I have talked with quite a few women, some of whom were concerned with the fact we were down here trying to do away with stamps, but after proper explanation they could see that it was simply a matter to regulate and to extract reasonable taxation from these

concerns that are doing business here in Maine. I think that is why at the hearing, for instance, there wasn't one housewife who came down and testified against these bills.

Now as far as the chains are concerned—and I am not standing here preparing a brief for the chains—but I think most of us would agree that they have a tendency to lower food prices for the population. I think the stamps have tended to raise prices because there is something else that has to be absorbed.

Now as far as the coupons that are given away by manufacturers, as near as I can see this is a different thing. These are given by the manufacturers; they are not sold, they are given. They do not cost the merchant anything and the consumer can redeem the coupon for whatever it may be worth. So to me you have got an entirely different kind of a proposition there.

If this is unconstitutional, then so are a lot of these other taxes that are on a gross receipts basis. They must be unconstitutional too. I do not see why a company involved in issuing trading stamps would be any different than some of these other companies that are already taxed similarly. Other states have enacted legislation and Maine would not be alone in passing legislation to regulate these stamp companies. I point that out in regard to the unconstitutionality of it.

It seems to me that we would be wise in getting something on the statutes to regulate these companies. I think it is only equitable that they should pay their share of the tax burden of the state. I think that to wait would only invite trouble. As the Senator from Cumberland, Senator Charles, has pointed out, some company could come in here and do business and run out without redeeming their stamps. I don't know how far you folks want to go on this thing, but I am perfectly amenable and I told the committee at the time that I had no feeling on it, but I felt and still do that the companies should be regulated and should pay some sort of a tax.

The thing is a simple thing: the trading stamp companies would

have to report monthly the number of stamps they had transferred or sold to their retail outlets to the tax assessor, and there would be no burden of reports from the merchant or retailer to the tax assessor. Now it seems to me that we are probably before the session is over going to be raising some taxes here, and I cannot see that it is consistent to go ahead and tax the people of the State of Maine more taxes and leave a group such as the trading stamp companies not taxed and not regulated. I think it boils down to that.

Mr. President, when the vote is taken I request a division.

Mr. LESSARD of Androscoggin: Mr. President, I think perhaps the Senator from Aroostook, Senator Briggs, is a little confused on those taxes he is referring to. Most of those taxes are dedicated taxes and pay for a service. The telephone and telegraph tax is placed upon the companies instead of a real estate tax. The taxes which the good senator refers to are those which are for dedicated purposes and not for services which the State renders to them, so it does not have any connection with this.

Of course the trouble with the proponents is that they are assuming that everybody has to go in and everybody has to buy those stamps. Now it doesn't make a bit of difference to me. I am one who gets gasoline for my car and if they have got stamps it is O.K. and if they haven't got stamps it is O.K. They seem to think there is something evil connected with it and that people are forced to give these stamps. I don't know of anyone who forces them. I still don't understand what is behind it. It can't be for tax purposes because if it was for taxes we would go into the whole field. As far as the companies which put premiums in their packages and send them through interstate commerce, they are not giving you something. Who pays for it? It is the consumer. It is just the same way when you are taxing stamps. Who is going to pay for it? The consumer is going to pay for it. It is the little fellow who pays for it in the long run. So if it is for tax purposes why don't you include groceries in your sales tax? It is

the same thing. I say the arguments just don't seem to jibe. Therefore I hope that the Senate will support me in my motion.

Mr. REED: Mr. President, I move that this item be tabled and especially assigned for tomorrow.

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

A division of the Senate was had.

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

The PRESIDENT: The question is now on the motion of the Senator from Androscoggin, Senator Lessard, that the Senate accept the ought not to pass report of the committee.

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

Mr. BRIGGS of Aroostook: Mr. President, I move that we adjourn until tomorrow at ten o'clock in the morning.

Mr. LOW of Knox: Mr. President, I ask for a division on the motion to adjourn.

A division of the Senate was had.

Three having voted in the affirmative and 29 opposed, the motion to adjourn did not prevail.

The PRESIDENT: The question now before the Senate is on the motion of the Senator from Androscoggin, Senator Lessard, to accept the ought not to pass report.

A division of the Senate was had.

Twenty-five having voted in the affirmative and six opposed, the motion prevailed.

On motion by Mr. Low of Knox, Recessed until two o'clock this afternoon.

After Recess

The Senate was called to order by the President.

The PRESIDENT: The Chair would note that the 15th day of May is one of some importance. In the first place, it represents the day this year when the Senate had its first afternoon session.

In the second place it represents the day of the year when the Senate may recess for five minutes to attend the ceremonies of the hanging of the portrait of a recent governor.

Third, the 15th day of May, soon after the turn of the century saw

the birth of a male child in the wilds of Hancock County. The Chair assures the Senator from Hancock that he has unanimous consent to address the Senate on that memorable day. The Chair recognizes the great "Bill" Silsby.

Mr. SILSBY of Hancock: Mr. President and members of the Senate, I certainly appreciate this honor that has been given me by this august body and by you, Mr. President, the presiding officer. It is one of the many things I will always cherish as a joy that I had on May 15, 1957, Thank you from the bottom of my heart.

On motion by Mr. Boucher of Androscoggin, the Senate voted to reconsider its former action taken earlier today whereby it passed to be engrossed bill, "An Act Relating to Employment of Minors." (H. P. 546) (L. D. 77); and on further motion by the same Senator, the bill was laid upon the table pending passage to be engrossed.

Joint Order

On motion by Mr. Silsby of Hancock

ORDERED, the House concurring, that the legislative research committee be, and hereby is, authorized and directed to study in addition to the study authorized by Joint Order H. P. 1090, the operations of banking institutions insofar as such operations relate to "Small Loans" and be it further

ORDERED, that the Committee report the results of its study to the 99th legislature. (S. P. 584)

Which was read and passed.
Sent down for concurrence.

On motion by Mr. Sinclair of Somerset, the Senate voted to take from the table bill, "An Act Relating to Appointment of Deputy Commissioner of Institutional Service and Member of Parole Board." (H. P. 1006) (L. D. 1432) tabled by that Senator earlier in today's session pending passage to be enacted; and that Senator yielded to the Senator from Hancock, Senator Silsby.

On motion by Mr. Silsby of Hancock, under suspension of the rules, the Senate voted to reconsider its former action whereby the bill was passed to be engrossed and to fur-

ther reconsider its action whereby it adopted Committee Amendment A.

Mr. SILSBY of Hancock: Mr. President, I move the indefinite postponement of Committee Amendment A and I would like to say for the benefit of the members of the Senate that my purpose in indefinitely postponing Committee Amendment A is by reason of the fact that in the bill we have a conflict of the law and I want to offer Senate Amendment A in place of it.

Thereupon, Committee Amendment A was indefinitely postponed in non-concurrence.

Mr. Silsby of Hancock presented Senate Amendment A.

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

On motion by Mr. Martin of Kennebec, the Senate voted to take from the table bill, "An Act Imposing a Tax on Dry Beans." (H. P. 486) (L. D. 730) tabled by that Senator on May 9 pending passage to be enacted; and that Senator yielded to the Senator from Sagadahoc, Senator Bailey.

On motion by Mr. Bailey of Sagadahoc, under suspension of the rules, the Senate voted to reconsider its action whereby the bill was passed to be engrossed and the same Senator presented Senate Amendment B and moved its adoption.

Which amendment was read and adopted and the bill as amended by Senate Amendment B, House Amendment A, Senate Amendment A and Committee Amendment A was passed to be engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Charles of Cumberland, the Senate voted to take from the table House Report from the Committee on Business Legislation Ought to pass, on Bill, "An Act Relating to Application and Qualification for Real Estate Brokers' Licenses." (H. P. 740) (L. D. 1054) tabled by that Senator earlier in today's session pending consideration of House Amendment B; and on further motion by the same Senator, House Amendment B was adopted and the bill was tomorrow assigned for second reading.

On motion by Mr. Reed of Aroostook, the Senate voted to take from the table bill, "An Act Relating to Lights on Rear of Trucks." (S. P. 546) (L. D. 1532) tabled by that Senator on May 3 pending passage to be engrossed; and that Senator presented Senate Amendment A and moved its adoption.

Which amendment was read and adopted and the bill as amended by Senate Amendment A 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 Relating to Fees to Town Clerks for Certified Copies of Election Check Lists." (H. P. 249) (L. D. 310) tabled by that Senator on April 12 pending passage to be engrossed; and on further motion by the same Senator, the bill was passed to be engrossed.

The PRESIDENT: At this time the Chair would note that under Senate rules, bills passed to be engrossed in concurrence by each body normally go to the engrossing department at the conclusion of the day's session. There may well be occasions when it would seem best to send bills that the two branches are in concurrence on to the engrossing department at the time of recess. The Chair believes it should be done only by unanimous consent, and if unanimous consent is granted, the Chair, at least, will try to be sure that no bill is sent to the engrossing department at the time of recess where there is any reasonable chance known to the Chair that reconsideration might be asked. The Chair would note that if anyone has the remotest idea that he is going to ask for reconsideration on a concurrent engrossing matter, he should take the responsibility of holding it himself, if unanimous consent is granted to send matters to the engrossing department at recess. The Chair awaits a motion.

Mr. LOW of Knox: I so move, Mr. President.

Thereupon, unanimous consent was granted the Senate staff to send to the engrossing department at the time of recess, any matters that

have been passed to be engrossed in concurrence.

On motion by Mr. Boucher of Androscoggin, the Senate voted to take from the table House Report from the Committee on Legal Affairs, ought not to pass on bill, "An Act Relating to Planning Board for City of Lewiston." (H. P. 84) (L. D. 110) tabled by that Senator on May 13 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.

On motion by Mr. Lessard of Androscoggin, the Senate voted to take from the table House Reports from the Committee on Judiciary, Majority report ought not to pass; Minority report, ought to pass on bill, "An Act Relating to Negligently Operating a Motor Vehicle So as to Cause Death" (H. P. 366) (L. D. 496) tabled by that Senator on May 7 pending motion by Senator Silsby of Hancock that the Senate accept the Majority ought not to pass report.

Mr. LESSARD of Androscoggin: Mr. President and members of the Senate, I rise in opposition to the motion of Senator Silsby of Hancock for acceptance of the ought not to pass report. This legislative document which is now L.D. 1548 was a measure which was presented by the Governor's Highway Safety Committee after a great deal of study and a great deal of work had been done by them in relation to the work which they have dedicated themselves to perform here in Maine. They have worked hard, long and diligently and proposed to this legislature certain legislation. This I believe is one of their more important ones.

This bill is not as drastic as perhaps it might be thought. This bill does not change the law in regard to proving a case. It merely reduces the charge of manslaughter from a felony to a misdemeanor. The reason why, as I understand the committee recommended this piece of legislation is because they find from experience in the past in the courts that grand juries and tra-

verse juries are somewhat reluctant in cases of homicide or manslaughter in motor vehicle accidents to convict these parties who are more or less responsible.

The same proof would have to be proven to find a man or woman guilty under this law as they would in a felony but it is the thought that it would be speedier in procedure. The party who was guilty of reckless, wanton disregard of life could be brought before the court and his case disposed of rather quickly and serve perhaps as a deterrent to others. Whereas, as it is now, many times it has been months upon months before the case is presented to the Grand Jury and then some further time before it gets to the jury for trial. And then when it does come to trial there is always the thought that this is an automobile accident, someone was killed. True the party was negligent and reckless perhaps, but they do not feel that they should send him to State Prison, and that is what a felony calls for if the court wishes. That is not something new. It is the law in the State of Illinois and other states have adopted similar laws.

I firmly believe that something should be done. You and I appreciate that. Day after day we pick up newspapers and read of a child or man or woman being killed on the highway. Some may consider it drastic but we have drastic conditions and when we have drastic conditions we must have drastic legislation to meet them. I do not think it is too drastic. I do not think it is too much change from what we have now. Perhaps it will act as a deterrent to this sort of driving. It will bring the party before the court. If there is no negligence he will be found not guilty. It may save the time of the Grand Jury or the Traverse Jury in Superior Court.

I sincerely believe that with the engineering of our roads and the type of motor vehicles we have on our highways, something must be done. I do hope that you will vote against the motion of the Senator from Hancock, Senator Silsby to accept the majority ought not to pass.

Mr. SILSBY of Hancock: Mr. President and members of the Senate, I

somehow thought I was going to escape today but I am still kicking I feel rather duty bound to defend the position of the Judiciary committee and also the citizens of the State of Maine who are operating an automobile and some who are unfortunate enough to be involved in an automobile accident and also unfortunate that a life has been lost.

I realize the purpose of this bill is to make it easier to prosecute and easier to acquire a conviction but somehow I feel that this is such a serious matter because a person can be almost denied his right to society for a period of months, his pocketbook can be substantially attached and we should be rather careful before we take too drastic a step and make the cost any heavier for someone who has been a victim of an unfortunate accident.

We already have in our statutes—I will begin at the beginning—we have Chapter 22, Section 151 in which the law is very specific in stating that the license of any person who operates a motor vehicle who as a result of operating a motor vehicle for six months shall cause death of any person shall be guilty of the crime of manslaughter and his license shall be immediately revoked. We have another statute, Chapter 30, Section 8 which says that whoever unlawfully kills a human being in the heat of passion or sudden provocation without malice implied shall be guilty of manslaughter. We have another Chapter which the legislature in its wisdom has seen fit to correct in the matter of the sufficiency of the indictment and now we have before us for consideration a new statute which will permit the conviction of a person for the operation of an automobile if he was operating when a life was lost.

Now these statutes are laws to protect us and as was admitted at the hearing, in answer to the question I asked of one of the county attorneys "Why do you want this law?" And his answer was, "It is easier to convict." And I commented, "Then you are just coming in the back door," And he said, "Yes."

All of that may not be of too much significance to you people but the real bite in this law is this. If you will read the State vs Jones in the very recent opinion of the law court, you

will find that in the trial of a case of this nature that contributory negligence is no defense. Now apply that to the facts. You or I or some other good citizen of the state might be driving an automobile and we are leaving the door wide open to a complaint after a driver of a car has an accident and a life is lost, and perhaps another person that we were involved in the accident with contributed to that accident, that we would never have had the accident unless that person of the second party or the third party had done something which no other reasonable and prudent person would have done under the same circumstances. Can we show that under this law? No, we can not show it. We can't show that the other person helped cause this accident and so we are the victim of whoever the officer wants to prosecute. That is the law of this state, recently adjudicated and that is one of the fundamental reasons that I am opposed to this piece of legislation. It is wholly and totally because we cannot show that we have some defense. We haven't. And I cannot stand up here and vote for any law in our books that will deny a man ninety per cent of his defense. Now I have no particular personal consideration for this bill. My whole purpose is to say what I have said that you people will understand that any one of us could be victims of this law and we might be so unfortunate as to be involved in an accident where a life was lost when that life would never have been lost in the world if the other party had not, possibly by running into us, contributed to that accident. I cannot go along with taking away that protection. When we change the statute to the end that in a criminal case, involving negligence, that contributory negligence can be shown as a defense, I might consider going along with it but until that time I cannot.

Mr. LESSARD of Androscoggin: Mr. President and members of the Senate, in answer to the Senator from Hancock, Senator Silsby, I might say that the law in the State of Maine is still that the prosecuting attorney must prove beyond a reasonable doubt that the defendant has recklessly disregarded the safety of another. It must be an intended act, something which he did do or did

fail to do, no matter what the defense it becomes the duty of the state to prove beyond a reasonable doubt that this respondent recklessly and intentionally did or did not do something. This is a criminal case. It is different from a civil case and I think we have a situation in our state—not only in our state but in the nation where people by the millions are being killed on our highways. It is a drastic condition and we have got to do something about it and I am sure that the Highway Safety Committee has spent a great deal of time on this and looked into it and investigated it and I am sure that this piece of legislation will do some good to deter those drivers who take lives on our highways.

Mr. CURTIS of Cumberland: Mr. President I hesitate to rise and get into the middle of a debate that started already with such brilliant legal minds on both sides of it that I don't know where a poor layman can come out of it with his skin whole let alone any kind of an argument left.

But I do know that so far as highway safety is concerned, I have worked long and hard with the Governor's highway safety committee for some years and I know they have very carefully thought this out and they have prepared this law as I understand it with legal talent to make sure that they had something that would stand up and that would accomplish the end that they desire. I don't think anyone on the committee, including our Deputy Secretary of State who has worked very hard along these lines has any personal axe to grind or is attempting to hurt anyone or to take away legal rights. Their problem is to save lives and to deal with a very serious highway accident waste. As I see it, law can be used in many different ways. In this particular case I would assume that it was designed to use law as a deterrent. In that respect then, if it is possible to save a life by tightening up a law, now is the time to do it and apparently many of our citizens felt that the law as it now stands has not accomplished what it started out to do and just as we have to constantly rewrite our laws or put new ones on the books to take care of

new situations, this is how I view it and I might point out that it seems to me as a layman that there is plenty of room here for interpretation, where it says, "any person who drives a vehicle with reckless disregard for the safety of others",—reckless disregard and then it goes on to define "reckless disregard for the safety of others as used in this section shall mean one's conduct is in reckless disregard for the safety of another if he intentionally does an act or fails to do an act which it is his duty to do."—Now that says "intentionally,"—"knowingly or having reason to know the facts which would lead a reasonable man to realize that his conduct not only creates an unreasonable risk for bodily harm to the other but also involves a high degree of probability that substantial harm will result to the other."

It makes sense to me and I would just like to say if we can save one single life—and remember it may be yours or mine—then it seems to me this is a worthwhile measure and I hope that the motion of the good Senator from Hancock, Senator Silsby, will not prevail.

Mr. BUTLER of Franklin: Mr. President, I rise in support of the motion of the Senator from Hancock, Senator Silsby, as a member of the committee, and one who signed the ought not to pass report. I rise because I feel I have had some experience in the handling of criminal prosecutions and calling upon that experience for a period of six years as county attorney in Lincoln County, it seems to me that this is not going to save lives but will only create sloppy work on the part of the county attorney. They are not going to prepare their cases so well or present them and it is not going to save, I feel, a single life.

I am also perturbed in regard to reducing this. When the county attorney comes in and speaks of "beyond a reasonable doubt" he can speak that just as well and just as carefully and just as prudently under the laws we have without this additional legislation. I do not feel, even though it is well intended, that it will accomplish anything except to lower the ability of the prosecution and the county attorney in pre-

paring and presenting their cases. For that reason I rise in support of the motion of the Senator from Hancock, Senator Silsby.

The PRESIDENT: The question is on the motion of the Senator from Hancock, Senator Silsby to accept the majority ought not to pass report in non-concurrence.

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

Mr. SILSBY: Mr. President, I hesitate to rise again but in order that there will be no misunderstanding and because my good friend, Senator Lessard, has made mention of proving beyond a reasonable doubt, and that is my point exactly. To illustrate, "A" drives along the road on the wrong side and he has a passenger with him, and "B" comes in the opposite direction on his side of the road and under the influence of liquor runs into "A" and "B's" life is lost. The proof is beyond a reasonable doubt as to the position of "A" and he cannot submit to the jury, that B contributed and that is the part I am afraid of.

The PRESIDENT: The question is on the motion of the Senator from Hancock, Senator Silsby that the Senate accept the majority ought not to pass report, and the Senator from Androscoggin, Senator Lessard has requested a division.

A division of the Senate was had.

Nine having voted in the affirmative and twenty-one opposed, the motion did not prevail.

Thereupon, on motion by Mr. Lessard of Androscoggin, the ought to pass report of the committee was accepted, the bill read once and tomorrow assigned for second reading.

The PRESIDENT: The Chair at this time would ask the Senator from Somerset, Senator Sinclair to assume the Chair and take the gavel.

This was done amid the applause of the Senate.

Thereupon, unanimous consent was granted to the Senator from Penobscot, Senator Haskell, to occupy the Senate seat of the Senator from Somerset, Senator Sinclair.

On motion by Mr. Wyman of Washington, the Senate voted to take from the table House reports from the Committee on Public Health: Majority report, ought to pass; Minority report, ought not to pass; on bill, "An Act Relating to Certificates Issued by Board of Commissioners of Pharmacy." (H. P. 788) (L. D. 1121) tabled by that Senator on May 9 pending motion of Senator Lord of Cumberland for acceptance of the Ought to pass report.

Mr. WYMAN of Washington: Mr. President I move for the indefinite postponement of the bill and in support of that motion I would like to say that this bill, L. D. 1121 if passed will grant special privileges to a small group of people, the pharmacists who are now registered and those who from now on are fortunate enough to have had five years of college.

Under the present law, Maine has registered pharmacists and also qualified assistants to pharmacists, each of whom must pass certain standards set by the Board of Pharmacy. A qualified assistant cannot legally own or operate a pharmacy by himself, but he can assist a registered pharmacist and fill prescriptions in the absence of the pharmacist.

If this repealer is passed it will eliminate the examinations for qualified assistants. Those qualified assistants now existing could continue. They could not take the examination for a registered pharmacist and there would be no more new qualified assistants.

It happens that I live in a small town with a registered pharmacist who employs a qualified assistant. However, if this pharmacist should lose his assistant and if this bill passes, it is doubtful if he could get another assistant. And this drug store cannot support two fully registered pharmacists. Under these circumstances, should I have sickness in the family and a prescription to be filled when the pharmacist is out of town, I would be obliged to drive a round trip distance of sixty miles to get the prescription filled and thus, during a time of sickness and when it is least convenient, it

could under certain circumstances, be a matter of life or death.

It has been argued that the purpose of this bill is to protect the public but it seems to me it will do just the opposite.

In the old days pharmacists mixed and compounded most of their prescriptions. Today most prescriptions are filled by counting pills out of a bottle. This bill will not protect the public but only a small group of pharmacists who want to restrict competition.

It has also been argued that Maine must pass this bill because other states have passed it. Well isn't it about time that we passed laws to fit the conditions here in Maine instead of laws which although they may be suitable for other states are not suitable for the people of Maine? And why must this bill be passed when there will be another session of the legislature before the effective date of January 1, 1960. This bill won't stop nurses and orderlies in hospitals from doling out prescription medicine. It won't stop the doctor's office nurse or wife from doing the same. In fact it will encourage doctors to dispense an ever increasing quantity of drugs a practice that nearly all druggists deplore. Maybe the doctor will not have exactly what he would prescribe if he could be certain that the prescription could be filled promptly at the drug store, but it will be the best he can do under the circumstances.

Are doctors office nurses and wives any better qualified to fill prescriptions than the qualified assistants to pharmacists who have passed a state board examination in that very subject?

Generally speaking I don't believe that these young men who are now fortunate enough to obtain five years of college want to use their college education as a reason to restrict competition or to legislate against those who could become their qualified assistants. The Maine State Board of Pharmacy does not favor the bill. The pharmacists as a whole are divided in regard to it. The owner of what is probably the largest drug store business in the city of Portland tells me that this is not a good bill. Druggists in Washington

County tell me they don't want it. The last President of the Pharmacist Association is opposed to it.

With the druggists themselves so divided, isn't it better to consider the general public which is satisfied with the law as it is now rather than to pass this special interest legislation?

Thank you and I hope you fellow Senators will support my motion to indefinitely postpone this bill.

Mrs. LORD of Cumberland: Mr. President, I was not prepared for this but I do have some notes here that I took at the time of the hearing. I think there was no opposition to the bill. I think we all felt that the pharmacists were trying to bring the profession up to the point where they can handle the new drugs that are on the market and this bill would simply make it possible for persons who had served under a registered pharmacist to take an examination and become a registered pharmacist after 1960. It did not affect the present qualified assistant. They would still be allowed to go on serving as they are now. I hope that the motion of the Senator from Washington, Senator Wyman, does not prevail.

Mr. HILLMAN of Penobscot: Mr. President and members of the Senate, I certainly was not prepared to talk on this measure today but I happened to attend the hearing when this matter was brought up and there was no one who opposed this bill. If all the druggists are opposed to it—they may be now, but they weren't at the time of the hearing. I certainly hope that the motion of the Senator from Washington, Senator Wyman does not prevail.

Mr. WYMAN: Mr. President, when the vote is taken I ask that it be taken by division.

The PRESIDENT pro tem: The question before the Senate is on the motion of the Senator from Washington, Senator Wyman that the bill be indefinitely postponed, and that Senator has requested a division.

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

On motion by Mr. Reed of Aroostook, the Senate voted to take from the table Senate Reports from the Committee on Labor: Majority Report, ought to pass with Committee Amendment A; Minority report, ought not to pass, on bill, "An Act Relating to Medical Services Under Workmen's Compensation Act." (S. P. 448) (L. D. 1267) tabled by that Senator on April 26 pending motion by Senator Lessard of Androscoggin to accept the Majority report; and Senator Reed yielded to the Senator from Penobscot, Senator Hillman.

Mr. HILLMAN of Penobscot: Mr. President, I rise in opposition to the motion made by Senator Lessard, the motion being to accept the majority report of the committee. I happened to be one who signed the minority report and I can assure you Senators it is not easy to sign a minority report such as this but when I did so I felt that in my best judgment it was good for the State of Maine.

This bill proposes to amend one of the most important provisions of our workmans compensation law. A provision that has stood the test since its enactment in 1915.

As the law now stands, the employer is charged with the duty of paying compensation to the employee and of furnishing and paying for his medical, surgical and hospital care, the costs the employer is required to pay, and because of this it has always been considered reasonable and fair, that the employer have a right to select the doctor.

There is no substantial demand for a change in respect to medical services. It was brought out at the hearing by the commission itself that injured employees are receiving the very best medical attention. It was also brought out at the hearing that the Maine Medical Association was opposed to this bill.

Treatment of traumatic injuries is getting to more and more of a specialty and more and more injuries are being turned over to specialists for treatment. Under the present system, immediate attention is given to these injuries whereas under a panel system as suggested in this bill, there would be delay in obtaining prompt medical atten-

tion. Injured employees are getting the best medical talent available in the state and sometimes I am told specialists from out of state are brought into these cases.

Both the insurance companies and the employers are interested in having the most efficient medical services. It is to their advantage to have an employee get well and back to work as soon as possible. In view of this they are interested in having the best possible setup for medical services.

Many of the larger industries have up-to-date and full-time medical centers in their plants. We should encourage the development of such industrial medical facilities.

This law would tend to undermine this practice in that industries are not going to spend thousands of dollars for this purpose if they are merely going to be in the nature of a stand-by service, to be used or not as the employee wishes. The family doctor may be a good doctor, but he is not a specialist as to many injuries.

Here in Maine with our many rural communities, many places have only one doctor. In some of the cities where there are more doctors, they are all busy and it is often hard to get a doctor to be available around the clock for industrial injuries.

Whereas, if a competent physician is under a contractual basis, or on call, from a particular industry you have immediate medical facilities for injured employees. If you had a panel of doctors, the employee might make his choice and then there is a question of prompt availability which is required in this type of industrial accident.

During the hearing on this bill it was my impression that the industrial accident Commission itself, doubted the wisdom of such legislation, one of them took the position that it is impractical, that it would not improve the medical services now being rendered employees. The commission felt that it would be impossible to set-up medical panels in many areas, that it would be a burden upon the commission if they had to pass on what doctor or doctors should compose a panel and that there would be many difficul-

ties in trying to operate under the system proposed in this bill.

Mr. LESSARD of Androscoggin: Mr. President, I guess this is my day. L. D. 1237 provides for a panel to be picked by the employer or the insurance company. Two years ago I presented a bill to the legislature which would give the injured employee the right to select his own physician. At that time I said, and I say it today, the only place that we practise socialized medicine in this country is on the workmen's compensation accident cases. There the poor employee, the man who is injured hasn't one word to say as to who is going to treat him. I wonder how many of us here, if a socialized medicine bill were placed before us would vote for it. I wonder how many here in the Senate, if I had a bill here today, that the state would select the physician who was going to treat you and your family would vote for that bill. But that is just exactly what the law says to some poor employee. He has got to take the doctor that they select. And who are they to know any better than you or I or the injured employee? They are going on the assumption that the employee just because he is an employee hasn't got sense enough to get a doctor to take care of his injury.

That was the problem two years ago, and a year ago, the American Medical Association realized this problem and this bill here has been endorsed and recommended by the American Medical Association. They have recommended that the employer should set up a panel of doctors, three, two, five, or whatever the commission should deem proper so that the employee would have some choice as to who is going to treat him. After all, he is the one who is hurt. Would you buy an insurance policy if the insurance company said you had to hire the doctor that they chose for you? Don't you think that these men have sense to pick out someone to take care of them? What has happened to the old family doctor anyway? Do the medical association and the insurance company say he is no longer of any use? I say yes when they ask you not to put a family doctor on the panel. I still believe in the old fam-

ily doctor, I still have one. Why not give the poor employee a chance?

I tell you, ladies and gentlemen of the Senate, it is about time that something was done for the working man here in the State of Maine and this is a right he should have. I am not arguing like two years ago for him to select his own physician because last year that raised such a hue and cry that he would hire anybody, hire a baby doctor for a broken arm and that was partly what defeated the bill two years ago, but this time I am saying let the employer pick the panel but give the employee a choice, give him two, three or four and let him pick out the doctor. Give him some choice. After all, he is the one that is hurt. He is the one to suffer. I am sure that no injured employee is going to attempt to get a physician in whom he has no faith. That is part of the cure. If you have faith in the doctor who is taking care of you, faith and confidence in him, then he is the one who is going to do you some good.

Mr. WOODCOCK of Penobscot: Mr. President, I would just like to place in question one statement made by the previous speaker, Senator Lessard of Androscoggin when he said to the best of my recollection that we are practising socialized medicine before the Industrial Accident Commission. My understanding of socialized medicine is government controlled medicine. If, as the Senator said, the insurance companies are picking the doctors surely the insurance companies are not synonymous with the government, so I want you to consider that before you vote.

Mr. BOUCHER of Androscoggin: Mr. President, I want to rise to sustain the motion of the Senator from Androscoggin, Senator Lessard. I am an employer. I am in the contracting business, running a small business and that is how I earn my bread and butter. Every year I have several injuries that are minor. They happen to my employees and there has never been a serious accident thank God, but I always give them the choice of their doctor.

Last week I had a man fall down a staging and he asked me what doctor he should go to and I said

"You go to the doctor you want. That is your choice." That is the only human thing to do. I think we are taking away from those laborers their human rights, their right to choose what doctor will treat them and I am fully in accord with the Senator from Androscoggin, Senator Lessard and I hope his motion will prevail.

Mr. FERGUSON of Oxford: Mr. President, I rise in opposition to the motion of Senator Lessard of Androscoggin. I think there have been some statements made in connection with this bill that I don't agree with. Senator Lessard of Androscoggin claims that the insurance company picks the doctor. That is not so. I know that certainly in my company they try to get the best qualified doctors not only from the community but from the state and I have discussed this matter with some employees of our plant, which has over 3,000 employees, and they are very much satisfied with the program the way it is now and other people in the Bethel area with its one doctor. This is really a serious matter, a matter that every employee tries to get his employee back to work just as soon as he can. That way they are trying to provide the best possible medical care and the best doctor available. I think that the Senator from Penobscot, Senator Hillman has covered the matter very well and I won't say any more except that I'll make another motion for indefinite postponement of this bill.

Mr. CURTIS of Cumberland: Mr. President and members of the Senate: I will just confine myself very briefly to the reasons why I signed the majority "Ought to pass" report, and I might give you a little of the thinking of the committee and what happened in the hearing.

There was a very strong argument made by our good Senator from Androscoggin, Senator Lessard and numerous other people representing primarily labor groups in support of the proposition that they have the right to choose their own physician when they were injured, and they brought up numerous occurrences when they were forced to be treated by numerous physicians they did not have confidence in. Many of them mentioned the

fact that the company doctor was perfectly acceptable in almost all cases. I would say that the opposition primarily from industrial groups was upon the basis of the company physician not being allowed under this law. As it was originally written, that is true, because there was a qualifying phrase in here and impartial physicians would have to be chosen for the panel and most everybody assumed that "impartial" ruled out the company doctor. In the committee amendment that is stricken out and it now just says "a panel of suitable physicians chosen by the employer."

Now I have personally visited the magnificent installation at the Oxford Paper Company, and Dr. Perkins, who is the plant doctor there is a personal friend of mine and I know what wonderful work they do and I would not want to do one single thing to hurt them in any way. I think they are afraid that they will be hurt by this bill, although I can honestly say I do not see how. Now let me give you my reasons why I feel that way.

In the first place, the bill says that the employee shall have a right to choose an attending physician from a panel of a reasonable number of competent, suitable physicians to be named by the employer. That says that the employer, Oxford Paper Company or whoever it may be, will have the right to set up a panel, and it does not say how many — we assume it would be one or more — of competent suitable physicians. In other words, they still name the physicians, but they give the employee a choice between one or more. Now there is no reason in the world why their own plant physician cannot serve on this panel.

Now Dr. Perkins told me there that he was not set up to do long-range treatment and that there were some kinds of injuries that he would have to take immediately to a hospital, although he has very fine facilities there. He was set up to handle the employee on an emergency basis, taking him and fixing him up as quick as he could, and then he said he always called in the employee's physician and then the employee's physician took over. This is perfectly in line with what

this bill says, for it says in the bill, "If the employee is unable, due to the nature of his injury to select his physician from a panel and the emergency nature of the injury requires immediate medical treatment and care, the employer shall promptly select for him a physician from the panel," which means that immediately in a case of an emergency nature the employer uses his plant physician, fixes the fellow up, and then if the fellow does not want the plant physician he can choose from the panel which the employer has made available to him. Therefore I feel that this does protect the plant physician; he can be a member of the panel. That is what he is there for, emergencies on the job, and he can immediately be brought into play whether the employee wants him or not. But once the injury is treated in the emergency stage and the employee goes into the long-range recuperative stage he can choose a different physician, if he cares to, picked by the employer.

In conclusion I would just like to say that I think too, as our good Senator from Androscoggin, Senator Lessard, has said, that we owe it to the working man to give him the same privilege that we enjoy, and that he should have a right to choose the man that will be treating him in his illness just as we should have the right, and on that principle I find myself in favor of this bill, as did a majority of the committee, because we could not justify a stand that said that one class of our society in one certain type of injury occurring under certain conditions would have to take the doctor handed to him. I still say the safeguards are in this bill to protect the employer and at the same time give the employee his God-given right. I hope that the motion of the Senator from Androscoggin, Senator Lessard, prevails.

Mr. LESSARD of Androscoggin: Mr. President, I rise to speak in opposition to the motion of the Senator from Oxford, Senator Ferguson.

I can say I know something about the Oxford Paper Company; they do have a very fine medical situation there at their company, they have a very fine doctor, Dr. Perk-

ins, who has rendered a great service. However, I do know too that they also have at least one I know of if not two doctors who are on call. One of them is Dr. Royal, who is a very fine orthopedic surgeon living there in the town of Rumford. So in reality they actually have a panel as provided for here. But unfortunately not all of the industries here in Maine have the same set-up as the Oxford Paper Company. Unfortunately my area, which is heavily industrialized, does not seem to have these facilities. So I say I arise against the motion of the Senator from Oxford, Senator Ferguson, and say to you: please give the working man who has been hurt the right to have some choice as to who is going to treat him and make him well.

Mr. FERGUSON of Oxford; Mr. President and members of the Senate: This is practically the same bill that we had two years ago and four years ago and it has just a little bit of window-dressing with the new amendment on it, the committee amendment which takes out the "impartial."

Again I do say they have a problem in Lewiston, the Senator from Androscoggin, Senator Lessard's own town, but why should we pass laws for just one town or city in the state, to take care of that one particular town or city when it affects the rest of the State. I think the situation is well taken care of; I do not hear any complaint from any other part of the State that I have been in, and I certainly hope that my motion for indefinite postponement prevails.

Mr. LESSARD of Androscoggin: Mr. President, for the purposes of the record I would like to state that my home town is Auburn. I did come from Rumford originally and was born and bread-and-buttered there, so I know something about the Oxford Paper Company. This is not the bill presented two years ago and four years ago. The bill that was presented two years ago and four years ago gave the employee the right to choose any physician; the employer had no choice at all, it was simply the employee's choice, and that is why they objected so strongly. This is a bill which has

been recommended by the American Medical Association.

Mr. HILLMAN of Penobscot: Mr. President and members of the Senate: I just want to reiterate what I said before: the Maine Medical Association opposed this bill.

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

Mr. FARLEY of York: Mr. President and members of the Senate: I too have employees who come under this workmen's compensation and we do not have the privilege of sending our men where we want to; we have to send them to one branch. Some of our men could easily go to other doctors when it is just a case of a sprained back and get back to work quicker than they do, but we have to go along with it and we have to pay for it. I am going along with the motion of the Senator from Androscoggin, Senator Lessard.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Oxford, Senator Ferguson, that the bill be indefinitely postponed, and the Senator from Androscoggin, Senator Lessard, has requested a division.

As many as are in favor of the motion of the Senator from Oxford, Senator Ferguson, that the bill be indefinitely postponed will arise and remain standing.

A division was had.

Sixteen having voted in the affirmative and fourteen in the negative, the motion prevailed and the bill was indefinitely postponed.

On motion by Mr. Rogerson of Aroostook, the Senate voted to take from the table the 44th tabled and unassigned matter, (S. P. 531) (L. D. 1498) Bill, An Act Relating to Equipment of Rail Track Motorcars Used by Railroad Transport Employees," which was tabled on May 1st by that Senator 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. Dow of Lincoln, the Senate voted to take from the table Bill, "An Act Relating to Licensed Dog Training Areas and Permits Therefor," (H. P. 1082) (L. D. 1556) which was tabled by that

senator earlier in today's session pending further consideration.

Mr. DOW of Lincoln: Mr. President and members of the Senate: I tabled this item this morning due to several calls I had from interested dog owners who claimed that this bill was going to make the poor little beagle chase rabbits over 200 acres of land instead of the 100 which it had been accustomed to. As we have one of the better-known and larger-attended field trials in Lincoln County, I was interested in investigating this situation because I doubt very much if there are 200 acres all in one piece in Lincoln County that is suitable for beagles to chase rabbits over. However, I find upon reading House Amendment "A" that the 200 acres has been amended back to 100 acres, and I now move to concur with the House in passing this bill to be engrossed as amended by House Amendment "A".

Thereupon under suspension of the rules, engrossing reconsidered, House Amendment "A" adopted and the bill as amended passed to be engrossed.

On motion by Mr. Low of Knox, the Senate voted to take from the table "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) which was tabled by that Senator earlier in today's session pending passage to be engrossed; and on further motion by the same Senator the bill was indefinitely postponed.

On motion by Mr. Butler of Franklin, the Senate voted to take from the table the 72nd tabled and unassigned matter, (H. P. 970) (L. D. 1370) House Report "Ought to pass as Amended by Committee Amendment "A" from the Committee on Judiciary on Bill, "An Act Relating to Trial Terms of Superior Court in Aroostook County," which was tabled by that Senator on May 10th pending consideration of report; and on further motion by the same Senator the "Ought to pass as amended by Committee Amendment "A" report was accepted and the bill was given its first reading.

Committee Amendment A was read by the Secretary and adopted and the bill was tomorrow assigned for second reading.

On motion by Mr. Butler of Franklin, the Senate voted to take from the table the 80th tabled and unassigned matter, (S. P. 259) (L. D. 697) Bill, "An Act Relating to Time Limitations for filing Petitions Under Workmen's Compensation Act," which was tabled by that Senator on May 10th pending passage to be engrossed; and on further motion by the same Senator the bill was passed to be engrossed.

On motion by Mr. Butler of Franklin, the Senate voted to take from the table the 81st tabled and unassigned matter, (H. P. 445) (L. D. 621) Bill, "An Act Relating to Permissive Closing of County Offices on Saturday," which was tabled by that Senator on May 10th pending passage to be enacted.

Mr. BUTLER of Franklin: Mr. President and members of the Senate: This is a little gem that appeared last year and which I objected to at that time, but it was squeaked by by just making it for the summer months; but the summer months have grown and now it has become a full-fledged item for closing of the court houses on Saturday. But it has still got the blessing of hoping to be enacted by saying it is only permissive. I feel as I felt then that this is driving many from the facilities of the court house and of getting into the registry of deeds; but then you look around and you find that nobody wants to work on Saturday now, we don't plant potatoes on Saturday, we don't like to do anything on Saturday and everybody wants to see this closed up on Saturday, so I move its enactment because I do not want to be clobbered too bad, but I think it is poor legislation.

Thereupon the bill was passed to be enacted.

The PRESIDENT pro tem: The Chair recognizes the Hon. Senator Haskell.

Mr. HASKELL of Penobscot: Mr. President, I now move that the rules

be suspended to permit me to make a motion relating to a Committee of the Whole procedure which will be slightly different from that provided in the rules.

The PRESIDENT pro tem: Is there objection to the rules being suspended to permit the Senator from Penobscot, Senator Haskell, to make that motion? The Chair hears no objection and the Senator may proceed.

Mr. HASKELL of Penobscot: Mr. President, I now move that the Senate resolve itself into a committee of the whole and that the proceedings be off the record and that with respect to the presiding officer the Senator from Somerset, Senator Sinclair remain in the Chair.

The motion prevailed and the Senate then resolved itself into a committee of the whole.

In The Senate

Mr. Hillman of Penobscot was granted unanimous consent to address the Senate.

Mr. HILLMAN: Mr. President and members of the Senate: I would like to have you turn to the calendar on Page 13, Item 44. You members of the Senate will recall that this is a mechanical bill, and you will recall that in my talk I said it was purely a matter of negotiation between labor and management. I understand that meetings have been held and the purpose that this bill seeks to accomplish has been achieved. I for one would not ask for reconsideration of the motion of the Senator from Aroostook, Senator Rogerson. I just want to go on record that I see no reason for sending this to the House to be indefinitely postponed. I want to see an early adjournment and I cannot see why we should waste the time doing that and waste the cost of printing.

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

Mr. CURTIS: Mr. President and members of the Senate: I will take just a minute, but there is something that is just a little bit different and perhaps this is as good a time as any to bring it out. I am sure you will be interested in it. It is a chance

for us to engage in a bi-partisan affair; we can drop politics completely out of it and consider for just a moment something very worth while and something that harks back to just a few years ago when a very, shall I say outstanding and famous man of the Senate occupied a seat in this august body. I am speaking about Carl Broggi. As you know, Carl was a great worker and what ever he undertook he worked hard and diligently for. His home town of Sanford perhaps was his first love, and most of you know the story of how he worked so hard to build up the town after it was stricken with tragedy by losing much of its industry.

He had another love which many of you have heard him express from time to time but which came to me as somewhat of a new thing when I first ran into it last year, and that was a little college down in Springvale, Maine, Nasson College. Carl was a member of the board of trustees and worked very long and hard to raise the college from a girls' school, dedicated to teaching young ladies to be home economists, into a full-fledged college. He came here and got through, along with Senator Dennett, an amendment to allow them to give degrees and to become a four-year coeducational college.

Well, Nasson College is taking its rightful place in the educational system of Maine and it is trying to expand in line with the great need that we have for better educational facilities.

I was rather shocked about a month ago when I attended a conference in New Hampshire with the presidents of the colleges and several universities in the three-state area, New Hampshire, Vermont and Maine, to find that in the next fifteen years we will have to double our college facilities in order to provide college places for our boys and girls graduating from high school. That, of course, will be a tremendous task and something that is practically impossible, but we all have to put our shoulders to the wheel and do what we can, and so every college is called upon to expand its efforts wherever it can.

Unfortunately in the State most of our larger colleges are at a size

which they prefer and which they wish to remain at. The three colleges that we think of, Bowdoin, Bates and Colby, are just about at the level they want to stay. The University of Maine can be enlarged and will be, and the move to add facilities in Portland will of course help greatly in that area; but Nasson College is one college that can double, and in the next five years they have a program to double their enrollment, which will go a long ways toward meeting our needs.

Now for the reason for bringing this up is that they are currently in the middle of a million and a half dollar drive for expanded capital outlay and buildings, and one of their buildings has been named the Carl Broggi Memorial.

Now Carl devoted literally thousands of hours to the school in trying to see it go, and what more fitting memorial to Carl and the kind of person he was than to erect a gymnasium that will serve also as a meeting-place to stand forever in his name?

Our President of the Senate is Honorary Chairman of the Carl Broggi Fund, Harry Mapes, former Civil Defense Director, is the Chairman of the fund-raising committee, and at the same time he is being aided by Mr. Shaw of Sanford, whom I know most of you know, and "Bill" Dennett.

Now all of you and others who have served will be approached sometime in the near future to contribute what you can in time and money for this memorial. I know full well that you will give it very serious consideration and will do all you can in the name of Carl Broggi and in the name of education in Maine. Thank you very much.

On motion by Mr. Parker of Piscataquis, the Senate voted to take from the table the 2nd tabled and unassigned matter, (H. P. 594) (L. D. 843) House Report "Ought to pass" from the Committee on Claims on "Resolve in Favor of Hermon Rogers of Topsham," which was tabled on March 7th by that senator pending consideration of report.

Mr. PARKER of Piscataquis: Mr. President and members of the Senate: You will note that this resolve, L. D. 843, if you care to turn to

your legislative document files, appropriates from the general highway fund the sum of \$400 to be paid to Mr. Rogers of Topsham as a claim against the state for damage done to his truck.

In explanation of a motion that I shall make, let me say that this claim was the result of an accident and damage to this man's truck when he was plowing snow. First let me say that he was an employee of the town of Topsham, as was brought out in evidence from the Highway Commission. He was employed by the town of Topsham in plowing snow on a road that he claims he was not familiar with, and he damaged his plow because of the fact that he collided with a stump on the shoulder of the road. That is evidence that we all know. However, the type of plow that he was using was what is known as a blade plow; it had no wing. In order to do a suitable job of removing snow it was necessary for him to drive farther out in the ditch with this type of plow than as though he had been properly equipped with a wing-type of snowplowing equipment. If he had such equipment, a wing attached to this type of plow, instead of damaging his plow the only damage would have been very slight, to the wing of the plow. I am bringing this for your attention. However, that is not the reason why I as a member of the Highway Committee object to paying this claim.

We have learned that this man—and I have a statement to this effect signed by the Chairman of the Highway Commission—was not employed by the State but was an employee of the town. In checking with the Attorney General, as I did yesterday in company with the Senator from Sagadahoc, Senator Bailey, as to whether the State was liable for any damage caused in this matter, the ruling of the Attorney General is that being an employee of the town he should look to the town for redress of any damage, if there was damage, and they in turn, if they felt they had a claim against the State, should make that claim; but so far as Mr. Rogers filing a claim against the State he should file it with the town. There-

fore, Mr. President, I move that this bill be indefinitely postponed.

Mr. SILSBY of Hancock: Mr. President and members of the Senate: Again I find it my duty to defend the Claims Committee. I think perhaps there has been some misunderstanding. If I may collect some of the thoughts I have in my book and you will be patient I will try to give you some of the reasons why the Claims Committee reported this bill "Ought to pass."

At the hearing, as is our usual custom, we first ascertained whether we considered there was any legal liability. Unfortunately I am the only attorney on the Claims Committee and that usually falls to me. And what facts did we have to determine the legal liability of the Highway Department? Looking at my notes for a moment, I find that this road that Mr. Rogers was plowing was a State-aid road and that he was not familiar with the road because it was not his usual road to plow; and he was no doubt requested by the town of Topsham to plow that particular road on the day of January 11, 1957.

Now prior to his plowing the road, just prior, the State Highway Department cut some bushes along that road and they cut a tree, what I call a tree, that was one foot and six inches in size in the shoulder of that road, which tree was eighteen feet from the traveled town road. In other words, it was almost right on the edge of the tar, and the crew from the Highway Department, mind you, did not put any marker on the stump at all. It was real close. I think my notes say here it was something like four inches high. Mr. Rogers was requested to plow and naturally he had to plow with the wing, but the real blade of the plow was going up the side of the road with his wing off to the right and traveling at what he considered a reasonable rate of speed, and he hit that stump, close to six inches through, right in the center of the blade and it simply crumpled the whole plow; it ruined it, it was impossible to straighten it out, because the I-beam and all parts of the plow that kept the blade straight could not be straightened. He was obliged to turn the plow in and get himself a new plow.

Now we have here a letter from the selectmen of Topsham in which in substance they state that Mr. Rogers was operating the plow at the time the accident occurred on January 11th, and that the tree was recently cut by the State Highway crew. And the selectmen also state they feel that the damage of \$400 was a fair and reasonable claim. Now we were not satisfied with that and the sponsor produced a bill from Files & O'Keefe Company in Portland, which shows that he was allowed on trading that plow in \$400. Now again we considered whether or not there was any depreciation. I cannot prove this, but it is my understanding that it was a reasonably new plow and the depreciation would not amount to the \$400 salvage that he had. For that reason we passed the bill out as "Ought to pass," not because of the fact he was working for the town of Topsham but because of the fact that the State Highway Commission itself and their crew cut that stump and left it at that distance above the surface without properly marking it for the snow plow. We felt that it was a just claim and I still think so. I hope that the motion does not prevail.

Mr. BAILEY of Sagadahoc: Mr. President and members of the Senate: Notwithstanding the information which we got from the Attorney-General's Department, there was one contention that was proven very clearly and that is the report was that the next day after the accident the State's crew went down and recut that stump and then placed a flag signal upon that stump to notify anyone who might happen to come afterwards. It appears very definitely that they admitted their responsibility and their guilt in not having it cared for before.

Mr. PARKER of Piscataquis: Mr. President, I am sure there is no intention on my part to try to minimize the fact that Mr. Rogers damaged his truck or snowplow. The question that I do have, and I hope you will give serious consideration to it before you vote on it, is this: The State Highway Commission contracts with towns and agrees to assume a certain number of dollars per mile in reimbursement to these towns for their snow removal. They

do not in any way have any authority over how the roads will be plowed except to a certain width and they shall be sanded to a certain specification, but they do not in any way attempt to tell the towns when they shall plow or what type of plow they shall use. They do have certain standards that have to be met.

If we are to do this we will establish a precedent that any town that damages their equipment in carrying out snowplowing in the wintertime, I think we should consider it very carefully before we do this thing.

Mr. President, when the vote is taken I ask for a division.

Mr. HILLMAN of Penobscot: Mr. President and members of the Senate: As a member of the Claims Committee and one who signed the "Ought to pass" report of that committee, I have to agree with the Senator from Hancock, Senator Silsby, in the fact that on all of the evidence presented to us we felt that this was a just claim. However, other evidence has been obtained since that time, and certainly it should not be any reflection upon the claims committee. I think we acted in good faith, but I still do not want to influence the vote of the Senate. I do want to make it plain that the Claims Committee considered this carefully and voted as they did.

Mr. FARLEY of York: Mr. President, I would like to ask through the Chair of the Chairman of the Claims Committee, was there any evidence brought before the committee as to just how fast this snowplow was traveling?

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

Mr. SILSBY of Hancock: Mr. President and members of the Senate: I won't take the time to find it in my notes, but if I remember correctly—and maybe some other member of the claims committee will recall it better than I do, but I believe that the man was plowing in second gear, and I understand that is around twenty miles an hour.

The PRESIDENT pro tem: The question before the Senate is on the motion of the Senator from Piscata-

quis, Senator Parker, that the resolve be indefinitely postponed, and the Senator from Sagadahoc, Senator Bailey, has asked for a division.

As many as are in favor of the indefinite postponement of the resolve will rise and remain standing until counted.

A division was had.

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

On motion by Mr. Silsby of Hancock, the "Ought to pass" report of the committee was accepted and the resolve was given its first reading and tomorrow assigned for second reading.

Mr. BUTLER of Franklin: Mr. President, I would move that we reconsider our action whereby we passed to be engrossed Bill "An Act Classifying Certain Surface Waters in Maine," (H. P. 922) (L. D. 1311) New Draft (H. P. 1085) (L. D. 1562) for the purpose of presenting an amendment thereto to facilitate the passage of this measure.

The PRESIDENT pro tem: The question before the Senate is on the motion of the Senator from Franklin, Senator Butler, that the Senate reconsider its action whereby L. D. 1562 was passed to be engrossed as amended by House Amendment A, B, D and House Amendment E as amended by Senate Amendment A thereto. Is this the pleasure of the Senate.

The motion prevailed and reconsideration was voted.

Mr. BUTLER of Franklin: I now present Senate Amendment "B". This is to correct a situation which was not known to the committee, and it has reference to Item 83 on Page 4, and the classification which is the main stem from Wyman Dam to Moscow in the towns of Anson and Madison. The classification bears "B-2". Now on the worksheet which we have before us the commission did not disclose that the sewerage from the town of Bingham went into the river at that place; it only mentioned industrial waste: For that reason the committee went ahead and accepted a recommendation of B-2. But a B-2 is such a high classification that no sewerage be permitted to enter the river at all without treatment. It is to correct this situation which was not known by the committee at the time that this amendment is presented and I trust the same may be adopted. I move the adoption of the amendment.

Senate Amendment B was read and adopted, and the bill was passed to be engrossed as amended by Senate Amendment B, and as amended by House Amendments A, B, and D, and as further amended by House Amendment E as amended by Senate Amendment A thereto.

On motion by Mr. Low of Knox,
Adjourned until ten o'clock tomorrow morning.